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SENATE—*Tuesday, September 3, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, Lord of this Senate and source of strength for leaders, we turn to You for guidance for the intensely busy weeks ahead in this fall session. As we convene, it is difficult not to consider every issue in terms of the forthcoming elections. Our party differences often are sharply focused. And yet, the agenda before the Senate is made up of crucial matters for the good of America. Enable the Senators to think creatively, to speak clearly, and to vote with conviction. May they seek Your will, stay open to each other, and give our Nation an example of how leaders can be decisive without being divisive.

This morning we lift up to You the family of Senator JOE BIDEN whose father, Joseph R. Biden, Sr., passed away yesterday. Comfort them with Your peace that passes understanding as they walk through this difficult time. Watch over the entire Senate family and surround us with Your protections. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 3, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, good morning. I welcome back every one of our very competent staff which has been away for 30 days.

Mr. President, this morning we are going to begin consideration of the homeland security legislation, H.R. 5005, with 7 hours of debate on the motion. The time will be divided between Senators LIEBERMAN and THOMPSON, and in opposition that time will be controlled by Senator BYRD.

At 12:30 today, we will proceed to executive session to vote on the confirmation of a judicial nomination. Following that vote, the Senate will recess until 2:15, as we do each Tuesday for party conferences. Debate on the motion will resume at 2:15.

All Senators should be alerted that in addition to the vote on the judicial nomination at 12:30 today, the Senate will vote on the motion to proceed to H.R. 5005 upon the expiration or yielding back of all time—somewhere around 6:15 this afternoon.

Today, we have a motion to proceed, as I have indicated. Tomorrow, we have the morning devoted to the Interior appropriations bill starting at 9:30. Then we will move again to homeland security.

Tomorrow evening at 6 o'clock, Vice President Mondale will be here for the Leader Lecture Series.

It will be a relatively short day tomorrow.

Then on Thursday, we will have full debate, which will include work on the Interior appropriations bill. We hope we can complete the Interior appropriations bill this week.

Hopefully, with permission of the minority, we can move to another appropriations bill.

We have one additional bill which the House passed, Treasury-Postal Service appropriations. That is something we have to do. There is a lot of work to do. Thursday will be our last legislative workday this week because Congress is going to New York on Friday.

As the leader announced, on each Monday there will be votes—some as early as noon. One week from Monday is a Jewish holiday. It is my understanding we will not work that day. At least that is the indication I got a short time ago in speaking with the leader.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 43

Mr. REID. Mr. President, I understand that S.J. Res. 43 is at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask that S.J. Res. 43 be read for a second time, and then I object to any further proceedings at that time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 43) proposing an amendment to the Constitution of the United States to guarantee the right to use and recite the Pledge of Allegiance to the flag and the national motto.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measure will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

HOMELAND SECURITY ACT OF 2002—MOTION TO PROCEED

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 5005, a bill to establish the Department of Homeland Defense.

Tom Daschle, Harry Reid, Zell Miller, Joseph Lieberman, Tim Johnson, Debbie Stabenow, John Edwards, Jon Corzine, Susan Collins, Robert F. Bennett, Trent Lott, Pete Domenici, Rick Santorum, Fred Thompson, Peter Fitzgerald, Jim Bunning.

The ACTING PRESIDENT pro tempore. Under the previous order, time for debate on the motion is limited to 7 hours to be equally divided between the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Tennessee, Mr. THOMPSON, for the proponents, and the Senator from West Virginia, Mr. BYRD, for the opponents, or their designees.

Mr. REID. Mr. President, the two managers will be here very shortly. I ask unanimous consent that the time for the quorum be charged equally against both sides, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, let me beg the Senator's forgiveness. Before he begins, I want to ask this earlier rather than later. May I ask a question with respect to the amendment?

Mr. LIEBERMAN. Of course.

Mr. BYRD. Is the amendment that the distinguished Senator will offer as a substitute the amendment I have seen? Is that the amendment?

Mr. LIEBERMAN. In responding to the Senator from West Virginia, that is indeed the amendment. What is before the Senate now, as the Senator from West Virginia knows, is the House-passed bill. It is my intention, assuming the motion to proceed passes today, to offer as a substitute the legislation that was adopted by the Senate Governmental Affairs Committee in July, which has been distributed to the Senator from West Virginia and others.

Mr. BYRD. May I ask the distinguished Senator, with great respect, does he have any suggestion as to how we will handle the time on quorum calls?

Mr. LIEBERMAN. I appreciate the question. It was my hope we could agree that the time on the quorum calls be subtracted equally from each side. Is that agreeable to the Senator from West Virginia?

Mr. BYRD. I hope it would not be. Once I begin, I don't plan to have any quorum calls. Yet, of course, at times it becomes necessary. When I do ask for a quorum call, I will expect that to be taken out of my time. I would not want to divide the time equally on quorum calls, I say with great respect.

Mr. LIEBERMAN. The Senator has that privilege, and I have no desire to limit debate. So let us just agree that quorum calls will remove time from the side that asks for the quorum call.

Mr. BYRD. Very well. I have one further question. In closing the debate, does the Senator have any particular way he wishes to proceed? I believe he would want to close the debate. If I might make a suggestion.

Mr. LIEBERMAN. Please.

Mr. BYRD. I ask if I could go preceding the Senator and if the distinguished minority member, Mr. THOMPSON, could speak just prior to me. That would be my suggestion. However, if Senator THOMPSON wants to do this differently, I will accept that.

Mr. LIEBERMAN. I thank the Senator from West Virginia. That order was exactly what I had in mind. I ask Senator THOMPSON if that is agreeable to him.

Mr. THOMPSON. It is most agreeable to me. I think that is the way to proceed.

Mr. LIEBERMAN. Fine. So we will close the debate in the last half hour going from Senator THOMPSON, to Senator BYRD, to myself.

Mr. BYRD. Mr. President, will the Senator yield further?

Mr. LIEBERMAN. I will.

Mr. BYRD. May I say, I hope we will not confine our closing arguments to a half hour. As far as I am concerned, when we get to that point, perhaps we can wait until the last hour to close the arguments, or the last hour and a half, and Senator THOMPSON would proceed, and then the Senator from West Virginia, and then the distinguished manager of the bill, and that we not limit ourselves—the three of us—to the totality of 30 minutes.

Mr. LIEBERMAN. Once again, Mr. President, that suggestion is agreeable to me. Debate, as the Senator from West Virginia knows, is limited to 3½ hours on each side. But some of this will depend on how many colleagues come to the floor to speak. Let us work together. I agree that we don't have to limit the time in which we go to closing arguments to the last half hour. We can work that out ourselves and take longer than that. That is fine.

Mr. BYRD. Mr. President, may I say I thank the distinguished Senator, the manager of the bill. I have only the very highest degree of respect for him, and I have only the highest degree of respect for the committee, and for his counterpart—if I may use that word—a very respected Senator, the Senator from Tennessee. I have great respect, and anything I say during this debate will be only with the desire in mind to contribute something that will reflect well upon this Senate in the days and years to come.

I have every belief that the Senator from Connecticut and the Senator from Tennessee approach the matter in the same spirit. I thank the Senators for yielding.

Mr. LIEBERMAN. Mr. President, I thank the Senator from West Virginia for his graciousness. Of course, Senator THOMPSON and I return the respect the Senator kindly offered to us. This is a very significant debate. It goes to the heart of the security of the American people today, post September 11, and it is also, by my calculation, the largest reorganization of the Federal Government since the late 1940s. Therefore, the kind of debate in which I know the Senator from West Virginia intends to engage is very much in the public interest. I look forward to it.

Mr. BYRD. Mr. President, I thank the Senator.

September 11 is now one of the darkest days in American history because of the almost 3,000 innocent lives that were taken and because of the way in which the American people were jarred from the dream that we would experience a time of extended peace after our victory in the cold war. The attacks made against us on September 11 were not just vicious in their inhumanity and in the lives that were taken in tragic consequences, but also in the assault made by the terrorists on our very way of life, on our values.

We are a nation whose founders stated right in the original American document, the Declaration of Independence, that every citizen has the right to life, liberty, and the pursuit of happiness and that right is the endowment of our Creator. Yet we were attacked on September 11 by a group that claimed to be acting in the name of God. Yet they took planes into buildings full of thousands of people without regard to the lives of those people, killing them only because they were Americans, acting in the name of God to kill almost 3,000 children of God—diverse and varied in age and demographics, as the American people are.

It is in that sense that I view September 11 as an attack on our way of life. It is why we have pulled together after that as united people to resist, to strike back at those who struck at us first, through our courageous and skillful military achieving a great victory in Afghanistan. We must continue, since Afghanistan was only the first battle in the war against terrorism, to search out and capture or destroy all the enemy that remains in this unprecedented war, unprecedented in so many ways because we cannot see the enemy on a battlefield, they are not on ships at sea, but they are out there living in the shadows, preparing to strike us again.

What this proposal is about, stated in the most direct way, is to diminish, hopefully eliminate, the vulnerabilities of which the terrorists took advantage to strike at us on September 11, so that they will never again be able to do that.

I am not one who views another September 11-type attack as inevitable. We are the strongest nation in the history of the world, militarily and economically. We are united by our shared values. We are a patriotic and innovative people, and if we marshal these strengths, we can make another September 11-type attack impossible, and that is the aim of the legislation our committee puts before the Senate today.

The urgent purpose of all three versions of homeland security that are in the discussion now—and I am speaking of the proposal by President Bush, the proposal passed by the House, and the one endorsed by the Governmental Affairs Committee of the Senate—is to meet the urgent post-September 11 security challenge we face, which is unprecedented, by consolidating the disparate Federal agencies and offices that deal with homeland security into a single Cabinet department under a strong, accountable Secretary.

In one sense, one might say the problem with the Federal Government's organization today with regard to homeland security is that a lot of people are involved in homeland security but nobody is in charge. The mission of this new Department that all three proposals would create is to spearhead the Federal Government's defense of the American people against terrorism on our home soil, working particularly with States, counties, cities, towns, and Native American tribes across the country and working with the private sector to improve their preparedness and response capabilities.

As the 1-year anniversary of September 11 approaches, the reconstruction of the Pentagon is almost complete, the field in Pennsylvania, to the casual eye, looks almost like any other field, and plans for the redevelopment of the World Trade Center site are already being actively discussed. But the reality is that the vulnerabilities the terrorists exploited on September 11 in America's homeland defense structure still exist. We are still at risk, and that is why we must urgently proceed to discuss, debate, and then adopt legislation creating a Department of Homeland Security.

The dark day of September 11 and the future it foretold are seared in our minds and our hearts. We must never stop feeling anger and outrage about what our enemies did to us. We must never stop mourning the 3,000 lives we lost. We must never stop honoring the legacy they left. We must never stop supporting the families whose loved ones were the first casualties of the war on terrorism. And we must never stop treasuring the freedoms and the opportunities that make this Nation truly the light it is to so many people around the world.

The single most important action we can take now as individuals and as a nation, in addition to continuing the military phase of the offensive war against terrorism, is to channel our sorrow, our outrage, our unity, our anxiety, and our pride into building better defenses at home.

This legislation is not a single-magic-bullet answer to our homeland security challenges—much more work needs to be done—but I am convinced it is a strong and necessary first step. It will provide the structure that can deliver the defense the American people deserve.

I thank President Bush for embracing the creation of a Department of Homeland Security and for the diligence with which he and his staff have worked through the details with members of our committee, with Members of the Senate, and with Members of the House. Amendments always highlight differences, but the reality is that President Bush and the majority of members of the Governmental Affairs Committee who reported out the legislation are in agreement on more than 90 percent of what this legislation provides. We stand broadly on common ground, even as we debate some of the remaining differences between us.

I also want to thank my colleagues in this Chamber for their contributions and cooperation across party lines for the building of this proposal. We have come a long way, and we must get to the end in this session. I particularly want to thank my ranking member, Senator THOMPSON, for his characteristic constructive and thoughtful contributions to this proposal, even when we have been in dissent. The least we can do for the American people and for Senator FRED THOMPSON is to pass this legislation while he is still a Senator, before he retires.

The President and Congress and the American people have made real progress since September 11. A successful military campaign in Afghanistan, creating the Office of Homeland Security, passing the USA Patriot Act, creating a Transportation Security Administration, beginning to reform the FBI—those are just a few of the significant steps we have taken forward together.

Federal employees are working very hard at their assigned tasks and working increasingly in cooperation with our State and local colleagues to keep the American people safe. We have to speak frankly about this as we begin the consideration of this legislation.

Our progress will hit a wall—in effect it has—if we do not reform the Federal Government's homeland security capabilities because the gains we have made in keeping America safe since September 11 have been, and will continue to be, in some sense despite the system, not because of it.

The system, the organization, is dispersed and in some ways it is dysfunctional. It needs to become coherent and consolidated, coordinated, to rise to the complex challenge of defeating 21st century terrorism in our homeland.

The 18 hearings we on the Governmental Affairs Committee have held since September 11 on this matter, and countless other hearings by so many other committees, have made the scope and depth of this disorganization and dysfunction clear.

To sum it up in the words of Stephen Flynn, senior fellow of national security studies at the Council on Foreign Relations, who testified before us on October 21 of last year:

> We have built our defense and intelligence communities to fight an away game.

Now we must build them to fight at home and to win. Across our Government, we are dividing our strengths when we desperately need to be multiplying them. As the President acknowledged on June 6, the Office of Homeland Security, though ably headed by Gov. Tom Ridge, did not have the structural power to get the job done we need done. Indeed, the release on July 16 of the President's national strategy for homeland security, underlay the importance of creating a Department that can orchestrate the huge task ahead.

The status quo is simply unacceptable and we must rise to the occasion by organizing for the occasion. We must move from disorganization toward organization. When we pass this legislation, the American people, for the first time, must be able to look to a single Federal agency that will take the lead in the homeland fight against terrorism and to hold that agency accountable for accomplishing what is Government's first responsibility, and that is to provide, as the Constitution says, for the common defense. And now that means the defense of the American people at home.

The Department we will create will be led by a Presidentially appointed, Senate-confirmed Secretary. It would be comprised of six directorates that, taken together, would accomplish its missions and goals. Let me briefly describe them now.

First is intelligence. I put that first intentionally because we cannot prevent attacks, nor can we adequately prepare to protect ourselves or respond if we cannot first detect the danger. This legislation would establish a strong intelligence division to receive all terrorism-related intelligence from Federal, State, and local authorities; from human intelligence and signal intelligence; from closed and open sources; from the FBI and the CIA, including foreign intelligence analysis from the Director of Central Intelligence's Counterterrorism Center. Then it would have the authority to fuse that all in a single place. This would be the one place—which does not exist in our Government now—where all the proverbial dots could be connected as they were not because of existing barriers to sharing information prior to September 11. Indeed, the new Department will not just receive and analyze intelligence collected from other agencies; it will contain agencies within itself that collect intelligence and will share it and send it up to this directorate of intelligence. I am speaking of the Customs Service, of Immigration, of the Coast Guard, of the Transportation Security Agency, all examples. All of that will be fed into the same stream.

I want to stress that stream will include information from State and local law enforcers who we acknowledge now are the first responders, as we saw on September 11.

If this directorate of intelligence is working well, State and local law enforcers can become first preventers. They are hundreds of thousands of eyes out across America who can share information, who can help us detect patterns and work with law enforcement to prevent any future attacks against America. This precise capability exists nowhere in Government and would be designed to complement the Director of Central Intelligence's Counterterrorism Center and the capabilities of other intelligence and law enforcement agencies such as the FBI.

This directorate would not collect intelligence; it would receive it and analyze it. It would mean all information related to terrorist threats on American soil would, for the first time in our history, come together in this one place. Perhaps it could be called a hear-all-evil and see-all-evil office. That is precisely what we need to prevent the recurrence of the disastrous disconnects that left the puzzle pieces of the September 11 plot laying scattered throughout our Government, when they should have been together in one box so they could have been assembled. That is what this division of intelligence would do.

The second, critical infrastructure: We can expect terrorists to try to hurt us by destroying or disrupting our infrastructure. What do we mean by that? Well, our water and agricultural delivery systems, our energy grids, our information technology networks, our transportation systems, our ports and airports, and more. Eighty-five percent of our infrastructure is actually owned and operated by the private sector. That is the nervous system, the respiratory system, the circulatory system of our society. Infrastructure, however, is not the only target. Indeed, attacks by weapons of mass destruction have up until now been designed largely to destroy people, not to damage our infrastructure. In fact, of course, the attacks on September 11 were not against infrastructure in the way in which that term has normally been meant. They were against the World Trade Center and the Pentagon. But infrastructure is a big, vulnerable, and complex target.

Today, responsibility for working with the private sector to safeguard it is spread thin throughout the Federal bureaucracy. This directorate would mesh critical infrastructure protection programs now residing in five different Federal agencies, including the Department of Energy, the Department of Commerce, and the General Services Administration.

Third is a border and transportation protection directorate. Every potential source of danger that is not already inside our country must come in through our ports or airports or over our borders. Once danger gets inside, it is much harder to root out. So to effectively interdict, interrupt, and intercept terrorists and the weapons of toxic materials or mass destruction they seek to smuggle in, this directorate would bring together our Customs Service, the border quarantine inspectors of the Animal and Plant Health Inspection Service of the Department of Agriculture, the recently created Transportation Security Administration, and the Federal Law Enforcement Training Center.

The Coast Guard will also be transferred to the new Department reporting directly to the Director of Homeland Security and will work closely with all other authorities on our waterways, in our ports, and at our borders.

Fourth is science and technology. Now terrorists will try to turn chemistry, biology, and technology against us in untraditional and inhumane ways. So we are challenged to marshal our superior technological talents to preempt them and protect our people.

This science and technology directorate is intended to leverage America's advantage on this front, creating a lean entity to manage and coordinate innovative homeland security research and development and to spearhead rapid technology transaction and deployment. It would be armed with an array of mechanisms to catalyze and harness the enormous scientific and technological potential residing within our Government, within our private sector, and within our university communities.

One of the key features of this directorate will be a homeland security version of the Defense Advanced Research Protects Agency, DARPA, which has sparked the development of Revolutionary Warfighting Tools for our military throughout the cold war and now into the post-cold-war world, the very tools and systems and weapons that enabled our courageous and skillful fighting forces to terrify and defeat the Taliban in Afghanistan so brilliantly and to disrupt the al-Qaida network.

Of course, DARPA has also spun off from its technologies to create some of the most remarkable commercial and civilian technologies that characterize our age, including the Internet.

It is our hope and prayer that this new Department, which we would like to call SARPA, the Security Advanced Research Projects Agency, will do the same for our homeland security and for our economy.

Fifth, emergency preparedness and response: After September 11, we all have an obligation to think about and to prepare ourselves for the unthinkable, including attacks with chemical, biological, radiological, and nuclear weapons at home. This directorate with the Federal Emergency Management Agency at its core will combine and integrate the strengths of a number of Federal agencies and offices responsible for dispensing critical vaccines and medicines for training local and State officials in emergency readiness, and for reacting to and helping the American people recover from the attacks that we hope and pray and will work to deter, but we must be ready to respond.

Six is immigration. America's positive fundamental heritage of immigration, central to our character as a country of opportunity and responsibility and community, must be honored. But at the same time, after September 11 we have to look with new clarity and intensity at illegal immigration as well as how to better screen those who come to this country legally and may stay beyond the time allowed.

Our proposal brings the troubled Immigration and Naturalization Service into the Department of Homeland Security and places those functions in a separate division within it. Then, to undo internal conflicts in the agency and give each set of functions the concerted attention it deserves, we propose to split the directorate into two distinct but closely linked bureaus as called for in the bipartisan INS restructuring plan of our colleagues, Senator KENNEDY and Senator BROWNBACK. This is a long overdue major reorganization of a very troubled agency.

We also require the Secretary to establish a border security working group comprised of himself, working with the Under Secretary for Border and Transportation Security and the

Under Secretary for Immigration Affairs. Our goal is to make passage more efficient and orderly for most people and goods crossing the border while at the same time raising our capacity to identify and stop dangerous people and things from entering America.

Those are the six core directorates which we see as six spokes of the wheel. Where they meet at the axis is where our security at home comes together.

There are a few important pieces of this legislation I want to describe additionally. As we need to keep reiterating, this is not solely a Federal responsibility or a Federal fight in the war against terrorism, it is a national responsibility and a national fight, with the front lines being drawn in our cities and towns all across America. One need only look at the long list of fallen heroes of September 11 to understand that. That is why we in Washington must do a far better job of creating and sustaining potent partnerships with States and localities which will be facilitated, I am confident, through the new Department. We are creating an Office of State and Local Government Coordination. This office is designed to assess and advocate for the resources needed by State and local governments all across the country.

In fact, there is separate legislation, quite appropriate, recommending the creation of a homeland security block grant. The initial amount proposed is $3.5 billion for fiscal year 2003.

I know from having spoken to the Presiding Officer, speaking to the local responders and first preventers, they are already spending significant funds to carry out the wider range of homeland security responsibilities they have. This is a national problem, and they are playing a large role in responding. We have to give them the resources, the funds, to make that possible. In fact, to meet the pressing need for well-trained firefighters in our communities, our legislation includes an amendment offered by Senators CARNAHAN and COLLINS that points Federal assistance to local communities nationwide, patterned on the very successful COPS program adopted during the Clinton administration. This program for firefighters would enable the hiring of as many as 10,000 additional firefighters per year.

The Office of State and Local Government Coordination would also be strengthened with the help of an amendment offered by Senators CARPER and COLLINS providing a number of new mechanisms, including the creation of liaison positions in each State in the country, a liaison with the new Department of Homeland Security to ensure close and constant coordination between the Federal Government and the first responders, first preventers, who are our principal partners in this solemn task.

Recognizing the need to ensure that fundamental American freedoms are not curbed as we build a more secure society, our legislation also creates positions of civil rights officer and privacy officer, as well as a designated officer under the inspector general within the new Department. Those positions will provide the Secretary valuable guidance to help craft effective policies and practices that don't compromise individual rights, and ensure there is an effective avenue for receiving complaints and investigating them. Outside of this Department, within the White House, the amendment would create another entity, a National Office for Combating Terrorism. Here I want to give substantial credit to the Senator from Florida, Mr. GRAHAM, who has worked very hard with Members of both parties, in this Chamber and the other body, to fashion this proposal.

We cannot fail to recognize that the fight against terrorism is, by definition, larger than what will be done by this new Department of Homeland Security. It will involve our military and intelligence communities separately, our diplomatic services, our law enforcement agencies, our international economic agencies, and many others. It seems to me and the committee that it is therefore still necessary to have a policy architect in the White House who can design and build the overriding antiterrorism strategy for and with the President, and to coordinate the implementation of that strategy that will necessarily go beyond the Department of Homeland Security.

The director of this office will work, of course, with the Homeland Security Secretary to develop the national strategy for combating terrorism and the homeland security response. With budget certification authority, the director of this White House office will be able to make sure all the budgets that make up our antiterrorism national strategy fit together smoothly. And because of the critical nature of this job, according to our legislation, the director would be confirmed by the Senate, making him or her accountable to the Congress and to the people of the United States.

That is an overview of our legislation as will be contained in the amendment I look forward to putting before the Senate this evening, after, hopefully, we have adopted the motion to proceed. I am proud that on the guts, on the fundamentals, of this proposal we in the Senate are near unified on this attempt to form, in a very modern context, what our Founders described as "a more perfect Union."

Winston Churchill once said:

> A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty.

I think only a big pessimist would see the difficulty in the opportunity this Department would create to secure our people and our homeland. We have crafted here a fundamentally optimistic and I think realistic answer to the homeland security challenges we face—seeing opportunity, not difficulty. As we go forward with amendments and discussion and votes on the remaining differences, I hope and believe that optimism will prevail and constructive action will result. Together, united across party lines, as it has been over and over again throughout history, our great country, which today faces a challenge that is unprecedented, will give the response we are called on to give—which is equally unprecedented.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, it is indeed true that today we begin consideration of the most significant reorganization of the executive branch in over 50 years. Not since the creation of the Department of Defense and the creation of the national intelligence apparatus in the National Security Act of 1947 has the Senate considered such a massive restructuring of Federal agencies.

Just as World War II and the start of the cold war demonstrated the need to reorganize our defense and intelligence establishment, the terrorist attacks of September 11 demonstrate the need to reorganize our homeland security establishment to address the threat of terrorism and other types of asymmetric warfare against our country and against our people.

I start by acknowledging and thanking Senator LIEBERMAN, the manager of the bill, for his leadership on this issue. He was an early supporter of legislation to reorganize the executive branch to confront emerging threats against our country. He recognized what needed to be done and has worked hard to get us to the point where we are today.

While we have some disagreements in some important areas, in the end we both believe that the creation of a new Department of Homeland Security is needed to make this country safe. Our Nation and the Senate also owe a debt of gratitude to the Members of the Hart-Rudman and Gilmore Commissions. Recommendations from both commissions have contributed greatly to our efforts. Indeed, the proposal before us owes much to the insight and thoughtful recommendations of our former colleagues, Senators Gary Hart and Warren Rudman.

This legislation is one of the centerpieces of our country's overall homeland security strategy. What we do here will have lasting effects on our Nation. It will certainly outlive us. We should not shy away from the fact that while some bureaucracies will be reduced and eliminated, we will be creating a large new bureaucracy with new leadership, a new mission, and a new culture. However, even advocates of smaller Government realize it is a mission that is vital to the security of this Nation, the most important responsibility of this or any other government and one of the basic responsibilities outlined for the National Government by the framers of our Constitution. That is what we are about today.

I think it is appropriate perhaps to take a moment to reflect on how we got here. It is obvious to all that in the last several years we have undergone a revolution in the world in terms of the advances of modern technology. The same thing has happened with regard to transportation. We have also seen the emerging of a brand of religious radicalism that has infected certain parts of our world. We have seen the merging of those factors together, now, so that a small band of people, a small group of people, or even individuals on the other side of the world can wreak tremendous damage to our homeland.

It is a different world we live in today, and we must have different means of dealing with it. We have seen attacks on us over the last several years that have become more and more indicative of the kind of world we can expect in the future: The Khobar Towers in Saudi Arabia, the original World Trade Center bombing, our embassies have been attacked, the U.S.S. *Cole* has been attacked. There have been other attempts that have failed because of the intelligence we were able to obtain. Attacks have been thwarted.

We have seen over the last few years, through our committee hearings and through reports of the GAO and other governmental entities, a rising pattern of capabilities, in terms not only of terrorism but of rogue nation-states and their increasing ability to deliver weapons of mass destruction, to develop those weapons of mass destruction, and to have the missile capability and other capabilities of delivering those for thousands and thousands of miles.

We have seen intelligence reports reminding us from time to time that this is what is going on out there.

We have not paid as much attention to that in times past as we should have. When we look back with the vision we have now and see the attacks that have come upon us around the world, attacks on our interests and our people, coupled with the intelligence information we were getting here in our own Congress, we should have been able to see, as some of us have seen, that there was a developing pattern out there that needed to be addressed by the Congress.

One of the good things that comes from such a tragedy under which we are now laboring is that it does finally focus our attention and allows us to do some things we should have done some time ago. It is a terrible price to pay in order to get us here, but we are here now and we should take advantage of that opportunity.

How do we react to something like September 11? We react by coming together, as the American people have. We react by being strong militarily and having the kind of leadership that we have to carry out the necessary operations overseas. We are doing that. The President said in the very beginning that it was going to be a long, tough road. Indeed, it is proving to be. It doesn't take a whole lot of effort for people to rally right after an attack. But it is going to take something special from the American people to have the stick-to-itiveness, and to have the stamina it is going to take, over a long period of time, for us to do what we are in the midst of doing now militarily.

We also react by changing our priorities. We cannot continue, in the Congress of the United States, in terms of budgetary matters, for example, to act as if these are normal times. We cannot have guns and butter at all times. We cannot have our cake and eat it, too. We have to prioritize now to deal with this threat that we have to our Nation.

Finally, the other important thing we can do is the one we are dealing with here today, this week, and days hereafter, and that is addressing and improving the institutions we have in our Government to deal with such matters and specifically the new threat we face.

We have seen—Senator LIEBERMAN and I—especially in the Governmental Affairs Committee over the last several years, an increasing array of problems that our Government has. There have been problems in management. There have been problems in trying to develop information technology that the private sector already has up and running. We have spent billions and billions of dollars and still have difficulty in getting that right and integrating those systems into our governmental operations.

We have financial management difficulties. We literally cannot pass an audit as a Government. We lose things and misplace things such as military equipment and other troubling things such as that. We have human capital problems. Half our workforce is going to be eligible for retirement before long. We do not have what we should have, in terms of ability to recruit, ability to retain, ability to keep the people we need and not keep the people we do not need, and pay the ones we need to pay for these high-tech jobs—jobs that are so highly paid out in the private sector—to do the things we have to do in Government now.

All of this presents a real problem to us, as a government, a Government-wide problem that has been growing—and growing all too silently out there—and without us doing too much about it.

The GAO reminds us every year that the same agencies year after year appear on the high-risk list. That is the list that is compiled, as you know, on a yearly basis to lay out the agencies that are most susceptible to waste, fraud, abuse, overlap, duplication, and inefficiencies. The same agencies appear year after year. Some of those agencies are the ones being brought into this homeland security bill.

We can't afford, as we create this new Department, to incorporate the same kinds of problems that we are seeing government-wide because the stakes are too great. It is not just a matter of wasting a few billion dollars of the taxpayers' money; it is a matter that could literally be life and death. This is what this bill is all about. This is why Senator LIEBERMAN took the initiative. This is why the President decided, once the strategic view was presented to him by the people he had commissioned to look at all of this, that a homeland security approach was needed, and that the 22 agencies out there needed to be pulled together into one cohesive entity that could work to make our country safer.

Certainly, there are very important areas. I will not go over all of them. Senator LIEBERMAN has done that.

But border security, for example, has never made any sense when we have people crossing borders, when goods cross the borders, and when plant life crosses the borders—all of which can be dangerous to the American people. They can cross them by water, they can cross the borders by air, they can cross the borders by highways. All of those things are just different aspects of the same problem. It all has to do essentially with border security. It has never made any sense to have all of this dispersed throughout Government.

What the President does and what the committee bill does is to pull those in. We have different ways of doing it. We will have an opportunity to discuss those in more detail as we proceed, but it gets its arms around the border security problem.

A lot of experts will say if you can do much better on the border problem, you can do better in the intelligence area, then you have gone a long way toward solving the problem.

In the intelligence area, the President's approach is to have an intelligence entity that will allow us to protect our infrastructure. As you know, our infrastructure is elaborate, farflung, and complex. Almost all of it is in private hands. It is an extremely difficult problem to address and to get our arms around and to protect. We can never be totally protected at all times in all ways. It is going to require a great deal of attention and expenditure of money by State, local, and Federal Government over years to come.

We are going to have to address the vulnerabilities that we have. The

President's approach would set up a system to assess those vulnerabilities in order to protect those infrastructures. The committee's approach is a broader approach. We will have an opportunity to discuss that.

I have concern about this broader approach because I don't think we can address the difficulties with the intelligence community in this bill and give it to a sub-Cabinet officer to have authority to pull all the dots together and all the things that need to be done in the intelligence community. We have seen, goodness knows, over the last several months and few years the difficulties we have in those areas of collecting intelligence, analyzing intelligence, and disseminating intelligence properly. That, to me, is a very important area that is going to have to be led by the President. It is going to have to be done by the administration. I view that as somewhat separate from the homeland security effort. But we can never mesh our entire intelligence community into this new Department.

The analyses that we are going to need for the Homeland Security Department are also needed by these various intelligence communities.

These are legitimate differences of view and approach that we will have an opportunity to discuss as we proceed. But we all agree that we, No. 1, must do much better in terms of our intelligence community and capabilities government-wide; secondly, this new entity must have some new intelligence entity to assist it to do what we properly decide that it ought to be doing. We will have an opportunity to discuss that in some more detail.

I think as we proceed we can flesh this legislation out and we can make it even better than it is. Senator LIEBERMAN is correct. I think there are many things we have basic agreement on here on a bipartisan basis. There are some serious differences of view on some important areas—differences the majority of the committee took versus what the President wishes to do. I think in these times the President must be given some leeway. It is going to be a long time before we put the final period to the last sentence of this legislation. I think it will be changed, as many other pieces of legislation dealing with the Department of Defense and the Transportation Department and others have changed over the years. I think there will be amendments and changes as we go forward. But it is important that we get off on the right foot.

It is important, for example, that we give the new Department the management tools it needs. I have mentioned some of the problems we have traditionally with Government and the fact that we can't afford to bring those problems into the new Department. We can't expect to keep doing things the same old way and get different results. We don't want those inefficiencies, those overlaps, duplications, and waste, lost items, and things such as that, to follow us into the Department of Homeland Security. We can't have that happen. It won't work.

What is the answer? The answer is to give the new Department sufficient management flexibility in order to address these issues. We have recognized this need in times past. We have given this flexibility in terms of hiring and firing and managing and compensating. Most of it has to do with compensation. A lot of people will say this is anti-employee or union-busting or what not. It has nothing to do with that. Various agencies and the GAO came to us. The IRS came to us. The FAA came to us. The Transportation Security Administration came to us. They all came to us and said: Look, we either have special circumstances or we have special problems and we need some additional tools to deal with that. We need the right people in the right place to deal with those matters.

In every one of those instances which I mentioned, Congress gave it to them. Congress gave them additional flexibilities that are not within the body of title V because we perceived those needs to be exactly as they were described to us.

Now we are pulling 22 agencies together—some of them, quite frankly, already dysfunctional—and giving out these new responsibilities. We talk about how important it is to the new Department.

My question is, If we are going to give these flexibilities to these other agencies, my goodness, why not this one, of all agencies or all departments?

The President's national security authority must be preserved. We have significant disagreement with regard to whether the traditional authority that Presidents have had since President Jimmy Carter in the national security area in terms of the justifiable need to activate collective bargaining agreements with particular entities at particular times, for good reason. Presidents have used this authority judiciously. As far as I know, there has never really been a problem with it.

This bill, as written, would take a step backwards from that authority of the President. I don't think it is fair in these times, of all times, to do that.

On the issue of the White House staff, should we force on the President a Senate-confirmed person in that position when he says he is creating a new Department and a new Secretary with all of this elaborate mechanism, and he wants his personal person—some people make the analogy with the National Security Council, for example, that it is not Senate confirmed—inside the White House working for him?

I assume, as Mr. Ridge is doing today, should we not give the President that? I believe so, after a sound intelligence approach, as I mentioned earlier, with not too many directorates, and not making this more elaborate and complex than we should.

Those are issues that we have. I think they are legitimate. I think they are important. They will be the subject of amendments as we proceed.

But, again, we do not want to look at a glass that is almost full and say that it is almost empty, because it is not. We agree on many, many important fundamental aspects. I think it is our job to get about the consideration of it, and to improve it, to discuss these important issues and differences that we have, and come to a conclusion that is going to achieve what we are all striving for; that is, a safer United States of America.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Tennessee for his very thoughtful statement. It has been a pleasure to work with him on the Governmental Affairs Committee, both when he led the committee and in the time that I have. I look forward to working with him in the weeks ahead to achieve what we all want to achieve, notwithstanding some differences that we have today, which is to secure the future of the American people here at home.

I know that the intention was that Senator BYRD would speak next. He is not on the floor at the moment. I note the presence of the Senator from Texas.

Mr. THOMPSON. I would ask that the Senator from Texas be given as much time——

Mr. GRAMM. Why don't I take up to 10 minutes. Every time I have ever heard anybody say they will not use it, they talk more. But certainly everything I would want to say or should say or am competent to say I can say in 10 minutes.

Mr. LIEBERMAN. Very well. Then it would be our understanding, after the Senator from Texas has completed his statement, that Senator BYRD will be recognized.

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will withhold for a moment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I greatly appreciate my friend from Texas withholding. He has always been very courteous. Today is no different than any other time.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the Senate proceed to executive session, today, at 12:30 p.m. to consider Executive Calendar No. 962, Terrence McVerry, to be a United States District Judge; that the Senate immediately vote on confirmation of the nomination, that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, any statements thereon be printed in the RECORD, with the preceding all occurring without any intervening action or debate, and that upon the disposition of the nomination, the Senate resume legislative session and stand in recess until 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that it be in order to request the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I do, therefore, ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, whenever a bill comes to the floor from a committee, obviously, a lot of people have had an opportunity to have an input in it. It is always easy for people who do not serve on that committee to stand on the outside and jeer and throw rocks through the windows. And we are going to have a long debate. I think this bill is going to change dramatically. So rather than spending my time being critical of the product, I would like to just talk about some basic principles, sort of where I am coming from and what I hope can happen.

First of all, when September 11 occurred, it sort of awakened the country to a threat we always knew was there. But there is nothing like seeing your fellow countrymen suffer to focus the mind on a challenge that too often we chose to pretend did not exist. I think we all concluded, in the wake of September 11, that our country had changed, perhaps forever. Part of that change had to do with coming up with an effective response.

Free societies are vulnerable to terrorist attacks. There is nothing we can do about that since we are going to remain a free society.

The President, who has the responsibility under the Constitution, as Commander in Chief, to defend the homeland, spent time and effort in getting together the best people, at least in his mind, that he could assemble, and he came up with a plan. That plan involved bringing all or part of 22 agencies together in a new Homeland Security Department.

I know there are many people who have many different views, and that is what makes democracy strong. But I would like to begin with the point that the one person who has the constitutional responsibility, the one person who has access to more information than anybody else in our society, made a proposal; and that is the President's proposal.

In my mind, under these circumstances, and in this clear and present danger that we face, I believe—no blank check, no guarantee we are going to do it just as the President wants it—we ought to bend over backwards to try to accommodate the man who has the constitutional responsibility and is ultimately going to be given the credit or the blame by the American people based on what happens.

The President primarily asked for three things. One, he wanted flexibility in reorganizing these Departments. The flexibility wanted was substantial, but it was not without precedent. We had given similar flexibility to the Department of Energy, which was created from other Departments. We had given similar flexibility to the Department of Education, which was created in part by transfer and part by creation. Yet, remarkably, the bill that is before us denies the President the same flexibility that the President had when the Departments of Energy and Education were created.

Now, energy is important, especially if you are in an energy crisis. Education is always important. But is there anybody who really believes the crisis we face is so unimportant that President Bush should not have the same powers in setting up the Department of Homeland Security that the President had in setting up the Department of Energy? I do not think many people take that position, but we have a problem in that the bill before us takes that position. In my mind, that has to be fixed.

I understand reasonable people with the same facts are prone to disagree, but, as I look at this first request of the President, that he be given enhanced flexibility, not dissimilar to what we had with the Department of Energy and the Department of Education, to me, that is pretty close to a no-brainer that the President ought to have that flexibility.

The second request is that the President have the power, based on national security, to override labor agreements. Now, that sounds like a pretty dramatic power. In fact, the way opponents normally talk about it, it is basically giving the President the power to eliminate collective bargaining. In my mind, nothing could be further from the truth. All this power does is gives the President the power to set aside elements of collective bargaining when national security is involved.

Interestingly enough, the power the President sought he has under existing law. The President was simply asking for an affirmation of existing power. But, remarkably, in the wake of 9/11, not only did the committee not reaffirm this existing power but they took power away from the President in saying that whereas today, whereas on September 11, or September 10, the President could have waived collective bargaining agreements for national security purposes, under this bill he would not be able to do that. But the prohibition would apply only to the Department of Homeland Security.

I submit there is always room for disagreement, there is always room for some negotiation in trying to understand what other people think, but, to me, it is incomprehensible and absolutely unacceptable that we should be setting up a Department of Homeland Security and at the same time take away power the President has under existing law to take action based on national security concerns.

The provision taking away the President's national security powers simply does not fit in this bill. I do not think it fits in any bill. But in a bill that is trying to respond to 9/11, it clearly does not fit and cannot be accepted and will never be accepted. Clearly, that is something that has to be fixed.

Let me give you some examples. We currently have labor contracts negotiated with Government employee labor unions that prohibit the stationing of Border Patrol in areas that do not have laundries, that do not have access to personal services. There is a long list of things that were written.

Now, in normal circumstances, where you have people trying to lead a quality life like everybody else, you can understand those things. The ability to take your clothes to the drycleaners is pretty important when you are wearing uniforms that require drycleaning. But in an emergency circumstance, do we really not want to have the power to waive that collective bargaining agreement?

Another thing that has constantly driven me crazy, being in a border State—a huge border—with Mexico, is that trying to get the Border Patrol, INS, and Customs all to work together, trying to get them to cross-train so that people can perform various functions, is like trying to get them to use the same toothbrush. In fact, President Clinton's National Security Adviser talked about his frustration in dealing with the INS and Customs and the unwillingness of one agency to open the trunk in working with another agency.

Now, look, I understand work rules. I admit I am probably less sympathetic to them than most other people. I think if you sign onto a job, whatever the job requires, within the limits of human dignity, you ought to be willing to do. I don't understand negotiating about who pushes what button or who opens what trunk. To me that seems silly. I am not very sympathetic to it. But when we are dealing with national security concerns, when the lives of our fellow citizens are at stake, we cannot put up with that business.

So all the President is asking for is the power to set aside those kinds of agreements in dealing with national security. It is not a question of being anti-union, it is a question of having concerns that override collective bargaining. We don't have collective bargaining for the Marines because they are about very serious, life-threatening circumstances and tasks. In dealing with homeland security, we are dealing with exactly those kinds of circumstances.

Finally, the President's proposal asks for personnel flexibility—the ability to put the right person in the right position at the right time, without waiting for the normal 6 months, and the right to transfer people who are incompetent, and the right to fire people.

I understand collective bargaining, and I understand writing in requirements of how the personnel system works. I understand trying to prevent people from being arbitrary and capricious. But the bottom line is, if we are trying to fight and win this war on terrorism, we need to have the ability to hire, fire, and promote based on merit in those agencies that are involved. I will give you two examples.

A woman FBI agent sends a cable to the home office basically saying that maybe we ought to be concerned about people with terrorist connections who are taking flight training and are focusing on flying planes but not landing them. That actually happened. In the whole process of trying to absorb massive amounts of information with conflicting jurisdiction, nobody ever responded to it. But don't you think we ought to promote that woman? Don't you think we ought to promote her out of grade and reward her—not only to reward the fact that she was paying attention to her business, she was alert to a potential problem that, God knows, we wish we had been alerted to, and we want to send a signal to others in the FBI and other agencies that if you are doing a good job, we are going to reward you.

On the negative side—and I don't want to belabor it because I don't know the circumstances and I am not at INS. I don't know the individual life stories of the people involved or the problems they had or the bureaucracy they faced. But, look, when we granted visas to terrorists who had their picture on every television screen in the world, whose names are on the front page of every newspaper in America because they had killed over 3,000 of our citizens, and then weeks later we processed a visa request for these brutal terrorist/murderers, maybe somebody should have been fired. Maybe somebody should have been transferred.

I know that theoretically in the Federal Government you can fire people, but the reality is that it is virtually impossible. As everybody in the Senate knows, fewer than 1 percent of people who are found to be doing totally unsatisfactory work end up being fired in the Federal Government, and 80 percent of them, because of the momentum of the seniority system, end up getting raises after they have been deemed to be doing failing work.

In the Department of Homeland Security, where we are dealing with people's lives, we need the flexibility to promote and reward. And, quite frankly, despite all the protests from the labor unions, every time I talk to people in Government agencies who would be affected, they like this flexibility, they like rewarding merit, they believe they would benefit and thrive in this system.

I will conclude by simply saying this: The President is not saying do it my way or forget it. I think the President has been and will be flexible in terms of trying to work out an agreement. I think there is room for flexibility on the whole funding issue and reprogramming and the rights of the legislative branch. But when you get down to the ability to reorganize, the President is not going to accept a bill that gives him less power in the name of national security than the President had when we created the Department of Energy. He is not going to do that, and he should not do it. There is no possibility that the President is going to accept a bill that takes away emergency powers that he has today to waive collective bargaining agreements in a bill that claims to enhance the President's power to deal with national security.

Finally, we gave flexibility on personnel under the FAA reorganization bill, under the IRS reorganization bill, and under the Transportation Security Administration reorganization bill. Yet in a bill trying to deal with homeland security, do we think it is less important than the FAA, or the IRS, or the Transportation Security Administration? Well, obviously, if you look at this bill, we do. So I don't think it is productive for this to degenerate into any kind of partisan battle.

But the problem is, this is a bill that does not do the job. This is a bill that we would be better off—if it were adopted in its current form—not having. The President is not going to accept this bill, and I think we have reached the moment on a critical issue where we need simply to promote a bipartisan solution, work out these agreements, give the President these three powers he wants, work something out on the appropriations issue for enhanced reprogramming and a partnership, and preserve the ability of Congress to control the purse.

I think the President, for every one problem he will have with money, will have 100 problems dealing with reorganization and personnel flexibility.

I am hopeful we can work something out. We are going to be offering a series of amendments. I assume at the end we will offer a substitute. I hope that substitute will be broadly supported. Senator MILLER and I, along with almost 40 of our colleagues, have introduced the President's bill because we wanted to try to promote a compromise moving in the President's direction.

I thank Senator THOMPSON for his leadership on this issue. As I have followed what he has had to say, there is not any issue on which I have a substantive disagreement with him. I look forward to following his leadership as we work out these three key issues, but these issues have to be dealt with. There cannot be a bill that does not give the President reorganization flexibility, the ability to override collective bargaining agreements in the name of national security and personnel flexibility. Denying these three powers simply is a denial of common sense and a denial of the crisis as we all know it exists, and the bill has to be changed.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Tennessee.

Mr. THOMPSON. Madam President, I ask unanimous consent that the time used by the Senator from Texas not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMPSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Madam President, I was in error when I asked that the time of the Senator from Texas not be charged against anyone. I think that should be charged against the time of Senator LIEBERMAN and myself. I ask unanimous consent that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Madam President, I am getting ready to suggest the absence of a quorum again, and I ask unanimous consent that the quorum call we are about to go into not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the majority leader for the courtesies which have been extended to all Senators, myself in particular because

I am the one I know most about, naturally, in listening to our concerns with respect to the legislation that is before the Senate.

I am glad Members of this body had the opportunity during the August recess to study the House bill, to study the substitute that will be posed eventually by the distinguished Senator from Connecticut, Mr. LIEBERMAN, which substitute, of course, is the product of his very great committee and the product in particular of the ranking member, Mr. THOMPSON of Tennessee, on that committee.

I proceed today with a great deal of humility, realizing that I am not a member of the committee. I have no particular reason, other than the fact that I am 1 of 100 Senators who speaks on this matter today with no particular insight from the standpoint of being on the committee which has looked at this legislation. I have read the newspapers. I have read and heard a great deal about what the administration wants. I have done the best I could during the August break, in addition to several other responsibilities I had, to read the House legislation and the substitute which will be proposed by Mr. LIEBERMAN.

So I say to the members of the committee, and to Mr. LIEBERMAN and to Mr. THOMPSON in particular, I respect the work they have done.

I believe one of the two Senators today said there have been 18 hearings of the committee. I was not present at those hearings.

I respect the work of the committee. I have been a Member of Congress 50 years. I know something about committees. I know something about committee hearings. I know something about the time and the energy that are put into hearings by the Members, as well as by the staffs of the members of the committee and the personal staffs of the Senators. I approach this subject today somewhat timidly because I am not on the committee but I am a Senator and I have been very concerned. The reason I am here today is that I am very concerned about how we go about creating the Department of Homeland Security.

First of all, I am very much for a Department of Homeland Security, and I think I made that position clear many weeks ago. I had some concerns with respect to the proposal the House sent over after 2 days of debate on the House floor.

I had some concerns about the appropriations process. Senator STEVENS, distinguished ranking member of the Appropriations Committee, and I have joined in informing Mr. LIEBERMAN and Mr. THOMPSON of our concerns. Mr. STEVENS is a member of Mr. LIEBERMAN's committee. We informed them of our concerns in writing. They have taken our concerns, studied them, and for the most part have dealt with our concerns. So from this moment on, I will have no more to say about the appropriations process because the Lieberman bill, in great measure, puts that thing right.

I have other concerns. I am very concerned President Bush has been promoting his Homeland Security by citing the National Security Act of 1947 as a role model for Government reorganization.

In his weekly radio address on June 8, for example, President Bush stated that he was proposing "the most extensive reorganization of the federal government since the 1940s. During his presidency, Harry Truman recognized that our nation's fragmented defenses had to be reorganized to win the Cold War. He proposed uniting our military forces under a single Department of Defense, and creating the National Security Council to bring together defense, intelligence, and diplomacy."

President Bush is correct to hold up the National Security Act as a role model. Here it is. It is the perfect example of why we must move slowly and carefully in reorganizing our government and avoid acting too swiftly or blindly. A look at the history of the unification of the armed forces reveals that government reorganization is not as quick, or as simple and easy as President Bush may have implied.

Enactment of legislation providing for the unification of the military did not occur in a matter of weeks, nor even months, but years.

On November 3, 1943, the Army Chief of Staff, General George C. Marshall, broke with long-standing War Department anti-unification policy and submitted to the Joint Chiefs of Staff a proposal favoring a single Department of War. In his book, The Politics of Military Unification, Demetrios Caraley writes: "The conflict over military unification that eventually led to the passage of the National Security Act of 1947 can be said to have begun November 3, 1943." In other words, this was the beginning of what would become a four-year struggle in the effort to reorganize our government by unifying our armed services.

In April 1944, the War Department submitted a unification proposal to the House Select Committee on Postwar Military Policy. That same month, the Committee began two months of hearings on the creation of a single department of the armed forces. The committee concluded that the time was inappropriate for legislation on a single department, strongly implying that such a reorganization might be a distraction from the war effort, and, therefore, should wait until the war was over. The Committee report reads in part:

> The committee feels that many lessons are being learned in the war, and that many more lessons will be learned before the shooting stops, and that before any final pattern for a reorganization of the services should be acted upon, Congress should have the benefit of the wise judgment and experience of many commanders in the field.

I point out that, more than two full years had elapsed since General Marshall's proposal, and there had been considerable congressional and administrative activity, including a number of studies, a number of alternate proposals, and a number of hearings, yet Congress at this stage was nowhere close to approving the reorganization of our government.

On June 15, 1946: President Truman, in a letter to congressional leaders, recommended a 12-point program for unification. But considerable opposition to reorganization still remained, and as a result, President Truman eventually requested that the Senate drop consideration of military unification until the next session of Congress.

The next year, February 26, 1947, in a communication to congressional leaders, and I was a member of the West Virginia state legislature, President Truman submitted a unification proposal, which became the National Security Act of 1947, that had been drafted by representatives of the armed forces and had been approved by the Secretaries of War and Navy, and the Joint Chiefs of Staff.

Did you catch that? President Truman submitted a proposal that had been drafted, not by four people in secrecy in the basement of the White House, but by representatives of the armed forces and had been approved by the Secretaries of War and Navy, and the Joint Chiefs of Staff.

What a difference in Administrations! What a difference in attitudes toward government!

After President Truman's proposal was introduced in both houses of Congress, the Senate Committee on Armed Services began hearings that lasted for ten weeks. The House Committee on Expenditures in the Executive Departments also conducted hearings on the proposal that lasted from April 2 to July 1, 1947.

Meanwhile, on May 20, 1947, the Senate Committee on Armed Services commenced an executive session "to review the testimony received in extensive hearings on the bill and to consider proposed amendments."

Let me say that again: The Senate Committee on Armed Services commenced an executive session—whoa—"to review the testimony received in extensive hearings on the bill and to consider proposed amendments."

Again, I call attention to how slowly, how carefully, and how deliberately Congress was proceeding on this important issue involving the national security of our country. Senators can read the report of the Senate Committee on Armed Services on S. 758 which stressed this very point. The report reads, in part: "In determining the most suitable organization for national security no effort has been spared to uncover past mistakes and shortcomings. During the hearings . . . all phases of each plan were exhaustively examined."

Let me repeat that. The Senate Committee reported that "no effort has been spared to uncover past mistakes and shortcomings" and "all phases of each plan were exhaustively examined." The committee was pointing out that Congress knew what it must do. That there would be no rush to judgment. They were not about to be stampeded into unwise legislation. There was no herd mentality there. They knew that what they were doing would help decide the fate of American government and American society for decades to come. They knew that, as the Nation's lawmakers—and that is what we are, the Nation's lawmakers—they had to be careful and deliberate because so much was at stake.

On July 9, 1947, after debate and amendments, the Senate finally approved the National Security Act.

The House of Representatives was just as careful and deliberate in considering this reorganization of our Government. The reason, the House Committee on Expenditures in the Executive Departments pointed out in its report, was that "both civilian and service witnesses advised against a too-hurried consideration of the bill."

Finally, on July 19, 1947, the House began considering H.R. 4214, the committees's version of the President's draft bill. It approved the measure only after considering 17 amendments. Nine of the amendments were approved.

On July 24, 1947, after five meetings, a conference committee reported a compromise version of S. 758 and so The House adopted the conference report.

Two days later, President Truman signed the National Security Act into law, one half year after the legislation had been introduced, and four years since General Marshall recommended unification of our armed forces.

I realize we do not have 4 years to act in this situation. I realize the situations are different in many ways; the circumstances are different in many ways. I know that. But this is a government reorganization that President Bush holds up as the role model for the present government reorganization which we are considering. The problem is that this administration envisions Congress approving in just a few weeks a massive reorganization of the Federal Government that involves 22 agencies and 170,000 Federal workers.

The administration should stop reading "Gulliver's Travels" and start reading some history, especially the history behind the unification of our Armed Forces. If it is going to use that as the role model, the National Security Act—the reorganization of our military, the establishment of a Department of Defense—we should read the history behind the unification of these Armed Forces. It is a cautionary tale, and one that the administration and we would do well to remember.

I am very concerned that 30 years from now, Congress will be struggling to rectify the problems that we will be creating with hasty, ill-considered enactment of the Department of Homeland Security. There was all this rush, there was all this hue and cry that we ought to get this done before Congress goes out for the August recess. The House passed this bill after 2 days of floor debate and took off a week earlier than the Senate did. Then there was the idea we ought to do this by September 11.

What we need to do is to develop a product that works. We need to have legislation enacted by Congress and signed by the President that is right, not something that is hurriedly passed just to conform with an artificial deadline on the calendar. How much harm could be done in the meantime can be imagined. I am referring to damage to the rights and the liberties that we hold most dear: civil rights, labor rights, labor protection, civil liberties of all Americans. I am talking about damage to our constitutional process. We can inflict damage upon the constitutional process if we act in haste, and that damage perhaps cannot be and will not be rectified for years to come. We must not inflict damage on our constitutional processes.

President Bush's proposed Department of Homeland Security is an enormous grant of power to the executive branch. I hope that everyone who hears me will understand that—an enormous grant of power to the executive branch. It constitutes control of 170,000 Federal workers and a huge piece of the Federal budget. It will mean a major change in the governmental infrastructure of our Nation.

This may be for keeps. This may be the infrastructure that will last through the lifetimes of at least some of us. And we cannot and must not close our eyes to the threats that are involved here, by well-intentioned people I am sure, the threats to the constitutional processes that have guided this Nation for 215 years and should continue to guide it in the future.

This Constitution is good enough to guide us through whatever emergencies may confront this country. We must not cede this power, power that the administration wants but not necessarily needs—but the administration wants it. Let's stop, look, and listen and be careful what we are doing.

I wonder how many out of 100 Senators took the time during the recess to read the House bill, to read the substitute that is about to be proposed by Mr. LIEBERMAN and Mr. THOMPSON. How many Senators took the time to read and to ponder what we are about to do? I did. I am not an expert on the House bill or the substitute by Mr. LIEBERMAN. I have not put as much time, naturally, by any means, in my study of the Lieberman substitute as has he or his counterpart or the members of that committee.

So the members of that committee knew very well what was in the bill. But how many other Senators took the time to sit down and read and mark and underline and think about the words, the phrases, the sentences that are included in this substitute and in the underlying bill?

Let Senators remember that once we pass a bill in the Senate, which we must and which we will, then we in the Senate—half of the legislative branch, this half, except for the committee conferees—will be out of it. I don't bemoan the fact that I will be out of it, but most of the Senate will be out of it. We will have said our piece. We will have made our press releases. And we will have had an opportunity to offer amendments.

But how many of us are prepared to offer amendments? How many of us have read this legislation? How many in the media know what we are talking about and what is in this legislation? The people out there, 280 million of them, who are represented by 100 Senators, do not have the slightest idea what is encompassed in this legislation. They have heard the President on the campaign trail talking about this bill: pass it, pass it, pass it. They have heard others in the administration. I don't have any criticism of that. They naturally want this bill passed.

We need to look at it. We Senators have a duty to study it and to take the time and, if necessary, offer amendments where we believe amendments should be offered and the Senate must be given the opportunity to work its will. And it will work its will.

But I am concerned. That is where I am coming from, and I am sure there are other Senators who would be equally concerned if they read these bills. But they have been busy. Senators are very busy people. I know that.

In a recent column, David Broder wisely pointed out that because the mission of the Department of Homeland Security "is so large and its scale is so vast, it is worth taking the time to get it right."

That is David Broder, and he got it right when he said that. I will continue with his words.

> It is worth taking the time to get it right. Having the bill on the President's desk by the symbolic first anniversary of the terrorist attacks is much less vital than making the design as careful as it can be.

Hallelujah. That was David Broder. He is right.

Now let me read what he said without my editorial comment. He said:

. . . the mission of the Department of

Homeland Security "is so large and its scale is so vast, it is worth taking the time to get it right. Having the bill on the president's desk by the symbolic first anniversary of the terrorist attacks is much less vital when making the design as careful as it can be."

I remind my colleagues that once the genie is out of the bottle, it is gone. It would be difficult to get it back into the bottle. This bill is the best, if not the last, opportunity for Congress to make sure that we are not unleashing a genie, a very dangerous genie.

I realize it is not easy to go against the administration for some of my colleagues, in an election year especially. But our duty to our country and to future generations compels us to do no less. And I intend to do no less than stand on my feet and speak my thoughts. This is what separates the men from the boys, the women from the girls, and the statesmen from the politicians.

Madam President, how much time do I have remaining?

What is the time situation with respect to the upcoming vote?

The PRESIDING OFFICER. We are going into executive session at 12:30.

Mr. BYRD. I thank the Presiding Officer.

Madam President, I hope Senators will take a look at this morning's Washington Post. On the front page there is a column by Gregg Schneider and Sara Kehaulani Goo, Washington Post staff writers. The headline reads as follows:

> Twin Missions Overwhelmed TSA. Airport Agency Strives to Create Self, Stop Terror.

This story that I am about to take excerpts from tells exactly why we ought to take time and do this right.

I read from the column:

> When a gunman opened fire at a Los Angeles International Airport ticket counter on July 4, the nation's new agency in charge of airport security got its first chance to swing into action.
>
> Instead, it claimed the shooting was outside its jurisdiction.
>
> After bullets sprayed across the crowded holiday terminal, killing three, the agency's director at the time, John W. Magaw, looked on helplessly as his own spokesmen dismissed the incident as a matter for local police and the FBI. "That's nuts. That is nuts," Magaw said later.
>
> But by that holiday, with the nation on edge about a terrorist attack, Magaw had lost control of the Transportation Security Administration. He had run the high-profile, multibillion-dollar agency far astray from what Congress and the Bush administration said they wanted, alienating everyone from local airport operators to commercial airline pilots.

Now get this. I continue to read:

> The agency simply couldn't keep up with the twin demands of creating itself and devising a system of stopping terrorists.

There you are in a nutshell. That is the problem.

> Internally, there was tension over the TSA's mission, with a growing core of leaders steeped in law enforcement at odds with political forces demanding customer service. Magaw and his deputies clashed with key members of Congress and the White House over budgets and left airport managers around the country feeling shut out.
>
> The fact that the TSA was flat-footed on the day of the most violent attack on U.S. aviation since Sept. 11 underscores how, after nearly a year of building a new federal agency to take over airport security, few broad changes have taken place.

There you are. That is our problem. We are about to create a new department of homeland security, which I am for. I will vote for that. Then we are about to create 6 directors, and we are about to set up a superstructure. In this bill, once we pass the package and send it down to the President, we are going to say there it is. You take it. It is yours. Then the administration will have the colossal task of transitioning, as I read it, 22 agencies.

I was talking with Senator LIEBERMAN this morning. I was told that more likely there will be 28 agencies and offices. There you have it, Mr. Administration. It is yours. That is what Congress is about to do. It is yours.

Can one imagine the chaos that is going to occur when all of these agencies are supposed to be transitioned into the department of Security within 13 months, and the people within them. One-hundred and seventy thousand Federal employees will have to become accustomed to a new culture, once they are transitioned. They will have to move their desks, their computers, and their telephones. They will have to get acquainted with new associates. They will have new and different missions.

When we talk about the 1947 role model of the National Security Act, we are talking about military branches that had the same mission, overall. Those were not different missions. These people are going to be put into a brand spanking new, polished-chrome metal piece of toy to guard the homeland, and to guard the people. All of these people put into one agency are going to be concerned about their pay scales, their worker rights, and their privacy rights—all of those things. There they will be. All yours, Mr. President. Here it is. You asked for it. Here it is now so Congress can stand on the sidelines for the next 13 months.

I am saying no. Congress should not stand on the sidelines for the next 13 months. We have a duty under the Constitution to exercise oversight and to see that the agencies are properly brought into the six directories.

I am thinking of the same directorates the committee recommended, the same superstructure. I am saying that is fine. But now, when it comes to bringing in the 22 agencies or the 28 agencies or the 30 agencies or the 25 agencies—I have heard all of these numbers; we do not even know the number of agencies—when it comes to fusing those, what are the criteria for this agency or that agency or some other agency or some part of that agency? What are the criteria by which somebody is going to have to be guided in bringing these agencies into the superstructure and making them part of the directorates, which are parts of the new Department of Homeland Security?

Who knows? I have not seen anything in my reading, anything in writing. I have not heard anything in any way by which these 22 agencies—I will say 28, since Mr. LIEBERMAN has counted them. What are the criteria and what is going to happen?

Look at what the Post is reporting happened to the brandnew, shiny transportation agency, the TSA. And here we are talking about 22 or 25 or 28 or 30 more agencies, putting them all in. Here, Mr. President. Here is what you asked for. Here is the bill. You take it. That is what we are about to do, and I do not think we should do it.

I think Congress should stay in the mix, should continue to exercise its oversight, its judgment, give its advice, give its consent, and vote up or down as we go along on the procedure.

Now, I am going to offer an amendment at some point. I may offer several amendments, but the first amendment I offer will deal only with title I, only with title I. But my concern is that Congress has a responsibility, it has a duty to which it must face up, and that duty is to keep a hand on this, to maintain oversight. And I think these 22 agencies—I will quit using 22; I am going to use JOE LIEBERMAN's figure, 28—these 28 agencies should be phased in, in an orderly process that gives the Congress the time, as we go along, to look at what the administration—through this new Secretary of Homeland Security, through his recommendations—recommendations are.

Congress should not just hand this thing over lock, stock, and barrel, to this administration, or any other administration, and say: Here it is. You take it.

So here, in microcosm, is the problem. And we are reading about it right here in this Washington Post of today. I won't read the whole column right now. I may refer to it again later.

But let me proceed now by saying that the homeland security legislation that we will be considering this week has become something much more than mere legislation. It has become a political windstorm blowing down Pennsylvania Avenue and through the Halls of Congress.

The President's proposal has been barreling through Congress like a Mack truck, threatening to run over anyone who dares to stand in its way. And Congress, so far, has cleared a path and cheered on this rumbling big rig, without stopping to think seriously about where it is ultimately headed. Now we are going to think seriously about it.

The President assures us that he is safely behind the wheel, and that all we need to do is give him the "flexibility"—I use his word, "flexibility"—he needs to fight terror immediately, and he will handle it from there.

While the President's assurances may help some people sleep better, I am left tossing and turning on my pillow at night. I fear terrorism as much as anyone, and I recognize the need for constructive, decisive action in these daunting times. But lately I have also been plagued by the fear that, in the name of homeland security, we may be jeopardizing liberties from within our own Government by unwittingly trading in many of the constitutional protections which were designed by the Founding Fathers as safeguards against the dangerous tendencies of human nature.

In Federalist No. 48, James Madison wrote:

> It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it.

Now, that is James Madison:

> It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it.

The President is clearly attempting to remove the limits on his power. I don't question his good intention. Maybe he doesn't understand what he is doing. But this is clearly an attempt to remove limits on the Executive's power, and Congress is doing very little, up to this point, to restrain the administration's ambitions.

I am alarmed that the President is demanding such broad authority over an unprecedented amount of resources and information, while at the same time asking us to eliminate existing legal restrictions to allow him the "managerial flexibility" to respond to changing threats. His proposal gives the Secretary of Homeland Security almost unlimited access to intelligence and law enforcement information without adequate protections against misuse of such information. I am willing to give the President necessary authority to secure the Nation's safety, but I believe we can give him flexibility without giving him a blank check.

In Federalist No. 48—and Senators and Representatives and other people should read the Federalist Papers once again—in Federalist No. 48 here is what he said:

> An elective despotism was not the government we fought for. . . .

Nobody is suggesting there be an elective despotism. But I am suggesting that we better go very carefully, as we legislate on this proposal, that we do not release to the executive branch, by legislation, powers that the Constitution guards against.

This is what Madison says:

> An elective despotism was not the government we fought for. . . .

We can, in this Senate, very well pass legislation that ends up giving to any President—I am not just talking about Mr. Bush—the powers that amount to an elective despotism. That is what I am concerned about in this legislation—one of the things.

> An elective despotism was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others.

Now, that is what I am saying Congress needs to be aware of. We need to be on guard that we do not pass legislation that, in the end, gives a President—and there is no assurance that this President will be President forever; he may be President for 2 more years or maybe 6 more years. Who knows. But the Congress must be on guard in this legislation—I know it is very tempting to vote without further delay, without any argument, vote for a new department of homeland security. And we ought to have it. But it will be very easy for Congress to pass legislation that, in the end, results in elective despotism. Madison warns us against it.

The President's proposal cripples internal oversight offices and weakens external legal controls on the Department, including unnecessary exemptions from public disclosure laws such as the Federal Advisory Committee Act and the Freedom of Information Act, allowing the Secretary to exercise his broad authority in relative secrecy.

In many of these areas, Senator LIEBERMAN's committee, working with Senator THOMPSON, has brought in a bill that is, in my judgment, much better than the administration's proposal, which is largely reflected by the House bill. And at the end of the day, the House bill will be before the Senate—at some point, Mr. LIEBERMAN will offer his substitute—so that the Senate will have before it both the House bill and the Lieberman proposal.

So what I am saying is not altogether, or even in great part, criticism of the product the committee has given to the Senate. I am stating my concerns. We cannot brush aside the House bill. It is going to be in conference, and we are going into conference, and these conferees are going to be up against the House conferees—the House, which is under the control of the other party, which is in control of the White House. So I do not envy the challenges that are going to be before our Senate conferees. I am speaking of my concerns with respect to one or both of these measures that will be before the Senate.

These exemptions reflect the administration's strong antagonism toward traditional "good government" and "sunshine" laws that attempt to cast light on government activities and subject them to public scrutiny. The administration is seizing on this legislative opportunity to weaken these important laws.

The administration is attempting to gut the traditional protections for personal privacy and civil rights abuses from the new Department, and the bill that was passed by the House of Representatives effectively dismantles most of these safeguards. Unfortunately, the Senate doesn't do enough, in my judgment, to restore those checks.

The Senate bill does require, very generally, that the Secretary and the directorate for intelligence establish rules and procedures for governing the disclosure of sensitive information. Some of this language restricts the use of information to only authorized and "official" purposes, but this restriction is meaningless because the vague authority given to the Secretary allows him to claim that almost anything he wants to do constitutes an "official" purpose.

In pressuring Congress to pass homeland security legislation, the administration is using the "war on terror" as a red herring to draw attention away from the underlying objectives of the administration's proposal, which include expanding the regime of secrecy that has been established by the White House to the 22, 25, 28, or 30 agencies of the new Department of Homeland Security.

Once the Department has been legally shrouded in secrecy, the President can take advantage of his broad access to information and its vague mission and authority to command the "war" without scrutiny from Congress or the public.

The President has proclaimed that we are entering a "new era," one that will resemble the cold war in its concerns for national security. His proposal marks a disturbing start for this era and I am afraid may be a sign of things to come. The cold war began with an iron curtain descending over Europe. Under this bill, the war on terror may have begun with an iron curtain descending around our Government.

Congress must not defer to executive judgment alone. Congress must not trust that this administration, or any other administration, will always act in the best interest of the Nation. Absolute trust and unquestioning deference are dangerous gifts for the legislature to bestow on the executive, even when our leaders have given us no reason for doubt.

Good intentions do not guarantee good government. As Madison tells us in Federalist No. 51:

> If men were angels, no government would be necessary. If angels were to govern men,

> neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You first enable the government to control the governed; and in the next place, oblige it to control itself. A dependence on the people is no doubt the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

Madam President, Justice Brandeis echoed Madison's warning of the dangers of relying on the good intentions of government. He wrote:

> Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

I suspect that this administration means well in its desire to mobilize the Government against terror, but so many in the administration have come lately—not all, but some. I fear that some of what the administration is asking for is a danger to the people's liberty.

In our rush to reorganize the Government, we seem to have forgotten the principles upon which the Government was founded. The Constitution established a system of divided Government, a system that feared tyranny more than it favored efficiency. The Constitution's separation of powers and checks and balances were not designed to provide managerial flexibility to any President, Democrat or Republican. They were designed to limit the power of the state over its citizens by ensuring that individual liberties could not be easily abridged by the unchallenged authority of any one branch of Government.

President Harry Truman proposed the most dramatic reorganization of the last century, creating the Department of Defense and the CIA in response to the new threats of the cold war. But even after he presided over such a critical moment of national security, he remained skeptical of the need for efficiency and flexibility in the executive branch. Truman said:

> When there's too much efficiency in government, you've got a dictator. And it isn't efficiency in government we're after, it's freedom in government. . . .

That is Truman. That is my favorite Democratic President in our time. Following him came Mr. Eisenhower, who I have—at least lately—come to believe was the greatest Republican President in our time.

I continue with Truman's words:

> And if the time ever comes when we concentrate all the power for legislating and for justice in one place, then we've got a dictatorship and we go down the drain the same as all the rest of those republics have.

Madam President, the administration's proposal makes clear to me that it is not freedom in Government the administration is after.

The Secretary of Homeland Security will become a human link between the FBI, the CIA, and local police departments, serving as a "focal point" for all intelligence information available to the United States. I am concerned that in this role he may be able to circumvent existing legal restrictions placed on those agencies to protect individual privacy, civil rights, and civil liberties.

The Homeland Security Department will be authorized to draw on the resources of almost any relevant agency at the Federal, State, and local level, ranging from sensitive international intelligence compiled by the CIA and the NSA to surveillance of U.S. citizens by the FBI and local police. Many of these agencies were very purposely kept separate and distinct, or were given limited jurisdiction or investigative powers, in order to reduce abuses of power. However, when the Department—this new Department—draws on the resources and information of other agencies, it may not necessarily be subject to the same legal restraints imposed on those agencies.

In addition, the civil rights officer and the privacy officer established under the administration's plan to uncover abuses in the Department are not given enough authority to actually carry out their jobs. They are essentially advisers with no real investigative or enforcement power. Both officers are responsible for ensuring compliance with existing law, but their only legal recourse after identifying a problem or violation is to report the problem to the Department's inspector general.

However, the inspector general, in turn, is under no obligation to follow up on privacy and civil rights complaints, only an obligation to inform Congress of any "civil rights abuses" in semi-annual reports. If and when the IG does choose to investigate, he will often be unable to do so independently as the Inspector General Act intended, because this plan provides that the inspector general will be "under the authority, direction, and control of the Secretary"—now get that. That ought to be enough to curl your hair. Let me read that again. The inspector general will be "under the authority, direction, and control of the Secretary"—meaning the Secretary of Homeland Security—"with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information." And the Secretary can say no if he determines certain things, which I can read into the RECORD—he determines; if he determines, the Secretary; if he determines no, the inspector general is stopped in his tracks. That is it. Is that the way the people in this country want it to be? I do not believe so.

Granting the Secretary control over internal investigations puts the "fox in charge of the hen house" whenever the fox claims a national security reason for it.

The inspector general can say: I have a national security reason. You have to stop. You cannot investigate further. You cannot subpoena witnesses. You cannot because Congress passed the law that the administration wanted saying you cannot. So you stop right here in your tracks.

Is that the way the American people want it? No.

The President's proposal also lets the fox have his way when he uses working groups—now get this—to investigate or craft policy. Although not included in the Senate bill, the House bill, which will be before the Senate likewise, allows the Secretary of Homeland Security to exempt advisory groups within the Department from the disclosure requirements of the Federal Advisory Committee Act. The practical effect of this authority would be to give the Secretary of Homeland Security the ability to conduct secret meetings to craft Department policy, minimizing interference from Congress and the public.

This would appear to expand the model of secret policymaking currently employed in the administration, the most notable example being Vice President CHENEY's secret energy working group.

While the Federal Advisory Committee Act does exempt the Central Intelligence Agency and the Federal Reserve from disclosure requirements, the justification for doing so cannot support providing the same exemption for the Department of Homeland Security.

The broad authority and domestic jurisdiction of the Department distinguish it from the CIA which has no authority to invade the privacy of U.S. citizens domestically and whose activities are controlled more directly by the President in exercise of his constitutional powers over foreign affairs. The exemption for the Federal Reserve protects financial information and economic projections in order to protect the integrity of the markets.

While it may be reasonable to excuse the Fed from this kind of public disclosure, I am not comfortable in allowing the Secretary of Homeland Security to set the level of preparedness in complete secrecy in the same way that Alan Greenspan sets interest rates.

The Federal Advisory Committee Act already allows waivers for sensitive information, so there is no compelling national security justification for providing this blanket exemption. Removing this exemption would not eliminate the Secretary's ability to convene committees in secret, but it would make the Secretary and the President more accountable—more accountable—for choosing to do so.

The President is authorized under existing law to determine which committees should be exempt from disclosure for national security reasons, and he must explain himself every time he does so. The bill passed by the House allows the Secretary to exempt committees at will, while only paying lip-service to Congress. Both the House bill and the Senate bill provide an unnecessary exemption, in my viewpoint, from the Freedom of Information Act for critical infrastructure information provided by private corporations.

The FOIA requires public disclosure of Government materials on request, but it already provides exemptions for national security information, sensitive law enforcement information, and confidential business information. The administration's proposal extends these exemptions to include any information voluntarily submitted by corporations to the Department. As a result of this exemption, this corporate information could not be released under the Freedom of Information Act for other enforcement purposes, so corporations would be allowed to escape liability for any information they submit.

I have argued, Madam President, that parts of this bill should be put off to allow enough time for informed deliberation. I reaffirm my objections to rushing into all of these agency transfers and new directives. However, these secrecy problems have to be addressed also.

The President has said that how we respond to this crisis will determine what kind of legacy we leave. I agree with the President on that point. That is exactly why I suggest to the Members of the Senate we should take time to remember the legacy that we have inherited, a legacy of liberty and limited Government, and preserve these principles in the legacy that we will bequeath.

This new Department is going to be with us for some time, so we must think beyond the next election and act with an eye to the future. This Congress needs to make sure we will have some recourse in the event that the administration's reorganization does not live up to all of its promises. Congress has a role to play in the ongoing supervision of the Federal Government, and we should not compromise that role by hastily surrendering our constitutional powers.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF TERRENCE F. McVERRY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 962, which the clerk will report.

The assistant legislative clerk read the nomination of Terrence F. McVerry, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senate from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Texas (Mrs. HUTCHISON), are necessarily absent.

I further announce that if present and voting the Senator from New Mexico (Mr. DOMENICI), and the Senator from North Carolina (Mr. HELMS), would each vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 208 Ex].

YEAS—88

Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—12

Akaka
Biden
Domenici
Gramm
Helms
Hutchison
Jeffords
Leahy
Murkowski
Santorum
Specter
Torricelli

The Nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

Mr. LEAHY. Madam President, today the Senate is confirming Terrence McVerry to the United States District Court for the Western District of Pennsylvania. He is the 73rd judicial nominee of President George W. Bush to be confirmed by the Senate since July 20 last year. With today's vote, the Democratic-led Senate has already exceeded the number of circuit and district court nominees confirmed in the last 30 months of Republican control of the Senate, when 72 judges were confirmed in those 2½ years. Democrats have done more than Republicans did in less than half the time.

It is revealing that Republicans, with all of their misleading statistics, consistently fail to compare their actual results during their most recent period of control of the Senate with the progress we have made since the shift in the Senate majority. They do not want to compare their own record over the prior 6½ years with our record of accomplishment in evaluating judicial nominees. They do not want to own up to their delay and inaction on scores of judicial nominees during the last administration. During the period of Republican control of the Senate, judicial vacancies rose from 63 to 110. Since the change in majority, the Democratic Senate has worked hard to help fill 73 of those vacancies.

All too often the only claim that we hear about the Republican record is that President Clinton ultimately appointed 377 judges, five fewer than President Reagan. Our Republican critics try to obscure the fact that only 245 of those district and circuit court judges were confirmed in the 6½ years that the Republican majority controlled the pace of Senate hearings and consideration. That averages only 38 confirmations per year. Over an 8-year period that would have yielded 304 confirmations. In fact, the Republican majority over the last 6 years of the Clinton administration produced on average only 58 percent of the confirmations achieved during the first 2 years of that administration.

As of today, the Democratic majority in the Senate has acted to confirm 73 judges, including 13 nominees to the circuit courts. We have proceeded to almost double the confirmation rates of the former Republican majority. We have done more in less than 15 months then they achieved in their last 30 months in the majority.

The reason Republicans do not want to talk about their record and compare apples to apples is because this truth does not fit comfortably with the myth of obstruction by Democrats that they have been working so hard to disseminate for their own partisan purposes. This situation reminds me of a quote by Adlai Stevenson, who said "I have been thinking that I would make a proposition to my Republican friends . . . that if they will stop telling lies about the Democrats, we will stop telling the truth about them." Unfortunately, the persistence of the myth of inaction in the face of such a clear record of progress on judicial vacancies by Democrats makes me worry that Republicans are following the cynical observation that a lie told often enough becomes viewed as the truth. I am confident that Americans understand that Democrats have been fairer to this President's judicial nominees than Republicans were to his predecessor's nominees.

Today's vote is another example. The Senate has acted quickly on this nomination to the District Court in Pennsylvania. Mr. McVerry was nominated in January, received his ABA peer review in March, participated in a hearing in June, and he was reported out of the Senate Judiciary Committee in July. The Judiciary Committee has held hearings for 10 district court nominees from Pennsylvania and the Senate has confirmed nine of them in just five months. There is no State in the Union that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania. I think that the Senate Judiciary Committee and the Senate as a whole have done well by Pennsylvania.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate, particularly regarding nominees in the western half of the State. Despite the best efforts and diligence of my good friend from Pennsylvania, Senator SPECTER, to secure confirmation of all of the judicial nominees from every part of his home State, there were seven nominees by President Clinton to Pennsylvania vacancies who never got a hearing or a vote.

A good example of the contrast between the way the Democrats and Republicans have treated judicial nominees is the case of Judge Legrome Davis, a well qualified and uncontroversial judicial nominee. He was first nominated to the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton renominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned after two more years.

Under Republican leadership, Judge Davis' nomination languished before the Committee for 868 days without a hearing. Unfortunately, Judge Davis was subjected to the kind of inappropriate partisan rancor that befell so many other nominees to the district courts in Pennsylvania during the Republican control of the Senate. This year, the Democratic-led Senate moved expeditiously to consider Judge Davis, and he was confirmed promptly, five weeks after receiving his ABA peer review, without a single negative vote. The saga of Judge Davis recalls for us so many nominees from the period of January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret, anonymous holds by Republicans for reasons that were never explained.

The hearing we had earlier this year for Judge Joy Conti was the very first hearing on a nominee to the United States District Court for the Western District of Pennsylvania since 1994, despite President Clinton's qualified nominees to that court. It is shocking to me that this was the first hearing on a nominee to that court in eight full years. No nominee to the Western District of Pennsylvania received a hearing during the entire period that Republicans controlled the Senate during the Clinton Administration. One of the nominees to the Western District, Lynette Norton, waited for almost 1,000 days, and she was never given a hearing. Unfortunately, Ms. Norton died earlier this year, having never fulfilled her dream of serving on the Federal bench. With the confirmation of Judge Conti, we confirmed the first nominee to the Western District of Pennsylvania since October of 1994. Despite this history of poor treatment of President Clinton's nominees, the Democratic-led Senate continues to move forward fairly and expeditiously. Terry McVerry is the most recent example of our willingness to proceed in spite of recent Republican obstructionism.

Democrats have reformed the process for considering judicial nominees. For example, we have ended the practice of secretive, anonymous holds that plagued the period of Republican control, when any Republican Senator could hold any nominee from his or her home State, his or her own circuit or any part of the country for any reason, or no reason, without any accountability.

We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have held 23 judicial nominations hearings in our first 12 and one-half months, an average of almost two per month. In contrast, during the 6½ years of Republican control, during each of 30 months they did not hold a nominations hearing on a single judicial nominee. By holding 23 hearings for 84 of this President's judicial nominees, we have held hearings for more circuit and district court nominees than in 20 of the last 22 years during the Reagan, first Bush, and Clinton administrations. The opposition party would rather not refer to these facts, which debunk Republican myths about who caused the vacancy crisis and delayed judicial appointments.

When the Senate Judiciary Committee reorganized after the change in Senate majority, there were 110 judicial vacancies. That included 33 circuit court vacancies, twice the number that existed when Republicans took over the Judiciary Committee in 1995. During the past 13 and one-half months, another 43 vacancies have arisen, largely due to retirements of past Republican appointees to the courts. If Democrats had, in fact, obstructed judicial nominees, as Republicans so often claim, there would now be 153 vacancies in our Federal courts, not the 80 that currently remain.

We have tried to do our best to address the judicial vacancies problem. We have been able to consider district court nominees more quickly because they have been generally less controversial and ideological than this President's choices for the circuit courts. Not all of the district court nominees we have considered, however, have been without controversy. One of the nominees on whom we have proceeded received a majority "Not Qualified" peer review rating from the ABA due to his relative inexperience. Five other district court nominees have received some "Not Qualified" votes during the ABA peer reviews. This is despite the fact that the ABA's rating now come after the President has given his imprimatur to the candidate and peers may be chilled from candidly sharing their concerns.

A number of President Bush's district court nominees to lifetime seats on the Federal bench have also been unusually young and have been practicing law for a little more than a decade. Some of them have views with which we strongly disagree. Several of this President's judicial nominees seem to have earned their nominations as members of the Federalist Society. Others have records demonstrating that they are pro-life and will actively undercut women's right to choose. Some have already gone on to issue decisions against the privacy rights of women. Many of this President's district court nominees have been very active in Republican and conservative politics or causes. Still other nominees have been intimately involved in partisan politics or played key roles in Republican fundraising. Today, the Senate is confirming a person whose spouse is employed as the treasurer of Senator SANTORUM's election campaign.

The Federal district courts matter. They are the courts of first resort, the trial courts where individuals' claims are tried or dismissed. Not everyone can afford the costs of appealing a trial court ruling. Additionally, circuit courts traditionally give great deference to the findings of the lower court that examined the claims and observed witnesses first hand, rather than making new factual findings based on a cold record. Of course, matters of law are reviewed by the circuit courts, and their rulings can have a substantial impact on the development of the law, especially with a Supreme Court that hears fewer than 100 cases per year.

Because we have moved quickly and responsibly on consensus nominees, the number of vacancies is not at the 153 mark it would be at with no action, but is down to 80. On July 10, 2001, with the reorganization of the Senate, we began with 110 vacancies, 77 of which were on the district courts. Despite the large number of additional vacancies that have arisen in the past year, with the 60 district court confirmations we have had as of today, we have reduced district court vacancies to 51. That is almost to the level it was at when Republicans took over the Senate in 1995.

The opposition party dismisses this achievement in a backhanded way, but it is one of the most significant things we have accomplished for the sake of the Federal courts and for litigants in the Federal courts. It has not been easy to process that many district court nominees in little more than one year. We have confirmed more of this President's district court nominees over the past year than in any of the prior 6½ years of Republican control. Indeed, we have achieved more district court confirmations in the last 13 months than Republicans accomplished in all of 1999 and 2000 combined and more than were confirmed during the last 30 months of Republican majority control of the Senate.

We have had hearings for more of this President's district court nominees than in any year of the Reagan Administration, and he had 6 years of a Senate majority of his own party. Indeed, we have confirmed more of President George W. Bush's district court nominees in these past 13 plus months than were confirmed in any year of his father's presidency and more than were confirmed during his father's first two full years combined.

In contrast to how fairly we have treated this President's Federal court nominees, consider how poorly nominees were treated during the prior 6½ years of Republican control of the Senate. Some district court nominees waited years and never received a hearing. For example, nine district court nominees from Pennsylvania alone never got hearings, including then Pennsylvania Common Pleas Court Judge Legrome Davis, who was subsequently re-nominated by President Bush and confirmed earlier this year. Four district court nominees from California were never given a hearing by Republicans despite the full support of their home State Senators. These are just a few examples of Republican obstruction of judicial nominees. In all, more than three dozen of President Clinton's district court nominees never received hearings or votes by Republicans.

Several others received hearings but never were given votes by the Republican-controlled Judiciary Committee. These included six district court nominees, such as Fred Woocher, a California district court nominee and Clarence Sundram from New York. Still others waited hundreds and hundreds of days to be confirmed, such as Judge Susan Oki Mollway of the District Court in Hawaii, whose nomination languished for 913 days before she was confirmed, and Judge Margaret Morrow of the District Court for the Central District of California who waited almost 2 years, 643 days, to be confirmed. Let us not forget Missouri Supreme Court Justice Ronnie White who was delayed twice only to be defeated on the Senate floor, in a sneak attack. Judge White had waited 801 days only to be defeated through character assassination on the floor of the Senate. In all, nearly 60 of President Clinton's judicial nominees were blocked, many in the dark of night through secretive, anonymous holds.

When confronted with their record Republicans often refer to all nominees not getting hearings in 1992. That year, the Senate confirmed more of President George H.W. Bush's judicial nominees than in any year of his presidency and confirmed more judges than in any year in which the Republican majority controlled consideration of President Clinton's nominees. In 1992, 66 judges were confirmed. So, even though some nominations were returned, the Senate in 1992 worked hard to confirm a substantial number, 66, of new judges in the 10 months they were in session during that presidential election year. By contrast, in 1996 when the Republicans were in the Senate majority only 17 judges were confirmed all year and none for the vacancies on the courts of appeals. In 2000, the Republican majority in the Senate confirmed only 39 judges.

When the Senate is working hard to confirm judges, as it was in 1992 and since last summer, it may be understandable that not all nominees can be considered. When, as was the case during the Republican majority, the Senate is averaging only 38 confirmations a year and going months and months without a single hearing, the circumstances are quite different. The Republican majority in their 6½ years of control of the Senate ensured that they never treated President Clinton's judicial nominees better than the best year of former President Bush's Administration—just as they made sure that President Clinton's total number of judges appointed never reached that of President Reagan. By contrast, the Democratic majority has reversed the downward spiral and has treated this President's nominees more fairly than the Republican majority treated those of the last President.

We have also been confirming this President's judicial nominees at a record pace. Rather than continue the Republican pace of 38 confirmations a year, we have worked hard to do better. We have been so fair to President George W. Bush, despite the past unfairness of Republicans, that if we continue at the current pace of confirmations, President Bush will appoint 227 judges by the end of his term. If this President were to serve two terms like Presidents Reagan and Clinton, he would amass 454 judicial appointments, dramatically shattering President Reagan's all-time record of 382. Some may say we have been foolishly fair, given how Republican treated the nominees of the last Democratic President. But this, too, demonstrates how fair the Democratic Senate majority has been these last 13½ months.

When we adjourned for the August recess we had given hearings to 91 percent of this President's judicial nominees who had completed their paperwork and who had the support of both of their home-State Senators. That is, 84 of the 92 judicial nominees with completed files had received hearings. Indeed, when we held our last nomination hearing on August 1, we had given hearings to 66 district court nominees and we had run out of district court nominees with completed paperwork and home-State support. Only two district court nominees were eligible for that hearing. This is because the White House changed the process of allowing the ABA to begin its work prior to formal nomination. This unilateral change by the White House has already cost the federal judiciary the chance to have 12 to 15 more district court nominees on the bench and hearing cases these past 13 months. Many more of the two dozen pending nominees may not receive an ABA evaluation in time to be considered by the Senate this year.

On average, the ABA reviews of district court nominees have been received 59 days from the date of nomination. With the recent delays that we have experienced in the time nominees are taking to complete the Committee questionnaire and the changeover in personnel at the ABA, that time may continue to expand in the few weeks remaining to us before the recess in October this year. Thus, even as the White House professes to blame the Senate for not making progress on even more nominees, it continues to do all it can to delay the process due to its unilateral approach.

In January I had proposed a simple procedural fix to allow the ABA evaluation to begin at the same time as the FBI investigation, as was the practice in past Republican and Democratic administrations for 50 years. Then the ABA could be in position to submit its evaluation immediately following the nomination. Had this proposal been accepted, I am confident there would be more than a dozen fewer vacancies in the Federal courts. Instead our efforts to increase cooperation with the White House have been rebuffed. We continue to get the least cooperation from any White House I can recall during my nearly three decades in the Senate.

In spite of the obstacles they have put in the way of their own nominees through their lack of consultation and cooperation, we have been able to have a record-breaking year restoring fairness to the judicial confirmation process. We have been rewarded with nearly constant criticism from the administration and its allies.

White House Counsel Alberto Gonzales dismisses our accomplishments with a terse, one-sentence acknowledgement that Democrats have "made progress in holding hearings and votes on district court nominees." With today's vote, we have already confirmed 60 new Federal trial court judges. That is more than were confirmed in 21 of the past 23 years. We have confirmed more district court nominees in these past 13½ months than were ever confirmed by the Republican majority during their prior 6½ years of control of the Senate.

For example, in 1995, the year the Republicans took over the Senate, President Clinton nominated 68 district court candidates, but the Republican controlled Senate held hearings for and confirmed only 45 of those nominees. Republicans would call that 66 percent. In 1996, Republicans confirmed only 17 of the district court nominations pending and, of course no nominees to the circuit courts. That was 50 percent of the district court nominees. In 1997, Republicans allowed only 50 percent of the pending district court nominees to be confirmed. In 1998, they hit their high mark in considering district court nominees and allowed 77 percent to be confirmed. In 1999, they were back down to allowing the confirmation of slightly over half, 58 percent, of the district court nominees to be confirmed. Finally, in 2000, again Republicans allowed only little more than half, or 56 percent, of the pending district court nominees to be confirmed.

In contrast, we have already had hearings for 100 percent of those district court nominees who were eligible for a hearing. We have had hearings for 66 district court nominees, voted 64 of them out of committee and, as of today, 60 of them have been confirmed by the Democratic-led Senate.

I would like to thank the members of the Judiciary Committee who have labored long and hard to evaluate the records of the individuals chosen by this President for lifetime appointments to the Federal courts. The decisions we make after reviewing their records will last well beyond the term of this President and will affect the lives of the individuals whose cases will be heard by these judges and maybe millions of others affected by the precedents of the decisions of these judges.

While the opposition party seeks to attribute the vacancy crisis in the Federal courts to the Democrats, who only recently became the majority party in the Senate, I remain hopeful that the American people will discover the truth behind such partisan accusations. Republicans are trying to take advantage of the vacancies they hoarded while waiting for a Republican President with an ideological approach to judicial nominations. Democrats are trying to clean up the vacancies mess that the Republican majority created. I am proud of the efforts of the Senate to restore fairness to the judicial confirmation process.

The Senate Judiciary Committee is working hard to schedule hearings and votes on the few remaining judicial nominees, but it takes time to deal with a mess of the magnitude we inherited. I think we have done well by the Federal courts and the American people, and we will continue to do our best to ensure that all Americans have access to federal judges who are unbiased, fair-minded individuals with appropriate judicial temperament and who are committed to upholding the Constitution and following precedent. When the President sends judicial candidates who embody these principles, we have tried to move quickly. When he sends controversial nominees whose records demonstrate that they lack these qualities and whose records are lacking, we will necessarily take more time to evaluate their merits.

Mr. HATCH. Madam President, I rise today in support of the confirmation of Terrence McVerry, who has been nominated to serve as a U.S. District Judge for the Western District of Pennsylvania.

Terrence McVerry has the breadth of experience and accomplishment we look for in a Federal judge. After graduating from law school, Mr. McVerry served in the U.S. Army Reserves and the Pennsylvania Air National Guard. He then went to work as an assistant district attorney for Allegheny County, prosecuting hundreds of trials with an emphasis in major felonies and homicides.

Mr. McVerry also has 17 years of civil litigation experience representing individuals in a variety of matters including personal injury, real estate, contracts, family matters, estate planning, and small businesses and corporations.

Mr. McVerry has been an able legislator, winning election to the Pennsylvania House of Representatives in 1979 and serving there for 21 years. In 1998 Governor Tom Ridge appointed him to fill a judicial vacancy on the Court of Common Pleas of Allegheny County in the Family Division. Currently Mr. McVerry is the solicitor of Allegheny County, acting as the chief legal officer and director of a governmental law department comprised of 36 attorneys.

I thank my colleagues for joining me in my unqualified support for Mr. McVerry.

Mr. SPECTER. Mr. President, I seek recognition today to express my strong approval of the Senate's confirmation of Mr. Terrence F. McVerry who President Bush nominated for the United States District Court for the Western District of Pennsylvania. The American Bar Association has rated Mr. McVerry "unanimously well-qualified" to sit on the bench.

Mr. McVerry received his B.A. degree from Duquesne University in 1962 and his J.D. from Duquesne University School of Law in 1968. After finishing law school, Mr. McVerry started his legal career in the Allegheny County District Attorney's Office. He prosecuted hundreds of bench and jury trials with a concentration on major felonies and homicides. After serving in the District Attorney's Office, he and two colleagues formed their own private practice. He went on to serve as a partner in several other prestigious Pittsburgh firms.

Mr. McVerry has also served as a member of Pennsylvania House of Representatives and as a member of the Pennsylvania Commission on Sentencing. He served his country by joining the United States Army Reserve and the Pennsylvania Air National Guard. Former Pennsylvania Governor Tom Ridge nominated him to fill a judicial vacancy on the Court of Common Pleas to Allegheny County.

Currently, he serves as a Soldier for Allegheny County, Pennsylvania, where he is the chief legal officer and director of a governmental law department comprised of 36 attorneys. In this capacity, he is responsible for the representation of all branches and departments of a county government that has approximately 7,000 employees and responsible for nearly 1.3 million inhabitants.

Pennsylvania is fortunate to have an extremely well-qualified nominee like Mr. McVerry. This success is due to the bipartisan nominating commission which Senator SANTORUM and I have established. This commission reviews all federal judicial candidates and recommends individuals to Senator SANTORUM and myself. We then recommend these individuals to the President.

I thank my colleagues for their confirmation of Mr. Terrence McVerry to sit on the United States District Court for the Western District of Pennsylvania.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

HOMELAND SECURITY ACT OF 2002—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed under Senator LIEBERMAN's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM INSURANCE

Mr. REID. Mr. President, I have to believe that the President is not getting the right information from his staff; otherwise, knowing him, I cannot believe he would say some of the things he has said recently.

I was running yesterday morning, and on Public Radio I heard a preview of the speech the President was going to give before a union in Pennsylvania. And I thought they must have made a mistake. Then, later in the day, I heard him complete that speech, and he went ahead just as they had said on Public Radio.

As we consider homeland security and the measures we should take to defend America, I think it is important we talk about terrorism insurance. That is the issue I want to talk about. I believe the President has not received the proper information from his staff.

Following the attacks on the World Trade Center and the Pentagon about a year ago, many American businesses have had trouble purchasing affordable insurance covering acts of terrorism.

As a consequence, many construction projects and real estate transactions have been delayed, interrupted, and in some cases canceled. We are talking about billions of dollars worth of projects that have been stalled, some terminated, solely because of the lack of being able to purchase terrorism insurance.

These problems cost many American workers their jobs and prevent businesses from being as productive as they could be. Clearly, the lack of affordable terrorism insurance has had a harmful effect on our Nation's already troubled economy.

I am glad we are back from our break and the President is back from his vacation. However, as I have indicated, yesterday, the President made some statements relating to terrorism insurance, about the need for Congress to move forward on terrorism insurance, that simply were without any fact.

As millions of students across the country go back to school, I want them to understand that they must speak the truth. I repeat, I do not think the President said what he said yesterday based upon full knowledge of all the information.

The truth, Mr. President, is Senate Democrats—because I have been here offering the unanimous consent request for months—have been leading the effort to pass an effective terrorism insurance bill—and we started on this last year—while Republicans have delayed and attempted to thwart this important legislation time after time. The President should know that. The leadership in the Congress of his party has not allowed us to go forward on this legislation.

One of the statements he made before the union is: I am for hard hats, not trial lawyers.

This is terrorism insurance. We should move it forward. I am confident everyone can see through these statements the President made as being without fact.

I want to remind him and the people who give him advice—give him good information, good background information so he can speak with the full knowledge of the facts.

We are eager to pass terrorism insurance. We have done everything within our power to do that. This would help workers, businesses, and the Nation's economy.

Shortly after the terrorist attacks last year, our colleagues—Senators DODD, SARBANES, and SCHUMER—developed a strong bill to help businesses get the affordable terrorism insurance they badly need.

When we attempted to move this bill last December, the minority voiced no fundamental disagreement with the bill but argued over the number of amendments to be offered. This was done in an effort to prevent us from moving forward on this legislation. So we could not do it in December. We came right back and started on it. After having had many private attempts to get this legislation moving, we decided to go public and try to move it from the floor, right from where I stand.

We tried offering in early spring unanimous consent agreements to take up the terrorism insurance legislation. Again, there was no objection to the base text or that the Dodd-Sarbanes-Schumer bill should be the vehicle we would bring to the floor. They wanted some amendments. We wanted to treat this as any other legislation. They said let us agree on the number of amendments. Whatever number we came up with wasn't appropriate. We could not move it. Finally, they simply disagreed with bringing up the bill at all.

It is the right of the majority leader to decide which bills are brought to the floor. If the minority is opposed, they have the right to offer amendments and attempt to modify the text of the bill. We have offered to bring the bill up with amendments on each side so everyone could have the opportunity to make changes.

Nevertheless, the minority continued to object and further prevented us from passing the terrorism insurance legislation.

In April, the importance of the terrorism insurance legislation was enunciated by Secretary O'Neill in his testimony before the Appropriations Committee that the lack of terrorism insurance could cost America 1 percent of the GDP because major projects would not be able to get financing.

Finally, we were able to get an agreement that we could bring the bill to the floor. We passed the legislation. And then came weeks and weeks of more stalling by the minority. We could not get agreement on appointing conferees. We attempted and attempted and attempted. First, they were upset because the ratio was 3 to 2, which is fairly standard. They said they wanted 4 to 3. So we came back and said OK, and they still would not agree.

Finally, we were able to get agreement on the appointment of conferees. But now nothing is happening in the conference. We cannot do that alone. So I hope the record is clear. I know we refer to "the people downtown"—that is, the government representatives, the lobbyists who are concerned about this issue, the real estate and hotel owners, and these special interest groups. They know how we have tried to move this legislation. I only hope the people who have lost their jobs and are unable to move forward—these people in Pennsylvania yesterday who were told we are holding this up—understand that simply is not the truth.

So I certainly hope this legislation can be completed and we can have a bill sent to the President. It is the right thing to do. The legislation is important, and I hope we can do it sooner rather than later.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I yield 15 minutes of my time now to the Senator from Illinois who, I might say parenthetically, has been an extraordinarily thoughtful, constructive participant in the Senate Governmental Affairs Committee's consideration of the question of homeland security and, in that sense, has contributed mightily to the proposal we will put before the

Chamber tonight. I am glad to yield 15 minutes to Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank Chairman LIEBERMAN for his leadership on the Governmental Affairs Committee. I think the record demonstrates that before the President called for the creation of a Department of Homeland Security, our committee, the Governmental Affairs Committee of the Senate, under Senator LIEBERMAN's leadership, proposed a law to create such a Department.

At the time, it is interesting because it was on a partisan roll call, if I remember correctly, nine Democrats for it, seven Republicans against it. We argued that a question of this magnitude, a challenge of this gravity, required a separate Department at that moment in time. Neither the President nor his loyal followers in the Senate were prepared to join us in that effort.

So I salute Senator LIEBERMAN for his leadership, and I am happy now that we have reached the point where we are speaking again, as we should when it comes to our Nation's defense, in a bipartisan manner. I hope that as we proceed to the debate on this bill, we can gather together again that same bipartisan force.

There is nothing that says Congress or the Senate have to agree on everything and, frankly, if we did, it would probably betray the principles and values of this Nation. But when it comes to our national security and defense, particularly the creation of a Department of this magnitude, I think it is all well and good that when the debate ends, we do try to find some common ground.

Our Government simply has to change and adapt to the challenge of international terrorism. A reorganization of this magnitude is not going to be simple—it is going to take some time—but this Congress is up to the task. Throughout our history, from 1789 when the first Congress created the first executive branch Departments of State, War, and Treasury, to 1988 when the latest Department, the Department of Veterans Affairs, was created, Congress has worked to make sure the Government was organized to do the job the American people asked of it.

Protecting our Nation's people is our highest priority. On March 15, 2001, almost 6 months before the attack on September 11, the U.S. Commission on National Security/21st Century, known by the shorthand name of the Hart-Rudman Commission, named after its co-chairmen the distinguished former Senators Gary Hart and Warren Rudman, released a report entitled "Road Map For National Security: An Imperative For Change." The Commission was, unfortunately, prescient in seeing the vulnerability of the United States to terrorism. The No. 1 recommendation of the Hart-Rudman Commission was to create a Department of Homeland Security.

It is worth quoting for the record some of the report that came out of the Commission. It says, the combination of unconventional weapons proliferation with the persistence of international terrorism will end the relative invulnerability of the U.S. homeland to catastrophic attack.

These words were written 6 months before September 11. They went on in their report to recommend the creation of an independent national homeland security agency, and they suggested there were some agencies of Government which naturally would come under the roof and under the authority of this new Department and quite effectively, or at least more effectively, defend the United States.

The blueprint they laid out was really the basis for this bill we have before us, the Senate version, the Governmental Affairs version, from Senator LIEBERMAN. The backbone of the new Department will be FEMA, the Federal Emergency Management Agency, along with the Departments guarding our borders and our perimeter. This new Department everyone sees as a way to protect our country more robustly.

Some have questioned, though, how a new Department and how reorganizing Government will really make us any safer. Right now there are more than 45 agencies in the Federal Government with some responsibility for homeland security. If we look at it, it is just too diffuse. It cannot be focused. It cannot be coordinated. In the words of my friend and former House colleague, Gov. Tom Ridge, we are going to, frankly, not have the force multipliers we need that organization and coordination will bring.

Some of my colleagues have charged we are moving too quickly. Well, I happen to agree with the premise that this race to enact this legislation by September 11 of this year, on the 1-year anniversary of that terrible disaster, was precipitous. It would have been a miracle if we had been able to create a bill that quickly which would have really met the task. It is better for us to take the additional time to do it right. To meet some self-imposed deadline or some deadline imposed by the press or our critics does not make a lot of sense when we are talking about a Department that is going to be facing the responsibility of protecting America for decades to come.

As a member of the committee, I want to report to our colleagues that I think our committee has done its job. This does not mean we should not debate the issue and deliberate on some alternatives and some modifications. What we have before us is an effort, backed by bipartisan work for many years under both Republican and Democrat chairmen. This committee has held 18 hearings since last September 11 setting up this new Department. It is a committee that has held a series of hearings over the last 4 or 5 years on the issues that are involved.

I remind my colleagues that this extensive body of work of this committee and its chairman allowed our committee to report out a bill on May 22. Once the President decided he wanted a similar Department, we tried to coordinate his intentions with our own. Realizing that all wisdom does not reside in one branch of Government or the other, we have listened to the President's suggestions. I am hopeful he will be open to our own.

One of the things I included in this as an element that was of particular personal interest related to the whole question of information technology. The proposal to restructure 28 agencies into a new, unified Homeland Security Department poses a complex challenge to integrate the system's infrastructure of our information technology to support the new Department's mission.

Let me get away from these high falutin' words, high sounding words, and get back to the real world where I live, because I am not part of this computer generation. I struggle with my own computers and e-mail to try to be up to speed. In the amendment that I adopted, what we are really saying to the Office of Management and Budget is: We want you to have a special person, a special group, assigned the responsibility to coordinate the architecture of the computers that are supposed to be cooperating and working together in all of the different intelligence agencies.

I am sorry to report to the Senate and to the people following this debate that that does not exist today. In fact, it has been a very low priority. If we look at the sorry state of affairs of computers at agencies such as the Federal Bureau of Investigation, we can certainly understand the need for this amendment. Currently, each of the agencies we expect to consolidate has its own separate information technology budget and program—the Coast Guard, Customs, FEMA, INS, Secret Service, Transportation Security Administration, and others. Each one has a unique system that does not necessarily have the capacity to communicate or coordinate these activities. Frankly, is that not what this debate is all about, so that all the agencies of the Federal Government will coordinate their resources, their authority, and their wisdom into one unified effort to create the force multiplier that Governor Ridge mentioned?

Because these divergent systems need to be linked, it is important to ask key questions now to ensure this new Department will help the agencies brought together and others outside to coordinate their communication and share information. It is equally important to establish appropriate links between the Homeland Security Department and other agencies, such as the CIA, the National Security Agency, the Department of Defense, the FBI, the State Department, and State and local officials, which may not be embraced under the Homeland Security Department's organizational umbrella.

Given the current state of affairs in the Federal information technology systems reflected in incomprehensible delays in meeting congressional mandates, I think this is long overdue. I will give two illustrations of why this is timely.

Six years ago, Congress mandated the Customs Department and INS to establish a database to record those exiting the United States with visitor's visas. Those coming into the United States in many instances need visas to be in the United States, and we thought we should keep track of those who are leaving so we will know the net number of visa holders in the United States, which can range in the tens of millions at any given time.

Six years ago, Congress said to the INS: Keep track of people leaving with a visa. Six years later, it is still not done. It has not been accomplished. The inspector general at the Department of Justice tells us it is years away.

So when Attorney General Ashcroft said, to make America safer, we are going to take the fingerprints and photographs of all people coming into the United States on a visa, I am sure people around America were nodding their heads saying, I guess that is necessary; it is certainly reasonable. Well, it is technologically impossible today to do it. We do not have the computer capability to keep track of people leaving the United States with a visa, let alone the millions coming into the United States on visas.

So for the Attorney General to make that suggestion is to say that he is going to go drill for oil on the Moon. It is not going to happen—not until we come a long way from where we are today.

We also said, incidentally, to the FBI and the Immigration and Naturalization Service: We notice that they both collect fingerprints. Can they merge their databases so that law enforcement agencies across the Federal Government, across the Nation, around the world, will have access to a common database of fingerprints collected by the United States? We asked them to do that 3 years ago. It still has not been done.

So when it comes to information technology, do not delude yourself into believing we are where we ought to be. We are not. The creation of this Department and the amendment which Senator LIEBERMAN and others were happy to accept and said nice things about, I hope will move forward in achieving that goal.

The enterprise architecture and resulting systems must be designed for interoperability between many different agencies. I hope we get this achieved quickly.

I have had a great deal of frustration, even anger, over the lack of progress we have made since September 11. To have the new person in charge of information technology from the FBI testify before the Judiciary Committee saying it will be 2 years before the FBI is up to speed with their computers is totally unacceptable. Members should not stand for that one second. To think one can go to any computer store in any major city in America and buy computers with better capability than the computers of the Federal Bureau of Investigation is shameful. That exists today; it should change. This bill will be part of the change.

Also, I raise another issue briefly. After the events of September 11, we heard from a number of people—Governor Ridge, Secretary Thompson of the Department of Health and Human Services—about concern for our Nation's food supply and its vulnerability to attack. We have to be mindful and sensitive. I thank Senator LIEBERMAN for including my language on food safety and security in this legislation, directing the Secretary of the Department of Homeland Security to contract with the National Academy of Sciences to conduct a detailed study to review all Federal statutes and regulations affecting the safety and security of the food supply, as well as the current organizational structure of food safety oversight to figure out if we can do it better. I think we can. I believed that for a long time. I pushed for better coordination, better definition, better objectives for food safety. Now, this is a different level. It is not a question of food that can be contaminated by natural causes, but food that could be jeopardized and contaminated by enemies of the United States. It is part of the same consideration but raises it to a much higher level.

I close by thanking Senator LIEBERMAN for his leadership on this issue. This reorganization is complicated. Although we are a great deliberative body, we have to roll up our sleeves and deal with it. We approach the anniversary of September 11 and know further attacks are not only possible, but in many instances our open society invites them. We do not have the luxury of waiting. If there were another attack since last September 11, this bill would have passed out of here a lot sooner. Now that we have the time to do it, let's do it and do it right.

I thank Senator LIEBERMAN for his leadership, and I yield the floor.

Mr. LIEBERMAN. Mr. President, I thank Senator DURBIN for his statement and for the contributions he made substantively to the proposal and for his eloquent advocacy for the urgent necessity to get together and create a Department of Homeland Security.

I yield the floor.

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Ms. COLLINS. Mr. President, I yield myself as much time as I may consume from the time of Senator THOMPSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to discuss the legislation before the Senate that will result in the most significant reorganization of the executive branch in more than 50 years. The creation of a Cabinet-level Department of Homeland Security is of fundamental importance to our national security. I believe it is one of the most important pieces of legislation we will consider during this Congress.

In the year since the terrorist attacks on our Nation, much has been done to make our country more secure. Congress has approved billions of dollars to secure our borders, protect critical infrastructure, train and equip first responders, and better detect and respond to a bioterrorism attack. Our brave men and women in uniform have been fighting valiantly in Afghanistan and have succeeded in many of the goals in the war against terrorism.

The creation of the Department of Homeland Security is another important step in our efforts to secure our Nation against another terrorist attack. This sweeping reorganization dwarfs any corporate merger that you can think of. It involves some 200,000 employees and nearly $40 billion in budget. The task before the Senate is truly daunting, and it is important we get the job done right.

Currently, as many as 100 Federal agencies are responsible for homeland security. But not one of them has homeland security as its principal mission. That is the problem with our current organizational structure. With that many entities responsible, nobody is accountable and turf battles and bureaucratic disputes are virtually inevitable.

If we are to overcome these problems and create a national security structure that can defend our Nation, we must unite the current patchwork of agencies into a single new Department of Homeland Security. This agency would work to secure our borders, help protect our ports, our transportation sector, and protect our critical infrastructure. It would synthesize and analyze homeland security intelligence from multiple sources, thus lessening the possibility of intelligence breakdowns or lack of communication. Furthermore, the new domestic security structure would coordinate Federal communications regarding threats and preparedness with State and local governments, as well as with the private sector.

Our efforts to create a new Department of Homeland Security will help to remedy many of the current weaknesses of the past and thus help to protect us against future terrorist attacks.

As a member of the Senate Governmental Affairs Committee, which held extensive hearings on the reorganization legislation, I have had the opportunity to consider a multitude of ideas and concepts regarding the creation of the new Department. We heard excellent testimony from Governor Ridge, from the Directors of the FBI and the CIA, and from a host of other experts. They all shed light on the problems that are created by our current disorganization in the area of homeland security. They all shed light on the problems that have impaired our ability to defend our homeland and on the threats that we now face and inevitably will face in the future.

During the committee's consideration of this bill, I expressed concerns that in our effort to create a new Department, we must be careful to protect the traditional missions, the very important missions of the agencies that are being assembled into this giant new department. In particular, I believe the Coast Guard's traditional functions, such as search and rescue and marine resource protection, must be protected and maintained.

Since the tragic events of September 11, the Coast Guard's focus has shifted dramatically to homeland security. I talked with Coast Guard officers in Portland, ME, who told me the amount of time they are now spending on port security operations and inspecting foreign vessels coming into the harbor in Portland. I have no doubt these are very important missions and that the Coast Guard plays an essential role in homeland security. And I believe it should play a leading role in the new Department. However, we know the Coast Guard cannot continue to focus on homeland security missions without jeopardizing its traditional focus. I am concerned that if the current resource allocation is maintained and the Coast Guard continues to perform these new homeland security responsibilities, its traditional missions will be sacrificed.

The President's budget goes a long way to try to remedy this problem by allocating significant new funds for the Coast Guard. But we also need to make sure the organizational structure in the new Department also safeguards the Coast Guard's traditional mission.

For example, prior to September 11, port security missions accounted for approximately 2 percent of the Coast Guard's resources. Immediately following the terrorist attacks, the Coast Guard deployed 59 percent of its resources to port security and safety missions. As a result, many of the aircraft and vessels traditionally used for search and rescue were far removed from their optimal locations for that function. Even after the immediate impact of the September 11 attacks subsided, its impact on the resources of the Coast Guard remained. Indeed, from April through June of this year, the Coast Guard devoted 9 percent fewer hours on search and rescue missions than it did in the year before.

Because of the Coast Guard's importance to coastal areas throughout our Nation, any reduction in its traditional functions is cause for great concern. Those of us who represent coastal States know how absolutely vital the mission of the Coast Guard is. Last year alone, the Coast Guard performed over 39,000 search and rescue missions and saved more than 4,000 lives. On a typical day, the Coast Guard interdicts and rescues 14 illegal immigrants, inspects and repairs 135 buoys, helps over 2,500 commercial ships navigate in and out of U.S. ports, and saves 10 lives. That is on a typical day. In short, the Coast Guard's traditional missions are of vital importance and they simply must be preserved.

Let me take a moment to talk about the Coast Guard's impact and its importance in my home State of Maine. Each year, the Coast Guard performs about 300 search and rescue missions in my State. These missions are literally a matter of life and death. Since October of 1999, 14 commercial fishermen have lost their lives at sea. Commercial fishing is one of the most dangerous of occupations, and the Coast Guard every year saves fishermen who get into trouble. How many more would have died or been injured if the nearest Coast Guard cutter had not been in port? How many more fishermen or recreational boaters will lose their lives if the local Coast Guard stations must devote the vast majority of their time to homeland security functions?

I agree that the Coast Guard must perform homeland security functions. The role the Coast Guard is playing in securing our ports is vitally important. But it is also vitally important that it not do so at the expense of its traditional missions.

To respond to this challenge, Senator STEVENS of Alaska and I teamed up to offer an amendment during the Governmental Affairs Committee markup of this legislation. We offered a successful amendment to preserve the traditional functions of the Coast Guard, even as the agency is moved into the new Department of Homeland Security. I want to recognize Senator STEVENS and thank him for his leadership on this issue, as well as recognize the support of our colleagues who voted for our amendment in committee.

Our amendment establishes the right balance between homeland security functions and the traditional missions of the Coast Guard. It ensures that the Coast Guard's non-homeland-security functions shall be maintained after its transfer into the new Department but also provides for flexibility in the event of a national emergency or an attack on our Nation.

The amendment also has the Commandant of the Coast Guard report directly to the Secretary. In the chairman's draft, he would not have done so. Thus, his role would have been devalued or demoted. Our amendment, the Stevens-Collins amendment, remedies that problem.

Our amendment will help to protect our coastal communities' economies, their way of life, and their loved ones, while Americans, wherever they live, can rest assured that the Coast Guard will perform its necessary and vital homeland security functions. I believe our language strikes the right balance.

As we craft this bill, it is also important that we never forget who is on the front lines in the event of a national emergency. We learned on September 11 who responds. It is not the response of people in Washington. The people who are on the front lines are our police officers, our firefighters, and our emergency medical personnel. That is why we need to make sure the new Department coordinates its activities and supports the activities of the local first responders.

I thank Senator FEINGOLD for his leadership in ensuring that the interests of the first responders are ever in our mind. I worked with him as well as with Senator CARPER on an amendment in committee that strengthens the role of first responders in homeland security, that recognizes their contributions.

We offered an amendment to enhance the cooperation and coordination among State and local first responders. The new Department will be required to designate an employee to be based in each and every 1 of the 50 States to be a liaison to State and local governments. I think that is so important. And it recognizes that this is a joint effort.

Similarly, an amendment Senator CARNAHAN and I offered will help our community fire departments by expanding the current grant program known as the FIRE Program. As I am sure the Presiding Officer knows, because he represents a rural State, as I do, the FIRE Program has been so important in helping a lot of our small, rural fire departments upgrade their equipment and their training.

The amendment the Senator from Missouri and I offered in committee would expand the FIRE Program and provide fire departments with the ability over 3 years to receive maximum grants of $100,000 to hire personnel. When I talk to my fire chiefs at home, they tell me that not only do they need help with equipment and training but they need more firefighters.

For those of us who went to New York City, one of the memories I will carry with me forever was talking with the fire commissioner and learning how many firefighters lost their lives on September 11. I will never forget his telling me that more firefighters died on that day than in the previous 70 years of the New York City Fire Department. It is the firefighters, the police officers, the emergency medical personnel who are always first on the scene. We cannot forget that these brave individuals will be the first to be called upon if and when a terrorist attack again occurs.

The New Department of Homeland Security is an essential component of our response to current and future threats. As the brutal attacks of September 11 demonstrated, distance from our enemies and the barriers of oceans no longer guarantee the security of our homeland. The bill we are considering today is another important step in preserving and strengthening our homeland security. I believe this legislation will help to make our Nation more secure, and I am hopeful that we will pass it quickly after due consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I yield myself 10 minutes from the time controlled by Senator BYRD.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. REED. Mr. President, we are here today for three major reasons. The first is the obvious need to restructure our security to confront new threats that were unanticipated in the cold war. The thought is that we do need to create a Department of Homeland Security. I support that. We are also here today because of the groundbreaking work of Senator LIEBERMAN and colleagues on the Governmental Affairs Committee. Before this proposal was invoked by the administration, they were working on it. They were developing through hearings the substance to make the presentation for which we are here today. But finally, we are here today because of Senator BYRD's insistence that we consider this very significant reorganization in the context of our Constitution and of our responsibility as Members of the Senate to ensure we maintain the constitutional balance that is the heart of this Government.

It would be ironic indeed that in the name of winning the war on terror, we lost the very goal we were trying to protect, which is a constitutional government in which all of us play a significant role—the executive, the legislature, and the judiciary.

I think it is important, as we consider this legislation, to look carefully and thoughtfully at this proposed reorganization. It is an extraordinary combination of governmental entities. Approximately 170,000 employees will be combined into this new Department. It will affect 22 existing agencies. At least 11 full Senate committees have oversight responsibilities for these existing agencies.

This is an extraordinary moment, and we have to act deliberately, carefully, and thoughtfully. That is why I think it is so critical that this debate take place and why it was so important that Senator BYRD was able to indeed encourage and inspire and in many respects direct the debate we are having today.

One of the major elements within this organization—there are many, and I would like to allude to a few—is the treatment of intelligence. We understood very starkly and very tragically on September 11 that intelligence is probably the key to successful protection of the United States, our home. We understood that. And now we have to take that lesson and apply it.

One of the proposals made by the administration is to create an intelligence capacity within the new Department of Homeland Security. I agree with that. I think this new Department has to have an intelligence capacity. Unfortunately, in terms of the administration's proposal, I think there are two clear shortcomings. First, they have established the intelligence capacity in the context of the infrastructure protection responsibilities of this new Department. Clearly, intelligence has to go beyond simply protecting our infrastructure.

As Senator LIEBERMAN indicated previously in some of his comments, the World Trade Center and other targets were not properly considered critical infrastructure in the United States. But certainly on September 11 it was the target of terrorists. I think we have to disassociate the intelligence aspects of the Department in the very narrow view of infrastructure protection.

The amendment which Senator LIEBERMAN will propose once we move to the bill will effectively address the issue and the problems.

There is also another problem; that is, the administration would only allow this intelligence operation within the new Homeland Security Department to take data provided by other agencies and analyze it. It does not give that entity the right to reach out and get raw intelligence data. I think that has to be a critical responsibility and a critical authority of this new intelligence division.

Again, the bill that I believe Senator LIEBERMAN will submit at the conclusion of this debate will have that authority in the Homeland Security Department. That is critical.

The essence here is to have a place in the Government where—as said so often because it is so true—all the dots are connected. But you can't do that and rely on the intelligence products of other agencies. You can't do that if your focus is restricted to infrastructure protection.

As a result, I think this is illustrative of some of the problems of the administration's proposal, and certainly some of the problems of the House bill. I should point out, as has been pointed out before, that we are now debating whether the Senate will bring it up for consideration.

There are other areas that are of concern to me. One has just been discussed quite articulately by my colleague and friend from Maine, Senator COLLINS; that is the Coast Guard. Here is an agency which, after September 11, has been decisively engaged in port protection. Port protection by the Coast Guard has gone from a rather minor operation before September 11 to one of their major operations. We have all seen that. In my community of Providence, RI, we have the Narragansett Bay. We have the Port of Providence. For the first time in my memory—and perhaps since World War II—we are seeing Coast Guard cutters escorting LNG tankers through the Narragansett Bay while the whole waterway was shut down by police and the National Guard. That is a time-consuming operation and one which has been replicated in the 361 ports of the United States. Also adding to that is the Coast Guard's obligation to patrol about 95,000 miles of coastline.

The problem, though, is, as my colleague from Maine pointed out, that the Coast Guard has many other responsibilities. She referred to a typical day. On a typical day, the Coast Guard conducts 109 search and rescue missions, saves 10 lives, assists 92 boaters in trouble, and seizes 169 pounds of marijuana and 360 pounds of cocaine worth about $9.6 million. They intercept illegal immigrants coming into the United States. They respond to calls with respect to hazardous chemical spills. They inspect and repair boats. They assist nearly 200,000 tons of shipping just in the Great Lakes during the winter season alone. What will happen to these other responsibilities?

I know the committee has dealt with this and has tried to strike a balance. But it is an area of concern, and it is an area that illustrates the difficulty of combining all of these agencies with the mission of homeland security which might trump other legitimate missions. We have to be careful with this. In the course of our debate and discussion, I think we have to focus on this issue and other issues.

Much can be said in a similar vein about the Immigration and Naturalization Service. Here you have an agency which has two major responsibilities: Protect the borders from illegal entry and at the same time provide assistance to those individuals who are in the United States legally who want to become citizens or who are here on some type of temporary protective status and need to be supervised by the United States. Those are diametrically opposed responsibilities.

We have to ask ourselves the question: If the INS is part of the Department of Homeland Security, will they emphasize one and de-emphasize the other? I think, frankly, most people will assume they will emphasize protecting the borders of the United States. After all, that is probably the most important issue with respect to homeland security.

What happens to the literally millions of individuals in the United States who legitimately need the services of the INS? Already today, there is a backlog of approximately 5 million cases around the country in terms of applications to the INS for clarification of status. Indeed, as the National Immigration Forum noted in their words, "it is hard to imagine that a Federal agency whose primary issue is to deter terrorism will be able to strike and maintain an appropriate balance between admitting newcomers and deterring security threats."

We see that these contradictions are replete throughout the reorganization. I again think a careful, thorough, and complete deliberation should be attendant to the consideration of this legislation.

I would like to mention just briefly a final area, an area which I think will come back again and again; that is, the administration's proposal—and the proposal in the House of Representatives—to put up severe barriers to the right of Federal employees to organize collectively and to exercise their rights; and, also, the protection for the Civil Service.

We have to be very conscious of this and ask the very fundamental question: Why are we attempting to undercut provisions for which no one, I think, has seriously made the case they have interfered with our ability to conduct the war on terror, to conduct intelligence operations?

As you probably realize, President Kennedy, 40 years ago, under executive order, gave Federal employees the right to organize in collective bargaining units. President Nixon expanded those rights in 1969. In 1978, the Civil Service Reform Act codified most of these executive orders.

Throughout the course of our history, these responsibilities have also given the President the authority to make exemptions for national security. And they have made those exemptions.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. REED. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. BYRD. Mr. President, I yield one additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Senator.

Over the course of our history, certainly in the 40 years, since these rights became established by executive order, there have always been appropriate exemptions in which the President could, for national security reasons, exempt individual employees or groups of employees from these rights. Our Presidents have done that. As a result, we have a situation in which I think a classic statement applies: If it is not broke, why are we trying to fix it? And it is not broken.

Again, in my final few moments, I heard from my colleague from Maine—and I have heard it again and again—those firefighters struggling up the stairs of the World Trade Center were union employees. No one checked with their bargaining agent before going up those stairs. In fact, I don't think they even checked with some of their captains and battalion commanders. They went up those upstairs because it was their job and their duty and their lives. And many of them paid with their lives.

It is that spirit that emanates from those firefighters that encourages and embraces all dedicated civil servants in our Federal Government. I think to pursue this initiative is really, in a way, a slap at them, an insult to what they bring each and every day to their jobs, to their tasks, to their duty.

So I hope we adopt provisions, which I believe the Lieberman bill has, which recognize the right to organize, the right for civil service protections, and also flexibility, for management, by the President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time does the distinguished Senator from South Carolina wish to have?

Mr. HOLLINGS. Thirty minutes.

Mr. BYRD. I ask the Senator, could you make it 20? Could we try for 20 to start with?

Mr. HOLLINGS: I will try to start with 20.

Mr. BYRD. I certainly want to be considerate with this Senator, this very senior Member of the body. And I am glad that he is a Member at this time.

Let's say 20 minutes at this point. My time is limited, but let's start with that and see how we come out.

Mr. HOLLINGS. Mr. President, right quickly, the distinguished Senator from Rhode Island was talking about the firemen running up those steps. It brings to mind 4 years ago the creation of the Office of Domestic Preparedness by this Congress.

We were confronting terrorism long before 9/11. Mr. President, 144,000 individuals have been through schools in Nevada, New Mexico, Louisiana, Texas, and Alabama. There are five big schools there to train the first responders. And that training has been really salutary in the sense that in the state of New York we have had over 17,000 first responders who were trained in the ODP program. So I say to the Senator, many who rushed up those steps had received the training and were responding in accordance with the foreseeability that we had in the congressional branch with respect to terrorism.

I jump right quickly, with my time limited, to the hearings that we had. We hear so much about Hart-Rudman. We had hearings in the Senate, not just deciding on Hart-Rudman, that large bureaucracy, but, on the contrary, after 3 days of hearings in the State-Justice-Commerce Subcommittee of Appropriations we came down with a further beefing up of the Office of Domestic Preparedness. At the present time, ODP has a budget of $1.2 billion. We already have at the desk, unanimously approved by the Appropriations Committee and ready for debate, an increase of $1 billion, some $2.2 billion.

In short, we were on the floor of the Senate on 9/11 debating terrorism. I emphasize that because they go right to the point and say they don't believe in domestic security.

We have been working on domestic security since immediately after 9/11. I got together—and I must tell this story because it has already passed me with respect to the gun crowd—but be that as it may, I sat down with the El Al chief pilot from Israel who flew over from Tel Aviv and sat down and talked with us, myself and about four other Senators.

At that seating, he emphasized the security of the cockpit door because I asked him: Sir, how is it that El Al, the airline most subject to be under the gun, where the terrorists do not even wait now, for example, to get to a plane—they shoot up the ticket counter like they did out in Los Angeles—that you have not had a hijacking in 30 years?

He said: There is one way to prevent hijackings. Secure the cockpit door, and never open that door in flight.

Let me emphasize, he said: My wife can be assaulted in the cabin. I would go straight to the ground, and law enforcement would meet me there.

In flight, you do not want to give responsibility to the pilots for law and order. You give the pilots the responsibility for flying the plane. If they have the responsibility, with a gun, for law and order, then they have made a bad mistake because the pilots cannot prevent a plane from being hijacked. The enemy is not a single hijacker. There are teams of terrorists, suicidal terrorists, who do not mind losing their lives. And, yes, you can stop one or two, maybe, but the next three will take that plane over, and you will have a 9/11.

I think our responsibility in this particular debate is—in addition to going up to New York on Friday, in addition to having the debate here, and a whole day turned over on next Wednesday, which I commend—but the main thing is for us to act and assume the responsibility that a 9/11 never happens again.

Once you secure that door—Delta Airlines has gone along with it, JetBlue is going along with it, but we are still debating it.

We immediately moved for airline security. We passed it 100–0 in a bipartisan bill. You see in the morning paper it is not turf. This Senate voted to put the Transportation Security Administration in the Justice Department. I was not trying to hold it because I am chairman of the Transportation Committee. I have commerce, science, and transportation. I was not trying to hold it in my committee. I voted to put it in Justice and defended this position on the House side arguing that Justice would get it up and going.

Instead I got a bureaucrat who was more interested in the logo and his office equipment and did not even talk to the airline managers. We confirmed—the pressure was on—before Christmas.

We voted without the committee confirming this particular gentlemen. We just reported it out and we had a vote on it without any debate whatsoever. But now we are behind the curve and we have Admiral Malloy over there, and I think he is a great man, and I think we can do a lot of repairing and we are going to be realistic about what we can accomplish. There is no use arguing about what kind of terminal dates and everything else. We live in the real world and we must work together.

We put in rail security, we put in seaport security before Christmas of last year. You don't find the administration pressuring the House to get going to pass it. They are still fussing about fees and taxes over there. They don't want to pay for it. It is domestic politics, reelection, not seaport security.

So there we are. We can go down the list of all the work we have done on it, and here comes this bill and what does it do? It organizes every entity that did not fail, like the Coast Guard, FEMA, and the Agriculture Department and everything else, and ignores the ones that did fail. 9/11 was an intelligence failure, and you will not get that out of the Select Committee on Intelligence that is investigating between the House and Senate because the entities of this administration—I am not saying the President knew anything will not be embarrassed. I am sure if the President knew anything he would have put measures in place to avoid it. But I can tell you here and now that the committee that is investigating is not going to speak out about the intelligence failure because it would reflect, if you please, poorly on the President's management of their FBI, their CIA, their National Security Agency.

I have been on the Intelligence Committee. In fact, I started in this work in 1954 on the Hoover Commission. The same problem we had almost 50 years ago with the FBI talking to the CIA, and the CIA talking to the FBI, persists today. I have gotten together with Bob Mueller, and he is a good man. He has hired some CIA officials. Last year before Thanksgiving, we gave him $750 million to clean up his computerization. He reorganized the Department and instituted a Department of Domestic Intelligence and now is talking, I understand, to George Tenet, the Director of the Central Intelligence Agency.

The CIA failed on 9/11. We already had the blowing up of the World Trade Towers almost 10 years ago. But the CIA said we didn't know a plane could be used. They did not know a plane could be used? They had the direct record in 1994.

In 1994, they had the Islamic group that was going to blow up the Eiffel Tower. Then, in 1995, they were working on a case out there in the Philippines where they uncovered a plan to blow up 12 planes at one time. The documents revealed that the terrorists, who had links to al Qaida, planned to ram a plane into the CIA building itself. But now they say they had no idea you could fly a plane into a building. Then al-Qaida blew up our embassies and blew up the USS *Cole*. They knew.

Right to the point, they had warned about this crowd so much so that the President actually had on his desk on September 10—the day before—a plan to attack Afghanistan. We had the intelligence. We just were not paying attention. The FBI also failed. There isn't any question about that. We know about the flight schools in Arizona. Agent Williams sent notice saying: There is something wrong. These people of Mideastern descent are trying to learn how to fly. We believe they are connected to fundamentalist groups, something's not right to me.

That word never did get up to the head of the FBI or the President of the United States. That was an intelligence failure. But we had the woman—Agent Coleen Rowley, I think her name was. When they arrested Moussaoui in Minnesota, they became so exercised she wrote a memo that: Look, this fellow doesn't want to learn how to take-off or land. He only wants to learn how to fly. We need to investigate him further. But the Minnesota field office was denied permission for a warrant.

Why should we investigate him further? Because he was training to run a plane into the World Trade Towers. That is the record. I am not on any Intelligence Committee. I am not giving you any security information. If you want any kind of information along that line, there is a wonderful article that appeared in Time magazine on May 27, 2002.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time Magazine, May 27, 2002]

HOW THE U.S. MISSED THE CLUES

(By Michael Elliott)

None of this is pretty. In the immediate aftermath of the Sept. 11 attacks, members of the American political establishment stood together, determined to fight the war against terrorism, supporting those in military uniform and the buttoned-down bureaucrats whose job it was to make sure that something so awful would not happen again. Everyone—inside the Bush Administration as well as outside it—knew there had been massive failures of intelligence in the period before the attacks. But after Sept. 11, the Administration earned a reputation for steely-eyed competence, and its political opponents couched their legitimate criticism in language politer than that to which Washington is accustomed. That was then. In the past month, a series of disclosures have cast doubt on the most basic abilities of the national-security establishment. The Administration has looked alternately shifty and defensive; Democrats—some of them presidential candidates-in-waiting—have postured on motormouth TV. And the nation has been forced into a period of painful second-guessing, asking whether Sept. 11 could have been prevented. In August, it turns out, the President was briefed by the CIA on the possibility that al-Qaeda, the terrorist network headed by Osama bin Laden, might use hijacked airliners to win concessions from the U.S. Sources tell TIME that the briefing, which was first reported by CBS News, was in response to a request by Bush for detailed information on the kind of threat posed by al-Qaeda, not to American interests overseas—which had long preoccupied the spooks—but at home. During the period in which the brief was prepared, says a senior intelligence official, the CIA came to the conclusion that "al-Qaeda was determined to attack the U.S." After the strike came, White House sources concede, the Administration made a conscious decision not to disclose the August briefing, hoping that it would be discussed "in context"—and months later—when congressional investigations into the attacks eventually got under way. And that wasn't the only embarrassing paper kept under wraps. Earlier this month, the Associated Press reported new details from a July 2001 memo by an FBI agent in Pheonix, Ariz., who presciently noted a pattern of Arab men signing up at flight schools. The agent, Kenneth Williams, 42, has spent 11 years working in an FBI antiterrorism task force. He recommended an investigation to determine whether al-Qaeda operatives were training at the schools. He was ignored, and after the existence of the memo became known, the FBI insisted that even if it had been acted upon, it would not have led to the detention of the Sept. 11 hijackers. (Only one of them, Hani Hanjour, had trained in Arizona, and did so before Williams focused on flight school.) But sources tell TIME that at least one of the men Williams had under watch—a Muslim who has now left the U.S.—did indeed have al-Qaeda links. And Williams identified a second pair of suspected Islamic radicals now living in the U.S. as resident aliens, the sources say. They are currently under FBI surveillance. As if those missed signals weren't enough, last week it was also disclosed that in August, when the U.S. detained Zacarias

Moussaoui—a man the French government knew was associated with Islamic extremists and who apparently wanted to learn to fly jumbo jets but not land them, and has since been charged with complicity in the Sept. 11 attacks—the FBI told nobody in the White House's Counterterrorism Security Group. But the CSG, which comes under the aegis of National Security Adviser Condoleezza Rice, is supposed to coordinate the government's response to terrorist threats.

At high levels of government, the awful possibility is dawning that things could have been different. "If we'd had access to Moussaoui, if we'd had access to the Phoenix memo, could we have broken up the plot?" asks a White House official who works on counterterrorism. Then he answers his own question: "We would have taken action, and there's at least a distinct possibility that we may at the very least have delayed it." Bush was outraged at the suggestion that he might have been warned about impending strikes and failed to act. To ward off Democratic criticism, Vice President Dick Cheney warned against trying to "seek political advantage" from the new revelations; such commentary, he said, "is thoroughly irresponsible and totally unworthy of national leaders in a time of war." He should have saved his breath; the blame game is under way, long before the lessons of all that happened last summer have been absorbed. And one thing we now know: there plenty of blame to go around.

George W. Bush, they say, is a quick study, and last summer he needed to be. Threats and warnings of possible terrorist outrages against American interests were howling into Washington like a dirty blizzard. Fighting terrorism hadn't been a top priority in the early months of the Administration; cutting taxes, building a missile shield and other agenda had crowded it out. Bush's national-security aides had been warned during the transition that there was an al-Qaeda presence in the U.S., but in the first months of the Administration, says one official, a sense of urgency was lacking: "They were new to this stuff."

By the time Bush left for a month's vacation on his ranch in Crawford, Texas, on Aug. 4, that mood had changed. Where the President goes, the responsibilities of office follow, and so, each morning, Bush sat in the ranch office and received the CIA's Presidential Daily Brief. The bried—or PDB, in Langley-speak—is the CIA's chance to mainline its priorities into the President's thinking. Each day, the PDB is winnowed to a few pages; when the President is in Washington, one of two "briefers"—agency up-and-comers who flesh out the written text—gets to work at 2 a.m. to bone up on background material. The brief itself is delivered at 8 a.m. in front of the President's national-security team. (Sometimes CIA Director George Tenet delivers it himself.) One briefer had moved to Texas for the vacation, and the PDB was transmitted to Crawford over a secure system. At the briefing on Monday, Aug. 6—a day when the Texas heat would reach 100 [degrees]—Bush received a 1½-page document, which, according to Rice, was an "analytic report" on al-Qaeda. Included was a mention that al-Qaeda might be tempted to hijack airliners, perhaps so that they might use hostages to secure the release of an al-Qaeda leader or sympathizer. Rice was not present but discussed the briefing with Bush immediately after it had ended, as she always does.

They had much to talk about. Throughout the summer, top officials had become convinced, with a growing sense of foreboding, that a major operation by al-Qaeda was in the works. For many in the loop, it seemed likely that any attack would be aimed at Americans overseas. But sources tell TIME that the Aug. 6 briefing had a very different focus; it was explicitly concerned with terrorism in the homeland. The Aug. 6 briefing had been put together, says one official, because the President had told Tenet, "Give me a sense of what al-Qaeda can do inside the U.S." At a press conference last week, Rice said the brief concentrated on the history and methods of al-Qaeda. Since much of the material in it was a rehash of intelligence dating to 1997 and '98, it is doubtful that it was much use in answering Bush's question.

According to Rice, there was just a sentence or two on hijacking—and the passage did not address the possibility that a hijacked plane would ever be flown into a building. That was the first of four crucial mistakes made last summer. Administration officials insisted all last week that turning a plane into a suicide bomb was something that nobody had contemplated. But that just isn't so. In 1995, authorities in the Philippines scuppered a plan—masterminded by Ramzi Yousef, who had also plotted the 1993 World Trade Center bombing—for mass hijackings of American planes over the Pacific. Evidence developed during the investigation of Yousef and his partner, Abdul Hakim Murad, uncovered a plan to crash a plane into CIA headquarters in Langley, Va. And as long ago as 1994, in an incident that is well known among terrorism experts, French authorities foiled a plot by the Algerian Armed Islamic Group to fly an airliner into the Eiffel Tower. "Since 1994," says a French investigator into al-Qaeda cases, "we should all have been viewing kamikaze acts as a possibility for all terrorist hijackings." But if Rice's account is accurate, nobody significant in the Bush Administration did.

There might have been more discussion of the risks of hijackings in the President's briefing if its writers had known about the Phoenix memo. But they hadn't seen it, nor had anyone in the CIA or the White House. Yet Senator Richard Shelby, the ranking Republican on the Senate Intelligence Committee, calls the memo, which is said to contain detailed descriptions of named suspects, "one of the most explosive documents I've seen in eight years." The memo, on which the Senate Intelligence Committee was briefed last November, has now become the focus of a huge political row in Washington. Members of the Senate Judiciary Committee—including Republican Arlen Specter, who had an angry exchange over the memo with FBI Director Robert Mueller on Saturday—are desperate to see it, and may yet subpoena it. "The fact that the Phoenix memo died on Somebody's desk takes your breath away," says Senator Richard Durbin, a Democratic committee member from Illinois. "They just shuffled it off."

Agent Williams wrote the memo on July 5, detailing his suspicions about some Arabs he had been watching, who he thought were Islamic radicals. Several of the men had enrolled at Embry-Riddle Aeronautical University in Prescott, Ariz. Williams posited that bin Laden's followers might be trying to infiltrate the civil-aviation system as pilots, security guards or other personnel, and he recommended a national program to track suspicious flight-school students. The memo was sent to the counterterrorism division at FBI headquarters in Washington and to two field offices, including the counterterrorism section in New York, which has had long experience in al-Qaeda investigations.

That experience counted for nothing. In all three offices, the memo was pretty much ignored, disappearing into the black hole of bureaucratic hell that is the FBI. That was the second key mistake. Sources tell TIME that the memo was never forwarded—not even to the level of Mike Rolince, chief of the international-terrorism section. "The thing fell into the laps of people who were grossly overtaxed," says a senior FBI official. The G-men claim to have been swamped by tips about coming al-Qaeda operations. But Williams was onto something. The flight students he was tracking were supporters of radical Islamic groups. Some of them, sources say, are believed to be connected to Hamas and Hizballah, terrorist organizations based in the Middle East, while at least one other—who has left the U.S.—had links to al-Qaeda. Another pair mentioned in the memo, neither of whom attended flight school, are the ones under FBI surveillance—which, sources say, is the reason Mueller won't make the memo public.

However fevered the analysis of the Williams memo is now, it didn't get much attention when it was written. Last July, FBI headquarters wasn't concentrating on an attack within the U.S. "Nobody was looking domestically," says a recently retired FBI official. "We didn't think they had the people to mount an operation here."

That was the third huge mistake—and a somewhat baffling conclusion to draw, given the evidence at hand. In spring of 2001, Ahmed Ressam, the "millennium bomber," was on trial in Los Angeles, charged with being part of a plot to bomb Los Angeles International Airport and other locations at the end of 1999. In her press conference last week, Rice conceded that in 2001 the FBI "was involved in a number of investigations of potential al-Qaeda personnel operating in the United States."

But investigators had some reasons for being preoccupied with attacks and threats outside the U.S. Al-Qaeda's most notorious blows against American interests had taken place in Nairobi and Dar es Salaam, the sites of the 1998 embassy bombings, and in Yemen, where the U.S.S. Cole was bombed in October 2002. And in the first half of last year, the CSG monitored information suggesting the likelihood of another attack overseas. In June 2001, the State Department issued a worldwide caution warning American citizens of possible attacks. That month, says a recently retired senior FBI official, "we were constantly worried that something was going to happen. Our best guesstimate was something in Southeast Asia." A French investigator involved in al-Qaeda cases confirms the thought. "The prevailing logic from around 1998," he says, "was that al-Qaeda and bin Laden had very openly designated America as its prime target—but it was a target that it preferred to attack outside the U.S."

By July the level of noise about terrorism from intelligence sources around the world was deafening. The CSG, then chaired by Richard Clarke, a Clinton Administration holdover who was consumed with terrorist threats to the point of obsession, was meeting almost every day. A specific threat was received on the life of Bush, who was due to visit Genoa, Italy, for a G–8 summit that month. Roland Jacquard, a leading French expert on terrorism, says that when Russian and Western intelligence agencies compared notes before the summit, they were stunned to find they all had information indicating that a strike was in the offing. When the Genoa summit passed without incident, says a French official, attention turned to the possibility of attacks on U.S. bases in Belgium and Turkey. Then, at the end of July, Djamel Beghal, a Franco-Algerian al-Qaeda associate, was picked up in Dubai on his way from Afghanistan back to Europe. Beghal started talking and implicated a network of al-Qaeda operatives in Europe, who, he said, were planning to blow up the American embassy in Paris. (Beghal, who has since been extradited to France, has said his confession was coerced.) "We shared everything we knew with the Americans," says a French justice official.

They may have shared too much. At least in France, investigators now acknowledge that Al-Qaeda may have been involved in a massive feint to Europe while the real attack was always planned for the U.S. "People were convinced that Europe remained the theater for Islamic terrorists," says Jacquard. "It's anyone's guess whether that was a technique to get people looking in the wrong place. But that's what happened."

By the beginning of August, the President had made his request for a briefing on domestic threats. One of them was about to be uncovered. And therein lay the fourth mistake. On Aug. 16, Moussaoui was arrested in Minnesota for an immigration violation, just a day after the staff at the flight school where he was training told the FBI of their suspicions about him. The Minnesotans weren't alone; when American officials checked with their French counterparts, they discovered that Moussaoui had long been suspected of mixing in extremist circles. (The Zelig of modern terrorism, Moussaoui has been associated with al-Qaeda networks everywhere from London to Malaysia.) The FBI started urgently investigating Moussaoui's past; agents in Minneapolis sought a national-security warrant to search his computer files but were turned down by lawyers at FBI headquarters who said they didn't have sufficient evidence that he belonged to a terrorist group. Immediately after Moussaoui's arrest, agents twice visited the Airman Flight School in Norman, Okla., where he had studied before heading to Minnesota; two of the Sept. 11 hijackers had visited Norman in July 2000. The FBI did inform the CIA of Moussaoui's arrest, and the CIA ran checks on him while asking foreign intelligence services for information. But neither the FBI nor the CIA ever informed the counterterrorism group in the White House. "Do you think," says a White House antiterrorism official, "that if Dick Clarke had known that the FBI had in custody a foreigner who couldn't speak English, who was trying to fly a plane in midair, he wouldn't have done something?"

Since at least two of the four failures—those involving Moussaoui and the Phoenix memo—can be laid at the door of the FBI, the bureau is feeling the heat. "The FBI has a long pattern of not sharing information with others," says a former Clinton Administration official. "Now it's not even sharing the information with itself." Mueller, who knew about the Phoenix memo shortly after Sept. 11, plainly did not anticipate the criticism it would engender. Since it became public, officials have defensively pointed out that if the bureau had tried to track down all Muslim flight-school attendees, it would have been accused of racial profiling. White House officials defend Mueller; he is "tenacious about changing things," says one, who admits, "You can't change a culture that's 60 years in the making overnight." But on Capitol Hill the bureau is running out of friends. "I have no doubt that the FBI needs reform," said Senate Republican leader Trent Lott last week.

Yet when the blame gets assigned, as it will now that a joint congressional investigation into Sept. 11 is getting down to work, the FBI won't monopolize it. The ugly truth is that nine months after huge weaknesses in the national security system were revealed, they remain unaddressed. In Washington, says a senior Clinton Administration official, "information just moves through stovepipes," never getting pooled by different agencies until it is too late. The intelligence services were built to fight the cold war, not an enemy that flits from Afghan caves to apartments in London. The division between domestic and international security made sense when the former was concerned with what criminals did and the latter with foreign countries. But some criminals are now as powerful as countries, and some countries are run by criminals.

Nine months ago, the appointment of Tom Ridge as Homeland Security czar was billed as the shake-up Washington needed. So far, he has been more of a mild foot stamp than an earthquake. Instead of real reform, the Administration has resorted to its usual mode: attempting to control warring satrapies from the White House. The remarkable aspect of last week's events in Washington was the unintended revelation that Rice is the true manager of counterterrorism policy. In the past, the National Security Council got into trouble when it adopted an operational role rather than one of analysis (think Oliver North), and for Bush this identification of one of his closest advisers with the operational failures of counterterrorism policy could yet be politically troubling.

Among his supporters, however, the President still rides high. Bush's simple, passionate argument—that he would never have sat idly if he had known what was coming on Sept. 11—helped stiffen spines. Republicans pointed out that members of congressional intelligence committees get the same information the President receives in his PDB and yet had not made a fuss about the Aug. 6 briefing. That claim was disputed; Tom Daschle, the Democrat's leader in the Senate, insisted the Senate and the Administration did not have "identical information" about al-Qaeda threats.

In a sense, the spat over who got what version of which memo epitomizes Washington at its worst. The capital at its best would appreciate that the most important question isn't what Bush (or anyone else) knew before Sept. 11; it is what the Administration and Congress have and have not done to fix a broken system. But November and the midterm elections, you may have noticed, are only six months away. Washington is reverting to form.

Mr. HOLLINGS. Time magazine got into it very thoroughly—much more so than the committee that has been leaking. I was disappointed Sunday when I heard my distinguished colleague from Tennessee say: No, he would not take a polygraph test.

I am an old trial lawyer. You are not going to convict my client on a polygraph test. We used it in the Hoover Commission 50 years ago, and it is an indicator. I wanted to make sure the staff on the Intelligence Committee—as I found out, I had been doubledealed by the CIA and was told: I cannot give you that information, Senator, because your staff does not have the appropriate clearance.

Before you serve here as a Capitol policeman, you have to take a polygraph, and also before you serve in the FBI, CIA, and Secret Service—go down the list—but not the staff of the Senate Intelligence Committee.

So I learned that in a war you never ask your man to do something you do not do yourself first. So I went over to take a polygraph test. To the very first question, I started off my answer "in my humble opinion" and the needle went right off the chart. I flunked. It took 2 hours and they gave me a chance again, and after that 2-hour test, I passed it and came back and I still brought it up that as a member of the Intelligence Committee, they do not have the appropriate clearance. If they want to know where the leaks are, go to the committees.

Mr. President, the National Security Agency failed. They had all kinds of warnings about al-Qaida. They had Arabic friends over there. They got the word on September 10 in Arabic that "the match is about to begin," but they didn't translate the Arabic into English until September 12.

Now comes the National Security Council. It is interesting that in 1947 we had the same problem of coordination—instituting not only the CIA, but the 1947 National Security Council that the function of the Council shall be to advise the President with respect to the integration—that is joining—of domestic, foreign, and military policies relating to the national security, so as to enable the military services and the other Departments and Agencies of Government to cooperate more effectively in matters involving national security.

If you don't have a President right at the catbird seat pointing to them and saying you either talk and coordinate with each other or else you are out, it is not going to be done. You can pass all the bills you want in the U.S. Congress. You are just passing another entity for finger-pointing. They need correlation again and again.

Here is exactly what the President said in the National Security Presidential directive he made. I had a copy of it here. It is with respect to ordering the bush National Security Council. Incidentally, what I am saying I had said to him at the Cabinet table over 2 months ago. But on February 13—I ask unanimous consent that this National Security Presidential directive of February 13, 2001, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY PRESIDENTIAL DIRECTIVES—NSPDS, THE WHITE HOUSE, WASHINGTON, FEBRUARY 13, 2001

MEMORANDUM FOR

The Vice President
The Secretary of State
The Secretary of the Treasury
The Secretary of Defense
The Attorney General
The Secretary of Agriculture
The Secretary of Commerce
The Secretary of Health and Human Services
The Secretary of Transportation
The Secretary of Energy
Administrator, Environmental Protection Agency
Director of the Office of Management and Budget
United States Trade Representative
Chairman, Council of Economic Advisers
Director, National Drug Control Policy
Chief of Staff to the President
Director of Central Intelligence
Director, Federal Emergency Management Agency
Assistant to the President for National Security Affairs
Assistant to the President for Economic Policy
Counsel to the President
Chief of Staff and Assistant to the Vice President for National Security Affairs
Director, Office of Science and Technology Policy
Chairman, Board of Governors of the Federal Reserve
Chairman, Council on Environmental Quality
Chairman, Export-Import Bank
Chairman of the Joint Chiefs of Staff
Commandant, U.S. Coast Guard
Administrator, National Aeronautics and Space Administration
Chairman, Nuclear Regulatory Commission
Director, Peace Corps
Director, Federal Bureau of Investigation
Director, Defense Intelligence Agency
President, Overseas Private Investment Corporation
Chairman, Federal Communications Commission
Commissioner, U.S. Customs Service
Administrator, Drug Enforcement Administration
President's Foreign Intelligence Advisory Board
Archivist of the United States
Director, Information Security Oversight Office

Subject: Organization of the National Security Council System

This document is the first in a series of National Security Presidential Directives. National Security Presidential Directives shall replace both Presidential Decision Directives and Presidential Review Directives as an instrument for communicating presidential decisions about the national security policies of the United States.

National security includes the defense of the United States of America, protection of our constitutional system of government, and the advancement of United States interest around the globe. National security also depends on America's opportunity to prosper in the world economy. The National Security Act of 1947, as amended, established the National Security Council to advise the President with respect to the integration of domestic, foreign, and military policies relating to national security. That remains its purpose. The NSC shall advise and assist me in integrating all aspects of national security policy as it affects the United States—domestic, foreign, military, intelligence, and economics (in conjunction with the National Economic Council (NEC)). The National Security Council system is a process to coordinate executive departments and agencies in the effective development and implementation of those national security policies.

The National Security Council (NSC) shall have as its regular attendees (both statutory and non-statutory) the President, the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, and the Assistant to the President for National Security Affairs. The Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff, as statutory advisors to the NSC, shall also attend NSC meetings. The Chief of Staff to the President and the Assistant to the President for Economic Policy are invited to attend any NSC meeting. The Counsel to the President shall be consulted regarding the agenda of NSC meetings, and shall attend any meetings when, in consultation with the Assistant to the President for National Security Affairs, he deems it appropriate. The Attorney General and the Director of the Office of Management and Budget shall be invited to attend meetings pertaining to their responsibilities. For the Attorney General, this includes both those matters within the Justice Department's jurisdiction and those matters implicating the Attorney General's responsibility under 28 U.S.C. 511 to give his advice and opinion on questions of law when required by the President. The heads of other executive departments and agencies, as well as other senior officials, shall be invited to attend meetings of the NSC when appropriate.

The NSC shall meet at my direction. When I am absent from a meeting of the NSC, at my direction the Vice President may preside. The Assistant to the President for National Security Affairs shall be responsible, at my direction and in consultation with the other regular attendees of the NSC, for determining the agenda, ensuring that necessary papers are prepared, and recording NSC actions and Presidential decisions. When international economic issues are on the agenda of the NSC, the Assistant to the President for Nation Security Affairs and the Assistant to the President for Economic Policy shall perform these tasks in concert.

The NSC Principals Committee (NSC/PC) will continue to be the senior interagency forum for consideration of policy issues affecting national security, as it has since 1989. The NSC/PC shall have as its regular attendees the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Chief of Staff to the President, and the Assistant to the President for National Security Affairs (who shall serve as chair). The Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff shall attend where issues pertaining to their responsibilities and expertise are to be discussed. The Attorney General and the Director of the Office of Management and Budget shall be invited to attend meetings pertaining to their responsibilities. For the Attorney General, this includes both those matters within the Justice Department's jurisdiction and those matters implicating the Attorney General's responsibility under 28 U.S.C. 511 to give his advice and opinion on questions of law when required by the President. The Counsel to the President shall be consulted regarding the agenda of NSC/PC meetings, and shall attend any meeting when, in consultation with the Assistant to the President for National Security Affairs, he deems it appropriate. When international economic issues are on the agenda of the NSC/PC, the Committee's regular attendees will include the Secretary of Commerce, the United States Trade Representative, the Assistant to the President for Economic Policy (who shall serve as chair for agenda items that principally pertain to international economics), and, when the issues pertain to her responsibilities, the Secretary of Agriculture. The Chief of Staff and National Security Adviser to the Vice President shall attend all meetings of the NSC/PC, as shall the Assistant to the President and Deputy National Security Advisor (who shall serve as Executive Secretary of the NSC/PC). Other heads of departments and agencies, along with additional senior officials, shall be invited where appropriate.

The NSC/PC shall meet at the call of the Assistant to the President for National Security Affairs in consultation with the regular attendees of the NSC/PC. The Assistant to the President for National Security Affairs shall determine the agenda in consultation with the foregoing, and ensure that necessary papers are prepared. When international economic issues are on the agenda of the NSC/PC, the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy shall perform these tasks in concert.

The NSC Deputies Committee (NSC/DC) will also continue to serve as the senior sub-Cabinet interagency forum for consideration of policy issues affecting national security. The NSC/DC can prescribe and review the work of the NSC interagency groups discussed later in this directive. The NSC/DC shall also help ensure that issues being brought before the NSC/PC or the NSC have been properly analyzed and prepared for decision. The NSC/DC shall have as its regular members the Deputy Secretary of State or Under Secretary of the Treasury or Under Secretary of the Treasury for International Affairs, the Deputy Secretary of Defense or Under Secretary of Defense for Policy, the Deputy Attorney General, the Deputy Director of the Office of Management and Budget, the Deputy Director of Central Intelligence, the Vice Chairman of the Joint Chiefs of Staff, the Deputy Chief of Staff to the President for Policy, the Chief of Staff and National Security Adviser to the Vice President, the Deputy Assistant to the President for International Economic Affairs, and the Assistant to the President and Deputy National Security Advisor (who shall serve as chair). When international economic issues are on the agenda, the NSC/DC's regular membership will include the Deputy Secretary of Commerce, A Deputy United States Trade Representative, and, when the issues pertain to his responsibilities, the Deputy Secretary of Agriculture, and the NSC/DC shall be chaired by the Deputy Assistant to the President for International Economic Affairs for agenda items that principally pertain to international economics. Other senior officials shall be invited where appropriate.

The NSC/DC shall meet at the call of its chair, in consultation with the other regular members of the NSC/DC. Any regular member of the NSC/DC may also request a meeting of the Committee for prompt crisis management. For all meetings the chair shall determine the agenda in consultation with the foregoing, and ensure that necessary papers are prepared.

The Vice President and I may attend any and all meetings of any entity established by or under this directive.

Management of the development and implementation of national security policies by multiple agencies of the United States Government shall usually be accomplished by the NSC Policy Coordination Committees (NSC/PCCs). The NSC/PCCs shall be the main day-to-day fora for interagency coordination of national security policy. They shall provide policy analysis for consideration by the more senior committees of the NSC system and ensure timely responses to decisions made by the President. Each NSC/PCC shall include representatives from the executive departments, offices, and agencies represented in the NSC/DC.

Six NSC/PCCs are hereby established for the following regions: Europe and Eurasia, Western Hemisphere, East Asia, South Asia, Near East and North Africa, and Africa. Each of the NSC/PCCs shall be chaired by an official of Under Secretary or Assistant Secretary rank to be designated by the Secretary of State.

Eleven NSC/PCCs are hereby also established for the following functional topics, each to be chaired by a person of Under Secretary or Assistant Secretary rank designated by the indicated authority:

Democracy, Human Rights, and International Operations (by the Assistant to the President for National Security Affairs);

International Development and Humanitarian Assistance (by the Secretary of State);

Global Environment (by the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy in concert);

International Finance (by the Secretary of the Treasury);

Transnational Economic Issues (by the Assistant to the President for Economic Policy);

Counter-Terrorism and National Preparedness (by the Assistant to the President for National Security Affairs);

Defense Strategy, Force Structure, and Planning (by the Secretary of Defense);

Arms Control (by the Assistant to the President for National Security Affairs);

Proliferation, Counterproliferation, and Homeland Defense (by the Assistant to the President for National Security Affairs);

Intelligence and Counterintelligence (by the Assistant to the President for National Security Affairs); and

Records Access and Information Security (by the Assistant to the President for National Security Affairs).

The Trade Policy Review Group (TPRG) will continue to function as an interagency coordinator of trade policy. Issues considered within the TPRG, as with the PCCs, will flow through the NSC and/or NEC process as appropriate.

Each NSC/PCC shall also have an Executive Secretary from the staff of the NSC, to be designated by the Assistant to the President for National Security Affairs. The Executive Secretary shall assist the Chairman in scheduling the meetings of the NSC/PCC, determining the agenda, recording the actions taken and tasks assigned, and ensuring timely responses to the central policymaking committees of the NSC system. The Chairman of each NSC/PCC, in consultation with the Executive Secretary, may invite representatives of other executive departments and agencies to attend meetings of the NSC/PCC where appropriate.

The Assistant to the President for National Security Affairs, at my direction and in consultation with the Vice President and the Secretaries of State, Treasury, and Defense, may establish additional NSC/PCCs as appropriate.

The Chairman of each NSC/PCC, with the agreements of the Executive Secretary, may establish subordinate working groups to assist the PCC in the performance of its duties.

The existing system of Interagency Working Groups is abolished.

The oversight of ongoing operations assigned in PDD/NSC-56 to Executive Committees of the Deputies Committee will be performed by the appropriate regional NSC/PCCs, which may create subordinate working groups to provide coordination for ongoing operations.

The Counter-Terrorism Security Group, Critical Infrastructure Coordination Group, Weapons of Mass Destruction Preparedness, Consequences Management and Protection Group, and the interagency working group on Enduring Constitutional Government are reconstituted as various forms of NSC/PCC on Counter-Terrorism and National Preparedness.

The duties assigned in PDD/NSC-75 to the National Counterintelligence Policy Group will be performed in the NSC/PCC on Intelligence and Counterintelligence, meeting with appropriate attendees.

The duties assigned to the Security Policy Board and other entities established in PDD/NSC-29 will be transferred to various NSC/PCCs, depending on the particular security problem being addressed.

The duties assigned in PDD/NSC-41 to the Standing Committee on Nonproliferation will be transferred to the PCC on Proliferation, Counterproliferation, and Homeland Defense.

The duties assigned in PDD/NSC-36 to the Interagency Working Group for Intelligence Priorities will be transferred to the PCC on Intelligence and Counterintelligence.

The duties of the Human Rights Treaties Interagency Working Group established in E.O. 13107 are transferred to the PCC on Democracy, Human Rights, and International Operations.

The Nazi War Criminal Records Interagency Working Group established in E.O. 13110 shall be reconstituted, under the terms of that order and until its work ends in January 2002, as a Working Group of the NSC/PCC for Records Access and Information Security.

Except for those established by statute, other existing NSC interagency groups, ad hoc bodies, and executive committees are also abolished as of March 1, 2001, unless they are specifically reestablished as subordinate working groups within the new NSC system as of that date. Cabinet officers, the heads of other executive agencies, and the directors of offices within the Executive Office of the President shall advise the Assistant to the President for National Security Affairs of those specific NSC interagency groups chaired by their respective departments or agencies that are either mandated by statute or are otherwise of sufficient importance and vitality as to warrant being reestablished. In each case the Cabinet officer, agency head, or office director should describe the scope of the activities proposed for or now carried out by the interagency group, the relevant statutory mandate if any, and the particular NSC/PCC that should coordinate this work. The Trade Promotion Coordinating Committee established in E.O. 12870 shall continue its work, however, in the manner specified in that order. As to those committees expressly established in the National Security Act, the NSC/PC and/or NSC/DC shall serve as those committees and perform the functions assigned to those committees by the Act.

To further clarify responsibilities and effective accountability within the NSC system, those positions relating to foreign policy that are designated as special presidential emissaries, special envoys for the President, senior advisors to the President and the Secretary of State, and special advisors to the President and the Secretary of State are also abolished as of March 1, 2001, unless they are specifically redesignated or reestablished by the Secretary of State as positions in that Department.

This Directive shall supersede all other existing presidential guidance on the organization of the National Security Council system. With regard to application of this document to economic matters, this document shall be interpreted in concert with any Executive Order governing the National Economic Council and with presidential decision documents signed hereafter that implement either this directive or that Executive Order.

[signed: George W. Bush]

Mr. HOLLINGS. You will find in there that 11 functional coordinating committees within the council itself, chaired by the National Security Council. Among them are committees on counterterrorism and national preparedness, chaired by Condoleezza Rice, to Advisor to the President for National Security Affairs. You have another committee on counterproliferation and homeland defense, which the President of the United States thought was necessary in February of last year, chaired by Condoleezza Rice. There is another one on intelligence and counterintelligence, again chaired by Condoleezza Rice.

Later we see President's National Security Advisor on the TV saying: We did not get anything specific. In fairness to her, she is an expert in foreign policy. She used to instruct a course, I understand, at Stanford. She has never served in law enforcement or counterterrorism. But it is time to get real. This bill does not directly deal with the entities that failed. It is about running around, like my Navy friend used to say, "when in danger, when in doubt, run in circles scream and shout."

The administration propose this big bureaucracy. I have 110,000 of them already at DOT. I have been working on transportation security of the airlines, the rails, and the seaports. How are you going to get a department full of midlevel personnel in charge if you cannot get the Executive level, the Presidential level, engaged in active management. I told the President of the United States: Mr. President, I want you to get hourly reports on the homeland security intelligence as you receive those hourly political reports from Carl Rove. He knows what is going on politically in this country. I want him to know what is going on intelligence-wise with respect to homeland security, but we do not have that.

What we have is another finger-pointing agency. As Harry Truman said: The buck stops here. He is the one who brought in the 1947 initiative to reorganize for national security. He did not mind assuming that responsibility.

Mr. President, do you think if you were President that you would depend on the Department of Homeland Security for your intelligence analysis? No, no, that is not going to ever happen. One, that Department is only going to be fed what the President says to feed them. The FBI is not going to tell them everything. The CIA is not going to tell them everything. It is a culture. We have to break down that culture, but the only place we know they are not afraid to tell is the National Security Council of the President of the United States.

The Secretary of the Homeland Defense Department would not even know what to ask for. They do not have any kind of intelligence collection. They do not have the authority or resources to do that. They would create another analysis department, but it will not function properly unless it is fused. There has to be a fusion, an integration, as they said in 1947, of domestic and foreign intelligence so they know where to act. We have read in the newspapers where they are getting their money for terrorism, outfitting Canada and so on.

The PRESIDING OFFICER. The Senator's time has expired.

My time is limited, so I will close with the idea that, we can pass this bill ipso facto, word for word—either bill—this afternoon, and 4 or 5 years from now after they have had a chance to organize, we can have another 9–11. We are not going to prevent it with this particular measure.

Mr. BYRD. Mr. President, I yield 5 additional minutes to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. That is all right, Mr. President. I will yield the time back and come back in on the debate. This is only a motion to proceed. I work with them. I can tell you the resistance of the FBI talking to the CIA—that is not in this bill—but we have to have a President get them together and make sure information is fused. There is a resistance. We have had meetings on port security. I cannot get the FBI to attend those meetings. I am going to get on Bob Mueller about that because I have his appropriation, but they do not want to get together. They are looking for crime. They are not looking for prevention. They want to catch somebody. When crimes are committed they are called into action. While we hope crimes are never committed, the FBI serves the nation by responding when crimes are committed. We must work to prevent terrorist attacks. That is the new culture, the new role to be taken on.

The President has to play the game of President, be the chief executive. Mr. President, I say to Senator BYRD, in his mind, does he think he would depend on the Department of Domestic Security for making a decision? He is not going to depend on that Department or any other, except for the National Security Council.

There is no substitute for the CIA being on the Council or for the FBI being on the Council, the Attorney General, or the Secretary of Homeland Security. Put him on the National Security Council. Let's begin to emphasize the domestic side of foreign policy and international threats.

That is what has to be done, and it has to be done at the White House. You cannot run all over the country fundraising; you have to go to work. That is one fault with this particular President. I cannot put him to work. I see him out with flags, military people, policemen, firemen, and others. Carl Rove has him. I would like to get hold of him, and we could get this Government going. He has to go to work and bring them in and say: I want to make sure I know what I am doing. And this Department does not help him know what he is doing.

I yield the floor.

Mr. BYRD. Mr. President, how much time does the Senator from New York wish?

Mrs. CLINTON. Ten minutes.

Mr. BYRD. I yield 10 minutes to the distinguished Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank the Senator. I rise to join Senator BYRD in speaking about our homeland security needs. Our colleague from South Carolina always teaches me something whenever I have the pleasure and privilege of hearing him speak in this Chamber.

New Yorkers particularly owe Senator BYRD a great debt of gratitude because he and his very worthy staff have done a tremendous amount of work to help New York recover and rebuild from the tragedy of September 11.

As we appear today in this Chamber, I cannot help but remark that Senator BYRD has been focused on homeland security from the moment I first spoke with him on September 12 around 7 a.m. after we knew the full extent of the damage, and I was going up to see what had happened in New York for myself. He has been extremely understanding and also very knowledgeable about what it was going to take to make us more secure.

I also thank Senator LIEBERMAN for his tremendous efforts in trying to craft legislation that will make us safer. We are not just doing this for a political exercise or just to reorganize for the sake of reorganizing, but we know there are serious issues to be addressed, some of which Senator HOLLINGS spoke about.

I do support the idea of a Homeland Security Department, but I come today to recognize the seriousness of the issues that should be addressed while we are trying to determine what it is we need to do to make our Government more prepared.

There are a number of issues, and my colleagues have raised quite a few of them, but I want to focus on one particular aspect of our homeland security, and that is the resources that our frontline firefighters, police officers, and emergency responders need to be the soldiers to defend our homeland security. Just as we support our men and women in uniform who are doing a very important job extremely well, from Afghanistan to the Middle East to the Far East, we have to do the same for our local homeland defenders.

I have been disappointed in the disconnect between rhetoric and resources from the administration. We certainly have had many heartfelt and moving moments where words have captured our feelings.

When it comes to providing the resources that our police, our firefighters, and our emergency responders need, I think the administration has fallen short. That was certainly clear over the August recess when the President chose not to sign the emergency designation for the $5.1 billion supplemental appropriations bill, which included $2.5 billion for improving our homeland security.

That number did not come out of thin air. It was the result of hearings, testimony, and evidence presented by people on the front lines. A number of people from New York who were in our police department and our fire department, who had been there on September 11, who understood what we needed to be well prepared, came down to set forth a very clear agenda that they hoped the Federal Government would help them meet.

The supplemental appropriations bill, for example, would have given our first responders $100 million so that police and firefighters would have communications systems that could talk to each other. We found out, tragically, on September 11 that we did not have that, and New York is not alone in not having what is called interoperability between the police and firefighter radio systems.

There would have been $150 million in additional FIRE Act grant funding to help fire departments improve their emergency preparedness, and there would have been $90 million to track the long-term health care of those who responded at Ground Zero, not just so we fulfill our obligation to take care of these brave men and women but also so we can be better prepared to take care of all of our first responders.

I am not alone in thinking the President's refusal to sign the emergency designation was a terrible mistake. The International Association of Firefighters has voiced its concern in very clear, unmistakable language. I know they are particularly passionate about this issue because they lost so many of their colleagues.

In his August 20 letter to President Bush, the International Association of Firefighters general president, Harold Schaitberger, had this to say:

> I would be dishonest if I did not convey our anger, concern and growing doubt about your commitment to us . . . No one, not even the President, has the right to pontificate about his or her commitment and respect for firefighters while ignoring our legitimate needs.
>
> With all due respect, support entails more than kind words.

The President said he was exercising fiscal discipline by not making the emergency designation and said that this was, in his view, wasteful congressional spending; that $5 billion was not an emergency even if it went to the kind of emergency needs and services that we know we are lacking.

I have to respectfully disagree. I think we do face an emergency. We are rushing through this legislation because clearly we think we face an emergency. But the real emergency is not in Washington to reorganize a huge Government department. The real emergency is in the police stations and the firehouses and the emergency rooms of America. That is why I am concerned that when the Congress goes through the kind of process it did to arrive at a need for $5.1 billion and it is totally disregarded, then why on Earth would we want to give up congressional oversight and authority in setting the agenda to protect our country?

I believe it is imperative we do everything we can in setting up this Department to get the money to where it needs to go. We have to get the dollars where the responsibility rests.

When a disaster occurs, whether it is man-made or accidental, we do not call the White House. We do not even call the Senate or the Congress or the Governor's office. In most instances, we call 911.

It is clear the kind of support we need for direct Federal homeland security funding needs to be a part of any homeland security defense program.

We have a heavy responsibility in Washington, not just to talk the talk but to walk the walk with our first responders. We have to give them the equipment and the resources and the training they need. According to the U.S. Conference of Mayors, since September 11 cities have invested almost $3 billion in added security costs for equipment, overtime, and training. As of this date, with the exceptions of New York and Washington, DC, which suffered so grievously on September 11, not one city has received a single dime to cover these additional costs.

Some bioterrorism funding—about $1.1 billion—has been dispersed to the States, and that helps, but that does not answer the need that our firefighters, police officers, and emergency responders have.

I think it is clear, if we are going to be debating this Department, let us talk about the real needs that are out there. We have to be sure we follow the clear example that has been set by communities in trying to shift funds to meet their emergency needs. We have to help them shoulder these additional burdens. Clearly, the Federal, State, and local governments are at partnership in preparing, in being responsible, and then finally in responding. But if they do not have the resources, they cannot do the job.

So as we debate this Department, let us join with the people on our front lines who understand what they really need—groups such as the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties. Let us support direct Federal funding to local communities. Let us do it in the form of a community development block grant. Let us follow the money where it needs to go.

From my perspective, it is imperative we debate resources, not just reorganization. It would be a cruel deception to pass something called Homeland Security Department reorganization, which we all know is going to take years to untangle to try to get focused and to be effective, and not provide the dollars that our frontline defenders need.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. This is compounded because the administration's budget calls for eliminating money that would go to our police, firefighters, and local law enforcement; eliminating more than $500 million from the COPS program; eliminating entirely Federal funding for hiring new so-called COPS officers; eliminating and cutting other essential programs such as the local law enforcement block grant. This makes no sense to me.

It is fine to have this abstract, theoretical, philosophical, even constitutional debate, as important as it is—and I believe with all my heart it is a critical debate—but let us not kid ourselves: If we do not get resources where it counts, we are not going to be better prepared, we are not going to be better defended. I hope as we debate homeland defense, we also recognize the obligation we owe to those men and women who would answer the call today when it is sent out.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Mrs. CLINTON, the distinguished Senator from New York, for her very appropriate, meaningful, and forceful remarks in connection with this matter and in connection with other matters she has addressed. And I thank Senator HOLLINGS, the chairman of the committee which has jurisdiction over transportation, the chairman of the appropriations subcommittee which has jurisdiction over the State, Justice, and Commerce Departments and other agencies; and thanks to Senator REED for his excellent presentation.

This time is going on my time, which is all right. I am prepared to yield to the distinguished senior Senator from Washington, who sits on the Appropriations Committee and who presides over the Transportation Subcommittee of that committee with a high degree of dignity and poise, and someone who always brings to the committee's attention and to the Senate's attention the length and breadth of her great knowledge that she acquires through the holding of hearings, through the study she gives to the budget requests that come before the committee. I yield 15 minutes to the Senator.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from West Virginia for his leadership on this issue and for yielding me the time today.

On June 6, President Bush addressed the American public, informing the public he had changed his mind. After months of rejecting just such a proposal, he now saw the benefit of organizing a new Department of Homeland Security. His aides had handed him a plan. To his eyes, it was a good plan and one that should be implemented.

However, something else happened that week as well that happens all too frequently in America. The Coast Guard, one of the agencies that would be merged into the President's new Department of Homeland Security, was performing search and rescue operations across the Nation.

In my home State of Washington, the Coast Guard was dispatching helicopters and motorboats throughout Willapa Bay to search for three missing Fort Lewis soldiers. On the evening of June 1, their 20-foot pleasure craft washed ashore in Bay Center, WA. Unfortunately, those soldier's bodies were recovered the next morning.

As I look today at the President's request, I am very mindful of the impact it could have on the Coast Guard's ability to carry out other missions like search and rescue.

We need to be responsive to the President's request. We need to give this and future administrations the tools they need to better secure America. However, we cannot sacrifice the critical safety work of the Coast Guard for the incomplete plan the President's aides drew up in the basement of the White House.

I rise today because I am deeply concerned that in our rush to do something about homeland security, we may well overlook the consequences it will have on the safety and security of all Americans. Frankly, given what I have seen so far, I have very real reasons for concern. Of course, I believe, like all my colleagues, that we need to do everything we can to make sure our Government and our military can meet the challenges since September 11. We have to focus considerable energy and resources on addressing those challenges.

Those who want to harm us will look for new ways to exploit our weaknesses. We have to do better. The world has changed. We must adapt. But we must balance the needs of our country.

In my role as chairman of the Appropriations Transportation Subcommittee, I have worked very hard to provide the resources to meet our needs at our borders, at our seaports, airports, and throughout our Nation's transportation infrastructure. Often, that has meant pushing this administration to support the necessary funding, sometimes without success.

We are moving forward, and we are making America more secure. The Senate has followed a deliberate process, and the leadership of Senator BYRD has been critical to this endeavor. He has made sure that we move forward responsibly to meet the new challenges facing our Nation. But let's face it, it takes a while to get even the simple things right. I have been working with the Transportation Security Administration for months on airline security, and even the smallest things have taken a while to work out.

Look at what we face at our northern border. It took many months and we had to put a lot of pressure on this administration just to get the National Guard deployed at the northern border to fill the gaping holes in our border security left by years of negligence. It then took many more weeks to get our guardsmen armed, secure. Securing our border is essential, but so is ensuring the efficient flow of people, goods, and services across our border with our friends in Canada. Canada is our Nation's largest trading partner. Many millions of people in both countries depend on that trade for their livelihoods. If we do the wrong thing, the loss of jobs in our border communities will be devastating.

How will the Department of Homeland Security, envisioned by the President, balance the complexity of those competing needs of the American people? We do not know. We are supposed to trust this administration.

Now the administration wants to rush through a homeland security bill which was drawn up by a handful of White House aides. It is the largest Government reorganization since 1947. Look at what has happened in the House since the President submitted his proposal. The standing committees looked at the proposal and saw major problems. The House Transportation and Infrastructure Subcommittee unanimously voted to keep the Coast Guard out of that new Department. Based on their expertise and their research, the standing committee saw the clear need to maintain the Coast Guard outside of the new Department.

What happened? The select committee ignored that recommendation and put a rubber stamp on the President's original proposal. In fact, several times the standing committees made constructive improvements to bills, only to see their recommendations rejected by the select committee.

The administration wants to rush this proposal through Congress. Anyone who raises a legitimate question is immediately derided as "trying to reserve turf."

This is not about turf. It is about safety. It is about young Coast Guardsmen who climbed aboard foreign vessels in the open seas, not knowing what they may find. It is about TSA security agents who are trying to make sure that passengers attempting to board our planes do not pose a security threat. I am proud to work to try to provide them with some job security just as they work hard to protect our Nation's security.

These are real questions that need to be answered. This afternoon, I raise some of those questions because there is a lot at stake for the people I represent and for every American. I want to make sure we do this right. So far, I have not gotten the answers I need.

I have two major concerns. First, we have not yet figured out how to fulfill our traditional missions and the new security missions at the same time. If we combined all these various agencies into one massive Department with a primary mission of homeland security, how are we going to meet the traditional needs across the board?

Let's look at the Coast Guard, just one agency. Since September 11, the Coast Guard has shifted resources away from traditional missions to homeland events. That is an appropriate response, but it comes at a cost. Unfortunately, it means the Coast Guard is spending less time interdicting drugs and illegal migrants, enforcing fishery and marine safety laws, and protecting our marine environment.

But the traditional missions have not disappeared. We still need the Coast Guard to keep drugs and the illegal migrants off our shores. We need them to protect our environment. And we need them to protect the lives of our fishermen and the integrity of our fishing grounds. Frankly, even without the new security needs, we have a long way to go to meet even those basic missions.

I am concerned we are rushing into a new organization that could compromise our ability to meet all the challenges we are facing. What will be the commitment from the Department of Homeland Security to protecting our marine environment or enforcing our fisheries laws or conducting search and rescue operations? If the administration continues to play budget games and underfund the Department, as it has done so far with the TSA, will the scarce dollars go only to security and not to traditional missions?

Right now, we cannot even get the basic facts. I would like to know how much of the current Coast Guard budget is going toward homeland security. On July 9, the Coast Guard Commandant said 40 percent of the Coast Guard's operating budget goes to the missions of the new Department. A few weeks later, on July 30, the Commandant said almost 50 percent of the Coast Guard's budget went to homeland security. That is a difference of at least $350 million. That number matters because the boats and resources used for homeland defense are often the very same ones needed for search and rescue and other missions.

I am not raising this to criticize Admiral Collins. He is doing an excellent job. I work closely with him. But it shows how difficult it is to get even the most basic questions answered as we look at this new Department. The answers matter because the vast majority of Americans live in coastal States or along the Great Lakes or inland waterways, and every American is impacted when the Coast Guard slows down its work stopping illegal drugs. To include the Coast Guard in the new Department will impact the lives of millions of people. I think we need to explore these questions closely. Simply put, we have not done a good job meeting our traditional missions and security missions at the same time. I would like to know how one massive Department, focused primarily on security, will help us meet the needs out there.

Second, I am very concerned about accountability and authority over everything from the staff of the new Department to its budget. The administration has asked for unprecedented power and control over this proposed Department. Some of the demands for power over workers really trouble me. The President wants changes in the personnel rules so he can have flexibility. Is the President suggesting that today's unionized border agents are not doing an adequate job or that today's unionized Customs officials are not responding to new mission requirements in a timely manner? If that is what he is suggesting, then he is wrong.

I have been on the border. I have met with the Border Patrol and Customs agents. These professionals are our sons and daughters, they are our neighbors, they are our friends, they are our husbands, and they are our wives. They serve the American people selflessly, often jeopardizing their own health and safety. I do not think those who serve in the Department of Homeland Security should be second-class citizens, given a lower level of rights and respect.

In addition to dramatic new control over workers, the administration wants the power to move the money around without congressional input. Let me tell you, given what I have seen so far, this is pretty scary news for families in Washington State. Right now, as a United States Senator, I can fight to make sure the needs in my State are being met. As elected Members of Congress, we know the needs in our communities and we are accountable to our voters. But the administration now wants accountants in the Office of Management and Budget to decide what is important to the people of my home State of Washington. If that happens, my constituents will lose out at a cost to their safety and security.

Let's just look at what happened with the supplemental appropriations bill. Under the leadership of Chairman BYRD, the Appropriations Committee held unprecedented and comprehensive hearings on how to best meet our obligations to the American people. We spent countless hours hearing from national and local experts. We passed the funding to meet the needs before us. Congress passed that funding, but then the President eliminated more than $5 billion of it. With a wave of his hand, over the August break, the President eliminated funding that we here in Congress considered critical, after many hours of hearings, to protecting the American public.

He eliminated $11 million from Coast Guard operations. The President eliminated, with a wave of his hand, $262 million for critical Coast Guard procurement, including funding for coastal patrol boats for our security. The President eliminated $150 million for our Nation's airports, as they are working so hard to meet the December deadline for installing explosive detection devices. And the President eliminated $480 million from its already shortchanged Transportation and Security Administration.

The Office of Management and Budget has not been a good advocate for the people of my home State of Washington. Given that record, I am very reluctant to give OMB dramatic new power over the safety and security of my constituents. The OMB originally blocked the Coast Guard's desperately needed improvements to the marine 911 system. When they brought it to their attention, the OMB changed its policy, but under the President's plan there is no way for us in Congress to address the arbitrary decision made by the OMB. Granting the President dramatic new authority is not just a bureaucratic exercise. It has real consequences for the people I represent. I take that responsibility very seriously.

If we are not going to figure out how all the functions are going to be performed and we can't tie money to functions, this reorganization may consign many functions to death, as we saw when the President eliminated $5.1 billion in homeland security funding.

In closing, we need to better define the missions of the various agencies, and we need to make sure they continue to fulfill their traditional missions. It is essential for our economic security and our physical safety. The House bill does not strike a balance, and we have to do better. We need to really understand the consequences of this proposal and ensure that it will actually increase our homeland security and not jeopardize our citizens in other ways.

I believe this has not been thought out enough and we should certainly not race to put a rubberstamp on such an incomplete proposal. I think every Senator feels pressure to do something, anything, about homeland security. But it is much more important to do the right thing.

I look forward to having a good debate about the new Department of Homeland Security. There are a lot of serious questions, and I look forward to hearing some serious answers.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I thank the very distinguished Senator who is a member of the Senate Appropriations Committee, as I have already indicated, for her exceedingly incisive remarks which reflect the high dedication that this Senator always brings to her work. I personally appreciate it, as the chairman of the committee. She is a fine member of that committee, and she has lived up to those—and far better—encomiums than I have been able to deliver today.

How much time does the distinguished senior Senator from New York wish to have?

Mr. SCHUMER. Will 15 minutes be all right?

Mr. BYRD. Let's try 15 minutes and hope that will do the job.

Mr. SCHUMER. I thank the Senator. Before my friend from Washington State leaves the floor, I want to thank her for her leadership on this issue. I particularly thank our distinguished leader, the senior Senator from West Virginia, for his leadership on this issue.

The Senate, at certain times, has an important role—at all times it has important roles, but there is an important role that it has now, and that is for the Senate to be, of course, what one of the Founding Fathers called the cooling saucer. If there was ever a time where there was a need for that cooling saucer that the Senate should be and has been through its history in its finest moments, it is now. That is because we face a whole new challenge in these United States, a challenge that says every one of our citizens is on the front line.

This new war on terrorism means that small groups of bad people can do real damage in our homeland. Until 9/11, this was something that was unknown to us. There were battlefronts and there was the homefront, but now the homefront is the battlefront, and the battlefront is the homefront and that demands dramatic and significant changes in our Government.

If the senior Senator from West Virginia were not here, we probably would have just rolled over and we would not have had the kind of debate we are having.

He knows his history, whether it be of the Roman Senate or of the U.S. Senate or all the various Senates in between. I was going to ask him—because my family and I just visited Venice—about the Venetian Senate, to see how that compared. I didn't even know Venice had a Senate until I visited, but we will get that history lesson at another time. We have more pressing issues now.

The Senator from West Virginia is bringing the Senate to its best. He is not being obstructionist. He is not saying no. He is simply saying not to rush on such a major piece of legislation that is going to involve the most dramatic reorganization of the Government in history, on a major piece of legislation that is called on to defend us in brand-new ways.

We no longer just have the battlefront, but we have the homefront. My citizens from New York believe they are on the battlefront. They walk into a subway car and they worry what might happen. A plane flies overhead and they worry what might happen. They look at a reservoir or powerplant and they worry what might happen. This is not a time to rush things through because the very safety of our citizens is at stake.

When government was founded, when men and women got off their knees and founded government, it had two purposes: To protect from foreign invasion and keep the domestic tranquility. For the first time, those two issues were combined.

A lengthy and worthy debate of the Senate is what is called for and the senior Senator from West Virginia, Mr. BYRD, whom we all admire so, has summoned the best in us and asked us to do that. I am proud to get up here and ask for that.

I would also like to praise my good friend from Connecticut. He has put together an excellent piece of legislation that talks about the Senate's prerogatives, not just today but as we go forward. It says a single man, albeit elected, the only man elected by all the people—the only person elected by all the people, so far, the President of the United States—should have some power. But this is not what the Founding Fathers intended. He should not be allowed to take one from one agency and put it in another. He should not be allowed to move employees from one place to another without the approval of the Congress.

I regret to say that the House moved all too quickly. I am glad Senator LIEBERMAN and his committee have had a chance to improve on the House legislation, and to improve on it in a very significant way in major areas that the Senator from Connecticut has outlined.

What I am saying today is that we have to go beyond that as well and address some of the substantive areas of security—not simply how we reorder the Government and rearrange it, and not simply the balance of power between the President, the Senate, and the House, which is very important and worthy of debate—Senator LIEBERMAN has put his oar in the water on that one and given it a powerful stroke, if we pass his proposal—but also to debate some of the substance of homeland security. I fear that if we simply rearrange the agencies and run away from spending the extra dollars we have to spend to make our homeland more secure, we will have not done the full job. That is why I feel so strongly about having a continued debate.

Let me mention a few areas where I have had some expertise in that substantive area. No matter what you do about rearranging and putting a department here and a department there, we will still not be secure unless we delve into those departments.

One which I am going to touch on briefly is a computer system throughout the Justice Department. Recognizing that we are not reorganizing the FBI or the CIA, let me focus on the areas where we are, such as the INS. Our computer systems are totally backward. We had a hearing in my Judiciary subcommittee which has oversight over the FBI where we showed that the computer systems of the FBI cannot search for two words. They can search for the word "flight" and for the word "school," but they cannot search for the words "flight school." Something is dramatically the matter. The INS computers—we are moving the INS around—are just as bad, and maybe worse. Until we update those computers, all sorts of bad people with bad intentions will be able to get into this country even though another part of the Government knows they are bad. We should be addressing that problem when we are doing a homeland security bill.

Then let me talk about the issue that is of greatest concern to me, which is, frankly, the issue that seems to be of great concern to our President, and rightfully so. To me, the worst danger I can conceive of that could befall us in this war on terrorism is that a terrorist group could smuggle a nuclear weapon, or a few, into this country and detonate them. As horrible as 9/11 was, as aching as my city and State are, it would pale before the damage of a nuclear explosion in downtown New York, or downtown Chicago, or downtown Houston, or downtown Los Angeles, San Francisco, Boston, Kansas City, or anywhere else.

Yet right now, if, God forbid, a terrorist group should get hold of such a nuclear weapon either by purchasing it from the few powers that have them that we are worried about—Pakistan, Russia, and, down the road, Iraq, if they develop enough U-238—that weapon could be smuggled into this country, say, on one of the large containers that are unloaded from our ships or brought through the borders—Canadian and Mexican—on trucks, with virtually no detection. What a surprising thought. It is no longer that a missile would deliver such a bomb or that a plane would deliver such a bomb but, rather, that it would come across our border at ground or water level. That is a frightening thought.

The good news is we can do something about it. The good news, when you talk to the scientists at Brookhaven National Lab out on Long Island or Argonne Lab in the suburbs of Chicago, is they say we could develop a device that could at a distance of 40 or 50 feet detect nuclear weapons, if they, God forbid, should be smuggled into this country, because nuclear radioactivity involves gamma rays which can pierce all but lead. To deal with surrounding the bomb in lead, you can just use an x-ray detection device. The x ray would detect the lead. The problem is, they have the technology to do this, but it is only done in lab conditions in cyclotrons and atom smashers.

We need it to go through every container that comes into America. Right now, the only way you can detect radiation is through a Geiger counter. Unfortunately, a Geiger counter has to be placed maybe 3 feet from the radioactive source. You can't go into every one of these big containers with a Geiger counter and push it up against every crate—There are probably 30, 40, or 50 crates in each container; there are hundreds of containers on these ships and thousands that come across by truck—without bringing commerce to a standstill.

The alternative is to develop a device that would do this 40 or 50 feet away, and then install it on every crane that either loads or unloads a container bound for the United States, or that is here in the United States, and put it on every toll booth for a truck that goes over the Canadian border or Mexican border. The cost of developing this device is probably about $500 million, and then probably another $1 billion to install it.

The good senior Senator from Virginia, Mr. WARNER—obviously not of my party—and I have legislation that would begin to do this, that would start the research.

For the love of me, why can't we get support for this? Why isn't the White House supporting this? We are very worried about Iraq producing nuclear weapons. We should be. But why aren't we making our homeland secure from the delivery of those nuclear weapons? Maybe it won't be Iraq. Maybe it will be Iran. Maybe it will be North Korea. Maybe it will be someone else we can't even think about.

I think we should be able to debate that proposal on the floor of this Senate—not a year from now but now. I feel the urgency of this. The safety of our citizens is at stake. If it takes an extra day or two, so be it. That is the role of the Senate.

Why doesn't the White House get behind this kind of proposal? For some reason, they won't. I think it is because they don't want to spend the money, as amplified by the recent almost virtual pocket veto of the $5 billion that was part of the appropriations bill. But I will bet if you ask each American if they would spend $1 billion to prevent nuclear weapons from being smuggled into our country and the worst kind of catastrophe imaginable to befall us, they would all say yes. If asked, my 99 colleagues would say yes.

That is the kind of thing we are trying to do here—not be obstructionists. The Senator from West Virginia, as the leader of our band here, has made it clear he doesn't want to be an obstructionist. The Senator from Connecticut has made it clear he believes we have to do things to improve the legislation.

I ask that we continue to debate this legislation. I understand we have time constraints. Those are real. I understand that. I understand we cannot debate this bill for 3 or 4 months right now. But we don't have to have an artificial deadline that it must be finished by next week. If we think that deadline is needed, let us stay in session, go in early, and stay in late until the major amendments are dealt with. I am confident my colleagues from Connecticut and Tennessee will deal with those amendments in a fair way. They are not trying to say it is their way or no way. In fact, that is why we have bills, and that is why we have them debated. But the reorganization of Government agencies is an important issue. I agree with it. I am supportive of it. But I do not think it is the only issue facing homeland security.

And for our President—and I respect him and repeat that every New Yorker owes him a debt of gratitude for being so helpful in the $21 billion this Senate so generously voted for and the House voted for—but when he says the Senate is getting in the way, that the Senate better pass his bill his way, not the way I would want or the Senator from Connecticut would want or, in fact, the Senator from Tennessee would want, he is not being fair, not just to the

Senate but to the American people because we do have a crisis. It is a slow crisis; it is an insidious crisis.

Unfortunately, for politicians, the incentives are backward; in other words, we all love to allocate money, build a school, and get up there and say: Here is a school. But what is our goal with homeland security? What do we want to happen? Nothing. We are very successful if nothing happens. And that provides negative incentives or perverse incentives for the political process. That is the real worry.

If we were to put $3 billion into the northern border, if we were to put $1 billion into the INS computer system, if we were to spend $1 billion to——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent for 30 additional seconds to finish my thought.

Mr. BYRD. Mr. President, I yield the Senator 1 additional minute.

Mr. SCHUMER. I thank the Senator.

If we were to spend another $1 billion on nuclear weapons, I think it would be worth it. I think the American people would be for us. I may be wrong, but at least I would like the chance to debate and vote on issues I consider to be urgent, pressing needs for my constituency in my State that I love so, and for the people of the United States, for the country I love so.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Senator from New York for a very thoughtful statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from California, Mrs. BOXER, be recognized at 5 p.m. for a period of 10 minutes, out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the President wants the Congress to grant the administration the authority to write its own civil service system, regardless of what has been written in current law, that would apply only to Federal workers within a new Department of Homeland Security.

As I have expressed before on this floor, I am concerned that these changes mask the administration's larger hidden agenda, an agenda that would have the Federal Government function more like a big corporation. We all certainly ought to be concerned about that idea, given our recent experience with the inner workings of big corporations.

I come, Mr. President, from the coalfields of southern West Virginia, not from a corporate boardroom. So I approach this with a different perspective than the administration, quite obviously. Before I would ever vote to approve a homeland security measure, I would want to know more about the working conditions of its prospective employees. Will the employees who currently enjoy collective bargaining rights continue to enjoy those same rights at the new Department? Will these employees have complete whistleblower protections?

Before I vote to approve a homeland security measure, I want to know about the pay system. How will the payroll systems and personnel systems be merged into the new Department? How would the special pay rates, already in existence at the separate agencies, coordinate or be replaced by a pay system if one were to be implemented? What will be the hiring procedures? What will be the firing procedures in this vast new order?

Presidential spokesman Ari Fleischer says these new procedures are needed to enable managers to fire workers who drink on the job. Would they also be able to fire workers because they join a union, because they vote Democratic, because they have red hair or no hair or lots of hair or white hair?

The administration argues that the Secretary for Homeland Security will require significant flexibility in the hiring and firing process because, for example, according to the administration, existing due process and appeal rights make it impossible to fire or demote Federal employees who are poor performers.

But this and other claims are simply not true. A report by the nonpartisan Partnership for Public Service recently stated:

> [W]hat is missing from the current debate . . . is the institutional experience government has accumulated with Title 5 modifications that have already successfully allowed government agencies to emulate high-performing workplaces—without compromising merit principles, including protections against politicized personnel decisions.

Mr. President, the fact is, the administration currently enjoys broad flexibilities when it comes to the Federal workforce. A report by the Congressional Research Service points out:

> Executive branch departments and agencies currently have considerable flexibility to perform personnel functions in such areas as recruiting, hiring, compensation, promotion, training, and retention. The extent to which the departments and agencies are using the flexibilities is unknown.

"Unknown."

One of the most important protections granted by the civil service system, that could be eliminated under the President's proposal, is for whistleblowers. Remember Franklin's whistle? Remember the story about Benjamin Franklin's whistle, that he paid too much for his whistle? I am talking about whistleblowers, just now.

The day the President made the announcement of his newfound support for a Department of Homeland Security was the very day that an FBI whistleblower, Coleen Rowley, was to testify before Congress on the embarrassing failures of that agency leading up to the September 11 tragedy. It is clear the administration hoped to limit coverage of that hearing by offering its secret plan that was hatched in the bowels of the White House to establish a new Department of Homeland Security, on the same day—a plan, I might add, that would not provide its employees the same level of protection with regard to whistleblowers as that FBI agent enjoyed that day.

Whistleblower protections are essential to protect Federal employees against managerial reprisals for lawfully disclosing information they believe demonstrates a violation of law or mismanagement of authority.

The President seemed to agree with this principle when he issued an executive order on January 20, 2001, that required all Federal workers to obey their duty and report fraud, waste, and abuse.

Excessive secrecy enforced by repression can threaten national security by covering up Government breakdowns that sustain unnecessary vulnerability to terrorism. An example from the post-September 11 period provided by the American Federation of Government employees is illuminating. In testimony before the House Select Committee on Homeland Security, American Federation for Government Employees President, Bobby L. Harnage, Sr., provided the following story, and I quote from his testimony:

> In the aftermath of the September 11 terrorist attacks, two union officers of the National Border Patrol Council—border agents Mark Hall and Mark Lindenmann—went on the NBC Today Show and testified before Congress to speak out against security on the United States northern border. They said that despite all the talk, no new agents had been placed on the northern border and that agents were not making criminal background checks on people caught entering the United States illegally. These statements prompted the Immigration and Naturalization Service supervisors to propose to summarily fire the agents, stating in internal e-mails that "the President of the local union deemed it necessary to independently question our readiness in a public forum," that "managers must take a stance which bears no tolerance of dissent," and that managers must "view resistance from rank and file as insubordination."

Well, this is what employees are often up against when they speak out against the company line, even when the company line involves the security of the United States.

Without knowledge that the union would represent them and that an impartial whistleblower hearing process was in place to review subsequent INS actions against them, we can be sure that they never would have said a word and Congress would never have heard the truth of what was really happening on the northern border of the United States.

Before the August recess, Congress overwhelmingly approved state-of-the-art corporate whistleblower protection as an encouragement for private sector workers to defend America's financial markets. Our homeland security requires similar rights for Government workers to make disclosures in defending American families against terrorism. Without full whistleblower protections in place, Congress would have had a difficult time in the past learning of the problems associated with governmental reorganizations, and there have been some serious problems in our recent history.

As a rule of thumb, it is important to remember that Federal Government reorganizations have been difficult to accomplish. As James M. Lindsay, a senior fellow at the Brookings Institute, recently said:

> History suggests we never get reorganizations right the first time, and this is an especially ambitious proposal. A lot of follow-through will be needed to make it work.

Recent experience in providing the executive branch with flexibility in establishing a new Government agency holds great lessons for what we are being asked to do today. This flexibility failed in an identical experiment at the Federal Aviation Administration in which Congress gave the flexibility to replace merit system and collective bargaining procedures with so-called superior management alternatives. The result was chaos. Personnel disputes rose sharply, morale plummeted, and the mishmash of employee organizations sprang up to replace coherent labor-management dialog in disputes from all directions.

In the year 2000, Congress learned the obvious lesson and restored the merit system's due process procedures and remedies. What about the new Transportation Security Agency that was created last year? Congress reluctantly agreed to the administration's request for exceptions to the civil service system for employees at the new agency because they wanted to streamline personnel procedures to allow faster hiring and provide for flexibility and shifting people among jobs as the new agency was established. That sounds familiar, doesn't it?

The results have been mixed at best. Recall that just a few short weeks ago the administration fired its handpicked director of the new Transportation Safety Administration, John W. McGaw, only 6 months after the agency was established. Creating an effective and efficient Department of Homeland Security and retaining the basic rights of Federal workers are not mutually exclusive.

I am not here to say our civil service system is perfect, but I do say that using the security of the United States and the rights of Federal workers as a bargaining chip to further a political agendum is simply unacceptable. What an irony that this administration is using an attack by terrorists who have no respect for the rule of law or the rights of workers as a justification for us not to respect our own laws or the rights of workers.

So I am grateful for this opportunity today to speak on this issue. I am grateful for the opportunity for the Senate to address the issue. I ask the distinguished Senator from Wyoming if he wishes to speak.

Mr. THOMAS. I do.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I want to comment for a few minutes on the subject that is before the Senate. I am not a member of the committee. I have not spent as much time on it as have others. But I think there are probably different views and we have heard the same views now for quite a long time. Perhaps it would be well to talk a little bit about some of the other points of view that might be available and might be discussed later. I understand this is not actually on the issue but, rather, on a motion to proceed thereto. It is a very important issue, of course.

Nothing could be more important than homeland security. We have talked about it and we continue to talk about it at great length. The fact is, it is a high priority, certainly, for all of us to protect the homeland. In order to do that, we need to have a homeland security department with the most effective management that we can have, the most effective employees, and a system that works as effectively as possible. So we support plans that protect workers through civil rights, equal opportunity guarantees, whistleblower protections, and all those fundamental rights which will be kept. Accountability is also a must, and giving the department flexibility in hiring and firing and creating a powerful deterrent for others to ensure they don't engage in behavior that would endanger homeland protection.

The bill now before us will compromise national security and place more importance, frankly, on bureaucracy and bureaucratic security than on national security. That really is not the issue here.

This is not a new issue. The President has the authority in every other agency, but there seems to be an inclination to be able to roll it back for the Department of Homeland Security. Under this bill, the President would have more flexibility to make decisions—or should have—for reasons of national security, and for HUD, for the Department of Education, he would have more than he does under this proposal. That seems strange to me. This is a proposal that deals with those kinds of emergencies—the things that are changeable—and flexibility needs to be there.

So it seems to me that without some basic flexibility to manage, freedom to hire the right people, fire the wrong people, that national security would be at risk and not be secure. Here are some examples. The Senate bill prevents the President from holding services accountable. Last month, two America West pilots showed up to work drunk. They showed up on Monday and were fired on Tuesday. If they had been INS personnel, it would have taken 18 months—540 days—to be held accountable. These are the kinds of issues with which we have to deal. This is not the normal effort. There is a bottom line that the President does need to have sufficient flexibility. After all, it is the President and the people in the executive branch who are going to do the job. What we do is give them the opportunity and the flexibility to do it.

Certainly there are controls. These controls will not be gone. But we have to provide the opportunity to the person who will be responsible for carrying out this role. It is easy to sit here and talk about all the restraints we should have because we do not have to do that job; someone else does.

The Senate bill does not provide the new Department budget transfer authority. Without transfer authority, if intelligence indicated terrorists were developing a new type of biological weapon, the Secretary would be unable to transfer funds from one division to another to acquire additional medicines or vaccines or improve detection equipment. It does not provide the flexibility to attract, hire, and reward good performance or hold poor performers accountable. That is what we need to do in all of Government, but more particularly in this Department where they are going to face issues they have never before faced.

The Office of Personnel Management reports it can take up to 5 months or more to hire a new Federal employee and 18 months to terminate. If one is not getting the job done, is this what we want in homeland defense? I do not think so.

The bill does not provide for reorganization authority. The Senate bill will prevent the new Secretary from consolidating inspection work of the Customs Service, Border Patrol, and Agriculture inspectors at our ports of entry, leaving the current seam between these activities. Frankly, that has been the weakness in our system since September 11—there is information here, there is information there, and we need to bring it together in a seamless way, and that is one of the strengths and one of the purposes of this whole operation. Yet this bill will not allow that to happen.

It will strip the President of existing authority to act to preserve national security. The Senate would take away the President's existing authority to exempt agencies in the new Department of collective bargaining requirements where national security requires it. Ever since President Jimmy Carter used this important national security authority in time of war—we are in a war of terrorism. To weaken the President's authority seems to be contradictory of where we are or where we need to go.

Certainly, there needs to be great discussion, and I admire the emphasis and effort that has been made. I certainly respect the judgment everyone brings to this Chamber, but there are differences of view, and they ought to be reflected, and they will be reflected, in the bill. We are getting the impression today, however, that there is nothing right about the bill, that the way the President has requested it is all wrong, and that cannot be the case. There has to be a balance, and I am sure there will be an effort to strike a balance.

Of course, we have to recognize rules that do protect Federal workers. And, indeed, there should be rules. They represent the best in America, and they deserve strong civil service protections under the President's plan. Employees of the new Department will continue to be protected by important civil service laws, rules, and regulations that protect them against discrimination on the basis of age, disability, race, color, or religion. Those protections will be there, protected by the Fair Labor Standards Act, the Equal Employment Opportunity Commission, the Social Security Act, the Civil Rights Act, the Hatch Act, Government ethical standards, and they should continue, and indeed they will.

I know this is a very important issue. I know also that many Senators have worked very hard and are seeking to do what they believe is best to put together this homeland defense bill. But I do believe there has to be some recognition that this is different, that we are asking the executive branch to carry out a job that is unusual in a different time. It has to have some flexibility so that the decisions to accomplish what it is all about can be made. That is what the President and those who have put together this original proposition are for.

A letter has been written by the former Governor of Pennsylvania that lays out the need for these flexibilities very persuasively. I happen to agree. Certainly there are limits to what we want to do, but we do want to make this a successful effort and give those who are in charge of handling it the flexibility to make it work. I hope we will balance this bill.

Mr. President, I appreciate the time. I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I know Senator BOXER is expected around 5. I would like to speak for a few moments until then.

I thank my colleague from Wyoming for his statement. To pick up on what he said, that one might get the impression listening to the debate that there was not anything good in this bill—specifically in the President's proposal on homeland security—there is a natural way, when amendments are filed, to focus on where we disagree, where the amendment disagrees with the underlying bill. But there is a big iceberg under the surface on which there seems to be disagreement. On that there is great agreement. In fact, I believe, though it is hard to quantify this, that more than 90 percent of the bill the Governmental Affairs Committee approved in late July is exactly the same as what President Bush desires. It is quite similar to the bill the Democratic majority on the committee adopted by a 9-to-7 vote in May which, in turn, is similar to the proposal of the commission headed by our colleagues, former Senators Gary Hart and Warren Rudman.

There is enormous agreement on what I would say are the guts of this bill and the guts of a new Department of Homeland Security: Coordinate the disparate agencies that are now disorganized, overlapping, creating gaps and vulnerabilities that terrorists took advantage of on September 11 and will again unless we close those gaps and eliminate those vulnerabilities. We cannot let that happen. Border security agencies are being brought together; emergency response is being centralized, working much more closely with State and local officials; infrastructure protection; intelligence, most important, to create that one place where all the dots come together so that we can see the terrorist plots before they are carried out and stop them; science and technology. Let's use the brain power, the innovation, as the Defense Department has, to make us as successful in the battle to defend the American people at home as those technological innovations have made us abroad in the fight in pursuit of our principles and our national interest.

Most of this proposal enjoys broad bipartisan support. There are a few parts of the proposal right at the center which are in dispute. I understand the President does not support our proposal for a strong intelligence division in the new Department. It is critically important to break down the barriers that existed and still exist, to some degree, between the FBI, the CIA, local law enforcement, and State and local law enforcement as opposed to Federal law enforcement; bring all those dots together on one table so they can see the outline of what is coming and stop it before it happens.

There is dispute from the White House on our national office to combat terrorism because we want the nomination of the director of that office to be approved by the Senate. So these are real disputes related to homeland security.

The dispute that is going on now and the question of civil service rights is not relevant. I hate to see it stand as an obstacle in the path to adopting legislation creating a Department of Homeland Security which, as I say, will give the President at least 90 percent of what he wants in this new Department. In fact, far from limiting the authority of the new Secretary of Homeland Security with regard to the management flexibility that that Secretary has, our legislation protects the existing flexibility in law.

The new Secretary would be able to remove employees for poor performance, transfer employees as needed, reward and give bonuses to those who perform ably. In fact, we add by this legislation to the existing management flexibility that the new Secretary would have because of a bipartisan amendment worked on very hard and thoughtfully by Senator VOINOVICH and Senator AKAKA which would give the President and the Secretary of Homeland Security new powers to reward employees, attract top talent and reshape the workforce. It is quite an advance.

So far from limiting the management flexibility of the new Secretary, we are increasing it beyond what any other Secretary has today, and we give the administration an open invitation, specifically in the letter in regard to the legislation we are proposing, by requiring the Secretary to come back every 6 months and to offer legislative recommendations.

We specifically enumerate this again on personnel management that emerges from the experience the Secretary has over those 6 months.

We have to remember that the civil service system evolved for a reason. It was designed to create some accountability, to protect the Federal workforce from favoritism, from patronage, from politicization, by creating a transparent framework for a merit-based personnel system. Obviously, it is not perfect. That is why we included these major reforms in the bill we reported out of our committee. But to essentially discard it, as the President's proposal would do, to give the Secretary and the President effectively unlimited authority to rewrite the civil service rules, would be a real step backward.

A lot of this has to do with accountability. Accountability is an important goal in our public life and our public service. When people are being taken from the place where they work now—28 different agencies and offices, the Customs Service, the Coast Guard, the Transportation Security Agency, FEMA—and they are brought into this new Department, I think most managers in the private sector would want to do it in a way that would encourage those employees to believe we are all on the same team and we expect the most from them, we are going to work with them.

By pulling away these civil service protections, I think we are going to have exactly the opposite effect. At a time when the average worker would naturally be anxious about a change of office or status, we are going to hang a sword over their heads that says no more civil service protection; they will lose their rights and, at worst, their job without the right to protest and seek review.

Responding to the Senator from Wyoming, I say he is right, that some of our colleagues have not said enough positively either about the President's proposal particularly, because it is embraced in so much of what the committee will bring to the floor.

There are these disagreements. I hope we can work them out. I hope where they are fundamental, we can put them off for 6 months and do the urgent work, which is to get this bill done.

Let me say a word while I am speaking about items in dispute that I hope can be put off. This is the question of collective bargaining. I must say I have learned a lot about this. I have not been involved in some of these questions for a while, and I learned that collective bargaining rights were extended to Federal employees for the first time in 1962 by Executive order of President Kennedy and then were embraced in statute in 1978 under President Carter. In both the Executive order and the statute, there was a provision made that reflected, I think, special concerns during the cold war which said that if the President determined that union membership in a given agency or office was inconsistent with national security, the President could remove the right to collectively bargain without giving a reason other than to say it was inconsistent with national security, without any right of review or appeal by the employees who were therefore losing a basic right, which is to join a union.

I do point out that Federal employees can neither strike nor in most cases do they negotiate for their salaries, which are usually set by statute.

I am going to stop for a moment and ask my friend and colleague from Pennsylvania whether he would like to address the Senate on the motion before us.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I had not expected to address the Senate on this issue, but I never turn down an invitation.

Mr. LIEBERMAN. Should I rescind my offer?

Mr. SPECTER. The Senator could, but not after it has been accepted.

Mr. LIEBERMAN. Go right ahead. We both learned that at the same law school.

Mr. SPECTER. Senator LIEBERMAN and I went to the same law school, and I think he knows one can rescind an offer, but not after it is accepted. At that point, it is too late.

Mr. LIEBERMAN. I am pleased to have the Senator have the floor.

Mr. SPECTER. I am glad to see the legislation on homeland security on the floor. This is historic legislation. As the distinguished Senator from Connecticut has said, this is maybe the most important bill that will come out of his committee during his tenure. It is my hope we can move through the bill, go to conference, and have legislation on the President's desk which the President can accept.

One of the key points at issue is the way the analysis of intelligence is going to be structured, and it is my hope that we will be able to take a step at this time on reforms which have long been in the making.

When I chaired the Intelligence Committee in the 104th Congress, I proposed legislation which would have brought under one umbrella the CIA and all of the intelligence agencies. There is on the President's desk now a similar proposal. It would be acceptable to this Senator to have that umbrella control really anywhere, but the turf wars which are well-known to be endemic and epidemic in this city have prevented that kind of umbrella or overview.

The proposal which I think is indispensable is not to change the operation of the CIA or the FBI or the Defense Intelligence Agency or National Security, but when it comes to analysis, to bring it all together so that the analysts are under one umbrella. I believe that had there been an umbrella prior to September 11, 2001, there is a good chance that 9/11 could have been prevented.

We know by hindsight about the FBI report out of Phoenix, and about the young man who had Osama bin Laden's picture on his wall while studying flight training, as well as other indicia of connections to Osama bin Laden. We know about the application for a warrant under the Foreign Intelligence Surveillance Act of Zacarias Moussaoui, which would have yielded very substantial information about his connections to al-Qaeda. We know about the two at Kuala Lumpur, known to the CIA, but not communicated to the FBI or Immigration and Naturalization Service in a timely way. We know of the information from the National Security Agency on September 10, a threat, that was not translated until September 12. There are other factors at issue here where we could have connected the dots, as the metaphor is used.

This bill is a very substantial undertaking. I discussed the matter on a number of occasions with the distinguished Senator from Tennessee who raises a valid consideration that this bill may be going too far in the sense that it takes in a great deal of territory. It does that. However, the question is, When will it be done, if not now?

The business of consolidating Federal agencies is a Herculean task facing all sorts of obstacles, and it is only the event of 9/11 and the threat of another 9/11 which is a motivating factor to make these enormous changes.

Earlier today I heard the Senator from Tennessee say next year would be time enough to study the intelligence agencies. There is one big problem with that: The Senator from Tennessee will not be here next year. We need to take advantage of his skill this year.

Perhaps almost as important as the skill of the Senator from Tennessee is the momentum which we have. I have offered to give him some tips on his new job. I saw a headline in the paper the other day, "Senator Thompson Demoted to District Attorney." First of all, I do not know that it is a demotion because I have held that position. However, that is what the headline said, Senator THOMPSON demoted.

I was surfing on Sunday. It is hard to surf and not see Senator THOMPSON or Senator LIEBERMAN, or both of them. Senator THOMPSON was in a heated exchange with former Secretary Eagleburger, and then the program was interrupted for some entertainment. I thought Secretary Eagleburger and Senator THOMPSON were entertaining. They put on a portion of this television show. I wonder how many ex-district attorneys in the Senate turned down that television contract before Senator THOMPSON got it?

At any rate, Senator THOMPSON was sitting behind a big desk in a dimly lit room and two assistant district attorneys approach him. I could not get the gist of it entirely, but I guess the thrust of it was someone in the room was in favor of legalizing drugs. The comment was made: What about our war on drugs? This District Attorney Thompson said: We have to have a war on something in Congress for people to be elected.

It seemed a little cynical for him to turn on his colleagues even before he is on his new payroll. I trust the Ethics Committee would not let him be on the payroll yet, although he is doing those shows.

Back to a serious vein, this is the time to do it. I talked to Governor Ridge after a meeting he had with the President today. I have supplied him with language and I sent a copy of it to Senator LIEBERMAN and a copy to Senator THOMPSON. The President wants to be sure that the President has the authority to continue to work with the CIA as he always has. Absolutely, he should have that authority. He does have that authority. There is nothing we can do in legislation that would change it. The change in the language was made to have the analysis groups under one umbrella, subject to the President's direction to the contrary.

An earlier draft stated the reverse, that the President can direct all of these intelligence agencies to coordinate. You cannot wait for the President to make a direction. He is too busy to do it. The generalization has to be that they will be working together under one umbrella, and they will be coordinating the analysis, but this must be made explicit in statute. If the President wants to change that, of course he can. I do not think he needs that authority in the statute, but I am pleased to eliminate any question about it. It is my hope we can find some common ground on that question.

Washington, DC, has a way of having matters slide if we do not strike while the iron is hot. It is hard to get anything done in Washington, DC, while the iron is hot. However, when it cools off, it is extraordinarily difficult. It has been a long time and many efforts have been made to bring these agencies together. It is a limited juncture to call on the analytical sections to be under one umbrella.

Homeland security will do a lot in response to another 9/11, but if that happens, it is really a very sad situation. Ninety-nine percent of our effort needs to be made to prevent it. If we have to respond to another 9/11, we are in deep trouble. Maybe something even more serious may occur—not that 9/11 was not serious enough, but it may involve weapons of mass destruction. Who knows what it may involve. We have a very heavy responsibility to do everything we can to prevent it. When we look at what was known before, with the dots there, and the possibility of putting them together, that is what we have to work toward.

I have worked a lot with the principals on this issue. I had the opportunity to serve on the Governmental Affairs Committee. I know the work of Senator THOMPSON, who was chairman, and Senator LIEBERMAN, who is now chairman. We have structured this to accommodate all of the competing interests.

I think it will probably be a long day before Senator LIEBERMAN will make an ex parte invitation for me to speak again. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I do not regret the acceptance by the Senator from Pennsylvania, and I thank him very much for his remarks. He went right to the heart of one of the most important debates we will have on the bill, which is how do we structure the intelligence division of this new Department to make sure that we never again look back, as we have now after September 11, and say these barriers to communication between the FBI, the CIA, a whole bunch of people, if those barriers had been broken, and all the information was in one place, we might well have been able to prevent September 11. We have to have it within our power to do that.

I understand some of the concerns of the White House, but I do think the phrasing that Senator SPECTER has talked about is just right. I hope he may play a role in bringing us all together on this. I thank him, also, for the fact that he was my lead cosponsor; I was his lead cosponsor in October of last year when we introduced the original version of the bill creating the Department of Homeland Security which, in fairness, was based in good measure on the recommendation of the Hart-Rudman Commission. I look forward to his active participation in this debate and the days ahead.

Under a previous order, I believe Senator BOXER was to be recognized next, with the time to be taken from Senator BYRD.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank Senator LIEBERMAN for all his hard work on this bill, and Senator THOMPSON as well. I thank Senator BYRD because in his 50 years in Congress, he has seen a lot and he has raised some very important issues at which this Senate ought to look. I rise to say thank you to him and to make note that when Senator LIEBERMAN first brought the concept of Homeland Security and a Cabinet-level position for Tom Ridge, this administration was not for that in any way, shape, or form.

It is my understanding not having been on the committee, to my sadness—maybe if I was, I would have had more to say in how this bill would come about—my understanding is that not one Republican voted for the first version of that bill in the committee itself.

So we see a real transition from something that was an idea Senator LIEBERMAN had, the Democrats supported, to one that has been embraced, with some very important differences that will come out on this floor. I want to talk to some of those, as well as some of my own concerns.

I have been in elected life now for 26 years—not as long as Senator BYRD, but long enough to know that reshuffling a structure doesn't necessarily mean you are going to solve your problem. As a matter of fact, it could in many ways make people less accountable, hiding under more layers of bureaucracy. So I approach this debate with an attitude that basically says I am not so sure about this.

I think what Senator BYRD is trying to do here by speaking with some of us who have some of these problems with the bill is to try to see if we can let the Senate work its will and shape this so it does not become an unwieldy bureaucracy that will be not more accountable but less accountable.

We all know what brought us together as a country was what happened on September 11. We will never forget it, and we will commemorate it. But I agree with those who say we have to do this right. It would be a disservice to those who were so adversely impacted if we were to set some artificial deadline for restructuring of the Government, a restructuring which is so huge that a Brookings Institution scholar, Paul Light, said:

> I would rank it the No. 1 reorganization in American history in terms of difficulty.

My view is this should be done right. We should keep congressional accountability in the process and not give up the very important powers we have under the Constitution, the checks and balances, not just for this administration but for any administration.

It is interesting to hear President Bush's own words. He says it is the most extensive reorganization of the Federal Government since the 1940s.

The amendment is 350 pages. I say to Senator LIEBERMAN, I believe he has done an incredible job of improving the bill from the House version, and I certainly shudder to think if that House version were to become law because it has a lot of serious problems. So I say straight out to Senator LIEBERMAN, thank you for your work in this regard.

Senator CONRAD made a point today to some of us, stating he had heard from the OMB Director way before September 11 that changing the civil service protections was one of the things this administration has always wanted to do and that all the things that are contained in the House bill, as they would pertain to the employees of this new organization, are not new things to this administration. They have wanted to break the back, if you will, of whistleblower protection in other cases. They have wanted to break the back of any type of collective bargaining.

As we know, Federal employees cannot strike, nor should they. That is not an issue. But this administration would like to weaken the protections that do belong to Federal employees.

I think Senator LIEBERMAN made a very good point when he said, in a conversation with some of us in leadership, that the protections in his bill that are afforded to the Federal employees who would work in homeland defense are the very same protections that are afforded to the Department of Defense civilian employees.

So it seems to me a rather cruel thing to say you are creating a Department that, next to the Department of Defense—and maybe even in some cases, in some circumstances, even more—for these people who would be put in the line of fire, that we would, as one of the first things, look at weakening the rights they are afforded and make them second-class citizens. This is very disturbing to me.

Think back to September 11, to the heroes of September 11. They were not anyone in this Chamber. They were not anyone in the back room writing this bill. They were working people. They were people, yes, who were afforded the protections of collective bargaining; yes, afforded the protections of union membership. They never looked at their watch and said: Oh, gee, I have been on the 74th floor of the World Trade Center, and now I have worked 8 hours and I am coming down.

I just think it is most unfortunate that the President would not take this opportunity to keep us together here, focused on protecting our magnificent country and the people who reside therein, and instead use it as an opportunity to get through some of the things he was unable to get through in other bills. It is very disturbing to me.

I think Senator LIEBERMAN has shown tremendous leadership in standing strong for those protections. Again, the heroes of September 11 were union members. The heroes of September 11 never let us down. How do you create a new Department such as this and undercut these employees when they need to be at their top performance level, where they need to have the best morale, where they need to believe they are not treated worse, certainly, than any other Federal employee?

There are other things Senator LIEBERMAN did in this bill that I applaud. A weakening of the Freedom Of Information Act that is in the House bill—that would have been a mess for us. Many of our communities want to know what chemicals are polluting their air, ground, and water. Again, some in the House use this as a way to weaken that act and say: We cannot give out that information; the terrorists may get it. A mother of little children needs to know if there is arsenic in a plant, if there is a harmful pollutant at a plant. Therefore, I am very pleased that, with Senator LEAHY's help, where he was able to fix this, that is not a problem.

For the remainder of my remarks, I focus on the Federal Emergency Management Administration and a couple of other agencies that were just lifted and taken lock, stock, and barrel into this new, enormous creation called the Department of Homeland Security. In California, we suffer from every kind of natural disaster you can imagine, from earthquakes to fire, to flood, to drought, to pestilence. We see it all. Unfortunately, we see it often.

People sometimes say to me: Senator, why do people want to stay in California? Every other month, you are having another crisis.

I guess you have to just be there to understand. You are living in an area that is God's gift to the world. With that beauty come all these problems.

The bottom line of it is, we, unfortunately, have a terrible share of these disasters. Putting the Federal Emergency Management Administration, lock, stock and barrel, into this new Department I just think is going to be a real problem for us. Why not just take those folks in the Department who would work on homeland security but leave the others in place?

It took many years to straighten out the problems of FEMA. I have gone through the worst of it. Under President Clinton and under James Lee Witt, we saw a tremendous uplifting of FEMA's morale. They know what they are doing now. All of us, Democrats and Republicans, have benefited from that. Our people have benefited from that. Now we are moving this, lock, stock and barrel, and I am very worried about accountability.

Others have spoken of the Coast Guard. I feel the same way about that. Search and rescue—last year, the Coast Guard saved 530 lives in California. I know how important they are to homeland security, but the same thing should apply here. You do not have to lift the whole thing up, lock, stock, and barrel.

We also have the INS situation, where the immigration and naturalization services are very far behind.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask for 2 additional minutes.

Mr. BYRD. I yield 2 additional minutes to the distinguished Senator from California.

Mrs. BOXER. I thank Senator BYRD. Now that he is here, I can tell him how much I appreciate his raising the red flags.

The INS, backlogged with processing immigration—good people, kind people, family people. It seems to me, again, we should have done this in a little bit of a different way.

If we really want to do something for homeland security, I would rather see us spend the $5 billion that we passed in this Senate that spoke to the need of homeland security and aviation security. We need more machines to check bags for bombs. We know the things we need to do at our ports. We lack the infrastructure. Instead of spending time moving pegs on a board and lifting agencies from one desk to another, I would rather go back and send the President that $5 billion and say to him that we don't understand why he refused to spend this money. If he is so concerned about homeland security, why did he say he wasn't going to spend this? He said it was bad for the economy because of the deficit.

I was an economics major. One thing we know is that if the Government spends and invests in the needs of the people, such as homeland security, it is going to create thousands of jobs, and it would do something that is important. It doesn't help the economy to sit on that money. Frankly, it does not help the economy or homeland security if you create a big bureaucracy and they have no place to even put these people. And, by the way, if they are just going to be changed in name only, it is very confusing to me why we are doing this.

From all of my years in public life, I think we could have done this in a very lean and mean way. We could have made this a Cabinet-level position, which most of us supported. If the President wanted it to happen, he could have said we are going to have people dispatched who report to Tom Ridge and to each of these agencies and start to bring back and forth to him what we need to do in those agencies.

I thank you very much, Mr. President. I have a lot of serious questions about this.

I thank my colleagues for their consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, we have had a good discussion on this motion to proceed.

I thank Senator BYRD for doing what he has done. I will say publicly what I told him privately before the recess: I thought he was doing all of us a favor by slowing us down a little bit. There was an awful lot of talk about we must get this done by September 11 for symbolic reasons, and symbolism is important. But it is not nearly as important as it is to get this right. We will not get it right forever. We will be dealing with it probably for some time to come. But it is important to get it as right as we can. I think it is very important that we take the time necessary to do that. We can disagree as to how long is enough time. But I do think we can all agree that in retrospect, we were kind of headed toward a stampede there for a little while where we wanted to get something passed so we could say we got something passed. That receives short-term benefits maybe to us but it doesn't do much in terms of long-term benefits to the country. I think we are where we need to be now. We have come back. We have had a chance to digest this, discuss it, debate it in a public forum, and now to discuss it here on the floor.

Senator BYRD made some very interesting and valid points about things that we need to consider. He, I think rightfully, pointed out that the NSA creation was probably the model that not only the President is going by, but the model that we all can have in terms of importance and in terms of how long it takes to put these things together. It took a good while to put the National Security Agency together. I believe it took 6 months between the time the bill was introduced and the time that it was passed. I point out that it was after a war. I do think probably Congress had a little more leisure during those days than we have. It was 2 years after the war. Of course, we are just beginning our endeavor. We don't have quite the leisure that perhaps the Congress did at that time.

We have been considering the overall concept one way or another, formally or informally, for some time. The Gilmore Commission came in December of 2000 with a recommendation for a Homeland Security Department. The Hart-Rudman Commission came out in February, I believe, of last year, with a recommendation. We didn't pay enough attention to it soon enough. But it was out there. It was discussed and considered at that time. Congress, from time to time, has certainly considered many of the component problems that have led to this bill.

For example, the problems with the INS are certainly no secret. We have been dealing with that. We have been dealing with other problems the Government has.

I suggest the time is ripe, and there is no reason now for us not to address this issue after we have had a full-fledged discussion. I think the analogy to the Transportation Security Administration that was referred to and that was referred to in the newspaper today is a good one. I think it shows the difficulty that we have when we establish an agency that is having to recreate itself on the one hand and do the job on the other simultaneously. That is a very good point. What we are doing here in terms of the Department of Homeland Security is TSA enlarged in many respects.

That leads me to perhaps a slightly different conclusion. That leads me to the conclusion that what we need to do to avoid that problem is to give the people who are in charge and have the responsibility for making sure this works the tools they can use to make it work. We had a civil service organization system, and we had a management system, the paradigm for which was established many years ago. We live in a different world now. That is what the President is talking about when he is talking about managerial flexibility and having the tools with which to manage this thing.

If you talk to corporate leaders who have undergone transitions that are much less complicated than what we are doing, they talk about how difficult it is and how important it is to have the right kind of culture but also to have the managerial talent, the managerial wherewithal and flexibility to address those thousands of problems and difficulties that you are going to have in trying to pull all these factors together. These corporate managers don't even have Congress to answer to or deal with or worry about. Certainly, when it comes to Government, Congress cannot deal with each of these issues.

We have to either trust our leadership to the point of giving them some managerial flexibility or not. I think that is what we are doing here. That is what this is all about. It is not a major grant of new power; it is a granting of power by Congress after thorough deliberation to better manage what Congress is establishing within the discretion of Congress, and having the annual appropriations process, among other hearings and considerations, in which to evaluate what is going on. I think we have to give that kind of authority if we are going to place on these people the kinds of responsibilities that we are placing on them.

There has been a concern expressed about personal liberties. Democracy always has to—especially a democracy under attack—balance the national security of the country with the personal liberties that we hold so dear. I think we have done a pretty good job of that. Some of the things that the administration has done have been somewhat controversial. They are not really reflected in this bill. This bill really doesn't deal with any of those things. But I do think it is appropriate to point out that in other times President Lincoln instituted habeas corpus. President Roosevelt had internments, and things of that nature. Other Presidents have taken rather severe action when they deemed it necessary in times of war and in times of national security. We are not even approaching things of that nature. And we are not really even approaching the subject matter in this bill.

So I respectfully suggest that there is no danger here of giving the President too much power. The danger, quite frankly, is that we are establishing a new Department that is complex, multifaceted, and is going to be difficult to organize without giving the President some authority that several other Government agencies already have, that the Congress has already given them.

We will have an opportunity to discuss this later when appropriate amendments come up. But in the area of national security, and in the area of flexibility with regard to some of these agencies, what the President is basically asking for is the same authority that prior Presidents have had in the national security area, and the same authority for this new Department that other Department heads already have. So I do not think we need to concern ourselves overly about that. But I will say that it is refreshing to stand on this floor, to sit and listen to someone such as Senator BYRD talk about first principles, talk about the basic function of government, talk about the things the forefathers concerned themselves with, and the things we should concern ourselves with as we go forward with this bill. But I suggest that it is time we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-four minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I begin my closing remarks where I should begin, by thanking Senator LIEBERMAN and Senator THOMPSON for the leadership they have demonstrated in holding hearings, in holding the markups, in exploring the questions that were asked, in attempting to find solutions to questions and concerns and problems that occurred to them through others and sometimes not through others. I thank these two Senators who represent, I believe, the finest.

I have been a Member of the body now 44 years next January 3, the Lord willing. The fine old woman who raised me taught me to say that: I will do thus and so or so and so, the Lord willing. Of course, that comes from the Book of James, the 4th chapter, and the 14th and 15th verses: Don't say that you will go to a city tomorrow and that you will purchase thus and so and that you will do thus and so, but say, the Lord willing, you will go and do thus and so.

And I thank these Senators. I am glad that the Good Lord has permitted me to live in this age when we can have Senators who acquire the high qualities of the two Senators who are about to manage the legislation that will create a Homeland Security Department.

I favor the creation of a Homeland Security Department. And I think that the Senate within the next few minutes should vote unanimously to proceed to take up this legislation. That is the way it should be done. Let's take it up, and then let the Senate work its will.

I thank the two leaders for their cooperation in helping to bring this about and in providing a time and an opportunity when we can mull over and talk about and decide these great questions that confront us.

I would have resisted going to the bill had the motion been made prior to the August recess. I would have resisted with all of my heart and all of my strength. But I do not resist going to the bill now. With the Senate in recess, we have had a month in which to read the House bill, which largely reflects the administration's position, to read also the legislation that has been reported from Senator LIEBERMAN's and Senator THOMPSON's committee. And I have taken occasion to do just that.

Now, when we proceed to take up the House bill, it will be done, and then, at some point, presumably early on, Senator LIEBERMAN will offer his substitute. He will offer the committee of the committee which he chairs. And the Senate will then have both bills before it. The underlying measure will be the House bill. And then there will be the substitute, which will be a clean bill reported by Senator LIEBERMAN's committee. So the Senate will have before it both bills. Senators may proceed to amend the underlying bill. They may proceed to amend Senator LIEBERMAN's bill, the substitute. We will have both bills before us.

I call to the attention of Senators that once we pass this bill, whatever the bill is that the Senate passes—I am not saying I am going to vote for it; I may—but whenever the Senate passes legislation dealing with the creation of a Department of Homeland Security, then that is the last time the Senate will visit the matter until the legislation comes back from the committee of conference. And that legislation will be in the form of a conference report, which cannot be amended. Senators will have to take that measure, then, up or down.

So this is it. This is our chance, and our only chance, to fully discuss and amend the legislation. And I hope Senators will approach the matter in that vein, realizing that the product that emanates from this Senate, after whatever time we take to debate and vote on it, will be the final product the Senate itself will have had an opportunity to mold and to amend. That is it.

We are going to have to live with that. I have been greatly concerned about the legislation, as I have read it, that the House has passed, and with particular reference to title VIII of that bill, which I will not go into now.

But I have been greatly concerned. I am concerned that the Constitution and its principles and the rights and privileges that flow from that great document—which has no equal in the world as far as governmental, organic documents are concerned, no equal——

I am concerned that those rights and prerogatives that flow from that document will have been impinged upon. I am greatly concerned about the constitutionality, in whole or in part, of some of the things that we are about to do—if we do them—that are particularly contained in the House bill.

Now, we may pass legislation that is unconstitutional, and if it is never tried out in courts, it may be out there and there may not come an occasion where there is a case or controversy which goes to court. But I say that we have a responsibility.

I used to hear Sam Ervin, that eminent jurist and great late Senator from North Carolina, say that we in the Senate have a duty to determine in our own minds the constitutionality of measures that we pass.

That is why I joined with Senators on both sides of the aisle in bringing the line-item veto and pushing that matter to a decision by the U.S. Supreme Court. Of course, we didn't have standing, as the Court determined, but we did proceed; but those who did have standing were pursuing it. Thank God, somebody pursued it, and I say thank God to the Supreme Court of the United States for throwing out that bad legislation. I said it was bad and the Court agreed.

Here we are today with legislation that can certainly be dangerous in many ways. I have talked about some of those things, and I will have a further opportunity. But before I proceed with my final prepared remarks, let me thank Senator THOMPSON and Senator LIEBERMAN. I thank Senator THOMPSON for his closing remarks today, and I also thank Senator LIEBERMAN. These are gentlemen and I respect them as gentlemen. They have high and noble principles. That cannot be said of all men, of course.

We are here today because nearly 11 months ago, 19 men commandeered 4 aircraft. Their goal we know all too well. They crashed one aircraft into the Pentagon. One hurtled into the north tower of the World Trade Center. Another tore into the south tower a few minutes later. The men and women aboard the final plane, after learning of the fate of the others, decided to resist the hijackers. They knew that, in all likelihood, they were about to die. But they entered into the embrace of death willingly after having decided to do what they could do to prevent the untimely and abrupt death of other men and women.

I have no doubt, as we were taken out of this Capitol that day, ushered out by the policemen here, that that last plane was coming to hit this Capitol or the White House—one or the other. I just know in my own mind that it was headed here. But those men and women on that plane died for us. Their plane crashed in rural Pennsylvania. If not for the heroic efforts of those men and women, we would have scores of additional names to remember as victims of the worse terrorist attack in the history of our country.

We are here today debating because of those 19 hijackers. We are here because of the rescue workers who moved so quickly, so selflessly, so valiantly to save lives, only to lose their own while carrying out their duty. We are here because of those thousands of men and women who, on September 11, 1 year ago, were sitting at the desks, walking through the halls, doing their jobs, only to have such brutality bring to an end their precious lives, and so abruptly. They never had time to say goodbye to their loved ones. We are here, Senators, because we can never forget that day and because we never want this Nation to have to go through and experience the horrors of that day again.

In many ways, the creation of a new Department of Homeland Security will serve as a legacy to those more than 3,000 men and women who had lost their lives on that clear fall day 1 year ago. We must not rush to create a department in the memory of those who lost their lives on September 11. If that Homeland Security Department does not better prevent another attack, what becomes of the sacrifice of those lives almost 1 year ago? If in the rush to create a new department we make Americans more vulnerable to attack while the transition is going forward rather than less, what kind of a legacy does that leave? What tribute does this Congress and this President pay to the victims of September 11 if we only tangle the lines of homeland security rather than straighten them and strengthen them?

I believe that much is to be said in gratitude to Senator LIEBERMAN and Senator THOMPSON and their committee for their efforts to straighten the lines. I honor and respect and pay tribute to these Senators and to the product which they have given this Senate and which we will soon be discussing. But having been in various and sundry legislative branches at the State and local levels and at the Federal level, I know there is no committee, including the one I chair, that can be perfect.

As an experienced legislator, I look at this product in that fashion. It is a good product. It is a much better product than that which the House has sent us after 2 days of floor debate. But I think the full Senate can do better.

I believe that if we act in haste to pass this legislation, then we pay no tribute, we honor, no memory.

The legislation creates a new Department of Homeland Security. It is originally based on the plan of four men—not exactly the committee of five which wrote the Declaration of Independence. It is quite a different group. I don't say that disparagingly of the four fine men who came up with this idea in the bowels of the White House. But the legislation to create a new Department is based on the plan that originally was hatched in the subterranean caverns of the White House—four men, fine men, sitting in the depths of the White House, trying to counter mounting political pressures. These four men have done nothing more, really, than shuffle boxes on a piece of paper.

The administration calls this the largest reorganization of Government since World War II. I say it is the largest reorganization of Government since our constitutional Framers sat at the Convention in 1787. They reorganized the Government under the Articles of Confederation. Under that Government, under the Articles of Confederation, the Congress was the legislative, the executive, and the judicial. So those men reorganized the Government and gave to the various States, to vote on in their ratifying conventions, this product that was signed by those men in Philadelphia on September 17, 1787.

That was the first reorganization. That was the greatest reorganization because no longer do we operate under the Articles of Confederation but we operate under the Constitution of the United States. So now we have come to another reorganization proposal, the one we have been discussing.

Terrorists have the advantage of knowing when they will strike, where they will strike, and how they will strike. Law-abiding men and women do not know when the terrorists will attack, where they will attack, or how they will attack. If the truth be told, there is no department that this Congress can conceive that alone can save Americans from terrorist attacks. Moving a few squares on a flowchart will not, on its own, save lives.

I remain suspicious about a complex, extensive reorganization plan originally authored only by a group of four men in absolute secret, a plan which we are told was not revealed until the day the President revealed it, at which time several of the Department heads, whose Departments would be affected by the plan, had not been contacted and not been consulted. That is what I understand from reading the press. So I remain suspicious about a complex, extensive reorganization plan authored only by a group of four men in absolute secret. I believe such a plan is likely—likely—to be politically motivated somewhere along the line. There is an old fiddle tune I used to play, "Somewhere Along the Line."

I hope that is not true. I hope the motivations were pure, but should we not all be a little suspicious of this process? Congress should be especially careful, given the way this plan was formulated. We ought to consider our actions thoroughly and realize that the steps we take in the next few weeks will have ramifications for decades to come.

In the past few weeks, as the House select committee has held its hearings and the Senate Governmental Affairs Committee has drafted its plan, the focus has not been on how to best save lives. Rather, the focus, in part at least, has been on the "bureaucratic turf wars" that have developed. Should Secret Service be in, or should Secret Service be out?

The PRESIDING OFFICER (Mr. DAYTON). The time under the Senator's control has expired.

Mr. BYRD. Mr. President, I have need for a few more minutes. May I call upon the mercy of the distinguished Senator who chairs this committee, if he has time, if he would let this poor Senator from the hills of West Virginia have a few more minutes?

Mr. LIEBERMAN. The Senator is moving me. I say to Senator BYRD, obviously I do not want to cut him off. I guess in return I ask for a certain amount of mercy because I hope to leave in an hour to attend an event at my daughter's school. The Senator may proceed as he will. I do not intend to use the rest of my time, and I hope Senator BYRD will finish with as much dispatch as he can and still make his points.

Mr. REID. Will my friend from West Virginia yield for a question?

Mr. BYRD. Yes.

Mr. REID. I am wondering, with the three managers of the bill here on this phase of the debate, if we can agree on what time we are going to vote today. The time runs out at 6:37 p.m. It is my understanding that Senators THOMPSON and LIEBERMAN will be willing to give back some of their time.

Mr. LIEBERMAN. Yes, Senator THOMPSON has concluded his remarks. When Senator BYRD has finished, I will have concluding remarks that will go no longer than 5 minutes.

Mr. REID. Is Senator BYRD going to speak for 10 minutes?

Mr. BYRD. Well, let me put it this way. As far as I am concerned, we can vote now. As far as I am concerned, we can vote by voice. I intend to vote to proceed to take up this measure, but Senators have been told we would vote. I will stop editorializing on my own remarks and read what I have prepared and sit down.

Mr. LIEBERMAN. Fine. I thank the Senator.

Mr. REID. So the answer is we do not have a time certain.

Mr. LIEBERMAN. But no later than 6:36 p.m.

Mr. BYRD. Mr. President, I thank the distinguished chairman, Senator LIEBERMAN, for his generosity.

What about the Secret Service, should it be in or out? What about the Coast Guard? Why is the Bureau of Alcohol, Tobacco, and Firearms left out? While the 170,000 men and women targeted to move into this new Department try to figure out where the desks and telephones will be, the Nation's homeland defense system may be far less effective, not more.

We in the Congress must insist on more information about the fine details, such as what this plan means for the separation of powers, why one agency was selected while others were left out. We must take time to determine if this approach is the best approach or if it is little more than cherry-picking the best agencies while leaving others behind.

There will be those who charge that by moving to slow this legislation, I and others are endangering the lives of Americans and that we are thinking about our pet projects in our own States. What a sorry, empty claim to make. This Congress, at the urging of the Senate Appropriations Committee which I chair, has added $15 billion for homeland security over the course of the past 8 months. That funding has helped us to take immediate steps to make Americans safer from attack and to better prepare our response efforts should another attack occur.

That funding paid for more than 2,200 agents and inspectors to guard our long, porous borders with Canada and Mexico. The foreign student visa program, which has been identified as one of the Immigration and Naturalization Service's chief loopholes, is undergoing a tighter tracking system because of funding that Congress included in its first homeland security funding package within 3 days after the tragedy occurred in New York City.

Across this country, local police officers, firefighters, and emergency medical teams are receiving new training and equipment to handle threats that before last fall they hardly considered possible. Federal law enforcement also benefited from the work of this Congress. Because of the funding initiated by the Appropriations Committee, the FBI started to hire hundreds of new agents. More than 300 additional protective personnel were hired to protect the Nation's nuclear weapons complex. Air marshals have been hired to protect our planes. Seven hundred and fifty food inspectors were hired to ensure the safety of the meals served at America's kitchen tables. We have paid for smallpox vaccines and health department training. We are tightening security at our seaports and purchasing new bomb-detecting equipment at our airports. We are taking steps to protect American lives now, today, and not just waiting for a bureaucratic shuffle to protect us.

Congress, the elected representatives of the people, have done this. Congress also acted to provide additional emergency funding to strengthen terrorism prevention and to give much-needed aid to first responders at the local level. But President Bush has refused to spend some of these critical funds because he and OMB Director Mitch Daniels want to make a point about budget discipline.

If the President is really serious about preventing terror, as he says he is, he should not play politics with this important funding, which by the signature of his name could have been released to the people at the local levels, throughout the land, for the protection of the people and the protection of the infrastructure of our country.

Members of Congress and the President would like to be able to tell the public that they honored the victims of September 11 by creating a new Department for Homeland Security on the anniversary of the tragedy. That is understandable for politicians. But as Senator THOMPSON pointed out, we want the right product. We want to take the time and do the job right.

In a few days, Americans will pause to remember the moment when the airplanes struck the World Trade Center, the Pentagon, and the Pennsylvania field. We will remember the mothers and fathers, the brothers and sisters, the firefighters, the police officers, the ambulance drivers. We will remember all of those who lost their lives in those tragic moments. But as we craft this legacy to their lives, we owe them more than a press release. We owe them our best judgment. We owe them rational, responsible action. We owe them a legacy that may truly save other lives, the lives of the people and the families of those who died, the progeny of those fathers whose lives were wiped out in the batting of an eye.

Based on what we know about the legislative proposals before us, there can be no assurance that such a legacy will ever result. I am concerned that the monument that will result from this effort may be one of weakened protections for America's civil servants, one that may allow the security that is our goal to buckle under the weight of an administration's untold agenda. What will this legislation do to the people's rights, to the first amendment, to the second amendment, the third or fourth? Do we know what this bill does to the fundamental protections embodied in the Constitution?

I am concerned about what we do not know about what has been kept from us by an administration adept at dealing in the shadows. I am concerned that this bill goes too far to protect the privacy of the White House and not far enough to protect the privacy of law-abiding citizens outside the White House.

We are being pressed to pass this legislation to protect American lives, but we must not allow ourselves to be blinded to the new threats it may present to our laws and our constitutional system if we pass the legislation for which the administration has asked.

Each of us has an obligation not just to put a new banner over a collection of agencies but to ensure that those agencies work together to protect the American people. Reorganizations of any size have a tendency to drift, to veer off course. A reorganization of the magnitude envisioned is likely to careen out of our control if we do not take the necessary steps to keep it on track. We cannot throw up our arms in celebration at the moment a bill is signed into law and walk away wrapped in the folds of glory. If that is all we do, we will surely drop the reins.

This Senate must do everything within its power now to ensure that the promise embodied in this proposed reorganization is kept. We must focus beyond the mere creation of a new Department and grapple with the details of its implementation. We should insist on a clear understanding of the mission of the new Department. We should know the criteria that are used to determine which agencies will be part of it. We should insist that the constitutional rights of the people are protected. We should insist on assurances that this administration will not use this reorganization as a cover to dismantle worker protections. We should insist that the important non-homeland-security work of the transferred agencies is not sacrificed as those agencies assume new missions.

Senators know of my great respect and fondness for history of the ancient Romans. Montesquieu first pointed the way, and having read a great deal of Montesquieu's work, I came to the conclusion that Montesquieu must have been right because he loved the history of the ancient Romans. As a matter of fact, he wrote a history of the ancient Romans. So I decided I would do some of that reading, too.

I close with a quotation. Gaius Petronius Arbiter, a Roman poet and advisor to Nero, is reported to have said:

> We trained hard . . . but it seemed that every time we were beginning to form into teams we would be reorganized. I was to learn later in life that we tend to meet any new situation by reorganizing; and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency and demoralization.

What a quotation from a Roman 2,000 years ago, and more. Before we rush ahead with so many questions unanswered, let us ensure that the product of our work is not just an illusion but substance. If it is a monument we are building, let it be one that will endure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I simply thank the very able Senator from West Virginia for once again calling on the Senate to face these very fundamental questions that are involved and which he has been speaking to in the course of the day. I think it behooves all of our colleagues not only to have listened to the able Senator but to go back and read his remarks and to consider them carefully and thoughtfully as we address this major legislation.

Now we are embarked, of course, on creating a new Department, but we need to be very careful in how we do it. We need to be very thorough in how we do it. We need to be very thoughtful in how we do it.

I commend the chairman of the committee, the able Senator from Connecticut, because I think he has brought all of those qualities to this legislation that he has now brought forth in the Senate.

There are very important questions involved here in terms of how the political system works and how the checks and balances work and what the allocation of powers is. Some say this is a fight over turf or over prerogatives. It is no such thing. This is trying to resolve the most basic questions about how our system of self-government is to work and what the balance is to be between the legislative and the executive branches; indeed, the judicial branch is drawn into this, as well.

I hope as we address this legislation in the days to come, my colleagues keep in mind the analysis and the history which the Senator from West Virginia has brought to the floor today. I express my deep appreciation once again. He reminds us of the fundamental questions we confront and of the importance of rising to this occasion.

Mr. BYRD. I thank the Senator for the generous remarks.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I agree with my friend from Maryland: The Senator from West Virginia has made a contribution here with his thoughtful leadership over the years, of course, and his thoughtful statements today. Even when I do not meet the statements with personal agreement, I know he forces me to think about fixed premises that I may bring to the debate, as well as everyone in this case, and that will make the product of our deliberations better than it would otherwise be.

I was thinking about the quote at the end of Senator BYRD's remarks. It is true that reorganization or reform can sometimes not be in the interest of progress and can be a cover for disorganization and an excuse for inaction more broadly.

I do want to argue that this proposal that has come out of the Senate Governmental Affairs Committee, which builds on work that had been done by the Hart-Rudman Commission, which meshed with recommendations from the White House, is a necessary reorganization.

The current state of reality in our Federal Government is that we are disorganized. It is in some ways dysfunctional as it comes to protecting the security of the American people from a threat we have imagined, we have seen some small evidence of over the years. But on September 11 we were shocked from our lethargy and our apathy and our tolerance of disorganization, seeing the painful personal consequences of that disorganization—almost 3,000 Americans dead only because they were Americans, struck in a vicious and savage and cunning way only because they were Americans. They did not have the courage to take us on on a conventional field of battle but struck an undefended target full of innocent Americans.

That disorganization can no longer be tolerated. I have a sense of urgency about this. I look at the evidence we have accumulated about the various ways in which our intelligence and law enforcement personnel could have cooperated, could have shared information prior to September 11. I wonder, could we have prevented this from happening? I look at the way in which we have tolerated disorganization and overlap at our borders with failures of the various Federal agencies there and inability even to communicate with one another. I look at our ports, with 95 percent of the goods coming into the United States of America. Most people are shocked by this number: 95 percent come in by ship, yet the Customs Service is able to truly inspect only 1 percent of the containers coming in.

I could go on and on about airport security pre-September 11 and security of our financial systems, cybersystems, and all the rest. We are just not organized to prevent what happened on September 11 from ever happening again.

In this regard, I have the echo in my mind of a meeting I attended some months ago with families of victims of September 11, mostly families of victims because most of them were from Connecticut, some from New York, who died in the World Trade Center. The plaintive question they asked me was, how could this have happened? I do not want to ever be in a position to face another group of fellow Americans who ask me again, how could this have happened?

I make no claims that adoption of the bill that our committee has reported on will be a guarantee against terrorism. I suppose if someone has so little regard for their own life and other lives that they are prepared to strap bombs around themselves and walk into a crowd, that is not easy to stop. But something as well planned, as comprehensive, with as many contacts with private sector bodies, including flight training schools and public agencies, we should be able to prevent. The only way to begin to do it is to create a structure that is accountable, that has a uniform chain of command, and that will put people in place to overcome the gaps the terrorists took advantage of on September 11.

That is why I have urgently brought this matter to the floor, with the wonderful bipartisan group of members of the Governmental Affairs Committee who contributed substantially to the product on the floor, and the various Members of the Senate on both sides with whom we have worked on parts of this proposal. There were 18 hearings, 3 or 4 days of committee meetings and markup. A lot of work has been done on this, building on work that had been done years before by others, as to how we can best protect the American people from terrorism.

It is time to proceed. We have had a very good opening day of debate. Obviously, there are some differences of opinion regarding the pace of action in Congress or whether the executive branch is seeking or being given too much authority, whether one or another agency that is consolidated by this bill should be consolidated, how strong our intelligence division should be in this Department, how much should we bring matters together. Should we give this President and his successors unprecedented authority over civil service and Federal employees?

All of these matters, I know, will be directly discussed in the days ahead. And many of them, if not all of them, will be subjects of amendment before this Chamber. This is a big bill. It is a big proposal which responds to an urgent problem. As others have said, it would be the largest reorganization of the Federal Government in 50 years, since the post-World War II reorganization of our national security apparatus. That is what the reality of our times requires. It is why we need the debate we will have in the days, and perhaps weeks, ahead.

In the paper today, there is a story that our intelligence service is working with foreign intelligence services and has tracked the movement of gold, substantial amounts of gold, apparently owned by al-Qaida, from Pakistan through Iran, the United Arab Emirates, into Sudan, where it may be in Khartoum now. What does this tell us? That the enemy is out there, that we won a victory, a great victory, in Afghanistan, but that was only the first battle of the war.

Again, the enemy is not out there on a field of battle where we can see them, or in ships at sea. They are in the shadows. They have not diminished their intention to strike at America, and Americans only, because we are America and Americans. Now we, as the representatives of the American people here in Congress, we draw ourselves together, to have our debate, have our discussion, but in the end, to do what we must do to create a Department of Homeland Security that will be a strong line of defense against al-Qaida and anyone else out there intending to strike at the American people here at home.

One thing I do know, in the midst of all the debate, is we are ready to proceed. We have had a good opening day. Many more days of debate will come. But on the specific motion before us now, the motion to proceed, I am sure we are ready to vote.

I yield whatever remaining time I have and I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion to proceed. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), and the Senator from Delaware (Mr. BIDEN), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mr. GRAMM), the Senator from Arkansas (Mr. MURKOWSKI), and the Senator from Pennsylvania (Mr. SANTORUM), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—94

Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—6

Akaka
Biden
Gramm
Helms
Murkowski
Santorum

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

The PRESIDING OFFICER (Mrs. CANTWELL). The Senator from Nevada.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF JUSTICE PRISCILLA OWEN OF TEXAS TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

Mr. HATCH. Madam President, I would like to make some brief remarks about the nomination of Justice Priscilla Owen of Texas who has been scheduled for a vote in the Judiciary Committee as early as this Thursday. I cannot say strongly enough how important this vote is for the future of the Judiciary and this Senate.

With the attempt by some to introduce ideology and base politics into the confirmations process, today a sword of Damocles hangs over the future of nominations and our constitutional role and no vote will hint the future more than this upcoming vote on Justice Owen.

Justice Owen has been attacked with orchestrated deceptions, distortions and demagoguery, yet she has the American Bar Association's unanimous rating of well qualified."

In preparing for Justice Owen's vote, I again commend to my colleagues the words of Senator BIDEN when he said some years ago that:

> [Judicial confirmation] is not about pro-life or pro-choice, conservative or liberal, it is not about Democrat or Republican. It is about intellectual and professional competence to serve as a member of the third co-equal branch of the Government.

Allow me to make just some brief remarks on the allegations made against Justice Owen which she clarified both in the hearing and in answers to written questions since then.

First, and most outrageously, it was said that she delayed in issuing an opinion in a car accident case involving a boy who subsequently died and that he died while waiting for her decision. And that she raised an issue, court venue, not previously raised by the lawyers.

The truth is that Justice Owen wrote an opinion for the majority in that case just 5 days after the majority reached a decision. The boy died 3 years later. And venue is automatically at issue when the petition is for a new trial and it was both briefed and argued by the lawyers, as was the case. That's the truth.

There is no use in holding hearings and asking written questions if we ignore the answers.

Second, she has been accused of being a " judicial activist" who pursues an outcome-based result.

The truth is that she is a judicious judge who never digresses from the rules of precedent and legal construction. She always grounds her decision in binding authority or judicial rules of decision. The charge that she is a judicial activist is a cynical trick of words from Washington lobbyists who have made their careers defending court decisions of real judicial activists who never let the words of the Constitution stand between them and their social engineering.

Another falsehood is that she is anti-abortion and is out to defeat abortion rights.

The truth is that Owen has never stated her personal views and has ruled in one case for Planned Parenthood and against Operation Rescue pro-life protestors. In the parental involvement cases, Owen repeatedly applied Roe v Wade and the Supreme Court cases and used them to interpret the legislature's choice of words in the statute.

It is said that in her parental notice cases, Owen sought to limit abortion rights.

The truth is that no abortion right is affected by giving mere notice to parents. And over 600 bypasses of notice have been granted by the courts under the standards Owen and her court established. The Texas Supreme Court merely debated the guidelines for lower courts to apply on a brand new law. The Court sought to effect the legislature's intent: to protect parental involvement rights, the right of parents to guide their children and protect them from harm was at stake, not abortion.

Justice Owen has been called an ideologue who is out of the mainstream.

The truth is that Owen was twice elected in Texas, the last time with 83 percent of the vote. She is a quiet, modest person, who leads her Church choir, and had to be convinced to leave a lucrative law practice to become a judge. She was unanimously rated well-qualified, the highest rating of the ABA, despite the ABA's pro-abortion stance.

It was noted that Justice Owen dissents too often and rules in favor of corporations and big money.

The truth is that she has dissented fewer than 10 percent of the time, that's half the average for any current U.S. Supreme Court justice. She is an umpire who calls the balls and the strikes as they are. It is silly to suggest that she is pro-bat or pro-ball, pro-batter or pro-pitcher.

Let's speak truth to power.

The main reason Justice Owen is being opposed, is not that personal views are being falsely ascribed to her, they are, but rather because she is a woman in public life who is believed to have personal views that some maintain are unacceptable for a woman in public life to have.

Such penalization is a matter of the greatest concern to me because it represents a new glass ceiling for women jurists just as they approach the tables of our high courts after long-struggling careers. Such treatment will have a chilling effect on women jurists that will keep them from weighing in on exactly the sorts of cases that most invite their participation and their perspectives as women.

On abortion, the truth is that, rather than being an activist foe of Roe, Justice Owen repeatedly cites and follows Roe and its progeny as authority.

Moreover, her opponents portray her as a pro-life activist, when all she has ever done is rule on a parental involvement law, popular with over 80 percent of the American people. The bottom line is that they are blinded to anyone who will not abide by abortion on demand even for little girls, without parents ever knowing.

I hope my colleagues will treat Justice Owen fairly when the vote comes. As they say back home in Utah, I hope they will choose the right.

But I warn them, the American people will hear of the result, and I warn them also, a sword of Damocles will hang over the Senate and the future of the Judiciary Committee when that vote comes.

THE HONORABLE JESSE BROWN

Mr. CONRAD. Mr. President, I was deeply saddened to learn of the untimely death of Jesse Brown on August 15, 2002. I was aware of Jesse's struggle with Lou Gehrig's disease, and know that friends, veterans and government officials across the Nation had Jesse and his family in their thoughts and prayers.

Jesse was an individual for whom I had the highest regard. He was truly a distinguished American who not only made considerable sacrifices for his country as a Marine in Vietnam, but continued to serve our country, especially the veterans of our Nation through his service as Executive Director of the Disabled American Veterans and later as Secretary of Veterans Affairs for 5 years in the cabinet of President Clinton.

It was during his tenure as VA Secretary that I worked more closely with Jesse and had the opportunity to learn of his commitment to our nation's veterans particularly to improve the medical care services to veterans. During a visit to the community of Grafton, ND for the dedication of an outpatient clinic, I had the opportunity to see first hand Jesse's concern and compassion for our veterans and their families. I was particularly impressed with his commitment to make certain that our veterans living in the rural and more remote areas of our country had the resources and access to the best VA medical care possible.

Jesse Brown represents the very best of America, he was a U.S. Marine with a distinguished service record in Vietnam, a disabled veteran, a devoted family member, a distinguished public servant, and an individual that represented the very best qualities and character in America. He is a role model for the coming generations and for us all. I hope our younger Americans will have an opportunity to know Jesse over time, to learn of his sacrifices and accomplishments on behalf of all Americans. Jesse deserves our highest respect and admiration.

My prayers and thoughts are with the Brown family members at this time.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred Aug. 3, 1997 in Fort Worth, TX. Two gay men were physically assaulted after leaving a gay bar. The assailants, two men, were heard to yell anti-gay epithets during the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO ANGELA MARSHALL-HOFMANN

Mr. BAUCUS. Madam President, I rise today to thank Angela Marshall-Hofmann, who has worked on my staff for more than a decade.

I first met Angela in 1990. She was a reporter for the school newspaper at Eastern Montana College during her freshman year. Angela met me at the Billings airport to do an interview, and after the interview was over, she indicated she would like to be an intern in my Billings office.

I told her to come in—and she did such a great job that when a part-time position opened up, we hired her. She continued to work in the Billings office until she graduated from college.

During her time in the Billings office, Angela began to develop an interest in trade issues. She worked on setting up a state visit by several Ambassadors, and helped draft an export manual for Montana's small businesses.

During her senior year of college, she was encouraged to apply for the Rotary Club's International Scholarship. There is always a talented pool of students in Montana that applies for that prestigious scholarship—and Angela won it. She used it to study in France for a year, and continued to focus on international trade.

When she came back from France she went to law school in Missoula and began work in our Missoula office. During her time there she got involved with the Mansfield Center and helped to plan their international conferences, including one in China.

In 1997, Angela finally came east to work in our Washington, DC office, with a portfolio that included both agriculture and trade issues. During that time, she organized and traveled on trade missions to Asia and to South America.

Angela has always been one of the best multitaskers I know. When she worked in the Missoula office, she was going to law school and teaching dance classes—and doing great at all three.

These days, I think she has taken multitasking to a new level. With twin babies Marshall and Stephen at home and all of her responsibilities at work, she still manages to thrive.

And not only does Angela thrive, she does so with a positive attitude that makes her one of the most pleasant people to work with. I doubt there is anyone who has a bad thing to say about her. And after all her years on Capitol Hill—that is really saying something.

I was perhaps most proud of Angela, however, when she was asked this year to be the commencement speaker at Montana State University in Billings—formerly Eastern. She spoke as one of MSU's most distinguished alumni. I believe she inspired the graduating students to achieve and accomplish many great things—as Angela has.

Angela has truly done it all—from intern, part-time staffer, and receptionist, to legislative assistant, and now international trade counsel to the Senate Finance Committee. She has worked on issues that are vital to Montana, including softwood lumber an agriculture. She has helped pass historic legislation, including Permanent Normal Trade Relations for China and this year's Trade Act.

Angela—thank you for your years of hard work, for your dedication to the State of Montana, and for the service to your country. You will truly be missed.

Mr. President, I yield the floor.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE CENTENNIAL OF BIG BASIN REDWOODS STATE PARK

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of the creation of California's oldest State park, Big Basin Redwoods State Park, located 25 miles northwest of Santa Cruz. Big Basin holds the distinction of being home to the largest continuous stand of Ancient Coast Redwoods south of San Francisco.

Big Basin Redwoods State Park was the first of California's 269 State parks to be set aside by the State legislature in September, 1902. Its creation was the result of a turn of the century community organizing campaign. San Jose photographer Andrew P. Hill gathered a group of writers, educators and women's club members for an exploratory expedition to the Santa Cruz Mountains, the area we know today as Big Basin. They formed the Sempervirens Club and began lobbying for preservation of the area as a public park. Their intention was to save these trees for posterity.

Today we celebrate the foresight and dedication of Andrew P. Hill and his friends. Big Basin Redwoods State Park is seen as the birthplace of the movement to save California's coastal redwoods and the birthplace of the entire State park system.

This system contains magnificent diversity and beauty ranging from the majestic forests of Northern California to the sun-baked deserts of Southern California and from the vibrant blue surf of the Pacific shoreline to the glorious peaks of the Sierra Nevada Mountain Range. It includes cultural and historical sites of national importance, wildlife habitats and natural preserves that are critical to the ecological health of thousands of plants and animals and a vast array of recreational opportunities for all citizens.

Big Basin Redwoods State Park incorporates 18,000 acres of old growth and recovering redwood forest, mixed with conifer, oaks, chaparral and riparian habitats. The park encompasses 80 miles of trails that include numerous waterfalls, lush canyons and chaparral-covered slopes. Other features of the park are family and group camping facilities, tent cabins, backpacking camps, hiking, mountain biking and equestrian trails.

On the 100th anniversary of the founding of Big Basin Redwoods State Park by the California legislature, I wish to recognize it as an enduring and unique place of historical and environmental importance. Today we celebrate the spirit and determination of a group of people that resulted in the preservation of a beautiful primeval forest that we enjoy today.●

TRIBUTE TO SAMUEL "SKIP" KEESAL, JR.

● Mrs. BOXER. Mr. President, I pay tribute to a great Californian, Samuel "Skip" Keesal, Jr. Skip will be honored by Leadership Long Beach with its prestigious Excellence in Leadership Award on October 3, 2002.

"Excellence in Leadership" aptly describes Skip Keesal and his long and distinguished career. Since founding the law firm of Keesal, Young and Logan in 1970, he has tried more than 250 cases, has been named a "Best Lawyer in America" for both his civil and maritime work, and was invited to join the distinguished International Academy of Trial Lawyers. The awards and acknowledgments he has won are too numerous to fully review and place him among the most honored lawyers in America. Indeed, Skip's career is worthy of an award for "Excellence in Leadership."

Skip Keesal could easily win a second "Excellence in Leadership" award for his exemplary community work. He serves on the boards of directors for many community organizations that serve children, provide community healthcare and educate young people. His work has helped the City of Long Beach prosper and its residents to live better, healthier lives.

Skip and his wife, Beth, have three adult children. I know all will join Skip in celebrating this award. I congratulate Skip Keesal and encourage him to keep up his very good work.•

INLAND AGENCY'S 33D ANNIVERSARY

• Mrs. BOXER. Mr. President, on October 12, 2002, the Inland Agency will celebrate 33 years of outstanding service to Riverside, San Bernardino, Inyo and Mono Counties. I would like to take a moment to acquaint my colleagues with this organization's exceptional record of service to the community.

Since 1969, Inland Agency has provided a wealth of programs and services for the community's diverse populations. It serves more than 132,000 individuals through its health, youth violence prevention and community strengthening programs.

In the area of health care, the agency has a caregivers' program, a health insurance counseling program geared toward seniors, and a program called the Desert Sierra Breast Cancer Partnership that has provided education and free breast cancer screenings to thousands of people.

In efforts to reduce youth violence and make sure children are led in the right direction, Inland Agency provides education, violence prevention training for children and their parents, and administers after-school programs so that students have a safe, nurturing place to go after the school bell rings. I am proud to note that the Community Peace Program, through its education to thousands of children this year, has helped reduce crime in the community. In addition, the agency takes a step further with its Project YES program, which strengthens children's academic and leadership abilities so they can be well prepared for a bright future ahead.

Not only does the Inland Agency reach out to individuals, but it also seeks to make a difference in the communities it serves. Through its Community Tool Box program in Adelanto, the agency gives community members the tools they need to strengthen and improve their neighborhoods and make them better places to live.

It is clear that Inland Agency exemplifies the best in American community spirit in all it does. I extend my very best wishes to each staff member and volunteer for improving the quality of life for thousands of people, and I wish them all many more years of continued success.•

IN MEMORIAM: DANIEL LEE

• Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate the memory of one of my constituents, Daniel Lee, who lost his life on September 11, 2001. Mr. Lee was 34 years old when the plane he was on, American Airlines Flight 11, was hijacked by terrorists. As we all know, that plane crashed into the World Trade Center, killing everyone on board.

Daniel Lee grew up in Palm Desert, CA. He was a carpenter and a drummer in a local southern California band. He met his wife, Kellie, in 1991 at a rock concert in which he was playing the drums. They were married October 7, 1995 and their first child, Amanda Beth, was born December 11, 1998.

Mr. Lee was a dedicated and successful set carpenter in the music industry, known to work 20 hour days when necessary. He worked with many talented musicians including Neil Diamond, Barbra Streisand, N'Sync, Aerosmith and Yanni. He was touring with the Backstreet Boys when, on September 11, 2001, he left to fly home to be with his wife as she was a about to give birth to their second child. Allison Danielle Lee was born September 13, 2001.

Kellie Lee recalls Dan's bright, relaxed and charming smile. "He was caring, loving, funny and romantic. He loved being a dad and was so excited about having another child on the way," she says. One of his special joys was getting friends together for barbeques and pool parties," Kellie remembers.

Dan Lee is survived by his wife, Kellie Lee, his daughters, Amanda and Allison, mother and stepfather Elaine and John Sussino, brothers Jack Fleishman and Stuart Lee and sister, Randi Kaye.

None of us is untouched by the terror of September 11, and many Californians were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

I offer today this tribute to one of 51 Californians who perished on that awful morning. I want to assure the family of Daniel Lee, and the families of all the victims, that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten.•

SOUTH DAKOTA DEVELOPMENTAL CENTER CELEBRATES 100 YEARS OF SERVICE

• Mr. JOHNSON. Madam President, it is with great honor that I rise today to congratulate the South Dakota Developmental Center, SDDC, for its 100 years of service.

The SDDC was established in 1899 by the South Dakota State Legislature as the Northern Hospital for the Insane. The Center accepted its first admissions in 1902 to meet the needs of individuals with developmental disabilities for the State of South Dakota. One Hundred years later, the Center continues to serve South Dakota and the needs of its citizens.

Over the last century, the South Dakota Developmental Center in Redfield, SD has provided quality services to individuals with developmental disabilities who do not have the option of receiving care from a community-based center. To meet the needs of its patients, services are provided by specialists from many areas of health care, including Audiology, Optometry, Chemical Dependency Counseling, Dentistry, Nutrition, Teaching, Physical Therapy, Pharmacy, Nursing, Psychiatry, Speech Pathology, Vocational Instruction, Mental Health Therapy, and Occupational Therapy. These staff members enable the SDDC to meet the needs of its diverse population, and help them reach their ultimate goal, a higher level of independence.

This year also marks 100 years of partnership between the local community and the SDDC. Currently, the SDDC employs more than 400 staff, making them a major employer in the Redfield area. The impact of SDDC on the local economy cannot be overstated. The SDDC not only provides quality jobs to more than 400 individuals, but indirectly helps sustain numerous community businesses, organizations, and public services.

I am pleased to announce that the South Dakota Development Center is planning a centennial celebration on September 20, 2002. The centennial celebration includes a rededication of several buildings on campus, an award ceremony, a luncheon, special afternoon activities, and an evening social at the local VFW for returning former employees, dignitaries, special guests and friends.

I am proud to have this opportunity to honor the South Dakota Development Center for its 100 years of outstanding service. It is an honor for me to share with my colleagues the exemplary leadership and strong commitment to individuals with developmental disabilities that the South Dakota Development Center has provided. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.•

TRIBUTE TO NORMAN TATE: DELAWARE'S FIREMAN OF THE YEAR

• Mr. BIDEN. Madam President, over the past year, our Nation has endured heartbreak and celebrated heroes, especially the members of the fire service who, in a very profound sense, became the face of America on that fateful day last September.

In my State of Delaware, we celebrate a very special hero of our fire service, Norman Tate, who has been chosen as the 2002 Delaware Volunteer Fireman's Association Fireman of the Year.

The truth is, Norm Tate has earned this award—and could have received it deservedly—in any number of years. He has been a firefighter with the Seaford Volunteer Fire Department since 1959, and now holds Life Member status. He has served in, literally, every administrative office of his department, and on the ambulance squad; he has twice been named Seaford's Fireman of the Year—the only member ever, in a century-long history, to receive the award more than once, and again, he could have received it, and deserved it, just about any year.

Norm has also been the Fireman of the Year for Sussex County and for the Delmarva Volunteer Fireman's Association, and was instrumental in setting up the Delaware Volunteer Fireman's Association, DVFA, State Conference. He did the hard organizational and persuasive work of committee chairman, and has been honored with the title of President Emeritus of DVFA.

Beyond the fire service, Norm Tate has been a leader in the Seaford Lions Club, and received the Lion of the Year Award. He also received the "Voice of the Blue Jays" award for outstanding service to the Seaford School District, and the Distinguished Service Award from the City of Seaford.

In short, Norman Tate defines citizen-leadership. He is the extraordinary ordinary American who becomes a hero, not by ambition but in response to the needs of his community and his country. He has a deep sense of responsibility, as well as pride, arising from his citizenship; he looks for opportunities to help; he undertakes service as a privilege.

Norm Tate is being honored as Delaware's Volunteer Fireman of the Year, as his beloved Seaford Volunteer Fire Department celebrates 100 years of service to the community. There could not be—at Seaford or in any fire company a more appropriate honoree in such a meaningful anniversary year.

Norm Tate is, quite simply, the best, and as the fellow citizens he has served so well, we in Delaware are proud to honor him; as his friend, I am privileged to know him, and blessed by the influence of his generous and gracious spirit.•

MOREHOUSE SCHOOL OF MEDICINE, ATLANTA, GEORGIA

• Mr. CLELAND. Madam President, 27 years ago the National Medical Association and other prominent organizations endorsed the development of the Medical School at Morehouse College in Atlanta, GA. This came in light of studies that revealed, first, a severe shortage of African-American and other minority physicians in the United States, particularly in Georgia, and, second, that African-Americans suffered disproportionately from major diseases. Since its inception, Morehouse School of Medicine has worked to help solve our Nation's healthcare crisis by graduating top-quality physicians who dedicate themselves to serving the more than 32 million people in this country who live in medically neglected communities. Seventy percent of Morehouse School of Medicine graduates practice in underserved communities.

The entering M.D. class has grown from 24 students in 1978 to its current 44. Each year, more than 20,000 Georgians who are disadvantaged are served by approximately 30 community health promotion projects sponsored by Morehouse School of Medicine. These projects include prevention initiatives associated with substance abuse, teen pregnancy, geriatric services, cancer, lead poisoning, and violence prevention. In addition, Morehouse School of Medicine faculty provides about 75,000 patient encounters per year in community clinics throughout metropolitan Atlanta. The student body of Morehouse School of Medicine continues to excel. For the past few years, 100 percent of the school's family medicine residents have passed their board exams in their first sitting.

These accomplishments grow out of strong leadership, beginning with the vision of Dr. Hugh M. Gloster of Morehouse College and Morehouse School of Medicine's founding dean and first president, Dr. Louis W. Sullivan, and continuing with Dr. James R. Gavin, the current president. Since its inception in 1975, Morehouse School of Medicine has established a four-year medical education program, a master of public health program, a Ph.D. program in the biomedical sciences, seven residency programs, and several centers of excellence. These centers include the Neuroscience Institute, the Cardiovascular Research Institute, and the NASA/Space Medicine and Life Science Research Center, the first of its kind at a minority medical institution.

Today we celebrate the new home of one of those centers of excellence, the National Center for Primary Care. This state-of-the-art facility will house an exceptional team of administrators, educators, and researchers devoted to eliminating health disparities in this country.

Georgia should, indeed, be grateful for this new jewel in our crown. Under the guidance of former Surgeon General David Satcher, Director of the National Center for Primary Care, this healthcare think tank is poised to educate and illuminate for decades to come.•

ON THE DEDICATION OF THE YSMAEL R. VILLEGAS MIDDLE SCHOOL, RIVERSIDE, CALIFORNIA

• Mrs. BOXER. Madam President, on September 6, the new Ysmael R. Villegas Middle School will be dedicated in Riverside, CA. This day will hold a particularly special meaning for the people of Riverside, as this new school is named for one of the community's most distinguished military heroes, Staff Sgt. Ysmael R. Villegas, an Hispanic-American killed in the line of duty during World War II. He died only one day before his 21st birthday and received the Congressional Medal of Honor for his bravery.

Sergeant Villegas, a resident of Casa Blanca in the Riverside community, received the prestigious Congressional Medal of Honor for his valiant bravery while defending our country in the Philippines. His citation, in part, reads:

> He moved boldly from man to man, in the face of bursting grenades and demolition charges, through heavy machinegun and rifle fire, to bolster the spirit of his comrades. As he neared his goal, he was hit and killed by enemy fire. Through his heroism and indomitable fighting spirit, Staff Sergeant Villegas, at the cost of his life, inspired his men to a determined attack in which they swept the enemy from the field.

It is clear from these words that Sergeant Villegas was truly a great American war hero. The people of Riverside have every reason to memorialize him and I am pleased that the Alvord Unified School District will give him this lasting legacy.

As the Alvord Unified School District and the City of Riverside celebrate the dedication of the Ysmael R. Villegas Middle School, I extend my best wishes to all those who made this important day possible. As students enter the classrooms of this institution, they can hold their heads high knowing that their school bears the name of such a wonderful model of courage, dignity and integrity.•

CONGRATULATING THE STATE OF OHIO ATTORNEY GENERAL'S OFFICE

• Mr. VOINOVICH. Madam President, I rise today on behalf of the people of the State of Ohio to congratulate Ohio Attorney General Betty Montgomery and her staff for being selected to receive the 2002 American Bar Association, ABA, Pro Bono Publico Award.

In May 2000, Betty Montgomery unveiled an office-wide Pro Bono Initiative to provide legal assistance for low-income seniors and hospice patients across Ohio. Through this program, participating staff attorneys offer their time and talents to provide legal assistance to those who can't afford it. Once training is completed, attorneys are allowed to provide their services at no charge for up to 40 hours a year. Services provided by assistant attorneys general include wills, general powers of attorney, durable powers of attorney for health care, and other "end-of-life" legal issues.

Since the program's inception, 125 assistant attorneys general, 20 paralegals, and 15 secretaries have answered the call to help underserved Ohioans handle their legal matters. To date, the office has served 625 clients by providing them with 1,235 healthcare powers of attorney, living wills, powers of attorney, and wills.

This year, the Attorney General's office is one of five recipients of the ABA Pro Bono Publico Awards. The Pro Bono Publico Awards were established by the ABA in 1984 and are presented annually by the ABA Standing Committee on Pro Bono and Public Service to recognize lawyers, law firms and corporate law departments for extraordinarily noteworthy contributions in extending legal services to the poor and disadvantaged.

This is not the first time that the Attorney General's office has been honored for these services. In 2001, the Columbia Bar Foundation and Association recognized the program with its award for Outstanding Pro Bono Service by a Governmental Agency. In addition, the Ohio Legal assistance Foundation and the Ohio Bar Association presented the Attorney General's office with the 2001 Presidential Award for Pro Bono Service.

I am proud to have worked with my friend, Betty Montgomery, when I was Governor of Ohio. Her unwavering commitment to serving the people of Ohio through pro bono services is vital towards maintaining a justice system that is meaningful to all segments of society. This program serves as a testament to our founding fathers' belief in a system of equal justice for all.

I believe that every lawyer has an ethical and professional obligation to provide pro bono services. It is my hope that this sets a challenge for lawyers statewide and sends the message that participating in pro bono programs is an ideal that is embraced by leaders in the legal community. Betty Montgomery has certainly led the way in this endeavor. I am proud of her accomplishment and I congratulate Attorney General Montgomery and her staff on their dedication to providing pro bono services to all of Ohio's citizens.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees..

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, on August 2, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that act, and for other purposes.

Under the authority of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on August 2, 2002.

ENROLLED BILLS SIGNED

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, on August 7, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 223. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the act.

H.R. 309. An act to provide for the determination of withholding tax rates under the Guam income tax.

H.R. 601. An act to redesignate certain lands within Craters of the Moon National Monument, and for other purposes.

H.R. 1384. An act to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

H.R. 1456. An act to expand the boundary of the Booker T. Washington National Monument, and for other purposes.

H.R. 1576. An act to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes.

H.R. 2068. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works."

H.R. 2234. An act to revise the boundary of the Tumacacori National Historical Park in the State of Arizona.

H.R. 2440. An act to rename Wolf Trap Farm Park as "Wolf Trap National Park for the Performing Arts," and for other purposes.

H.R. 2441. An act to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes.

H.R. 2643. An act to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H.R. 3343. An act to amend title X of the Energy Policy Act of 1992, and for other purposes.

H.R. 3380. An act to authorize the Secretary of the Interior to issue right-of-way permits for natural gap pipelines within the boundary of Great Smoky Mountains National Park.

Under the authority of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on August 8, 2002.

MEASURE REFERRED

The following measure, having been reported from the Committee on Indian Affairs, was referred to the Committee on Banking, Housing, and Urban Affairs, pursuant to the order of May 27, 1988, for a period of not to exceed 60 days:

S. 1210. A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8413. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, a report concerning U.S. General Accounting Office (GAO) employees who were assigned to congressional committees as of July 22, 2002; to the Committee on Governmental Affairs.

EC–8414. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "Fort Sumter and Fort Moultrie National Historical Park Act of 2002"; to the Committee on Energy and Natural Resources.

EC–8415. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to amend the Customs user fee statute, and for other purposes; to the Committee on Finance.

EC–8416. A communication from the Acting Chief of Staff, National Indian Gaming Commission, transmitting, a draft of proposed legislation to amend the Indian Gaming Regulatory Act of 1988 to revise the fee cap on National Indian Gaming Commission funding and to make such other technical amendments as are required; to the Committee on Indian Affairs.

EC–8417. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Size and Weight Enforcement" (RIN2125–AC60) received on July 30, 2002; to the Committee on Environment and Public Works.

EC–8418. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Reinstatement of Redesignation of Area for Air Quality Planning Purposes; Kentucky Portion of the Cincinnati-Hamilton Area" (FRL7252–8) received on July 31, 2002; to the Committee on Environment and Public Works.

EC–8419. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: North Carolina: Permitting, Rules and Other Miscellaneous Revisions" (FRL7254–2) received on July 31, 2002; to the Committee on Environment and Public Works.

EC–8420. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Completeness Status of Oxides of Nitrogen Regulations Submission of a Complete Plan by the State of Ohio" (FRL7255–3) received on July 31, 2002; to the Committee on Environment and Public Works.

EC–8421. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Michigan: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7252–4) received on July 31, 2002; to the Committee on Environment and Public Works.

EC–8422. A communication from the General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation entitled "Hague Agreement Implementation Act"; to the Committee on the Judiciary.

EC–8423. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Anti-Drug Smuggling Concealment Act"; to the Committee on the Judiciary.

EC–8424. A communication from the Director, National Science Foundation, transmitting, a draft of proposed legislation entitled "National Science Foundation Authorization Act for Fiscal Year 2003 and 2004"; to the Committee on Health, Education, Labor, and Pensions.

EC–8425. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "Federal Employees"; to the Committee on Health, Education, Labor, and Pensions.

EC–8426. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to authorize the United States participation in and appropriations for the United States contribution to the thirteenth replenishment of the resources of the International Development Association; to the Committee on Foreign Relations.

EC–8427. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation to authorize the President to agree to amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; to the Committee on Foreign Relations.

EC–8428. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Federal Railroad Safety Improvement Act"; to the Committee on Commerce, Science, and Transportation.

EC–8429. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hackensack River, NJ" ((RIN2115–AE47)(2002–0073)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8430. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port Valdez and Valdez Narrows, Valdez, Alaska (COTP Prince Williams Sound 02–011)" ((RIN2115–AA97)(2002–0171)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8431. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Vessel Launches, Bath Iron Works, Kennebec River, Bath, Maine" ((RIN2115–AA97)(2002–0169)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8432. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Captain of the Port of Milwaukee None, Lake Michigan" ((RIN2115–AA97)(2002–0170)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8433. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; North Pacific Ocean, Gulf of Farallones, Offshore of San Francisco, CA" ((RIN2115–AA97)(2002–0168)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8434. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Flagler Memorial, Atlantic Intracoastal Waterway, Palm Beach, Palm Beach County, FL" ((RIN2115–AE47)(2002–0074)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8435. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Columbia River, Astoria, Oregon" ((RIN2115–AA97)(2002–0165)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8436. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Prospect Bay, Kent Island Narrows" ((RIN2115–AE46)(2002–0027)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8437. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Lower Mississippi River Mile 529.8 to 532.3, Greenville, Mississippi" ((RIN2115–AE84)(2002–0011)) received on July 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8438. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (33); Amendment No. 3014" ((RIN2120–AA65)(2002–0041)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8439. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia" (RIN2120–AH41) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8440. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc. Tay Model 650–15 and 651–54 Turbofan Engines; Correction" ((RIN2120–AA64)(2002–0321)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8441. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor Inc. Models AT–300, 3001, 302, 400, and 400A" ((RIN2120–AA64)(2002–0324)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8442. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc., TPE331–11U, –12B, –12UA, –12UAR, and –12UHR Series Turboprop Engines" ((RIN2120–AA64)(2002–0322)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8443. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–200 Series Airplanes" ((RIN2120–AA64)(2002–0323)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8444. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Boeing Model 737–600, 700, 700C and 800 Series Airplanes" ((RIN2120–AA64)(2002–0319)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8445. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Rotax GmbH 914 F Series Reciprocating Engines" ((RIN2120–AA64)(2002–0320)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8446. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL600–2C10 Series Airplanes" ((RIN2120–AA64)(2002–0318)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8447. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 215 1A10 and CL 215 6B11 Series Airplanes" ((RIN2120–AA64)(2002–0327)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8448. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Teledyne Continental C–1215, C–145, O–300, IO–360, and LTSIO–520 A Series Engines" ((RIN2120–AA64)(2002–0326)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8449. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA330F, G, J, and AS332C, L, and L1 Helicopters" ((RIN2120–AA64)(2002–0325)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8450. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GmbH Model BO–105A, 105 C2, 105 CB4, 105S, 105 CS–2, 105 CBS 2, 105 CBS 4, and 105LS A–1 Helicopters" ((RIN2120–AA64)(2002–0328)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8451. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chester and Westwood, California)" (MM Docket No. 02–42) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8452. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mason, Texas)" (MM Docket No. 01–133) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8453. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fremont and Sunnyvale, California)" (MM Docket No. 01–322) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8454. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alberta, Virginia; Whitakers, North Carolina; Dinwiddie, Virginia; and Garysburge, North Carolina)" (MM Docket No. 00–245) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8455. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations (Memphis, Tennessee; Olive Branch and Horn Lake, Mississippi" (MM Doc. No. 02–31) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8456. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Custer, Michigan)" (MM Docket No. 01–186) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8457. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Paducah, Texas; Paulden, Arizona)" (MM Doc. No. 01–156) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8458. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Parker, Arizona)" (MM Docket No. 01–69) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8459. A communication from the Secretary of the Federal Trade Commission, Bureau of Consumer Protection, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—Dishwater Ranges" (RIN3084–AA74) received on July 31, 2002; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-279. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to designating the September 11, 2001, United Airlines Flight 93 crash site in Somerset County, Pennsylvania, as a National Historic Battlefield; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 455

Whereas, The 40 innocent civilian passengers and crew of United Airlines Flight 93 were viciously attacked by hostile foreign terrorists; and

Whereas, Suicide hijackers used the airliner as an instrument of terror and mass destruction against the people and property of the United States; and

Whereas, Certain passengers and crew, after communicating with loved ones and authorities on the ground, heroically resisted the terrorists in an effort to regain control of United Airlines Flight 93; and

Whereas, The insurrection by these innocents and their ultimate sacrifice preempted further catastrophic destruction and loss of life on September 11, 2001; and

Whereas, Pennsylvania soil was again consecrated that day as our nation entered the war against terrorism; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania petition the Congress of the United States to enact legislation designating the September 11, 2001, United Airlines Flight 93 crash site in Somerest County, Pennsylvania, as a National Historic Battlefield; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of Congress, to the members of Congress from Pennsylvania and to Governor Mark S. Schweiker.

POM-280. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to Yucca Mountain, Nevada; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 454

Whereas, In order to secure a safe and prosperous future for its citizens, the Commonwealth of Pennsylvania must maintain a broad portfolio of energy supply options to hedge against fuel price fluctuations, fuel shortages and import disruptions; and

Whereas, Pennsylvania's nine nuclear power reactors have proven to be reliable sources of electricity to Pennsylvania citizens and businesses, producing 36% of the electricity generated in the Commonwealth of Pennsylvania; and

Whereas, Nuclear power prevents the release of millions of tons of air pollutants and greenhouse gasses, thus being critical for compliance with air quality laws and regulations; and

Whereas, Congress enacted the Nuclear Waste Policy Act of 1982 and directed the Department of Energy to establish a program for the management of the nation's high-level waste, including used nuclear fuel, and for its permanent disposal in a deep geologic repository; and

Whereas, More than $7 billion has been spent on scientific testing and studies of Yucca-Mountain, Nevada, showing that the proposed site is an ideal repository to safely contain the nation's used nuclear fuel, with a capacity sufficient to meet all foreseeable storage needs; and

Whereas, Studies of Yucca Mountain have yielded the scientific information necessary for a decision by the United States Secretary of Energy that there are no technical or scientific issues to prevent Yucca Mountain from serving as a permanent repository and clearly support the recommendation by the Secretary to the President of the United States to proceed on licensing a permanent repository at Yucca Mountain; and

Whereas, Since 1983, consumers of electricity from the Commonwealth of Pennsylvania have committed nearly $1.5 billion to the Federal Nuclear Waste Fund to finance site assessment and nuclear waste management; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge Congress to sustain the President's affirmative decision on Yucca Mountain's suitability as a permanent Federal repository for used nuclear fuel; and be it further

Resolved, That copies of this resolution be transmitted to the President and Vice President of the United States, to be Speaker of the United States House of Representatives, to each member of Congress from Pennsylvania and to the United States Secretary of Energy.

POM–281. A resolution adopted by the East Hampton Town Board, East Hampton, New York Relative to Millstone II nuclear power facility in Connecticut; to the Committee on Environment and Public Works.

POM–282. A resolution adopted by the Town Board of New Castle, New York relative to Indian Point Nuclear Power Station; to the Committee on Environment and Public Works.

POM–283. A resolution adopted by the Town Board of New Castle, New York relative to converting Indian Points II and III from nuclear energy to natural gas or other non-nuclear fuel; to the Committee on Environment and Public Works.

POM–284. A resolution adopted by the Town Board of New Castle, New York relative to Indian Point Power Station; to the Committee on Environment and Public Works.

POM–285. A Senate joint resolution adopted by the General Assembly of the State of Tennessee relative to the Y–12 National Security Complex in Oak Ridge, Tennessee; to the Committee on Armed Services.

Whereas, the Y–12 National Security Complex in Oak Ridge, Tennessee is a highly valuable resource to this state and the nation, performing work of a delicate nature with extreme precision and employing uniquely skilled and dedicated professionals who have committed themselves to important national security and scientific endeavors; and

Whereas, the Y–12 Plant, in conjunction with the Oak Ridge National Laboratory and other federal facilities in Oak Ridge, has developed into an economic development engine, spinning off new businesses and serving as a testing ground for new technologies; and

Whereas, the Work for Others Program has brought many federal contracts to Oak Ridge, allowing Y–12 employees to update and hone their skills while producing materials for the U.S. Department of Defense and the U.S. Navy, among others; and

Whereas, the nation's nuclear defense policy is dependent upon Y–12's ability to safely and securely maintain the stockpile of nuclear materials and to preserve the now fragile capabilities of the plant; and

Whereas, Y–12 employees have skills in the safe management and handling of nuclear materials that are unduplicated anywhere in the world; these skills have been gained over long periods of employment and training and must be passed on to a new generation of highly educated and skilled workers; and

Whereas, while the site managers have been able to restart many operations that had previously been suspended, the continued safe disarmament and storage of weapons being removed from the national nuclear stockpile depend upon Y–12's revitalization; and

Whereas, many of the facilities at the plant were built during the development of the Manhattan Project, and much of the equipment is more expensive to maintain than operate; the employees of the 21st century require advanced machinery; and

Whereas, modernizing facilities and equipment will better equip the plant's employees to meet and adjust to the demands of the 21st century and the U.S. Department of Energy, to attract more and different kinds of private-sector work, and to support and encourage new, private-sector economic development and scientific advancement; and

Whereas, the safety of Y–12's employees and the environmental security of the region depend on Y–12's having facilities that meet the current safety requirements of the federal government; Now, therefore,

Be it resolved by the Senate of the One Hundred Second General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby urges the United States Congress and the President of the United States to fully fund the facilities modernization of the Y–12 Plant in the Fiscal Year 2003 federal budget; and be it further

Resolved, That enrolled copies of this resolution be transmitted to the Honorable George W. Bush, President of the United States of America; the President and the Secretary of the United States Senate; the Speaker and the Clerk of the United States House of Representatives; and to each member of Tennessee's Congressional Delegation.

POM–286. A joint resolution adopted by the Assembly of the State of California relative to social health maintenance organizations; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 27

Whereas, Government spending for nursing homes, home health care, and prescription drugs is rising at a rate of almost 10 percent a year, faster than the overall medical health care inflation rate of 4.3 percent for November 2000; and

Whereas, the growth of long-term care expenditures, estimated at 2.6 percent nationally on an annual basis coupled with the growing number of older Americans, will significantly increase costs to the nation's Medicaid and Medicare programs; and

Whereas, innovative and cost-effective models of care are needed to address the needs of aging Americans; and

Whereas, in the federal Deficit Reduction Act of 1984, Congress mandated the social health maintenance organization (social HMO) demonstration, which has since benefited over 125,000 individuals; and

Whereas, the social HMO demonstration has been reinforced and expanded by Congress in 1987, 1990, 1993, 1997, and 1999; and

Whereas, the social HMO is a community-based appraoch to integrating acute and long-term care for older Americans; and

Whereas, the primary purpose of the social HMO is to finance, provide, and coordinate additional services as an extension of benefits covered by Medicare and Medicaid, thereby helping frail seniors live safely in their own homes and avoid costly skilled nursing home placement; and

Whereas, the social HMO targets individuals at risk for nursing home placement and chronic illnesses; and

Whereas, the social HMO supplements the standard benefits required of Medicare+Choice with essential benefits, including geriatric-specific case management, adult day care, personal care, homemaker services, nutrition support, and medication management; and

Whereas, sixty-eight percent of nursing home costs are financed by Medicaid, avoiding or delaying longer nursing home stays and directly saving federal and state funds, by reducing Medicaid nursing home expenditures; and

Whereas, California has 3.3 million residents aged 65 years and older, and is home to the largest elderly population in the country; and

Whereas, the number of California aged 60 years and older is projected to grow 154 percent over the next 40 years; and

Whereas, the fastest growing population group in California is aged 85 years and older; and

Whereas, only one social HMO exists in California, serving over 48,000 seniors, of which 10,300 are eligible for nursing home placement; and

Whereas, the Senior Care Action Network (SCAN), the only social HMO in California, has been able to maintain these skilled nursing home-certifiable seniors in their own homes by providing home and community-based programs and services; and

Whereas, SCAN members are 53 percent less likely than their counterparts in other health care programs to have a long nursing home stay; and

Whereas, SCAN offers financial savings and security to older adults, their families, and taxpayers by alleviating anxiety about exhausting personal savings for long-term care by providing a benefit package that includes in-home services; and

Whereas, the permanency of the social HMO as a benefit option under the Medicare+Choice program will allow organizations like SCAN to provide comprehensive services to seniors anywhere in the nation; and

Whereas, the social HMO will serve as a national model of cost-effective care that provides older Americans with greater health, independence, and dignity; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby urges the President and Congress of the United States, the federal Department of Health and Human Services, and the Centers for Medicare and Medicaid Services to do all of the following:

(a) Affirm the intent of the social HMO program to provide services for frail and chronically ill seniors.

(b) Fully support the transition of the social HMO demonstration into a permanent benefit option as part of Medicare+Choice.

(c) Include Medicaid beneficiaries in the social HMO Medicare+Choice option.

(d) Allow the social HMO option to offer comprehensive services in addition to fundamental Medicare benefits.

(e) Approve and support a payment methodology needed for the advanced care for the nation's frail and chronically ill elderly; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the United States Secretary of Health and Human Services, the Administrator of the Centers for Medicare and Medicaid Services, and to each Senator and Representative from California in the Congress of the United States.

POM–287. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to asbestos; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 58

Whereas, asbestos, a mineral processed and used in thousands of construction and consumer products, is a dangerous substance and has caused thousands of people to develop serious and often fatal diseases and cancers; and

Whereas, millions of workers have been exposed to asbestos, and the economic toll resulting from litigation related to exposure to asbestos could run into the hundreds of billions of dollars; and

Whereas, many companies, in order to avoid bankruptcy and to compensate victims with manifest injuries, have attempted to set aside sufficient resources to compensate the victims with manifest injuries from exposure to asbestos; and

Whereas, the new claims brought are resulting in a depletion of the funds available to compensate those victims who have manifested serious injuries and who are in desperate need of compensation; and

Whereas, the United States Supreme Court noted in *Ortiz* v. *Fibreboard Corp.*, 527 U.S. 815, 144 L Ed 2nd 715, 110 S Ct 2295 (1999) and *Amchem Products, Inc.* v. *Windsor*, 521 U.S. 591, 138 L Ed 2d, 117 S Ct 2231 (1997) that federal and state courts have been inundated by an elephantine mass of asbestos cases that defies customary judicial administration and calls for national legislation; and

Whereas, as the United States Supreme Court noted in Amchem, the United States Judicial Conference Ad Hoc Committee on Asbestos Litigation in its report of March, 1991 specifically concluded that real reform to the asbestos-litigation problem required federal legislation creating a national asbestos dispute-resolution scheme and, as recommended by the Ad Hoc Committee, the Judicial Conference of the United States urged Congress to act: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation to ensure that deserving victims of asbestos exposure receive compensation for their injuries; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–288. A resolution adopted by the Legislature of the State of Louisiana relative to constructing a long range economic development for Louisiana focused on the utility, communications, and transportation; to the Committee on Environment and Public Works.

Senate Resolution No. 62

Whereas, the recently completed 2002 First Extraordinary Session of the legislature focused on various improvements to spur economic development in Louisiana; and

Whereas, the special session successfully integrated the state's economic development blueprint, Vision: 2020, with the recent reorganization of the Department of Economic Development; and

Whereas, despite the many accomplishments of the special session, there remain many areas that should be examined to ensure continued economic development in the state; and

Whereas, there has been demonstrated a need to construct a long range, strategic plan for future economic development of the utility communication, and transportation industry in Louisiana; and

Whereas, it is necessary to blend this long range, strategic plan for future economic development of the utility, communication, and transportation industry into the state's overall economic development plan, Vision: 2020, along with federal initiatives in this area; and

Whereas, in order to accomplish this significant goal, it will be necessary to convene a summit meeting of the governor, the Louisiana congressional delegation, the president of the Senate, the speaker of the House of Representatives, the members of the Public Service Commission, and the secretary of the Department of Economic Development to coordinate a strategic plan for future economic development of the utility, communication, and transportation industry in Louisiana.

Therefore, be it resolved, That the Senate of Legislature of Louisiana hereby urges and requests the governor, the Louisiana congressional delegation, the president of the Senate, the speaker of the House of Representatives, the members of the Public Service Commission, and the secretary of the Department of Economic Development to convene a summit meeting to discuss a long range, strategic plan for future economic development of the utility, communication, and transportation industry in Louisiana.

Be it further resolved, That a copy of this Resolution be transmitted to the governor, the Louisiana congressional delegation, the president of the Senate, the speaker of the House of Representatives, the members of the Public Service Commission, and the secretary of the Department of Economic Department.

POM–289. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Delaware River Channel Deepening Project; to the Committee on Environment and Public Works.

Resolution

Whereas, The Delaware River has, since the inception of the Commonwealth of Pennsylvania, been a vital artery of commerce and trade; and

Whereas, It is the longstanding policy of the Commonwealth of Pennsylvania to encourage waterborne commerce and to support the development and competitiveness of the Port of Philadelphia; and

Whereas, It is essential that the Delaware River navigation channel be deepened to 45 feet in order to accommodate larger steamship vessels and future growth; and

Whereas, The United States Government, acting through the Congress of the United States and the Army Corps of Engineers, has authorized a public works project that will deepen the navigation channel of the Delaware River to 45 feet; and

Whereas, The Delaware River Channel Deepening Project is enthusiastically supported by every organization and labor union whose livelihood depends on a healthy and vibrant seaport; and

Whereas, It is essential that this extraordinarily important public works project proceed without interruption; Therefore be it

Resolved, (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania reaffirm its support for the Delaware River Channel Deepening Project and urge the Congress and the Army Corps of Engineers to take all necessary steps to assure its successful and prompt completion; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–290. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative natural gas; to the Committee on Finance.

Resolution

Whereas, In 1979 total United States energy consumption increased steadily from the end of World War II, reaching 81 quadrillion Btu's (quads); and

Whereas, After the oil shocks of the 1970s, energy consumption declined to 73 quads by 1983; and

Whereas, Reasonably priced natural gas and other forms of energy played a crucial role in expanding our economy and will be critical for future economic growth; and

Whereas, The Gas Technology Institute (GTI) projects total energy demand growing to 118 quads annually during the next 15 years; and

Whereas, Natural gas currently provides approximately 23% of our nation's energy needs; and

Whereas, Gas use must increase continually to meet an expanding economy; and

Whereas, Increased use of natural gas can decrease our dependence on foreign energy, mitigate greenhouse emissions, improve our economy and provide consumers with a better quality of life; and

Whereas, Nonconventional gas resources currently provide about 26% of gas production in the United States; and

Whereas, Nonconventional resources such as tight gas sands, coalbed methane and Devonian shale, are technologically challenging and require support for economic production; and

Whereas, Although the country holds a large natural gas resource base, natural gas is being limited in its use by Federal and State regulations; and

Whereas, There are large resources of undeveloped nonconventional gas resources that remain too difficult to develop and will only be produced with ongoing incentives; and

Whereas, The current tax credit for producing fuel from a nonconventional source under section 29 of the Internal Revenue Code of 1986 will expire in 2002; and

Whereas, This expiration will disrupt the ongoing progress in developing nonconventional gas resources at a time when the gas consumer, United States economy and our environment need these resources most; and

Whereas, The only short-term solution that reduces costs and avoids switching to less desirable energy resources is to increase the natural gas supply; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge Congress to take all the necessary steps to extend the tax credit under section 29 of the Internal Revenue Code of 1986 to continue to provide for a reliable, fair-priced supply of natural gas to United States gas consumers; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officer of each house of Congress, to each member of Congress from Pennsylvania, to the Finance Committee of the United States Senate and to the Ways and Means Committee of the United States House of Representatives.

POM–291. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Fair Credit Reporting Act; to the Committee on Banking, Housing, and Urban Affairs.

Resolution

Whereas, Identity theft is the fastest-growing crime in the United States, expanding at a rate of 50% per year; and

Whereas, Every 79 seconds an identity is stolen; and

Whereas, Approximately one out of every five Americans or a member of the family has been victimized by identity theft; and

Whereas, Every year more than 400,000 Americans are robbed of their identities and suffer losses of more than $2 billion; and

Whereas, More than 1,000 people a day in the United States fall victim to crimes of stolen identity; and

Whereas, Victims spend anywhere from six months to two years recovering from identity theft; and

Whereas, On average, victims spend 175 hours and $808 in out-of-pocket expenses to clear their names; and

Whereas, Experts report that most victims do not realize that a theft has occurred for months or years afterward; and

Whereas, To protect consumer privacy, the Congress of the United States enacted the Fair Credit Reporting Act (FCRA); and

Whereas, The FCRA requires all credit reporting agencies to maintain reasonable procedures designed to assure maximum possible accuracy of the information contained in credit reports; and

Whereas, A private right of action allows injured consumers to recover any actual damages caused by negligent violations and both actual and punitive damages for willful noncompliance; and

Whereas, The Supreme Court ruled unanimously in TRW, Inc. v. Andrews that the two-year deadline to sue companies which collect or spread bad information begins when the credit agency reports erroneous information and not when the victim discovers the fraud; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to amend the Fair Credit Reporting Act to permit victims of identity theft to bring suit any time within two years of the victim's discovery of the fraud; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–292. A Senate concurrent resolution adopted by the Legislature of the State of Michigan relative to Federal Forest Lands; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 53

Whereas, In recent years, our country has benefited from public policy encouraging the states to assume responsibility for tasks long handled by the federal government. Experts in many fields have come to accept the wisdom of utilizing state expertise and resources to deal with problems that are best addressed locally rather than from Washington, D.C.; and

Whereas, The management of public forest lands is another area that should be turned over to states through a program of block grants, Michigan, with more public forests than any other state in the eastern portion of the country, has compiled an impressive record of success in the management of its resources. The conditions of Michigan's state forest acreage is a model for other parts of the country; and

Whereas, There are several sound reasons why forest management would be more efficiently and productively managed by the state instead of the federal government. State management offers flexibility, rather than a "one size fits all" approach; shorter lines of communication; better communication within local regions; and generally lower overall costs. State control over forest operations in Michigan will more accurately reflect our citizens' historic sense of commitment and investment in this vitally important resource; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to turn over the management of federal lands to the states through a block grant program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Michigan congressional delegation.

POM–293. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Pledge of Allegiance; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 241

Whereas, The 9th U.S. Circuit Court of Appeals ruled it is unconstitutional to recite the Pledge of Allegiance in a public school; and

Whereas, The Pledge of Allegiance is not an oath or pledge of allegiance to a person, power, or potentate but to the principles that serve as the foundation of a free republic; and

Whereas, The Pledge of Allegiance is not an oath or pledge to any god, deity, or spirit, but rather it recognizes that those who govern do not receive their authority from a monarch. Instead, a god, deity, or spirit has bestowed on every citizen of the United States of America the inherent worth and dignity embodied in and protected by the Constitution and the Bill of Rights of the United States of America; and

Whereas, The Pledge of Allegiance recognizes that we are one nation of diverse and unique peoples within fifty separate states undivided in our dedication to the principles of freedom, liberty, and justice; and

Whereas, The Pledge of Allegiance reiterates the guarantees of liberty and justice mandated by the Bill of Rights; and

Whereas, The flag of the United States of America is a representation of the rights guaranteed by the Constitution and the Bill of Rights, as well as the free people who willingly sacrificed their lives and their freedoms to protect and preserve those freedoms; and

Whereas, The Pledge of Allegiance teaches students to cherish, preserve, and protect the republic dedicated to the preservation of freedom, liberty, and justice; now, therefore, be it

Resolved by the Senate, That the people of the state of Michigan, acting through the Senate, do hereby call upon the United States Supreme Court to overturn the 9th U.S. Circuit Court of Appeals decision to ban the recital of the Pledge of Allegiance in public schools; and be it further

Resolved, That copies of this resolution be transmitted to the justices of the United States Supreme Court, the President of the United States, and the members of the Congress of the United States.

POM–294. A joint resolution adopted by the Assembly of the State of California relative to pancreatic cancer; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 28

Whereas, Approximately 29,000 new cases of pancreatic cancer were diagnosed nationwide in 2001; and

Whereas, An estimated 28,000 people died from pancreatic cancer during 2001, representing more than 5 percent of all cancer deaths in the United States; and

Whereas, The average life expectancy after diagnosis with metastatic disease is just three to six months; and

Whereas, About 85 percent of pancreatic cancer victims die within a year of diagnosis, and less than 5 percent survive as long as five years; and

Whereas, The 99-percent mortality rate for pancreatic cancer is the highest of any cancer; and

Whereas, Pancreatic cancer ranks as the fourth most common cause of cancer death among men and women; and

Whereas, There is currently no physiological marker or screening test that permits early diagnosis of pancreatic cancer; and

Whereas, Pancreatic cancer is among the most aggressive of all cancers, but study of the disease has attracted comparatively little funding; and

Whereas, According to the National Cancer Institute, pancreatic cancer received approximately $20 million in federal research funding, roughly 7 percent of the funding level per fatality of that of breast cancer; and

Whereas, There is a critical need to support research that identifies new methods of detecting and treating pancreatic cancer; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the President and Congress of the United States to expand federally funded research efforts aimed at developing a reliable means of detecting pancreatic cancer in its early stages, when the disease is more effectively treatable; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the directors of the National Institutes of Health and the National Cancer Institute.

POM–295. A resolution adopted by the House of the Legislature of the State of New Hampshire relative to developing a national missile defense system; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 21

Whereas, New Hampshire is located in the New England region of the northeastern United States and is populated by over 1,200,000 persons, and maintains distinguished centers of higher learning, and is the site of advanced information and defense technology, and is noted for outstanding natural endowments of forests, mountains, and lakes, and derives considerable electrical power from nuclear energy; and

Whereas, the people of New Hampshire are conscious of the state's assets and favorable future development for their children and future generations; and

Whereas, New Hampshire responded to the call at Bunker Hill with volunteers in the struggle for American independence and has contributed to national defense through its citizenry ever since; and

Whereas, the people of New Hampshire are aware of the global proliferation of ballistic missiles and weapons of mass destruction and their threat to our nation, our allies, and our armed forces abroad; and

Whereas, the United States does not possess a robust and effective defense against ballistic missiles bearing weapons of mass destruction, launched by anyone who opposes American ideals, interests, and influence throughout the world; and

Whereas, New Hampshire, the United States, and the international community are increasingly imperiled by the global proliferation of ballistic missiles and weapons of mass destruction and cannot defend against a hostile or accidental ballistic missiles and weapons of mass destruction and cannot defend against a hostile or accidental ballistic missile attack; in consequence, New Hampshire asserts its leadership as one of 50; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives hereby urges the President of the United States to take all actions necessary, within the limits of the considerable technological prowess of this great union, to protect our nation, our allies, and our armed forces abroad from the threat of missile attack; and

That the New Hampshire house of representatives hereby urges the President to allow the United States the freedom to defend itself, it allies, and its armed forces abroad from ballistic missile attack, treaties and other agreements to the contrary notwithstanding; and

That the New Hampshire house of representatives hereby conveys to the President and Congress that effective national missile defense will require a robust and multi-layered architecture consisting of integrated land-based, sea-based, and/or space-based assets designated to deter future threats whenever possible and meet them whenever necessary; and

That copies of this resolution shall be sent by the house clerk to the New Hampshire congressional delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chairman of the Joint Chiefs of Staff, and the President of the United States.

POM–296. A House joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Solid Waste Interstate Transportation Act of 2001; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 181

Whereas, recent reports issued by the Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately four million tons annually of municipal solid waste from other states; and

Whereas, the amount of municipal solid waste being imported into Virginia is expected to increase in coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

Whereas, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

Whereas, an increase in the number of garbage trucks on its roads and an increase in the number of garbage barges on its rivers resulting from the importation of significant amounts of municipal solid waste from other states has created many short-term environmental problems for Virginia; and

Whereas, the importation of significant amounts of municipal solid waste from other states also may create serious long-term environmental problems for Virginia; and

Whereas, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

Whereas, the Commerce Clause of the United States Constitution and the interpretation and application of the Commerce Clause by the United States Supreme Court and other federal courts with respect to interstate solid waste transportation has left Virginia and other states with limited alternatives in regulating, limiting or prohibiting the importation of municipal solid waste; and

Whereas, it is the belief of the General Assembly of Virginia that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring: That the Congress of the United States be urged to enact the Solid Waste Interstate Transportation Act of 2001 (HR 1213) incorporating amendments proposed by the Congresswoman representing Virginia's First Congressional District to give local and state governments, including Virginia, additional specific authority to regulate the importation of municipal solid waste into their jurisdictions; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–297. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia to Veterans' Day; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 18

Whereas, the National Commission on Federal Election Reform suggested in its report to the President the possibility of moving the observance of Veterans Day to the second Tuesday in November in even-numbered years so that elections could be conducted on a national holiday; and

Whereas, Veterans Day, November 11th, formerly called Armistice Day, is the time when Americans unite to recognize the sacrifices and service of past and present members of the United States military; and

Whereas, the holiday was established as Armistice Day in 1926 to commemorate the November 11, 1918, armistice that ended hostilities in World War I; and

Whereas, in 1954 the name of the holiday was changed to Veterans Day to honor all men and women who have served America in its armed forces; and

Whereas, Veterans Day and the ceremonies nationwide to observe it are important to the millions of Americans who take the time each November 11th to honor their fellow citizens who have served their country; and

Whereas, the American Legion, at its 83rd National Convention in August 2001, expressed, by resolution, its opposition to any change of the date for observing Veterans Day; now, therefore, be it

Resolved by the House of Delegates, That the President and the Congress of the United States be urged to oppose efforts to move the observance of Veterans Day from November 11th; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the House of Delegates of Virginia in this matter.

POM–298. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to Medicare and oral anti-cancer drugs; to the Committee on Finance.

HOUSE RESOLUTION NO. 19

Whereas, cancer is a leading cause of morbidity and mortality in the Commonwealth and throughout the nation; and

Whereas, cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older; persons who are often dependent on the federal Medicare program for provision of cancer care; and

Whereas, treatment with anti-cancer drugs is the cornerstone of modern cancer care, and elderly cancer patients must have access to potentially life-extending drug therapy; and

Whereas, the Medicare program's coverage of anti-cancer drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, the nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anti-cancer drugs that are less toxic, more effective, and more cost-effective than existing therapies, but, because these drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, the lack of coverage for these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal cost or selection of more toxic and less effective treatments that are covered by Medicare; and

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficaries suffering from blood-related cancers such as leukemia, lymphoma, and myeloma, as well as cancers of the breast, lung, and prostate; and

Whereas, certain members of the United States Congress have recognized the necessity of Medicare coverage for all oral anti-cancer drugs and have introduced legislation in the 107th Congress to achieve that result (H.R. 1624 and S. 913); now, therefore, be it

Resolved by the House of Delegates, That the Congress of the United States be urged to enact legislation requiring Medicare to cover all oral anti-cancer drugs; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the Health and Human Services, the Administrator of the Centers for Medicare and Medicaid Services, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the House of Delegates of Virginia in this matter.

POM–299. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to the Transportation Equity Act for the 21st

Century; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 21

Whereas, the Transportation Equity Act for the 21st Century (TEA–21), will expire on September 30, 2003; and

Whereas, the six-year federal authorization legislation provides guidelines, budget allocation formulas, and maximum budget limits for transportation spending; and

Whereas, TEA–21 provided for new budget categories to be established for highway and transit spending, effectively establishing a budgetary "firewall" between each of these programs and all other domestic discretionary programs to ensure that transportation trust funds can be used only for transportation spending; and

Whereas, authorizations for federal-aid highway and highway safety construction programs funded from the Highway Account of the Highway Trust Fund will be increased or decreased whenever the highway firewall amount is adjusted to reflect changed estimates of Highway Account revenue, that is, the budget authority will be aligned with the revenue; and

Whereas, this Revenue, Aligned Budget Authority has resulted in increased federal transportation funding to Virginia since FY 2000; and

Whereas, during the last reauthorization (TEA–21), Virginia was successful in increasing its return on contributions to the federal transportation trust fund from approximately 79 percent to 90.5 percent; and

Whereas, Virginia's current federal return rate of 90.5 percent is the lowest return level from the federal transportation trust fund in the nation; and

Whereas, Virginia taxpayers continue to subsidize other states' transportation programs through Virginia's low rate of return on contributions to the federal transportation trust fund; and

Whereas, the proposed reauthorization of federal aid for surface transportation programs provides an ideal opportunity to ensure that future methods of apportioning federal transportation funds are equitable and fair; and

Whereas, adequate support for the National Highway System (NHS) is necessary to provide consistent mobility and economic benefits for all states throughout the nation, and to ensure that Virginia's citizens are able to connect with other citizens throughout the nation; and

Whereas, adequate support for the National Highway System and other transportation systems in Virginia is equally essential to the numerous and sizable U.S. military bases and other facilities that are located within the Commonwealth, for which an adequate and efficient transportation system is critical to effectively and promptly distribute, supply, and deploy military assets to meet and respond to the imperatives of national defense; and

Whereas, a streamlined transportation program is needed to provide flexible funding to allow states and their local partners to respond to specific state and local needs; and

Whereas, Congress directed the U.S. Department of Transportation in the TEA–21 legislation of 1998 to implement significant environmental regulatory streamlining so that transportation projects could receive federal review and approval in an expedited manner; and

Whereas, the federal review and approval process for transportation projects has not been shortened despite the environmental streamlining mandate of TEA–21; now, therefore, be it

Resolved by the House of Delegates, That the Congress of the United States be urged to reauthorize the Transportation Equity Act for the 21st Century, provide for increased equity in the distribution of federal highway funds to the states, and reduce complexity of and time required for compliance with federal environmental regulations related to highway construction. In reauthorizing the federal surface transportation program, the Congress is also urged to provide fair and equitable distribution of highway funds to states and increase the return to the Commonwealth to at least the national average, ensure that firewalls between the Transportation Trust Fund and other federal spending be maintained, continue Revenue Aligned Budget Authority, and meaningfully streamline federal environmental and other regulations to expedite project review and highway construction; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the House of Delegates of Virginia in this matter.

POM–300. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to expanding the use of federal historic preservation tax credits to qualified owner-occupied structures; to the Committee on Finance.

HOUSE RESOLUTION NO. 22

Whereas, the Federal Historic Preservation Tax Credit Program currently provides federal income tax incentives for rehabilitation of historic income-producing properties; and

Whereas, legislation currently pending in the United States Congress will expand the program by providing a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; and

Whereas, passage of the pending legislation could have many beneficial effects in Virginia, including encouraging additional protection of historic buildings, returning underutilized buildings to local tax rolls, and providing a boost to efforts to improve older neighborhoods; now, therefore, be it

Resolved by the House of Delegates, That the Congress of the United States be urged to expand use of federal historic preservation tax credits to qualified owner-occupied structures; and, be it

Resolved Further. That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the House of Delegates of Virginia in this matter.

POM–301. A House joint resolution adopted by the General Assembly of the State of Illinois relative to inland waterway transportation; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 54

Whereas, the State of Illinois borders or contains over 1,000 miles of the inland waterway system; and

Whereas, Many of Illinois' locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

Whereas, The use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion, and modernizing the inland waterways; and

Whereas, The construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300,000,000 tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

Whereas, More than 60% of American agricultural exports, including, corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

Whereas, Illinois farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs, compared to those incurred by foreign competitors; and

Whereas, The Upper Mississippi and Illinois lock and dam system saves our nation more than $1,500,000,000 in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

Whereas, According to the U.S. Army Corps of Engineers, congestion along the Upper Mississippi and Illinois Rivers is costing Illinois and other producers and consumers in the basin $98,000,000 per year in higher transportation costs; and

Whereas, River transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35% to 60% fewer pollutants than either trucks or trains, according to the U.S. EPA; and

Whereas, Moving away from river transport would add millions of trucks and rail cars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

Whereas, Backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

Whereas, The lakes and 500 miles of wildlife refuge also support a $1,000,000,000-a-year recreational industry, including hunting, fishing, and tourism jobs; and

Whereas, Upgrading the system of locks and dams on the Upper Mississippi and Illinois rivers will provide 3,000 construction and related jobs over a 15–20 year period; and

Whereas, In 1999 Illinois was the leading shipping state, with more than 66,000,000 tons of Illinois products, including grain, coal, chemicals, aggregates, and other products, representing a value of more than $8,000,000,000; and

Whereas, 109,000,000 tons of commodities including grain, coal, chemicals, aggregates, and other products were shipped to, from, and within Illinois by barge, representing $16,000,000,000 in value; and

Whereas, An additional 136,000,000 tons of commodities pass Illinois' borders on the Mississippi and Ohio rivers, representing a value of more than $43,000,000,000; and

Whereas, Shippers moving by barge in Illinois realized a savings of approximately $1,000,000,000, compared to other transportation modes; and

Whereas, Illinois docks shipped products by barge to 20 states and received products from 18 states; and

Whereas, Barges moving to and from Lake Michigan use the O'Brien Lock, with the Chicago Lock passing over 36,000 recreation vessels and over 410,00 passengers on over 13,000 commercial passenger vessels; and

Whereas, There are approximately 364 manufacturing facilities, terminals, and docks on the waterways of Illinois, representing thousand of jobs in the State; therefore be it

Resolved by the House of Representatives of the Ninety-Second General Assembly of the State of Illinois, the Senate concurring herein, That we recognize the importance of inland waterway transportation to Illinois agriculture and to industry in the State, the region, and the nation, and that we urge Congress to authorize funding to construct 1,200-foot locks on the Upper Mississippi and Illinois River System; and be it further

Resolved, That suitable copies of this Resolution be delivered to the President Pro Tempore and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the Chair of the Senate Committee on Commerce, Science, and Transportation, the Chair of the House Committee on Transportation and Infrastructure, and to the Illinois congressional delegation.

POM–302. A concurrent resolution adopted by the Legislature of the State of Oklahoma relative to the United States Trade Representative preserve the traditional powers of state and local governments while negotiating international investment agreements; and directing distribution; to the Committee on Finance.

RESOLUTION NO. 71

Whereas, the United States government, through the United States Trade Representative, is negotiating to create or interpret investment agreements under the proposed Free Trade Area of the Americans (FTAA), bilateral agreements such as the United States-Chile agreement, the investment chapter of the North American Free Trade Agreement (NAFTA), and potentially under the World Trade Organization (WTO); and

Whereas, investment agreements affect state and local powers, including, but not limited to, zoning, protection of ground water and other natural resources, corporate ownership of land and casinos, law enforcement by courts, public services, and sovereign immunity; and

Whereas, investment rules under these agreements deviate from United States legal precedents on taking law and deference to legislative determination on protecting the public interest; and

Whereas, investment rules do not safeguard any category of law from investor complaints including, but not limited to, laws passed in the interest of protecting human or animal health, environmental resources, human rights, and labor rights; and

Whereas, foreign investors have used the provisions of NAFTA's investment chapter to challenge core powers of state and local government including, but not limited to, regulatory power to protect ground water in California; the power of civil juries to use punitive damages to deter corporate fraud in Mississippi; the ability of states to invoke sovereign immunity in Massachusetts; and a decision by local government to deny a zoning permit for construction of a hazardous waste dump in Guadalcazar, Mexico; and

Whereas, serious concerns about international investment agreements have been expressed by national government associations, including the National Conference of State Legislatures (NCSL), which urged federal trade negotiators not to commit the United States to further investor-to-state dispute provisions such as those pending under NAFTA, and the National League of Cities, which has expressed concern that expansion of investment rules could undermine the successful effort by state and local governments to defeat legislation to expand compensation for takings in the 104th Congress.

Now, therefore, be it resolved by the Senate of the 2nd session of the 48th Oklahoma Legislature, the House of Representatives concurring therein:

That the Oklahoma State Legislature respectfully memorializes the President and Congress of the United States that the United States Trade Representative: preserve the traditional powers of state and local governments by requiring that negotiators of international investment agreements carve out state and local governments from the scope of future investment agreements or exclude investor-to-state disputes from investment agreements; ensure that international investment rules do not give greater rights to foreign investors than United States investors enjoy under the United States Constitution; ensure that international investment rules do not undermine traditional police powers of state and local governments to protect public health, conserve environmental resources, and regulate fair compensation; ensure that all proceedings are open to the public and that all submissions, findings, and decisions are promptly made public, consistent with the need to protect classified information, and that amicus briefs will be accepted and considered by investment tribunals; and provide that an investor's claim against its host government, must consent to the investor's claim against its host government, if investor-to-state disputes are retained.

That a copy of this resolution be distributed to the President and Vice President of the United States, to the United States Trade Representative, to members of Oklahoma's Congressional Delegation, and to the National Conference of State Legislatures (NCSL).

POM–303. A Senate concurrent resolution adopted by the Legislature of the State of Kansas relative to the establishment of a national holiday; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 1620

Whereas, Cesar Chavez, founder of the United Farm Workers of America, AFL–CIO, dedicated his life to the cause of justice for farm workers. Through his dedication, Cesar Chavez built not only a union but a movement of all races to continue the endless struggle to fight for workers' rights, civil rights and human rights; and

Whereas, Cesar Chavez was a role model for all workers, especially for Latinos and their children; and

Whereas, Cesar Chavez taught us to use power in the nonviolent manner and to employ this principle to secure justice for all workers in the labor movement; and

Whereas, His death on April 23, 1993 brought the Latino community together to continue his struggle to obtain justice and to secure a better life by organizing unions at the workplace; and

Whereas, A resolution is pending in the United States Congress to establish a national holiday in memory of Cesar Chavez: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the adoption of the United States House of Representatives Concurrent Resolution No. 3 providing for a national holiday honoring Cesar Chavez and that this holiday be celebrated on Cesar Chavez's birthday, March 31; and

Be it further resolved: That the Secretary of State send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas congressional delegation.

POM–304. A resolution adopted by the House of the Legislature of the State of New Hampshire relative to the Pledge of Allegiance; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 26

Whereas, on June 26, 2002, the United States Court of Appeals for the Ninth Circuit ruled the recitation of the pledge of allegiance in public schools to be an unconstitutional endorsement of religion in violation of the First Amendment to the United States Constitution; and

Whereas, the state of New Hampshire denounces the ruling of the Ninth Circuit; and

Whereas, the state of New Hampshire affirms the importance of the pledge of allegiance in honoring those citizens who have fallen in defense our country; and

Whereas, the state of New Hampshire affirms the importance of the pledge of allegiance in the education of the youth of our country; and

Whereas, the state of New Hampshire reaffirms the right to recite the pledge of allegiance as an exercise of free speech protected under the First Amendment to the United States Constitution; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives strongly disagrees with the ruling of the United States Court of Appeals for the Ninth Circuit; and

That the New Hampshire house of representatives reaffirms the right to recite the pledge of allegiance as an exercise of free speech protected under the First Amendment to the United States Constitution; and

That copies of this resolution be forwarded to the President of the United States; the Speaker of the United States House of Representatives; the President of the United States Senate; the Justices of the United States Supreme Court, and the members of the New Hampshire congressional delegation.

POM–305. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Pledge of Allegiance; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 242

Whereas, The decision of the Ninth United States Circuit Court of Appeals that the Pledge of Allegiance to the American flag is unconstitutional is an egregious error that cannot be allowed to stand as our law. In this time of war, especially, we are shocked that an expression of devotion and loyalty to our nation's flag and all it represents should be suppressed by a three-judge panel of the most reversed United States Court of Appeals; and

Whereas, The Ninth Circuit's ruling that the words "under God" somehow represent the establishment of an official state church in violation of the Establishment Clause of the United States Constitution is ludicrous. No state church has been established in the nearly five decades since those words were added to the Pledge of Allegiance. The freedom to believe and practice any religion, or to believe and practice no religion at all, is an ingrained part of our society. The purportedly terrible impact of reciting "under God" in our Pledge of Allegiance, should a person choose to do so, has not and will not happen; and

Whereas, Should the Ninth Circuit fail to correct this ruling, the United States Supreme Court should reverse this ruling as a gross misinterpretation of our Constitution and astounding lack of common sense. Our flag unites us, regardless of our heritage. Our Pledge of Allegiance to our flag, which represents all the freedoms we cherish and defend, must be preserved; now, therefore, be it

Resolved by the Senate, That we condemn the decision of the Ninth United States Circuit Court of Appeals that ruled that the Pledge of Allegiance is unconstitutional; and be it further

Resolved, That copies of this resolution be transmitted to the judges of the Ninth United States Circuit Court of Appeals, the justices of the United States Supreme Court, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–306. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to designating October 2002 as Respect Month and October 30, 2002, as Respect Your Neighborhood Day; to the Committee on the Judiciary.

Senate Resolution No. 244

Whereas, For over ten years, the state of Michigan has recognized October as Respect Month, a time for adults with influence over young people to talk with them about respect; and

Whereas, The state of Michigan has proclaimed October 30 as Respect Your Neighborhood Day, a time for people of all ages to launch projects that encourage respect for one another and serve their communities as a whole; and

Whereas, this has led young people to participate in such projects including the clean up of vacant lots and helping senior citizens; and

Whereas, In 1998, the City Councils of Detroit and Highland Park voted to make Respect Month and Respect Your Neighborhood Day permanent occasions in their cities and to request the President and the Congress of the United States to proclaim such occasions on a national level; and

Whereas, In 1999, the Highland Park School Board made a similar request; and

Whereas, Encouraging adults to help create an atmosphere of respect may avert tragedies and save lives. The recent horrors on September 11, 2001, and the shootings in schools like Columbine are prime examples of why prevention is crucial; and

Whereas, Such tragedies demonstrate why it is imperative that adults with influence over children communicate basic tenets of respect and demonstrate ways in which serving our communities can help maintain the dignity of all members of society; and

Whereas, Respect Month will function as a time to positively model respect, promote respect, and encourage youth and their peers to do the same for each other, their communities, and mankind; and

Whereas, Adults who can have an impact on children by putting an emphasis on the meaning of and the need for respect in society are invaluable to this cause, and character education brings about a greater respect and appreciation for all. The meaning of respect is ascertained during childhood, and the exhibiting of respect by adults is of great importance; and

Whereas, Proclaiming Respect Month and Respect Your Neighborhood Day will encourage service projects and conflict resolution courses, which are two ways to combat poor self-esteem and lack of self-respect which can lead to violence; and

Whereas, The existing diversity in our communities must be admired, appreciated, and valued, but without respect, this society will not achieve its full potential; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate October 2002 as Respect Month and October 30, 2002, as Respect Your Neighborhood Day on a permanent basis in the state of Michigan; and be it further

Resolved, That we urge President George W. Bush and the Congress of the United States to make such proclamations for the country as a whole; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the Michigan congressional delegation.

POM–307. A resolution adopted by the General Assembly of the State of Maryland relative to September 11, 2001; ordered to lie on the table.

Resolution

Be it hereby known to all that The Maryland General Assembly offers this resolution as an expression of sympathy in remembrance of September 11, 2001, when foreign terrorists conducted inhumane, murderous attacks on the United States.

The entire membership offers its deepest sympathy, its unwavering support, and its sincere concern to the families, friends, and the Nation.

The General Assembly directs this Resolution be presented on this 9th day of January, 2002, and that copies of this Resolution be sent to the President of the United States, George W. Bush, all members of the United States Congress, the Governor of New York and Mayor of New York City, the Governor of Virginia, and the Governor of Pennsylvania.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of August 1, 2002, the following reports of committees were submitted on August 2, 2002:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1971: A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes. (Rept. No. 107–242).

Under the authority of the order of the Senate of July 29, 2002, the following reports of committees were submitted on August 28, 2002:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 351: A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes. (Rept. No. 107–243).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1079: A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites. (Rept. No. 107–244).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 710: A bill to require coverage for colorectal cancer screenings. (Rept. No. 107–245).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1210: A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996. (Rept. No. 107–246).

S. 2711: A bill to reauthorize and improve programs relating to Native Americans. (Rept. No. 107–247).

S. 1344: A bill to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers. (Rept. No. 107–248).

S. 2017: A bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program. (Rept. No. 107–249).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 210: A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes. (Rept. No. 107–250).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute and an amendment to the title:

S. 2753: A bill to provide for a Small and Disadvantaged Business Ombudsman for Procurement in the Small Business Administration, and for other purposes. (Rept. No. 107–251).

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 1308: A bill to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772–72, 773–71, and 775–71, and for other purposes. (Rept. No. 107–252).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 103–5 1990 Protocol to the 1983 Maritime Environment of the Widen Caribbean Region Convention (Exec. Rept. No. 107–8)

Text of Committee Recommended Resolution of Ratification

Resolved (two-thirds of the Senators present concurring therein), Section 1. Advice and Consent to Ratification of the Protocol Concerning Specifically Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, subject to Reservations, an Understanding, and a Declaration.

The Senate advises and consents to the ratification of the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, including Annexes, done at Kingston on January 18, 1990 (Treaty Doc. 103–5), subject to the reservations in section 2, the understanding in Section 3, and the declaration in Section 4.

Section 2. Reservations.

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification.

(1) The United States of America does not consider itself bound by Article 11(1) of the Protocol to the extent that United States law permits the limited taking of flora and fauna listed in Annexes I and II—

(A) which is incidental, or

(B) for the purposes of public display, scientific research, photography for educational or commercial purposes, or rescue and rehabilitation.

(2) The United States has long supported environmental impact assessment procedures, and has actively sought to promote the adoption of such procedures throughout the world. U.S. law and policy require environmental impact assessments for major Federal actions significantly affecting the quality of the human environment. Accordingly, although the United States expects that it will, for the most part, be in compliance with Article 13, the United States does not accept an obligation under Article 13 of the Protocol to the extent that the obligations contained therein differ from the obligations of Article 12 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.

(3) The United States does not consider the Protocol to apply to six species of fauna and flora that do not require the protection provided by the Protocol in U.S. territory. These species are the Alabama, Florida and Georgia populations of least tern (Sterna antillarum), the Audubon's shearwater (Puffinus lherminieri), the Mississippi, Louisiana and Texas population of the wood stork (Mycteria americana) and the Florida and Alabama populations of the brown pelican (Pelicanus occidentalis), which are listed on Annex II, as well as the fulvous whistling duck (Dendrocygna bicolor), and the populations of widgeon or ditch grass (Rupia maritima) located in the continental United States, which are listed on Annex III.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States understands that the Protocol does not apply to non-native species, defined as species found outside of their natural geographic distribution, as a result of deliberate or incidental human intervention. Therefore, in the United States, certain exotic species, such as the muscovy duck (Carina moschata) and the common iguana (Iguana iguana), are not covered by the obligations of the Protocol.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

Existing federal legislation provides sufficient legal authority to implement United States obligations under the Protocol. Accordingly, no new legislation is necessary in order for the United States to implement the Protocol.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. CLINTON, Mr. HUTCHINSON, Mrs. CARNAHAN, Mr. BENNETT, Mr. ROCKEFELLER, Mr. HELMS, Ms. LANDRIEU, Mr. HARKIN, Ms. COLLINS, Mr. KYL, Mr. DURBIN, Mr. EDWARDS, Mr. DODD, Mr. CRAPO, Ms. SNOWE, Mr. ALLARD, Mr. VOINOVICH,. Mr. NELSON of Florida, Mr. LOTT, Mr. BIDEN, Mr. LUGAR, and Ms. STABENOW):

S. 2896. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFORDS:

S. 2897. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 2898. A bill for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2899. A bill to establish the Atchafalaya National Heritage Area, Louisiana; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 2900. A bill to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building"; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:

S. 2901. A bill to provide that bonuses and other extraordinary or excessive compensation of corporate insiders and wrongdoers may be included in the bankruptcy estate; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 414

At the request of Mr. CLELAND, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 913

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1085

At the request of Mr. WELLSTONE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1085, a bill to provide for the revitalization of Olympic sports in the United States.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1291

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1651

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1651, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 2027

At the request of Mr. DURBIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2027, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 2119

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2435

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2435, a bill to amend title 9 of the United States Code to exclude all employment contracts from the arbitration provisions of chapter 1 of such title; and for other purposes.

S. 2458

At the request of Mrs. HUTCHISON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2458, a bill to enhance United States diplomacy, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2513

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2521

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2521, a bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount.

S. 2554

At the request of Mr. SMITH of New Hampshire, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2566

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2566, a bill to improve early learning opportunities and promote school preparedness, and for other purposes.

S. 2592

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2592, a bill to provide affordable housing opportunities for families that are headed by grandparents and other relatives of children, and for other purposes.

S. 2611

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2633

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2633, a bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purpose.

S. 2657

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2657, a bill to amend the Child Abuse Prevention and Treatment Act to provide for opportunity passports and other assistance for youth in foster care and youth aging out of foster care.

S. 2704

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2704, a bill to provide for the disclosure of information on projects of the Department of Defense, such as Project 112 and the Shipboard Hazard and Defense Project (Project SHAD), that included testing of biological or chemical agents involving potential exposure of members of the Armed Forces to toxic agents, and for other purposes.

S. 2712

At the request of Mr. HAGEL, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2721

At the request of Mr. SARBANES, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2721, a bill to improve the voucher rental assistance program under the United States Housing Act of 1937, and for other purposes.

S. 2734

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2762

At the request of Mr. THOMAS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2762, a bill to amend the Internal Revenue Code of 1986 to provide involuntary conversion tax relief for producers forced to sell livestock due to weather-related conditions or Federal land management agency policy or action, and for other purposes.

S. 2777

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2777, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the treatment of qualified public educational facility bonds as exempt facility bonds.

S. 2826

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2826, a bill to improve the national instant criminal background check system, and for other purposes.

S. 2860

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2860, a bill to amend title XXI of the Social Security Act to modify the rules for redistribution and extended availability of fiscal year 2000 and subsequent fiscal year allotments under the State children's health insurance program, and for other purposes.

S. 2873

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2873, a bill to improve the provision of health care in all areas of the United States.

S. 2882

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the tax credit for holders of qualified zone academy bonds.

S. RES. 311

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 311, A resolution expressing the Sense of the Senate regarding the policy of the United States at the World Summit on Sustainable Development and related matters.

S. CON. RES. 94

At the request of Mr. WYDEN, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 129

At the request of Mr. CRAPO, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 129, A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as "Chronic Obstructive Pulmonary Disease Awareness Month".

AMENDMENT NO. 4316

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 4316 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. CLINTON, Mr. HUTCHINSON, Mrs. CARNAHAN, Mr. BENNETT, Mr. ROCKEFELLER, Mr. HELMS, Ms. LANDRIEU, Mr. HARKIN, Ms. COLLINS, Mr. KYL, Mr. DURBIN, Mr. EDWARDS, Mr. DODD, Mr. CRAPO, Ms. SNOWE, Mr. ALLARD, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. LOTT, Mr. BIDEN, Mr. LUGAR, Ms. STABENOW, Mr. SESSIONS, and Mr. INHOFE):

S. 2896. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary.

Mrs. HUTCHISON. Madam President, I am introducing today with my friend from California, Senator FEINSTEIN, legislation to improve the current system of AMBER Alert plans that exist in various States. Our legislation recognizes the tremendous job that those involved in AMBER alerts are playing and we seek to build on their efforts.

In 1996, 9-year-old Amber Hagerman of Arlington, Texas was abducted and brutally murdered. Her death had such an impact on the community that local law enforcement and area broadcasters developed what is now known as AMBER Alert, America's Missing: Broadcast Emergency Response. An AMBER alert is activated by law enforcement to find a child, when a child has been abducted. An Alert triggers highway notification and broadcast messages throughout the area where the abduction occurred.

As we have seen this summer, AMBER plans in different communities have worked to bring children home safely. To date, AMBER Alert has helped recover 27 children nationwide. Many communities and states have outstanding AMBER plans, however, the vast majority of States do not yet have comprehensive, statewide coverage and lack the ability to effectively communicate between plans. This is a critical issue particularly when an abducted child is taken across State lines.

The bill I am introducing today establishes an AMBER Alert Coordinator within the Department of Justice to assist States with their AMBER plans. An AMBER Alert Coordinator is needed to address situations such as the recent examples of interstate travel with abducted children. We have witnessed several successful stories of AMBER plans helping to recover a child within a region, however, many gaps exist between the various AMBER plans around the country. The AMBER Alert Coordinator will facilitate appropriate regional coordination of AMBER alerts, particularly with interstate travel situations, and will assist states, broadcasters, and law enforcement in setting up additional AMBER plans.

The AMBER Alert Coordinator will set minimum, voluntary standards to help states coordinate when necessary. The AMBER Alert Coordinator will help to reconcile the different standards for what constitutes an AMBER alert. In doing so, the Coordinator will work with existing participants, including the National Center for Missing and Exploited Children, local and state law enforcement and broadcasters to define minimum standards. Overall, the AMBER Alert Coordinator's efforts will set safeguards to make sure the AMBER alert system is used to meet its intended purpose.

In addition, the bill provides for a matching grant program. The grant program will help localities and states build or further enhance their efforts to disseminate AMBER alerts. To this end, the matching grant program will fund road signage and electronic message boards along highways, dissemination of information on abducted children, education and training, and related equipment.

Our bill has the strong support of the National Center of Missing and Exploited Children and the National Association of Broadcasters, who play essential roles in the AMBER Alert system. I urge the Senate to act expeditiously on this legislation to further protect America's children.

Mrs. FEINSTEIN. Mr. President, today, I am pleased to join Senator HUTCHISON in introducing legislation that will save children's lives by expanding the existing AMBER Alert program nationwide.

AMBER Alerts are official bulletins broadcast over the airwaves to enlist the public's help in tracking down abducted children facing imminent danger from their kidnappers.

The power of the AMBER alert can be seen in the recent kidnapping of Tamara Brooks and Jacqueline Marris.

On August 1, 2002, twenty-four hours after the State of California launched its statewide AMBER Alert program, Tamara Brooks, 16, and Jacqueline Marris, 17, were abducted from their vehicles at gunpoint in Lancaster, CA.

Shortly thereafter, the California Highway Patrol issued an AMBER Alert on the girls disappearance.

Within the next few hours, concerned members of the community called into CHP hotlines, delivering a flurry of crucial tips that helped locate the suspect.

A driver on state Highway 178 spotted the abductor's stolen white bronco in Walker Pass, approximately 70 miles east of Bakersfield.

Two hours later, a CalTrans worker spotted the suspect on Highway 178, and,

A Kern County animal control officer spotted the Bronco on a local dirt road.

Based on these tips, sheriff's deputies located the girls and their abductor, Roy Ratliff, in a vehicle in a dry riverbed, just 12 hours after the abduction.

Ratliff was killed during an exchange of gunfire with sheriff's deputies, and the girls were returned home safely.

The AMBER Alert system and the effective work of the Kern County Sheriff's Department may be the only reasons those girls are alive today.

Children abducted in States without an AMBER Alert system, however, may not have been so fortunate.

That is why we are introducing this legislation, to spur the development of State and local AMBER plans across the country so we can increase the chances that children abducted by strangers can be returned home safely.

Each year, more than 58,000 children in the United States are abducted by non-family members, often in connection with another crime.

In the most dangerous type of child abduction, stranger abduction, fully 40 percent of children are murdered.

Speed is crucial to any effective law enforcement response to these most deadly cases.

According to a study by the U.S. Department of Justice, 74 percent of children who were abducted, and later found murdered, were killed within three hours of being taken.

AMBER Alerts are a proven weapon in the fight against stranger abductions, especially in those cases where an abducted child is facing an imminent threat of harm.

The program is named after nine-year-old Amber Hagerman who was kidnapped and murdered in Arlington, TX in 1996.

The power of the AMBER alert system is that an alert can be issued within minutes of an abduction, disseminating key information of the crime to the community at large.

Nationally, since 1996, the AMBER Alert has been credited with the safe return of 29 children to their families, including one case in which an abductor reportedly released the child after hearing the alert himself.

These are 29 families who didn't have to suffer the pain of losing a loved one. Twenty-nine families who didn't have to bury a child.

Since the State of California first adopted AMBER alerts a month ago, the State has issued 13 AMBER alerts. Each of the AMBER Alerts concluded with the missing child being united with their families.

Eight of these alerts involved stranger abductions. Four involved family members, and one case is considered a false alarm.

I would like to describe two of these cases: the rescue of four-year-old Jessica Cortez from Los Angeles and 10-year-old Nichole Timmons from Riverside.

Jessica disappeared from Echo Park in Los Angeles on August 11, 2002.

But when Jessica's abductor took her to a clinic for medical care, receptionist Denise Leon recognized Jessica from the AMBER Alert and notified law enforcement.

Without the publicity generated by the alert, Jessica could have been lost to her parents forever.

Nichole Timmons was kidnapped from her Riverside home on August 20.

In Nichole's case, an Alert was issued not just in California, but in Nevada as well.

A tribal police officer in Nevada spotted the truck of Nichole's abductor and stopped him within 24 hours of the abduction.

He was found with duct tape and a metal pipe.

The AMBER Alert enabled Nichole to return home safely to her parents.

The legislation we are introducing today is simple, yet very important.

First, it would establish a national coordinator for AMBER Alerts in the Department of Justice to expand the network of AMBER Alert systems and to coordinate the issuance of region-wide AMBER Alerts.

We need regional coordination of AMBER Alert because, as we saw in the case of Nichole Timmons, abductors of children may cross State lines as they flee crime scenes.

Second, the bill would establish grant programs in the Department of Justice and the Department of Transportation to provide for the development of AMBER Alert systems, electronic message boards, and training and education programs in states that do not have AMBER Alerts.

To date, AMBER Alert systems exist in only 15 States and 32 local and regional jurisdictions. This bill would help the expansion of AMBER Alerts to new jurisdictions.

Third, the bill directs the Department of Justice to establish minimum standards for the coordination of AMBER alerts between jurisdictions.

Minimum standards are needed because many of the existing AMBER plans have slightly different standards for an AMBER Alert, such as when to issue an alert.

Without a common standard, sharing AMBER Alerts between states will be difficult.

I would also like to stress what the bill does not do.

It is the specific intent of this bill not to interfere with the operation of the 50 State and local AMBER plans that are working so well.

Participation in regional AMBER plans is only voluntary, and any plan that wishes to go it alone may still do so.

The bill also does not change the very strict criteria of the AMBER Alert.

AMBER Alerts are successful because they are issued rarely, and only when strict criteria are met.

A typical AMBER Alert is only issued when a law enforcement agency confirms that a stranger abduction has occurred, the child is in imminent danger, and there is information available that, if disseminated to the public could assist in the safe recovery of the child.

The effectiveness of the system depends on the continued judicious use of the alert so that the public does not grow to ignore the warnings.

This bill is carefully designed to preserve the Alert's ongoing effectiveness.

In sum, through this legislation, we can extend to every corner of the nation a network of AMBER Alerts that will protect our children.

If we can set up a program that will increase the odds that an abducted child can return to his or her family safely, then I believe the program will be well worth it.

We know the AMBER Alert system works. We know that every community in America should have access to it.

Mr. HATCH. Mr. President, I am proud to join with Senators KAY BAILEY HUTCHISON and DIANE FEINSTEIN in introducing the "National AMBER Alert Network Act of 2002" which will extend the AMBER Alert (America's Missing: Broadcast Emergency Response) system across our Nation. The recent wave of child abductions across our Nation, including the kidnaping of Elizabeth Smart in my own home state of Utah, has highlighted the need for legislation to enhance our ability to protect our Nation's children against predators of all types.

When a child is abducted, time is of the essence. All too often it is only a matter of hours before a kidnaper commits an act of violence against the child. Alert systems, such as the AMBER Alert system, galvanize entire communities to assist law enforcement in the timely search for and safe return of child victims.

The AMBER Alert system was developed in 1996 in Texas after 9-year-old Amber Hagerman was kidnaped. To date, the system has been credited with the recovery of 27 missing children. Nonetheless, only 16 States have adopted statewide AMBER Alert systems. Just this year, my home State of Utah adopted a statewide alert program aimed at preventing child abduction called "Rachel Alert." The program was named after young Rachel Runyan who was abducted and later found murdered.

We recently witnessed the success of the AMBER Alert system in California. There the AMBER system was used to broadcast the disappearance of Nichole Timmons who was safely recovered in the neighboring state of Nevada after she was recognized. In another recent California case, the AMBER Alert system was used when Tamera Brooks and Jaqueline Marris were kidnapped. Just hours after their abduction, and minutes before their possible murder, the two young women were found.

The legislation we introduce today will enhance our ability to recover abducted children by establishing a Coordinator within the Department of Justice to assist States in developing and coordinating alert plans nationwide. The Act also provides for a matching grant program through the Department of Justice and the Department of Transportation for highway signs, education and training programs, and the equipment necessary to facilitate AMBER Alert systems.

I support the National AMBER Alert Network Act and other legislative proposals that will improve our ability on a national level to combat crimes against children. For that reason, I will introduce in the coming days comprehensive legislation that will enhance existing laws, investigative tools, criminal penalties and child crime resources in a variety of ways. I believe Congress must do all it can to ensure that we devote the same intensity of purpose to crimes committed against children, as we do to other serious criminal offenses, such as those involving terrorism.

We have no greater resource than our children. I invite the Department of Justice, the Federal Bureau of Investigation and other entities and professionals who are charged with protecting our children to work with me to improve our Federal laws and to assist States in doing the same.

I commend Senator HUTCHISON for her tireless efforts on behalf of children and families and urge my colleagues to work with us to enact this critical legislation which will increase the chances that future victims of child predators will be found swiftly and returned home safely.

By Mr. JEFFORDS:

S. 2897. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the "Marine Turtle Conservation Act of 2002."

Marine turtles were once abundant, but now they are in serious trouble. Six of the seven recognized species are listed as threatened on endangered under the Endangered Species Act, and all seven species have been included in Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna, CITES. Because marine turtles are long-lived, late-maturing, and highly migratory, they are particularly vulnerable to the impacts of human exploitation and habitat loss. In addition, for some species, illegal trade seriously threatens wild populations. Because of the immense challenges facing marine turtles, the resources available to date have not been sufficient to cope with the continued loss of nesting habitat due to human activities and the resulting diminution of marine turtle populations.

The Marine Turtle Conservation Act of 2002 is modeled after the successful Asian Elephant Conservation Act, the African Elephant Conservation Act, and the Rhinoceros and Tiger Conservation Act. These acts have established programs within the Department of the Interior to assist in the conservation and preservation of these species around the world. More than 300 projects have been funded and generated millions of dollars in private matching funds from sponsors representing a diverse group of conservation organizations. The projects range from purchasing anti-poaching equipment for wildlife rangers to implementing elephant conservation plans to aerial monitoring of the Northern white rhinoceros.

The Marine Turtle Conservation Act of 2002 will assist in the recovery and protection of marine turtles by supporting and providing financial resources for projects to conserve nesting habitats of marine turtles in foreign countries and marine turtles while they are found in such habitats, to prevent illegal trade in marine turtle parts and projects, and to address other threats to the survival of marine turtles. The bill authorizes $5 million annually to implement the program.

This legislation will help to preserve this ancient and distinctive part of the world's biological diversity.

By Mr. THURMOND:

S. 2898. A bill for the relief by Jaya Gulab Tolani and Hitesh Gulab Tolani; to the Committee on the Judiciary.

Mr. THURMOND. Madam President, I rise to introduce a private relief bill that would provide permanent legal resident status for Hitesh Tolani and his mother, Jaya Tolani, who face voluntary removal from this country.

I feel that the Tolanis' case presents a compelling need for legislative action. Hitesh Tolani, who is a scholarship student at Wofford College in Spartanburg, SC, came to the United States with his mother, Jaya, and father, Gulab, in 1984. When Hitesh arrived in this country, he was a toddler. Hitesh has a younger brother, Ravi, who was born here and is a United States citizen.

The Tolanis' efforts to become United States citizens was beset by tragedy. Gulab's brother, who served as a sponsor, died during the family's efforts to become legal permanent residents. Furthermore, just days before Gulab was to interview in New York in hopes of gaining legal permanent resident status for himself and his family, he passed away. Jaya was left with no way to legalize her or Hitesh's status. In the same year in which Gulab died, Jaya was also diagnosed with breast cancer. In the midst of these difficulties, Jaya was left with very few alternatives.

When Hitesh learned of his illegal status, he made the decision to turn himself into the authorities. After removal proceedings commenced, Hitesh and Jaya sought relief in the form of cancellation of removal. In order to succeed in this effort, it must be shown that the removal would result in "exceptional and extremely unusual hardship." In this case, the Immigration court found that the Tolanis' case did not rise to this level of hardship. The court came to this conclusion despite the fact that Hitesh has lived the vast majority of his life in the United States and is in the middle of his college studies. If forced to leave the country, Hitesh's studies will be significantly interrupted, and he will be required to return to a land that he does not remember. Additionally, Hitesh will be placed at a social and educational disadvantage because he is not fluent in the Hindi language.

During this important time in Hitesh's life, he will leave the only home that he has ever known. Yet the events surrounding his entry into the United States were completely out of his control. Hitesh has done nothing but contribute in positive ways to his hometown community of Irmo, SC, and the Wofford College community. He has demonstrated excellent moral character and has always been a model student.

Relocation to India would also create extreme hardship for Jaya, who is in remission from breast cancer. She would have to abandon her clothing store business in South Carolina and return to a land that she has not seen for twenty years. She also faces the potential breakup of her family due to the status of her youngest son, Ravi, who is a U.S. citizen. Ravi would be forced to go to India with the rest of his family or face the prospect of foster care. Ravi is not fluent in Hindi, but is very proficient in English. Ravi is also an asthmatic who must periodically use an inhaler machine. He would be subject to unhealthy air quality in Bombay, the city where the Tolanis' closest relatives reside and the place where they would settle.

The Tolani family appealed to the Board of Immigration Appeals, and the Immigration Judge's decision was affirmed without comment. The family is now appealing to the Eleventh Circuit Court of Appeals, but the standard of review is deferential, making this an uphill climb for Hitesh and Jaya.

I have always been a strong proponent of enforcing our Nation's immigration laws. However, the Tolanis' case represents one of those rare instances where removal would be unjust. The Tolani family, if forced to leave this country, will face exceptional hardship. Hitesh is a fine young man and an outstanding student. Through no fault of his own, he faces the prospect of leaving the only home that he has ever known. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jaya Gulab Tolani and Hitesh Gulab Tolani shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Jaya Gulab Tolani and Hitesh Gulab Tolani, as provided in section 1, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2899. A bill to establish the Atchafalaya National Heritage Area, Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Madam President, today I rise, along with Senator BREAUX to introduce a bill to establish the Atchafalaya National Heritage Area in Louisiana. This legislation has particularly special meaning to those of us from Louisiana because of the importance of the cultural and natural resources of the Atchafalaya region to the Nation.

This legislation would establish a framework to help protect, conserve, and promote these unique natural, cultural, historical, and recreational resources of the region. Specifically, the legislation would establish a National Heritage Area in Louisiana that encompasses thirteen parishes in and around the Atchafalaya Basin swamp, America's largest river swamp. The heritage area in south-central Louisiana stretches from Concordia parish to the north, where the Mississippi River begins to partially flow into the Atchafalaya River, all the way to the Gulf of Mexico in the south. The thirteen parishes are: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge. This boundary is the same area covered by the existing Atchafalaya Trace State Heritage Area.

This measure will appoint the existing Atchafalaya Trace Commission as the federally recognized "local coordinating entity." The commission is composed of thirteen members with one representative appointed by each parish in the heritage area. Both the Atchafalaya Trace Commission and the Atchafalaya Trace State Heritage Area were created by the Louisiana Legislature a number of years ago. The Atchafalaya Trace State Heritage Area program currently receives some State funding, and already has staff working at the Louisiana Department of Culture, Recreation & Tourism, DCRT, under Lieutenant Governor Kathleen Blanco. State funds were used to create the management plan for the heritage area, which followed "feasibility analysis" guidelines as recommended by the National Park Service. Therefore, the recently-completed management plan need only be submitted to the Secretary of the Interior for approval as this legislation would recognize an existing local coordinating entity that will oversee the implementation of this plan. We are very proud that this state heritage area has already completed the complicated planning process, with participation of local National Park Service representatives, while using a standard of planning quality equal to that of existing national heritage areas. All at no cost to the Federal Government.

Please let me also emphasize that this legislation protects existing private property rights. It will not interfere with local land use ordinances or regulations, as it is specifically prohibited from doing so. Nor does this legislation grant any powers of real property acquisition to the local coordinating entity or heritage area program. In addition, the legislation does not impose any environmental rule or process or cause any change in Federal environmental quality standards different from those already in effect.

Heritage areas are based on cooperation and collaboration at all levels. This legislation remains true to the core concept behind heritage areas. The heritage area concept has been used successfully in various parts of our nation to promote historic preservation, natural and cultural resources protection, heritage tourism and sustainable economic revitalization for both urban and rural areas. Heritage areas provide a flexible framework for government agencies, private organizations and businesses and landowners to work together on a coordinated regional basis. The Atchafalaya National Heritage Area will join the Cane River National Heritage Area to become the second National Heritage Area in Louisiana, ultimately joining the 23 existing National Heritage Areas around the Nation.

The initiative to develop the Atchafalaya National Heritage Area is an outgrowth of a grassroots effort to achieve multiple goals of this region. Most important among these is providing opportunities for the future, while at the same time not losing anything that makes this place so special. Residents from all over the region, local tourism agencies, State agencies such as the DCRT and the Department of Natural Resources, the State legislature, Federal agencies including the National Park Service and U.S. Army Corps of Engineers, parish governments, conservation and preservation groups, local businesses and local landowners have all participated in this endeavor to make it the strong initiative it is today. These groups have been very supportive of the heritage area effort, and as time moves on, the heritage area will continue to involve more and more of the area's most important resource, its people.

I would also like to give you a brief overview of the resources that make this place significant to the entire country. Not only is it important to our Nation's history but it is also critical to understanding America's future. The name of the place itself—Atchafalaya, comes from the American Indians and means "long river." This name signifies the first settlers of the region, descendants of whom still live there today.

Other words come to mind in describing the Atchafalaya: mysterious dynamic, multi-cultural; enchanting, bountiful; threatened and undiscovered. This region is one of the most complex and least understood places in Louisiana and the Nation. Yet, the stories of the Atchafalaya Heritage Area are emblematic of the broader American experience. Here there are opportunities to understand and witness the complicated, sometimes harmonious, sometimes adversarial interplay between nature and culture. The history of the United States has been shaped by the complex dance of its people working with, against, and for, nature. Within the Atchafalaya a penchant for adventure, adaptation, ingenuity, and exploitation has created a cultural legacy unlike anywhere else in the world.

The heart of the heritage area is the Atchafalaya Basin. It is the largest river swamp in the United States, larger than the more widely known Everglades or Okefenokee Swamp. The Atchafalaya is characterized by a maze of streams, and at one time was thickly forested with old-growth cypress and tupelo trees. The Basin provides outstanding habitat for a remarkably diverse array of wildlife, including the endangered American bald eagle and Louisiana black bear. The region's unique ecology teems with life. More than 85 species of fish, crustaceans such as crawfish, wildlife including alligators; an astonishing array of well over 200 species of birds, from waterfowl to songbirds, forest-dwelling mammals such as deer, squirrel, beaver and other commercially important furbearers all make their home here. Bottomland hardwood-dependent bird species breed here in some of the highest densities ever recorded in annual North American Breeding Bird Surveys. The Basin also forms part of the Mississippi Valley Flyway for migratory waterfowl and is a major wintering ground for thousands of these geese and ducks. In general, the Atchafalaya Basin has a significant proportion of North America's breeding wading birds, such as herons, egrets, ibises, and spoonbills. Some of the largest flocks of Wood Storks in North America summer here, and the southern part of the Basin has a healthy population of Bald Eagles nesting every winter.

The region's dynamic system of waterways, geology, and massive earthern guide levees reveals a landscape that is at once fragile and awesome. The geology and natural systems of the Atchafalaya Heritage Area have fueled the economy of the region for centuries. For decades the harvest of cypress, cotton, sugar cane, crawfish, salt, oil, gas, and Spanish moss, have been important sources of income for the region's residents. The crawfish industry has been particularly important to the lives of Atchafalaya residents and Louisiana has become the largest crawfish producer in the United States. Sport fishing and other forms of commercial fishing are important here, too, but unfortunately, natural resource extraction and a changing environment have drastically depleted many of these resources and forced residents to find new ways to make a living.

Over the past century, the Atchafalaya Basin has become a study of man's monumental effort to control nature. After the catastrophic Mississippi River flood of 1927 left thousands dead and millions displaced, the U.S. Congress decreed that the U.S. Army Crops of Engineers should develop an intricate system of levees to protect human settlements, particularly New Orleans. Today, the Mississippi River is caged within the walls of earthern and concrete levees and manipulated with a complex system of locks, barrages and floodgates. The Atchafalaya River runs parallel to the Mississippi and through the center of the Basin. In times of flooding the river basis serves as the key floodway in controlling floodwaters headed for the large population centers of Baton Rouge and New Orleans by diverting waters from the Mississippi River to the Gulf of Mexico. This system was sorely tested in 1973 when floodwaters threatened to break through the floodgates and permanently divert the Mississippi River into the Atchafalaya. However, after this massive flood event, new land started forming off the coast. These new land formations make up the Atchafalaya Delta, and is the only significant area of new land being built in the United States. These vast amounts of Mississippi River sediment are also raising filling in the Basin itself, raising the level of land in certain areas of the basin and filling in lakes and waterways. And to demonstrate just how complex this ecosystem is, one only needs to realize that just to the East of the Delta, Terrebonne parish, also in the heritage area, is experiencing some of the most significant coastal land loss in the country.

Over the centuries, the ever-changing natural environment has shaped the lives of the people living in the basin. Residents have profited from and been imperiled by nature. The popular cultural identify of the region is strongly associated with the Canjuns, descendents of the French-speaking Acadians who settled in south Louisiana after being deported by the British from Nova Scotia, (formerly known as Acadia). Twenty-five hundred to three thousand exiled Acadians repatriated in Louisiana where they proceeded to re-establish their former society.

Today, in spite of complex social, cultural, and demographic transformations, Cajuns maintain a sense of group identify and continue to display a distinctive set of cultural expressions nearly two-hundred-and-fifty years after their exile from Acadia. Cajun culture has become increasingly popular outside of Louisiana. Culinary specialties adapted from France and Acadia such as etoufee, boudin, andouille, crepes, beignets and sauces thickened with roux, delight food lovers well beyound Lousiana's borders. Cajun music has also "gone mainstream" with its blend of French folk songs and ballads and instrumental dance music, and more recent popular country, rhythm-and-blues, and rock music influences. While the growing interest in Cajun culture has raised appreciation for its unique traditions, many of the region's residents are concerned about the growing commercialization and stereotyping that threatens to diminish the authentic Cajun ways of life.

While the Atchafalaya Heritage Area may be well known for its Cajun culture, there is an astonishing array of other cultures within these parishes. Outside of New Orleans, the Atchafalaya Heritage Area is the most racially and ethnically complex region of Louisiana, and has been so for many year. A long legacy of multiculturalism presents interesting opportunities to examine how so many distinct cultures have survived in relative harmony. There may be interesting lessons to learn from here as our nation becomes increasingly heterogeneous. The cultural complexity of this region has created a rich tapestry of history and traditions, evidenced by the architecture, music, language, food and festivals unlike anyplace else. Ethnic groups of the Atchafalaya include: African-Americans, Black Creoles, Asians, Chinese, Filipinos, Vietnamese, Lebanese, Cajuns, Spanish Islenos, Italians, Scotch-Irish, and American Indian tribes such as the Attakapa, Chitimacha, Coushatta, Houma, Opelousa and Tunica-Biloxi.

This heritage area has a wealth of existing cultural, historic, natural, scenic, recreational and visitor resources on which to build. Scenic resources include numerous State Wildlife Management Areas and National Wildlife Refuges, as well as ten designated state scenic byways that fall partially or entirely within the heritage area. The Office of State Parks operates three historic sites in the heritage area, and numerous historic districts and buildings can be found in the region. There are also nine Main Street communities in the heritage area. Outdoor recreational resources include two State Parks and a multitude of waterways and bayous. Hunting, fishing, boating, and canoeing, and more recently birdwatching and cycling, are popular ways to experience the region. Various visitor attractions, interpretive centers and visitor information centers exist to help residents and tourists alike better understand and navigate many of the resources in the heritage area. Major roads link the heritage area's central visitor entrance points and large population centers, especially New Orleans. Much of the hospitality industry servicing the Atchafalaya exists around the larger cities of Baton Rouge, Lafayette and Houma. However, more and more bed and breakfasts and heritage accommodations, such as houseboat rentals, are becoming more numerous in the smaller towns and rural areas.

These are just some of the examples of the richness and significance of this region. This legislation will assist communities throughout this heritage area who are committed to the conservation and appropriate development of these assets. Furthermore, this legislation will bring a level of prestige and national and international recognition that this most special of places certainly deserves.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atchafalaya National Heritage Area Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Atchafalaya Basin area of Louisiana, designated by the Louisiana Legislature as the "Atchafalaya Trace State Heritage Area" and consisting of the area described in section 5(b), is an area in which natural, scenic, cultural, and historic resources form a cohesive and nationally distinctive landscape arising from patterns of human activity shaped by geography;

(2) the significance of the area is enhanced by the continued use of the area by people whose traditions have helped shape the landscape;

(3) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the area for the residents of, and visitors to, the area;

(4) the area represents an assemblage of rich and varied resources forming a unique aspect of the heritage of the United States;

(5) the area reflects a complex mixture of people and their origins, traditions, customs, beliefs, and folkways of interest to the public;

(6) the land and water of the area offer outstanding recreational opportunities, educational experiences, and potential for interpretation and scientific research; and

(7) local governments of the area support the establishment of a national heritage area.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to protect, preserve, conserve, restore, promote, and interpret the significant resource values and functions of the Atchafalaya Basin area and advance sustainable economic development of the area;

(2) to foster a close working relationship with all levels of government, the private sector, and the local communities in the area so as to enable those communities to conserve their heritage while continuing to pursue economic opportunities; and

(3) to establish, in partnership with the State, local communities, preservation organizations, private corporations, and landowners in the Heritage Area, the Atchafalaya Trace State Heritage Area, as designated by the Louisiana Legislature, as the Atchafalaya National Heritage Area.

SEC. 4. DEFINITIONS.

In this Act:

(1) Heritage area.—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 5(a).

(2) Local coordinating entity.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 5(c).

(3) Management plan.—The term "management plan" means the management plan for the Heritage Area developed under section 7.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) State.—The term "State" means the State of Louisiana.

SEC. 5. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) Establishment.—There is established in the State the Atchafalaya National Heritage Area.

(b) Boundaries.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) Local Coordinating Entity.—

(1) In general.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) Composition.—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 6. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) Authorities.—For the purposes of developing and implementing the management plan and otherwise carrying out this Act, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) Duties.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this Act, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) Acquisition of Real Property.—The local coordinating entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) Public Meetings.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 7. MANAGEMENT PLAN.

(a) In General.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) Consideration of Other Plans and Actions.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) Contents.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this Act;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) Submission to Secretary for Approval.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) Effect of failure to submit.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(e) Approval.—

(1) In general.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) Action following disapproval.—

(A) In general.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) Deadline for approval of revision.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) Revision.—

(1) In general.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) Expenditure of funds.—No funds made available under this Act shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 8. FINANCIAL ASSISTANCE.

(a) In General.—To provide the Federal share of financial assistance provided by the local coordinating entity under section 6(a) the Secretary shall provide the local coordinating entity financial assistance in the amount of **$10,000,000**, not to exceed **$1,000,000** for any fiscal year.

(b) Cost Sharing.—The Federal share of the cost of any activity assisted by the local coordinating entity under this Act shall not exceed 50 percent.

SEC. 9. EFFECT OF ACT.

Nothing in this Act or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 10. REPORTS.

For any year in which Federal funds have been made available under this Act, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

SEC. 12. TERMINATION OF AUTHORITY.

The Secretary shall not provide any assistance under section 8 after September 30, 2017.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 2900. A bill to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building"; to the Committee on Governmental Affairs.

Mr. WELLSTONE. Madam President, I rise today to pay tribute to an American hero. Tom Burnett, Jr. was a beloved husband and father, an adored son, and an able business leader. He was a person who would not, and did not, sit quietly as terrorists carried out their plan last year on September 11.

I am introducing a bill today, along with my colleague from Minnesota, Senator DAYTON. Our bill would designate a U.S. Postal Service facility in Bloomington, MN as the "Thomas E. Burnett, Jr. Post Office Building." It is a companion proposal to a bill introduced by our House colleague, Representative JIM RAMSTAD, whose district includes Bloomington.

Tom Burnett, Jr., who grew up in Bloomington, was aboard United Flight 93 on September 11 of last year. America owes Tom a deep debt of gratitude for his bravery on that day. It is possible that Members of Congress, including myself, could owe him our very lives. We will never know for sure. Tom is believed by investigators to have been among those passengers who kept the hijackers from crashing Flight 93 into a national landmark, most likely the White House or the Capitol. That, of course, would likely have resulted in many more deaths than already occurred that day. Instead, as we all know, Flight 93 crashed in a Pennsylvania field.

After listening to the tape from the flight's black box, law enforcement officials have described a desperate struggle aboard the plane. As FBI Director Mueller said after being briefed on the contents of the tape, "We believe those passengers were absolute heroes, and their actions during this flight were heroic."

Tom Burnett, Jr. was 38 years old when he died. A 1986 graduate of the Carlson School of Management at the University of Minnesota and a member of Alpha Kappa Psi fraternity, he had shown selfless leadership before. As a quarterback at Thomas Jefferson High School in Bloomington, Tom's inspired play led his team to the conference championship game in 1980. He was a successful business leader as chief operating officer for a medical device manufacturer in California.

We will never forget the ultimate sacrifice of Tom and many other heroes last September 11. Our thoughts and prayers today are with Tom's family: his wife Deena; their daughters Madison, Halley and Anna-Clair; his parents Thomas, Sr. and Beverly; and his sisters Martha O'Brien and Mary Margaret Burnett. Bloomington will be proud to have this post office named for Tom Burnett, Jr. We all are proud of this son of Minnesota.

By Mr. GRASSLEY:

S. 2901. A bill to provide that bonuses and other extraordinary or excessive compensation of corporate insiders and wrongdoers may be included in the bankruptcy estate; to the Committee on the Judiciary.

Mr. GRASSLEY. Madam President, I come to the floor today to introduce legislation that will bring more accountability to corporate officers and directors when a company goes bankrupt. This bill contains substantially the same language I had in an amendment I filed to the corporate reform bill that we passed into law a couple of months ago, but unfortunately my bankruptcy amendment was not considered. My legislation, the "Corporate Accountability in Bankruptcy Act", would clarify that the bonuses and other excessive compensation of corporate directors and wrongdoers can be brought back into a bankruptcy estate when a company goes bankrupt. This legislation is equitable because corporate officers and those individuals that have engaged in wrongdoing and violated the securities and accounting laws should not be able to make outrageous amounts of money off of a company which has gone bankrupt, while the company's employees, shareholders and creditors are left carrying the burden of the bankruptcy. Furthermore, corporate officers and insiders shouldn't be allowed to get bonuses and loans when a company has done so poorly to go bankrupt. They don't deserve that kind of excessive compensation. The plain fact is that corporate officers and those who engage in illegal activity should not be allowed to benefit where their actions have contributed to the downfall of the company. I don't think that's fair, and my bill would ensure that there is some equity in terms of who gets left holding the bag when a company goes bankrupt.

Currently, the Bankruptcy Code permits a trustee to recover assets which a debtor has previously distributed to creditors within a certain time period prior to the filing of a bankruptcy petition. This allows a trustee to increase a debtor's assets for the fair treatment and equitable distribution of assets among all creditors, as well as to help shore up a debtor's assets during a reorganization.

Section 547 of the Bankruptcy Code allows a trustee to recover assets from an insider made within a year of the filing of a bankruptcy petition. However, the Bankruptcy Code does not clearly establish that this section applies to bonuses and other extraordinary or excessive compensation of insiders, officers and directors. A cursory review of the case law by my staff and the Congressional Research Service indicates that the courts have not developed this issue, and that relevant case law is not dispositive on the matter of whether bonuses and excessive compensation are avoidable in bankruptcies of publically held companies.

In addition, section 548 of the Bankruptcy Code allows a trustee to recover transfers of assets, made within one year, where there has been a fraudulent transaction or where a debtor has received less than what is reasonably equivalent in value. Here too, the Bankruptcy Code is not clear as to whether this section applies to the bonuses and other extraordinary or excessive compensation of officers, directors or other company employees who have violated securities laws or engaged in illegal accounting practices when their conduct, but not their compensation, has led to the company's bankruptcy. Similarly, the case law is not dispositive on this matter either.

I think everyone would agree that a trustee should be able to recover these kinds of assets when a company goes bankrupt. Corporate bigwigs and wrongdoers shouldn't be able to keep their bonuses, loans or other excessive compensation when a company goes under. Corporate mismanagement and irresponsibility should not be rewarded, and the bad guys need to be held accountable.

So I think that we need to clarify the Bankruptcy Code in order that bonuses, loans, and other extraordinary or excessive compensation that the company has given to the insiders and wrongdoers can be drawn back into the bankruptcy estate.

My legislation is simply and straightforward. The Corporate Accountability in Bankruptcy Act would specifically provide in section 547 of the Bankruptcy Code that a trustee may recover bonuses, loans, nonqualified deferred compensation, and any other extraordinary or excessive compensation as determined by the court, made to an insider, officer or director and made within one year before the date of the filing of the bankruptcy petition.

In addition, the Corporate Accountability in Bankruptcy Act would specifically provide in section 548 of the Bankruptcy Code that a trustee may recover bonuses, loans, nonqualified deferred compensation, and any other extraordinary or excessive compensation, as determined by the court, paid to an officer, director or employee who has committed securities or accounting violations, within 4 years of the filing of the bankruptcy petition. My bill extends the present one year reach-back period for fraudulent transfers in the Bankruptcy Code to 4 years, I did that because a majority of states have adopted a 4 year time period or the Uniform Fraudulent Transfer Act which allows for a 4 year time frame. I believe that these changes to section 548 are fair because they are tied to excessiveness and wrongdoing. Simply said, illegal acts should not be rewarded with a big fat paycheck.

The point of this bill is that corporate officers and wrongdoers should not be able to keep bonuses, loans and other excessive compensation when the company goes under and others, employees, creditors and investors, are left holding an empty bag through no fault of their own. It's just not fair. So I hope that my colleagues will support the Corporate Accountability in Bankruptcy Act to make the Bankruptcy Code clear that corporate bigwigs and wrongdoers cannot unjustly enrich themselves and their excessive compensation and loans can and will be brought back into the bankruptcy estate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corporate Accountability in Bankruptcy Act".

SEC. 2. BANKRUPTCY PROVISIONS.

(a) PREFERENCES.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) A trustee may avoid any transfer made within 1 year before the date of the filing of the petition that was made to an insider, officer, or director for any bonuses, loans, nonqualified deferred compensation, or other extraordinary or excessive compensation as determined by the court.".

(b) FRAUDULENT TRANSFERS AND OBLIGATIONS.—Section 548(a) of title 11, United States Code, is amended by adding at the end the following:

"(3) The trustee may avoid any transfer of an interest of the debtor in property, or any obligation incurred by the debtor, including any bonuses, loans, nonqualified deferred compensation, or other extraordinary or excessive compensation as determined by the court, paid to any officer, director, or employee of an issuer of securities (as defined in section 2(a) of the Public Company Accounting Reform and Investor Protection Act of 2002), if—

"(A) that transfer of interest or obligation was made or incurred on or within 4 years before the date of the filing of the petition; and

"(B) the officer, director, or employee committed—

"(i) a violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), State securities laws, or any regulation or order issued under Federal or State securities laws;

"(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933; or

"(iii) illegal or deceptive accounting practices.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 4471. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4471. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Homeland Security and Combating Terrorism Act of 2002".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 3 divisions as follows:

(1) Division A—National Homeland Security and Combating Terrorism.

(2) Division B—Immigration Reform, Accountability, and Security Enhancement Act of 2002.

(3) Division C—Federal Workforce Improvement.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—NATIONAL HOMELAND SECURITY AND COMBATING TERRORISM

Sec. 100. Definitions.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

Sec. 101. Establishment of the Department of Homeland Security.
Sec. 102. Secretary of Homeland Security.
Sec. 103. Deputy Secretary of Homeland Security.
Sec. 104. Under Secretary for Management.
Sec. 105. Assistant Secretaries.
Sec. 106. Inspector General.
Sec. 107. Chief Financial Officer.
Sec. 108. Chief Information Officer.
Sec. 109. General Counsel.
Sec. 110. Civil Rights Officer.
Sec. 111. Privacy Officer.
Sec. 112. Chief Human Capital Officer.
Sec. 113. Office of International Affairs.
Sec. 114. Executive Schedule positions.

Subtitle B—Establishment of Directorates and Offices

Sec. 131. Directorate of Border and Transportation Protection.
Sec. 132. Directorate of Intelligence.
Sec. 133. Directorate of Critical Infrastructure Protection.
Sec. 134. Directorate of Emergency Preparedness and Response.
Sec. 135. Directorate of Science and Technology.
Sec. 136. Directorate of Immigration Affairs.
Sec. 137. Office for State and Local Government Coordination.
Sec. 138. United States Secret Service.
Sec. 139. Border Coordination Working Group.
Sec. 140. Executive Schedule positions.

Subtitle C—National Emergency Preparedness Enhancement

Sec. 151. Short title.
Sec. 152. Preparedness information and education.
Sec. 153. Pilot program.
Sec. 154. Designation of National Emergency Preparedness Week.

Subtitle D—Miscellaneous Provisions

Sec. 161. National Bio-Weapons Defense Analysis Center.
Sec. 162. Review of food safety.
Sec. 163. Exchange of employees between agencies and State or local governments.
Sec. 164. Whistleblower protection for Federal employees who are airport security screeners.
Sec. 165. Whistleblower protection for certain airport employees.
Sec. 166. Bioterrorism preparedness and response division.
Sec. 167. Coordination with the Department of Health and Human Services under the Public Health Service Act.
Sec. 168. Rail security enhancements.
Sec. 169. Grants for firefighting personnel.

Sec. 170. Review of transportation security enhancements.
Sec. 171. Interoperability of information systems.
Sec. 172. Extension of customs user fees.

Subtitle E—Transition Provisions

Sec. 181. Definitions.
Sec. 182. Transfer of agencies.
Sec. 183. Transitional authorities.
Sec. 184. Incidental transfers and transfer of related functions.
Sec. 185. Implementation progress reports and legislative recommendations.
Sec. 186. Transfer and allocation.
Sec. 187. Savings provisions.
Sec. 188. Transition plan.
Sec. 189. Use of appropriated funds.

Subtitle F—Administrative Provisions

Sec. 191. Reorganizations and delegations.
Sec. 192. Reporting requirements.
Sec. 193. Environmental protection, safety, and health requirements.
Sec. 194. Labor standards.
Sec. 195. Procurement of temporary and intermittent services.
Sec. 196. Preserving non-homeland security mission performance.
Sec. 197. Future Years Homeland Security Program.
Sec. 198. Protection of voluntarily furnished confidential information.
Sec. 199. Authorization of appropriations.

TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM

Sec. 201. National Office for Combating Terrorism.
Sec. 202. Funding for Strategy programs and activities.

TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM AND THE HOMELAND SECURITY RESPONSE

Sec. 301. Strategy.
Sec. 302. Management guidance for Strategy implementation.
Sec. 303. National Combating Terrorism Strategy Panel.

TITLE IV—LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS

Sec. 401. Law enforcement powers of Inspector General agents.

TITLE V—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

Subtitle A—Temporary Flexibility for Certain Procurements

Sec. 501. Definition.
Sec. 502. Procurements for defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.
Sec. 503. Increased simplified acquisition threshold for procurements in support of humanitarian or peacekeeping operations or contingency operations.
Sec. 504. Increased micro-purchase threshold for certain procurements.
Sec. 505. Application of certain commercial items authorities to certain procurements.
Sec. 506. Use of streamlined procedures.
Sec. 507. Review and report by Comptroller General.

Subtitle B—Other Matters

Sec. 511. Identification of new entrants into the Federal marketplace.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

DIVISION B—IMMIGRATION REFORM, ACCOUNTABILITY, AND SECURITY ENHANCEMENT ACT OF 2002

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE XI—DIRECTORATE OF IMMIGRATION AFFAIRS

Subtitle A—Organization

Sec. 1101. Abolition of INS.
Sec. 1102. Establishment of Directorate of Immigration Affairs.
Sec. 1103. Under Secretary of Homeland Security for Immigration Affairs.
Sec. 1104. Bureau of Immigration Services.
Sec. 1105. Bureau of Enforcement and Border Affairs.
Sec. 1106. Office of the Ombudsman within the Directorate.
Sec. 1107. Office of Immigration Statistics within the Directorate.
Sec. 1108. Clerical amendments.

Subtitle B—Transition Provisions

Sec. 1111. Transfer of functions.
Sec. 1112. Transfer of personnel and other resources.
Sec. 1113. Determinations with respect to functions and resources.
Sec. 1114. Delegation and reservation of functions.
Sec. 1115. Allocation of personnel and other resources.
Sec. 1116. Savings provisions.
Sec. 1117. Interim service of the Commissioner of Immigration and Naturalization.
Sec. 1118. Executive Office for Immigration Review authorities not affected.
Sec. 1119. Other authorities not affected.
Sec. 1120. Transition funding.

Subtitle C—Miscellaneous Provisions

Sec. 1121. Funding adjudication and naturalization services.
Sec. 1122. Application of Internet-based technologies.
Sec. 1123. Alternatives to detention of asylum seekers.

Subtitle D—Effective Date

Sec. 1131. Effective date.

TITLE XII—UNACCOMPANIED ALIEN CHILD PROTECTION

Sec. 1201. Short title.
Sec. 1202. Definitions.

Subtitle A—Structural Changes

Sec. 1211. Responsibilities of the Office of Refugee Resettlement with respect to unaccompanied alien children.
Sec. 1212. Establishment of interagency task force on unaccompanied alien children.
Sec. 1213. Transition provisions.
Sec. 1214. Effective date.

Subtitle B—Custody, Release, Family Reunification, and Detention

Sec. 1221. Procedures when encountering unaccompanied alien children.
Sec. 1222. Family reunification for unaccompanied alien children with relatives in the United States.
Sec. 1223. Appropriate conditions for detention of unaccompanied alien children.
Sec. 1224. Repatriated unaccompanied alien children.
Sec. 1225. Establishing the age of an unaccompanied alien child.
Sec. 1226. Effective date.

Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel

Sec. 1231. Right of unaccompanied alien children to guardians ad litem.
Sec. 1232. Right of unaccompanied alien children to counsel.
Sec. 1233. Effective date; applicability.

Subtitle D—Strengthening Policies for Permanent Protection of Alien Children

Sec. 1241. Special immigrant juvenile visa.
Sec. 1242. Training for officials and certain private parties who come into contact with unaccompanied alien children.
Sec. 1243. Effective date.

Subtitle E—Children Refugee and Asylum Seekers

Sec. 1251. Guidelines for children's asylum claims.
Sec. 1252. Unaccompanied refugee children.

Subtitle F—Authorization of Appropriations

Sec. 1261. Authorization of appropriations.

TITLE XIII—AGENCY FOR IMMIGRATION HEARINGS AND APPEALS

Subtitle A—Structure and Function

Sec. 1301. Establishment.
Sec. 1302. Director of the Agency.
Sec. 1303. Board of Immigration Appeals.
Sec. 1304. Chief Immigration Judge.
Sec. 1305. Chief Administrative Hearing Officer.
Sec. 1306. Removal of Judges.
Sec. 1307. Authorization of appropriations.

Subtitle B—Transfer of Functions and Savings Provisions

Sec. 1311. Transition provisions.

Subtitle C—Effective Date

Sec. 1321. Effective date.

DIVISION C—FEDERAL WORKFORCE IMPROVEMENT

TITLE XXI—CHIEF HUMAN CAPITAL OFFICERS

Sec. 2101. Short title.
Sec. 2102. Agency Chief Human Capital Officers.
Sec. 2103. Chief Human Capital Officers Council.
Sec. 2104. Strategic Human Capital Management.
Sec. 2105. Effective date.

TITLE XXII—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

Sec. 2201. Inclusion of agency human capital strategic planning in performance plans and program performance reports.
Sec. 2202. Reform of the competitive service hiring process.
Sec. 2203. Permanent extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.
Sec. 2204. Student volunteer transit subsidy.

TITLE XXIII—REFORMS RELATING TO THE SENIOR EXECUTIVE SERVICE

Sec. 2301. Repeal of recertification requirements of senior executives.
Sec. 2302. Adjustment of limitation on total annual compensation.

TITLE XXIV—ACADEMIC TRAINING

Sec. 2401. Academic training.
Sec. 2402. Modifications to National Security Education Program.
Sec. 2403. Compensatory time off for travel.

DIVISION A—NATIONAL HOMELAND SECURITY AND COMBATING TERRORISM

SEC. 100. DEFINITIONS.

Unless the context clearly indicates otherwise, the following shall apply for purposes of this division:

(1) AGENCY.—Except for purposes of subtitle E of title I, the term "agency"—

(A) means—

(i) an Executive agency as defined under section 105 of title 5, United States Code;

(ii) a military department as defined under section 102 of title 5, United States Code;

(iii) the United States Postal Service; and

(B) does not include the General Accounting Office.

(2) ASSETS.—The term "assets" includes contracts, facilities, property, records, unobligated or unexpended balances of appropriations, and other funds or resources (other than personnel).

(3) DIRECTOR.—The term "Director" means the Director of the National Office for Combating Terrorism.

(4) DEPARTMENT.—The term "Department" means the Department of Homeland Security established under title I.

(5) ENTERPRISE ARCHITECTURE.—The term "enterprise architecture"—

(A) means—

(i) a strategic information asset base, which defines the mission;

(ii) the information necessary to perform the mission;

(iii) the technologies necessary to perform the mission; and

(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

(B) includes—

(i) a baseline architecture;

(ii) a target architecture; and

(iii) a sequencing plan.

(6) FEDERAL TERRORISM PREVENTION AND RESPONSE AGENCY.—The term "Federal terrorism prevention and response agency" means any Federal department or agency charged under the Strategy with responsibilities for carrying out the Strategy.

(7) FUNCTIONS.—The term "functions" includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, responsibilities, and obligations.

(8) HOMELAND.—The term "homeland" means the United States, in a geographic sense.

(9) LOCAL GOVERNMENT.—The term "local government" has the meaning given under section 102(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288).

(10) OFFICE.—The term "Office" means the National Office for Combating Terrorism established under title II.

(11) PERSONNEL.—The term "personnel" means officers and employees.

(12) RISK ANALYSIS AND RISK MANAGEMENT.—The term "risk analysis and risk management" means the assessment, analysis, management, mitigation, and communication of homeland security threats, vulnerabilities, criticalities, and risks.

(13) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(14) STRATEGY.—The term "Strategy" means the National Strategy for Combating Terrorism and the Homeland Security Response developed under this division.

(15) UNITED STATES.—The term "United States", when used in a geographic sense, means any State (within the meaning of section 102(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288)), any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—There is established the Department of National Homeland Security.

(b) EXECUTIVE DEPARTMENT.—Section 101 of title 5, United States Code, is amended by adding at the end the following:

"The Department of Homeland Security.".

(c) MISSION OF DEPARTMENT.—

(1) HOMELAND SECURITY.—The mission of the Department is to—

(A) promote homeland security, particularly with regard to terrorism;

(B) prevent terrorist attacks or other homeland threats within the United States;

(C) reduce the vulnerability of the United States to terrorism, natural disasters, and other homeland threats; and

(D) minimize the damage, and assist in the recovery, from terrorist attacks or other natural or man-made crises that occur within the United States.

(2) OTHER MISSIONS.—The Department shall be responsible for carrying out the other functions, and promoting the other missions, of entities transferred to the Department as provided by law.

(d) SEAL.—The Secretary shall procure a proper seal, with such suitable inscriptions and devices as the President shall approve. This seal, to be known as the official seal of the Department of Homeland Security, shall be kept and used to verify official documents, under such rules and regulations as the Secretary may prescribe. Judicial notice shall be taken of the seal.

SEC. 102. SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—The Secretary of Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The responsibilities of the Secretary shall be the following:

(1) To develop policies, goals, objectives, priorities, and plans for the United States for the promotion of homeland security, particularly with regard to terrorism.

(2) To administer, carry out, and promote the other established missions of the entities transferred to the Department.

(3) To develop, with the Director, a comprehensive strategy for combating terrorism and the homeland security response in accordance with title III.

(4) To advise the Director on the development of a comprehensive annual budget for programs and activities under the Strategy, and have the responsibility for budget recommendations relating to border and transportation security, critical infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.

(5) To plan, coordinate, and integrate those Federal Government activities relating to border and transportation security, critical infrastructure protection, all-hazards emergency preparedness, response, recovery, and mitigation.

(6) To serve as a national focal point to analyze all information available to the United States related to threats of terrorism and other homeland threats.

(7) To establish and manage a comprehensive risk analysis and risk management program that directs and coordinates the supporting risk analysis and risk management activities of the Directorates and ensures coordination with entities outside the Department engaged in such activities.

(8) To identify and promote key scientific and technological advances that will enhance homeland security.

(9) To include, as appropriate, State and local governments and other entities in the full range of activities undertaken by the Department to promote homeland security, including—

(A) providing State and local government personnel, agencies, and authorities, with appropriate intelligence information, including warnings, regarding threats posed by terrorism in a timely and secure manner;

(B) facilitating efforts by State and local law enforcement and other officials to assist in the collection and dissemination of intelligence information and to provide information to the Department, and other agencies, in a timely and secure manner;

(C) coordinating with State, regional, and local government personnel, agencies, and authorities and, as appropriate, with the private sector, other entities, and the public, to ensure adequate planning, team work, coordination, information sharing, equipment, training, and exercise activities;

(D) consulting State and local governments, and other entities as appropriate, in developing the Strategy under title III; and

(E) systematically identifying and removing obstacles to developing effective partnerships between the Department, other agencies, and State, regional, and local government personnel, agencies, and authorities, the private sector, other entities, and the public to secure the homeland.

(10)(A) To consult and coordinate with the Secretary of Defense and the governors of the several States regarding integration of the United States military, including the National Guard, into all aspects of the Strategy and its implementation, including detection, prevention, protection, response, and recovery.

(B) To consult and coordinate with the Secretary of Defense and make recommendations concerning organizational structure, equipment, and positioning of military assets determined critical to executing the Strategy.

(C) To consult and coordinate with the Secretary of Defense regarding the training of personnel to respond to terrorist attacks involving chemical or biological agents.

(11) To seek to ensure effective day-to-day coordination of homeland security operations, and establish effective mechanisms for such coordination, among the elements constituting the Department and with other involved and affected Federal, State, and local departments and agencies.

(12) To administer the Homeland Security Advisory System, exercising primary responsibility for public threat advisories, and (in coordination with other agencies) providing specific warning information to State and local government personnel, agencies and authorities, the private sector, other entities, and the public, and advice about appropriate protective actions and countermeasures.

(13) To conduct exercise and training programs for employees of the Department and other involved agencies, and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(14) To annually review, update, and amend the Federal response plan for homeland security and emergency preparedness with regard to terrorism and other manmade and natural disasters.

(15) To direct the acquisition and management of all of the information resources of the Department, including communications resources.

(16) To endeavor to make the information technology systems of the Department, including communications systems, effective,

efficient, secure, and appropriately interoperable.

(17) In furtherance of paragraph (16), to oversee and ensure the development and implementation of an enterprise architecture for Department-wide information technology, with timetables for implementation.

(18) As the Secretary considers necessary, to oversee and ensure the development and implementation of updated versions of the enterprise architecture under paragraph (17).

(19) To report to Congress on the development and implementation of the enterprise architecture under paragraph (17) in—

(A) each implementation progress report required under section 185; and

(B) each biennial report required under section 192(b).

(c) VISA ISSUANCE BY THE SECRETARY.—

(1) DEFINITION.—In this subsection, the term "consular officer" has the meaning given that term under section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)).

(2) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except as provided under paragraph (3), the Secretary—

(A) shall be vested exclusively with all authorities to issue regulations with respect to, administer, and enforce the provisions of such Act, and of all other immigration and nationality laws, relating to the functions of consular officers of the United States in connection with the granting or refusal of visas, which authorities shall be exercised through the Secretary of State, except that the Secretary shall not have authority to alter or reverse the decision of a consular officer to refuse a visa to an alien; and

(B)(i) may delegate in whole or part the authority under subparagraph (A) to the Secretary of State; and

(ii) shall have authority to confer or impose upon any officer or employee of the United States, with the consent of the head of the executive agency under whose jurisdiction such officer or employee is serving, any of the functions specified in subparagraph (A).

(3) AUTHORITY OF THE SECRETARY OF STATE.—

(A) IN GENERAL.—The Secretary of State may direct a consular officer to refuse a visa to an alien if the Secretary of State considers such refusal necessary or advisable in the foreign policy or security interests of the United States.

(B) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the authorities of the Secretary of State under the following provisions of law:

(i) Section 101(a)(15)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(15)(A)).

(ii) Section 212(a)(3)(B)(i)(IV)(bb) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(IV)(bb)).

(iii) Section 212(a)(3)(B)(i)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(VI)).

(iv) Section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182 (a)(3)(B)(vi)(II)).

(v) Section 212(a)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(C)).

(vi) Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)).

(vii) Section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)).

(viii) Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(ix) Section 237(a)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(C)).

(x) Section 104 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6034).

(xi) Section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105–277).

(xii) Section 103(f) of the Chemical Weapons Convention Implementation Act of 1998 (112 Stat. 2681–865).

(xiii) Section 801 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2002 and 2001 (113 Stat. 1501A–468).

(xiv) Section 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115).

(xv) Section 51 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2723).

(xvi) Section 204(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1154) (as it will take effect upon the entry into force of the Convention on Protection of Children and Cooperation in Respect to Inter-Country Adoption).

(4) CONSULAR OFFICERS AND CHIEFS OF MISSIONS.—Nothing in this subsection may be construed to alter or affect—

(A) the employment status of consular officers as employees of the Department of State; or

(B) the authority of a chief of mission under section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(5) ASSIGNMENT OF HOMELAND SECURITY EMPLOYEES TO DIPLOMATIC AND CONSULAR POSTS.—

(A) IN GENERAL.—The Secretary is authorized to assign employees of the Department to diplomatic and consular posts abroad to perform the following functions:

(i) Provide expert advice to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications.

(ii) Review any such applications, either on the initiative of the employee of the Department or upon request by a consular officer or other person charged with adjudicating such applications.

(iii) Conduct investigations with respect to matters under the jurisdiction of the Secretary.

(B) PERMANENT ASSIGNMENT; PARTICIPATION IN TERRORIST LOOKOUT COMMITTEE.—When appropriate, employees of the Department assigned to perform functions described in subparagraph (A) may be assigned permanently to overseas diplomatic or consular posts with country-specific or regional responsibility. If the Secretary so directs, any such employee, when present at an overseas post, shall participate in the terrorist lookout committee established under section 304 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1733).

(C) TRAINING AND HIRING.—

(i) IN GENERAL.—The Secretary shall ensure that any employees of the Department assigned to perform functions described under subparagraph (A) and, as appropriate, consular officers, shall be provided all necessary training to enable them to carry out such functions, including training in foreign languages, in conditions in the particular country where each employee is assigned, and in other appropriate areas of study.

(ii) FOREIGN LANGUAGE PROFICIENCY.—Before assigning employees of the Department to perform the functions described under subparagraph (A), the Secretary shall promulgate regulations establishing foreign language proficiency requirements for employees of the Department performing the functions described under subparagraph (A) and providing that preference shall be given to individuals who meet such requirements in hiring employees for the performance of such functions.

(iii) USE OF CENTER.—The Secretary is authorized to use the National Foreign Affairs Training Center, on a reimbursable basis, to obtain the training described in clause (i).

(6) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of State shall submit to Congress—

(A) a report on the implementation of this subsection; and

(B) any legislative proposals necessary to further the objectives of this subsection.

(7) EFFECTIVE DATE.—This subsection shall take effect on the earlier of—

(A) the date on which the President publishes notice in the Federal Register that the President has submitted a report to Congress setting forth a memorandum of understanding between the Secretary and the Secretary of State governing the implementation of this section: or

(B) the date occurring 1 year after the date of enactment of this Act.

(d) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

"(5) the Secretary of Homeland Security; and

"(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.".

SEC. 103. DEPUTY SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—There shall be in the Department a Deputy Secretary of Homeland Security, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Deputy Secretary of Homeland Security shall—

(1) assist the Secretary in the administration and operations of the Department;

(2) perform such responsibilities as the Secretary shall prescribe; and

(3) act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary.

SEC. 104. UNDER SECRETARY FOR MANAGEMENT.

(a) IN GENERAL.—There shall be in the Department an Under Secretary for Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Under Secretary for Management shall report to the Secretary, who may assign to the Under Secretary such functions related to the management and administration of the Department as the Secretary may prescribe, including—

(1) the budget, appropriations, expenditures of funds, accounting, and finance;

(2) procurement;

(3) human resources and personnel;

(4) information technology and communications systems;

(5) facilities, property, equipment, and other material resources;

(6) security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources; and

(7) identification and tracking of performance measures relating to the responsibilities of the Department.

SEC. 105. ASSISTANT SECRETARIES.

(a) In General.—There shall be in the Department not more than 5 Assistant Secretaries (not including the 2 Assistant Secretaries appointed under division B), each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—

(1) In general.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall describe the general responsibilities that such appointee will exercise upon taking office.

(2) Assignment.—Subject to paragraph (1), the Secretary shall assign to each Assistant Secretary such functions as the Secretary considers appropriate.

SEC. 106. INSPECTOR GENERAL.

(a) In General.—There shall be in the Department an Inspector General. The Inspector General and the Office of Inspector General shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

(b) Establishment.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting "Homeland Security," after "Health and Human Services,"; and

(2) in paragraph (2), by inserting "Homeland Security," after "Health and Human Services,".

(c) Review of the Department of Homeland Security.—The Inspector General shall designate 1 official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department;

(2) publicize, through the Internet, radio, television, and newspaper advertisements—

(A) information on the responsibilities and functions of the official; and

(B) instructions on how to contact the official; and

(3) on a semi-annual basis, submit to Congress, for referral to the appropriate committee or committees, a report—

(A) describing the implementation of this subsection;

(B) detailing any civil rights abuses under paragraph (1); and

(C) accounting for the expenditure of funds to carry out this subsection.

(d) Additional Provisions With Respect to the Inspector General of the Department of Homeland Security.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8I as section 8J; and

(2) by inserting after section 8H the following:

SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF HOMELAND SECURITY

"Sec. 8I. (a)(1) Notwithstanding the last 2 sentences of section 3(a), the Inspector General of the Department of Homeland Security (in this section referred to as the "Inspector General") shall be under the authority, direction, and control of the Secretary of Homeland Security (in this section referred to as the "Secretary") with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

"(A) intelligence or counterintelligence matters;

"(B) ongoing criminal investigations or proceedings;

"(C) undercover operations;

"(D) the identity of confidential sources, including protected witnesses;

"(E) other matters the disclosure of which would constitute a serious threat to the protection of any person or property authorized protection by—

"(i) section 3056 of title 18, United States Code;

"(ii) section 202 of title 3, United States Code; or

"(iii) any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

"(F) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described under paragraph (1), the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to—

"(A) prevent the disclosure of any information described under paragraph (1);

"(B) preserve the national security; or

"(C) prevent significant impairment to the national interests of the United States.

"(3) If the Secretary exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General in writing (appropriately classified, if necessary) within 7 calendar days stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice, together with such comments concerning the exercise of such power as the Inspector General considers appropriate, to—

"(A) the President of the Senate;

"(B) the Speaker of the House of Representatives;

"(C) the Committee on Governmental Affairs of the Senate;

"(D) the Committee on Government Reform of the House of Representatives; and

"(E) other appropriate committees or subcommittees of Congress.

"(b)(1) In carrying out the duties and responsibilities under this Act, the Inspector General shall have oversight responsibility for the internal investigations and audits performed by any other office performing internal investigatory or audit functions in any subdivision of the Department of Homeland Security.

"(2) The head of each other office described under paragraph (1) shall promptly report to the Inspector General the significant activities being carried out by such office.

"(3) Notwithstanding paragraphs (1) and (2), the Inspector General may initiate, conduct, and supervise such audits and investigations in the Department (including in any subdivision referred to in paragraph (1)) as the Inspector General considers appropriate.

"(4) If the Inspector General initiates an audit or investigation under paragraph (3) concerning a subdivision referred to in paragraph (1), the Inspector General may provide the head of the other office performing internal investigatory or audit functions in the subdivision with written notice that the Inspector General has initiated such an audit or investigation. If the Inspector General issues such a notice, no other audit or investigation shall be initiated into the matter under audit or investigation by the Inspector General, and any other audit or investigation of such matter shall cease.

"(c) Any report required to be transmitted by the Secretary to the appropriate committees or subcommittees of Congress under section 5(d) shall also be transmitted, within the 7-day period specified under that subsection, to—

"(1) the President of the Senate;

"(2) the Speaker of the House of Representatives;

"(3) the Committee on Governmental Affairs of the Senate; and

"(4) the Committee on Government Reform of the House of Representatives.".

(e) Technical and Conforming Amendments.—The Inspector General Act of 1978 (5 U.S.C. appendix) is amended—

(1) in section 4(b), by striking "8F" each place it appears and inserting "8G"; and

(2) in section 8J (as redesignated by subsection (c)(1)), by striking "or 8H" and inserting ", 8H, or 8I"."

SEC. 107. CHIEF FINANCIAL OFFICER.

(a) In General.—There shall be in the Department a Chief Financial Officer, who shall be appointed or designated in the manner prescribed under section 901(a)(1) of title 31, United States Code.

(b) Establishment.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

"(G) The Department of Homeland Security.".

SEC. 108. CHIEF INFORMATION OFFICER.

(a) In General.—There shall be in the Department a Chief Information Officer, who shall be designated in the manner prescribed under section 3506(a)(2)(A) of title 44, United States Code.

(b) Responsibilities.—The Chief Information Officer shall assist the Secretary with Department-wide information resources management and perform those duties prescribed by law for chief information officers of agencies.

SEC. 109. GENERAL COUNSEL.

(a) In General.—There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—The General Counsel shall—

(1) serve as the chief legal officer of the Department;

(2) provide legal assistance to the Secretary concerning the programs and policies of the Department; and

(3) advise and assist the Secretary in carrying out the responsibilities under section 102(b).

SEC. 110. CIVIL RIGHTS OFFICER.

(a) In General.—There shall be in the Department a Civil Rights Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—The Civil Rights Officer shall be responsible for—

(1) ensuring compliance with all civil rights and related laws and regulations applicable to Department employees and participants in Department programs;

(2) coordinating administration of all civil rights and related laws and regulations within the Department for Department employees and participants in Department programs;

(3) assisting the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that civil rights considerations are

appropriately incorporated and implemented in Department programs and activities;

(4) overseeing compliance with statutory and constitutional requirements related to the civil rights of individuals affected by the programs and activities of the Department; and

(5) notifying the Inspector General of any matter that, in the opinion of the Civil Rights Officer, warrants further investigation.

SEC. 111. PRIVACY OFFICER.

(a) IN GENERAL.—There shall be in the Department a Privacy Officer, who shall be appointed by the Secretary.

(b) RESPONSIBILITIES.—The Privacy Officer shall—

(1) oversee compliance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and all other applicable laws relating to the privacy of personal information;

(2) assist the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that—

(A) privacy considerations and safeguards are appropriately incorporated and implemented in Department programs and activities; and

(B) any information received by the Department is used or disclosed in a manner that minimizes the risk of harm to individuals from the inappropriate disclosure or use of such materials;

(3) assist Department personnel with the preparation of privacy impact assessments when required by law or considered appropriate by the Secretary; and

(4) notify the Inspector General of any matter that, in the opinion of the Privacy Officer, warrants further investigation.

SEC. 112. CHIEF HUMAN CAPITAL OFFICER.

(a) IN GENERAL.—The Secretary shall appoint or designate a Chief Human Capital Officer, who shall—

(1) advise and assist the Secretary and other officers of the Department in ensuring that the workforce of the Department has the necessary skills and training, and that the recruitment and retention policies of the Department allow the Department to attract and retain a highly qualified workforce, in accordance with all applicable laws and requirements, to enable the Department to achieve its missions;

(2) oversee the implementation of the laws, rules and regulations of the President and the Office of Personnel Management governing the civil service within the Department; and

(3) advise and assist the Secretary in planning and reporting under the Government Performance and Results Act of 1993 (including the amendments made by that Act), with respect to the human capital resources and needs of the Department for achieving the plans and goals of the Department.

(b) RESPONSIBILITIES.—The responsibilities of the Chief Human Capital Officer shall include—

(1) setting the workforce development strategy of the Department;

(2) assessing workforce characteristics and future needs based on the mission and strategic plan of the Department;

(3) aligning the human resources policies and programs of the Department with organization mission, strategic goals, and performance outcomes;

(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

(5) identifying best practices and benchmarking studies;

(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth; and

(7) providing employee training and professional development.

SEC. 113. OFFICE OF INTERNATIONAL AFFAIRS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary, an Office of International Affairs. The Office shall be headed by a Director who shall be appointed by the Secretary.

(b) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have the following responsibilities:

(1) To promote information and education exchange with foreign nations in order to promote sharing of best practices and technologies relating to homeland security. Such information exchange shall include—

(A) joint research and development on countermeasures;

(B) joint training exercises of first responders; and

(C) exchange of expertise on terrorism prevention, response, and crisis management.

(2) To identify areas for homeland security information and training exchange.

(3) To plan and undertake international conferences, exchange programs, and training activities.

(4) To manage activities under this section and other international activities within the Department in consultation with the Department of State and other relevant Federal officials.

(5) To initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and that have demonstrated the capability for fruitful cooperation with the United States in the area of counterterrorism.

SEC. 114. EXECUTIVE SCHEDULE POSITIONS.

(a) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Secretary of Homeland Security.".

(b) EXECUTIVE SCHEDULE LEVEL II POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Secretary of Homeland Security.".

(c) EXECUTIVE SCHEDULE LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Management, Department of Homeland Security.".

(d) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Secretaries of Homeland Security (5).

"Inspector General, Department of Homeland Security.

"Chief Financial Officer, Department of Homeland Security.

"Chief Information Officer, Department of Homeland Security.

"General Counsel, Department of Homeland Security.".

Subtitle B—Establishment of Directorates and Offices

SEC. 131. DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Border and Transportation Protection.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Border and Transportation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Border and Transportation Protection shall be responsible for the following:

(1) Securing the borders, territorial waters, ports, terminals, waterways and air, land (including rail), and sea transportation systems of the United States, including coordinating governmental activities at ports of entry.

(2) Receiving and providing relevant intelligence on threats of terrorism and other homeland threats.

(3) Administering, carrying out, and promoting other established missions of the entities transferred to the Directorate.

(4) Using intelligence from the Directorate of Intelligence and other Federal intelligence organizations under section 132(a)(1)(B) to establish inspection priorities to identify products, including agriculture and livestock, and other goods imported from suspect locations recognized by the intelligence community as having terrorist activities, unusual human health or agriculture disease outbreaks, or harboring terrorists.

(5) Providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities that have established partnerships with the Federal Law Enforcement Training Center.

(6) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(7) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—Except as provided under subsection (d), the authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(2) The United States Coast Guard, which shall be maintained as a distinct entity within the Department.

(3) The Animal and Plant Health Inspection Service of the Department of Agriculture, that portion of which administers laws relating to agricultural quarantine inspections at points of entry.

(4) The Transportation Security Administration of the Department of Transportation.

(5) The Federal Law Enforcement Training Center of the Department of the Treasury.

(d) EXERCISE OF CUSTOMS REVENUE AUTHORITY.—

(1) IN GENERAL.—

(A) AUTHORITIES NOT TRANSFERRED.—Notwithstanding subsection (c), authority that was vested in the Secretary of the Treasury by law to issue regulations related to customs revenue functions before the effective date of this section under the provisions of law set forth under paragraph (2) shall not be transferred to the Secretary by reason of this Act. The Secretary of the Treasury, with the concurrence of the Secretary, shall exercise this authority. The Commissioner of Customs is authorized to engage in activities to develop and support the issuance of the regulations described in this paragraph. The Secretary shall be responsible for the implementation and enforcement of regulations issued under this section.

(B) Report.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of proposed conforming amendments to the statutes set forth under paragraph (2) in order to determine the appropriate allocation of legal authorities described under this subsection. The Secretary of the Treasury shall also identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this section.

(C) Liability.—Neither the Secretary of the Treasury nor the Department of the Treasury shall be liable for or named in any legal action concerning the implementation and enforcement of regulations issued under this paragraph on or after the date on which the United States Customs Service is transferred under this division.

(2) Applicable laws.—The provisions of law referred to under paragraph (1) are those sections of the following statutes that relate to customs revenue functions:

(A) The Tariff Act of 1930 (19 U.S.C. 1304 et seq.).

(B) Section 249 of the Revised Statutes of the United States (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (19 U.S.C. 6).

(D) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(E) Section 251 of the Revised Statutes of the United States (19 U.S.C. 66).

(F) Section 1 of the Act of June 26, 1930 (19 U.S.C. 68).

(G) The Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(H) Section 1 of the Act of March 2, 1911 (19 U.S.C. 198).

(I) The Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(J) The Trade Agreements Act of 1979 (19 U.S.C. 2502 et seq.).

(K) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(L) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(M) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(N) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(O) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(P) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(3) Definition of customs revenue functions.—In this subsection, the term "customs revenue functions" means—

(A) assessing, collecting, and refunding duties (including any special duties), excise taxes, fees, and any liquidated damages or penalties due on imported merchandise, including classifying and valuing merchandise and the procedures for "entry" as that term is defined in the United States Customs laws;

(B) administering section 337 of the Tariff Act of 1930 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks;

(C) collecting accurate import data for compilation of international trade statistics; and

(D) administering reciprocal trade agreements and trade preference legislation.

(e) Preserving Coast Guard Mission Performance.—

(1) Definitions.—In this subsection:

(A) Non-homeland security missions.—The term "non-homeland security missions" means the following missions of the Coast Guard:

(i) Marine safety.

(ii) Search and rescue.

(iii) Aids to navigation.

(iv) Living marine resources (fisheries law enforcement).

(v) Marine environmental protection.

(vi) Ice operations.

(B) Homeland security missions.—The term "homeland security missions" means the following missions of the Coast Guard:

(i) Ports, waterways and coastal security.

(ii) Drug interdiction.

(iii) Migrant interdiction.

(iv) Defense readiness.

(v) Other law enforcement.

(2) Maintenance of status of functions and assets.—Notwithstanding any other provision of this Act, the authorities, functions, assets, organizational structure, units, personnel, and non-homeland security missions of the Coast Guard shall be maintained intact and without reduction after the transfer of the Coast Guard to the Department, except as specified in subsequent Acts.

(3) Certain transfers prohibited.—None of the missions, functions, personnel, and assets (including for purposes of this subsection ships, aircraft, helicopters, and vehicles) of the Coast Guard may be transferred to the operational control of, or diverted to the principal and continuing use of, any other organization, unit, or entity of the Department.

(4) Changes to non-homeland security missions.—

(A) Prohibition.—The Secretary may not make any substantial or significant change to any of the non-homeland security missions of the Coast Guard, or to the capabilities of the Coast Guard to carry out each of the non-homeland security missions, without the prior approval of Congress as expressed in a subsequent Act.

(B) Waiver.—The President may waive the restrictions under subparagraph (A) for a period of not to exceed 90 days upon a declaration and certification by the President to Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver. A certification under this paragraph shall include a detailed justification for the declaration and certification, including the reasons and specific information that demonstrate that the Nation and the Coast Guard cannot respond effectively to the national emergency if the restrictions under subparagraph (A) are not waived.

(5) Annual review.—

(A) In general.—The Inspector General of the Department shall conduct an annual review that shall assess thoroughly the performance by the Coast Guard of all missions of the Coast Guard (including non-homeland security missions and homeland security missions) with a particular emphasis on examining the non-homeland security missions.

(B) Report.—The report under this paragraph shall be submitted not later than March 1 of each year to—

(i) the Committee on Governmental Affairs of the Senate;

(ii) the Committee on Government Reform of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and the House of Representatives;

(iv) the Committee on Commerce, Science, and Transportation of the Senate; and

(v) the Committee on Transportation and Infrastructure of the House of Representatives.

(6) Direct reporting to secretary.—Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary without being required to report through any other official of the Department.

(7) Operation as a service in the Navy.—None of the conditions and restrictions in this subsection shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

SEC. 132. DIRECTORATE OF INTELLIGENCE.

(a) Establishment.—

(1) Directorate.—

(A) In general.—There is established a Directorate of Intelligence which shall serve as a national-level focal point for information available to the United States Government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations for the purpose of supporting the mission of the Department.

(B) Support to directorate.—The Directorate of Intelligence shall communicate, coordinate, and cooperate with—

(i) the Federal Bureau of Investigation;

(ii) the intelligence community, as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 401a), including the Office of the Director of Central Intelligence, the National Intelligence Council, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the Bureau of Intelligence and Research of the Department of State; and

(iii) other agencies or entities, including those within the Department, as determined by the Secretary.

(C) Information on international terrorism.—

(i) Definitions.—In this subparagraph, the terms "foreign intelligence" and "counterintelligence" shall have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(ii) Provision of information to counterterrorist center.—In order to ensure that the Secretary is provided with appropriate analytical products, assessments, and warnings relating to threats of terrorism against the United States and other threats to homeland security, the Director of Central Intelligence (as head of the intelligence community with respect to foreign intelligence and counterintelligence), the Attorney General, and the heads of other agencies of the Federal Government shall ensure that all intelligence and other information relating to international terrorism is provided to the Director of Central Intelligence's Counterterrorist Center.

(iii) Analysis of information.—The Director of Central Intelligence shall ensure the analysis by the Counterterrorist Center of all intelligence and other information provided the Counterterrorist Center under clause (ii).

(iv) Analysis of foreign intelligence.—The Counterterrorist Center shall have primary responsibility for the analysis of foreign intelligence relating to international terrorism.

(2) Under secretary.—There shall be an Under Secretary for Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—The Directorate of Intelligence shall be responsible for the following:

(1)(A) Receiving and analyzing law enforcement and other information from agencies of the United States Government, State and local government agencies (including law enforcement agencies), and private sector entities, and fusing such information and analysis with analytical products, assessments, and warnings concerning foreign intelligence from the Director of Central Intelligence's Counterterrorist Center in order to—

(i) identify and assess the nature and scope of threats to the homeland; and

(ii) detect and identify threats of terrorism against the United States and other threats to homeland security.

(B) Nothing in this paragraph shall be construed to prohibit the Directorate from conducting supplemental analysis of foreign intelligence relating to threats of terrorism against the United States and other threats to homeland security.

(2) Ensuring timely and efficient access by the Directorate to—

(A) information from agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, private sector entities; and

(B) open source information.

(3) Representing the Department in procedures to establish requirements and priorities in the collection of national intelligence for purposes of the provision to the executive branch under section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) of national intelligence relating to foreign terrorist threats to the homeland.

(4) Consulting with the Attorney General or the designees of the Attorney General, and other officials of the United States Government to establish overall collection priorities and strategies for information, including law enforcement information, relating to domestic threats, such as terrorism, to the homeland.

(5) Disseminating information to the Directorate of Critical Infrastructure Protection, the agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, and private sector entities to assist in the deterrence, prevention, preemption, and response to threats of terrorism against the United States and other threats to homeland security.

(6) Establishing and utilizing, in conjunction with the Chief Information Officer of the Department and the appropriate officers of the agencies described under subsection (a)(1)(B), a secure communications and information technology infrastructure, and advanced analytical tools, to carry out the mission of the Directorate.

(7) Developing, in conjunction with the Chief Information Officer of the Department and appropriate officers of the agencies described under subsection (a)(1)(B), appropriate software, hardware, and other information technology, and security and formatting protocols, to ensure that Federal Government databases and information technology systems containing information relevant to terrorist threats, and other threats against the United States, are—

(A) compatible with the secure communications and information technology infrastructure referred to under paragraph (6); and

(B) comply with Federal laws concerning privacy and the prevention of unauthorized disclosure.

(8) Ensuring, in conjunction with the Director of Central Intelligence and the Attorney General, that all material received by the Department is protected against unauthorized disclosure and is utilized by the Department only in the course and for the purpose of fulfillment of official duties, and is transmitted, retained, handled, and disseminated consistent with—

(A) the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and related procedures; or

(B) as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information, and the privacy interests of United States persons as defined under section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) Providing, through the Secretary, to the appropriate law enforcement or intelligence agency, information and analysis relating to threats.

(10) Coordinating, or where appropriate providing, training and other support as necessary to providers of information to the Department, or consumers of information from the Department, to allow such providers or consumers to identify and share intelligence information revealed in their ordinary duties or utilize information received from the Department, including training and support under section 908 of the USA PATRIOT Act of 2001 (Public Law 107–56).

(11) Reviewing, analyzing, and making recommendations through the Secretary for improvements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to threats of terrorism against the United States and other threats to homeland security within the United States Government and between the United States Government and State and local governments, local law enforcement and intelligence agencies, and private sector entities.

(12) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(13) Performing other related and appropriate duties as assigned by the Secretary.

(c) Access to Information.—

(1) In general.—Unless otherwise directed by the President, the Secretary shall have access to, and United States Government agencies shall provide, all reports, assessments, analytical information, and information, including unevaluated intelligence, relating to the plans, intentions, capabilities, and activities of terrorists and terrorist organizations, and to other areas of responsibility as described in this division, that may be collected, possessed, or prepared, by any other United States Government agency.

(2) Additional information.—As the President may further provide, the Secretary shall receive additional information requested by the Secretary from the agencies described under subsection (a)(1)(B).

(3) Obtaining information.—All information shall be provided to the Secretary consistent with the requirements of subsection (b)(8), unless otherwise determined by the President.

(4) Cooperative arrangements.—The Secretary may enter into cooperative arrangements with agencies described under subsection (a)(1)(B) to share material on a regular or routine basis, including arrangements involving broad categories of material, and regardless of whether the Secretary has entered into any such cooperative arrangement, all agencies described under subsection (a)(1)(B) shall promptly provide information under this subsection.

(d) Authorization To Share Law Enforcement Information.—The Secretary shall be deemed to be a Federal law enforcement, intelligence, protective, national defense, or national security official for purposes of information sharing provisions of—

(1) section 203(d) of the USA PATRIOT Act of 2001 (Public Law 107–56);

(2) section 2517(6) of title 18, United States Code; and

(3) rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure.

(e) Additional Risk Analysis and Risk Management Responsibilities.—The Under Secretary for Intelligence shall, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, be responsible for—

(1) developing analysis concerning the means and methods terrorists might employ to exploit vulnerabilities in the homeland security infrastructure;

(2) supporting experiments, tests, and inspections to identify weaknesses in homeland defenses;

(3) developing countersurveillance techniques to prevent attacks;

(4) conducting risk assessments to determine the risk posed by specific kinds of terrorist attacks, the probability of successful attacks, and the feasibility of specific countermeasures.

(f) Management and Staffing.—

(1) In general.—The Directorate of Intelligence shall be staffed, in part, by analysts as requested by the Secretary and assigned by the agencies described under subsection (a)(1)(B). The analysts shall be assigned by reimbursable detail for periods as determined necessary by the Secretary in conjunction with the head of the assigning agency. No such detail may be undertaken without the consent of the assigning agency.

(2) Employees assigned within department.—The Secretary may assign employees of the Department by reimbursable detail to the Directorate.

(3) Service as factor for selection.—The President, or the designee of the President, shall prescribe regulations to provide that service described under paragraph (1) or (2), or service by employees within the Directorate, shall be considered a positive factor for selection to positions of greater authority within all agencies described under subsection (a)(1)(B).

(4) Personnel security standards.—The employment of personnel in the Directorate shall be in accordance with such personnel security standards for access to classified information and intelligence as the Secretary, in conjunction with the Director of Central Intelligence, shall establish for this subsection.

(5) Performance evaluation.—The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegate such responsibility to the Under Secretary for Intelligence.

(g) Intelligence Community.—Those portions of the Directorate of Intelligence under subsection (b)(1), and the intelligence-related components of agencies transferred by this division to the Department, including the United States Coast Guard, shall be—

(1) considered to be part of the United States intelligence community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Critical Infrastructure Protection.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Critical Infrastructure Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Critical Infrastructure Protection shall be responsible for the following:

(1) Receiving relevant intelligence from the Directorate of Intelligence, law enforcement information, and other information in order to comprehensively assess the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Integrating relevant information, intelligence analysis, and vulnerability assessments (whether such information, analyses, or assessments are provided by the Department or others) to identify priorities and support protective measures by the Department, by other agencies, by State and local government personnel, agencies, and authorities, by the private sector, and by other entities, to protect the key resources and critical infrastructures in the United States.

(3) As part of the Strategy, developing a comprehensive national plan for securing the key resources and critical infrastructure in the United States.

(4) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate. This shall include, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, establishing procedures, mechanisms, or units for the purpose of utilizing intelligence to identify vulnerabilities and protective measures in—

(A) public health infrastructure;

(B) food and water storage, production and distribution;

(C) commerce systems, including banking and finance;

(D) energy systems, including electric power and oil and gas production and storage;

(E) transportation systems, including pipelines;

(F) information and communication systems;

(G) continuity of government services; and

(H) other systems or facilities the destruction or disruption of which could cause substantial harm to health, safety, property, or the environment.

(5) Enhancing the sharing of information regarding cyber security and physical security of the United States, developing appropriate security standards, tracking vulnerabilities, proposing improved risk management policies, and delineating the roles of various Government agencies in preventing, defending, and recovering from attacks.

(6) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department and assuming the responsibilities carried out by the Critical Infrastructure Assurance Office and the National Infrastructure Protection Center before the effective date of this division.

(7) Coordinating the activities of the Information Sharing and Analysis Centers to share information, between the public and private sectors, on threats, vulnerabilities, individual incidents, and privacy issues regarding homeland security.

(8) Working closely with the Department of State on cyber security issues with respect to international bodies and coordinating with appropriate agencies in helping to establish cyber security policy, standards, and enforcement mechanisms.

(9) Establishing the necessary organizational structure within the Directorate to provide leadership and focus on both cyber security and physical security, and ensuring the maintenance of a nucleus of cyber security and physical security experts within the United States Government.

(10) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Critical Infrastructure Assurance Office of the Department of Commerce.

(2) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section).

(3) The National Communications System of the Department of Defense.

(4) The Computer Security Division of the National Institute of Standards and Technology of the Department of Commerce.

(5) The National Infrastructure Simulation and Analysis Center of the Department of Energy.

(6) The Federal Computer Incident Response Center of the General Services Administration.

(7) The Energy Security and Assurance Program of the Department of Energy.

(8) The Federal Protective Service of the General Services Administration.

SEC. 134. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Emergency Preparedness and Response shall be responsible for the following:

(1) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(2) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the effective date of this division.

(3) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(4) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with intelligence estimates and providing a single staff for Federal assistance for any emergency, including emergencies caused by natural disasters, manmade accidents, human or agricultural health emergencies, or terrorist attacks.

(5) Creating a National Crisis Action Center to act as the focal point for—

(A) monitoring emergencies;

(B) notifying affected agencies and State and local governments; and

(C) coordinating Federal support for State and local governments and the private sector in crises.

(6) Managing and updating the Federal response plan to ensure the appropriate integration of operational activities of the Department of Defense, the National Guard, and other agencies, to respond to acts of terrorism and other disasters.

(7) Coordinating activities among private sector entities, including entities within the medical community, and animal health and plant disease communities, with respect to recovery, consequence management, and planning for continuity of services.

(8) Developing and managing a single response system for national incidents in coordination with all appropriate agencies.

(9) Coordinating with other agencies necessary to carry out the functions of the Office of Emergency Preparedness.

(10) Collaborating with, and transferring funds to, the Centers for Disease Control and Prevention or other agencies for administration of the Strategic National Stockpile transferred under subsection (c)(5).

(11) Consulting with the Under Secretary for Science and Technology, Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention in establishing and updating the list of potential threat agents or toxins relating to the functions of the Select Agent Registration Program transferred under subsection (c)(6).

(12) Developing a plan to address the interface of medical informatics and the medical response to terrorism that address—

(A) standards for interoperability;

(B) real-time data collection;

(C) ease of use for health care providers;

(D) epidemiological surveillance of disease outbreaks in human health and agriculture;

(E) integration of telemedicine networks and standards;

(F) patient confidentiality; and

(G) other topics pertinent to the mission of the Department.

(13) Activate and coordinate the operations of the National Disaster Medical System as defined under section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(14) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(15) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department, which shall be maintained as a distinct entity within the Department.

(2) The National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice.

(3) The Office of Domestic Preparedness of the Department of Justice.

(4) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) the Noble Training Center;

(B) the Metropolitan Medical Response System;

(C) the Department of Health and Human Services component of the National Disaster Medical System;

(D) the Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

(E) the special events response; and

(F) the citizen preparedness programs.

(5) The Strategic National Stockpile of the Department of Health and Human Services including all functions and assets under sections 121 and 127 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(6) The functions of the Select Agent Registration Program of the Department of Health and Human Services and the United States Department of Agriculture, including all functions of the Secretary of Health and Human Services and the Secretary of Agriculture under sections 201 through 221 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(d) APPOINTMENT AS UNDER SECRETARY AND DIRECTOR.—

(1) IN GENERAL.—An individual may serve as both the Under Secretary for Emergency Preparedness and Response and the Director of the Federal Emergency Management Agency if appointed by the President, by and with the advice and consent of the Senate, to each office.

(2) PAY.—Nothing in paragraph (1) shall be construed to authorize an individual appointed to both positions to receive pay at a rate of pay in excess of the rate of pay payable for the position to which the higher rate of pay applies.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

SEC. 135. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to establish a Directorate of Science and Technology that will support the mission of the Department and the directorates of the Department by—

(1) establishing, funding, managing, and supporting research, development, demonstration, testing, and evaluation activities to meet national homeland security needs and objectives;

(2) setting national research and development goals and priorities pursuant to the mission of the Department, and developing strategies and policies in furtherance of such goals and priorities;

(3) coordinating and collaborating with other Federal departments and agencies, and State, local, academic, and private sector entities, to advance the research and development agenda of the Department;

(4) advising the Secretary on all scientific and technical matters relevant to homeland security; and

(5) facilitating the transfer and deployment of technologies that will serve to enhance homeland security goals.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term "Council" means the Homeland Security Science and Technology Council established under this section.

(2) FUND.—The term "Fund" means the Acceleration Fund for Research and Development of Homeland Security Technologies established under this section.

(3) HOMELAND SECURITY RESEARCH AND DEVELOPMENT.—The term "homeland security research and development" means research and development applicable to the detection of, prevention of, protection against, response to, and recovery from homeland security threats, particularly acts of terrorism.

(4) OSTP.—The term "OSTP" means the Office of Science and Technology Policy.

(5) SARPA.—The term "SARPA" means the Security Advanced Research Projects Agency established under this section.

(6) TECHNOLOGY ROADMAP.—The term "technology roadmap" means a plan or framework in which goals, priorities, and milestones for desired future technological capabilities and functions are established, and research and development alternatives or means for achieving those goals, priorities, and milestones are identified and analyzed in order to guide decisions on resource allocation and investments.

(7) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Science and Technology.

(c) DIRECTORATE OF SCIENCE AND TECHNOLOGY.—

(1) ESTABLISHMENT.—There is established a Directorate of Science and Technology within the Department.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Science and Technology, who shall be appointed by the President, by and with the advice and consent of the Senate. The principal responsibility of the Under Secretary shall be to effectively and efficiently carry out the purposes of the Directorate of Science and Technology under subsection (a). In addition, the Under Secretary shall undertake the following activities in furtherance of such purposes:

(A) Coordinating with the OSTP, the Office, and other appropriate entities in developing and executing the research and development agenda of the Department.

(B) Developing a technology roadmap that shall be updated biannually for achieving technological goals relevant to homeland security needs.

(C) Instituting mechanisms to promote, facilitate, and expedite the transfer and deployment of technologies relevant to homeland security needs, including dual-use capabilities.

(D) Assisting the Secretary and the Director of OSTP to ensure that science and technology priorities are clearly reflected and considered in the Strategy developed under title III.

(E) Establishing mechanisms for the sharing and dissemination of key homeland security research and technology developments and opportunities with appropriate Federal, State, local, and private sector entities.

(F) Establishing, in coordination with the Under Secretary for Critical Infrastructure Protection and the Under Secretary for Emergency Preparedness and Response and relevant programs under their direction, a National Emergency Technology Guard, comprised of teams of volunteers with expertise in relevant areas of science and technology, to assist local communities in responding to and recovering from emergency contingencies requiring specialized scientific and technical capabilities. In carrying out this responsibility, the Under Secretary shall establish and manage a database of National Emergency Technology Guard volunteers, and prescribe procedures for organizing, certifying, mobilizing, and deploying National Emergency Technology Guard teams.

(G) Chairing the Working Group established under section 108 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(H) Assisting the Secretary in developing the Strategy for Countermeasure Research described under subsection (k).

(I) Assisting the Secretary and acting on behalf of the Secretary in contracting with, commissioning, or establishing federally funded research and development centers determined useful and appropriate by the Secretary for the purpose of providing the Department with independent analysis and support.

(J) Assisting the Secretary and acting on behalf of the Secretary in entering into joint sponsorship agreements with the Department of Energy regarding the use of the national laboratories or sites.

(K) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(L) Carrying out other appropriate activities as directed by the Secretary.

(3) RESEARCH AND DEVELOPMENT-RELATED AUTHORITIES.—The Secretary shall exercise the following authorities relating to the research, development, testing, and evaluation activities of the Directorate of Science and Technology:

(A) With respect to research and development expenditures under this section, the authority (subject to the same limitations and conditions) as the Secretary of Defense may exercise under section 2371 of title 10, United States Code (except for subsections (b) and (f)), for a period of 5 years beginning on the date of enactment of this Act. Competitive, merit-based selection procedures shall be used for the selection of projects and participants for transactions entered into under the authority of this paragraph. The annual report required under subsection (h) of such section, as applied to the Secretary by this subparagraph, shall—

(i) be submitted to the President of the Senate, the Speaker of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives; and

(ii) report on other transactions entered into under subparagraph (B).

(B) Authority to carry out prototype projects in accordance with the requirements and conditions provided for carrying out prototype projects under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), for a period of 5 years beginning on the date of enactment of this Act. In applying the authorities of such section 845, subsection (c) of that section shall apply with respect to prototype projects under this paragraph, and the Secretary shall perform the functions of the Secretary of Defense under subsection (d) of that section. Competitive, merit-based selection procedures shall be used for the selection of projects and participants for transactions entered into under the authority of this paragraph.

(C) In hiring personnel to assist in research, development, testing, and evaluation activities within the Directorate of Science and Technology, the authority to exercise the personnel hiring and management authorities described in section 1101 of the

Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105-261), with the stipulation that the Secretary shall exercise such authority for a period of 7 years commencing on the date of enactment of this Act, that a maximum of 100 persons may be hired under such authority, and that the term of appointment for employees under subsection (c)(1) of that section may not exceed 5 years before the granting of any extensions under subsection (c)(2) of that section.

(D) With respect to such research, development, testing, and evaluation responsibilities under this section (except as provided in subparagraph (E)) as the Secretary may elect to carry out through agencies other than the Department (under agreements with their respective heads), the Secretary may transfer funds to such heads. Of the funds authorized to be appropriated under subsection (d)(4) for the Fund, not less than 10 percent of such funds for each fiscal year through 2005 shall be authorized only for the Under Secretary, through joint agreement with the Commandant of the Coast Guard, to carry out research and development of improved ports, waterways, and coastal security surveillance and perimeter protection capabilities for the purpose of minimizing the possibility that Coast Guard cutters, aircraft, helicopters, and personnel will be diverted from non-homeland security missions to the ports, waterways, and coastal security mission.

(E) The Secretary may carry out human health biodefense-related biological, biomedical, and infectious disease research and development (including vaccine research and development) in collaboration with the Secretary of Health and Human Services. Research supported by funding appropriated to the National Institutes of Health for bioterrorism research and related facilities development shall be conducted through the National Institutes of Health under joint strategic prioritization agreements between the Secretary and the Secretary of Health and Human Services. The Secretary shall have the authority to establish general research priorities, which shall be embodied in the joint strategic prioritization agreements with the Secretary of Health and Human Services. The specific scientific research agenda to implement agreements under this subparagraph shall be developed by the Secretary of Health and Human Services, who shall consult the Secretary to ensure that the agreements conform with homeland security priorities. All research programs established under those agreements shall be managed and awarded by the Director of the National Institutes of Health consistent with those agreements. The Secretary may transfer funds to the Department of Health and Human Services in connection with those agreements.

(d) ACCELERATION FUND.—

(1) ESTABLISHMENT.—There is established an Acceleration Fund to support research and development of technologies relevant to homeland security.

(2) FUNCTION.—The Fund shall be used to stimulate and support research and development projects selected by SARPA under subsection (f), and to facilitate the rapid transfer of research and technology derived from such projects.

(3) RECIPIENTS.—Fund monies may be made available through grants, contracts, cooperative agreements, and other transactions under subsection (c)(3) (A) and (B) to—

(A) public sector entities, including Federal, State, or local entities;

(B) private sector entities, including corporations, partnerships, or individuals; and

(C) other nongovernmental entities, including universities, federally funded research and development centers, and other academic or research institutions.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for the Fund for fiscal year 2003, and such sums as are necessary in subsequent fiscal years.

(e) SCIENCE AND TECHNOLOGY COUNCIL.—

(1) ESTABLISHMENT.—There is established the Homeland Security Science and Technology Council within the Directorate of Science and Technology. The Under Secretary shall chair the Council and have the authority to convene meetings. At the discretion of the Under Secretary and the Director of OSTP, the Council may be constituted as a subcommittee of the National Science and Technology Council.

(2) COMPOSITION.—The Council shall be composed of the following:

(A) Senior research and development officials representing agencies engaged in research and development relevant to homeland security and combating terrorism needs. Each representative shall be appointed by the head of the representative's respective agency with the advice and consent of the Under Secretary.

(B) The Director of SARPA and other appropriate officials within the Department.

(C) The Director of the OSTP and other senior officials of the Executive Office of the President as designated by the President.

(3) RESPONSIBILITIES.—The Council shall—

(A) provide the Under Secretary with recommendations on priorities and strategies, including those related to funding and portfolio management, for homeland security research and development;

(B) facilitate effective coordination and communication among agencies, other entities of the Federal Government, and entities in the private sector and academia, with respect to the conduct of research and development related to homeland security;

(C) recommend specific technology areas for which the Fund and other research and development resources shall be used, among other things, to rapidly transition homeland security research and development into deployed technology and reduce identified homeland security vulnerabilities;

(D) assist and advise the Under Secretary in developing the technology roadmap referred to under subsection (c)(2)(B); and

(E) perform other appropriate activities as directed by the Under Secretary.

(4) ADVISORY PANEL.—The Under Secretary may establish an advisory panel consisting of representatives from industry, academia, and other non-Federal entities to advise and support the Council.

(5) WORKING GROUPS.—At the discretion of the Under Secretary, the Council may establish working groups in specific homeland security areas consisting of individuals with relevant expertise in each articulated area. Working groups established for bioterrorism and public health-related research shall be fully coordinated with the Working Group established under section 108 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188).

(f) SECURITY ADVANCED RESEARCH PROJECTS AGENCY.—

(1) ESTABLISHMENT.—There is established the Security Advanced Research Projects Agency within the Directorate of Science and Technology.

(2) RESPONSIBILITIES.—SARPA shall—

(A) undertake and stimulate basic and applied research and development, leverage existing research and development, and accelerate the transition and deployment of technologies that will serve to enhance homeland defense;

(B) identify, fund, develop, and transition high-risk, high-payoff homeland security research and development opportunities that—

(i) may lie outside the purview or capabilities of the existing Federal agencies; and

(ii) emphasize revolutionary rather than evolutionary or incremental advances;

(C) provide selected projects with single or multiyear funding, and require such projects to provide interim progress reports, no less often than annually;

(D) administer the Acceleration Fund to carry out the purposes of this paragraph;

(E) advise the Secretary and Under Secretary on funding priorities under subsection (c)(3)(E); and

(F) perform other appropriate activities as directed by the Under Secretary.

(g) OFFICE OF RISK ANALYSIS AND ASSESSMENT.—

(1) ESTABLISHMENT.—There is established an Office of Risk Analysis and Assessment within the Directorate of Science and Technology.

(2) FUNCTIONS.—The Office of Risk Analysis and Assessment shall assist the Secretary, the Under Secretary, and other Directorates with respect to their risk analysis and risk management activities by providing scientific or technical support for such activities. Such support shall include, as appropriate—

(A) identification and characterization of homeland security threats;

(B) evaluation and delineation of the risk of these threats;

(C) pinpointing of vulnerabilities or linked vulnerabilities to these threats;

(D) determination of criticality of possible threats;

(E) analysis of possible technologies, research, and protocols to mitigate or eliminate threats, vulnerabilities, and criticalities;

(F) evaluation of the effectiveness of various forms of risk communication; and

(G) other appropriate activities as directed by the Secretary.

(3) METHODS.—In performing the activities described under paragraph (2), the Office of Risk Analysis and Assessment may support or conduct, or commission from federally funded research and development centers or other entities, work involving modeling, statistical analyses, field tests and exercises (including red teaming), testbed development, development of standards and metrics.

(h) OFFICE FOR TECHNOLOGY EVALUATION AND TRANSITION.—

(1) ESTABLISHMENT.—There is established an Office for Technology Evaluation and Transition within the Directorate of Science and Technology.

(2) FUNCTION.—The Office for Technology Evaluation and Transition shall, with respect to technologies relevant to homeland security needs—

(A) serve as the principal, national point-of-contact and clearinghouse for receiving and processing proposals or inquiries regarding such technologies;

(B) identify and evaluate promising new technologies;

(C) undertake testing and evaluation of, and assist in transitioning, such technologies into deployable, fielded systems;

(D) consult with and advise agencies regarding the development, acquisition, and deployment of such technologies;

(E) coordinate with SARPA to accelerate the transition of technologies developed by SARPA and ensure transition paths for such technologies; and

(F) perform other appropriate activities as directed by the Under Secretary.

(3) Technical Support Working Group.—The functions described under this subsection may be carried out through, or in coordination with, or through an entity established by the Secretary and modeled after, the Technical Support Working Group (organized under the April, 1982, National Security Decision Directive Numbered 30) that provides an interagency forum to coordinate research and development of technologies for combating terrorism.

(i) Office of Laboratory Research.—

(1) Establishment.—There is established an Office of Laboratory Research within the Directorate of Science and Technology.

(2) Research and development functions transferred.—There shall be transferred to the Department, to be administered by the Under Secretary, the functions, personnel, assets, and liabilities of the following programs and activities:

(A) Within the Department of Energy (but not including programs and activities relating to the strategic nuclear defense posture of the United States) the following:

(i) The chemical and biological national security and supporting programs and activities supporting domestic response of the nonproliferation and verification research and development program.

(ii) The nuclear smuggling programs and activities, and other programs and activities directly related to homeland security, within the proliferation detection program of the nonproliferation and verification research and development program, except that the programs and activities described in this clause may be designated by the President either for transfer to the Department or for joint operation by the Secretary and the Secretary of Energy.

(iii) The nuclear assessment program and activities of the assessment, detection, and cooperation program of the international materials protection and cooperation program.

(iv) The Environmental Measurements Laboratory.

(B) Within the Department of Defense, the National Bio-Weapons Defense Analysis Center established under section 161.

(3) Responsibilities.—The Office of Laboratory Research shall—

(A) supervise the activities of the entities transferred under this subsection;

(B) administer the disbursement and undertake oversight of research and development funds transferred from the Department to other agencies outside of the Department, including funds transferred to the Department of Health and Human Services consistent with subsection (c)(3)(E);

(C) establish and direct new research and development facilities as the Secretary determines appropriate;

(D) include a science advisor to the Under Secretary on research priorities related to biological and chemical weapons, with supporting scientific staff, who shall advise on and support research priorities with respect to—

(i) research on countermeasures for biological weapons, including research on the development of drugs, devices, and biologics; and

(ii) research on biological and chemical threat agents; and

(E) other appropriate activities as directed by the Under Secretary.

(j) Office for National Laboratories.—

(1) Establishment.—There is established within the Directorate of Science and Technology an Office for National Laboratories, which shall be responsible for the coordination and utilization of the Department of Energy national laboratories and sites in a manner to create a networked laboratory system for the purpose of supporting the missions of the Department.

(2) Joint sponsorship arrangements.—

(A) National laboratories.—The Department may be a joint sponsor, under a multiple agency sponsorship arrangement with the Department of Energy, of 1 or more Department of Energy national laboratories in the performance of work on behalf of the Department.

(B) Department of energy site.—The Department may be a joint sponsor of Department of Energy sites in the performance of work as if such sites were federally funded research and development centers and the work were performed under a multiple agency sponsorship arrangement with the Department.

(C) Primary sponsor.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement entered into under subparagraph (A) or (B).

(D) Conditions.—A joint sponsorship arrangement under this subsection shall—

(i) provide for the direct funding and management by the Department of the work being carried out on behalf of the Department; and

(ii) include procedures for addressing the coordination of resources and tasks to minimize conflicts between work undertaken on behalf of either Department.

(E) Lead agent and federal acquisition regulation.—

(i) Lead agent.—The Secretary of Energy shall act as the lead agent in coordinating the formation and performance of a joint sponsorship agreement between the Department and a Department of Energy national laboratory or site for work on homeland security.

(ii) Compliance with federal acquisition regulation.—Any work performed by a national laboratory or site under this section shall comply with the policy on the use of federally funded research and development centers under section 35.017 of the Federal Acquisition Regulation.

(F) Funding.—The Department shall provide funds for work at the Department of Energy national laboratories or sites, as the case may be, under this section under the same terms and conditions as apply to the primary sponsor of such national laboratory under section 303(b)(1)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253 (b)(1)(C)) or of such site to the extent such section applies to such site as a federally funded research and development center by reason of subparagraph (B).

(3) Other arrangements.—The Office for National Laboratories may enter into other arrangements with Department of Energy national laboratories or sites to carry out work to support the missions of the Department under applicable law, except that the Department of Energy may not charge or apply administrative fees for work on behalf of the Department.

(4) Technology transfer.—The Office for National Laboratories may exercise the authorities in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) to permit the Director of a Department of Energy national laboratory to enter into cooperative research and development agreements, or to negotiate licensing agreements, pertaining to work supported by the Department at the Department of Energy national laboratory.

(5) Assistance in establishing department.—At the request of the Under Secretary, the Department of Energy shall provide for the temporary appointment or assignment of employees of Department of Energy national laboratories or sites to the Department for purposes of assisting in the establishment or organization of the technical programs of the Department through an agreement that includes provisions for minimizing conflicts between work assignments of such personnel.

(k) Strategy for Countermeasure Research.—

(1) In general.—The Secretary, acting through the Under Secretary for Science and Technology, shall develop a comprehensive, long-term strategy and plan for engaging non-Federal entities, particularly including private, for-profit entities, in the research, development, and production of homeland security countermeasures for biological, chemical, and radiological weapons.

(2) Timeframe.—The strategy and plan under this subsection, together with recommendations for the enactment of supporting or enabling legislation, shall be submitted to the Congress within 270 days after the date of enactment of this Act.

(3) Coordination.—In developing the strategy and plan under this subsection, the Secretary shall consult with—

(A) other agencies with expertise in research, development, and production of countermeasures;

(B) private, for-profit entities and entrepreneurs with appropriate expertise and technology regarding countermeasures;

(C) investors that fund such entities;

(D) nonprofit research universities and institutions;

(E) public health and other interested private sector and government entities; and

(F) governments allied with the United States in the war on terrorism.

(4) Purpose.—The strategy and plan under this subsection shall evaluate proposals to assure that—

(A) research on countermeasures by non-Federal entities leads to the expeditious development and production of countermeasures that may be procured and deployed in the homeland security interests of the United States;

(B) capital is available to fund the expenses associated with such research, development, and production, including Government grants and contracts and appropriate capital formation tax incentives that apply to non-Federal entities with and without tax liability;

(C) the terms for procurement of such countermeasures are defined in advance so that such entities may accurately and reliably assess the potential countermeasures market and the potential rate of return;

(D) appropriate intellectual property, risk protection, and Government approval standards are applicable to such countermeasures;

(E) Government-funded research is conducted and prioritized so that such research complements, and does not unnecessarily duplicate, research by non-Federal entities and that such Government-funded research is made available, transferred, and licensed on commercially reasonable terms to such entities for development; and

(F) universities and research institutions play a vital role as partners in research and development and technology transfer, with appropriate progress benchmarks for such activities, with for-profit entities.

(5) Reporting.—The Secretary shall report periodically to the Congress on the status of non-Federal entity countermeasure research, development, and production, and submit additional recommendations for legislation as needed.

(l) Classification of Research.—

(1) In general.—To the greatest extent practicable, research conducted or supported by the Department shall be unclassified.

(2) Classification and review.—The Under Secretary shall—

(A)(i) decide whether classification is appropriate before the award of a research grant, contract, cooperative agreement, or other transaction by the Department; and

(ii) if the decision under clause (i) is one of classification, control the research results through standard classification procedures; and

(B) periodically review all classified research grants, contracts, cooperative agreements, and other transactions issued by the Department to determine whether classification is still necessary.

(3) Restrictions.—No restrictions shall be placed upon the conduct or reporting of federally funded fundamental research that has not received national security classification, except as provided under applicable provisions of law.

(m) Office of Science and Technology Policy.—The National Science and Technology Policy, Organization, and Priorities Act is amended—

(1) in section 204(b)(1) (42 U.S.C. 6613(b)(1)), by inserting "homeland security," after "national security,"; and

(2) in section 208(a)(1) (42 U.S.C. 6617(a)(1)), by inserting "the National Office for Combating Terrorism," after "National Security Council,".

SEC. 136. DIRECTORATE OF IMMIGRATION AFFAIRS.

The Directorate of Immigration Affairs shall be established and shall carry out all functions of that Directorate in accordance with division B of this Act.

SEC. 137. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

(a) Establishment.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

(b) Responsibilities.—The Office established under subsection (a) shall—

(1) coordinate the activities of the Department relating to State and local government;

(2) assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism;

(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland; and

(4) develop a process for receiving meaningful input from State and local government to assist the development of the national strategy for combating terrorism and other homeland security activities.

(c) Homeland Security Liaison Officers.—

(1) Chief homeland security liaison officer.—

(A) Appointment.—The Secretary shall appoint a Chief Homeland Security Liaison Officer to coordinate the activities of the Homeland Security Liaison Officers, designated under paragraph (2).

(B) Annual report.—The Chief Homeland Security Liaison Officer shall prepare an annual report, that contains—

(i) a description of the State and local priorities in each of the 50 States based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(ii) a needs assessment that identifies homeland security functions in which the Federal role is duplicative of the State or local role, and recommendations to decrease or eliminate inefficiencies between the Federal Government and State and local entities;

(iii) recommendations to Congress regarding the creation, expansion, or elimination of any program to assist State and local entities to carry out their respective functions under the Department; and

(iv) proposals to increase the coordination of Department priorities within each State and between the States.

(2) Homeland security liaison officers.—

(A) Designation.—The Secretary shall designate in each State not less than 1 employee of the Department to—

(i) serve as the Homeland Security Liaison Officer in that State; and

(ii) provide coordination between the Department and State and local first responders, including—

(I) law enforcement agencies;

(II) fire and rescue agencies;

(III) medical providers;

(IV) emergency service providers; and

(V) relief agencies.

(B) Duties.—Each Homeland Security Liaison Officer designated under subparagraph (A) shall—

(i) ensure coordination between the Department and—

(I) State, local, and community-based law enforcement;

(II) fire and rescue agencies; and

(III) medical and emergency relief organizations;

(ii) identify State and local areas requiring additional information, training, resources, and security;

(iii) provide training, information, and education regarding homeland security for State and local entities;

(iv) identify homeland security functions in which the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies;

(v) assist State and local entities in priority setting based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(vi) assist the Department to identify and implement State and local homeland security objectives in an efficient and productive manner; and

(vii) serve as a liaison to the Department in representing State and local priorities and concerns regarding homeland security.

(d) Federal Interagency Committee on First Responders.—

(1) In general.—There is established an Interagency Committee on First Responders, that shall—

(A) ensure coordination among the Federal agencies involved with—

(i) State, local, and community-based law enforcement;

(ii) fire and rescue operations; and

(iii) medical and emergency relief services;

(B) identify community-based law enforcement, fire and rescue, and medical and emergency relief services needs;

(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services;

(D) identify ways to streamline the process through which Federal agencies support community-based law enforcement, fire and rescue, and medical and emergency relief services; and

(E) assist in priority setting based on discovered needs.

(2) Membership.—The Interagency Committee on First Responders shall be composed of—

(A) the Chief Homeland Security Liaison Officer of the Department;

(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;

(C) a representative of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(D) a representative of the Federal Emergency Management Agency of the Department;

(E) a representative of the United States Coast Guard of the Department;

(F) a representative of the Department of Defense;

(G) a representative of the Office of Domestic Preparedness of the Department;

(H) a representative of the Directorate of Immigration Affairs of the Department;

(I) a representative of the Transportation Security Agency of the Department;

(J) a representative of the Federal Bureau of Investigation of the Department of Justice; and

(K) representatives of any other Federal agency identified by the President as having a significant role in the purposes of the Interagency Committee on First Responders.

(3) Administration.—The Department shall provide administrative support to the Interagency Committee on First Responders and the Advisory Council, which shall include—

(A) scheduling meetings;

(B) preparing agenda;

(C) maintaining minutes and records;

(D) producing reports; and

(E) reimbursing Advisory Council members.

(4) Leadership.—The members of the Interagency Committee on First Responders shall select annually a chairperson.

(5) Meetings.—The Interagency Committee on First Responders shall meet—

(A) at the call of the Chief Homeland Security Liaison Officer of the Department; or

(B) not less frequently than once every 3 months.

(e) Advisory Council for the Federal Interagency Committee on First Responders.—

(1) Establishment.—There is established an Advisory Council for the Federal Interagency Committee on First Responders (in this section referred to as the "Advisory Council").

(2) Membership.—

(A) In general.—The Advisory Council shall be composed of not more than 13 members, selected by the Interagency Committee on First Responders.

(B) Representation.—The Interagency Committee on First Responders shall ensure that the membership of the Advisory Council represents—

(i) the law enforcement community;

(ii) fire and rescue organizations;

(iii) medical and emergency relief services; and

(iv) both urban and rural communities.

(3) CHAIRPERSON.—The Advisory Council shall select annually a chairperson from among its members.

(4) COMPENSATION OF MEMBERS.—The members of the Advisory Council shall serve without compensation, but shall be eligible for reimbursement of necessary expenses connected with their service to the Advisory Council.

(5) MEETINGS.—The Advisory Council shall meet with the Interagency Committee on First Responders not less frequently than once every 3 months.

SEC. 138. UNITED STATES SECRET SERVICE.

There are transferred to the Department the authorities, functions, personnel, and assets of the United States Secret Service, which shall be maintained as a distinct entity within the Department.

SEC. 139. BORDER COORDINATION WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) BORDER SECURITY FUNCTIONS.—The term "border security functions" means the securing of the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States.

(2) RELEVANT AGENCIES.—The term "relevant agencies" means any department or agency of the United States that the President determines to be relevant to performing border security functions.

(b) ESTABLISHMENT.—The Secretary shall establish a border security working group (in this section referred to as the "Working Group"), composed of the Secretary or the designee of the Secretary, the Under Secretary for Border and Transportation Protection, and the Under Secretary for Immigration Affairs.

(c) FUNCTIONS.—The Working Group shall meet not less frequently than once every 3 months and shall—

(1) with respect to border security functions, develop coordinated budget requests, allocations of appropriations, staffing requirements, communication, use of equipment, transportation, facilities, and other infrastructure;

(2) coordinate joint and cross-training programs for personnel performing border security functions;

(3) monitor, evaluate and make improvements in the coverage and geographic distribution of border security programs and personnel;

(4) develop and implement policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel and commerce, and enhanced scrutiny for high-risk traffic, travel, and commerce; and

(5) identify systemic problems in coordination encountered by border security agencies and programs and propose administrative, regulatory, or statutory changes to mitigate such problems.

(d) RELEVANT AGENCIES.—The Secretary shall consult representatives of relevant agencies with respect to deliberations under subsection (c), and may include representatives of such agencies in Working Group deliberations, as appropriate.

SEC. 140. EXECUTIVE SCHEDULE POSITIONS.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Border and Transportation, Department of Homeland Security.

"Under Secretary for Critical Infrastructure Protection, Department of Homeland Security.

"Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

"Under Secretary for Immigration, Department of Homeland Security.

"Under Secretary for Intelligence, Department of Homeland Security.

"Under Secretary for Science and Technology, Department of Homeland Security.".

Subtitle C—National Emergency Preparedness Enhancement

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "National Emergency Preparedness Enhancement Act of 2002".

SEC. 152. PREPAREDNESS INFORMATION AND EDUCATION.

(a) ESTABLISHMENT OF CLEARINGHOUSE.—There is established in the Department a National Clearinghouse on Emergency Preparedness (referred to in this section as the "Clearinghouse"). The Clearinghouse shall be headed by a Director.

(b) CONSULTATION.—The Clearinghouse shall consult with such heads of agencies, such task forces appointed by Federal officers or employees, and such representatives of the private sector, as appropriate, to collect information on emergency preparedness, including information relevant to the Strategy.

(c) DUTIES.—

(1) DISSEMINATION OF INFORMATION.—The Clearinghouse shall ensure efficient dissemination of accurate emergency preparedness information.

(2) CENTER.—The Clearinghouse shall establish a one-stop center for emergency preparedness information, which shall include a website, with links to other relevant Federal websites, a telephone number, and staff, through which information shall be made available on—

(A) ways in which States, political subdivisions, and private entities can access Federal grants;

(B) emergency preparedness education and awareness tools that businesses, schools, and the general public can use; and

(C) other information as appropriate.

(3) PUBLIC AWARENESS CAMPAIGN.—The Clearinghouse shall develop a public awareness campaign. The campaign shall be ongoing, and shall include an annual theme to be implemented during the National Emergency Preparedness Week established under section 154. The Clearinghouse shall work with heads of agencies to coordinate public service announcements and other information-sharing tools utilizing a wide range of media.

(4) BEST PRACTICES INFORMATION.—The Clearinghouse shall compile and disseminate information on best practices for emergency preparedness identified by the Secretary and the heads of other agencies.

SEC. 153. PILOT PROGRAM.

(a) EMERGENCY PREPAREDNESS ENHANCEMENT PILOT PROGRAM.—The Department shall award grants to private entities to pay for the Federal share of the cost of improving emergency preparedness, and educating employees and other individuals using the entities' facilities about emergency preparedness.

(b) USE OF FUNDS.—An entity that receives a grant under this subsection may use the funds made available through the grant to—

(1) develop evacuation plans and drills;

(2) plan additional or improved security measures, with an emphasis on innovative technologies or practices;

(3) deploy innovative emergency preparedness technologies; or

(4) educate employees and customers about the development and planning activities described in paragraphs (1) and (2) in innovative ways.

(c) FEDERAL SHARE.—The Federal share of the cost described in subsection (a) shall be 50 percent, up to a maximum of $250,000 per grant recipient.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 154. DESIGNATION OF NATIONAL EMERGENCY PREPAREDNESS WEEK.

(a) NATIONAL WEEK.—

(1) DESIGNATION.—Each week that includes September 11 is "National Emergency Preparedness Week".

(2) PROCLAMATION.—The President is requested every year to issue a proclamation calling on the people of the United States (including State and local governments and the private sector) to observe the week with appropriate activities and programs.

(b) FEDERAL AGENCY ACTIVITIES.—In conjunction with National Emergency Preparedness Week, the head of each agency, as appropriate, shall coordinate with the Department to inform and educate the private sector and the general public about emergency preparedness activities, resources, and tools, giving a high priority to emergency preparedness efforts designed to address terrorist attacks.

Subtitle D—Miscellaneous Provisions

SEC. 161. NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER.

(a) ESTABLISHMENT.—There is established within the Department of Defense a National Bio-Weapons Defense Analysis Center (in this section referred to as the "Center").

(b) MISSION.—The mission of the Center is to develop countermeasures to potential attacks by terrorists using biological or chemical weapons that are weapons of mass destruction (as defined under section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))) and conduct research and analysis concerning such weapons.

SEC. 162. REVIEW OF FOOD SAFETY.

(a) REVIEW OF FOOD SAFETY LAWS AND FOOD SAFETY ORGANIZATIONAL STRUCTURE.—The Secretary shall enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed, comprehensive study which shall—

(1) review all Federal statutes and regulations affecting the safety and security of the food supply to determine the effectiveness of the statutes and regulations at protecting the food supply from deliberate contamination; and

(2) review the organizational structure of Federal food safety oversight to determine the efficiency and effectiveness of the organizational structure at protecting the food supply from deliberate contamination.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the President, the Secretary, and Congress a comprehensive report containing—

(A) the findings and conclusions derived from the reviews conducted under subsection (a); and

(B) specific recommendations for improving—

(i) the effectiveness and efficiency of Federal food safety and security statutes and regulations; and

(ii) the organizational structure of Federal food safety oversight.

(2) Contents.—In conjunction with the recommendations under paragraph (1), the report under paragraph (1) shall address—

(A) the effectiveness with which Federal food safety statutes and regulations protect public health and ensure the food supply remains free from contamination;

(B) the shortfalls, redundancies, and inconsistencies in Federal food safety statutes and regulations;

(C) the application of resources among Federal food safety oversight agencies;

(D) the effectiveness and efficiency of the organizational structure of Federal food safety oversight;

(E) the shortfalls, redundancies, and inconsistencies of the organizational structure of Federal food safety oversight; and

(F) the merits of a unified, central organizational structure of Federal food safety oversight.

(c) Response of the Secretary.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress the response of the Department to the recommendations of the report and recommendations of the Department to further protect the food supply from contamination.

SEC. 163. EXCHANGE OF EMPLOYEES BETWEEN AGENCIES AND STATE OR LOCAL GOVERNMENTS.

(a) Findings.—Congress finds that—

(1) information sharing between Federal, State, and local agencies is vital to securing the homeland against terrorist attacks;

(2) Federal, State, and local employees working cooperatively can learn from one another and resolve complex issues;

(3) Federal, State, and local employees have specialized knowledge that should be consistently shared between and among agencies at all levels of government; and

(4) providing training and other support, such as staffing, to the appropriate Federal, State, and local agencies can enhance the ability of an agency to analyze and assess threats against the homeland, develop appropriate responses, and inform the United States public.

(b) Exchange of Employees.—

(1) In general.—The Secretary may provide for the exchange of employees of the Department and State and local agencies in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(2) Conditions.—With respect to exchanges described under this subsection, the Secretary shall ensure that—

(A) any assigned employee shall have appropriate training or experience to perform the work required by the assignment; and

(B) any assignment occurs under conditions that appropriately safeguard classified and other sensitive information.

SEC. 164. WHISTLEBLOWER PROTECTION FOR FEDERAL EMPLOYEES WHO ARE AIRPORT SECURITY SCREENERS.

Section 111(d) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 620; 49 U.S.C. 44935 note) is amended—

(1) by striking "(d) Screener Personnel.—Notwithstanding any other provision of law," and inserting the following:

"(d) Screener Personnel.—

"(1) In general.—Notwithstanding any other provision of law (except as provided under paragraph (2)),"; and

(2) by adding at the end the following:

"(2) Whistleblower protection.—

"(A) Definition.—In this paragraph, the term "security screener" means—

"(i) any Federal employee hired as a security screener under subsection (e) of section 44935 of title 49, United States Code; or

"(ii) an applicant for the position of a security screener under that subsection.

"(B) In general.—Notwithstanding paragraph (1)—

"(i) section 2302(b)(8) of title 5, United States Code, shall apply with respect to any security screener; and

"(ii) chapters 12, 23, and 75 of that title shall apply with respect to a security screener to the extent necessary to implement clause (i).

"(C) Covered position.—The President may not exclude the position of security screener as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion would prevent the implementation of subparagraph (B) of this paragraph.".

SEC. 165. WHISTLEBLOWER PROTECTION FOR CERTAIN AIRPORT EMPLOYEES.

(a) In General.—Section 42121(a) of title 49, United States Code, is amended—

(1) by striking "(a) Discrimination Against Airline Employees.—No air carrier or contractor or subcontractor of an air carrier" and inserting the following:

"(a) Discrimination Against Employees.—

"(1) In general.—No air carrier, contractor, subcontractor, or employer described under paragraph (2)";

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(3) by adding at the end the following:

"(2) Applicable employers.—Paragraph (1) shall apply to—

"(A) an air carrier or contractor or subcontractor of an air carrier;

"(B) an employer of airport security screening personnel, other than the Federal Government, including a State or municipal government, or an airport authority, or a contractor of such government or airport authority; or

"(C) an employer of private screening personnel described in section 44919 or 44920 of this title.".

(b) Technical and Conforming Amendments.—Section 42121(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)"; and

(2) in clause (iii), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)".

SEC. 166. BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.

Section 319D of the Public Health Service Act (42 U.S.C. 2472-4) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b), the following:

"(c) Bioterrorism Preparedness and Response Division.—

"(1) Establishment.—There is established within the Office of the Director of the Centers for Disease Control and Prevention a Bioterrorism Preparedness and Response Division (in this subsection referred to as the 'Division').

"(2) Mission.—The Division shall have the following primary missions:

"(A) To lead and coordinate the activities and responsibilities of the Centers for Disease Control and Prevention with respect to countering bioterrorism.

"(B) To coordinate and facilitate the interaction of Centers for Disease Control and Prevention personnel with personnel from the Department of Homeland Security and, in so doing, serve as a major contact point for 2-way communications between the jurisdictions of homeland security and public health.

"(C) To train and employ a cadre of public health personnel who are dedicated full-time to the countering of bioterrorism.

"(3) Responsibilities.—In carrying out the mission under paragraph (2), the Division shall assume the responsibilities of and budget authority for the Centers for Disease Control and Prevention with respect to the following programs:

"(A) The Bioterrorism Preparedness and Response Program.

"(B) The Strategic National Stockpile.

"(C) Such other programs and responsibilities as may be assigned to the Division by the Director of the Centers for Disease Control and Prevention.

"(4) Director.—There shall be in the Division a Director, who shall be appointed by the Director of the Centers for Disease Control and Prevention, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security.

"(5) Staffing.—Under agreements reached between the Director of the Centers for Disease Control and Prevention and the Secretary of Homeland Security—

"(A) the Division may be staffed, in part, by personnel assigned from the Department of Homeland Security by the Secretary of Homeland Security; and

"(B) the Director of the Centers for Disease Control and Prevention may assign some personnel from the Division to the Department of Homeland Security.".

SEC. 167. COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) In General.—The annual Federal response plan developed by the Secretary under sections 102(b)(14) and 134(b)(7) shall be consistent with section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) Disclosures Among Relevant Agencies.—

(1) In general.—Full disclosure among relevant agencies shall be made in accordance with this subsection.

(2) Public health emergency.—During the period in which the Secretary of Health and Human Services has declared the existence of a public health emergency under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.

(3) Potential public health emergency.—In cases involving, or potentially involving, a public health emergency, but in which no determination of an emergency by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), has been made, all relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, shall keep the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention fully and currently informed.

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) In General.—There are authorized to be appropriated to the Department, for the benefit of Amtrak, for the 2-year period beginning on the date of enactment of this Act—

(1) **$375,000,000** for grants to finance the cost of enhancements to the security and safety of Amtrak rail passenger service;

(2) **$778,000,000** for grants for life safety improvements to 6 New York Amtrak tunnels built in 1910, the Baltimore and Potomac Amtrak tunnel built in 1872, and the Washington, D.C. Union Station Amtrak tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings; and

(3) **$55,000,000** for the emergency repair, and returning to service of Amtrak passenger cars and locomotives.

(b) Availability of Funds.—Amounts appropriated under subsection (a) shall remain available until expended.

(c) Coordination With Existing Law.—Amounts made available to Amtrak under this section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 169. GRANTS FOR FIREFIGHTING PERSONNEL.

(a) Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

"(c) Personnel Grants.—

"(1) Exclusion.—Grants awarded under subsection (b) to hire 'employees engaged in fire protection', as that term is defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 203), shall not be subject to paragraphs (10) or (11) of subsection (b).

"(2) Duration.—Grants awarded under paragraph (1) shall be for a 3-year period.

"(3) Maximum amount.—The total amount of grants awarded under paragraph (1) shall not exceed **$100,000** per firefighter, indexed for inflation, over the 3-year grant period.

"(4) Federal share.—

"(A) In general.—Notwithstanding subsection (b)(6), the Federal share of a grant under paragraph (1) shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired.

"(B) Waiver.—The Director may waive the 25 percent non-Federal match under subparagraph (A) for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship.

"(5) Application.—In addition to the information under subsection (b)(5), an application for a grant under paragraph (1), shall include—

"(A) an explanation for the need for Federal assistance; and

"(B) specific plans for obtaining necessary support to retain the position following the conclusion of Federal support.

"(6) Maintenance of effort.—Grants awarded under paragraph (1) shall only be used to pay the salaries and benefits of additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources."; and

(3) in subsection (f) (as redesignated by paragraph (1)), by adding at the end the following:

"(3) **$1,000,000,000** for each of fiscal years 2003 and 2004, to be used only for grants under subsection (c).".

SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.

(a) Review of Transportation Vulnerabilities and Federal Transportation Security Efforts.—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail and transit facilities;

(2) review all available information on vulnerabilities at aviation, seaport, rail and transit facilities; and

(3) review the steps taken by agencies since September 11, 2001, to improve aviation, seaport, rail, and transit security to determine their effectiveness at protecting passengers and transportation infrastructure from terrorist attack.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress and the Secretary a comprehensive report containing—

(1) the findings and conclusions from the reviews conducted under subsection (a); and

(2) proposed steps to improve any deficiencies found in aviation, seaport, rail, and transit security including, to the extent possible, the cost of implementing the steps.

(c) Response of the Secretary.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(1) the response of the Department to the recommendations of the report; and

(2) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

SEC. 171. INTEROPERABILITY OF INFORMATION SYSTEMS.

(a) In General.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall develop—

(1) a comprehensive enterprise architecture for information systems, including communications systems, to achieve interoperability between and among information systems of agencies with responsibility for homeland security; and

(2) a plan to achieve interoperability between and among information systems, including communications systems, of agencies with responsibility for homeland security and those of State and local agencies with responsibility for homeland security.

(b) Timetables.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall establish timetables for development and implementation of the enterprise architecture and plan referred to in subsection (a).

(c) Implementation.—The Director of the Office of Management and Budget, in consultation with the Secretary and acting under the responsibilities of the Director under law (including the Clinger-Cohen Act of 1996), shall ensure the implementation of the enterprise architecture developed under subsection (a)(1), and shall coordinate, oversee, and evaluate the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (a)(1).

(d) Agency Cooperation.—The head of each agency with responsibility for homeland security shall fully cooperate with the Director of the Office of Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology consistent with the comprehensive enterprise architecture developed under subsection (a)(1).

(e) Content.—The enterprise architecture developed under subsection (a)(1), and the information systems managed and acquired under the enterprise architecture, shall possess the characteristics of—

(1) rapid deployment;

(2) a highly secure environment, providing data access only to authorized users; and

(3) the capability for continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data.

(f) Updated Versions.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall oversee and ensure the development of updated versions of the enterprise architecture and plan developed under subsection (a), as necessary.

(g) Report.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall annually report to Congress on the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(h) Consultation.—The Director of the Office of Management and Budget shall consult with information systems management experts in the public and private sectors, in the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(i) Principal Officer.—The Director of the Office of Management and Budget shall designate, with the approval of the President, a principal officer in the Office of Management and Budget whose primary responsibility shall be to carry out the duties of the Director under this section.

SEC. 172. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "March 31, 2004".

Subtitle E—Transition Provisions

SEC. 181. DEFINITIONS.

In this subtitle:

(1) Agency.—The term "agency" includes any entity, organizational unit, or function transferred or to be transferred under this title.

(2) Transition period.—The term "transition period" means the 1-year period beginning on the effective date of this division.

SEC. 182. TRANSFER OF AGENCIES.

The transfer of an agency to the Department, as authorized by this title, shall occur when the President so directs, but in no event later than the end of the transition period.

SEC. 183. TRANSITIONAL AUTHORITIES.

(a) Provision of Assistance by Officials.—Until an agency is transferred to the Department, any official having authority over, or functions relating to, the agency immediately before the effective date of this division shall provide to the Secretary such assistance, including the use of personnel and assets, as the Secretary may reasonably request in preparing for the transfer and integration of the agency into the Department.

(b) Services and Personnel.—During the transition period, upon the request of the Secretary, the head of any agency (as defined under section 2) may, on a reimbursable basis, provide services and detail personnel to assist with the transition.

(c) Acting Officials.—

(1) Designation.—During the transition period, pending the nomination and advice and consent of the Senate to the appointment of an officer required by this division to be appointed by and with such advice and consent, the President may designate any officer

whose appointment was required to be made by and with such advice and consent, and who continues as such an officer, to act in such office until the office is filled as provided in this division.

(2) Compensation.—While serving as an acting officer under paragraph (1), the officer shall receive compensation at the higher of the rate provided—

(A) under this division for the office in which that officer acts; or

(B) for the office held at the time of designation.

(3) Period of service.—The person serving as an acting officer under paragraph (1) may serve in the office for the periods described under section 3346 of title 5, United States Code, as if the office became vacant on the effective date of this division.

(d) Exception to Advice and Consent Requirement.—Nothing in this Act shall be construed to require the advice and consent of the Senate to the appointment by the President to a position in the Department of any officer—

(1) whose agency is transferred to the Department under this Act;

(2) whose appointment was by and with the advice and consent of the Senate;

(3) who is proposed to serve in a directorate or office of the Department that is similar to the transferred agency in which the officer served; and

(4) whose authority and responsibilities following such transfer would be equivalent to those performed prior to such transfer.

SEC. 184. INCIDENTAL TRANSFERS AND TRANSFER OF RELATED FUNCTIONS.

(a) Incidental Transfers.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director determines necessary to accomplish the purposes of this title.

(b) Adjudicatory or Review Functions.—

(1) In general.—At the time an agency is transferred to the Department, the President may also transfer to the Department any agency established to carry out or support adjudicatory or review functions in relation to the transferred agency.

(2) Exception.—The President may not transfer the Executive Office of Immigration Review of the Department of Justice under this subsection.

(c) Transfer of Related Functions.—The transfer, under this title, of an agency that is a subdivision of a department before such transfer shall include the transfer to the Secretary of any function relating to such agency that, on the date before the transfer, was exercised by the head of the department from which such agency is transferred.

(d) References.—A reference in any other Federal law, Executive order, rule, regulation, delegation of authority, or other document pertaining to an agency transferred under this title that refers to the head of the department from which such agency is transferred is deemed to refer to the Secretary.

SEC. 185. IMPLEMENTATION PROGRESS REPORTS AND LEGISLATIVE RECOMMENDATIONS.

(a) In General.—In consultation with the President and in accordance with this section, the Secretary shall prepare implementation progress reports and submit such reports to—

(1) the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate committees; and

(2) the Comptroller General of the United States.

(b) Report Frequency.—

(1) Initial report.—As soon as practicable, and not later than 6 months after the date of enactment of this Act, the Secretary shall submit the first implementation progress report.

(2) Semiannual reports.—Following the submission of the report under paragraph (1), the Secretary shall submit additional implementation progress reports not less frequently than once every 6 months until all transfers to the Department under this title have been completed.

(3) Final report.—Not later than 6 months after all transfers to the Department under this title have been completed, the Secretary shall submit a final implementation progress report.

(c) Contents.—

(1) In general.—Each implementation progress report shall report on the progress made in implementing titles I, II, III, and XI, including fulfillment of the functions transferred under this Act, and shall include all of the information specified under paragraph (2) that the Secretary has gathered as of the date of submission. Information contained in an earlier report may be referenced, rather than set out in full, in a subsequent report. The final implementation progress report shall include any required information not yet provided.

(2) Specifications.—Each implementation progress report shall contain, to the extent available—

(A) with respect to the transfer and incorporation of entities, organizational units, and functions—

(i) the actions needed to transfer and incorporate entities, organizational units, and functions into the Department;

(ii) a projected schedule, with milestones, for completing the various phases of the transition;

(iii) a progress report on taking those actions and meeting the schedule;

(iv) the organizational structure of the Department, including a listing of the respective directorates, the field offices of the Department, and the executive positions that will be filled by political appointees or career executives;

(v) the location of Department headquarters, including a timeframe for relocating to the new location, an estimate of cost for the relocation, and information about which elements of the various agencies will be located at headquarters;

(vi) unexpended funds and assets, liabilities, and personnel that will be transferred, and the proposed allocations and disposition within the Department; and

(vii) the costs of implementing the transition;

(B) with respect to human capital planning—

(i) a description of the workforce planning undertaken for the Department, including the preparation of an inventory of skills and competencies available to the Department, to identify any gaps, and to plan for the training, recruitment, and retention policies necessary to attract and retain a workforce to meet the needs of the Department;

(ii) the past and anticipated future record of the Department with respect to recruitment and retention of personnel;

(iii) plans or progress reports on the utilization by the Department of existing personnel flexibility, provided by law or through regulations of the President and the Office of Personnel Management, to achieve the human capital needs of the Department;

(iv) any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation under this division of functions, entities, and personnel previously covered by disparate personnel systems; and

(v) efforts to address the disparities under clause (iv) using existing personnel flexibility;

(C) with respect to information technology—

(i) an assessment of the existing and planned information systems of the Department; and

(ii) a report on the development and implementation of enterprise architecture and of the plan to achieve interoperability;

(D) with respect to programmatic implementation—

(i) the progress in implementing the programmatic responsibilities of this division;

(ii) the progress in implementing the mission of each entity, organizational unit, and function transferred to the Department;

(iii) recommendations of any other governmental entities, organizational units, or functions that need to be incorporated into the Department in order for the Department to function effectively; and

(iv) recommendations of any entities, organizational units, or functions not related to homeland security transferred to the Department that need to be transferred from the Department or terminated for the Department to function effectively.

(d) Legislative Recommendations.—

(1) Inclusion in report.—The Secretary, after consultation with the appropriate committees of Congress, shall include in the report under this section, recommendations for legislation that the Secretary determines is necessary to—

(A) facilitate the integration of transferred entities, organizational units, and functions into the Department;

(B) reorganize agencies, executive positions, and the assignment of functions within the Department;

(C) address any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation of agencies, functions, and personnel previously covered by disparate personnel systems;

(D) enable the Secretary to engage in procurement essential to the mission of the Department;

(E) otherwise help further the mission of the Department; and

(F) make technical and conforming amendments to existing law to reflect the changes made by titles I, II, III, and XI.

(2) Separate submission of proposed legislation.—The Secretary may submit the proposed legislation under paragraph (1) to Congress before submitting the balance of the report under this section.

SEC. 186. TRANSFER AND ALLOCATION.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the agencies transferred under this title, shall be transferred to the Secretary for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and to section 1531 of title 31, United States Code. Unexpended funds transferred under this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 187. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, recognitions of labor organizations, collective bargaining agreements, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(2) which are in effect at the time this division takes effect, or were final before the effective date of this division and are to become effective on or after the effective date of this division,

shall, to the extent related to such functions, continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, or a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this division, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this title may be continued by the Department with the same effect as if this title had not been enacted.

(f) EMPLOYMENT AND PERSONNEL.—

(1) EMPLOYEE RIGHTS.—

(A) TRANSFERRED AGENCIES.—The Department, or a subdivision of the Department, that includes an entity or organizational unit, or subdivision thereof, transferred under this Act, or performs functions transferred under this Act shall not be excluded from coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of title 5, United States Code, after July 19, 2002.

(B) TRANSFERRED EMPLOYEES.—An employee transferred to the Department under this Act, who was in an appropriate unit under section 7112 of title 5, United States Code, prior to the transfer, shall not be excluded from a unit under subsection (b)(6) of that section unless—

(i) the primary job duty of the employee is materially changed after the transfer; and

(ii) the primary job duty of the employee after such change consists of intelligence, counterintelligence, or investigative duties directly related to the investigation of terrorism, if it is clearly demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(C) TRANSFERRED FUNCTIONS.—An employee of the Department who is primarily engaged in carrying out a function transferred to the Department under this Act or a function substantially similar to a function so transferred shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless the function prior to the transfer was performed by an employee excluded from a unit under that section.

(D) OTHER AGENCIES, EMPLOYEES, AND FUNCTIONS.—

(i) EXCLUSION OF SUBDIVISION.—Subject to paragraph (A), a subdivision of the Department shall not be excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title unless—

(I) the subdivision has, as a primary function, intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(II) the provisions of that chapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(ii) EXCLUSION OF EMPLOYEE.—Subject to subparagraphs (B) and (C), an employee of the Department shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless the primary job duty of the employee consists of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation, if it is clearly demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(E) PRIOR EXCLUSION.—Subparagraphs (A) through (D) shall not apply to any entity or organizational unit, or subdivision thereof, transferred to the Department under this Act that, on July 19, 2002, was excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title.

(2) TERMS AND CONDITIONS OF EMPLOYMENT.—The transfer of an employee to the Department under this Act shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(3) CONDITIONS AND CRITERIA FOR APPOINTMENT.—Any qualifications, conditions, or criteria required by law for appointments to a position in an agency, or subdivision thereof, transferred to the Department under this title, including a requirement that an appointment be made by the President, by and with the advice and consent of the Senate, shall continue to apply with respect to any appointment to the position made after such transfer to the Department has occurred.

(4) WHISTLEBLOWER PROTECTION.—The President may not exclude any position transferred to the Department as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion subject to that authority was not made before the date of enactment of this Act.

(g) NO EFFECT ON INTELLIGENCE AUTHORITIES.—The transfer of authorities, functions, personnel, and assets of elements of the United States Government under this title, or the assumption of authorities and functions by the Department under this title, shall not be construed, in cases where such authorities, functions, personnel, and assets are engaged in intelligence activities as defined in the National Security Act of 1947, as affecting the authorities of the Director of Central Intelligence, the Secretary of Defense, or the heads of departments and agencies within the intelligence community.

SEC. 188. TRANSITION PLAN.

(a) IN GENERAL.—Not later than September 15, 2002, the President shall submit to Congress a transition plan as set forth in subsection (b).

(b) CONTENTS.—

(1) IN GENERAL.—The transition plan under subsection (a) shall include a detailed—

(A) plan for the transition to the Department and implementation of titles I, II, and III and division B; and

(B) proposal for the financing of those operations and needs of the Department that do not represent solely the continuation of functions for which appropriations already are available.

(2) FINANCING PROPOSAL.—The financing proposal under paragraph (1)(B) may consist of any combination of specific appropriations transfers, specific reprogrammings, and new specific appropriations as the President considers advisable.

SEC. 189. USE OF APPROPRIATED FUNDS.

(a) APPLICABILITY OF THIS SECTION.—Notwithstanding any other provision of this Act or any other law, this section shall apply to the use of any funds, disposal of property, and acceptance, use, and disposal of gifts, or donations of services or property, of, for, or by the Department, including any agencies, entities, or other organizations transferred to the Department under this Act, the Office, and the National Combating Terrorism Strategy Panel.

(b) USE OF TRANSFERRED FUNDS.—Except as may be provided in an appropriations Act in accordance with subsection (d), balances of appropriations and any other funds or assets transferred under this Act—

(1) shall be available only for the purposes for which they were originally available;

(2) shall remain subject to the same conditions and limitations provided by the law originally appropriating or otherwise making available the amount, including limitations and notification requirements related to the reprogramming of appropriated funds; and

(3) shall not be used to fund any new position established under this Act.

(c) NOTIFICATION REGARDING TRANSFERS.—The President shall notify Congress not less than 15 days before any transfer of appropriations balances, other funds, or assets under this Act.

(d) ADDITIONAL USES OF FUNDS DURING TRANSITION.—Subject to subsection (c), amounts transferred to, or otherwise made available to, the Department may be used during the transition period for purposes in addition to those for which they were originally available (including by transfer among accounts of the Department), but only to the extent such transfer or use is specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(e) Disposal of Property.—

(1) Strict compliance.—If specifically authorized to dispose of real property in this or any other Act, the Secretary shall exercise this authority in strict compliance with section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485).

(2) Deposit of proceeds.—The Secretary shall deposit the proceeds of any exercise of property disposal authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31, United States Code.

(f) Gifts.—Gifts or donations of services or property of or for the Department, the Office, or the National Combating Terrorism Strategy Panel may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(g) Budget Request.—Under section 1105 of title 31, United States Code, the President shall submit to Congress a detailed budget request for the Department for fiscal year 2004.

Subtitle F—Administrative Provisions

SEC. 191. REORGANIZATIONS AND DELEGATIONS.

(a) Reorganization Authority.—

(1) In general.—The Secretary may, as necessary and appropriate—

(A) allocate, or reallocate, functions among officers of the Department; and

(B) establish, consolidate, alter, or discontinue organizational entities within the Department.

(2) Limitation.—Paragraph (1) does not apply to—

(A) any office, bureau, unit, or other entity established by law and transferred to the Department;

(B) any function vested by law in an entity referred to in subparagraph (A) or vested by law in an officer of such an entity; or

(C) the alteration of the assignment or delegation of functions assigned by this Act to any officer or organizational entity of the Department.

(b) Delegation Authority.—

(1) Secretary.—The Secretary may—

(A) delegate any of the functions of the Secretary; and

(B) authorize successive redelegations of functions of the Secretary to other officers and employees of the Department.

(2) Officers.—An officer of the Department may—

(A) delegate any function assigned to the officer by law; and

(B) authorize successive redelegations of functions assigned to the officer by law to other officers and employees of the Department.

(3) Limitations.—

(A) Interunit delegation.—Any function assigned by this title to an organizational unit of the Department or to the head of an organizational unit of the Department may not be delegated to an officer or employee outside of that unit.

(B) Functions.—Any function vested by law in an entity established by law and transferred to the Department or vested by law in an officer of such an entity may not be delegated to an officer or employee outside of that entity.

SEC. 192. REPORTING REQUIREMENTS.

(a) Annual Evaluations.—The Comptroller General of the United States shall monitor and evaluate the implementation of titles I, II, III, and XI. Not later than 15 months after the effective date of this division, and every year thereafter for the succeeding 5 years, the Comptroller General shall submit a report to Congress containing—

(1) an evaluation of the implementation progress reports submitted to Congress and the Comptroller General by the Secretary under section 185;

(2) the findings and conclusions of the Comptroller General of the United States resulting from the monitoring and evaluation conducted under this subsection, including evaluations of how successfully the Department is meeting—

(A) the homeland security missions of the Department; and

(B) the other missions of the Department; and

(3) any recommendations for legislation or administrative action the Comptroller General considers appropriate.

(b) Biennial Reports.—Every 2 years the Secretary shall submit to Congress—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(c) Point of Entry Management Report.—Not later than 1 year after the effective date of this division, the Secretary shall submit to Congress a report outlining proposed steps to consolidate management authority for Federal operations at key points of entry into the United States.

(d) Combating Terrorism and Homeland Security.—Not later than 270 days after the date of enactment of this Act, the Secretary and the Director shall—

(1) in consultation with the head of each department or agency affected by titles I, II, III, and XI, develop definitions of the terms "combating terrorism" and "homeland security" for purposes of those titles and shall consider such definitions in determining the mission of the Department and Office; and

(2) submit a report to Congress on such definitions.

(e) Results-Based Management.—

(1) Strategic plan.—

(A) In general.—Not later than September 30, 2003, consistent with the requirements of section 306 of title 5, United States Code, the Secretary, in consultation with Congress, shall prepare and submit to the Director of the Office of Management and Budget and to Congress a strategic plan for the program activities of the Department.

(B) Period; revisions.—The strategic plan shall cover a period of not less than 5 years from the fiscal year in which it is submitted and it shall be updated and revised at least every 3 years.

(C) Contents.—The strategic plan shall describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(2) Performance plan.—

(A) In general.—In accordance with section 1115 of title 31, United States Code, the Secretary shall prepare an annual performance plan covering each program activity set forth in the budget of the Department.

(B) Contents.—The performance plan shall include—

(i) the goals to be achieved during the year;

(ii) strategies and resources required to meet the goals; and

(iii) the means used to verify and validate measured values.

(C) Scope.—The performance plan should describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(3) Performance report.—

(A) In general.—In accordance with section 1116 of title 31, United States Code, the Secretary shall prepare and submit to the President and Congress an annual report on program performance for each fiscal year.

(B) Contents.—The performance report shall include the actual results achieved during the year compared to the goals expressed in the performance plan for that year.

SEC. 193. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and requirements; and

(2) develop procedures for meeting such requirements.

SEC. 194. LABOR STANDARDS.

(a) In General.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.).

(b) Secretary of Labor.—The Secretary of Labor shall have, with respect to the enforcement of labor standards under subsection (a), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

SEC. 195. PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.

The Secretary may—

(1) procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109(b) of title 5, United States Code; and

(2) whenever necessary due to an urgent homeland security need, procure temporary (not to exceed 1 year) or intermittent personal services, including the services of experts or consultants (or organizations thereof), without regard to the pay limitations of such section 3109.

SEC. 196. PRESERVING NON-HOMELAND SECURITY MISSION PERFORMANCE.

(a) In General.—For each entity transferred into the Department that has non-homeland security functions, the respective Under Secretary in charge, in conjunction with the head of such entity, shall report to the Secretary, the Comptroller General, and the appropriate committees of Congress on the performance of the entity in all of its missions, with a particular emphasis on examining the continued level of performance of the non-homeland security missions.

(b) Contents.—The report referred to in subsection (a) shall—

(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capabilities of the entity with respect to those functions, including—

(A) the number of employees who carry out those functions;

(B) the budget for those functions; and

(C) the flexibilities, personnel or otherwise, currently used to carry out those functions;

(2) contain information related to the roles, responsibilities, missions, organizational structure, capabilities, personnel assets, and annual budgets, specifically with respect to the capabilities of the entity to accomplish its non-homeland security missions without any diminishment; and

(3) contain information regarding whether any changes are required to the roles, responsibilities, missions, organizational structure, modernization programs, projects, activities, recruitment and retention programs, and annual fiscal resources to enable the entity to accomplish its non-homeland security missions without diminishment.

(c) TIMING.—Each Under Secretary shall provide the report referred to in subsection (a) annually, for the 5 years following the transfer of the entity to the Department.

SEC. 197. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Each budget request submitted to Congress for the Department under section 1105 of title 31, United States Code, and each budget request submitted to Congress for the National Terrorism Prevention and Response Program shall be accompanied by a Future Years Homeland Security Program.

(b) CONTENTS.—The Future Years Homeland Security Program under subsection (a) shall be structured, and include the same type of information and level of detail, as the Future Years Defense Program submitted to Congress by the Department of Defense under section 221 of title 10, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect with respect to the preparation and submission of the fiscal year 2005 budget request for the Department and the fiscal year 2005 budget request for the National Terrorism Prevention and Response Program, and for any subsequent fiscal year.

SEC. 198. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given that term in section 1016(e) of the USA PATRIOT ACT of 2001 (42 U.S.C. 5195(e)).

(2) FURNISHED VOLUNTARILY.—

(A) DEFINITION.—The term "furnished voluntarily" means a submission of a record that—

(i) is made to the Department in the absence of authority of the Department requiring that record to be submitted; and

(ii) is not submitted or used to satisfy any legal requirement or obligation or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modifications of agency penalties or rulings), or other approval from the Government.

(B) BENEFIT.—In this paragraph, the term "benefit" does not include any warning, alert, or other risk analysis by the Department.

(b) IN GENERAL.—Notwithstanding any other provision of law, a record pertaining to the vulnerability of and threats to critical infrastructure (such as attacks, response, and recovery efforts) that is furnished voluntarily to the Department shall not be made available under section 552 of title 5, United States Code, if—

(1) the provider would not customarily make the record available to the public; and

(2) the record is designated and certified by the provider, in a manner specified by the Department, as confidential and not customarily made available to the public.

(c) RECORDS SHARED WITH OTHER AGENCIES.—

(1) IN GENERAL.—

(A) RESPONSE TO REQUEST.—An agency in receipt of a record that was furnished voluntarily to the Department and subsequently shared with the agency shall, upon receipt of a request under section 552 of title 5, United States Code, for the record—

(i) not make the record available; and

(ii) refer the request to the Department for processing and response in accordance with this section.

(B) SEGREGABLE PORTION OF RECORD.—Any reasonably segregable portion of a record shall be provided to the person requesting the record after deletion of any portion which is exempt under this section.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED RECORDS.—Notwithstanding paragraph (1), nothing in this section shall prohibit an agency from making available under section 552 of title 5, United States Code, any record that the agency receives independently of the Department, regardless of whether or not the Department has a similar or identical record.

(d) WITHDRAWAL OF CONFIDENTIAL DESIGNATION.—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

(e) PROCEDURES.—The Secretary shall prescribe procedures for—

(1) the acknowledgement of receipt of records furnished voluntarily;

(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

(3) the care and storage of records furnished voluntarily;

(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

(5) the withdrawal of the confidential designation of records under subsection (d).

(f) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section shall be construed as preempting or otherwise modifying State or local law concerning the disclosure of any information that a State or local government receives independently of the Department.

(g) REPORT.—

(1) REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

(B) the number of requests for access to records granted or denied under this section; and

(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committees on the Judiciary and Governmental Affairs of the Senate; and

(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 199. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to—

(1) enable the Secretary to administer and manage the Department; and

(2) carry out the functions of the Department other than those transferred to the Department under this Act.

TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM

SEC. 201. NATIONAL OFFICE FOR COMBATING TERRORISM.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President the National Office for Combating Terrorism.

(b) OFFICERS.—

(1) DIRECTOR.—The head of the Office shall be the Director of the National Office for Combating Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Director of the National Office for Combating Terrorism.".

(3) OTHER OFFICERS.—The President shall assign to the Office such other officers as the President, in consultation with the Director, considers appropriate to discharge the responsibilities of the Office.

(c) RESPONSIBILITIES.—Subject to the direction and control of the President, the responsibilities of the Office shall include the following:

(1) To develop national objectives and policies for combating terrorism.

(2) To ensure that relevant agencies and entities conduct appropriate risk analysis and risk management activities and provide pertinent information derived such activities to the Office, and to review and integrate such information into the development of the Strategy.

(3) To direct and review the development of a comprehensive national assessment of terrorist threats and vulnerabilities to those threats, which shall be—

(A) conducted by the heads of relevant agencies, the National Security Advisor, the Director of the Office of Science and Technology Policy, and other involved White House entities; and

(B) used in preparation of the Strategy.

(4) To develop, with the Secretary of Homeland Security, the Strategy under title III.

(5) To coordinate, oversee, and evaluate the implementation and execution of the Strategy by agencies with responsibilities for combating terrorism under the Strategy, particularly those involving military, intelligence, law enforcement, diplomatic, and scientific and technological assets.

(6) To work with agencies, including the Environmental Protection Agency, to ensure that appropriate actions are taken to address vulnerabilities identified by the Directorate of Critical Infrastructure Protection within the Department.

(7)(A) To coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects, or activities relating to force protection.

(B) To have the lead responsibility for budget recommendations relating to military, intelligence, law enforcement, and diplomatic assets in support of the Strategy.

(8) To exercise funding authority for Federal terrorism prevention and response agencies in accordance with section 202.

(9) To serve as an advisor to the National Security Council.

(10) To work with the Director of the Federal Bureau of Investigation to ensure that—

(A) the Director of the National Office for Combating Terrorism receives the relevant information from the Federal Bureau of Investigation related to terrorism; and

(B) such information is made available to the appropriate agencies and to State and local law enforcement officials.

(d) Resources.—In consultation with the Director, the President shall assign or allocate to the Office such resources, including funds, personnel, and other resources, as the President considers appropriate and that are available to the President under appropriations Acts for fiscal year 2002 and fiscal year 2003 in the "Office of Administration" appropriations account or the "Office of Homeland Security" appropriations account. Any transfer or reprogramming of funds made under this section shall be subject to the reprogramming procedures in the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67).

(e) Oversight by Congress.—The establishment of the Office within the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of Congress, to—

(1) any information, document, record, or paper in the possession of the Office or any study conducted by or at the direction of the Director; or

(2) any personnel of the Office.

SEC. 202. FUNDING FOR STRATEGY PROGRAMS AND ACTIVITIES.

(a) Budget Review.—In consultation with the Director of the Office of Management and Budget, the Secretary, and the heads of other agencies, the National Security Advisor, the Director of the Office of Science and Technology Policy, and other involved White House entities, the Director shall—

(1) identify programs that contribute to the Strategy; and

(2) in the development of the budget submitted by the President to Congress under section 1105 of title 31, United States Code, review and provide advice to the heads of agencies on the amount and use of funding for programs identified under paragraph (1).

(b) Submittal of Proposed Budgets to the Director.—

(1) In general.—The head of each Federal terrorism prevention and response agency shall submit to the Director each year the proposed budget of that agency for the fiscal year beginning in that year for programs and activities of that agency under the Strategy during that fiscal year.

(2) Date for submission.—The proposed budget of an agency for a fiscal year under paragraph (1) shall be submitted to the Director—

(A) not later than the date on which the agency completes the collection of information for purposes of the submission by the President of a budget to Congress for that fiscal year under section 1105 of title 31, United States Code; and

(B) before that information is submitted to the Director of the Office of Management and Budget for such purposes.

(3) Format.—In consultation with the Director of the Office of Management and Budget, the Director shall specify the format for the submittal of proposed budgets under paragraph (1).

(c) Review of Proposed Budgets.—

(1) In general.—The Director shall review each proposed budget submitted to the Director under subsection (b).

(2) Inadequate funding determination.—If the Director determines under paragraph (1) that the proposed budget of an agency for a fiscal year under subsection (b) is inadequate, in whole or in part, to permit the implementation by the agency during the fiscal year of the goals of the Strategy applicable to the agency during the fiscal year, the Director shall submit to the head of the agency—

(A) a notice in writing of the determination; and

(B) a statement of the proposed funding, and any specific initiatives, that would (as determined by the Director) permit the implementation by the agency during the fiscal year of the goals of the Strategy applicable to the agency during the fiscal year.

(3) Adequate funding determination.—If the Director determines under paragraph (1) that the proposed budget of an agency for a fiscal year under subsection (b) is adequate to permit the implementation by the agency during the fiscal year of the goals of the Strategy applicable to the agency during the fiscal year, the Director shall submit to the head of the agency a notice in writing of that determination.

(4) Maintenance of records.—The Director shall maintain a record of—

(A) each notice submitted under paragraph (2), including any statement accompanying such notice; and

(B) each notice submitted under paragraph (3).

(d) Agency Response to Review of Proposed Budgets.—

(1) Incorporation of proposed funding.—The head of a Federal terrorism prevention and response agency that receives a notice under subsection (c)(2) with respect to the proposed budget of the agency for a fiscal year shall incorporate the proposed funding, and any initiatives, set forth in the statement accompanying the notice into the information submitted to the Office of Management and Budget in support of the proposed budget for the agency for the fiscal year under section 1105 of title 31, United States Code.

(2) Additional information.—The head of each agency described under paragraph (1) for a fiscal year shall include as an appendix to the information submitted to the Office of Management and Budget under that paragraph for the fiscal year the following:

(A) A summary of any modifications in the proposed budget of such agency for the fiscal year under paragraph (1).

(B) An assessment of the effect of such modifications on the capacity of such agency to perform its responsibilities during the fiscal year other than its responsibilities under the Strategy.

(3) Submission to congress.—

(A) In general.—Subject to subparagraph (B), the head of each agency described under paragraph (1) for a fiscal year shall submit to Congress a copy of the appendix submitted to the Office of Management and Budget for the fiscal year under paragraph (2) at the same time the budget of the President for the fiscal year is submitted to Congress under section 1105 of title 31, United States Code.

(B) Elements within intelligence programs.—In the submission of the copy of the appendix to Congress under subparagraph (A), those elements of the appendix which are within the National Foreign Intelligence Program shall be submitted to—

(i) the Select Committee on Intelligence of the Senate;

(ii) the Permanent Select Committee on Intelligence of the House of Representatives;

(iii) the Committee on Appropriations of the Senate; and

(iv) the Committee on Appropriations of the House of Representatives.

(e) Submittal of Revised Proposed Budgets.—

(1) In general.—At the same time the head of a Federal terrorism prevention and response agency submits its proposed budget for a fiscal year to the Office of Management and Budget for purposes of the submission by the President of a budget to Congress for the fiscal year under section 1105 of title 31, United States Code, the head of the agency shall submit a copy of the proposed budget to the Director.

(2) Review and decertification authority.—The Director of the National Office for Combating Terrorism—

(A) shall review each proposed budget submitted under paragraph (1); and

(B) in the case of a proposed budget for a fiscal year to which subsection (c)(2) applies in the fiscal year, if the Director determines as a result of the review that the proposed budget does not include the proposed funding, and any initiatives, set forth in the notice under that subsection with respect to the proposed budget—

(i) may decertify the proposed budget; and

(ii) with respect to any proposed budget so decertified, shall submit to Congress—

(I) a notice of the decertification;

(II) a copy of the notice submitted to the agency concerned for the fiscal year under subsection (c)(2)(B); and

(III) the budget recommendations made under this section.

(f) National Terrorism Prevention and Response Program Budget.—

(1) In general.—For each fiscal year, following the submittal of proposed budgets to the Director under subsection (b), the Director shall, in consultation with the Secretary and the head of each Federal terrorism prevention and response agency concerned—

(A) develop a consolidated proposed budget for such fiscal year for all programs and activities under the Strategy for such fiscal year; and

(B) subject to paragraph (2), submit the consolidated proposed budget to the President and to Congress.

(2) Elements within intelligence programs.—In the submission of the consolidated proposed budget to Congress under paragraph (1)(B), those elements of the budget which are within the National Foreign Intelligence Program shall be submitted to—

(A) the Select Committee on Intelligence of the Senate;

(B) the Permanent Select Committee on Intelligence of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(3) Designation of consolidated proposed budget.—The consolidated proposed budget for a fiscal year under this subsection shall be known as the National Terrorism Prevention and Response Program Budget for the fiscal year.

(g) Reprogramming and Transfer Requests.—

(1) APPROVAL BY THE DIRECTOR.—The head of a Federal terrorism prevention and response agency may not submit to Congress a request for the reprogramming or transfer of any funds specified in the National Terrorism Prevention and Response Program Budget for programs or activities of the agency under the Strategy for a fiscal year in excess of $5,000,000 without the approval of the Director.

(2) APPROVAL BY THE PRESIDENT.—The President may, upon the request of the head of the agency concerned, permit the submittal to Congress of a request previously disapproved by the Director under paragraph (1) if the President determines that the submittal of the request to Congress will further the purposes of the Strategy.

TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM AND THE HOMELAND SECURITY RESPONSE

SEC. 301. STRATEGY.

(a) DEVELOPMENT.—The Secretary and the Director shall develop the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recovery to counter terrorist threats, including threat, vulnerability, and risk assessment and analysis, and the plans, policies, training, exercises, evaluation, and interagency cooperation that address each such action relating to such threats.

(b) RESPONSIBILITIES.—

(1) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall have responsibility for portions of the Strategy addressing border security, critical infrastructure protection, emergency preparation and response, and integrating State and local efforts with activities of the Federal Government.

(2) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have overall responsibility for development of the Strategy, and particularly for those portions of the Strategy addressing intelligence, military assets, law enforcement, and diplomacy.

(c) CONTENTS.—The contents of the Strategy shall include—

(1) a comprehensive statement of mission, goals, objectives, desired end-state, priorities and responsibilities;

(2) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal Government and with State and local authorities;

(3) plans for countering chemical, biological, radiological, nuclear and explosives, and cyber threats;

(4) plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy;

(5) plans for improving the resources of, coordination among, and effectiveness of health and medical sectors for detecting and responding to terrorist attacks on the homeland;

(6) specific measures to enhance cooperative efforts between the public and private sectors in protecting against terrorist attacks;

(7) a review of measures needed to enhance transportation security with respect to potential terrorist attacks;

(8) plans for identifying, prioritizing, and meeting research and development objectives to support homeland security needs; and

(9) other critical areas.

(d) COOPERATION.—At the request of the Secretary or Director, departments and agencies shall provide necessary information or planning documents relating to the Strategy.

(e) INTERAGENCY COUNCIL.—

(1) ESTABLISHMENT.—There is established the National Combating Terrorism and Homeland Security Response Council to assist with preparation and implementation of the Strategy.

(2) MEMBERSHIP.—The members of the Council shall be the heads of the Federal terrorism prevention and response agencies or their designees. The Secretary and Director shall designate such agencies.

(3) CO-CHAIRS AND MEETINGS.—The Secretary and Director shall co-chair the Council, which shall meet at their direction.

(f) SUBMISSION TO CONGRESS.—Not later than December 1, 2003, and each year thereafter in which a President is inaugurated, the Secretary and the Director shall submit the Strategy to Congress.

(g) UPDATING.—Not later than December 1, 2005, and on December 1, of every 2 years thereafter, the Secretary and the Director shall submit to Congress an updated version of the Strategy.

(h) PROGRESS REPORTS.—Not later than December 1, 2004, and on December 1, of each year thereafter, the Secretary and the Director may submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

SEC. 302. MANAGEMENT GUIDANCE FOR STRATEGY IMPLEMENTATION.

(a) IN GENERAL.—In consultation with the Director and the Secretary, the Director of the Office of Management and Budget shall provide management guidance for agencies to successfully implement and execute the Strategy.

(b) OFFICE OF MANAGEMENT AND BUDGET REPORT.—Not later than 180 days after the date of the submission of the Strategy referred to under section 301, the Director of the Office of Management and Budget shall—

(1) submit to Congress a report describing agency progress under subsection (a); and

(2) provide a copy of the report to the Comptroller General of the United States.

(c) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 90 days after the receipt of the report required under subsection (b), the Comptroller General of the United States shall submit a report to the Governmental Affairs Committee of the Senate, the Government Reform Committee of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives, evaluating—

(1) the management guidance identified under subsection (a); and

(2) Federal agency performance in implementing and executing the Strategy.

SEC. 303. NATIONAL COMBATING TERRORISM STRATEGY PANEL.

(a) ESTABLISHMENT.—The Secretary and the Director shall establish a nonpartisan, independent panel to be known as the National Combating Terrorism Strategy Panel (in this section referred to as the "Panel").

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Panel shall be composed of a chairperson and 8 other individuals appointed by the Secretary and the Director, in consultation with the chairman and ranking member of the Committee on Governmental Affairs of the Senate and the chairman and ranking member of the Committee on Government Reform of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to combating terrorism and the homeland security of the United States.

(2) TERMS.—

(A) IN GENERAL.—An individual shall be appointed to the Panel for an 18-month term.

(B) TERM PERIODS.—Terms on the Panel shall not be continuous. All terms shall be for the 18-month period which begins 12 months before each date a report is required to be submitted under subsection (l)(2)(A).

(C) MULTIPLE TERMS.—An individual may serve more than 1 term.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the Strategy; and

(2) conduct the independent, alternative assessment of homeland security measures required under this section.

(d) ALTERNATIVE ASSESSMENT.—The Panel shall submit to the Secretary an independent assessment of the optimal policies and programs to combat terrorism, including homeland security measures. As part of the assessment, the Panel shall, to the extent practicable, estimate the funding required by fiscal year to achieve these optimal approaches.

(e) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Panel may secure directly from any agency such information as the Panel considers necessary to carry out this section. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Panel.

(2) INTELLIGENCE INFORMATION.—The provision of information under this paragraph related to intelligence shall be provided in accordance with procedures established by the Director of Central Intelligence and in accordance with section 103(d)(3) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(3)).

(f) COMPENSATION OF MEMBERS.—Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(g) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(h) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(4) REDUCTION OF STAFF.—During periods that members are not serving terms on the Panel, the executive director shall reduce the number and hours of employees to the minimum necessary to—

(A) provide effective continuity of the Panel; and

(B) minimize personnel costs of the Panel.

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) ADMINISTRATIVE PROVISIONS.—

(1) USE OF MAIL AND PRINTING.—The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other agencies.

(2) SUPPORT SERVICES.—The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

(k) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(l) REPORTS.—

(1) PRELIMINARY REPORT.—

(A) REPORT TO SECRETARY.—Not later than July 1, 2004, the Panel shall submit to the Secretary and the Director a preliminary report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORT TO CONGRESS.—Not later than 30 days after the submission of the report under subparagraph (A), the Secretary and the Director shall submit to the committees referred to under subsection (b), and the Committees on Appropriations of the Senate and the House of Representatives, a copy of that report with the comments of the Secretary on the report.

(2) QUADRENNIAL REPORTS.—

(A) REPORTS TO SECRETARY.—Not later than December 1, 2004, and not later than December 1 every 4 years thereafter, the Panel shall submit to the Secretary and the Director a report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORTS TO CONGRESS.—Not later than 60 days after each report is submitted under subparagraph (A), the Secretary shall submit to the committees referred to under subsection (b), and the Committees on Appropriations of the Senate and the House of Representatives, a copy of the report with the comments of the Secretary and the Director on the report.

TITLE IV—LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS

SEC. 401. LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS.

(a) IN GENERAL.—Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e)(1) In addition to the authority otherwise provided by this Act, each Inspector General appointed under section 3, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to—

“(A) carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General;

“(B) make an arrest without a warrant while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General, for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

“(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

“(2) The Attorney General may authorize exercise of the powers under this subsection only upon an initial determination that—

“(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this Act as a result of the lack of such powers;

“(B) available assistance from other law enforcement agencies is insufficient to meet the need for such powers; and

“(C) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers.

“(3) The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority are exempt from the requirement of paragraph (2) of an initial determination of eligibility by the Attorney General.

“(4) The Attorney General shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

“(5) Powers authorized for an Office of Inspector General under paragraph (1) shall be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

“(6) A determination by the Attorney General under paragraph (2) or (5) shall not be reviewable in or by any court.

“(7) To ensure the proper exercise of the law enforcement powers authorized by this subsection, the Offices of Inspector General described under paragraph (3) shall, not later than 180 days after the date of enactment of this subsection, collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist within each Office and within any Office that later receives an authorization under paragraph (2). The review process shall be established in consultation with the Attorney General, who shall be provided with a copy of the memorandum of understanding that establishes the review process. Under the review process, the exercise of the law enforcement powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the applicable Inspector General and to the Attorney General.

“(8) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority, including United States Marshals Service special deputation.”.

(b) PROMULGATION OF INITIAL GUIDELINES.—

(1) DEFINITION.—In this subsection, the term “memoranda of understanding” means the agreements between the Department of Justice and the Inspector General offices described under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App) (as added by subsection (a) of this section) that—

(A) are in effect on the date of enactment of this Act; and

(B) authorize such offices to exercise authority that is the same or similar to the authority under section 6(e)(1) of such Act.

(2) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate guidelines under section 6(e)(4) of the Inspector General Act of 1978 (5 U.S.C. App) (as added by subsection (a) of this section) applicable to the Inspector General offices described under section 6(e)(3) of that Act.

(3) MINIMUM REQUIREMENTS.—The guidelines promulgated under this subsection shall include, at a minimum, the operational and training requirements in the memoranda of understanding.

(4) NO LAPSE OF AUTHORITY.—The memoranda of understanding in effect on the date of enactment of this Act shall remain in effect until the guidelines promulgated under this subsection take effect.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Subsection (a) shall take effect 180 days after the date of enactment of this Act.

(2) INITIAL GUIDELINES.—Subsection (b) shall take effect on the date of enactment of this Act.

TITLE V—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

Subtitle A—Temporary Flexibility for Certain Procurements

SEC. 501. DEFINITION.

In this title, the term "executive agency" has the meaning given that term under section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

SEC. 502. PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

The authorities provided in this subtitle apply to any procurement of property or services by or for an executive agency that, as determined by the head of the executive agency, are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack, but only if a solicitation of offers for the procurement is issued during the 1-year period beginning on the date of the enactment of this Act.

SEC. 503. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR PROCUREMENTS IN SUPPORT OF HUMANITARIAN OR PEACEKEEPING OPERATIONS OR CONTINGENCY OPERATIONS.

(a) Temporary Threshold Amounts.—For a procurement referred to in section 502 that is carried out in support of a humanitarian or peacekeeping operation or a contingency operation, the simplified acquisition threshold definitions shall be applied as if the amount determined under the exception provided for such an operation in those definitions were—

(1) in the case of a contract to be awarded and performed, or purchase to be made, inside the United States, $250,000; or

(2) in the case of a contract to be awarded and performed, or purchase to be made, outside the United States, $500,000.

(b) Simplified Acquisition Threshold Definitions.—In this section, the term "simplified acquisition threshold definitions" means the following:

(1) Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

(2) Section 309(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(d)).

(3) Section 2302(7) of title 10, United States Code.

(c) Small Business Reserve.—For a procurement carried out pursuant to subsection (a), section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall be applied as if the maximum anticipated value identified therein is equal to the amounts referred to in subsection (a).

SEC. 504. INCREASED MICRO-PURCHASE THRESHOLD FOR CERTAIN PROCUREMENTS.

In the administration of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) with respect to a procurement referred to in section 502, the amount specified in subsections (c), (d), and (f) of such section 32 shall be deemed to be $10,000.

SEC. 505. APPLICATION OF CERTAIN COMMERCIAL ITEMS AUTHORITIES TO CERTAIN PROCUREMENTS.

(a) Authority.—

(1) In general.—The head of an executive agency may apply the provisions of law listed in paragraph (2) to a procurement referred to in section 502 without regard to whether the property or services are commercial items.

(2) Commercial item laws.—The provisions of law referred to in paragraph (1) are as follows:

(A) Sections 31 and 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 427, 430).

(B) Section 2304(g) of title 10, United States Code.

(C) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)).

(b) Inapplicability of Limitation on Use of Simplified Acquisition Procedures.—

(1) In general.—The $5,000,000 limitation provided in section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)), section 2304(g)(1)(B) of title 10, United States Code, and section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)) shall not apply to purchases of property or services to which any of the provisions of law referred to in subsection (a) are applied under the authority of this section.

(2) OMB guidance.—The Director of the Office of Management and Budget shall issue guidance and procedures for the use of simplified acquisition procedures for a purchase of property or services in excess of $5,000,000 under the authority of this section.

(c) Continuation of Authority for Simplified Purchase Procedures.—Authority under a provision of law referred to in subsection (a)(2) that expires under section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) shall, notwithstanding such section, continue to apply for use by the head of an executive agency as provided in subsections (a) and (b).

SEC. 506. USE OF STREAMLINED PROCEDURES.

(a) Required Use.—The head of an executive agency shall, when appropriate, use streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 502, including authorities and procedures that are provided under the following provisions of law:

(1) Federal property and administrative services act of 1949.—In title III of the Federal Property and Administrative Services Act of 1949:

(A) Paragraphs (1), (2), (6); and (7) of subsection (c) of section 303 (41 U.S.C. 253), relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 303J (41 U.S.C. 253j), relating to orders under task and delivery order contracts.

(2) Title 10, united states code.—In chapter 137 of title 10, United States Code:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 2304, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 2304c, relating to orders under task and delivery order contracts.

(3) Office of federal procurement policy act.—Paragraphs (1)(B), (1)(D), and (2) of section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)), relating to inapplicability of a requirement for procurement notice.

(b) Waiver of Certain Small Business Threshold Requirements.—Subclause (II) of section 8(a)(1)(D)(i) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)) and clause (ii) of section 31(b)(2)(A) of such Act (15 U.S.C. 657a(b)(2)(A)) shall not apply in the use of streamlined acquisition authorities and procedures referred to in paragraphs (1)(A) and (2)(A) of subsection (a) for a procurement referred to in section 502.

SEC. 507. REVIEW AND REPORT BY COMPTROLLER GENERAL.

(a) Requirements.—Not later than March 31, 2004, the Comptroller General shall—

(1) complete a review of the extent to which procurements of property and services have been made in accordance with this subtitle; and

(2) submit a report on the results of the review to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) Content of Report.—The report under subsection (a)(2) shall include the following matters:

(1) Assessment.—The Comptroller General's assessment of—

(A) the extent to which property and services procured in accordance with this title have contributed to the capacity of the workforce of Federal Government employees within each executive agency to carry out the mission of the executive agency; and

(B) the extent to which Federal Government employees have been trained on the use of technology.

(2) Recommendations.—Any recommendations of the Comptroller General resulting from the assessment described in paragraph (1).

(c) Consultation.—In preparing for the review under subsection (a)(1), the Comptroller shall consult with the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the specific issues and topics to be reviewed. The extent of coverage needed in areas such as technology integration, employee training, and human capital management, as well as the data requirements of the study, shall be included as part of the consultation.

Subtitle B—Other Matters

SEC. 511. IDENTIFICATION OF NEW ENTRANTS INTO THE FEDERAL MARKETPLACE.

The head of each executive agency shall conduct market research on an ongoing basis to identify effectively the capabilities, including the capabilities of small businesses and new entrants into Federal contracting, that are available in the marketplace for meeting the requirements of the executive agency in furtherance of defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack. The head of the executive agency shall, to the maximum extent practicable, take advantage of commercially available market research methods, including use of commercial databases, to carry out the research.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This division shall take effect 30 days after the date of enactment of this Act or, if enacted within 30 days before January 1, 2003, on January 1, 2003.

DIVISION B—IMMIGRATION REFORM, ACCOUNTABILITY, AND SECURITY ENHANCEMENT ACT OF 2002

SEC. 1001. SHORT TITLE.

This division may be cited as the "Immigration Reform, Accountability, and Security Enhancement Act of 2002".

SEC. 1002. DEFINITIONS.

In this division:

(1) Enforcement bureau.—The term "Enforcement Bureau" means the Bureau of Enforcement and Border Affairs established in section 114 of the Immigration and Nationality Act, as added by section 1105 of this Act.

(2) FUNCTION.—The term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(3) IMMIGRATION ENFORCEMENT FUNCTIONS.—The term "immigration enforcement functions" has the meaning given the term in section 114(b)(2) of the Immigration and Nationality Act, as added by section 1105 of this Act.

(4) IMMIGRATION LAWS OF THE UNITED STATES.—The term "immigration laws of the United States" has the meaning given the term in section 111(e) of the Immigration and Nationality Act, as added by section 1102 of this Act.

(5) IMMIGRATION POLICY, ADMINISTRATION, AND INSPECTION FUNCTIONS.—The term "immigration policy, administration, and inspection functions" has the meaning given the term in section 112(b)(3) of the Immigration and Nationality Act, as added by section 1103 of this Act.

(6) IMMIGRATION SERVICE FUNCTIONS.—The term "immigration service functions" has the meaning given the term in section 113(b)(2) of the Immigration and Nationality Act, as added by section 1104 of this Act.

(7) OFFICE.—The term "office" includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

(8) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(9) SERVICE BUREAU.—The term "Service Bureau" means the Bureau of Immigration Services established in section 113 of the Immigration and Nationality Act, as added by section 1104 of this Act.

(10) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Homeland Security for Immigration Affairs appointed under section 112 of the Immigration and Nationality Act, as added by section 1103 of this Act.

TITLE XI—DIRECTORATE OF IMMIGRATION AFFAIRS

Subtitle A—Organization

SEC. 1101. ABOLITION OF INS.

(a) IN GENERAL.—The Immigration and Naturalization Service is abolished.

(b) REPEAL.—Section 4 of the Act of February 14, 1903, as amended (32 Stat. 826; relating to the establishment of the Immigration and Naturalization Service), is repealed.

SEC. 1102. ESTABLISHMENT OF DIRECTORATE OF IMMIGRATION AFFAIRS.

(a) ESTABLISHMENT.—Title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) by inserting "**CHAPTER 1—DEFINITIONS AND GENERAL AUTHORITIES**" after "**TITLE I—GENERAL**"; and

(2) by adding at the end the following:

"CHAPTER 2—DIRECTORATE OF IMMIGRATION AFFAIRS

"SEC. 111. ESTABLISHMENT OF DIRECTORATE OF IMMIGRATION AFFAIRS.

"(a) ESTABLISHMENT.—There is established within the Department of Homeland Security the Directorate of Immigration Affairs.

"(b) PRINCIPAL OFFICERS.—The principal officers of the Directorate are the following:

"(1) The Under Secretary of Homeland Security for Immigration Affairs appointed under section 112.

"(2) The Assistant Secretary of Homeland Security for Immigration Services appointed under section 113.

"(3) The Assistant Secretary of Homeland Security for Enforcement and Border Affairs appointed under section 114.

"(c) FUNCTIONS.—Under the authority of the Secretary of Homeland Security, the Directorate shall perform the following functions:

"(1) Immigration policy, administration, and inspection functions, as defined in section 112(b).

"(2) Immigration service and adjudication functions, as defined in section 113(b).

"(3) Immigration enforcement functions, as defined in section 114(b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Department of Homeland Security such sums as may be necessary to carry out the functions of the Directorate.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(e) IMMIGRATION LAWS OF THE UNITED STATES DEFINED.—In this chapter, the term 'immigration laws of the United States' means the following:

"(1) This Act.

"(2) Such other statutes, Executive orders, regulations, or directives, treaties, or other international agreements to which the United States is a party, insofar as they relate to the admission to, detention in, or removal from the United States of aliens, insofar as they relate to the naturalization of aliens, or insofar as they otherwise relate to the status of aliens.".

(b) CONFORMING AMENDMENTS.—(1) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) by striking section 101(a)(34) (8 U.S.C. 1101(a)(34)) and inserting the following:

"(34) The term 'Directorate' means the Directorate of Immigration Affairs established by section 111.";

(B) by adding at the end of section 101(a) the following new paragraphs:

"(51) The term 'Secretary' means the Secretary of Homeland Security.

"(52) The term 'Department' means the Department of Homeland Security.";

(C) by striking "Attorney General" and "Department of Justice" each place it appears and inserting "Secretary" and "Department", respectively;

(D) in section 101(a)(17) (8 U.S.C. 1101(a)(17)), by striking "The" and inserting "Except as otherwise provided in section 111(e), the; and

(E) by striking "Immigration and Naturalization Service", "Service", and "Service's" each place they appear and inserting "Directorate of Immigration Affairs", "Directorate", and "Directorate's", respectively.

(2) Section 6 of the Act entitled "An Act to authorize certain administrative expenses for the Department of Justice, and for other purposes", approved July 28, 1950 (64 Stat. 380), is amended—

(A) by striking "Immigration and Naturalization Service" and inserting "Directorate of Immigration Affairs";

(B) by striking clause (a); and

(C) by redesignating clauses (b), (c), (d), and (e) as clauses (a), (b), (c), and (d), respectively.

(c) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Immigration and Naturalization Service shall be deemed to refer to the Directorate of Immigration Affairs of the Department of Homeland Security, and any reference in the immigration laws of the United States (as defined in section 111(e) of the Immigration and Nationality Act, as added by this section) to the Attorney General shall be deemed to refer to the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Immigration Affairs.

SEC. 1103. UNDER SECRETARY OF HOMELAND SECURITY FOR IMMIGRATION AFFAIRS.

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 of this Act, is amended by adding at the end the following:

"SEC. 112. UNDER SECRETARY OF HOMELAND SECURITY FOR IMMIGRATION AFFAIRS.

"(a) UNDER SECRETARY OF IMMIGRATION AFFAIRS.—The Directorate shall be headed by an Under Secretary of Homeland Security for Immigration Affairs who shall be appointed in accordance with section 103(c) of the Immigration and Nationality Act.

"(b) RESPONSIBILITIES OF THE UNDER SECRETARY.—

"(1) IN GENERAL.—The Under Secretary shall be charged with any and all responsibilities and authority in the administration of the Directorate and of this Act which are conferred upon the Secretary as may be delegated to the Under Secretary by the Secretary or which may be prescribed by the Secretary.

"(2) DUTIES.—Subject to the authority of the Secretary under paragraph (1), the Under Secretary shall have the following duties:

"(A) IMMIGRATION POLICY.—The Under Secretary shall develop and implement policy under the immigration laws of the United States. The Under Secretary shall propose, promulgate, and issue rules, regulations, and statements of policy with respect to any function within the jurisdiction of the Directorate.

"(B) ADMINISTRATION.—The Under Secretary shall have responsibility for—

"(i) the administration and enforcement of the functions conferred upon the Directorate under section 1111(c) of this Act; and

"(ii) the administration of the Directorate, including the direction, supervision, and coordination of the Bureau of Immigration Services and the Bureau of Enforcement and Border Affairs.

"(C) INSPECTIONS.—The Under Secretary shall be directly responsible for the administration and enforcement of the functions of the Directorate under the immigration laws of the United States with respect to the inspection of aliens arriving at ports of entry of the United States.

"(3) ACTIVITIES.—As part of the duties described in paragraph (2), the Under Secretary shall do the following:

"(A) RESOURCES AND PERSONNEL MANAGEMENT.—The Under Secretary shall manage the resources, personnel, and other support requirements of the Directorate.

"(B) INFORMATION RESOURCES MANAGEMENT.—Under the direction of the Secretary, the Under Secretary shall manage the information resources of the Directorate, including the maintenance of records and databases and the coordination of records and other information within the Directorate, and shall ensure that the Directorate obtains and maintains adequate information technology systems to carry out its functions.

"(C) COORDINATION OF RESPONSE TO CIVIL RIGHTS VIOLATIONS.—The Under Secretary shall coordinate, with the Civil Rights Officer of the Department of Homeland Security or other officials, as appropriate, the resolution of immigration issues that involve civil rights violations.

"(D) RISK ANALYSIS AND RISK MANAGEMENT.—Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

“(3) Definition.—In this chapter, the term “immigration policy, administration, and inspection functions” means the duties, activities, and powers described in this subsection.

“(c) General Counsel.—

“(1) In general.—There shall be within the Directorate a General Counsel, who shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary.

“(2) Function.—The General Counsel shall—

“(A) serve as the chief legal officer for the Directorate; and

“(B) be responsible for providing specialized legal advice, opinions, determinations, regulations, and any other assistance to the Under Secretary with respect to legal matters affecting the Directorate, and any of its components.

“(d) Financial Officers for the Directorate of Immigration Affairs.—

“(1) Chief financial officer.—

“(A) In general.—There shall be within the Directorate a Chief Financial Officer. The position of Chief Financial Officer shall be a career reserved position in the Senior Executive Service and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities of the Directorate. For purposes of section 902(a)(1) of such title, the Under Secretary shall be deemed to be an agency head.

“(B) Functions.—The Chief Financial Officer shall be responsible for directing, supervising, and coordinating all budget formulas and execution for the Directorate.

“(2) Deputy chief financial officer.—The Directorate shall be deemed to be an agency for purposes of section 903 of such title (relating to Deputy Chief Financial Officers).

“(e) Chief of Policy.—

“(1) In general.—There shall be within the Directorate a Chief of Policy. Under the authority of the Under Secretary, the Chief of Policy shall be responsible for—

“(A) establishing national immigration policy and priorities;

“(B) performing policy research and analysis on issues arising under the immigration laws of the United States; and

“(C) coordinating immigration policy between the Directorate, the Service Bureau, and the Enforcement Bureau.

“(2) Within the senior executive service.—The position of Chief of Policy shall be a Senior Executive Service position under section 5382 of title 5, United States Code.

“(f) Chief of Congressional, Intergovernmental, and Public Affairs.—

“(1) In general.—There shall be within the Directorate a Chief of Congressional, Intergovernmental, and Public Affairs. Under the authority of the Under Secretary, the Chief of Congressional, Intergovernmental, and Public Affairs shall be responsible for—

“(A) providing to Congress information relating to issues arising under the immigration laws of the United States, including information on specific cases;

“(B) serving as a liaison with other Federal agencies on immigration issues; and

“(C) responding to inquiries from, and providing information to, the media on immigration issues.

“(2) Within the senior executive service.—The position of Chief of Congressional, Intergovernmental, and Public Affairs shall be a Senior Executive Service position under section 5382 of title 5, United States Code.”.

(b) Compensation of the Under Secretary.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Under Secretary of Immigration Affairs, Department of Justice.”.

(c) Compensation of General Counsel and Chief Financial Officer.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

“General Counsel, Directorate of Immigration Affairs, Department of Homeland Security.

“Chief Financial Officer, Directorate of Immigration Affairs, Department of Homeland Security.”.

(d) Repeals.—The following provisions of law are repealed:

(1) Section 7 of the Act of March 3, 1891, as amended (26 Stat. 1085; relating to the establishment of the office of the Commissioner of Immigration and Naturalization).

(2) Section 201 of the Act of June 20, 1956 (70 Stat. 307; relating to the compensation of assistant commissioners and district directors).

(3) Section 1 of the Act of March 2, 1895 (28 Stat. 780; relating to special immigrant inspectors).

(e) Conforming Amendments.—(1)(A) Section 101(a)(8) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(8)) is amended to read as follows:

“(8) The term ‘Under Secretary’ means the Under Secretary of Homeland Security for Immigration Affairs who is appointed under section 103(c).”.

(B) Except as provided in subparagraph (C), the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking “Commissioner of Immigration and Naturalization” and “Commissioner” each place they appear and inserting “Under Secretary of Homeland Security for Immigration Affairs” and “Under Secretary”, respectively.

(C) The amendments made by subparagraph (B) do not apply to references to the “Commissioner of Social Security” in section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)).

(2) Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended—

(A) in subsection (c), by striking “Commissioner” and inserting “Under Secretary”;

(B) in the section heading, by striking “COMMISSIONER” and inserting “UNDER SECRETARY”;

(C) in subsection (d), by striking “Commissioner” and inserting “Under Secretary”; and

(D) in subsection (e), by striking “Commissioner” and inserting “Under Secretary”.

(3) Sections 104 and 105 of the Immigration and Nationality Act (8 U.S.C. 1104, 1105) are amended by striking “Director” each place it appears and inserting “Assistant Secretary of State for Consular Affairs”.

(4) Section 104(c) of the Immigration and Nationality Act (8 U.S.C. 1104(c)) is amended—

(A) in the first sentence, by striking “Passport Office, a Visa Office,” and inserting “a Passport Services office, a Visa Services office, an Overseas Citizen Services office,”; and

(B) in the second sentence, by striking “the Passport Office and the Visa Office” and inserting “the Passport Services office and the Visa Services office”.

(5) Section 5315 of title 5, United States Code, is amended by striking the following:

“Commissioner of Immigration and Naturalization, Department of Justice.”.

(f) References.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Commissioner of Immigration and Naturalization shall be deemed to refer to the Under Secretary of Homeland Security for Immigration Affairs.

SEC. 1104. BUREAU OF IMMIGRATION SERVICES.

(a) In General.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by section 1103, is further amended by adding at the end the following:

“SEC. 113. BUREAU OF IMMIGRATION SERVICES.

“(a) Establishment of Bureau.—

“(1) In general.—There is established within the Directorate a bureau to be known as the Bureau of Immigration Services (in this chapter referred to as the ‘Service Bureau’).

“(2) Assistant secretary.—The head of the Service Bureau shall be the Assistant Secretary of Homeland Security for Immigration Services (in this chapter referred to as the ‘Assistant Secretary for Immigration Services’), who—

“(A) shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary; and

“(B) shall report directly to the Under Secretary.

“(b) Responsibilities of the Assistant Secretary.—

“(1) In general.—Subject to the authority of the Secretary and the Under Secretary, the Assistant Secretary for Immigration Services shall administer the immigration service functions of the Directorate.

“(2) Immigration service functions defined.—In this chapter, the term ‘immigration service functions’ means the following functions under the immigration laws of the United States:

“(A) Adjudications of petitions for classification of nonimmigrant and immigrant status.

“(B) Adjudications of applications for adjustment of status and change of status.

“(C) Adjudications of naturalization applications.

“(D) Adjudications of asylum and refugee applications.

“(E) Adjudications performed at Service centers.

“(F) Determinations concerning custody and parole of asylum seekers who do not have prior nonpolitical criminal records and who have been found to have a credible fear of persecution, including determinations under section 236B.

“(G) All other adjudications under the immigration laws of the United States.

“(c) Chief Budget Officer of the Service Bureau.—There shall be within the Service Bureau a Chief Budget Officer. Under the authority of the Chief Financial Officer of the Directorate, the Chief Budget Officer of the Service Bureau shall be responsible for monitoring and supervising all financial activities of the Service Bureau.

“(d) Quality Assurance.—There shall be within the Service Bureau an Office of Quality Assurance that shall develop procedures and conduct audits to—

“(1) ensure that the Directorate’s policies with respect to the immigration service functions of the Directorate are properly implemented; and

“(2) ensure that Service Bureau policies or practices result in sound records management and efficient and accurate service.

“(e) Office of Professional Responsibility.—There shall be within the Service Bureau an Office of Professional Responsibility that shall have the responsibility for ensuring the professionalism of the Service

Bureau and for receiving and investigating charges of misconduct or ill treatment made by the public.

"(f) Training of Personnel.—The Assistant Secretary for Immigration Services, in consultation with the Under Secretary, shall have responsibility for determining the training for all personnel of the Service Bureau.".

(b) Compensation of Assistant Secretary of Service Bureau.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Secretary of Homeland Security for Immigration Services, Directorate of Immigration Affairs, Department of Homeland Security.".

(c) Service Bureau Offices.—

(1) In general.—Under the direction of the Secretary, the Under Secretary, acting through the Assistant Secretary for Immigration Services, shall establish Service Bureau offices, including suboffices and satellite offices, in appropriate municipalities and locations in the United States. In the selection of sites for the Service Bureau offices, the Under Secretary shall consider the location's proximity and accessibility to the community served, the workload for which that office shall be responsible, whether the location would significantly reduce the backlog of cases in that given geographic area, whether the location will improve customer service, and whether the location is in a geographic area with an increase in the population to be served. The Under Secretary shall conduct periodic reviews to assess whether the location and size of the respective Service Bureau offices adequately serve customer service needs.

(2) Transition provision.—In determining the location of Service Bureau offices, including suboffices and satellite offices, the Under Secretary shall first consider maintaining and upgrading offices in existing geographic locations that satisfy the provisions of paragraph (1). The Under Secretary shall also explore the feasibility and desirability of establishing new Service Bureau offices, including suboffices and satellite offices, in new geographic locations where there is a demonstrated need.

SEC. 1105. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.

(a) In General.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by sections 1103 and 1104, is further amended by adding at the end the following:

"SEC. 114. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.

"(a) Establishment of Bureau.—

"(1) In general.—There is established within the Directorate a bureau to be known as the Bureau of Enforcement and Border Affairs (in this chapter referred to as the 'Enforcement Bureau').

"(2) Assistant secretary.—The head of the Enforcement Bureau shall be the Assistant Secretary of Homeland Security for Enforcement and Border Affairs (in this chapter referred to as the 'Assistant Secretary for Immigration Enforcement'), who—

"(A) shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary; and

"(B) shall report directly to the Under Secretary.

"(b) Responsibilities of the Assistant Secretary.—

"(1) In general.—Subject to the authority of the Secretary and the Under Secretary, the Assistant Secretary for Immigration Enforcement shall administer the immigration enforcement functions of the Directorate.

"(2) Immigration enforcement functions defined.—In this chapter, the term 'immigration enforcement functions' means the following functions under the immigration laws of the United States:

"(A) The border patrol function.

"(B) The detention function, except as specified in section 113(b)(2)(F).

"(C) The removal function.

"(D) The intelligence function.

"(E) The investigations function.

"(c) Chief Budget Officer of the Enforcement Bureau.—There shall be within the Enforcement Bureau a Chief Budget Officer. Under the authority of the Chief Financial Officer of the Directorate, the Chief Budget Officer of the Enforcement Bureau shall be responsible for monitoring and supervising all financial activities of the Enforcement Bureau.

"(d) Office of Professional Responsibility.—There shall be within the Enforcement Bureau an Office of Professional Responsibility that shall have the responsibility for ensuring the professionalism of the Enforcement Bureau and receiving charges of misconduct or ill treatment made by the public and investigating the charges.

"(e) Office of Quality Assurance.—There shall be within the Enforcement Bureau an Office of Quality Assurance that shall develop procedures and conduct audits to—

"(1) ensure that the Directorate's policies with respect to immigration enforcement functions are properly implemented; and

"(2) ensure that Enforcement Bureau policies or practices result in sound record management and efficient and accurate recordkeeping.

"(f) Training of Personnel.—The Assistant Secretary for Immigration Enforcement, in consultation with the Under Secretary, shall have responsibility for determining the training for all personnel of the Enforcement Bureau.".

(b) Compensation of Assistant Secretary of Enforcement Bureau.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Security of Homeland Security for Enforcement and Border Affairs, Directorate of Immigration Affairs, Department of Homeland Security.".

(c) Enforcement Bureau Offices.—

(1) In general.—Under the direction of the Secretary, the Under Secretary, acting through the Assistant Secretary for Immigration Enforcement, shall establish Enforcement Bureau offices, including suboffices and satellite offices, in appropriate municipalities and locations in the United States. In the selection of sites for the Enforcement Bureau offices, the Under Secretary shall make selections according to trends in unlawful entry and unlawful presence, alien smuggling, national security concerns, the number of Federal prosecutions of immigration-related offenses in a given geographic area, and other enforcement considerations. The Under Secretary shall conduct periodic reviews to assess whether the location and size of the respective Enforcement Bureau offices adequately serve enforcement needs.

(2) Transition provision.—In determining the location of Enforcement Bureau offices, including suboffices and satellite offices, the Under Secretary shall first consider maintaining and upgrading offices in existing geographic locations that satisfy the provisions of paragraph (1). The Under Secretary shall also explore the feasibility and desirability of establishing new Enforcement Bureau offices, including suboffices and satellite offices, in new geographic locations where there is a demonstrated need.

SEC. 1106. OFFICE OF THE OMBUDSMAN WITHIN THE DIRECTORATE.

(a) In General.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by sections 1103, 1104, and 1105, is further amended by adding at the end the following:

"SEC. 115. OFFICE OF THE OMBUDSMAN FOR IMMIGRATION AFFAIRS.

"(a) In General.—There is established within the Directorate the Office of the Ombudsman for Immigration Affairs, which shall be headed by the Ombudsman.

"(b) Ombudsman.—

"(1) Appointment.—The Ombudsman shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary. The Ombudsman shall report directly to the Under Secretary.

"(2) Compensation.—The Ombudsman shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Secretary of Homeland Security so determines, at a rate fixed under section 9503 of such title.

"(c) Functions of Office.—The functions of the Office of the Ombudsman for Immigration Affairs shall include—

"(1) to assist individuals in resolving problems with the Directorate or any component thereof;

"(2) to identify systemic problems encountered by the public in dealings with the Directorate or any component thereof;

"(3) to propose changes in the administrative practices or regulations of the Directorate, or any component thereof, to mitigate problems identified under paragraph (2);

"(4) to identify potential changes in statutory law that may be required to mitigate such problems; and

"(5) to monitor the coverage and geographic distribution of local offices of the Directorate.

"(d) Personnel Actions.—The Ombudsman shall have the responsibility and authority to appoint local or regional representatives of the Ombudsman's Office as in the Ombudsman's judgment may be necessary to address and rectify problems.

"(e) Annual Report.—Not later than December 31 of each year, the Ombudsman shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the activities of the Ombudsman during the fiscal year ending in that calendar year. Each report shall contain a full and substantive analysis, in addition to statistical information, and shall contain—

"(1) a description of the initiatives that the Office of the Ombudsman has taken on improving the responsiveness of the Directorate;

"(2) a summary of serious or systemic problems encountered by the public, including a description of the nature of such problems;

"(3) an accounting of the items described in paragraphs (1) and (2) for which action has been taken, and the result of such action;

"(4) an accounting of the items described in paragraphs (1) and (2) for which action remains to be completed;

"(5) an accounting of the items described in paragraphs (1) and (2) for which no action has been taken, the reasons for the inaction, and identify any Agency official who is responsible for such inaction;

"(6) recommendations as may be appropriate to resolve problems encountered by the public;

"(7) recommendations as may be appropriate to resolve problems encountered by the public, including problems created by backlogs in the adjudication and processing of petitions and applications;

"(8) recommendations to resolve problems caused by inadequate funding or staffing; and

"(9) such other information as the Ombudsman may deem advisable.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Office of the Ombudsman such sums as may be necessary to carry out its functions.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

SEC. 1107. OFFICE OF IMMIGRATION STATISTICS WITHIN THE DIRECTORATE.

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by sections 1103, 1104, and 1105, is further amended by adding at the end the following:

"SEC. 116. OFFICE OF IMMIGRATION STATISTICS.

"(a) ESTABLISHMENT.—There is established within the Directorate an Office of Immigration Statistics (in this section referred to as the 'Office'), which shall be headed by a Director who shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary. The Office shall collect, maintain, compile, analyze, publish, and disseminate information and statistics about immigration in the United States, including information and statistics involving the functions of the Directorate and the Executive Office for Immigration Review (or its successor entity).

"(b) RESPONSIBILITIES OF DIRECTOR.—The Director of the Office shall be responsible for the following:

"(1) STATISTICAL INFORMATION.—Maintenance of all immigration statistical information of the Directorate of Immigration Affairs.

"(2) STANDARDS OF RELIABILITY AND VALIDITY.—Establishment of standards of reliability and validity for immigration statistics collected by the Bureau of Immigration Services, the Bureau of Enforcement, and the Executive Office for Immigration Review (or its successor entity).

"(c) RELATION TO THE DIRECTORATE OF IMMIGRATION AFFAIRS AND THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.—

"(1) OTHER AUTHORITIES.—The Directorate and the Executive Office for Immigration Review (or its successor entity) shall provide statistical information to the Office from the operational data systems controlled by the Directorate and the Executive Office for Immigration Review (or its successor entity), respectively, as requested by the Office, for the purpose of meeting the responsibilities of the Director of the Office.

"(2) DATABASES.—The Director of the Office, under the direction of the Secretary, shall ensure the interoperability of the databases of the Directorate, the Bureau of Immigration Services, the Bureau of Enforcement, and the Executive Office for Immigration Review (or its successor entity) to permit the Director of the Office to perform the duties of such office.".

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Directorate of Immigration Affairs for exercise by the Under Secretary through the Office of Immigration Statistics established by section 116 of the Immigration and Nationality Act, as added by subsection (a), the functions performed by the Statistics Branch of the Office of Policy and Planning of the Immigration and Naturalization Service, and the statistical functions performed by the Executive Office for Immigration Review (or its successor entity), on the day before the effective date of this title.

SEC. 1108. CLERICAL AMENDMENTS.

The table of contents of the Immigration and Nationality Act is amended—

(1) by inserting after the item relating to the heading for title I the following:

"CHAPTER 1—DEFINITIONS AND GENERAL AUTHORITIES";

(2) by striking the item relating to section 103 and inserting the following:

"Sec. 103. Powers and duties of the Secretary of Homeland Security and the Under Secretary of Homeland Security for Immigration Affairs.";

and

(3) by inserting after the item relating to section 106 the following:

"CHAPTER 2—DIRECTORATE OF IMMIGRATION AFFAIRS

"Sec. 111. Establishment of Directorate of Immigration Affairs.
"Sec. 112. Under Secretary of Homeland Security for Immigration Affairs.
"Sec. 113. Bureau of Immigration Services.
"Sec. 114. Bureau of Enforcement and Border Affairs.
"Sec. 115. Office of the Ombudsman for Immigration Affairs.
"Sec. 116. Office of Immigration Statistics.".

Subtitle B—Transition Provisions

SEC. 1111. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—

(1) FUNCTIONS OF THE ATTORNEY GENERAL.—All functions under the immigration laws of the United States vested by statute in, or exercised by, the Attorney General, immediately prior to the effective date of this title, are transferred to the Secretary on such effective date for exercise by the Secretary through the Under Secretary in accordance with section 112(b) of the Immigration and Nationality Act, as added by section 1103 of this Act.

(2) FUNCTIONS OF THE COMMISSIONER OR THE INS.—All functions under the immigration laws of the United States vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization or the Immigration and Naturalization Service (or any officer, employee, or component thereof), immediately prior to the effective date of this title, are transferred to the Directorate of Immigration Affairs on such effective date for exercise by the Under Secretary in accordance with section 112(b) of the Immigration and Nationality Act, as added by section 1103 of this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Under Secretary may, for purposes of performing any function transferred to the Directorate of Immigration Affairs under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this title.

SEC. 1112. TRANSFER OF PERSONNEL AND OTHER RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Under Secretary for appropriate allocation in accordance with section 1115—

(1) the personnel of the Department of Justice employed in connection with the functions transferred under this title; and

(2) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service in connection with the functions transferred pursuant to this title.

SEC. 1113. DETERMINATIONS WITH RESPECT TO FUNCTIONS AND RESOURCES.

Under the direction of the Secretary, the Under Secretary shall determine, in accordance with the corresponding criteria set forth in sections 1112(b), 1113(b), and 1114(b) of the Immigration and Nationality Act (as added by this title)—

(1) which of the functions transferred under section 1111 are—

(A) immigration policy, administration, and inspection functions;

(B) immigration service functions; and

(C) immigration enforcement functions; and

(2) which of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds transferred under section 1112 were held or used, arose from, were available to, or were made available, in connection with the performance of the respective functions specified in paragraph (1) immediately prior to the effective date of this title.

SEC. 1114. DELEGATION AND RESERVATION OF FUNCTIONS.

(a) IN GENERAL.—

(1) DELEGATION TO THE BUREAUS.—Under the direction of the Secretary, and subject to section 112(b)(1) of the Immigration and Nationality Act (as added by section 1103), the Under Secretary shall delegate—

(A) immigration service functions to the Assistant Secretary for Immigration Services; and

(B) immigration enforcement functions to the Assistant Secretary for Immigration Enforcement.

(2) RESERVATION OF FUNCTIONS.—Subject to section 112(b)(1) of the Immigration and Nationality Act (as added by section 1103), immigration policy, administration, and inspection functions shall be reserved for exercise by the Under Secretary.

(b) NONEXCLUSIVE DELEGATIONS AUTHORIZED.—Delegations made under subsection (a) may be on a nonexclusive basis as the Under Secretary may determine may be necessary to ensure the faithful execution of the Under Secretary's responsibilities and duties under law.

(c) EFFECT OF DELEGATIONS.—Except as otherwise expressly prohibited by law or otherwise provided in this title, the Under Secretary may make delegations under this subsection to such officers and employees of the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau, respectively, as the Under Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this subsection or under any other provision of this title shall relieve the official to whom a function is transferred under this title of responsibility for the administration of the function.

(d) STATUTORY CONSTRUCTION.—Nothing in this division may be construed to limit the authority of the Under Secretary, acting directly or by delegation under the Secretary, to establish such offices or positions within the Directorate of Immigration Affairs, in addition to those specified by this division, as the Under Secretary may determine to be necessary to carry out the functions of the Directorate.

SEC. 1115. ALLOCATION OF PERSONNEL AND OTHER RESOURCES.

(a) AUTHORITY OF THE UNDER SECRETARY.—

(1) IN GENERAL.—Subject to paragraph (2) and section 1114(b), the Under Secretary shall make allocations of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the performance of the respective functions, as determined under section 1113, in accordance with the delegation of functions and the reservation of functions made under section 1114.

(2) LIMITATION.—Unexpended funds transferred pursuant to section 1112 shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) AUTHORITY TO TERMINATE AFFAIRS OF INS.—The Attorney General in consultation with the Secretary, shall provide for the termination of the affairs of the Immigration and Naturalization Service and such further measures and dispositions as may be necessary to effectuate the purposes of this division.

(c) TREATMENT OF SHARED RESOURCES.—The Under Secretary is authorized to provide for an appropriate allocation, or coordination, or both, of resources involved in supporting shared support functions for the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau. The Under Secretary shall maintain oversight and control over the shared computer databases and systems and records management.

SEC. 1116. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred under this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—Sections 111 through 116 of the Immigration and Nationality Act, as added by subtitle A of this title, shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred under this title, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This title, and the amendments made by this title, shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title, and the amendments made by this title, had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and such function is transferred under this title to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred under this title shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred.

SEC. 1117. INTERIM SERVICE OF THE COMMISSIONER OF IMMIGRATION AND NATURALIZATION.

The individual serving as the Commissioner of Immigration and Naturalization on the day before the effective date of this title may serve as Under Secretary until the date on which an Under Secretary is appointed under section 112 of the Immigration and Nationality Act, as added by section 1103.

SEC. 1118. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AUTHORITIES NOT AFFECTED.

Nothing in this title, or any amendment made by this title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by the Executive Office for Immigration Review of the Department of Justice (or its successor entity), or any officer, employee, or component thereof immediately prior to the effective date of this title.

SEC. 1119. OTHER AUTHORITIES NOT AFFECTED.

Nothing in this title, or any amendment made by this title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by—

(1) the Secretary of State under the State Department Basic Authorities Act of 1956, or under the immigration laws of the United States, immediately prior to the effective date of this title, with respect to the issuance and use of passports and visas;

(2) the Secretary of Labor or any official of the Department of Labor immediately prior to the effective date of this title, with respect to labor certifications or any other authority under the immigration laws of the United States; or

(3) except as otherwise specifically provided in this division, any other official of the Federal Government under the immigration laws of the United States immediately prior to the effective date of this title.

SEC. 1120. TRANSITION FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS FOR TRANSITION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Homeland Security such sums as may be necessary—

(A) to effect—

(i) the abolition of the Immigration and Naturalization Service;

(ii) the establishment of the Directorate of Immigration Affairs and its components, the Bureau of Immigration Services, and the Bureau of Enforcement and Border Affairs; and

(iii) the transfer of functions required to be made under this division; and

(B) to carry out any other duty that is made necessary by this division, or any amendment made by this division.

(2) ACTIVITIES SUPPORTED.—Activities supported under paragraph (1) include—

(A) planning for the transfer of functions from the Immigration and Naturalization Service to the Directorate of Immigration Affairs, including the preparation of any reports and implementation plans necessary for such transfer;

(B) the division, acquisition, and disposition of—

(i) buildings and facilities;

(ii) support and infrastructure resources; and

(iii) computer hardware, software, and related documentation;

(C) other capital expenditures necessary to effect the transfer of functions described in this paragraph;

(D) revision of forms, stationery, logos, and signage;

(E) expenses incurred in connection with the transfer and training of existing personnel and hiring of new personnel; and

(F) such other expenses necessary to effect the transfers, as determined by the Secretary.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(c) TRANSITION ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the general fund of the Treasury of the United States a separate account, which shall be known as the "Directorate of Immigration Affairs Transition Account" (in this section referred to as the "Account").

(2) USE OF ACCOUNT.—There shall be deposited into the Account all amounts appropriated under subsection (a) and amounts reprogrammed for the purposes described in subsection (a).

(d) REPORT TO CONGRESS ON TRANSITION.—Beginning not later than 90 days after the effective date of division A of this Act, and at the end of each fiscal year in which appropriations are made pursuant to subsection (c), the Secretary of Homeland Security shall submit a report to Congress concerning the availability of funds to cover transition costs, including—

(1) any unobligated balances available for such purposes; and

(2) a calculation of the amount of appropriations that would be necessary to fully fund the activities described in subsection (a).

(e) EFFECTIVE DATE.—This section shall take effect 1 year after the effective date of division A of this Act.

Subtitle C—Miscellaneous Provisions

SEC. 1121. FUNDING ADJUDICATION AND NATURALIZATION SERVICES.

(a) LEVEL OF FEES.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by striking "services, including the costs of similar services provided without charge to asylum applicants or other immigrants" and inserting "services".

(b) USE OF FEES.—

(1) IN GENERAL.—Each fee collected for the provision of an adjudication or naturalization service shall be used only to fund adjudication or naturalization services or, subject to the availability of funds provided pursuant to subsection (c), costs of similar services provided without charge to asylum and refugee applicants.

(2) PROHIBITION.—No fee may be used to fund adjudication- or naturalization-related audits that are not regularly conducted in the normal course of operation.

(c) REFUGEE AND ASYLUM ADJUDICATION SERVICES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as may be otherwise available for such purposes, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(d) SEPARATION OF FUNDING.—

(1) IN GENERAL.—There shall be established separate accounts in the Treasury of the United States for appropriated funds and other collections available for the Bureau of Immigration Services and the Bureau of Enforcement and Border Affairs.

(2) FEES.—Fees imposed for a particular service, application, or benefit shall be deposited into the account established under paragraph (1) that is for the bureau with jurisdiction over the function to which the fee relates.

(3) FEES NOT TRANSFERABLE.—No fee may be transferred between the Bureau of Immigration Services and the Bureau of Enforcement and Border Affairs for purposes not authorized by section 286 of the Immigration and Nationality Act, as amended by subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS FOR BACKLOG REDUCTION.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 to carry out the Immigration Services and Infrastructure Improvement Act of 2000 (title II of Public Law 106–313).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(3) INFRASTRUCTURE IMPROVEMENT ACCOUNT.—Amounts appropriated under paragraph (1) shall be deposited into the Immigration Services and Infrastructure Improvements Account established by section 204(a)(2) of title II of Public Law 106–313.

SEC. 1122. APPLICATION OF INTERNET-BASED TECHNOLOGIES.

(a) ESTABLISHMENT OF ON-LINE DATABASE.—

(1) IN GENERAL.—Not later than 2 years after the effective date of division A, the Secretary, in consultation with the Under Secretary and the Technology Advisory Committee, shall establish an Internet-based system that will permit an immigrant, nonimmigrant, employer, or other person who files any application, petition, or other request for any benefit under the immigration laws of the United States access to on-line information about the processing status of the application, petition, or other request.

(2) PRIVACY CONSIDERATIONS.—The Under Secretary shall consider all applicable privacy issues in the establishment of the Internet system described in paragraph (1). No personally identifying information shall be accessible to unauthorized persons.

(3) MEANS OF ACCESS.—The on-line information under the Internet system described in paragraph (1) shall be accessible to the persons described in paragraph (1) through a personal identification number (PIN) or other personalized password.

(4) PROHIBITION ON FEES.—The Under Secretary shall not charge any immigrant, nonimmigrant, employer, or other person described in paragraph (1) a fee for access to the information in the database that pertains to that person.

(b) FEASIBILITY STUDY FOR ON-LINE FILING AND IMPROVED PROCESSING.—

(1) ON-LINE FILING.—

(A) IN GENERAL.—The Under Secretary, in consultation with the Technology Advisory Committee, shall conduct a study to determine the feasibility of on-line filing of the documents described in subsection (a).

(B) STUDY ELEMENTS.—The study shall—

(i) include a review of computerization and technology of the Immigration and Naturalization Service (or successor agency) relating to immigration services and the processing of such documents;

(ii) include an estimate of the time-frame and costs of implementing on-line filing of such documents; and

(iii) consider other factors in implementing such a filing system, including the feasibility of the payment of fees on-line.

(2) REPORT.—Not later than 2 years after the effective date of division A, the Under Secretary shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the findings of the study conducted under this subsection.

(c) TECHNOLOGY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 1 year after the effective date of division A, the Under Secretary shall establish, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, an advisory committee (in this section referred to as the "Technology Advisory Committee") to assist the Under Secretary in—

(A) establishing the tracking system under subsection (a); and

(B) conducting the study under subsection (b).

(2) COMPOSITION.—The Technology Advisory Committee shall be composed of—

(A) experts from the public and private sector capable of establishing and implementing the system in an expeditious manner; and

(B) representatives of persons or entities who may use the tracking system described in subsection (a) and the on-line filing system described in subsection (b)(1).

SEC. 1123. ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS.

(a) ASSIGNMENTS OF ASYLUM OFFICERS.—The Under Secretary shall assign asylum officers to major ports of entry in the United States to assist in the inspection of asylum seekers. For other ports of entry, the Under Secretary shall take steps to ensure that asylum officers participate in the inspections process.

(b) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 236A the following new section:

"SEC. 236B. ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS.

"(a) DEVELOPMENT OF ALTERNATIVES TO DETENTION.—The Under Secretary shall—

"(1) authorize and promote the utilization of alternatives to the detention of asylum seekers who do not have nonpolitical criminal records; and

"(2) establish conditions for the detention of asylum seekers that ensure a safe and humane environment.

"(b) SPECIFIC ALTERNATIVES FOR CONSIDERATION.—The Under Secretary shall consider the following specific alternatives to the detention of asylum seekers described in subsection (a):

"(1) Parole from detention.

"(2) For individuals not otherwise qualified for parole under paragraph (1), parole with appearance assistance provided by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

"(3) For individuals not otherwise qualified for parole under paragraph (1) or (2), non-secure shelter care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

"(4) Noninstitutional settings for minors such as foster care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

"(c) REGULATIONS.—The Under Secretary shall promulgate such regulations as may be necessary to carry out this section.

"(d) DEFINITION.—In this section, the term 'asylum seeker' means any applicant for asylum under section 208 or any alien who indicates an intention to apply for asylum under that section.".

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236A the following new item:

"Sec. 236B. Alternatives to detention of asylum seekers.".

Subtitle D—Effective Date

SEC. 1131. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect one year after the effective date of division A of this Act.

TITLE XII—UNACCOMPANIED ALIEN CHILD PROTECTION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Unaccompanied Alien Child Protection Act of 2002".

SEC. 1202. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) DIRECTOR.—The term "Director" means the Director of the Office.

(2) OFFICE.—The term "Office" means the Office of Refugee Resettlement as established by section 411 of the Immigration and Nationality Act.

(3) SERVICE.—The term "Service" means the Immigration and Naturalization Service (or, upon the effective date of title XI, the Directorate of Immigration Affairs).

(4) UNACCOMPANIED ALIEN CHILD.—The term "unaccompanied alien child" means a child who—

(A) has no lawful immigration status in the United States;

(B) has not attained the age of 18; and

(C) with respect to whom—

(i) there is no parent or legal guardian in the United States; or

(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

(5) Voluntary agency.—The term "voluntary agency" means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children as licensed by the appropriate State and certified by the Director of the Office of Refugee Resettlement.

(b) Amendments to the Immigration and Nationality Act.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

"(53) The term 'unaccompanied alien child' means a child who—

"(A) has no lawful immigration status in the United States;

"(B) has not attained the age of 18; and

"(C) with respect to whom—

"(i) there is no parent or legal guardian in the United States; or

"(ii) no parent or legal guardian in the United States is able to provide care and physical custody.

"(54) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

"(A) have not attained the age of 18; and

"(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.".

Subtitle A—Structural Changes

SEC. 1211. RESPONSIBILITIES OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) In General.—

(1) Responsibilities of the office.—The Office shall be responsible for—

(A) coordinating and implementing the care and placement for unaccompanied alien children who are in Federal custody by reason of their immigration status; and

(B) ensuring minimum standards of detention for all unaccompanied alien children.

(2) Duties of the director with respect to unaccompanied alien children.—The Director shall be responsible under this title for—

(A) ensuring that the best interests of the child are considered in decisions and actions relating to the care and placement of an unaccompanied alien child;

(B) making placement, release, and detention determinations for all unaccompanied alien children in the custody of the Office;

(C) implementing the placement, release, and detention determinations made by the Office;

(D) convening, in the absence of the Assistant Secretary, Administration for Children and Families of the Department of Health and Human Services, the Interagency Task Force on Unaccompanied Alien Children established in section 1212;

(E) identifying a sufficient number of qualified persons, entities, and facilities to house unaccompanied alien children in accordance with sections 1222 and 1223;

(F) overseeing the persons, entities, and facilities described in sections 1222 and 1223 to ensure their compliance with such provisions;

(G) compiling, updating, and publishing at least annually a State-by-State list of professionals or other entities qualified to contract with the Office to provide the services described in sections 1231 and 1232;

(H) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care, which shall include—

(i) biographical information such as the child's name, gender, date of birth, country of birth, and country of habitual residence;

(ii) the date on which the child came into Federal custody, including each instance in which such child came into the custody of—

(I) the Service; or

(II) the Office;

(iii) information relating to the custody, detention, release, and repatriation of unaccompanied alien children who have been in the custody of the Office;

(iv) in any case in which the child is placed in detention, an explanation relating to the detention; and

(v) the disposition of any actions in which the child is the subject;

(I) collecting and compiling statistical information from the Service, including Border Patrol and inspections officers, on the unaccompanied alien children with whom they come into contact; and

(J) conducting investigations and inspections of facilities and other entities in which unaccompanied alien children reside.

(3) Duties with respect to foster care.—In carrying out the duties described in paragraph (3)(F), the Director is encouraged to utilize the refugee children foster care system established under section 412(d)(2) of the Immigration and Nationality Act for the placement of unaccompanied alien children.

(4) Powers.—In carrying out the duties under paragraph (3), the Director shall have the power to—

(A) contract with service providers to perform the services described in sections 1222, 1223, 1231, and 1232; and

(B) compel compliance with the terms and conditions set forth in section 1223, including the power to terminate the contracts of providers that are not in compliance with such conditions and reassign any unaccompanied alien child to a similar facility that is in compliance with such section.

(b) No Effect on Service, EOIR, and Department of State Adjudicatory Responsibilities.—Nothing in this title may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act from the authority of any official of the Service, the Executive Office of Immigration Review (or successor entity), or the Department of State.

SEC. 1212. ESTABLISHMENT OF INTERAGENCY TASK FORCE ON UNACCOMPANIED ALIEN CHILDREN.

(a) Establishment.—There is established an Interagency Task Force on Unaccompanied Alien Children.

(b) Composition.—The Task Force shall consist of the following members:

(1) The Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(2) The Under Secretary of Homeland Security for Immigration Affairs.

(3) The Assistant Secretary of State for Population, Refugees, and Migration.

(4) The Director.

(5) Such other officials in the executive branch of Government as may be designated by the President.

(c) Chairman.—The Task Force shall be chaired by the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(d) Activities of the Task Force.—In consultation with nongovernmental organizations, the Task Force shall—

(1) measure and evaluate the progress of the United States in treating unaccompanied alien children in United States custody; and

(2) expand interagency procedures to collect and organize data, including significant research and resource information on the needs and treatment of unaccompanied alien children in the custody of the United States Government.

SEC. 1213. TRANSITION PROVISIONS.

(a) Transfer of Functions.—All functions with respect to the care and custody of unaccompanied alien children under the immigration laws of the United States vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization (or any officer, employee, or component thereof), immediately prior to the effective date of this subtitle, are transferred to the Office.

(b) Transfer and Allocations of Appropriations and Personnel.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) Legal Documents.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this section; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(d) Proceedings.—

(1) Pending.—The transfer of functions under subsection (a) shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this section, but such proceedings and applications shall be continued.

(2) Orders.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) Discontinuance or modification.—Nothing in this section shall be considered to prohibit the discontinuance or modification

of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(e) Suits.—This section shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(f) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this section, shall abate by reason of the enactment of this Act.

(g) Continuance of Suit With Substitution of Parties.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this section such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(h) Administrative Procedure and Judicial Review.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this section shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

SEC. 1214. EFFECTIVE DATE.

This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle B—Custody, Release, Family Reunification, and Detention

SEC. 1221. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) Unaccompanied Children Found Along the United States Border or at United States Ports of Entry.—

(1) In general.—Subject to paragraph (2), if an immigration officer finds an unaccompanied alien child who is described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act, the officer shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act; and

(B) remove such child from the United States.

(2) Special rule for contiguous countries.—

(A) In general.—Any child who is a national or habitual resident of a country that is contiguous with the United States and that has an agreement in writing with the United States providing for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country shall be treated in accordance with paragraph (1), unless a determination is made on a case-by-case basis that—

(i) such child has a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(ii) the return of such child to the child's country of nationality or country of last habitual residence would endanger the life or safety of such child; or

(iii) the child cannot make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) Right of consultation.—Any child described in subparagraph (A) shall have the right to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation, as well as consult with the Office, telephonically, and such child shall be informed of that right.

(3) Rule for apprehensions at the border.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with the provisions of subsection (b).

(b) Custody of Unaccompanied Alien Children Found in the Interior of the United States.—

(1) Establishment of jurisdiction.—

(A) In general.—Except as otherwise provided under subsection (a) and subparagraphs (B) and (C), the custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) Exception for children who have committed crimes.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of any unaccompanied alien child who—

(i) has been charged with any felony, excluding offenses proscribed by the Immigration and Nationality Act, while such charges are pending; or

(ii) has been convicted of any such felony.

(C) Exception for children who threaten national security.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of an unaccompanied alien child if the Secretary of Homeland Security has substantial evidence that such child endangers the national security of the United States.

(2) Notification.—Upon apprehension of an unaccompanied alien child, the Secretary shall promptly notify the Office.

(3) Transfer of unaccompanied alien children.—

(A) Transfer to the office.—The care and custody of an unaccompanied alien child shall be transferred to the Office—

(i) in the case of a child not described in paragraph (1) (B) or (C), not later than 72 hours after the apprehension of such child; or

(ii) in the case of a child whose custody has been retained or assumed by the Service pursuant to paragraph (1) (B) or (C), immediately following a determination that the child no longer meets the description set forth in such paragraph.

(B) Transfer to the service.—Upon determining that a child in the custody of the Office is described in paragraph (1) (B) or (C), the Director shall promptly make arrangements to transfer the care and custody of such child to the Service.

(c) Age Determinations.—In any case in which the age of an alien is in question and the resolution of questions about such alien's age would affect the alien's eligibility for treatment under the provisions of this title, a determination of whether such alien meets the age requirements of this title shall be made in accordance with the provisions of section 1225.

SEC. 1222. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) Placement Authority.—

(1) Order of preference.—Subject to the Director's discretion under paragraph (4) and section 1223(a)(2), an unaccompanied alien child in the custody of the Office shall be promptly placed with one of the following individuals in the following order of preference:

(A) A parent who seeks to establish custody, as described in paragraph (3)(A).

(B) A legal guardian who seeks to establish custody, as described in paragraph (3)(A).

(C) An adult relative.

(D) An entity designated by the parent or legal guardian that is capable and willing to care for the child's well-being.

(E) A State-licensed juvenile shelter, group home, or foster home willing to accept legal custody of the child.

(F) A qualified adult or entity seeking custody of the child when it appears that there is no other likely alternative to long-term detention and family reunification does not appear to be a reasonable alternative. For purposes of this subparagraph, the qualification of the adult or entity shall be decided by the Office.

(2) Home study.—Notwithstanding the provisions of paragraph (1), no unaccompanied alien child shall be placed with a person or entity unless a valid home-study conducted by an agency of the State of the child's proposed residence, by an agency authorized by that State to conduct such a study, or by an appropriate voluntary agency contracted with the Office to conduct such studies has found that the person or entity is capable of providing for the child's physical and mental well-being.

(3) Right of parent or legal guardian to custody of unaccompanied alien child.—

(A) Placement with parent or legal guardian.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, but subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall assess the suitability of placing the child with the parent or legal guardian and shall make a written determination on the child's placement within 30 days.

(B) Rule of construction.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including The Hague Convention on the Civil Aspects of International Child Abduction, the Vienna Declaration and Programme of Action, and the Declaration of the Rights of the Child; or

(ii) limit any right or remedy under such international agreement.

(4) Protection from smugglers and traffickers.—The Director shall take affirmative steps to ensure that unaccompanied alien children are protected from smugglers, traffickers, or others seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity. Attorneys involved in such activities should be reported to their State bar associations for disciplinary action.

(5) Grants and contracts.—Subject to the availability of appropriations, the Director is authorized to make grants to, and enter into contracts with, voluntary agencies to carry out the provisions of this section.

(6) Reimbursement of state expenses.—Subject to the availability of appropriations, the Director is authorized to reimburse States for any expenses they incur in providing assistance to unaccompanied alien

children who are served pursuant to this title.

(b) CONFIDENTIALITY.—All information obtained by the Office relating to the immigration status of a person listed in subsection (a) shall remain confidential and may be used only for the purposes of determining such person's qualifications under subsection (a)(1).

SEC. 1223. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided in paragraph (2), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(2) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited a violent or criminal behavior that endangers others may be detained in conditions appropriate to the behavior in a facility appropriate for delinquent children.

(3) STATE LICENSURE.—In the case of a placement of a child with an entity described in section 1222(a)(1)(E), the entity must be licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(4) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director shall promulgate regulations incorporating standards for conditions of detention in such placements that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Such regulations shall provide that all children are notified orally and in writing of such standards.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary of Homeland Security shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as defined in the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 1224. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—In carrying out repatriations of unaccompanied alien children, the Office shall conduct assessments of country conditions to determine the extent to which the country to which a child is being repatriated has a child welfare system' capable of ensuring the child's well being.

(B) FACTORS FOR ASSESSMENT.—In assessing country conditions, the Office shall, to the maximum extent practicable, examine the conditions specific to the locale of the child's repatriation.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Beginning not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director shall submit a report to the Judiciary Committees of the House of Representatives and Senate on the Director's efforts to repatriate unaccompanied alien children. Such report shall include at a minimum the following information:

(1) The number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States.

(2) A description of the type of immigration relief sought and denied to such children.

(3) A statement of the nationalities, ages, and gender of such children.

(4) A description of the procedures used to effect the removal of such children from the United States.

(5) A description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin.

(6) Any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 1225. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

The Director shall develop procedures that permit the presentation and consideration of a variety of forms of evidence, including testimony of a child and other persons, to determine an unaccompanied alien child's age for purposes of placement, custody, parole, and detention. Such procedures shall allow the appeal of a determination to an immigration judge. Radiographs shall not be the sole means of determining age.

SEC. 1226. EFFECTIVE DATE.

This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel

SEC. 1231. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO GUARDIANS AD LITEM.

(a) GUARDIAN AD LITEM.—

(1) APPOINTMENT.—The Director shall appoint a guardian ad litem who meets the qualifications described in paragraph (2) for each unaccompanied alien child in the custody of the Office not later than 72 hours after the Office assumes physical or constructive custody of such child. The Director is encouraged, wherever practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a guardian ad litem under this paragraph.

(2) QUALIFICATIONS OF GUARDIAN AD LITEM.—

(A) IN GENERAL.—No person shall serve as a guardian ad litem unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters; and

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children.

(B) PROHIBITION.—A guardian ad litem shall not be an employee of the Service.

(3) DUTIES.—The guardian ad litem shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to such child's presence in the United States, including facts and circumstances arising in the country of the child's nationality or last habitual residence and facts and circumstances arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) ensure that the child's best interests are promoted while the child participates in, or is subject to, proceedings or actions under the Immigration and Nationality Act;

(F) ensure that the child understands such determinations and proceedings; and

(G) report findings and recommendations to the Director and to the Executive Office of Immigration Review (or successor entity).

(4) TERMINATION OF APPOINTMENT.—The guardian ad litem shall carry out the duties described in paragraph (3) until—

(A) those duties are completed,

(B) the child departs the United States,

(C) the child is granted permanent resident status in the United States,

(D) the child attains the age of 18, or

(E) the child is placed in the custody of a parent or legal guardian,

whichever occurs first.

(5) POWERS.—The guardian ad litem—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings involving the child that are held in connection with proceedings under the Immigration and Nationality Act, and shall be given a reasonable opportunity to be present at such hearings; and

(E) shall be permitted to consult with the child during any hearing or interview involving such child.

(b) TRAINING.—The Director shall provide professional training for all persons serving as guardians ad litem under this section in the circumstances and conditions that unaccompanied alien children face as well as in the various immigration benefits for which such a child might be eligible.

SEC. 1232. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure that all unaccompanied alien children in the custody of the Office or in the custody of the Service who are not described in section 1221(a)(2) shall have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the maximum extent practicable, the Director shall utilize the services of pro bono attorneys who agree to provide representation to such children without charge.

(3) GOVERNMENT FUNDED REPRESENTATION.—

(A) APPOINTMENT OF COMPETENT COUNSEL.—Notwithstanding section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) or any other provision of law, when no competent counsel is available to represent an unaccompanied alien child without charge, the Director shall appoint competent counsel for such child at the expense of the Government.

(B) LIMITATION ON ATTORNEY FEES.—Counsel appointed under subparagraph (A) may not be compensated at a rate in excess of the rate provided under section 3006A of title 18, United States Code.

(C) ASSUMPTION OF THE COST OF GOVERNMENT-PAID COUNSEL.—In the case of a child for whom counsel is appointed under subparagraph (A) who is subsequently placed in the physical custody of a parent or legal guardian, such parent or legal guardian may elect to retain the same counsel to continue representation of the child, at no expense to the Government, beginning on the date that the parent or legal guardian assumes physical custody of the child.

(4) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to such children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation and to recruit such entities.

(5) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Director shall enter into contracts with or make grants to national nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(B) INELIGIBILITY FOR GRANTS AND CONTRACTS.—In making grants and entering into contracts with such agencies, the Director shall ensure that no such agency is—

(i) a grantee or contractee for services provided under section 1222 or 1231; and

(ii) simultaneously a grantee or contractee for services provided under subparagraph (A).

(b) REQUIREMENT OF LEGAL REPRESENTATION.—The Director shall ensure that all unaccompanied alien children have legal representation within 7 days of the child coming into Federal custody.

(c) DUTIES.—Counsel shall represent the unaccompanied alien child at all proceedings and actions relating to the child's immigration status or other actions involving the Service and appear in person for all individual merits hearings before the Executive Office for Immigration Review (or its successor entity) and interviews involving the Service.

(d) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel shall have reasonable access to the unaccompanied alien child, including access while the child is being held in detention, in the care of a foster family, or in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, no child who is represented by counsel shall be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(e) TERMINATION OF APPOINTMENT.—Counsel shall carry out the duties described in subsection (c) until—

(1) those duties are completed,

(2) the child departs the United States,

(3) the child is granted withholding of removal under section 241(b)(3) of the Immigration and Nationality Act,

(4) the child is granted protection under the Convention Against Torture,

(5) the child is granted asylum in the United States under section 208 of the Immigration and Nationality Act,

(6) the child is granted permanent resident status in the United States, or

(7) the child attains 18 years of age,

whichever occurs first.

(f) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(g) ACCESS TO RECOMMENDATIONS OF GUARDIAN AD LITEM.—Counsel shall be afforded an opportunity to review the recommendation by the guardian ad litem affecting or involving a client who is an unaccompanied alien child.

SEC. 1233. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle shall take effect one year after the effective date of division A of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in Federal custody on, before, or after the effective date of this subtitle.

Subtitle D—Strengthening Policies for Permanent Protection of Alien Children

SEC. 1241. SPECIAL IMMIGRANT JUVENILE VISA.

(a) J VISA.—Section 101(a)(27)(J) (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant under the age of 18 on the date of application who is present in the United States—

"(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State, and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment, or a similar basis found under State law;

"(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Under Secretary of Homeland Security for Immigration Affairs that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien;

except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act;".

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2) (8 U.S.C. 1255(h)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) paragraphs (1), (4), (5), (6), and (7)(A) of section 212(a) shall not apply,";

(2) in subparagraph (B), by striking the period and inserting ", and"; and

(3) by adding at the end the following new subparagraph:

"(C) the Secretary of Homeland Security may waive paragraph (2) (A) and (B) in the case of an offense which arose as a consequence of the child being unaccompanied.".

(c) ELIGIBILITY FOR ASSISTANCE.—A child who has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by subsection (a), and who is in the custody of a State shall be eligible for all funds made available under section 412(d) of such Act.

SEC. 1242. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training to be available to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children. The training shall provide education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall be responsible for establishing a core curriculum that can be incorporated into currently existing education, training, or orientation modules or formats that are currently used by these professionals.

(b) TRAINING OF SERVICE PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Service who come into contact with unaccompanied alien children. In the case of Border Patrol agents and immigration inspectors, such training shall include specific training on identifying children at the United States border or at United States ports of entry who have been victimized by smugglers or traffickers, and children for whom asylum or special immigrant relief may be appropriate, including children described in section 1221(a)(2).

SEC. 1243. EFFECTIVE DATE.

The amendment made by section 1241 shall apply to all eligible children who were in the United States before, on, or after the date of enactment of this Act.

Subtitle E—Children Refugee and Asylum Seekers

SEC. 1251. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress commends the Service for its issuance of its "Guidelines for Children's Asylum Claims", dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims. Congress calls upon the Executive Office for Immigration Review of the Department of Justice (or successor entity) to adopt the "Guidelines for Children's Asylum Claims" in its handling of children's asylum claims before immigration judges and the Board of Immigration Appeals.

(b) TRAINING.—The Secretary of Homeland Security shall provide periodic comprehensive training under the "Guidelines for Children's Asylum Claims" to asylum officers, immigration judges, members of the Board of Immigration Appeals, and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers. Voluntary agencies shall be allowed to assist in such training.

SEC. 1252. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) An analysis of the worldwide situation faced by unaccompanied refugee children, by region. Such analysis shall include an assessment of—

"(A) the number of unaccompanied refugee children, by region;

"(B) the capacity of the Department of State to identify such refugees;

"(C) the capacity of the international community to care for and protect such refugees;

"(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

"(E) the degree to which the United States plans to resettle such refugees in the United States in the coming fiscal year; and

"(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.".

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) (8 U.S.C. 1157(f)(2)) is amended by—

(1) striking "and" after "countries,"; and

(2) inserting before the period at the end the following: ", and instruction on the needs of unaccompanied refugee children".

Subtitle F—Authorization of Appropriations

SEC. 1261. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

TITLE XIII—AGENCY FOR IMMIGRATION HEARINGS AND APPEALS

Subtitle A—Structure and Function

SEC. 1301. ESTABLISHMENT.

(a) IN GENERAL.—There is established within the Department of Justice the Agency for Immigration Hearings and Appeals (in this title referred to as the "Agency").

(b) ABOLITION OF EOIR.—The Executive Office for Immigration Review of the Department of Justice is hereby abolished.

SEC. 1302. DIRECTOR OF THE AGENCY.

(a) APPOINTMENT.—There shall be at the head of the Agency a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) OFFICES.—The Director shall appoint a Deputy Director, General Counsel, Pro Bono Coordinator, and other offices as may be necessary to carry out this title.

(c) RESPONSIBILITIES.—The Director shall—

(1) administer the Agency and be responsible for the promulgation of rules and regulations affecting the Agency;

(2) appoint each Member of the Board of Immigration Appeals, including a Chair;

(3) appoint the Chief Immigration Judge; and

(4) appoint and fix the compensation of attorneys, clerks, administrative assistants, and other personnel as may be necessary.

SEC. 1303. BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—The Board of Immigration Appeals (in this title referred to as the "Board") shall perform the appellate functions of the Agency. The Board shall consist of a Chair and not less than 14 other immigration appeals judges.

(b) APPOINTMENT.—Members of the Board shall be appointed by the Director, in consultation with the Chair of the Board of Immigration Appeals.

(c) QUALIFICATIONS.—The Chair and each other Member of the Board shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional legal expertise in immigration and nationality law.

(d) CHAIR.—The Chair shall direct, supervise, and establish the procedures and policies of the Board.

(e) JURISDICTION.—

(1) IN GENERAL.—The Board shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Board of Immigration Appeals (as in effect under the Executive Office of Immigration Review).

(2) DE NOVO REVIEW.—The Board shall have de novo review of any decision by an immigration judge, including any final order of removal.

(f) DECISIONS OF THE BOARD.—The decisions of the Board shall constitute final agency action, subject to review only as provided by the Immigration and Nationality Act and other applicable law.

(g) INDEPENDENCE OF BOARD MEMBERS.—The Members of the Board shall exercise their independent judgment and discretion in the cases coming before the Board.

SEC. 1304. CHIEF IMMIGRATION JUDGE.

(a) ESTABLISHMENT OF OFFICE.—There shall be within the Agency the position of Chief Immigration Judge, who shall administer the immigration courts.

(b) DUTIES OF THE CHIEF IMMIGRATION JUDGE.—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resource and facilities and for the general management of immigration court dockets.

(c) APPOINTMENT OF IMMIGRATION JUDGES.—Immigration judges shall be appointed by the Director, in consultation with the Chief Immigration Judge.

(d) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional legal expertise in immigration and nationality law.

(e) JURISDICTION AND AUTHORITY OF IMMIGRATION COURTS.—The immigration courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the immigration courts within the Executive Office for Immigration Review of the Department of Justice.

(f) INDEPENDENCE OF IMMIGRATION JUDGES.—The immigration judges shall exercise their independent judgment and discretion in the cases coming before the Immigration Court.

SEC. 1305. CHIEF ADMINISTRATIVE HEARING OFFICER.

(a) ESTABLISHMENT OF POSITION.—There shall be within the Agency the position of Chief Administrative Hearing Officer.

(b) DUTIES OF THE CHIEF ADMINISTRATIVE HEARING OFFICER.—The Chief Administrative Hearing Officer shall hear cases brought under sections 274A, 274B, and 274C of the Immigration and Nationality Act.

SEC. 1306. REMOVAL OF JUDGES.

Immigration judges and Members of the Board may be removed from office only for good cause, including neglect of duty or malfeasance, by the Director, in consultation with the Chair of the Board, in the case of the removal of a Member of the Board, or in consultation with the Chief Immigration Judge, in the case of the removal of an immigration judge.

SEC. 1307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Agency such sums as may be necessary to carry out this title.

Subtitle B—Transfer of Functions and Savings Provisions

SEC. 1311. TRANSITION PROVISIONS.

(a) TRANSFER OF FUNCTIONS.—All functions under the immigration laws of the United States (as defined in section 111(e) of the Immigration and Nationality Act, as added by section 1101(a)(2) of this Act) vested by statute in, or exercised by, the Executive Office of Immigration Review of the Department of Justice (or any officer, employee, or component thereof), immediately prior to the effective date of this title, are transferred to the Agency.

(b) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Attorney General or the Executive Office of Immigration Review of the Department of Justice, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred under this section; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Agency, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(d) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under subsection (a) shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this section, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to

prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(e) SUITS.—This section shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(f) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Executive Office of Immigration Review, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this section, shall abate by reason of the enactment of this Act.

(g) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this section such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(h) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this section shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle C—Effective Date

SEC. 1321. EFFECTIVE DATE.

This title shall take effect one year after the effective date of division A of this Act.

DIVISION C—FEDERAL WORKFORCE IMPROVEMENT

TITLE XXI—CHIEF HUMAN CAPITAL OFFICERS

SEC. 2101. SHORT TITLE.

This title may be cited as the "Chief Human Capital Officers Act of 2002".

SEC. 2102. AGENCY CHIEF HUMAN CAPITAL OFFICERS.

(a) IN GENERAL.—Part II of title 5, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 14—AGENCY CHIEF HUMAN CAPITAL OFFICERS

"Sec.
"1401. Establishment of agency Chief Human Capital Officers.
"1402. Authority and functions of agency Chief Human Capital Officers.

"§ 1401. Establishment of agency Chief Human Capital Officers

"The head of each agency referred to under paragraphs (1) and (2) of section 901(b) of title 31 shall appoint or designate a Chief Human Capital Officer, who shall—

"(1) advise and assist the head of the agency and other agency officials in carrying out the agency's responsibilities for selecting, developing, training, and managing a high-quality, productive workforce in accordance with merit system principles;

"(2) implement the rules and regulations of the President and the Office of Personnel Management and the laws governing the civil service within the agency; and

"(3) carry out such functions as the primary duty of the Chief Human Capital Officer.

"§ 1402. Authority and functions of agency Chief Human Capital Officers

"(a) The functions of each Chief Human Capital Officer shall include—

"(1) setting the workforce development strategy of the agency;

"(2) assessing workforce characteristics and future needs based on the agency's mission and strategic plan;

"(3) aligning the agency's human resources policies and programs with organization mission, strategic goals, and performance outcomes;

"(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

"(5) identifying best practices and benchmarking studies; and

"(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth.

"(b) In addition to the authority otherwise provided by this section, each agency Chief Human Capital Officer—

"(1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that—

"(A) are the property of the agency or are available to the agency; and

"(B) relate to programs and operations with respect to which that agency Chief Human Capital Officer has responsibilities under this chapter; and

"(2) may request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this chapter from any Federal, State, or local governmental entity.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part II of title 5, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"14. Chief Human Capital Officers ..... 1401".

SEC. 2103. CHIEF HUMAN CAPITAL OFFICERS COUNCIL.

(a) ESTABLISHMENT.—There is established a Chief Human Capital Officers Council, consisting of—

(1) the Director of the Office of Personnel Management, who shall act as chairperson of the Council;

(2) the Deputy Director for Management of the Office of Management and Budget, who shall act as vice chairperson of the Council; and

(3) the Chief Human Capital Officers of Executive departments and any other members who are designated by the Director of the Office of Personnel Management.

(b) FUNCTIONS.—The Chief Human Capital Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as modernization of human resources systems, improved quality of human resources information, and legislation affecting human resources operations and organizations.

(c) EMPLOYEE LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure that representatives of Federal employee labor organizations are present at a minimum of 1 meeting of the Council each year. Such representatives shall not be members of the Council.

(d) ANNUAL REPORT.—Each year the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.

SEC. 2104. STRATEGIC HUMAN CAPITAL MANAGEMENT.

Section 1103 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) The Office of Personnel Management shall design a set of systems, including appropriate metrics, for assessing the management of human capital by Federal agencies.

"(2) The systems referred to under paragraph (1) shall be defined in regulations of the Office of Personnel Management and include standards for—

"(A)(i) aligning human capital strategies of agencies with the missions, goals, and organizational objectives of those agencies; and

"(ii) integrating those strategies into the budget and strategic plans of those agencies;

"(B) closing skill gaps in mission critical occupations;

"(C) ensuring continuity of effective leadership through implementation of recruitment, development, and succession plans;

"(D) sustaining a culture that cultivates and develops a high performing workforce;

"(E) developing and implementing a knowledge management strategy supported by appropriate investment in training and technology; and

"(F) holding managers and human resources officers accountable for efficient and effective human resources management in support of agency missions in accordance with merit system principles.".

SEC. 2105. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this division.

TITLE XXII—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 2201. INCLUSION OF AGENCY HUMAN CAPITAL STRATEGIC PLANNING IN PERFORMANCE PLANS AND PROGRAM PERFORMANCE REPORTS.

(a) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

"(3) provide a description of how the performance goals and objectives are to be achieved, including the operational processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals and objectives.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

"(f) With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (a)(3).".

(b) PROGRAM PERFORMANCE REPORTS.—Section 1116(d) of title 31, United States Code, is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management; and".

SEC. 2202. REFORM OF THE COMPETITIVE SERVICE HIRING PROCESS.

(a) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended—

(1) in section 3304(a)—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) authority for agencies to appoint, without regard to the provisions of sections 3309 through 3318, candidates directly to positions for which—

"(A) public notice has been given; and

"(B) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need.

The Office shall prescribe, by regulation, criteria for identifying such positions and may delegate authority to make determinations under such criteria."; and

(2) by inserting after section 3318 the following:

"§ 3319. Alternative ranking and selection procedures

"(a)(1) the Office, in exercising its authority under section 3304; or

"(2) an agency to which the Office has delegated examining authority under section 1104(a)(2);

may establish category rating systems for evaluating applicants for positions in the competitive service, under 2 or more quality categories based on merit consistent with regulations prescribed by the Office of Personnel Management, rather than assigned individual numerical ratings.

"(b) Within each quality category established under subsection (a), preference-eligibles shall be listed ahead of individuals who are not preference eligibles. For other than scientific and professional positions at GS–9 of the General Schedule (equivalent or higher), qualified preference-eligibles who have a compensable service-connected disability of 10 percent or more shall be listed in the highest quality category.

"(c)(1) An appointing official may select any applicant in the highest quality category or, if fewer than 3 candidates have been assigned to the highest quality category, in a merged category consisting of the highest and the second highest quality categories.

"(2) Notwithstanding paragraph (1), the appointing official may not pass over a preference-eligible in the same category from which selection is made, unless the requirements of section 3317(b) or 3318(b), as applicable, are satisfied.

"(d) Each agency that establishes a category rating system under this section shall submit in each of the 3 years following that establishment, a report to Congress on that system including information on—

"(1) the number of employees hired under that system;

"(2) the impact that system has had on the hiring of veterans and minorities, including those who are American Indian or Alaska Natives, Asian, Black or African American, and native Hawaiian or other Pacific Islander; and

"(3) the way in which managers were trained in the administration of that system.

"(e) The Office of Personnel Management may prescribe such regulations as it considers necessary to carry out the provisions of this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3319 and inserting the following:

"3319. Alternative ranking and selection procedures.".

SEC. 2203. PERMANENT EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—

(A) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Chapter 35 of title 5, United States Code, is amended by inserting after subchapter I the following:

"SUBCHAPTER II—VOLUNTARY SEPARATION INCENTIVE PAYMENTS

"§ 3521. Definitions

"In this subchapter, the term—

"(1) 'agency' means an Executive agency as defined under section 105; and

"(2) 'employee'—

"(A) means an employee as defined under section 2105 employed by an agency and an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) who—

"(i) is serving under an appointment without time limitation; and

"(ii) has been currently employed for a continuous period of at least 3 years; and

"(B) shall not include—

"(i) a reemployed annuitant under subchapter III of chapter 83 or 84 or another retirement system for employees of the Government;

"(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 or another retirement system for employees of the Government;

"(iii) an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

"(iv) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this subchapter or any other authority;

"(v) an employee covered by statutory reemployment rights who is on transfer employment with another organization; or

"(vi) any employee who—

"(I) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379;

"(II) during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753; or

"(III) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754.

"§ 3522. Agency plans; approval

"(a) Before obligating any resources for voluntary separation incentive payments, the head of each agency shall submit to the Office of Personnel Management a plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

"(b) The plan of an agency under subsection (a) shall include—

"(1) the specific positions and functions to be reduced or eliminated;

"(2) a description of which categories of employees will be offered incentives;

"(3) the time period during which incentives may be paid;

"(4) the number and amounts of voluntary separation incentive payments to be offered; and

"(5) a description of how the agency will operate without the eliminated positions and functions.

"(c) The Director of the Office of Personnel Management shall review each agency's plan and may make any appropriate modifications in the plan, in consultation with the Director of the Office of Management and Budget. A plan under this section may not be implemented without the approval of the Director of the Office of Personnel Management.

"§ 3523. Authority to provide voluntary separation incentive payments

"(a) A voluntary separation incentive payment under this subchapter may be paid to an employee only as provided in the plan of an agency established under section 3522.

"(b) A voluntary incentive payment—

"(1) shall be offered to agency employees on the basis of—

"(A) 1 or more organizational units;

"(B) 1 or more occupational series or levels;

"(C) 1 or more geographical locations;

"(D) skills, knowledge, or other factors related to a position;

"(E) specific periods of time during which eligible employees may elect a voluntary incentive payment; or

"(F) any appropriate combination of such factors;

"(2) shall be paid in a lump sum after the employee's separation;

"(3) shall be equal to the lesser of—

"(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

"(B) an amount determined by the agency head, not to exceed $25,000;

"(4) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this subchapter;

"(5) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

"(6) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595, based on any other separation; and

"(7) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

"§ 3524. Effect of subsequent employment with the Government

"(a) The term 'employment'—

"(1) in subsection (b) includes employment under a personal services contract (or other direct contract) with the United States Government (other than an entity in the legislative branch); and

"(2) in subsection (c) does not include employment under such a contract.

"(b) An individual who has received a voluntary separation incentive payment under this subchapter and accepts any employment for compensation with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to pay, before the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

"(c)(1) If the employment under this section is with an agency, other than the General Accounting Office, the United States

Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if—

“(A) the individual involved possesses unique abilities and is the only qualified applicant available for the position; or

“(B) in the case of an emergency involving a direct threat to life or property, the individual—

“(i) has skills directly related to resolving the emergency; and

“(ii) will serve on a temporary basis only so long as that individual's services are made necessary by the emergency.

“(2) If the employment under this section is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(3) If the employment under this section is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“§ 3525. Regulations

“The Office of Personnel Management may prescribe regulations to carry out this subchapter.”.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 35 of title 5, United States Code, is amended—

(i) by striking the chapter heading and inserting the following:

“CHAPTER 35—RETENTION PREFERENCE, VOLUNTARY SEPARATION INCENTIVE PAYMENTS, RESTORATION, AND REEMPLOYMENT”; and

(ii) in the table of sections by inserting after the item relating to section 3504 the following:

“SUBCHAPTER II—VOLUNTARY SEPARATION INCENTIVE PAYMENTS

“3521. Definitions.
“3522. Agency plans; approval.
“3523. Authority to provide voluntary separation incentive payments.
“3524. Effect of subsequent employment with the Government.
“3525. Regulations.”.

(2) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program substantially similar to the program established under paragraph (1) for individuals serving in the judicial branch.

(3) CONTINUATION OF OTHER AUTHORITY.—Any agency exercising any voluntary separation incentive authority in effect on the effective date of this subsection may continue to offer voluntary separation incentives consistent with that authority until that authority expires.

(4) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this Act.

(b) FEDERAL EMPLOYEE VOLUNTARY EARLY RETIREMENT.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336(d)(2) of title 5, United States Code, is amended to read as follows:

“(2)(A) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in subparagraph (D);

“(B) is serving under an appointment that is not time limited;

“(C) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;

“(D) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—

“(i) such agency (or, if applicable, the component in which the employee is serving) is undergoing substantial delayering, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping);

“(ii) a significant percentage of employees serving in such agency (or component) are likely to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); or

“(iii) identified as being in positions which are becoming surplus or excess to the agency's future ability to carry out its mission effectively; and

“(E) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—

“(i) 1 or more organizational units;

“(ii) 1 or more occupational series or levels;

“(iii) 1 or more geographical locations;

“(iv) specific periods;

“(v) skills, knowledge, or other factors related to a position; or

“(vi) any appropriate combination of such factors;”.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414(b)(1) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B)(i) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in clause (iv);

“(ii) is serving under an appointment that is not time limited;

“(iii) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;

“(iv) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—

“(I) such agency (or, if applicable, the component in which the employee is serving) is undergoing substantial delayering, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping);

“(II) a significant percentage of employees serving in such agency (or component) are likely to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); or

“(III) identified as being in positions which are becoming surplus or excess to the agency's future ability to carry out its mission effectively; and

“(v) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—

“(I) 1 or more organizational units;

“(II) 1 or more occupational series or levels;

“(III) 1 or more geographical locations;

“(IV) specific periods;

“(V) skills, knowledge, or other factors related to a position; or

“(VI) any appropriate combination of such factors;”.

(3) GENERAL ACCOUNTING OFFICE AUTHORITY.—The amendments made by this subsection shall not be construed to affect the authority under section 1 of Public Law 106–303 (5 U.S.C. 8336 note; 114 Stat. 1063).

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 7001 of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 91) is repealed.

(5) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this subsection.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the Federal workforce and not downsize the Federal workforce.

SEC. 2204. STUDENT VOLUNTEER TRANSIT SUBSIDY.

(a) IN GENERAL.—Section 7905(a)(1) of title 5, United States Code, is amended by striking “and a member of a uniformed service” and inserting “, a member of a uniformed service, and a student who provides voluntary services under section 3111”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3111(c)(1) of title 5, United States Code, is amended by striking “chapter 81 of this title” and inserting “section 7905 (relating to commuting by means other than single-occupancy motor vehicles), chapter 81”.

TITLE XXIII—REFORMS RELATING TO THE SENIOR EXECUTIVE SERVICE

SEC. 2301. REPEAL OF RECERTIFICATION REQUIREMENTS OF SENIOR EXECUTIVES.

(a) IN GENERAL.—Title 5, United States Code, is amended—

(1) in chapter 33—

(A) in section 3393(g) by striking “3393a,”;

(B) by repealing section 3393a; and

(C) in the table of sections by striking the item relating to section 3393a;

(2) in chapter 35—

(A) in section 3592(a)—

(i) in paragraph (1), by inserting “or” at the end;

(ii) in paragraph (2), by striking “or” at the end;

(iii) by striking paragraph (3); and

(iv) by striking the last sentence;

(B) in section 3593(a), by striking paragraph (2) and inserting the following:

“(2) the appointee left the Senior Executive Service for reasons other than misconduct, neglect of duty, malfeasance, or less than fully successful executive performance as determined under subchapter II of chapter 43.”; and

(C) in section 3594(b)—

(i) in paragraph (1), by inserting “or” at the end;

(ii) in paragraph (2), by striking “or” at the end; and

(iii) by striking paragraph (3);

(3) in section 7701(c)(1)(A), by striking “or removal from the Senior Executive Service for failure to be recertified under section 3393a”;

(4) in chapter 83—

(A) in section 8336(h)(1), by striking “for failure to be recertified as a senior executive under section 3393a or”; and

(B) in section 8339(h), in the first sentence, by striking “, except that such reduction shall not apply in the case of an employee retiring under section 8336(h) for failure to be recertified as a senior executive”; and

(5) in chapter 84—

(A) in section 8414(a)(1), by striking "for failure to be recertified as a senior executive under section 3393a or"; and

(B) in section 8421(a)(2), by striking ", except that an individual entitled to an annuity under section 8414(a) for failure to be recertified as a senior executive shall be entitled to an annuity supplement without regard to such applicable minimum retirement age".

(b) SAVINGS PROVISION.—Notwithstanding the amendments made by subsection (a)(2)(A), an appeal under the final sentence of section 3592(a) of title 5, United States Code, that is pending on the day before the effective date of this section—

(1) shall not abate by reason of the enactment of the amendments made by subsection (a)(2)(A); and

(2) shall continue as if such amendments had not been enacted.

(c) APPLICATION.—The amendment made by subsection (a)(2)(B) shall not apply with respect to an individual who, before the effective date of this section, leaves the Senior Executive Service for failure to be recertified as a senior executive under section 3393a of title 5, United States Code.

SEC. 2302. ADJUSTMENT OF LIMITATION ON TOTAL ANNUAL COMPENSATION.

Section 5307(a) of title 5, United States Code, is amended by adding at the end the following:

"(3) Notwithstanding paragraph (1), the total payment referred to under such paragraph with respect to an employee paid under section 5372, 5376, or 5383 of title 5 or section 332(f), 603, or 604 of title 28 shall not exceed the total annual compensation payable to the Vice President under section 104 of title 3. Regulations prescribed under subsection (c) may extend the application of this paragraph to other equivalent categories of employees.".

TITLE XXIV—ACADEMIC TRAINING

SEC. 2401. ACADEMIC TRAINING.

(a) ACADEMIC DEGREE TRAINING.—Section 4107 of title 5, United States Code, is amended to read as follows:

"§ 4107. Academic degree training

"(a) Subject to subsection (b), an agency may select and assign an employee to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training—

"(1) contributes significantly to—

"(A) meeting an identified agency training need;

"(B) resolving an identified agency staffing problem; or

"(C) accomplishing goals in the strategic plan of the agency;

"(2) is part of a planned, systematic, and coordinated agency employee development program linked to accomplishing the strategic goals of the agency; and

"(3) is accredited and is provided by a college or university that is accredited by a nationally recognized body.

"(b) In exercising authority under subsection (a), an agency shall—

"(1) consistent with the merit system principles set forth in paragraphs (2) and (7) of section 2301(b), take into consideration the need to—

"(A) maintain a balanced workforce in which women, members of racial and ethnic minority groups, and persons with disabilities are appropriately represented in Government service; and

"(B) provide employees effective education and training to improve organizational and individual performance;

"(2) assure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or to qualify for appointment to a particular position for which the academic degree is a basic requirement;

"(3) assure that no authority under this subsection is exercised on behalf of any employee occupying or seeking to qualify for—

"(A) a noncareer appointment in the Senior Executive Service; or

"(B) appointment to any position that is excepted from the competitive service because of its confidential policy-determining, policymaking, or policy-advocating character; and

"(4) to the greatest extent practicable, facilitate the use of online degree training.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by striking the item relating to section 4107 and inserting the following:

"4107. Academic degree training.".

SEC. 2402. MODIFICATIONS TO NATIONAL SECURITY EDUCATION PROGRAM.

(a) FINDINGS AND POLICIES.—

(1) FINDINGS.—Congress finds that—

(A) the United States Government actively encourages and financially supports the training, education, and development of many United States citizens;

(B) as a condition of some of those supports, many of those citizens have an obligation to seek either compensated or uncompensated employment in the Federal sector; and

(C) it is in the United States national interest to maximize the return to the Nation of funds invested in the development of such citizens by seeking to employ them in the Federal sector.

(2) POLICY.—It shall be the policy of the United States Government to—

(A) establish procedures for ensuring that United States citizens who have incurred service obligations as the result of receiving financial support for education and training from the United States Government and have applied for Federal positions are considered in all recruitment and hiring initiatives of Federal departments, bureaus, agencies, and offices; and

(B) advertise and open all Federal positions to United States citizens who have incurred service obligations with the United States Government as the result of receiving financial support for education and training from the United States Government.

(b) FULFILLMENT OF SERVICE REQUIREMENT IF NATIONAL SECURITY POSITIONS ARE UNAVAILABLE.— Section 802(b)(2) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(1) in subparagraph (A), by striking clause (ii) and inserting the following:

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position in an agency or office of the Federal Government having national security responsibilities is available, work in other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or"; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position is available upon the completion of the degree, work in other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

SEC. 2403. COMPENSATORY TIME OFF FOR TRAVEL.

Subchapter V of chapter 55 of title 5, United States Code, is amended by adding at end the following:

"§ 5550b. Compensatory time off for travel

"(a) An employee shall receive 1 hour of compensatory time off for each hour spent by the employee in travel status away from the official duty station of the employee, to the extent that the time spent in travel status is not otherwise compensable.

"(b) Not later than 30 days after the date of enactment of this section, the Office of Personnel Management shall prescribe regulations to implement this section.".

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. HARKIN. Mr. President, I would like to announce that the Subcommittee on Forestry, Conservation, and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry will meet on September 5, 2002, in SR–328A at 9:00 a.m. The purpose of this hearing will be to discuss the decline of oak tree populations in southern states caused by prolonged drought and red oak borer insect infestation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 3, 2002, at 2:30 pm on the nomination of Marion Blakey to be the Administrator of the Federal Aviation Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Staying Healthy: Health Issues Surrounding Proposed Changes in Clean Air Standards during the session of the Senate on Tuesday, September 3, 2002, at 2:30 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 5005

Mr. REID. Madam President, I ask unanimous consent that at 1 p.m., Wednesday, September 4, when the Senate resumes consideration of H.R. 5005, Senator LIEBERMAN be recognized to call amendment No. 4471 before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. This has been cleared with the minority.

NATIONAL BOOK FESTIVAL

Mr. REID. Madam President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 348, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 348) authorizing the use of the Capitol Grounds for the National Book Festival.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 348) was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-15

Mr. REID. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate today by the President of the United States:

Treaty with Honduras for Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft (Treat Document No. 107-15).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. Like several in this series, this Treaty also covers aircraft. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles and aircraft that have been stolen, robbed, or embezzled and found in Honduras.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 3, 2002.*

PRINTING OF LIEBERMAN SUBSTITUTE TO H.R. 5005

Mr. REID. Madam President, I ask unanimous consent that the Lieberman substitute amendment to H.R. 5005 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 4, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, September 4; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin consideration of the Interior Appropriations Act; further, at 12 noon, there be a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of Senator KENNEDY or his designee, and the second half of the time under the control of the Republican leader or his designee, and at 1 p.m. the Senate resume consideration of the Homeland Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

DUAL TRACKING OF LEGISLATION

Mr. REID. Madam President, we are trying something in the Senate that we have tried on a number of other occasions but not often. We are going to do two bills at one time. It is dual tracking. We are going to take up the Interior Appropriations bill in the morning and go until 12 noon on that legislation. At 12 o'clock, we will have an hour of morning business, and then we will go back to the Homeland Security bill. We will do the same thing on Thursday.

We hope that people will be ready on both pieces of legislation to offer any amendment or amendments they might have. I would feel that we were wasting a lot of time if, for example, tomorrow we did not have some amendments offered on the Interior Appropriations bill. The leader has indicated that he expects late votes after tomorrow, which will be Thursday.

We have to stop early tomorrow because former Vice President Mondale will be here to address Members of the Senate. We have a lot of work to do and a very limited amount of time in which to do everything we need to do before our adjournment. Members are put on notice we will be working on Fridays and Mondays, and we will have votes later than normal on Fridays and earlier than usual on Mondays, with the exception of a week from next Monday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m. adjourned until Wednesday, September 4, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 3, 2002:

DEPARTMENT OF STATE

JOHN F. KEANE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

KIM R. HOLMES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATIONS), VICE C. DAVID WELCH.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

IRENE B. BROOKS, OF PENNSYLVANIA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE SUSAN BAYH.

ALLEN I. OLSON, OF MINNESOTA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE ALICE CHAMBERLIN.

EXECUTIVE OFFICE OF THE PRESIDENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE MARK W. EVERSON.

FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2007. (REAPPOINTMENT)

NATIONAL INDIAN GAMING COMMISSION

PHILIP N. HOGEN, OF SOUTH DAKOTA, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR

THE TERM OF THREE YEARS, VICE MONTIE R. DEER, TERM EXPIRED.

CENTRAL INTELLIGENCE

SCOTT W. MULLER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE ROBERT M. MCNAMARA, JR., RESIGNED.

SMALL BUSINESS ADMINISTRATION

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE PHYLLIS K. FONG.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. NORTON A. SCHWARTZ, 7542

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD E. KEYS, 5357

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be major general

MAJ. GEN. CARROL H. CHANDLER, 9115

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JAMES O. ELLIS, 4995

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DONALD C. ALFANO, 2311
DANIEL M. FLEMING, 5242

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

ROBERT W. BISHOP, 3459
CURTIS L. DAVIS, 4991
KENNETH J. EMANUEL, 2003
GARY A. JEFFRIES, 8828
JEFFREY S. LAWSON, 5332
CYNTHIA A. RYAN, 1132
JOHN W. SHEFFIELD III, 6453
STEVEN K. YOUNG, 3541

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

MATHEW J. BRAKORA, 1409
JUAN R. CARRERAS, 4050
JACK A. SCHNURR, 5249
STEPHEN D. WINEGARDNER, 8752

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

TIMOTHY P. DESTIGTER, 2087
WAYNE L. ECHTERLING, 0464
SHELDON R. OMI, 5683

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WILLIAM R. CHARBONNEAU, 3903

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

MARGARET H. BAIR, 3851
PAUL E. MAGUIRE, 7989

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE MEDICAL CORPS IN THE GRADE OF COLONEL IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203, 12204, AND 12207:

To be colonel

WILLIAM C. DEVIRES, 9819
PETER P. MCKEOWN, 8942

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SAMUEL B. GROVE, 7944

CONFIRMATION

Executive Nomination Confirmed by the Senate September 3, 2002:

THE JUDICIARY

TERRENCE F. MCVERRY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

SENATE—*Wednesday, September 4, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, whose presence surrounds us, whose power enables us, whose peace comforts us and whose providence cares for us, we praise You that You are Sovereign of this Nation. The founders of our Nation believed that they derived their powers through You and governed with divinely delegated authority. Through the years of our history, You have raised up great leaders who placed their trust in You and sought Your best for America. Thank You for the Senators who stand in this sacred heritage and prayerfully seek Your will. Continue to grant them humility to ask for Your guidance, the magnanimity to be of one mind and heart as fellow patriots, and the determination to press on to accomplish the urgent work before them. Remind them that millions of Americans are praying for them and that You seek to answer their prayers by renewing their strength and rejuvenating their commitment. Thank You for the women and men of this Senate and for all who work with and for them. Especially today we thank you for the leadership of Sergeant at Arms Alfonso Lenhardt, who today completes this first year of excellent leadership through a challenging time of terrorist attack, anthrax panic, and the ongoing pressures of his crucial assignment as an officer of the Senate. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 4, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 5093. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

● Mr. BYRD. Mr. President, the leadership has been invited to the White House this morning, and therefore this matter will be somewhat delayed until their return.

My distinguished ranking member, Mr. BURNS, is with me, and we are going to proceed with statements on the bill, after which I have two or three technical amendments which make corrections, and with the approval of my ranking member on the other side of the aisle, I shall propose those, and perhaps the Senate can move them, accept them, and get them out of the way.

The first amendment I intend to offer will not be offered until the majority leader and the majority whip return.

I am pleased to be joined by my distinguished colleague, the ranking member of the Interior Appropriations Subcommittee, as we bring before the Senate the Interior appropriations bill for fiscal year 2003. I am very proud of our work on this legislation.

Although this bill is not, in terms of total dollars appropriated, the largest of the 13 annual appropriations bills, it is an exceedingly important bill. It is in this legislation that we support and protect the crown jewels of this Nation, our national parks. The four land management agencies funded through this bill, the National Parks Service, the Fish and Wildlife Service, the Forest Service, and the Bureau of Land Management, are responsible for overseeing 628 million acres of land or about one-fourth of the total area of the United States.

The Bureau of Indian Affairs and the Indian Health Service provide educational opportunities and critical health care to more than 1.4 million American Indians. The Department of Energy is charged with developing cutting-edge technology in the areas of fossil energy and energy conservation, and the Smithsonian Institution, along with the arts and humanities endowments, protects and promotes some of our Nation's most enduring cultural resources.

Because the bill and the report have been available for review since June 28, I will not go through each and every account line by line. I will, however, reiterate some of the highlights of the legislation.

As it now stands, the bill provides the full $2 billion requested by the President for fiscal year 2003 firefighting activities. It provides the full $1.4 billion allowed for under the conservation spending category.

It provides a $35 million increase for basic operations at our 385 national parks, including $6.1 million for enhanced security, and a total of $702 million to attack the maintenance backlog at those parks.

Our parks and wilderness areas reflect the pristine beauty, the unmatched beauty of this country. They are important to our sense of national pride, and they showcase this Nation to approximately 33 million foreign visitors every year.

The bill also provides the Fish and Wildlife Service with $460 million for refuges and wildlife. It provides $641 million for fossil energy research and development, including $150 million for the Clean Coal Technology Program, and $922 million for energy conservation programs, including $286 million for the weatherization and State energy programs.

This bill, which has been crafted by my colleague, Mr. BURNS, and the Republican and Democratic members of the subcommittee, also promotes culture and history by providing $538 million for the important work of the Smithsonian Institution, and $246 million for the arts and humanities endowments.

The funding levels contained in this bill are fully consistent with the subcommittee's allocation as agreed to unanimously by the Appropriations Committee on June 27, and as published in the CONGRESSIONAL RECORD on June 28.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We have used scarce resources. I emphasize, resources are scarce, and we have used scarce resources to fund all of the important missions of the Department of Interior. But our fiscal situation and the times in which we live demand discretion and frugality. Consequently, Senator BURNS and I, as managers of this bill, stand ready to oppose amendments that would increase the fiscal year 2003 spending beyond the current level in the bill. We will also discourage amendments using offsets which rely on across-the-board cuts, undefined reductions in administrative or travel expenses, or any other amorphous proposal that relies on savings that may not be real.

Finally, Mr. President, before yielding the floor, I acknowledge the efforts of several people. First, I publicly thank the subcommittee's distinguished ranking member for his help in drafting this legislation. As a westerner, Senator CONRAD BURNS brings a wealth of experience and knowledge and an important perspective to the diverse and difficult issues that always seem to come up in the Interior appropriations bill.

I applaud the dedication to duty that he exudes, and I applaud his willingness to work in a bipartisan fashion. It is a pleasure to work and to serve with Senator CONRAD BURNS on this subcommittee.

I wish to thank Senator TED STEVENS, the ranking member of the full committee. Senator STEVENS has provided invaluable advice and counsel with respect to the Interior bill. His efforts are one of the reasons this bill was unanimously reported out of the Appropriations Committee. TED STEVENS has a marvelous ability, based on a great wealth of experience, to craft workable solutions to tough problems, and I rely heavily on his sage advice and his unique and thorough, meticulous grasp of detail.

Let me thank our subcommittee staff. These are the men and women who work for Senator BURNS and for me on this important Interior bill. They are a highly dedicated group of individuals who spend a tremendous amount of time, who ensure that all members of the subcommittee have the information we need to accomplish our work. Senator BURNS and I appreciate their efforts.

I especially want to thank Peter Kiefhaber, my clerk on the Interior bill, for his conscientious approach to funding this bill and to his never-failing pleasant demeanor, for his characteristic cooperation and courtesy always, not just to me but to all other Senators as well.

I also thank the staff person on the other side, the ranking member of this committee's staff. Bruce Evans never fails to add to the near perfection, as near as we can make it, of the bill that we present to our colleagues for their study and counsel and decision. So as chairman of the subcommittee, I thank him, as well as I thank my own clerk. We have to work together: We have to get along together, and we do that. We do these things together on this subcommittee.

I urge now my colleagues to adopt this measure in a timely manner so that we can proceed to conference with the House. We need to get this work done. Senator BURNS and I stand ready, as we also stand ready with Senator STEVENS, to go forward with this bill. We will be glad to discuss amendments as we proceed.

Mr. President, I ask unanimous consent that when Mr. BURNS has completed his statement, if he has one, and gets recognition, as I assume he will, that I be recognized to offer some technical amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana.

Mr. BURNS. I thank the Chair. Mr. President, I am very happy this morning to join the Senator from West Virginia in support of the Interior and Related Agencies Appropriations Act for Fiscal Year 2003. Needless to say, this is a very important piece of legislation, especially for me and my colleagues in the West, particularly those in the intermountain region. This bill funds the agencies that manage the majority of our public lands.

It funds health care, education, and other services for Native Americans. It supports research and development and allows us to develop and use our domestic energy resources in a responsible manner.

Although Senator BYRD does not hail from a Western State, we are about to adopt him as a westerner. He has done a great job in putting this bill together. The bill accurately reflects the priorities of the Senate as a whole, as it remains within the subcommittee's fairly modest allocation. The bill as a whole is a mere 2 percent above the President's request and it is well below the allocation approved by the House of Representatives.

Senator BYRD has worked with me and my staff to see the specific interests of Republican Members have been fairly treated. Did everybody get everything they asked for? No, of course not. I, as ranking member, did not get everything I asked for, but neither did the chairman. I can assure my colleagues that the chairman has taken an evenhanded approach in dealing with more than 2,000 individual requests which we received.

Since the chairman of the subcommittee has already outlined the principal features of this bill, I take this opportunity to speak about a few specific items. First, I note that this bill increases funding for payment in lieu of taxes by $10 million over the current level. While the funding provided for PILT still leaves us a long way from the fully authorized amount, it is a dramatic improvement over the $45 million cut proposed by the President's budget request. These funds are vital. They are vital to all the counties where public lands have a presence, especially in the West where most of the public lands are located. Those counties struggle to provide education, law enforcement, and other services without an adequate tax base. I hope the administration will give greater consideration to the importance of this program as it assembles its fiscal year 2004 budget request. I make a footnote, saying as long as the American people have told us as policymakers that they want to retain those Federal lands everywhere across the country, then we must maintain and pay the taxes to support local services.

I will highlight the efforts Senator BYRD and I have made to increase funding for the operation of our National Parks. While the Americans for National Parks Campaign has turned a spotlight on the issue over the last several months, those who have served on the subcommittee for years know it is not a new problem. I view the increase of $35 million provided in this bill for park operations, an increase of $20 million over the budget request, as a continuation of this subcommittee's ongoing effort to provide adequate funds for our National Parks.

Finally, I will talk about forest fires. It has been odd to see the nightly newscasts and they are not reporting on a wildfire somewhere in the country. By now my colleagues are well aware that the 2002 fire season is on its way to being as costly and as damaging as the record-setting year 2000. The fact this is happening should come as no surprise. We knew the conditions in many areas of the West were the driest in recent memory. We knew that years of misguided forest management have left our forests with intolerably high fuel loads. The inevitable has happened. And it will continue to happen as the fire season progresses and as we meet the years ahead. The question is, what to do about it.

This bill fully funds the President's request for fire suppression, which is based on a 10-year average cost of firefighting. Unfortunately, using the 10-year average as a basis for budget requests no longer appears to be adequate. The 10-year average does not reflect the impact of inflation. It does not reflect the recent changes in firefighting practices associated with the national fire plan. And it does not reflect the impact of fire suppression costs of rapidly increasing housing development in the wildland urban interface.

We need to be working on a better model for projecting fire suppression budgets. Certainly, we need to do everything possible to control suppression costs through effective management and aggressive oversight, but at the end of the day we are going to have fires and we are going to have to fight them in many cases.

If our suppression budgets are consistently below the actual need, the Forest Service and the Department of the Interior will continually have to use their borrowing authority to cover fire costs. While this borrowing enables us to get the job done in terms of firefighting, repeated and extensive borrowing makes it difficult to plan and conduct regular programs that are funded from the accounts subject to the borrowing. Such programs include facility construction and maintenance, land acquisition, and research activities.

Ironically, repeated borrowing also makes it more difficult for the Forest Service and the Department of the Interior to execute their salvage and hazardous fuels reduction programs—the very programs that will help reduce fire suppression costs over the long term.

The Forest Service has already exhausted its fiscal year 2002 firefighting funds and has commenced borrowing from other programs. Current estimates indicate that the Forest Service may have to borrow more than $1 billion by the end of the fiscal year. The Department of the Interior may have to borrow $220 million. While I appreciate Senator STEVENS' and Senator BYRD's efforts to include $50 million for firefighting in the supplemental over OMB's objections—by the way, that amount does very little to address the problem; as such, I expect we will have an amendment to this bill to provide the emergency funds needed to pay for this year's firefighting costs. I certainly hope all my colleagues will support the amendment.

On a final note, I wish to echo Senator BYRD's comments regarding the overall funding levels in this bill. Due to the failure of the Senate to take up and pass a budget resolution, as it is supposed to do, we have no formal subcommittee allocation that is enforceable by a supermajority vote. Nevertheless, I concur with my chairman, Senator BYRD, and also with the ranking member of the full committee that we must enforce fiscal discipline as we go through this appropriations process.

I will join Senator BYRD in opposing amendments that propose to add nonemergency spending to this bill without being fully offset. And in considering such offsets, I do not believe either of the managers would look favorably on amendments that would duck the question of tradeoffs by using across-the-board cuts, reductions in travel, and other gimmicks. Agencies in this bill are already being asked to reduce their travel costs and absorb a portion of mandated pay increases. I expect Senator BYRD and I will oppose proposals to further squeeze agencies in such an indirect manner.

With that, I conclude by once again thanking Senator BYRD, my chairman, for his efforts in putting this bill together. I also thank his staff, led by Peter Kiefhaber, for their hard work and their willingness to work with my staff in assembling this bill.

I know they have worked long hours to get the bill to this stage. Even though we were on August break, and most of us in our home States, staff stayed here and worked on this legislation. I want to show that we appreciate their efforts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 4472

Mr. BYRD. Mr. President, I have some technical amendments which have been cleared by the distinguished Senator, who is the ranking member. And they are technical. I do not plan to call up any amendment at this moment that is not purely technical.

The first thing I will do is to call up the substitute amendment, which is the work of our committee. The House bill is before the Senate. So what I seek to do now is call up the Senate bill as a substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], proposes an amendment numbered 4472.

Mr. BYRD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 4473 TO AMENDMENT NO. 4472

(Purpose: To make permanent a provision relating to the National Business Center)

Mr. BYRD. Mr. President, the purpose of this amendment will be to make permanent a provision previously carried in the Interior appropriations bill relating to the Interior Department's National Business Center. I am not talking about the substitute amendment which I just offered. I am talking about an amendment which I will shortly send to the desk, that, as I say, makes permanent a provision previously carried in the Interior appropriations bill relating to the Interior Department's National Business Center.

In January 2001, the National Business Center expanded its acquisition services capability. As part of its expanded mission, the Center now provides contracting support to the Defense Advanced Research Projects Agency. The language that is being proposed by Mr. BURNS and myself allows the Center to continue to support the Defense Department's need for grants, cooperative agreements, and other transactions as authorized in the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992.

This amendment will secure efficiencies in the area of procurement services and should be agreed to by the Senate.

I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself and Mr. BURNS, proposes an amendment numbered 4473 to amendment No. 4472:

At the end of Title I, add the following new section:

"SEC. . Hereafter the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation."

Mr. BYRD. Mr. President, I have nothing further to say on the amendment.

Mr. BURNS. It is all clear on this side. We are supporting it.

The PRESIDING OFFICER. If there is no further debate, without objection the amendment is agreed to.

The amendment (No. 4473) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4474 TO AMENDMENT NO. 4472

Mr. BYRD. Mr. President, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself and Mr. BURNS, proposes an amendment numbered 4474 to amendment No. 4472:

On page 83, line 13, strike "$650,965,000" and insert in lieu thereof "$640,965,000".

Mr. BYRD. Mr. President, this amendment corrects an error with respect to the appropriation for the fossil energy account. On page 83, line 13, as the clerk has stated, the figure of $650,965,000 should read $640,965,000. The amendment that I sent to the desk on behalf of Mr. BURNS and myself makes this correction. I yield the floor so my distinguished counterpart may comment if he wishes.

Mr. BURNS. No comment here. We support it.

The PRESIDING OFFICER. If there is no further debate, without objection the amendment is agreed to.

The amendment (No. 4474) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4475 TO AMENDMENT NO. 4472

Mr. BYRD. Mr. President, a final technical amendment which I shall offer at this moment corrects a typographical error in the bill. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), proposes an amendment numbered 4475 to amendment No. 4472:

On page 26, line 15, strike "315" and insert in lieu thereof "301".

Mr. BYRD. Mr. President, this amendment, which is supported by my colleague, Mr. BURNS, as I say, corrects a typographical error in the bill. On page 26 of the Senate bill, under the section titled "Administrative Provisions," the National Park Service is authorized to purchase 315 passenger vehicles. That number should be 301.

The amendment makes that correction. And as I stated, I know that the distinguished ranking member is supportive of the proposal. I urge its adoption.

I yield the floor before the Senate votes on this amendment so that the distinguished Senator, who is the ranking member, may be recognized if he wishes to be recognized.

Mr. BURNS. We have no objection to this amendment, Mr. President. We fully support it.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 4475) was agreed to.

Mr. BYRD. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I have no further technical amendments at this time. I do have an amendment, which I will not offer at this time, to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression. I will not offer that amendment at this point. I am sure there is going to be an amendment or amendments to the amendment. I shall withhold offering the amendment until the majority leader, majority whip, and other interested Senators—on both sides of the aisle—are back from their visit to the White House and at their desks.

Mr. President, does my colleague have something he wishes to say? If he does, I will sit down.

Mr. BURNS. I will say to my chairman that there will be some discussion. There is no doubt. It is only fair that the leadership be on the Hill whenever we take this up because it has high interest. Many of those funds that were borrowed for fire suppression are impacting other programs within the Department of Interior and the Forest Service. So we think it is a very important amendment. We are supportive and would hope the rest of the Senate would approve of it, too.

I think this is an area that warrants debate in the Senate so we know what we are spending the money for and how it impacts those lands where the U.S. Forest Service and the Department of Interior have a high presence.

Mr. President, I see no one else seeking the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, with the approval of my colleague, Senator CONRAD BURNS, I ask unanimous consent that the Senate stand in recess awaiting the return of the majority leader and/or the minority leader—the return of those two leaders—and/or the whips on both sides.

There being no objection, at 10:11 a.m. the Senate recessed subject to the call of the Chair and reassembled at 11:39 a.m. when called to order by the Presiding Officer (Mrs. CLINTON).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 4480

Mr. BYRD. Madam President, I am about to send to the desk an amendment. Before doing so, let me just briefly tell Senators what this amendment is about.

This amendment is being offered by myself, Senator BURNS, Senator STEVENS, and other Senators. It addresses the critical firefighting needs of the Forest Service and the Bureau of Land Management.

As many of our colleagues know, 2002 is turning out to be one of the most devastating fire seasons on record. Therefore, our amendment provides $825 million in emergency funding to reimburse the various accounts from which these agencies are currently borrowing. Of the amount provided, $636 million is allocated to the Forest Service and $189 million is allocated to the Department of the Interior. These are the exact amounts requested by the President just last week.

If anyone may think that this money is not needed, let me briefly state for the record, over the past 10 years the average number of acres burned by fire between January 1 and September 3 has been 3.2 million acres. This year—this year—however, the comparable number of acres burned is 6.3 million, almost twice the 10-year average.

This problem is much more than just numbers of acres burned. The devastation and destruction resulting from these fires is almost too much to comprehend. More than $1 billion will be spent on fighting fires, nearly 2,300 structures have been destroyed, and 20 brave firefighters have lost their lives. Clearly, this situation amounts to a domestic emergency of historic proportions.

I send to the desk, Madam President, an amendment, the amendment to which I have already referred, for the clerk's reading, after which the amendment will be open to amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, and Mr. BAUCUS, proposes an amendment numbered 4480.

Mr. BYRD. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression)

On page 127, line 2, immediately following the "." insert the following:

"TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WILDLAND FIRE MANAGEMENT

For necessary expenses to repay prior year advances from other appropriations transferred for emergency rehabilitation or wildfire suppression by the Department of the Interior, $189,000,000, to be available immediately upon enactment of this Act and to remain available until expended: *Provided*, that the Secretary of the Interior shall certify in writing to the House and Senate Committees on Appropriations within 30 days of receiving funds under this title which appropriations accounts from which funds were advanced in fiscal year 2002 for emergency rehabilitation or wildfire suppression have been repaid and the amount of repayment: *Provided, further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WILDLAND FIRE MANAGEMENT

For necessary expenses to repay prior year advances from appropriations accounts from which funds were borrowed for wildlife suppression, $636,000,000, to be available immediately upon enactment of this Act and to remain available until expended: *Provided*, that the Secretary of Agriculture shall certify in writing to the House and Senate Committees on Appropriation within 30 days of receiving funds under this title which appropriations accounts from which funds were advanced in fiscal year 2002 for wildfire suppression have been repaid and the amount or repayment: *Provided further*, That the entire amount is designated by the Congress as en emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I am supportive of this amendment. I thank my chairman for offering this amendment. And nothing could be closer to the truth than the reason he stated for the appropriation of these funds.

It is not just that it is over 6 million acres this year; it is where those acres are located, as we have seen more burning this year in the forest and urban interface areas than we have ever seen. And they have been devastating. It has been in areas where it could have and should have taken more management skills to prevent the fires, but, nonetheless, that is the situation in which we find ourselves.

So I am very supportive of this amendment. I thank the chairman of the Appropriations Committee. As we debate this amendment today, I think the rest of the Senate will, too. Not only is there a shortfall in the funds that they had to borrow from in other programs that do other things that are very important within the Department of the Interior and the BLM, the Park Service, the Forest Service, but other programs suffered because of these devastating fires this year.

So I thank my chairman and look forward to working with him as we move this legislation through the Senate.

I yield the floor, Madam President.

Mr. BAUCUS. Will the Senator yield for a unanimous consent request that I be added as a cosponsor of this amendment?

Mr. BYRD. Yes. Absolutely. I make that unanimous consent request, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. DASCHLE. Madam President, I want to also indicate my strong support for the amendment just offered by Senator BYRD.

Like many States in the West and throughout the country, South Dakota has suffered this year, especially from fires that have devastated many parts of the Black Hills in particular. Thousands of acres have been lost. So, clearly, this legislation is needed.

I am pleased the administration recently indicated, for the first time, its willingness to support, on an emergency basis, additional funds for firefighting. So I am grateful to the distinguished chairman for his amendment. I strongly support it.

AMENDMENT NO. 4481 TO AMENDMENT NO. 4480

Madam President, I am mystified, however, that the administration, while willing to support, on an emergency basis, the funds necessary to fight fires, has, at least up until now, expressed opposition to providing assistance to those who are suffering from drought. In many cases, drought can be just as devastating economically as fires. The response on the part of the Federal Government is every bit as important as it is for fires. There appears to be a disconnect between those who support funding to fight fires and those who oppose funding for purposes of fighting drought.

So I intend to offer an amendment on behalf of Senators BAUCUS, JOHNSON, HARKIN, CARNAHAN, BURNS, DORGAN, NELSON of Nebraska, STABENOW, LEVIN, CLINTON, LINCOLN, CONRAD, WELLSTONE, DAYTON, SCHUMER, and REID. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota, [Mr. DASCHLE], for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. HARKIN, Mrs. CARNAHAN, Mr. BURNS, Mr. DORGAN, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. CONRAD, Mr. WELLSTONE, Mr. DAYTON, Mr. SCHUMER, and Mr. REID proposes an amendment numbered 4481 to amendment No. 4480.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency disaster assistance to agricultural producers)

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 01. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 and 2002 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, and January 1, 2002, respectively, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105–277; 114 Stat. 1549A–51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title upon enactment.

SEC. 04. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking .and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 05. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

Mr. BYRD. Madam President, would the distinguished majority leader add my name to the list of Senators who are cosponsors of this measure?

Mr. DASCHLE. Madam President, I would be happy to add the name of the distinguished Senator from West Virginia, Mr. BYRD, as a cosponsor. I ask unanimous consent that he be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, first of all, let me also express publicly my appreciation to Senator BYRD for his accommodation of my schedule this morning. He was prepared to offer his amendment some time ago and withheld doing so in order to accommodate my schedule. As always, he is very courteous, and has been very helpful to me in this case. I appreciate his cooperation.

Madam President, when the Senate passed the farm bill 202 days ago, we agreed, overwhelmingly, to include assistance for farmers and ranchers who suffered serious economic losses as a result of natural disasters during the crop-year of last year. Madam President, 69 Senators—Republicans and Democrats—voted to include that assistance in the farm bill.

The administration at that time, and Republican House leaders, objected. In conference, they threatened to block any farm bill from passing unless we removed the natural disaster assistance for this year. They said they would block all assistance for farmers and ranchers unless we agreed to drop disaster assistance.

So, reluctantly, we agreed. But we said, when the farm bill passed, that the need for disaster assistance for farmers and ranchers would not go away. It would only get worse, and we would have to revisit the issue. That is what we are doing once again today.

Our amendment is simple and straightforward. It does not create a new program. All it does is fund existing crop loss and livestock assistance programs for this year and last year. It does, in other words, exactly what 69 Senators agreed to do 202 days ago.

There are some who said we should not spend another dollar on agriculture. They say the new farm bill is more than generous. I want to make an important distinction. The new farm bill covers loss due to low prices. It does not cover losses due to natural disasters. Farmers and ranchers all across America are suffering staggering losses due to natural disasters.

In fact, in yesterday's Wall Street Journal there was a report that indicated the current drought may be the most expensive in all of U.S. history.

According to the Journal:

> The U.S. may be looking at the most expensive drought in United States history, inflicting economic damage far beyond the Farm Belt.

In South Dakota, the drought is costing farmers upwards of $5 million a day. All told, the impact on my State alone is estimated to be $1.8 billion to agriculture and rural business. Things are getting worse by the day. Some counties have had less rain this year than they had in 1936, at the height of the Dust Bowl.

For as long as I can remember, the Congress has agreed that disaster relief constitutes an emergency. Disaster relief for wildfires, tornadoes, floods, or any other natural disaster is truly an emergency. It is astounding to me now that during what may be the most serious of all droughts we have had in U.S. history, some people would want to change that. They would say that farmers and ranchers don't need or don't deserve disaster assistance. They are wrong.

The farm bill doesn't include funds to help farmers and ranchers weather this unprecedented set of circumstances. Unless we act, many of them simply will not survive.

We should not discriminate against those who are hurting simply because of the nature of the disaster. Whether it is caused by floods or droughts or wildfires, whether it devastates Texas or South Dakota or any other State, an emergency is an emergency. Sixty-nine of us recognized that fundamental fact 202 days ago. I urge my colleagues to reaffirm it as we consider this amendment.

I yield the floor.

AMENDMENT NO. 4481, AS MODIFIED

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, may I ask the distinguished majority leader: The leader and the assistant leader and the distinguished ranking member of the subcommittee, Mr. BURNS, Mr. BAUCUS, and I earlier had a discussion to the extent that the offeror, the author of the amendment, Mr. DASCHLE, would modify the amendment to make it read that the funds would be available in fiscal year 2002 and that the amount would be charged to the Committee on Agriculture, the authorizing committee. Are these provisions included in the amendment?

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. If I could respond to the distinguished Senator from West Virginia, I would confirm that the issues raised just now by the distinguished Senator are ones to which we have agreed. Obviously, we have to incorporate the appropriate language in order to accommodate that agreement. It is my intention to do so. At some point, I will ask unanimous consent that the amendment be so modified to accommodate those requests.

Let me reiterate, they would involve charging whatever funds may be used against the Agriculture Committee. I would draw a distinction between that implication or that requirement and any implication that that would entail using funds from the recently passed farm bill. The Congressional Budget Office has indicated we are not able to do that, to draw funds from the farm bill, per se. But none of us has any objection to charging the funds against the committee itself.

Let me also say, we certainly have no objection to ensuring that those funds are taken from the fiscal year 2002 budget allocation and not the 2003.

So we certainly would be in agreement with both recommendations and would be offering modifying language when we have it. I understand the language is now at the desk. I ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, as I understand it, the author of the amendment needs no consent to modify his amendment at this point, no action having been taken on his amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. I simply would then modify my amendment.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4481), as modified, is as follows:

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 01. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 and 2002 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, and January 1, 2002, respectively, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105–277; 114 Stat. 1549A–51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title upon enactment.

SEC. 04. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 05. EMERGENCY DESIGNATION.

(a) In General.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) Designation.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SEC. . CONGRESSIONAL BUDGET ACT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

Mr. BYRD. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think finally we are here. Finally we will pass agricultural disaster assistance which is so needed by many farmers and ranchers throughout our country. The amendment now pending is the amendment I offered which got 69 votes just 200 days ago. It has been modified.

My colleague, Senator BURNS, and I have modified the amendment so it applies to years 2001 and 2002—that is, to crop losses and livestock losses in both those years—whereas the earlier amendment I offered covered losses only in the year 2001. This has been a devastating year, in addition to 2001 being a devastating year.

Mother Nature works in strange ways. Some parts of America are hit in some years rather than others. It doesn't rain in some parts of our country in some years, whereas it does in others. That is true within States. Last year was worse for my State of Montana, and this year is a little bit better, but not a lot.

For Montana, it is not just 2 years of drought, it is successive years of drought. It is 4 or more years depending upon where you are located in my State. I say that not only because of the obvious implication that there are 4 years of farmers who are not producing the quality or quantity of crops that they should, but also because of the perverse way crop insurance works. I point this out to my colleagues who may not be as steeped in agricultural policy as others.

I ask unanimous consent, even though we will get into morning business, that I be allowed to continue as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. The perverse operation of crop insurance is that with each successive year's drought, premiums rise but coverage decreases. That is how crop insurance works; namely, premiums rise during years of droughts and coverage declines.

Some might ask, why do we need agricultural disaster assistance when we have Federal crop insurance? That is a good point. Federal crop insurance is helpful. Federal crop insurance is widely available in most parts of the country. The fact is, crop insurance today provides less coverage than is needed because of the perverse effect of the operation of the program and does not negate the need to provide natural disaster.

Again, to repeat, in successive years of drought, premiums that farmers pay for Federal crop insurance rise and the coverage continues to decline with each year that passes during a natural disaster. That is the way it works because farmers have less of production history, less acreage in a prior year that is available.

Add to that, when you have successive years of drought, it might rain this year, as it has in some parts of my State, but that is just the surface soil that is given moisture. It is the subsurface soil down 1, 2, 3 feet that is parched. It is so dry. A lot of crops have roots that go deeper. In addition, very dry subsurface soil has an effect on the moisture content at the surface. So there are many reasons this has just mounted.

In 1996—I can only speak for Montana; I cannot speak as authoritatively for other States—before these successive years of drought began, farmers received almost $1 billion in cash receipts from wheat; $847 million, to be precise. Last year, 5 years into the drought, Montana received only $317 million in cash receipts—that is a 62-percent decline—just because of the drought.

The same is true with livestock. We are talking about not only crop assistance but also livestock because in drought years feed prices are extremely high and ranchers are liquidating their herds. The range is in poor condition. It just adds up and has a very detrimental cumulative effect.

Agriculture is more than 50 percent of my State's economy. It is truly the backbone of our State's economy. So a drought affects not only farmers and ranchers specifically, but it affects communities, it affects schools and businesses, because when farmers don't have a crop, what happens? They are not buying seed, they are not buying fertilizer, not buying fuel, not buying all the staples that go into agriculture.

When that happens, clearly, the towns begin to suffer dramatically. It affects our schools and the income available to schools. It affects the psychology of the communities. More than that, it affects the number of people who are willing to stay and fight and live in those communities.

Many communities in Montana are losing population. If we don't get this agricultural disaster assistance, I can guarantee you that the failure is going to hasten the decline of the populations in many parts of our country. I can speak personally for parts of my State of Montana.

The leader made an excellent point a few minutes ago, which is that we passed a farm bill that addressed economic assistance for farmers. It is needed because the earlier farm program, "freedom to fail" was just that; it hurt farmers. There was no safety net. Farmers fell through the cracks and holes in the safety net. We didn't have a basic underpinning for people. Not only was it necessary for farmers to have that underpinning, but I want to remind my colleagues that we have a big battle with other countries that support their farmers much more than America supports its farmers.

I also might point out an interesting statistic, which is that agricultural trade barriers worldwide average about 60 percent. Manufacturing trade barriers and tariffs average about 5 percent. We Americans have very few barriers to agricultural trade. There are some commodities, such as peanuts and sugar, that have some assistance, but when it comes to the basic commodities of wheat and barley, we have virtually no protective subsidies. We have no trade barriers to help our industries, whereas, as I mentioned before, the average agricultural trade barrier worldwide is 60 percent. So, clearly, we have to help our people when other countries are helping theirs so much more than we are.

Second, in 1975, the European Union was the largest net importer of agricultural products. They didn't like that, so they started doing something about that. They decided to enact various measures within Europe, price levies, agricultural export subsidies, and similar measures. By 1985, Europe was the largest net exporter of agricultural products. That was a big turnaround in

10 years because of the degree to which they were protecting their producers.

Eighty-two percent or eighty-six percent of the world's agricultural export subsidies are European Union. Their agricultural export subsidies are about 85 percent of the world's agricultural export subsidies. What are America's? Maybe 2 percent. Our Export Enhancement Program is just peanuts compared with what the Europeans do. So we have to fight and we have to help our farmers. The farm bill was to help our farmers.

We are talking today about something totally different. What is it? We are not talking about assistance for low prices, we are talking about disaster assistance. When there are tornadoes, our country responds with disaster assistance. When there are floods, our country responds with disaster assistance. We had the Trade Towers tragedy—an unspeakable tragedy—and our country responded to that disaster. We are simply stating—all of us who are sponsoring this amendment—in fact, I was the original author of this amendment along with Senator BURNS. We are saying here is another disaster, but not because of a tornado, earthquake, or floods, but because of the drought, people need help. There is no reason that drought should play by a different set of rules than other natural disasters.

We have the opportunity today to keep our rural communities and economies alive. Rural America is resilient. And like them, I will not give up. Thousands of people are suffering from the relentless drought. They deserve emergency agricultural assistance and I will continue to fight until we are successful.

I urge my colleagues to support this amendment. It is long overdue and desperately needed.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be brief. I know others want to speak.

I think I speak for the Presiding Officer, given what he has seen in South Dakota. Senator DASCHLE also talked about the drought. Let me make this appeal to my colleagues. In northwestern Minnesota, there are 17 counties that have been declared Federal disasters. In our case, it is the flooding. I cannot remember more emotional gatherings I have ever been to since I have been in the Senate. We have had a lot of this kind of flooding, and I have been in towns devastated by tornadoes.

I make this appeal to my colleagues. Never in the years I have been a Senator—and I will be finishing up my 12th year—have I voted against disaster assistance for any community anywhere in the United States of America, whether it is tornadoes, hurricanes, fire, drought, or whether it is flooding. I believe this is a perfect example of there but for the grace of God go I. The devastation to so much rich farmland in Minnesota and to those farmers and these communities is not because people have been bad managers. Nobody asked for this. As Senator DASCHLE said, we are not talking about countercyclical income for low prices; we are talking about disaster relief.

So I will say to every Senator, Democrat and Republican, we hope we will have your support. This is what we do as a community. This is what we do as a national community. We provide help to people. I know the President has said no to this. I wish he would take another position. But I really believe Senators understand full well that this kind of disaster can happen to any community in any one of our States, and I think this is a time when we really should come together, a time when we become a community to help communities.

I am so pleased that this amendment is on the floor. I know we are soon going to go back to the homeland defense bill, but tomorrow we will be back on this amendment. Tomorrow, there will be an up-or-down vote. Tomorrow, I hope Senators will vote for this. Right now, for me, as a Senator from Minnesota, it is a priority to get help to these people. A lot of farmers and a lot of people in northwestern Minnesota really need the help. Please provide that help.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the 1 hour designated for morning business begin now.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER RELIEF

Mr. DORGAN. Mr. President, let me follow the remarks of my colleague from Minnesota, Senator WELLSTONE, and say as a cosponsor of this disaster relief that I have never voted against a proposal to help people in this country who have suffered a disaster. There are many kinds of disasters that people suffer, and in each and every case I have been pleased to be a part of this Congress to say to them you are not alone, the rest of the country wishes to help. It is an important thing to do.

Disaster, in this case, is spelled in part of my State by a drought that is devastating. It means those who have invested their lives and fortunes to put seeds into the ground, hoping to raise a crop and to have some income with which to raise a family, have discovered that drought has killed their crop. There is nothing to harvest. There is nothing left. In other parts of the State, flooding has prevented fields from being planted. Yes, we ought to respond to this in a positive way.

I support the efforts of Senators DASCHLE and BAUCUS and JOHNSON of South Dakota, WELLSTONE, and others, and I am happy to be a cosponsor of the bill.

THE ECONOMY

Mr. DORGAN. Mr. President, I intend to put into the RECORD a letter I sent to President Bush several weeks ago on the subject of having an economic summit meeting.

I note that the President had a forum of some type in Crawford, TX, when he invited people who agreed with his fiscal policy to talk about how well the administration's policies are working.

I believe we have significant economic difficulties in this country. The Federal budget deficits now continue to skyrocket.

We have a budget that does not add up, a fiscal policy that does not make much sense. I think we ought to have an economic summit at which people of varying opinions come together and have a competition of ideas about what works and what does not, so that we can find ways to put our country back on track.

I hope the President convenes this much-needed economic summit.

(Mr. WELLSTONE assumed the chair.)

CORPORATE RESPONSIBILITY

Mr. DORGAN. Mr. President, I wish to comment on one additional matter. I intend to hold some hearings in the Commerce subcommittee that I chair, on the issue of corporate responsibility.

We recently passed legislation dealing with corporate responsibility in the Senate. It was subsequently signed by the President. I supported that legislation, but I thought that it could be improved in some areas.

During Senate debate, I tried to offer an amendment dealing with the issue of bankruptcy, that called for recovery of profits by top executives of companies that went bankrupt. The amendment was blocked by my colleague, the Senator from Texas, who kept me from offering it over several days. I was not able to offer that amendment on the bill, but I am going to continue to push it.

My point is this: As corporations go bankrupt and as those CEOs take increasing amounts of money out of corporations in bonus payments and incentive payments prior to bankruptcy, I think there ought to be a mechanism for disgorgement or recapture of that money for the benefit of other investors who lost their shirts and the employees who lost their jobs. I believe this idea would have had wide support in the Senate, but I could not get it done because it was blocked by the Senator from Texas.

Well, the Financial Times has done a study and written an article to which I want to call attention. It is titled "The Survivors Who Left All the Way to the Bank." The Financial Times found that in the 25 largest companies that went bankrupt since January of 2001, there were 208 top executives who were paid a total of $3.3 billion in salaries, bonuses, and incentive payments.

Think of that. As these publicly traded companies were going down the tubes and into bankruptcy, executives were busy taking out massive sums—$933 million from one; $290 million from another; $299 million from another, just to give a few examples.

I would like one good reason anybody has for providing a bonus or incentive payment to any executive prior to the company filing bankruptcy—just one good reason. But there is not one. That money ought to be recaptured. There ought to be what is called a disgorgement or recapture or clawback. That money ought to be used to reimburse investors who lost their shirts and employees who lost their jobs.

I am going to hold a hearing about this in my subcommittee. We are going to look into situations like that of Enron. We have already had some testimony in this regard in my subcommittee, relating to bonuses paid at Enron. It turns out that Enron paid $55 million to people at the top of the corporation to commit to stay 90 days as employees following bankruptcy. Some people got bonuses of $1 million, some of half a million dollars. I think that is nuts.

The investors get ripped by losing their shirts, losing their investments, and a few people inside the companies that went into bankruptcy walk away with pockets full of gold from the treasuries of these corporations. It ought not happen. It is just plain wrong.

Yet this was not dealt with by the corporate responsibility legislation. Why? Because I was blocked from offering my amendment.

If I had been able to offer my amendment and had gotten a vote on it, we would have gotten a mechanism for recapture and disgorgement. We would have a law that says that you cannot walk away from a corporation you took into bankruptcy with $100 million in your own bank account.

So there is unfinished business on corporate responsibility. We are going to have votes on this issue of bankruptcy and recapture of ill-gotten gains.

I am also going to be working on the issue of inversions. I know the Presiding Officer cares a lot about that issue, which involves corporations deciding they want to renounce their U.S. citizenship. Why? Because they want to become citizens of tax havens like Bermuda, so they can save on their U.S. tax bill. Shame on them. Inversion, my eye.

We ought not have corporations renouncing their American citizenship out of sheer greed. I am going to offer legislation on that issue as well.

So we have some unfinished business on corporate responsibility. Nobody ought to think the bill we passed is a cure-all. It addresses the problem of corporate irresponsibility in a constructive and positive way, but it is incomplete and there are other issues yet to be addressed. I, for one, intend to hold hearings and offer amendments on this issue. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. REID. Will the Chair advise the Senator when morning business started?

The PRESIDING OFFICER. Morning business started at 12:07 p.m.

Mr. REID. Under the control of Senator KENNEDY, or his designee, we have the first half hour until 12:37 p.m.; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from South Dakota be recognized for 5 minutes, and following that, the Senator from Nebraska be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

DROUGHT RELIEF

Mr. JOHNSON. Mr. President, I rise to speak in favor of an amendment which I have cosponsored which provides direct and immediate emergency aid to the nation's farmers and ranchers coping with a drought of devastating proportions. Mr. President, recently President Bush visited my home State of South Dakota at Mount Rushmore. He was met with great courtesy, respect, and hospitality which we always extend to Presidents of either political party. I was there, along with my wife, to greet the President at Mount Rushmore. We are proud of our State and always pleased to have an opportunity to show it off.

There was a great deal that the President said in South Dakota on which I could agree. There are a number of areas of common ground on which we can work together as Americans.

I have to say, however, that I was profoundly disappointed that the President chose at that time to express his opposition to emergency drought relief for farmers and ranchers in my State all across America. Some 40 States have been struck to some degree or another by this relentless drought.

There are areas in my State in dire circumstances. We have lost almost $2 billion in the South Dakota economy over the course of this past year, and in our small State, that is an enormous hit. I have visited farmers and ranchers across my State who detail with great pain and emotion the problems they're being forced to cope with due to this drought.

I recently was in Philip and Faith, SD. The pastures look like the surface of the Moon. There is no vegetation at all. I talked to Gary Vance, the owner of the Faith livestock auction barn who indicated to me that a year ago, over a 2-month period, they sold 1,200 cattle. Over 2 months this summer they sold over 12,000 cattle as people continued to liquidate their herds, including breeding stock, simply having to get out of the business altogether. Corn cannot be cut for silage, soybeans are lying in the dust, and pastures are simply patches of dirt at this point. It is having a devastating impact.

As the Senator from North Dakota indicated, I have always been supportive of emergency aid in circumstances where people have been struck by forces of nature, whether it is hurricanes in Florida or earthquakes in California. I do not begrudge providing money to New York and other places where we had floods, hurricanes, and tornadoes.

I find it striking that some are arguing to set a new precedent whereby this one sector of the economy, the agricultural sector, is being asked to play by a different rule. Those suggesting this new precedent believe we can take money out of the existing farm program to deal with a natural disaster. The farm bill was never designed to address problems of natural disasters. By their very nature, droughts and floods are unpredictable. They occur some years; some years they do not. Some years, their scope is of one kind; others, another. I find it hard to believe the administration has taken this position while at the same time talking about an economic stimulus package.

I can think of few things that could be more stimulating to the economy in our part of the country other than a drought bill to provide some relief to get these people through the winter. Right now, in too many instances livestock producers have no feed, they have no water. They are not going to make it through the winter. They are selling their herds off at a $250-a-head loss. These pastures are not going to recover, in some instances, for years. This is an enormous hit, and it is not just the farmers and ranchers, it is mainstream business. It is the entire fabric of the economy of South Dakota that is suffering mightily, as it is in so many other States.

In the past, we have always dealt with this on an emergency basis. Presidents of both political parties, President Bush Sr., and this President, when he was Governor of Texas, asked for drought relief on an emergency basis in his State. So it seems hard to believe we find ourselves in this circumstance where the Senate passed drought relief for the 2001 year over 6 months ago that was defeated and pulled out of the farm bill by colleagues in the House. The White House expressed opposition to it. some 200 days ago.

We attempted to put drought relief in the supplemental appropriations bill but again ran into resistance. Now we are looking at the 2003 fiscal year beginning on October 1. Things are delayed already, I don't think we can afford to wait, we must enact emergency relief now. There are some who talk about finding the money within the farm bill, within the LDP and the countercyclical payment money that will not be used. The Congressional Budget Office indicates to us there is no such fund, there is no such $5 billion lying around in the farm program waiting to be used, and we would not know what the scope of the funding for those programs would be until September of 2003 in any event.

Frankly, we have producers who needed help months ago who have to make wrenching decisions right now relative to whether they are going to make it through the winter. They will have to liquidate everything they have in order to survive in too many instances. Too many young producers are being chased out of the business altogether. Those most vulnerable, those least capitalized, tend to be among the youngest. We are at risk of losing an entire generation of farmers, ranchers, school board members, and church leaders in rural America if something is not done to provide meaningful and immediate relief.

There is great urgency to this, and I hope we can find the bipartisan support to pass the comprehensive drought relief bill in these comings days.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise today in support of S. 2800 to say that during the August break, when we all went home, what a pleasant experience it was to go home, except that some of what I saw during those days in August in Nebraska were not pleasant experiences. The message from our farmers and ranchers in Nebraska is that the drought is driving them out of their business and running them out of agriculture.

As a part of my trip back to Nebraska, I hosted a Senate Agriculture Committee hearing in Grand Island, and I thought it might be important to report back what I heard from many of our farmers and ranchers in Nebraska.

Al Davis, a rancher from Hyannis, NE, in the middle of the sand hills, told me his ranch has not had any measurable precipitation since July 6—a month and a half earlier.

For 60 days, Art Duvall's farm in Ord had no measurable rainfall, and the McCook Daily Gazette, my hometown paper which I delivered as a young boy, reported that as of the date of the hearing, that area had had only 8 inches of rain this year and that there will be 35 days this summer with temperatures of 100 degrees or more, approaching the record set during the Dust Bowl years.

I visited Randy Peters' farm, a farm that has been in the Peters family since 1921, where on many occasions as a young boy, with my father, I hunted pheasants. So I am familiar with the farm. Since 1921, they have had a crop every year—some good years, some bad years, but they had a crop. This year, there will be no crop. The corn will be left standing, not even good for silage, not having any value except maybe if we get any kind of snowfall this winter, maybe to catch a little snow and keep it for moisture for the future.

When we had TV cameras to take a look at how bad the ears of corn were, we had to walk halfway through the field to find an ear of corn big enough to shuck so we could peel back the husks and have people take a look at the fact that there were no kernels of corn on that ear.

I also heard during the hearing the details regarding the sale of livestock. As the Senator from South Dakota stated about selling off herds and recognizing that next year may not be any better, farmers may need to sort of hedge their bet a bit and get rid of their herds in case the high cost of hay—if it is available—will drive up the cost of production to the point where they lose more on every head of cattle that they sell rather than recouping any losses.

Witnesses testified that much of the nonirrigated crop in large sections of the State would be a total loss this year, after 2 previous years that had been bad crop years in their own right. Witness after witness testified that they need the kind of assistance the Federal Government would not think twice about giving if Nebraska had been struck by a hurricane.

As Merlyn Carlson, the director of agriculture for the State of Nebraska, said, agricultural producers, farmers, need two things: Rain and money.

Well, we cannot do anything about the rain. Even if we could, the rain will come too late this year to protect against the problems that are currently being experienced. It will be great for next year but not for this year.

At this point, I am sure some of our colleagues would bring up the subject of offsets. That certainly has been raised by the administration and by many of our colleagues. There are those who believe that any disaster relief should be funded only by cuts in future farm bill programs. I disagree. There is no reason to treat disaster relief differently for rural areas struck by drought than we would in other areas struck by another kind of natural disaster. Moreover, if we wait for offsets, we will delay relief.

One thing I have learned during my short time in the Senate is that every program and every idea has a constituency, and if one Member of Congress attempts to defund a program for the benefit of another, there will be a fight. We cannot afford to waste time having a floor fight over offsets.

Throughout the hearing, witnesses asked for relief without delay. At one point, I asked a panel, consisting of representatives of the National Corn Growers Association, the American Corn Growers Association, the Nebraska Wheat Board, the National Grain Sorghum Producers, and the Nebraska Corn Growers Association, if they favored a delay in relief if offsetting costs could be found. Without exception, they did not. They recognized that, in fact, if aid will be of any assistance, it must be delivered as soon as possible.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON of Nebraska. I urge our colleagues to move forward on this legislation.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Nevada.

Mr. REID. How much time does Senator KENNEDY have remaining?

The PRESIDING OFFICER. Ten minutes, 20 seconds.

Mr. REID. I ask unanimous consent that Senator KENNEDY be recognized as in morning business for an additional 5 minutes and the minority also have an additional 5 minutes for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

NO CHILD LEFT BEHIND

Mr. KENNEDY. Mr. President, for families across this country who have school-age children, they have been involved over the period of these recent days and weeks preparing their children to attend, by and large, the public schools of our country. Over 90 percent of the children in this country go to the public schools. A little less than 10 percent go to private schools.

Over these last several months, we have had, with President Bush, a bipartisan effort which resulted in what was called the "No Child Left Behind Act." That legislation recognized that what is really needed for the neediest children in this country is school reform. But we also need investment, school reform and increased resources.

For a long time, the Title I program was criticized because it provided resources without really providing the kind of accountability that is so important. So there was a bipartisan effort to provide for that kind of accountability.

Now as parents are seeing their children going back to school and they are asking whether the Congress and this administration are meeting their responsibility. Because in that legislation, we are holding accountable the children that were going through school. We are holding accountable the schools. We are holding accountable teachers.

I was asked over the recent month of August as I went around Massachusetts, is: What is going to be the administration's response to the children being left behind with the budget that the administration recommended to the Congress for funding of No Child Left Behind? Will politicians be accountable? There are 10.3 million children who fall into what we call the Title I category. Over 6 million of those children are going to be left behind under the administration's budget. We do not expect that money in and of itself to be the answer to all of the problems, but it is a pretty good indication of the priorities of a nation and the priorities of an administration. And this chart is a pretty clear indication of the recent history of increased funding for education. We are talking her about the total education budget. In 1997, a 16 percent increase; 12 percent in 1998; 12 percent in 1999; 6 percent in the year 2000; 19 percent in 2001; and 16 percent in 2002. However, it is only 2.8 percent under this administration's budget, the lowest we have seen over the last 7 years.

Again, money is not everything, but we did make a commitment to the parents, to the families, to the schools. There is tough criteria for all of those groups.

We have seen, in the efforts made by Senator HARKIN in the Appropriations Committee, the recommendation that it will be higher than this program. It will be some $4.2 billion, and it will raise this percentage up to about 6 percent. 2.8 percent is the recommendation that is being made by our Republican friends in the House of Representatives. By and large, the best judgment we have is that this will be the figure coming from the House, and we will be somewhat above, and the conference will come out lower, certainly, than what we have seen in recent years.

What has resulted from this—from the fact that we have not seen adequate funding of the program? We recognize in the No Child Left Behind Act that one of the most important necessities is a well-qualified teacher in every classroom in the country. There is virtually no increase in funding for teacher training. So the 18,000 teachers that would have been trained if there had been a cost of living increase will not receive the training.

Mr. President, 20,000 students will be cut from the college Work-Study Program; 25,000 limited-English-proficient children cut from the Federal bilingual program; 33,000 children cut from afterschool programs; there is virtually no increase in the Pell grants; and there is no increase in student loans.

What has the administration requested of the Congress? Why do I take a few moments of the Senate time today? I want to point out what is happening in this debate regarding funding of education because tomorrow in the House of Representatives, they will mark up a recommendation by this administration for $4 billion in new funding for private school vouchers. We understand, this is for private schools, 10 percent of the education, $4 billion. Yet just 2.8 percent increase for the public schools, where 90 percent of the children go.

There are a number of reasons we should be concerned. I think most of us believe that we should not be taking scarce funds from the public school children and putting them into private schools. That is in effect what this is doing. If we had the $4 billion, we would be able to increase the total number of poor children to be covered under the Title I program to about two-thirds of those that are being left behind this year. However, the administration said no; we will have $4 billion over a 5-year period to be used for the private schools, for just 10 percent of the children.

The reason we raise this issue is in case we have these resources again, we will have an opportunity, hopefully, to debate this, and it ought to be directed toward the public school system.

But beyond that, some of the things that concern us is that with the $4 billion, there is virtually no requirement that we have accountability. The administration made a great deal about accountability, to make sure that we know where the money is invested, what the results will be on the standardized systems to be able to tell if children are progressing. In my own State of Massachusetts, we have seen important progress where we have had accountability and support, including the recent announcement of the MCAS results in the past week, in which we have seen continued progress in math and continued progress made in English. Not all the problems are resolved, and there are still painful problems in terms of disparity, but we have seen progress made because of accountability.

The administration has talked about accountability. But for their $4 billion, there is no accountability to any schools to ensure that they do what all the public schools do, and that is, to have the examinations.

There is no accountability to ensure that private schools accept all the children. In the public school system there has to be acceptance of all of the children, but the private schools do not have to do that.

In private schools, there is no accountability to ensure teachers will be highly qualified teachers. We wrote in that legislation that in a 4-year period there will be highly qualified teachers in the classrooms. We fund a variety of programs regarding recruitment, training, and retention, and we give maximum flexibility to local communities to be able to do that. But there is no requirement with that $4 billion that they use those funds for highly qualified teachers in the classrooms. And there is no requirement to give the parents the critical information they need and which we have insured under this legislation.

So we are puzzled. We heard both the President and our good friends on the other side saying accountability was the key element. We agree that was enormously important—we are going to have accountability and resources. However, now we have the administration coming back with $4 billion more. Instead of allocating that to the 90 percent of the schools that will train the children of America, the public school systems which returned to school this past week—no, they will use that money, the $4 billion, in the private schools for vouchers. They have basically retreated on each and every one of these principles. It seems a very important mistake and one which we will have the opportunity, hopefully, to debate.

With those resources, if the Bush budget took that $4 billion in new funding for private schools over 5 years along with the cut in public schools, had that $4 billion been available for public schools, it would mean the upgrading of the skills of 1 million teachers across this country. It would upgrade the skills of 1 million teachers. You could provide 5.2 million more children with afterschool learning opportunities.

I just point out about the afterschool programs, because of all of the Federal programs that are out there that go through the process and are considered to be quality programs, when they get in line for the funding, the afterschool programs are No. 1. Do we understand that? There is a greater need, in terms of limited resources for these programs, than for any other Federal program. People understand that if you are going to provide afterschool programs and supplementary services for the children who need them, this is the way to try to do it. We are seeing the results of success academically as well as in terms of the social progress the children have made.

This is what you would be able to do. You could provide 5.2 million more children with afterschool learning opportunities. You could provide a Pell Grant to 500,000 more college students—those students who are able, gifted, talented, motivated young people whose parents have limited resources and income. They will not go on to college because they are not eligible for the Pell grants. With these resources, 5,000,000 more children would receive increased college aid.

As we continue this debate and discussion about funding education, it is enormously important that the American people understand whose side we are on. We on this side of the aisle believe very strongly that with scarce resources in our budget, these resources ought to be used to provide more highly qualified teachers in every classroom, smaller class sizes, afterschool programs, supplementary services, and information to parents so they know what is happening in those schools—all of those for the children in this country. We believe that is where the needs are. That is what we ought to be doing with scarce resources, not siphoning off $4 billion for the 10 percent of children who are attending private schools.

We will have an opportunity, when this comes before the Senate, to debate it further. But we want the parents of children going to public schools, who are facing increasing pressure—as we have seen all across this country as States have cut back in support and help to local communities, increasing the size of their classes, reducing the afterschool programs, cutting out a number of subjects such as music programs, and cutting back on the number of teachers' aides and teachers' assistants—to know that we understand this is not a time to abandon our public schools. This is a time to invest in our future.

One final point. We have had a great deal of discussion and debate about national security and national defense. I would like to make the point that ensuring that we are going to have well-qualified children in schools that are going to meet standards is an essential aspect of our national security and national defense. And we should not shortchange that investment any more than we do our Defense Department.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, for the last few moments I had the opportunity to listen to the Senator from Massachusetts. Of course, he is well known for his dedication to public education in this country. I applaud him for that.

I also want to recognize a President who has seen public education in its current condition to be an issue on which to speak out and on which to lead. And while the private school and the voucher may be criticized, we are creating a dynamic, now, in the marketplace of education, that means the public schools are going to have to compete a little more. In that competition, they will dramatically improve.

The condition for educating young people, in my opinion—and I think it is a growing opinion in America—will rapidly increase.

DROUGHT AND FIRE

Mr. CRAIG. Mr. President, I did not come to the floor this afternoon to speak to education. I came to the floor today to talk about what I saw on the Weather Channel this morning across the Great Basin West, the Weather Channel that spoke of a hot weather pattern that permeates the Great Basin West, that continues to allow it to be dry, and, as a result of the drought conditions, we have a unique weakness in the West this summer that tragically has been played out for a good number of years and will be played out into the future.

The western skies are full of smoke today. They are full of smoke from forest fires that started burning in mid-June on the great Rocky Mountain front of the Colorado and down into the southwestern mountains of Arizona. To date, we have seen a fire scenario on our forested public lands that is almost unprecedented in the history of the U.S. Forest Service and U.S. Forest Service management.

Today, as I speak, as a result of public policy and as a result of the drought conditions in the West, we have seen over 6.3 million acres of public land burned. That 6.3 million acres is not a record, but it is without question a historic record when you compare it with the averages of the kinds of public lands we have seen burned over the last good number of decades.

We watched what happened in Arizona earlier this year when nearly 700,000 acres were burned and thousands of homes were lost and lives were lost. Then, during the August recess while all of us were back in our States, we watched the firestorm that struck the eastern slopes of the Cascade Mountains in Oregon. In the State of Oregon, almost a million acres of land have burned.

In the State of California, as I speak, 3 fires are burning and over 12,000 acres have been burned.

In the State of Colorado, over a half-million acres have been burned.

That is a tragedy, without question. Wildlife habitat, watershed, has been destroyed at almost an unprecedented rate. Watershed for urban areas, habitat for endangered species—gone, up in smoke. There is nothing but a pile of ashes today because those fires were so hot, so penetrating, so intense, that they were unlike almost any other kind of fire we have seen on our public lands.

Why has that happened? What am I talking about? Is this unprecedented? Or is fire simply natural in our forest systems? Fire is a natural element in our forest systems. But what we are seeing today—because largely we took fire out of the ecosystems of our forests 70 years ago—is that these are very much abnormal fires, burning hotter than ever, burning entire stands, burning the ground to such an extent that we are caramelizing the soil and burning the humus out of it. By so doing, we are disallowing the ability of those forests to rejuvenate as they would under a reasonably normal scenario.

Why is this happening? It is happening because of public policy, because of an attitude that was held right here in this Senate that has crafted public policy over the last several decades that not only took fire out of the forests but didn't allow active management in the forest to replace what fire would have otherwise accomplished.

As you know, in the Black Hills of South Dakota you have had this kind of situation. In fact, the Presiding Officer and his colleague, Senator DASCHLE, have felt the situation so intense and so risky of ecosystems, of timber, of wildlife habitat, of human dwellings and all of that, that you chose to act. I think you acted in a relatively appropriate way to recognize the need for immediate action that would not deny the thinning and the cleaning and the fuel reduction that needed to go on in those forests.

I chaired the forest subcommittee for 5 or 6 years here in the Senate. We have spent a lot of time looking at this issue, trying to deal with this issue—largely to no avail.

In the early 1980s, a group of forest scientists met in Sun Valley, ID, for a national review of the health of our forested lands. At that time, 1981 or 1982, I believe, those forest scientists, with no bias, simply made the statement that the public forests of the Great Basin West were sick, dead, and dying, and if there was not active management involved to change the character of the forest health, that within a decade or so these forests could be swept by devastating wildfires.

Those scientists were not prophets. They didn't have a crystal ball. They simply looked at the facts that were available in the early 1980s and made a determination that, without active management, we could lose these forests in an unprecedented way.

During the decade of the 1980s that followed and the decade of the 1990s, we did just exactly the opposite of what those forest scientists proposed. We progressively became inactive on our forests, largely because many thought, and public policy allowed the argument, that no management and no activity would improve the environment. What we failed to recognize was that the environment had deteriorated so that simply could not be the case and that these kinds of fires would be stand altering, stand destructive, and destroying wildlife habitat and watersheds that we see in the West today.

The fire seasons in the West are not over. Today, literally thousands of acres are still burning. My guess is that before the fire season is over, we will see over 7 million acres of land burned.

Before we left for the August recess, a group of us gathered at a press conference to speak in a bipartisan way to this issue. At that time, we had not yet quite determined what we needed to do, but we believed the American public was becoming increasingly aware that something had to be done, that we needed to lean on this issue to save our forests, to save wildlife habitat, to have a watershed, and to protect homes in that urban wildland interface.

I said at that press conference—the last of July or early August, and at that time—that less than 4 million acres had burned. I said that probably by the time we returned over 67 million acres would have burned. I was no prophet. I simply had studied fires and the way they were burning in the West over the last several years to recognize that was probably a reality. And it became a reality practically enough. Today, 6.3 million acres have burned. Thousands of acres are currently burning, with fires in almost all of the Western States—at this moment actively burning and out of control.

We said at that press conference that when we returned, we would try to resolve a bipartisan approach we could bring to the floor so that we might offer it as an amendment to the Interior appropriations bill or some similar vehicle. We are in the final hours of trying to craft that kind of an amendment that would bring us together in a bipartisan way, and in a collaborative way, to solve this problem.

Earlier this year, the Western Governors Association, in conjunction with the Secretary of the Interior and the Secretary of Agriculture, met and produced a western fire policy that dealt with these fire-prone acres. They proposed a collaborative process that targeted those critical areas in all of the States involved and that would allow us to move forward in a relatively unrestricted but environmentally sound way to do so. There has been a lot of work going on to try to solve this problem.

Late this month, the President was out in Oregon, looked at those fire scenarios, and reported that he, too, agreed that active management was necessary, that our forests were at a critical state, that we were in a state of emergency, and that failure to respond was negligence on our part. The President also said we shouldn't block from the courthouse doors people who would want to appeal or object.

While I agree with you, Mr. President, and TOM DASCHLE, your colleague, chose a slightly different course that would have denied appeals and court actions under certain circumstances, we are working right now to try to see if we can craft that collaborative process that would limit but still allow some degree of protest and/or objection, or appeal based on law and based on the reality of the environment, and at the same time not allow those thousands who would choose to obstruct entirely—to simply use that as a tool to bring any action on our public land.

I hope by tomorrow we can bring to the floor that kind of an amendment which will have bipartisan support. We are going to try mightily to achieve that.

Let me close with this thought, because to me this is the most frightening of the thoughts about which I have talked.

Six point three million acres have burned to date, 2,500 homes have been wiped out, and 25 people have died trying to fight those fires. If this had been Hurricane Andrew, which devastated less, we, with the full force of the Government, would be out there today helping those people rebuild those homes and trying to solve the problem. But some have said: Oh, no, this is just Mother Nature, and this is natural. Well, hurricanes are Mother Nature, and they are very natural. But still we have reacted differently. A hurricane is going on in the forests of public lands—wiping out millions of acres of trees, 2,500 homes, killing 25 people to date, and it is clearly something we have to speak to, and speak loudly.

Even if we are able to gain public support to get optimum public activity on our public land, if we are able to thin and clean and fireproof tens of millions of acres a year—even if we do that—our scientists are telling us that the forested lands—the Great Basin West primarily, but all of the public forests of our country—today are in such unhealthy condition that over the next 15 years we could still average anywhere from 5 million to 8 million acres a year being wiped out by wildfire, depending on climate conditions—drought or lack of moisture.

Shame on us for having waited so long to attempt to do so little. But we must attempt now to do something. I hope we can bring all of the communities of interest together in a kind of collaborative process to look at these acres, to deal with what we call the class 3 sick, dead, and/or dying bug-infested acres, to look at our urban wildland interface, to talk about and help shape the environment that protects homes while at the same time protecting wildlife habitat and watershed and what can once again be the beautiful forests of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for up to 12 minutes

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President.

CONSERVATION FUNDING IN THE INTERIOR BILL

Ms. COLLINS. Mr. President, today the Senate begins consideration of the fiscal year 2003 Interior appropriations bill. Land conservation funding is the critical component of this legislation—funding for land conservation preserves, wetlands, open fields, barrens, and woodlands that are threatened by ever-increasing pressures from development.

I would like to highlight three land conservation projects funded in this bill that are of particular significance to the State of Maine.

First, let me congratulate the distinguished chairman and ranking member of the Interior Appropriations Subcommittee, Senators BYRD and BURNS, for producing a bill that includes a generous amount for land conservation effort in the face of severe fiscal constraints.

The Forest Legacy Program, in particular, is funded at $80 million in this bill, which represents a nearly 25-percent increase from last year's level. This is a remarkable achievement considering that when I first joined the Senate in 1997, the Forest Legacy Program was funded at only $2 million.

I am a very strong supporter of the Forest Legacy Program because it recognizes that our forests are both the source of good jobs and of boundless recreational opportunities for our sportsmen, our hunters, our hikers, and everyone who enjoys the great outdoors.

I am very pleased, therefore, that the bill before us today includes $2.9 million in Forest Legacy funding for an important project in Maine. It is known as the West Branch Project. The funding that is in this legislation will help us complete this important land conservation effort. This historic project has been more than 3 years in the making, and it is a testament to what can be accomplished when the Federal Government teams up with private landowners, private nonprofit groups, and State and local governments to preserve special lands. I have worked hard with my senior colleague from Maine to help this project reach fruition.

This significant project will protect 330,000 acres of lakefront and forest lands in some of the most pristine areas of the State of Maine. Much of the West Branch lands make up the viewshed from Mt. Katahdin, Maine's largest peak and the northernmost point of the Appalachian Trail. Their protection through the Forest Legacy Program is critical for the well-being of Maine's recreational and natural resources. Moreover, protection of this land through the Forest Legacy Program will enable the landowners to continue to supply area mills and support the local economy while allowing the public continued access to the beautiful lakes, streams, and back country wildlands that are characteristic of this area.

That is why the Forest Legacy Program is such a good one. It recognizes that our forests have multiple purposes, that they can provide good jobs for those in the forest products industry as well as being a source of beautiful recreational opportunities for all of us who enjoy walking through the woods or fishing or hunting or enjoying the lakes and streams that abound in those forests.

Regrettably, the House Interior appropriations bill does not contain any funding for completing the West Branch Project; therefore, I hope the Senate position will prevail in conference.

Another land conservation project that is important to my State is the protection of the 8,600-acre Leavitt Plantation Forest. I, again, thank the managers of this bill for including $600,000 for this project in their legislation.

Leavitt is the largest contiguous forest in southern Maine. The forest was targeted for development 2 years ago, when it was scheduled for auction in as many as 13 separate parcels.

Fortunately, Renewable Resources, a timber management company, approached the Maine Department of Conservation and the Nature Conservancy with a plan to protect Leavitt Plantation. Working together with the owner of the property, the company agreed to purchase the tract up to the New Hampshire border and to sell a conservation easement that will protect wildlife habitat, while allowing the property to continue to be managed for forestry and recreation.

Finally, the bill includes $3 million to purchase critical shorebird nesting areas within the Rachel Carson National Wildlife Refuge. It is easy to see why so many are committed to protecting the Rachel Carson National Wildlife Refuge. The refuge's 5,000 acres are home to rich and diverse wildlife habitats, including coastal salt marshes, barrier beaches, forested wetlands, coastal meadows, and upland forests.

During the course of the year, more than 250 species of birds, 47 species of mammals, and 35 species of reptiles and amphibians can be found at the refuge. What is most remarkable about the refuge is that all of this wildlife and habitat diversity is located in Maine's most populated region. So this makes this wildlife refuge a particularly special place to the people of southern Maine.

The funding in this bill for Rachel Carson will help protect the habitat found on these lands. In addition, it will preserve open space in a region of Maine that faces tremendous development pressure. This project serves as yet another example of how nonprofit and community organizations can work together with the Federal Government to identify and acquire critical lands from willing private sellers that otherwise might be lost forever to sprawl and other development.

It takes considerable resources for the Federal Government to be an effective partner in the effort to protect habitat and preserve open space, particularly in high-growth areas such as southern Maine where the cost of land is increasingly high. That is why I have worked so hard in Washington to secure the resources needed to support these community-based conservation efforts in my home State.

Rachel Carson, the patron of the Wildlife Refuge, once said of her substantial accomplishments:

> The beauty of the living world I was trying to save has always been uppermost in my mind. . . . Now I can believe I have at least helped a little.

I think Rachel Carson would agree that the land conservation funding in the Interior bill we are considering today is helping, piece by piece, to preserve "the beauty of the living world" and to "help a little." I am very pleased to support the land conservation efforts in the bill. Again, I thank the managers for their leadership in this area.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARNAHAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE FAIR FOCUS GROUP

Mr. WELLSTONE. Madam President, I say to my colleagues, Senators LIEBERMAN and THOMPSON and others who will be here, I have been known to speak for several hours, but I will not. I will just take a few minutes. When Members come to the floor to start debate of the homeland defense bill, I will be pleased to finish.

As a matter of fact, I will have an amendment, which will be the "no Federal contracts for expatriates" amendment, which is very similar to what I did on the Department of Defense bill. The House of Representatives actually took action on this with a pretty strong vote. What this says is, if you have companies that have moved to Bermuda and renounced their citizenship, they will not be getting any Federal contracts. It is a pretty simple proposition. I look forward to introducing the amendment and hope to do it shortly, this afternoon. I am ready to get going.

We have so much to do in such a short period of time that I hope Senators will come to the floor with amendments on both sides. I will be ready to do so.

As long as I am on the topic, I wanted to talk about my experience back home. I don't know about you, but we all have our own focus groups. The greatest focus group in Minnesota is the State fair. It is really quite a happening. In about 12 days, almost half the State's population comes to the State fair—2.5 million. That might be a slight exaggeration but not by much.

There are a couple of things I really like about the fair. One is, it is sort of the essence of political equality. Nobody has a lobbyist. Everybody counts as one and no more than one. Everybody comes up and talks with you.

I also like what we call the greater Minnesota focus. We have a very thriving metropolitan community, but we are also an agricultural State. It is great to see the very strong emphasis on agriculture at the fair.

It is a focus group because you can be at your own booth, and lots of people come up, and I guess that is self-selection, where maybe it is a lot of supporters and whatnot. But even there, certainly walking around, you will run into everybody and anybody, and people are going to tell you what is on their mind.

I heard a lot—a lot, a lot—about corporate responsibility. I don't know if people used those words, but there is really a lot of concern about this flat economy. And look at the news yesterday and today. That is what we have. People really are worried that they will not have any pension, and they are worried they might not have a job. In Minnesota, Mr. Joseph Nacchio, CEO of QWEST, Minnesotans, starting with the QWEST employees who worked so hard to build that company, they are not one bit pleased that while Mr. Nacchio was cheerleading them to invest a big part of their 401(k) in QWEST stock, he was dumping his own and walked away with around $230 million. There is a lot of that.

People are looking for those of us here to be watchdogs for them. They are looking for us to not be too influenced by all the big economic interests with all their money and lobbyists and their connections and clout. People are saying to all of us, we want you to be for us. I guess sometimes they are not so sure the Senate always is for them. In that respect, the Sarbanes bill was a very positive step forward.

We had a stalemate here in 1994 on health care when we were talking about universal health care coverage. Really between 1994 and now, it is as if this never was an issue. But the issue of health security, of affordable health care coverage for people, for their loved ones and families, has walked into people's living rooms. I heard more discussion of the cost of it—the premiums, the copays, the deductibles, the inadequate coverage—just unbelievable—and, of course, prescription drug coverage by the elderly and also by others. Health care has emerged. I don't have my own poll on all these issues, but I think it is a top issue for families.

In Minnesota, children have just started school, as in other States, and education is right up there. I am not without my bias. Two of our children are teachers. I will just tell you that Minnesota and a lot of States around the country are still counting on us to provide the resources that we committed to providing to them for education. There is a lot of discussion about education.

There were questions about Iraq, what is going to happen, concern. I don't think people feel they have much information. They want more information. They want to know about the different options and consequences of those different options.

Over and over again, if you want to say politics is very concrete and doesn't have much to do with labels, whether it was suburbs, inner city or greater Minnesota small towns, so much of the discussion was about the economy, so much of the discussion was: Senator, what is going to happen to our schools? We had to cut all these teachers. We don't have enough resources. Senator, my wife or my husband has $800 a month or $500 for prescription drugs. Senator, why do the pharmaceutical companies have so much power? Senator, what is going to happen to my pension? Senator, how did those big companies get away with what they have done to us?

That is really what I heard about again and again: I have no coverage; I don't have enough insurance.

I could go into a whole separate discussion. I see my colleague, Senator LIEBERMAN. I said when he came to the floor I would finish. I will.

I could have a separate discussion about agricultural policy and about small business and about veterans who are coming up, facing long waiting lines for health care in Minnesota. I just want to remind everybody: We have a lot of work to do in a short period of time. We ought to have amendments out here on the floor. We better make sure that we do not lose sight of these basic bread-and-butter economic issues so important to families and so important to people's lives.

We have a lot of work to do. I hope we will do it.

I say to my colleague from Connecticut, the reason I came over is that I am ready to offer an amendment. I think we need to do the work. I want to wait to see what my colleague has to say. I congratulate him on his superb work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Minnesota. In a moment, I will call up an amendment, which is the Senate Governmental Affairs Committee substitute amendment on homeland security, the substitute for the House bill that was sent over here. I will speak on the substitute amendment.

It had been my thought that, in the normal course, Senator THOMPSON, as ranking member on the committee, would introduce the first amendment. I have some reason to believe he may not be prepared to do that right away. But we are prepared to go forward.

I want to indicate—and perhaps my friend from Minnesota will want to talk to the leader about this—that I understand that Senator DASCHLE and Senator LOTT are prepared to move to table any amendments that they consider to be non-relevant to homeland security. Although, as the Senator from Minnesota knows, I share his anger about tax traders—if I may use that term—or tax evaders and support what he wants to do.

Mr. WELLSTONE. I say to my colleague, in the strict text, I have drafted it as a relevant amendment.

Mr. LIEBERMAN. I look forward to reasoning with the Senator and the leadership on that very question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, is the bill going to be reported now?

The PRESIDING OFFICER. It is.

Mr. REID. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5005, which the clerk will state.

The senior assistant bill clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized to call up amendment No. 4471.

Mr. REID. Madam President, will the Senator from Connecticut yield to let me say a word or two?

Mr. LIEBERMAN. I will.

Mr. REID. Madam President, I have been a part of some conversations. I think the two leaders are going to have Senator LIEBERMAN and Senator THOMPSON, the managers, determine what is relevant. I don't think they are going to do that. They will follow your lead on that.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 4471

Mr. LIEBERMAN. Madam President, I call up amendment No. 4471 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 4471.

The PRESIDING OFFICER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, September 3, 2002, under "Text of Amendments.")

Mr. LIEBERMAN. Madam President, this legislation is a result of the bipartisan work of the committee, and the occupant of the chair, the Senator from Missouri, has been a contributing member of it. It was endorsed by our committee on July 25 by a 12-to-5 vote. I believe very strongly that this deserves passage by the full Senate.

The substitute I am offering was modified in two respects after the committee held its business meetings in July. First, we added an offset to certain direct spending in the bill related, in fact, to civil service reform. Second, we have clarified earlier language about the conduct of risk and threat assessment by the new Department. Both changes were made after canvassing members of our committee and with the approval of the majority of the committee. I will describe them in more detail in a few moments.

This amendment, almost a year in the making, would create a focused and accountable Department of Homeland Security to enable our domestic defenses to rise to the unprecedented challenge of defeating terrorism on our home soil. Our defenses are either disorganized or organized for another day that is past.

This bill aims to reorganize our homeland defenses to meet the unprecedented threats from terrorism that are sadly part of the 21st century. This amendment would also create a White House office to ensure coordination across the many offices involved in the fight against terrorism, including intelligence, diplomatic and law enforcement agencies, foreign policy agencies, and economic assistance agencies that will remain outside the Department.

We recognize that the threat of terrorism on American soil will painfully be with us for some time. Therefore, the American people deserve and demand a Government equipped to meet and beat that threat. This committee-endorsed bill is presented in three divisions. Division A establishes a Department of Homeland Security, a White House office, and a national strategy for combating terrorism. Division B incorporates the provisions of the bipartisan Kennedy-Brownback reform of the Immigration and Naturalization Service.

We are going to hear a lot during the debate, I am confident, about the need for further reorganization of the constituent agencies we have brought together in this bill. But the committee-endorsed bill actually does undertake a massive reorganization of the one agency that just about everyone agrees is in desperate need of reform, and that is the INS. Division C incorporates consensus civil service reforms, themselves the product of intensive collaboration and discussion over a period of time—months and perhaps years—that were added as an amendment by the bipartisan team of Senators VOINOVICH and AKAKA.

I expect we will hear people saying that our legislation hasn't given the President all the management flexibility he has asked for. Of course, that is literally true because we believe the administration's request simply went too far, usurping not only the fundamental responsibility of Congress to adopt civil service laws, but to undermine important protections that guard the workplace and Federal workers against favoritism and also that create some limits on the executive, some sense of accountability that is placed on those who have sway over those who have chosen to serve the public as Federal employees.

I urge my fellow Senators on both sides of the aisle to look carefully at the reforms we have incorporated and the new flexibilities that we do provide, which are sensible and significant indeed and, I believe, if passed, would give the Secretary of Homeland Security more management flexibility than any Secretary operating under current law has ever had.

I know this promises to be a controversial discussion, a serious discussion, and sometimes a passionate discussion. I look forward to airing our differences, resolving them, and getting a good bill to conference and then to the President's desk, certainly by the end of this session.

We in the Congress have accomplished great and seemingly daunting tasks in the past; but, honestly, I can think of few in my time in the Senate, which is now 14 years, that have been more critical to our common future and cry out to us to work across party lines, to raise America's guard against the savage, inhumane, cunning threat of international terrorism. In fact, that is what happened on our committee.

The legislation I offer today was, as I have said, endorsed in July. It was endorsed in a bipartisan vote of the Governmental Affairs Committee. That marked the end of one of many stages in the bill's development in our committee. All told, we have been at this for almost a year now—more than 11 months. We have worked with colleagues on both sides of the aisle. We have worked with experts in the field in various aspects of counterterrorism and homeland security. We have worked very closely since June 6—when President Bush endorsed the idea of a Department of Homeland Security—with the President and his staff at the White House.

We gleaned insight and learned a lot from 18 hearings of the Governmental Affairs Committee that were held after September 11 on this subject and dozens of hearings held by other committees of the Congress.

I must say that I am proud for our committee of the product of these labors. This legislation puts forth a creative, constructive, and comprehensive solution to the core homeland security challenges we now face.

Our legislation differs in some respects, including some important ones from the House-passed bill and also from the President's proposal. We are going to hear people dwell on those differences for much of the debate. That is understandable. In some ways, it would be surprising if legislation as significant and this large were passed without dissent. In some ways, it would be not only surprising but unhealthy. The spirit of debate and controversy is here, and I hope out of it we will emerge with a very strong bill. In the case of each significant difference, I believe in the path we have taken, and I look forward to explaining why.

Let me say again we cannot allow the differences to overshadow the vast common ground on which we stand. Mahatma Gandhi said: "Honest disagreement is often a good sign of progress." He had a point. With a bill this big, as I said, I would be uneasy if the Senate began the process in total unison.

Let's realize the underlying reality and not lose sight of it. Just about everyone in this Chamber, on both sides of the aisle, understands the urgent necessity of reordering and reorganizing our capabilities to detect danger, protect Americans from attack, and respond in the event of an incident. That consensus should guide us and should ultimately dominate here. In fact, it is hard to find a Member of the Senate or the other body who will say they are against the creation of a Department of Homeland Security. People have different ideas about how one or another piece of it might look, but there is no one I have heard who is really against the creation of this Department.

In the end, that is because I think people understand that the current state of disorganization in the Federal Government's apparatus for responding to homeland security threats is dangerous. The consensus, therefore, for responding to that disorganization is by organizing the Federal Government better to meet those threats, to protect our people, to protect our infrastructure, to see the threats before they emerge through good intelligence and law enforcement, to invest in science and technology, to make protection of the American people at home easier and more effective. In the end, I am confident that we will pass a bill creating a Department of Homeland Security, and the sooner the better.

The American people understand why the creation of a strong accountable Homeland Security Department is the best way forward. They know that the formation of such a Department will not of itself win our war against terrorism. Obviously, we need to continue to encourage and support our military that is on the front lines of offense against the al-Qaida forces that struck us on September 11 and clearly remain out there in the shadows scheming, arming, readying themselves to strike us again.

The disadvantage we now have in defending ourselves because of our disorganization can no longer be afforded. Today, as former Assistant Secretary of Defense Ashton Carter told our committee on June 26:

"Homeland security remains institutionally homeless."

It is well stated, "Homeland security remains institutionally homeless." Everyone is in charge, therefore, no one is in charge. Our legislation would give this vital mission a home under a single roof and a firm foundation with someone, the Secretary, clearly in charge with the responsible authority and accountability and hopefully the resources to get results.

For the first time, we would require in statute close and ongoing White House coordination of the many other pieces of the fight against this 21st century threat—terrorism—and those pieces could not be included in the Homeland Security Department. They include defense, diplomacy, finance, law enforcement, and others.

For the first time, we, through this legislation, would require a comprehensive assessment of threats and vulnerability so that we understand the worst threats and the best ways to respond. We need a blueprint today. We do not have it. For the first time, we would create a new intelligence division focused on the threats to our homeland, equipped to truly connect the intelligence and law enforcement dots from Federal, State, and local agencies, from human and signal intelligence, from closed and open sources, from law enforcement and foreign sources, including particularly the Counterterrorism Center at the CIA.

These dots were not connected before September 11. We lived to experience the disastrous consequences of that failure.

For the first time, we would bolster emergency preparedness and response efforts to ensure that all layers and levels of Government are working together to anticipate and prepare for the worst. Today, coordination is the exception, not the rule, and that is no longer acceptable.

For the first time, we would build strong bonds between Federal, State, and local governments to target terrorism. State and local officials are clearly on the front lines as first responders and, as I like to say, first preventers in the fight against terrorism.

Today, local communities are already expending funds to better protect their people and their assets post-September 11. They are waiting for help. They need better training, new tools, and a coordinated prevention and protection strategy. That absence of coordination and failure of adequate support for State and local first responders and first preventers is no longer justifiable.

For the first time, we would bring key border and national entry agencies together to ensure that dangerous people and goods and containers are kept out of our country without restricting the flow of legal immigration and commerce that nourishes the Nation.

Today, threats to America may be slipping through the cracks because of our disorganization, and that is indefensible. For the first time, we would promote dramatic new research and technology development opportunities in homeland defense. This war has no traditional battlefield, as I have said. One of the nontraditional battlefields where we must emerge is the laboratory with science and technology. This bill would leverage Government and academic research capabilities and focus private sector innovation on the challenge. Today these efforts are blurred and dispersed, and that is unwise.

For the first time under this proposal, we would facilitate close and comprehensive coordination between the public and private sectors to protect critical infrastructure. Fully 85 percent of our critical infrastructure is owned and operated by the private sector, but our Government is not now working systematically with those companies to identify and close vulnerabilities in, for example, communications networks, electric grids or food distribution systems. That is unbearable.

Finally, our legislation would adopt consensus civil service reforms to give Government new tools to manage it. These bipartisan reforms, introduced by Senators VOINOVICH and AKAKA, would provide significant new management flexibility in hiring employees and shaping the workforce, while assuring that the basic public accountability of the civil service system is not summarily dissolved.

Under our bill, new flexibilities will increase accountability, strengthen the chain of command, and give the Secretary and agencies throughout our Government the ability to put the right people in the right place at the right time to defend the security of the American people.

As the writer H.G. Wells once said, "Adapt or perish—now as ever—is nature's inexorable imperative."

That is our choice today. Adapt and get stronger, or grow weaker; adapt, or give the American people reason to live in fear; adapt, or live at the mercy of our cruel and cunning terrorist enemies rather than being in control of our own destiny, as a great people should be.

So that we have an understanding of why this legislation takes the form it does, let me tell you briefly how it has evolved. It has been a very careful and collaborative process, nearly a year in the making. Last October, Senator SPECTER and I introduced legislation to create a Department of Homeland Security. That was S. 1534. That legislation drew heavily on the recommendation of the Hart-Rudman Commission on National Security in the 21st Century, which was chartered by the Secretary of Defense and supported by both the President and Congress, with the mission of providing the most comprehensive Government-sponsored review of our national security in more than 50 years.

The Commission released three reports in 1999, 2000, 2001, respectively. Its third report, phase 3, entitled "Roadmap for National Security: Imperative for Change," warned that we would soon face asymmetrical and terrorist threats and would need a focused Cabinet-level homeland security agency with adequate budget authority and direct accountability to the President to detect and counter those threats.

The Commission's conclusion, headed by our former colleagues Gary Hart and Warren Rudman, was issued on January 31, 2001, more than a half year before the day of darkness, September 11, 2001. Their conclusion included this statement: "The United States is today very poorly organized to design and implement any comprehensive strategy to protect the homeland."

Senators Hart and Rudman, and the other distinguished members of the Commission, made their case effectively and, I might say, eloquently. But the attacks of September 11 tragically drove the message home as no words could or, unfortunately, did. We were suddenly and clearly aware that we were more susceptible than we ever expected to the brutality of terrorism directed against innocent Americans for one reason only: Because they were Americans.

No matter their origin, in terms of ethnicity, religion, race, gender, age, place in life, new American or born American, but just because they were Americans in America, they were targets. We realized we were susceptible to that kind of violent extremism and we did not have the organizational capabilities to leverage our strengths and protect ourselves to the best of our ability.

So the bill I was privileged to introduce with my colleague from Pennsylvania, Senator ARLEN SPECTER, making it obviously bipartisan, last October, hewed closely to the model proposed by the Hart-Rudman Commission and also drew on recommendations made by the Gilmore Commission and others. We called for a new Department made up of the Coast Guard, Customs, Border Patrol, and FEMA, as well as some smaller offices on critical infrastructure protection and emergency preparedness.

The compelling need for such a Department was reinforced in those 18 hearings before the Governmental Affairs Committee during which 85 different witnesses testified on various aspects of homeland security. We learned a great deal also from dozens of other hearings by other committees on both sides of the Hill. So for those who may worry or suggest that we are moving more rapidly than we should, this is the record: Painstaking, deliberative, extensive consultation, investigation, education by experts, and an openness to ideas wherever they came from because of the critical necessity to do something to protect our security.

As chairman of the committee, I have been guided by a maxim that was used about foreign and defense policy, which is that partisanship stops at our Nation's coasts. In the same way, since this new enemy, the terrorists, has brought warfare within the United States of America, I say when we are discussing matters of homeland security, partisanship also must stop. That is the spirit in which our committee has gone forward.

We discovered, whether the subject was anthrax in the mail or port security or critical infrastructure protection, that the Federal Government is now lacking an approach to our problems that is either strong enough or coordinated enough to meet what we now know, post-September 11, is the reality of the challenge to us. In other words, we are dividing our strengths at a time when we should be multiplying them.

Again and again, the same message emerged from the witnesses who came before us, in big bold letters one might say: We still are not adequately prepared for terrorism at home, and a strong Cabinet-level Department, encompassing the key programs related to homeland security, is the necessary first step to addressing those deficiencies and closing those vulnerabilities.

The need for such a Department was further underscored by our experience with the Office of Homeland Security that was established last October by Executive Order of the President. The President appointed Gov. Tom Ridge to fill that position. Governor Ridge is an able, hard-working public servant. He has had the President's confidence and his ear from the very start. But we saw then, and the President would later acknowledge, that the office simply lacked the budgetary and organizational authority to reshape the Federal bureaucracy to define priorities and to get results. Only a Cabinet-level Secretary in charge of the Cabinet-level Department could accomplish that task.

In the debate that has already begun and clearly will go on in consideration of this bill, the President and the administration and their allies in this Chamber are saying we have not given the Executive enough management flexibility. The fact is that flexibility must come with power. It was our bill almost a year ago, in contrast to the President's position, that wanted to give the Executive the authority to be able to carry out the necessary changes in the Federal bureaucracy.

So to portray somehow that this bill is protective of the Federal bureaucracy is not right. In fact, the President's original position that this task could be carried out by an Office of Homeland Security did not give that office the power. It had no management flexibility because the constituent agencies exercised the authority they had under law which was superior to the director of the office. Therefore, in that sense, as well as all the specific senses in which we give management flexibility to the Executive, we are proposing a Department with a strong Secretary. That is the way to get the job done: blend the employees together, encourage them to work together, and set standards for them achieving homeland security. That can only be done by a strong Secretary.

At the same time, however, it became apparent that no single Department could address all of the Federal programs or coordinate all the programs of all the Federal agencies engaged in homeland security or in the war on terrorism. Therefore, last May, Senator SPECTER and I combined our proposal with legislation introduced by our colleague from Florida, Senator BOB GRAHAM, chairman of the Intelligence Committee, calling for the creation of a National Office for Combating Terrorism within the White House to coordinate Federal antiterrorism efforts government-wide.

In contrast to the position created for Governor Ridge by Executive Order, this office would be a Senate confirmed-position, with full accountability and authority as well as statutory power to review Federal budgets related to terrorism.

The combined legislation that we have before the Senate in the form of this substitute amendment which I have introduced this afternoon, resulted from, as I said, Senator SPECTER and I joining with Senator GRAHAM. Obviously, there is more added by the committee. That legislation originally was introduced on May 2, and considered by the Senate Governmental Affairs Committee on May 22 of this year, and reported out on a 9-to-7 vote—a vote exactly split along party lines.

On June 6, we got a surprise, a welcome surprise. We gained another supporter, a most important supporter. That was, of course, President George Bush. This, I believe, was a recognition by the President—he said so in his own words—that the Office of Homeland Security, as it was created by Executive Order, was just too weak to get the job done. That is what we had been arguing for months. That announcement was followed by a legislative proposal from the administration. We were pleased to see the administration's bill encompass almost all the S. 2452 provisions regarding a Department of Homeland Security.

It went further, however, and also proposed that additional programs and agencies be transferred to the new Department—and there were some good ideas there—to ensure the new administration proposals were properly considered and necessary adjustments made to our legislation.

As chairman of the Governmental Affairs Committee, I held four additional hearings on aspects of the President's proposal. Incorporating the insight from those hearings, as well as input from extensive discussion with colleagues, including committee chairmen and ranking members, we prepared an expanded version of S. 2452. The expanded version went a considerable way toward incorporating the proposals the President and the administration made that had not been made part of our original bill. It was further amended during two very thoughtful, constructive days of committee deliberation and was ultimately endorsed by our Senate Governmental Affairs Committee by a bipartisan vote of 12 to 5. That is what I offered as a substitute amendment to H.R. 5005. The amendment I now offer is the product of this lengthy and healthy process of consultation and deliberation. I thank my colleagues in the Senate for indulging me in this brief history expedition, and I want to say why I take the time to discuss the time it took; and that is to demonstrate that we have gone a great distance to hone this bill, to be open to input from anyone, to reach consensus, to modify, and amplify different sections.

The Department we have designed would for the first time combine, under a single chain of command and under the leadership of a single Secretary who is accountable to the President and the people, dozens of agencies and offices responsible for homeland security.

The Department's overarching mission, as stated in Section 101 of this amendment, is twofold: To promote homeland security, particularly with regard to terrorism; and to carry out the other functions and promote the other missions of entities transferred to the Department as provided by law. That is a very important statement.

As much attention as the first part of the mission, homeland security, will get in this debate, the second half cannot be forgotten because even though this Department's very reason for being created is to intelligently organize our Government's homeland security efforts, many of its constituent agencies perform vital, non-homeland security duties, as well. They cannot and will not stop doing that work.

Our bill, in clear and unequivocal language, requires the Department to uphold these other missions and functions.

The extent to which the constituent agencies and programs that are brought into this Department can both protect homeland security and continue to carry out the other responsibilities will depend on the extent to which we in Congress, through the appropriations process, are prepared to support this new Department.

The Secretary will be responsible for running the Department and for developing policies and plans for the promotion of homeland security. The legislation also charges the Secretary with including State and local governments, tribes, and other entities who, again, are first responders and first preventers of the fight against terrorism in every State and city and county and town in our country. The Secretary must consult them, with the Secretary of Defense and also State officers, regarding possible integration of the U.S. military, including the National Guard, into all aspects of the homeland security strategy and its implementation. The Guard is a mighty force, with an historic mission which was originally, of course, to protect homeland security. It has tremendous potential in this new 21st century, in responding to this 21st century threat to our security without making it by any stretch, kind of a Federal constabulary. But the Guard has extraordinary skill and equipment sophistication and can play a very constructive role here.

We also have charged the Secretary with the responsibility of developing a comprehensive information technology blueprint for the Department. The Senator from Illinois, Mr. DURBIN, talked quite eloquently and effectively about one aspect of that yesterday. In addition, the Secretary is responsible for administering the homeland security advisory system, and for annually reviewing and updating the Federal Response Plan for homeland security and emergency preparedness.

This is a big job. The size should make it clear how much we need the new Department. No one in Government is performing these duties adequately today. If they are doing the duties, they are not doing them systematically, certainly not synergistically. There are a lot of gears turning. Some are touching each other, some are not. Some are spinning in isolation. We want the gears to turn together, generating torque, producing energy, and getting results. That means more security for the American people at home.

No one can claim that the creation of a new Department is a guarantee or panacea for all our problems. I agree with Charles Boyd, distinguished American, great public servant and Executive Director of the Hart-Rudman Commission:

"There is no perfect organizational design, no flawless managerial mix. The reason is that organizations are made up of people, and people invariably devise informal means of dealing with one another in accord with the accidents of personality and temperament." Even excellent organizational structure cannot make impetuous or mistaken leaders patient or wise, but poor organizational design can make good leaders less effective.

That, in one sense, is what this is all about. Poor organizational design makes good leaders less effective with unnecessary gaps, overlaps, and bureaucratic barriers—by spreading authority and resources too thin, by diminishing accountability, by tolerating overlap and inefficiency—while good organizational design will empower good leaders, hold people accountable, and enable their talent and hard work to make a difference.

In other words, 10 gallons of gas poured into a well-designed, efficient engine can get you long distances at high speeds, but 10 gallons poured into an old, less efficient engine won't get you very far in a very efficient way.

That leads me to a second caution about the legislation, which is the blueprint that we need to build a Homeland Security Department that America needs. In a number of areas likely to be the most controversial, I strongly believe we have chosen the right path. But it would be arrogant of me or anyone to suggest that this legislation is perfect. It is not. That is why we have specifically built into it room for adjustment and refinement as the administration actually begins moving the pieces together. And we have given them a year from the effective date to, in fact, do that.

We require the administration to report back to Congress 6 months after the effective date or earlier during the reorganization process, and every 6 months thereafter, and require recommendations for changes to law at these junctures and throughout the process.

So even the passage of this bill will be not the end of the process, but its start; as Churchill once said in a very different context, "not the beginning of the end, but the end of the beginning."

But the fact that we cannot guarantee perfection is no argument against this legislation. Obviously, even our country's Constitution, which Senator BYRD and Senator THOMPSON and others quite eloquently and correctly honored and celebrated in yesterday's debate, the very foundation of our democracy, a democracy created with as much foresight and wisdom as any other in the history of government, was not perfect. It has been amended 27 times. At the time, the Founders understood it had to be built to change over time. Indeed, during the ratification debate, Alexander Hamilton urged those who criticized the Constitution not to fail to approve it in what he called "the chimerical pursuit of a perfect plan." In a more homely translation that we constantly—at least regularly—use here: Don't let the perfect be the enemy of the good.

Similarly, we must not fail to create this Department in pursuit of a perfect Department. History has dropped at our feet an urgent and necessary challenge, to reshape our Government, to protect the lives and affirm the values of our people, for surely our terrorist enemies are as intent on striking and destroying our humanistic, tolerant, inclusive, free values as they are of destroying our people. We can either meet the moment by staying focused on that goal or we can let it pass by bickering over petty and sometimes partisan or ideological particulars.

Let the debate go forward, but let us, as we go forward in debating and amending this substitute amendment that I have laid down, remember the urgent challenge the terrorists have given us and the broad ground we all seem to occupy about most of how we should respond to that challenge, by creating this Department.

Let's have some debates and disagreements. But when it is all over, let's remember, not only in this bill but more generally in our values, there is so much more that unites us, and that ultimately is our greatest strength against our enemies, past, present, and future. We must be certain to preserve that when this debate is done and a new Department of Homeland Security is created.

Mr. President, I ask unanimous consent to have printed in the RECORD an addendum statement, a section-by-section analysis, and a letter dated August 28, 2002.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, I want to share with the Senate my views on the meaning and intent of the provisions we added to this legislation since the Governmental Affairs Committee first considered the bill in May and filed the accompanying report to S. 2452. This legislation has been almost a year in the making, and reflects the thoughtful contributions of an array of distinguished legislators and policy experts.

Last October, I introduced legislation with Senator Specter to create a Department of Homeland Security (S. 1534). That legislation drew heavily on the recommendations of the United States Commission on National Security/21st Century, also known as the Hart-Rudman Commission. It called for a new department made up of the Coast Guard, Customs, Border Patrol, and FEMA, as well as some smaller offices that specialize in critical infrastructure protection and emergency preparedness. The compelling need for such a department was quickly underscored in a series of hearings before the Governmental Affairs Committee examining aspects of homeland security. Whether the subject was anthrax in the mail, port security, or critical infrastructure protection, the Federal government generally did not have a strong, coordinated approach to address the range of threats. A strong, Cabinet-level department encompassing key programs related to homeland security would be a vital first step to addressing this deficiency. At the same time, however, it became apparent that no single department could address all of the Federal programs engaged in the war on terrorism. Therefore, I combined forces with Sen. Graham, who had proposed legislation to create a White House terrorism office to coordinate federal efforts to combat terrorism government-wide. In contrast to the position created by executive order for Gov. Ridge, this office would be a Senate-confirmed position with full accountability and authority, as well as statutory power to review federal budgets relating to terrorism. The combined legislation, the "National Homeland Security and Combating Terrorism Act of 2002," was introduced on May 2, 2002. It was considered by the Governmental Affairs Committee on May 22, 2002 and reported out on a 7–3 vote. A full account of the background and history of that legislation is included in its accompanying report, No. 107-175.

Before the full Senate had a chance to consider that bill, however, the President announced his support for a Department of Homeland Security. That announcement was followed, on June 18, with a legislative proposal from the administration. The administration's bill encompassed almost all of S. 2452's organizational elements regarding a Department of Homeland Security. It went further, however, and proposed that additional programs and agencies be transferred to the new department. To ensure that these new administration proposals were properly considered, the Governmental Affairs Committee held four additional hearings. Then, working with other committee chairmen and ranking members, I prepared an amendment to S. 2452 that was considered at a July 24–25 business meeting of the Governmental Affairs Committee. That expanded version of S. 2452 went a considerable way to incorporate Administration proposals that had not been part of the original bill. It was further amended during two days of Committee deliberation, and ultimately endorsed by a bipartisan Committee vote of 12 to 5.

What follows is a description of some of the key changes to the legislation since the May 22, 2002 markup of S. 2452. It should be considered in concert with Report 107–175, which describes the core of the legislation—most of which is unchanged. A complete section-by-section analysis is also included.

As reported out of the Governmental Affairs Committee (GAC) on May 22nd, S. 2452 created a Department of Homeland Security with three directorates: Border and Transportation Protection, Critical Infrastructure Protection, and Emergency Preparedness and Response. The GAC-endorsed legislation now includes additional programs and agencies that will be organized into six directorates: the original three, plus directorates for Intelligence, Immigration and Science and Technology, an expanded version of a Science and Technology Office in the original bill. The key changes are summarized below:

The GAC-endorsed legislation adds the Transportation Security Administration (TSA) to the agencies incorporated into the Directorate for Border and Transportation Protection. TSA was created through the Aviation and Transportation Security Act, Pub. L. 107–71, which was signed into law on November 19, 2001. The agency's mission is to protect the country's transportation systems, including rail, highways, and maritime, although currently its main focus is to improve aviation safety. TSA's responsibilities include meeting a series of deadlines to upgrade aviation security, including the hiring of more than 30,000 airport security personnel, deploying explosive detection systems and other security equipment, facilitating airport passenger and baggage inspection, and implementing other measures to heighten the safety of air travel.

The inclusion of TSA in the Department will permit better coordination of transportation security operations with other agencies that are responsible for security at the borders. These agencies, which include the Customs Service, Coast Guard, Border Patrol, INS, and border inspection agents from the Animal Plant and Health Inspection Service, are responsible for conducting inspections of travelers and goods entering the United States and for securing the international boundaries the United States shares with Mexico and Canada. TSA's mission to secure our transportation infrastructure is closely tied to maintaining the security of the ports of entry where these border agencies are stationed. For example, cargo containers that pass through our ports are conveyed to other parts of the country through our transportation system, either on rail or the highways, and could cause significant harm and disruption to our transportation infrastructure if they contained explosives or were used in a terrorist attack. It is essential for these agencies to coordinate their efforts so that security measures are linked and more seamlessly implemented. This process will be easier with TSA and the key border agencies in the same chain of command.

Our transportation system must also be able to move people and goods quickly and efficiently from the borders throughout the country. To ensure the security of this system, TSA needs access to key information regarding vulnerabilities and threats. The Department's Directorate of Intelligence, which I will describe shortly, will have the intelligence architecture to help provide this critical information to TSA and other agencies within the Department. By being closely tied to that intelligence directorate, and to the other border agencies in the Department that will be collecting vital information, TSA will be in a better position to prevent future attacks using the transportation system.

Finally, as a new agency TSA may be able to take advantage of some economies of scale offered by the new Department. Specifically, it may not need to create certain capabilities—administrative or otherwise—that will already exist in other components of the Department.

In S. 2452, the Customs Service was transferred intact to the Department. This remains the case in the GAC-endorsed legislation, which also provides that Customs will be preserved as a distinct entity.

At the request of the Senate Finance Committee Chairman and Ranking Member, the legislation incorporates an amendment, adopted by the Committee and agreed to by both the White House and the Finance Committee Chairman and Ranking Member, which will preserve the ability of the Treasury Secretary—with the concurrence of the Secretary—to issue regulations on customs revenue functions that involve economic judgments within the expertise of the Treasury Department, and which can have a major impact on our economy and relationships with foreign countries. These customs revenue functions include: assessing, collecting, and refunding duties, taxes, and fees on imported goods; administering import quotas and labeling requirements; collecting import data needed to compile international trade statistics; and administering reciprocal trade agreements and trade preference legislation. The Customs Service, reporting to the Secretary, is responsible for administering and enforcing these laws, and indeed for all the Custom Service's traditional border and revenue operations; the Commissioner of Customs is also authorized to develop and support the issuance of regulations by the Treasury Secretary regarding customs revenue functions. After further review, Congress may consider legislation to determine the appropriate allocation of these regulatory authorities between the Secretary of Homeland Security and the Treasury Secretary.

The legislation transfers the Federal Law Enforcement Training Center (FLETC) from the Department of the Treasury to the Directorate for Border and Transportation Protection. FLETC provides basic and advanced agency-specific training for law enforcement officers and analysts at over 70 Federal agencies. This training allows for greater standardization of law enforcement training that is also more cost-effective and is taught by professional instructors using modern facilities. Many of its key customer agencies are being transferred to the new Department, including the Secret Service, INS, Border Patrol, Customs Service, Coast Guard, and Federal Protective Service. Given these relationships, the Department will benefit from the inclusion of FLETC.

FLETC also provides training to State and local entities and to foreign law enforcement personnel, programs generally not otherwise available to these agencies. The programs also enhance networking and cooperation throughout the law enforcement community, domestically as well as world-wide. Therefore, these programs will support and complement the Department's efforts to work more closely with State and local agencies as well as foreign governments to detect and prevent acts of terrorism.

The legislation transfers the Coast Guard to the new Department, and specifies that it be maintained as a distinct entity. At the July 24–25 business meeting, the Committee adopted language intended to maintain the structural and operational integrity of the Coast Guard and the authority of the Commandant, ensure continuation of the non-homeland security missions of the Coast Guard and the Service's capabilities to carry out these missions as it is transferred to the new Department, and ensure that the Commandant reports to the Secretary.

The language, offered as an amendment by Senators Stevens and Collins, states that the Secretary may not make any significant change to any of the non-homeland security missions and capabilities of the Coast Guard without the prior approval of the Congress in a subsequent statute. The President may waive this restriction for no more than 90 days upon his declaration and certification to the Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver.

The language further directs that the Coast Guard's organizational structure, units, personnel, and non-homeland security missions shall be maintained intact and without reduction after the transfer unless Congress specifies otherwise in subsequent Acts. The language also states that Coast Guard personnel, ships, aircraft, helicopters, and vehicles may not be transferred to the operational control of, or diverted to the principal and continuing use of, any other organization, unit, or entity of the Department.

Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary and not through any other official of the Department.

The Inspector General of the Department shall annually assess the Coast Guard's performance of all its missions with a particular emphasis on examining the non-homeland security missions.

None of the conditions in the approved language shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

The legislation creates a separate directorate for intelligence (DI) to serve as a national level focal point for information available to the government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations. To emphasize its importance to all aspects of Homeland Security, the DI is an independent directorate within the Department, and is headed by an Under Secretary who reports to the Secretary.

This directorate is a new addition to the legislation since the May 22 markup. It stems from the Administration's proposal to create an intelligence analysis unit within the Department. However, the President's concept has been altered and strengthened in response to testimony before the Committee and input from key senators. Specifically, this proposal reflects important input from Senators Levin and Akaka, both in negotiations and amendments offered at the business meeting. In addition, Intelligence Chairman Senator GRAHAM, Intelligence Vice Chairman Senator SHELBY, former Intelligence Chairman Senator SPECTER and Senator DURBIN contributed key ideas.

As an independent directorate—without the operational responsibilities of other directorates—the DI will focus on providing intelligence analysis to all of the other directorates in the Department, to State and local government, and to law enforcement, for the purpose of preventing terrorist attacks, enhancing border security, protecting critical infrastructure, enhancing emergency preparedness and response, and better informing our research and development activities.

It is important to note that the new Department, through its component organizations, will be one of the largest generators in the government of information relevant to terrorism. The data it obtains about persons and goods entering the country must be better organized and coordinated with threat data from other agencies if the new Department is going to be able to do its job. The DI, therefore, will be responsible for receiving and analyzing law enforcement information from agencies of the United States government, State and local government agencies (including law enforcement agencies), and the private sector, and fusing such information and analysis with analytical products, assessments, and warnings concerning foreign intelligence from the CIA's Counterterrorist Center in order to detect and identify threats of terrorism and other threats to homeland security. The Counterterrorist Center shall have primary responsibility for the analysis of foreign intelligence relating to international terrorism. However, the DI may also conduct its own supplemental analysis of foreign intelligence relating to threats of terrorism against the United States and other threats to homeland security.

The DI's mission is critical to all the Department's activities, as well as to the homeland security mission of the intelligence community, law enforcement community, and State and local governments. For this reason, unless the President directs otherwise, the Secretary is provided with broad, routine access to reports, assessments, analytical information, and otherinformation—including unevaluated intelligence—from the intelligence community and other United States government agencies. The Secretary will also receive information from State and local government agencies, and the private sector. As the President may further provide, the Secretary is also authorized to request additional information—either information that an agency already has in its possession, or new information that could require further investigation. The Secretary will work with the Director of Central Intelligence and the Attorney General to ensure that all material received by the Department is protected against unauthorized disclosure and that sources and methods are protected.

The provision also reflects an amendment by Senator AKAKA that makes the Department a full participant in the process, managed by the Director of Central Intelligence, whereby the intelligence community establishes overall requirements and priorities for the collection of national intelligence. Similarly, the Akaka amendment also makes the Directorate responsible for consulting with the Attorney General and other officials to establish overall collection priorities and strategies for information, including law enforcement information, relating to domestic threats.

The intelligence proposal reflected in the GAC-endorsed legislation was developed after examining the Administration's proposal and hearing from expert witnesses on the critical need for a national level focal point for the analysis of all information available to the United States to combat terrorism. On June 26 and 27, the Committee held hearings on how to shape the intelligence functions of the proposed Department—to determine how, in light of the failure of our government to bring all of the information available to various agencies together prior to September 11 the government should receive information from the field, both foreign and domestic, and convert it, through analysis, into actionable information that better protects our security.

The Committee heard testimony from former directors of the Defense Intelligence Agency and National Security Agency, from FBI Director Mueller and Director of Central Intelligence Tenet, and from William Webster—who headed both the FBI and CIA. It also heard from the Chairman and Vice-Chairman of the Intelligence Committee, Senators Bob Graham and Richard Shelby, whose investigation into the failures of September 11 is expected to yield recommendations for broader reforms that address longstanding and systemic problems within the intelligence community.

Senator Graham's written testimony stated that the Intelligence Committee's hearings thus far have uncovered several factors that contributed to the failures of September 11—one of which is "the absence of a single set of eyes to analyze all the bits and pieces of relevant intelligence information, including open source material." Senator SHELBY'S written testimony stated that "most Americans would probably be surprised to know that even nine months after the terrorist attacks, there is today no federal official, not a single one, to whom the President can turn to ask the simple question, what do we know about current terrorist threats against our homeland? No one person or entity has meaningful access to all such information the government possesses. No one really knows what we know, and no one is even in a position to go to find out." General Patrick Hughes, former director of the Defense Intelligence Agency, echoed these points. His testimony stated that, "in our intelligence community, we currently have an inadequate capability to process, analyze, prepare in contextual and technical forms that make sense and deliver cogent intelligence to users as soon as possible so that the time dependent operational demands for intelligence are met."

The Administration's approach falls short of what we need. A key concern is the mission and position of the intelligence unit within the new Department. By making intelligence its own directorate, our legislation recognizes that the work it does will be instrumental to every other directorate in the organization and to state and local authorities—not just to federal infrastructure protection efforts. The Administration's proposal imbeds the intelligence division within a directorate responsible for critical infrastructure protection. The Administration's proposal is to create an "information analysis and critical infrastructure protection division"—whose most important role, as CIA Director Tenet testified before the Committee on June 27, would be "to translate assessments about evolving terrorist targeting strategies, training, and doctrine overseas into a system of protection for the infrastructure of the United States." But that is not enough. Intelligence will be crucial not only to infrastructure protection, but to everything this Department will do. It is not hard to imagine many threats to American lives that do not involve infrastructure at all: a plot to detonate a bomb in a shopping mall, for instance, or to unleash a biological agent on a city from above.

To be most effective, the entity responsible for producing all-sources intelligence analysis should not be charged with implementing operational responsibilities. The danger in the Administration's approach is that the intelligence analysis function will be consumed by the operational needs of critical infrastructure protection, and not focus enough on other aspects of the homeland security fight.

There is also a practical reason why these two functions should be under different Under Secretaries. Both are very complex functions that have never before been performed in our government. These are very demanding jobs and the GAC endorsed amendment places them under different Under Secretaries so that, like border and transportation security, science and technology, immigration, and emergency preparedness and response, they will receive the focused leadership and attention necessary to succeed. Just protecting our cyber assets—which is only one aspect of critical infrastructure—is a daunting challenge that grows more each year.

The Under Secretary for Intelligence, who will have to establish and operate a robust Directorate of Intelligence to systematically analyze the threats to our country will be fully consumed with that function. The Under Secretary for Critical Infrastructure Protection, whose role will be to map the threat information to the vulnerabilities in our critical infrastructure, and work closely with other agencies, and the private sector to ensure adequate protective measures are put in place, will also have a huge challenge. However, by making the same official responsible for establishing a robust intelligence division and protecting critical infrastructure, the Administration's proposal underestimates the challenges that we face in both areas.

Secondly, the President's proposal does not allow the DI sufficient, routine access to information produced by other parts of the Intelligence Community and other agencies. The GAC-endorsed legislation provides the Secretary with broad, routine access to reports, assessments, analytical information, and other information—including unevaluated intelligence—relating to the capabilities, intentions, and activities of terrorists and terrorist organizations, unless otherwise directed by the President. "Unevaluated intelligence" refers to the substance of intelligence reports, absent any information about sources and methods. We use this term based on the recommendation of the Chairman of the Senate Intelligence Committee—precisely to make it clear that information about sources and methods, which is generally included in "raw intelligence", will be protected. In contrast, the Administration's proposal would curtail the Secretary's access to unanalyzed information. The Secretary would have routine access to reports, assessments, and analytical information. But, except for information concerning vulnerabilities to critical infrastructure, the Secretary would receive access to unanalyzed information only as the President may further provide.

At the Committee's hearing on June 27, Senator Shelby, the Vice Chairman of the Intelligence Committee, objected to the limitations on information access in the President's proposal. He stated that "unlike information relating to infrastructure or other vulnerabilities to terrorist attack—all of which the Secretary would be given access to 'whether or not such information has been analyzed'—information on terrorist threats analyzed'—information on terrorist threats themselves would be available to the Department only in the form of what is known as 'finished' intelligence." He testified that, under Sec. 203 of the President's proposal, the Secretary may obtain the underlying information only 'by request' or when the President specifically provides for its transmission to the new Department. Senator Shelby called these limitations in the President's bill "unacceptable". Clearly, the Administration's proposal would reinforce tendencies not to share information among agencies that have historically been reluctant to share. Our purpose is to remove obstacles to information sharing—obstacles that clearly contributed to the tragedy of September 11—not to reinforce them.

The GAC-endorsed amendment establishes a proactive DI. In addition to helping set intelligence priorities and receiving analysis from all other agencies in government, it would have routine access to the unevaluated intelligence, the information behind the reports that DHS will receive, unless the President directs otherwise. The Secretary will also be able to request and receive additional information (as the President further provides) that might require agencies to conduct separate investigations or redeploy resources. We anticipate that the cases would be rare where an agency is unwilling or unable to comply with the Secretary's request; however, the President will ultimately determine how conflicts, if any, will be resolved.

During the July 24–25 business meeting, Senator Thompson offered an amendment reflecting the President's approach on intelligence; however that amendment was defeated.

S. 2452 included a Directorate for Critical Infrastructure Protection (CIP). The GAC endorsed amendment continues to include that directorate, and expands it to incorporate significant additions as proposed by the President. The Directorate will be headed by an Under Secretary who is appointed by the President with the advice and consent of the Senate.

The CIP will combine the key entities, currently scattered across the Federal government, that are charged with working with the private sector and other agencies to protect various sectors of our nation's critical infrastructure. The authorities, functions, personnel, and assets of several offices are transferred to the Department. These include the Critical Infrastructure Assurance Office of the Department of Commerce (established by Presidential Decision Directive 63 in 1998 to coordinate federal initiatives on critical infrastructure); and the National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section, which the Administration requested remain in the FBI to ensure that it continues to have a capability to pursue computer crimes). To these we have added several important entities from the President's proposal: (1) the National Communications System of the Department of Defense (established by Executive Order in 1984 to assist the President and others in: (a) the exercise of telecommunications functions and (b) coordinating the planning for and provision of national security and emergency preparedness communications); (2) the Computer Security Division of the National Institute of Standards and Technology (NIST) of the Department of Commerce (which is tasked with improving information systems security); (3) The National Infrastructure Simulation and Analysis Center of the Department of Energy (established to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation); (4) The Federal Computer Incident Response Center of the General Service Administration (a partnership of computer incident response, security, and law enforcement personnel to share information and handle computer security incidents); and (5) The Energy Security and Assurance Program of the Department of Energy, a national security program to help reduce America's energy supply vulnerability from severe disruptions due to natural or malevolent causes.

Finally, the GAC endorsed legislation transfers the Federal Protective Service of the General Services Administration (GSA) to the CIP. The President proposed that FPS be transferred to the Border and Transportation Protection Directorate. The Federal Protective Service oversees security at Federal property managed by GSA. Its expertise and mission is to provide physical security for some of our nation's key resources, making it more appropriate that it be combined with the other entities responsible for physical security and cyber security in this Directorate.

The GAC endorsed legislation establishes specialized research and analysis units in the CIP to process intelligence and identify vulnerabilities in key areas, including: (a) Public health, (b) food and water storage, production, and distribution; (c) commerce systems, including banking and finance; (d) energy systems, including electric power and oil and gas production and storage; (e) transportation systems, including pipelines; (f) information and communication systems; (g) continuity of government services; and (h) other systems or facilities the destruction of which would cause substantial hard to health, safety, property, or the environment.

Among its other duties, the CIP shall be responsible for receiving relevant information from the Directorate of Intelligence, law enforcement, and other information to assess the vulnerabilities of the key resources and critical infrastructures; identifying priorities and supporting protective measures by the Department and other entities; developing a comprehensive national plan for securing key resources and critical infrastructure; enhancing and sharing of information regarding cyber-security and physical security; developing security standards, tracking vulnerabilities, proposing improved risk management policies; and delineating the roles of various governmental agencies in preventing, defending, and recovering from attacks.

The Directorate will also be responsible for establishing the necessary organizational structure to provide leadership and focus on both cyber-security and physical security, and ensuring the maintenance of a nucleus of cyber and physical security experts in the United States Government. Both cyber and physical security are critical to the adequate protection of those systems on which our nation's economy and culture depend. The CIP will be responsible for utilizing the best modeling, simulation, and analytic tools to prioritize the effort.

The creation of this Directorate indicates broad consensus on the need for a single entity to coordinate a national effort to secure America's critical infrastructure. This is a shared responsibility of Federal, State, and local governments along with a private sector which owns 85% of our nation's critical infrastructure. However, unlike the President's proposal, which combines information analysis and infrastructure protection under one Under Secretary, the GAC amendment places Critical Infrastructure Protection in its own directorate where it will work closely with the Intelligence Directorate. This was done both to elevate and stress the centrality of intelligence analysis to all of the Department's missions, but also because critical infrastructure protection is a sufficiently complex and daunting challenge that it will require the focused leadership and attention of an Under Secretary.

As reported out of the Committee in May, S. 2452 would have transferred the law enforcement programs of the Immigration and Naturalization Service to the new Department, while leaving its service functions at the Department of Justice. However, key senators and immigration experts argued that this course could undermine the critical task of reforming the INS. The GAC-endorsed legislation now transfers all immigration functions to the new Department, but specifies that the INS be disbanded and reorganized along the lines of a major, bipartisan reform bill, S. 2444, sponsored by Senators Kennedy and Brownback. These senators are the chairman and ranking member, respectively, of the immigration subcommittee of the Senate Judiciary Committee, and have assembled an impressive bipartisan majority of that committee in support of their legislation. Rather than try to characterize their handiwork for them, I am attaching a letter from Senators Kennedy and Brownback describing the substance of the immigration reforms now incorporated in this legislation.

Because the work of reforming INS is very demanding, the immigration programs will be in their own directorate, with direct accountability to the Secretary, rather than included as part of the Border and Transportation Protection directorate. However, to ensure adequate coordination between immigration programs and other agencies that operate at the border, the legislation creates a Border Security Working Group. This Working Group will consist primarily of the Secretary, or his designee, and the Under Secretaries for Immigration and Border and Transportation Protection. It will meet at least four times a year, and coordinate matters including budget requests, staffing requirements, and use of equipment. This working group can also bring in other federal agencies with border operations (such as the Drug Enforcement Administration or the Food and Drug Administration) that are not part of the Department, offering a critical mechanism for government-wide coordination along the border and at ports of entry.

The legislation also gives the Secretary regulatory authority over the visa application process. Consular employees at the Department of State would continue to process visa applications. However, the Secretary would have authority to issue regulations concerning the application process. This would include the required procedures for considering an application, such as whether all applicants must be interviewed in person or what kind of identification documents would be required. In addition, the Secretary would have authority to station Departmental employees oversees to consult with State Department employees on the visa process and specific threats.

The homeland security mission will face profound technological needs and requirements, and the challenges are substantial. The first challenge derives from the fact that most research and development of new technologies relevant to homeland security will occur outside the new Department—in other agencies, academia, and the private sector. Therefore, the Department will require powerful tools and mechanisms to elicit cooperation from entities external to the Department, and to coordinate R&D efforts across a range of disparate groups, each with their own missions and priorities, in service to homeland security goals. The legislation attempts to provide the Directorate of Science and Technology with the mechanisms it needs to resolve this fundamental coordination problem. The legislation establishes a Security Advanced Research Projects Agency (SARPA), which is inspired by the highly successful Defense Advanced Research Projects Agency (DARPA) of the Department of Defense (DOD). Following the DARPA model, SARPA will have funding, in the form of an Acceleration Fund, to support key homeland security R&D both within and outside of the federal government, and to leverage collaboration on R&D between entities, particularly among the agencies. A second mechanism provided under the legislation is a Science and Technology Council consisting of senior R&D officials from the agencies and other appropriate entities. The Council will assist the Under Secretary in coordinating interagency efforts to execute the science and technology agenda of the Department, primarily through supporting the development of a comprehensive technology roadmap for establishing common priorities and allocating individual responsibilities. Another important mechanism is the ability to directly engage any of the Department of Energy (DOE) national laboratory and sites through joint sponsorship agreements in carrying out R&D activities for homeland security purposes. With respect to bioterrorism research, the Secretary will be able to ensure that the best researchers are focused on developing necessary countermeasures against biothreats by establishing general priorities for biothreat research programs conducted at the National Institutes of Health.

A second R&D challenge is to assure that the Directorate will have expedient access to broad, deep, and ongoing support for critical analysis and decision-making regarding scientific or technical issues. To address this issue, the legislation provides authority for the Directorate to contract with or establish Federally Funded Research and Development Centers (FFRDCs) to obtain independent analytical, scientific, and technical expertise and support, including support for risk analysis and risk management functions. In addition, an Office of Risk Analysis and Assessment is created within the Directorate to ensure that such risk analysis functions are given institutional priority and conducted internally or through outsourcing to FFRDCs.

A third challenge is for the Department to develop and effectively manage a critical mass of internal homeland security R&D capabilities. The legislation transfers a number of entities from the Department of Energy, and one to be created in the Department of Defense, that will constitute a core scientific base upon which the Department will conduct in-house R&D efforts central to its mission. Fundamental to developing this in-house expertise is the ability to procure a strong talent base and to engage them in innovative projects quickly. In view of this, the legislation affords the Secretary with flexible management tools to hire and retain top flight scientific and technical personnel, as well as to accelerate R&D and prototype projects to advance the homeland security mission.

Intelligent and coordinated deployment of technology within the Department is a fourth challenge that must be overcome. Too often, government agencies are hampered and distracted from their fundamental missions as a result of unstructured and technically unsophisticated approaches to technology acquisition and deployment that lead to interoperability problems downstream. The legislation establishes an Office for Technology Evaluation and Transition to assist the Under Secretary in his responsibilities as the chief technology officer and to assure his central role in testing, evaluating, and approving new homeland security technologies being considered by the Department for acquisition.

Lastly, the Committee recognizes that a sea of scientific and technological expertise and resources resides outside the walls of the Federal government, and has therefore included several provisions to engage the private sector in maintaining our national security. Transition of technology is emphasized throughout the section. An Advisory Panel consisting of experts from the private sector and academia may be convened by the Secretary to advise the Under Secretary and Council and promote communication with non-federal entities. The Office of Technology Evaluation and Transition described earlier will provide a gateway and clearinghouse for companies with innovative technologies relating to homeland security. This Office will also have particular responsibility for facilitating the transition of technologies into fielded systems for use by the Department, other agencies, or private sector entities. Another provision requires the Secretary to articulate a strategy and plan for encouraging biotechnology firms, pharmaceutical companies, and other entities to develop countermeasures against biological and chemical weapons, with a view towards commercial production. A fourth provision directs the Under Secretary to establish a National Emergency Technology Guard composed of teams of volunteer experts in science and technology to assist local communities in responding to and recovering from disasters requiring specialized scientific or technical skills.

Taken in combination, the mechanisms granted by the legislation provide the Department with an array of tools with which to forcefully tackle the set of R&D challenges confronting it. The legislative history and specific details regarding the legislation are discussed in greater detail below.

S. 2452, as reported out of the Committee on May 22, contained a provision establishing an Office of Science and Technology within the new Department of Homeland Security. The underlying intent of this provision was to create an R&D entity similar in organization and function to the Defense Advanced Research Projects Agency, which was selected as an appropriate model for the Department's R&D component in light of the fact that the Department, as originally contemplated, would have had limited capability to conduct R&D internally. Consequently, it was determined that the Department could most effectively initiate and promote R&D in support of its mission through a DARPA-like entity with a lean, flexible organizational structure joined with funding to leverage external interagency collaboration. Since the release of the President's proposal for the Department, and in response to that and additional input received by the Committee from a broad range of contributors, including other Member offices and experts from the scientific research and technology communities, the scope and responsibilities of the Office have been broadened.

The legislation redesignates the Office of Science and Technology as the "Directorate of Science and Technology" ("Directorate"), and elevates the head of the Directorate to the rank of a Senate-confirmed Under Secretary. This follows the consensus view of the National Academy of Sciences that the Directorate's chief science and technology (S&T) official requires sufficient stature to influence and coordinate S&T policies and activities outside the Department. The Under Secretary will be responsible for executing the Directorate's mission of managing and supporting R&D activities to meet national homeland security needs and objectives; articulating national R&D goals, priorities, and strategies pursuant to the mission of the Department; coordinating with entities within and outside government to advance the R&D agenda of the Department; advising the Secretary of the Department on all scientific and technical matters; facilitating the transfer and deployment of technologies critical to homeland security needs; and generally serving as the Department's chief technology officer.

The legislation provides a number of key components to assist the Directorate in meeting its mission. First among these is SARPA, the new R&D agency modeled after DARPA that was established in the original version of the legislation and is retained in the amended legislation. DARPA was created in 1958 in response to the launch of Sputnik. It is an organization that recruits outstanding scientific and technical talent and funds high-risk, high-payoff projects that offer the potential for revolutionary advances. DARPA's nimble, aggressive and creative approach has consistently produced impressive and effective war-fighting technologies. Moreover, in the course of fulfilling its central mission, DARPA has developed technologies with broad commercial and societal application, such as the Internet. Of particular significance to the Committee in selecting DARPA as a model for the S&T apparatus in the Department is DARPA's use of its funding to leverage R&D investments in other parts of DOD, effectively generating a multiplier effect that maximizes DARPA's contribution to national defense in disproportion to its actual funding level. Over five decades, DARPA has been recognized as one of the most productive engines of technological innovation in the U.S. government.

While DARPA concentrates primarily on the development of revolutionary technologies, SARPA will have a broader focus consistent with its larger mission. Since there are many technologies relevant to homeland security in various stages of development and deployment, SARPA will promote a wide range of technology development, transition, and deployment efforts, as well as research for revolutionary new technologies. Nevertheless, the Committee anticipates that with an Acceleration Fund authorized at $200 million for FY03, SARPA will have the foundation for replicating or exceeding DARPA's success in catalyzing critical new technologies by initiating and leveraging R&D among public, private, or university innovators. Under an amendment offered by Senator Stevens, ten percent of the Acceleration Fund is to be allocated to Coast Guard homeland security R&D missions for FY'04 and FY'05 through a joint agreement with the Commandant of the Coast Guard.

While Congress should restrain itself in directing particular management strategies, it is the Committee's expectation that SARPA will take full advantage of evolving modern management strategies in the R&D field, particularly in assuring effective technology transition. For example, the Committee would expect SARPA to engage in a careful "needs identification" effort which involves eventual technology "users" in its R&D roadmapping and planning exercises. The Committee also expects that it operate not simply as a traditional research organization but that it explore methods to involve venture participants, incubate new technologies, encourage the startup process, facilitate prototyping, and promote strategic government and private sector supporters and investors. SARPA will also need to actively encourage connections with technology first-adopters in and out of government, and establish interactive feedback systems for technology development and deployment to ensure sustained interaction between front-line researchers and with users.

To support the Directorate and its functions, an interagency Science and Technology Council, which is the successor to the Science and Technology Steering Council contained in the original version of the legislation, will advise the Under Secretary on priorities and strategies for homeland security R&D. This Council will consist of senior R&D officials from across the government and will serve to facilitate interagency coordination on R&D activities pertinent to homeland security. One of the chief responsibilities of the Council will be to assist the Under Secretary in developing overarching technology roadmap that will enable a coherent national homeland security R&D program to be coordinated among the many federal agencies.

The Administration's proposal contemplated the designation of one of the DOE national laboratories to serve as the primary research and development center for the Department. However, in recognition of the extensive scope and nature of homeland security R&D, as well as the different research and technology-related capabilities possessed by each of the DOE laboratories and sites, the GAC-endorsed legislation establishes in the Directorate an Office for National Laboratories to coordinate and utilize such entities in creating a networked laboratory system to support the missions of the Department. Through joint sponsorship agreements with the DOE, the legislation allows the Department to easily access and benefit from the combined expertise of all of the DOE laboratories and sites.

The Department will have extraordinary analytical needs cutting across of all of its Directorates, especially with regard to the assessment, analysis, and management of threats, vulnerabilities, and risks. Although the Administration's bill did not specifically address this need, the President's Strategic Plan released in mid-July suggests that risk analysis is a fundamental issue that needs to be addressed in planning for our nation's security. Although the legislation vests ultimate responsibility for risk analysis and risk management by the Department with the Secretary, all the Directorates will be required to assist the Secretary in coordination with each other and consistent with their own missions. The Directorate of Science and Technology has a contributing role to play in this framework by providing the Secretary and the other Directorates with scientific and technical support for such functions. To ensure that the Directorate has access to the requisite resources and expertise to fulfill its risk analysis responsibilities and other research-related functions, the legislation gives the Department the power to contract with or establish FFRDCs-independent, non-profit institutions that conduct analysis and provide support integral to the mission and operation of the sponsoring agency. Thirty-six FFRDCs across the nation have proven indispensable in enabling the government to undertake research with a creativity and flexibility not always available within the confines of a federal agency. The importance of FFRDCs is underscored by a prominent study on homeland security conducted by the National Academy of Sciences, which recommended the establishment of an FFRDC to furnish capabilities related to risk analysis, scenario-based threat assessments, red teaming, and other functions. Moreover, an Office of Risk Analysis and Assessment is created within the Directorate to ensure that these functions are given institutional priority and carried out—whether internally or through outsourcing to FFRDCs—in a coordinated manner in accordance with the Secretary's requirements and overall management. This Office will assume operational responsibility within the Directorate and on behalf of the Under Secretary for supporting the risk analysis and risk management needs of the Secretary and the other Directorates, as well as help ensure that R&D activities are aligned with risks and threats.

The President's proposal included language that would grant the Department control over funds appropriated to the National Institute of Health (NIH) for bioterrorism research. Although the provision clearly contemplated that these funds would remain committed to the NIH for application in accordance with the Department's guidelines, the Committee was concerned that the provision technically allowed for such funds to be transferred to other agencies, thereby depriving the NIH of funding necessary to conduct its critical research in this area. With the collaboration of staff from the Administration and Senator Thompson's office, a final provision was negotiated under which NIH funds would not be transferred out of the HHS. Instead, through joint strategic agreements, the Secretary of the Department would set general research priorities for the funds, while the HHS would establish the specific scientific research agenda as well as award and manage all grants. This modified language will protect our strategic commitment to biodefense research, while leaving the means and methods for this research to the scientists at the NIH.

The President's proposal targeted a number of R&D entities and programs in other agencies for transfer into the Department. While the Committee does not agree with all of the Administration's transfers, it recognizes the value of providing the Department with a critical base of in-house R&D capabilities. Therefore, most of the programs targeted by the Administration have been moved, including the chemical, biological, and nuclear threat assessment and detection programs within the Department of Energy (DOE) relevant to homeland security, and the National Bio-Weapons Defense Analysis Center to be created within the Department of Defense. The transferred programs will be collectively supervised by a new Office of Laboratory Research. Together, these transferred entities will confer a basic in-house research capability with the resident scientific expertise to help the Directorate better coordinate the broader government-wide homeland R&D portfolio.

Given that the Federal government represents only one of several sectors in our nation with R&D resources and expertise, the Department will require mechanisms to engage and benefit from private sector and academic efforts regarding homeland security. Toward this end, the legislation allows for the establishment of an Advisory Panel consisting of experts from the private sector, academia, State, and local entities to advise and support the Under Secretary and the Science and Technology Council. The Panel will ensure that a diversity of perspectives are taken into consideration in the establishment of priorities, and that the contributions to be made from the private sector are properly addressed and incorporated into the national homeland security effort.

The Directorate will also include an Office for Technology Evaluation and Transition, which will serve as a clearinghouse and national point-of-contact for companies and other entities that possess technologies relevant to homeland security. The Office will evaluate these technologies and, if appropriate, assist in developing and transitioning them into Department entities or other agencies possessing matching needs. The Technical Support Working Group (TSWG) provides an applicable model for this function, and the legislation requires the Office to coordinate with or work through TSWG, or use TSWG as a model, in performing this technology solicitation and transition role. It is also intended that this Office serve as the Department's internal center for testing and evaluating new technologies being considered for acquisition or deployment by the Department or its entities. The new Department will be a large one, and very dependent on technology in carrying out its homeland mission. As a result, it is vital that new technologies deployed in the Department's component Directorates and other entities be compatible and interoperable to ensure efficiency and expanded capability. The Office, by performing the Department's testing and evaluation function, will support the Under Secretary in carrying out his duties as the Department's chief technology officer. In addition to conducting testing and evaluation activities for the Department, the Office will also coordinate with the Department's Chief Information Officer and with other agencies in promoting government-wide compatibility and interoperability with regard to homeland security technologies and systems.

Rapidly developing medicines and antidotes to counter chemical and biological weapons is an enormous challenge and one that government-supported R&D cannot accomplish on its own. The legislation directs the Secretary to implement a strategy to engage the biotechnology and pharmaceutical industries in the critical research and product development that will produce antidotes and vaccines to the chemical and biological weapons that terrorists may employ against our nation. This strategy should explore and suggest ways to provide incentives and facilitate "bench-to-bedside" transition for these products.

Recognizing that technological prowess in this country is in communities, as well as colleges and companies, the Department must tap the boundless expertise and energy of ordinary citizens. Drawing on legislation developed in the Senate Commerce Committee, the legislation endorsed by the Committee creates a National Emergency Technology Guard of volunteers with expertise in science and technology to assist local communities in responding to and recovering from emergencies requiring scientific or technical expertise.

As reported on May 22, S. 2452 included a Directorate of Emergency Preparedness and

Response, with FEMA as its core. The new GAC-endorsed legislation retains this directorate and expands it to include some of the programs the Administration proposed moving to the new department. This amendment also provides that the President may appoint the same person to serve as both the Director of FEMA and the Under Secretary for this directorate.

This directorate's responsibilities include organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction; overseeing Federal, State, and local emergency preparedness training and exercise programs; assembling a single Federal disaster plan to help orchestrate Federal assistance for any emergency; coordinating among private sector entities, including the health community, in emergency planning and response activities; and developing a comprehensive plan to address the interface of medical informatics and the medical response to terrorism. (Medical informatics is the scientific field that addresses the storage, retrieval, sharing, and optimal use of biomedical information, data, and knowledge for problem-solving and decision-making.) This directorate also creates a National Crisis Action Center to coordinate federal support for State and local governments and the private sector during a crisis; additionally, the directorate is responsible for ensuring the appropriate integration of operational activities of the Department of Defense, the National Guard, and other federal agencies in the Federal Response Plan in order to respond to acts of terrorism and other disasters.

In addition to FEMA, the Emergency Preparedness and Response directorate transfers the National Office of Domestic Preparedness, within the FBI. This entity was created by the Attorney General in 1998 and coordinates federal efforts to assist state and local emergency responders with training and materials necessary to respond to an event involving weapons of mass destruction. The Office of Domestic Preparedness (ODP) within the Department of Justice is also transferred. ODP was developed to help train State and local law enforcement agencies to respond to terrorist incidents.

The Administration proposed transferring the Select Agent Registration Enforcement Program from the Centers for Disease Control within the Department of Health and Human Services, to the Department. The Select Agent Registration Enforcement Program was developed to identify all biological agents and toxins that may threaten public health and safety, regulate the transfer of such agents and toxins, and establish a registration scheme regulating their possession, use, and transfer. The GAC-endorsed legislation transfers this program to the Emergency Preparedness and Response directorate because it is a program critical to preparing for and responding to a public health emergency. The Under Secretary for Science and Technology, the Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention will work together to establish and update the list of toxins to be monitored.

Like the Administration's proposal, the GAC-endorsed legislation transfers the Strategic National Stockpile to the new department. The Strategic National Stockpile is a stockpile of drugs and vaccines that may be used in the event of a terrorist attack or other emergencies. However, because of CDC's experience and expertise, the legislation allows for the Stockpile to be managed on a day-to-day basis for the Department by CDC through a new Bioterrorism Preparedness and Response Division, which is created in this legislation pursuant to an amendment from Senator Cleland. However, the Department would remain in charge of the overall strategic planning concerning the Stockpile. The Public Health Emergency and Bioterrorism Preparedness and Response Act of 2002 authorized funds for both the Stockpile and the acquisition of smallpox vaccine doses and potassium iodide. Consequently, the GAC-endorsed legislation transfers responsibility for the acquisition of smallpox doses and potassium iodide to this directorate as well.

Finally, the Administration also proposed transferring the Office of the Assistant Secretary for Public. Health Preparedness (OPHP) from the Department of Health and Human Services to the Emergency Preparedness and Response directorate. This office has three primary components: (1) the awarding and administration of state and local grants for public health preparedness; (2) the Principal Science Advisor, who advises the Secretary on the global R&D strategy for HHS; and, (3) the Office of Emergency Preparedness, which manages rapid-response emergency health and first-responder personnel. From this Office of the Assistant Secretary for Public Health Preparedness, the GAC-endorsed legislation transfers the Office of Emergency Preparedness.

The other two components of the OPHP each play a role in emergency response, but also a very extensive role in general public health. Because they perform a dual-use function, and because of their extensive interaction with other parts of HHS, it does not seem appropriate to transfer them to the new department. Additionally, experts in the public health and biomedical communities expressed concern that the Administration's proposal would not operate effectively. The OPHP was established to address the problems of intra-agency communication and coordination, and it could reverse the gains achieved by this office to remove it from the department with which it is primarily engaged. Indeed, HHS would probably be forced to re-create this capacity internally if OPHP were transferred to the Department.

At the same time, it is important the Department have in-house capability to address biological, chemical, and nuclear weapons. Consequently, the Department would include those public health and biomedical programs—the OEP, the Select Agent Registration Enforcement Programs, and the Strategic National Stockpile—which focus primarily on terrorism and emergency response.

SECRET SERVICE

The legislation adopts the Administration's proposal to include the United States Secret Service as a distinct entity reporting directly to the Secretary. The Service has a dual mission of protection and investigation, with a central focus on preventing attacks and other missions now very relevant to terrorist threats. The Service was originally created to safeguard the country's currency and financial payment systems, and it remains the sole agency charged with enforcing the counterfeiting statutes. Its responsibility for protecting the country's financial infrastructure has led to an expansion of the Service's investigative mission, which now includes crimes involving identity theft, credit card fraud, false identification documents, computer fraud, and financial institution fraud. In addition, the Secret Service is well-known for its mission to protect the nation's highest elected leaders and their families, as well as visiting heads of state. In recent years, the Secret Service has assumed responsibility for planning, coordinating, and implementing security operations at National Special Security Events, as designated by the President. It also has created the National Threat Assessment Center, which provides advice and training to law enforcement and other organizations with responsibilities to investigate or prevent targeted violence.

The missions of the Secret Service have a clear connection to the fundamental mission of the new Department. Its protective mission is central to safeguarding the country's leadership. Many of the crimes it is charged with investigating involve activities in which terrorists often engage. And it is an agency that is uniquely focused on assessing vulnerabilities and designing ways to reduce them in advance of an attack, an expertise that will benefit the new Department. The responsibilities and experience of the Secret Service support its transfer as a separate office reporting directly to the Secretary rather than its inclusion in one of the Directorates. This structure will allow the Service to draw on the expertise and resources of the Directorates to support its protective mission, as well as to provide its own expertise and experience to the rest of the Department.

STATE AND LOCAL GOVERNMENT COORDINATION

Homeland security is clearly a joint responsibility among the Federal, State, and local governments. There are many ways in which the bill recognizes the importance of these relationships and places a high priority on ensuring that the Department works closely with, and provides significant assistance to, State and local agencies. To coordinate this effort, the Department will have an office devoted to facilitating effective communications and partnerships with State and local government. The Office for State and Local Government Coordination will be established within the office of the Secretary to ensure that the needs and role of State and local governments are considered throughout the work of each of the Department's directorates. In addition to coordinating the activities of the Department relating to State and local governments, the Office will be responsible for assessing and advocating for the resources needed by State and local government to implement the national strategy for combating terrorism. This advocacy function is necessary so that budget decisions to implement the national strategy are made with the full understanding of the role that State and local governments will play in implementing the strategy, as well as the resources necessary at all levels of government for success.

The Secretary, in conjunction with the Director of the National Office for Combating Terrorism, is responsible for working with State and local governments to develop a national strategy for combating terrorism—not simply a Federal strategy. Thus, the Office for State and Local Government Coordination will develop a process for receiving meaningful input from State and local government to assist in the development of the strategy for homeland security and other homeland activities. The Office will also provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland.

The GAC-endorsed legislation incorporates an amendment, offered by Senators Collins and Carper, which creates the position of Chief Homeland Security Liaison Officer, who is charged with coordinating the efforts of homeland security liaison officers in each state. These liaison officers will work with State and local first responders to make sure that these organizations receive the training and resources they need. A Federal Interagency Committee on First Responders will bring together the federal agencies that work most closely with State and local first responders and will be counseled by an Advisory Council, including representatives of first responders and urban and rural communities.

To further encourage communication and coordination between the Department and State and local agencies, the GAC-endorsed legislation authorizes the Secretary to establish an employee exchange program. This program—which was suggested by Senator Voinovich—would allow employees of the Department and State and local agencies with homeland security responsibilities to work together, to share their specialized expertise, and to enhance their ability to assess threats against the country, develop appropriate responses, and inform the public. Employees who participate in the program must have appropriate training or experience to perform the work required by the assignment, and assignments must be structured to appropriately safeguard classified and other sensitive information.

OFFICE OF INTERNATIONAL AFFAIRS

The legislation includes an amendment offered by Senator Thompson that creates an Office of International Affairs within the office of the Secretary. The Director of the Office will be responsible for promoting the exchange of information with foreign nations to encourage sharing of best practices and technologies relating to homeland security. This information exchange will include joint research and development on countermeasures, joint training exercises for first responders, exchange programs, and international conferences. The Director will manage the activities under this provision in consultation with the Department of State and other relevant Federal officials. These programs will be developed first with countries that are already highly focused on homeland security issues and that have previously engaged in fruitful cooperation with the United States in the area of counterterrorism.

MANAGEMENT AND TRANSITION ISSUES

Management structure

The Administration's proposed legislation calls for the appointment of a number of management officials to support the Secretary in carrying out the mission of the Department. The Committee-endorsed legislation includes much, though not all, of the management structure proposed by the Administration.

Secretary—First and foremost, the Committee-endorsed legislation calls for a strong Secretary, vested with effective, centralized management authority over what will be a large new organization. Although responsibilities under this legislation are allocated among the various Directorates, it is intended that all powers provided under this bill be subject to the full control and direction of the Secretary. Also, while the bill establishes the basic organizational framework for the new Department and establishes its principal components, carrying out this organizational task is only part of the role that the new Secretary must play. While a number of more subjective management factors cannot be defined in statutory language, we anticipate that the new Secretary will need to spend a great deal of time on key management tasks that cannot be embodied in a formal organizational structure. These tasks include: creating a sense of shared values across the new Department and its disparate components; ensuring that core skills and competencies are both developed and shared across the Department; developing an effective common departmental strategy for achieving the agency's missions with buy-in among component agencies; deciding on the key systems and management processes apart from the organizational structure that will manage and bind together the new Department; assuring that the success of those systems and processes are measured and evaluated frequently to test their performance; ensuring that departmental personnel gain experience in a variety of agency components to encourage cross-agency thinking, capability, and solutions so that the synergy of a new Department can be realized, and establishing a leadership style that will create a strong organizational culture based on the values and attitudes the new Department must have to effectively perform its mission. The bill aims to create a structure that will enable the new Secretary to carry out these critical management efforts.

The Department will be headed by a Presidentially appointed, Senate-confirmed Secretary. The Secretary's duties include developing policies and plans for the promotion of homeland security, carrying out and promoting the other established missions of entities transferred to the Department, and developing a comprehensive strategy for combating terrorism and the homeland security response in conjunction with the Director of the National Office for Combating Terrorism.

The Secretary is charged with consulting with the Secretary of Defense and the nation's governors to integrate the National Guard into the nation's strategy to combat terrorism. The Secretary must also consult and coordinate with the Secretary of Defense regarding military organization, equipment, and assets that are critical to fighting terrorism, as well as the training of personnel to respond to terrorist attacks involving chemical or biological agents.

Section 102 details numerous other duties of the Secretary.

Deputy Secretary—Section 103 provides for appointment of a Deputy Secretary, subject to Senate confirmation, responsible for assisting the Secretary.

Under Secretary for Management—The Administration proposal calls for the appointment of an Under Secretary for Management with broad responsibilities for management and administration of the Department. Section 104 of the Committee-endorsed bill establishes this position with substantially the same responsibilities as in the Administration bill. These include budget and other financial matters, procurement, human resources and personnel, information technology and communications, facilities and other material resources, security for the Department, and managing performance measures for the Department.

Assistant Secretaries—The Administration requested authority for the President to appoint not more than six Senate-confirmed Assistant Secretaries, without specifying in statute what the responsibilities of these officers would be. Following generally the Administration's approach, section 105 of the legislation authorizes the President to appoint up to five such Assistant Secretaries (these do not include the two additional, Senate-confirmed Assistant Secretary positions, with immigration-related functions, established in division B of the legislation.) The President must describe the general responsibilities when submitting a nominee for confirmation. The authority of the President to assign functions to up to five Assistant Secretaries should provide important flexibility in designing the management structure for the Department.

Inspector General—The Department will include an office of Inspector General under the Inspector General Act of 1978, thereby applying the authorities and independence provided under that Act. The legislation would define a narrow set of circumstances under which the Secretary could prohibit the Inspector General from carrying out an investigation or performing other duties if necessary in the interest of national security or other compelling circumstances specified in the legislation. This language is modeled closely on provisions that apply to the Inspectors General at the Departments of Justice, Defense, and Treasury, the United States Postal Service, and the Central Intelligence Agency. Also modeled closely on provisions applicable at Treasury, is a provision granting the Homeland Security IG oversight over internal investigations performed by any other investigatory offices where they exist in the Department's sub-agencies. The Inspector General must designate an official to collect and review information about alleged abuses of civil rights and civil liberties by Department officers and employees, and report to Congress on such abuses.

Chief Financial Officer—The legislation would establish a Chief Financial Officer (CFO) and a Chief Information Officer (CIO) at the new Department. Section 107 would define the Department as an agency under the CFO Act, thereby making applicable the requirements of the CFO Act of 1994, regarding, for example, the qualifications and responsibilities of the CFO and annual financial reporting. Under the CFO Act, the CFO at the Department must be either appointed by the President subject to Senate confirmation, or designated by the President, in consultation with the Secretary, from among Senate-confirmed officials at the Department.

Chief Information Officer—Section 108 of the legislation would establish a Chief Information Officer (CIO) at the new Department. Furthermore, the provisions of law defining the responsibilities of the CIO, including the Paperwork Reduction Act and Clinger-Cohen, would apply by their own terms to the new Department. Under applicable law, the CIO need not be Senate-confirmed.

Chief Human Capital Officer—The Secretary must appoint or designate a Chief Human Capital Officer to advise and assist the Department in workforce skills, training, recruitment, retention, and other issues necessary to attract and retain a highly qualified workforce.

Civil Rights Office—Section 110 of the bill establishes a Civil Rights Office, whose head will be appointed by the President and confirmed by the Senate. The Office will have two important functions. First, the Civil Rights Office will have responsibility for coordinating the administration of and ensuring compliance with laws prohibiting discrimination against Department employees and beneficiaries of Department programs (see, e.g., 42 U.S.C. §§2000d, 2000e–16).

Second, it will advise the Secretary, as well as the Department's directorates and offices, on the constitutional and statutory framework that governs the Department's interactions with the citizenry at large and help develop and implement policies that ensure that consideration of this group's civil rights are appropriately incorporated and implemented in Department programs and activities. It also will oversee the Department's compliance with requirements related to the civil rights of individuals affected by the Department's programs and activities. Authority to investigate specific complaints by the citizenry at large of civil rights or civil liberties violations, however, will reside in the Office of the Inspector General, to which the Civil Rights Office will refer any matter that, in the opinion of the Civil Rights Officer, warrants further investigation.

Privacy Officer—A Chief Privacy Officer will oversee the Department's compliance with privacy laws and help ensure that personal information is appropriately safeguarded. Several federal agencies that deal with sensitive personal information, such as the Internal Revenue Service and the U.S. Postal Service, currently have similar privacy advocates to aid in the development of policies and provide assistance to agency officials. The Chief Privacy Officer's mandate extends beyond overseeing compliance with existing privacy laws, such as the Privacy Act, and includes assisting in the development of policies that incorporate privacy safeguards and minimize the risk of inappropriate disclosure or use of personal information. The Privacy Officer may also assist in the development of privacy impact assessments, when required by law or considered appropriate by the Secretary, which are documents that explain how an agency takes into account privacy considerations when initiating information collections and developing information systems.

The Constitution clearly assigns to Congress what is called the "power of the purse"—the power to appropriate funds and to prescribe the conditions governing the use of those funds. The Framers thus made Congress responsible to the people for how the people's money gets spent. The legislation contains provisions reaffirming that appropriated funds may be used only for the purposes stated by Congress. To provide for initial funding of the Department, the legislation requires the Administration to submit a transition plan and proposed budget by September 15, 2002, so that Congress can appropriate timely start-up funds based on that proposal.

By contrast, the Administration has requested that the new Department be excepted from the traditional arrangements regarding the use of appropriated funds. For initial funding for the Department, the Administration proposed to take funds (up to 5%) from each agency slated for transfer to the Department and use these funds for any purpose under the legislation. This could total roughly $2 billion. To adjust funding priorities without having to go back to Congress, the Administration requested permanent power to take funds (up to 5%) from each appropriations account in the Department and use those funds for any other purpose in the Department.

Senator Byrd and Senator Stevens, the Chairman and Ranking Member of the Appropriations Committee, respectively, wrote to me expressing their strong legal objection to the appropriation transfer provisions requested by the Administration:

"The proposal by the President provides the new Secretary with extraordinary powers, powers that could potentially tip the delicate balance of constitutional powers between the Legislative and Executive branches of government. These are powers that the Secretary of Defense and the Secretary of State do not currently have, nor should they have. The Framers carefully crafted that balance, and it has served the nation well for more than 200 years."

Senators Byrd and Stevens also requested that the legislation include provisions to sustain existing law and practice governing the use of appropriated funds, and language that they agreed to is included in the legislation. These provisions are designed to provide for establishment of the Department, while preserving the customary and Constitutional role of Congress in appropriating funds and in ensuring that such funds are used effectively and efficiently and according to the will of the people, as expressed through their elected Senators and Representatives.

Under the legislation, initial funding for the Department will be provided through appropriations Acts, not through transfer of funds appropriated for other purposes. To provide this initial funding in a timely fashion, the legislation requires the President to submit a transition plan by September 15, 2002, including a proposal for financing the initial operations of the Department. The financing proposal might consist of any combination of specific appropriations transfers, specific reprogrammings, or specific new appropriations. By putting the Administration on notice, even before the legislation is enacted, this provision has given the Administration ample time to submit their plan while Congress still has time to act on the Administration's proposal.

To further clarify that initial funding will be provided by appropriations acts, the legislation states that transferred funds may only be used for their original purposes unless Congress approves in advance a reallocation of such funds. This provision does not limit the ability of an agency transferred to the Department to use transferred funds for a new position previously authorized in law, but does reinforce that transferred funds may not be used to fund a new position established under this legislation itself.

Looking beyond the transition period, the Administration sought to justify its request for power to transfer appropriations by stating, in the analysis accompanying the Administration's proposed legislation: "Appropriations transfer provisions are enacted annually in a number of appropriations acts." While declining now to grant the broad, permanent transfer power requested by the Administration, this Committee-endorsed legislation does not address whether any power to transfer funds should subsequently be included in annual appropriations acts for the Department. In fact, annual appropriations bills often build in such flexibility, but more often in smaller amounts under close oversight by Congress. The proper way for the Administration to seek this authority is to request it as part of their annual appropriations, not as permanent authority in the enabling legislation.

The Committee concluded that the Congress and the Executive Branch must fully understand the annual and multi-year funding requirements for the Department to ascertain the most appropriate funding levels to protect the American people from homeland security threats.

Accordingly, the GAC-endorsed legislation requires the new Department, beginning with the fiscal year 2005 budget request, to submit annually a Future Years Homeland Security Program to accompany the annual departmental budget request and the National Terrorism Prevention and Response Program Budget mandated elsewhere in the Committee-approved legislation. The language requires that Future Years Homeland Security Program be structured, and include the same type of information and level of detail, as the Future Years Defense Program required by statute to be submitted to the Congress by the Department of Defense.

S. 2452, as reported on May 22, set an effective date of 180 days after enactment for the transfer of personnel and assets to the new Department, and included "savings provisions" to generally preserve the status quo with respect to the ongoing missions of the agencies being transferred. The Administration's subsequent proposed legislation requested greater flexibility with respect to the timing of the transition by giving the President discretion to move agencies at any time over a one-year transition period. It also requested further flexibilities to enable the Administration to make certain incidental transfers and to allocate transferred assets and personnel.

The GAC-approved legislation now includes, in subtitle B of title XI, transition provisions based on the corresponding provisions of the Administration's proposed legislation. These provisions include most of the transition-related flexibilities requested by the Administration. The principal exceptions are that, under the GAC-endorsed legislation, the Administration would not have the flexibility to use funds, appropriated by Congress for one purpose, for a different purpose (discussed above), or in the area of withdrawing collective bargaining rights from personnel transferred or employed in the new Department.

Following the Administration's approach, the Committee-approved legislation adopts from the Administration bill an effective date and a "transition period"—the effective date is generally 30 days after enactment (unless enacted less than 30 days before January 1, 2003, in which case that is the effective date), and the "transition period" is the one year period following the effective date. The President is then authorized to direct the transfer of any asset to the Department at any time the President directs, up to the end of the transition period. This should allow agencies to be transferred to the Department in an orderly progression, leaving the Administration free to determine which are in a position to be transferred first.

This legislation, by bringing numerous agencies responsible for homeland security together for the first time under a single chain-of-command responsible for policy and funding, represents one of the most significant reorganizations of the Federal government. However, once these agencies are consolidated into one Department, further reorganization of offices and functions at the departmental level may be needed to integrate incoming offices and to gain additional coordination, efficiency, and effectiveness. The legislation provides for departmental reorganization, by: (1) authorizing the Secretary to reorganize unilaterally to the extent consistent with applicable law; and (2) instructing the Secretary to recommend legislation enabling specific further reorganization involving organizational structures established in law.

The Administration has not offered a proposal for departmental reorganization for consideration by Congress, but, instead, requested that the Secretary be granted the power generally to conduct such reorganizations unilaterally. Under the Administration's proposal, the only limits on this reorganization power would be that the Secretary could not abolish the Secret Service or the Coast Guard, and the Secretary would have to give Congress 90 days notice before overriding a statute.

Many of the statutes establishing entities and assigning functions reflect important policy judgments of Congress and ongoing critical missions required by law, however, and it would be inappropriate for Congress to cede to the executive the power to override these statutes unilaterally, without opportunity for Congress to evaluate, debate, and decide. This view was also expressed by a Senator Byrd and Senator Stevens, the leaders of the Senate Appropriations Committee, in a letter stating their objection to a provision in the President's proposal:

"Congress should not authorize the Executive Branch to establish, consolidate, alter, or discontinue agencies of government that are established in statute. This is Congress' responsibility."

The legislation establishes reorganization authorities and procedures designed to enable the Secretary to achieve an efficient and effective structure for the Department, while maintaining the appropriate role of Congress in deciding whether statutory law should be changed. Under section 191 of the bill, the Secretary can proceed, without further congressional approval, with any reorganization that does not change organizational structure established by law. The Secretary can perform substantial reorganization and consolidation under this authority. For example, agency units responsible for human resources, information technology or other management functions are typically not established in law, so the Secretary could conduct substantial reorganization and consolidation of such functions to make them more efficient and effective.

Furthermore, as the Secretary identifies specific entities established in law that he or she believes should be reorganized, the legislation instructs the Secretary to submit recommendations to Congress on an ongoing basis for legislation providing for such reorganization. Specifically, section 185(d)(1)(B) of the legislation requires the Secretary to recommend any legislation that the Secretary determines necessary to "reorganize agencies, executive positions, and the assignment of functions within the Department." Anticipating that the Secretary may develop reorganization proposals over the one-year transition period, the bill does not require the Secretary to submit these recommendations as a single reorganization plan, but rather requires submission of these recommendations as they become available, the first no later than 6 months after enactment of the Act and any subsequent recommendations at least every 6 months thereafter until 6 months after the transition is completed.

The legislation specifies that several of the agencies transferred to Department—i.e., the United States Customs Service, the United States Coast Guard, the Federal Emergency Management Agency, and the United States Secret Service—each "shall be maintained as a distinct entity within the Department." This requirement does not impose precise constraints on the Secretary's authority to reorganize with respect to these agencies, since each of these agencies is established by law and this legislation prohibits the Secretary from reorganizing in contravention of such law. Instead, the "distinct entity" requirements serves as an instruction to the President and Secretary that Congress intends that the unique identity of each of these four agencies should be preserved.

Under current law, the President and Secretary can reward excellence, remove poorly performing employees, offer recruitment bonuses, and use many other performance-oriented management tools. In an effort to give the Department and other agencies additional flexibility in the management of personnel, our legislation adopts significant, government-wide civil service reforms, contained in provisions proposed by Senators Voinovich and Akaka. To support research and development, we also provided the Secretary of Homeland Security authority to use innovative techniques to hire talent and fund projects. Taken together, this package will give the Secretary the ability to: speed up staffing of new employees; recruit and retain top science and technology talent; procure temporary services outside the civil service system when there is a critical need; reshape the workforce; reform old competitive-hiring practices; provide more effective bonuses for exemplary performance; promote procurement flexibility in research, development, the prototyping of new technologies, and other procurement; and make additional valuable changes to help the new Department attract, maintain, and motivate the best talent. These reforms represent a major modernization of the way federal agencies are managed.

SEN. VOINOVICH'S AND SEN. AKAKA'S AMENDMENT

Division C of the legislation contains important provisions to strengthen significantly the management of the federal workforce government-wide that were offered at the Committee's business meeting by Senators Voinovich and Akaka, and were agreed to by the Committee by voice vote.

The Voinovich-Akaka amendment establishes a chief human capital officer (CHCO) at each major agency (i.e., at the agencies required to have Chief Financial Officers under the CFO Act). The primary responsibility is to advise and assist their respective directors in selecting, developing, training, and managing a high-quality workforce. The creation of a CHCO is intended to help identify and prioritize the recruitment, retention, and workforce management needs across the government. The CHCO will have added importance in the new Department, because consolidation of the different agencies into the Department will pose unique recruitment, retention, training, and workforce management challenges. The CHCO will heighten awareness of workforce issues and provide leadership in resolving these issues.

Another section of the Voinovich-Akaka provision, Section 2202 in the GAC-endorsed legislation, allows agencies to hire candidates directly and bypass the current civil-service hiring requirements once the Office of Personnel Management has determined that there is a severe shortage of candidates for the position. This provision also allows agencies to streamline its staffing procedures by authorizing more flexible merit assessment tools. This will make the government more competitive with the private sector by improving the federal hiring process.

The Voinovich-Akaka provisions include government-wide authority for Voluntary Separation Incentive Payments and Voluntary Early Retirement Authority, two programs currently allowed only in limited situations. The expansion of this authority would give agencies the flexibility required to reorganize the workforce should an agency need to undergo substantial consolidation, transfer of functions, or other substantial workforce reshaping. The provision would allow agencies to reduce high-grade, managerial, or supervisory positions, correct skill imbalances, and reduce operating costs without being forced to reduce overall staff levels.

The Voinovich-Akaka proposal increases the cap on the total annual compensation of senior executives, Administrative Law Judges, officers of the court, and other senior level positions to allow career executives to receive performance awards and other authorized payments within the cap in a single year. This will enable agencies to better reward excellence in the ranks of the most senior and experienced parts of the workforce. It also includes measures to help federal employees earn academic degrees, a step that will help enable agencies to build a highly trained workforce and retain valuable employees who wish to continue their education. To fill the serious gap in foreign language skills across the federal government, which is a particular homeland security problem, Section 2402 eases the restrictions on placement of National Security Education Program (NSEP) fellows who are proficient in languages critical to our national security. The provision would allow NSEP fellows to work in a non-national security position in the federal government, including a homeland security position, if a national security position is not available.

These authorities complement the flexible authority in Section 135 enabling the Science and Technology Directorate to attract outstanding scientists and technologists.

All these detailed and carefully considered personnel provisions provide the Administration with a major management opportunity and flexibility.

It is our responsibility to ensure that Federal agencies with a role in homeland security can purchase—quickly and efficiently—the most high-tech and sophisticated products and services to support antiterrorism efforts and to defend against biological, chemical, nuclear, or radiological attacks. Last year's National Defense Authorization Act provided the Department of Defense with many of these authorities. Title V of this bill provides to other Federal agencies—including the new Department—emergency contracting authority which is already in place for the Department of Defense. This measure also provides certain new contracting flexibility to these agencies, including raising the threshold amount for contracts carried out in the United States to $250,000 and raising the threshold amount for contracts outside the United States to $500,000. Title V also raises the micro-purchase (purchase card) threshold to $10,000.

Title V would give Federal agencies new procurement flexibility in fighting terrorism. It would streamline procurement procedures for contingency operations or peacekeeping and humanitarian operations; permit agencies to use more "commercial-style" contracting procedures for technologies or products which are cutting-edge; and require agencies to do ongoing market research to identify new companies, including small businesses, with new capabilities to help agencies in the fight against terrorism.

Title V also requires that the Comptroller General complete a review of the extent to which procurements and services have been made in accordance with this subtitle and submit a report on the results of the review.

There is a one year sunset for these provisions.

This authority complements the flexible procurement authority in Section 135 concerning R&D and technology prototyping.

The Committee-approved legislation authorizes the Secretary to hire experts and consultants, in accordance with existing law, for periods of up to one year and subject to a pay cap equivalent to the GS–15 level. However, the amendment provides additional hiring flexibility to the Secretary by expanding his authority under current law if necessary to meet urgent homeland security needs. In such cases, the Secretary may obtain personal services, including those of experts or consultants, for periods not to exceed one year without a ceiling on the amount of compensation that may be paid to those individuals. These provisions will allow the Secretary to meet critical needs of the Department by securing the services of individuals with specialized experience and expertise.

During the Cold War, Presidents acquired the power to take away—by executive order—the collective bargaining rights of particular agencies or subdivisions when he determines that national security is at stake. Agency managers may also remove from collective bargaining individual employees engaged in certain kinds of work directly affecting national security, subject to review by the independent Federal Labor Relations Authority (FLRA).

Most of the tens of thousands of employees that will make up the new Department will be transferred from existing federal agencies, and the Congressional Research Service estimates that about 43,000 (mostly in the Customs Service, the INS, the Coast Guard and FEMA) are now represented by unions. Thus far, no President—including President Bush—has tried to deny collective bargaining rights to these workers. Nevertheless, these existing employees are fearful they will lose their collective bargaining rights simply by virtue of being transferred to a department organized around a mission of homeland security—even if their duties remain substantially the same.

The Committee-approved legislation seeks to provide these employees some reassurance. It provides that, for offices and employees transferred into the Department with pre-existing rights to unionize, those rights may not be withdrawn on an office-wide basis by executive order. However, the legislation still provides the Administration ample authority to remove collective bargaining rights if national security is at issue. These rights can be withdrawn from individual employees if their primary job duty materially changes and consists of intelligence, counterintelligence, or investigative duties related to terrorism investigation and their membership in a collective-bargaining unit would adversely affect national security. If so, following existing procedures, Department managers may remove employees from collective bargaining immediately upon determining that such action is warranted, subject to review by the FLRA. Thus, for the employees of offices transferred to the Department with existing rights to form a union, the Committee-endorsed legislation allows the Administration to immediately take employees out of collective bargaining to protect national security, but requires the Administration to state clear reasons for doing so and allows for due process review.

Furthermore, with respect to newly created offices at the Department, the legislation retains the President's authority to remove collective bargaining rights from an entire office by executive order, if the primary function of the office is intelligence, counterintelligence, or investigative duties directly related to terrorism investigation, and if collective bargaining rights cannot be applied consistent with national security.

It is important to remember that bargaining rights of Federal employees are very limited compared to the private sector. Federal employees have no right to strike. Most have their salary and benefits set in statute. And they may not bargain over, or agree to, anything that would affect managers' statutory prerogatives, which include hiring, firing, assigning personnel and work, as well as taking any necessary action during an emergency.

The Committee-approved legislation provides that any construction work financed by assistance under this legislation will be subject to the Davis-Bacon Act, which requires the payment of prevailing wages. The prevailing wage under Davis-Bacon means the local average wage, as determined by the Secretary of Labor.

The Davis-Bacon Act itself applies to federal construction contracts, and, in addition, Davis-Bacon requirements have been incorporated into more than 50 program statutes that provide assistance to non-federal parties for construction. For example, federal assistance programs that apply Davis-Bacon requirements include: a variety of transportation construction grant programs (including interstate highways, mass transportation, airport improvement); FEMA emergency preparedness grants; various environmental programs (including drinking and waste water treatment, and Superfund cleanup).

Like these other statutes, the Committee-endorsed legislation would require the payment of prevailing wages in any construction supported by assistance under this legislation. For example, under the Emergency Preparedness Enhancement Pilot Program under section 153, the Department may award grants for the deployment of innovative emergency preparedness technologies. If such a grant is used for construction, the contractor would have to pay the prevailing wage. Section 194 would not affect grant programs that are not under this legislation, even if administered by the Department, however. For example, under the Stafford Act, Davis-Bacon applies to FEMA grants for emergency preparedness, but not to FEMA's grants for disaster relief. Thus, disaster relief under the Stafford Act will remain exempt from Davis-Bacon even after FEMA and its disaster-relief functions are transferred to the new Department.

At the request of Senator Thompson, the legislation incorporates the text of S. 2530, granting some law enforcement authorities to certain Inspectors General. That bill was reported out of the Governmental Affairs Committee on June 25, 2002. Briefly, the proposal amends the Inspector General Act to authorize certain IG officers to carry a firearm or make an arrest in certain instances while engaged in official duties as authorized by this Act or other statute, or by a request from the Attorney General, and to seek and execute warrants under the authority of the United States upon probable cause that a violation has been committed. A full description of the proposal and its legislative history can be found in the accompanying Committee report, No. 107–176.

The GAC-endorsed legislation will ensure that information systems are effectively deployed in the new Department and government-wide. Improved management of information resources is a vital aspect of enhanced homeland security. Federal agencies have deployed information systems in stovepipes, with little thought given to interoperability with the systems of other agencies. Interoperable information systems would allow for efficient sharing of data and better communications between agencies responsible for intelligence gathering, border security, crisis response, and other homeland security missions. Agencies vital to homeland security are also plagued by poor information security and outdated technologies. These management challenges need to be addressed both within the new Department and government-wide.

The legislation contains several new provisions that impose general mandates and establish accountability mechanisms with respect to information systems within the Department. The Secretary is required to direct the acquisition and management of the Departments information resources, including the information systems of agencies being transferred into the Department. In ensuring proper Department-wide management, the Secretary will be assisted by the Chief Information Officer. The Secretary is responsible for making the Department's information systems effective, efficient, secure, and interoperable, and will report to Congress on the implementation of an enterprise architecture for the Department. The CIO will work closely with the Under Secretary for Science and Technology on the development, testing, and deployment of new IT technologies.

The need for more effective cooperation between agencies such as the FBI, CIA, Department of State, and INS has become obvious, yet poorly developed information systems are getting in the way when technology should be enhancing agencies' effectiveness. The federal government has barely addressed the inability of agencies to link up their information systems. Pursuant to language proposed by Sen. Durbin, the legislation requires the OMB Director to develop a comprehensive enterprise architecture for information systems of agencies related to homeland security, and to make sure agencies implement the plan. The architecture and resulting systems must be designed so that they can achieve interoperability between federal agencies responsible for homeland defense, that they are capable of being deployed quickly and upgraded with improved technologies, and that effective information security is maintained. The OMB Director and the Secretary will also facilitate improved interoperability between information systems of Federal, State and local agencies responsible for homeland defense.

Enterprise architectures require systematically thinking through the relationship between operations and underlying information technologies. Used increasingly by industry and some governments, they can reduce redundancies, modernize operations, and improve program performance.

The Committee-approved legislation includes a key compromise on the public disclosure of certain sensitive information that may be submitted to the Department—one that thoughtfully balances the public's right to know and the legitimate security concerns of private entities that may share information with the Department. Specifically, the legislation provides that records pertaining to the vulnerability of—and threats to—critical infrastructure that are voluntarily furnished to the Department and that are not customarily made public by the provider, are not subject to public disclosure under the Freedom of Information Act. Furthermore, the provision would not limit the disclosure of a record used to satisfy a legal obligation or to obtain a permit or other government approval, or received by another Federal, State, or local agency independently of the Department.

Senators Bennett and Levin offered this provision at the business meeting. The language of the provision had also been developed in conjunction with the Chairman of the Judiciary Committee, Senator Leahy. Senator Bennett explained to the Committee that the amendment addresses the concerns of three groups—the federal government, which wants to receive information from the private sector in order to better understand and address vulnerabilities and threats to critical infrastructure; the private sector, which has said it would like to help the government, but not if it would be disadvantaged by disclosure of sensitive information; and the public-access and environmental communities, which did not want public access diminished to information that is of importance to the public. Senators Bennett and Levin told the Committee that all three of these interested groups found the amendment acceptable. Senator Bennett further reported that the Administration had examined the provision and supported it as well.

To safeguard against the erosion of non-security programs within the transferred entities, the revised legislation establishes a reporting requirement designed to monitor the performance of non-homeland security missions by entities transferred to the Department—pursuant to an amendment by Senators Akaka and Carper. For each of the first five years after a program or agency is transferred to the Department, the relevant Under Secretary must report to the Secretary, the Comptroller General, and Congress regarding the performance of that entity, with particular emphasis on non-homeland security missions. These reports shall seek to inventory non-homeland security capabilities, including the personnel, budgets, and flexibilities used to carry out those functions. The reports shall include information regarding whether any changes are required to enable the transferred entities to continue to carry out non-homeland security missions without diminishment. Under another provision, the Comptroller General is also required to submit reports to Congress that include an evaluation of how successfully the Department is meeting homeland security and other missions.

FIREFIGHTERS

The legislation includes an amendment by Senators Carnahan and Collins to provide federal assistance to local communities to hire additional firefighters, who clearly play a critical first responder role for terrorist threats. The amendment amends the Federal Fire Prevention and Control Act of 1974 to authorize the Director of FEMA to award 3-year grants to local communities to hire additional firefighters. It would fund 75% of a firefighter's salary and benefits over three years. Communities applying for grants under the program would be required to present a plan for how they will fund the position at the conclusion of the third year. The three-year cost is capped at $100,000 per fire fighter. The amendment authorizes $1 billion for FY 2003 and FY 2004 for this program. If fully appropriated, the amendment would provide funding for as many as 10,000 new firefighters each year, able to play a vital role in terrorism response.

The amendment addresses a critical and urgent need. Federal programs currently exist to fund training and equipment for firefighters and other first responders, and more funding for these needs has been proposed in response to the events of September 11. However, no Federal funds have been made available to fund personnel even though the staffing shortage in the nation's fire departments has reached crisis proportions. Two-thirds of all fire departments do not have adequate staffing, falling below the accepted industry consensus standards developed by the National Fire Protection Association. According to the International Association of Firefighters, most fire departments are not able to comply with OSHA's "two-in/two-out" standard for safe fire ground operations. These standards require that if two firefighters enter a dangerous environment, there must be at least two firefighters stationed outside to perform a rescue operation if needed.

The International Association of Fire Chiefs estimates that 75,000 additional fire fighters are needed to bring fire department staffing up to minimally acceptable levels for safety and effective response. In addition, investigations into firefighter fatalities conducted by the National Institute for Occupational Safety and Health (NIOSH) over the past decade have consistently identified inadequate staffing as either the primary cause or a significant contributing factor to the death of the firefighter. Clearly, without additional assistance, our firefighters' lives are being jeopardized.

The Carnahan/Collins amendment reflects broad consensus that in order to protect the public against acts of terrorism and other dangers, the nation's fire departments must have adequate personnel, training, and equipment. One of the major purposes of the Department will be to assess and advocate for the resource needs of State and local governments. The need for more firefighters has already been well documented and thus it is appropriate that this issue be addressed now.

The amendment includes an amendment offered by Senators Carper and Torricelli that authorizes funding for Amtrak to finance system-wide safety and security, make life safety improvements to critical rail tunnels, and help ensure Amtrak has adequate fleet capacity in the event of a national security emergency. This funding is authorized to be appropriated to the Department over two years for Amtrak and will remain available until obligated.

Pursuant to an amendment by Sen. Durbin, the GAC-endorsed legislation would require the Secretary to enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed and comprehensive review of Federal statutes and regulations affecting the safety and security of the food supply and to review the efficiency and effectiveness of the organizational structure of Federal food safety oversight. It requires the Academy to report its findings, conclusions, and recommendations, to Congress not later than 1 year after enactment of this Act and spells out the issues that must be addressed in the report. The Secretary must provide Congress and the President with a response to the recommendations.

Pursuant to amendment offered by Senator Akaka, for himself and Senator Levin, the legislation would extend whistleblower protections to airport security screeners. For baggage screeners who are federal employees, the legislation would extend the same whistleblower protections as apply generally to federal employees. They are protected against retaliation for coming forward with information about a violation of law, rule, or regulation; mismanagement; waste; abuse; or a danger to health or safety. For airport screening personnel who are not federal employees, the bill provides the same whistleblower protections as apply to air carrier personnel. They are protected against retaliation for coming forward with information about a violation relating to air carrier safety.

Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section analysis and a letter dated August 28, 2002.

LEGISLATION TO ESTABLISH A DEPARTMENT OF HOMELAND SECURITY AND THE NATIONAL OFFICE FOR COMBATING TERRORISM AS SUPPORTED BY BIPARTISAN VOTE OF THE SENATE GOVERNMENTAL AFFAIRS COMMITTEE

Sec. 1. Short Title. This Act may be cited as the "National Homeland Security and Combating Terrorism Act of 2002."

Sec. 2. Outlines the organization of the Act into 3 divisions: (A) National Homeland Security and Combating Terrorism, (B) Immigration Reform, Accountability, and Security Enhancement Act of 2002, and (C) Federal Workforce Improvement.

DIVISION A—NATIONAL HOMELAND SECURITY AND COMBATING TERRORISM

Sec. 100. Definitions. Defines terms used in Division A.

Title I. Department of Homeland Security

Subtitle A—Establishment of the Department of Homeland Security

Sec. 101. Establishment of the Department of Homeland Security. Establishes the Department of Homeland Security whose mission is (1) to promote homeland security, particularly with regard to terrorism; and (2) carry out the other functions, and promote the other missions, of entities transferred to the Department as provided by law. The homeland security mission includes preventing terrorist attacks or other homeland threats within the United States; reducing the vulnerability of the United States; and minimizing the damage, and assisting in the recovery, from terrorist attacks or other natural or man-made crises within the United States.

Sec. 102. Secretary of Homeland Security. States that the Secretary of Homeland Security shall be appointed by the President and confirmed by the Senate. This section outlines the Secretary's broad responsibilities for developing policies, goals, objectives, priorities and plans for the promotion of homeland security, which include: developing a national strategy with the Director of the National Office for Combating Terrorism (established in Titles II and III), and advising the Director on the development of a comprehensive budget for programs under the strategy. The Secretary is also responsible for including State and local governments and other entities into the full range of homeland security activities; consulting with the Secretary of Defense and State governors regarding integration of the United States military, including the National Guard, into all aspects of the strategy and its implementation, including detection, prevention, protection, response and recovery, as well as training of personnel to respond to terrorist attacks involving chemical or biological agents; and developing an enterprise architecture for Department-wide information technology. In addition, the Secretary is responsible for administering the Homeland Security Advisory System and for annually reviewing and updating the Federal Response Plan for homeland security and emergency preparedness.

Sec. 102—subsection (c). Visa Issuance. Vests in the Secretary authority to issue regulations with respect to visas and other immigration and nationality laws implemented by consular officers. The Secretary is also authorized to assign employees of the Department to diplomatic and consular posts to advise consular officers regarding specific security threats relating to the adjudication of visa applications, review applications, and investigate matters under the jurisdiction of the Secretary. The Secretary of State may direct a consular officer to refuse a visa in the foreign policy or security interests of the United States.

Sec. 102—subsection (d). Amends the National Security Act to include the Secretary as a member of the National Security Council.

Sec 103. Deputy Secretary. Establishes a Deputy Secretary for Homeland Security, appointed subject to Senate confirmation, responsible for assisting the Secretary in the administration and operations of the Department.

Sec. 104. Under Secretary for Management. Establishes an Under Secretary for Management, appointed subject to Senate confirmation, who will be responsible for the management and administration of the Department, including the budget and appropriations, procurement, human resources and personnel, information technology, facilities and property, and other functions.

Sec. 105. Assistant Secretaries. Establishes not more than 5 Assistant Secretaries, appointed subject to Senate confirmation. When submitting the name of an individual to the Senate for confirmation, the President shall describe the general responsibilities that the appointee will exercise and, subject to that, the Secretary shall assign each Assistant Secretary such functions as the Secretary considers appropriate.

Sec. 106. Inspector General. Provides that there shall be an Inspector General (IG) in the Department subject to the Inspector General Act of 1978 (5 U.S.C. App), who, under the Inspector General Act, will be appointed subject to Senate confirmation. The Secretary may prohibit the IG from carrying out audits or performing other duties if the Secretary determines it necessary to prevent the disclosure of certain sensitive information, preserve national security, or prevent significant impairment to the national interest. The IG must notify Congress when the Secretary exercises these powers. The IG also shall have oversight over internal investigations performed by any other investigatory offices where they exist in the Department's subagencies. The Inspector General shall also designate one official to review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department; publicize information on the responsibilities and functions of the official; and submit semi-annual reports to Congress describing the implementation of this section. (The civil rights language parallels a USA Patriot Act provision requiring the designation of a similar official in the Justice Department's IG office.)

Sec. 107. Chief Financial Officer. Establishes a Chief Financial Officer (CFO), appointed subject to Senate confirmation.

Sec. 108. Chief Information Officer. Establishes a Chief Information Officer (CIO) to assist the Secretary with Department-wide information resources management.

Sec. 109. General Counsel. Establishes a General Counsel, appointed subject to Senate confirmation, to serve as the chief legal officer of the Department.

Sec. 110. Civil Rights Officer. Establishes a Civil Rights Officer, appointed by the President and confirmed by the Senate, who shall be responsible for, among other duties, ensuring compliance with all civil rights laws and regulations applicable to Department employees and participants in Department programs and overseeing compliance with statutory and constitutional requirements related to the civil rights of individuals affected by the Department's programs and activities.

Sec. 111. Privacy Officer. Establishes a Privacy Officer, appointed by the Secretary, who will oversee compliance with the Privacy Act and other applicable laws relating to the privacy of personal information. The Privacy Officer will assist the Department with the development and implementation of policies and procedures to ensure that privacy considerations and safeguards are incorporated and implemented in programs and activities; and that information is handled in a manner that minimizes the risks of harm to individuals from inappropriate disclosure.

Sec. 112. Chief Human Capital Officer. States that the Secretary shall appoint or designate a Chief Human Capital Officer to advise and assist the Department on workforce skills, training, recruitment, retention, and other issues necessary to attract and retain a highly qualified workforce.

Sec. 113. Office of International Affairs. Creates Office of International Affairs within the Office of the Secretary, headed by a Director, who shall be responsible for: promoting information and education exchange with foreign nations, including joint research and development on countermeasures, joint training exercises of first responders, and exchange of expertise on terrorism prevention, response and crisis management; planning international conferences, exchange programs and training activities; and managing international activities within the Department in consultation with the Department of State and other relevant Federal officials. The Director shall initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and have been cooperative with the United States in the area of counterterrorism.

Sec. 114. Executive Schedule Positions. Establishes the Executive Schedule levels for the Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, and other senior officers.

Subtitle B—Establishment of Directorates and Offices

Sec. 131. Directorate of Border and Transportation Protection. Establishes a Directorate of Border and Transportation Protection which shall be headed by an Under Secretary who is appointed by the President with the advice and consent of the Senate. The Directorate shall be responsible for securing borders, territorial waters, ports, waterways, air, land, and sea transportation systems, including coordinating governmental activities at ports of entry. It shall also be responsible for using intelligence to establish inspection priorities for agricultural products and livestock from locations suspected of terrorist activities, harboring terrorists, or of having unusual human health or agriculture disease outbreaks. In addition, it shall provide agency-specific training for agents and analysts from within the Department, other agencies, State and local agencies and international entities that have partnerships with the Federal Law Enforcement Training Center. Authorities, functions, personnel, and assets are transferred from the Customs Service, which shall be maintained as a distinct entity; the Coast Guard, which shall also be maintained as a distinct entity and shall report directly to the Secretary; that portion of the Animal Plant and Health Inspection Service of the Department of Agriculture which administers laws relating to agricultural quarantine inspections at points of entry; the Transportation Security Administration of the Department of Transportation; and the Federal Law Enforcement Training Center of the Department of Treasury (a center which provides training to law enforcement officers of 70 Federal partner agencies).

Sec. 131 subsection (d)—Exercise of Customs Revenue Functions. Notwithstanding the transfer of authorities, functions, personnel, and assets from the Customs Service, the Secretary of the Treasury shall retain authority to issue regulations governing customs revenue functions, with the concurrence of the Secretary and with the assistance of the Customs Service. The Customs Service is responsible for administering and enforcing the laws regarding customs revenue functions, which include: assessing, collecting and refunding duties, taxes and fees on imported goods; administering import quotas and labeling requirements; collecting import data needed to compile international trade statistics; and administering reciprocal trade agreements and trade preference legislation. These regulations will be administered by the Secretary. Within 60 days, the Secretary of the Treasury will submit recommendations to Congress regarding the appropriate allocation of legal authorities relating to these functions.

Sec. 131 subsection (e)—Preserving Coast Guard Mission Performance. Preserves the structural and operational integrity of the Coast Guard, the authority of the Commandant, the non-homeland security missions of the Coast Guard and the Coast Guard's capabilities to carry out these missions even as it is transferred to the new Department. The Coast Guard must be maintained intact and without reduction after transfer to the Department unless Congress legislates otherwise. No missions, functions, personnel or assets may be controlled by, or diverted to the principal and continuing use of any other part of the Department. The Secretary may not make a substantial change to the Coast Guard's non-security missions or capabilities without prior Congressional approval by statute. However, the President may waive this restriction for up to 90 days if he certifies to Congress that there is a clear, compelling and immediate state of national emergency. None of these conditions shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

The Coast Guard will report directly to the Secretary. The Inspector General of the Department will conduct an annual review to assess the Coast Guard's performance, particularly with respect to non-security missions.

Sec. 132. Directorate of Intelligence. Establishes a Directorate of Intelligence, headed by an Under Secretary appointed by the President by and with the advice and consent of the Senate. The Directorate shall serve as a national-level focal point for the analysis of information available to the United States Government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations for the purpose of supporting the mission of the Department. The Directorate shall communicate, coordinate, and cooperate with the intelligence community and other agencies as determined by the Secretary. The Director of Central Intelligence's Counterterrorist Center shall have primary responsibility for the analysis of foreign intelligence relating to international terrorism. The Directorate of Intelligence may conduct supplemental analysis of foreign intelligence relating to threats of terrorism against the United States.

In general, the Directorate shall be responsible for receiving and analyzing law enforcement information, intelligence and other information .to detect and identify specific threats of terrorism; working with the Director of Central Intelligence and the intelligence community to establish overall intelligence priorities; requesting additional information; disseminating information to other entities, including state and local law enforcement, to assist in deterring, preventing and responding to terrorism and other threats; establishing, in conjunction with other appropriate officials, secure communications and information technology infrastructure, and advanced analytical tools; and ensuring that all material received by the Department is protected against unauthorized disclosure and handled consistent with the authority of the Director of Central Intelligence to protect sources and methods, and similar authorities of the Attorney General concerning sensitive law enforcement information. The Directorate is also responsible for providing training and other support to providers of information to the Department or consumers of information from the Department; and making recommendations to the Secretary for improving policies and procedures governing sharing of law enforcement, intelligence, and other information within the Federal government and between the Federal government and state and local governments and law enforcement agencies. The Directorate shall be staffed, in part, by analysts via reimbursable detail from agencies of the intelligence community.

Sec. 132 subsection (c)—Access to Information. Provides that, unless otherwise directed by the President, the Secretary shall have access to, and agencies shall provide, all reports, assessments, analytical information, and information, including unevaluated intelligence, relating to the plans, intentions, capabilities, and activities of terrorist organizations and to other areas of responsibility that may be collected, possessed, or prepared by any other United States government agency. As the President may further provide, the Secretary shall receive additional information requested by the Secretary. The Secretary may enter into cooperative agreements with agencies, and regardless of whether the Secretary has entered into any such cooperative agreement, all agencies shall promptly provide information to the Secretary.

Sec. 132 subsection (e)—Additional Responsibilities. The Under Secretary for Intelligence is also responsible for developing analyses concerning the means terrorists might employ to exploit vulnerabilities in homeland security infrastructure; developing and conducting experiments, tests and inspections to test weaknesses in homeland defenses; developing and practicing counter-surveillance techniques to prevent attacks; conducting risk assessments to determine the risk posed by specific kinds of terrorist attacks; and working with the Directorate of Critical Infrastructure Protection, other agencies, State and local governments, the private sector and local law enforcement and intelligence agencies to address vulnerabilities.

Sec. 133. Directorate of Critical Infrastructure Protection. Establishes a Directorate of Critical Infrastructure Protection which shall be headed by an Under Secretary who is appointed by the President with the advice and consent of the Senate. Among other duties, the Directorate shall be responsible for: receiving relevant intelligence from the Directorate of Intelligence, law enforcement information and other information to comprehensively assess the vulnerabilities of key resources and critical infrastructures; identifying priorities and supporting protective measures by the Department and other entities; developing a comprehensive national plan for securing key resources and critical infrastructure (as part of the National Strategy described in Title III); establishing specialized research and analysis units to identify vulnerabilities and protective measures in key areas of critical infrastructure, as well as other systems or facilities whose destruction or disruption could cause substantial harm to health, safety, property, or the environment; enhancing and sharing of information regarding cyber-security and physical security, developing security standards, tracking vulnerabilities, proposing improved risk management policies, and delineating the roles of various governmental .agencies in preventing, defending, and recovering from attacks; and working with the Department of State and other appropriate agencies to help establish cyber security policy, standards and enforcement mechanisms. The Directorate will also be responsible for establishing the necessary organizational structure to provide leadership and focus on both cyber-security and physical security, and ensuring the maintenance of a nucleus of cyber and physical security experts in the United States Government.

The authorities, functions, personnel and assets of the following offices are transferred to the Department: (1) the Critical Infrastructure Assurance Office of the Department of Commerce, (established by Presidential Decision Directive 63 in 1998 to coordinate federal initiatives on critical infrastructure); (2) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section); (3) the National Communications System of the Department of Defense (established by Executive Order in 1984 to assist the President and others in (a) the exercise of telecommunications functions and (b) coordinating the planning for and provision of national security and emergency preparedness communications); (4) the Computer Security Division of the National Institute of Standards and Technology (NIST) of the Department of Commerce (the NIST division that is tasked with improving information systems security); (5) The National Infrastructure Simulation and Analysis Center of the Department of Energy (established to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation); (6) The Federal Computer Incident Response Center of the General Service Administration (a partnership of computer incident response, security, and law enforcement personnel to share information on and handle computer security incidents); (7) The Energy Security and Assurance Program of the Department of Energy (a national security program to help reduce America's energy supply vulnerability from severe disruptions due to natural or malevolent causes); and (8) The Federal Protective Service of the General Services Administration (GSA) (which oversees security at Federal property managed by GSA).

Sec. 134. Directorate of Emergency Preparedness and Response. Establishes a Directorate of Emergency Preparedness and Response which shall be headed by an Under Secretary appointed by the President and confirmed by the Senate. Among other duties, the Directorate shall be responsible for carrying out Federal emergency preparedness and response activities; providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction; overseeing Federal, State and local emergency preparedness training and exercise programs; developing and managing a single response system for national incidents; managing and updating a Federal disaster response plan; using the resources of both human and animal health communities in emergency planning and response activities; creating a National Crisis Action Center to coordinate Federal support for State and local governments and the private sector in a crisis; coordinating and integrating operational activities of the Department of Defense, the National Guard, and other Federal agencies into the Federal response plan; managing, in consultation with the Under Secretary of Science and Technology and the Centers for Disease Control, the Select Agent Registration Program; overseeing the Centers for Disease Control's management of the Strategic National Stockpile of drugs, biologics, and devices, which is transferred to the Department; and developing a comprehensive plan to address the interface of medical informatics and the medical response to terrorism.

The authorities, functions, personnel and assets of the following entities are transferred: the Federal Emergency Management Agency; the National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice (created by the Attorney General in 1998 to coordinate and facilitate federal efforts to assist state and local emergency responders with training and materials necessary to respond to an event involving weapons of mass destruction); the Office of Domestic Preparedness of the Department of Justice (developed to assist in the training of state and local law enforcement agencies to respond to terrorist incidents); the Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services (HHS) (responsible for coordinating HHS efforts to plan and prepare for a national response to medical emergencies arising from the use of weapons of mass destruction); the Strategic National Stockpile of the Department of Health and Human Services; and the functions of the Select Agent Registration Program (HHS) and the United States Department of Agriculture (USDA) (a program designed to identify all biological agents and toxins that have the potential to pose severe threats to public health and safety, regulate the transfer of such agents and toxins, and establish a registration scheme regulating their possession, use and transfer).

Sec. 135. Directorate of Science and Technology. Establishes a Directorate of Science and Technology which shall be headed by an Under Secretary appointed by the President with the advice and consent of the Senate. The Directorate will support the mission of the Department by (1) managing and supporting research and development activities to meet national homeland security needs and objectives; (2) articulating national research and development goals, priorities, and strategies pursuant to the mission of the Department; (3) coordinating with entities within and outside the Department to advance the research and development agenda of the Department; (4) advising the Secretary of the Department on all scientific and technical matters; and, (5) facilitating the transfer and deployment of technologies crucial to homeland security needs. To fulfill the mission of the Directorate, the Under Secretary will be responsible for, among other things, developing a technology roadmap biannually for achieving technological goals relevant to homeland security; instituting mechanisms to promote, facilitate, and expedite the transfer and deployment of technologies relevant to homeland security needs, including dual-use capabilities; establishing mechanisms for sharing research and technology developments and opportunities with appropriate Federal, State, local, and private sector entities; and, establishing in coordination with the appropriate Under Secretaries, a National Emergency Technology Guard (NET Guard) comprised of volunteers with expertise in science and technology to assist local communities in responding to and recovering from emergency contingencies.

This section authorizes the Secretary to exercise certain transactional and hiring authorities relating to research and development and the Secretary shall have the authority to transfer funds to agencies. Additionally, DHS will help direct the use of bioterrorism-related funds, appropriated to NIH, through joint strategic agreements between the Secretary of HHS and the Secretary of DHS. Under such agreements, the Secretary of DHS will have the authority to determine the broad, general research priorities, while the Secretary of HHS will have the authority to set the specific, scientific research agenda. NIH will continue to manage and award all funds. The Secretary is also able to contract with existing Federally Funded Research and Development Centers (FFRDCs), or establish such centers. This section also establishes an Acceleration Fund, to be administered by the Security Advanced Research Projects Agency (SARPA), to stimulate research and development projects; the Fund is authorized to receive an appropriation of $200,000,000 for fiscal year 2003 and such sums as are necessary in subsequent fiscal years. Through a joint agreement with the Coast Guard, ten percent of the Acceleration Fund is to be allocated to Coast Guard homeland security missions for FY'04 and FY'05.

The Directorate also establishes several mechanisms to promote research and development activities. These include: (1) a Science and Technology Council composed of senior research and development officials to, among other things, provide the Under Secretary with recommendations on priorities and strategies, and facilitate coordination among agencies, the private sector, and academia; (2) the Security Advanced Research Projects Agency (SARPA) to undertake and stimulate basic and applied research, leverage existing research and development, and accelerate the transition and deployment of technologies; (3) an Office of Risk Analysis and Assessment to, among other duties, conduct and commission studies of threat assessment and risk analysis to help guide the research priorities of the Department; (4) an Office of Technology Evaluation and Transition to serve as the principal clearinghouse for receiving and evaluating proposals for innovative technologies; (5) an Office for National Laboratories, which shall enter, on behalf of the Department, into joint sponsorship agreements with the Department of Energy (DOE) to coordinate and utilize the resources and expertise of DOE national laboratories and sites; and, (6) an·Office of Laboratory Research, which shall incorporate personnel, functions, and assets from several programs and activities transferred from DOE that are related to chemical and biological security, nuclear smuggling, and nuclear assessment, as well as the National Bio-Weapons Defense Analysis Center which is transferred from the Department of Defense. The Office shall also administer the disbursement and undertake oversight of research and development funds transferred to HHS and other agencies outside the Department, and shall have a Science Advisor for bioterrorism. This section also requires the Secretary to develop a comprehensive long-term strategy and plan for engaging for-profit and other non-Federal entities in research, development, and production of homeland security countermeasures for biological, chemical, and radiological weapons.

Sec. 136. Directorate of Immigration Affairs. Establishes a Directorate of Immigration Affairs to carry out all functions of that Directorate in accordance with Division B of the Act.

Sec. 137. Office for State and Local Government Coordination. Establishes within the Office of the Secretary an office to oversee and coordinate programs for and relationships with State and local governments; assess, and advocate for, the resources needed by State and local governments to implement the National Strategy for combating terrorism; provide State and local governments with regular information, research and technical support; and develop a process for receiving meaningful input from State and local governments to assist in the development of the National Strategy and other homeland security activities. The Secretary shall appoint a Chief Homeland Security Liaison Officer, who shall coordinate the activities of homeland security liaison officers in each state. The officers shall coordinate between the Department and State and local first responders, provide training for State and local entities, identify homeland security functions in which the Federal role duplicates the State or local role and recommend ways to reduce inefficiencies, and assist State and local entities in priority setting based on discovered needs of first responder organizations. Establishes the Interagency Committee on First Responders, composed of the Chief Homeland Security Liaison Officer and representatives from Federal agencies including HHS, CDC, FEMA, Coast Guard, DoD, FBI and others, who will ensure coordination among the Federal agencies involved with State and local first responders, identify community-based first responder needs, recommend new or expanded grant programs to improve local first responder services, and find ways to streamline support by Federal agencies for local first responders. Also establishes the Advisory Council for the Interagency Committee, which shall be composed of no more than 13 members representing community-based first responders from both urban and rural communities.

Sec. 138. United States Secret Service. Transfers the authorities, functions, personnel and assets of the United States Secret Service, which shall be maintained as a distinct entity reporting directly to the Secretary.

Sec. 139. Border Coordination Working Group. Requires the Secretary to establish a border security working group with the Under Secretaries for Border and Transportation Security and for Immigration Affairs. The Working Group would, with respect to all border security functions, develop coordinated budget requests, allocations of appropriations, staffing requirements, communication and in other areas; coordinate joint and cross-training programs for personnel; monitor, evaluate and make improvements in the coverage and geographic distribution of border security programs and personnel; develop and implement policies and technologies to ensure the speedy, orderly and efficient flow of lawful traffic, travel and commerce, and enhanced scrutiny for high risk traffic, travel and commerce; and identify systemic problems in coordination with border security agencies and propose changes to mitigate such problems. The Secretary shall consult with and may include representatives of such agencies in Working Group deliberations as appropriate.

Sec. 140. Executive Schedule Positions. Adds the appropriate Under Secretaries within the Department to the Executive Schedule.

Subtitle C—National Emergency Preparedness Enhancement—The National Emergency Preparedness Enhancement Act of 2002

Sec. 151. Short Title.

Sec. 152. Preparedness Information and Education. Establishes a Clearinghouse on Emergency Preparedness, headed by a director, who will consult with Federal agencies, task forces and others to collect information on emergency preparedness, including information relevant to the Strategy. The Clearinghouse will ensure efficient dissemination of emergency preparedness information; establish a one-stop shop for emergency preparedness information, including a web site; develop an ongoing public awareness campaign, including a theme to be implemented annually during National Emergency Preparedness Week; and compile and disseminate information on best practices for emergency preparedness.

Sec. 153. Pilot Program. Authorizes the Department to award grants to private entities to pay the Federal share of the cost of improving emergency preparedness and of educating employees and others using the entities' facilities about emergency preparedness. The Federal share of the cost shall be 50 percent, up to a maximum of $250,000 per grant recipient. There are authorized to be appropriated $5,000,000 for each of fiscal years FY 2003 through 2005 for such grants.

Sec. 154. Designation of National Emergency Preparedness Week. Designates each week that includes September 11 as "National Emergency Preparedness Week" and requests that the President issue a proclamation each year to observe the week with appropriate programs and activities. In conjunction with the week, the head of each Federal agency, as appropriate, shall coordinate with the Department to inform and educate the private sector and the general public about emergency preparedness activities, and tools, giving a high priority to efforts designed to address terrorist attacks.

Subtitle D—Miscellaneous Provisions

Sec. 161. National Biological and Chemical Weapons Defense Analysis Center. Establishes within the Department of Defense a National Biological and Chemical Weapons Defense Analysis Center to develop countermeasures to potential attacks by terrorists using biological or chemical weapons that are weapons of mass destruction, and designates it for transfer to the Department.

Sec. 162. Review of Food Safety. Requires the Secretary to enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed and comprehensive review of Federal statutes and regulations affecting the safety and security of the food supply and to review the efficiency and effectiveness of the organizational structure of Federal food safety oversight. Requires the Academy to report its findings and conclusions, and recommendations, to Congress not later than 1 year after enactment of this Act and prescribes the issues which shall be addressed in the report. The Secretary is further required to provide Congress and the President a response to the recommendations.

Sec. 163. Exchange of Employees between agencies and State and Local governments. Authorizes the Secretary to establish an employee exchange program under existing provisions of Title 5, United States Code to improve the coordination of antiterrorism programs and activities between the Department and State and local governments. An employee of the Department may be detailed to a State or local government, and State and local government employees may be detailed to the Department under this program. The section requires that employees assigned under this program have appropriate training and experience and that the program be implemented in a manner that appropriately safeguards classified and other sensitive information.

Sec. 164. Whistleblower Protection for Federal Employees Who are Airport Security Screeners. Extends to federal employees who are baggage screeners for the Transportation Security Agency the same whistleblower protections as apply generally to federal employees. They are protected against retaliation for coming forward with information about a violation, mismanagement, waste, abuse, or a danger to health or safety.

Sec. 165. Whistleblower Protection for Certain Airport Employees. Extends to airport screening personnel who are not federal employees the same whistleblower protections as apply to air carrier personnel. They are protected against retaliation for coming forward with information about a violation relating to air carrier safety.

Sec. 166. Bioterrorism Preparedness and Response Division. This section establishes a Bioterrorism Preparedness and Response Division within the Centers for Disease Control and Prevention. This new division will lead and coordinate the counter-bioterrorism efforts of the CDC, as well as serve as the focal point for coordination and communication between the CDC and both the public health community and the Department of Homeland Security. Additionally, this division will train public health personnel in responses to bioterrorism.

Sec. 167. Coordination with the Department of Health and Human Services under the Public Health Service Act. This section ensures that the Federal Response Plan is consistent with Section 319 of the Public Health Service Act, which grants the Secretary of Health and Human Services authority to act in the event of a public health emergency.

Sec. 168. Rail Security Enhancements. Authorizes grants over a 2-year period for the benefit of Amtrak, including $375 million for the cost of enhancements to security and safety of Amtrak rail passenger service; $778 million for life safety improvements to Amtrak tunnels between New York and Washington built between 1872 and 1910; and $55 million for emergency repair and return to service of Amtrak passenger cars and locomotives. This money will remain available until expended.

Sec. 169. Grants for Firefighting Personnel. This section amends the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), as amended, to provide grants to hire employees engaged in fire protection. Grants shall be awarded for a 3-year period. The total amount shall not exceed $100,000 per firefighter, indexed for inflation, over the 3-year grant period. The Federal grant shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired. The Director may waive the 25 percent non-Federal match for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship. Grants may only be used for additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources. $1,000,000,000 is authorized for each of fiscal years 2003 and 2004 for grants under this subsection.

Sec. 170. Review of Transportation Security Enhancements. Requires the Comptroller General to prepare and submit a report to Congress within one year that reviews all available intelligence on terrorist threats against aviation, seaport, rail and transit facilities; reviews all available information on the vulnerabilities of such facilities; and reviews the steps taken by agencies since September 11 to improve security at such facilities to determine the effectiveness of those measures at protecting passengers and transportation infrastructure from terrorist attack. The report shall also include proposed steps to reduce deficiencies found in aviation, seaport, rail and transit security, and the costs of implementing those steps. Within 90 days after the report is submitted to the Secretary, the Secretary shall provide to Congress and the President the Department's response to the report and its recommendations to further protect passengers and infrastructure from terrorist attack.

Sec. 171. Interoperability of Information Systems. Requires the Director of the Office of Management and Budget, in consultation with the Secretary, to develop an enterprise architecture to achieve interoperability among information systems of federal agencies with responsibility for homeland security, and to establish timetables for implementation. The Director will ensure the implementation of the architecture by federal agencies, and report to Congress on progress achieved. The architecture must be designed so that information systems can be deployed rapidly and upgraded with new technologies, and must be highly secure. The section also requires the Director, in consultation with the Secretary, to develop a plan to achieve interoperability among the information systems of federal, state, and local agencies with responsibility for homeland security, and to report to Congress on progress achieved.

Sec. 172. Extension of Customs User Fees. Extends customs user fees by six months to March 31, 2004. The two fees covered include the merchandise processing fee and a fee on passengers and conveyances.

Subtitle E—Transition Provisions

Sec. 181. Definitions. Defines the term "agency," for purposes of subtitle E, to include any entity, organizational unit, or function transferred or to be transferred under this title. Defines the term "transition period" to mean the 12-month period beginning with the effective date of Division A.

Sec. 182. Transfer of Agencies. Provides that the transfer of an agency to the Department shall occur when the President directs, but in no event later than the end of the transition period.

Sec. 183. Transitional Authorities. Provides that until an agency is transferred, existing officials shall provide the Secretary such assistance as he may request in preparing for the integration of the agency into the Department and may detail personnel to assist with the transition on a reimbursable basis. During the transition period the President may designate any officer who has been confirmed by the Senate, and who continues as such an officer, to act until the office is filled, subject to the time limits in the Vacancies Act. A Senate-confirmed officer of an agency transferred to the Department may be appointed to a Departmental office with equivalent authorities and responsibilities without being again confirmed by the Senate for the new position.

Sec. 184. Incidental Transfers and Transfer of Related Functions. The Director of OMB, in consultation with the Secretary, may make additional incidental transfers of personnel and assets. Also, at any time an agency is transferred to the Department, the President may transfer any agency established to carry out or support adjudicatory or review functions in relation to the transferred agency. However, the President would not be authorized to transfer the Executive Office of Immigration Review in the Justice Department under this section. The transfer of an agency that is part of a department will include the transfer of related secretarial functions to the new Secretary of Homeland Security.

Sec. 185. Implementation Progress Reports and Legislative Recommendations. Provides that the Secretary shall prepare and submit to Congress a series of Implementation Progress Reports. The initial report is due not later than 6 months after the date of enactment. Additional reports are due every six months until the final report which will be due not later than 6 months after the transfer is completed.

Sec. 185 subsection (c)—Contents. This subsection specifies the information to be provided. Reports will describe the steps needed to transfer and incorporate agencies into the Department, a timetable, and a progress report on meeting the schedule. Reports will also include information workforce planning, information technology matters, and other matters necessary for the successful implementation of the transition.

Sec. 185 subsection (d)—Legislative Recommendations. Calls upon the Secretary to submit recommendations for legislation that the Secretary determines necessary as part of each semi-annual implementation progress report. If the legislative recommendations are ready sooner, the bill specifically invites the Secretary to submit them in advance of the balance of the report. The Secretary is to provide recommended legislation that would, among other things, facilitate the integration of transferred entities into the Department; reorganize within the Department, or provide the Secretary additional authority to do so; address inequities in pay or other terms and conditions of employment; enable the Secretary to engage in essential procurement; and otherwise help further the mission of the Department.

Sec. 186. Transfer and Allocation. Provides that, except where otherwise provided in this title, personnel employed in connection with, and the assets, liabilities, contracts, property records, and any unexpended balance on appropriations, authorizations, allocations and other funds related to the functions and entities transferred, shall be transferred to the Secretary as appropriate, subject to the approval of the Director of the Office of Management and Budget and subject to applicable laws on the transfer of appropriated funds. Unexpended funds transferred pursuant to this section shall be used only for purposes for which the funds were originally authorized and appropriated.

Sec. 187. Savings Provisions. In general, this section provides that all orders, determinations, rules, regulations, permits, agreements, contracts, recognitions of labor organizations, collective bargaining agreements and other administrative actions in effect at the time this Division takes effect shall continue in effect according to their terms until modified or revoked. Certain proceedings, such as notices of proposed rulemaking or applications for licenses, permits, or financial assistance pending at the time this title takes effect shall also continue. Suits and other proceedings commenced before the effective date of this Act are also not affected. Administrative actions by an agency relating to a function transferred under this title may be continued by the Department.

Sec. 187 subsection (f)(1). Employee Rights. This subsection is intended to assure employees in agencies transferred to the new Department that they can keep their collective bargaining rights unless their job changes and there is an actual national security basis for taking those rights away. For agencies transferred to the Department subject to pre-existing rights to form a union, the President may not terminate those rights agency-wide by executive order. However, such rights may be withdrawn from individual employees at the Department if their primary job duties materially change and consist of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation and if it is demonstrated that collective bargaining would adversely affect national security. Applying this standard under existing procedures, managers at the Department may act immediately to remove individual employees from collective bargaining upon deciding that the conditions for removal are met. Either the union or management may ask the Federal Labor Relations Authority (FLRA) to review this action. For new offices established at the Department under this bill, the President may remove collective bargaining rights from an entire office by executive order, if the primary function is intelligence, counterintelligence, or investigative duties related to terrorism investigation, and if application of those rights would adversely affect national security. Furthermore, employees hired to serve in new offices at the Department, like employees transferred to the Department, may be removed individually from collective bargaining for national security reasons.

Sec. 187 subsections (f)(2)—(4). Other personnel matters. The transfer of an employee to the Department will not alter the terms and conditions of employment, including compensation. Any conditions for appointment, including the requirement of Senate confirmation, would continue to apply. Any employee transferred with pre-existing whistleblower protection rights may not be deprived of those rights based on a determination of necessity for good administration.

Sec. 187 subsection (g). No effect on intelligence authorities. The transfer of authorities under this title shall not be construed as affecting the authorities of the Director of Central Intelligence, the Secretary of Defense, or the heads of departments and agencies within the intelligence community.

Sec. 188. Transition Plan. By September 15, 2002, the President is required to submit to Congress a transition plan, including a detailed plan for transition to the Department and implementation of relevant portions of the Act, and including a proposal for financing the new operations of the Department for which appropriations are not available.

Sec. 189. Use of Appropriated Funds. This section sets forth a number of conditions on the use of funds by the Department, the Office, and the National Combating Terrorism Strategy Panel. Balances of appropriations and other funds transferred under the Act may be used only for the purposes for which they were originally available and subject to the conditions provided by the law originally appropriating or otherwise making available the amount. The President shall notify Congress not less than 15 days before transferring funds or assets under this Act. Additional conditions under this section apply to disposal of property, receipt and use of gifts, and other matters. The President shall submit a detailed budget request for the Department for FY 2004.

Subtitle F—Administrative Provisions

Sec. 191. Reorganizations and Delegations. Provides that the Secretary may, as appropriate, reorganize within the Department, except where specific organizational structure is established by law. The Secretary may delegate any of the functions of the Secretary and authorize successive redelegations to other officers or employees of the Department. However, any function vested by law, or assigned by this title, to an organizational unit of the Department or to the head of an organizational unit may not be delegated outside of that unit.

Sec. 192. Reporting Requirements. Requires the Comptroller General of the United States to submit to Congress a report not later than 15 months after the effective date of this division and each year for the succeeding five years containing an evaluation of the progress reports submitted under section 185 and the findings, conclusions and recommendations of the Comptroller General concerning how successfully the Department is meeting the homeland security missions of the Department and the other missions of the Department.

This section also outlines additional reports to be submitted by the Secretary. These include: (1) biennial reports relating to (a) border security and emergency preparedness, and (b) certifying preparedness to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction; (2) a report outlining proposed steps to consolidate management authority for Federal operations at key points of entry into the United States; (3) a report with definitions of the terms "combating terrorism" and "homeland security," and (4) a strategic plan and annual performance plan, along with annual performance reports, required by existing statutes.

Sec. 193. Environmental Protection, Safety, and Health Requirements. Provides that the Secretary shall ensure that the Department complies with all applicable environmental, safety and health statutes and requirements, and develops procedures for meeting such requirements.

Sec. 194. Labor Standards. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et. seq.).

Sec. 195. Procurement of Temporary and Intermittent Services. In addition to the authority to hire experts or consultants on a temporary or intermittent basis in accordance with section 3109(b) of title 5, United States Code, the Secretary may procure personal services, whenever necessary due to an urgent homeland security need, for periods of not more than a year without regard to the pay limitations of section 3109.

Sec. 196. Preserving Non-Homeland Security Mission Performance. Establishes a reporting requirement designed to monitor the performance of non-homeland security missions by entities transferred to the Department. For each of the first five years after a program or agency is transferred to the Department, the relevant Under Secretary must report to the Secretary, the Comptroller General and Congress regarding the performance of that entity, with particular emphasis on non-homeland security missions. These reports shall seek to inventory non-homeland security capabilities, including the personnel, budgets and flexibilities used to carry out those functions. The reports shall include information regarding whether any changes are required to enable the transferred entities to continue to carry out non-homeland security missions without diminishment.

Sec. 197. Future Years Homeland Security Program. Beginning with the FY 2005 budget request, each budget request shall be accompanied by a Future Years Homeland Security Program, reflecting the estimated expenditures and proposed appropriations included in that budget covering the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

Sec. 198. Protection of Voluntarily Furnished Confidential Information. Records pertaining to the vulnerability of, and threats to, critical infrastructure that are voluntarily furnished to the Department and that are not customarily made public by the provider are not subject to public disclosure under the Freedom of Information Act. This provision would not cover records submitted to satisfy legal requirements or to obtain permits or other approvals, and would not cover information that another Federal, State or local agency receives independently of the Department.

Sec. 199. Authorization of Appropriations. Authorizes such sums as may be necessary to enable the Secretary to administer and manage the Department and to carry out the Department's functions created by the Act.

Title II—National Office for Combating Terrorism

Sec. 201. National Office for Combating Terrorism. This section establishes a terrorism office within the Executive Office of the President, to be run by a Director who will be appointed by the President with advice and consent of the Senate. The responsibilities of the Director will include: (1) to develop national objectives and policies for combating terrorism; (2) to direct and review the development of a comprehensive national assessment of terrorist threats and vulnerabilities to those threats, to be conducted by heads of the relevant Federal agencies; (3) to develop, with the Secretary of Homeland Security, a National Strategy for combating terrorism under Title III; (4) to coordinate, oversee and evaluate implementation and execution of the Strategy; (5) to coordinate the development of a comprehensive annual budget for programs and activities under the Strategy, including the budgets of the military departments and agencies with the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects, or activities relating to force protection; (6) to have lead responsibility for budget recommendations relating to military, intelligence, law enforcement and diplomatic assets in support of the Strategy; (7) to exercise funding authority for Federal terrorism prevention and response agencies; (8) to serve as an adviser to the National Security Council; and (9) work with the Director of the Federal Bureau of Investigation to ensure that the Director receives relevant information related to terrorism from the FBI, and that such information is made available to appropriate Federal agencies and State and local law enforcement officials. The President, in consultation with the Director, shall assign resources as appropriate to the Office. The establishment of the Office within the Executive Office of the President shall not be construed as affecting access by Congress to information or personnel of the Office.

Sec. 202. Funding for Strategy Programs and Activities. This section establishes a process for the Director to review the proposed budgets for federal programs under the Strategy. The Director will, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, identify programs that contribute to the Strategy, and provide advice to the heads of the executive departments and agencies on the amount and use of these programs through budget certification procedures and the development of a consolidated budget for the Strategy. The Director will review agencies' budget submissions to OMB and may decertify any proposals that do not incorporate the proposed funding or initiatives previously advised by the National Office on Combating Terrorism. The Director will provide Congress with notice of any such decertification. Each year, the Director will, in consultation with the Secretary of Homeland Security and the head of each Federal terrorism prevention and response agency, develop a consolidated proposed budget for all programs and activities under the Strategy for that fiscal year.

Title III—National Strategy for Combating Terrorism and the Homeland Security Response

Sec. 301. Strategy. This section directs the Secretary and Director to develop the National Strategy for combating terrorism and homeland security response for the detection, prevention, protection, response and recovery necessary to counter terrorist threats. The Secretary has responsibility for portions of the Strategy addressing border security, critical infrastructure protection, emergency preparation and response, and integrating state and local efforts with activities of the Federal government. The Director has overall responsibility for the development of the Strategy, and particularly for those portions addressing intelligence, military assets, law enforcement and diplomacy. The Strategy will include: (1) policies and procedures to maximize the collection, translation, analysis, exploitation and dissemination of information related to combating terrorism and homeland security response throughout the Federal government and with State and local authorities; (2) plans for countering chemical, biological, radiological, nuclear, explosives, and cyber threats; (3) plans for improving the resources of, coordination among, and effectiveness of health and medical sectors for detecting and responding to terrorist attacks on homeland; (4) specific measures to enhance cooperative efforts between the public and private sectors in protecting against terrorist attacks; (5) a review of measures needed to enhance transportation security with respect to potential terrorist attacks; and (6) other critical areas. This section also establishes the National Combating Terrorism and Homeland Security Response Council to assist with preparation and implementation of the Strategy. Members of the Council will be the heads of federal terrorism prevention and response agencies or their designees. The Secretary and Director will co-chair the Council, which will meet at their direction.

Sec. 302. Management Guidance for Strategy Implementation. This section directs the Office of Management and Budget, in consultation with the Secretary and the Director, to provide management guidance for Federal agencies to successfully implement the Strategy, and to report to Congress on these efforts. It also requires the General Accounting Office to evaluate the management guidance and agency performance in implementing the Strategy.

.Sec. 303. National Combating Terrorism Strategy Panel. This section establishes a nonpartisan, independent panel to conduct an assessment of the Strategy as well as an independent, alternative assessment of measures required to combat terrorism, including homeland security measures. The panel will prepare a preliminary report no later than July 1, 2004, with a final report by December 1, 2004 and every four years thereafter.

Title IV—Law Enforcement Powers of Inspector General Agents

Sec. 401. Law Enforcement Powers of Inspector General Agents. This section amends the Inspector General Act to authorize certain IG officers to carry a firearm or make an arrest in certain instances while engaged in official duties as authorized by this Act or other statute, or by the Attorney General; and to seek and execute warrants under the authority of the United States upon probable cause that a violation has been committed. This section also describes the conditions under which the Attorney General may authorize exercise of powers under this section, and it lists those offices of Inspector General which are exempt from this requirement. This section further describes the circumstances under which the Attorney General may also rescind or suspend powers authorized for an Office of Inspector General, and provides that determinations by the Attorney General in this section shall not be reviewable in or by any court. The section also requires the Offices of Inspector General to enter into memoranda of understanding to establish an external review process for ensuring that adequate safeguards and management procedures continue to exist within each Office.

Title V—Federal Emergency Procurement Flexibility

Subtitle A—Temporary Flexibility for Certain Procurements

Sec. 501. Defines the term "executive agency."

Sec. 502. Procurements for Defense Against or Recovery from Terrorism or Nuclear, Biological, Chemical, or Radiological Attack. States that the authorities provided in this subtitle apply to any procurement of property or services by or for an executive agency that, as determined by the head of the executive agency, are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical or radiological attack for one year after the date of enactment.

Sec. 503. Increased Simplified Acquisition Threshold for Procurements in Support of Humanitarian or Peacekeeping Operations or Contingency Operations. Raises the threshold amounts to $250,000 for contracts carried out in the United States and to $500,000 for contracts outside the United States pursuant to section 502. Raises the Small Business reserve to $250,000 for contracts inside the United States and $500,000 for contracts outside the United States for procurements carried out pursuant to section 502.

Sec. 504. Increased Micro-Purchase Threshold for Certain Procurements. Raises the micro-purchase threshold with respect to procurements referred to in section 502 to $10,000.

Sec. 505. Application of Certain Commercial Items Authorities to Certain Procurements. Applies commercial items procedures to non-commercial items for emergency purposes. Requires the Director of OMB to issue guidance and procedures for use of simplified acquisition procedures for a purchase of property or services in excess of $5,000,000. Provides continuation of authority for simplified purchase procedures.

Sec. 506. Use of Streamlined Procedures. Lists streamlined acquisition procedures which may be used. The head of an executive agency shall use, when appropriate, streamlined acquisition authorities and procedures provided by law including use of procedures other than competitive procedures and task and delivery order contracts. This provision removes the thresholds ($5 million for manufacturing and $3 million for all other contracts) for contracts with limited competition under the small business "8(A)" and HUB Zone programs. Waiving the threshold means that small disadvantaged businesses within the "8(A)" program and qualified HUB Zone small business concerns can compete for contracts using limited competition (or sole source competition) regardless of the value of the contract.

Sec. 507. Review and Report by Comptroller General. Requires that not later than March 31, 2004, the Comptroller General complete a review of the extent to which procurements of property and services have been made in accordance with this subtitle, and submit a report on the results of the review to the Senate Governmental Affairs Committee and House Government Reform Committee. The report shall assess the extent to which property and services procured in accordance with this subtitle have contributed to the capacity of Federal employees to carry out the missions of the agencies, and the extent to which Federal employees have been trained on the use of technology. The report shall include any recommendations of the Comptroller General resulting from the assessment. The Comptroller General shall consult with the Committee on Governmental Affairs and the Committee on Governmental Reform on the specific issues and topics to be reviewed, including areas such as technology integration, employee training, and human capital management, and the data requirements of the study.

Subtitle B—Other Matters

Sec. 511. Identification of New Entrants Into the Federal Marketplace. Requires agencies to do ongoing market research to identify new companies with new capabilities, including small businesses, to help agencies facilitate defense against or recovery from terrorism or nuclear, biological, chemical or radiological attack.

Title VI—Effective Date

Sec. 601. Provides that the Division shall take effect 30 days after the date of enactment, or if enacted within 30 days before January 1, 2003, on January 1, 2003.

DIVISION B—IMMIGRATION REFORM, ACCOUNTABILITY, AND SECURITY ENHANCEMENT ACT OF 2002

Sec. 1001. Short Title. This Division may be cited as the "Immigration Reform, Accountability, and Security Enhancement Act of 2002."

Sec. 1002. Definitions. Defines key terms, including Under Secretary, Enforcement Bureau, and Service Bureau.

Title XI—Directorate of Immigration Affairs

Subtitle A—Organization

Sec. 1101. Abolition of INS. This section abolishes the Immigration and Naturalization Service ("INS").

Sec. 1102. Establishment of Directorate of Immigration Affairs. This section establishes a Directorate of Immigration Affairs ("Directorate") within the Department of Homeland Security ("DHS"). The Directorate is divided into three parts: the Under Secretary for Immigration Affairs, the Assistant Secretary for Immigration Services (the "Service Bureau"), and the Assistant Secretary for Enforcement and Border Affairs (the "Enforcement Bureau"). The functions of the Directorate are also tripartite: (1) immigration policy, administration, and inspection functions; (2) immigration service and adjudication functions; and (3) immigration enforcement functions. This section also authorizes funds to the DHS as necessary to carry out the functions of the Directorate and defines what is meant by U.S. immigration laws.

Sec. 1103. Under Secretary of Homeland Security for Immigration Affairs. This section establishes that the Directorate will be headed by the Under Secretary of Homeland Security for Immigration Affairs ("Under Secretary"). Charged with all responsibilities and authority in the administration of the Directorate, the Under Secretary is responsible for: (1) administration and enforcement of U.S. immigration laws; (2) administration of the Directorate, including supervision and coordination of the two Bureaus; (3) inspection of individuals arriving at ports of entry; (4) management of resources, personnel, and other support; (5) management of information resources, including maintenance and coordination of records, databases, and other information within the Directorate; and (6) coordination of response to civil rights violations. A General Counsel serves as the chief legal officer for the Directorate. The General Counsel's responsibilities include: providing specialized legal advice, opinions, determinations, regulations, and any other assistance to the Director with regard to legal matters affecting the Directorate and its components. A Chief Financial Officer ("CFO") will direct, supervise, and coordinate all budget formulas and execution for the Directorate. A Chief of Policy and Strategy is created to establish national immigration policy and priorities, perform policy research and analysis on immigration issues under U.S. immigration laws, and coordinate immigration policy between the Directorate, the Service Bureau, and the Enforcement Bureau. A Chief of Congressional, Intergovernmental, and Public Affairs is established to provide Congress with information relating to immigration issues, serve as a liaison with other Federal agencies on immigration issues, and respond to inquiries from, and provide information to the media on immigration issues arising under U.S. immigration laws.

Sec. 1104. Bureau of Immigration Services. This section establishes the Bureau of Immigration Services ("Service Bureau"), headed by the Assistant Secretary of Homeland Security for Immigration Services. The Assistant Secretary shall be appointed by the Secretary of Homeland Security in consultation with the Under Secretary and shall report directly to the Under Secretary. The Assistant Secretary shall administer the immigration service and adjudication functions of the Directorate which include: (1) adjudication of petitions for classification of non-immigrant and immigrant status; (2) adjudication of applications for adjustment of status and change of status; (3) adjudication of naturalization applications; (4) adjudication of asylum and refugee applications; (5) adjudications at Service Centers; (6) determinations of custody and parole of asylum seekers; and (7) all other adjudications under U.S. immigration laws. A Chief Budget Officer, under the authority of the CFO, shall be responsible for monitoring and supervising all financial activities of the Service Bureau. An Office of Quality Assurance is established to develop procedures and conduct audits to ensure the Directorate's policies with regard to services and adjudications are properly implemented, and to ensure sound records management and efficient and accurate service. An Office of Professional Responsibility is established to ensure the professionalism of the Service Bureau, and receive and investigate charges of misconduct or ill treatment made by the public. The Assistant Secretary for Immigration Services, in consultation with the Under Secretary, shall determine the training of Service Bureau personnel.

Sec. 1105. Bureau of Enforcement and Border Affairs. This section establishes the Bureau of Enforcement and Border Affairs ("Enforcement Bureau"), headed by the Assistant Secretary of Homeland Security for Enforcement and Border Affairs. The Enforcement Bureau Assistant Secretary shall be appointed by the Secretary for Homeland Security, in consultation with the Under Secretary, and shall report directly to the Under Secretary of the Directorate. The Enforcement Bureau Assistant Secretary shall administer the immigration enforcement functions of the Directorate which include the following functions: (1) border patrol; (2) detention; (3) removal; (4) intelligence; and (5) investigations. A Chief Budget Officer, under the authority of the CFO, shall be responsible for monitoring and supervising all financial activities of the Enforcement Bureau. An Office of Professional Responsibility shall ensure the professionalism of the Enforcement Bureau, and receive and investigate charges of misconduct or ill treatment made by the public. An Office of Quality Assurance shall develop procedures and conduct audits to ensure the Directorate's policies with regard to enforcement are correctly implemented; and that the Enforcement Bureau's policies and practices result in sound records management and efficient and accurate record-keeping. The Enforcement Bureau Assistant Secretary, in consultation with the Under Secretary, shall determine the training of Enforcement Bureau personnel.

Sec. 1106. Office of the Ombudsman within the Directorate. This section establishes an Office of the Ombudsman within the Directorate of Immigration Affairs. The Ombudsman shall be appointed by the Secretary of Homeland Security and report directly to the Secretary of Homeland Security. The Office of Ombudsman will: (1) assist individuals in resolving problems with the Directorate or any component thereof; (2) identify systemic problems encountered by the public in dealings with the Directorate or any component thereof; (3) propose changes in the administrative practices or regulations of the Directorate or any component thereof to mitigate these problems; (4) identify potential legislative changes that may be appropriate to mitigate such problems; and (5) monitor the coverage and geographic distribution of local offices of the Directorate. The Ombudsman shall have the responsibility and authority to appoint local or regional representatives as may be necessary to address and rectify problems. The Ombudsman shall submit an annual report to the House and Senate Judiciary Committees on the activities of the Ombudsman during the fiscal year, providing a full analysis identifying actions taken by the Ombudsman's Office, including initiatives to improve the responsiveness of the Directorate; a summary of serious or systemic problems encountered by the public; an accounting of those items that have been addressed, are being addressed, and have not been addressed with reasons for and results of such action; recommendations to resolve problems encountered by the public; recommendations for action as may be appropriate to resolve problems encountered by the public; recommendations to resolve problems caused by inadequate funding or staffing; and other information as the Ombudsman deems advisable. Appropriations are authorized as necessary to carry out this section.

Sec. 1107. Office of Immigration Statistics within the Directorate. This section establishes the Office of Immigration Statistics within the Directorate, headed by a Director who shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary. The office shall collect, maintain, compile, analyze, publish, and disseminate information and statistics involving the functions of the Directorate and the Executive Office of Immigration Review (EOIR) (or successor entity). The Director shall be responsible for: (1) maintaining immigration statistical information of the Directorate ; and (2) establishing standards of reliability and validity for immigration statistics collected by the Service Bureau, the Enforcement Bureau, and the EOIR. The Directorate and the EOIR shall provide statistical information from their respective operational data systems to the Office of Immigration Statistics. The Director, under the direction of the Under Secretary shall ensure the interoperability of the databases of the Directorate, the Service Bureau, the Enforcement Bureau, and the EOIR to permit the Director of the Office to perform the duties of the office. The functions performed by the Statistics Branch of the INS Office of Policy and Planning are transferred to the Office of Immigration Statistics.

Sec. 1108. Clerical amendments. This section includes clerical amendments.

Subtitle B—Transition Provisions

Sec. 1111. Transfer of Functions. All functions under U.S. immigration laws vested by statute in, or exercised by, the Attorney General are transferred to the Secretary of Homeland Security. The functions of the Commissioner of the INS are transferred to the Directorate. The Under Secretary may, for purposes of performing any function transferred to the Directorate, exercise all authorities under any other provision of law that were available with respect to the performance of the function.

Sec. 1112. Transfer of Personnel and other Resources. There are transferred to the Under Secretary for appropriate allocation: (1) the personnel of the DOJ employed in connection with the functions transferred pursuant to this title; and (2) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the INS in connection with the functions transferred pursuant to this title.

Sec. 1113. Determinations with Respect to Functions and Resources. The Under Secretary shall determine: (1) which of the functions transferred under section 111 are immigration policy, administration and inspection functions; immigration service and adjudication functions; and immigration enforcement functions; and (2) which of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds were held or used, arose from, were available to, or were made available, in connection with the performance of the respective functions immediately prior to the title's effective date.

Sec. 1114. Delegation and Reservation of Functions. The Under Secretary shall delegate immigration service and adjudication functions to the Assistant Secretary for Immigration Services, and immigration enforcement functions to the Assistant Secretary for Enforcement and Border Affairs. Immigration policy, administration and inspection functions are reserved for the Under Secretary. Some delegations may be made on a nonexclusive basis. The Under Secretary may make delegations to such officers and employees of the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau, respectively, as the Director may designate, and may authorize successive re-delegations of such functions as may be necessary or appropriate.

Sec. 1115. Allocation of Personnel and other Resources. The Under Secretary shall make allocations of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions. Unexpended funds transferred by section 112 shall be used only for allocated purposes. The Attorney General, in consultation with the Secretary of Homeland Security, shall provide for the termination of affairs of the INS. The Under Secretary is authorized to provide for an appropriate allocation, or coordination, or both, of resources involved in supporting shared support functions for the office of the Under Secretary, the Service Bureau, the Enforcement Bureau. The Under Secretary shall maintain control and oversight over shared computer databases and systems and records management.

Sec. 1116. Savings Provisions. All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, privileges, any proceedings or any application for any benefit, service, as well as the continuance of lawsuits and other matters are transferred to the new entities and shall continue until modified or terminated.

Sec. 1117. Interim service of the Commissioner of Immigration and Naturalization. The INS Commissioner serving on the day before the effective date of this title may serve as the Under Secretary until one is appointed.

Sec. 1118. Executive Office for Immigration Review Authorities not Affected. Nothing in the legislation may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by the EOIR (or its successor entity) or any officer, employee, or component thereof immediately prior to the effective date of this title.

Sec. 1119. Other Authorities not Affected. Nothing in this legislation may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by the Secretary of State, the Secretary of Labor or their special agents, or under the U.S. immigration laws.

Sec. 1120. Transition Funding. Funds are authorized to the Department of Homeland Security as necessary to abolish the INS, establish the Directorate and its components, transfer the functions required under this Act, and carry out any other duty made necessary by this division. These funds will be deposited into a separate account established in the general fund of the U.S. Treasury. Not later than 90 days after the date of enactment of this Act, and at the end of each fiscal year in which appropriations are made, the Secretary of Homeland Security shall submit a report to Congress concerning the availability of funds to cover transition costs.

Subtitle C—Miscellaneous Provisions

Sec. 1121. Funding Adjudication and Naturalization Services. This section requires that all fees collected for the provision of adjudication or naturalization services be used only to fund adjudication or naturalization services, or subject to the availability of funds, similar services provided without charge to asylum and refugee applicants. In addition to funds already appropriated for this purpose, funds are authorized as necessary to carry out sections of the Immigration and Nationality Act dealing with asylum and refugee processing. Separate accounts are established in the U.S. Treasury for appropriated funds and other deposits available to the Service Bureau and the Enforcement Bureau. Fees may not be transferred between these accounts. Funds are also authorized as necessary to carry out the Immigration Services and Infrastructure Improvement Act of 2000 (Title II of P.L. 106-313).

Sec. 1122. Application of Internet-based Technologies. Not later than two year after enactment, the Secretary, in consultation with the Under Secretary and the Technology Advisory Committee, shall establish an Internet-based system that will allow an immigrant, non-immigrant, employer, or other person who files any application, petition, or other request for benefit under the U.S. immigration laws with the Directorate to access case status information on-line. In establishing the database, the Under Secretary shall consider all applicable privacy issues and no personally identifying information shall be accessible to unauthorized persons. Fees will not be charged to anyone using the database to access information about him/herself. The Under Secretary, in consultation with the Technology Advisory Committee is required to conduct a study on the feasibility of an on-line filing system and report to the House and Senate Judiciary Committee on the results within one year of enactment. To assist in carrying out this section, the Under Secretary is required to establish a Technology Advisory Committee.

Sec. 1123. Alternatives to Detention of Asylum Seekers. This section authorizes the Under Secretary to assign asylum officers to major ports of entry to assist in the inspection of asylum seekers. For other ports, the under Secretary shall take steps to ensure that asylum officers are able to participate in the inspection process. This section also promote alternatives to detention of asylum seekers who do not have prior nonpolitical criminal records and establish conditions for detention of asylum seekers that ensure a safe and humane environment. The Under Secretary is required to consider the following specific alternatives to detention: parole; parole with appearance assistance provided by private nonprofit voluntary agencies; non-secure shelter care or group homes operated by private nonprofit voluntary agencies; and noninstitutional settings for minors, such as foster care or group homes operated by private nonprofit voluntary agencies.

Subtitle D—Effective Date

Sec. 1131. Effective Date. This title shall take effect one year after the effective date of division A of this Act.

Title XII—Unaccompanied Alien Children Protection

Sec. 1201. Short Title. This title may be cited as "The Unaccompanied Alien Child Protection Act of 2002."

Sec. 1202. Definitions. Key terms, including unaccompanied alien child, are defined.

Subtitle A—Structural Changes

Sec. 1211. Responsibilities of the Office of Refugee Resettlement with Respect to Unaccompanied Alien Children. The Office of Refugee Resettlement ("Office") shall be responsible for coordinating and implementing the care and placement of unaccompanied alien children who are in Federal custody by reason of their immigration status and ensuring minimum standards of detention for all unaccompanied alien children. The Director of the Office ("Director") shall be responsible for: (1) ensuring that the best interests of the child are considered in the care and placement of unaccompanied alien children; (2) making placement, release, and detention determinations; (3) implementing determinations; (4) convening the Interagency Task Force on Unaccompanied Alien Children (in the absence of the Assistant Secretary); (5) identifying a sufficient number of qualified persons, entities, and facilities to house unaccompanied alien children; (6) overseeing persons, entities and facilities; (7) compiling and publishing at least annually a State-by-State list of professionals or other entities qualified to contract with the Office to provide services; (8) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care; (9) collecting and compiling statistical information from the INS (or successor entity); and 10) conducting investigations and inspections of facilities and other entities where unaccompanied alien children reside. The Director is also encouraged to utilize the refugee children foster care system. The Director shall have the power to contract with service providers and compel compliance with the terms and conditions of section 1323. Nothing in this title may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and National Act from the authority of any official of the Service (or its successor entity), the EOIR (or its successor entity) or the Department of State.

Sec. 1212. Establishment of Interagency Task Force on Unaccompanied Alien Children. An Interagency Task Force on Unaccompanied Alien Children is established consisting of various key agencies and departments of the federal government.

Sec. 1213. Transition Provisions. All functions with respect to the care and custody of unaccompanied alien children under the immigration laws, vested in, or exercised by, the Commissioner or his employees is transferred to the Office.

Sec. 1214. Effective Date. This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle B—Custody, Release, Family Reunification, and Detention

Sec. 1221. Procedures when Encountering Unaccompanied Alien Children. This section establishes procedures to be followed when encountering unaccompanied alien children. At the border, or at ports of entry, an unaccompanied alien child may be removed from the United States if deemed inadmissible under the Immigration and Nationality Act, unless the child is a national of a country contiguous to the U.S. and who fears persecution or would be harmed if returned to that country. Custody of all unaccompanied alien children found in the interior of the United States shall be under the jurisdiction of the Office, with exceptions of children who have committed crimes and or threaten national security. An unaccompanied alien child shall be transferred to the Office within 72 hours of apprehension.

Sec. 1222. Family Reunification for Unaccompanied Alien Children with Relatives in the United States. Unaccompanied alien children in the custody of the Office shall be promptly placed with one of the following in order of preference: (1) a parent; (2) a legal guardian; (3) an adult relative; (4) an entity designated by the parent or legal guardian; (5) a state-licensed juvenile shelter or group home; or (6) other qualified adults or entities.

Sec. 1223. Appropriate Conditions for Detention of Unaccompanied Alien Children. Unaccompanied children shall not be placed in adult detention facilities, but children who exhibit violent or criminal behavior can be detained in appropriate facilities for delinquent children. The Office shall establish appropriate standards and conditions for the detention of unaccompanied alien children, providing appropriate educational services, medical care, mental health care, access to telephones, access to legal services, access to interpreters, supervision by professionals trained in the care of children, recreational programs and activities, spiritual and religious needs, and dietary needs. The Director and the Secretary of Homeland Security shall develop procedures which prohibit shackling, handcuffing, or other restraints; solitary confinement; or pat or strip searches.

Sec. 1224. Repatriated Unaccompanied Alien Children. Consistent with international agreements to which the United States is a party and to the extent practicable, the United States shall undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of the child. The Director shall submit a report to Congress providing information on efforts to repatriate unaccompanied children.

Sec. 1225. Establishing the Age of an Unaccompanied Alien Child. To address problems created by reliance on inaccurate methods for establishing the age of a child, the Director shall establish procedures for determining age.

Sec. 1226. Effective Date. This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel

Sec. 1231. Right of unaccompanied alien children to guardians ad litem. No later than 72 hours after the Office assumes custody of an unaccompanied alien child, the Director shall appoint a guardian ad litem to look after the child's best interests. The qualifications, duties, and powers of the guardian ad litem are set forth.

Sec. 1232. Right of unaccompanied alien children to counsel. The Director shall ensure that all unaccompanied alien children have competent counsel appointed to represent them in immigration proceedings. Where possible, the Director shall utilize pro bono attorneys. Otherwise, the Director shall appoint government-funded counsel. Requirements for representation are set forth, including duties and access to children.

Sec. 1233. Effective date; applicability. This subtitle shall take effect one year after the effective date of division A of this Act and shall apply to all unaccompanied alien children in Federal custody on, before, or after the effective date of this subtitle.

Subtitle D—Strengthening Policies for Permanent Protection of Alien Children

Sec. 1241. Special Immigrant Juvenile Visa. This section strengthens the Special Immigrant Juvenile Visa to make it a useful and flexible means of providing permanent protection to a small number of abused, neglected and abandoned youths.

Sec. 1242. Training for officials and certain private parties who come into contact with unaccompanied alien children. This section provides training to officials involved in dependency proceedings, social service providers, as well INS personnel who come into contact with unaccompanied alien children. The Secretary of Homeland Security, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Service who come into contact with unaccompanied alien children.

Sec. 1243. Effective Date. The amendments of section 1341 shall apply to all unaccompanied alien children in Federal custody on, before, or after the effective date of this Act.

Subtitle E—Children Refugee and Asylum Seekers

Sec. 1251. Guidelines for children's asylum claims. The section expresses the sense of Congress commending the INS for the issuance of its Guidelines for Children's Asylum Claims and requires the Secretary of Homeland Security to provide training to asylum officers, immigration judges, members of the Board of Immigration Appeals and immigration officers on these guidelines.

Sec. 1252. Unaccompanied Refugee Children. This section requires an analysis of the situation faced by unaccompanied refugee children around the world and requires training on the needs of these refugee children.

Subtitle F—Authorization of Appropriations

Sec. 1261. Authorization of Appropriations. This section authorizes such sums as may be necessary to carry out the provisions of this title.

Title XIII—Agency for Immigration Hearings and Appeals

Subtitle A—Structure and Function

Sec. 1301. Establishment. This section abolishes the Executive Office for Immigration Review (EOIR) and creates the Agency for Immigration Hearings and Appeals (AIHA).

Sec. 1302. Director of the Agency. This section provides that the agency shall have a Director, who shall be appointed by the President and confirmed by the Senate. The Director runs the agency, appoints the Chair and members of the appellate body (Board of Immigration Appeals) and the Chief Immigration Judge. Also provides that the agency shall have a Deputy Director, General Counsel, Pro Bono Coordinator, and other offices as deemed necessary.

Sec. 1303. Board of Immigration Appeals. This section establishes the Board of Immigration Appeals to perform the appellate functions of the agency, and shall consist of a Chair and at least 14 Board Members (who are appointed by the Director in consultation with the Chair). Provides that the Chair and Board Members must be an attorney in good standing and have a minimum of 7 years professional legal expertise in immigration and nationality law. Also provides that the Board retains the jurisdiction it holds under EOIR and Board Members are compelled to exercise their independent judgment.

Sec. 1304. Chief Immigration Judge. This section establishes the Office of the Chief Immigration Judge to administer the immigration courts, headed by a Chief Immigration Judge. Provides that the Chief Immigration Judge and each immigration judge must be an attorney in good standing and have a minimum of 7 years professional legal expertise in immigration and nationality law. Also provides that the immigration courts retain the jurisdiction they hold under EOIR and immigration judges are compelled to exercise their independent judgment.

Sec. 1305. Chief Administrative Hearing Officer. This section establishes the position of Chief Administrative Hearing Officer to hear cases involving unfair immigration-related employment practices and penalties for document fraud.

Sec. 1306. Removal of Judges. This section provides that the Director, in consultation with the appropriate component head, may remove Board Members or immigration judges for good cause, which shall include neglect of duty and malfeasance.

Sec. 1307. Authorization of Appropriations. This section authorizes the appropriation of funds necessary to execute this title. [Note: Since these entities already exist, the execution of this title should be budget neutral.]

Subtitle B—Transfer of Functions and Savings Provisions

Sec. 1311. Transition Provisions. This section provides for the transfer of functions from EOIR to the new agency.

Subtitle C—Effective Date

Sec. 1321. Effective Date. This section provides that this title takes effect one year after the effective date of division A of this Act.

DIVISION C—FEDERAL WORKFORCE IMPROVEMENT

Title XXI—Chief Human Capital Officers

Sec. 2101. Short Title. This title may be cited as the "Chief Human Capital Officers Act of 2002."

Sec. 2102. Agency Chief Human Capital Officers. Creates a chief human capital officer in major agencies (i.e., agencies that are required, under the Chief Financial Officers Act of 1990, to have Chief Financial Officers), who will advise and assist in carrying out the responsibilities of selecting, developing, and managing a high-quality workforce.

Sec. 2103. Chief Human Capital Officers Council. Creates a Chief Human Capital Officers Council that will advise and coordinate the human capital functions of each agency and meet with union representatives at least annually.

Sec. 2104. Strategic Human Capital Management. Requires the Office of Personnel Management to design a set of systems, including metrics, for assessing human capital management by agencies.

Sec. 2105. Effective Date. Title XXI is effective 180 days after enactment.

Title XXII—Reforms Relating to Human Capital Management

Sec. 2201. Inclusion of Agency Human Capital Strategic Planning in Performance Plans and Program Performance Reports. Amends the Government Performance and Results Act of 1993 to specify how human capital management is to be included in performance plans.

Sec. 2202. Reform of the Competitive Service Hiring Process. Allows agencies to use alternative method for selecting new employees instead of the traditional "rule of 3." The agency may divide applicants into two or more quality categories, with disabled veterans moving to the top of the highest category. Also, allows for direct appointment of candidates to positions that have been noticed, when OPM determines there is a severe shortage of candidates and a critical hiring need.

Sec. 2203. Permanent Extension, Revision, and Expansion of Authorities for Use Of Voluntary Separation Incentive Pay and Voluntary Early Retirement. Provides government-wide authority for offering Voluntary Separation Incentive Payments and Voluntary Early Retirement, and states that it is the sense of Congress that these provisions are not intended to downsize the federal workforce.

Sec. 2204. Student Volunteer Transit Subsidy. Provides a transit subsidy for student volunteers with the federal government.

Title XXIII—Reforms Relating to the Senior Executive Service

Sec. 2301. Repeal of Recertification Requirements of Senior Executives. Repeals recertification requirements for senior executives.

Sec. 2302. Adjustment of Limitation on Total Annual Compensation. Increases the cap on the total annual compensation of senior executives, Administrative Law Judges, officers of the courts, and certain other highly paid officers, thereby enabling performance bonuses to be paid within the cap in a single year.

Title XXIV—Academic Training

Sec. 2401. Academic Training. Reduces restrictions on providing academic degree training to federal employees.

Sec. 2402. Modifications to National Security Education Program. Modifies the National Security Education Program (NSEP) to allow NSEP fellows to work in a non-national security position with the federal government if a national security position is not available.

Sec. 2403. Compensatory Time off for Travel. Grants to federal employees compensatory time off for time spent in travel status away from duty station to the extent not otherwise compensable.

AUGUST 28, 2002.

Hon. JOSEPH I. LIEBERMAN,
Hon. FRED THOMPSON,
Senate Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER THOMPSON: We commend your leadership and dedication to the creation of a new Department of Homeland Security. We thank you for the opportunity to contribute to this historic legislation.

As division B of your legislation currently includes immigration provisions drawn in large part from legislation that we introduced earlier this year—S. 2444, the Immigration Reform, Accountability, and Security Enhancement Act of 2002, we here provide you with an explanation of the intent behind this language.

Purpose and Summary. For years, the Immigration and Naturalization Service (INS) has been plagued by myriad problems, including mission-overload, mismanagement, and insufficient resources. For too long, INS has been unable to meet its dual responsibility of enforcing our immigration and nationality laws and providing services to newcomers, refugees, and aspiring citizens.

A critical component of homeland security is an agency that effectively polices our borders, enforces our laws, and provides timely immigration services. To responsibly create an Office of Homeland Security, we must address the inadequacies of the INS.

Accordingly, Division B abolishes the INS and replaces it with a Directorate of Immigration Affairs (Directorate) placed squarely within the Department of Homeland Security.

Legislative History. The Judiciary Committee has earnestly debated how best to reform the INS. Since 1998, the Judiciary Committee has held five hearings on this topic, and Senate bills to reform INS have been introduced in each of the last three Congresses. In each hearing, governmental and private sector experts critiqued the workings of INS and offered substantive, insightful recommendations on how to revamp that agency. From those hearings, certain principles have emerged: the need for a separation of functions, the need for greater coordination between functions, and the need for a strong, central authority to ensure consistent policy and implementation.

In the 106th Congress, Senator Abraham and Senator Kennedy, chair and ranking member of the Immigration Subcommittee, introduced S. 1563, the "INS Reform and Border Security Act of 1999," a bipartisan attempt to split enforcement and services into separate bureaus and to elevate the profile of the immigration agency within the Department of Justice. This legislation served as the basis for legislation in the 107th Congress: S. 2444, the "Immigration Reform, Accountability, and Security Enhancement Act of 2002," another bipartisan bill, introduced by Senator Kennedy and Senator Brownback, chair and ranking member of the current immigration subcommittee. S. 2444, like its predecessor, splits enforcement and services into separate bureaus and seeks to elevate the profile of immigration in the Department of Justice. Cosponsors of S. 2444 include Senators Hatch, Feinstein, DeWine, Durbin, Helms, Edwards, Hagel, Daschle, Dodd, Graham, and Clinton.

Need for INS Reform. Experts both inside and outside government have reached the same conclusions regarding the most critical problems with the INS. In a report from the early 1990s, the General Accounting Office observed that the INS' problems stem from a lack of clearly defined goals and priorities, inconsistent leadership and weak management systems, and overlapping and inconsistent programs. In the years since, these observations have been echoed in witness testimony, academic publications, and reports issued by various commissions. The criticisms of INS have remained consistent over the past decade.

With the criticisms have come various recommendations on how to rehabilitate the agency. Three guiding principles can be distilled from those recommendations:

Separation of functions. Immigration law and policy can roughly be divided into two components—enforcement and services. Currently, the enforcement and service functions are commingled in a way that creates conflicting priorities and troubling inefficiencies. There must be a clearer separation of the enforcement and services functions to achieve great clarity of mission and thereby greater efficiency in the respective functions.

Coordination. At the same time, the two functions cannot exist independent of each other. Almost every immigration-related action involves both an adjudicatory and enforcement component. Law enforcers must be cognizant of immigration benefits and relief; adjudicators must be mindful of immigration fraud and transgressions. Accordingly, effective coordination between the two functions must exist for either function to work well.

Strong, Central Authority. Given the dynamic of having separate but coordinated functions, it is essential to establish a strong, central authority to ensure uniform immigration policy, efficient interaction between components, and fiscal responsibility. There must be a focal point for managerial accountability for all immigration-related actions, as well as a central decision-maker to guarantee that all aspects of immigration policy and implementation get appropriate attention.

Division B satisfies all three of these principles. First, it abolishes INS and creates a Directorate of Immigration Affairs (Directorate) within the new Department of Homeland Security. The Directorate consists of three offices: the Office of the Under Secretary of Immigration Affairs, the Bureau of Enforcement and Border Affairs, and the Bureau of Services.

Under Secretary of Immigration Affairs. The Directorate is headed by an Under Secretary of Immigration Affairs (Under Secretary). Under the authority of the Secretary of Homeland Security, the Under Secretary is responsible for administering the Directorate, including the direction, supervision, and coordination of both bureaus.

The Under Secretary develops and implements U.S. immigration policy and ensures that immigration policy is coordinated and applied consistently through: (1) administration and enforcement of U.S. immigration laws; (2) administration of the Directorate; (3) inspection of individuals arriving at ports of entry; (4) management of resources, personnel, and other support; and (5) management of information resources, including maintenance and coordination of records, databases and other information within the Directorate.

Reporting to the Under Secretary is a General Counsel who serves as chief legal officer for the Directorate. A Chief Financial Officer is responsible for directing, supervising, and coordinating the Directorate's budget. Also in the Office of the Under Secretary is a Chief of Policy and Strategy, and a Chief of Congressional, Intergovernmental, and Public Affairs.

Bureau of Immigration Services. The Bureau of Immigration Services, headed by its Assistant Secretary, administers the service functions of the Directorate, including: (1) visa petitions; (2) applications for adjustment of status and change of status; (3) naturalization applications; (4) asylum and refugee applications; (5) determinations regarding the custody and parole of asylum seekers; and (6) Service Center adjudications.

Bureau of Enforcement and Border Affairs. The Bureau of Enforcement and Border Affairs, headed by its Assistant Secretary, administers the immigration enforcement functions of the Directorate, including: (1) border patrol; (2) detention; (3) removal; (4) intelligence; and (5) investigations.

Offices Within Each Bureau. Each bureau has its own Chief Budget Officer (under the direction of the Directorate's Chief Financial Officer). Each bureau also has an Office of Quality Assurance (which develops procedures and conducts audits to ensure that the Director's policies are properly implemented) and an Office of Professional Responsibility (which ensures professional conduct by bureau personnel).

Office of the Ombudsman. Reporting to the Under Secretary, is the Office of the Ombudsman, which assists the public in resolving individual cases, identifying systemic problems encountered by the public, and proposing solutions to those problems. The Office of the Ombudsman will report to Congress annually.

Office of Immigration Statistics. The Directorate also contains an Office of Immigration Statistics, which is responsible for collecting and analyzing statistical information for both the Directorate and the immigration court system.

Raised Profile of Immigration. After September 11th, it is clear that strengthening our immigration system is an indispensable part of the nation's efforts to prevent future terrorist attacks. Remedying INS' administrative woes is critical, but will do little to improve our security if the agency that administers our immigration laws and policies is not given the priority and attention it deserves.

Immigration law and policy is extremely complex and dynamic. Immigration officers are charged with a wide variety of duties. INS guards the borders, admitting more than 500 million citizens, permanent residents, and lawful visitors, students, and temporary workers each year. INS also adjudicates hundreds of thousands of applications for citizenship, permanent residence, changes of status, and work authorization annually. Further, INS is responsible for apprehending unlawful entrants, investigating fraud, enforcing employment sanctions, and removing criminal aliens. At the same time, INS entertains family-based and employment-based visa petitions, while also hearing asylum in the United States and refugee claims around the world.

Given the array of responsibilities and the sheer volume of people involved, immigration functions merit special attention. The immigration functions must not be diluted in with a host of other border functions. They deserve a separate directorate wherein the various missions of INS, which standing alone are diverse enough, can be properly attended. Elevation of the INS within its own directorate also achieves the necessary balance between enhancing our security, securing our borders, and ensuring the effective, efficient, and fair implementation of our immigration laws.

Need to Keep Enforcement and Services Together. Almost every immigration-related action involves both enforcement and service components. Coordination of these key functions is critical to ensure consistent interpretation and implementation of the law, clarity of mission, and in turn, more efficient adjudications and more effective enforcement. Coordination of immigration functions cannot be achieved merely by creating a shared database or some commonality of management far up the administrative ladder. Moreover, coordination is certainly impossible when enforcement and services are housed in different departments. Inconsistent policies and interpretations of the law, the lack of a common culture, and—most importantly—the absence of a single, integrated authority who can resolve differences result in a disjointed immigration policy and undermines the efficacy of both enforcement and services.

September 11th brought to light serious problems with immigration enforcement, but there are equally serious problems with immigration services. If services are divorced from enforcement, particularly in a department dedicated to security, services will continue to struggle and will inevitably, and understandably, be devalued and assigned lesser priority. To ensure that services are not 'left behind' in a security culture, it is essential that they be recognized as the other half of the immigration equation.

Coordination with Other Border Functions. Coordinating the border security functions within the Department of Homeland Security is critical, whatever the agency's configuration. That coordination is achieved by creating a Border Coordination Working Group, composed of the Secretary, the Under Secretary for Border and Transportation Security, and the Under Secretary for Immigration Affairs. The Working Group is responsible for coordinating functions necessary to secure the borders, territorial waters, ports, terminal, waterways, and air, land, and sea transportation systems of the United States.

The responsibilities of this office include:

Coordinating budget requests and allocation of appropriations, staffing requirements, communication, use of equipment, transportation, facilities and other infrastructure;

Developing and implementing policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel, and commerce and enhanced scrutiny for high risk travelers and cargo;

Monitoring, evaluating, and making improvements in the coverage and geographic distribution of border security programs and personnel;

Coordinating joint and cross-training programs for personnel performing border security functions; and

Identifying systemic problems in coordination encountered by border security agencies and programs and proposing administrative, regulatory, or statutory changes to mitigate such problems.

The Working Group also consults with representatives of other agencies or departments to enhance coordination and cooperation, curtail overlapping and duplicative functions, and reduce interagency rivalries. At the same time, experts in each of these agencies retain their authority and ability to perform their jobs at this critical time.

Treatment of Unaccompanied Minors. Unaccompanied minors deserve special treatment under our immigration laws and policies. Many of these children have been abandoned, are fleeing persecution, or are escaping abusive situations at home. These children are either sent here by adults or forced by their circumstances, and the decision to come to our country is seldom their own.

Currently, INS has responsibility for the care and custody of these children. It would not be appropriate to transfer this responsibility to a Department of Homeland Security.

Office of Refugee Resettlement. This legislation transfers responsibility for the care and custody of unaccompanied alien children who are in Federal custody (by reason of their immigration status) from INS to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS). ORR has decades of experience working with foreign-born children, and ORR administers a specialized resettlement program for unaccompanied refugee children.

HHS coordinates comprehensive services to address the special needs of newcomer children, including placement in foster or group home settings, medical and mental health care, skills training, education, family tracing, and legal assistance. Such services are tailored to address the cultural, linguistic, legal, and developmental needs of newcomer children and the individual needs of the child. ORR can easily integrate the care of unaccompanied alien children into its existing functions.

Responsibilities. Minimum standards for the care and custody are set forth in the legislation, as are ensuring that unaccompanied children are housed in appropriate shelters or with foster families who are able to care for them.

Specifically, ORR will be responsible for: (1) ensuring that the best interests of the child are considered in the care and placement of unaccompanied alien children; (2) making placement, release, and detention determinations; (3) implementing determinations; (4) convening the Interagency Task Force on Unaccompanied Alien Children; (5) identifying qualified persons, entities, and facilities to house unaccompanied alien children; (6) overseeing persons, entities and facilities; (7) compiling and publishing a State-by-State list of professionals or other entities qualified to contract with the Office to provide services; (8) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care; (9) collecting and compiling statistical information from the INS (or successor entity); and (10) conducting investigations and inspections of facilities and other entities where unaccompanied alien children reside. The legislation also provides children with access to appointed counsel and guardians ad litem.

Responsibility for adjudicating immigration benefits will not transfer over to HHS but will remain with the INS (or its successor) and the immigration court system.

Immigration Court System. The current immigration court system—the Executive Office for Immigration Review (EOIR), which contains the immigration courts and the Board of Immigration Appeals—is a component of the Department of Justice. The immigration court system exists not in statute, but only in regulation.

The evolution of the immigration courts reflects the importance of impartiality. Originally, the court system was entirely contained within the INS. In response to criticisms that judge and "prosecutor" should not be housed together, the immigration courts were moved to a separate component within the Justice Department—the EOIR—in 1983. Even parsed out into separate components, however, concerns remain that the immigration courts are still too closely aligned with the immigration enforcers.

Concerns about the impartiality of a court system located in a law enforcement agency are certain to be exacerbated if the court system is relocated to a security agency. If INS moves, then it is best to leave the immigration court system where it is—in the Justice Department—and thereby keep judge and enforcer well separated.

The immigration court system is critical both to law enforcement and to humanitarian protections. The immigration courts daily make decisions that could remove a criminal alien from our country, provide safe haven to an asylum-seeker fleeing torture or execution, and keep together or break up families. The immigration courts make potentially life-or-death decisions every day and are therefore too important to exist only in regulation.

We look forward to working with you on this legislation and making additional recommendations as it is considered by the full Senate.

Sincerely,

EDWARD M. KENNEDY,
Chair, Subcommittee on Immigration, Committee on the Judiciary.
SAM BROWNBACK,
Ranking Member, Subcommittee on Immigration, Committee on the Judiciary.

ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess from 2:30 p.m. to 3:30 p.m. today for a briefing by Secretary Rumsfeld.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. THOMPSON. Madam President, I thank the Senator from Connecticut for the statement he has made today and for his leadership, once again, on this issue, and for his contribution toward our being here today. He speaks eloquently as to our need to do things differently with regard to this Government and with regard to the reorganization of a very important part of our Government. His analogy of gasoline and engines I think is right on point. It doesn't matter how much gasoline you put into a faulty engine, it is still a faulty engine.

We need to do better than that. There is no reason that at end of the day we can't pass a bill that is going to make this country safer than it was before, and that is our common goal.

Few need to be reminded why we are here. While September 11 was not the opening salvo, it was the event that forced us to confront the scope of the threats to our country and to recognize the need to do something significant and meaningful to address those threats.

Prior to the 1980s, most terrorist groups were regionally focused and lacked the means and the connections to operate on a global scale. They relied upon state sponsors for financial support and often fought for ideological reasons. The few exceptions were those who fought to destroy the Israeli state. During the 1980s, this trend began to change. With the increase in militant Islamic attacks against Israel, the rise of revolutionary Iran, and the formation of Mujahedin in Afghanistan, terrorism began to take a more extremist tone. Then, in 1983, a small group in Lebanon, now known as Hizballah, began using a devastating new tactic to target Western troops: suicide bombings. The United States was the first to experience the destructiveness of this form of attack. In April 1983, a suicide bomber drove a 2,000 pound truck bomb into the U.S. embassy in Beirut, killing 63. The full impact of suicide bombings, however, was not felt until 6 months later. On October 23, 1983, a lone suicide bomber drove a truck laden with explosives into the U.S. Marine Corps barracks in Beirut, killing 241 American servicemen and injuring dozens more.

Since 1983, we have experienced other terrorist attacks as well. In 1989, terrorists downed Pam Am 103, killing over two hundred; in 1993, extremists tried to destroy the World Trade Center by detonating a van laden with tens of pounds of high explosives; in 1995, Timothy McVeigh exploded a rental van outside the Oklahoma Federal Building, killing 168 people; in 1996, religious extremists blew up the Khobar Towers in Saudi Arabia, killing 19 American servicemen and injuring another 372; in 1998, extremists blew up truck bombs outside the U.S. embassies in Tanzania and Kenya, murdering 252 people, including 12 Americans, and injuring at least 5,000 more; and in 2000, extremists blew themselves up alongside the U.S.S. *Cole*, nearly sinking the ship. 17 American sailors were killed and another 39 were wounded.

The list does not include a number of planned terrorist attacks that were disrupted or prevented by U.S. or foreign intelligence, military, and law enforcement operations. It is easy to imagine, however, that this list could have been much longer.

Over the last 10 years, Congress literally held dozens of hearings on what we should do to combat terrorism. We have also had report after report highlighting the dangers of terrorism. The General Accounting Office alone has issued over 50 reports on various ways to better protect our country against terrorist attack. Several independent commissions have also recommended measures that would have addressed many of our vulnerabilities. Unfortunately, we did not implement measures because they were either costly or unpopular. We lacked both consensus and a sense of urgency.

If anything positive can be gleaned from the tragic attacks of September 11, perhaps it is the appearance of a national consensus for change. Most Americans today believe that the deficiencies in our homeland security must be corrected and are willing to bear the costs of doing so.

President Bush has personally embraced this task and employed every tool at his disposal. Some of the actions that he has taken to date include: Destroying terrorist camps in Afghanistan and helping to restore a civil government in that beleaguered land; tracking and eliminating funding sources for terrorist organizations; deploying greater intelligence resources around the world to hunt down terrorists; fostering an international consensus and forming a diplomatic coalition against terrorism and its supporters; creating the Northern Command in the Department of Defense to manage and coordinate the defense of the territory of the United States; and, doubling the "Homeland Security" budget to $38 billion; and developing a National Homeland Security Strategy.

A critical element of the Administration's response to terrorism is the President's proposal to create a Department of Homeland Security. this proposal is not a new idea. Seven months before September 11, the Hart-Rudman Commission released its third comprehensive report on U.S. national security. To the surprise of many, the commission proposed the creation of a new federal department to better counter the threat posed by terrorism. Unfortunately, most considered such an idea at that time to be impractical. Even after September 11, many of us were less than enthusiastic about the creation of such a department. To their credit, Senators Hart and Rudman continued to push for a department. Our colleagues, Senator LIEBERMAN and Senator SPECTER, eventually took up their cause and offered legislation that would create a Department of Homeland Security.

Over the last eleven months, the President's Office of Homeland Security has carefully examined every facet of our homeland security weaknesses, our needs, our effort, our allocation of resources. It considered numerous proposals for a homeland security organization from outside studies, commission, and members of Congress, including the Hart-Rudman proposal. The President eventually came to the conclusion that reorganization on a large scale was necessary. The President's proposal would not have been possible had the Administration not taken the time to conduct its comprehensive review.

The President's June 6 proposal was unusual in several respects. Reorganization of the executive branch on this scale has not occurred or been attempted for 55 years. The proposal would move 22 federal agencies and programs with some 170,000 employees into a single department with a total budget for fiscal year 2003 of nearly $38 billion.

Upon receiving the President's proposal, the governmental Affairs Committee held a number of hearings and subsequently marked up a substitute amendment to S. 2452, the bill we are moving to consider. While there is broad overlap between the President's proposal and the committee's substitute amendment, there are significant differences as well. The debate will mostly focus on the differences. Before I highlight some of these areas, let me also take some time to summarize the Committee's substitute and explain the importance of some of its provisions.

As it currently stands, our country's homeland security effort is disorganized and disjointed. Many Federal agencies responsible for homeland security have many other responsibilities as well. The guiding principle of the proposals to reorganize Federal agencies into a new department of Homeland Security is the recognition that the Nation needs a reinvigorated and refocused effort on the part of these agencies. A new department will force agencies whose missions only partly involve homeland security to refocus their efforts to make homeland security their primary effort.

Both the President's proposal and the committee's substitute amendment to the Lieberman-Specter bill would enhance border security by bringing in under one roof all the agencies responsible for border control. The Border Patrol, the Customs Service, the new Transportation Security Administration, the appropriate components of the Animal and Plant Health Inspection Service, and the coast guard will all become a part of the new department, with an eye towards developing a fully integrated approach to border security operations.

On border security, I do want to point out my concern that the committee substitute keeps the components of the Immigration and Naturalization Service intact in a new Immigration Affairs Directorate of the new department. I think the Border Patrol must not only become part of the new department, but must be made a part of the Border and Transportation Security Directorate if the new Department of Homeland Security is to be as effective as we need it to be. I hope we are able to take a look at this structural issue as the debate proceeds.

The President proposed that the new department contain a component to assess the Nation's vulnerabilities to terrorism, analyze information regarding threats to our homeland, and match the threat assessments to the nation's vulnerabilities to help prioritize our homeland security efforts. The President's proposal was designed to fill a gap in the Federal Government's intelligence capabilities. While a number of agencies conduct a variety of threat assessments, and a few agencies conduct narrowly focused vulnerability assessments, no one in the federal government married the threats with the vulnerabilities to develop national policy. The committee substitute differs from the President's proposal by splitting the intelligence analysis component of the new department from the infrastructure protection component and creating two distinct organizations within the new department.

I support the establishment of an intelligence capability in the new department, but I believe the President's proposal is more sound than the Committee's approach. I will discuss this later.

Clearly, one of the greatest strengths we have to employ against potential enemies of our nation is technology. The President proposed a component of the new department to focus on weapons of mass destruction, which the President believes are not receiving adequate attention from existing agencies. Building on the President's proposal, Chairman LIEBERMAN, Senator DOMENICI, Chairman BINGAMAN, and I worked to develop a Science and Technology Directorate to develop and focus a concerted national effort, relying on resources the Federal Government has already deployed, primarily the National Laboratories and their partnerships, that will develop new technologies to combat terrorist threats.

Thus far, the department that both the President and the Committee propose focuses its efforts on prevention, on before-the-fact counter-terrorism activities. The proposals go further, however, by bringing in as part of the new department the responsibilities for consequence management, for the after-the-fact efforts. The main component of this aspect of the proposals is the inclusion of the Federal Emergency Management Agency in the new Department of Homeland Security.

By bringing together the management of the prevention responsibilities and the consequence management responsibilities, we hope to eliminate bureaucratic impediments and unify diverse bureaucracies, improve coordination, find and exploit appropriate synergies, and strengthen the Federal Government's entire homeland security effort.

We must be realistic about this reorganization. It is mammoth. It will take years of exacting effort to get it done. Congress may be called upon again to legislate changes to the new department. Let us not forget that many believe that the Defense Department was not fully realized until 1986, almost 40 years after it creation, when Congress enacted the Goldwater-Nickles Act.

When the President first proposed this massive homeland security reorganization, I did some research into the mergers of private companies. My staff and I have consulted with management and merger experts in the private sector and in academia. I regret that their analysis of the prospect for success was largely pessimistic. Many private sector mergers fail. The problems are obvious: blending corporate cultures and product lines is not a simple task. chief executive officers who have been through mergers that were smaller and much less complicated than this one give us only about a 20 or 30 percent chance of success. These odds are not promising. It makes me wonder what we need to do to improve those odds. The transition period will be particularly difficult. In some ways, it will be like an elephant on roller skates attempting to learn to juggle.

The proposed reorganization will be greatly complicated by the fact that several of the agencies being transferred currently are themselves dysfunctional from a management standpoint. A lack of coordination, improper payments, waste, missing equipment, human capital shortcomings, and program inefficiencies are all serious problems confronting the Federal Government at large. These problems will piggy-back their way into the new department with the incoming component agencies and will limit its effectiveness unless we address them here.

The management challenges facing this Department are in many respects a reflection of the Federal Government as a whole. For years, the Governmental Affairs Committee has had parades of witnesses and reports telling us that the executive branch and Congress must together do a better job of managing the taxpayers' money. Simply put, we are a government that cannot pass an audit.

Last year, the Government Affairs Committee released a report titled "Government at the Brink," that highlighted some of the waste, fraud, and mismanagement that pervades our Federal Government. Unfortunately, this new department is inheriting a number of agencies that were the focus of that report. The Immigration and Naturalization Service lacks sufficient staff resources to perform intelligence functions; the Customs Service cannot rely on its data systems to determine where the workload is heaviest and therefore where to assign its employees; the Federal Emergency management Agency, FEMA, faces significant problems in managing its grants, and the list goes on and on.

These are not partisan problems. They developed and have existed in both Republican and Democratic administrations. They have flourished when Democrats controlled both Houses of Congress, when Republicans controlled both Houses of Congress, when Republicans controlled both Houses of Congress, and when there was split control of Congress.

While we cannot cure these government-wide problems in this bill, we must recognize them, learn from our experience with them, and try to avoid these problems in the future as we create this new Department.

The current management paradigms for the Government that try to address these problems are largely the creation of the post-World War II expansion of the executive branch. They are largely premised on a command-and-control approach to management. These paradigms are out of date for the modern, largely white-collar, technological workforce needed by the Federal Government to meet the challenges of the 21st century. The current management structure throughout the executive branch puts no premium on accountability. Managers find it difficult to reward good performers, and even more difficult to sanction poor performers. Efforts by employees and managers to find new ways to meeting agency missions are rebuffed, often by political appointees who have only short-term goals in mind. These appointees rarely see the value of major management reforms whose benefits may not accrue to the agency and its leaders for years to come and long after they are gone.

For a number of years, both the legislative and executive branches have been promoting performance-based management. The primary legislative reform to promote a new emphasis on results is the Government Performance and Results Act—we call it the Results Act—which was enacted by a Democratic Congress during a Democratic administration. President Bush and his staff at the Office of Management and Budget have made great efforts to make performance-based management a reality throughout the executive branch. The President has developed a management agenda that, when fully implemented, will force agency managers to focus more closely on the results they are achieving with the resources Congress and the taxpayers provide to them.

Congress, which started the revolution toward performance-based managing in Government, should encourage the executive branch to continue to increase its emphasis on managing for results. We should be a partner with the President in encouraging new management techniques and giving Federal managers the tools they need and the flexibility they require to accomplish the missions we assign to them. In return, we must demand greater accountability from the President and those he appoints to manage Federal agencies.

Even with this emphasis by both branches of Government on better management, the results are mixed at best. Each year, the GAO continues to place the same agencies and the same Departments on its list of entities that are at high risk for waste, fraud, and mismanagement, demonstrating how deep and seemingly intractable this problem is—which brings us to our present consideration: We simply must give this new department and this new Secretary the management tools with which to carry out this new massive and vitally important job.

The sheer volume of people, property, and assets involved in the new department is overwhelming. Coupled with our expectations that this new department will be the cure that will strengthen our domestic security, I fear that we are setting ourselves up for failure if we do not provide the new Secretary with the flexibility to manage the department properly.

By maintaining the status quo, not only will the Secretary be required to pay the same salary to two counterterrorism experts with vastly different performance and ability levels, we are also prohibiting the Secretary from accessing a single cent of the unexpended funds from agencies that are transferred to the new department to assist in the transition. Instead, the Secretary must appeal to Congress to enact enabling legislation each and every time the Secretary of the new department needs some flexibility to reorganize or get this department up and running successfully.

Supporters of the legislation before us disagree. They argue that the Secretary does not need additional managerial tools or flexibility to take on this monumental task. It is true that flexibility is not needed to set up another Federal bureaucracy that resembles the rest of Government. Flexibility is not needed to replicate the problems that pervade our Government in terms of Federal workforce management, financial management, information technology management, and program overlap and duplication. Managerial tools and flexibility are not needed to create another Federal Department that ranks at the top of the General Accounting Office's "high-risk" list of agencies in the Government that are most vulnerable to waste, fraud, and mismanagement. Managerial tools and flexibility are not needed to create a civil service, that, according to one expert, Paul Light, of the Brookings Institution, and former staff member to the Governmental Affairs Committee:

> Underwhelms at virtually every task it undertakes. It is sluggish at hiring, hyper-inflated at appraising, permissive at promoting, weak-kneed at disciplining, and mind-numbingly elongated at firing.

Our goal in this new department must not be to replicate the failures Mr. Light outlines, but, rather, to make improvements. If we cannot improve our well-known operational shortcomings now that our Nation's security is at issue, when in the world will we ever be able to do so?

According to the legislation before us today, the mission of the new department is to "promote homeland security," "prevent terrorist attacks," and "reduce the vulnerability of the United States to terrorism." I question how this new department will possibly be able to fulfill its mission if it is bogged down by the same old persistent management problems that have faced the rest of our Government for so many years.

First and foremost, I think most of us would agree with Paul Light, and other experts, that the Federal civil service system, the process the Federal Government uses to hire and promote workers, is broken.

Madam President, this is a logical stopping point for me. If I am reading the clock correctly, we are very close to the time of recess for our briefing. So, with that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 2:28 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

HOMELAND SECURITY ACT OF 2002—Continued

AMENDMENT NO. 4486 TO AMENDMENT NO. 4471

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 4486.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Secretary of Homeland Security from contracting with any corporate expatriate)

After section 171, insert the following:

SEC. ____. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b).

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 5 minutes, without losing my place in the debate, as in morning business.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered. The Senator is recognized for 5 minutes. Following his statement, he will have the floor.

(The remarks of Mr. WELLSTONE are printed in today's RECORD under "Morning Business.")

Mr. WELLSTONE. Mr. President, I rise to speak to a very simple amendment I introduced. I say to my colleagues, this actually was passed in the House in the homeland defense bill. It certainly is relevant that we bar the Secretary of Homeland Security from entering into contracts with U.S. companies that give up U.S. citizenship to avoid U.S. taxes.

I need to really summarize this amendment again. This is a very simple amendment that would bar the Secretary of Homeland Security from entering into contracts with U.S. companies that give up U.S. citizenship to avoid U.S. taxes.

To about 99.9 percent of people in Minnesota and probably to about 99.9 percent of the people in the country, this is a very reasonable proposition. My colleagues might remember that I had an amendment like this to the Defense appropriations bill which passed here by unanimous vote.

Before I get into the specifics of my amendment, let me make a quick comment about the relevancy of the amendment. I gather there is an agreement among the majority leader and the minority leader to move all nonrelevant amendments. That agreement won't affect this amendment because it was drafted to be relevant. It deals with government contracts. It deals with the Department of Homeland Security.

The underlying House bill, as I just mentioned, has a similar provision. So the substance of my amendment is fully relevant to this bill. This is the appropriate place to have this debate, as we debate the question of whether we will have a Department of Homeland Security.

Former U.S. companies that have renounced their citizenship currently hold at least $2 billion worth of contracts with the Federal Government. I don't think companies that aren't willing to pay their fair share of taxes should be able to hold those contracts.

U.S. companies that play by the rules, that pay their fair share of taxes, should not be forced to compete with bad actors who can undercut their bids because of the tax loophole. I had a debate on a similar provision on "Nightline." I said that the vast majority of companies in Minnesota and around the country, if they had the lawyers and the accountants, wouldn't do this because they wouldn't believe it was the right thing to do, or many of the smaller businesses in my State and all around the country don't have the lawyers and the accountants to really get such a loophole.

In the last couple of years, a number of prominent U.S. corporations, using creative paperwork, have transformed themselves into Bermuda corporations in order to avoid paying their share of U.S. taxes. These new Bermuda companies are basically shell corporations. They have no staff, no offices, no business activity in Bermuda. This exists for the sole purpose of shielding income from the IRS. That is what this is about.

By the way, I am talking about shielding not just profits made abroad but profits made in our country that are just shifted. There is a lot of cooking of the books that goes on. Does that sound familiar to any Senator?

U.S. tax law contains many provisions designed to expose such creative accounting and to require U.S. companies that are foreign in name only to pay the same taxes as other domestic corporations. But these bad corporate former citizens exploit a specific loophole in current law so that the country is treated as foreign for tax purposes and, therefore, pays no U.S. taxes on its foreign income—or, for that matter, on all-too-often a good part of its U.S. income. Additionally, these companies can use accounting tricks, as documented by the Senate Finance Committee in their investigations of this issue, to reduce their U.S. income on paper and their U.S. tax on even their U.S. income.

By the way, I thank staff on the Senate Finance Committee, majority and minority, for their help in working on this amendment. We have tried to do this in the right way. I will repeat this point. They use these accounting tricks, which have been documented by our Finance Committee, to reduce their U.S. income on paper and reduce U.S. tax even on U.S. income.

These are Enron-like schemes involving sham loans and other "Imclone" transfers that allow these companies to reduce taxes on a U.S. company, including income from Government contracts. This is called earnings stripping.

I have spent the last 2 weeks, or thereabouts, at the Minnesota State Fair. About half the State's population comes. It is quite a happening. It is the essence of grassroots democracy. I will tell you one thing, people are really indignant about a lot of these inside corporate scandals.

Some Senators may say: PAUL, you are just jumping on the issue. Well, I don't know; this has been my work for years. I will tell you this. Between having some of your savings and putting it in stock and seeing it erode in value, or your savings in a 401(k) eroding, or CEOs telling them they had an independent audit done and everything was great, to invest more of their 401(k), at the same time he dumped his stock and made $230 million in profit—people are tired of this behavior.

This is all about corporate accountability. That is what this amendment is all about. What I am saying is that these companies are not paying their fair share. If they want to renounce their citizenship so they don't have to pay their fair share of taxes, fine, but don't expect to get Government contracts.

Now, the loophole that we want to get rid of gives tens of millions of dollars of tax breaks to major multinational companies, and these are tax cheats. It also puts other companies that are unwilling or unable to use this loophole at a competitive disadvantage. No Minnesota company, or no American company, should be penalized for staying put in our country while others that renounce their U.S. citizenship get a tax break. This is a simple proposition. No company that does the right thing and stays in our country should be penalized for staying put while others renounce their U.S. citizenship just to get a tax break, to not pay their fair share of taxes.

The problem is that when these companies don't pay their fair share, the rest of American taxpayers and businesses are stuck with the bill. I think I can safely say that very few of the small businesses I have visited in Detroit Lakes, or Mankato, or Duluth, or Minneapolis, or Northfield, or Faribault, or on the Iron Range, can avail themselves of the Bermuda Triangle. As a matter of fact, they would not view it as a very patriotic thing to do. They cannot afford the big-name tax lawyers and accountants to show them how to do their books Enron style, but they probably would not do it anyway if it meant renouncing their citizenship. So the price they pay for their good citizenship, good corporate citizenship, their good business citizenship, is a higher tax bill.

Now, the House passed an amendment similar to this amendment on their homeland security bill. My amendment uses a different mechanism than the House bill to get at the same bad behavior. I have worked with Senator GRASSLEY and Senator BAUCUS to conform this amendment with their bill that would close the tax loophole. That is what I ultimately want to do. Here is how my amendment would work. If a U.S. company reincorporated in a foreign country and 50 percent or more of the shareholders of the new foreign corporation were the same as the shareholders of the old U.S. company, then that company would be barred from contracting with any homeland security agency if the company did not have substantial business activity in its foreign home. It is that simple. That is a perfect operational definition of a sham operation.

In other words, this is a two-part test, and if a company met both tests, it would be barred from contracting with the Department of Homeland Security.

First test: Are a majority of the shareholders of the new company the same as the shareholders of the old U.S. company? This test is designed to separate the true purchase of two real companies, which is fine, from a sham transaction done just for tax purposes when the owners change only the home country.

Second test: Does the new foreign company have substantial business activity in its new foreign home? If it doesn't, then the new foreign parent company is really just a paper shell designed to take advantage of a tax loophole.

A lot of this is self-explanatory. I am not a lawyer, and some of the technical material is hard for me, but this is not too difficult to figure out.

This is contained in the Grassley-Baucus tax bill. I believe Congress will close this tax loophole this year. There is growing support for doing so in the House. I have introduced legislation to close 24 loophole, and the Senate Finance Committee has reported a version of this legislation, which I strongly support, that would do so as well. It is not appropriate for the Senate to close the tax loophole on this bill—this is not a tax bill—but it is appropriate for us to say that if a U.S. company wants to bid for a contract for U.S. homeland security work, then it should not renounce its U.S. citizenship for a tax break.

We all make sacrifices in a time of war. The only sacrifice this amendment asks of Federal contractors is that they pay their fair share of taxes like everybody else.

Mr. President, when I was talking about a Mr. Dennis Kozlowski, the reason I mentioned it, this was about Tyco Company, which has taken advantage of this scheme. It is highly lucrative for these corporations. Tyco International saved $400 million last year by chartering its space in Bermuda—$400 million. About a month ago, we learned that those savings may have helped the company buy the CEO a $19 million home in Boca Raton and a $6,000 shower curtain for his place in Manhattan. That was in the Wall Street Journal. Here is Tyco International which saves $400 million, and the CEO gets a lot of help to buy a home and also uses $6,000 to purchase a shower curtain for his place in Manhattan.

Was the company using some of the money that they received in Government contracts—$220 million—to pay for that home and apparently a very nice shower curtain? Should we feel sorry for these corporations that have to scrape and pinch to find some tax savings? This is a corporate responsibility issue. I think in the House of Representatives, altogether, there were over 300 votes for a very similar amendment.

I know some of my colleagues have an honest-to-goodness philosophical objection to this approach, and I understand that and respect them for it. On this one, maybe it is the populist in me, but to me this is a straightforward proposition. If these companies want to engage in this kind of sham or scam, they want to renounce their citizenship, they are not going to get U.S. contracts from this new homeland defense agency. That is what this amendment says.

I will wait for other colleagues to speak. I will say to my colleague from Tennessee that I have been willing to accommodate anybody's schedule—if people want to put off the debate for a while and vote tomorrow, or whatever he wants to do. I wanted to begin and get the discussion going on the amendment, whatever fits in with the schedule, obviously.

Mr. President, I ask unanimous consent that Senator REID and Senator BAUCUS be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank the Senator from Minnesota. Senator LIEBERMAN can perhaps consult with the Senator from Minnesota as to the way we will proceed. If the Senator is willing to set aside the amendment for a moment, we will bring it back in due course and proceed with the discussion, if that is agreeable.

Mr. WELLSTONE. Mr. President, I say to the Senator from Connecticut, I will accommodate his schedule. I want to get the amendment up and have a debate. If the Senator from Connecticut wants to lay the amendment aside—whatever best accommodates his schedule. As long as my colleagues will be nice to me in the debate and praise me, I am willing to do anything he wants.

Mr. LIEBERMAN. It is easy to find common ground. I thank the Senator from Minnesota. I suggest Senator THOMPSON and I engage in some conversation with the Senator from Minnesota. For that purpose, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is the pending business is the amendment offered by Senator WELLSTONE.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, Senator WELLSTONE has offered an amendment that deals with a subject I mentioned this morning, and I wanted to speak a bit more about that subject. It is a subject that, by its title, most people would not think much about. It is called inversion.

What does inversion mean with respect to corporate America these days? Inversion is a process by which a corporation decides to renounce its American citizenship. A number of high-profile corporations have done that, saying, we wish to renounce our American citizenship and become citizens of another country—in a couple of cases, Bermuda. So an American corporation says, we no longer want to be an American corporation, we want to be a Bermuda corporation.

Why would a U.S. corporation decide it wants to renounce its citizenship? The answer, of course, is very simple. Because there are circumstances under which, in the renouncement of citizenship by a corporation, called an inversion, they can save millions, or tens of millions, or perhaps hundreds of millions, of dollars in taxation. So some companies make a decision, we would like to no longer be U.S. citizens in order that we might save money on our tax bill. I happen to think that is unpatriotic.

We are at war. Our country is at war with terrorists. Nearly 1 year ago, on 9/11, we were attacked with unspeakable horror by terrorists in New York City, in Washington, DC, at the Pentagon, and then there was the aircraft that crashed in Pennsylvania.

Since that time, of course, we have had a remarkable speech by President Bush, one of the best I have heard in my service in Congress, calling this country to cooperate and to work together for a common purpose, to wage this war on terrorism. Then in the middle of all of this, we read stories about corporations that decide they want to renounce their citizenship so they can save on taxation.

I ask a question of a company that decides it wants to renounce its American citizenship: If it gets in trouble somewhere around the world, if some dictator wants to expropriate its assets in some country around the world, whom is it going to call? The Bermuda Navy? The Bermuda Marines? The Bermuda Army? I do not think so.

It is shameful to see companies do what are called inversions and renounce their American citizenship. They have a perfect legal right to do it under today's law, but there are ways to try to plug that hole in our Tax Code, and a number of us are working on that.

The Senator from Minnesota offers another proposal with respect to this specific bill, and that is to say those companies that decide they want to renounce their American citizenship should not be bidding for contracts under homeland security.

We have a lot to do with respect to the needs in this country, and the requirement that we all get together, work together, stay together, to fight terrorism and do what we must as Americans to respond to this threat. There is something horribly out of step with our requirements as Americans, our requirements of citizenship, our requirements as the stewards of this democracy, to see some corporations in this country decide they no longer want to be American, they no longer want to have U.S. citizenship. Technically and currently under the law, they have a right to renounce their citizenship, but I think it sends a terrible message to our country and to the world when they do that.

Yes, they can save on taxes by doing it perhaps. The question then will be: Who will pay the taxes they do not pay? Which other Americans would they choose to burden with this additional tax bill? Americans working in the manufacturing plants they used to have in this country or perhaps still have in this country? Do they want to shift the burden to working people? That is what happens with respect to inversions.

I indicated I am going to hold some hearings on a couple of these issues. There is some unfinished business with respect to this issue of corporate responsibility. We passed a bill and the President signed it, and that is important because we have seen now the emergence and the disclosures of corporate scandals unparalleled in my lifetime.

You know, I have a card in my pocket. I put it in my pocket this morning, because it reminded me of something important. I was on an airplane recently. I was sitting in an aisle seat, and a man sitting two rows ahead of me in the aisle seat across the aisle, as we landed and before we disembarked, passed me his business card. His business card named him and the company for which he worked. He is president of the company. He wrote on the back of the card with a ballpoint pen and passed it to me. I had never met the man, did not know him. He said:

> Dear Senator DORGAN, Good morning. I am president of a corporation. I work very hard and I am honest. I believe there are more like me than not.

This is the president of a corporation. His first name is John.

I sent John a letter and said: I do not ever speak of corporate scandal without saying I think we ought to understand American business by and large in this country is run by wonderful men and women, good stewards of the investors' money, people who want to do the right thing, people who do not try to find where the line is and cross the line, people who do not cook the books, people who work long hours and are honest and do the right thing. That is the rule in American business, in my judgment. But it is also true that the emergence and the disclosures of these corporate scandals tarnish all in American business and injure those honest, hard-working people trying to run American companies. It injures the ability to raise capital because it destroys people's faith in the system. They invest in a stock in a company they have never visited. They buy a stock in a company they do not know much about, but they trust the CEO, they trust the financial statements, they trust the accounting firm that reviewed the statements, they trust the law firm that gave advice to the CEO, they trust the board of directors. So they invest in a share of stock in a company they have never visited or never seen.

But there have been far too many instances recently of corporate executives acting in complete disregard of their responsibilities as business leaders. And although we recently passed an accounting reform bill to tackle some of these problems, we have unfinished business. One issue involves inversions, the issue that Senator WELLSTONE is bringing to our attention today. Another important issue involves bankruptcies, and an amendment I tried to offer to the corporate responsibility bill. That amendment was blocked by the Senator from Texas, Mr. GRAMM. He blocked that amendment for a couple of days, and I was not able to put it on the bill, but it deals with this. It is an amendment that says, if in the year prior to the bankruptcy of a corporation, the major executives in the corporation are receiving millions of dollars in incentive and bonus payments, there ought to be a disgorgement and recapture of that money to go to the stockholders and the employees. It is very simple.

Since the time that I was blocked in offering that amendment, the Financial Times did an investigation and an evaluation of the 25 largest bankruptcies in our country since January of last year.

What did it show? It showed that 230 top executives in the 25 largest companies that filed for bankruptcy took $3 billion out of those companies in compensation as those companies headed towards bankruptcy.

Well, guess what. The investors lost their shirts, they lost their life savings, and, as the Financial Times says, the barons of bankruptcy, the executives running companies into bankruptcy, went off with a pocketful of gold.

There is something wrong with that. That is a piece of unfinished business.

We ought to pass legislation that says prior bankruptcy, if executives are getting bonus and incentive payments as this company heads towards bankruptcy, there ought to be the right to recapture that money and use it to help offset the perks and costs with respect to investors and employees.

That is one piece of unfinished business. Another piece deals with inversions and the tax with respect to those corporations that want to renounce their American citizenship. There is unfinished business with respect to corporate responsibility. We did a wonderful thing in passing that bill. Senator PAUL SARBANES deserves our unending thanks for the work he did to put that bill together. The President signed it. It is a bill destined to give confidence to people, but there is more to do.

If we stop here we will have stopped before we got to the intersection. There is more to do. Part of that deals with inversion, and part of it deals with disgorgement and recapturing of funds as CEOs took companies into bankruptcy. I intend, in the coming weeks, to be among those in Congress who will address these issues. We should not decide the bill we passed represents the end of corporate responsibility legislation in the Senate.

I conclude by saying the fellow that passed me his business card on an airplane a few days ago is right. He said: I'm president of a corporation. I work very hard and I'm honest. I believe there are more like me than not.

He is right about that. Absolutely. And on behalf of people like him, we have a responsibility to be tough and to go after those who abuse their trust and steal money. We have a responsibility to see to it that they do more than 2 years of hard tennis at a minimum security institution somewhere.

The Senator from Minnesota does us a service by offering this subject on the floor of the Senate. There is more to do on inversion, but there is more to do beyond inversion and corporate responsibility, including disgorgement and recapturing of bankruptcy incentive and bonus payments to CEOs.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 4490 TO AMENDMENT NO. 4486

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4490 to amendment 4486.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Secretary of Homeland Security from contracting with any corporate expatriate)

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b).

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

This section shall take effect one day after the date of this bill's enactment.

Mr. REID. The Senator from New Hampshire is here and is going to ask that the present amendments be set aside so that he can offer an amendment. I will first take just a few minutes.

First of all, I commend the Senator from Minnesota for this amendment. I was on the Senate floor when he offered this amendment on a previous piece of legislation and spent some time talking about the merits of his legislation. It passed by voice vote. The Senator from Minnesota recognizes in the House something comparable to this has passed, so we have no problems with this legislation as to it being relevant or germane.

This legislation is important to reestablish confidence in what is going on in the country. This amendment is designed to attack a tax loophole that has allowed scores of U.S. corporations to move their headquarters, on paper only, to tax haven countries to avoid paying their fair share of our taxes.

Specifically, the amendment bars the Department of Homeland Security from awarding Government contracts for those corporate tax runaways.

It is a sad reality that under our current law these corporate expatriations are technically legal—I say technically. Legal or not, there is no reason the U.S. Government should reward tax runaways with lucrative Government contracts.

I had one of these big contractors talk to me. He brought with him one of my friends who was no longer in the Senate. Because of my close, warm feelings for the person who brought this man in, I wanted to try to help. But after listening, I said I cannot help because it is wrong.

These corporations have turned their back on their country in their country's hour of need, but they continue to come to Congress and the executive agencies with their hands outstretched asking for rewards. We need to end as soon as we can the practice of companies that hold billions of dollars in Federal contracts renouncing U.S. citizenship. It is wrong that the companies that play by the rules and meet the responsibilities of the country should be forced to compete with bad actors who shirk their tax bill.

If the corporations want Federal contracts so badly, I have advice: Come home. Come back to your country, to our country, and you will be eligible to bid on homeland security contracts. If you do not, you can't. Go lobby Bermuda or the Cayman Islands, but leave us alone.

Let me talk about a few of the companies involved that have handled this in an improper manner: Ingersoll-Rand. When I was a little boy and went with my dad down in the mines, Ingersoll-Rand was the name on the compressor that was above ground and on the jackhammer he used underground. In my mind, even today, I can see my father pick up that jackhammer and push it into that hard land and drill. Ingersoll-Rand is all he had, all I remember, an Ingersoll-Rand jackhammer. This company was founded in 1905. They have been headquartered in Woodcliff, NJ, for many decades, mostly manufacturing jackhammers, bobcat vehicles, club car golf carts, hardware products, security devices, control systems. In fact, one of the things they talk about in advertisements is their jackhammers made Mount Rushmore.

But times have changed. Last December, 3 months after September 11, Ingersoll-Rand put the finishing touches on renouncing its U.S. corporate citizenship. It filed paperwork to set up three British employees in a little office in Hamilton, Bermuda. Now it can avoid paying $40 million each year in U.S. taxes. This will not stop Ingersoll-Rand from lobbying for U.S. Government contracts. As we speak, the corporation holds over $40 million in Government contracts, virtually all of which are directly related to homeland defense or the military. These days, the company has been lobbying the Government to buy its airport security screening devices. If they renounce their Bermuda citizenship, I am happy to work with them and let them get the contract. That is fine.

There are many other companies. Fruit of the Loom, headquartered in Bowling Green, KY, for years, last year decided it wanted to do something else and moved offshore. They have millions of dollars in contracts.

Cooper Industries makes tools and hardware needed to transmit natural gas. They were founded in 1833 in Mount Vernon, OH. Last year, they had revenues of $4 billion, net income of $230 million, and they decided they could make a few extra bucks by moving offshore. That is what they have done.

I have page after page of companies that have decided to go offshore. Yet they have large amounts of Government contracts, where the underlying company had scores, hundreds of offshore Government corporations, legal entities set up so they could play around with our money.

Accenture, APW, Carnival Corporation, Cooper Industries, Enron, Everest Reinsurance, Foster Wheeler, Fruit of the Loom, Global Crossings, Gold Reserve, Halliburton, Harken Oil—Halliburton had units in St. Lucia, Liechtenstein, Barbados, Cayman Islands, Cyprus, the Netherlands Antilles, and the British Virgin Islands, among others—Helen of Troy, Leucadia Corporation, on and on.

The time has come. If they want to move offshore, let them get their contracts someplace else.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, my understanding is the pending business is the Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH of New Hampshire. I ask unanimous consent the Wellstone amendment be temporarily laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I couldn't hear. What was the request?

Mr. SMITH of New Hampshire. The request I made was to temporarily lay aside the Wellstone amendment for the purpose of offering an amendment, which I will not debate at this time.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield the floor?

Mr. REID. Mr. President, I object. Will the Senator from New Hampshire restate his unanimous consent request?

Mr. SMITH of New Hampshire. I ask unanimous consent that the Wellstone amendment be temporarily laid aside for the purposes of offering my amendment on armed pilots.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4491 TO AMENDMENT NO. 4471

Mr. SMITH. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. SMITH), for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER, proposes an amendment numbered 4491 to amendment 4471.

Mr. SMITH of New Hampshire. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text Of Amendments.")

Mr. SMITH of New Hampshire. Mr. President, this amendment is offered on behalf of myself and Senators BOXER, MURKOWSKI, BUNNING, BURNS, the Senator presiding, Senator MILLER, and others. Because there is an agreement with some of my colleagues that we would not debate it today, I will not take any further time from the Senate, other than to say that this amendment is the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, which will be an amendment that will provide help for training for those flight attendants in the cabin, and for pilots to be able to carry weapons, lethal weapons, in the cockpit to protect our country, our citizens, and those in the aircraft from the aircraft becoming weapons of mass destruction.

The intention is to debate this tomorrow when my other colleagues are available, at a time to which the leaders will mutually agree. I very much appreciate the assistant leader, Mr. REID, allowing me to offer the amendment at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I would like to comment on the bill as it stands and some of the challenges relating to it rather than any specific amendment.

All of us, as we want to arrive at a position, fall back upon our own experience. I have some experience that I think is relative to this situation which I would share with the Senate. I have shared it with some members of the committee, but I have found in my time in the Senate that there is no such thing as repetition. Every speech is given as if it is brand new and no one has ever heard any of this before. I have learned that from some of my more senior colleagues here.

First when I arrived here, I found it a little distressing, but after I found out how often people listen to what you say, I decided it is probably a pretty good thing, because repeating something over and over again in this body, many times, is the only way you can get anybody to listen to you.

With that, let me share with you and my colleagues, and any others who may be listening, my experience with a similar situation when I served in the first term of the Nixon administration.

In the 18 months prior to President Nixon's election, Joe Califano, as the Chief of Staff to President Johnson, conceived of the idea of the Department of Transportation. We were one of the few industrialized countries in the world that did not have a ministry of transport, as it is called in most other countries. We found that our transportation functions were scattered all over the Government. Mr. Califano, consulting with President Johnson, convinced the President that the time had come to create the American version of a ministry of transport. So the Department of Transportation was born.

On paper, it looks like a department that was created at the Harvard Business School. You had a series of assistant secretaries who were staff officers. You had a series of administrators who were line officers. It was put together with modern business terminology and a complete understanding of how a large organization should be formed.

It took the Federal Highway Administration out of the Department of Commerce, where it was such a significant part of that Department that they had two Under Secretaries, one an Under Secretary for Transportation and the other an Under Secretary for everything else. It took the FAA from its status as an independent agency reporting directly to the President. It was called the Federal Aviation Agency. It was renamed the Federal Aviation Administration so that the terminology would be comparable.

It took the Coast Guard out of the Treasury Department. It goes all the way back to the time of Thomas Jefferson, perhaps, as being part of the Treasury Department looking for smugglers so they could collect duties on people who would bring goods into the United States. The Coast Guard represents a significant part of our transportation activity, and it was recognized it no longer belonged in the Treasury Department.

There was a fledgling group called the Urban Mass Transit Administration that was over at HUD, the Department of Housing and Urban Development. But they recognized it had nothing, really, to do with housing and belonged over in the new Department of Transportation.

They looked at some other areas where there needed to be some initiatives in transportation and created some new agencies solely for those—the Federal Rail Administration being the chief among them. Then it took some other isolated agencies, folded them in, put them on a piece of paper, and said: Here is your new department.

Alan Boyd, who was the Under Secretary of Commerce for Transportation, was made the new Secretary of Transportation and for 18 months struggled with the challenge of trying to bring these groups together. His service was terminated when President Johnson left office. John Volpe came down, as former Governor of the State of Massachusetts, to assume the Secretaryship of the Department of Transportation. The Under Secretary was James Beggs, who came over from NASA, where he had performed excellent service as an associate administrator there. I was hired to run the congressional liaison function for the Department.

As I say, the Department was 18 months old. When I walked into it to take over my new duties, I found that almost no one knew what those new duties would be because the challenge of bringing together, at a departmental level, all of the people involved in congressional liaison had not been successfully met in the 18 months previous. I am not putting any blame on Secretary Boyd or on any of the people who worked with him during that 18 months. As I became acquainted with the Department and its functions, I realized how difficult it was to bring together agencies that had no common culture, no common background, that had been operating in many different places across the Government, and turn them into a clearly, smoothly functioning single unit.

Indeed, there were some people in that organization who refused to admit they were even members of the Department of Transportation.

An anecdote: One of the personnel officers who worked for the Assistant Secretary for Administration got on the elevator and punched the button that said eighth floor. Someone behind her said: You are one of those DOT types. The eighth floor was the floor that had been recommissioned for the offices of the Secretary. The tenth floor was where the Administrator of the FAA worked. She turned around and said: We are all DOT types.

Her remark was not favorably received. The folks behind her in the elevator said: We are FAA. You are DOT.

It is a small anecdote, but it demonstrates that after 18 months there were still people who had a hard time bringing themselves into the new Department.

To my own specific experience, I found that the FAA still had its own congressional relations function. Urban Mass Transit didn't have one at all. They had not really brought anything over with them from HUD. The Federal Highway Administration had a well-entrenched congressional liaison function, and the Coast Guard had been at it for close to 200 years, and they were not about to give that up to anybody as unimportant as a Cabinet officer.

The new agencies that had been created didn't have any service. They didn't know what they were doing. Those officers who had been trying to perform congressional relations functions for the Secretary and the team of Assistant Secretaries that had been created under him had been floundering and flopping around trying to find their way in this morass.

Secretary Volpe and Under Secretary Beggs gave me the challenge of trying to pull all of this together. It was one of the most interesting and difficult experiences of my then-young life. That was enough years ago that I was a young man when I undertook that.

Eventually, we were able to pull all of those functions together into a single office reporting directly to the Secretary. I rearranged all of the functions so that everyone involved in that activity reported to me either directly or through my deputy. I said: I will give you an assignment—as if we were a consulting firm dealing with clients. You, sir, your client is the FAA. You, sir, your client is Urban Mass Transit, and so on. You will not be acceptable to me if your client is unhappy. If the Administrator of the FAA believes he is not getting the kind of congressional relations he deserves, he will complain directly to me as we meet together in the Secretary's staff meetings, and I will be around to see you. But at the same time, you work for me. And, through me, you work for Secretary Volpe.

This meant that when we had an issue that required more manpower and womanpower than that particular officer could provide, I could rally the resources of the office and the other officers to help on that particular issue at that particular time. We were much more flexible. I think we were much more efficient and effective.

As it turned out, a large percentage of President Nixon's domestic agenda fell under the Department of Transportation. Congress passed, with our help and liaison, a whole series of landmark bills setting down the transportation process for this country. It was one of the most stimulating experiences of my life.

What does that have to do with the Department of Homeland Security? In making the kinds of changes that I have described, I had to have management flexibility so that when, with the Secretary's authority, I didn't have—it came from the Secretary—I could say: You no longer work for the Administrator of the FAA; you now work for me. You no longer report to the Administrator of the Federal Highway Administration, you now work for me. This is how we are going to set your procedures, and this is how we are going to rationalize salaries within the office that I created.

I was able to do that because the enabling act that created the Department of Transportation gave the Secretary management flexibility to move people around within the Department without coming back to the Congress for approval. He had flexibility to change payroll.

One of the interesting things that occurred was that in the FAA, promotions were all made on even numbers; that is, you went from a GS–4 to a GS–6; from a GS–8 to a GS–10; from a GS–10 to a GS–12, and so on. In other parts of the Department they did two numbers per jump, but they were all on odd numbers.

As I brought all of these people together in the same offices, I had some GS-5's and GS-6's. The amount of money they were earning, frankly, was the same. It was very interesting to me, coming from the corporate world as I was at that time in this somewhat strange and challenging world of the U.S. personnel system. We had to rationalize that or the office didn't make any sense. We had to make some changes. We didn't do it in a way that damaged anyone. No one lost money. No one lost position. But someone had to transfer from the odd system to the even system, and adjustments had to be made. And they were made on the basis of what made the most sense for the office and how it would work. The flexibility that was written into the act made that possible.

One interesting thing that probably doesn't apply anymore but that came out of that experience was the result with respect to supergrades. In those days, a GS-16, GS-17, or GS-18 was called a supergrade, and each Department had a set number of supergrades. That was true of the Department of Transportation. I don't remember what the number was, but the Department could not have more than 25 or 35 or whatever the number was of supergrades.

As I went through this process of bringing all of these people together, I was able to walk into the Under Secretary's office and say: I am giving you back three supergrades—because so many of these people had held supergrade positions in the previous administration. The way we organized this, I only needed two supergrades—one for myself and one for my deputy and everybody else was a GS-10 or below.

I didn't realize what I was doing because the Under Secretary greeted me with one of the biggest smiles I have ever received and said: This is pure gold because there are other places in the Department where the positions deserve supergrades and I don't have any supergrades to give them. And you have just freed up three supergrades by virtue of your consolidation of this function.

I don't know where the supergrades went. But they went out to other deserving people.

That is why I feel so strongly in favor of President Bush's position that the Department of Homeland Security must be formed with flexibility for management and personnel and other decisions on the part of the Secretary. I have been there and I have seen how vital it is. If we had to go through the kinds of hoops that are created in the Federal personnel system in the reorganizing something as insignificant as my offices—I am talking about 30 to 35 people max; I am not talking about anything approaching the challenge of this new Department—if we had to go through all of those hoops in reorganizing my office, I would have spent the entire 2 years that I was there working on personnel issues and management issues instead of trying to get the program passed through the Congress—the landmark legislation that was passed. I still have the pens that President Nixon gave me and my picture in the Cabinet Room when those bills were signed. We would not have been able to get that done. We would have been snarled up in all of the internal management challenges of, well, we have to go to Congress to get this approved or that approved; we haven't got the flexibility to do it.

I have that personal experience that drives me to stand with the President on this issue and to say that I believe the President is correct when he says he will veto this bill, if that flexibility is not there.

None of us should have the false assumption that this Department will work for at least 3 and more likely 5 years. All of us should understand how difficult a management challenge this is going to be under the best of circumstances. The Department of Transportation, as I say, 18 months after its formation was still not working. John Volpe didn't come in and wave a magic wand to make it work overnight. John Volpe and Jim Beggs labored for a full 4 years beyond the 18 months that it had under President Johnson. It was only toward the end of those 4 years that you began to see things really meshed together and start to work together and see a real Department of Transportation instead of the old turf battles that had been there. The Department of Defense took longer than that to come together. It was the kind of reorganization more closely paralleling the size of the one we are now doing.

It is instructive to remember that the first Secretary of Defense, James Forrestal, committed suicide. The challenge of managing that difficult a bureaucracy was sufficiently great that this dedicated public servant—perhaps too dedicated because he took it so seriously—that he ultimately could not cope with it and committed suicide, which demonstrates how serious it is for us to do this right.

I do not want the new Secretary, whoever he or she may be, to have any more impediments placed on the challenge of making this Department work than are necessary. To not give the Secretary the management flexibility that the President has called for is asking for failure in this Department.

As I say, it is not going to work for at least 3, and more likely 5, years. That does not mean we should not do it. We should do it because if we wait a year, that will just push back a year the 3-to-5-year period that it will not work. But let's be realistic about it. Let's understand from the model of Government mergers, let's understand from the model of corporate mergers, how difficult this is going to be; and then let us, in the Congress, fashion a piece of legislation that says we are going to make it as easy as possible for the new Secretary to do all of the internal kinds of shifting and changing necessary to make it work closer to the 3-year figure than to the 5-year figure.

Now, I hope I am wrong. I hope it will work magnificently in 6 months. But life tells me that is not likely. So that is why I voted against this bill in committee. I said to Chairman LIEBERMAN: If you really needed my vote to report out this bill, I would give you my vote because I think the bill ought to be reported out. But since you don't need my vote, I want to register my deep concern about the management flexibility and lack thereof that is written into this bill. And the only way I can do that is to cast a vote against the bill.

Someone has asked me: Well, if it comes out of the Senate and the President is not given the management flexibility he has asked for, how will you vote on final passage? I will probably vote against it on final passage, even though some people say to me: Oh, let it go to conference and we'll fix it in conference.

I have learned around here the motto "let's fix it in conference" does not always work. Very often it comes back from conference worse than when it went to conference, and then you are stuck.

So I am dedicated to the creation of the new Department. I will do everything I can to help the President and the Congress pass legislation that makes sense. But I cannot, from my own experience, believe this makes any sense if it does not go forward with complete management flexibility in every possible way.

A press conference was held today in which some Members of this body were quoted as saying that those of us who believe as I have just described are union baiters; that our whole motive here is to bash organized labor; our whole motive here is to attack honest working people.

Let me take you back to my experience at the Department of Transportation. It was my first experience in an executive branch organization. I had served on Capitol Hill as a staffer, as a Government employee, but I had never been a civil servant. And I went in with some of the standard prejudices that many people in the private sector have about civil servants: That they don't work very hard; that they are just serving their time until their 40-year period for retirement comes along; that they are not very entrepreneurial; that they are not interested in new ideas;

that they take as their motto, "We were here before you got here, and we will be here after you leave, so we don't need to pay any attention to you."

There were some who had that view, there is no question. There is a very small percentage of civil servants who feel that way.

I was overwhelmed with admiration for the career civil service people in our Government who were dedicated, determined to make Government work, absolutely determined to do the very best job they could, and open to suggestions and comments that may have come from the political appointees.

We had an Assistant Secretary for Administration, a position that is a civil-service-protected position, who had been appointed by Alan Boyd. He was a known Democrat. But because his position had civil service protection, there was not anything that Secretary Volpe could do about it. He was as helpful to me in this reorganization effort that I have just described as anybody at the Department.

He sat down with me and helped take me through the labyrinth of Federal regulations. And when I made some mistakes—and I made several which were beauts—he did not jump all over me. He said: It's our fault for not having warned you in advance that that's what would happen if you did it that way. And if we had been there, we would have helped you do it another way. And let's see to it that it happens the other way.

These people do not need to be protected from competent managers. These people need to be motivated and excited about the creation of a new Department. If the new Department is being created with intelligent management and flexibility on the part of the management, the civil servants will respond, certainly those at the Department of Transportation. They will respond with enthusiasm: At least we are moving forward in an area where we have been deficient in the past. Thank you for the opportunity for this new kind of service that the old paradigm would not allow.

They will be supportive of this. Maybe their union managers are fearful of what management might do, but get a competent manager in as the Secretary and have him or her choose competent people as the Assistant Secretaries and the other administrators, give them the flexibility to do the right management thing, and the civil servants will not feel attacked. They will not feel under siege. They will feel liberated and excited. And they will be part of the solution because if this Department is going to work in 3 years rather than 5, it has to have the support of the civil servants; it has to have the kind of partnership between the civil servants and the political leadership that America has seen happen so often in so many other places.

So I reject the notion that my call for management flexibility is somehow an attack on the civil servants or an attack on their unions. Instead, it is reaching out and saying: Join with us to make the best kind of Department we possibly can and, thus, create for you the best working environment you can ever be in in your Federal career. Be part of something truly exciting, something truly significant and historic, the creation of a new Department in the 21st century dealing with 21st century challenges that this country has not had to face in its past history.

But don't let us start out with a traditional 19th-century-style management-labor confrontation. Do not let us start out with: We have to protect our turf and everything we have now, and we have absolutely no confidence at all that the management will do anything but attack us.

Let's put all of that aside and say: What are we dealing with here? As I say, we are dealing with a 21st century challenge of the kind this country has not faced in its history. We are trying to reorganize the assets of the Government to meet this challenge in a cohesive, coherent, intelligent way.

Let us never lose sight of that objective and keep our eye on that ball as we write this legislation and as we adopt amendments on the floor.

One of the first amendments that will be offered will be one to give the Secretary, through the President, the kind of management flexibility I have been talking about. I intend to support that as strongly as I know how, for all of the reasons I have laid out here.

I hope my colleagues will join with me.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLELAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. CLELAND. Mr. President, I would like to speak on behalf of the homeland security agency bill.

It is with humble appreciation of the gravity of the task now before us that I rise to advocate the creation of the Department of Homeland Security.

Today, almost a full year since the forces of hatred attacked the American homeland, we are poised to transform the Federal Government into a sharper, more versatile instrument of peace and security for all of our citizens. The people of America and their leaders here in Washington, in both Chambers of the Congress, on both sides of the aisle, and at both ends of Pennsylvania Avenue, are united on the substance of this issue.

All agree we cannot stand idly by as the enemies of freedom plot our destruction. All agree that the homeland security apparatus of the Government is at present ill equipped for its grave task. And all agree that we are called, therefore, to take decisive action to retrofit the Federal Government for the more effective performance of its greatest commission—the protection of its citizens.

Thomas Jefferson once said the real goal of government is the protection of life and not its destruction. When Senators LIEBERMAN and SPECTER introduced legislation establishing a Department of Homeland Security in May, I am proud to say I was one of four Senators to sign on as an original cosponsor.

Since that time, we all now know, the administration, followed by every Member of Congress, has joined us in this critical reform effort, so that we find ourselves standing now on the threshold of an historic bipartisan achievement. A few points of difference on the details do remain. I look forward to a full and healthy debate on these over the next few days. But by and large, we are headed in the same direction, toward the same ultimate destination—the protection of our Nation.

I have no doubt that we will get there together. As my good friend Congressman JOHN LEWIS said after September 11:

> We may have come to this country aboard different ships, but we are all in the same boat now.

How true that is.

Under Senator LIEBERMAN's leadership, the Governmental Affairs Committee, upon which I sit, has outlined in its bipartisan homeland security legislation a blueprint for a robust new Department that hews closely in most key respects to that envisioned by the President. The committee's measure would construct the Department around the core missions already identified by the President: Critical infrastructure protection, border and transportation protection, emergency preparedness and response, and science and technology.

With few exceptions, the existing agencies transferred to the new Department under the administration's proposal are the same as those transferred by the committee's bill. Often where the committee has diverged from what the administration has done, as in the case of the transfer of the Federal Law Enforcement Training Center in Brunswick, GA, to the new Department, the change has been made in close consultation with, and with the approval of, the administration. In other cases, changes are merely a fleshing out of proposals and concepts previously set forth by the administration.

Among the latter are two amendments I offered during markup of this legislation that pertain to the Federal response to terrorism of a biological nature. The administration's proposal laid a strong foundation by recognizing that public health agencies, such as the Centers for Disease Control and Prevention, the CDC, in Atlanta are absolutely central to an effective response to biological terrorism and by further recognizing that prudence requires that scientists who focus on bioterrorism not be separated from the vast expertise and resources of the rest of the public health sector.

My amendments, which the committee adopted during the July markup, are efforts to use the lessons of last fall's anthrax crisis culled from hours of testimony before our Governmental Affairs Committee to build on the solid foundation the President and HHS Secretary Thompson have set.

The inadequacy of our bioterrorism preparedness and response capability was exposed in dramatic and painful fashion last fall. In reaction, the Governmental Affairs Committee, under the distinguished leadership of Chairman LIEBERMAN and Senator THOMPSON, held a series of hearings investigating the roots and potential remedies of that inadequacy.

At a hearing convened at my request on April 18 this year, Secretary of Health and Human Services Tommy Thompson, buttressed by a panel of experts who followed him, testified to the following unmet needs in our Federal counterbioterrorism efforts:

First, a reorganization of the CDC's Bioterrorism Preparedness and Response Program, much like on a smaller scale what we are now doing with the Federal Government at large.

Second, clearer protocols of communication and coordination between public health and law enforcement officials.

And third, a greater commitment of resources to the CDC.

These recommendations comprise the three-point approach for filling in the gaps in our national bioterrorism defenses that I have been advocating for some months now. I am pleased that two of these largely have been incorporated into the bill we are now considering.

With respect to the first, I proposed, and the committee adopted, an amendment to create in the CDC a Bioterrorism Preparedness and Response Division. Why a division, Mr. President? Because that division answers directly to the head of the CDC. It is an entity located at the intersection of science and security, of public health and law enforcement, empowered to respond with speed and with a firm grounding in the science of biological warfare to the infectious terror some might seek to unleash upon this great Nation. The CDC's existing Bioterrorism Preparedness and Response Program is a relatively new initiative at the agency, having been created only in 1999 with a handful of personnel, little status within the agency, and meager funding.

The program remains as a subsidiary of the National Center for Infectious Diseases, a sub-branch of a sub-branch. It should come as little surprise then that the many witnesses who testified before our committee about last fall's crisis depicted a Federal response that was fragmented, confused, and largely inadequate.

CDC officials, both within and without the bioterrorism program, responded commendably, but their ability to do so was clearly constrained by, among other factors, an organizational structure that led inadequate focus to the unique aspects of a manmade threat to the public health.

The Bioterrorism Preparedness and Response Division, as described in this chart, will remedy that. Operating directly out of the Office of the Director of the CDC, the division will lead and coordinate the agency's counterbioterrorism activities. It will train and employ a cadre of public health professionals whose specialized training and focus is on bioterrorism, and it will serve as a nexus, a meeting ground, between the realms of public health and security, including homeland security and law enforcement.

There is a real need in the Federal Government for expertise in the intersection of health and security. Terrorists, as a matter of fact, hit the seam. They went right between the two. Officials thinking exclusively along either law enforcement or public health lines, as is too often the case under the current structure, will inevitably overlook key bits of information that are not fully appreciable, except by individuals with expertise in both areas.

In the case of bioterrorism—the word itself a fusing of health, bio, and security, terrorism—appreciating such bits of information and drawing critical conclusions based on these are absolutely essential to an effective Federal response. The cadre of bioterrorism specialists developed by the Bioterrorism Preparedness and Response Division would be specially trained accordingly.

In addition, while the threat posed by bioterrorism bears a strong resemblance to that posed by conventional disease outbreaks, there are real substantive differences between a manmade disease outbreak—a la the anthrax attack through envelopes that were obviously mailed by a human being—and a naturally occurring one—West Nile virus, Ebola virus, and the like. Our health officials are highly trained to cope with the latter, but most lack a sophisticated appreciation of the different considerations that attend a manmade attack.

The upshot is when a recognition of these different divergences can make a difference between effective and ineffective emergency response. For example, while epidemiologists knew that contracting inhalation anthrax naturally required exposure to between 5,000 to 10,000 spores, they failed in the early stages of the crisis to consider the ways in which the deliberate weaponization of anthrax, with a substance such as silica, might alter the level of exposure required for lethality. Consequently, two Postal Service workers died.

They are not to be criticized. They are scientists, after all, not criminal investigators. However, had bioterrorism specialists with training in both medicine and criminal behavior been on the case last fall, their unique expertise might have led to conclusions that in the hands of decisionmakers might have made a difference in recommendations and courses of action.

In academia, there is a growing recognition that the study of bioterrorism, though it shares much with the fields of public health and counterterrorism, is a distinct discipline. To cite just a few leading examples in the world of academia, Mr. President, Johns Hopkins University has established the Center for Civilian Biodefense Strategies; St. Louis University's School of Public Health has a Center for the Study of Bioterrorism; and the University of Texas medical branch has established a Center for Biodefense.

This bill will create in the Bioterrorism Preparedness and Response Division of the CDC a career track for the bioterrorism specialist, a place for graduates of programs such as these to put to use their unique expertise in the service of their country.

The chart behind me describes the organization of the counterbioterrorism efforts of the Federal Government with the establishment of the Bioterrorism Preparedness and Response Division and a Department of Homeland Security, as under the bill we are considering.

The second part of my plan for improving our bioterrorism defenses is contained in an amendment also adopted by the committee in the July markup that mandates that law enforcement, homeland security, and public health personnel keep each other fully and currently informed in the event of a bioterrorist attack.

One of the objectives of a Bioterrorism Preparedness and Response Division of the CDC is to coordinate, cooperate, and communicate with other elements of the Federal Government that are involved in a biological attack on this country—Department of Homeland Security, law enforcement, Department of Justice, FBI, the Department of Health and Human Services, and State and local public health entities, all of which are in this boat together, Mr. President.

It was too frequently the case last fall that the different agencies with a role in the Federal response failed to communicate and coordinate with one another often or adequately enough. The requirement of full disclosure that will help put an end to that is upon us, but a significant part of the same problem relates to confusion in current law. Executive branch documents delineating the roles of law enforcement and public health agencies vis-a-vis one another say one thing while Federal statutes, most notably section 319 of the Public Health Service Act, say another.

In an effort to address this inconsistency, this legislation we are considering includes my amendment to direct the Secretary of Homeland Security to develop a Federal response plan that accords fully with the statutory authorities granted to the Secretary of Health and Human Services under the Public Health Service Act.

By so doing, this bill will mitigate in future crises a good bit of the confusion that prevailed last time. As we debate this legislation, I will offer an additional amendment to provide further clarity with respect to the roles of public health, law enforcement, and homeland security in the event of a bioterrorist attack. This amendment will provide the Secretary of Health and Human Services with the authority and flexibility he needs to carry out the responsibilities of the public health sector in the Federal response to bioterrorism.

Specifically, the amendment provides that no Federal agency may supersede the authority of the public health agencies to respond to a public health emergency in whatever manner is appropriate and necessary.

Last fall, public health authorities were at times muzzled, overridden, and generally kept out of the loop by law enforcement agencies. Each was doing its own thing, so to speak. Therein lies the problem. The problem arises because public health and law enforcement agencies both have essential roles to play in the event of an attack of terrorism that is also a threat to the public health. These roles are distinct but sometimes overlap. While both are vital, in the event of a terrorist-caused public health emergency, the unique life-and-death ramifications of such an attack mandate, in my view, that public health experts take the lead role in investigating and treating the attack. The amendment I will offer would give public health officials the authority and flexibility they need to do just that.

The third point of my bioterrorism response plan calls for providing the public health agencies that will play the central role in preparing for and responding to bioterrorism with the resources they need to do the job. We have to put our money where our mouth is—in this case, our money where our mission is, and our mission is to defend this Nation.

I commend the administration for proposing an unprecedented $4.3 billion for HHS's bioterrorism initiative in the next fiscal year, a 45-percent increase over the current year's funding level. These funds are badly needed. However, within this considerable request there is significant oversight. The administration has proposed actually a reduction in funds for revitalizing and securing the CDC's dilapidated, World War II-era facilities in Atlanta by $186 million in the next fiscal year, a Draconian cut of nearly two-thirds. That does not comport with putting our money where our mission is of defending this Nation.

As the chart behind me demonstrates, since fiscal year 2000 when Congress first got on board with the CDC's master plan, the revitalization of its ramshackle facilities, the budget for building facilities and security has steadily increased each year. I have been proud to be part of this increase. This increase accompanied a recognition on the part of Congress, especially the Senate, and made more acute in the aftermath of the anthrax crisis, that if the CDC is able to protect us all against the new, more insidious threats to the public health we now face, the agency must be equipped with adequate modern facilities and its labs must be fortified against potential terrorist designs.

The needed funds will not, of course, be appropriated through the legislation we are considering today, but I urge my colleagues to keep in mind, when the Labor-HHS appropriations bill reaches the floor, that the steps we are taking to combat bioterrorism in this legislation will require an adequate commitment of resources if they are to be effective.

In summary, the public health-related provisions of the Governmental Affairs Committee bill that were added during the markup of this bill are, in my view, perfectly aligned with the administration's approach and goals. While they are not contained in the administration's original proposal, they are really extensions on concepts contained therein.

On a separate but related matter, however, I must respectfully disagree with the approach contained in both the committee's and the administration's proposals. The legislation before us would transfer the strategic national stockpile—that is the vaccines that are strategically placed around America in secret locations known as the strategic national stockpile—from the CDC, where it has been successfully operated since its creation in 1999, to the Department of Homeland Security. I have serious reservations about the proposed transfer. Accordingly, I am continuing to work on a bipartisan basis with the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, and Chairman LIEBERMAN, the administration, and others, on an attempt to preserve the role of the CDC in the operation of the stockpile.

The stockpile is collectively 12 secret stashes of vaccines, medicines, and other medical supplies placed in strategic locations around the country, deliverable in a few short hours to any location in the country should the need for massive quantities of emergency medicines arise. Decisions related to deploying the medicines in the stockpile, what medicines to administer, who should receive medicines, what medicines should be in the stockpile, are essentially medical questions. They should, as such, be made by public medical professionals based on public health considerations. This is the reason, in point of fact, that the stockpile was assigned to the CDC in the first place.

The committee's bill would transfer final authority over the stockpile to the new department while leaving some operational responsibility with the CDC. I am afraid we are borrowing from Peter to pay Paul. Leaving aside the problems inherently associated with separating operational responsibility from accountability, this approach, while retaining some stockpile functions with the CDC, would undermine the most important reason to have the CDC involved at all; that is, to bring to bear the necessary expertise in making final decisions regarding the use of the stockpile.

If there were a core public health competency in the new department that could supervise the stockpile, then the reasons cited by the proponents of the transfer—primarily a desire to consolidate all emergency response functions in the new department—might be sufficient to justify the move. However, the public health expertise of the Federal Government was, by and large—correctly, in my view—left where it currently resides because of the important synergies, the command, control, cooperation, and communication, that would be lost if certain public health professionals were to be segregated from their colleagues in other public health sectors.

There is, consequently, no core public health competency in the new department. There is no assistant secretary for health, as some have proposed.

An interest in the effective administration of the stockpile demands then that it remain in the hands of those who do have public health expertise. The CDC has handled the stockpile effectively to date, coordinating smoothly its deployment on September 11 and during the anthrax crisis with FEMA and other emergency responders.

We should follow the old dictum that if it ain't broke, don't fix it. Whatever the Senate's final decision on this matter, however, let me reiterate I am fully on board with the President and his team on homeland security. We are all in the same boat. We cannot, we will not, stand by idly while those who hate us plot our demise. The fundamental reorganization of our homeland security apparatus is the surest step we can take now to gird ourselves for the threats to come. With sober understanding of the moment of the task now at hand, let us complete this good work.

Above the pyramid on the Great Seal of the United States, in reference to the founding of our Nation, it says, in Latin, "God has favored our undertaking." May He grant us now His favor again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding that the matter before the Senate is the Smith amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4492 TO AMENDMENT NO. 4491

(Purpose: To amend title 49, United States Code to improve flight and cabin security on passenger aircraft)

Mr. REID. I send an amendment to the desk on behalf of Senators BOXER and SMITH.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SMITH of New Hampshire, for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER, proposes an amendment numbered 4492 to amendment No. 4491.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, before my friend from Georgia leaves—and I know the Senator from Vermont wishes to speak—I want to emphasize how important the Centers for Disease Control are to this country and to the world. I have traveled with the Senator from Georgia to the Centers for Disease Control and seen some of those old, dilapidated buildings, some of them built prior to World War II.

We should allow the Centers for Disease Control to have a space where they can work with some degree of quality. They are spread out all over the campus, and they need to be brought into one central location. That is what is being attempted.

I say to my friend, this entity was established many years ago to fight malaria in the southern part of the United States. After we whipped malaria, they had such a presence that we used them for a public health entity in this country. They have done remarkable work, and not only in America. I had the pleasure of traveling and representing this country on the continent of Africa during the August break. The Centers for Disease Control has spread throughout that continent. It is money that the taxpayers should be proud is being spent. Each day that goes by, because of the Centers for Disease Control, lives are being saved from mosquito-related problems and, of course, AIDS.

The Senator from Georgia has a tremendous responsibility to convey to the rest of the Senate the importance of the Centers for Disease Control and make sure they have adequate resources to do the job that is necessary to be done, especially post-September 11.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to express my concerns about a central component of the proposed Department of Homeland Security—the inclusion of the Federal Emergency Management Agency in the new department.

I understand that in the wake of the horrific events of September 11, we would look for ways to strengthen our Nation's defense to prevent any future catastrophe. I fully support that goal. But we must be cautious, very cautious, to make sure that we work to correct what went wrong and not interfere with what went right.

We know what went wrong, and I firmly hope that we, as a nation, will develop a comprehensive plan to address the shortcomings in our intelligence gathering and communication efforts. That, I believe, should be the prime goal of any new homeland defense effort.

What went right after September 11 was the response of the Federal Emergency Management Agency. In the days after the September 11 terrorist attacks I visited the Pentagon and World Trade Center. I saw firsthand how well FEMA responded to a horrific scene that all of the disaster drills and training exercises could not have prepared anyone for. I was incredibly impressed by what I saw. Thousands of workers from around the country came together to bring calm and order to an otherwise chaotic situation.

Of nearly 400 disasters that FEMA has responded to since the Oklahoma City bombing in 1995, only the attacks on the World Trade Center and the Pentagon were acts of terrorism. Through the coordination of FEMA's director, the agency demonstrated that it was capable of responding in such cases, and responding well.

Yet things have not always gone so smoothly with the Agency. We need only to look back to the 1980s, when FEMA's focus shifted to civil defense and left the Agency ill-prepared to respond to natural disasters. In 1985, after a tornado killed 65 people in Pennsylvania, FEMA's poor response prompted then-Congressman Tom Ridge to play a central role in efforts to refocus the Agency's mission on victims of natural disasters.

But it took time. After seeing the bungled responses to Hurricane Hugo in 1989 and Hurricane Andrew in 1992, my friend from South Carolina, Senator HOLLINGS summed up FEMA's performance by saying, "A major hurricane is not one disaster, but two: The natural disaster of the hurricane itself, and the unnatural disaster of Federal efforts to aid the victims."

Over the last decade, with help from Congress and new leadership, FEMA has worked hard to regain the trust of its constituents, especially those Americans affected by a major disaster. Now we must maintain FEMA's independence to ensure that an increased emphasis on terrorism will be in addition to, and not at the expense of, the Agency's natural hazard programs.

As it now stands, FEMA is a small, flexible agency with a director reporting directly to the President. This chain of command works well, but it would be lost if FEMA were moved into the Department of Homeland Security. Adding another layer of bureaucracy to the disaster declaration process can only slow vital response and recovery efforts.

Again, I firmly believe that it is critical to prepare America to respond to terrorist acts, but we must not lose sight of the fact that FEMA's primary focus is to respond to nature's fury. We know that fires, floods, tornadoes, earthquakes, and hurricanes will continue to cause injuries, deaths, and property damage every year.

Jeopardizing FEMA's abilities to deal with disasters is not the best way to secure our homeland.

As we move forward, we should be thoughtful and deliberate, and we should focus on fixing the failures and not tinkering with the successes.

Accordingly, at the appropriate time I will offer an amendment to remove the Federal Emergency Management Agency from the Department of Homeland Security. Preserving FEMA's independence is the best way to prepare our nation to respond to natural disasters and any future terrorist attacks we may face.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOM BURNETT, JR.

Mr. WELLSTONE. Mr. President, I rise to pay tribute to an American hero, Tom Burnett, Jr., who was a beloved husband and father and adored son and a very able business leader. He was a person who would not and did not sit quietly as terrorists carried out their plan last year on September 11.

Along with my colleague, Senator DAYTON, and with our colleague JIM RAMSTAD on the House side, we introduced legislation to designate a U.S. Postal Service facility in Bloomington, MN, as the Thomas E. Burnett, Jr. Post Office Building.

This legislation today is passing the House, and my expectation is that by the end of the day this will also pass the Senate. I don't know that there would ever be any Senator would disagree with this.

Tom Burnett, Jr. grew up in Bloomington, MN, and he was aboard flight 93 on September 11 of last year. America owes Tom Burnett a deep debt of gratitude for his bravery on that day. It is possible that Members of the Congress, including myself, could very well owe him our own lives. We will never know for sure.

Tom is believed by investigators to have been among those passengers who kept the hijackers from crashing flight 93 into a national landmark, most likely the White House or the Capitol. That, of course, would have likely resulted in many more deaths than already occurred on that day, and instead, as we all know, flight 93 crashed into a Pennsylvania field. After listening to a tape from the flight's black box, law enforcement officials have described a desperate struggle aboard the plane.

As FBI Director Mueller said after being briefed on the contents of the tape:

> We believe that those passengers were absolute heroes, and their actions during this flight were heroic.

Tom Burnett, Jr. was 38 years old when he died. A 1986 graduate of Carlson School of Management at the University of Minnesota and a member of the Apha Cappa Psi Fraternity, he had shown selfless leadership before. When he was quarterback of Thomas Jefferson High School in Bloomington, Tom's inspired play led his team to a conference championship game in 1990. He was a successful business leader as chief operating officer for a medical device manufacturer in California.

We will never forget his ultimate sacrifice and the ultimate sacrifice of many other heroes as well on September 11. Our thoughts and prayers today are with Tom's family: His wife Deena, and their daughters, Madison, Halley, and Anna-Clair, three little daughters; his parents, Thomas, Sr. and Beverly—I had a chance to talk to Bev just the other day—and his sisters, Martha O'Brien and Mary Margaret Burnett.

Bloomington will be very proud to have this post office named for Tom Burnett, Jr. We are all very proud of this son of Minnesota.

Again, I thank Congressman RAMSTAD for his leadership in the House. I know this bill is going to pass the House today, and my expectation is that it will pass the Senate as well.

I thank again Senator LIEBERMAN for his help in expediting this and making this happen. I know for a fact this is really very important to Tom's family and to all of Minnesota.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 29, 2000 in Mahwah, NJ. A man attacked two gay men after leaving an apartment complex party. The assailant confronted the two partygoers in the apartment parking lot, made obscene remarks about their sexual orientation, and then punched and kicked them. One of the victims had to be treated at a local hospital.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE ELEVENTH OF SEPTEMBER

Mr. KERRY. Mr. President, over the last year, Roger J. Robicheau, of Holbrook, MA, has taken the time to share with me many of his poems that were inspired by the events of September 11 and our country's efforts to heal the wounds of that day. His eloquence has captured the heroes who sacrificed so much for so many, has lifted my spirits throughout the year and has offered insightful perspective on that tragic day. I ask that his latest poem, "The Eleventh of September," be printed in the RECORD so that my colleagues and my fellow Americans can share in his thoughts and prayers for our country.

THE ELEVENTH OF SEPTEMBER

We mourn their loss this day this year
Those now with God, no danger near

So many loved ones left do stand
Confronting loss throughout our land

My heart goes out to those who do
No one can fathom what they view

I firmly pray for peace of mind
Dear God please help each one to find

And to our soldiers now at war
God guide above, at sea, on shore

They are the best, I have no doubt
Our country's pride, complete, devout

The finest force you'll ever see
All freedom grown through liberty

One final thought comes clear to me
For what must live in infamy

Absolutely—We'll Remember
The Eleventh—of September

IN MEMORIAM: CAPTAIN CHARLES BURLINGAME, III

Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate the memory of one of my constituents, Captain Charles F. Burlingame, III, who lost his life on September 11, 2001. Captain Burlingame was 51 years old when the flight he was piloting, American Airlines Flight 77, was overtaken and hijacked by terrorists. As we all know, that plane crashed into the Pentagon, killing everyone on board.

Charles Burlingame was known as "Chic" his entire life by family and friends. He was born in St. Paul, MN, and grew up in Anaheim, CA. Chic was an Eagle Scout and played trumpet in his high school marching band. After graduating from Anaheim High School in 1967, President Lyndon Johnson appointed him to the United States Naval Academy in Annapolis, MD.

He continued developing his musical talents and played bugle in the Naval Academy Drum and Bugle Corps. After graduating from the Naval Academy in 1971, he attended Naval air training at Pensacola, FL and then enrolled at the advanced tactical school at Meridian, MS, and Corpus Christi, TX. He flew F-4 Phantom jets as a carrier-based pilot aboard the U.S.S. *Saratoga*.

In 1979 Captain Burlingame was honorably discharged from active duty and became a member of the Naval Reserves. During the Gulf War he served at the Pentagon under the Assistant Secretary of Defense and was awarded the Defense Superior Service Medal. Later, as a pilot for American Airlines he flew domestic and international flights.

At his eulogy, Navy Vice-Admiral Timothy Keating described Captain Burlingame as "a gifted aviator who could make jets talk." Senator George Allen of Virginia eulogized him as a man who "gave his last breath in a struggle against terrorism. He was a true American patriot who paid the ultimate sacrifice as one of our Nation's first warriors to perish in the war on terrorism." Perhaps Chic Burlingame's attitude toward life is best summed up by a statement he wrote in a classmate's high school yearbook when Chic was about to graduate, "Remember, desire and hard work equal victory!" Chic believed that one person really can make a difference.

Captain Burlingame is survived by his wife, Sheri G. Harris Burlingame, his daughter, Wendy D. Pattavina, his grandson, Jack Pattavina, step-sons John Harris and Chad Harris, brothers Mark M. Burlingame and Bradley M. Burlingame and sister Debra A. Burlingame.

None of us is untouched by the terror of September 11th, and many Californians were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

I offer today this tribute to one of 51 Californians who perished on that awful morning. I want to assure the family of Charles Burlingame, and the families of all the victims, that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten.

LAUREN GRANDCOLAS: IN MEMORIAM

Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate the memory of one of my constituents, Lauren Grandcolas, of San Rafael, CA, who lost her life on September 11, 2001. Mrs. Grandcolas was a 38-year-old advertising sales consultant when the flight she was on, United Airlines Flight 93, was hijacked by terrorists. As we all know, that plane crashed in a Pennsylvania field, killing everyone on board.

Mrs. Grandcolas was born in Bloomington, IN and attended the University of Texas at Austin, where she met her husband, Jack Grandcolas. After graduation, she worked as a Marketing Director for a law firm and then for Price, Waterhouse, Coopers. At the time of her tragic death, Mrs. Grandcolas was working as an advertising sales consultant at Good Housekeeping Magazine and was researching and writing a non-fiction book to help women boost their self-esteem.

Lauren had enthusiasm and passion for life, loved the outdoors and was devoted to physical fitness. She hiked, jogged, kayaked, and enjoyed in-line skating around her neighborhood. Her energy was boundless and she took classes in cooking, gardening, scuba-diving and wine appreciation. Lauren was also active with United Way, March of Dimes, Project Open Hand, Juvenile Diabetes Foundation, Breast Cancer Awareness and Glide Memorial.

Her husband Jack recalls she had a heart the size of Texas. Knowing her flight had been hijacked, Lauren left her husband a message on their home answering machine and then loaned her cell phone to another passenger to call loved ones.

The joy Lauren felt pursuing new interests and developing new skills was being interwoven in the book she was writing for women. Jack recalls, "She made a point to do things that were good for her, and she thought she could extend what she'd learned to help other adult women gain confidence. Her sister and I will fulfill her dream by completing the book."

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I offer today this tribute to one of the 51 Californians who perished on that awful morning. I want to assure the family of Lauren Grandcolas, and the families of all the victims, that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten.

YEAR OF THE BLUES RESOLUTION

Mrs. LINCOLN. Mr. President, as you may know, I introduced legislation (S. Res. 316) on August 1, 2002, designating the year beginning February 1, 2003, as the "Year of the Blues" and requesting that the President issue a proclamation calling on the people of the United States to observe the "Year of the Blues" with appropriate ceremonies, activities, and educational programs. I am proud to be joined by Senators COCHRAN, THOMPSON, and FRIST.

It has been said that "Blues is more than music; Blues is culture. Blues is America." As a native of Helena, Arkansas, I could not agree more. Growing up in the Delta, I often listened to the blues during the famous "King Biscuit Time" show on my hometown station, KFFA radio. The songs I heard often told stories of both celebration and triumph, as well as sorrow and struggle.

Although its roots are in the tradition of the primitive songs of the old Southern sharecroppers, the blues has left an important cultural legacy in our country and has documented African-American history in the last century. As the blues began to transform in style and content throughout the twentieth century, its evolution paralleled the migration of American life from a rural, agricultural society to an urban industrialized nation. The blues has also left an indelible impression on other forms of music with its influence heard in jazz, rock and roll, rhythm and blues, country, and even classical music. Despite these facts, though, many young people today do not understand the rich heritage of the blues or recognize its impact on our nation and our world.

That is why I am delighted to introduce this resolution and participate in the Year of the Blues project. Coordinated by The Blues Foundation and Experience Music Project, The Year of the Blues is a multi-faceted entertainment, education, and outreach program recently formed to both celebrate and create greater awareness for the blues and its place in the history and evolution of music and culture, both in the United States and around the world. The program is anchored by high profile events, and beginning next year, it will feature a wide array of participants, projects, and components designed to reach a large audience, as well as support blues oriented education and outreach programs, such as Blues in the Schools.

This project also takes on a special meaning for me because I am a "daughter of the Delta," and my hometown of Helena has played a large role in the development of the blues. Today, Helena serves as a temporary blues Mecca each October when the three day King Biscuit Blues Festival takes place. And as I noted earlier, it is also the site of one of the longest running daily music shows, "King Biscuit Time," which continues to air every weekday at 12:15 pm on KFFA radio from the Delta Cultural Center Visitors' Center. As long as I can remember, "King Biscuit Time" originally featured famous harmonica player Sonny Boy Williamson, guitarist Robert Junior Lockwood, and the King Biscuit Entertainers. When recently noting the uniqueness of the show, long-time host "Sunshine" Sonny Payne recalled that many of the songs played on "King Biscuit Time" originated during the live broadcasts, and in some cases, words to the songs were known to change day to day. After becoming involved with this project, I recently came across an article "Pass the biscuits, cause it's King Biscuit Time . . . " written by freelance writer Lex Gillespie. I believe this article provides an accurate account of the development of blues in the South.

I will ask unanimous consent it be printed in the RECORD following my statement.

So as you can see, Mr. President, the blues has been an important part of my life and the life of many others. It's a style of music that is, in its essence, truly American. But as we move into a new century and embrace new forms and styles of music, we must not allow today's youth to forget the legacy of our past. By teaching the blues, promoting the blues, and celebrating the blues, we can ensure that the rich culture and heritage of our forefathers will always live on. I urge my colleagues to support this resolution.

At this time I ask unanimous consent that the Gillespie article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"PASS THE BISCUITS, 'CAUSE IT'S KING BISCUIT TIME..."

(By Lex Gillespie)

Ever since it hit the airwaves one lunchtime fifty-six years ago this November, "King Biscuit Time" has profoundly influenced the development and popularity of the blues. As the oldest and longest-running blues program on the radio, it helped promote the careers of bluesmen who pioneered this musical style and later brought it from street corners and juke joints in the South to an international audience. And today, KFFA and Helena are even "must see" stops for Japanese and European tourists who want to learn about the cultural roots of the blues.

"First things first," recalls Sonny "Sunshine" Payne, the program's host for over eleven thousand broadcasts; King Biscuit Time started when guitarist Robert Junior Lockwood and harmonica player Sonny Boy Williamson were told they would have to get a sponsor to get on the air." That was 1941, when Payne was a teenager cleaning 78 rpm's and running errands at KFFA. "They came to the station one day and I showed them in to station manager Sam Anderson . . . he sent them over to the Interstate Grocery Company and its owner Max Moore who had a flour called "King Biscuit Flour . . ."

Lockwood and Williamson became the show's original King Biscuit Entertainers who advertised flour and corn mean in Helena and the surrounding Delta region; and after a lucky break, Sonny Payne took over as program host when the announcer lost his script while on the air. The program was a smash hit, thanks mostly to the playing and on-air presence of harp player Williamson. He became so popular that the sponsor named its product "Sonny Boy Corn Meal" and he was, and still is, pictured, smiling and with his harmonica, on a burlap sack of his own brand of meal.

Williamson was a musical pioneer in his own right. He was one of the first to make the harmonica the centerpiece in a blues band. His unique phrasings, compared by many to the human voice, influenced countless harp players.

His partner, Robert Junior Lockwood, stepson of the legendary Robert Johnson, also influenced this blues style. A fan of big band jazz, he incorporated jazzier elements into the blues, often playing the guitar with his fingers.

As years passed, the due expanded into a full band, including piano player "Pine Top" Perkins, Houston Stackhouse an "Peck" Curtis, and musicians who played on the show also advertised local appearances that gave them more work.

With the success of "King Biscuit Time," Helena soon became a center for the blues. It was a key stopping off point for black musicians on the trip north to the barrooms and clubs of Chicago's South and West sides. Already, in the thirties, the town had seen the likes of pianist Memphis Slim and Helena native Roosevelt Sykes, as well as guitarists Howlin' Wolf, Honeyboy Edwards, and Elmore James. And when the program went on the air, it helped shape the early careers of many an aspiring musician. "Little Walter" Jacobs and Jimmy Rogers, who later played with Muddy Waters, came to live and learn in Helena in the mid-1940's. Muddy Waters also brought his band to Helena to play on KFFA and in bars in the area. Teenager Ike Turner first heard the blues on KFFA around that time, and King Biscuit pianist "Pine Top" Perkins gave him lessons in his trademark boogie woogie style.

The program also influenced other stations to put the blues on the radio. Its initial popularity convinced advertisers that the blues and commercial potential. 'It was a major breakthrough," explains folklorist Bill Ferris, director of the Center for the Study of Southern Culture at Ole Miss; "King Biscuit Time was a discovery of an audience and a market...that hitherto radio had not really understood." Across the Mississippi River from Helena, radio station WROX put the South's first black deejay, Early Wright, on the air spinning blues and gospel records in 1947. Upriver in Memphis, station WDIA the next year became the first southern station with an all-black staff, including a young musician named Riley "B.B." King, who got an early break as a deejay. And in Nashville in the late forties, station WLAC reached nearly half the country with its late-night blues and R&B shows. All of these programs and stations owe an enormous debt to "King Biscuit Time."

And today, the legacy of the show continues, with blues programs heard on radio stations across the U.S., the recording of the many "King Biscuit Entertainers," and the yearly King Biscuit festival in Helena celebrating the city's cultural heritage and significant role in developing and promoting the blues.

ADDITIONAL STATEMENTS

CONGRATULATING GLAXOSMITHKLINE

• Mr. SANTORUM. Mr. President, I would like to congratulate GlaxoSmithKline, GSK, on achieving an important milestone in its work to eliminate lymphatic filariasis, LF. Last month, the pharmaceutical company produced the one hundred-millionth tablet of its drug albendazole for donation to LF patients, marking a significant step toward eradicating this devastating disease.

Lymphatic filariasis, commonly known as elephantiasis, is a disabling and disfiguring tropical disease caused by thread-like worms that live in the human lymphatic system. It mainly affects people in the tropical and subtropical areas of Africa, Asia, and the Americas. Approximately 120 million people are affected by LF, with more than one billion people at risk of infection.

In 1998, GlaxoSmithKline and the World Health Organization formed the Global Alliance to Eliminate LF. The goals of the Alliance are to interrupt transmission of LF, country by country, until LF has been eliminated as a public health problem. GSK supports the Alliance by donating its antiparasitic drug albendazole and by helping with initiatives for coalition-building, planning, training, and communications.

LF is one of the world's leading causes of disability, affecting people in nearly 80 countries. The estimated economic loss through disability, illness, and missed work days is in the billions of dollars each year. By breaking the cycle of infection between mosquitoes and humans, the administration of albendazole is an important component of sparing the next generation from the deforming manifestations of LF.

GlaxoSmithKline maintains its U.S. headquarters in Philadelphia, and I am proud to represent the company's 6,000 Pennsylvania employees searching for cures and treatments to improve the lives of citizens worldwide. I commend GSK for its dedication to the eradication of lymphatic filariasis and wish the company success in fulfilling its commitment to produce and donate 6 billion albendazole tablets to this end.•

CONGRATULATIONS TO THE PEDIATRIC CONVALESCENT CENTER

• Mr. BUNNING. Mr. President, today I honor and congratulate the Home of the Innoncents Pediatric Convalescent Center, PCC, in Louisville, KY. The PCC was recently recognized with the 2002 National Organization on Disability Award from the American Association of Homes and Services for the Aging, AAHSA. AAHSA is a national association representing mission-driven, not-for-profit health care and senior housing providers.

The PCC is truly a unique and special place for disabled children throughout the Commonwealth of Kentucky. In fact, according to the PCC, the center is Kentucky's only center of excellence for children's long-term nursing needs.

The PCC has served residents from 81 of the 120 counties in the Commonwealth of Kentucky as well as from the neighboring states of Indiana, Ohio, and Tennessee.

The PCC not only provides patients with medical care, but also offers their children an array of educational, social, and physical opportunities. The staff, ranging from speech therapists to dietitians, works around the clock, 365 days a year to ensure that children's needs are tended to on a daily basis. They deserve special recognition for their hard work, indomitable spirit and pro-active approach to pediatric health care.

I ask that my fellow Senators join me in honoring all involved with the Pediatric Convalescent Center. President Bush named September a month of Service and the PCC embodies this credo. Special children need special care. At PCC, special is the only kind of care people know.•

HONORING DR. FRANK P. LLOYD SR.

• Mr. BAYH. Mr. President, today I honor the life of a fellow Hoosier, physician, civic leader and distinguished businessman, Dr. Frank P. Lloyd Sr., who passed away on August 27, 2002.

As those who knew Dr. Lloyd would attest, his strong commitment to the city of Indianapolis was reflected in his successful and distinguished career. Mr. Sam H. Jones, president of the Indianapolis Urban League referred to him as "a giant among men, not just African-American men, but a giant among men, period." State Representative William Crawford called Dr. Lloyd "a Renaissance Man who always provided an inspirational voice." And U.S. Congresswoman JULIA CARSON, who knew Dr. Lloyd for nearly 40 years, referred to her dear friend as "a man who went around doing so many beautiful and positive things in such a quiet way."

Dr. Lloyd worked for Methodist Hospital for 25 years, beginning as director of medical research and retiring as president. During his time at Methodist, the hospital became the first non-university hospital in the Nation to offer heart transplants and one of the very few to be approved for Jarvik-7 artificial heart implantation. He taught at Indiana University, Purdue University, and Howard University in Washington, D.C., where he authored several medical textbooks.

Without question, Dr. Lloyd was and will always be regarded as one of Indianapolis's most influential and dedicated civic leaders. He was the catalyst in various accomplishments, such as the creation of the White River State Park, the Indiana Sports Corporation and the Indianapolis Circle City Classic. His ability to build bridges between corporate America and the community were without equal.

Dr. Lloyd founded the former Midwest National Bank, where he was the Chairman of the Board and CEO. He was also the Chairman of the Midwest National Corporation and majority owner for a time of a local Indianapolis radio station, WTLC-FM.

In addition to his corporate success, Dr. Lloyd served on the boards of various civic and charitable organizations, including the Center for Legislative Improvement, Indiana Bell Telephone Co., Goodwill Industries Foundation of Central Indiana, Inc., United Way of Greater Indianapolis, CTS and the Urban League of Indianapolis.

Dr. Lloyd is survived by his children, Shelley Lloyd Hankinson, Dr. Frank P. Lloyd Jr., Dr. Riley P. Lloyd, and Karen Ann Lloyd Jenkins; a sister, Annie Jackson; and seven grandchildren. Dr. Frank P. Lloyd was a true leader and humanitarian that the city of Indianapolis, the State or Indiana, and the Nation will miss tremendously.

I commend the late Dr. Frank P. Lloyd Sr. for his lifelong service to our Nation.●

CONGRATULATIONS TO AIR FORCE SPACE COMMAND

● Mr. ALLARD. Mr. President, I wish to recognize the outstanding accomplishments of the men and women of Air Force Space Command, which celebrates the 20th anniversary of their creation this week. On September 1, 1982, the Air Force formally activated Space Command. This single event would forever change the way the United States fights and wins its wars.

Space Command originated as an operational command standing shoulder-to-shoulder with other Air Force operational commands such as the historic Strategic Air Command. Although the command was young, the visionary men and women of Space Command quickly stepped up to their immense task. These pioneers looked to the future and recognized the vast potential space-based systems could provide our nation.

In the two decades since Space Command was created, the Air Force's space programs have come a long way. In 1983, Space Command was given the responsibility for operating the Air Force's world wide network of surveillance and missile warning sensors. Also in the 1980's Space Command was given responsibility for command and control of its first two satellite constellations, the Defense Meteorological Satellite Program and the Defense Support Program. These satellite programs continue to be a crucial element of the nation's warfighting capability. The early nineties saw Air Force Space Command also take responsibility of all operational space lift vehicles, followed by the Minuteman and Peacekeeper ICBMs.

In the years leading up to Desert Storm, Air Force Space Command continued to expand its capabilities and enhance our Nation's warfighting forces. Desert Storm provided us the first glimpses of how space-based capabilities can transform the way we fight wars. The Defense Meteorological Satellite Program enabled planners to avoid adverse weather conditions and allowed General Schwarzkopf to successfully execute his now famous "Hail Mary" attack against the Iraqis by showing him where his tanks could effectively maneuver. The Defense Support Program was invaluable in providing early warning of SCUD launches. And the effectiveness of our bombing was just starting to see the improvements enabled by the Global Positioning System. On the first night of the war, Conventional Air-Launched Cruise Missiles descended on Baghdad with deadly accuracy after using Global Positioning System to update their own internal navigation.

Desert Storm gave us a preview of space-based capabilities, and in the years that followed the innovative men and women of Air Force Space Command continued to refine these capabilities and experiment with the best way to employ them. Operation Enduring Freedom showed the fruits of their hard effort. Communications and GPS satellites enabled the tremendous feat of a B-52 providing close air support to a soldier on the ground within minutes of the soldier calling in a target.

Today Air Force Space Command is a unique command within the Air Force, responsible for both acquisition and operation of Air Force satellite systems, launch vehicles, and missiles with over 30,000 people stationed around the globe. The role of Air Force Space Command is continuing to grow as they develop even more sophisticated systems such as SBIRS, the Space Based Radar, and advanced communication satellites, while expanding into areas such as space control. I congratulate Air Force Space Command on a very successful 20 years and wish them the very best for the next twenty.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE JUSTIFICATION OF THE AUSTRALIA GROUP AND THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 4, 2002.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8460. A communication from the Acting Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Regulation; 8(a) Business Development/Small Disadvantaged Business Status Determinations; Rule of Procedure Governing Cases before the Office of Hearings and Appeals" (RIN3245–AE71) received on August 15, 2002; to the Committee on Small Business and Entrepreneurship.

EC–8461. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the implementation of the Waste Isolation Pilot Plant Land Withdrawal Act for Fiscal Year 2000; to the Committee on Energy and Natural Resources.

EC–8462. A communication from the Director, Regulations and Forms Service Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Registration and Monitoring of Certain Nonimmigrants" (RIN1115–AG70) received on August 12, 2002; to the Committee on the Judiciary.

EC–8463. A communication from the Director, Regulations and Forms Service Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Allowing in Certain Circumstances for the Filing of Form I–140 Visa Petition Concurrently with a Form I–485 Application" (RIN1115–AG00) received on August 1, 2002; to the Committee on the Judiciary.

EC–8464. A communication from the Director, Federal Judicial Center, transmitting, pursuant to law, the Federal Judicial Center's Annual Report for calendar year 2001; to the Committee on the Judiciary.

EC–8465. A communication from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Monetary Allowance for Certain Children of Vietnam Veterans; Identification of Covered Birth Defects" (RIN2900–AK67) received on August 15, 2002; to the Committee on Veterans' Affairs.

EC–8466. A communication from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; The Skin" (RIN2900–AF00) received on August 15, 2002; to the Committee on Veterans' Affairs.

EC–8467. A communication from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Duty Periods; Inactive Duty for Training" (RIN2900–AL21) received on August 15, 2002; to the Committee on Veterans' Affairs.

EC–8468. A communication from the Acting Director, Office of Regulatory Law, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Ankylosis and Limitatin of Motion of Digits of the Hands" (RIN2900–AI44) received on August 15, 2002; to the Committee on Veterans' Affairs.

EC–8469. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee; Change of Name and Function; Technical Amendment" received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8470. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast" received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8471. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "State Improvement Grant Program" received on August 19, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8472. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Career Resource Network State Grants: Notice of Extension of Project Period and Waiver, and Reopening of Competition for American Samoa" received on August 19, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8473. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Tribally Controlled Postsecondary Vocational and Technical Institutions Program: Notice of Extension of Project Period and Waiver" received on August 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8474. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability in Rural Communities under the Rehabilitation Research and Training Center Program (RRTC) for the National Institute on Disability and Rehabilitation Research (NIDRR)" received on August 19, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8475. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Apnea Monitor; Special Controls" (Doc. No. 00N–1457) received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8476. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Neotame" (Doc. Nos. 98F–0052 and 99F–0187) received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8477. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices, Reclassification of Polymethyl methacrylate (PMMA) Bone Cement" (Doc. No. 02P–0294) received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8478. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants—Visa Classification Symbols" (22 CFR Part 42) received on August 12, 2002; to the Committee on Foreign Relations.

EC–8479. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a series of papers which address a range of issues affecting the United States' bilateral relationship with Cuba; to the Committee on Foreign Relations.

EC–8480. A communication from the Secretary of State, transmitting , pursuant to law, the annual report for 2001 on voting practices at the United Nations; to the Committee on Foreign Relations.

EC–8481. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8482. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the annual report regarding calendar year 2001 sales to designated Tier III countries of computers capable of operating per second (MTOPS) by companies that participated in the Accelerated Strategic Computing Initiative Program of the Department of Energy; to the Committee on Armed Services.

EC–8483. A communication from the Director, Strategic and Tactical Systems, Office of the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the report on the intent to fund Fiscal Year 2003 Foreign Comparative Testing projects; to the Committee on Armed Services.

EC–8484. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the report of a certification relative to realistic survivability and lethality testing of the OHIO Class Guided Missile Nuclear Submarine (SSGN) would be unreasonable expensive and impractical; to the Committee on Armed Services.

EC–8485. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, five Selected Acquisition Reports (SARs) for the quarter ending June 30, 2002; to the Committee on Armed Services.

EC–8486. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–8487. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Reporting Requirements Update" (DFARS Case 2002–D010) received on August 15, 2002; to the Committee on Armed Services.

EC–8488. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Trade Agreements Thresholds—Construction" (DFARS Case 2002–D011) received on August 27, 2002; to the Committee on Armed Services.

EC–8489. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Partnership Agreement Between DoD and the Small Business Administration" (DFARS Case 2001–D016) received on August 27, 2002; to the Committee on Armed Services.

EC–8490. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Weighted Guidelines Form" (DFARS Case 2002–D012) received on August 27, 2002; to the Committee on Armed Services.

EC–8491. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Institutions of Higher Education" (DFARS Case 99–D303) received on August 27, 2002; to the Committee on Armed Services.

EC–8492. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on international assistance for the elimination of Russia's chemical weapons; to the Committee on Armed Services.

EC–8493. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report on Restructuring Costs Associated with Business Combinations for calendar year 2001; to the Committee on Armed Services.

EC–8494. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the revised closure date for the commissary at Point Mugu, California; to the Committee on Armed Services.

EC–8495. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Restriction on Acquisition of Vessel Propellers" (DFARS Case 2002–D006) received on August 27, 2002; to the Committee on Armed Services.

EC–8496. A communication from the Special Counsel, United States of America, transmitting, pursuant to law, the Annual Report from the Office of Special Counsel for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–8497. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Systems; Definition of Santa Clara, CA, Nonappropriated Fund Wage Area" (RIN3206–AJ61) received on August 15, 2002; to the Committee on Governmental Affairs.

EC–8498. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Eastern Market Management and Oversight Needs Substantial Improvement"; to the Committee on Governmental Affairs.

EC–8499. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Correction of Administrative Errors; Expanded and Continuing Eligibility; Death Benefits; Loan Program" received on August 15, 2002; to the Committee on Governmental Affairs.

EC–8500. A communication from the Program Manager, Employee Benefits Program, Human Resources Support Branch, Department of the Navy, transmitting, pursuant to law, the annual report for 2001 of the Retirement Plan for Civilian Employees of the United States Marine Corps Community Service, Personal and Family Readiness Division, and Miscellaneous Nonappropriated Fund Instrumentalities; to the Committee on Governmental Affairs.

EC–8501. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Final Fiscal Year 2002 Annual Performance Plan and the Fiscal Year 2003 Annual Performance Plan for Equal Employment Opportunity Commission; to the Committee on Governmental Affairs.

EC–8502. A communication from the Chief Financial Officer and Plan Administrator, First South Retirement Committee, transmitting, pursuant to law, the First South Agricultural Credit Associate Retirement Plan for December 31, 2001; to the Committee on Governmental Affairs.

EC–8503. A communication from the Employee Benefits Manager, Ag First Farm Credit Bank, transmitting, pursuant to law, the Annual Reports of Federal Pension Plans for calendar year 2001; to the Committee on Governmental Affairs.

EC–8504. A communication from the Administrator, General Service Administration, transmitting, pursuant to law, the Annual Performance Plan for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–8505. A communication from the Deputy Secretary of Defense, transmitting, the semiannual report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002 along with the classified Annex to the Semiannual Report on Intelligence-Related Oversight; to the Committee on Governmental Affairs.

EC–8506. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8507. A communication from the Director, Benefit Design and Compliance, AgriBank, transmitting, pursuant to law, the annual reports disclosing financial condition of the Retirement Plans for the Employees of the Seventh Farm Credit District, Eleventh Farm Credit District, and AgAmerica Farm Credit District; to the Committee on Governmental Affairs.

EC–8508. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Removal of Quarantined Area" (Doc. No. 02–018–2) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8509. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Microchip Implants as an Official Form of Identification for Pet Birds" (Doc. No. 01–023–2) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8510. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Removal of Quarantined Area" (Doc. No. 02–029–2) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8511. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002; Listing of Biological Agents and Toxins and Requirements and Procedures for Notification of Possession" (Doc. No. 02–082–1) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8512. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorsulfron; Pesticide Tolerance" (FRL7192–9) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8513. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflufenzopy; Pesticide Tolerance" (FRL7195–8) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8514. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fosetyl-A1; Pesticide Tolerances" (FRL7195–1) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8515. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imazethapyr; Pesticide Tolerance" (FRL7193–4) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8516. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriproxyfen; Pesticide Tolerance" (FRL7195–7) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8517. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfentrazone; Pesticide Tolerances for Emergency Exemptions" (FRL7191–5) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8518. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Re-Establishment of Tolerance for Emergency Exemptions" (FRL7188–4) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8519. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, 2-methyl-, polymer with ethyl 1 2-propenoate and methyl 2-methyl-2propenoate, ammonium salt; Tolerance Exemption" (FRL7188–3) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8520. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dichlormid; Extension of Time-Limited Pesticide Tolerance" (FRL7192–5) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8521. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methyl Anthranilate; Exemption from the Requirement of a Tolerance" (FRL7189–7) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8522. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metsulfuron Methyl; Pesticide Tolerance" (FRL7189–2) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8523. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries: Order Amending Marketing Agreement and Order No. 930" (FV00–930–1) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8524. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California: Undersized Regulation for the 2002–03 Crop Year" (FV02–933–1FR) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8525. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Specifications for Dairy Plants Approved for USDA Inspection and Grading" (Doc. No. DA–99–04) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST (for himself and Mr. ROBERTS):

S. 2902. A bill to promote mathematics and science education through a mathematics and science partnership and through the establishment of a grant program to increase student academic achievement in mathematics and science, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. Res. 320. A resolution honoring the Valley Sports American Little League baseball team from Louisville, Kentucky for winning the 2002 Little League Baseball World Series; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DORGAN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. BINGAMAN, Mr. CONRAD, and Ms. STABENOW):

S. Res. 321. A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC); to the Committee on Indian Affairs.

ADDITIONAL COSPONSORS

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 761

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 761, a bill to provide loans for the improvement of telecommunications services on Indian reservations.

S. 1132

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1132, a bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1248

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1298

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1602

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1602, a bill to help protect the public against the threat of chemical attack.

S. 2049

At the request of Mr. DEWINE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2049, a bill to amend the Federal Food, Drug and Cosmetic Act to include a 12 month notification period before discontinuing a biological product, and for other purposes.

S. 2136

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2136, a bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States.

S. 2425

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2425, a bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

S. 2512

At the request of Mr. HARKIN, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2562

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2596

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 2611

At the request of Mr. REED, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2634

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2634, a bill to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes.

S. 2654

At the request of Ms. CANTWELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2654, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act.

S. 2671

At the request of Mr. EDWARDS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2671, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care quality improvements for children with disabilities or other special needs, and for other purposes.

S. 2762

At the request of Mr. THOMAS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2762, a bill to amend the Internal Revenue Code of 1986 to provide involuntary conversion tax relief for producers forced to sell livestock due to weather-related conditions or Federal land management agency policy or action, and for other purposes.

S. 2794

At the request of Mr. GRAMM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2794, a bill to establish a Department of Homeland Security, and for other purposes.

S. 2821

At the request of Mr. FRIST, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2821, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 2884

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2884, a bill to improve transit service to rural areas, including for elderly and disabled.

S. 2896

At the request of Mrs. HUTCHISON, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. FITZGERALD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2896, a bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. RES. 294

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 294, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

S. RES. 306

At the request of Mr. BROWNBACK, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 306, a resolution expressing the sense of the Senate concerning the continuous repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women.

S. RES. 307

At the request of Mr. TORRICELLI, the names of the Senator from Virginia (Mr. ALLEN), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Nevada (Mr. ENSIGN), the Senator from Maryland (Mr. SARBANES) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 316

At the request of Mrs. LINCOLN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 316, a bill designating the year beginning February 1, 2003, as the "Year of the Blues".

S. CON. RES. 94

At the request of Mr. WYDEN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Con. Res. 94; A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 122

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Con. Res. 122, A concurrent resolution expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots, and for other purposes.

S. CON. RES. 134

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 134, A concurrent resolution expressing the sense of Congress to designate the fourth Sunday of each September as "National Good Neighbor Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself and Mr. ROBERTS):

S. 2902. A bill to promote mathematics and science education through a mathematics and science partnership and through the establishment of a grant program to increase student academic achievement in mathematics and science, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President. I rise today to introduce "The Math and Science Education Excellence Act." I have worked with my colleague from Kansas, Senator ROBERTS, to make sure we do everything possible to give math and science education the attention, funding and assistance it deserves. Today, I introduce a bill to authorize programs at the National

Science Foundation that will help achieve that goal.

Under the authority of the No Child Left Behind Act, NCLBA, the Department of Education is authorized to implement a Mathematics and Science Partnership Program, a program I am very interested in making sure is a success. That program is designed to improve the academic achievement of students in the areas of math and science. It will encourage States, universities, school districts and schools to work together to: 1. improve the status of math and science teaching and 2. develop more rigorous math and science curricula.

The NCLBA authorized $450 million for Fiscal Year 2002 for this program, but only $12.5 million was appropriated for 2002. That level of funding is a huge disappointment to me, and I believe it is a mistake. However, last year, NSG initiated its own Program at a level of $160 million. Because the bulk of the funding for the Math and Science program is at NSF, I believe it is appropriate, even necessary, to authorize the MSP Program at NSF as well.

This is not the preferred choice. I would prefer that we fund the program at the Department of Education. In the meantime, this bill will give us an opportunity to re-assert how important this program is.

As we all know, the No Child Left Behind Act requires that schools be determined as failing based in part on their math scores. If they are failing, there will be consequences, such as public school choice, supplemental services and eventual reorganization. That means that math teaching and math curriculum are more important than ever. And, by 2007, science assessments will be added to the mix.

So I want to be sure that we are getting these funds to our neediest schools. I worry that without more descriptive language, NSF will not focus on awarding grants to those that need it the most. I also worry that the Math and Science Partnership program is not getting the funding it needs. Reading, math's counterpart on the yearly tests, receives over $1 billion in funding. Any many other programs authorized in the No Child Left Behind Act are receiving appropriations that meet, or even exceed the authorization levels.

Not the Math and Science program. Despite the importance of math and the fact that schools will be determined as failing based on their math scores, the Math and Science Partnership Program is received a total of only $172.5 million in 2002, with only $12.5 million of those funds targeted to those based on need. $160 million from NSF and $12.5 million from the Department of Education. For 2003, the Senate Appropriations Committee recommends that only $120 million be provided for the MSP program. Why? Apparently, some $30 million in funds is left over from last year's appropriation because NSF did not believe the applications met the rigors the grant program requires.

I am very concerned that we are leaving States, schools districts, schools and students confused and bewildered due to the complicated bureaucratic process that has been created. I believe we should make sure that every dollar of the math and science partnership program money is appropriately administered to ensure results. I also believe that we should work toward appropriately funding this initiative. My amendment will accomplish those two goals.

My bill would insert the exact Math and Science Partnership language from the No Child Left Behind Act, language which we members of the HELP Committee have already agreed to, with only minor changes. That language requires targeting of the $450 million in funds to those who need it the most, and it also requires accountability.

I have also added a section requiring the NSF to provide technical assistance to those eligible applicants that request it. If the quality of the applications is not high, the NSF should help applicants develop high-quality programs. Otherwise, applicants must guess how to improve, forcing math and science education to suffer in the meantime.

The bill also authorizes $12 million for NSF to conduct and evaluate research related to the science of learning and teaching math and science. It directs NSF to develop ways to apply, duplicate and scale up the results of such research for use in low-performing elementary and secondary classrooms to improve the teaching and student achievement levels of mathematics and science. This investment will make sure that we find out the best ways to teach math and science. With that knowledge, we will have the building blocks we need to effectively argue for, and demand, more funding for the Math and Science Partnership Program.

This bill attempts to make the best out of a not ideal predicament for math and science education. I believe it is the right thing to do, and I respectfully request my fellow Senators support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mathematics and Science Education Excellence Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) upgrade the status and stature of mathematics and science teaching as a profession by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

(2) focus on the education of mathematics and science teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

(3) bring together mathematics and science teachers in elementary schools and secondary schools with scientists, mathematicians, and engineers to increase teacher content knowledge and improve teaching skills through the use of more sophisticated laboratory space and equipment, computing facilities, libraries, and other resources that colleges and universities are more able to provide;

(4) develop more rigorous mathematics and science curricula that are aligned with challenging State academic content standards and intended to prepare students for postsecondary study in mathematics and science; and

(5) conduct and evaluate research related to the science of learning and teaching in order to develop ways in which the results of such research can be applied, duplicated, and scaled up for use in low-performing elementary schools and secondary schools to improve the teaching and student achievement levels in mathematics and science.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(2) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) SECONDARY SCHOOL.—The term "secondary school" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. MATHEMATICS AND SCIENCE PARTNERSHIP.

(a) COMPETITIVE GRANT PROGRAM.—During fiscal years 2003 and 2004, the Director shall carry out a mathematics and science partnership program in accordance with the requirements of sections 2201 and 2202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 and 6662), by awarding competitive grants to eligible partnerships (as defined under section 2201 of such Act) in accordance with section 2202(a)(1) of such Act without regard to the amount of funds appropriated for such program under section 2203 of such Act.

(b) FORMULA GRANT PROGRAM.—During fiscal years 2005, 2006, and 2007, the Director shall carry out a mathematics and science partnership program in accordance with the requirements of sections 2201 and 2202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 and 6662), by awarding grants to State educational agencies in accordance with section 2202(a)(2) of such Act without regard to the amount of funds appropriated for such program under section 2203 of such Act.

(c) Shared Plan.—Not later than 120 days after the date of enactment of this Act, the Director and the Secretary of Education shall prepare a plan for the joint administration of this section and submit such plan to Congress for review and comment.

(d) Technical Assistance.—The Director shall provide an eligible partnership or State educational agency, at the request of the eligible partnership or State educational agency, with technical assistance in meeting any requirements of the mathematics and science partnership program carried out by the Director, including providing advice from experts on how to develop—

(1) a high-quality application for a grant or subgrant under the program; and

(2) high-quality activities from funds received from a grant or subgrant under the program.

SEC. 5. ESTABLISHMENT OF RESEARCH ON MATHEMATICS AND SCIENCE LEARNING AND EDUCATION IMPROVEMENT.

(a) Establishment.—From funds appropriated under subsection (g), the Director shall award grants, on a competitive basis, to eligible recipients to—

(1) conduct and evaluate research in cognitive science, education, and related fields associated with the science of learning and teaching mathematics and science; and

(2) develop ways in which the results of such research can be applied, duplicated, and scaled up for use in low-performing elementary schools and secondary schools to improve the teaching and student achievement levels in mathematics and science.

(b) Eligible Recipient.—In this section, the term "eligible recipient" means an institution of higher education, a nonprofit organization, or a consortium of such entities.

(c) Application.—An eligible recipient desiring to receive a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require.

(d) Evaluation.—

(1) In general.—In evaluating the applications submitted under subsection (c), the Director shall consider, at a minimum—

(A) the ability of the eligible recipient to effectively carry out the research program and reduce the eligible recipient's results to effective educational practice;

(B) the experience of the eligible recipient in conducting research on the science of teaching and learning and the capacity of the applicant to foster new multidisciplinary collaborations; and

(C) the capacity of the eligible recipient to attract and provide adequate support for graduate students to pursue research at the intersection of educational practice and basic research on human cognition and learning.

(2) Current practices.—Not less than 1 of the grants awarded by the Director under subsection (a) shall include a comprehensive evaluation of the effectiveness of current mathematics and science teaching practices.

(e) Activities.—An eligible recipient receiving a grant under this section shall—

(1) include, in such recipient's research, the active participation of elementary school and secondary school administrators and mathematics and science teachers; and

(2) submit the results of such recipient's research to the Director.

(f) Coordination.—The Director shall coordinate with the Secretary of Education and the Director of the Office of Science and Technology Policy in—

(1) carrying out this section;

(2) disseminating the results of the research conducted pursuant to grants awarded under this section to elementary school teachers and secondary school teachers; and

(3) providing programming, guidance, and support to ensure that such teachers—

(A) understand the implications of the research disseminated under paragraph (1) for classroom practice; and

(B) can use the research to improve such teachers performance in the classroom.

(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $12,000,000 for fiscal year 2003 and such sums as may be necessary for each of the succeeding fiscal years.

SEC. 6. DUPLICATION OF PROGRAMS.

(a) In General.—The Director shall review the education programs of the National Science Foundation that are in operation as of the date of enactment of this Act to determine whether any of such programs duplicate the programs authorized under this Act.

(b) Implementation.—As programs authorized under this Act are implemented, the Director shall—

(1) terminate any existing duplicative program being carried out by the National Science Foundation or merge the existing duplicative program into a program authorized under this Act; and

(2) not establish any new program that duplicates a program that has been implemented pursuant to this Act.

(c) Report.—

(1) Review.—The Director of the Office of Science and Technology Policy shall review the education programs of the National Science Foundation to ensure compliance with the provisions of this section.

(2) Submission.—Not later than 1 year after the date of enactment of this Act, and annually thereafter as part of the annual Office of Science and Technology Policy's budget submission to Congress, the Director of the Office of Science and Technology Policy shall complete a report on the review carried out under this subsection and shall submit the report to—

(A) the Committee on Science of the House of Representatives;

(B) the Committee on Education and the Workforce of the House of Representatives;

(C) the Committee on Appropriations of the House of Representatives;

(D) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(E) the Committee on Appropriations of the Senate.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—HONORING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM FROM LOUISVILLE, KENTUCKY FOR WINNING THE 2002 LITTLE LEAGUE BASEBALL WORLD SERIES

Mr. BUNNING (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. Res. 320

Whereas on August 25, 2002 the Valley Sports American little League baseball team from Louisville, Kentucky won the Little League Baseball World Series;

Whereas this is the first time a Kentucky team has won the Little League Baseball World Series in the 56-year history of the series;

Whereas the Valley Sports team had an impressive and overall undefeated record of 24 wins and 0 losses, including 4 victories in the playoffs, and winning the championship game;

Whereas the Valley Sports team players, Aaron Alvey, Justin Elkins, Ethan Henry, Alex Hornback, Wes Jenkins, Casey Jordan, Shane Logsdon, Blaine Madden, Zach Osborne, Jake Remines, Josh Robinson and Wes Walden, showed tremendous dedication and sportsmanship throughout the season toward the goal of winning the Little League baseball world championship;

Whereas the Valley Sports team was managed by Troy Osborne, and coached by Keith Elkins and Dan Roach, who all demonstrated professionalism and respect for their players and the game of baseball;

Whereas the Valley Sports team fans from Kentucky showed enthusiasm, support and courtesy for the game of baseball, and all the players and coaches;

Whereas in the 56th Little League Baseball World Series championship game the Valley Sports American baseball team faced the Sendai Higashi Japanese baseball team and came away victorious by a score of 1-0: Now, therefore, be it

Resolved, that the Senate honors the Valley Sports American Little League baseball team from Louisville, Kentucky for winning the 2002 Little League World Series Championship.

SENATE RESOLUTION 321—COMMEMORATING THE 30TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM (AIHEC)

Mr. CAMPBELL (for himself, Mr. DORGAN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. BINGAMAN, Mr. CONRAD, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. Res. 321

Whereas the United States of America and Indian Tribes have a unique legal and political relationship as expressed in the U.S. Constitution, Treaties, Federal statutes and executive orders, court decisions, and course of dealing.

Whereas the United States has committed itself to national educational excellence including excellence in institutions that educate American Indian and Alaska Native children and adults.

Whereas Tribal Colleges and Universities are fully accredited community-based educational institutions devoted to the education, welfare and economic advancement of American Indian communities.

Whereas, the populations in the communities served by Tribal Colleges and Universities are among the poorest of the nation, and the services provided by the Tribal Colleges and Universities enable students to train for and obtain jobs that offer social and economic stability, and serve to reduce welfare dependence in these communities.

Whereas, Tribal Colleges and Universities are chronically underfunded, and in addition to offering their communities higher education opportunities, also function as community centers, libraries, childcare centers, tribal archives, career and business centers, economic development centers, and public meeting places.

Whereas in 1970 President Nixon issued his now-famous "Special Message to Congress on Indian Affairs" rejecting the failed policies of assimilation and termination and heralding the new era of Indian Self Determination.

Whereas in 1972 six Tribal Colleges established the American Indian Higher Education Consortium to empower its member institutions through collective action, construct a national support and communications network, and assist Indian communities and Native people in the field of educational achievement, while nurturing, advocating, and protecting American Indian history, culture, art and language.

Whereas The American Indian Higher Education Consortium consists of 32 Tribal Colleges and Universities located in 12 states that enroll approximately 30,000 full-and part-time students from over 250 Federally-recognized Indian Tribes.

Whereas on July 3, 2002, President Bush issued Executive Order 13270 ensuring that Tribal Colleges and Universities are more fully recognized and integrated into the American family of institutions of higher education.

Whereas tribal Colleges and Universities provide access to information technology critical to full participation in America's economic, political and social life, bridging great distances and transforming learning environment.

Whereas, Tribal Colleges and Universities and their Native communities continue to play an integral role in American Indian education including in assisting in the implementation of the No Child Left Behind Act of 2002. Now, therefore, be it

Resolved, that the Senate of the United States recognizes the essential role Tribal Colleges and Universities play in American Indian communities, honors the vision and commitment of the founders of the American Indian Higher Education Consortium, and celebrates 30 successful years of implementing that vision for the benefit of American Indian peoples across the United States.

Mr. CAMPBELL. Mr. President, I am pleased to be joined today by Senators DORGAN, MURKOWSKI, DOMENICI, BINGAMAN, CONRAD and STABENOW in submitting a resolution to commemorate the establishment of the American Indian Higher Education Consortium that took place in the fall of 1972.

In the late 1960s Indian people began to realize that their futures depended more on their own keen insights, beliefs and actions than on those of the Federal Government or other communities.

This phenomenon was assisted in 1970 when President Nixon issued his "Special Message to Congress on Indian Affairs" which rejected the tried and failed policies of assimilation and termination. Nixon's message launched the era of Indian Self Determination with a renewed focus on local, tribal decision making and economic self sufficiency.

In 1972 six Indian tribal colleges joined forces to form the American Indian Higher Education Consortium, AIHEC, with the goal of creating a network of tribally-controlled institutions of higher education.

The founders of the AIHEC envisioned that through collective action, they could better assist Indian communities and Native people in the field of education and vocational education.

Thirty years later, the American Indian Higher Education Consortium has grown to include 32 Tribal Colleges and Universities located in 12 States with an enrollment of 30,000 students from over 250 federally recognized Indian Tribes.

Tribal Colleges and Universities provide quality higher education to Indian students and have become the "hubs" of a sort for accessing state-of-the-art information technology. It is important to realize that in addition to providing educational opportunities for their communities, these institutions function as community centers, libraries, childcare centers, tribal archives, career and business centers, economic development centers and public meeting places.

The communities served by Tribal Colleges and Universities are among the poorest in the Nation. The training and education provided by Tribal Colleges and Universities allows Native students to prepare for and obtain jobs that offer a decent salary with benefits, and help reduce the trap of dependency that has befallen so many Native people.

On July 3, 2002 President Bush issued Executive Order 13270 recognizing the enduring contributions of Indian Tribal Colleges and Universities and hailing their success on a wide range of issues.

I urge my colleagues to join me in supporting this resolution which recognizes the critical role Tribal Colleges and Universities play in American Indian communities, honors the vision and commitment of the founds of the American Indian Higher Education Consortium, and celebrates 30 successful years of implementing that vision for the benefit of American Indian peoples across the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4472. Mr. BYRD proposed an amendment to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4473. Mr. BYRD (for himself and Mr. BURNS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4474. Mr. BYRD proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4475. Mr. BYRD proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4476. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4477. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4478. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4479. Mr. SMITH, of New Hampshire (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4480. Mr. BYRD (for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, Mr. BAUCUS, and Mr. CAMPBELL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4481. Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. HARKIN, Mrs. CARNAHAN, Mr. BURNS, Mr. DORGAN, Mr. NELSON, of Nebraska, Ms. STABENOW, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. CONRAD, Mr. WELLSTONE, Mr. DAYTON, Mr. SCHUMER, Mr. REID, Mr. BYRD, Mr. EDWARDS, Mr. HATCH, Mr. BINGAMAN, Mr. CLELAND, and Mr. ENZI) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4482. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4483. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4484. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4485. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4486. Mr. WELLSTONE proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4487. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4488. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4489. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4490. Mr. REID proposed an amendment to amendment SA 4486 proposed by Mr. WELLSTONE to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4491. Mr. SMITH, of New Hampshire (for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4492. Mr. REID (for Mrs. BOXER (for himself, Mr. SMITH, of New Hampshire, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and

Mr. MILLER)) proposed an amendment to amendment SA 4491 proposed by Mr. SMITH of New Hampshire (for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

TEXT OF AMENDMENTS

SA 4472. Mr. BYRD proposed an amendment to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), $816,062,000, to remain available until expended, of which $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and of which $3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $821,062,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further*, That of the amount provided, $31,028,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $544,254,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for emergency rehabilitation and wildfire suppression by the Department of the Interior, $110,000,000, to remain available until expended: *Provided*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $110,000,000 shall be available only to the extent an official budget request, that includes designation of the $110,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $220,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $100,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $38,734,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $924,620,000, to remain available until September 30, 2004, except as otherwise provided herein, of which $120,729,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $4,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That not to exceed $10,000,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $5,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $42,182,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of the Kodiak National Wildlife Refuge visitor center may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $89,055,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For administrative expenses associated with a Landowner Incentive Program established in Public Law 107–63, $600,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

STEWARDSHIP GRANTS

For administrative expenses associated with a Private Stewardship Program established in Public Law 107–63, $200,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $99,400,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $43,560,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $60,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned, together with funds appropriated in 2005, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That the United States Fish and Wildlife Service is authorized to grant $500,000 appropriated in Public Law 107–63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 107–63.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,585,065,000, of which $6,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which $90,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; of which not less than $9,000,000 is for reimbursement of the United States Geological Survey for conduct of National Park Service natural resource challenge activities; and of which $4,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,431,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,828,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $10,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $67,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2004, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the President's Committee on the Arts and Humanities: *Provided further*, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $361,915,000, to remain available until expended, of which $1,250,000 for the Eaker Site National Historic Landmark, $2,500,000 for the Virginia City Historic District, and $1,250,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a, and of which $132,058,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 4601–10a are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $238,205,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control of 1985, as amended, for the purposes of such Act, of which $144,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: *Provided*, That of the amounts provided under this heading, $20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended: *Provided*, That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $926,667,000, of which $64,974,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $22,623,000 shall be available until September 30, 2004, for the operation and maintenance of facilities and deferred maintenance; and of which $172,227,000 shall be available until September 30, 2004, for the biological research activity and the operation of the Cooperative Research Units; and of which $4,000,000 shall remain available until expended for interagency research, planning, monitoring, and assessment, for everglades restoration: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That of the amount provided herein, $35,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISION

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $166,322,000, of which $83,284,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2004: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,092,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,745,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,859,135,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $85,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $442,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,686,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2004, may be transferred during fiscal year 2005 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2005.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,252,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2003, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $57,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; and of which $28,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425 and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,464,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $75,217,000, of which: (1) $70,102,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,925,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $75,695,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $47,773,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $36,659,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $151,027,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

For implementation of a water rights and habitat acquisition program pursuant to section 10 of Public Law 106–263, $3,000,000, to remain available until expended, to be derived from the Land and Water Conservation Fund, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for purposes of discretionary spending limits: *Provided*, That these funds may be available for transfer to the Bureau of Indian Affairs.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sec. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Sec. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Sec. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Sec. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Sec. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

Sec. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

Sec. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

Sec. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

Sec. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

Sec. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

Sec. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term "construction", with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an Indian tribe that agrees to fund all future operation and maintenance costs of the tribally controlled school constructed under the demonstration program from other than federal funds receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities.

SEC. 121. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 122. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 123. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 124. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park, the Secretary may obligate the expenditure of fees expected to be received in that fiscal year before they are received, provided that total obligations do not exceed fee collections retained at Zion National Park by the end of that fiscal year.

SEC. 125. Section 6(f) of Public Law 88–578 as amended shall not apply to LWCF program #02–00010.

SEC. 126. None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior may be expended or obligated to issue a Record of Decision or take any action to issue a right-of-way grant for a pipeline or associated facilities related to the Cadiz groundwater storage and dry-year supply program.

SEC. 127. Notwithstanding section 1(d) of Public Law 107–62, the National Park Service is authorized to obligate $1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

SEC. 128. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 129. Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), the Secretary shall provide interim compensation payments of up to $10,000 each within 30 days of the date of the enactment of this Act to all claimants who filed a claim for compensation under the Glacier Bay compensation plan and which has not been rejected or withdrawn and have not received a compensation payment. The amount of final compensation paid to any such claimant shall be reduced by the total dollar amount of any interim compensation payments received.

SEC. 130. None of the funds provided in this Act may be used in the Alaska region to prepare or enforce Compendia including any rule, regulation, policy or management tool that is not promulgated pursuant to the Administrative Procedures Act, including the public comment period.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $252,804,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, treatment of pests, pathogens, and invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $312,972,000, to remain available until expended, as authorized by law, of which $85,000,000 is for the Forest Legacy Program, and $37,750,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That notwithstanding any other provision of law, of the funds provided under this heading, $2,000,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,359,139,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: *Provided further*, That of the funds provided under this heading for Forest Products, $4,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,079,291,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service; *Provided further*, That of the funds provided, $228,109,000 is for hazardous fuel treatment, $3,624,000 is for rehabilitation and restoration, $8,000,000 is for capital improvement and maintenance of fire facilities, $22,127,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $50,383,000 is for state fire assistance, $8,240,000 is for volunteer fire assistance, $11,934,000 is for forest health activities on state, private, and Federal lands, and $7,472,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", "Forest and Rangeland Research", and "Capital Improvement and Maintenance" accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized in this section, on and adjacent to Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(1) local private, nonprofit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;

(3) small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $290,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $290,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $565,656,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which, $84,866,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That the Forest Service shall transfer $500,000 appropriated in Public Law 107–63 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: *Provided further*, That notwithstanding any provision of law, funds provided for construction of facilities at Purdue University in Indiana in this Act, in the amount of $3,100,000 shall be available to the University.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $157,679,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $4,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $60,000,000 shall not be available until October 1, 2003: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $650,965,000, to remain available until expended, of which $1,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. §7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,831,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $921,741,000, to remain available until expended: *Provided*, That $285,798,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $240,000,000 for weatherization assistance grants and $45,798,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,487,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $174,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $8,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,466,280,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $450,130,000 for contract medical care shall remain available for obligation until September 30, 2004: *Provided further*, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That notwithstanding any other provision of law, annuity health benefits payments made in previous years by the U.S. Department of Defense for Indian Health Service commissioned corps retirees, will continue to be paid in such manner in fiscal year 2003 without subsequent charges billed to the agency: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That of the amounts provided for Indian Health Services, $15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least $100,000 shall be available for an independent third party to conduct an evaluation of the program: *Provided further*, That no more than 5 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further*, That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $374,765,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That $5,000,000 shall remain available until expended for the purpose of funding up to two joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: *Provided further*, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2003, the financial capability necessary to provide an appropriate facility: *Provided further*, That joint venture funds unallocated after March 1, 2003, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: *Provided further*, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further*, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: *Provided further*, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $14,491,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,130,000, of which $1,000,000 shall remain available until expended for construction of the Library Technology Center.

Smithsonian Institution

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $450,760,000, of which not to exceed $43,884,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building: *Provided further*, That from unobligated balances of prior year appropriations, $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), $81,300,000, to remain available until expended, of which $16,750,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed $100,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction of the National Museum of the American Indian, including necessary personnel, $20,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

National Gallery of Art

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $78,219,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,488,000.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $118,489,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $19,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $111,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

Commission of Fine Arts

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

National Capital Planning Commission

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

United States Holocaust Memorial Museum

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

Presidio Trust

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 309. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, and 107-63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 310. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 311. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 312. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 313. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 314. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 315. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 316. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 317. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 318. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 319. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 320. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 321. REVISION OF FOREST PLANS. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 322. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 323. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277 is amended by striking "2004" and inserting "2005". The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: *Provided*, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1.

SEC. 324. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, beginning in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 325. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 326. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under Section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), Section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2003 under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 327. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: *Provided* *further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2003".

SA 4473. Mr. BYRD (for himself and Mr. BURNS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of Title I, add the following new section:

"SEC. . Hereafter, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation."

SA 4474. Mr. BYRD proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 83, line 13, strike "$650,965,000" and insert in lieu thereof "$640,965,000".

SA 4475. Mr. BYRD proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 26, line 15, strike "315" and insert in lieu thereof "301".

SA 4476. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, lines 11 and 12, strike "$42,182,000, to remain available until expended:" and insert "$42,682,000, to remain available until expended, of which $500,000 shall be made available for the World Birding Center in Mission, Texas:".

On page 14, line 26, strike "$89,055,000" and insert "$88,555,000".

On page 15, line 5, insert ", of which $500,000 shall be made available for the Lower Rio Grande Valley National Wildlife Refuge" before the colon.

SA 4477. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 6, strike "such Act" and insert "such Act, of which not less than $3,000,000 shall be made available to acquire scenic and conservation easements for the Sawtooth National Recreation Area in the State of Idaho".

SA 4478. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 23, before the period, insert the following: ": *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease".

SA 4479. Mr. SMITH of New Hampshire (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, line 2, before the period, insert the following: ": *Provided further*, That $4,000,000 shall be made available to carry out programs to demonstrate proton exchange membrane fuel cell-based ground support equipment at Manchester Airport, New Hampshire, Logan International Airport, Massachusetts, and Detroit Metro Airport, Michigan".

SA 4480. Mr. BYRD (for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, Mr. BAUCUS, and Mr. CAMPBELL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 2, immediately following the "." insert the following:

TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BURAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay prior year advances from other appropriations transferred for emergency rehabilitation or wildfire suppression by the Department of the Interior, $189,000,000, to be available immediately upon enactment of this Act and to remain available until expended: *Provided*, that the Secretary of the Interior shall certify in writing to the House and Senate Committees on Appropriation within 30 days of receiving funds under this title which appropriations accounts from which funds were advanced in fiscal year 2002 for emergency rehabilitation or wildfire suppression have been repaid and the amount of repayment: *Provided, further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay prior year advances from appropriations accounts from which funds were borrowed for wildfire suppression, $636,000,000, to be available immediately upon enactment of this Act and to remain available until expended: *Provided*, that the Secretary of Agriculture shall certify in writing to the House and Senate Committees on Appropriation within 30 days of receiving funds under this title which appropriations accounts from which funds were advanced in fiscal year 2002 for wildfire suppression have been repaid and the amount of repayment: *Provided, further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4481. Mr. DASCHLE, (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. HARKIN, Mrs. CARNAHAN, Mr.. BURNS, Mr. DORGAN, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. CONRAD, Mr. WELLSTONE, Mr. DAYTON, Mr. SCHUMER, Mr. REID, Mr. BYRD, Mr. EDWARDS, Mr. HATCH, Mr. BINGAMAN, Mr. CLELAND and Mr. ENZI) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 01. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the

Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 and 2002 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, and January 1, 2002, respectively, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105–277; 114 Stat. 1549A–51).

SEC. ___03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title upon enactment.

SEC. ___04. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. ___05. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SEC. . CONGRESSIONAL BUDGET ACT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

SA 4482. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AGE AND OTHER LIMITATIONS.

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term "certificate holder" means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) RESERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to undergo additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

SA 4483. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FOOD AND DRINKING WATER SUPPLY SECURITY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) section 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5180) authorizes the purchase of food commodities to provide adequate supplies of food for use in any area of the United States in the event of a major disaster or emergency in the area;

(2) the current terrorist threat was not envisioned when that Act was enacted, and the Act does not specifically require prepositioning of food supplies;

(3) the maintenance of safe food and drinking water supplies is essential;

(4) stored food supplies for major cities are minimal;

(5) if terrorist activity were to disrupt the transportation system, affect food supplies directly, or create a situation in which a quarantine would have to be declared, it would require a considerable period of time to ensure delivery of safe food supplies;

(6) terrorist activity could also disrupt drinking water supplies; and

(7) accordingly, emergency food and drinking water repositories should be established at such locations as will ensure the availability of food and drinking water to populations in areas that are vulnerable to terrorist activity.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report with information necessary to the establishment of secure prepositioned emergency supplies of food and drinking water for major population centers for use in the event of a breakdown in the food supply and delivery chain.

(2) CONSIDERATIONS.—The report shall consider the likelihood of such breakdowns occurring from accidents and natural disasters as well as terrorist activity.

(3) CONTENTS.—The report shall—

(A) identify the 20 most vulnerable metropolitan areas or population concentrations in the United States; and

(B) make recommendations regarding the appropriate number of days' supply of food to be maintained to ensure the security of the population in each such area.

(c) REPOSITORIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish secure repositories for food and drinking water in each of the 20 areas identified in the report.

(2) ACCESSIBILITY.—The repositories shall be locally accessible without special equipment in the event of major transportation breakdown.

(d) PURCHASE OF SUPPLIES.—

(1) IN GENERAL.—The Secretary of Agriculture shall purchase and maintain food and water stocks for each repository, consistent with determinations made by the Secretary of Homeland Security.

(2) PHASING IN.—Purchases and full stocking of repositories may be phased in over a period of not more than 3 years.

(3) PRODUCTS OF THE UNITED STATES.—The Secretary of Agriculture shall purchase for the repositories food and water supplies produced, processed, and packaged exclusively in the United States.

(4) SELECTION.—Food and water supplies for the repositories shall be selected and managed so as to provide—

(A) quantities and packaging suitable for immediate distribution to individuals and families;

(B) forms of food products suitable for immediate consumption in an emergency without heating and without further preparation;

(C) packaging that ensures that food products are maximally resistant to postproduction contamination or adulteration;

(D) packaging and preservation technology to ensure that the quality of stored food and water is maintained for a minimum of 4 years at ambient temperatures;

(E) a range of food products, including meats, seafood, dairy, and vegetable (including fruit and grain) products, emphasizing, insofar as practicable—

(i) food products that meet multiple nutritional needs, such as those composed primarily of high-quality protein in combination with essential minerals; and

(ii) food products with a high ratio of nutrient value to cost;

(F) rotation of stock, in repositories on a regular basis at intervals of not longer than 3 years; and

(G) use of stocks of food being rotated out of repositories for other suitable purposes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 4484. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL DEFENSE RAIL CONNECTION.

(a) FINDINGS.—Congress finds that—

(1) A comprehensive rail transportation network is a key element of an integrated transportation system for the North American continent, and federal leadership is required to address the needs of a reliable, safe, and secure rail network, and to connect all areas of the United States for national defense and economic development, as previously done for the interstate highway system, the Federal aviation network, and the transcontinental railroad;

(2) The creation and use of joint use corridors for rail transportation, fiber optics, pipelines, and utilities are an efficient and appropriate approach to optimizing the nation's interconnectivity and national security;

(3) Government assistance and encouragement in the development of the transcontinental rail system successfully led to the growth of economically strong and socially stable communities throughout the western United States;

(4) Government assistance and encouragement in the development of the Alaska Railroad between Seward, Alaska and Fairbanks, Alaska successfully led to the growth of economically strong and socially stable communities along the route, which today provide homes for over 70% of Alaska's total population;

(5) While Alaska and the remainder of the continental United States has been connected by highway and air transportation, no rail connection exists despite the fact that Alaska is accessible by land routes and is a logical destination for the North American rail system;

(6) Rail transportation in otherwise isolated areas is an appropriate means of providing controlled access, reducing overall impacts to environmentally sensitive areas over other methods of land-based access;

(7) Because Congress originally authorized 1,000 miles of rail line to be built in Alaska, and because the system today covers only approximately half that distance, substantially limiting its beneficial effect on the economy of Alaska and the nation, it is appropriate to support the expansion of the Alaska system to ensure the originally planned benefits are achieved;

(8) Alaska has an abundance of natural resources, both material and aesthetic, access to which would significantly increase Alaska's contribution to the national economy;

(9) Alaska contains many key national defense installations, including sites chosen for the construction of the first phase of the National Missile Defense system, the cost of which could be significantly reduced if rail transportation were available for the movement of materials necessary for construction and for the secure movement of launch vehicles, fuel and other operational supplies;

(10) The 106th Congress recognized the potential benefits of establishing a rail connection to Alaska by enacting legislation to authorize a U.S.-Canada bilateral commission to study the feasibility of linking the rail system in Alaska to the nearest appropriate point in Canada of the North American rail network; and

(11) In support of pending bilateral activities between the United States and Canada, it is appropriate for the United States to undertake activities relating to elements within the United States.

(b) IDENTIFICATION OF NATIONAL DEFENSE RAILROAD-UTILITY CORRIDOR.—

(1) Within one year from the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Transportation, the State of Alaska and the Alaska Railroad Corporation, shall identify a proposed national defense railroad-utility corridor linking the existing corridor of the Alaska Railroad to the vicinity of the proposed National Missile Defense facilities at Fort Greely, Alaska. The corridor shall be at least 500 feet wide and shall also identify land for such terminals, stations, maintenance facilities, switching yards, and material sites as are considered necessary.

(2) The identification of the corridor under paragraph (1) shall include information providing a complete legal description and noting the current ownership of the proposed corridor and associated land.

(3) In identifying the corridor under paragraph (1), the Secretary shall consider, at a minimum, the following factors:

(A) The proximity of national defense installations and national defense considerations;

(B) The location of and access to natural resources that could contribute to economic development of the region;

(C) Grade and alignment standards that are commensurate with rail and utility construction standards and that minimize the prospect of at-grade railroad and highway crossings;

(D) Availability of construction materials;

(E) Safety;

(F) Effects on and service to adjacent communities and potential intermodal transportation connections;

(G) Environmental concerns;

(H) Use of public land to the maximum degree possible;

(I) Minimization of probable construction costs;

(J) An estimate of probable construction costs and methods of financing such costs through a combination of private, state, and federal sources; and

(K) Appropriate utility elements for the corridor, including but not limited to petroleum product pipelines, fiber-optic telecommunication facilities, and electrical power transmission lines, and

(L) Prior and established traditional uses.

(4) The Secretary may, as part of the corridor identification, include issues related to the further extension of such corridor to a connection with the nearest appropriate terminus of the North American rail network in Canada.

(c) NEGOTIATION AND LAND TRANSFER.—

(1) The Secretary of the Interior shall—

(A) upon completion of the corridor identification in subsection (b), negotiate the acquisition of any lands in the corridor which are not federally owned through an exchange for lands of equal or greater value held by the federal government elsewhere in Alaska; and

(B) upon completion of the acquisition of lands under paragraph (A), the Secretary shall convey to the Alaska Railroad Corporation, subject to valid existing rights, title to the lands identified under subsection (b) as necessary to complete the national defense railroad-utility corridor, on condition that the Alaska Railroad Corporation construct in the corridor an extension of the railroad system to the vicinity of the proposed national missile defense installation at Fort Greely, Alaska, together with such other utilities, including but not limited to fiber-optic transmission lines and electrical transmission lines, as it considers necessary and appropriate. The Federal interest in lands conveyed to the Alaska Railroad Corporation under this Act shall be the same as in lands conveyed pursuant to the Alaska Railroad Transfer Act (45 U.S.C. 1201 et seq.).

(d) APPLICABILITY OF OTHER LAWS.—Actions authorized in this Act shall proceed immediately and to conclusion not withstanding the land-use planning provisions of Section 202 of the Federal Land Policy and Management Act of 1976, P.L. 94-579.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SA 4485. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 136, between lines 15 and 16, insert the following:

SEC. 172. AIRLINE PASSENGER SCREENING.

Section 44901(b) of title 49, United States Code, is amended—

(1) by striking "All screening of passengers" and inserting:

"(1) IN GENERAL.—All screening of passengers"; and

(2) by adding at the end the following:

"(2) TREATMENT OF PASSENGERS.—Screening of passengers under this section shall be carried out in a manner that —

"(A) is not abusive or unnecessarily intrusive;

"(B) ensures protection of the passenger's personal property; and

"(C) provides adequate privacy for the passenger, if the screening involves the removal of clothing (other than shoes) or a search under the passenger's clothing.".

SA 4486. Mr. WELLSTONE proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

After section 171, insert the following:

SEC. . PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b).

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) Definitions and Special Rules.—For purposes of this section—

(1) Rules for application of subsection (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) Certain stock disregarded.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) Plan deemed in certain cases.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) Certain transfers disregarded.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) Special rule for related partnerships.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) Treatment of certain rights.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) Expanded affiliated group.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) Foreign incorporated entity.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) Other definitions.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) Waiver.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

SA 4487. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INTERAGENCY HOMELAND SECURITY FUSION CENTERS.

(a) In General.—The Secretary shall establish a system of Interagency Homeland Security Interagency Fusion Centers—

(1) to coordinate the interagency fusion of maritime homeland security information focusing on the air and sea approaches to the United States;

(2) to facilitate information sharing between all of the participating agencies; and

(3) to provide intelligence cuing to the appropriate agencies concerning maritime threats to the homeland security of the United States.

(b) Membership.—Each Interagency Homeland Security Fusion Center shall be composed of individuals designated by the Secretary, and may include representatives of—

(1) the United States Coast Guard;

(2) the United States Customs Service;

(3) the Drug Enforcement Administration;

(4) the Department of Defense;

(5) the Immigration and Naturalization Service;

(6) the Transportation Security Administration;

(7) the Federal Bureau of Investigation;

(8) the Central Intelligence Agency;

(9) the National Security Agency;

(10) any other Federal agency the Secretary deems necessary; and

(11) representatives of such foreign governments as the President may direct.

(c) Function.—Interagency Fusion Centers shall—

(1) have access to all participating agencies' databases and information systems with adequate protections to ensure their security;

(2) collect, fuse, analyze, and disseminate information from the participating agencies concerning, but not limited to, tracking vessels, cargo, and persons of interest to identify and locate potential homeland security threats to the United States; and

(3) immediately alert all pertinent agencies to potential homeland security threats.

(d) Implementation Report.—No later than 1 year after the date of enactment of this Act, the Secretary shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives detailing a plan to implement the Interagency Homeland Security Fusion Centers required by this section. The report shall—

(1) specify the number and location of the Interagency Homeland Security Fusion Centers required;

(2) provide a transition plan to implement these centers, which will name the agencies to be involved;

(3) delineate the manner in which these centers will operate in conjunction or in place of other intelligence or fusion centers currently in existence; and

(4) propose any needed changes in authorities for the agencies involved in the Interagency Homeland Security Fusion Centers.

SA 4488. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . COAST GUARD FUNDING FLOORS.

(a) In General.—No budget request submitted to the Congress pursuant to section 1105 of title 31, United States Code, for fiscal year 2004 or fiscal year 2005 shall contain a request for any Federal department that includes, for the Coast Guard, a reduction in annual total spending and annual internal budget allocations for each non-homeland security mission area below the appropriated levels and allocations for fiscal year 2002 or fiscal year 2003, whichever is greater for each area.

(b) Non-Homeland Security Missions.—The term "non-homeland security missions" means the following missions of the Coast Guard:

(1) Marine safety.

(2) Search and rescue.

(3) Aids to navigation.

(4) Living marine resources (fisheries law enforcement).

(5) Marine environmental protection.

(6) Ice operations.

(c) Waiver.—

(1) In general.—The President may waive the requirements of subsection (a) if the Commandant of the Coast Guard recommends at the same time to the President and to the Congress that such a waiver is necessary in order to mitigate substantially the consequences of a specific major accident, respond successfully to a specific and unanticipated national or international crisis, counter a specific, unanticipated threat to United States homeland security, or otherwise react satisfactorily to a specific, unanticipated event occurring within the Coast Guard's mission areas, any of which that has occurred since the date of the enactment of this Act.

(2) Justification.—The Commandant's recommendation to the President and the Congress shall include a detailed justification for the recommendation, including the specific information upon which the recommendation is based and the specific reasons why the Coast Guard could not effectively respond to the accident, crisis, threat, or event within the aforementioned restrictions.

(3) Intelligence certification.—Any recommendation for a waiver based on the need to counter a specific, unanticipated threat to United States homeland security shall be accompanied by a certification by the Director of Central Intelligence that—

(A) there exists a preponderance of credible, accurate, and compelling evidence within the Intelligence Community that demonstrates that the threat upon which the Commandant's recommendation is based is real, unanticipated, and acute, and that immediate action must be taken to counter it; and

(B) the Intelligence Community is taking specific and decisive steps to reduce significantly the probability that such threats will be unanticipated in the future.

SA 4489. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPORT ON ACCELERATING THE INTEGRATED DEEPWATER SYSTEM.

No later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Commandant of the Coast Guard shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations of the Senate and the House of Representatives that—

(1) analyzes the feasibility of accelerating the rate of procurement in the Coast Guard's Integrated Deepwater System from 20 years to 10 years;

(2) includes an estimate of additional resources required;

(3) describes the resulting increased capabilities;

(4) outlines any increases in the Coast Guard's homeland security readiness;

(5) describes any increases in operational efficiencies; and

(6) provides a revised asset phase-in time line.

SA 4490. Mr. REID proposed an amendment to amendment SA 4486 proposed by Mr. WELLSTONE to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005 to establish the Department of Homeland Security, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) In General.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b).

(b) Inverted Domestic Corporation.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) Definitions and Special Rules.—For purposes of this section—

(1) Rules for application of subsection (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) Certain stock disregarded.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) Plan deemed in certain cases.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) Certain transfers disregarded.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) Special rule for related partnerships.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) Treatment of certain rights.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) Expanded affiliated group.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) Foreign incorporated entity.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) Other definitions.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) Waiver.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

This section shall take effect one day after the date of this bill's enactment.

SA 4491. Mr. SMITH of New Hampshire (for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

At the appropriate place, insert the following new title:

TITLE —FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION 1. SHORT TITLE.

This title may be cited as the "Arming Pilots Against Terrorism and Cabin Defense Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Terrorist hijackers represent a profound threat to the American people.

(2) According to the Federal Aviation Administration, between 33,000 and 35,000 commercial flights occur every day in the United States.

(3) The Aviation and Transportation Security Act (Public Law 107–71) mandated that air marshals be on all high risk flights such as those targeted on September 11, 2001.

(4) Without air marshals, pilots and flight attendants are a passenger's first line of defense against terrorists.

(5) A comprehensive and strong terrorism prevention program is needed to defend the Nation's skies against acts of criminal violence and air piracy. Such a program should include—

(A) armed Federal air marshals;

(B) other Federal agents;

(C) reinforced cockpit doors;

(D) properly-trained armed pilots;

(E) flight attendants trained in self-defense and terrorism prevention; and

(F) electronic communications devices, such as real-time video monitoring and hands-free wireless communications devices to permit pilots to monitor activities in the cabin.

SEC. 3. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) In General.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44921. Federal flight deck officer program

"(a) Establishment.—Not later than 90 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish a program to deputize qualified pilots of commercial cargo or passenger aircraft who volunteer for the program as Federal law enforcement officers to defend the flight decks of commercial aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

"(b) Qualified Pilot.—Under the program described in subsection (a), a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

"(1) is employed by an air carrier;

"(2) has demonstrated fitness to be a Federal flight deck officer in accordance with regulations promulgated pursuant to this title; and

"(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(c) Training, Supervision, and Equipment.—The Under Secretary of Transportation for Security shall provide or make arrangements for training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. The Under Secretary may approve private training programs which meet the Under Secretary's specifications and guidelines. Air carriers shall make accommodations to facilitate the training of their pilots as Federal flight deck officers and shall facilitate Federal flight deck officers in the conduct of their duties under this program.

"(d) DEPUTIZATION.—

"(1) IN GENERAL.—The Under Secretary of Transportation for Security shall train and deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

"(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

"(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

"(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

"(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary of Transportation for Security shall authorize a Federal flight deck officer under this section to carry a firearm to defend the flight deck of a commercial passenger or cargo aircraft while engaged in providing air transportation or intrastate air transportation. No air carrier may prohibit a Federal flight deck officer from carrying a firearm in accordance with the provisions of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of a commercial aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

"(h) LIMITATION ON LIABILITY.—

"(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

"(3) EMPLOYEE STATUS OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall be considered an 'employee of the Government while acting within the scope of his office or employment' with respect to any act or omission of the officer in defending an aircraft against acts of criminal violence or air piracy, for purposes of sections 1346(b), 2401(b), and 2671 through 2680 of title 28 United States Code.

"(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

"(j) PILOT DEFINED.—In this section, the term 'pilot' means an individual who is responsible for the operation of an aircraft, and includes a co-pilot or other member of the flight deck crew.".

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter 449 is amended by inserting after the item relating to section 44920 the following new item:

"44921. Federal flight deck officer program.".

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking "and" at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.".

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. 4. CABIN SECURITY.

(a) TECHNICAL AMENDMENTS.—Section 44903, of title 49, United States Code, is amended—

(1) by redesignating subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons, as added by section 126(b) of public law 107-71) as subsection (j); and

(2) by redesignating subsection (h) (relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as added by section 144 of public law 107-71) as subsection (k).

(b) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Section 44918 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) IN GENERAL.—

"(1) REQUIREMENT FOR AIR CARRIERS.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions. In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, and terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

"(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration. The Division shall develop and administer the implementation of the requirements described in this section. The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary. In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation. The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force. Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.";

(2) by striking subsection (b), and inserting the following new subsection:

"(b) PROGRAM ELEMENTS.—

"(1) IN GENERAL.—The requirements prescribed under subsection (a) shall include, at a minimum, 28 hours of self-defense training that incorporates classroom and situational training that contains the following elements:

"(A) Determination of the seriousness of any occurrence.

"(B) Crew communication and coordination.

"(C) Appropriate responses to defend oneself, including a minimum of 16 hours of hands-on training, with reasonable and effective requirements on time allotment over a 4 week period, in the following levels of self-defense:

"(i) awareness, deterrence, and avoidance;

"(ii) verbalization;

"(iii) empty hand control;

"(iv) intermediate weapons and self-defense techniques; and

"(v) deadly force.

"(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary).

"(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

"(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

"(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

"(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

"(A) A certification program for the instructors who will provide the training described in paragraph (1).

"(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

"(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after receiving the requirements described in subsection (a).

"(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

"(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

"(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

"(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck.

"(6) REAL-TIME VIDEO MONITORING.—The requirements described in subsection (a) shall include a program to provide flight deck crews with real-time video surveillance of the cabins of commercial airline flights. In developing this program, the Under Secretary shall consider—

"(A) maximizing the security of the flight deck;

"(B) enhancing the safety of the flight deck crew;

"(C) protecting the safety of the passengers and crew;

"(D) preventing acts of criminal violence or air piracy;

"(E) the cost of the program;

"(F) privacy concerns; and

"(G) the feasibility of installing such a device in the flight deck."; and

(3) by adding at the end the following new subsections:

"(f) RULEMAKING AUTHORITY.—Notwithstanding subsection (j) (relating to authority to arm flight deck crew with less than-lethal weapons) of section 44903, of this title, within 180 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

"(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

"(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

"(g) LIMITATION ON LIABILITY.—

"(1) AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.".

(c) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a nonlethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall prepare and submit to Congress a report on the study conducted under paragraph (1).

SA 4492. Mr. REID (for Mrs. BOXER (for herself, Mr. SMITH of New Hampshire, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER)) proposed an amendment to amendment SA 4491 proposed by Mr. SMITH of New Hampshire (for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE —FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION 1. SHORT TITLE.

This title may be cited as the "Arming Pilots Against Terrorism and Cabin Defense Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Terrorist hijackers represent a profound threat to the American people.

(2) According to the Federal Aviation Administration, between 33,000 and 35,000 commercial flights occur every day in the United States.

(3) The Aviation and Transportation Security Act (public law 107–71) mandated that air marshals be on all high risk flights such as those targeted on September 11, 2001.

(4) Without air marshals, pilots and flight attendants are a passenger's first line of defense against terrorists.

(5) A comprehensive and strong terrorism prevention program is needed to defend the Nation's skies against acts of criminal violence and air piracy. Such a program should include—

(A) armed Federal air marshals;

(B) other Federal agents;

(C) reinforced cockpit doors;

(D) properly-trained armed pilots;

(E) flight attendants trained in self-defense and terrorism prevention; and

(F) electronic communications devices, such as real-time video monitoring and hands-free wireless communications devices to permit pilots to monitor activities in the cabin.

SEC. 3. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§44921. Federal flight deck officer program

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish a program to deputize qualified pilots of commercial cargo or passenger aircraft who volunteer for the program as Federal law enforcement officers to defend the flight decks of commercial aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

"(b) QUALIFIED PILOT.—Under the program described in subsection (a), a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

"(1) is employed by an air carrier;

"(2) has demonstrated fitness to be a Federal flight deck officer in accordance with regulations promulgated pursuant to this title; and

"(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide or make arrangements for training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. The Under Secretary may approve private training programs which meet the Under Secretary's specifications and guidelines. Air carriers shall make accommodations to facilitate the training of their pilots as Federal flight deck officers and shall facilitate Federal flight deck officers in the conduct of their duties under this program.

"(d) DEPUTIZATION.—

"(1) IN GENERAL.—The Under Secretary of Transportation for Security shall train and deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

"(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

"(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

"(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

"(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary of Transportation for Security shall authorize a Federal flight deck officer under this section to carry a firearm to defend the flight deck of a commercial passenger or cargo aircraft while engaged in providing air transportation or intrastate air transportation. No air carrier may prohibit a Federal flight deck officer from carrying a firearm in accordance with the provisions of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of a commercial aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

"(h) LIMITATION ON LIABILITY.—

"(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

"(3) EMPLOYEE STATUS OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall be considered an 'employee of the Government while acting within the scope of his office or employment' with respect to any act or omission of the officer in defending an aircraft against acts of criminal violence or air piracy, for purposes of sections 1346(b), 2401(b), and 2671 through 2680 of title 28 United States Code.

"(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

"(j) PILOT DEFINED.—In this section, the term 'pilot' means an individual who is responsible for the operation of an aircraft, and includes a co-pilot or other member of the flight deck crew.".

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter 449 is amended by inserting after the item relating to section 44920 the following new item:

"44921. Federal flight deck officer program.".

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking "and" at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.".

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. ___4. CABIN SECURITY.

(a) TECHNICAL AMENDMENTS.—Section 44903, of title 49, United States Code, is amended—

(1) by redesignating subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons, as added by section 126(b) of public law 107–71) as subsection (j); and

(2) by redesignating subsection (h) (relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as added by section 144 of public law 107–71) as subsection (k).

(b) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Section 44918 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) IN GENERAL.—

"(1) REQUIREMENT FOR AIR CARRIERS.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions. In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, and terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

"(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration. The Division shall develop and administer the implementation of the requirements described in this section. The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary. In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation. The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force. Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.";

(2) by striking subsection (b), and inserting the following new subsection:

"(b) PROGRAM ELEMENTS.—

"(1) IN GENERAL.—The requirements prescribed under subsection (a) shall include, at a minimum, 28 hours of self-defense training that incorporates classroom and situational training that contains the following elements:

"(A) Determination of the seriousness of any occurrence.

"(B) Crew communication and coordination.

"(C) Appropriate responses to defend oneself, including a minimum of 16 hours of hands-on training, with reasonable and effective requirements on time allotment over a 4 week period, in the following levels of self-defense:

"(i) awareness, deterrence, and avoidance;

"(ii) verbalization;

"(iii) empty hand control;

"(iv) intermediate weapons and self-defense techniques; and

"(v) deadly force.

"(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary).

"(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

"(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

"(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

"(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

"(A) A certification program for the instructors who will provide the training described in paragraph (1).

"(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

"(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after receiving the requirements described in subsection (a).

"(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

"(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

"(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

"(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck.

"(6) REAL-TIME VIDEO MONITORING.—The requirements described in subsection (a) shall include a program to provide flight deck crews with real-time video surveillance of the cabins of commercial airline flights. In developing this program, the Under Secretary shall consider—

"(A) maximizing the security of the flight deck;

"(B) enhancing the safety of the flight deck crew;

"(C) protecting the safety of the passengers and crew;

"(D) preventing acts of criminal violence or air piracy;

"(E) the cost of the program;

"(F) privacy concerns; and

"(G) the feasibility of installing such a device in the flight deck."; and

(3) by adding at the end the following new subsections:

"(f) RULEMAKING AUTHORITY.—Notwithstanding subsection (j) (relating to authority to arm flight deck crew with less than-lethal weapons) of section 44903, of this title, within 180 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

"(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

"(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

"(g) LIMITATION ON LIABILITY.—

"(1) AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.".

(c) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a nonlethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall prepare and submit to Congress a report on the study conducted under paragraph (1).

The provisions of this amendment shall take effect one day after date of enactment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 4, 2002 at 4 p.m., to hold a nomination hearing.

AGENDA

Nominees: Mr. John R. Dawson, of the District of Columbia, to be Ambassador to the Republic of Peru (to be introduced by the Honorable Bob Dole, former U.S. Senator); Mr. Antonio O. Garza, Jr., of Texas, to be Ambassador to Mexico (to be introduced by the Honorable Kay Bailey Hutchison and the Honorable Phil Gramm); and Mrs. Linda E. Watt, of Florida, to be Ambassador to the Republic of Panama.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, September 4, 2002, at 10 a.m., in SD-430. The following item will be considered: S. 2758, the Child Care and Development Block Grant.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, September 4, 2002 from 9:30 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on "An AMBER Alert National System" on Wednesday, September 4, 2002, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.

Panel: Robbie Callaway, Chairman, National Center for Missing and Exploited Children, Alexandria, VA; Sharon and Nichole Timmons, Mother and victim of abduction, Riverside, CA; Edward Fritts, President and CEO, National Association of Broadcasters, Washington, DC; Joe Farrow, Deputy Commissioner, California Highway Patrol, Sacramento, CA; Marc Klaas, Father of Polly Klaas, Victim of abduction, Sausalito, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Brenda Toineeta, an Interior Department employee on detail to the majority staff, be granted the privilege of the floor during consideration of H.R. 5093, the Interior appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that Nancy Perkins, a detailee from the office of Senator JUDD GREGG, be granted the privilege of the floor during the consideration of the Interior appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Peter Mali, a fellow on my staff, be granted the privilege of the floor during the consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that William Denk, a fellow on the Finance Committee, be granted the privilege of the floor for the pendency of the homeland security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Chairman of the Banking, Housing and Urban Affairs Committee, pursuant to Public Law 106–569, announces the appointment of the following individuals to be members of the Lands Title Report Commission: Dore A. Bietz of Toulumne, California; Juel C. Burnette III of Brandon, South Dakota; Thomas Livermont of Pierre, South Dakota; and Thomas H. Shipps of Durango, Colorado.

HONORING THE 2002 LITTLE LEAGUE BASEBALL WORLD SERIES WINNER

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 320, which was introduced earlier today by Senator BUNNING.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 320) honoring the Valley Sports American Little League baseball team from Louisville, Kentucky, for winning the 2002 Little League Baseball World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BUNNING. Mr. President, I rise today to take this opportunity, along with my colleague from Kentucky, Senator MCCONNELLL, to speak in support of this resolution honoring the Valley Sports American Little League Baseball Team from Louisville, Kentucky for winning the 2002 Little League Baseball World Series.

This is the first time in the 56-year history of the Little League World Series that a team from Kentucky has won the championship.

And all of us throughout the commonwealth are very proud of these young men and their coaches.

In fact, this team made it through their entire playoff run without losing a single game—24 games and 24 wins. As someone who played and managed professional baseball for over a quarter-century, I can tell my colleagues just how difficult it is to win 24 games in a row at any level of the sport.

Over the last month, when major league players were bickering with owners about salaries and revenue-sharing and drug-testing, the little leaguers showed the best of what baseball and our young people have to offer.

They played with grit, determination and great skill. They displayed spectacular sportsmanship along with giving us some of the finest baseball you will ever see.

The young men from Valley Sports played America's national pastime as it is meant to be played.

I take this opportunity to congratulate all of these young men—Aaron Alvey, Justin Elkins, Ethan Henry, Alex Hornback, Wes Jenkins, Casey Jordan, Shane Logsdon, Blaine Madden, Zach Osborne, Jake Remines, Josh Robinson and Wes Walden—along with their manager and coaches—Troy Osborne, Keith Elkins and Dan Roach—for this remarkable achievement.

Their heart and determination are models for us all. In my mind, they are all true all stars.

Mr. REID. Mr. President, I might note just in passing, this is a resolution honoring the Kentucky baseball team that won the Little League World Series, and there can be no better person to do this than the Senator from Kentucky, who is a member of the professional Baseball Hall of Fame. So I think it is worth noting that a Member of the U.S. Senate, who is a member of the Baseball Hall of Fame, offers a resolution commending his State's team for winning the Little League World Series.

I ask consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

ORDERS FOR THURSDAY, SEPTEMBER 5, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Interior Appropriations Act; further at noon there be a period of morning business until 1 o'clock, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Republican leader or his designee, and the second half under the control of the majority leader or his designee, and that at 1 p.m. the Senate resume consideration of the Homeland Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTES ON PENDING AMENDMENTS

Mr. REID. Mr. President, we have two amendments also that are now pending, the Wellstone amendment and the Smith amendment. One is dealing with corporate offshore locations, the other deals with guns in cockpits of airplanes. They are both very important amendments.

I hope we could vote on these tomorrow. Remember, we have the ceremony in New York on Friday; therefore, we will not be able to get back on this legislation until next week.

I know there is some concern about the Wellstone amendment by some Senators, but I hope there would not be an effort to delay this very important legislation because of this amendment.

We are going to vote on it. It is only a question of when. People already know what they are going to do on this. So I hope we could move this legislation along. I think it will send a significant message to the President that this week we accomplished something on this bill that he feels so strongly about and that the two managers of this bill feel strongly about.

I think it would send the wrong message if we have no votes this week. The only reason we would not have votes is because the minority will not allow us to have votes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:31 p.m., adjourned until Thursday, September 5, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 4, 2002:

NATIONAL CONSUMER COOPERATIVE BANK

RAFAEL CUELLAR, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE SHEILA ANNE SMITH, TERM EXPIRED.

MICHAEL SCOTT, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE EWEN W. WILSON.

DEPARTMENT OF STATE

FRANCIS X. TAYLOR, OF MARYLAND, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE DAVID G. CARPENTER.

FRANCIS X. TAYLOR, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY), VICE DAVID G. CARPENTER, RESIGNED.

GROVER JOSEPH REES, OF LOUISIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF EAST TIMOR.

NATIONAL MUSEUM SERVICES BOARD

ELIZABETH J. PRUET, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004, VICE DAVID A. UCKO, TERM EXPIRED.

JUDITH ANN RAPANOS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2002, VICE KINSHASHA HOLMAN CONWILL, TERM EXPIRED.

JUDITH ANN RAPANOS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007. (REAPPOINTMENT)

EDWIN JOSEPH RIGAUD, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2002, VICE ARTHUR ROSENBLATT, TERM EXPIRED.

EDWIN JOSEPH RIGAUD, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007. (REAPPOINTMENT)

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003, VICE ALBERTA SEBOLT GEORGE, TERM EXPIRED.

MARGARET SCARLETT, OF WYOMING, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007, VICE JERRY D. FLORENCE, TERM EXPIRING.

BETH WALKUP, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003, VICE ROBERT G. BREUNIG, TERM EXPIRED.

DAVID DONATH, OF VERMONT, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004, VICE JEANNE R. FERST, TERM EXPIRED.

NANCY S. DWIGHT, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005, VICE AYSE MANYAS KENMORE, TERM EXPIRED.

A. WILSON GREENE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004, VICE CHARLES HUMMEL, TERM EXPIRED.

MARIA MERCEDES GUILLEMARD, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005, VICE LISA A. HEMBRY, TERM EXPIRED.

PETER HERO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006, VICE ALICE RAE YELEN, TERM EXPIRED.

THOMAS E. LORENTZEN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006, VICE PHILLIP FROST, TERM EXPIRED.

TERRY L. MAPLE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005, VICE TOWSEND WOLFE, TERM EXPIRED.

PETER MARZIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006, VICE RUTH Y. TAMURA, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES P. ACLY, 0768
MICHAEL D. AKEY, 2758
LAWRENCE N. APPEL, 2956
MICHAEL W. ARENSMEYER, 9512
STEPHEN M. ATKINSON, 0798
ROBERT J. BAYLOR, 5860
RAY A. BOOSINGER, 4265
CAROLYN F. BRAY, 9542
PATRICIA A. BURKHART, 4832
GEORGE A. CIBULAS, 2771
LAWRENCE W. COLE, 3943
KEVIN F. DANNEMANN, 8910
BURNETT L. DEYERLE III, 6695
CHARLES M. FARO, 5695
STEVEN J. FILO, 2097
JONATHAN S. FLAUGHER, 6128
STEVEN D. FRIEDRICKS, 7427
JAMES K. FULGINITI, 0907
SHARON M. GANN, 0007
DENNIS R. GRIES, 6764
THOMAS E. HAMMEN, 9756
FRANCIS J. HANZELKA, 6719
MICHAEL P. HARE, 7668
SUSANNE T. HECHINGER, 9164
GARRY T. HICKS, 4785
DAVID M. HOOPER, 8083
HAROLD P. HUDNALL JR., 3413
JOHN K. KEENAN, 2028
MARK R. KRAUS, 2773
KARL H. KROMER, 4420
JOSEPH L. LENGYEL, 6443
WILLIAM L. LEVAY, 6132
ANTHONY T. MAIDA II, 6636
JOHN E. MCCAIGE II, 2588
KELLY K. MCKEAGUE, 6016
JOHN W. MCWILLIAMS, 2898
ADOLFO MENENDEZJIMENEZ, 4369
LODA R. MOORE, 7982
PHILLIP E. MURDOCK, 1049
BILLY K. PATE, 3127
GEORGE A. PAVLICIN, 8113
DANIEL L. PEABODY, 2171
HARVEY D. PERKINS, 6972
ROBERT E. PIERCE, 8294
KENNY RICKET, 7110
MICHAEL W. RITZ, 5495
ALEX D. ROBERTS, 7680
JOSE A. RODRIGUEZMUNOZ, 6882
HERIBERTO ROSA, 0934
THOMAS R. SCHIESS, 0337
SCOTT B. SCHOFIELD, 3538
WILLIAM H. SHAWVER JR., 2181
DANIEL E. SHEWMAKER, 4221
DEBRA A. SKELTON, 8357
CRAIG E. SNOW, 2392
REBECCA S. STEIDLE, 4264
JAMES T. STRADER JR., 4458
JOHN P. SWIFT, 1692
DANNY H. THOMAS, 2888
KELLY TIMMONS, 8663
MARY ANN TIPTON, 9766
WILLIAM N. WADE, 7162
ERIC G. WELLER, 2274
GEORGE G. WHITE JR., 6586
CARL R. WILLERT, 8912
DAVID A. WILSON, 4422
JAMES R. WILSON, 3656

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be commander

GUERRY H HAGINS, 8592
ALAN L JACOBS, 7068
ALAN J JARUSEWSKI, 0983
JOHN N LUND, 8190

To be lieutenant commander

STANLEY D ADAMS, 5483
STEVEN K BRADY, 0509
BARBARA A COLEMAN, 0313
REBECCA A CRICHTON, 9046
VIVIAN M DEVINE, 9820
STACY K DIPMAN, 6281
KIM E DIXON, 7857
PATRICK W FERINDEN, 0584
GLENN J GARGANO, 8610
DAVID W GIBSON, 1147
KELLY M GOODIN, 2296
BRADLEY H HAJDIK, 5071
KAMERON K KERNS, 6344
MARIA I KORSNES, 7236
EDWARD NIEVES, 3553
STEVEN D NYTKO, 7183
STEPHEN S REDMOND, 0207
BRYAN C STILL, 9235
JEFFREY B WALKER, 3732
JAMES B WARD, 5218
DONNA M WILLIAMS, 8167

To be lieutenant

TAMMERA L ACKISS, 9418
MARK E ALLEN, 1611
CHRISTOPHER R ANDERSON, 4834
ERNESTO C ANDRADA JR., 8492
MATTHEW J ARNOLD, 6227
DEANGELO ASHBY, 8110
DANIEL J AUGUST, 2814
GERARD D AVILA, 2939
GILBERT AYAN, 2938
ANTHONY W BAGNETTE, 7301
BRUCE W BEAM, 0961
THOMAS P BELSKY, 4526
DENNIS A BENFIELD JR., 0483
THOMAS M BESTAFKA, 8553
JAY A BIESZKE, 0177
DAVID BLACKMAN, 5624
JENNIFER BLAZEWICK, 8258
JAMES W BOERNER, 1238

LIAM O BOOHER, 0718
JOSEPH A BOVERI, 1291
MICHAEL P BRADLEY, 4888
MATTHEW BRADSHAW, 5418
STEPHEN K BRENNEMAN, 5498
JOHN H BRIGHT III, 0577
ANDREW P BROWN, 8635
SYLVESTER BROWN JR., 6612
CHRISTOPHER G BRYANT, 0029
SAMUEL C BRYANT, 9527
KENNETH W BURKE JR., 5324
DONALD A BUTLER, 2196
SANTIAGO B CAMANO, 5623
GEORGE R CARAMICO, 0073
GERARDO A CARITAN, 1436
JAMES A CARLILL, 8930
DEANNA S CARPENTER, 8885
TODD R CARPENTER, 8969
DERRICK E CARROLL, 4144
CHARLES L CATHER, 0674
DENISE L CHANNELL, 5475
MICHAEL R CHAPARRO, 2375
TOBIAS CHAPPELL, 1942
GALO E CHAVES, 3077
JOHN J CHEN, 7818
THANONGDETH T CHINYAVONG, 6614
DANIEL CIMMINO, 3173
JUSTIN B CLANCY, 2824
THANE C CLARE, 6861
BRUCE L CLARK, 0650
PAUL W CLARK, 8095
MICHAEL J CLARY, 2498
MICHAEL A COMSTOCK, 0942
CHRISTOPHER M CONDON, 4657
SEAN P CONVOY, 5439
TIMOTHY A CRADDOCK, 3351
IAN G CRAIG, 4194
JOHANNA E CRAWFORD, 9832
MARK L CUMMINGS, 5339
MARTIN L CUMMINS, 8542
TUNG S DANG, 1346
MATTHEW B DANIELS, 8857
MINJI DANIELS, 7082
HUBERT C DANTZLER III, 2597
WILLIAM G DAVIS III, 8622
DEREK B DAWSON, 3209
GRANT W DAWSON, 1826
MATTHEW B DELABARRE, 6432
DEBORAH L DIEHL, 5747
RODRIGO M DILL, 0960
ANDREW R DITTMER, 2337
CHRISTOPHER T DOLLARD, 7892
WILLIAM A DOODY, 2955
JAQUELINE G M DROTAR, 6994
ROBERT C ECHOLS, 9536
JAMES D EKBERG, 8283
JAMES R FARRAR, 0171
BRANT A FELDMAN, 7828
TYRONE P FIELDS, 4404
LANCE M FLOOD, 9394
CLAYTON FOLEY, 1951
DONALD M FOSS JR., 7048
SEAN M FOSS, 9022
EDWARD R FOSSATI, 4123
JAMES D FOUNTAIN, 4094
EDWARD C FOXWORTH JR., 6896
JOHATHAN A FRAZIER, 9699
DEANDREA G FULLER, 0545
MARCUS N FULTON, 5157
LENNY FUTERMAN, 6801
JUAN R GARCIA, 0871
MATTHEW W GARRISON, 1960
CHRISTOPHER C GAVINO, 3229
JASON A GMEINER, 5491
CASSIE A GORMAN, 0828
TYRONE W GORRICK, 4980
THOMAS R GOUDREAU, 6298
DOUGLAS GRABER, 5910
JOSEPH R GREENTREE, 2333
THERESA M GREGORY, 0583
TIMOTHY R GRIFFIN, 1235
CHRISTOPHER M GUOAN, 8336
GLENN E HANKS, 3072
MICHAEL C HARPER, 5897
KEVIN S HARRIS, 9730
RICHARD D HARVEY, 1261
DAVID B HAUSWIRTH, 1489
ERIK D HENDERSON, 8754
MICHAEL K HERBERT II, 2833
CHRISTOPHER M HERRON, 2206
THOMAS C HERZIG, 2273
NEWTON D HIGH, 1393
CARL C HINK, 5329
MICHAEL E HOBAUGH, 8039
SCOTT B HOBBS, 5220
ANDREW R HOUSE, 1406
JULIE A HRDLICKA, 3847
KENNETH M HUGHES, 1324
COLLEEN D HUSSION, 7753
TODD E HUTCHISON, 9896
CHARLES B JACKEL, 4286
ANTHONY A JACKSON, 5676
CARL S JAMES, 8198
JAY D JAMISON, 0095
RONALD J JENKINS, 6863
CEDRICK L JESSUP, 5693
JOSEPH P JOHNSON, 3642
DARREN T JONES, 3927
DOMINIC J JONES, 4426
THOMAS C JONES, 4381
BRANDON S KEITH, 6783
MARIE J KELLEY, 0387
BARRY F KERTANIS, 0568
JAMES T KING, 8993
ZAKI N KIRIAKOS, 5674
MICHAEL T KOERNER, 6683
RAGHAV KOTVAL, 2547
JASON G KRANZ, 8740
TASYA Y LACY, 1772
PETER T LAIRD, 8499
LAWRENCE LAKEOTES, 6322
HAROLD LANE, 5707
PHILLIP M LAVALLEE, 0073
MICHAEL D LAWRENCE, 6339
JAMES K LE, 8232
DAVID T LEE, 7728
JOHN E LEE III, 3061
BRYAN H LEESE, 5889
MARK A LITKOWSKI, 2350
ROBERT S LOEB, 2707
DARYL J LOTEMPIO, 5331
GERALD C LOWE, 2510
ROBERT T LYON, 7780
RONALD P MALLOY, 8244
JOHN S MARINOVICH, 3287
BOGOLJUB MARKOVICH JR., 7091
BOBBY J MARTINEZ, 8271
RONALD MATA, 1179
STEPHEN B MAY, 5204
TAMARA L MCCRACKEN, 3644
JAMES D MCGOWAN, 2687
RICHARD J MCGUIRE, 0708
LISA M MCLAUGHLIN, 9088
THOMAS B MCLEMORE, 9830
CARLOS E MENDOZA, 1233
THOMAS S MENTZER, 0355
RICARDO MERCADO, 9753
GARRETT H MILLER, 4284
JEFFREY A MILLER, 3065
MARIA C MILLSAP, 0392
MARK L MITCHELL, 6887
GARY G MONTALVO JR., 9266
DYLAN MONTES, 6533
DEMICHAEL T MORGAN, 6972
JEFFREY A MORRIS, 2850
PAUL F MOUNTEL, 7834
GARY J MULLEN JR., 6072
DANIEL S NEAL, 8738
DANIEL K NEICE, 4533
TODD A NELMS, 8840
KEVIN E NELSON, 1826
HEATHER C NOHR, 3519
SEAN T OCONNOR, 7879
BRUCE E OSBORNE, 8238
JOSHU OSMANSKI, 9141
JAMES C PABELICO, 3789
BRAULIO PAIZ, 5985
CHRISTINE C PALARCA, 5461
JASON A PARISH, 2563
MARY K PARKER, 0931
RAYMOND A PAUL JR., 7887
DAVID D PETERSON, 2484
LONNIE R PHILLIPS, 9852
JEFFREY D PIZANTI, 6470
KIMBERLY A PIZANTI, 9746
CARLOS A PLAZAS JR., 0810
COREY J PLOCHER, 0717
JOSEPH C POPE, 0802
WILLIAM R POTTS, 7763
MELISSA POWERS, 5281
BRETT A PUGSLEY, 3759
MICHAEL J RAK, 9583
HOMERO RAMOS, 4678
ANNE G REED, 5859
SEAN E REPLOGLE, 5660
MARK A REYES, 3004
LIA M REYNOLDS, 8240
JAMES V RIDEOUT, 8135
ANGEL A RIVERA, 1983
SCOTT D ROBERTS, 6533
SEAN P ROCHELEAU, 2856
PETER M RODNITE, 2735
DANIEL J ROGERS, 7123
AARON C RUGH, 6030
SONDRA M SANTANA, 2151
TODD A SAYLOR, 8112
JOSEPH R SCHAAF, 2222
DAVID L SCHOO, 9328
ASHLY H SCHWARTZ, 9159
MITCHELL J SEAL, 5790
BRANDON G SELLERS, 9933
SARA E SHAFFER, 3577
DAVID D SHAND, 1624
THAD J SHARP, 3054
WILLIAM C SHOEMAKER, 0633
ROBERT Y SHU, 4066
CARL C SMART, 7825
JANICE G SMITH, 0436
SAMUEL A SMITH, 8574
JONATHAN A STALEY, 2422
MITCHELL S STREB, 5745
ANDREW J SULLIVAN, 0626
BRIAN C SUMMERFIELD, 3811
MICHAEL J SZCZERBINSKI, 2569
BRYAN R TANNEHILL, 1793
JOSHUA P TAYLOR, 1482
DANIEL W TESTA, 8249
ROBERT G TETREAULT, 1993
DAVID A THEIN, 9328
BLAKE J TORNGA, 4492
ELIZABETH J TOUSE, 5438
MICHAEL P TOUSE, 7434
DANIEL R TOVAR JR., 9280
JOHN E TURNER, 6824
DONALD C USSELMAN, 9541
JOHN F VANPATTEN, 4975
JEREMY T VAUGHAN, 6663
ELIZABETH G VOGEL, 6221
JON VOIGTLANDER, 8487
JEFFREY R VRCHOTICKY, 0674
MICHEAL K WAGNER, 0664
ANDRU E WALL, 6038
SHAREE L WEBB, 8886
CAROLINE D WELBORN, 9560
MATTHEW T WILCOX, 8620
RICHARD L WILHOITE, 5672
PAUL D WILL, 8178
ETHAN R WILLIAMS, 9141
SARA S WILSON, 8517
JOHN R WITHERS, 8814
BRET G WITT, 6459
JASON M WOOD, 7774
WILLIAM WRIGHT, 9796
ABRAHAM N YOUNCE, 8634
ROYCE YUNG, 8326
RICHARD A ZASZEWSKI, 3530

To be lieutenant junior grade

HOLLY A BIDWELL, 5131
STEPHEN R BIDWELL, 4583
BRIAN L CLAPP, 2800
PATRICK T CONNOR, 8570
RICHARD K CORDLE, 6089
DENNIS A COX, 8588
CURTIS W CRONIN, 2019
DANNY H CRUZ, 4887
BRIAN G CUNNINGHAM, 5185
JARROD D DONALDSON, 5275
MARC K FARNSWORTH, 5584
CHARLES E FISHER, 8290
ANGELO D FONTANAZZA, 0600
TRENNY R FOSTER, 0423
JASON P FOX, 9415
JOSHUA J GAMEZ, 9261
CHRISTOPHER T GAY, 9923
CHRISTOPHER J GILBERTSON, 2866
LOUIS M GUTIERREZ, 4039
ERIC W HAHN, 1659
DAVID J HANEY, 2495
BRAD D HORNING, 4420
RICHARD C JOHNSTON, 5815
DORIS E KRAFT, 9821
ALICE Y LIBURD, 0321
ROBERTO MALDONADO, 9585
MATTHEW J MARTIN, 1599
SHANNON A MARTIN, 8232
BRIAN A MARTINEZ, 0796
JAMES T MERCHANT, 4025
AMY M MITCHELL, 5517
DAMIAN N NGO, 2449
DAVID B NOYA, 8448
CRISPIN N PAVELSKI, 6022
RAJSHAKER G REDDY, 1879
LENSWORTH A SAMUEL, 0258
MICHAEL J SAVARESE, 4480
CHRISTOPHER SIMPSON, 6806
CHRISTOPHER E SMITH, 5526
VORACHAI SRIBANDITMONGKOL, 3250
TRENT M THOMPSON, 7831
JOHN A TURNER, 7243
JEREMY E VELLON, 0606
MICHAEL D WAGNER, 0886
MARC F WILLIAMS, 1411
PAMELA J WILLIAMS, 0260
MICHAEL D WISECUP, 5438
CHRISTOPHER J WOOD, 4366
MATTHEW A WRIGHT, 0473

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SCOTT A ANDERSON, 3498
WASNA C CLEMMONS, 9049
JOHN J COYNE, 0800
RONALD J HOLZMAN, 2788
GEORGE F KELLY, 1972
DAVID G LU, 8050
PHILIP E MARK, 3612
DARREN L MCFALL, 3809
GREGORY R MENARD, 1039
JEFFREY B MONTGOMERY, 6799
KENNETH A PIECZONKA, 3356
PAUL N SHIELDS, 3831
DAVID R STIEGER, 7047
HIRAM THOMPSON JR., 0277
GWENDOLYN WILLIS, 0817

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOUGLAS P BARBER JR., 6671
RALPH L BOWERS, 0492
DANIEL R CROUCH, 5373
MICHAEL A DILAURO, 7298
JOSEPH J ELDRED, 3254
DAMIAN D FLATT, 0123
PETER D GALINDEZ, 8697
PATRICK J GIBBONS, 3802
MARC F GUARIN, 9138
GLENN R HANCOCK, 7749
MARK C HOLLEY, 4788
DONALD C KING, 2537

JAMES A LINK. 2094
SALVATORE M MAIDA JR., 3667
RYAN J MCBRAYER. 5637
TALLEY E MCINTYRE. 5416
FERNETTE L MOORE. 7701
JENNIFER L ROPER. 6226
TREVOR A RUSH. 1523
MELISSA E SCRUGGS. 2255
DANIEL P SHANAHAN. 6967
DOUGLAS R VELVEL. 0784

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PHILLIP M ADRIANO. 4197
DAVID M AGEY. 6745
VANITA AHUJÀ. 1407
THERESA A ALBRIGHT. 4745
DAVID E ALLEN. 4939
ANGELA M ALLEVI. 6805
JENNIFER M ALMY. 7255
HERNAN O ALTAMAR. 9789
PAUL B ALVORD. 5067
STEPHEN P ARLES. 8694
RODNEY A ARMAND. 9690
DAVID C ASSEFF. 6223
JAY A AVILA II. 6063
PHILIP D BAILEY JR., 1658
LORRAINE F BARRON. 1452
ROBERT V BARTHEL. 8018
JERRY Q BARTON. 0627
STEPHEN J BELL. 0094
JASON H BENNETT. 7352
CHRISTOPHER J BERRY. 4173
MARK A BICKERT. 5318
SUZANNE C BILYEU. 0358
PENELOPE M BLALACK. 7121
PAUL L BLASKOWSKI. 9393
KATY L BLOSS. 9812
BRIAN R BOGGS. 2376
MICHAEL M BOND. 6376
RODERICK C BORGIE. 6857
BARBARA J BOROWY. 2408
BRIAN N BOWES. 0401
MICHELLE M BOYANCE. 9675
DAVID A BOYD. 4630
DANIEL R BREAZEALE. 3564
ELISABETH M BRITTON. 4892
BRIAN T BROCHU. 3729
ALEXANDER S BROUGH III. 4128
BELINDA A BROWN. 7140
DOUGLAS E BROWN. 5281
JENNIFER L BROWN. 9608
KEVIN J BROWN. 7585
ROBERT M BROWN. 3621
ANN M BUFF. 3326
HAN Q BUI. 6562
RACHEL A BURKE. 5076
JEANNE M BUSCH. 9841
ERIK R BYLUND. 5841
MICHAEL CACKOVIC. 1562
THOMAS A CAPOZZA. 3028
ALEXIOS G CARAYANNOPOULOS. 1913
SCOTT J CARLSON. 4111
LUTHER I CARTER. 2663
TINO CHEN. 6078
NORAK P CHHIENG. 8142
GENOLA C CHILDS. 0680
EDWARD H CHIN. 7011
CHRISTOPHER B CHISHOLM. 4818
BOEU M CHON. 5837
PERRIN C CLARK. 9188
BRUCE D CLEMONS. 0127
JENNIFER A COADY. 1180
LENA F COBBS. 6355
GEORGE S CONLEY. 2852
GERALD L COOKE. 4774
JASON CORD. 3199
RICKY COTTRELL. 9099
JOSEPH E CUMMINGS. 5433
MICHELE A DANAHER. 4340
EBONEE L DAVIS. 5254
DOUGLAS J DENNETT. 8079
RUCHIRA S D DENSERT. 2360
RAYMOND M DEPA. 5064
BRENDA M DEPAOLA. 4291
ALBERT G DIDARIO. 3135
ARFAN M DIN. 0856
WILLIAM R DODGE. 7590
EDWIN C DOE. 6661
JOSEF F DOENGES. 8539
ANDREA B DONALTY. 9791
FRANK M DOSSANTOS. 6233
BRADLEY S DOWLING. 5384
DAVID M DROMSKY. 3883
ANGELA M DROZ. 1184
JAMES E DUNCAN. 5392
WILLIAM D DUTTON. 4022
FRANK S ELLIOTT. 9839
MICHAEL E EPPERLY. 9819
REGINALD S EWING III. 8204
KIMBERLY E FAGEN. 0922
MAUREEN E FARRELL. 0706
MARTHA FEENAGHTY. 2419
JEFFREY H FEINBERG. 9219
MICHAEL E FENTON. 1669
JACQUELINE M FIGNAR. 6788
CYNTHIA S FLORES. 1267
ANNE T FOX. 6874
ROBB S FRIEDMAN. 6733
JACOB L FRIESEN JR., 4593
DANA E GAFFNEY. 0062
DEREK A GAGNON. 7907
DAVID P GALLUS. 4567
KATERINA M GALLUS. 0199
JORGE A GARCIA. 9025
SANJIV J GHOGALE. 0088
MICHAEL S GIBSON. 9703
WILLIAM M GILL. 6786
JAMIE L GLADDEN. 8200
MAURICE L GOINS. 6173
ANGELA G GOPEZ. 2871
SEAN E GORETZKE. 9696
GREGORY H GORMAN. 3719
SHAWN D GRANT. 6957
FRANK T GRASSI. 8050
DONALD J GREEN. 7465
MEAGAN L GREGA. 4958
BENJAMIN T GRIFFETH. 2805
FRANCISCO J GUTIERREZ. 8268
CHRISTOPHER B HAAS. 8666
DAVID M HAAS. 1667
DAVID K HADLEY. 7350
TIMOTHY W HAEGEN. 0579
GREGORY J HALL. 2410
ARLENE L HANKINSON. 8098
ERIK M HAPP. 0335
ADRIENNE K HARPER. 9331
DAVID W HAYNES. 4523
DAVID Y HEALY JR., 6415
KARI K HEBER. 1780
ALAN C HEFFNER. 2042
ROBERT L HELMER. 5032
SCOTT A HENKE. 0923
MICHAEL E HERMAN. 1592
ERIC D HIGH. 7173
PAUL HLADON. 8640
TUAN N HOANG. 7077
JASON W HOLLENSBE. 3545
JAMES S HOUSTON. 6368
ROBERT T HOWARD. 3318
SEAN M HUSSEY. 9561
SCOTT L ITZKOWITZ. 3132
SARAH R JAMES. 6194
WENDY L JOHNSON. 4816
MICHAEL KASELIS. 0541
DAVID L KAY. 5099
MICHAEL P KEITH. 1405
STEPHEN J KELLAM. 2020
MARGARET KELLY. 3416
JERRY M KELTON. 0915
STEWART M KERR. 4856
CALLIOPE E KIM. 3055
KENNETH R KNECHT. 6989
BRIAN K KNIGHTON. 6823
NAIM V KOCHIU. 0660
STEPHEN G KOLKOW. 1802
VICTORIA W KOU. 3771
STEVEN M KRISS. 2731
MARCIA P KUCABA. 8692
MICHAEL A KUHN. 7034
RON C KUZDAK. 1368
DAVID S LAMBERT. 6469
EDWARD W LAMBERT III. 4624
WILLIAM LAND. 8968
KENDRA L LARKIN. 0281
LORIE A LASHBROOK. 4627
BRIAN D LAWENDA. 9182
EDITH R LEDERMAN. 2578
CURTIS E LEHMAN. 1920
HELENE W LHAMON. 2422
JOSEPH J LIENERT. 1454
DAVID C LOPRESTI. 5985
AMY K LUCKEYDOO. 0864
GUY L LUND. 5266
LAWRENCE J MADEWELL. 0909
MOHAMMAD A MALIK. 1058
LUIS E MARQUEZ. 4770
ERIC J MARSH. 2114
AMY H MARTIN. 2015
GARY L MARTIN. 6089
TIMOTHY E MATTISON. 5325
DAVID B MAY. 0696
JOHN M MCDONALD. 0580
EDWIN T MCGROARTY. 1336
JAMES M MCKEE. 4166
STEVEN T MEISTER. 4363
ERIC E MERRILL. 7809
DANIEL C MIELNICKI. 1481
STEPHEN J MILBACK. 7124
ERIC S MITCHELL. 6113
GREGG J MONTALTO. 0028
DAVID K MOORE. 6617
PETER A MORAWIECKI. 9009
CARLOS E MOREYRA. 3140
HEATH A MORGAN. 2644
PATRICK J MORGANTE. 2137
ANDREW M MORTON. 5080
HEATHER MOSS. 5122
AMY L MRUGALA. 2572
KURT H MUELLER. 0209
PATRICK E MUFFLEY. 9221
KESHAV R NAYAK. 5193
DANA L NEWSWANGER. 5565
OAHN T NGUYEN. 2421
KELLY B NICHOLS. 1049
LESLEY A NURSE. 0535
LINCOLN F NYMEYER. 1935
CHERYL K OKADO. 4079
PETER L OMALLEY. 5484
WILLIAM P OMEARA. 0412
LANCE M ORR. 3080
LUCIEN R OUELLETTE. 6141
MICHAEL D OWENS. 2960
AMBER L PADDOCK. 2180
ALTON B PARKER. 9164
SCOTT G PARSONS. 9905
BRET N PASIUK. 2384
SAYJAL J PATEL. 8533
LISA A PAZDERNIK. 1536
GEOFFREY A PECHINSKY. 1139
DENISE L PEET. 8687
ARTHUR S PEMBERTON. 4287
JOSEPH F PENTA. 7028
MICHELLE M PERELLO. 5562
ROBERT W PERKINS. 3165
ROBERT J PETERSON. 7087
MICHAEL D PETRUCCI. 4754
ANDREW C PFAFFENBACH. 5802
SUZANN K PIA. 7345
JENNIFER E PIERCE. 2846
REBECCA A PIFER. 9096
SCOTT A PLAYFORD. 1179
PETER R POGACAR. 9178
COLLEEN POWERS. 9317
SUSAN C POWERS. 8026
TYLER M PROUT. 9505
AMY A PULOSKI. 1910
ALFREDO R RAMIREZ. 2404
JAMIE A RAMSAY. 5864
FREDERICK J REED. 3955
SHARON B REED. 9053
JAMES J REEVES. 7347
DAVID H REFERMAT. 3575
WENDY R REGAL. 4469
ROBERT J REMINGTON. 7791
CORINNE R REPLOGLE. 9596
KATHERINE M REYES. 9109
CAROLYN C RICE. 6631
BROWYN P RICHARDS. 3867
MARK S RIDDLE. 1236
DE D R L RIEGO. 6894
AMY E RINDFLEISCH. 6770
ROWLAND J RIVERO. 0081
CARLOS J RODRIGUEZ. 9615
TIMOTHY B ROONEY. 9316
DAVID C ROSKA. 4067
PETER J ROSSI. 4630
STEVEN L ROVENSTINE. 8655
TIMOTHY E SAYLES. 3340
CHAD W SCAROLA. 4074
SANDRA A SCHAFFRANEK. 7155
KATHERINE I SCHEXNEIDER. 9045
LINETTE T SCOTT. 0503
LISA J SCOTT. 4795
DANIEL F SEIDENSTICKER. 2871
RICHARD P SERIANNI. 5234
STEPHEN W SEWARD. 3901
ROBERT P SHAFER. 3925
NOMI SHAOOL. 1049
TODD A SHEER. 2682
INGRID V SHELDON. 7648
QIHENG J SHEN. 9758
KEVIN M SHERLOCK. 6555
TERESA K SHERMAN. 3414
DANIEL L SHERWOOD. 0437
DANNY T SHIAU. 6568
DEVIN M SHOQUIST. 4652
PETER R SHUMAKER. 0987
ROBERT SILK. 0916
PATRICK S SIPE. 4246
CHARLES R SMALLING JR., 4675
CHAD J SMITH. 1992
COREY R SMITH. 6673
DIONNE J SMITH. 6199
DOUGLAS F SMITH. 7959
JOHN H SMITH JR., 5010
MATTHEW D SOMMONS. 0148
MICHAEL J SORNA II. 1693
ERIC T STEDJELARSEN. 8834
NICOLE L STERNITZKY. 6583
JENNIFER N STILL. 2804
MARK F STRASSBURG. 8982
JOSEPH E STRAUSS. 7050
CHRISTOPHER D STREETER. 7415
NICKI S TARANT. 9951
MORA N C TENEZA. 1030
KENNETH A TERHAAR. 6285
MICHAEL W TERKILDSEN. 8297
ERIC L THOMAS. 4249
JOHNNA S THOMAS. 7968
JODY R THOMPSON. 9721
DAVID R TOMLINSON. 1083
KIMBERLY P TOONE. 7259
KENNETH A TOTZ. 4457
MARK D TRAVIS. 4497
WADE R TRAVIS. 5772
ARVIN W TRIPPENSEE. 0036
DEBRA A TUCKER. 7128
MARK H TUCKER. 4212
MARIANNE W C TULLUS. 8934
GRETCHEN M TULLY. 9953
NATHAN S UEBELHOER. 5649
ROBERT T VANHOOK. 0090
LORI L VANSCOY. 7286
ROSITA M VEGA. 4968
STACY L VOLKERT. 0285
RICHARD A WADDELL. 8160
DAIN E WAHL. 2003
COREY W WALKER. 0549
RHONDA A WALLACE. 9868
WILLIAM C WALLACE. 6310
MICHAEL J WALT. 0477
JOHN R WALTERS. 3186

SAM O WANKO, 9654
REBECCA M WANKUM, 1150
SONYA N WATERS, 0765
DAVID E WEBSTER, 9161
LEE P N WEISE, 3656
SHERRILL L WELLER, 4480
MICHAEL W WENTWORTH, 6538
ADAM C WENZLIK, 6274
JAMES C WEST, 6262
KIM M WEVER, 4866
ERIC A WHEATLEY, 2072
TIMOTHY J WHITMAN, 9686
JESSICA B WILLERT, 2599
RICHARD M WILLEY, 0216
LEILA S WILLIAMS, 5789
RONALD M WILLIAMS, 0713
EVAN R WILLIAMSON, 4610
FREDERICK M WILSON, 1372
CRAIG M WOMELDORPH, 8776
SUSAN S WONG, 4686
KOLAN C WRIGHT, 3175
LAURA S WRIGHT, 7514
MICHAEL J YABLONSKY, 8940
KARL L YEN, 1450
AMY T YOUNG, 2186
PATRICK E YOUNG, 1077
CRAIG E ZINDERMAN, 2546
NEIL A ZLATNISKI, 2452

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KRISTIN ACQUAVELLA, 7567
PAUL A ARMSTRONG, 2106
BRIAN R BALDUS, 1773
THOMAS P BASTOW, 0068
JOHN R BLACKBURN, 4091
JASON A BRIDGES, 7724
PATRICK S BROWN, 4388
CHAD B BURKE, 0906
LARRY D BURTON, 0190
KEVIN N CARADONA, 1218
EUGENE S CASH, 7720
JEFFREY M CORLISS, 8155
CHRISTOPHER J CORRIGAN, 8398
ALBERTO C CRUZ, 8146
CURTIS A CULWELL, 9795
GEORGE W DANIEL, 2154
ANDREW R DARNELL, 8323
DANIEL D DAVIDSON, 1278
JUSTIN D DEBORD, 1473
GLENN T DIETRICK, 4066
BRADLEY E EMERSON, 9132
DION D ENGLISH, 9349
MARK A ESCOE, 9874
KENNETH A S FAULKNER, 9937
MICHAEL FAY, 1994
JIMMY D FINLEY, 5570
DANIEL F FINNEY, 8298
JUSTIN K FRANCIS, 7052
MARC P GAGE, 2582
JOHN C GASSER, 5878
PLISKA L GILLIAM, 1337
BRIAN J GINNANE, 2436
PHILLIP A GIST, 0363
JOSE GONZALES, 7748
ADAM H GRAY, 4546
WESLEY A GRIFFIN, 0537
DAVID GWALTNEY, 5226
STEVEN C HARPER, 0077
PAUL A HASLAM, 3179
JAMES G HENDRICKSON JR., 8989
CODY L HODGES, 7293
MATTHEW P HOFFMAN, 7665
GREGG A HUDAK, 9901
JAMES P INGRAM, 7008
MATTHEW J JACOBS, 1819
DARRELL M JOHNSTON, 0251
TRENT C KALP, 2926
ROBERT A KEATING, 8311
MICHAEL E KINGMAN, 6652
PATRICK E KOEHLER, 8856
CHRISTOPHER D LIGHT, 1672
EDWARD MARTINEZ, 5562
CALVIN MATTHEWS JR., 1251
RONALD C MONTEHERMOSO, 5171
ERIC A MORGAN, 7456
SPENCER A MOSELEY, 0592
RICHARD H MOSLEY, 2127
DAVID F MURREE, 5717
CHRISTOPHER T NELSON, 3870
JAMES A NEUMAN, 7208
HARRY X NICHOLSON, 2118
SHAWN B NORWOOD, 9443
MICHAEL P OCONNELL, 3795
DARREL E OLSOWSKI, 0547
TERRY L OWENS, 8912
RICHARD A PAQUETTE, 9069
WILLIAM J PARRISH, 6035
ELISABETH G PETERS, 4271
JAMEAU PRYOR, 3025
JEFFREY W RAGGHIANTI, 7210
NICKOLAS L RAPLEY, 2493
CHAD R RIDDER, 5922
RICHARD R RIKER, 1239
RICKY L ROBINS, 5734
BRIAN V ROSA, 7867
KRIS E RUNAAS, 5896
COLLEEN C SALONGA, 9032
BRIAN G SCHORN, 0092
BRETT M SCHWARTZ, 9093
THOMAS A SCOTT, 2400
EDWARD L STEVENSON, 0788
KIRK M SWIANTEK, 0927
PAMELA S THEORGOOD, 9444
JAMES T THOMAS, 4503
CANE A TOUSSAINT, 4802
ROGELIO L TREVINO, 7483
JOSHUA L TUCKER, 1018
BRETT A WAGNER, 5962
JEROME R WHITE, 6340
DANIEL S WILCOX, 1580
ELNORA E WINN, 2063
TERRY D YARBROUGH, 4284
WILLIAM B ZABICKI JR., 6088

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SUE A ADAMSON, 1665
MICHAEL J ALLANSON, 1498
CHRISTOPHER M ANDREWS, 9260
PATRICIA E BEAMER, 9801
JUSTIN M BENNETT, 5567
MARK I BISBEE, 9159
JEFFREY W BLEDSOE, 9684
STEVEN L BROWN, 9109
BRADLEY D BUCHANAN, 1934
LYNN M CARLTON, 5924
ANDREW M CARTER, 7051
NOELLE COLLETTA, 6301
DANIEL J CROSBY, 2628
DAVID R CRUMBLEY, 8076
MONICA CSUJA, 8006
EVE D CURRIE, 6972
JANET L DAVIS, 7672
SHARON L FARLEY, 2330
DAVID L FELTON, 4266
ROBERT D FETHERSTON, 0028
SUSAN K FIACCO, 5346
DAVID C FISHER, 4298
STACIA L FRIDLEY, 3410
JAMES E GOSS, 9056
SHEILA I HEWITT, 7465
EMILIE R HOOK, 6325
CAROL B HURLEY, 1332
ROSLYN J JACKSON, 8565
SHERRI D JACKSON, 1623
KELLEY C JAMES, 8070
JEANNE C JIMENEZ, 9226
AMANDA S JOHN, 3993
CURTIS N JOHNSON, 6148
MICHELE A KANE, 3952
TERESA S KIMURA, 0185
JULIA L KING, 7938
KRISTIN L KLIMISCH, 5655
JOSEPH V KOSHIOL, 0666
RICHARD F KUTSCHMAN, 4297
VENNESSA LAKE, 2698
LUCIAN C LAURIE JR., 6738
SUSANNE M LEMAIRE, 1079
TAMARA K MAEDER, 5272
CHRISTOPHER R MANNION, 5330
THOMAS P MATULA, 4072
CATHERINE M MCNEAL, 8901
ROBIN K MOELLER, 5056
JENNIFER L MOORE, 8476
JEAN M MURRAY, 7653
ALDA M OCONNOR, 0709
DEBBIE OHARE, 6440
JERRI A PALMER, 8399
DEIDRA M PARKER, 6648
FRANCES C PERDUE, 8157
KATRINA O PRINGLE, 1668
CLIFFORD C PYNE, 1556
CHRISTOPHER J REDDIN, 0810
LAURIE H REPPAS, 0905
GEORGE P RILEY, 2791
HEIDI Y ROBERTS, 3120
SHARLEEN L ROMER, 1669
STEPHANIE L SANDERS, 7818
MANUEL SANTIAGO, 0130
DAVID F SARTORI, 4513
MICHAEL J A SERVICE, 3033
MARIA V J SESE, 0503
LINDA M SHINN, 4128
SIMON Y D SMITH, 6250
DONDRIA R SMITHHOLLIES, 5938
PAMELA L STOUT, 6566
DANIEL M SWISSHELM, 3450
PATRICIA M TAYLOR, 2413
DEBORAH A THOMPSON, 6433
SUSAN M TOYAMA, 9244
ROBERT J TURSI, 1579
SUSAN A UNION, 3292
MARK A WATSON, 2773
JENEVIEVE J WILLIAMSON, 2787
JANINE Y WOOD, 0315
LETITIA D WOOTSON, 0138
GEORGE A ZANGARO, 3193

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTOPHER G ADAMS, 4642
MARIA L AGUAYO, 7589
ROLFE E ASHWORTH, 1744
JEANINE M AVANT, 7005
ALEXANDER W BARLAS, 4761
JAMES B BLANTON, 5777
STEVEN J BOWSER, 8228
BRIAN D CIARAVINO, 3278
JAMES M COLLINS, 3698
MICHAEL A CONLEY, 3138
TIM J DEWITT, 1262
CHRISTOPHER J GALLAGHER, 6323
DANIEL W GRIPPO, 5182
RANDALL A GUMKE, 5146
WENDY M HALSEY, 8495
ERIC J HAWN, 7901
RICHARD D HAYES III, 8180
DAVID R HOPKINS, 6044
TAREY D ISBELL, 9260
MICHAEL D KENNEY JR., 8242
ZAKI N KIRIAKOS, 5674
MICHAEL LEWIS, 3791
DAMON P LILLY, 1463
SCOTT D LOESCHKE, 6070
JENNIFER J MACBAIN, 4596
PETER J MACULAN, 7693
GILBERT B I MANALO, 9692
JASON T MATHIS, 1215
RUSSELL J MATTSON, 1106
JAMES G MEYER, 3463
JAYSON D MITCHELL, 2524
JAY A MURPHY, 8392
WILLIAM J PIERCE, 8057
RICHARD L PRINGLE, 7464
RAYMOND A PYLE, 5090
CHRISTOPHER H REHKOP, 6085
RUSSELL V SEIGNIOUS, 4757
SCOTT A SHAULIS, 2374
LATANYA E SIMMS, 5609
DANIEL M STODDARD, 8046
DARREN L SWEET, 2572
MICHAEL R TASKER, 2181
DANIEL P TURNER, 2934
GREGORY G VINCI JR., 4964
NELSON R WELLS, 3806
WILLIAM L WHITMIRE, 3166
MICHAEL T WOLFERSBERGER, 7625
RA YOEUN, 9784

HOUSE OF REPRESENTATIVES—*Wednesday, September 4, 2002*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 4, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Before You we stand, Lord God. As this fall session of the 107th Congress begins, we ask Your blessing upon all the Members of the House of Representatives and all who assist them in their work here on Capitol Hill.

Shed divine wisdom upon them that they may be gifted with insights, choose their words carefully and make solid judgments and prudent decisions.

May Your blessing make their committee meetings productive. By conscientious work may just laws be enacted so that Your people may enjoy hope and security. In each passing day may we realize Your presence with us until our work here is finished.

Then, as now, to You be the glory forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 348. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 640. An act to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3253. An act to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 691. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

S. 812. An act to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 1010. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina.

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1240. An act to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes.

S. 1325. An act to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1649. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks.

S. 1843. An act to extend certain hydroelectric licenses in the State of Alaska.

S 1852. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

S. 1894. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park, and for other purposes.

S. 1907. An act to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon.

S. 1946. An act to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

S. 2487. An act to provide for global pathogen surveillance and response.

S. 2549. An act to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938.

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2810. An act to amend the Communications Satellite Act of 1962 to extent the deadline for the INTELSAT initial public offering.

S. Con. Res. 137. Concurrent resolution expressing the sense of Congress that the Federal Mediation and Conciliation Service should exert its best efforts to cause the Major League Baseball Players Association and the owners of the teams of Major League Baseball to enter into a contract to continue to play professional baseball games without engaging in a strike, a lockout, or any conduct that interferes with the playing of scheduled professional baseball games.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 2, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 2, 2002 at 11:05 a.m.

That the Senate passed without amendment H.R. 223.

That the Senate passed without amendment H.R. 309.

That the Senate passed without amendment H.R. 601.

That the Senate passed without amendment H.R. 1384.

That the Senate passed without amendment H.R. 1456.

That the Senate passed without amendment H.R. 1576.

That the Senate passed without amendment H.R. 2068.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That the Senate passed without amendment H.R. 2234.

That the Senate passed without amendment H.R. 2440.

That the Senate passed without amendment H.R. 2441.

That the Senate passed without amendment H.R. 2643.

That the Senate passed without amendment H.R. 3343.

That the Senate passed without amendment H.R. 3380.

Appointments: President's Export Council.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 2, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 2, 2002 at 9:34 a.m.

That the Senate agreed to conference report H.R. 3009.

Appointments: National Skill Standards Board and Global Climate Change Observer Group.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore WOLF signed the following enrolled bill on Friday, August 2, 2002:

H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, and the following enrolled bills on Wednesday, August 7, 2002:

H.R. 223, to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act;

H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax;

H.R. 601, to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes;

H.R. 1384, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the national trails system;

H.R. 1456, to expand the boundary of the Booker T. Washington National Monument, and for other purposes;

H.R. 1576, to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes;

H.R. 2068, to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as Title 40, United States Code, "Public buildings, property, and works";

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona;

H.R. 2440, to rename Wolf Trap Farm Park as "Wolf Trap National Park for the Performing Arts," and for other purposes;

H.R. 2441, to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes;

H.R. 2643, to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes;

H.R. 3343, to amend Title X of the Energy Policy Act of 1992, and for other purposes;

H.R. 3380, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines with the boundary of Great Smoky Mountains National Park.

RESOLUTION CELEBRATING HEROISM AND BRAVERY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, just some basic facts. Each and every year every American uses 47,000 pounds of mined materials. Of that, 7,600 pounds are coal; and coal generates more than half of our domestic electricity, providing millions of Americans with energy that they need.

Mr. Speaker, it is the miner who we should thank for providing us with the quality of life that we enjoy, and we should remember that their work often comes at great personal risk.

In fact, on July 27, nine coal miners were trapped 240 feet below the Earth's surface for 77 hours in absolute darkness and chest deep in 55-degree water. This event revealed what is great about America, because hundreds of individuals courageously worked to rescue these nine men and return them safely to their families. Thankfully, we all witnessed a miracle as each miner was brought to the surface healthy and safe.

To express our sincere gratitude to these nine miners and their rescue crews, I am entering a concurrent resolution honoring these individuals.

Mr. Speaker, I ask that all of my colleagues join me in supporting this resolution which celebrates heroism and bravery.

WAR SHOULD NOT BE FIRST INSTRUMENT OF FOREIGN POLICY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, overshadowing all of our hopes and dreams for our families and for our country is the daily talk of war. This Administration's apparent intent to launch a go-it-alone invasion of another country is unprecedented in American history, it is unprecedented in ignoring the warnings of military experts, it is unprecedented in rejecting the advice of our allies and, most importantly, unprecedented in the dangers posed for the safety of American families everywhere.

At one time "regime change" was the now-abandoned goal of our foreign policy toward an island 90 miles off our shores. Immediate success is even less certain for a regime on the other side of the world through a means uniformly rejected at present by the countries of the region. Of course, Saddam Hussein is a menace, as was Libya's Muammer Qaddafi, as was Josef Stalin. But able policymakers of both parties found ways to contain such threats without starting what could become another world war.

Mr. President, unite our country and the world to eliminate weapons of mass destruction; do not divide us by making war the first instrument of your foreign policy.

CONGRESS SHOULD THINK TWICE BEFORE THRUSTING U.S. INTO WAR

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I rise to urge the Congress to think twice before thrusting this Nation into a war without merit, one fraught with danger of escalating into something no American will be pleased with.

Thomas Jefferson advised, "Never was so much false arithmetic employed on any subject as that which has been employed to persuade nations that it is in their interests to go to war." We have for months now heard plenty of false arithmetic and lame excuses on which we must pursue a preemptive war of aggression against an impoverished, third-world nation 6,000 miles from our shores that does not even possess a navy or air force, with the pretense that it must be done for national security interests.

For some reason, such an attack makes me feel much less secure while our country is made more vulnerable.

Congress must consider the fact that those with military experience advise a go-slow policy, and those without military experience are the ones demanding this war.

We cannot ignore the fact that all Iraq's Arab neighbors are opposed to this attack and our European allies object as well. If the military and diplomatic reasons for policy restraint make no sense, I advise they consider the $100 billion it will cost and that will surely compound our serious budgetary and economic problems we face here at home. We need no more false arithmetic on our budget or false reasons for pursuing this new adventure into preemptive war and worldwide nation-building.

THE CASE AGAINST SADDAM HUSSEIN HAS BEEN MADE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am a newcomer to Congress. I have been here only 8 months. I also have the distinction of being the only Member who is a member of the National Guard still drilling. At this time I have had, of course, my first August recess.

During the August recess, the issue that came up the most was the issue already discussed, and that is the danger of Iraq. We now have a bloodthirsty dictator who has access to chemical, nuclear, and biological weapons; he has the ability with ballistic missiles to send them against American allies and against American troops that are stationed throughout the Middle East.

Mr. Speaker, I believe that we should put our faith in the President, the intelligence agencies that we have, the wonderful military that we have, and the civilian military officials that we have before us. We need to understand there was a vote on September 14, 2001, right here in Congress, almost unanimously, to provide for military action against those who harbor or support terrorists, and the intent of that was to stop future terrorist attacks on the United States.

America has been attacked, and we are under threat. This is not a speculation as to the future; it has occurred. It will occur again if we do not take action to defend our civilian citizens.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE UNITED STATES CONGRESSIONAL PHILHARMONIC SOCIETY

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 183) expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

The Clerk read as follows:

H. CON. RES. 183

Whereas in February 1996, several Senators and members of the House of Representatives participated in a performance of the Broadway musical "1776", a story depicting the signing of the Declaration of Independence;

Whereas in April 1996 several Senators and members of the House of Representatives met with Maestro Martin Piecuch, the music director of the musical "1776", and formed the United States Congressional Choral Society;

Whereas on May 20, 1998, the United States Congressional Choral Society debuted at St. Joseph's Church on Capitol Hill, with standing ovations following its rendition of the "Song of Democracy" and the "Battle Hymn of the Republic";

Whereas on March 13, 1999, the United States Congressional Philharmonic Orchestra String Quartet played before the Ambassador to the United States from Canada at the Embassy of Canada in the District of Columbia;

Whereas on March 19, 1999, the United States Congressional Choral Society appeared in performance at the Washington National Cathedral;

Whereas on May 13, 1999, the United States Congressional Philharmonic Orchestra String Quartet played before a gathering of Ambassadors at the Benjamin Franklin Diplomatic Reception Room of the United States Department of State;

Whereas the United States Congressional Philharmonic Society is approved as a 501(c)(3) nonprofit organization under the Internal Revenue Code and is a corporation in good standing under the laws of the State of Delaware;

Whereas the United States Congressional Philharmonic Society will offer free concerts to the public in the Washington metropolitan area;

Whereas the United States Congressional Philharmonic Society will encourage the development of young musical talent across the United States by providing educational programs for schools across the nation and establishing internships and scholarships; and

Whereas the United States Congressional Philharmonic Society envisions holding a series of concerts focusing on themes such as Celebrations of America, Salutes to the States, a Great Americans series, and an International Congressional Concert series: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States Congressional Philharmonic Society should be applauded—

(1) for organizing two musical groups, the United States Congressional Choral Society and the United States Congressional Philharmonic Orchestra;

(2) for having as its mission the promotion of patriotism, freedom, democracy, and understanding of American culture through sponsorship, management, and support of these groups and their derivative ensembles as they communicate through the international language of music in concerts and other multimedia performances in the District of Columbia and throughout the United States and the world; and

(3) for promoting musical excellence throughout the educational system, from pre-school through post-graduate, and encouraging people of all ages to commit to the love and expression of musical performance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in strong support of H. Con. Res. 183, which expresses the sense of Congress regarding the United States Congressional Philharmonic Society and its dual mission of promoting musical excellence throughout the educational system and encouraging people of all ages to appreciate musical performances.

In 1996, several Senators and Members of the House participated in a performance of the award-winning Broadway musical "1776," a story depicting the signing of the Declaration of Independence. A few months later, the United States Congressional Choral Society was formed. By all accounts, Members, staff, and friends of the United States Congress enjoyed their experience; and as a result, they also created the United States Congressional Orchestra, which debuted in 1999.

Today, both the Choral Society and the orchestra operate under a privately funded umbrella organization, the United States Congressional Philharmonic Society. Its vision is to become the artistic voice of America, encouraging Members, staff, and friends to use their musical talents and present musical programs that will enrich the lives of all Americans with patriotic and classical presentations.

□ 1415

These free concerts, which are available to the public in the Washington Metropolitan Area, often play to standing ovations. More important, they also encourage and support the development of young talent through internships, scholarships, and educational programs through schools.

I applaud the Congressional Philharmonic Society for successfully promoting patriotism, freedom, democracy, and understanding of American culture through music.

In conclusion, I would like to thank the gentleman from Virginia (Mr. DAVIS) for introducing this important resolution. I would urge my colleagues to support House Concurrent Resolution 183 and the Congressional Philharmonic Society.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 183. This resolution applauds the work of the U.S. Congressional Philharmonic Society and its promotion of musical excellence, patriotism, freedom, and democracy.

The U.S. Congressional Philharmonic Society is actually made up of two groups, the United States Congressional Choral Society, which has performed at St. Joseph's Church on Capitol Hill and the Washington National cathedral, and the United States Congressional Philharmonic Orchestra, which has performed before foreign heads of state.

Both of these organizations provide a valuable benefit to the people of Washington, D.C. and around the Nation in extolling the virtue of democracy and patriotism through music and song. Song and music have played an important role in many of our Nation's most historic moments, and the Society continues this tradition through its work.

The House does a great service today by recognizing this organization. I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), the sponsor of the legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I rise today as a proud sponsor of House Concurrent Resolution 183, commending the United States Philharmonic Society for their commitment to promote musical excellence throughout the educational system, and to encourage people of all ages to commit to the joy and expression of musical performance.

I believe that Americans should be encouraged to participate in music and art programs. Arts education programs, and specifically music education programs, have a positive impact on the lives of our children. Music education is a valuable lesson that serves to enrich our Society.

The United States Congressional Philharmonic Society plays an important role in accomplishing these goals. The United States Congressional Philharmonic Society has created its own unique mission, which promotes patriotism, freedom, democracy, and the understanding of American culture through sponsorship, management, and education. It has gained support through the international language of music in concerts and performances in the United States and throughout the world.

Under the organization of Maestro Martin Piecuch, the Congressional Philharmonic has quickly established itself as a voice of freedom and democracy through the art of music.

As the Music Director and Conductor of the Washington Symphony Orchestra, he has played a great role in the world of music for the citizens of Northern Virginia. He has served as resident conductor, orchestra manager, and chorus manager at Wolf Trap Farm Park for the Performing Arts, and has held the position of Music Conductor and Director for the Alexandria Choral Society.

Maestro Piecuch can be credited with planting the seed when he directed the Broadway musical 1776 at DAR Constitution Hall in March of 1995, in which 12 Members of Congress played roles as Founding Fathers of our great Nation.

With this the U.S. Congressional Choral Society was founded, and in May of 1998 the Congressional Choral Society debuted at St. Joseph's Church right here on Capitol Hill. From this successful base came the idea for the creation of the U.S. Congressional Orchestra, which, together with the Choral Society, operates under the organization of the U.S. Congressional Philharmonic Society.

Today, the U.S. Congressional Philharmonic, composed of Members, executives, and staffers on Capitol Hill, acts as an artistic voice for Congress. Created to honor the U.S. Congress, its Members, and constituents, the U.S. Congressional Philharmonic performs concerts all year round to salute our Nation's States, to salute American heritage, our great American statesmen, and appropriate cultural programs at various holiday periods throughout the year.

In addition to these commitments, it has developed many projects of its own to promote its premier causes, that include a concert series to promote democracy and peace throughout the world.

Mr. Speaker, the United States Congressional Philharmonic Society is a living example of how our country's principles of freedom and liberty can be showcased for the entire world through music. I urge all Members to join me in supporting and commending the United States Congressional Philharmonic Society.

Mr. CASTLE. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to be able to speak in support of the United States Congressional Philharmonic Society, which will serve as the artistic voice of Congress and highlight works of American composers.

I want to thank my colleague, the gentleman from Virginia (Mr. TOM DAVIS), for introducing it, and I am proud to be one of the original cosponsors with him.

The United States Congressional Philharmonic Society is composed of two groups: the United States Congressional Choral Society, whose Members are Capitol Hill staffers, and a professional symphonic orchestra, the United States Congressional Philharmonic.

The organization is led by the wonderful maestro, Maestro Martin Piecuch, who was the Conductor and Musical Director of the Washington Symphony for 9 years.

As many of us remember, the genesis of the Congressional Philharmonic Society was a 1996 production of the Broadway musical 1776, which featured Members of Congress portraying some of the signers of the Declaration of Independence.

Since then, the Choral Society and the Philharmonic Orchestra have performed in various functions in Washington, both together and individually, to rave reviews. The orchestra's string quartet has played for numerous ambassadors, while the chorus' appearances include a performance at the National Cathedral.

We are here today to give the Philharmonic Society the official imprimatur of Congress, and we do so enthusiastically. The performing arts are so vitally important. They entertain us, inspire us, and give us a sense of wonder. I am honored to be here to support this wonderful endeavor.

The Philharmonic Society plans to perform free concerts in the Washington Metropolitan Area, and explore such themes as celebrations of America and salutes to the States, as well as encourage the development of young musical talent by providing educational programs for schools across the Nation.

The Society is a private group, but with our blessing it can raise money to fulfill its mission. As Shakespeare once wrote, if music is the food of love, play on. I give my support to this organization, and look forward to hearing their performances for years to come.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just delighted to be here today to speak on behalf of this sense of Congress, which looks at the

United States Philharmonic Society and applauds them, and tells them that we are very proud of the great work that they are doing.

I am delighted to be here to join with my colleagues, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Delaware (Mr. CASTLE), and I want to thank the gentleman from Virginia (Mr. TOM DAVIS) for introducing this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to echo the words of the gentlewoman from California (Mrs. DAVIS), and thank her for her participation in support of this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 183.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

JOHN F. KENNEDY CENTER PLAZA AUTHORIZATION ACT OF 2002

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5012) to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read as follows:

H.R. 5012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Plaza Authorization Act of 2002".

SEC. 2. JOHN F. KENNEDY CENTER PLAZA.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended—

(1) by redesignating sections 12 and 13 as sections 13 and 14, respectively; and

(2) by inserting after section 11 the following:

"SEC. 12. JOHN F. KENNEDY CENTER PLAZA.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIR RIGHTS.—The term 'air rights' means real property interests conveyed by deed, lease, or permit for the use of space between streets and alleys within the boundaries of the Project.

"(2) CENTER.—The term 'Center' means the John F. Kennedy Center for the Performing Arts.

"(3) GREEN SPACES.—The term 'green spaces' means areas within the boundaries of the Project or affected by the Project that are covered by grass, trees, or other vegetation.

"(4) PLAZA.—The term 'Plaza' means improvements to the area surrounding the John F. Kennedy Center building carried out under the Project and comprised of transportation elements (including roadways, sidewalks, and bicycle lanes) and non-transportation elements (including landscaping, green space, open public space, water, sewer, and utility connections).

"(5) PROJECT.—The term 'Project' means the Plaza project, as described in the TEA–21 report, providing for construction of a Plaza adjacent to the Center and for improved bicycle, pedestrian, and vehicular access to and around the Center. The term includes planning, design, engineering, and construction of the Plaza, buildings to be constructed on the Plaza, and related transportation improvements and may include any other elements of the Project identified in the TEA–21 report.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(7) TEA–21 REPORT.—The term 'TEA–21 report' means the report of the Secretary submitted to Congress under section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204).

"(b) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall be responsible for the Project and may undertake such activities as may be necessary to construct the Project, other than buildings to be constructed on the Plaza, substantially as described in the TEA–21 report.

"(2) PLANNING, DESIGN, ENGINEERING, AND CONSTRUCTION.—The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

"(3) AGREEMENTS WITH THE BOARD AND OTHER AGENCIES.—The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

"(4) CONSULTATION WITH THE BOARD.—The Secretary shall consult with the Board to maximize efficiencies in planning and executing the Project, including the construction of any buildings on the Plaza.

"(5) CONTRACTS.—Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center related to the planning, design, engineering, and construction of the Project.

"(c) RESPONSIBILITIES OF THE BOARD.—

"(1) IN GENERAL.—The Board may undertake such activities as may be necessary to construct buildings on the Plaza for the Project.

"(2) RECEIPT OF TRANSFERS OF AIR RIGHTS.—The Board may receive from the District of Columbia such transfers of air rights as may be necessary for the planning, design, engineering, and construction of the Project.

"(3) CONSTRUCTION OF BUILDINGS.—The Board may construct, with non-appropriated funds, buildings on the Plaza for the Project and shall be responsible for the planning, design, engineering, and construction of the buildings.

"(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

"(A) IN GENERAL.—The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

"(B) APPLICABILITY OF OTHER REQUIREMENTS.—Any acknowledgment of private contributions under this paragraph shall be consistent with the requirements of section 4(b).

"(d) RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA.—

"(1) MODIFICATION OF HIGHWAY SYSTEM.—Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority to amend or modify the permanent system of highways of the District of Columbia as may be necessary to meet the requirements and needs of the Project.

"(2) CONVEYANCES.—

"(A) AUTHORITY.—Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority to convey or dispose of any interests in real estate (including air rights or air space as that term is defined by District of Columbia law) owned or controlled by the District of Columbia, as may be necessary to meet the requirements and needs of the Project.

"(B) CONVEYANCE TO THE BOARD.—Not later than 90 days following the date of receipt of notification from the Secretary of the requirements and needs of the Project, the Mayor of the District of Columbia shall convey or dispose of to the Board without compensation interests in real estate described in subparagraph (A).

"(3) AGREEMENTS WITH THE BOARD.—The Mayor of the District of Columbia shall have the authority to enter into memoranda of agreement with the Board and any Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

"(e) OWNERSHIP.—

"(1) ROADWAYS AND SIDEWALKS.—Upon completion of the Project, responsibility for maintenance and oversight of roadways and sidewalks modified or improved for the Project shall remain with the owner of the affected roadways and sidewalks.

"(2) MAINTENANCE OF GREEN SPACES.—Subject to paragraph (3), upon completion of the Project, responsibility for maintenance and oversight of any green spaces modified or improved for the Project shall remain with the owner of the affected green spaces.

"(3) BUILDINGS AND GREEN SPACES ON THE PLAZA.—Upon completion of the Project, the Board shall own, operate, and maintain the buildings and green spaces established on the Plaza for the Project.

"(f) NATIONAL HIGHWAY BOUNDARIES.—

"(1) REALIGNMENT OF BOUNDARIES.—The Secretary may realign national highways related to proposed changes to the Northern and Southern Interchanges and the E Street Approach recommended in the TEA–21 report in order to facilitate the flow of traffic in the vicinity of the Center.

"(2) ACCESS TO CENTER FROM I–66.—The Secretary may improve direct access and egress between Interstate Route 66 and the Center, including its garages.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of John F. Kennedy Center Act (as redesignated by section 2 of this Act) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) JOHN F. KENNEDY CENTER PLAZA.—There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 12 (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) a total of $400,000,000 for fiscal years 2003 through 2010. Such sums shall remain available until expended.".

SEC. 4. CONFORMING AMENDMENTS.

(a) SELECTION OF CONTRACTORS.—Section 4(a)(2)(D) of the John F. Kennedy Center Act (20 U.S.C 76j(a)(2)(D)) is amended to read as follows:

"(D) SELECTION OF CONTRACTORS.—In carrying out the duties of the Board under this Act, the Board may negotiate any contract—

"(i) for planning, design, engineering, or construction of buildings to be erected on the John F. Kennedy Center Plaza under section 12 and for landscaping and other improvements to the Plaza; or

"(ii) for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts,

with selected contractors and award the contract on the basis of contractor qualifications as well as price.".

(b) DEFINITIONS.—Section 14 of the John F. Kennedy Center Act (as redesignated by section 2 of this Act) is amended by adding at the end the following: "Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 12, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Kennedy Center suffers from being isolated from the rest of Washington, D.C.'s monumental core, and from limited, confusing, and potentially unsafe points of entry. High levels of congestion on the Rock Creek and Potomac Parkway confound vehicular traffic and various bridge ramps near performance times. Nearly 200,000 vehicles a day use the complex of roadways and ramps adjacent to the center each day, and there are high accident rates at the foot of the Roosevelt Bridge and the intersection of Virginia Avenue, 27th Street, and the parkway.

H.R. 5012 authorizes the Secretary of the Department of Transportation, in conjunction with the John F. Kennedy Center for the Performing Arts and the District of Columbia, to make pedestrian and vehicular access improvements around the Kennedy Center.

In 1998, when the Committee on Transportation and Infrastructure passed TEA-21, it authorized the Secretary of Transportation to undertake a comprehensive study of ways to improve the flow of traffic and access to the Kennedy Center. In 2000, the Department of Transportation issued the Kennedy Center access study, which identified five phases to improving access to the Kennedy Center. In that same year, funding was made available for DOT to proceed with preliminary project planning, environmental reviews, and design approvals.

The John F. Kennedy Center Plaza Authorization Act of 2002 builds upon these earlier efforts and authorizes the Secretary of Transportation to enact many of the improvements recommended by the access study, including the outcomes of a pedestrian plaza over the Potomac Freeway and improving access between I-66, the Rock Creek Parkway, E Street Northwest, 25th Street Northwest, and the Kennedy Center.

The new plaza will be connected to the local street grid by E and 25th Streets Northwest, and will create approximately eight acres of new land directly east of the Kennedy Center.

H.R. 5012 authorizes and directs the Mayor of the District of Columbia to transfer the air rights and airspace necessary to complete the project as determined by DOT. This has the support of the Mayor, and the subcommittee received testimony from the District to that effect at a hearing held on June 13, 2002.

Based on DOT testimony, the bill authorizes a total of $400 million to undertake the recommended improvements. In addition, H.R. 5012 authorizes the Kennedy Center to construct buildings on the newly created plaza with nonappropriated funds. The newly constructed buildings will provide needed space for educational, rehearsal, performance, and administrative functions, and become a part of the living memorial to President Kennedy. Any private donations for the buildings will be acknowledged in a manner consistent with existing law.

The subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on this important project in June, and the project received the enthusiastic support of the Department of Transportation, the government of the District of Columbia, and the Kennedy Center. I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I include for the RECORD the following material regarding the project:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 2002.

Hon. DON YOUNG,
Chairman, Committee on Transportation, and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5012, the John F. Kennedy Center Plaza Authorization Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Milberg (for federal costs), who can be reached at 226-2860, and Greg Waring (for the state and local impact), who can be reached at 225-3220.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 5012—John F. Kennedy Center Plaza Authorization Act of 2002

Summary: H.R. 5012 would authorize the appropriation of $400 million to the Department of Transportation (DOT) to plan and construct a new plaza in front of the John F. Kennedy Center, and to improve access to the Center for both pedestrians and vehicles.

Assuming appropriation of the authorized amount, CBO estimate that implementing H.R. 5012 would cost about $135 million over the 2003-2007 period and another $265 million after 2007. Enacting H.R. 5012 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 5012 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs would be significantly below the threshold established in that act ($58 million in 2002, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimate budgetary impact of H.R. 5012 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level [1]	10	10	20	50	100
Estimated Outlays	3	7	10	40	75

[1] H.R. 5012 would authorize the appropriation of $400 million over the 2003–2010 period. CBO estimates that $190 million of that amount could be appropriated over the 2003–2007 period, with the remaining $210 million provided after 2007.

Basis of estimate: For this estimate, CBO assumes that H.R. 5012 will be enacted near the end of fiscal year 2002 and that the amounts necessary to implement the bill will be appropriated for each year. Estimates of outlays are based on information from the Federal Highway Administration, the John F. Kennedy Center, and historical spending patterns of similar projects. Based on information from the agency, CBO estimates that DOT would plan and construct the plaza project over the next 12 years. Current plans for the plaza include space for two small buildings.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 5012 would bypass the D.C. City Council's review and approval of efforts to dispose of D.C. property for the Kennedy Center Plaza project. In preempting the City Council's authority, the bill contains an intergovernmental mandate as defined in UMRA, but CBO estimates that it would impose no duty on the city government that would result in additional spending.

If necessary for the construction of the proposed Kennedy Center Plaza, the District of Columbia would have to reconfigure the city highway system. In addition, the District of Columbia would have to transfer any property or air rights required for the project, without compensation. These potential requirements on the city also would be intergovernmental mandates as defined in UMRA. Based on information from the Federal Highway Administration and the District's Department of Transportation, CBO estimates that the costs of complying with these mandates would be significantly below the threshold established in that act ($58 million in 2002, adjusted annually for inflation). Furthermore, the construction-related costs resulting from the mandates would be funded by the federal government.

Estimated impact on the private sector: H.R. 5012 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Greg Waring; and Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the John F. Kennedy Center has long been envisioned and has been created and established as a living memorial to the late President Kennedy. It is also the Nation's premier cultural institution for the performing arts.

The chairman of our Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), is also a member of the Board of Trustees of the Kennedy Center, and we both know from our participation in the deliberations of the board that the center is this vibrant and dynamic institution that it was envisioned to be. Every year over 5 million people visit, attend, enjoy, and are enriched by performances at the Kennedy Center, particularly the Millenium State performances that are free to the public and operate 365 days a year. They are innovative performances that are available to all the people who come to our Nation's capital for whatever purpose, travel or business, leisure, and people come to enjoy those Millenium State performances in ever-increasing numbers.

□ 1430

But, unfortunately, the Kennedy Center is sort of cut off from the rest of Washington, D.C. The original design of the center does not envision the structure situated as it is today. I can remember when I was working teaching language in Haiti in 1959 and 1960 through 1962, reading, admittedly, with three weeks' delay, the news from Washington and reading this grand design plan set forth by then-President Eisenhower or by his administration for a center for the performing arts in Washington, D.C., and this magnificent sweep of the structure out over the Potomac River and looking back towards monumental Washington. And, of course, the part east of the current location of the Kennedy Center was then dilapidated buildings, all envisioned to be torn down, no roadway where we now have one, and it was intended that this would just connect Washington, D.C. and this new center for the performing ars. That is not the way it worked out.

Funding constraints limited the original scope. The connection with downtown Washington was not realized. The center's problems have multiplied over the years. Attending nighttime performances means that patrons either add to the District of Columbia's notorious rush hour traffic jams or are reduced to a functional but not fully acceptable and adequate shuttle system.

There are over 200,000 vehicles a day that use the complex series of ramps and roadways that are adjacent to the Kennedy Center. There is no pedestrian or bicycle access to the center from the east or from the southeast, from the Washington, D.C. mall.

In many a time I have been driving along that avenue and watched as pedestrians risk their lives running across 4 to 5, 6 lanes of traffic at even heavy traffic times. That is just simply not acceptable. The closest Metro stop to the Kennedy Center is the Foggy Bottom Metro stop a half mile from the center, too far for a good many people to walk comfortably and perhaps not entirely safe either. The center runs a very successful shuttle bus, but there is a lack of frequency, a lack of adequate signage to make it comfortable for walkers to find the center. And, furthermore, this is a very historic neighborhood and people ought to be able to enjoy it in some fashion other than rushing to get from wherever they are parking to the Kennedy Center.

In 1998, the former chairman of our Committee on Transportation and Infrastructure, Congressman Shuster, and I worked together to secure funding in the Transportation Equity Act for the 21st Century, to provide funds for the Department of Transportation to analyze methods to improve access to the Kennedy Center. That study has been completed. It has identified a number of proposed design and access improvements. In particular, the study proposes going back to the original concept of connecting the Kennedy Center with monumental Washington, as I call it, that is the historic sweep of structures and monuments that are testimony to the Nation's history and its evolution with the Kennedy Center. This plan would build a plaza over the spaghetti bowl of freeways, particularly the Potomac freeway, and would create 8 new acres of public space, would connect E Street and 25th Street to the plaza and reestablish the city grid; E Street to be changed at the western terminus to link the center and the core of the city, and there are proposed new connections between Rock Creek Parkway and the Potomac freeway. There would be pedestrian paths, bicycle paths, transit improvements to link the center to the heart of Washington, D.C. That is how it should be. That is how this national cultural center should function.

Based on this study, the bill we bring to the floor today, the Kennedy Center Plaza Authorization Act, authorizes a cooperative venture between the Kennedy Center, the U.S. Department of Transportation, and the District of Columbia to improve access to and from the Kennedy Center. It authorizes, as the gentlewoman from West Virginia (Mrs. CAPITO) said a moment ago, $400 million to plan, design and construct the proposed plaza in order to undertake the necessary highway improvements to create this access to the center.

The Kennedy Center itself has offered to undertake the cost of constructing the new buildings to be constructed on the plaza, buildings that will house rehearsal halls, classrooms, and be an open invitation to the public to actually come and see how rehearsals are conducted. It would be a great opportunity for the public who come to enjoy the arts in our Nation's capital. And I invite any of our colleagues to come to the center or ask the Kennedy Center staff to come and give them a presentation, a showing of the artists' rendition of these structural changes because I think once Members see it, they will be enthralled, captivated and excited by it, as I am, as the members of the board of trustees, and as is the gentlewoman from the District of Columbia.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much appreciate the remarks of the ranking member who always brings a background and perspective that makes anyone who has not been fortunate to be in this institution as long as he has understand the continuum of the work we are about and a continuum is what we are about today. I also want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for her hard work in bringing this bill to the floor.

This bill is really part of a larger vision, and one does not have to live here to have that vision. This is a small, compact city. There is not a lot of room left for all of the buildings, not to mention all of the memorials, that people would like to see in Washington. But there is a big, relatively for this city, a big piece of land that could, in fact, house much more to make the Kennedy Center the true national performing arts center it was intended to be. But to even begin to approach this vision, we have a lot of work to do on the basics, and this bill is about the basics. This bill is not about the buildings. I believe they will be constructed all with private funds. I have talked with the dynamic new leader of the Kennedy Center. But there is part of this work that is for government alone.

Its rough name is infrastructure. We have got to lay the groundwork in order for the vision to rise. The mall is a work in progress. The mall is always incomplete. So we should not be surprised that we are always adding to the mall. That is as the Founders wanted it. They have also wanted us to be careful about the mall. They did not want us to put every little thing on the mall. And one of the things I implore my colleagues to remember is that the mall is perpetual. When generations we cannot even imagine are here, the mall should be here, and one of the things we do not want to do is just crowd the mall with the hubris of our generation, leaving no room for anything else to go up. If we do that, we will have to do what some of the European countries are doing. They are tearing down statues in order to allow more to rise. I think we should just be careful what we do.

I believe future generations will look at what this bill initiates as part of the natural process of filling out the mall. And I very much applaud the continuing attention that the Committee on Transportation and Infrastructure has given to the Kennedy Center and to the completion of the work there, and especially to the fact that one cannot get there from here.

The 25 million tourists who come to the District of Columbia may do as I do as often as I can. I go on a race walk down the mall beginning at 3rd Street. It is a wonderful way to get exercise. When we get to the Lincoln Memorial, that is it, folks. If we want to walk, walk no further, unless we want to take our chances going across highways. That is not exactly what the mall had in mind. Indeed, cars cannot always get there from here. It is as if, as we get to the Kennedy Center, it was made for cars, not people, and not even for the arts.

Remember that the John F. Kennedy Center really reminds us of two great presidents. The notion of a cultural arts center began with President Eisenhower. Ultimately, when it was built, it was named for the martyred President Kennedy, so it bears the imprimatur of two great presidents and it inspires this body in a bipartisan fashion to move forward to try to complete it even as generation after generation moves forward with the mall to complete it or to make sure that it remains a mall and remains in many ways clear.

The Congressional commitment to the plaza and to the center has been clear, as the ranking member indicated, since Chairman Shuster was the chair of the committee. And, therefore, I am sure he would take special pride that we are moving forward with it today.

This is a cultural center with no bus service; cabs have a hard time getting in and stopping; no metro; cut off from its neighborhoods along the riverfront except one cannot get to the riverfront from the center; isolated from everything around it. The very opposite of what a cultural center is supposed to be. We are going to fix that.

I appreciate that the bill incorporates the District of Columbia, which has the air rights, and the mayor and I have spoken about those rights. There will be no problem getting whatever is necessary to make sure that the many air rights are, in fact, dealt with.

The central feature of the mall will be a pedestrian plaza over a deck. It will transform the Kennedy Center itself. It will mean that our constituents who come in very large numbers, and increasingly so now that everyone understands that the capital of the United States is the safest city in the world, better protected than any city in the world, as the visitors come, they will be the first to understand that there has been a transformation in this city, that the city is being completed, that the mall itself is being extended, and that we are opening the cultural life physically and in every other way to the world and especially to our country.

I urge my colleagues to support this bill and to remain with us until we see this plaza rise, and perhaps Members of Congress will be the first to walk down the plaza and invite people from all around the world to come to a cultural arts center made for the world and where the world can now come and walk and see and have the kind of access that was always intended.

Mr. Speaker, I thank the gentleman for yielding me time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from the District of Columbia (Ms. NORTON) for her very thoughtful, as always, constructive and scholarly presentation and I am particularly touched by the gentlewoman's reference to the mall as perpetual, yet evolving.

The arts, more than the Kennedy Center, the arts are perpetual. They are what lift a Nation's spirits.

□ 1445

I think history records more what our poets and our composers have to say than what our generals have to do. We, especially in the aftermath of September 11, need the arts to lift our spirits and to design the future and to refocus our aspirations. Kennedy Center is part of that. It was one of the very first cultural institutions in the United States to have a response in art form to the events of September 11, and just as important as it is to make the Kennedy Center accessible as the National Cultural Performing Arts Center to all those 20 million plus visitors who come to this Nation's capital, it also must be accessible to the residents of the District of Columbia themselves, and connecting the Kennedy Center through this plaza to monumental Washington will make it far more attractive and far more available to the residents of the District of Columbia themselves, and that is my fond hope.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my colleagues the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Minnesota (Mr. OBERSTAR) for their very moving tributes to the Kennedy Center and also to the beloved District of Columbia. I appreciate their hard work on this.

I too believe the Kennedy Center is a jewel of our District of Columbia, and to have access to the arts, the very vibrant programs that are brought there daily, not only to the citizens of the District and those of us who are here on a regular basis, but for the many, many visitors I think is a wonderful project that will make generations to come be able to enjoy all the many fine programs that the Kennedy Center has put forth now and in the future.

Mr. COSTELLO. Mr. Speaker, I first wish to thank Chairman LATOURETTE for lending his support and providing leadership for this bill. Also Chairman YOUNG and Ranking Member OBERSTAR, trustees of the Kennedy Center, have worked to establish broad bi-partisan support for the bill.

This bill will authorize the Department of Transportation, the Government of the District of Columbia, and the Board of Trustees of the John F. Kennedy Center to enter into agreements to conduct environmental planning, provide designs, and execute plans to improve pedestrian, vehicular, and bicycle access to the John F. Kennedy Center for the Performing Arts.

The Kennedy Center is currently isolated from the surrounding city and its physical setting is inconsistent with its mission. A report authorized by TEA–21 identified a number of conditions that impede access to the Presidential memorial. There is no access from the east for pedestrian, vehicles, or bicycles, the pedestrian link to the Metro is too far away and poorly signed, pedestrian and bicycle traffic from the south must cross hazardous roadways, very poor vehicular connections exist between the freeway and the Rock Creek Parkway, and a complicated series of ramps and exits exist to the south of the Center.

The study recommends a series of improvements to remedy the access problem. The centerpiece of these improvements is a proposed plaza, which will be atop a deck over the Potomac Freeway. This deck would provide a new public space and stately approach to the Center from the east. E St. and 25th St. would connect to the plaza, thus reestablishing the local street grid. To the north of the Center new connections would be built between Rock Creek and the Potomac Freeway in the vicinity of K St. Overall, hazardous and congested traffic conditions would be relieved.

The Board of Trustees of the Center has committed to raising private funds to construct the building to be constructed on the plaza.

Currently the plan calls for two buildings for the plaza. One building would be used as rehearsal space, classrooms, and for administrative offices. It is expected the second structure could house and display musical artifacts currently stored at the Library of Congress and the Smithsonian.

I support H.R. 5012 and again extend my thanks to the Committee leadership for their encouragement and support.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5012.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5012, the bill just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

GREAT LAKES LEGACY ACT OF 2002

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1070) to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern and to authorize assistance for research and development of innovative technologies for such purpose, as amended.

The Clerk read as follows:

H.R. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Legacy Act of 2002".

SEC. 2. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN IN THE GREAT LAKES.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by adding at the end the following:

"(12) REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.—

"(A) IN GENERAL.—In accordance with this paragraph, the Administrator, acting through the Great Lakes National Program Office and in coordination with the Office of Research and Development, may carry out qualified projects.

"(B) QUALIFIED PROJECT.—In this paragraph, a qualified project is a project to be carried out in an area of concern located wholly or in part in the United States that—

"(i) monitors or evaluates contaminated sediment;

"(ii) subject to subparagraph (D), implements a plan to remediate contaminated sediment; or

"(iii) prevents further or renewed contamination of sediment.

"(C) PRIORITY.—In selecting projects to carry out under this paragraph, the Administrator shall give priority to a project that—

"(i) constitutes remedial action for contaminated sediment;

"(ii) has been identified in a Remedial Action Plan submitted pursuant to paragraph (3) and is ready to be implemented; or

"(iii) will use an innovative approach, technology, or technique that may provide greater environmental benefits or equivalent environmental benefits at a reduced cost.

"(D) LIMITATION.—The Administrator may not carry out a project under this paragraph for remediation of contaminated sediments located in an area of concern—

"(i) if an evaluation of remedial alternatives for the area of concern has not been conducted, including a review of the short-term and long-term effects of the alternatives on human health and the environment; or

"(ii) if the Administrator determines that the area of concern is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.

"(E) NON-FEDERAL MATCHING REQUIREMENT.—

"(i) IN GENERAL.—The non-Federal share of the cost of a project carried out under this paragraph shall be not less than 35 percent.

"(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor, including any in-kind service performed under an administrative order on consent or judicial consent decree, but not including any in-kind services performed under a unilateral administrative order or court order.

"(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of the operation and maintenance of a project carried out under this paragraph shall be 100 percent.

"(F) MAINTENANCE OF EFFORT.—The Administrator may not carry out a project under this paragraph unless the non-Federal sponsor enters into such agreements with the Administrator as the Administrator may require to ensure that the non-Federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the area of concern in which the project is located at or above the average level of such expenditures in its 2 fiscal years preceding the date on which the project is initiated.

"(G) COORDINATION.—In carrying out projects under this paragraph, the Administrator shall coordinate with the Secretary of the Army, and with the Governors of States in which the projects are located, to ensure that Federal and State assistance for remediation in areas of concern is used as efficiently as possible.

"(H) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph $50,000,000 for each of fiscal years 2003 through 2007.

"(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available until expended.".

SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORITIES.

Section 118(g) of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended—

(1) by striking "construed to affect" and inserting the following: "construed—

"(1) to affect";

(2) by striking the period at the end and inserting "; or";

(3) by adding at the end the following:

"(2) to affect any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes."; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this section) with paragraph (2) (as added by paragraph (3) of this section).

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—In coordination with other Federal and local officials, the Administrator of the Environmental Protection Agency is authorized to conduct research on the development and use of innovative approaches, technologies, and techniques for the remediation of sediment contamination in areas of concern in the Great Lakes.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2003 through 2007.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1070, the Great Lakes Legacy Act of 2002. H.R. 1070 reflects a consensus approach to addressing sediment contamination in the Great Lakes.

The Great Lakes are, without question, a vital resource for both the United States and Canada. The Great Lakes system provides a waterway to move goods; water supply for drinking, industrial and agricultural purposes; a source of hydroelectric power; and swimming and many other recreational activities.

The industrialization and development of the Great Lakes Basin over the past 200 years has had an adverse impact on the Great Lakes. As a result, many of the Great Lakes are under fish advisories warning people not to eat fish that may be in the water there.

By treaty, the United States and Canada are developing cleanup plans for the Great Lakes and for specific areas of concern. Unfortunately, only one area of concern, located in Canada, has been cleaned up. Most of the activity at U.S. areas of concern has occurred as a result of Superfund enforcement action or threat of such action.

However, Superfund's suitability for cleaning up the Great Lakes is limited.

The Great Lakes sediments became contaminated as a result of pollution from many sources over several generations. Applying Superfund could make virtually every citizen of the Great Lakes Basin a liable party.

There are better ways to address this problem. One solution is to encourage cooperative efforts through public-private partnerships. That is the solution recommended by the bill H.R. 1070, the Great Lakes Legacy Act of 2002.

H.R. 1070 would authorize $50 million a year for 5 years to clean up contaminated sediment in areas of concern in the Great Lakes. This Federal funding must be matched with at least a 35 percent non-Federal share, encouraging local and private sector investment. This bill also makes sure that these funds are well spent.

At some sites, removing sediments will be the best way to address short- and long-term risks. At other sites, the last thing we want to do is go in and stir up contaminated sediments by dredging, causing even more harm to the environment.

This consensus bill does not try to presume any particular cleanup option. It simply encourages stakeholders to take action and to make sure that the action they take will make a real improvement to human health and the environment.

I want to commend the gentleman from Michigan (Mr. EHLERS) and his colleagues for working with stakeholders from the Great Lakes to advance this legislation. I believe this is a great example of bipartisan legislation that everyone in this Chamber can support. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Tennessee (Mr. DUNCAN) for his splendid statement and full discussion of the subject at hand and for his leadership and, as always, bipartisan cooperation in bringing this legislation to the floor today.

I also want to acknowledge the support and cooperation of our chairman of the full committee the gentleman from Alaska (Mr. YOUNG) and seeing to it that we move this bill expeditiously through subcommittee, full committee and to the floor today.

There is no question this bill is a long time in coming, and it should, when enacted and implemented, bring to fruition the long-planned and sort of haltingly carried out efforts to clean up decades-long contamination of this repository of one-fifth of all the fresh water on the face of the Earth, the Great Lakes.

It has been my home all my life, living not on the shore but close enough to the shore of Lake Superior, my hometown of Chisholm just about 90 miles away. I spent a great deal of my time as a young lad near the shores of Lake Superior and my service in the Congress, my District extends from Duluth all the way up to Canada, along that splendid rocky outcrop of the 3 billion year old deposits of basalt that look broodingly out onto Lake Superior, which represents 10 percent of the fresh water on the face of the Earth.

My predecessor Congressman John Blatnik was the original author of the first Clean Water Act, Federal Water Pollution Control Act of 1956 that began the Nation's efforts to clean up the waters of the United States and was the one who inspired the research laboratories that now are located throughout the Great Lakes to serve as a beacon for the protection, beacon out on those fresh waters to serve as the protection for the future generations of the Great Lakes, on the purity and quality of those waters.

In years past, when I chaired the Subcommittee on Investigations and Oversight, I held extensive hearings on the United States-Canada Clean Water Agreement to push administrations in the past to action on cleanup of the toxic hot spots, or areas of concern as they are called. It is just an unspeakable tragedy that nearly 100 percent of the near shore waters of the Great Lakes and connecting tributaries are under fish consumption advisories because those fish have taken up toxics from bottom feeding organisms, from plants, carried them in their bodies and then are consumed by humans. It was presented in documented testimony in the hearings that I held in the Subcommittee on Investigations and Oversight and corroborated since then in subsequent hearings. The chairman has conducted a few.

If a person lives within 20 miles of the Great Lakes and they eat fish once a week, they have on average 440 parts per billion PCBs in their body. If they live anywhere else in America and eat fish once a week, they probably have only 5 parts per billion per PCBs in their body. I need not go into the adverse health consequences of PCBs. They are well-documented in the medical and scientific literature.

We had a researcher, Dr. Waylon Swain, from the University of Michigan testify at the Subcommittee on Investigations and Oversight hearing who had done tests on his 16-year-old daughter of the fatty tissue in her body and the content of PCBs and then did a computer projection to determine how long it would take for future generations, for PCBs to leave her offspring if none of them were exposed in the future to PCBs. Six generations. This is a persistent toxic chemical that we need to extract from the bottoms of those areas of concern.

Of the 43 areas of concern of the Great Lakes, 31 are wholly or partly within U.S. waters, and they are mostly harbors. More than 1.3 million in cubic yards of contaminated sediments have been remediated over the past 3 years. We have just touched the top of the challenge, and remediation is nowhere near completed in any one of the areas of concern.

The people of the Great Lakes community, 36 million of them, have lived with this problem that threatens their physical health, the health of their children, and impacts the entire region, both economically and in degradation of the Great Lakes environment.

I was heartened when former President Clinton in fiscal 2000 included within the administration's budget a request for $50 million for remediation of contaminated sediments, and I had at the time introduced H.R. 3670 to authorize a program for cleanup of the Great Lakes areas of concern, but neither the bill nor the $50 million came to fruition. But the initiatives then stimulated further attention.

I am very delighted to acknowledge the work of the gentleman from Michigan (Mr. EHLERS), who is a colleague of ours on the Committee of Transportation and Infrastructure, whose scientific mind and appreciation of the challenges has brought considerable expertise and passion for cleaning up these waters to this issue, and I compliment the gentleman for introducing the bill today before us which will authorize $50 million annually for the Environmental Protection Agency to carry out projects to address sediment contamination in the Great Lakes areas of concern.

□ 1500

These are going to be prioritized projects. Priority will be given to those that actively address the contaminated sediments that have been identified in the remedial action plans for the areas of concern, projects that promise to implement innovative approaches, new technologies and new techniques to deal with contaminated sediment so as not to, as Chairman DUNCAN expressed concern, reintroduce contaminants into the water column and thereby reestablish the pollution or distribute it further.

One of these innovative approaches is one that has been undertaken by the U.S. environmental research laboratory of EPA in Duluth, the University of Minnesota's Natural Resources Research Institute and the U.S. Army Corps of Engineers in the harbor of Duluth, using mining technologies which we in the iron ore mining country of my district use to beneficiate low-grade, nonmagnetic ores using a process that has a cost in the range of $2 to $3 a cubic yard versus $400 to $600 a cubic yard for other technologies, have successfully remediated large volumes of toxic-substance-containing sediment so that this cleansed sediment now can be used in parks and reclaiming areas along the waterfront in Duluth for other environmentally friendly activities.

These are the kinds of innovative approaches this legislation will support and stimulate in the future. The legislation before us also has clarifying language to ensure that the new program will have no effect on existing Federal and State authorities to address contaminated sites. The IJC report recently found that all sediment remediation completed to date has been funded as a result of enforcement action, or the threat of enforcement action, against polluters. While that still would remain, we would hope ideally that there would be a cooperative approach to cleanup. The aptly named "orphan sites" will be one of the targets of this legislation. I expect EPA and the States to continue to pursue and to hold accountable polluters responsible for contamination of all the areas of concern.

Mr. Speaker, again I want to thank the gentleman from Michigan (Mr. EHLERS) for his persistence in pursuing this issue, the gentleman from Tennessee (Mr. DUNCAN) for his diligence in bringing the legislation forward, the gentleman from Alaska (Mr. YOUNG) for his participation, and the gentleman from Oregon (Mr. DEFAZIO) for his active support on our side as the ranking member of the Subcommittee on Water Resources and Environment.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. EHLERS), the original author of the bill.

Mr. EHLERS. Mr. Speaker, I rise in support of the Great Lakes Legacy Act of 2002. First, I thank the gentleman from Tennessee (Mr. DUNCAN), the chairman of the subcommittee; and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee, for their kind comments and for the help that they have given me in getting this bill to this point, particularly not just in terms of process but also in substance, in the advice I have received.

America is often called the land of plenty, especially when it comes to our natural resources. Few places on Earth are more blessed than we are, and the Great Lakes stand out among our many blessings. I am pleased to be the author of this legislation because it will protect this precious resource, our Great Lakes.

Let me describe just how important the Great Lakes are, both to citizens within the Great Lakes basin and to the country as a whole. The Great Lakes constitute almost 20 percent of the Earth's surface fresh water and 95 percent of the surface fresh water in the United States. Let me repeat that: 95 percent of the surface fresh water in the United States. That means if you take all the waters of the United States, starting first with the rivers, the Hudson River and working west, the Ohio, the magnificent Mississippi, the Missouri, Arkansas, Colorado, Snake and Columbia, and you could name many more, add them all together and then put in all the other lakes in the United States and collect all that surface fresh water together in one spot, then you would still have to multiply that by almost 20 to equal the amount of water in the Great Lakes system. That is an incredible resource. It is an incredibly wonderful thing to have.

These lakes provide us with fresh drinking water, habitat for wildlife, food from fisheries, recreation in and on the waterways, water for agriculture, and shipping lanes for economic growth. Millions of people live on the Great Lakes and millions more journey to the Great Lakes to vacation and enjoy all the splendors the lakes provide.

However, longstanding pollution from contaminated river sediments continues to harm water quality in the Great Lakes and restricts our use of this valuable resource. As we heard from the gentleman from Minnesota (Mr. OBERSTAR), the fish have become contaminated with the toxic material, particularly the PCBs. The waterfowl that eat the fish have in turn become more contaminated. And then, of course, the humans who eat the fish and occasionally the waterfowl collect it all and become even more contaminated.

After many years of dumping harmful, toxic substances into the waterways surrounding the Great Lakes and the lakes themselves, the pristine environment and waters of the Great Lakes have suffered. Cleanup projects have been implemented at only a portion of the so-called areas of concern identified by the EPA as the worst of the contaminated sites. Let me just explain what these areas of concern are. That is kind of a euphemistic phrase in my mind. What it is describing is dirty, toxic, polluted sediments at the bottom of the rivers. This material is slowly leaching into the Great Lakes.

Years ago we cleaned up our rivers on the surface. We cleaned up the obvious pollution, the things you could see floating down the river. Many of us recall the days when the Cuyahoga River in Cleveland caught fire and rats ran across the river, it was so contaminated. When I moved to Grand Rapids, Michigan, the Grand River, which runs right through the city, was polluted enough that you would not think of swimming in there; and you did not want to eat the fish in it. We have made progress in cleaning up the obvious pollution. Today, the Cuyahoga River is a reasonably clean river. The Grand River in Grand Rapids is so clean that people fish constantly and eat the fish without difficulty, and some people even swim in the river now.

However, what we have not addressed is the problem of the sediments, what is at the bottom of the river. We have not addressed this for several reasons. First of all, we did not know how to address it, because if you simply dredge it, you stir up all the sediments and the contamination just flows down into the lake. So we needed to know more about how to do it. But also there was a hope that the toxic material would just stay there in the sediments and not move and we could just leave it there and ignore it. We have now found out that we cannot ignore it. It is steadily leaching into the Great Lakes, and we must stop it and we have to develop methods to do it.

One of the biggest obstacles to completing a remedial action plan, or a cleanup plan, is the funding for it. Community groups, States, the EPA, and the Army Corps of Engineers have all committed to remediation efforts and have cited the lack of Federal funding as an impediment to cleaning up areas of concern in communities that have taken the initiative to improve the quality of their water. It is time that we helped them clean up these sites.

Existing authorities and programs such as Superfund and other enforcement mechanisms have not provided the resources that are necessary to clean up contaminated sediments. We must provide the EPA administrator with authority and with authorized appropriations to carry out qualified projects in areas of concern that require cleanup and are not likely to suffer further contamination. We must take steps to monitor and clean up contaminated sediment and prevent further or renewed contamination. In addition, we must pursue research and development of innovative approaches and technology to help us learn how to remove contaminated sediment in the most environmentally safe and efficient manner. The Great Lakes Legacy Act helps accomplish these goals.

Finally, this act is not only environmentally responsible; it is also fiscally responsible. The act provides leveraged funding and fosters partnerships between State and local authorities and private interests by requiring a 35 percent non-Federal cost share. In addition, non-Federal sponsors are prevented from using Federal funds to displace previous expenditures for remediation programs. In other words, with a 65–35 split, we will get a greater environmental bang for our Federal buck.

The Great Lakes Legacy Act will greatly improve cleanup efforts in the Great Lakes communities which need it most and will allow unfettered, continued use of this precious natural resource. I thank the chairman and the ranking member for their assistance. I appreciate their support of this bill.

Mr. OBERSTAR. Mr. Speaker, I have no further speakers on our side, and I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself the balance of my time.

Let me just close the debate by saying there is almost nothing that people take for granted as much as they do their water. Yet many people have said and have written that water may well be the oil of the 21st century. The importance of our water supply is going to grow and grow and grow with the passing years. Certainly the Great Lakes, as the gentleman from Michigan (Mr. EHLERS) just said, is a precious national resource. The Great Lakes contain, as the gentleman from Minnesota (Mr. OBERSTAR) has said, almost one-fifth of the world's freshwater supply. The Great Lakes contain 95 percent of the U.S. surface freshwater supply. The Great Lakes is a very, very important asset.

This is a good bill. This is a very pro-environment bill. The lack of controversy should not mask or decrease or cover up the significance of this bill, the importance of it. I think this is one of the most significant clean-water bills that this Congress has ever passed. I urge all of my colleagues to support it.

Let me say one other thing before I yield back my time. I just want to commend the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Michigan (Mr. EHLERS). The gentleman from Minnesota is certainly always one of the most active members of our committee and a real leader on all of these issues, and I thank him for his support of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman not only for his kind remarks but also for his very thoughtful summation. In his ever-judicious manner, he has summed up the issue before us and stated the case so well. I not only urge unanimous approval of the legislation in this body, but I also urge the other body to move expeditiously on this legislation.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair would remind all Members that they should refrain from urging the Senate to take a specific action.

Mr. CAMP. Mr. Speaker, I rise today in support of the Great Lakes Legacy Act, H.R. 1070.

I would like to commend my colleague and friend from Michigan, Congressman VERN EHLERS for crafting this important legislation and for his diligence in gathering the appropriate support. As a cosponsor of the Great Lakes Legacy Act, I am extremely pleased that the Great Lakes region is one step closer to cleaning up toxic hot spots that lurk under the world's largest freshwater system.

While globally there are 42 Areas of Concern (AOC), that is, areas that suffer from severe sediment contamination, 26 are located in the United States, and in my state of Michigan there are 14 designated AOCs. Contamination levels in these areas threaten human health, contribute to the loss of fish and wildlife habitat, restrict critical dredging activities, and lead to numerous beach closings. AOCs are among Michigan's most demanding environmental challenge.

Like other environmental clean-up programs, full remediation of Great Lakes AOCs continues to be bogged down by a burdensome web of complex regulations, lack of necessary funding, and insufficient progress of research and development into new technologies. Recognizing these obstacles, the legislation we are considering today aims to solve the problems that plague successful clean-up efforts.

In short, H.R. 1070 addresses the most costly and technical hurdles that face these hazardous hot spots. More specifically, this legislation authorizes funding for States, Indian tribes, regional agencies, and local governments for projects in AOCs to monitor or evaluate contaminated sediment and remediate contaminated sediments. It also targets funding for research and development of new technologies that aim to clean toxic sediments in the Great Lakes basin.

My support for this legislation goes beyond my co-sponsorship of the measure. In March I introduced a resolution, House Resolution 361. H.Res. 361 calls on the House of Representatives to take swift action in helping to restore and protect Michigan's Great Lakes, the state's most precious natural resource. My bill highlights the environmental problems associated with AOCs and includes the goals set forth in the Great Lakes Legacy Act. In my view, the work done by my colleague from Michigan on this subject it too important for the Congress to let slip. My resolution affirms the importance of passing H.R. 1070 in an expeditious manner equal to its relevance for helping clean the world's largest source of freshwater.

Let me make this point clear, the environmental problems that are caused by AOCs are not just a Michigan issue. Although most Areas of Concern in the United States are concentrated in Michigan, it is a national and international problem. Its risks for human health, aquatic populations, ecological habitats and wildlife are serious and impact states beyond Michigan. Therefore, it would be unwise for the Congress to ignore this issue or delay its consideration any further.

Mr. Speaker, again, I am pleased to lend my full support for the Great Lakes Legacy Act and urge my colleagues to do the same. With that Mr. Speaker, I yield back the floor.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 1070, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1070.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

□ 1515

JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3287) to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center".

The Clerk read as follows:

H.R. 3287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., and known as the Brentwood Processing and Distribution Center, shall be known and designated as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3287, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3287, introduced by the gentleman from Maryland (Mr. WYNN), our distinguished colleague, designates the Brentwood Processing and Distribution Center in Washington, D.C., as the Joseph Curseen, Jr., and Thomas Morris, Jr., Processing and Distribution Center. I am very proud to have my name as a cosponsor and original sponsor of this bill also.

Mr. Speaker, today we honor two public servants who died in the line of duty. Thomas Morris and Joseph Curseen did not know when they reported to the Brentwood Processing and Distribution Center last October that they were on the front lines of the war against terrorism. But they were struck down by anthrax which infected the facility when an anonymous terrorist sent envelopes containing spores to Washington.

Both had distinguished careers at the Brentwood Road facility. Curseen began his career with the postal service in 1985 as a letter-sorting machine operator. Morris, an Air Force veteran, began work at the facility in 1973. Both men were born and raised in Washington, D.C., and their deaths shocked the Washington area, the postal community, and the entire Nation. It is fitting to name the building where they served their country after these two distinguished public servants. And so, Mr. Speaker, I urge adoption of H.R. 3287.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we approach the 1-year period following the attacks on our country, I rise to support a bill of special significance to honor two native sons of the District of Columbia who as public servants gave their lives while serving this city, this region, and this country. H.R. 3287 would redesignate the United States Postal Service facility located at 900 Brentwood Road, Northeast, in Washington, D.C. as the Joseph Curseen, Jr., and Thomas Morris, Jr., Processing and Distribution Center.

I want to thank the gentleman from Maryland (Mr. WYNN), who represents the district where Joseph Curseen and Thomas Morris resided, for his leadership in introducing H.R. 3287, and the gentleman from Illinois (Mr. DAVIS), the ranking member of the Subcommittee on Civil Service, Census and Agency Organization, who is also my colleague on the subcommittee, for his hard work in bringing this bill to the floor and for generously deferring to me to manage the bill. I am proud to be an original cosponsor of H.R. 3287.

This month our Nation is struggling for ways to reflect upon and appropriately commemorate the tragic events that began with the attack on September 11, 2001. Today we remember October 21 and October 22, 2001, because on these consecutive days, we lost two brave men to the anthrax attack on our country.

Joseph Curseen, Jr., and Thomas Morris, Jr., were both family men and pillars of their communities. They were known for their dedicated hard work on the job as postal employees whose colleagues have still not forgotten them. They were loved by their families, who still deeply miss them. We are pleased that Celeste Curseen and Mary Morris, the widows of the two men, are in the gallery today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that they may not refer to individuals in the gallery.

Ms. NORTON. Many of us will always remember Joseph Curseen and Thomas Morris as Washingtonians because it is in this city that they were born and raised and received the values and the work ethic for which they are so fondly remembered.

Joseph Curseen, Jr., was born in Washington, D.C. in 1954. He graduated from Our Lady of Perpetual Help Grammar School in Southeast Washington and then went on to graduate from Gonzaga High School and Marquette University. Beginning in 1985, Mr. Curseen was a letter-sorting machine operator in the U.S. Postal Service, working evenings at the Brentwood Road facility on machines that processed government mail. Not once in those 15 years did Joseph Curseen miss a day of work.

Mr. Curseen was a man of faith who never left his home church here in the District. He led a bible study group at work and was a Eucharistic Minister at our Lady of Perpetual Help Roman Catholic Church until his death.

Mr. Curseen was not only dedicated to his work, but also to his community, where he served as president of his local homeowners' association. He instituted a neighborhood watch program and assisted in building a playground for the neighborhood children. He looked for ways large and small to improve his community, such as the petition he organized that resulted in speed bumps on the streets of his community to protect his neighbors from irresponsible drivers.

Thomas L. Morris, Jr., was born on March 2, 1946, also in Washington, D.C., and he got his education in public schools of the District of Columbia. He began his career with the U.S. Postal Service in 1973 as a distribution clerk in the government mails section at Brentwood. During his postal career Mr. Morris was honored four times for outstanding performance and with service awards.

Mr. Speaker, naming post offices is a common practice in this body, but renaming Brentwood carries special meaning, both symbolic and pragmatic. Brentwood has remained closed since the anthrax attacks last October. Yet in the not too distant future, Brentwood will reopen. When it does, it must be a new Brentwood. When workers walk back into that facility, every aspect of the reopening should signify that this is Brentwood reborn.

Brentwood not only will be fumigated, sanitized and refurbished, it should be Brentwood no more. Its new name will signify a new beginning, a mission that needs our attention. Many postal workers are still, understandably, reluctant to return to Brentwood. In naming the facility for Joseph Curseen and Thomas Morris, we can hope that their fellow workers will feel more resolved and more comfortable as they return.

The Subcommittee on the District of Columbia, on which I serve as ranking member, already has held one hearing on the remediation of the Brentwood facility. At that hearing I asked the Centers for Disease Control to conduct an epidemiological study to compare the health of the workers from Brentwood with the health of workers who did not work in a contaminated facility so that we can follow and know if there are any longer-term effects. The CDC has agreed to do this study, and, in addition, is following the health condition of those who worked at the facility.

The Postal Service has agreed that, at the very least, the same degree of extreme care that was used in cleaning the Hart Building, also struck by the anthrax attacks, will be used to decontaminate Brentwood. I also have proposed that we hold another hearing before Brentwood is reopened to reassure the public and postal employees that every possible step has been taken to ensure their safety.

Following the tragic deaths of these two men, we must do whatever is necessary and appropriate to eliminate the deep concerns many employees still have about returning to the Brentwood facility. As one way to show our commitment to a safe facility, I propose that the Postmaster General, postal, union and elected officials be the first to enter the facility.

I also believe that renaming Brentwood to honor Joseph Curseen, Jr., and Thomas Morris, Jr., will help accomplish what no amount of reassurance could possibly do. Their names will forever rest on the building to remind employees, visitors and the Nation that we must not forget two brave fallen heroes, whose example at work should inspire us to press forward, unbowed and without fear.

I urge my colleagues to support this important measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. DAVIS), the ranking member of the Subcommittee on Civil Service.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman for yielding me time.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleagues in consideration of H.R. 3287, which redesignates the facility of the United States Postal Service located at 900 Brentwood Road, Northeast, in Washington, D.C., as the Joseph Curseen, Jr., and Thomas Morris, Jr., Processing and Distribution Center.

This bill was sponsored by the gentleman from Maryland (Mr. WYNN) on November 13, 2001, and enjoys the support and cosponsorship of the entire Maryland delegation, as well as the support of the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arizona (Mr. KOLBE).

Mr. Speaker, I also would like to note the dignity, grace and spirit of cooperation that has been displayed by Ms. Celeste Curseen, wife of Mr. Joseph Curseen, Jr., and Ms. Mary Morris, wife of Mr. Thomas Morris, Jr., as well as Mr. William Burris, President of the American Postal Workers Union, as we have moved to process this legislation.

As the Chairman of the Congressional Postal Caucus, I am proud to honor two dedicated postal workers, Joseph Curseen, Jr., and Thomas Morris, Jr., both of whom died as a result of a bioterrorist anthrax attack on the United States postal system. This attack changed the fabric of American society. Let me recount the facts.

The U.S. Postal Service Brentwood Processing and Distribution Center in the District of Columbia, a 632,000 square foot facility, was closed on October 21, 2001, because of anthrax contamination. Anthrax-laced letters addressed to Senators TOM DASCHLE and PATRICK LEAHY in their Senate offices had been processed at the Brentwood facility. Approximately 2,400 employees worked at this facility, including Joseph Curseen, Jr., and Thomas Morris, Jr.

On October 21, 2001, Thomas Morris, Jr., died of inhalation anthrax. The following day, his colleague, Joseph Curseen, Jr., also died of inhalation anthrax. As of today, law enforcement officials have not found and brought to justice the perpetrators of these cowardly acts, and the Brentwood facility remains closed.

It is unfortunate that we were introduced to Thomas Morris, Jr., and Joseph Curseen, Jr., as a result of their deaths.

□ 1530

However, by renaming the Brentwood Postal Facility after these 2 individuals, we will be creating a lasting memorial to their lives, and we will be recreating a lasting memorial, because they were both exemplary citizens, citizens who gave so much of themselves, not for themselves, but oftentimes for the benefit of others, individuals who were model citizens, model husbands, model fathers, involved actively in their communities and in the lives of others, involved in their church, involved with doing those things that we raise up in this country.

So when we name this facility for them, we are not really naming it for them, but we are really naming it for the best of what America has to offer, and that is ordinary people doing extraordinary things.

So, Mr. Speaker, I again want to commend my colleague, the gentleman from Maryland (Mr. WYNN) for introducing this legislation, and I urge its passage, and I commend the lives of these 2 great citizens.

Ms. NORTON. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Maryland (Mr. WYNN), the principal sponsor of this legislation.

Mr. WYNN. Mr. Speaker, I would like to thank the gentlewoman from the District of Columbia for yielding me this time, and I thank all of my colleagues in the region, the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from the District of Columbia (Ms. NORTON), as I have indicated, the gentleman from Maryland (Mr. HOYER), and also the gentleman from Illinois (Mr. DAVIS) and other Members for supporting me in this legislation.

I rise today in support of this bill honoring, as the Washington Post simply put it, "Two Men Who Were Just Doing Their Jobs." My bill, H.R. 3287, redesignates the facility of the United States Postal Service located at 900 Brentwood Road, N.E. in Washington, D.C. as the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center. This facility was the site of the deadly anthrax contamination that resulted from a letter en route to Members of the United States Senate.

I am particularly pleased that the wives of these 2 men, Ms. Curseen and Ms. Morris, are able to see this day as a small measure of compensation for the loss that they have suffered.

If my colleagues would indulge me, I would like to tell a little bit about these gentlemen. Joseph Curseen, Jr. and Thomas Morris, Jr. were like thousands of other hard-working, dedicated Federal employees who came to work every day and quietly went about their daily duties, keeping the wheels of our government turning. However, unlike many of our Federal employees, in October of 2001, the hand of fate wearing the mask of terror touched these two young men. They died as a result of anthrax sent through the mail that was intended for our colleagues.

First, Joseph P. Curseen, Jr. was born in Washington, D.C. in 1954, the only son of Billie and Joseph P. Curseen, Sr., and big brother to Joan Jackson and Janice Curseen. He was a graduate of Our Lady of Perpetual Help Grammar School, Gonzaga High School, and Marquette University. In 1985 he married his beautiful wife, Celestine.

Joseph was a quiet, warm, and fun-loving man. He was an active, respected community leader who was founder and served as President of his neighborhood homeowners association. He served his spiritual community as a eucharistic minister at Our Lady of Perpetual Help Roman Catholic Church, as a Bible study leader at work, as a Promise Keepers participant, and as a true servant of God. At work, Joe's quiet dedication and professionalism set an outstanding example for others in the service of our Nation.

Joseph joined the Postal Service family in 1985, following in his father's footsteps. His assignments may have changed over the years, first to the flat sorting machine and then to automation, but his personality and inspiration were always solid anchors for those he worked with.

Joseph P. Curseen, Jr.'s legacy is one of love for his God, for his wife, for his family, for his church, for his community, and for his coworkers.

Thomas L. Morris, Jr. was born in Washington, D.C. in 1946, the first of three children born to Eva and Thomas Lee Earl Morris. He has two sisters, Yvonne Hankerson and Sheila Howard. Educated in the public schools of the District of Columbia, he continued to learn and teach throughout every day of his life. For 11 years, Thomas was married to his wife Mary, and to their union was born one son, Thomas L. Morris III. They also shared two stepchildren, Tara Underwood and Akai Snorten, and three grandchildren.

Thomas was a kind and private man. He shared his emotions fully and happily with those who were closest to him. He derived great pleasure from the warmth of his loving family. One of his passions was bowling, where he served as President of the Tuesday Morning Mixed League at Parkland Bowl. Thomas was faithful to his church, Kendall Baptist. He was dedicated to his country and served honorably in the United States Air Force for more than 4 years. His choice of more than a 30-year career with the Postal Service was further reflection of his commitment to serving the people of our Nation.

Starting his postal career as a government mail distribution clerk in 1973, Thomas' varied assignments took him through other tours and sections at the Brentwood facility, including a promotion to general expediter. Just 3 years ago, Thomas's duties took him full circle, with a return to the government mail section. During the course of his distinguished career, he was honored on four occasions with outstanding performance and service awards.

Thomas L. Morris led a life marked by devotion to his family, his friends, and his coworkers. He shared the lessons he learned with those he knew and loved and learned life's lessons from all he came in contact with.

These two dedicated Federal employees have been honored by their leaders and coworkers with the Postmaster General's Medal of Freedom. I ask my colleagues to join me in honoring these men today by redesignating the Brentwood Postal Facility in their names.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Today, the representatives of the people of a grateful Nation will vote unanimously to honor Thomas Morris, Jr. and Joseph Curseen, Jr. We will do that by designating the Brentwood Postal Facility in their honor and in their names.

Not too long ago, we renamed the headquarters of the Capitol Police for three Capitol Policemen that we lost at the hand of a terrorist, J.J. Chestnut, John Gibson, and Christopher Eney. Today, we do another appropriate act. We will rise together to recognize, as the distinguished gentleman from Illinois observed, average Americans doing very uncommon things. Not only will we honor Mr. Morris and Mr. Curseen, but we will honor their colleagues as well. We will honor indeed all of those who day-to-day, week-to-week, month-to-month and year-to-year perform their tasks courageously, conscientiously, effectively. They do so so that America can function. Frankly, every day America relies on the United States Postal Service. It relies on it for commerce, it relies on it for family ties, it relies on it for information. Joseph Curseen and Thomas Morris made sure that happened.

After their deaths in October of 2001, I had the opportunity of attending their memorial service, and at that service I met their wives, Celestine Curseen and Mary Morris. I did not know either Joe or Tom, but I met their wives. And I can tell from them and the strong feelings they have for those they have lost the kind of men, not only that they have lost, not only that the Postal Service has lost, but that we as a Nation have lost, two extraordinary women in shared grief.

Today we share their grief and we share their pride. We share their pride in those two men and in their colleagues.

I visited the D.C. General Hospital, which was the site of the postal workers coming and being advised as to the risks they faced, the health consequences that might occur, and the prophylactic that they could take. I went down the line of those who were waiting for advice and counsel and I saw the courage and the conviction in their eyes.

The SPEAKER pro tempore (Mr. CULBERSON). The Chair would inform the gentlewoman from the District of Columbia that she has 30 seconds remaining.

Mrs. MORELLA. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me this time.

I saw the courage and conviction in their eyes. It reflected the courage and conviction of Joe and Thomas. It reflected the courage and conviction of their fellow Americans, their fellow citizens. They were not prepared, nor are they now prepared, to let those who would terrorize our institutions or our people flinch, retreat, or cower. It is appropriate that we honor these two men for their courage, for their commitment, and for their contribution to making America the greatest land on the face of the Earth. God blesses America. God blessed America through the lives of Thomas and Joseph.

Ms. NORTON. Mr. Speaker, could I ask the gentlewoman from Maryland if she would yield me 1 minute to sum up?

Mrs. MORELLA. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, there is a slogan I cannot remember entirely that is associated with the Post Office, "through rain or snow or sleet," to describe just how constant is that service. Well, that describes how these men were remembered as unfailing men of the Postal Service. The renaming that we bring forward today is freighted with meaning, most obviously because it is so richly deserved, but the timing of this bill imports far deeper meaning. Hundreds of workers are preparing themselves psychologically to reenter that facility where two of their friends and colleagues died. May they find the reentry easier as they come no longer to the Brentwood Postal Facility, but to the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, before I yield back the balance of my time, I yield myself such time as I may consume just to say that Thomas Morris' memories will live on through his wife of 11 years, Mary, their son, Thomas, their stepchildren, Tara Underwood, Akai Snorten, their grandchildren, Thomas's two sisters, Yvonne Hankerson and Sheila Howard.

Joseph Curseen's life will be remembered by his wonderful wife of 16 years, Celeste, his parents, Billie and Joseph, his two younger sisters, Joan and Janice. We will also remember them, we will remember them every day.

I offer my deepest condolences to the family members. We can only say that while no medal or plaque or ceremony can truly convey our sadness for those who lost their lives, it is important that we in Congress show the rest of this country and the world how we value their bravery.

Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3287.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1545

BARNEY APODACA POST OFFICE

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5308) to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office."

The Clerk read as follows:

H.R. 5308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BARNEY APODACA POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, shall be known and designated as the "Barney Apodaca Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Barney Apodaca Post Office.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5308.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5308, introduced by our distinguished colleague, the gentleman from Colorado (Mr. SCHAFFER), designates the post office in Fort Collins, Colorado, as the Barney Apodaca Post Office Building.

Barney Apodaca, age 60, is a Colorado native. Although he was born developmentally disabled, he has been an inspiration to the people of Fort Collins, Colorado, through his charity work and his service to the community.

In the early 1970s, Barney began participating in the Special Olympics, always seeking opportunities to help others and striving for excellence. He has continually encouraged fellow participants and has been awarded over 30 medals for his outstanding performance in track and field.

Above all, Barney is committed to serving others. Despite his own disabilities, he has spent countless hours raising money to benefit the American Cancer Society, the Muscular Dystrophy Association, AIDSwalk Colorado, Northern Colorado Youth Hockey, and Poudre Valley Hospital.

A talented bowler, Barney has also raised money for individuals in his community with special needs by participating in numerous bowl-a-thons and other fundraising events.

In addition to his work on behalf of charities, Barney has obtained and maintains two, sometimes three, part-time jobs and works diligently for the city of Fort Collins, which has presented him with two awards recognizing his outstanding service to the community.

Barney Apodaca is an exceptional citizen who has dedicated his life to helping improving the quality of life for his community and by reaching out to those in need.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentlewoman from Maryland in consideration of H.R. 5308, introduced by the gentleman from Colorado (Mr. SCHAFFER) on July 26, 2002.

Mr. Barney Apodaca is a native of Colorado who is committed to serving his community. As a disabled individual, Mr. Apodaca has been participating in the Special Olympics for more than 30 years. In addition to helping raise awareness for the Special Olympics, he has won more than 30 medals for his outstanding performance in track and field.

As an active member of his community, Mr. Apodaca has been a relentless fundraiser for charitable causes. He has raised money to benefit the Muscular Dystrophy Association, AIDS, the American Cancer Society, and many other deserving causes. He has also worked to assist youth sporting organizations and community hospitals. His charitable works have earned him recognition for outstanding service to the community from the city of Fort Collins.

Mr. Speaker, I urge swift passage of this bill and commend my colleague for seeking to honor citizen Barney Apodaca in this manner, an individual who has given consistently, even though he may have been physically challenged. But he represents what many individuals who have disabilities represent, and that is, the ability to do things not always because of but oftentimes in spite of. I can think of no better way of acknowledging his contribution than passage of this legislation.

Mr. SCHAFFER. Mr. Speaker, as author of this bill, I rise today to urge my colleagues to support H.R. 5308, a bill designating the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office."

Barney Apodaca is a native Coloradoan who embodies the determination, perseverance and courage that makes our nation great. Born with mental retardation, Barney would not allow his disability to prevent him from achieving success. In 1974, he began participating in the Special Olympics. Since then, he has won over 30 medals for his outstanding performance in a variety of track and field events.

In recent years, Barney has selflessly raised money for a host of charitable causes including Northern Colorado Youth Hockey, the Poudre Valley Hospital, AIDS Walk Colorado, the Muscular Dystrophy Association and the American Cancer Society. As an avid bowler, he has used his skill in the sport to raise money for many of these organizations, as well as for individuals with special needs. Although Barney has no direct ties to any of these organizations, he spends countless hours engaging in charity work because he wants to serve those in need. When asked which group he favors, Barney's response is "all of them."

Beloved by his community, Barney has been named the "Best Local Personality" by the Fort Collins Coloradoan. He has also been presented with two achievement awards for his outstanding service to the City of Ft. Collins.

Barney Apodaca is an inspiration to the people of Colorado. He leads by example, encouraging people to serve others and strive for excellence. His contribution to the City of Ft. Collins is immeasurable, and it gives me great pleasure to recognize his achievements by designating a United States Post Office in his honor.

I hereby submit for the RECORD this partial list of Mr. Barney Apodaca's awards and achievements:

BARNEY APODACA AWARDS AND ACHIEVEMENTS

ACHIEVEMENTS

Attained over 30 medals for his participation in Special Olympics track and field events.

Voted the "Best Local Personality" for several years in a row in the Fort Collins Coloradoan

Several plaques of recognition for the Alternative Program's Charitable Bowling Initiatives.

FUNDRAISING

First place in candy sales for the Northern Colorado Youth Hockey group for several years in a row in the early 1990's.

Top Fundraiser for the Poudre Valley Hospital Foundation's "The Bowling Ball," 1997

Award for obtaining $1,000 in AIDS Walk pledges and for "Best Volunteer" at AIDS Walk Colorado.

Special Recognition from Jerry Lewis for Barney's work for the Muscular Dystrophy Association (MDA), 1995.

Certificate of Appreciation for the MDA's Storage Tek "Bowl-A-Thon," 1997.

Top fundraiser for the MDA's Bowl-A-Thon, 1998.

Certificate of Appreciation for the MDA's "Be a Star" program, 1999.

Participates in annual "Relay for Life" walk for the American Cancer Society.

Participated in the Multiple Sclerosis's "MS Walk."

Raised pledges for the Junior Achievement "Bowl-A-Thon".

EMPLOYMENT

Employee Achievement Award from the Aggie Theatre, 1993.

Employee Achievement Award for 5 years of outstanding service with the City of Fort Collins, 1994.

Employee Certificate of Appreciation from the Northside Atzlan Community Center for dedication and work performance, 1996.

Employee Achievement Award for an additional 5 years of outstanding service with the City of Fort Collins, 1999

Obtained and continually maintains 2 to 3 part-time jobs at a time.

Mr. DAVIS of Illinois.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 5308.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

THOMAS E. BURNETT, JR. POST OFFICE BUILDING

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5207) to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building.".

The Clerk read as follows:

H.R. 5207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THOMAS E. BURNETT, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, shall be known and designated as the "Thomas E. Burnett, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Thomas E. Burnett, Jr. Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5207.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5207, introduced by our distinguished colleague, the gentleman from Minnesota (Mr. RAMSTAD), designates the postal facility located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the Thomas E. Burnett, Jr. Post Office Building.

Tom Burnett grew up in the Minnesota-St. Paul suburb of Bloomington in the district of the gentleman from Minnesota (Mr. RAMSTAD). He woke up on the morning of September 11, 2001, and headed to Newark International for a morning flight. Tom was returning home to San Ramon, California, following a business meeting in New Jersey. He boarded United Flight 93 bound for San Francisco, settled into seat 4C, and prepared for the nearly 3,000-mile flight.

Almost 1 hour into Flight 93's journey, the plane turned around. Shortly thereafter, Tom called his wife Deena and told her that his plane had been taken over by four men. Tom told his wife that he and two other passengers were determined to do something to take Flight 93 back.

Tom's wife replied that planes had already crashed into the World Trade Center towers and the Pentagon that morning. Tom Burnett and a few other passengers of Flight 93 overpowered the terrorists and crashed the plane into a field near Shanksville, Pennsylvania. The hijacked plane, apparently headed for Washington, may have been on its way to crashing into this very building, this very building.

Mr. Speaker, I appreciate our esteemed colleague, the gentleman from Minnesota (Mr. RAMSTAD), for introducing this measure that honors Thomas E. Burnett, Jr. Tom Burnett was a man who personified the American virtues of humility and bravery. I urge all Members of this House to support the adoption of H.R. 5207.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5207, to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the Thomas E. Burnett, Jr. Post Office Building, was introduced by the gentleman from Minnesota (Mr. RAMSTAD) on July 24, 2002.

As an American hero, Thomas E. Burnett, Jr. was a passenger on board the hijacked United Airlines Flight 93 that crashed outside of Pittsburgh on September 11, 2001.

Thomas Burnett was among a group of passengers who decided to take action against the terrorists who had hijacked Flight 93 with plans to crash the plane in Washington, D.C.

Who was Mr. Burnett? He was 38 and a resident of San Ramon, California, the senior vice president and chief operating officer of Thoratec Corporation, a medical research and development company; husband to Mrs. Deena Burnett; father of three young girls: Madison, Halley, and Anna-Clair; the son of Thomas and Beverly Burnett, Sr.; and brother to Martha O'Brien and Mary Margaret Burnett.

He was also a man of character who was able to contact his wife during the terrible journey of Flight 93 and let her know that, and I quote, "A group of us are going to do something," and something they did. That something was to make sure the hijackers did not hit a populated area.

Mr. Speaker, Mr. Burnett and others made a very heroic stand on September 11, 2001. Together they took control of the plane and saved many, many lives. They demonstrated leadership and courage, and deserve to be recognized.

Accordingly, I urge the swift passage of this bill and commend my colleague, the gentleman from Minnesota (Mr. RAMSTAD), for seeking to honor Mr. THOMAS E. Burnett, Jr., in this manner. He exemplified the thought and the action that "If it is to be, let it begin with me."

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Minnesota (Mr. RAMSTAD), the introducer of this legislation.

Mr. RAMSTAD. Mr. Speaker, I thank my friend, the gentlewoman from Maryland (Mrs. MORELLA), for yielding time to me, for her assistance with this legislation, and also for her kind tribute to Tom Burnett, Jr.

I also thank my friend, the gentleman from Illinois, (Mr. DAVIS), for his tribute to Tom Burnett, Jr., and for his assistance with this legislation as well.

Mr. Speaker, I rise today to pay tribute to a true American hero. The legislation before us, H.R. 5207, would rename the West Bloomington, Minnesota, post office in my district in honor of Bloomington native Thomas E. Burnett, Jr., a true American hero.

I want to express my appreciation also to the chairman and my friend, the gentleman from Indiana, and my friend, the ranking member, the gentleman from California, as well as the majority leader, my friend, the gentleman from Texas (Mr. ARMEY), for allowing this bill to come to the floor so expeditiously so that we can pass it by September 11.

Mr. Speaker, I introduced this legislation at the request of Bloomington Mayor Gene Winstead and the Bloomington City Council, which unanimously passed a resolution of support.

Most of us know the story of Tom Burnett, Jr., who was on board United Flight 93 when it was hijacked by the terrorists on September 11. Tom, as the gentleman from Illinois (Mr. DAVIS) explained, was able to reach his wife, Deena, on his cell phone and told her, "We've got to do something. I know we are all going to die. There are three of us who are going to do something about it."

Led by Tom Burnett, Jr., the passengers aboard United Flight 93 showed tremendous courage in taking on the evil terrorists who intended to kill as many Americans as possible. As we all know, that plane crashed in Pennsylvania, instead of hitting the terrorists' intended target of this building, the United States Capitol, according to FBI Director Mueller.

□ 1600

We all owe a deep debt of gratitude to Tom Burnett, Jr., and the other brave Americans on Flight 93. Tom Burnett was not even originally scheduled to be on that fateful flight, I might add. And I will never forget the words at Tom's funeral mass of long-time Burnett family friend, Father Joe Slepicka, who said, "Ancient history tells us God seems to call the right people in the right time and place to do the right things for the good of others."

Mr. Speaker, God called Tom Burnett, Jr., and Tom did the right thing for the good of others.

Tom Burnett grew up in Bloomington, Minnesota, the son of Thomas and Beverly Burnett, Sr. He was the quarterback of the Thomas Jefferson High School football team and led his team to the State championship game in 1980. Tom married Deena in 1992 and they have three beautiful children, Madison, Halley and Anna-Clair. Tom was also a highly successful business executive and had many other credits to his name.

Mr. Speaker, Tom Burnett, Jr., will always be remembered both as a great and a good man who loved his family and loved America. As Tom, Sr., said, "There weren't many shades of gray in Tommy. He was loyal to his country and loyal to his family and he knew right from wrong."

The people of Bloomington, Minnesota, Tom Burnett's hometown, have honored Tom's memory in several lasting ways. On the Friday after the September 11 attacks, the Bloomington Jefferson High School football team wore Tom's number 10 on their helmets. On this coming Thursday at Bloomington Stadium when Jefferson plays crosstown rival Bloomington Kennedy, Tom's jersey number will be retired. A memorial scholarship fund has been established in Tom Burnett's honor, and a collection of Tom's favorite books was placed in his former high school's media center. A white oak tree was planted in Tom Burnett's honor in front of his home church, St. Edward's Catholic Church in Bloomington, where Tom was confirmed and where his funeral was held.

A large fieldstone was placed in front of the tree with the words from the Book of John, Chapter 15, verse 13, "There is no greater love than to lay down one's life for one's friend." Mr. Speaker, that says it all about Tom Burnett, Jr.

Tom's ultimate sacrifice will never be forgotten by his family, his community and his grateful Nation. Tom Burnett, Sr., fondly remembers a conversation with his son on the 50th anniversary of the D-day invasion in France when Tom, Jr., prophetically wondered out loud whether he, Tom Burnett, Jr., would have had the same level of courage those soldiers had during the invasion of Normandy Beach. On September 11, Tom, Jr., was tested and he certainly showed that level of courage, courage that inspires all of us today, courage of an American hero.

Our Nation owes a deep debt of gratitude for Tom Burnett's bravery on September 11. Naming a post office in Tom Burnett's hometown in Bloomington, Minnesota is one meaningful and lasting way Congress and the President can honor his heroism and his memory. I urge my colleagues to join me in supporting this important legislation to rename the West Bloomington Post Office the Thomas E. Burnett, Jr. Post Office.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to extend congratulations to the gentleman from Minnesota (Mr. RAMSTAD) for this very important resolution.

He mentioned the fact that Flight 93 was destined to come to this building. And as we rapidly approach the anniversary of September 11, we know that this Capitol dome is a symbol, not only here in the United States, but to the entire world, of freedom. So the sacrifice that Tom Burnett and the others on Flight 93 made is something that is very, very worth recognizing, and I think that naming this post office is a very appropriate effort that the gentleman has put into place here. And I would simply like to congratulate my friend for what he has done here.

Mr. RAMSTAD. Mr. Speaker, I thank the distinguished gentleman from California, my friend, the chairman of the Committee on Rules, for his very, very kind and thoughtful remarks.

Mrs. MORELLA. Mr. Speaker, I also would like to thank the gentleman from Minnesota (Mr. RAMSTAD) for his moving tribute and for introducing this legislation. We do believe it is quite appropriate, in a very small way, as a matter of fact, to dedicate and name this post office for Tom Burnett who is a hero to all of us. So I ask adoption of this measure by this House.

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of H.R. 5207, a bill to designate a post office in Bloomington, Minnesota, as the Thomas E. Burnett, Jr., Post Office Building. This legislation reflects the spirit of the American people in the aftermath of last year's terrorist attacks, to honor a man that we know to be a hero, who used the last few precious minutes of his own life to save the lives of so many others. I am fortunate to have been able to serve Tom Burnett as his U.S. Representative.

The American people will forever remember Thomas Burnett as a hero. But to his wife, parents, three daughters and loved ones, he was a man of courage and strength long before September 11, 2001.

Tom Burnett grew up in Bloomington, Minnesota, as a child who loved sports and the outdoors. From fishing with his dad, to becoming the star quarterback in high school, Tom was the image of an athlete and the all-American guy. After studying at the Air Force Academy and later graduating from Pepperdine University, he went on to become a senior executive of a company that makes medical devices.

Then, on September 11, the all-American guy became the all-American hero. Thomas Burnett and others aboard made the decision to take down the plane somewhere above Stonycreek Township, Pennsylvania, after learning of the fates of the three hijacked aircraft.

That morning, Tom Burnett called his wife Deena repeatedly, pumping her for information. Later, it was no surprise to her that Tom led the effort to bring the plane down before it could take more lives.

But the result was that thanks to the bravery of people like Tom Burnett, countless innocent lives were saved, including our own, and our nation's Capitol was spared.

Many believe terrorists were going to use the fourth plane, Flight 93, as a weapon to crash into another site in Washington, DC. Whether it was the United States Capitol Building or the White House, we will never know.

This was the ultimate act of bravery and sacrifice from the passengers and crew of United Flight 93, and those who enter our nation's Capitol each day should cherish their valiance.

As the day approaches that will mark the first anniversary of the terrorist attacks, we should all step back for a moment to remember why it may be that our nation's Capitol still stands today, or why the White House remains untouched.

It was because of the courage of Tom Burnett and others, truly among the great heroes of our nation.

There may never be answers for all the questions that surround the events of September 11, 2001, or closure for all of those around the world who suffered the loss of loved ones in this tragedy.

But it is in our power to make sure that we appropriately honor Thomas E. Burnett, Jr., and our other fellow Americans who suddenly became heroes on September 11. Let us thank and remember him by passing this legislation.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 5207.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 4727, DAM SAFETY AND SECURITY ACT OF 2002

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker as though pursuant to clause 2(b) of rule XVIII to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4727), to reauthorize the national dam safety program, and for other purposes, and the consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with;

points of orders against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived;

general debate shall be confined to the bill and shall not exceed 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

After general debate the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

At the conclusion of consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HONORING THE CONTRIBUTIONS OF VENUS AND SERENA WILLIAMS

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 94) honoring the contributions of Venus and Serena Williams.

The Clerk read as follows:

H. RES. 94

Whereas, although Venus and Serena Williams are only 20 and 19 years old and only in their sixth and third full years as professional tennis players respectively, they have over 43 professional titles between them;

Whereas Venus and Serena Williams have broken racial and socioeconomic barriers with pride and poise by showing the world that tennis is a sport for all people;

Whereas Venus Williams is the first African-American woman to win the Wimbledon Championships since 1958, is the first United States woman since 1924 to win an Olympic gold medal in both singles and doubles, holds the women's world record for the fastest serve at 127 miles per hour, and is one of only seven women to win the singles titles in both the Wimbledon Championships and the U.S. Open in the same year;

Whereas Serena Williams is only the second African-American woman ever to win a Grand Slam singles title, is only the sixth American woman to win the U.S. Open singles title since 1968, is only the fifth woman to win both singles and doubles Grand Slam titles in the same year, and is the first woman to reach the finals in a U.S. Open debut since 1978;

Whereas Venus and Serena Williams are the first sisters in professional tennis history to each win a Grand Slam singles title, the first to be ranked in the top ten simultaneously since 1991, the first to win a Grand Slam doubles title together, the first to compete against one another in a Women's Tennis Association Tour final, and the first to win an Olympic gold medal in doubles together;

Whereas Venus and Serena Williams have inspired and encouraged people of all backgrounds and ages, especially those in their hometown of Compton, California, demonstrating through the spirit of sport that education, a good work ethic, teamwork, fortitude, and determination are ingredients for success;

Whereas Venus and Serena Williams are African-American role models, coached to excellence by their father, and encouraged by both parents to be leaders, to demonstrate high moral and ethical standards, to value education, and to never stray from these family values; and

Whereas Venus and Serena Williams have been beacons of light to their community, passing out tennis rackets and conducting tennis clinics for low income children, raising funds for community development, and joining our Nation's leaders in support of the Department of Transportation's seat belt campaign "Buckle Up America!": Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the achievements and strides made by Venus and Serena Williams by giving back to their community, promoting excellence, breaking barriers with pride and poise, showing that tennis is a sport for all people; and

(2) urges all Americans to recognize the contributions to American society made by Venus and Serena Williams through their achievements and community involvement.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 94.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution expresses the sense of the House of Representatives in recognizing the contributions, heroic achievements and dedicated work of Venus and Serena Williams.

Venus and Serena Williams are only 22 and 20 years of age, respectively, yet they have broken racial and socio-economic barriers with pride and poise by showing the world that tennis is a sport for all people.

Mr. Speaker, Venus and Serena Williams have inspired and encouraged people of all backgrounds and ages, especially those in their hometown of Compton, California. Venus and Serena Williams demonstrate that the spirit of sports, education and a good work ethic, as well as team work, fortitude and determination, are essential ingredients for success.

Venus and Serena Williams are African American role models. Their father coached them to excellence. They were encouraged by both parents to be leaders, to demonstrate high moral and ethical standards, to value education, and to never stray from those family values. Venus and Serena Williams have accomplished many firsts in tennis. Their firsts include being the first sisters in professional tennis history to each win a grand slam singles title and being the first sisters to compete against one another in a Women's Tennis Association tour final.

Venus and Serena Williams have been beacons of light to their community, passing out tennis rackets and conducting tennis clinics for low-income children and raising funds for community development. Venus and Serena Williams joined our national leaders in support of the Department of Transportations's seatbelt campaign, Buckle Up America.

Mr. Speaker, it is appropriate that the House recognize the dedicated work and outstanding accomplishments of Venus and Serena Williams today. I ask that all Members support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Saturday, July 6, 2002, Serena and Venus Williams captured first and second places in the ladies' singles championship at Wimbledon. The very next day the sisters went on to win first place in the ladies' doubles championship for the second time in three years. Today Venus and Serena are making their way to the U.S. Open quarters in Flushing Meadows on Arthur Ashe Stadium Court and possibly another victory.

Venus and Serena Williams are the youngest of five sisters. Venus broke into the professional women's tennis circuit at the age of just 14. Coached by their father Richard, the sisters learned to play tennis on the courts of Compton, California. Both girls entered the world of professional tennis at the age of 14. At just 18, Serena won her first grand slam title. Venus won her first grand slam the following year at just 20 years of age. Since winning their first grand slam titles both sisters have broken innumerable records. Between Serena and Venus, they have won 16 singles titles in the last year and 7 of the last 12 grand slam events.

Serena Williams is only the second African American woman to ever win a grand slam, while Venus is the first African American woman to win at Wimbledon since 1958.

In 1999, for the first time in over 115 years, sisters met in the finals at Wimbledon. In September of that same year, Serena was named female athlete of the month by the United States Olympic Committee. Venus is the first United States woman since 1924 to win Olympic gold in both the singles and doubles tournaments. These are only a few of the sisters' many accomplishments in their lives. Serena and Venus Williams strive to make a difference both on and off the court. The sisters support and participate in events sponsored by Oracene Williams Learning Foundation, an organization that seeks to help children with learning disabilities.

Additionally, in 1995, Venus, Serena and Richard Williams conducted a clinic with the California Tennis Association for underprivileged youth. This clinic has since developed into a full year tutoring tennis academy for the underprivileged youth in California. Venus and Serena Williams have become role models for many African American children. In Monday's Washington Post, columnist Courtland Milloy noted the impact the sisters have had on the Means sisters, four sisters aged 8 through 12, who live here in Washington, D.C. The Means sisters play tennis and do after-school work at the Southeast Tennis and Learning Center in the District of Columbia. When asked about what impact Serena and Venus Williams have had on their lives, the Means sisters were quoted as saying, "They show us we can compete against one another and still be friends. They let us see ourselves as champions. We might even end up being number one, two, three and four."

House Resolution 94 congratulates the Williams sisters for all of their dedication and extraordinary accomplishments, and I join with my colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD), in not only supporting this resolution, but in commending the Williams sisters, who did not choose to be sisters, but have in fact chosen to be friends and champions.

Mr. Speaker, I reserve the balance of my time.

□ 1615

Mrs. MORELLA. Mr. Speaker, I have no requests to speak, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 4½ minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the originator of this resolution.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank my dear friend the gentlewoman from Maryland (Mrs. MORELLA) and my dear friend the gentleman from Illinois (Mr. DAVIS) for helping to usher this to the floor, along with my thanks to the gentleman from Ohio (Mr. PORTMAN), who helped to ensure this piece of legislation came to the floor.

Mr. Speaker, I am honored to rise today to respect the two outstanding young women who have taken the tennis courts by storm. They happen to be my former constituents from the City of Compton.

I first introduced this bill in March of 2001 expressing the sense of Congress in its admiration of the achievements of these two remarkable sisters, Venus and Serena Williams, tennis champions and first class human beings. I am pleased that hundreds of my esteemed colleagues have agreed to cosponsor this measure with me.

Since this measure was introduced, another year has only brought added luster to Venus' and Serena's professional triumphs. They are the first sisters in the history of the Women's Tennis Association tour to attain number one and two ranking, and of course, they are the first Americans to achieve this exalted status. This alone should encourage us to acknowledge their prowess and courage on the courts which follows the illustrious and historic achievements of the African American tennis champion Althea Gibson in the 1950s.

As of July 9, Serena Williams moved to number one in the WTA tour ranking after winning the French Open and the women's Wimbledon title and is the 11th woman to hold this title since the ranking system began in 1975.

Venus Williams has moved to number two after having held three stints at number one for a total of 11 weeks since February.

On July 7, at Wimbledon, the sisters united to win their second doubles title victory in 3 years.

However, in saluting these remarkable young women and their achievements in the sport of tennis we must not lose sight of the other contributions of these sisters as citizens. We must also give recognition to their parents, Oracene and Richard Williams, who had the foresight to see their daughters as winners and the sacrifice to make this attainment possible. By this recognition, too, we celebrate the African American family and its demonstration of solidarity, initiative and resolve.

In particular, though, Mr. Speaker, the unselfish coaching of their father, Richard Williams, of his daughters over many years that provided both a healthy sense of self-regard and a sense of confidence must be commended. This outstanding father, who knew not how to coach, had never coached in his life, took this on. He saw the talents in his young daughters, and he coached them through the streets and through the hard cement courts of Compton to bring them to where they are today.

From those cement courts of Compton to the grass groomed courts of Wimbledon, Serena and Venus Williams have triumphed over an enormous scale, but we should also salute them because they are giving back and sharing their prosperity and talent with children from minority communities in our country, as well as in Africa's impoverished neighborhoods, which they will soon be traveling to.

In Los Angeles, many inner city high school players are advancing in the game of tennis due to the support of the Venus and Serena Williams Tutorial/Tennis Academy. These students who enroll in the tutorial program also are mentored on college and career possibilities. They see that need as well, Mr. Speaker.

The Williams sisters also support the J.P. Morgan Chase Tennis Challenge, the proceeds of which are directed to the OWL Foundation, which is named after their mother, Oracene Williams Learning Foundation, which was started by their money to provide grants for at-risk students to participate in educational remedial assistance programs. The foundation's mission is to ensure that every child is treated as an individual and provided the opportunity to learn.

Another initiative supported by the sisters and Doublemint provides grants to recognize the contributions that college students and student service organizations make on campuses and in communities.

Mr. Speaker, Serena and Venus were also instrumental in assisting the founding of the Southeast Tennis and Learning Center in Washington, D.C., and helped to open this extensive facility in April of last year.

Mr. Speaker, on and off the courts Venus and Serena Williams are indeed giving back, and we should take pride and pleasure in their accomplishments and salute them for their fine sportsmanlike or sportswomanlike conduct and citizenship.

I cannot say enough about these outstanding two young women who happen to be black but indeed are outstanding citizens to this America, and for that, Mr. Speaker, I salute them and ask for a successful passage.

Mr. DAVIS of Illinois. Mr. Speaker, it is a pleasure to yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK), a great athlete, former coach, great dancer, great African American, great humanitarian and legislator.

Mrs. MEEK of Florida. Mr. Speaker, I want to thank my colleague, first of all, for his great oratorical skills as well as his academic prowess.

Mr. Speaker, I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) and her colleagues on the other side of the aisle who have seen to it, specifically the gentlewoman from California (Ms.

MILLENDER-McDONALD), who just persevered and kept pushing this resolution when many thought it would never come to the floor.

I am glad that it is here, Mr. Speaker, because it speaks very loudly for this Congress to see the advent of these two young women who belie many of the stereotypical ideas about African Americans when it comes to sports such as tennis. They have shown America and shown the world that with their long muscle prowess and their beauty and their grace and just the refinement which they have shown and the femininity is great for America.

That is why I want to thank the gentlewoman from California (Ms. MILLENDER-McDONALD) and commend her for this. Mr. Speaker, Venus and Serena, they are great tennis champions, but they are even more than that, Mr. Speaker, because what they are doing is legendary and has turned around the tennis world.

I am, as my good friend from Illinois mentioned, an old athlete. I remember when black women had a very difficult time in tennis. I remember two other Williams sisters, very, very old from Wilberforce, Ohio. Wilberforce was one of the first universities that really pushed tennis for African Americans, and these two Williams sisters were there. I was in school with Althea Gibson, who rose to great heights in the tennis world and was recently honored by the Republican Party and the Speaker down at one of the women's groups here. That to me was a great thing as well.

I look forward to this kind of honor for women athletes who have been able to really persevere and come forward in the sports world.

These two women are wonderful women because they are tremendously talented and they make role models for other women, not only African American women but women of all races, colors, creeds, and they have come to this achievement and they have come to it with grace, and when we see them on television and see them being interviewed, we can see the grace, politeness and intelligence and confidence and good humor, and we can see the beauty. We can see why her name is Venus because, in mythology, Venus was a beautiful and strong woman. She was not small of build either. She was well-appropriated, and so is Venus. It is good to see this in tennis here in America, and I want to compliment them for another thing.

They have made the black family look better because stereotypically people do not believe many times that the black family is strong but it is. Here is a father, a father, as my good colleagues have said, who has shown that there is perseverance, there is tenacity, there is this family connection, and it can be spent in strengthening the American family, and athletics is one way it can be strengthened. Scholarship and good skills is another.

Mr. Speaker, I could say a lot more, but that is good. I just want to say that these two women have shown America that. It has gotten a message to America and has done us all proud.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Florida for her history of female athletics, and it is my pleasure to yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for sponsoring this resolution and certainly the gentleman from Ohio (Mr. PORTMAN).

Mr. Speaker, we have heard already the great achievements of these two wonderful young ladies, and I cannot help but think about the words of Swindall, the great theologian, when he said that so often people do things which are unnoticed, unseen, unappreciated and unapplauded, and the fact is that so often they do these things quietly, and then there comes a time when all of that hard work and all of that effort and all the things that they have done behind closed doors and behind closed walls suddenly emerges into the spotlight of the sun.

We have two wonderful young ladies here who have worked very hard, and it has already been said, worked hard within a family structure, a father who stood up for them over and over and over again, who saw in them so much. He had a vision, Mr. Speaker, but not only did he have a vision, he turned the vision into a mission. So often what happens is that folks have visions but they never do anything with it, but he saw in these two wonderful ladies something that would be great, and in other words, what he saw and if others, Mr. Speaker, had told him many years ago that his daughters would achieve all these things, some people may have considered it the impossible, but Richard was about the business of doing the impossible and he did. So I come here to salute these wonderful ladies.

Finally, Mr. Speaker, one of the greatest moments of my life came at Howard University's graduation just this May when Venus Williams was being awarded a special award by the president of the university, and she really literally took all of our breaths away when she got up and she spoke about her sisters who had graduated from my alma mater, by the way, Howard University, and then she said something that really struck everybody in the audience. She said, "They say I am worth millions, but I would give every penny I have got if I could walk across the stage like you are doing today," talking to the graduates, and I think that really touched everybody and put everything into context. One of the things she also said is that "I have been busy playing tennis and making money, but I am going to return and make sure I get my degree."

So it is that kind of spirit. It is a spirit that Swindall talks about, unnoticed, unappreciated, unapplauded and unseen, and so they are now in the sunlight of life, and they have so much to give and so many people to inspire, so many little girls looking up to them, and by the way, little boys also looking up to them. We salute them today and may God bless these great ladies.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from California (Ms. Watson).

Ms. WATSON of California. Mr. Speaker, I rise in support of H. Res. 94, honoring the sisters Venus and Serena. Congratulations are indeed in order for these champions. My colleagues have already outlined some of the outstanding accomplishments that these two young women from Compton, California, have achieved, and I too pay my respects to the number one and the number two ranked Women's Tennis Association players in the world.

These young adults have created many first-time achievements for American women in world tennis. Their skill, charisma, dedication, plus love for the sport herald an exciting era in women's tennis.

Venus and Serena have shown not only athletic dominance on the court but social consciousness and mature contributions off the court and have made wise contributions of not only their time but their money as well.

The Williams sisters who grew up in Compton, California, have overcome considerable odds to excel in their chosen sport.

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Their accomplishments similar to those of Tiger Woods in golf prove that with hard work, dedication, the right kind of guidance, and nurturing, all Americans can achieve and succeed in activities and careers that have been traditionally reserved for those with a higher economic status. The Williams sisters exemplify this and have smashed many contemporary barriers, providing a beacon of light for all Americans; and so many people have said this could not be done. I commend Venus and Serena for their past deeds and look forward to what their future brings, and we will enjoy the seeds that they have sown across America for years to come.

Mr. Speaker, I am happy to cosponsor H. Res. 94.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I know that the gentleman from Michigan (Mr. CONYERS) was trying to get in before we closed. He is a great tennis player himself and has been playing a long time.

Mr. Speaker, I simply want to commend the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her sensitivity in bringing this legislation before us, and I also want to express my appreciation for the opportunity to work with the gentlewoman from Maryland (Mrs. MORELLA). It is always indeed a pleasure to work with her, and I thank her so much.

Mr. Speaker, I yield back the balance of our time.

Mrs. MORELLA. Mr. Speaker, I yield myself the balance of my time.

In closing, I also want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD), my friend, for introducing this resolution. It does say a lot to the fact that people can make a difference and inspire others to great heights. So I urge adoption of this measure.

Mr. RUSH. Mr. Speaker, I am proud to honor the achievements and determination of Venus and Serena Williams. These two young women 20 and 19 years old respectively are only in their sixth and third full years as professional tennis players and they have over 43 professional titles between them.

Venus Williams is the first African-American woman to win the Wimbledon Championships since 1958 and she is the first United States woman since 1924 to win an Olympic gold medal in both singles and doubles. She also holds the women's world record for the fastest serve at 127 miles per hour, and is one of only seven women to win the singles titles in both the Wimbledon Championship and the U.S. Open in the same year.

Serena Williams is only the second African-American woman ever to win a Grand Slam singles title and is only the sixth American woman to win the U.S. Open singles title since 1968. Ms. Williams is only the fifth woman to win both singles and doubles Grand Slam titles in the same year, and is the first woman to reach the finals in a U.S. Open debut since 1978.

They are impressive women who overcame social and racial barriers to achieve excellence. Venus and Serena Williams have inspired and encouraged people of all backgrounds and ages, especially those in their hometown of Compton, California, demonstrating through the spirit of sport that education, a good work ethic, teamwork, fortitude, and determination are ingredients for success.

Mr. RANGEL. Mr. Speaker, in viewing the tremendous achievements of tennis players Venus and Serena Williams, once again on display for the pleasure of their many fans at the U.S. Open in my hometown, New York, one must acknowledge the legacy of past trailblazers, the parental roles of Richard and Oracene Williams and the natural ability of tennis's most recent stars.

Tennis pioneers Althea Gibson and Arthur Ashe successfully gained national and international status despite legal and customary exclusion of African-Americans from tennis during most of the 20th century. In 1951 Althea Gibson was the first African-American of either gender to play in U.S. Open and also in 1951 she became the first black American to play at Wimbledon. In 1957 Gibson made history by winning the Wimbledon singles and doubles championships. Breaking ground in the game of tennis, she also became the first Black female to be on the cover of Sports Illustrated. Despite the confines of race, gender, and class, she transcended the role of black female athletics and became a spokesperson for racial equality and inclusion by challenging racial segregation in American society. By challenging and ultimately transforming the racial and social climate in sports, Gibson created a legacy and opened opportunity for future black tennis players. Similar to the achievements of Gibson, Richmond, Virginia native Arthur Ashe rose to prominence in tennis. Noted for his grace, hard-hit topspin, and outstanding backhand, Ashe won the 1968 U.S. Open, the Australian Open, and the Wimbledon title in 1975.

Following in a great tennis legacy, Venus and Serena Williams have also made history by becoming the first sisters to win Grand Slam crowns individually and collectively in the 20th century.

Almost fifteen years ago, Richard Williams stood on a crumbling tennis court in Compton, California and told his daughter Venus that she was going to be one of the best tennis players in the world. For Williams, a neighborhood tennis coach, this was a bold and idealistic vision because no Black person had excelled in the game since tennis greats Althea Gibson and Arthur Ashe. However, despite the odds and the inability to provide expensive and private tennis lessons, Williams and his wife recognized and nurtured the natural ability of Venus and her youngest sister Serena. Similar to the challenges faced by Gibson and Ashe, the issues of race and class were always prevalent in their matches against white competitors. In meeting those obstacles, their parents fostered a work ethic that encouraged them to play aggressively and to always strive to be the best. While catering to their talents, the Williams also valued the education of their daughters and did not allow their schooling to take a back seat. Unlike some parents who sacrificed schooling for competitions, the Williams strongly advocated education and viewed it as a top priority. By instilling a victorious attitude, value in education, and graceful demeanors, Richard and Oracene Williams have given sports and the world two talented athletes and young women who are true role models.

Considered the most dominant players in recent tennis history, Venus and Serena Williams have revolutionized and literally transformed the sport with forty-three professional titles between them. Venus and Serena have broken racial and socio-economic barriers with pride and poise by illustrating to the world that tennis is a sport for all people. The pair made history by becoming the first African-Americans to win national and international titles since tennis pioneers Althea Gibson and Arthur Ashe.

Claiming her first Grand Slam victory in 2000 at the age of twenty, Venus Williams became the first African-American female champion at Wimbledon since Gibson in 1957 and 1958. Elevating her game to the next level, Venus is the first American woman since 1924 to win an Olympic gold medal in both singles and doubles. She holds the women's record for the fastest serve at 127 miles per hour, and is one of the seven women to win the singles title in both the Wimbledon Champions and the U.S. Open in 2000 and 2001.

Creating history in her own right, Serena Williams is currently the number one ranking female tennis player. Following in the footsteps of her older sister, Serena is only the second African-American woman ever to win a Grand Slam singles title. She is also the sixth American woman to win the U.S. Open singles title since 1968 and is the fifth woman to win both singles and doubles Grand Slam titles in 2002.

Among other note-worthy titles, the sisters are the first in professional tennis history to each win a Grand Slam singles, the first to be ranked in the top ten simultaneously since 1991, the first to win a Grand Slam doubles title together, the first to compete against one another in Women's Tennis Association Tour Final, and the first to win an Olympic gold medal in doubles together. Recently, rated the numbers one and two women players in professional tennis, the Williams sisters have broken ground in rewriting tennis history with their historic wins.

Inspiring and encouraging thousands of young players from different racial and socioeconomic backgrounds, Venus and Serena have become role models for young women of their generation. They have gracefully illustrated and proven that through hard work, dedication, teamwork, and determination all dreams can be achieved. Moreover, the sisters have embraced the notion that high moral and ethical standards and strong family values are the ingredients to success. Putting rhetoric with action, the Williams sisters are actively engaged in encouraging young people in minority communities to become interested in tennis. They are opening doors of opportunity in tennis for young people of color all over this nation and as a result of their work will leave a living legacy of young champions of color in the years to come.

In viewing their accomplishments, the Williams sisters have continued the long tradition and outstanding achievements of blacks in tennis. Furthermore, they have shown the world the continued legacy of Blacks in tennis, the spirit of sportsmanship, and the gift of serving and encouraging young people around the world.

Mr. HASTINGS of Florida. Mr. Speaker. I rise today in support of H. Res. 94, a resolution honoring the contributions and accomplishments of tennis stars Venus and Serena Williams.

To say that Venus and Serena Williams are trailblazers would be an enormous understatement. The first sisters ever to be ranked number one and two in women's tennis, they have achieved a feat worthy of congressional recognition and international praise.

The Williams sisters first came to the public's attention in 1997 shortly after they began their road to becoming a tennis powerhouse. During that year, the sisters lost nearly every game they played and despite the media attention and the multi-million dollar endorsements, a long-term career in tennis looked bleak. However, within five years these two young ladies managed to propel themselves to arguably become the best women tennis players and most recognized of all time, winning more than seven Grand Slam titles between the two of them.

Mr. Speaker, in their efforts to establish themselves as great athletes, they also established themselves as great role models. Through the Venus and Serena Williams Tutorial/Tennis Academy each year their foundation helps more than 40 inner city kids through the workings of after school programs, summer tennis camps, mentoring, and cultural enrichment education. As a result now more than ever, young African American children are playing sports and participating in programs traditionally played by whites.

With Venus and Serena's performance at the U.S. Open this week, I cannot think of a more fitting time for this resolution to come before the House of Representatives. They have shown and continue to show their dedication to their career and community. They are young leaders who have vowed to take the world by storm, working to defeat everyone in their path so they may reign as tennis champions.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) that the House suspend the rules and agree to the resolution, H. Res. 94.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

Mr. HULSHOF. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5203) to provide that the education savings incentives of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Savings and School Excellence Permanence Act of 2002".

SEC. 2. EDUCATION SAVINGS INCENTIVES MADE PERMANENT.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsections (a) and (b) shall not apply to the provisions of, and amendments made by, title IV.".

SEC. 3. TAX-FREE EXPENDITURES FROM EDUCATION SAVINGS ACCOUNTS FOR QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES AT HOME SCHOOLS.

(a) IN GENERAL.—Clause (i) of section 530(b)(4)(A) of the Internal Revenue Code of 1986 (defining qualified elementary and secondary education expenses) is amended by striking "or religious" and inserting "religious, or home".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 4. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) of the Internal Revenue Code of 1986 (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking "or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the account holder at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined in section 2005(a)(3) of title 10, United States Code, as in effect on the date of the enactment of this clause) attributable to such attendance, or".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 5. PROTECTION OF SOCIAL SECURITY AND MEDICARE.

The amounts transferred to any trust fund under the Social Security Act shall be determined as if this Act had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. HULSHOF) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is back-to-school time. Indeed, as I look at the clock above the Speaker's chair, in about 2 hours when we call for votes, this Chamber will fill with our colleagues; and there will be some of the same giddiness as kids going back to school. And the inevitable question we ask one another is what did you do on your summer break?

Certainly I think as we prepare for some very solemn events later this week as well as next week and certainly recognizing the impact of a year ago, I think a lot of attention has caused us to really forget some of the important education initiatives that have passed and become law. Specifically, this Congress began last year with a renewed commitment to education. "Leave no child behind" has become a familiar mantra. In fact that landmark legislation of leaving no child behind is now the law of the land and really starts with the mindset that a child, any child, can learn.

As President Bush stated, indeed as Governor of the State of Texas, "The Federal Government must be humble enough to stay out of the day-to-day operation of local schools, wise enough to give State and local school districts more authority and freedom, and strong enough to require results. We must make our schools worthy of all of our children. Whatever their background, their cause is our cause. It must not be lost."

Thereupon we came together in a very bipartisan way and passed that landmark legislation. But Congress did not stop there. Last summer in the Economic Growth and Tax Relief Reconciliation Act, there were some significant tax incentives to improve the affordability of education, not just higher education but kindergarten through elementary school, through secondary, essentially schoolchildren of all ages that would be able to take advantage of through their parents or other mentors or family members, opportunities of savings vehicles and incentives through the Tax Code.

Yet, Mr. Speaker, as you know and as this body knows, a year ago when we enacted the Economic Growth and Tax Relief Reconciliation Act, because of some very technical, arcane procedural rules in the other body, there was a sunset provision placed upon those tax incentives relating to education. What this bill today, H.R. 5203, attempts to do is to make permanent those positive savings vehicles, those tax incentives that would help all parents across the country really focus on their children's education.

Certainly, as we debated this a year ago, the idea is a simple one. No child should be discriminated against because of the choice of where he or she goes to school. Public schools, private schools, religious schools, home schools, any child should have the advantage of these tax incentives through parents or other mentors as far as educational expenses.

We cannot in Congress, of course, set tuition rates. We cannot set student fees. In my hometown of Columbia, Missouri, as college students are coming back, they are lamenting the fact that they are facing an 8 percent tuition hike this year. There is nothing that not only this legislative body but other State legislatures can do as far as the rising cost of tuition. However, we have acted as far as making college education and other educational expenses more affordable, education more accessible. It is time to make those provisions in the Tax Code permanent, those tax relief measures. This body has acted making the entire Economic Tax Reconciliation Act of 2001 permanent. We have also acted as a body to make those pension opportunities permanent, the marriage penalty repeal permanent as well as the death tax repeal. We believe it is time for Congress to make a renewed commitment to make permanent the education tax incentives. Accordingly, I ask that H.R. 5203 be adopted.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

It is nice to be back here on the first day of school to witness the 27th act of the Republican budget follies of 2001–2002. The gentleman from Missouri talks very openly about the No Child Must Be Left Behind bill, and we all clapped and patted ourselves on the back. It authorized an increase in the budget of 15 percent for children and education. But then there was the budget, the real honest-to-God budget. That was 2.8 percent. Promising 15 percent and then giving them 2.8, right? And meanwhile come down here and shovel more money out the back door in tax breaks.

You call it arcane reasoning. Well, we did not want to break the budget. That is why you did not make it permanent in the first place. If you had passed this thing in perpetuity, you would have broken the budget, and it never would have passed the Senate. That is why you put that sunset clause in.

But the fascinating thing is that the Bush budget that says it cares about education in the public schools cuts 50 programs, including civics and art and history education. It cuts school counselors and technology for teachers. That is in the public schools. We do not want to fund the public schools. We just want to figure out how to give everybody a voucher, forever. We are going to boost the amount from $500 a year to $2,000; and we are going to add that everybody now is permanent. Higher education, high school, middle school, elementary school, home school, everybody can take their money and go outside the public school system. Yet 90 percent of the kids in this country go to the public schools. So why is our focus not on putting money in the public schools?

Even more interesting and the reason I started with this talk about the budget, 2 years ago, a little less than 2 years ago, we came out here and we said we have $5.6 trillion in surplus. And we could do anything. We can give enormous tax breaks. We can do all these things. But even the Republicans now have to admit that their own Congressional Budget Office says that this year we are going to be $157 billion in debt, in deficit. That is counting all the Social Security money. All that money, all that talk about lockboxes and we are going to protect Social Security. I can remember listening to hundreds of speeches from the other side that would be saying today, "You're raiding the Social Security money." But suddenly we do not hear any of that. We have the Congressional Budget Office say we are only going to be $157 billion in debt. They do not point out that the biggest chunk of that is money coming from Social Security.

Maybe next year it is going to get better. That would be right, right? Well, it is only going to be $145 billion in deficit. Yet you want to come out here and pass a bill that puts another $5 billion out in perpetuity. You do not know what is happening in the stock market. Everybody tells me it is getting better. The economy is coming back. It is not coming back in the Northwest. We have got the highest unemployment we have had in 15 years. So when people are saying, Oh, well, let's give all these permanent tax breaks because it's coming back, where is the proof of that? Who believes the Secretary of the Treasury? We do not have a serious financial leader in this executive branch. Nobody that the world believes. They go out and make speeches and the market drops. So explain to me how you can continue to give money away permanently.

The funny thing about this, of course, is it does not take effect for 8 years, right? Put it in today, people will forget about it; but it will bite out there someplace down the road. It is a very clever strategy. Put in the idea with the sunset, come back a year later and say, well, we are only extending what we did last year. That is deceptive. We are in financial difficulties in this country. We should not be passing this kind of legislation at this point when we have not done the education budget. We have not even done any of that yet for the public schools, and you want to give people money to go to the private schools.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. I am impressed that this measure is coming up at this point in time. Is there some reason that we keep going over this? Has this subject been before the House of Representatives before?

Mr. MCDERMOTT. My impression is that we have done this at least twice before. And the Senate always rejects it, because the emphasis should be on public schools.

Mr. CONYERS. I want to thank the gentleman for his comments. I want you to know that I think there will be more people here thinking about the wisdom of H.R. 5203 when it comes up for a vote today.

Mr. MCDERMOTT. I hope they will all vote against it.

Mr. Speaker, I reserve the balance of my time.

Mr. HULSHOF. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. SAM JOHNSON), another valued member of the Committee on Ways and Means.

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Mr. SAM JOHNSON of Texas. Mr. Speaker, I did not know we were going to come in here and try to get into a political debate. As I recall from the Committee on Education and the Workforce, we did not do any cutting; we consolidated.

I do not think we have taken one red cent out of the Social Security trust fund, and we do not intend to. I think that it is important for the people to know that they can count on the future, that they can put their money into a savings account and count on it to be there for their kids to go to school, if that is what they desire to use it for.

Mr. Speaker, it is an honor for me to be here today to solve a problem brought to my attention by a constituent. Great ideas do not always start from inside the Beltway or from pundits or strategists. They come from good Americans back home, like my friends Paul and Jeanette Miesse of Plano. Their son, Kyle, attends Jasper High School where he is in the tenth grade and participates in ROTC. Kyle is considering applying to the Naval Academy. I want to help them make that a reality.

Kyle's dad researched the 529 Education Savings Account. As you know, 529 savings plans, run by the States, allow parents and others to put money aside for college to grow tax free, and, as long as the money is spent on education, the money is spent tax free. These tax incentives are an important way to encourage savings for higher education.

Current law provides penalty-free refunds from 529 plans for certain situations, such as when the student receives a scholarship. The problem with this is the definition of the word "scholarship." It excludes appointments to the United States service academies, such as West Point, Annapolis, or my favorite, the Air Force Academy. Under the Tax Code, these appointments are considered commissions in the military and so are different from scholarships.

Hard-working students and athletes across America are rewarded with scholarships to colleges and universities. Congress recognized the hard work of these young people when we permitted their parents to receive penalty-free rebates of their contributions to 529 plans. In addition to academic and athletic scholarships, the IRS and Treasury have told us if a student earns an ROTC scholarship, their plan can make penalty-free rebates. It is only the United States military academy students who are not eligible for this benefit.

Serving this country is a noble profession. Congress ought to encourage, not discourage, young people to join our armed forces, especially today, and the clarification we are making today will ensure that all students who attend our United States military academies get the same treatment under 529 plans as their peers.

Given that each Congressman is eligible to make appointments to the United States service academies, I think all of us in Congress have a direct interest in making sure we solve the problem. On average I nominate about 40 students from the Third District of Texas to the service academies.

I think when hard-working, patriotic young Americans are rewarded with an appointment to a service academy, we should not turn around and impose a 10 percent penalty on their parents who saved for their children's education. We should provide the same penalty-free withdrawals for the plebe, the middy and the cadet as we provide to those who play sports, earn an academic scholarship or pay for school through ROTC.

Again, I want to thank my constituents, Paul, Jeanette and Kyle Miesse of Plano, who brought this issue to my attention.

To my knowledge, at no time during the consideration of this legislation did we consider the issue of appointments to the service academies. I believe the omission was simply an oversight, and I encourage the passage of this bill that will permanently extend the education tax breaks included in the tax law we enacted last year.

I do not see how anybody can vote against helping parents send their kids to school and help make it permanent. I want to thank the chairman for including in this bill that clarification. It is people like this in our own districts that make a difference.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, H.R. 2503 has one fatal flaw, and it must keep every Member of this Congress and in this body, every Member that supports public education, from voting for it.

H.R. 5203 takes much-needed Federal funds away from public schools and gives that money to wealthy families to pay for private schools. While private schools and religious schools and military schools are an important part of the education mix in this country, they must not be funded with Federal dollars.

Yet this is exactly what H.R. 5203 does. It makes the tax breaks for families who use education savings accounts to pay for private schools a permanent benefit. Families who can afford to put part of their income into education savings accounts more often than not are the same families who can afford to pay for private schools. We must not, we cannot, and we should not be using precious Federal dollars to subsidize children who come from wealthy families so that they can go to private schools and take that money away from our public school system.

A strong public education system is the only way we can prepare all of our children for the high wage, high skilled jobs that will ensure America's place in the world market. A strong public school system is also how we prevent dependency on welfare here at home.

Public education is the backbone of our country. It is why we are a great Nation. We cannot afford to give money to private schools when we do not have the will and we do not have the budget to fully fund our Nation's public education system.

We cannot invest in private education when we do not meet our Federal obligation to IDEA, the Individuals With Disabilities Education Act. But when we do have a budget that truly leaves no child behind, I will support a measure like this. Until then, vote against H.R. 5203 because it weakens public education and it must be defeated.

Mr. HULSHOF. Mr. Speaker, I yield myself 90 seconds.

Mr. Speaker, I want to commend the other side for waiting until at least the second speaker to bring up the mantra "tax breaks for the wealthy." What I would like to do is refute that comment specifically from the last speaker.

As this body knows, we have yet to reach the appropriation for public education. The Labor, Health, Education appropriations bill is yet to come. That is the funding mechanism for public schools.

I would take issue with my friend from Washington State who declared that somehow there are cuts in public education. Since 1995, this body has increased funding for public education by nearly 30 percent, and I dare say I question how additional funds in public education is perceived to be a cut.

Specifically, to the point raised by the last speaker, 70 percent of the tax savings just from education savings accounts go to families with children in public schools making less than $75,000 a year. Let me repeat that statement: 70 percent of the benefits of education savings accounts go to public school children whose parents make a combined income of less than $75,000. There are 14 million families whose children benefit from just the education savings account vehicle. Almost 11 million of those are children who attend public schools.

So I think that clearly the issue of funding of public education is something this body will consider later in the appropriations process, and I certainly take issue with the comments of the last speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in response to my friend and colleague's mention of this debate, I think we all have to make clear something about this debate right here and now: It is not those of us on this side of the aisle who brought this legislation forward, and it is not that we wish to constantly raise the point that these are tax measures that have tax cuts, that help principally wealthy individuals. That is the fact of this measure, that it will cost some $3 billion per year.

But it is as if Congress learned nothing from the Enron, the Global Crossing, the Arthur Andersen, the WorldCom financial scandals that let so many fat cats become even fatter, that now we have a bill that would again benefit the wealthiest Americans at the expense of the majority of middle-class Americans.

Really, at the end of this, if you take a look at this bill, this is an attempt to sneak vouchers through the back door for private schools again, at the expense of the 90 percent of our kids who are attending public schools.

But the worst part, as you heard the gentlewoman from California mention beforehand, was that this is fiscally irresponsible. We are already running a deficit this year, when we were told by the Bush administration last year we would have a $165 billion surplus for this year. Yet we are in deficit. Now we want to take $3 billion per year once this is permanently extended and spend it to help mostly wealthy families who will take advantage of these tax breaks.

That does not seem right, especially when you think that the President's own budget called for a cut of all funding for dropout prevention programs in our schools throughout the Nation, especially when you consider the fact that the President is unwilling and this House is unwilling to let us have before this body a debate on school construction monies so that our school districts throughout the Nation which are overcrowded could have the money to build the schools for all our kids, not just those that are wealthy.

Why not do school construction measures like that which is cosponsored by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. RANGEL) and a number of us that would say spend less than $1 billion per year to help school districts, leverage that into $25 billion over the next 10 years to help build schools, rather than give away $3 billion per year to mostly wealthy Americans.

That is what this debate is about. It is about being fiscally responsible. All of us want to stand for our kids to have a fund to go to school. I have two of my three already in school, public school, and I want to make sure that they have the resources, along with every child that is in the classroom with them, to do the right thing and learn the right way. But this will help no one. In fact, it does not help anyone for the next 10 years.

For those reasons, we should vote against this and do something meaningful for our children and our schools throughout the Nation. I urge my colleagues to vote against this measure.

Mr. HULSHOF. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, certainly we need more incentives to recruit and retain the best public school teachers possible. The many who currently are underpaid and overworked need additional incentives. We need incentives to help our children prepare to achieve their full potential. Children confronted with schools that are in disrepair or have inadequate technology and other equipment are deprived of an educational environment where they can strive and thrive.

As a product myself of the Austin public schools and the father of two children who are successful graduates of the Austin public schools, one now a teacher herself in public schools and the other a physician, I welcome a debate on incentives to improve our schools.

Unfortunately, this is not that debate. This debate has little to do with public education and everything to do with political theater. We have soaring deficits as a result of the fiscal mismanagement of this country.

□ 1700

And the solution that is offered today is to dig the hole just a little deeper by providing even more tax breaks to favor those at the top and adding that to the huge deficits that we already have.

While the President some time ago adopted the slogan of the Children's Defense Fund: "Leave no child behind," unfortunately, his budget this year leaves quite a few children behind. He committed to a 15 percent increase in federal education funding to address these very real needs in our public educational system, and instead he has proposed less than 3 percent.

We do not need to wait for the appropriations bill to know that the President's budget leaves too many children behind across this country, and instead of addressing that today, what is proposed in this bill is that we make permanent a provision referred to as the "Coverdell Savings Account." But, in fact, this is not a savings provision, it is a looting provision. It provides tax breaks equivalent to vouchers for private schools. That is what this all about, just another way to voucherize and separate and divide our public education so that we help a handful of children and we leave all the rest to suffer without the incentives and the support that we need to genuinely leave no child behind.

Mr. Speaker, undermining public education undermines America. And in a democracy where the government is only as good as the people, a poorly educated populace threatens our way of life. Only an educated, informed citizenry can hold their leaders accountable, can hold their Members of Congress accountable, when they offer expensive, election-year giveaways like this bill to a select few at the expense of millions of children across this country.

Mr. HULSHOF. Mr. Speaker, I yield myself 1½ minutes to respond to the gentleman from Texas.

Under existing law that the President signed last June, here is who can contribute into a Coverdell education account. By the way, this is mirrored on the premise of the Roth IRA; that is, that one contributes monies into a savings account and then the interest that builds up, the power of compound interest, as Einstein talked about, as that interest builds up, it is tax-free if used in a Roth IRA, for instance, for retirement expenses and in the Coverdell account for education expenses.

Here is who can contribute to an education account: anyone. Parents, teachers, mentors, small business owners, corporations, charities, foundations, labor unions, concerned citizens, church groups, anybody can designate funds to go into an education account for any child.

Now, I would say to the gentleman, in fact, this is new resources, incentives that would not be committed to education but for the fact that we put them in the Tax Code and provide this tax incentive. This year alone, this year alone, 3.5 billion more private dollars are being allocated specifically to educating our kids just this year.

The other point I would make is simply, everyone keeps talking about the budget picture. Again, keep in mind that there is absolutely no budget impact, or a minimal budget impact, making this permanent until the year 2010 and 2011.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I would have thought maybe this break for August would have given the Republican majority here some pause, but no, I guess they are going to plunge further into this reckless fiscal irresponsibility. They never answer our statement about what they are doing to the budget deficit. New facts do not seem to matter. They just go on as if it does not matter what happened in August, or was it September, when the CBO said, oh, the deficit is going to reach $157 billion, and if Social Security taxes were not counted, we would be $315 billion into red ink. So what is our colleagues' response to all of this sea of red ink? Pour more red ink. Make the sea even more bloody worse, I guess.

But that does not make any sense. They are making something permanent in the eleventh year, they are doing that now, with this fiscal situation facing America.

Mr. Speaker, we know it is not going to pass the Senate. It will not happen. So why are our colleagues attempting this? It is a political ploy that I guess our colleagues think Americans will not see through. But it is clear to me that the American public knows red ink when they see it, and when they see the Republicans dipping into Social Security taxes, they know they are doing it, and they know that this is another indication of their playing reckless with the Social Security system of America. So it is terrible policy to do this in view of the red ink, and I think it is really bad politics.

So I urge my colleagues to vote "no" on this. Whatever the merits are of the bill, we do not need to add to the red ink today in the future when we are already drowning in this sea of red ink. It is hurting this economy. Vote no.

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume to directly respond to the question posed by the gentleman from Michigan (Mr. LEVIN).

The amount that H.R. 5203 would add to the budget deficit this year: zero. The amount that H.R. 5203 would add to the budget deficit of next year: zero. The amount that H.R. 5203 would add to the budget deficit in the next 6, 7 years: zero. In fact, I would say to the gentleman, as he cites the Congressional Budget Office, that when the budget impact of H.R. 5203 hits in the year 2011 to the tune of $2.3 billion, CBO projects that we will be back in the black to the tune of $3.2 billion. Also, in the year 2012, when there is a budget impact from our bill today of another $3.2 billion, CBO projects another $522 billion of surplus.

The other point I would like to make, especially to the gentleman from Michigan, is this: we are trying to make permanent one of the provisions that he sponsored. H.R. 1438 provides taxpayer assistance, employer-provided assistance to permanently extend exclusion for the cost of undergraduate courses and graduate level courses. That is a bill that was coauthored by the gentleman from Michigan. It happens that of the $5.5 billion in those outyears, that $2.2 billion of those $5 billion are making permanent the bill that the gentleman has indeed introduced here.

Mr. SAM JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. HULSHOF. I yield to the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would also like to point out that the gentleman keeps talking about deficits. I recall when I first got into this Congress they were huge, and it was a Democrat controlled Congress at that time.

Right now, I believe we are at war. We are spending money on defending this United States, the freedoms that we represent and the freedom all over the world. We are working to put in place a homeland defense. I will tell my colleagues right now, if it costs money to protect America and protect our freedoms, I do not think any of us should stop it.

Mr. HULSHOF. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the gentleman from Missouri has very much shaped the issue. I favored those provisions, but within a circle of fiscal responsibility, and the gentleman is being fiscally irresponsible. The figures the gentleman read are figures that show how much the surplus is outside of Social Security taxes. Read that to the public for year 3, 4, 5, 6, 7, 8, 9 and 10. When we exclude Social Security, we are in deficit every year with a projected surplus of $4.2 billion only in year 11, and those figures are always off. My colleagues are playing loosely with Social Security monies.

So whatever the merits of a bill might be, do not just throw Social Security to the winds like my colleagues are doing it. Why are they doing it now in terms of 2011? My colleagues think it is good politics. It is lousy policy and poor politics.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of the time.

What is fascinating about this whole thing, as I started out by saying, it is more of the budget follies. Now my colleagues come out here and they say, oh, but they are now telling us at CBO that it is really going to be good in the future. That is what my colleagues said last year. Last year they said, $5.6 trillion in the bank. We can count on it. And they spent it all. And they are now in the hole. I do not know, it is as though they have an addiction. They cannot stop spending. Yet if they are going to spend, why do they not spend to fix up the schools of this country? If they care about public education, why not use that money for fixing up public schools? No. We are going to give it to people so that they can leave the public school system. We are going to use the public money so that people can leave it and go find a better school and somehow their kids are going to do better.

Now, the real myth here is that this helps ordinary people. Ordinary people living paycheck to paycheck do not have money to put aside in an educational fund. So we are right away talking about people at the top. If we look at who is losing their jobs today, it is pretty scary, whether it is in WorldCom or Enron or any one of the dot-coms or at the Boeing Company or any of these other places. These people do not have the kind of money to put into an educational account. This is a tax break for people at the top who have 5 or 6 grand laying around and say, well, I can put 2 grand into this educational thing and Charlie can use it when he goes to college or when he goes to the private school next year.

My Republican colleagues also defined this so loosely that yes, some of the money does go to people on the bottom. You can buy driver's education with it, you can buy Internet access for your kid, you can buy anything you want; as long as you call it an educational expense, it can come out of this money. The reason there are surprises in here, like my friend from Texas says, we never had any hearings. That is why we do not know what is in the bill.

Mr. HULSHOF. Mr. Speaker, I yield myself the remaining time to close, as we have no further speakers.

I would say to the gentleman and others, my friends, and I consider them my friends, many of whom are on the committee, I certainly hope that this interest in fiscal discipline remains as we really grapple with these appropriations bills, the challenge that remains ahead of us over the next weeks.

Mr. Speaker, the idea is that we want to encourage families to put aside money for their children's education expenses. It was good policy a year ago. It is not good politics, it is just good policy to help those children achieve the American dream. Everybody has talked about their children. My daughter, who is almost 3, one on the way in December, and as we think of providing the best education possible for all of our children, is it not prudent to put aside that money at the earliest possible time, certainly as we see the cost of tuition continue to go up?

If Congress fails to act, Mr. Speaker, here are the provisions that we will lose come January 1 of 2011. Instead of the annual contribution limit to an education account being $2,000 a year, it would revert to $500. Instead of expanding these education account benefits to all kids who go to any type of school, we would be simply focused on those of college education and forgetting about those educational expenses for special needs kids or educational expenses for those in kindergarten through elementary school and secondary education.

□ 1715

My friend, the gentleman from Texas (Mr. SAM JOHNSON), talked about section 529 plans. The reason we need to make these tax incentives permanent is as we invest into a prepaid tuition plan or section 529 plan, the thrust of that is that those withdrawals that we make in those years that those kids, I say to the gentleman from California (Mr. BECERRA), that are not college age yet, when they reach college age, if we fail to act, those distributions out of those section 529 plans are going to be taxable and not tax-free. That is certainly a good policy reason why we need to act today to make these incentives long-term.

Prepaid tuition plans. Again, as the gentleman from Michigan talked about, he has been a champion of tax-free employer-provided education assistance, not just for graduate education but for undergraduate education, again, trying to provide and enlist as many opportunities for individuals in this country of all ages to better themselves through more education.

And certainly the student-interest loan deduction, again, if we fail to act, we will once again put limits on the amount of interest that can be deducted on those burdensome student loans if we fail to act.

Again, Mr. Speaker, it has been an interesting debate. I would just simply say that if it was good policy as we debated this and voted on it as the House and the President signed it into law 1 year ago, it remains good policy today. We need to provide permanent relief to families who want to help their children achieve the American dream.

Mr. KIND. Mr. Speaker, I rise today in support of making education more affordable and accessible to our nation's students. HR 5203, however, does not actually benefit the majority of students and families.

Education savings accounts were established in 1997 as a tool for families to save money over a period of years for their children's higher education. Congress recognized the growing cost of college and the increasing difficulty families face trying to pay for college, and created these accounts to encourage early savings. Last year's tax cut legislation increased the contribution limit for education savings accounts from $500 to $2,000 and expanded the definition of qualified education expenses that can be paid from a education savings accounts to include elementary and secondary school expenses for public, private, or religious schools.

While I support making education more affordable, HR 5203 will allow parents to use these statutorily created education savings accounts—tax free—for almost ANY aspect they consider relevant to their child's education, at any school from kindergarten through college.

If parents feel they need a new sport utility vehicle to drive their kids to school; That is OK.

If they need a new microwave oven to prepare breakfast for their kids before school; That is OK.

If I want to use these funds, tax free, to pay my older son Johnny to tutor my younger son Matthew on the ABCs; That is OK.

Mr. Speaker, these examples seem silly for good reason; this bill does nothing to help families or to teach children. We need to focus our national attention on helping needy families, fixing ailing public schools, and leveraging community investment to help parents, teachers and administrators meet the important educational challenges they face in serving the vast majority of our children. In addition, we need to fully fund the No Child Left Behind Act (NCLB) passed last year.

Our Public schools currently serve approximately 90 percent of students in grades K–12 and face record-breaking enrollments. The NCLB gave parents the choice to transfer their kids from a failing public school to non-failing public school. Recent reports show, however, that very few students are actually able to benefit from this because our schools cannot accommodate any additional children. We should act smarter to devote scarce federal dollars to ensure that all our children receive the education they deserve.

Finally, the bill is fiscally irresponsible. Last year's tax cut bill halted our progress in reducing the national debt. Virtually all the projected surpluses that were used to justify last year's bill have now disappeared. Furthermore, enactment of the bill being considered today would further increase the budget deficit that already is occurring as a result of last year's bill.

I hope my colleagues will join me in opposing the underlying bill. This is not the time to be considering a tax cut that our country cannot afford when there is no assurance that the money will truly benefit all families equally.

Mr. NUSSLE. Mr. Speaker, education is the foundation Iowans need to compete in an ever-changing complicated world. As Iowans have returned to classrooms for the new school year, we should act to make our commitment to education access clear.

Last year, the Congress approved and the President signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001. This important new law contained significant tax relief to improve the affordability of education from kindergarten through college. Unfortunately, due to arcane rules in the Senate, these education provisions will expire after December 31, 2010. Failing to act would mean that Americans would lose $5.5 billion in tax relief on New Year's Day, 2011.

Knowing the importance of providing affordable education for Iowa's students of all ages, I introduced the Education Affordability Act, H.R. 5189, in July of this year. My legislation would repeal the sunset provisions and make permanent provisions eliminating the 60-month limit on the deductibility of student loan interest payments, increasing income limits for student loan interest deduction, and providing tax-free employer-provided education assistance. I am pleased that the legislation we are considering today incorporates the provisions of my bill. In addition to the provisions of my legislation, H.R. 5203 would also make permanent the increase in the annual contribution limit to an Education Savings Account (ESA); expansion of ESA benefits to qualified expenses at public, private and religious schools; tax-free withdrawals from 529 plans for qualified higher education expenses; and pre-paid tuition programs at private institutions of higher education.

By putting more money into the hands of taxpayers so they can make their own decisions about education, I believe this legislation helps Iowans provide their families with the best possible futures.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 5203, the so-called Education Affordability Act.

This education bill is a cynical, backdoor attempt to create a voucher program. it drains our public schools of needed resources so Republicans can give tax breaks to the 10% of families who send their children to private schools. What about the other 90% of American families whose kids attend public schools? This bill does nothing to address their concerns.

We ought to be down here today making sure our public schools have the resources they need. We ought to be finding ways to fully fund last year's "Leave No Child Left Behind" law.

Our public schools have critical needs that Republicans want to ignore. We ought to be making funding available for local schools to hire more quality teachers and reduce class sizes. We ought to be providing money to modernize our schools and renovate outdated and unsafe facilities. More than $300 billion is needed for school construction alone. That $300 billion cannot be met without significant help from the Federal Government. But, it will be hard to keep students from attending classes in trailers or dilapidated school buildings if Republicans pass this bill.

If concern for public schools isn't reason enough to vote down this legislation, then consider its effect on our budget. Today's bill takes the fiscally irresponsible step of making part of last year's trillion-dollar tax cut permanent. This will only balloon our rapidly expanding budget deficit.

We ought to be more sensible. We ought to stand up for real priorities and the qualify of public schools. I urge my colleagues to take a stand for public education and vote no on H.R. 5203.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 5203, the latest in a long series of Republican bills to provide vouchers for private schools at the expense of our public schools. Specifically, this bill would make permanent the so-called Coverdell ESA tax breaks in last year's disastrous tax bill.

As the former Superintendent of my state's public schools, I have been proud to lead many successful efforts here in the U.S. House to defeat private school vouchers. I am particularly proud that in my freshman term in this office, I took to the floor to defeat then-Republican Speaker Newt Gingrich on his private school voucher bill. I can assure my colleagues that I will be here to lead the charge against private school vouchers as long as the people of North Carolina continue to send me to Congress to serve them.

Vouchers are a bad idea because they drain needed public resources away from our public schools, where more than 90 percent of the children in this country are educated, in favor of private schools that have no accountability to the American taxpayers. Rather than siphoning funds from the public schools, we need to invest more in initiatives like school construction, teacher training, class size reduction, tutoring and in other proven methods to raise academic achievement. Rather than make permanent the enormous tax bill that has blown the surplus and ruined the economy, we should pass legislation to get Americans working again.

Let me state that there are some provisions of this bill that I do support. For example, I strongly support tax relief for employer-provided education and training benefits. I also strongly support expanded tax deductibility of college student loan interest. Both these meritorious provisions do not change the fact that this is a fundamentally flawed bill.

This bill is bad education policy. This bill is bad tax policy. This bill is bad budget policy. I urge my colleagues to join me in voting it down.

Mr. CARDIN. Mr. Speaker, regrettably, I cannot support this bill because of the budget implications it would create. The Bush Administration has failed to produce a budget proposal that is fiscally responsible, it has failed to protect the Social Security surplus, and this bill will dip even further into that surplus. We cannot raid the Social Security surplus to reward private schools while we are in the middle of a budget crunch and a public school funding crunch.

There are two measures in H.R. 5203 that I do support. We should extend Section 529 savings accounts so that hard-working parents can attempt to keep pace with rapidly rising higher education costs and give their children the opportunity to go to college by creating education savings accounts. We should also allow parents of military academy students with scholarships to withdraw Section 529 funds without penalty. We must give students who are attending our military academies the same treatment as students with other scholarships. I hope that we can enact a good budget bill that includes these important provisions.

Mr. HULSHOF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Missouri (Mr. HULSHOF) that the House suspend the rules and pass the bill, H.R. 5203, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of H.R. 5203, the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CERTIFICATION AND STATEMENT OF JUSTIFICATION REGARDING AUSTRALIA GROUP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons—related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 4, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 5 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 5203, by the yeas and nays;

H.R. 3287, by the yeas and nays.

The vote on the motion to suspend the rules on House Resolution 94 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for the second electronic vote.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5203, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. HULSHOF) that the House suspend the rules and pass the bill, H.R. 5203, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 188, not voting 32, as follows:

[Roll No. 371]

YEAS—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McKeon
Mica
Miller, Dan
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Becerra
Bentsen
Berkley
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—32

Baldwin
Barr
Barrett
Berman
Bono
Buyer
Carson (IN)
Condit
Cooksey
Crowley
Davis, Tom
Ehrlich
Evans
Gilman
Graham
Hall (OH)
Hastings (WA)
Kaptur
Miller, Gary
Mink
Murtha
Rivers
Rohrabacher
Roukema
Sánchez
Schrock
Smith (WA)
Stump
Towns
Velázquez
Wexler
Young (AK)

□ 1854

Ms. ESHOO, Mrs. CAPPS, Mr. SHOWS, Mr. SCHIFF, Mrs. MORELLA, and Mr. BOEHLERT changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3287.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3287, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 372]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—32

Baldwin
Barr
Barrett
Berman
Bono
Brady (TX)
Buyer
Carson (IN)
Condit
Cooksey
Crowley
Davis, Tom
Ehrlich
Evans
Graham
Hall (OH)
Hastings (WA)
Kaptur
Miller, Gary
Mink
Murtha
Rivers
Rohrabacher
Roukema
Sánchez
Schrock
Smith (WA)
Stump
Towns
Velázquez
Wexler
Young (AK)

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on Wednesday, September 4, I was unavoidably detained due to a prior obligation in my district; had I been present and voting, I would have voted "no" on rollcall No. 371 and "yes" on rollcall No. 372.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FREE DEBATE OVER WAR WITH IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, we have returned from the work recess. So many of us have had the opportunity to listen to our constituents, and aside from the important business of the appropriations process, I heard a singular cry and that is whether this country was going to engage in war with Iraq.

I am gratified to hear that there will be a full debate in this House and I hope it will not be limited by time. But I have called for citizen summits across the Nation, communities opening up in town hall meetings and PTA meetings and civic associations to discuss one of the most important decisions this Nation has to make. For if this war is engaged and we go into war, there is no determination as to whether this will be a 1-year war or a 20-year war.

The American people must be involved. And although this is the people's House, and I hope we will have full debate, I believe it is crucial to have citizens debate all over this Nation. In visiting with students at the University of Houston, I made this point.

Madam Speaker, I hope that the American people will begin to debate this crucial issue impacting America.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AVOID WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, I want to start my 5 minutes with a quote from Jefferson. Jefferson said, "No country perhaps was ever so thoroughly against war as ours." These dispositions pervade every description of its citizens, whether in or out of office.

□ 1915

We love and we value peace and we know its blessings from experience.

We need this sentiment renewed in this Congress in order to avoid a needless war that offers us nothing but trouble. Congress must deal with this serious matter of whether or not we go to war. I believe it would be a mistake with the information that is available to us today. I do not see any reason whatsoever to take young men and young women and send them 6,000 miles off to a land to attack a country that has not committed any aggression against this country. I believe it would be a serious mistake for various reasons.

First, it is a practical reason. There is no practical defense for this. Our military now has been weakened over the last decade, and actually when we go into Iraq, as we may well do, we will weaken our ability to defend our country. We do not enhance our defense by initiating this war.

Besides, it is impractical because of unintended consequences which none of us know about and what might come. We do not know exactly how long this will last. It could be a six-day war, a six-month war or six years or even longer. It could be very impractical by going to war.

There is a military reason for not going to war. We ought to just listen to the generals and the other military experts that are now advising us there is not a good reason to go to war, possibly even start World War III some have suggested. They claim our troops have been spread too thinly around the world, and it is not a good military matter to go into war today.

There is a constitutional argument and a constitutional mistake that could be made. If we once again go to war, as we have done on so many occasions since World War II, without a clear declaration of war and a clear goal of victory, a haphazard way of slipping into war by Executive Order or, heaven forbid, getting permission from the United Nations makes it so that it is almost inevitable that true victory will not come.

So we should look at this in a very constitutional fashion. We in the Congress should assume our responsibility because war is declared by Congress, not by a President and not by a U.N.

This is a very important matter, and I am delighted to hear that there will be hearings and discussion on this matter. I am certainly arguing the case that we should have a balanced approach. We have already had some hearings in the other body, and we heard only one side of why we must do this, but if we have true hearings, we best have a debate and evidence on both sides of this matter rather than just getting one side up and saying why we must do this.

Actually there are even good political reasons for not going into this battle. War is not popular. It may be popular for the short run when there seems to be an immediate victory and everyone is gloating over the victory, but war is not popular. People get killed and body bags end up coming back. War is very unpopular, and it is not the politically smart thing to do.

There are economic reasons that we must be careful for. We can make serious economic mistakes. It is estimated that this venture into Iraq may well cost over a hundred billion dollars. Our national debt right now is increasing at a rate of over $450 billion and we are talking about spending another hundred billion dollars on an adventure that we do not know what the outcome will be and how long this will last? What will happen to oil prices? What will happen to the recession that we are in? What is going to happen to the deficit? All kinds of economic ramification. So we better not make the mistake of going into something that really we have no business getting into.

There is a diplomatic reason for not going. There could be serious diplomatic mistakes made. All the Arab nations nearby and adjacent to Iraq object to it and do not endorse what we plan and insist that we might be doing, and none of the European allies are anxious for this to happen. So diplomatically we are way off on doing this.

I hope we take a second thought and be very cautious in what we do.

TRIBUTE TO MARLA ANN BENNETT

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. Madam Speaker, I rise to speak in praise of Marla Ann Bennett, the young San Diegan who was killed in the July 31 terrorist bombing attack at Hebrew University in Jerusalem.

Marla was an extraordinary woman who touched the lives of many people in her all-too-brief lifetime. Her brutal murder left a terrible void in those lives and brought forth an outpouring of grief from the Jewish community where she lived: in Berkeley, where she attended the University of California; in Jerusalem, where she continued her studies and found a spiritual home as an American Jew in the Jewish homeland; and in San Diego, where she grew up and planned to return once her studies were completed.

At Marla's memorial service, which was attended by over 2000 people, and in more intimate meetings with her family and her friends, I have shared the community's terrible grief at Marla's death, but also the great joy that she felt in life and shared with others. It is that joy and in the words of Rabbi Martin Lawson, "Marla's legacy of caring, of Jewish learning and teaching, of smiles and optimism, of warmth and hope," that I want to share with my colleagues and the American people.

As a young girl, Marla was precocious, mature beyond her years. At age 2, she told her parents no more babies in this house anymore, and at age 3, she announced that she was going to Stamford University. By her early teens she had explored her Jewish identity and found fulfillment in Judaism's spiritual teachings and in its call to save the world through acts of kindness and generosity. As a camp counselor, school class officer and volunteer Jewish educator, Marla was known for her infectious enthusiasm, good nature and appetite for hard work.

She carried those qualities with her when she moved to Jerusalem to attend the Pardes Institute of Jewish Studies at Hebrew University. In addition to her graduate work in Jewish history and culture, Marla worked to promote peace and understanding between Jewish and Arab Israelis. She felt that Israel had to do more to end the conflicts with its neighbors, and she grew impatient whenever a friend or family member seemed to give up on the peace process.

Marla knew that living in Israel was risky but for her it was exhilarating. In an article for the San Diego Jewish Press Heritage, she wrote "I am not a tourist; I deal with Israel and all its complexities, confusion, joy and pain every single day. And I love it. Life here is magical." In another article she wrote, "I have a front row seat for the history of the Jewish people. I am part of the struggle for Israel's survival."

Now Marla is a casualty in that struggle, but she is also a beacon of light for all those who dream of peace and work for the day when Israel can dwell in peace with her neighbors.

Marla Bennett was one of thousands of young American Jews who have gone to Israel and stayed on despite the horrors of war and terrorism. In an open letter to Marla's parents, another young American who chose this path wrote that "there was no question as to whether it was worth the risk." He told the Bennetts, "My heart literally breaks for your loss but not for your daughter. She lived her life as a free, independent and bold Jewish woman. May her example live on in the sons and daughters that follow her."

Amen. Marla Bennett was a beautiful, brilliant, brave, kind and caring young woman who lived life to the fullest, and though her death is a terrible blow to many of us, her life is an inspiration to us all.

CONGRATULATING HEATHER IVANYI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to recognize tonight and congratulate a very special constituent in my congressional district, Heather Ivanyi, who is a teacher at Oliver Hoover Elementary School, and I want to thank her for her tireless efforts on behalf of our community's special children, those who have special needs, and for having been featured recently as a Super Teacher in the Miami Herald.

Heather not only teaches her students spelling and arithmetic, but more importantly, she develops their creativity and positive self-esteem. At home she focuses on her beautiful 6-year-old daughter Kayla Rae, who has Down's Syndrome.

Knowing firsthand the special needs of children like her daughter, Heather spends her free time working for groups like the Association of Retarded Citizens, the Possible Dream Foundation and the American Rehab Corporation to further assist children with Down's Syndrome, with cerebral palsy and other such disabilities.

Along with her assistant Daphne Noisette-Andre, Heather Ivanyi dedicates and cares for the special needs children of our community and we are a better community for that, and I would like to read just a few lines from the article that was written in the Miami Herald by Yohana De La Torre, and it is entitled, "A special teacher works for special children, Hoover's Heather Ivanyi is tireless." It says, "A Miami native, Ivanyi graduated from Killian High School and received her associate degree from Miami-Dade Community College."

"In 1994, she graduated with a Bachelor's Degree in varied exceptionalities while working full time.

She volunteered, became a teacher, but it says teaching did not stop there for Ivanyi. She started to build awareness within the community and made contacts with Costco, Toys R' Us and corporations like Target.

Thanks to her persistence, these corporations still donate toiletries, food, toys, books and diapers to help places like the Association for Retarded Citizens and another special needs foundations called Dr. Geraldi's Possible Dreams Foundation. She says, "I never take no for an answer. I have no shame in asking. I want people to learn that children with disabilities are human, too."

Her long-time friend Frances Capo, who is also a teacher, said this about Ivanyi, I do not know how to describe her. There are no words to describe her. She is a go-getter and always has a positive outlook on everything. She not only goes in there to teach but also to believe in her students.

There are many heroes in our community, Madam Speaker, heroes like Heather who do not get the special recognition they deserve. Many of them are our teachers in our private and public schools, and to them we say thanks and muchos gracias.

MIDWEST FARMERS AND RANCHERS FACE DIRE CIRCUMSTANCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, times are often tough in the high plains of our country, and Kansas farmers and ranchers struggle every year to make ends meet, but this year is especially difficult, and I want to bring to the attention of my colleagues here in the House tonight and the citizens of our country the difficult circumstances that those farmers and ranchers face this year because of very little snowfall, no rainfall this spring, and this being the second and third and sometimes even fourth year in a row in which moisture has been lacking for farmers to farm and ranchers to raise their cattle.

I just completed 25 town visits throughout the month of August across the First District of Kansas and saw the worry and concern upon farmers' faces. Every day our farmers look to the skies and hope and pray for rain.

□ 1930

Communities gather every evening in the community band shell where they come together and as a community pray that rain will fall. The circumstances that our agriculture producers face and the communities in which they live is desperate. We have ranchers selling their cattle every week. Our herds are being culled. We had almost no wheat harvest in many places in Kansas; and in fact statewide wheat harvest was down almost half of what it was last year, and last year was a very bleak year in and of itself. The fall crops, the milo, our fall crops have failed, almost no fall crops produced in Kansas because of lack of moisture. Here in a couple of weeks our farmers will try to begin the process of planting wheat, and yet no rain comes. There is no moisture in the surface, no subsoil moisture for those seeds to germinate. In addition, our cattle are struggling because there is no water in the ponds and no grass to feed.

So I think it is important for those of us who care about the future of rural America, those of us who care about the livelihood of our farmers and ranchers, to bring to our colleagues in Congress the circumstances that we face. Almost every year that I have been in Congress, 6 now, we have had an emergency assistance package designed to help those who face natural disasters, those who struggle as a result of hurricanes and floods. I am here to tell my colleagues that the circumstances that farmers and ranchers face in Kansas and Nebraska and Colorado and Wyoming and South Dakota and Oklahoma are no less dire than those that our citizens have faced in other places in the country due to floods and hurricanes.

I ask my colleagues to join with us to find a way to provide assistance, to pursue drought assistance and disaster relief for farmers and ranchers across the country and to look for ways that we can do so in a way that is responsible and meaningful. I look forward to working with my colleagues on the House Committee on Agriculture and my colleagues across the country and with the administration and Senate to see that those goals are accomplished. No less than the future of rural America is at stake. Many of the farmers and ranchers in Kansas are in their sixties and seventies; and absent assistance from Congress this year, they will not be farming and ranching next year. Absent them having a livelihood, the communities that dot the landscape of our rural portions of the country will cease to exist and a way of life that has honored this country, that has been a backbone of this country, will disappear.

So I ask respectfully my colleagues for their assistance as we pursue the issues of drought assistance. The gentleman from South Dakota (Mr.

THUNE), the gentleman from Nebraska (Mr. OSBORNE), and I have introduced legislation; and we will be seeking support of our colleagues to address this issue.

TRIBUTE TO CONGRESSIONAL STAFFER J. RUSSELL GEORGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Madam Speaker, all of us who serve in Congress depend heavily on skilled, capable and hardworking staff members to meet the demands of committee hearings, floor action and all the other activities of a national legislature. Over the past decade of my service in the House of Representatives, I have been blessed with a strong and effective group of staff members who have helped me meet the needs of both constituents and the Nation. My staff also has helped me engage in vigorous oversight of government programs as a subcommittee chairman of the House Committee on Government Reform.

J. Russell George joined my staff in 1995 shortly after Republicans won control of the House and I was appointed to a subcommittee chairmanship. Since that time, Russell has been a key adviser to me and chief aide in directing the subcommittee through hundreds of hearings that investigated every department of the Federal Government. Russell helped me prod executive agencies into a serious and sustained effort to prevent any major breakdowns of government computer systems due to software problems related to the year 2000 changeover. Some called it Y2K.

I thank Russell for his dedication and hard work, and I wish him all the very best in what I know will continue to be a very distinguished career in public service. He was a key force in pressing for legislation to collect debts owed to the taxpayers and he has directed many other subcommittee initiatives, such as misuse of taxpayers' well-earned dollars. All of those efforts built on Russell's prior experience as a New York prosecutor.

When Russell George was a teenager, he worked in the office of Senator Dole. He knew that this young man cared about the public interest. Through Senator Dole's office, Russell secured his education at Howard University and then went on to Harvard Law School. He was a Phi Beta Kappa at Howard, majoring in political science and minoring in history. He wanted to help his community and he did it, in Queens, New York. When he was ten years of age, he was helping charities.

Senator Dole was with us today as he administered the oath of office for Mr. George's new responsibilities as the Inspector General for the Corporation for National and Community Service. We hope that he will maybe come back to the Hill sometime. He has been in the executive branch under President George H.W. Bush, the father of the current President. Both have seen faith in Russell George.

He went back to the law firm in New York and we were able to get him to come down here because we knew what he had done earlier. In those days he was also assistant general counsel in the Office of Management and Budget and associate director for the policy in the White House's Office of National Service. Interesting, because that is the responsibility he has now. After serving all of that work in New York and in Washington, we thank him for his dedication and hard work and wish him all the very best in what I know will continue to be a very distinguished career in public service. He is a wonderful person and a sterling example of the men and women who serve our Congress.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2002 AND 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Section 314 of the Congressional Budget Act, Section 221 of H. Con. Res. 83, and Section 231 of H. Con. Res. 353, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by the Concurrent Resolution on the Budget.

The conference report on H.R. 4775, which was signed by the President on August 2 to become P.L. 107–206, contains emergency-designated appropriations. The fiscal year 2002 allocations to the Appropriations Committee were previously increased by $29,427,000,000 in new budget authority and $8,466,000,000 in outlays to reflect the amounts in the House-passed bill. I am adjusting the budgetary aggregates and the allocation to the House Committee on Appropriations for the difference between the House-passed and enacted measures. This adjustment equals −$4,713,000,000 in new budget authority and −$1,645,000,000 in outlays. Accordingly, the 302(a) allocation for fiscal year 2002 to the House Committee on Appropriations becomes $731,414,000,000 in new budget authority and $734,775,000,000 in outlays. The budgetary aggregates for fiscal year 2002 become $1,704,586,000,000 in new budget authority and $1,651,428,000,000 in outlays.

Outlays flowing from fiscal year 2002 emergency appropriations increase the 302(a) allocation for fiscal year 2003 outlays. Under the procedures set forth in section 314 of the Budget Act, adjustments may be made for emergency-designated budget authority through fiscal year 2002, and for the outlays flowing from such budget authority in all fiscal years. The fiscal year 2003 outlay allocation to the Appropriation Committee was previously increased by $10,715,000,000 to reflect the House-passed bill. In order to account for the changes contained in the enacted measure, I am adjusting the outlay allocation by −$2,322,000,000. Accordingly, the 302(a) allocation for fiscal year 2003 to the House Committee on Appropriations becomes $748,096,000,000 in new budget authority and $783,268,000,000 in outlays. The budgetary aggregates for fiscal year 2003 become $1,784,073,000,000 in new budget authority and $1,765,225,000,000 in outlays.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I wanted to take to the floor this evening to talk once again about the prescription drug issue, both the problem in terms of more and more Americans not being able to afford the price of prescription drugs and the need to provide an expansion of Medicare to cover prescription drugs under Medicare for America's seniors and disabled.

I want to start out by saying that during the August break when I had a number of open houses at my district offices in New Jersey, this was the number one issue that my constituents came to me and talked about. Interestingly enough, it was not just the seniors who wanted to see Medicare expanded to include prescription drugs and wanted a benefit, but it was also a lot of younger people who expressed concerns about the rising cost of prescription drugs and their inability to pay for them.

It amazes me that we are now back, and it is September, September 4. We have in the House of Representatives, the Congress as a whole, probably a month or 6 weeks or so at the most before we adjourn. Yet we are stuck in the fact that at this point there is no reason to believe that either a prescription drug benefit or a mechanism to control the price of prescription drugs is likely to pass before we adjourn. I think that that is a tragedy. I think there is nothing more important for us to do between now and the adjournment of this House sometime in October than to try to address both of these issues.

I have talked many times about the need for a Medicare benefit that includes prescription drugs. Democrats in the House, unlike the Republicans, have taken the position and put forward a proposal that would expand Medicare to include a prescription drug benefit. Basically, we have talked about it, and we have put forward a bill that would create a new Medicare program, very similar to what we have now for part B in Medicare that pays for seniors' doctors' bills and that simply says that seniors would pay so much a month, about $25, and 80 percent of the cost of their prescription drugs would be paid for by Medicare, by the Federal Government. There would be a $100 deductible. The first $100 you would have to pay out of pocket. After that, 80 percent of the costs would be paid for; and there would be a 20 percent copay, very similar to what seniors now have under Medicare for the payment of their doctor bills.

The sad thing about it is that the Republicans in the House refuse to do that. Basically, what they have said is they want a privatization plan. I was very upset to see that during the course of the August break, President Bush repeatedly talked not only about the need to have a private drug benefit but also about privatizing Medicare and Social Security in general. Here we face a situation where our Federal budget is once again in deficit, and we are spending money from the Social Security trust fund to pay for other expenses of the government and the President continues to talk about privatizing Social Security as well as Medicare; and the Republicans push for a private program, saying, Well, we'll give the seniors some money and maybe they can go out and find a prescription drug plan in the private sector. They do not want to expand Medicare to provide a benefit.

I would call upon my colleagues in the House, let us get together and let us push for a Medicare benefit, for a prescription drug program that really will make a difference. What is happening in the Senate is interesting as well. Over in the Senate they passed legislation on a bipartisan basis that would try to address the issue of price in some significant ways, most important, by plugging up some of the loopholes in the brand-name industry, in the patent system, whereby many of the name-brand companies have been able to prevent generic drugs from coming to market by expanding their patents and taking advantage of loopholes in the patent laws to make it more difficult to sell a generic drug when a patent should expire.

I know it is a difficult concept, but the bottom line is that one way to reduce prices in a significant way is to pass the bill, the Schumer-McCain bill, that passed the Senate and take it up here in the House and pass that bill or a similar bill in the House that would make it more difficult for these brand-name drug companies to extend their patents or to come up with another drug that is similar and say that generics could not come to market.

We feel that we can make a difference, that maybe 40 percent of the cost of prescription drugs could be saved if some of these loopholes were cleared up and we were able to encourage the use of generics. The Senate also passed as part of the same bill the allowance for reimportation through Canada as a method of bringing drug costs down. We need to address this as well. The House should take up the Senate bill that deals with generics, that deals with the reimportation and simply pass it, or in other ways we have to deal with the price issue as well. There are many ways to deal with that, and I think we can talk about them more this evening.

But the bottom line is this inaction, where the House passes this privatization of Medicare and tries to seek to provide a Medicare benefit through some kind of private insurance is not going to pass the Senate, and it should not because it is not going to be meaningful; and the idea of expanding generics and providing for reimportation as some method of bringing drug costs down is something that we should pass in the House and at least try to get something accomplished between now and the end of this session.

I see one of my colleagues who has been so much a part of this debate all year, the gentleman from Arkansas, who owns a pharmacy and who is very familiar with some of the problems that seniors face with prescription drugs and I know who also has a very good bill on a bipartisan basis with, I guess, one of our colleagues from Missouri (Mrs. EMERSON). He is working very hard to come up with a prescription drug benefit as well along the lines of what I discussed earlier. I am pleased to see him here and I yield to the gentleman.

Mr. ROSS. I thank the gentleman from New Jersey. I am here tonight to rise in support of seniors all across Arkansas' Fourth Congressional District and seniors all across America who will continue once again tonight to go to bed unable to either afford their medicine or afford to take it properly.

□ 1945

As the gentleman from New Jersey mentioned, my wife and I do own a small-town family pharmacy. We live in Prescott, Arkansas, a town of 3,400 people. Our pharmacy is a place where people come to share recent photographs of their children or grandchildren, to celebrate the good times together, and a place to gather to be there for one another during the difficult times.

I have got to tell you that over the years in that small-town family pharmacy that we own back home in Prescott, Arkansas, I have seen too many bad times. I have seen too many seniors come through the door who have been to the doctor. Medicare has paid for them to go to the doctor, Medicare has paid for the tests to be run on them at the doctor's office or the hospital, and, as a result of all that, the doctor concludes that a senior citizen needs a certain prescription drug in order to get well or live a healthier lifestyle. They come through the door of our pharmacy and pharmacies throughout America to learn that they either cannot afford their medicine or cannot afford to take it properly.

This is America, and we can do better than that by our seniors. That was a driving force behind my decision to run for the United States Congress. I wanted to come here, I wanted to come to the people's House, the United States House of Representatives, and pass legislation that would truly modernize Medicare, to include medicine for our seniors. Let me tell you why.

There is a senior citizen, a retired pharmacist, a woman in Glenwood, Arkansas, who makes the point better than I can. She was a relief pharmacist in my hometown at the pharmacy that my mom and dad used when I was a small child growing up, which was not that long ago. She said back in those days, if she had a prescription that she was filling that cost over $5, that she would go ahead and fill the next prescription in line while she built up enough courage and confidence to go out and confront the patient and tell them that their medicine was going to cost $5.

That really does drive home the point that today's Medicare really was designed for yesterday's medical care. That is what prescriptions cost back when we created Medicare.

Even health insurance companies, who are obviously in the business of making profits, even they cover the cost of medicine. Why? Because they know it helps people live longer and healthier lifestyles and avoid needless doctor visits, needless hospital stays and needless surgeries, the kinds of things that I have personally witnessed in that small family pharmacy that my wife and I own back in Prescott, Arkansas.

You see, I have seen seniors leave without their medicine, and, living in a small town, I learn a week later where they are in the hospital running up a $10,000 or $20,000 or $30,000 Medicare bill, or where they spent $100,000 in Medicare payments to have a leg removed, or where they are now spending $250,000 in Medicare payments to receive kidney dialysis. All these things are avoidable, but it happened to these seniors simply because they could not afford their medicine or could not afford to take it properly. Again, this is America, and we can do better than that by our seniors.

So I came to Congress and I wrote a bipartisan bill with the gentlewoman from Missouri (Mrs. EMERSON), a Republican. I did it in a bipartisan way because; you see, I think it is time for this Congress to unite behind the need to truly modernize Medicare, to provide medicine for our seniors, just as we have united on this war against terrorism.

So we wrote a bill back in January. It was a very fair bill. It called for a $250 annual deductible. It called for an 80 percent/20 percent copayment, with the government or Medicare paying the other 80 percent.

Basically what our bill did was treated going to the pharmacy like going to the doctor and going to the hospital. It gave you the freedom to get the medicine your doctor wanted you to have and it gave you the freedom to choose which pharmacy you wanted to use.

Our bill took on the big drug manufacturers. We demanded the same kind of rebates from the big drug manufacturers to help offset the cost of this voluntarily but guaranteed Medicare Part D prescription drug benefit. We demanded the same kind of rebates from the big drug manufacturers to help pay for this program, just as the big HMOs have been demanding and receiving from the big drug manufacturers for years.

Well, the Republican national leadership refused to give us a hearing, they refused to give us a vote on this bipartisan bill. And I continue to come to the floor and talk about the importance of it and remind folks and remind the Republican national leadership that this was a bipartisan bill, it was written by a Democrat and a Republican. But it took on the big drug manufacturers, and they refused to give us a hearing, they refused to give us a vote, and that is wrong.

Then, some 4 months before the election, the Republican national leadership decided this was an important issue, so they began to write a bill. In fact, in the middle of writing the bill they had to adjourn the committee meeting to go to a fundraiser sponsored by the big drug manufacturers. Do not take my word for it, please look. It is in the Washington Post, $250,000 a person to attend this fundraiser for the Republicans.

Then, after the fundraiser they went back into the committee and continued to write the bill, and then it passed the House. I voted against it, and I voted against it because I refused to vote for something that is no more than a false hope or a false promise for our seniors. That bill failed to take on the big drug manufacturers. That bill did very little, if anything, to help our seniors, and it was the first step toward privatizing Medicare.

You see, this Republican prescription drug bill that passed the House, and did not get anywhere in the Senate, by the way, this bill that passed the House does not make prescription drugs a part of Medicare. It simply allows private insurance companies, dozens of them, to go knock on your door or your mom's door or your grandmother's door, all trying to sell the same policy.

Then here is what it does. It would require you to pay a monthly premium, but they cannot tell us exactly how much. It would require you to pay the first $250 out of your own pocket.

After that, it is more complicated than filling out an income tax return. On the next $1,000 worth of medicine that you need, you are only going to pay 20 percent. That sounds pretty good. On a $100 prescription, you pay $20. After you spend $1,000, and as a small town family pharmacy owner, I can tell you for a lot of seniors that only takes a few months. After you spend $1,000, on the next $1,000, between $1,000 and $2,000, your copayment goes to 50 percent. In other words, on that $1,500 prescription you pay $50. Then after you have spent $2,000, and, again, as a small town family pharmacy owner, I can tell you it only takes a matter of months for some seniors to reach $2,000 worth of medicine expenses, so after you spent $2,000, guess what? Between $2,000 and $3,700, you are back paying the full amount, a 100 percent copayment to our seniors, and yet the bill requires them to continue to pay the monthly premium.

If you add it all up, if my addition is right, counting the deductible and the premium and this complicated formula of how much you pay, depending on which day it is and on how much you spent in terms of the copayment, on the first $3,700 worth of medicine you need every year, the government, through Medicare, actually through a private insurance company subsidized by Medicare, is going to provide you with help to the tune of about $600. $600 in savings on a $3,700 drug bill does not help seniors choose between buying their medicine, buying their groceries, paying their utility bills and paying rent. It is nothing more than a bogus plan.

Now, I just spent 5 weeks on the August district work period traveling the 29 counties that make up Arkansas's Fourth Congressional District, one of the more rural and larger districts in America.

Seniors came up to me every day and said, "I know you are working hard for this Medicare prescription drug benefit. When are others going to begin to listen to you?" And I told them I was coming back to the floor, just as I have done for the past 20 months, and I was going to continue to talk about this in hopes that people will listen, and they will listen to the fact that it is time to write a plan that is bipartisan, that it is time to write a plan that is fair, and that it is time to write a plan that takes on the big drug manufacturers.

Let me tell you why. I recently conducted a survey. I compared the price of the five most commonly used brand name drugs that seniors use. I compared the price in Arkansas's Fourth Congressional District with the price paid by seniors for those same drugs in six other countries.

Do you know what I found? I found that the price that seniors pay on average in Arkansas's Fourth Congressional District is 110 percent more than what seniors pay in these other countries. And that is wrong. We are talking about drugs that are being invented in America, oftentimes with government subsidized research. They are being made by Americans, they are being packaged by Americans, they are being shipped by Americans, and yet our seniors are asked to pay 110 percent more here than what we are requiring them to pay in other countries.

If these other countries, places like Canada and Mexico, if those small governments can stand up to the big drug manufacturers and demand a fair price, why can we not? I am not here to beat up the big drug manufacturers. They create drugs that save lives and help us all to live healthier lifestyles, and I applaud them for that. But sometimes you have got to draw the line and say enough is enough.

A recent study indicated that some drug manufacturers spent more money last year on those fancy TV ads than they did on research and development, finding cures for diseases. You know the kind of ads I am talking about, the ones that come on TV where they try to tell you which drug you need to tell your doctor you need.

My colleagues, have you ever thought about that? That is crazy. That is crazy, and it is time that we held the big drug manufacturers accountable, and it is time that they step forward in good faith and say we want to do for a Medicare prescription drug plan what we have been doing for the big HMOs and the for-profit companies for years, and that is providing rebates to help offset the cost of the program.

I am real disappointed at how the vote on the Republican plan, which was nothing more than a false hope and a false promise for our seniors, unfolded. They brought it to this floor for a vote at 2:39 a.m. on a Friday morning when seniors were fast asleep.

I had a plan. I was proud to be one of four cosponsors, original sponsors, of a bill that would provide a meaningful prescription drug benefit. They would not listen to our bipartisan bill, so I came back with another one and was one of four original sponsors of a bill that basically again would treat going to the doctor and going to the hospital and going to the pharmacy all the same.

Not only did they bring the bill, the Republican bill written by the drug manufacturers for the benefit of the drug manufacturers, to the floor at 2:39 on a Friday morning, they refused, they refused to allow us to offer up a substitute. They refused to allow us to offer up one single amendment to that bill.

All 435 Members of this body were elected the same way, by the people, and we have been sent here to be a voice for the people. I say give us an opportunity to have a vote. I will not even be picky here. I am calling on the leadership to either give me a vote on a bipartisan bill that the gentlewoman from Missouri (Mrs. EMERSON) and I wrote together, a bipartisan bill to help our seniors, or to give me a vote on the other bill that I wrote and offered up as a Democratic substitute to the Republican plan that passed that Friday morning at 2:39 a.m., that does nothing for our seniors other than offer up a false hope and a false promise.

People who know me know that I am not partisan. I am sick and tired of all the partisan bickering that goes on in our Nation's capital. There have been times when I have stood and voted with President Bush. I believe there are extremists in both parties, and I am trying to bring people to the middle to find common-sense solutions to the problems that confront our Nation.

I can tell you that on this issue the Republicans are wrong, and it is time for all of us to get right. It is time for all of us to come together. It is time for all of us to work in a bipartisan way to write a bill that will help bring down the high cost of prescription drugs for our seniors and for working families all across America.

□ 2000

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Arkansas, my colleague, for everything that he said, because I think he is right on point on this issue of prescription drugs. But the two things that the gentleman stressed the most, or that I picked up the most, and they are clearly linked, and one is the effort on the part of the pharmaceutical industry to try to scuttle, in my opinion, both any effort in the House or in the Senate to address price, to try to bring down the cost of prescription drugs, and even the effort to scuttle a Medicare benefit, which the gentleman talked about and which we continue to stress.

I just want to go through if I could a couple of those things, because the gentleman, first of all, mentioned the Washington Post article which was that day in, I guess it was in June, the night of June 19 when the GOP had the big fundraiser, the very day that we were in the Committee on Commerce and voting on a prescription drug benefit and we actually had to adjourn at 5 o'clock so that they could go to the Republican fundraiser. There was an article the next day, or actually it was that same day, and I am just going to read a couple of highlights of it.

It says, "Drug Firms Among Big Donors at GOP Event." It said, "Pharmaceutical companies are among 21 donors paying $250,000 each for red-carpet treatment at tonight's GOP fundraising gala staring President Bush, two days after Republicans unveiled a prescription drug plan the industry is backing, according to GOP officials." This is not Democrats talking. It says, "Drug companies, in particular, have made a rich investment into tonight's event. Robert Ingram, GlaxoSmithKline PLC's chief operating officer, is the chief corporate fundraiser for the gala; his company gave at least $250,000. Pharmaceutical Research and Manufacturers of America," that is PhRMA, a trade group funded by the brand name companies, "kicked in $250,000, too."

It says, "PhRMA is also helping underwrite a television ad campaign touting the GOP's prescription drug plan." I am going to talk about that a little bit too. It goes on to talk about the different companies that contributed. But it said, "Every company giving money to the event has business before Congress. But the juxtaposition of the prescription drug debate on Capitol Hill and drug companies helping to underwrite a major fundraiser highlights the tight relationship lawmakers have with groups seeking to influence them.

"A senior House GOP leadership aide said yesterday that Republicans are working hard behind the scenes on behalf of PhRMA to make sure," I mean that says it all. That is what it is all about. As the gentleman said, the sad thing about it is, what really went on here in June was that PhRMA and the drug companies got together and decided what they wanted the prescription drug bill to be. They were determined that it was not going to be an expansion of Medicare; it was just going to be an effort to maybe get people to go out to find private insurance. But most importantly, it would determine that it would not address price.

The gentleman and I have talked before, and I am just going to mention again that in that Republican bill, they went so far at the request of the pharmaceutical companies to actually write into the law that there could not be any effort to address price. I just want to read this noninterference clause that is in the Republican bill. It says, the administrator of the program "may not (i) require a particular formulary or institute a price structure for the reimbursement of covered outpatient drugs; (ii), interfere in any way with negotiations between PDP sponsors and Medicare+Choice organizations and drug manufacturers; and (iii), otherwise interfere with the competitive nature of providing such coverage."

Basically, what they say with this language is that there cannot be any discussion of price. There cannot be any effort on the part of the Federal agency that deals with this program to deal with price.

Mr. Speaker, we did the opposite in our bill, and the gentleman mentioned that too. We said, in the Democratic bill, we specifically mandated that the Secretary of Health and Human Services negotiate, because now he is going to have 30 million, 40 million seniors, negotiate to bring the prices down, because he is now going to have tremendous power, having all of these seniors, so that he can negotiate with the drug companies just like we do with the Veterans Administration or with the military, and we can bring prices down maybe 30, 40 percent. That is just one way to do it. There are all kinds of ways to do it. I talked about the generic bill before, that is a way to do it. Reimportation is a way to do it. But the Republicans do not want to do anything on the issue of price because basically they are in the pockets of this name brand drug industry.

The other thing the gentleman mentioned and I will just mention briefly is this data that came out that showed that the big drug companies spent almost 2½ times as much on marketing/advertising/administration as they spent on R&D. So the gentleman said, and he is right; sure, there is no question that these drug companies are coming up with miracle drugs, but that is less, 2½ times less than what they spend on the marketing and the advertising.

This was done by FamiliesUSA, and it says, "U.S. drug companies that market the 50 most often prescribed drugs to seniors spent almost 2½ times as much on marketing/advertising/administration as they spent on R&D," according to the analysis. It goes into for each company the percentage of revenue spent on marketing and spent on R&D. Just a few, like Merck spent 13 percent on marketing/advertising, 5 percent on R&D. Pfizer, 35 percent on marketing/advertising; 15 percent on R&D. Bristol-Myers spent 27 on marketing/advertising; 12 percent on R&D. I mean these are facts, there is no way to get around it.

The thing that really bothers me, though, is the fact that we went home for this August break, but before that the Republicans passed this fake bill at the request of the pharmaceuticals that does not even address price. And what did they do? They went out and they started, started even before we left, but it was in full force in August, this huge TV ad campaign, the so-called issue ads, but they are just really campaign ads, and they spent millions of dollars on these Republican candidates, only the ones that voted for the bill, voted for their bill, for the drug companies' bill, and so they influenced the policy writing the bill, getting the bill passed, and then rewarding the people who voted for it by spending millions of dollars on advertising to get them reelected. They have been doing it with this United Seniors Association, which is basically just a shell, I guess we could call it, for the drug industry.

So I am saying the same thing the gentleman has already said, but it is just upsetting, because we are back here now, we are taking the time here in Special Orders trying to explain all of this and, meanwhile, these ads are going on, multimillions of dollars saying just the opposite, 30 seconds, 1-minute ads. I do not know how we even succeed in getting the word out about what is really happening about here, but there is no question that we have to try, and that is why I appreciate the gentleman being here, once again.

Mr. Speaker, I wanted to spend a little time just talking a bit more, if I could, about what the Democrats in the House have in mind for a Medicare prescription drug benefit and how that contrasts so much with the Republican proposal that passed the House. As I said before, what the Democrats have been saying is that the only effective way to provide a meaningful prescription drug benefit for seniors is if we simply expand Medicare, which has been a very successful program, probably one of the most successful Federal programs that ever existed, and we include a prescription drug benefit within the confines of the Medicare program.

Now, what we have put forward, and this was the Democratic alternative to the Republican bill, as I said before, is very much modeled on Part D. Seniors now under Medicare get their hospital coverage under part A, and under part B of Medicare, they pay a premium of so much a month, and they get 80 percent of their doctor bills covered by Medicare, by the Federal program.

Now, the House Democratic proposal adds a new Part D to Medicare that provides a similar voluntary prescription drug coverage for all Medicare beneficiaries beginning in 2005. The premium is $25 a month, the deductible is $100 a year, just like Part B; the coinsurance is 20 percent, the beneficiary pays 20 percent, and Medicare pays 80 percent, and basically, it is a $2,000 out-of-pocket limit. After you have spent $2,000 out-of-pocket, because of the copayment, then the rest of your prescription drug bills are paid by the Federal Government 100 percent.

For those who are low income, those seniors who cannot afford the premium, again, just like Part B, beneficiaries with incomes up to 150 percent of poverty pay no premium or cost-sharing; beneficiaries with incomes between 150 to 175 percent of poverty pay no cost-sharing and receive assistance. So depending on your income, the Federal Government would actually pay for the premium or a certain part of the premium. But again, it is a 20 percent a month premium, so most seniors would pay the premium and they would get the benefit, just like they do with the current Part B under Medicare.

Now, the amazing thing to me, and I do not want to keep stressing it all night, but the amazing thing to me is that during the August break I kept hearing the President of the United States constantly talk about the need to privatize not only a prescription drug program, which would be an expansion of Medicare, but actually talk about privatizing Medicare itself. He had a forum, I think it was in Waco, Texas around the middle of August, where he talked about, it was sort of an economic forum primarily, but he also talked about Medicare, and he said that he thought Medicare should be privatized. So what we are seeing on the part of the Republican leadership and the President is that they basically do not like Medicare. Not only would they not expand Medicare to cover prescription drugs, they do not like the traditional Medicare that we have now and that has been such a successful program that so many seniors depend upon.

Mr. Speaker, this is not the first time that I have come to the floor to point out that so many in the Republican Party historically have been critical of Medicare itself, let alone expanding Medicare for prescription drugs. Despite Medicare's effectiveness at improving the health of America's seniors and the disabled, there are many Republicans that continue to oppose it. Former Speaker Gingrich once said that Medicare would wither on the vine because we think people are voluntarily going to leave it. Even as recently as 1995, the gentleman from Texas (Mr. ARMEY), who is the Republican majority leader now in the House of Representatives, called Medicare a program I would have no part of in a free world. Of course, the program is too popular to repeal, so instead the House Republican leadership has implemented a budget plan that is projected to raid all of the Medicare surplus.

So what we are seeing here now with the Republican budget and with the Republican economic policy is that we go back into debt and we start borrowing from Social Security, we borrow from Medicare and, ultimately, these very good social programs, one a pension program, Social Security, and another a health care program, Medicare, eventually have no money, or have less and less money, and then we take that argument to say, well, if they have no money, we better come up with something else and we better privatize the program. It is unbelievable to me that this is the way that they are proceeding. So even though I wanted to stress the prescription drug program tonight, I cannot help but point out that this is part of a larger effort on the President's part and on the Republican leadership's part to talk about privatizing Medicare as well as Social Security.

I think that the most important point that I can end with tonight is to point out that as Democrats we feel that it is our obligation to not only continue with a strong Medicare program, as well as a strong Social Security program, but that we need to build on those programs, and that is why when we talk about a prescription drug plan we want it to be part of Medicare, an expansion of Medicare, because that has been a very successful program. It is the only way to guarantee that every senior not only gets health care, but gets a prescription drug plan. If you privatize prescription drugs as a benefit, you have no guarantee that people in any particular part of the country are going to have access to health insurance because they probably will not be able to buy it. It will not be for sale. If you include it as part of Medicare, you guarantee that every senior is going to have access to a good prescription drug program.

The last point I will make is that not only do we need to provide a benefit for seniors, we need to address the rising cost of prescription drugs, and whether that means that we, in the context of Medicare, give the Secretary negotiating power to bring prices down through negotiations over the cost of drugs, or it means that we deal with the generic issue, as I mentioned before, and plug up a lot of loopholes so that it is easier to bring generic drugs to market, or we allow reimportation as a last resort from Canada or other countries, we need to get at this price issue. I am just so upset over the fact that the Republican leadership in the House refuses to address the price issue. We are going to continue to make the price issue an important point and try to get something passed here on that issue as well as the benefit before we adjourn this Congress in October.

□ 2015

THE FARM BILL

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, during the past 30 days of working recess, the number one topic in my part of the country has been the drought, and I would like to display a map of the drought as was portrayed at the end of August.

Note here that roughly 45 percent of the country is in an extreme drought. The area that is brown is so excessive that there is practically nothing growing. Pastures are burned up, no dryland crops, and even irrigated crops have a hard time surviving. The red area is a little better. Again, very little can grow there because the rainfall has been probably less than 50 percent of normal, and we have even seen some of this on the east coast. So very, very few times in the history of our Nation have we had a drought that is this widespread, 45 percent, because in a normal year we normally have a drought covering somewhere between 10 and 15 percent of our Nation.

The other thing that has been remarkable is not just the extent of it, but the severity of it. As I mentioned, we have a huge proportion of the country that is in extreme drought condition. Most years you might have a very small percentage that would have that type of drought. The other thing to mention is that this has been a very persistent drought. Many of these areas are currently in their 3rd or 4th year of drought conditions, and so when a farmer or rancher has had to go through multiple years, obviously he becomes even more distressed than if it was just a 1-year occasion.

So the situation is dire. Some type of help is needed, some type of disaster assistance. And the one thing I would like to point out is that in recent farm bills we have had what is called emergency assistance and in the last 3 or 4, 5 years we have averaged somewhere between 6 and $7 billion in emergency spending. That emergency spending has been primarily due to low prices, the fact that no one can get an adequate return on their crop.

What we are talking about now is not low prices. We are talking about no crop at all, and we are also talking about really dire circumstances for the livestock producers because in these areas where there is no pasture, what has happened is that a great many people who own cattle, and in some cases even hogs, they have had to sell off their herds because there is nothing to feed them; and most of their feed for the winter has already been used up as well.

So because of the glut on the cattle market, and in some cases the hog market, what we are finding is terribly low prices; and people are losing tremendous amounts of money, and a great number of cow/calf operations will be simply driven outside of existence because of this and of course a great many farmers as well. So this is a very difficult situation and one would assume that under these circumstances, it would be almost automatic that we would be able to come up with some type of assistance because the economic impact here will be much greater than the wildfires that we have seen in the West; and of course those were very serious and we certainly needed some aid, and we gave $700 million very quickly to provide assistance for the damage that was accorded to those wildfires; and yet here just in my State alone we are talking about roughly $1.4 billion, State of Nebraska, and we would multiply that by 10 or 15 when we look at this larger region. So the damage is tremendous.

What we notice is that if we have a hurricane such as we had down in southern Florida a few years ago or if we had a tornado or a wildfire or even 9–11, the events are very dramatic. We see destruction, we see television 30-second soundbytes, and in a drought it is more insidious. It is slower, but the economic impact is every bit as great, if not greater than some of these other situations that we have addressed with disaster assistance. So, anyway, we feel this is a difficult situation.

What I would like to do at this point, Mr. Speaker, is to amplify some of the arguments that have to do with why we are having such a difficult time getting the word out here in Congress and getting approval nationally for disaster assistance for agriculture; and the big problem that we have is that there is a widespread belief that the new farm bill that was passed just a few months ago is very fat, that it has all kinds of money in it; and therefore because of the excessive amounts of money in the farm bill, any disaster assistance for agriculture should be covered by the farm bill. And so you might say, well, is this perception correct, this perception that the farm bill is really overloaded with money?

And I would like to point out just a few newspaper articles that I think pretty much capture the tenor of the time. One major newspaper said this and the headline said "Farm Welfare" and went on to say in an editorial ". . . the House voted to slide backwards some 70 years, choosing socialism and abandoning market-based reforms in the Nation's Stalinesque farm policy" in voting for the new farm bill. Here they are talking about a Stalinesque farm policy which is, of course, totally a socialized system which is absolutely not true.

The Washington Post said this: "Cringe for Mr. Bush." This was the headline. And the editorial said "Mr. Bush signed a farm bill that represents a low point in his presidency, a wasteful corporate welfare measure that penalizes taxpayers and the world's poorest people in order to bribe a few voters." So the President took some tremendous hits for signing this farm bill and the idea being that this was just done to appease a few farmers to get some votes and it was done at the expense of urban citizens and also the world's poorest countries.

We will examine the accuracy of this statement in a little bit, but this again captures the tenor of the time. This is essentially how this is perceived in so many quarters, particularly in urban areas.

The Wall Street Journal went on to say this. The headline was "The Farm State Pig Out." The editorial said, "That great rooting, snooting noise you hear in the distance, dear taxpayers, is the sound of election-year farm-state politics rolling out of the U.S. Congress. This alone amounts to one of the greatest urban-to-rural wealth transfers in history, a sort of farm bill Great Society."

So the gist of this editorial was that it is going to be a huge economic transfer from urban areas to rural areas, kind of a get-rich-quick scheme.

So let us examine this a little bit in greater detail. Did the President really sell out for the farm vote? Did we really have a tremendous urban-to-rural transfer of wealth? Is the new farm bill obscene, as so many have said?

I guess what we might do here is look at some figures. We will note here, Mr. Speaker, that under Freedom to Farm in 1999, 2000, and 2001, we spent an average of $24.5 billion a year on agriculture. This year in 2002, under the new farm bill, we are projected to spend $19 billion; in 2003, about $22 billion; then $21 billion, and then $20 billion. It will tail on down from there.

So what we are saying is, projected for the first 4 years of the new farm bill, we are going to spend less than $21 billion a year on agriculture, whereas in the last years of Freedom to Farm, we spent $24.5 billion. So if that is the case, can we really say that this new farm bill is obscene, it is a sell-out to rural America? Is it something that is irresponsible? Should the President be castigated for signing this bill?

I think very clearly the answer in this case is no, that this is a responsible piece of legislation. The thing that we will see later on is that actually now we have had enough production and crops are pretty much done in their growing season, and the prices are becoming more and more fixed for this year.

Actually, this year, in 2002, and we know this is not going to be a projection, the reality is going to be that we are going to spend not $19 billion but we are going to be spending somewhere in the range of $15 billion this year, $14 billion, for the new farm bill; and we will go into the reasons for that.

Instead of being up here, this bar should be down here. There is some pretty good evidence that leads us to believe that these may not be as high. So, actually, these estimates here may turn out to be a little bit on the high side, and obviously the new farm bill may actually prove to be a considerable savings over the old farm bill.

Let us talk about this a little bit, too. Is the new farm bill a large part of the budget? As we read those editorials and as we hear conversation, we would assume that payments to the farm sector are maybe 10 percent of the total Federal budget; maybe 15, maybe 20, maybe even 25 percent.

What is it? How much do we spend each year on agriculture? The actual case is that we spend a little bit less than or right at one-half of 1 percent of the Federal budget on farm policy. So out of every $200 of tax money that is spent, roughly $1 goes to the farm economy, $1 out of every $200. So this is not a huge giveaway. This is not something that breaks the Federal budget. I think it is important to realize this.

Also, I think it is important for people to understand that out of that one-half of 1 percent that goes to the farm bill, the farmers do not receive all of that money. There are school lunch programs, there are conservation issues, there are environmental accounts. So actually the farmer himself receives only somewhere in the vicinity of 65 percent to 75 percent of that one-half of 1 percent, so it is not nearly as big a boondoggle as some would have us believe.

What do we receive in return for that one-half of 1 percent that we are spending in tax dollars? What we have is the most diverse, the cheapest, and the safest food supply in the world.

In the United States, we have no foot-and-mouth disease, where many other countries do have that in their livestock herds. We have no mad cow disease, or BSE, in this country. We do not use DDT. We do not use dangerous chemicals in our livestock and in our crops. So for all of this, we have a very safe food supply, we have a very diverse food supply, and we are totally self-sufficient. We do not have to import, although we do import some, but we would not have to import to sustain ourselves.

Then lastly, I would like to make the point that we spend less than 10 percent of our total income on food. Now, most countries spend much more than that. They spend 15, 20, sometimes 25 or 30 percent of their total income to purchase food. In the United States, we have a cheap food supply that is safe, that is diverse, and is the best in the world. For that, we are spending roughly one-half of 1 percent.

Another common myth is that farmers are getting rich off of this farm program. Let me just go through a few numbers here. Last year in the State of Nebraska, we lost 1,000 farmers in 1 year. There are not that many to lose anymore. We are down to under 2 million farmers and ranchers in the United States, whereas at one time it was many, many times that.

In 1987, there were 12,600 farmers under the age of 35 in the State of Nebraska. Ten years later, in 1997, according to the U.S. census figures, the number of farmers under the age of 35 in the State of Nebraska was 5,500, so that is less than half of what we had 10 years before. That is a trend that is seen throughout rural America, not in Nebraska but in all States everywhere.

So we are running out of young farmers, and we are running out of farmers, period. If it was so lucrative, if this was something that was a get-rich-quick scheme, then we would certainly see more young people coming into it. We would certainly see more people staying in farming and more people in ranching.

The facts are that this is a very, very difficult profession; and it is very, very hard to make a living in it.

One of the things that I have noticed in traveling my district is that out of the poorest counties in the United States, the three poorest counties, one, two, and three in ranking, are in my district in Nebraska. These counties are totally rural. They relay totally upon farming and ranching. There are no metropolitan areas, or there is not even a large town in any of these counties. So when we talk about per capita income, we are talking somewhere in the range of $6,000 per person. We can go to inner cities, to any part of the country, and we will find that the poorest counties in per capita income are in rural America. This is not a wealthy situation.

I think one of the reasons we have this perception of how much of a giveaway the farm bill is is that the Environmental Working Group put up a Web site this past year in which they published the farm payments to all those who received payments over the last 4 years. Naturally, it is the exception that catches our eye.

A lot has been made about the fact that Scotty Pippen, the professional basketball player, received some farm payments. He probably owned a farm and probably qualified for some farm payments.

□ 2030

But the typical farmer, the average person who is in farming and ranching, is not Scottie Pippin. They point out the fact that some people make large amounts of money. And the assumption is if somebody got a $200,000 check or a $300,000 check or a $500,000 check, that that is net profit, that that farmer took that check to the bank and put it away because it was profit.

Let us take a hypothetical situation here. Let us suppose someone has 2,000 acres of corn, which is a large but not real large farm in our part of the country.

Let us say the cost of the production for a bushel of corn is $2.20 a bushel, which is about what it is. So by the time you bought your seeds, you bought your fertilizer, you planted, you put on some water if you irrigate, and you bought your machinery and it is about $2.20 a bushel. But in recent years the price that you receive at the marketplace for a bushel of corn is about $1.70 a bushel, some cases more, some cases less.

So what it means is that the cost of production is about 50 cents higher than what you receive in the marketplace. So if you produce 200 bushels of corn per acre, that means you are losing $100 per acre. If you have 2,000 acres of corn, that means you have lost $200,000 simply in terms of what your cost of production was in comparison to what you receive at the marketplace.

So if that farmer gets a $200,000 payment, he does not have any net profit. He has not even paid himself a salary. He has nothing left for his family. He has simply covered the cost of production.

If he is a larger farmer and he has 5,000 acres of corn, he would get a payment of $500,000 under this set of figures to break even. And so what we are seeing here are some false assumptions, the assumption that because someone is getting a payment from the government is that they are getting wealthy, that they are putting that money in the bank, when in actuality many people are not even breaking even with government payments. So this is the thing that I think is important for people to understand.

Let us take a look at why we need a farm bill. I think this is something that people sometimes do not totally understand and I will try to take a shot at explaining why I think it is important that we do have a farm bill.

The first reason I will mention that I think is important is that farming is a unique industry and the first thing we might mention is that farming is almost totally weather-dependent. If we think about it, just think of any industry that you can think of and you would be hard-pressed to find one that was almost totally dependent on the weather. So a farmer can plant at the right time. He can put his fertilizer on at the right time. He can do everything right. And if he has a hail storm the day before he harvests, he has nothing. He could be totally wiped out in 20 minutes. Or if he does everything right and he has no rain and he has dry crops, he has got no crop at all. If his irrigation water gets shut off, which happened in many parts of the West this year halfway during the growing season, he makes no crops. So all agriculture is almost totally dependent on the weather.

Secondly, in agriculture it is almost impossible to control inventory. That may sound like a strange thing to say, but when you plant your crop in the spring you have absolutely no way of knowing what the worldwide production is going to be in the fall. You do not know whether there will a drought in China. You do not know what the production of the United States will be.

For instance, if we took corn as an example this year when we planted, people assumed that we would have 10 billion bushels of corn as a harvest. But because of the drought we will have less than 9 billion bushels, so no one can control that inventory. If you are making Ford automobiles and you have too many Ford Explorers out there, you simply shut down an assembly line. Instead of operating 24 hours a day, you operate 14 hours a day. If you are making suits of clothes and there are too many in the store and you cannot sell them, you simply cut down the production. But in farming there is no way in the spring that you can control inventory because you do not know what is going to happen during the growing season. So inventory is impossible to control.

A third factor is producers do not set the price. In farming, interestingly enough, you do not say, well, I am going to charge $2.50 per bushel of corn. You go down to the elevator and you say, What will you give me? If the elevator operator says, We will give you $1.90, that is what you get. If they say $1.70, that is what you get. But in almost every other industry, if you are manufacturing an automobile, if you put a sticker on there of $25,000, if you make a suit of clothes, it is $400, $500, if it is a box of grapenuts, that is $3. But the producer sets the price. In agriculture the price is set for the producer. So again that is a little bit different than most any other industry.

Fourthly, farming is critical to national security. We have to have a food supply. If you do not have a food supply, you are in bad shape. Let me give you an example of how this can work. About 15, 20 years ago in the petroleum industry we found that we could get petroleum from OPEC for roughly $10 a barrel, $10, $12 a barrel and it was costing us about double that amount to produce petroleum here in the United States. So we said, okay, we will take you up on this, OPEC, we will buy from you. And as a result we began to shut down our exploration. We shut down some of our refineries, some of the pipelines, and we began to reduce our production and we farmed our petroleum industry overseas. And now we find that we were roughly 60 percent dependent on foreign oil. Much of that is from OPEC. And, of course, we are very concerned because we are so dependent on countries that are so volatile and many of whom do not like us. And so the situation can be very similar in farming.

If we do not have a farm program, if we do not support our farmers in some way, very quickly much of our agriculture will be sent overseas. And that $10, $12 a barrel that we paid OPEC for the last 10 or 12 years is now in the 20s. And furthermore, many people have estimated that when you figure out the cost of the Gulf War, which was basically over oil, maintaining a fleet in the Gulf, maintaining a military presence in the Middle East because of oil, that our actual cost of oil has not been $10 a barrel, it has not been $20 a barrel, it has been somewhere between 70 and $100 a barrel. That is what we have actually spent on our oil supply to keep it safe and keep it coming to the United States.

Now that can happen very quickly to agriculture. If you do not support your farmers, if you let all of our farmers fail, it is not long before our food supply goes overseas and then you are at the mercy of other people for your food supply. We cannot afford to do this. This is a national security issue to some degree which many people do not think about because we assume every time we go to the grocery store you will have what you need. So you take it for granted, but it is not something we can take for granted.

Fifth, there is no level playing field worldwide. It is important to understand this: The European Union has been very critical of our farm policy. They do not like us having any type of farm support. Yet in the European Union they subsidize their agriculture roughly $300 per acre; $300 per acre in the European Union. Japan subsidizes their agriculture more than $1,000 per acre.

In the United States with our farm program we would subsidize our agriculture roughly $45 per acre which is one-sixth of the European Union and, of course, much, much less than what Japan subsidizes their agriculture. And so just to maintain some type of parity, we have to have some type of farm program, some type of price support so we can be competitive with these other countries.

Also I think it is important to understand that land, labor and production costs vary widely worldwide. I was in Brazil in January. It is very interesting, you can buy topflight soil down there, topflight land, the topsoil is 50 feet deep. In many cases you can grow two crops because of the rainfall and the weather, and that land will cost an average of about $100 or $500 an acre, probably an average of about $250 an acre. That land is equivalent to the very best land in the United States. That land in the United States would cost somewhere between $2,000 and $3,000 per acre. So we are dealing in multiples of ten here.

Farm labor in Brazil averages somewhere around 50 cents an hour. The United States, it would be $8, $9, $10, $11 an hour. So again our costs are much higher.

The other thing that is different about Brazil and the United States is that there are very, very few environmental regulations. In the United States the agriculture people have to comply with clean air, clean water standards, use the right kinds of pesticides and fertilizers and so on, so it is a more expensive proposition. So what we are saying is if we do not have a farm program, we are really at the mercy of the European Union and other countries who subsidize agriculture. And we are also at the mercy of those developing countries who have extremely low production costs.

We think that for $45 per acre in the United States, we receive a tremendous benefit at a very reasonable price when looked at the worldwide situation. So I think that this here is something that we might think about a little bit.

So you might say, well, given all of these facts and given the fact that we have a drought and maybe people will concede the fact that the farm bill is not quite as bad as it has been portrayed. Maybe the President did not sell out. Maybe the President did a pretty good thing by signing the farm bill. If all this is true, then what do we do? What do we do to resolve the situation with the drought? What can be done with those farmers who are hanging on? There is no question in talking with those people who are bankers and agriculture lenders that we will lose more farmers and ranchers this year than we ever have because of the drought situation.

So what is the possible solution to this? And I think that what we would like to do here is talk a little bit about a proposal that the gentleman from South Dakota (Mr. THUNE), the gentleman from Kansas (Mr. MORAN) and myself have introduced that we think makes some sense. We will take a look at it at this time.

Mr. Speaker, what we are going to do now is just focus in on 2002. As I mentioned earlier, what was budgeted, the predicted cost of the farm bill for this year, the new farm bill, was going to be roughly $19 billion. In actual fact, as I mentioned earlier, what we are going to spend, based on August prices, is probably going to be about $14 billion, maybe a little bit less, that we will spend this year, which leaves a shortfall of roughly $5 billion.

You say why did that happen? How could that be? How could you be off by $5 billion? What has happened, as mentioned earlier, the estimated corn production for this year was going to be just slightly under 10 billion bushels of corn. What it looks like now that the growing season is almost done is that we are going to have roughly 8.9 billion bushels of corn primarily because of the drought in those States that we saw on the map earlier. So our production for corn, for soybeans, for sorghum, for rye, for barley, and for wheat is going to be down about 10 percent across the country. And as a result, we will not need farm supports because prices are higher. We have less product, so when you have less product, the demand is greater, and when the demand is greater, the prices are higher.

So instead of $1.70, $1.80 for corn, we will see something like $2.50, $2.60 per bushel. The same thing for wheat, soybeans and other products.

□ 2045

So when we have higher prices, the government does not have to provide the price supports. There will be no loan deficiency payments. There will probably be no countercyclical payments this year so there will be a saving of roughly $5 billion this year.

What the gentleman from Kansas (Mr. MORAN) and the gentleman from

South Dakota (Mr. THUNE) and myself are proposing is that we take this difference of $5 billion and we allocate that in the form of disaster assistance to those very people who have, because of their loss of crops, because of the crop failure that have caused this gap to occur, because if they had not had the crop failure we probably would not have the higher prices, we probably would have had more government payments coming out and so we need to do something for those people who have had the trouble.

Of course, the other thing we might mention here is that the livestock producers basically receive almost no Federal subsidies. Whatever they receive is very, very minimal in the form of equipment dollars, and so the livestock people who have lost their pasture and feed and herds in many cases are really on the verge of simply going out of existence in many areas. So we think that they need to have some aid here along with the crop producers.

Anyway, this is our proposal. We say let us take this gap here, let us take this money here and let us give it back to the people who were hurt so badly, that caused the prices to go up and resulted in no price supports and very low farm payments that has resulted in the $5 billion shortfall.

One of the solutions that many people have advocated is that we simply take the money out of the new farm bill, and my hypothesis here and the reason I am appearing on the floor tonight is to explain to people that this is something that absolutely cannot happen. We have shown earlier that the new farm bill does not appear to be more expensive than what we were doing. It seems to be more accountable. It provides a better safety net, and the other thing to remember is that there is an 80 percent increase in conservation payments. Most environmentalists, most people in cities, most people around the country would say, yeah, we need to protect our environment, and the farm bill does this.

The other thing that is in the farm bill that we did not want to see attacked is rural economic development. We are losing young people at a tremendous rate in rural America. They are simply leaving and they are not coming back. If we do not do something to diversify the economy, if we do not do something to shore up our rural areas and to build up our small towns and to bring in broadband services where they can have high speed Internet access, we are simply going to have a more and more difficult time and we are going to unravel more and more.

We think this is a responsible solution. It does not break the budget because we are not talking about spending money over and above what we thought we were going to spend in the first place. The House has a budget. The House has to stay with a budget. The other body does not have a budget; therefore, they can propose whatever they want to and then ask the President to pass it or veto it. In our case, we have to stay within the budget. In this case, we feel that we are staying within the budget, and we think it is the best thing for agriculture. We think it is the best thing for the country because it is not in the national interest to see a bunch of farmers and ranchers go out of business because of the draught.

Mr. Speaker, I conclude my remarks and we certainly urge consideration for those farmers and ranchers out there who are struggling with drought. We hope some disaster assistance will be forthcoming, and we certainly hope that my colleagues here on the floor of the House will see fit to help them out in the near future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business in the district.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. VELÁZQUEZ (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a family emergency.

Ms. BALDWIN (at the request of Mr. GEPHARDT) for today on account of a flight delay.

Mrs. BONO (at the request of Mr. ARMEY) for today and the balance of the week on account of family reasons.

Mr. HASTINGS of Washington (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 691. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, to the Committee on Resources.

S. 1010. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina, to the Committee on Energy and Commerce.

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes, to the Committee on Resources.

S. 1240. An act to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes, to the Committee on Resources.

S. 1325. An act to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes, to the Committee on Resources and the Committee on Armed Services.

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes, to the Committee on the Judiciary and the Committee on International Relations.

S. 1843. An act to extend certain hydroelectric licenses in the State of Alaska, to the Committee on Energy and Commerce.

S. 1852. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming, to the Committee on Energy and Commerce.

S. 1894. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes, to the Committee on Resources.

S. 1907. An act to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon, to the Committee on Resources.

S. 1946. An act to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail, to the Committee on Resources.

S. 2037. An act to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology, to the Committee on Science, to the Committee on Transportation and Infrastructure, and to the Committee on Energy and Commerce.

S. 2549. An act to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938, to the Committee on Education and the Workforce.

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries, to the Committee on Energy and Commerce.

S. Con. Res. 137. Concurrent resolution expressing the sense of Congress that the Federal Mediation and Conciliation Service should exert its best efforts to cause the Major League Baseball Players Association and the owners of the teams of Major League Baseball to enter into a contract to continue to play professional baseball games without engaging in a strike, a lockout, or any conduct that interferes with the playing of scheduled professional baseball games, to the Committee on Education and the Workforce.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, FRANK WOLF on August 2, 2002.

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker Pro Tempore, FRANK WOLF on August 7, 2002.

H.R. 223. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act.

H.R. 309. An act to provide for the determination of withholding tax rates under the Guam income tax.

H.R. 601. An act to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

H.R. 1384. An act to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

H.R. 1456. An act to expand the boundary of the Booker T. Washington National Monument, and for other purposes.

H.R. 1576. An act to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes.

H.R. 2068. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works".

H.R. 2234. An act to revise the boundary of the Tumacacori National Park in the State of Arizona.

H.R. 2440. An act to rename Wolf Trap Farm Park as "Wolf Trap National Park for the Performing Arts", and for other purposes.

H.R. 2441. An act to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes.

H.R. 2643. An act to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H.R. 3343. An Act to amend title X of the Energy Policy Act of 1992, and for other purposes.

H.R. 3380. An Act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 26, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 3763. To protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on July 30, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 1209. To amend the Immigration and Nationality Act to determine whether an alien is a child, for purpose of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the lien is filed, and

H.R. 3487. To amend the Public Health Service Act with respect to health professions programs regarding the field of nursing.

Jeff Trandahl, Clerk of the House reports that on August 2, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 3009. To extend the Andean Trade Preference Act, to grant additional trade benefits under the Act, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on August 13, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 223. To amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act.

H.R. 309. To provide for the determination of withholding tax rates under the Guam income tax.

H.R. 601. To redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

H.R. 1384. To amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

H.R. 1456. To expand the boundary of the Booker T. Washington National Monument, and for other purposes.

H.R. 1576. To designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes.

H.R. 2068. To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works".

H.R. 2234. To revise the boundary of the Tumacacori National Historical Park in the State of Arizona.

H.R. 2440. To rename Wolf Trap Farm Park as "Wolf Trap National Park for the Performing Arts", and for other purposes.

H.R. 2441. To amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes.

H.R. 2643. To authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H.R. 3343. To amend title X of the Energy Policy Act of 1992, and for other purposes.

H.R. 3380. To authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, September 5, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8381. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Removal of Quarantined Area [Docket No. 02-029-2] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8382. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Listing of Biological Agents and Toxins and Requirements and Procedures for Notification of Possession [Docket No. 02-082-1] (RIN: 0579-AB47) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8383. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Microchip Implants as an Official Form of Identification for Pet Birds [Docket No. 01-023-2] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8384. A letter from the Principal Deputy Associate Administrator, Enviromental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0210; FRL-7195-9] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8385. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chlorsulfuron; Pesticide

Tolerance [OPP-2002-0181; FRL-7192-9] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8386. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acephate, Amitraz, Carbaryl, Chlorpyrifos, Cryolite, et al.; Tolerance Revocations [OPP-2002-0155; FRL-7191-4] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8387. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerance [OPP-2002-0158; FRL-7188-7] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8388. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 1-Methylcyclopropene; Exemption from the Requirement of a Tolerance [OPP-2002-0142; FRL-7187-4] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8389. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0145; FRL-7187-8] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8390. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, 2-methyl-, polymer with ethyl 2-propenoate and methyl 2-methyl-2-propenoate, ammonium salt; Tolerance Exemption [OPP-2002-0148; FRL-7188-3] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8391. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Metsulfuron Methyl; Pesticide Tolerance [OPP-2002-0160; FRL-7189-2] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8392. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methyl Anthranilate; Exemption from the Requirement of a Tolerance [OPP-2002-0106; FRL-7189-7] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8393. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dichlormid; Extension of Time-Limited Pesticide Tolerance [OPP-2002-0149; FRL-7192-5] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8394. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Triflumizole; Pesticide Tolerance for Emergency Exemption [OPP-2002-0183; FRL-7194-4] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8395. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiophanate-methyl; Pesticide Tolerance [OPP-2002-0140; FRL-7192-1] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8396. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Iprovalicarb; Pesticide Tolerance [OPP-2002-0203; FRL-7194-3] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8397. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clomazone; Pesticide Tolerance [OPP-2002-0178; FRL-7192-2] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8398. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerance [OPP-2002-0215; FRL-7195-7] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8399. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imazethapyr; Pesticide Tolerance [OPP-2002-0189; FRL-7193-4] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8400. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fosetyl-Al; Pesticide Tolerances [OPP-2002-0144; FRL-7195-1] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8401. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflufenzopr; Pesticide Tolerance [OPP-2002-0220;FRL-7195-8] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8402. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0176; FRL-7191-5] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8403. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Re-Establishment of Tolerance for Emergency Exemptions [OPP-2002-0150; FRL-7188-4] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8404. A communication from the President of the United States, transmitting requests for FY 2003 budget amendments for the Department of Energy; (H. Doc. No. 107—255); to the Committee on Appropriations and ordered to be printed.

8405. A communication from the President of the United States, transmitting his request to make available appropriations for the Low Income Home Energy Assistance Program of the Department of Health and Human Services, in accordance with Public Law 107-116; (H. Doc. No. 107—256); to the Committee on Appropriations and ordered to be printed.

8406. A communication from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Departments of Health and Human Services and Transportation, and for International Assistance Programs; (H. Doc. No. 107—260); to the Committee on Appropriations and ordered to be printed.

8407. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 107—258); to the Committee on Appropriations and ordered to be printed.

8408. A communication from the President of the United States, transmitting his requests for emergency FY 2002 supplemental appropriations for the Forest Service within the Department of Agriculture and the Bureau of Land Management within the Department of the Interior; (H. Doc. No. 107—259); to the Committee on Appropriations and ordered to be printed.

8409. A letter from the Executive Director, Air Transportation Stabilization Board, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8410. A letter from the Chairperson, National Council On Disability, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8411. A letter from the Director, Office of National Drug Control Policy, transmitting a letter to advise how ONDCP will obligate the Fiscal Year (FY) 2002 High Intensity Drug Trafficking (HIDTA) Program discretionary funds; to the Committee on Appropriations.

8412. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting certification that realistic survivability and lethality testing of the OHIO Class Guided Missile Nuclear Submarine (SSGN) would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

8413. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting the annual report on the number of waivers granted to aviators who fail to meet operational flying duty requirements, pursuant to 37 U.S.C. 301(a); to the Committee on Armed Services.

8414. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

8415. A letter from the Under Secretary, Department of Defense, transmitting the Department's certification with respect to the CH-47F Improved Cargo Helicopter (ICH), Chemical Demilitarization Program, LPD 17 Amphibious Transport Dock Ship, Multiple Launch Rocket System Upgrade, Space Based Infrared System High, and United States Marine Corps H-1 Upgrades, pursuant to 10 U.S.C. 2433(e)(2)(B)(i); to the Committee on Armed Services.

8416. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending June 30, 2002, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

8417. A letter from the Under Secretary, Department of Defense, transmitting the National Defense Stockpile Annual Materials Plan for fiscal year 2003, pursuant to 50 U.S.C. 98h—5; to the Committee on Armed Services.

8418. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting certification that it would be unreasonably expensive and impracticable to conduct Full-Up, System-Level Live Fire Test and Evaluation on all three variants of the Joint Strike Fighter aircraft, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

8419. A letter from the Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting a report on restructuring costs associated with Business Combinations, March 1, 2002, pursuant to Public Law 105—85 section 804(a)(1) (111 Stat. 1832); to the Committee on Armed Services.

8420. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's final report on the Pharmacy Benefits Program, pursuant to 10 U.S.C. 1074g(b) note Public Law 106—65, section 701; to the Committee on Armed Services.

8421. A letter from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting a letter notifying Congress of the intent to obligate funds for one new FY 2002 out-of-cycle Foreign Comparative Testing (FCT) project, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

8422. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report on the Department's certification with respect to the CH-47F Improved Cargo Helicopter (ICH), Chemical Demilitarization Program, LPD 17 Amphibious Transport Dock Ship, Multiple Launch Rocket System (MLRS) Upgrade, Space Based Infrared System (SBIRS) High, and United States Marine Corps (USMC) H-1 Upgrades major defense acquisition programs, pursuant to 10 U.S.C. 2433(e)(2)(B)(i); to the Committee on Armed Services.

8423. A letter from the Under Secretary, Department of Defense, transmitting a report on Federally Funded Research and Development Center's Estimated FY 2003 Staff-years of Technical Effort, pursuant to 10 U.S.C. 2367(d)(1); to the Committee on Armed Services.

8424. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Multiyear Contracting [DFARS Case 2000-D303/304] received July 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8425. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Performance-Based Contracting Using Federal Acquisition Regulation Part 12 Procedures [DFARS Case 2000-D306] received July 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8426. A letter from the Register Liaison Officer, DOD, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Service (CHAMPUS): Enuretic Devices, Breast Reconstructive Surgery, PFPWD Valid Authorization Period, Early Intervention Services (RIN: 0720-AA70) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8427. A letter from the General Counsel of the Air Force, Department of Defense, transmitting the Department's final rule — Wake Island Code (RIN: 0701-AA65) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8428. A letter from the Deputy Secretary, Department of Defense, transmitting a report required by Section 731 of the National Defense Authorization Act for Fiscal Year 2001 entitled, "Mental Health Counselors Demonstration Project"; to the Committee on Armed Services.

8429. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2002-D010] received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8430. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting notification of the revised closure date for the commissary at Point Mugu, California; to the Committee on Armed Services.

8431. A letter from the Assistant Secretary, Department of Defense, transmitting a Report on the Technology Development Efforts, Concept-of-Operations, and Acquisition Plans to Use Unmanned Aerial Vehicles in Chemical and Biological Defense; to the Committee on Armed Services.

8432. A letter from the Comptroller, Department of Defense, transmitting notification that the Defense Finance and Accounting Service is assessing whether to acquire desktop computer management services from a commercial source; to the Committee on Armed Services.

8433. A letter from the Assistant Secretary, Department of Defense, transmitting notification of the intention to pay Critical Skills Retention Bonuses to selected military personnel and of each military skill to be designated critical; to the Committee on Armed Services.

8434. A letter from the Secretary, Department of Defense, transmitting notification that the President approved a new Unified Command Plan that specifies the missions and responsibilities, including geographic boundaries, of the unified combatant commands; to the Committee on Armed Services.

8435. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Paul K. Carlton, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8436. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education [DFARS Case 99-D303] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8437. A letter from the Senior Paralegal, Department of the Treasury, transmitting the Department's final rule — Mutual Savings Associations, Mutual Holding Company Reorganizations, and Conversions From Mutual to Stock Form [Docket No. 2002-34] (RIN: 1550-AB24) received August 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8438. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Requirement of HUD Approval Before a Grantee May Undertake CDBG-Assisted Demolition of HUD-Owned Housing Units [Docket No. FR-4698-F-02] (RIN: 2506-AC10) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8439. A letter from the Director, Department of Housing and Urban Development, transmitting the Department's final rule — Safety and Soundness Regulation (RIN: 2550-AA22) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8440. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured Housing Program Fee [Docket No. FR-4665-F-02] (RIN: 2502-AH62) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8441. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Agency Plans: Deconcentration-Amendments to "Established Income Range" Definition [Docket No. FR-4677-F-02] (RIN: 2577-AC31) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8442. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8443. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Taiwan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8444. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8445. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Canada, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8446. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8447. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Nigeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8448. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8449. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8450. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8451. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7525] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8452. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8453. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7612] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8454. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule — Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8455. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2001, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

8456. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Customer Margin Rules Relating to Security Futures [Release No. 34-46292; File No. S7-16-01] (RIN: 3235-AI22) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8457. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — One Rehabilitation Research Training Center Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8458. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Impact Aid Programs (RIN: 1810-AA94) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8459. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Title I-Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA92) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8460. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Disability and Rehabilitation Research Projects (DRRP) Program — received August 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8461. A letter from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 2001, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

8462. A letter from the National Council on Disability, transmitting the Council's report entitled "National Disability Policy: A Progress Report," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

8463. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report on Government dam use charges under section 10(e)(2) of the Federal Power Act, pursuant to 16 U.S.C. 803; to the Committee on Energy and Commerce.

8464. A letter from the Chief Counsel, National Telecommunications and Information Administration, Department of Commerce, transmitting the Department's final rule — Mandatory Reimbursement Rules for Frequency Band or Geographic Relocation of Federal Spectrum-Dependent Systems [001206341-2027-02] received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8465. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Greening the Government Requirements in Contracting [AL-2002-05] received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8466. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Domestic and Foreign Procurement Preference Rules — received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8467. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Technical Change to Requirements for the Group Health Insurance Market; Non-Federal Governmental Plans Exempt From HIPAA Title I Requirements [CMS-2033-IFC] (RIN: 0938-AK00) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8468. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Standards for Privacy of Individually Identifiable Health Information (RIN: 0991-AB14) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8469. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Neotame [Docket Nos. 98F-0052 and 99F-0187] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8470. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee: Change of Name and Function; Technical Amendment — received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8471. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast [Docket No. 98F-0196] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8472. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of Polymethylmethacrylate (PMMA) Bone Cement [Docket No. 02P-0294] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8473. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Apnea Monitor; Special Controls [Docket No. 00N-1457] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8474. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Sodium Copper Chlorophyllin; Confirmation of Effective Date [Docket No. 00C-0929] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8475. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Rescheduling of the Food and Drug Administration Approved Product Containing Synthetic Dronabinol [(—)-Delta9-(trans)-Tetrahydrocannabinol] in Sesame Oil and Encapsulated in Soft Gelatin Capsules From Schedule II to Schedule III [DEA-180F] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8476. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; Six-year-old Crash Test Dummy [Docket No. NHTSA-02-12541] (RIN: 2127-AI00) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8477. A letter from the Attorney-Adviser, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; Hybrid III 5th Percentile Female Test Dummy, Alpha Version; Final Rule; Response to Petitions for Recondsideration [Docket No. NHTSA-2000-6940] (RIN: 2127-AI01) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8478. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Oregon; Medford Carbon Monoxide Nonattainment Area [Docket No: OR-01-006a; FRL-7240-9] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8479. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Minnesota Designation of Areas for Air Quality Planning Purposes; Minnesota [MN72-7297a; FRL-7251-5] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8480. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Finding of Attainment; Portneuf Valley PM-10 Nonattainment Area, Idaho [Docket No. Id-00-001; FRL-7251-3] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8481. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Finding of Failure to Attain; California-San Joaquin Valley Nonattainment Area; PM-10 [CA081-FTA; FRL-7250-5] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8482. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New York: Incorporation by Reference of State Hazardous Waste Management Program [FRL-7232-3] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8483. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(1) Program of Delegation; Minnesota [MN 67-01-7292(a); FRL-7248-0] received July 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8484. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Injection Control Program Revision; Aquifer Exemption Determination for Portions of the Lance Formation Aquifer in Wyoming [FRL-7247-7] received July 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8485. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 261-0362a; FRL-7247-8] received July 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8486. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; VOC RACT Order and Regulation [NH-047-7173a; A-1-FRL-7243-2] received July 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8487. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Open Burning Regulations Within the Forsyth County Local Implementation Plan [NC 93-200122b; FRL-7206-9] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN 143-1a; FRL-7249-4] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Arizona State Implementation Plan, Maricopa County Environmental Services Department [AZ 112-0052a; FRL-7253-5] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that the State of Arizona Has Corrected Deficiencies and Stay of Sanctions, Maricopa County Environmental Services Department [AZ 112-0052c; FRL-7253-7] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8491. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delaware: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7256-8] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rhode Island: Authorization of State Hazardous Waste Management Program Revision [FRL-7256-7] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Reinstatement of Redesignation of Area for Air Quality Planning Purposes; Kentucky Portion of the Cincinnati-Hamilton Area [KY-116; KY-119-200214(d); FRL-7252-8] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8494. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District, Ventura County Air Pollution Control District [CA246-0353a; FRL-7254-8] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8495. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Completeness Status of Oxides of Nitrogen Regulations; Submission of a Complete Plan by the State of Ohio [OH152-1; FRL-7255-3] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8496. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: North Carolina: Permitting Rules and Other Miscellaneous Revisions [NC-96; 97-200231(a); FRL-7254-2] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Michigan: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7252-4] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8498. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Redesignation and Reclassification, Searles Valley Nonattainment Area; Designation of Coso Junction, Indian Wells Valley, and Trona Nonattainment Areas; California; Determination of Attainment of the PM-10 Standards for the Coso Junction Area; Particulate Matter of 10 microns or less (PM-10). [CA-034-FIN; FRL-7256-1] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8499. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Non-Conformance Penalties for 2004 and later Model Year Emission Standards for Heavy-Duty Diesel Engines and Heavy-Duty Diesel Vehicles [AMS-FRL-7256-5] (RIN: 2060-AJ73) received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8500. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule Amendments: Minor Revision of 18-Month Requirement for Initial SIP Submissions and Addition of Grace Period for Newly Designated Nonattainment Areas [FRL-7256-3] (RIN: 2060-AJ70) received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8501. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District [CA 265-0363a; FRL-7266-5] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8502. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department [AZ 100-0056a; FRL-7266-3] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8503. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Arizona State Implementation Plan, Maricopa County Environmental Services Department [AZ 111-0050a; FRL-7261-7] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8504. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the 1-Hour Ozone Standard for San Diego County, California [CA-082-FOAa; FRL-7263-9] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8505. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 160-1160a; FRL-7267-6] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8506. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 158-1158a; FRL-7267-3] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8507. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 157-1157a; FRL-7266-9] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8508. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of

Hazardous Waste; Final Exclusion [FRL-7264-1] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8509. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New Jersey [Region II Docket No. NJ52-243(a); FRL-7264-6] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8510. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 264-0355a; FRL-7258-3] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8511. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the 1-Hour Ozone Standard for the Santa Barbara County Area, California [CA 268-0360; FRL-7263-8] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8512. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Carolina; Final Approval of State Underground Storage Tank Program [FRL-7268-9] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8513. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plans for the State of Montana; Revisions to the Administrative Rules of Montana [SIP Nos. MT-001-0042a, MT-001-0044a, MT-001-0045a; FRL-7261-1] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8514. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [MO 161-1161a; FRL-7269-2] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8515. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Massachusetts; Rate-of-Progress Emission Reduction Plans for the Boston-Lawrence-Worcester Serious Area [MA-085a; A-1-FRL-7268-7] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8516. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee; Approval of Revisions to Tennessee Implementation Plan [TN-186; TN-187; TN-202; TN-203-200207a; FRL-7270-6] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8517. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Kansas [KS 162-1162a; FRL-7270-4] received, August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8518. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to the Florida State Implementation Plan [FL-85-1-200107a; FRL-7259-6] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8519. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Kentucky: Regulatory Limit on Potential to Emit [KY 125-200233(a); FRL-7259-7] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8520. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Effective Date Modification for the Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area [FRL-7262-3] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Definitions and the Continuous Emission Monitoring Provisions of the Acid Rain Program and the NOx Budget Trading Program; Correction [FRL-7259-0] (RIN: 2060-AJ43) received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nebraska; Final Approval of State Underground Storage Tank Program [FRL-7261-9] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Florida: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7262-6] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Florida: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7262-5] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8525. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Huntington, West Virginia) [MM Docket No. 01-56, RM-10033] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8526. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Wodbury, Georgia) [MM Docket No. 01-13, RM-10038]; (Reliance, Wyoming) [MM Docket No. 01-20, RM-10049]; (Eagle Lake, Texas) [MM Docket No. 01-80, RM-10089]; (Montana City, Montana), [MM Docket No. 01-81, RM-10090]; (Plainville, Georgia) [MM Docket No. 01-102, RM-10100]; (Rosholt, Wisconsin) [MM Docket No. 01-103, RM-10102]; (Morgantown, Kentucky) [MM Docket No. 01-114, RM-10128]; (Boswell, Oklahoma) [MM Docket No. 01-136, RM-10155]; (Frederic, Michigan) [MM Docket No. 01-201, Rm-10216] Received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8527. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Clarksburg, West Virginia) [MM Docket No. 01-165, RM-9768] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8528. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations (Springfield, Illinois) [MM Docket No. 02-27, RM-10367] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8529. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Boca Raton, Florida) [MM Docket No. 00-138, RM-9896] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8530. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commissions final rule — Table of Allotments, Digital Television Broadcast Stations (Charleston, South Carolina) [MM Docket No. 01-128, RM-10133] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8531. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Memphis, Tennessee, Olive Branch and Horn Lake, Mississippi) [MM Docket No. 02-31; RM-10351] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8532. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Honor, Bear Lake, Ludington, Walhalla, and Custer, Michigan) [MM Docket No. 01-186; RM-9976, RM-10320] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8533. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. [Alberta, Virginia and Whitakers, North Carolina; Dinwiddie, Virginia and Garysburg, North Carolina) [MM Docket No. 00-245; RM-991, RM-10185, RM10186] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8534. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Chester and Westwood, California) [MM Docket No. 02-42; RM-10382] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8535. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mason, Texas) [MM Docket No. 01-133; RM-10143, RM-10150] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8536. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fremont and Sunnyvale, California) [MM Docket No. 01-322; RM-10332] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8537. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commision's final rule — FM Table of Allotments, FM Broadcast Stations (Pierce, Nebraska) [MM Docket No. 01-340, RM-10345]; (Coosada, Alabama) [MM Docket No. 01-341, RM-10346]; (Pineview, Georgia) [MM Docket No. 01-342, RM-10347]; (Diamond Lake, Oregon) [MM Docket No. 01-343, RM-10348] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8538. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Cocoa, Florida) [MM Docket No. 01-162, RM-10183] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8539. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Wickenburg and Salome, Arizona) [MM Docket No. 01-345, RM-10344] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8540. A letter from the Senior Legal Advisorto the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Lakin, Kansas) [MM Docket No. 02-3, RM-10349] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8541. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Bryan, Texas) [MM Docket No. 00-124, RM-9893] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8542. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Alexandria, Minnesota) [MM Docket No. 01-207, RM-10206] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8543. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Paducah, Texas) [MM Docket No. 01-156; RM-10177] (Paulden, Arizona) [MM Docket No. 01-158; RM-10179] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8544. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b); Table of Allotments, FM Broadcast Stations. (Parker, Arizona) [MM Docket No. 01-69; RM-10081] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8545. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — 1998 Biennial Regulatory Review-Conducted Emissions Limits Below 30 MHz for Equipment Regulated under Parts 15 and 18 of the Commission,s Rules [ET Docket No. 98-80] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8546. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices [ET Docket No. 99-231] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8547. A letter from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2000 Biennial Regulatory Review, Amendment of Parts 43 and 63 of the Commission's Rules [IB Docket No. 00-231] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8548. A letter from the Deputy Chief, Telecom Access Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45]; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00-256] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8549. A letter from the Assistant Chief, Telcom Access Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45]; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00-256] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8550. A letter from the Associate Division Chief, WCB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Telecommunications Act o f 1996: Telecommunications Carriers' Use of Customer Proprietary Network In formation and Other Customer Information [CC Docket No. 96-115]; Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, As Amended [CC Docket No. 96-149]; 2000 Biennial Regulatory Review — Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers [CC Docket No. 00-257] Received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8551. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal CommunicationCommission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Calais, Maine) [MM Docket No. 01-167, RM-10180] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8552. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determination — received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8553. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8554. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Electronic Maintenance and Submission of Information (RIN: 3150-AF61) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8555. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision (RIN: 3150-AG97) received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8556. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107—251); to the Committee on International Relations and ordered to be printed.

8557. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107—252); to the Committee on International Relations and ordered to be printed.

8558. A communication from the President of the United States, transmitting notification that the Iraqi emergency is to continue in effect beyond August 2, 2002, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107—253); to the Committee on International Relations and ordered to be printed.

8559. A communication from the President of the United States, transmitting a six month periodic report on the national emergency, declared in Executive Order 12947 of January 23, 1995, with respect to terrorists who threaten to disrupt the Middle East peace process, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107—254); to the Committee on International Relations and ordered to be printed.

8560. A communication from the President of the United States, transmitting notification that the emergency regarding export control regulations is to continue in effect beyond August 17, 2002, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107—257); to the Committee on International Relations and ordered to be printed.

8561. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Italy (Transmittal No. OB-02), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

8562. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 23-02 which informs our intent to sign a Memorandum of Understanding between the U.S. and France Concerning Test and Evaluation Program Cooperation (TEP MOU)., pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8563. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 22-02 which informs of our intent to sign a Memorandum of Understanding between the U.S. and Canada concerning Test and Evaluation Program Cooperation (CANUSTEP MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8564. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 188-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8565. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 130-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8566. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 122-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8567. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 135-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 132-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8569. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 134-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8570. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 92-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8571. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 94-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 93-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8573. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 35-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8574. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 100-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8575. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 112-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8576. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 114-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8577. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India and Pakistan (Transmittal No. DTC 125-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8578. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 201-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8579. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 74-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8580. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 203-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8581. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 190-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8582. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 192-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8583. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 103-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8584. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 69-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8585. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 85-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8586. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 80-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8587. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 82-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8588. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 67-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8589. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 66-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8590. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 68-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8591. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 108-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8592. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 104-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8593. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 159-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8594. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 105-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8595. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Turkey [Transmittal No. DTC 128-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8596. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia, Ukraine and Norway [Transmittal No. DTC 148-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8597. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 019-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8598. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia and Kazakhstan [Transmittal No. DTC 147-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia and Poland [Transmittal No. DTC 143-02], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

8600. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Italy and Greece [Transmittal No. DTC 158-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

8601. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Turkey, Australia, Italy, Germany, Norway and Canada [Transmittal No. DTC 204-02], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

8602. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 056-02], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

8603. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period June 1, 2002 through July 31, 2002, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

8604. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8605. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8606. A communication from the President of the United States, transmitting a resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, in accordance with Condition 9; to the Committee on International Relations.

8607. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Clarifications to the Export Administration Regulations —— Nuclear Nonproliferation Controls: Nuclear Suppliers Group [Docket No. 020717170-2170-01] (RIN: 0694-AC52) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8608. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a shipment of U.S.-origin defense articles intended for transfer to a U.S. company which proceeded without the required U.S. Government consent; to the Committee on International Relations.

8609. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-458, "Child Restraint Amendment Act of 2002" received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-446, "Honoraria Amendment Temporary Act of 2002" received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-445, "Special Education Task Force Temporary Act of 2002" received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8612. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-444, "Back-to-School Sales Tax Holiday Temporary Act of 2002" received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8613. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-443, "Public Health Laboratory Fee Temporary Amendment Act of 2002" received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8614. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-441, "Domestic Relations Laws Clarification Act of 2002" received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8615. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-459, "Technical Amendment Act of 2002" received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8616. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-440, "Improved Child Abuse Investigations Amendment Act of 2002" received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8617. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of Advisory Neighborhood Commission 7D for Fiscal Years 2000, 2001, and 2002 Through March 31, 2002," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

8618. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in May 2002, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

8619. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of the Electronic Freedom of Information Act [Docket No. FR-4716-F-02] (RIN: 2508-AA12) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8620. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8621. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8622. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Correction of Administrative Errors; Expanded and Continuing Eligibility; Death Benefits; Loan Program — received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8623. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register for the period ending March 31, 2002, pursuant to

5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8624. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting the Board's draft legislation that would exempt case related predecisional documents that have been prepared by Board attorneys from disclosure under the Privacy Act; to the Committee on Government Reform.

8625. A letter from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8626. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's letter regarding the certification of a Final Rule entitled, "Medical Use of Byproduct Material (RIN: 3150-AF74)"; to the Committee on Government Reform.

8627. A letter from the Director, Office of Management and Budget, transmitting the Office's Fiscal Year 2002 Inventory of Commercial Activities; to the Committee on Government Reform.

8628. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Awards (RIN: 3206-AJ65) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8629. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of San Joaquin County, California, as a Nonappropriated Fund Wage Area (RIN: 3205-AJ35) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8630. A letter from the Director, Office of Personnel Management, transmitting the Department's final rule — Prevailing Rate Systems; Change in the Survey Cycle for the Portland, Oregon, Appropriated Fund Wage Area (RIN: 3206-AJ60) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8631. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of Special Counsel (OSC) for Fiscal Year (FY) 2001, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

8632. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Reorganization of Regulations on "Contribution" and "Expenditure" [Notice 2002-12] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8633. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Procedures for Establishing Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska (RIN: 1018-AH88) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8634. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of Nonessential Experimental Population Status and Reintroduction of Four Fishes in the Tellico River (RIN: 1018-AF96) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8635. A letter from the Director, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Tumbling Creek Cavesnail (RIN: 1018-AI19) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8636. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Northern Great Plains Breeding Population of the Piping Plover (RIN: 1018-AH96) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8637. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Newcomb's Snail (RIN: 1018-AH95) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8638. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants: Removal of Potentilla robbinsiana (Robbins' cinquefoil) From the Federal List of Endangered and Threatened Plants (RIN: 1018-AH56) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8639. A letter from the Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting the Department's final rule — Public Conduct on Bureau of Reclamation Lands and Projects (RIN: 1006-AA44) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8640. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Trust Management Reform: Repeal of Outdated Rules (RIN: 1076-AE20) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8641. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, transmitting the activities of the Northwest Atlantic Fisheries Organization for 2001; to the Committee on Resources.

8642. A letter from the Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar [Docket No. 990927266-2137-03; I.D. 072699A] (RIN: 0648-AM62) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8643. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment 2-Closure of the Commercial Fishery from U.S.-Canada Border to Cape Falcon, OR [Docket No. 020430101-2101-01; I.D. 070202C] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8644. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 071502B] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8645. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 01121834-1304-01; I.D. 071502C) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8646. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment 3-Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR [Docket No. 020430101-2101-01; I.D. 070902D] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8647. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [docket No. 011218304-1304-01; I.D: 071702A] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8648. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Pelagic Longline Fishery; Shark Gillnet Fishery; Sea Turtle and Whale Protection Measures [Docket No. 020325067-2161-02; I.D. 080901B] (RIN: 0648-AP49) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8649. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Grant National Strategic Investments in Aquatic Nuisance Species, Oyster Disease, and Gulf of Mexico Oyster Industry: Request for Proposals for FY 2003 [Docket No. 990125030-2149-03] (RIN: 0648-ZA56) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8650. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery [Docket No. 020409080-2174-05; I.D. 061402D] (RIN: 0648-AP78) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8651. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period [Docket No.; I.D. 073002A] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8652. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2002 Fisheries [Docket No. 010710173-2184-05; I.D. 032102A] (RIN: 0648-AN70) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8653. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustment to the 2002 Scup Winter II Commercial Quota [Docket No. 011109274-1301-02; I.D. 072202B] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8654. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 080502A] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8655. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Removal of the Sablefish Size Limit South of 36 degrees N. Latitude for Limited Entry Fixed Gear and Open Access Fisheries [Docket No. 011231309-2090-03; I.D. 072902E] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8656. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 7 — Adjustment of the Commercial Fishery from the U.S. — Canada Border to Cape Falcon, OR [Docket No. 020430101-2101-01; I.D. 080202E] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8657. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 080202F] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8658. A letter from the Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Bottlenose Dolphins and Spotted Dolphins Incidental to Oil and Gas Structure Removal Activities in the Gulf of Mexico [Docket No. 020326071-2166-02; I.D. 061402E] (RIN: 0648-AP83) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8659. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Precious Corals Fisheries; Harvest Quotas, Definitions, Size Limits, Gear Restrictions, and Bed Classification [Docket No. 000816233-1154-02; I.D. 050200A] (RIN: 0648-AK23) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8660. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 071202D] received August 13, 2002, pursuant .to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8661. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 020402077-01; I.D. 071202E] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8662. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 071902B] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8663. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 071902C] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8664. A letter from the Acting Director, Office of Sustainable .Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 011218304-1304-01; I.D. 072902C] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8665. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Reopening of the Commercial Red Snapper Component [I.D. 072302B] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8666. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP) [Docket 990324081-9336-02, ID072098G] (RIN: 0648-A185) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8667. A letter from the Attorney General, Department of Justice, transmitting the annual report on the status of the United States Parole Commission, pursuant to 18 U.S.C. 4201 nt.; to the Committee on the Judiciary.

8668. A letter from the Director, Regulations and Forms Services Division, Department of Justice, transmitting the Department's final rule — Reduced Course Load for Certain F and M Nonimmigrant Students In Border Communities [INS No. 2220-02] (RIN: 1115 -AG75) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8669. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Administrative Remedy Program: Excluded Matters [BOP-1076-F] (RIN: 1120-AA72) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8670. A letter from the Senior Counsel, DOJ, Civil Division, Torts Branch, Department of Justice, transmitting the Department's final rule — Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Technical Amendments [CIV100F; AG Order No. 2604-2002] (RIN: 1105-AA75) received August 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8671. A letter from the Director, Regulations and Forms Services Division, INS, Department of Justice, transmitting the Department's final rule — Allowing in Certain Circumstances for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application [INS No. 2104-00] (RIN: 1115-AG00) received August 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8672. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act: XIX Olympic Winter Games and VIII Paralympic Winter Games in Salt Lake City, UT, 2002 — received 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8673. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for 2001, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

8674. A letter from the Staff Director, United States Commission On Civil Rights, transmitting the list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

8675. A letter from the Clerk, United States Court of Federal Claims, transmitting the court's report for the year ended September 30, 2001, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

8676. A letter from the Administrator, FAA, Department of Transportation, transmitting the sixth annual report of actions the Federal Aviation Administration has taken in response to Section 304 of the Federal Aviation Administration Authorization Act of 1994, pursuant to 49 U.S.C. 40101nt.; to the Committee on Transportation and Infrastructure.

8677. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: High Consequence Areas For Gas Transmission Pipelines [Docket No. RSPA-00-7666; Amendment 192-77] (RIN: 2137-AD64) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8678. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting the Department's report on navigation improvements for the Arthur Kill Channel-Howland Hook Marine Terminal, New York and New Jersey; to the Committee on Transportation and Infrastructure.

8679. A letter from the Program Analyst, Directorate of Civil Works, Operations Division, Department of Defense, Army Corps of Engineers, transmitting the Department's final rule — United States Navy Restricted Area, Hampton Roads and Willoughby Bay, Virginia — received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8680. A letter from the Program Analyst, Directorate of Civil Works, Operations Division, Department of Defense, Army Corps of Engineers, transmitting the Department's final rule — United States Navy Restricted Area, Elizabeth River, Virginia — received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8681. A letter from the Secretary, Department of Transportation, transmitting a report on the voluntary national guidelines for ballast water management; to the Committee on Transportation and Infrastructure.

8682. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Commercial Driver's License Standards, Requirements and Penalties; Commercial Driver's License Program Improvements and Noncommercial Motor Vehicle Violations [Docket Nos. FMCSA-2001-9709 and FMCSA-00-7382] (RIN: 2126-AA60 and RIN: 2126-AA55) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8683. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30317; Amdt. No. 3012] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Change Using Agency to Restricted Area R-4305; Lake Superior, MN [Docket No. FAA-2002-12100; Airspace Docket No. 02-AGL-5] (RIN: 2120-AA66) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Marietta Dobbins ARB (NAS Atlanta), GA [Airspace Docket No. 02-ASO-5] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30319; Amdt. No. 3013] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30316; Amdt. No. 3011] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Route [Docket No. FAA 2001-10666; Airspace Docket No. ASD 01-ASW-12] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives [Docket No. FAA-2000-8460; Amdt. No. 39-9474] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8690. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; de Havilland Inc. Models DHC-2 Mk. I, DHC-2 Mk. II, and DHC-2 Mk. III Airplanes [Docket No. 97-CE-70-AD; Amendment 39-12796; AD 2002-13-08] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFE Company Model CFE738-1-1B Turbofan Engines [Docket No. 99-NE-39-AD; Amendment 39-12791; AD 99-27-16R1] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 369D, 369E, 369F, and 369FF Helicopters [Docket No. 2001-SW-40-AD; Amendment 39-12793; AD 2002-13-05] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8693. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2001-NM-233-AD; Amendment 39-12785; AD 2002-12-13] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International (CFMI) CFM56-2, -2A, -2B, -3, -3B, -3C, -5, -5B, -5C, and -7B Series Turbofan Engines [Docket No. 98-ANE-38-AD; Amendment 39-12790; AD 2002-13-03] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. 2001-NM-69-AD; Amendment 39-12783; AD 2002-12-11] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000-NE-49-AD; Amendment 39-12787; AD 2002-12-15] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2000-NM-197-AD; Amendment 39-12788; AD 2002-13-01] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8698. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision to Standards for Infectious Substances [Docket No. RSPA-98-3971] (RIN: 2137-AD13) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8699. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Brake Performance Requirements for Commercial Motor Vehicles Inspected by Performance-Based Brake Testers [Docket No. FCMSA-99-6266] (RIN: 2126-AA46) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8700. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Lake Michigan, Point Beach Nuclear Power Plant [CGD09-01-137] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8701. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Saint Lawrence River, Massena, NY [CGD09-01-128] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8702. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Lake Michigan, Kewaunee Nuclear Power Plant [CGD09-01-138] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8703. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone, Lake Ontario, Rochester, NY [CGD09-01-125] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8704. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD [CGD05-01-071] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8705. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Cruise Ships, Port of San Diego, CA [COTP San

Diego 02-013] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8706. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Gary Air and Water Show, Lake Michigan, Gary, IN [CGD09-02-020] received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8707. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Inner Harbor Navigation Canal, LA (CGD08-01-018) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8708. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Chicago Zone, Lake Michigan [CGD09-02-008] (RIN: 2115-AA97) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8709. A letter from the Senior Rulemaking Analyst, Department of Transportation, transmitting the Department's final rule — Investigative and Enforcement Procedures [Docket No. TSA-2002-12777] (RIN: 2110-AA09) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8710. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, and AT-400A Airplanes [Docket No. 2002-CE-22-AD; Amendment 39-12789; AD 2002-13-02] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8711. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, and -800 Series Airplanes [Docket No. 2002-NM-76-AD; Amendment 39-12732; AD 2002-08-20] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8712. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc.Tay Model 650-15 and 651-54 Turbofan Engines; Correction [Docket No. 2001-NE-36-AD; Amendment 39-12735; AD 2002-09-02] received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8713. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 Series Airplanes [Docket No. 2000-NM-382-AD; Amendment 39-12777; AD 2002-12-05] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. (Formerly AlliedSignal Inc. and Garrett Turbine Engine Company) TPE331-11U, -12B, -12JR, -12UA, -12UAR, and -12UHR Series Turboprop Engines [Docket No. 2001-NE-39-AD; Amendment 39-12781; AD 2002-12-09] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) Series Airplanes [Docket No. 2002-NM-99-AD; Amendment 39-12731; AD 2002-08-19] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 914 F Series Reciprocating Engines [Docket No. 2002-NE-07-AD; Amendment 39-12760; AD 2002-10-14] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-1A10 and CL-215-6B11 Series Airplanes [Docket No. 2000-NM-398-AD; Amendment 39-12784; AD 2002-12-12] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model BO-105A, BO-105C, B0-105 C-2, BO-105 CB-2, BO-105 CB-4, BO-105S, BO-105 CS-2, BO-105 CBS-2, B0-105 CBS-4, and BO-105LS A-1 Helicopters [Docket No. 2002-SW-07-AD; Amendment 39-12794; AD 2002-13-06] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA330F, G, J, and AS332C, L, and L1 Helicopters [Docket No. 2002-SW-34-AD; Amendment 39-12786; AD 2002-12-14] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8720. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors [Docket No. 2000-NE-19-AD; Amendment 39-12792; AD 2002-13-04] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8721. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Chelsea River Safety Zone for McArdle Bridge Repairs, Chelsea River, East Boston, Massachusetts [CGD01-02-096] (RIN: 2115-AA97) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8722. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Flagler Memorial, Atlantic Intracoastal Waterway, Palm Beach, Palm Beach County, FL [CGD07-02-094] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8723. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone: Vessel Launches, Bath Iron Works, Kennebec River, Bath, Maine [CGD01-01-155] (RIN: 2115-AA97) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8724. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Milwaukee Zone, Lake Michigan [CGD09-02-007] (RIN: 2115-AA97) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8725. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; North Pacific Ocean, Gulf of the Farallones, Offshore of San Francisco, CA [COTP San Francisco Bay 02-008] (RIN: 2115-AA97) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8726. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Hackensack River, NJ [CGD01-02-077] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8727. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Planning and Research Program Administration [FHWA Docket No. FHWA-2001-8874] (RIN: 2125-AE84) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8728. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones, Naval Submarine Base Bangor and Naval Submarines, Puget Sound and Strait of Juan De Fuca, WA [CGD13-01-015] (RIN: 2115-AA97) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8729. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Portsmouth Harbor, Portsmouth, New Hampshire [CGD01-01-192] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8730. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts [CGD01-02-002] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8731. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — State Certification of Size and Weight Enforcement [FHWA Docket No. FHWA-97-2219; 9328] (RIN: 2125-AC60) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8732. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Port Valdez and Valdez Narrows, Valdez, Alaska [COTP Prince William Sound 02-011] (RIN: 2115-AA97) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8733. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Houston-Galveston Zone [COTP Houston-Galveston-02-011] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8734. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, Louisiana [COTP New Orleans -02-004] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8735. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulation; Bonfouca Bayou, LA [CGD08-02-013] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8736. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; North Pacific Ocean, Gulf of the Farallones, Offshore of San Francisco, CA [COTP San Francisco Bay 02-008] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8737. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, IL [COTP St. Louis-02-003] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8738. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Missouri River, Mile Marker 646.0 to 645.6, Fort Calhoun, Nebraska [COTP St. Louis-02-001] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Security Zones; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay 01-012] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Toledo Zone, Lake Erie [CGD09-02-011] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan [USCG-1998-4623] (RIN: 2115-AF38) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters Adjacent to San Onofre, San Diego County, CA [COTP San Diego 02-015] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Detroit Zone, Selfridge Air National Guard Base, Lake St. Clair [CGD09-02-004] (RIN: 2115-AA97) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Charles' Engagement Fireworks Display, Black Point, CT [CGD01-02-061] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Swimming Across San Juan Harbor, San Juan, Puerto Rico [COTP San Juan-02-049] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fore River Channel — Weymouth Fore River — Weymouth, Massachusetts [CGD01-02-031] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8747. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Portland Harbor, Oilrig Construction Project [CGD01-02-064] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8748. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Carquinez Strait, Vallejo and Crockett, California [COTP San Francisco Bay 02-003] (RIN: 2115-AA97) received July 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8749. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Offshore Gran Prix Powerboat Race, Long Beach, California [COTP Los Angeles-Long Beach 02-011] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8750. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Hampton Roads, James River, VA [CGD05-02-033] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8751. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Pipeline Safety; Hazardous Liquid Pipeline Accident Reporting Revisions [Docket No. RSPA-01-8663; Amdt. 195-75] (RIN: 2137-AD56) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8752. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Drug and Alcohol Testing for Pipeline Facility Employees [Docket No. RSPA-00-8417; Amdt. 199-19] (RIN: 2137-AD55) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8753. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; St. Ignace, MI [Airspace Docket No. 02-AGL-06] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8754. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Flint, MI [Airspace Docket No. 01-AGL-18] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8755. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mount Vernon, OH [Airspace Docket No. 01-AGL-15] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8756. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington Court House, OH [Airspace Docket No. 01-AGL-20] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8757. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Port Valdez and Valdez Narrows, Valdez, Alaska [COTP Prince William Sound 02-009] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8758. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Macatawa Triathlon, Holland, MI [CGD09-02-026] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8759. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Saginaw River, MI [CGD09-02-017] (RIN: 2115-AE47) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8760. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1055.0 at Pompano Beach, Broward County, FL [CGD07-02-098] received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8761. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Retention of Shipping Papers [Docket No. RSPA-01-10568 (HM-207B)] (RIN: 2137-AC64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8762. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Portsmouth, OH [Airspace Docket No. 01-AGL-16] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8763. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Fremont, NE [Airspace Docket No. 02-ACE-5] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8764. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Rockford, IL; Modification of Class E Airspace; Rockford, IL; Correction [Airspace Docket No. 01-AGL-01] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8765. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc. (formerly AlliedSignal Inc., and Textron Lycoming) ALF502 and LF507 Series Turbofan Engines [Docket No. 99-NE-51-AD; Amendment 39-12780; AD 2002-12-08] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8766. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2001-NM-151-AD; Amendment 39-12773; AD 2002-12-01] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8767. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) PW2000 Series Turbofan Engines [Docket No. 98-ANE-61-AD; Amendment 39-12778; AD 2002-12-06] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8768. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2001-SW-54-AD; Amendment 39-12770; AD 2002-11-09] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8769. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No. 2001-SW-60-AD; Amendment 39-12774; AD 2002-12-02] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8770. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No. 2001-SW-63-AD; Amendment 39-12775; AD 2002-12-03] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8771. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -200PF; and 767-200, -300, and -300F Series Airplanes [Docket No. 2001-NM-75-AD; Amendment 39-12776; AD 2002-12-04] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8772. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-130-AD; Amendment 39-12782; AD 2002-12-10] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8773. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models E55, E55A, A56TC, 58, 58A, 58P, 58PA, 58TC and 58TCA Airplanes [Docket No. 2001-CE-43-AD; Amendment 39-12768; AD 2002-11-07] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8774. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Cincinnati/Northern Kentucky International Airport Class B Airspace Area; KY [Docket No. FAA-2001-10912; Airspace Docket No. 00-AWA-6] (RIN: 2120-AA66) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8775. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Route [Docket No. FAA 2001-10666; Airspace Docket No. ASD 01-ASW-12] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8776. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Change Using Agency to Restricted Area R-4305; Lake Superior, MN [Docket No. FAA-2002-12100; Airspace Docket No. 02-AGL-5] (RIN: 2120-AA66) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8777. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Temporary Requirements for Notification of Arrival in U.S. Ports [USCG-2001-10689] (RIN: 2115-AG24) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8778. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Basic rates and charges on Lake Erie and the navigable waters from Southeast Shoal to Port Huron, MI [USCG-2002-12840] (RIN: 2115-AG46) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8779. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Revised Options for Responding to Notices of Violations [USCG-2001-9175] (RIN: 2115-AG15) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8780. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Protection of Naval Vessels [LANT AREA-02-001] (RIN: 2115-AG33) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia [Docket No. FAA-2002-12771; Amendment No. 91-276] (RIN: 2120-AH41) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2001-NM-233-AD; Amendment 39-12785; AD 2002-12-13] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300; A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600); and A310 Series Airplanes [Docket No. 2002-NM-75-AD; Amendment 39-12686; AD 2002-06-09] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -800, and -900 Series Airplanes [Docket No. 2002-NM-127-AD; Amendment 39-12820; AD 2002-14-20] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes Equipped with Rolls Royce RB211-524H Series Engines [Docket No. 2002-NM-108-AD; Amendment 39-12802; AD 2002-14-02] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8786. A letter from the Chief Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, New Jersey [CGD05-02-059] (RIN: 2115-AE46) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2002-NM-168-AD; Amendment 39-12803; AD 2002-14-03] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. [Docket No. 2002-NM-129-AD; Amendment 39-12823; AD 2002-14-23] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel Models 1A, 1A1, 1B, 1D, and 1D1 Turboshaft Engines [Docket No. 2001-NE-35-AD; Amendment 39-12826; AD 2002-14-26] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Corporation Model 568F-1 Propellers [Docket No. 2002-NE-02-AD; Amendment 39-12831; AD 2002-15-03] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand power Systems (formerly Sundstrand Power Systems, Turbomach, and Solar) (T-62T Series Auxiliary Power Units [Docket No. 2002-NE-01-AD; Amendment 39-12830; AD 2002-15-02] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 AND -145 Series Airplanes [Docket No. 2002-NM-131-AD; Amendment 39-12825; AD 2002-14-25] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Models DG-400 and DG-800A Sailplanes [Docket No. 2002-CE-12-AD; Amendment 39-12818; AD 2002-14-18] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -30F (KC10A and KDC-10), -40, and -40F Airplanes; Model MD-10-10F and -30F Airplanes; and Model MD-11 and -11F Airplanes [Docket No. 2001-NM-46-AD; Amendment 39-12798; AD 2002-13-10] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, -30, -30F, and -40 Series Airplanes, and Model C-9 Airplanes [Docket No. 2002-NM--36-AD; Amendment 39-12800; AD 2002-13-12] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L and AS332L1 Helicopters [Docket No. 2001-SW-46-AD; Amendment 39-12801; AD 2002-14-01] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 98-ANE-43-AD; Amendment 39-12797; AD 2002-13-09] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-65-AD; Amendment 39-12811; AD 2002-14-11] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-61-AD; Amendment 39-12808; AD 2002-14-08] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes Equipped with United Technologies Pratt & Whitney Engines [Docket No. 2001-NM-64-AD; Amendment 39-12810; AD 2002-14-10] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-60-AD; Amendment 39-12807; AD 2002-14-07] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes Equipped with General Electric Tail Engine Buildup Units (EBU) [Docket No. 2001-NM-159-AD; Amendment 39-12814; AD 2002-14-14] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-157-AD; Amendment 39-12812; AD 2002-14-12] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-158-AD; Amendment 39-12813; AD 2002-14-13] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. 2001-NM-63-AD; Amendment 39-12809; AD 2002-14-09] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-244-AD; Amendment 39-12816; AD 2002-14-16] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rockwell Collins, Inc. ADC-85, ADC-85A, ADC-850D, and ADC-850F Air Data Computers [Docket No. 2000-CE-14-AD; Amendment 39-12819; AD 2002-14-19] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2001-CE-44-AD; Amendment 39-12822; AD 2002-14-22] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes [Docket No. 2000-NM-367-AD; Amendment 39-12821; AD 2002-14-21] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8810. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Notification of Arrival: Addition of Charterer to Required Information [USCG-2001-8659] (RIN: 2115-AG06) received August 21, 2002, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8811. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Traffic Separation Scheme: In Prince William Sound, Alaska [USCG-2001-10254] (RIN: 2115-AG20) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8812. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Chicago Zone, Lake Michigan [CGD09-02-001] (RIN: 2115-AA97) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8813. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Traffic Control Devices on Federal-Aid and Other Streets and Highways; Color Specifications for Retroreflective Sign and Pavement Marking Materials [FHWA Docket No. FHWA-99-6190] (RIN: 2125-AE67) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8814. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Revision of the Manual on Uniform Traffic Control Devices; Accessable Pedestrian Signals [FHWA Docket No. FHWA-2001-88 46] (RIN: 2125-AE83) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8815. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30318; Amdt. No. 436] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8816. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30318; Amdt. No. 436] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8817. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Marquette, MI; Modification of Class E Airspace; Marquette, MI [Airspace Docket No. 02-AGL-01] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8818. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tecumseh, MI [Airspace Docket No. 02-AGL-02] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8819. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Jackson, OH [Airspace Docket No. 02-AGL-03] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8820. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; San Francisco Bay, CA [COTP San Francisco 02-017] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8821. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area; Lower Mississippi River Mile 529.8 to 532.3, Greenville, Mississippi [CGD08-02-015] (RIN: 2115-AE84) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8822. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30320; Amdt. No. 3014] received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8823. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Prospect Bay, Kent Island Narrows, Maryland [CGD05-02-049] (RIN: 2115-AE46) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8824. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fireworks Display, Columbia River, Astoria, Oregon [CGD13-02-011] (RIN: 2115-AA97) received July 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8825. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Oklawaha River, Marion County, FL [CGD07-02-008] (RIN: 2115-AE47) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8826. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Passaic River, NJ [CGD01-02-091] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8827. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Salem Heritage Days Fireworks, Salem, Massachusetts [CGD1-02-094] (RIN: 2115-AA97) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8828. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule — Financial Responsibility Requirements for Nonperformance of Transportation — Discontinuance of Self-Insurance and the Sliding Scale, and Guarantor Limitations [Docket No. 02-07] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8829. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's correspondence with OMB regarding H.R. 4466, the National Transportation Safety Board Reauthorization Act of 2002, pursuant to 49 U.S.C. 1113; to the Committee on Transportation and Infrastructure.

8830. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations; Rules of Procedure Governing Cases before the Office of Hearings and Appeals (RIN: 3245-AE71) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8831. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering those cases in which equitable relief was granted in calendar year 2001, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

8832. A letter from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule — Duty Periods; Inactive Duty for Training (RIN: 2900-AL21) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8833. A letter from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule — Monetary Allowances for Certain Children of Vietnam Veterans; Identification of Covered Birth Defects (RIN: 2900-AK67) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8834. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice-Attorney Fee Matters; Notice of Disagreement Requirement (RIN: 2900-AL25) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8835. A letter from the Acting Director, Office of Regulatory Law, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule — Schedule for Rating Disabilities; Intervertebral Disc Syndrome (RIN: 2900-AI22) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8836. A letter from the Acting Director, Office of Regulatory Law, Regional Office and Insurance Center, Department of Veterans Affairs, transmitting the Department's final rule — National Service Life Insurance (RIN: 2900-AK43) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8837. A letter from the Deputy General Counsel, Department of Veterans' Affairs, transmitting the Department's final rule — Schedule for rating disabilities; The Skin (RIN: 2900-AF00) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8838. A letter from the Assistant Secretary, Department of the Treasury, transmitting a report concerning the operations and status of the Civil Service Retirement and Disability Fund and the G-Fund between May 16 and June 28, 2002, pursuant to 5 U.S.C. 83481(1); to the Committee on Ways and Means.

8839. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Audit Guidance for External Auditors of Qualified Intermediaries (Revenue Procedure 2002-55) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8840. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Manufacturing Substitution Drawback: Duty Apportionment [T.D. 02-38] (RIN: 1515-AD02) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8841. A letter from the Acting Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Administrative Rulings (RIN: 1515-AC56) received August 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8842. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for FY 2003 [CMS-1205-N] (RIN: 0938-AL22) received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8843. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Implementation and FY 2003 Rates (RIN: 0938-AK69) received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8844. A letter from the Administrator, Office of Workforce Development, Department of Labor, transmitting the Department's final rule — Temporary Extended Unemployment Compensation Act of 2002 — received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8845. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Unemployment Insurance Program letter No. 39-97, Change 2 — received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8846. A letter from the Chief, Regulations Branch, Department of Treasury, transmitting the Department's final rule — Elimination of the Tariff-Rate Quotas on Imported Lamb Meat [T.D. 02-36] (RIN: 1515-AD09) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8847. A letter from the Chief, Regulations Branch, Department of Treasury, transmitting the Department's final rule — Merchandise Processing Fee Eligible to be Claimed as Unused Merchandise Drawback [T.D. 02-39] (RIN: 1515-AC67) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8848. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of Treasury, transmitting the Department's final rule — Pleasure Vessels of Marshall Islands Entitled to Cruising Licenses [T.D. 02-48] received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8849. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting for Payments of Interest on Qualified Education Loans; Magnetic Media Filing Requirements for Information Returns [TD 8992] (RIN: 1545-AW67) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8850. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Equity Options with Flexible Terms; Qualified Covered Call Treatment [TD 8990] (RIN: 1545-AX66) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8851. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of Stock and Securities of a Controlled Corporation (Rev. Rul. 2002-49) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8852 A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Requirements for Certain Payments Made on Behalf of Another Person, Payments to Joint Payees, and Payments of Gross Proceeds from Sales Involving Investment Advisors [TD 9010] (RIN: 1545-AW48) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8853. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxable Years of Partner and Partnership; Foreign Partners [TD 9009] (RIN: 1545-AY66) received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8854. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule — Depreciation of Tires (Rev. Proc. 2002-27) received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8855. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reporting Requirements [Notice 2002-24] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8856. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2002-26) received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8857. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-28] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8858. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Petroleum Industry — received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8859. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Petroleum Industry — received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8860. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Refund of Mistaken Contributions and Withdrawal Liability Payments [REG-209481-80] (RIN: 1545-BA87) received July 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8861. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Subpart F Relating to Partnerships [TD 9008] (RIN: 1545-AY45) received July 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8862. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax-free sale of articles for use by the purchaser as supplies for vessels or aircraft (Rev. Rul. 2002-50) received July 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8863. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Petroleum Industry Replacement of Underground Storage Tanks at Retail Gasoline Stations (UIL: 263.23-00) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8864. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Anti-abuse rules and Authority of Commissioner (Rev. Proc. 2002-31) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8865. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Electronic Tax Administration [TD 8989] (RIN: 1545-AY56) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8866. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Electronic Tax Administration [REG-107184-00] (RIN: 1545-AY04) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8867. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2002-33) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8868. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Real Estate Mortgage Investment Conduits [TD 9004] (RIN: 1545-AW98) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8869. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compromise of Tax Liabilities [TD 9007] (RIN: 1545-AW87) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8870. A letter from the Chief, Regulations Unit, USCG, Internal Revenue Service, transmitting the Service's final rule — Notice to Interested Parties [TD 9006] (RIN: 1545-AY68) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8871. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitations on passive activity losses and credits —— Treatment of self-charged items of income and expense [TD 9013] (RIN: 1545-AN64) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8872. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 2002 Section 43 Inflation Adjustment [Notice 2002-53] received July 30, 2002, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

8873. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 2002 Marginal Production Rates [Notice 2002-54] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8874. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-53) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8875. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low Income Housing Credit — received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8876. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Split-Dollar Life Insurance Arrangements [Notice 2002-59] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8877. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Election to Include in Gross Income Gain on Assets held on January 1, 2001 [Notice 2002-58] received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8878. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Furnishing Identifying Number of Income Tax Return Preparer [TD 9014] (RIN: 1545-AX27) received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8879. A letter from the Chief, Regulations Unit, Internal Service Revenue, transmitting the Service's final rule — Regulations Governing Practice Before the Internal Revenue Service [TD 9011] (RIN: 1545-AY05) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8880. A letter from the transmitting the Service's final rule — Election to Include in Gross Income Gain on Assets held on January 1, 2001 [Notice 2002-58] received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8881. A letter from the Under Secretary, Department of Defense, transmitting the Department's letter regarding a report required under Public Law 107-117, the Defense Appropriations Act of 2002; jointly to the Committees on Armed Services and Appropriations.

8882. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report on international assistance for the elimination of Russia's chemical weapons, pursuant to Public Law 106-398, Section 1309(b), the National Defense Authorization Act for FY 2001; jointly to the Committees on Armed Services and International Relations.

8883. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; End-Stage Renal Disease: Removing of Waiver of Conditions for Coverage under a State of Emergency in the Houston, Texas Area [CMS-3074-F2] (RIN: 0938-AK98) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8884. A letter from the Secretary, Department of Health and Human Services, transmitting a report that the Department of Health and Human Services is allocating emergency funds made available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981, pursuant to 42 U.S.C. 8623(g); jointly to the Committees on Energy and Commerce and Education and the Workforce.

8885. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare-Endorsed Prescription Drug Card Assistance Initiative (RIN: 0938-AL25) received August 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8886. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled "Funding Federal Civil Rights Enforcement: 2000-2003," pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

8887. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Hospital Impatient Prospective Payment Systems and Fiscal Year 2003 Rates [CMS-1203-F] (RIN: 0938-AL23) received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

8888. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities — Update — Notice[CMS-1202-N] (RIN: 0938-AL20) received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

8889. A letter from the Director, National Science Foundation, transmitting an annual report from the National Oceanographic Partnership Program (NOPP), National Ocean Research Leadership Council (NORLC); jointly to the Committees on Armed Services, Resources, and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4727. A bill to reauthorize the national dam safety program, and for other purposes; with an amendment (Rept. 107–626). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2099. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve; with an amendment (Rept. 107–627). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2534. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Lower Los Angeles River and San Gabriel River watersheds in the State of California, and other purposes; with an amendment (Rept. 107–628). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3223. A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to construct the Jicarilla Apache Nation Municipal Water Delivery and Wastewater Collection Systems in the State of New Mexico, and other purposes; with an amendment (Rept. 107–629). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3407. A bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; with an amendment (Rept. 107–630). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3449. A bill to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes (Rept. 107–631). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3534. A bill to provide for the settlement of certain land claims of Cherckee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma; with an amendment (Rept. 107–632). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4638. A bill to reauthorize the Mni Wiconi Rural Water Supply Project (Rept. 107–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4682. A bill to revise the boundary of the Allegheny Portage Railroad National Historic Site, and for other purposes (Rept. 107–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4739. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas (Rept. 107–635). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4917. A bill to provide for an exchange of lands with the United Water Conservation District of California to eliminate private inholdings in the Los Padres National Forest, and for other purposes (Rept. 107–636). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4953. A bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road; with an amendment (Rept. 107–637). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 238. An act to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River Basin, Oregon (Rept. 107–638). Referred to the Committee of the Mobile House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 1105. An act to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes (Rept. 107–639). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3995. A bill to amend and extend certain laws relating to housing and community opportunity and for other purposes (Rept. 107–640 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on August 31, 2002]

H.R. 5259. Referral to the Committee on the Budget extended for a period ending not later than September 13, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KOLBE:

H.R. 5316. A bill to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jusdiction of the committee concerned.

By Mr. FOLEY (for himself, Ms. Kaptur, Mr. Bachus, Mr. Towns, Mr. Greenwood, Ms. Brown of Florida, Mr. Hastings of Florida, Mrs. Tauscher, Mrs. McCarthy of New York, Mr. McGovern, Mr. Tiberi, Mr. Hayes, Mr. Brown of Ohio, Mr. Schrock, Mr. Borski, Mr. Graham, Mr. Kennedy of Minnesota, Mr. Moran of Virginia, Mr. Boyd, Mr. Thompson of California, Mr. Grucci, and Mr. Keller):

H.R. 5317. A bill to develop, coordinate, and improve the AMBER Alert communications network throughout the country; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 5318. A bill to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; to the Committee on Resources.

By Mr. McINNIS (for himself, Mr. Hansen, Mr. Shadegg, Mr. Young of Alaska, Mr. Radanovich, Mr. Duncan, Mr. Peterson of Pennsylvania, Mr. Simpson, Mr. Tancredo, Mr. Souder, Mr. Hayworth, Mr. Gallegly, Mr. Herger, Mr. Otter, Mr. Hastings of Florida, Mrs. Cubin, Mr. Hefley, Mr. Gibbons, Mr. Pombo, and Mr. Doolittle):

H.R. 5319. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to expeditiously address wildfire prone conditions on National Forest System lands and other public lands that threaten communities, watersheds, and other at-risk landscapes through the establishment of expedited environmental analysis procedures under the National Environmental Policy Act of 1969, to establish a predecisional administrative review process for the Forest Service, to expand fire management contracting authorities, to authorize appropriations for hazardous fuels reduction projects, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 5320. A bill making appropriations for the Department of Labor, Health and Human Services, and Education, related agencies for the fiscal year ending September 30, 2003, and for other purposes; to the Committee on Appropriations.

By Mr. BOSWELL (for himself and Mr. Leach):

H.R. 5321. A bill to improve the provision of health care in all areas of the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR:

H.R. 5322. A bill to limit the period of validity of driver's licenses and State identifcation cards issued to nonimmigrant aliens to the period of validity of nonimmigrant visas; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. Istook, Mr. Kerns, Mr. Otter, and Mr. Wilson of South Carolina):

H.R. 5323. A bill to amend the Internal Revenue Code of 1986 to eliminate the double taxation of dividends; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 5324. A bill to amend title 39, United States Code, relating to rural mail service in the State of Alaska; to the Committee on Government Reform.

By Mrs. DAVIS of California:

H.R. 5325. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for second opinions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FROST (for himself, Ms. Dunn, Mr. Lampson, Mr. Conyers, Mr. Royce, Mr. Matheson, Ms. Granger, Mr. Moore, Mrs. Roukema, Ms. Hooley of Oregon, Mr. Markey, Mr. Shows, Mr. Wynn, Mr. Barr of Georgia, Mr. Lynch, Mrs. Maloney of New York, Mr. Bachus, Mr. Maloney of Connecticut, Mr. Reyes, Mr. Calvert, Mr. Pallone, Mr. Ehrlich, Ms. McCarthy of Missouri, Mr. Holt, Mr. Strickland, Mr. Langevin, Mr. Engel, Mr. Cramer, Mr. Holden, Mr. Pomeroy, Mr. Wexler, Mr. Smith of New Jersey, Mr. Stupak, Ms. Jackson-Lee of Texas, Mr. Luther, Mr. Ramstad, Mr. Wolf, Mr. Larson of Connecticut, Mrs. Biggert, Mr. Larsen of Washington, Mr. Ross, Mr. Phelps, Mr. Lucas of Kentucky, Mr. Stenholm, Mr. Edwards, Mr. Ford, Mr. Menendez, Ms. Roybal-Allard, Mr. Clement, Mr. Turner, Mr. Spratt, Mr.Frelinghuysen, and Mr. Pombo):

H.R. 5326. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 5327. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 5328. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Resources.

By Mr. GOODLATTE:

H.R. 5329. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides; to the Committee on Agriculture.

By Mr. ISRAEL:

H.R. 5330. A bill to amend the September 11th Victim Compensation Fund of 2001 to exclude monthly Social Security survivor benefits and Social Security lump sum death benefit as collateral sources; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota (for himself and Mr. Boehner):

H.R. 5331. A bill to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights; to the Committee on Education and the Workforce.

By Mr. LYNCH:

H.R. 5332. A bill to provide for a pilot program to be conducted by the Department of Veterans Affairs to assess the benefits of providing for pharmacies of the Department of Veterans Affairs to fill prescriptions for drugs and medicines written by private physicians; to the Committee on Veterans' Affairs.

By Mr. McGOVERN (for himself, Mr. Markey, Mr. Frank, Mr. Neal of Massachusetts, Mr. Olver, Mr. Meehan, Mr. Delahunt, Mr. Tierney, Mr. Capuano, and Mr. Lynch):

H.R. 5333. A bill to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building"; to the Committee on Government Reform.

By Mr. GIBBONS (for himself, Mr. Murtha, Mrs. Cubin, Mr. Holden, and Mr. Matheson):

H. Con. Res. 459. Concurrent resolution recognizing rescue crews for their outstanding effort and cooperation resulting in the safe rescue on July 27, 2002, of trapped miners Randy Fogle, Thomas Foy, Harry B.

Mayhugh, John Unger, John Phillippi, Ronald Hileman, Dennis Hall, Robert Pugh, and Mark Popernack and the miners for their stamina and courage; to the Committee on Education and the Workforce.

By Mr. LaHOOD:

H. Con. Res. 460. Concurrent resolution expressing the sense of Congress regarding the use of force against Iraq; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself, Mr. Evans, Mr. Reyes, Mr. Smith of New Jersey, Mr. Simpson, Mr. Moran of Kansas, and Mr. Tiahrt):

H. Con. Res. 461. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on Government Reform.

By Mrs. NORTHUP:

H. Res. 516. A resolution congratulating the Valley Sports American Little League baseball team from Louisville, Kentucky, for their outstanding performance in the Little League World Series; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

359. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 293 memorializing the United States Congress and the Food and Drug Administration to provide for an independent review and analysis of generic drugs submitted for approval; to the Committee on Energy and Commerce.

360. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 632 memorializing the United States Congress to include a representation of Sojourner Truth in the Portrait Monument honoring the women's suffrage movement in the Rotunda of the United States Capitol; to the Committee on House Administration.

361. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 638 memorializing the United States Congress to defend the constitutionality of the Pledge of Allegiance by passing a constitutional amendment to allow the Pledge of Allegiance to be recited at all public events and in all public institutions; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Maloney of Connecticut.

H.R. 68: Mr. Ross.

H.R. 80: Mr. Simmons.

H.R. 81: Mr. Carson of Oklahoma.

H.R. 82: Mr. Simmons.

H.R. 116: Mr. Bentsen, Mr. Schiff, Mr. Fattah, and Ms. DeLauro.

H.R. 218: Mr. Phelps and Mr. Meehan.

H.R. 239: Mr. Israel, Mr. Farr of California, and Mr. Frank.

H.R. 267: Mr. Graves.

H.R. 389: Mr. Kildee.

H.R. 415: Mr. Hastings of Florida.

H.R. 488: Ms. McCarthy of Missouri, Mr. Reyes, and Mr. Deutsch.

H.R. 632: Mr. Ferguson, Mr. Hoeffel, Mr. Hall of Texas, Mr. Bishop, Mrs. Clayton, and Mr. Deutsch.

H.R. 633: Mr. Gutierrez.

H.R. 638: Ms. Watson and Mr. Davis of Illinois.

H.R. 758: Mr. Israel.

H.R. 778: Mr. Matsui.

H.R. 781: Mr. Spratt.

H.R. 817: Mr. McNulty and Mr. Pomeroy.

H.R. 840: Mr. Pomeroy, Mr. Gilchrest, Ms. Woolsey, Mr. Cardin, Mr. Spratt, Mr. Gordon, Mr. Lipinski, and Ms. McKinney.

H.R. 952: Mr. Paul, Ms. DeLauro, and Mr. Holden.

H.R. 953: Mrs. Morella.

H.R. 961: Mr. Tierney.

H.R. 1073: Mrs. Meek of Florida.

H.R. 1090: Mr. Goode, Mr. Sullivan, Ms. Watson, and Mr. Weldon of Pennsylvania.

H.R. 1108: Ms. Lee.

H.R. 1109: Mr. Graves.

H.R. 1201: Ms. Watson and Ms. Lee.

H.R. 1202: Mr. Knollenberg.

H.R. 1205: Mr. Mica.

H.R. 1255: Mr. Kanjorski.

H.R. 1280: Mr. McGovern.

H.R. 1295: Mrs. McCarthy of New York, Ms. Millender-McDonald, Mr. Tiahrt, Mrs. Christensen, Mrs. Roukema, and Mr. Filner.

H.R. 1305: Mr. Radanovich.

H.R. 1368: Mr. Brown of South Carolina.

H.R. 1423: Ms. Millender-McDonald, and Ms. Carson of Indiana.

H.R. 1452: Mr. Tierney, Mr. Pallone, Ms. Millender-McDonald, Mr. Clay, and Mr. Markey.

H.R. 1475: Mrs. Capito and Mrs. Wilson of New Mexico.

H.R. 1490: Mr. George Miller of California, Ms. Hooley of Oregon, and Mrs. Maloney of New York.

H.R. 1556: Mr. Moore, Mr. Ramstad, and Mr. Luther.

H.R. 1683: Mr. Bentsen.

H.R. 1724: Ms. Lee, Mr. Tierney, and Mr. Rush.

H.R. 1733: Mr. Stupak.

H.R. 1779: Mr. Ford.

H.R. 1810: Mr. Doggett.

H.R. 1811: Mr. Wilson of South Carolina.

H.R. 1824: Mrs. Morella and Mr. Wolf.

H.R. 1887: Mr. Boehlert.

H.R. 1908: Mrs. Emerson.

H.R. 1982: Mr. Sullivan and Mr. Platts.

H.R. 2014: Mr. Hyde and Mr. Bereuter.

H.R. 2098: Mr. Holden, Mr. Crowley, Mr. Wexler, and Mr. Otter.

H.R. 2117: Mrs. Napolitano and Mr. Schrock.

H.R. 2125: Mr. George Miller of California, Ms. Solis, and Mr. Leach.

H.R. 2179: Ms. Brown of Florida, Mr. Watt of North Carolina, Ms. Berkley, Ms. Carson of Indiana, and Mr. Farr of California.

H.R. 2207: Mr. Acevedo-Vilá, Mr. Hyde, and Mr. Spratt.

H.R. 2219: Mr. Hastings of Florida.

H.R. 2220: Mr. Norwood.

H.R. 2255: Mr. Peterson of Minnesota.

H.R. 2287: Mrs. Davis of California.

H.R. 2290: Mr. Ney.

H.R. 2335: Mr. Thompson of California.

H.R. 2349: Mr. Snyder and Mr. Roemer.

H.R. 2380: Mr. McDermott.

H.R. 2405: Mr. Blumenauer.

H.R. 2482: Mr. Markey.

H.R. 2519: Mr. Bass.

H.R. 2592: Mr. Clay.

H.R. 2615: Mr. Norwood.

H.R. 2629: Ms. Lee.

H.R. 2638: Mr. Sullivan, Mr. Doggett, Mr. Greenwood, Mr. Evans, Mr. Gutierrez, and Mr. Holden.

H.R. 2649: Mr. Chambliss and Mr. Latham.

H.R. 2663: Mr. Hall of Texas.

H.R. 2677: Mr. Maloney of Connecticut.

H.R. 2735: Mr. Price of North Carolina, Mr. Filner, Ms. Woolsey, and Mr. Manzullo.

H.R. 2807: Mr. Hobson.

H.R. 2874: Mr. Crowley, Mr. Calvert, Mr. Israel, Mr. Allen, and Mr. McDermott.

H.R. 2878: Ms. Hooley of Oregon.

H.R. 2908: Mrs. Maloney of New York and Mr. Borski.

H.R. 2953: Mr. Filner, Mr. Ackerman, and Mr. Hinchey.

H.R. 2955: Mr. Engel.

H.R. 3063: Ms. Roybal-Allard, Mrs. McCarthy of New York, Mrs. Christensen, Mr. Stark, Mr. Israel, and Mr. Filner.

H.R. 3183: Mr. Boehner, Mr. Gordon, and Mr. Wilson of South Carolina.

H.R. 3193: Ms. Dunn, Ms. Hooley of Oregon, Mrs. Clayton, Mrs. Maloney of New York, Ms. McKinney, Mrs. Meek of Florida, Mr. Kildee, Ms. Sánchez, Mrs. Roukema, Mr. Green of Texas, Mrs. Jones of Ohio, Ms. Lofgren, Mr. Blagojevich, Mr. Abercrombie, Mrs. McCarthy of New York, Mr. Conyers, Mr. Bachus, Mr. Kirk, Ms. Kaptur, Ms. DeLauro, Mr. Baldacci, Mr. Becerra, Ms. Harman, and Ms. Woolsey.

H.R. 3238: Mr. Andrews and Mr. Holden.

H.R. 3255: Mr. Andrews.

H.R. 3267: Mr. Payne.

H.R. 3278: Mr. Bachus and Mr. Cunningham.

H.R. 3321: Mr. Baird and Mr. Riley.

H.R. 3363: Mr. Souder, Mr. Graves, and Mr. Wilson of South Carolina.

H.R. 3413: Mr. George Miller of California, and Ms. Schakowsky.

H.R. 3430: Ms. Hooley of Oregon, Mr. Knollenberg, Mr. Cooksey, Mr. Rogers of Michigan, and Mrs. Napolitano.

H.R. 3431: Mr. Hoeffel, Mr. Thompson of Mississippi, and Mr. Boucher.

H.R. 3450: Mr. Castle, Mr. Ford, Mrs. Capito, Mr. Berman, and Mr. Stark.

H.R. 3469: Mr. Sánchez, Ms. Hooley of Oregon, Mr. Crowley, and Mr. Dicks.

H.R. 3555: Mr. Andrews.

H.R. 3572: Mr. Hayworth.

H.R. 3584: Ms. Hooley of Oregon and Mr. Calvert.

H.R. 3626: Mr. Shows.

H.R. 3686: Mr. Akin.

H.R. 3695: Mrs. Tauscher.

H.R. 3741: Mr. Sandlin, Mr. Kildee, and Ms. Watson.

H.R. 3779: Mr. Moran of Virginia.

H.R. 3781: Mr. Delahunt, Mrs. McCarthy of New York, and Mr. Wilson of South Carolina.

H.R. 3794: Mr. Lucas of Kentucky, Mr. Shows, Mrs. Capps, Mr. Castle, Mr. Pombo, and Mr. Neal of Massachusetts.

H.R. 3831: Mr. Stupak and Mr. Blagojevich.

H.R. 3834: Mr. Saxton, Mr. Terry, Mr. Allen, Mr. Wilson of South Carolina, Mr. Shows, Mr. Pickering, and Mr. Ackerman.

H.R. 3835: Mr. Peterson of Minnesota.

H.R. 3884: Mr. Baca.

H.R. 3911: Mr. Baird.

H.R. 3940: Mr. Gordon.

H.R. 3956: Mr. Waxman.

H.R. 3974: Mr. Stupak, Mr. Hinojosa, Mr. English, Mr. Hastings of Florida, and Mr. Peterson of Minnesota.

H.R. 4001: Mr. Latham.

H.R. 4011: Mr. Bentsen.

H.R. 4014: Mr. Tom Davis of Virginia.

H.R. 4018: Mr. Manzullo, Mr. Acevedo-Vilá, Mr. Diaz-Balart, Mr. Blagojevich, Ms. Velázquez, and Mr. Sanders.

H.R. 4032: Ms. Lofgren, Mrs. Meek of Florida, Mr. Gutierrez, Mr. Baca, and Mr. McHugh.

H.R. 4033: Mr. Brown of Ohio.

H.R. 4036: Mr. Filner and Mr. Paul.

H.R. 4060: Mr. DeFazio.

H.R. 4066: Mrs. Johnson of Connecticut and Mr. Sabo.

H.R. 4078: Mr. Honda.

H.R. 4113: Ms. DeLauro.

H.R. 4210: Ms. Ros-Lehtinen.

H.R. 4483: Mr. Ose, Ms. Carson of Indiana, Ms. Velázquez, Mr. Luther, and Mr. Baker.

H.R. 4515: Mr. DeFazio, Mr. Ryun of Kansas, Mr. Olver, Mr. Murtha, Mr. Whitfield, and Mr. McGovern.

H.R. 4524: Mr. Price of North Carolina.

H.R. 4582: Mr. Hyde, Mr. Price of North Carolina, and Mr. Baker.

H.R. 4595: Mr. Pastor.

H.R. 4599: Mr. Baldacci, Ms. Kilpatrick, Ms. Waters, Mr. Wexler, and Ms. Carson of Indiana.

H.R. 4600: .Ms. Granger, Mr. Hyde, Mr. Thune, and Mr. Vitter.

H.R. 4622: Mr. Herger, Ms. Dunn, and Mr. Tancredo.

H.R. 4655: Mr. Gutierrez.

H.R. 4665: Ms. DeLauro and Mrs. Johnson of Connecticut.

H.R. 4671: Mr. Clay.

H.R. 4683: Ms. Lofgren, Mr. Smith of Washington, Ms. Schakowsky, and Mr. Waxman.

H.R. 4701: Mr. Boucher, Mr. Israel, Mr. McDermott, Mrs. Mink of Hawaii, Mr. Simmons, Ms. McCarthy of Missouri, Ms. DeLauro, Ms. Rivers, Mr. Snyder, Mrs. Meek of Florida, Ms. Ros-Lehtinen, Mr. Etheridge, and Mr. Baird.

H.R. 4718: Mr. Smith of Michigan.

H.R. 4728: Mr. Langevin and Ms. Kaptur.

H.R. 4729: Ms. Lee.

H.R. 4730: Ms. Woolsey.

H.R. 4738: Mr. Cunningham, Mr. Bryant, and Mr. Strickland.

H.R. 4743: Mr. Oberstar, Mr. Payne, and Ms. DeLauro.

H.R. 4760: Ms. DeLauro, Mr. Wynn, Mr. Tom Davis of Virginia, Mr. Moran of Virginia, and Mr. McHugh.

H.R. 4763: Mr. Mica, Ms. Velázquez, Mr. Norwood, Mr. Thornberry, Mr. Cantor, Mr. Diaz-Balart, Mr. Brown of Ohio, Mr. Costello, Mr. McGovern, and Mr. Sessions.

H.R. 4777: Mr. Watt of North Carolina and Mr. Neal of Massachusetts.

H.R. 4778: Mr. Clay.

H.R. 4783: Mr. Smith of New Jersey and Mr. Lucas of Kentucky.

H.R. 4785: Ms. Kilpatrick, Mr. Weller, Mr. Platts, Ms. DeGette, and Mr. Engel.

H.R. 4793: Mr. Bentsen, Mr. Hayes, Mr. Hastings of Florida, Mr. King, Ms. Jackson-Lee of Texas, Mr. Shows, Mr. Pomeroy, Mr. Kennedy of Minnesota, Mr. Pickering, Mr. Engel, and Ms. McCarthy of Missouri.

H.R. 4804: Mr. Weldon of Florida, Mr. Flake, Mr. Schaffer, Mr. Pickering, Mr. Brown of South Carolina, Mr. Fletcher, Mr. Isakson, Mr. Wilson of South Carolina, and Mr. Kolbe.

H.R. 4831: Mr. George Miller of California, Ms. Pelosi, and Mr. Strickland.

H.R. 4865: Mr. Lipinski.

H.R. 4872: Mr. Price of North Carolina.

H.R. 4880: Mr. Matsui.

H.R. 4881: Ms. Pryce of Ohio.

H.R. 4887: Mr. Pomeroy and Mr. Matsui.

H.R. 4909: Mr. Kingston.

H.R. 4916: Ms. Lofgren, Mr. Filner, Mr. Platts, Mrs. Meek of Florida, Ms. Watson, and Mr. Sanders.

H.R. 4927: Mr. Isakson.

H.R. 4939: Mr. Stupak and Mr. McNulty.

H.R. 4943: Mr. Ehlers.

H.R. 4950: Mr. English and Mr. Pitts.

H.R. 4963: Mr. McIntyre, Ms. Norton, Mrs. McCarthy of New York, Mr. McDermott, Mr. Becerra, Mr. Ford, Mrs. Roukema, Mr. Towns, Mr. Bentsen, and Mr. Cummings.

H.R. 4964: Mr. Rangel.

H.R. 4967: Ms. Lee and Ms. Lofgren.

H.R. 5001: Ms. Watson.

H.R. 5002: Mr. Shays, Mr. Matsui, and Mr. Waxman.

H.R. 5026: Mr. Kerns.

H.R. 5027: Mr. Kerns.

H.R 5031: Ms. Schakowsky, Mr. Abercrombie, Mr. Holt, and Mr. Frank.

H.R. 5035: Ms. McCarthy of Missouri.

H.R. 5036: Mr. Schiff, Mr. Wexler, Mr. Frost, Mrs. Mink of Hawaii, Mr. Cummings, Ms. Millender-McDonald, and Mr. Markey.

H.R. 5047: Mr. Thompson of Mississippi, Mr. Stump, Mr. Bentsen, Mr. Quinn, Mr. Goode, Mr. Frank, Mr. LaTourette, Mr. Meehan, Ms. Roybal-Allard, and Mr. Clement.

H.R. 5052: Mr. Wilson of South Carolina.

H.R. 5064: Mr. Lewis of Kentucky and Mr. Aderholt.

H.R. 5073: Mrs. Napolitano, Mr. Hinojosa, Mr. Frost, Mr. Jackson of Illinois, Mr. Towns, and Mr. Green of Texas.

H.R. 5076: Ms. Brown of Florida and Mr. Lantos.

H.R. 5078: Mr. George Miller of California.

H.R. 5085: Mr. Kolbe, Mr. Etheridge, Mrs. Mink of Hawaii, Ms. Eshoo, Mr. Deutsch, and Mr. Ferguson.

H.R. 5088: Mr. Stark and Mr. Waxman.

H.R. 5089: Mr. Price of North Carolina.

H.R. 5107: Mr. Oberstar and Mr. Goode.

H.R. 5112: Mr. Baca.

H.R. 5146: Mr. Pascrell.

H.R. 5166: Mr. Blunt.

H.R. 5173: Mr. Filner.

H.R. 5193: Mr. Pitts, Mr. Tiahrt, Mr. Keller, and Mr. Stump.

H.R. 5204: Ms. Millender-McDonald, Ms. McCarthy of Missouri, Mrs. Napolitano, and Ms. Kilpatrick.

H.R. 5214: Mr. Shadegg.

H.R. 5224: Mrs. Morella.

H.R. 5226: Mr. Shays.

H.R. 5227: Mr. Pomeroy.

H.R. 5249: Mr. Sanders and Mr. Allen.

H.R. 5250: Mr. Filner, Mr. Whitfield, Mr. Shows, Mr. Hoeffel, Mr. DeFazio, Mr. Carson of Oklahoma, Mr. Lynch, Mr. McNulty, and Mr. Holden.

H.R. 5251: Mr. Tom Davis of Virginia.

H.R. 5268: Mr. Green of Wisconsin, Mr. Coyne, Mrs. McCarthy of New York, Mrs. Morella, Mr. McDermott, Mr. Holt, Mr. McNulty, Ms. Eshoo, Mr. Lewis of California, Mr. Deutsch, Mr. George Miller of California, Mr. Lynch, Mr. Shays, Mr. Kolbe, and Mr. Baldacci.

H.R. 5270: Ms. Rivers, Mr. McDermott, Ms. Baldwin, Ms. Eshoo, Mr. Simpson, Ms. Lofgren, Ms. Slaughter, Mrs. Morella, Mr. Berman, Mr. Brown of Ohio, and Mr. Boyd.

H.R. 5279: Mr. Deutsch.

H.R. 5280: Mr. Borski, Mr. Greenwood, Mr. Holden, Mr. Mascara, Mr. Murtha, Mr. Weldon of Pennsylvania, Mr. Coyne, and Mr. Doyle.

H.R. 5281: Mr. Stump and Mr. Tancredo.

H.R. 5285: Mr. Johnson of Illinois, Mr. Allen, Mr. Honda, Mr. Abercrombie, Mr. Bartlett of Maryland, Mr. Tiberi, and Mr. Kildee.

H.R. 5289: Mr. Crane, Mrs. Lowey, Mr. Holt, Mr. Jefferson, Mr. Payne, Ms. Watson, Ms. Berkley, Mr. Olver, Mrs. Maloney of New York, Mr. Abercrombie, Mr. Neal of Massachusetts, Mr. Sawyer, Mr. Matsui, Mr. Berman, Ms. Rivers, and Mr. Wolf.

H.R. 5291: Mrs. Mink of Hawaii and Ms. DeLauro.

H.R. 5293: Ms. Hooley of Oregon, Mrs. Capps, Mr. Baca, and Mr. McGovern.

H.R. 5294: Mrs. Lowey.

H.R. 5300: Ms. Eshoo.

H.R. 5304: Mr. Crowley and Mr. Owens.

H.R. 5307: Mr. Crowley and Mr. Horn.

H.R. 5309: Mr. Stump and Mr. Kolbe.

H.J. Res. 6: Mr. Young of Florida.

H.J. Res. 23: Mr. Vitter.

H.J. Res. 89: Mr. Cox.

H.J. Res. 93: Mr. Peterson of Minnesota.

H.J. Res. 97: Ms. Watson, Mr. Fattah, Mr. Farr of California, Ms. Eshoo, Mr. Olver, and Mr. Waxman.

H.J. Res. 98: Mr. Filner.

H.J. Res. 106: Mr. Gilcrest, Mr. Smith of New Jersey, and Mr. Whitfield.

H. Con. Res. 104: Mr. Wexler.

H. Con. Res. 164: Ms. Sánchez.

H. Con. Res. 181: Mrs. McCarthy of New York and Ms. Berkley.

H. Con. Res. 189: Mr. Fletcher.

H. Con. Res. 345: Ms. Sánchez, Mr. Knollenberg, and Mr. Diaz-Balart.

H. Con. Res. 350: Mr. Crane.

H. Con. Res. 362: Mr. Hayworth.

H. Con. Res. 380: Ms. DeLauro.

H. Con. Res. 382: Mr. Capuano.

H. Con. Res. 406: Mr. Ballenger, Mr. Dooley of California, Mr. Underwood, Ms. Sánchez, and Mr. Olver.

H. Con. Res. 438: Ms. Eddie Bernice Johnson of Texas, Ms. Jackson-Lee of Texas, Ms. Carson of Indiana, and Mr. Schiff.

H. Con. Res. 458: Mr. Andrews.

H. Res. 94: Ms. Carson of Indiana.

H. Res. 105: Mr. Sabo and Ms. Norton.

H. Res. 117: Mr. Engel.

H. Res. 190: Mr. Isakson, Mr. Capuano, Mr. Honda, and Mr. Owens.

H. Res. 259: Mr. Taylor of North Carolina.

H. Res. 295: Mr. Weller, Mr. Platts, and Mr. Engel.

H. Res. 410: Ms. Roybal-Allard, Mrs. Northup, and Mr. Udall of New Mexico.

H. Res. 454: Mr. Wexler.

H. Res. 484: Mr. Stark, Ms. Berkley, Mr. Wamp, Mr. Wilson of South Carolina, Ms. Lofgren, Mr. Lucas of Kentucky, Ms. Lee, Mr. George Miller of California, Mr. Gutierrez, Mrs. Clayton, Mr. Hoyer, Mr. Bentsen, and Mr. Turner.

H. Res. 487: Mr. Schaffer, Mr. Underwood, Mr. Watt of North Carolina, and Mr Capuano.

H. Res. 491: Mr. Kucinich.

H. Res. 499: Mr. Abercrombie, Mr. Crowley, Mr. Engel, Mr. Israel, Mr. Leach, Mr. Lynch, Mr. McGovern, Mr. McNulty, Mrs. Maloney of New York, Mr. Markey, Mr. Nadler, Mr. Neal of Massachusetts, Mrs. Tauscher, and Mr. Weiner.

H. Res. 504: Ms. Sánchez.

H. Res. 512: Mr. Inslee.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. McGovern.

EXTENSIONS OF REMARKS

TRIBUTE TO DAN NEELEY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to pay tribute to a wonderful man who passed away on August 19, Dan Neeley. Dan was a dear friend and his passing grieves me deeply.

Dan began working for Buick Motor Corporation on September 12, 1963. He was a dedicated employee and a dedicated citizen. He was honorably discharged from the United States Army in 1967 after serving two years. After returning to his job at Buick, Dan became active in the UAW. As a member of Local 599 he was elected in numerous posts until he passed away. Between 1971 and his passing Dan served as Alternate Committeeman, Committeeman, Shop Committee, Alternate Shop Committee, Alternate Benefit Representative, the Jobs Bank Coordinator, and he was a delegate to UAW Constitutional Conventions and Bargaining Conventions. He was a member of the Civil Rights Committee, the FEPC Committee and the CAP Committee, and he was a founding member of the "Unity for Justice Black Caucus."

His determination to provide equal representation to all persons led him to be involved in the community. Dan held in his heart the words of Reverend Jesse Jackson, "Educate yourself on all levels: academic as well as political for knowledge is power." His belief in the power of those words persuaded Dan to organize the "Get Out the Vote Center" in Flint. His support for minority owned business brought about the "Black Business Awareness Day." His ideas and involvement were the genesis for greater union recognition of the contributions of minorities. He led marches to promote the inclusion of minorities in Joint Programs jobs and he was instrumental in advancing minorities in leadership positions. Dan loved people and the community acknowledged this love. Dan was especially proud to have received the Drum Major Award from the City of Flint and the Walter Reuther Twenty Year Distinguished Service Award from the union.

His family, friends and the community will remember the compassionate man devoted to helping those in need. We will hold in our hearts and minds his goodness, his fire, his keen intellect and strong desire for justice. I ask the House of Representatives to rise and join me in honoring Dan Neeley and his lifelong pursuit of a better world.

NYUMBANI ORPHANAGE MARKS 10TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to join with Members of this House and many others throughout the world in congratulating Father Angelo D'Agostino, SJ., MD and his dedicated team who are marking the 10th anniversary of the founding of the Nyumbani Orphanage in Nairobi, Kenya. Father D'Ag, as he is universally known, created and has tirelessly built this unique facility for HIV-positive children in the midst of AID-ravaged sub-Saharan Africa. I had the honor to visit Nyumbani several years ago, as have several other Members of the House and Senate, and I know we all salute Father D'Ag, his staff, and the children for the great work they are doing.

Before Nyumbani, HIV-positive children were being abandoned, excluded from schools, orphanages and hospitals, left to die without medical care or a home. Father D'Ag, a physician and priest, has built this refuge for the children, including a modem medical laboratory and school, and increasingly is beating the odds and providing the children a chance to survive and live productive lives.

Nyumbani also operates the Lea Toto community-based outreach program which works in the desperate slums of Nairobi with adults and young people who are HIV-positive or at risk of AIDS, educating them and providing medical services. Today, the Nyumbani orphanage is caring for 85 children. As Father D'Ag recently wrote, "When Nyumbani was first established, very few of us thought these children would grow to adulthood, but through all your love, prayers, care, attention and valued contributions and donations, we are keeping the kids alive, happy and educated. We expect them to become valued members of Kenyan society."

The program is also making progress in changing public attitudes about HIV children, and recently was informed by the Nairobi City Council Education Office that they are requesting local schools to accept Nyumbani's school-age children. This was unthinkable just a short while ago in Kenya, and a genuine testament to the great work of the Nyumbani project. I am also very pleased to bear that the U.S. Ambassador to Kenya, Johnnie Carson, whom I met during his earlier service in Ho Chi Minh City, is planning on honoring Nyumbani at an embassy reception later this year.

It goes without saying that the financing of the Nyumbani program continues to be a daily struggle notwithstanding the many contributions from individuals and governments. There is a new "Nyumbani Gift Shop" that sells locally-made items and gives all profits to the Nyumbani project. While in Kenya, I urged our local AID offices to expand U.S. assistance to this worthy program, and I very much hope that we will continue to provide assistance without imposing burdensome regulations that handicap the ability of the project to utilize our funds efficiently. In addition, efforts to secure private contributions and donations to enable Nyumbani to continue and expand its efforts in Africa continue in the United States and worldwide.

The Nyumbani program is offering medical services, education, family and hope to dozens of children and others in Kenya, and deserves the recognition and support of all Members of the House and all Americans. I salute Dr. D'Ag and his co-workers, and the children of Nyumbani on their 10th anniversary.

TRIBUTE TO SHIRLEY MAE GREEN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. BACA. Mr. Speaker, I would like to pay tribute to the life of Shirley Mae Green, a beloved community member.

Shirley was born July 22, 1924 in Bristol, Virginia. She moved to Dayton, Ohio when she was a teenager, and graduated from Roosevelt High School in 1943.

Shirley was a caring, pro-active, and self-giving individual. She was very involved in her beloved community of Bloomington, California. From her involvement in various organizations such as the Parent Teacher Association and the Norton Air Force Base Chapel she only wanted to be of service. Her wholehearted efforts to improve the community made her a prime candidate to serve on the Parks and Recreation and the Colton Unified School District Boards. Her desire to improve and motivate the Bloomington community was visible from her involvement in Bloomington's Christmas Tree Lighting, Clean-Up Day, Easter Egg Hunt, and numerous parades. Furthermore, she was an advocate for the Senior Center and walking trail at Ayala Park.

Shirley's contributions to her Bloomington community have been recognized through her citizen of the year award in 1987, her two awards from the Bloomington Chamber of Commerce in 1986 and 1988, and her award from the California Jaycees in 1987.

Shirley passed away on Wednesday, August 28, 2002. She is survived by her husband Jerome Green, daughters Sharron, Jerri-Lynn and Laurie, sons Dennis and Joe, and seven grandchildren and five great-grandchildren. Her family, innumerable friends, and the entire community will miss her greatly.

And so Mr. Speaker, I submit this memorial to be included in the archives of the history of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this great nation, for individuals like Shirley are unique in their generous contributions to this country.

IN RECOGNITION OF MRS. MURIEL SARGENT NORTH

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate a beloved member of our community in northern New Jersey—Mrs. Muriel Sargent North, who celebrated her 100th birthday on August 31, 2002.

For a full century, Muriel has demonstrated a sincere commitment to promoting education. After graduating from Wheaton College, she worked as a school teacher in New Hampshire before settling in Ridgewood to raise a family with her husband, Ernest "Hap" North. In New Jersey, Muriel served as a member of the College Club of Ridgewood, a charitable organization that seeks to expand opportunities for advanced education by offering need-based grant and interest-free loan programs to students. Her involvement in the Club, which is composed of women who are graduates of four year colleges and universities, led to her election as president, a position she held from 1949 to 1951.

Muriel is an outstanding example of the type of person who makes Bergen County such a wonderful place. An exemplary citizen, during the Second World War Muriel assisted the country in the war effort by participating in the American Women's Volunteer Service. As an active member of St. Elizabeth's Episcopal Church and the local Wheaton College Club, Muriel donated her time to support the activities of these worthy groups. In addition, Muriel served as a leader in the community Girl Scouts chapter.

Full of energy and with a spirit of adventure, Muriel's enthusiasm is truly contagious. Even at the age of 100, she remains active in the Heath Village Community, participating in many of the group's planned trips and outings. Her hard work and assistance in organizing the Heath Village Craft Fair have helped to make the event a tremendous success.

It is an honor to recognize Muriel Sargent North today for her 100 incredible years of service to her fellow citizens and her generous spirit. Muriel's outlook on life is a wonderful example for us all. Bergen County is truly fortunate to have her as a member of the community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Muriel Sargent North on her milestone 100th birthday.

TRIBUTE TO JOHN YORKO

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. KILDEE. Mr. Speaker, I rise today to recognize a good friend and a wonderful person, John Yorko. John was honored on August 21st in my hometown of Flint, Michigan by his friends, and former co-workers for his dedicated service to the United Auto Workers and its membership.

John started working at the Fisher Body 1 plant on February 2, 1934. He joined the CIO the next year and in 1936 he participated in the historic Sit Down Strike. He was inside the plant until the strike ended on February 11, 1937 with an agreement between the union and General Motors. John's career as a lifelong advocate for working men and women was born in that fateful event.

Shortly thereafter he was elected as an alternate committeeman and served in that capacity until the plant was converted to World War II production. During the war he worked in the aluminum foundry at Buick, building the Allison airplane engine. He served as a Local 599 committeeman for the duration of the war and returned to Fisher Body in 1946. He remained at Fisher Body for the next forty years and was elected to numerous committees and groups culminating in his repeated election as President of Local 581. John served as that Local's president more times than any other individual. From there he was elevated to President of Region 1C. He worked tirelessly on statewide and national committees for the United Auto Workers to bring about tolerable working conditions, equitable pay, and a humane environment for the workers of our country.

On October 1, 1974 he retired from Fisher Body with 40.8 years of service but his union career was just getting its second wind. He organized the Flint Area Retired Workers Council in 1978 and served as its president for 22 years. His work with the United Auto Workers retirees led him to one of his greatest achievements. Instrumental in compiling a written record of the Flint Sit Down Strike in 1987 for its 50th Anniversary, John is recognized by the community as the historian who captured the memories of that event for future generations. He took the recollections of the men and women who acted with courage and boldness in 1936, and ensured that their words and actions will live forever. Our children and grandchildren will be able to learn about the valor of these individuals who changed our world forever. Our debt to him is immeasurable.

Mr. Speaker, I ask the House of Representatives to rise today and pay tribute to one of the great men. John Yorko's humility, compassion, and forthrightness have inspired many to follow in his footsteps. I am proud to call him my friend.

OUTSTANDING SERVICE OF REVEREND MARVIN WILLIAMS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Reverend Marvin Williams' devotion to the Christ's First Presbyterian Church of Hempstead.

Reverend Williams has an admirable background. He has an undergraduate degree from Old Dominion University, and Master of Divinity degree from the Interdenominational Theological Center. Williams expects to receive a Master of Arts degree from Vanderbilt University in December 2002, and anticipates earning a Doctorate of Philosophy degree in the area of Biblical Studies in December 2003, after successful completion of his dissertation project.

The Reverend has touched many lives through his ministering. Over the past 16 years, he has served in varying capacities, including chaplain in the United States Air Force Reserve, Director of Christian Education at the Brookhaven Church in Nashville, Tennessee, and adjunct professor at Nyack College. His service in the pastorate has included the Renaissance Church of Chattanooga, Tennessee; the Roseville Church of Newark, New Jersey; and the North Church of Manhattan, New York.

Reverend Williams has ministered to Christ's First and the surrounding community for the past 8 years. Word of his wisdom and strong belief spread quickly, and the church rapidly expanded to include a large number of congregants. His preaching reached a global level through the Worldwide Ministries Division of the Presbyterian Church (USA), an organization that distributed his sermons in Switzerland, Portugal, Spain, Chile, Argentina and Uruguay.

Our community was lucky to have Reverend Williams in our midst for the past 8 years. His sermons and lectures have taught us a great deal about God, charity, the church and our community. We wish him well in his future endeavors, and we will miss him greatly.

THE EXTENT OF CORPORATE GREED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, for weeks we have heard of the apparently boundless greed of the leaders of some of America's largest corporations—greed that has led them to ignore the retirement needs of their own employees and devastate their pension funds, slash their retiree health benefits, mislead their own investors and stockholders, lie to public regulators, and cheat taxpayers.

That greed has taken the form of unconscionable salaries and benefits, grotesque retirement benefits (even as employee retirees were being deprived of their life savings), cashing out weakening stocks (even as they encouraged employees to invest more in the same depreciating stocks), preposterous insider loans, and other types of executive compensation that financed a lifestyle of multi-million dollar homes and other lavish displays of wealth.

As Arianna Huffington has recently pointed out, we might read the numbers that describe the greed of these corporate criminals, but the numbers are simply beyond comprehension. Ms. Huffington has thoughtfully calculated some comparisons to help us appreciate the extent of the greed.

Take, for example, the practice of corporations making astronomical—and usually unsecured—loans of tens or even hundreds of millions of dollars to their executives: loans there is no realistic expectation they will repay, and loans which certainly are not being offered to other employees of the corporations. I recently introduced legislation, H.R. 5048, prohibiting such loans in excess of $50,000, a version of which was incorporated into the recently enacted accounting reform legislation thanks to the initiative of Senator CHARLES S. SCHUMER of New York.

We now know that the insider loans extended to John Rigas of Adelphia, Bernie Ebbers of WorldCom, Stephen Hilbert of Conseco, Dennis Kozlowski of Tyco and Ken Lay of Enron totaled $3.9 billion.

As Ms. Huffington calculates, that $3.9 billion could:

—Fund Habitat for Humanity to build 83,691 homes at a cost of $46,600 each for America's homeless.

—Send 35,583 poor but deserving students to Harvard Business School.

—Loan United Airlines the $1.8 billion it says it needs to avoid bankruptcy—twice.

—Buy every WorldCom shareholder a Xerox copier, some aspirin from Rite Aid, a year of long-distance service from Qwest, and a share of Enron stock (suitable for framing).

—Fund the SEC's now, greatly increased, annual budget for five years.

Other efforts to achieve real reform have been less successful than our insider loan restriction. For example, when the House considered pension legislation last spring, Republicans voted to deny Democrats the opportunity to offer any amendments, including one we had unsuccessfully offered in the Committee on Education and the Workforce to assure that executives did not enjoy special treatment in the sale of corporate stock while their employees were locked in through a pension fund completely controlled by executives. Because the Republican cared more about protecting the greed of the executives than about equity for employees, that provision is not in the House pension bill.

According to Fortune magazine, corporate executives made $66 billion by selling their company stock even while their employees were prohibited from doing so, or continued to buy stock based on the "buy" and "hold" recommendations of those same executives. As a result, employees and investors lost hundreds of billions of dollars. Republicans also defeated our efforts to assure that employees be included on the pension boards that manage their own money, so that this kind of deceit could not reoccur.

What could we do with that $66 billion, grabbed by greedy executives while their employees and stockholders were left destitute? Here are some examples provided by Ms. Huffington:

—Fund the annual budget of the FBI, corporate crime-fighting included, for 16 years.

—Increase by 74 times the U.S. foreign aid to all of sub-Saharan Africa.

—Cover the entire $25 billion America has spent fighting the war against terrorism in Afghanistan. And still have enough left over to give every Afghan more than two times their average yearly income.

—Pay the $1.08 million sales tax on Dennis Kozlowski's artwork and still have $66 billion left to buy every masterpiece in the Metropolitan Museum of Art's Impressionist collection at its assessed value.

As the executives took their money and ran, investors lost $427 billion in the market value of WorldCom, Tyco, Qwest, Enron and Global Crossing. With that $427 billion, you could:

—Fund the United Nations for the next 300 years.

—Pay off Argentina's external debt three times over.

—Give $356 to every man, woman and child on the planet living in poverty.

—Transplant the lungs of 1.7 million patients—at $250,000 each—suffering from irreversible emphysema.

—Pay the salaries of every Major League baseball player for the next 237 years.

Now, perhaps these wouldn't be the priorities you'd spend your billions on if you had them, instead of the selfish executives who have devastated the lives of millions of American families. But the scope of the greed highlights the extent of the corruption that has been tolerated by some in the business community, inadequately regulated by those charged with policing corporate behavior, and ignored by Republicans in developing thoroughly inadequate legislative responses to protect the economic security of America's working families, employees and investors.

TRIBUTE TO LISA HERRINGTON, BRANDY O'BRIAN AND REBECCA RAPPLEYEA

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, today I would like to salute Lisa Herrington, Brandy O'Brian, and Rebecca Rappleyea. All three of these young women were recently honored with the Girl Scout Gold Award by Girl Scouts—Green Meadows Council in Urbana, Illinois. These women were honored on May 13, 2002 for earning the highest achievement that a young woman aged 14–17 or in grades 9–12 can earn in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments, each of which helps girls develop skills in the areas of leadership, career exploration, self-discovery, and service.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive this award, a Girl Scout must earn four interest project patches—the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and design and carry out a Girl Scout Gold Award project that requires a minimum of 50 hours of participation. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl, her troop leader, and an adult Girl Scout volunteer mentor.

Lisa's Gold Award project A Great Summer for Migrant Families was a result of her volunteer work with migrant families during the past five years. Realizing that migrant families in the Rantoul area had many needs, Lisa developed a plan to receive donations from schools and churches in the Rantoul area. Girl Scout Troops were asked to collect supplies for the daughters of migrant workers. All of the collected items were distributed through the Champaign Unit 4 School District Summer School Program. Lisa concluded her project by using her Program Aide skills to plan and carry out activities during the three week summer Girl Scout program for daughters of migrant workers.

Brandy's Gold Award project Let's Get Kickin' incorporated her love of soccer in a way that would benefit youth in the Fisher area. Let's Get Kickin' had two components: (1) conduct an instructional soccer camp for grade school aged youth, and (2) provide regulation soccer equipment for the players. To achieve her goals, Brandy recruited girls and solicited donations of used soccer equipment. The donated items were made available to all interested youth in the community. Brandy's soccer camp, held April 6, 2002, included drills for improving skills in shooting, dribbling, passing, and teamwork. She discussed the history of soccer, reviewed the fundamentals of the game, and provided lunch for thirty participants.

Rebecca's Gold Award project Ballet for Young Girls was designed to teach young girls in the fundamentals of ballet to instill in them a love of ballet and to provide a venue to demonstrate what they had learned. Working with 12 girls over a three-month period, Rebecca instructed the girls in ballet skills. To make the experience even more meaningful, Rebecca made costumes for the ballerinas. In addition to learning ballet as an art form, the girls developed an appreciation for teamwork, As a result, Rebecca saw the participants gain self-confidence and self-esteem, both valuable qualities upon which to build their lives.

I ask you, my colleagues, to take the time to honor these three young woman and the many young women in your districts that continue to share their skills and caring hearts to our children and our communities through the Girl Scouts of the U.S.A.

10TH ANNIVERSARY OF THE FLINT-TOGLIATTI SISTER CITIES PARTNERSHIP

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Flint, Michigan and Togliatti, Russia as they celebrate 10 years as Sister Cities. A ceremony will be held tomorrow in Flint to commemorate this event.

Sister Cities is a program to encourage persons and groups to engage in citizen diplomacy. President Dwight Eisenhower gave the idea impetus at a "People-to-People" conference in 1956. President Eisenhower's hope was that the personal relationships between individuals would lessen the prospect of future world conflicts. Born out of this idea, Sister Cities International has established municipal associations throughout the world, promoting an environment of cultural, educational, professional and technical exchanges between communities.

Flint is the birthplace of General Motors and Togliatti is the home of the Volzhsky Automobile Plant (VAZ), Russia's largest automotive manufacturer. This mutual interest in the automotive industry was genesis of the Sister City relationship between the two towns. The partnership has been very active since the beginning 10 years ago. The University of Michigan-Flint School of Management and the Togliatti College of Business and Banking exchange faculty and students. The Community Foundation of Flint and the C.S. Mott Foundation were instrumental in helping Togliatti organize the first Russian Community Foundation. The Flint Area Chamber of Commerce assisted in the development of Togliatti's Chamber of Commerce and the Flint Rotary helped found its counterpart in Togliatti.

Remembering not only the relationships between organizations, Flint and Togliatti will also celebrate the flourishing exchange of their citizens and the friendships that have blossomed as a result of the Sister Cities program. Flint will honor this milestone with events between September 6 and September 10th. Togliatti will commemorate the anniversary with events between September 20 and September 24th.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Flint, Michigan and Togliatti, Russia for embracing the spirit of the Sister Cities program. The affinity that has evolved between these two communities is an example to everyone that people everywhere can live in harmony and realize their aspirations through friendship and goodwill.

RECOGNIZING BUSINESS AND PROFESSIONAL WOMEN/USA

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. LUTHER. Mr. Speaker, I would like to recognize Business and Professional Women/USA for their longtime commitment to equality in the workplace and for their efforts to promote full participation, equity and economic self-sufficiency for America's working women.

Our nation has made considerable achievements in the fight for equality with women-owned businesses accounting for over one-third of all firms in the United States. These women-owned businesses provide employment for one out of every four U.S. workers. However, more needs to be done. There are numerous social, educational, economic and political barriers to achieving real equality and self-sufficiency in many areas of the world and public policy makers must strive to correct these inequities.

I would like to join Business and Professional Women/USA in recognizing National Business Women's Week which runs from October 21 through October 25, 2002. I urge all public and community organizations to join this salute by celebrating the achievements and the contributions that business and professional women have made to our society and daily lives.

H.R. 5005, ESTABLISHING THE DEPARTMENT OF HOMELAND SECURITY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. UDALL of New Mexico. Mr. Speaker, for the past two days, the House of Representatives has debated legislation establishing a Department of Homeland Security. The need for this important federal department resulted from the cruel and unprovoked surprise attack on America that occurred in the morning hours of September 11, 2001.

Let me begin by saying that I strongly support protecting our borders; I strongly support protecting our citizens in their daily lives; I strongly support the President, in the authority which Congress gave him to battle terrorism at home and abroad to protect the American way of life. However, I cannot support these protections if we weaken individual civil liberties, limit the ability of citizens to know what our government is doing in their name, and gut worker rights to accomplish these objectives.

I was very encouraged by the initial steps taken by the various House Committees as we began crafting the legislation to implement the President's proposal for the new department. Unfortunately, the final product of the House Select Committee on Homeland Security bypassed much of the early outstanding bipartisan work of the House.

Mr. Speaker, the bill considered and passed by the Select Committee that we consider today does not include many sound and sensible provisions passed by the committees with expertise. In addition, the Select Committee added a number of flawed and controversial provisions, which were neither proposed by the President nor considered by the committees of jurisdiction. Creating a brand new cabinet level Department of Homeland Security is something that should require months and months of research, committee work, and understanding to properly ensure initiatives are in place to reduce risk and respond to terrorists' attacks.

These last two days have been very frustrating. Although a bipartisan group has tried to correct many of H.R. 5005's shortcomings, the leadership has decided not to improve this bill. We repeatedly tried to fix this bill so that a nearly unanimous majority could support final passage. Unfortunately, that will not be the case.

Mr. Speaker, there are several troublesome provisions in this bill, H.R. 5005, which raise questions as to its ability to secure the homeland, its ability to keep Congress and the American people adequately apprised of governmental activities, and its ability to protect the rights of the department's new employees.

The House defeated an amendment to protect the civil service rights of the nearly 170,000 federal employees who will move to the new department. H.R. 5005 also failed to protect federal whistle-blowers that might uncover problems or inadequacies in the new department. We also have reduced access to government documents for average Americans by restricting Freedom of Information Act requests, which are critical to our open form of government. We also failed to approve a provision to strike an extension of the airline baggage-screening deadline.

I believe we in Congress must do everything in our power to strengthen our borders and take the necessary steps to ensure that the events of September 11th never occur again. However, the bill before us takes many unnecessary steps in the name of Homeland Security. Unfortunately, for these and other reasons, I cannot support final passage of this legislation.

Our efforts during these last two days were not done in vain. What we were able to do, Mr. Speaker, is highlight many areas of this legislation that must be improved during Conference.

We tried to protect our tradition of open and accountable government. We opposed efforts to gratuitously protect irresponsible corporations, including those that incorporate offshore to avoid paying their share of the war on terrorism and those who knowingly make faulty products.

We opposed efforts to retain the President's plan to dismantle civil service protections and guaranteeing that the new department will not have the best possible workforce.

We opposed efforts to create a huge, costly, and inefficient 1950s style government bureaucracy that will likely take years before it functions properly.

The attempts to strengthen this legislation were undertaken to make the American people safer and ensure that those Americans who work each day in this new Department have the tools, securities, and worker protections in place, as other federal workers, to battle terrorism and keep the homeland safe.

I am hopeful that when Congress reconvenes in September that the Conference Committee will return to both chambers a Homeland Security bill that is the product of strong bipartisan effort. I believe we can and we must create an effective Department of Homeland Security that simultaneously protects the homeland, protects workers, and protects our basic freedoms and civil liberties.

COMMENDING MICHELLE CHRISTINE PRESSON

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize the outstanding contributions of Michelle Presson on behalf of the citizens of the 4th District of Virginia. On August 31, 2002, Michelle, who has served as my Senior Advisor and Legislative Director, will leave Capitol Hill for another full time and demanding position, that of a mother to her daughter Abigail.

Over the past ten years, Michelle has proudly and competently served three other Members of this body as Legislative Assistant, Legislative Counsel and Legislative Director. Congressman CHRIS SMITH, Congressman ANDER CRENSHAW and former Congresswoman Tilley Fowler have all had the honor of having Michelle on their respective staffs. Michelle is the type of person and employee that any Member would be honored to have on their team.

Mr. Speaker, I ask that you join me in saluting Michelle for her distinguished service and commitment to this body and to the people of Virginia's 4th District. Just as we will never forget what she has done here, the numerous constituents she has served well over the last ten years will not forget either. She has enriched the lives of those whom she served. Michelle leaves Capitol Hill with our gratitude for a job well done. I commend her for her dedication to her family and am confident that she will excel in the noble profession of motherhood. Michelle is the very embodiment of the words service and dedication and it is fitting that the House of Representatives honor her this day.

TRIBUTE TO ROBERT WADE BYARS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. BACA. Mr. Speaker, I would like to pay tribute to the life of Robert Wade Byars, a beloved community member.

Robert was born and spent his early childhood in the small town of Byars, Oklahoma, which was founded by his great grandfather. His family moved from Byars to Ardmore, Oklahoma when he was a young teenager in search of business opportunities. In 1941, faced with the tragedy of Pearl Harbor, he selflessly enlisted in the U.S. Army and was shipped out the next day. He was stationed at various locations in the South Pacific, including Guadalcanal and the Philippines. Throughout his service he found himself in the midst of combat and still continued to fight for his county. In addition, he served as a member of a special U.S. Army unit that worked with the Marines. He received several decorations in honor of his service to his country.

After serving four years in the Army, Robert returned to Ardmore in 1945. He married his long-time sweetheart, and they remained married for over 50 years.

In 1948, Robert and his new bride moved from Oklahoma to San Bernardino, California to look after and support his mother-in-law. He was to later serve several years as a Commissioner on the San Bernardino County Commission on Senior Affairs. He also served his San Bernardino community as a part-time Congressional Aide for Congressman George Brown from 1992–96, specializing in senior issues.

Robert passed away on Sunday, July 28, 2002. His family, innumerable friends, and the entire community will miss him greatly.

And so Mr. Speaker, I submit this memorial to be included in the archives of the history of this great nation for individuals like Robert are unique in their generous contributions to this country.

TRIBUTE TO NOYES LABORATORY AT THE UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, it is my pleasure to take this time to recognize Noyes Laboratory at the University of Illinois at Urbana-Champaign. The building was named in honor of Professor William Albert Noyes, head of the Department of Chemistry from 1907–1926. 2002 marks the Centennial occupancy of Noyes Laboratory as the home of the School of Chemical Sciences, and I am proud to represent what has become a celebrated institution for the University, and for the 15th district of Illinois.

Upon its completion in 1902, it was the largest and best-equipped laboratory in the world. It represented a groundbreaking design that has provided diverse research and teaching environments for hundreds of faculty and many thousands of students in all areas of chemical sciences. Although predominantly home to the Department of Chemistry, Noyes Laboratory has also housed the Departments of Biochemistry, Chemical Engineering, Bacteriology, and Illinois State Water Survey. Hence Noyes Laboratory became one of America's first and most productive institutes for interdisciplinary research. Ten Nobel Prize winners have worked or studied at Noyes Laboratory. St. Elmo Brady, Ph.D. 1916, was the first African-American Ph.D. chemist in the United States and did his thesis work in Noyes Lab. To follow that, twelve thousand bachelors, masters, and Ph.D. degrees have been earned by students working in this prestigious building.

Among the unprecedented discoveries made in Noyes Lab during the past century are the following: development of NMR spectroscopy as a tool for chemists (Herbert Gutowsky), the elucidation of a theory of electron transfer (Rudy Marcus), the development of Fourier-transform microwave spectrometry (Willis Flygare), the founding of coordination chemistry in the United States (John C. Bailar, Jr.), the field of chemical information (Marion Sparks), and synthesis of chloroquine and related antimaterials (Nelson Leonard, C.C. Price, and H.R. Snyder), key aspects of the development of synthetic rubber (Carl S. Marvel), amino acid threonine (William C. Rose), the chemical synthesis of threonine (Herbert F. Carter), the identification of the active ingredients in marijuana (Roger Adams), seminal studies on air pollution (h. Fraser Johnstone), the synthetic sweetener sodium cyclamate (Ludwig Audrieth and Michael Sveda), lipoic acid (Irwin C. Gunsulas), the aerosol can (G. Frederick Smith), high-intensity X-ray tubes (George L. Clarke), and modem instrumental analytical chemistry (Howard V. Malmstadt).

After World War I, Organic Chemical Manufacturers set up in Noyes Lab and established Eastman Organic Chemicals which led to an important book series; "Organic Synthesis," "Organic Reactions," "Inorganic Synthesis," and "Chemical Reviews."

Research and teaching by those who worked in Noyes Laboratory has contributed in a fundamental way to our understanding of chemistry, chemical engineering, and biochemistry. It is my hope that my colleagues of the United States Congress will join me in honoring Noyes Laboratory of the University of Illinois at Urbana-Champaign for the contribution of success in research and discovery to our nation for the past century.

TRIBUTE TO MR. LEWIS GOLUB

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to honor a distinguished constituent of the 22d District of New York; Mr. Lewis Golub. Mr. Golub's life long contributions to his business, employees, and community are outstanding. As a result of his commitment to those around him, Mr. Golub has established a successful business and accomplished a lifetime of achievements.

Over the past fifty years, Lewis Golub has worked tirelessly to develop and promote Golub Corporation/Price Chopper Supermarkets, one of the largest and most respected supermarket chains in Upstate New York. Mr. Golub has received the United Way's CEO of the Year Award and the John J. O'Connor Excellence in Leadership Award, as well as the American Marketing Association's Marketer of the Year Award, the New York Capital District Business Review's Executive of the Year Award, and the Capital Region Business Hall of Fame Award. Through the Golub Family's sincere dedication to and pride in the Golub Corporation/Price Chopper Supermarkets, the business remains a stalwart pillar in the community that surrounds it.

Mr. Golub commits himself far beyond the boundaries of his career, Mr. Speaker. His selfless community service embodies the definition of a true American. He currently acts as the Regional Vice Chair of the NYS Business Council, and sits on the Board of Directors of the Saratoga Performing Arts Center, the Board of Directors of Empire State College, and the Board of Directors of the Food Marketing Institute, to name a few. In addition, Mr. Golub has received the Humanitarian of the Year Award from the Center for Disabled People, the Distinguished Citizen Award from the New York Chiefs of Police, the Arthritis Foundation's Accolade for Community Service, and the Community Service Award from the Interfaith Community of Schenectady, New York.

Mr. Lewis Golub's tenacious and giving spirit has emanated throughout his family, business, and community. Furthermore, the level of service Mr. Golub has devoted to those around him truly measures the great extent of his character. Mr. Speaker, please join me as I recognize the significant life accomplishments of Mr. Lewis Golub and wish him success in the future.

HONORING THE CONTRIBUTIONS OF GRANDPARENTS TO OUR FAMILIES

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, today I rise to recognize the many contributions grandparents make to families in New Mexico and throughout this country. Grandparents are the ties to our heritage, culture and traditions. Grandparents keep the family history alive by sharing stories of how life "used to be" and how so much of life is the same. They can teach values and expectations through their own experiences. Grandparents have seen this nation at peace and war, and witnessed tremendous advances from the industrial age to the space age. They were there during outstanding performances in sports, the arts, and advancements in virtually every endeavor that mankind has pursued.

I can recall vivid memories of time I spent with my grandparents. Like so many grandparents, they were great teachers. Whether it is teaching the secret family recipes or the value of a good, honest days work they share their wisdom with children they love.

National Grandparents Day was first celebrated in 1978, the first Sunday after Labor Day. There will be many celebrations on Sunday, September 8, 2002 as families and friends gather to show their respect and gratitude to grandparents. Mr. Speaker, please join me in honoring grandparents in New Mexico and throughout the United States for their contributions to our families and our country.

IN RECOGNITION OF MR. DAVID BOLGER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate an outstanding leader in our community and northern New Jersey—David Bolger, who celebrated his 70th birthday on August 12, 2002. On July 31, David's many friends in the Ridgewood community held a surprise birthday party for David, honoring him for 70 years of accomplishment and contribution to our community.

I would like not only to congratulate David Bolger on the occasion of his birthday but also to applaud him for his valuable leadership in civic and philanthropic activities.

A resident of Ridgewood since 1966, David is an outstanding example of the type of person who makes Bergen County, our state and our Nation such a wonderful place. He exemplifies the American values that have made our country great. A loyal supporter of many local organizations, he has provided generous donations to Valley Hospital, West Bergen Mental Healthcare, Midland Park Ambulance Corps, and The Woman's Club of Ridgewood. David has also donated his time and expertise to community organizations, serving as a Trustee of the Henry H. Kessler Foundation, a Trustee of the West Side Presbyterian Church, a Trustee Emeritus of the Children's Aid Society of New Jersey, and an Honorary Member of the Midland Park Ambulance Corps. His community spirit is an example for us all.

David's leadership has also been acknowledged outside the Ridgewood community, as he has been recognized as a Paul Harris Fellow by Rotary International and Honorary Mayor of Fayette, Iowa, as well as Midland Park, New Jersey. Both at home and across the world, David Bolger has looked for ways to "make an impact on people's lives," creating scholarships for needy students, providing medical support for a clinic in the British West Indies, and even donating a school bus to an orphanage in Haiti.

After working his way through college in the Pittsburgh steel mills, David went on to become the founder and president of Bolger & Co., Inc., a company that has been actively involved in real estate ventures for more than 30 years. His corporate accomplishments are impressive: Director of American Progressive Life & Health Insurance Company of New York, Director of Deotexis, Inc., and Chairman and CEO of Farmers & Merchants State Bank Holding Co., Inc. Yet even with all of his other commitments, David still finds time to help those around him and remains committed to a life of philanthropy.

David's concern for his fellow man is extraordinary. It is an honor to recognize David Bolger today for his remarkable leadership and generosity. The Ridgewood community is truly fortunate that he is dedicated to the qualities that have made this nation great. I am fortunate to call David a friend.

Mr. Speaker, I ask my colleagues in the House of Representatives to Join me in congratulating David Bolger on his 70th birthday and commending him for his tremendous dedication to helping others.

50TH ANNIVERSARY OF CONGREGATION TREE OF LIFE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in celebration of the 50th anniversary of Congregation Tree of Life, located in the 4th Congressional District of New York.

This synagogue has been a major component of the Jewish community of Valley Stream for half a century. Since first opening its doors in 1952, the congregation has grown both in number and in spirit.

Today, 120 families belong to the synagogue. They gather in large crowds to participate in a variety of weekly, monthly and yearly activities. Although the shul has a high attendance rate for regular Shabbat services, it also hosts monthly Oneg Shabbats and family dinners three times a year. A crowd also gathers Sunday mornings for Minyan, and 8 times a year, the synagogue hosts special speaker breakfasts to discuss matters of interest to the community.

Congregation Tree of Life has different holiday celebrations throughout the year. On Hanukah, there is a candle-lighting ceremony and festive dinner complete with latkes and jelly doughnuts. A Hanukah fair is held before the holiday starts so the congregants and other members of the community can shop for the holiday. On Purim, members gather to hear the Megillah reading.

The synagogue is dedicated to continuing education. In the Fall, adult members meet with the Rabbi to discuss different issues and how they relate to Judaism. Twice a year, bus trips are held to visit Jewish sites of interests in different cities. Past visits have included the Holocaust Museum in Washington, DC and Philadelphia.

The members are committed to helping others, both in the community and abroad. Besides participating in UJA and Israel Bond appeals during the High Holidays, the synagogue has a committee that visits the sick in local hospitals.

The contribution this synagogue and their members have made to our community is obvious. I congratulate everyone at Congregation Tree of Life on the anniversary of such a wonderful gathering place for our Jewish community.

IN HONOR OF AMBROSIO SOLANO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Ms. DEGETTE. Mr. Speaker, I rise to honor one of my constituents, Ambrosio Solano, who served bravely and honorably in the U.S. Army during World War II. Mr. Solano was drafted when he was 18 years old and participated in the D-day invasion at Normandy. After suffering shrapnel wounds, Mr. Solano returned to the United States following almost 2 years of dutiful service.

Yet, Mr. Solano never received official recognition of the pain and suffering he gave for his country. Mr. Solano never received any of the medals owed him by the federal government. Now, 56 years later, on August 28, 2002, Mr. Solano finally received his 14 medals, including two Purple Hearts, a Bronze Star, and an Oak Leaf Cluster.

I am honored to count Mr. Solano as one of my constituents and I would like to include for the record the following editorial praising Mr. Solano. It appeared in the Denver Post on August 30, 2002.

"We're gratified that Ambrosio Solano finally received the 14 medals he earned fighting for his country during World War II—although we're dismayed that the Army veteran of the Normandy invasion had to wait 56 years for recognition.

Even his family knew little about Solano's combat experiences because he seldom talked about the war with his wife or children. After keeping his own counsel for nearly half a century, Solano began to open up to his son, former U.S. Attorney Henry Solano, as they motored cross country from Boston to Denver in 1994.

Solano, 76, is a native of Chapel, N.M., who grew up in New Mexico and Colorado. He was drafted into the Army in 1943 and went ashore at Normandy on June 6, 1944, among the first waves of invading American troops who spearheaded the liberation of Europe.

Initially, Solano served in the 29th Infantry Division but later became a paratrooper and transferred to the 101st Airborne Division.

He recounted the horrors of the amphibious invasion on the Normandy beaches, recalling the clank of the landing craft's ramp as it dropped and going forward into German gunfire that awaited the invading troops. He remembered standing waist-deep in water and seeing the bodies of slain American soldiers floating by.

After he joined the paratroops, Solano jumped into the battle for St. Lo, where he suffered shrapnel wounds. Later, as American troops swept into the Rhineland, Solano was wounded in the leg.

Among Solano's belated decorations, in addition to two Purple Hearts, are the Bronze Star for combat service, Good Conduct Medal, American Campaign Medal, World War II Victory Medal, European-African Middle-Eastern Campaign Medal, Combat Infantry badge and World War II Honorable Service button. Solano was discharged from the Army in 1946 and returned to Colorado, where he worked for Ideal Cement Co. for 36 years. Because the war kept him from going to college, Solano, who's been married 52 years, was determined that his four children would do so. Son Henry is a lawyer and another son, Ambrose, is a doctor.

About three years ago, Solano wrote to the government, hoping to finally get his medals, but to no avail. Then Representative DIANA DEGETTE, D-Denver, stepped in and made it happen.

You may not know Ambrosio Solano personally, but the mere fact that you are free to read these words means you owe him thanks for fighting to preserve your freedoms by helping defeat Nazi tyranny.

We can never adequately repay Solano and his comrades, but the medals he finally received are his country's way of thanking them, however belatedly, for their noble service and sacrifices."

TRIBUTE TO NORMA LEE CLISE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. CAPITO. Mr. Speaker, I rise today and ask my colleagues in the United States House of Representatives to join me in congratulating Norma Lee Clise of Hampshire County, West Virginia for her decades of service to her community. It is an honor to announce Norma Lee Clise as the 2002 "Knight of Olde Hampshire."

Retired from the Central Telephone Company, Norma Lee Clise is a charter member of the Hampshire County "Jaycee-ettes" and active with the Shawnee Girl Scout Council. For 43 years, Norma Lee has served the American Legion Auxiliary Hampshire Unit 91 in Romney, West Virginia. Named Hampshire County Volunteer of the Year in 2001, Norma Lee is a recipient of the Ruby Ward National Public Relations Trophy and was also named "Distinguished West Virginian" in 1970. Always active in local issues and affairs, Norma Lee served for 25 years on the Hampshire County Executive Committee, acting as co-chairman, secretary-treasurer, and Delegate to the State Convention.

In honor of Norma Lee Clise and her long-standing commitment to public service, I ask my friends in Hampshire County and my colleagues here to join me in recognizing Norma Lee Clise.

TRIBUTE TO THE CHASE CANDY COMPANY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the outstanding work of the Chase Candy Company, whose tradition and taste in the production of candy has been enjoyed for over a century.

The Chase Candy Company has been making candy since 1876. Dr. George Washington Chase, who at the time was looking for additional sources of income, created the Missouri-based company. Originally the Chase Company sold fruit and produce, but after listening to the advice of his son, Dr. George Chase soon transformed the business into a candy company. The Chase Candy Company was family owned until 1944 when the Chicago-based investment firm F.S. Yantis bought the company for $1 million. After the acquisition, the production of Chase Candy moved to Chicago, but in 1961 moved back to the Missouri River Town, St. Joseph, where it remains today.

The Chase Candy Company's most popular product, the Cherry Mash candy bar, entered stores in 1918..This famous treat is america's third oldest candy bar and the best selling cherry candy bar. Cherry Mash and other wonderful Chase products may be found in grocery stores, convenience stores, and mass merchandise outlets mainly in the Midwest, as well as online. I proudly display and offer Cherry Mash to visitors in my Washington office and wanted to extend my most sincere thanks to the St. Joseph, Missouri-based candy company for their gracious support.

Mr. Speaker, please join me in honoring Missouri's own Chase Candy Company, and its 20 full-time employees for the years of dedicated service and production of some of the world's best tasting confections.

COMMEMORATING THE 100TH ANNIVERSARY OF TELESCOPE CASUAL FURNITURE, INC.

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to commemorate a historic institution in the 22d District of New York. Telescope Causal Furniture, Inc. creates "telescoping" furniture that has been used by the United States military and by families throughout the world since 1903.

Owned and managed by the third and fourth generations of the Vanderminden Family, this furniture manufacturing company began as the Telescope Cot Bed Co. Known for its product line of cots and campstools featuring "telescoping" legs, the United States government awarded Telescope a medal of distinguished service for its military products used during both World Wars and the Korean conflict.

After moving to Granville, New York, in 1921 from Telescope, Pennsylvania, the company expanded its product line to beach, folding, and public seating chairs. It even created a Hollywood hit, the Director Chair, in 1953. The Illinois Institute of Technology has since named the chair number 46 in its "100 best designed items of modern times."

Manufacturing not only for the U.S. military, Telescope has also been the favorite of First Families. President John F. Kennedy was often photographed in his Telescope Bentwood Slat Rocker and several first ladies have incorporated Telescope furniture in their home redecorating.

Mr. Speaker, Telescope Casual Furniture, Inc. proudly operates and serves in the community of Granville, New York. The company employs more than 250 skilled crafters in its one million square-foot plant. Telescope is proud to live and work in the Granville area and is dedicated to continue contributing to the growth and prosperity of the town and county.

Mr. Speaker, as a proud resident of the 22d Congressional district of New York, I ask my colleagues to join me in commemorating the 100th Anniversary of Telescope Casual Furniture, Inc. for a century of dedication to the town of Granville, the State of New York, and the great nation in which we live.

TRIBUTE TO RYALS FARLESS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. WHITFIELD. Mr. Speaker, I rise to honor Ryals Farless for his quick response and valor in saving the life of Greg Scott on July 19, 2002. Ryals is the son of Joe and Billie Farless of Princeton, Kentucky.

Ryals was on duty as a lifeguard at the City-County Park in Princeton, Kentucky when Greg Scott, also of Princeton, experienced a possible seizure and sank to the bottom of the pool. Ryals quickly responded by entering the water and brought Greg to the surface. Without his intervention and quick thinking, Greg Scott would not be with us today.

Ryals is currently a Freshman at the University of Kentucky, having graduated from Caldwell County High School in May. He is pursuing a career in dentistry. While in high school, Ryals was a member of the soccer team, the National Honor Society and the Commonwealth Honors Academy. For the past several years, Ryals has been involved with the Caldwell County Relay for Life. Ryals is also an active member of Southside Baptist

Church and participates in mission trips and youth programs.

Mr. Speaker, Ryals embodies the spirit, commitment and sacrifice that we all should strive for in our daily lives. I am proud to represent him in my District. I extend my thanks to him for his efforts, and I am proud to bring his accomplishments to the attention of this House.

TRIBUTE TO BISHOP SAMUEL AND MRS. LEE ELLA SMITH

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. FORD. Mr. Speaker, I rise today to pay well-deserved tribute to Bishop Samuel and Mrs. Lee Ella Smith of Memphis, Tennessee for the example they continue to set as honorable citizens of the Ninth Congressional District of Tennessee and as devoted servants to God and their fellow man.

As a bishop with the prolific, Memphis-based denomination, the Church of God in Christ (COGIC), Bishop Smith has rendered extensive efforts to strengthen and expand the work of this five million member denomination. His history of stewardship and sacrifice dates back to his youth and his service to the denomination's founder, Bishop Charles Harrison Mason. From then until now, Bishop Smith has been exemplary in leadership, integrity, and undying loyalty to God. He presently serves as Administrative Assistant to Jurisdictional Bishop, Dr. Jerry L. Maynard of Tennessee, and has worked untiringly with the Presiding Bishop of the Church of God in Christ, G.E. Patterson. Bishop Samuel Smith also serves as the pastor of one of Memphis' flagship and entrenched congregations, Southside Church of God in Christ. His influence as a pastor and spiritual leader has been a shining light which has illuminated the way for many young ministers who have furthered their service in gospel ministry.

Humble in spirit and rich in faith, Mother Lee Smith has stood with her husband as a noble example of virtue. She is also one firmly committed to the principles of Christian faith with a record of service dating back to her teenage years. Her work with the Church of God in Christ encompasses her commitment in the field of education. Equipped with vast experiences in ministry and earned degrees in religious studies, Mrs. Smith served as Dean of C.H. Mason Bible College in addition to her other countless capacities within the church—locally, regionally, and nationally. She presently serves as the leader of one of COGIC's Department of Women in the State of Tennessee

Today, I am happy to salute Bishop and Mrs. Smith as they celebrate 50 years of marriage, Bishop Smith's 75th birthday, Mrs. Smith's 70th birthday, and over 40 years of pastoral ministry.

For their devotion to God and one another, and for the high marks they continue to attain, Mr. Speaker, I ask that you and my colleagues in the U.S. House of Representatives would join with me in honoring Bishop and Mrs. Samuel Smith of Memphis, Tennessee.

TRIBUTE TO ARTHUR MERCURIO

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ANDREWS. Mr. Speaker, the destruction wrought by the large fires in Colorado and Arizona make this an appropriate occasion to honor all those who seek to prevent and mitigate the awful destructive power of fire.

Let me take a moment to commend one individual, Arthur Mercurio, for his lifelong service to the cause of fire prevention. He recently received the National Volunteer Fire Council (NVFC) Fire Prevention Award for his efforts. As a member of of Collingswood (NJ) Volunteer Fire Company #1 for 52 years, he has been an advocate for fire prevention and safety. As President of the company for 12 years, Mr. Mercurio was instrumental in developing a program to get smoke detectors to elderly and other high-risk citizens.

Mr. Mercurio's lifelong dedication and leadership in the volunteer fire service should serve as a model and inspiration for firefighters everywhere and has strengthened my own commitment and enthusiasm for public service.

A TRIBUTE TO HILDA DUFAUX

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. CLAY. Mr. Speaker, I am very happy to take this opportunity to share with my colleagues in Congress the news that Mrs. Hilda Willenburg DuFaux will celebrate her 90th birthday next week on September 9, 2002.

Mrs. DuFaux, a resident of Missouri's First Congressional District, was born in the year 1912. In 1936 Hilda married Charles Willenburg. They were blessed with three daughters, Karen, Kathy and Jeanette. She raised her daughters on her own after her husband passed away in 1954. In 1967 Hilda married Vince DuFaux and was devoted to him until he passed away in 1970. Today she is blessed with 10 grandchildren and 10 great-grandchildren.

Hilda has lived in the city of Overland, Missouri for the past 64 years. Since moving to Overland, she has faithfully worshipped God at Presentation Catholic Church. Mrs. DuFaux lives an active life and has a great many hobbies and interests including gardening, playing cards and going to garage sales. She enjoys babysitting her young great-grandson and is truly a cherished and loving member of her family and a treasured member of our community.'

I salute Mrs. Hilda DuFaux as she achieves this special milestone. She has demonstrated an outstanding commitment to life. She is a remarkable woman whose strength, determination and spirit serve to inspire others.

SECOND OPINION COVERAGE ACT

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. DAVIS of California. Mr. Speaker, today, I am introducing the Second Opinion Coverage Act of 2002—legislation that will ensure the accessibility and coverage of medical second opinions.

The Supreme Court's ruling this past June rekindled the debate surrounding managed care coverage. Patient protections and the need for a Patients' Bill of Rights again became topics of everyday conversation. Yet, Congress still has much work to do on crafting a strong Patients' Bill of Rights that can address patient needs.

In my opinion, the first step to enacting any sort of comprehensive health care reform is to provide patients with access to appropriate medical information. This is why I am introducing the Second Opinion Coverage Act.

As a member of the California State Assembly, I heard from a number of patients who saw a gap in their existing health care coverage. They wanted a clear process for medical second opinions. In particular, patients with challenging health conditions encountered difficulty obtaining a second opinion through their health plans. These patients faced complex procedures and wanted to be sure they were well educated about their treatment opinions.

Anyone who has ever experienced the prospect of surgery knows the value of receiving a second opinion. The peace of mind provided by a second professional's opinion, in addition to the value of new information received, is immeasurable. Indeed, second opinions can result in better patient care because of the increased dialogue about treatment options, and can also benefit health plans by potentially reducing the number of invasive procedures.

After meeting with patients, physicians and health groups, I authored a law in California that guarantees coverage of second opinions. If patients meet any one of five qualifying conditions, they are entitled to a timely second opinion by a "qualified health care professional," within 72 hours in cases of serious or imminent health threat. When another expert is not available within the provider group or network, the organization will pay for an appropriately qualified doctor outside of the plan. Patients are responsible for the costs of applicable co-payments.

While I can describe the benefits of this measure, I believe that individual experiences best demonstrate the value of enacting second opinion legislation. John Torres, one of my constituents, shared with me his family's experience with medical second opinions. In 2000, a surgical procedure was recommended for Mr. Torres's young son, Nicholas. A consultation from another physician confirmed that a less-invasive procedure would effectively treat Nicholas's condition. The second opinion provided the Torres family with crucial information that helped them make the right decision for Nicholas. I am happy to say that Nicholas responded well to the treatment and is now an active seven-year old.

The law in California provides a good first step by offering a straightforward process for addressing second opinion requests for many in my state. Unfortunately, this legislation does not cover 4.3 million Californians enrolled in self-insured, federally regulated health plans. Nationwide, this translates into 56 million persons without guaranteed access to second opinions. All patients should have access to a full discussion and disclosure of their medical options.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation quickly into law.

AMENDMENT TO H.R. 5120, FY03 TREASURY, POSTAL SERVICE APPROPRIATION

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. BARR of Georgia. Mr. Speaker, under the Treasury-Postal Appropriations Act of 1998, Congress approved funding for "a national media campaign to reduce and prevent drug use among young Americans."

Following this directive, the Office of National Drug Control Policy (ONDCP) launched the National Youth Anti-Drug Media Campaign. We are all familiar with this laudable program, and the powerful messages anti-drug messages it delivers across the airwaves to youth and parents across the country.

The Government Reform Committee has been conducting vigorous oversight on the Youth Anti-Drug Media Campaign since its inception; carefully following implementation of the campaign to ensure the billions of taxpayer dollars invested are spent judiciously, efficiently, and legally.

However, from the very beginning of the Media Campaign, allegations of fraud have surrounded the multi-million dollar contract with the media firm Ogilvy & Mather.

The General Accounting Office (GAO) reported to the Committee incidents of false billing practices, sloppy contract management and lax oversight. The charges were so serious, the GAO referred its findings regarding improper billing practices to the Department of Justice and the Federal Bureau of Investigation.

What is so incredible is, despite significant allegations and evidence of mismanagement, misconduct and outright fraud, the ONDCP and the Department of the Navy, chose to continue to hire Ogilvy & Mather as the campaign's media contractor. This is in light of the fact that the GAO, for close to two years, had been documenting the incidents of suspect charges, falsified time sheets, and disallowed costs.

In February of this year, Ogilvy & Mather North America agreed to pay the government to settle claims under the False Claims Act and other administrative claims that the firm overcharged the government $1.8 million.

Moreover, the company is reportedly under criminal investigation by the Department of Justice! Yet, notwithstanding this company's disgraceful track record, just a few weeks ago, the Navy once again entered into a lucrative contract with Ogilvy & Mather, to continue providing services in support of the National Youth Anti-Drug Media Campaign.

By the time this new contract expires in July of 2003, this firm could potentially receive more than $770 million of taxpayer dollars. Given the massive funds already dedicated to a highly suspect company, I consider it an affront to the U.S. taxpayer we continue throwing good money after bad. This matter is rapidly turning into the Enron of the War on Drugs.

Here we have a firm with a documented track record of fraud and mismanagement, and how does the government respond? By rewarding it with yet more taxpayer dollars. Not only is this an insult to the taxpayer, think of the message we are sending to the youth of America—the very same youth, I might add, that we are trying to keep off drugs—"Cheat once, ok. Cheat twice, fine. Cheat three times; we'll keep on giving you another chance, and rewarding you in the bargain." Is this the kind of message you are comfortable sending to American school children? Character and integrity counts across the board, not just in selective circumstances.

Let me be perfectly clear I am a supporter of an effective public media campaign to help fight drug use across this nation. This campaign is an important part of the war against mind altering drugs, delivering a powerful message to youth and families across the nation about the dangers of illicit drugs.

My amendment will not end the Media Campaign. I in no way seek to prevent the anti-drug message from being delivered loud and clear.

In an era of moral relativity, we should be sending a clear message to the kids we are trying to keep off drugs: character and integrity counts across the board, not just in selective circumstances.

I ask all Members to join me in passage of my amendment. No more excuses. We must do all we can to salvage a workable program, and spend public money responsibly. Should we find another approach to reach this goal, the Chairman has my commitment to work with him and refine the language appropriately as we move through the conference process, and I thank Chairman ISTOOK and Ranking Member HOYER for working with me to ensure this issue is addressed appropriately.

TRIBUTE TO MR. JOSEPH F. WARNER

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor the memory of Mr. Joseph F. Warner for his many years of service to the Illinois communities of Bloomington and Normal along with the County of McLean in Illinois. Mr. Warner was an outstanding leader in the civic, political, and charitable activities of these communities. Tragically, Mr. Warner lost his life on the morning of July 21 in an airplane crash. His strong leadership and enthusiasm for working to improve the quality of life in these Central Illinois communities will be very deeply missed.

A strong advocate for the welfare and good health of senior citizens, Mr. Warner was the president and chief executive officer of Heritage Enterprises in Bloomington—a major senior service company with high quality senior residential facilities throughout the State of Illinois. Further evidence of his interest in health care—a field he served for 32 years—was Mr. Warner's work as past president, vice president and director of the Illinois Health Care Association; as a member of the Governor's task forces on long-term care insurance and long-term care reimbursement; as a trustee of the Mennonite School of Nursing and as the past McLean County chairman of the American Heart Association.

Another key aspect of Mr. Warner's leadership was his interest in the providing of educational opportunities for young people—as demonstrated by his work as the fund-raising chairman for the innovative Challenger Learning Center for Science and Math; his service on Illinois State University's Board of Director's legislative committee; his presidency of the Redbird Education and Scholarship Fun at Illinois State University and his membership on the Board of Directors of the Illinois Wesleyan University Association.

Mr. Warner's wide-ranging interest in charitable and community service work was perhaps a natural extension of his strong spiritual beliefs which led to his directorship of the United Campus Christian Foundation and his leadership role as the ruling elder of the First United Presbyterian Church.

As an exemplary citizen and veteran of the United States Army, Mr. Warner believed in playing a very active role in the political process. His role included both work at the grassroots level as a Republican Precinct Committeeman with leadership service as the Chairman of the McLean County Republican Party.

Mr. Speaker, despite the tragic circumstances, I am proud to offer to you the fellow Members of the House of Representatives the extraordinary life of Mr. Joseph Warner as the ultimate example to us all of American citizenship and service.

PAYING TRIBUTE TO BOB CARLINO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a master craftsman and brave veteran who bravely fought for our country during World War II. Bob Carlino, of Pueblo, Colorado has repaired thousands of shoes for Coloradans since he became an apprentice shoe repairman at age fourteen. He continues to repair shoes today with his wife, Mary, at their shop in Pueblo. Bob has provided his services to Pueblo for over 60 years, including serving his country, and I am proud to tell of his accomplishments before this body of Congress today.

Bob, age 81, grew up on Pueblo's Goat Hill and learned the craft of shoe repair from his uncle at E. Pfost's Shoe Repair shop, where he received fifteen cents a week which he used for a Saturday movie. Bob joined the military after World War II began and became a member of the 224th Quartermaster Company where his work helped to contribute to the repairing hundreds of thousands of soldier's boots. During the Battle of the Bulge in December 1944, Bob's unit dropped their shoe repair equipment and picked up their rifles to fight and defeat the Germans. In the aftermath of the war, the 224th Quartermaster Company disbanded and Bob returned to Pueblo in early 1946 to reopen his shoe business. Bob was a devoted father and husband. He was an example for his community, ethically, morally, and honorably.

Mr. Speaker, it is a great honor to recognize Bob Carlino and his contributions to the community of Pueblo and this nation. I would like to thank him for his years of hard work and dedication to this nation. His efforts deserve the recognition of this body of Congress. Thank you Bob and I look forward to your continued service in your community.

HONORING THE CENTENNIAL ANNIVERSARY OF THE NATIONAL 4-H CLUBS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to commend and honor the Centennial Anniversary of one of the premier youth organizations of the world, the National 4-H Clubs. One of the foremost youth organizations in Colorado, as well as the rest of the nation, 4-H is the youth education branch of the Cooperative Extension Service, a program of the United States Department of Agriculture. Since its founding in 1902, the National 4-H Clubs have been at the forefront of the effort to both educate and develop our nation's youth. Over the past century, the 4-H program has evolved from its predominately agricultural roots to offer a variety of educational programs for young people in both rural as well as urban areas. As it celebrates 100 years, this remarkable organization continues to enable young people to learn new life-skills, build self-confidence, and set and achieve goals, while at the same time having fun and meeting new people. In Colorado, I've witnessed numerous examples of how 4-H clubs have encouraged and inspired young people with programs ranging from environmental preservation to career exploration and preparation. The 4-H's, which stand for Head, Heart, Hands, and Health, comprise the centerpiece of the 4-H motto, "To make the best better," toward which each young person recites: "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, and my health to better living, for my club, my community, my country, and my world." I congratulate the 4-H Clubs of Colorado, and commend the National 4-H organization on its first 100 years dedicated to developing our nation's leaders of tomorrow.

TRIBUTE TO PMI GROUP, INC.

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise today to celebrate the opening of the new world headquarters for PMI Group, Inc. in Walnut Creek, California. Employees began moving in on August 19, 2002 while construction workers were putting the finishing touches on their new state-of-the-art energy efficient building. PMI Plaza includes the new seven-story, 195,000 square foot building, a five-story parking garage, a large outdoor lunchtime dining area, and 15,000 square feet of retail space. This Plaza, located across the street from the Pleasant Hill BART station and near the intersection of highway 680 and Treat Boulevard, is part of Contra Costa County's Redevelopment agency's plan for creating more transit oriented development. The Agency's plan calls for the construction of new businesses and housing, including new affordable housing units, in-filled around BART stations, which is key to reducing sprawl and air pollution. PMI Plaza exemplifies this smart growth plan and should be a model for growth around the country. I am thrilled to welcome them to our East Bay community.

TO HONOR LAURO AND MARGARITA GARCIA, RECIPIENTS OF THE 12TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize two outstanding citizens who have been honored for their leadership qualities and service to their community. On September 6th, Mr. and Mrs. Lauro and Margarita Garcia were honored by their peers at the annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in its thirteenth year of honoring worthy individuals.

Lauro and Margarita met during his service in the U.S. Air Force, after which they moved to Phoenix where Lauro began his studies at Arizona State Teachers College. They moved to Guadalupe in 1960 and began organizing the community by teaching Catholic catechism classes in their home. What started as three students quickly grew to 165 every Saturday.

In December 1964, they founded the Guadalupe Organization, which became the voice of its citizens in the absence of an elected town government. The following year, a small building was purchased and an office was opened to assist residents by distributing food, establishing a postal sub-station and registering voters. This office would become the first Office of Economic Opportunity in the state of Arizona to help establish Guadalupe's first credit union.

In 1963, citizens of Guadalupe were granted the first-ever voting precinct within the town's boundaries,by Maricopa County, after extensive lobbying by the Guadalupe Organization. In 1967, President Lyndon B. Johnson and Mexican President Gustavo Diaz Ordaz recognized Lauro for his dedication in improving Guadalupe.

Margarita organized a dental clinic for citizens in the mid-70s by seeking the help of volunteer dentists to provide care. She continues her community service with the local parish and most recently served on the Guadalupe Town Council.

The couple also participated, along with the Guadalupe Organization, in one of the first lawsuits over the issue of bilingual education by challenging the Tempe Elementary School District in 1978 for discriminatory practices against Guadalupe's Yaqui and Mexican students.

As a result of this litigation, the district was forced to adopt measures to rectify existing language deficiencies of non-English speaking students.

Mr. Speaker, please join me in recognizing these outstanding citizens for their fine work and dedication. They have provided their community with vision, sacrificed to help the poor and under-represented, protected their culture and enriched the lives of Guadalupe's children.

PAYING TRIBUTE TO MAGGIE DIVELBISS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, I rise today to express my respect and utmost appreciation for a woman of remarkable caliber. Maggie Divelbiss's hard work and integrity have immeasurably contributed to one of Colorado's most beautiful displays of art, the Sangre de Cristo Arts Center in Pueblo. Maggie's diligence in her community is an inspiration to us all. Maggie is a remarkable woman, and her outstanding work earned her the 2002 YWCA Anna Taussig Tribute to Women Award. It is my pleasure to highlight her accomplishments and successes throughout her life.

Maggie currently serves as the Executive Director of the Sangre de Cristo Arts Center, and was actively involved in the creation of the Center from its inception. Throughout her tenure as Executive Director, she has made it her personal mission to represent all aspects of the diverse community of Pueblo and its various cultures, as is demonstrated in the Sangre de Cristo Arts Center.

Outside of her profession, Maggie is a dedicated community advocate. She currently serves on the Board of Directors of the Colorado Endowment for the Humanities and is a member of the Western Alliance of Arts Administrators, The Western States Arts Federation, The Rocky Mountain Arts Consortium, and the National Museum of Women in the Arts. Moreover, Maggie served a six-year term as a councilwoman on the Colorado Council on the Arts.

Mr. Speaker, it is clear why Maggie Divelbiss was chosen as a recipient for the 2002 YWCA Anna Taussig Tribute to Women Award. I thank her for her extraordinary contributions to revive the spirit of art in us all. Her passion for art has been clearly expressed and recognized and I wish her the best in all of her future endeavors.

DAVID SKAGGS AND THE CENTER FOR DEMOCRACY AND CITIZENSHIP

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate your former colleague and my predecessor, former Congressman David Skaggs, on his appointment as executive director of the Center for Democracy and Citizenship.

Throughout his career David has been a dedicated public servant. He has represented Coloradans on both the state and federal level. During his twelve years serving Colorado here in the House of Representatives he did extensive work on public lands and environmental issues, advocated the rights of nonprofit organizations, and supported basic research and higher education. He worked to promote bipartisan civility, and played a key role in helping to start an annual Bipartisan Retreat. Throughout his tenure on Capitol Hill, David was an effective and devoted representative of the people of Colorado.

David's post-congressional career is just as exemplary. Now, along with serving as an Adjunct Professor at the University of Colorado and being of Counsel to a Washington based law firm, he is the executive director for the Center for Democracy and Citizenship.

The Center's focus is to find ways to make the institutions of America's democracy work better. One project started by the Center is the Young Voter Initiative. The goal of the project is to encourage voting by some 30 million young people who are ambivalent about political participation. The Center meet with six groups of young adults ages 18–21 and asked what would be the most effective way to reach young voters. From the group's ideas the Center developed a "A Candidate's Tool Kit for Reaching Young Americans" as a practical guide of actions candidate's can take to promote the involvement of young people. The hope is that, as a result of this project, the Center can improve America's democracy by increasing the involvement of the citizenry.

David has repeatedly proven himself to be completely dedicated to the service of our nation and the improvement of our democracy. The Center for Democracy and citizenship is fortunate to have the leadership of such an inspiring individual, as noted in the following editorial from the Boulder Daily Camera:

[From the Daily Camera, Aug. 1, 2002]

VOTE? WHO, ME?

80% OF YOUNG PEOPLE WON'T, UNLESS TREND CHANGES

Former U.S. Rep. David Skaggs shouldn't have to spend part of his time looking for ways to persuade reluctant young people that voting makes a difference. He's doing the job because the rest of us haven't.

This would be a different country if young people heard a stronger message from parents, schools and communities about participation in democratic life; if older adults were a little less inclined to declare that voting doesn't matter or that elected officials are crooks; and, yes, if politicians themselves could restrain some of their impulses to demean not only their opponents but government itself.

But it wouldn't be the United States, where cynicism about public life was a part of the environment in which today's young people grew up. Partly for that reason, voter turnout among young Americans is low—and getting lower. Fewer than one in three Americans under 25 voted in the last two presidential elections. If past trends hold, fewer than one in five will vote in this midterm election.

The past two years have created an opportunity for change. If any event could send the message that "your vote counts," it was the 2000 presidential election, in which the candidates were separated by so few votes that a handful of people might have tipped the balance, kept the election out of the courts and literally changed the course of history. And after Sept. 11, who can say with a straight face that "government doesn't make a difference in my life"?

Young Americans may find in those events a new incentive to vote—but that's a hope, not a guarantee. There's still a lack of communication to overcome. Young people often report that they don't vote because candidates don't speak directly to them; candidates often don't seek out young voters because they don't vote.

No one initiative or individual can break this cycle, but David Skaggs is doing his part. A Democrat who represented the 2d Congressional District for 12 years in the House of Representatives, Skaggs now serves as executive director of a Washington-based outfit called the Center for Democracy and Citizenship. One of its projects is designed to help political candidates reach out to young voters.

The center has made available to thousands of political candidates across the country a "tool kit" of background information and common-sense guidance on reaching young voters. Candidates who study the material will find that it punctures a few stereotypes about young people. They're often disengaged from politics but aren't cynical as a group about the world around them; they're evenly divided in their political preferences and not wedded to any one party.

There's no need to dwell on details intended for candidates rather than the general public. It's worth noting, though, that many of the suggestions for reaching young people would be sound advice for reaching any group of voters. Meet them on their own turf. Make it easy for them to find information. Do not adopt a "youth agenda," because young people care about the same issues their elders do. Do not, under any circumstances, pretend to be one of them; they'll spot a phony in a minute. Show the connection between their concerns and the election results.

TRIBUTE TO DR. AND MRS. HENRY ANDERSEN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Dr. and Mrs. Henry "Hank" Andersen of Lamar, CO who have recently celebrated their 60th wedding anniversary. Hank and Marjorie Anderson grew up in the small town of Cozad, Nebraska. They were high school sweethearts who married on July 31, 1942. For their lifetime commitment to each other and their strong example to their family and community, Mr. Speaker, the United States Congress commends Hank and Marjorie and wishes them many more wonderful years together.

After graduating from Stephens College in Columbia, Missouri, with a major in speech, Miss Marjorie Evelyn Ford married Naval Ensign Henry Stanley Andersen. In 1942, the couple moved to New York City, where Hank, a Naval officer who loved to fly, was stationed as a pilot. There, their small family grew to include a daughter, Sue Ford Andersen. After Hank's tour of duty ended in 1945, the Andersen's moved back to Nebraska. In 1947, they welcomed the birth of their second child, Stanley Ford.

After graduating from the University of Nebraska Dental School in 1949, Hank moved his family to Lamar, Colorado. There, he opened a successful dental practice, which he maintained for almost 35 years.

As their children grew, Hank and Marjorie became very involved in the life of their community. Marjorie joined two women's service organizations, Sorosis and P.E.O., while Hank became an active member of the Southeastern Colorado Dental Association. Both Hank and Marjorie have been active members of Lamar's First Presbyterian Church.

Family has always been very important to Hank and Marjorie. Throughout their married life, the Andersens made numerous trips back to Cozad, Nebraska to visit their parents, Ralph and Pearl Ford (Pa Ralph and Sweetiepie to their grandchildren) and Henry and Ella Andersen, (affectionately referred to as Pa Henry and Squeezetight). Even after their parents passed away, the Andersens continued to make the trip to visit their aunt and uncle, Floyd and Kate Mundell.

Hank and Marjorie take great pride in their children, and were very excited when Sue married James Ocken in 1966 and when they became the grandparents of Cassandra "Cassie" Ocken and Staci Ocken Helseth. They have also greatly enjoyed their great-grandchildren, Chase Henry Helseth and Courtney Laura Helseth. The Andersens are always prepared to show off their most recent family·photos.

Always avid sports fans, Hank and Marjorie held season tickets to the Air Force Academy football games during the 1950s, and never missed an opportunity to attend Lamar High School football and basketball games. The Andersens have also continually encouraged the young people of their community, faithfully attending the school events of neighborhood children, long after their son and daughter left home.

After Dr. Andersen retired in 1983, the couple enjoyed traveling to Kennebunkport, Maine, the home of their favorite president, George Bush, and to the countryside of Wisconsin to see the fall colors.

After 60 years of marriage, Hank and Marjorie Andersen are still a beautiful picture of what it means to be in love. Everyone who knows them can see how much they enjoy being in each other's company. They take care of one another, laugh together and set a meaningful example of commitment in marriage.

Citizens of Colorado, Hank and Marjorie are a truly remarkable couple. I am proud of their momentous accomplishment, and I ask the House of Representatives to join me in extending our warmest congratulations to Dr. and Mrs. Henry Andersen.

TRIBUTE TO THOMAS B. AHART, PHILIPSBURG, N.J., ON COMPLETION OF HIS TERM AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS & BROKERS OF AMERICA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SAXTON. Mr. Speaker, I rise today to commend a fellow New Jersey resident and truly outstanding citizen, Thomas B. Ahart of Philipsburg, who is completing his highly successful term as President of the nation's largest insurance association—the Independent Insurance Agents & Brokers of America (IIABA)—later this month in New Orleans. Tom is president of Ahart, Frinzi & Smith, a Philipsburg, N.J.-based independent insurance agency.

Tom's career as an independent insurance agent has been marked with outstanding contribution and relentless dedication to his clients, community, IIABA, the Independent Insurance Agents of New Jersey (IIANJ), and his independent agent colleagues across the country.

He began his volunteer service with IIANJ where he served as president and chairman of the board. He also represented New Jersey as its representative to IIABA's National Board of State Directors. He was chairman of IIABA's Education Committee for four years before being elected to the Association's executive leadership panel.

Outside IIABA, Tom has served as a member of the board of the New Jersey Joint Underwriting Authority and was president of the Eastern Agents Association. He has served as an advisor to the American Institute for Chartered Property Casualty Underwriters and the Insurance Institute of America, and was just appointed to their board.

Tom was honored with several state and local awards. They include the 1982 New Jersey Young Agent of the Year, the 1986 and 1987 New Jersey Executive Committee Chairman of the Year Awards, the 1993 New Jersey Insurance Person of the Year Award, and the 1994 IIA of Hunterdon/Warren County Agent of the Year Award.

Tom also has distinguished himself as an active and concerned member of his community. He was elected to serve on his local school board, served as a trustee at his church, and as a little league coach for 25 years, and he's coached boy's wrestling, boy's baseball, girl's basketball and girl's softball.

I laud Tom for his tireless leadership of the Independent Insurance Agents & Brokers of America and the many accomplishments benefiting all independent insurance agents and brokers realized during his tenure as President. I know that even though Tom will step aside as IIABA leader soon, he will remain involved with the Association because he is a concerned leader and wants to continue helping his colleagues build for a strong and secure future. Congratulations on a job well done, Tom!

TRIBUTE TO DAVID CASPER

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. TAUSCHER. Mr. Speaker, I rise to pay tribute to David Casper, whose induction into the Pro Football Hall of Fame was announced on February 2, his 50th birthday. Over his eleven years in the National Football League, Casper distinguished himself as one of the premier football players in history. Eighteen years after his retirement, his accomplishments and hard work will be recognized and commemorated upon receipt of this honor on August 3.

David John Casper was born in Bemidji, Minnesota, on February 2, 1952, to Dorothy and Edward Casper. His football career began during high school, where he led the Chilton Tigers to consecutive undefeated seasons in his junior and senior years.

In 1970, Notre Dame University immediately recognized David's ability and recruited him onto their football team as an incoming freshman. He quickly became Notre Dame's standout football star. In 1973, the All-American tight end led the Fighting Irish to an 11–0 season and a National Championship victory over Alabama's Crimson Tide. A leader on the field and in the classroom, David finished his senior year as team captain and a cum laude graduate.

In 1974, David debuted in the NFL with the Oakland Raiders. Over the next two years, he worked his way up to a spot in the starting lineup where he quickly established himself as one of the league's dominant tight ends, making 53 catches for 691 yards and 10 touchdowns.

Over the next seven seasons, David played for the Oakland Raiders, the Houston Oilers and the Minnesota Vikings. He returned to the Raiders, then relocated to Los Angeles, to retire from his football career in 1984.

After eleven seasons and the "Holy Roller" play against San Diego and the "Ghost to the Post" play beating the Baltimore Colts in a double overtime playoff game, David compiled 378 receptions for 5,216 yards and 52 touchdowns. He was essential to the Raiders' victory over the Vikings in Super Bowl XI. He was named All-Pro and All-AFC four consecutive seasons. He played in the Pro Bowl five consecutive years, was named a member of John Madden's 1970s team of the decade, and was recognized on the Silver Anniversary team as the best tight end in 25 years.

David's accomplishments are not limited solely to football. He has received numerous awards for his work as a financial planner, consultant and salesman.

David gained fame in the football world, but he has used his fame to better his community and the lives of the people in it. He founded the Dave Casper Celebrity Golf Tournament to support the Ronald McDonald House and greatly supports other charities that benefit children.

David's determination to succeed in all he has done has made him a true legend. He is probably most proud of his wonderful family—his wife Susan and children Keleigh, Carrie and Andy—but the world will forever remember the Hall of Fame football star who went down in the record books and in the memories of generations of football fans.

PAYING TRIBUTE TO DAN GRIFFIN

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, it is my pleasure to stand before you today and honor Dan Griffin for his contributions towards the betterment of his community. Dan was honored by the Grand Junction Lions Club, as the "Lion of the Year." He is deserving of this prestigious honor, and it is a privilege to applaud him for all his hard work and dedication.

Dan completed his undergraduate education at Stanford and went on to become a law student at the University of Colorado. He joined the U.S. Air Force, but was forced to retire due to a knee injury. Dan returned to Grand Junction and was employed by the firm of Younge, Hockensmith Robb. He later became President of the Mesa City Bar Association, and served on the Board of Governor's of the Colorado Bar Association.

During the Lions Club ceremony, family spoke of Dan as a ". . . genuine, superb, wonderful individual." Dan received this award because he demonstrates unwavering support and dedication to the organization and the community. Dan's wisdom in law helped him serve area citizens, and address concerns people had about wills, trusts, and estates. Truly, Dan's expertise is cherished and appreciated by all whom he encounters.

Mr. Speaker, today I rise to pay tribute to a man of great character and conduct. It is a pleasure to honor him before this body of Congress and this nation. Thank you Dan for every contribution you have selflessly made to our community and I wish you the best of luck in your future endeavors.

FOOD SAFETY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, food safety is serious business, and American consumers pay a high price for wholesome, pure food. The expense soars when the system fails, especially if failure results in illness, or worse, someone's death. Everyone pays mightily to maintain America's standing as the world's safest place to eat.

Just behind taxes and government regulation, food-safety precautions account for the biggest fixed cost of commercial food production. All of these costs pass through to consumers at the grocer's check stand. The higher prices also rob farmers and ranchers of hard-earned income, but food safety remains their chief objective, too.

No one profits from bad food, except for lawyers. In fact, Colorado's economy depends on safe agriculture products, and confident, healthy consumers. That's why we invest billions toward achieving both.

The issue of improved food safety has once again found itself on the political front burner following the recent discovery of a contaminated batch of hamburger that slipped through the ConAgra Beef plant in Greeley. The incident caused the illness of at least 30 people.

The culprit in this case is E.coli 0157:H7. It can be lethal, though it wasn't this time. The bacterium is found in the intestines of most animals, including humans.

Cow feces probably came in contact with "trim" meat. These cuts were likely run through a grinder, shipped to a processor, blended with product from other slaughterhouses, sold at grocery stores, and prepared on a few dozen household countertops. Perfect nutrients and lots of surface area make ground beef an optimal growing medium for E.coli.

Hundreds of other pathogens could have initiated this latest round of debate. The Centers for Disease Control has identified more than 250 different food borne diseases that have caused an estimated 76 million illnesses in the United States resulting in 5,000 deaths and 325,000 hospitalizations. In virtually any other country the risk is worse, however poorly documented.

Impurities are inherent with all food consumption, especially perishable ones like meat, fish and poultry. A food-science expert at Colorado State University told me hamburger recalls average one per week across the country this time of year when the environmental conditions are most favorable to E.coli. This escapes the press for some reason.

Routinely, recalls are initiated immediately after a pathogen is confirmed, allowing producers to capture and gain control of the recalled product before it reaches consumers. ConAgra's recall was anything but typical. It came too late because federal inspectors waited nearly two weeks to alert the company that E.coli had been detected.

Once notified, ConAgra promptly voluntarily recalled all the contaminated beef, but the delay had already added millions to the company's cost of doing so, and sickened many. After admitting its delay was a mistake, the federal government then recommended to ConAgra an additional recall of millions of pounds of meat it had not tested at all.

The government's passive-aggressive behavior has aggravated consumers, along with beef producers who are now unsure about the U.S. Department of Agriculture's intentions, the status of recall protocols, and the future of red-meat production.

These ambiguities are far from trivial. The regulatory authority of the USDA is considerable. Running afoul of the massive bureaucracy exposes a meat packer to criminal prosecution, product seizure, retention, detention, and perhaps most effective of all, publicity.

Far more harsh and unforgiving than the toughest government sanction, the marketplace brutally punishes any business that puts contaminated product before a consumer. That's as it should be, and it works.

It was the market, for example, that handed a virtual corporate death sentence in 1997 to Nebraska-based Hudson Foods. Contamination prompted the company to issue the nation's largest recall of ground beef—25 million pounds. A few months later, the company was closed.

In our earnest quest to make food safer, there are a few things to keep in mind.

First, U.S. beef was, is, and will always be safe to eat. The quality gets better every day. Colorado ranchers lead the nation in the science of livestock production providing quality products that satisfy the high expectations of domestic and foreign consumers.

Second, producers rely on the USDA as much as consumers do. It's an important agency, and we all want to see it succeed. Anyone who cares about food safety should be prepared to help make USDA inspections a higher federal budget priority. The same goes for state inspectors.

The agency should be driven by sound science, not politics. Its Food Safety Inspection Service should be given the resources and precise guidelines to upgrade its testing so inspectors can more quickly pinpoint the sources of pathogens and react with consistency. They need more money for training, too.

Third, the industry should initiate implementation of pathogen-killing procedures.

Several well-researched measures are proven effective such as live-cattle management at feedlots, washing carcasses with steam or acidic sodium chlorite, and irradiation. America's top agriculture colleges, including CSU, have studied this to death. If the industry won't lead on this, government should.

Fourth, consumers are ultimately responsible for food safety. No amount of regulation and inspection will help anyone who ignores packaging dates, improperly handles meat, eats it raw, or worse, feeds undercooked product to their kids.

Fifth, there is no such thing as a "zero risk" standard for any perishable food.

This is an impossible goal, a hoax perpetrated by four principle groups of people—those who work for the government, plaintiffs' lawyers, developers who want to buy their neighbors' ranches and vegetarians offended by others who enjoy a good steak. There will never be a regulatory body large enough to inspect every cut of beef, stalk every distributor or police every kitchen.

Finally, if God didn't intend for us to eat animals, He wouldn't have made them out of meat. He also made us smart enough to figure out how to eat them both cheaply and safely.

CONGRATULATING GLAXOSMITHKLINE FOR ITS EFFORTS TO ELIMINATE LYMPHATIC FILARIASIS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. FATTAH. I rise today to mark an historic milestone on the road to the elimination of a devastating disease of the developing world, lymphatic filariasis.

The global eradication of a disease has been accomplished only once in history, with the elimination of naturally occurring smallpox. Public health officials are eager to replicate that success. Yet despite the huge advances in our understanding of diseases and their mechanisms, international experts believe that there are still very few major diseases that can be deemed eradicable by existing technology. The World Health Organization (WHO) is currently targeting seven diseases or disorders for elimination or eradication. They are: Guinea worm (dracunculiasis), polio, leprosy, neonatal tetanus, Chagas disease, iodine deficiency disorders, and lymphatic filariasis. Today, I rise to focus on the parasitic disease lymphatic filariasis, or LF.

LF is an ancient scourge that has disabled and disfigured people for thousands of years. Transmitted by mosquitoes, LF is caused by thread-like worms that infect the human lymphatic system, leading to permanent damage to the lymphatic and renal systems. LF gives rise to a condition known as elephantiasis which leads to the development of grotesque, chronic swelling of the legs, genitals and breasts, leading to lifelong social and physical disabilities. LF is mostly found in the tropical developing world, where it further exacerbates poverty by physically incapacitating people during what should be the most productive years of their lives. Lost productivity caused by the disease costs billions of dollars across the world each year. LF also puts a tremendous strain on healthcare systems in the developing world. In addition to its economic impact, LF inflicts heavy psycho-social consequences on the individuals who are affected. LF affects around 120 million people, with more than one billion people at risk of infection.

In 1998, the WHO and the pharmaceutical company GlaxoSmithKline (GSK) announced a worldwide collaboration to fight LF. This partnership has now become a global alliance of 35 private and public institutions along with the Ministries of Health in LF endemic countries, all committed to eliminating lymphatic filariasis.

GlaxoSmithKline has its US headquarters in my district in Philadelphia, and over 6,000 Pennsylvanians work for GSK in the search for cures and treatments to disease. GSK makes an anti-parasitic drug called albendazole that is useful in the fight against LF. GSK has committed to donating as many tablets as needed to eliminate lymphatic filariasis. The World Health Organization estimates that GSK will donate up to six billion doses of albendazole before the program is complete, making the GSK albendazole donation program the largest pharmaceutical donation in history.

Today, I am proud to announce that GlaxoSmithKline has produced the one hundred-millionth donated tablet of albendazole for the Lymphatic Filariasis Elimination Program. This is a milestone achievement in a long road, and I commend GlaxoSmithKline for its commitment to world health. Whether it's in improving access to needed health services, providing affordable vaccines and HIV treatments, or dedicating resources to worthy projects in Pennsylvania, GlaxoSmithKline has shown time and time again its dedication to improving lives locally and globally. I commend GlaxoSmithKline for its success to date in the Lymphatic Filariasis Elimination Program, and I wish GSK, the World Health Organization and the rest of their partners every success in the completion of their task.

RECOGNIZING MR. T.J. TAYLOR FOR HIS SERVICE TO BRADFORD

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. TANNER. Mr. Speaker, I rise today in recognition of Mr. T.J. Taylor, whose long record of public service has earned him the title of "Tennessee's Outstanding Older Worker of the Year."

T.J. Taylor has worked with the Bradford Special School District for half a century. He has driven a school bus for the district for 50 years and has served as maintenance supervisor for the past 25 years. His work and presence have helped him gain the love and respect of his co-workers as well as the school district's students, who know him as "Mr. T.J."

Honesty, dedication, the ability to work with others, and being on the job daily are all attributes Mr. T.J. has said are important for a worker of any age but especially for an older worker. His success on the job has proven over the years that he possesses these qualities and knows how best to use them to benefit the people around him. School officials say his dedication and skill have saved the small school district thousands of dollars every year.

At 71 years old, Mr. T.J. says he has no plans to retire anytime soon but will continue to work as long as his health will allow him. It is that distinguished service that has earned him this title of "Tennessee's Outstanding Older Worker of the Year," which he calls his proudest moment.

Mr. Speaker, as we seek to recognize those leaders who make our communities better places to live, I point to the distinguished service of Mr. T.J. Taylor. I ask that you and our colleagues applaud him for his strong, longtime commitment and congratulate him on being named "Tennessee's Outstanding Older Worker of the Year."

HOUSE OF REPRESENTATIVES—*Thursday, September 5, 2002*

The House met at 10 a.m.

The Reverend Jeff C. Hudson, Senior Pastor, Fredericktowne Baptist Church, Frederick, Maryland, offered the following prayer:

Our God, we acknowledge that there is none like You. You alone are all-powerful. You alone are all-knowing. You alone are present everywhere at the same time. You alone are God.

As we approach the remembrance of the tragedy of 9–11, we are reminded of all that You have done for us as a Nation this past year. You have caused us to turn to You in a time of crisis. You have brought us to our knees and we have cried out to You. You have reminded us of our Heritage that we are one Nation under God.

May that truth guide the Members of the House today as they lead our Nation, and may they acknowledge that You are the sovereign Lord of our Nation. Grant them wisdom to know what they must do. Grant them courage to do what is right. May You be honored in this place today. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. SCHAFFER) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHAFFER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO THE REVEREND JEFF C. HUDSON

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute.)

Mr. BARTLETT of Maryland. Mr. Speaker, I want to acknowledge and thank my constituent, Pastor Jeff Hudson of the Fredericktowne Baptist Church in Walkersville, Maryland, for offering today's opening prayer.

A graduate of the Washington Bible College and Capital Bible Seminary, Reverend Hudson is the senior pastor at Fredericktowne Baptist Church. He has served for more than 20 years. He and his wife Brenda have 2 teenage sons, Joshua and Nathan.

Pastor Hudson's invocation of God's presence in our lives continues an unbroken tradition of an Opening Prayer for the Congress. At age 81, and at a moment of deadlock during the Constitutional Convention, Benjamin Franklin said, "I have lived, sir, a long time. And the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that a new Nation can rise without his aid? I therefore beg leave to move that henceforth, prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business."

Thanks to Mr. Franklin, Congress still does this.

GIVE THE PRESIDENT THE TOOLS HE NEEDS

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, as we head to the final stretch of the 107th Congress, much remains to be done. The presidential want-to-bes spend a lot of time on the Sunday talk shows in hair and makeup articulating what their vision is for homeland security. Well, there happens to be a bill authored by our President, passed by this House, that languishes over on the other side of this building. I urge my colleagues and I urge all of those paying attention, as we come upon the September 11 anniversary where 3,000-plus lives were lost in our country, that we focus our energies and our resolve on protecting our homeland.

The President has a prescription to make America safe, and I urge the other Chamber to act upon that vision. We cannot do this alone. The House has tried. Fifty-five-plus bills remain stalled over on the desk of the majority leader of the United States Senate, and I ask and I implore someone who is listening to my voice to urge action, to urge debate, to urge passage of this vital legislation to protect this country and give the President the tools and the powers he needs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The Chair reminds Members that they are not to urge action or characterize inaction by the other body.

SUPPORT THE NATIONAL AMBER ALERT NETWORK ACT

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, in 1997 I established the Congressional Missing and Exploited Children's Caucus to provide a unified and loud voice for missing children advocates within Congress. The gentleman from Florida (Mr. FOLEY) and 157 other Members work with me in this caucus today. While the caucus works to advance child safety legislation, we are also initiating community, State and national efforts to fight against the exploitation and abduction of our children.

One of those community initiatives is a successful and effective way to combat child abduction and it is called Amber Alert. The Amber Alert is named after Amber Hagerman, a 9-year-old girl who was tragically abducted and murdered in Arlington, Texas in 1996. The tragedy was felt throughout North Texas, and it led to a search for new and innovative community responses to help law enforcement officials find missing children.

That response is the Amber Alert, and it has frequently been successful in recovering missing children. We have been reading about it in our news media in just recent weeks.

Mr. Speaker, I urge all of our Members to take the opportunity to join with us to make this a successful nationwide program, to join me in supporting the Frost-Dunn National Amber Alert Network Act. The National Amber Alert Network Act is a common sense approach to the problem of child abduction. Child abduction is finally receiving the attention it deserves. Let us take this opportunity to bring legislation to the floor that all of America can be proud of.

CONGRATULATIONS TO PRESIDENT BUSH

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, I want to congratulate the President on his reaching out to Congress to seek our assent over any Iraq action. The President will also meet with Prime Minister Blair and communicate with the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

U.N. Our leaders here in Congress were also briefed yesterday. We all know that Saddam is developing nuclear weapons. The President is reaching out to Putin of Russia, Jemin of China, and Chirac of France. He is doing the right thing.

There may be a vote here on the House floor in about 4 to 5 weeks on this action. Congress will be consulted and the President is building a consensus. We will debate the question, the simple question: Is inaction an option or not? Should we force weapons inspections as a means of building this international coalition to act against Iraq? Saddam has had 11 long years in which he has sidestepped and crawfished on allowing us to inspect. Should there be a consensus first before we inspect?

Mr. Speaker, all of these questions are healthy in the debate here in Congress, and I congratulate the President in reaching out to the public and to Congress and to have this important debate.

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I have returned from Johannesburg, South Africa where I attended the World Summit on Sustainable Development. The summit produced some achievements such as the agreement to improve water and sewer sanitation in the Third World. The U.S. delegation also successfully promoted public-private partnerships to solve some environmental problems. But when it came to climate change, it had no interest in partnerships.

The Bush administration stands alone in refusing to deal with global warming. As a former executive, President Bush knows that no business plan will succeed without targets and timetables, yet the President's negotiators succeeded in blocking targets and timetables to reduce the use of oil and gas and increase the use of renewable energy.

The goal of the summit was to implement a vision for a healthier and more sustainable future, but it fell short because the Bush administration has no vision beyond short-term gains for the oil and gas industry.

The U.S. risks falling behind our competitors who will develop innovative and profitable clean and efficient technologies. For the sake of our economy and our health, I urge the administration to abandon its idealogical resistance to real action against climate change.

HEWLETT PACKARD'S GIVE THANKS AMERICA INITIATIVE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as we approach the first anniversary of one of the most tragic days in our Nation's history, our attention obviously goes to those who lost their lives and their loved ones, but we also have a renewed focus on the men and women in uniform, the first responders, policemen, firefighters, medical technicians, and also our men and women in uniform who are deployed overseas.

□ 1015

These people have dedicated their lives to protect our freedoms, and they put their safety on the line every day without any expectation of recognition.

To acknowledge the service of our public safety and military personnel, Hewlett-Packard created the "Give thanks, America" initiative, which allows families of military personnel and the general public to send video e-mail messages of appreciation to these heroes.

To date, tens of thousands of Americans have participated in this effort. Tomorrow at the Pentagon an interactive kiosk will be dedicated as a permanent exhibit, allowing service members, family members, and visitors the opportunity to join in showing their deep gratitude and faith to our military personnel.

I congratulate all those associated with this very important program for pursuing this.

EDUCATION

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, most children in America are back in school this week, and parents in most areas have been provided more information about their schools and their child's academic performance than ever before.

Earlier this year, Education Secretary Rod Paige talked about the need for more education options. He said, "The new annual tests will provide parents with much more information about the quality of their children's schools, but if parents can't act on that information, they can't really hold their schools accountable, and the schools will not have a real incentive to improve."

This week, the Committee on Ways and Means, in fact today, will pass the Back-to-School Tax Relief Act that gives parents options to act on the information about the quality of their child's school. The bill gives low-income parents an above-the-line tax deduction of up to $3,000 for almost any educational expense, including tutoring and tuition at private schools.

Parents deserve this freedom. They deserve the freedom to act in the best interests of their kids. As America's elementary and secondary students go back to school this month, I urge Congress to quickly pass the Back-to-School Tax Relief Act, H.R. 5193.

A TIME FOR EVERY PURPOSE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the Good Book tells us that there is a time for every purpose under heaven. There is a time to weep and a time to mourn, and tomorrow I will join some 250 of my colleagues in this body as we travel to Federal Hall in New York City to do just that. We will gather at a place that this Congress met and even adopted the Bill of Rights in the year 1789, and we will mourn with those who mourn, and we will weep with those who weep.

The last time I was in New York City, Mr. Speaker, was September 21. I stood in the ashes and on the periphery of the devastation at Ground Zero, and I expect tomorrow, as we all do, to be a deeply moving day emotionally.

But as we join to pray, let us ever remember that also we are told that there is a time for peace, but there is a time for war. As we pray for the bereaved, let us also pray for wisdom for our President and our leadership in this institution as we choose the times and the days ahead for war.

WE NEED A TAX POLICY WHICH WILL HELP THE ECONOMY RECOVER QUICKER

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, in my Seventh Congressional District of Michigan unemployment is going up. Some of the companies are closing. Several are moving to Mexico and other countries.

In the past, the United States has been so advanced in our productivity and our efficiency that we could put heavy taxes on business and industry, and we could impose restrictive regulations, and still be competitive in the world market. That is no longer true, Mr. Speaker. The international community is now vying for our markets, our ways of producing, trying to be more productive and take away our business.

That means that we have got to take another look at how we put our companies at a competitive disadvantage, the way we tax our business and industry more than what other countries are taxing theirs. We now have a situation where Democrats are suggesting that if we have any tax changes to have a faster economic recovery, they are going to use it politically, suggesting taxation to give benefits for just the rich. We need to look at the kind of taxes that will protect workers savings and are going to help this economy recover quicker.

AMERICA'S BANKRUPTCY LAWS NEED TO BE FIXED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, America's bankruptcy laws need to be fixed. The system is broken, and we need to act. In fact, we have acted. The House of Representatives has passed an excellent bill to do the job. Unfortunately, the other body has injected one of the most controversial issues of our time, abortion, into this legislation. Now many of us simply can no longer vote for it.

The issue of abortion does not belong in this bill. Mr. Speaker, as it is written now, the bankruptcy bill singles out peaceful, nonviolent, pro-life protesters for unusually harsh punishment if they pray or protest or hand out leaflets in front of an abortion clinic. I ask my colleagues, why is it okay to have civil rights protests, why is it okay to have union protests, why is it okay to have animal rights protests or peace protests, and why is it not okay to protest in defense of unborn babies?

This Congress should stand for equal treatment under the law. We should not have one set of rules for liberals, another for conservatives; one set of rules for pro-choice people, another for pro-life people. It is not right, and that is why we want to see the bankruptcy bill fixed before we vote on it.

REGARDING THE JOINT MEETING OF CONGRESS IN NEW YORK CITY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I look forward tomorrow to joining approximately 250 of my colleagues at the Joint Meeting of Congress in New York City, where we will honor the victims and celebrate the heroes of September 11, 2001.

We will be returning to the city which terrorists targeted for devastation almost 1 year ago, and yet the terrorists did not succeed in destroying this Nation or the American spirit. Instead, our Nation is strong, our people are its strength. The people of New York are the beacon to the strength of the American spirit. Tomorrow we will see firsthand that strength, and how New York City has survived in spite of the horrible tragedy of September 11.

Our message to those terrorists is that no one in this Nation will retreat, and we will not be intimidated. Terrorism against the United States, our freedom, and our people will never be tolerated.

Mr. Speaker, I would like to thank the people of New York for welcoming Congress to their city. May this visit symbolize not only the unity of Congress, but that of the entire country to rebuild our Nation and defend our freedom.

DAM SAFETY AND SECURITY ACT OF 2002

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the order of the House of Wednesday, September 4, 2002, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4727.

□ 1023

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4727) to reauthorize the national dam safety program, and for other purposes, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, September 4, 2002, the bill is considered as having been read the first time.

The gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4727, the Dam Safety and Security Act of 2002, introduced by the gentleman from Pennsylvania (Mr. SHUSTER), reauthorizes and updates the national dam safety program, which was originally passed as part of the Water Resources Development Act of 1996.

This program was created to improve public safety around dams by providing grants to State dam safety agencies to assist them in improving their regulatory programs, funding research to enhance technical expertise as dams are built and rehabilitated, establishing training programs for dam safety inspectors, and creating a national inventory of dams.

Since its passage in 1996, the program has worked to provide assistance grants, training, research, and expertise in each of the 48 States that has a dam safety program.

Dams serve a number of important functions in today's society. They provide water for recreation, electricity, human and livestock consumption, crop irrigation, and flood control.

According to the Army Corps of Engineers, which maintains the national inventory, there are more than 80,000 dams in the United States. Of these, 10,000 have been classified as high risk, meaning that their failure poses a risk of either loss of life or severe loss of property.

While it is widely believed that the Federal Government owns most of America's dams, the reality is far from that. In fact, the Federal Government owns just over 5 percent of the dams in the United States, with the vast majority, some 58 percent, being owned by private individuals.

This fact highlights the need for coordinated and adequately funded inspection programs at the State level. This bipartisan legislation will reauthorize this important public works safety program for an additional 4 years, require the creation of a strategic plan, give the Interagency Board greater flexibility to provide assistance to States, allow for the inclusion of State dam safety officials on the Interagency Board, increase the amount of money available for grants and research, and require that the Board consider security when assessing the safety of dams.

Mr. Chairman, I support this very important piece of legislation. I want to commend the ranking member of our subcommittee, the gentleman from Illinois (Mr. COSTELLO), for his diligence and willingness to continue to work with us in a bipartisan manner to produce good legislation, and also the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

I want to pay special note at this time and give thanks to the author of the legislation, the gentleman from Pennsylvania (Mr. SHUSTER). Although a new Member of the House, the gentleman from Pennsylvania has already proven himself to be a leader in important issues of transportation and infrastructure, following in the important footsteps of his father, and this piece of legislation is a good example of that.

This is a good piece of legislation.

Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. SHUSTER), and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Ohio (Mr. LATOURETTE) for his leadership on this issue.

Mr. Chairman, I rise in support of the Dam Safety and Security Act. This important legislation reauthorizes a program that has directly helped the

States and protects the citizens of this country.

This program, run by the Federal Emergency Management Administration, provides vital assistance to States, and actually saves the government money by helping prevent dam accidents from happening, allowing FEMA to direct its emergency funds where they are needed most.

Dams provide tremendous benefits, including water supply for drinking, irrigation and industrial uses, flood control, hydroelectric power, recreation, and navigation.

At the same time, dams also represent one of the greatest risks to public safety. Historically, some of the largest disasters in U.S. history have resulted in dam failures.

In 1928, the St. Francis Dam failure killed more than 500 Californians. During the 1970s, the Buffalo Creek Teton and Toccoa Creek Dam failures collectively cost 175 lives and over $1 billion in losses. In 1889, the collapse of the South Fork Dam decimated the town of Johnstown, Pennsylvania, killing more than 2,000 people.

Despite the tragedies of the past, many dams are not maintained properly. Dams require ongoing maintenance, monitoring, safety inspections, and rehabilitation. In the past 2 years, more than 520 dam incidents, including 61 dam failures, were reported.

While the Federal Government maintains many well known dams, like the Hoover Dam, more than 90 percent of the dams, over 100,000 dams, are regulated by the States. Additionally, the number of high hazard potential dams whose failures would cause loss of human life or severe property damage is increasing due to the development of downstream land. Today, there are almost 10,000 high hazard potential dams. Even more alarming, States presently report approximately 23,100 unsafe dams which have deficiencies that leave them highly susceptible to failure.

Some States, Delaware, for example, have relatively few dams, while others like Kansas, Missouri, Oklahoma, and Texas have 4,000 dams each. Many States fully fund their dam safety program. Unfortunately, others do not. In Iowa, for example, a single staff person is responsible to devote one-third of his time to dam safety and yet be responsible for inspecting almost 11,000 State regulated dams.

Clearly, more can be done. The combined effort of rapid downstream development and aging or non-compliant structures demands fully funded and staffed State dam safety programs, as well as substantial proactive funding for dam repairs.

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Not surprisingly, repairs to dams are expensive. Some estimates say as much as $7 billion across the United States. It is important to note that other Members of Congress are working on drafting separate legislation that would provide loans to dam owners to help cover the costs of repairs. I support the intent and look forward to reviewing the legislation.

In an effort to ensure dam safety, Congress passed the National Dam Safety Program in 1996. Under that program State dam safety agencies received grants totaling $7 million to assist them with improving dam safety regulatory programs by procuring equipment, implementing new technology, and enabling more frequent inspections. The program also provides opportunities for continuing education to dam safety engineers and funding for research to advance the technology for investigations, construction, and the rehabilitation of dams.

I am pleased to report this program was successful and deserves to be continued. It is important to note this model program sent the money directly to States, where it was used to educate, inform, and help protect the people.

My State of Pennsylvania has been in the forefront of the Nation's dam safety efforts over the last two decades and our program has been cited as a role model for other States in developing new and expanded programs. Of the 3,200 dams in Pennsylvania, 950 are classified as high-hazard potential structures.

This determination helps State dam officials identify which dams deserve regular inspection. In conversations with Pennsylvania State dam officials, they confirmed that they could not have done it without the National Dam Safety Program.

This bill reauthorizes this successful program by updating and fine-tuning the underlying language and providing a modest boost to the funding for research and development. The total authorized funding is increased by $2.7 million per year, with $2 million being directed in State grants, $500,000 for research, and $200,000 for additional staff of FEMA to conduct training. Importantly, this legislation will also provide States the technical assistance necessary to maintain security for our Nation's dams.

Specifically the program will develop cost-effective programs and procedures for hazard reduction; develop procedures to be used for dam site investigation, design, construction, operation, maintenance, and emergency preparedness; encourage the establishment of dam safety problems in each State; develop public awareness projects to increase acceptance and support of State dam safety programs; develop technical assistance materials for Federal and non-Federal dam safety programs; develop mechanisms to provide technical assistance to the non-Federal sector; and develop technical assistance and encourage appropriate security for our Nation's dams.

Mr. Chairman, I would like to remind everybody how important dams are to this country. Dams provide hydroelectric power to almost every State in the Union, habitats for fish, birds and other animals, recreational activities from bird watching to water sports, flood control and are an important source of our drinking water. The positive impacts of dams may be influencing more people to build downstream from dams. This is not dangerous as long as dams are monitored and maintained. For these reasons and in memory of the thousands of lives lost to dam failures, I urge my colleagues to support this common sense legislation.

Mr. Chairman, I would like to include in the RECORD three letters of support for this important legislation. The National Governors' Association, the American Society of Civil Engineers, and the Association of State Dam Safety Officials each sent a letter in support of the National Dam Safety and Security Act. I would also like to thank the gentleman from Alaska (Mr. YOUNG), the chairman, for his assistance and leadership on this bill; the gentleman from Ohio (Mr. LATOURETTE), subcommittee chairman, for his help and guidance. In addition, I appreciate the support of the gentleman from Illinois (Mr. COSTELLO), ranking member, and the gentleman from Minnesota (Mr. OBERSTAR) for their help in crafting this legislation.

The letters referred to are as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, September 3, 2002.

To: All Members of the House of Representatives

The National Governors Association supports legislation to reauthorize the National Dam Safety Program Act, therefore, we urge you to support the "Dam Safety and Security Act of 2002" (H.R. 4727). From its $5.9 million annual authorization, the National Dam Safety Program provides $4 million per year in grants to states to help improve dam safety inspection, classification and regulatory programs, as well as $500,000 for training state dam safety inspectors.

Dams are a critical component of state infrastructure, equal in importance to bridges, roads, or airports. They provide benefits such as water supply, flood control, power generation, navigation, recreation, and wildlife habitat. Dam failures can cause loss of life and significant financial impacts on downstream areas. The American Society of Civil Engineers, in their 2001 Report Card for America's Infrastructure, gave dams a grade of "D," indicating a problem that deserves national attention.

State governments have regulatory responsibility for 95 percent of the approximately 75,000 dams within the National Inventory of Dams. The bulk of the responsibility to ensure the safety of the nation's dams falls on the shoulders of the states, and concerns about homeland security have increased this burden. State dam safety programs vary in authority, but typically the program includes safety inspections of new and existing dams, review of plans and specifications for dam construction and repair, and review and approval of emergency action plans.

H.R. 4727 makes only small changes in the existing National Dam Safety program but will continue a modest yet vital agenda for addressing America's dams. thank you for your consideration of our views.

Sincerely,

Governor BOB WISE,
Chair, Committee on Natural Resources.
Governor BILL OWENS,
Vice Chair, Committee on Natural Resources.

ASSOCIATION OF STATE DAM SAFETY OFFICIALS,
Lexington, KY, September 4, 2002.
Hon. BILL SHUSTER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SHUSTER: On behalf of the more than 2,000 members of the Association of State Dam Safety Officials (ASDSO); we urge passage of the bill H.R. 4727, The Dam Safety and Security Act of 2002. The Dam Safety and Security Act reauthorizes the National Dam Safety program through FY 2006, and makes some minor changes to the program that were identified over its first five years.

The National Dam Safety Program Act (NDSPA), enacted as part of the Water Resources Development Act of 1996 (P.L. 104–303), expires in FY 2002. This modest, yet vital, program enables the states to improve their fledging dam safety programs which, in turn, translates into reduced risks to life and property. The National Dam Safety Program (NDSP) has fostered many significant improvements in the state dam safety programs, provided critical training to state engineers and established unprecedented cooperation between Federal dam safety agencies and state dam safety programs.

The accomplishments realized through the NDSP, under FEMA's direction, clearly demonstrate the benefits of Federal leadership. The National Dam Safety Program Act of 1996 is set to expire in FY 2002, but there are many more goals and challenges ahead that should be addressed in order to improve dam safety in the United States. Conducting vulnerability assessments and improving dam security, mapping of dambreak flood inundation areas below dams and creating a funding source to provide low interest loans for dam repairs are the most urgent challenges.

ASDSO urges you to support H.R. 4727 when it comes to the House floor on September 5, 2002, to continue to improve the safety of our Nation's dams and to prevent dam failures that threaten lives and property.

If you or your staff have any questions please call Brad Larossi, Chairman of the ASDSO Legislative Committee at 410–631–3538.

Sincerely,

BRAD LAROSSI, P.E.,
Chairman, Legislative Committee.

AMERICAN SOCIETY OF CIVIL ENGINEERS,
Washington, DC, September 4, 2002.
Hon. BILL SHUSTER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SHUSTER: On behalf of the more than 125,000 members of the American Society of Civil Engineers (ASCE), I urge the passage of H.R. 4727, the Dam Safety and Security Act of 2002, which reauthorizes the National Dam Safety Program (P.L. 104–303) for an additional four years.

The bill authorizes $8.6 million in each of the fiscal years 2003 through 2006 for dam safety. It amends the National Dam Safety Program Act to direct the Interagency Committee on Dam Safety to encourage the establishment and maintenance of effective federal programs, policies, and guidelines intended to enhance dam safety.

The National Dam Safety Program Act (NDSPA), enacted as part of the Water Resources Development Act of 1996, expires in FY 2002. This modest, yet vital, program enables the states to improve their fledgling dam safety programs, which, in turn, translate into reduced risks to life and property. The National Dam Safety Program (NDSP) has fostered many significant improvements in the state dam safety programs, provided critical training to state engineers and established unprecendented cooperation between Federal dam safety agencies and state dam safety programs.

ASCE's 2001 Report Card for the Nation's Infrastructure concluded dams require ongoing maintenance, monitoring, frequent safety inspections and rehabilitation. More than 90 percent of the nation's approximately 100,000 dams are regulated by the states.

ASCE believes that H.R. 4727 is critically important to the constant effort to protect human life and property in every state in the United States. We urge you to support H.R. 4727 when it comes to the House floor on September 5, 2002.

Sincerely yours,

H. GERARD SCHWARTZ, Jr., Ph.D., P.E.,
President.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4727, the Dam Safety and Security Act of 2002, reauthorizes and amends the National Dam Safety Program. The program's goal is to reduce the risk to life and property by establishing an effective dam safety maintenance program that utilizes the resources and expertise of the Federal and non-Federal communities to achieve the reduction of dam safety hazards. One of the primary purposes of the National Dam Safety Program Act is to provide financial assistance to the States for strengthening their dam safety program.

Since the passage of the National Dam Safety Program Act in 1996, the program has improved the Nation's dam safety. Dam inspections have increased by 25 percent. There have been advances in the state-of-the-art practice and user documentation; State training programs have been enhanced; research in the area of improving dam safety has increased; and an information technology plan will be developed that will establish an information resource system to centralize national dam safety information.

Additionally, in light of our Nation's need to protect our infrastructure from possible terrorist attacks, the National Dam Safety Review Board has established the Dam Safety Security Task Force to facilitate dialogue and offer technical support on security-related policy and guidance.

H.R. 4727, the Dam Safety and Security Act of 2002, seeks to build upon these achievements made over the past several years and enhance them. In addition to reauthorizing the National Dam Safety Program for 3 additional years, the bill enhances the program by requiring the development of dam safety training materials and courses for State and local officials, by providing for assistance for dam safety programs, and by allowing for the appointment of State dam safety officials to the Interagency Board, in addition to making other conforming amendments.

Mr. Chairman, this is a good bipartisan bill. Dam safety is important to our Nation, and coming from an area of the country where during certain times of the year flooding can reach a critical point, I am pleased that we are taking the time to reauthorize and enhance this important program.

Finally, I want to commend the gentleman from Alaska (Mr. YOUNG), the chairman, for his leadership; and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, on this legislation, as well as the gentleman from Ohio (Mr. LATOURETTE), chairman of the subcommittee, for their work, and in particular the gentleman from Pennsylvania (Mr. SHUSTER), my friend and colleague on the committee, who authored this legislation, for his leadership on this bill.

Mr. Chairman, I urge passage of this legislation.

Mr. Chairman, I yield such time as she may consume the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Chairman, I stand in support of H.R. 4727, but I want to bring up another matter that relates to security and it relates more to the Transportation Security Administration.

Mr. Chairman, since September 11 of last year, Congress has taken important steps to help ensure the safety of America's flying public. For example, we established the Transportation Security Administration, federalized airport baggage screeners and expanded the Federal Air Marshal Program.

Although these were valuable first steps, we must make sure that they are effective. For example, recent press reports have indicated that the Air Marshal Program has encountered significant problems as the service seeks to expand in response to last year's terrorist attacks. Subsequently, I have requested that the GAO conduct a study on reported failures of the Air Marshal Program.

Among the problems cited in recent news articles are: Many new air marshals were given guns and badges and put aboard planes and flights before extensive background checks were completed; marshals have complained that program rules, specifically the dress code, can identify them as air marshals, thereby limiting their effectiveness and putting them in jeopardy;

scheduling problems had left many marshals working as much as 16 hours a day while others are idle for weeks.

These problems, among others, have led at least 80 air marshals to resign from the program and some to consider a class action lawsuit, according to the article. These reports, if true, represent a serious decline in a program that until recently was hailed as one of the finest in our Nation.

In the wake of September 11, the movement to expand the Air Marshal Program was an appropriate response to the terror attacks. However, it is apparent that the rapid expansion of this program has caused new problems. It is my hope that the GAO report will bring to light these new problems so that the TSA and Congress can take appropriate action on behalf of the American people.

Mr. COSTELLO. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to close by thanking again the ranking member on the subcommittee for his support. As he stated, this is good bipartisan legislation, and I would urge all of my colleagues to vote today to pass the Dam Safety and Security Act.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Wednesday, September 4, 2002, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; AMENDMENT OF NATIONAL DAM SAFETY PROGRAM ACT.

(a) SHORT TITLE.—This Act may be cited as the "Dam Safety and Security Act of 2002".

(b) AMENDMENT OF NATIONAL DAM SAFETY PROGRAM ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. INTERAGENCY COMMITTEE ON DAM SAFETY.

Section 7(b) (33 U.S.C. 467(b)) is amended—

(1) by striking "Federal and State programs" and inserting "Federal programs"; and

(2) by striking "through—" and all that follows through the period at the end and inserting "through coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety."

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. NATIONAL DAM SAFETY PROGRAM.

(a) IN GENERAL.—Section 8(a)(3) (33 U.S.C. 467f(a)(3)) is amended—

(1) in subparagraph (B) by striking "implementation plan described in subsection (e)" and inserting "strategic plan described in subsection (b)"; and

(2) in subparagraph (C) by striking "subsection (f)" and inserting "subsection (e)".

(b) DUTIES.—Section 8(b) (33 U.S.C. 467f(b)) is amended to read as follows:

"(b) DUTIES.—The Director shall prepare a strategic plan—

"(1) to establish goals, priorities, and target dates to improve the safety of dams in the United States; and

"(2) to the extent feasible, to establish cooperation and coordination with, and assistance to, interested governmental entities in all States.".

(c) OBJECTIVES.—Section 8(c) (33 U.S.C. 467f(c)) is amended—

(1) in paragraph (5) by striking "and" at the end;

(2) in paragraph (6) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) develop technical assistance materials, seminars, and guidelines to improve security for dams in the United States.".

(d) FUNCTIONAL ACTIVITIES.—Section 8(d)(3)(A) (33 U.S.C. 467f(d)(3)(A)) is amended by striking "and shall be" and all that follows through the period at the end and inserting "and shall be exercised by chairing the Board to coordinate national efforts to improve the safety of the dams in the United States.".

(e) IMPLEMENTATION PLAN; DAM SAFETY TRAINING.—

(1) IN GENERAL.—Section 8 (33 U.S.C. 467f) is amended by striking subsections (e) and (g) and redesignating subsections (f) and (h) as subsections (e) and (f), respectively.

(2) CONFORMING AMENDMENTS.—Section 2 (33 U.S.C. 467) is amended—

(A) in paragraph (1) by striking "section 8(h)" and inserting "section 8(f)"; and

(B) in paragraph (12) by striking "section 8(f)" and inserting "section 8(e)".

(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e) (as redesignated by subsection (e) of this section) is amended—

(1) in paragraph (1) by striking "the Director shall provide assistance" and all that follows through the period at the end and inserting "the Director shall provide assistance with amounts made available under section 13 to assist States in establishing, maintaining, and improving dam safety programs in accordance with the criteria specified in paragraph (2).";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "primary"; and

(ii) by striking ", and for a State to be eligible" and all that follows before the colon;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking "For a State to be eligible for assistance under this subsection, a State" and inserting "A State"; and

(ii) in clause (vi) by inserting "improve security," before "revise operating procedures,"; and

(3) in paragraph (3) by striking "contract" each place it appears and inserting "agreement".

(g) BOARD.—

(1) ESTABLISHMENT.—Section 8(f)(1) (as redesignated by subsection (e) of this section) is amended—

(A) by striking "The Director may establish" and inserting "The Director shall establish"; and

(B) by striking "to monitor" and all that follows through the period at the end and inserting "to monitor the safety of dams in the United States, to monitor State implementation of this section, and to advise the Director on national dam safety policy.".

(2) VOTING MEMBERSHIP.—Section 8(f)(3) (as redesignated by subsection (e) of this section) is amended—

(A) in the paragraph heading by striking "MEMBERSHIP" and inserting "VOTING MEMBERSHIP";

(B) in the matter preceding subparagraph (A) by striking "11 members" and inserting "11 voting members"; and

(C) by striking subparagraphs (F) and (G) and inserting the following:

"(F) 5 members shall be selected by the Director from among State dam safety officials; and

"(G) 1 member shall be selected by the Director to represent the private sector.".

(3) NONVOTING MEMBERSHIP; DUTIES; WORK GROUPS.—Section 8(f) (as redesignated by subsection (e) of this section) is amended—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (7), (8), and (9), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) NONVOTING MEMBERSHIP.—The Director, in consultation with the Board, may invite representatives from Federal or State agencies or dam safety experts, as needed, to participate in meetings of the Board.

"(5) DUTIES.—

"(A) IN GENERAL.—The Board shall encourage the establishment and maintenance of effective programs, policies, and guidelines to enhance dam safety for the protection of human life and property throughout the United States.

"(B) COORDINATION AND INFORMATION EXCHANGE AMONG AGENCIES.—In carrying out subparagraph (A), the Board shall encourage coordination and information exchange among Federal and State dam safety agencies that share common problems and responsibilities for dam safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

"(6) WORK GROUPS.—The Director may establish work groups under the Board to assist the Board in accomplishing its goals. The work groups shall consist of members of the Board and other individuals selected by the Director.".

(4) TRAVEL EXPENSES.—Section 8(f) (as redesignated by subsection (e) of this section) is amended by striking paragraph (8) (as redesignated by paragraph (3)(A) of this subsection) and inserting the following:

"(8) TRAVEL EXPENSES.—

"(A) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in apropriations Acts, each member of the Board who represents a Federal agency shall be reimbursed of appropriations for travel expenses by his or her agency, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

"(B) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, each member of the Board who represents a State agency, the member of the Board who represents the private sector, and each member of a work group created under paragraph (1) shall be reimbursed for travel expenses by FEMA, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Board."

The CHAIRMAN. Are there any amendments to section 3?

AMENDMENT OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WU:

In section 3(g)(3)(B) of the bill, before "may invite" insert "may invite a representative of the National Laboratories of the Department of Energy and".

Mr. WU. Mr. Chairman, I would like to recognize the courtesy of the gentleman from Pennsylvania (Mr. SHUSTER) for working with me on this amendment.

Dams are an extremely important part of our Nation's infrastructure, equal in importance to bridges, roads or airports; but like these other crucial assets, safety is the key to the effectiveness of a dam. Dam failures can be devastating for downstream populations and property to the dam owners, for the dam's intended purpose, such as generating electricity, flood control, irrigation, navigation. Property damage can range in the thousands to billions of dollars and no price can be put on the lives which would be lost or could be lost in the future due to dam failure.

Failures know no State boundaries. Inundation from a dam failure could affect several States and large populations.

In the past several years there have been hundreds of documented dam failures across the Nation. Earlier in the century many dams failed due to lack of proper engineering and maintenance and even natural disasters. Today we also have to be concerned about terrorist attacks.

Through a public/private partnership, the outlook is improving for dam safety. Today's legislation expands on the earlier Dam Safety Act and I am very happy to support it. However, there is more that we can do and that is what my common sense amendment is about.

After September 11 I visited a number of the many dams along the Columbia River to investigate what the Federal Government can do to improve the state of our dams. One of the crucial things that I learned from my conversations with the many officials responsible for the operation and safety of these dams was that some of them felt they did not have the technological capability to do the proper modeling of certain disasters, including terrorist attacks, explosions and the effect of earthquakes on large concrete dams. Their computers just could not handle the computational volume to adequately assess what would happen under certain circumstances.

However, the national laboratories of our Department of Energy do have this capability. They have the most powerful supercomputers in the world. And in certain instances, State and local officials have already worked with the national labs using their supercomputers to do the necessary modeling of explosions and earthquakes.

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They were then able to model more accurately the potential for catastrophic dam failure.

We should use all the technology available to us to improve the safety of our dams. My amendment would help ensure that the national labs work with dam officials by including a representative from the national labs on the national review board. This representative would serve as a nonvoting member and would work with the review board in an advisory capacity.

We can learn a great deal from the national labs. They have already helped some of the dam officials with whom I have spoken. It is important that we ensure that we continue to help officials throughout the country.

My amendment would do that, and I urge my colleagues to join me in supporting this important commonsense amendment.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield?

Mr. WU. I yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Wu amendment that seeks to permit FEMA to invite an official from one of the Department of Energy's national laboratories to participate as a nonvoting member of the Dam Safety Review Board.

Our national laboratories' involvement in counterterrorism and anti-terrorism programs began years ago as a part of our work to develop technology to protect nuclear weapons and nuclear energy facilities against terrorists. Much of this technology also proved valuable for securing other important facilities and is now helping to fight terrorism throughout the world and to meet the Nation's homeland security needs.

The national labs can assist the Dam Safety Review Board and Dam Safety Task Force by providing technical support through modeling disaster scenarios in other related areas.

In light of the Nation's need to protect our Nation's infrastructure, including dams, from possible terrorist attacks, including an official from the national labs on the Dam Safety Review Board will assist us in furthering these goals by providing technical support in computer modeling simulations and other related security support.

I compliment the gentleman for his amendment and urge its adoption.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the interest in the legislation my colleague from Oregon has shown, and we are prepared to accept the amendment.

The amendment merely clarifies that the director may invite a representative of the national laboratories of the Department of Energy to participate in meetings or working groups of the board. This amendment makes no substantive change to existing law and, in fact, represents current practice of FEMA which is to include the national labs in many of their activities.

I am pleased that we could come to a mutually agreed-upon resolution to this amendment, and I appreciate the gentleman from Oregon's (Mr. WU) interest on this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 3?

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 4. RESEARCH.

Section 9(a) (33 U.S.C. 467g) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "in cooperation with ICODS" and inserting "in cooperation with the Board"; and

(B) by inserting "and support" after "develop";

(2) in paragraph (1) by striking "and" at the end;

(3) in paragraph (2) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(3) development and maintenance of information resources systems needed to support managing the safety of dams; and

"(4) initiatives to guide the formulation of effective public policy and advance improvements in dam safety engineering, security, and management.".

SEC. 5. DAM SAFETY TRAINING.

The Act (33 U.S.C. 467 et seq.) is amended—

(1) by redesignating sections 10, 11, and 12 as sections 11, 12, and 13, respectively; and

(2) by inserting after section 9 the following:

"SEC. 10. DAM SAFETY TRAINING.

"At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.".

SEC. 6. REPORTS.

Section 11 (as redesignated by section 5 of this Act) is amended by striking subsection (a) and all that follows through "(b) BIENNIAL REPORTS.—".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) ANNUAL AMOUNTS.—Section 13(a)(1) (as redesignated by section 5 of this Act) is amended—

(1) by striking "sections 7, 8, and 10" and inserting "sections 7, 8, and 11"; and

(2) by striking "$1,000,000 for fiscal year 1998," and all that follows through the period at the end and inserting "$6,000,000 for each of fiscal years 2003 through 2006, to remain available until expended.".

(b) ALLOCATION.—Section 13(a)(2) (as redesignated by section 5 of this Act) is amended—

(1) in subparagraph (A) by striking "section 8(f)" each place it appears and inserting "section 8(e)"; and

(2) in subparagraph (C) by striking "needing primary assistance and States needing advanced assistance under section 8(f)".

(c) RESEARCH; DAM SAFETY TRAINING; STAFF.—Section 13 (as redesignated by section 5 of this Act) is amended by striking subsections (c) through (e) and inserting the following:

"(c) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,500,000 for each of fiscal years 2003 through 2006, to remain until expended.

"(d) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 10 $500,000 for each of fiscal years 2003 through 2006.

"(e) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 8 though 10 $600,000 for each of fiscal years 2003 through 2006.".

The CHAIRMAN. Are there other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOODE) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4727) to reauthorize the national dam safety program, and for other purposes, pursuant to the previous order of September 4, 2002, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4727 will be followed by a 5-minute vote on House Resolution 94, a motion to suspend the rules debated yesterday.

The vote was taken by electronic device, and there were—yeas 401, nays 2, not voting 30, as follows:

[Roll No. 373]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—30

Andrews
Barr
Barrett
Berman
Bono
Buyer
Carson (IN)
Clay
Condit
Conyers
Cubin
Engel
Hastings (WA)
Lantos
Lucas (KY)
McKinney
Miller, Gary
Mink
Moran (VA)
Northup
Rohrabacher
Roukema
Sánchez
Schrock

Smith (WA)
Stump
Thomas
Towns
Velazquez
Young (AK)

☐ 1117

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS OF VENUS AND SERENA WILLIAMS

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 94.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 94, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 35, as follows:

[Roll No. 374]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—35

Andrews
Barr
Barrett
Berman
Bono
Buyer
Carson (IN)
Clay
Condit
Conyers
Cox
Cubin
Davis, Jo Ann
Dunn
Hastings (WA)
Hostettler
Houghton
Johnson, Sam
Lantos
Lucas (KY)
McKinney
Miller, Gary
Mink
Northup
Rohrabacher
Roukema
Sánchez
Schrock
Smith (WA)
Stump
Thomas
Towns
Velazquez
Wamp
Young (AK)

☐ 1132

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. THOMAS. Mr. Speaker, I would like the RECORD to reflect that I did not vote on rollcall votes Nos. 373 and 374 because I was unavoidably detained. Had I been present, I would have voted "yea" on both H.R. 4727 and H. Res. 94.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on Thursday, September 5, I was unavoidably detained due to a prior obligation in my district. I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yea" on rollcall No. 373 and "yea" on rollcall No. 374.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4727.

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, I take this time for the purpose of inquiring about the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Monday, September 9, at 12:30 p.m. for morning hour, and 2 o'clock p.m. for legislative business. I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today.

Mr. Speaker, recorded votes on Monday will be postponed until 6:30 p.m.

For Tuesday, I am working with the Committee on Financial Services on the possibility of scheduling H.R. 1701, the Consumer Rental Purchase Agreement Act for consideration in the

House. The Committee on the Judiciary has had that bill under consideration today.

On Wednesday, September 11, along with the minority leader, the gentleman from Missouri (Mr. GEPHARDT), I hope to bring a resolution to the floor in remembrance of the victims and heroes of September 11. A vote on that resolution will be postponed until 5 o'clock p.m. on Wednesday. No further legislation is expected on the floor on that day, Wednesday of next week.

On Thursday I have scheduled H.R. 5193, the Back to School Tax Relief Act of 2002, which is being considered today in the Committee on Ways and Means.

Ms. DELAURO. Mr. Speaker, I thank the gentleman.

If I can, I would like to just ask several questions.

Will there be votes next Friday?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for that inquiry.

I must say we are working with the committees now. It is not clear that we will not have votes. My best advice to all of us is to plan on votes next Friday; and as soon as it becomes evident that we will not have business to conduct on Friday, I will advise all the Members and the leadership on the gentlewoman's side of the aisle as soon as possible.

Ms. DELAURO. Mr. Speaker, does the gentleman anticipate and expect the bankruptcy conference report to come up next week?

Mr. ARMEY. Mr. Speaker, again I want to thank the gentlewoman for the inquiry.

I believe it is very possible we might be able to bring that to the floor next week, so I would expect Members to anticipate it being on the schedule. I have not worked out the final clearances on that bill, but I do think I will by the end of the day.

Ms. DELAURO. Mr. Speaker, I would like to make an inquiry about the Labor-HHS bill. As our kids are back to school, education is the number one issue that faces the country. The bill that is before us cuts education about $7.2 billion below H.R. 1, the authorization bill the President signed last year; and it does not have an increase for inflation and no increase for school enrollment in it.

When does the gentleman expect the Labor-HHS bill to come to the floor of the House?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman again for the inquiry.

The President's budget and our own budget allows us to bring that bill to the floor with a 5 percent increase over last year's appropriation. We will be working with the committee of jurisdiction on that, and it is my anticipation we can move so; but I do not see the possibility right now to announce any scheduling of it.

Ms. DELAURO. Mr. Speaker, I thank the gentleman for the answer to the scheduling question, but I might add that there really is a freeze on education, so that is an elusive 5 percent.

Mr. ARMEY. Mr. Speaker, if the gentlewoman will yield further, I would just mention that the gentlewoman makes the debate entertaining and informative, and I do appreciate it.

Ms. DELAURO. Mr. Speaker, I thank the gentleman.

This is an institution where rumors fly all of the time. This is about rumors of a lame duck session. Would it not be better if we tried to get the work that we need to get done, and I understand that there is a lot of work to get done, and that we get it done as we try to meet an October deadline? So my question is, will there be a lame duck session? Does the gentleman anticipate that is what we are going to be faced with?

Mr. ARMEY. Mr. Speaker, again I thank the gentlewoman for her inquiry. At least I can speak for this Member and say in pointing out that any discussions of lame ducks are somewhat unnerving to this Member at least. Obviously, we are disconcerted a little bit for the failure of the other body to produce a budget and maintain some basis by which we might work out some of our differences.

I, for one, am not ready to concede that a lame duck will be necessary or in fact will be part of our experience. I believe that at some point between now and, say, the middle of October, we will come to a point where we will be able to complete our work for the year and perhaps even for this Congress. So at this point I do not speak in terms of a high probability for what is referred to as a lame duck session.

Ms. DELAURO. Mr. Speaker, I think we concur on the issue to avoid a lame duck session. But does the gentleman think we will go beyond October 4 in terms of adjournment?

Mr. ARMEY. Mr. Speaker, again, if the gentlewoman will yield, it has been my experience in the years I have been here that it is most probable that we will in fact be in session for at least a week beyond the 4th. That is just a matter of sort of practical prognosis, given the experience.

Ms. DELAURO. Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO MONDAY, SEPTEMBER 9, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENDING BIRTHDAY WISHES TO ALYNE BYRD

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that this body join me in wishing my mother-in-law, Alyne Byrd, a most happy birthday this weekend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GROWING HUBRIS IN THE EUROPEAN UNION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. BEREUTER. Mr. Speaker, the European Union is threatening to refuse food and livestock exports from African countries now facing famine which also accept any food assistance from the United States that might include genetically modified grains. This is economic blackmail, and many people in Africa will be forced to pay with their lives because of starvation.

In EU countries, where healthful food is plentiful and is subsidized to a degree that is unmatched elsewhere in the world, it is easy to spread harsh, emotional rhetoric on genetically modified organisms, or GMOs. However, EU countries must examine the issue of GMOs from the perspective of Third World countries which face debilitating famines. Third World countries desperately need enriched, disease-resistant, drought-tolerant GMO seed to provide a steady, nutritional food source to feed their people.

We Americans have too passively watched the Luddites in the EU use their emotion-driven fears to stop American GMO exports, but it is absolutely intolerable that they are blackmailing African leaders to reject American food aid in the face of famine in that continent.

European Union countries certainly have a moral obligation to investigate GMOs through sound science techniques, not simply passing regulations on the basis of opinions of the European mass media and popular culture.

[From the Omaha World-Herald, Sept. 4, 2002]

U.S. Conscience Is Clear

Some African nations choose ignorance and death.

What a wrenching picture starving Zambians standing outside a bulging grain distribution warehouse, grain sacks empty. "Please give us the food," an elderly blind man pleads with aid workers. "We don't care if it is poisonous because we are dying anyway."

Ironically—if that word is strong enough to cover impending death—the food isn't "poisonous" at all. It is the same food that Americans, Canadians and people from many other countries eat daily. It contains some grain that is genetically modified, but the major safety concern is the remote possibility of allergic reactions in some people.

Zambian President Levy Mwanawasa has told the United Nations and the United States that his nation would "rather starve" than feed biotech corn to its people. He personally, of course, is not starving.

The country has turned down more than 50,000 tons of corn from the United States. About 2.5 million Zambians are in danger of dying if help doesn't come quickly. In rural areas of the country, where drought and government mismanagement have devastated the fields, many people are reduced to eating leaves and twigs.

Estimates indicate that 13 million people in six southern African nations, including Zambia, are facing famine. Zimbabwe and Mozambique have also refused American help. Malawi, Leostho and Swazliand have taken U.S. food aid.

As usual, it is the United States that stepped up to help these countries, not the well-fed European nations that are leading the mob against biotech crops. When that aid is refused by a president who would rather let his people die than believe the sweeping evidence that biotech grains are safe for the vast majority of people—well, the ignorance and callousness are just staggering.

The United States can only offer. It should continue to do so. Sad as all of this is, the innocent victims of famine and ignorance are not on America's conscience.

African Famine, Made In Europe

(By Robert L. Paarlberg)

Southern Africa is suffering its worst drought in a decade. The U.N. World Food Program estimates some 13 million people in six countries will need 1.2 million tons of food aid till March 2003 to avoid famine. Yet two countries, Zimbabwe and Zambia, have spent most of the summer rejecting food aid shipments of corn from the U.S. because some varieties of U.S. corn are "genetically modified" (GM). Incredibly, African leaders facing famine are rejecting perfectly safe food. What is going on here?

REGULATORY AUTHORITIES

Farmers in the U.S. have been planting (and Americans have been consuming) genetically engineered corn, soybeans and cotton since 1995. Regulatory authorities in the EU and Japan have also approved such GM crops, but in Europe food safety regulators have been mistrusted by consumers ever since the unrelated but traumatizing mad cow disease crisis of 1996. EU Commissioner for Health and Consumer Affairs David Byrne repeatedly states there is no scientific evidence of added risk to human health or the environment from any of the GM products approved for the market so far, and he can point to 81 separate scientific studies, all EU-funded, that bolster this conclusion.

But greens and GM critics in Europe say this absence of expected or known risks is no longer a sufficient regulatory standard. Touting the "precautionary principle," they argue that powerful new technologies should be kept under wraps until tested for unexpected or unknown risks as well. Never mind that testing for something unknown is logically impossible (the only way to avoid a completely unknown risk is never to do anything for the first time).

Europeans can perhaps afford hyper-caution regarding new crop technologies. Even without planting any GM seeds, European farmers will continue to prosper—thanks to lavish subsidies—and consumers will remain well fed. The same is not true in the developing world, especially in Africa, where hunger is worsening in part because farmers are not yet productive.

Two-thirds of all Africans are farmers, most are women, and they are poor and hungry in part because they lack improved crop technologies to battle against drought, poor soil fertility, crop disease, weeds and endemic insect problems. The productivity of African agriculture, per farm worker, has actually declined by 9% over the past two decades, which helps explain why one-third of all Africans are malnourished.

This ought to change the calculus of precaution. If GM-improved crops are kept out of the hands of African farmers, pending tests for the "nth" hypothetical risk, or the "nth" year of exposure to that risk, the misery of millions will be needlessly prolonged.

But now we are seeing an even less justified application of regulatory caution toward GM foods. Governments in Africa that are facing an actual famine have been rejecting some food aid shipments because they contain GM seeds. In May 2002, the government of Robert Mugabe in Zimbabwe rejected 10,000 tons of corn shipped from the U.S. because it was not certified as GM-free. This at a time when four to six million Zimbabweans approached a risk of starvation

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Precautionary European policies toward the environment are also keeping Africans from growing their own food. The EU has been insisting that governments in Africa treat GM crops as a potentially serious threat to rural "biological safety." This helps explain why there are no GM crops yet being planted commercially anywhere on the continent, except in the nation of South Africa. Instead of helping Africa's hungry to grow more food, European donors are helping them grow more regulations.

African governments also must worry that accepting GM food aid will cost them commercial export sales to Europe. The EU has not been importing any U.S. corn since 1988, because U.S. shipments can contain GM varieties not yet approved in Europe. African governments now worry that any illicit planting of U.S. corn by farmers could jeopardize their own exports to Europe. Trying to remain GM-free for commercial export reasons is a policy that does not help poor subsistence farmers, but it may soon become the norm in Africa, once the EU moves next year toward much tighter labeling and traceability regulations on all imported GM foods and animal feeds.

DOCUMENTARY RECORDS

Even while professing that GM foods are safe, EU officials will soon require that they be traced individually through the marketing chain, with legal documentary records to be saved by all producers and handlers for five years. African countries won't have the institutional capacity to implement this traceability regulation, so they will have to remain GM-free to retain their access to the EU market. Meat products raised with GM feed are not yet covered by this new EU regulation, but Zambia's initial rejection of GM corn in food aid shipments was partly based on a fear that if the country lost its GM-free animal feed status, poultry and diary exports to the UK would slump.

By inducing African governments to embrace excessively cautious biosafety, regulations and by requiring stigmatizing labels and costly traceability certificates for all imported GM foods and feeds, wealthy and comfortable officials in Europe have made it harder for drought-stricken societies in Africa to accept food aid from the U.S. European critics of GM foods did not foresee this potentially deadly misapplication of their precautionary principle. Yet here it is.

[From the Los Angeles Times, Sept. 3, 2002]

The "Pure" and Starving Poor

ENVIRONMENTALISTS STIFLE MODERN AGRICULTURE IN THE THIRD WORLD

(By James P. Pinkerton)

JOHANNESBURG, South Africa.—The apartheid system is gone, but many here at the World Summit on Sustainable Development seem to want to bring back a form of "separate and unequal"—for South Africa and for the rest of the Third World—in the form of environmental regulation that would stifle economic development.

Politically correct greens, of course, recoil at the thought of any kind of racism, but actions speak louder than words. So if ecological activists from the developed countries of the north push policies that would retard agriculture in the developing south, consigning billions to permanent poverty, maybe they deserve to be labeled "neo-apartheidists."

* * * * *

Today, greens still seem intent on keeping Third Worlders innocent of advanced civilization—even if that means keeping them poor. One flashpoint issue is genetically engineered food. In the last two decades, this food has become a part of our lives. Indeed, genetically engineered-derived vaccines and medicines—targeted on diabetes, meningitis, hepatitis, cancer—are lifesaving. Maybe that's why I never hear about American environmentalists protesting the advance of genetically engineered techniques; the greens of the U.S. don't dare block American health therapies, which they themselves may depend on.

* * * * *

The greens of the north want pure food, and they also want the people of the south to stay pure. For their part, poor southerners want more food, period, and if they think genetic engineering will help them, they will fight for it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PREVENTING FOREST FIRES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. **Duncan**) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, once again, millions of acres out west have burned, causing billions of dollars in damage. We were warned in the Subcommittee on Forests and Forest Health in early 1998 and early 2000 that this was going to happen; and then a few months later in 2000, 7 million acres burned, causing $10 billion worth of damage.

If I went out and burned down one tree in a national forest, I would be arrested; and yet, because of the policies of the past administration and following these extremist environmental groups, these policies have caused millions and millions of acres out west to burn and caused billions of dollars' worth of damage.

This year, 20 firefighters have lost their lives because of the fires out there. Also one of my constituents, a young woman firefighter in an accident fighting one of the fires, has been paralyzed from the waist down.

Extremist groups, Mr. Speaker, protest any time anyone wants to cut any trees, even though we have many millions more acres in forest land now than 50 or 100 years ago. I will repeat that. We have many millions more acres in forest land now than 50 or 100 or 150 years ago. These groups have driven many small logging companies out of business. Most of these fires have been caused by groups which have stopped even the thinning of forests or the removal of dead and dying trees, resulting in a tremendous buildup of fuel on the floors of our national forests.

The Washington Times had a front page story a few days ago which said, "There are simply too many trees." It quoted Dale Bosworth, head the U.S. Forest Service, who said, "We have so many more trees out there than under natural conditions. There might have been 40 or 50 Ponderosa pine per acre at one time. Now you have several hundred per acre."

The June 27 Washington Post had a headline reading, "Did politics put a match to West wild lands?"

As I said, we were warned in the Subcommittee on Forests and Forest Health that these fires would occur, also in early 1998 that we had some 40 million acres in imminent and immediate danger of catastrophic fires. Yet the political strengths of environmental groups were too strong to do anything about it.

Jay Ambrose, director of editorial policy for the Scripps-Howard newspaper chain, wrote that the most flammable and dead trees and underbrush should have been removed, but "the extreme environmentalists hate the prospect. It is unconscionable to them that anyone might make money off the forests. Never mind that a multi-use, private-public plan would help save the national forests from high-heat scorching fires that will slow renewed growth, and never mind that mechanical thinning would give firefighters a chance of controlling fires and protecting homes without risking their own lives."

□ 1145

Mr. Ambrose ended by saying, "The extremist ideology spits on private enterprise."

Mr. Speaker, these fires are continuing. We have been holding a hearing today in the Committee on Resources about this important issue with the Secretary of the Interior and the Secretary of Agriculture. The Congress passed a law in the mid-1980s that the environmentalists wanted saying that we would not cut more than 80 percent of the new growth in the national forests. Now we have approximately 23 billion board feet of new growth each year, but we are only allowing less than 3 billion board feet, less than one-seventh of the new growth to be cut. This is less than half of the dead and dying trees. This has led to a tremendous fuel buildup on the floor of the forests and is the main reason for these fires that we have been having out West.

Robert Nelson, a professor at the University of Maryland, wrote a column and said, "In fact, over the last decade, it was more important to the Clinton administration to promote wilderness values by creating roadless areas and taking other actions to exclude a human presence. This aggravated last summer's tinderbox forest conditions and continues to threaten public land." He said Federal policies have "produced an enormous buildup of small trees, underbrush and deadwood that provide excess fuels to feed flames."

Mr. Speaker, you have to cut some trees to have a healthy forest and prevent forest fires, yet, amazingly, there are extremists that oppose even the removal of dead and dying trees.

Professor Nelson said in many Federal forests, tree density has increased since the 1940s from 50 per acre to 300 to 500 per acre and that these forests are "filled with dense strands of small, stressed trees and plants that combine with any deadwood to provide virtual kindling wood for forest fires."

I recently read Bill Bryson's book about hiking the Appalachian Trail. He noted that New England was only 30 percent in forest land in 1850, but is 70 percent in forest land today. The Knoxville News-Sentinel reported a couple of years ago that Tennessee was 36 percent in forest land in 1950, while today it is almost half in forest land. Yet, if I went in any school in my district in Tennessee and asked the students there if there are more trees today than 50 or 150 years ago, they would probably all say there are many, many fewer trees today.

Mr. Speaker, there has been a tremendous amount of brainwashing going on about this type of issue, but we need to cut some trees so we can stop these horrendous forest fires out West.

CONFLICT RESOLUTION AT PLUM ISLAND RESEARCH CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SIMMONS) is recognized for 5 minutes.

Mr. SIMMONS. Mr. Speaker, I am joined here today by my colleague, the gentleman from New York (Mr. GRUCCI), of the Second Congressional District of New York. I, of course, represent the Second Congressional District in Connecticut. We share a common border that runs right down the center of Long Island Sound. Located in the center of Long Island Sound is the Plum Island Research Center, an activity of the U.S. Department of Agriculture which, for 50 years, has been engaged in very sensitive scientific research into animal diseases. This is a very sensitive and very important activity, especially now, especially now when issues of bioterrorism raise the question as to whether America's food supply is safe.

It is against this backdrop of national security and against this backdrop of Long Island Sound, a very precious and important environmental asset, that I rise today to make my remarks in support of the Operating Engineers Local 30 of the AFL–CIO which, for the first time in 50 years, the first time in 50 years, has gone out on strike against the Plum Island facility.

These workers have been without a contract for 11 months. The last offer that they got from the civilian contractor degraded their pay and their benefits dramatically for the third time in the last 10 years. Finally, in desperation, with no other alternative available to them, they have gone out on strike. All they are asking for, all they are asking for at this point to go back to work is binding arbitration; binding arbitration. How difficult is that? How serious a request is that? Binding arbitration.

Mr. GRUCCI. Mr. Speaker, will the gentleman yield?

Mr. SIMMONS. I yield to the gentleman from New York.

Mr. GRUCCI. Mr. Speaker, I thank the gentleman for sharing this time with me, and we will continue this dialogue in the next 5 minutes as well, but I do want to join in with my colleague, the gentleman from Connecticut (Mr. SIMMONS). I represent the First Congressional District of New York where Plum Island is indeed housed. I share with him his passion for our workers, the men and the women who make up Local 30 of the Operating Engineers. Indeed, they do have a legitimate gripe against LL&B, the managing entity for Plum Island. We are talking about being 50 cents apart that would bring conclusion to this strike, that would bring conclusion to them being without a contract for 11 months.

As I said to those in the Department of Agriculture and as I said to those in the White House, and as I said to those who manage LL&B, we have a much bigger picture here than just the 75 employees that are at Plum Island who I care for very deeply; we also have the whole issue of our homeland defense. As Plum Island moves out from under the umbrella of the Department of Agriculture and is hoped to be a part of homeland defense, we must make sure that the employees are treated fairly and are treated equally as they were before the switch into homeland defense. I said to those folks, make sure that you do not jeopardize the intent of the President to have a homeland defense that has indeed incorporated Plum Island into it, because if you do not treat our employees properly, if you do not treat them with the respect that they deserve, if you do not treat them fairly, I cannot support it, and you will be held responsible, LL&B, for the actions taken by you against a number of people who are only asking for an increase of 50 cents towards their medical portion of their health care costs.

I know that the gentleman from Connecticut shares with me not only the concerns for the employees and the scientists, but that very precious body of water that lies between Connecticut and Long Island, which is the Long Island Sound, and we have been working together on a number of those issues like bringing $11 million back to help purify and clean that pristine body of water. But today we are here to talk about the employees of Plum Island.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for his comments. It is always a pleasure to work with him across district lines, across State lines, but for the common good and for a common purpose.

The interesting thing about Plum Island is that over the 50 years of its sensitive and secure research, there have not been any significant accidents or issues that might concern us, but the question has to be raised: If all of the operating engineers, the people that operate the boats, the people that operate the water systems, the people that operate the incinerators and the air-conditioning systems of this sensitive biological research facility are taken off the island and are not there because of this strike, the people who are licensed to operate all of these facilities are not there and we bring in outside workers from other facilities around the country, which bear no relationship to this kind of research, what risks exist? I realize that the managers say everything is great, everything is fine. I do not believe it. I think that there is a security issue that we have to be concerned about. I think that the sensitive mission that takes place out there is being disrupted because of the strike, and it is over a few nickels and dimes of health benefits and health care.

Mr. Speaker, this is a ridiculous situation for us to be in, when this body has authorized and appropriated literally billions of dollars in the fight against international terrorism and yet we are shortchanging reliable, honest, decent workers right here at home, right out there on Plum Island.

Mr. GRUCCI. Mr. Speaker, I agree wholeheartedly with all of the comments and associate myself to them of the gentleman from Connecticut. One of the things that is hard for other people to understand is that when you look at the cost of living on Long Island and certainly out in that region, it is very costly, and to bring this to conclusion would be the right thing.

CONTINUED DISCUSSION OF CONFLICT RESOLUTION AT PLUM ISLAND RESEARCH CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GRUCCI) is recognized for 5 minutes.

Mr. GRUCCI. Mr. Speaker, I rise to address the House today and to share in a colloquy with the gentleman from Connecticut (Mr. SIMMONS), and to continue this discussion that we have been having on Plum Island and Plum Island issues.

We have been talking about the need for this debate that is taking place about 50 cents for health care benefits to come to conclusion. One of the things that I have offered up, as I have been in constant communication with the members and the leadership of Local 30, and I have been in constant communication with the White House on this issue, and I have spoken to the Under Secretary and to the Secretary of Agriculture on this issue; I have spoken to a number of people at LL&B on this issue to bring this thing to conclusion, and we have offered a mediator to come in to mediate these problems.

The gentleman whose name was put into consideration, and, I may add, has been accepted by the union as a viable alternative to the strike that we have going on out there, is the Commissioner of Labor for Suffolk County, Jack O'Donnell. Jack has a long and rich history in negotiating labor disputes between government and between labor and guiding them to a successful and complete resolution in the best interest of all parties concerned. We have not heard back from LL&B as to whether or not they would accept Mr. O'Donnell as the mediator, but we would encourage them to please consider this. It is very, very important that we bring this to conclusion.

There is an issue about safety on the island. We care very deeply about that. Plum Island's animal disease research work is being done at bio-safety level 3. We are concerned that any change in that would have a Draconian effect on the safety of the community and the people who live in that area, as it would now be able to do diseases and work on diseases that have no known cures. So one of the things that I worked on on the Committee on Science, as Plum Island was moving to homeland defense, was that an amendment be added that for any change in operation, the Department of Agriculture or the new Homeland Defense Department, must notify Congress so that we can have our voices heard on this decision, so that those who work on the island, those who live in that community, and those who share a common boundary with Plum Island can make sure that their quality of life is safe.

I yield now to my colleague, the gentleman from Connecticut (Mr. SIMMONS), representing the Second Congressional District, as we share common ground, not only with the Long Island Sound, but with workers on Plum Island.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman from New York. I have had the opportunity to go to the picket line in my district in Connecticut and meet and talk with all of the workers there. They want to get back to work. One of them said his wife is 7 months pregnant. He is concerned about the future of his job. She is concerned about whether he will have enough money over the next couple of months so that they can deal with the arrival of a firstborn.

Many of these workers have been out there for many years. They enjoy their work and they are good at it. But this contracting and recontracting and recontracting has degraded the numbers of the workforce and has put tremendous burdens and pressures on them. To take away pay and benefits at the same time and to ignore binding arbitration requests and, in fact, it appears to ignore a request for mediation that was supposed to have taken place on September 4, is ridiculous under the circumstances.

Let me just share with the Chamber one situation we had a few years ago with the Naval Underwater Warfare Center in New London and in Newport, Rhode Island. When that facility was consolidated in Newport, all of the scientists who lived west of New London were now going to have to commute for an hour and a half to work. Many of the senior scientists retired or resigned because they did not want to do the commute. If Plum Island happens to be shut down because management cannot accommodate the marginal requests of the workers, where is this research going to be moved to? Ames, Iowa. And all of the dozens and dozens of skilled scientists and workers out there are going to have to make this critical choice: Do I move to Iowa, or do I find another job?

Mr. Speaker, we have a situation here which is ridiculous, because the capabilities of this facility that has been operated smoothly for 50 years is now at risk, and at a time when bioterrorism and threats to the food supply are so critical, it is absurd, it is absurd that the debate over these nickels and dimes for health care should be allowed to be sustained.

□ 1200

Mr. GRUCCI. As my colleague will attest to, the work done at Plum Island has been exemplary. Those in the scientific community, those in the maintenance field, those who work on Plum Island have done an outstanding job, and it has just come to my attention that the teams did meet yesterday. We are hoping to bring them to conclusion.

I see that my time has expired, but let me close by saying I am squarely in support of the union and the labor movement on this. I think they are right. This is an issue of 50 cents, and for LL&B to close out any opportunity for them to come to conclusion is wrong. We need to bring this to a successful end.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, during the August recess, I had the opportunity to meet with a number of my constituents from all walks of life and hear what was on their mind. The question that came up over and over was are we going to invade Iraq and, if we were, what did that mean? How many troops would it take? Would we have to attack civilian centers? How long would we have to stay in Iraq? Would our allies join us? How much would it cost? Who would rule Iraq after we invaded? How would this affect our efforts in Afghanistan? How would this affect our efforts to promote peace in the Middle East?

I have thought long and hard about this matter as I am sure all of my colleagues have. I believe the questions my constituents have raised are legitimate and require genuine and detailed replies. I also believe that as a Member of this body, I need to know in very specific detail how the United States will find and allocate the necessary resources for such a venture without jeopardizing our current priorities in Afghanistan and the Middle East.

Dismantling and destroying the al Qaeda terrorist network and stabilizing and restoring a functioning representative government in Afghanistan are top priorities for U.S. policy.

We are a long way from achieving these goals. Known al Qaeda and Taliban fighters continue to operate in parts of Afghanistan and Pakistan. Other top al Qaeda leaders are known to be in Iran. Al Qaeda funds have been relocated to Sudan. The task of creating a stable post-conflict government in Afghanistan has barely begun, and warlords are reasserting their hold over former territory. Development aid has been slow to arrive and even slower to take effect, and most is unable to reach very far beyond Kabul.

Mr. Speaker, I recognize that it will take years for Afghanistan to become truly stable and able to meet the needs of its own people, but right now the country is already beginning to slip backward. It is imperative that we stay the course and succeed in Afghanistan, and it will cost the United States a great deal in time, personnel, effort, and money.

Completing the mission in Afghanistan requires holding together the international coalition Washington assembled following the September 11 attacks. War in Iraq, especially any unilateral action, would almost certainly shatter that coalition and alienate significant partners. A unilateral U.S. invasion of Iraq will make it difficult to get Arab support for a fair and lasting resolution to the Middle East conflict. It would also inflame anti-American sentiment in the region. Diplomacy and coalition building aside, the military challenges of war and especially its aftermath in Iraq are still quite formidable. Iraq, like Afghanistan, is a multi-ethnic, multi-cultural nation with no apparent popularly supported opposition. Armed paramilitary and clandestine organizations opposed to a U.S.-led occupation of Iraq are likely to engage in guerrilla attacks against American soldiers. Internal strife and even civil and ethnic war are even more likely. Experts on Iraq from both prior Republican and Democrat administrations have indicated that it could take a decade or more of U.S. troops occupying Iraq before it is stable once more.

I will listen closely to the speech that President Bush will deliver next week at the United Nations. I welcome the fact that the administration has decided to reach out to our allies and to work with the United Nations on this matter. The President has also made the right decision to come before Congress and seek specific authorization for any military action in Iraq. Many questions remain to be answered before deciding how best to prevent the regime of Saddam Hussein from developing or deploying offensive weapons against other nations.

In the meantime the U.S. and the international community must continue to put maximum pressure on the Iraqi regime and press for resumption of unconditional international weapons inspections. The President should continue to work through the United Nations Security Council, and the U.S. should exercise restraint and continue to build an international coalition, including Arab nations, dedicated to completing the job in Afghanistan and willing to work jointly for more genuinely representative government in Baghdad.

Mr. Speaker, in conclusion let me just say that I am deeply concerned with the policy that the administration has articulated thus far on Iraq. It will take a far more compelling presentation to convince me and many of my constituents that war is the right and only course remaining for the United States to take in Iraq.

SEPTEMBER 5, 2002, LETTER TO PRESIDENT BUSH REGARDING IRAQ

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I, too, just returned from a month in my district, and spent a good deal of time traveling the district and talking with my constituents. I have a district that in fact voted in the majority for George Bush, and yet, I found, widely traveling my district, talking to diverse groups of constituents, a lot more questions than certainty about the President's position on Iraq. In fact, there is a great deal of misgiving in my district, as I believe there is abroad in the land.

The gentleman who preceded me made an eloquent case on a number of points, and I will not repeat those but I will emphasize a few others.

I am today sending a letter, along with 17 other Members of Congress, to the President. We are pleased that the President has now recognized the constitutional authority of the Congress to declare war and about the fact that he will come to Congress for approval for a war against Iraq.

At this point, I would venture and hope that Congress would not be willing to grant such approval to the President, given the lack of specificity and the many questions that need to be answered.

Among the questions that need to be answered are the following:

What is the threat posed by Saddam Hussein to the United States? UNSCOM said they destroyed 90 to 95 percent of their weapons of mass destruction. Is there convincing evidence of renewed production of chemical and biological weapons? Is there evidence that Iraq has successfully produced a nuclear weapon? Is there evidence Iraq has produced a reliable delivery system for weapons of mass destruction?

Are there new developments that mean Iraq poses an imminent threat to the United States, and therefore requires immediate attention? A year ago, the administration did not seem to think that. What has changed in that intervening time? If not, would a policy of enforcing no-fly zones, vigorous weapons inspections, military sanctions be effective in containing and/or reducing the perceived threat, given the success of such strategies over the last decade?

Is there any convincing evidence that Iraq planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, or harbored such organizations or persons? That would give some authority to act without a specific grant from Congress, but the administration has not made that case.

Is there convincing evidence that Iraq has shared its knowledge of biological, chemical, or nuclear weapons, or the weapons themselves, with other nations or terrorist organizations? How does the threat of Iraq doing so compare with the threat posed by Iran, Pakistan, China, North Korea, or a number of other nations that are known to possess weapons of mass destruction, some of whom are known to be sharing and selling such information?

How does the administration intend to assure Iraq does not become Balkanized? This was the problem that was confronted by Colin Powell and the father of President Bush when they decided not to go to Baghdad, as they said at the time.

Will Iraq become Balkanized? If it does, what happens with Turkey? What happens with the Kurds wanting their own nation? What happens with the Shi'as in Iran? What happens with the long-term prospects for the governance of Iraq itself?

I witnessed a Republican Senator saying we were going to rule Iraq. The United States of America is going to rule Iraq alone, without allies? Has anybody really thought about what that would mean?

What are the potential disruptions to the United States economy? We have some problems here at home. I have a lot of unemployed people in my district, the highest unemployment rate in the Nation in my State.

What are the potential economic disruptions that might come from a war with Iraq? Would it lead to a disruption of oil supplies? Would it drive up the price of oil dramatically, as it did in the last Gulf War? How much would such a war cost the United States of America and its taxpayers? What are the risks to our troops? What are the risks in terms of a long-term occupation?

We have not yet resolved the situation or stabilized the situation in Afghanistan, which is a country that had no discernible military, no weapons of mass destruction. They did harbor terrorists. It was a rogue regime. But yet, the United States of America, with a substantial number of allies around the world, has yet to bring settled conditions to that country. Yet, we are about to depart for a much larger nation who has not been involved, as far as has been revealed to Congress or the people of the United States, in the attacks upon our country, has not posed a credible threat to the United States or our allies. However, we are off on another adventure.

Is this left-over business from George Bush's father's administration? It seems like a number of the most hawkish people in his administration are people who served in his father's administration, who still regret the fact that they did not pursue the war to an end then, and they want to revisit the issue.

Many questions need to be answered before this Congress should extend authority to the President to wage a war against Iraq, the first preemptive war in the history of the United States of America.

ALZHEIMER'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise today to discuss a serious disease or illness that affects a great many in our country. It is Alzheimer's disease.

I have been a longtime advocate for increasing research for treatment and cures for Alzheimer's. I was particularly touched by a recent article in Time Magazine by Patti Davis, President Ronald Reagan's daughter, discussing her family's battle with Alzheimer's. I include that for the RECORD.

The article referred to is as follows:

[From Time, Aug. 26, 2002]

THE FACES OF ALZHEIMER'S

(By Patti Davis)

WE LEARN ABOUT THE DISEASE BY LOOKING INTO THE EYES OF VICTIMS—AND THEIR FAMILIES

The day after the first anniversary of my sister Maureen Reagan's death, Charlton Heston announced that he had been diagnosed with "symptoms consistent with early stages of Alzheimer's." Sometimes in life, there are odd juxtapositions of events—an interplay of circumstances that makes one pause and wonder what forces are at work. This was one of those times for me. Maureen was so committed to defeating the scourge of Alzheimer's, to getting more funding for research and increasing understanding of the disease that she sometimes delayed her own treatment for the melanoma that eventually killed her.

Maureen would have tirelessly done interviews on Aug. 9; instead, her husband Dennis Revell spoke to the media, as did the actor David Hyde Pierce, who lost both his grandfather and his father to Alzheimer's. My mother released a statement. Maureen's voice had been silenced, but her activism, her determination, were still present.

We learn about diseases through the faces of those who are stricken. Famous faces garner the most attention, obviously. When we think of Alzheimer's, my father's face comes to mind. Or Iris Murdoch's. And now Heston's. When Parkinson's is mentioned, we picture Michael J. Fox or Muhammad Ali.

But there is another way that faces tell the story. You have to lean closer, look carefully into the eyes, study the set of the jaw and the tilt of the head. I recognized more than the famous visage of Heston when I saw his taped announcement. I saw the first shallow waves of a cruel disease lapping at the edges of the person he has always known himself to be. I recognized it because I saw the same look in my father's eyes eight years ago.

In the early stages of Alzheimer's, the eyes have a wariness, a veil of fear. It's as if the person is standing at the edge of a fog-bank, knowing that in time it will engulf him and there is no chance of outrunning it. I used to see my father's eyes simultaneously plead and hold firm. It would happen when a sentence broke off because he couldn't remember how to finish it. Or when he would say, "I have this condition—I keep forgetting things." He was on a high wire, balancing on courage, with the dark waters of fear below, and he was using every bit of his strength to cling to that wire.

Slowly—sometimes over months, sometimes over years—the eyes stop pleading. There is a resignation, an acceptance of distance, strangeness, a life far from home. You know the look when you see it, and the only mercy is that fear seems to have subsided.

The eyes of family members change too. My brother Ron's eyes show the sweet stoicism that men seem born to possess. But looking more intently, I see the bubble of pain beneath the surface. A father's helplessness has to tear at the fibers of a son's heart like a dull blade. My own eyes have too much history in them, I often think. I was the little girl who worshipped her father, and the young woman who hurt him the way daughters do when their love is needy and true. Now I look at him in a soft, maternal way, which still feels odd to me, even after all these years. As if the laws of nature have been turned upside down. My mother's eyes are frequently such deep wells, I have to look away. A 50-year marriage is full of intimate memories that live in the blood of lovers and life partners—memories that are both benediction and punishment. So much life has been shared, and so much has been lost.

I could tell you that I don't fear getting the disease myself because I know how toxic fear is, how paralyzing. But in the next breath I would have to tell you that there are late hours of the night when I lie awake and wonder what fate has in store for me.

At other times, I study photographs of my father from many years ago, or film clips. I don't want to forget how his eyes used to look. Alzheimer's teaches a harsh lesson—that the past is like the rudder of a ship. It keeps you moving through the present, steers you into the future. Without it, without memory, you are unmoored, a wind-tossed boat with no anchor. You learn this by watching someone you love drift away.

I woke last night and listened to the silence. It was a late, deep hour, long after midnight, long before dawn. I though about how, for someone with Alzheimer's, silence must be like a prison, another corner of the wasteland. There can be nothing soothing or serene about it.

Perhaps the next time members of Congress assemble to decide how much money to set aside for Alzheimer's research, they

> should be asked to listen to silence differently, as if it were a jail sentence. Maybe then they would look into their hearts and know that if stopping a disease that is stalking so many is not a top priority, we have lost our collective heart as a nation.

During the August recess, I had the opportunity to speak to the Houston Alzheimer's Association's educational symposium in Houston with Dr. Rachel Doody, who has a well-known research program at Baylor College of Medicine in the Texas Medical Center. The number of people at that event, it amazed me. It was the first time I had the opportunity to address that group and see how many people were interested.

The battle that we have affects far too many Americans. More than 4 million Americans, one in ten over 65 and nearly half those over 85, suffer from Alzheimer's disease. With the aging baby boom population, unless a cure is found, 14 million Americans will have Alzheimer's by 2050.

I personally have been touched by Alzheimer's when my mother-in-law was diagnosed with this disease several years ago. I know firsthand the incredible toll Alzheimer's has on not only that person, but also the family. As a family member, I know the heartache of watching a vibrant and active and independent loved one become lost in a world of confusion, isolation, and despair. I know the frustration that there are so few treatments and no cure to this disease.

As a policymaker, I am concerned by the staggering economic burden of this illness. The U.S. society spends at least $100 billion a year on Alzheimer's. Neither Medicare nor most private health insurance covers the long-term care many patients need. Alzheimer's disease is costing American business $61 billion a year: $36.5 billion is the cost to business of caregiving, and the rest is the business share of the cost of health care and long-term care.

While I am proud that the National Institutes of Health spends almost $599 million on Alzheimer's disease research, that number seems insignificant in light of the cost of this disease. We must do more to study the causes and risk factors of Alzheimer's and to develop a new way to diagnose the disease, and to develop new methods for treatment and caregiving.

Five years ago, Congress made a commitment to double the budget of the NIH so more money could be invested to find a cure for many diseases, such as Alzheimer's. I have been a longtime proponent of doubling the funding for NIH, and hope we will be able to achieve our goal of doubling the NIH budget in this, the final year of that commitment.

But there are other things Congress can and should do to aid in the fight against Alzheimer's. We must ensure that the individuals who care for people with Alzheimer's have the resources they need to keep their family members at home as long as possible.

□ 1215

We should pass legislation which allows individuals to deduct their long-term care expenses from their income tax and would help alleviate some of the financial burdens on the family caring for a loved one with Alzheimer's. We should pass legislation which would provide respite care for these caregivers. These are just a few steps Congress should take.

I urge the leadership to take up these bills and do everything we can to support the millions of Americans who suffer from Alzheimer's. I would like to close with a quote from Patty Davis's article in Time magazine of last week: "Perhaps the next time Members of Congress assemble to decide how much money to set aside for Alzheimer's research, they should be asked to listen to silence differently as if it were a jail sentence. Maybe then we would then look into their hearts and know that if stopping a disease that is stalking so many is not a top priority, maybe we have lost our collective heart as a Nation."

FREE DEBATE OVER THE WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning before we began our legislative business, news rang out from Afghanistan that another car bomb had taken the lives of many individuals in one of their major cities.

Just a few months ago, we made the decision to ensure that those who committed the horrific act would understand that America takes care of its own. And I voted for that resolution to go after the terrorists. Today, however, I think it is important that the American people be informed on the recent raging debate regarding Iraq.

The best thing about what we are hearing is that this is not a political debate. It is, in fact, a debate of conscience, and a debate that rages among Democrats and Republicans and Independents. It is one that will require America to be informed. And I would simply say to those who may be listening as I bring this issue to the floor that we need to engage the American people and provide them with information. It is imperative that we go home to our congressional districts and have citizen summits so that information can be translated.

But let me begin to enunciate, if you will, what is the conflict and the confusion with such a debate. First of all, it concerns all of us that this debate would be raging in the press with no information that connects the need to investigate or to attack Iraq and reality.

It is interesting that we have noted by Members of the other body that there is no scintilla of evidence that connects at this point Iraq with the horrific acts that occurred in the past year. There is no evidence that Iraq at this point has nuclear weapons. The case has not been made. But we have not said to the American people this is different from Kuwait, when Iraq attacked Kuwait when we had the coalition of Arab allies as well as our allies around the world.

What is not being focused on is the loud and resounding voice of those who oppose even the mere discussion of what is going on, meaning our allies. For those of us who care about our friends around the world, and those in the region like Jordan and Israel, do we even know what the ultimate impact will be on those neighbors?

What is the difference of sending 75 to 100,000 troops and maybe more of our young men and women in this Nation, those U.S. military personnel who we love and respect, who at the drop of a hat will go and fight for our freedom and justice? What is the determination as it relates to them going on soil, foreign soil, where we know that a caged animal such as Saddam Hussein will do anything to survive? Have we told the American people how long and how costly? Have we proposed to the American people a resolution on the devastating economy that we are facing, jobs being lost across this land and people begging us to define an economic policy that will put them back to work, that will give them costly or cost-efficient health care, that will provide for their children going to school? Are we answering the hard questions of protecting their pensions and 401(k)'s? Are we telling my constituents that we are bringing relief to them? Every day their homes are on the foreclosure list because they have no jobs in Houston, Texas.

Are we letting them know that right now we are paying a billion dollars a month in Afghanistan and we do not know when it will end for the war we are waging there? And we have no endgame to any war with Iraq. One year, 2 years, 20 years, millions and millions and billions of dollars. And have we looked at the Constitution which clearly states that we as a Congress have a right to declare war. The War Powers Resolution of 1973 in its opening language said we are sending this forward because it helps to collaborate and to emphasize the relationship between the Executive and the Congress, and that the Congress has the purse strings and the right to declare war. And if there is need for a preemptive strike to protect this land, the Executive, the Commander in Chief can go in for 60, 90 days without the authority of Congress.

We were together in World War II when we were attacked in Pearl Harbor. We have been together before. But it is important for the American people to be informed. It is important for us to have an agenda, to put the economy first. It is important to ask the question why. What relevance is it? Are we in an imminent attack?

I ask, Mr. Speaker, that this debate be long and protracted and that no vote be taken without the American people knowing what is going on. That would be my voice, a continuous voice speaking out against this process and this potential attack without the American people.

NEEDED PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. HAYES) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYES. Mr. Speaker, I yield to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES) for yielding to me. And I also really appreciate the fact that he, as the Speaker's designee, will talk on something as important as prescription drugs. Actually, it is a matter that we should have said stayed here during the month of August and worked on. It is a matter that we find our senior citizens missing meals in order to buy their prescriptions. That is something we should just not tolerate in this country.

We have tried everything in the world here on the floor and in our committees and in our visits with one another to solve this problem. We sent two bills over last session. Neither one of them came back from the Senate.

I have a practical solution that I am suggesting to the gentleman from North Carolina (Mr. HAYES), and I will support him and work on with him on this. I want to tell him a small, quick story.

We have the President of the United States, a fine young man, courageous young President, Commander in Chief of our Army, Navy, Marine Corps and all of that; but he was also Governor of Texas at one time. And as Governor of Texas, he headed up the Texas Rangers. Texas Rangers are known for the fact that one Ranger can handle one riot.

My suggestion is that this President work with our present Governor and get some Texas Rangers, go down to Laredo, Texas, and cross the Rio Grande, go into Mexico and go to the first drug store they get to and go in there and ask that pharmacist to come out in the middle of the street and let that Ranger talk to him and let that Ranger ask him, How do you sell prescription drugs down here for 10 percent of what our people can buy them for in the United States when you buy yours from the United States?

If we can solve that riddle, we are on page one.

Mr. Speaker, I would like to thank the gentleman from North Carolina (Mr. HAYES). I admire him. I am one of his great admirers in this body. I thank him for caring enough and taking the time to bring the prescription drug debate to a head on this very floor. God bless him.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his leadership on this vitally important issue.

Mr. Speaker, as other Members of the body, I have just returned from a district work period. The major part of that district work period was spent listening very carefully to constituents in the eighth district of North Carolina. Not only about their concerns but asking them for their advice, their common sense, using their own experience to help us here in Washington make policy that solves problems back home.

As I traveled the district from east to west, one of the most consistent areas of comment, one of the most consistent problems that I faced that people unanimously talked about in the same tone and the same content was the need for a prescription drug benefit under Medicare.

Beside me is a list, a petition if you will, signed by senior citizens in Concord, Kannapolis, Charlotte, Raeford in Hoke County, Laurinburg in Scotland County, Troy and Mount Gilead in Montgomery County, Wadesboro in Anson County, Fayetteville in Cumberland County. Each one of the people that signed this petition said very clearly to me, we need a prescription drug benefit under Medicare.

On June 30 of this year we celebrated the 37th birthday of Medicare. In that period of 37 years many people in this country have been properly helped by Medicare. During that period of time, Mr. Speaker, a number of dramatic changes have taken place in the practice of medicine. Many diseases, many conditions that required treatment previously by extensive hospitalization or invasive surgical procedures are now able to be treated with medications. Given that and a number of other reasons, it is all the more appropriate that we provide a prescription drug benefit for our seniors, given not only the necessity for prescription drugs to improve the quality of life for our seniors and to give them the support that they so richly deserve for supporting us for many years, but the point is it is appropriate from a factual standpoint to upgrade our treatment of Medicare to reflect the modern-day miracles of the practice of medicine.

Mr. Speaker, I would like to call to your attention and the body the following information from the Constitution. The House of Representatives has passed a prescription drug plan under Medicare in a bipartisan manner. The U.S. Constitution, article 1, section 7, clause 2 says: "Every bill which shall have passed the House of Representatives must also pass the Senate before it becomes law."

As I said, the House has passed a bipartisan prescription drug plan under Medicare for our seniors. There have been a number of bills debated in the Senate. A number of bills have been voted on in the Senate. They have not passed a prescription drug plan in the Senate which is controlled by Democrats. The Constitution is very clear. In order to become law, a prescription drug benefit must be passed by the House. We have done that. The Senate must pass a bill. The two bills will be combined in a conference committee and then the President can sign that bill into law.

Our seniors need and deserve the prescription drug benefit plan; and that is the only way, rightfully so, under our Constitution that we can get that done. And, again, I refer to the names, and I have many others on sheets of paper, who have looked at and are simply saying we need to follow the Constitution. We need to provide this for our seniors.

Medicare is a good program. It has been helping millions of older Americans meet their needs since that first day back in 1965, but we can and should strengthen Medicare to make it even better for our seniors. Again, we need to follow the Constitution. There is a bipartisan plan that we have passed here in the House. And let me give you some of the details of how it provides an affordable, immediate, and permanent prescription drug benefit.

Under the plan passed by the House, these are some of the things that would happen: it is a voluntary drug benefit available to all Medicare beneficiaries. All Medicare beneficiaries are covered. Those who want to stay with their current coverage will not be forced into a government plan. Extra assistance for lower-income seniors, fully subsidized premium and cost sharing for couples earning up to $16,000.

□ 1230

Partial premium subsidy, for couples earning up to $19,000.

This plan would provide immediate discounts on drug purchases. Seniors would benefit immediately from discounts, approximately 15 percent or more on their purchases through a Medicare-endorsed discount card program. Beneficiaries choose the plan that is best for them. A choice of at least two plans is included in the House package. It guarantees competition, and competition helps hold down costs.

Quality improvements: to improve health care for seniors; protection against adverse drug interactions; electronic prescribing to minimize potential medical errors; pharmacy therapy management for chronic conditions; mechanic modernizations; a rural relief package for underpaid rural hospitals. Again, vitally important pieces for the plan; and yes, this plan provides catastrophic coverage for those seniors most in need of financial assistance.

No senior should ever be forced to choose between buying their prescription drugs or purchasing food and other necessities. Our seniors have been promised prescription drug coverage. They deserve no less than immediate action.

Mr. Speaker, again, I would refer to article I, section 7, clause 2, and ask that we do our job. We have done it in the House. We would ask the Senate to pass a plan, any of the ones they have discussed, at which time the President can sign that into law and provide a badly needed and well-deserved benefit for seniors for prescription drugs under Medicare.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). The Chair would remind Members not to urge a particular action or inaction by the other body.

THE PRICE OF WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, Thomas Jefferson spoke for the founders and all our early Presidents when he stated, "Peace, commerce and honest friendship with all nations, entangling alliances with none, which is one of the essential principles of our government."

The question is, whatever happened to this principle and should it be restored? We find the 20th century was wracked with war; peace was turned asunder and our liberties steadily eroded. Foreign alliances and meddling in the internal affairs of other nations became commonplace. On many occasions, involvement in military action occurred through U.N. resolutions or a Presidential executive order, despite the fact that the war power was explicitly placed in the hands of the Congress.

Since World War II, nearly 100,000 deaths and over a quarter million wounded, not counting the many thousands claimed to have been affected by Agent Orange and the Persian Gulf War Syndrome, have all occurred without a declaration of war and without a clearcut victory. The entire 20th century was indeed costly with over 600,000 killed in battle and an additional million wounded.

If liberty had been truly enhanced during that time, less could be said about the imperfections of the policy. The evidence, however, is clear that we as a people are less free and the prosperity we still enjoy may be more illusionary than many realize.

The innocent victims who have suffered at the hands of our militarism abroad are rarely considered by our government; yet, they may well be a major factor in this hatred now being directed toward America. It is not currently popular to question corporate or banking influence over the foreign policy that replaced that of Washington and Jefferson. Questioning foreign government influence on our policies, although known about for years, is not acceptable in the politically correct environment in which we live.

There is little doubt that our role in the world dramatically changed in the 20th century, inexorably evolving from that of strict noninterventionism to that of sole superpower with the assumption that we were destined to be the world's policeman.

By the end of the 20th century, in fact, this occurred. We have totally forgotten that for well over 100 years we followed the advice of the founders by meticulously avoiding overseas conflict. Instead, we now find ourselves in charge of an American hegemony spread to the four corners of the Earth.

As the 21st century begins, there is not a country in the world that does not depend upon the U.S. for protections or fears her wrath if they refuse to do her bidding. As the 20th century progressed, American taxpayers were required to finance with great sacrifice financially and freedom-wise the buying of loyalty through foreign aid and intimidation of those others who did not cooperate.

The question, though, remains, has this change been beneficial to freedom and prosperity here at home and has it promoted peace and trade throughout the world? Those who justify our interventionist policies abroad argue that the violation of the rule of law is not a problem considering the benefits we receive from maintaining the American empire, but has this really taken into consideration the cost in lives lost, the damage to long-term prosperity as well as the dollar cost and freedoms we have lost?

What about the future? Has this policy of foreign intervention set the stage for radically changing America and the world in ways not yet seen? Were the founders completely off track because they lived in different times, or was the foreign policy they advised based on an essential principle of lasting value? Choosing the wrong answer to this question could very well be deadly to the grand experiment in liberty begun in 1776.

The transition from nonintervention to our current role as world arbiter in all conflicts was insidious and fortuitous. In the early part of the 20th century, the collapse of the British Empire left a vacuum which was steadily filled by a U.S. presence around the world. In the latter part of the century, the results of World War II and the collapse of the Soviet system propelled us into our current role.

Throughout most of the 20th century it was our competition with the Soviets that prompted our ever-expanded presence around the world. We are where we are today almost by default, but does that justify its being in our best interests?

Disregarding for the moment the moral and constitutional arguments against foreign intervention, a strong case can be made against it for other reasons. It is clear that one intervention begets another. The first problem is rarely solved and the new ones are created. Indeed, in foreign affairs a slippery slope does exist.

In recent years, we too often slipped into war through the back door with the purpose rarely defined or understood and the need for victory ignored. A restrained effort of intervention frequently explodes into something that we do not foresee. Policies end up doing the opposite of their intended purpose with unintended consequences resulting.

The result then is that the action taken turns out to be actually detrimental to our national security interest; yet no effort is made to challenge the fundamental principle behind our foreign policy. It is this failure to adhere to a set of principles that has allowed us to slip into this role and, if unchallenged, could well undo the liberties we all cherish.

Throughout history, there has always been a great temptation for rulers to spread their influence and pursue empire over liberty. Resisting this temptation to power rarely has been achieved. There always seems to be a natural inclination to yield to this historic human passion. Could it be that progress and civilization and promoting freedom require ignoring this impulse to control others, as the founders of this great Nation advised?

Historically, the driving force behind world domination is usually an effort to control wealth. The Europeans were searching for gold when they came to the Americas. Now it is our turn to seek control over the black gold which drives much of what we do today in foreign affairs.

Competing with a power like the Soviet Union prompted our involvement in areas of the world where the struggle for the balance of power was the sole motivating force. The foreign policy of the 20th century replaced the policy endorsed by our early Presidents and permitted our steadily growing involvement overseas in an effort to control the world's commercial interests with a special emphasis on oil.

Our influence in the Middle East evolved out of concern for the newly created State of Israel in 1947 and to securing control over the flow of oil in that region. Israel's needs and Arab oil have influenced our foreign policy for more than half a century. In the 1950s, the CIA installed the Shah in Iran. It was not until the hostage crisis of the late 1970s that the unintended consequence occurred. This generated the

Iranian hatred of America and led to the takeover by the reactionary Khomeini and the Islamic fundamentalists and caused greater regional instability than we anticipated.

Our meddling in the internal affairs of Iran was of no benefit to us and set the stage for our failed policy in dealing with Iraq. We allied ourselves in the 1980s with Iraq in its war with Iran and assisted Saddam Hussein in his rise to power. As recent reports reconfirm, we did nothing to stop Hussein's development of chemical and biological weapons and at least indirectly assisted in their development. Now, as a consequence of that needless intervention, we are planning a risky war to remove him from power; and as usual, the probable result of such an effort would be something that our government does not anticipate like a takeover by someone much worse. As bad as Hussein is, he is an enemy of the al-Qaeda and someone new well may be a close ally of the Islamic radicals.

Although our puppet dictatorship in Saudi Arabia has lasted for many decades, it is becoming shakier every day. The Saudi people are not exactly friendly towards us, and our military presence on their holy soil is greatly resented. This contributes to the radical fundamentalist hatred directed toward us. Another unfavorable consequence to America, such as a regime change not to our liking, could soon occur in Saudi Arabia. It is not merely a coincidence that 15 of the 9–11 terrorists are Saudis.

The Persian Gulf War fought, without a declaration of war, is in reality still going on. It looks like that 9–11 may well have been a battle in that war perpetrated by fanatical guerrillas. It indicates how seriously flawed our foreign policy is.

In the 1980s we got involved in the Soviet-Afghanistan war and actually sided with the forces of Osama bin Laden, helping him gain power. This obviously was an alliance of no benefit to the United States, and it has come back to haunt us.

Our policy for years was to encourage Saudi Arabia to oppose communism by financing and promoting Islamic fundamentalism. Surely the shortcomings of that policy are evident to everyone.

Clinton's bombing of Sudan and Afghanistan on the eve of his indictment over Monica Lewinsky shattered a Taliban plan to expel Osama bin Laden from Afghanistan. Clinton's bombing of Baghdad on the eve of his impeachment hardly won any converts to our cause or reassured the Muslim people of the Middle Eastern countries of a U.S. balanced policy. The continued bombing of Iraq over these past 12 years, along with the deadly sanctions, resulted in hundreds of thousands of needless Iraqi civilian deaths, has not been beneficial to our security and has been used as one of the excuses for recruiting the fanatics ready to sacrifice their lives and demonstrating their hatred toward us.

□ 1245

Essentially all Muslims see our policy in the Israeli-Palestinian conflict as being openly favorable toward Israel and in opposition to the Palestinians. It is for this reason they hold us responsible for Palestinian deaths since all the Israeli weapons are from the United States. Since the Palestinians do not even have an army, and most have to live in refugee camps, one should understand at least why the animosity builds, even if our pro-Israeli position can be explained.

There is no end in site. Since 9–11, our involvement in the Middle East and in Saudi Arabia has grown significantly. Though we can badger those countries whose leaders depend on us to keep them in power to stay loyal to the United States, the common people of the region become more alienated. Our cozy relationship with the Russians may not be as long-lasting as our current administration hopes. Considering the $40 billion trade deal recently made between Russia and Saddam Hussein, it is more than a bit ironic that we find the Russians now promoting free trade as a solution to a difficult situation while we are promoting war.

This continuous escalation of our involvement overseas has been widespread. We have been in Korea for more than 50 years. We have promised to never back away from the China-Taiwan conflict over territorial disputes. Fifty-seven years after World War II we still find our military spread throughout Europe and Asia. And now the debate ranges over whether our national security requires that we, for the first time, escalate this policy of intervention to include anticipatory self-defense and preemptive war.

If our interventions of the 20th century led to needless deaths and unwon wars and continuous unintended consequences, imagine what this new doctrine is about to unleash on the world. Our policy has prompted us to announce that our CIA will assassinate Saddam Hussein whenever it gets the chance, and that the government of Iraq is to be replaced. Evidence now has surfaced that the United Nations inspection teams in the 1990s definitely included American CIA agents who were collecting information on how to undermine the Iraqi government and continue with their routine bombing missions.

Why should there be a question of why Saddam Hussein might not readily accept U.N. inspectors without some type of assurances? Does anybody doubt that control of Iraqi oil supplies, second only to Saudi Arabia, is the real reason U.S. policy is belligerent toward Saddam Hussein? If it is merely to remove dictators around the world, this is the beginning of an endless task.

In the transition from the original American foreign policy of peace, trade and neutrality to that of world policemen, we have sacrificed our sovereignty to world government organizations such as the U.N., the IMF, the World Bank, and the WTO. To further confuse and undermine our position, we currently have embarked on a policy of unilateralism within these world organizations. This means we accept the principle of globalized government when it pleases us, but when it does not, we should ignore it for our own interest's sake.

Acting in our own interest is to be applauded, but what we are getting is not a good alternative to one-world government. We do not get our sovereignty back, yet we continue to subject ourselves to great potential financial burden and loss of liberty as we shift from a national government with constitutional protection of rights to an international government where our citizens' rights are threatened by treaties we have not even ratified, like the Kyoto and the international criminal court treaties.

We cannot depend on controlling the world government at some later date, even if that seems to be what we are able to do now. The unilateralist approach of domination over the world's leaders, and arbitrary ignoring of certain mandates, something we can do with impunity because of our intimidating power, serves only to further undermine our prestige and acceptability throughout the world. And this includes the Muslim countries as well as our European friends. This merely sets the stage for both our enemies and current friends to act in concert against our interest when the time comes. This is especially true if we become financially strapped and our dollar is sharply weakened and we are in a much more vulnerable bargaining position.

Unilateralism within a globalist approach to government is the worst of all choices. It ignores national sovereignty, dignifies one-world government, and places us in the position of demanding dictatorial powers over the world community. Demanding the right to set all policy and exclude ourselves from jurisdictional restraints sows the seeds of future discontent and hostility. The downside is we get all the bills, risk the lives of our people without cause, and make ourselves the target for every event that goes badly. We get blamed for the unintended consequences not foreseen and become the target of the terrorists that evolve from the radicalized fringes.

Long-term foreign interventionism does not serve our interest. Tinkering on the edges with current policy will not help. An announced policy of support for globalist government, assuming the financial and military role of world policemen, maintaining an

American world empire while flaunting unilateralism, is a recipe for disaster. U.S. unilateralism is a far cry from the nonintervention that the Founders advised.

The term foreign policy does not exist in the Constitution. All members of the Federal Government have sworn to uphold the Constitution and should do only those things that are clearly authorized. Careful reading of the Constitution reveals Congress has a lot more responsibility than does the President in dealing with foreign affairs. The President is the Commander-in-Chief, but cannot declare war or finance military action without explicit congressional approval. A good starting point would be for all of us in the Congress to assume the responsibility given us to make sure the executive branch does not usurp any authority explicitly given to the Congress.

A proper foreign policy of nonintervention is built on friendship with other nations, free trade and maximum travel, maximizing the exchanges of goods and services and ideas. Nations that trade with each other are definitely less likely to fight against each other. Unnecessary bellicosity and jingoism is detrimental to peace and prosperity and incites unnecessary confrontation. And yet today that is about all we hear coming from the politicians and the media pundits who are so anxious for this war against Iraq.

Avoiding entangling alliances and meddling in the internal affairs of other nations is crucial, no matter how many special interests demand otherwise. The entangling alliances we should avoid include the complex alliances in the U.N., the IMF, the World Bank, and the WTO. One-world government goals are anathema to the nonintervention and free trade. The temptation to settle disputes and install better governments abroad is fraught with great danger and many uncertainties.

Protecting our national sovereignty and guaranteeing constitutional protection of our citizens' rights are crucial. Respecting the sovereignty of other nations, even when we are in disagreement with some of their policies, is also necessary. Changing others then becomes a job of persuasion and example, not force and intimidation, just as it is in trying to improve the personal behavior of our fellow citizens here at home.

Defending our country from outside attack is legitimate and is of the highest priority. Protecting individual liberties should be our goal. This does not mean, however, that our troops follow our citizens or their investments throughout the world.

While foreign visitors should be welcome, no tax-supported services should be provided. Citizenship should be given with caution and not automatically by merely stepping over a national boundary for the purpose of giving birth.

A successful and prosperous society comes from such a policy and is impossible without a sound free-market economy, one not controlled by a central bank. Avoiding trade wars, devaluations, inflations, deflations, and disruption of free trade with protectionist legislation are impossible under a system of international trade dependent on fluctuating fiat currencies controlled by world central banks and influenced by powerful financial interests. Instability in trade is one of the prime causes of creating conditions leading to war.

The basic moral principle underpinning a noninterventionist foreign policy is that of rejecting the initiation of force against others. It is based on nonviolence and friendship unless attacked, with determination for self-defense while avoiding confrontation, even when we disagree with the way other countries run their affairs. It simply means that we should mind our own business and not be influenced by the special interests that have an axe to grind or benefits to gain by controlling other foreign policy. Manipulating our country into conflicts that are none of our business and of no security interest provides no benefits to us, while exposing us to great risk financially and militarily.

Our troops would be brought home under such conditions, systematically and soon. Being in Europe and Japan for over 50 years is long enough. The failure of Vietnam resulted in no occupation and a more westernized country now doing business with the United States. There is no evidence that the military approach in Vietnam was superior to that of trade and friendship. The lack of trade and sanctions have not served us well in Cuba or in the Middle East. The mission for our Coast Guard would change if our foreign policy became noninterventionist. They, too, would come home, protect our coast, and stop being the enforcers of bureaucratic laws that either should not exist or should be a State function.

All foreign aid would be discontinued. Most evidence shows this money rarely helps the poor but instead solidifies power in the hands of dictators. There is no moral argument that can justify taxing poor people in this country to help rich people in poor countries. Much of the foreign aid, when spent, is channeled back to weapons manufacturers and other special interests in the United States who are the strong promoters of these foreign aid expenditures, yet it is all done in the name of humanitarian causes.

A foreign policy for peace and freedom would prompt us to give ample notice, and then we would promptly leave the international organizations that have entangled us for over a half a century. U.S. membership in world government was hardly what the Founders envisioned when writing the Constitution.

The principle of mark and reprisal would be revived, and specific problems, such as terrorist threats, would be dealt with on a contract basis, incorporating private resources to more accurately target our enemies and reduce the chances of needless and endless war. This would help prevent a continual expansion of a conflict into areas not relating to any immediate threat. By narrowing the target, there is less opportunity for special interests to manipulate our foreign policy to serve the financial needs of the oil and military weapons industries.

The Logan Act would be repealed, thus allowing maximum freedom of our citizens to volunteer to support their war of choice. This would help diminish the enthusiasm for wars the proponents have used to justify our world policies and diminish the perceived need for a military draft.

If we followed a constitutional policy of nonintervention, we would never have to entertain the aggressive notion of preemptive war based on speculation of what a country might do at some future date. Political pressure by other countries to alter our foreign policy for their benefit would never be a consideration. Commercial interests of our citizens investing overseas could not expect our armies to follow them and to protect their profits.

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A noninterventionist foreign policy would not condone subsidies to our corporations through programs like the Export-Import Bank and the Overseas Private Investment Corporation. These programs guarantee against losses while the risk takers want our military to protect their investments from political threats. This current flawed policy removes the tough decisions of when to invest in foreign countries and diminishes the pressure on those particular countries to clean up their political acts in order to entice foreign capital to move into their country. Today's foreign policy encourages bad investments. Ironically this is all done in the name of free trade and capitalism, but it does more to export jobs and businesses than promote free trade. Yet when it fails, capitalism and freedom are blamed.

A noninterventionist foreign policy would go a long way toward preventing 9/11 type attacks upon us. The Department of Homeland Security would be unnecessary and the military, along with less bureaucracy in our intelligence-gathering agencies, could instead provide the security the new department is supposed to provide. A renewed respect for gun ownership and responsibility for defending one's property would provide additional protection against potential terrorists.

There are many reasons why a policy for peace is superior to a policy of war. The principle that we do not have the moral authority to forcibly change government in foreign lands just because we do not approve of their shortcomings should be our strongest argument. But rarely today is a moral argument in politics worth much.

The practical argument against it because of its record of failure should certainly prompt all thoughtful people to reconsider what we have been doing for the past many decades.

We should all be aware that war is a failure of relationships between foreign powers. Since this is such a serious matter, our American tradition as established by the founders made certain that the executive is subservient to the more democratically responsive legislative branch on the issue of war. Therefore, no war is ever to be the prerogative of a President through his unconstitutional use of executive orders, nor should it ever be something where the legal authority comes from an international body such as NATO or the United Nations. Up until 50 years ago, this had been the American tradition.

Nonintervention prevents the unexpected and unintended consequences that inevitably result from well-intended meddling in the affairs of others.

Countries like Switzerland and Sweden, who promote neutrality and nonintervention, have benefited for the most part by remaining secure and free of war over the centuries. Nonintervention consumes a lot less of the Nation's wealth. With less wars, the higher the standard of living for all citizens. But this, of course, is not attractive to the military-industrial complex which enjoys a higher standard of living at the expense of the taxpayer when a policy of intervention and constant war preparation is carried out.

Wisdom, morality and the Constitution are very unlikely to invade the minds of the policymakers that control our foreign affairs. We have institutionalized foreign intervention over the past 100 years by the teachings of all our major universities and the propaganda that the media spews out. The powerful influence over our policy, both domestic and foreign, is not soon going to go away.

I am convinced, though, that eventually restraint in our interventions overseas will be guided by a more reasonable constitutional policy. Economic reality will dictate it. Although political pressure in times of severe economic downturn and domestic strife encourages planned distractions overseas, these adventures always cause economic harm due to the economic costs. When the particular country or empire involved overreaches, as we are currently doing, national bankruptcy and a severely weakened currency call the whole process to a halt.

The Soviet system, armed with an aggressive plan to spread its empire worldwide, collapsed, not because we attacked it militarily but for financial and economic reasons. They no longer could afford it and the resources and wealth that it drained finally turned the people against its authoritarian rule.

Maintaining an overseas empire is incompatible with the American tradition of liberty and prosperity. The financial drain and the antagonism that it causes with our enemies, and even our friends, will finally force the American people to reject the policy outright. There will be no choice. Gorbachev just walked away and Yeltsin walked in, with barely a ripple. A nonviolent revolution of unbelievable historic magnitude occurred and the Cold War ended. We are not immune from such a similar change.

This Soviet collapse ushered in the age of unparalleled American dominance over the entire world and along with it allowed the new expanded hot war between the West and the Muslim East. All the hostility directed toward the West built up over the centuries between the two factions is now directed toward the United States. We are now the only power capable of paying for and literally controlling the Middle East and its cherished wealth, and we have not hesitated. Iraq, with its oil and water and agricultural land, is a prime target of our desire to further expand our dominion. The battle is growing ever so tense with our acceptance and desire to control the Caspian Sea oil riches. But Russia, now licking its wounds and once again accumulating wealth, will not sit idly by and watch the American empire engulf this region. When time runs out for us, we can be sure Russia will once again be ready to fight for control of all those resources in countries adjacent to her borders. And expect the same from China and India. And who knows, maybe one day even Japan will return to the ancient art of using force to occupy the cherished territories in their region of the world.

The most we can hope for will be, once the errors of our ways are acknowledged and we can no longer afford our militarism, we will reestablish the moral principle that underpins the policy of "peace, commerce and honest friendship with all nations, entangling alliances with none." Our modern-day war hawks represent neither this American principle nor do they understand how the love of liberty drove the founders in their great battle against tyranny.

We must prepare for the day when our financial bankruptcy and the failure of our effort at world domination are apparent. The solution to such a crisis can be easily found in our Constitution and in our traditions. But ultimately, the love of liberty can only come from a change in the hearts and minds of the people and with an answered prayer for the blessings of divine intervention.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today on account of activities in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. DELAURO) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. Davis of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. SIMMONS, for 5 minutes, today.

Mr. GRUCCI, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, September 9, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8890. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Order Amending Marketing Agreement and Order No. 930 [Docket Nos. AO-370-A7; FV00-930-1] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8891. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule —

Dried Prunes Produced in California; Undersized Regulation for the 2002-03 Crop Year [Docket No. FV02-993-1 FR] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8892. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Importation of Artificially Dwarfed Plants [Docket No. 00-042-2] received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8893. A letter from the Secretary, Department of Agriculture, transmitting a copy of the Agency's draft bill entitled, "Packers and Stockyards Licensing Fee Act of 2002"; to the Committee on Agriculture.

8894. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Temporary Assistance for Needy Families (TANF) Program; Conforming Changes to Annual Income Requirements for HUD's Public Housing and Section 8 Assistance Programs [Docket No. FR-4635-F-02] (RIN: 2502-AC77) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8895. A letter from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Single Family Mortgage Insurance; Section 203(k) Consultant Placement and Removal Procedures [Docket No. FR-4592-F-02] (RIN: 2502-AH51) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8896. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7789] received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8897. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8898. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers (RIN: 3067-AD30) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8899. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of Interior, transmitting the Department's final rule — Indian School Equalization Program (RIN: 1076-AE14) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8900. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Chester and Westwood, California) [MM Docket No. 02-42; RM-10382] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8901. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.292(b), Table of Allotments, FM Broadcast Stations. (Big Wells, Texas) [MM Docket No. 01-247; RM-10232] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8902. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Georgetown, South Carolina) [MB Docket No. 02-65; RM-10370] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8903. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Childress, Texas) [MM Docket No. 01-196; RM-10208] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8904. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Baird, Texas) [MM Docket No. 01-197; RM 10170] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8905. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of allotments, Digital Television Broadcast Stations. (Athens, Georgia) [MB Docket No. 02-94; RM-10423] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8906. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and services (Transmittal No. 02-44), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8907. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Malaysia for defense articles and services (Transmittal No. 02-56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8908. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule — Guidelines for Physician Panel Determinations on Worker Requests for Assistance in Filing for State Workers' Compensation Benefits (RIN: 1901-AA90) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8909. A letter from the Assistant General Counsel for Regulation, Department of Housing and Urban Development, transmitting the Department's final rule — Administrative Wage Garnishment [Docket No. FR-4711-F-02] (RIN: 2501-AC85) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8910. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — District of Columbia Educational Good Time Credit [BOP-1106-F] (RIN: 1120-AB05) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8911. A letter from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule — Board of Immigration Appeals: Procedural Reforms to Improve Case Management [EOIR No. 131; AG Order No. 2609-2002] (RIN: 1125-AA36) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8912. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants — Visa Classification Symbols — received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8913. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Civil Monetary Penalty Inflation Adjustment Rule [Docket No. RM02-11-000; Order No. 890] received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8914. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Rate [Rev. Rul. 2002-59] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8915. A letter from the Secretary, Environmental Protection Agency, transmitting a copy of the Agency's draft bill entitled, "Clear Skies Act of 2002"; jointly to the Committees on Energy and Commerce and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 4708. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District; with an amendment (Rept. 107–641). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4822. A bill to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes (Rept. 107–642). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4938. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the Santee Sioux Tribe of Nebraska, and for other purposes (Rept. 107–643). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5157. A bill to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes (Rept. 107–644). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5169. A bill to amend the Federal Water Pollution Control act to enhance the security of wastewater treatment works (Rept. 107–645). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ETHERIDGE (for himself, Mr. Hoyer, Mr. Weldon of Pennsylvania, Mr. Oxley, Mr. Andrews, Mr. Pascrell, Mr. Smith of Michigan, and Mr. Watt of North Carolina):

H.R. 5334. A bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

By Mr. HOBSON (for himself, Mr. Boehner, Mr. Brown of Ohio, Mr. Chabot, Mr. Gillmor, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kucinich, Mr. LaTourette, Mr. Ney, Mr. Oxley, Mr. Portman, Ms. Pryce of Ohio, Mr. Regula, Mr. Sawyer, Mr. Strickland, Mr. Tiberi, and Mr. Wolf):

H.R. 5335. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. KING (for himself, Mr. Grucci, Mr. Israel, Mrs. McCarthy of New York, Mr. Ackerman, Mr. Meeks of New York, Mr. Crowley, Mr. Weiner, Mr. Towns, Mr. Fossella, Mrs. Maloney of New York, Mr. Gilman, Mr. Boehlert, Mr. Walsh, Mr. Houghton, Mr. Sweeney, Mr. Quinn, Mrs. Kelly, Mr. Engel, Mr. McHugh, Mr. LaFalce, Mr. Owens, Mr. Hinchey, Mr. Serrano, Mrs. Lowey, Mr. Nadler, Mr. McNulty, Mr. Rangel, Mr. Reynolds, Ms. Slaughter, and Ms. Velazquez):

H.R. 5336. A bill to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building"; to the Committee on Government Reform.

By Mrs. MORELLA:

H.R. 5337. A bill to amend title 5, United States Code, to allow periods of certain service performed as an employee under certain Cooperative Federal-State programs to be creditable for purposes of civil service retirement; to the Committee on Government Reform.

By Mr. POMEROY:

H.R. 5338. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture.

By Mr. REYNOLDS:

H.R. 5339. A bill to amend the Internal Revenue Code of 1986 to repeal the provision that limited the interest deduction on refinanced home mortgage indebtedness to the amount of the indebtedness being refinanced; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mr. Issa, Mr. Waxman, Mr. Lantos, Ms. Roybal-Allard, Mr. Calvert, Mr. Condit, Mr. Cunningham, Mr. Farr of California, Ms. Lofgren, Mr. Becerra, Mr. Royce, Mrs. Bono, Ms. Pelosi, Mr. Thompson of California, Mr. Berman, Mr. Ose, Mr. Schiff, Mrs. Davis of California, Mr. McKeon, Mr. Honda, Mr. Pombo, and Mr. Gallegly):

H.R. 5340. A bill to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Dayle 'Chick' Hearn Post Office"; to the Committee on Government Reform.

By Mr. TAYLOR of North Carolina:

H.R. 5341. A bill to authorize and direct the Secretary of Agriculture to take actions to promptly address the risk of fire and insect infestation in National Forest System lands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE:

H.R. 5342. A bill to require the Secretary of Agriculture to conduct a demonstration forest management project in the Black Hills National Forest in the States of South Dakota and Wyoming; to the Committee on Resources.

By Mr. POMEROY (for himself, Mr. Stenholm, Mr. Peterson of Minnesota, Mr. Thune, Mr. Bishop, Mr. Simpson, Ms. Baldwin, Mr. Baldacci, and Mr. Boswell):

H. Con. Res. 462. Concurrent resolution congratulating the National Farmers Union for 100 years of service to family farmers and ranchers and rural communities; to the Committee on Agriculture.

By Mrs. THURMAN:

H. Res. 517. A resolution providing for consideration of the bill (H.R. 1862) to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WICKER introduced a bill (H.R. 5343) to require the reissuance of a certificate of documentation for a vessel, and for other purposes; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. Wilson of South Carolina, Mr. Lucas of Kentucky, and Mr. Simmons.

H.R. 224: Mr. Kennedy of Rhode Island.

H.R. 232: Mr. Baird.

H.R. 292: Mr. Boucher.

H.R. 294: Mr. Wilson of South Carolina.

H.R. 690: Mr. Rothman, Mrs. Meek of Florida, and Mr. Fattah.

H.R. 699: Mr. Jeff Miller of Florida, Mr. Moran of Kansas, and Mr. Cooksey.

H.R. 858: Mr. Filner and Mr. Baird.

H.R. 951: Mr. Pombo, Mr. Strickland, and Mr. Gilman.

H.R. 968: Mr. Larsen of Washington.

H.R. 1073: Mr. Weldon of Pennsylvania.

H.R. 1184: Mr. Skeen, Mr. Chambliss, Mr. Baca, and Ms. Pelosi.

H.R. 1520: Mr. Smith of New Jersey, Mr. Acevedo-Vilá, Mr. Price of North Carolina, Ms. DeGette, Mr. Nethercutt, Mr. Abercrombie, Mr. Quinn, Mr. Neal of Massachusetts, Mr. Reynolds, Mr. Upton, Mrs. Jo Ann Davis of Virginia, Mr. Skeen, Mr. Castle, and Mrs. Wilson of New Mexico.

H.R. 1598: Mr. Callahan.

H.R. 1626: Mr. Israel.

H.R. 1859: Mrs. Thurman.

H.R. 1983: Mr. Carson of Oklahoma.

H.R. 2290: Mr. Hinchey.

H.R. 2529: Mr. Stark.

H.R. 2570: Mrs. McCarthy of New York, Mr. Rush, and Mr. Towns.

H.R. 2573: Mr. McNulty and Mr. Gonzalez.

H.R. 2701: Mr. Baca.

H.R. 2908: Mr. Gonzalez.

H.R. 3431: Mr. Taylor of Mississippi, Ms. Solis, Mr. Bachus, Mr. Ross, and Mr. Gonzalez.

H.R. 3612: Mr. Holt, Mr. Fattah, Mr. Pastor, and Mrs. Maloney of New York.

H.R. 3661: Mr. Pomeroy and Mr. Filner.

H.R. 3782: Mr. Wicker, Mrs. Napolitano, Mr. Bartlett of Maryland, Ms. Watson, Mr. Cox, and Mr. Lantos.

H.R. 3831: Mr. Capuano, Mr. Hoekstra, Mr. Hoeffel, Ms. DeLauro, and Mrs. Thurman.

H.R. 3961: Mr. Kildee.

H.R. 3974: Ms. Ros-Lehtinen and Mr. Hoeffel.

H.R. 3992: Mrs. Morella, Ms. Ros-Lehtinen, Mr. Manzullo, Mr. Rothman, Ms. Rivers, Mrs. Thurman, Mr. Lantos, and Mr. Lucas of Oklahoma.

H.R. 4611: Ms. Roybal-Allard and Mr. Larsen of Washington.

H.R. 4639: Mr. DeFazio.

H.R. 4699: Mr. Frank.

H.R. 4706: Mr. Frost.

H.R. 4709: Mr. Payne.

H.R. 4728: Mr. Brown of Ohio, Mr. Holt, and Mr. Kennedy of Rhode Island.

H.R. 4738: Mrs. Davis of California.

H.R. 4803: Mr. Holt and Mr. Hastings of Florida.

H.R. 4837: Mr. Frost.

H.R. 4951: Mr. Baldacci, Ms. Velázquez, Ms. Watson, and Mr. Spratt.

H.R. 5157: Mr. Hinchey.

H.R. 5226: Mrs. McCarthy of New York, Mrs. Tauscher, Ms. Roybal-Allard, Mr. Holt, Mr. Farr of California, Mr. Filner, Mr. McNulty, and Ms. Eshoo.

H.R. 5267: Mr. Royce, Mr. Crowley, and Mr. Pallone.

H.R. 5310: Mr. Camp.

H.R. 5311: Mr. Ganske, Mr. Moore, Mr. Berry, and Mr. Turner.

H.R. 5318: Mr. Cannon and Mr. McInnis.

H. Con. Res. 238: Mr. Baird.

H. Con. Res. 297: Mr. Lantos, Mr. Abercrombie, Ms. Sánchez, and Ms. Roybal-Allard.

H. Con. Res. 401: Ms. DeGette.

H. Con. Res. 404: Ms. Brown of Florida, Mr. McDermott, Ms. Eddie Bernice Johnson of Texas, and Mr. Kildee.

H. Con. Res. 432: Mr. Shaw, Mr. Tancredo, Mr. Reynolds, Mr. Smith of New Jersey, Mr. Nadler, Mr. Larson of Connecticut, Mr. Bentsen, and Mr. Boyd.

H. Res. 443: Ms. Lee, Mr. Honda, and Mr. Hastings of Florida.

H. Res. 468: Mr. Hilliard, Mr. Hastings of Florida, Mr. Terry, Mr. Underwood, Mr. Wexler, Mr. Stupak, Mr. Hefley, Mr. Shimkus, Mr. Crowley, and Mr. Davis of Florida.

H. Res. 485: Mr. Levin, Mr. Sabo, Mrs. McCarthy of New York, Ms. Slaughter, and Ms. Eshoo.

H. Res. 499: Mr. FRANK.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5, by Mr. KUCINICH on House Resolution 304: Zoe Lofgren.

SENATE—*Thursday, September 5, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we are grateful for the assurance of Your presence, available at all times, dependable in all circumstances, bracing when we need correction, and inspiring when we need courage. Lead on, Lord, as we press on. The day stretches out before us filled with debate, deliberations, and decisions. Keep us calm as we trust You and reassured as You replenish our reserves. You have promised never to leave or forsake us. Grant the Senators a renewed assurance of Your wisdom for each complex problem. You are the source of creative insight, inventive solutions, and decisive intentionality. Fill this Chamber with Your presence, each Senator with an acute sense of accountability to You, and all of America with the privilege of being one Nation under Your providential care and Your protective concern. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 5, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, the two managers of the bill will be here shortly to continue with this most important Interior appropriations bill. Debate will continue until 12 noon, at which time we will have an hour of morning business, with the Republicans controlling the first half and the Democrats controlling the second half.

At 1 p.m., the Senate will resume consideration of the Homeland Security Act.

There have been amendments laid down—both on the Interior bill and the homeland security bill.

Today will be the last business day of the Senate this week because of the ceremony in New York tomorrow. I hope we can make progress on both of these most important pieces of legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5903) making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd amendment No. 4472, in the nature of a substitute.

Byrd amendment No. 4480 (to amendment No. 4472) to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Daschle modified amendment No. 4481 (to amendment No. 4472), to provide emergency disaster assistance to agricultural producers.

Mr. REID. Madam President, until we hear from Senator BYRD, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

Mr. BYRD. Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Madam President, I apologize to the distinguished Senator from Minnesota, Mr. WELLSTONE, for my having objected to his calling off an earlier quorum. My reason for doing that was so that we, the two managers, could get certain amendments in order that were agreed to, with respect to the amendments, on both sides. We would like to go forward with these at this point, after which I certainly hope the distinguished Senator from Minnesota will then proceed. I thank him for his characteristic courtesy.

Madam President, I shall offer three or four amendments for Members on my side of the aisle. My colleague, Mr. BURNS, will offer amendments for Members on his side of the aisle. These amendments have been agreed to on both sides.

AMENDMENT NO. 4493

Mr. BYRD. Madam President, I send, therefore, an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mrs. MURRAY, proposes an amendment numbered 4493:

(Purpose: To provide funds for the Vancouver National Historic Reserve in the State of Washington, with an offset)

On page 22, line 23, strike "$62.828,000" and insert "$63,228,000, of which $400,000 shall be made available for statutory and contractual aid for the Vancouver National Historic Reserve in the State of Washington".

On page 24, line 13, strike "$361,915,000" and insert "$361.515,000".

Mr. BYRD. Madam President, I have offered this amendment on behalf of the distinguished senior Senator from Washington, Mrs. MURRAY. The amendment, as the clerk has read, would provide funds for the Vancouver National Historical Reserve in the State of Washington. The amendment has been fully offset and has been agreed to by both managers. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4493) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was adopted.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, I yield to my colleague to offer an amendment, after which I will, hopefully, get the floor to offer another amendment.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENT NO. 4494

Mr. BURNS. I thank my chairman.

Madam President, I send to the desk an amendment on behalf of Mr. CAMPBELL of Colorado and ask for its consideration.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. CAMPBELL, proposes an amendment numbered 4494.

Mr. BURNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the provision relating to transportation services to include Rocky Mountain National Park)

Beginning on page 62, strike line 22 and all that follows through page 63, line 2, and insert the following:

of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

Mr. BURNS. Madam President, this is a technical change in the transportation and contractual authority for Rocky Mountain National Park in Colorado. It has been cleared on both sides. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4494) was agreed to.

Mr. BURNS. Madam President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4495

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Madam President, I have an amendment which I offer on behalf of Senator LEAHY. I send it to the desk. These amendments are short, so I would like for the clerk to read them.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. LEAHY, proposes an amendment numbered 4495:

(Purpose: To permit the use of a single procurement contract by the Smithsonian Institution for a multi-year repair and renovation of the Patent Office Building, subject to the availability of annual appropriations)

On page 102, at the end of line 26, add the following:

"*Provided*, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project. *Provided further*, That the solicitation of the contract and the contract shall contain the clause 'availability of funds' found at 48 C.F.R. 52.232–18."

Mr. BYRD. Madam President, this amendment, which is proposed by Mr. LEAHY, would allow the Smithsonian Institution to use a single procurement contract for multiyear repair and renovation work at the Patent Office Building. This amendment will result in the saving of time and the saving of money and has, therefore, been agreed to by the managers.

The ACTING PRESIDENT pro tempore. Is there further discussion?

If not, without objection, the amendment is agreed to.

The amendment (No. 4495) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, on these remaining amendments, when they are offered, I ask unanimous consent that the pending amendment be set aside until our series of amendments have been taken care of.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana.

AMENDMENT NO. 4496

Mr. BURNS. Madam President, I send an amendment to the desk and ask for its immediate consideration on behalf of Senator COLLINS of Maine.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Ms. COLLINS, proposes an amendment numbered 4496:

(Purpose: To redistribute funds allocated for Atlantic salmon recovery)

On page 13, line 19, insert the following after the colon:

": *Provided further*, That of the funds available for endangered species recovery, $1,500,000 is for Atlantic salmon recovery activities administered by the National Fish and Wildlife Foundation and $500,000 is for the United States Fish and Wildlife Service to undertake Atlantic salmon recovery efforts in Maine."

Mr. BURNS. Madam President, I congratulate the Senator from Maine for submitting this amendment. What it does is provide for the reallocation of funds for recovery activities of the Atlantic salmon. As you know, we have ongoing recoveries for all kinds of species across the country. Of course, one of the big ones is the Pacific salmon. Now she has offered to pick up and accelerate the programs on the Atlantic salmon. I ask for its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4496) was agreed to.

Mr. BURNS. Madam President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4497

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senators GRAHAM and NELSON of Florida.

The PRESIDING OFFICER (Mr. MILLER). The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. GRAHAM and Mr. NELSON of Florida, proposes an amendment numbered 4497:

(Purpose: To direct the Corps of Engineers to construct a portion of the modified water delivery project in the State of Florida)

On page 127, between lines 2 and 3, insert the following:

SEC. 3 . MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

Notwithstanding any other provision of law, the Corps of Engineers, using funds made available by this Act and funds made available under any Act enacted before the date of enactment of this Act for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled "Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement" and dated July 2000.

Mr. BYRD. Mr. President, this amendment I have offered on behalf of Senators GRAHAM and NELSON of Florida will expedite the important environmental restoration work currently underway in and around the Everglades National Park.

The amendment has been agreed to by both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4497) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, the remaining amendments will be offered by my colleague, Mr. BURNS.

AMENDMENT NO. 4498

Mr. BURNS. Mr. President, I send an amendment to the desk on behalf of Mrs. HUTCHISON of Texas and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mrs. HUTCHISON, proposes an amendment numbered 4498.

Mr. BURNS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical change with respect to the Lower Rio Grande Valley National Wildlife Refuge)

On page 14, lines 11 and 12, strike "$42,182,000, to remain available until expended:" and insert "$42,682,000, to remain available until expended, of which $500,000 shall be made available for the World Birding Center in Mission, Texas:".

On page 14, line 26, strike "$89,055,000" and insert "$88,555,000".

On page 15, line 5, insert ", of which $500,000 shall be made available for the Lower Rio Grande Valley National Wildlife Refuge" before the colon.

Mr. BURNS. Mr. President, this is a reallocation of funds to make sure the Birding Center in Texas is maintained and it is fully offset. It has the approval of both sides of the aisle.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 4498) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4499

Mr. BURNS. Mr. President, I send an amendment to the desk on behalf of Senator KYL of Arizona.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. KYL, proposes an amendment numbered 4499.

The amendment is as follows:

(Purpose: To require the Director of the National Park Service to report to Congress on the status of the Colorado River Management Plan)

On page 64, between lines 15 and 16, insert the following:

SEC. 1 . COLORADO RIVER MANAGEMENT PLAN.

Not less often than annually, the Director of the National Park Service shall report to Congress on the status of the Colorado River Management Plan.

Mr. BURNS. This amendment has the approval of both sides of the aisle. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 4499) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank my distinguished friend and colleague, the ranking member. This completes the series of amendments to which I alluded earlier.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

AMENDMENT NO. 4481

Mr. WELLSTONE. Mr. President, I thank the Senators for their fine work. We are now debating an amendment that was laid down by a number of Senators. Senator DASCHLE took the lead and I am proud to be an original cosponsor. It deals with the question of disaster relief.

I have to say, as the Senator from Minnesota, I take this debate in the next hour, hour and a half, or 2 hours as serious as any debate I have ever been involved in because I think literally this is at least an economic life-or-death question for many farmers in Minnesota, specifically northwestern Minnesota.

Before I talk about my State, I want to make this appeal to all of my colleagues. There was a front-page story in the Washington Post today—and I know Senator NELSON and Senator HAGEL have spoken about this—about the drought in Nebraska. It is heartbreaking to read about that. It is just almost unprecedented drought conditions. For these ranchers, cattlemen, and farmers, the time is not neutral. Time moves on. If we don't take any action and get help to them, the farm bill becomes irrelevant because they don't have any crops and they are not going to be able to produce to get a price.

They didn't ask for the drought. It is the same thing in South Dakota. Then I read about the fires in Colorado and in Arizona. They didn't ask for that. During the years that I have been here in the Senate, we have also had Senators come to the floor from different States where there have been hurricanes or tornadoes. Certainly, that has happened in Minnesota. It is devastating, these natural disasters. It has nothing to do with whether people work hard or are good managers.

As I have said, there but for the grace of God go I. Nobody knows, in our part of the country, when you could be hit by a tornado. In other parts of the country, it could be a hurricane, drought, fire, or flooding.

So I think this vote is a test of our goodness. I am not going to bash away at the administration. I hope the administration is changing its view and not working strongly against this amendment. Frankly, I will give all the credit in the world to anybody who helps. It doesn't really matter to me. If the White House is going to show flexibility and support, and we pass this amendment on the floor, and it is kept in conference, I will applaud everybody and give credit to everybody. I hope that is the way it will be because, frankly, I think disaster relief is really—look, people say I have been in a lot of intense debates on the floor and probably will be in one this afternoon about these scoundrel companies that go to Bermuda and set up sham headquarters and don't pay their fair share of taxes.

I don't think the whole question of emergency disaster relief has any party label to it. Certainly, the people whose lives are destroyed are Democrats, Republicans, Independents, or none of the above. Certainly, this is about our States and the people we represent and doesn't have a lot to do with party identification, period.

As I said yesterday—and I will get to the specifics about Minnesota—I know I have never voted against disaster assistance moneys for any part of the country because I think it is an example of there but for the grace of God go I. We are grateful that I can help other parts of the country, and we are grateful it wasn't our homes or farms or that it didn't happen in our State. We are grateful that it didn't happen in our communities. But sometimes it does happen in our State and in our communities, in which case we come to the floor and ask colleagues for support.

Really, on the whole question of offsets, we haven't done offsets for disaster relief before. This is just something that happens and we know when it happens that we provide the help. So in the case of Minnesota, we are talking about 17 counties in northwest Minnesota. We are talking about rich farmland and about having been really massively damaged and devastated by the flooding. FEMA does good work. I love the work they do. They have been to Minnesota many times. They are an amazing group of men and women. It is an interesting job they have. They come in crisis situations and help with temporary housing, and the Small Business Administration tries to help with additional funding; and if there is damage of infrastructure, public infrastructure, they have helped us rebuild schools in our State.

As my colleague from Montana and all Senators who are from farm country know, they do not provide assistance to the farmers. We need help for these farmers—the wheat growers, corn growers, soybean growers, you name it. Everything that is in the farm bill will be irrelevant. We are lucky if it covers 70 percent of the cost. We would be very lucky. The farmers cannot afford a 30-percent loss.

I call on our colleagues for their support. The past is the past, and the present is the present. I am interested in the present. We had in the Senate bill farm money for disaster relief assistance. I wish it had been kept in conference. It was not. That is beside the point. It is in the past. We tried to put it on the emergency supplemental bill, and there was opposition.

My hope today is that we will come together, Democrats and Republicans, and we will do it because we know this is what we always do. When people are faced with these kinds of crises—this does not have anything to do with low prices; it does not have anything to do with countercyclical payments or dairy payments; it does not have anything to do with the Conservation Reserve Program.

This has to do with weather-related disasters that have literally devastated so many people in farm country in America today and/or in other parts of our country today. I think of the fires again.

I come to the Chamber to urge my colleagues, to appeal to my colleagues to please support this amendment. Please support it. This amendment will provide much needed help to many wonderful, hard-working people in northwestern Minnesota and, for that matter, around the country.

The vote we are going to have, which will probably be sometime before noon, will be a critically important vote. We will need 60 votes. I hope we get the 60 votes. I say to the Chair, having been to northwest Minnesota several times, these have been some of the toughest meetings I have ever attended. The farmers are at their wits end. It is not like they are asking for help. The Presiding Officer knows some of the people about whom I am speaking. They are not comfortable asking for help. They know they have to have help or there is no tomorrow; they will have no future at all.

If they can get the good news today that the Senate said, We are going to provide you with the help, we are going to provide the disaster relief money, it will make all the difference in the world. If we get over 60 votes, I really believe we will have a good chance of keeping it in conference. I think the White House will support us, and we can do this together.

As a Senator from Minnesota, having a pretty clear picture about when we talk about $300 million worth or $350 million worth of damage and number of acres, I translate that all into personal terms. I think of all the husbands, wives, children, and families with whom I have met. The farmers are not here, but they are counting on us to represent them well.

I say to all Senators, please represent well the people in the country who have been hit with these natural disasters, and please vote for this amendment. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 5 or 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

IRAQ

Mr. MURKOWSKI. Mr. President, as we contemplate military action against Iraq, I wish to bring to the attention of my colleagues the rationalization, in the opinion of the junior Senator from Alaska, of the circumstances surrounding the risk to allow Saddam Hussein to continue to develop weapons of mass destruction. It is no secret that over an extended period of time, Saddam Hussein and Iraq have been developing this capability. It not only includes chemical weapons and biological weapons, but a delivery system. Clearly, we have seen as a consequence of the Persian Gulf war the capability of a delivery system reaching Israel. In addition to that, we have every reason to believe he is developing his nuclear capability.

The question to which we have to relate is, of course, the obligation as to how to thwart this exposure from the standpoint of the United States' role as not only the peacekeeper of the world but the recognition that if the United States does not do it, it probably will not be done.

I bring that reference up to simply highlight a comparison. Had we known in advance of 9/11 the contemplated exposure—not only to the United States, but the peace of the world, as we knew the world prior to that time and the recognition that a number of aircraft was going to be used as weapons and the consequences associated with the aircraft that went into the World Trade Center in New York, the Pentagon, and, of course, the exposure in Washington and other areas of the United States associated with the activities at that time—we would have taken some action, Mr. President. There is no question about it because we knew the ramifications of not taking such action.

What I am saying is we have a dilemma in the sense of a recognized concentration of weapons of mass destruction being controlled by an individual who is not only uncontrollable but one who has, over an extended period of time, initiated actions such as we have seen during the Persian Gulf war where he saw fit to invade Kuwait with the intention of going into Saudi Arabia with the objective of controlling the wealth of the oil provinces of that part of the world. That was his objective, make no mistake about it.

If he could have prevailed in Kuwait and gone into Saudi Arabia, he would have controlled a good portion of Mideast oil and, hence, the wealth and cashflows of the area.

The consequences of that, as we see Saddam Hussein again amassing this threat as a consequence of his development of weapons of mass destruction, brings us to the evaluation of what action we should take. Is it inevitable that sooner or later Saddam Hussein will use these weapons of mass destruction, and against whom?

We have had an opportunity to observe a pattern of Saddam Hussein in the time since the Persian Gulf war. If one can perhaps simplify it, we have initiated a no-fly zone over Iraq since about 1992. In initiating that no-fly zone, we have taken out some of his targets. He has attempted to shoot some of our aircraft down that are patrolling the area.

There is another inconsistency that stands out even more openly, and that is the realization that during this time we have been buying oil from Saddam Hussein, hundreds of thousands of barrels a day. In September of 2001, we set a record by importing nearly 1.2 million barrels of oil per day from Saddam.

It is almost as if we would take his oil, put it in our airplanes, and go take out his targets. That is rather ironic. I think it is rather inconsistent, and it shows certainly an inconsistency in our foreign policy.

What does he do with the money he receives from the United States? Why, he takes care of his Republican Guard, the group that keeps him alive, and develops more weapons of mass destruction and perhaps aims them at our ally Israel. Maybe that is an oversimplification of foreign policy. Nevertheless, that is what has been going on over a period of time. So we have become, to some extent, perhaps a partner because we are providing Saddam Hussein indirectly, through the purchase of his oil, with a cashflow that allows him to develop his weapons of mass destruction.

Others might say that is inconsistent logic because someone else would buy his oil if the United States did not. I am not going to pursue that, other than to state a fact: We are buying hundreds of thousands of barrels of oil from Saddam Hussein. He is developing weapons of mass destruction. Where does he get the money? A portion of it comes from oil sales to the United States.

So as we contemplate our decision on initiating an action against Saddam Hussein, we have to look back to the circumstances surrounding 9/11 where, had we known that the threat was what it turned out to be, we would have initiated an action. We did not know. We did not initiate an action.

We can criticize our security. We can criticize the CIA and the other intelligence agencies for inadequate information. Nevertheless, the fact remains, we did not know. Had we known, we would have taken action.

In the case of Saddam Hussein, clearly we know he is developing weapons of mass destruction. So the point is, should we take action? If we do not, who will? What is the actual threat? We do not know, but it is clearly a choice. We are giving Saddam Hussein a choice of either surrender—in other words, open up your country to the U.N. inspectors—or be prepared for the ultimate alternative, and that is basically to be subjected to a conflict that could go on for some time.

I see my good friend, the senior Senator from West Virginia, is seeking recognition. I will conclude with one reference: That we need to consider again the obligation that the energy conferees have. The conference is in order. The issues are being discussed. There is an issue, and it is the issue of opening up ANWR that is within the authority of the conference to bring back to the Senate for action. As the President well knows, the House has included ANWR in its bill and the issue is before the conference.

At a time when we are contemplating an action against Saddam Hussein, which certainly would result in an upheaval in the Mideast, it is imperative each Member recognize his or her obligation to address this with some finality. It simply makes sense to authorize the opening of this area so we can reduce our dependence on Mideast oil, particularly the sources we currently get our oil from, including Iraq and Saddam Hussein.

There is going to be an invitation by the conference to invite Members to ANWR, to Kaktovik, on September 13. Members should avail themselves of the opportunity to see for themselves that it could be opened up safely.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska for his comments. There will come a time when the Senate should debate this question.

I compliment the distinguished Senator from Alaska on his concerns with respect to Saddam Hussein. I believe he said we have every reason to believe Saddam Hussein has developed a nuclear capability. I hope I am not misquoting the Senator.

In the days ahead, we will want to know what the evidence is. I do not intend to get into any long debate at this point about the matter because we have a bill before us with a pending amendment. We need to get on with that, but no Senator is seeking recognition at this point.

Perhaps Saddam Hussein has developed such a nuclear capability. When the able Senator says we have every reason to believe he has, that is not quite the point. Where is the evidence?

Of course, it is to be expected that some people in this country will assign unpatriotic reasons for the asking of questions by Senators. We have a right to ask questions, we have a duty to ask questions, because we are living in a very perilous time.

The war drums are beating all around us. I want to listen to what is said. I want to listen to what the President has to say. I want to listen to what he is going to say at the United Nations. I hope the United Nations will respond. I am not saying we in the Congress have to have authorization by the United Nations. Authorization is contained right here in this little book I hold in my hand, the Constitution of the United States. This Congress has the power to declare war.

I, for one, am not going to hang my vote on an authorization by the U.N. for us in this Congress to do thus and so. We should know what the United Nations has to say. I think the United Nations should take a position. If the straits are as dire as we hear, then the United Nations ought to be concerned. And the United Nations ought to give the world the benefit of its opinion. I am glad the President is going to the United Nations.

I am breaking our own rules here. I ask unanimous consent, although the Pastore rule may not have run its course, I may speak on a different subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. The United Nations, I think, has a duty to let the world know where it stands and what its opinion is. If this country is going to eventually go into a difficult situation, as may confront us, if war is declared by this legislative branch, or if war is approved, authorized, by this legislative branch, then we in the United States should not have to go it alone.

But when we say we have every right to believe that Saddam Hussein has developed nuclear capability, well, we have every right in our minds to think perhaps he has, and we can easily convince ourselves, but is that enough? Where is the evidence?

I, for one, intend to ask questions as we go along. It is not unpatriotic to ask questions. I intend to ask questions. I have a right to ask questions. Where is the evidence? We might think about that as we go along.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

Mr. BYRD. Mr. President, I hope Senators will come to the floor if they have anything to say by way of debate on the pending amendment, if they have an amendment to the amendment. I hope Senators will come to the floor and exercise their right to offer amendments, or to speak. But we do not have the time to waste by just waiting and letting the clock run.

This afternoon, the Senate will be debating the homeland security legislation. Take a look at the situation we are in. October 1, a new fiscal year, is rapidly approaching. It is staring us in the face. Not one appropriations bill has been sent to the President for his signature. Where is the other House, where is the other body, on this matter? I don't seek to point the finger, but the facts are the facts.

The Appropriations Committee of the Senate, which I chair, and the distinguished former chairman, just preceding me, Senator STEVENS, he and I and others on the committee, Republicans and Democrats, have reported out 13 appropriations bills. We did that before the recess. We in the committee have done our work. Where is the House? Why doesn't the House report? I have to be careful about criticizing the other body. I don't criticize. I simply ask the question, Where is the House in this matter?

The House has acted on the House floor on, I believe, six bills; I believe I am correct. The Senate on the floor has acted on, in the past, three appropriations bills. One is now pending. But all the appropriations bills have been reported by our Appropriations Committee in this Senate. We did that before the recess. We need other bills from the House. The Constitution does not say appropriations bills have to start in the House. It says the revenue bills must, the revenue-raising bills, but not appropriations. However, by custom, the House over the years has generally initiated the appropriations bills. I don't have any quarrel with that.

So where are the other bills? Our time is fast running. The new fiscal year begins on October 1. Here we are, the Nation is confronted with some great questions. The question of homeland security, that is homeland defense. That is the defense of our country, our families, our children, right here in this country.

We have legislation before the Senate that deals with homeland security. We need to get on with it or we need to take our time. And here again we need to ask questions—that is what I have been doing—on homeland security. But where are we? Here we are with three Senators on the floor. Now, Senators are busy. There are committee meetings going on, I know, right now. However, I urge Senators to come to the floor and get this bill going and try to pass it.

Tomorrow, a good many Senators are going to New York City. I am not, but a good many Senators are going to New York City. I don't believe I need to go to show my concern for what has happened. I have reacted as chairman of the Appropriations Committee, I and Senator STEVENS, Republicans and Democrats on that committee have reacted, have responded to the needs of New York City. We have done the best we could. We have appropriated $20 billion. So we have responded. I feel sorrow and the need for comfort as much as anyone, but I make the point here that I am not going. I think we ought to be right here doing our work. We have plenty of it to do and not much time.

Look at the calendar, and you will see how squeezed we are to get our remaining work done. We have homeland security. We have nine more appropriations bills to pass in this body after this bill that is before the Senate is acted on. Then we have to go to conference. And here we are, the calendar is running.

I have taken a good bit of time on this point to say this. I don't want anyone to misunderstand my remarks. I have my own viewpoint. As Popeye used to say: I am what I am, and that's all I am. So I have my viewpoint. But it is not my will that should be done. We have work to do, and we ought to be here doing it. We ought to be here right now moving on with it.

The distinguished ranking member is here at his post. He and I have offered amendments on behalf of the Members on both sides. Where are the other Members who have amendments? Where are they? The first question that was ever asked in the history of mankind was the question: Where art thou? And God, walking through the Garden of Eden, in the cool of the day, said: Adam, Adam, where art thou? That was the first question that was ever asked in the history of mankind: Where art thou?

If I might just pick up on those words—that is all that I, this humble piece of mortal clay can do, is ask: Where art thou? Where are the Senators? Where are we?

Let me say again with apologies to Senators, I know they are very busy. But those who have amendments ought to come. This floor is open and will be. I will take my chair at any time somebody comes in the door.

So: Where art thou? Senators, hear me, come to the floor, offer your amendments; let's have votes and move on.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the Senator from West Virginia makes a good point. We always hear about those who want to come and make their statement regarding any piece of legislation. Then we go at breakneck speed and grind to a halt. That seems to be what we have done.

Let me just say a few words on behalf of the drought amendment that is before the Senate. We are concerned about the drought as it happened in this area that has been expanded. We have been in a drought situation in Montana for about 5 years. We have been, not only in a situation of summer drought and no summer moisture, but also in the area of low snowpack in the Rocky Mountains, in the areas that feed the irrigation water and stock water and many other amenities that have been provided by that wonderful element. But this year, that drought expanded. It expanded to our neighbors to the south, Colorado and Wyoming, the western Dakotas, and Kansas. Some would say that is almost the breadbasket of this country.

I had an opportunity to drive through those drought areas in western Kansas and Colorado and western Nebraska, and I would say the stories I heard and the history we have studied of the great drought of the dirty thirties—if we were using the same farm way of doing business that we did then, we would probably be back in a dust bowl situation in the Midwest. That is how dry it has been—just no rain at all.

So this is needed legislation. It is not just legislation that has come as a whim to anybody who lives in the heart of this country.

Was all of Montana affected by drought? No. We are a large State. We are 148,000 square miles—not quite as big as Texas, not quite as big as California or Alaska. Nonetheless, if you measure in air miles from the northwest corner to the southeast corner of my State, it is further than from here to Chicago—from Washington, DC, to Chicago.

In the northeastern part of the State, we fared pretty well with crops, grass. But as the rangeland has droughted out in the last 5 years, we have seen a decline, also, in the numbers of livestock. That not only affects our farm income but also our tax base. It affects us in many more ways than just the loss of the numbers of cattle or the loss of a crop.

So this is needed legislation.

We have tried, now, for better than a year and a half to provide relief for those who have been affected by that weather pattern. We have an opportunity here to pass this legislation. The chairman of the subcommittee and the chairman of the full committee is right on when he says we should be moving on this piece of legislation. In fact, it should be off from the Senate tonight, to be honest, probably, if we had the full days to work on it. But everyone knows we move to homeland defense, homeland security, later and we are paralleling these two pieces of legislation.

This particular appropriations bill always draws a little bit of attention because it deals with sensitive areas: Our national public lands and our parks. As many people as there are in the world, there are that many opinions as to how we should manage those public lands and those parks. So it brings diverse ideas, different ideas, and many of them come to this floor. However, we have been lacking that debate in the last 2 days, and that causes some concern, I suppose. Nonetheless, we should be moving along.

I urge my colleagues, especially those on this side of the aisle, that if they have amendments to offer or want to speak on the issue that is before us now, to do it now. It will not be long before we will be to noon, and at that time we go into morning business and then, after that, homeland security.

I stand in support of the chairman of the committee in asking our colleagues to please do that. I know we are working feverishly to clear more amendments. We have already done some of those, and the staff has just done wonderful work in narrowing down our work on the amendments that were offered by Members of the Senate.

Seeing no other Senator standing with a request to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we now have a number of issues pending on this important piece of legislation. But the one issue that is pending that we need to dispose of today is drought assistance. People on both sides of the aisle need to move this issue for their constituents. It is an important piece of legislation. We have been waiting—yesterday and today—for people to come to speak against it. We have had no one come to speak against this piece of legislation.

That being the case, I am going to move to waive all points of order dealing with this amendment. I think that should be done. I intend to do it very shortly.

Some people may not like it, but the fact of legislative life in the Senate is that we are going to have to vote on this legislation. We should move forward on it. Once we get it out of the way, we can move further down the road.

The two managers of the bill have acted on a number of amendments today. We could complete this bill very quickly. We only have an hour left today.

The amendment now pending before the Senate is the drought assistance amendment offered by Senator DASCHLE.

Is that correct?

The PRESIDING OFFICER. That is the pending amendment.

Mr. REID. Mr. President, at this time, I move to waive all points of order relating to this amendment.

Mr. BYRD. Mr. President, will the Senator yield before he makes that motion?

Mr. REID. I would be happy to yield.

Mr. BYRD. Mr. President, the Senator has the floor and certainly has the right to make that motion. Would he mind, now that he has announced his intention, to go through a quorum call and get consent that once the quorum call is completed he retain his right to the floor? Certainly before he makes the motion other Senators may come; they will know. They will know from having heard this that business is moving and that we can't continue with the luxury of waiting until next week.

Mr. REID. Mr. President, the experience and wisdom of my friend from West Virginia has prevailed in the past and will this time. I think his suggestion is a wiser choice. I withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I indicate to all assembled here that we need to move this amendment along. I have had a number of people indicate to me that they do not like this amendment, but they can come and talk about it. This isn't just going to go away. I hope we can do that very shortly.

I would also indicate that Senator HARKIN is here wishing to offer a sense-of-the-Senate resolution.

I ask unanimous consent that I retain the floor when the quorum is rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. REID. Madam President, we are in a Senate kind of situation here. We have both managers of the bill who support the amendment offered by the majority leader. I believe we have a significant majority of Senators who support the Daschle amendment. But we are in a posture where we have people—unknown, unnamed—who do not like this amendment.

As I indicated earlier, we are going to move to waive points of order on this amendment. We are not going to do it now, as Senator BYRD suggested; we will do it at a later time. To get people to come over who oppose this amendment would be the most appropriate thing to do.

In the meantime, Madam President, I ask unanimous consent that the Senator from North Dakota, Mr. CONRAD, be recognized for up to 10 minutes to speak on the underlying legislation and that the Senator from Montana be recognized for up to 10 minutes to speak on the legislation. Following that, I ask unanimous consent that, after calling off the quorum call, Senator BYRD be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I would therefore ask we go forward with the 10 minutes, and the 10 minutes, and then, if there is a quorum call, the Senator gets the floor. I think it might be better if he just got the floor after this. Let's do it that way. After they finish their speeches, Senator BYRD gets the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Madam President, the amendment before us is critically important to many parts of the country. It is certainly critically important to my State.

This has been a year of extremes. In southwestern North Dakota, it has been the worst drought since the 1930s. If you went to southwestern North Dakota, what you would find is it looks like a moonscape. We have had wildfires, the most extensive in my lifetime.

We had, in one part of south central North Dakota, a wildfire that burned 35,000 acres. That burned an entire town, the little town of Shields, ND. Hundreds of buildings burned up. The only two buildings that survived were the bar and the church. It is amazing what happens in these circumstances.

I was there the morning after that dreadful night, and I met with the ranchers. One rancher had been up fighting fires for 72 hours.

As he slumped in a chair, he told me: Senator, if there isn't assistance coming, I have to liquidate my herd and I am out of business.

Of course, he would have to liquidate his herd at the time prices are plunging; ranchers all over the region are liquidating their herds because there is not feed for their cattle. It is happening in Montana, North Dakota, South Dakota, Nebraska, and Kansas, right down the heartland of the country.

At the same time the whole southwestern quarter of my State is hit by the worst drought since the 1930s, in the northeastern quadrant of the State, we have had hundreds of thousands of acres that couldn't be planted because it was too wet. What a remarkable set of circumstances.

In northeastern North Dakota, in a 24-hour period, we got 12 inches of rain—12 inches of rain in a State where we average 18 inches of rain in a year.

Hundreds of thousands of acres were destroyed, much of it never planted. Some 3 million acres in my State were never planted. This is a disaster by any description.

What we do here determines whether or not people go under or survive. Some have said: Look to the farm bill for your assistance. There are no disaster provisions in the farm bill. I was one of the conferees on the farm bill, along with the distinguished chairman of our committee, the Senator from Iowa. We had disaster provisions in the farm bill that passed the Senate, but when we went to conference, those who represented the House told us there were two issues they could not discuss in the conference. Those two issues: Opening up Cuba for trade and disaster assistance.

They said those had to go to the Speaker of the House. And when the majority leader called the Speaker of the House, he said unequivocally: No disaster assistance, period, in the farm bill.

The conferees from the House side said that later on in the session it would be possible to consider disaster assistance, but it was not possible in the farm bill.

So when the White House says to farmers in this country, look to the farm bill for disaster assistance, there is no help there for disasters. It was specifically precluded by the speaker of the House of Representatives, supported by the President of the United States. There is no disaster assistance in that farm bill.

I just held a hearing in my State on this issue. The Governor of the State, a Republican Governor, the commissioner of agriculture, a Democrat, the leaders of the farm organizations—some Democrats, some Republicans—were present. What unified them was the dire emergency that exists, the urgent need for aid. Every single witness at the hearing, and everyone in the crowd who spoke, delivered the same message: Unless there is help coming, thousands of farm families are going to be forced off the land.

They made it very clear. The commissioner of agriculture said the losses in North Dakota so far are over $800 million. In Washington, $800 million is not a lot of money. In North Dakota, $800 million is a huge amount of money. It will condemn to failure thousands of farm families if there is not assistance coming from here.

Every time there has been a natural disaster in any part of the country for as long as I have been in the Senate, this Nation has responded. We have declared an emergency. We have provided the money. We should do no less here.

It is not just North Dakota. It is the flooding in Minnesota, the worst floods in their history. It is disaster in our neighboring State of Montana, our neighboring State of South Dakota, and, as I indicated, right down the heartland of the country. We have seen the worst wildfires in history in Colorado and Arizona—all of this because of overly dry conditions. But there are parts of the country that have had flooding and, as a result, crop failure.

This bill costs over $5 billion. We know that. We acknowledge it. But what has not been discussed is the substantial savings in the farm bill because of these same conditions. There are billions of dollars of savings in the farm bill because prices are higher than were anticipated at the time the farm bill was written. Why? Because of these disasters, there is less production. Therefore, prices are higher than were anticipated. As a result, there will be substantial savings in the farm bill.

I have asked the Congressional Budget Office to reestimate the farm bill based on these most recent prices. I can tell you, it will mean billions of dollars of savings in the farm program itself. But those dollars are not available for the disaster program unless we pass one.

This is an emergency. Always we have responded to natural disasters. Whether it was hurricanes in Florida, earthquakes in California, flooding in Missouri, or drought in other parts of the country, this Nation has rallied as one to provide assistance.

I was very interested to see the President supporting disaster assistance for eastern Europe at the very time I was home in North Dakota going community to community. We saw the President declare his support for U.S. assistance for disasters, flooding, occurring in eastern Europe. Well, he has a plan for eastern Europe. He has no plan for the heartland of America.

That cannot be the result. That is not fair. It should not be what we do. We ought to declare an emergency just like we always do. We ought to understand there are substantial savings under the farm bill because prices are higher than were anticipated because of these very disasters. And we ought to reach out a hand of help and hope to the hundreds of thousands of families across this country hit by the various natural disasters. That is the American way. It is what we have done consistently for others. We ought to do no less now.

I urge my colleagues to join to pass this urgently needed legislation. We have helped you when you needed assistance. We are asking now for the same consideration. At a time of devastating natural disasters, our region of the country needs help. We are not alone.

Even with higher prices than were anticipated, it is very important to understand that because production is dramatically reduced, USDA, just 2 weeks ago, indicated that net farm income would decline by a stunning 23 percent. That is what is going to happen because of this series of natural disasters.

That is a hit no part of our economy can afford to take. It is time to act. It is time to vote. We ought to have that opportunity. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, first, I thank my colleague from North Dakota. He made a very good point that I don't think has been emphasized enough; namely, the farm bill that this body passed and enacted into law because of the recent disastrous conditions occurring in America will result in fewer Federal payments, fewer dollars paid out than was anticipated under that bill. As my friend from North Dakota pointed out, it is billions of dollars in savings which largely will offset the cost of this bill.

My good friend further pointed out that farmers will receive payments under this legislation, disaster assistance, but will not receive it until this legislation is enacted into law. I thank my good friend from North Dakota for making that valid point. Some think that, gee, if we passed a farm bill, why do we have to pass agricultural disaster assistance which, for the 2 years—2001 and 2002—crop disaster program and the livestock assistance program scores at $5 billion. Crop Insurance is an important risk management tool but provides declining coverage in years of successive disasters. Emergency haying and grazing on CRP acreage is important. These are all pieces to the puzzle. The piece that is still missing—that producers are counting on the most—is emergency natural disaster assistance. I thank my friend from North Dakota for pointing that out.

Madam President, this is really pretty basic. Without our help, without passing agricultural disaster assistance for farmers and ranchers, this body will accomplish change in the future of rural America forever. We are at that point. After successive years of disaster, drought in Montana, we are at the breaking point.

If agricultural assistance does not pass, I can tell you that my State of Montana, and probably other States in the Nation—particularly the high plains States, and perhaps even the State represented by the occupant of the Chair—the rural American landscape is going to change forever. Small towns are going to die. People are going to leave. There is not going to be much left. We are going to be destroying a way of life.

It is that basic, that simple. It has been said this is a real emergency, a real disaster. That is an understatement. It will be changing the landscape of rural America if this legislation does not pass.

I want to read from a letter from Wells Fargo Bank, a national lending institution which has banks in Montana. This is from Alan Pearson, district manager:

> Wells Fargo has always had a number of tools at its disposal, recognizing that farmers and ranchers have cyclical years. As lenders, we have made all efforts to ensure that credit needs are met by providing operating lines of credit and equipment and real estate financing. In addition, where applicable, Wells Fargo is the principal provider and underwriter of Federal Crop Insurance.
>
> However, it is our sense that, without significant Federal assistance for our region, many farmers and ranchers will not make it. Private insurance and easing of credit requirements only go so far.
>
> A principal reason why the situation warrants Federal assistance is that surface and groundwater resources have depleted to a level that requires successive above-average periods of precipitation to bring water reserves back to normal levels.

I will repeat that. The situation has deteriorated so much that only with "successive above-average periods of precipitation to bring water reserves back to normal levels" will farmers begin to recover.

Continuing:

> These conditions have worsened over the last 3 years, and our analysis shows that farm income will suffer unless Government assistance is available.
>
> As you are aware, without specific and timely Federal emergency disaster assistance, many producers will face daunting challenges in their operations.

Unfortunately, a natural disaster is not only a condition in just a few States, as of July 22, 49 States are impacted by drought, and 36 percent of our country is currently classified at some level of drought. More than 40 percent of our Nation's rangeland is currently rated as poor or very poor. This is an issue that cannot be ignored.

The Senator from North Dakota mentioned the problems in conference, trying to get the other body to agree, and the Speaker has basically said no. I hope very much the Speaker reconsiders, that the White House reconsiders and realizes that there is such an emergency that we must pass this legislation.

I am pleased more than a fifth of the Senate has cosponsored this amendment. I will read some of the organizations that proposed this and endorse it: National Farmers Union, American Farm Bureau Federation, National Cattlemen's Beef Association, American Corn Growers, American Sheep Industry, American Soybean Association, National Association of Wheat Growers, National Barley Growers, and a number of others.

I want to make another point that has not been made enough. There have been many references to the Dust Bowl years in the thirties. Some farmers tell me—very respected farmers whose operations have been in families for years—that this is even worse than the thirties for two reasons: Basically, in the thirties, there was 1 year with a little precipitation that broke the drought a little bit. But, more important, in the thirties, we did not have something called CRP. We did not have the Conservation Reserve Program. Many producers in my State have put their land in the CRP. What is CRP, for those who don't know? The CRP is the program the United States provides for farmers so they can take their land out of production and put it into grassland, in reserve. That is the Conservation Reserve Program. It helps the environment and helps game and birds and so forth. It is also a way for farmers to cash flow during years of drought.

Because of better farming practices today, we do not have the Dust Bowl situation. If we continued to use the same farming practices today, we would be back to the situation of the thirties. You would see wind blowing dust across the Nation. It is because of our better farming practices that we don't have quite the Dust Bowl situation that all Americans at that time knew about.

That leads me to another point. If a major U.S. company loses 20 percent of its income, which is in the quarterly reports, the stock goes down, it is in the newspapers, and everybody knows about it. Or if an industry loses a huge percentage of its income, or people go bankrupt, such as Enron and WorldCom and others, everybody knows about those bankruptcies because they are in the newspapers. People do not know about the individual farmers and ranchers who have to sell out because they, in effect, go bankrupt because of Dust Bowl situations, because of lack of income, and because of successive years of drought. Producers in my State have lost more than 20 per cent of their income for 4 consecutive years. There isn't another industry in America that could do that and still be standing. We should all be grateful that they are still in business because they are the ones who ensure that we have food on our plates.

So it is our responsibility, as representatives of our States, to make this known to the world—particularly to the country and the Senate—so that our colleagues have an appreciation of what we are experiencing in Montana and in other Northwestern States. It is that serious.

As has been pointed out, this body has responded to other emergencies—floods, tornadoes, earthquakes, the Trade Towers, and it was more than appropriate; everybody rushed to help. But we have the same emergency, the same disaster conditions today, but it is not as well known because it is a slow disaster. Mother Nature sometimes rains in parts of our State and not in others. Drought disaster is not as visible as, say, a WorldCom bankruptcy or an Enron bankruptcy; but it is just as important—in fact, even more important to those people who have to leave those communities and to those communities and towns.

I plead that Members of this body vote overwhelmingly to help people who are facing disaster. I ask the body to also recognize the disaster we are facing. I ask the President of the United States to reconsider and agree and recognize that we have a disaster in the heartland of America, and we have a responsibility collectively, as the people's representatives, to help the people we represent and support disaster assistance. It is the only thing we can do.

I yield the floor.

Mr. CONRAD. Will the Senator yield?

Mr. BAUCUS. I will be glad to yield to my good friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I say to my colleague, we deeply appreciate the information he has provided on this issue. It was the Senator's amendment that prevailed in the Senate farm bill to provide disaster assistance in the first place. Nobody has understood better than he the consequences and the magnitude of this disaster. Perhaps no State has been harder hit than his own.

I want to stand and acknowledge the leadership of the Senator from Montana on this issue and thank him publicly on behalf of the people I represent and the other people affected in other States for the diligence of the Senator from Montana. He has been relentless in getting disaster assistance for our people, and I want to thank him for it.

Mr. BAUCUS. Madam President, I thank my good friend from North Dakota. We are all in this together. This is teamwork. By working together—both sides of the aisle—representatives and the people, we are going to get this passed because it is so necessary and so important. I thank my good friend, as part of the larger team.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized at this point.

Mr. BYRD. Madam President, I do not wish to have the floor at this moment. It may be the distinguished Democratic whip will have need for the floor, or any other Senator for that matter. I yield my time back.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, we have a number of people who wish to speak this morning. We have some who I understand want to speak against the amendment. They have not shown up yet in 2 days, but I assume they want to speak.

I indicated to the staff of the minority that we would like to extend time on this bill until 12:30 p.m. today. I will not put that in the form of a unanimous consent request until I hear from the minority. That is what I would like to do.

It is my understanding the Senator from North Dakota wishes to speak on this legislation for up 10 minutes. I ask unanimous consent that the Senator from North Dakota be recognized to speak, and that following his statement, I be recognized.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I listened attentively to my colleague from North Dakota and my colleague from Montana. Their remarks about this issue describe how important it is for us to enact legislation dealing with this disaster.

I thought I would bring a poster that shows a picture of two parts of North Dakota: One State, two extremes. This top picture shows a farmer/rancher down in the southern part of our State standing in an area that looks very much like a moonscape. There is no vegetation left. This is completely dry and pretty well dead. This is a drought area that has consumed a significant portion of the southern part of our State, and it has been devastating to those farmers and ranchers trying to make a living down there.

This bottom picture was actually taken on the same day in the same State, but this is a different part of the State. This is an area that received 12 inches of rain in 1 day. This is a farmer who lost everything.

These pictures are representative of a wide group of producers in our States. We call them producers, but they are family farmers. They risk all they have to try to raise a crop and have a livestock herd that can make it through good and bad times, and then try to take the crop or the livestock to market and make some money.

They are discovering this year, as is much of the country, that trying to tend a herd of livestock or raise a crop is very difficult in the circumstances that exist. We have a disaster that has occurred over a substantial portion of this country. This is the Palmer Drought Index. One can see over a substantial portion of the country where there is massive drought.

Some people say: So what? So what about family farming? Will Rogers many years ago said: If one day in this country all the lawyers and the accountants failed to show up for work, it would not be a very big deal. But if on that same day all the cows in America failed to show up to be milked, now that would be a problem.

He was, in his own way, trying to describe the importance of family farmers, the importance of production agriculture. Production agriculture, from our standpoint in North Dakota, is families out there living under a yard light trying to make a go of it by planting seed in the spring and having every hope perhaps that seed will grow into something they can harvest and take to the market and be able to recapture their living expenses. They live on hope.

We have seen now over recent years weather patterns that have devastated large groups of family farmers. These clearly are disasters. When you have a drought of the type we have had, it is truly a disaster.

If tonight 1,000 tornadoes spring up and move relentlessly across the prairies or the western part of the United States and destroy all the structures and the vegetation, that is a disaster. Tomorrow we would have FEMA, we would have trucks, we would have armies of people moving because the headlines would be: This is a disaster, and we have to move and deal with it.

It does not matter whether it is drought, flood, earthquake, fire, or tornado. The devastation and destruction that occurs to the crops of tens of thousands of family farmers is a disaster, and we need to respond to it.

I am proud to say that in every set of circumstances in my service both in the Senate and the House of Representatives, when there has been a disaster and a proposal on the floor of the Senate to respond to that disaster, I have said yes. It does not matter to me where it is in this country. If there are cities, counties, States, groups of people in this country who have suffered a disaster, then I want to be a part of the voice of this Congress that says to them: You are not alone. This country wants to help.

I want to be, and have always been, a part of a group in this Congress who says we want to extend the helping hand of America during a time of disaster.

That needs to be the case now with respect to the disaster that occurs on family farms in this country because of this relentless, gripping, devastating drought in some parts of the country and, in other parts of the country, flooded lands.

There are a good many ways to deal with disasters. Some disasters might be just a single farm disaster. When I was a young boy, a good friend of ours named Ernest died. His crop was still in the field. He died of a heart attack one evening. The neighbors gassed up the combines and the trucks and went over and harvested the crop and took it to the market for Ernest's widow. That is just the way it works. That is what neighbors are about. That is what communities are for. But that is a disaster of one farm where neighbors can solve the problem.

In a disaster of this type where you have this relentless drought that has destroyed so many acres, so many crops, so much pastureland, neighbors are in the same shape. They are all devastated by this drought and all losing the opportunity to make a living.

Some say: All you do is talk about farmers. This is not just about farmers. It is about those communities and small towns, medium-size towns across the heartland of our country. It is about rural businesses. It is about the local grain elevator that does not have any grain to handle. The local feedstore that is not going to sell any feed. It is about the machinery dealer who is not going to sell machinery. It is about jobs in the manufacturing plants that produce that machinery to process that feed. So it is much more than just family farms.

This is a circumstance where we need to take action now. I happen to think family farmers are America's economic all-stars. They produce, produce, produce in a prodigious way. It has always baffled me that farmers are accused of being guilty of overproducing. We have a world in which a half a billion people go to bed every night with an ache in their belly because they are hungry, and our farmers produce food and are told the food they produce has no value.

Are they nuts? Of course, it has value. This is a hungry world. We need to be smart enough to connect it all. Our family farmers are enormous producers and have done very well, but they suffer disaster. They are individual, small economic units. They are up against the weather. They are up against insects. Once they plant that seed, they might lose their crop to a drought. They might lose it to a flood. They might lose it to insects. They might lose it to disease. They might lose it to hail. They might lose it to wind. And if they manage to not lose it to any of those things and they get a crop off by harvesting it in the fall, they might find out they lose their value by going to a country elevator and discovering the grain trade has told them their food in a hungry world has no value.

So these farmers suffer all of those risks and more, but they cannot cope with the kind of relentless drought that exists in this country in a way that devastates individual producers in State after State.

This is an important issue. It is not parochial. It does not deal with just a few problems in a few areas. What has happened in this country is we have passed a farm bill that tries to help farmers during collapsing prices. That is a significant problem and a significant achievement, to pass a farm bill that does that. But if one does not raise a crop because of a disaster price protection, it does not help; there is no protection at all. That is why a disaster declaration and a disaster bill dealing with these issues of drought and floods for preventive planting and destroyed crops is so very important.

We need to do this, not tomorrow, not next month, not next year; we need to do it now. If we fail to do this now, there are a good many families who will lose their hopes and dreams for the future. They will not be around next spring. They will not be there because they will not be able to continue farming. This is an important and good investment for this country to make. It invests in the American dream for family farmers, for family entrepreneurs, and I am pleased to be a part of a group that has brought it to the floor of the Senate, and I am pleased today to support it.

This is an urgent need. Congress needs to pass this, and we need to pass it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, we have a number of people wishing to speak on this amendment, all of whom are in favor of it. After 2 days, we have not had anybody speak against it, but they will not let us vote on it.

I have a unanimous consent request I will make, but I have to wait until we get approval from the other side. It is my understanding the Senator from Louisiana, Mr. BREAUX, wishes to speak for 3 minutes. Following the statement of Senator BREAUX, I ask unanimous consent that I again have the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. Madam President, I say to my colleagues who have spoken previously on this amendment, I join with them as a cosponsor of this legislation. The previous speaker from North Dakota was absolutely correct when he pointed out this is not a parochial issue.

I am not from Montana. I am not from North Dakota. I am not from the Great Plains. In fact, I am as far away from these States as one could probably be and probably still be in the continental United States.

Being from Louisiana, we traditionally do not have a lot of problems with drought. As a matter of fact, it is very common for Louisiana to have 8, 9, even 10 inches of rain during the summer months in one afternoon. Our problem in many cases is not drought but too much water. We were jokingly talking about how we could be of help by somehow reversing the flow of the Mississippi River from north to south and changing it from south to north and sending the excess water we frequently have in Louisiana to our friends and neighbors in farms in the Great Plains, the Midwest. That is a novel idea, but it is not going to happen.

Until something like that happens, it is very important to be able to try to recognize this is a national issue. Whether one is from South Dakota or from Louisiana, it is very important when farm organizations and groups in one part of the country have a problem that is not through their own making, we in other parts of the country recognize it and help to contribute.

One of the provisions that is a defect in the farm bill is that when someone has a disaster, they can receive disaster loans. The last thing a person who has no crop needs is more debt which they would incur by having an additional loan.

The program we talked about in the past really does not particularly address the situation where farms are literally wiped out of any production because of a flood or because of a drought, thus preventing them from harvesting a crop. Having a loan in that circumstance does not help the farmer. They cannot pay back the loan if they do not have a crop. It is just that simple.

Therefore, in the interest of trying to be of help from a national perspective, this legislation has been brought to the floor. It is absolutely essential. Because of the way the system works, it will ultimately save the Government money. By helping now, we avoid greater debt and greater losses in the future. So I strongly support this effort.

We have our own unique problems right now. In my State of Louisiana, particularly in the rice industry, we are looking for ways to help solve some of the problems our farmers are experiencing because of some of the lowest prices in decades.

Our farmers are not going to be able to make it, not because of a drought or because of a flood but because of the potential of an economic disaster which Congress should be addressing as well.

In the meantime, this is the right thing to do for a disaster that is being caused by a drought. I strongly support it, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the Senator from Michigan be recognized to speak for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that I retain the floor following her statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, I urge in the strongest possible terms that we pass this disaster relief package. The years 2001 and 2002 have been absolutely devastating years for Michigan agriculture. When I was home in August, I had an opportunity to visit from northern Michigan down to southern Michigan. To show the sense of urgency felt, there was an ad hoc group that put together petitions and cards. The Michigan Agricultural Industry Alliance and others, Lee Lavanway from Eau Claire, MI, in the southwestern part of Michigan, put together over a thousand petitions and cards desperately calling on us to act on behalf of American agriculture. I urge that we do so.

In the year 2001, 82 of Michigan's 83 counties were declared a disaster because of drought. Early frosts and then flooding later in the year also contributed to considerable crop damage. Secretary Veneman issued another disaster declaration for 2002 covering 50 counties.

In 2001, yields for program crops, such as corn and soybeans, plummeted. Other crops, such as grapes and beans, had monumental losses. 2001 was the worst year in recorded history for dry beans in Michigan. In fact, earlier this year Bob Green of the Michigan Bean Commission testified before the Senate Agriculture Committee about this issue.

The 2001 year drought also devastated sugar beet crops. The grape growers in Michigan have struggled with not 1 but 2 devastating crop years. The extreme, record-high temperatures during the week of April 14, followed by freezing temperatures shortly after that, have caused great damage in our fruit and vegetable crops. I have heard from apple, grape, peach, asparagus, raspberry, and other growers who have had very bad results—in fact, devastating results—as a result of the bad weather.

In July, I visited tart cherry orchards and witnessed with my own eyes the devastation that followed that bad weather. There is not a single cherry on any of these trees. We are not talking about less of a crop, we are talking about no crop. One of the farmers told me he did not have enough in his entire orchard to make one cherry pie.

When we look at this, it is astounding what has happened to Michigan agriculture and to our farmers. The lack of crop in Michigan has a ripple effect on our entire economy. Processing facilities are laying off workers. There is a lower demand for agricultural machinery and supplies.

To give an idea of the importance of these lost crops, fruit production contributes $235 million to the economy of the State of Michigan.

I call on my colleagues, in the strongest possible words, to join together to pass, by a strong bipartisan voice, this disaster relief measure. I ask the President of the United States to join, to stand with us on behalf of our American farmers.

CLOTURE MOTION

Mr. REID. Madam President, we are very close to working out a unanimous consent agreement on the Harkin-Craig amendment which deals with Medicare and reimbursement of States. Senator HARKIN has been here literally all day trying to get a time agreement. We hope we will have the approval from the minority. They have agreed on the fact we should do this amendment. The only question now is the time that will occur.

In the meantime, we have had bipartisan support on the underlying Daschle amendment. We have had the manager of the bill, Senator BYRD, support it; the Republican manager of the bill has supported it, Senator BURNS. In fact, Senator BURNS is a cosponsor of the amendment. At last count, we had 18 or 20 cosponsors of the amendment.

The problem we have is under the Senate rules, there can be a couple of people who will not allow us to go forward on legislation. That is what we have here. It is too bad. We have tried everything we could to get a vote. It appears to me that probably what we will have to do is go forward with a cloture motion on this amendment. That would be the best thing to do. I hope that can be done. Under the constraints of time we have we need to do that before the noon hour. I am confident we will have the necessary signatures on the petition to do that.

As I indicated, there is overwhelming support for this amendment. This is something that all farm State Senators believe is important. For those not in the heavy agricultural areas, it is something we believe is fair and reasonable that should have, frankly, been done some time ago. It is good that we are in a position to move forward on this.

I, therefore, send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Daschle amendment No. 4481.

Harry Reid, Byron L. Dorgan, Kent Conrad, Tom Harkin, Jean Carnahan, Max Baucus, John Breaux, Patrick Leahy, Edward M. Kennedy, Herb Kohl, Dianne Feinstein, Richard J. Durbin, Charles Schumer, Maria Cantwell, Deborah Stabenow, Tim Johnson, Arlen Specter, Tom Daschle.

Mr. REID. The staff is working to make sure we can clear the Harkin-Craig amendment. It is my understanding we are very close to that.

The unanimous consent agreement I will soon request at an appropriate time—which I will not do now—will ask consent the pending amendments be set aside and Senator HARKIN be recognized on behalf of himself and Senator CRAIG to offer an amendment on the sense of the Senate regarding Medicare; that there be 10 minutes debate with respect to that amendment, and the time be controlled between Senators HARKIN and CRAIG; that upon the use of time, the time be yielded back and there be a vote.

I hope we are in a position to offer that in the Senate at the appropriate time.

Madam President, the Senator from Pennsylvania wishes to speak. We have had a series of Democrats who have spoken. It is certainly fair he be allowed to speak. I ask unanimous consent Senator SPECTER be recognized to speak for up to 10 minutes and also that the time pending for the bill be extended until the hour of 12:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

IRAQ

Mr. SPECTER. Madam President, I have sought recognition to discuss the present grave concern in the United States, and for that matter, around the world, about the menace posed by Saddam Hussein and Iraq.

I am pleased to note that the President has announced his intention to come to Congress to seek authorization before there is any military action taken by the United States as to Iraq. Senator HARKIN and I had introduced a resolution back in July asking that congressional authority be obtained before any military action. The President, as Commander in Chief, under the Constitution certainly has the authority to act in times of emergency. When there is time for discussion, deliberation, debate, and decision, then under the Constitution, it is the authority of the Congress to act.

The events are moving very fast. There have been briefings of Members of the Congress by the Administration and there is a great concern, which I have personally noted in my State, Pennsylvania, on a series of town meetings across the State. Everywhere I traveled there was concern as to what action would be taken as to Iraq.

There was no doubt that the United States has learned a very bitter lesson from 9/11; we should have taken preemptive action against Osama bin Laden and al-Qaida. We had evidence against civilians in Mogadishu in 1993, and embassy bombings in 1993. In all of those events, bin Laden was under indictment. We knew about his involvement in the USS *Cole* and his proclamation for a worldwide jihad; preemptive action should have been taken.

Taking preemptive action against a nation-state would be a change in policy for the United States. It is my view that we ought to exhaust every alternative before turning to that alternative—economic sanctions, inspections, diplomacy.

We have seen a number of people very close to President Bush and to the first President Bush, come out and caution against action. We have seen General Brent Scowcroft, the national security adviser to President George Herbert Walker Bush, come out and raise a great many concerns about taking action without support from our allies. We have seen former Secretary of State James Baker raise an issue about going to the United Nations for inspections, which I think is a very sound point.

It is my hope that President Bush will go to the United Nations and will press to have inspections of Iraq proceed. The obligation for Iraq to submit to those inspections is an obligation which runs to the United Nations. Iraq's commitments to the UN have been flouted.

Former Secretary of State Baker makes the cogent suggestion that the United Nations ought to be called upon to take military action to enforce those inspection rights, if Saddam Hussein does not acquiesce. Certainly, if Saddam Hussein continues to stiff the UN, to thumb his nose at the UN, and thumb his nose at the international community, then there will be a stronger basis for the United States to act, if we decide that our national interests compel us to do so.

There is an obvious difficulty in communicating to the American people all that President Bush and the intelligence agencies know about the threat posed by Iraq and posed by Saddam Hussein. There is a problem, as we have seen from our experience, in telling the Congress, even in closed session, even in top secret briefings, where that information, regrettably, is disclosed to the press. Leaks in Washington are epidemic. However, if the Congress is to discharge its duty to pass on the question of what is tantamount to a declaration of war, a resolution authorizing the use of force, we have to know the basis on which we are acting.

There have been strong suggestions that there is very substantial evidence pointing to a clear and present danger now. We do know Saddam has chemical weapons. We do know he has used them on his own people, the Kurds. We do know he has used them in the Iran-Iraq war. There is substantial evidence about weapons of mass destruction and biological weapons. As best we know, Saddam Hussein does not yet have nuclear weapons, but how long it would take him to develop them is a question.

For the Congress to act, we really have to have this information, and the President has intimated, really suggested, that more information will be coming to the Congress. So far, I do not think we have seen the indicators of a clear and present danger, but that is something which will have to be taken up.

This is an issue which is now, obviously, on the front burner. There are indications that the President will seek a vote by the Congress before we adjourn. So it is a matter which will require very intensive consideration and analysis. However, it is my hope that when the President makes his speech at the United Nations next week, he will call on the UN to enforce the UN's inspection rights.

Recently, Senator SHELBY and I made a trip to Africa. Included in that trip was a visit to the Sudan. I had attempted to go there in the past and was advised against it because of the civil war, which has been raging in that country. We talked to U.S. intelligence personnel in the Sudan and found that they have worked out an arrangement with the Government of Sudan to make surprise inspections of weapons manufacturing locations and also on laboratories—going in with no notice, breaking locks, and taking photographs. They have concluded that, as to the installations they had identified and inspected, they were satisfied that there were no weapons of mass destruction being pursued by the Government of Sudan.

That could be a model to go after as to inspections in Iraq. Of course, it still leaves open the possibility that there are some locations about which we do not know. It leaves open the possibility that some of the weapons of mass destruction could be transported, could be moved around. However, I think it would be a very significant step. Then, if Saddam and Iraq refused to honor their commitments, it would put us on the high ground to take action in our own national interest.

I yield the floor. In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the time for debate on the Interior appropriations be extended for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

Mr. REID. Madam President, we are attempting to work out a time to vote on the Harkin amendment which he will shortly offer. We are very close to having that done. I suggest that Senator HARKIN go ahead and give his speech. If we can work out a unanimous consent agreement, he can offer the amendment, and then we can vote on it. He would give the speech now, and we would move to the amendment, if we could get the approval of the Senator from Montana.

Mr. BURNS. I have no objection to that.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Iowa be recognized for 5 minutes to speak on the amendment which he will offer at a subsequent time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Madam President, over 40 million Americans rely on Medicare for their health care security. For these Americans and their loved ones Medicare is a lifeline. And because of this Medicare must be protected and secured for today and tomorrow.

Medicare, however, is not without its problems. Clearly, its benefits package needs to be updated to include prescription drugs. Seniors shouldn't have to make the choice between the drugs they need to stay healthy and food or heat. The Senate should once again try to craft a prescription drug plan to fill this great need.

But there is also another problem with Medicare. And that is the principal subject of my sense-of-the-Senate resolution.

Americans, no matter where they live, whether it is rural Iowa or urban Florida, are taxed at the same rate to help pay for Medicare—1.45 percent of payroll for both workers and their employers. And Medicare beneficiaries—whether in Brooklyn, IA or Brooklyn, NY—pay the same monthly Medicare premium.

But while they pay the same taxes and premiums, the level of Medicare payments received by Americans often varies greatly from State to State.

For example, my home State of Iowa receives an average $3,053 per beneficiary, which is 45 percent less than the national average. Some States are much higher than that. But there is a disparity between, say, $3,053 and the top State, which is over $7,000. It is quite substantial.

And while some of the variation may legitimately be due to cost differences, costs alone clearly do not explain the degree of differences among the states.

Much of this unfair variation is caused by outdated and nonsensical reimbursement policies that penalize efficiency and conservative medical practices. Medicare assumes that it costs much less to provide health care in rural areas, and assumes that we still compete locally and regionally for health care professionals. Those of us in under-reimbursed states know that neither of these is true. Rural areas don't enjoy the economies of scale enjoyed by their urban counterparts, and we are competing in a national and often global market for health care professionals.

The impact is real. For example, if the same hospital in Des Moines providing the same services to the same seniors in Cincinnati, OH, it would receive $5.3 million more per year. If we put it in Ann Arbor, MI, it would receive $14.6 million more per year.

What is the result of this unfair variation? Well, in Iowa, one substantial result is that we have a shortage of virtually all types of health care professionals.

Low reimbursement equals low wages, equals health professional shortages. Iowa ranks 50th in Medicare reimbursement and we rank 50th in nursing pay. So it is no surprise that we have 3,000 unfilled registered nurse positions, another 728 vacancies for licensed practical nurses, and 2,700 openings for nonlicensed personnel. Add this to the fact that our nurses are getting older, not enough new nurses are entering the field, and Iowa has the largest population of any State over age 85, and what you have is a real recipe for disaster.

It gets worse. Medicare payments influence Medicaid reimbursement and private payer reimbursement. Because of this, Iowa ranks 49th in the ratio of general pediatricians per 100,000 children, and 50th in the ratio of OB/GYNs to 1,000 live births.

So it is no wonder we can't recruit and keep health care professionals. A physician performing a hip replacement in New York receives $1,807.25, while one in Iowa receives $1,304.09, and one in South Dakota only receives $1,286.46. The same amount of work, time, and skill goes into the same procedure. Yet there is a vast difference in the reimbursement to each provider.

It takes the same amount of education, skill, and time in Iowa as it does in other States, and these professionals should be reimbursed accordingly. So there are changes that must be made to bring greater fairness and improve the health care systems across the States.

There are many different proposals in the Senate that attempt to tackle this issue. I think people on both sides of the aisle can come together, as we have in the past, on this issue. I know we are very busy with many important pieces of legislation, including the homeland security bill and appropriations bills. But the resolution I am offering is very simple. Its resolve clause simply reads:

> Congress (acting through the appropriate authorization process) and the President should act promptly to address the disparity among the States in the amount of payments made under the Medicare program; and
>
> Legislation should be passed [promptly] that reduces unfair geographic disparity in Medicare payment rates and restores scheduled inappropriate reductions in Medicare payment rates.

So, Madam President, it is a very simple, straightforward resolution. It just says we in the Congress and the White House, the President, ought to do something very promptly to address this huge disparity among the States.

As I said, maybe you can have some disparity based upon rental rates and things like that. I understand that. But to say one State would get $3,000 and another State $7,000, this is just nonsensical. So the States that fall below the average are the ones that are getting hurt the most.

All my resolution says is that we ought to act promptly, in a bipartisan fashion, to address this issue and to make Medicare more even, more fair across the States. So I urge my colleagues to support this resolution.

I see my colleague in the Chamber. I did not see him on the floor. He is my colleague in this endeavor, Senator CRAIG from Idaho. He and I have worked together on this for a long time. He knows exactly what I am talking about because of the great disparity in his State.

I thank the Senator from Idaho for working in a great bipartisan fashion to try to get something done to resolve this issue.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I will speak only briefly to the resolution. The Senator from Iowa and I share, as I think all Senators who represent rural countrysides must share, a very real frustration in the disparity between urban and rural Medicare payment schedules and the reality that we are dealing with a 20- or 30-year-old concept that does not make sense anymore.

We have a phenomenal nursing shortage in our country today. So if a nurse lives on one side of a boundary line created by this law, she or he can well commute to the other side and we cannot afford them.

The Presiding Officer represents a city not far from one of my major cities: Spokane, WA, versus Coeur d'Alene, ID. Spokane, WA, has a different payment schedule than Coeur d'Alene, ID, and they are 20 miles of interstate apart. Many people say that living in Coeur d'Alene, ID, because of its beauty, is more desirable than living in Spokane, but they work in Spokane because of the wage scale and/or this particular problem.

As a result, the Kootenai Medical Center and, as a result, the rural medical communities of northern Idaho cannot, in effect, compete.

It is time that we address this issue evenhandedly across all jurisdictions so that Medicare payments are reflective of current health care needs; not a 30-year-old model that is just flat obsolete and does not make sense anymore, but because we build up these political barriers or frustrations we do not want to address them. I think we must. I think we should.

The resolution speaks to trying to move the Senate, the President, and the Congress as a whole in that direction.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, time on this bill is about to expire. I am going to ask to extend the time for a few more minutes. Let me just say to everyone, the reason for this is, in good faith we thought this matter had been cleared by everybody. The fact is, we had not received a signoff from Senator GRASSLEY and his staff. He is on his way over here, or staff is on their way over. I am sure, when they look at it, they will approve it, but it will take a few more minutes, so I ask unanimous consent that the time on the bill be extended until 25 minutes to the hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the will of the Senate?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the Senator from Kansas wishes to speak on the underlying amendment. We have had a number of speeches today. Certainly we want him to do that. The problem is, within a minute or two we are off the bill.

I ask unanimous consent that the time for debate on the Interior bill be extended until the hour of 12:45, and that the Senator from Kansas be recognized for 5 minutes to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Madam President, I have no objection if by unanimous consent the morning business session, which was to go from 12:30 to 1, could be extended from 12:45 to 1:15 so that I might have an opportunity to deliver remarks for which I have been waiting.

Mr. REID. I think, in fairness, we should allot the Senators who want to speak in morning business the full hour. The Republicans are entitled to half an hour and the Democrats are entitled to a half an hour. As soon as we get this little dust-off taken care of, I will ask unanimous consent at that time that morning business be for 1 hour.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I come before the Senate today to address the majority leader's amendment which is intended to direct immediate financial assistance to farmers around the country who are facing an historic drought. Our Kansas State motto is Ad Astra Per Aspera—a beautiful saying that means "To the Stars Through Difficulties." I have always thought that it captured beautifully the spirit of our State. It is part of our character to tackle calamity and to smile at threats that have consumed lesser men. During the August recess I spent several weeks touring our State and meeting with farmers about the drought. Its impact on our crops and our rural communities is staggering.

The drought in Kansas is one of the worst in a century. It is compared, by folks who know, to the dust bowl of the 1930's. Crops are withering and dying in the fields right under the watchful and woeful eyes of our farmers—farmers who are helpless to stop the conditions and helpless to prevent the circle of crisis from beginning. For what we all must remember is that blackened crops across the States are not just "their" problem or "someone else's" problem—it is our problem. The devastation brought on by persistent drought is in evidence all over Kansas. As I toured several affected counties, the widening economic impacts of this drought on our state were mostly overwhelmed by the urgency of the emergency. But by the end of my tour, I was reminded again and again that the true impact of this drought is not the plight of just farm families. The impact that many Kansans have yet to fully comprehend, is the toll this drought is having on our economy.

With more than 2 years of lower than average rainfall, it has become clear that our towns are feeling the effects of evaporating capital. As fewer farmers and ranchers collect on their investments, this mean fewer dollars for local coffers and diminished investment in new jobs, our schools and economic activity.

Leading economists in our State have estimated that just the crop losses alone have cost Kansans almost a billion dollars. This does not include any other ancillary or downstream economic costs that are sure to mount as this crisis deepens. It is for this reason that I will vote for this amendment, brought by the Senator from South Dakota. While I was disappointed that we were unable to work out a more bipartisan compromise, one that would have encouraged more farmers to purchase crop insurance and would have been balanced by offsets from other places in the budget, I will support this initiative and urge my colleagues to do likewise. This serious drought is a major threat to our Nation's economy, and we should act quickly to get relief to our farmers.

This is an issue of key importance to my State. As I said, over the August break I traveled extensively across Kansas and witnessed the drought we are experiencing. We have parts of the State that have had less rainfall than at any time since 1895, including all the Dust Bowl years when we had the terrible experience of the wind blowing soil in dark clouds. During the day you couldn't even see the Sun because there was so much dirt in the air. That was due to both agricultural practices and lack of rainfall. Now we have better agricultural practices, but we have a lot less rainfall. It has been a disaster in a number of areas.

There are whole counties that haven't had any rainfall at all. I looked at a lake near Jetmore, KS, that has a normal surface area of about 100 acres and is now down to less than 10 acres. It is because of a lack of rainfall. I saw whole fields where nothing has come up because of lack of rainfall.

Fortunately, some areas of the State are getting some moisture now, but it is not enough. The crops have already died for the year. It will help, hopefully, on winter wheat planting that will now begin in some places.

What compounds the problem we are having today and why we need the drought assistance is that the new farm bill doesn't work particularly well in a situation such as this. Some agree with the increased impact and use of loan payments. I happen to disagree with the farm bill. The problem is, with the loan payment, you need a crop to be able to borrow against to then use it and to default on it and get paid. That way, if you don't have a crop, you can't use the loan payments. So you are caught that way as well.

There is a problem with countercyclical payments. You get in a drought situation, your crop reduces. The supply reduces, and generally where supply goes down, demand stays steady, the price goes up, and the price has gone up for some crops. Not enough; it should be up more. But your countercyclical payment doesn't help because when your price is going down, you get more payment. But when the price is going up, you get less payment.

The farmers in Kansas, in particular, are caught in a double vice. They have problems with the new farm bill and its impact because of the drought and the lack of a crop, and then we are getting caught in the loan payment scenario situation we have in the countercyclical payments not being helpful to them.

Overall, we need the help. It would be a much better situation if we were this fall getting the double AMTA payment that normally had been coming through this body. That would help more people. It wouldn't be dependent upon crop production. They are not going to have that. That is not going to be the situation. That is why we need this drought assistance.

I think it would be better if we had an offset to it. That would be a wiser way, given the budgetary situation we are in today. We could find that in other places. Although some of my other colleagues are saying they don't want to go with an offset. Reaching $157 billion in deficits this year points to the way we should be looking for offsets to be prudent in future years and for future generations so that we don't overspend what we have.

To sum up, we need this help. We need it because of the drought. We also need it because of the new farm bill. This will help our farmers at a time and a situation and a place that they need it. It should be offset. I don't know that we will have that vote to be able to move that side of the issue forward.

In my State we are looking at a $1 billion loss because of the drought. That is going to impact our farmers and farm families. It will also impact our communities and our entire State. This will be an important measure to get passed. I am hopeful we can make it happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it appears we will not be able to work this out so we can have a vote on the Harkin amendment. Therefore, I think what we will do is try to have a vote next week on the Harkin amendment.

If we can't do it on Monday, we will do it on Tuesday, Wednesday. Sometime before we finish this bill, the Senator from Iowa is going to offer his amendment.

That being the case, I ask unanimous consent that we proceed to a period for morning business, under the previous order——

Mr. HARKIN. If I may ask the leader to yield, I have been here all morning. I thought there was no controversy on the sense-of-the-Senate resolution that the Senate and the Congress and the President act promptly to address these inequities on the Medicare repayment, of which the Senator from Idaho has been a very strong proponent for a long time. I thought we were going to have a vote on it. I don't understand why we are not voting on this today.

Mr. REID. As I indicated, we had a sign-off from Senator BAUCUS, chairman of the Finance Committee. I thought we had a sign-off from the ranking member, but that didn't happen. It is my understanding that the Senator from Iowa and his staff are looking into the amendment now. They have had the opportunity for a long time now, and they haven't given us a sign-off. Therefore, because of the ranking member of the committee, Senator GRASSLEY, not giving consent to move forward, Senator BURNS has not allowed us to go forward.

Mr. HARKIN. It is my understanding that the Finance Committee people had this for some time and look at it.

Mr. REID. I don't know about that.

Mr. HARKIN. I thank the assistant majority leader. I hope we can vote on this next week sometime.

• Mr. GRASSLEY. The Assistant Democratic leader and my colleague Senator HARKIN of Iowa have claimed that I withheld my consent to moving to a vote on a Sense of the Senate Resolution directing Congress to promptly address inequities in Medicare payments across states.

The author of the Sense of the Senate resolution, Senator HARKIN, has said "it was my understanding the Finance Committee people had [his amendment] for some time and had looked at it."

This was not the case, because I was not given the courtesy of knowing about or even seeing the resolution in advance. No one talked to me about it at all. In fact, my staff and I did not learn of the resolution until we saw it raised on the Senate floor. By the time my staff had the resolution in their hands, the Senate had moved on to other business, claiming that I was withholding my consent.

I believe the resolution, and all legislation to improve Medicare fairness in rural areas, deserves our attention and support. And I intend to support the resolution when we vote on it next week.•

Mr. CONRAD. Mr. President, I offer for the record the Budget Committee's official scoring of S. 2708, the Interior and Related Agencies Appropriations Act for Fiscal Year 2003.

The committee-reported bill provides $81.936 billion in nonemergency discretionary budget authority including an advance appropriation into 2003 of $36 million, which will result in new outlays in 2003 of $11.901 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $18.330 billion in 2003. Of that total, $1.442 billion in budget authority and $1.075 billion in outlays are classified as conservation category spending.

In addition, the committee-reported bill provides new emergency spending authority of $400 million for wildland fire management, which will result in outlays of $400 million. In accordance with standard budget practice, the emergency spending is not counted against the appropriations committee's allocation until after conference.

Mr. President, the Appropriations Committee voted 29–0 on June 27 to adopt a set of non-binding sub-allocations for its 13 subcommittees totaling $768.1 billion in budget authority and $793.1 billion in outlays. While the committee's subcommittee allocations are consistent with both the amendment supported by 59 Senators on June 20 and with the President's request for total discretionary budget authority for fiscal year 2003, they are not enforceable under either Senate budget rules or the Balanced Budget and Emergency Deficit Control Act. While I applaud the committee for adopting its own set of sub-allocations, I once again urge the Senate to take up and pass the bipartisan resolution, which would make the committee's sub-allocations enforceable under Senate rules and provide for other important budgetary disciplines. With the new fiscal year starting in 26 days, it is important that we act now.

For the Interior Subcommittee, the full committee allocated $18.926 billion in budget authority and $18.804 billion in total outlays for 2003. The bill reported by the full committee on June 27 is above its sub-allocation for budget authority by $10 million and is below its sub-allocation for outlays by $280 million. An amendment by Chairman BYRD, however, at the outset of the bill's consideration lowered the bill's total budget authority by $10 million, making it consistent with its sub-allocation. In any event, the appropriations committee's sub-allocations are not enforceable under Senate rules; thus, a point of order did not lie against the bill for exceeding its sub-allocation as reported. However, by including emergency funding for wildland fire management, the committee-reported bill does violate section 205 of H. Con. Res. 290, the concurrent resolution on the Budget for Fiscal Year 2001, by designating nondefense spending as an emergency.

Mr. President, I ask for unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2708, INTERIOR AND RELATED AGENCIES, 2003

[Spending comparisions—Senate Reported Bill (in millions of dollars)]

	General purpose	Conservation	Mandatory	Total
Senate-reported bill:				
Budget Authority	17,494	1,442	64	19,000
Outlays	17,255	1,075	77	18,407
Senate committee allocation: [1]				
Budget Authority	18,926	0	64	18,990

S. 2708, INTERIOR AND RELATED AGENCIES, 2003—Continued

[Spending comparisions—Senate Reported Bill (in millions of dollars)]

	General purpose	Conservation	Mandatory	Total
Outlays	18,610	0	77	18,687
House-passed:				
Budget Authority	18,292	1,438	64	19,794
Outlays	17,800	1,052	77	18,929
President's request: [2]				
Budget Authority	17,632	1,321	64	19,017
Outlays	17,524	971	77	18,572
SENATE-REPORTED BILL COMPARED TO:				
Senate committee allocation: [3]				
Budget Authority	10	0	0	10
Outlays	−280	0	0	−280
House-passed:				
Budget Authority	−798	4	0	−794
Outlays	−545	23	0	−522
President's request:				
Budget Authority	−138	121	0	−17
Outlays	−269	104	0	−165

[1] The Senate has not adopted a 302(a) allocation for the Appropriations Committee. The committee has set non-enforceable sub-allocations for its 13 subcommittees. This table compares the committee-reported bill with the committee's sub-allocation to the Interior Subcommittee for informational purposes only.

[2] The President requested total discretionary budget authority for 2003 of $768.1 billion, including a proposal to change how the budget records the accrual cost of future pension and health retiree benefits earned by current federal employees. Because the Congress has not acted on that proposal, for comparability, the numbers in this table exclude the effects of the President's accrual proposal.

[3] The Appropriations Committee did not provide a separate allocation for general purpose and conservation category spending. This table combines the general purpose and conservation category together for purposes of comparing them to the Interior Subcommittee's sub-allocation.

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions, including removal of emergency funding ($400 million in budget authority and $400 million in outlays) and inclusion of 2003 advance appropriation of $36 million (budget authority and outlays). By tradition, emergency spending is not counted against the Appropriations Committee's allocation until after conference.

Prepared by SBC Majority Staff, 9–5–02.

Mr. DORGAN. Mr. President, I rise to support an important program funded in the fiscal year 2003 Interior Appropriation measure. The Advanced Microturbine Program is a Department of Energy effort to support and develop clean and efficient power technologies for the 21st century. The program's goals are to improve energy efficiency, reduce environmental emissions and expand fuel choices for the next generation of microturbines.

As I mentioned in the past, we must produce more energy, but we also must conserve more energy. Conservation of energy is simply another way of producing energy. Energy efficiency is also integral to any energy plan. Electrical systems can and should be made more efficient. Finally, we must utilize renewable energies. Employing fuels such as ethanol and using them to extend our energy supply makes good sense.

The Advanced Microturbine Program goes a long ways towards those ends. The ultimate aim of the program is to produce ultra clean, highly efficient microturbine product designs by 2006 that are ready for commercialization. The machines will utilize several fuel options, including landfill gas, industrial off-gases, ethanol, and other biobased liquids and gases.

The Advanced Microturbine Program is a good example of how partnerships with industry, including one from my home State, and government can deliver advanced technologies and practices to assist in meeting challenging goals in the areas of renewable resource development and environmental protection. For this efficient technology to reach its full potential, I am told that the Advanced Microturbine Program should be funded at $14 million for fiscal year 2003. At the minimum, I encourage my colleagues to recede to the higher House level of $12 million as we move this bill to conference.

Mr. LEVIN. Mr. President, I would like to express my support for an amendment that has been introduced by our distinguished majority leader. This amendment, which has taken a variety of forms in the past several months, was originally proposed as a bill by Senator BAUCUS. I cosponsored this bill previously and support it now as it provides much needed assistance to our Nation's farmers who have suffered significant crop losses during the past 2 crop years. Farmers throughout the Nation have suffered great losses, and farmers in my home State of Michigan have been among those who have suffered most.

Two years of statewide crop failure have threatened the viability of Michigan's farmers, and this amendment strives to address the losses suffered by growers in the 2001 and 2002 growing years. Over the past 2 years, some farmers faced early warm temperatures followed by freezing conditions. For others, torrential rains came early in the growing season and were followed by long droughts for some farmers. Still other farmers faced drought conditions at the start of the crop year and heavy rains at harvest time.

This year, USDA Secretary Ann Veneman recognized the atypical weather conditions that greatly diminished crop production in Michigan by designating 50 Michigan counties as disaster areas. If that was not bad enough, Secretary Veneman designated that 82 of Michigan's 83 counties as official disaster areas last year.

Michigan is one of the Nation's most diverse states in terms of the sheer breadth and number of crops grown in it, and growers of many crops have been affected by adverse weather conditions.

This year, cherry farmers in Michigan lost upwards of 95 percent of their crops—a level that threatens to devastate Michigan and the Nation's cherry industry, given that Michigan produces over 70 percent of the tart cherries in the nation. Earlier this year, I had the opportunity to visit with cherry growers in Michigan and listen to them as they told me how this year's crop losses were the worst that the industry had ever suffered since crop records have been kept. Additionally, all apple growers in Michigan have had at least 20 percent of their crops damaged this, and 80 percent of all Michigan apple farmers have lost upwards of 40 percent of their crop this year.

Last year, farmers in just one area of Michigan, which is one of the leading dry bean producing regions in the Nation, lost 85 percent of their bean crop. Across the state, in the southwest corner of Michigan, labrusca grape growers lost 80 percent of their crop, and they suffered similar losses this year. While the losses suffered by bean and grape growers are particularly severe, they are not the only crops to have suffered drastic losses.

Approximately 25 percent of apple growers in Michigan and across the Nation are in danger of going out of business in the next 2 years, and in Michigan that means that our cherry, peach and asparagus crops, which are often grown on the same orchards as apples, will be greatly decreased. Orchard communities around the country have been devastated. As farmers have left the business, small businesses and cooperatives that have been around for generations have also gone out of business, and local governments have lost significant tax revenue. This assistance will allow many growers to reduce debt and get private bank or USDA loans for the next growing season. This assistance for will give farmers the shot in the arm they need to recover from several years of low prices.

Our Nation's farmers have not shared in the prosperity which many Americans have experienced over the past decade. No one, least of all America's farmers, likes the fact that annual emergency agriculture supplementals have seemingly become routine.

Yet we must provide this assistance if we are to address the problems facing farmers throughout the Nation. Several growers have told me that the crops losses they suffered this year were so severe that without emergency assistance they will most likely lose their farms. This assistance is not the answer to the problems facing our farmers and rural America, but it is an important part of an effort to keep families on their farms. I thank the Senator for South Dakota and the Senator from Montana for their efforts in drafting, supporting and offering this amendment.

HAY AND FESCUE CROPS

Mrs. CARNAHAN. Mr. President, I wish to enter a short colloquy with my good friend, the Senator from Montana, one of the chief authors of this amendment, and ask him if losses to hay and fescue crops due to armyworm infestation qualify for assistance under amendment 4481 to the Interior Appropriations Act.

As the distinguished Senator might know, farmers of forage crops in southern Missouri, and across the country, were devastated by a recent armyworm infestation. The Secretary of Agriculture declared sixty-two Missouri counties as natural disaster areas due to damage caused by severe armyworm infestation. Last year Senator LEAHY and I introduced legislation, S. 1354, to provide emergency relief for these farmers.

Mr. BAUCUS. In response to my distinguished colleague, we have consulted with the Department of Agriculture and these crop losses would indeed qualify for assistance under this amendment.

I know that the armyworm infestations have caused massive damage to crops throughout the Midwest and Northeast and I am pleased that this legislation will provide some assistance to these farmers.

Mrs. CARNAHAN. I thank the Chairman of the Finance Committee for his assurances that this important legislation will provide much needed relief to so many farmers and farm communities in Missouri.

MORNING BUSINESS

Mr. REID. Madam President, under the order that was to be in effect following the termination of the debate on the Interior bill, I ask unanimous consent that the time for morning business begin now and go for an hour. I ask that, rather than be controlled by any particular party, those wishing to speak be allowed to speak for up to 5 minutes each and that the Senator from California be first recognized.

The PRESIDING OFFICER. Is there objection?

Mr. REID. How long does the Senator from California wish to speak?

Mrs. FEINSTEIN. I was hoping 20 minutes.

Mr. REID. I ask that the first person to be recognized be the Senator from California for up to 20 minutes and that in the time thereafter, whoever wishes to speak may come to speak. We are not trying to cut out the minority from exercising their ability to speak in morning business. I am not sure anybody wishes to speak now because it is lunchtime, but everybody will have the opportunity.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

MORE QUESTIONS THAN ANSWERS ON IRAQ

Mrs. FEINSTEIN. Madam President, I rise today to express my growing concern that we may shortly be faced with a decision to unilaterally invade another nation-state, and that is the State of Iraq. This concern has been heightened by the news of today's assassination attempt of Afghan President Hamid Karzai in Kandahar. Earlier on, a car bomb exploded in central Kabul, killing at least 22 people.

This event, in my view, underscores the point that our primary focus must remain on our immediate war on terrorism being waged in troubled Afghanistan, where our soldiers are on the front line. As a matter of fact, preliminary reports indicate it was Americans who took down the attempted assassins.

While I welcome President Bush's recent statement indicating he will seek congressional approval of such a use of force, I believe any action in Iraq at this time, without allied support, without United Nations support, and without a compelling case for just cause, would be both morally wrong and politically mistaken.

I just returned from a trip to Europe. As part of my role as chairman of the Appropriations Subcommittee on Military Construction, I toured U.S. military bases and met with a variety of individuals. They included members of the intelligence community, the military, and the International Atomic Energy Agency.

I was shocked at how dramatically perceptions in Europe have shifted since September 11 toward our country. All of the sympathy and concern we received in the wake of the terrorist attacks has apparently vanished, replaced by the sense that the United States is becoming an arrogant and aggressive power, a nation that simply gives orders, a nation that neither listens nor hears.

When I was in Europe, much attention was given to the absence of Presidential participation at the Summit on Sustainable Development in Johannesburg. And this, on top of our rejection of the Kyoto treaty, our casting of aspersions on international accords such as the International Criminal Court, the Anti-Ballistic Missile and Landmine treaties, has led to a growing belief, right or wrong, that the United States is using its power in an increasingly unilateral and somewhat arrogant manner.

Above all, there is our approach to Iraq and our perceived readiness to invade that nation unilaterally.

I believe we have to ask many critical questions, most of which are unanswered.

Questions about the ongoing war on terrorism. How do we stay the course, root out terrorism and, at the same time, initiate war with a nation-state which, to this day, remains unconnected to 9/11.

Questions about the extent of Saddam Hussein's weapons of mass destruction and about who will get to them first.

Questions about going it alone in Iraq.

Questions about casualties and cost.

Questions about collateral human damage—civilians killed in the short term and in the long run.

Questions about the future of Iraq, about whether we can honestly expect a democracy to be created out of a nation consumed by tribal factionalism.

And questions about what the long-term impact might be on the Arab world, on the Middle East. What if Iraq attacks Israel? What will we do, and what will the world do?

Present United States policy toward Iraq stands in stark contrast to how we conducted Operation Desert Storm just over a decade ago. Then, the first Bush administration spent several months building a broad-based coalition that included 30 nations, including many in the Islamic world. It sought and received resolutions supporting the use of force against Iraq from the United States Congress and the United Nations Security Council, and American and international public opinion stood firmly behind such action. Today, no nation is firmly allied with the United States on this issue.

At the very least, I believe we should launch a major diplomatic effort with the United Nations, our allies, and our Arab friends, with the goal of delivering an ultimatum to Saddam Hussein: Either open up or go down.

If he does not comply with this demand, it will give the United States added moral and diplomatic strength to any future effort. It will help unite the world community behind us.

Additionally, I am very concerned that the United States stay the course on our war against terrorism. To date, there is no direct connection between Saddam Hussein's Iraq and the 9/11 attacks that has been substantiated.

This means staying the course in our war against terrorism, part of which exists in Afghanistan. The government of Hamid Karzai is fragile at best. Today should show that. During its first 6 months in power, two Cabinet officials have been assassinated. Today, President Karzai himself barely escaped an assassination attempt, and a major act of terrorism has killed many in central Kabul. The Karzai government must have security and stability, or it will perish and so will democracy.

Additionally, we know the Taliban and al-Qaida lurk in the remote mountains, waiting for an opportune moment to come back. If Afghanistan cannot be stabilized, if its streets and homes cannot be made secure, and if its first democratic government cannot survive, this will be a very serious setback.

Afghanistan is our beachhead in the war on terror. We cannot lose it, or we lose the war on terror. We must put al-Qaeda, Hamas, Hezbollah, and a host of other terrorist groups out of business before they can strike out again at America and our interests.

That is why concentrating on this war—the critical war against terrorism—is so important.

An attack on Iraq at this time would only deflect from this war, by diverting attention and forces away from bringing to justice the perpetrators of 9/11. Can we afford to do this?

If there is an imminent threat to the United States or to our interests, then we must act. At this moment, however, I do not believe such a threat exists. No one doubts that Iraq has chemical or biological weapons and the means to deliver them. They have used them on at least three occasions, but they have not used them in the last 10 years, and I believe they know what will happen if they do use them.

What is less clear, however, is the status of Iraq's nuclear weapons capability. In 1981, Israel destroyed the Osiraq reactor provided by France. While Iraq continues to seek to develop nuclear capability, there is no evidence I have found that Iraq is nuclear capable today. So there is no imminent threat.

Secretary Rumsfeld has claimed that if we wait for Iraq to develop nuclear weapons, then it will be too late. He is right. The key is to find a way to stop Iraqi nuclear ambition, and stop it now, which is why opening Iraq's borders to a search and destroy mission for weapons of mass destruction, conducted by our allies, our friends in the Arab world, and the United Nations, is critical.

I believe this requires renewed diplomatic efforts on our part, with the United Nations, with our allies, and with friendly Arab nations. We must stop Iraq from becoming nuclear capable. And the world in turn must respond. Otherwise, an attack becomes the only alternative.

As Gen. Wesley Clark recently stated:

> In the war on terrorism, alliances are not an obstacle to victory. They're the key to it.

By acting unilaterally, the United States not only runs the risk of isolating these long-standing allies, but also of solidifying the entire Arab world sharply against us. This may not result in any direct or traditional military response against the United States, but what about a personal jihad throughout this country—a jihad of bombs and other terrorist acts carried out throughout the world?

There are people out there eminently capable and able to finance doing just that.

With the Israeli-Palestinian conflict not yet under control, a United States attack on Iraq would certainly fuel the fire of Islamic fanaticism, uniting the Arab world against the West and Israel. The consequences could be unprecedented and beyond our present comprehension.

The Israeli-Palestinian situation should be our highest priority. This conflict must be resolved. The United States must use its influence and leadership here, with the Israelis, the Palestinians, and the surrounding Arab world. Here, too, we must stay the course.

At the same time, there is some troubling evidence today of the preparation of a second front in southern Lebanon to attack Israel in the event we attack Iraq. Ambassador Dennis Ross recently told me of thousands—he mentioned 10,000—extended-range Katyusha rockets that have been moved through Syria from Iran and into southern Lebanon, for an attack on Israel. He said they had been extended so that they could hit at the major Israeli industrial zone north of Haifa. I believe this has been confirmed.

In the face of all of this, assume we do attack Iraq. Consider that we mobilize 250,000 to 300,000 soldiers, our aircraft carriers, our B–52s, our 117s. This will not be another Desert Storm where exposed Iraqi troops are routed in the open desert, overwhelmed by American airpower.

This war will be waged in Baghdad, in Tikrit, and in other cities. It will be waged from house to house and palace to palace, from street to street and school to school and hospital to hospital.

We will certainly kill many Iraqis, and how many of our own will be killed? And will we stay the course once the body bags start coming back to Dover? Will Americans stand up and say, "More"? I think not.

Then there are the thousands of innocent Iraqi civilians civilians already brutalized by the last 12 years—who will become casualties in this war.

America has never been an aggressor nation unless attacked, as we were at Pearl Harbor and on September 11, or our interests and our allies were attacked. We have never initiated a major invasion against another nation-state, which leads to the question of whether a preemptive war is the morally right, legally right, or the politically right way for the United States to proceed.

Lastly, there is the immensely complicated question of the Iraqi nation Saddam Hussein now has and what will happen if he is overthrown. Have we really thought out our options here? Have we taken into account the deep tribal factionalism and divisions, the bitter and often bloody rivalries among the Shia majority, the ruling Sunni minority, and the Kurds, that lie at the very root of Iraq? Will we protect the Kurds from possible genocide? How long will we stay to secure a new government? And who would replace Saddam Hussein?

Let's be realistic. A democracy is not likely to emerge. One must look closely at the history of Iraq to draw such a conclusion, and I have.

Madam President, I would like to quote from the recently published book, "The Reckoning: Iraq and the Legacy of Saddam Hussein" by Sandra Mackey. She writes:

When [Saddam Hussein] finally loses his grip on power either politically or physically, he will leave Iraq much as it was when the British created it—torn by tribalism and uncertain in its identity. It is this Iraq that threatens to inflict its communal grievances, its decades of non-cooperation, and its festering suspicions and entrenched hatreds on the Persian Gulf, the lifeline of our global economy.

In light of such conditions, is the United States ready to be an occupational force? It could take many years for the seeds of a stable pluralist society to flourish in Iraq. Are we really ready to spend a generation there?

Given what is at stake here—American lives, American prestige, and America's respect for the rule of law—we find ourselves at a critical crossroad.

Again, according to Sandra Mackey:

> . . . the time is fast approaching when the United States, for a series of perilous reasons, will be forced to look beyond Hussein to Iraq itself. That is when all Americans will pay the price for what has been a long night of ignorance about the land between the rivers.

In closing, I am very happy to see that President Bush will now seek congressional approval regarding military action. So this debate has just begun.

I look forward to working with my colleagues in the Congress to ensure we not only ask the questions but see that the answers are moral, see that they are legal, see that they are befitting the greatest democracy on Earth, and see whether they are worth, for the first time, the United States of America making a unilateral attack on another nation-state.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EDWARDS.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY

Mrs. CARNAHAN. Mr. President, the attacks of September 11 changed us as individuals and as a nation. They changed the way we think about our personal security, and they challenged our assumptions about the threats posed by groups and organizations hostile to our values and our way of life.

The events of the past year have also bolstered our resolve. We have come a long way since that terrible day, but much more needs to be done. We have toppled the Taliban and severely disrupted the al-Qaida network, but our military is still working around the clock to destroy al-Qaida elements around the world.

We have dramatically improved security at our airports, but we have much to do to protect our aviation system, our ports, and our borders. We have spent billions to recover from the attacks, but unfortunately we must spend more to protect our homeland from threats ranging from bioterrorism to dirty bombs.

Today, we are focused on reorganizing our Federal Government to meet these new security challenges. I believe creating a new Federal Department of Homeland Security is the right thing to do. We need one agency whose exclusive focus is controlling our borders and protecting our homeland. That is why I support the bill before the Senate.

I commend Senator LIEBERMAN for the leadership and tenacity he has shown in getting us to this point. We began hearings last year on this proposal, and now we have brought the Senate a well-designed, comprehensive bill, approved on a bipartisan basis by the Governmental Affairs Committee. I was proud to vote for that bill.

I also commend President Bush for his decision to support the creation of a Homeland Security Department.

I believe now is the time for Congress and the President to work together to create a strong, effective, and well-equipped department—a robust department. The American people rightly demand that the first duty of the Federal Government is to provide security. So we need to make sure we give the new Department the structure and the tools it needs to do the job.

The committee-approved homeland security bill creates an agency that will improve coordination, cooperation, and communication among all the Government organizations that will work at this new effort. It will bring together information and expertise from Federal, State, and local government and the private sector. Such efforts are key to preventing and containing further attacks.

Our States are on the front line of this battle. Missouri recognized this and was the first State to hire a homeland security director. In recognition of the strong bonds needed between Federal, State, and local government, the committee bill includes an office of State and local government Coordination. This office will assure that the Federal Government reaches out to the State and local levels with training, tools, and a coordinated strategy.

It will take more than this bill to prepare communities to respond to an attack, however. There must be the resources to do the job. I am already concerned because Federal funding for homeland security still has not made its way to the local level in Missouri. In the aftermath of 9/11, the staffing needs of many fire departments have increased dramatically across our Nation. Two-thirds of all fire departments, large and small, operate with inadequate staff. The International Association of Fire Chiefs estimates that 75,000 additional firefighters are needed to meet minimal acceptable levels for safety and effective response.

I offered an amendment with Senator COLLINS that will begin to address this. It will establish a program to enable local fire departments in Missouri and across the country to hire 10,000 new firefighters. I am pleased the amendment passed unanimously in committee. This amendment is an effort to strengthen the ranks of those who protect us and did so on September 11, and who risk their lives daily to keep our communities safe.

I urge my colleagues to support this provision when the Senate bill is conferenced with the House bill. We not only need to make sure our first responders have sufficient resources, but we will need to make sure they have adequate training. I sponsored an amendment in committee that requires the new Department to coordinate with the Secretary of Defense for training on how to respond to chemical and biological attacks. This is a logical step because the Defense Department is the primary Government agency supporting the training of military and nonmilitary personnel to respond to chemical and biological attacks.

Just last January, the Coast Guard sent 30 national strike force members to the Army's chemical school in Fort Leonard Wood, MO. They learned how to spot nerve agents, scan people for radiation, and respond in other ways to terrorist attacks. From their DOD schooling, some went straight to the Olympic Games in Salt Lake City for duty.

My amendment, which the committee also accepted unanimously, makes sure that the new Department of Homeland Security has access to the Defense Department's expertise.

We will consider a number of amendments in the coming days and hopefully have a thorough debate. But let's not lose sight of the fact we have a very solid proposal before the Senate. It implements the President's call for the creation of a strong, robust Department of Homeland Security. It does so in a careful and constructive way. In the end, it will preserve, protect, and defend the United States of America.

The PRESIDING OFFICER. The Senator from Arizona.

JUDGE PRISCILLA OWEN

Mr. KYL. Mr. President, I regret to say this day is a very dark day in the history of the Senate. The Senate Judiciary Committee, of which I am a member, has just rejected, on a purely partisan party line vote, the nomination of one of President Bush's finest nominees to the U.S. Circuit Court, Justice Priscilla to the Fifth Circuit Court of Appeals.

First, there was a vote to reject her 10 to 9. Then, Senator HATCH asked she be reported to the full Senate without recommendation so that all of our colleagues could have an opportunity to cast their vote on her nomination. That was rejected 10 to 9. Finally, he said, all right, then, I will move that we report her out unfavorably since the majority of the committee, 10 to 9, does not support her confirmation. That, too, was rejected on a party-line vote.

The full body of the Senate will not have an opportunity to vote on the confirmation of Justice Priscilla Owen.

The reason this is so distressing today is because it marks a new era in the judicial confirmation process. That much was made clear by the Democratic members of the committee today. It is clear now that there is a new test to be applied to the President's nominees. It is no longer enough that the nominee be well qualified and above reproach in terms of judicial ethics. It is now necessary that the candidate be committed to actively pursuing the political agenda of the majority of the members of the committee. If not, they will characterize the nominee as "extremist," as "right wing," as Justice Owen was characterized today.

Now, some time ago the chairman of the committee said the American Bar Association, which had historically rated the qualifications of nominees, was 6really the gold standard because they were very careful in how they considered the qualifications of nominees and their recommendations were not made lightly. The highest recommendation that the American Bar Association can give to a nominee is "well qualified." Justice Owen received the recommendation of "well qualified" not by a majority of the members of the ABA who decide these matters, but unanimously. Every single person involved in the ABA who rated the nominee, rated her well qualified. In other words, she could not have gotten a higher rating from the American Bar Association.

As I said, the chairman of the committee characterized this process as the gold standard for nominees. I said today that I guess the Senate has now gone off the gold standard; that is no longer enough.

The Senator from New York was quite candid in articulating again, as he has on numerous occasions, what he believes the new standard should be. And central to the application of the new standard is a determination by the members of the committee of the purported ideology, political ideology, of the nominee with the right to determine whether the nominee is within the mainstream, as they identify it, and then the right to vote down any nominee considered to be outside the mainstream.

Never mind that our great and distinguished colleagues, such as Senator

KENNEDY of Massachusetts, Senator SCHUMER of New York, Senator LEAHY of Vermont, in my opinion, are not necessarily the most qualified to describe what is mainstream in American politics—as least not as qualified as a person who has been elected by all of the people of the country, the President of the United States. Apart from the fact that I think President Bush probably has a better handle on what is mainstream in the country than my colleagues on the committee, myself included, the rejection of the previous standard and the insertion of this new political standard into the Judiciary Committee deliberations is a breach of tradition, highly dangerous to the continuation of the rule of law in the United States, and itself an exercise in blatant, political activity.

When the Senator from New York suggested this new standard, he held a hearing. Among the people who testified were Lloyd Cutler, counselor to several Democratic Presidents. Lloyd Cutler is a man of great distinction in the bar with a long history of activity in the judicial nomination process. He said it would be a grave mistake to insert politics into the nonpolitical branch of Government, the third branch, the judicial branch. He said if an ideological litmus test ever became the Senate's reason for confirming or rejecting a nominee, that it would have injected politics into the third branch, and the citizenry could then well conclude that the third branch of Government was merely an extension of the other two, subject to political decision making, and that the public could then rightly lose faith; that the designates of the third branch of Government would be devoid of political influence, that they would be fair and honest. And I would just add in my own words that it would be pretty hard to believe anymore that when you went into a court and you expected to receive blind justice, as we are all accustomed to, that you might well be faced with the decision of a political judge who would not base the case on the law or the Constitution, but rather on political ideology.

That is wrong. It is dangerous. It is unprecedented. That is why I say this was a black mark in the history of the Senate because today we had a committee that made a decision that I can only characterize as applying a political litmus test to the nominee—and a faulty one at that.

If my colleagues can characterize Justice Priscilla Owen as a right-wing extremist, an ideologue, an activist judge—as they did—then anyone can be so characterized. Senator GRAMM made the point a few minutes ago. He said: I know a political ideologue when I see one because I am. Most of us in the Senate, in fact, are political ideologues in the finest sense of that word. We believe in a political ideology and we care enough, no matter what other occupation we might have had, to try to advance our political philosophy in the U.S. Senate on behalf of our constituents. That is in the great tradition of the United States and applied to the second branch of Government, the legislative branch.

But it has never been appropriate to apply that to the third branch of Government, our judges. As I said, if Priscilla Owen can be so characterized, then anyone can be. She is about as far from being an ideologue or an extremist or an activist as anybody I have ever seen nominated to the court.

A bit about her: She has earned the support of Texas Democrats and Republicans. She has been three times elected to the Texas Supreme Court. She had the endorsement of every major Texas paper in her last race. She is not a partisan.

She is brilliant. She had the highest score on the Texas bar exam when she took it. As I said, the American Bar Association rated her unanimously with their highest rating of "well qualified."

Everything that was said about her in the committee deliberations this morning was considered by the bar association in making that recommendation. I suggest the charges that those outside the Senate have made are trumped up charges that bear no resemblance to the truth.

In characterizing her as somehow outside the mainstream, these groups have done a great disservice, not just to the President and to the court system and the rule of law, but to this fine individual, personally. That is, perhaps, the biggest tragedy of all.

The Washington Post, which is not known to be, by conservatives anyway, a friendly newspaper to the President or to conservatives or to the conservative philosophy, in an editorial on July 24, made clear its view that it would be inappropriate to reject Justice Owen; that she was highly qualified and that her conservative views, if indeed she had them, would not be a reason for her to be disqualified and rejected. The Post characterized her as a conservative in the editorial, concluding:

> In Justice Owen's case, the long wait has produced no great surprise. She's still a conservative. And that is still not a good reason to vote her down.

I remember in the last few weeks of the campaign for the Presidency, Al Gore said one thing I agreed with. He said: You should not vote for President Bush because if he's elected President then he'll nominate conservatives to the court.

It is no great surprise that a President would nominate people to the courts who think like the President does. That is traditional in this country and Al Gore was right.

If you elected him, you are more likely to get people who are more liberal. If you elected President Bush you are more likely to get people who are more conservative. That is our system and that has never been a basis for the Senate to substitute its political judgment for that of the President—who after all, again, was elected by all of the people in the country—and vote the nominee down based on ideology.

Instead, it has always been the tradition to determine whether the candidate was well qualified, had the right ethics and judicial temperament, and was otherwise qualified. If so, then the candidate was confirmed.

As a member of the committee and as a Member of this body, I have voted on a lot of nominees with whom I did not agree politically. There are members of the Ninth Circuit Court of Appeals sitting now who have voted wrong in every controversial case, as far as I am concerned. But I voted for them. I voted to confirm them because I believed that President Clinton, having been elected by all of the people of the country, deserved his nominees. I couldn't argue with the qualifications or ethics of the people for whom I voted. These, too, were rated highly by the American Bar Association. They, too, were smart people who had good judicial ethics. So I voted for them, knowing that probably they would come down on the wrong side of decisions that mattered to me in certain situations. And that has been the case. But I do not regret voting for them because that has been the tradition for over 200 years in this country.

Senator after Senator on the floor of the Senate has made that point: I don't necessarily like this candidate's views, but I am going to support the candidate because of the tradition of the Senate to give the President's nominees the benefit of the doubt.

The new ideology in the Senate, according to the majority members of the committee, is that the burden of proof is now on the nominee; that unless the nominee can demonstrate to the members of the committee the nominee's willingness to abide by this test that has been established, that the committee has the right to turn these nominees down. The burden of proof has heretofore been on the committee members to find a reason to reject the nominee if, in fact, there was one.

To be candid, Members of the Senate have sometimes gone looking for reasons to oppose a nominee when they believed that the ideology was too far one way or the other. Sometimes they found those reasons and sometimes they did not. But up to now, anyway, unless you could find a darned good reason to oppose a nominee, you didn't do so.

Now that has changed. That is why I said this is a very dark day in the Senate. If this persists, we are going to get to the point where we have judges sitting who were confirmed based upon political ideology so the citizens of the country are no longer going to be able to go into court and be satisfied regarding the one person who will rule on their fate, on their property, and in some cases even their lives—that the individual litigant can no longer count on the decisions made to be fair and in accordance with the law and the Constitution of the United States.

I know of very few countries in the world where a citizen is willing to volunteer and go into court and say: I believe I am absolutely right, but I am willing to let a judge, somebody I have never met before, who I do not know, make a decision that could dramatically affect my life because I believe in the rule of law as applied in the United States of America, in fairness and in the application of the rule of law in the U.S. Constitution. There are not very many places in the world where you feel good about going into a court and literally placing your life in the hands of someone you don't know.

But we trust those people in the United States because of the tradition that has enabled us to appoint people to the bench who, by and large, rule on the basis of their view of the law and of the Constitution rather than on a political ideology. But if this persists, you are not going to know when you go before the judge whether this was a judge who was chosen because of ideology and, if so, how that might be applied in your particular case. That is a very bad thing. It begins to undermine the rule of law in this country. That is why people, such as Lloyd Cutler and others, were very wary of a change in the practice of confirming judges this way.

I think it is interesting that liberals in this country were always very concerned about President Reagan and the first President Bush applying a litmus test to nominees. They both made it clear that they applied no such litmus test. The litmus test that was of most concern related to the issue of abortion. It is clear, from at least some of the nominees President Bush appointed, that he did not have a litmus test in mind because those judges have not agreed with the Reagan-Bush kind of political philosophy. But I think it is appropriate that there be no litmus test on abortion or any other issue.

When I recommended a judicial nominee to the President—either to President Clinton or to President Bush—I did so on the basis that I could easily say I never asked this candidate about his or her position on an issue such as abortion. In fact, to this day I don't know those candidates' positions, by and large, on that particular issue. But it appears to me now the litmus test is being applied, and specifically on the issue of abortion, if you listened to the members of the committee who discussed Justice Owen's nomination today.

It is interesting that the Judiciary Committee, in response to the concern about a President applying a litmus test, has a question that has always been put to the nominees before it. We have a list of questions. But one of the key questions is: Has anybody at the White House or in the Government asked you about your position on any issues that might come before the court? If so, specify who, when, and so on. Because the members of the Judiciary Committee wanted to know if anybody in the executive branch queried them about their political views on issues that might come before the court. And, of course, if anybody had done so, the committee would have risen as one and said: That is improper; you are applying a litmus test, and you can't do that.

Some of the witnesses who came before the committee when we had the hearings on this alluded to that questionnaire. And we said: You can't substitute the traditional advice for confirmation with a political litmus kind of test and only apply it in the legislative branch.

If the members of the Judiciary Committee are going to begin applying a litmus test—if we are going to begin making our decision on ideology—then you can expect the President of the United States is going to do the same thing, continuing down that road.

I think there is an element of hypocrisy because that question still exists. It is still asked by the members of the Judiciary Committee. But we say the President dare not ask it.

I think we have to get our thinking straight. Are we going to allow decisions such as the one that was made today by the majority of the Judiciary Committee to become the prevailing view in the Senate and the traditional practice and test of the Judiciary Committee of the Senate or are we going to take a big, deep breath and say: Wait a minute—whether it is a Republican or Democratic President and whether it is a Republican or Democratic Senate—this is taking us down a very wrong and dangerous path.

I believe that in the great tradition of partisan Members of this body, who nevertheless understood that politics was no way to make decisions on judges, good sense will ultimately prevail and the Senate will return to a standard that is appropriate—whether the candidate is well qualified based upon traditional temperament and ethics, and on their ability to apply the law fairly, and understanding and knowledge of the law.

If we don't return to that kind of a standard, then we are on an inevitable decline in the way that our country applies the rule of law; and, since the rule of law underpins everything in the United States—from our guaranteed constitutional rights to our economic free market system, our property rights, and all the rest—it would be the beginning of the end of this country.

I do not exaggerate when I say that nothing less is at stake and that this body needs to address this question very seriously before decisions such as today's become the rule rather than the aberrant exception.

I believe this is a dark day in the history of the Senate, that history will judge the actions of the committee today very harshly. I just hope my colleagues will consider whether in the future we need to return to the tradition that has served Presidents and the Senate and the Nation so well. I hope so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I heard the last part of the remarks of the Senator from Arizona about what happened today in the Judiciary Committee to Supreme Court Justice Priscilla Owen, a member of the Texas Supreme Court, who was voted down on a straight party line vote. I have never seen a case in which a person who is totally qualified, a person who has shown integrity on the bench, and who has the academic credentials to be a great Federal judge would be turned down for, really, I think a litmus test on issues.

In the past administration—the Clinton administration—I voted for a number of judges with whom I disagreed philosophically, judges who I knew would rule differently from what I thought would be the "right vote" on the court. But I tried to see what their qualifications were. I certainly tried to see if they would be strict constructionists to the Constitution, if they would adhere to the law rather than be traditional judicial activists. I voted for people with whom I disagreed many times. Today, I don't think that could be said for members of the Judiciary Committee.

I am told there has never been a nominee who had the unanimous qualified recommendation from the American Bar Association and the support of both home State Senators who has been turned down for a traditional nomination.

I am sad today because I know Priscilla Owen. I know what a fine person she is. Not only did she graduate right at the top of her class in law school, but she had the No. 1 grade on the Texas bar exam when she took it. She has sterling credentials academically. She is very well regarded by the former Democratic attorney general. The chief justice of the Supreme Court of Texas was very supportive of her and came out publicly for her. The other Democratic member of the Supreme Court of Texas with whom she served came out strongly for her.

It is just stunning that someone who never had one smirch on her record of integrity, who was totally well qualified and unanimously certified by the

American Bar Association, and who was reelected to the Texas Supreme Court by over 80 percent of the vote would be turned down by the Judiciary Committee. I think this is a sad day.

But I will say this: I talked to Justice Owen today. I said: You lost the battle today, but you could win the war because I am absolutely certain that President Bush will renominate her if there is Republican control of the Senate. If that happens, she will be confirmed, because she deserves to be confirmed.

It is very hard on a personal level to see someone as committed as Priscilla Owen—she is basically a nonpolitical individual. She did not even know when she was asked to submit her name for the Supreme Court of Texas if she had voted in the primary before. This judge is not political.

But George Bush—Governor of Texas at the time—appointed her. She then ran for election after her appointment and was endorsed by every newspaper in Texas and was just thought of by both Republicans and Democrats as the most qualified person who had been put forward for this particular seat on the bench on the Fifth Circuit.

It is a sad day, but I think this is not over.

I do believe that President Bush will reappoint her in the next Congress if the Republicans control the Senate and he believes that she will get a fair hearing. I believe she will win the vote of the Senate, and she will show what a great judge she can be because she will be sitting on the Fifth Circuit bench.

But this is a tough day for her. I think she did not deserve this treatment. I will say that in the parts of the hearing that she had that I saw, she was outstanding and did as good a job as anyone I have ever seen who was a nominee for the Federal bench. She did so well that she won the endorsement of the Washington Post, the Chicago Tribune, and the Wall Street Journal. She had accolades from newspapers across America.

She does not deserve to have the treatment that she got today. But we will have another day, and I believe Priscilla Owen will go down in the records as a great Federal judge, because I believe she will be one eventually.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, has the bill been reported this afternoon?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. REED). Morning business is closed.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Wellstone Amendment No. 4486 (to amendment No. 4471), to prohibit the Secretary of Homeland Security from contracting with any corporate expatriate.

Reid amendment No. 4490 (to amendment No. 4486), in the nature of a substitute.

Smith (N.H.) amendment No. 4491 (to amendment No. 4471), to amend title 49, United States Code, to improve flight and cabin security on passenger aircraft.

Reid (for Boxer/Smith (N.H.)) amendment No. 4492 (to amendment No. 4491), to amend title 49, United States Code, to improve flight and cabin security on passenger aircraft.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, it is my understanding that Senator WELLSTONE has a modification that will allow us to proceed and finish his amendment. Recognizing that as the case, people still wish to speak in relation to that amendment. I think that can be done after we take that action. So if Senator WELLSTONE is ready, I will ask that he be allowed to modify his amendment, and that will be accepted by voice vote.

Following that, the Senator from Texas will be recognized for 20 minutes to speak in relation to the legislation before the Senate; and the manager of the bill, Senator THOMPSON, wishes to speak, and I ask that he be recognized following the statement of the Senator from Texas.

Senator LIEBERMAN wishes to speak after Senator THOMPSON. At that time, we should be in a position to move forward on the Smith-Boxer amendment.

I ask unanimous consent that the Senate resume consideration of the Wellstone amendment; that Senator WELLSTONE then modify his amendment with changes that have been agreed upon; that Senator WELLSTONE have 20 minutes to speak with respect to his amendment; that upon the use or yielding back of time, the Reid second-degree amendment No. 4490, as modified, be agreed to, the motion to reconsider be laid upon the table; and that the Wellstone amendment 4486, as amended, be agreed to, the motion to reconsider be laid upon the table, without intervening action or debate, with the proviso that Senators be recognized as I indicated: Senators GRAMM, THOMPSON, LIEBERMAN. And at that time, we would be in an almost certain position to move forward on the Smith-Boxer amendment. There have been conversations taking place among people with regard to this.

Mrs. BOXER. Reserving the right to object, I apologize. I was called to the Cloakroom. It was my understanding that after Senator GRAMM speaks in morning business that we were going to go to the Smith-Boxer amendment.

Mr. REID. That was the case, but we have the two managers of the bill who wish to speak on the amendment.

Mrs. BOXER. On which amendment?

Mr. REID. On the Wellstone amendment.

Mrs. BOXER. May I ask, where are we in terms of time?

Mr. REID. Senator THOMPSON wants 10 minutes. We are talking about 40 minutes. We hope at that time we will have something that will dispose of this amendment on which Senator BOXER and Senator SMITH have worked. At that time, we will be in a position to determine what is going to happen thereafter. We have had conversations. Senator THOMPSON has an amendment he wishes to offer today or on Monday.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object one more second.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I want to make the point that Senator SMITH and I are anxious to move forward on our amendment. We are working with Senator FEINSTEIN on an amendment that she would like to offer by UC which, if it is in the spirit of what we discussed, would be fine with us. We do hope we can move forward.

Talk about homeland security, 9/11, planes being hijacked and pilots and flight attendants being essentially helpless—we want to change that. We are going to stay here and push hard to try to get a vote on that before the end of the day.

The PRESIDING OFFICER. Is there objection? The Senator from Tennessee.

Mr. THOMPSON. Reserving the right to object, as I understand it, Senator GRAMM will speak first. Then I will have the opportunity to speak and then Senator LIEBERMAN. Does the Senator from Minnesota want additional time?

Mr. REID. Under the agreement I just stated, he has 20 minutes if he wishes to use it.

Mr. THOMPSON. First? First meaning immediately, right now, before Senator GRAMM?

Mr. REID. After the vote. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Just so everyone understands—and I am sure they do—the Senator from Minnesota will send his modification to the desk. At that time, we will vote in relation to the Wellstone amendment. Following that, Senator WELLSTONE will speak. Then the lineup will be what was enunciated before, all in relation to the Wellstone amendment.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 4490, AS MODIFIED

Mr. WELLSTONE. Mr. President, I send a technical modification to the desk.

The PRESIDING OFFICER. Under the previous order, the modification is accepted.

The amendment (No. 4490), as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) In General.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) Inverted Domestic Corporation.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) Definitions and Special Rules.—For purposes of this section—

(1) Rules for application of subsection (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) Certain stock disregarded.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) Plan deemed in certain cases.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) Certain transfers disregarded.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) Special rule for related partnerships.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) Treatment of certain rights.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) Expanded affiliated group.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) Foreign incorporated entity.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) Other definitions.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) Waiver.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

This section shall take effect one day after the date of this bill's enactment.

The PRESIDING OFFICER. Under the previous order, the second-degree amendment No. 4490, as modified, is agreed to.

The amendment (No. 4490), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order, the first-degree amendment No. 4486, as amended, is agreed to.

The amendment (No. 4486) as amended, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleagues, Democrats and Republicans, that I am very pleased this amendment has been accepted. A good part of this is in a similar amendment passed in the House. This will be part of the law of this homeland defense bill.

Maybe I will take up all my time; maybe I should reserve some time to respond. I am interested in what my colleagues, Senators THOMPSON and GRAMM, say about the amendment. Let me explain briefly to other Senators why I have done this.

We did this on the Department of Defense appropriations bill. That was only for 1 year. We offered an amendment yesterday that would bar the Secretary of Homeland Security from entering into contracts with U.S. companies that give up their U.S. citizenship to avoid U.S. taxes.

I will give an example. It is a small story that I think tells a larger story. This is the story of Tyco. We heard all about Tyco International. They saved $400 million in taxes last year by chartering its base in Bermuda.

There was an article in the Wall Street Journal about a month ago that suggested actually these savings might have helped the company buy CEO Dennis Kozlowski's $19 million home in Boca Raton and a $6,000 shower curtain for his place in Manhattan. They have received $220 million in Government contracts. I guess the question is whether or not any of that was used to pay for the shower curtain.

This amendment, and the reason I have been focused on no Federal contracts for expatriates, is all about corporate reform. It is an egregious practice when these companies set up sham headquarters in countries such as Bermuda.

They have no staff. They have no operation. Not only do they not end up paying taxes on foreign profits but they can also take the profit in our own country and then cook the books and move it overseas to Bermuda or wherever else. It is not all that patriotic. It means a lot of other businesses, large and small, in my State of Minnesota and the Presiding Officer's State of Rhode Island get the short end of the stick.

Most of the large and small businesses in Minnesota, Rhode Island, and around the country would never do this. They would not do it, even if they had the lawyers and the accountants to tell them how, because they would not believe it was the right thing to do if they could do it. A lot of smaller businesses would never have the lawyers and the accountants to tell them how to do it.

If these companies are going to renounce their citizenship and engage in this kind of egregious behavior and not pay their fair share of taxes, it seems to me that is fine. Renounce their citizenship and they do not get any more Government contracts. It is that simple.

By the way, I do not think the companies that are good corporate citizens, that do not engage in any of this sham activity, should be penalized. Why should they end up being penalized in bidding for the contracts because they are paying their fair share of taxes or even more because other companies are engaged in this tax avoidance? Why should they be penalized for doing the right thing, which is to stay in our country? That is what is going on right now.

We have a situation where former U.S. companies that have renounced their citizenship currently hold about $2 billion worth of contracts with the Federal Government. This amendment has now passed the Senate, and it is now in the House bill, so it is going to become a part of law. So they are not going to be able to do that anymore.

These Bermuda companies have no staff, have no offices, have no business activity. The only thing they are trying to do is shield income and not pay their fair share of taxes. These are Enron-like schemes involving sham loans and other income transfers that allow these companies to reduce their U.S. taxes on U.S. source income, including income from Government contracts. It is called earnings stripping.

I am pleased with this amendment, and I want people to know about this because it has now passed the Senate. If a company reincorporates in a foreign country and 50 percent or more of the shareholders of the new foreign corporation are the same as the shareholders of the old U.S. company, then they do not get to contract with the Homeland Security Agency, and if the company does not have any substantial business activity in its foreign home. That is the two-part test. This is actually the two-part test in the Grassley-Baucus tax bill, and I thank them for their superb work.

There are many sacrifices people are making today. The only sacrifice this amendment asks of Federal contractors is that they pay their fair share of taxes like everybody else.

I say to my colleagues, I know we had a debate last time when I did this on the DOD appropriations bill. About 99 percent of the people in Minnesota in coffee shops would say: Absolutely. If these companies want to do this kind of tax avoidance, then they should not be getting the Government contracts. I think people are tired of this kind of egregious corporate behavior.

My second point: I am very proud of the fact that the vast majority of businesses in Minnesota and in our country do not engage in this kind of behavior. I do not want to see them put at any kind of competitive disadvantage because they do the right thing.

My third point: I think this is good public policy. I know last time in the debate some of my colleagues said it is a great thing to do, it is a good, populace thing to do, and people are going to be for it—in fact, I think that is why we had a voice vote, because a lot of people do not want to vote against it—but it is not good public policy. There are two Senators in the Chamber who are probably going to say that. They are going to say that in good faith, and they are going to marshal evidence for their point of view.

I have watched them both. Both of them are going to be retiring, and, frankly, though I do not always agree with one of them and I never agree with the other one, both of them have made the Senate a much better place. So I am not arguing that there is not a place for honest, intellectual disagreement.

From my point of view, it is good public policy. There is no reason in the world that these companies should be able to engage in this kind of egregious behavior. It is a big scam. There is no reason in the world that other businesses and other people should end up having to pay more taxes, and there is certainly no reason in the world that the vast majority of U.S. companies, that play by the rules of the game, stay in our country and do not engage in this kind of tax avoidance, should be at any kind of disadvantage.

I am glad the Senate has passed this amendment. I cannot overstate its importance. This is part of maybe the new look in the Senate. The Sarbanes bill was a powerful step forward. It took some jarring events to get that bill out of committee, but all of a sudden people started realizing we have to deal with some of these scandals, we have to deal with some of these abuses.

We are going to have a pension bill on the floor soon. That is going to be part of this. I am really glad the Senate has now passed this amendment because I think this is all about dealing with these kinds of corporate abuses. This is all about corporate accountability, and this is all about reform.

I am very proud of the fact the Senate has accepted the amendment, and I thank my colleagues for doing so.

I ask unanimous consent to add Senator JOHNSON and Senator HARKIN as original cosponsors.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, this amendment is a perfect example, if one goes around doing surveys to decide on public policy, of how far afield from logic and reality and good sense one can get.

Let me try to make a couple of points. If someone wants to get a good, rousing round of applause in front of any group, stand up and say companies that are domiciled in the United States that change their domicile to any other country should not be able to do business with the Federal Government. They will get applause every time.

I wonder if one is going to get the applause when they explain to people that for the entire history of America, companies born in other countries have moved their domicile to America because we have had a better business climate.

Secondly, let me make it clear that these are private businesses. This is private property.

Another point: we sell about 80 to 90 percent of all defense and security goods sold in the world. They are produced by American companies, by American workers. The vast majority of those companies are domiciled in the United States, although not all of them. Why in the world we should be saying to the various parliaments and congresses around the world—some of whom may be having similar debates about why should they buy goods for their government that are produced by Americans when they can produce inferior goods at higher cost at home—why we should be picking this fight, I do not understand.

Finally, the world must think we have gone mad. We are the country that has drawn capital and business and literally created a brain drain in the world as people have voluntarily chosen to come to America and bring their wealth and bring their genius. They have helped make us the greatest country in the history of the world, but now the greatest deliberative body on Earth is trying to punish people who want to move the domicile, the headquarters, of their company, to another country? If I have ever seen logic in history turned on its head for political reasons, this is it.

This bill is not prospective. It does not make any sense. What about a company that was born in America and in 1812 decided that most of its business was in Britain? Now, we have to understand, Britain is the largest investor in the United States of America and they are investing tens of billions of dollars in our country every day. But we will say, because a company in 1812 decided it could operate its business better by having the headquarters in London, but the ownership of the company did not change, that we are not going to let them do business with the Federal Government?

Finally, this is simply a sign of a logic that is very dangerous; that is, this logic that somehow this is America against the world, and people are trying to get their businesses out of America, get their wealth out of America, and we have to stop them. For the long history of America, the preponderance of movement has been into our country, not out of it. Do we want other countries to be passing laws to prevent businesses from moving to America? I don't think so.

In the Finance Committee today, there was an effort to mark up a bill—and people will think this is a joke, but it is the truth—that said if you own property and you want to leave America and you want to go become a citizen in Ireland or Germany or Argentina, we will act as if you have sold your property, and you have to pay a tax to the American Government before you leave. Now, forgive me, but that is right out of Nazi Germany. I don't understand, when people are trying to bring wealth to America every day, when we have been a net gainer from people moving capital for over 200 years, why all of a sudden we are passing laws that sound as if they are right out of Nazi Germany.

The idea that somebody cannot leave America and take their property with them, that they have to pay a tax in order to get their property out of America—forgive me, but that rings of another era and another system, a system that I hated when I read about it as a schoolboy, and I still hate it.

Look, it is good politics to bash on companies that are increasingly international. Many of these companies end up with more American employees by relocating their headquarters than they would have otherwise. It is very good politics to say: We are going to show them. Move your headquarters out of America, or if you did it in 1812, you can't do business with the government. It is good politics, but it is terrible public policy.

We have probably, over the 200 years with active commerce in America, gained 100 companies domiciling in America for every one that has gone in the other direction. Do we really want to create an economic war where companies say, if you ever open a headquarters in our country, you can never move it anywhere else? Do we want that to happen to companies that want to come and locate in Texas? I don't think so. So, boy, you can get a great, rousing applause—probably even the Rotary Club would applause this—until they understood what you were talking about.

We took this amendment because people do not want to vote on it. I am happy to vote on it. This is a bad policy. It is a wrongheaded policy that is basically counter to everything we believe in as a nation. If you do not want to live in America, I just as soon you leave. If you want to take your property, great, go to it.

Now, the fact that for the whole history of America, property and people have been coming our direction, that does not change the fact you either believe in freedom or you do not. But to start saying, in order to sell us a good—even if your product is better, even if your product would save lives, even if your product would save money, if anyone cares about saving money—that you cannot sell it to us if, in 1812 you were domiciled in Boston and you moved to London and you did not change your ownership by moving. People make business decisions for business reasons. Part of what economic freedom is about is the ability of people to move their money and to move their labor by moving themselves.

It is great to get rousing applause. It is wonderful. I don't doubt that 90 percent of the people in Minnesota would be for it. I am not criticizing Minnesota. I don't believe 90 percent of the people in Texas would be for it, but there may be. There may be. But whether it is 90 percent or 100 percent, you either believe in freedom or you do not.

And I must stand up and speak out when, for over 200 years, people have been bringing their businesses to America, bringing wealth to America. We had almost $100 billion of wealth coming to America annually in the 1990s. Why we are suddenly passing laws saying you cannot go in the other direction? The problem with that is, if you cannot take it out, you will not bring it in.

One of the reasons I am being so hard on the Senator from Minnesota is this amendment we had in the Finance Committee today. I am sure somebody can defend it and say: People ought to pay taxes. We want their taxes. We want their money. We do not want them to take their money out of America.

Look, it is their money. It is a free country. Being a free country does not mean that you can do business with the Government if you do what the Government wants you to do. Freedom means you can do whatever you want to do. If people want to move their businesses, they ought to have a right to do it. If people want to take their money, their wealth, and move to France—I don't know why in the world anyone would want to do that—but if they do, my basic position is, God bless them and let them go. For every person that does that, there will be three people from France who want to move their wealth here.

Good applause. Great political issue. You could run a dynamite political spot on this: Old Joe Jones voted to let people move their businesses out of America and that cost us tax revenue. Yet he let them sell to the Homeland Security Department.

To me, that is what freedom is about.

This is bad policy coming on the same day as this Finance Committee bill that would force you to act as if you sold your property when you want to leave America, to pay a tax. God forbid this should be the policy of the United States of America. And it is not going to be. This amendment is not going to become law. I intend to work very hard to see it doesn't. I don't believe it will.

Again, nobody wants to vote against it. Everybody is going to applaud it, but in the end, some logic is going to prevail. When for 200 years people have been bringing wealth here, moving businesses here, why we want to prevent people from going in the other direction is beyond my comprehension, other than we are going to get a big applause in doing it. Applause is a poor reason to have public policy.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will take just 2 minutes, and I know the Senator from Tennessee will speak. I assume I have a little bit of time.

The fact is, this will become law. It will be in this bill. It will stay in this bill. The House passed a similar provision.

I will say a couple things to my colleague from Texas. I appreciate what he said, although I think a lot of it did not describe this amendment. This is not about buy America, or about business moving. It is basically about going after tax cheats. It is about people paying their fair share of taxes. Frankly, as long as we are going to talk about freedom—

Mr. GRAMM. Will the Senator yield on that?

Mr. WELLSTONE. I will be glad to yield.

Mr. GRAMM. Nothing in this amendment talks about taxes. This amendment says if you redomicile without changing half your ownership, that you can't sell the products in America.

You are assuming that if I move my business to France that I did it for tax reasons. I may do it for some other reason. I may just do it because I like French food.

So you are acting as if the only reason people do this is for taxes. And, even if that were the case, that wouldn't change my opinion.

Mr. WELLSTONE. No, I would say to my colleague—I appreciate it and I will finish up—I know I will not change his opinion. I am well aware of that. I will just tell you the Senate Finance Committee did a pretty thorough investigation of this, and we know very well that these companies have engaged in what I think is blatant tax avoidance. We know they set up these sham companies that don't have personnel there or they do not do any business there. We know they avoid paying taxes, including actually transferring some of the money they made in this country to avoid taxes. It is Enron-like schemes.

You talked about freedom. I am free, as a United States Senator, to introduce a piece of legislation that says we go after these tax cheats and they should pay their fair share of taxes. I am free, as a Senator from the State of

Minnesota, to represent the people of my State and do so, and that is what I have done and this amendment passed and that is a fact.

Frankly, when my colleague says: Well, the only reason it passed is because it is just a popular thing to do, so Senators really would not have voted against it, that is quite an indictment of the Senate. I would have thought if the majority of Senators believed this was bad public policy, they would have been out here to oppose it—or at least some of them would have. I have to believe the majority believed it was good public policy. Otherwise I don't think it would have passed. I don't assume Senators are afraid to come and debate and are afraid to express their viewpoint and are afraid to oppose a policy if they don't think it is a good public policy. If that is the case, it is a sad commentary.

As my colleague knows, I would have been pleased to debate anybody because I think this is absolutely the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we have other business to attend to, so I am not going to belabor this. Let me make my point. Nothing in this amendment has anything to do with or says anything about tax cheating. This amendment would apply to a company that moved from the United States to Great Britain in 1812.

The Finance Committee did not do any great deliberation in coming up with this amendment. It was a pay-for, something to create money they wanted to spend, and it seemed like a popular thing to do. Let's not deceive ourselves into thinking any great thought was behind it. And anybody who does not understand that amendments pass every day in the Senate that everybody hopes and believes will end up dying somewhere in some dark corner somewhere—where much of God's work is done, by the way—then I don't think they understand the reality of politics.

So I just stand by the following points: First, this amendment has nothing to do with taxes. This amendment is punitive to companies that may have started in America, may still employ 90 percent of their people in America but are now domiciled abroad; that is, they call another country their economic home. The incredible paradox of the amendment is that for every American company that has moved abroad, 100 have moved to America over the last 200 years.

Look, it is going to be on this bill. It is in the House bill. But I do not believe it is going to become law.

Second, I want to make the point that we are going to end up hurting America in the capital markets of the world if we keep this business up. If we had our major trading partners pass and enforce a similar law, we would lose 100 or maybe 1,000 companies that are coming here for every one we are preventing going there. This is not smart.

Third, I just have to raise this provision considered by the Finance Committee, which is based on the same logic: How dare anybody move out of America and take anything with them? My God, for over 200 years, people have moved from Asia and Europe and South America and everywhere, and they brought wealth with them to America. The idea of taxing people to get out of your country, the most dramatic example of that I remember is Nazi Germany.

So I just ask people to please take a long, hard look at some of these things we are doing. Some people think they won't actually become law. I hope not. But I do believe we are going to reach a point where we are going to begin to do some harm. The people in the financial markets around the world must think we are crazy when they see these kinds of amendments.

I yield the floor.

Mr. DODD. Mr. President, I would like to thank Senator WELLSTONE for introducing this important amendment to the homeland security bill.

Our international tax code currently has a loophole that allows U.S. corporations to open shell companies in tax haven countries while enjoying all of the benefits of conducting business in the United States without paying taxes. The Finance Committee has reported out a bill that temporarily addresses this very issue. I hope that in the coming weeks we will debate and pass the Finance Committee bill.

The amendment currently before us prohibits the new homeland security agency from contracting with any corporate expatriate. I commend my colleague for introducing this fair and very simple amendment. What this amendment says is that if you are incorporated outside of the United States and do not have substantial business activities in the foreign country you are incorporated in, and if at least 50 percent of the stock of the entity is held by former shareholders of the domestic corporation or by former partners of the domestic partnership, you will not be allowed to contract with the new homeland security agency.

Also, unlike previous discussions on this issue, Senator WELLSTONE's amendment includes all inverted companies, so that there is no difference between companies who have just inverted or have been inverted for 6 months or 6 years. This is plain and simple, and more importantly, this is fair.

The U.S. government should not be in the business of contracting with U.S. based corporations that are avoiding their tax responsibilities by incorporating in offshore tax havens. Corporations have a right to determine where they should incorporate and what is best for their business, just like we have a right to determine how hard earned U.S. tax dollars should be spent. I strongly believe that U.S. tax dollars should not be spent in government contracts to companies that have expatriated in order to avoid paying taxes.

Companies who are or will be affected by this amendment must understand that there are benefits and costs to the decisions they make. This amendment, if adopted, will force corporations to include in their calculus the fact that they may no longer be able to enjoy the earnings that are brought to them through Government contracts if they incorporate off shore to avoid U.S. taxes. That may or may not alter management's decision to move—management may decide that it does not matter that the company will not be able to contract with the government. If this is the decision, so be it. But we should not perpetuate a system that puts companies that do pay U.S. taxes at a competitive disadvantage because their counterparts have less of a tax burden.

I represent the State where Stanley Works is located. Stanley Works has a wonderful history and tradition in Connecticut, and so it was a great disappointment to many of us when they took steps towards inverting their company to Bermuda. Obviously Stanley Works executives weighed the benefits and costs to inverting the company and found that the costs outweighed the benefits, and so I can speak on behalf of Connecticut when I say, that we are pleased that Stanley Works dropped its plan to reincorporate to Bermuda.

In FY 2001, Stanley Works had a total of $5.2 million of defense and homeland security related Government contracts. Now that they are going to stay incorporated in the U.S., they would be put at an unfair disadvantage if they have to compete with companies who also weighed the cost and benefit, but decided that they are better off leaving the U.S. or remaining incorporated outside of the U.S.

The amendment currently before us takes away this unfair advantage. And so if companies like Ingersoll-Rand, Cooper Industries, and others are interested in continuing to contract with the Federal Government, then all they have to do is come back.

To continue to contract with companies that have inverted, to continue to allow companies to engage in tax saving techniques not available to most individual taxpayers and yet still be eligible for important and profitable government contracts, would in the words of the Treasury Department, "reduce confidence in the fairness of the tax system."

U.S. companies that have decided to move offshore currently hold at least

$2 billion worth of contracts with the Federal Government. We have a responsibility to ensure that these offshore shell companies are not rewarded for turning their backs on America. And that is exactly what this Amendment does.

At a time when confidence in U.S. business practices is at an all time low, when the country is engaged in foreign policy challenges, and when CBO is projecting lasting deficits until 2006 we cannot continue to condone this practice, and we surely cannot allow the Government to continue to allow this unfair loophole to continue. Offshore tax havens are a massive $200 billion loss of U.S. tax revenue that should stay in the U.S. The 2002 U.S. deficit is expected to be at $157 billion—a deficit that would be closed were these offshore companies to pay their fair share of taxes.

I think that we can agree that we must address the problems in our flawed international tax code which is obviously in need of reform. There are problems with the fact that the tax code is currently putting American companies at a competitive disadvantage by taxing income from their overseas operations while other nations do not tax income earned abroad. But what we need to do is work together to change the law and not just abandon ship and reincorporate. And so while we work on making changes to the tax code, it is important that we do not disadvantage those companies who remain in the U.S. by also awarding contracts to those who have left. That is why I am pleased that this amendment passed the Senate today.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, the Senator from Texas is right. This is a significant change in procurement policy. The Senate Committee on Governmental Affairs, which has jurisdiction over Federal procurement policy, has not had a single hearing to consider this issue and the impact it will have on the procurement process.

I think at the outset it ought to be observed that it is very unfair to publicly accuse a company of being a tax cheat when they have not violated one single law, rule, or regulation of the United States. I have been informed since this discussion has been going on that one of the many unintended consequences, probably, and potentially unintended results, is one involving a company called Intelsat.

If we are going to prohibit companies from dealing with the new Department of Homeland Security, why limit it to the Department of Homeland Security? Let's prohibit them from doing business with—I guess, the closest comparable department would be the Department of Defense. But the Department of Defense uses satellites of Intelsat.

I do not know the extent of the traffic, but I think it is significant, and I know it is important to the national security of this country. Intelsat is a Bermuda company, and it is an inversion. That is the sort of thing we are dealing with, if thoughtful people think this thing through before we finish up this process.

Another result of this amendment would be to allow foreign companies that have always been foreign companies to be able to bid on Department of Homeland Security contracts. But it would preclude foreign companies that have at one time in the past been headquartered in the United States from bidding on those contracts, even if the work would be performed in the United States by American workers.

So if you have always been foreign, you can deal with the Federal Government. But if at one time, at any time in your past history you were an American company, you can't. That doesn't make any sense to me.

I am also concerned that this amendment might violate our trade obligations because it is discriminatory against certain foreign-based companies. If we were to enact the amendment, what would be the unintended results? I am concerned we would be giving governments an excuse to ban U.S. companies from bidding on foreign contracts, when we have been fighting to get foreign governments to open their procurement process to U.S. companies.

Denying a company the ability to be awarded Federal contracts based solely on the location of its headquarters represents a significant change in Federal procurement policy and counteracts years of work to streamline the Federal acquisition process. If we begin to use Federal contracts as leverage against potential contractors, the system will inevitably become highly politicized and the goal of obtaining the best value on Government contracts will no longer be a priority; It will be a political football, where the procurement process will turn into an attempt to punish our enemies and reward our friends instead of trying to get the best deal for the Government—which, of course, is the best deal for the taxpayer, who the proponents of this amendment claim they are looking out for.

Government contracts are not gifts. Federal contractors face a burdensome process full of redtape, paperwork, and unique Government regulatory requirements. That is why it can be difficult to get multiple companies to even bid on a contract.

We have attempted to streamline this process in recent years in order to increase competition, to save taxpayers money, but restrictions such as this discourage companies from bidding in the first place. We do not want to end up in a situation where DHS has to rely on sole-source vendors because we prohibit the Department from contracting with an inverted corporation. The least we could do is provide the Secretary with the authority to waive the ban in order to ensure competition in the bidding process. That procurement bar is a serious sanction, reserved only for egregious conduct such as fraud or criminal offenses in connection with obtaining the contract or performing a public contract.

What is important to Government procurement officials when evaluating a contract bid is not where the bidding company is headquartered. They look at where the work is to be done, whether the company will do a good job, and whether the bid is cost effective.

Whether or not you believe corporate inversions should be prohibited, the fact of the matter is that inversion transactions are legal under the current tax laws. Because the amendment is retroactive, it would bar companies that have engaged in legal behavior—an inversion—from bidding on DHS contracts. The inversion could have occurred a year ago or 10 years ago. Either way, these companies had no way of knowing that they could be banned from bidding on federal contracts if they inverted.

This amendment's definition of an inversion is problematic, because it would snag any company that inverted at any time if 50 percent of the shareholders are the same before and after the inversion. This amendment would not just go after the sham transactions that are targeted by the Finance Committee bill. It would also catch companies that engaged in inversion transactions for legitimate business reasons. The Finance Committee-reported bill has an 80 percent shareholder test, which is intended to target the most egregious transactions.

It is important to note that these companies do and will pay U.S. tax on the income earned from their government contracts regardless of whether they are headquartered in the U.S.

The amendment does not address the root cause of corporate inversions, which is our highly complex foreign tax regime that taxes companies on a worldwide basis. U.S. tax laws put domestic companies at a distinct disadvantage relative to their foreign competitors who are taxed on a territorial basis.

That is the heart of the problem. That is the root cause, and that is what we ought to be addressing.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for up to 10 minutes.

Mr. WELLSTONE. Mr. President, I wonder if I could have 2 minutes.

Mr. LIEBERMAN. Mr. President, I yield 2 minutes of my time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, that is very gracious of the Senator from Connecticut.

I just wanted to say again that I appreciate the remarks of both of my colleagues. I did want to address one point that was made by my colleague from Texas, which is to say this won't become law when almost the identical provision was passed in the House and the Senate has agreed to it. I believe the chairman of the Senate Governmental Affairs Committee is committed to it. I believe there are many people in the House who are as well.

I will tell you one other thing. The public is committed to this as well. There are going to be a lot of people looking at the conference committee. The only time I get feisty is when there is an implication: Oh, well, you know we don't want to go on record because we are afraid to oppose it, which I think is unfair implication. I think it is bad public policy. They come out here and say: We will just knock it out in the conference committee; never mind that the vast majority of people think, of course, this is about tax avoidance; of course, we know what we are doing. Don't worry about that because it will be business as usual. We will just go to the conference committee and knock it out.

I want to say to my colleagues that I believe there are many Senators and representatives in that conference committee who will make sure that doesn't happen. I sure will be monitoring this. It will become law. It is not going away. We will not be back to the business of helping these corporations with all their egregious behavior and thinking they can get away with it. It doesn't work that way any longer. It is a new world. People do not stand for that kind of egregious behavior.

That is the standard of ordinary citizens and good public policy.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I want to speak in favor of the amendment that the Senator from Minnesota has introduced, which has been adopted, as amended. I want to say to him that not only do I support it personally, but as the manager of this bill and as chairman of the Governmental Affairs Committee, from which the underlying bill has emerged, when we go into conference on this bill with the House, I will naturally have in mind not only my personal support of the Senator's amendment but the fact that the Senate has adopted the amendment by voice vote unanimously. I will be pledged to do everything I can to keep it in the ultimate conference report, particularly since the House has adopted a similar amendment.

Mr. President, I want to speak briefly on this. I think the Senator has done something that is important and that is just. He attached this to a bill on homeland security. But it responds to a broader problem. It does, in a sense, touch the same spirit of patriotism that we generally responded to after the events of September 11 which engendered the basic bill before us. It is this notion that a significant number of American businesses that have been born and grown up here, benefitted from all the opportunities that America provides, decided to wriggle their way out of the taxes and locate offshore to avoid paying taxes to the United States of America. This is just wrong. It is like so much else that is going on around it.

Unfortunately, more than a few of our biggest companies have chosen to incorporate overseas and thereby avoid paying U.S. taxes.

Evidently, these companies have asked themselves if it is legal instead of asking if it is right or wrong. They have had some lawyers or accountants tell them it is legal to do this. Legality isn't the only standard for what is right and wrong.

It seems to me that a company that has grown up in America and that has benefitted from American workers and all that America does to create a climate for enterprise, economic growth, and markets for goods and services that are provided ought to, as an act of citizenship, even though it might not be illegal to go offshore, as an act of citizenship pay its fair share of taxes.

My dad was a small businessman. He did well as he went along. I always remember, it makes me think that I was raised in an age longer ago than it was. In fact, my dad used to say: I never complain about paying taxes because the taxes I pay are the price I pay as a businessman for doing business in this country, for the extraordinary not only blessings of liberty that America gives, but as part of that, the blessings of economic opportunity that are allowed me—dad never went to college—to start this business and be able to make enough money to send my kids to college and graduate school.

That ethic, which is still shared by the great majority of businesses in our country, including particularly, may I say, small businesses that don't have the wherewithal to kind of wriggle their way through the legal system, is not reflected as often in the actions that we have seen documented so well.

I share the view of many of my colleagues that we should close the tax loophole to prevent companies from further irresponsible behavior. That is the most direct way to address the problem. But I also support this amendment, which sends a simple and profound message: if you don't want to participate as U.S. citizens and pay your fair share of taxes, then don't expect to make billions of dollars of profits from U.S. government contracts that are paid with the tax dollars of Americans who pay their fair share in taxes.

My State of Connecticut has some recent history on this issue—history with a happy ending—that I would like to relate to the Senate. Back in May, StanleyWorks, a proud company based in New Britain, wanted to pack its corporate bags and reconstitute in Bermuda. And not because its executives wanted to try driving on the left side of the road. It was because some of its leadership decided it would be nice to avoid paying taxes to the United States of America.

It is sad and ironic, when you think about it. This company was founded in "New Britain"—a name that calls to mind our roots as 13 colonies that broke away from the mother country because she tried to tax us from afar without giving us the rights, representation, and respect that we deserved. And here was a New Britain-based company thinking of setting up a shell in Bermuda to avoid paying taxes even though it is in every other way a full-fledged citizen of our United States.

StanleyWorks started in 1843 when an enterprising businessman named Frederick Trent Stanley set up a small shop to make door bolts and other hardware from wrought iron. It was one of dozens of small foundries and other backyard industries in town struggling to make a go of it by turning out metal products—but Stanley had a special innovative spirit and an uncommon passion for doing things right. So, as often happens in America, what began as a modest enterprise prospered and grew.

To see this company so willing to scrap its proud history and proud presence in my State, and to see similar things happening around the country, really got me angry. It got a lot of us angry. And with good reason. Thousands and thousands of hardworking small businesses like the business my father owned and operated, and thousands of corporations, contribute to America every single day—not only the way that all businesses do, by producing jobs for Americans—but also by paying their fair share of taxes. Meanwhile, other companies have the gall to look for a clever way to fatten their bottom line and get an edge over their competitors who play by the rules.

That is why in May I cosponsored the bill by Senators BAUCUS and GRASSLEY to close the tax loophole that Stanley attempted to exploit, and supported adding to that bill a provision preventing overseas tax dodgers from competing for or receiving federal contracts.

I am proud that at least in my State, at least with StanleyWorks, a little bit of shame seemed to have an effect. StanleyWorks decided not to go overseas after all. They made the right decision, and I appreciate it.

But other corporations are still busy relinquishing their American citizenship and, in the process, relinquishing their good corporate citizenship in the very same act. Mr. President, when you wriggle out of taxes you wriggle out of responsibility. When you evade the basic requirements that everybody else meets, you erode our common bonds as a community. It may seem to make sense for individual companies at first when they're viewing through the narrow and amoral blinders of the bottom line, but it's downright destructive for American society as a whole.

And I must say, in the end it may not help a company's bottom line either, and this amendment helps make that clear. The fact is, when a company thumbs its nose at the country that gives it the opportunity to prosper, it loses credibility. It loses trust. It loses respect. It loses customers. And, yes, though it may seem that way based on the initial calculations of the CFO, it loses money.

Good ethics make good business. This amendment leaves no doubt about that fact. The border, in this case, is the line between right and wrong. We in Congress have to draw that line—to say that if you cross it, you will not be eligible for Federal contracts. Plain and simple.

In the context of Homeland Security, these actions seem even more unsavory. If a U.S. company wants to bid for work to defend the homeland—work that is being paid for in the tax dollars of its customers, among others—how can that company not even pledge allegiance, in the most basic fiscal sense, to the United States of America?

This measure that the Senator from Minnesota has attached is right on target. It says if an American-based company is not willing to pay taxes to America, they ought not to receive contracts through the new Department of Homeland Security that we are establishing in this bill, which after all are contracts that will be paid for by taxes paid by American companies. To me, that seems to be elementary fairness.

So I close with a quote from Paul Krugman of the New York Times, which I think says it well, when he wrote:

> [T]he trouble is that hinting, even by silence, that it's O.K. not to pay taxes is a dangerous game. . . . Accountants and tax planners have taken the hint; they now believe that it's safe to push the envelope. . . . Furthermore, what does it say to the nation when companies that are proud to stay American are punished, while companies that are willing to fly a flag of convenience are rewarded?

That is what this amendment is all about and why I was pleased to support it on the voice vote and why I intend to work with all the strength and skill I have in the conference committee to make sure it is part of the final conference report that comes back to the Senate with this bill.

I thank the Chair and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think under the unanimous consent request I have 20 minutes to speak on the bill. We have been talking about the amendment of the Senator from Minnesota, and I had yet to get the 20 minutes. I think maybe the Senator from California was under the impression that I had spoken before that debate but——

Mr. LIEBERMAN. Mr. President, if the Senator will yield?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. It was my understanding, in the unanimous consent agreement Senator REID propounded, that Senator GRAMM would have a total of 20 minutes, which he could use either to speak on the Wellstone amendment or more generally on the bill.

I see Senator REID in the Chamber. Perhaps he can clarify.

Mr. REID. Will the Senator from Texas yield?

Mr. GRAMM. I will be happy to yield.

Mr. REID. I thought you were going to speak 20 minutes on the Wellstone amendment, and then Senator WELLSTONE would speak for 20 minutes, and then 20 minutes for the two managers. But if you want to speak on the bill, that certainly is your right.

The thing is, we have been waiting to finish this Smith-Boxer amendment. We would like to get that done. But if you have the understanding that you were to speak for 40 minutes——

Mr. GRAMM. Mr. President, probably we could move everything along by my just starting and trying to be expeditious. I speak slowly, so I will try not to repeat myself.

Mr. REID. The Senator has the floor, and he has the right. I would just indicate to everyone, we are going to have a vote sometime this afternoon on the Smith-Boxer amendment. Everyone has agreed that would take place. So everyone should understand that after the Senator from Texas completes his statement, Senator BOXER will modify her amendment to meet a couple of the objections that were raised, and then she will speak, Senator SMITH will speak, and maybe even Senator HOLLINGS will come and speak.

So I would estimate that probably at around 4:30 or thereabouts we could have a vote on the Smith amendment. I think that would be all of the legislation on this bill today.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Texas.

Mr. GRAMM. Mr. President, we have started the debate on homeland security, and one of the things that has struck me is that while we have talked about the President's request for flexibility—about his ability, in a national emergency, to override collective bargaining agreements—the debate, to this point, has basically been in the abstract. So while it does not make for a pretty speech, I would like to try to get specific this afternoon for 20 minutes and try to give some concrete examples as to what this debate is about.

The President has said that in order to protect the American homeland, he needs the ability to put the right person in the right place at the right time, and that he also needs the ability to move or remove people who are not capable of doing the job that needs to be done in order to protect our country, its people, its property.

I would like to just note the following things on this issue. No. 1, this is not a new concern. In 1984, the Grace Commission stated:

> The lack of integration of the INS, the Border Patrol, and the Customs Service would lead to security breakdowns.

That was the Grace Commission in 1983.

Does anybody doubt when INS approved a visa for two of the people who flew airplanes into the World Trade Center, after their pictures and names have been on every television station and every front page of every newspaper in the world, that the concern expressed by the Grace Commission in 1983 has been borne out?

In 1989, the Volcker Commission, on the National Commission on Public Service, concluded:

> The current system——

They are talking about our system of hiring, firing, and promoting.

> The current system is slow, it is legally trampled, and intellectually confusing. It is impossible to explain to potential candidates. It is almost certainly not fit for filling the spirit of our mandate to hire the most meritorious candidates.

Does anybody doubt that the young lady who was an FBI agent who tried to warn headquarters that we had suspected terrorists taking lessons on flying planes but not on landing them should have been promoted and given a raise? I think the concerns of the Volcker Commission in 1989 have been borne out.

And then the U.S. Commission on National Security, chaired by our dear friend and former colleague, Warren Rudman, stated:

> An agile, flexible personnel system is required for us to have a successful defense of the American homeland.

We can debate whether the current system is flexible enough, but let me just let the facts speak for themselves. And they are pretty simple facts.

Mr. President, 1,800,000 people worked for the Federal Government in the year 2000—1,800,000. How many do you think were fired because they were incapable of doing their job? With 1,800,000 people working for the Federal Government, how many of them do you think lost their job because they were not getting it done? The answer: 6.

In 2001, how many Government employees do you think lost their job out of 1.8 million because they were not getting the job done? The answer: 3.

Does anybody believe that all but three Federal employees in all of America, in every agency combined, would have met the standards of the private sector to keep their job? I do not think so.

Only 500 people out of the 1.8 million people who worked for the Federal Government were demoted in the year 2000 for lack of performance. Only 600 were denied pay raises.

Think about that. The vast majority of people who got bad ratings—over 99 percent of the people who work for the Federal Government who were given failing grades on their evaluations—got automatic pay increases with the Federal Government. No wonder two-thirds of Federal workers, in independent polls that have been conducted, believe that poor performers are not adequately disciplined. Further, nearly half of all Federal workers believe that job performance has little or nothing to do with a chance for promotion.

It seems to me when you look at these facts, the President is simply asking, in the area where life and death are at stake, to have greater flexibility in being sure we hire the right person; it does not take 6 months to do it; and if somebody is clearly not doing the job, that we at least move them out of these highly sensitive areas.

In listening to people who are defending workers instead of defending the homeland, you get the idea that the President is proposing a wholesale rewriting of personnel laws.

I just want people to look at the facts and see that under the President's bill, only 6 of the 70 chapters in the Federal Registry governing the civil service system are modified, and none of them is repealed.

Another area where people are wondering what are all these politicians talking about is this whole area of collective bargaining. Why, in this area of national security, in order to get a decision made and to get up our shield and to protect our people, does the President want to be able to waive collective bargaining agreements on a selective basis?

I simply picked out 8 that are very different to give you examples of the kind of problem you have in trying to make the Government work. Please forgive my clumsiness in reading them, but they are pretty revealing.

No. 1: Collective bargaining agreements can prohibit improvements to border protection in inspection areas. Let me give an example. In 1987, the Customs Service office at Logan Airport was renovated with a minor change in the area where the baggage of international flight passengers was inspected. The National Treasury Employees Union objected, saying the renovation had to be part of a collective bargaining agreement. The Federal Labor Relations Authority ruled that the Customs Service could not renovate its baggage inspection areas without a collective bargaining agreement.

Are we kidding? Are we going to put American lives at stake over changing collective bargaining agreements so that we can upgrade inspection areas? I don't think so. I don't think that is protecting workers or protecting jobs. I think that is protecting the status quo and exposing Americans to being hurt.

Let me give another example: Collective bargaining agreements can prohibit agencies from working together to protect the border. President Clinton's drug czar, Barry McCaffrey, as many will remember, noted the separate union rules that controlled how its inspectors would search vehicles. According to the San Francisco Examiner—this is General McCaffrey speaking—

> Officials at one agency were actually forbidden to open the trunks of cars, a policy well known to drug dealers.

We are not asking people to share toothbrushes. We are just asking that the President have the ability to jointly train people at the Border Patrol and at INS and at Customs so that they can work together. This is a perfect example of where that has not happened.

Another example: Collective bargaining agreements could prohibit agencies from increasing the number of immigration inspectors. In 1990, the Immigration and Naturalization Service added an extra shift at the Honolulu International Airport to handle a surge of international flights in the afternoon. The American Federation of Government Employees objected, saying the new shift affected overtime and differential pay of existing workers and had to be negotiated with the union. The Federal Labor Relations Authority agreed that new shifts of border inspectors could not be added without a collective bargaining agreement.

Do we really think the President ought to have the ability to add personnel if our lives are at stake? I think the answer is yes.

Another example: Collective bargaining agreements could prohibit special task forces of the Border Patrol from being deployed in any region. Let me read you the union agreement and what it requires for deploying Border Patrol. I am not criticizing them. I have been maybe the biggest supporter of the Border Patrol. Under normal circumstances, when you are posting people, you want them to be posted in areas where they can preserve the basic quality of life. But let me read to you what the union agreement says.

They have to be posted where there are "suitable eating places, drug stores, barber shops, places of worship, cleaning establishments, and similar places necessary" to sustain the comfort or health of the employees.

In peacetime, when we are getting the job done, that is perfectly reasonable. But are we going to stand by and let a union work agreement say that we can't, in an emergency, deploy the Border Patrol where there are no dry cleaners? I don't think so.

Another example: Collective bargaining agreements could prohibit the forward deployment of the best Customs Service inspectors to foreign ports to inspect container ships destined for the United States. Unions are currently negotiating with the Customs Service to determine which inspectors will be shifted abroad based not on merit, but on seniority.

When we have a critical area where people's lives are at stake, we can't be fooling around with seniority. We have to give the President the right to say: Look, that agreement is perfectly good under ordinary circumstances, and at the post office we are going to agree with it. But when people's lives are at stake, we are not going to be fooling around where we can't put the best person in the best place. That is what this debate is about.

Another example: Collective bargaining agreements could prohibit agencies from implementing a new body search policy on detainees. Listen to this one. In 1995, the INS sought to change its policies regarding body searches and detentions in order to protect employees from harm and the Service from lawsuits. The American Federation of Government Employees insisted that no change in body search policy occur until a broader collective bargaining agreement was reached. When the INS implemented the new policy, the union challenged it before the Federal Labor Relations Authority, and they ruled that the new body search policy could not be implemented without a new collective bargaining agreement.

The President is asking for flexibility in the name of national security. This is exactly the kind of circumstance he is talking about. When we have people at these press conferences saying, protect our workers, they are not talking about protecting workers, they are talking about protecting agreements that don't make any sense, given that we have had over 3,000 of our fellow citizens killed.

Let me give you a couple more examples. Collective bargaining agreements could prohibit agencies from canceling annual leave during a border crisis. In 2000, the Customs Service was pushing a drug interdiction effort along the Florida coast. When annual leave was canceled, the union filed a grievance on behalf of those Customs officers who wanted to attend the World Police and Firearms Games. The FLRA ruled that despite the interdiction effort, annual leave could not be canceled.

When people are saying the President doesn't need this authority and these agreements are sacred, is anybody willing to say that in order to protect people's right to go to some conference, we are going to deny the President the ability to say no, today we are going to protect people's lives in your hometown? I don't think so.

Let me give you one more example. Collective bargaining agreements could prohibit agencies from disbanding a single office. In 1991, INS attempted to shut down a unit facility due to a steady decrease in activity and staffing. No more than two union workers were at the facility in its last year, and one manager was capable of handling the workload. Yet, the union challenged the move and the Federal Labor Relations Authority ruled that the elimination of any unit could not occur until the collective bargaining agreement was changed.

So when we are talking about giving the President, for national security reasons, the right to waive these work rules, this is exactly the kind of thing that we are talking about. When people's lives are at stake, should we be able to deploy the Border Patrol on a sustained basis where they don't have dry cleaners? When people's lives are at stake, should we be able to change facilities without renegotiating union contracts? When lives are at stake, should we be able to require that people that were attending some conference stay on their job to protect our fellow citizens? That is what this debate is about.

The President has asked for the right to use a policy that has been available to every President for the last 20 years. Yet, in this bill, when we are supposed to be promoting homeland security, that right is taken away from the President. So what has happened here is we are providing a lot more money, and that will help. But we are imposing restrictions on the President that guarantee the money will not be well spent.

I understand the power of special interest groups. I understand that people have other concerns in national security. But I think, under the circumstances, given the crisis that we face, that those who say the President is trying to trample on labor rights, trying to take away from unions their power, I don't think they have a leg to stand on. I think if my colleagues would look at these examples, they show very clearly exactly the kind of thing we have to do.

Finally, I believe that the vast majority of people who are going to be in these emergency agencies would like to have these restrictions removed. They would like to have promotions based on merit. They would like incompetents who endanger their lives, as much or more than they endanger our lives, to be removed. That is what this debate is about. We have been sort of shouting back and forth at each other, and I thought it was important to come over and put some meat on the bones and give concrete examples.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 4492, AS MODIFIED

Mrs. BOXER. Mr. President, I send a modified amendment to the desk, which has been cleared by Senator SMITH and myself, regarding training for pilots and flight attendants.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4492), as modified, is as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In lieu of the matter proposed to be inserted, insert the following new title:

TITLE —FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION 1. SHORT TITLE.

This title may be cited as the "Arming Pilots Against Terrorism and Cabin Defense Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Terrorist hijackers represent a profound threat to the American people.

(2) According to the Federal Aviation Administration, between 33,000 and 35,000 commercial flights occur every day in the United States.

(3) The Aviation and Transportation Security Act (Public Law 107–71) mandated that air marshals be on all high risk flights such as those targeted on September 11, 2001.

(4) Without air marshals, pilots and flight attendants are a passenger's first line of defense against terrorists.

(5) A comprehensive and strong terrorism prevention program is needed to defend the Nation's skies against acts of criminal violence and air piracy. Such a program should include—

(A) armed Federal air marshals;

(B) other Federal agents;

(C) reinforced cockpit doors;

(D) properly-trained armed pilots;

(E) flight attendants trained in self-defense and terrorism prevention; and

(F) electronic communications devices, such as real-time video monitoring and hands-free wireless communications devices to permit pilots to monitor activities in the cabin.

SEC. 3. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44921. Federal flight deck officer program

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish a program to deputize qualified pilots of commercial cargo or passenger aircraft who volunteer for the program as Federal law enforcement officers to defend the flight decks of commercial aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

"(b) QUALIFIED PILOT.—Under the program described in subsection (a), a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

"(1) is employed by an air carrier;

"(2) has demonstrated fitness to be a Federal flight deck officer in accordance with regulations promulgated pursuant to this title; and

"(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide or make arrangements for training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. Such training, qualifications, curriculum, and equipment shall be consistent with and equivalent to those required of federal law enforcement officers and shall include periodic re-qualification as determined by the Under Secretary. The Under Secretary may approve private training programs which meet the Under Secretary's specifications and guidelines. Air carriers shall make accommodations to facilitate the training of their pilots as Federal flight deck officers and shall facilitate Federal flight deck officers in the conduct of their duties under this program.

"(d) DEPUTIZATION.— .

"(1) IN GENERAL.—The Under Secretary of Transportation for Security shall train and deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

"(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

"(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

"(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

"(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary of Transportation for Security shall authorize a Federal flight deck officer under this section to carry a firearm to defend the flight deck of a commercial passenger or cargo aircraft while engaged in providing air transportation or intrastate air transportation. No air carrier may prohibit a Federal flight deck officer from carrying a firearm in accordance with the provisions of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of a commercial aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

"(h) LIMITATION ON LIABILITY.—

"(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

"(3) EMPLOYEE STATUS OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall be considered an 'employee of the Government while acting within the scope of his office or employment' with respect to any act or omission of the officer in defending an aircraft against acts of criminal violence or air piracy, for purposes of sections 1346(b), 2401(b), and 2671 through 2680 of title 28 United States Code.

"(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

"(j) PILOT DEFINED.—In this section, the term 'pilot' means an individual who is responsible for the operation of an aircraft, and includes a co-pilot or other member of the flight deck crew.".

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter 449 is amended by inserting after the item relating to section 44920 the following new item:

"44921. Federal flight deck officer program.".

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking "and" at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.".

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. __4. CABIN SECURITY.

(a) TECHNICAL AMENDMENTS.—Section 44903, of title 49, United States Code, is amended—

(1) by redesignating subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons, as added by section 126(b) of Public Law 107–71) as subsection (j); and

(2) by redesignating subsection (h) (relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as added by section 144 of public law 107–71) as subsection (k).

(b) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Section 44918 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) IN GENERAL.—

"(1) REQUIREMENT FOR AIR CARRIERS.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions. In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, and terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

"(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration. The Division shall develop and administer the implementation of the requirements described in this section. The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary. In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation. The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force. Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.";

(2) by striking subsection (b), and inserting the following new subsection:

"(b) PROGRAM ELEMENTS.—

"(1) IN GENERAL.—The requirements prescribed under subsection (a) shall include, at a minimum, 28 hours of self-defense training that incorporates classroom and situational training that contains the following elements:

"(A) Determination of the seriousness of any occurrence.

"(B) Crew communication and coordination.

"(C) Appropriate responses to defend oneself, including a minimum of 16 hours of hands-on training, with reasonable and effective requirements on time allotment over a 4 week period, in the following levels of self-defense:

"(i) awareness, deterrence, and avoidance;

"(ii) verbalization;

"(iii) empty hand control;

"(iv) intermediate weapons and self-defense techniques; and

"(v) deadly force.

"(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary).

"(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

"(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

"(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

"(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

"(A) A certification program for the instructors who will provide the training described in paragraph (1).

"(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

"(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after receiving the requirements described in subsection (a).

"(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

"(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

"(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

"(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck.

"(6) REAL-TIME VIDEO MONITORING.—The requirements described in subsection (a) shall include a program to provide flight deck crews with real-time video surveillance of the cabins of commercial airline flights. In developing this program, the Under Secretary shall consider—

"(A) maximizing the security of the flight deck;

"(B) enhancing the safety of the flight deck crew;

"(C) protecting the safety of the passengers and crew;

"(D) preventing acts of criminal violence or air piracy;

"(E) the cost of the program;

"(F) privacy concerns; and

"(G) the feasibility of installing such a device in the flight deck."; and

(3) by adding at the end the following new subsections:

"(f) RULEMAKING AUTHORITY.—Notwithstanding subsection (j) (relating to authority to arm flight deck crew with less-than-lethal weapons) of section 44903, of this title, within 180 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

"(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

"(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

"(g) LIMITATION ON LIABILITY.—

"(1) AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.".

(c) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a nonlethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall prepare and submit to Congress a report on the study conducted under paragraph (1).

The provisions of this amendment shall take effect one day after date of enactment.

Mrs. BOXER. Mr. President, for the benefit of Members, I know Senator REID has been working hard to move things along. We have reached agreement on modifying our amendment, making sure that the pilot training is strengthened. I think we have done that with the help of Senator FEINSTEIN. I am very pleased that she was over here earlier to assist us with this amendment. I think she would be pleased with what we have done.

Basically, it is the amendment that Senator SMITH wrote in the form of a bill, and I was very glad to come on board after we wrote a few more bits and pieces about putting video cameras in the cockpits, and some other small items.

I thank my colleague from New Hampshire for his vision and tenacity in making sure that what happened on September 11 will not happen again.

Now we say, is there any one thing we can do can to ensure this will never happen? Of course not. Life is too complicated for that. As someone who has been a leader in the effort for sensible gun control laws, what we are doing in this amendment is very carefully thought out. It is backed by the Air Line Pilots Association International, and it is backed by the flight attendants.

I ask unanimous consent that a letter I just received from the Air Line Pilots Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIR LINE PILOTS ASSOCIATION,
INTERNATIONAL,
Washington, DC, September 5, 2002.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: On behalf of the 67,000 members of the Air Line Pilots Association, International, I want to offer our thanks and support for your amendment to the pending homeland security legislation. The Boxer-Smith amendment creates a program allowing volunteer pilots who meet strict federal qualification standards to receive training to become federal flight deck officers, authorized to defend the cockpit against acts of criminal violence and air piracy.

Our nation has suffered greatly as a result of the events of September 11. More than 3,000 people were murdered, billions of dollars of property damage was incurred, the nation's economy was rocked, thousands of people were laid off and life in America will never be the same again—all because terrorists were able to kill eight pilots and take over the cockpits of their airliners on that day.

This must never happen again. Providing more armed federal air marshals and enhanced cockpit doors will help. However, not all flights will have the protection of air marshals and new, more secure cockpit doors will not be installed overnight. As an absolute last line of defense our government has authorized U.S. jet fighters to shoot down an airliner if hijackers gain control of it. To authorize such an action, without empowering pilots to defend the cockpit against hijackers, is both illogical and unacceptable.

We are confident that the program, created by your legislation, would not only add a genuine security enhancement in the very near term, but also give passengers and crews the added confidence that their government had provided all possible resources needed to defend against a terrorist hijacking.

The scrutiny and training our members undergo during their preparation for a career as professional airline pilots, we believe, provides a ready-made pool of individuals who would be well-equipped to participate in such a voluntary program: highly educated, physically and mentally fit men and women who are conditioned to react calmly and deliberately in a crisis.

In this period of attempting to find money for security initiatives that will have the most immediate and direct impact on preventing another terrorist attack, we believe that this legislation provides the most practical program for cockpit defense.

Thank you again for all your efforts on this important issue of safety and security.

Sincerely,

DUANE E. WOERTH,
President.

Mrs. BOXER. Mr. President, I think this letter from the pilots comes from the heart. When we think back to that terrible day, we know exactly what happened. The flight attendants were trained never to interfere if someone wanted to hijack a plane. The pilots were trained to go along. Do you know, according to the flight attendants that Senator SMITH and Senator BURNS and I met with today, they haven't had one bit of new training since 9/11, almost a year ago?

They are desperate for this legislation, which includes very important training for the flight attendants, to be repeated every 6 months at no new costs. As one flight attendant said, "I don't need more training in how to make a napkin look better on a tray; I want to know how to defend myself in the cabin."

In this bill, no one is authorized to carry a gun. It doesn't do that. All it says is that if a pilot feels that he or she wants to get this very extensive training—and we have strengthened it with the Feinstein language—and be qualified to defend the plane, as a last resort, if someone does break through the doors, under this amendment, they will have video cameras in the cockpit, which is what I wanted so much. That is kind of a rear-view mirror. And Senator SMITH put in wireless communication so that the flight attendants can talk to the pilots in an unobtrusive fashion.

This is a package that will make our skies safer. I am not going to talk long because I know Senator SMITH, who started the ball rolling on this, is anxious to speak. Senator HOLLINGS has some remarks, and people want to vote. So in the next 4, 5 minutes, I will lay out the rest of my argument.

Why do we need this bill, which will have this voluntary program of arming pilots who would have to go through a rigorous course and get qualified repeatedly and have the psychological profiles and everything else that we would expect to have happen?

Why do we need that? Why do we need to have the flight attendants' training? Mr. President, if I could stand before you and assure you that I believe the skies are safe, I would not be here supporting this bill, but I cannot tell you that, sadly. I join with my chairman. He has been a leader in safety, and we well know what has happened.

Just yesterday we learned that reporters from a New York newspaper went through screening processes in 11 airports with box cutters, razor blades, knives, and pepper spray. What happened? Each and every one got past security at those 11 airports, even airports from which planes involved in the disaster of 9/11 originated.

On July 1, we found out that the TSA, the Transportation Security Administration, itself conducted a random test, and they found that in many airports there was a 40-percent failure rate of finding the contraband, finding the weapons. Sadly for me, two of those airports that did the worst were in my State, Sacramento and Los Angeles.

Add to this we do not have enough air marshals. I cannot say how many we have. That is a classified item. But the American people need to know that we wrote the bill, and with the help of my chairman and his ranking member, we wrote the part of the bill that deals with putting air marshals on all the high-risk flights, the long-haul flights. I am here to say today unequivocally that we are way behind.

On some of the airlines—very few—they have not strengthened the doors. Guess what, Mr. President. As my chairman has repeatedly said, they are open during the flight. I am on flights constantly, all across the country and in between, and I see the pilot come out of that door. Guess what they do. Sometimes they have a cart in front of the door to protect against the cockpit being taken over—a cart as a defense. Sometimes they will just have one or two flight attendants. Sometimes they will not even do anything; they just ask the passengers to stay away from the door.

To sum up, failure is what happens at those screening points. The same weapons that caused the tragedy of 9/11 are getting through. We do not have enough air marshals. The flight attendants have not had one bit of new training on what to do. The pilots want to have something at their disposal to save the aircraft. And on top of that, the U.S. military has issued orders to shoot down a commercial aircraft that is under the control of hijackers. Imagine that. Imagine if that happened and we knew we had not taken action at least to give our pilots a chance.

When I cosponsored this bill, people were really surprised because they said: BARBARA BOXER is a leading advocate of gun control laws and making sure guns stay out of the hands of criminals; she is strong; she is on the floor. This is not about guns in the hands of criminals. This is about a trained pilot who volunteers, most of whom have training in the military, and they will have rigorous training under this bill.

I do not know how we can, in the name of the victims of 9/11, not pass this bill today. I trust that we will do it.

Today, one of the flight attendants I met is the mother of Mark Bingham, who was one of the passengers on flight 93 who fought so hard against the hijackers.

God knows what they saw before they went into that cockpit. God knows what was done to the flight attendants who were told in their training to do nothing. God knows what they did to the pilots. God knows. Believe me, this wonderful woman talked today, and she could only speculate what it was like for her son and the others. When the son called, he would not go into any detail because, she said, he wanted to spare her that.

Today we have a chance. This is the homeland security bill. What better way than to make a statement today that we are going to do everything in our power to ensure that at least the flight attendants are trained in self-defense, that the pilots have the tools they need, including a video camera, the training they need, wireless communications with the aircraft. If we do this, we will be doing a very good thing for the people of this country, for the traveling public of this country.

I would like, at this time, to give an opportunity to Senator SMITH to speak. I see he is away from the floor. I am going to yield the floor and say about Senator SMITH's effort that he has really been the hero of this bill. He has worked hard with me to modify it in such a way so that I am proud to be on it. He has kept the coalition together. He has worked across the aisle and within his own party, and I think he and I are going to have a victory today. I certainly hope we will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, Senator SMITH had to leave the floor for a moment, so if I may speak.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Mr. President, I believe this is an important amendment, one I find great support for in the country. I believe it makes sense to arm qualified airline pilots, to add another layer of protection to our existing aviation security system. That is what we are seeking to do.

We have had increased security, of course—increased screening requirements, fortified cockpit doors, increased numbers of sky marshals—since September 11. We must continue to do more and do all that we can.

I recently wrote an op-ed in the Denver Post, as well as in a Wyoming paper, that indicated some 80 percent of American people, according to the polling, support this idea. This amendment mirrors the legislation introduced in both Houses of Congress and now passed by an overwhelming majority in the House to allow, but not require, carefully screened, properly trained and equipped airline pilots to be commissioned as Federal law enforcement officers and to carry firearms on the flight deck for defense.

The U.S. Department of Transportation, which has had a change of position, proposed a limited arms pilot program, but the Smith amendment would be even stronger. The Smith amendment would prevent airlines from opting out of the program to avoid a situation where misguided liability concerns block pilots from volunteering.

The Smith amendment would prevent airlines from discriminating against pilots who choose to participate.

The Smith amendment would provide liability protection both for the airlines and for lawful actions of armed pilots preventing a terrorism tragedy turning into a feeding frenzy for the trial bar.

Unfortunately, opponents of arming the pilots have fostered misplaced fears of the issue. Here are some of the facts.

Pilots would use firearms only in the defense of aircraft after hijackers breached the cockpit door. No manmade door is impenetrable to determined attackers, of course.

According to the May 2 House subcommittee testimony from Boeing's director of aviation safety, commercial planes are extremely unlikely to suffer catastrophic failure due to firearms on board. Aircraft are designed with sufficient strength, redundancy, and damage resistance that even single or multiple handgun bullets would not create holes that would result in the loss of the aircraft.

Even the worst possible mishap that could be brought about by an armed pilot is certainly not comparable to the alternatives. A plane destroyed by a missile fired from a U.S. fighter plane or that crashes into a ground target is simply not an acceptable outcome when there is a chance of preventing it by allowing federally commissioned, trained, screened, and volunteer pilots the means of mounting a last-ditch effort against terrorists and hijackers.

I certainly hope we can support this important amendment and make our skies even safer for Americans to travel. I urge my friends to vote yes on the Smith amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. While we are awaiting the arrival of Senator SMITH, I thought I would give some more details about the bill.

I see Senator SMITH is in the Chamber, so at this point I am very happy he has come back. I know he had to attend a quick meeting. I say to Senator SMITH, if we can get a vote this afternoon, it will be good for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. While the Senator from California is still in the Chamber, let me thank her in a big way for the wonderful cooperation she has given us as we have worked together to bring this amendment to the floor, but also, more importantly, to bring the flight attendants and the pilots together in this effort and to have legislation that is going to help them as we get through this terrible ordeal.

This has been a long, arduous effort since 9/11. I know the Senator has worked with various groups, as I have. Right after 9/11 we started to meet with pilots and flight attendants to hear from them as to what it was they believed they needed.

It became very clear, as the Senator from California has said, that the flight attendants were not properly trained and believed they needed that training. They were the first to die, we believe, in those aircraft. Not only that, the pilots themselves had absolutely no defense against these terrorist attacks.

In listening to the families, the flight attendants, and the pilots, we were able to piece together, work through, and develop legislation which I hope the Senate will pass this afternoon.

This amendment will train and arm commercial pilots with a firearm to defend the cockpit of our Nation's commercial aircraft from acts of terrorism.

It also provides for increased training for flight attendants and communications devices for pilots and flight attendants to have the latest communications and video monitoring devices.

It is a terrible comment on our times that this kind of effort has to be put forth, but that is the world we live in, where people who are determined to kill us have no qualms about killing themselves. What happens, as we all know, is that these aircraft become weapons of mass destruction. They become bombs, in essence.

As the Senator from California said, the option of not having guns in the cockpits or trained crews is having guns in the cockpits or, as a last line of defense, F-16s which will shoot down commercial aircraft with Americans on board, a terrible scenario to have happen, basically making the decision to take fewer lives to avoid killing more people because of what might happen on the ground. It is a terrible scenario we do not want to see happen.

I am not sure we can guarantee 100 percent it will never happen, but we can cut the odds with this legislation. That is why I am so excited about its passage. Hopefully, when it goes to conference with the House—the House bill is very similar but not quite where we need it to be—we can conference this and the President will sign it.

I was astonished to hear the flight attendants this morning in the press conference. They were very emotional and very articulate, I might add, in talking about the training they did not have, and they have not had any additional training since the 9/11 incident. I believe we have to give our Nation's pilots and flight attendants a fighting chance against these terrorists before our Government has to resort to shooting down an airplane and by all odds keeping the terrorists from getting into that cockpit. The cabin would be the first place the terrorists would be. At least with trained flight attendants, they can perhaps incapacitate the person or at least slow the person down. If that person gets to the cockpit with a lethal weapon, a properly trained pilot will stop that person before that person gets into the cockpit and causes the plane to lose control.

We have met some wonderful people. I was taken aback this morning in the meeting with Alice Hogan. She is the mother of Mark Bingaman who lost his life on flight 93, one of the many heroes on that aircraft. It is very emotional to see these people coming to Washington and talking with us and asking us to help. They should not have to ask, but they are here, they are articulate, and they are emotional. They want help. They deserve help. We do not want any more flight 93s or flight 175s.

A few weeks ago, I met Ellen Saracini whose husband Vic was the pilot of the aircraft that went into Tower 2. Ironically, she told us, she had had a conversation with her husband not too long before September 11 in which he indicated to her he wished they had better security on the aircraft, better training for flight attendants, maybe guns in the cockpit, some lethal way to stop a potential terrorist; that they did not feel comfortable with this philosophy of being a pacifist when it happens, do not make any waves and everything will be fine; the terrorist will land the aircraft somewhere.

That world is gone. We are not there anymore. I remember a reporter asking Ellen, "Do you think your husband would have survived this incident if he had had a gun in the cockpit or a trained crew?" And she said, "I do not know how it could have been any worse than what happened." I certainly concur with that.

There are a lot of things we can say. I want to speak from the heart about this. We hear a lot about cost: How much is it going to cost to train the flight attendants? How much is it going to cost to train the pilots? How do you even estimate the cost of human life that happened in New York or at the Pentagon? We cannot put a cost on that.

This is an emotional time for all of us. We are on the eve of the anniversary of 9/11, and what a great tribute it would be to pass this legislation now so we can try to see it does not happen again. The cost is not that bad, frankly. If an air marshal had to be put on every single flight in America—I do not know what it is, 30,000 flights a day or whatever it is—the costs would be prohibitive. So this way, the pilots are armed and the flight attendants are trained. The odds are dramatically reduced.

Down the road perhaps, with better reinforced cockpits, maybe things will improve. Right now, we need this legislation, and we need it badly. I hope the Senate will pass it this afternoon and that it will go to the President's desk very shortly.

One other thing I want to mention, because it has been talked about: I have not heard anything official, but there has been some rumor there may be an effort to go with a test program, or a pilot program—no pun intended—where guns would be put in the cockpit on 2 or 3 percent of the planes, maybe train the flight attendants, maybe not. We need those flight attendants trained. This is not where we need to be. This is not going to get the job done.

If someone is a passenger on an airplane, they might want to know whether this is one of the 2 or 3 percent where the pilots are armed. I know I would want to ask. Ninety-seven percent of the planes are not going to have these so-called test provisions.

I am thinking, what are we testing for? It is not a good idea. The House started out with this, and they left it a long time ago and moved our way on the legislation. What is so ludicrous about this is, let's say we implement a test program for 5 years. Three percent of the aircraft have trained pilots and are carrying arms, and nothing happens for 5 years—and we would hope it would not—what does that mean? We are going to wait until something happens with the other 97 percent? And when something happens, we will increase it to 15 or 20 percent? It is illogical. We need this bill to pass now. Armed pilots. The pilots want it. The flight attendants want it. The American people want it. I hope the majority of the Senate wants it, as the majority of the House.

Mrs. BOXER. Will the Senator yield?

Mr. SMITH of New Hampshire. I yield.

Mrs. BOXER. Senator SMITH has been eloquent and his leadership has been stalwart.

I very much worry that some kind of test program is going to be put forward by the administration, as opposed to what we are doing. I ask my friend if he does not agree. We already know there are huge failure rates at the screening points. TSA said in some airports it was 40 percent; in some it was 30 percent; and in some it was 20 percent.

That means when the New York Daily News sent out reporters, and they came back after Labor Day and said they snuck on box cutters, pepper spray, knives, razor blades, all without detection, we already know, God forbid, we could theoretically and practically have another incident.

Since we already know about that failure rate, and since we already know the military will shoot down commercial aircraft they decide is under control of hijackers, and since we know that the doors are not yet secure, and that in many cases they are open and the pilots come out or the flight attendants go in and they are guarded by a cart, don't we have enough information to move forward with this bill right now with this amendment?

Mr. SMITH of New Hampshire. I absolutely agree with the Senator. We do; we have more than enough information. I certainly do not think it is worth having a test program to wait and hope that something else does not happen again. We need to cut the odds dramatically. I don't know if it can be 100 percent, but we certainly can cut the odds dramatically. We need to restore the confidence of the American people to fly again.

The stories just related are incredible—.357 magnums getting on aircraft. Another thing which has not been focused on, terrorists do not necessarily have to have something we can determine as a weapon; they have bare hands. They have been trained to murder. They have gone through the Bin

Laden terrorist camps. They are experts in martial arts. They can kill with their hands. Some small weapon could be helpful to a terrorist, but they could kill with their bare hands.

They have to be stopped. The best way, of course, is to keep them off the planes. In the event they get on the plane, this is the last line of deterrence and defense. I am hopeful the Senate will realize this. I know it has been a long process. The House has had hearings. They marked a bill, 310 to 113, on July 10. Today we are considering essentially similar legislation—not exactly the same.

The Allied Pilots Association, the Airline Pilots' Security Alliance, Airline Pilots Association, Coalition of Airline Pilots Associations, Southwest Airlines Pilots Association, Association of Flight Attendants: all of these groups have not only supported this amendment but have worked very hard and talked to Members of Congress in a very informative, instructive, positive way, pleading with Congress to help them defend the people on those aircraft and the people on the ground.

I have several items to print, including one from the pilots to President Bush, an editorial by Richard Cohen, and an editorial by George Will, and I ask unanimous consent these documents be printed in the Record.

April 3, 2002.

Hon. George W. Bush,
The White House,
Washington, DC.

Dear Mr. President: As representatives of the largest airline pilot organizations in this country, we would like your assistance in the immediate development and implementation of a program to defend the American traveling public with voluntarily armed pilots.

Public opinion polls and those within our own pilot groups indicate overwhelming support for arming flight deck crewmembers with lethal weapons. Nothing short of lethal force can stop lethal intent to hijack and destroy our aircraft and murder all on board. Yet the volunteer pilot arming provisions of the Aviation and Transportation Security Act of 2001 that you signed into law on November 19, 2001, are being ignored.

To remedy this situation, we ask for your assistance in implementing a flight deck protection program that has the following characteristics: All volunteer pilots must be carefully screened, successfully trained and subsequently designated by a federal law enforcement agency such as the FBI or TSA; pilots so selected, screened and trained should be deputized or have the same indemnification and protections afforded other law enforcement officers in the employ of the U.S. government; pilots must be certificated in weapons handling, use of lethal force, carriage policy and procedure, rules of engagement in all environments, recurrent training, tort law, and other subjects deemed necessary by the governing authority; choice of weapons and ammunition will be mandated by the responsible federal agency; and certified pilots will draw their weapons only for use in direct defense of the flight deck in accordance with program "use of force" rules.

If the unthinkable happens again, there must be a means provided for our flight crews to defeat any hijacker who breaches the flight deck with a weapon and attempts to destroy the aircraft. Otherwise, a U.S. fighter may be ordered to shoot down a commercial airliner full of innocent passengers. America's pilots must have lethal weapons as a last line of defense against well-coordinated, highly trained teams of terrorists.

Each of our pilot groups has independently assessed and recommended the best way to implement a plan to arm our flight crews. Each has drawn similar conclusions closely paralleling a proposed training program developed by the FBI at the request of the Department of Justice. We have forwarded our specific recommendations through the comment process requested by the Federal Aviation Administration, and stand ready to immediately assist your administration in the establishment of such a program.

Sincerely,

Captain Duane Woerth,
President, Air Line Pilots Association.
Captain Tracy Price,
President, Airline Pilot Security Alliance.
Captain Jon Weaks,
President, Southwest Airlines Pilots' Association.
Captin John E. Darrah,
President, Allied Pilots Association.
Captain Bob Miller,
President, Coalition of Airline Pilots Associations.

[From the Washington Post, June 4, 2002]

Guns . . .

(By Richard Cohen)

Careful readers of this column will remember when, some years back, I was burglarized. It was the middle of the night, sometime around 3 a.m., when I heard a noise—the back door being forced open. I awoke with a start, tried to quiet my thumping heart, rushed to the head of the stairs and heard someone running around the floor below. At that moment, what I wanted more than anything in the world was a gun.

What I wanted at that moment—and only that moment, I hasten to add—was denied last month to airline pilots who just might have to deal with a terrorist somehow getting into the cockpit. That this decision was made by the pro-gun Bush administration only deepens the mystery. If I were a pilot, I would want a gun in the cockpit. And in every survey, most pilots say they do.

The gun I would want would not be carried on my person. It would not be on me when I went to the bathroom or left the cockpit for any reason. It would be in a secure location, accessible only to someone who knew a code, and while it might be loaded with bullets that could stop a man but not penetrate the fuselage, even conventional ammo does not present an unacceptable risk. Planes don't deflate like balloons from one or two bullet holes. And, anyway, air marshals and other law enforcement officers already fly not only armed but with conventional ammo.

This gun would be used only as a last resort to stop a terrorist from gaining control of the plane. It's probably not too much to say that if pilots had had weapons on Sept. 11, the attacks might have been averted. A man with a box cutter is no match for a man with a gun.

The union that represents the pilots, the 62,000-member Air Line Pilots Association, favors having a weapon in the cockpit. Not all pilots agree, of course. Some of them feel that arming pilots would distract from the real job at hand—making the cockpit as secure as possible as quickly as possible. This includes, among other things, bulletproof cockpit doors that can't be broken down. It also includes beefing up the air marshal program. After all, El Al Israel's national airline, does not arm its pilots and has not had a hijacking since 1968. It uses sky marshals.

But El Al has only 34 airplanes. The United States has more 20,000 flights a day. It will be a long time, if ever, before there's a sky marshal on every flight. That cannot, of course, be said for pilots. Every flight has at least one.

Back in 1995, when he was governor of Texas, George W. Bush signed a bill giving Texans the right to carry a concealed weapon. The bill insisted only that the gun-toters be at least 21, pass a criminal background check and have no history of mental illness. I can only hope that pilots already meet those criteria.

If that's the case, then why is it somehow logical to allow every Tom, Dick and Harry to pack some heat but to forbid that same right to airline pilots, who, I may point out, often are ex-military people? Regardless, they would all be trained in the use of the gun, and their first duty, always, would be to fly the plane—no matter what. Only if a terrorist somehow managed to gain access to the cockpit would the pilot use the weapon. Could even a stray shot be worse than a commandeered plane on a terrorist mission?

I am, like all reasonable people, in favor of the tightest restrictions on guns. I fear the things, since they are easily concealed and lethal. The more there are, the more chances they will fall into the wrong hands. That is precisely what I feared the night I was burglarized—not that the burglar had a knife (I had scissors), but a gun.

But even in my most anti-NRA moods, I want the cops to be armed, since, among other things, just by being so, they deter crime. Armed pilots would also be a deterrent. A terrorist would not be dealing with the chance that an air marshal is aboard but the certainty that, in the cockpit, it is gun and a person—cool enough to be an airline pilot—who is cool enough to use it. Just one night in my life, I wanted a gun. On just one flight, a pilot might feel the same way.

[From the Washington Post, June 6, 2002]

Armed (and Trusted)

(By George F. Will)

The next perpetrators of terrorism in America probably are already here, perhaps planning more hijackings. Post Sept. 11 airport security measures may have made hijackings slightly more difficult, but the fact that these are America's most visible anti-terrorist measures vastly increases the terrorists' payoff in proving the measures incapable of keeping terrorists off airplanes.

Recently this column presented, without endorsement, the views of three commercial airline pilots who oppose guns in cockpits. Today's column presents, and endorses, the views of three other commercial airline pilots—two trained as fighter pilots, one civilian-trained—who refute the other pilots' principal contentions, which were:

Proper policy regarding suicidal, hijackers is to land as quickly as possible, which can be as quick as 10 minutes. So priority should be given to making cockpits impenetrable. Armed pilots might be tempted to imprudent bravery—particularly "renegade" pilots with fighter-pilot mentalities, who would leave the cockpit to battle terrorists in the main cabin. And arming pilots serves the pilots' union objective of requiring a third pilot in each cockpit.

The three pilots who favor allowing pilots to choose whether to carry guns respond:

Passengers already entrust their lives to pilot's judgments. Landing a hijacked plan is indeed the first priority, but pilots need to be alive to do that. A cockpit impenetrably sealed from terrorists is an impossibility, in part because planes cannot be landed as quickly as the other three pilots say. An ignoble fear—of lawyers, of liability—explains why the airlines oppose arming pilots. But legislation could immunize airlines from liability resulting from harms suffered by passengers as a result of pilots' resisting terrorists.

Landing a plane from 30,000 feet requires at least 20 minutes, never just 10. A training flight, simulating a fire emergency on a flight just 4,000 feet up and 15 miles from Philadelphia's airport, takes about 12 minutes to land when done perfectly. Transatlantic flights can be three hours from a suitable airport. Such airports are not abundant west of Iowa. Which means on most flights, terrorists would have time to penetrate the cockpit.

Bulletproof doors are not the answer: the Sept. 11 terrorists had no bullets. Well trained terrorists can blow even a much-reinforced cockpit door off its hinges using a thin thread of malleable explosive that can pass undetected through passenger screening procedures when carried on a person rather than in luggage. Here is what else can be undetected by security screeners busy confiscating, grandmothers' knitting needles:

The knife with the six-inch serrated blade that a passenger found, in a post-Sept. 11 flight, secreted under her seat. Two semiautomatic pistols that recently passed unnoticed through metal detectors and were discovered only when the owner's bags were selected for a random search at the gate. A mostly plastic 22-caliber gun that looks like a cell phone. An entirely plastic and razor-sharp knife. A "bloodsucker"—it looks like a fountain pen but has a cylindrical blade that can inflict a neck wound that will not stop bleeding.

The idea that arming pilots is a means of justifying a third pilot is derisory: Re-engineering cockpits for that would be impossibly complex. Equally implausible is the idea that a Taser (electric stun gun) is a satisfactory aid when locked in a plane, seven miles up, with a team of trained terrorists.

A pilot's gun would never leave the cockpit because the pilot never would. And shooting a terrorist standing in the cockpit door frame would not require a sniper's skill. The powerful pressurization controls, as well as the location and redundancy of aircraft electronic, hydraulic and other systems, vastly reduce the probability that even multiple wayward gun shots—even of bullets that are not frangible—would cripple an aircraft.

About fear of "fighter pilot mentality": The military assiduously schools and screens pilot candidates to eliminate unstable or undisciplined candidates. Airlines, too, administer severe selection procedures for pilots, who are constantly scrutinized. Captains have two physical examinations a year (first officers, one) with psychological components. Everything said in the cockpit is recorded.

Besides, many passengers fly armed—county sheriffs, FBI and Secret Service agents, postal inspectors, foreign body-guards of foreign dignitaries. Why, then, must the people on whom all passengers' lives depend—pilots—be unarmed? Especially considering that the prudent law enforcement doctrine is that lethal force is warranted when menaced by more than one trained and armed opponent.

To thicken the layers of deterrence and security, in the air as well as on the ground, Congress should promptly enact legislation to empower pilots to choose to carry guns. Time flies. So do hijackers. And the next ones probably are already among us.

Mr. SMITH of New Hampshire. Mr. President, I reiterate:

This amendment trains and arms commercial pilots with a firearm to defend the cockpit of our Nation's commercial aircraft from acts of terrorism. The amendment also provides for increased training for flight attendants and communications devices for pilots and flight attendants to have the latest communications and video monitoring devices.

Today, there are no defensive capabilities our Nation's pilots. No firearms.

Only Federal air marshals, on a very small percentage of commercial flights, are armed to defend against terrorism.

When all else has failed to defend a commercial aircraft, the only option for the defense of the public from the use of a commercial aircraft as an instrument of mass terror is for the United States military to shoot down that commercial aircraft.

I firmly believe that we should give our Nation's pilots & flight attendants a fighting chance against terrorists before our Government resorts to shooting commercial aircraft out of the sky.

I am proud to have joined a bipartisan coalition including Senator ZELL MILLER, Senator CONRAD BURNS, Senator FRANK MURKOWSKI, and Senator BARBARA BOXER in introducing our bill, S. 2554, the "Arming Pilots Against Terrorism and Cabin Defense Act of 2002."

On July 21, 2001, the FAA limited the carriage of weapons of aircraft to certain law enforcement officers.

September 11, 2001—the worst terrorist attack in U.S. History. That attack could have been prevented if pilots were armed.

I was convinced of this fact by a wonderful and brave woman—Ellen Saracini of Pennsylvania.

Over one month ago, I spoke at a press conference with Ellen Saracini.

Ellen is the wife of the late Captain Vic Saracini.

Captain Victor Saracini was the pilot of United Flight 175 on its way from Boston to Los Angeles when it was commandeered on September 11 and crashed into the World Trade Center Tower 2.

Vic supported armed pilots before September 11th and Ellen has continued that support.

Our nation has suffered a great loss with the loss of the pilots, flight attendants and thousands of victims of September 11th.

I never ever want to see an event like September 11th happen again and I firmly believe that armed pilots will be an effective tool to prevent any future contemplated acts of terrorism.

What we learned from September 11th is that a military jet shooting down a commercial aircraft is not only possible, it is now commonly considered as a part of airline security.

We also recently learned that the military contemplated ramming commercial jets with military aircraft if they were hijacked weapons of mass destruction. On September 11th, I understand that the shooting down of commercial aircraft may have been necessary at the time. Today, there is no excuse not to arm pilots before we allow our military to shoot down commercial aircraft.

At the time it was the right decision, because the despicable acts of September 11th were unthinkable—not anymore.

Since September 11th, there have been some advancements in commercial airline security, yet, the most common sense legislation to train and arm commercial airline pilots, has yet to be implemented.

The Aviation and Transportation Security Act was approved and signed into law. This act authorizes air carrier pilots to carry a firearm in the cockpit if: (1) the Undersecretary for TSA approves; (2) the air carrier approves; (3) the firearm is approved; and, (4) the pilot has received proper training.

This law was passed as a result of my amendment in the Senate and a provision passed by the House. I was unhappy with the language, but I had the hope that the Department of Transportation would give adequate consideration to the issue of armed pilots.

The FAA published a request for comments on whether pilots should be allowed to be armed on December 31, 2001. By March 15, 2002, the FAA had received over 7,500 comments and according to the FAA's analysis, more than 96% of the comments favored armed pilots. As a result of the open comment period, the TSA decided to agree with the 4% of respondents who disapproved of armed pilots and ignored the comments of 96% of respondents.

This is a critical point in the debate today. Today, the Transportation Security Administration is authorized to start training pilots in the proper use of a firearm to defend the cockpit. One pilot said that the current inaction on the part of TSA and the Department of Transportation is a criminal act of negligence. Maybe this inaction is a political act of negligence that needs to be addressed by the Senate today.

On May 21, 2002, the former Under Secretary for Transportation Security, John Magaw, testified that he would not approve the arming of commercial pilots.

The House passed a strong armed pilots bill by an overwhelming margin—today the Senate finally considers an amendment to train and arm pilots.

The bottom line is that armed pilots are the first line of deterrence and last line of defense to terrorism.

First line of deterrence, because terrorists will never target American commercial aircraft again, if terrorists know that an armed pilot will end an attempted hijacking with deadly force.

Last line of. defense, because an armed pilot is the last line of defense before an F-16 or other military aircraft shoots down a hijacked aircraft full of innocent civilians. It really is that simple.

Nonlethal weapons are a great supplement to a firearm—but it is not an alternative.

Our nation's air marshals are armed with a firearm. Maybe they should also be given a stun gun or a tazer, but nobody in this chamber would argue that our nation's air marshals should only have a stun gun. Tazers and stun guns are good to disable one or two terrorists, but a firearm is the best alternative to defend against a September 11th style attack.

The pilots and the flight attendants want safer travel. My understanding is that the Department of Transportation initially opposed arming pilots because of liability issues. Our amendment grants the airlines a limited liability shield to protect from aggressive trial lawyers. Our amendment will ensure that the pilots and airlines are not held liable for actions taken to protect the lives of the crew and passengers from terrorist attack.

A commercial aircraft is not going to crash as a result of the discharge of a firearm on a commercial aircraft. On May 2, 2002, Ron Hinderberger of the Boeing Company testified before the House Committee on Transportation. Hinderberger said: "The risk of loss of an aircraft due to a stray round from a hand gun is very slight."

The cost of this program is not going to be too much to bear. The cost that I never want this nation to pay again—is another September 11 style attack on the United States of America. I am willing to work with the good members of the Senate to keep the cost of this program to a minimum. My office has consulted some private training facilities including Gunsight in Arizona and Blackwater Lodge in North Carolina. Both have assured my office that the cost would be minimal. Gunsight quotes the cost at about $2000 per pilot for initial training and about $700 per pilot for recurrent training.

The amendment contains findings that we inserted at the request of Senator BARBARA BOXER that a Federal air marshall should be on all high risk flights.

The amendment creates a Federal Flight Deck Officer Program to train and arm pilots.

Ninety days after the bill is passed the Undersecretary for Transportation shall establish a program to deputize qualified pilots who volunteer for .the armed pilots program.

The bill grants pilots the authority to use force and provides a liability protection for pilots acting in scope of their duties as Federal Flight Deck Officers.

The amendment establishes the Aviation Crewmember Self-Defense Division within the TSA to train flight attendants to prepare them for terrorist and criminal threats.

Another provisions states that the air carriers shall provide flight and cabin crew with a discreet, hands free wireless method of communicating. The purpose of this device is to provide a method for the pilot to communicate with the flight attendant to understand if there is a threat to a commercial aircraft.

Also, another provision was added at the request of Senator BOXER to provide a real time and cost effective video monitoring device for the pilot to monitor the activities in the passenger's cabin. This gives a pilot a view of any possible threat to the pilot's cockpit without having to open the cockpit door.

Today it is an honor to be fighting on behalf of the pilots, flight attendants, commercial airline passengers, and the American people who support the idea of armed pilots and trained flight attendants on the floor of the United States Senate.

If my state of New Hampshire is any barometer of the popularity of Armed Pilots—the Congress would pass this amendment by Unanimous Consent right now.

The House of Representatives conducted hearings, marked up and passed an armed pilots bill by a margin of 310-113 on July 10th.

Today, the Senate is considering a similar armed pilots amendment and it is my hope and prayer that this amendment is passed by the anniversary of September 11th. One year is long enough for the American people to wait for this common sense and reasonable amendment to arm pilots and train flight attendants.

Also, I want to thank the Allied Pilots Association, the Airline Pilots' Security Alliance, the Air Lines Pilots Association, the Coalition of Airline Pilots Associations, the Southwest Airlines Pilots' Association and the Association of Flight Attendants for the leadership and hard work these groups have completed to help the Congress draft and pass an armed pilots and trained flight attendant's bill.

Yesterday, we learned that many different reporters investigating airport security were able to smuggle small knives and pepper spray through the checkpoints of 11 airports over Labor Day weekend.

These airports included Newark International, Logan Airport in Boston, Dulles Airport, O'Hare, LaGuardia and Kennedy, among others.

These are our largest and busiest airports, where security should be the tightest.

And this report is certainly not the only instance where weapons have passed through security without detection.

But we have to assume that occasionally mistakes happen, even at our biggest and busiest airports.

Some sort of weapon could be smuggled aboard an airplane.

All it took on September 11th was a few box-cutter knives.

This recent example of screening insecurity is just another reason why airline pilots need to be armed.

Because they will provide the first line of deterrence and the last line of defense.

In other words, if terrorists know that the pilots have firearms, then they will be less likely to attempt a takeover.

But if the unthinkable happens and a terrorist gets through security with some sort of weapon and then tries to take over a plane, the plan is to start descending to land the plane immediately, and to use the firearm if the terrorists try to get into the cockpit.

The terrorists will not be able to get into the cockpit with armed pilots.

And the lives of passengers and the crew, as well as perhaps thousands of Americans on the ground, will be saved.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senator from New Hampshire is right. Pilots do work hard. I have commented to that effect on other occasions, and on other measures. Our problem is, looking at the Senate floor, we have two Senators, maybe three at the most. What really occurs is that we are addressing a "fixed" jury.

In other words, 35 years ago when I came to the Senate, we did not have the luxury of television. So if you wanted to know what was going on, you had to come over on the floor. Invariably, there were always 20 to 30 Republican Senators in their cloakroom, and 20 to 30 Democrats in their cloakroom. If an issue was raised, you could make a point and come right out on the floor. Or if you agreed with a particular Senator, you could thank him for his observation. In a sense, we would learn from each other.

We now have the TV everywhere. Incidentally, if you are watching it in your office and you find you want to raise a point, you come to the floor quickly; then you find out someone else has been waiting an hour, another Senator has been waiting a half hour, so your opportunity is totally missed.

But the real point is, we do not listen to each other.

The pilots have worked—he is dead right, they have worked this bill. And to my surprise, it has come up this afternoon.

I have tried my very best to improve airline security since the terrorist attacks. As the chairman of the Commerce Committee, I got the best possible witnesses together, and we immediately passed out of the committee a bipartisan, unanimous airline security measure. We passed it out of the Senate 100 to 0.

While we had the view in the Senate that airline security should be within the Justice Department in order to compromise and get things done, we went along with the House and kept it in the Transportation Department which proved to be, of course, a mistake in that we wasted now 6 or 7 months in confirming the man who took over, but was replaced in the particular role as head of transportation security. Without much debate and without a report we just put his nomination up on the floor and we voted to have him confirmed so he could get off to a running start.

In any event, we made a mistake. I realize we were behind the curve, and we had a some unnecessary requirements with respect to airline security and they were going in the wrong direction in some instances.

Let me say categorically, I am pleased Admiral Loy, the Commandant of the Coast Guard—we had the Coast Guard authorization in our particular committee, so we worked closely with Admiral Loy on Coast Guard and seaport security. We had field hearings together, as well as within the Senate. He is very realistic, very attune, an expert, very professional, very much experienced on security. He had not taken over for very long before the August break. I did not demand that he respond to questions for his nomination, but I gave him our questions in a 2-page letter and said: Work over August and we will have a hearing on this security measure, the guns.

I am constantly asked by the press about this issue, and we would be delighted to vote on guns in the cockpit, we would be delighted to vote in the committee.

We had this hearing scheduled. I talked to Admiral Loy only yesterday. He has answered our letter, and he is ready to go next Tuesday.

He has been doing just the right kind of work, getting around and conferring with the airport managers and getting everybody working together. Not unlike the former occupant of this desk who greatly impressed me, Senator Robert Kennedy. He had never been in the courtroom, but when he was selected as the Attorney General of the United States, he was the first Attorney General to go around and shake hands with the 32,000 in the Justice Department at that time.

You have to get your team working together. Admiral Loy has done that. But I say it is a fixed jury because the pilots, as the Senator from New Hampshire has pointed out, have been working this issue. We all have many responsibilities. I just have not had the opportunity to bring up the facts and test what we already have. The Senator from California said: "And since we know this, and since we know that," why have any further tests? I could not agree with the distinguished Senator from California any more. We do know. How do we know? We know from the best of the best.

There is one airline that is under the gun. That is the Israeli airline, El Al. In fact, they have been so successful in preventing hijacking that they do not even have attempted hijackings, as far as we know. They just go after the ticket counter itself, as they did in Los Angeles, and shoot it up and kill those people there.

But knowing El Al is the most under-the-gun airline, we had the privilege of talking to a gentleman, the chief pilot of El Al, in September of last year. It was just about a year ago, slightly less than a year.

He said: "Senator, what you want to do is get a secure door to the cockpit. That is the last line of defense. Not a gun—the last line of defense is that secure door. And that door is never, ever to be opened in flight." Once the door is secure and if there is any disturbance whatsoever in the cabin, they go immediately to the ground and law enforcement meets them there.

The chief pilot of El Al emphasized—I will never forget it—he said: "Senator, they can be assaulting my wife in the cabin. I do not open that door."

And for 30 years they have not had a hijacking.

We have a test, and that is why I am on the floor of the Senate trying to make sense out of this bad mistake that is about to be made because there is one thing you do not want to do, and that is put weaponry on the plane itself. In fact, the marshals pointing their guns recently on that Delta flight going into Philadelphia—wrong. You don't point your gun, and law enforcement and gun safety dictate that, unless you intend to use it. Anybody should know that.

So even our marshals need better training already. But be that as it may, for 30 years now they have not had a hijacking on El Al Airlines. We have had a test and we know it.

The trouble is, this has been worked politically. I know how the system works. I look around and I look for the measures and speakers who will talk in support of it. I find out that Senators who first were inclined to vote with me and listen and understand the problem, they have gone. I know the White House position is they should not have them. It has been announced and reaffirmed that they do not want pilots to carry guns in the cockpit. But you don't see anybody out here defending President Bush and the policy of this administration.

More to the point, I could talk all day long, or talk into next week and just hold the floor. I hope we can work out a compromise with respect to keeping the door closed. But let me read a letter, which is new to me. It was less than an hour ago when I had an appointment with Mr. Leo Mullin, the chief executive officer of Delta Airlines down in Atlanta, down in my backyard. Mr. Mullin was there and mentions the discussion we had about the economic travails of air transport in America. He said:

> By the way, I want to thank you for your leadership on this.

I haven't led anybody. I can't find anybody behind me. I am not a leader unless they let my staff vote. I think they would go along with me. But I haven't been able to find a Senator to go with me, and we have called the White House.

You can rest for a while. Don't worry about it because I am going to take a little time and give you all some rest. I know I am doing the Lord's work.

This letter is dated today.

> DEAR SENATOR HOLLINGS: With the safety of our passengers and crewmembers as our number one priority, we are writing to convey our serious concerns regarding S. 2554 that would permit the use of firearms by pilots aboard commercial aircraft. As discussions continue on the merits of this subject, we stand ready to work with Congress and the Administration in an effort to reach a prudent consensus position. It must be noted, however, that while we are spending literally billions of dollars to keep dangerous weapons off of aircraft, the idea of intentionally introducing thousands of deadly weapons into the system appears to be dangerously counter-productive.

Divert right here. I ask unanimous consent the letter in its entirety be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AIR TRANSPORT ASSOCIATION
OF AMERICA, INC.,
Washington, DC, September 5, 2002.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HOLLINGS: With the safety of our passengers and crewmembers as our number one priority, we are writing to convey our serious concerns regarding S. 2554 that would permit the use of firearms by pilots aboard commercial aircraft. As discussions continue on the merits of this subject, we stand ready to work with Congress and the Administration in an effort to reach a prudent consensus position. It must be noted, however, that while we are spending literally billions of dollars to keep dangerous weapons off of aircraft, the idea of intentionally introducing thousands of deadly weapons into the system appears to be dangerously counter-productive.

> In the aftermath of the tragic events of September 11, we understand the rationale for providing crewmembers with means to defend themselves and their aircraft. However, we believe that allowing guns aboard every aircraft is ill-advised.
>
> A variety of serious safety, technical and training issues have been raised that require answers prior to moving forward with any proposal to even consider the use of firearms by cockpit crews. To ensure the safety and security of our customers and employees, we have a duty and obligation to ask these tough questions and to have a clear understanding of the answers. Otherwise, innocent passengers and crewmembers will be killed or injured through accidental firings of weapons, or worse, there being used against crews and passengers.
>
> We believe that the public must know what studies or testing have been conducted to determine the effects of an accidental weapon discharge in a pressurized aircraft at altitude, or discharge into a sophisticated instrument panel? How will the firearm be stowed, maintained and protected from misuse between flights, particularly when the aircraft is parked overnight or deployed in international operations? What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit? Will the training program disrupt the airline's ability to operate their schedules? How often are firearms utilized by trained law enforcement officers lost, misplaced, stolen, fired accidentally or used against the officer carrying the weapons.
>
> The Transportation Security Administration has testified that the cost to the government for the program is approximately $860 million. In light of programs already completed and underway to secure cockpit doors, we seriously question the cost effectiveness of a program mandated in S. 2554 that would impose a further burden on scarce TSA resources. Indeed, with secure cockpit doors now being further upgraded with even higher protective capabilities, the advisability of introducing dangerous and unnecessary weapons in the cockpit environment must be carefully considered.
>
> Until such time as validated answers to these and other questions are available, we believe that a decision to deploy firearms aboard commercial aircraft raises a serious and unnecessary risk for both passengers and crewmembers. Just as we would not introduce an aircraft into service without thorough testing, training of crewmembers and evaluating all safety measures, no one should place deadly weapons in the hands of flight crews without a thorough evaluation.
>
> In view of these concerns, we urge you to reject calls for the introduction of thousands of deadly weapons into the cockpits of our aircraft.
>
> Sincerely,
>
> ATA Board of Directors: Carl D. Donaway, Chairman & CEO, Airborne, Express; John F. Kelly, Chairman, Alaska Airlines; Glenn R. Zander, President & CEO, Aloha Airlines; W. Douglas Parker, Chairman, President & CEO, America West Airlines; Donald J. Carty, Chairman & CEO, American Airlines; J. George Mikelsons, Chairman, President & CEO, American Trans Air; Richard H. Shuyler, Chief Executive Officer, Atlas Air; Gordon Bethune, Chairman & CEO, Continental Airlines; Leo F. Mullin, Chairman & CEO, Delta Air Lines; Vicki Bretthauer, Acting Chief Executive Officer, DHL Airways; Jerry Trimarco, Chief Executive Officer, Emery Worldwide; Anthony E. Bauckham, President, Evergreen International Airlines; Frederick W. Smith, Chairman & CEO, FedEx Corporation; John W. Adams, Chairman, President & CEO, Hawaiian Airlines; David Neeleman, Chief Executive Officer, JetBlue Airways; Timothy E. Hoeksema, Chairman, President & CEO, Midwest Express Airlines; Richard H. Anderson, Chief Executive Officer, Northwest Airlines; Herbert D. Kelleher, Chairman, Southwest Airlines; Glenn Tilton, Chairman, President & CEO, United Airlines; David N. Siegel, President & CEO, US Airways; Thomas H. Weidemeyer, President, United Parcel Service Airlines

Mr. HOLLINGS. I think there are 101,249 commercial airline pilots with active pilot certificates. So we could have 100,000 running around here with pistols. And, incidentally, possibly getting pistols on board for the hijackers because you have to understand that hijacking has changed now.

You don't just have an individual coming on board because he wants to fly to Cuba. You don't have somebody escaping criminal justice because he wants to get out of the country. We know and we have been put on notice, they have five-man teams, professional suicidal terrorists. Try that on, Senator SMITH. Try that on as a pilot. You are a big man. I think Senator SMITH could take care of two of them. I think he could take care of two of them and, with a pistol, maybe take care of three. But while he has already killed three, unloading, quick, the pistol, they still have two more that are going to knock him down and take over the other pilot.

You crack that door and you are a goner. You are not going to stop professional teams of suicidal attackers. I don't care how good a pilot or how much training you have had, it is not going to happen. That plane is going to be taken over.

Think about the situation where there is some disruption and I have a pistol and some fellow is coming after me and I can defend myself. That is not the problem. The problem here is to prevent, if you please, Senator, an airline in the United States, a commercial airline, from ever being used as a weapon of mass destruction. You don't want to save people from getting hurt or whatever else, but you save it, with all that fuel aboard, from ever being run into the Chrysler Building, the Empire State Building, the Sears Building, the Coca-Cola Building down there in Atlanta—wherever they want to run it. They can make a mark if they wiped out the Coca-Cola Building in Atlanta, I can tell you that. And that is the whole idea. It is not necessarily how many, but to get it on national news.

So it is that they commercially trade. They stay in country for at least 2 years. They are disciplined. You never know they are here. They train at the gym every day, they are physically fit, and they go on-board planes not with pistols but with box cutters, or whatever else they have on them. But they know how to break in any ordinary cracked door and take over that plane. So you can't crack the door. They should never be opened in flight—and we would have a 30-year record of no hijacks and never have this occur again.

There is one way I know of that I can guarantee the American public the best security I can—if anybody can give that guarantee—is to take the El Al procedure and protocol and follow it to the letter T. They have a 30-year track record of success.

I will go ahead and read because they have something about testing. I am not worried about cost. I am not worried about testing. I am not worried about the professionalism in the trade. I am worried about this never, ever happening again—no 9/11.

I am able, if I can get a majority of this body to go along with me and go along with the administration, to give the public that kind of assurance—that they can get on a plane; immediately the plane will take off. You won't have the plane flying around above you, "Hey, they are ready to shoot you down," because you have secured the cockpit door and there is not going to be any need to shoot down a plane. The plane itself is not going down because it was forced. You don't have to worry about it because it is going by a big building or a nuclear power plant. You don't have to worry about, 30 minutes after takeoff and 30 minutes before landing, keeping your seat, because you are not going to have to worry about that kind of activity, and that is a silly rule, if I have ever heard one. It is one that we ought to be able to get rid of. You don't have to worry about taking off from Reagan National and running into the White House. You don't have to worry about that because as they take off, the door is secure. If they start storming the door, they will land at Dulles with law enforcement to meet them. That hijacking team knows they are going off to the jail. I have given them the guarantee.

But if, in turn, you want to support these pistols in the cockpit and if you are going to guarantee that weaponry is there, we hope they can use it. Getting it on the plane and keeping it in the cockpit—a secure little safe, or whatever it is—it is just a bad idea to arm a plane.

Let me read further, since the entire letter is one of particular interest.

I quote from the letter from the Air Transport Association:

> In the aftermath of the tragic events of September 11, we understand the rationale for providing crewmembers with means to defend themselves and their aircraft. However, we believe that allowing guns aboard every aircraft in the absence of comprehensive research and testing and without a full evaluation of the potential consequences, is ill-advised.

> A variety of serious safety, technical and training issues have been raised that require answers prior to moving forward with any proposal to allow the use of firearms by cockpit crews. To ensure the safety and security of our customers and employees, we have a duty and obligation to ask these tough questions and to have a clear understanding of the answers. Otherwise, innocent passengers and crewmembers could be killed or injured—through accidental firings of weapons or, worse, their being used against crews and passengers.
>
> For example, what studies or testing have been conducted to determine the effects of an accidental weapon discharge in a pressurized aircraft at altitude, or discharge into a sophisticated instrument panel? How will the firearm be stowed, maintained and protected from misuse between flights, particularly when the aircraft is parked overnight or deployed in international operations?

Let me divert. There is a law in a lot of these countries that you can't have a weapon. There is not going to be a weapon in a cockpit if you land in downtown Heathrow. We know that. You have all kinds of considerations that come into this.

Let me further read from the letter:

> What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit? Will the training program disrupt the airline's ability to operate their schedules?

How often are firearms utilized by trained law enforcement officers? Will they be lost, or misplaced? Will they be fired accidentally, or used against the officer carrying the weapon?

I have the figures on that. In some years, over 10 percent of law enforcement officers are killed when their own weapons are used against them. I have all kinds of criminal statistics from the FBI.

I read further:

> The Transportation Security Administration has testified that the cost to the government for the program is approximately $850 million.

I agree with the distinguished Senator from New Hampshire. I am not worried about the cost. Some should be worried about costs. As of yesterday at 11 o'clock, the deficit was $394 billion, and by the end of the month it will exceed $400 billion. But you can see what they are doing now. They are trying to offload expenditures into the next fiscal year because they are worried about the campaign a couple of months from this time in November. And they have come from a $5.6 trillion surplus. They already have created a $400 billion deficit. Nobody wants to talk about it. We asked corporate America for a certificate under oath that we have gotten corporate America away from corruption—certified by the CEO. Get the CEO of the U.S. Government to certify his figure. No way, Jose.

I will go back. I read that sentence again in this letter.

> The Transportation Security Administration has testified that the cost to the government for the program is approximately $850 million. In light of programs already completed and underway to secure cockpit doors, we seriously question the cost effectiveness of a program mandated in S. 2554 that would impose a further burden on scarce TSA resources.

Therein I divert to join the Senator from New Hampshire and the Senator from California. I am not worried about the cost. I think they are right. When we are trying to prevent a 9/11, let us not start talking money around here. When somebody is against something, they all want to start talking money. But when I get up and try to get it paid for, I can't find anybody who wants to pay.

Talking about Social Security, we have been using that as a piggy bank, and not a lockbox. Come on. We know it.

> Indeed, with secure cockpit doors now being further upgraded with even higher protective capabilities, the advisability of introducing dangerous and unnecessary weapons in the cockpit environment must be carefully considered.
>
> Until such time as validated answers to these and other questions are available, we believe that a decision to deploy firearms aboard commercial aircraft raises a serious and unnecessary risk for both passengers and crewmembers. Just as we would not introduce an aircraft into service without thorough testing, training of crewmembers and evaluating all safety measures, no one should place deadly weapons in the hands of flight crews without a thorough evaluation.
>
> In view of these concerns, we urge you to reject calls for the introduction of thousands of deadly weapons into the cockpits of our aircraft.

I say to the Senator from California, you had a nice letter and thousands of pilots. Here are the people who are running the airlines, the ATA board of directors: Carl D. Donaway, chairman and CEO of Airborne Express; John F. Kelly, chairman of Alaska Airlines; Glenn R. Zander, president and CEO of Aloha Airlines; W. Douglas Parker, chairman, president, and CEO of American West Airlines; Donald J. Carty, chairman and CEO of American Airlines; J. George Mikelsons, chairman, president, and CEO of American Trans Air; Richard H. Shuyler, chief executive officer of Atlas Air; Gordon Bethune, chairman and CEO of Continental Airlines; Leo F. Mullin, chairman and CEO of Senator MILLER's airline, Delta Air Lines; Vicki Bretthauer, acting chief executive officer of DHL Airways; Jerry Trimarco, chief executive officer, Emery Worldwide; Anthony E. Bauckham, president of Evergreen International Airlines; Frederick W. Smith, chairman and CEO of FedEx Corporation; John W. Adams, chairman, president, and CEO of Hawaiian Airlines; David Neeleman, chief executive officer of JetBlue Airways; Timothy E. Hoeksema, chairman, president, and CEO of Midwest Express Airlines; Richard H. Anderson, chief executive officer of Northwest Airlines; Herbert D. Kelleher, chairman of Southwest Airlines; Glenn Tilton, chairman, president, and CEO of United Airlines; David N. Siegel, president and CEO of US Airways; Thomas H. Weidemeyer, president of United Parcel Service Airlines. I think——

Mrs. BOXER. Will the Senator yield for a question?

Mr. HOLLINGS. For a question, yes, ma'am, I am glad to yield.

Mrs. BOXER. I thank the Senator. The Senator always makes a great argument for his position, but I have to say, these are the very same airlines who have not given the flight attendants one new bit of training.

Mr. HOLLINGS. I will agree with the Senator 100 percent. We have to get the flight attendants.

Mrs. BOXER. Good.

Mr. HOLLINGS. They are on the front lines. We call them in a war, the MLR, the main line of resistance. With my door secure, it is the flight attendants who are going to have to defends themselves while getting the plane down to the ground.

Mrs. BOXER. I know the Senator is with us on that. I want to make the point, though, as you name the names of folks who are good folks and good business-people—some better business-people than others—they have not embraced a lot of things that you and I embrace. In this case you agree with them, But they are not in the planes. They fly around in their own corporate jets.

I say to my friend, it is the flight attendants, the pilots, and the passengers in the planes. I honestly think if you want to look to who the leaders are on safety, I would rather look to the pilots and the flight attendants.

But I know my friend feels very strongly about the cockpit doors, and I so agree with him. I just want to pose this question to him. He will have the floor as long as he wants, although I hope we can reach some agreement on the doors so we can end this lengthy debate.

The Kevlar doors, which have been put into some of the JetBlue planes, to me, are a tremendous answer because you cannot penetrate that Kevlar door if it is kept shut.

So I want to know if my friend had seen a demonstration of that Kevlar. And as we work together on the committee, I want to work with you on those doors. But I hope we can accommodate you in this bill and that we can bring this to a vote.

Mr. HOLLINGS. Right. Well, I don't know about agreeing to the vote. I want to hear some more. I might be persuaded by the Senator from Georgia or the Senator from New Hampshire. I am sure they are going to have more to say.

But, yes, one, on the flight attendants, absolutely we have to. And we have that hearing next week. And we finally have someone in charge of airline security. You know it. I think you like Admiral Loy. I like Admiral Loy. He is the bipartisan choice of the committee.

Mrs. BOXER. Right.

Mr. HOLLINGS. So, working with him, we are going to find out his steps, and when, and get realistic drop-dead dates, and so forth, especially airports—that they can't be rebuilt—and get this equipment in and everything else.

I remember the distinguished Senator said: Look, they make them out in my backyard, and they are only making seven a month. They can make 50 a month if they have the orders.

This was last year.

Mrs. BOXER. Right.

Mr. HOLLINGS. They were not ordering all the things. They were wondering about the curtains in the office and the logo. Do you not remember?

Mrs. BOXER. Right.

Mr. HOLLINGS. So we are together on that. I will agree with you on the flight attendants and anything else we can possibly get done to increase safety, and more than anything else, get the airline business back up and going.

I am very much disturbed that we could adopt the Smith-Boxer amendment, and you could have a plane being used as a weapon of mass destruction. There isn't any question about it. It is not going to be one fellow, and one fellow defending himself in the cockpit. I can see it now, with the flight attendant outside saying, "He's killing me"—whatever it is—"Open the door." Once that door is slightly cracked, they have their team, and they will have practiced how to take over that plane.

They will take the shots, the first two or something like that, but the other three will get in and have that plane. And they will have control and they will have pistols. They will take that pistol away. I can tell you that here and now.

So you have really weaponized the aircraft, which El Al says do not ever do that. I can tell you that right now. Don't weaponize. They do not have weapons in the cockpit.

With that having been said, that is why I feel as strongly as I do. We have had the tests. I agree with the distinguished colleagues. We are not worried about cost in this instance. We have already spent $15 billion to keep people economically going. To save one life, I would spend another $15 billion. So it is not the cost; it is not the training; this is a tested and true program of never having had a hijacking in 30 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I believe that my timing could have been a little better.

Mr. REID. Madam President, will the Senator from Georgia yield for a question?

Mr. MILLER. Yes.

Mr. REID. I have heard a lot of the debate—not all of the debate—and I have had a number of Senators from both sides who are interested in knowing when they could leave. I was trying to figure out a better way to say that. I wonder if there is any idea now from the Senators involved—Senators BOXER, SMITH, and HOLLINGS—as to how much longer is needed to debate this before we have a vote.

Mr. HOLLINGS. Not quite yet.

Mrs. BOXER. If I might just answer the question this way: I would say, in all honesty, the ball is in the court of my chairman, Chairman HOLLINGS. We have a couple of people who want to talk, but they are not asking for a lot of time. They have brief comments. But as soon as the Senator from South Carolina believes he is ready, we are ready. We do not have anything else we have to add. So we are working with him. We are trying to work with him on the issue of cockpit doors. We are hoping that it will occur to him to perhaps support us or at least allow us to have a vote. We just have to wait and see.

Mr. REID. Madam President, I appreciate very much the Senator from Georgia yielding. I just say this: I can remember when the Senator offered his amendment, which was adopted overwhelmingly, on the energy bill that pickups would not be subject to SUV guidelines. And I had a conversation with the Senator from Georgia at that time that I thought it should be a requirement that all pickups sold in the United States should come out with gun racks. Do you remember that, Senator?

Mr. MILLER. I would be happy not to make any remarks and we vote right now. I am not anxious to follow Senator HOLLINGS in this debate. But if we are not going to have a vote right now, then I think I will make some remarks.

Mr. REID. I think you should proceed.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, as I started to say, my timing could be somewhat better than following my good friend from South Carolina.

No one in this body or outside of this body has more respect, more admiration, and more downright affection for someone than I do for the Senator from South Carolina. His record as Lieutenant Governor, as Governor, and as Senator for 35 years is stuff of which legends are made. On this issue, unfortunately, I disagree with him, because I rise today in support of this amendment.

Our airline pilots are among the most highly trained professionals in all of the American workforce. Every day millions of Americans put their lives in the hands of airline pilots, and we have great reason to give them our trust.

Thanks to literally thousands and thousands of hours of training, commercial airline pilots have made aviation our Nation's safest form of public transportation. But since September 11, our Nation's pilots are faced with a grave new danger: Homicidal fanatics who think nothing of using our airplanes to kill themselves and as many Americans as they can.

With these new threats, the American public has uniformly called for giving the pilots every measure of protection possible in order to make our skies safer.

But there are some folks who are leery of putting their trust in our Nation's pilots. I cannot understand the logic that says we can trust someone with a Boeing 747 in bad weather, but we cannot trust that same person with a Glock 9 millimeter.

The folks who oppose arming pilots say we should put our trust elsewhere. We have heard about making the doors stronger. We have heard about security screeners. The Senator from California talked about the recent examples in the airports in New York where so many went through with things that they should not have had in their luggage. We all know how that is. We travel. We see it. Deep down we know it is a screening process that our Nation's Transportation Security Administration's own studies show fails one out of every four times. So let's face it, if our pilots were failing one out of every four landings, America would not be putting our trust in them to keep us safe.

Our Nation's air safety plan has multiple levels, from little steps such as banning nail clippers, all the way up to authorizing military fighter aircraft to shoot down a commercial jetliner filled with innocent passengers.

Why is there not—somewhere between banning nail clippers and shooting down the plane, somewhere between those two extremes—some room for allowing a trained pilot to use a handgun to defend the cockpit?

Some critics have worried what might happen if terrorists got hold of the gun, to which I would answer: Nothing worse than if terrorists got control of the aircraft. Others wonder what happens if a bullet goes astray in the fight with a terrorist. Could it damage the aircraft? I would answer: Yes, but not nearly as much as a missile that would be fired at the aircraft if terrorists took control.

If you have any doubts about how the American public feels about this subject, ask them this question: If you had to choose between flying on an airline with pilots who were armed to protect the cockpit and an airline whose pilots were unarmed, which would you choose? I am convinced they would overwhelmingly choose to fly with armed pilots, and I am just as convinced that terrorists would prefer to fly with defenseless pilots.

That is why I am a cosponsor of this bipartisan amendment to train and arm our Nation's airline pilots. I, for one, trust our Nation's pilots to keep me safe when I fly. But I want to give them more than just my trust. I want to give them the training and the tools they need to keep all Americans safe in the air.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I have recently—in fact, today—received a copy of a letter that was addressed to me as well as primarily to Senator HOLLINGS, chairman of the Commerce Committee. I think it is an important letter.

The views of the administration should be considered, as is always the case or should always be the case when we are dealing with issues. This one, of course, is very emotional and, frankly, an issue which has been polarizing in some respects.

I would like to read this letter that was delivered today. I hope my colleagues will pay attention to some of the concerns raised here and perhaps understand that there are some difficult issues that need to be addressed. Among them are training, cockpit modifications, coordination with other nations and international airlines—for example, landing in a country that has stricter gun control laws—and complying with State and local gun control laws. As we know, there are different laws in different States, the issue of legal liability, support organization, and the cost. So I would like to read this letter that was sent by Admiral Loy to Senator HOLLINGS with a copy to me:

> Dear Mr. Chairman: This responds to your letter to me of August 1, 2002. I wanted to answer your question on my views about whether and how to arm flight deck crews operating commercial aircraft. The balance of the questions in your letter will be addressed by separate correspondence, which I will send you later this week.

This letter is from Admiral Loy, the new acting Under Secretary for the Transportation Security Administration.

He goes on to say:

> After I began work as the Acting Under Secretary at the Transportation Security Administration (TSA), and following the vote in July by the House of Representatives supporting a program to arm pilots with lethal weapons, Secretary Mineta asked me to review the range of issues associated with a voluntary deployment of guns in the cockpit. His concern and mine is, above all, to ensure the safety of airline passengers and crew. I have finished my review and wanted to share my conclusions and concerns with you while the discussion continues in the Congress.
>
> Our review included significant outreach in which we sought counsel from airlines, pilots, airports, the FAA and numerous federal law enforcement agencies, including the FBI, Secret Service and ATF. The study team evaluated a range of deployment and training options and numerous associated policy and budget issues. The review was intended to reach general conclusions and also to outline the elements of the general protocols to be followed if a decision was made to arm pilots. A core assumption of pending legislation, and also of our review, was that any program would be carried out by volunteer pilots who would receive training consistent with the designation as armed Federal Flight Deck Officers.
>
> We concluded that if legislation is passed authorizing a program to arm pilots with lethal weapons, it would be preferable if pilots were individually issued lockboxes that would be used to transport their weapons to and from the aircraft. They would be trained on weapon use and their responsibilities under the program, and subject to periodic evaluation. The pilots would be responsible for maintenance and proper care of the weapon. We determined that the alternative program design—having general use weapons stored aboard an aircraft and maintained by a cadre of airline employees—poses greater security risks, operational complexity and cost.
>
> Many of the federal law enforcement experts we consulted continue to have significant concerns about arming pilots with either lethal or non-lethal weapons. The airline industry shares these concerns. The Board of Directors of the Air Transport Association has sent Secretary Mineta a letter signed by twenty-one airline chief executive officers urging a cautious approach to arming pilots and outling their concerns (attached).

I ask unanimous consent that the letter from the board of directors of the Air Transport Association, sent to Secretary Mineta, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> AIR TRANSPORT ASSOCIATION,
> *Washington, DC, September 2, 2002.*
>
> Hon. NORMAN Y. MINETA,
> *Secretary, Department of Transportation,*
> *Washington, DC.*
>
> DEAR MR. SECRETARY: With the safety of our passengers and crewmembers as our number one priority, we are writing to convey our thoughts regarding S. 2554 that would permit the use of firearms by pilots aboard commercial aircraft. As discussions continue on the merits of this subject, we stand ready to work with Congress and the Administration in an effort to reach a prudent consensus position.
>
> In the aftermath of the tragic events of September 11, we understand the rationale for providing crewmembers with means to defend themselves and their aircraft. However, we believe that allowing guns aboard every aircraft in the absence of comprehensive research and testing and without a full evaluation of the potential consequences, is ill-advised.
>
> A variety of serious safety, technical and training issues have been raised that require answers prior to moving forward with any proposal to allow the use of firearms by cockpit crews. To ensure the safety and security of our customers and employees, we have a duty and obligation to ask these tough questions and to have a clear understanding of the answers. Otherwise, innocent passengers and crewmembers could be killed or injured.
>
> For example, what studies or testing have been conducted to determine the effects of an accidental weapon discharge in a pressurized aircraft at altitude, or discharge into a sophisticated instrument panel? How will the firearm be stowed, maintained and protected from misuse between flights, particularly when the aircraft is parked overnight or deployed in international operations? What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit? Will the training program disrupt the airline's ability to operate their schedules?
>
> The Transportation Security Administration has testified that the cost to the government for the program is approximately $850 million. In light of programs already completed and underway to secure cockpit doors, we seriously question the cost effectiveness of a program mandated in S. 2554 that would impose a further burden on scarce TSA resources. Indeed, with secure cockpit doors now being further upgraded with even higher protective capabilities, the advisability of introducing dangerous and unnecessary weapons in the cockpit environment must be carefully considered.
>
> Until such time as validated answers to these and other questions are available, we believe that a decision to deploy firearms aboard commercial aircraft raises a serious and unnecessary risk for both passengers and crewmembers. Just as we would not introduce an aircraft into service without thorough testing, training of crewmembers and evaluating all safety measures, no one should place deadly weapons in the hands of flight crews without a thorough evaluation.
>
> In view of these concerns, we urge you to consider a more pragmatic, thoughtful approach that does not interject excessive risks and consequences for the traveling public and our employees. Moving forward, you can rest assured we will continue to take all necessary steps to ensure that air travel remains the world's safest form of transportation.
>
> Sincerely,
>
> ATA Board of Directors: Carl D. Donaway, Chairman & CEO, Airborne Express; John F. Kelly, Chairman, Alaska Airlines; Glenn R. Zander, President & CEO, Aloha Airlines; W. Douglas Parker, Chairman, President & CEO, America West Airlines; Donald J. Carty, Chairman & CEO, American Airlines; J. George Mikelsons, Chairman, President & CEO, American Trans Air; Richard H. Shuyler, Chief Executive Officer, Atlas Air; Gordon Bethune, Chairman & CEO, Continental Airlines; Leo F. Mullin, Chairman & CEO, Delta Air Lines; Vicky Bretthauer, Acting Chief Executive Officer, DHL Airways.
>
> Jerry Trimarco, Chief Executive Officer, Emery Worldwide; Anthony E. Bauckham, President, Evergreen International Airlines; Frederick W. Smith, Chairman & CEO, FedEx Corporation; John W. Adams, Chairman, President & CEO, Hawaiian Airlines; David Neeleman, Chief Executive Officer, JetBlue Airways; Timothy E. Hoeksema, Chairman, President & CEO, Midwest Express Airlines; Richard H. Anderson, Chief Executive Officer, Northwest Airlines; Herbert D. Kelleher, Chairman, Southwest Airlines; John W. Creighton, Jr., Chairman & CEO, United Airlines; Thomas H. Weidemeyer, President, United Parcel Service Airlines; David N. Siegel, President & CEO, US Airways.

Mr. McCAIN. Continuing from Admiral Loy's letter to Chairman HOLLINGS:

> We agree that there are literally dozens of issues that would need to be resolved as part

> of a program involving lethal weapons. Let me mention a few such issues or questions.

The next topic that he brings up is entitled "Training curricula and program design."

> We estimate that some 85,000 pilots may be eligible for the program authorized by the House. In order to avoid significant safety and security risk, a detailed, effective training program must be designed from scratch and tested. This must include firearms training and safety instruction. It would include classroom training on numerous issues, such as airport security procedures that would be established for airline employees to carry weapons through airports, and the legal liability and responsibilities of employees and airlines when a weapon is carried on duty and off duty. It must include specific training about the circumstances under which the weapon may be used onboard the aircraft and outside the aircraft at airports and within the community at large. It must establish protocols and communications tools to coordinate a pilot's responsibilities with those of Federal Air Marshals and other law enforcement officers authorized to travel armed. It is possible that special training facilities would be needed for high-volume training, so that the program could incorporate at least some practice in a simulated aircraft environment, such as is provided to our Federal Air Marshals.
>
> Cockpit modifications. In order to allow ready access to the weapon in the cockpit while securing it appropriately, it would be necessary to install special sleeves for the weapons in each cockpit. Obviously each different aircraft will raise different design and installation considerations. It would be necessary for TSA, the airlines and aircraft manufacturers to assess these issues in more detail.
>
> Coordination with other nations and international airlines. There are numerous thorny issues that must be resolved with foreign nations and foreign airlines. For example, pilots flying international routes for a U.S. carrier must comply with gun control laws abroad. In order to avoid conflict, TSA, with the support of other federal agencies, would need to undertake extensive coordination with countries around the globe to clarify rights and responsibilities of airline employees traveling armed. Would we authorize the employees of foreign air carriers to participate in this program? Would we provide reciprocal access to the U.S. if other nations design similar programs to arm pilots? What type of background investigation would be possible and necessary? Who would pay?
>
> Complying with state and local gun control laws. We have only begun to assess the issues associated with complying with state and local gun control laws. Our review suggests that some meaningful legal work and coordination would be an early task for the program.
>
> Legal liability. There are numerous and complex issues of legal liability that need careful, thorough review. These relate to the pilots, flight crews, other airline employees, the airlines, airports, vendors supporting the program and individuals who provide training to the pilots participating in the program.
>
> A large support organization. A worldwide program of this size would require sizable staff and support. Existing TSA headquarters functions would be considerably stretched in order to manage the program, track the inventory of federal weapons and investigate accidental weapon discharges, program operation and public complaints.
>
> Cost. Our preliminary estimate is that a program involving all commercial pilots could cost up to $900 million for the start-up and some $250 million annually thereafter. Of course these estimates must be refined to reflect details of an actual program, including the possibility that fewer than all commercial pilots will participate. These estimates do not include any projections for necessary cockpit modifications to accommodate ready access to the firearms. The total program costs may vary widely according to program design decisions, but any program open to all pilots would be very expensive. TSA's current budget does not allow for further work in this area, which raises the question of who will bear the cost of this potentially expensive program.
>
> I am convinced that if there is to be responsible legislation establishing a program to allow guns in the cockpit, it must address the numerous safety, security, cost and operational issues raised by TSA's review, and should enable us to implement the program in a methodical, careful, and pragmatic manner.
>
> I remain committed to working with the Senate and the House of Representatives on this important issue. I have provided an identical copy of this letter to Senator McCain. Thank you for your interest and leadership in this matter and I look forward to our hearing next Tuesday.
>
> Very Respectfully,
>
> JAMES M. LOY,
> *Acting Under Secretary.*

The reason I read this letter is that I think it is important for us to understand there are a lot of complexities involved with implementing a program of this nature. I know there are certain foreign countries where no one is allowed to carry or possess a weapon under any circumstances—certainly not a hand weapon, if it is not for hunting purposes. I know there are different laws in different States as far as weapons control is concerned.

I wonder who is going to pay the $900 million for startup and some $250 million annually thereafter. I think that issue should be addressed here. I visited with the CEO of a major airline this morning who made a compelling case that the major airlines in the United States are in deep and serious trouble. One major airline just declared bankruptcy. Others are convinced that another major airline will be declaring bankruptcy soon.

Who is going to pay for this program? Are we going to lay it on the airlines, or are we going to lay it on the taxpayers of America?

Legal liability is always a question whenever we embark on a program that involves the use of weapons. The support organization at TSA, I think, is a legitimate question. Right now, we are facing a deadline of the end of the year for installation of devices that would check all luggage. We all know that isn't going to happen. We are undergoing the transition from private companies to Federal employees at our airports.

So what I am asking is that the sponsors of the legislation, who obviously feel very strongly on this issue, make sure that, as we enact this legislation—and I am convinced there will be a significant vote in support of this amendment—these issues are adequately addressed. I think these issues warrant our concern and our attention. There are very small airplanes—for example, commuter aircraft—that carry a sizable number of passengers. How are we going to put those weapons in those very small cockpits? I am sure there is a way, but I want to impress upon my colleagues that there is a lot of complexity associated with this issue as outlined by Admiral Loy, and there are other concerns that I think we deserve to know at least some of the solutions for as we address this amendment and this issue, which has already been passed by the other body and, I am confident, would be passed by a large vote here.

I yield the floor.

Mr. LIEBERMAN. Madam President, I rise to support this amendment, which would enable those we already entrust with our lives on airplanes—namely, pilots and flight attendants—to have the tools and the training they need to disable terrorists in the air.

Since September 11th, we have taken many steps to make it safer to fly. For all the agency's troubles, the creation of the Transportation Safety Administration has been a step forward. Airlines themselves have beefed up their security. Airports like Bradley International Airport in Windsor Locks, Connecticut—which I toured last month—have made very visible progress. And so much of this progress has resulted from better collaboration and cooperation, which bodes well for the creation of a Department of Homeland Security.

But we still have a long way to go and a short time to get there. I was disturbed by an investigative report in yesterday's New York Daily News. Let me read you the opening:

> Carry-on bags concealing potentially deadly weapons. Six major airlines. Eleven airports. Fourteen flights. And not once did anyone catch on.
>
> To test the supposedly more stringent security imposed at the nation's airports after the Sept. 11 attacks, Daily News reporters boarded flights over the Labor Day weekend carrying contraband—including box cutters, razor knives and pepper spray.
>
> Not a single airport security checkpoint spotted or confiscated any of the dangerous items, all of which have been banned from airports and planes by federal authorities.

Obviously we must fix these lapses without further delay. But at the same time, we have to realize no matter what security procedures we put in place on the ground, they won't be failsafe. We need a security network that's flexible enough to protect passengers from danger even if one link in the chain breaks down.

The reality is, if a dangerous person has managed to get on a plane with a weapon or an explosive device, there is one last line of defense: the people on the plane. We need to make sure that last line of defense is a strong line of defense.

Having our flight crew carry weapons has been carefully considered in both houses of Congress. We've thought through stun guns as an alternative, but it turns out they are unreliable, and the cockpit is too small to use them effectively. While potential concerns and complications about equipping pilots with firearms have been raised, in the end, this idea just makes sense.

It is also important to note that this amendment provides much-needed training and communications capability for the cabin crew. These provisions will prepare flight attendants, who are often the first to encounter potential hijackers on a flight, to handle such threats. Flight attendants will also have improved communications with the cockpit in the event of an emergency.

Besides the fact that firearms can actually give our flight crews a practical advantage over terrorists in the air—if it comes down to that—sending the message that the good guys will be armed gives us an important psychological advantage as well. The mere fact that a pilot or co-pilot could have a lethal weapon should be a powerful deterrent to would-be terrorists.

We will never forget the heroism of the men and women on Flight 93 who resisted the highjackers and brought down that plane, which may well have been headed in our direction. It is in their spirit that this amendment should be considered. The flight crew isn't a passive target. It is an active force that can fight back against anyone who seeks to hijack a plane or use it as a weapon ever again.

Of course we need to secure the cockpit door. Of course we need to make sure that the passengers are screened effectively for weapons. Of course we need to have high-quality, well-trained air marshals on our flights. But we should also take this sane, sensible step of training and equipping our flight crews, who we already entrust with our lives, with the tools they need to protect us.

I strongly support this amendment.

Mr. SPECTER. Madam President, I am unable to support the amendment by my colleagues Senator SMITH and Senator BOXER to arm pilots on commercial flights because I am concerned that such a proposal would invite gun fights in the cockpit.

I believe that federal air marshals are the individuals best suited to handle any terrorist situation which might arise on a flight, and am fully supportive of providing the financial resources necessary to hire additional air marshals. Although this amendment would provide significant training for pilots to handle firearms, I remain concerned that in an emergency situation their concentration should be focused on flying the plane, not dealing with attackers in the passenger cabin.

I do strongly support the provision in the amendment which would provide self-defense training for flight attendants, however I simply do not believe it is worth the risk to have the availability of guns in the cockpit which could fall into terrorist hands.

Mr. HATCH. Madam President, I rise today in support of the amendment offered by my friend and colleague, Senator BOB SMITH, the Arming Pilots Against Terrorism and Cabin Defense Act of 2002. This amendment sends a strong message to would-be terrorists and acts as a significant deterrent against the hijacking of America's planes.

As a last line of defense in potential terrorist attacks, I believe that pilots who want to should have the ability to carry firearms in order to defend the cockpit. This is a policy that makes sense. An overwhelming majority of the American public supports arming pilots. Counterterrorism experts believe that firearms are the best deterrent when it comes to cockpit security.

I have heard from large numbers of pilots and constituents from my home state of Utah who advocate for the ability of pilots to carry guns to protect the cockpit. It is my hope that this amendment will help ensure that all who travel on airlines feel safe, including pilots, flight attendants, and most importantly, the public. While I support the right of pilots to carry weapons on-board aircraft, at the same time, it is important for them to receive the proper training to be able to discharge a firearm in the cockpit safely and effectively.

I also support the language in this amendment that exempts the airlines and pilots from liability as they attempt to defend our airplanes. This is an industry that has been struggling, even before the tragic events of September 11th. We must not further burden these companies with what could eventually be frivolous lawsuits that would endanger the domestic airline industries very existence. I am encouraged to see that this important issue is addressed in Senator SMITH's amendment.

I must add that, while there are many worthy aspects to this amendment, portions of it give me pause. The foremost issue is who bears the burden of its cost. At a time when Congress has critically-important decisions to make as we face our responsibility to improve our national aviation and homeland security procedures, we must balance those responsibilities with our commitment that many of us made to our constituents to spend within our means and avoid increased deficit spending.

This amendment could have serious unintended consequences. As part of our nation's aviation and homeland security policy, the Federal Government is already paying for Federal air marshals, the federalization of the baggage screening process, and reinforced cockpit doors. These are important safety measures that I strongly support. The Transportation Security Administration estimates this amendment will initially cost approximately $884 million, of which the majority, $865 million, will go to pay for training, requalification, equipment, background checks, program management, and direct course costs for 85,000 pilots over a period of two years. And at least $264 million of the $885 million will be recurring costs. Furthermore, an additional $16.5 million will need to be allocated for the purchase and installation of gun storage boxes on airplanes. That being said, I don't think that the airline industry can afford to pay these training costs either.

Serious questions must be raised about having the Federal Government shouldering the costs of training. The amendment not only allows for pilots to be trained, but flight attendants as well. I strongly support the ability of these individuals to carry weapons onboard planes after they have received proper training, I am concerned about the Federal Government picking up the tab.

While I have reservations over a few of the provisions of this bill, on the other hand, it can readily be argued that no legislation allowing pilots to be armed if they wish might compromise the safety of our skies. This is not a perfect piece of legislation, but on balance, I think it is a needed one. I will vote for this amendment in order to take an additional step to help ensure the safety of our airlines and urge my colleagues to do the same.

Mr. THURMOND. Madam President, I rise today in support of the amendment to establish a program to permit pilots to defend their aircraft against acts of criminal violence or air piracy. This legislation will provide a critical last line of defense to secure commercial aircraft, allowing qualified pilots to carry firearms.

The legislation requires the Under Secretary of Transportation for Security to establish a program not later than 90 days after the date of enactment to deputize qualified volunteer pilots as Federal law enforcement officers to defend the cockpits of commercial aircraft in flight against acts of criminal violence or air piracy. Pilots who are deputized will be known as "Federal Flight Deck Officers" and will be authorized to carry a firearm and use force—including deadly force—against an individual in defense of an aircraft.

I was disappointed that the Department of Transportation initially opposed this effort. Recently the Department has indicated its support for a limited pilot program. While important steps to improve the security of our airports and protect the flying public have been taken, the tragic events of last September 11th demonstrated our enemies will stop at nothing to inflict harm on Americans and destroy our way of life. Our response must be equally as determined and resolute. We must not take half measures or engage in wishful thinking. We must not refrain from utilizing every tool we possess. We must enable those who pilot commercial passenger aircraft to defend against any threat and protect the safety of their aircraft and passengers. And finally, we must do so without further delay. This amendment properly addresses those concerns and I strongly support its passage.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. We are very close to having a vote on this amendment. Senators BOXER and SMITH worked out the problem with the Commerce Committee. I am grateful for that. The only speaker I know of is Senator MURKOWSKI, who wishes to speak for about 5 minutes on this issue.

I ask unanimous consent that as soon as he completes his statement, the Senator from California be recognized to modify her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I also ask unanimous consent that the Senate then vote with respect to the Reid for Boxer-Smith amendment No. 4492; that upon disposition of that amendment, the Smith amendment No. 4491, as amended, if amended, be agreed to, and the motion to reconsider be laid upon the table, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. So Members should be advised that at approximately 4:55 there will be a vote.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Madam President, I didn't hear the time of the vote.

Mr. REID. As soon as the Senator has finished.

Mr. MURKOWSKI. Madam President, I am proud to join Senator SMITH, Senator BOXER, and others. I was one of the original Members joining Senator SMITH in this effort, which allows commercial pilots the right to carry firearms in defense of their aircraft.

We have heard the explanation given time and again, if indeed an aircraft is hijacked and you happen to be on that plane, that there is the authority to take that airplane down with a military jet, an F–16, or whatever. I think any Member, if asked would they support having the pilot in command of the aircraft having a weapon of some kind, a handgun, as a last line of defense, that virtually every Member of this body would say absolutely, anything other than the alternative, which would be to take the aircraft down.

I have listened to the debate here off and on today, and I would like to comment a little bit. The Senator from South Carolina is interested in the secure doors.

Some of the airlines are putting secure doors on their aircraft. They are doing it currently at their own expense. I just took a flight across the country, and the cockpit door was opened six times by either the pilot or copilot on a 5½ hour flight. At least two times it was opened to provide food access into the cockpit. So that cockpit door was opened eight times during that flight.

That is the harsh reality. We do not have the capability to feed nor to provide restroom facilities for the crew. We are certainly not going to retrofit all the aircraft in the skies immediately with those capabilities in the cockpit. So we are going to have the potential risk.

While those who perhaps commute short distances feel secure because of a closed cockpit, we do not have that on a cross-country flight. That is the harsh reality.

It is also apparent, as the Senator from Arizona pointed out, that there is some difficulty in implementing the program. The idea of secure doors and the question of who pays for it, obviously, are concerns of the airline industry. How the guns are managed, if you will, is a concern of the airlines. Their business, obviously, is reducing the amount of administrative authority they can, but our job is protecting the public.

If, indeed, history proves itself, as it appears to have done in a couple of instances, one occurred on a FedEx cargo plane. During takeoff, the crew was overpowered by an individual who was a crew member who happened to be deadheading on the flight, and he attacked them with a hammer. There was a tremendous fight in the cockpit. This aircraft was fully loaded with fuel and freight, but the crew managed to subdue this individual with the weapon they were able to take away from the individual who initiated the attack and land that aircraft safely. It was a hammer. It was very bloody. Nevertheless, it proved that the crew was willing to do whatever they could to stop that aircraft from crashing. I gather it was to crash into some of the FedEx facilities.

If we look at the concerns expressed in the general discussion about secure doors, we cannot secure the door; it is going to be opened from time to time. There is talk about changing the air pressure of the aircraft by puncturing the hull. An air marshal is obviously trained. If there is an altercation of some nature, there is as much chance of penetrating the hull by him. Evidence has shown there is not an explosion, there is a decompression, and a decompression is manageable by the cockpit crew.

As we look at the alternatives, it is clear that the airlines oppose this because they are not in the business of managing guns. Their bottom line is transporting passengers. It does create problems. But if we look at how we are implementing the security program in this country, it was not very well thought out. I am not suggesting that as an example. Nevertheless, we are looking at a first rather I should say last line of defense which is probably more correct.

We have debated this back and forth. We as legislators, and certainly as passengers, have to recognize we trust the flight crew with our very safety and security, and we should give them all the tools to complete that task. That is the reason I am standing with my friend, Senator SMITH, on this legislation. It is first and foremost an attempt to increase the level of safety aboard our commercial airliners.

My State of Alaska has many small planes. There are firearms available for various reasons: If the plane goes down or if a passenger attempts to overcome the crew. As we look at the question of guns in the cockpit, there is a great inconsistency. One is the inconsistency associated with sky marshals, and the other is associated with the realization that we would simply be arming pilots who are highly trained.

I do not think there is any question about the substance of this amendment. It provides a greater level of safety. I think most of the pilots would agree they, too, want to have this capability and are prepared to use it in an appropriate manner.

I do not take this legislation lightly. This amendment does not cavalierly attempt to hand out guns to flight crews, and wish them the best.

Because of September 11, 2001, and the tactics used by the hijackers that day, we must change the way aircraft and passengers are protected. The amendment is an important part of that effort.

As many in this body are aware, there is a large percentage of pilots who have served in the military and law enforcement. In fact, many also serve as reservists in the different branches of the military. These pilots have been trained in the use of weaponry. Why not utilize the trained personnel already on hand?

The Airline Pilots Association supports this concept and has written to the F.B.I. requesting a program to train cockpit personnel. I have heard from many pilots in Alaska and around the country that support it. So why not further enhance the chances of passenger and aircraft survival?

I applaud the administration and this Congress for moving quickly to secure cockpit cabins, adding needed Sky Marshals, improving airport perimeter security, training screening personnel, and increasing flight deck security.

But we must also afford passengers the utmost in security after the plane has cleared the runway. Arming pilots is not the only solution, but it is an important component.

The pilots know they need it. The passengers will support it. And this Congress should pass it. I encourage my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to add Senators TIM HUTCHINSON, CRAIG THOMAS, and STROM THURMOND as original cosponsors, and I thank my colleague from South Carolina for his cooperation. I appreciate it very much. I again thank my colleague, Senator BOXER, for her leadership, and I thank Senator REID for his cooperation as well.

Mr. HOLLINGS. I thank the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 4492, AS FURTHER MODIFIED

Mrs. BOXER. Mr. President, we are about to vote in 2 minutes. I am going to wrap up in 2 minutes. I send a modification of my amendment to the desk. I want to explain to my colleagues that this is a modification that has been written by Senator HOLLINGS. It will result in the cockpit door remaining closed during the flight except for mechanical emergencies or physiological emergencies.

This is an issue on which Senator HOLLINGS has been a very strong and sometimes lone voice. We are very proud to accommodate him, and we hope, therefore, he will be with us on this vote.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 4492), as further modified, is as follows:

At the end of the amendment add the following:

SECTION 1. PROHIBITION ON OPENING COCKPIT DOORS IN FLIGHT.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

Sec. 44917. Prohibition on opening cockpit doors in flight

"(a) IN GENERAL.—The door to the flight deck of any aircraft engaged in passenger air transportation or interstate air transportation that is required to have a door between the passenger and pilot compartment under title 14, Code of Federal Regulations, shall remain closed and locked at all times during flight except for mechanical or physiological emergencies.

"(b) MANTRAP DOOR EXCEPTION.—It shall not be a violation of subsection (a) for an authorized person to enter or leave the flight deck during flight of any aircraft described in subsection (a) that is equipped with double doors between the flight deck and the passenger compartment that are designed so that—

"(1) any person entering or leaving the flight deck is required to lock the first door through which that person passes before the second door can be opened; and

"(2) the flight crew is able to monitor by remote camera the area between the 2 doors and prevent the door to the flight deck from being unlocked from that area.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44916 the following:

"44917. Prohibition on opening cockpit doors in flight."

Mrs. BOXER. Mr. President, in closing this debate, I thank everyone, particularly Senator SMITH for his amazing work.

I ask unanimous consent that Senator BAUCUS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I say to the flight attendants and the pilots who worked so hard to help us get this to a vote today: Your work will be rewarded. You are, in many cases, the last line of defense with the fact that our security checkpoints are failing, unfortunately. They are doing better, but they are not where they should be, and contraband is getting on to the planes, coupled with the fact that our military has orders to shoot down a plane that has been taken over by hijackers. Let's give this program a chance. Let's give people a chance to save their lives and the lives of the crew, the passengers and, frankly, the people on the ground.

This is important for homeland security, to make sure we are doing everything to avoid another 9/11. I ask for an aye vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before we vote—and the vote will occur momentarily—I have spoken to the majority leader, and this will be the last vote tonight. I will also indicate the majority leader has indicated we will come in on Monday at 12 o'clock. We will have an hour of morning business, and at 1 o'clock we will vote on a judicial nomination, or if we do not work something out on the cloture motion that was filed today, we will vote on that on Monday. We will have a pro forma session in the morning, and that would ripen on Monday.

We are going to have to vote on Monday at 1 o'clock either on a judicial nomination or cloture on drought assistance.

I appreciate everyone's cooperation today. We have been able to move forward two very important amendments on this very important legislation. I have spoken with Senator THOMPSON. We have not cleared this with Senator BYRD and others. We want to make sure Senator THOMPSON has the first amendment when we come back on Monday, and following that, Senator BYRD will have the next amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4492, as further modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN), and the Senator from New Jersey (Mr. TORRICELLI), are necessarily absent.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Nevada (Mr. ENSIGN), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING), would vote "yea"

The result was announced—yeas 87, nays 6, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—87

Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—6

Chafee
Corzine
Jeffords
Kennedy
Reed
Specter

NOT VOTING—7

Akaka
Biden
Bunning
Ensign
Harkin
Helms
Torricelli

The amendment (No. 4492), as further modified, was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4491, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 4491, as amended, is agreed to, and the motion to reconsider is laid on the table.

The amendment (No. 4491), as amended, was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I am pleased to join with Senator BAYH in offering an amendment to the homeland security bill.

It is a straighforward amendment designed to improve and strengthen the protection of our Department of Defense installations which contain the storage and destruction facilities for our Nation's chemical agent and munitions stockpile.

Prior to September 11, no temporary flight restrictions existed for any of our Nation's chemical weapons stockpile sites. Secretary Rumsfeld took quick action after September 11 to establish temporary flight restrictions at each of these sites, but numerous violations of these flight restrictions have occurred.

In the case of the Anniston Chemical Destruction Facility and storage site, 22 violations have occurred since flight restrictions were implemented by the Department of Defense. The latest was just today when a Lear-type jet flew over the incineration facility at less than 1000 feet. Another violation that caused great concern was a night time over-flight which included 3 passes by an unidentified aircraft.

These incursions are serious matters. Current law provides for stiff penalties to be levied against those who violate restricted air space. In the case of our chemical weapons storage sites and weapons destruction facilities, we must be ever vigilant. That is what this amendment seeks to do by:

First, requiring the Secretary of Defense to review the current temporary flight restrictions to determine if they are sufficient to provide maximum protection to these facilities from potential airborne threats and to report his findings to Congress.

Second, the amendment would require the FAA to issue a report on each violation of the temporary flight restrictions which apply to these sites. Mr. President, as I have stated, very serious penalties already exist for those who violate these restrictions. Given the tremendous danger to the workers and local citizens associated with any unintentional crash or intentional act at any one of these storage sites, I believe this amendment is both reasonable and prudent in requiring the FAA to report on actions taken in response to a confirmed and properly investigated restricted airspace violation.

Lastly, in the amendment we ask the Secretary of Defense to assess the use of periodic air patrols and military flight training exercises in terms of their effectiveness as a deterrent to airspace violations or other potential airborne threats to these facilities.

While little, if anything, could be done to stop someone intent on attacking one of these storage sites from the air, we should take every step to make sure that these flight restrictions are respected and violators are punished. This amendment is about safety, enforcement of the law, and, ultimately, protection of our citizens who live in close proximity to these chemical weapons facilities.

MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent I be allowed to proceed as in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

The Senator from Alabama.

THE NOMINATION OF PRISCILLA OWEN

Mr. SESSIONS. Mr. President, we had a very sad day today. The Senate Judiciary Committee, on a party-line, partisan vote of 10 to 9, voted down the nomination of Priscilla Owen, a justice on the Texas Supreme Court, for a position on the Fifth Circuit Court of Appeals.

Having practiced many years in Federal court, 15 years full-time as a Federal prosecutor, I care about the Federal courts. I want it to be the very best it can be. I believe deeply in the rule of law in America. I believe it is a tradition we have to cherish and turn over to our children and our grandchildren, so that it has the same strength, moral coherence, and integrity that it has always had.

In fact, most of the nations around the world today that are struggling so badly—the Third World nations—are not struggling because their people will not work or because they do not have resources. Too often, it is generally because there is no legal system that can operate where people can make loans and expect them to be repaid, or where they can own property and not have it stolen from them. So the legal system is exceedingly important.

What happened this morning—and it was particularly tragic—represents a culmination of a decision, apparently reached a year or so ago, when President Bush was elected, and three liberal activist professors—Laurence Tribe, Cass Sunstein, and Marcia Greenberger—met with the Democratic Conference to discuss judicial nominations. And they asserted that President Bush had won by only a small margin and, therefore, he did not have the same authority that other Presidents had to nominate judges, forgetting, of course, that the total vote percentage received by President Clinton, I believe, was only about 44 percent. President Bush got a larger percentage of the American vote than Clinton did.

But at any rate, these professors set about to deliberately alter the confirmation ground rules. In fact, a newspaper—I believe the New York Times—reported that they had met to discuss changing the ground rules on the nominations of Federal judges. And it was a real serious thing.

So, well, that is politics. You hear those kinds of things.

You wouldn't think that the decisions we have used since the founding of this Republic, certainly in the last 60 years of anybody's recognition here of the normal way things are done, would be changed significantly, but I am afraid we may be wrong. We may be seeing significant change. I am hopeful that is not the case. Maybe we can turn it around. Maybe it is not too late. But today's vote was very disturbing because we had one of the finest nominees ever to come before this Senate, a nominee that clearly had the votes to pass on the floor of the Senate but was voted down in committee, blocked from coming to the floor of the Senate so we could have a full airing and a full vote.

We had some hearings in the Judiciary Committee and subcommittees on how to change the ground rules. Some liberals, including law professors alleged in one of the hearings that one out of every four Supreme Court nominees during the first 100 years of this country were voted down because of ideology. We have checked that in detail and researched those allegations, and that is just not true. They suggested that the burden should lie on the nominee to prove him or herself worthy. We demonstrated that history did not support that position. They asserted that the Supreme Court of the

United States is a right-wing Court and that ideology drives what they do, undermining respect for the law. I reject that characterization of the Supreme Court.

They said that the ABA ratings need to be given consideration, except in this case the nominee got a unanimously well-qualified rating, the highest possible rating of the ABA.

They said that we don't want to have a judge that would vote to overrule Roe v. Wade. We can't have a right-wing activist. And they asserted that ideology or politics is a basis for rejecting a nominee.

We had hearings on that. Lloyd Cutler, who served as counsel for two different Democratic Presidents, flatly rejected that in the hearing, made a strong statement saying this would politicize the courts. So did Griffin Bell, former Attorney General under President Jimmy Carter. They rejected this ideological approach to the judiciary, something we have never done in this Senate's history.

One thing we noticed, all of these arguments don't meet the test of logic or history or facts except one, and that was the one chosen—raw political power to vote down a nominee of extraordinary capability submitted by President Bush. We have not seen that before.

We had at one of the hearings a Democratic justice, former justice retired from the Supreme Court of Texas. He was here to support Justice Owen from Texas. He said to me after the hearing: At least for some of these nominees there was a basis to vote against them, but they have no basis to oppose Owen. They put out nothing on her.

That is a fact. Nothing was said that would undermine her ability, even if you were highly suspect of a nominee. To me, there were just no facts there. She conducted her life not politically but professionally, as a lawyer, with integrity and outstanding ability.

They said that in the first 100 years so many Supreme Court Justices were voted down on ideology. That is an absolutely untrue statement. In fact, only a few were rejected for political reasons, and sometimes those battles were pretty tough in the days of the founding of this country.

We do know that they didn't even have hearings on most of them.

They say that the burden should be on the nominee. Well, if history is to serve as a guide, we would do well to think about what we have done here. During the first 130 years of our country's history, the Senate did not even ask a nominee to come before the Senate for a hearing. The first nominee to even appear before the Senate before confirmation was Justice Harlan Fisk Stone, in 1925. Nominees did not appear regularly before the Judiciary Committee until John Marshall Harlan in 1955. Occasionally the committees asked a few nominees questions in writing, but there wasn't the kind of examinations we have today.

So it would be difficult for anyone to argue that historically we have put the burden on the nominee to prove their worthiness.

What we have always done is that the President submits people. The Senators from that home State have to approve that nominee. If they don't approve, the nominee almost universally is not confirmed. But if the home State Senators approve, it comes up before the committee, and the committee looks to see if they are extreme, if they have good integrity, if they have basic legal skills, that they have a proven record of capability and respect within the bar that would make them worthy of the position of a lifetime appointment on the bench.

The Senate is not a rubber stamp. It should not vote for every nominee, just because the President submitted that nominee. But we ought to have a basis within that traditional realm of evaluation of a nominee to vote one down. That was lacking here today.

As Senator ORRIN HATCH said: Her testimony was perhaps the finest testimony ever received in his time as chairman and ranking Republican on that committee.

Those are the facts about our history. My Democrat colleagues assert somehow that the Supreme Court of the United States is a right-wing Court and that we need a balance. We need to make sure that moderate or liberal nominees get put on for every moderate or conservative or liberal that was on there, some sort of balancing out, some sort of moderate deal. That is not the way we have done nominations. The President submits nominees. We evaluate them and see if they are worthy.

I will just ask: What is moderation? What does that mean? Does that mean you enforce half the law? You analyze it halfway? You don't make anybody mad with your ruling? You try to carve your ruling so it satisfies everybody? If the statute of limitations is run and the person wants $10,000, do you give them $5,000? Is that justice? Is that moderation? I don't think so.

This Supreme Court has faced some tough decisions. It protected the burning of an American flag and said that the act of burning a flag is free speech. The act of burning a tangible object is covered by the first amendment protection of free speech. I don't think that is good, in my personal view. But you had people such as Justice Scalia, supposedly a conservative, voting for that with others. I think it was a bad decision. But they ruled on that, this so-called right-wing Court.

They banned voluntary school prayer at high school football games. Former Judge Griffin Bell of the 11th Circuit Court of Appeals, actually originally from the Fifth Circuit Court of Appeals, and Attorney General of the United States under President Carter, once said—perhaps in jest; perhaps not—nobody ought to serve on the Supreme Court, on the Federal bench, that doesn't believe in prayer at football games.

I don't think that is a good opinion. I don't believe a voluntary prayer at a football game violates the establishment clause of the first amendment, but that is what the Supreme Court has ruled, and many other cases along that line.

They stopped the police from using heat sensors to search for marijuana-growing equipment in houses. That was pretty much considered a liberal opinion.

They struck down a law that bans virtual child pornography, which I was disappointed to see since, as a prosecutor, I know how difficult that is going to make it for prosecutors to be successful. And they reaffirmed and expanded abortion rights to include substantial protections for partial-birth abortion, this so-called right wing Supreme Court. That is a bogus argument also.

(Mr. DAYTON assumed the Chair.)

Mr. SESSIONS. Well, they said the ABA rating was the gold standard, but that didn't help them in this argument because the ABA unanimously voted that Priscilla Owen was well qualified for the Eleventh Circuit. They had seen her practice law, they had seen her as a justice of the Texas Supreme Court, and they found that she was well qualified, giving her the highest rating. The bar association, as I recall, has 15 members of the committee that actually does that vote. Heretofore, they didn't say anything about whether you were qualified, well qualified, or unqualified. Now they tell you whether or not it was unanimous. It is hard to get 15 of them to be unanimous. They select the committee that evaluates them, and it is a fairly sizable committee. Many are civil rights attorneys, some are big law firm attorneys, some are individual practitioners, and others are officials in the State bar. It is a big committee, and it is hard to get a unanimous vote of well qualified, but she was so rated.

They said: We don't want anybody who would reverse the right of a woman to have an abortion—reverse Roe v. Wade. Well, everybody knows a judge on the Fifth Circuit cannot overrule the Supreme Court's opinions on abortion. They cannot overrule any Supreme Court decision, including Roe v. Wade. In fact, the Fifth Circuit has explicitly adopted Roe v. Wade in Planned Parenthood v. Casey. Both of those are big-time, important abortion cases. They have already affirmed those.

Priscilla Owen has never voted on or opposed Roe v. Wade, as Justice Byron

White did when he was on the Court. She never called Roe v. Wade a "heavy handed judicial intervention," as Ruth Bader Ginsburg, President Clinton's nominee to the Supreme Court, did. She never voted for a statute to ban abortion, as Al Gore did, or never supported a constitutional amendment to ban abortion, as DICK GEPHARDT, the would-be Speaker of the House, has done in the past. Would all of these individuals be blackballed and fail to pass a lockstep test of the Democratic majority on the Senate Judiciary Committee if they were nominated for a Federal judgeship? I think this is going a bit far.

So we have heard that we cannot have a conservative judicial activist on the court. I agree with that. You can have people who are so conservative that they force their agenda by reinterpreting the words of statutes, as well as you can have a liberal do that. The traditional conservative theory of law is that you respect the laws passed by the legislature and enforce them as written, whether you like it or not.

Traditionally, the ideology of the left—as is dominating in our law schools today, unfortunately—is that—really, today they are getting awfully cynical—the law is truly a tool of one group to oppress another group, that words don't have any finite meaning and you can make them mean whatever you want to say, and that the law is a tool for social progress and not a protection of rights, as we have understood it.

Traditionally, in the last 30 years, most of the activism has come from the left. We have actual people who assert with quite a strong conviction that if the legislature didn't act, the court had to act. Have you ever heard that? I think we hear that pretty often. But think about it. Particularly in Federal Court when you have a lifetime-appointed judge. Well, let's see. The legislature didn't act, so now we can do whatever we want to as a judge, or as the court.

Well, if the legislature did not act, and they are the duly elected representatives of the people, then in fact they have acted, haven't they? They have decided not to act on whatever political agenda somebody has. And that does not justify a judge becoming a legislator because of that.

I think this is important also. This nominee, Priscilla Owen, has just been magnificent and disciplined in her view of the law. One of the things they complained about was her interpretation of a single Texas statute, passed by the legislature—the parental notification statute. She clearly followed the legitimate sources of law in interpreting that. She read the statute clearly. She interpreted the words of the statute using the pro-abortion cases of the U.S. Supreme Court upon which the statute was based, and it was not an act of activism. In fact, Senator DEWINE carefully analyzed these matters, and in the 12 cases under this statute—and this was the biggest point made against this fine nominee's record—in 3 of them she voted with a minority of the judges on the Texas Supreme Court. Most of the time, 9 cases, she voted with a majority.

By the way, in every case that reached the Supreme Court of Texas, the Texas law was vaguely written and difficult to interpret, and it involved a situation in which a trial judge and an intermediate court of criminal appeals had both ruled that notification of a parent had to occur before an abortion by a minor could be conducted. So she was, in each instance, voting on a case in which a trial judge saw the situation firsthand, and an intermediate court of appeals had ruled in the same way Justice Owen ruled. In each case that she ruled against the majority, she ruled in favor of the intermediate court of appeals and the trial judge—not an extreme record, trust me.

We looked at this hard. Senator DEWINE's analysis of it was very thoughtful and persuasive. Well, they say, that is bad, we don't want a parent to be notified. Some states have parental consent, where a parent has to consent to an abortion for a teenager. In some States, they have to have consent to get a tattoo, or an earring, or a nose ring, but they don't need to have consent to get an abortion. All it said was they had to tell at least one parent, unless there was an excuse not to. It did not require permission of that parent. And 82 percent of the people in this country, when polled, say they favor parental notification.

So who is extreme here? Is it the group smearing her for enforcing a rather modest Texas law, or is it the nominee herself?

Actually, her study of that was very carefully done, I thought, and actually utilized definitions in the U.S. Supreme Court opinion to help clarify the definitional tools of Texas law on the correct presumption that when Texas had the parental notification law, they tried to make it compatible with the Supreme Court ruling, which is what a great judge does.

Well, only the most extreme liberal groups such as NARAL, Planned Parenthood, and the ACLU, that have been active against her, could see anything wrong in this, in my opinion.

Well, they said you can't get into politics. That is something to discuss. This nominee hardly has any politics. Senator GRAMM from Texas said when people asked her to run for the Supreme Court of Texas, she could not remember, when asked, which primary she voted in last time, Republican or Democrat.

She finished third in her class at Baylor Law School and was one of the finest litigators in Texas, well respected. When she was approached to run, she was a single mom. She gave up a highly lucrative law practice to take on the race for the supreme court. She won, and then won again, with 84 percent of the vote. She had the endorsement of every single newspaper in Texas of any size. She was an exceptional candidate in every way.

She is not a person who is a political warrior. As Senator GRAMM said, "I am a political warrior, I know what one is." This lady is not. As Senator HUTCHISON of Texas, who knows her and supports her, assures us, this is a legal professional who goes about her day trying to do the right thing.

The danger in all this, to my way of thinking, is that we are sliding into a concept that the courts in America are inherently political and they cannot be trusted to enforce the law as written. Indeed, these professors assert and many of them are teaching in law school today—and it is quite a source of debate in law school—that they believe you cannot know anything, that nothing is really knowable, that there is really no truth, that character really does not count, that there are just winners and losers. If you do not get your judge on the court, you do not win.

That is a dangerous philosophy. In fact, I raised it with Professor Laurence Tribe, the brilliant activist liberal law professor. In his written statement to our Judiciary Committee when we had hearings, he flat out said, that we might as well reject the Olympian ideal of justice under law—that an Olympian ideal was an illusory concept.

That theory is a threat to the rule of law in America, and I think we saw it played out in Committee this morning because they basically said: This lady did not agree with parental notification; we heard she was a conservative; we cannot trust her to interpret the thousands and thousands of cases that come before her. That is not true.

I practiced as a Federal prosecutor before Federal judges and tried hundreds of cases. I was there for years. There may be a case every now and then that a judge's philosophy of life—you would expect one more likely to buy this argument than that argument. But if you had the cases, if you had the law, if you had the authority, whether the judges were Republican, Democrat, liberal, conservative, routinely, day after day in my court and every court in America, judges followed that. This is a dangerous concept to be selling around here.

Yes, we have politics in this body. There is nothing in the Senate that is not involved in politics. Of course, we are a political body. That is not true in courts, and if it is, we are in big trouble.

Why should you respect a court if you do not believe they are enforcing the law? We have people who believe that rules of property ownership are ways to oppress people who do not have property by people who have property and that the enforcement of a deed is somehow an act of class warfare against the poor. If you do not own the property, you do not own it in America. They want to say you ought to get a part of it anyway. It is a dangerous philosophy we are about.

Mr. President, I will conclude. I feel deeply about this issue because what was unique about this rejection of this superb nominee who testified brilliantly in addition to having a brilliant record, what was most disturbing about this process was that she was ignored. Her answers were ignored, and she was just voted down—Raw power.

Maybe that is supposed to send a message to the President, but this is a real person who has a real family, who has dedicated her life to the rule of law. She is popular in her home State. She had the confidence of the President of the United States who was Governor of the State of Texas, and he knows the people in Texas. She has the support of KAY BAILEY HUTCHISON and PHIL GRAMM, the Senators from Texas, and she should have been confirmed.

The failure to do so troubles me because I am afraid we may be adopting this postmodernism view that nothing is knowable, that there is no truth, that there is no objectivity, and that there is no such a thing as a rule of law because it is all just a manipulation; that whoever has the power writes the laws to benefit themselves and oppress everybody else.

If that is what we are heading to, I think we have a problem. Maybe that is not so. Some have said: Are we going to retaliate? I have been asked a lot about that. Is that the way Republicans are going to do the Democrats if we get a Democratic President and he submits nominees?

Let me just say it this way: I do not give up. I am hoping that a number of the members of the Judiciary Committee maybe made premature commitments on this case, maybe did not realize the full consequences of their votes, and that we will not continue to see this kind of overt politicalization of the process. I think that should avert a historic alteration in the process by which we have dealt with judges in confirmation.

We have to maybe take a deep breath. I am very upset and most of the Republican members of our committee are very upset and wonder what happened.

Under President Clinton, only one nominee in 8 years was voted down in committee or on the floor of the Senate. We have already had two voted down in committee on a party-line vote, and in both cases, the nominee would have passed had they been on the floor of the Senate. In both cases, there was a majority vote on the floor of the Senate to pass them had they gotten out of committee.

This is not healthy. I respect the talent and ability and commitment of my Democratic colleagues on the Judiciary Committee, but they are very much a Northeast-West Coast group. They do not represent the legal thinking of a majority of Americans, much less a majority of the Senate.

This little group, by sticking together in lockstep fashion, have asserted and demonstrated a power to kill nominees before they even get a full vote, superb nominees such as Judge Pickering. He had been on the Federal bench for 12 years. He was No. 1 in his class in law school. He was well qualified by the American Bar Association for the Court of Appeals, and he was voted down.

I think it is a big deal. I am very frustrated about it. There is a lot of unease. I do not know of anything to do but to continue to go forward, continue to talk to my colleagues, ask them to back off; let's go back to the traditional respect given to Presidential nominees, and I think we can make progress there.

Some said a lot of nominees who received well-qualified ratings did not get voted on. True, most of those overwhelmingly had objections from home State Senators. As soon as the Democratic Members of Congress got the majority and Senator LEAHY became chairman, they asserted not only did they want to maintain that power, but they wanted to strengthen it further than they have in the past. I do not see how anybody can complain on the senatorial courtesy rule if they, in fact, are asserting not only should it be maintained but strengthened.

If President Bush nominates a judge from New York and Senator SCHUMER objects to that judge, that judge will not move and will not be confirmed even though that judge is voted well qualified. That is just the way it has been here. Sometimes it is unfair, but that is how it has been.

As Senator HATCH, who just came into the Chamber, who so ably chaired the Judiciary Committee, knows, that is just the way it has been. I do not see any call for weakening of that rule.

I would say we have a long way to go in the future to work through this unfortunate event. I hope we can. It would be a tragic event, indeed, if this Senate were to abandon its historical system of evaluating judges.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I want to congratulate my colleague Senator SESSIONS and thank him for his kind remarks today. As usual, he is one of the most articulate and eloquent spokespeople in this country with regard to the Federal Judiciary and, of course, with regard to the law in general and the rule of law. I want him to know I have a tremendous amount of respect for him and how much I enjoy working with him on the Judiciary Committee. The Senator from Alabama adds much to the Judiciary Committee. He is a terrific addition to the Committee and will leave his mark decades from now for his service in the Senate.

Mr. President, the Senator from Alabama has made a lot of points on what happened in the Judiciary Committee today, but I wanted to take a little time, as well, to address the injustice dispensed by the Judiciary Committee against Priscilla Owen of Texas. President Bush's nominee to the Fifth Circuit Court of Appeals.

The Committee defeated her nomination today. Although I am afraid it was a deal cut long before Justice Owen's hearing occurred, in defeating Justice Owen's nomination I regret that my friends on the Committee and the Senate Democrat leadership chose the path of partisanship over friendship and fairness.

The justice my colleagues dispensed is like no other the Judiciary Committee has ever inflicted. It is incomparable to any controversy raised against any nominee, Democrat or Republican. My Democrat colleagues rejected a nominee who is unblemished in every respect but for the smears of her opponents, smears which go beyond the pale of decency, distortions which are outside the bounds of cynicism and deceptions which fall below any standard of fairness, even for Washington politics and the left-wing professional lobbyists in this town.

For the first time in history, my colleagues rejected a nominee that has received the American Bar Association's unanimous rating of well-qualified, a rating that earlier this year my friends on the other side announced to be the gold standard for judicial nominees and which, of course, they now criticize because the independent body of the American Bar Association has rated President Bush's nominees as highly qualified as any we have ever seen.

I think this vote will be long remembered and regretted on both sides of the aisle.

One sample smear against Priscilla Owen of Texas came this week in one of the most outrageously false editorials I have ever read in The New York Times, but that editorial said nothing new. The editorialists apparently used only the talking points supplied by the usual suspects in Washington. Among other falsehoods, the New York Times editorial said:

> In abortion cases, Justice Owen has been resourceful about finding reasons that, despite the United States Supreme Court holdings and Texas case law, women should be denied the right to choose.

The New York Times should be ashamed of themselves—or whoever the editorial writer is who wrote this. Under the parental notice cases of which they speak, no one is denied a right to an abortion. They are absolutely wrong. Abortion rights are not implicated in the parents' right to know and to be involved in their children's most painful decision, an abortion.

Even with parental notice, every minor has a right to abortion in Texas, and no decision of Justice Priscilla Owen denies that. In fact, in Texas, minors cannot get a tattoo without parental consent, but they have an unhindered right to obtain an abortion.

Last year most members of the Judiciary Committee voted to require parental consent for 18- to 21-year-olds to get credit cards.

Such is our world, Mr. President.

This willful error by The New York Times is one example of the deceptions and distortions perpetrated on Justice Owen's exemplary record. Of course, The New York Times again repeats the falsehood that Judge Alberto Gonzalez, now our White House Counsel, called Justice Owen an activist while he was serving on the same court, when in fact the truth is that a careful review of the full record of the particular case shows he was referring to another judge who wrote another dissenting opinion. He was not referring to Justice Owen. Yet we have heard time after time the same arguments used against Justice Owen.

The New York Times was not alone in addressing Justice Owen's nomination. I am heartened to know that beyond the overwhelming support from her own home State of Texas and the scores of op-ed pieces written across the country in support of this nomination, Justice Owen's nomination to the Fifth Circuit has received editorial support from over 24 newspapers published across the Nation and across the political spectrum, including the Washington Post, the Wisconsin State Journal, the Wall Street Journal, Amarillo Globe-News, Richmond Times Dispatch, Akron Beacon Journal, The Florida Times-Union, The Philadelphia Inquirer, The Tampa Tribune, The Detroit News, The Dallas Morning News, The Denver Post, The Daily Oklahoman and the Chicago Tribune, to mention a few.

Only three newspapers, in fact, in New York, Los Angeles and San Francisco, have come out firmly against this nomination.

I ask unanimous consent that a selection of these 24 editorials in support of Justice Owen be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 24, 2002]

THE OWEN NOMINATION

The nomination of Priscilla Owen to the 5th Circuit Court of Appeals creates understandable anxiety among many liberal activists and senators. The Texas Supreme Court justice, who had a hearing yesterday before the Senate Judiciary Committee, is part of the right flank of the conservative court on which she serves. Her opinions have a certain ideological consistency that might cause some senators to vote against her on those grounds. But our own sense is that the case against her is not strong enough to warrant her rejection by the Senate. Justice Owen's nomination may be a close call, but she should be confirmed.

Justice Owen is indisputably well qualified, having served on a state supreme court for seven years and, prior to her election, having had a well-regarded law practice. So rather than attacking her qualifications, opponents have sought to portray her as a conservative judicial activist—that is, to accuse her of substituting her own views for those of policymakers and legislators. In support of this charge, they cite cases in which other Texas justices, including then-Justice Alberto Gonzales—now President Bush's White House Counsel—appear to suggest as much. But the cases they cite, by and large, posed legitimately difficult questions. While some of Justice Owen's opinions—particularly on matters related to abortion—seem rather aggressive, none seems to us beyond the range of reasonable judicial disagreement. And Mr. Gonzales, whatever disagreements they might have had, supports her nomination enthusiastically. Liberals will no doubt disagree with some opinions she would write on the 5th Circuit, but this is not the standard by which a president's lower-court nominees should be judged.

Nor is it reasonable to reject her because of campaign contributions she accepted, including those from people associated with Enron Corp. Texas has a particularly ugly system of judicial elections that taints all who participate in it. State rules permit judges to sit on cases in which parties or lawyers have also been donors—as Justice Owen did with Enron. Judicial elections are a bad idea, and letting judges hear cases from people who have given them money is wrong. But Justice Owen didn't write the rules and has supported a more reasonable system.

Justice Owen was one of President Bush's initial crop of 11 appeals court nominees, sent to the Senate in May of last year. Of these, only three have been confirmed so far, and six have not even had the courtesy of a hearing. The fact that President Clinton's nominees were subjected to similar mistreatment does not excuse it. In Justice Owen's case, the long wait has produced no great surprise. She is still a conservative. And that is still not a good reason to vote her down.

[From the Dallas Morning News, July 25, 2002]

OWEN NOMINATION; CRITICS ARE DISTORTING TEXAN'S RECORD

After hearing U.S. Court of Appeals candidate Priscilla Owen vilified in recent weeks—called everything from racist to anti-abortion to (gasp!) pro-business—the members of the Senate Judiciary Committee got the chance Tuesday to see for themselves what all the fuss is about. And, after a year in the deep freeze, the 47-year-old Texas Supreme Court justice finally got the chance to defend herself against liberal critics who have distorted her record and character in a bare-knuckled attempt to keep her off the 5th Circuit Court of Appeals.

One of the biggest distortions is that Justice Owen is a "Judicial activist" intent on bending and twisting statutes to fit a rigid political agenda. That is the view of Sen. Richard Durbin, a Democrat from Illinois, who tore into Justice Owen for what he said was a tendency to "expand and embellish" in her written opinions. Democratic Sen. Dianne Feinstein of California was more polite but just as direct when she asked Justice Owen point-blank if she was, in fact, a "judicial activist." Justice Owen's response suggests that the Baylor Law School graduate is absolutely clear on what position she is applying for. She has no desire to legislate from the bench, she told Sen. Feinstein. If confirmed, she said, she would do only what the job calls for: interpret the law as written.

Justice Owen can be trusted to do exactly that, say those in Texas legal circles who know her best. Her supporters include Republicans and Democrats alike, and their vote of confidence should count for something—especially when weighed against the smear campaign engaged by the lobbies of the left.

As for Justice Owen's personal views on abortion, or on any issue, they remain totally irrelevant. By all accounts, she has spend the last eight years on the Texas high court doing precisely what she this week promised the Judiciary Committee she would continue to do at the federal level.

Those who oppose a judicial nominee have every right to challenge the nominee. But they do not have the right to—in legal terms—"assume facts not in evidence." For all their political games, grandstanding and name-calling, the assembled critics of Priscilla Owen have presented nothing to discredit her.

The committee should do its best to rectify this situation by scheduling a vote without further delay and approving Justice Owen's nomination.

[From the Florida Times-Union, July 26, 2000]

A FINE CHOICE

Using legitimate criteria—judicial expertise, temperament and reputation—there is no finer candidate for a spot on a federal appeals court than Priscilla Owen, whose nomination was the subject of committee hearings this week.

Owen, an honors graduate who earned the highest grade on the bar exam, has served with distinction on the Texas Supreme Court since 1994—and is so respected that every major newspaper in Texas endorsed her successful campaign for reelection in 2000.

After she was nominated for the 5th Circuit Court of Appeals, the American Bar Association unanimously gave her the highest possible rating for the job—no small matter since the Senate Judicial Committee chairman said previously that the ABA's rating is 'the gold standard by which judicial candidates are judged.' A bipartisan group of 15 past Texas Bar presidents endorsed her nomination, as have Democratic former justices.

Still, her nomination is in trouble because she is deemed insufficiently liberal by a few fringe special-interest groups that have considerable influence with the Senate's Democratic leadership.

The main complaint revolves around cases in which young girls wanted to have an abortion without either parent's knowledge.

Under Texas law, a parent must be told unless a judge rules a girl is sufficiently mature and informed to make the decision alone.

Owen contended some youngsters were not informed sufficiently.

That, extremist, pro-abortion groups say, proves Owen is a 'judicial activist' who makes rulings based on ideology instead of what the law actually says. Never mind that they have enthusiastically supported judicial activism in the past and that Roe vs. Wade, the decision legalizing abortion, was in itself a blatant act of judicial activism.

Owen is under fire not because she is a judicial activist but because she is perceived as a conservative activist.

The facts are, however, that Owen based her opinion on U.S. Supreme court guidelines—and the author of the law said she had interpreted it the way the legislature intended.

Parental notification laws are designed not just to protect children but also to keep pedophiles from coercing their young victims into destroying the evidence before they can be arrested, tried and locked up. They are not something that the courts should routinely circumvent, except under rather limited conditions prescribed by law.

Critics complain, less vociferously, about other Owen opinions—that a person shouldn't collect insurance benefits on a house a spouse destroyed by arson, for example. That, critics insist, proves she is too pro-business. But why should an arsonist be allowed to profit from his own crime?

The appointment is being scandalously politicized. Owen deserves better. More importantly, the American people deserve better.

[From the Wisconsin State Journal, July 29, 2002]

OWEN IS QUALIFIED FOR FEDERAL BENCH

Feingold and Kohl should stop their Senate Colleagues from "borking" Priscilla Owen. Why should Wisconsinites care about Texas Supreme Court Justice Priscilla Owen, nominated by President Bush to the 5th U.S. Circuit Court of Appeals?

Because "borking"—judging a judicial nominee on political and ideological grounds rather than qualifications—is ugly no matter which party is doing it and must be stopped.

Because Wisconsin's two senators, Herb Kohl and Russ Feingold, sit on the Senate Judiciary Committee, where the "borking" of Owen is under way. If these two Democrats take the high road and approve Owen even though (horrors!) she is a conservative, their courage could persuade their Senate colleagues to give up this nasty practice. The charge against Owen is being led by the extremist wing of the abortion-on-demand crowd, who are incensed that Owen voted several times to uphold a Texas law that allows teens to get abortions without notifying their parents only in extreme circumstances.

Polls show that a majority of Americans support parental notification laws, and the U.S. Supreme Court has ruled that such laws do not violate the terms established by Roe vs. Wade. Nonetheless, National Abortion Rights Action League President Kate Michelman called Owen "someone who exemplifies the most extreme hostility to reproductive rights of any of the nominees that President Bush has named." My, my.

Other groups complain that Owen's rulings show her to be anti-consumer, anti-worker and pro-business. They say she too often voted to overturn huge jury verdicts in malpractice and product-liability cases. Considering that Texas juries' propensity for handing down outrageous verdicts makes the state a favorite filing-ground for trial attorneys pursuing dubious liability cases, Owen should be applauded for attempting to apply the brakes.

They say she is a "judicial activist" who will try to legislate from the bench. But when U.S. Sen. Dianne Feinstein, D-California, asked her about that charge, Owen responded "If I am confirmed, I will do my utmost to apply the statutes you have written as you have written them, not as I would have written them or others might want me to interpret them."

But none of this should matter much to the Senate Judiciary Committee, which is supposed to examine a nominee's qualifications, fitness for office, and temperament. No one has questioned (yet) her temperament; her qualifications include graduating cum laude from Baylor Law School, getting the top score on the Texas Bar Exam, practicing commercial litigation for 17 years before winning election to the Texas Supreme Court, and getting a unanimous "well-qualified" rating from the American Bar Association's Committee on the Federal Judiciary.

Every president has the right to nominate whomever he wants to the federal judiciary. The Senate has the right to grill the nominees over their qualifications, temperament, and fitness for office. Presumably it's that latter term that some senators believe justifies "borking" Owen on abortion rights, etc.

But it's still wrong.

Feingold knows it. That's why he made his courageous vote to confirm John Ashcroft as U.S. attorney general. Feingold didn't like Ashcroft's right-wing politics, but he believed in a president's right to choose his own nominees. Feingold was right.

Feingold and Kohl should both vote to confirm Owen, and should try to convince their colleagues to do likewise. She is well qualified, and that's all that should count.

[From the Chicago Tribune, Aug. 20, 2002]

IDEOLOGUES VS. JUSTICE OWEN

At least since the 1987 battle over Robert Bork's nomination to the Supreme Court, judicial appointments have been a major arena for conflict in Washington. It doesn't matter if the White House is in Republican hands and the Senate under Democratic control, or the other way around: Whenever a nominee can be tarred as extreme, unethical or incompetent, ideologues paint the most appalling picture in the hope of killing the appointment.

It's not a good way to find the truth or to select good judges. Instead, it fosters irresponsible distortion and discourages strong-minded individuals from accepting judicial posts, while rewarding lawyers whose chief talent is never doing anything, good or bad, to make enemies. The latest fight is over Priscilla Owen, a Texas Supreme Court justice chosen by President Bush for the 5th Circuit Court of Appeals. She got the highest rating from the American Bar Association. To get that endorsement, says the ABA, a nominee "must be at the top of the legal profession in his or her legal community, have outstanding legal ability, breadth of experience, the highest reputation for integrity and either have demonstrated, or exhibited the capacity for, judicial temperament."

You'd never guess any of these qualities from the attacks on Owen. Senate Democrats and liberal activists have denounced her as a right-wing ideologue and a lap dog for big corporations, particularly Enron. Their favorite evidence is a quotation from fellow Justice Alberto Gonzales, now White House counsel, accusing her of "an unconscionable act of judicial activism" in voting to deny a minor permission to get an abortion without her parents' knowledge.

But judges accuse each other of judicial activism all the time. It's safe to assume that if Gonzales distrusted Owen's instincts, he would have lobbied his boss not to choose her. Today, he says, "She will exercise judicial restraint and understands the limited role of the judiciary."

In the abortion case they disagreed about the application of a Texas law that generally requires parents to be notified. Owen, dissenting from the court's decision to grant permission, made a perfectly rational case that the majority was reading the law too liberally.

As for her views about corporations, it's not surprising that a candidate picked by a conservative president has not been hostile to private business. It's true that, in running for the office, she got campaign contributions from Enron employees and then sat on cases involving the company. But people associated with Enron gave to lots of political candidates, and Owen didn't violate any ethics rules.

Owen is just one of many Bush nominees who have been inexcusably blocked from filling vacant seats on the bench—something that also happened, with equal lack of justification, to many of President Clinton's appointees.

But the only real argument against her is that she's not the sort of choice a Democratic president would make. That's no reason Bush shouldn't have picked her, or that the Senate shouldn't confirm her.

[From the Boston Globe, July 28, 2002]

THE REAL EXTREMISTS

(By Jeff Jacoby)

Why do professional abortion-rights advocates anathematize as "antichoice" anyone who favors even minimal regulation of abortion? Their absolutism would seen as ridiculous in almost any other area of law.

For example: Americans have a fundamental right to own and use land, but no one believes that land use should be entirely untrammeled. A great body of law has developed to regulate what people do with their land—from local zoning ordinances to common law nuisance remedies to federal wetlands and endangered-species statutes. Reasonable people can and do debate the wisdom of particular regulations. But nearly everyone agrees that there must be some restrictions on an owner's right to make use of his property. Only a crank would argue that to favor any sort of limitation at all is to be "anti-ownership" or an enemy of landholders.

To take another example, Americans have the constitutional freedom to express their views in public. But no one takes the First Amendment to mean that self-expression may never be restricted. Your right to free speech does not authorize you to utter slander, to threaten the life of the president, to falsely shout "fire!" in a crowed theater, or to give perjured testimony in court.

Yet when it comes to abortion, there is no such thing as a reasonable restriction—not to the abortion-right spokeswomen whom we invariably hear from whenever the issue comes up. A 24-hour waiting period? Pre-abortion counseling to discuss possible risks or alternatives? Parental notification when a minor wants an abortion? A ban on partial-birth abortions? The politician who calls for such limits or the judge who upholds them can count on being slammed as a threat to "reproductive rights" and a foe of "choice."

Just ask Priscilla Owen, the Texas Supreme Court justice nominated by President Bush to the Fifth Circuit US Court of Appeals. She is by most accounts a restrained and thoughtful judge; the American Bar Association unanimously pronounced her "well qualified." But because in several teen-abortion cases she ruled that parental notification was required, she is being excoriated. Planned Parenthood calls her an "anti-choice extremist." The National Organization for Women accuses her of "disdaining women's rights." The National Abortion Rights Action League says she "exemplifies the most extreme hostility to reproductive rights."

But who are the real extremists here? In a new analysis, the Gallup News Service reports that "in general, polling shows wide public support for parental consent laws—policies that are even more restrictive than parental notification." In 1996, a Gallup survey found 74 percent of Americans in favor of requiring parental consent for a minor's abortion. Since then, the level of support has gone even higher. In a 1998 CBS/New York Times poll, 78 percent wanted parental consent. And in a Los Angeles Times survey two years after that, the figure was 82 percent.

Justice Owen insists her rulings are based on Texas law, not her own personal views. But if they do reflect her personal views, she clearly has lots of company. Are more than four Americans in five "anti-choice extremists?" Or is it NARAL, NOW, and Planned Parenthood that are far outside the mainstream?

In poll after poll, a majority of respondents say that, as a general rule, abortion should remain legal and the government should not interfere with a woman's right to end her pregnancy. But when asked about restricting abortion in specific ways or circumstances, they often say yes.

Thus, 86 percent of Americans would make abortion illegal in the third trimester (Gallup, 2000), and 63 percent would vote to ban partial-birth abortions. Mandatory pre-abortion counseling is favored by 86 percent of the public (Gallup 1996); a 24-hour waiting period by 79 percent (CBS/New York Times, 1998). (These all presuppose a healthy mother and child; Americans overwhelming support legal abortion when the mother's health is seriously threatened or when there is likely to be a serious defect in the baby.)

It makes sense that the public does not regard these limitations as unreasonable. Americans recognize that abortion is too serious and tragic to be undertaken lightly. They know that the pro-life slogan "Abortion stops a beating heart" is a statement of fact. So while they support reproductive rights, they do not support unfettered abortion on demand, for any reason at any time.

But that is largely what organizations like NARAL, NOW, and Planned Parenthood do support, which is why they vigorously oppose the kinds of abortion regulations that most Americans would endorse. That is their right, of course. But why should their radical viewpoint be the standard for defining "prochoice?" Prochoice is what most Americans are: In favor of the right to choose, but also in favor of common-sense limits on that right. For NARAL & Co. we need a more accurate term. I'd suggest "pro-abortion."

[From the Chicago Tribune, Aug. 22, 2002]

A Conservative Judge's 'Judicial Activism'

Priscilla Owen is not a household name across America, but she has achieved an amazing level of notoriety among left-leaning interest groups, who regard her much as Dalmatian owners view Cruella De Vil. The Texas Supreme Court justice became their Public Enemy of the Month by doing two things: 1) compiling a judicial record that can fairly be described as conservative, and 2) being nominated to the 5th Circuit Court of Appeals by President Bush.

Those offenses were all it took to unleash a torrent of invective against Owen, whose nomination is awaiting Senate action. Ralph Neas, president of People for the American Way, denounced her as an "ultraconservative." The National Abortion and Reproductive Rights Action League said she's possessed by "a strong personal bias against the right to choose that renders her unable to follow the law." The most frequently heard criticism is not from liberals but from a conservative—White House counsel and former Texas Supreme Court Justice Alberto Gonzales, who is quoted as having accused Owen of "an unconscionable act of judicial activism" in how she handled one abortion case. That charge is supposed to prove that she's not only too conservative for liberals, but too conservative for conservatives.

What her opponents don't publicize is that from all evidence, Owen is an excellent lawyer and judge. Fifteen former presidents of the Texas State Bar wrote the Senate Judiciary Committee to announce that though "we profess different party affiliations and span the spectrum of views of legal and political issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate."

The American Bar Association, which is not regarded as a dear friend by conservatives agrees. Its Standing Committee on the Federal Judiciary unanimously rated Owen "well-qualified." That's the highest score the ABA evaluators give, and they don't hand it out to just anybody who can pass the bar exam and tie her own shoes.

"To merit a rating of 'well-qualified,'" the ABA explains, "the nominee must be at the top of the legal profession in his or her legal community, have outstanding legal ability, breadth of experience, the highest reputation for integrity and either have demonstrated, or exhibited the capacity for, judicial temperament." This portrait of Owen doesn't quite match the drooling Neanderthal depicted by her critics.

The judicial activist charge is also hard to square with reality. In the case cited by critics, where Gonzales affixed the label on three dissenting justices, he was clearly beholding the mote in his brother' eye while ignoring the beam in his own.

The dispute involved a 17-year-old high school student who wanted to get an abortion without notifying either of her parents, as required under Texas law. A minor may get a judge to waive the requirement if she can show that she is "mature and sufficiently well-informed" to make the decision alone (or to prevent abuse, which was not an issue).

"Mature" and "well-informed" are not terms of mathematical precision, leaving some room for interpretation. But after hearing her testify, a trial court judge ruled that the girl was not sufficiently well-informed. An appeals court reached the same conclusion. Without the benefit of face-to-face contact with the girl, the Texas Supreme Court overruled them.

There is no "judicial activism" in respecting the findings of a trial court judge, as Owen did. Nor is there anything startling in her view that the law was not supposed to make waivers automatic. In fact, during the legislative debate back in 1999, supporters of the proposal envisioned the bypass mainly for instances of incest and physical abuse.

Critics insisted then that the bill made it too hard to get around the notification rule. One opposing legislator predicted that if the measure passed, not a single waiver would be granted. The legislators who originally sponsored the measure filed a brief in this case, arguing that the whole point of their legislation was to "restore parents" natural authority to act as chief advisors to their minor daughters who become pregnant and seek abortions" and to assure that parents would be excluded only in "exceptional circumstances."

The Texas legislature, a conservative one, passed a restrictive law aimed mainly at assuring the involvement of parents, not preventing it. So how is it "judicial activism" for a judge to read it the way that even its critics read it during the debate? More plausibly, the activism was on the other side. Owen was not giving into the temptation to legislate from the bench, but resisting it.

If Owen had gone along with a more relaxed reading of the law, she might indeed be accused of judicial activism. But not by the people attacking her today.

[From the Wall Street Journal, September 5, 2002]

Too Smart for the Senate

Priscilla Owen isn't exactly a household name. But what happens to her today in the Senate Judiciary Committee will say a lot about President Bush's legacy in the federal courts—to wit, whether the 10 liberal Democrats who form the majority will allow him to have one.

The Gang of Ten is scheduled to vote on Judge Owen's nomination to the Fifth Circuit Court of Appeals, and she ought to be an easy sale. Currently on the Texas Supreme Court, she is one of the best legal minds of her generation and at age 47 is potential Supreme Court material. She's a conservative, but the liberal American Bar Association gave her its highest rating—a unanimous well-qualified.

There was a time that jurists of her intellectual caliber were welcomed by Senators of both parties, but no more. Barring a last-minute bout of conscience, Democrats seem ready to pull a Pickering—that is, kill Judge Owen's nomination in committee and deny her a vote of the full Senate. This was the treatment meted out to Charles Pickering Sr. last March, when the Mississippi judge's nomination was stopped before moderate Democrats got a chance to vote for him. If Judge Owen were to reach the Senate floor, she too would be confirmed with Democratic support.

Political war over judges isn't new, but the Judiciary Democrats are taking it to an entirely new level. Chairman Pat Leahy won't even schedule hearing dates for the best appeals-court nominees; six of Mr. Bush's first 11 picks are still waiting, 16 months after being nominated. That includes legal luminaries Miguel Estrada, Jeff Sutton, John Roberts and Michael McConnell, who, like Judge Owen, are potential Supreme Court candidates—which is their real sin in liberal Democratic eyes.

But maybe they're the lucky ones. Judge Pickering had to endure race-baiting that African-Americans in his home state deplored. D. Brooks Smith was confirmed, amid phony charges of sexism, only because Senator Arlen Specter called in chits for his fellow Pennsylvanian.

Judge Owen's fate is to be called "anti-abortion" because she's upheld Texas's parental-notification law—a view supported by more than two-thirds of Americans and the U.S. Supreme Court. Her critics also make the dishonest charge that even the President's own lawyer, Alberto Gonzales, who served with her on the Texas Supreme Court, thinks she's a judicial "activist," Mr.

Gonzales has denied this repeatedly, and as White House counsel had a big say in her nomination.

There's more at stake here than the fate of one accomplished jurist. There's also the Constitutional "advise and consent" process that throughout U.S. history has meant that the entire Senate should work its will. The liberal Judiciary 10 are denying to this President a Constitutional right that Presidents Reagan, Clinton and George H.W. Bush were all granted by Senates controlled by the opposite party. We hope those Senate Democrats who want to be President understand that the same thing could happen to them.

Mr. HATCH. I am heartened not just for the sake of Justice Owen, but because at her hearing I expressed alarm at the efforts by some to introduce ideology into the confirmation process. I am heartened that editorial and op-ed writers across the country reflect not only support for Justice Owen but also the near universal rejection of this misguided effort to make the independent Federal Judiciary a mere extension of the Congress, and less than the independent, coequal branch it was intended to be.

It is important to place this vote against Justice Owen's nomination in context for the American people because I know there are those who seem to justify this wrong in childlike fashion with the intellectual crutch of "they did it, too."

Let me say that we Republicans have never done what was done today. I voted against only one Clinton nominee, as I recall, but I did it standing on the Senate floor where the American people could see me, where I could be counted, not sitting in the shadows of the Judiciary Committee room.

Allow me to place this vote further in context, Mr. President. In this session so far, the Senate has confirmed 73 judges. There is much eagerness in asserting that this number now compares to the last three sessions of Congress during which I was Chairman. Although I am flattered to hear my record used as the benchmark for fairness, I am afraid this does not make for a correct comparison because I was never Chairman of the Judiciary Committee during any of the President's first 2 years in office.

I am glad to say that the proper comparison is not, as they say, about me. During the first 2 years of President Clinton's first term, when Senator BIDEN was chairman of the Judiciary Committee, the Senate confirmed 127 judicial nominees. Senator BIDEN achieved this record despite not receiving any nominee for the first 6 months. In fact, Senator BIDEN's first hearing was held on July 20 of that year, more than a week later than the first hearing this session, which occurred on July 11, 2001.

Clearly, getting started in July of year one is no barrier to the confirmation of 127 judges by the end of year two, but we have confirmed only 73 nominees in this session.

Senator BIDEN's track record during the first President Bush's first 2 years also demonstrates how a Democrat-led Senate treated a Republican President. Then-Chairman BIDEN presided over the confirmation of all but five of President Bush's 75 nominees in that first 2-year session. Chairman THURMOND's record is quite similar. The contrast to the present could hardly be more stark.

We are about to close President Bush's first 2 years in office having failed the standards set by Chairmen BIDEN and THURMOND, and that is nothing over which to be proud.

Some discredit Justice Owen's nomination by pointing to the few Clinton judges who did not get hearings when I was chairman, especially Jorge Rangel and Enrique Moreno from Texas. But that is not fair to me, and not truthful, and it has nothing to do with Justice Owen. Neither of those nominees had support of their home State Senators, and there were good reasons. This prevented me from scheduling a hearing for them and would have prevented any chairman, including Chairman LEAHY presently, from holding hearings.

In fact, these nominees lacked home senator in part because President Clinton ignored the Texas Senators and the Texas nominating commission in making their nominations. It was a legitimate complaint and one that my Democrat colleagues repeat now. Our process is when both State senators are against a judgeship nominee from their State, that judgeship nominee will not go anywhere.

This practice is not one I put in place. It was put in place under the Democrat leadership of this Judiciary Committee. Today, Democrat Senators from the State of North Carolina, California, and Michigan have prevented the Judiciary Committee presently from holding hearings on six of President Bush's nominees.

One final point on Rangel and Moreno and, for that matter, any of the Clinton judges confirmed or not: I am not a betting person, but if I were, I would bet that neither would trade places with Charles Pickering.

As important as anything we do is the way the Committee has treated the so-called controversial nominees. Their records have not only been damaged and distorted, they have been turned completely upside down, 180 degrees from the truth.

Charles Pickering came to this committee with a four-decades-old record of working in favor of civil rights. He testified against the Imperial Wizard of the Ku Klux Klan in the 1960s, at a time when doing so put him, his wife, and his children smack in the cross-hairs of a violent and unforgiving terrorist organization. That was an act of real bravery motivated by his belief in doing right.

But what happened? The hearing room and the subsequent fundraising letters echoed with the word "racist." Charles Pickering's record was completely turned upside down.

Judge Brooks Smith's true history fared no better. Judge Smith had a reputation for going out his way to assist women in the legal profession. Judge Smith received the Susan B. Anthony Award because of "his commitment to eradicating gender bias in the court system." But Judge Smith's opponents did not talk about that. In fact, they worked hard to create an impression exactly opposite by focusing not on his work as a judge but on his previous membership in a small men's fishing club. Never mind that Susan B. Anthony Award.

I might add, Mr. President, that we are pleased that Judge Smith won the approval of the vast majority of the Senators when he was given a chance to be heard on the floor after long delay. I think it would be fair to give that same chance to Priscilla Owen, and I think she would fare just as well as Judge Brooks Smith.

Today, we decided the fate of another so-called controversial nominee, and once again there is a 180-degree disconnect from the truth of Priscilla Owen's record and the yarn being woven around it. We heard today about the same handful of cases—a very few of Owen cases out of thousands. And, by the way, not only have Owen opponents selected only a few cases, ignoring many, they have distorted the cases they do cite.

Today, we heard again the stale rhetoric that Justice Owen fails plaintiffs, from those who are more interested in being more just to plaintiffs—to make it more to the point, the plaintiff's trial lawyers who are their strong supporters.

In fact, there are several leading cases that Justice Owen's detractors ignore in which she ruled for plaintiffs and against manufacturers and physicians. Think about it. Sometimes a company or employer may be right, under the law. Now, I know there are those on the other side of the aisle who think that just cannot be, as they are adamantly work on behalf of the plaintiff's trial lawyers. Sometimes businesses are right.

Of course, much of the opposition of Justice Owen has been driven by interest groups that advocate for the right to abortion. And this is becoming tremendously dominant on the Democratic side because of these outside special interest groups that have immense power. Millions and millions of dollars are put into People for the American Way and other pro-abortion groups to advocate just this cause. It is terrifying to have these groups against you, but it is the right thing to stand up against them when they are wrong. In this case, they have been wrong.

These groups have said they want judges on the bench who will read and apply and follow the Supreme Court cases in the area of the right of privacy, especially in the landmark cases of Griswold, Roe, and Casey. Yet here we have Justice Owen, the first nominee we have considered in this session who as a judge read those cases, cited them, quoted them, applied them, has followed them. Yet her record was so distorted as to make it seem she was against abortion when, to this day, I don't know where she stands on that particular issue.

Justice Owen researched the case law of abortion and has faithfully incorporated Supreme Court rulings into her decisions on a related topic in an inferior court. This shows the application of precedence that should satisfy anyone interested in upholding the Supreme Court's abortion decisions or any other decision. It was the right thing for her to do because she was bound by the law of the land. Frankly, as much as some pro-life people may not like that, she upheld the law, which is what she should have done.

Yet here she was defeated this morning, primarily on that single issue, when it really was not an issue. But it was distorted, and it was manipulated, and it was used against her in, frankly, a very despicable way.

Of course, Justice Owen's critics are not praising her for following the Supreme Court law. They are attempting to portray her as a judicial activist. The truth is, she is a judicious judge who never digresses from the rules of precedence and legal construction. She always grounds her decisions in binding authority or judicial rules of decision.

Of course, the charge that she is a judicial activist is a cynical trick of words from Washington special interest lobbyists, liberal special interest lobbyists, as well as their well-funded allies in Texas who have made their careers taking positions without letting the words of the Constitution stand between them and their political objectives.

The people of Texas, almost 84 percent of them, voted for Priscilla Owen to be reelected to the State supreme court. So she has the vast majority of the people of Texas who know what a high quality person she is. Yet these people today, the people on the committee, ignored all of that.

Why are they doing so? Ironically enough, they are doing so because they do not like the Texas statute requiring parental notice in cases of abortions for children. Justice Owen voted to give the statute some meaning. It was a poorly drafted statute where they tried to please everybody, and that is always a bad statute. As she explains in brilliant fashion in her written responses to the questions of Senators, Justice Owen sought to find that meaning in Supreme Court cases that informed the Texas legislators in adopting the notice law.

This is what any good lawyer would try to do or would know to do, let alone a good judge. She sought to give the lower courts in her State that were reaching diverse results, county to county, Supreme Court guidance.

Even Planned Parenthood's lawyer understood this. She said in a 2000 interview:

> A lot of what the Supreme Court is doing is giving guidelines to the lower courts on how to interpret the parental notification law.

Justice Owen's opponents think a minor should always be able to avoid the Texas legislators' standards. It is the groups allied against Justice Owen who are the judicial activists here, the ones who are looking to achieve in the courts an outcome that is at odds with the law passed by the duly elected legislators of the State of Texas.

The Texas legislature did not pass a judicial bypass law with some exceptions. They passed a parental notice law, and they stated that they intended the court-granted exceptions to be rare. And, in fact, in practice they are rare.

This is what Justice Owen's opponents cannot stomach. So here they are in our midst. But why? The truth is that while my colleagues' vote are entirely about an abortion litmus test, I fear the opposition to Justice Owen from the abortion lobby is not at all about abortion rights, because abortion rights are affected by a mere notice statute. The opposition to Justice Owen is not really about abortion rights, it is about abortion profits.

Simply put, the abortion industry is opposed to parental notice laws because parental notice laws place a hurdle between them and the profits from the abortion clients—not the girls who come to them but the adult men who pay for these abortions. These adult men, whose average age rises the younger the girl is, are eager not to be disclosed to parents, sometimes living down the street.

At $1,000 per abortion and nearly 1 million abortions per year, the abortion industry is as big as any corporate interest that lobbies in Washington. They not only ignore the rights of parents, they also protect sexual offenders and statutory rapists.

And who are the lobbyists for the abortion industry? They are exactly the same cast that launched an attack on Justice Owen. One wonders, as columnist Jeff Jacoby did in the Boston Globe:

> Who are the extremists on this issue?

Who is out of the mainstream? It is certainly not Justice Owen. Eighty-two percent of the American people favor consent and notice laws such as Justice Owen interpreted. In fact, 86 percent in the State of Illinois favor these laws.

I will say it again. While my colleagues are applying an abortion litmus test, the assault against Justice Owen from the outside groups was not about abortion rights, it was about abortion profits. It is not about a woman's right to an abortion. It is about assailing parental laws that threaten the men who pay for abortions. It is whether parents should at least know—not even consent to, but just know when a minor child is having an abortion paid for by an adult.

But there is another interest at play here. Justice Owen was also opposed by the trial lawyers—I should say the plaintiff's trial lawyers. It is they who keep score over judges and how they rule on consumer, environmental, and personal injury cases, all of the areas of the law from which they most profit. And it is the trial lawyers, who most fund the special interest groups, who oppose all of President Bush's nominees.

I have to say, I know a number of these great plaintiff's lawyers, and a number of them are very upstanding people. But unfortunately, the vast majority are more interested in making sure they can continue to get big verdicts than they are in doing what is just.

I do not want to malign those who are decent, honorable plaintiff's lawyers. I was one of those myself, as well as a defense lawyer. But I could not stomach this type of attitude towards the law that some of them are pushing.

In almost infantile fashion, they would portray Justice Owen as pro-this or anti-that. Professor Victor Schwartz, a leading authority on torts in this country, addresses this in a letter he sent the Judiciary Committee. After reviewing Justice Owen's record, this tort law expert concludes that Justice Owen cannot be described as pro-defendant or pro-plaintiff.

The truth is that Justice Owen functions as any judge should, as an unbiased umpire. As an umpire, Justice Owen calls the balls and the strikes as they are, not as she alone sees them and not as she wants them to be. It is silly to suggest she is pro-bat or pro-ball, pro-pitcher, or pro-batter. Of course, trial lawyers and those who shill for them have an interest in Justice Owen's score.

As she said in her hearing, she is blind to rich or poor without turning a blind eye to equity. Any Senator who met her or who attended her hearing or who read the letters from those who know her would not question her compassion and fairness.

I hoped that no Senator would cast a vote who did not meet her or who did not attend the hearing. But unfortunately I know some did.

Let's speak truth to power. Justice Owen was picked to be opposed because she is a friend of President Bush from Texas. She was opposed by an axis of profits. This axis of profits combines the money of trial lawyers and the abortion industry to fund these Washington special interest groups and spreads its influence to the halls of power in Washington and in State courts across this country.

As an aside, some estimate that one of these lobbying groups rakes in somewhere between $12 million and $15 million a year from the Hollywood crowd and others, especially the trial lawyers in this country. There is nothing on our side that even comes close to that to be able to correct the record.

The opposition against Justice Owen is intended not only to have a chilling effect on women jurists that will keep them from weighing in on exactly the sorts of cases that most invite their participation in their perspectives as women, but also on all judges in all State courts who rule on cases that trial lawyers want to win and cash in on.

Today's vote besmirched a model young woman from Texas who grew up, worked hard, and did all the right things, including repeatedly answering the call of public service at a sacrifice of personal wealth and family. I might add, she was one of the top lawyers in the country. She worked for one of the top law firms in the country. She was doing very well financially many times over what she makes as a Texas Supreme Court justice. She was a single mother who was raising her child. She goes to a church. She is in the choir in her church and helps to lead the choir. She is a decent, honorable person, and she is about as nonpolitical as anybody I have ever seen come before the Senate Judiciary Committee. Yet she has been treated very poorly indeed.

Today my Democrat colleagues voted against the American promise—the promise that anyone who works hard can serve the public trust. Such a vote, in my opinion, should not have taken place anywhere but in the light of the Senate floor, where 100 Senators would have the right to determine whether this fine woman should or should not sit on the Fifth Circuit Court of Appeals. I have to say it should have taken place in the light of the Senate floor and not in the shadows of the Judiciary Committee.

I fear, as a result of the Owen vote, a sword of Damocles has fallen on the Senate in its role of advice and consent. I hope the American people will repair the damage done to the Constitution when they vote in November.

Let me just say that when I ran for President, and I was one of those who was in the race with President Bush—whom I grew to love and respect as I was running with him or against at the time. I thought he was terrific throughout the process. I raised the issue of the importance of keeping the Federal judiciary independent, how important it is that we get the best people for these judgeship positions.

I have been on this Senate Judiciary Committee for 26 years, and I have to tell you I have not seen a better nominee come before the Judiciary Committee than Priscilla Owen. Of all the sitting judges that President Bush has nominated she is the clearly the best.

Not only is she an honorable person, but she handled herself very well at her hearing. She took a litany of bad comments from some Democrats with aplomb. She was very judicious in her approach. I have to tell you, she is one of the best people I have met in my whole time in the Senate. Yet she was treated in a shabby fashion—I think just to hurt the President, in some ways.

But, even more important than that, it was to satisfy these despicable—in this case, outside special interest groups that are extreme and far to the left of the American people. They want only people who agree with them on the courts, and do not abide with anybody who doesn't agree with them, and they have immense wealth behind them to be able to distort the wonderful record of a person such as Priscilla Owen.

I ask unanimous consent to have printed in the RECORD a statement of Senator ZELL MILLER, a Dear Colleague letter by myself concerning the New York Times editorial that I mentioned, and my published letter to the New York Times published today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILLER VOICES SUPPORT FOR TEXAS NOMINEE

WASHINGTON, DC.—U.S. Senator Zell Miller (D–GA) today issued the following statement on judicial nominee Priscilla Owen, whose nomination is expected to be voted on by the Senate Judiciary Committee on Thursday.

"Justice Owen enjoys bipartisan support in her home state of Texas, and she is a qualified jurist. I will support her nomination and I believe she deserves a vote by the full Senate. I really hope we will not begin the trend of rejecting nominees over narrow, single-issue litmus tests."

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 4, 2002.

DEAR COLLEAGUE: I am taking the unusual step of writing to the entire Congress because I am outraged about an untruthful and misleading attack on Justice Priscilla Owen that appeared on today's New York Times editorial page. I am deeply concerned that such misinformation, if given serious weight by the country's decisionmakers, could undermine the integrity both of the judiciary and the branch of government in which we are privileged to serve.

As you know, Justice Owen is a Texas Supreme Court Justice whose nomination to the Fifth Circuit Court of Appeals is currently pending before the Senate Committee on the Judiciary. The editorial, entitled "The Wrong Judge," wrongly accuses Justice Priscilla Owen of being "far from the mainstream." No doubt that charge will stun Texas voters, who have twice elected her overwhelmingly to statewide office. It should also shock all of us who serve in Congress and who therefore know that Justice Owen, whom the American Bar Association has unanimously rated "well qualified" (its highest rating), undoubtedly fits well in the mainstream of American thought. If defeated, Justice Owen will become the first judicial nominee with the ABA's highest rating to suffer that fate.

The editorial also falsely claims that Justice Owen has "ignored statutory language and substituted her own views." In truth, her record of applying the law as written is among the very best of any judicial nominee ever presented to the Senate. This is particularly true in her decisions concerning the Texas law requiring parental notification when their minor children obtain abortions. Contrary to the editorial, no one's right to choose was implicated, only the right of parents to have knowledge of, and an opportunity for involvement in, one of the most important decisions of their children's lives. In those cases, Justice Owen did exactly what any restrained judge should do: She applied the Texas statutory law as directed by the Supreme Court's cases including Roe v. Wade. Ironically, it is Justice Owen's opponents—the ones who accuse her of being an activist—who would have her ignore the legislature and the Supreme Court in order to reach a political result.

The New York Times uses similarly flawed analysis when it accuses Justice Owen of "reflexively" deciding cases in favor of "manufacturers over consumers, employers over workers and insurers over sick people." This charge is not only factually without basis, but also belies the accusation of "activism." Only someone obsessed with outcomes—rather than the law governing the particular cases—would be compelled by a mere counting up wins and losses among parties who have appeared before a judge. Working as a judge is like being an umpire; Justice Owen cannot be characterized as pro-this or pro-that any more than an umpire can be analyzed as pro-bat or pro-ball. A judge's job is to apply the law to the case at hand, not to mechanistically ensure that court victories go 50/50 for plaintiffs and defendants, consumers and corporations.

I endorse the words of my friend Senator Biden, a former Chairman of the Judiciary Committee, who said some years ago that: "[Judicial confirmation] is not about pro-life or pro-choice, conservative or liberal, it is not about Democrat or Republican. It is about intellectual and professional competence to serve as a member of the third co-equal branch of the Government."

The New York Times' attack on Justice Owen's "lack of sensitivity to judicial ethics" is also contrary to the facts. Justice Owen went above and beyond the Texas ethics rules in her last election, voluntarily setting her own stricter guidelines for fundraising. She has also advocated reforming the Texas judicial elections process in order to protect the integrity of the courts.

Ironically, the editorial attempts to deploy against Justice Owen the words of one of her biggest supporters, Alberto Gonzales, President Bush's White House Counsel. Judge Gonzales served with Justice Owen on the Texas Supreme Court and has written publicly that she is "extraordinarily well qualified to serve as a judge on the federal appeals court." Rather than focus on his ringing endorsement, however, the New York Times instead sensationalizes a disagreement that Judge Gonzales had not with Justice Owen, but rather with a whole group of judges who filed a dissenting opinion in a case involving the Texas parental consent law.

Last but not least, the editor5ial blames the Bush Administration for not getting the message ostensibly sent by the defeat of

Judge Charles Pickering that it should not nominate any "conservatives." It seems to imply some connection between Pickering defeat and the nomination of Justice Owen. If the editorial board would have done its homework, however, it would have learned that Justice Owen was nominated two weeks before Judge Pickering was nominated and ten months before he was defeated by a party-line vote in the Judiciary Committee.

Justice Owen is an excellent judge. Her opinions, whether majority, concurrences or dissents, could be used as a law school text book that illustrates exactly how an appellate judge should think, write, and do the people justice by effecting their will through the laws adopted by their elected legislatures. Justice Owen clearly approaches these tasks with both scholarship and mainstream American common sense. If the Congress of the United States cannot, in all its power and wisdom, detect these qualities and disentangle them from the ill-considered assertions of a powerful newspaper—inspired not by facts but by left-wing Washington special interest groups—then our institution is in trouble.

I hope you will join me in informing the American people of the truth surrounding the nomination of Justice Owen and in warning them of the grave danger posed by an uninformed politicization of the federal judiciary.

Sincerely,

ORRIN G. HATCH.

[From the New York Times, Sept. 5, 2002]

THE RIGHT JUDGE

WASHINGTON, DC,
September 4, 2002.

TO THE EDITOR: "The Wrong Judge" (editorial, Sept. 4) accuses Justice Priscilla R. Owen, President Bush's nominee to the United States Court of Appeals for the Fifth Circuit, of being "far from the mainstream." No doubt that charge amuses Texas voters, who have twice elected her overwhelming to statewide office.

You also assert that Justice Owen has "substituted her own views" for the law. In fact, her record of applying the law as written is among the best of any judicial nominee ever presented to the Senate. This is particularly so in her decisions concerning the Texas law requiring parental notification when minors obtain abortions. In these cases, the right to choose was not implicated, only the right of parents to know. Justice Owen applied the Texas law as directed by the Supreme Court's cases, including Roe v. Wade.

You also attack Justice Owen's "lack of sensitivity to judicial ethics." Justice Owen went above and beyond the Texas ethics rules in her last election, voluntarily setting her own stricter guidelines for fund-raising. She has advocated reforming the Texas judicial elections process.

ORRIN G. HATCH,
Senator.

Mr. HATCH. Mr. President, it is really starting to get to me that because of special interest control of this body, abortion is becoming a single litmus test issue on the part of a number of Senators in this body—not all, thank goodness, on either side, but a number of Senators. It is an important issue. There are very sincere people on the pro-choice side. There are very sincere people on the pro-life side. Both sides deserve consideration and respect.

When we get to where one single issue will determine whether a person can serve in a position in this country, such as a Federal judgeship, we know this country is in trouble; that is, whether it comes on this side or it comes on that side.

I can remember when Reagan was the President and we had control of the committees. There was a constant berating of us because they thought we might have abortion as a single litmus test issue. The fact of the matter is, we didn't. I know the question was never even asked because I know who did the betting. He happened to be a former staff member of mine. He never asked that question. They might have thought they had somebody who was pro-life, but they never asked that question. That was not even a consideration in the questions. They found out that a number of their people whom they nominated and who were confirmed were pro-choice.

During the Clinton years when I was chairman of the committee, I would not allow that single litmus test to be used on our side because I don't believe any single litmus test should be used in any way with regard to the Federal judiciary. The fact that I might disagree with a nominee on an issue that is important to me is somewhat irrelevant unless there are other really justifiable reasons for voting against the person.

I am finding that basically justifiable reasons depend an awful lot on how much force is brought to bear by outside interest groups who are basically supportive of the pro-abortion side. I have had folks on other side say it is a litmus test. Thank goodness, not many.

But that is why they wanted to keep Priscilla Owen from coming to the Senate floor—because Priscilla Owen would have passed on the Senate floor, would serve very well on the Fifth Circuit Court of Appeals, I think would please both sides of this body because of the very decent person she really is, because of the great legal scholar she is, and because of the honest and upright person she is.

We have lost that opportunity for this year. But I can tell the American people that if they will support President Bush, and if we can get control of the Senate, Priscilla Owen will make it through because she will at least have a vote. I believe she will make it through.

In that regard, I am very appreciative of the endorsement of the Senator from Georgia, Senator ZELL MILLER, of her right to have a vote on the floor and his statement that he would vote for her—a Democrat Senator. I think he recognizes that this body is becoming very polarized. It is becoming a body that may not be a great body anymore, if we keep going this way, because we are polarizing ourselves to where single litmus test issues can determine whether or not we vote and do what is right.

Frankly, we ought to be doing what is right regardless of any single litmus test issue. I know there are some on both sides who believed otherwise. But I think they are a distinct minority. But on the Judiciary Committee on this issue of abortion, I have to admit that it is coming down to the point where it is a prime issue.

My colleagues on the other side of the aisle will say they voted for people who are pro-life. That is true, because you can only do this so many times to a President's nominee. You can't get away with it very often. I hope they don't get away with it with regard to Justice Priscilla Owen. She deserves a vote on the floor.

I have to say I am reaching a point in my tenure here where I am so sick and tired of the politics of this body on judicial nominations. I am so sick and tired of the way people are treated here. That is on both sides from time to time. I really believe, barring just cause, that every President's nominee for the Federal judiciary—at least for the Circuit Courts—ought to be given a vote on the Senate floor regardless of what the Senate Judiciary Committee does. If the committee votes a person down, that should be given tremendous weight; no question about it—in this case as well. But the fact of matter is that at least the Constitution says we should have a right to consent. And it doesn't mean 10 Senators, it means 100 Senators. I believe that would be only the fair way to do it. I really believe it ought to be done whether a President is Republican or Democrat.

I wish I had made that suggestion. I did allude to it on more than one occasion on the floor during the last 6 years of President Clinton's tenure.

I have heard nothing but badmouthing about what Republicans did to President Clinton's nominees, even though half of the Federal judiciary today are Clinton judges and President Clinton himself told me that I treated him fairly. Let me tell you, there is no reason for that. President Reagan got 382 Federal judges through and confirmed. That is the most in history. He had 6 years of a Republican Senate—his own party—to help him to do that. President Clinton got 377 through—virtually the same number—and he had 6 years of a Republican Senate, an opposition party Senate which helped him to do that. I know. I was chairman during those 6 years. He was treated very fairly.

There are always those who do not make it, I have to admit. There is always a complaint about that. But that is true whether it is Republican control of the committee or Democrat control of the committee. I would stack up our record on getting Clinton judges through against any record of the Democrats with regard to Reagan or Bush nominees.

Frankly, we are talking about circuit court nominees here who have been sitting on the nominations list now for over a year and half, some of the finest nominees in history—just to mention a few, John Roberts is being considered as a Supreme Court Justice—whether they are Democrats or Republicans. He is one of the two or three top appellate lawyers in the country who I don't think has an ideological bent.

How about Miguel Estrada, the first Hispanic to ever be put on the Circuit Court of Appeals for the District of Columbia? I don't believe he would be anything but one of the finest judges in the country; Michael McConnell, who is considered one of the two or three greatest constitutional experts in the country—a law professor.

You could go right on down the line. Deborah Cook; Jeffrey Sutton. They have all been sitting there for a year and a half because the Senate Judiciary Committee will not act on them.

I have a commitment from Senator LEAHY, and I am going to rely on that commitment, that he would get McConnell and Estrada through not only the committee but through the floor before the end of this session. We are running out of time. If he did that, certainly I would be very pleased. I take him at his word that he will try to do that. Those are two of the finest people we could possibly have as judges in this country.

I am hopeful that we will have that done before the end of this year. It is the right thing to do. I hope we can get John Roberts, Sutton, Cook, and others who have been sitting there for a year and half who I think have been very badly treated. There is no reason not, other than they know how brave all these people are.

I suspect they think they can ascertain how they are going to rule on the bench once they get there. Frankly, nobody knows how that is going to work once the person gets a lifetime appointment.

Let me just say again that one-half the Federal judiciary are Clinton judges. There is little or no reason for any complaint on the other side, even though, yes, there were some who didn't make it at the end, just as there are always 50 or more who didn't make it who were Republican nominees at the end of the first Bush administration.

By the way, John Roberts was nominated by the first President Bush. He is still sitting there. He is one of the two best appellate lawyers in the country just sitting there for a year and a half.

I might add that others, as well, have been nominated twice now and are just still sitting there after more than 10 years.

So it is time to get this out of the realm of politics and start doing what is right; and that is, the President has a right to nominate, which is the greater power. We have a right to confirm or not confirm, but that ought to be done on the Senate floor, not by 10 people who basically are, in my opinion, by and large, doing the bidding of these outside groups who have tremendous sway because of their money.

Mr. President, I yield the floor.

Mr. LEAHY. In less than 15 months the Judiciary Committee has favorably reported 80 judicial nominees and voted not to report 2.

Four conservative, Republican women have already been reported and three have been confirmed by the Senate: Sharon Prost to the Federal Circuit; Edith Brown Clement to the 5th Circuit, who was the first nominee to the 5th Circuit to get a hearing in seven years, since 1994; Julia Smith Gibbons to the 6th Circuit, who was the first nominee to the 6th Circuit to get a hearing in almost 5 years; and today the Committee voted unanimously to report Judge Reena Raggi, who is nominated to a vacancy on the 2d Circuit.

In addition, approximately a dozen more conservative, Republican women have already been confirmed to the Federal District Courts, including: Karen Caldwell, E.D. KY; Laurie Smith Camp, D.C. NE; Karon Bowdre, N.D. AL; Julie Robinson, D.C. KS; Marcia Krieger, D.C. CO; Callie Granade, S.D. AL; Cindy Jorgenson, D.C. AZ; Joan Lancaster, D.C. MN; Cynthia Rufe, E.D. PA; Joy Flowers Conti, W.D. PA; and Amy St. Eve, N.D. IL.

I appreciate that the Administration and Republicans are disappointed with the outcome of the vote on the nomination of Priscilla Owen. I want to accord other Senators respect and, in these circumstances, some leeway in their comments—even as those comments are directed personally at me and other Senators on the Judiciary Committee.

In response to their protestations, as if there were anything improper in the Judiciary Committee's consideration of the nomination of Priscilla Owen, I note that the salient difference between the vote on Justice Owen and the six and one-half years that preceded the change in majority is that Justice Owen was given a thorough and fair hearing, the Committee had a public, open and extensive debate and the nomination was then voted upon in public session. That was not true for more than a dozen nominees to vacancies on our Courts of Appeals over the last several years—several of which were left pending without a hearing or a vote for months and years. Here are just a few of those circuit court nominees with "Well Qualified" peer review ratings from the ABA that the Republican-controlled Judiciary Committee never accorded a vote:

James Duffy, nominated to the Ninth Circuit; Kathleen McCree-Lewis, nominated to the Sixth Circuit; Enrique Moreno, nominated to the Fifth Circuit; James Lyons, nominated to the Tenth Circuit; and Robert Cindrich, nominated to the Third Circuit. Others, like Allen Snyder, nominated to the DC Circuit, were given a hearing but was never given a Committee vote, up or down. These and scores of other nominees of the past President were defeated by the Republican decision to deny them Committee votes.

Republicans' preferred method for "defeating" more than 50 circuit and district court nominees rated "highly qualified" and "qualified" by the ABA and those with significant professional credentials was to deny them hearings and, for some who had hearings, to deny them Committee consideration.

To those Senators who are now contending that the ideology and possible activism of judicial nominees should have no place in Senators' consideration, I ask them to start by reviewing their own records of opposition to President Clinton's nominees, including their own votes against nominees professionally qualified. Those who voted against Margaret McKeown, Marsha Berzon, Sonia Sotomayor, Rosemary Barkett and Merrick Garland, Ray Fisher, Richard Paez, William Fletcher and Timothy Dyk to the Courts of Appeals, as well as those who held up any vote on Allen Snyder, Bonnie Campbell and the others, could ask themselves what standards they applied in so doing. The same question can be asked with respect to those who opposed and voted against Margaret Morrow, Gerry Lynch, Mary McLaughlin, Ronnie White, Ann Aiken and those who held up any consideration of Clarence Sundram or Fred Woocher and the scores of nominees never allowed a hearing.

I do not wish to embarrass other Senators, but I am struck by how the statements I have heard today are wholly inconsistent with votes and actions in the years in which they were delaying, opposing and voting against the moderate judicial nominations of a President on another political party.

I raise this consideration not as a matter of tit for tat, for we have assiduously avoided payback, but because it is Republicans who are trying to change their history and pretend that they did not oppose nominees based on what they perceived to be the ideological outlook of the nominees.

I am reluctant to quote my colleagues on the other side of the aisle who are saying something very different now than they said in the prior six years when they were blocking judicial nominees, but in light of the attacks on the Committee, some context is necessary to understand the hollowness of the charge that Committee members acted unfairly, inappropriately or in some unprecedented fashion in their consideration of the nomination of Justice Priscilla Owen.

For example, in 1996, one Republican said that he "led the fight to oppose the confirmation of [two judges] because their judicial records indicated that they would be activists who would legislate from the bench." While we may differ on whether a judge's record evidences judicial activism, Republicans can hardly now be saying that such inquiry is inappropriate.

Another Republican Senator argued in 2000 in defense of his record of stalling Senate consideration of judicial nominees voted out of the Judiciary Committee that having "strong qualifications and personal attributes," being "fine lawyers [who] are technically competent" was not the test. He said then: "My concern is with their judicial philosophies and their likely activism on the court. . . . Judicial activism is a fundamental challenge to our system of government, and it represents a danger that requires constant vigilance." He went on to say that the Senate should not defer to the President "if there is a problem with a series of decisions or positions [judicial nominees] have taken."

Another Republican Senator said in 1998 that the Republicans were "not abusing our advise and consent power. As a matter of fact, I don't think we have been aggressive enough in utilizing it to ensure that the nominees to the Federal Bench are mainstream nominees."

Yet another Republican said in 1994: "My decision on a judicial nominee's fitness is based on my evaluation of three criteria: character, competence and judicial philosophy—that is, how the nominee views the duty of the court and its scope of authority."

There are numerous other examples, of course, but these suffice to make the point.

I ask that my full statement in opposition to the nomination of Justice Owen from the Judiciary Committee consideration be included in the RECORD at the end of these remarks. It focuses on the merits of the nomination, as did Senator FEINSTEIN, Senator KENNEDY, Senator SCHUMER, Senator DURBIN and Senator DEWINE. A few of the statements in the two-hour debate before the Committee were not helpful to a reasoned debate, but by and large the Committee debate was on the merits. That followed an extensive hearing, that lasted six hours, which Senator FEINSTEIN chaired fairly and patiently. A thorough hearing and a fair vote is what Justice Owen's nomination received from the Committee.

The name-calling, threats, tactics of intimidation and retaliation are not helpful to the process. Holding up important legislative initiatives is harmful. Holding up "the comma bill" and threatening Democrats that they will be barred from Air Force One are silly.

Today the Senator Judiciary Committee reported a conservative Republican nominee to the Senate for a vacancy on a Court of Appeals. This nominee, Judge Reena Raggi, was first appointed by President Reagan and she came before the Committee with strong bipartisan support and without the divisive controversy that accompanies so many of President Bush's circuit court nominees. Judge Raggi was reported out unanimously today. Indeed, since the change in majority less than 15 months ago, the Committee has worked hard to report 80 judicial nominees to the Senate. They include a number of very conservative judges.

I have made suggestions to the White House for improving the nominations and confirmations processes but those suggestions continue to be rebuffed. I wish the White House would work with us rather than stridently insist on seeking to skew the federal courts ideologically.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in August 2001 in St. Paul, MN. Two men leaving a Ku Klux Klan rally attacked a four year old boy of mixed race. The attackers pushed the boy off his bicycle, yelled racial epithets, and punched the child in the side of the head.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SITTING DUCKS

Mr. LEVIN. Mr. President, last week the Violence Policy Center, VPC, released a report entitled Sitting Ducks detailing the danger of the .50 caliber sniper rifle as a terrorist threat to, among other things, refineries and hazardous-chemical facilities. According to the VPC's report, the .50 caliber sniper rifle, equipped with explosive or armor-piercing ammunition, is capable of hitting a target accurately from more than a thousand yards away making it well suited to attack fuel tanks and other high-value targets from a distance.

The VPC report highlights the danger of a .50 caliber sniper rifle being used in a simple conventional attack with potentially disastrous results. The weapon is not only readily available, "low technology", but a .50 caliber sniper rifle is so powerful that it has been said to be able to wreck several million dollars' worth of jet aircraft with one or two dollars' worth of ammunition.

Despite its obvious power, under current law .50 caliber sniper rifles are no more regulated than hunting rifles. That is why I cosponsored Senator FEINSTEIN's "Military Sniper Weapon Regulation Act," S. 505. This bill would change the way .50 caliber guns are regulated by placing them under the requirements of the National Firearms Act. This action would subject these weapons to the same regimen of registration and background checks to which other weapons of war, such as machine guns, are currently subjected. This is a necessary step to assuring the safety of Americans.

Mr. President, .50 caliber weapons are too powerful and too accessible to be ignored. Tighter regulations are needed. I urge my colleagues to support Senator FEINSTEIN's bill.

COMMEMORATING SGT. FIRST CLASS CHRISTOPHER JAMES SPEER

Mr. DOMENICI. Mr. President, as we meet here just days from the anniversary of the terrorist attacks on our country, it is my sad duty to report that another of my statesmen has lost his life in the war on terror. Sergeant First Class Christopher James Speer, a former resident of Albuquerque, NM, died on August 7, 2002 as a result of wounds he sustained during a firefight with suspected terrorists in Afghanistan. Today, I want to take a few moments to convey my condolences to the Speer family, and to talk a little bit about who this special young man was.

Christopher Speer was a 1992 graduate of Sandia High School in Albuquerque. Upon graduation, he enlisted in the United States Army and became a medical specialist. In 1994, he volunteered for and was selected for Special Forces training. After completing this training, he was assigned to the 3rd Special Forces Airborne Group at Fort Bragg, North Carolina where he served as a medical sergeant. Last spring, Christopher was sent to Afghanistan as part of a Joint Special Operations task force.

On July 27th of this year, Christopher took part in a U.S. operation aimed at confirming intelligence about enemy activities in one of the most dangerous parts of Afghanistan. During that operation, our troops were ambushed and a four-hour gunbattle ensued. During this battle, five American personnel were wounded, and one of them—Christopher Speer—lost his life. For his valor and ten years of dedicated service to country Christopher received the Soldier's Medal, the Bronze Star with "V" device, the Purple Heart, the Defense Meritorious Service Medal, the

Meritorious Service Medal, the Army Commendation Medal and two Army Achievement Medals.

In addition to patriot, Christopher was very much a family man, as well. And for those family members who knew him best and loved him most, this September 9th will be especially difficult. Because on that day, Christopher was to have turned 29 years old. To Tabitha, his wife; to Taryn and Tanner, his children; and to Betty, his mother, Nancy and I sent heartfelt prayers on behalf of all New Mexicans as well as the appreciation of a grateful nation.

EXPATRIATING AMERICA TO AVOID U.S. INCOME TAXES

Mr. GRASSLEY. Mr. President, my friend and colleague from Texas, in a debate on Senator WELLSTONE's government contracting amendment, criticized a proposal the Finance Committee was scheduled to markup today. The Senior Senator from Texas characterized the proposal as an effort at "passing laws that sound like they're right out of Nazi Germany." Senator GRAMM went on to criticize: "(t)he idea that somebody can't leave America and take their property with them, that they've got to pay a tax in order to get their property out of America."

Mr. President, as the ranking Republican member of the Finance Committee and a participant in crafting this provision, I felt compelled to respond. First of all, I'm proud to serve on the Finance Committee. When someone characterizes a bipartisan Finance Committee proposal as something "right out of Nazi Germany," I'm going to be disturbed.

Tax-motivated expatriation activities are something that troubles me. All you have to do is look at the infamous case of Marc Rich. You will recall Mr. Rich's case came to light in the rush of pardon applications during the waning hours of the Clinton Administration. Mr. Rich reportedly left the U.S. to avoid U.S. taxation and sought a pardon with respect to criminal indictments on, among other things, criminal tax charges.

Mr. President, there is a major principle at stake here. A key premise in our tax system is that those individuals and corporations that derive financial benefits from economic activity that is, as the tax law says, "effectively connected" with the United States, should be taxable on that income no matter where their domicile is. Any alternative to this concept would result in U.S. persons bearing a larger burden of Federal taxation than a foreign person earning a livelihood here. America and her major trading partners recognize this principle. It is reflected in the tax laws of our trading partners and the international tax treaty network.

Let's take a look at current law. For individuals that expatriate, an income tax is imposed on appreciation in the assets of the expatriate, on a 10 year going forward basis, if the expatriate is leaving the U.S. with the "principal purpose" of avoiding U.S. income tax. For purposes of this current law rule, expatriates are deemed to have expatriated with a principal purpose of avoidance of U.S. income tax in two cases. In the first case, the deemed rule applies if the expatriate had, on average, $100,000 of net income, for the five years at the time of expatriating. In the second case, the deemed rule applies if net worth of the expatriate exceeds $500,000. In the case of corporations, the appreciation in assets transferred offshore is taxable at the time of transfer.

So, Mr. President, it is clear that, under our current tax policy, individuals and corporations that attempt to either leave or transfer assets are taxable when they leave the U.S. Frankly, the Finance Committee views the so-called "inversion" transactions as a loophole that undercuts current law principles. It is on that basis, closing an insidious loophole, that the Finance Committee recently reported legislation to curtail inversion transactions.

Similarly, in 1995 and 1996, the Finance Committee, and full Senate, sought to plug the loophole on the individual expatriation level. A proposal virtually identical to the one criticized by Senator GRAMM today, was passed, on several occasions during those two years. That proposal did not become law because the Senate, with much reluctance, receded to the House in conference. The House proposal aimed to tighten the 10 year rule.

The Chairman and Ranking Member have revived the Finance Committee expatriation proposal because of concerns about the effectiveness of current law. In fact, the Joint Committee on Taxation's estimate of this proposal appears to confirm that the long-standing tax policy with respect to individual expatriation will be better served by the Finance Committee approach.

Under the Finance Committee proposal, individuals that expatriate would, as the Senator from Texas said, be taxable on gain in appreciation in U.S. assets when they leave America. This proposal would replace the current law regime described above. The Finance Committee proposal, is hardly "right out of Nazi Germany." It strengthens long-standing tax policy. The Senate has spoken favorably on it on many occasions.

So, Mr. President, let's keep our eye on the ball. Current law, not a putative Nazi regime, preserves the fairness of U.S. tax system. The Finance Committee proposal makes sure the fairness of the U.S. tax system is strengthened by closing loopholes.

SUCCESS AT VINCA

Mr. DOMENICI. Mr. President, I rise to remind my colleagues that an important milestone in our progress toward reducing the risks of proliferation of weapons of mass destruction took place about 2 weeks ago.

Events like September 11 would have been far worse if terrorists had access to weapons of mass destruction. Since September 11, appreciation of this threat has increased dramatically. Many of us have spoken on the need to rein in the forces of international terrorism and any possibility that they may gain the use of such weapons.

The milestone to which I refer is the successful removal of enough weapons-grade uranium from the Vinca Institute of Nuclear Sciences near Belgrade, Yugoslavia to make more than two nuclear bombs. This removal was accomplished through coordination among government and private groups, including contributions from Yugoslavia and Russia, the International Atomic Energy Agency, and the Nuclear Threat Initiative.

I especially salute the contributions made by the Nuclear Threat Initiative, headed by Ted Turner and our former colleague Senator Sam Nunn. This episode represents another critical effort from the NTI. I'm very honored to serve on the Board of the NTI, along with Senator LUGAR. There will always be aspects of international efforts that are difficult to handle through government channels, where the private resources of the NTL may be vital.

But even as we congratulate ourselves over this victory, we need to recognize that it is very small in the overall scale of the problem. Estimates are that weapons-grade uranium exists at over 350 sites in over 50 countries. Some of these have very small quantities, but many of these locations have enough material for one or more bombs. Some of these sites include research reactors, provided by either the United States or the Soviet Union, fueled by highly enriched uranium which could be diverted for weapons use.

And we also need to examine why it required such complex coordination to accomplish this work and explore how Congress can simplify the process in the future. This part of the puzzle has a much simpler solution, because the tools to accomplish this are now part of the Senate-House conference on the Armed Services authorizing legislation.

Let me briefly explain why the Vinca operation required so much coordination. The Yugoslavian government very logically required that any Vinca solution address both fresh fuel and spent fuel from their research reactor. The fresh fuel was highly enriched uranium, and our government was able to assist because it represented a proliferation threat for weapons of mass destruction. That cooperation is authorized through the 1991 Nunn-Lugar and the 1996 Nunn-Lugar-Domenici Legislation.

But the spent fuel at Vinca, which is not useful for making a nuclear weapon, could pose both an environmental concern as well as a dirty bomb threat, depending on its level of radioactivity. The former represents work that is clearly beyond the authorization of our Government's nonproliferation mission and the latter represents work that is not authorized.

Now since September 11, there have been volumes of testimony on the threat posed by highly radioactive materials and their potential use as dirty bombs. But today, despite these concerns, there are no statutes which address the government's authority to offer help to other countries regarding dirty bomb threats.

I am pleased to note that the Domenici-Biden amendment to the Senate Armed Services legislation provides authorizations to enlarge the ability of the government to step into such situations. With final passage of that amendment in the Armed Services legislation, we can provide important new tools to our government.

Under that amendment, programs to address dirty bomb issues are specifically authorized, including assistance to any country requesting our aid. And of equal importance, programs to broaden our ability to address fissile material issues around the world, not just associated with the former Soviet Union, are authorized along with new approaches to speed up the conversion of highly enriched uranium to material unusable for weapons.

Even with this amendment, I am sure there will be many opportunities for private groups, like the NTI, to step in and plug gaps in Government programs. But with this amendment, we will vastly simplify future operations at the hundreds of remaining sites.

The Domenici-Biden amendment enjoyed broad support in the Senate, and I appreciate that Senators LUGAR, LANDRIEU, HAGEL, CARNAHAN, MURKOWSKI, BINGAMAN, and LINCOLN joined us in introducing it.

It is my hope that the success at Vinca, along with the sobering realization that we need to repeat this success hundreds of times to fully address the threat of proliferation of materials suitable for nuclear bombs, will encourage the Conferees from both the House and the Senate to ensure that provisions of the Domenici-Biden amendment are in the Armed Services authorization bill that will eventually emerge from Conference.

ADDITIONAL STATEMENTS

THE 38TH ANNIVERSARY OF THE WILDERNESS ACT

• Mr. FEINGOLD. Mr. President, today, I commemorate the 38th Anniversary of the Wilderness Act of 1964, which was signed into law on September 3, 1964, by President Lyndon B. Johnson. The Wilderness Act of 1964 established a National Wilderness Preservation System "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." The law reserves to Congress the authority to designate wilderness areas, and directs the Federal land management agencies to review the lands under their responsibility for their wilderness potential.

The original Wilderness Act established 9.1 million acres of Forest Service land in 54 wilderness areas. Now, the wilderness system is comprised of more than a 100 million acres that are administered by four Federal agencies: the Forest Service in the U.S. Department of Agriculture, and the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service in the Department of the Interior.

As we in this body know well, the passage and enactment of legislation of this type is a remarkable accomplishment. It requires steady, bipartisan commitment, institutional support, and direct leadership. The United States Senate was instrumental in shaping this very important law, and this anniversary gives us the opportunity to recognize this role.

I have been very pleased to see this body return to the tradition of designating wilderness since the 35th anniversary of the act in 1999. The 106th Congress passed, and President Clinton signed, a total of eight wilderness bills adding more than 1 million acres of public land to the National Wilderness Preservation System. This is the largest number of acres of wilderness added to the system since 1994 and is a stark contrast to the 105th Congress, which did not enact any wilderness designations.

While the 107th Congress may not surpass the wilderness achievements of the 106th, there are a number of wilderness bills pending in the 107th Congress, several of which are likely to become law before the end of the year. The designation of the James Peak Wilderness in Colorado and additions to the Black Elk Wilderness in South Dakota have already been approved by Congress and signed into law by President Bush. Bills designating new wilderness areas in Washington, Nevada, and Puerto Rico are likely to move forward this fall, while others, such as those to designate wilderness in Washington State and California, may see hearings or other congressional action.

Many would agree that more must be done to protect our wild places, but much has been done already. In commemoration of anniversaries like this one, the Senate should celebrate our accomplishment, on behalf of the American people, in the protection of these wild places.•

HONORING EARLEEN ALLEN FRANCIS

• Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize Ms. Earleen Allen Francis of Clinton, KY. Last month, Ms. Francis was presented with a certificate of honor for her military service as an Army Nurse during WWII by the Kentucky Department of Veteran Affairs.

Ms. Francis, now 91 years young, is among fewer than 20 survivors of the group of about 60 Army and Navy nurses captured by Japanese forces after the fall of Corregidor, a small fortified island in the Philippines.

In 1942, Japanese troops advanced on the Bataan peninsula. The Army and Navy nurses stationed at Bataan were evacuated to Corregidor as a safety precaution. However, shortly after being moved, Japanese troops stormed the small island and captured 20 of the 85 nurses, including Earleen Allen Francis. For three long and grueling years, Earleen and the 19 other nurses were starved and locked up by their captors. Their freedoms were stripped from them in the blink of an eye. In many ways, Earleen never quite recovered from this horrific time period in her life.

Ms. Francis' story has been told in books and on television and she was even honored by President Reagan in 1983 for her service to America. It is important that her story continues to be told.

I believe it is vital that we as a nation never forget about heroes like Earleen Allen Francis. Sometimes, we are forced to fight and die for our freedom and the continuation of our unique way of life. Ms. Francis personally sacrificed a large portion of her life to ensure that future generations of Americans are able to enjoy the freedoms she had stripped away from her for 3 years.

Now more than ever, we must learn from the sacrifices others have made. Terrorist states and organizations around the globe are striving to take the word freedom out of America's vocabulary. These terrorists view the world in simple terms of black and white; Islam is on the good side, and the infidels—America, Israel, and the entire Western World—are on the bad side. Freedom and democracy don't always come easy. We sometimes have to fight for what we believe in and stand for.

I ask that my fellow Senators join me in honoring Earleen Allen Francis for her sacrifice and commitment to America—the land of the free.●

IN RECOGNITION OF THE MARIN CONSERVATION CORPS

● Mrs. BOXER. Mr. President, I rise to recognize the achievements of the Marin Conservation Corps, MCC, the oldest local, private, non-profit conservation corps in the United States.

Twenty years ago the winter of 1982 brought severe flooding to much of Marin County. Concerned citizens led by Richard Hammond took action by going out and battling the winter storms and working to protect the neighborhoods and natural habitats that were at risk. Since I was a member of the Marin Board of Supervisors at that time, I well remember them.

From this community effort the Marin Conservation Corps was born. It identified its mission as developing the youth of Marin County by providing meaningful employment, education and training opportunities through projects that conserve natural resources, deliver human services and respond to public emergencies.

In the 20 years since its founding, more than 3,000 corps members have participated in environmental service and educational programs. Youth and young adults between the ages of 11 and 30 receive service and educational opportunities. Participants in MCC may earn their high school diplomas through the MCC charter school, enroll in AmeriCorps programs or pursue lifelong learning programs, gaining valuable education and job training while learning the importance of community service.

Community service projects have included building and maintaining Marin County's hiking trails, clearing and disposing of highly flammable brush throughout Marin to prevent fire hazards, teaching environmental education classes to thousands of students in the Marin County public schools, restoring and clearing creeks and waterways to prevent flooding, establishing recycling programs, and collecting over one million pounds of recyclables from approximately 250 bins that MCC members have built and placed throughout the county.

In the year 2000 the California Charter Academy presented its "Outstanding Program Award" to the Marin Conservation Corps, recognizing MCC's exceptional education program. Programs such as the Marin Conservation Corps enrich our people and our communities and provide a model for similar efforts across our land.●

CELEBRATION OF LAO VETERANS OF AMERICA, MICHIGAN CHAPTER, DAY

● Mr. LEVIN. Mr. President, this weekend the Lao Veterans of America, Michigan Chapter, will gather to commemorate Lao Veterans of America Recognition Day. This tribute is an excellent opportunity to show our appreciation of the Lao people's courageous efforts during the Vietnam War, their love of the United States and their selfless heroism.

During the Vietnam War, thousands of Hmong and Laotian soldiers fought alongside the American forces as part of the United States Secret Army. In fact, the American public only recently learned about the Lao people's courageous efforts throughout the conflict in Vietnam. The Lao veterans served bravely and selflessly from 1961 to 1975 as they risked their lives to avert the spread of Communism throughout the region. They not only fought willingly and valiantly alongside United States forces to prevent the North Vietnamese Army from entering South Vietnam, but also proved to be invaluable in the effort to rescue downed American soldiers in the region. Their heroic actions saved countless American lives. The Lao Veterans and their families deserve our highest respect and gratitude.

It is estimated that at least 35,000 Laotian people lost their lives during the Vietnam War. Over 50,000 Lao were wounded and thousands more are still listed as missing in action. Throughout the past twenty-seven years, many of the survivors and their families have immigrated to the United States and many Laotian families currently reside in my home state of Michigan. The transition to the United States has not been easy for many of these immigrants, but like many other immigrant groups they have grown and prospered in their new home. It is important that we demonstrate our appreciation for the courageous actions of the Laotian people.

The Lao Veterans of America, Michigan Chapter, their families, friends, and supporters will gather on Saturday, September 7, 2002, to commemorate Lao Veterans of America Day. I know that my Senate colleagues will join me in saluting the Lao veterans' brave and heroic efforts and in recognizing their actions on behalf of the cause of freedom.●

CELEBRATED ARTIST AND NATIVE TENNESSEAN HUBERT SHUPTRINE

● Mr. FRIST. Mr. President, it is a wellspring of pride for the people of Tennessee that Hubert Shuptrine is a native son. Born in Chattanooga in 1936 and graduated from the University of Chattanooga in 1959 with a degree in fine arts painting, Shuptrine is one of the most celebrated American painters and watercolorists of the last several decades.

From the Low Country of the Carolinas to the Hill Country of Texas to the Great Smoky Mountains of Tennessee, Hubert Shuptrine's paintings have captured the rustic beauty of the American South. His love for the people of these places—and the places themselves—shines so strongly that one cannot help but share his affection.

What lends such power to Shuptrine's paintings is that they are not conjured from his mind, but grounded in truth. He traveled more than 15,000 miles to meet and talk with the people of the South when illustrating his first and highly successful book, Jericho: The South Beheld.

With a stroke of light, a sliver of shadow or a strategically placed prop, Shuptrine sketches the life stories of his subjects. They are pure, simple and unrushed people—a former field hand resting on her front porch, a widower centenarian living off his land, a basket weaver practicing her craft.

Shuptrine's wife, Phyllis, once said, "A good portrait is like a biography." Clearly Hubert Shuptrine has adhered to this code throughout his career. He is an exceptional biographer not only of people of the South, but the South itself.

Though the South has changed irreversibly since Jericho was published nearly 30 years ago, the truth and beauty of the people and places of that time will never be lost. For it has been captured and will be honored in perpetuity by a native son of Tennessee, Hubert Shuptrine.●

FARRAGUT NAVAL TRAINING STATION

● Mr. CRAIG. Mr. President, I rise today to recognize the 60th anniversary of the Farragut Naval Training Station.

Mr. President, over the past year, Americans have rediscovered the importance of our military and renewed their patriotism for our country. I am sure these were not reactions the terrorists desired.

We were once again reminded that millions of our fellow Americans have fought, and many died, for the freedoms we enjoy. Freedoms our Founding Fathers found to be self-evident—freedoms we have been fighting to retain ever since, here and abroad.

World War II was one of the most significant of those fights, and this Saturday, in Idaho, we are looking back and recognizing the contribution Farragut Naval Training Station made to our efforts. At Farragut, the U.S. Navy built the second-largest naval training facility in the world. Representative of the work ethic evident across America during WWII, 22,000 men, many of them Idahoans, united together and built 776 facilities across 4,000 acres in just 9 months.

Then, in just 15 months, Farragut trained nearly 300,000 recruits to be sailors.

This Saturday, September 7, 2002, many of those graduates and personnel will be returning to celebrate the 60th anniversary of Farragut Naval Training Station.

Just like 60 years ago, they will come from all corners of the country and will arrive with varied memories and expectations. But, one thing is for sure, they will all come because their experience at Farragut affected their lives in profound ways.

I am proud and grateful for the men and women who trained and served at Farragut .Naval Training Station. Their sacrifice for our freedoms is priceless. As the years go by, fewer and fewer veterans of WWII are around to hear our thanks. For those who are, I hope they hear us loud and clear: Thank you. We are all so grateful.●

MESSAGES FROM THE PRESIDENT

Messages from the president of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1070. An act to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.

H.R. 3287. An act to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center".

H.R. 5012. An act to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 5207. An act to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building".

H.R. 5308. An act to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Offcice".

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 183. Concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

At 1:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 4727. An act to reauthorize the national dam safety program, and for other purposes; to the Committee on Environment and Public Works.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated.

H.R. 1070. An act to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4727. An act to reauthorize the national dam safety program, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 183. Concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8526. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Removing Dancy and Robinson Tangerine Varieties from the Rules and Regulations" (Doc. No. FV02–905–3 IFR) received on August 12 , 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8527. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fluid Milk Promotion Order; Final Rule" (Doc. No. DA–02–02) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8528. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Mideast Marketing Area—Interim Order—Implements the Amendments to the Mideast Milk Order. Has Received Producer Approval" (Doc. No. DA–01–04; AO–361–A35) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8529. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from the Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand" (Doc. No. FV02–989–6 IFR) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8530. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Papayas Grown in Hawaii; Suspension of Regulations" (Doc. No . FV02–928–3 FR) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8531. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination" (44 CFR Part 67) received on August 15, 2002; to the Committee on Banking, Housing, and Urban Affairs

EC–8532. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR Part 67) received on August 15, 2002; to the Committee on Banking, Housing, and Urban Affairs

EC–8533. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR Part 65) received on August 15, 2002; to the Committee on Banking, Housing, and Urban Affairs

EC–8534. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Doc. No. FEMA–D–7525) received on August 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8535. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Amendment to Regulation T ("Credit by Brokers and Dealers"); List of Foreign Margin Stocks" received on August 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8536. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Agency Plans: Deconcentration—Amendment to "Establishment Income Range" Definition" (RIN2577–AC31) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8537. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Administrative Wage Garnishment” (RIN2501–AC85) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8538. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Temporary Assistance for Needy Families (TANF) Program; Conforming Changes to Annual Income Requirements for HUD's Public Housing and Section 8 Assistance Programs” (RIN2501–AC77) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8539. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Implementation of the Electronic Freedom of Information Act” (RIN2508–AA12) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8540. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Requirement of HUD Approval Before a Grantee May Undertake CDBG-Assisted Demolition of HUD-Owned Housing Unit” (RIN2506–AC10) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8541. A communication from the President of the United States, transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to Terrorist Who Threaten to Disrupt the Middle East Peace Process that was declared in Executive Order 12947 of January 23, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–8542. A communication from the President of the United States, transmitting, pursuant to law, a notice that the continuation of emergency regarding export control regulations is to continue beyond August 17, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8543. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–8544. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC–8545. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–8546. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC–8547. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Certification of Disclosure in Companies' Quarterly and Annual Reports” (RIN3235–AI54) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8548. A communication from the Deputy Secretary, Division of Market Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Customer Margin Rules Relating to Security Futures” (RIN3038–AB71) received on August 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8549. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska, Closure of Pelagic Shelf Rockfish in the Central Regulatory Area for the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8550. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species; Pelagic Longline Fishery; Shark Gillnet Fishery; Sea Turtle and Whale Protection Measures. Final Rule” (RIN0648–AP49) received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8551. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Closes Western Regulatory Area, Gulf of Alaska, for “Other Rockfish” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8552. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8553. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Closure of the Sablefish Fishery by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8554. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the West Yakutat District, Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8555. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Closes West Yakutat District of the Gulf of Alaska for Pelagic Shelf Rockfish” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8556. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment 3-Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8557. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Closure of the Pacific Ocean Perch Fishery in the Western Regulatory Area of the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8558. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Removal of Commercial Haddock Daily Trip Limit” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8559. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment 2-Closure of the Commercial Fishery from U.S.-Canada Border to Cape Falcon, OR” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8560. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska, Closure of the Northern Rockfish in the Central Regulatory Area for the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8561. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Closes Northern Rockfish Fishery in the Western Regulatory Area, Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8562. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; USCGC EAGLE Port Visit-Salem Harbor, MA” ((RIN2115–AA97) (2002–0173)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8563. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; (including 2 regulations)” ((RIN2115–AE47) (2002–0079)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8564. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Oklawaha River, Marion County, FL" ((RIN2115–AE47) (2002–0076)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8565. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Salem Heritage Days Fireworks, Salem, Mass" ((RIN2115–AA97) (2002–0172)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8566. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Passaic River, NJ" ((RIN2115–AE47) (2002–0075)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8567. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; (Including 2 Regulations)" ((RIN2115–AA97) (2002–0174)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8568. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Seabrook Nuclear Power Plant, Seabrook NH" ((RIN2115–AA97) (2002–0175)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8569. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area and Safety and Security Zone; New York Marine Inspection Zone and Captain of the Port Zone" ((RIN2115–AE84) (2002–0012)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8570. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ" ((RIN2115–AE46) (2002–0028)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8571. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; (Including 2 Regulations)" ((RIN2115–AA97) (2002–0176)) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8572. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: High Consequence Areas for Gas Transmission Pipelines" (RIN2137–AD64) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8573. A communication from the Chief Counsel, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reimbursement Rules for Frequency Band or Geographic Relocation of Federal Spectrum—Dependent System" (RIN0660–AA14) received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8574. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Bluefish Fishery—Final Rule" (RIN0648–AP59) received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8575. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Precious Corals Fisheries; Harvest Quotas, Definitions, Size Limits, Gear Restrictions, and Bed Classification" (RIN0648–AK23) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8576. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Brake Performance Requirements for Commercial Motor Vehicles Inspected by Performance-Based Brake Testers" (RIN2126–AA46) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8577. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Grant National Strategic Investments in Aquatic Nuisance Species, Oyster Disease, and Gulf of Mexico Oyster Industry: Request for Proposals for FY 2003"; to the Committee on Commerce, Science, and Transportation.

EC–8578. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Rate-of-Progress Emission Reduction Plans for the Boston-Lawrence-Worcester Serious Area" (FRL7268–7) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8579. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri" (FRL7269–2) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8580. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL7270–4) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8581. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to Tennessee Implementation Plan" (FRL7270–6) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8582. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of Air Quality Implementation Plans for the State of Montana; Revisions to the Administrative Rules of Montana" (FRL7261–1) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8583. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Open Burning Regulation With the Forsyth Country Local Implementation Plan" (FRL7206–9) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8584. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL7249–4) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8585. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delaware: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7256–8) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8586. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of Arizona Has Corrected Deficiencies and Stay of Sanctions, Maricopa County Environmental Services Department" (FRL7253–7) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8587. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Arizona State Implementation Plan, Maricopa County Environmental Services Department" (FRL7253–5) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8588. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District, Ventura County Air Pollution Control District" (FRL7254–8) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8589. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines; Non-Conformance Penalties for 2004 and Later Model Year Emission Standards for Heavy-Duty Diesel Engines and Heavy-Duty Diesel Vehicles" (FRL7256-6) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8590. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Redesignation and Reclassification, Searless Valley Nonattainment Area; Designation of Coso Junction, Indian Wells Valley, and Trona Nonattainment Areas; California; Determination of Attainment of the PM-10 Standards for the Coso Junction Area; Particulate Matter of 10 microns or less (PM-10)" (FRL7256-1) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8591. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transportation Conformity Rule Amendment: Minor Revision of 18-Month Requirement for Initial SIP Submissions and Addition of Grace Period for Newly Designated Nonattainment Areas" (FRL7256-3) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8592. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rhode Island: Authorization of State Hazardous Waste Management Program Revision" (FRL7256-7) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8593. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Effective Date Modification for the Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area" (FRL7262-3) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8594. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Florida: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7262-5) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8595. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Florida: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7262-6) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8596. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nebraska; Final Approval of State Underground Storage Tank Program" (FRL7261-9) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8597. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Definitions and the Continuous Emission Monitoring Provisions of the Acid Rain Program and the NOx Budget Trading Program; Correction" (FRL7259-9) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8598. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to the Florida State Implementation Plan" (FRL7259-6) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8599. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for Kentucky: Regulatory Limit on Potential to Emit" (FRL7259-7) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8600. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "South Carolina; Final Approval of State Underground Storage Tank Program" (FRL7268-9) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8601. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "OSWER Common Radionuclides Found at Superfund Sites Booklet for the General Public" received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8602. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Regulatory Status of Crude Sufate Turpentine (CST) under RCRA Regulations" received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8603. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI-STORM Revision" (RIN3150-AG97) received on August 15, 2002; to the Committee on Environment and Public Works.

EC-8604. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Newcomb's Snail" (RIN1018-AH95) received on August 12, 2002; to the Committee on Environment and Public Works.

EC-8605. A communication from the Director of the Endangered Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Tumbling Creek Cave Snail Rule to List as Endangered" (RIN1018-AI19) received on August 12, 2002; to the Committee on Environment and Public Works.

EC-8606. A communication from the Acting Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Rulings" (RIN1515-AC56) received on August 19, 2002; to the Committee on Finance.

EC-8607. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Subsidiary Income under the 85 Percent Member Income Test of Section 501(c)(12)(A) of the Internal Revenue Code" (Rev. Rul. 2002-55) received on September 3, 2002; to the Committee on Finance.

EC-8608. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distribution and Sale of Propane in Tanks by Tax Exempt Electric Cooperatives" (Rev. Rul. 2002-54) received on September 3, 2002; to the Committee on Finance.

EC-8609. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2002-59" received on September 3, 2002; to the Committee on Finance.

EC-8610. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 9012, Clarification of Entity Classification Rules" (RIN1545-AX75) received on September 3, 2002; to the Committee on Finance.

EC-8611. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2002-57) received on September 3, 2002; to the Committee on Finance.

EC-8612. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2002-60—Reduced Maximum Exclusion of Gain from Sale or Exchange of Principal Residence for Taxpayers Affected by the September 11, 2001, Terrorist Attacks" (Notice 2002-60) received on September 3, 2002; to the Committee on Finance.

EC-8613. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2002-52—Bureau of Labor Statistics Price Indexes for Department Stores—June 2002" (Rev. Rul. 2002-52) received on September 3, 2002; to the Committee on Finance.

EC-8614. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treaty Guidance Regarding Payment With Respect to Domestic Reverse Hybrid Entities" (RIN1545-AY13) received on September 3, 2002; to the Committee on Finance.

EC-8615. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2002-54—Application of Rev. Proc. 2002-19" (Rev. Proc. 2002-54) received on September 3, 2002; to the Committee on Finance.

EC-8616. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Supervisory Goodwill" (UILN 597.13-00) received on September 3, 2002; to the Committee on Finance.

EC-8617. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mark to Market Election under

TRA97" (Notice 2002–58) received on September 3, 2002; to the Committee on Finance.

EC–8618. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Furnishing Identifying Number of Income Tax Return Preparer" (RIN1545–AX27) received on September 3, 2002; to the Committee on Finance.

EC–8619. A communication from the Regulations Coordinator, Center for Medicare Management, Center for Medicare and Medicaid Service, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Rehabilitation Facility Prospective System for FY 2003" (RIN0938–AL22) received on July 31, 2002; to the Committee on Finance.

EC–8620. A communication from the Regulations Coordinator, Center for Medicare Management, Center for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update for FX2003—Notice" (RIN0938–AL20) received on July 31, 2002; to the Committee on Finance.

EC–8621. A communication from the Regulations Coordinator, Center for Medicare Management, Center for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Endorsed Prescription Drug Card Assistance Initiative CMS–4027–F" (RIN0938–AL25) received on July 31, 2002; to the Committee on Finance.

EC–8622. A communication from the Regulations Coordinator, Center for Medicare Management, Center for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Long-Term Care Hospitals—FY 2003" (RIN0938–AK69) received on July 31, 2002; to the Committee on Finance.

EC–8623. A communication from the Regulations Coordinator, Center for Medicare Management, Center for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Changes to the Hospital Inpatient Prospective Payment System and FY 2003" (RIN0938–AL23) received on July 31, 2002; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 3214: A bill to amend the charter of the AMVETS organization.

H.R. 3838: A bill to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. RES. 316: A bill designating the year beginning February 1, 2003 , as the "Year of the Blues".

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1615: A bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1972: A bill to amend the charter of the AMVETS organization.

S. 2127: A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2896: A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON:

S. 2903. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Mr. WELLSTONE:

S. 2904. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD:

S. 2905. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the elimination of the 60-month limit and an increase in the income limitation on the student loan interest deduction; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2906. A bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. DASCHLE, Mr. LEAHY, Mr. SARBANES, Mrs. CLINTON, Mr. KENNEDY, Mr. AKAKA, Mr. TORRICELLI, Mr. JOHNSON, Mr. CORZINE, and Mr. SCHUMER):

S. 2907. A bill to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center"; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mr. KOHL, Mr. REID, Mr. SARBANES, Mr. TORRICELLI, and Mr. JEFFORDS):

S. 2908. A bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH of Oregon:

S. 2909. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for qualified tuition and related expenses and to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to such deduction and the extension of the exclusion for employer-provided educational assistance; to the Committee on Finance.

By Mr. SANTORUM:

S. 2910. A bill to amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON (for himself, Mr. GREGG, Mr. KYL, Mr. CRAIG, Mr. MURKOWSKI, Mr. ALLARD, and Mr. MCCAIN):

S. 2911. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the modifications to education individual retirement accounts; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. WELLSTONE, and Mr. REED):

S. 2912. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself, Ms. COLLINS, Ms. LANDRIEU, Mr. HUTCHINSON, and Mr. FITZGERALD):

S. Res. 322. A resolution designating November 2002, as "National Epilepsy Awareness Month"; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 323. A resolution to authorize testimony and representation in Senator Mitch McConnell, et. al. v. Federal Election Commission, et al., and consolidation cases; considered and agreed to.

ADDITIONAL COSPONSORS

S. 486

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 859

At the request of Mr. THOMAS, the name of the Senator from Minnesota

(Mr. DAYTON) was added as a cosponsor of S. 859, a bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes.

S. 917

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 995

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 995, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 1224

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1224, a bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1619

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1619, a bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the medicare program.

S. 1818

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1818, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1990

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1990, a bill to establish a public education awareness program relating to emergency contraception.

S. 2215

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2239

At the request of Mr. SARBANES, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2246

At the request of Mr. DODD, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2490

At the request of Mr. TORRICELLI, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2528

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2572

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S. 2614

At the request of Mr. CORZINE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2614, a bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident physicians themselves.

S. 2615

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2615, a bill to amend title XVII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals.

S. 2667

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S. 2742

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2742, a bill to establish new nonimmigrant classes for border commuter students.

S. 2758

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2758, a bill entitled "The Child Care and Development Block Grant Amendments Act".

S. 2760

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2760, a bill to direct the Securities and Exchange Commission to conduct a study and make recommendations regarding the accounting treatment of stock options for purposes of the Federal securities laws.

S. 2770

At the request of Mr. DODD, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. CORZINE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas.

S. 2803

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2803, a bill to amend the

Federal Meat Inspection Act, the Poultry Producers Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public heath and food safety through enhanced enforcement, and for other purposes.

S. 2841

At the request of Mr. CORZINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2841, a bill to adjust the indexing of multifamily mortgage limits, and for other purposes.

S. 2848

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2848, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 2860

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2860, a bill to amend title XXI of the Social Security Act to modify the rules for redistribution and extended availability of fiscal year 2000 and subsequent fiscal year allotments under the State children's health insurance program, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2869

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2869, supra.

S. 2896

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2896, a bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week".

S. CON. RES. 113

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

S. CON. RES. 135

At the request of Mr. NICKLES, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 135, a concurrent resolution expressing the sense of Congress regarding housing affordability and urging fair and expeditious review by international trade tribunals to ensure a competitive North American market for softwood lumber.

AMENDMENT NO. 4480

At the request of Mr. ALLARD, his name was added as a cosponsor of amendment No. 4480 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4481

At the request of Mr. DASCHLE, the names of the Senator from Utah (Mr. BENNETT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. BREAUX) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 4481 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4481

At the request of Mr. ALLARD, his name was added as a cosponsor of amendment No. 4481 proposed to H.R. 5093, supra.

AMENDMENT NO. 4481

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 4481 proposed to H.R. 5093, supra.

AMENDMENT NO. 4486

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 4486 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4486

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 4486 proposed to H.R. 5005, supra.

AMENDMENT NO. 4491

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Wyoming (Mr. THOMAS) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of amendment No. 4491 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4491

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 4491 proposed to H.R. 5005, supra.

AMENDMENT NO. 4491

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 4491 proposed to H.R. 5005, supra.

AMENDMENT NO. 4491

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4491 proposed to H.R. 5005, supra.

AMENDMENT NO. 4492

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 4492 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4492

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Wyoming (Mr. THOMAS) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of amendment No. 4492 proposed to H.R. 5005, supra.

AMENDMENT NO. 4492

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4492 proposed to H.R. 5005, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 2903. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

Mr. JOHNSON. Mr. President, I rise today to introduce the Veterans Health Care Funding Guarantee Act.

I am introducing the legislation because I believe the VA health case system is on the brink of crisis. While the number of veterans in the United States has decreased over the years, the number of veterans utilizing the VA health care system has increased exponentially. This is due in large part to the availability of Community-Based Outpatient Clinics and the prescription drug benefits available through the VA. The VA estimates that it will see an additional 1.2 million patients over the next fiscal year. This would bring the number of veterans served through the VA up to 4.9 million, a 31 percent increase in one year.

While the VA has become the health care system of choice for many veterans, the system is simply not equipped to handle this kind of patient influx at the current funding level. According to the VA, 300,000 veterans are waiting for appointments, half of them will end up waiting six months or more. I know this to be the case in my own State. In Sioux Falls, veterans are currently being given appointment dates for November of 2003. Furthermore, recent articles in the Aberdeen American News and the Argus Leader reported that the VA has been instructed not to recruit veterans into the health care system any more because of lack of resources.

This is despite the fact that for the past several years Congress has provided funding for veterans health care in excess of the VA's request. Two years ago, I helped fight for a $1.4 billion increase in veterans health care funding over the Administration's initial request. Last year, we succeeded in adding an additional $1.1 billion. During Senate consideration of the Fiscal Year 2002 Emergency Supplemental Appropriations bill, I was pleased to work with my fellow members of the Appropriations Committee to ensure that $417 million in additional funding for veterans health care was included in the bill. Given the current problems within the VA health care system, I was disappointed that President refused to spend $275 million of the emergency funding that was earmarked for veterans health care. According to the Independent Budget, which is prepared by the Disabled American Veterans, AMVETS, the Paralyzed Veterans of America, and the Veterans of Foreign Wars, the Administration's Fiscal Year 2003 request for VA health care is $1.7 billion less than what is needed to fully fund our veterans' health care needs.

We need a new approach to veterans health care. The Veterans Health Care Funding Guarantee Act that I am introducing today would change the way in which the VA health care system is funded by moving it from discretionary to mandatory spending. The bill would establish a base-line funding year and calculate the average cost of a veteran using the VA health care system. The bill would them provide funding for the total number of veterans who participate in the VA health care system. That would be indexed annually for inflation.

In my opinion, the men and women who put their lives on the line in defense of this Nation should not be told that they need to wait up to a year before someone can assess their medical needs. I believe that the Veterans Health Care Funding Guarantee Act is an important starting point to begin a discussion about maintaining our commitments to our Nation's veterans. It is my hope that my colleagues will join me in examining new ways to provide our veterans with the high-quality health care they deserve.

By Mr. ALLARD:

S. 2905. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the elimination of the 60-month limit and an increase in the income limitation on the student loan interest deduction; to the Committee on Finance.

Mr. ALLARD. Mr. President, today I introduce legislation that will repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to student loan interest deduction. My bill will make permanent the provisions that are set to expire under current law on December 31, 2010. The affected provisions include the elimination of the 60-month limit on deductibility of interest paid on a qualified education loan and clarify that voluntary payments of interests are deductible, as well as the adjustment to the phase out range for eligibility for loan interest deduction up to $50,000 through $65,000 for single taxpayers and $100,000 to $130,000 for joint returns.

Making these provisions permanent will be good for taxpayers because borrowers will benefit from added tax relief when they voluntarily pay back higher amounts of their student loans each month. More people will also benefit from the adjustment of the phase out range to a higher income bracket for both single and joint tax returns.

In my home State of Colorado over 40 percent of the adult residents have at least a Bachelor's degree, thus repealing the sunset date of these provisions will have a positive long term effect on my constituents. The current law is already helping many people and we can continue to help Americans keep more of their money by repealing the sunset date of these provisions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ELIMINATION OF 60-MONTH LIMIT AND INCREASE IN INCOME LIMITATION ON STUDENT LOAN INTEREST DEDUCTION.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 412 (relating to elimination of 60-month limit and increase in income limitation on student loan interest deduction).".

By Mr. BINGAMAN:

S. 2906. A bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Rural Four-Lane Highway Safety and Development Act of 2002. The purpose of this legislation is to ensure that States have the resources they need to upgrade major two-lane roads across the Nation to high-quality four-lane divided highways. The goals of this bill are to improve the safety of our most dangerous highways and to stimulate economic development in rural areas.

I think most Senators would agree that the Dwight D. Eisenhower National System of Interstate and Defense Highways is one of the transportation marvels of the 20th century. The system's 46,000 miles of divided highways interconnect virtually every major urban areas in the Nation. The system represents one of the most efficient and safest highway systems in the world.

Unfortunately, when the Interstate System was planned it left many rural communities and smaller urban areas without direct links to the high-quality transportation network that the interstate highways provide. Many of these smaller and rural communities continue to suffer economically because of the lack of high-quality four-lane highways.

To address this issue, in 1995 Congress developed the concept of a National Highway System as a way of extending the benefits of an efficient highway network to all areas of the country. Congress designated the National Highway System to help focus federal resources on the nation's most important roads.

Today there are about 160,000 miles on the National Highway System including all of the interstate highways and all other routes that are important to the nation's economy, defense, and general mobility. The NHS comprises only 4 percent of the nation's roads, but carries more than 40 percent of all highway traffic, 75 percent of heavy truck traffic and 90 percent of tourist traffic.

The NHS reaches nearly every part of the nation. According to the Federal Highway Administration, about 90 percent of American's population lives within 5 miles of an NHS route. All urban areas with a population of more than 50,000 and 93 percent with a population of between 5,000 and 50,000 are within 5 miles of the NHS. Counties with NHS highways have 99 percent of all jobs, including 99 percent of all manufacturing jobs, 90 percent of mining jobs, and 93 percent of agricultural jobs.

The NHS is the critical transportation link of most of our Nation's rural areas. According the Federal Highway Adminstration, of the 160,000 miles now on the National Highway System, fully 75 percent, or 119,000 miles, are in rural areas. Of the 1.2 trillion vehicle miles traveled in 2000 on NHS roads, about 60 percent were in rural areas.

I hope all senators will agree that improving highway safety should be our top priority. When it comes to highway safety, the fact that travel on four-lane roads is safer than two-lane roads. This is especially true in rural areas. According to the Bureau of Transportation Statistics, in 1998 the rate of traffic fatalities on all rural roads was 2.39 per 100-million vehicle miles; however, the rate of rural interstate highways was half as high, only 1.23 per 100 million vehicle-miles.

The reason for the lower fatality rate on rural interstate highways should be obvious. When a road has only one lane in each direction, trucks and other slow-moving vehicles increase the hazard of passing. Vehicles turning on or off a two-lane road can also increase risk. A divided four-lane highway greatly reduces these perils.

Of the 119,000 miles of rural NHS roads, about 33,000 miles are interstates and another 28,000 miles have been upgraded to four or more lanes. The remaining 58,000 miles, more than half of this rural highway network—are stil only two-lane roads with no central divider. These are the most dangerous roads on the National Highway System.

Unfortunately, there are only very limited funds available to upgrade the most dangerous two-lane rural NHS roads to four-lane highways. According to a recent GAO study, over two-thirds of all federal highways funding between 1992 and 200 has gone either to roads in urban areas or to interstate highways. Consequently, there is a continuing shortfall in Federal highway funding needed to upgrade the most important rural two-lane highways. My bill will help address the shortfall so that more rural segments of the NHS can be upgraded to four-lane divided highways.

In my State of New Mexico, we have made some progress toward upgrading our rural two-lane highways to four lanes. In recent years, US550 from Bernalillo to Farmington and US285 from Interstate 40 to Carlsbad have been widened to four lanes. In addition, upgrading of US70 from Las Gruces to Clovis and a key segment of US54 from El Paso to Alamogordo are nearly completed. But much more remains to be done.

New Mexico has 2,935 miles of rural roads in the NHS. One thousand of these NHS miles are interstates. Of the balance of New Mexico NHS highways, 1,755 miles are in the rural parts of my state, especially Chaves, Colfax, Eddy, Lincoln, Guadalupe, Otero, Quay, San Juan, and Union Counties. And almost 70 percent—1,217 miles, of New Mexico's rural NHS highways remain only two-lane roads. These two-lane roads are major transportation routes with heavy truck and commercial traffic. In 2000, a total of 10.3 billion vehicle miles were traveled on New Mexico's NHS highways, and about one quarter, or 2.7 billion miles, were traveled on these rural NHS roads.

As in many States, New Mexico's rural counties strongly believe their economic future depends on access to safe and efficient four-lane highways. Basic transportation infrastructure is one of the critical elements companies look for when choosing where to locate. Truck drivers and the traveling public prefer the safety and efficiency of a four-lane divided highway.

Thus one of the top priorities for rural cities and counties in my State is to complete the four-lane upgrade of such key routes as US54 from Tularosa to Nara Vista, US62/180 from Carlsbad to the Texas State line, US64/87 from Clayton to Raton, US 666 from north to Gallup to Shiprock, US285 from Clines Corners to Lamy, and US180 from Deming to Silver City. These two-lane rural routes in New Mexico not only bear some of the State's heaviest truck and automobile traffic, but also are some of the state's most dangerous. In fact, US 666 is considered one of the most dangerous two-lane highways in the Nation.

I ask unanimous consent that a table showing recent accident, fatality and injury rates for these major two-lane highways in New Mexico be printed in the RECORD.

EXHIBIT 1.—MAJOR TWO-LANE NHS HIGHWAYS IN NEW MEXICO

Two-lane NHS routes in New Mexico	Crashes 1998–2000	Fatalities 1998–2000	Injuries 1998–2000
US 62/180 Carlsbad to Texas State Line 30 miles	55	2	34
US 54, Tularosa to Texas State Line SPIRIT High Priority Corridor 214 miles	364	12	217
US 64/87 Raton to Clayton Ports-to-Plains High Priority Corridor 74 miles	163	5	157
US 666 North of Gallup to Shiprock 59 miles	148	12	166
US 180 Deming to Silver City 40.5 miles	60	3	50
US 285 Clines Corners to Lamy 37 miles	42	0	26
US 60/84 Santa Rosa to Ft. Sumner to Clovis 89 miles	97	6	54

Source: New Mexico State Highway and Transportation Department.

Mr. BINGAMAN. Mr. President, New Mexico is not alone in needing to upgrade two-lane roads on the National Highway System. Just last month my good friend Senator REID of Nevada, chaired a hearing of the Transportation, Infrastructure and Nuclear Safety Subcommittee of the Environment and Public Works Committee on the topic of western transportation issues. One of the witnesses, Tom Stephens, Director of Nevada's Department of Transportation, testified that rural two-lane highways are of special concern in Nevada. He indicated that the number of head-on accidents, which almost always include at least on vehicle with no fault, were especially troublesome in his state. I would note that Nevada has about 1,300 miles of rural two-lane NHS highways. Excluding interstates, 92 percent of the rural NHS miles in Nevada are still only two-lane roads.

Along with Nevada, many other States have long stretches of two-lane NHS roads. For example, Texas has over 3,400 miles of rural two-lane NHS roads. In Montana, 95 percent of all rural NHS roads are still only two lanes. Mr. President, I ask unanimous consent that a table showing the number of miles of rural two-lane highways in selected States be printed at this point in the RECORD.

EXHIBIT 2.—RURAL TWO- AND FOUR-LANE ROADS ON THE NATIONAL HIGHWAY SYSTEM FOR SELECTED STATES

State	Total rural NHS miles	Rural Interstate NHS miles	All other rural NHS miles	Two-lane rural NHS miles	Percent Rural Two Lane
Arkansas	2,253	467	1,786	1,465	83%
California	5,031	1,357	3,674	2,433	66%
Colorado	2,598	767	1,831	1,286	70%
Idaho	2,188	526	1,662	1,471	89%
Illinois	3,358	1,515	1,843	1,407	76%
Iowa	2,672	635	2,037	1,547	76%
Kansas	3,352	694	2,658	2,293	86%
Michigan	3,048	741	2,307	1,753	76%
Minnesota	2,213	557	2,581	1,897	73%
Missouri	3,385	806	2,579	1,853	72%
Montana	3,739	1,134	2,605	2,469	95%
Nebraska	2,686	437	2,249	1,964	87%
Nevada	1,921	480	1,441	1,317	92%
New Mexico	2,647	892	1,775	1,217	69%
North Dakota	2,619	531	2,088	1,659	79%
Oklahoma	2,836	721	2,115	1,105	52%
Oregon	3,259	581	2,678	2,197	82%
Pennsylvania	3,459	1,207	2,252	1,426	63%
South Dakota	2,822	629	2,193	1,938	88%
Texas	8,736	2,213	6,523	3,465	53%
Wisconsin	3,240	580	2,660	1,702	64%

EXHIBIT 2.—RURAL TWO- AND FOUR-LANE ROADS ON THE NATIONAL HIGHWAY SYSTEM FOR SELECTED STATES—Continued

State	Total rural NHS miles	Rural Interstate NHS miles	All other rural NHS miles	Two-lane rural NHS miles	Percent Rural Two Lane
Wyoming	2,784	826	1,958	1,924	98%
U.S. total	118,878	33,048	85,830	58,444	68%

Source: FHWA, Highway Statistics 2000, Tables HM–15 and HM–35

Mr. BINGAMAN. Of course, two-lane rural NHS roads are not unique to the large western states. Even in the East, where states are smaller, many NHS routes remain only two lanes. In Vermont, 78 percent of rural NHS roads are only two lanes, in New Hampshire it's 84 percent and 99 percent in Maine.

Mr. President, I do believe it is time Congress took action to improve the safety of cars and trucks on these important two-lanes roads. This year, I secured $1 million in federal funding to begin the upgrade of US64/87 between Clayton and Raton, which is part of the Ports-to-Plains High Priority Corridor on the National Highway System.

In addition, Senator ROBERTS and I have introduced legislation to designate US Highway 54 from El Paso, Texas, through New Mexico, Texas, and Oklahoma to Wichita, Kansas as the SPIRIT High Priority Corridor. Our bipartisan bill has three cosponsors. A high-priority corridor designation provides no additional federal funding, but helps focus attention on the need to upgrade the nation's major two-lanes routes. The sponsors of the bill have joined me in urging the Environment and Public Works Committee to act promptly on our bill.

Mr. President, the purpose of the bill I am introducing today, the Rural Four-Lane Highway Safety and Development Act of 2002, is to provide direct federal funding to states to upgrade existing two-lane roads in rural areas to safe and efficient four-lane divided highways. The states would determine which two-lane roads they wanted to upgrade. To be eligible for funding, the highway must be on the National Highway System or a congressionally designated High Priority Corridor. In my bill, priority for funding is given to upgrading the most dangerous two-lane highways, routes most affected by increased traffic as a result of NAFTA, highways that have high levels of commercial traffic, and projects that will help stimulate regional economic growth. Total funding for six years is $1.8 billion from the highway trust fund.

Mr. President, I continue to believe strongly in the important role of highway infrastructure to economic development. Even in this age of the so-called "new" economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of our country.

I recognize that the funding level in this bill is not large enough to upgrade all of the remaining two-lane routes on the NHS in the course of the next six years. Upgrading an existing two-lane road to a full four-lane divided highway can cost upward of one million dollars per mile.

Moreover, some of the existing two-lane roads probably don't have sufficient traffic to justify upgrading at this time. In addition, some two-lane NHS routes pass through scenic areas where it may not be appropriate to upgrade to four lanes. However, I do believe the funding in this bill will take us a long way toward ensuring the most critical projects are completed in the next six years.

Mr. President, next year Congress must take up the reauthorization of the comprehensive six-year transportation bill, TEA–21. I am introducing this bill today to help ensure that the issue of the safety of rural two-lane NHS routes will receive the attention it deserves in the debate on reauthorization. I look forward to working with the chairman of the Environment and Public Works Committee, Senator JEFFORDS, and Senator SMITH, the ranking member, as well as Senators REID and INHOFE of the Transportation, Infrastructure and Nuclear Safety Subcommittee, to find a way to ensure additional federal resources are in place to begin the work of upgrading existing two-lane NHS roads to safe, efficient four-lane divided highways.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Four-Lane Highway Safety and Development Act of 2002".

SEC. 2. RURAL 4-LANE HIGHWAY DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 138 the following:

"§139. Rural 4-lane highway development program

"(a) DEFINITIONS.—In this section:

"(1) 2-LANE HIGHWAY.—The term '2-lane highway' means a highway that has not more than 1 lane of traffic in each direction.

"(2) 4-LANE HIGHWAY.—The term '4-lane highway' means a highway that has 2 lanes of traffic in each direction.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to make allocations to States for projects, consisting of planning, design, environmental review, and construction, to expand eligible 2-lane highways in rural areas to 4-lane highways.

"(c) APPLICATIONS.—To be eligible to receive an allocation under this section, a State shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

"(d) ELIGIBLE HIGHWAYS.—The Secretary may make allocations under this section only for projects to expand 2-lane highways that are on—

"(1) the National Highway System; or

"(2) a high priority corridor identified under section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032).

"(e) PRIORITY IN SELECTION.—In making allocations under this section, the Secretary shall give priority to—

"(1) projects to improve highway safety on the most dangerous rural 2-lane highways on the National Highway System;

"(2) projects carried out on rural highways with respect to which the annual volume of commercial vehicle traffic—

"(A) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (107 Stat. 2057); or

"(B) is expected to increase after the date of enactment of this section;

"(3) projects carried out on rural highways with high levels of commercial truck traffic; and

"(4) projects on highway corridors that will help stimulate regional economic growth and development in rural areas.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $300,000,000 for each of fiscal years 2004 through 2009.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

"139. Rural 4-lane highway development program.".

By Ms. MIKULSKI (for herself, Mr. DASCHLE, Mr. LEAHY, Mr. SARBANES, Mrs. CLINTON, Mr. KENNEDY, Mr. AKAKA, Mr. TORRICELLI, Mr. JOHNSON, Mr. CORZINE, and Mr. SCHUMER):

S. 2907. A bill to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center"; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce a bill to rename the Brentwood Postal Facility after Joseph Curseen, Jr. and Thomas Morris, Jr., the two postal workers who died in last year's anthrax attack.

I have expressed my deepest condolences to the families of these two men, both residents of my State of Maryland. They were true public servants. They were patriots. They died in service to their country. I want to you to know that I will be standing sentry to make sure that we do not forget Joe Curseen and Tom Morris.

America must remember the sacrifices they made, the pain felt by their families, and everyone affected by the anthrax attacks. All of our Nation's postal workers deserve our attention and our gratitude for their bravery, steadfastness and dedication to duty. The lives of Joseph Curseen, Jr. and Thomas Morris, Jr. truly exemplify the best qualities of our Nation's postal workers.

Joseph Curseen was a native of Washington, DC and a long-time resident of Prince George's County, MD. Mr. Curseen began and ended each day at his job with a handshake and a smile for his colleagues. He enjoyed his job at the postal service so much that he never called in sick during his 15 years there.

He was also a leader in his community and in his church. As President of his neighborhood association, he and his wife of 16 years, Celestine, helped build a playground and a park for local children. He was also active in his local church and led a bible study group for his fellow postal workers. He will be missed by many.

Mr. Morris, who known as "Moe" by his friends at the Brentwood facility, was also a Washington, DC native and long-time resident of Maryland's Prince George's County. He was a veteran, serving over four years in the Air Force. He continued his public service with 23 years at the U.S. Postal Service.

His wife Mary says he was a quiet and deeply religious man who led by example. In her eulogy, she said that he was true to others and true to himself. Mr. Morris was a beloved husband, grandfather, father, and stepfather as well as president of his local bowling league. He will also be deeply missed.

By renaming Brentwood in their honor, America will pay tribute to their commitment to public service, their families and their communities.

At their funeral, these two dedicated public servants were awarded the Postmaster General's Medal of Freedom. Yesterday, Representatives Wynn, Norton and the rest of the Maryland delegation led the charge to pass a bill to rename the Brentwood facility for these two fallen heroes. Today, the Senate takes the next step to make sure that the Brentwood facility is renamed in honor of these fallen heroes.

On Friday, I will be going to New York to commemorate last year's terrorists attacks, to honor our public servants, our firemen, postal workers, port authority workers, EMTs, policemen, and all those who assisted in the rescues.

I want all postal workers to know that I am on their side. I will not forget how deeply they have suffered. I will continue to fight for them in Congress and make sure that their voice is heard.

It is our responsibility as United States Senators to ensure the right people are asking the right questions to protect all Americans from the risks of terrorism, and to ensure that all Americans who are victims of terrorist attacks are treated equally.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., and known as the Brentwood Processing and Distribution Center, shall be known and designated as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mr. KOHL, Mr. REID, Mr. SARBANES, Mr. TORRICELLI, and Mr. JEFFORDS):

S. 2908. A bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today, I am introducing the Weapons of Mass Destruction Civil Support Act of 2002. This bill would require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team, WMD-CST, in each State by September 30, 2003. The cost of establishing, training, equipping, and operating these new teams would be paid for from existing fiscal year 2003 resources, thus requiring no additional spending.

I am pleased to be joined in this effort by Senators LEAHY, LIEBERMAN, KOHL, REID of Nevada, SARBANES, TORRICELLI, and JEFFORDS.

WMD-CSTs are comprised of 22 full-time National Guard personnel who are specially trained and equipped to deploy and assess suspected nuclear, chemical, biological, or other threats in support of local first responders. There are currently 32 full-time and 23 part-time WMD-CSTs across the country.

The emerging chemical, biological, and other threats of the 21st century present new challenges to our military and to local first responders. The WMD-CSTs play a vital role in assisting local first responders in investigating and combating these new threats. The September 11 terrorist attacks emphasize the need to have full-time WMD-CSTs in each State. As the events of that day so clearly and tragically demonstrated, local first responders are on the front lines of combating terrorism and responding to other large-scale incidents. As we rethink the security needs of our country, we should support the creation of an additional 23 full-time WMD-CSTs as soon as possible. Establishing these additional full-time teams will improve the overall capability of Wisconsin and the other 18 States with part-time teams to prepare for and respond to potential threats in the future.

According to the National Guard Bureau, WMD-CSTs performed 694 operational missions between September 11, 2001, and August 26, 2002. These missions fall into three categories: "response," "standby," and "assist."

Response missions occur when a team is deployed to sample a suspected or known hazardous substance. Since September 11, WMD-CSTs have deployed on 151 response missions, most of which were to investigate reports of suspicious white powder in the wake of the anthrax attacks of last fall. Other response missions included reports of the presence of unknown liquids or of suspicious pieces of mail.

There have been 74 standby missions during this same time frame. On these missions, WMD-CSTs deploy to provide expertise to a specific community for the visit of a dignitary such as the President or a Governor, or for a large-scale event. In the past year, WMD-CSTs have been on standby for events including the Major League Baseball All-Star Game in Milwaukee, the 2002 Winter Olympics and Paralympics in Salt Lake City, the World Series, the Super Bowl, and Mardi Gras.

Assist missions give WMD-CST members the opportunity to use their technical expertise to assist or provide advice to local first responders or other organizations and to participate in conferences and other events that focus on how to respond to attacks. In the past year, CSTs have performed 469 assist missions in support of local, State, and Federal agencies including law enforcement, hospitals, health departments, state emergency management agencies, the American Red Cross, the Coast Guard, the Secret Service, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the United States Navy.

As I noted earlier, a WMD–CST was deployed to be on standby during this year's baseball All-Star game, which took place in my home State. Because Wisconsin has only a part-time WMD–CST, the Minnesota team was deployed on a standby mission to Milwaukee for this event. The members of Wisconsin's part-time WMD–CST also participated in this deployment. According to the Wisconsin National Guard, if Wisconsin had a full-time team, deployment of the Minnesota team would not have been necessary.

In light of the tragic events of September 11, the presence of at least one WMD–CST in each State is all the more imperative. These terrorist attacks, and the subsequent mobilization of tens of thousands of National Guardsmen and Reservists, also underscore the need to provide adequate resources for and to ensure full-time manning of the National Guard. As we move to establish at least one 22-member WMD–CST in each State, I call on the Pentagon to allocate the necessary resources to ensure adequate National Guard personnel end-strengths to provide for full-time manning and for the additional personnel necessary for these new teams.

I am pleased that this bill is supported by the Wisconsin National Guard and by the National Guard Association of the United States.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weapons of Mass Destruction Civil Support Team Act of 2002".

SEC. 2. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that there is established, by not later than September 30, 2003, at least one Weapons of Mass Destruction Civil Support Team in each State.

(b) DEFINITIONS.—In this section:

(1) The term "Weapons of Mass Destruction Civil Support Team" means a team that—

(A) provides support for emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302)); and

(B) is composed of members of National Guard who are performing duties as members of the team under the authority of subsection (c) of section 12310 of title 10, United States Code, while serving on active duty as described in subsection (a) of such section or on full-time National Guard duty under section 502(f) of title 32, United States Code.

(2) The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) FUNDING.—The costs of establishing Weapons of Mass Destruction Civil Support Teams to comply with the requirement in subsection (a), and the costs of training and equipping the teams established to comply with such requirement, may be paid (to the extent properly allocable on the bases of purpose and period of availability) out of funds authorized to be appropriated for fiscal year 2003 for purposes as follows:

(1) For the Army, for—

(A) military personnel;

(B) operation and maintenance;

(C) other procurement; or

(D) military construction.

(2) For the Air Force for military personnel.

(3) For the Department of Defense for the chemical and biological defense program.

By Mr. SMITH of Oregon:

S. 2909. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for qualified tuition and related expenses and to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to such deduction and the extension of the exclusion for employer-provided education assistance; to the Committee on Finance.

Mr. SMITH of Oregon. Mr. President, I come to the floor today to introduce the College Tuition Relief Act of 2002, a bill that will go a long way toward easing the burden of college tuition fees for parents and students across the country.

When President Bush signed the Economic Growth and Tax Relief Reconciliation Act last year, millions of hard working Americans finally got to keep more of their own money so that they could spend it in ways that helped their families most. Too often forgotten, though, is the fact that none of the provisions in that important tax relief bill is permanent. All will expire in a few short years, and, unless we act soon, the American taxpayers will have to adjust their budgets to account for higher taxes once again.

Included in last year's tax relief legislation were two provisions that are of the utmost importance to families and young students struggling to pay the ever-increasing costs of higher education. The first allows taxpayers to deduct as much as $4000 of their college tuition expenses from their taxes every year; the second allows individuals to exclude as much as $5250 in employer-provided education assistance from their taxes, a critically important benefit for a great many Americans attempting to balance school with work, family, and limited budgets.

Because of an unfortunate quirk in the law, both of these provisions will expire after only a few years, and future generations of young people will not receive the benefits of a more affordable education. The solution to this problem is simple: we should make these provisions permanent. My bill does just that. The College Tuition Relief Act of 2002 will simply ensure that future college students will be able to count on their government to support them as they work towards attaining a good education.

The two provisions that this bill will make a permanent part of our tax law have always received broad bipartisan support, and I am confident that none of us wants to take back the help we are currently giving to college students and the families who so often contribute to their tuition. Even my colleagues who did not vote for last year's tax relief should find it easy to support this bill and, along with it, our Nation's college students.

I ask unanimous consent that the text of the Bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Tuition Relief Act of 2002".

SEC. 2. PERMANENT DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) PERMANENT DEDUCTION.—

(1) IN GENERAL.—Section 222 of the Internal Revenue Code of 1986 (relating to qualified tuition and related expenses) is amended by striking subsection (e).

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 222(b)(2) of such Code (relating to applicable dollar limit) is amended by striking "2004 AND 2005.—In the case of a taxable year beginning in 2004 or 2005," and inserting "2004 AND THEREAFTER.—In the case of any taxable year beginning after 2003,".

(b) REPEAL OF SUSPENSION.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 431 (relating to qualified tuition and related expenses).".

SEC. 3. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 411 (relating to modifications to extension of exclusion for employer-provided educational assistance).".

By Mr. HUTCHINSON (for himself, Mr. GREGG, Mr. KYL, Mr. CRAIG, Mr. MURKOWSKI, Mr. ALLARD, and Mr. MCCAIN):

S. 2911. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the modifications to education individual retirement accounts; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I am pleased to rise today to make permanent a provision included in last year's tax bill, the Coverdell education savings accounts. Congress took an important step last year in providing real options for parents to save for their children's elementary, secondary, and postsecondary educations. It is important now that we ensure that these options do not disappear in the future.

Coverdell education savings accounts provided a new way for parents to save for their child's education. Accounts were increased to a maximum of $2,000, and parents can now use the tax-free savings for not only a college education, but also for elementary and secondary school expenses, including tuition, books, computers, and tutoring. Earnings on contributions to this plan are tax-free due to the tax bill that was passed last year. Now, it is time to continue this commitment to our children.

Parents who want to open an education savings account this year for their child who is five years old have no guarantee that those accounts will exist beyond 2010. Last year's tax bill, as we know, sunsets in 2010. But for this program, parents need to be assured that money they are saving now will be available for college tuitions in 2011 and beyond. With the cost of higher education rising faster than family income, we need to ensure that these saving tools will be available for years to come for families who are preparing for their future and being smart about their money. The average cost of tuition and fees between the 1989–1990 and 2001–2002 school years rose by 8 percent a year at 4-year private colleges and 10 percent a year at 4-year public colleges, while family income rose by only 5 percent annually during that same time period.

Parents should have the assurance that accounts that are started now, and that would not be tapped into for ten to fifteen years, would still be around at that time.

I have started education savings accounts for my grandchildren, who are all infants and toddlers, and I want to know that they will be able to use this money years down the road for elementary or secondary schools or for their college education.

We need to make this benefit permanent now to ensure savings incentives for years to come.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 401 (relating to modifications to education individual retirement accounts).".

By Mr. DODD (for himself, Mr. KENNEDY, Mr. WELLSTONE, and Mr. REED):

S. 2912. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce the Student Bill of Rights. This bill is critical to ensuring that every child in America receives the educational opportunity that is the foundation of America's promise of equal opportunity for all.

This bill would hold States accountable for providing the fundamentals of education—including highly qualified teachers, principals, and academic support personnel, challenging curricula, small classes, current textbooks, quality libraries, up-to-date facilities and technology, and capable guidance counselors to students at all schools in the State. Current law requires that schools within the same district provide comparable educational services. This bill would extend that basic protection to the State level by requiring comparability across school districts. And, this bill would help ensure that states comply with State or Federal court orders concerning the fairness of their public school systems.

I want to thank Senators KENNEDY, WELLSTONE, and REED for joining me in introducing this bill and for their longstanding commitment to this issue. I also want to thank Representative CHAKA FATTAH, of Philadelphia. Representative FATTAH is a leader in the fight for educational opportunity for all. He and I have worked together closely on this issue, and he is introducing a similar Student Bill of Rights in the other body today.

Nearly 50 years after Brown v. Board of Education, our educational system remains largely separate and unequal. Whether an American child is taught by a high quality teacher in a small class, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education, still depends on where the child's family can afford to live. In fact, the United States ranks last among developed countries in the difference in the quality of schools available to wealthy and low-income children.

This is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to achieve academically, to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

Last year, Democrats and Republicans worked closely with President Bush to pass the No Child Left Behind Act, to hold schools accountable for closing the achievement gap for low-income students, minority students, limited-English proficient students, and students with disabilities and to hold them accountable for all students performing at a high level.

I commend the President for his interest in education. Holding schools to high standards of student achievement is critical. But, it's not the same as reaching those standards. If we don't make sure that every school has the tools it needs, we will be like parents with two children telling them that they expect both children to work hard and do well in school, but that they will only help one of them with their homework, will only allow one of them to use the family's encyclopedia or computer, and will only allow one of them to study in their warm room, while the other must study in the unheated basement.

I know that States have made some progress over the years in leveling the playing field, and that they are facing terrific budgetary pressures. And, I know that the Federal Government is facing budget deficits instead of surpluses, but providing enough resources for education shouldn't be a choice. We don't, and we shouldn't, say that "We'd like to do more about national security, but times are tough." We can't accept that argument for education, either.

This bill does not represent a radical notion. This Congress and last, 42 Senators and 183 Representatives voted for similar legislation that Mr. FATTAH and I offered. A radical notion is the idea that a country founded on the principal of equal opportunity for all can continue to accept an educational system that provides real educational opportunity for just a select few.

That's not to say that only states have to do better. The No Child Left Behind Act rightly requires school districts and schools to do more, and we need to do much, much more in Washington to fulfill our role in this process. More than 90 percent of America's children rely upon public schools, yet less than 2 percent of our entire federal budget is spent on helping our grade schools and high schools. That's only about 7 percent of all education spending.

When he signed the No Child Left Behind Act this January, President Bush promised that the Federal Government would make sure schools have the resources necessary to meet the new law's requirements. But, in February, with the ink on the new law not yet dry, the President sent his education budget to Congress and the resources were not there. In fact, the President took an enormous step backward by proposing to cut Federal support for the No Child Left Behind Act.

For example, more than ten million low-income children attend schools in areas that are eligible for Federal assistance to hire and train teachers and buy textbooks, computers, and other school necessities. The President's education budget would provide only 40 percent of the assistance that these schools need, leaving more than six million children behind. The President's budget also fails to even come close to fully funding the Federal Government's commitment to special education, leaving families and local communities struggling to make up the difference. We will never close the achievement gap as long as our Nation's most disadvantaged students in the neediest schools are forced to make do with far less than other students.

At the same time, the President wants to take nearly $4 billion away from these students and these schools to fund private school vouchers. Private schools provide many children with a good education, but for America to continue to succeed as a Nation, our public schools must also succeed.

And, the way to help them succeed is not to drain resources from them in the vain hope that the answer lies elsewhere, but by making sure that every public school has the resources to provide our children with the education they need and deserve, through measures such as the Student Bill of Rights, fully funding Title I and special education, and others.

In the end, this is about the simple fact that the quality of a child's education shouldn't be determined by the digits of their zip code. This measure corrects that inequity by ensuring that each and every child's school has the resources to provide them with a decent education, and in turn, an equal opportunity for a successful future.

And so, I urge my colleagues to join me in supporting the Student Bill of Rights.

I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Bill of Rights".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

Sec. 101. State public school systems.
Sec. 102. Fundamentals of educational opportunity.

Subtitle B—State Accountability

Sec. 111. State accountability plan.
Sec. 112. Consequences of failure to meet requirements.

Subtitle C—Report to Congress and the Public

Sec. 121. Annual report on State public school systems. .

Subtitle D—Remedy

Sec. 131. Civil action for enforcement.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

Sec. 201. Effects on economic growth and productivity.
Sec. 202. Effects on national defense.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.
Sec. 302. Rulemaking.
Sec. 303. Construction.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(vi) Job placement and retention rates and indices of job quality.

(3) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(4) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(5) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that "the opportunity of an education..., where the State has undertaken to provide it, is a right which must be made available to all on equal terms", courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(6) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(7) In 1999, the National Research Council of the National Academy of Sciences published a report entitled "Making Money Matter, Financing America's Schools", which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(8) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, "A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity." (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001))

(9) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including "experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as...the funding necessary to secure these resources"; and

(B) these inadequacies are "particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.".

(10) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(11) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(12) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(13) According to the World Economic Forum's Global Competitiveness Report 2001-2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(14) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(15) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(16) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 111(a)(1)(A) to students at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

Subtitle B—State Accountability

SEC. 111. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) Levels of Access.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) Information.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) Accountability and Remediation.—

(1) Accountability.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of the fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2001–2002 school year, each public elementary or secondary school in the State shall have high access to each of the fundamentals of educational opportunity described in section 102.

(2) Remediation.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) Amendments.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) Disapproval.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) Waiver.—

(1) In general.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) Contents of waiver request.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 112. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) Interim Yearly Goals.—

(1) In general.—For a fiscal year and a State described in section 111(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) Definition.—In this subsection, the term "covered goal", used with respect to a fiscal year, means an interim yearly goal described in section 111(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) Consequences of Nonremediation.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 111(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 111(b)(2), the Secretary shall withhold from the State not more than 33 ⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) Consequences of Noncompliance with Court Orders.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33 ⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs.

(d) Disposition of Funds Withheld.—

(1) Determination.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) Disposition.—

(A) Correction.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) Noncorrection.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) Availability.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

Subtitle C—Report to Congress and the Public

SEC. 121. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) Annual Report to Congress.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) Contents of Report.—The analysis conducted under subsection (a) shall include the following:

(1) Public school system information.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on

State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 111(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 111(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 111(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) State Actions.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) State Plans.—A copy of each State's most recent plan submitted under section 111(a)(1).

(4) Relationship Between Compliance and Achievement.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) Scope of Report.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) Submission of Data to Secretary.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) Failure To Submit Data.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) Publication.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

Subtitle D—Remedy

SEC. 131. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUCTIVITY.

(a) Study.—The Commissioner of Education Statistics, in consultation with the Secretary of Commerce, Secretary of Labor, Secretary of the Treasury, and the National Research Council of the National Academy of Sciences, shall conduct a comprehensive study concerning the effects on economic growth and productivity of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the economic costs to the Nation resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a);

(2) the economic gains to be expected from States' compliance with the requirements of section 101(a); and

(3) the costs, if any, of ensuring that each State maintains a public school system that meets the requirements of section 101(a).

(b) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

SEC. 202. EFFECTS ON NATIONAL DEFENSE.

(a) Study.—The Commissioner of Education Statistics, in consultation with the Secretary of Defense, shall conduct a comprehensive study concerning the effects on national defense of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the detriments to national defense resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a), including the effects on—

(A) knowledge and skills necessary for the effective functioning of the Armed Forces;

(B) the costs to the Armed Forces of training; and

(C) efficiency resulting from the use of sophisticated equipment and information technology; and

(2) the gains to national defense to be expected from ensuring that each State public school system meets the requirements of section 101(a).

(b) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

In this Act:

(1) Referenced Terms.—The terms "elementary school", "secondary school", "local educational agency", "highly qualified", "core academic subjects", "parent", and "average per-pupil expenditure" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) Federal Elementary and Secondary Education Programs.—The term "Federal elementary and secondary education programs" means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) Public School System.—The term "public school system" means a State's system of public elementary and secondary education.

(4) State.—The term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 302. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 303. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 322—DESIGNATING NOVEMBER 2002, AS "NATIONAL EPILEPSY AWARENESS MONTH"

Mrs. LINCOLN (for herself, Ms. Collins, Ms. Landrieu, Mr. Hutchinson, and Mr. Fitzgerald) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 322

Whereas epilepsy is a neurological condition affecting 2,300,000 people in the United States;

Whereas a seizure is a disturbance in the electrical activity of the brain, and 25,000,000 Americans (1 in every 10) will have at least 1 seizure during their lives;

Whereas 180,000 new cases of seizures and epilepsy are diagnosed each year, and 3 percent of Americans will have developed epilepsy by the time they are 75;

Whereas 41 percent of people who currently have epilepsy experience persistent seizures despite the treatment they are receiving;

Whereas a survey sponsored by the Centers for Disease Control and Prevention shows that the burden of disease for people with epilepsy is comparable to that experienced by people with cancer, diabetes, and arthritis;

Whereas epilepsy in older children and adults remains a formidable barrier to a normal life, affecting education, employment, marriage, childbearing, and personal fulfillment;

Whereas stigma surrounding epilepsy continues to fuel discrimination and isolates people with seizure disorders from the mainstream life;

Whereas in spite of these obstacles, epileptics can live healthy and productive lives and go on to make significant contributions to society;

Whereas we must ensure that funding for epilepsy research programs at the National Institutes of Health, and for epilepsy programs at the Centers for Disease Control and Prevention must continue to increase; and

Whereas we must ensure that people with epilepsy in underserved and unserved areas of the country have access to appropriate care, and to this end it is essential that the epilepsy program at the Health Resources and Services Administration receive initial funding to create demonstration projects to improve access to services in those communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2002, as "National Epilepsy Awareness Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mrs. LINCOLN. Mr. President, today I would like to submit a resolution about an important health disorder which affects 2.3 million Americans and 40,000 people in Arkansas. I am referring to epilepsy.

Epilepsy is a chronic neurological disorder; people with this disorder may have seizures which may be as brief as a few seconds, or as traumatic as several minutes and visibly distracting. Several months ago, I had the opportunity to meet with a young man from Arkansas who has epilepsy and is a spokesperson for the Epilepsy Foundation, as part of their Winning Kids program, representing 300,000 children with this disease. Additionally, he is a role model for his peers in Arkansas due to his courage. His name is Bryan Raymond. As he said in a speech to other children in March, "We are all different. Some of us hardly ever have seizures. Some of us have lots and lots of seizures. But we all want the same things. We want to be busy and happy. We want to go to school. We want to have friends. We want to play and have fun. We want other kids to understand what seizures are, and to respect us." The one thing he asked me, and I ask of you is that we teach our children and our communities about a better understanding about this disease. School-age children have a better understanding of HIV/AIDS and cancer than epilepsy. We must educate our children about this disease in order to allow these patients to thrive.

In addition to the touching conversation I had with Bryan and his mother earlier this year, this disease is even closer to home for me. A young woman on my staff is diagnosed with this condition. Amy is here with me today for several reasons. First, she has provided a good first-hand account/knowledge of what epilepsy is and how it affects daily life. Second, she signifies the success which epileptics can have, like people from every other walk of life, when dealing with chronic conditions. To that end, this resolution is intended to serve two goals: to raise awareness about this disease, which in turn affects perception/stereotypes, and to increase funding for the long-term research for and care of patients.

Presently, doctors tell their patients that there is no cure for epilepsy. Rather the solution is long-term medication or surgery. It is critical that we increase the funding committed to epilepsy. As far as we have advanced in other areas of medicine, even other neurological disorders, we must give equal time and resources to a cure for epilepsy.

I would like to move that we establish the month of November as National Epilepsy Awareness Month. This is one small step toward the larger goal of overcoming epilepsy. As with other chronic illnesses, overcoming epilepsy is achieved in part through perception and part through science and medicine. Cancer, which was previously stigmatized to be terminal, is now more candidly discussed among patients and families and leagues ahead in research. I hope that this will be true as well with epilepsy.

I urge my colleagues to support the resolution.

SENATE RESOLUTION 323—TO AUTHORIZE TESTIMONY AND REPRESENTATION I SENATOR MITCH MCCONNELL, ET. AL. V. FEDERAL ELECTION COMMISSION, ET. AL. AND CONSOLIDATION CASES

Mr. DASCHLE (for himself and Mr. Lott) submitted the following resolution; which was considered and agreed to:

S. Res. 323

Whereas, in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., No. 02–CV–582, and consolidated cases, pending in the United States District Court for the District of Columbia, notices for the taking of depositions have been served on Senator Mitch McConnell, who is a plaintiff, and Senators Olympia Snowe, James Jeffords, John McCain, and Russell Feingold, who are intervenor-defendants;

Whereas, pursuant to sections 703(c) and 706(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(c) and 288e(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal proceeding in which the powers and responsibilities of Congress under the Constitution are placed in issue;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That, in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases, Senators Mitch McConnell, Olympia Snowe, James Jeffords, John McCain, and Russell Feingold, and any other Senator who agrees to participate in this litigation, are authorized to testify, except concerning matters for which a privilege should be asserted and when their attendance at the Senate is necessary for the performance of their legislative duties.

Sec. 2. That the Senate Legal Counsel is authorized to appear as amicus curiae in the name of the Senate in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases, the represent the interests of the Senate in connection with discovery sought from Senators in these cases.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4493. Mr. BYRD (for Mrs. Murray) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4494. Mr. BURNS (for Mr. Campbell) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4495. Mr. BYRD (for Mr. Leahy (for himself, Mr. Cochran, and Mr. Frist)) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4496. Mr. BURNS (for Ms. Collins (for himself and Ms. Snowe)) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4497. Mr. BYRD (for Mr. Graham (for himself and Mr. Nelson, of Florida)) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4498. Mr. BURNS (for Mrs. Hutchison) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4499. Mr. BURNS (for Mr. Kyl) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4500. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4501. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4502. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4503. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4504. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4505. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4506. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4507. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4508. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. KOHL, and Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4509. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. KOHL, and Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4510. Mr. BAYH (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4511. Mr. REID (for Mr. JEFFORDS (for himself and Mr. SMITH, of New Hampshire)) proposed an amendment to the bill S. 351, to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes.

TEXT OF AMENDMENTS

SA 4493. Mr. BYRD (for Mrs. MURRAY) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 22, line 23, strike "$62,828,000" and insert "$63,228,000, of which $400,000 shall be made available for statutory and contractual aid for the Vancouver National Historic Reserve in the State of Washington".

On page 24, line 13, strike "$361,915,000" and insert "$361,515,000".

SA 4494. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

Beginning on page 62, strike line 22 and all that follows through page 63, line 2, and insert the following:

of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

SA 4495. Mr. BYRD (for Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. FRIST)) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

(Purpose: To permit the use of a single procurement contract by the Smithsonian Institution for a multi-year repair and renovation of the Patent Office Building, subject to the availability of annual appropriations.)

On page 102, at the end of line 26, add the following:

'*Provided*, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project. *Provided further*, That the solicitation of the contract and the contract shall contain the clause 'availability of funds' found at 48 C.F.R. 52.232-18.' "

SA 4496. Mr. BURNS (for Ms. COLLINS (for herself, and Ms. SNOWE)) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 13, line 19, insert the following after the colon:

": *Provided further*, That of the funds available for endangered species recovery, $1,500,000 is for Atlantic salmon recovery activities administered by the National Fish and Wildlife Foundation and $500,000 is for the United States Fish and Wildlife Service to undertake Atlantic salmon recovery efforts in Maine"

SA 4497. Mr. BYRD (for Mr. GRAHAM (for himself and Mr. NELSON of Florida)) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 3 . MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

Notwithstanding any other provision of law, the Corps of Engineers, using funds made available by this Act and funds made available under any Act enacted before the date of enactment of this Act for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled "Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement" and dated July 2000.

SA 4498. Mr. BURNS (for Mrs. HUTCHISON) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 14, lines 11 and 12, strike "$42,182,000, to remain available until expended:" and insert "$42,682,000, to remain available until expended, of which $500,000 shall be made available for the World Birding Center in Mission, Texas:".

On page 14, line 26, strike "$89,055,000" and insert "$88,555,000".

On page 15, line 5, insert ", of which $500,000 shall be made available for the Lower Rio Grande Valley National Wildlife Refuge" before the colon.

SA 4499. Mr. BURNS (for Mr. KYL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1 . COLORADO RIVER MANAGEMENT PLAN.

Not less often than annually, the Director of the National Park Service shall report to Congress on the status of the Colorado River Management Plan.

SA 4500. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, after line 2, add the following:

TITLE IV—EMERGENCY FUNDING FOR FIREFIGHTERS AND OTHER EMERGENCY RESPONDERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Public Health and Social Services Emergency Fund" for baseline and follow-up screening and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $90,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: *Provided*, That the entire amount is designated by

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $200,000,000 to remain available until September 30, 2003, of which $150,000,000 is for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.) and $50,000,000 for interoperable communications equipment: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

DEPARTMENT OF JUSTICE

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services' Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 4501. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, strike lines 1 through 16 and insert the following:

(A) IN GENERAL.—The Secretary shall assign employees of the Department to each diplomatic and consular post at which visas are issued, unless the Secretary determines, based upon homeland security considerations, that such an assignment is not required at a particular post. Employees so assigned shall perform the following functions:

(i) Provide expert advice to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications.

(ii) Review any such applications, either on the initiative of the employee of the Department or upon request by a consular officer or other person charged with adjudicating such applications.

(iii) Conduct investigations with respect to matters under the jurisdiction of the Secretary.

(iv) Appraise the performance of consular officers with respect to the processing and adjudication of applications for visas in accordance with performance standards developed by the Secretary. Such appraisals shall be given great weight by the Secretary of State in assessing the performance of such officers.

SA 4502. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table, as follows:

On page 37, line 21, strike "and".

On page 37, between lines 21 and 22, insert the following:

(3) ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5, United States Code, by—

(A) participating in the 2302(c) Certification Program of the Office of Special Counsel;

(B) achieving certification from the Office of Special Counsel of the Department's compliance with section 2302(c) of title 5, United States Code; and

(C) informing Congress of such certification not later than 24 months after the date of enactment of this Act; and

On page 37, line 22, strike "(3)" and insert "(4)".

SA 4503. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table, as follows:

On page 68, insert between lines 13 and 14 the following:

(d) INCLUSIONS IN TRANSFERS.—The transfers under subsection (c) shall include—

(1) with respect to personnel, all employees of the transferred entity who are employed by that entity on September 1, 2002, except any employee who is scheduled for reassignment before that date; and

(2) with respect to assets—

(A) all records relating to open investigations;

(B) training capabilities;

(C) operational proprietary hardware and software in use on September 1, 2002; and

(D) partnerships with private entities.

SA 4504. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 13 and 14, insert the following:

SEC. 173. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary should develop and maintain intelligence analysts from among the employees of the Directorate of Intelligence.

SA 4505. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 13 and 14, insert the following:

SEC. 173. INFORMATION ON VISA DENIALS REQUIRED TO BE ENTERED INTO ELECTRONIC DATA SYSTEM.

(a) IN GENERAL.—Whenever a consular officer of the United States denies a visa to an applicant, the consular officer shall enter the fact of the denial and the name of the applicant into the interoperable electronic data system implemented under section 202(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722(a)).

(b) PROHIBITION.—In the case of any alien with respect to whom a visa has been denied under subsection (a)—

(1) no subsequent visa may be issued; and

(2) the alien may not be admitted to the United States.

SA 4506. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 13 and 14, insert the following:

SEC. 173. STUDY ON USE OF FOREIGN NATIONAL PERSONNEL IN VISA PROCESSING.

(a) STUDY.—The Secretary shall conduct a study on the use of foreign national personnel in visa processing to determine whether such uses are consistent with secure visa processing. The study shall review and make recommendations with respect to—

(1) the effects or possible effects on national security of the use of foreign national personnel in individual countries to perform data entry, process visas or visa applications, or in any way handle visas or visa application documents; and

(2) each United States mission abroad to determine whether United States consular services performed at the United States mission require different regulations on the use of foreign national personnel.

(b) USE OF RECOMMENDATIONS.—Not later than four months after the effective date of this division, the Secretary, in consultation with the Secretary of State, shall include the recommendations made by the study required under subsection (a) in the regulations and policies of consular services that the Secretary of Homeland Security is required to promulgate under this Act.

SA 4507. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

TITLE IV—EMERGENCY FUNDING FOR FIREFIGHTERS AND OTHER EMERGENCY RESPONDERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Public Health and Social Services Emergency Fund" for baseline and follow-up screening and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $90,000,000, to be available immediately upon enactment of this Act and to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $200,000,000 to be available immediately upon enactment of this Act and to remain available until September 30, 2003, of which $150,000,000 is for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.) and $50,000,000 for interoperable communications equipment: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF JUSTICE

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services' Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $50,000,000, to be available immediately upon enactment of this Act and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4508. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. KOHL, and Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 210, between lines 9 and 10, insert the following:

TITLE VI—WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS

SEC. 601. SHORT TITLE.

This title may be cited as the "Weapons of Mass Destruction Civil Support Team Act of 2002".

SEC. 602. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.

The Secretary of Defense shall ensure that there is established, by not later than September 30, 2003, at least one Weapons of Mass Destruction Civil Support Team in each State.

SEC. 603. DEFINITIONS.

In this title:

(1) WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM.—The term "Weapons of Mass Destruction Civil Support Team" means a team that—

(A) provides support for emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302)); and

(B) is composed of members of National Guard who are performing duties as members of the team under the authority of subsection (c) of section 12310 of title 10, United States Code, while serving on active duty as described in subsection (a) of such section or on full-time National Guard duty under section 502(f) of title 32, United States Code.

(2) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

SEC. 604. FUNDING.

The costs of establishing Weapons of Mass Destruction Civil Support Teams to comply with the requirement in section 602, and the costs of training and equipping the teams established to comply with such requirement, may be paid (to the extent properly allocable on the bases of purpose and period of availability) out of funds authorized to be appropriated for fiscal year 2003 for purposes as follows:

(1) For the Army, for—

(A) military personnel;

(B) operation and maintenance;

(C) other procurement; or

(D) military construction.

(2) For the Air Force for military personnel.

(3) For the Department of Defense for the chemical and biological defense program.

SA 4509. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. KOHL, and Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, between lines 9 and 10, insert the following:

TITLE VI—WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS

SEC. 601. SHORT TITLE.

This title may be cited as the "Weapons of Mass Destruction Civil Support Team Act of 2002".

SEC. 602. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.

The Secretary of Defense shall ensure that there is established, by not later than September 30, 2003, at least one Weapons of Mass Destruction Civil Support Team in each State.

SEC. 603. DEFINITIONS.

In this title:

(1) WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM.—The term "Weapons of Mass Destruction Civil Support Team" means a team that—

(A) provides support for emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302)); and

(B) is composed of members of National Guard who are performing duties as members of the team under the authority of subsection (c) of section 12310 of title 10, United States Code, while serving on active duty as described in subsection (a) of such section or on full-time National Guard duty under section 502(f) of title 32, United States Code.

(2) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

SEC. 604. FUNDING.

The costs of establishing Weapons of Mass Destruction Civil Support Teams to comply with the requirement in section 602, and the costs of training and equipping the teams established to comply with such requirement, may be paid (to the extent properly allocable on the bases of purpose and period of availability) out of funds authorized to be appropriated for fiscal year 2003 for purposes as follows:

(1) For the Army, for—

(A) military personnel;

(B) operation and maintenance;

(C) other procurement; or

(D) military construction.

(2) For the Air Force for military personnel.

(3) For the Department of Defense for the chemical and biological defense program.

SA 4510. Mr. BAYH (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, between lines 9 and 10, insert the following:

TITLE VI—STRENGTHENED TEMPORARY FLIGHT RESTRICTIONS FOR THE PROTECTION OF CHEMICAL WEAPONS STORAGE DEPOTS

SEC. 601. ENFORCEMENT OF TEMPORARY FLIGHT RESTRICTIONS.

(a) IMPROVED ENFORCEMENT.—The Secretary of Defense shall take such actions as may be necessary to improve the enforcement of temporary flight restrictions applicable to Department of Defense depots for the storage of lethal chemical agents and munitions.

(b) ASSESSMENT OF USE OF COMBAT AIR PATROLS AND EXERCISES.—The Secretary shall include among the actions taken under subsection (a) an assessment of the effectiveness, in terms of deterrence and capabilities for timely response, of current requirements for carrying out combat air patrols and flight training exercises involving combat aircraft over the depots referred to in such subsection.

SEC. 602. REPORTS ON UNAUTHORIZED INCURSIONS INTO RESTRICTED AIRSPACE.

(a) REQUIREMENT FOR REPORT.—The Administrator of the Federal Aviation Administration shall submit to Congress a report on each incursion of an aircraft into airspace in the vicinity of Department of Defense depots for the storage of lethal chemical agents and munitions in violation of temporary flight restrictions applicable to that airspace. The report shall include a discussion of the actions, if any, that the Administrator has taken or is taking in response to or as a result of the incursion.

(b) TIME FOR REPORT.—The report required under subsection (a) regarding an incursion described in such subsection shall be submitted not later than 30 days after the occurrence of the incursion.

SEC. 603. REVIEW AND REVISION OF TEMPORARY FLIGHT RESTRICTIONS.

(a) REQUIREMENT TO REVIEW AND REVISE.—The Secretary of Defense shall—

(1) review the temporary flight restrictions that are applicable to airspace in the vicinity of Department of Defense depots for the storage of lethal chemical agents and munitions, including altitude and radius restrictions; and

(2) revise the restrictions as the Secretary considers appropriate to ensure sufficient opportunity for—

(A) detection of incursions of aircraft into such airspace; and

(B) response to protect such agents and munitions effectively from threats associated with the incursions.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions taken under subsection (a). The report shall contain the following:

(1) The matters considered in the review required under that subsection.

(2) The revisions of temporary flight restrictions that have been made or are planned to be made as a result of the review, together with a discussion of how those revisions ensure the attainment of the objectives specified in paragraph (2) of such subsection.

SA 4511. Mr. REID (for Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire)) proposed an amendment to the bill S. 351, to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes; as follows:

On page 16, strike lines 4 through 6.

On page 16, line 7, strike "(7)" and insert "(6)".

On page 16, line 12, strike "(8)" and insert "(7)".

On page 16, line 16, strike "(9)" and insert "(8)".

On page 16, line 20, strike "(10)" and insert "(9)".

On page 17, line 23, insert "liquid" before "mercury".

On page 21, line 15, insert "intentionally" before "used".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 5, 2002, at 10:00 a.m., to conduct a hearing on "The Importance of Financial Literacy Among College Students."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 5, 2002, at 2:30 p.m. on the nominations of Roger Nober to be a member of the Surface Transportation Board and David Laney to be a member of the Amtrak Reform Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in Open Executive Session during the session of the Senate on Thursday, September 5, 2002, at 10:00 a.m., to markup a substitute for H.R. 5063, the "Armed Forces Tax Fairness Act of 2002".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session, after first vote, during the session of the Senate on Thursday, September 5, 2002, in SD–430. The following items will be considered.

1. S. 2328, Safe Motherhood Act for Research and Treatment.

2. S. _____, to Reauthorize the National Science Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 5, 2002, at 10 a.m., in SD226.

Agenda

I. Nominations

Priscilla Owen to be a U.S. Circuit Court Judge for the Fifth Circuit.

Reena Raggi to be a U.S. Circuit Court Judge for Second District.

Ronald H. Clark to be a U.S. District Court Judge for the Eastern District of Texas.

James Knoll Gardner to be a U.S. District Court Judge for the Eastern District of Pennsylvania.

Lawrence J. Block to be a Judge for U.S. Court of Federal Claims.

To be a U.S. Marshal: Denny Wade King for the Middle District of Tennessee.

II. Bills

S. 2480, Law Enforcement Officers Safety Act of 2002 [Leahy/Hatch/Feinstein/Thurmond/Cantwell/Grassley/Edwards/Kyl/DeWine/Sessions/McConnell/Brownback].

S. 2127, a bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States. [Inouye].

H.R. 809, Antitrust Technical Corrections Act of 2001 [Sensenbrenner/Conyers].

H.R. 3375, Embassy Employee Compensation Act [Blunt].

S. 2798, Employee Abuse Prevention Act of 2002 [Durbin/Leahy/Kennedy].

S. 2820, to increase the priority for employee wages and benefits in bankruptcy [Carnahan/Leahy/Kennedy].

H.R. 3838, to amend the charter of the Veterans of Foreign Wars to make additional members of the armed services eligible for membership in the organization [Bilirakis].

S. 1972, to amend the charter of the AMVETS organization [Rockefeller].

H.R. 3214, to amend the charter of the AMVETS organization [Chris Smith].

S. Res. 316, to designate the year beginning February 1, 2003, as the "Year of the Blues" [Lincoln/Cantwell/Feingold].

S. 2896, to enhance the operation of the AMBER Alert communications network [Hutchison/Feinstein/Leahy/Hatch/Biden/Durbin/Edwards].

S. 1615, Federal-Local Information Sharing Partnership Act of 2001 [Schumer/Leahy/Hatch/Biden/Durbin].

S. 1655, Captive Exotic Animal Protection Act of 2001 [Biden, Feinstein, Durbin, Kohl, Cantwell].

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 5, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION AND RURAL REVITALIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation, and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday September 5, 2002 in SR–328A at 9 a.m. The purpose of this hearing will be to discuss the decline of oak tree populations in southern States caused by prolonged drought and red oak borer insect infestation,

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Susan Barnidge, a fellow with Senator CARNAHAN's office, be granted privileges of the floor for today and for the duration of the debate on H.R. 5005, the homeland security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that John Wanat and Thomas Holloman, congressional fellows in the Congressional Affairs Committee, and Michelle McMurry and Yul Kwon, fellows in my personal office, be granted floor privileges during the debate on H.R. 5005.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

HONORING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM

The following resolution was submitted as follows:

S. RES. 320

Whereas on August 25, 2002, the Valley Sports American Little League baseball team from Louisville, Kentucky, won the Little League Baseball World Series;

Whereas, this is the first time a Kentucky team has won the Little League Baseball World Series in the 56-year history of the series;

Whereas, the Valley Sports team had an impressive and overall undefeated record of 24 wins and 0 losses, including 4 victories in the playoffs, and winning the championship game;

Whereas, the Valley Sports team players, Aaron Alvey, Justin Elkins, Ethan Henry, Alex Hornback, Wes Jenkins, Casey Jordan, Shane Logsdon, Blaine Madden, Zach Osborne, Jake Remines, Josh Robinson, and Wes Walden, showed tremendous dedication and sportsmanship throughout the season toward the goal of wining the Little League baseball world championship;

Whereas, the Valley Sports team was managed by Troy Osborne, and coached by Keith Elkins and Dan Roach, who all demonstrated professionalism and respect for their players and the game of baseball;

Whereas, the Valley Sports team fans from Kentucky showed enthusiasm, support and courtesy for the game of baseball, and all the players and coaches; and

Whereas, in the 56th Little League Baseball World Series championship game the Valley Sports American baseball team faced the Sendai Higashi Japanese baseball team and came away victorious by a score of 1–0: Now, therefore, be it

Resolved, that the Senate honors the Valley Sports American Little League baseball team from Louisville, Kentucky, for winning the 2002 Little League World Series Championship.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM APR. 1 TO JUNE 20, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Edward Barron:									
Italy	Euro		1,163.00		5,669.51				6,832.51
France	Euro		747.00						747.00
Total			1,910.00		5,669.51				7,579.51

TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition and Forestry, July 25, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Nelson:									
Cyprus	Dollar		169.00						169.00
Uzbekistan	Dollar		666.00						666.00
Pakistan	Dollar		524.00						524.00
India	Dollar		1,650.00						1,650.00
Syria	Dollar		522.00						522.00
Turkey	Dollar		536.00						536.00
Switzerland	Dollar		284.00						284.00
Dan McLaughlin:									
Cyprus	Dollar		169.00						169.00
Uzbekistan	Dollar		666.00						666.00
Pakistan	Dollar		524.00						524.00
India	Dollar		1,650.00						1,650.00
Syria	Dollar		522.00						522.00
Turkey	Dollar		536.00						536.00
Switzerland	Dollar		284.00						284.00
Evelyn F. Farkas:									
Singapore	Dollar		381.03		20.00		20.00		421.03
Bernard Toon:									
Russia	Dollar		1,564.00						1,564.00
Germany	Dollar		338.00						338.00
Senator James M. Inhofe:									
Italy	Dollar		63.51						63.51
Israel	Dollar		279.59						279.59
Mark Powers:									
United States	Dollar				6,586.73				6,585.73
Germany	Dollar		68.16						68.16
Italy	Dollar		302.99						302.99
Cote D'Ivoire	Dollar		22.40						22.40
Oman	Dollar		146.47						146.47
Jordan	Dollar		158.00						158.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		279.66						279.66
Senator Jack Reed:									
Singapore	Dollar		365.09						365.09
Elizabeth King:									
Singapore	Dollar		394.52					15.67	410.19
Senator Jeff Bingaman:									
United States	Dollar				3,082.80				3,082.80
Russia	Dollar		991.05						991.05
Total			14,056.47		9,689.53		35.67		23,781.67

CARL LEVIN,
Chairman, Committee on Armed Services, July 1, 2002.

AMENDMENT TO 3RD QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James M. Inhofe:									
Ghana	Dollar		215.00						215.00
Kenya	Dollar		252.00						252.00
Benin	Dollar		189.00						189.00
United States	Dollar				4,727.21				4,727.21
Mark Powers:									
Ghana	Dollar		215.00						215.00
Kenya	Dollar		252.00						252.00
Benin	Dollar		189.00						189.00
United States	Dollar				5,878.12				5,878.12
Total			1,312.00		10,605.33				11,917.33

CARL LEVIN,
Chairman, Committee on Armed Services, July 30, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 20, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Turkey	Dollar		1,565.00						1,565.00
Denmark	Dollar		478.00						478.00
Senator Mike Crapo:									
Turkey	Dollar		1,565.00						1,565.00
Denmark	Dollar		478.00						478.00
Ruth Cymber:									
Turkey	Dollar		1,565.00						1,565.00
Denmark	Dollar		478.00						478.00
Larry Neal:									
Turkey	Dollar		1,565.00						1,565.00
Denmark	Dollar		478.00						478.00
Expenses for Delegation [1]									
Turkey	Dollar						2,814.92		2,814.92
Catherine Cruz Woktasik:									
Argentina	Dollar		1,135.00		998.47				2,133.47
Ethiopia	Dollar		950.00		5,439.45				6,389.45
Total			10,257.00		6,437.92		2,814.92		19,509.84

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384.

PAUL S. SARBANES,
Chairman, Committee on Banking, Housing, and Urban Affairs, July 30, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM MAY 24 TO MAY 29, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete V. Domenici:									
Russia	Dollar		1,376.00		2,368.30				3,744.30
Stephen E. Bell:									
Russia	Dollar		1,376.00		2,368.30				3,744.30
Total			2,752.00		4,736.60				7,488.60

KENT CONRAD,
Chairman, Committee on Budget, August 1, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael W. Reynolds:									
France	Euro		831.47		2,436.43				3,267.90
Belguim	Euro		199.55						199.55
Total			1,031.02		2,436.43				3,467.45

FRITZ HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, July 12, 2002.

AMENDMENT TO 1ST QUARTER 2002 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(B), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
Azerbaijan	Dollar		819.00						819.000
Turkey	Dollar		626.90						626.90
United States	Dollar				6,178.90				6,178.90
Bernard Toon:									
Azerbaijan	Dollar		833.50						833.50
Turkey	Dollar		641.50						641.50
United States	Dollar				6,289.50				6,289.50
Robert M Simon:									
Azerbaijan	Dollar		790.00						790.00
Turkey	Dollar		660.00						660.00
United States	Dollar				6,178.90				6,178.90
Shirley J Neff:									
Azerbaijan	Dollar		947.00						947.00
Turkey	Dollar		592.00						592.00
United States	Dollar				6,545.90				6,545.90
Jennifer R Michael:									
Azerbaijan	Dollar		839.00						839.00
Turkey	Dollar		588.00						588.00
United States	Dollar				6,545.90				6,545.90
Jonathan Y Black:									
Azerbaijan	Dollar		920.00						920.00
Turkey	Dollar		546.00						546.00
United States	Dollar				6,5545.90				6,545.90
Total			8,802.90		38,285.00				47,087.90

JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, July 30, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Theodore Posner:.									
China	Renminbi		883.40		5,575,50				6,458.90
Everett Eissenstat:.									
China	Renminbi		1,241.00		5,505.00				6,746.00
Charles Freeman:.									
China	Renminbi		1,241.00		5,505.00				6,746.00
Total			3,365.40		16,585.50				19,950.90

MAX BAUCUS,
Chairman, Committee on Finance, June 25, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lincoln Chafee:									
Venezuela	Dollar		2.00						2.00
Senator Michael B. Enzi:									
Russia	Dollar		1,376.00						1,376.00
United States	Dollar				4,633.50				4,633.50
Senator Chuck Hagel:									
Singapore	Dollar		510.00						510.00
Senator Robert Torricelli:									
Saudi Arabia	Dollar		450.00						450.00
Pakistan	Dollar		674.00						674.00
United States	Dollar				7,146.34				7,146.34
Jonah Blank:									
Indonesia	Dollar		1,718.00						1,718.00
United States	Dollar				8,496.98				8,496.98

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Bradshaw:									
Saudi Arabia	Dollar		450.00						450.00
Pakistan	Dollar		674.00						674.00
United States	Dollar				7,146.34				7,146.34
Jose Cardenas:									
Colombia	Dollar		884.00						884.00
United States	Dollar				1,890.50				1,890.50
Heather Flynn:									
Guinea	Dollar		800.00						800.00
Liberia	Dollar		745.00						745.00
Sierra Leone	Dollar		324.00						324.00
United States	Dollar				7,554.54				7,554.54
Mali	Dollar		580.00						580.00
Mauritania	Dollar		780.00						780.00
United States	Dollar				8,906.00				8,906.00
Brian G. Fox:									
Colombia	Dollar		884.00						884.00
United States	Dollar				2,395.00				2,395.00
Jeff Gibbs:									
Ethiopia	Dollar		600.00						600.00
Kenya	Dollar		400.00						400.00
Somaliland	Dollar		300.00						300.00
Djibouti	Dollar		300.00						300.00
Eritrea	Dollar		650.00						650.00
United States	Dollar				6,978.45				6,978.45
Philip M. Griffin:									
Ethiopia	Dollar		500.00						500.00
Kenya	Dollar		500.00						500.00
Somaliland	Dollar		300.00						300.00
Djibouti	Dollar		300.00						300.00
Eritrea	Dollar		650.00						650.00
United States	Dollar				6,978.45				6,978.45
Michael H. Haltzel:									
Germany	Dollar		1,053.00						1,053.00
United States	Dollar				4,927.25				4,927.25
Robert S. Hymans:									
Indonesia	Dollar		640.00						640.00
East Timor	Dollar		550.00						550.00
Japan	Dollar		660.00						660.00
United States	Dollar				7,965.37				7,965.37
Frank Jannuzi:									
Philippines	Dollar		2,779.00						2,779.00
United States	Dollar				4,747.00				4,747.00
Thailand	Dollar		1,160.00						1,160.00
Burma	Dollar		173.00						173.00
United States	Dollar				3,781.00				3,781.00
David A. Merkel:									
Romania	Dollar		260.00						260.00
Russia	Dollar		1,032.00						1,032.00
Armenia	Dollar		0.00						0.00
Georgia	Dollar		486.00						486.00
Azerbaijan	Dollar		667.00						667.00
United States	Dollar				7,359.04				7,359.04
Romania	Dollar		490.00						490.00
Bulgaria	Dollar		260.00						260.00
Czech Republic	Dollar		606.00						606.00
United Kingdom	Dollar		344.00						344.00
United States	Dollar				4,927.25				4,927.25
John Seggerman:									
Venezuela	Dollar		174.00						174.00
Jamie Metzl:									
Belgium	Dollar		771.00						771.00
United States	Dollar				4,512.79				4,512.79
Katherine McGuire:									
Russia	Dollar		1,376.00						1,376.00
United States	Dollar				4,633.50				4,633.50
Patricia McNerney:									
Romania	Dollar		490.00						490.00
Bulgaria	Dollar		260.00						260.00
Czech Republic	Dollar		606.00						606.00
United Kingdom	Dollar		344.00						344.00
United States	Dollar				6,555.90				6,555.90
Kenneth A. Myers III:									
Russia	Dollar		1,908.00						1,908.00
Germany	Dollar		338.00						338.00
Norway	Dollar		295.00						295.00
United States	Dollar				5,564.25				5,564.25
Bob Nickel:									
Singapore	Dollar		510.00						510.00
Andrew Parasiliti:									
Singapore	Dollar		510.00						510.00
Maurice A. Perkins:									
Brazil	Dollar		1,350.00						1,350.00
United States	Dollar				5,565.50				5,565.50
Peter D. Zimmerman:									
United Kingdom	Dollar		1,519.14						1,519.14
United States	Dollar				5,136.09				5,136.09
Total			36,962.14		127,801.04				164,763.18

JOE BIDEN,
Chairman, Committee on Foreign Relations, July 26, 2002.

AMENDMENT TO 1ST QUARTER 2002 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b); COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lincoln D. Chafee:									
Cuba	Dollar		346.00						346.00
Peru	Dollar		370.00						370.00
Chile	Dollar		490.00						490.00
Argentina	Dollar		782.00						782.00
Uruguay	Dollar		206.00						206.00
Brazil	Dollar		215.00						215.00
Deborah Brayton:									
Cuba	Dollar		396.00						396.00
Peru	Dollar		420.00						420.00
Chile	Dollar		592.00						592.00
Argentina	Dollar		782.00						782.00
Uruguay	Dollar		256.00						256.00
Brazil	Dollar		235.00						235.00
David Andrew Olson:									
Kenya	Dollar		200.00						200.00
Tanzania	Dollar		120.00						120.00
Kenya	Dollar		360.00						360.00
Uganda	Dollar		580.00						580.00
United States	Dollar				8,175.00				8.175.00
Nancy H. Stetson:									
United Kingdom	Dollar		344.00						344.00
Jordan	Dollar		114.00						114.00
Egypt	Dollar		289.00						289.00
Israel	Dollar		50.00						50.00
Israel	Dollar		686.00						686.00
United States	Dollar				7,271.00				7,271.00
Senator John F. Kerry:									
United Kingdom	Dollar		344.00						344.00
Jordan	Dollar		175.00						175.00
Egypt	Dollar		310.00						310.00
Israel	Dollar		50.00						50.00
Israel	Dollar		750.00						750.00
United States	Dollar				8,983.00				8,983.00
Mark T. Esper:									
Belgium	Dollar		257.00						257.00
Austria	Dollar		392.00						392.00
Slovakia	Dollar		299.00						299.00
Slovenia	Dollar		215.00						215.00
Lithuania	Dollar		234.00						234.00
Estonia	Dollar		186.00						186.00
Latvia	Dollar		514.00						514.00
United States	Dollar				3,530.47				3,530.47
Kyle J. Sullivan:									
Saudi Arabia	Dollar		180.00						180.00
Jordan	Dollar		210.00						210.00
Egypt	Dollar		263.00						263.00
Israel	Dollar		50.00						50.00
Israel	Dollar		865.00						865.00
United States	Dollar				6,394.00				6,394.00
David A. Merkel:									
Belgium	Dollar		257.00						257.00
Austria	Dollar		292.00						292.00
Slovakia	Dollar		299.00						299.00
Slovenia	Dollar		165.00						165.00
Lithuania	Dollar		184.00						184.00
Estonia	Dollar		136.00						136.00
Latvia	Dollar		414.00						414.00
United States	Dollar				7,359.04				7,359.04
Patricia McNerney:									
Belgium	Dollar		257.00						257.00
Poland	Dollar		299.00						299.00
Austria	Dollar		392.00						392.00
Slovenia	Dollar		215.00						215.00
Lithuania	Dollar		234.00						234.00
Estonia	Dollar		186.00						186.00
Latvia	Dollar		514.00						514.00
United States	Dollar				6,334.17				6,334.17
Lester Munson:									
Egypt	Dollar		480.00						480.00
United Kingdom	Dollar		180.00						180.00
United States	Dollar				5,834.61				5,834.61
Danielle Pletka:									
Egypt	Dollar		480.00						480.00
United Kingdon	Dollar		180.00						180.00
United States	Dollar				5,834.61				5,834.61
Robert S. Hyams:									
Japan	Dollar		1,650.00						1,650.00
United Stats	Dollar				6,298.57				6,298.57
Senator Christopher J. Dodd:									
Ireland	Dollar		936.00						936.00
United States	Dollar				5,143.05				5,143.05
Heather Flynn:									
Switzerland	Dollar		894.00						894.00
United States	Dollar				5,520.68				5,520.86
Senator Russell Feingold:									
Kenya	Dollar		375.00						375.00
Tanzania	Dollar		129.00						129.00
Mozambique	Dollar		149.00						149.00
United States	Dollar				8,516.42				8,515.42
Michelle Gavin:									
Kenya	Dollar		369.00						359.00
Tanzania	Dollar		127.00						127.00
Mozambique	Dollar		144.00						144.00
United States	Dollar				8,348.42				8,348.42
Robert Hyams:									
Switzerland	Dollar		1,226.45						1,226.45
United States	Dollar				5,014.91				5,014.91
Michael Haltzel:									
Russia	Dollar		1,150.00						1,150.00
United States	Dollar				4,734.00				4,734.00

AMENDMENT TO 1ST QUARTER 2002 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b); COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Philip M. Griffin:									
Kenya	Dollar		1,000.00						1,000.00
Sudan	Dollar		250.00						250.00
Tanzania	Dollar		450.00						450.00
United States	Dollar				8,144.03				8,144.03
Susan Williams:									
Kenya	Dollar		1,000.00						1,000.00
Sudan	Dollar		350.00						350.00
Tanzania	Dollar		450.00						450.00
United States	Dollar				8,144.03				8,144.03
Kelly Siekman:									
Romania	Dollar		120.00						120.00
Russia	Dollar		417.00						417.00
United States	Dollar				5,634.24				5,634.24
Michael Haltzel:									
Romania	Dollar		265.00						265.00
Cyprus	Dollar		507.00						507.00
United States	Dollar				7,117.39				7,117.39
Senator Joseph R. Biden:									
United Kingdom	Dollar		262.00						262.00
Pakistan	Dollar		262.00						262.00
Afghanistan	Dollar		712.00						712.00
Bahrain	Dollar		196.00						196.00
United States	Dollar				4,909.70				4,909.70
Jonah Blank:									
United Kingdom	Dollar		262.00						262.00
Pakistan	Dollar		262.00						262.00
Afghanistan	Dollar		712.00						712.00
Bahrain	Dollar		196.00						196.00
United States	Dollar				3,710.70				3,710.70
Puneet Talwar:									
United Kingdom	Dollar		262.00						262.00
Pakistan	Dollar		262.00						262.00
Afghanustan	Dollar		712.00						712.00
Bahrain	Dollar		196.00						196.00
United States	Dollar				3,710.70				3,710.70
Norman Kurz:									
United Kingdom	Dollar		262.00						262.00
Pakistan	Dollar		262.00						262.00
Afghanistan	Dollar		712.00						712.00
Bahrain	Dollar		196.00						196.00
United States	Dollar				3,710.70				3,710.70
Total			35,977.45		148,373.44				184,350.89

JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations, May 2, 2002.

AMENDMENT TO 4TH QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kirsten Madison:									
Nicaragua	Dollar		888.00						888.00
Frank Jannuzi:									
Korea	Dollar		1,072.00						1,072.00
United States	Dollar				3,275.70				3,275.70
Total			1,960.00		3,275.70				5,235.70

JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations, May 2, 2002.

AMENDMENT TO 3RD QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Dodd:									
Haiti	Dollar		125.00						125.00
Senator Chuck Hagel:									
Ukraine	Dollar		624.00						624.00
Georgia	Dollar		536.00						536.00
Greece	Dollar		70.00						70.00
United States	Dollar				5,143.14				5,143.14
Ian Brzezinski:									
Yugoslavia	Dollar		582.00						582.00
Bulgaria	Dollar		703.00						703.00
United States	Dollar				5,339.77				5,339.77
Michael Coulter:									
Ukraine	Dollar		624.00						624.00
Georgia	Dollar		536.00						536.00
Greece	Dollar		70.00						70.00
United States	Dollar				5,143.14				5,143.14
James Doran:									
South Korea	Dollar		518.00						518.00
Japan	Dollar		950.00						950.00

AMENDMENT TO 3RD QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				7,007.78				7,007.78
David Dorman:									
Ukraine	Dollar		624.00						624.00
Georgia	Dollar		536.00						536.00
Greece	Dollar		70.00						70.00
United States	Dollar				5,143.14				5,143.14
Robert Epplin:									
Greece	Dollar		788.00						788.00
Cyprus	Dollar		314.00						314.00
Turkey	Dollar		536.00						536.00
United States	Dollar				4,317.26				4,317.26
Debbie Fiddelke:									
Germany	Dollar		650.00						650.00
United States	Dollar				5,061.90				5061.90
Garrett Grigsby:									
Zimbabwe	Dollar		1,300.00						1,300.00
South Africa	Dollar		1,300.00						1,300.00
United States	Dollar				7,822.98				7,822.98
Michael Haltzel:									
United Kingdom	Dollar		2,428.00		72.50				2,500.50
United States	Dollar				6,637.00				6,637.00
Mark Lagon:									
Italy	Dollar		1,074.00						1,074.00
Switzerland	Dollar		800.71						800.71
United States	Dollar				6,114.68				6,114.68
Janice O'Connell:									
Haiti	Dollar		76.00						76.00
Kelly Siekman:									
Yugoslavia	Dollar		540.00						540.00
United States	Dollar				5,339.77				5,339.77
Puneet Talwar:									
Lebanon	Dollar		692.00						692.00
Egypt	Dollar		669.00						669.00
Jordan	Dollar		235.00						235.00
Israel	Dollar		1,637.00						1,637.00
United Kingdom	Dollar		1,002.00						1,002.00
United States	Dollar				6,799.82				6,799.82
Michael Westphal:									
South Korea	Dollar		518.00						518.00
Japan	Dollar		950.00						950.00
United States	Dollar				7,007.78				7,007.78
Zimbabwe	Dollar		1,300.00						1,300.00
South Africa	Dollar		1,300.00						1,300.00
United States	Dollar				7,822.98				7,822.98
Susan Williams:									
Zimbabwe	Dollar		1,300.00						1,300.00
South Africa	Dollar		1,300.00						1,300.00
United States	Dollar				7,822.98				7,822.98
Total			27,277.71		92,596.62				119,874.33

JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations, Oct. 9, 2001.

AMENDMENT TO 2ND QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Dodd:									
Ireland	Dollar		933.00						933.00
United States	Dollar				2,415.73				2,415.73
Ian Brzezinski:									
Slovakia	Dollar		537.85						537.85
United States	Dollar				5,374.33				5,374.33
Robert Epplin:									
Israel	Dollar		724.00						724.00
United States	Dollar				5,265.60				5,265.00
Edward Levine:									
Russia	Dollar		1,522.65						1,522.65
United States	Dollar				4,433.60				4,433.60
Puneet Talwar:									
Saudi Arabia	Dollar		468.00						468.00
Syria	Dollar		261.00						261.00
Turkey	Dollar		451.00						451.00
United Kindom	Dollar		702.00						702.00
United States	Dollar				7,152.66				7,152.66
Total			5,599.50		24,641.92				30,241.42

JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations, Oct. 9, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Voinovich:									
United States	Dollar				3,506.41				3,506.41

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Macedonia	Dollar		108.00						108.00
Slovenia	Dollar		150.37						150.37
Belgium	Dollar		156.00						156.00
Joni Crosley:									
United States	Dollar				3,506.41				3,506.41
Macedonia	Dollar		181.00						181.00
Slovenia	Dollar		225.00						225.00
Belgium	Dollar		190.00						190.00
Senator Thompson:									
Singapore	Dollar		424.03						424.03
Howard Liebengood:									
Singapore	Dollar		425.77						425.77
Total			1,860.17		7,012.82				8,872.99

JOSEPH LIEBERMAN,
Chairman, Committee on Governmental Affairs, July 1, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM MAY 25 TO JUNE 2, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sharon Waxman:									
Ireland	Dollar		1,967.00		1,304.21				3,271.21
Total			1,967.00		1,304.21				3,271.21

PATRICK LEAHY,
Chairman, Committee on Judiciary, July 29, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sen. Richard Lugar			1,887.00						1,887.00
	Dollar				3,264.16				3,264.16
Kenneth Myers, Jr.			2,197.00						2,197.00
Martin Morris			1,970.00						1,970.00
	Dollar				3,264.16				3,264.16
Sen. Bob Graham			1,740.00						1,740.00
Robert Filippone			1,790.00						1,790.00
Sen. Barbara Mikulski			1,651.00						1,651.00
Sen. Richard Shelby			1,888.00						1,888.00
	Dollar				5,437.00				5,437.00
William Duhnke			1,351.00						1,351.00
	Dollar				5,402.00				5,402.00
Total			14,474.00		17,367.32				31,841.32

BOB GRAHAM,
Chairman, Committee on Intelligence, July 29, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM MAY 3 TO MAY 6, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Stephen Thompson:									
United States	Dollar		1,086.00						1,086.00
Total			1,086.00						1,086.00

JIM SAXTON,
Chairman, Joint Economic Committee, May 31, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Representative Alcee L. Hastings:									
United States	Dollar				5,965.55				5,965.55
United Kingdom	Dollar		294.00						294.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Denmark	Dollar		864.00						864.00
Janice L. Helwig:									
United States	Dollar				4,500.00				4,500.00
Austria	Dollar		17,775.00						17,775.00
Uzbekistan	Dollar		939.50		2,199.63				3,139.13
Tajikistan	Dollar		474.00		80.00				554.00
Ronald J. McNamara:									
United States	Dollar				4,169.52				4,169.52
Czech Republic	Dollar		749.50						749.50
Erika Schlager:									
United States	Dollar				4,811.60				4,811.60
Poland	Dollar		1,111.00						1,111.00
Total			22,207.00		21,726.30				43,933.30

BEN NIGHTHORSE CAMPBELL,
Chairman, the Commission on Security and Cooperation in Europe, July 31, 2002.

AMENDMENT TO 3RD QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden:									
Taiwan	Dollar		273.00						273.00
China	Dollar		417.00						417.00
Korea	Dollar		109.00						109.00
Senator Paul Sarbanes:									
Taiwan	Dollar		273.00						273.00
China	Dollar		417.00						417.00
Korea	Dollar		109.00						109.00
Margaret Aitken:									
Taiwan	Dollar		273.00						273.00
China	Dollar		417.00						417.00
Korea	Dollar		109.00						109.00
Molly Buford:									
Taiwan	Dollar		273.00						273.00
China	Dollar		417.00						417.00
Korea	Dollar		109.00						109.00
Mark T. Esper:									
Taiwan	Dollar		273.00						273.00
China	Dollar		417.00						417.00
Korea	Dollar		109.00						109.00
Edwin K. Hall:									
Taiwan	Dollar		273.00						273.00
China	Dollar		417.00						417.00
Korea	Dollar		109.00						109.00
Frank Jannuzi:									
Taiwan	Dollar		273.00						273.00
China	Dollar		417.00						417.00
Korea	Dollar		109.00						109.00
Peter Marudas:									
Taiwan	Dollar		273.00						273.00
China	Dollar		417.00						417.00
Korea	Dollar		109.00						109.00
Delegation expenses [1]							3,565.22		3,565.22
Total			6,392.00				3,565.22		9,957.22

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority act of the Mutual Security Act of 1954, as amended by Sec. 22 P.L. 95–384.

JOE BIDEN,
Chairman, Committee on Foreign Relations, Oct. 12, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CONGRESSIONAL DELEGATION FOR TRAVEL FROM MAR. 22 TO APR. 8, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Cyprus	Pound		169.00						169.00
Uzbekistan	Dollar		666.00						666.00
Pakistan	Dollar		524.00						524.00
India	Rupee		1,650.00		391.00		843.00		2,884.00
Syria	Dollar		522.00						522.00
Turkey	Lira		536.00						536.00
Switzerland	Franc		284.00						284.00
Anne Caldwell:									
Cyprus	Pound		169.00						169.00
Uzbekistan	Dollar		666.00						666.00
Pakistan	Dollar		524.00						524.00
India	Rupee		1,650.00						1,650.00
Syria	Dollar		522.00						522.00
Turkey	Lira		536.00						536.00
Switzerland	Franc		284.00						284.00
Christopher Ford:									
Cyprus	Pound		169.00						169.00
Uzbekistan	Dollar		666.00						666.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CONGRESSIONAL DELEGATION FOR TRAVEL FROM MAR. 22 TO APR. 8, 2002—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Pakistan	Dollar		524.00						524.00
India	Rupee		1,217.00						1,217.00
Syria	Dollar		522.00						522.00
Turkey	Lira		536.00						536.00
Total			21,322.00		391.00		843.00		22,556.00

TOM DASCHLE,
Majority Leader, July 8, 2002
TRENT LOTT,
Republican Leader, July 8, 2002.

UNANIMOUS CONSENT AGREEMENT—H.R. 5005

Mr. REID. Mr. President, I ask unanimous consent that on Monday, September 9, following the vote on the judicial nomination and the Senate resuming legislative session, the Senate then resume consideration of H.R. 5005, the homeland defense legislation; that there be general debate until 2 p.m., at which time Senator THOMPSON will be recognized to offer an amendment to strike titles II and III of the Lieberman substitute amendment; that the next first-degree amendment, upon disposition of the Thompson amendment, be an amendment to be offered by Senator BYRD regarding the orderly transition of agencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 5093

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 10, when the Senate resumes consideration of H.R. 5093, the Interior Appropriations bill, there be 60 minutes remaining for debate with respect to the Daschle amendment No. 4481, with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, the Senate vote in relation to the amendment; that if a Budget Act point of order is raised and a motion to waive is successful, or if a tabling motion is made and is unsuccessful, without further intervening action or debate, the Senate then vote immediately on the amendment; that upon disposition of the amendment, the motion to reconsider be laid upon the table; that upon entering of this agreement, the cloture motion with respect to the Daschle amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107–16

Mr. REID. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 5, 2002, by the President of the United States:

Treaty with Liechtenstein on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 107-16).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters, signed at Vaduz on July 8, 2002. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism, drug trafficking, and fraud and other white-collar offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: locating or identifying persons or items; serving documents; taking the testimony or statements of persons; transferring persons in custody for testimony or other purposes; providing documents, records and items; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets and restitution; initiating criminal proceedings in the Requested State; and any other form of assistance consistent with the purposes of this Treaty and not prohibited by the laws of the State from whom the assistance is requested.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 5, 2002.*

EXECUTIVE SESSION

NOMINATION OF PAMELA F. OLSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY

Mr. REID. Mr. President, I ask that the Senate proceed to executive session to consider the following nomination:

Calendar No. 1000, Pamela Olson, of Virginia, to be an Assistant Secretary of the Treasury; that the nomination be confirmed, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action, and any statements thereon be printed at the appropriate place in the RECORD as if given, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTOCOL AMENDING THE 1949 CONVENTION INTER-AMERICAN TROPICAL TUNA COMMISSION—TREATY DOCUMENT NO. 107–2

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Executive Calendar No. 6, Protocol Amending the 1949 Convention of Inter-American Tropical Tuna Commission; that the protocol be advanced through its parliamentary stages, up to and including the presentation of the resolution of ratification; and that the Senate now vote on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution of ratification. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

TREATY 107–2 PROTOCOL AMENDING 1949 CONVENTION OF INTER-AMERICAN TROPICAL TUNA COMMISSION

Resolved (two-thirds of the Senators present concurring therein). That the Senate advise and consent to the ratification of the Protocol to Amend the 1949 Convention on the establishment of an Inter-American Tropical Tuna Commission, done at Guayaquil, June 11, 1999, and signed by the United States, subject to ratification, in Guayaquil, Ecuador, on the same date (Treaty Doc. 107–2).

Mr. REID. Mr. President, I ask unanimous consent that any statements relating to this protocol be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH PACIFIC ENVIRONMENT PROGRAMME AGREEMENT—TREATY DOCUMENT NO. 105–32

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Executive Calendar No. 7, the South Pacific Environment Programme Agreement; that the agreement be advanced through its parliamentary stages, up to and including the presentation of the resolution of ratification; and that the Senate now vote on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution of ratification.

Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

TREATY DOC. 105–32—SOUTH PACIFIC ENVIRONMENT PROGRAMME AGREEMENT

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Agreement Establishing the South Pacific Regional Environment Programme, subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement Establishing the South Pacific Regional Environment Programme, done at Apia on June 16, 1993 (Treaty Doc. 105–32), subject to the declaration in Section 2.

Section 2. Declaration.

The advice and consent of the Senate is subject to the declaration that the "no reservations" provision in Article 10 of the Agreement has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and that the Senate's approval of the Agreement should not be construed as a precedent for acquiescence to future treaties containing such provisions.

Mr. REID. Mr. President, I ask unanimous consent that any statements relating to the agreement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

1990 PROTOCOL TO THE 1983 MARITIME ENVIRONMENT OF THE WIDER CARIBBEAN REGION CONVENTION—TREATY DOCUMENT NO. 103–5

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Executive Calendar No. 8, the 1990 Protocol to the 1983 Maritime and Environment of the Wider Caribbean Region Convention; that the convention be advanced through its parliamentary stages, up to and including the presentation of the resolution of ratification; that the reservations, understandings, and declarations be agreed to; and that the Senate now vote on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution of ratification.

Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

1990 PROTOCOL TO THE 1983 MARITIME ENVIRONMENT OF THE WIDER CARIBBEAN REGION CONVENTION—TREATY DOC. 103–5

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, subject to Reservations, an Understanding, and a Declaration.

The Senate advises and consents to the ratification of the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, including Annexes, done at Kingston on January 18, 1990 (Treaty Doc. 103–5), subject to the reservations in section 2, the understanding in Section 3, and the declaration in Section 4.

Section 2. Reservations.

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification.

(1) The United States of America does not consider itself bound by Article 11(1) of the Protocol to the extent that United States law permits the limited taking of flora and fauna listed in Annexes I and II—

(A) which is incidental, or

(B) for the purpose of public display, scientific research, photography for educational or commercial purposes, or rescue and rehabilitation.

(2) The United States has long supported environmental impact assessment procedures, and has actively sought to promote the adoption of such procedures throughout the world. U.S. law and policy require environmental impact assessments for major Federal actions significantly affecting the quality of the human environment. Accordingly, although the United States expects that it will, for the most part, be in compliance with Article 13, the United States does not accept an obligation under Article 13 of the Protocol to the extent that the obligations contained therein differ from the obligations of Article 12 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.

(3) The United States does not consider the Protocol to apply to six species of fauna and flora that do not require the protection provided by the Protocol in U.S. territory. These species are the Alabama, Florida and Georgia populations of least term (Sterna antillarum), the Audubon's shearwater (Puffinus lherminieri), the Mississippi, Louisiana and Texas population of the wood stork (Mycteria americana) and the Florida and Alabama populations of the brown pelican (Pelicanus occidentalis), which are listed on Annex II, as well as the fulvous whistling duck (Dendrocygna bicolor), and the populations of widgeon or ditch grass (Rupia maritima) located in the continental United States, which are listed on Annex III.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States understands that the Protocol does not apply to non-native species, defined as species found outside of their natural geographic distribution, as a result of deliberate or incidental human intervention. Therefore, in the United States, certain exotic species, such as the muscovy duck (Carina moschata) and the common iguana (Iguana iguana), are not covered by the obligations of the Protocol.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

Existing federal legislation provides sufficient legal authority to implement United States obligations under the Protocol. Accordingly, no new legislation is necessary in order for the United States to implement the Protocol.

Mr. REID. Mr. President, I ask unanimous consent that any statements relating to this protocol be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORIZING TESTIMONY AND REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 323, submitted earlier today by the two leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

To authorize testimony and representation in Senator MITCH MCCONNELL, et al, v. Federal Election Commission, et al., and consolidated cases.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, the U.S. District Court in the District of Columbia has consolidated for adjudication a number of challenges pending before it to the constitutionality of the Bipartisan Campaign Reform Act of 2002, which Congress enacted into law this spring.

These challenges include the lead case, which was filed by our colleague, Senator MCCONNELL. Four of our other colleagues who played major roles in the passage of this landmark law, Senators MCCAIN, FEINGOLD, SNOWE, and JEFFORDS, have intervened to join in defending the act. Recognizing the significant constitutional issues presented by the passage of this landmark legislation, the Senate acted to ensure that Senators on both sides of the constitutional questions would be able to present their views in court.

Since these lawsuits were filed shortly after the law was signed, there have been comprehensive pretrial proceedings under the supervision of the three-judge court that is handling this case. The court is aiming to decide this case as soon as possible after the law takes effect after the mid-term elections in November, and in time for the Supreme Court to hear the inevitable appeal in its forthcoming term.

As part of the proceedings in the discovery phase of the case, the Members who are participating on either side of the controversy have each been asked to give deposition testimony. Accordingly, at the Members' joint request, the enclosed resolution would authorize them to provide testimony in these cases, except, in keeping with Senate practice, when a privilege should be asserted under the speech or debate clause or when their presence is required on the Senate floor.

Finally, in order to ensure that the Senate's interests are protected in connection with the discovery process in this matter, the resolution authorizes the Senate Legal Counsel to appear in this litigation as an amicus curiae in the name of the Senate to assist in the presentation of views, to the parties, and, if necessary, the court, of the applicability of the principles of legislative privilege to discovery issues arising in this litigation.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that a statement by the majority leader be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES 323

Whereas, in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., No. 02–CV–582, and consolidated cases, pending in the United States District Court for the District of Columbia, notices for the taking of depositions have been served on Senator Mitch McConnell, who is a plaintiff, and Senators Olympia Snowe, James Jeffords, John McCain, and Russell Feingold, who are intervenor-defendants;

Whereas, pursuant to sections 703(c) and 706(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(c) and 288e(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal proceeding in which the powers and responsibilities of Congress under the Constitution are placed in issue;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That, in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases, Senators Mitch McConnell, Olympia Snowe, James Jeffords, John McCain, and Russell Feingold, and any other Senator who agrees to participate in this litigation, are authorized to testify, except concerning matters for which a privilege should be asserted and when their attendance at the Senate is necessary for the performance of their legislative duties.

SEC. 2. That the Senate Legal Counsel is authorized to appear as amicus curiae in the name of the Senate in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases, to represent the interests of the Senate in connection with discovery sought from Senators in these cases.

ORDER FOR FOREIGN RELATIONS COMMITTEE TO REPORT

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be authorized to report an executive treaty on Friday, September 6, 2002, from 10 a.m. to 11 a.m., notwithstanding the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN F. KENNEDY CENTER PLAZA AUTHORIZATION ACT OF 2002

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H.R. 5012, just received from the House and which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5012) to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

There being no objection, the Senator proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5012) was read the third time and passed.

THOMAS E. BURNETT, JR. POST OFFICE BUILDING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5207, just received from the House and which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5207) to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building".

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER (Mr. REID). The Senator from Minnesota.

Mr. DAYTON. Mr. President, I join with my colleague, the senior Senator from Minnesota, Mr. WELLSTONE, who has introduced this legislation to honor Thomas E. Burnett, Jr., a true hero who gave his life on September 11 on the flight that was returning to Washington to cause enormous destruction to either this building perhaps or the White House. No one will ever know for sure. What we do know is the plane was prevented from its intended destructive course by the heroism of Mr. Burnett and others who were on that flight. We know that because on three or four occasions he called his wife, Deena. He spoke with her on a cell phone and communicated his intention and the intention of other passengers to intervene and wrest control of the plane from the hijackers who had commandeered that plane.

It was an act of enormous courage. It saved hundreds, perhaps thousands of lives, most likely in our Nation's Capitol. Tragically, it cost Mr. Burnett and the other passengers on that flight their lives. All of us in this body owe a debt of unspeakable gratitude to those incredibly courageous men and women.

I had occasion to visit Mr. and Mrs. Thomas Burnett, Sr., the parents of Mr. Burnett, in Minnesota to express our gratitude and share briefly the enormous grief they bear, as well as the grief of Mr. Burnett's wife and three children, which they will carry for the rest of their lives.

In a few minutes, we will pass this act to name the post office in Mr. Burnett's honor. Again, I thank Senator WELLSTONE, my senior colleague, for his thoughtful initiative in this regard, and I thank the Members of the Senate who I anticipate will vote in support of this measure. It is such a small measure of our eternal gratitude to this brave man. May he rest forever in peace and in the annals of the great heroes of this country.

I yield the floor.

The bill (H.R. 5207) was read the third time and passed.

Mr. DAYTON. Mr. President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

(Mr. DAYTON assumed the Chair.)

JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER

Mr. REID. I ask unanimous consent that the Senate proceed to H.R. 3287, recently received from the House, and now at our desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3287) to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, DC, as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center."

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. These two individuals were killed by anthrax. They worked at the post office on Brentwood Road, northeast Washington. Their fellow employees felt it was appropriate to name this facility, when it reopens, after them. It is very appropriate that it be done.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3287) was read the third time and passed.

Mr. DASCHLE. Mr. President, I am pleased the Senate has passed H.R. 3287/S. 2907, a bill to rename the Brentwood postal facility after Joseph P. Curseen, Jr. and Thomas L. Morris, Jr. I can think of nothing more appropriate to honor the memory and tireless service of these two men. Our action today clears the way for the President to sign the bill into law. I especially recognize Celeste Curseen and Mary Morris. While nothing can erase the suffering of the Morris and Curseen families, I hope that the building will stand as a permanent reminder of the ultimate sacrifice made by Thomas Morris and Joseph Curseen.

It has been said that "neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds." On October 15, 2001, that list was expanded when an anthrax-tainted letter was opened in my office. We later learned that its spread was far greater than first expected. A second letter addressed to the Senator from Vermont, Mr. LEAHY, was discovered weeks later. The Hart Senate Office Building was closed for more than three months. It took nearly six months to remediate and renovate my own office in that building. In the end, nearly a dozen people nationwide contracted inhalation anthrax, and five people, including Thomas Morris and Joseph Curseen, died as a result of this senseless act of bioterrorism.

Today, nearly a year later, the Brentwood facility where the letter was processed remains closed, with plans underway for a complete remediation and reopening of that building. Never again can anyone take the delivery of their mail for granted.

My staff and I feel a special kinship with the postal workers and others affected by these attacks. While the uncertainty and horror of October 15—the day the letter addressed to me was opened in my office—and the ensuing months were very real for us, the suffering of those struck by the disease was even greater. We can only imagine the pain experienced by Thomas Morris, Joseph Curseen, and their families, pain shared by the families of Robert Stevens, Kathy Thi Nguyen, and Ottilie Lundgren, who also lost their lives as a result of this terrorist act. Fortunately, LeRoy Richmond, Norma Wallace, "George Fairfax," David Hose, and Ernesto Blanco survived their battles with inhalation anthrax, but we know how terrifying their experience must have been and that they continue to suffer the physical and emotional after-effects. Still others—including three postal workers—dealt with the fear and pain associated with the cutaneous form of the disease.

Postal workers are some of America's quiet heroes. They are on the front lines of the war on terrorism here at home—keeping Americans safe and keeping all of us connected through the U.S. mail. Ask many of them, and they will probably say they are just "doing their job." But we know it is more than that, and today we recognize their hard work and diligence by honoring two of their fallen comrades. The Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center will forever stand as a memorial to their sacrifice in the line of duty.

CONGRATULATING LANCE ARMSTRONG

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 315, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 315) congratulating Lance Armstrong for winning the 2002 Tour de France.

There being no objection, the Senate proceeded to the immediate consideration.

Mr. REID. I ask consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 315

Whereas Lance Armstrong completed the 2,036-mile, 20-day course in 82 hours, 5 minutes, and 12 seconds to win the 2002 Tour de France, 7 minutes and 17 seconds ahead of his nearest competitor;

Whereas Lance Armstrong's win on July 28, 2002, in Paris, marks his fourth successive victory of the Tour de France, a feat surpassing all cycling records previously attained by an American cyclist;

Whereas Lance Armstrong displayed incredible perseverance, determination, and leadership to prevail over the mountainous terrain of the Alps and Pyrenees, vast stretches of countryside, and numerous city streets during the course of the premier cycling event in the world;

Whereas Lance Armstrong is the first cancer survivor to win the Tour de France;

Whereas in 1997, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and after treatment has remained cancer-free for the past 5 years;

Whereas Lance Armstrong's bravery and resolution to overcome cancer has made him a role model to cancer patients and their loved ones, and his efforts through the Lance Armstrong Foundation have helped to advance cancer research, diagnosis, and treatment, and after-treatment services;

Whereas Lance Armstrong has been vital to the promotion of cycling as a sport, a healthy fitness activity, and a pollution-free transportation alternative; and

Whereas Lance Armstrong's accomplishments as an athlete, teammate, father, husband, cancer survivor, and advocate have made him an American hero: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Lance Armstrong and his team on his historic victory of the 2002 Tour de France;

(2) commends the unwavering commitment to cancer awareness and survivorship demonstrated by Lance Armstrong; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Lance Armstrong.

ORDERS FOR MONDAY, SEPTEMBER 9, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon, Monday, September 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the first half under the control of the majority leader or his designee, and the second half under the control of the Republican leader or his designee; that at 1 p.m. we proceed to executive session and vote on Executive Calendar No. 889; that any statements thereon appear at the appropriate place in the RECORD, and the President be adequately notified of the Senate's action; and the Senate return to legislative session and resume consideration of the Homeland Security Act, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that it be in order to ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient.

The yeas and nays are ordered.

PROGRAM

Mr. REID. The next rollcall vote will be on the nomination of Kenneth Marra of Florida to be a U.S. district judge for the Southern District of Florida, at approximately 1 p.m. on Monday.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERCURY REDUCTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 553, S. 351.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 351) to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part printed in black brackets and insert in lieu thereof the part printed in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Mercury Reduction and Disposal Act of 2001".

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

[(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

[(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

[(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

[(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

[(6) combustion of municipal and other solid waste is a major source of mercury emissions in the United States;

[(7) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

[(8) the Governors of the New England States have endorsed a regional goal of "the virtual elimination of the discharge of anthropogenic mercury into the environment";

[(9) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

[(10) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

[SEC. 3. MERCURY.

[(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

["SEC. 3024. MERCURY.

["(a) PROHIBITION ON SALE OF MERCURY FEVER THERMOMETERS EXCEPT BY PRESCRIPTION.—Effective beginning 180 days after the date of enactment of this section—

["(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

["(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

["(A) careful handling of the thermometer to avoid breakage; and

["(B) proper cleanup of the thermometer and its contents in the event of breakage.

["(b) THERMOMETER EXCHANGE PROGRAM.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.

["(c) DISPOSAL OF COLLECTED MERCURY WASTE.—

["(1) INTERAGENCY TASK FORCE.—

["(A) ESTABLISHMENT.—There is established an advisory committee to be known as the 'Interagency Task Force on Mercury' (referred to in this section as the 'Task Force').

["(B) MEMBERSHIP.—The Task Force shall be composed of 7 members, of whom—

["(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

["(ii) 1 member shall be appointed by each of—

["(I) the Secretary of State;

["(II) the Secretary of Defense;

["(III) the Secretary of Energy; and

["(IV) the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services;

["(iii) 1 member shall be appointed by the President to represent the American Public Health Association; and

["(iv) 1 member shall be appointed by the President from the Environmental Council of the States.

["(C) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

["(D) TERM; VACANCIES.—

["(i) TERM.—A member shall be appointed for the life of the Task Force.

["(ii) VACANCIES.—A vacancy on the Task Force—

["(I) shall not affect the powers of the Task Force; and

["(II) shall be filled in the same manner as the original appointment was made.

["(E) MEETINGS.—

["(i) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

["(ii) CALLING OF MEETINGS.—The Task Force shall meet at the call of the Chairperson.

["(iii) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

["(F) DUTIES.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations concerning—

["(i) the long-term management and retirement of mercury collected from—

["(I) mercury fever thermometers;

["(II) other medical and commercial sources; and

["(III) government sources, including mercury stored by the Department of Defense and the Department of Energy;

[“(ii) collection of mercury from industrial or other sources in the United States in cases in which the mercury is no longer needed, such as from retired chlor-alkali plants;

[“(iii) programs to test the long-term durability of promising technologies for sequestration of mercury that has been retired from use;

[“(iv) storage of mercury collected or sequestered under clause (i), (ii), or (iii) in a manner that ensures that there is no release of the mercury into the environment;

[“(v) reduction of the total threat posed by mercury to humans and the environment; and

[“(vi) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

[“(I) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

[“(II) the quantity of mercury used in products and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

[“(III) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section and increased recycling rather than through use of virgin mercury.

[“(G) Hearings.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

[“(H) Information from federal agencies.—

[“(i) In general.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

[“(ii) Provision of information.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

[“(I) Postal services.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

[“(J) Gifts.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

[“(K) Compensation of members; travel expenses.—

[“(i) Non-federal employees.—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

[“(ii) Federal employees.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

[“(iii) Travel expenses.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

[“(L) Staff and funding.—

[“(i) Determination.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

[“(ii) Source.—The staff and funding shall be provided by and drawn equally from the resources of—

[“(I) the Department of Energy;

[“(II) the Department of Defense; and

[“(III) the Environmental Protection Agency.

[“(iii) Appointment of staff.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

[“(iv) Compensation.—

[“(I) In general.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

[“(II) Maximum rate of pay.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

[“(v) Detail of federal government employees.—

[“(I) In general.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

[“(II) Civil service status.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

[“(vi) Procurement of temporary and intermittent services.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

[“(M) Termination of task force.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F).

[“(2) Responsibility of the administrator for safe disposal and storage of mercury.—In consultation with the Task Force, the Administrator shall—

[“(A)(i) take title to the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury; and

[“(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment or reintroduced into commerce; and

[“(B)(i) identify potential mercury stabilization technologies and measures that ensure minimal release of mercury into the environment; and

[“(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

[“(d) Relation to Other Law.—Nothing in this section—

[“(1) precludes any State from imposing any additional requirement; or

[“(2) diminishes any obligation, liability, or other responsibility under other Federal law.

[“(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000, of which—

[“(1) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

[“(2) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).”.

[(b) Conforming Amendment.—Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle C the following:

[“Sec. 3024. Mercury.”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mercury Reduction Act of 2002”.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) combustion of municipal and other solid waste is a major source of mercury emissions in the United States;

(7) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(8) the Governors of the New England States have endorsed a regional goal of “the virtual elimination of the discharge of anthropogenic mercury into the environment”;

(9) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(10) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

SEC. 3. MERCURY.

(a) In General.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

“SEC. 3024. MERCURY.

“(a) Prohibition on Sale of Mercury Fever Thermometers Except by Prescription.—Effective beginning 180 days after the date of enactment of this section—

“(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

“(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

“(A) careful handling of the thermometer to avoid breakage; and

“(B) proper cleanup of the thermometer and its contents in the event of breakage.

“(b) Thermometer Exchange Program.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of mercury

fever thermometers from households and their exchange for thermometers that do not contain mercury.

“(c) MANAGEMENT OF COLLECTED MERCURY.—

“(1) TASK FORCE.—

“(A) ESTABLISHMENT.—There is established an advisory committee to be known as the ‘Task Force on Mercury’ (referred to in this section as the ‘Task Force’).

“(B) MEMBERSHIP.—The Task Force shall be composed of 5 members, of whom—

“(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

“(ii) 1 member shall be the Secretary of State;

“(iii) 1 member shall be the Secretary of Defense;

“(iv) 1 member shall be the Secretary of Energy; and

“(v) 1 member shall be the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services.

“(C) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

“(D) TERM; VACANCIES.—

“(i) TERM.—A member shall be appointed for the life of the Task Force.

“(ii) VACANCIES.—A vacancy on the Task Force—

“(I) shall not affect the powers of the Task Force; and

“(II) shall be filled in the same manner as the original appointment was made.

“(E) MEETINGS.—

“(i) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

“(ii) CALLING OF MEETINGS.—The Task Force shall meet at the call of the Chairperson.

“(iii) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

“(F) DUTIES.—

“(i) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations and suggested actions concerning—

“(I) the long-term management of surplus mercury collected from—

“(aa) mercury fever thermometers;

“(bb) other medical and commercial sources;

“(cc) government sources, including mercury stored by the Department of Defense and the Department of Energy; and

“(dd) industrial or other sources in the United States;

“(II) programs to test the long-term durability of promising technologies for sequestration of mercury;

“(III) storage of mercury collected or sequestered under subclause (I) or (II), in a manner that ensures that there is no release of the mercury into the environment;

“(IV) reduction of the total threat posed by mercury to humans and the environment; and

“(V) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

“(aa) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

“(bb) the quantity of mercury used in products, mining, and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

“(cc) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section rather than through use of virgin mercury.

“(ii) CONSULTATION.—In carrying out this subparagraph, the Task Force shall consult with States, industries, and health, environmental, and consumer organizations.

“(G) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

“(H) INFORMATION FROM FEDERAL AGENCIES.—

“(i) IN GENERAL.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

“(ii) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

“(I) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

“(J) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

“(K) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—

“(i) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

“(ii) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

“(L) STAFF AND FUNDING.—

“(i) DETERMINATION.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

“(ii) SOURCE.—The staff and funding shall be provided by and drawn equally from the resources of—

“(I) the Department of Energy;

“(II) the Department of Defense; and

“(III) the Environmental Protection Agency.

“(iii) APPOINTMENT OF STAFF.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

“(iv) COMPENSATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

“(II) MAXIMUM RATE OF PAY.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(v) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

“(I) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

“(II) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

“(vi) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

“(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F)(i).

“(N) NO EFFECT ON OTHER LAW.—Nothing in this paragraph affects the regulation of mercury under—

“(i) any other provision of this subtitle; or

“(ii) any other law.

“(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE MANAGEMENT AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

“(A)(i) purchase or otherwise take title to the mercury collected under the thermometer exchange program established under subsection (b), or collected from any other source;

“(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment;

“(iii) ensure, to the maximum extent practicable, that the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury, is not reintroduced into commerce; and

“(iv) provide to the Task Force, for inclusion in the report of the Task Force under paragraph (1)(F)(i), an analysis of, and recommendations relating to, the mercury collection and management activities carried out under this section; and

“(B)(i) identify potential mercury stabilization technologies and long-term storage measures that ensure minimal release of mercury into the environment; and

“(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

“(d) RELATION TO OTHER LAW.—Nothing in this section—

“(1) precludes any State from imposing any additional requirement; or

“(2) diminishes any obligation, liability, or other responsibility under other Federal law.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)(A)) $20,000,000, of which—

“(A) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

“(B) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).

“(2) SAFE MANAGEMENT AND STORAGE.—In addition to the amount authorized to be appropriated under paragraph (1), there is authorized to be appropriated to carry out subsection (c)(2)(A) $1,000,000 for each fiscal year.”.

(b) CONFORMING AMENDMENT.—Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle C the following:

“Sec. 3024. Mercury.”.

Amend the title so as to read: “A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes.”.

Ms. COLLINS. Mr. President, the Senate is considering, and will shortly pass, the Mercury Reduction Act of 2002. This legislation addresses the very serious problem of mercury in the environment and mercury disposal. It takes special aim at one of the most common and widely distributed sources of mercury; and that is, mercury fever thermometers. At the same time, the legislation will also create a nationwide policy for dealing with surplus mercury.

I introduced this bill quite some time ago. It has bipartisan support. I am delighted that the Senate will be approving it this evening.

Mercury is a potent neurotoxin that is widespread in the environment and is particularly harmful to developing children. In fact, a National Academy of Sciences report released last year attributed mercury exposure to birth defects and brain damage in up to 60,000 newborn children each year.

Mercury takes on a highly toxic organic form known as methylmercury when it enters the environment. Methylmercury is almost completely absorbed into the bloodstream and distributed to all the tissues in the body, including the brain. Of course, with young children this is particularly problematic because their brains are still developing.

This organic mercury can accumulate in the food chain and become concentrated in some species of fish, posing a health threat to people who consume the fish. For this reason, 40 States have issued freshwater fish advisories that warn certain individuals, such as pregnant women, to restrict or avoid consuming fish from infected bodies of water.

One prevalent source of mercury in the environment is, as I said, mercury fever thermometers. Many of us know from personal experience how easy it is to drop a mercury thermometer and see it break. In fact, in 1998 the American Poison Control Center received 18,000 phone calls from consumers who had broken mercury thermometers.

One mercury thermometer contains about 1 gram of mercury. That does not sound like much, but let me tell you what the consequences are of just 1 gram of mercury. Despite its small size, the mercury in one thermometer, if released annually into the environment, is enough to contaminate all the fish in a 20-acre lake. That is how powerful a neurotoxin mercury is.

The bill we are about to pass calls for a nationwide ban on the sale of mercury fever thermometers. It would also provide grants for swap programs to help consumers exchange mercury thermometers for digital or other alternatives. Digital thermometers are easier to read. They are much quicker to use. They do not break easily. And, most of all, they do not contain mercury.

My bill will allow millions of consumers across the Nation to receive free digital thermometers in exchange for their mercury thermometers. By bringing mercury thermometers in for proper disposal, consumers will also help to ensure that the mercury from their thermometers does not end up polluting our lakes and threatening our health. It will also reduce the risk of breakage and contamination inside the home.

An important component of my bill is the safe disposal of mercury that is collected from these thermometer exchange programs. Many States have started these kinds of exchange programs—communities have as well—but then they are left with the mercury from them, and they don't really have a good means for disposing of them.

My legislation directs the EPA to ensure that the mercury is properly collected and stored in order to keep it out of the environment and out of commerce. After all, if we collect all this mercury from fever thermometers but then it is sold back to India and then shipped back to the United States in other products, we are really not solving the problem. We want to make sure this mercury does not reenter the environment so that it will not be sent to India, one of the largest manufacturers of mercury thermometers.

The mercury collected from thermometer exchange programs is only part of the problem. There is a bigger problem, and that is the global circulation of mercury. Let me give an example.

When the HoltraChem manufacturing plant in Orrington, ME, shut down 2 years ago, the plant was left with over 100 tons of unwanted mercury and no known way to permanently dispose of it. In total, about 3,000 tons of mercury is held at similar plants across the United States.

In addition, large amounts of mercury are still being mined around the world. For example, in 1999, Algeria mined 400 tons of virgin mercury. In total, approximately 2,000 tons of new mercury is mined every year. Moreover, the Department of Defense currently has a stockpile of over 4,000 tons of mercury that it doesn't want but doesn't know what to do with. Why are Algeria and other countries still mining large amounts of an element that is a neurotoxin, when the United States and other countries are doing their best to remove this extremely toxic element from the environment? And how will the United States dispose of the huge amounts of mercury at chloralkali plants and other no longer needed sources?

My bill creates an interagency task force to address these very questions. The task force will be chaired by the Administrator of the EPA and comprised of members from other Federal agencies involved with mercury.

Specifically, my bill directs this task force to find ways to reduce the mercury threat to humans and the environment, to identify a long-term means of disposing of mercury, and to address the excess mercury problem from mines as well as from other industrial sources.

In sum, this task force is directed to identify comprehensive solutions to the global mercury problem. In one year, the mercury task force will make recommendations to Congress for permanently disposing mercury, for retiring mercury from plants and other sources, and for reducing the amount of new mercury that is mined every year. At that time, it will be up to Congress to act upon the recommendations of this task force.

In the meantime, this bill will make significant progress toward reducing one of the most widespread sources of mercury contamination in the environment by banning the sale nationwide of mercury fever thermometers.

I am very pleased the Senate will pass my legislation shortly. I thank the members of the Environment and Public Works Committee for their strong bipartisan support of this legislation.

This bill is a modest bill, in many ways, but it addresses a very serious problem. It will help make our environment a safer place and help our children avoid exposure to one of the most toxic elements in our environment.

Mr. REID. It is my understanding Senators JEFFORDS and SMITH of New Hampshire have an amendment. It is at the desk. I ask unanimous consent it be considered now, that the amendment be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4511) was agreed to, as follows:

On page 16, strike lines 4 through 6.

On page 16, line 7, strike "(7)" and insert "(6)".

On page 16, line 12, strike "(8)" and insert "(7)".

On page 16, line 16, strike "(9)" and insert "(8)".

On page 16, line 20, strike "(10)" and insert "(9)".

On page 17, line 23, insert "liquid" before "mercury".

On page 21, line 15, insert "intentionally" before "used".

Mr. REID. I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended be read three times and passed, the motion to reconsider be laid on the table, and that the title amendment be agreed to, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The title amendment was agreed to.

The bill (S. 351) was read the third time and passed, as follows:

S. 351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury Reduction Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(7) the Governors of the New England States have endorsed a regional goal of "the virtual elimination of the discharge of anthropogenic mercury into the environment";

(8) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(9) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

SEC. 3. MERCURY.

(a) In General.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

"SEC. 3024. MERCURY.

"(a) Prohibition on Sale of Mercury Fever Thermometers Except by Prescription.—Effective beginning 180 days after the date of enactment of this section—

"(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

"(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

"(A) careful handling of the thermometer to avoid breakage; and

"(B) proper cleanup of the thermometer and its contents in the event of breakage.

"(b) Thermometer Exchange Program.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of liquid mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.

"(c) Management of Collected Mercury.—

"(1) Task force.—

"(A) Establishment.—There is established an advisory committee to be known as the 'Task Force on Mercury' (referred to in this section as the 'Task Force').

"(B) Membership.—The Task Force shall be composed of 5 members, of whom—

"(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

"(ii) 1 member shall be the Secretary of State;

"(iii) 1 member shall be the Secretary of Defense;

"(iv) 1 member shall be the Secretary of Energy; and

"(v) 1 member shall be the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services.

"(C) Date of appointments.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

"(D) Term; vacancies.—

"(i) Term.—A member shall be appointed for the life of the Task Force.

"(ii) Vacancies.—A vacancy on the Task Force—

"(I) shall not affect the powers of the Task Force; and

"(II) shall be filled in the same manner as the original appointment was made.

"(E) Meetings.—

"(i) Initial meeting.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

"(ii) Calling of meetings.—The Task Force shall meet at the call of the Chairperson.

"(iii) Quorum.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

"(F) Duties.—

"(i) In general.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations and suggested actions concerning—

"(I) the long-term management of surplus mercury collected from—

"(aa) mercury fever thermometers;

"(bb) other medical and commercial sources;

"(cc) government sources, including mercury stored by the Department of Defense and the Department of Energy; and

"(dd) industrial or other sources in the United States;

"(II) programs to test the long-term durability of promising technologies for sequestration of mercury;

"(III) storage of mercury collected or sequestered under subclause (I) or (II), in a manner that ensures that there is no release of the mercury into the environment;

"(IV) reduction of the total threat posed by mercury to humans and the environment; and

"(V) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

"(aa) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

"(bb) the quantity of mercury intentionally used in products, mining, and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

"(cc) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section rather than through use of virgin mercury.

"(ii) Consultation.—In carrying out this subparagraph, the Task Force shall consult with States, industries, and health, environmental, and consumer organizations.

"(G) Hearings.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

"(H) Information from Federal agencies.—

"(i) In general.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

"(ii) Provision of information.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

"(I) Postal services.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

"(J) Gifts.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

"(K) Compensation of members; travel expenses.—

"(i) Federal employees.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

"(ii) Travel expenses.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

"(L) Staff and funding.—

"(i) Determination.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

"(ii) Source.—The staff and funding shall be provided by and drawn equally from the resources of—

"(I) the Department of Energy;

"(II) the Department of Defense; and

"(III) the Environmental Protection Agency.

"(iii) Appointment of staff.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

"(iv) Compensation.—

"(I) In general.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

"(II) Maximum rate of pay.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(v) Detail of Federal Government employees.—

"(I) In general.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

"(II) Civil service status.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

"(vi) Procurement of temporary and intermittent services.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section

3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

"(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F)(i).

"(N) NO EFFECT ON OTHER LAW.—Nothing in this paragraph affects the regulation of mercury under—

"(i) any other provision of this subtitle; or

"(ii) any other law.

"(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE MANAGEMENT AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

"(A)(i) purchase or otherwise take title to the mercury collected under the thermometer exchange program established under subsection (b), or collected from any other source;

"(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment;

"(iii) ensure, to the maximum extent practicable, that the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury, is not reintroduced into commerce; and

"(iv) provide to the Task Force, for inclusion in the report of the Task Force under paragraph (1)(F)(i), an analysis of, and recommendations relating to, the mercury collection and management activities carried out under this section; and

"(B)(i) identify potential mercury stabilization technologies and long-term storage measures that ensure minimal release of mercury into the environment; and

"(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

"(d) RELATION TO OTHER LAW.—Nothing in this section—

"(1) precludes any State from imposing any additional requirement; or

"(2) diminishes any obligation, liability, or other responsibility under other Federal law.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)(A)) $20,000,000, of which—

"(A) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

"(B) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).

"(2) SAFE MANAGEMENT AND STORAGE.—In addition to the amount authorized to be appropriated under paragraph (1), there is authorized to be appropriated to carry out subsection (c)(2)(A) $1,000,000 for each fiscal year.".

(b) CONFORMING AMENDMENT.—Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle C the following:

"Sec. 3024. Mercury.".

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 9, 2002

Mr. REID. If there is no further business to come before the Senate today, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:35 p.m, adjourned until Monday, September 9, 2002, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 5, 2002:

DEPARTMENT OF STATE

DAVID N. GREENLEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

ROBIN RENEE SANDERS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CONGO.

APPALACHIAN REGIONAL COMMISSION

ANNE B. POPE, OF TENNESSEE, TO BE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE JESSE L. WHITE, RESIGNED.

RICHARD J. PELTZ, OF PENNSYLVANIA, TO BE ALTERNATIVE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE ELLA WONG-RUSINKO, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate September 5, 2002:

DEPARTMENT OF THE TREASURY

PAMELA F. OLSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO DR. ROBERT L. CAMPBELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to the life and memory of the late Dr. Robert L. Campbell. His achievements and accomplishments in Colorado City, Colorado have assisted in bettering the community and its surrounding areas. Dr. Campbell was known as the "typical" country doctor, and served as the only physician in the Colorado City area. Mr. Speaker, it is with great pleasure we honor today Dr. Robert Campbell, and remember the joy and compassionate inspiration he provided.

Dr. Campbell, known as Robert, was born on November 29, 1933 in Des Moines, Iowa. He spent his entire childhood in Iowa, and attained his Bachelors degree at the University of Iowa. In 1961, Robert moved to Englewood, Colorado, and while practicing medicine, assisted in reorganizing the current Community Health Center for Retarded and Handicapped Children and Adults. As an active member in the Englewood Chamber of Commerce, Public Relations Committee, and Selective Service Board, Robert succeeded as being a phenomenal role model and beacon to his friends, family, and the City of Englewood.

Robert's ascent to success was accompanied by his loving wife, Evelyn, and his children, Debbie, Pam, Julie, Robert, and Joan. He also leaves behind two grandchildren Robin and Aaron. Many knew Robert as a caring father and wonderful husband. He worked hard, and took great pride in the accomplishments of his children and wife. Robert himself was a modest individual, very humble, and never one to seek the rewards of his labor. For numerous years, Robert was the only doctor in his area, and provided countless house calls to the many residents of Colorado City, Colorado. He was the only physician assigned to the Pueblo City Jail, where he administered treatment and medicine to many incarcerated individuals. Truly, such a person of great integrity and respect deserves a word or praise, for without his efforts; many residents would have been without healthcare.

Mr. Speaker, it is with a sincere heart I honor the life of Dr. Robert Campbell. He was an extraordinary person who donated 100% of his knowledge and talents to anyone in need. Although we mourn the loss of Robert, we celebrate the many years of joy and care he provided to everyone he touched. I extend my deepest sympathy to Robert's family and friends during their time of grieving.

TRIBUTE TO U.S. MARINE RICK ABERNATHY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize and congratulate U.S. Marine Rick Abernathy. Rick is the proud owner of Ric's Kountry Kitchen in the country of Bahrain.

Last week, I enjoyed dinner at Ric's Kountry Kitchen. As a participant in the Congressional Delegation to Afghanistan, chaired by Mr. HOEKSTRA of Michigan, I had a chance to learn about Mr. Abernathy during the delegation's stop in Bahrain.

Rick is by all accounts a great American and seems to have a loyalty to the Great State of Texas. Rick established Ric's Kountry Kitchen as an oasis of sorts in the Middle East. The establishment is a little piece of America—a favorite spot for Americans traveling, living and working in the region. The restaurant has become the unofficial gathering spot for Americans abroad in or near Bahrain.

Mr. Speaker, Rick, through his enterprise, has become a fine ambassador for our country. Frequented by locals, too, Ric's is somewhat the face of America in Bahrain. Adorned with symbols of Liberty, freedom and faith, the restaurant conveys a powerful message of wholesome Americanism in a region where it is clearly needed. The American Flag is displayed proudly at Ric's. The food is great, too.

Mr. Speaker, I ask our colleagues to join me in extending the heartiest congratulations and best wishes of the House to Mr. Rick Abernathy and to the customers, employees and supporters of Ric's in Bahrain.

TRIBUTE TO DONALD D. WACKS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special citizen in my district. Donald D. Wacks has provided northern California with nearly three decades of distinguished service to its students, parents, staff, and community as a progressive and exemplary elementary school principal. Don Wacks worked tirelessly for the improvement of student achievement, expanded professional staff development, and encouraged the involvement of parents and community in the critical mission of the education of our children. In this endeavor, I say that Don Wacks is one of America's quiet heroes.

Don Wacks was born in Passaic, New Jersey on August 20, 1927 of second generation American parents, Samuel & Lena Wacks. Don Wacks has a sister Janice and a brother Gerald (deceased). Don Wacks moved from the East Coast to San Francisco where he attended Lowell High School and graduated with honors. He achieved honor roll status every semester of high school, received the California Scholarship Federation Award, and was a distinguished member of the debating society where he acquired skills and experience that have helped him throughout his life.

Don Wacks proudly served our country in the United States Military for much of his adult life. As an Army officer, he was stationed in Japan at the conclusion of WW II and continued to serve in the Army Reserve in the Civil Affairs unit of the 351st division of the Sixth Army, where he graduated from Command in General Staff School. He retired from the Army as a Lieutenant Colonel.

Don Wacks attended the University of California at Berkeley, earning both Bachelors and Masters degrees in Economics, and Credentials in Teaching and Administrative Education. He was a member of the Sigma Alpha Mu Fraternity, qualified for Phi Beta Kappa, and the Phi Delta Kappa in the National Education Honor Society.

After working as a student teacher in Orinda, California, Don Wacks then moved to the Newark Unified School District where he began his career as a Vice Principal from 1957 to 1959. He was a Teaching Principal at Schilling Elementary from 1959 to 1962, Principal at Snow Elementary from 1962 to 1979, and Principal at Milani Elementary in 1979, until his retirement in 1985.

Don Wacks is a person of strong values and convictions, which he believes, are best shared with others and practiced every day. As a child, he made a promise to himself to visit all of the world's continents and experience as much as he could during his life. Don Wacks kept the promise made that day, experienced 86 countries, and with a visit to Antarctica in early 2001, walked on all the world's continents. Much of his motivation for travel is to learn about the ethnic and cultural backgrounds of the peoples of the world and to spread peace and understanding through individual contact.

Don Wacks has always delighted in sharing his gifts and resources with people who are in less fortunate circumstances. He supports many causes and charities and is a member of numerous community organizations, programs, and fundraisers where he uses his life experience, travels, and compassion to improve the community wherever possible. Of great personal significance is his work as a volunteer grief counselor at the Widows and Widower's Network Center in Walnut Creek. He facilitates regular grief counseling groups and works regularly on their crisis line. He is a dedicated champion of environmental causes and considered himself an environmentalist long before it was popular.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Don Wacks feels especially proud of his daughter Marilyn, his son Ron, and his granddaughter Alyssea who embody many of his convictions, most especially being life-long learners and contributors to their communities.

I ask you to consider the quiet heroes like Don Wacks and the many thousands like him deserving of our respect and gratitude for making this country great. After all, where would we be without America's many quiet heroes?

HONORING THE DISTINGUISHED CAREER OF DR. GORDON PETTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding career of Dr. Gordon Petty, who has served his community of Smith County, Tennessee, with dedicated passion. Dr. Petty opened the first licensed hospital in Smith County in 1951 and practiced as a physician in his hometown for 50 years before retiring.

Dr. Petty's life is a perfect example of what it means to give back to your community. He graduated from Smith County High School in 1938 and received a degree from Cumberland College in 1941. He then served in the United States Navy as a communications officer onboard a destroyer during World War II. He continued to serve in the Naval Reserve for a number of years after World War II and also received a medical degree from Vanderbilt University in 1950.

During Dr. Petty's professional career, he served on a number of medical boards and associations, including the American Medical Association, the Tennessee Medical Association and the Board of Trustees of Smith County Memorial Hospital. He also participated in a variety of civic organizations, which included the Carthage Lion's Club, the Carthage Town Council and the Board of Directors of Citizen's Bank.

Dr. Petty's grit and determination to serve his country, his patients and his community are admirable and a testament to his exemplary life. I cordially congratulate Dr. Petty for serving each with dignity, honor and compassion. I also wish him the very best in his well-deserved retirement.

ANDREW S. GROVE URGES RESPONSIBLE CORPORATE REFORMS BUT AVOID STIGMATIZING BUSINESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. LANTOS. Mr. Speaker, during the past few months our nation has watched in shock and dismay as a growing number of corporations have fallen into disrepute and many have been thrown into bankruptcy because of corporate financial fraud or unethical practices. The scandal has rightfully provoked public outrage, and Congress has taken up new legislation to stem the further erosion of public trust in our capital markets. As Members of Congress prepare to enter into negotiations over a conference report on corporate governance and accounting reform legislation, I call to the attention of my colleagues a particularly insightful article by Andrew Grove, Chairman of Intel Corporation.

Mr. Grove—a former Time Magazine "Man of the Year"—grew up in communist Hungary, where he experienced stigmatization and prejudice as the son of a businessman. After completing his Ph.D. at the University of California, Berkeley, Mr. Grove joined the Research and Development Laboratory of Fairchild Semiconductor. In 1968 he became one of the founders of Intel Corporation. Since then he has continued to play a key role in the growth and success of the company, serving as President and CEO and today as Chairman of the Board.

In an article published in the Washington Post (July 17, 2002) entitled "Stigmatizing Businesses," Mr. Grove points out that the current rush to judge and condemn all corporate executives without discrimination in our country has made him feel like he was back in communist Hungary, where businessmen were distrusted and stigmatized.

Mr. Speaker, I urge my colleagues—and all Americans—to give heed to Mr. Grove's thoughtful insight. We must understand that while there has been corruption among far too many companies, this does not justify the vilification of the entire private sector or of every business executive. As Mr. Grove indicates in his article, the best way to tackle this issue is through corporate reform and ensuring a separation of powers between the chairmen, the board of directors, the CEO, the CFO, and accountants, and all street analysts. Once these positions are free to operate without constraint—and are not occupied by the same person—corporations will be able to monitor themselves much more effectively and can hopefully prevent future scenarios similar to the one our country is currently facing.

Mr. Speaker, it is important that in our rush to repair the serious flaws in our system of corporate governance, that we not create other problems that could be equally damaging to our national economy. I ask that Mr. Grove's article be placed in the RECORD and I urge all of my colleagues to give attention to his thoughtful views.

STIGMATIZING BUSINESS——

(By Andrew Grove)

I grew up in Communist Hungary. Even though I graduated from high school with excellent grades, I had no chance of being admitted to college because I was labeled a "class alien." What earned me this classification was the mere fact that my father had been a businessman. It's hard to describe the feelings of an 18-year-old as he grasps the nature of a social stigma directed at him. But never did I think that, nearly 50 years later and in a different country, I would feel some of the same emotions and face a similar stigma.

Over the past few weeks, in reaction to a series of corporate scandals, the pendulum of public feeling has swung from celebrating business executives as the architects of economic growth to condemning them as a group of untrustworthy, venal individuals. I have been with Intel since its inception 34 years ago. During that time we have become the world's largest chip manufacturer and have grown to employ 50,000 workers in the United States, whose average pay is around $70,000 a year. Thousands of our employees have bought houses and put their children through college using money from stock options. A thousand dollars invested in the company when it went public in 1971 would be worth about $1 million today, so we have made many investors rich as well.

I am proud of what our company has achieved. I should also feel energized to deal with the challenges of today, since we are in one of the deepest technology recessions ever. Instead, I'm having a hard time keeping my mind on our business. I feel hunted, suspect—a "class alien" again.

I know I'm not alone in feeling this way. Other honest, hard-working and capable business leaders feel similarly demoralized by a political climate that has declared open season on corporate executives and has let the faults, however egregious, of a few taint the public perception of all. This just at a time when their combined energy and concentration are what's needed to reinvigorate our economy. Moreover, I wonder if the reflexive reaction of focusing all energies on punishing executives will address the problems that have emerged over the past year.

Today's situation reminds me of an equally serious attack on American business, one that required an equally serious response. In the 1980s American manufacturers in industries ranging from automobiles to semiconductors to photocopiers were threatened by a flood of high-quality Japanese goods produced at lower cost. Competing with these products exposed the inherent weakness in the quality of our own products. It was a serious threat. At first, American manufacturers responded by inspecting their products more rigorously, putting ever-increasing pressure on their quality assurance organizations. I know this firsthand because this is what we did at Intel.

Eventually, however, we and other manufacturers realized that if the products were of inherently poor quality, no amount of inspection would turn them into high-quality goods. After much struggle—hand-wringing, finger-pointing, rationalizing and attempts at damage control—we finally concluded that the entire system of designing and manufacturing goods, as well as monitoring the production process, had to be changed. Quality could only be fixed by addressing the entire cycle, from design to shipment to the customer. This rebuilding from top to bottom led to the resurgence of U.S. manufacturing.

Corporate misdeeds, like poor quality, are a result of a systemic problem, and a systemic problem requires a systemic solution. I believe the solutions that are needed all fit under the banner of "separation of powers."

Let's start with the position of chairman of the board of directors. I think it is universally agreed that the principal function of the board is to supervise and, if need be, replace the CEO. Yet, in most American corporations, the board chairman is the CEO. This poses a built-in conflict. Reform should start with separating these two functions. (At various times in Intel's history we have combined the functions, but no longer.) Furthermore, stock exchanges should require that boards of directors be predominantly made up of independent members having no financial relationship with the company.

Separation of the offices of chairman and CEO, and a board with something like a two-thirds majority of independent directors, should be a condition for listing on stock exchanges.

In addition, auditors should provide only one service: auditing. Many auditing firms rely on auxiliary services to make money, but if the major stock exchanges made auditing by "pure" firms a condition for listing, auditing would go from being a loss leader for these companies to a profitable undertaking. Would this drive the cost of auditing up? Beyond a doubt. That's a cost of reform.

Taking the principle a step further, financial analysts should be independent of the investment banks that do business with corporations, a condition that could and should be required and monitored by the Securities and Exchange Commission.

The point is this: The chairman, board of directors, CEO, CFO, accountants and analysts could each stop a debacle from developing. A systemic approach to ensuring the separation of powers would put them in a position where they would be free and motivated to take action.

I am not against prosecuting individuals responsible for financial chicanery and other bad behavior. In fact, this must be done. But tarring and feathering CEOs and CFOs as a class will not solve the underlying problem. Restructuring and strengthening the entire system of checks and balances of the institutions that make up and monitor the U.S. capital markets would serve us far better.

Reworking design, engineering and manufacturing processes to meet the quality challenge from the Japanese in the 1980s took five to 10 years. It was motivated by tremendous losses in market share and employment. Similarly, the tremendous loss of market value from the recent scandals provides a strong motivation for reform. But let us not kid ourselves. Effective reform will take years of painstaking reconstruction.

Our society faces huge problems. Many of our citizens have no access to health care; some of our essential infrastructure is deteriorating; the war on terror and our domestic security require additional resources. Attacking these problems requires a vital economy. Shouldn't we take time to think through how we can address the very real problems in our corporations without demonizing and demoralizing the managers whose entrepreneurial energy is needed to drive our economy?

HONORING THE 25TH ANNIVERSARY OF FALLON COMMUNITY HEALTH PLAN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to honor Fallon Community Health Plan and to congratulate the men and women of that organization on the occasion of its twenty-fifth anniversary.

Fallon Community Health Plan was created in 1977 in Worcester, Massachusetts, largely though the work of the physicians of Fallon Clinic. The Clinic itself, the first group practice in central Massachusetts, was founded in 1929, the vision of John Fallon, M.D. The doctors of that group have provided high quality and compassionate medical care to several generations of area residents, and have a uniquely cooperative relationship with the Health Plan.

While mergers and consolidations have generally ruled the health care world in the last few years, Fallon Community Health Plan has continued as a locally-controlled, not-for-profit plan, one that truly lives up to the word "community" in its name. In 1988, the Fallon Clinic and Health Plan partnered to establish the Fallon Foundation. With the help of community members, local businesses, and public officials, Fallon Foundation promotes a healthy community through grants and other resources dedicated to direct services, education, and research. Fallon Community Health Plan is a valued civic partner in Worcester and other cities and towns of central Massachusetts.

Fallon Community Health Plan has four times been rated the number one health maintenance organization in the entire country. It has long been looked to as a model of innovative and affordable health coverage. It consistently scores highly in measures of quality of medical outcomes. Fallon Community Health Plan was also one of the five original health plans to enroll Medicare beneficiaries, demonstrating how more comprehensive care than Medicare alone provides could be delivered to Medicare eligibles at an affordable cost. The Health Plan continues to participate in the Medicare+Choice program and its Fallon Senior Plan has an accreditation status of "excellent" from the National Committee for Quality Assurance. It is also a partner with the Federal Government in PACE, a program of all-inclusive care for the elderly, and is in fact the only health maintenance organization in the country with such a program.

Fallon Community Health Plan is a relatively small health care organization whose national influence far exceeds its size. We in Worcester are proud of its success and the contributions it makes to our community. Mr. Speaker, I am proud to congratulate the people of Fallon Community Health Plan for twenty-five years of service.

TRIBUTE TO CLAIRE TRAYLOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I speak here to recognize the life and passing of Mrs. Claire Traylor of Wheat Ridge, Colorado. Mrs. Traylor was a state legislator who worked diligently on behalf of Colorado to promote fair and effective legislation throughout the state.

Mrs. Claire Traylor served in the Colorado General Assembly from 1982 to 1994, first in the House and then in the Senate. One of her most renowned accomplishments as a legislator was her strong commitment to education. Mrs. Traylor was a member of the Joint Budget Committee and Chairwoman of the Senate Appropriations Committee, she used her Position to approve funding for the repair and reconstruction of buildings on college campuses. It was for these efforts that the Colorado School of Mines just recently announced plans to recognize Mrs. Traylor by naming a building in her honor. Mrs. Traylor also fought hard for healthcare legislation that would benefit all citizens of Colorado, including the poor and uninsured.

Mrs. Traylor was a proud Republican who understood the necessities of sound fiscal responsibility. However, on any given issue she didn't hesitate to follow her own principles and convictions. But no matter how difficult the opposition or how controversial the issue, it was her integrity and reputation for fair dealing that won her the bipartisan esteem of her colleagues. For all the legislative achievements that can be accredited to Mrs. Claire Traylor, it will be her amiable personality, her gracious demeanor, and her impeccable character that we will remember the most.

Mr. Speaker, it is with genuine gratitude that I recognize the life of Mrs. Claire Traylor before this House of Representatives and before this Nation today; she lived life to the fullest, a public servant who worked diligently for her constituents and the State of Colorado. Claire Traylor will be missed, but her presence will continue to be felt in the thousands of lives which she touched.

HONORING ARMANDO DE LEON, RECIPIENT OF THE 13TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize an outstanding citizen who has been honored for his life-long dedication to Latino issues through which he has impacted the lives of many in our community. On September 6th, the Honorable Armando de Leon was honored by his peers at the annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in it's thirteenth year of honoring worthy individuals.

Judge de Leon began a 32-year career in the U.S. Air Force Reserve as a judge advocate. After being admitted to practice in Arizona, he worked briefly as a law clerk/bailiff. In 1965, Armando entered private practice in Phoenix, specializing in international law and serving as general counsel and volunteer pro bono attorney for twenty non-profit organizations.

Armando served four years on the Phoenix City Council. He served on the Arizona-Mexico Commission and on Federal Advisory Committees to the U.S. Attorney General and INS Commissioner as well. He was appointed to the Arizona Superior Court bench in 1983 with rotations on civil litigation, criminal, domestic relations, and special assignment calendars. He chaired the Court Interpreter Policy & Bilingual Forms Committee, and the Unified Extern Program Liaison Committee of the Superior Court and the Arizona State University College of Law. Upon retirement from the bench, he returned to his hometown of Tucson, where he served as an adjunct professor at the University of Arizona College of Law.

Armando's extensive community involvement includes serving as general counsel and board member to the National Council of La Raza, referral attorney for the Mexican American Legal Defense and Education Fund, board member of the Southwest Voter Registration Education Project, memberships in the Hispanic National Bar Association, Los Abogados Hispanic Bar Association, the Phoenix Hispanic-Jewish Coalition, and the League of United Latin American Citizens.

He served as a General Officer and was awarded the Legion of Merit upon retirement in 1991, as well as the Distinguished Service Medal.

Mr. Speaker, please join me in recognizing this outstanding citizen for his fine work and dedication. Throughout his life Judge de Leon has been a long time advocate for the Latino community and he has been a great role model for many.

AIR SHOW TRAGEDY IN LVIV, UKRAINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the memory of the victims of the world's worst air show disaster. On July 27th, a Ukrainian SU-27 fighter jet crashed into a crowd of spectators at an air show outside Lviv in Western Ukraine, killing 85, including 23 children, and wounding 116 more. The plane's two pilots lost control of the fighter during complicated maneuvers and managed to eject just before impact. The severity of injuries varied and many still remain hospitalized, while the cause of the crash is being investigated.

Considering there were thousands of spectators attending the air show, the damage could have been much worse. However, given the recent series of tragic accidents in Ukraine, most significantly, several deadly mine explosions, I commend the spirit of the Ukrainian people and their resilience in the face of overwhelming tragedy. I also offer my prayers and profound condolences to those families having suffered losses of loved ones.

Mr. Speaker, the entire world witnessed during the September 11th attacks on this Nation. Oftentimes when people are faced with tragedy and adversity, there are also extraordinary actions of heroism and generosity. Within the first hours following the air show tragedy, the Ukrainian Federation of America mobilized international relief efforts. They coordinated with medical institutions and individual physicians and technicians who agreed to provide medical treatment, relief supplies and transport free of charge. This remarkable humanitarian effort has greatly improved the prognosis for many of the victims. In addition, many Ukrainian-American organizations have established bank accounts to collect donations for a victim-relief fund.

Mr. Speaker, I urge my colleagues to help in this critical endeavor and to pray for the victims and their families to speed their healing.

HONORING GERRY MALONE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to commend Gerry Malone, President and past Vice-President of the Irish National Teachers Organization (INTO).

After earning a teaching degree from St. Patrick's College, Drumcondra, in 1966, Mr. Malone returned to his local parish as Principal of Bellurgan NS. In recognition of his professionalism and dedication to education, Mr. Malone was later appointed Principal of Rampark NS, the school he attended as a youth. Mr. Malone continued in that capacity for 27 years.

For many years now, Mr. Malone has been active in the INTO. He represented the primary teachers of Cavan, Monoghan, and Louth. As a representative, Mr. Malone has been actively involved in all the major education issues that have faced the organization.

Outside of work, Mr. Malone enjoys music, musicals, Gaelic games, and traveling. And aside from education, Mr. Malone's other great passion is mountain walking. Mr. Malone and his wife Jo have two children, Clodagh and Feargal. They are the proud grandparents of Aisling and Donal Carthy.

Mr. Speaker, I am sure that the entire U.S. House of Representatives joins me in thanking Mr. Malone for his steadfast commitment to the educational system of Ireland and for his service as President of INTO.

NAVAL MANDATE PRESENTS OPPORTUNITY FOR AMERICAN FARMERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. TOWNS. Mr. Speaker, I want to bring to the attention of my colleagues an important environmental initiative, which impacts the U.S. Navy. In 1987, Congress mandated that the U.S. naval submarines eliminate the dumping of plastic waste by 2008. This requirement presents a unique opportunity for the commercial development of biomass products to replace the use of plastics on our submarines. Further research was done on this subject as a summer project in the 2002 Office of Naval Research (ONR) Science and Engineering Apprenticeship Program (SEAP). This summer, as one of the SEAP participants, Christina Liebner, an incoming Stanford University freshman, authored a report on the viability of biomass products as an alternative to plastics on submarines. Her report suggests that biomass products may offer significant opportunities to aid the Navy in reaching its 2008 mandate but it may also provide new economic markets for corn and soybean farmers. A summary of Christina's report is listed below. I commend it to my colleagues' attention for future consideration about how our nation's farmers can help to solve this environmental mandate for the U.S. Navy.

POSSIBLE APPLICATIONS FOR BIODEGRADABLE PLASTIC IN THE UNITED STATES NAVY FLEET AS A METHOD TO MEET MARPOL 73/78, MPPRCA, AND APPS REGULATIONS

(By Christina Liebner)

First implemented in 1983, the international marine pollution prevention agreement known as MARPOL 73/78 dictates that all signing nations must comply with Annexes I and II, which prohibit vessels from dumping oil and bulk noxious liquids, respectively. The United States has further agreed to comply with Annex V, which bans vessels from dumping plastic waste. To enforce this agreement at home and to extend jurisdiction to all vessels in U.S. command (including military vessels) and in U.S. territorial waters and exclusive economic zones, Congress passed Title II in Public Law 100-220—formally titled Marine Plastic Pollution Research and Control Act (MPPRCA)—on 29 December 1987. Written later, the Act to Prevent Pollution from Ships (APPS) with amendments current to 1 November 1998, requires all Naval surface ships to comply with Annex V by 31 December 1998 and all submarines by 31 December 2008.

The U.S. Navy is currently developing and refining pollution prevention procedures to process and store plastics onboard. Most surface ships are currently outfitted with at least one Plastic Waste Processor (PWP), and crews have reported success with this method; ships without PWPs find other ways to retain plastic waste. Researchers at the Naval Surface Warfare Center—Carderock Division (NSWC-CD) are currently testing compaction and storage methods for submarine plastic management in four demonstration projects. While surface ship and submarine crews have reported success with their respective waste processes, replacing petroleum-based plastic with biodegradable products may be a more effective and environmentally responsible solution.

While the Navy's current methods to make surface ships and submarines compliant with MARPOL 73/78 and MPPRCA are feasible and successful, they are only short-term solutions. Bioplastic is environmentally responsible, and with enough funding, research, and development, it could soon run at full-scale production levels and become a commercially viable replacement for petroleum-based plastic in most applications. Biodegradable plastic may be the Navy's long term solution to environmental regulation compliance. Additional funding is necessary, however, to launch demonstration of feasibility projects and to further research in bioplastic applications within the Navy. Although bioplastic products offer the most convenience to submarine waste processing, biodegradable plastic is just as applicable and as beneficial to surface ships.

Not only would further research and development to promote biodegradable plastic help the Navy, but the nation would also profit from such technology. The following lists the key advantages of bio-based plastics:

Corn farmers often overproduce, and as agricultural biotechnology advances to further increase crop yield, productivity will double in the near future. Bio-based technology provides another market for corn crops.

Commercializing bio-based plastics from domestically grown crops allows American citizens to profit and releases pressure to import petroleum from the Middle East.

Biodegradable plastic encourages the growth of municipal composting plants and slows accumulation of trash in landfills.

Production and use of biodegradable plastic create much less air pollution and greenhouse gases than petroleum-based plastic. Plants create their carbohydrates from atmospheric carbon dioxide. Bioplastic factories extract this carbon to create the polymer. When biodegradable plastics decompose, the released carbon dioxide is returned to the atmosphere, thus completing the cycle. Petroleum products use carbon compounds from the ground and release them into the air; no new carbon dioxide is introduced to the air with biodegradable polymers.

After the necessary parts of crops are used to create the biodegradable polymer, residual biomass can be burned cleanly to generate energy.

TRIBUTE TO FALLEN OREGON FIREFIGHTERS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, I rise to pay tribute today to the life and memory of five courageous firefighters. The wildfires, that have swept through Colorado, Oregon and other western states, have engulfed thousands of acres, requiring the assistance of brave firefighters from across the nation. Today we honor Jacob Brent Martindale, Daniel Rama, Retha Mae Shirley, Zachary Zigich, and Bartholomew Bailey, all dedicated, heroic, brave individuals who selflessly sacrificed personal safety, and ultimately their lives for the state of Colorado and fellow citizens of our nation. I honor the legacy of each fallen firefighter, and praise the accomplishments their selfless dedication has brought to our country.

It is with great sadness that I recount the lives of each, and express my condolences to their friends and family. Zachary Zigich, 18 years of age, was a resident of Twin Falls, Idaho; he was an athletically talented individual who excelled in tennis, football, and music. He was the middle child of two siblings, and the son of Mike and Angie Zigich. He was an emphatic individual who provided his firefighting skills and services nobly to his community.

Jacob Brent Martindale, 20 years of age, was a resident of Boise, Idaho. His devotion to nature and environmental protection explains his courageous dedication to firefighting. When not working, Jacob could be found in the wilderness fishing, hiking, kayaking, and mountain biking. He was a wonderful friend to many, and he graduated with honors from Centennial High School.

Bartholomew Bailey, 20 years of age, was a resident of Corvallis, Oregon and excelled as a skilled, knowledgeable firefighter. Although young in age, he surpassed all expectations and impressed his colleagues with numerous accomplishments. Bartholomew was noted as an exceptional vocalist participating in numerous chamber chorale performances. Additionally, he was an exquisite performer on stage, awing crowds and packed theaters.

Retha Mae Shirley, 19 years of age, was a resident of La Grande, Oregon who had a flare for exploration. Whether rain or shine, Retha was a dependable asset and a key member of her firefighting team. Truly, her death is an enormous loss to her peers, and a saddening time for her friends and family. Retha was studying at the Oregon Institute of Technology's nursing program, working with steadfast determination toward her goal to become a doctor. Her brother Jesse and parents Larry and Linda survive her.

Daniel Rama, 28 years of age, was a resident of Baker City, Oregon, and lived his existence to fight fires. Dan returned the previous evening from two extensive weeks of "Fire Prevention Training." Dan was an exceptional student in school, and well respected by his peers. Although his family grieves his loss, they embrace the memories of joy and comfort he provided. Dan was a valiant firefighter, who devoted his life toward the service of his community. It is an honor to acknowledge someone of such great integrity and character.

Mr. Speaker, it is with a sincere heart, I commend these five individuals as honorable leaders, patriots, and loyal, dignified servicemen and woman of our firefighting community. It is with a heavy heart, we pay tribute to each person who gave their life so selflessly for the great people of Colorado. I mention each of their names and achievements briefly, but in truth, they each deserve more recognition than I can offer today. Each courageous firefighter nobly surrendered their lives in defense of our nation's forests, and I am honored to pay tribute and remembrance in this body of Congress, and before this nation's forests and people who live nearby and I am honored to pay tribute in this body of Congress, and before this nation to their sacrifice.

Though each of these young firefighters is no longer with us, their impact will continue to be felt in the lives of the many they touched and remembered by the thousands they worked to protect.

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, several weeks ago Los Angeles County's foster care system was sued by advocates for children alleging that negligence, mismanagement, and abuse and neglect of children are routinely committed by that agency. More specifically, the suit charged that many thousands of foster care children with behavioral, emotional, and psychiatric impairments desperately need, but are not being provided, medically necessary mental health, behavioral support, and case management services, as required by federal law.

When that lawsuit was filed on July 18th, I pointed out to Members of Congress that the allegations described in the lawsuit were not unique to California. States across the country are failing children in foster care. Since that time, officials in the District of Columbia have confirmed that several foster care boys were sexually abused at various group home facilities, including one for mentally retarded foster children. Florida's Department of Children and Families acknowledged that in addition to its inability to account for some 532 foster care children, children have been placed in motels due to shortage of foster homes.

In the following article in the August 22nd Washington Post, an audit of Maryland's child welfare system reveals that the state has lost track of some foster care children for months and failed to ensure proper health care. In one case, a child spent 10 months in the care of a foster parent whose criminal record included two sex offenses and an assault charge. Just as in Los Angeles, the Maryland audit also revealed that foster care children were routinely denied basic health care, including doctor's visits, dental checkups, and psychiatric treatment.

We cannot continue to spend billions of dollars on a system that does not provide what children need to thrive, or in some cases, even to survive. The government must require greater accountability to ensure the health and safety of every child in its custody.

The article follows:

[From the Washington Post, August 22, 2002]

Audit Finds Lapses in Maryland Child Care—Contact Lost With Children; One Placed With Offender

(By Matthew Mosk)

The Maryland state agency responsible for 12,000 orphaned, abused and neglected children has lost track of some children for months, failed to ensure proper health care and, in at least one case, entrusted a foster child to a sexual offender, a comprehensive review by the state's Office of Legislative Audits has concluded.

The review reported "significant concerns" about Maryland's Social Services Administration and found numerous instances of neglect on the part of the state's social workers. In nearly half of 163 cases randomly chosen for inspection, caseworker's files showed that they had lost contact with the children and their caregivers for anywhere from two to 16 months.

Child advocates said that particular finding was an unsettling reminder of the case of a 5-year-old Miami girl who was missing for 15 months before caseworkers discovered that she was gone.

"The degree to which we are at risk of repeating [the Florida tragedy] is unconscionable," said James P. McComb, executive director of the Maryland Association of Resources for Families and Youth, which made up of agencies that serve children.

Maryland's troubles are also a reminder of similar woes in the District, where the child protection system has long been considered one of the most dysfunctional in the nation.

The Maryland audit included other, equally disturbing findings pertaining to the agency's ability to keep tabs on the people entrusted with children's safety and well-being. At one point, in the midst of conducting the review, the audit team discovered that a child had spent 10 months in the care of a foster parent whose criminal record includes two sex offenses and an assault charge. After being notified by auditors, social workers moved the child.

The case was later revealed to be part of a broader problem: Files contained no evidence of mandated criminal background checks for caregivers in 45 percent of the cases the audit team reviewed.

Lapses on the part of social workers also extended to the medical care that was supposed to be provided to children. Basic health care, including doctors' visits and psychiatric treatment, appeared to have been neglected in one-third of the cases the auditors reviewed, and there was no evidence of dental checkups in the files of 68 percent of the children.

Moreover, there was no sign that 35 percent of the children in state custody were attending school.

In a written response to the audit, Maryland Secretary of Human Resources Emelda P. Johnson pledged improvement and said local social services departments have been informed of the findings. Asked yesterday about the findings in a telephone interview, state social services officials blamed paperwork problems for many of the shortcomings.

"The issue here is documentation, not whether something actually happened but whether it was in the folder," said Linda E. Mouzon, executive director of the Social Services Administration.

The audit, however, concludes that the problem not only involves documentation but also "raises significant questions about the actual monitoring and delivery of critical services."

Several of the attorneys charged with representing the children's interests in court agreed that the shortcomings are not merely bureaucratic snags.

"There's no excuse for children in the state's care to be living in the same condition that prompted them to be removed from their homes in the first place, but that's what we're seeing," said Joan Little, who heads the child advocacy unit of the Legal Aid Bureau in Baltimore, which handles more than 5,000 of the children's legal cases each year.

Little said she has personally witnessed cases involving children whom the state agency mistakenly placed in the homes of criminal sex offenders and who then became victims of sexual abuse. Though she refused to discuss the specifics of those cases, she said they were heartbreakingly real.

"This is a significant and very real problem, and it's outrageous," she said.

Child welfare attorney Jessica Rae had several examples of her own. She recalled checking up on a 4-year-old in state custody recently and being asked a chilling question by his foster mother.

"The woman said to me, 'How would anyone know that I don't have him locked in the basement?' "

"It was a very disturbing thing to hear," Rae said, because she knew the answer: No one would know. The state social worker assigned to check monthly on the boy had not been in touch for nearly six months.

Advocates said that even routine responsibilities, such as ensuring that children see dentists, have clearly been neglected. "Kids come in here and their teeth are totally brown," Little said. "You don't need an expert to tell you they're not getting care."

Mitchell Mirviss, a Baltimore lawyer who argued a landmark case on child welfare in Maryland 13 years ago, said deficiencies such as the ones described in the audit have not been as profoundly documented in more than a decade.

"You're seeing results that are very alarming," he said. "It's a strong confirmation of what the attorneys who represent these kids in juvenile court have been saying. The problems are serious and endemic."

Mouzon said advocates are exaggerating the problem. "Everybody knows of one or two cases where something went wrong. I'm not going to say that's not true," she said. "But I would believe that the majority of our children are safe and are getting the best service possible."

Though there are plans in place to improve the system—such as an initiative to give social workers hand-held computers that allow them to better document their visits with children—Mouzon said no action has come as a direct result of the auditors' findings.

That response surprised many of the advocates, who began circulating copies of the audit in July; it was released in May. Sharon Rubenstein, communications director at Advocates for Children and Youth, said that when she began reading it, her jaw dropped.

"It made me wonder, how can we rest assured that the kids in our system are safe?" she said. "I don't think that the audit should leave us sleeping well at night."

REGARDING PUBLIC HEALTH PESTICIDE BILL

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GOODLATTE. Mr. Speaker, I would like to introduce an important piece of legislation that will help deal with the spread of insect, rodent and microbiological borne illnesses in the United States.

In 1996, Congress passed the Food Quality Protection Act which defined within the existing Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) the term "public health pesticide" to ensure that effective products were readily available for the public's protection. However, an error was made as the legislation was being prepared whereby this definition was unintentionally limited to "minor use pesticides" used by public health agencies and does not incorporate products which have traditionally been considered public health pesticides, such as consumer pesticide products.

FIFRA requires the EPA to consider threats to public health in the registration and reregistration of public health pesticides. The statutory criteria used to establish "minor use" eliminates many products from being considered "public health pesticides". My legislation would correct this oversight. The effect of this technical correction would be to treat all public health pesticides equally. Specifically, the legislation would make the provisions of the FIFRA applicable to a broader category of beneficial products. These products ensure that the American public has the proper tools to protect themselves against disease.

We have been hearing recently about the serious public health dangers of West Nile virus, but there are many insect and rodent borne illnesses and infectious diseases. Lyme disease, Hantavirus, encephalitis, Rocky Mountain Spotted Fever, Colorado Tick Fever, Tick Borne Relapsing Fever and many others threaten the health of all Americans. In addition, microorganisms such as *E. Coli, Staphylococcus aureus, Listeria monocytogenes,* and numerous species of *Salmonella,* pathogenic mold, mildew and fungi pose serious threats to public health.

With insect borne disease on the increase in the United States, it is vital that EPA look at the benefits in all stages of the process for the products that protect the public from pests that pose a threat to public health. Likewise, antimicrobial pesticides used against human pathogens are vital to public health and benefits of these products also should be considered by EPA.

I look forward to working with my colleagues on this issue which is very important to public health in the United States and across the globe.

SEPTEMBER 11TH VICTIM COMPENSATION FUND FAMILY BENEFITS FAIRNESS ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ISRAEL. Mr. Speaker, many of us will travel to New York this Friday to pay homage to the victims of last September's terrorist attacks. Even more meaningful to the surviving families than traveling to New York will be this House's commitment to ensuring that victims' families will have the same opportunities they had before their loved one was killed.

After losing their sole source of financial support, many families are worried that they won't be able to afford college or stay in the neighborhood they have lived in for years. Because of an interpretation of the current laws governing the Victim Compensation Fund, the amount that each victim's family will receive will be lowered by the amount they will get in Social Security survivors' benefits. My legislation, the September 11th Victim Compensation Fund Family Benefits Fairness Act, permits the victims and their families of the terrorist attacks to receive the compensation we meant to provide them when we passed the Victim Compensation Fund.

Public support for the victims and their families has been consistent and heartfelt. Americans continue to support the families who lost their mothers, fathers, sisters, brothers or friends. We need to ensure that their lives are not further devastated by losing the financial position they had before the attack. My legislation shows the victims that the United States Congress continues to understand their great loss. The bill demonstrates that we are going to treat the families of those who died in the attack fairly. We will make sure that the children of the victims grow up to be successful with faith that American values are unwavering.

The Victim Compensation Fund must not offset the amount a family receives from Social Security. My bill changes the statute to make clear that survivors' benefits will not be offset by the Special Master. This will help ensure that this terrible loss will not result in decreased standards of living or lost opportunities for their children.

HONORING DR. MORRIS CHAPMAN OF THE SOUTHERN BAPTIST CONVENTION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize a milestone in the life and career of Dr. Morris Chapman, the president and chief executive officer of the Executive Committee of the Southern Baptist Convention. On October 1, 2002, Dr. Chapman will be celebrating his 10th anniversary as a member of the Executive Committee of the Southern Baptist Convention.

The Mississippi native became a Christian at the age of 7 and was called to preach at the age of 21. Dr. Chapman has received several college degrees, including doctorates of ministry, sacred theology and divinity, and has been the pastor of several churches in Texas and New Mexico. He has traveled extensively in the U.S. and abroad while spreading the word of God. And he has written several books about Christianity.

Dr. Chapman has received numerous awards and citations for his work, including the Outstanding Young Man of America in 1973 and 1974 and Who's Who in Religion in 1977. He has also served on numerous civic boards and organizations.

Dr. Chapman's faith and his dedication to serving people of all walks of life are truly inspirational. I cordially congratulate Dr. Chapman for his tireless work in the ministry and his 10 years of serving on the Executive Committee of the Southern Baptist Convention.

IN RECOGNITION OF GLADYS BROWN McFARLANE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ENGEL. Mr. Speaker, today I would like to honor Gladys Brown McFarlane, known to many as Sister Brown, as she turns 100. She is a remarkable woman for her devotion to her peers, community and country. I have known her personally since we both moved into the same building in Co-Op City in November 1971. She truly is a selfless woman who touches the lives of all whom she encounters.

As a resident of Co-Op City for over 30 years, she continues to be active within the Co-Op City Baptist Church. Not only does she continue to attend services regularly, but she has also served as a Deaconess, Usher and a willing volunteer through her membership for over 25 years.

She has also assisted others as an Inhalation Technician at Bellevue Hospital in New York City for over 20 years. If this wasn't enough, Ms. Brown served in the Medical Section of the United States Army starting in 1943 and was honorably discharged in September 1945. Clearly, the compassion that Gladys has for others has no boundaries.

In her spare time, Gladys is a member of The American Legion, Co-Op City Post 1871 and also enjoys traveling. In her many years, she has traveled extensively. I am sure that those whom she has met in her travels and her comrades from the American Legion agree with me that the warmth and compassion she has is hard to come by.

Her determination and strong work ethic are clearly inherent in Gladys' character as at the age of 14 she migrated from the Montego Bay in the British West Indies to the United States to live with an uncle residing in Harlem, New York. Today, she is the youngest and only living of four siblings. Despite this, her family still extends far as she has a host of nieces and nephews, legionnaires and comrades, friends, neighbors, acquaintances and everyday admirers.

I am lucky to know Gladys and honored to come before you today on behalf of her 100th birthday. I firmly believe that I am a better person for knowing Gladys and believe that everyone who comes in contact with her feels the same way as well.

RECOGNIZING VFW CONTEST WINNER BENJAMIN S. HAMPTON

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. FLETCHER. Mr. Speaker, in this new found era of patriotism, it is fitting that I recognize in the CONGRESSIONAL RECORD the winning essay of the 2001–2002 VFW Voice of Democracy Scholarship Contest, written by Benjamin S. Hampton of Frankfort, Kentucky, entitled "Reaching Out to America's Future," and included below.

Since the horrific attacks of September 11, the American people have undoubtedly experienced a dramatic shift in patriotic sentiment. The attacks by the radical al-Qaeda terrorist network have caused Americans to unite in defense of the ideals and principles on which our nation was built. The very rights guaranteed by the Declaration of Independence and the Constitution came under attack on September 11, and Americans have unified in an effort to protect their freedoms and ensure that these rights will not be infringed upon. In doing so, they have displayed a steadfast patriotism and loyalty to our country unparalleled in nearly all of history.

Yet, as the weeks pass and the memories of September 11 are only worsened by the newer threats to our national security, the overall patriotic emotion in our great nation seems to be fading. Following a tremendous, nationwide surge in patriotism in the few weeks following the original attacks, patriotic fervency has begun to dwindle. Therefore, it is evident that we must make every effort possible to maintain and even further bolster this historic degree of patriotism. We must secure full and unconditional support by the American people for the government that represents them, and must assure all Americans that the United States will survive as a freedom-loving democracy for centuries to come.

In order to achieve this end, it is clearly evident that we must utilize our greatest resource, the youth of America. By targeting this precious resource we can reach out to the future of America by providing the youth of today with the ideals of patriotism and love of country that they will most certainly need tomorrow. In being exposed to patriotic attitudes, today's youth can lead the America of tomorrow headstrong into the future as the brightest beacon for hope and freedom that the world has ever seen.

With the intention of instilling the ideals of patriotism and love of country in our Nation's youth, we must revert to the practice of teaching citizenship in our nation's schools. We must look beyond simply requiring a civics course in our high schools, and must look beyond the customary study of government in fifth grade classrooms. While such education is necessary and very meaningful, however, it is not adequate in and of itself. Instead, we must saturate our educational system with constant lessons in citizenship and patriotism, and must even extend such citizenship education into the home.

The simple act of teaching patriotic songs in our schools, for example, would serve to make youth better appreciate and value their citizenship. Having schools lead students in the recitation of the Pledge of Allegiance each morning before classes begin and having students be responsible for ceremoniously raising and lowering the flag each day would also augment the effort to increase patriotic awareness in our nation's schools.

At home, parents should promote the adoption of behaviors of good citizens for all family members. Encouraging the entire family to eat healthy, maintain good personal hygiene and to obey all rules would cause parents and children alike to realize their duty in building a safer and healthier community. Furthermore, parents should emphasize the duties of every citizen to fulfill their obligations to serve on juries, pay taxes and serve in the military. Such ideas are not new but have simply been removed from the national spotlight. Now is the time to commit these behaviors to everyday practice. As Edwin C. Broome and Edwin W. Adams remind us in their Conduct and Citizenship, "Character is a nation's strength. The nations of earth that, like the Roman Empire, have been overthrown, were not defeated by outside enemies, but by their own failure to live up to high standards of national character."

Therefore, it is every citizen's duty to not only live up to such standards, but to instill in our nation's youth the importance of patriotism and citizenship in everyday life. It is our nation's livelihood that relies on this commitment. In order to ensure that the United States remains the brightest beacon for hope and freedom in the world, it is crucial that we reach out to the future of our nation. We must educate the youth of today in the morals of patriotism and loyalty that they will need tomorrow. We cannot allow to be lost another opportunity to reinstate such ideals. Now is the time to act, to reach out to the future of our Nation, and to stand up and say that America will triumph over the evil in our world.

A TRIBUTE TO CHANCELLOR JAMES R. LEUTZE, UNIVERSITY OF NORTH CAROLINA AT WILMINGTON

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Dr. James R. Leutze, Chancellor of the University of North Carolina at Wilmington. In June of 2003, Chancellor Leutze will retire after serving the University for twelve years.

James Leutze brought growth and prosperity to the Wilmington campus. He made a good university great. During Chancellor Leutze's tenure, the University of North Carolina at Wilmington has seen increases in admissions standards, the overall student body, and the average grade point average. His focus on educational growth has led to the University achieving several high national rankings. These include the U.S. News and World Report's top ten regional undergraduate public universities in the South for two years in a row and recognition by The Gourman Report as having one of the top five marine biology programs in the nation. Furthermore, from his distinguished position, Chancellor Leutze has successfully raised awareness about environmental and growth concerns in the Southeast.

Chancellor Leutze championed the UNCW Marine Biology program, which now ranks among the nation's best programs. Moreover, Chancellor Leutze was instrumental in ensuring the construction of Aquarius, an underwater laboratory in Key Largo, Florida where students and faculty conduct extensive research regarding our oceans. In addition to his hard work on the undergraduate level, Chancellor Leutze is responsible for obtaining the approval to offer a doctorate program in marine biology, which remains the University's only Ph.D. program.

Chancellor Leutze was also dedicated to ensuring that all communities had access to the latest technological advances, especially the Internet. Chancellor Leutze helped pave the way for the Information Superhighway through southeastern North Carolina via his work in the development of two regional technology initiatives, as well as UNCW's Global Virtual University. His dedication to technology was acknowledged, as Chancellor Leutze was appointed Chairman of the Rural Internet Access Authority by the Governor of North Carolina. In addition to this esteemed honor, Chancellor Leutze also served on the North Carolina Progress Board, the Government Performance Audit Committee, and the Commission for a Competitive North Carolina.

Chancellor Leutze has earned the respect of the administration, the faculty, and the students for his dedication to ensuring that the University of North Carolina at Wilmington will continue to grow and thrive for years to come.

We owe Chancellor James R. Leutze our sincere appreciation for his lifelong commitment to education as evidenced by his work as a professor at the University of North Carolina at Chapel Hill, president at Hampton Sydney College, and chancellor at the University of North Carolina at Wilmington. And I thank Dr. Leutze for his inspiration to me when he was my American History professor at the University of North Carolina at Chapel Hill when I was an undergraduate there.

May God bless him and his family, and may God bless the University of North Carolina at Wilmington.

IN RECOGNITION OF JOHN SHOEMAKER III

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to commend and congratulate John Shoemaker III for his many years of service to the city of Macon as well as the state of Georgia. John's community leadership and involvement have been invaluable in the areas of business, youth leadership, the arts, and many others.

John has been a tirelessly advocate to promote business and industry in the Macon community by serving on the Macon Chamber of Commerce Board of Directors and as Chairman of the Macon/Bibb County Convention and Visitors Bureau. His hard work and dedication have made him the recipient of the Macon Convention and Visitors Bureau's first "Soul Provider" Award.

John's achievements and contributions beyond business run deep. He has also been an integral part in the advancement of the arts. In 2000, he received the Macon Arts Alliance Cultural Award. John has provided 10 scholarships for disadvantaged students at Perry Players Summer Camp. He sponsored the Warner Robins Women's Theatre Season Project. John sent 40 students to the Alabama Shakespeare Festival Production and 10 students to the Georgia Children's Museum Summer Program. John made the initial donation to the Riverside Ford Center for Youth Performing Arts. His support of Theatre Macon, the Warner Robins Little Theatre, the Bleckley County Arts Alliance, the Macon State College Drama Department, the Macon Little Theatre, the Macon Arts Alliance as well as several other theatres throughout our state have been essential to the expansion of the arts.

Community involvement has been a major part of John's life. He serves on the Macon Cherry Blossom Festival Board of Directors. His longtime membership to the Macon Kiwanis Club and the Macon Mayor's President Club show his continued support to the city. He has served as Chairman of the Macon Park and Recreation and Honorary Chairman of the Sports Challenge for Cystic Fibrosis.

John's accomplishments and contributions over the years have been an extraordinary service to his community and the state. Our nation needs more men and women like John. I consider him to be a friend, and I am extremely pleased to represent John in the 8th District of Georgia. Mr. Speaker, strong communities are the building block of a strong nation. Therefore, I commend John Shoemaker for making our community and our nation a better place.

CONGRATULATIONS TO MALLERY WATERS

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. HILL. Mr. Speaker, it is my privilege to bring to the attention of the House my constituent, Miss Mallery Waters of Clarksville, Indiana. Mallery is the national winner of the 2002 Voice of Democracy high school essay contest sponsored by the Veterans of Foreign Wars, and recipient of the $1000 Department of Maine Scholarship to "Remember the U.S.S. Maine" Award.

Mallery, who is a senior being homeschooled, is a past winner of numerous essay contests, as well as an accomplished artist and gardener. She is the daughter of Mr. and Mrs. J. Scott Waters. Her winning essay, "Reaching Out to America's Future," was sponsored by VFW Post 1832 and its Ladies Auxiliary in Jeffersonville, Indiana.

It is my pleasure to include Mallery's essay in the CONGRESSIONAL RECORD.

REACHING OUT TO AMERICA'S FUTURE

(By Mallery Waters)

Before the recent terrorist attacks, I had concluded that patriotism was on a sharp decline in America. People stayed home on Election Day, ignored the flag, and seemed to generally avoid politics. Now flags wave defiantly across the country as signboards declare, "God Bless America." But I wonder if this newfound pride in country will continue when things begin to settle down. Only then will we learn whether or not this tragedy truly affected the hearts of the rising generation. For the participation of the citizens of the future—the young adults, teens, and even unborn children—in the affairs of this country will determine the future of America and the freedom it represents. I believe increasing interest in government and a sense of duty toward country are the foundations of our participation.

When President John F. Kennedy said, "Ask not what your country can do for you—ask what you can do for your country," he demonstrated that patriotism is not an empty emotion. Instead, it is a call to action. This call to action compels young people to participate in our government as tomorrow's politicians, civil servants, and informed citizens. Are we prepared or even willing to properly fulfill these enormous responsibilities?

Sometimes I think that America is following the road of the ancient republic of Rome. The republic rose to power and prosperity in part because of the diligence, hard work, and moral character of its people. But as the Roman citizens focused increasingly on luxury and their own happiness, the virtues that had made the republic strong rotted away. Eventually, they gave up much freedom for security under the Caesars.

As one of America's young people, I believe that many of us care far more about happiness and prosperity than we do about our liberties and freedoms. Relationships, cars, and music are physical items. Since freedom is much more abstract, it often seems boring. We have never tasted a life without this freedom or the prosperity and representative government we take for granted. But teens' boring liberties actually allow us to enjoy the physical things we do value.

Short of sending us overseas, one of the best ways to help teens appreciate being free to participate in government is to encourage interest in political affairs. Young people may be well-informed about the facts of government, but engaging experience in real-life politics is so much more important. Participating in student council and helping with a local political campaign are much more tangible than facts from a dull textbook. I think hands-on experience in mock-government organizations like Boys' and Girls' State is one of the most beneficial of these activities for teens. What if more than only a handful of a high school's students could have the opportunity to see first-hand how our government works? I think such a school-wide program would spark an interest in government and political matters in many.

If tangible political learning does not encourage young people to participate in government, an overarching patriotism and sense of duty instilled by family must. Keeping informed will not always be interesting, but we must recognize it as our responsibility. Families have always taken the lead in instilling such values in young Americans, and they must continue to do so today. Parents should pass on the heritage of traditional Biblical values and the sense of responsibility to God and fellow man. They must show us how to think for ourselves and formulate our own opinions. They must teach us to be diligent and informed voters who vote not for the political party but for the best candidate. Their lives must attest to the importance of staying informed in political matters and speaking out against issues they consider harmful to themselves or their country.

Young Americans must remember that freedom is so important that it was and still is something worth dying for. Being a conscientious U.S. citizen may require large amounts of work and inconvenience, but it is worth it. A loss of our precious freedom as a result of political apathy will bring so much more trouble down the road. America's youth hold enormous trust in our hands. The recent surge of patriotism after the terrorist attacks should be our wake up call. May we realize the truth of President Kennedy's words, "Ask not what your country can do for you—ask what you can do for your country."

RECOGNIZING SHERIFF LARRY D. SMITH

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ISSA. Mr. Speaker, I rise today to recognize Sheriff Larry D. Smith of Riverside County California. Larry Smith was sworn in as Riverside County's eleventh sheriff on December 14, 1994. He has faithfully served the people of Riverside as sheriff for the past 8 years and to recognize this service the Riverside County Board of Supervisors dedicated August 1, 2002 as "Larry D. Smith Day" in Riverside County.

Sheriff Larry Smith began his thirty-six years in law enforcement as deputy sheriff in the Blythe Jail and Patrol Station. He has held each successive rank in assignments across Riverside County. His distinguished career includes a variety of command assignments, including narcotics enforcement, information services, the jail, and the patrol station. Sheriff Smith also served as the County's Search and Rescue coordinator and commanded the department's Emergency Service Team.

In addition to being the Chief Law Enforcement Officer for Riverside County he is also a past board chairman and current board member of the Federal Los Angeles High Intensity Drug Trafficking Area, a past president and current member of the Riverside County Law Enforcement Administrators Association and past chairman of the local and regional CAL–ID boards. In addition, Larry Smith served as President of the California State Sheriff's Association until June 2002.

Sheriff Smith has been recognized statewide with numerous awards and commendations including: the Special Recognition Award in 1996 from the California Narcotics Officer's Association, the Outstanding Law Enforcement Officer Award in 1996 from Veterans of Foreign Wars Department of California, the 1997 Director's Award for Partnership from the California Department of Forestry and Fire Protection and the 1998 Professional of The Year Award from the California Peace Officers Association.

Mr. Speaker, on the occasion of the celebration of Sheriff Smith's career, I would like to personally thank him for his thirty-six years of service to the people of Riverside County and wish him good fortune in the future.

GERMANY REFUSES EVIDENCE OF 9/11 TERRORIST

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ISSA. Mr. Speaker, I rise today to express indignation at Germany's refusal to provide evidence in the trial of would-be 9/11 terrorist, Zacharias Moussaoui. This past weekend, the German Justice Minister Herta Daeubler-Gmelin said that Germany would not release any evidence against Moussaoui unless they were assured that it would not be used to obtain a death sentence. He said that German documents "cannot be used for the death penalty or for an execution." The United States would either have to accept their terms or walk away empty-handed.

In the face of this continuing terrorist threat to our country, the Germans are trying to meddle in our justice system—giving us instructions for how we should try a suspected terrorist conspirator and mass murderer. What an outrage!

The last time I checked, Germany was supposedly an ally—a NATO ally, to be more specific. In fact, right after denying us this critical evidence, Dauebler-Gmelin labeled U.S.-German relations "good and trustful." Yet the Germans apparently have no qualms about using life and death information to make a disparaging comment on our justice system. My message to the Germans is simple: let us decide what we do with our mass-murderers and terrorists. If you are a true friend and ally, give us the tools to provide security for our own people.

What really bothers me about this is that the very existence of modern Germany is due to our unwavering support for them during the Cold War. In the face of a mounting Soviet threat against Germany, we provided them with military protection, food supplies, and development assistance. Under the Marshall Plan, we gave them the billions of dollars necessary to get their economy back on its feet following the Second World War. If not for our leadership in the NATO alliance, Germany would have suffered the same fate as the other Warsaw Pact countries—a harsh and cruel life under a Communist dictatorship. We have always supported Germany, throughout all the difficulties of the Cold War and other challenges they have faced.

Germany's refusal to help us is really quite unique. The vast majority of our true friends have been overwhelmingly supportive in the war on terror. Over the past year, we have worked hand-in-hand with the intelligence services of our moderate Arab allies to get the information we need to shut down terrorist threats around the world. Much of the intelligence we used in our successful Afghanistan campaign came from our Arab friends and allies. There has not been one incident where our real friends have even suggested the idea of not sharing intelligence with us.

The fact that Germany is now only willing to provide information with strings attached is cause for alarm. Would we put up with this behavior from any of our other allies? It is time to bring some real pressure to bear on the Germans. Germany needs to stop playing games and choose sides.

THE GREAT LAKES LEGACY ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. KIRK. Mr. Speaker, I rise today in strong support of H.R. 1070, the Great Lakes Legacy Act introduced by Representative VERNON EHLERS. Years of contamination due to industrialization on the shores of the Great Lakes severely damaged these environmental treasures. The Great Lakes Legacy Act of 2001 is important to the region because it commits federal resources to remediate contamination of lake bed sediments that plague the Great Lakes.

The Great Lakes are under assault: under assault from industrial pollution, under assault from alien species being introduced into the lake, such as the Fish Hook Flea, the round gobie, and the Zebra Mussel. The Great Lakes shores are also burdened by nuclear waste stored at scores of sites around the region: in my district nuclear waste sits less than a hundred yards from the shore of Lake Michigan.

Currently, there are 43 AOCs, or Areas of Concern, in the U.S. and Canada surrounding the Great Lakes that require sediment remediation according to the U.S./Canadian International Joint Commission. It is important to note that, to date, NO AOC in the U.S. has been cleaned up sufficiently to be de-listed.

The Great Lakes Legacy Act of 2001 authorizes the Environmental Protection Agency

(EPA) through the Great Lakes National Program Office to carry out projects to remediate contaminated sediment or prevent further contamination in the Great Lakes region. This bill authorizes $50 million a year in fiscal 2003–2007 for remediation plans and $2 million annually for research and development of innovative technologies for sediment clean up.

I am here, more specifically, to speak on behalf of the city of Waukegan in my district, which was home to what many have called the worst PCB (polychlorinated biphenyls) contaminated site in the U.S. The city of Waukegan lies fifty miles directly north of Chicago on the west shore of Lake Michigan. In the 1980's Waukegan Harbor was designated an Area of Concern by the International Joint Commission on the Great Lakes.

Most of the contamination of Waukegan Harbor took place over a 13-year period from 1959 to 1973 at the Outboard Marine Corporation (OMC) shoreline headquarters. OMC was a recreational marine products manufacturer that used a fluid in their dye-casting machines that contained PCBs. The PCBs were discharged from two locations in the plant: one directly into Lake Michigan and another into Waukegan Harbor. By the time the pumps were shut down in 1976, the United States EPA approximated that 300,000 pounds of PCBs were discharged directly into the water of Lake Michigan and an additional 700,000 were discharged on the OMC property. An average 9 to 10 pounds of PCBs were discharged into Lake Michigan daily.

Many different entities have taken part in the clean up of Waukegan Harbor, including: the US EPA, the Illinois EPA, the Waukegan Harbor Citizens Advisory Group and OMC, who set up a trust to help facilitate their portion of the harbor clean up. The clean up has been successful to this point. The US EPA recently stated in a new remediation study "that the remediation at Waukegan Harbor successfully lowered concentrations of PCBs at the site." However, more corrective action is needed in Waukegan to remove the remaining harbor contamination.

The efforts thus far in Waukegan Harbor illustrate one of the first Areas of Concern to actually demonstrate environmental and economical benefits resulting from a cleanup. We cannot stop the momentum now and leave the job unfinished.

Potentially, the Great Lakes Legacy Act will enable the federal government to help remove the remaining impaired sediments from Waukegan Harbor, and delist the harbor within 18–24 months.

This bill would enable sites like Waukegan Harbor, in the process of cleaning up, the chance to continue their efforts to complete the job and for others to begin cleaning up contaminated sites. This act would empower communities, such as Waukegan, to redevelop areas that before had little hope of an economical rebirth. A revitalized Waukegan Harbor offers the city a chance to reach its economic potential that was never before possible.

I would like to thank the many groups, private and governmental, which have helped in this effort to clean the contaminated sediments in Waukegan Harbor. Also, I would like to thank Rep. EHLERS for his leadership on this important issue. I urge my colleagues to support The Great Lakes Legacy Act, because it offers a healthy environmental and economic future to communities such as Waukegan.

INSTALLATION OF W. CLOYCE ANDERS AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS & BROKERS OF AMERICA

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. JONES of North Carolina. Mr. Speaker, I rise today to commend a fellow North Carolinian, W. Cloyce Anders of Raleigh, who will be installed as President of the nation's largest insurance association—the Independent Insurance Agents & Brokers of America (IIABA)—later this month in New Orleans. He is president of VFIS of North Carolina and Anders, Ireland & Marshall, Inc., both of Raleigh as well as a managing partner of Independent Agency Services, LLC, of Durham.

His career as an independent insurance agent has been marked with outstanding service and dedication to his clients, community, IIABA, the Independent Insurance Agents of North Carolina (IIANC), and his colleagues across the country.

Cloyce was elected to IIABA's Executive Committee in September 1997 and was honored by his peers when they named him President-Elect last fall in Honolulu.

His service to his peers began with his involvement at the state level with IIANC. He served as IIANC president for a year beginning in 1989 and represented the state on IIABA's National Board of State Directors from 1992–1997. In recognition of his outstanding service, he was honored by IIANC as the Agent of the Year, Young Agent of the Year, Educator of the Year and Committee Chairman of the Year.

Cloyce also is a concerned and highly active member of his community. He has served as president of several community organizations, including the Craven County Chamber of Commerce, New Bern Jaycees, Craven County Committee of 100; and as chairman of the Salvation Army Craven County Board, Craven County March of Dimes, Craven County Heart Fund, Craven County Cancer Drive, Craven County Committee of 100, and Salvation Army Building Fund Drive.

He is a member of the North Carolina Fire & Rescue Commission and is the facilitator for the Wake County Fire Commission. He also is chairman of the North Carolina Safety Workers Compensation Fund.

I am proud of Cloyce's professional and community-service accomplishments and know he will serve his fellow agents with distinction and strong leadership to further the worthy and noble cause of independent insurance agents and brokers. I bid him a successful year as president of the Independent Insurance Agents & Brokers of America.

Mr. Speaker, Cloyce Anders was a good friend of my father, the late Congressman Walter B. Jones, Sr., who served twenty-six years in this body. Cloyce has extended that same friendship, for which I am grateful.

I wish him and his lovely wife, Carole, all the best as IIABA President and First Lady. Congratulations Cloyce and Carole.

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

The House in Committee of the Whole House on the State of Union had under consideration the bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this bill. I do have some concerns about it, but I think it deserves to be passed.

I am united with my colleagues and with the President in a shared determination to win the war against terrorism. We must do everything we can to reduce the risks of further attacks. I believe we must reorganize our government to meet that goal.

What we have chosen to take on in the aftermath of September 11th is an enormous task, the largest reorganization of the government in half a century, a total rethinking of how we approach security. We need to plan for the protection of all domestic people, places, and things. We need to fundamentally restructure our government to be more responsive to terrorism.

This is a tall order. Homeland security has always been an important responsibility of Federal, state and local governments. But in the aftermath of the terrorist attacks, the scope of this responsibility has broadened.

The bill before us has much in common with a report that we received just last year from a commission headed by former Senators Gary Hart of Colorado and Warren Rudman of New Hampshire. The report recommended sweeping changes, including the establishment of a Department of Homeland Security.

I have reviewed the commission's report carefully and discussed it with Senator Hart, and I have been impressed with the soundness of the report's recommendations. I have also cosponsored two bills dealing with this subject.

So I am glad that the President has come to agree that a new Department of Homeland Security is necessary.

The question we face today is whether the bill before us is up to the challenge. Will this bill actually make the American people safer? I'm not entirely certain. I believe this bill generally heads in the night direction, but it still contains a number of troubling provisions.

One concern I have is that in our rush to create this new department, we may be assembling an unwieldy bureaucracy instead of a nimble department that can be quick to respond to the challenges at hand. The proposed department's size, cost and speed may well hamper its ability to fight terrorism. We need to recognize that no department can do everything. Homeland security will be the primary responsibility of the new department; but it will also continue to be the responsibility of other departments, of states and local governments, and of all Americans.

It's also true that many of the agencies that will be subsumed by this new department have multiple functions, some of them having nothing to do with security. That's why I think it's right that the bill abolishes the INS and includes its enforcement bureau in the new DHS, while leaving a bureau of immigration services in the Department of Justice. I also think it's right that the bill moves only the agricultural import and entry inspection functions of the Animal and Plant Health Inspection Service into the new department, while leaving the rest of the service—including the unit that investigates chronic wasting disease and other possibly contagious diseases—intact. I believe this same model should apply to the Federal Emergency Management Administration, or FEMA, which this bill would move as a whole into the new department. While it may seem that FEMA—as the central agency in charge of disaster response and emergency management—should constitute the heart of the new DHS, FEMA is primarily engaged in and especially effective at responding to natural hazards. This bill should leave FEMA outside the new department, or at a minimum transfer its Office of National Preparedness to the new department, while leaving FEMA's Disaster Response and Recovery and Mitigation Directorates intact. I voted today to leave FEMA outside the new department because I fear FEMA's current mission and focus will be lost in the new bureaucracy we are creating.

I am hopeful that the President will continue to work with the Congress to make sure the agencies moved to the new Department will be supported in their many other important duties even as they focus anew on their security roles.

I have other concerns aside from the organization of the agency.

The bill includes language that denies basic civil service protections for the federal workers who would be transferred to the new department. While I am encouraged by the passage of two amendments that slightly improve the bill's language in these areas, I remain fearful for the 170,000-plus employees of the new DHS whose jobs this bill would put at risk in an attempt to give the President "flexibility" to manage in a "war-time" situation. That's why I voted for amendments to preserve collective bargaining rights, whistleblower protections, and civil service rules that have protected career employees for over 75 years. I don't believe we should use the creation of a new department as an excuse to take away these protections—protections that Congress enacted so that we could attract the very best to government service. Taking away these protections now signals that we don't value our federal workers, their hard-won rights, or the integral role these workers will continue to play as part of the new department in the fight against terrorism.

I also supported an amendment striking the overly broad exemptions in the bill to the Freedom of Information Act, or FOIA, which was designed to preserve openness and accountability in government. The bill includes a provision excluding information voluntarily submitted to the new department from requests for disclosure; it would also preempt state disclosure laws. FOIA does not require the disclosure of national security information, sensitive law enforcement information, or confidential business information, which makes the exemptions to FOIA in this bill unnecessary in my view.

I think that these parts of the bill will need to be revised, and I will do all I can to improve them.

There is one provision we debated today that I do think should remain in the bill. Last year, I strongly supported the airport security bill because I believed then—as I do now—that we must protect the public from a repetition of terrorist hijackings. One key part of that is to have baggage screened to safeguard against explosives being smuggled aboard airplanes in checked luggage.

But today I voted to extend the baggage screening deadline established in the airport security bill because it doesn't make sense to me to mandate a deadline that clearly is impossible for a quarter of airports in this country to meet. It has been clear for some time that although 75% of airports would be able to meet the December 31st deadline, 25% of this country's largest airports would not. Denver International Airport (DIA) is among those airports still waiting for the Transportation Security Administration (TSA) to approve its security plan.

DLA has developed its own plan that would employ a baggage-screening system that costs approximately $85 million to implement, versus $130 million for the system currently approved for use in the U.S. The bill before us today allows TSA to incrementally address individual airport requirements like DIA and accommodate new technology improvements.

I am a cosponsor of legislation that would extend the deadline because I believe DIA will be able to provide a better, more cost-effective baggage screening system than the current TSA-approved model given a bit more time. So I am pleased that this bill includes an extension on the baggage screening system.

In summary, I am pleased that this bill echoes the overall approach of the Hart-Rudman report recommendations. I am also pleased that the bill includes important Science Committee contributions, such as the one establishing an Undersecretary for Science and Technology in the new department, as well as provisions I offered in the Science Committee markup requiring the new department and NIST to engage in a systematic review and upgrading of voluntary consensus standards. I believe it is important that the bill includes a provision reaffirming the Posse Comitatus Act, which prohibits the use of the armed forces for civil law enforcement. And it is important that the bill prohibits the government from implementing the proposed "Operation TIPS," an Orwellian program under which designated citizens would be trained to look for and report suspicious behavior on the part of their fellow citizens.

Despite the problems in the bill, I am voting for it today because I remain committed to a strong, effective Department of Homeland Security. I am hopeful that the problematic issues I highlighted and other concerns will be successfully addressed in the conference committee.

IN HONOR OF TORII KEDAR HUNTER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ROSS. Mr. Speaker, on July 9th, 2002, in Milwaukee, Wisconsin nine of the Nation's top professional baseball players walked onto the field at Miller Park as the starting lineup for the American League's team at Major League Baseball's 73rd All-Star Game. Among them, in centerfield, was Torii Hunter of the Minnesota Twins. The crowd's eyes were fixed on him because he is known to be a show stopper, but my eyes were fixed upon him because he is from Pine Bluff, AR, in the heart of my own district.

In the first inning with two outs and nobody on base in a scoreless game, the crowd was aching for some action. Soon San Francisco's Barry Bonds stepped up to the plate. Hunter took a few steps back. With a 3-0 count, Bonds lashed a fast-ball deep into center field. Hunter raced to the back wall, waited, and timed his jump perfectly to catch the ball well above the fence. The crowd erupted into applause.

After the game Hunter said "I grew up in Arkansas and the All-Star Game is one everybody got to watch on TV. I just want to make the people of my hometown proud. To make a catch against a Hall of Famer on national TV, this is one I'll always remember."

Some might have been surprised by Torii Hunter's outstanding performance at the All Star game, but his teammates certainly were not. Hunter's breakout performance in 2001 was one of the main reasons the Minnesota Twins battled for first place until the final weeks of the season. A first-round draft pick in 1993, Hunter has been one of the better defensive center fielders in baseball for several seasons but he became an offensive threat last season, hitting 27 home runs, 32 doubles, and knocking in 92 runs. His defense in center field didn't suffer either; he was awarded his first Gold Glove Award during the 2001 season.

Hunter's impressive career got its start in South Arkansas. Hunter is a 1993 graduate of Pine Bluff High School where he played baseball, basketball, football and track. He was named first team All-State his junior and senior seasons and played on the South squad in the 1992 Junior Olympics. Hunter was selected to the High School National Team by USA Today, the All American Team by Baseball America, and was named Gatorade's Arkansas Player of the Year in 1993.

Mr. Hunter is not only an amazing athlete, but an amazing husband, father and volunteer. He and his wife, Katrina Hall Hunter, have one son, Torii Jr. Hunter also designates his time and effort in support of Big Brothers & Big Sisters of Minneapolis and St. Paul. Through his inspiring career, and his selfless actions, Torii Hunter has indeed made the people of his hometown proud.

HONORING ACCOMPLISHMENTS OF NORTH CAROLINIANS

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor the accomplishments of some fellow North Carolinians who, during the recent District Work Period, brought great honor to our State.

Shortly after we returned to our respective Districts, North Carolina lost one of its most famous athletes, Enos "Country" Slaughter. Born in Roxboro, just south of the Virginia State line, Country went on to star for the St. Louis Cardinals baseball team during their hey day's of the 1940's. Known as one of the "Gashouse Gang," Country batted .300 for his career and had almost as many triples (148) as he had home runs (169). His most memorable moment came in the 1946 World Series, when he rounded the bases from first on a routine single to score the Series winning run. The "Mad Dash"—as it came to be known—may have been his finest moment on the field, but often forgotten and much more appreciated by his fellow Americans was his service to our country in World War II during the height of his career. Country was inducted into the Hall of Fame in 1985 and returned annually for the induction ceremonies until his health prevented his attendance this year. Former teammate Marty Marion called Slaughter, ". . . a good old country boy who just loved to play baseball." Country will be sorely missed.

About the same time Enos was called home, a new generation of North Carolina baseball players were reaching the pinnacle of youth sports—The Little League World Series.

During the months of July and August, a talented group of 11 and 12 year olds from the Southwest Forsyth County Little League swept through the North Carolina Little League Tournament, defeating Greenville to become State Champions. Then, at the Southeast Regional Championship, the All-Stars ran their winning streak to 13 by tearing through the competition in Florida and defeating the Virginia State Champions to earn their tickets to Williamsport, Pennsylvania. They are only the third team in North Carolina to reach the World Series in the event's fifty-six year history.

Upon reaching Williamsport, Southwest was thrust into the international spotlight, living side-by-side with Venezuelans, Saudi's, and Russians, as well as Californians and Texans. In the pool play competition, Southwest put up a valiant effort in each of its three games, the third of which was a loss to eventual world champions Louisville, Kentucky. Even though the won-loss record does not reflect it, the talent and effort put forth by these young men far exceeded the expectations of coaches and parents and in the category of sportsmanship, Southwest is an undisputed champion. These 13 "Boys of Summer" now share a bond that will be with them for the rest of their lives—and stories of their on-field heroics from the Summer of 2002 will grow with each passing year into legends like those of Country Slaughter's "Mad Dash."

Of course the success of Southwest would not be possible without the unwavering support of parents, who sacrificed hours of family and work time to shuttle the players to and from practices and tournaments; of coaches, who also sacrificed time away from their families and jobs to teach these young men about baseball, and more importantly, the things the game teaches us about life and our responsibility to others, be they teammates, classmates, family members or society as a whole. Also, league organizers and sponsors, who for the past three decades have given the children of Southwest Forsyth county a place to spend their Springs and Summers in a competitive, safe and constructive atmosphere to learn our Nation's pastime. Each of these young men, have, at one time during this memorable ride, given the people of Forsyth County and North Carolina something to cheer about, so it would be only fitting to recognize all of them:

Chad Gentry, Robbie Scott, Daniel Genung, Austin Dillon, Christopher Sanders, Alex Robertson, Scott Riggsbee, David Morgan, Michael DeLuca, Sammy Lucas, David McConnell II, Taylor Russell, and Peyton Covington. Manager: John Scott, Coach: Chuck DeLuca, Coach: Mark Wylam.

Mr. Speaker, August saw the passing of the baseball torch in North Carolina: from one who made the sport what it is to those who will make it what it will be. I join all North Carolinians in mourning the passing of Enos Slaughter, but celebrating the accomplishments of the Southwest Forsyth County Little League. It thrilled us all to see the ideals of sportsmanship and team camaraderie Enos believed in being carried forward by North Carolina's new Boys of Summer. We caught a glimpse of the potential each of these boys possesses, both as athletes and ambassadors of our State. We thank them for a Summer full of memories and look forward to watching them grow and prosper as productive citizens of our community.

IN TRIBUTE TO OFFICER MICHAEL BARWICK

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GEPHARDT. Mr. Speaker, August 29, 2002, was a sorrowful day for our community. St. Louis Police Officer Michael Barwick died that day when his police cruiser collided with another vehicle and caught fire. This fine young officer was performing his duty to protect and serve the citizens of St. Louis when the fatal crash occurred.

Officer Barwick attained his lifelong dream of becoming a police officer just two years ago. He loved his work and was committed to helping people in trouble; this devotion was evident to all who knew and worked with him. He was 27 years old.

Officer Barwick was not a police officer to become rich or to work easy hours. He worked long hours, in many dangerous situations, for a very modest salary. He joined the St. Louis Metropolitan Police Department out of a sense of duty to his community and his belief that he could make a difference. This belief was reflected in the way he conducted himself on and off the job.

Mr. Speaker, all of us are affected by the loss of this good and decent man, and the entire St. Louis community grieves with his family. His bravery and dedication to others won't be soon forgotten, and we are grateful to have had him among us.

PRO-INDIAN CHARITIES SUPPORT TERRORISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. TOWNS. Mr. Speaker, on August 8 there was a very significant article in the Indian newspaper The Hindu. It was written by Robert M. Hathaway, whom many of us know as a former aide to former South Asia Subcommittee chairman Steven Solarz. As you may remember, Chairman Solarz was a fervent defender of India.

Mr. Hathaway's article is called "Charity . . . or Terrorism?" It exposes the rise of terrorism in India and how charitable contributions from Indian-Americans support it. In his article, Mr. Hathaway writes, "substantial sums of money are sent from Indians resident in the U.S., and from American citizens of Indian origin, to groups and organizations in Gujarat and elsewhere in India that are directly linked to the violence in Gujarat." He also writes that "respected Indian journalists have uncovered disturbing linkages." These transactions could raise issues of fraud and they appear to violate U.S. antiterrorism laws.

We must not allow money from the United States, even in the form of private contributions, to be used in support of terrorism. In that case, President Bush should act. After September 11, the President froze the assets of charities involved in supporting the terrorist network that attacked the World Trade Center and the Pentagon. Similar action should be taken to freeze any American assets of charities involved in the violence and terrorism in India. And contributions from U.S. residents to those charities' offices in India should expressly be prohibited. America should also stop its aid to India until it stops repressing the minorities, sponsoring cross-border terrorism against Sindh and other neighbors, and until it allows self-determination for all the people and nations seeking freedom from India.

Mr. Speaker, I would like to put Mr. Hathaway's article into the RECORD at this time. It shows Indian terrorism in great detail.

[From the Hindu, Aug. 8, 2002]

CHARITY . . . OR TERRORISM?

(By Robert M. Hathaway)

It is probably advisable for the American Government to hold an official inquiry into fund-raising in the U.S. by groups implicated in the Gujarat violence.

TERRORISM COMES in many guises. An armed assault against Parliament House in New Delhi. A suicide bomber detonating high explosives in a crowded bazaar. Political assassination. Angry young men flying commercial aircraft into the World Trade Center. And, yes, hate-consumed mobs butchering innocent women and children. The people of India need no instruction from foreigners regarding the moral issues raised by this spring's communal violence in Gujarat. Except for an embittered but fortunately minuscule minority, Indians of all religions and beliefs reacted with horror and disgust to the great human tragedy that unfolded in their country earlier this year.

All those who admire Indian culture and accomplishments, who celebrate the extraordinary progress India has achieved in its still brief national existence, understand that the tragedy of Gujarat strikes at the very essence of India's being and promise. The assassination earlier this year of Abdul Gani Lone, who opposed Indian rule in Kashmir but who in his final years had come to the realisation that violence and extremism offer Kashmiris no way out in their struggle with New Delhi, represented another blow to the ideals of tolerance and moderation, another triumph for the forces of hatred and sectarian-based violence. In this sense, the tragedies of Gujarat and of Kashmir are inextricably linked.

Kashmir was certainly not the cause of Gujarat. Sadly, the seeds of Godhra and Ahmedabad and Baroda spring from still more ancient soils. But the continued violence in Kashmir makes the hatred recently seen in Gujarat more likely, and in a perverted sense, more "respectable", or at least acceptable. Perhaps, it does not go too far to assert that until the Kashmir sore is at last healed, the poison that produced Gujarat will make other Gujarats increasingly likely.

Some Indians, of course, say that the tragic events in Gujarat are a domestic Indian affair, and that the United States and the rest of the world have no business intruding into a purely internal Indian matter. This is a self-serving falsehood. Important American interests, including the global war against terrorism, can be directly impacted by what the U.S. says—and fails to say—about Gujarat.

At this particular moment in history, the U.S. cannot allow the impression to take hold that Americans somehow value a Muslim life less than the life of a person of another religion. Sadly, there are those in the Islamic world who assert that the present conflict is a war directed not against terrorism, but against Islam. That the U.S. does not care about Muslims. That Washington seeks to hijack the tragedies of 9/11 to carry out long-held plans to repress the Islamic world. These are detestable lies, but many in the Muslim world are prepared to believe them. So leaving aside the moral issue, it is essential that India's friends in the U.S. speak out to condemn the injustice and hatred so prominently displayed in Gujarat, and to lend support to those Indians, of all religious beliefs, who are working to strengthen the forces of secularism, tolerance and multiculturalism. Some have asked what impact the recent events in Gujarat will have—should have—on the new and healthier relationship that the U.S. is developing with India. No one needs to be reminded of the tortured history of U.S.-India relations over the years, or the difficulty the two nations have had in working collaboratively with one another, even on those issues where our purposes and interests ran along parallel tracks.

Over the past half dozen or so years—and notwithstanding the temporary if traumatic jolt to the relationship administered by India's 1998 nuclear tests and subsequent imposition of U.S. sanctions—Washington and New Delhi have begun to construct a qualitatively better relationship, so much so that the Prime Minister, Atal Behari Vajpayee, has come to describe the two countries as "natural allies", a phrase increasingly used by Americans as well.

Following the trauma Americans experienced on September 11, India was one of the first countries in the world to step forward with a pledge of unconditional and unambivalent support for the U.S. in its quest to bring to justice those responsible for the terror attacks in New York and Washington. The administration of George W. Bush, already keen to upgrade relations with Delhi, took notice. Prior to the February 27 Godhra attack that touched off the bloodshed in Gujarat, this new and more sanguine relationship between the U.S. and India was widely viewed by Americans as in the national interest. it remains so today; Gujarat has not changed this calculation.

And yet, it is neither possible nor practical simply to pretend that Gujarat did not happen. The violence in Gujarat, and the steps the Indian Government might take in coming months in response to those events, could have a significant impact on American views of India, and hence, on political and public support in the U.S. for a close and collaborative U.S.—India partnership.

Credible reports have recently suggested that substantial sums of money are sent from Indians resident in the U.S., and from American citizens of Indian origin, to groups and organizations in Gujarat and elsewhere in India that are directly linked to the violence in Gujarat. I do not know if these accounts are true. But respected Indian journalists have uncovered disturbing linkages. If these reports prove accurate, then it is possible that such financial transactions violate U.S. anti-terrorism statutes.

Alternatively, issues of fraud may be at issue. Responsible sources report that some U.S. residents make financial contributions to overseas religious groups in the belief that these funds are to be used for religious or humanitarian purposes, when in fact the monies so raised are, used to promote religious bigotry.

In either event, it is probably advisable for the American Government to hold an official inquiry into fund-raising in the U.S. by groups implicated in Gujarat violence, to ensure that U.S. laws are not being violated. Legitimate organizations need not fear such an investigation, which would serve to clear their names and reassure potential donors about the legitimacy of their fund-raising activities. Nor would such an inquiry be new or unusual. The U.S. has acted in the past to regulate or even to band fund-raising activities by groups advocating violence and ethnic or religious intolerance in other countries, as well as activities where fraud may be an issue. Since September 11, both the Bush administration and other Governments have shut down a number of groups whose ostensible purposes were to collect funds for Muslim charities, but which actually served to finance terrorist networks.

The Gujarat violence, Lone's assassination, and most recently, the designation of L.K. Advani as Deputy Prime Minister and most likely successor to Mr. Vajpayee have all raised new concerns about India's future among India's friends in the U.S. An official U.S. investigation into Gujarat-related fundraising, voluntarily facilitated by the Government of India, would go far towards easing those concerns and further strengthening the new partnership between our peoples.

HONORING THE 100TH BIRTHDAY OF MARGARET "MARDY" MURIE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th birthday of Margaret "Mardy" Murie.

Mardy was the prime mover in the creation of one of America's great treasures, the Artic National Wildlife Refuge. She was the first female graduate of the University of Alaska. Margaret "Mardy" Gillette grew up in Fairbanks during a time before airplanes and bush pilots, when one entered the territory by only boat or sled. Back then, Mardy relates, the territory was such an expanse that great spaces and wilderness were taken for granted. In 1921, she then met Olaus Murie, a Minnesota native who'd just been hired by the Biological Survey to study the Caribou population in Alaska. In 1924, Mardy married Olaus in the small village of Anvik.

The couple spent their first days of their marriage on the upper Koyukuk River above the Artic Circle and later followed the Caribou migration through Brooks Range. Their honeymoon was a 550-mile dogsled ride across some of the most beautiful country in the world. Mardy took to the trail with Olaus, setting up field camps and assisting with data collection and photography. Olaus completed many paintings of the settings they traveled in. Camping from the Yukon Territory to the Teton Range, they raised three children. The family eventually settled in Jackson Hole, Wyoming. It was then they traveled frequently back to Alaska to live and also to Washington, D.C. to speak out for conservation issues and wilderness preservation. During their travels, both Mardy and Olaus began to notice the impact that the spread of human habitation had on the natural world; they saw large areas of wild land begin to disappear.

Over time, their commitment to natural area preservation increased. Even after Olaus' death in 1963 the commitment they shared never wavered. He is still remembered as one of the most important naturalists and environmentalists of this century. Mardy herself has become the elder stateswoman for the entire U.S. conservation movement.

Though Mardy lives today in Moose, Wyoming, her spiritual home remains in Alaska. She still travels to Washington frequently and visitors to her home include a Who's Who in the conservation movement. Though she speaks more softly these days and doesn't pick up her pen to write as often, she continues to read the many letters she receives and to invite people to her home. Her home serves as a Mecca for the conservation movement, hosting the Murie Center, an organization dedicated to the conservation movement. The Center's purpose is to develop new constituencies for wilderness and to foster fresh thinking and sustain confidence in the conservation community.

We owe much to the life's work of Mardy Murie, a pioneer of the environmental movement, who, with her husband, Olaus, helped set the course of American conservation more than 70 years ago. Her passionate support for and compelling testimony on behalf of the Alaska Lands Act helped to ensure the legislation's passage and the protection of some of our most pristine lands. A member of the governing council of The Wilderness Society, she also founded the Teton Science School to teach students of all ages the value of ecology. For her steadfast and inspiring efforts to safeguard America's wilderness for future generations, we honor Mardy Murie.

Mr. Speaker, I ask my colleagues to join me in honoring the 100th birthday of Margaret "Mard" Murie.

A SALUTE TO VIRGIN MARY "JEFFERSON" PAIGE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CONYERS. Mr. Speaker, Virgin Mary "Jefferson" Paige was born on August 10, 1926 in Washington DC. She attended Armstrong Senior High (Duke Ellington's high school) and was the Dean of students for the Cortez Peters Secretarial School. As a civic and cultural activist, she served with such distinguished organizations as the Restoration of the Howard Theater Project, Lettumplay, DC Commission on the Arts and Humanities, and the Ad Hoc Committee for the Arts for the New Convention Center.

Mary began her professional singing career at age fourteen. Her first job was at the Elks Club at 15th & Q St; NW. Her mentors were Duke Ellington, Big Maybelle and was taught tap dancing by band leader Lionel Hampton. She danced in the chorus line in the Caverns, performed in jig shows and did interpretive dancing to such tunes as "Smoke Rings". She also performed in such clubs as Melody Inn, Turner's Arena, Boots and Saddle, Off Beat and the Republic Gardens. Virgin Mary "Jefferson" Paige graced the stages on the local club scene for 60 years. As an actress she performed in film, television, commercials and won an Emmy for the documentary "7th and T." Mary traveled with a group of Washington DC jazz and blues singers to perform at the San Remo Blues Festival in Italy. She was aptly called the "Queen of DC Blues".

Her loyal fans and admirers mourned the loss of this great artist on August 10, 2002. Her contribution to the development of the Washington jazz and blues scene will not be forgotten.

TRIBUTE TO MR. AND MRS. GENE SAPP OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize two very special members of the North Alabama community, Mr. and Mrs. Gene Sapp. Gene and Pat Sapp are the deserving recipients of the 2002 Huntsville Arthritis Foundation's Humanitarian Award. The people of North Alabama are very fortunate to have had Gene and Pat Sapp active in our community over the last forty years. They have provided leadership to North Alabama in business, education, economic development, volunteerism, music and music education, and overall humanitarianism.

Gene Sapp presently serves as Co-Chairman of Sanmina-SCI, a major employer in North Alabama. Prior to the merger between Sanmina and SCI, Inc., Gene led SCI as President, CEO and then as Chairman. During his tenure as President, he led the company from annual revenues of $59 million to a run rate approaching $10 billion. Although he plans to retire as Co-Chairman of Sanmina-SCI in December, he will remain a director and continue to be a leader in the Huntsville community. Gene is very active with educational issues, serving as a member of the University of Alabama in Huntsville's Foundation Board of Trustees and its Business Advisory Council as well as founding Sci-Quest in Huntsville, an operational hands-on science center for all ages. Mr. Sapp is director of the Huntsville Symphony Orchestra Foundation, a founding trustee of Leadership Alabama, a founding director of Junior Achievement, and a member of Huntsville's Committee of 100. His awards include the Silver and Gold Knights of Management awards from the National Management Association and Huntsville Rotary Club's 2000 Vocational Excellence Award.

Pat Sapp is a very active and important member of our community. She was one of the first women to be ordained as a deacon at Weatherly Heights Baptist Church and was the first woman to serve as chairperson of the church's council of deacons. Pat was instrumental in forming a satellite center for senior citizens in an area of Huntsville that did not have adequate outreach available to our community's elderly. She serves on the Huntsville Hospital Foundation Board of Trustees and has spent many years as a nursing home volunteer, helping establish the "Adopt Grandparents" program for 6 to 12 year-old children. She has organized various multinational receptions and hosted several international military personnel assigned to Redstone Arsenal, helping make Huntsville a welcoming community for our visitors. Additionally, Pat was a chief volunteer and contributor for the Downtown Rescue Mission's Capital Campaign Committee that developed a new women's and children's shelter, the Sapp Shelter for Women and Children.

Mr. Speaker, on behalf of the people of North Alabama, I rise today to recognize and congratulate Mr. and Mrs. Gene Sapp for receiving the 2002 Humanitarian Award from the Huntsville Chapter of the Arthritis Foundation. As you can tell. this distinguished award recognizing them for their outstanding commitment to our community is well-deserved, I join their children, Sharon Crain and Dr. Mark Sapp; their grandchildren, Will, Berkley, and Annie; and the people of North Alabama in thanking Gene and Pat Sapp for their contributions of time, talents, and compassion to our community over the years.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. CUMMINGS. Mr. Speaker, I rise to ask all of my colleagues to vote against H.R. 5203, the "so-called" Education Affordability Act that would make permanent all but one of the education tax benefits that were contained in last year's tax cut legislation.

I understand that some of the education provisions, such as the exclusion for employer provided education benefits and tax breaks for student loan interests in the bill today have broad bipartisan support.

However, those provisions can be considered in separate legislation that does not contain such provisions as the Coverdell Savings Accounts, that provides tax breaks equivalent to vouchers for private elementary and secondary schools' attendance.

Five similar bills have been pushed through this House that would make other provisions of last year's tax cut permanent. The Republican Leadership's irresponsible tax cuts have propelled the nation into deficit spending. Every dollar spent on making these tax cuts permanent is another dollar taken out of the Social Security Trust Fund.

Instead of passing this bill, the House should provide adequate public education funding. Additional resources are needed to implement the new ESEA law. This bill would divert much needed money from the public school system where funds are desperately needed to improve public education for all students.

I would urge a no vote on H.R. 5203.

HONORING THE 40TH ANNIVERSARY OF THE CK & L OF I

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 40th Anniversary of the (Catholic Knights and Ladies of Illinois) CK & L of I in Swansea, Illinois.

Locally, the CK & L of I organization was started some 40 years ago by Emil Wottowa, who served as the organization's President. His son, Ed served as Vice President of the organization, which served the needs of the Catholic community in our area.

The CK & L of I is a fraternal organization based upon the tenants of the organization of Catholic Fraternal Life. The Knights of Columbus is a Catholic, family, fraternal service organization. Their 1.6 million members and families are dedicated to the ideals of charity, unity, fraternity and patriotism. They work to benefit their communities, their church and their fellowman. In the past ten years alone, the Knights have worked effectively on programs to benefit countless others in need, donating more than $972 million and providing 421 million hours of volunteer service.

The members of the Catholic family respond person to person in times of need. Members devote thousands of hours annually to fundraising and community service programs to improve the quality of life for others. They give their time and talents and ask nothing in return. That is what fraternalism is about.

Volunteer efforts and council members are the heart of the organization. With the assistance of volunteer officers, members carry out numerous social, civic, benevolent, patriotic and religious activities throughout the year. They provide support, guidance and financial assistance to help members address local needs and their social interests. They support teen centers, blood banks and the Special Olympics, as well as women's shelter and child abuse prevention programs.

The CK & L of I was started locally by Mr. Wottowa who wanted to secure a place in the country where members could enjoy themselves. They started in the old Senior Center located at 116 West A Street in Belleville in 1930 and as they searched for a place for their members, they found the property that they needed at the old Dr. Walton Farm in the Fairview Hts/Swansea area along Rt. 159. Dr. Walton was an avid outdoorsman, as well as a horse enthusiast so there was plenty of undeveloped land available for members and their families to enjoy.

Their first meeting was held on the grounds of the old farm, where several farmhouses were converted for use by the organization. As the complex developed over time, the organization hosted Boy Scout troops from throughout the region, on overnight campouts to learn about the wetland areas and other open space. In fact, the organization works with St. Clair County, Illinois by utilizing its lake and retention areas as a holding pond for area storm water.

The complex today consists of 2 ball diamonds, an auditorium and private clubrooms. The CK & L of I plays host to many weddings, meetings and receptions. Through their charitable work, they offer rent-free space to Althoff High School, the Fraternal Order of the Eagles, St. Henry's Catholic church, the Belleville Exchange Club, the Veterans of Foreign Wars, the Swansea Chamber of Commerce, Senior citizen meetings, the Camelot Auction, many fundraisers and the annual Blood drive.

Today the CK & L of I boasts over 1,800 members, 900 of which are the men of the organization and 950 are women. The men meet the first Monday of the month while the ladies meet on the second Monday.

Mr. Speaker, I ask my colleagues to join me in honoring the 40th Anniversary of the CK & L of I organization and wish the best to all of its members both past, present and in the future.

EXPRESSING CONCERN WITH STATED POLICY TOWARDS TAIWAN AND APPARENT MILITARY BUILDUP BY MAINLAND CHINESE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. GRAVES. Mr. Speaker, I rise today to express my concern with our stated policy towards Taiwan and the apparent military buildup by the mainland Chinese.

Mr. Speaker, according to a recent report to Congress issued by the Department of Defense, China's military "offensive capabilities improve as each year passes, providing Beijing with an increasing number of credible options to intimidate or actually attack Taiwan."

This warning by the Department of Defense only adds to my concern over the long standing ambiguity of United States policy towards Taiwan. The policy of "strategic ambiguity" has served the interests of the United States in years past, but recent developments constitute a review in current United States policy.

According to the report, in March of this year, China announced a 17.6 percent increase in military spending. This is a significant increase when it is not facing significant threats from abroad. The report also states, "Beijing is pursuing the ability to force Taiwan to negotiate on Beijing's terms regarding unification with the mainland . . . it also seeks to deter, deny, or complicate the ability of foreign forces to intervene on Taiwan's behalf."

This report is very troubling. However, even more troubling is that while our stated policy indicates an acknowledgment of "one-China," it does not address what the United States' policy should be if Taiwan were attacked by China.

Because of our current policy of "strategic ambiguity" that dates back to the 1970's and the unanswered questions it generates, I am urging President Bush to conduct a comprehensive review of U.S. policy toward Taiwan.

With the apparent aggressive military buildup by the Chinese, the warnings reported by our own Defense Department, and our policy of "strategic ambiguity" towards the China-Taiwan relationship, it is time to review our policy toward Taiwan to unambiguously account for the possibility of a military conflict between mainland China and Taiwan and the United States response to such an action.

HONORING THE CONTRIBUTIONS OF VENUS AND SERENA WILLIAMS

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Ms. LEE. Mr. Speaker, I thank the Speaker, Congressman DAVIS, and Congresswoman MILLINDER-MCDONALD for bringing this resolution to the floor. I am proud to join my colleagues here today in support of this resolution recognizing the extraordinary sisters: Venus and Serena Williams.

As a member of both the Congressional Black Caucus and the Women's Caucus, I am especially delighted to participate in honoring the Williams sisters for their remarkable contributions not only to the sport of tennis, but also to their community and indeed communities all across our nation. These women are truly making a difference. They are breaking down barriers on the courts and in underserved communities.

Their record is staggering: together the Williams sisters have won over 43 professional titles. Venus is the first African-American woman to win the Wimbledon Championships since 1958. She is the first United States woman since 1924 to win an Olympic gold medal in both singles and doubles, and holds the women's world record for the fastest serve at 127 miles per hour. She is one of only seven women to win the singles titles in both the Wimbledon Championships and the U.S. Open in the same year.

Serena is the second African-American woman to win a Grand Slam singles title. She is the sixth American woman to win the U.S. Open singles title since 1968, and is only the fifth woman to win both singles and doubles Grand Slam titles in the same year. Since 1978, Serena is the only woman to reach the finals of the U.S. Open while debuting at the tournament.

In Compton, where they were raised, the Williams sisters are renowned for their service to their community. It is not unusual to find them passing out tennis rackets, conducting tennis clinics for low income children, or otherwise contributing to community development and helping to create an outlet for young people.

Their community service, however, extends far beyond Compton and California. Through their work, they have changed the lives of many young people, including young people right here in Washington, DC. I applaud the Williams sisters' efforts and encourage my colleagues to vote for the passage of this resolution.

CELEBRATING THE LIFE OF LIONEL HAMPTON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CONYERS. Mr. Speaker, I rise to celebrate the life of Lionel Hampton, one of the greatest jazz musicians ever and a personal friend. Hamp, also known as the "Vibes President of the United States," passed away on Saturday, August 31, but he lives on because of his many accomplishments. I could, of course, try to list all of Hamp's awards, but there are too many; instead, I'd like to share some personal memories I have of Hamp.

I was able to see him this past April 17, when I hosted a luncheon for him here on Capitol Hill, he was surrounded by many friends and supporters on the occasion of his 94th birthday. Just this past April 15, the Senate passed Senate Concurrent Resolution 101, which extended best wishes to Hamp for his birthday, and the very next day, the House passed the same resolution. Of course, few birthdays could top Hamp's 90th in 1998, when he played at the White House for President Clinton. He proved to all of us that he hadn't slowed down a bit. But playing for Presidents was old hat for Hamp. Throughout his career, he also played for Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, George H.W. Bush, and George W. Bush.

He also displayed his commitment to higher learning by having no fewer than 18 leading institutions award him honorary degrees and by having the University of Idaho name its school of music in his honor in 1987. That was the first time any school of music had been named in honor of a jazz musician. In fact, I have had the pleasure of serving as an honorary co-chair with President George H.W. Bush of the University of Idaho's Lionel Hampton School of Music.

To make sure his cultural legacy would be preserved, I had the honor of helping him donate that vibraphone to the jazz collection at the Smithsonian Institution's National Museum of American History on January 30, 2001. His donation will help inspire thousands of budding musicians to follow their dreams just as Hamp did.

If that wasn't enough, Hamp used his mastery of music to cross color barriers and set an example for others. He was one of the first black musicians to perform in previously white-only venues and events, including with the Benny Goodman Quartet from 1936–1940, and as the first black musician to perform at a presidential inauguration (President Truman's in 1949).

It isn't possible for me to list all of Hamp's awards, accomplishments, and performances, but rest assured, he will live on.

TRIBUTE TO MR. JOHN STALLWORTH OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CRAMER. Mr. Speaker, I rise today to honor and congratulate my constituent, Mr. John Stallworth of Huntsville, Alabama. John Stallworth played college football for Alabama A&M University in Huntsville, where he was an All-Southern Intercollegiate Conference receiver in 1972 and 1973. He went on to have a legendary career in the National Football League with the Pittsburgh Steelers, helping them become one of professional football's greatest dynasties. Now a highly successful business owner and an integral part of the Huntsville community, the City of Huntsville is celebrating John's impressive career and his induction into the prestigious Pro Football Hall of Fame.

John Stallworth was inducted into the Pro Football Hall of Fame on August 3, 2002 in Canton, Ohio. His son, John Stallworth, Jr. eloquently presented him for induction into the NFLs elite ranks. His wife Flo and daughter Natasha joined him for the ceremonies, as did many other family members and friends from Alabama. John played wide receiver for the Steelers for fourteen years during which he earned four Super Bowl championship rings and set multiple Steelers receiving records. His Steeler teammates twice recognized him as team MVP. He played in four Pro Bowls, was named All-Pro in 1979, All-AFC in 1979 and 1984, and NFL "Comeback Player of the Year" in 1984. He finished his pro football career with 537 receptions for 8,723 yards and 63 touchdowns.

John Stallworth retired from professional football after the 1987 season in order to focus on his business in Huntsville. In 1986, along with his wife and business partner Sam Hazelrig, he began Madison Research Corporation, which now operates in multiple states and employs over 650 people. Madison Research, an engineering and information technology company, has become a very important business for the economy of North Alabama. His company makes substantial contributions to our nation through its valuable work on key government projects, primarily for the Defense Department and NASA, each of which has a significant presence in North Alabama.

As President and CEO of Madison Research, John still finds the time to give much back to his community. One of his latest efforts is a partnership between Madison Research and Lockheed Martin to provide internships for students from historically black colleges and universities in order to give them the same opportunities that helped him succeed.

Mr. Speaker, on behalf of the United States House of Representatives and the people of North Alabama, I rise to commend and thank John Stallworth for his distinguished career and his dedication to our community. The City of Huntsville is honored to have such a fine individual as a strong business and community leader.

ON THE SWEARING-IN OF J. RUSSELL GEORGE AS INSPECTOR GENERAL FOR THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. HORN. Mr. Speaker, all of us who serve in Congress depend heavily on skilled, capable and hard-working staff members to meet the heavy demands of committee hearings, floor action and all of the other activities of a national legislature. These staff members serve in many roles, ranging from our personal staffs who handle a wide variety of issues to specialists at the Congressional Research Service, the General Accounting Office, the leadership staffs and our committees.

Over the past decade of my service in the U.S. House, I have been blessed with a strong and effective group of staff members who have helped me meet the needs of the 38th District of California. My staff also has helped me engage in vigorous oversight of government programs as a subcommittee chairman of the House Committee on Government Reform.

Today I want to recognize and honor one particular member of my staff who has served with me for nearly eight years as staff director and chief counsel for the House Subcommittee on Government Management, Information and Technology, which is now called the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations.

J. Russell George joined my staff in 1995, shortly after Republicans won control of the House and I was appointed a subcommittee chairman. Since that time, Russell has been my key adviser and chief aide in directing the subcommittee through hundreds of hearings that investigated every department of the federal government. He helped me prod executive agencies into a serious and sustained effort to prevent any major breakdown of government computer systems due to software problems related to the Year 2000 changeover. He was a key force in pressing for legislation to collect debts owed to the taxpayers and he has directed many other subcommittee initiatives that have saved hundreds of millions of dollars while making government programs more effective in meeting the needs of our citizens.

All of these efforts built on Russell's prior experience as a New York prosecutor, as an aide to Senator Bob Dole of Kansas and as a White House aide under President George H.W. Bush from 1990 to 1993. They also serve as a excellent foundation for the new challenge that Russell takes on today after being sworn in as the new Inspector General for the Corporation for National and Community Service. Senator Dole administered the oath of office and both of us are proud of our roles in spotting Russell's ability and putting that talent to work for the taxpayers.

I know Senator Dole and I also were pleased that Russell's parents, Jonas and Celeste George, were able to attend today's ceremonies. Russell was born in the Borough of Brooklyn in New York City on October 8, 1963. His father is a retired New York City Transit Authority Supervisor and his mother, Celeste Russell George, is a retired secretary.

Russell grew up in the Laurelton section of Queens, New York, where he attended public elementary and junior high schools. Following an entrance examination, he gained admission to Brooklyn Technical High School, where he took pre-law prep courses to follow his dream of becoming an attorney. From a very early age, Russell demonstrated a commitment for public service, raising funds for charities, and at the age of ten, publishing a neighborhood newspaper aimed at his peers.

Following his high school graduation, Russell entered Howard University here in Washington and began his career in public service. A political science major, with a history minor, Russell was involved in college politics and was elected as the undergraduate representative to the Board of Trustees of Howard. He also served as an intem on Capitol Hill and that lead to his hiring as a clerk on the personal staff of Senator Dole, who at the time was chairman of the Senate Finance Committee. Russell remained on the Senator's staff until his graduation from Howard, working nearly full-time, while winning placement on the Dean's List and graduating magna cum laude, Phi Beta Kappa in 1985.

Following Howard, Russell entered the Harvard Law School with the stated goal of "achieving legal training and returning to my community to serve it." Russell remained true to that commitment by becoming a prosecutor in the District Attorney's Office in Queens, New York, following his graduation in 1988. He tried cases and argued appeals before leaving to join the Administration of President George H.W. Bush, first as assistant general counsel in the Office of Management and Budget, and later as associate director for policy in the White House's Office of National Service. It was in that latter position, that Russell was first introduced to the National and Community Service Act of 1990, when he was instructed to implement the recently passed legislation.

After serving in the Bush Administration, Russell practiced law at a corporate law firm in New York, but in 1995 I was able to lure him back to Washington to head my subcommittee staff. Russell has been a tremendous resource and aid for me through many long hours and days of difficult work. I thank him for his dedication and hard work and I wish him all the very best in what I know will continue to be a very distinguished career in public service. He is a wonderful person and a sterling example of the men and women who serve our country so very well.

HONORING THE CONTRIBUTIONS OF VENUS AND SERENA WILLIAMS

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. CUMMINGS. Mr. Speaker, I rise today to support H. Res. 94, the resolution to honor the contributions of sisters Venus and Serena Williams offered by Congresswoman JUANITA MILLENDER-MCDONALD.

I first want to congratulate Serena and Venus Williams for their outstanding and historic achievement of being ranked No. 1 and No. 2, respectively, by the Women's Tennis Association tour, the first for siblings.

Earlier this year the sisters faced each other in the finals at Wimbledon. The singles final was the first competition between siblings at Wimbledon since the very first edition in 1884, when Maud and Lillian Watson faced each other. Venus and Serena played a game that will not soon be forgotten.

The sisters have won many awards including more than 43 professional titles between them. Settling Grand Slam titles is nothing new to Venus and Serena. Venus Williams was the first African-American woman to win the Wimbledon Championships since 1958 and was the first United States woman since 1924 to win an Olympic gold medal in both singles and doubles. It is no surprise that Venus was named Sports Illustrated Sportswoman of the Year in 2000 and winner of the 2001 ESPY Award for Outstanding Women's Tennis Performer.

Serena Williams was the first woman to reach the finals in a U.S. Open debut since 1978 and is the 2002 Wimbledon champion.

Together, Venus and Serena Williams were the first sisters in professional tennis history to each win a Grand Slam singles title, the first to be ranked in the top ten simultaneously since 1991, the first to win a Grand Slam doubles title together, and the first to compete against one another in a Women's Tennis Association Tour final. The sisters also were the first to win gold medals in doubles at the 2000 Sydney Olympic games.

The Williams sisters are also winners off the court. They have established the Venus and Serena Williams Tennis and Tutorial/tennis academy that offers mentoring and tennis lessons to high school students in the Los Angeles area.

Additionally, the sisters are co-founders of the Southeast Tennis and Learning Center in Washington, D.C. These ventures will give hope to many young people and help keep them off the streets, on the tennis courts, and following their dreams.

The sisters have also landed numerous endorsements including Reebok, Puma, and Avon Cosmetics, setting important precedents for women athletes—especially women of color. They are shining examples of what can be accomplished with hard work and perseverance.

As we honor these remarkable athletes, we must not forget to salute their family, especially their parents, Richard and Oracene Williams. They established a solid foundation of excellence in their children. They are indeed the backbones for their daughters' successful careers.

Venus and Serena's accomplishments are victories for women of all ages who aspire to be or are already athletes. On and off the courts, Venus and Serena Williams are indeed "giving back".

I believe that in a few days we will see another Williams sister-sister match up at the U.S. Open. Venus and Serena Williams are both advancing toward the finals in the U.S. Open.

Mr. Speaker, the wonderful thing about this resolution is that it acknowledges the Williams sisters for their contributions to the sport of tennis, their community, and all the things they have done and will continue to do. Without question, Venus and Serena are two great athletes who have changed the game of tennis. I urge all of my colleagues to join me in supporting this resolution.

RECOGNIZING THE ACHIEVEMENTS OF CLARK R. LAW

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. HOBSON. Mr. Speaker, I rise today to recognize the achievements of Clark R. Law, who for the past 14 years, has served as the President and Chief Executive Officer of the Association of Ohio Philanthropic Homes for the Aging, a nonprofit organization that represents more than 350 nonprofit long-term care facilities located in more than 150 Ohio towns and cities.

Clark has been an aggressive leader in working in Columbus and in Washington on behalf of AOPHA-member facilities that serve more than 50,000 elderly Ohioans daily and employ more than 20,000 people statewide.

Before coming, to Congress, I served as the Chairman of the Committee on Health, Human Services and the Aging. I knew I could always rely on Clark Law and AOPHA to provide sound advice and to bring any problems affecting seniors to my committee's attention.

Clark's efforts were instrumental in helping win approval of the Seniors Healing at Home Act. This bill is now a federal law, and provides seniors the option of where they choose to recuperate following a hospital stay.

After making sure that we in Congress knew that this problem was impacting seniors, AOPHA took up the charge by making its members available to testify, and helped spread the word that seniors were being negatively affected by Washington's Medicare bureaucracy.

In all the years I have known him, Clark has never been shy about standing up for those seniors who rely on AOPHA to be their voice in matters of public policy. His willingness to get involved and to fight hard on behalf of Ohio's seniors and assisted living care professionals has improved the quality of life for thousands or Ohioans.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to publicly recognize Clark R. Law and his achievements on behalf of Ohio's senior citizens. His contributions to the quality care of the elderly in our state are too numerous to list and I thank him for his years of dedicated service.

HONORING DR. GINA SEGOBIANO UPON BEING NAMED A NATIONAL DISTINGUISHED PRINCIPAL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Dr. Gina Segobiano as she receives the 2002 National Distinguished Principal award from the State of Illinois.

Each year, one principal from each state is chosen to receive the award. I am pleased that this year Dr. Segobiano, from the Signal Hill School District in Belleville, Illinois, has been chosen by the Illinois Principals Association to receive the award.

In 1984, the National Distinguished Principals Program was created in order to honor principals from elementary schools and middle schools who reach a high standard of quality education. The National Association of Elementary School Principals (NAESP), an organization founded in 1921 representing 29,500 educators throughout the nation, created the program. This year's awards are sponsored by the NAESP and the U.S. Department of Education in partnership with the Variable Annuity Life Insurance Company.

Since 1993, Dr. Segobiano has been the principal of Signal Hill School, and she was a fifth grade teacher at the school for the prior six years. As principal, she is responsible for 450 students ranging from pre-kindergarten to 8th grade. While at Signal Hill, she has been pivotal in the development of a successful technology program. Furthermore, she has initiated a character development program and a Fight-Free program.

Dr. Segobiano was chosen to receive this award because of her strong commitment to excellence. She has demonstrated a willingness and ability to actively involve parents in their childrens' education. She has also shown that she is dedicated to meeting the varied needs of the students in her district.

Dr. Segobiano has been a valuable asset to the Belleville community, the Metro-East area and the State of Illinois. She has made outstanding contributions to the school and to the education profession. She is a distinguished public servant and deserves this recognition.

Mr. Speaker, I ask my colleagues to join me in honoring, Dr. Gina Segobiano as she receives this prestigious award.

CONGRATULATIONS TO THE JESSE BURKETT LITTLE LEAGUE ALL STARS ANDY FALLON, DAN RICE, KURT SABACINSKI, JOE PETRY, MATT BALL, TEDDY DALY, ZACH FORD, MICAH GOLSHIRAZIAN, BEN LANDERS, KEITH LANDERS, FRANKIE FLYNN, RYAN GRIFFIN, GORDIE LOCKBAUM.

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Worcester, Massachusetts in celebrating the achievements and accomplishments of the 2002 Jesse Burkett Little League All-Star Team. Throughout their run from the city title to the U.S. Championship game, this terrific team won the hearts of Worcester, of Massachusetts—indeed, all of New England. By advancing to the National Championship game, these fine young men advanced further than any other team in the history of Massachusetts.

This accomplishment is impressive in and of itself, considering that this team has only played together for a few short months. They made us all proud. Proud not just because of their amazing play on the field—but also because of the way they conducted themselves off the field. The image I'm going to take from the World Series isn't a home run or a great defensive play or a nasty breaking ball. I'll remember that after the game against Kentucky, this team stood on the field and applauded their competitors.

They acted like true gentlemen, true sportsmen, and that is what we are most proud of. That is what we will remember for years to come. During a time when the sports headlines are dominated by things like revenue sharing and luxury taxes and salary caps, they reminded all of us why we fell in love with the game of baseball.

Mr. Speaker, the Jesse Burkett All-Star Team reminded us of the sheer joy that can come from doing your best, playing hard, playing fair and playing as a team. This is one of the best stories of the year, and I was honored to be a part of celebrating it in Worcester.

A special thanks needs to be extended to the Manager Fran Granger and Coaches Tom Daly, Paul Flynn and Chris Doyle. They have reminded us all of what baseball is all about . . . good sportsmanship, teamwork, young boys playing their hearts out, and most of all—having fun.

Mr. Speaker, it is with tremendous pride that I recognize the exceptional players, coaches, parents, family members and other supporters of the Jesse Burkett All-Star Team for a remarkable run to the Little League World Series. I am tremendously proud of all of them and congratulate them on their accomplishments. I wish them the best of luck in years to come.

ARTURO SANDOVAL TRIBUTE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CONYERS. Mr. Speaker, as the Dean of the Congressional Black Caucus, and chairman of its annual Jazz Issue Forum and Concert, I rise to call to this body's attention the achievements of a distinguished musician, Mr. Arturo Sandoval. At the age of 52, he continues a career that has brought him international acclaim as a musician, composer, and bandleader. I am extremely honored that he will be my guest here in Washington, DC, on Thursday, September 12, 2002, during the Congressional Black Caucus Foundation's Annual Legislative Conference. That evening, my colleagues and I will have the opportunity to thank him for the great pleasure that his life's work has brought to its, and to millions across this nation and around the world.

The Congressional Black Caucus is not alone this year in recognizing the magnificence of what Arturo Sandoval has accomplished. Sandoval, a founding member of the Grammy-winning group, Irakere, has been honored by the Recording Academy with twelve nominations and four Grammy Awards. Sandoval received Cuba's Best Instrumentalist of the Year Award from 1982 through 1990. In 2001, he was awarded the American Society of Composers, Authors and Publishers Founder's Award for his accomplishments as trumpeter, composer and arranger. He is currently the Professor of Trumpet at the Florida International University School of Music. However, Mr. Sandoval's accomplishments are hardly limited to the trumpet, he is an accomplished pianist in both classical and jazz styles.

Born November 6, 1949, in Artemisa, a small province of Havana, Cuba, Arturo Sandoval has for 40 years been a musical prodigy. He began his musical career in his village band at the age of 13. In 1964, he began three years of classical trumpet study at the Cuban National School of Arts. At 16, he earned a place in Cuba's national all star band. Drafted in to the military in 1971, Sandoval was able to play with the Orquestra Cubana de Musica Modema and continued his daily practice regimine.

Sandoval's talent has led him to associations with many of the great jazz musicians, but his most important association was his friendship with the legendary Dizzy Gillespie. In 1977 Gillespie was visiting Cuba, when Sandoval decided to seek his counsel. Sandoval and Gillespie quickly became friends and Gillespie invited Sandoval to perform and tour with Gillespie's United Nations Orchestra. Arturo looked to Gillespie "as a spiritual father" and their collaboration led to further innovations in Afro-Cuban music and jazz. Their collaboration is featured on the 1992 Grammy winning recording Live at Festival Hall.

After his discharge from the military he cofounded Irakere, which became Cuba's most important jazz ensemble, with saxophonist Paquito D'Rivera and pianist Chucho Valdes. Their performance together at the 1978 Newport Jazz Festival in New York introduced Arturo to American audiences and led to a recordirg contract with Columbia Records. Their collaborations culminated in 1979 when Irakere won the Grammy for Best Latin Recording. In 1981, Arturo left Irakere to pursue new musical possibilities, continuing to tour worldwide with his own band and as a classical trumpeter.

In 1990, in the midst of a European concert tour, he defected at the American Embassy in Rome.

In 1994, he received a Grammy for Best Latin Jazz Album for his recording Danzon. He received that prestigious award again in 1998 for his work, Hot House.

In 1998, with President Clinton as a cosponsor, he became an American citizen.

His most recent work My Passion for the Piano, released in 2002, is a remarkable recording inspired by following one's musical passions. He has long been known for his proficiency on the trumpet, but his mastery of the piano is a marvel to which he credits his friend Dizzy Gillespie.

"My inspiration to play came from Dizzy Gillespie. I remember reading in a jazz history book about Miles Davis when he was young asking Dizzy for some lessons. Dizzy told him 'Sure, let's go hit the piano and do some work,' to which Miles replied he didn't play piano. Dizzy's answer? 'You'd better learn how.' Well I took his advice and it's paid off.

"I'm a better trumpeter as a result. The piano is the best teaching tool for composing, arranging and orchestrating. I wrote my first classical concerto for trumpet on the piano."

Sandoval is also a tireless music educator, both as a tenured Professor at Florida International University and as a visiting guest lecturer. Three scholarships are associated with him: the University of Idaho's Arturo Sandoval's Dizzy Gillespie Trumpet Scholarship Award, Central Oklahoma University's Sandoval Trumpet Scholarship, and FIU's Sandoval Trumpet Scholarship, Arturo has lectured at the Conservatoire de Paris, the Tchaikovsky Conservatory in the Soviet Union, the University of California in Santa Barbara, the University of Miami, the University of Wisconsin, Perdue University, and at many other institutions throughout the United States, Europe and Latin America. Sandoval has performed as a classical trumpter with the National Symphony, Los Angeles Philharmonic, Toledo Symphony, Detroit Symphony, Indianapolis Symphony, Oklahoma Symphony, and Atlanta Symphony, among others.

Mr. Speaker, Arturo Sandoval has established himself one of our nation's greatest cultural heroes and ambassadors. Therefore, I urge all Members to join me in paying him this well deserved tribute.

TRIBUTE TO ROBERT BARNES

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Robert Barnes, one of San Francisco's premier political consultants who died on August 9, 2002 at the age of 42. A fifth generation San Franciscan, his leadership and tenacity greatly influenced the political landscape of San Francisco for the past 20 years.

Robert Barnes was a passionate advocate for his candidates and causes. He was responsible for electing more gay and lesbian candidates to office than any other political consultant in California. He also co-managed the first domestic partners initiative in San Francisco.

Barnes served as consultant and advisor to dozens of elected officials, including Mayor Willie Brown, City Attorney Dennis Herrera, Supervisor Mark Leno, and Assemblywoman Carole Migden. He was a consultant for many important civic institutions and their bond campaigns, including San Francisco City College, San Francisco Unified School District, Laguna Honda Hospital, California Academy of Sciences, the De Young Museum, and the San Francisco Public Library.

Robert Barnes' commitment to gay rights, social change, and political involvement began early. He founded one of the nation's first teenage gay clubs at San Francisco's Lowell High School. At the encouragement of the late Supervisor Harvey Milk, the 18 year old worked as the youth coordinator for the No on Proposition 6 campaign to defeat the anti-gay "Briggs" initiative.

Barnes held numerous leadership positions in Democratic and LGBT community organizations. He was Chair of the Lesbian and Gay Caucus of the State Democratic Party and was elected to the San Francisco Democratic County Central Committee. As president of the Alice B. Toklas Lesbian and Gay Democratic Club, he transformed the organization into one of the most influential local gay political organizations in the country.

Robert loved San Francisco and was grateful for its tolerant climate that encouraged his success. San Francisco was well served by his passionate convictions and advocacy.

To his partner and middle-school classmate Carlos Molina, his father Bob, and his sister Mauri Barnes Luna, I extend my deepest sympathy. I hope it is a comfort to his family that so many people share their loss at this sad time.

SPECIAL JOINT CONGRESSIONAL SESSION AT FEDERAL HALL IN NEW YORK CITY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. GILMAN. Mr. Speaker, I rise to pay tribute to this historic session of Congress which has been called for September 6 in New York City in remembrance of all those who tragically lost their lives in the barbaric terrorist attacks of September 11. On that horrible day last September, our Nation witnessed the best and the worst of humanity. We will never, and can never, forget the human suffering, the pain that our Nation went through as a result of those horrific attacks perpetrated against our Nation.

However, when we witnessed the people of our Nation uniting as one in the immediate aftermath of September 11 and in the days, weeks, and months that have followed, we recognized the overwhelming hope for the future of our great Nation. In our darkest hour, we witnessed the unparalleled courage, compassion, and strength from untold numbers of our fellow citizens. Accordingly, it is fitting for the Congress not only to honor those who were tragically taken from us on that day, but also those among us who bravely risked their lives for others and for everyone who has since that tragic attack, stood steadfastly united in this war against terror.

On Friday, September 6, 2002, our special session of Congress has been convened in Federal Hall, just 5 blocks from where the Twin Towers once proudly stood and where George Washington was sworn in as the first President of the United States. Accordingly, it is only fitting that we are honoring the victims of September 11, sending our deepest sympathies to their families on this sacred ground. This Special Joint Congressional session is a tribute to their memory and to the heroism of our fellow citizens. It is of special significance that we take part in this solemn, historic event to tell the rest of the world that our Nation stands united as one because we truly are the "United" States of America.

IN MEMORY OF ETHEL MARIE SILVER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well being of the city of Riverside, California, was unparalleled. Riverside was indeed fortunate to have such a dynamic and dedicated political and community leader who willingly and unselfishly gave of her time and talents to make her community a better place in which to live and work. The individual I am speaking of is Ethel Marie Silver, a close friend and mentor. She passed away Sunday, September 1, 2002 at the Riverside Community Hospital after complications from surgery at the age of 76.

Ethel was born in Hemet, California but lived most of her life in Riverside and graduated from Riverside Poly High School in 1944. She earned her registered nurse degree from Los Angeles County General Hospital School of Nursing where she met her husband, Dr. Harrison Silver. After graduation, she played a vital role in establishing the Riverside General Hospital Medical Auxiliary and later served as president. Ethel also regularly volunteered at the hospital blood bank.

Ethel's passion for her work as a nurse was matched by her passion for politics. Throughout her life, she had been involved in campaigns from the local level to the federal level. Ethel got her start in politics volunteering on a successful 1962 congressional campaign from Riverside. Over the years she became a master of political strategy and worked tirelessly helping candidates.

She was a member of several community organizations including the California Republican Central Committee and was a delegate and alternate to several Republican national conventions. Ethel received many awards throughout her lifetime and in 1997 she received the Presidents Achievement award from the Riverside County Federation of Republican Women.

She is survived by her husband, her son, Jeffrey, her daughter, Jennifer Barns, two grandchildren, her brother William Gruber, and two sisters, Lil Harvill and Florence Danson. My thoughts and prayers go out to them for their loss.

Mr. Speaker, looking back at Ethel's life, we see a woman dedicated to her family and community—an American whose gifts to the Inland Empire and southern California led to the betterment of those who had the privilege to come in contact or work with her. Honoring Ethel's memory is the least we can do today for all that she gave over her lifetime.

TRIBUTE TO MR. STANLEY A. HAMER OF LACEY SPRINGS, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize a special member of the North Alabama community, Mr. Stanley A. Hamer of Lacey Springs, Alabama, who has served 30 years as a delivery driver. Mr. Hamer served the past 28 years with the United Parcel Service.

As you know, UPS is celebrating its 95th year in business today. As the company celebrates this important milestone in its history, UPS is taking this opportunity to honor the employees who have achieved milestones of service in their careers with UPS. I would like to congratulate Mr. Hamer on his 30 years of service as a delivery driver, and thank him for the support he has provided to the North Alabama community.

In addition to serving many North Alabama citizens, Stan Hamer has spent the last 21 years delivering UPS packages to the men and women of Redstone Arsenal in Huntsville. Mr. Hamer has become an icon to the employees at Redsone Arsenal and his excellent delivery service has come to represent to them UPS and its commitment to quality.

Mr. Speaker, I want to commend Mr. Hamer for his many years of service making important deliveries to the community of North Alabama, and to congratulate the United Parcel Service for ninety-five successful years of business.

TRIBUTE TO MR. JOSEPH GREGG

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Mr. Joseph Gregg, owner of Charleston Cut Flower, in recognition of his efforts to promote neighborliness in his community.

Charleston Cut Flower has selected September 4th, 2002 as "Good Neighbor Day." To celebrate, their store will give away a dozen roses to every person who visits the store. In return, each person who receives flowers is asked to give away eleven roses to eleven different people as a symbol of friendship and community renewal.

I commend Charleston Cut Flower for their commitment to their community and their generosity towards their neighbors.

Mr. Gregg and all of his employees have set an incredible example for the other businesses in their area. Mr. Speaker, I urge my colleagues to join me in honoring Charleston Cut Flower.

HONORING H.G. DULANEY, DIRECTOR OF THE SAM RAYBURN LIBRARY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to a distinguished gentleman from Ector, Texas in the Fourth Congressional District—H.G. Dulaney, who this week is stepping down after forty-five years of service as Director of the Sam Rayburn Library in Bonham, Texas.

H.G. Dulaney is a name that is synonymous with the Sam Rayburn Library. He was actively involved in preparations for the Library from its inception through construction and opening in 1957, and he has directed activities of the Library since that time, including its transfer into The University of Texas at Austin in 1990. Throughout almost half a century of operation, H.G. has nurtured the Library and has shared his wealth of knowledge and insights about Speaker Sam Rayburn with scholars, tourists, and school groups who visit the Library.

And his has been a labor of love. H.G. began working for the legendary "Mr. Sam" in 1951. "Mr. Rayburn was one of the greatest men who ever lived," he said. "He had more integrity than anyone I've known in my life." And so for some four decades since Mr. Rayburn's death, H.G. has worked hard to preserve the history and legacy of this great statesman who served in Congress for 48 years, from 1913 until his death in 1961, including serving as Speaker of the U.S. House from 1940 to 1961 for all but four years. His career spanned the administrations of eight Presidents, and the Library houses the books, papers and momentoes from his 48 years in the House.

The Library is truly a treasure for Bonham, for the State of Texas, and for America. It is a testament to the powerful legacy of Mr. Rayburn—and it is a testament to H.G.'s years of hard work and devotion in directing the Library's operations. It is also fitting that H.G. is a native of Mr. Rayburn's Fourth District of Texas, which I am now honored to represent, and understands its people and its culture. He was born and reared in Ector, where he graduated from high school in 1936. Following three years of service in the Air Force in World War II, he attended business college in Dallas and then was employed at the Bonham Abstract Company and with the Farmer's Home Administration. He then joined Speaker Rayburn's Washington staff in 1951 and served until the opening of the Library in 1957, when he moved back to the Fourth District and became the Library's Director.

Mr. Speaker, the Sam Rayburn Library Board of Trustees and many friends and supporters are hosting a retirement luncheon for H.G. this week in Bonham, and I would like to ask my colleagues in the House to join me in expressing our gratitude to him for his dedication, inspiration and years of outstanding service and to extend to him our best wishes for a wonderful retirement. His labor of love has helped preserve the history and the integrity of this chamber and one of its greatest Speakers, Sam Rayburn, and as we adjourn today, let us do so in tribute to one of Mr. Rayburn's dearest and most loyal friends—H.G. Dulaney.

RECOGNIZING CAROL SLETNER, CHIEF OF POLICE FOR THE CITY OF ROSEVILLE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Ms. McCOLLUM. Mr. Speaker, it is my privilege to recognize Carol Sletner for her appointment to the position of Chief of Police for the city of Roseville in Minnesota's Fourth Congressional District. Sletner joins the ranks of six other women police chiefs in the state of Minnesota.

As only the second woman elected to Congress from the state of Minnesota, it is a true pleasure to honor another woman for her achievements in public service. Carol Sletner is eminently qualified for her duties as chief. Hired in 1982, Sletner was the first full-time female police officer for the City of Roseville. Since then, Sletner has steadily achieved promotion, to Sergeant in March 1992, Lieutenant in September 1997, and Deputy Chief in March 2001. She is the President of the Minnesota Association of Women Police and Past President of the Minnesota Juvenile Officers Association. She is currently a member of the FBI National Academy Association, Ramsey County Chiefs Association, Minnesota Association of Chiefs of Police, International Association of Chiefs of Police and International Association of Women Police.

When I had the opportunity to meet with Carol this past spring, I was impressed by her commitment to public service and her willingness and ability to meet the new challenges of Homeland Security facing our local police departments.

I commend Chief Sletner for her pursuit of her childhood desire to become a police officer. Her promotion to Chief of Police marks a great achievement. I know that she and the rest of the Roseville police department will serve our community well.

JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR., PROCESSING AND DISTRIBUTION CENTER

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. CUMMINGS. Mr. Speaker, I rise today in support of HR 3287, a bill that would rename the U.S. Postal Service's Brentwood Processing and Distribution Center in Washington, D.C., as the Joseph Curseen, Jr. and Thomas Morris, Jr., Processing and Distribution Center.

Joseph Curseen, Jr., and Thomas Morris, Jr., were two of four U.S. Postal Service employees who contracted inhalation anthrax while working at the Brentwood Processing and Distribution Center in Northeast Washington last fall. It is believed that they were exposed while sorting contaminated letters sent to congressional offices. The anthrax attacks temporarily suspended some mail delivery, closed numerous Congressional offices and mail processing facilities, while health officials tested and decontaminated equipment, offices and facilities.

It has been almost a year since the anthrax mailings and we are not any closer to finding the person who sent anthrax contaminated letters through the mail. Last year, I met with postal workers from my district. They are proud to work for the postal service but are concerned for their safety. They assured me that neither rain, snow, nor anthrax laced letters would keep them from delivering the mail. However, with that renewed pledge and resolve, they wanted my assurance that the government cared about them. I have the highest admiration for the postal workers who have continued to go to work in this time of uncertainty. Congress must pledge to continue funding for anthrax research. For years the military has been preparing for a chemical weapon attack, specifically from the biological agent anthrax. Some military personnel have been vaccinated for anthrax. Perhaps we should consider vaccinating postal employees along with EPA scientists, lab technicians and others who conceivably could be the first points of contact.

Washington's principal mail-processing center has been closed since Oct. 21. However, I am pleased that preliminary samples from the test fumigation of the quarantined Brentwood postal facility indicate no traces of anthrax spores.

Although their coworkers were successfully treated for anthrax, Morris and Curseen were misdiagnosed and died on Oct. 21 and 22, respectively. The sacrifice they innocently gave to this country will live on in the renaming of the Brentwood processing center.

HONORING STORAGETEK, COMPANY OF THE YEAR

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to honor StorageTek, a Colorado technology firm recently named as the "Company of the Year" by ColoradoBiz Magazine.

StorageTek is headquartered in Louisville, Colorado, with more than 7,800 employees in fifty countries worldwide. Founded in 1969, this company specializes in a broad range of digital storage and data security equipment. Their customers include industry leaders and government agencies such as the Department of Defense, Central Intelligence Agency, and the Congress.

ColoradoBiz Magazine bestowed its award for StorageTek's success in business, marketing innovation, operational efficiency, and community responsibility. For instance, the company astonishingly improved customer order processing time by twenty-five percent, while reducing facility space by fifty percent and inventory on hand by $100 million. StorageTek's business model improved efficiency and customer service.

Moreover, StorageTek's leadership within the community also warranted this recognition. Since its founding in 1991, the StorageTek Foundation has donated more than nine million dollars to charitable causes with emphasis on education, health, human services, and art. The Foundation also encourages and rewards employee volunteers through the Volunteers in Partnership with the Community (VIP.COM), which rewards organizations designated by employees with a monetary gift when employees volunteer for 100 hours or more.

Mr. Speaker, I congratulate StorageTek for receiving "Company of the Year" award, and commend them for being a role model in business and in the community.

REVISED REMARKS FROM CONGRESSMAN CHET EDWARDS, JULY 26, 2002

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 2002

SPEAKING ON THE RULE FOR H.R. 4965

Mr. EDWARDS. Mr. Speaker, I strongly oppose late-term abortions, but I believe, like many Americans, that when the health of the mother is at risk, that is a decision that should be made by a woman and her doctor and not by politicians in Washington, D.C.

I am sad to say that this rule is shameful and this bill is a false promise. I do find it interesting that those supporting this rule and this bill keep quoting the American Medical Association. I do not know if they just did not want to hear it or if they refuse to accept it. The organization they are quoting opposes this legislation.

Why do I say this rule is shameful? First, it ensures that when this bill passes today, were it then to become law, it would never have the impact of law or save one baby because the Supreme Court has made it absolutely clear, not just once but five times that the law must have a health exemption when the mother's health is at risk.

So maybe Ralph Reed was right when he said this issue is a political silver bullet. Unfortunately, from a policy standpoint, this bill will not save one baby.

The proponents of this bill and this rule are forcing a false promise upon the American people, a promise that will not help one child. This rule is shameful because it denies Members of this House a vote of conscience. I respect your conscience. I respect your right to express your conscience. You have no right on an issue of this magnitude, of such deep conscience for so many Members, no one in this House has that right to deny us the right to a vote, to a vote for an amendment that the Supreme Court would then interpret as making this bill constitutional.

I tried to offer an amendment to the Committee on Rules. It was similar to a bill I helped pass in 1987 in Texas that outlaws not one late-term abortion procedure, but outlaws all late-term abortion procedures except for a constitutionally required exception where a mother's health is at risk. For 15 years, the constitutionality of that Texas law has not been challenged. I would note that during the time that President Bush was then Governor of Texas, there was no effective effort or to my knowledge even serious legislative effort made to change that law. It was constitutional and it has worked.

Supreme Court Justice O'Connor has made it very clear, that if you do not have a health exemption in this bill, it will not ever have the impact of becoming law. Let me quote her from the court *Stenberg* v. *Carhart* case of June 28 of 2000:

"First, the Nebraska statute is inconsistent because it lacks an exception for those instances when the banned procedure is necessary to preserve the health of the mother."

In case that is not clear enough for the supporters of this rule and this unconstitutional bill, she then goes on to outline all that a legislative body has to do to make such a bill constitutional. Just add the words "where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." That would be the only circumstance for an exception.

The people who should be upset at this bill should be pro-life Americans all across this country who have been mislead by this unconstitutional bill into thinking it is going to save one child. Had this rule allowed us to vote on a constitutionally acceptable amendment for a health exception, we actually could do some good. What a shame.

SPEAKING ON PASSAGE OF H.R. 4965

Mr. EDWARDS. Mr. Speaker, Coreen Costello was a pro-life Republican and mother of three when her pregnancy turned tragically fatal for her child. Her doctors preserved Mrs. Costello's fertility with a procedure being outlawed in this bill. She then became pregnant again and gave birth to her fourth child.

Listen to this loving mother's words. "Because of this procedure, I now have something my heart ached for, a new baby, a boy named Tucker. He is our family's joy, and I thank God for him."

Mr. Speaker, no Member of this House has the right to substitute his or her judgment for that of a physician and a mother faced with a rare but tragic situation where a pregnancy is failing, a child has no chance of living outside of the mother's womb, and the goal is to save a mother's fertility or health. No Member has that right, not one.

If there is one late-term abortion in America for frivolous reasons, that is one too many, regardless of the procedure used. I am strongly opposed to late-term abortions. But I believe when the health of the mother is at risk, that is a choice that should be made by a woman and her doctor, and not by politicians in Washington, D.C.

That is not just my opinion, that is the opinion of the United States Supreme Court in the Stenberg v. Carhart opinion dated June 28, 2000. In that indication, the Supreme Court and its majority of justices made it very clear that the Nebraska partial-birth abortion law was unconstitutional, in these words.

". . . Because it lacks an exception for those instances when the banned procedure is necessary to preserve the health of the mother."

That is as clear as the English language can be. Justice O'Connor, the swing vote on this issue, has made it clear. The truth is that with no health exception for a woman, there will be no law; no law, not one baby saved.

Mr. Speaker, this bill has two flaws in it that make it little more than politics at its worst, as Ralph Reed said, a political silver bullet. First, it is unconstitutional, therefore meaningless. It is a false promise. Second, if the authors of this bill truly believe that American women are monsters who would take a perfectly healthy baby seconds before a perfectly healthy child birth and puncture its brain and kill that innocent child, then why is it that they just want to outlaw one procedure? If you assume the woman is that kind of a monster, then under this bill even if it were law and were constitutional, which it is not, then the woman could choose to use other late-term abortion procedures. Once again, a meaningless law, a meaningless bill that will not save one baby's life.

I think the people who should really be offended by this bill are those genuine pro-life Americans who want to stop late-term abortions. I want to stop late-term abortions, and I hope others who do would ask the proponents of this bill two questions. Is politics so important that you would rather pass a clearly unconstitutional bill than a bill that could actually become law, a bill like I helped pass in Texas 15 years ago that is still the law of that State today? Second question: Why are you outlawing one procedure and leaving every other late-term abortion procedure perfectly legal?

This bill is politics at its worst. It is a false promise.

COMMEMORATION OF RETIREMENT OF MRS. MYRNA DECKERT

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. REYES. Mr. Speaker, I rise today to commemorate the retirement of one of the most inspirational and respected women in El Paso, Texas: Mrs. Myrna Deckert. Mrs. Deckert represents the highest caliber of citizen we have in the United States. Since the early 1960s, she has been a motivating force in the improvement of her workplace, the YWCA El Paso, and as a result, the El Paso community as a whole. We are lucky to have someone with her rare mix of business savvy and empathy in our midst and I am proud to honor her today in the United States Congress.

Myrna's service to El Paso began with her position as Teenage Director at the YWCA El Paso del Norte Region. Myrna quickly displayed her prowess for innovation and improvement as she expanded the Teenage Program from less than 30 members to over 1500 members and vastly improved the services offered. She then moved up to become the Associate Executive Director of the organization. It is through her efforts in this position that the YWCA captured national attention in Parade Magazine. Myrna created a place of respite and support for teenage girls with family problems called the Residential Intervention Center which was so effective that it caught eye of Parade, who ran the story as its feature article.

Just one year after assuming the Associate Executive Director post, Myrna was made Chief Executive Officer of the YWCA El Paso del Norte Region. In the ensuing years, it was easy to tell that Myrna was at the helm. With her as head of the organization's 33-member board, the YWCA's operating budget grew from $100,000 to $35 million. Their staff grew from about 20 to over 800, and, the YWCA went from one building to numerous facilities valued at over $20 million.

As CEO, Myrna received numerous awards and recognitions for her efforts. Some highlights—as there are definitely too many to share all of them here—are: the Woman of the Year Award from the American Association of University Women, the Director of the Year Award from the United Way of El Paso County, the Humanitarian Award from the League of United Latin American Citizens, and the "One of the Twenty Outstanding Women of Year Award(s)" from the El Paso Times in 1997. Three years later, the El Paso Times honored her again with one of the two "Newsmaker of the Year" awards in 2000.

While reflecting over this amazing and substantive career, I would like to congratulate Myrna on her retirement and thank her so much for her years of hard work and commitment. Because of her efforts, I represent an area that provides opportunity and enjoyment to its citizens. Myrna, because of your efforts, I represent an area that people are proud to call home. Thank you. I yield back the balance of my time.

GENEROUS CONTRIBUTION MADE TO COMMUNITY PROJECT IN LEXINGTON, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that Margaret Gray of Lexington, Missouri, has donated $250,000 to a project that will benefit the citizens of Lexington and the surrounding area. The gift will go toward construction of the "Lexington 4 Life" project, a new building that will house a senior citizens' center, a comprehensive health care facility, a day care center, and a pre-school for at-risk children.

Margaret Gray's support for the new "Lexington 4 Life" project is only her most recent commitment to the betterment of Lexington. Through the years, she has promoted aging issues and cultivated a more enhanced public sentiment with regard to the well-being of all persons in her community.

For 25 years, Margaret served the people of Lafayette County and the State of Missouri by working for the Missouri Division of Family Services, the last ten of which serving as the Lafayette County Director. In 1978, Margaret joined a small group of individuals who started the Lexington Senior Center. She served on the local Center Services Board for ten years, before becoming a member of the District III Area Agency on Aging Board of Directors in 1985. She served on the Area Agency on Aging Board for 17 years, including a tenure as President of the Board.

Margaret also served on the State Board of the Missouri Association of Social Workers from 1970 to 1980 and has been an active member of Business and Professional Women for over 40 years. Additionally, Margaret is working with her colleagues to prevent waste, fraud, and abuse of the state's Medicaid system.

Mr. Speaker, Margaret Gray's generous gifts, her talents, and her time are making a lifetime endowment to the community of Lexington. I am certain that all members of the House will join me in paying tribute to Margaret Gray's commitment and dedication to the people of Lexington, Missouri.

THE ROBERT BYRD HONORS SCHOLARSHIP RECIPIENTS FROM THE 6th DISTRICT OF MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the outstanding achievements of the Robert Byrd Honors Scholarship recipients from the 6th district of Missouri. The following students have shown dedication and persistence in their academic studies, and it is my honor to announce them as this year's scholarship award winners:

Matt Arndt, Brianna Belke, Grant Buell, Zachariah Castle, Joseph Gill, Wesley Kauble, Rachel Lipanovich, Kenneth Maynes, Emily McClanahan, Robert Nedved, Adam Osborne, Colby Parks, Kathryn Seyboth, Austin Siddens, Erin Smith, Eric Sokol, Lauren Spencer, Matthew Tingler and Justin Wilson. Each student was awarded scholarships of up to $1500 per year for their first four years of study at a four-year institution of higher education.

The Robert C. Byrd Scholarship Program is a federally funded scholarship for students who show outstanding academic achievement and promise. The department of elementary and secondary education, in cooperation with the United States Department of Education, provides superior scholars throughout the Nation with this esteemed award. In order to receive the scholarship, students must be a resident of Missouri and attend a public or private school within the State, be accepted for enrollment at a four-year institution of higher education, rank in the top 10% of their high school graduating class and score in the top 10% of the national percentile on the ACT test. It is my honor and privilege to have 19 of these scholars residing in the 6th district.

Mr. Speaker, please join me in honoring these exceptional scholars for their dedication to and achievement in their academic studies.

INTRODUCTION OF THE HOMETOWN HEROES SURVIVORS BENEFIT ACT OF 2002

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor the service and sacrifice of our nation's public safety officers.

Each community in America is blessed to have its own unique group of hometown heroes; the firefighters, law enforcement officers, and others who keep our streets safe, protect our families and possessions from fire, and are the first to respond to an emergency. They are dedicated and prepared, and when we call on them, they risk their lives for us.

Last year, Congress improved the Public Safety Officers Benefit, which provides a onetime financial benefit to the families of public safety officers who die because of an injury sustained in the line of duty. However, despite our efforts there are families who are prevented from receiving these benefits because of a technicality in the law.

Heart attack and cardiac related deaths account for almost half of all firefighter fatalities (between 45–50 firefighter deaths per year), yet the families of these fallen firefighters are rarely eligible to receive this benefit. Fighting fires is dangerous, exhausting, and stressful work. A firefighter's chances of suffering a heart attack or stroke greatly increases when he or she puts on heavy equipment and rushes into a building to fight a fire. The families of these hometown heroes should receive this benefit when their loved ones die of a heart attack or other cardiac related death while they are on duty selflessly protecting us from harm.

Today, along with several of my colleagues, I am introducing a bill to correct this unfortunate loophole in the Public Safety Officers Benefit. The Hometown Heroes Survivors Benefit Act will allow the families of public safety officers who have died from a heart attack or stroke while on duty, or within 24-hours after participating in a training exercise or responding to an emergency situation, to receive this benefit.

Our hometown heroes put their lives on the line for each of us every day. This legislation shows them our support and appreciation for their extraordinary bravery and heroism. I invite every Member to join us in this effort by cosponsoring this important legislation.

CONGRATULATIONS TO MARJORIE CREEN

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. OBERSTAR. Mr. Speaker, it is with great admiration and respect that I offer congratulations to my constituent, Marjorie A. Creen, of Chisago City, Minnesota. Majorie, a senior at Chisago Lakes High School has been named winner of the VFW 2002 Voice of Democracy broadcast scriptwriting contest. She is the daughter of Mr. and Mrs. Dennis and Judy Creen and was sponsored by VFW Post 7267 in Lindstrom, Minnesota.

The Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy audio/essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our country. The theme of this year's audio/essay contest was "Reaching Out to America's Future."

Marjorie, on behalf of a very proud constituency: "Congratulations on a job well done."

Reaching Out to America's Future

(By Marjorie Creen)

Will is a small boy. He is in first grade and is 6 years, 8 months old. Besides playing tetherball and riding bikes, Will's favorite thing to do is color. He draws pictures for his mom and dad, and for his grandma and grandpa. Recently, Will was coloring a picture of an American flag when he noticed that he didn't have a red crayon. Will is a smart young boy and knew that he needed red to finish his drawing. He searched through his pack of crayons, then on the table, and finally looked to the floor. Low and behold. there was his crayon. Will was quite happy to see it lying a few feet from his desk. He reached out for it, but it was too far away. Frustrated he stretched even more to get it, but still, he could not pick up his red crayon.

As odd as it may seem, the United States is much like Will. Just like the young boy, we are trying to create something beautiful and perfect for all of us to enjoy. However we too are missing something that we need to make our dream come true. This child has one up on us, though. Will knows what he is missing, therefore he can reach out in order to achieve it. What exactly are we missing? I figured out what I thought we were missing by looking at what the finished drawing should look like.

When I think of what the United States should be, I think of a place where racial differences do not exist. I see a place where there are no "bad streets" in major cities and where people can feel safe to walk alone at night. I want a place where people are less self-absorbed and when a cashier says, "Have a good day!" she actually means it. I see a place where the veterans of World War II, Vietnam, and the Persian Gulf are praised and honored for protecting the rights that many people today don't realize we have.

What all of these things add up to is respect. I feel that that is something major our beautiful country lacks. The reason I think respect is so crucial is because it leads to other effects. Once a country has respect, it then has unity, pride, love, happiness, harmony—the list is endless!

To show respect, people could stop swearing at each other, gain more patience in rush hour, allow someone with less items to go in front of them at the grocery store, and remember to stand when the National Anthem is played. Respect is America's red crayon.

Soldiers, sailors, and airmen fought hard to give their children, and their children's children the freedoms we have. It is hard for us to appreciate these things because we have never seen what it is like to not have them. My generation has never known a time where we couldn't voice our opinion, sue someone we were unhappy with, or practice the religion of our choice. These freedoms we enjoy have always been there, and hopefully WILL always be there. I just pray that in the future, my fellow peers will learn the true value of the things that we take for granted. Perhaps we need them to be taken away from us, so then one day we can realize what we had and how truly great it was. Sadly, that will be the day that we finally give the veterans of war the respect they deserve.

Respect for the fine soldiers who worked hard to preserve our freedom is a giant leap in the right direction. I think that once we show respect for these brave men and women, we will understand the meaning of the National Anthem. The words will no longer be a simple song that is played before the start of a basketball game, it will be the heroic hymn that defines what people have sacrificed to give us our liberty.

We need to be like Will, the young boy who needs a red crayon. We, the people of this great country, must reach out with arms stretched to the future. Not only must we reach, but we need to stand up, proud and strong, and show respect for the people who fought and died to give us our rights. Respect is what this country needs. Respect for all who live in it, and respect for all who fought for it, so that we could live with freedom, rights, and pride.

A TRIBUTE TO MARTIN MATICH ON HIS 75TH BIRTHDAY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Martin Matich, a very good friend and a man who has earned a reputation throughout California as a builder of flawless public works and community leader. Mr. Matich reaches his 75th year this month.

The Matich Corp., which Martin Matich ran for 40 years until his retirement as chairman in 1992, is one of Southern California's largest heavy construction companies. It builds freeways, bridges, runways, flood-control channels and dams. The San Bernardino County company, founded by Matich's father John, has built more than 1,000 miles of roads and freeways in California, Nevada and Arizona, and constructed runways and aprons at 40 military and civilian airfields.

Under the leadership of Martin Matich, the company became known for its top-quality work and innovation. The Matich Corp. developed continuous-slip forms that allowed 90-foot-deep intercontinental ballistic missile silos to be built at Vandenberg Air Force Base in one step, making them stronger and faster to finish. It also pioneered continuous-pour concrete paving machinery, which allows long stretches of highways to be built without elaborate forms.

The company, which is now run by Matich's son, Steven, has completed more than $1 billion in projects in its 85-year history. Six members of the family's third generation are still in company management. Its latest endeavor is to repave and improve hundreds of miles of highways in Mexico, which will help that country meet the challenges of trade with the United States.

Martin Matich has been so involved in local and regional community affairs that the local press often calls him the most influential non-elected person in San Bernardino and Riverside Counties, an area known as the Inland Empire of Southern California. His advice and counsel is sought by presidents, senators, House members and most local officials—and he provides it, without regard to party affiliation. He knows the mood of Inland Empire residents, and he is dedicated to putting their interests first.

He has served in a wide variety of community positions, including mayor and City Council member of Colton, a member of the California State Water Commission, member and former president of the National Orange Show board of directors, chairman of the National Orange Show Foundation and St. Bernardine Hospital Foundation. He was president of the Inland Empire Council of the Boy Scouts of America and chairman of the Water Resources Institute at California State University, San Bernardino. He was appointed to the statewide California Advisory Council on Economic Development and the Commission of California's advisory council.

Over the years, Martin Matich has been honored with many awards, including the Engineering Honor Award by his alma mater, the University of Notre Dame, and Citizen of the Year by both the San Bernardino Board of Realtors and the Boy Scouts of America.

Mr. Speaker, it would be hard to imagine someone who is more exemplary of the designation community leader than Martin Matich. His 75 years in the Inland Empire have made his hometown community—and mine—a better place to live and work. Please join me in congratulating him on his 75th birthday, and wishing him and his wife Evelyn the best in the years to come.

IN RECOGNITION OF ROSH HASHANAH—THE JEWISH NEW YEAR

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. SHAW. Mr. Speaker, I rise today in recognition of Rosh Hashanah, the Jewish new year. As with the secular new year, Rosh Hashanah is often a time of resolutions. Jews from around the world reflect on the year that has passed and look forward to the year to come with a sense of renewal and of hope. According to tradition, on Rosh Hashanah the Book of Life is opened and observers are given a chance to atone for the sins and weaknesses of the past year.

As we approach the anniversary of September 11th, I hope that we can all join together with our Jewish neighbors and friends in the same spirit of solemn reflection. While we look back upon the extraordinary year that has passed, let us resolve to adopt our own resolutions of "tikkun" or healing. We honor the age old Jewish tradition of making amends with each other and repenting for the hurts and misunderstandings that we have caused one another through the year.

While Jewish communities gather and recommit themselves to God and to each other during this holiday season, let us take a page from this ancient religion's teachings and strive to live by the tenet that we should avoid doing to others that which we deem hateful to ourselves. The world would most certainly be a safer and more peaceful place if we strived to achieve this goal.

Mr. Speaker, I am proud to recognize Rosh Hashanah and wish all who observe a safe and happy holiday.

INTRODUCING THE "CHANCE TO SUCCEED ACT"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. STARK. Mr. Speaker, I rise today to introduce the "Chance to Succeed Act." This legislation is aimed at helping disabled Americans and those struggling with barriers to employment move from welfare to work. I'm proud to be joined in this effort by 43 of my colleagues. I'm also thankful to Senators WELLSTONE and KENNEDY, who are working to pass companion legislation in the Senate.

Too many Americans find themselves trapped on welfare because of a disability. Others are simply ill equipped to overcome very real barriers that stand in the way of achieving meaningful employment.

The "Chance to Succeed Act" creates broad new guidelines for states to better serve the needs of the disabled and the severely disadvantaged. It empowers states to improve employment opportunity for welfare recipients with physical and mental disabilities. It also addresses other proven barriers to employment, such as a low level of education, limited English proficiency, and domestic abuse among others.

A recent General Accounting Office (GAO) study found that welfare recipients with disabilities were half as likely to leave the welfare rolls compared to recipients without impairments. The same GAO study found disabled recipients who did move off welfare were much less likely to gain employment.

An Urban Institute study found that 46 percent of welfare recipients that returned to welfare were in poor mental or physical health. The same Urban Institute Study found that 38 percent of welfare recipients that returned to welfare had less than a high school education. Perhaps most disturbing is a Wisconsin Study that found that 30 percent of welfare recipients responding to their survey reported that they had been fired or lost a job because of domestic abuse.

My bill provides a framework for states to institute new screening and assessment programs that identify and provide specialized services to these recipients. It encourages them to create individual "personal responsibility plans" that outline goals necessary for each recipient to obtain stable employment. It also provides funding for state-level advisory panels to evaluate and improve these efforts. And it allows States to follow through with this process without being penalized under current Federal work requirements.

Some states have already taken steps along these lines. This bill continues to give states flexibility to determine how best to meet the goals set out in this legislation. This is critical in giving families the tools they need to meet the individual challenges they face. By making clear that involvement in state programs tailored toward employment barriers will be counted as a work activity, states can fully follow through in this critical effort.

Please join me in supporting the "Chance to Succeed Act" to provide new hope and opportunity to Americans struggling to lift themselves out of poverty.

HONORING THE LIVES OF JOHN WALTER REDFUD AND PETER DAUTERIVE

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Ms. WATSON of California. Mr. Speaker, this past August, two distinguished citizens and close friends of mine passed away. I would like to honor their lives by submitting their obituaries into the CONGRESSIONAL RECORD.

HONORING THE LIFE OF JOHN WALTER REDFUD

John Walter Redfud, born September 20, 1914, in Houston, Texas, was the second of four children born to John Walter Redfud, Sr., and Lillie Livingston Redfud. His parents, sister (Kathryn) and brothers, (Augustus and Paul) preceded him in death. He was reared in Lake Charles, Louisiana. He graduated from Second Ward High School.

John graduated in 1938 from Southern University in Baton Rouge, Louisiana with a B.S. in Liberal Arts. In 1947 he received a M.A. Degree from the University of Southern California (U.S.C.) and an Accreditation for School Administration from California State University.

As a college student, John sang in the mixed glee club. He was a talented athlete, lettering in two sports for three years. In his senior year, he was captain of his football team and co-captain of his basketball team. In 1990 he was inducted into the Southern University Sports Hall of Fame for both sports.

Later, he assisted the Los Angeles Kappa Chapter in earning many trophies during the early years of Inter-Fraternal Basketball Tournaments.

After graduation from Southern University, John was employed for four years as a classroom teacher and coach of the football and basketball teams of Central High School in Bogalusa, Louisiana. Two of his football teams were State champions. He also coached football and basketball at Webster Parish High School in Louisiana.

John arrived in California in 1943 where his employment included: service as a Deputy Probation Officer (recurrent) for ten years; counselor for the California Youth Authority, Juvenile Hall and Avalon Community Center; and various assignments in the field of education.

He retired in 1983 as principal of Adult Education in the Compton Unified School District after thirty-three years, seventeen of those years as a classroom teacher at Willowbrook Junior High and Centennial High School and sixteen in Adult Education Administration. (Note: John Redfud's ability to remember names was phenomenal. His participation in the first three years of the graduation ceremonies at Centennial High School would show case this remarkable ability. He called each graduate to come forth and receive their diploma by their name without the use of any notes or papers.)

He taught principles of Adult Education for the University of California at Los Angeles, (UCLA) extension and received the Freedom Foundation Award from Valley Forge, Pennsylvania for classroom teaching.

A devout Catholic, John was previously a member of St. Paul Catholic Church, serving as an usher for twenty years, and was a member of St. Peter Claver, serving two years as president. He joined St. Eugene Church in 1975.

On August 10, 1944, John married Genevieve Taylor, his beloved wife of fifty-eight years. Three children were born to this union; a daughter, Yolanda Lyllye; sons: Duane Walter, (a Kappa) and Damon Anthony. The family traveled often and extensively together throughout the United States, Canada and Mexico. After the children were grown, John and Genevieve traveled to Europe, Asia, South America and Africa.

John was a life member of Southern University Alumni Federation, a foundation member and past president of the Los Angeles Alumni Chapter, member of NEA, CTA, United Negro College Fund, (UNFC) and the Lake Charles Club.

Also, John was a life member 71-510 of the Kappa Alpha Psi Fraternity; initiated in 1938 into Alpha Sigma Chapter at Southern University. He participated in the under graduate chapter of USC and joined with graduates of Los Angeles Alumni Chapter when it was reactivated after World War II. He was a past Polemarch and was always active in fund raising, reclamation and recruiting. John assisted in the chartering of the first campus based chapter in San Diego. He accompanied and assisted then Province Polemarch, Edgar Bishop, (Elder Diggs Awardee), in the chartering of a chapter in Okinawa, Japan. Additionally, he was a contributor to the Western Province Foundation, Inc. and was a member of the Kappa Million Dollar Club, always ready to contribute in anyway to Kappa causes.

An annual high school scholarship is awarded to a St. Eugene student in John's name from funds donated by family, former students and friends in celebration of his 80th birthday. Another scholarship is given in his name at Southgate High School for one of his former students.

John departed this life on August 25, 2002 at 6:45 a.m. during hospitalization at the Kaiser Permanente Hospital located in West Los Angeles.

He leaves to cherish his memory his loving wife, Genevieve; daughter, Yolanda Lyllye; sons, Duane W. and Damon A.; grandchildren, Danzio, Nickolas and NoraLena; great granddaughter, Danish; one nephew, John Paul Redfud, one niece, Gwendolyn Redfud-James (McDonald James), sister inlaw, Matilda Redfud, five brothers in-law; nine sisters-in law; many Redfud and Livingston descendants, cousins, relatives, friends, former students, co-workers and fraternity brothers who loved him profoundly. It goes without saying that John Redfud will always be remembered as "Mr. Redfud" the teacher who made a difference.

HONORING THE LIFE OF PETER DAUTERIVE

Peter W. Dauterive, born in New Orleans, Louisiana departed this life on August 16, 2002 in Los Angeles, California due to natural causes. He was 83.

Mr. Dauterive was an executive with Broadway Federal Savings & Loan for 23 years, rising to the position of executive vice president.

In 1972 he was the founding President and Chief Executive Officer of Founders Savings & Loan Association, which bought the Santa Barbara Avenue branch of Santa Barbara Savings. After Mr. Dauterive stepped down in 1986, he formed the Peter W. Dauterive & Associates property management firm.

Active in the Republican Party, Mr. Dauterive served as a national convention delegate from 1976 through 1996 and served on the Republican National Committee, the California Golden Circle, the Ronald Reagan 10 Club and the President's Committee of Citizens for the Republic. He was chairman of the Metropolitan Los Angeles Lincoln Club and Finance Vice Chairman of the State Committee to Elect the President.

He also served as a director of the California Savings and Loan League and director and president of the American Savings and Loan League. Reagan named him to the National Commission for Employment Policy, and he also served on several state commissions, including the California Economic Development Corporation.

At the time of his death, Mr. Dauterive was a director of the California Science Center in Exposition Park, a trustee of the Greater Los Angeles Zoo Association and a trustee of the Children's Bureau Foundation of Southern California. He was also active in the Los Angeles Memorial Coliseum Commission, the Los Angeles Figueroa Corridor and the Access to Loans for Learning Student Loan Corporation. He was a director of the Los Angeles County Health Facilities Authority Commission.

Dauterive was highly respected in the business community and helped break racial barriers in many areas. In 1964, he became one of the first three African-Americans admitted to the previously all-white Western avenue Golf Club after the late Supervisor Kenneth Hahn and colleagues ordered a halt to discrimination on county golf courses.

Peter Dauterive is survived by his wife, Verna, principal of Franklin Avenue Elementary School

HONORING THE CONTRIBUTIONS OF VENUS AND SERENA WILLIAMS

SPEECH OF

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. PAYNE. Mr. Speaker, it is my distinct honor to support the passage of House Resolution 94, a resolution to recognize the outstanding contributions of Venus and Serena Williams. Venus and Serena Williams are two esteemed professional African American women tennis players who have broken racial and socioeconomic barriers with pride and poise.

The Williams sisters have accomplished many firsts in the world of tennis. Twenty-year-old Venus is the first African-American woman to win the Wimbledon Championships since 1958, the first United States woman since 1924 to win an Olympic gold medal in both singles and doubles, holds the women's world record for the fastest serve at 127 miles per hour, and is one of only seven women to win the singles titles in both the Wimbledon Championships and the U.S. Open in the same year.

Nineteen-year-old Serena Williams is only the second African-American woman ever to win a Grand Slam singles title, is only the sixth American woman to win the U.S. Open singles title since 1968, is only the fifth woman to win both singles and doubles Grand Slam titles in the same year, and is the first woman to reach the finals in a U.S. Open debut since 1978.

Demonstrating through the spirit of sports, Venus and Serena Williams have truly inspired and encouraged people of all backgrounds and ages, especially those in their hometown of Compton, California, that education, teamwork, fortitude, and self-determination are the essential ingredients for success. Venus and Serena Williams are great African American leaders and role models who espouse high moral and ethical standards, family values, and community service.

Recognizing the importance of giving back to their community, together they have conducted tennis clinics for low-income children, raised funds for community development, and joined our Nation's leaders in support of seat belt safety campaigns.

Mr. Speaker, I urge my colleagues to join me in supporting the passage of House Resolution 94, to recognize the many contributions to American society made by Venus and Serena Williams through their achievements and community involvement. We are fortunate to have noble citizens like Venus and Serena Williams who have demonstrated that tennis is a sport for all people.

A TRIBUTE TO THE HARLEM BIG "LITTLE LEAGUE" HEROES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. RANGEL. Mr. Speaker, I rise today with great pride in their achievement to pay tribute to and recognize Harlem's national famous Little League team.

In an historic achievement Harlem's Little League made the Harlem community and the United States proud when they successfully placed third in the Little League World Series. Coming from diverse ethnic backgrounds, the team pulled together and progressed to the semi-finals of the Little League Series, a notable achievement for a team which up to this year had not made the playoffs. On August 27, 2002, the team came home to a first-class victory celebration in which I was pleased and proud to participate.

I hope that these kids have once again taught us that we can come together as a community and understand that anything is possible. And, today it is my pleasure to bring the Harlem Little League's achievement to the attention of my colleagues.

[Fron the New York Post, Aug. 27, 2002]

HARLEM HEROES SAFE AT HOME

(By Lorena Mongelli)

Harlem's small-fry slugger heroes got a major-league welcome home yesterday by hundreds of rooting relatives and frenzied fans, who admitted they never expected the team to make it as far as it did in the Little League World Series.

"They never really said that winning was what they were all about—but this team came back as 'winners," U.S. Rep. Charles Rangel (D-Harlem) crowed amid the cheering crowd at Marcus Garvey Park on 122nd Street.

Moms and dads furiously shook pompoms, friends waved signs and dozens of people broke into chants of "Go Harlem!" as the bus carrying the team pulled into the park around 4 p.m. and let off the local champs, who made it to the series semifinals.

The somewhat-sheepish players said they were surprised by all the hoopla—but not exactly complaining about it. "I didn't know there were going to be all these people here—it feels good," star pitcher Alibay Barkley said.

Third baseman Andrew Diaz, 12, added: "We gave something to Harlem to make them feel proud. I feel like a champ. I didn't expect all these people to come and show their support."

Beaming coach Morris McWilliams noted the kids' varied backgrounds—and how they pulled together to pull off a third-place finish.

"I hope that through all this, we can come together to understand that anything is possible," McWilliams said.

RECOGNIZING TULARE COUNTY AND THE CITY OF VISALIA, CALIFORNIA ON THEIR 150TH ANNIVERSARY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. THOMAS. Mr. Speaker, it is my pleasure to recognize and salute the City of Visalia and the County of Tulare, California as they celebrate their 150th anniversary on September 7.

Tulare County and Visalia will celebrate the area's rich history and its current status as one of the nation's top two agricultural-producing counties, with crops valued at $3.5 billion in 2001. While it was the California gold rush that brought the first permanent settlers to the area that is now Visalia in 1852, it has been agriculture that has sustained the city and Tulare County for 150 years. Today, Tulare County is America's leading dairy county, and is among the nation's leaders in dozens of other crops, including beef, tree fruit, vegetables, nuts, and olives.

Tulare County is also home to some of the nation's most breathtaking scenery, including the highest mountain peaks in the Sierra Nevada range, rising more than 14,000 feet, the majestic Giant Sequoias, and the rich San Joaquin Valley floor. Visitors to Tulare County are often left with the indelible image of the mountains rising above the lush, green valley.

The City of Visalia holds special memories for my family; my wife, Sharon Hamilton Thomas, was born and raised in Tulare County. She graduated from Redwood High School and attended the College of the Sequoias in Visalia. Sharon's parents, Mike and Georgia Hamilton, were active members of the community.

While Visalia's economy has its foundation in agriculture, and is the county's trade center for the products grown there, Visalia has, in recent years, broadened its economic base to include other enterprises, including food processing, printing, and manufacturing.

Mr. Speaker, I join the elected leaders, past and present, of Visalia and Tulare County, and the nearly 400,000 people who live there now, in congratulating the past 150 years, and wishing it well on the next 150.

HONORING SISTER HANNA CHRISTEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Sister Hanna Christen on the occasion of being honored by the Alurmni of the Armenian Evangelical High School in Anjar, Lebanon, at a ceremony taking place in Southern California on August 24, 2002. Sister Hanna served 30 years at the High School as a long time missionary from the Hilfsbund Missionary of Bad-Homburg in Frankfurt, Germany.

Sister Hanna Christen was born in the city of Rothenburg on the Tauber near Nuremburg, Germany. She was raised in a Christian home with her father as a preacher. Upon completion of her studies, her parents suggested she enter a Protestant monastery. She then became a nun and started providing her services to an orphanage. She continually felt a call from God for her to travel to another country and serve. She went to serve in the Boys' section of the Boarding School of the Armenian Evangelical High School of Anjar, Lebanon. She served as a missionary to these students who are now well established in communities throughout the United States. Since 1980, she has served in nursing homes in Beruit, Germany and now serves in Yerevan, Armenia.

Today, Sister Hanna is a certified general and geriatric nurse at the Nursing Home No. 1 of Yerevan, where she takes care of the residents' hygienic, emotional and spiritual needs. The 125 elderly residents of the home are grateful for the loving care and compassion of this German woman, who speaks fluent Armenian.

Sister Hanna is considered the "Mother Theresa" for Armenians, and she considers Armenia her "Hayrenik" (fatherland). She has adopted Armenia to be her homeland and continues to serve as a volunteer missionary for the Armenian Missionary Association of America (AMAA) gaining the respect and admiration of people for her humanitarian services.

Mr. Speaker, I want to congratulate Sister Hanna Christen for her dedication as a volunteer missionary and for touching the lives of so many. I invite my colleagues to join me in wishing Sister Hanna Christen many more years of continued success.

IN HONOR OF GENERAL MICHAEL J. WILLIAMS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. MURTHA. Mr. Speaker, today I recognize General Michael J. Williams, United States Marine Corps on the occasion of his retirement from active duty. General Williams has served our great Nation for a total of 42 years.

General Williams enlisted in the Navy in 1960, and served as a boatswain. He was commissioned a second lieutenant in the United States Marine Corps upon graduation from the U.S. Naval Academy in June 1967, and subsequently completed Naval Flight Training and was designated a Naval Aviator.

General Williams' operational tours include various squadron assignments in the United States, Republic of Vietnam, and Okinawa; Presidential Helicopter Pilot with Marine Helicopter Squadron One; executive officer Headquarters and Maintenance Squadron 16; commanding officer of Marine Helicopter Training Squadron 301; 2d Marine Aircraft Wing Inspector; executive and commanding officer of Marine Air Group 26, serving as commanding officer during Desert Shield and Desert Storm; assistant Division G–3 for 3d Marine Division and Commanding General of 2d Force Service Support Group and Commander Joint Task Force 160, responsible for providing humanitarian relief for Haitian and Cuban immigrants in Guantanamo Naval Base, Cuba.

His staff assignments include: company officer and executive assistant to the Commandant of Midshipmen at the U.S. Naval Academy; Marine Corps Program Development Officer and branch head in Requirements and Programs Division, Headquarters Marine Corps; Vice Director for Operational Plans and Interoperability, J–7, Joint Staff; Director of the Marine Corps Staff, Headquarters Marine Corps; Commander, Marine Corps Systems Command and Deputy Chief of Staff for Programs and Resources, Headquarters Marine Corps.

General Williams is concluding his illustrious career having served as the Assistant Commandant of the Marine Corps. In this capacity, he has been the principal advisor to the Commandant of the Marine Corps on all decisions of major consequence. His extensive and diverse background in operational and joint planning, professional military education and training, and budgetary and programmatic policy issues have been given wide credibility by decision makers in the Department of the Navy, the Joint Staff, the Office of the Secretary of Defense, and the United States Congress.

General Williams has made a lasting contribution to the capabilities of today's Marine Corps and the future shape of tomorrow's Corps. We are grateful for General Williams' dedication, sense of duty, advice and counsel, and exceptional work ethic. The Marine Corps will miss him, but General Williams leaves a large legacy for others to follow and emulate. I wish him and his lovely wife, Barbara, his son, Matthew, and daughter-in-law, Kimberly, all the best as they enter this new chapter of their lives.

HONORING THE CALVARY UNITED METHODIST CHURCH OF HARRISBURG, PENNSYLVANIA ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September, 5, 2002

Mr. GEKAS. Mr. Speaker, I am most honored today to recognize and commemorate the Calvary United Methodist Church of Harrisburg, Pennsylvania on their Golden Anniversary.

On October 25, 1953, the Reverend O.B. Poulson, the appointed acting pastor, held the first service in the basement of the Seventh Day Adventist Church in Harrisburg with just

65 people in attendance. Just over two years later on November 6, 1955, consecration services were held for the first Calvary Church chapel. However, the rapidly growing congregation quickly outgrew their beautiful new fellowship hall and so, on June 17, 1962 following a year of construction, a congregation of 1,154 members worshipped in a new sanctuary.

Over the last fifty years, the faith community of Calvary United Methodist Church has contributed to the greater community of Harrisburg and Central Pennsylvania in many countless and wonderful ways. By bringing together the faithful, Calvary Church is in fact planting a seed of compassion that grows and flourishes as the congregation reaches out to the community. The good works of the congregation become immeasurable as time passes and the community and the congregation become intertwined. Calvary Church has truly become a considerable element of the history of Harrisburg and Central Pennsylvania.

Mr. Speaker, I want to commend the Calvary United Methodist Church for its commitment to the faithful, and for its contributions to Central Pennsylvania. It is churches like Calvary Church that make the region, the Commonwealth, and our nation great!

SENATE—*Monday, September 9, 2002*

The Senate met at 12 noon and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, bless the families of our Nation.

Yesterday we celebrated Grandparents Day. Thank You for the special calling of grandparents to express esteem, encouragement, and affirmation to their grandchildren. In a very vital way, grandparents are able to communicate Your grace, Your unqualified and unlimited love, and the traits of Your character so needed in children in our culture.

Today we thank You for our own grandparents and all they contributed to our lives. Bless the Senators who have the privilege of being grandparents. Help them to be godly examples of what it means to know, trust, and serve You.

Most of all, Father, we pray for the strengthening of family ties that bind our hearts in love and mutual concern. There is so much in our culture that stretches and tears the fabric of the family. Help parents to put You and their families first in their priorities. May the inter-generational support of grandparents lift their burdens as they reap the blessings of raising children in Your moral and ethical absolutes. Bless the children of our land. Give them Your power to live confident lives. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEAHY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished senior Senator and grandfather from Nevada.

Mr. REID. That is true; 12 grandchildren, Mr. President, and one on the way.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at 1 p.m. today there be 30 minutes of debate on Executive Calendar No. 889, equally divided between the chairman of the Judiciary Committee, the Presiding Officer, and the ranking member, Senator HATCH, or their designees, prior to a 1:30 p.m. vote on the confirmation of a judge.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, we are going to have a period of morning business until 1 o'clock or shortly thereafter, with the first half of the time under the control of the majority leader and the second half under the control of the Republican leader.

We are going to have a debate at 1 o'clock dealing with the confirmation of Kenneth Marra to be a United States District Judge for the Southern District of Florida.

Following that vote, the Senate will resume consideration of the Homeland Security Act. Under the orders entered last Thursday, Senator THOMPSON will be recognized to offer an amendment. Following that, Senator BYRD will be recognized to offer an amendment. We hope there will be additional rollcall votes today, but we are not certain how long the debate will take on the homeland security amendments that will be offered.

We have a tremendous amount of work to do, and we will discuss that as the week wears on. Tomorrow morning we will go again to the Interior appropriations bill. We have an important vote on that tomorrow. We filed cloture, but in an effort to avoid that vote, there was an agreement made by the two leaders that we would vote on Tuesday morning on the disaster assistance part of the measure that is now before us.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, following which there will be a period of one-half hour, equally divided between the chairman and the ranking member of the Senate Judiciary Committee, or their designees.

Under the previous order, the first half of the time in morning business shall be under the control of the majority leader or his designee.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMPORTANT ISSUES BEFORE THE SENATE

Mr. REID. Mr. President, we have many important issues to consider in the limited time left in our legislative calendar, and therefore it is important we decide what our priorities must be.

President Bush has focused, in recent weeks, on Iraq, announcing his plans to send American troops there to accomplish the goal of a regime change. We have focused on the situation in Iraq now for about 3 weeks, or maybe more.

During the Presidency of his father, I was the first Democrat to announce publicly I would support the invasion in Desert Storm. I have no regret having done that. But there are, at this time, a number of questions that I think must be answered.

I expressed personally to the President on Wednesday in the White House that I thought there was a model to follow. It is a model that was created by President Bush, his father, and that model is one where there is support from the United Nations, the world

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

community. The people of this country supported the action President Bush had taken, and the Congress supported that action. That is a model that I think is one of success.

There have been some in the administration who have said we don't need help. I am happy to see the President has reached out to the Prime Minister of Great Britain and met with him Saturday at Camp David. Today he is going to meet with the President of France. That is important. He needs to do that.

But we have to be very careful—and that is an understatement—in sending men and women into battle. We have about 12,000 or 13,000 troops stationed in Nevada at Nellis Air Force, Fallon Naval Air Training Center, and at the Hawthorn Ammunition Depot.

I want to make sure these people and others who serve in the Armed Forces are sent to do the right thing. I think we have to be very careful in what we are doing in this instance. I don't know what validity should be placed on it but certainly some. One American inspector was quoted in all the national press today as saying Saddam Hussein does not have the ability at this time to do anything regarding weapons of mass destruction. A case has to be made for that.

I am certainly standing by with an open mind, looking forward to whatever the President and his people bring forward. But I think the burden of proof is that we have to have a case made to us.

We represent the American people, as does the President. We are separate branches of Government, but they are equal in nature. We have a role to fill. He has a role to fill. And to this point, there have not been Members of Congress—Democrats or Republicans—convinced that would be the right thing to do.

I think we all have open minds. The American people all have open minds, and we want to do the right thing.

I repeat for the third time today: I am willing to listen to the President. I have listened to the President. I have a record—I am not embarrassed—about supporting his father. I am not a big fan of the War Powers Act. I felt that way in the House; I feel that way in the Senate. This is more than the War Powers Act. This is a situation where we must have the support of the international community, at least some in the international community, and we must have the support of the American people. The President must have our support before there is an incursion into Iraq.

I acknowledge that Saddam Hussein is a bad person. He has gassed his own people. He has killed his own blood. He is a vicious, evil man. I am ready to do whatever is necessary to protect the American people and bring about stability. But we have to wait until those different requirements are met before we do that.

In the meantime, we cannot be Johnny one-note. We have to do what is necessary to be done in Iraq but also understand the American people face a tremendous domestic crisis. The economy continues to struggle. The American people are concerned about losing jobs, investment, retirement savings. America's slumping economy has severely impacted working families and retirees.

Two of the major economic concerns we in Nevada have are that we have to be convinced our pensions are safe and that the cost of health care is debated, including prescription drugs. We passed strong legislation, led by the Senator from Maryland, Mr. SARBANES, regarding corporate accountability. We will soon take up pension protection to provide additional security for American workers and retirees. Earlier this summer the Senate passed the greater access to affordable pharmaceuticals legislation. It didn't do everything I think should be done, but it did take some important first steps.

It didn't do a lot to deal with the Medicare prescription drug program. We should have as a component of Medicare prescription drugs. It is not right that seniors are struggling. It is not right that we, the only superpower in the world, have a medical program for senior citizens that does not include prescription drugs, even though the average senior citizen has 18 prescriptions filled every year. We need to take care of that.

The legislation we did pass, the greater access to affordable pharmaceuticals, would lower prescription drug prices because it would stop pharmaceutical company abuses that prevent generic drug competition. It would allow pharmacists, wholesalers, and consumers to import prescription drugs from Canada at a lower price than they can find in the United States, and it would allow States to extend Medicare rebates and discounts for prescription drugs to residents who don't have drug coverage—not everything, but certainly it is a step in the right direction.

I have previously shared the stories of Nevadans struggling to pay for prescription drugs they need to stay healthy and to live quality, pain-free lives. The legislation the Senate passed will help make lifesaving and life-enhancing medicines more affordable and thus more affordable to Nevadans and all Americans. Unless we enact the Schumer-McCain bill this year, consumers will not get any relief from the skyrocketing cost of drugs. The Senate has passed this important legislation. Now Americans are looking to the House to do likewise. Without this bill, drug prices will continue to drain the budget of everyone—the elderly, the uninsured, State governments, employers, labor unions, and other groups—all because brand-name drug companies have abused loopholes in the law and have profited handsomely.

The average price paid for a prescription for brand-name drugs is three times the prescription price of generics. This means the average consumer pays about $45 more for each brand-name prescription. The savings that this legislation we passed provides will really add up.

According to the Congressional Budget Office, this legislation would save American consumers about $60 billion over the next 10 years. The public has demanded action on the high cost of drugs. They are going up. This is supported by patient groups, employers, and insurance companies alike. They believe it is not the answer but one of the answers to end drug company abuses and close legal loopholes the industry exploits to block competition and keep drug prices artificially high.

Just as we decided to close the accounting loopholes abused by Enron and WorldCom, we need to finish the job and close the loopholes in our drug patent laws exploited by the big pharmaceutical companies.

I believe it is time for the House leadership to join us in ending these abuses that hurt patients every day.

I also told the President on Friday that when he gave a speech last week to a group of labor people in Pennsylvania saying: I am not for the trial lawyers; I am for the hard hats. I want to pass terrorism insurance, and that way we will create jobs—I told President Bush on Wednesday: If you want that legislation which you have talked about passed, you have to realize that you have to come out and get off this kick of having tort reform in addition to this terrorism insurance.

I said: Your friend, the Republican Governor of Nevada, Kenny Guinn, approached that in the right way. He called a special session of the legislature which ended about a month ago. The purpose of that special session was to do something about the increasing cost of malpractice insurance. The legislature met. They set certain limits on what you could get for pain and suffering. As a result of that, people walked away happy. That is where tort reform should take place, on the State level. Even if those people who believe in more tort reform want to do it, they can't do it on this terrorism insurance. I think it is a game being played; they really don't want terrorism insurance. They want to use tort reform as an excuse. That is one of the issues that is left pending, terrorism insurance.

They fought us every step of the way—they, the minority, fought us every step of the way. If the President really wants that, he needs to deal with the minority and allow this conference to be completed.

We need to do something about the bankruptcy bill. This has been going on for years, as the Presiding Officer, who was the architect of that legislation, knows. All the issues, we were told, had been resolved. This has been held up for about a year because of the people who are not in touch with—I don't mean this as not mentally competent, but not in touch with reality, in that how could you hold up legislation as important as this bankruptcy reform because of a provision we passed over here that said if you are an organization that goes to a clinic and trashes it, put this terrible smelling acid on it so that you have to really tear the place down and rebuild it, those people cannot discharge these acts in bankruptcy. That seems totally fair to me. But they are off on this abortion kick that somehow people who do something bad to these reproductive clinics—whether or not you agree with abortion, people should have to obey the law. You should not have the right to trash a place such as that so that it has to be torn down and totally refurbished and say I can file bankruptcy and just discharge it. No.

We thought it had been resolved a couple weeks ago. Obviously not. All the banks and all the others interested in bankruptcy reform should understand that is the only problem and the only reason we are not getting the bankruptcy legislation passed. That is a shame. The House should let us do that, just as they should let us do the antiterrorism legislation. It doesn't end there.

A lot of legislation is being held up; for example, our appropriations bills. We have 13 appropriations bills we must pass every year. We cannot complete work on those until the House does it because you lose the ability to object because an amendment is not germane. When the bill is brought from the House, they won't pass that. Why? We are under this legislative delusion that suddenly all this financial stuff is going to work out.

We have less than 20 days before this legislative session ends and they are still playing around. They never had a committee meeting on the Labor-HHS bill. It deals with the National Institutes of Health and so many other issues. It is a huge appropriations bill, extremely important for us. But the House is afraid to move on it because the President said he is only going to allow a certain amount of money to be spent there.

If that is exceeded, he will veto it. I say let's call him on that. Let him veto these important programs such as the National Institutes of Health. It is a little hard to do that when he and the administration have single-handedly destroyed the economy. Last year at this time we had a surplus of about $7.4 trillion for the next 10 years. That surplus is gone because of these tax cuts—well, about 25 percent of it is due to the war. The rest of it is due to the tax cuts and the bad economic policies. We have no surplus anymore.

So it seems to me what the President is trying to do is to create the illusion that he is fiscally responsible by not allowing us to pass our appropriations bills. In fact, what he will probably do in the multitrillion-dollar budget is that we will pass the appropriations bills, and he will probably veto a couple to say he is fiscally conservative, and all the problems are because of the prolific spending of the Congress, which is certainly not true. It appears that is what is happening.

The economy is in shambles. We are not having appropriations bills worked upon. It is just too bad. Because of the election that took place 2 years ago in Florida, we needed election reform. Senator DODD worked night and day getting election reform passed in the Senate. It is held up in the House. We cannot complete the conference.

I am very disappointed in what is happening. I think the administration is focused on the wrong things. I should say the wrong thing this time. They have tunnel vision on Iraq. I think everybody in the Senate has an open mind as to what we should do on Iraq. We can also focus on the domestic problems in this country, but we are not doing that. I think it is too bad. It is harmful to this country and it is certainly harmful to our getting work done.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I am going to speak in morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator is recognized for up to 10 minutes.

Mr. KYL. I thank the Chair.

CHINA

Mr. KYL. Mr. President, this week, which will be one Americans remember for a long time as the anniversary of the September 11 attacks of last year, a lot of second-guessing has been going on about what we might have done differently. Part of that is based on the fact that there was a lot of evidence that the United States should have been prepared to deal with the kind of attack that occurred, even if not at that precise time and place.

I think history will show, notwithstanding all of the evidence, it would have been very difficult for us to actually defend against those attacks, but it should not dissuade us from acting on similar evidence in the future.

I fear there is another situation developing which, both because we are focused on the war on terror and because it presents us with some unpleasant choices about what to do, is creating a similar situation where there is evidence that we should be paying attention to a problem, but either because we do not want to deal with it or because there is a lack of consensus about how to deal with it, the United States is not taking adequate precautions or taking adequate steps to deal with the situation.

What I have in mind is a concern that has been now discussed in two very recently released Government reports on the threat that is posed by the nation of China against the United States.

The first, produced by the congressionally-mandated United States-China Security Review Commission, offers a sobering analysis of the national security implications of the economic relationship between our two countries. It flatly states that trade alone has failed to bring about serious political change in China.

The second, the Defense Department's annual report on the military power of the People's Republic of China, paints an unsettling picture of China's military buildup, the main objective of which is to prepare that country for a military conflict in the Taiwan Strait, and to counter potential U.S. intervention in the conflict.

Proponents of unconditional engagement with China opine that the Chinese people's access to the Internet, modern telecommunications, and free trade will make that country a more free and open society. They suggest that entrenched vestiges of the Communist system will eventually fade away as new leaders, who are committed to capitalism, take the reins of power. In other words, economic freedom will invariably translate into political freedom, and democracy will be the clear result.

But, particularly with the release of these two reports, it seems more and more clear that China's willingness to engage in the world economy has not translated into evolution toward democracy. Indeed, the United States-China Security Review Commission concluded that:

> . . . Trade and economic liberalization have not led to the extent of political liberalization much hoped for by U.S. policymakers. The Chinese government has simultaneously increased trade and aggressively resisted openness in politically sensitive areas such as the exercise of religious, human, and worker rights.

Consider, for example, Chinese Government control over the Internet. While many expected that access to the Internet would facilitate the influx of Western ideas and values, the Commission stated that those hopes "have yet to be realized." Indeed, Beijing has passed sweeping regulations in the past two years that prohibit news and commentary on Internet sites in China that is not state-sanctioned. The Commission noted that China has even convinced American companies like Yahoo! to assist in its censorship efforts, and others, like America Online, to leave open the possibility of turning over names, e-mail addresses, or records of political dissidents if the Chinese government demands them.

It is impossible to predict China's future. That country has embarked on an uncertain path, opening its economy while simultaneously attempting to strengthen the Communist Party's political and social control. The consequences, given that Chinese policies run directly counter to U.S. national security interests, are potentially grave. Thus, the Commission established benchmarks against which Beijing's future progress can be measured, including China's proliferation of weapons of mass destruction; its cozy relationships with terrorists states like Iran, Iraq, and North Korea; its bellicose posture toward Taiwan; and its pursuit of asymmetric warfare capabilities to counter U.S. military capabilities.

China's proliferation of technology and components for ballistic missiles and weapons of mass destruction to terrorist-sponsoring states—including North Korea, Iraq, Iran, Syria, Libya, and Sudan—is of serious concern. The Commission found that, despite numerous bilateral and multilateral pledges to halt that proliferation, "Chinese proliferation and cooperation with [such] states has continued unabated."

Just in the past year, the administration has sanctioned Chinese entities three times for their proliferation to Iran of equipment and materials used to make chemical and biological weapons. Yet these sanctions are unlikely to curb China's proliferation activities. As the Commission concludes, "Current U.S. sanctions policies to deter and reform Chinese proliferation practices have failed and need immediate review and overhaul."

The Commission recommended that the United States expand the use of economic sanctions to apply against entire countries, rather than just individual entities. Suggested sanctions include import and export limitations, restrictions on the access of foreign entities to American capital markets, restrictions on direct foreign investments in an offending country, and restrictions on science and technology cooperation.

I should note that these measures are very similar to those proposed by my distinguished colleague from Tennessee, Senator THOMPSON, in 2000 during the debate on granting China permanent normal trade status. His amendment, which I strongly supported, was rejected by this body.

As to Taiwan, Beijing is deadly serious about pursuing unification—through force, if necessary—with our long-standing, democratic ally. The Chinese military is actively pursuing capabilities and strategies that it would need to accomplish that task, and according to the Commission, it is believed that the military has been directed to have viable options to do so by 2005 to 2007.

Mr. President, let me repeat that: It is believed that the Chinese military has been directed by the Communist leadership to be prepared to move against Taiwan by 2005 to 2007. If there is one sentence in this report that ought to serve as a wake-up call, this is it.

What is so significant about that time-frame is that, during those two years, a number of factors fall in line. First of all, the Defense Department has projected that the balance of power across the Taiwan Strait will shift toward China by 2005. Second, it is estimated that our theater missile defense system, which China fears we will share with Taiwan, will be up and running by 2007. Finally, it is estimated that China's myriad conventional weapons recently purchased from Russia—including submarines, fighter jets, and air-to-air missiles—will become fully operational within that 2-year period.

Indeed, the Defense Department, in its report, concluded that China's "ambitious military modernization casts a cloud over its declared preference for resolving differences with Taiwan through peaceful means." The Pentagon observes that, over the past year, Beijing's military exercises have taken on an increasingly real-world focus aimed not only at Taiwan, but also at increasing the risk to U.S. forces and to the United States itself in any future Taiwan contingency.

The Defense Department warns that China's "military training exercises increasingly focus on the United States as an adversary." Its military modernization concentrates on weapons that could cripple our military strength, including anti-ship missiles to counter our naval fleet and cyber-warfare to disrupt our infrastructure. Beijing is also modernizing its ballistic missile program, improving its missile force across the board both quantitatively and qualitatively. Beijing currently has about 20 inter-continental ballistic missiles, ICBMs, capable of targeting the United States, is projected to add up to 40 longer-range, road-mobile missiles by 2010.

In light of the Pentagon's conclusions, it is more important than ever that the United States provide Taiwan in a timely manner with the equipment and training it needs to defend itself against a potential Chinese attack. That training should include joint operational training, which would facilitate an allied U.S.-Taiwan response to an attack on Taiwan by China. Taiwan is currently outnumbered 10 to 1 in combat aircraft, 2 to 1 in ships, 60 to 4 in submarines, and its air force is beginning to lose its qualitative edge over China.

The United States should also expand and multilateralize its security relationships with Taiwan and other allies in East Asia to deter potential Chinese aggression. No doubt China is a very different country than the former Soviet Union, but there is something to be said for the deterrent factor that comes with a NATO-like coalition. As President Bush stated during his campaign, "We should work toward a day when the fellowship of free Pacific nations is as strong and united as our Atlantic partnership . . ."

Additionally, the United States needs to develop and deploy missile defenses at the earliest possible date. I am pleased that President Bush recognizes the importance of having such a defensive system, and has made it a top priority among our military objectives.

What is frustrating is that the United States continues to play a facilitating role in China's military buildup and its proliferation of dual-use technologies—technologies that have civilian and military uses—to rogue states. China's buildup and its proliferation both harm U.S. national security. The United States China Security Review commission agreed with the conclusion of the 1998 Rumsfeld Commission that:

> The U.S. has been and is today a major, albeit unintentional, contributor to the proliferation of weapons of mass destruction [through] foreign student training in the U.S., by wide dissemination of technical information, by the illegal acquisition of U.S. designs and equipment, and by the relaxation of U.S. export control policies.

Our progressive relaxation of controls on the export of high performance computers is just one example. These computers can assist China in its efforts to rapidly design modern nuclear weapons and their delivery systems.

Our lax controls over the export of these computers allow China to legally obtain U.S. technology that helps to improve its military capabilities. Indeed, the Commission concluded that, despite the existence of nominal controls, most high performance computers are no longer licensed and monitored.

Not only is China using U.S. technology to build its own military capabilities, it is transferring this technology to countries that support international terror networks. The China Commission found that:

> Chinese firms have provided dual-use missile-related items, raw materials, and/or assistance to Iran, North Korea, and Libya.

Chinese companies have also exported substantial dual-use telecommunications equipment and technology to countries like Iraq. Media reports indicate that the Chinese firm Huawei Technologies—an important player for many U.S. firms who want to reach the Chinese telecom and data communications market—assisted Iraq with fiber-optics to improve its air-defense system. This was not only a violation of U.N. sactions, it also greatly increased the danger to U.S. and British pilots patrolling the no-fly zones.

Despite the serious concerns of some policymakers, Members of this body, and others about the national security implications of transfers of such technology to China, the Senate, in September 2001, passed S. 149, the Export Administration Act. If enacted, this legislation would significantly relax our export control regulations and make it far easier for China to obtain sensitive U.S. technology. it would decontrol a number of items—including electronic devices used to trigger nuclear weapons and materials used to build missiles and produce nuclear weapons fuel—by giving these items "mass market status."

Mr. President, it is my hope that, as the anniversary of September 11 approaches, the administration and Congress recognize the potential danger of allowing business interests to continue to trump our national security needs. I am a strong proponent of free trade and open markets. But our national security should not be sacrificed for potential commercial gain. The federal government's first responsibility is the protection of the American people.

How the United States chooses to manage its relationship with China will have a far-reaching impact on our long-term national security. As that country continues to play a more prominent role on the world stage—no doubt a product of its economic liberalization—it is imperative that U.S. policy appropriately address not only our trade relationship, but also the threat posed by China to U.S. national security. Our actions should be based not on wishes, but on facts—even if they are unpleasant.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

PRIORITIZING ISSUES

Mr. THOMAS. Mr. President, I will talk a little about the issue we are currently dealing with in this Chamber, which is the Interior appropriations bill. It is a bill that is very important to those of us from the West. Being from Wyoming, it is a particularly interesting and important issue.

I listened to the assistant majority floor leader talk a little this morning about the importance of moving on with the issues we have before us. He enumerated the very many issues he considers apparently to be of primary importance. We are going to have to move forward, but we are going to have to make some priorities. We obviously do not have a great deal of time.

Many of the issues the Senator from Nevada mentioned are issues that have been around for a long time, without much push from the leadership to do anything about them until now. I hope we do not find ourselves dealing with too many issues and dealing with them insufficiently.

I hope we set priorities for where we are going to spend the rest of our time. My reaction is we need a little less talk and a lot more action.

With regard to Interior, for those of us in the West, one of the issues—especially in the case of Wyoming—is that half of our State is Federal land and managed, to a large extent, by those agencies that are funded in the Interior bill. This is a bill of about $19.5 billion, which is a little more than last year but generally about the same.

It is interesting that these agencies do create some revenues, mostly through royalties and minerals. About $6 billion worth of revenue comes from these activities.

The Bureau of Land Management handles a great deal of the land in our State. It has a great deal to do with multiple use. It has a great deal to do with our opportunity to go ahead and use those lands for the various kinds of activities that are good for the local economy, good for the Nation, and good for energy, for example, and at the same time protect the environment, which is also key to what we are doing.

I will comment further on PILT, payment in lieu of taxes. When a county could have as much as 80 percent of the land controlled and owned by the Federal Government, they have a real problem with tax revenues. Those lands would be earning revenue if they were in Maryland and owned privately. When they are owned by the Federal Government, there is no tax revenue. That is what the Payment in Lieu of Taxes Program is designed to do.

We also have the Wild Horse and Burro Program. We all want to preserve wild horses. They are spread over the country—some in Nevada, some in Wyoming, some in other States. However, we have a problem with overpopulation. It is an issue that exists with most wild critters. No one wants to do anything in particular to hold down the numbers. In the past, the numbers grew until there was not enough food and they starved to death. We do not want to do that. There has to be a particular number of wild horses, or elk, whatever, that can thrive; there is only so much vegetation for a certain number. Beyond that we have to do something. It is not an easy issue but we must deal with it. That is important.

The Forest Service is one of our national treasures. We need to preserve the Forest Service; we need to preserve the forests. We have done a good job. This year has been extremely difficult when it comes to wildfires. We have lost 6 million acres. We are faced with the question of how to better prepare and eliminate some of those fires. There are programs out there. The administration has one now that will be included in an amendment to this bill that allows thinning and allows ways to avoid fires rather than putting our energy into fighting fires.

I grew up next to the national forests in Wyoming. We were halfway between Cody, WY, and Yellowstone Park. It is a beautiful area with a great many trees and occasional threats from fires. There are cabins and buildings. We have a plan, if we could implement it, to hopefully avoid some of the fires.

The National Park System is one of the big activities in the Interior Department. We have 385 national parks in this country. Some are large. In Wyoming, we have Yellowstone, the oldest and largest park in the country. We have had a chronic problem of maintaining the infrastructure of the parks. They have millions of visitors, generally on a seasonal basis, during a relatively short time. The administration has promised to put $4.5 million into infrastructure so we can keep the parks available for people to enjoy and visit. That is our responsibility. The Interior dollars are very important.

Other activities of concern include the Fish and Wildlife Service, mining, as well as some research on energy and fossil technology and clean coal technology. Along with that is the U.S. Bureau of Indian Affairs. We are providing the best service we can to Native Americans. We are providing an opportunity for them to continue to begin to build as strong an economy as possible.

For a moment I will talk about the Payment in Lieu of Taxes Program. The Senate appropriates approximately $220 million for that PILT Program—more than it has ever received. We have not yet reached the appropriation to be equivalent to the authorization. Nevertheless, we have made some progress. This year, 67 of my colleagues joined in a request to increase PILT to help more than 2000 counties and local governments. When there is a county that has anywhere from 50 to 90 percent Federal lands, it is up to the county to provide the services necessary—whether it be law enforcement, fire, whatever. Those are county responsibilities. Therefore, there needs to be some revenues from the land. That is what these payments are about. We are moving toward that. I thank the committee for moving as they have toward reaching the authorization of the funds available. Certainly that authorization is not totally enough to fill all the needs, but it is an improvement over the past.

This also gives an opportunity for those counties to create their own financial structure, much of which often is tourism, which, again, is costly. I thank the committee for what they have done with respect to payments in lieu of taxes to the counties. I hope we are able to include that. Our allocation is larger than the House and we need to bring that up so we have a satisfactory arrangement.

In the West we have had 3 years of very low rainfall, actual drought. It is very difficult. In Washington, it is normal to have 50 inches of rain a year. In Wyoming, it is more likely to be an average of 16 or 17 inches. It is a low precipitation area at best. Therefore, we irrigate. Irrigation water generally comes from reservoirs, from the runoff of snowfall that is captured in the mountains and let down during the summer. We have had relatively slow snowfall over the last several years and therefore our reservoirs are getting low and have been very low this year. We have had, certainly, a bona fide drought problem—not only in Wyoming but all through the area, including the Dakotas and down. There has been a great deal of discussion about it. On the Agriculture Committee we talked about that a great deal. The Agriculture Committee bill as prepared does not deal with drought. We think they will get support in the area of crops, but it is based primarily on loans after the product is sold. If you did not produce a product, there is nothing there. That is why we need to have disaster assistance. There will be less spending in the Agriculture bill because there will be less crops grown—with a higher price because there are less—but many farmers and ranchers will not produce a crop.

We should offset some of that to the farm bill spending. Whether we offset it or not, the fact is there will be less money spent in that area than could be spent. Therefore, what we spend here could replace what was there. I hope that is the approach we take.

We should have some limitation on how much we have there, but, indeed, it is a big issue and it will be a $5.5 billion issue to be able to deal with the losses that agriculture has suffered.

I hope, too, we do not simply focus on farm crops. Again, in my State, the biggest agricultural area is livestock. Livestock people have suffered as well. What has happened is there is no grass for grazing where the cattle are on private lands. In some cases where there has been grazing allowed, in the forests or BLM, Federal lands, there has not been a sufficient amount of grass. Ranchers have had to sell cattle because they have not had the feed and will not have the feed this winter.

When we do talk about agriculture, the idea often—particularly in some Midwestern States—is that just refers to farmers. I want to tell you it is farmers, but it is also those who raise livestock, cattle, and sheep. People who are in that business need to be recognized as well, in terms of what we do here to help the agricultural industry during the drought. We will be dealing with that. We will come back to it.

I say again I hope we can set some priorities for the relatively limited amount of time left of this Congress. I hope that we select those items that are timely, that need to be done. I understand when we come to the end of a session everybody has ideas of things that they would liked to have happened that did not happen, but we are not going to be able to do all those things. So what we have to do collectively is show some leadership as to which of those issues should be dealt with. Then we can do that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

GRANDPARENTS DAY

Mr. LEAHY. Madam President, first, on a personal basis, earlier, at the opening of the session, it was noted that yesterday was Grandparents Day. I send my best to all those who are grandparents. The Presiding Officer, of course, is far too young to know the joys of that time in our lives. She does have the joy of two of the most beautiful children anybody has seen in the Senate family. But there will be a day when the other will come. The ranking member and I have the joy of being grandparents.

So I wish all grandparents the best and also extend special wishes to one growing, shameless Leahy.

After that outrageous usurpation of the podium, Madam President, probably, if my wife is watching, she is probably beginning to wonder if I took too much time off in August.

UNANIMOUS CONSENT AGREEMENT

Mr. LEAHY. Madam President, I ask unanimous consent regarding the time of the chairman and the ranking member of the Judiciary Committee that was originally set to be half an hour evenly divided, that we still have that half hour evenly divided, and the vote then begin after the expiration of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF KENNETH A. MARRA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will proceed to executive session and proceed with the consideration of Executive Calendar No. 889, which the clerk will report.

The legislative clerk read that nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I do believe that Judge Kenneth Marra will be confirmed to the U.S. District Court for the Southern District of Florida. I have heard of no opposition. This is a judge who got strong bipartisan support in the Senate Judiciary Committee, which usually guarantees a confirmation on the floor. When that happens, the Democratic-led Senate will confirm its 74th judicial nomination made by President George W. Bush. This will also be the 25th judicial emergency vacancy that we have filled since I became chairman last summer, and the 18th since the beginning of this year.

The confirmation of Judge Marra will bring additional resources to the U.S. District Court for the Southern District of Florida. Judge Marra was nominated to fill a new position Congress created by statute to address the large caseload, particularly the immigration and criminal cases, facing the Federal court in Florida. He is one of three Federal judicial nominations on the Senate Calendar for action.

I recall during the past administration, the Clinton administration, we all worked very hard in cooperation with Senator GRAHAM and Senator MACK to ensure that the Federal court in Florida had its vacancies filled promptly with consensus nominees. Due to the bipartisan cooperation between one Democrat Senator and one Republican Senator and a Democratic President, the Senate was able to confirm 22 judicial nominees from Florida, including 3 nominees to the Eleventh Circuit. But it is unfortunate that this tradition of cooperation, coordination, and consultation has not continued with the current administration.

By my recollection, it was only the nomination of Judge Rosemary Barkett of the Florida Supreme Court to the Eleventh Circuit that generated any significant controversy or opposition. I do recall that she was strongly opposed by a number of Republican Senators because they did not agree with her judicial philosophy. Those voting against her included Senators HATCH, GRASSLEY, MCCONNELL, SPECTER, and THURMOND, as well as Senators LOTT, NICKLES, and HUTCHISON of Texas. They have an absolute right to do that, of course. I respect that right. Judge Barkett received the highest rating of the ABA, "well qualified," and yet 36 Republicans voted against her confirmation, even though she had the strong bipartisan support of her home State Senators. Recent claims by some that it is unprecedented to vote against a judicial nominee with a "well qualified" rating and to vote against her based on her judicial philosophy thus ring hollow.

Unfortunately, that is not the way the administration has dealt with Senators GRAHAM and NELSON now. But it is a tribute to Senator GRAHAM and Senator NELSON that we have made the progress we have had. They could very easily have exercised their right as Senators and refused to accept the nominees of President Bush. Of course, they would go no further under the blue-slip policy that both Republicans and Democrats strongly support. But they have been more than gracious in their willingness to support these nominees. That is why they have gone through.

This Democratic-led Senate has expeditiously moved President Bush's judicial nominees. We have worked hard to provide bipartisan support for the White House's nominations in spite of an almost unprecedented lack of willingness on the part of the White House to work with us.

In fact, I have been here 26 years: During the terms of President Ford, President Carter, President Reagan, President George Herbert Walker Bush, President Clinton, and now President George W. Bush. This administration is the least willing of any White House during all that time—Republican or Democrat—to work with the Senate on judicial nominations. But even without that cooperation, even with the unprecedented lack of cooperation, we are making progress.

I would like to discuss the progress we have made. This chart shows what has happened in the 15 months the Democrats have controlled the Senate. Contrast that to the Republicans' first 15 months when they controlled the Senate. In less than 15 months of Democratic control of the committee, we have held more hearings for more nominees, voted on more nominees in committee, and confirmed more nominees than the Republicans did in their first 15 months of control of the committee in 1995 and 1996.

We have confirmed more of President George W. Bush's Federal trial court nominees in less than 15 months than were confirmed in the first 2 years of his father's Presidency. In fact, we confirmed more in the first 15 months than the Republicans were willing to confirm in their last 30 months.

I mention this because there seems to be some idea that somehow the Democratic-led Senate is holding up judges. I think most of the Presidents with whom I have served would have been delighted to have had a Senate as cooperative as we have been.

Let me repeat that. In 15 months, Democrats have done more on judicial confirmations than Republicans did in 30 months.

They, on the other side, do not want to compare our record of accomplishment in evaluating judicial nominees with theirs in their prior 6½ years of control. They do not want to own up to their delay and defeat through inaction of scores of judicial nominees during the last administration.

All too often the only defense of their record we hear is the claim that President Clinton ultimately appointed 377 judicial nominees, 5 fewer than President Reagan. This statement overlooks the fact that the Republicans only allowed 245 of President Clinton's judicial nominees to be confirmed. That averages, incidentally, to about 38 confirmations per year during their 6½ years of control. We confirmed 74 judicial nominees in less than 15 months, including 13 to the circuit courts. I believe we have reported 80 out of the Judiciary Committee.

I mention this because of the persistence of the myth of inaction in face of such in the face of such a clear record of progress by Democrats. After a while, if someone keeps distorting the facts, if someone keeps stating things that are not true, people actually come to believe it is true. I am reminded of what Adlai Stevenson once said. I will quote him:

> I have been thinking that I would make a proposition to my Republican friends . . . that if they will stop telling lies about the Democrats, we will stop telling the truth about them.

The truth is, of course, as these charts show, that we have a pretty good record of accomplishment despite the lack of cooperation from the administration.

With today's vote, the Democratic-led Senate will confirm its 74th judge—exceeding the number of circuit and district court nominees confirmed in the last 30 months of Republican control of the Senate. We have done more than Republicans did, and we have done it in less than half the time.

We have confirmed more of this President's nominees, both circuit and district court nominees, in less than 15 months, than were confirmed in the comparable 15 months of the first term of former President Reagan, the first President Bush, and President Clinton.

Let's take a look at what has happened in the first 15 months. With today's vote, the Democratic-led Senate has confirmed 74 of this Republican President's judicial nominees in less than 15 months.

Under President Reagan—and incidently, I might point out, he had a Senate of his own party—there were 54 confirmation in the first 15 months. Under George H. W. Bush, there were 23; for the first 15 months of President Clinton, 45. Incidentally, that is with a Senate under the control of his own party. And now, in 15 months, under President George W. Bush, we have had 74 judicial confirmations—74. By any standard you want, here is a case where a different party than the President has controlled the Senate, and we have done more than was done for President Reagan when his own party controlled the Senate, for President Bush when another party controlled the Senate, for President Clinton when we, the Democrats, controlled the Senate.

It shows we can move and will move, and we have been doing that notwithstanding the fact that there has been less cooperation from the White House than I have seen with either Democratic or Republican Presidents in 26 years in the Senate. It is unfortunate.

President Bush will probably get a record number of his judges through at the current pace of confirmations. But I have to think how much better it could be done with less rancor and with even a modicum of cooperation. We have acted fairly and expeditiously notwithstanding the fact that Democrats have felt very concerned that for year after year after year after year in many of the circuit courts of this country, Republicans refused to even hold hearings for the nominees, even though they had the highest ratings of the American Bar Association. They would not even hold hearings, to say nothing about having a vote.

Then when the Republicans came in, suddenly there was an emergency; they had to fill the vacancies in those circuits. Their obstruction created the problem. But notwithstanding that, in many of those cases where Democrats were not allowed to even have a hearing year after year after year, we have in the last 15 months moved forward with hearings and votes, and positive votes, on the vast majority of his judicial nominees.

I have no idea what political game is being played at the White House. I know the people are very nice. Judge Gonzalez is a very nice, very polite person. He is charming to be with. But the cooperation is not there. The President is very nice, very charming. But the cooperation is not there. We could do far better if they would just pick up the phone and call the last three people from the last three Republican administrations—they do not even have to call a Democratic administration—and see how well this could be done.

As the distinguished ranking member, my good friend from Utah, knows, I went down several times and worked with the Clinton White House so they could have cooperation with, and they did cooperate with, Republican Senators in moving through judges. I would hope that with that precedent in mind, some might do the same.

Democrats have reformed the process for considering judicial nominees to ensure bipartisan cooperation and greater fairness. For example, we have ended the practice of secretive, anonymous holds that plagued the period of Republican control, when any Republican Senator could hold any nominee from his or her home state, his or her own circuit or any part of the country for any reason, or no reason, without any accountability. We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have held 23 judicial nominations hearings in our first 13 months, an average of almost two per month.

In contrast, during the six and one-half years of Republican control, they went 30 months without holding a single judicial nominations hearing. By holding 23 hearings for 84 of this President's judicial nominees, we have held hearings for more circuit and district court nominees than in 20 of the last 22 years during the Reagan, first Bush, and Clinton Administrations.

As this chart shows, we have held more hearings for President Bush's judicial nominees in less than 15 months than were held in 15 months for any of the past three Presidents. In the first 15 months of the first term of President Reagan, 17 judicial nominations hearings were held. In the first 15 months of President George H.W. Bush's term, 11 hearings were held. And, in the first 15 months of President Clinton's first term, 14 judicial nominations hearings were held. In contrast, we have held 23 hearings in less than 15 months. That is almost as many as were held in the first 15 months of the terms of the first President Bush and President Clinton combined. We have more than exceeded the number of hearings held in the last 30 months of Republican control of the Senate, when they held only 15 hearings.

While some complain that a handful of circuit court nominees have not yet had hearings, they fail to acknowledge that Democrats have held hearings for more of President Bush's circuit court nominees, 18, than in any of the six and one-half years in which the Republicans controlled the Committee before the change in majority last summer. Republicans have utterly failed to acknowledge this fairness and progress under the Democratic majority. The myth of obstruction of judicial nominees fits their political strategy better than the truth.

The years of Republican inaction on a number of circuit court vacancies has made it possible for Democrats to have several "firsts," or astounding accomplishments in addressing judicial vacancies. For example, we held the first hearing for a nominee to the Sixth Circuit in almost five years (that is more than one full presidential term) and confirmed her, even though three of President Clinton's nominees to the Sixth Circuit never received a hearing or a vote. We held the first hearing on a Fifth Circuit nominee in seven years (including the entire period of Republican control of the Senate) and confirmed her last year, while three of President Clinton's Fifth Circuit nominees never received hearings or votes on their nominations. We held the first hearing on a Tenth Circuit nominee in six years, and we have confirmed two of President Bush's nominees to the Tenth Circuit, while two of President Clinton's nominees to that circuit never received hearings or votes. We held the first hearing for a Fourth Circuit nominee in three years, for Judge Roger Gregory, and the first hearing for an African American nominee to that court in United States history, even though Judge Gregory and four other nominees to that circuit (including three other African Americans) never received hearings or votes during Republican control of the Senate. These are just a few examples of the historic accomplishments of the Democratic-led Senate which debunk Republican myths that Democrats caused the vacancy crisis, are delaying judicial appointments or have been retaliating for years of obstruction on circuit court vacancies by Republicans.

There were only 16 circuit court vacancies when Republicans took over the Senate in January 1995. Unfortunately, from January 1995 until Republicans relinquished control and allowed the Judiciary Committee to be reorganized in the summer of 2001, circuit court vacancies more than doubled from 16 to 33. Republicans executed a partisan political strategy to hold vacancies open on the circuits for a Republican president to fill. It would certainly have been easier and less work for Democrats to retaliate for the unfair treatment of the last President's circuit court nominees. We did not. We have been, and will continue to be, more fair than the Republican majority was to President Clinton's judicial nominees.

Here is another chart that shows that more of President Bush's judicial nominees have been given committee votes than the nominees of prior presidents. Unlike my Republican predecessor, I have scheduled hearings and votes on district and circuit court nominees whom I do not support. The Judiciary Committee has voted on 82 judicial nominees and favorably reported 80. In less than 15 months, we have voted on more of President Bush's district and circuit court nominees than were voted on in the first 15 months of any of the past three Presidents. Moreover, we have voted on more nominees in less than 15 months than were voted on in the first 15 months of Presidents Reagan and George H.W. Bush combined, or Presidents George H.W. Bush and Clinton combined. We have even voted on more nominees in less than 15 months than were voted on in the last 30 months of Republican control of the Senate, when 73 nominees were voted on by the Committee.

Because we have moved quickly and responsibly, the number of vacancies is not at the 153 mark it would be had we taken no action. Vacancies have been reduced to 79 and are headed in the right direction. On July 10, 2001, with the reorganization of the Senate, we began with 110 vacancies. When Republican gained control of the Senate in 1995 the federal judicial vacancies numbered 65. The vacancies increased during their six and one-half years to more than 110. Under the Democratic majority, by contrast, the number of vacancies is being significantly reduced. Despite the large number of additional vacancies that have arisen in the past year, with the 61 district court confirmations we have as of today, we have reduced district court vacancies to 50, almost to the level it was at when Republicans took over the Senate in 1995.

In fact, when we adjourned for the August recess we had given hearings to 91 percent of this President's judicial nominees who had completed their paperwork and who had the consent of both of their home-State Senators. That is, 84 of the 92 judicial nominees with completed files had received hearings.

When we held our most recent hearing on August 1, we had given hearings to 66 district court nominees and we had run out of district court nominees with completed paperwork and home-State consent. Only two district court nominees were eligible for that hearing. This is because the White House changed the process of allowing the ABA to begin its evaluation prior to nomination. This change has cost the federal judiciary the chance over the last year to have 12 to 15 more district court nominees on the bench and hearing cases, because now the ABA can only begin its evaluation once the nomination is submitted to the Senate. The ABA also must wait until the Administration provides the Senate with the nominee's public questionnaire, and lately the nominees' documents have been arriving on a delayed basis, as well. Indeed, many of the two dozen nominations most recently received will likely not get hearings before adjournment this year in large measure because the White House unilaterally changed the process for consideration and has built additional delays into it.

In January I had proposed a simple procedural adjustment to allow the ABA evaluation to begin at the same time as the FBI investigation, as was the practice in past Republican and Democratic Administrations over 50 years. Had this proposal been accepted, I am confident there would be more than a dozen fewer vacancies in the federal courts. Instead, our efforts to increase cooperation with the White House have been rebuffed. We continue to get the least cooperation from any White House I can recall during my nearly three decades in the Senate. Yet, even with such lack of cooperation from the White House, the Senate has set an impressive rate of confirming judicial nominees.

Here is another chart that shows how Democrats have dramatically reduced the time between nomination and confirmation of circuit court nominees. Since the Democrats assumed the majority last July, the average time to confirm circuit court nominees has been drastically reduced to 147 days, from a high during the most recent years of Republican control of 374 days. We have reduced the average time from nomination to confirmation to two-and-a-half times less than the average time to confirmation during Republican control during the 106th and 105th Congresses when it took an average of 374 and 314 days, respectively, to confirm President Clinton's circuit court nominees.

The Judiciary Committee has reported two more circuit court nominees favorably to the Senate. We have held hearings on 18 circuit court nominees and the Judiciary Committee has already voted on 17 of those 18 nominees.

In spite of the obstacles the White House has put in the way of their own nominees through their lack of consultation and cooperation, we have been able to have a productive year while restoring fairness to the judicial confirmation process. I regret that the White House has chosen the strident path that it has with respect to judicial nominations, especially to the circuit courts. As several Senators noted last week, the Administration does not have carte blanche to insist on an ideological takeover of the Courts of Appeals with activist ultra-conservative nominees intended to tip the balance in circuits around the country. The total number of district and circuit court confirmations now stands at 74, and there remain a few weeks left in this session. So while we have been working hard and productive, the Judiciary Committee and the Senate have not become a rubber stamp.

I am proud of the efforts of the Senate to restore fairness to the judicial confirmation process over this time. The Senate Judiciary Committee is working hard to schedule hearings and votes on additional judicial nominees, but it takes time to deal with a mess of the magnitude we inherited. I think we have done well by the federal courts and the American people, and we will continue to do our best to ensure that all Americans have access to federal judges who are unbiased, fair-minded individuals with appropriate judicial temperament and who are committed to upholding the Constitution and following precedent.

When the President sends judicial candidates who embody these principles, they will move quickly, but when he sends controversial nominees whose records demonstrate that they lack these qualities and whose records are lacking we will take the time needed to evaluate their merits and to vote them up or down.

I would like to thank the Members of the Judiciary Committee who have labored long and hard to evaluate the records of the individuals chosen by this President for lifetime seats on the federal courts. The decisions we make after reviewing their records will last well beyond the term of this President and will affect the lives of the individuals whose cases will be heard by these judges and maybe millions of others affected by the precedents of these decisions of these judges.

Before anyone takes for granted how fairly Democrats have treated this President's judicial nominees, receiving up or down votes, they should take a look at how poorly judicial nominees were treated during the 6½ years of Republican control of the Senate. In all, several dozen judicial nominees of President Clinton never received a hearing or a vote.

When confronted with this, Republicans often lament that about 50 of the first President Bush's judicial nominees did not get a hearing before the end of the session in Congress in 1992. What they consistently fail to mention about this, however, is quite revealing. That year, the Senate confirmed more of President George H.W. Bush's judicial nominees than in any year of his presidency. He had 66 judicial nominees confirmed that year, but the Senate simply could not get to the other 53 nominees he submitted in response to the creation of dozens of new judgeships. So, even though some of his nominees were returned, the Senate confirmed a substantial number, 66, of his judicial nominees in the 10 months they were in session that year, which was an election year, by the way.

Perhaps coincidentally, 66 is the highest number of judicial confirmations in one year that Republicans ever allowed President Clinton to reach. They averaged 38 judicial confirmations per year. In the last two years of the Clinton Administration, Republicans allowed only 33 and 39 judges to be confirmed, respectively in 1999 and 2000. President George H.W. Bush had 66 confirmations in his last year of office, an election year. In President Clinton's last year in office only 39 judges were confirmed, during Republicans control. In 1996, Republican allowed only 17 judges to be confirmed, none to the circuit courts. In those two election years combined Republicans allowed only 56 confirmations. In 1992, an election year, Chairman BIDEN pushed through 66 confirmations.

Unlike Democrats in 1992, Republicans cannot honestly claim that they moved a substantial number through but could not get to them all. Confirming only 39 judicial nominees in 2000 and returning more than that, 41, in that year alone, simply does not compare with what happened in 1992 when Democrats worked hard to move through 66 of the first President Bush's judicial nominees in the space of 10 months. If 66 was such an easy number to reach, why did Republicans reach that level only once in six years of control? The answer is easy. They did not want to do so. I think Republicans wanted to ensure that they never treated President Clinton better than the best year of former President Bush (his last year) and they wanted to ensure that President Clinton did not beat President Reagan's number of confirmations, as a matter of partisan pride.

Had Republicans kept up the pace of confirmation set by Democrats in the first President Bush's last year and the first two years of the Clinton Administration, President Clinton would have appointed substantially more than the 377 judges who were ultimately confirmed in his two terms as president, and the Democratic-led Senate Judiciary Committee would not have begun last July with 110 vacancies. Ironically, perhaps, Democrats have been so fair to President George W. Bush, despite the past unfairness of Republicans, that if we continue at the current pace of confirmation and vacancies continue to arise at the same rate, then Bush will appoint 227 judges by the end of his term. If he were elected to a second term, at the current pace, he would amass 454 judicial confirmations, dramatically more than President Reagan, who Senator HATCH often calls the all-time champ. This, too, demonstrates how fair Democrats have been. Perhaps some may say we have been foolishly fair, given how Democrats were treated in the past. We have exceeded the pace set in 1992, 1993 and 1994, with 74 confirmations to date in little more than a year.

In fact, when we adjourned for the August recess we had given hearings to 91 percent of this President's judicial nominees who had completed their paperwork and who had the consent of both of their home-State Senators. That is, 84 of the 92 judicial nominees with completed files had received hearings.

Any way you look at the numbers, raw numbers or percentages, comparisons with the prior six years of Republican control or with prior Congresses and Republican presidents, the Democrats have done more in less time. We have been more fair by far. Yet we have been unfairly labeled as obstructionist because we have not been able to have hearings for every single judicial nominee in the short period we have been in the majority. This President still has over two years left in his term.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise today to respond to some of the amazing assertions made by my distinguished colleague and friend from Vermont. Of course, I do so with some trepidation because each time we have a back and forth like this one, I help my colleague further the impression that he is out to create and that he has done a good job of creating, especially with the press.

The impression my colleague is seeking to create is that both sides come to the table with unclean hands in the matter of confirmations. It is a false impression and it provides a smokescreen of the stark reality of the poor performance of the Judiciary Committee this past year and during this session.

Naturally, my friend takes pride in his accomplishments this year, but not all of them. Let me list a few he misses. President Reagan took pride in nominating the first woman to the Supreme Court. My Democrat colleagues have now presided over the "Borking" of the first woman in history, and one of the leading women jurists in this country, Priscilla Owen.

My colleague has also set a new record for a Judiciary Committee chairman. He has voted in 1 year against more judicial nominees than any chairman in the 212 years of the Republic. Moreover, most of my Democrat colleagues on the Judiciary Committee have voted against more judicial nominees in this last one year than I have in my 26 years on the Judiciary Committee. I voted against only one Clinton nominee, only one, but as painful as that was, I did it standing straight for all to see in the disinfectant light of the Senate floor, not in the shadows of a committee vote.

Also, in rejecting Justice Owen, my Democrat colleagues rejected for the first time in history a nominee who has received the American Bar Association's unanimous rating, highest rating of well qualified, the rating that earlier this year they announced to be the gold standard for judicial nominees and which, of course, they now criticize because the independent body has rated President Bush's nominees as highly qualified as any we have ever seen.

In other words, Priscilla Owen, who had the support of both home State Senators, which is a requisite for consideration by the Committee, who had the highest rating given by the American Bar Association for a judicial nominee, who is a supreme court justice in Texas, and who, by anybody's measurement who is fair, is in the mainstream of American jurisprudence, was dumped unceremoniously in the committee by a 10-to-9 party vote, a partisan party vote at that, and without giving her nomination the chance of being brought up on the floor of the Senate where I believe she would have passed, if not overwhelmingly, certainly comfortably.

I have heard my colleague from Vermont defend against that by listing the 42 judicial nominees who did not get confirmed by the end of the Clinton administration. He doesn't point out that there were 54 nominees left hanging at the end of the first Bush administration when they were in charge. And he does not explain that most, if not all, of the nominees left hanging at the end of the Clinton administration, however qualified, did not progress because either they were nominated too late or did not have their home state Senators' support or had other problems that we cannot address.

In an attempt to cloud up the rejection of Justice Owen's nomination, I have also heard my colleagues point to the Clinton judges from Texas in particular who never got a hearing. One said at the Owen hearing that I did not give them a hearing. It was a very unfair characterization, and I will respond to it now.

As my friend knows well enough, neither of those nominees had the support of their home state Senators. This prevented me, and would have prevented the distinguished Senator from Vermont, if he were in my shoes, from scheduling a hearing for them. In part, this was because President Clinton ignored the Texas Senators and the Texas nominating commission in making those nominations. The practice of honoring the home State Senators is not one I put in place; it was put in place under Democrat leadership of the committee, and appears agreeable to both parties.

Today, Democrat Senators from the States of North Carolina, California, and Michigan have prevented the Judiciary Committee from holding hearings on six of President Bush's original Circuit Court of Appeals nominees who were nominated a year and a half ago, some of the greatest nominees I have seen in the whole time I have been in the Senate and on the Judiciary Committee, now 26 years.

I know there are those who seem to justify wrong in childlike fashion with the intellectual crutch of, "They did it, too." Let me say that we Republicans have never done what was done to Justice Owen. I can't think of anything in history that compares to that. Some Democrats have attempted to leave the impression that Republicans have unclean hands so as to soften the scrutiny of what was done to Justice Owen. The American people will see through this.

But let me assure you, none of those nominees who did not get hearings would trade places with Charles Pickering of Mississippi or Priscilla Owen of Texas. It is beyond peradventure that they would prefer to be ghosts of nominations past than called racists, unjustly called racists, and have their fine records of public service soiled by the Judiciary Committee.

I am heartened to know that beyond the overwhelming support from her home State of Texas and scores of op-eds written across the country in support of the Owen nomination, Justice Owen's nomination to the Fifth Circuit has received editorial support from over 24 newspapers published across the Nation and across the political spectrum. I have previously submitted these for the RECORD.

Prior to the vote in Committee, only three newspapers, in fact—in New York, Los Angeles, and San Francisco—had come out firmly against the nomination.

I am heartened by this national support not just for the sake of Justice Owen, but because at her hearing I expressed alarm at the efforts of some to introduce ideology into the confirmation process. I am heartened that editorial and op-ed writers across the country reflect not only support for Justice Owen but also the near universal rejection of this misguided effort to make the independent Federal judiciary a mere extension of Congress and less than the independent, coequal branch it was intended to be.

Let me respond further to my good friend from Vermont. He is right that in this session so far the Senate has confirmed 73 judges. There is much eagerness in my friend's voice asserting that this number compares favorably to the last three sessions of Congress during which I was chairman.

Although I am flattered to hear my record used as the benchmark for fairness, I am afraid this does not make for a fair comparison because I was never chairman during any of President Clinton's first 2 years in office.

Let me repeat that. I was never chairman of the Judiciary Committee during any President's first 2 years in office. I am glad to say, therefore, that the proper comparison is not, as they say, about me.

My colleague speaks of the last 15 months when I was chairman, but this compares apples to oranges.

During President Clinton's first Congress, when Senator BIDEN was the chairman of the Judiciary Committee, the Senate confirmed 127 judicial nominees. And Senator BIDEN achieved this record despite not receiving any nominees for the first 6 months—in fact, Senator BIDEN's first hearing was held on July 20 of that year, more than a week later than the first hearing of this session, which occurred on July 11, 2001. Clearly, getting started in July of year one is no barrier to the confirmation of 127 judges by the end of year two. But we have confirmed only 73 nominees in this session.

Senator BIDEN's track record during the first President Bush's first two years also demonstrates how a Democrat-led Senate treated a Republican President. Then-Chairman BIDEN presided over the confirmation of all but 5 of the first President Bush's 75 nominees in that first two-year session. Chairman THURMOND's record is similar. The contrast to the present could hardly be starker.

Mr. President, we are about to close President Bush's first 2 years in office having failed the standards set by Chairmen BIDEN and THURMOND. That is nothing over which to be proud. We still have 80 vacancies on the courts, and 32 emergency vacancies.

Mr. President, one final point about Justice Owen. Much of the opposition against her was driven by interest groups that advocate for the right to abortion. Yet in Justice Owen we had the first nominee we have considered this session who has, as a judge, read those cases, cited them, quoted them, applied them and followed them. She did, however, interpret the new Texas parental notice law and sought in one particular case to make it rarer to bypass than some of her colleagues on the court, although the Texas Supreme Court agreed in most all other respects.

Of course, the charge that she is a judicial activist was a cynical trick of words from Washington special interest lobbyists who have made their careers taking positions without letting the words of the Constitution stand between them and their political objectives.

Why did they oppose her? Ironically enough, they are doing so because they do not like the Texas statute requiring parental notice in cases of abortions for children. Justice Owen voted to give the statute some meaning. Justice Owen's opponents think a minor should always be able to avoid the Texas Legislature's standards. It is the groups allied against Justice Owen who are the judicial activists, the ones who are looking to achieve in the courts an outcome that is at odds with the law passed by the elected legislators.

Let's be clear that the opposition to Justice Owen was all about abortion. But in Justice Owen's case, it was not that she opposed abortion rights—no decision of hers ever denied that right. I fear that the opposition to Justice Owen is not about abortion rights exactly, but something much more insidious—it was not about abortion rights exactly but about abortion profits.

Simply put, the abortion industry is opposed to parental notice laws because they place a hurdle between them and their clients—not the girls who come to them, but the adult men who pay for the abortions. These adult men, whose average age rises the younger the girl is, are eager not to be disclosed to parents, sometimes living down the street. At $1,000 per abortion and nearly 1 million abortions per year, the abortion industry is as big as any corporate interest that lobbies in Washington. They not only ignore the rights of parents to hide their young daughters' abortions, they also protect sexual offenders and statutory rapists.

And who are the lobbyists for the abortion industry? Exactly the same cast that has launched an attack on Justice Owen. One wonders, as columnist Jeff Jacoby did in the Boston Globe, who are the extremists on this issue, who is out of the mainstream? Not Justice Owen—82 percent of the American people favor consent and notice laws such as Justice Owen interpreted—86 percent in Illinois.

I will say it again, while my colleagues continue in general to apply an abortion litmus test, the assault against Justice Owen was not about abortion rights, it was about abortion profits. It is not about a woman's right to an abortion, it is about assailing parental laws that threaten the men who pay for abortions. It is whether parents should at least know, not even consent to, but just know, when a minor child is having an abortion paid for by an adult.

Let's speak truth to power. Justice Owen was picked to be opposed because she is a friend of President Bush from Texas. She was opposed by an axis of profits. This axis of profits combines the money of trial lawyers and the abortion industry to fund the Washington special interest groups, and spreads its influence to the halls of power in Washington and in State courts across this country.

The Opposition against Justice Owen was intended not only to have a chilling effect for women jurists that will keep them from weighing in on exactly the sorts of cases that most invite their participation and their perspectives as women, but also on all judges in all State courts who rule on cases the trial lawyers want to win and cash in on.

When my colleagues voted against her, they chose to besmirch a model young woman from Texas, who grew up, worked hard and did all the right things—including repeatedly answering the call of public service at sacrifice of personal wealth and family. My Democrat colleagues voted, in effect, against the American promise of fairness.

This is a young woman who gave up a lucrative career to give public service on the Texas Supreme Court, and who deserves to be on the Fifth Circuit Court of Appeals.

Such a vote should have taken place in the light of this Senate floor, but the American people will hear of the result notwithstanding the shadows.

I only hope the American people will repair the damage done to the Constitution when they vote in November.

I have reviewed Mr. Marra's distinguished career and I can say, without hesitation, that he will be an excellent addition to the prestigious Southern District of Florida.

Mr. Marra comes to the federal bench with a unique and extremely useful qualification: Judge Marra is a former Social Studies teacher at Elmont Memorial High School in Elmont, New York. After teaching high school for several years, Judge Marra inexplicably decided to change career paths and went to law school, graduating from Stetson University College of Law in 1977. He then went to work for the United States Department of Justice as part of its honor law graduates program. While at the Department of Justice, he was involved in litigation which sought to protect the land, water and mineral rights of Native Americans from encroachment and to regain such resources that had been wrongfully lost over the years.

After three years with the Department of Justice, Judge Marra joined the law firm of Wender, Murase & White of Washington, D.C., where he was involved in patent and trademark litigation, corporate law and litigation in the area of federal Indian law. In 1984 Judge Marra joined the law firm of Nason, Gildan, Yeager, Gerson & White. He worked at that firm for the next twelve years focusing on commercial litigation and representing clients at both the trial and appellate levels. Judge Marra gained experience in a variety of matters, including antitrust, contracts, construction defects, condominium and homeowner association disputes, and employment and housing discrimination.

In 1996 Judge Marra was appointed to the Fifteenth Judicial Circuit in Palm Beach County, Florida. He has served in the civil, family and criminal divisions.

Judge Marra will make a fine member of the Federal bench.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I am sure it was inadvertent that when the distinguished Senator from Utah was talking about the editorials against the nominee, Priscilla Owen, he said there were only three against.

I refer, for example, to the Atlanta Journal-Constitution, and I will quote from it and then put the whole editorial in the RECORD.

I ask unanimous consent that articles in opposition to her be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 4, 2002]

The Wrong Judge

Priscilla Owen, President Bush's latest nominee to the United States Court of Appeals for the Fifth Circuit, has been at times so eager to issue conservative rulings in cases before her on the Texas Supreme Court that she has ignored statutory language and substituted her own views. This criticism comes not from the "special interest groups" she has charged with misstating her record, but from Alberto Gonzales, President Bush's own White House counsel. Mr. Gonzales, who served with Justice Owen on the Texas high court, once lambasted her dissent in an abortion case for engaging in "unconscionable . . . judicial activism." Mr. Gonzales says today that he nonetheless supports the elevation of Justice Owen. We do not.

In choosing a nominee for the Fifth Circuit—the powerful federal appeals court for Texas, Mississippi and Louisiana—President Bush has looked to the extreme right wing of the legal profession. Even on Texas' conservative Supreme Court, Justice Owen has distinguished herself as one of the most conservative members. A former lawyer for the oil and gas industry, she reflexively favors manufacturers over consumers, employers over workers and insurers over sick people. In abortion cases Justice Owen has been resourceful about finding reasons that, despite United States Supreme Court holdings and Texas case law, women should be denied the right to choose.

Justice Owen's views are so far from the mainstream that, on those grounds alone, the Senate should be reluctant to confirm her. But what is particularly disturbing about her approach to judging is, as Mr. Gonzales has identified, her willingness to ignore that text and intent of laws that stand in her way. In an important age discrimination case, Justice Owen dissented to argue that the plaintiff should have to meet a higher standard than Texas law requires.

Justice Owen has also shown a disturbing lack of sensitivity to judicial ethics. She has raised large amounts of campaign contributions from corporations and law firms, and then declined to recuse herself when those contributors have had cases before her. And as a judicial candidate, she publicly endorsed a pro-business political action committee that was raising money to influence the rulings of the Texas Supreme Court.

After the Senate Judiciary Committee rejected Judge Charles Pickering, another far-right choice, for a seat on the Fifth Circuit earlier this year, the Bush administration declared that it would not be intimidated into choosing more centrist nominees. Sadly, the administration has lived up to its threat. In this dispute the Senate is right: the administration should stop trying to use the judiciary to advance a political agenda that is out of step with the views of most Americans.

Justice Owen is a choice that makes sense for Justice Department ideologues who want to turn the courts into a champion of big business, insurance companies and the religious right. But the American people deserve better. Justice Owen's nomination should be rejected.

[From the Los Angeles Times, July 23, 2002]

Ideologues All in a Row

Last year President Bush eliminated the American Bar Assn. from the process of vetting potential judicial nominees, a role it performed ably and in a nonpartisan way for the nine presidents before him. Now he relies on the ideological tests of the very conservative Federalist Society.

Not surprisingly, the men and women who pass this rigid test look remarkably alike on the bench. They often side with business in disputes involving employee rights, consumers and the environment. They strongly oppose abortion, and their opinions reveal a strong streak of judicial activism dressed up as traditional principle.

Priscilla Owen is among them. A protege of Bush confident Karl Rove, who engineered her 1994 election to the Texas Supreme Court, Owen is a nominee to a seat on the U.S. 5th Circuit Court of Appeals. She comes before the Senate Judiciary Committee today to defend a record of indifference to the problems of most Americans.

Senators should ask her why, for example, she voted to reverse a jury verdict in favor of a woman who had sued her health insurance company for refusing necessary surgery to remove her spleen and gallbladder. Her colleague on the Texas high court, Alberto Gonzales, now Bush's top legal advisor, dissented, writing that Owen's decision turned the legal standard in that case "on its head."

Gonzales, a solid conservative himself, also took issue with Owen in an abortion case that should draw tough questions from Sen. Dianne Feinstein (D-Calif.), chairwoman of today's hearing. Texas law allows pregnant teenagers in some instances to seek permission from a judge to have an abortion without their parents' consent. Owen has staunchly opposed such "judicial bypasses." In one case, Gonzales, wrote, Owen's opinion would have "create[d] hurdles that simply are not found in the . . . statute" and would be "an unconscionable act of judicial activism." in other cases, her colleagues have accused her of "inflammatory rhetoric."

For all this, Owen's nomination puts Feinstein in a tough spot. She was chairwoman last March when the Judiciary Committee rejected Charles Pickering, another Bush pick for the 5th Circuit. She is anxious to avoid being labeled obstructionist. But given her repeated calls for mainstream nominees, not to mention her long support for abortion rights, Feinstein should vote no, and so should her colleagues.

Although it is now one of the most conservative appellate federal courts, the 5th Circuit has a long and honorable history—defending civil rights during the 1960s and the rights of asbestos workers, systematically deceived and injured by their employers, in the 1970s. Owen would add nothing positive to that legacy.

Americans want independent, commonsensical and capable judges, not those whose political ideology—from either direction—wins them a nomination. As long as Bush continues to exclude the American Bar Assn. from the nomination process, he should not be surprised that his choices draw fire.

[From the San Antonio Express-News, July 21, 2002]

Bush Court Choice Should Be Rejected

Once competency is established, the most important qualification for a judge is commitment to following the law as it is written—regardless of personal philosophy.

Justice Priscilla Owen is clearly competent, but her record demonstrates a results-oriented streak that belies supporters' claims that she strictly follows the law.

Because of Owen's record as a member of the Texas Supreme Court, the Senate Judiciary Committee should reject her nomination to sit on the U.S. 5th Circuit Court of Appeals.

Her most infamous opinions involve cases in which minors were seeking a legal bypass allowing them to get an abortion without parental consent.

In those cases, she consistently landed in a small court minority that opposes such bypasses, while a majority of her fellow judges on an all-Republican court upheld the law as legislators wrote it.

Former Justice Al Gonzales clearly pointed that out. In an opinion that countered a dissent she supported, he wrote: "To construe the Parental Notification Act so narrowly as to eliminate bypasses, or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism."

Now serving as President Bush's White House counsel, Gonzales is defending his former state court colleague. However, opinions she wrote in the parental consent cases show a clear line between strict constructionist judges and activists.

Owen, who remains on the state's high court, is an activist.

In recent years, judicial nomination struggles on Capitol Hill have become a game, played by both parties, or petty obstructionism.

The Senate should not block a judicial nominee simply because he or she is more conservative or more liberal than the Senate's majority party.

It also should not engage in petty personal attacks. But concerns about Owen go to the heart of what makes a good judge.

When a nominee has demonstrated a propensity to spin the law to fit philosophical beliefs, it is the Senate's right—and duty—to reject that nominee.

A hearing on Owen's nomination is set for this week.

Although Owen should be rejected for a lifetime appointment, the Democrat-controlled Senate should have given her a hearing long ago. Bush nominated Owen on May 9, 2001.

Owen and the president were owed better treatment. Even nominees who are destined for rejection deserve timely consideration, and the Democrats should pick up the pace in considering Bush's judicial picks.

During his years as Texas governor, Bush did a masterful job of selecting quality, moderate judges. But his decision to nominate Owen is a disappointment.

We urge Bush to take more care in future nominations and return to his previous policy of nominating judges who believe in the law more than any ideological agenda.

[From the San Francisco Chronicle, July 23, 2002]

Feinstein's Decisive Moment

Sen. Dianne Feinstein, D-Calif., faces a momentous decision. Today, the Senate Judiciary Committee will hold hearings on Priscilla Owen, the president's candidate for a lifetime appointment to the United States Court of Appeals for the Fifth Circuit. With the committee divided along party lines, Feinstein could cast the decisive vote.

When George W. Bush became president, he excoriated judicial activism and vowed to nominate justices who interpret the law, instead of trying to rewrite it.

Priscilla Owen simply does not satisfy the president's own criteria for this position. According to a report issued by People For the American Way, a liberal advocacy group, Owen has demonstrated a disturbing pattern of overruling the law when it clashes with her conservative ideology.

In one case, for example, Owen's dissenting decision would have effectively rewritten a key Texas civil rights law by making it more difficult for employees to prove discrimination. Her colleagues on the bench—mostly Bush appointees—wrote that her ruling "defies the Legislature's clear and express limits on our jurisdiction."

With respect to reproductive rights, Owen advocated a far more restrictive interpretation of the Texas law that allows a minor to obtain an abortion without parental notification. Her dissent prompted then-Justice Alberto Gonzales, now the White House counsel, to write that her opinion constituted "an unconscionable act of judicial activism." Gonzales, naturally, now expresses the White House party line, hailing Owen's integrity and ability. "I'm confident she will follow the law as defined by the Supreme Court," Gonzales was quoted as saying in the San Antonio Express-News.

But close observers of her Texas record are less confident of her objectivity. Danielle Tierney, a Planned Parenthood spokeswoman from Texas, said Owen has "a record of active opposition to reproductive and women's rights."

Owen has also tried to finesse laws that protect public information rights, the environment, and jury findings.

The point is, Owen has created a strong record of "rewriting" the law when it does not match her conservative convictions.

This is why it is vital that Feinstein reject this nomination.

[From the Dallas Morning News, July 16, 2002]

Justice Owen: Perpetrator or Victim of Politics?

HER ACTIVISM HAS BEEN EXTREME, EVEN BY TEXAS STANDARDS

(By Craig McDonald)

Texas Supreme Court Justice Priscilla Owen, who faces a Senate Judiciary Committee hearing Thursday on her nomination to the 5th U.S. Circuit Court of Appeals, flunks the stated judicial criteria of both President Bush and the Democratic chairman of the Judiciary Committee.

Although the President nominated Justice Owen, she flunks his own pledge to appoint "strict constructionists" who narrowly interpret laws rather than write opinions promoting a political agenda. "I want people on the bench who don't try to use their position to legislate from the bench," Mr. Bush has said. Yet Justice Owen's record on the Texas Supreme Court is one of a judicial activist who seeks to make laws from the bench.

Justice Owen also flunks the criteria of Senate Judiciary Committee Chairman Patrick Leahy, who has pledged to stop any "ideological court packing." Justice Owen's record has established her as an ideological extremist out of the mainstream—even on the all-conservative Texas Supreme Court.

Justice Owen's extreme opinions have mobilized a large coalition of Texas organizations working to stop her appointment. The groups fighting her nomination range from the Texas chapter of the American Association of University Women to the Women's Health and Family Planning Association. They include the AFL–CIO, the National Association for the Advancement of Colored People, Planned Parenthood, the Texas Civil Rights Project, the Texas Abortion Rights Action League and others.

While each of those organizations has its own reasons for opposing Justice Owen, my group—Texas for Public Justice—is particularly troubled by the fact that she has amassed a body of rulings that advance the agendas of the special interests that bankrolled her judicial campaigns. Thirty-seven percent of the $1.4 million that Justice Owen raised for her Supreme Court campaigns came from donors with a direct stake in cases in her court.

Letting special interests bankroll judicial campaigns has shattered public confidence in Texas courts. A 1999 Texas Supreme Court poll found that 83 percent of Texans, 79 percent of Texas lawyers and 48 percent of Texas judges say campaign contributions significantly influence judicial decisions. Commenting on the poll, U.S. Supreme Court Justice Anthony Kennedy said, "The law commands allegiance only if it commands respect. It commands respect only if the public thinks judges are neutral."

Since Justice Owen joined the high court in 1995, she has written and joined a slew of opinions that favor businesses over consumers, defendants over plaintiffs and judges over lawmakers and juries. A 1999 study by Austin-based Court Watch found that individuals won just 36 present of their cases during Justice Owen's tenure, compared to a win rate of 66 percent for businesses, 70 percent for insurers and 86 percent for medical interests.

While all nine Texas Supreme Court justices are pro-business conservatives, Justice Owen and Nathan Hecht became an isolated bloc of extremist dissent about 1998. Masquerading as "strict constructionists," Justices Owen and Hecht have promoted the interests of big business and the far right with much less restraint than their fellow Texas justices. That ultraconservative activism is all the more disturbing, given that it mirrors the agenda of the top donors to their judicial war chests.

In making lifetime appointments to federal appeals courts, the president and the Senate can—and should—do better. Justice Owen lacks criminal trial experience, has taken more than $500,000 in judicial contributions from interests with cases in her court and has produced a body of activist opinions that are extremist—even by Texas standards.

[From the San Antonio Express-News, July 21, 2002]

Judge Owens Flunks Bush's Own "Strict Constructionists" Test

(By Jan Jarboe Russell)

In a perfect world, there wouldn't be "liberal" judges or "conservative" judges, there would just be good judges. After all, if you ask ordinary people what they want in a federal judge, what they want are judges who are fair, learned and impartial, judges who have the ability to lay aside their own political views and do their public duty.

Why then is it so darn hard to find these kind of plain-and-simple judges? The answer, of course, is the dreaded P word; politics. The ongoing battle in the Senate Judiciary Committee over the nomination of Priscilla Owen to the 5th U.S. Circuit Court of Appeals is a perfect example of how politics is making a certifiable mess of America's judicial system.

In seven years on the Texas Supreme Court, the only way moderate-thinking people in Texas survived Owen's relentless ultra-conservative dissents was to toughen our stomachs and take her many efforts to rewrite our state laws one day at a time. This is a woman who has consistently ruled against consumers, has routinely overturned decisions of juries, has curtailed access to public records, and by anyone's measure is an avid anti-abortion ideologue.

Mind you: the Texas Supreme Court is no bastion of liberalism. The nine members of the court are 100 percent pedigree Republican, but Owen was such a right-wing activist she managed to earn the nickname "Justice Enron" for accepting $8,600 in Enron campaign funds in one year—$1,000 of it from Kenneth Lay himself—and turning around the next and writing an opinion that saved Enron $225,000 in school taxes.

As one of only nine states in the nation with the sorry system of electing our judges with expensive campaigns paid for by the very lawyers and businesses that come before these judges for justice, Texas gets exactly the kind of justice we deserve. In the case just mentioned, for example, Enron paid for the privilege of robbing the public school children of Spring, a Houston suburb, of their rightful share of taxes.

I don't expect President Bush to nominate judges to the federal bench with whom I agree politically. But I do expect Bush to nominate people to lifetime positions on the federal bench who meet Bush's own standards of "strict constructionists," judges who will interpret rather than write the law. Owen fails the Bush test.

In no less than a dozen cases in which the Texas Supreme Court was asked to allow a pregnant teenager to bypass the state's parental notification requirement and have an abortion, Owen voted every time to deny the bypass and created hurdles that were not written in the state's law. In one case, when lawyers for a high school senior requested that the court act quickly on the girl's request for permission to bypass the notification requirement, Owen wrote a dissent that asked: "Why then the rush to judgment?" The girl was in the 15th week of pregnancy at the time.

Owen's rulings in these abortion notification cases were so strident that Alberto Gonzales, now Bush's White House counsel but then a member of the Texas Supreme Court, wrote in a majority opinion that Owen and two other dissenting justices were thwarting the clear intent of the law. To accept their reasoning, he wrote, "would be an unconscionable act of judicial activism."

Gonzales finds himself in the role of reluctant cheerleader for Owen. In a telephone interview from his office in the West Wing the other day, Gonzales claimed that he never accused Owen of judicial activism and believes she would be an excellent judge. His opinion has written in black-and-white only two years ago—he clearly called her dissent an "unconscionable act of judicial activism"—but maybe in his struggle to find the gray, Gonzales meant that he thought all of three of the judges were unconscionable. Who knows? Politics makes people parse words very carefully.

Owen's political credentials are indeed impressive. She is a protege of Karl Rove, the president's political adviser, and it is Rove who is pushing her judicial nomination. But politics should not be the primary measure of a judge's ability to administer justice.

As much as it pains me to say it, Justice Enron should stay put in Texas.

[From the Houston Chronicle, July 31, 2002]

DiFi, Owen Would Be Very Odd Couple

(By Cragg Hines)

Sen. Dianne Feinstein, a wonderfully calm, cool Californian, loves to be the swing vote. It increases the sense that she is unbought and unbossed, and it makes her political currency slightly more valuable than that of colleagues who fall predictably one way or another on an issue.

Part of this is political tromp l'oeil, an illusion so strong that it's difficult to tell it's not genuine. For, when the roll is called, only rarely is Feinstein not reliably found where she sought to be—in her regular center-left Democratic pew.

Which brings us to the nomination of Justice Priscilla Owen of the Texas Supreme Court to be a judge on the 5th U.S. Circuit Court of Appeals, a place where the conservative judicial activist, corporate suck-up and made member (blood oath?) of the Federalist Society has no earthly place being.

Feinstein ran last week's hearing by the Senate Judiciary Committee on Owen's nomination and said she was "keeping an open mind" regarding President Bush's determination to give Owen lifetime employment. (For the forgetful: Bush and Owen both got their start in statewide politics as clients of the White House political high priest, Karl Rove.)

Feinstein's self-advertised "open mind" is about the only hope for supporters of Owen. The Judiciary Committee's nine Republicans need one of the panel's 10 Democrats to vote with them to get the nomination to the floor.

If the nomination is not cleared by the committee, it's dead. None of this sending it to the floor without a recommendation in a Senate with a one-vote Democratic margin and run by Majority Leader Tom Daschle, D-S.D.

(Owen opponents would still like to hear something definitive from two other Demoracts—Sen. Joseph R. Biden, Jr. of Delaware, who did not show up for last week's hearing, and the enigmatic gentleman from Wisconsin, Sen. Russell D. Feingold—but the focus is on Feinstein.)

Owen's opponents believe that Feinstein will eventually vote against the Texas jurist, but they cannot be absolutely certain. Feinstein is not about to help them divine the oracle at the moment.

"I've been giving it a great deal of thought," Feinstein said this week as the Senate headed toward summer recess. "I'm not going to let my decision be known, but at an appropriate time, I will.

"What I've said, and I've taken this position, I think, rather scrupulously, is that I don't make up my mind until after the hearing."

There was little in the hearing that should lead Feinstein, or any senator, to believe that Owen is anything but the very bright, very ideological, very driven hard-right jurist revealed in her work over the last seven years on Texas' highest civil court.

Finally, Sen. Richard J. Durbin, D-Ill, asked Owen directly about her position on abortion.

"My position is that Roe v. Wade has been the law of the land for many, many years . . . ," Owen said, noting that decision had been modified (and made more restrictive by subsequent rulings). "None of my personal beliefs would get in the way of me applying that law or any other law."

But Owen's record, in a series of recent abortion-related cases, suggests otherwise. In all but one of the cases, Owen sought to tweak and torture the Texas law to something not intended by the Legislature.

Feinstein was listening to all of this and, one assumes, took it on board. In case she didn't, an editorial in The Los Angeles Times the morning of the hearing should have helped: The work of Owen and similarly situated conservative jurists "reveal(s) a strong streak of judicial activism dressed up as traditional principle."

The home state newspaper parsed Feinstein's situation: She also chaired the hearings earlier this year in which the Judiciary Committee rejected Bush's nomination of Charles Pickering of Mississippi for a seat on the 5th Circuit Court.

"She is anxious to avoid being labeled obstructionist," The Times said of Feinstein. "But given the repeated calls for mainstream nominees, not to mention her long support of abortion rights, Feinstein should vote no, and so should her colleagues." Feinstein said she weighs such opinion but that it is not dispositive.

One piece of baggage Feinstein would like to discard in the Owen matter is that her vote will have anything to do with a business relationship that the senator's husband, Richard C. Blum, has with Dr. James Leininger of San Antonio, a generous supporter of Owen's judicial campaign.

"I've never met (Leininger), talked with him, seen him, heard from him—and that's that," Feinstein said. Nor, she said, "have I ever talked to my husband about this, nor has he ever talked to me about it."

So Feinstein should be able to vote against Owen with a clear conscience.

Mr. LEAHY. In part, this article says:

Senate Judiciary Committee Chairman Patrick Leahy has held hearings on 82 Bush judicial nominations, 80 of which have been approved by the committee. Most of those nominees have been pro-life conservatives whose performance on the bench the committee still judged to be fair and professional. For example, last week the committee unanimously reported on President Bush's choice of Federal District Judge Reena Raggi of New York for the U.S. Circuit Court of Appeals for the Second Circuit.

Parenthetically, I might add that Judge Raggi was originally appointed by President Ronald Reagan, a conservative Republican who promised to appoint only judges who satisfied his litmus test.

The American people appreciate balanced judging, and thanks to the Senate Judiciary Committee, they're getting it.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Through constant repetition, conservatives have managed to make a code phrase out of "judicial activism," applying it to rulings that in their mind go beyond the words in legislation or the U.S. Constitution. But conservatives themselves are hardly immune from the problem.

Case in point: Texas Supreme Court Justice Priscilla Owen, rejected last week for the 5th U.S. Circuit Court of Appeals by the Senate Judiciary Committee because of her record of making law from the bench. The committee made the right decision for the American people.

Owen's activist judging has gone so far beyond the statutes enacted by the Texas Legislature that she was even criticized by fellow conservatives on the state Supreme Court, including Alberto Gonzales, who is now Bush's White House counsel.

On abortion, age and employment discrimination, insurance and tax matters, the former corporate oil lawyer repeatedly embellished the plain language of the law to rewrite it to conform with her own ideological views. She also found ways to side consistently with corporations, including Enron, which contributed generously to her Supreme Court election campaign.

President Bush has accused the Senate Judiciary Committee of blind partisanship, but the facts don't bear that out. In less than two years, the Democratic-controlled committee has approved more Bush nominees for the federal bench than the Republican-controlled Senate Committee did in six years with President Clinton.

Senate Judiciary Chairman Patrick Leahy (D-Vt.) has held hearings on 82 Bush judicial nominations, 80 of which have been approved by the committee. Most of those nominees have been pro-life conservatives whose performance on the bench the committee still judged to be fair and professional. For example, last week the committee unanimously confirmed Bush's choice of Federal District Judge Reena Raggi of New York for the 2nd U.S. Circuit Court of Appeals.

Nevertheless, Bush lashed out angrily at the Owen defeat: "I don't appreciate it one bit, and neither do the American people."

Quite the contrary, Mr. President. The American people appreciate balanced judging, and thanks to the Senate Judiciary Committee, they're getting it.

Mr. LEAHY. Madam President, I ask unanimous consent for 1 more minute, with another minute to be given to the Senator from Utah.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. REID. I was going to go into a quorum call for 5 or 6 minutes anyway. If the Senators would like 3 more minutes each or something, that is fine. Otherwise, I will go into a quorum call.

Mr. LEAHY. Madam President, I ask unanimous consent for that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, there was a suggestion made—I am sure inadvertent—by the distinguished Senator from Utah that it was unprecedented to see a nominee with a well-qualified rating be voted against. Actually, the Senator from Utah has voted against such a person, like Judge Rosemary Barkett of Florida, as have a number of others. But then there were a whole lot of others who we can say were not voted against? Why? Because they were never allowed to have a vote during Republican control of the Senate.

This is a partial list of nominees who never had a vote, but they had the highest rating possible: H. Alston Johnson from the Fifth Circuit was never given a hearing by the Republicans; James Duffy from the Ninth Circuit was never given a hearing; Kathleen McCree Lewis from the Sixth Circuit was never given a hearing or a vote; Judge James Lyons, from the Tenth Circuit, was never given a vote or a hearing; Allen Snyder, from DC, had a hearing but no vote; Judge Robert Cindrich, from the Third Circuit, was never given a hearing or a vote; Judge Stephen Orlofsky, from the Third Circuit, was never given a hearing or a vote; Judge Andre Davis, from the Fourth Circuit, was never given a hearing or a vote; and Enrique Moreno, of the Fifth Circuit, was never given a hearing and never given a vote.

These are people with the highest possible rating from the ABA. Republicans can say they never voted against them. Why? Because they were never brought up and never given a vote. If they had been given a vote, they would have known where they stood.

My good friend from Utah, perhaps inadvertently, thought I was comparing a time when he was not chairman. I do compare a time when he was chairman. I will take the first 15 months that he was chairman with a Democratic President.

The Democratic President nominees got 14 hearings in 15 months; the Republican President nominees, under my chairmanship, got 23 hearings.

Nominees who received hearings under Republicans were 67; under the Democrats with a Republican President, 84.

Nominees confirmed, 56; in the same period of time, it was 74 with us.

Nominees voted on in committee: They allowed 61 during that 15 months. We have had votes on 82 of this President's judicial nominees.

It is nice to say nominations are not being handled fairly. The fact is, if we used the Republican precedent as a mark of fairness, we would not have to do anything else for the rest of the year because we are way beyond what they did.

I reserve the remainder of my time.

Mr. HATCH. Madam President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Utah has 4 minutes 5 seconds.

Mr. HATCH. How much on each side?

The PRESIDING OFFICER. The Senator from Vermont has 7 seconds.

Mr. HATCH. Madam President, again, the Senator from Vermont and I are friends, but I totally disagree with what he has been saying. It is a smoke screen.

Allow me to address the fate of nominees first sent up by the first President Bush. In fact, some pending today without a hearing who were nominated by the first President Bush nearly 10 years ago. These are nominees still on the list after 10 years that the Democrats have not allowed to come up: Terrence Boyle for the Fourth Circuit and John Roberts for the DC Circuit, considered one of the two or three greatest appellate lawyers in the country before the Supreme Court; Henry Saad for the Sixth Circuit; Ronald Leighton for the Western District of Washington; and Richard Dorr for the Western District of Missouri. All five of these nominees were nominated by the first President Bush, better than 10 years ago, but never received committee action at that time. I hope they, too, will soon receive their long-awaited hearings and confirmation votes.

By the way, there were 42 left over at the end of the Clinton administration. Nine of them were put up so late, there was no way anybody could have gotten them through. That brings us down to 33, and of the 33, there were others who did not have the support of both home-State Senators. There were those who, for one reason or another, could not make it.

Contrast that when Bush 1 left office and the Democrats were in control. There were 54 left over. That is 11 more than were left when President Clinton left office.

If you want to talk statistics, I can talk them all day long, and I can tell you we have been much more fair than what we have seen in the first 2 years of the Bush 2 administration.

I suggest that instead of spending our time talking about the same small handful of Clinton nominees, we should focus on the ones pending before us today who never saw the light of day the last time the Democrats controlled the Senate.

Justice Owen, for instance—and this is an important point—is literally the first one in history who had the support of both-home State Senators, the highest rating of the American Bar Association, and was voted down in committee and not even given a chance to have a vote on the Senate floor.

Currently, there are 80 empty seats on the Federal judiciary. That is a 9.3-percent vacancy rate, one of the highest in modern times. This means that 9.3 percent of all Federal courtrooms are presided over by an empty chair.

There are currently 21 nominees who are slated to fill positions which have been declared judicial emergencies by the Administrative Office of the Courts. Of those, 11 are Circuit Court of Appeals nominees.

Only 5 of President Bush's first 11 circuit court nominees nominated on May 9, 2001—a year and a half ago almost—have had hearings. In other words, the Judiciary Committee has taken no action whatsoever on nearly half of the circuit court nominations that have been pending for over 16 months.

There is no reason for this other than stall tactics. All of these nominees received qualified or well-qualified ratings from the American Bar Association.

There were 31 vacancies in the Federal courts of appeals on May 9, 2001, and there are 28 today. The Senate Democrats are trying to create an illusion of movement by creating great media attention and controversy concerning a small handful of nominees in order to make it look like progress. But we are not making any progress in filling circuit vacancies.

President Bush has responded to the vacancy crisis in the appellate courts by nominating a total of 32 top-notch men and women to these posts—but the Senate is simply stalling them. Over the past year, the Senate has confirmed only 13. There are still 19 Circuit Court nominees pending in Committee. By comparison, at the end of President Clinton's second year in office, we had confirmed 19 circuit judges and had 15 circuit court vacancies.

There were only two Circuit Court nominees left pending in committee at the end of President Clinton's first year in office. In contrast, there were 23 of President Bush's Circuit Court nominees pending in Committee at the end of last year.

Some try to blame the Republicans for the vacancy crisis, but that is bunk. At the end of the 106th Congress when I was chairman, we had 67 vacancies in the Federal judiciary. During the past 9 months, the vacancy rate has been hovering right around 100. Today is at 80.

Some think that the point of "advise and consent" is to match statistics from previous years. This rear-view-mirror driving is nonsense. The Senate has a duty to exercise its advice and consent, and it has done so on only 40 percent of President Bush's appellate court nominations so far this Congress. The question is not: How many judges should we let President Bush have? The question is: Is the Senate getting its work done?

The Sixth Circuit Court of Appeals, which encompasses the states of Michigan, Ohio, Kentucky and Tennessee, has only 8 of 16 seats filled, leaving that court half-empty. The President has nominated 8 individuals to fill these vacancies, but only two have received a hearing, despite the fact that two of these nominees have been pending since May 9, 2001.

The U.S. Court of Appeals for the District of Columbia is also functioning far below its normal capacity, with 4 out of 12 authorized judgeships currently vacant. Although the President nominated Miguel Estrada and John Roberts on May 9, 2001, to fill seats on this Court, they have not yet been given a hearing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Madam President, last year when the Republicans controlled the Senate Judiciary Committee, they did not hold one hearing on President Bush's nominees. We have done 82.

Mr. GRAHAM. Mr. President, I would like to thank the Judiciary Committee for recognizing the needs of Florida and favorably reporting the nomination of Judge Kenneth A. Marra.

Ken Marra, a skilled and respected Judge in Florida's Fifteenth Circuit, has been nominated to serve as a Federal judge in the busy Southern District of Florida. If confirmed, he will fill a newly created and much needed judgeship position.

Judge Marra's solid qualifications make him an ideal candidate for service on the Federal bench. A circuit judge since 1996, he currently serves in the Palm Beach County Court's civil, family and criminal divisions. Before his tenure as a circuit judge, Judge Marra spent 16 years practicing commercial litigation in Palm Beach County and Washington, DC. He also served as a trial attorney with the United States Department of Justice.

Judge Marra is a graduate of the State University of New York at Stony Brook and earned his law degree from the Stetson University College of Law in 1977. Before attending law school, the judge taught social studies to high school students in New York.

The strength of Judge Marra's nomination is evident from the strong support that he has earned from his local bar. When asked to comment on his nomination for a January 4 Palm Beach Post article, Amy Smith, president of the Palm Beach County Bar Association, said, "He is an absolutely perfect choice: impeccable background, extremely intelligent, consistently one of the highest rated judges in the judicial evaluations done here." Ms. Smith said Marra's judicial demeanor "is gracious and humble. The President couldn't have made a better choice."

When the Palm Beach County Bar Association released its biennial survey of circuit and county judges earlier this spring, Judge Marra ranked the highest in the neutrality and fairness category, with 63 percent of the attorneys rating him as "outstanding."

In Florida, Judge Marra submitted his application to a judicial nominating committee comprised of a diverse group of Floridians, who in turn recommended three candidates to the President for consideration. Senator BILL NELSON and I interviewed these candidates.

In summary, Mr. Marra is an intelligent, well-respected, and qualified candidate for the Federal bench.

I appreciate the Senate's consideration of Judge Marra's nomination and look forward to working with my colleagues to confirm additional nominees to Florida's Southern and Middle Districts, two of the largest and busiest judicial districts in the country.

The PRESIDING OFFICER. All time has expired.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), are necessarily absent.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado (Mr. CAMPBELL), the Senator from New Hampshire (Mr. GREGG), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from New Hampshire (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), are necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 211 Ex.]

YEAS—82

Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Burns
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—18

Akaka
Allard
Bond
Bunning
Campbell
Durbin
Gregg
Harkin
Helms
Hutchinson
Lieberman
Mikulski
Murray
Santorum
Sessions
Shelby
Smith (NH)
Specter

The nomination was confirmed.

Mr. REID. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5005, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I yield myself such time as I may consume under the leader's time.

The PRESIDING OFFICER. The leader has that right.

JUDICIAL NOMINATIONS

Mr. LOTT. Mr. President, I do not want to take an extended period of time because I know the managers of the legislation are here and ready to go forward with the very important consideration of and amendments to the Homeland Security Department, but I must comment on action last week of the Senate Judiciary Committee.

Once again, Mr. President, there has been a tremendous miscarriage of justice by the Judiciary Committee. By a vote of 10 to 9, a unanimous, partisan block of Democrats—10 Democrats—voted against the nomination of Priscilla Owen, who had been nominated by the President to a seat on the Fifth Circuit Court of Appeals.

The way this nomination was handled is a cause for great concern as well as the fact that, once again, the Senate will not have a chance to vote on a eminently qualified and experienced nominee to serve on the Fifth Circuit Court of Appeals. I am convinced that had her nomination been permitted to make it to the floor—as the Republican Majority in the past allowed numerous controversial Democrat nominees to get to the floor—Judge Owen would be approved by the full Senate and she would be confirmed.

We always hear the arguments of those who say that there have been actions in the past where nominees who were qualified were not given votes. However, during the time when I was majority leader I remember numerous cases where despite the belief of many Senators on our side that the nominees' views were far, far outside the mainstream, we still permitted their nominations to come to the floor. We did that because while we disagreed with their political and ideological views, it was still hard to argue that they were not professionally qualified.

Mr. President, I specifically remember the nominations of Marsha Berzon, Richard Paez and Rosemary Barkett. Certainly, these nominees, while they were qualified, were in my opinion not near as qualified in the legal profession as Priscilla Owen.

Berzon had had no judicial experience whatsoever. And a minority of the ABA evaluation committee gave Berzon and Paez only a "qualified" rating whereas the ABA committee unanimously—unanimously—gave Priscilla Owen its highest rating of "well qualified."

Beyond professional qualifications, numerous Senators on this side of the aisle also had severe concerns that Berzon, Paez, and Barkett were very far out of the mainstream in light of their records which raised questions for many Senators as to whether they should be confirmed.

Marsha Berzon had been a prominent ACLU and Labor Union lawyer who opposed parental consent laws for minors' to have abortions and had worked against the rights of individual workers in favor of the rights of unions. She was also a prominent and active member of the Brennan Center for Justice that cranked out initiatives it characterized as "stand[ing] up to right-wing attacks on the judiciary."

Richard Paez had written publicly of his belief that whenever judges feel legislatures have failed to act, "there's no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process." That is exactly the kind of judicial activism that Priscilla Owen's critics have falsely accused her of in order to give themselves an excuse for voting against her. Paez had also ruled as a district judge—prior to his confirmation to the appeals court—that States and cities could not outlaw was aggressive and intimidating panhandling by the homeless because it would infringe on a panhandler's free speech rights.

Rosemary Barkett, while a Florida Supreme Court Justice, had argued for overturning the death penalty of a man who had brutally murdered a youth in Jacksonville and then sent a tape to the victim's mother describing the horrible details of the killing. An opinion signed by Barkett opposed the death arguing that the killing was "a social awareness case . . . effectuated to focus attention on . . . racial discrimination."

Nevertheless, despite the misgivings and question marks from an ideology standpoint as to whether or not they should be confirmed, the Republican majority permitted all three of these nominations to come to the floor and be voted on by the full Senate and all three were confirmed.

Now, in contrast to these three far left nominees, let me speak to Priscilla Owen's qualifications.

First of all, I am not one who thinks it is particularly important whether the American Bar Association rates a nominee qualified or not. But, of course, the ABA's judgment has been described by a number of leading Democrats as the gold standard in terms of evaluating a nominee's qualifications to serve in the Federal judiciary. Senator LEAHY and senator SCHUMER described it that way in a March 16, 2001 letter to the President insisting that the ABA's role in the judicial confirmation process had to be maintained.

However, that did not prevent them from voting against Priscilla Owen after she received a "well qualified" rating from the American Bar Association—the highest possible rating they could give and they gave it to her unanimously. This is also the first instance, I believe, that we have had of a nominee rated "well qualified" by the American Bar Association being defeated in the Judiciary Committee and the Senate. So, from the standpoint of the American Bar Association, this nominee certainly more than qualified.

Also, Mr. President, when you look at Judge Owen's record, it is clear that she has a long record of being outstanding not only academically and intellectually, but also from the standpoint of character, experience, and professionalism as well.

This is a nominee who has had a stellar legal career. She graduated with honors from Baylor Law School and its undergraduate program and made the highest score on the Texas bar exam the year she took it. She then had a highly regarded legal practice with a leading law firm in Texas for 17 years. She then gave up her lucrative private sector practice to serve with distinction for the past eight years on the Texas State Supreme Court.

She was elected, in a contested race, as I understand it, and then reelected unopposed with over 80 percent of the vote. She still enjoys overwhelming community support. She has been publicly endorsed and supported by Democrats and Republicans, including 15 former presidents of the Texas Bar Association. Every major newspaper in the state also supports her.

Mr. President, there is no question this nominee is qualified by experience, by education, and by the time that she spent in the Texas Supreme Court, where she has built up a very fine record of being a fair judge who has worked very hard in understanding the issues that have been before her and in casting her votes on the supreme court.

Yet, last week, I was shocked to hear her described by Senator DASCHLE as not qualified. These are exact quotes: "We will confirm qualified judges." "Don't send us unqualified people."

Whatever you may be able to say about what might be wrong with this nominee—because maybe she is too conservative, or maybe she did not meet some litmus test from the liberal outside interest groups or because she didn't meet the test of a particular Senator—in no way could you describe this nominee as not being qualified or as being unqualified.

I am very worried when we see this sort of pattern developing. There have probably been very few nominees in the past to serve on the Fifth Circuit Court of Appeals more qualified than this nominee by every category you might bring to bear.

Let me remind my colleagues on this point what the their gold standard ABA's actual standards are. Let me quote what the ABA itself says it looks at when it rates nominees.

> The [ABA] Committee's evaluation criteria for federal judicial nominations is directed solely to professional qualifications: integrity, professional competence and judicial temperament . . .
>
> Integrity is self-defining. The nominee's character and general reputation in the legal community are investigated, as are his or her industry and diligence . . .
>
> Professional competence encompasses such qualities as intellectual capacity, judgment, writing and analytical ability, knowledge of the law and breadth of professional experience . . .
>
> In investigating judicial temperament, the Committee considers the nominee's compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias and commitment to equal justice under the law . . .

The ABA itself also notes that its standards are even higher for Appellate Court Nominees.

> [T]he Committee believes that appellate court nominees should possess an especially high degree of scholarship and academic talent and an unusual degree of overall excellence.

Again, Mr. President, when the ABA applied these standards to Priscilla Owen they unanimously rated her "well qualified."

> To merit a rating of "Well Qualified" the nominee must be at the top of the legal profession in his or her legal community, have outstanding legal ability, breadth of experience, the highest reputation for integrity and either have demonstrated, or exhibited the capacity for, judicial temperament.

So it is a shame to characterize this nominee as somehow being professionally unqualified and it is a shame that the full Senate was denied an opportunity to vote on her because of a partisan, straight party-line vote of 10–9 with all Democrats voting against her.

Again, in my opinion, it reflects very poorly on the Senate, and I fear it will make it even more difficult for us to complete our work when we see these types of allegations leveled against such a fine nominee. It also puts even further into question the utility and necessity of bothering to have the ABA evaluate judicial nominations when the Democrats on the Judiciary Committee are going to put ideology first and a nominee's professional qualifications and ABA rating a far second.

Mr. President, I could not let that partisan and unwarranted vote in the Judiciary Committee go unnoticed by the leader of the Republicans, and correct the public record regarding a nominee with such outstanding legal credentials as Judge Owen. She is clearly qualified.

I would note in closing that the Washington Post in an editorial published this past July 24 agreed with the

President and Republicans when it said that:

> Justice Owen is indisputably well qualified, having served on a state supreme court for seven years and, prior to her election, having had a well-regarded law practice.

I hope we will ultimately find a way for this nominee to be confirmed before all is said and done.

Mr. President, I yield to the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to add to what the distinguished Republican leader has said. I have been in the Senate 18 years. This is the best witness I have ever heard, not just for a judicial nomination but for anything—an absolutely brilliant judge. She would have been confirmed had she been reported to the Senate, even without a positive recommendation.

I say to my friend, the leader, I worry about where we are, as well. I think we have crossed some kind of threshold here from which it is going to be very difficult to retreat from in the coming years.

I say to my friends on the other side of the aisle, we are not going to always be in the minority, and they may have a President again, as regretful as that might be to some of us, and the shoe could be on the other foot. Do we really want to establish this kind of standard, that we are prepared to vote down extraordinarily well qualified judges, who may be liberal or conservative, simply because we are of the other persuasion?

I think it is a low point in the recent history of the Senate. And I am not sure where we go from here. But I do not believe I will ever view these nominations quite the same way as I did in the past.

I can say this: I would like to have a lot of my votes back, going back over the last 8 years—Ginsburg, Breyer—scores of nominees for the circuit and district benches who I knew were far to the left of me, but I believed it was the President's prerogative. The Democrats won the election. It was the President's prerogative. And short of some kind of egregious failure to meet up to professional standards, it was not my place to impose my view on the nominee.

So I think it was a sad day in the history of the Senate. I agree with everything the Republican leader has had to say about this most unfortunate episode. I hope the President will not withdraw this nomination and will send it up again next year, and hopefully we will have a Senate with a little more of an open mind to this truly outstanding nominee.

Mr. LOTT. Mr. President, let me just conclude my remarks with this, a quote from Senator BIDEN, a member of the Judiciary Committee for a long time. Unfortunately, he was also recorded last week as voting against Judge Owen despite her excellent record and the ABA's highest rating. But when he was chairman of the Judiciary Committee, I am convinced he worked hard at trying to be fair in the way the nominees were considered under the previous President Bush.

But while on Judiciary Committee back in 1986 on the issue of judicial nominations he was quoted to this effect:

> [Judicial confirmation] is not about pro-life or pro-choice, conservative or liberal. It is not about Democrat or Republican. It is about the intellectual and professional competence to serve as a member of the third co-equal branch of the Government.

I agree. Priscilla Owen met that criterion. She should have been confirmed.

I yield the floor.

HOMELAND SECURITY ACT OF 2002—Continued

AMENDMENT NO. 4513

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, on behalf of myself and Senator WARNER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Tennessee [Mr. THOMPSON], for himself and Mr. WARNER, proposes an amendment numbered 4513.

Mr. THOMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 8, strike lines 1 through 3.
>
> On page 9, strike lines 13 through 15.
>
> On page 12, line 15, strike ", with the Director,".
>
> On page 12, strike lines 18 through 26 and insert the following:
>
> (4) To make budget recommendations relating to the Strategy, border and transportation security, infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.
>
> On page 77, lines 22 and 23, strike ", the Office," after "OSTP".
>
> On page 103, line 5, strike "amended—" and all that follows through line 12 and insert the following: "amended in section 204(b)(1) (42 U.S.C. 6613(b)(1)), by inserting 'homeland security' after 'national security,'.".
>
> On page 156, lines 15 and 16, strike ", the Office,".
>
> On page 158, line 9, strike ", the Office,".
>
> On page 162, line 11, strike "and the Director".
>
> On page 162, line 17, strike "and Office".
>
> On page 173, strike line 15 and all that follows through page 197, line 19.

Mr. THOMPSON. Mr. President, the purpose of this amendment is to strike title II and title III and make conforming amendments.

Title II would create an office in the White House that would coordinate the homeland security activities of the Federal Government. Title III would require the new office and the Secretary of Homeland Security to jointly produce a national strategy.

The administration opposes the creation of an office in the White House that would have a Senate-confirmed director with specific responsibilities and authorities. The White House believes that such an office would blur the lines of accountability and diffuse responsibility, particularly since the White House already has an office, the Office of Homeland Security, that is responsible for coordinating the Federal Government's homeland security efforts.

The committee's proposed structure will also create confusion because similar functions will be performed by the Secretary of Homeland Security, the Director of the Office of Homeland Security, and the Director of the Office of Combating Terrorism, which is the National Security Council. With all these different offices, it will be extremely difficult to determine who is responsible. When a homeland security issue arises, which official does the Congress hold accountable, the Secretary for Homeland Security or the proposed Director of the Office for Combating Terrorism?

We should also recognize that statutorily creating an office in the White House impairs the President's flexibility and authority to structure the Executive Office of the President to best meet his and the Nation's needs. The President traditionally has had broad authority to structure the Executive Office as he sees fit. This proposal is an infringement on that authority.

There certainly have been times when it has been necessary to create an interagency coordinating body in the White House. The creation of the National Security Council is an excellent example of this.

However, this proposal goes too far. It gives the proposed office specific responsibilities and authorities that tie the President's hands and limit his ability to mold the office to serve the needs of the American public.

Another disconcerting aspect of this proposal is that it would require the director to be Senate confirmed. For the last year, the President has made it clear that he desires a confidential homeland security adviser who would advise him on domestic security issues. He doesn't want or need another Senate-confirmed official who would be required to testify before a congressional committee. We have such an individual in the new Secretary that has been created. The President must have his own advisers who work for him. I think he is entitled to that.

Senator WARNER, the ranking member of the Senate Armed Services Committee, also expressed concern in a letter to the Senate Governmental Affairs Committee, where he wrote:

> The structure proposed by the Chairman would be redundant of the structure that is already in place.

He further said that:

> The budget review and certification authorities would undercut the ability of several cabinet members, including the Secretary of Defense, the Attorney General, and the Director for the Central Intelligence, to carry out their responsibilities. In the case of the Secretary of Defense, in particular, the proposal would give the director of this new office the ability to decertify; in essence, to veto the defense budget. It would be unwise to give this authority to an official who does not have to balance the many competing needs of the Department of Defense.

Finally he said:

> The drafting of a new comprehensive strategy for homeland security is unnecessary. Legislating anything other than a periodic review and update of this strategy would be burdensome and would divert attention and resources away from the administration's focus on homeland security.

Prior to the President's June 6 decision to support a Department of Homeland Security, I spoke in favor of a Senate-confirmed official that the Congress could hold accountable. We now have that with the new Secretary, or soon will have with the new Secretary of Homeland Security.

I see little value in creating this new office when such an office already exists. Simply put, another office in the White House is redundant and unnecessary. Moreover, probably more importantly, there appears to be several negative consequences, potentially creating confusion as to accountability, as to budget authority, and the creation of a new homeland security strategy.

Therefore, I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, at the request of our colleague, Senator LIEBERMAN, I will be managing the debate on this particular amendment, an amendment for which I feel a strong parental relationship.

Shortly after the tragic events of September 11, with Senator FEINSTEIN, I introduced legislation to establish such an office of terrorism within the White House in order to create a focal point for decisionmaking and informing the President and the Congress of a national strategy on how to combat what clearly was emerging as the major challenge to America's national security.

My good friend, Senator THOMPSON, has just suggested that events that have occurred since that time, particularly the event of the President deciding, after a long period of consideration, to support a statutorily created Department of Homeland Security, had rendered irrelevant or, maybe even worse, redundant the idea of an office to combat terrorism within the Presidency.

I disagree with that analysis and look forward to the debate which will lay out the case of why these two agencies—a Department of Homeland Security and an office within the Office of the President—are, in fact, reinforcing in the same way that, in 1947, Congress found it appropriate to reorganize the previously distributed military, distributed by the various services, Army, Navy, a newly emerging Air Force, into a single Department of Defense. But at the same time they did that, in fact in the same legislation, they created the Office of National Security Council. They found those two actions to be reinforcing, cohesive, and both contributing to the Nation's security.

I will attempt to make the case that the same is true for the action suggested in the legislation before us.

I strongly support the creation of the Department of Homeland Security and the legislation before us today to do so. I wish to commend our colleagues, Senator LIEBERMAN and Senator THOMPSON, Senator LEVIN, Senator COCHRAN, as well as Senator SHELBY, who serves with me on the Senate Committee on Intelligence, for their leadership on this issue and for the wisdom which they have shown in the development of this specific legislation.

The establishment of a Department entrusted with the security of our homeland, in my judgment, is a critical step to making our Nation safer. The vicious terrorists who struck out on September 11 may have succeeded in executing their plot, but they failed in achieving their mission.

America is sad; America is not afraid. We are alert, not panicked. We are firm in our resolve to orient ourselves to protect against future attacks; without altering the fundamental aspects of our life, we are committed to a strategy that will both protect us against our vulnerabilities here at home, while we take the war aggressively and successfully to our enemies, wherever they might live.

The Department of National Homeland Security Act of 2002 makes necessary changes in our governmental structure. It does so in a reasoned, careful way, preserving our constitutional liberties while increasing the effectiveness of our security organization.

This legislation is consistent with our history where periodically we have reexamined what our national priorities are and how the Federal Government should be organized to achieve those national priorities. A perfect example of this is the agency most affected by this legislation—the U.S. Coast Guard, which will represent about 25 percent of all the personnel in the new Department.

The Coast Guard began in 1789, the same year that George Washington was sworn in as President of the United States. At that time, it was known as the United States Light House Service, and its primary function, as its name implies, was seeing that lighthouses were operational. The agency eventually merged with four others and assumed a new role, and that was enforcing our customs laws, collecting tariffs. At that point, it was moved into the Department of the Treasury. Other than twice during World War I and again during World War II, when the Coast Guard was transferred by Executive order to the Navy, it stayed in the Department of the Treasury until 1967, when its role evolved yet again and it became seen as a maritime safety and security agency.

The Coast Guard was transferred to the newly formed Department of Transportation. It has stayed in that Department since 1967. Today, the Coast Guard is recognized as a primary component of our Nation's homeland security force. Thus, the recommendation in this legislation is that the Coast Guard in toto be transferred to the Department of Homeland Security.

I focus my remarks today on that portion of the bill which is the subject of the amendment that has just been offered by Senator THOMPSON, the amendment to delete from this legislation title II and title III, which would establish within the White House a national office for combating terrorism. The need for a coordinator within the White House has been recognized by a number of blue ribbon commissions in the last several years. Here are recommendations from three of the most prominent of those commissions.

The Gilmore Commission, chaired by the former Governor of Virginia, stated:

> Recommendation No. 2: The next President should establish a National Office for Combating Terrorism in the Executive Office of the President, and should seek a statutory basis for this office.

The Hart-Rudman Commission, chaired by two of our former colleagues, said this:

> Strategic planning is largely absent within the United States Government. . . . Across the Government, [a coordinator] should be given a stronger hand in the budget process. . . . Congress should develop mechanisms for a comprehensive review of the President's counterterrorism policy and budget.

The Bremer Commission, chaired by the distinguished Ambassador Bremer, stated:

> The President and the Congress should reform the system for reviewing and funding departmental counterterrorism programs to ensure that the activities and programs of various agencies are part of a comprehensive plan.

In a recently released—in July of this year—Brookings Institution report on the events since September 11, it was stated:

> Whether Congress establishes the broad-ranging department the Bush administration proposes or the more focused Department we advocate, there will remain a need for White House coordination. . . . By the administration's own reckoning, more than 100 U.S.

> Government agencies are involved in the homeland security effort. . . .

Continuing, the Brookings Institution report states:

> There is a critical need to coordinate their actions with those of [the Department of Homeland Security] and to develop and implement a government-wide homeland security strategy.

As I indicated earlier, this concept of an office within the White House with the responsibility for coordinating efforts to combat terrorism was originally embodied in legislation I introduced with Senator FEINSTEIN last fall and is based on the lack of any central coordinating figure within our Government with a singular focus on terrorism.

We believed then—and with the creation of the new department, we believe now—that it is essential the sometimes-discordant group of departments and agencies with counterterrorism responsibilities must be brought into harmony.

The creation of the Department of National Homeland Security does not change that fact. While this new Department will subsume some of the existing agencies, there will be many others which remain outside the authority of the Secretary of Homeland Security but will still be performing vital missions related to our efforts to combat terrorism.

As an example, the intelligence community itself is not going to be brought into the Department of Homeland Security. Clearly, it will play a very significant role if we are going to anticipate and be able to respond to terrorist attacks before they are launched.

The Department of Defense has recently created a new central command called Northern Command. That command will have increased responsibility for the military's role in protecting the security of our homeland. The departments of the Treasury will still be responsible for coordinating economic measures to reduce the opportunities of terrorists who finance their activities through U.S. sources or international sources. The departments of State and the Department of Energy, which has a major role in our nuclear policy and will have a major role in the Department of Homeland Security's efforts to develop new technologies that will help us better confront terrorism—they will all play a role in our national efforts to combat terrorism.

The Director of the National Office of Combating Terrorism will have three missions. First, the Director will be able to provide that coordination on counterterrorism for all of the agencies—not only the Department of Homeland Security but the intelligence community, Department of Defense, Department of the Treasury, Department of State, Department of Energy, just to list some of the other agencies that will be most directly involved in homeland security.

He will be able to do this with his power to certify budgets, that they are consistent with the comprehensive plan for combating terrorism. The model for this is twofold. I mentioned earlier the 1947 National Security Act, created by statute for a National Security Council and a National Security Adviser to the President.

In more recent years, we have created an office of drug policy. That office has been increased in authority over the years as we have seen that greater authority was needed in order to bring the Federal Government more effectively into a common army to combat the enemy of drug traffickers. That legislation now provides that the head of that office is appointed by the President, subject to Senate confirmation, and has the power to decertify budgets that are not consistent with the President's antidrug plan.

Those two models—the National Security Council and the National Office for Drug Policy—are the models for the office that we are proposing to create today.

This office and these powers, particularly the power to certify budgets, are what are necessary for the Director to effectively coordinate the counterterrorism efforts of the important agencies that will not be part of the Department of Homeland Security.

The second responsibility of the Director will be to assure that his status and his effectiveness derives from law, not just the personal relationship with the President. Like the Office of Drug Policy, this is an agency that serves not only the interest of the President but also the interest of all of the American people and their representatives in the Congress. So it is important there be a level of shared responsibility and confidence in the individual who occupies that position.

Third, the Director will be subject to the explicit oversight of Congress. This is important so that Congress is a full partner; that Congress is there at the launch of our comprehensive strategy to combat terrorism so that Congress will be there during the good days and the bad days, and there will be some of both as we move forward in this effort to protect the homeland.

Fourth, this Director will have the confidence of both the executive branch and the Congress and will play the critical role of assuring that the agencies most involved in the war on terrorism will make the necessary institutional adjustments to move toward the era of terrorism and away from many of the concepts which have dominated us during the cold war.

One of the concerns I have developed, as our Intelligence Committee has reviewed the events leading up to September 11, is the question of why was the intelligence community slow to recognize that the world changed in a very fundamental way in terms of its mission with the end of the cold war? It was not surprising that the intelligence agencies were very influenced by the history of the cold war because they were a product of the cold war.

The United States had not had an organized intelligence service until World War II. During the war, a special security agency was established to develop and analyze intelligence for a military purpose. As soon as the war ended, so did that agency.

Two years later, President Truman recognized that as the Soviet Union changed from being a wartime ally to now an adversary, we needed to know more about the Soviet Union, about its capabilities, about its intentions, and in order to do so, we needed to have a permanent and a mixed civilian and military set of intelligence agencies.

Out of that decision came the 1947 National Security Act and the creation, in addition to the Department of Defense and the National Security Council, of also the intelligence community more or less as we know it today.

The intelligence community grew up dealing with the peculiarities of the Soviet Union. We knew a tremendous amount about the Soviet Union. We probably, without question, had more information about issues of warfare in the Arctic Ocean than any other place in the world, including the Soviet Union itself because it was very much in our interest to understand that particular water body.

As we were acquiring this tremendous depth of knowledge about the Soviet Union, we were doing it at the expense of not learning more about much of the rest of the world. Our intelligence agencies became focused narrowly—culturally, and linguistically—particularly on the Soviet Union. We were not acquiring competencies in other parts of the world.

Second, we became very dependent on technology as a means of collecting intelligence. The Soviet Union was a hard place to get spies into and to support and to sustain them once they were there. Particularly our satellite-based technologies gave us the means of acquiring most of the information we wanted to learn about the Soviet Union without the risk and difficulty of putting human beings into a position to collect that intelligence.

Finally, there was a criticism, which is subject to debate, that our intelligence communities became risk adverse; that we were reluctant to engage in operations that might fail and be embarrassing; it might fail and cost lives. All three of these characteristics, real or alleged, have disserved us in the post-cold-war era. Instead of being narrowly focused, we now must be broadly focused. We must understand the cultures and languages of countries that did not exist at the time the cold war started.

We no longer can depend on our technology, although it continues to be a very significant part of our intelligence collection, but if you are going to understand the mind of Osama bin Laden, you cannot do so by taking a picture or even listening to a conversation. The fact is, modern international terrorists rarely use the kind of communication that we have the greatest capability to intercept. Rather, we must have an intelligence capability which is extremely diverse, that understands many cultures, understands many languages, and is able to function in alliances with the intelligence services from many other nations.

Finally, this is going to be a riskier war than was the cold war. While the cold war posed the ultimate risk—nuclear annihilation—this is going to require human beings operating in very close contact with our adversaries and exposing themselves to the risk of that close encounter.

The reason I use this example of the intelligence community and its necessity, but slowness, to make the conversion from its cold-war orientation to the orientation of the new era on terrorism is that these same challenges will be faced by the agencies which are now being given responsibility for homeland security.

I can state with virtual certainty of correctness that over the next 10 to 20 years the nature of our enemy at home, the tactics that are used, will be substantially different than those that were used on September 11, 2001, and we must have a homeland capability which recognizes those changes and is prepared to adapt to the new challenges, the new threats that it will face.

I believe one of the things that was missing in the intelligence community was having an office which could be constantly challenging the intelligence leadership: Are you relevant to the challenge we are facing today? Are you looking over the horizon at the kinds of capabilities you will need in the tomorrows in order to prepare against this emerging threat?

In my judgment, the most important function of this office to combat terrorism will be its role as the constant challenger of all of the main line departments, from the new Department of Homeland Security to the Department of Defense to the Department of Energy, challenging them: Are you relevant to the current face of evil that we are continuing against?

What are you doing to prepare for future emerging threats? What are you doing to identify those threats? What are you doing to recruit and train and provide professional advancement to your key personnel so they will be personally responsive to the new challenges? Those are some of the issues. Those are some of the challenges. Those are the fundamental rationales why the committee, under the leadership of Senator LIEBERMAN, included title II and title III in providing for the Office for Combating Terrorism within the Office of the President.

These four missions together will assure the Director has both authority and legitimacy, authority with respect to his colleagues who lead other Governmental agencies, and legitimacy with respect to the important role the legislative branch will play in the achievement of his goals.

This position, as I indicated earlier, parallels the job being done today by the Director of the President's National Security Council. It does for domestic security many of the things that Dr. Condoleezza Rice does for foreign policy. It also parallels in many ways the emerging Office of Drug Policy and its challenge to have a coherent plan of action, and then assure all the Federal agencies that are responsible for that play their appropriate role.

We are about very serious business. It is not just business that will fade after the sorrow and shock of September 11. It goes further into history. In my judgment, for our lifetime, as it is today, the issue of terrorism will be the single most significant security threat faced by the United States of America. So we must prepare for the long haul, the sustained commitment.

There has been some criticism that Congress played a role in this failure of the intelligence community and other aspects of our National Government to make the transition from the cold war to prepare for the challenges of the new era of terrorism. Some of those criticisms are no doubt deserved. This is an opportunity for Congress to take action which will help prepare us to avoid the unstated criticism. I do not want to have our predecessors in the Senate ask the question 25 years from now: Why did we create, in the year 2002, agencies that would become the dinosaurs of 2022 because they were unable to make the transition as the rapidly evolving but not fully understood threat of terrorism confronted our people?

This office, in my judgment, will reduce the likelihood of that criticism because, if this office functions as the architects intend, it will be the agency for continuing renewal within all of our Departments which have a responsibility for protecting the American people in our homeland.

For those reasons, I respectfully resist the amendment offered by Senator THOMPSON, urge its defeat, and the continuation within this legislation of the important concepts contained in title II of the Office for Combating Terrorism.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I appreciate the well-thought-out statement of my colleague from Florida with regard to his opposition to this amendment. I think the groundwork has been laid now for a good discussion of the pros and the cons.

The points my good friend made are not valid and are certainly not sufficient to defeat this amendment. I support this amendment basically for the following reasons, in addition to what I said earlier: It seems the opponents of this amendment—those who would create the new national Office for Combating Terrorism—take the position we need a coordinator to develop a strategy. But since this idea was first proposed, lots of things have happened. One is we are now on to the consideration of a large, new Department containing 22 agencies. Secondly, we have a strategy. In July, the President came forth with a national strategy.

Now we have under consideration a large new Department taking in most of the agencies that will have a homeland security function, and we have a strategy that this new Department will be following in trying to implement the safety measures that we all know are needed.

In addition, we still have a coordinator. We have someone to coordinate this new Department and those agencies which cannot be brought into the new Department, such as the Department of Defense and the FBI and other agencies. That is the Office of Homeland Security, under the leadership of Mr. Ridge. We also have the Office for Combating Terrorism under the NSC. Those offices are already there. We have those two offices in the White House serving a coordination function.

Plus, we will have a new Department with a new Secretary and all of his responsibilities. So we have a strategy.

I have not heard criticism that the strategy is not a good one or that we should go in a different direction or that there is some reason we should set up a whole new mechanism and bureaucracy to come up with a new strategy. So we have those components which the opponents of this amendment say we need. I agree we need them. We have them. We have them in a different way than what our friends on the other side would suggest.

It is suggested that the National Security Council is an analogous entity or one after which this provision in the Senate bill has been patterned. There has been a comparison between the NSC and this proposed office, but the National Security Act of 1947 created the National Security Council, and this legislation gave the NSC broad responsibilities and limited authority.

The head of the NSC, of course, is not confirmed by the Senate. There is no advice and consent with regard to the NSC. There is no Senate-confirmed official. The NSC has no budget authority, which is another big distinction between the NSC and the proposed Director in this bill. It was also designed for the sole purpose of coordinating policy.

In contrast, the proposed White House office would have specific statutory responsibilities and functions; would have a Senate-confirmed Director; would have considerable budget review authority; and would, I submit, interfere with the executive branch's current budget process.

I will dwell on that particular aspect of the bill because I think it is significant. That has to do with the budget authority. It is substantial. In title II, section 201, it states the new Director is:

> To coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects or activities relating to force protection.

It goes on to say:

> To have the lead responsibility for budget recommendations relating to military, intelligence, law enforcement [et cetera]. . . .
>
> To serve as an advisor to the National Security Council.

It goes on in section 202 and says with regard to the submittal of proposed budgets to the Director:

> The head of each Federal terrorism prevention response agency shall submit to the Director each year the proposed budget of that agency for the fiscal year beginning in that year for programs and activities of that agency. . . .

The proposed budget of an agency shall be submitted to the Director before that information is submitted to the Director of the OMB.

It goes on to say:

> If the Director determines that under paragraph (1) that the proposed budget of an agency for a fiscal year . . . is inadequate, in whole or in part . . . the Director shall submit to the agency . . . a notice and a statement.

It goes on to state:

> The head of the Federal terrorism prevention response agency that receives a notice [as described] shall incorporate the proposed funding . . . set forth in the statement accompanying the notice in the information submitted to the Office of Management and Budget. . . .

So as I read that he pretty much had to do what the Director says even though the agency has the primary responsibility for dealing with the problem under their jurisdiction.

It goes on under the section having to do with review and decertification, the Director:

> Shall review each budget submitted under paragraph (1);
>
> And may decertify the proposed budget.

So, in effect, this Director has a veto over the budget.

National Terrorism Prevention and Response Program budget in general:

> For each year, following the submittal of proposed budgets for the Director under subsection (b), the Director shall, in consultation with the head of each terrorism prevention agency concerned—
>
> (A) develop a consolidated proposed budget for each fiscal year for all programs and activities under the Strategy . . .

And submit it to the President and Congress.

> The head of the Federal terrorism prevention and response agency may not submit to Congress a request for a reprogramming or transfer of any funding specified in the National Terrorism Prevention and Response Program Budget for programs or activities of the agency under the Strategy for a fiscal year in excess of $5,000,000 without the approval of the Director.

So, obviously, there is substantial budgetary authority—even though we have created a new Secretary with vast responsibilities, including the normal budgetary responsibilities—that the head of this Department would have. We still have the OMB and the regular process. Yet we would have a new Director who may not have the entire view of the Government that OMB has.

Certainly it has an important function, an important role to play. Certainly it can have some input, but the ability to unilaterally make those kinds of budgetary decisions when we have this process, at a time when we are creating a new Department and a new Secretary, and to kind of take that away from the OMB, which has responsibility for a bigger picture, shall we say, I submit is not a good idea and it is unnecessary.

It is not necessarily accurate to say that more is better when creating this Department. We can make it so large, so huge, there are so many moving parts—and we already have more directorates in the Senate bill than the President would submit—that it becomes unworkable or much more difficult to handle and to manage than is necessary.

Also, it takes away from ease of accountability. One of the most difficult things we have seen in the Governmental Affairs Committee with regard to the overall operation of the Government in looking at so many of the efficiencies that many of the Departments have and that we fear we may be incorporating into this new Department is lack of accountability, who is in charge. If the administration has it their way—and I submit on a close call you ought to give an administration, and the President, and a new Secretary, a fighting chance to take the approach they want to take and then have the accountability of making it work than otherwise—if we adopted the President's suggestion, we would have the Office of Homeland Security, Mr. Ridge, which he says he will retain under any circumstances. So we have to assume he will.

The Office of Combating Terrorism, under the NSC, which we have, and a new Department with a new Secretary with a big umbrella covering 22 agencies, I submit that will be complicated enough. We do not need a new directorate duplicating the budget process, duplicating the strategy process, when we already have one, and doing all those things that the administration is saying we don't want to do, we don't need to do. There has not been any good reason to say that is an incorrect position or that we need it. I don't think anyone has ever recommended exactly what we are considering today.

The Gilmore Commission suggested a statutory White House position. That is true. But they did not also suggest a new Department. That was before we had the new Department under consideration, as we have today.

Hart-Rudman recommended a new Department, but they did not recommend a statutory White House position. They recommended a coordinator, as I recall. I think I am accurate in saying that no Commission, no entity, anywhere, has ever recommended we have both a statutory, confirmable White House entity in addition to a new Department with a new Secretary which would be confirmable.

I submit it is a reasonable and prudent thing to prune this huge—some have called it—monstrosity. Maybe I have in times past. It is so big and potentially so unwieldy. I hope it does not turn out to be a monstrosity. I am talking about the new Department with all of the different agencies and 170,000 people, coming together and all of that. Surely, on something that is clearly as duplicative as this, we can pare it down a bit, use those offices and people we already have in place in all these key positions, and give the administration the ability to start this extremely important operation on a level playing field and one with which they feel comfortable. It does nothing for homeland security. It does not do anything to make this Nation safe by just adding on new agencies or any offices and new Directors and new responsibilities.

Let this entity also do what this other entity is already doing and establish someone else in play with regard to that. That does not do a thing to enhance homeland security.

I submit that it diminishes homeland security. None of us want to do that. So I submit the amendment is founded on sound principles and deserves serious consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise in opposition to the amendment offered by my friend and colleague from Tennessee, which would strike title II and title III, two very important pieces of our legislation; that is, the amendment that was passed out of the Governmental Affairs Committee.

I thank my friend and colleague from Florida, Senator GRAHAM, not only for his eloquent statement in response to the introduction of the amendment by Senator THOMPSON, but for the considerable work he has done on this proposal for almost a year now building on work, as he said in his statement, that was done by other groups calling for such an office. It was bipartisan work, incidentally—including members of the other party here in the Senate. This work greatly influenced the Senate Governmental Affairs Committee as we put together the amendment that we bring before you. So I thank the Senator from Florida for his thoughtful leadership on this matter.

This is not an amendment that strikes at the margins of our committee proposal. This is an amendment that really goes to one of the fundamental parts of the amendment that the Governmental Affairs Committee reported out in a bipartisan vote of 12 to 5. Look at the title of the amendment, the proposed bill: The National Homeland Security and Combating Terrorism Act of 2002. It clearly is the intention of our committee not just to create a Department of Homeland Security, which is, of course critical, but to combat terrorism. Terrorism goes beyond homeland security. It goes beyond the Department of Homeland Security. We feel very strongly that it requires the kind of strong coordination that the National Office for Combating Terrorism would provide. We wrote these two titles, title II and title III that Senator THOMPSON's amendment would strike, into our bill because while the new Department of Homeland Security would be a critical advance in our efforts to combat terrorism by raising our guard, by defending ourselves, the American people here at home, it is obviously not all that is needed to rise to the challenge that our terrorist enemies have put before us.

More than half the Members of the Senate were in New York Friday with more than half the Members of the House to meet in an unusual joint session to express our solidarity and respect and admiration to the people of New York, to honor those who were heroes that day, to mourn those who died that day, and to support their survivors. But also, I think, to rededicate ourselves to the war on terrorism so, as much as it is humanly possible, we believe that we have done everything we can to prevent another September 11 type of attack from occurring.

I strongly believe for that to be so we need not only the Department of Homeland Security, but the office that this proposal would require because even after the Department is up and running, there are going to be many agencies and programs with key roles in the war on terrorism that would be outside the purview of the new Department. That is why we created this national office in the White House.

The Director of the office, in my view, and I believe in the view of the majority on the committee, would be the primary architect of an antiterrorism multi-agency strategy working, of course, for the President because the Director is the appointee of the President. That strategy would include a host of components beyond homeland security—some diplomatic, some financial, some military, some intelligence, some law enforcement. I think Senator GRAHAM has listed the possibilities and the realities quite effectively.

What we are saying is, what we need to prevent another September 11 from ever happening again is not just a new department to oversee the most critical aspects of homeland security, but a coordinator, a director working directly for the President, who has the real power and positioning to see the larger picture of the war against terrorism and to coordinate it in a very aggressive way for the President.

We heard testimony at one of our Governmental Affairs Committee hearings—one of 18 we have held since September 11, 2001, from Ashton Carter, who was an Assistant Secretary of Defense in the Clinton administration. I want to quote from him. Ash said:

The announcement of an intention to create a cabinet-level Department of Homeland Security should in no way obscure the paramount need for a strong White House hand over all aspects of homeland security . . . The nation's capabilities for homeland security, even optimally coordinated, are simply not adequate to cope with 21st century terrorism. What is needed is far less a coordinator of what exists than an architect of the capabilities we need to build.

I want to read from a few others who have both supported the creation of a new Department and a strong White House office.

In July, the Brookings Institute issued a report called, "Assessing the Department of Homeland Security." They say in that report:

> Whether Congress establishes the broad ranging department the Bush administration proposes or the more focused department we advocate—

That is the nonpartisan experts on this task force at Brookings—

> there will remain a need for White-House coordination. By the administration's own reckoning, more than 100 U.S. government agencies are involved in the homeland security effort . . . There is a critical need to coordinate their actions with those of DHS and to develop and implement a government-wide homeland security strategy.
>
> Indeed [Brookings continued] it would be advisable to broaden the scope of the Office of Homeland Security to include overseeing the intersection between the U.S., domestic and overseas counter-terrorism activities. Under this arrangement, the Office of Homeland Security will likely only be able to perform its vital coordinating functions if Congress steps in and provides the homeland security office, council and director status in law.

Which, parenthetically, I say, is exactly what our proposal would do. Going back to Brookings:

> Moreover, if the Office of Homeland Security and its director are to continue to have a major role in drawing up an integrated homeland security budget—

As was the case for Governor Ridge for the 2003 fiscal year request—

> it is absolutely critical that the director not only have statutory authority but be accountable and answerable to Congress.

I will read one more quote of GEN Barry McCaffrey, who testified before our committee on October 12 of 2001. Of course, General McCaffrey had been the Director of the Office of National Drug Control Policy. He talked about the importance of the authority to review and certify budgets if we are going to have and implement a national strategy for combating terrorism. General McCaffrey said:

> A strategy without the resources is not worth the paper it is written on. The director of the Homeland Security Office needs the authority to independently decertify any agency budget that does not provide the resources needed to combat the threat of terrorism.

He added:

> Not only are budget certification powers required to ensure sufficient resources, they also play a critical role in policy-making. The ability to decertify an agency's budget is the nuclear weapon of policymaking—it isn't something you can use often, but the mere fact that it is in your arsenal guarantees you are taken seriously. If you want to see another agency get with the program fast, just articulate the possible decertification of its budget.

End of quote from General McCaffrey. It is a very important point. The reality is that President Bush has acknowledged the need for an ongoing White House coordinating office on homeland security and terrorism, saying he would retain the current office he established last October once the new Department is established. That is what the Thompson amendment seeks to achieve, preserving the status quo with respect to the powers of the Office of Homeland Security.

But with all due respect, that would give us less than we need. We need an office that, of course, is accountable to the President, the President's appointee, but nonetheless can be an advocate within the councils of our Government to make antiterrorism a priority and, also, as General McCaffrey's words suggest, to create an incentive, because of the potential use of the power of decertification, for agencies not to slip back and underfund our antiterrorism effort, not to allow us to fall back into a slumber and make counterterrorism and antiterrorism a secondary or tertiary matter.

This office, with the authority our bill gives it, through both budgetary authority and Senate confirmation, will have the power to be what we all need it to be. The President basically acknowledges the utility of continuing the office. The question is, Will it be a strong office or a weak office?

I think the very reasons that convinced President Bush, contrary to his original position on this—and, of course, I am grateful for the change he made and I appreciate and admire him for making it—make the case for a strong White House office. He concluded that the original Office of Homeland Security was not enough to do the job that he wanted, as President, to have done because it did not have the power to do the job.

Also, there are war stories you can hear from inside the councils of Government about various attempts Governor Ridge made to try to bring some coordination to the disparate agencies involved in homeland defense. For instance, there was a proposal on coordinating the border agencies, and it was knocked down from within the agencies themselves.

Part of why, probably, those four men to whom Senator BYRD refers often, who gathered secretly to put together the administration's position or recommendation on the Department of Homeland Security, did so is that I think they—wisely, in this case—did not want to enter into a process preliminarily that would have allowed the bureaucracy to fight change, which was what Governor Ridge was facing.

So I think the fact that the Governor hit a lot of roadblocks and speed bumps rather than paved stretches of road should convince us that a Senate-confirmed director of the White House office, exercising statutory powers, would have the clout he or she needs to accomplish what the President wants him or her to accomplish.

Some argue, I know, that once we create the new Department, it will not really matter if the White House position is statutory and Senate confirmed. Certainly, I agree that even without a statutory and Senate-confirmed director of the White House office—which, again, we know will exist, in any case—the new Department of Homeland Security would be a vast improvement over what we have today. But it is still risky.

It is inadequate to assume that, even with the new Department, we can afford to have anything less than the strong antiterrorism coordinating office in the White House that was conceived by Senator GRAHAM and his cosponsors and adopted by our committee. As he has said, critical pieces of the antiterrorism effort cut across the Government and will not and cannot and should not be folded into the new Department even if it is well organized. Somebody needs to be looking at the big picture with a comprehensive sense of how every piece and element of the fight supports every other element, and then directly advising the President as to how the entire effort can be strategically integrated and implemented.

The White House office can be a crucial complement to a line agency. It is not unprecedented for Congress to create such positions within the White House, as Senator GRAHAM has said. Such legislatively created offices include the National Security Council; the U.S. Trade Representative, subject to confirmation; the Office of Drug Control Policy, of course, subject to confirmation by the Senate; and the Director of OMB, naturally subject to confirmation by the Senate.

The complexity of orchestrating the fight against terrorism makes this mission, which will be central to our security for a good part of the years ahead of us, every bit as worthy of statutory status within the White House as those other missions fighting drugs, expanding and providing for fair trade, and coordinating management and budgeting.

The White House office our legislation envisions would not be charged with homeland security per se, I want to make clear. Homeland security is the responsibility of the new Department. The White House office's job is to orchestrate and advise the President more broadly on the fight against terrorism. For instance, central questions that this office would consider, that will not come before the Department of Homeland Security or the Secretary, are: Are we doing enough to cut off the money supply of al-Qaida? And where might a new funding stream come from? Are our public diplomacy efforts, which are run through the State Department, complementing the other pieces, the military pieces, of the wider war against terrorism? How should our trade policies or our foreign aid policies be structured to be maximally effective in the fight against terrorism? Are there efforts that are duplicative or are there gaps between the various Departments beyond homeland security that need to be addressed? Those are central questions in the war against terrorism which will not come before or be decided by the Secretary of Homeland Security or all the agencies working under him or her.

A lot of our antiterrorism effort was not well coordinated before September 11. That is a sad fact. As we approach the first September 11 since the dark day of September 11, 2001, it is critically important that we make sure our antiterrorism effort has learned all the painful lessons of last September 11. It is just unrealistic to think that a new Department alone will achieve that goal. We must still press for the most effective coordination and leadership we can achieve.

I must say, we must do that for the longer term. I understand the President has strong feelings about this, but Congress has a responsibility to legislate for the longer term. As we all have agreed, the battle against terrorism is going to go on for the longer term, not just through this administration. And that really argues strongly for a statutory, Senate-confirmed position such as this bill would provide.

I want to quote David Walker, the Comptroller General, who made this point when he testified before our committee in April. On that occasion, he called for support of a statutory, Senate-confirmed official to coordinate antiterrorism policy Government-wide. Comptroller General Walker stated:

> Bottom line, there is a clear correlation that to the extent that there is a significant responsibility that spans administrations and years, that involve significant sums of money, . . . Congress has historically sought to address those with a statutory basis and to head those offices or operations with a Presidential appointee subject to Senate confirmation. History has shown that those lead to . . . more effective and accountable activity.

That is a critically important statement. We are legislating here for the long term. David Walker explains why the long-term interests of the security of the American people argue for this office as we have conceived it.

Brookings Institution scholar Paul Light added at one of our hearings:

> Congress should establish a statutory foundation for the White House Office of Homeland Security. Such a foundation is essential for the strategy, authority, and, perhaps most importantly, accountability.

Again, an important office. There is no sense in maintaining this office, as the President wants to do, unless it has an important role. If it has an important role, it ought to be subject to Senate confirmation and, therefore, accountable to the Congress as representatives of the people.

Title III of the legislation calls for a comprehensive national strategy to combat terrorism to be developed collaboratively by the new Secretary of Homeland Security and the Director of the White House Office for Combating Terrorism. The Secretary will have the lead role in issues of border security, critical infrastructure protection, emergency preparation and response, and integration with State and local efforts. Those are the elements within the Department. But the Director will have overall responsibility for preparing the strategy and will take the lead on strategic planning concerning intelligence and military assets, for instance, law enforcement, and diplomacy.

The idea is, the Director, working with the Secretary, will ensure the coordination of critical counterterrorism areas of Government outside the Secretary's direct control. And the legislation establishes an interagency council to be cochaired by the Secretary and Director to assist with preparation and implementation of the strategy.

It very progressively establishes a nonpartisan nine-member panel of outside experts to provide an assessment of the terrorism strategy. This is similar to the national defense panel created in legislation that came out of the Senate Armed Services Committee, of which I am privileged to be a member, that, in 1999, assessed the first Department of Defense Quadrennial Defense Review for military planning, and did so with very productive results.

In the area of antiterrorism, complacency has to be our constant concern. This panel our legislation creates will help assure an outsider-based, so-called red team critique of the strategy on a periodic basis.

Under our legislation, this antiterrorism strategy would be updated on a regular basis. The President's recently completed and released homeland security strategy is a good, constructive beginning, but of course it does not obviate the need for more detailed and updated strategies in the years to come.

I don't know if it is fair to quote a distinguished citizen from Tennessee when arguing against an amendment offered by the Senators from Tennessee, but I remember Fred Smith of FedEx said in a speech years ago, speaking to his employees—I paraphrase; I may not have it exactly—the journey to higher quality services has no final destination point.

That is a good point because the journey goes on and on. We are constantly trying to improve. In that same sense, the need for constant review and revision of our antiterrorism efforts will have no end. We have to keep reviewing and being a step ahead of our enemies.

I hope in the years to come and in future administrations, obviously, that terrorism is much less fresh in the minds and hearts and souls of the American people than it is less than a year after September 11. When it is, we need to ensure that, nonetheless, antiterrorism does not fall from the top of our concerns because these enemies of ours will still be out there in the shadows.

This statutory proposal of ours seems to me to be one of the best ways we can guarantee steadfast attention to the terrorism threat from administration to administration, from generation to generation, as we go forward in this century. We have never before had to organize and implement both a concerted assault against terrorists and to mount a defense of our people here at home at the same time, following an attack of this kind against civilians, innocents, on our territory. It is unprecedented.

Meeting the challenge means not only consolidating and organizing the dozens of agencies responsible for homeland security into a single unified chain of command, as we did in the first title of our bill, but it also means ensuring that the agencies and offices that remain outside the Department do not slip to the fringes of the fight against terrorism. That is what is achieved in titles II and III of the bill which Senator THOMPSON's amendment would strike.

We need every gear of government turning in the right direction, supporting every other as far ahead as we can see, to maximize our antiterrorism strategy, to advance the President's vision and policies, and to provide, in this painfully new context, for the common defense.

Therefore, I strongly oppose the Senator's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank my good friend from Connecticut for eloquently laying out his case against this amendment. It makes for a good debate.

As I sit and listen and think about what we are about here, it occurs to me that never before in the history of this country have we ever set up an organizational framework at this level of government. That is a pretty strong statement. I stand to be corrected if I can be.

We are setting up something here that we have never tried before. We are experimenting in a way in which we should not be experimenting. Why do I say that? I say that because we have never had a situation in the highest levels of government where we had a department with clearly defined responsibilities for an area of government and a White House entity that is Senate confirmed with decertification authority over the budget that pertains to that Secretary.

If there is another situation like that in the history of the Government, I will acknowledge it and stand corrected.

Reference has been made to the drug czar. He is Senate confirmed. He has decertification authority. But there wasn't a department such as the one we are in the process of creating. He, by his nature, by the nature of his job, had to coordinate legions of different entities and agencies and departments' budgets under the framework they had then. There was no one drug department or drug-fighting department other than him. He was it.

He had to deal with budgets of the Department of Agriculture, the Corporation for National and Community Service, the DC court services and offender protection, the Department of Defense, the intelligence community management account, the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of the Interior, the Judiciary, the Department of Justice—I am not listing all the divisions and agencies within these Departments—the Department of Labor, the OMBCP, the Small Business Administration, the Department of State, the Department of Transportation, and the Department of the Treasury. He was a coordinator in the truest sense of the word—not analogous at all to the situation we have here.

Reference has been made again to the NSC. We all know that the NSC not only does not have decertification authority; the NSC has no budget authority. The NSC is not confirmed by the Senate. Reference was made some way to our Trade Representative. He is confirmed by the Senate. He is the Trade Representative. I guess you could make some analogy to the Department of Commerce in terms of there being a Department that somehow has a responsibility in that area, but he is the person there, plus the fact that he has no decertification authority with regard to the Department of Commerce or anybody else.

So, again, I cannot think of another situation where we have had a large Department that we are getting ready to create, with 22 agencies, 170,000 people, and all the responsibilities, and we are going to be looking to that new Secretary. Everybody agrees there needs to be a coordinator there. I don't hear any reference to Mr. Ridge not doing a good job or the present circumstance not working out.

As the Office of Homeland Security is now constituted, we have a coordinator. But a new Department, a coordinator, who has decertification authority—think about how that would work. It is a recipe for conflict and turmoil within any administration. I don't know that there is a comparable in the history of our Government. It stands to reason that there would not be. What we seemingly have done is taken a lot of good ideas from a lot of people and added them together and not eliminated much of anything.

I don't know of any proposal that we do that is truly analogous. Perhaps Brookings comes the closest, but they were thinking about a much narrower Department. They were thinking about a border security department more than anything else.

So I suggest that we really think this through. More is not necessarily better. Do we really want a new coordinator who apparently is going to work down the hall from Mr. Ridge? I don't know if we are assuming—the President tells us he deserves to have his own person there. Are we assuming that he is going to back off? Is the new person—new Director—going to work down the hall from Mr. Ridge? Are we going to insist that the President get rid of Mr. Ridge's position because one is not confirmed and the other one is to be confirmed? It cannot be the same person serving both functions. I don't know what we are assuming.

Do we really want to set up a person there who has decertification of the budget—even over the military, apparently, according to Senator WARNER, who can speak for himself, and I understand he will—inside the White House? It is to be submitted to the budget and to him before it even goes to OMB, when you have a Secretary there with all of the responsibilities, budgetary and otherwise, that Secretaries normally have? Do we really want to do that? Is that really going to improve the operation of Government?

Like I say, there have been different ideas at different times, at different stages of this process. Many of them are good ideas, but many of them came before the President proposed his ideas for a Department and before he submitted his national strategy in July. To a great extent, unfortunately, what we have done is taken all these proposals and kind of added them together and said if a Senate-confirmed new Secretary for a Department is good, then a Senate-confirmed new Office of Homeland Security would be even better. And if the responsibility of the new Secretary for his budget is a good idea, let's have somebody over in the White House who can decertify his budget.

As I say, I think it is a recipe for turmoil within any administration. It is a recipe for conflict. I know that is not what is intended. As I sit here and think about how this would work, I think that would happen in any administration.

I think Mr. McCaffrey used his authority one time to great consternation with regard to everybody, but it would not be anything—perhaps he used it wisely, and I assume he did, but it would not be anything like a new Secretary with the responsibilities that a new Secretary would have, and the responsibility that OMB has.

We are going from a budget surplus to a budget deficit. We have no idea, in my humble opinion, as to how much this is going to cost us. We don't know how much it is going to cost the private sector and the State and local governments. I think it is going to be a lot if we do what we need to do to protect our infrastructure and the other things that constitute homeland security. It is certainly going to cost the Federal Government an awful lot of money.

We cannot shut this Nation down. We cannot spend all of our money on homeland security. We cannot have someone—I suggest it would not be wise—in the White House who only has responsibility for homeland security dictating what the entire Federal budget ought to look like. Somebody has to balance those, goodness knows, legitimate and, I would even say, primary concerns. But they are not exclusive concerns. We don't have an unlimited amount of money. We are apparently not willing to make tradeoffs.

We are spending money like there is no war against terrorism. We are adding new entitlement programs—the Congress is—as we speak. We have done some and are in the process of doing others. So what are we going to do, send somebody up in the White House to say, stop, don't let us kill again; is that the idea?

I think it has to do more with the will of Congress. We are going to have to do the right thing as a Congress. The Secretary is going to have to make proposals. The President and the head of OMB are going to have to say how much money we have to spend, and then take it to Congress and see what we think about it.

There will be plenty of ways for Congress to exert its will—properly so. We are not going to be cut out and should not be. That is the normal process. Do we really need another entity, which I think would be unprecedented, in the midst of all this confusion and difficulty that we are going through? People talk about maybe we ought to look at this thing in stages. Maybe that is one of the things we ought to look at in stages.

If it turns out that the strategy does not pan out, it is not satisfactory, that the budgetary situation is not working, it might be something we can revisit at another time. But with all these difficulties, is this really something we want to interject in the middle of this very difficult process? I submit to you that it is not.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, just to respond to some of the comments of my friend and colleague from Tennessee, it seems to me, as this debate has gone on for the last couple of hours, that we have sort of narrowed the focus. One question is: Does America need—assuming that there will be created an Office for Homeland Security—an office in the Presidency for the specific purpose of coordinating our efforts to combat terrorism?

I think the Senator from Tennessee just said he agreed—or he thought the President agreed—that some sort of office like that was going to be necessary. Basically, it is the office that Governor Ridge has been occupying now for approximately 10 months. So we agree there is a sufficient potential disorder, with the number of agencies that are going to have a role in our efforts to combat terrorism, and that is the specific and sole focus of this office in the White House; that it justifies somebody to attempt to bring order out of disorder.

As I was reviewing the legislation, I found some agencies that, frankly, I had not originally thought were going to be part of the fight to combat terrorism which I did not mention in my earlier remarks. One of those is the Environmental Protection Agency. One might say: How in the world is the Environmental Protection Agency going to be a part of the effort of homeland security against terrorism?

The answer is, if you list our vulnerabilities to terrorists, clearly one of the most significant of those vulnerabilities is our infrastructure, our basic water systems. If you were a creative terrorist and wanted to quickly disrupt America, identifying and targeting your efforts against our water supply would be one of the ways that you might consider doing so.

Obviously, if that is going to be a vulnerability, then the agency of the Federal Government which has the primary responsibility, particularly for protecting the quality of our water—the Environmental Protection Agency—becomes an agency that has a role to play in deterring terrorists from access to that part of America's infrastructure.

The list of agencies you can consider today, much less what we might be dealing with 10 or 20 years from now when the imagination of the terrorists in our own sense of vulnerabilities have become more mature, could be very numerous. So we agree there is a need for there to be an agency in the White House for purposes of focusing on the specific issue of terrorism.

The second question then becomes: If so, how should that office be organized? Should it be called "a meeting and hope people will come and, if they come, that they will cooperate" type of agency, or should they have some agency with teeth that can sink in, if that is necessary, in order to accomplish the result?

We have had some experience with the former type of agency in the original version of the National Office of Drug Control. That office had relatively little real teeth and, therefore, had little effectiveness on chewing on the difficult problems of getting the variety of Federal agencies that have a role in our drug policy to collaborate.

We already are aware of some of the difficulties we are going to have in the area of homeland security because we are identifying areas in which various agencies, for reasons of their cultural attitudes or traditions, their isolation, their desire to not share the potential glory of success with other agencies, have been insular and the American people have paid the price because the agencies that should have known important pieces of information were denied that information and, therefore, their ability to be as effective on behalf of the American people in giving us security against terrorists was frustrated.

We know that this office within the White House has to have enough power to be taken seriously. I believe it is the evolution of the Office of Drug Policy that is the most informing recent experience in American Government as to what kind of agency this needs to be and that we do not have the luxury of waiting 10 years for it to get there; that this office within the White House needs to have some ability to oversee and control the budget as it is being developed to assure that it is consistent with the strategy for combating terrorism that has been agreed to and that, in the implementation of budgets, agencies will devote the required funds necessary to carry out that strategy.

I believe if we are serious about a war on terror—and the American people are very serious about an effective war on terror—they need to have what, in this beginning of the season, we might refer to as a head coach who can oversee all of the assistant coaches who have responsibility for individual components of the team to assure that the team in totality is focused on victory against its opponent.

There is the third question, and that is: How do we prepare for the future? It was said that we do not need title III which calls for the development of a strategic comprehensive plan to combat terrorism because we already have a plan. It was the plan the President submitted a few weeks ago.

Without commenting about the current plan that the President submitted, I can tell you—and I do not believe there would be anyone here who would speak to the contrary—but that is not the plan we are going to have 10 years from now. We are not so lame-headed as to be unable to learn from the experience that we are going to have over the next decade and to then incorporate that experience into what we think is the effective strategy to protect Americans against terrorism.

Unfortunately, there is a tendency to want to revere the status quo and to resist change. In my earlier remarks I talked about some of the history of the American intelligence agencies, going back to their inception in 1947 and how they became so committed to fighting the cold war against the one big enemy, the Soviet Union, that when the cold war was over and we suddenly had a much different environment of enemies, that they found it difficult to make the transitions that were necessary to respond to the new set of enemies.

The same thing is going to happen in our domestic war to secure Americans here in our homeland, but we have already demonstrated some of the slowness to respond.

One of my critiques of the current effort at homeland security is that we have tended to focus our efforts on those vulnerabilities that have been attacked. Just think of all the things we have done to change the character of American airports and American commercial airlines, with many more changes still to be fully implemented. Contrast that to what we have done to substantially increase the security in areas that, in my judgment, are equal in their vulnerability and threat to the people of the United States, such as the water systems to which I referred earlier.

What have we done to increase the security of our seaports and those thousands of containers which enter America every day? In my own judgment, they represent one of the greatest threats for a terrorist wishing to bring a weapon of mass destruction into the United States.

We have almost a genetic tendency to support the status quo and a genetic tendency to respond when we have been hit where we have been hit. Hopefully, this agency, at its best, will be an agency that will challenge us to think creatively about what our vulnerabilities might be, and then to assess: Are we taking those steps that are reasonable and appropriate to protect us against an attack, against a vulnerability that has not yet been exploited?

I believe an agency that has that kind of an orientation, mission, and responsibility will also then need the authority this legislation provides to see that, in fact, we act against that.

It is easy to get Americans energized to deal with commercial airline safety when commercial airliners have been flown into some of the symbols of America's greatness, but it is more difficult to get Americans to respond to dealing with the potential threats at a seaport, or a metal container rolling down the highway when we have not yet been attacked at that point of vulnerability.

This agency will have the opportunity, within the White House, with the power of the Presidency and the power of the Congress, through confirmation, and with the power that this legislation would provide, to be that creative watchdog to ensure that we are responding to the threat profile as it changes and that we do not require that we be attacked in a particular point of vulnerability before we take steps to secure that vulnerability.

So I think those are the basic issues in this debate.

Does America need such an office? I believe there is unanimity, yes. Once established, does the office need to have the capability, the authority, and the clout to assure that it can conduct a difficult job? I think the answer to that question is yes because it then answers the third question: Are we going to look to this agency to be, yes, a coordinative agency; yes, an agency that will help advise us as to the wisest strategy to combat terrorism, but, maybe most importantly, to be the agency that will be responsible for our creative inquiry as to what is the nature of the threat today, what is it likely to be tomorrow, and how do we prepare to give to the American people what they deserve and what they look to us to provide, the most effective security in the homeland of America?

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I agree we do have some points of agreement. One is the fact that we do need a person in the White House in this coordination function. I agree with the second point also that we need a person with some clout. I submit Condoleezza Rice has clout and Tom Ridge has clout to do their jobs. Neither is confirmed by the Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, if I may just momentarily desist and continue to hold the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, throughout this debate—and there really hasn't been a lot of debate—there was talk about rushing this bill through and putting it on the President's desk before the August recess. Then there was kind of a fallback position in which it would be rushed through but it would be on the President's desk by 9/11, September 11. Neither of these efforts, as they appeared to be explained in the newspaper, was a very wise approach to dealing with such a very, very difficult, important—and I will use the word complex, which encompasses difficult as well, but I will add it to the sentence—piece of legislation.

How many Senators are paying attention to what is being said on this very important legislation? We have on the floor the distinguished manager of the bill, the chairman of the committee which had jurisdiction over this legislation, and we have the ranking member. These two Senators are here at their posts of duty. How many other Senators are there? I see the distinguished Senator from New Jersey, Mr. CORZINE, in the Chair. And here is this middling upstart from West Virginia at this desk.

So the deadline for completing this legislation by the beginning of the recess came and went, and the deadline of September 11 is going to come and go, but who is paying attention? My thought was that if Senators had the August recess, many of them would read this bill. What I mean by "this bill," this bill is a House bill which was passed by the House after 2 days of floor debate—imagine that. Two days of floor debate. Why, it would take longer than that to get a sewer permit approved by the city council in many towns. And here we are passing a bill of this magnitude in 2 days by the other body and great pressure on this body, now, to act on this mammoth proposition, great pressure from the President, who is going up and down the country saying: Pass my bill. Pass my bill. Pass my bill. Then there are others from both sides who are willing to go along and really want to hurry through this legislation.

But let me say in all candor that if we do not pass this bill until next year, this country is not going to go undefended at its borders, at its ports, at its airports. No. The same people who will be working in the agencies within the new Department, when it is created, are already out there right now. They are out there on the borders today. They were out there last night when you and I were sleeping. I take it that you slept a little bit. I got a fair amount of sleep. But they were out there protecting us. They are at the airports. We are not satisfied with the protection we are getting at the airports, but I don't know that this bill is going to improve that.

But, in any event, what I am saying is that the very people who are going to be protecting the ports of entry, protecting the long borders to the north and to the south, protecting the seaports and the river ports, they are out there now. These are experienced people. These are those terrible Federal employees whose rights are about to be swept away under the administration's proposal. But under this bill they are being protected.

That is not exactly the point I am making. The point I am trying to make is why the hurry? On the other hand, in looking about this Senate one would say: Why not? There is no interest in this bill. Senators are not at their desks. Look on that side: One Senator. Look on this side: Two Senators, and one in the Chair. I am not saying that in derogation of Senators. They are busy, very busy. Senators are on committees, they have people back home who are No. 1. This is the people's branch. They are busy.

But how many Senators have read this bill? That is the key. If more Senators had read this bill than obviously have read it, I think we would have more Senators on both sides on the floor.

The chairman and ranking member have given plenty of attention to this bill. They worked for days. Their staffs worked for days and far into the nights in developing this piece of legislation. So we have several Senators on both sides of the aisle who have read the bill and worked over it and they have far more expertise so far as this bill is concerned than I have.

I am not on the committee that has jurisdiction over their legislation; what business do I have here?

Well, I have the same business here that every other Senator on both sides of the aisle has, and I have been concerned about this legislation. I have read the House bill. I have read the Lieberman substitute. And I have read them both more than once—twice is more than once, so I read them at least twice, you can say—you can draw from that statement. But I read this bill. When I say "this bill," I am talking about the House bill and the Lieberman substitute. The House bill is the underlying bill here—we all know that—and it can be amended, too.

But the Thompson amendment is the amendment before the Senate right now, and it would strike title II and I believe it would strike title III as well; am I right?

Mr. LIEBERMAN. That is true.

Mr. BYRD. Mr. President, the Thompson amendment touches the bill in more than one place. It touches the bill in several places so it is open to a point of order to strike, a point of order against this amendment because it touches the bill in several places—more than one place, certainly. Also, it certainly is open to division. I am not sure at this point in time that I intend to pursue either of these two courses: make a point of order or ask for divisions. I am not sure of that at all.

I want to proceed right now with my statement. But I want to call attention to the fact that neither the Senate, apparently, judging from the attendance on the floor, nor the press is greatly concerned about this bill. Maybe Members and the media are just taking it for granted that this bill will pass, and it is a good bill, and the President wants it, and there it is; that is all there is to it. It is going to pass, so why fool around with it? Let's get on with something else. We have many other issues to occupy our attention.

I cannot fathom the reasons, except that I do not believe Senators have read this bill. I just do not believe it. If Senators read this bill, I think many more Senators would express concerns about it. Several Senators have expressed concerns about it. I am very concerned about it. It is a complex bill, and I think we are about to pass legislation here, if we are not very careful, that we will come to rue, that there will be many, many problems in connection with this bill that Senators have not thought through and will look back and say: My, how could that have happened? I didn't know that was in the bill.

So, in a way, I can understand Mr. THOMPSON's desire to strike titles II and III of the bill. I can understand that. I am not all together happy with either of those titles. But I think that the Senate will err in adopting the amendment by Mr. THOMPSON.

Throughout this debate, such debate as we have had, I have made clear my respect for the efforts of Senator THOMPSON in his work with Chairman LIEBERMAN on the homeland security bill. First of all, I think the Senator from Tennessee, Mr. THOMPSON, has a head full of common sense. You can find a good bit of that in those Tennessee hills and throughout most of Appalachia. I can say that because I am likewise from Appalachia. There are several States in Appalachia. But this Senator from Tennessee is one of the Senators representing a State in Appalachia where the common people, the common folk live. There are a lot of them down there, just ordinary people who live on my side of the tracks, the side of the tracks where I grew up.

I have also made clear my intention to oppose any effort that I believe jeopardizes the rights and liberties of the American people. I, therefore, must oppose Senator THOMPSON's amendment because, as I see it, it would contribute to the undermining of our constitutional system of checks and balances between the executive and legislative branches.

Now, to begin with, let me say that the administration's proposal does exactly that in several ways. I will not go into all the ways today. But if Senators will take the time to read the House bill, which reflects, in great measure, the administration's position on homeland security, they will find many instances in the House bill reflecting the administration's position which do just that—that get between the Constitution and the people, that put the Constitution and the people off to one side—and while this piece of legislation goes like a steamroller over that constitutional system of checks and balances, the separation of powers.

So the Thompson amendment would strike titles II and III of the Lieberman substitute. Title II is a title that provides a National Office for Combating Terrorism be established within the Executive Office of the President, presumably to replace the current White House Office of Homeland Security.

So we already have, in essence, just such an office as the one we are talking about in title II; namely, a National Office for Combating Terrorism. There is already one in the White House. There is already one established within the Executive Office of the President. It has not been established by law, but it has been established by Executive order. I do not have much use for Executive orders, whether they are issued under a Republican President or a Democratic President. But this legislation would replace, in my judgment, the current White House Office of Homeland Security.

In the legislation we are talking about here, in title II of the underlying legislation, such an office would be headed by a Director, who would be subject to Senate confirmation and made accountable to the Congress. Get that.

We already have such a Director down at the White House now working within the office of the White House, and that person is Tom Ridge, a former Governor of Pennsylvania. He has been there quite a while. He has been given a great deal of authority by the administration, by this President. He is an individual who is not subject to Senate confirmation and, therefore, is not made accountable to the Congress.

This legislation would make him subject to confirmation and accountable to the Congress. Why shouldn't that be the case?

Mr. President, the White House Office of Homeland Security was created to respond to an immediate need for an Executive Office that would oversee our Nation's homeland security efforts. Since its creation, however, it has become clear that that office, which has taken on such an important role in protecting our homeland, was also designed to be insulated from the American people, to operate from within the White House without congressional oversight and outside our constitutional system of Government, without, as I say, congressional oversight.

Now, Senator STEVENS and I, as all Senators know, tried repeatedly to have Mr. Ridge come before the Senate Appropriations Committee and testify on the budget for homeland security. The Director of the Office of Homeland Security has repeatedly refused.

I say with respect to Mr. Ridge, he is a former Governor. He is a very able, likable man, who once served in the Congress of the United States. He repeatedly refused to testify before the Congress. The administration arrogantly, in my opinion—arrogantly—maintained that he is accountable to the President only and not to the people's Representatives.

Now, I have some sympathy for the argument that a President ought to be able to have advisers from whom he can receive confidential guidance.

I am not saying that every Tom, Dick, and Harry, every clerk high and low at the White House, should have to come up and testify before the Congress if it invites him or her up to the Hill. I have sympathy for that idea as a concept.

But in the Director of Homeland Security, we have something that goes far beyond a mere staff person, far beyond a mere adviser to the President.

The Bush administration designed the Office of Homeland Security to be the Federal Government's point man on homeland security. There is the man. He is the man in whom the President of the United States has reposed great confidence and authority. Authority? Well, there was an Executive order.

The Office of Homeland Security was intimately involved in crafting the President's proposal to create a new Department of Homeland Security. I have said many times, I have almost spoken ad nauseam about the way this idea was initiated in the bowels of the White House and brought to life, much like Aphrodite, who sprang to life from the ocean foam and later appeared before the gods on Mount Olympus, and they all were much taken with Aphrodite; or much like Minerva who sprang from the forehead of Jove, fully armed, fully clothed, fully grown. And here it is, Minerva.

Well, that is the way this thing kind of came up. It came right out of the White House like an ocean foam. There it is, bango. You got it. We have something here that was created, lock, stock, and barrel, from an embryo of a tiny imagination. It was not quite the committee that created the Declaration of Independence, not quite of that caliber, but it was a committee of respectable men. There were four of them.

It was all done in secret, you know, down there in the subterranean caverns where there was not even a candlelight whose rays might illuminate just what was being talked about. But here it came.

Do you know why it came? In large measure, I say to my friend, Senator THOMPSON, I think one of the compelling factors in this idea that sprang from the White House foam might have been that legislation, that appropriations bill which was fast approaching and which had in it the language that Senator STEVENS and I put in it to require Mr. Ridge to be confirmed by the Senate of the United States.

That was in the appropriations bill. That appropriations bill passed the Senate in the seventies for it. Nobody took on provision. Nobody attacked that provision when it was before the Senate. Nobody tried to strike it. But there was a provision in that appropriations bill that said the Director of Homeland Security should be confirmed by the Senate of the United States.

Well, the administration saw that coming. They saw it coming like a train down the track. And it passed the Senate. Nobody raised any questions about it. It was headed for conference. And it went to conference.

So the administration, I think, thought: Wait a minute here. We had better get on board. Let's not get on board. Let's get ahead of that train. That is a fast train coming down the track. Let's get ahead of it. And so here came this thing out of the dungeon, out of the dark bowels of the Earth, beneath the White House.

So the administration had to do something fast to get ahead of this train so that the administration could claim, of course, credit for it. So here they came with this big idea of having a Department of Homeland Security. I am not sure they would have done that had TED STEVENS and I and the other members of the Appropriations Committee not included that provision in our appropriations bill which passed the Senate with nobody raising a finger against that provision. The administration saw that train coming.

The Office of Homeland Security was intimately involved in crafting the President's proposal to create a new Department of Homeland Security. Its Director has represented our Nation in forging international agreements related to our homeland security. You see, Governor Ridge could go to Mexico, he could go to Canada, but he couldn't come here before the Senate Appropriations Committee. "No. No. No, don't throw me into that briar patch." He didn't want to come here. I think probably it was the President who didn't want him to come here.

Further, the President has vested in the Director of Homeland Security budgetary powers that led our colleague, Senator SPECTER, to say in testimony before the Governmental Affairs Committee in April:

> Some have compared Governor Ridge's position to that of Dr. Condoleezza Rice, the National Security Adviser. However, Governor Ridge's authority over such a large piece of the budget clearly distinguishes his position from that of the National Security Adviser. When an adviser such as Governor Ridge has significant responsibility for budgetary matters, he should be subject to congressional oversight.

That was Senator SPECTER. He went on to say:

> We need to "codify" Governor Ridge's position.

The Office of Homeland Security is perhaps the clearest example of the administration's contempt, utter contempt, for Congress, a contempt that drives the White House to operate in a cloud of secrecy, beyond the boundaries of our constitutional system of government.

I recall—I am sure my distinguished friend from Tennessee recalls because he was here, as I was, and he was right in the middle of the news of that day and time—the Nixon administration attempting to create an entire executive system to bypass Congress. It has been called a "personalized presidency." It has been called an "administrative presidency." But whatever we call it, President Nixon wanted an administration in which the Federal Government would be run out of the White House, while the executive departments, those agencies and offices that are subjected to the oversight of Congress—I am talking about the people's branch—were, for all practical purposes, stripped of policymaking powers.

I do remember that period quite well. I was the Senate Democratic whip at the time. Senator THOMPSON must remember that period, too. He was minority counsel to the Senate Select

Committee on Presidential Campaign Activities—in other words, the Watergate committee. He did a very competent job because he is a very competent man and a very knowledgeable person, as I said, and has a lot of the sense of the American people who read this thing and who are far ahead of any of us most of the time.

I remember not only the Watergate scandal, but I also remember the atmosphere and the culture that created it. As President Nixon's counsel, John Dean, later pointed out, Watergate was "an inevitable outgrowth of a climate" that had developed over the previous years of the administration.

Foreign and military policy at the time was being run not by the State Department so much or the Defense Department but largely out of the White House by the National Security Council, with National Security Adviser Henry Kissinger in command. There existed at the White House a layer of Government between the President and his Cabinet departments, with their congressionally confirmed Cabinet secretaries.

To run domestic policy, the Nixon administration created a White House Domestic Council, which was patterned after Kissinger's version of the National Security Council. According to former Nixon administration official Richard Nathan, in his book, "The Plot That Failed: Nixon and the Administrative Presidency," Nixon's intent was "to achieve policy aims through administrative action as opposed to legislative change." I repeat, "through administration action as opposed to legislative change"—by the White House rather than the Congress, where the people have their say.

I recall the Nixon administration's defiance of Congress and the constitutional process. This included Nixon administration officials refusing to appear before Congress. It included the Nixon administration's efforts to "stonewall" Congress by denying information to congressional committees. It included the Nixon administration's efforts to belittle Congress and its constitutional responsibilities. It included the impoundment of funds appropriated by Congress by Mr. Nixon.

"Quite clearly," I wrote in my own history of the Senate, "President Nixon set out to circumvent Congress."

"Had Nixon succeeded," wrote Arthur Schlesinger, "he would have effectively ended Congress as a serious partner in the Constitutional order"—a stunning thought that, through such brazen power grabs by the administration, in fact, one man could so dramatically shift the balance of power that safeguards the people's liberties. It should worry us all. It should worry us, as the people's elected representatives. It should worry the media, as the fourth estate that is to enlighten the people—our people. It should worry us all just how easily that shift can be accomplished.

Cloaked in secrecy and shrouded in arrogance, the Nixon administration became one in which the President and his aides believed that they operated outside the constitutional process and beyond congressional oversight. "Even before Watergate," wrote Nathan, "Nixon's management strategy was criticized as dictatorial, illegal and impolite."

My point is that Watergate didn't just happen. Years of Executive secrecy and arrogance and contempt for Congress created it. As John Dean said, it was an "inevitable outgrowth."

When I think of these preconditions that led to Watergate, I keep thinking—I cannot help but think of the current administration. I am concerned—no, let me say I am not just concerned, I am alarmed that in this administration we are witnessing another Nixonian approach to Government; that is, holding the Congress at bay, saying to congressional committees, no, this man won't come; he is not coming up there—holding the Congress at bay using Senate-confirmed department and agency heads, while the real policy decisions are being made by advisers to the President behind the protected walls of the White House. That is where the real decisions are being made.

The Assistant to the President for National Security, Condoleezza Rice, plays a major role in crafting foreign policy for the Bush administration. That position, however, unlike that of Secretary of State, is not subject to Senate confirmation. While the Secretary of State testifies regularly before the Congress and is accountable for the Bush administration's foreign policy, the President's National Security Adviser operates secretly, inside the White House, and is largely unaccountable to the American public.

The same can be said for the Assistant to the President for Economic Policy, Larry Lindsey. The President's economic adviser is not subject to Senate confirmation and, while he crafts economic policy for the administration, he is not accountable for that policy to the Congress. The Treasury Secretary, who is confirmed by the Senate, has to justify his decisions and actions to Congress and to the public. The President's economic adviser, however, has no such obligation.

These are policymakers inside the White House who operate outside the constitutional system of checks and balances.

With the creation of this new Department of Homeland Security, my concern—indeed, what should be the concern of every Member of this body—is that the Department and its Secretary will be used as decoys to divert the attention of the American public away from the White House's Office of Homeland Security and its Director, Tom Ridge.

I speak with great respect for Tom Ridge, who happens to be the person in that position at this point. It could be "Jack in the Beanstalk," or John, or Henry, or Robert—whatever. The White House has tried to shield that office. I know. TED STEVENS knows that. I know the White House has tried to shield that office from the Congress and the American public ever since its creation last year. Oh, they are willing to come up, yes. I heard from Tom Ridge. He was willing to come up and brief the members of the Appropriations Committee.

Well, now, that is a way of getting around what the people desire. The people deserve something better. The people deserve to see these hearings. The Appropriations Committee has been created now since 1867. So for these 135 years, since its creation, that is the way it has been done. I know the other body apparently settled for that kind of thing but not our side; we are not going to settle for that. We will do it the way it has always been done—out there within public view, with the record being written, questions being asked, and the American people watching.

The American people want answers to these questions, not just members of the Appropriations Committee. So it is the way it has been done for 135 years, and as long as I am chairman, that is the way it is going to be done. We are not going to settle for merely briefings. We can get that from lots of people.

But title II of the Lieberman bill seeks to make the actions of a Homeland Security Office inside the White House more accessible and more accountable to the public. What we must strive to avoid is a White House Homeland Security Office—be it the Ridge office or John Doe's office or the one envisioned by the Lieberman substitute—that would act as a puppetmaster for Homeland Security, pulling the strings of the new Department and its Secretary from behind a curtain of secrecy.

That is why it is so important that the White House office, whatever its form, whoever its Director may be, be held accountable to the Congress and the American people. The head of that office must be a confirmable position, no matter what the President—any President—may say. After all, we hear that this battle, this war on terrorism, is going to go on for a long time. So I take "a long time" to mean beyond this year, beyond next year, beyond the next election, beyond the next 2 years. And who knows, we may have a different President in 2 years; we may have a Democratic President.

Will I feel any differently? No, not one whit. No. The head of that office must be a confirmable position. If the war is going on for a long time, that position is going to be there a long time. That office will be there a long time, and it should be a confirmable position.

If there is a Democratic President in office 2 years from now—and who knows. I do not know if I will be around or not. Only the Good Lord knows that. But whether I am around or not, that position, under a Democratic President or under a Republican President, should be confirmed by the United States Senate. He should be accountable to the American people, the people out there who are looking through those electronic lenses right up there, right now. He should be accountable to them.

Mr. President, the men who drafted our Constitution carefully laid out a system of government that has worked remarkably well for more than two centuries. It began in 1789. The First Congress in 1789 was probably the most important Congress of any of the 107 Congresses we have had. There was no Congress before it to tackle those problems. That Congress took on great problems, and the Senate especially is to be credited with the formulation of the Judiciary Act, creating the judiciary.

There we are, 1789. What would those signers of that Constitution think about the way we are running our Government today? Would they say to ROBERT BYRD: Senator BYRD, you should take your seat; there is no reason for that person to be confirmed; he should not be confirmed; we should accept at face value whatever President is in office, whether he is a Democrat or Republican. They would say: We did not have any political parties in our time, but you have them. You ought to just sit down and not worry. Leave it all to the President. If he is a Democratic President, leave it all to him. If he is a Republican President, leave it all to him. Leave it up to him. Trust him. Don't require that person to be confirmed.

How many Senators would believe those men who signed that Constitution of the United States would say that? They would turn over in their graves, as we hear an expression often in our part of the woods. They would turn over in their graves to even contemplate such a thing.

A major reason our Government has been so successful is that our Founding Fathers were wise and cautious people who had no naive expectations about human behavior. They understood human behavior. It has never changed. It is just like it was when Adam and Eve were in the garden, just as it was when Cain slew Abel. It does not change. That is why we have Saddam Hussein because human nature has not changed.

Everybody loves power, and sometimes we get intoxicated with the power we have. That intoxication feeds on intoxication and power feeds on power. I would much rather believe that the American people were in the mix. I should think any President would want that to be the way: I have nothing to hide; let the American people see it.

James Madison, the Father of our Constitution, had a shrewd view of human nature. He knew that those who achieved power too often tried to amass more power or, in other ways, misuse their power. "If men were angels," he observed in Federalist 51, "no government would be necessary."

According to Madison, history showed that those in power often overreach; they want more. It is like that song: Give me more, more, more of your kisses. They want more, more, more power.

According to Madison, history showed that those in power often overreach and, as a result, power too often can become located in a single person or a single branch of government, either of which is dangerous to liberty. That is what we are talking about, the liberty of the American people. We are not talking about the prerogatives of the Senate per se. They are prerogatives of the Senate by the Constitution, but it goes deeper than that.

We are talking about the people's liberties. "The accumulation of all powers, legislative, executive, and judiciary, in the same hands," wrote Madison, "may justly be pronounced the very definition of tyranny."

This very point was emphasized by none other than the Vice President of the United States, RICHARD CHENEY, when as a Member of the House of Representatives, during a hearing by the Iran-Contra committee, he, RICHARD CHENEY, lectured Oliver North saying, and I quote the now-Vice President:

> There is a long tradition in the Presidency of presidents and their staffs, becoming frustrated with the bureaucratic organizations they are required to deal with, to increasingly pull difficult positions or problems into the White House to be managed because there is oftentimes no sense of urgency at State or at Defense or any of the other departments that have to be worked with. . . . [P]roblems . . . that automatically lead presidents sooner or later to move in the direction of deciding that the only way to get anything done, to cut through the red tape, to be able to move aggressively, is to have it done, in effect, inside the boundary of the White House.

That was now-Vice President CHENEY back then.

Is that what is going on now? I remember the concerns and issues raised by Members on the other side of the aisle when the Clinton administration's health care task force was forming its policies in secrecy. One Republican Senator, who is here today—not on the floor right at this time—denounced the Clinton administration for operating—and I quote the Senator—a "shadow government, without accountability to the American people."

That Senator went on to say that:

> All Americans should know what their Government is doing and how it is spending public funds. That is just the way we ought to do things in a democracy."

While I do not agree this is a democracy—Senators know we do not pledge allegiance to the Flag of the United States and to the democracy for which it stands. This is a republic. But that is neither here nor there.

This Senator said that is just the way we ought to do things in a democracy. Well, I think that Senator was right. He was a Republican Senator from Iowa, Senator GRASSLEY.

Another Republican Senator at that time, Senator Simpson, charged:

> The secrecy on the ongoing negotiations within the confines of the White House is a major concern of mine. . . . Health care is too important an issue to the American public to deliberate behind secretive walls of the White House.

Well, Senator Simpson was right, too. I do not dispute those comments, but I do ask this: If health care is too important an issue to the American public to deliberate behind the secretive walls of the White House, then what about the challenges of protecting our Nation in this frightful new age of terrorism, and what of a White House that seeks broad new authorities without respect to the harm they may do to the people's liberties or to our system of government? What about an officer who has his hand in intelligence, health care, law enforcement, commerce, environmental protection, transportation, agriculture, all matters that fall under the broad rubric of homeland security? What of a White House officer who would be granted never-before-seen authorities to involve the U.S. military?

Now get this, Mr. President, as you sit up there in that chair presiding over this august body. It is probably not very difficult to preside over when there are only three Senators in the Chamber. What of a White House officer who would be granted never-before-seen authorities to involve the U.S. military in any domestic matter that can be labeled "homeland security"? What about that?

Let me read that again. What of a White House officer who would be granted never-before-seen authorities to involve the U.S. military in any domestic matter that can be labeled "homeland security"?

That is enough to choke on, is it not? Give me a glass of water. My gosh, that is enough to choke on. That is more than a bone. We will find that more than a bone in one's throat.

The White House is clearly seeking new and expanded roles for the military within our own borders. It has articulated as much in the homeland security plan the President released last July.

The White House aims to provide broad authorities to the military as part of its national antiterrorism homeland security plan. That should give us all pause.

I am certainly not to be equated in any sense with George Washington, but I think of George Washington who said, I have grown old and gray in my country's service; now I am growing blind. So in that sense I am a bit like George Washington.

Now, when we are talking about the military, I am reading from the national strategy for homeland security. This is what it says, in part—these are major Federal initiatives. I will just pick out this one. It jumps out at me.

> Review authority for military assistance in domestic security. Federal law prohibits military personnel from enforcing the law within the United States except as expressly authorized by the Constitution . . .

Oh, that word. How many of us have heard that word on television recently, the word "constitution"? Let me read that again.

> Federal law prohibits military personnel from enforcing the law within the United States except as expressly authorized by the Constitution or an act of Congress. The threat of catastrophic terrorism requires a thorough review of the laws permitting the military to act within the United States in order to determine whether domestic preparedness and response efforts would benefit from greater involvement of military personnel and, if so, how.

All right, Senators, see if you can swallow that one. Apparently, there is some thinking going on in certain circles, because this says so, that the threat—I will read this portion again:

> The threat of catastrophic terrorism requires a thorough review of the laws permitting the military to act within the United States in order to determine whether domestic preparedness and response efforts would benefit from greater involvement of military personnel and, if so, how.

I say to Senators, beware.

The Lieberman substitute includes language requiring the Director of the new National Office for Combating Terrorism, in consultation with the new Homeland Security Secretary, to develop a national strategy that would include "plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy."

Let me read that to Senators. I read from the substitute by Mr. LIEBERMAN. I read title III, section 301, the section entitled "development," which says:

> The Secretary and the Director shall develop the National Strategy for Combating Terrorism and Homeland Security Response.

Then it goes on and tells the responsibilities of the Secretary, and among those responsibilities I go down to the word "contents," and then I go down to the fourth paragraph which reads as follows:

> Plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy.

Title III of the Lieberman bill talks about the Strategy. And so the Director and the Secretary together will develop the National Strategy for Combating Terrorism and Homeland Security Response. That is being done now in the White House by the Director, Tom Ridge, I would say undoubtedly.

Senator LIEBERMAN is trying to put—I have a little dog. I used to have a dog named Billy. I have a little dog now whose name is Trouble. My wife named him Trouble. She may have been looking at me when she named the dog. We put a little collar on that dog, and then I have a nice little chain that goes into the collar. That little dog might go astray if we did not have that collar on that sweet little dog. She has my wife and I around her two front paws. So when I take her out for a walk, she then would not run out on the street and get run over by a car.

Senator LIEBERMAN is seeking to put a collar on this office. He is seeking to put a chain on it, and for good reason. So Lieberman's substitute includes language requiring the Director—this is the chain in the collar—requiring the Director of the new national Office for Combating Terrorism, in consultation with the Homeland Security Secretary, to develop a national strategy that would include plans for integrating the capabilities and assets of the U.S. military and to all aspects of the strategy. The White House Homeland Security Director, Mr. Ridge, is under similar orders from the President. But at least, as I say, under the Lieberman plan, the Government official responsible for developing plans to mobilize U.S. troops within our own borders, if it comes to that, would be held accountable—and I hope it does not come to that—to the American public and the Congress. That is a critical difference.

Certainly the American people should feel uncomfortable with the thought of government officials, hidden away inside of the White House, drawing up plans on how to insert the military into the homeland security efforts of our communities. Ours is a nation in which the streets of our small towns and large cities are patrolled by civil forces, not tanks and black hawk helicopters. Our policemen are accountable to locally elected leaders, not four-star generals in distant command centers. Our citizens are tried in courts of law, not secret military tribunals. We may, in an abstract sense, recognize the danger of a growing involvement of the military in civil affairs, but we do not seem to recognize that the wall between civil and military government may be eroding as we speak. It is imperative, therefore, to ensure that any White House officer who would be granted such broad powers—as, say, Mr. Ridge would be—to insert the military into "all aspects" of the homeland security strategy should also be made accountable to the people's representatives.

I recognize the value of an Executive Office to coordinate homeland security efforts across the Federal Government. But there is also a need to ensure that any office with such long arms, so able to reach into the affairs of so many agencies, and with powers so sweeping that it can trim the liberties of the American people is, ultimately secured under the control of the people. Title II of the Lieberman bill attempts to respond to that need.

The mere fact that White House advisors have quietly accumulated broad powers in the past is certainly no reason to allow a White House office with influence of this magnitude and without congressional oversight to go forward.

We stand today in the swirl of unanswered questions about this administration's intent with regard to an unprovoked, preemptive attack against the sovereign nation of Iraq, the reasons for which have not yet been explained to Congress or the American people. Perhaps the White House has the answers to the questions that people are asking about why we may soon send our sons and daughters to fight, and perhaps die, in the sands of the Middle East, but thus far, we have encountered only a wall of secrecy at the other end of Pennsylvania Avenue—a wall built on the pillars of Executive privilege.

On the issue of homeland security, however, the lives at risk are not only of those who have chosen to serve our country in uniform. Homeland security is about protecting the lives of innocent civilians—men and women, children and grandparents—from terrorist attacks. The current administration is quite evidently eager to avail itself of every past precedent and every current day opening to hide its affairs from the public eye. If anything, we, the people's representatives, should be alarmed.

If I were Paul Revere and had the lungs, brass lungs, if I could speak as thunder from the cloud in a storm, I would insist that any such powerful White House Homeland Security Office not be allowed to operate outside the reach of the American people.

So I urge the Senate to refuse to be a party to erecting such a dangerous wall of secrecy between the people and their government. I urge the Senate to refuse to be a party to erecting such a dangerous wall of secrecy between the American people and the American Government, their Government. I urge my colleagues to vote against the Thompson amendment.

So, Mr. President, here we are. We are talking—I am not sure we are debating it, but we are talking—about this massive piece of legislation that would constitute the greatest reorganization of the American Government since 1789—not since the Department of Defense was created, not since the National Security Act, but I think the greatest reorganization of Government and, it is certainly arguable, since 1787, when our constitutional forebears met in Philadelphia to create a new Constitution, a new Government under a new Constitution, while those men at Philadelphia were serving under the Constitution that then guided them, and that then obtained the Constitution under the Articles of Federation. That was the first Constitution, that was the first American Constitution. There were State constitutions, State constitutions in 13 States before that time. They reconstituted this Government. Not all of the delegates from the 13 States attended; Rhode Island did not think too much of the idea. But under that Constitution, and the new Constitution, the support and ratification by nine States would constitute enough, a sufficient number to adopt this new Constitution and create a new order of—a new order of the ages. "Novus ordo seclorum," a new order of the ages. There it is, up there on the wall. They created it.

"Annuit coeptis." He has favored our undertakings. God.

So they set forth a new order for the ages. They created anew, they reorganized this Government. That was the greatest reorganization ever. And there was the reorganization of the military that we have already talked about. And now we come along with this reorganization. But this is a far-reaching reorganization and this is a new Department.

Senators will remember the first three Departments were the Department of State or foreign affairs, the Department of War, and the Department of the Treasury. And the first committees, the real committees of the Congress, were created in 1816—the permanent committees. And the Appropriations Committee, as I say, was created in 1867. But here we are. We are creating a new Department of Government.

I have been here when several new Departments have been created. This will not be my first one, but this is the one which gives me greatest pause, the creation of this Department.

I will not proceed to make a point of order against this amendment at this time. I am not the manager of this bill. I am not even on the committee that created it. But I still have the rights of any Senator, so I can make a point of order. But out of courtesy to the distinguished chairman of the committee and the distinguished ranking member, who certainly has listened to me and my concerns—and TED STEVENS and his concerns, our concerns with respect to the power of the purse—they have listened and they have given great consideration to our concerns in those regards—I will not make the point of order, as I indicated was available to me and I could have made, but I am not going to do that out of respect for them. They are managers of the bill, not I. But I must say I am very concerned, extremely concerned about this whole matter.

I think the language that has been brought to the floor by Mr. LIEBERMAN and Mr. THOMPSON is—I wouldn't say light years ahead, but it is certainly way ahead of the House bill. I only hope Senators will read the House bill so that they can see the legislation that pretty accurately reflects the administration's position with respect to this new Department. I am telling you, it will make your hair curl if you pay close attention to that language.

I have some problems with this substitute, I have to say. But I will have opportunities as time goes on. I have an amendment which I will offer. I have more amendments than one, but I do have one I am going to offer within the next few days.

I hope, may I say to the chairman and ranking member, that other Senators will come to the floor and discuss this amendment. I hope they will come to the floor and discuss this amendment. I hope they will read in the RECORD tomorrow morning what was said today and that they, too, will come to the floor. The people will profit by vigorous debate.

I thank both Senators for their courtesies to me. I have great respect for them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the distinguished Senator from West Virginia for a characteristically learned statement, and also for the passion with which he has delivered it. He always informs this Senator and illuminates and informs the debate generally. I am very grateful to him.

I share his wish that Senators will come to the floor and debate this amendment. This amendment really does, as I indicated earlier today, go to one of the pillars of the bill. It is not just a bill to create a Department of Homeland Security. It is a bill to create a Department of Homeland Security and Combat Terrorism. The strength and structure and authority and accountability of this White House office really will determine, in my view, how effectively we will be able to combat terrorism.

Senators were here for a vote earlier today. As the Senator from West Virginia said, I know and respect the difficult schedules of Senators, but this is a very important amendment and I hope more Senators will come to the floor tomorrow. I believe it is the intention of the leadership to move to a vote on this amendment sometime tomorrow afternoon. There are many amendments filed by other Senators. This is the beginning of the second week on which we have been on this bill, though last week was a shortened week because of Labor Day at the beginning and our joint meeting in New York at the end.

This bill deserves the involvement for which the Senator from West Virginia has called. I thank him for it. I echo it. We are going to keep moving forward.

I thank Senator THOMPSON for putting forward a very consequential amendment which deserves the attention of all Members of the Senate.

I appreciate what the Senator from West Virginia has said. There is a point of order that is appropriate here. He reserves the right, of course, to make that point, as others of us do, and I would like to counsel with him on this tomorrow as we go forward and also to engage the Senator from Florida, Mr. GRAHAM, who was a major contributor and drafter of this particular part of the amendment we have put before the Senate.

The bottom line is I want to thank the Senator for West Virginia for his commitment, his understanding of how significant this piece of legislation is, and the extent to which he has devoted his valuable time to studying the various proposals and then his valuable time to preparing the learned statements—I go back to that adjective—learned statements that he has already made in the 3 or 4 days we have been on the bill, on different parts of the bill. He sets a standard for the rest of us. I must say even when, as occasionally happens, I do not agree with him, I always benefit from his involvement and appreciate very much his extraordinary public service.

I yield the floor.

Mr. WARNER. Mr. President, on June 6 of this year, President Bush proposed the establishment of a Department of Homeland Security and, arguably, the most fundamental reorganization of the United States Government since the passage of the National Security Act of 1947.

This proposal by our President is the logical culmination of a very deliberate process that started when then-Governor George W. Bush established homeland security as his highest priority during a speech at the Citadel in September 1999, when he stated, "Once a strategic afterthought, defense has become an urgent duty."

While I support the overall intent of the legislation and strongly agree with the need to better organize our Government to protect our homeland, I do not support all provisions of this bill as drafted. Two such provisions are addressed by the pending Thompson amendment—which I support—which would strike titles II and III of the underlying legislation.

Title II mandates the establishment of a National Office for Combating Terrorism and title III mandates the development of a national strategy for terrorism and homeland security response. I would like to note that the administration is strongly opposed to both of these titles.

On October 8, 2001, following the tragic events of September 11, President Bush formed the Office of Homeland Security in the Executive Office of the White House to oversee immediate homeland security concerns and to propose long-term solutions. Governor Ridge and others have worked hard under the President's guidance to produce a comprehensive plan that now deserves our serious consideration and support.

To now mandate the establishment of a national Office for Combating Terrorism within the Executive Office of the President would be redundant to the structure currently in place, particularly since the President has already stated his intention to retain the position of Assistant to the President for Homeland Security.

Additionally, I have serious concerns about the budget review and certification authority provided by this legislation to the proposed Director of the National Office for Combating Terrorism. In my view, such authorities would undercut the ability of several Cabinet-level officials, including the Secretary of Defense, the Secretary of State, the Attorney General and the Director of Central Intelligence, as well as the new Secretary of Homeland Security, to carry out their primary responsibilities.

In the case of the Department of Defense, the Secretary of Defense has wide-ranging responsibilities to protect vital U.S. interests and to prevent threats from reaching our shores. The Department, under the leadership of Secretary Rumsfeld, is currently engaged in an all-out global war against terrorism—designed to bring to justice those responsible for the September 11 attacks on our Nation and to deter would-be terrorists and those who harbor them from further attacks.

The Secretary of Defense must ensure that the Department is adequately and properly funded to carry out its many missions. It would be unwise to subject portions of the budget carefully prepared by the Secretary of Defense to a "decertification"—in essence, a veto—by an official who does not have to balance the many competing needs of the Department of Defense and the men and women of the Armed Forces.

Title III of the pending legislation requires the development of a national strategy for combating terrorism and the homeland security response. When the President established the Office of Homeland Security, he directed Governor Ridge to develop a comprehensive strategy to protect the United States from terrorist attacks.

In July of this year, President Bush unveiled his Homeland Security Strategy, precluding the need for Title III of the pending legislation. Legislating anything other than a periodic review and update of this strategy in conjunction with normal updates of our overall national security strategy would be burdensome and would divert attention and resources away from the administration's focus on homeland defense and the global war on terrorism.

As the President stated in releasing the homeland security strategy on July 16, "The U.S. Government has no more important mission than protecting the homeland from future terrorist attacks." We in the Congress should do all we can to help our President achieve this goal.

I urge my colleagues to support the Thompson amendment.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

TRIBUTE TO MR. PAUL SCHNEIDER

Mr. LOTT. Madam President, I would like to recognize the professional dedication, vision, and public service of Mr. Paul Schneider, who is leaving his position as the Principal Deputy Assistant Secretary of the Navy for Research, Development and Acquisition. It is an honor for me to recognize the many outstanding achievements he has provided to the Assistant Secretary of the Navy for Research, Development and Acquisition, the Navy, and our great Nation.

Mr. Schneider has spent almost four decades ensuring our Nation and its naval forces are equipped with the technological supremacy to ensure victory over America's enemies. As our Nation enters the 21st century and faces new and unsettling changes, the leadership and technological achievements Mr. Schneider has nurtured will continue to ensure our strength and freedom.

Mr. Schneider began his public service career over 37 years ago at the Portsmouth Naval Shipyard as a project engineer to the Submarine Propulsion and Auxiliary Machinery Branch and Waterfront Design Liaison Office. Throughout the 1970s Mr. Schneider was a key member of the Navy's Trident submarine program, where he provided leadership, expertise, and vision in design, engineering, program management, and advanced technology development.

The Navy, recognizing Mr. Schneider's leadership and engineering expertise, brought him to the Naval Sea Systems Command in 1981 to be a Deputy Director in the Engineering Directorate where he was responsible for design and engineering of ship and submarine mechanical and electrical support systems and auxiliary machinery. In his next assignment, Mr. Schneider became executive director of the Amphibious, Auxiliary, Mine and Sealift Ships Directorate.

Throughout the 1990s, Mr. Schneider continued to be one of the Navy's leading engineers, becoming Executive Director of the Surface Ship Directorate. In October 1994, he became Executive Director and Senior Civilian of the Naval Sea Systems Command where he led efforts to revamp the Navy business process by adopting commercial cost processes and practices in the acquisition of major systems. He also implemented training and education programs to retool the Navy's acquisition workforce for the 21st century. In 1998, Mr. Schneider became Principal Deputy Assistant Secretary of the Navy for Research, Development and Acquisition.

Mr. Schneider has earned numerous awards, including the Department of Defense Distinguished Civilian Service Award, the Department of the Navy Distinguished and Superior Civilian Service Awards, and Presidential Distinguished and Meritorious Executive Rank Awards.

I could go on and on about the many significant contributions made by Paul Schneider throughout his long and distinguished career. There are almost too many to recount. Despite his many professional, technical, and engineering achievements, perhaps his most noteworthy trait is his genuine concern for those around him. He regards as his family the entire community of military personnel, civilian employees, contractors, and industry who faithfully serve the Navy throughout the world. His memberships in the American Society of Naval Engineers, Society of Naval Architects and Marine Engineers, Association of Scientists and Engineers, Navy League and the Naval Institute attest to his dedication to be a friend, counselor, and mentor to many hundreds of junior personnel who have had the pleasure to serve under him during his tenure.

I ask my colleagues to join me today as I wish Mr. Paul Schneider all the best in his future as he continues his successful career as Senior Acquisition Executive for the National Security Agency. On behalf of my colleagues on both sides of the aisle, I wish Paul and his loving wife Leslie fair winds and following seas.

REMEMBERING ALAN BEAVEN

Mrs. FEINSTEIN. Madam President, I come to the floor today to honor the heroism of Alan Beaven—a Californian aboard Flight 93 who helped prevent the terrorists from crashing another airplane into its intended target on September 11, 2001.

As we approach the one-year anniversary of that horrible day, our thoughts turn to the heroes like Alan who gave their lives to save others.

To honor the courageous passengers of Flight 93, I joined Senator SPECTER to co-sponsor the "Flight 93 National Memorial Act," which I believe the Senate will pass today to establish a memorial at the crash site in Pennsylvania. This legislation will also establish a Flight 93 Advisory Commission to recommend planning, design, construction, and long-term management of the memorial.

I believe it is important to pass this legislation before the anniversary of September 11 to appropriately recognize the heroism of Alan Beaven and the other Flight 93 passengers.

I would like to take a few moments to tell the world about Alan and his family.

Alan Beaven wasn't supposed to be on Flight 93 that tragic day. On Monday, September 10, Alan and his wife Kimberly were in New York planning for a year long sabbatical in India to work for a humanitarian foundation. Alan was a top environmental lawyer in San Francisco who planned to volunteer his services in India.

Alan was headed east, not west, but there was one last case involving pollution in the American River near Sacramento and settlement talks had broken down that Monday. Alan had to head back.

Tuesday morning Alan drove to Newark, New Jersey to catch a flight to the West Coast. Flight 93 was 40 minutes late that day—giving passengers onboard time to learn about the planes that had crashed into the World Trade Center and the Pentagon. A few called home on cell phones to express their love and say that a group of passengers were determined to fight back against the hijackers—Alan Beaven was one of those brave men.

No one knows for sure what happened aboard that airplane, but we do know countless lives were saved when that plane was diverted from its intended target.

Even though Alan's seat was in the back of the airplane, his remains were found in the cockpit at the crash site in Pennsylvania. The Beaven family has also heard Alan on the cockpit voice recorder, so it is clear that Alan, standing 6 feet 3 inches tall and weighing over 200 pounds, fought with the hijackers.

I will enter two letters I have received from the Beaven family into the RECORD. Alan's wife, Kimberly, and his son, Chris, wrote to me about what they heard on the cockpit voice recorder in April when the families of the passengers of Flight 93 were allowed to listen to the struggle aboard the aircraft.

My heart goes out to Alan's wife, Kimberly, and his three children John, Chris, and Sonali. John earned a biology degree at UC San Diego where he was captain of the baseball team and an Olympic torch bearer when the torch went through Sacramento on its way to Salt Lake City this past winter. John's brother Chris attends Loyola Marymount University and sister Sonali is 5-years-old.

Alan's great joy was his family. He spent hours reading to Sonali, scuba diving with Chris, and playing catch with John.

In fact, John's early memories of his father were of the two of them playing catch for hours on end. When John was 5, the family moved from London to New York and before they could drop off their luggage, young John made Alan play catch in Central Park.

In a tribute to Alan, the Beaven family decided not to have a funeral, but instead a "Thanksgiving for the life of Alan Anthony Beaven."

And what a life it was.

Alan was born in New Zealand on October 15, 1952. He worked as an attorney in New Zealand, England, New York, and California. As a top environmental lawyer, Alan worked on over 100 clean water cases in just 10 years in California.

Friends and family of Alan say they are not surprised that Alan risked his own life so selflessly to save others.

The day after the terrorist attacks on our nation, Alan's secretary went into his office and found a single piece of paper tacked up at eye level on the wall in front of his desk. It was a quote he heard that week which summed up how he lived his life, and how he ended it when he joined others to fight back against the terrorists. Alan wrote, "Fear, who cares?" And these words adequately describe his actions aboard Flight 93.

I did not know Alan Beaven, but this quote tells me all I need to know about him—that he was a fearless, loving, and devoted man.

One year later, it is clear that our Nation has lost a superstar environmental lawyer, a loving father and husband, and a true hero—Alan Beaven.

I ask unanimous consent to print the two letters to which I referred in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 9, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: My father, Alan Beaven, was among those 33 passengers of United Airlines Flight 93. Their hurried steps toward the cockpit were the first in an international campaign against the threat of fanatical hostility. For this they should be celebrated.

My dad played a central role in the deposing of his flight's assailants. Not only did he cooperate in an organized effort but he commanded it as well. For this effort he should be particularly acknowledged.

The cockpit recorder (C.V.R.) substantiates my claim of his exceptional heroism. At a private listening in Princeton, New Jersey I twice heard his accented words. His final phrase, "Turn up!" was shouted at 10:02:17.3 on the official C.V.R transcript. Given the range of sensitivity of the cockpit microphones and my father's seating placement in the rear of the plane I reasonably believe that these findings indicate my dad's extraordinary actions.

Secondly, my father's remains were recovered in the front of the aircraft. Authorities confirmed that D.N.A. testing placed him in the cockpit at the time of impact. Again, given his seating placement, this evidence undoubtedly proves his centrality in the effort to regain custody of United's Flight 93.

Though my father did not place a telephone call in his final hour, other such correspondences indicate his exceptional involvement. Reports were made of great men well above the height of six feet leading the passengers toward the captured cockpit. My dad, 6'3" and 215 lbs., was one of few men who met this description.

Finally, the assumption of his extraordinary bravery in death is founded on the thematic valiance of his life. Whether in his professional or personal activities he met opposition with strength and spirit. It is understood by all who knew him that he continued this trend in passing.

In conclusion, I concede that assumptions based on the thematic valiance of his life do not warrant superlative public recognition. However, his stature and his physical placement at impact beg it. Finally, the cockpit voice recording demands it. I ask you to do all in your power to issue due credit to my father. He led a group that led a nation that led an international campaign against the threat of fanatical hostility. My father is a hero.

Sincerely,

CHRIS BEAVEN.

AUGUST 1, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On April 18, 2002 in Princeton, NJ, I heard the voice of my husband, Alan Beaven, on the cockpit voice recorder of United Airlines Flight 93 that crashed in Shanksville, Pennsylvania on September 11, 2001.

I know without a doubt that I heard Alan's voice shout "Turn up!" at the time on the tape's clock of 10:02:17.3. My stepson, Chris Beaven, who was listening to the VCR at the same time, independently made note of the exact same words and time.

There are at least two other occasions that I am very confident that Alan's voice was recorded. These additional times were of shouting and "aargh" noises, familiar to us as Alan often "wrestled" playfully with his sons. The distinct sounds were very similar. The times I noted for these sounds were 9:38:36.3 and 9:40:17.7.

As you know, Alan's physical remains were found in the cockpit area of the plane. Alan was a 6 foot 3 inch, 205 lb powerful man. A brilliant litigator who made his life's work fighting for justice. I, and all who knew Alan, know he was an active participant that fateful day.

Please ensure that Alan Beaven and all the passengers of Flight 93 are duly honored for their heroic actions in preventing the terrorists from destroying their intended target in Washington, D.C.

Sincerely,

MRS. KIMBERLY BEAVEN.

JOHN E. COLLINGWOOD OF THE FEDERAL BUREAU OF INVESTIGATION

Mr. THURMOND. Madam President, I rise today to recognize the service of my good friend John E. Collingwood, upon his retirement as the Assistant Director for the Office of Congressional and Public Affairs for the Federal Bureau of Investigation. Mr. Collingwood will retire after 27 years of exemplary service as a Special Agent of the FBI. As Mr. Collingwood enters the private sector, he leaves behind an irreplaceable legacy of dedication, integrity, and success.

John Collingwood was raised in Findlay, OH, and graduated from Bowling Green University in Ohio in 1970. Mr. Collingwood then worked in the family business and went on to graduate from the University of Toledo Law School in 1975. Upon graduation, he began his career with the FBI as a Special Agent in Detroit, MI.

During the following three decades, John Collingwood served the FBI in many capacities. After attending the Defense Language Institute in California, he became a Special Agent in Portland, OR. His first position at FBI Headquarters was in the Legal Research Unit of the Legal Counsel Division. He then became the Unit Chief of the Civil Litigation Program. In 1992, Mr. Collingwood was named to head the Office of Public and Congressional Affairs and became the Assistant Director in 1997.

During the past three decades, Mr. Collingwood has made countless contributions to the Federal Bureau of Investigation. He can take pride in all of his accomplishments during his tenure. Mr. Collingwood is to be commended for working diligently to keep Congress informed about issues related to the FBI. Under his leadership, the Office of Public and Congressional Affairs assumed responsibilities of the Freedom of Information and Privacy Act and implemented initiatives to increase the FBI's responsiveness to the public. I would also like to congratulate him for his continuing efforts to help reshape the structure of the FBI as our Nation deals with the tragedies of September 11.

The positive impact Mr. Collingwood has made on the FBI and our great Nation runs deep, and I applaud him for his leadership. During the past three decades, he has worked tirelessly to make positive changes within the agency. It is because of individuals like him, that our Nation is the greatest in the world.

It has been an honor getting to work with such an outstanding leader, and I wish Mr. Collingwood, his wife Mary Ann, and his children, Stephanie and Mark, the best of luck in future endeavors. For three decades, Mr. John E. Collingwood served the Federal Government distinguishing himself as one of the hardest working leaders of our time. His professional and friendly manner will be missed by all those who have had the pleasure to work with Mr. Collingwood, but I am certain that he will continue to set a fine example for others to follow.

POULTRY EXPORTS

Mr. CLELAND. Madam President, I want to express my relief that the long standoff with the Russian Government over American poultry exports has finally been resolved. On March 1, 2002, the Russian Government instituted a ban on American poultry imports and cited safety concerns about U.S. processing procedures. Although the U.S. Department of Agriculture responded to those concerns point-by-point, the ban continued until August 23.

Russia is the largest market for U.S. chickens, with annual sales of about one million tons valued at $600 million. This trade dispute had cost Georgia poultry producers, the most productive in the country, approximately $100 million a year.

After many efforts to resolve this embargo, American poultry producers may resume selling chickens in Russia. I had joined with many of my colleagues on multiple occasions in contacting members of the administration about this unfair trade practice. For example, I cosigned a letter to U.S. Trade Representative Zoellick with 16 other Senators on March 4. Soon after, on March 14, I personally wrote to the President on behalf of Georgia poultry producers. On March 22, I cosigned a letter to the President with nine of my Senate colleagues. On May 9, I personally wrote Trade Representative Zoellick on behalf of Georgia's poultry producers. Again, on May 17, I cosigned a letter to the President with 51 of my Senate colleagues. Finally, on July 2, I cosigned a letter to the President with 30 other Senators about the serious economic damage that the Russian trade block was having on the American economy.

I believe that the continued focus by members of Congress, as well as the diligence of the administration, helped bring about the successful resolution of this ban. At a time of economic uncertainty, the poultry producers of my State will certainly appreciate the reopening of this important market.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 2, 2002 in West Hollywood, CA. Two gay men, Treve Broudy, 33, and Edward Lett, 22, were brutally beaten while walking home after dinner. As the victims were walking, a car pulled up beside them. The two assailants, one of whom wielded a bat, jumped out of the car and attacked the victims. Mr. Lett received minor injuries, but Mr. Broudy was critically wounded, having been kicked and punched and struck violently in the back of the head with the baseball bat. No one has been arrested in connection with the incident, which police are investigating as a hate crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

STOPPING THE LITIGATION LOTTERY

Mr. FRIST. Madam President, the only level one trauma center in Las Vegas shuts its doors. Twelve orthopedic surgeons at facilities near Philadelphia resign their practice. Two-thirds of doctors in a small Mississippi city consider leaving for Louisiana. What is forcing our medical community to take such drastic measures? The "litigation lottery," trial lawyers filing too many lawsuits with the hope of winning excessive awards.

Medical malpractice litigation, when an injured patient sues a doctor over a medical error, has exploded in the United States. Between 1995 and 2000, the average amount a jury awards a patient rose more than 70 percent to $3.5 million per claim. And more than half of awards now exceed $1 million. Trial lawyers, who are fueling this surge by hand-picking patients whom they believe will win large awards, typically take 30 to 40 percent of the proceeds.

Doctors purchase insurance to protect themselves from malpractice lawsuits, but excessive awards have pushed the cost of insurance to unaffordable levels. In 2001, insurance premiums rose 30 percent or more in some States. And for doctors who perform high-risk procedures or practice where trial lawyers have won excessive awards, premiums have risen by as much as 300 percent per year. Many doctors can no longer afford to do the jobs they love.

But even more disturbing to doctors, because we swear a sacred and ancient oath to do no harm, is the impact of excessive awards on patient care. High insurance premiums are forcing doctors to move their practices to other States, adjust how they practice medicine, or quit practicing medicine altogether. Trial lawyers may be winning the litigation lottery, but patients are suffering a health care crisis.

First, excessive malpractice awards hurt access to health care. When a trauma center closes or specialists resign from a hospital or rural doctors can't deliver babies, patients must travel longer distances to get the care they need. They must also select from a smaller pool of physicians. When minutes, and a doctor's experience, can mean the difference between life and death, access to health care matters.

Second, excessive malpractice awards increase the cost of health care. Many doctors are forced to practice defensive medicine. They must order more tests, write more prescriptions, and refer more patients to specialists to protect themselves against lawsuits. A recent Federal report found evidence that reasonable limits on malpractice awards would reduce health care costs by as much as 5 to 9 percent per year.

Third, excessive malpractice awards are the single largest barrier to improving patient safety in our country. Doctors and hospitals want desperately to improve patient safety by sharing, analyzing, and learning from medical errors. I have proposed a bill that would let them do that without the fear of being sued for trying to improve patient care. But even the most limited restrictions on lawsuits are unacceptable to some of my Democrat colleagues. They believe trial lawyers should have open access to any medical error reporting system, which would render such a system useless because few doctors or hospitals would participate.

We can turn back this growing health care crisis by reforming medical malpractice litigation. Some States have already taken the responsible step of capping awards for noneconomic damages, which are highly subjective, intangible and the major source of mischief for trial lawyers. Rightfully, these States have also preserved awards for economic damages, such as lost wages and medical costs.

But most States have done nothing or not enough to fix the problem. The American Medical Association lists 12 States that are now in a health care crisis because of excessive malpractice awards. And 30 more States are nearing crisis, including Tennessee. This is a national problem that will worsen without a national solution.

Just prior to the August recess, the Senate debated medical malpractice litigation reform that would have capped trial lawyers' fees. Though I support bolder action that includes limiting awards for noneconomic damages, this bill would have been a good first step. It would have allowed injured patients to keep a greater share of their rightful compensation while reducing the incentive for trial lawyers to pursue excessive awards. Unfortunately, all of my Democrat colleagues voted against this patient-friendly bill, keeping the litigation lottery alive and well.

Injured patients have the right to sue for medical malpractice, but trial lawyers do not have the right to force innocent doctors from their livelihoods and throw our health care system into crisis. With millions of uninsured families, increasing health care costs, too many deaths from medical errors, and no prescription drug benefit for seniors, the Senate must show its commitment to turning back the growing health care crisis in our country. Limiting excessive malpractice awards is one solution that concerned public servants, providers, and, most importantly, patients can and should support.

Mr. DURBIN. Madam President, I rise today to discuss an issue that affects a broad coalition of health care providers and the Medicare beneficiaries they serve. I have become increasingly concerned that the current method for updating Medicare payments to physicians and other health care providers does not accurately reflect the costs associated with delivering high-quality patient care. Reimbursement levels for providers participating the Medicare Program this year will decline by 5.4 percent. There is little to suggest that the cost of providing care has declined. In fact, costs to various providers have actually increased over the past year.

These payment reductions could have strong repercussions on access to essential health services. A flawed payment update system potentially jeopardizes access to medically necessary services for millions of seniors and disabled Americans who rely on Medicare for their health care. In addition, a flawed payment system makes practicing medicine, particularly in underserved areas, all the more difficult, if not impossible for providers participating in the Medicare Program.

Reductions in Medicare physician reimbursement forced Ronald Johnson, M.D., an Illinois physician, to borrow money to keep his practice operating. All told, the loan necessary to sustain his practice for an additional year was equivalent to two-thirds the value of his family farm.

I share the view of many health care analysts, including MedPAC, that the methodology used to update physicians payments is flawed. Although this system was designed to accurately compensate providers for the care they provide while controlling overall program spending on physician and other providers services, it has become apparent that the current system struggles to meet each of these goals. The volatility of physician payments is also a persistent problem for those providers attempting to gauge expected revenue from one year to the next.

Until 1989, Medicare physician payments were based on a reasonable charge payment system. This system was thought to be responsible for escalating program costs, and the Medicare physician fee schedule was adopted in response to these concerns.

The current method for updating Medicare physician payments is unique because the annual increase or decrease in physician payments does not simply reflect changes in the cost of medical goods and services. Unlike other payment systems, an expenditure target for physician services, know, as the sustainable growth rate, (SGR), is calculated each year. Annual payment updates for physician services, that reflect the changes in the costs of medical goods and services, are then increased or reduced to meet targeted expenditures for the program. In other words, physician payment updates only reflect actual changes in the cost of medical goods and services when actual costs equal the target growth rate in physician payments.

Setting target expenditures, or the SGR, for physician payments that do not depart from the actual costs associated with delivering patient care has proven difficult. Methods for calculating the SGR have contributed to this divergence. The SGR is calculated using estimated changes in spending due to fee increases, changes in Medicare fee-for-service enrollent, gross domestic product GDP per capita and the cost of new laws and regulations. Moreover, many of the factors that strongly influence the overall cost of services are difficult to measure including patient preference, technological advances, and changing demographics.

In particular, the inclusion of the GDP in SGR calculations is problematic. Economic downturn may lead to sharp reductions in GDP that are far more dramatic than changes in Medicare beneficiary need. This volatility can have devastating effects on the program and threaten beneficiary access to critical health care services. At a time when beneficiary need is growing due to an aging U.S. population, providing physicians and other health care professionals with adequate reimbursement levels is an the more important.

Also, erroneous CMS enrollment and spending data collected in previous years has exacerbated and already difficult financial situation. Although the necessary corrections were made, the changes have a disproportionately negative financial impact over the coming year.

Efforts to control Medicare spending should not jeopardize the integrity of the health care system. Designing a physician reimbursement system that is less volatile and reflects the actual cost of delivering high-quality patient care is absolutely necessary. Now is the time to take a closer look at the way Medicare payments affect those serving some of our Nation's most vulnerable citizens. Further delay could make it financially untenable for doctors such as Ronald Johnson to practice in areas like Pittsfield, IL.

I ask that the article from FPReport be printed in the RECORD.

[From FPReport, May 2002]

LOWER PAYMENTS FORCE FPS TO RISK PERSONAL LOSS FOR THEIR PATIENTS, PRACTICES

(By Jody Gloor)

For a growing number of family physicians, Medicare payment cuts ultimately could break up the "families" dependent on them—families composed of patients, employees and entire communities.

While some FPs have stopped accepting new Medicare patients, others are putting personal loss on the line to keep their "families" intact.

One rural doctor in Illinois who borrowed money to meet his payroll is now borrowing against his dream farm to repay those loans and protect his practice from financial failure.

Medicare patients make up one-third of the Pittsfield practice of Ronald Johnson, M.D., and the area's only hospital claims nearly 80 percent of its patients use Medicare. With an average age of 58 in the two counties Johnson serves, "we don't have the choice of not taking Medicare patients. That's our life here," he said in a recent telephone interview. "They are our neighbors; they are our friends. We have to take care of each other."

When he added the losses from Medicare reimbursements and accounts receivables that have doubled in the past six months, Johnson realized he needed to borrow an amount that nearly equaled the value of his farm.

"I got lucky," he said, "because the farm has been taking care of itself financially. Now, it's going to take care of us and our patients."

Johnson is finalizing a loan for two-thirds of his farm's value. It's an amount that realistically, he said, can sustain his practice for another year—two at the most—depending on factors including future Medicare reimbursement rates, the local economy and land values.

"I'd never thought I would spend this much of my time being a businessman," he said. "It's such a joy to sit down and see a patient. I thought that was what I was training for."

AAFP Director Arlene Brown, M.D., of Ruidoso, NM., said she and her staff "saw the writing on the wall" when Medicare physician payments dropped and accounts receivables increased. Something had to happen to keep her "frontier medicine" practice open.

Brown serves 8,000 patients, some of whom must drive 50 miles on a dirt road to reach a paved road—then must drive another 100 miles to her office. At least 30 percent rely on Medicare, she said, "and we can't stop accepting these patients."

So Brown took a pay cut and turned to her staff for help. The employees—a close-knit "family"—didn't want to see anyone lose his or her job, she said. Instead of eliminating a position and/or cutting patient services, all staff members agreed to cut their hours and pay by 15 to 18 percent.

"We must stay open," Brown said. "We know if my patients have to get their primary care 200 miles away from home, they won't go get it. They depend on me, and on us."

How long can her practice hold out for a permanent financial solution? Not long, Brown said. She's hoping efforts to get the federal government to rethink Medicare and correct the physician payment formula will succeed soon.

"If not, we'll be cutting some services we don't have to provide," she said. "The first to go will be flu shots." Next to go will be the free assistance older and low-income patients get when they need help to buy prescription drugs.

"It all makes for bad medicine," Brown said, "but it could help keep our doors open."

If her practice closes, the entire community—her community—could collapse, she said. "A majority of Americans eat, live, sleep and die in small communities. If we shut down the very things that help small communities survive, like medicine, then those communities will die."

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

ADDITIONAL STATEMENTS

CONGRATULATING AUSTIN AND LYDIA WARDER

• Ms. MIKULSKI. Madam President, today I bring your attention to Austin and Lydia Warder. On August 12, 2002, they celebrated their 60th wedding anniversary, and I ask you to join me, their family and friends in congratulating them.

The Warders have devoted 60 years to each other, to their family, to their community of Indian Head, MD, and to the service of their country through the United States Navy. Our country could not ask for two more dedicated citizens.

Austin Warder was born in Marbury, MD in 1922, just a few miles away from his future bride, Lydia Eastburn, born in 1924. The two met and soon married on August 12, 1942, in Austin's hometown, just before he shipped out for World War II. Austin served his country as a United States Navy Seabee in the South Pacific from 1942 until the war ended in 1945. During that time, Lydia joined the war effort and began working at the Naval Ordinance Station in her hometown of Indian Head, MD.

After the war, the Warders settled down in Indian Head. Austin continued his service with the U.S. Navy, joining Lydia at the Naval Ordinance Station where she worked as a housing project manager. Austin began his career there as Director of the Public Works Department, Maintenance Division. Both received numerous letters of commendation and many outstanding performance ratings over their long careers. They worked together over the years. They finally decided to retire, together, in January of 1977. Lydia was retiring after 35 years and Austin after 32 years.

The Warders have left an important legacy with the Federal Government. Together, they have 70 years of service, and I am sure the Navy joins me in congratulating them. But their most important legacy, and I know their favorite, is their family. Austin and Lydia have been blessed with a large and loving family. They have one daughter, Sandra Benson, two grandchildren, five great grandchildren and one great-great grandchild.

I am honored to share this couple's story of commitment and service with the Senate today. Austin and Lydia Warder are fine Marylanders. Their shared values, hard work, and spirit kept them together through the War, through many years with the Navy, through children and grandchildren and great grandchildren. Please join me in wishing the Warders my most sincere congratulations and best wishes for many more happy years!•

RECOGNIZING THE ENTERPRISE FOUNDATION'S 20TH ANNIVERSARY

• Mr. SARBANES. Madam President, I rise today to recognize The Enterprise Foundation as it celebrates its 20th year of building communities and improving low-income people's lives across America.

Renowned developer James Rouse and his wife, Patty, launched Enterprise in 1982. Jim and Patty were inspired to start Enterprise by three women from the Church of the Saviour here in Washington. They asked Jim for help in turning two run-down, rat-infested buildings blighting their Adams Morgan neighborhood into affordable apartments for low-income residents of the area.

With Jim and Patty's help and thousands of hours of volunteer time, the group achieved its goal. The buildings still provide a decent affordable home to low-income people in that community today.

Jim and Patty founded Enterprise to help more community groups rebuild their neighborhoods. Today, Enterprise works through a network of more than 2,200 community-based organizations in more than 820 locations to provide affordable housing, safer streets, and access to jobs and quality childcare.

Through these unsung heroes at the grassroots, Enterprise has invested nearly $4 billion to produce more than 132,000 homes affordable to low-income people. On any given day, more than 250,000 low-income people live in decent, affordable housing made possible in part by Enterprise.

In addition, Enterprise's job training and placement programs have helped more than 32,000 hard-to-employ people qualify for work and retain employment. More than 4,500 children have benefited from Enterprise's childcare initiatives.

President Clinton presented Jim with the Presidential Medal of Freedom in 1995. When Jim passed away a year later, Patty and the rest of Enterprise's leadership continued the work he began.

That work goes on today. I have seen firsthand what Enterprise has achieved in many communities in my State. To cite just one example, Enterprise has been working since the early 1990s with the residents of Sandtown-Winchester in Baltimore City on a comprehensive effort to reverse decades of disinvestment and decay.

After more than a decade, Sandtown is showing signs of a turnaround. The median income in the community increased by 50 percent during the 1990s, according to the Census. Median home sale prices rose 376 percent during that time, according to Johns Hopkins University's Institute for Policy Studies. In the parts of this 72-block community where Enterprise has been most active, crime is down and elementary school students are going better.

More work remains, in Sandtown and in countless other low-income areas around the country. True to Jim Rouse's vision, Enterprise will not rest until all low-income Americans have the opportunity for fit and affordable housing and to move up and out of poverty into the mainstream of American life.

I ask that we pay tribute to Mr. Rouse's legacy and to the profound impact that The Enterprise Foundation has had, and continues to have, on the lives of low-income Americans building better lives for themselves, their families and their communities.●

THE 75TH ANNIVERSARY OF THE INVENTION OF THE TELEVISION BY PHILO T. FARNSWORTH

● Mrs. FEINSTEIN. Madam President, I rise today to honor the late Philo T. Farnsworth and the Farnsworth family on the 75th anniversary of the invention of the electric television.

It was on September 7, 1927, while working in his small, cramped laboratory at 202 Green Street in San Francisco, that Philo Farnsworth conducted the first successful experiments that form the basis for today's television. Upon completing the very first transmission of an electronic image, Farnsworth sent a telegram to his investors that simply said, "The Damn Thing Works."

Farnsworth first conceptualized these ideas one summer day while tilling a potato field on his family's farm. Riding atop the horse driven plow, the 14-year-old Farnsworth was struck by the crisscrossed patterns in the field. Like the furrows in the field front of him, Farnsworth believed he could separate a picture into lines and reassemble them elsewhere.

In 1930, Farnsworth obtained the patents for his invention, which employs a magnetically deflected electron beam inside a cathode ray tube to transmit a picture. All forms of video in use in the world today, including computer displays, trace their origins to Farnsworth's patents and this seminal event 75 years ago.

When Farnsworth died at the age of 64 in 1971, he held more than 300 U.S. and foreign patents. In September 1983, he was one of four inventors honored by the U.S. Postal Service with a stamp bearing his portrait. My home State of California has recognized his invention of the electronic television by placing a State historical marker memorializing the event in front of his former lab in San Francisco. In addition, the mayor of San Francisco, Willie Brown, recently issued a proclamation making September 7, 2002, Philo Taylor Farnsworth Day in that city.

Before I conclude today, I also want to recognize the important contributions of Elma "Pem" Farnsworth, now 94 years of age and the only living witness to this historic 1927 event. Mrs. Farnsworth, a talented scientist in her own right, worked closely with her husband on many of his inventions. Often called "The Mother of the Television," Mrs. Farnsworth now spends her retirement days residing in Fort Wayne, IN, working tirelessly to ensure that the legacy of Philo Farnsworth's inventions will live on.●

COMMENDING THE SERVICE OF KAYLA J. GILLAN

● Mrs. BOXER. Madam President, I take this opportunity to bring to the Senate's attention the exemplary career and public service of Kayla J. Gillan.

Ms. Gillan has served as General Counsel for the California Public Employees' Retirement System, CalPERS, since 1996, and also worked as Staff Counsel from 1986 to 1990 and as Deputy General Counsel from 1990 to 1996. She led a team of attorneys and other professionals who have worked to support the retirement, health and investment programs benefitting CalPERS members and employers. Ms. Gillan was instrumental in drafting corporate governance principles for the CalPERS Board of Administration, making CalPERS the first fund in the Nation to articulate roles for its Board, leaders, committees and staff.

Ms. Gillan also facilitated the CalPERS Board's self-evaluation process and helped the Board implement path-breaking corporate governance policies. She was the principal drafter of all CalPERS corporate governance policy statements since 1992, and met with more than 150 companies to address poor financial performance and corporate governance.

Under Ms. Gillan's leadership, the CalPERS legal team successfully fought and won litigation that resulted in a return of over $2 billion to the fund, and the establishment of the principle that CalPERS members have a vested right to a fiscally secure retirement system. She drafted Board policies on securities litigation, including the CalPERS process for evaluating litigation that served as a roadmap for the CalPERS legal team to win the largest securities fraud class action recovery in history.

Ms. Gillan has been the recipient of numerous industry honors, such as being named one of the National Law Journal's top 50 women lawyers in the United States in 1998, and was included in that publication's 1995 list of the top "40 under age 40 attorneys" in the Nation.

Ms. Gillan's expertise, dedication, and leadership should be commended. Her work has resulted in the advancement of corporate governance principles in corporations throughout the United States. Establishing higher standards and clear accountability for corporate governance is vital to the integrity of the American economy, particularly in light of the burgeoning corporate scandals in our markets.

I wish Ms. Gillan all the best in her future endeavors.●

THE CHALLENGE OF COMMUNITY SERVICE

● Mr. KERRY. Mr. President, we have learned much in the last year about how to measure the strength of America, a Nation built on the willingness of our citizens to give of their time and their energy, knowing that in the end our freedom and strength as individuals is connected to the freedom and strength of our Nation, and when one falters the other suffers in turn. Mothers and fathers have passed along to every successive generation pride in sacrifice and a commitment to our shared values that have become the touchstone of America's strength, grounded in the simple words of DeTocqueville: "America is great because Americans are good."

Arthur Blaustein's book on American volunteerism proves that the spirit of our forebears, that spirit that carried us through the tumultuous early days, a Civil War, a Depression, two World Wars, and the upheaval at home and overseas of the sixties, is alive and well today. From commitments to civil rights and civic bodies to military service and community volunteering, our Nation is a nation committed to strengthening and improving the world around us.

And every time Americans have sought to strengthen our freedom and values, we have found individuals willing to volunteer their time and lead by their example, Thomas Jefferson, Abraham Lincoln, Clara Barton, Rachel Carson, Martin Luther King, Jr., and many more. And today, youngsters in middle school and high school have more opportunities than ever to volunteer in their local communities, in nursing homes, tutoring their peers, or helping protect our environment; and are doing so in increasing numbers.

Arthur Blaustein, a long-time volunteer himself and an active force in American volunteer efforts, has written a book that appears at a crucial moment in our Nation's history, a moment when communal and civic engagement are more important then ever. His book honors the high ideals and values that are found in these organizations that have proven so successful in strengthening the ties of our communities and our country.

His message is an important one: if America is to remain strong and committed to our values, civic and community engagement is a necessity. I applaud his proposals and hope many more, both young and old, will volunteer their time and energy to keep America strong.

Part I, The Challenge of Community Service: The traditions of community service and citizen participation have been at the heart of American civic culture since before the nation was founded; whether through town hall meetings, the local school board, a political party, a hospital auxiliary, or one of our innumerable other national and local organizations, Americans have felt and acted on the need to give something back to their communities. Yet since the events of September 11, this need has become more urgent, as Americans on the whole have become more introspective and more patriotic. This patriotism has taken many different forms, but one thing is clear: our concern for our country, our communities, our families, and our neighbors has become more acute, and our need to contribute more urgent.

With firefighters, police officers, and rescue teams leading the way, ordinary citizens, ironworkers, teachers, public health clinicians, professionals, businesspeople, and schoolchildren, either volunteered to go to Ground Zero or offered their support from a distance. Everything from blankets to blood, peanut butter to poetry arrived in New York City by the bale, the gallon, the barrel, and the ream. Americans didn't wait until January 1, 2002, to make resolutions; in mid-September, many resolved to be more caring and giving.

Make a Difference is here to help harness this outpouring of compassion, energy, and patriotism in creative and useful ways. If you've decided to make a difference because of the events of September 11, or if volunteering is one of those things you've been meaning to do all along but just haven't gotten around to, or if you're just curious about what's out there, this book can help you take the next step. It was designed to help you decide that you can make a contribution to the well-being of your community. It will help to answer the why, the how, the what, and the when. Why is community service important? How can you get in touch with a group that promotes the values and goals that you believe in? What specific volunteer activities match up with your skills and experiences? When is a good time to volunteer?

Each of the organizations included in the book has been selected because of its commitment to educational, social, economic, environmental, and community development goals. Some have been in existence for many decades and others are fairly new. Most are national organizations and some are local prototypes; but all have a solid track record of delivering services that are useful and meaningful. Before you select an organization, ask yourself a few questions.

How much time do you want to serve?

What kind of service fits your personality?

What neighborhood and community do you want to work in?

Which target population do you want to work with?

What skills do you have to offer?

What would you like to gain from the experience?

If, for example, you're over 17 can commit a full year, and would like leadership training, some income, and a stipend, you should seriously consider AmeriCorps. If you want to commit a year and you're over 18 and want to work on environmental, art, or music projects, or in community development, you should think about Volunteers in Service to America (VISTA). If you only have a weekend or one day a week, you like working with your hands, and you want to be outdoors, Habitat for Humanity will probably be perfect. If you only have a few hours a week and enjoy children, consider mentoring or tutoring with an educational group. It might take some reflection and research, but there is a fulfilling opportunity for everyone.

Historically, our greatest strength as a nation has been to be there for one another. Citizen participation is the lifeblood of democracy. As Thomas Paine put it, "The highest calling of every individual in a democratic society is that of citizen!" Accidents of nature and abstract notions of improvement do not make our communities better or healthier places in which to live and work. They get better because people like you decide that they want to make a difference.

Volunteering is not a conservative or liberal, Democratic or Republican issue; caring and compassion simply help to define us as being human. Unfortunately, opportunistic radio talk-show hosts and reactionary politicians have spread two false myths about community service. The first is the notion that only inner-city minorities benefit from volunteer efforts. Here's a story about that myth, told to me by a friend who was in VISTA. He was helping local groups organize fuel cooperatives many years ago, in small towns in Maine. That winter was unusually cold and the price of home heating had skyrocketed, placing an enormous financial burden on most families in the state, which had a low per-capita income. He was invited to make a presentation to about two hundred residents in their town's church. After the talk, one of the "happy guy" television reporters from Portland baited a farmer, asking, "What do you think of this outside agitation?"

The farmer, who was about seventy-five, paused for a moment; and, with an edge of flint in his voice, he said, "You know, I'm a fourth-generation Republican Yankee, just like my father, my grandfather, and my great-grandfather, but if I've learned anything, it's that there are two kinds of politics and economics in America. The first kind is what I see on television and what politicians tell me when they want my vote. The other kind is what me and my friends talk about over doughnuts and coffee. And that's what this young fellow was talking about tonight, and he made a lot of sense to me. I'm joining the co-op."

Over 65 percent of America's poor are, like this farmer, white, and white families with children are the fastest growing homeless population. The myth that social programs only serve inner-city minorities stigmatizes volunteer social programs, which are, in fact, color-blind.

The second myth is that the vast majority of individuals who volunteer for community service are naive, idealistic do-gooders. Here's a story about that myth. It happened to me in a bookstore in Northern California. Six years ago, I was a technical advisor to the producers of a public television series called "The New War on Poverty." There was a companion book to the series, and since I had been one of the contributing editors, the publisher asked me to give readings. This particular evening, I showed film clips from the series and spoke about the importance of several War on Poverty programs, including Head Start, the Job Corps, VISTA, Legal Services, and Upward Bound.

While I was signing books after the reading, a woman in her mid-twenties who looked like a quintessential California valley girl, blond hair, blue eyes, approached me with tears in her eyes. I asked if I had said anything that offended her. She replied that I had not and told me she was nonpolitical, conservative, and in her last year of law school. She had been a political science major at college but knew nothing about the history of the War on Poverty. She said she was ashamed because, despite having benefited from two of the programs I had spoken about, Head Start and Upward Bound, she had never before felt a responsibility to give back to her community, and to assure that these programs would be continued so that others could have the same opportunities she had.

Like this woman, the vast majority of volunteers I've worked with are not idealistic, but are serious realists. They are only too aware that as a nation we cannot squander our human and natural resources.

Community service not only exposes the sterility of this kind of idealism-versus-realism debate, but helps individuals to integrate their own idealism and realism. An idealist without a healthy dose of realism tends to become a naive romantic. A realist without ideals tends to become a cynic. Community service helps you put your ideals to work in a realistic setting. It creates a dynamic tension that gives you a coherent and comprehensive approach to complex problems. I've seen it happen time and again with my students, and with VISTA and AmeriCorps volunteers. Dr. Margaret Mead, one of my teachers in graduate school at Columbia, wrote that a truly healthy person is a thinking, feeling, acting person. That's what serving helps us to achieve.

The talk-show hosts and politicians who push these myths are scapegoating and attacking the most vulnerable segments of our society. They are adept at moralizing over the problems of the homeless and the hungry, the unemployed and the underemployed, drug users and the mentality ill, and over such issues as infant mortality, child and spousal abuse, and disrupted families. But they have neither the heart nor the will for rigorous thought and the work of finding cures, nor even relieving some of the suffering or symptoms. Just as military service and patriotism should not be politicized, neither should community service.

Nearly 40 years ago, when President John F. Kennedy launched the Peace Corps, he made this oft-quoted suggestion: "Ask not what your country can do for you, but what you can do for your country." After 30 years of first-hand experience with hundreds of volunteers, I would make a follow-up suggestion: "Ask not what you can do for your community and the people you serve, but what they can do for you." Community service is very much a two-way street. It is about giving and receiving, and the receiving can be nourishing for the heart and mind. The very act of serving taps into a wellspring of empathy and generosity that is both personally gratifying and energizing. Again and again, former volunteers described their experiences with words like these: adventure, growth, human connection, exciting, spiritual, learning, and enjoyable.

I saw this in action 3 years ago when I decided to give the students in each of my classes, mostly university seniors, the choice between a mid-semester exam or sixteen hours of community service. The students unanimously chose service—though most of them didn't know what was in store for them. They had a choice of about ten different activities organized by the Public Service Center at the University of California, Berkeley.

Here's what one student wrote about this experience: "Before I started volunteering, I had very different expectations about the [after-school] program. I thought it would be very sports-oriented with little academic emphasis. Luckily, my expectations proved false. The program for fourth and fifth-grader at the Thousand Oaks/Franklin Elementary School, has a set schedule for each grade. The students rotate between free play, sports, library study time, circle time, and arts and crafts.

> It was in the library that I saw how truly behind these children are in mathematics, reading, and grammar. In addition, I never expected to see the immense poverty that these children experience or to be so emotionally affected by it. Last week, I learned that one of my favorite children is homeless. It seems so silly to be reprimanding him for not doing his homework and not putting out the effort at school. This seems so trivial compared to the real-life horrors that he must experience. Although I had my expectations, never did I anticipate the emotional attachment that I now share with these children. I find myself yearning to become a teacher, which was a career I never thought about before this program. I know that as these children grow, they will probably forget about me; but I know I will never forget them. I have truly changed and matured as a result of them.

A second student wrote:

> Before I started tutoring I was really scared, because I didn't know what tutors did in junior high schools. I was afraid of not being able to explain things so that the kids could understand. I thought I might also lose patience quickly with kids who were slower in understanding and for whom I would have to repeatedly state the same thing. I was concerned that the kids would resent me or not respect me because I wasn't the teacher and was closer to their age. And finally, I thought they wouldn't like me; the first day I even had trouble introducing myself because of this initial uncertainty.
>
> Contrary to these preliminary fears, however, tutoring at Willard has been a life-changing experience for me. I've found that I have more patience working with kids than I've ever had in any other area of my life. I work hard to come up with lots of examples when the kids I'm working with don't understand. We relate well to one another because I'm close to their age, yet they respect me because I go to Cal and they know that I'm there to help them. It's been the joy of my semester to work with these students, who I really appreciate.

These comments were typical of the experience of nearly all 80 students. Their testimony is consistent with the more formal academic research and evaluations, which tell us that service-learning clearly enriches and enhances the individual volunteer in multiple ways. And the same things happened to me during my own community service 35 years ago, when I taught in Harlem during the early years of the War on Poverty and VISTA.

My students now, and I back then, confronted the complexities of the everyday worlds of individuals and communities quite different from our own. We are forced to deal with difficult social and economic realities. It was an eye-opener to learn about the inequities and injustices of our society, to see firsthand the painful struggles of children who did not have the educational, social, or economic opportunities that we took for granted. This experience was humbling and it broke down my insularity, for which I'm truly grateful. Again, it was Dr. Margaret Mead who called this "heart-learning."

Community service also taught me an important lesson about our society: ethical values and healthy communities are not inherited. They are either recreated through action by each generation, or they are not. That is what makes AmeriCorps, VISTA, and other forms of community service unique and valuable. They help us to regenerate our best values and principles as individuals and as a society. From Plato to the present, civic virtue has been at the core of civilized behavior. My experience as a teacher and with service-learning has taught me that moral and ethical values cannot survive from one generation to the next if the only preservatives are texts or research studies. Real-life experience is the crucible for shaping values. Out of it develop an intuition and a living memory that are the seeds of a humane and just society.

The task of passing along to the young our best civic traditions is made more difficult by the steady shift of emphasis away from qualitative values civility, cooperation, and the public interest, to quantitative ones, competition, making it, and privatism, as well as the demoralizing pursuit of mindless consumerism and trivia force-fed us by the mass media. Just about every parent and teacher I know has, in one way or another, expressed the concern that they cannot compete with the marketing techniques of the mass media, particularly television. They are worried about the potential consequences of the growing acquisitiveness, the indulgence, and the self-centeredness of children. You hear this from conservatives, liberals, and moderates. Small wonder. The average eighteen-year-old in the United States has seen more than 380,000 television commercials. We haven't begun to comprehend the inherent brutality of this media saturation on our children's psyches.

Materialism and assumptions of entitlement breed boredom, cynicism, drug abuse, and crime for kicks. Passivity, isolation, and depression come with television and on-line addiction. Ignorance, fear, and prejudice come from insularity and exclusivity. A national and local effort to promote community service by young people is the best antidote to these social ills. The goals are inclusive and nourishing; they seek to honor diversity, to protect the environment, and to enrich our Nation's educational, social, and economic policies so that they enhance human dignity. On a personal level, volunteering, the very act of caring and doing, makes a substantial difference in our individual lives because it nourishes the moral intelligence required for critical judgment and mature behavior.

Dr. Seuss reminded us in The Lorax that "unless someone like you cares a whole awful lot nothing is going to get better. It's not." September 11, 2001, as tragic and traumatic as it was, can serve as a transformative event for the American people. We responded to this crisis with introspection, generosity, and caring. Now is not the time to push the snooze button and return to civic fatuity and complacency. Just as we marshaled our forces and mobilized our capacities to confront a foreign enemy, we can take action and confront our domestic problems and conflicts on the home front. In the real world, we know that taking ordinary initiatives can make a difference. It is within our power to move beyond a disaster and to create new opportunities. What it comes down to is assuming personal responsibility. If we decide to become involved in voluntary efforts, we can restore idealism, realism, responsiveness, and vitality to our institutions and our communities.

At her memorial service, it was said of Eleanor Roosevelt, the most influential American woman of the twentieth century, "she would rather light a candle then curse the darkness." What was true for her then is true for us now. The choice to make a difference is ours.●

HONORING NEW YORK CITY'S COURT OFFICERS

● Mrs. CLINTON. Madam President, as we approached the 1-year anniversary of 9/11, I rise today to again honor all of the public safety officers whose courageous and heroic acts saved thousands of lives at the World Trade Center. In particular, I want to highlight a group of public safety officers who deserve to be honored for their heroism. The New York City court officers risked their lives and contributed immensely to the rescue and recovery operations at Ground Zero.

I especially would like to honor three court officers who gave the ultimate sacrifice—their lives. Their heroic deeds have earned them the nomination for the Public Safety Officer Medal of Valor—a testament to true American heroes.

I would like to say a little bit on each officer.

Captain William "Harry" Thompson, of the Bronx, was widely respected and beloved by all 1,600 court officers in New York City as senior instructor at the New York State Court Officers Academy. A 27-year veteran, he was the father of two adult sons and was the sole supporter for his widowed mother. All who knew Captain Thompson considered him a "spit and polish" type of officer. Captain Thompson was proud of his profession and New York is so very lucky that he devoted his life to public service.

Senior Court Officer Thomas Jurgens was part of a family who believed in giving back to one's city and country. Senior Court Officer Jurgens was the son of a firefighter, and was a volunteer fireman from Lawrence, Long Island. He made all of us proud by serving his country in the Persian Gulf war as an Army combat paramedic. Senior Court Officer Jurgens was a 4-year veteran at the Manhattan Supreme Court, and he was married in June 2001.

Senior Court Officer Mitchel Wallace, of Mineloa, Long Island, worked at the Manhattan Supreme Court for 2 years. Before September 11, the New York State Court of Appeals Chief Judge Judith Kaye honored him for resuscitating a man who had collapsed from cardiac arrest aboard a Long Island railroad train. Senior Court Officer Wallace planned to marry Noreen McDonough in October, and he called her "Cinderella."

In addition to these brave heroes who were lost, 22 other court officers risked their lives to save others at the World Trade Center. These men and women have been honored for their bravery on September 11. They are: Deputy Chief Joseph Baccellieri, Jr., Officer Tyree Bacon, Sgt. Frances Barry, Captain John Civelia, Sgt. Gerard Davis, Officer William Faulkner, Officer Gerard Grant, Officer Edwin Kennedy, Officer Elayne Kittel, Officer William Kuhrt, Officer Theodore Leoutsakos, Officer Craig Lovich, Sgt. Patricia Maiorino, Major Reginald V. Mebane, Sgt. Al Moscola, Sgt. Kathryn Negron, Officer Joseph Ranauro, Sgt. Albert Romanelli, Sgt. Richard Rosenfeld, Officer Andrew Scagnelli, Officer Mahindra Seobarrat, and Sgt. Andrew Wender.

Hundreds of court officers volunteered to work on recovery efforts at Ground Zero. After working full shifts at the courthouse, these officers would then work a full shift at Ground Zero. They would return home, clean the dust and debris from their hands, and return to their jobs at the courthouse. Through valor, duty, and commitment, they did all that they could to assist in the rescue and recovery operations.

On behalf of the American people, I express my thanks and appreciation for these public safety officers whose dedication and patriotism strengthen the resolve of our Nation. These officers went above and beyond the call of duty, sacrificing their lives in order to save others, not because it was their job, but because it was their sense of duty of pride. These officers represent the very best in America.●

IN MEMORIAM: WILLIAM A. SCHWARTZ, VICE CHAIRMAN AND VOLUNTEER CEO, NATIONAL PROSTATE CANCER COALITION

● Mr. CLELAND. Madam President, William A. Schwartz died today from the disease that he fought so tirelessly to defeat, prostate cancer. Bill was a 35-year veteran executive of the media industry and a staunch leader in the fight against prostate cancer. His endless passion, devotion, drive, and caring for his family, friends, and community, along with his unwavering commitment to save lives from cancer, will always be remembered.

After being diagnosed with prostate cancer in 1994, Bill dedicated himself to fighting the disease by promoting awareness and launching lobbying efforts to increase research dollars. He served as vice chairman and volunteer CEO of the National Prostate Cancer coalition, board member of CaP CURE, and president of the Prostate Cancer Research Political Action Committee. His work also included cancer projects for the Department of Defense and the National Dialogue on Cancer. The results of his work will continue to benefit countless men and families for many years to come. Georgia was very fortunate to have Bill, his wife Marlene and their three children reside in Atlanta for the past 23 years.

Thank you for letting me take this time to remember our friend, Bill Schwartz and to offer our prayers for the loss of a great American. Prostate cancer is the most commonly diagnosed cancer in America among men and nearly 40,000 American men lose their lives to this disease each year. I know the best tribute we can pay to Bill and his family is to continue his work and find the cure for prostate cancer.●

NATIONAL ASSISTED LIVING WEEK

● Mr. WYDEN. Madam President, I want to draw the Senate's attention to National Assisted Living Week, which begins September 8 and continues through September 14. Since 1995, the National Center for Assisted Living has sponsored National Assisted Living Week to emphasize the importance of this service that nearly 1 million seniors rely on for long-term care.

Assisted living offers hope to seniors who can no longer live independently at home but do not need the level of care provided by nursing facilities. In assisted living facilities, seniors find dedicated caregivers to provide assistance in the activities of daily living in a setting that truly becomes a home. It is predicted that the demand for assisted living will continue to grow as more and more seniors and their families seek out home-like independent living with the benefits of 24-hour supervision.

The theme of this year's National Assisted Living Week is "Honoring the Spirit of Our Nation," which is intended to honor the Nation's rekindled interest in our heritage and values. It is an appropriate theme because it celebrates the residents' lifetime of memories, devotions, and patriotism and the dedication and service of assisted living caregivers. The theme for National Assisted Living Week will highlight the variety of ways assisted living meets the different needs of seniors in our Nation.

I am proud that Oregon has led our Nation in the concept of assisted living. Assisted living has developed differently in each State and its importance in meeting the needs of seniors continues. I believe offering these choices for seniors is important in order to provide them with security, dignity, and independence. It is also important for us to continue to support options that allow seniors and their families a choice of settings in order to assure that they get the level of care they need and deserve.●

REMEMBERING A GREAT GEORGIAN AND A DEVOTED LEADER IN THE FIGHT AGAINST PROSTATE CANCER

• Mr. MILLER. Madam President, I rise today to remember a great Georgian, a 35-year veteran executive of the media industry and a staunch leader in the fight against prostate cancer. William A. Schwartz died today at the age of 63 from the disease that he fought so tirelessly to defeat.

His endless passion, devotion, drive, and caring for his family, friends, and community, along with his unwavering commitment to save lives from cancer, will always be remembered.

After being diagnosed with prostate cancer in 1994, Bill dedicated himself to fighting the disease by bringing national attention to it and by lobbying for crucial research dollars.

Bill served as vice chairman and volunteer CEO of the National Prostate Cancer Coalition and president of the Prostate Cancer Research Political Action Committee. His work also included cancer projects for the Department of Defense and the National Dialogue on Cancer. His work will continue to benefit countless men and families for many years to come.

Bill was the former president and CEO of Cox Enterprises and held various executive positions with the company in New York, San Francisco, and Atlanta between 1973 and 1987. In the 1990s, he served as president and part owner of Cannell Communications and First Media Television and was chairman, CEO, and partner of Capital Cable.

A native of Detroit, Bill received a BS degree from Wayne State University in 1961 and did graduate work at Baruch College. After his military service in the Army Security Agency, he began his broadcasting career in New York with NBC. He eventually moved to Cleveland, OH, and helped put WUAB-TV on the air, and many years later purchased the station with several partners.

Always a music lover, Bill was a professional drummer, playing in jazz trios throughout college and his time in the Army. He marched in President John F. Kennedy's inaugural parade in college, and toured the Mediterranean with the USO.

An Atlanta resident for 23 years, Bill was also a philanthropist who generously donated his time as well as financial support.

I send my heartfelt sympathies to Bill's wife of 39 years, Marlene, and to their children and grandchildren.●

AMERICAN ASSOCIATION ON MENTAL RETARDATION AWARD WINNERS

• Mr. DURBIN. Madam President, I am pleased today to join the Illinois chapter of the American Association on Mental Retardation, AAMR, in recognizing the recipients of the 2002 Direct Service Professional Award. These individuals are being honored for their outstanding devotion to the effort to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They go to work every day with little recognition, providing much needed and greatly valued care and assistance.

It is my honor and privilege to recognize the Illinois recipients of AAMR's 2002 Direct Service Professional Award: Amy Burnell, Kay Grant, Hattie Gregory, Judy Harper, Dora Hildebrand, Mae Holmes, Sarah Kyakonye, Toni Lloyd, Bob Maas, Kelli Martin, Janet Maxton, Millicent McAfoos, Flo McMaster, Lisa Mitchell, Anne Pettus, Sharon Pritchett, LeVetta Rhodes, Ruth Rodenberg, Karin Schwab, and Judy Sheffield.

I know my fellow Senators will join me in congratulating the winners of the 2002 Direct Service Professional Award. I applaud their dedication and thank them for their service.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, on September 6, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 5012. An act to amend the John F. Kennedy Center Act to authorized the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts.

Under the authority of the Senate of January 3, 2001, the enrolled bill was signed by the President pro tempore (Mr. BYRD) on August 2, 2002.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8624. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States; to the Committee on the Budget.

EC-8625. A communication from the Assistant Secretary for Indian Affairs, transmitting, pursuant to law, the report of rule entitled "Trust Management Reform: Repeal of Outdated Rules" (RIN1076–AE20) received on August 27, 2002; to the Committee on Indian Affairs.

EC-8626. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report on all expenditures during the period October 1, 2001 through March 31, 2002; to the Committee on Appropriations.

EC-8627. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98–01; to the Committee on Appropriations.

EC-8628. A communication from the Acting Director, Office of Regulatory Law, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; Intervertabral Disc Syndrome" (RIN2900–AI22) received on September 3, 2002; to the Committee on Veterans' Affairs.

EC-8629. A communication from the Acting Director, Office of Regulatory Law, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance" (RIN2900–AJ80) received on September 3, 2002; to the Committee on Veterans' Affairs.

EC-8630. A communication from the Acting Director, Office of Regulatory Law, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled “National Service Life Insurance” (RIN2900–AK43) received on September 3, 2002; to the Committee on Veterans' Affairs.

EC–8631. A communication from the Acting Director, Office of Regulatory Law, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled “VA Acquisition Regulation: Construction and Architect-Engineer Contracts” (RIN2900–AJ56) received on September 3, 2002; to the Committee on Veterans' Affairs.

EC–8632. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act: XIX Olympic Winter Games and VIII Paralympic Winter Games in Salt Lake City, UT, 2002” (22 CFR Part 41) received on August 27, 2002; to the Committee on Foreign Relations.

EC–8633. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a memorandum of justification under section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2002 funds appropriated for International Organizations and Programs (IO&P) to the Child Survival and Health Programs Fund; to the Committee on Foreign Relations.

EC–8634. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning amendments to Parts 121 and 123 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–8635. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8636. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8637. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the Report of the Proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC–8638. A communication from the Senior Counsel, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Technical Amendments” (RIN1105–AA75) received on August 27, 2002; to the Committee on the Judiciary.

EC–8639. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “District of Columbia Educational Good Time Credit Interim Final Rule” (RIN1120–AB05) received on August 27, 2002; to the Committee on the Judiciary.

EC–8640. A communication from the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Reduced Course Load for Certain F and M Nonimmigrants Students in Border Communities” (RIN1115–AG75) received on August 27, 2002; to the Committee on the Judiciary.

EC–8641. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Board of Immigration Appeals; Procedural Reforms to Improve Case Management” (RIN1125–AA36) received on August 27, 2002; to the Committee on the Judiciary.

EC–8642. A communication from the Clerk of the Court of Federal Claims, transmitting, pursuant to law, the report of the Court for the period October 1, 2000 through September 30, 2001; to the Committee on the Judiciary.

EC–8643. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Thiophanate-methyl; Pesticide Tolerance” (FRL7192–1) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8644. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Triflumizole; Pesticide Tolerance for Emergency Exemption” (FRL7194–4) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8645. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Azoxystrobin; Pesticide Tolerances for Emergency Exemptions” (FRL7195–9) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8646. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Iprovalicarb; Pesticide Tolerance” (FRL7194–3) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8647. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clomazone; Pesticide Tolerance” (FRL7192–2) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8648. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Importation of Artificially Dwarfed Plants” (Doc. No. 00–042–2) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8649. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Child and Adult Care Food Program: Implementation Legislative Reforms to Strengthen Program Integrity” (RIN0584–AC94) received on August 27, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8650. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual assessment of the cattle and hog industries; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8651. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Annual Report of the Securities Investor Protection Corporation (“SIPC”) for 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–8652. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “National Flood Insurance Program; Assistance to Private Sector Property Insurers” (RIN3067–AD30) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8653. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determination” (44 CFR Part 65) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8654. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” (Doc. No. FEMA-7789) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8655. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Single Family Mortgage Insurance; Sec. 203(k) Consultant Placement and Removal Procedures” (RIN2502–AH51) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8656. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Agency Reorganization; Nomenclature Changes” received on August 27, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8657. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the Office of Thrift Supervision's 2001 Annual Report on the Preservation of Minority Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–8658. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled “Safety and Soundness” (RIN2550–AA22) received on August 27, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8659. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Uniform Financial Reporting Standards for HUD Housing Programs, Additional Entity Filing Requirements” (RIN2501–AC80) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8660. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Manufactured Housing Program Fee” (RIN2502–AH62) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8661. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Ownership Reports and Trading by Officers, Directors and Principal Security Holders" (RIN3235–AI62) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8662. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Construction and Safety Standards: Smoke Alarms; Amendments" (RIN2502–AH48) received on August 27, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8663. A communication from the Vice Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–8664. A communication from the Vice Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Nigeria; to the Committee on Banking, Housing, and Urban Affairs.

EC–8665. A communication from the Vice Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–8666. A communication from the Chairman, Medicare Payment Advisory Commission, Medpac, transmitting, pursuant to law, a report on Medicare payment for advanced practice nurses and physician assistants; to the Committee on Finance.

EC–8667. A communication from the Chairman, Medicare Payment Advisory Commission, Medpac, transmitting, pursuant to law, a report on Medicare's coverage of nonphysician practitioners; to the Committee on Finance.

EC–8668. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Split-Dollar Life Insurance Arrangement" (Notice 2002–59) received on August 27, 2002; to the Committee on Finance.

EC–8669. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "July—September 2002 Bond Factor Amounts" (Rev. Rul. 2002–51) received on August 27, 2002; to the Committee on Finance.

EC–8670. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2002" (Rev. Rul. 2002–53) received on August 27, 2002; to the Committee on Finance.

EC–8671. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Limitations on Passive Activity Losses and Credits—Treatment of Self-Charged Items of Income and Expense" (RIN1545–AN64) received on August 27, 2002; to the Committee on Finance.

EC–8672. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2002–55" (RP–106334–02) received on August 27, 2002; to the Committee on Finance.

EC–8673. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2002–57—Bureau of Labor Statistics Price Indexes for Department Stores—July 2002" (Rev. Rul. 2002–57) received on August 27, 2002; to the Committee on Finance.

EC–8674. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2002–48 (Revision of Rev. Proc. 88–10)" received on August 27, 2002; to the Committee on Finance.

EC–8675. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2002–54, 2002 Marginal Production Rates" received on August 27, 2002; to the Committee on Finance.

EC–8676. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Licenses for Certain Worsted Wool Fabrics Subject to Tariff-Rate Quota" (RIN1515–AC83) received on September 3, 2002; to the Committee on Finance.

EC–8677. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Re-use of Air Waybill Number on Air Cargo Manifest" (RIN1515–AD01) received on September 3, 2002; to the Committee on Finance.

EC–8678. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Medicare inpatient psychiatric prospective payment system (PPS); to the Committee on Finance.

EC–8679. A communication from the Deputy Secretary of Defense, transmitting, the report of seven retirements; to the Committee on Armed Services.

EC–8680. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report relative to pay Critical Skills Retention Bonuses (CSRB) to selected military personnel and of each military skill to be designated; to the Committee on Armed Services.

EC–8681. A communication from the Assistant Secretary of Defense, International Security Policy, transmitting, pursuant to law, a report relative to appropriations requested for each project category under each Cooperative Threat Reduction (CTR) program element; to the Committee on Armed Services.

EC–8682. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report on the use of alternatives to the Fee-Basis Physicians in providing pre-enlistment medical evaluations for military applicants; to the Committee on Armed Services.

EC–8683. A communication from the Assistant Secretary of Defense, International Security Policy, transmitting, pursuant to law, a report on Activities and Assistance under the Cooperative Threat Reduction (CTR) program; to the Committee on Armed Services.

EC–8684. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, the Report on the Evaluation of the TRICARE Program for Fiscal Year 1999; to the Committee on Armed Services.

EC–8685. A communication from the Assistant Secretary of Labor, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Disaster Unemployment Assistance Program, Interim Final Rule; Request for Comments" (RIN1205–AB31) received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8686. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Use of Ozone-Depleting Substances; Essential-Use Determinations" (RIN0910–AA99) received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8687. A communication from the Administrator, Office of Workforce Security, Employment and Training Administration, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter No. 39–97, Change 2" received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8688. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Records and Reports Concerning Experience with Approved New Animal Drugs; Delay of Effective Date" (RIN0910–AA02) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8689. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "AmeriCorps Grant Regulations" (RIN3045–AA32) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8690. A communication from the Administrator, Office of Workforce Development, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter (UIPL) 30–02—Operating Instructions for the Temporary Extended Unemployment (TEUC) Act of 2002" received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8691. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Title I—Improving the Academic Achievement of the Disadvantaged" (RIN1810–AA92) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8692. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Sodium Copper Chlorophyllin; Confirmation of Effective Date" (Doc. No. 00C–0929) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8693. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Indian Education Discretionary Grant Program" (RIN1810–AA93) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8694. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Impact Aid Program" (RIN1810–AA94) received on August 27, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8695. A communication from the Director of Communications and Legislative Affairs, transmitting, pursuant to law, the Annual Report on the Federal Work Force for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8696. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8697. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8698. A communication from the Vice Chairman, Federal Election Commission, transmitting, pursuant to law, the Annual Report regarding the implementation of the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–8699. A communication from the Director, Office of Personnel and Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Definition of San Joaquin County, California, as a Nonoppropriated Fund Wage Area" (RIN3206–AJ35) received on August 27, 2002; to the Committee on Governmental Affairs.

EC–8700. A communication from the Director, Office of Personnel Management, Executive Office of the President, transmitting pursuant to law, the report of a rule entitled "Presidential Rank Awards" received on September 3, 2002; to the Committee on Governmental Affairs.

EC–8701. A communication from the Director, Program Services Division, Office of Agency Programs, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Regulations Governing Filing Extensions and Late Filing Fee Waivers" (RIN3209–AA00) received on August 27, 2002; to the Committee on Governmental Affairs.

EC–8702. A communication from the Comptroller General of the United States, Government Accounting Office, transmitting, pursuant to law, the report of the list of General Accounting Office reports for June 2002; to the Committee on Governmental Affairs.

EC–8703. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office Reports for May 2002; to the Committee on Governmental Affairs.

EC–8704. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the Annual Performance Plan for 2003; to the Committee on Governmental Affairs.

EC–8705. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 7D for Fiscal Years 2000, 2001, and 2002 Through March 31, 2002"; to the Committee on Governmental Affairs.

EC–8706. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "D.C. Public Schools Medicaid Revenue Recovery Operations Require Substantial Improvement"; to the Committee on Governmental Affairs.

EC–8707. A communication from the Director, Office of Personnel Management, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Change in the Survey Cycle for the Portland, OR, Appropriated Fund Wage Area" (RIN3206–AJ60) received on August 27, 2002; to the Committee on Governmental Affairs.

EC–8708. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Annual Report on Performance and Accountability for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–8709. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Employee Elections to Contribute to the Thrift Savings Plan, Participants' Choices of Investment Funds, Vesting, Uniformed Services Accounts, Correction of Administrative Errors, Lost Earnings Attributable to Employing Agency Errors, Participant Statements, Calculation of Share Prices, Methods of Withdrawing Funds from the Thrift Savings Plan, Death Benefits, Domestic Relations Orders Affecting Thrift Savings Plan Accounts, Loans, Miscellaneous" received on September 3, 2002; to the Committee on Governmental Affairs.

EC–8710. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–441, "Domestic Relations Laws Clarification Act of 2002"; to the Committee on Governmental Affairs.

EC–8711. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–446, "Honoraria Amendment Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC–8712. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–458, "Child Restraint Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–8713. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–459, "Technical Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–8714. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–444, "Back-to-School Sales Tax Holiday Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC–8715. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–445, "Special Education Task Force Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC–8716. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–443, "Public Health Laboratory Fee Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–8717. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-440, "Improved Child Abuse Investigations Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–8718. A communication from the Acting Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Francisco Bay, CA" ((RIN2115-AA97)(2002-0178)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8719. A communication from the Acting Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; (4 regulations)" ((RIN2115-AE46)(2002-0029)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8720. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Notification of Arrival: Addition of Charterer to Required Information" ((RIN2115-AG06)(2002-0001)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8721. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Captain of the Port of Chicago Zone, Lake Michigan" ((RIN2115-AA97)(2002-0177)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8722. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Traffic Separation Scheme: In Prince William Sound, Alaska" ((RIN2115-AG20)(2002-0001)) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8723. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Big Wells, Texas" (MM Doc. No. 01-247) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8724. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Baird, Texas" (MM Doc. No. 01-197) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8725. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Georgetown, SC" (MB Doc. No. 02-65) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8726. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of

Allotments, DTV Broadcast Stations; Athens, GA" (MB Doc. No. 02-94) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8727. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Eldorado, Texas" (MM Doc. No. 01-294) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8728. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Pawhuska, Oklahoma" (MM Doc. No. 01-260) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8729. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations; Ballinger, Texas" (MM Doc. No. 01-292) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8730. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Bearden, Arkansas" (MM Doc. No. 01-258) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8731. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Benavides, Texas" (MM Doc. No. 01-256) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8732. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Weinert, Texas" (MM Doc. No. 01-205) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8733. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Grandim, Missouri" (MM Doc. No. 01-259) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8734. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622, Table of Allotments, DTV Broadcast Stations, San Mateo, CA" (MM Doc. No. 02-84) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8735. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Cheboygan and Onaway, Michigan" (MM Doc. No. 00-69) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8736. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; George West, Texas" (MM Doc. No. 01-147) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8737. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Freer, Texas" (MM Doc. No. 01-243) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8738. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Cuthbert and Buena Vista, Georgia" (MM Doc. No. 02-48) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8739. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Burney, California" (MM Doc. No. 01-311) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8740. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Buffalo Gap, Texas" (MM Doc. No. 01-221) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8741. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Harrodsburg and Keene, Kentucky" (MM Doc. No. 02-24) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8742. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Asherton, Texas" (MM Doc. No. 01–246) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8743. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; La Pryor, Texas" (MM Doc. No. 01–262) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8744. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Firth, Nebraska" (MM Doc. No. 01–234) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8745. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Childress, Texas" (MM Doc. No. 01–196) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8746. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Rockwell Collins, Inc. ADC–85, 85A, 850D, and 850F Air Data Computers" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8747. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 and 11F Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8748. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Pilatus Aircraft Lrd. Models PC–12 and PC–12/45 Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8749. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Boeing Model 737–600, 700, and 800 Series Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8750. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8751. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 and –11F Airplanes" (RIN2120–A64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8752. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Boeing Model 767–300 Series Airplanes Equipped with Rolls Royce RB211–524H Series Engines" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8753. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, –700, –800, and –900 Series Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8754. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Hamilton Sundstrand Corporation Model 568F–1 Propellers" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8755. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca S.A. Arriel Models 1A, 1A1, 1B, 1D, and 1D1 Turboshaft Engines" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8756. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: EMPRESA Model EMB–135 and –145 Series Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8757. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Glaser-Dirks Glugzeugbau GmbH Models DG–400 and DG–800A Sailplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8758. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Empresa Brasileira de Aeornautica SA Model EMB 135 and 145 Series Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8759. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Hamilton Sundstrand Power Systems T–62T Series Auxiliary Power Units" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8760. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Eurocopter France Model DC120B Helicopter" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8761. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: McDonnell Douglas Model DC 9, 10, 30, 30F, and 40 Series Airplanes; and Model C 9 Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8762. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: McDonnell Douglas Model DC–10–10, 10F, 15, 30, 30F (KC 10A and KDC–10), 40 and 40F Airplanes; Model MD–10–10F and 30F Airplanes; and Model MD–11 and 11F Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8763. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Airbus Model A300, Br–600, and F4–600R and A310 Series Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8764. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Boeing 727 Series Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8765. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Marquette, MI; Modification of Class E Airspace Marquette, MI" (RIN2120–AA66) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8766. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Jackson, OH" (RIN2120–AA66) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8767. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Tecumseh, MI" (RIN2120–AA66) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8768. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitude; Miscellaneous Amendments; Amdt. No. 436" (RIN2120–AA63) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8769. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitude; Miscellaneous Amendment-Correction; Amdt. No. 436" (RIN2120–AA63) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8770. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes Equipped with General Electric Tail Engine Buildup United (EBU)" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8771. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8772. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: McDonnell Douglas MD–11 and 11F Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8773. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes Equipped with United Technologies Pratt and Whitney Engines" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8774. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 and 11F Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8775. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8776. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Eurocopter France Model AS332L and AS332L1 Helicopters" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8777. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Pratt and Whitney JT8D–200 Series Turbofan Engines" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8778. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: McDonnell Douglas Model MD–11 and 11F Airplanes" (RIN2120–AA64) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8779. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 11 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico" (RIN0648–AO51) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8780. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2002 Recreational Specifications for Summer Flounder, Scup and Black Sea Bass, Final Rule"

(RIN0648–AN70) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8781. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure Notice for Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3" (RIN0648–AP06) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8782. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Removal of the Sablefish Size Limit South of 36 Degrees N. Latitude for Limited Entry Fixed Gear and Open Access Fishery" (I.D. 072902E) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8783. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit" (I.D. 071202D) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8784. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reopening of the 2002 Spring Commercial Red Snapper Fishery in the Gulf of Mexico Exclusive Economic Zone" received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8785. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Western Regulatory Area, Gulf of Alaska" received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8786. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustment to the 2002 Scup Winter II Quota" (RIN0648–AP06) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8787. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Additional Interim Measures to Reduce Overfishing, as Specified in the Settlement Agreement" (RIN0648–AP78) received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8788. A communication from the Acting Director for the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Area" received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8789. A communication from the Acting Director for the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Deep-Water Species Fishery Using Trawl Gear in the Gulf of Alaska" received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8790. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Shortaker and Rougheye Rockfish Fishery in the Western Regulatory Area, Gulf of Alaska" received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8791. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 7—Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR" received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8792. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 6—Closure of the Commercial Fishery from Horse Mountain to Point Arena (Fort Bragg)" (I.D. 080202D) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8793. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 5—Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Falcon, OR" received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8794. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Central Regulatory Area, Gulf of Alaska" received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8795. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8796. A communication from the Chief for the Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Central Regulatory Area, Gulf of Alaska" received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8797. A communication from the Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing of Marine Mammals: Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor Low Frequency Active Sonar" (RIN0648–AM62) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8798. A communication from the Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing of Marine Mammals: Taking Marine Mammals Incidental to Oil and Gas Structure Removal Activities in the Gulf of Mexico" (RIN0648–AP83) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8799. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "National Marine Fisheries Service—Sea Grant Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics: Request for Applications for FY 2003" received on September 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8800. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Conformance with FA–07 and Miscellaneous Administrative and Technical Changes" (RIN2700–AC33) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8801. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Competitiveness Demonstration Program" (RIN2700–AC33) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8802. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report on Apportionment of Membership on the Regional Fishery Management Councils; to the Committee on Commerce, Science, and Transportation.

EC–8803. A communication from the Acting Division Chief, Marine Mammal Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Dolphin-Safe Tuna Labeling; Official Mark" (RIN0648–AN37) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8804. A communication from the Associate Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications

Carriers' Use of Customer Proprietary Network Information and Other Customer Information" (FCC No. 02–214) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8805. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Security Requirements for Unclassified Information Technology Resources" (48 CFR Parts 1804 and 1852) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8806. A communication from the Acting Division Chief, Marine Mammal Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP)" (RIN0648–AI85) received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8807. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a Report regarding Injuries and Fatalities of Workers Struck by Vehicles on Airport Aprons" dated July 2002; to the Committee on Commerce, Science, and Transportation.

EC–8808. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7266–9) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8809. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7267–3) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8810. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7267–6) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8811. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the 1-Hour Ozone Standard for San Diego County, California" (FRL7263–9) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8812. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Arizona State Implementation Plan, Maricopa County Environmental Services Department" (FRL7261–7) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8813. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Service Department" (FRL7266–3) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8814. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District" (FRL7266–5) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8815. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting a report entitled "Hazardous Waste Generated in Laboratories" received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8816. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New Jersey" (FRL7264–6) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8817. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the 1-Hour Ozone Standards for the Santa Barbara County Area, California" (FRL7263–8) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8818. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL7264–1) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8819. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL7258–3) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8820. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "FY03 Wetland Program Development Grants Guidelines"; to the Committee on Environment and Public Works.

EC–8821. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2003"; to the Committee on Environment and Public Works.

EC–8822. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Watershed Initiative: Call for Nominations"; to the Committee on Environment and Public Works.

EC–8823. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Framework for Early Season Migratory Bird Hunting Regulations" (RIN1018–AI30) received on August 15, 2002; to the Committee on Environment and Public Works.

EC–8824. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018–AI30) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8825. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2002-03 Early Season" (RIN1018–AI30) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8826. A communication from the Director, Endangered Species Program, Fish and Wildlife Services, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Remove Potentilla robbinsiana (Robbin's cinquefoil) from the Federal List of Endangered and Threatened Plants" (RIN1018–AH56) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8827. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of the Manual on Uniform Traffic Control Devices; Accessible Pedestrian Signs" (RIN2125–AE83) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8828. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Traffic Control Devices on Federal-Aid and Other Streets and Highways; Color Specifications for Retroreflective Sign and Pavement Marking Materials" (RIN2125–AE67) received on August 27, 2002; to the Committee on Environment and Public Works.

EC–8829. A communication from the Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to the Howard A. Hanson Dam, Green River, Washington; to the Committee on Environment and Public Works.

EC–8830. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Northern Great Plains Breeding Population of the Piping Plover" (RIN1018–AH96); to the Committee on Environment and Public Works.

EC–8831. A communication from the Acting Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report regarding the Missouri River Mitigation Project; Missouri, Kansas, Iowa, and Nebraska; to the Committee on Environment and Public Works.

EC–8832. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly status report on the Commission's licensing activities and regulatory duties for April 2002; to the Committee on Environment and Public Works.

EC-8833. A communication from the Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report on navigation improvements for the Arthur Kill Channel-Howland Hook Marine Terminal, New York and New Jersey; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1028: A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes. (Rept. No. 107–253).

S. 1638: A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes. (Rept. No. 107–254).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1944: A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes. (Rept. No. 107–255).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2519: A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System. (Rept. No. 107–256).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2571: A bill to direct the Secretary of the Interior to conduct a special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area. (Rept. No. 107–257).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2598: A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes. (Rept. No. 107–258).

H.R. 37: A bill to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails. (Rept. No. 107–259) .

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 38: A bill to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes. (Rept. No. 107–260).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 107: A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes. (Rept. No. 107–261).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1776: A bill to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas. (Rept. No. 107–262).

H.R. 1814: To amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System. (Rept. No. 107–263).

H.R. 1925: A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes. (Rept. No. 107–264).

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 321: A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes. (Rept. No. 107–265).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on September 5, 2002:

By Mr. LEAHY for the Committee on the Judiciary.

Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit.

James Knoll Gardner, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Denny Wade King, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on September 6, 2002 under the authority of an order of the Senate of September 5, 2002:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 96–53 CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (Exec. Rept. No. 107–9)

(TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Convention on the Elimination of all Forms of Discrimination Against Women, subject to Reservations, Understandings and Declarations.

The Senate advises and consents to the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980 (Treaty Doc. 96–53), subject to the reservations in Section 2, the understandings in Section 3, and the declarations in Section 4.

Section 2. Reservations.

The advice and consent of the Senate is subject to the following reservations, which shall be included in the instrument of ratification:

(1) The Constitution and laws of the United States establish extensive protections against discrimination reaching all forms of governmental activity as well as significant area of non-governmental activity. However, individual privacy and freedom from governmental interference in private conduct are also recognized as among the fundamental values of our free and democratic society. The United States understands that by its terms the Convention requires broad regulation of private conduct, in particular under Articles 2, 3 and 5. The United States does not accept any obligation under the Convention to enact legislation or to take any other action with respect to private conduct except as mandated by the Constitution and laws of the United States.

(2) Under current U.S. law and. practice, women are permitted to volunteer for military service without restriction, and women in fact serve in all U.S. armed services, including in combat positions. However, the United States does not accept an obligation under the Convention to assign women to all military units and positions which may require engagement in direct combat.

(3) U.S. law provides strong protections against gender discrimination in the area of remuneration, including the right to equal pay for equal work in jobs that are substantially similar. However, the United States does not accept any obligation under this Convention to enact legislation establishing the doctrine of comparable worth as that term is understood in U.S. practice.

(4) Current U.S. law contains substantial provisions for maternity leave in many employment situations but does not require paid maternity leave. Therefore, the United States does not accept an obligation under Article 11(2)(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

Section 3. Understandings.

The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States understands that this convention shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of this Convention.

(2) The Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression, and association. Accordingly, the United States does not accept any obligation under. this Convention, in particular under Articles 5, 7,

8 and 13, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.

(3) The United States understands that Article 12 permits States Parties to determine which health care services are appropriate in connection with family planning, pregnancy, confinement and the post-natal period, as well as when the provision of free services is necessary, and does not mandate the provision of particular services on a cost-free basis.

(4) Noting in this Convention shall be construed to reflect or create any right to abortion and in no case should abortion be promoted as a method of family planning.

(5) The United States understands that the Committee on the Elimination of Discrimination Against Women was established under Article 17 "for the purpose of considering the progress made in the implementation" of the Convention. The United States understands that the Committee on the Elimination of Discrimination Against Women, as set forth in Article 21, reports annually to the General Assembly on it activities, and "may make suggestions and general recommendations based on the examination of reports and information received from the States Parties." Accordingly, the United States understands that the Committee on the Elimination of Discrimination Against Women has no authority to compel actions by States Parties.

Section 4. Declarations.

The advice and consent of the Senate is subject to the following declarations:

(1) The United States declares that, for purposes of its domestic law, the provisions of the Convention are non-self-executing.

With reference to Article 29(2), the United States declares that it does not consider itself bound by the provisions of Article 29(1). The specific consent of the United States to the jurisdiction of the International Court of Justice concerning disputes over the interpretation or application of this Convention is required on a case-by case basis.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 2913. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2914. A bill to amend title XVIII of the Social Security Act to provide for appropriate incentive payments under the medicare program for physicians' services furnished in underserved areas; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. TORRICELLI, and Mr. CORZINE):

S. 2915. A bill to provide for cancellation of student loan indebtedness for spouses, surviving joint debtors, and parents of individuals who died or became permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 2916. A bill to put a college education within reach, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. HARKIN, Mr. LUGAR, Mr. DASCHLE, Mr. CONRAD, Mr. DORGAN, Mr. GRASSLEY, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. DURBIN, Mr. BAUCUS, Mr. ALLARD, Mr. FEINGOLD, Mr. BAYH, Mr. CRAPO, Mrs. CARNAHAN, Mr. BINGAMAN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. DEWINE, Ms. STABENOW, and Mr. BREAUX):

S. Res. 324. A resolution congratulating the National Farmers Union for 100 years of service to family farmers, ranchers, and rural communities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself and Ms. CANTWELL):

S. Con. Res. 138. A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 561

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 561, a bill to provide that the same health insurance premium conversion arrangements afforded to Federal employees be made available to Federal annuitants and members and retired members of the uniformed services.

S. 572

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 677

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 874

At the request of Mr. TORRICELLI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 874, a bill to require health plans to include infertility benefits, and for other purposes.

S. 1234

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1234, a bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1605

At the request of Mr. CONRAD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1761

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from Colorado

(Mr. ALLARD) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 2049

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2049, a bill to amend the Federal Food, Drug and Cosmetic Act to include a 12 month notification period before discontinuing a biological product, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2483, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 2505

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2505, a bill to promote the national security of the United States through international educational and cultural exchange programs between the United States and the Islamic world, and for other purposes.

S. 2533

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2533, a bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

S. 2555

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2555, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program.

S. 2596

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 2602

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2602, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation.

S. 2626

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2626, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2735

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2735, a bill to amend title 49, United States Code, to provide for the modification of airport terminal buildings to accommodate explosive detection systems for screening checked baggage, and for other purposes.

S. 2739

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. NICKLES) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2739, a bill to provide for post-conviction DNA testing, to improve competence and performance of prosecutors, defense counsel, and trial judges handling State capital criminal cases, to ensure the quality of defense counsel in Federal capital cases, and for other purposes.

S. 2770

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas.

S. 2793

At the request of Mr. ENSIGN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2793, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 2826

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2826, a bill to improve the national instant criminal background check system, and for other purposes.

S. 2841

At the request of Mr. CORZINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2841, a bill to adjust the indexing of multifamily mortgage limits, and for other purposes.

S. 2869

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2908

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2908, a bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State, and for other purposes.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

AMENDMENT NO. 4508

At the request of Mr. FEINGOLD, the names of the Senator from Nevada (Mr. REID) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 4508 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4509

At the request of Mr. FEINGOLD, the names of the Senator from Nevada (Mr. REID) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 4509 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4510

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of amendment No. 4510 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 2913. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Madam President, I rise today to raise the awareness of an issue that affects over 22,000 people a year, and that issue is organ donation. The sad fact about organ donations is this: We have the medical know-how to save lives, but we lack the organs. We lack organs because most Americans simply are unaware of the life-giving difference they can make by choosing to become organ donors.

Sadly, each day the waiting list for those needing organs continues to grow. Today, nearly 79,000 people remain on the national transplant waiting list. Right now, more than 50,000 people, alone, are waiting for kidney transplants. That number is expected to double within the next decade. Additionally, between 12 and 16 people die each day just waiting for an available organ.

To remedy the organ shortage, we must increase public awareness. By educating the public and raising awareness, more people will choose to become organ donors. At the very least, through these efforts, we can encourage more families to discuss what their wishes are and whether they would want to be organ donors.

But our efforts must not stop there. We must do more than just implement public awareness campaigns, because the face of organ donation is changing. For the first time ever, the number of living organ donors outnumbered cadaver donors. Last year, there were 6,081 donor cadavers while 6,485 people opted to become living donors, usually giving up a healthy kidney to help a family member or friend.

Recognizing this, my colleague, Senator DURBIN, and I introduce a bill today that would help protect living organ donors in the group insurance market. Our bill would ensure that those individuals who choose to be living organ donors are not discriminated against in the insurance marketplace. Our bill builds on the protections provided by the Health Insurance Portability and Accountability Act, so that living organ donors are not denied insurance nor are they applied discriminatory insurance premiums because of their living organ donor status.

Quite simply, a brother who donates a part of his kidney to his sister should not be denied health insurance. But tragically, that is what oftentimes happens. Frequently, individuals who are living organ donors are denied health insurance or restricted from the insurance market. Instead, we should celebrate living organ donors and remove obstacles and barriers for the successful donation of organs. Insurance shouldn't undermine someone's decision to be a living organ donor.

Some States are evaluating how living organ donors affect the market. States are amending their Family Medical Leave eligibility so that living organ donors can participate and benefit from the program. The Federal Government, with the Organ Donor Leave Act of 1999, offered 30 days paid leave to Federal employees who chose to be an organ donor. But, paid leave and job protection doesn't mean much if people are denied health insurance or are required to pay higher premiums because they donated an organ to save another person's life.

The impact of living organ donation is profound. A living organ donor not only can save the life of one patient, but can also take that person off the waiting list for a cadaver donation. That means the next person on the waiting list is "bumped up" a spot—giving additional hope to the 79,000 persons on the national transplant waiting list.

Living organ donors give family members and friends a second chance at life and the opportunity to reduce the number of people on the waiting list to receive an organ. It is time for Congress to make a sensible decision in support of a person's decision to be a living organ donor. I encourage my colleagues to join me in co-sponsoring this bill.

By Mr. ROCKEFELLER:

S. 2914. A bill to amend title XVIII of the Social Security Act to provide for appropriate incentive payments under the medicare program for physicians' services furnished in underserved areas; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I introduce the Medicare Incentive Payment Program Refinement Act of 2002. This bill makes needed and long-overdue changes to the Medicare Inventive Payment Program, an initiative conceived to address the growing primary care physician shortage in some of our country's most medically underserved communities. The number of physicians needed to care for all individuals, especially our aging seniors, continues to grow in remote rural areas and in underserved urban areas. However, rising health costs and the difficulties of operating a practice in underserved communities has exacerbated the physician shortage. Although the Medicare Incentive Payment Program aims to address the financial hurdles facing physicians in needy areas, the program has failed to achieve real results. This bill will make fundamental changes to improve the program's effectiveness.

Rural areas, in particular, are in need of efforts to retain primary care physicians, since the difficulties of operating a practice often drive doctors to larger areas with more resources and professional support. According to the Federal Office of Rural Health Policy, over 20 million Americans live in areas that have a shortage of physicians, and between 1975 and 1995 the smallest counties in the U.S., population under 2,500, experienced a drop in their physician-to-population ratio. More than 2,200 primary care physicians would be needed to remove all nonmetropolitan HPSA designations, and more than twice that number is needed to achieve adequate physician staffing levels nationwide.

According to the National Rural Health Association, nonmetropolitan physicians treat a larger number of Medicare and Medicaid beneficiaries than their urban counterparts do, generating less income for physicians per patient. Furthermore, nonmetropolitan physicians are less likely to perform high cost medical services due to their limited number of resources. Understandably, MIPP monies can affect the quality of life for rural physicians and help prevent the mass migration of needed health care professionals from underserved areas.

The Medicare Incentive Payment Program, as it exists today, has not fulfilled its original mandate, to recruit and retain primary care physicians in health professional shortage areas. Passed as part of OBRA 87, the program pays all physicians a 10 percent bonus for each Medicare recipient they treat. This enhanced reimbursement is meant to offset the financial advantage of providing service in more populous areas, as well as help physicians with the costs associated with operating a practice in an underserved community. Most importantly, the program aims to increase health care access for Medicare beneficiaries and improve the health of communities overall.

However, analyses from the Office of the Inspector General of HHS, the GAO, and independent health experts confirm that the program is unfocused and largely ineffective. All physicians are eligible for bonus payments, even when they may not be in short supply. Bonus payments are 10 percent, not enough to lure physicians to underserved areas, especially if the payment is based on a basic, primary care visit. Finally, many physicians do not even know this program exists, and those that do are often unsure whether they are delivering care in a HPSA and how to bill for the payment appropriately.

To improve the program, this bill increases the bonus payment from 10 percent to 20 percent and allows only those physicians providing primary care services, including family and general medicine, general internal medicine, pediatrics, obstetrics and gynecology, emergency medicine, and general surgery, to receive the incentive payment. Finally, my bill automates payments, so physicians no longer have to guess whether they are eligible for the program. These improvements will strengthen the original intent of the legislation, to recruit and retain primary care physicians in underserved areas, and strengthen the primary health care infrastructure of our country's most needy communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Incentive Payment Program Refinement Act of 2002".

SEC. 2. REVISION OF INCENTIVE PAYMENTS FOR PHYSICIANS' SERVICES FURNISHED IN UNDERSERVED AREAS.

(a) IN GENERAL.—Section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)) is amended to read as follows:

"(m) INCENTIVE PAYMENTS FOR PHYSICIANS' SERVICES FURNISHED IN UNDERSERVED AREAS.—

"(1) IN GENERAL.—In the case of physicians' services furnished by a physician with an applicable physician specialty to an individual who is enrolled under this part and who incurs expenses for such services in an area that is designated under section 332(a)(1)(A) of the Public Health Service Act as a health professional shortage area, in addition to the amount otherwise paid under this part, there also shall be paid to the physician (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)) (on a quarterly basis) from the Federal Supplementary Medical Insurance Trust Fund, an amount equal to 20 percent of the payment amount for the service under this part.

"(2) APPLICABLE PHYSICIAN SPECIALTY DEFINED.—In this subsection, the term 'applicable physician specialty' means, with respect to a physician, the primary specialty of that physician if the specialty is one of the following:

"(A) General practice.
"(B) Family practice.
"(C) Pediatric medicine.
"(D) General internal medicine.
"(E) Obstetrics and gynecology.
"(F) General surgery.
"(G) Emergency medicine.

"(3) AUTOMATION OF INCENTIVE PAYMENTS.—The Secretary shall establish procedures under which the Secretary shall automatically make the payments required to be made under paragraph (1) to each physician who is entitled to receive such a payment. Such procedures shall not require the physician furnishing the service to be responsible for determining when a payment is required to be made under that paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to services furnished on or after January 1, 2003, in an area designated under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)) as a health professional shortage area.

By Mr. BIDEN:

S. 2916. A bill to put a college education within reach, and for other purposes; to the Committee on Finance.

Mr. BIDEN. Mr. President, as another school year starts, many college students are worrying not only about their class loads and their coursework, but about where the money to pay for their educations will come from. Today, the average cost of attending a public 4-year college has jumped to $9,000, up 7.7 percent from last year. This represents the highest rate of increase since 1993. For those families that choose to send their children to a private institution, that number rises. Up 4.7 percent from the year before, the average cost of a private 4-year institution is now close to $24,000 a year.

What do these rising tuition costs mean? Hard working American families are spending a larger percentage of their incomes than ever before to send their children to college. To attend the University of Delaware, where I went to school, it costs nearly 20 percent of a Delaware family's average annual income to cover costs. To attend a private college or university, that number, in some instances can jump to over 40 percent of annual income.

To help remedy this situation I come to the floor today to reintroduce legislation to help American families afford their children's tuition. This comprehensive package, "The Tuition Assistance for Families Act," builds upon previous steps that others and I have taken to make it possible for more families to provide their children with a college education. I introduce this bill so that the decision to send one's child to college will not be overshadowed by the decision of how to pay for it.

The "Tuition Assistance for Families Act" will provide middle class American families with a $12,000 tuition tax deduction each year. Based on legislation that I introduced with Senator SCHUMER last year, at $12,000 this deduction provides real, meaningful tax relief. Tax relief that American families have been waiting for. Tax relief that can go a long way in helping them afford room, board and tuition.

The bill that I am introducing today also expands the two tuition tax credits enacted in 1997—the Hope Scholarship and the Lifetime Learning Tax Credit. Under current law, the Lifetime Learning Credit allows a 20 percent tax credit on the first $10,000 in higher education expenses in year 2003. Under my bill, the Lifetime Learning Tax Credit percentage would jump from 20 to 25 percent and raise the amount of education expenses subject to the credit to $12,000. In terms of real dollars, this would mean that a student who files in tax year 2003 under my plan could get up to $3,000 back in taxes. Under current law, the maximum allowable credit is only $2,000. That is a $1,000 difference. $1,000 that can go directly into a student's pocket to pay for books, a computer or tuition. The also raises the income limits for each credit to $130,000 per family, per year, so that more families are afforded the help that they need.

This bill reintroduces the idea of a $1,000 merit scholarship to be awarded to the top 5 percent of each high school's graduating class. These types of scholarships not only reward student achievement, they help to ensure that the best and brightest students have the ability to go on to college—thereby increasing the pool of well-qualified American workers for the information technology age.

This act also increases the maximum Pell Grant award from $4,000 to $4,500. During the 2001–2002 school year, the maximum Pell Grant award covered about 42 percent of the average tuition, room and board at a public 4-year university. During the 1975–76 it covered 84 percent of these same costs. Clearly, the purchasing power of these grants has dramatically declined. As such, the debt load of American families and American students has increased considerably over the years as students have looked to federal and private loans to finance their educations. A report released just this March by the State PIRG's Higher Education Project found that at the end of the 1999–2000 school year, 64 percent of college students graduated with student loan debt at an average of $16,928, nearly double the average debt load just eight years ago. Double the debt load in 1994.

It is the dream of every American to provide for their child a better life than they had themselves. Helping families afford the increasing cost of a college education will move us closer to making that dream a reality. For this reason, I have spent a great deal of time in the Senate fighting to provide tax relief for middle class American families struggling with the cost of college. And while I was pleased when some of the ideas I advocated were adopted in the 1997 tax cut bill, it is clear that as tuition costs rise dramatically, working Americans need additional assistance. The "Tuition Assistance for Families Act" will provide extra help so that more families can afford to give their children a brighter and better future. Let's not allow a college education to become a luxury when, in the information technology age, it is an absolute necessity.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—CONGRATULATING THE NATIONAL FARMERS UNION FOR 100 YEARS OF SERVICE TO FAMILY FARMERS, RANCHERS, AND RURAL COMMUNITIES

Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. HARKIN, Mr. LUGAR, Mr. DASCHLE, Mr. CONRAD, Mr. DORGAN, Mr. GRASSLEY, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. DURBIN, Mr. BAUCUS, Mr. ALLARD, Mr. FEINGOLD, Mr. BAYH, Mr. CRAPO, Mrs. CARNAHAN, Mr. BINGAMAN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. DEWINE, Ms. STABENOW, and Mr. BREAUX) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 324

Whereas the National Farmers Union celebrates its centennial anniversary in 2002;

Whereas during its 100 years of service to rural America, the National Farmers Union has faithfully promoted the organization's mission of education, legislation, and cooperation as identified by its founders and proclaimed in its triangular symbol;

Whereas the National Farmers Union represents nearly 300,000 family farmer and rancher members across the United States;

Whereas the National Farmers Union epitomizes the spirit and energy of hundreds of thousands of family farmers, ranchers, rural advocates, and communities;

Whereas the National Farmers Union remains dedicated to protecting and enhancing the quality of life for rural America;

Whereas the National Farmers Union has been instrumental in the establishment and progress of the farmer-owned cooperative movement; and

Whereas the National Farmers Union strives to improve rural America through proactive support and proposals to enhance rural economic development, educational opportunities, resource conservation, market competition, domestic farm income, and international cooperation: Now, therefore, be it

Resolved, That the Senate commends and congratulates the National Farmers Union for a century of dedicated service to the farmers, ranchers, and rural communities of the United States.

SENATE CONCURRENT RESOLUTION 138—EXPRESSING THE SENSE OF CONGRESS THAT THE SECRETARY OF HEALTH AND HUMAN SERVICES SHOULD CONDUCT OR SUPPORT RESEARCH ON CERTAIN TESTS TO SCREEN FOR OVARIAN CANCER, AND FEDERAL HEALTH CARE PROGRAMS AND GROUP AND INDIVIDUAL HEALTH PLANS SHOULD COVER THE TESTS IF DEMONSTRATED TO BE EFFECTIVE, AND FOR OTHER PURPOSES

Mr. REID (for himself and Ms. CANTWELL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 138

Whereas ovarian cancer is a serious and under recognized threat to women's health;

Whereas ovarian cancer, the deadliest of the gynecologic cancers, is the fourth leading cause of cancer death among women in the United States

Whereas ovarian cancer occurs in 1 out of 57 women in the United States;

Whereas approximately 50 percent of the women in the United States diagnosed with ovarian cancer die as a result of the cancer within 5 years;

Whereas ovarian cancer is readily treatable when it is detected in the beginning stages before it has spread beyond the ovaries, but the vast majority of cases are not diagnosed until the advanced stages when the cancer has spread beyond the ovaries;

Whereas in cases where ovarian cancer is detected in the beginning stages, more than 90 percent of women survive longer than 5 years;

Whereas only 25 percent of ovarian cancer cases in the United States are diagnosed in the beginning stages;

Whereas in cases where ovarian cancer is diagnosed in the advanced stages, the chance of 5-year survival is only about 25 percent; and

Whereas ovarian cancer may be difficult to detect because symptoms are easily confused with other diseases and because there is no reliable, easy-to-administer screening tool: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health—

(A) should conduct or support research on the effectiveness of the medical screening technique of using proteomic patterns in blood serum to identify ovarian cancer, including the effectiveness of using the technique in combination with other screening methods for ovarian cancer; and

(B) should continue to conduct or support other promising ovarian cancer research that may lead to breakthroughs in screening techniques;

(2) the Secretary of Health and Human Services should submit to Congress a report on the research described in paragraph (1)(A), including an analysis of the effectiveness of the medical screening technique for identifying ovarian cancer; and

(3) if the research demonstrates that the medical screening technique is effective for identifying ovarian cancer, Federal health care programs and group and individual health plans should cover the technique.

Mr. REID. Madam President, I rise today for myself and Senator CANTWELL to submit a concurrent resolution expressing the sense of the Congress that the Secretary of Health and Human Services should conduct or support research to improve early detection of ovarian cancer. Specifically, our resolution encourages continuing and accelerating the development of an ovarian cancer screening test currently underway through a public-private partnership including the National Cancer Institute and the Food and Drug Administration.

Ovarian cancer is the deadliest of the gynecologic cancers and the fourth leading cause of cancer death among women in the United States. Ovarian cancer occurs in 1 out of 57 women, and an estimated 13,900 American women died from ovarian cancer in 2001 alone.

Currently, approximately three-quarters of women with ovarian cancer are diagnosed when they are already in advanced stages of the disease, and only one in five will survive five years. However, if the disease is caught early, the five-year survival rate jumps to 95 percent. Thus providing a way to routinely identify the disease in its "Stage 1" phase could have a dramatic impact in what is now a very deadly cancer. No screening test exists that can accurately detect ovarian cancer in the early states when it is highly curable.

In the February 2002 issue of The Lancet, scientists from the Food and Drug Administration and the National Cancer Institute reported that patterns of protein found in patients' blood serum may reflect the presence of ovarian cancer. Using an innovative testing approach, analyzing patterns of blood protein rather than identifying single blood biomarkers, researchers were able to differentiate between serum samples taken from patients with ovarian cancer and those from unaffected individuals.

However, this research finding was only a first step. Before the scientific community will agree that protein screening is an accurate and beneficial tool, additional multi-institutional trials must be completed.

Patients would certainly be more willing to be tested if all that it involved were a simple, finger-stick blood test, thus eliminating the need for surgery, biopsy, or other painful, invasive, or risky procedures. The critical advantage of such as screening test is early detection, finding the disease when it is most treatable. Of course, early detection of ovarian cancer will save health care costs, but, more importantly, it will save lives.

This is why I am submitting this resolution. Our resolution encourages the Department of Health and Human Services to rapidly evaluate the efficacy of this cutting-edge work in the area of testing for ovarian cancer. If the screening tests are proven effective, the public must have the widest possible access to them. Toward that end, the resolution provides that they be covered by Federal health care programs and group and individual health plans.

Representatives STEVE ISRAEL, and ROSA DELAURO, both tireless leaders on cancer research and health issues, introduced this resolution, in the House of Representatives. Through their efforts and bi-partisan support, H. Con. Res. 385 was passed by the House of Representatives on July 22. The resolution deserves the Senate's prompt attention, and I urge my colleagues to join me in supporting it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4512. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4513. Mr. THOMPSON (for himself and Mr. WARNER) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4514. Mr. REID (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 4687, to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

SA 4515. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4512. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, between lines 13 and 14 insert the following:

(10) Conducting the necessary systems testing and demonstration of infrastructure target hardening methods at the National Critical Infrastructure Testbed at the Idaho National Engineering and Environmental Laboratory.

And renumber the subsequent paragraphs as necessary.

SA 4513. Mr. THOMPSON (for himself and Mr. WARNER) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 8, strike lines 1 through 3.

On page 9, strike lines 13 through 15.

On page 12, line 15, strike ", with the Director,".

On page 12, strike lines 18 through 26 and insert the following:

(4) To make budget recommendations relating to the Strategy, border and transportation security, infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.

On page 77, lines 22 and 23, strike ", the Office," after "OSTP".

On page 103, line 5, strike "amended—" and all that follows through line 12 and insert the following: "amended in section 204(b)(1) (42 U.S.C. 6613(b)(1)), by inserting 'homeland security' after 'national security,'.".

On page 156, lines 15 and 16, strike ", the Office,".

On page 158, line 9, strike ", the Office,".

On page 162, line 11, strike "and the Director".

On page 162, line 17, strike "and Office".

On page 173, strike line 15 and all that follows through page 197, line 19.

SA 4514. Mr. REID (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 4687, to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Construction Safety Team Act".

SEC. 2. NATIONAL CONSTRUCTION SAFETY TEAMS.

(a) ESTABLISHMENT.—The Director of the National Institute of Standards and Technology (in this Act referred to as the "Director") is authorized to establish National Construction Safety Teams (in this Act referred to as a "Team") for deployment after events causing the failure of a building or buildings that has resulted in substantial loss of life or that posed significant potential for substantial loss of life. To the maximum extent practicable, the Director shall establish and deploy a Team within 48 hours after such an event. The Director shall promptly publish in the Federal Register notice of the establishment of each Team.

(b) PURPOSE OF INVESTIGATION; DUTIES.—

(1) PURPOSE.—the purpose of investigations by Teams is to improve the safety and structural integrity of buildings in the United States.

(2) DUTIES.—A Team shall—

(A) establish the likely technical cause or causes of the building failure;

(B) evaluate the technical aspects of evacuation and emergency response procedures;

(C) recommend, as necessary, specific improvements to building standards, codes, and practices based on the findings made pursuant to subparagraphs (A) and (B); and

(D) recommend any research and other appropriate actions needed to improve the structural safety of buildings, and improve evacuation and emergency response procedures, based on the findings of the investigation.

(c) PROCEDURES.—

(1) DEVELOPMENT.—Not later than 3 months after the date of the enactment of this Act, the Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall develop procedures for the establishment and deployment of Teams. The Director shall update such procedures as appropriate. Such procedures shall include provisions—

(A) regarding conflicts of interest related to service on the Team;

(B) defining the circumstances under which the Director will establish and deploy a Team;

(C) prescribing the appropriate size of Teams;

(D) guiding the disclosure of information under section 8;

(E) guiding the conduct of investigations under this Act, including procedures for providing written notice of inspection authority under section 4(a) and for ensuring compliance with any other applicable law;

(F) identifying and prescribing appropriate conditions for the provision by the Director of additional resources and services Teams may need;

(G) to ensure that investigations under this Act do not impede and are coordinated with any search and rescue efforts being undertaken at the site of the building failure;

(H) for regular briefings of the public on the status of the investigative proceedings and findings;

(I) guiding the Teams in moving and preserving evidence as described in section 4(a)(4), (b)(2), and (d)(4);

(J) providing for coordination with Federal, State, and local entities that may sponsor research or investigations of building failures, including research conducted under the Earthquake Hazards Reduction Act of 1977; and

(K) regarding such other issues as the Director considers appropriate.

(2) PUBLICATION.—The Director shall publish promptly in the Federal Register final procedures, and subsequent updates thereof, developed under paragraph (1).

SEC. 3. COMPOSITION OF TEAMS.

Each Team shall be composed of individuals selected by the Director and led by an individual designated by the Director. Team members shall include at least 1 employee of the National Institute of Standards and Technology and shall include other experts who are not employees of the National Institute of Standards and Technology, who may include private sector experts, university experts, representatives of professional organizations with appropriate expertise, and appropriate Federal, State, or local officials. Team members who are not Federal employees shall be considered Federal Government contractors.

SEC. 4. AUTHORITIES.

(a) ENTRY AND INSPECTION.—In investigating a building failure under this Act, members of a Team, and any other person authorized by the Director to support a Team, on display of appropriate credentials provided by the Director and written notice of inspection authority, may—

(1) enter property where a building failure being investigated has occurred, or where building components, materials, and artifacts with respect to the building failure are located, and take action necessary, appropriate, and reasonable in light of the nature of the property to be inspected to carry out the duties of the Team under section 2(b)(2)(A) and (B);

(2) during reasonable hours, inspect any record (including any design, construction, or maintenance record), process, or facility related to the investigation;

(3) inspect and test any building components, materials, and artifacts related to the building failure; and

(4) move such records, components, materials, and artifacts as provided by the procedures developed under section 2(c)(1).

(b) Avoiding Unnecessary Interference and Preserving Evidence.—An inspection, test, or other action taken by a Team under this section shall be conducted in a way that—

(1) does not interfere unnecessarily with services provided by the owner or operator of the building components, materials, or artifacts, property, records, process, or facility; and

(2) to the maximum extent feasible, preserves evidence related to the building failure, consistent with the ongoing needs of the investigation.

(c) Coordination.—

(1) With search and rescue efforts.—A Team shall not impede, and shall coordinate its investigation with, any search and rescue efforts being undertaken at the site of the building failure.

(2) With other research.—A Team shall coordinate its investigation, to the extent practicable, with qualified researchers who are conducting engineering or scientific (including social science) research relating to the building failure.

(3) Memoranda of understanding.—The National Institute of Standards and Technology shall enter into a memorandum of understanding with each Federal agency that may conduct or sponsor a related investigation, providing for coordination of investigations.

(4) With state and local authorities.—A Team shall cooperate with State and local authorities carrying out any activities related to a Team's investigation.

(d) Interagency Priorities.—

(1) In general.—Except as provided in paragraph (2) or (3), a Team investigation shall have priority over any other investigation of any other Federal agency.

(2) National transportation safety board.—If the National Transportation Safety Board is conducting an investigation related to an investigation of a Team, the National Transportation Safety Board investigation shall have priority over the Team investigation. Such priority shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(3) Criminal acts.—If the Attorney General, in consultation with the Director, determines, and notifies the Director, that circumstances reasonably indicate that the building failure being investigated by a Team may have been caused by a criminal act, the Team shall relinquish investigative priority to the appropriate law enforcement agency. The relinquishment of investigative priority by the Team shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(4) Preservation of evidence.—If a Federal law enforcement agency suspects and notifies the Director that a building failure being investigated by a Team under this Act may have been caused by a criminal act, the Team, in consultation with the Federal law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

SEC. 5. BRIEFINGS, HEARINGS, WITNESSES, AND SUBPOENAS.

(a) General Authority.—The Director or his designee, on behalf of a Team, may conduct hearings, administer oaths, and require, by subpoena (pursuant to subsection (e)) and otherwise, necessary witnesses and evidence as necessary to carry out this Act.

(b) Briefings.—The Director or his designee (who may be the leader or a member of a Team), on behalf of a Team, shall hold regular public briefings on the status of investigative proceedings and findings, including a final briefing after the report required by section 8 is issued.

(c) Public Hearings.—During the course of an investigation by a Team, the National Institute of Standards and Technology may, if the Director considers it to be in the public interest, hold a public hearing for the purposes of—

(1) gathering testimony from witnesses; and

(2) informing the public on the progress of the investigation.

(d) Production of Witnesses.—A witness or evidence in an investigation under this Act may be summoned or required to be produced from any place in the United States. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(e) Issuance of Subpoenas.—A subpoena shall be issued only under the signature of the Director but may be served by any person designated by the Director.

(f) Failure To Obey Subpoena.—If a person disobeys a subpoena issued by the Director under this Act, the Attorney General, acting on behalf of the Director, may bring a civil action in a district court of the United States to enforce the subpoena. An action under this subsection may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.

SEC. 6. ADDITIONAL POWERS.

In order to support Teams in carrying out this Act, the Director may—

(1) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Codes;

(2) request the use, when appropriate, of available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

(3) confer with employees and request the use of services, records, and facilities of State and local governmental authorities;

(4) accept voluntary and uncompensated services;

(5) accept and use gifts of money and other property, to the extent provided in advance in appropriations Acts;

(6) make contracts with nonprofit entities to carry out studies related to purpose, functions, and authorities of the Teams; and

(7) provide nongovernmental members of the Team reasonable compensation for time spent carrying out activities under this Act.

SEC. 7. DISCLOSURE OF INFORMATION.

(a) General Rule.—Except as otherwise provided in this section, a copy of a record, information, or investigation submitted or received by a Team shall be made available to the public on request and at reasonable cost.

(b) Exceptions.—Subsection (a) does not require the release of—

(1) information described by section 552(b) of title 5, United States Code, or protected from disclosure by an other law of the United States; or

(2) information described in subsection (a) by the National Institute of Standards and Technology or by a Team until the report required by section 8 is issued.

(c) Protection of Voluntary Submission of Information.—Notwithstanding any other provision of law, a Team, the National Institute of Standards and Technology, and any agency receiving information from a Team or the National Institute of Standards and Technology, shall not disclose voluntarily provided safety-related information if that information is not directly related to the building failure being investigated and the Director finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

(d) Public Safety Information.—A Team and the National Institute of Standards and Technology shall not publicly release any information it receives in the course of an investigation under this Act if the Director finds that the disclosure of that information might jeopardize public safety.

SEC. 8. NATIONAL CONSTRUCTION SAFETY TEAM REPORT.

Not later than 90 days after completing an investigation, a Team shall issue a public report which includes—

(1) an analysis of the likely technical cause or causes of the building failure investigated;

(2) any technical recommendations for changes to or the establishment of evacuation and emergency response procedures;

(3) any recommended specific improvements to building standards, codes, and practices; and

(4) recommendations for research and other appropriate actions needed to help prevent future building failures.

SEC. 9. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIONS.

After the issuance of a public report under section 8, the National Institute of Standards and Technology shall comprehensively review the report and, working with the United States Fire Administration and other appropriate Federal and non-Federal agencies and organizations—

(1) conduct, or enable or encourage the conducting of, appropriate research recommended by the Team; and

(2) promote (consistent with existing procedures for the establishment of building standards, codes, and practices) the appropriate adoption by the Federal Government, and encourage the appropriate adoption by other agencies and organizations, of the recommendations of the Team with respect to—

(A) technical aspects of evacuation and emergency response procedures;

(B) specific improvements to building standards, codes, and practices; and

(C) other actions needed to help prevent future building failures.

SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ANNUAL REPORT.

Not later than February 15 of each year, the Director shall transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) a summary of the investigations conducted by Teams during the prior fiscal year;

(2) a summary of recommendations made by the Teams in reports issued under section 8 during the prior fiscal year and a description of the extent to which those recommendations have been implemented; and

(3) a description of the actions taken to improve building safety and structural integrity by the National Institute of Standards and Technology during the prior fiscal year in response to reports issued under section 8.

SEC. 11. ADVISORY COMMITTEE.

(a) Establishment and Functions.—The Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall establish an advisory committee to advise the Director on carrying out this Act and to review the procedures developed under section 2(c)(1) and the reports issued under section 8.

(b) Annual Report.—On January 1 of each year, the advisory committee shall transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) an evaluation of Team activities, along with recommendations to improve the operation and effectiveness of Teams; and

(2) an assessment of the implementation of the recommendations of Teams and of the advisory committee.

(c) Duration of Advisory Committee.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

SEC. 12. ADDITIONAL APPLICABILITY.

The authorities and restrictions applicable under this Act to the Director and to Teams shall apply to the activities of the National Institute of Standards and Technology in response to the attacks of September 11, 2001.

SEC. 13. AMENDMENT.

Section 7 of the National Bureau of Standards Authorization Act for Fiscal Year 1986 (15 U.S.C. 281a) is amended by inserting ", or from an investigation under the National Construction Safety Team Act," after "from such investigation".

SEC. 14. CONSTRUCTION.

Nothing in this Act shall be construed to confer any authority on the National Institute of Standards and Technology to require the adoption of building standards, codes, or practices.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

The National Institute of Standards and Technology is authorized to use funds otherwise authorized by law to carry out this Act.

SA 4515. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Section 131 is amended by adding at the end the following:

(f) Continuation of Certain Functions of the Customs Service.—

(1) In general.—

(A) Preservation of customs funds.—Notwithstanding any other provision of this Act, no funds available to the United States Customs Service or collected under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1) through (8)) may be transferred for use by any other agency or office in the Department.

(B) Customs automation.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(i) in paragraph (1), by striking subparagraph (B) and inserting the following:

"(B) amounts deposited into the Customs Commercial and Homeland Security Automation Account under paragraph (5).";

(ii) in paragraph (4), by striking "(other than the excess fees determined by the Secretary under paragraph (5))"; and

(iii) by striking paragraph (5) and inserting the following:

"(5)(A) There is created within the general fund of the Treasury a separate account that shall be known as the 'Customs Commercial and Homeland Security Automation Account'. In each of fiscal years 2003, 2004, and 2005 there shall be deposited into the Account from fees collected under subsection (a)(9)(A), $350,000,000.

"(B) There is authorized to be appropriated from the Customs Commercial and Homeland Security Automation Account for each of fiscal years 2003 through 2005 such amounts as are available in that Account for the development, establishment, and implementation of the Automated Commercial Environment computer system for the processing of merchandise that is entered or released and for other purposes related to the functions of the Department of Homeland Security. Amounts appropriated pursuant to this subparagraph are authorized to remain available until expended.

"(C) In adjusting the fee imposed by subsection (a)(9)(A) for fiscal year 2006, the Secretary of the Treasury shall reduce the amount estimated to be collected in fiscal year 2006 by the amount by which total fees deposited to the Customs Commercial and Homeland Security Automation Account during fiscal years 2003, 2004, and 2005 exceed total appropriations from that Account.".

(2) Advisory committee on commercial operations of the United States customs service.—Section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203; 19 U.S.C. 2071 note) is amended—

(A) in paragraph (1), by inserting "in consultation with the Secretary of Homeland Security" after "Secretary of the Treasury";

(B) in paragraph (2)(A), by inserting "in consultation with the Secretary of Homeland Security" after "Secretary of the Treasury";

(C) in paragraph (3)(A), by inserting "and the Secretary of Homeland Security" after "Secretary of the Treasury"; and

(D) in paragraph (4)—

(i) by inserting "and the Under Secretary of Homeland Security for Border and Transportation" after "for Enforcement"; and

(ii) by inserting "jointly" after "shall preside".

(3) Conforming amendment.—Section 311(b) of the Customs Border Security Act of 2002 (Public Law 107-210) is amended by striking paragraph (2).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 17, at 9:30 a.m. in Dirksen 366.

The Committee will conduct an oversight hearing on the Federal Energy Regulatory Commission's Notice of Proposed Rulemaking Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design, issued July 31.

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, Attn: Jonathan Black, United States Senate, Dirksen 364, Washington, D.C. 20510.

For further information, please call Leon Lowery at 202/224-2209 or Jonathan Black at 202/224-6722.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 18, at 9:30 a.m. in SD-366.

The purpose of the hearing is to receive testimony concerning the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy; and to identify necessary changes to those programs to support U.S. competitiveness in the global marketplace.

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, ATTN: Jonathan Black, 364 Dirksen Senate Office Building, Washington, D.C., 20510.

For further information, please call Jennifer Michael on 4-7143 or Jonathan Black on 4-6722.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine and the Subcommittee on Transportation, Infrastructure and Nuclear Safety be authorized to meet on September 9, 2002, at 2:30 p.m. on freight and intermodal transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON TRANSPORTATION INFRASTRUCTURE, AND NUCLEAR SAFETY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation, infrastructure, and Nuclear Safety be authorized to meet jointly with the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation on Monday, September 9, 2002, at 2:30 p.m. to conduct a hearing to receive testimony on freight and transportation issues. The hearing will be held in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CONSTRUCTION SAFETY TEAM ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 510, H.R. 4687.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Madam President, today the Senate will consider H.R. 4687, the National Construction Safety Team Act. The Senate companion, S. 2496, was introduced by Senators CLINTON, SCHUMER, LIEBERMAN, and DODD, and is currently pending before the Senate Committee on Commerce, Science, and Transportation, which I chair.

At the urging of our colleagues, particularly Senator CLINTON, the committee has agreed to move the House version of the legislation in the hopes that action on this bill might be completed by September 11. The committee has worked to accommodate those requests to move this bill. In that effort, the committee has made some changes to the bill to clarify its purpose and to address some technical issues.

The National Construction Safety Team Act would provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life. The bill seeks to address several problems identified as a result of the collapse of the World Trade Center Towers. For example, no Federal agency is clearly charged with investigating building failures. The bill would solve this problem by giving the National Institute of Standards and Technology, NIST, clear responsibility to handle such investigations. Further, there are currently no guarantees that investigations will begin quickly enough to preserve valuable evidence. The bill would require NIST to act within 48 hours of a building failure. In addition, no Federal agency has the investigative authority needed to ensure access to a building's structural information. Therefore, the bill would provide to NIST clear authority to enter sites, access documents, test materials, and move evidence, as well as clear authority to issue subpoenas. Finally, there is no mechanism for keeping the public informed of the progress of an investigation. The bill would require NIST to provide regular public briefings and to make public its findings and the materials that led to those findings.

I would like to enter into a discussion with my friend Senator MCCAIN, the ranking member of the committee, regarding the provisions in the bill relating to a construction safety team's final report and membership.

Mr. MCCAIN. I thank the chairman of the Commerce Committee. When a construction safety team issues its report on the likely technical cause for building failure, along with recommendations under Section 8 of this legislation, it is my understanding that any strongly held minority or dissenting views would also be included in that report. I believe that is the committee's intent.

Mr. HOLLINGS. The ranking member is correct. While it is our hope that teams would be able to issue a consensus report, the committee urges the Director of the National Institute of Standards and Technology, when setting the procedures to govern construction safety teams, to ensure that any such minority or dissenting views are included in any report.

Mr. MCCAIN. I would also like to clarify an issue regarding the composition of a safety team. It seems appropriate to permit employees of Federal agencies to serve as members of construction safety teams. And certainly in the event that a construction safety team investigates the collapse of a Federal building, a representative from the General Services Administration should be included on the team.

Mr. HOLLINGS. I agree that is the committee's intent. I thank Senator MCCAIN once again for his cooperation in this matter and urge the Senate to pass this legislation, as amended.

AMENDMENT NO. 4514

(Purpose: To provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life)

Mr. REID. Senator HOLLINGS has a substitute amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to; the motion to reconsider be laid upon the table; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and that any statements and colloquies relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4514) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 4687), as amended, was read the third time and passed.

ORDERS FOR TUESDAY, SEPTEMBER 10, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, September 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Interior Appropriations Act under the previous order. Further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly partly conferences, and at 2:15 p.m. the Senate resume consideration of the Homeland Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, the next rollcall vote will occur at about 10:30 tomorrow morning in relation to the Daschle second-degree amendment regarding agricultural disaster assistance, and this will be an amendment that is considered on the Interior Appropriations Act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. There being no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Tuesday, September 10, 2002, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 9, 2002:

THE JUDICIARY

KENNETH A. MARRA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

HOUSE OF REPRESENTATIVES—*Monday, September 9, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 9, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. MONAHAN, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5010. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5010) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, Mr. KOHL, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON to the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 351. An act to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 5 minutes.

HONORING COMMANDER MASSOUD

Mr. ROHRABACHER. Mr. Speaker, today is the first anniversary of the murder of Commander Massoud, a leader of the anti-Taliban forces in northern Afghanistan. Two days before the attack on the United States, bin Laden's terrorists, posing as journalists, killed Commander Massoud. They blew him up. The Taliban and the al Qaeda were free from their most effective opponent, and the world lost a champion.

Those of us who dedicated ourselves to eliminating communism from this world know what a great debt that we owe to Commander Massoud. It was his courage, his tenacity and skills in battle that played an indispensable role in the outcome of that global fight between good and evil known as the Cold War.

I first began communications with Commander Massoud when he sent his brother to see me when I worked at the White House in the 1980s under Ronald Reagan. At that time Commander Massoud was already a legend. His courage and wisdom served his own people well. It also inspired freedom-loving people throughout the world, and let me admit to that I was one of those who was inspired by Commander Massoud. It was my honor to have communicated with him over the years as well as to go and meet him in Afghanistan about 5 years ago, meet him in one of his mountain retreats, one of his mountain holdouts, and strategize with him on how to free Afghanistan from the grip of the Taliban.

Commander Massoud, along with the other leaders of the resistance against Soviet occupation, leaders like Abdul Haq, were heroes in the truest sense of the word. Massoud was never defeated by those Soviet troops during the long battle for Afghanistan. It is unfortunate that after the Soviets were defeated that chaos and a lack of support from Afghanistan's Western friends prevented Massoud and others from unifying and democratizing their country. Americans can be proud, however, that we helped Commander Massoud and the Afghan freedom fighters, people like Abdul Haq, as I say, in their fight to thwart Soviet aggression, but we should be ashamed that we walked away after that great victory and left them with no resources to rebuild their country.

It is also sad that the United States, under President Clinton's leadership, never provided Massoud or the other freedom fighters what they needed to prevent the tyranny of the Taliban from dominating Afghanistan. But as we know, Commander Massoud was able to stand like a giant. Like the Soviet troops before them, the Taliban were never able to defeat Commander Massoud.

Today as we try to rebuild a peaceful Afghanistan where people can raise their families and live without fear, Commander Massoud is sorely missed. Although he made mistakes, and all leaders make mistakes and there were some judgments, of course, things that happened that were not absolutely all totally correct, this is the real world, but by and large Commander Massoud, one can say of his life, he fought for the right. He was a major force for good. But as we remember him today on the first anniversary of his death, let us commit ourselves to his vision of a free, prosperous, and more peaceful Afghanistan. And in achieving this we will assure that Commander Massoud will never be defeated.

One year ago, upon hearing of Commander Massoud's death, and as I say, it was an assassination that took place 1 year ago today, 2 days before September 11, I went into a state of shock. It was like taking the breath right out of my lungs. But after regaining my composure, I realized, yes, my friend had been assassinated, but I realized that those who killed Massoud had a purpose. They meant to attack the United States and were eliminating the person that we would turn to to rally the people of Afghanistan and lead a counterattack against the Taliban. That meant that an attack on the United States was imminent.

I called the White House and asked for an emergency meeting with Condoleeza Rice and the top members of the President's National Security Council. I got a call back and was told that the earliest that they could meet me, and they were taking my request very seriously, would be at 2 o'clock the next day.

Well, at 8:45 a.m. that next day, the hijackers' planes began to slam into the World Trade Center. Yes, that could have been averted had we had

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Commander Massoud fighting against the Taliban much earlier. Unfortunately, we did not provide him the effort and what he needed to defeat the Taliban then.

Commander Massoud would have been making history all this year and would have been doing and helping things for the better, and we will avenge his death and all the victims of 9–11 by rebuilding a peaceful Afghanistan free of tyrants and fanatics.

NEXTWAVE AUCTION BILL

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I want to thank my colleague from California (Mr. ROHRABACHER) for his continuing support in recognizing this anniversary. NPR had a great tribute to the general this morning which I listened to. I think it is altogether appropriate that the gentleman do this on the House floor, of course, and I want to thank him.

Mr. Speaker, on another matter, I rise to deal with something that is more close to home, and that is dealing with something I am involved with in telecommunications. I am urging my colleagues to support a bill that I introduced to eliminate impediments that restrict the ability of certain wireless telecommunication providers to, I think, meet the urgent need of the consumers. The bill has bipartisan support and the support of the Subcommittee on Telecommunications and the Internet on which I serve.

I am pleased, Mr. Speaker, that a recent editorial in the Wall Street Journal supports my actions on this matter, and I will be providing the Wall Street editorial to be made a part of the RECORD and part of my speech.

The affected providers are the successful bidders for wireless spectrum that the Federal Communications Commission auctioned off in Auction No. 35. Some of the spectrum had previously been licensed to companies, including NextWave Personal Communications, whose bankruptcy filings, and subsequent failure to pay amounts due to the FCC for their licenses, led to the cancellation of those licenses. The FCC subsequently reclaimed the licenses and reauctioned them off in Auction No. 35 for about $16 billion.

In June 2001, the D.C. Circuit held that "the Commission violated the provision of the Bankruptcy Code that prohibits governmental entities from revoking debtors' licenses solely for failure to pay debts dischargeable in bankruptcy." In August 2001, after the issuance of that court's mandate, the FCC restored the NextWave licenses to active status. More recently, the Supreme Court granted the FCC's petition for a writ of certiorari to review the D.C. Circuit's judgment. The Supreme Court will not hear argument in the case until the fall of 2002 and is unlikely to announce a decision until the spring of 2003. If the Court reverses the D.C. Circuit's decision, there will be further litigation on remand in D.C. Circuit to resolve issues that court did not reach in its first decision. As a result, there is not likely to be a final resolution of the status of the NextWave licenses any time soon, and the FCC therefore will not be in a position to deliver licenses to the winners of Auction No. 35, until three or more years from the time the auction was concluded.

Now, the status of NextWave's license has been the subject of extended litigation in not only the bankruptcy court, but the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the District of Columbia Circuit, and soon to be, the Supreme Court of the United States.

Although the FCC recently returned most of the downpayment funds previously deposited by all these successful bidders, it continues to hold, without interest, Mr. Speaker, substantial sums, equal to 3 percent of the total amount of the winning bids. It apparently intends to hold these sums indefinitely.

Despite the lengthy delay in delivering the licenses, moreover, the FCC takes the position that the successful bidders remain obligated, on a mere 10-day notice, to pay the full amount of their successful bids if and when the FCC, at some unknown future date, establishes its right to deliver those licenses.

Now, I think, as the Wall Street Journal points out, this is grossly unfair to those who bid on these licenses and did so in good faith. Companies calibrate their bids on the understanding of the auction, implicit in any commercial arrangement, that the delivery of the licenses will occur in a reasonable time following these auctions. That expectation is especially crucial in the context of spectrum licenses. Given the recent volatility we have seen in the market prices for spectrum, we can understand that there would be some action by the FCC after the auction.

Moreover, it is particularly burdensome to some companies to have the FCC hold even a small portion of their enormous downpayment without any interest on these amounts. It is not done in the private sector; it should not be done in the government. They are paying no interest on these deposits for extended periods of time.

In addition, winning bidders are obligated, as I mentioned, on very short notice to pay the remaining $16 billion they bid for the license at issue. Obviously, this adversely affects their capacity to serve the needs of their customers, because they must have this capital always on hand and they cannot use it for long-term benefits for business. This need to keep itself in a position to fulfill that obligation at an indefinite future date impedes its ability to take, as I mentioned, interim steps for building their own businesses.

The FCC's failure to respond appropriately to alleviate these serious burdens, I believe, deserves the public interest. That is why I have dropped bill H.R. 4738. It addresses this problem in two ways, Mr. Speaker.

First, it requires the FCC promptly to refund to the winning bidders the full remaining amount of their deposits and their downpayments. Second, it gives each winning bidder an opportunity to elect, within 15 days after enactment, to relinquish its rights and to be relieved of all further obligations under Auction No. 35. Those who choose to retain their rights and obligations under Auction No. 35 will nonetheless be entitled to a return of their deposits and downpayments in the interim period. If and when the FCC is in a position to deliver the license at issue to those who remain obligated, they will be required to pay the full amount of their bid in accordance with the FCC's existing regulations. Those who elect to terminate their rights and obligations under this auction will be free to pursue their business interests without the burdens under which they must labor.

Mr. Speaker, I urge my colleagues to support this timely and much-needed legislation, and I appreciate the Wall Street Journal bringing to the attention of the Nation this very important problem, and I also hereby submit for the RECORD the article I have referred to.

[From the Wall Street Journal, Aug. 21, 2002]

ANOTHER TELECOM FIASCO

The telecom shakeout (or meltdown) continues, with Qwest ditching assets to stay solvent, and VoiceStream pursuing a merger in wireless with Cingular. The market will sort all of this out, though it sure would help if the Federal Communications Commission stopped making things worse.

Consider the FCC's ongoing NextWave spectrum fiasco. That small wireless carrier won spectrum licenses in a 1997 FCC auction, but later defaulted on its payments. The FCC revoked the licenses and reauctioned them—even as NextWave was suing to get them back. NextWave won its case, and a red-faced FCC had to tell the other carriers that had just bid $16 billion that it had nothing to give them.

In the real business world, the FCC would have cancelled the reauction once it couldn't deliver the licenses. But rules are different in FCC-land. The agency may not have delivered any licenses, but it has nonetheless held on to the hefty deposits the second batch of carriers gave it. And, by the way, the FCC has informed those carriers that when it does finally turn over the spectrum (in 2004, optimistically, if ever), it expects them to cough up the entire $16 billion within 10 business days.

All of this is playing havoc with an industry already in chaos. Verizon Wireless, for instance, bid $8.7 billion for its share of the spectrum. The FCC took a deposit from the company of $1.7 billion, and then sat on it—

interest free—for 14 months. The FCC finally gave back some of the deposit earlier this year, though it still holds the bureaucratic pocket-change of $261 million.

Verizon is also stuck with a large liability—money it can't effectively touch because of the 10-day future payment obligation. Credit agencies say they may downgrade its debt because of the $8.7 billion overhang. Meantime, the company can't afford to run in place for years while the FCC fiddles, so it has redrawn its business strategy around the lost spectrum—which means it may not need it even if it comes free.

The FCC usually hands over licenses within three months, and for good reason: The industry changes faster than a politician's mind. Since January 2001 when the reauction ended, wireless and equipment companies have laid off tens of thousands of workers and lost $850 billion, or 65%, in market value. (Would that the FCC shrank 65% in size.) Wireless officials estimate that if the reauction were held today, the bids would be about 40% of the original $16 billion.

But that gets to the heart of the FCC matter: money, and creative accounting. It turns out that when NextWave bid its $4.8 billion in 1997, the FCC booked the entire amount in the federal budget. Then, when the reauction happened in 2001, it booked that $16 billion as well—adjusted for what it had lost from NextWave.

Chairman Michael Powell keeps promising a telecom revival, but this FCC money-grubbing doesn't help. The reauction is tying up much-needed investment capital: According to a recent study from AEI economist Gregory Sidak, the frozen $16 billion, if released, would increase GDP between $19 billion and $52 billion. Consumers are also losing out, as new services such as mobile videophones are delayed.

The FCC isn't even helping itself, if it cares. Reputation counts, even in government, and the agency has important auctions to come. Carriers may discount future bids because of uncertainty of ever receiving licenses. Several big players may not be able to bid at all, since the FCC is already sitting on their capital.

We still believe FCC auctions are the most efficient way of allocating spectrum. But their purpose is defeated when the government keeps the cash but won't deliver the goods.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 44 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of history and ever-present wisdom, ever since 1789 in New York's Federal Hall until this very day, the Government of these United States has been dedicated to the protection of the people and securing human freedom with justice and peace.

Grant guidance to the House of Representatives in their work today so that they may be fellow workers in accomplishing Your holy will in human affairs and the progress of this Nation. May this work benefit all citizens so that with them and for them an earthly city may be built reflecting the values of Your Kingdom. For You are Lord and Savior, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. CUMMINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. CUMMINGS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The Speaker pro tempore laid before the House the following resignation from the House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 5, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I have been nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. Therefore, I have submitted my resignation as Member of the House of Representatives, effective close of business, September 9, 2002. I am forwarding to you a copy of my letter of resignation to Ohio Governor Bob Taft.

I am grateful for the opportunity to serve with the distinguished men and women of the House of Representatives for the past twenty-four years. I look forward to working with the Members of the House as I continue service to the Nation in my new position.

Sincerely,

TONY P. HALL,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 6, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 6, 2002, at 10:24 a.m.

That the Senate passed without amendment H.R. 3298.

That the Senate passed without amendment H.R. 5012.

That the Senate passed without amendment H.R. 5207.

Appointment: Land's Title Report Commission.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, September 5, 2002.

H.R. 5012, to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

FEDERAL TRANSIT FORMULA GRANTS FLEXIBILITY RETENTION ACT

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5157) to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

The Clerk read as follows:

H.R. 5157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. URBANIZED AREA FORMULA GRANTS.

Section 5307(b) of title 49, United States Code, is amended—

(1) by striking the last sentence of paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) SPECIAL RULE FOR FISCAL YEAR 2003.—

"(A) INCREASED FLEXIBILITY.—The Secretary may make grants under this section, from funds made available to carry out this section for fiscal year 2003, to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000 as determined under the 2000 decennial census of population if—

"(i) the urbanized area had a population of less than 200,000 as determined under the 1990 Federal decennial census of population;

"(ii) a portion of the urbanized area was a separate urbanized area with a population of less than 200,000 as determined under the 1990 Federal decennial census of population; or

"(iii) the area was not designated as an urbanized area as determined under the 1990 Federal decennial census of population.

"(B) MAXIMUM AMOUNTS.—Amounts made available pursuant to subparagraphs (A)(i) and (A)(ii) shall be no more than the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000 as determined in the 1990 Federal decennial census of population. Amounts made available pursuant to subparagraph (A)(iii) shall be no more than the amount apportioned under this section for fiscal year 2003."; and

(4) in paragraph (3) (as redesignated by paragraph (2) of this section) by aligning subparagraph (C) with subparagraphs (A) and (B).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

The Transit Operating Flexibility Act, the bill before us, is bipartisan legislation that will allow the transit systems in 52 communities that grew to more than 200,000 in population as defined by the 2000 census to retain flexibility in the use of their Federal transit formula grants in budget year 2003.

H.R. 5157 was favorably reported without amendment by the Committee on Transportation and Infrastructure on July 24 of this year. The bill now has a total of 45 original cosponsors. Legislation was developed with the assistance and cooperation of the Federal Transit Administration, and has been endorsed by the American Public Transportation Association.

The 2000 census made wholesale changes in urbanized area designations. Some of the communities that are crossing 200,000 in population simply grew since 1990. Others were absorbed into nearby major metropolitan areas. Yet others were combined with another nearby small city. Many of these communities were not aware they were going to cross 200,000 until the final urbanized area notice was published in the Federal Register in May of 2002.

Under current Federal transit law, areas of more than 200,000 cannot use Federal formula grant funds to pay for transit operating expenses. The Transit Operating Flexibility Act will allow the 52 communities affected by the 2000 census change to retain their operating flexibility in budget year 2003 to the same extent that they did in fiscal year 2002.

Without this legislation, some transit operators in the affected areas may be so strapped for resources that they will have to drastically reduce service or even shut their doors. We cannot allow a change in census definition to result in a loss of public transportation services.

This bill does not change the amount of transit formula funding that these communities or any other community will receive under TEA-21 in fiscal year 2003. The Federal Transit Administration will apportion formula grant funds to its grantees according to the 2000 census numbers as they are required by law to do. H.R. 5157 gives these 52 communities some breathing room to adjust to their new urbanized area status as they plan how to fund these transit services under their new urbanized area designation.

I urge that the House pass the bill that is before us, H.R. 5157.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI), for advancing legislation, H.R. 5157, that will allow local flexibility in the use of Federal transit funds in the newly designated urbanized areas over 200,000 population.

H.R. 5157 amends the Federal transit program to allow transit systems in urbanized areas that for the first time exceeded 200,000 in population to retain flexibility in the use of Federal transit formula grants in fiscal year 2003 for operating and capital assistance.

Without this flexibility, some transit systems would not have sufficient revenues to continue to provide public transportation services. The lack of flexibility in the use of Federal transit formula funds may result in the interruption in transit services or unnecessary hardship on transit systems.

Mr. Speaker, as the committee moves forward with legislation to reauthorize the surface transportation programs, the flexibility needed for transit systems in urbanized areas will be addressed in the legislation.

In the interim, I urge the enactment of H.R. 5157.

Mr. OTTER. Mr. Speaker, I rise today in strong support of H.R. 5157. This bill will allow Boise, ID and dozens of other transit systems around the country to maintain bus and transit service.

Boise, like many other communities around the Nation, depends upon its Section 5307 grants under TEA-21 to meet the operating costs of maintaining bus service. Unfortunately, the current 5307 program restricts federal funds to capital costs when an area's population increases to over 200,000. Boise and 51 other cities crossed that benchmark in the last census and now face losing the funds they need for operating bus services.

When TEA-21 was passed in 1998 the potential disruption after a census was not taken into consideration. Forcing communities to make major changes in their financing is unfair, particularly when that program, and its rules, are to be reauthorized in less than a year.

H.R. 5157, Mr. Speaker, will prevent large disruptions in service Idaho and nationwide. It will protect the jobs of those who commute to work by public transit. It will help the environment, and relieve traffic congestion. It will give community leaders another option in planning the growth of their cities and enable our transit systems to build for the future.

Boise is one of the fastest growing areas in the Nation, and is suffering the growing pains of traffic congestion and air pollution. An integrated program of highway and transit development is essential to meeting growth. At the same time federally provided funds must be flexible enough to meet the unique needs and challenges of each community.

As this House prepares TEA-21 reauthorization I will fight for more generous and flexible funding of transit needs in Idaho and other fast-growing rural states.

I want to thank Chairman YOUNG of the full committee for introducing this bill, and Chairman PETRI for managing the debate today. I also want to thank Kelly Fairless of Valley Ride in Boise, Grant Jones of Boise Urban Stages, and Steve O'Neal of the Idaho Transportation Department of their work on behalf of Idaho transit, and the drivers and maintenance personnel for Valley Ride who work everyday to bring mobility to the people of the Treasure Valley.

Mr. CUMMINGS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 5157.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE HEROISM AND COURAGE DISPLAYED BY AIRLINE FLIGHT ATTENDANTS EACH DAY

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 401) recognizing the heroism and courage displayed by airline flight attendants each day, as amended.

The Clerk read as follows:

H. CON. RES. 401

Whereas over 100,000 men and women serve as airline flight attendants in the United States;

Whereas flight attendants dedicate themselves to serving and protecting their passengers;

Whereas flight attendants are responsible for customer service aboard an aircraft;

Whereas flight attendants react to dangerous situations as the first line of defense of airline passengers;

Whereas safety and security are a flight attendant's primary concerns;

Whereas flight attendants evacuate aircraft in emergency situations;

Whereas flight attendants defend passengers against hijackers, terrorists, and abusive passengers;

Whereas flight attendants handle in-flight medical emergencies;

Whereas flight attendants perform routine safety and service duties on board an aircraft;

Whereas 25 flight attendants lost their lives aboard 4 hijacked flights on September 11, 2001;

Whereas 5 flight attendants helped prevent United Airlines Flight 93 from reaching its intended target on September 11, 2001;

Whereas flight attendants provided assistance to passengers across the United States who had their flights diverted on September 11, 2001;

Whereas on December 22, 2001, flight attendants helped subdue attempted shoe bomber, Richard Reid, who attempted to kill all 185 passengers and 12 crew members on board American Airlines Flight 63; and

Whereas on February 7, 2002, flight attendants helped prevent Pablov Moreira, a Uruguayan citizen, from breaking into the cockpit during United Airlines Flight 855 from Miami to Buenos Aires: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses profound gratitude to airline flight attendants for their daily service to make air travel safe;

(2) honors the courage and dedication of flight attendants;

(3) expresses support for the flight attendants who displayed heroism on September 11, 2001, and to all flight attendants who continue to display heroism each day; and

(4) directs the Clerk of the House of Representatives to send a copy of this resolution to a family member of each of the flight attendants killed on September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 401, honoring the over 100,000 men and women who serve as flight attendants. As we near the final anniversary of the September 11 attacks, I think it is appropriate that we stop to recognize these everyday heroes.

America's flight attendants dedicated their lives to ensuring the safety and the security of their passengers. There are over 20,000 commercial airline flights each day, and on these flights, flight attendants put the well-being of each of their passengers ahead of their own. They are the first responders to all emergencies in the cabin of an aircraft. They provide in-flight medical assistance to passengers in need. They may be the only line of defense should terrorists once again attempt to take control of an airplane.

It was the flight attendants who subdued attempted shoe-bomber Richard Reid aboard American Flight 63 last September. Last year, 23 flight attendants lost their lives aboard the four hijacked flights on September 11. In recognition of their important role, the House overwhelmingly passed legislation that would significantly increase self-defense and situational training to aid flight attendants in the case of another terrorist hijacking.

I would like to express my profound gratitude for all airline flight attendants for their daily service to make air travel safe and secure, and urge the passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, want to commend the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), for their action on House Concurrent Resolution 401 that recognizes the largely unsung heroism that airline flight attendants display on a daily basis.

On September 11 of last year, 25 flight attendants lost their lives as a result of terrorist attacks. When they left their homes and loved ones that morning, I am sure that none of them knew what tragic events would unfold before the day's end, and what role they would play in it. Five flight attendants working on United Airlines Flight No. 93 helped prevent hijackers from reaching their intended target of Washington, D.C. I am sure that many of us have to give credit to them for perhaps saving our lives.

Everyday a workforce of 100,000 flight attendants make it their mission to ensure the safety of passengers that rely on them. In the war on terrorism, they can be compared to ground soldiers. They are our front line of defense. Not only did flight attendants display acts of heroism on September 11, but they also have repeatedly reacted courageously to thwart acts of terrorism on American aircraft.

Mr. Speaker, it is an honor to acknowledge the heroism and bravery of flight attendants. After September 11, when many were afraid to return to the air, these courageous workers devotedly returned to their jobs. I admire their sense of dedication and professional attitude. I urge my colleagues to support this very, very appropriate resolution.

Mr. RAHALL. Mr. Speaker, on behalf of West Virginians and Americans as a whole, I want to express our deep appreciation for the flight attendants who provide outstanding service while ensuring public safety for thousands of Americans on a daily basis. In addition, I want to commend our Nation's flight attendants for their acts of heroism. A considerable number of them demonstrated their great courage during the September 11th attacks that occurred almost exactly one year ago today.

It should not be overlooked that in the days, weeks, and months following that terrible day, America's flight attendants bravely resumed their duties serving our flying public. This contribution aided the almost immediate restoration of air service, and it provides a profound demonstration of this country's refusal to let the terrorists win. Our flight attendants, and by extension, all of us would not allow a few evildoers to destroy our daily activities and our unique way of life.

As we approach the anniversary of September 11th, we must remember the contributions of this group of individuals who have so ably demonstrated their importance to this country and to its citizens. They stand as an example for the brave efforts of all hard-working Americans as we cope with the events and the aftermath of that infamous day.

Mr. SIMMONS. Mr. Speaker, a great many things changed on September 11, 2001. Among them, Americans began thinking differently about air travel, and we all gained a greater respect for those who are pledged to guarantee our safety as we fly.

For its part, Congress has moved to make air travel safer, and I have not doubt we will do more. But one of the main lines of defense against events in the air rests with the pilots and flight crews.

The professionalism, courage and common sense exhibited by these individuals is clearly exemplified in the actions of Madeline Amy Todd Sweeney, who was a flight attend aboard American Airlines Flight 11 on September 11. That was the first aircraft to crash into the World Trade Center.

Showing courage under pressure, Amy was one of the first individuals to use a cell phone and notify the world of the hijackings that were underway. Her last acts of bravery were critically important in identifying and exposing those terrorists who threatened our lives, our country and our values.

Ms. Sweeney is a true American hero. She was many things to many wonderful people, a faithful wife, a loving mother, and a devoted daughter. But she will be remembered by most Americans for her extraordinary heroism and devotion to duty on a fateful day.

Consider this—those who hijacked American Airlines Flight 11, had years of training and preparation for their terrible mission. They had plenty of time to consider what they were going to do. But for Amy, the decisions of a lifetime were compressed into a few terrible minutes. Yet she responded with tremendous courage, calmness and common sense. She did her duty in the face of death. And at the last moment, she called out to God for salvation.

I had the honor earlier this year to attend a ceremony in Massachusetts where she became the first individual to be awarded the "Madeline Amy Todd Sweeney Award for Civilian Bravery." It is in recognition of Amy Todd Sweeney's heroism and courageous spirit that this award was created.

Future recipients—awarded annually on the anniversary of her death—must demonstrate exceptional bravery, without regard for personal safety, in an effort to save the life or lives of another or others in actual or imminent danger. It is a fitting tribute to her conduct that this award has been established. There can be little doubt that many people are alive today because of her quick thinking and her heroism. Her actions remind us that courage is rightly esteemed as the first of human qualities because it is the quality that guarantees all others.

And we should remember that courage does not mean an absence of fear, because without fear there can be no courage. Courage is doing the thing you think you cannot do.

Mr. Speaker, I ask unanimous consent to enter into the RECORD a recent article from the New London Day entitled, "A Hero On Flight 11, She Put Her Job First: Madeline Amy Todd Sweeney."

May God bless and keep you, Madeline Amy Todd Sweeney, and may God bless America.

A HERO ON FLIGHT 11, SHE PUT HER JOB FIRST: MADELINE AMY TODD SWEENEY

9–11: THE SHADOW OF A DAY

(By Bethe Defresne)

Once the extended family of Madeline Amy Todd Sweeney verified that she was aboard the flight, there was no waiting for a miracle. There was no use praying that the blond, blue-eyed young mother with the dazzling smile had been caught in some pocket of hope within the ashes of the World Trade Center, and that somehow she would rise up and come home to them.

Relatives and friends of victims who worked in the towers would spend days or even weeks holding off the inevitable. But for Sweeney's loved ones, there was only the swift, burning onslaught of grief.

She was a flight attendant on American Airlines Flight 11, the plane that hit the north tower at 8:48 a.m. on Sept. 11, when the world still thought it must have been some terrible accident.

Sweeney's colleagues in air control back at Logan International Airport in Boston, where the flight had taken off that morning bound for Los Angeles, were among the few who knew better—because she had told them.

Calmly, and with painstaking attention to detail, Sweeney had explained that the plane was being hijacked. What she said would later help federal investigators reconstruct how the plane was taken over.

Sweeney reported the seat numbers of the hijackers, including suspected ringleader Mohamed Atta, and the progress of their assault. She described the landscape below after the flight was diverted, right up until the shocking end.

Her last words were, "I see water and building. Oh my God! Oh my God!"

Sweeney's father, William A. Todd of Norwich, expects that some day he'll listen to a tape of conversations from the airplane. But he's not ready.

This Sept. 11, Todd will be in Boston, the point of Sweeney's departure, not New York, the site of her tragic end, to mark the anniversary of the terrorist attacks. There he will witness the presentation of the second annual Madeline Amy Todd Sweeney Award for Civilian Bravery, posthumously presented to her in February with her family in attendance.

Sweeney lived in Acton, Mass., with her husband, Michael, and their two children, Anna, 6, and Jack, 5. The award, in the form of a medallion, is to be given each year to a Massachusetts resident who exemplifies the courage that Sweeney displayed.

Her reports from the doomed airplane have been credited with helping officials make the crucial decision to ground all airplanes on Sept. 11, perhaps saving many lives.

It's good, Todd acknowledged, to have something to do and somewhere to go on this grim anniversary. And he really didn't want to be in New York.

"It's too much," he says.

Mike Sweeney, who could not be reached, is reportedly coping as best he can, and also plans to be at the presentation in Boston on Wednesday.

Reflecting today on what enabled his 35-year-old daughter to show such remarkable strength under intense pressure, Todd draws upon an apt and familiar analogy, that of a soldier in battle. As an Army war veteran who saw combat in Korea, Todd, 65, says his daughter was doing what she was trained to do in a situation like that: focus not on yourself, but on your job.

Todd treasures an American flag carried in Sweeney's honor aboard an F–16CG Falcon during a Jan. 26 combat mission over Afghanistan. The flag was sent to him along with a citation from the 332nd Air Expedition Group, called "The Tip of the Spear," certifying that the flag was carried "In Memory of the Grace and Bravery of Madeline Amy Todd Sweeney, who lost her life to a terrorist attack on the WTC while serving on American Airlines Flight 11 on Sept. 11, 2001."

Todd hasn't decided yet where to display the flag, which he handles reverently, like a flag that has been draped over a soldier's coffin. It was a nephew in the Air Force, Patrick Todd, who arranged through his commanding officer to have the flag carried and delivered.

Sweeney came from a large extended family, with numerous aunts, uncles and cousins. She reveled in those myriad relationships, said Todd, and will be especially missed at the Sept. 28 wedding of her brother, William Todd III, who lives in Massachusetts. He was her only sibling.

Sitting at the kitchen table in his home on Corning Road, Todd, who retired after 15 years as a welder at Electric Boat in Groton, appears to take some comfort in thinking about the lasting impression his daughter's life has made on others. But he is not a man given to displaying an excess of emotion.

"What can you say?" he asks. "Not a day goes by that I don't think of her."

Tears well up in his tired eyes, but he won't let them go. His wife of 23 years, Doris, is more talkative and openly emotional. Sweeney was like a daughter to her, she says, although they only got together on visits, mostly during the summer. Todd and his first wife divorced when Sweeney was 10, and she continued to live with her mother in Nashua, N.H.

It's not very difficult for family members to imagine what Sweeney, whom everyone called Amy, would have been doing this past year had she not been among the 3,008 victims of Sept. 11. She would have continued to love being a wife and mother, kept in close touch with her large circle of friends and family, and, of course, kept on flying.

The 12-year veteran of American Airlines was at a point in life where, it seems, she had everything she wanted. "She loved to fly, and she loved to travel," says Todd. She especially relished trips to the Caribbean.

The flight to Los Angeles was also one of her favorites, Todd says, because she got a layover in California.

After Sweeney graduated from high school, before she married and went to flight attendant school, she took a year off to live and travel in California, says Todd. This was her one real fling with being totally carefree.

But shouldering responsibility was something Sweeney apparently did willingly, with a modest touch that endeared her to family, friends and colleagues, as well as passengers.

She was "a natural at being a flight attendant" wrote one of her peers in a tribute booklet put out by American Airlines and given to all the families of those who died on Flight 11. She was a genuine people person, it was said, always the first to volunteer when help was needed.

In her heroic death, Sweeney is forever linked with one colleague in particular, fellow flight attendant Betty Ong. The two women worked as a team to alert ground officials about what was happening.

The Todds have a tape of a Prime Time TV segment on the two women, hosted by Diane Sawyer. Sweeney's husband, Mike, is featured along with several members of Ong's family. So, too, are home videos of Sweeney playing and singing with her children.

But most of the program is devoted to what happened on Flight 11.

Doris Todd cries softly, and her husband sits stoically upright in his chair, as a Logan flight manager who got the first call recounts his conversations with Sweeney. "Amy, honey," he began, "what's going on?"

Everything after that was dark—throats slashed, orders from hijackers—but Sweeney remained purposeful and calm through it all.

The Todds find this tape difficult to watch, but say they've looked at it several times. During the program, the Ong family reports that a bone and a flesh fragment from Betty Ong were recovered from the WTC site.

"Nothing was found of Amy," says Todd, not even a bit of DNA. But this is not something to dwell on, he says. He'd rather hold the flag that was carried over a battlefield in her honor, or point out the sign in her memory attached to his truck, the one he drove in the June parade for A Reason to Ride, an organization that raises funds for disabled and homeless veterans.

There's been talk, Todd says, that Sweeney and some other Sept. 11 heroes might be posthumously awarded the Presidential Medal of Freedom. U.S. Rep. Rob Simmons, R–2nd District, and Sen. Edward Kennedy of Massachusetts are among those who have proposed Sweeney for the prestigious award.

The Todds haven't gotten involved in the debate over what kind of memorial should be erected at Ground Zero, but they do have two thoughts on the subject. "It should be tall," they say. "And it should have all the names, like the Vietnam War Memorial."

Sweeney didn't have enough information in that early hour of Sept. 11 to go on the offensive, like the crew and passengers of United Flight 93, forced down in a field in Pennsylvania. But she died in service to her passengers and, it turned out, to her country.

It's almost impossible to find a source of gratitude in the horror of Sept. 11. But the Todds say they're at least glad to know that almost to the last moment Madeline Amy Todd Sweeney was not living in terror, but helping others.

□ 1415

Mr. CUMMINGS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 401, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE AMERICAN ROAD AND TRANSPORTATION BUILDERS ASSOCIATION FOR REACHING ITS 100TH ANNIVERSARY

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 442) recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century.

The Clerk read as follows:

H. CON. RES. 442

Whereas, founded in 1902 by Horatio Sawyer Earle, a visionary Michigan public official, the American Road and Transportation Builders Association is the Nation's oldest national association exclusively representing the transportation construction industry;

Whereas, for a century, the American Road and Transportation Builders Association has successfully advocated for strong Federal investment in transportation infrastructure, highlighted by the world's greatest road network, the Dwight David Eisenhower System of Interstate and Defense Highways;

Whereas the transportation construction industry that the American Road and Transportation Builders Association represents works to constantly improve America's transportation network, including our Nation's roads, bridges, airports, mass transit systems, ports, and waterways that are the foundation on which the Nation's economy stands and grows;

Whereas the American Road and Transportation Builders Association incorporates educational, research, and charitable efforts to advance the transportation construction industry, improve transportation education, maintain the highest industry standards of excellence, and ensure the public health, safety, and welfare; and

Whereas the multi-modal transportation infrastructure network that American Road and Transportation Association members have designed, built, and managed over the past century, in partnership with government at all levels, has made America's economy the envy of the world and provided the American people with an unmatched quality of life: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) acknowledges the American Road and Transportation Builders Association for its 100th Anniversary;

(2) commends the many achievements of the transportation construction industry; and

(3) encourages the American Road and Transportation Builders Association to continue its tradition of excellence in service to the transportation construction industry and to the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the American Road and Transportation Builders Association is the Nation's oldest national association exclusively representing the transportation construction industry. I have worked with ARTBA on many legislative issues, and they have played and will continue to play a large role in the development of our country's transportation infrastructure.

Founded by Horatio Earle, ARTBA has consistently advocated a strong Federal investment in our transportation network and has played an integral role in the development of the Dwight David Eisenhower System of Interstate and Defense Highways, known as our interstate system.

Under the leadership of ARTBA, the transportation construction industry maintains the highest standards of excellence to ensure the public safety and welfare of those traveling throughout these United States.

I look forward to working with ARTBA as Congress moves forward with reauthorization of TEA 21 next year. I urge the Congress to join me in commending ARTBA and its members for their 100 years of service to the construction industry and the important work they do every day in building America.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Pennsylvania (Mr. BORSKI) for moving forward with H. Con. Res. 442, to recognize the 100th anniversary of the American Road and Transportation Builders Association, also known as ARTBA.

For more than a century, ARTBA has carried forth the visionary efforts of its founder, Horatio S. Earle. The legacy of this organization rests firmly on the guiding principles of its founder to improve the Nation's transportation system. Horatio Earle advocated an interstate system to link the Nation's capital with every State capital throughout the Nation. Mr. Earle's vision was realized with the creation of the Highway Trust Fund to provide funding for the construction of the Nation's highway interstate highway system.

From its inception, ARTBA has advocated strong Federal investment in the Nation's transportation infrastructure, to meet the public demand for safe and efficient travel and shipment of goods. ARTBA has led the efforts to increase the level of funding for transportation and infrastructure improvements. Through its leadership, perseverance, and skills of its organization, ARTBA has established a legacy that has helped to strengthen the American economy.

Today, ARTBA represents an industry that generates more than $200 billion in United States economic activity annually and sustains the employment of 2.2 million Americans.

Mr. Speaker, it is a high honor to recognize ARTBA for its 100 years of continuing support for the Nation's transportation. As the Congress moves forward with legislation to reauthorize the surface transportation programs, I look forward to working with ARTBA to assist in building a national transportation system that will continue to serve this great Nation.

Mr. RAHALL. Mr. Speaker, as a co-sponsor of House Concurrent Resolution 442, which recognizes the American Road and Transportation Builders 100th Anniversary, ARTBA, I want to publicly commend our Nation's oldest association exclusively representing the transportation construction industry. For a full century, ARTBA has been a strong and successful advocate for federal investment in transportation infrastructure. As the legislation notes, the construction and upkeep of our Nation's roads, bridges, airports, mass transit systems, ports and waterways are the foundation on which America's economy stands and grows. Our transportation network also allows Americans to pursue their constitutional Right to Travel. On behalf of West Virginia, I suggest that as many Americans as possible should exercise their Right to Travel by using available transportation opportunities in order to come to our fine state where they can visit its cities, towns, and scenic vistas.

Transportation construction has been vital to West Virginia's improving industrial and communications networks. This, in turn, creates greater job and education opportunities. Recent flood control and community restoration efforts were also made possible by the ability to utilize multiple transportation modes. In addition, transportation construction has greatly improved West Virginians' daily access to much-needed health care services, retirement benefit providers, and the like.

Further, as President Dwight Eisenhower clearly understood, our Nation's transportation network provides a critical infrastructure element for national security. In the immediate wake of the September 11th attacks, the strength of our Nation's transportation networks enabled emergency responders from various different areas to get to the crisis areas in New York, Virginia, and Pennsylvania in the most expeditious manner possible. Employing this quick response ability aided our nation in providing much-needed assistance and in coordinating the subsequent recovery efforts. ARTBA's long-standing contributions which enabled such quick response following September 11th, deserve recognition as the association celebrates this milestone.

Our Nation owes a clear debt of gratitude and commendation to the ARTBA for their continuing efforts, which have contributed to this country's great infrastructure strength.

Mr. CUMMINGS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 442.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5157, H. Con. Res. 402, and H. Con. Res. 442.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONGRATULATING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM FROM LOUISVILLE, KENTUCKY, FOR THEIR OUTSTANDING PERFORMANCE IN THE LITTLE LEAGUE WORLD SERIES

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 516) congratulating the Valley Sports American Little League baseball team from Louisville, Kentucky, for their outstanding performance in the Little League World Series.

The Clerk read as follows:

H. RES. 516

Whereas the Valley Sports American Little League baseball team from Louisville, Kentucky, is the first team from the United States to win the Little League World Series since 1998;

Whereas the Louisville team is the first team from Kentucky to ever reach the title game of the Little League World Series in the 56-year history of the Little League Junior Division championship;

Whereas the Louisville team has attained a select position as one of only 10 United States teams to win the Little League World Series in the last 35 years;

Whereas the members of the Louisville team demonstrated perseverance that rivals that of any adult, with a season that started in June and required winning both State and regional championships to reach the World Series;

Whereas throughout their season, the Louisville team scored 106 runs, while allowing their competition to score only 10 runs;

Whereas the Louisville team played expertly against a determined and talented Japanese team for the Little League World Series title;

Whereas the Louisville team broke multiple Little League World Series records through a single pitcher achieving 44 strikeouts and 21 scoreless innings;

Whereas the 12 players on the Louisville team are a model to the Nation's youth because of their dedication, determination, and sportsmanship;

Whereas in the legacy of world-renowned Louisville Slugger bats and Hall-of-Fame members Jim Bunning, Happy Chandler, Earl Combs, and Pee Wee Reese, the Louisville team has continued a long tradition of Kentucky contributions to the game of baseball;

Whereas the Louisville team's performance demonstrates to parents and communities throughout the Nation how athletic participation builds character and leadership in children; and

Whereas the Louisville team's spirit and camaraderie and the support of the team's family members are a testimony to baseball's ability to bring families together: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Valley Sports American Little League baseball team from Louisville, Kentucky, for their outstanding performance in winning the 2002 Little League World Series;

(2) recognizes Troy Osborne, the manager of the Louisville team, assistant coaches Keith Elkins and Dan Roach, and players Aaron Alvey, Justin Elkins, Ethan Henry, Alex Hornback, Wesley Jenkins, Casey Jordan, Shane Logsdon, Blaine Madden, Zachary Osborne, Jacob Remines, Josh Robinson, and Wes Walden for demonstrating excellence and character throughout a summer of little league baseball; and

(3) commends Little League Baseball for its 63-year tradition of encouraging the development of sportsmanship and confidence in youth through its sponsorship of world-class baseball.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 516.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution extends heartfelt congratulations from the House of Representatives to the Valley Sports American Little League baseball team from Louisville, Kentucky, for winning the Little League World Series.

On August 25, 2002, the Valley Sports American Little League team won the 56th Little League Baseball World Series title by defeating the team from Sendai, Japan 1–0.

Mr. Speaker, the Valley Sports American Little League team is the first team from the United States to win the Little League World Series since 1998. The following is a description of the team from Louisville, Kentucky, as described by Little League Baseball:

"They may not have been the most talented team in the tournament. They may not have been the biggest or the strongest 11- and 12-year-olds in Williamsport during the last 9 days; but they had worked the hardest, dedicated themselves in ways others could not, and now the Valley Sports American Little Leaguers from Louisville, Kentucky, are the best in the world."

Coaches and players alike have achieved something very few have. This is an accomplishment that will be with them for the rest of their lives, and it is in the finest tradition of Kentucky baseball.

Perhaps one of these days one of these young players will follow Kentucky's Hall of Famer, Jim Bunning, and serve in the House and the U.S. Senate. But I am sure that they will all be a credit to their country, to Kentucky, to Louisville, and to their families. They have started out well.

Mr. Speaker, it is appropriate that the House recognize the dedicated work and outstanding accomplishments of Valley Sports American Little League Baseball team from Louisville, Kentucky. The Louisville team's performance demonstrates to parents and communities throughout the Nation how athletic participation builds character and leadership in their children.

Mr. Speaker, I ask all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the Valley Sports American Little League team from Louisville, Kentucky, captured their city's and the Nation's attention with the 1-0 victory over Sendai, Japan, in the Little League World Series title game last month.

Valley Sports, which won the national championship game against Worcester, Massachusetts, became the first U.S. team to win the World Series since East Toms River, New Jersey, in 1998.

When the team held its first practice on June 16, they had not yet developed their trademark, which became pitching and defense. This came with hard work and determination. During the first few days, the team looked nothing like the one that would win the Little League World Series. The basemen had difficulty catching; and, of course, nobody could make a great throw. But the coaches figured the only way to get better was through hard work. The team routinely held 5-hour practices on week days and sometimes as much as 8 hours on weekends. Defense was constantly being reinforced and it paid off.

Japanese teams had won two of the previous three World Series titles; but the Valley Sports team used their recipe for success, pitching, defense and discipline, to win the big game. The coaches, Troy Osborne, Keith Elkins, and Dan Roach demanded discipline on and off the field. The team was required to answer "yes, sir" or "no, ma'am" when addressing adults. Does that not sound interesting? They were expected to conduct themselves properly with no showboating allowed. The team got better and better with every game.

In a little more than 2 months, 12 young boys used their free time to dedicate themselves to our national pastime, baseball. Team work, commitment, dedication and discipline and a positive attitude transformed the Valley Sports Little League team into a national and international championship team.

We always place a premium on winning. But I think that when we have great little league programs with the active involvement and participation of parents and other adult volunteers, every child, every young person perhaps is a winner. And not only is this an opportunity to salute the Valley Sports Little League team, but it is also an opportunity to salute all of those parents and volunteers and coaches and young people throughout America who engage and involve themselves in disciplined activity that is designed to develop men, in many instances, and women, out of boys and girls.

I also take this opportunity to salute those Little League teams in my own community, Dwayne Truss and Cata Truss who developed the Mandela Little League; and of course everybody in my city of Chicago knows about the Jackie Robinson West Little League and the Southeast Little League and the North Lawndale Little League Baseball teams.

So it is a great day for Little League activity. It is a great day for young people being engaged, involved, disciplined with adult supervision. That, Mr. Speaker, is what I think will keep young people off the streets, will keep young people from ending up in correctional institutions, and will help America continue to grow and become the Nation that it really has the potential of being.

So I join in giving all of the accolades that we can muster to the Valley Sports Little League team, who became not only the best in their city, the best in their country, but the best internationally. We honor them as we honor America.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join my colleague from Illinois in commending all of the little league teams around the country. As a former little league team mom, and my husband being a little league manager for many many years with our two sons, it is a great pastime. It is a great opportunity for our young boys and girls to participate in little league. I would like to commend my colleague, the gentlewoman from Kentucky (Mrs. NORTHUP), for introducing this legislation to commend our little leaguers from Kentucky and to salute all of our little leaguers around the United States and the world.

Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 516.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

PETER J. GANCI, JR. POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5336) to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building."

The Clerk read as follows:

H.R. 5336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PETER J. GANCI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, shall be known and designated as the "Peter J. Ganci, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Peter J. Ganci, Jr. Post Office Building.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5336, introduced by our distinguished colleague from New York (Mr. KING), designates a post office in Farmingdale, New York, as the Peter J. Ganci, Jr., Post Office Building. Members of the entire House delegation from the State of New York are cosponsors of this legislation.

Mr. Speaker, on September 11, immediately after a jet struck the first tower at the World Trade Center, Peter Ganci, chief of department for the New York City Fire Department, rushed to the scene from his command post in downtown Brooklyn and started the rescue effort.

He was in the basement of Tower One when it collapsed. Miraculously, he survived, dug himself out of the rubble and went back to work.

It then became apparent that the second tower would fall. Ganci, as the highest ranking uniformed officer on the scene, directed everyone to clear out of the area, but Ganci did not himself leave while his men were inside the tower. Ganci said, "I'm not leaving my men," and advanced toward the towers to continue his life's work of saving and protecting others.

Chief Ganci was in the basement of the second tower when it collapsed.

Prior to joining the New York City Fire Department, Ganci served in the Farmingdale Fire Department as a volunteer and in the 82nd Airborne Division. Ganci served in the New York Fire Department for 33 years and was decorated repeatedly for bravery.

Ganci is survived by his wife, Kathleen; his sons, Christopher and Peter; and his daughter, Danielle. His son, Peter Ganci, III, now serves with Ladder Company 111 of the New York City Fire Department.

Mr. Speaker, I urge adoption of H.R. 5336.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Government Reform, I am pleased to join my colleague today in the consideration of two postal naming bills: H.R. 5336, introduced by the gentleman from New York (Mr. KING), which names a post office in Farmingdale, New York, after Peter Ganci; and H.R. 4797, introduced by the gentleman from California (Mr. BECERRA), which names a post office in Los Angeles, California, after Nat King Cole. These measures have the support of their respective State congressional delegations to name United States postal facilities after very deserving individuals, and I urge their swift passage.

H.R. 5336, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the Peter J. Ganci, Jr., Post Office Building, was introduced by the gentleman from New York (Mr. KING) on September 5, 2002.

An American hero, Peter J. Ganci was the New York City Fire Department's highest ranking chief who died when the World Trade Center came down. Chief Ganci had been on the radio in front of the trade center directing the rescue efforts when the building collapsed.

Who was Chief Ganci? He was 54-years-old and a resident of Massapequa, New York; the chief of the department, one of the highest ranking uniformed officers in the fire department; husband to Kathleen; father to Peter, III, Christopher and Danielle. He was also a 33-year-old veteran of the New York Fire Department, whose son Peter is a firefighter assigned to Ladder Company 111 in Brooklyn, New York, and Brooklyn, New York, is the place where Peter Ganci got his start in 1960.

After serving in engine and ladder companies, Mr. Ganci rose to lieutenant, captain, battalion chief, deputy chief and then acting chief. He also ran the Bureau of Fire Investigation, was appointed the chief of operations prior to becoming chief of the department.

A hands-on man, Chief Ganci was doing his job, commanding the rescue operations at the New York World Trade Center.

Accordingly, I urge swift passage of this bill and commend my colleague for seeking to honor Chief Peter J. Ganci, Jr., in this matter.

Mr. Speaker, I do not believe that we have any other requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from New York (Mr. KING), the author of this legislation.

Mr. KING. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I am privileged to rise today in support of this legislation. Pete Ganci was a constituent of mine. He was an individual who personified the leadership and the bravery which resulted last September 11 in the greatest rescue operation in the history of this country.

Twenty-five thousand people were rescued that day, and it was done primarily through the efforts of the New York City Fire Department, and Chief Pete Ganci was the chief of the department, who was also the highest ranking uniformed officer ever to die in the line of duty, and as the gentlewoman pointed out, Chief Ganci was there that day with his men. Chief Ganci was there in the line of duty.

Chief Ganci was there directing the operation against this horrific attack that was carried out against our country, and when the first tower fell, Chief Ganci barely escaped with his life, and when he saw the terrible carnage that resulted and saw the terrible danger which was still being faced by the north tower, which had not yet fallen, Chief Ganci ordered the entire operation to be moved north.

As the entire operation, including the mayor and other officials, went north, Pete Ganci went south to be with his men, and that personified the type of leadership which Pete Ganci gave in the New York City Fire Department. As the gentlewoman pointed out, he had been a member of the department more than 33 years, rising to the highest office in that department, chief of the department. Prior to that, he had been a paratrooper in the 82nd Airborne, and until his death, he was an active member of the Farmingdale Volunteer Fire Department in New York.

Mr. Speaker, at this point also, before I digress, though, I want to pay a special debt of thanks to Sal Pontillo, the Nassau County legislator who represents the district in which Mr. Ganci lived in Nassau County, and he has come to me with this request. We have worked closely on it, and he has also served as liaison with the Ganci family and helped to bring this about.

Mr. Speaker, many of us look back on the date of September 11 and we realize what a turning point it was in the history of our country. It was a turning point for many reasons. The point I would like to focus on today is that after that attack, actually as the attack was going on, as the buildings were burning, as the buildings were coming down, as people were being killed, as people were being rescued, what the eyes of the world and the eyes of the country saw was the valor of the New York City firefighters and police officers, those who were carrying out this rescue operation under the most trying circumstances, and the person who was leading that operation was Chief Ganci. Just think what would have happened if he had not done what he did, if the firefighters had not responded the way they did, instead of running into the building, Chief Ganci had run out of the building and kept going, but instead he went back right in the line of fire, the battlefield commander who died with his men, and it was that type of courage that was shown that day, that type of heroism that was shown that day, that type of spirit that was shown that day which I think has inspired our country to fight back, to come back and to win this war against international terrorism, and even just as importantly, to show that America cannot be vanquished, that we can take the best shot of the enemy and come back stronger than ever.

That is what Chief Ganci personified that day. In fact, it is the type of story, that if somebody had produced a movie about it, it would not have been believed, for a person to be there when the first tower came down and somehow survive it and go back in and to be killed in the second tower, which to me is the type of courage that I cannot even begin to fathom.

This was the first battle, Mr. Speaker, and the first great war of the 21st century, and Chief Ganci died as a battlefield commander in that war, and for that, this country owes him its untiring thanks and gratitude for all that he has done.

I want to say a special debt of thanks to his wife, Kathy, who has shown tremendous courage throughout this entire almost now 363 days, and his son, Pete, who is a member of the New York City Fire Department, his son, Chris, and his daughter, Danielle.

I also want to thank the other 30 members of the New York delegation for unanimously supporting this resolution. To me, it is just another indication of the tremendous regard that all the men and women of the New York City Fire Department had for Chief Ganci and, indeed, all of the members of the New York delegation, everyone who had the opportunity to know Chief Ganci.

I can say I was at his funeral last September 15. It was one of the most moving moments I have ever been involved in, to see the tremendous outpouring of support from his community in North Massapequa and Farmingdale, all of the surrounding community, by the thousands, coming out to join in this salute to Chief Pete Ganci.

So, Mr. Speaker, with that I thank the gentlewoman for yielding me the time. I thank the House for considering this resolution today, and I extend my very best thoughts, prayers and gratitude to the Ganci family for all they have gone through.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague for introducing this legislation to honor the chief of the New York City Fire Department. As the wife of a professional firefighter for almost 30 years, I know the bravery that these firefighters have, and I have had people tell me why they let chiefs send men in there to their deaths, and I have told them quite clearly, if he would not have sent them in, I know the firefighters would have gone in, anyway. That is just the type of bravery they do have, and again, I thank my colleagues, and I urge adoption of this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 5336.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NAT KING COLE POST OFFICE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4797) to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office."

The Clerk read as follows:

H.R. 4797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Nat King Cole was born Nathaniel Adams Coles in Montgomery, Alabama, during the difficult period of segregation in the United States, and was raised in the ghettos of the south side of Chicago, Illinois, where he endured the harshness of poverty.

(2) Nat King Cole was often confronted with racism during his career, including being attacked by members of a white supremacist group while he was on stage in Birmingham, Alabama, in 1956.

(3) Nat King Cole allowed neither poverty nor racism to prevent him from sharing his music with people worldwide and from leaving a lasting impression on American culture.

(4) Nat King Cole established himself as the best selling African-American recording artist of his generation.

(5) Nat King Cole and his family became the first African-American family to integrate the community of Hancock Park in Los Angeles when, despite threats and protests from local residents, they purchased their English Tudor mansion in 1948.

(6) "The Nat King Cole Show", primarily broadcast from Burbank, California, aired nationally for more than a year beginning in 1956 and was the first television show to be hosted by an African-American artist.

(7) Nat King Cole graced southern California with his music during the formative years of his music career and formed the successful "King Cole Trio" in Los Angeles, California.

(8) Nat King Cole's recording of "Route 66" serenaded generations of eager California immigrants.

(9) Nat King Cole's recorded rendition of "The Christmas Song" symbolizes the family warmth of the yuletide season.

(10) Nat King Cole's disarming delivery teaches people the meaning of "Unforgettable".

(11) Although Nat King Cole died from lung cancer on February 15, 1965, the music and embracing baritone voice of Nat King Cole are lasting legacies that continue to be enjoyed by people worldwide.

(12) Nat King Cole exemplifies the American dream by having overcome societal and other barriers to become one of the great American entertainers.

(13) Members of the community surrounding the Oakwood Station Post Office in Los Angeles, California, have advocated for the renaming of the post office in honor of Nat King Cole, a former resident of the area.

SEC. 2. REDESIGNATION AND REFERENCES.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, and known as the Oakwood Station Post Office, shall be known and designated as the "Nat King Cole Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Nat King Cole Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4797, introduced by the gentleman from the State of California (Mr. BECERRA), designates the post office located at 265 South Western Avenue, Los Angeles, California, as the Nat King Cole Post Office. Members of the entire delegation from the State of California are cosponsors of the bill.

Nat King Cole was truly one of the most unforgettable entertainers in our Nation's history. Born in Montgomery, Alabama, in 1919, Nat King Cole was a musical pioneer that helped to pave the way for countless black musicians to achieve success in the United States. Most widely known for his music as a pop ballad singer and jazz pianist, Nat was also the first African American man to have his own radio show, which began in 1946. Ten years later he was the first African American to host his own television show, and it was enormously popular as well.

Although his life was sadly cut short in 1965, his legacy has lived on in part because of the great success of his daughter, Natalie, who has revived much of Nat King Cole's music by singing many of his songs in recent years.

Mr. Speaker, I urge all my colleagues to honor Nat King Cole by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

H.R. 4797, to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the Nat King Cole Post Office, was introduced by the gentleman from California (Mr. BECERRA), on May 22, 2002.

Nat King Cole was born Nathaniel Adams Coles in 1919 in Montgomery, Alabama. He moved to the great jazz city of Chicago when he was four because his father, a Baptist minister, had accepted pastorship of the True Light Baptist Church.

In Chicago, Nat King Cole's mother, Perlina, directed the choir at her husband's church and introduced all the Coles children, Edward, Nathaniel, Eddie Mae, Evelyne, Issac and Lionel, to music early on. All four of the Coles sons went on to become professional musicians.

Nat's singing career began early. He was just four when he performed, "Yes, We Have No Bananas." He went on to take piano lessons and play the organ in his father's church. While attending Wendell Phillips High School in Chicago which, of course, is in my congressional district, Nat and his brothers became true believers of jazz music and constant fixtures on Chicago's South Side, the center of jazz.

□ 1445

Growing up, he was most influenced by pianist Earl "Fatha" Hines. After organizing and playing in a series of music groups, Nat "King" Cole moved to Los Angeles, where he formed the group which later became the King Cole Trio. He recorded his First National hit, Straighten Up and Fly Right, and went on to record such favorites as The Christmas Song, Mona Lisa, Route 66, Chestnuts Roasting on an Open Fire, Rambling Rose, and many more.

Not only a talented singer, he was also the first black jazz musician to have his own weekly radio show in 1948 and 1949 and network television show in 1956 and 1957. He was also an actor in St. Louis Blues, 1958, and Cat Ballou in 1964.

Although a great man with a fantastic voice, Nat "King" Cole was not immune to discrimination. His television show was canceled because he could not find a national sponsor. Being black was seen by many as the reason for the lack of advertising. When he moved to an exclusive section of Los Angeles in 1949, neighbors formed an association to keep him from moving in. In 1956, while playing to a segregated audience in Birmingham, Alabama, he was attacked by a group of white men. After completing his performance, Nat "King" Cole vowed never to return to the South, and he never did.

In 1965, after battling an advanced case of lung cancer, Nat "King" Cole died on February 15 at Saint John's Hospital in Santa Monica, California.

Mr. Speaker, I would urge swift passage of this bill and commend my colleague from California for seeking to honor the legacy of the late Nat "King" Cole in this manner.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Los Angeles, California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman from Illinois, someone who represents the area where Mr. Cole lived for a time, for yielding me this time. I also would like to thank the chairman of the committee, the gentleman from Indiana (Mr. BURTON) and the ranking member, the gentleman from California (Mr. WAXMAN), and the gentlewoman from Virginia (Mrs. JO ANN DAVIS) as well for this opportunity to bring forward a tribute to an individual who will go down in the annals of America as not just a grand entertainer but a decent and loving American.

I want to extend my thanks to my colleagues from California, the 54 Members of the California delegation, which includes our two Senators, for their support of the Cole family in this effort to give Nat "King" Cole the recognition in this small way that he so deserves from this country. I would also like to thank the many other Members who signed onto this legislation as original cosponsors, many from the Congressional Black Caucus and other colleagues who recognized that it was fitting to pay tribute to this individual.

Mr. Speaker, Nat "King" Cole is but a legend in America, but in our hearts he is someone who was able to touch us. H.R. 4797 is but a small token of appreciation that will forever give memory to his work and his love of this country. On South Western Avenue in Los Angeles, California, at the site of 265 South Western Avenue, those who happen to cross that busy street will have an opportunity to see the name of Nat "King" Cole, and, hopefully, they will appreciate what it takes to have one's name on the marquis of a post office, a building owned and operated by the people of this government and of this Nation.

I cannot, however, nor can my colleagues, be the only ones to take credit for this opportunity to fete Nat "King" Cole. The fact that we are designating this post office after a legend is truly due to the people who live in and around the area of 265 South Western Avenue, because it is the folks who live in the community that surround this area who chose Nat "King" Cole as the person to pay tribute to and to name this post office after. I want to thank all of them for having stepped forward and in a very democratic process and deciding that it was best and most fitting to name this post office after a former resident of the area, and certainly a man that we will all remember.

As my colleague, the gentleman from Illinois (Mr.. DAVIS), had said, Nat "King" Cole remains an icon as one of America's most beloved entertainers, even 37 years after his untimely death in 1965. His story is one of determination, courage and resilience. We recognize him today as one of the pioneers who left his mark in an industry that is now part of the fabric of Los Angeles. But his impression on our city and this Nation goes far beyond that.

Nat "King" Cole was born Nathaniel Adams Coles in Montgomery, Alabama, in 1919 during that very regrettable period of segregation in this country. At the age of 4, Nat's father moved the Coles family, and it is Coles with an "s," to Chicago, where his father accepted the pastorship of the True Light Baptist Church. Nat spent his childhood in the ghettos of the South Side of Chicago. But while Nat did not have the means to dream, he certainly had the capacity to do so, and, ultimately, live out those dreams.

Perlina Coles, Nat's mother, directed the choir at the True Light Baptist Church, and she is the one that introduced the Coles children to music early on. Nat's musical talents exhibited themselves at a very, very young age. His first public performance was at the age of 4 in Chicago's Regal Theater. As a youngster, Nat would sing and play the organ at his father's church. His mother wanted Nat to become a classical pianist, but Nat's passion was jazz.

Chicago was just the place to be for Nat "King" Cole to satisfy those tastes for jazz music. The city, at the time, hosted jazz talents like Louis Armstrong, Fats Waller, Earl Hines. And we should all recognize that not long ago, this past week, we lost Mr. Lionel Hampton, another great of American entertainment and art and a great jazz artist in his own right.

Nat and his brother Eddie would go off as often as they could to hear jazz musicians play and to perform in Chicago's South Side, which was the African American community's center for jazz action in the 1930s. Even when Nat could not afford the price of admission, he would stand at the alley and listen right next to the stage door.

During his teenage years, Nat "King" Cole was involved with several musical groups. He loved to perform and to share his music with others. In 1937, Nat and Eddie joined a revival of the review "Shuffle Along." The show took the road after 6 weeks in Chicago. When the show suddenly folded, Nat found himself in Southern California, and that is where he decided to stay. This was the beginning of his life in the Los Angeles area, and we are all fortunate for his impression on Southern California.

In the late 1930s, Nat "King" Cole was asked to form a small group to play at a Los Angeles nightclub. It was the owner of this nightclub, Mr. Bob Lewis, who gave Nat his new renowned nickname of "King" Cole, and he asked Nat to wear a crown of gold on stage. In fact, the group became known as the King Cole Trio, and it was led by Nat. While the gold-colored paper crown did not last, the name and its significance endures to this day.

Many legends of entertainment got their break in Los Angeles and in Southern California, and that area proved to be fertile ground for Nat "King" Cole as well. The King Cole Trio developed a huge following. They found almost constant work in the Los Angeles area. And by the way, prior to booking the King Cole Trio, many of these nightclubs had never hired African American entertainers before. This trio went on to make some of their own recordings on what was known as the "race record" market, which is what made it possible for Nat "King" Cole to do the recordings. Because, remember, those were days when it was very difficult for talented men and women of African American descent to record and even to present their music and their talents before audiences.

In 1943, Capitol Records, then a fledgling company, signed the King Cole

Trio. The Trio's recording on that label of Straighten Up and Fly Right became a smash hit in 1944, and it appealed to not just black audiences but white audiences as well. Nat "King" Cole composed this song and based the lyrics on one of his father's sermons. The recording also brought jazz and popular music together. The other works of this Trio included For Sentimental Reasons and The Christmas Song, which emphasized Nat "King" Cole as a vocalist for the first time. Before that, Nat "King" Cole would sing only on occasion to add some flavor to the instrumental trio.

In fact, if you look back at history, Nat would say that he never thought of himself much as a vocalist. And while we find that very hard to believe, that is what he thought. And not just then, but he held that view of his singing abilities even after he had become one of this country's most recognized singers. In fact, one of the world's most recognized singers. All of us would have to disagree at least on that point in his assessment of his vocal abilities. Most would say his voice was "Unforgettable."

Nat "King" Cole indeed was a man with talents that could not be contained by any particular genre. He slowly moved away from jazz and towards popular music. In 1955, the King Cole Trio disbanded, but Nat "King" Cole continued to find success with songs like Too Young, Answer Me My Love, Mona Lisa and, of course, Unforgettable. Mr. Cole sold more than 50 million records. He contributed so much to the success of Capitol Records that its headquarters became known as the "House That Nat Built." His popularity would make him the first African American to have his own radio show and he would later also host his own TV shows.

However, Nat "King" Cole did not always have an easy road. He was not immune to the intolerance of the mid 20th Century. Indeed, as we look at his impressive songbook, we cannot forget the struggles he had to overcome as an African American performer during that period in our Nation's history. In October 1956, Nat "King" Cole was given his own television show by NBC. This show received good ratings but failed to receive sponsorship and it was taken off the air after only one year. Most believed that the primary lack of interest by advertisers was due to Nat "King" Cole's race.

But being taken off the air was not the only injustice Nat "King" Cole faced for being a successful black artist at the time. Nat faced physical intimidation and violence. In 1956, Nat returned to his native Alabama where his integrated group performed in front of a segregated audience in Birmingham. As a reaction, four members of the White Citizens Council attacked him on stage. But so determined was Nat "King" Cole, that even though he was hurt, he returned to the stage and finished his show.

In Los Angeles, where we will honor him with a post office that carries his name, Nat was not immune to prejudice. When Nat and his family wanted to move into the exclusive Hancock Park section of Los Angeles, residents of the all-white community formed an association to keep him and his family out. But despite the threats, Nat "King" Cole purchased and moved into his English Tudor mansion in Hancock Park.

Nat "King" Cole exemplifies the American dream. He endured the racism of the time and overcame the poverty to which he was born and worked to be one of the most beloved American entertainers of our time. Thirty-seven years after his untimely death from lung cancer on February 15, 1965, his legacy lives on. Modern popular music entertainers like Celine Dion continue to record songs made famous by Nat "King" Cole.

With determination, courage, and resilience, Nat "King" Cole overcame tremendous obstacles to leave a lasting impression on music lovers of all ages and races. The Oakwood post office at 265 South Western Avenue in Los Angeles is Nat's post office. He lived within a few miles from the station and he is the pride of the community. I believe that this bill provides a fitting tribute to a man whose legacy is simply unforgettable.

To the many residents and friends and neighbors who made this possible today, and who will, when we have a chance to see President Bush sign this legislation into law, be present to commemorate this post office after Nat "King" Cole, I say, "Thank you so much for recognizing an American hero," and, "Thank you so much for helping us in the people's House recognize the accomplishments of great Americans."

☐ 1500

Mr. Speaker, with great honor and deference, we recognize a man who will live far beyond our lifetime.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. BECERRA) for his introduction and certainly for the statement the gentleman has just shared with us.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I thank the gentleman for yielding me this time. And I thank the gentleman from California (Mr. BECERRA) for introducing this legislation.

I was just up in New York at the funeral for Lionel Hampton; and all of the way through, the talented performers would recall when they were all together, and Nat King Cole was part of that group. He was a man whose artistic talent was matched only by his efforts to break down the barriers that divided America from itself.

Nat King Cole had a gift of enormous musical talent. He did not like his singing voice; he thought it was not good enough so he thought he should play, but they talked him into singing while he was playing. He was known most for his singular voice, bringing alive such tunes as "Mona Lisa," "Rambling Rose," "The Christmas Song," and "Unforgettable." His daughter, Natalie Cole, would say that for many a year she mourned her father's death and did not have the courage to record with him until much later after his death; and the song "Unforgettable" truly will live forever. He was truly unforgettable.

But many experts considered his work as a pianist as his most significant contribution to American music. He was recognized among jazz musicians as one of the most formidable and technically proficient pianists of his day. His trio format influenced jazz pianist greats Ahmad Jamal and Art Tatum. In the 1940s, he played piano on recordings with jazz seminal jazz greats Lester Young and Charlie Parker.

In 1956, Cole debuted his own television show, which quickly became a major hit. Despite its success, many major advertisers refused to have commercials aired on it for fear that they would alienate the white population and, in particular, their Southern customers.

Nat King Cole first recorded with Decca Records, and later with Capitol Records. Sales of his albums brought Capitol unprecedented commercial success, and some have even labeled Capitol Records' famous circular building in Hollywood as "The House that Nat Built."

But Nat King Cole's contribution to American art was matched by his contribution to American society. Cole was a quiet, but consistent force for integration. During an age when many black artists were resigned to the reality of racial segregation, Cole refused to play in segregated clubs. In 1949 when Cole moved with his family to the exclusive Hancock Park neighborhood in Los Angeles, an area represented now by the gentleman from California (Mr. BECERRA) and myself, Cole faced hostility from his new neighbors. Yet Cole stood his ground, and successfully integrated the neighborhood, which remains one of Los Angeles' most prestigious addresses. So I am proud to join the gentleman from California (Mr. BECERRA) and the rest of my colleagues to rename a post office in the Hancock neighborhood after Nat King Cole. He is lovingly remembered as a great musical talent, but also as a great American.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would close by saying that the life of Nat King Cole is another example of all that it has taken to make America the great Nation that it is. I join with my colleagues in urging swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 4797.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 5 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 o'clock and 31 minutes p.m.

REAPPOINTMENT AS MEMBER TO NATIONAL SKILL STANDARDS BOARD

The SPEAKER pro tempore. Without objection, pursuant to section 503(b)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5933), and upon recommendation of the minority leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the National Skill Standards Board for a 4-year term:

William E. Weisgerber, Iona, Michigan.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5157, by the yeas and nays.

House Concurrent Resolution 401, by the yeas and nays.

House Resolution 516, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic voting after the first such vote in this series.

FEDERAL TRANSIT FORMULA GRANTS FLEXIBILITY RETENTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5157.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 5157, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 350, nays 0, not voting 83, as follows:

[Roll No. 375]

YEAS—350

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clyburn
Coble
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—83

Baldacci
Barr
Barrett
Bishop
Blagojevich
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Cannon
Chambliss
Clement
Collins
Condit
Cooksey
Crowley
Delahunt
Diaz-Balart
Dingell
Doyle
Ehrlich
Everett
Fossella
Frost
Gallegly
Gilchrest
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hilleary
Hoekstra
Kaptur
Kennedy (RI)
Kleczka
LaHood
LaTourette
Lipinski
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Mascara
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Miller, Jeff
Mink
Nadler
Neal
Owens
Pascrell
Pryce (OH)
Riley
Ros-Lehtinen
Roukema
Rush
Sanders
Saxton
Schaffer
Serrano
Sessions
Stump
Sununu
Sweeney
Taylor (NC)
Thurman
Toomey
Towns
Velázquez
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weller
Young (FL)

□ 1853

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 375 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

RECOGNIZING THE HEROISM AND COURAGE DISPLAYED BY AIRLINE FLIGHT ATTENDANTS EACH DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 401, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 401, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 0, not voting 82, as follows:

[Roll No 376]

YEAS—351

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clyburn
Coble
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—82

Baldacci
Barr
Barrett
Bishop
Blagojevich
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Cannon
Chambliss
Clement
Collins
Condit
Cooksey
Crowley
Delahunt

Diaz-Balart
Dingell
Doyle
Ehrlich
Everett
Frost
Gallegly
Gilchrest
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hilleary
Hoekstra
John
Kaptur
Kennedy (RI)
Kleczka
LaHood
LaTourette
Lipinski
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Mascara
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Miller, Jeff
Mink
Nadler
Neal
Owens
Pascrell
Pryce (OH)
Riley
Ros-Lehtinen
Roukema
Rush
Sanders
Saxton
Schaffer
Serrano
Sessions
Shaw
Smith (NJ)
Stump
Sununu
Sweeney
Taylor (NC)
Thurman
Towns
Velázquez
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weller
Young (FL)

□ 1903

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAW. Mr. Speaker, on rollcall No. 376 I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING GRATITUDE TO THE HONORABLE TONY HALL FOR HIS 24 YEARS OF SERVICE AND FRIENDSHIP

(Mr. SAWYER asked and was given permission to speak out of order for 1 minute.)

Mr. SAWYER. Mr. Speaker, I take this opportunity this afternoon just to alert all colleagues to the fact that our friend and colleague, the gentleman from Ohio (TONY HALL), has submitted his resignation to the House, effective this afternoon. He is departing the House in order to take on larger assignments on behalf of our Nation as a whole with the United Nations.

I wish to recognize his 24 years of service and the friendship that we have all shared with TONY HALL. I would ask that Members join with me in expressing that gratitude.

CONGRATULATING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM FROM LOUISVILLE, KENTUCKY, FOR THEIR OUTSTANDING PERFORMANCE IN THE LITTLE LEAGUE WORLD SERIES

The SPEAKER pro tempore (Mr. ISAKSON). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 516.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution,

H. Res. 516, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 344, nays 0, not voting 89, as follows:

[Roll No. 377]

YEAS—344

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clyburn
Coble
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Honda
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—89

Baldacci
Barr
Barrett
Bishop
Blagojevich
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Calvert
Cannon
Cantor
Chambliss
Clement
Collins
Condit
Cooksey
Crowley
Delahunt
DeLauro
Diaz-Balart
Dingell
Doyle
Ehrlich
Everett
Frost
Gallegly
Gilchrest
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hilleary
Hoekstra
Holt
Horn
John
Johnson (CT)
Kaptur
Kennedy (RI)
Kleczka
LaHood
LaTourette
Lipinski
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Mascara
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Miller, Jeff
Mink
Nadler
Neal
Ney
Owens
Oxley
Pascrell
Pryce (OH)
Riley
Ros-Lehtinen
Roukema
Rush
Sanders
Saxton
Schaffer
Serrano
Sessions
Sherman
Smith (TX)
Stump
Sununu
Sweeney
Taylor (NC)
Thurman
Towns
Velázquez
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weller
Young (FL)

□ 1913

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed recorded votes on Monday, September 9, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On Passage of H.R. 5157, I would have vote "yea."

On Passage of H. Con. Res. 401, I would have voted "yea."

On Passage of H. Res. 516, I would have voted "yea."

□ 1915

PRINTING OF PROCEEDINGS OF SPECIAL CEREMONIAL MEETING OF UNITED STATES CONGRESS HELD IN FEDERAL HALL, NEW YORK, NEW YORK, ON SEPTEMBER 6, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that proceedings of the special ceremonial meeting of the United States Congress held in Federal Hall, New York, New York, on September 6, 2002, be printed in the RECORD, and that all Members have 5 legislative days to insert their remarks on the topic of the ceremonial meeting.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBRANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

The SPEAKER. The special ceremonial meeting will be in order.

The invocation will be given by the Reverend Daniel P. Coughlin, Chaplain of the House of Representatives.

The Chaplain of the House of Representatives, the Reverend Daniel P. Coughlin, offered the following invocation:

Lord God, this is a day of history. Bless this exceptional joint meeting of the 107th Congress which commemorates the tragic events that occurred here last September 11. The gaping hole left in this city tore into the fabric of this Nation, but there was no greater suffering than in New York.

Once again, we commend to Your loving mercy, the victims, survivors, and their families. We also honor those public servants and ordinary citizens who joined professionals in healing wounds and rebuilding lives in this proud city of life and diversity.

Gathered in this historic place, You alone can renew us as You have in the past. May the vision of the Founding Fathers come alive again in this body politic to preserve the balance of power and assure the freedom of the law abiding people of this Nation.

The Bible here, used by George Washington when sworn in as President, speaks to Your consoling word: "I am with you."

Lord God, today is Rosh Hashanah. The traditional Jewish New Year prayer is for a good and sweet year. Many things You send us, Lord, are good, but they may hurt or are hurried. So with our Jewish brothers and sisters we pray today not only for a year of good things, but a year of sweetness, a chance to relish the blessings of the world and the freedoms You give us, and to enjoy the sweet kindness and love of one another.

May this be a good year for all Americans of all faiths, backgrounds, and traditions. We pray for a good year for America and for the world.

Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the Honorable Jerrold Nadler, Representative from New York, and the Honorable Harry Reid, Senator from Nevada, to lead us in the Pledge of Allegiance to our flag.

Mr. NADLER and Senator REID led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The SPEAKER. Our National Anthem will now be sung by LaChanze.

The National Anthem was sung by LaChanze.

(Applause.)

The SPEAKER. My colleagues, we are here in Federal Hall in New York, New York, pursuant to House Concurrent Resolution 448 of the 107th Congress to conduct a special ceremonial meeting in remembrance of the victims and the heroes of September 11, 2001, and in recognition of the courage and the spirit of the City of New York.

When representatives of the New York delegation introduced in the House and the Senate in 2001 Concurrent Resolutions that suggested that the Congress convene outside the seat of government to symbolize the Nation's solidarity with New Yorkers who epitomize the human spirit of courage, resilience and strength, my initial reaction of support was tempered by the realization that under article 1, section 5, clause 4 of the Constitution, "Neither House shall, without the consent of the other, adjourn to any other place than that in which the two houses shall be sitting."

There is no precedent for the convening of an actual session of Congress outside the seat of government, but on one special occasion the Congress has engaged in ceremonial functions outside the seat of government. Members of both houses traveled to Philadelphia on July 16, 1987, for organized festivities surrounding the bicentennial anniversary of the Constitution pursuant to a similar Concurrent Resolution.

On the strength of the precedent of the uniquely historical and national significance of that occasion, it is appropriate to dedicate another ceremonial gathering to a matter of transcendent importance at another place of basic institutional relevance to the Congress.

Thus, we are gathered in Federal Hall where the First Congress met in 1789 before moving the third session of that Congress to Congress Hall in Philadelphia, Pennsylvania, in 1790.

Ladies and gentlemen, we are, therefore, meeting here under that precedent.

The Chair recognizes the Honorable RICHARD B. CHENEY, the Vice President of the United States and President of the United States Senate.

(Applause.)

Vice President CHENEY. Thank you, Mr. Speaker. Each time Congress meets, we are mindful of the great charge that we have all been given as public servants. Assembled today in Federal Hall we are reminded of the ones who served before us and those who served first. It is a humbling experience to stand on the site where the First Congress met, where the first President was sworn, where the Bill of Rights was introduced.

Every Member of the House and Senate and every citizen of this country can draw a straight line from the events in Federal Hall to the life we all know today. When Congress convened here, America was a Nation of scarcely 4 million souls. The tallest structure in the city was Trinity Church, which still stands at corner of Broadway and Wall Street.

The rollcall of that First Congress included signers of the Declaration of Independence and men who marched in George Washington's Army. Two gentleman from Virginia still in their 30's served in that Congress. Their names were Madison and Monroe. All the Members knew that great responsibilities had come to them.

As Vice President John Adams observed, "A trust of the greatest magnitude is committed to this legislature and the eyes of the world are upon you."

In their actions, the Members of the First Congress met that test. And although this city was the Nation's Capital for only a short time, from those early days, the eyes of the world have continued to be on New York. One year ago, this great center of history, enterprise, and creativity suffered the gravest of cruelties and showed itself to be a place of valor and generosity and grace. Here, where so many innocent lives were suddenly taken, the world saw acts of kindness and heroism that will be remembered forever.

When President Bush introduced Mayor Giuliani and Governor Pataki at the Joint Session last September, it was, said one New Yorker, as if the Members of Congress had recognized that these two men had come directly off the battlefield.

Today, Congress gathers near that battlefield to honor the character shown and the courage shown in New York these last 360 days, and to remember every innocent life taken in the attacks of September 11. Since the hour of those attacks, we have been a Nation at war called once again to defend our liberty and our lives and to save humanity from the worst of wars. As a Nation born in revolution, we know that our freedom came at a very high price. We have no intention now of letting it slip away.

The Members of the First Congress shaped events long into the future. The same is now asked of us. In the principles we stand for, the values we uphold, and the decisions we make we will set the course of this Nation and with it the future of human freedom and the peace of the world.

It is not given to us to know every turn of events to come. We know, however, that we are the elected servants of a good, a just, and a decent people. May we always act in that spirit, confident in our founding principles, clear in our purposes, choosing wisely and bowing only to divine providence.

The SPEAKER. The Clerk of the House of Representatives has laid upon the desk the list of representatives in attendance.

Vice President CHENEY. The Secretary of the Senate has laid upon the desk the list of Senators in attendance.

The list of Representatives and Senators in attendance is as follows:

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES IN ATTENDANCE

The Honorable ANIBAL ACEVEDO-VILA
The Honorable GARY L. ACKERMAN
The Honorable ROBERT B. ADERHOLT
The Honorable W. TODD AKIN
The Honorable THOMAS H. ALLEN
The Honorable ROBERT E. ANDREWS
The Honorable RICHARD K. ARMEY
The Honorable SPENCER BACHUS
The Honorable JOHN ELIAS BALDACCI
The Honorable TAMMY BALDWIN
The Honorable CHARLES F. BASS
The Honorable KEN BENTSEN
The Honorable MARION BERRY
The Honorable JUDY BIGGERT
The Honorable ROD R. BLAGOJEVICH
The Honorable ROY BLUNT
The Honorable SHERWOOD L. BOEHLERT
The Honorable JOHN A. BOEHNER
The Honorable HENRY BONILLA
The Honorable DAVID E. BONIOR
The Honorable JOHN BOOZMAN
The Honorable ROBERT A. BORSKI
The Honorable LEONARD L. BOSWELL
The Honorable KEVIN BRADY
The Honorable HENRY E. BROWN, JR.
The Honorable RICHARD BURR
The Honorable DAN BURTON
The Honorable KEN CALVERT
The Honorable SHELLEY MOORE CAPITO
The Honorable MICHAEL E. CAPUANO
The Honorable BRAD CARSON
The Honorable MICHAEL N. CASTLE
The Honorable STEVE CHABOT
The Honorable SAXBY CHAMBLISS
The Honorable DONNA M. CHRISTENSEN
The Honorable EVA M. CLAYTON
The Honorable MAC COLLINS
The Honorable JOHN CONYERS, JR.
The Honorable JOHN COOKSEY

The Honorable JERRY F. COSTELLO
The Honorable CHRISTOPHER COX
The Honorable PHILIP M. CRANE
The Honorable JOSEPH CROWLEY
The Honorable JOHN ABNEY CULBERSON
The Honorable ELIJAH E. CUMMINGS
The Honorable JIM DAVIS
The Honorable JO ANN DAVIS
The Honorable SUSAN A. DAVIS
The Honorable TOM DAVIS
The Honorable DIANA DEGETTE
The Honorable ROSA L. DELAURO
The Honorable LINCOLN DIAZ-BALART
The Honorable JOHN T. DOOLITTLE
The Honorable DAVID DREIER
The Honorable JOHN J. DUNCAN, JR.
The Honorable JENNIFER DUNN
The Honorable CHET EDWARDS
The Honorable ROBERT L. EHRLICH, JR.
The Honorable JO ANN EMERSON
The Honorable ELIOT L. ENGEL
The Honorable PHIL ENGLISH
The Honorable ANNA G. ESHOO
The Honorable BOB ETHERIDGE
The Honorable LANE EVANS
The Honorable SAM FARR
The Honorable MIKE FERGUSON
The Honorable MARK FOLEY
The Honorable RANDY FORBES
The Honorable HAROLD E. FORD, JR.
The Honorable VITO FOSSELLA
The Honorable RODNEY P. FRELINGHUYSEN
The Honorable MARTIN FROST
The Honorable RICHARD A. GEPHARDT
The Honorable JIM GIBBONS
The Honorable WAYNE T. GILCHREST
The Honorable BENJAMIN A. GILMAN
The Honorable BOB GOODLATTE
The Honorable LINDSEY O. GRAHAM
The Honorable SAM GRAVES
The Honorable GENE GREEN
The Honorable MARK GREEN
The Honorable JAMES C. GREENWOOD
The Honorable FELIX J. GRUCCI, JR.
The Honorable GIL GUTKNECHT
The Honorable TONY P. HALL
The Honorable JAMES V. HANSEN
The Honorable JANE HARMAN
The Honorable MELISSA A. HART
The Honorable J. DENNIS HASTERT
The Honorable ALCEE L. HASTINGS
The Honorable ROBIN HAYES
The Honorable J.D. HAYWORTH
The Honorable WALLY HERGER
The Honorable BARON P. HILL
The Honorable EARL F. HILLIARD
The Honorable MAURICE D. HINCHEY
The Honorable DAVID L. HOBSON
The Honorable JOSEPH M. HOEFFEL
The Honorable RUSH D. HOLT
The Honorable DARLENE HOOLEY
The Honorable STEPHEN HORN
The Honorable AMO HOUGHTON
The Honorable STENY H. HOYER
The Honorable KENNY C. HULSHOF
The Honorable JAY INSLEE
The Honorable JOHNNY ISAKSON
The Honorable STEVE ISRAEL
The Honorable DARRELL E. ISSA
The Honorable JESSE L. JACKSON, JR.
The Honorable SHEILA JACKSON-LEE
The Honorable CHRISTOPHER JOHN
The Honorable EDDIE BERNICE JOHNSON
The Honorable NANCY L. JOHNSON
The Honorable STEPHANIE TUBBS JONES
The Honorable PAUL E. KANJORSKI
The Honorable MARCY KAPTUR
The Honorable RIC KELLER
The Honorable SUE W. KELLY
The Honorable MARK R. KENNEDY
The Honorable PATRICK J. KENNEDY
The Honorable PETER T. KING
The Honorable JACK KINGSTON
The Honorable MARK STEVEN KIRK
The Honorable DENNIS J. KUCINICH
The Honorable RAY LAHOOD
The Honorable NICK LAMPSON
The Honorable JAMES R. LANGEVIN
The Honorable RICK LARSEN
The Honorable JOHN B. LARSON
The Honorable TOM LATHAM
The Honorable STEVEN C. LATOURETTE
The Honorable JAMES A. LEACH
The Honorable BARBARA LEE
The Honorable SANDER M. LEVIN
The Honorable JERRY LEWIS
The Honorable JOHN LEWIS
The Honorable RON LEWIS
The Honorable FRANK A. LOBIONDO
The Honorable NITA M. LOWEY
The Honorable FRANK D. LUCAS
The Honorable KEN LUCAS
The Honorable BILL LUTHER
The Honorable STEPHEN F. LYNCH
The Honorable CAROLYN MCCARTHY
The Honorable KAREN MCCARTHY
The Honorable JAMES P. MCGOVERN
The Honorable JOHN M. MCHUGH
The Honorable SCOTT MCINNIS
The Honorable HOWARD P. "BUCK" MCKEON
The Honorable MICHAEL R. MCNULTY
The Honorable CAROLYN B. MALONEY
The Honorable JAMES H. MALONEY
The Honorable JIM MATHESON
The Honorable MARTIN T. MEEHAN
The Honorable CARRIE P. MEEK
The Honorable GREGORY W. MEEKS
The Honorable ROBERT MENENDEZ
The Honorable JOHN L. MICA
The Honorable JUANITA MILLENDER-MCDONALD
The Honorable DAN MILLER
The Honorable JEFF MILLER
The Honorable DENNIS MOORE
The Honorable JAMES P. MORAN
The Honorable CONSTANCE A. MORELLA
The Honorable SUE WILKINS MYRICK
The Honorable JERROLD NADLER
The Honorable GRACE F. NAPOLITANO
The Honorable RICHARD E. NEAL
The Honorable GEORGE R. NETHERCUTT, JR.
The Honorable ROBERT W. NEY
The Honorable ELEANOR HOLMES NORTON
The Honorable CHARLIE NORWOOD
The Honorable JAMES L. OBERSTAR
The Honorable JOHN W. OLVER
The Honorable MAJOR R. OWENS
The Honorable MICHAEL G. OXLEY
The Honorable BILL PASCRELL, JR.
The Honorable DONALD M. PAYNE
The Honorable NANCY PELOSI
The Honorable MIKE PENCE
The Honorable JOHN E. PETERSON
The Honorable THOMAS E. PETRI
The Honorable DAVID. D. PHELPS
The Honorable JOSEPH R. PITTS
The Honorable TODD RUSSELL PLATTS
The Honorable RICHARD W. POMBO
The Honorable EARL POMEROY
The Honorable ROB PORTMAN
The Honorable DAVID E. PRICE
The Honorable DEBORAH PRYCE
The Honorable ADAM H. PUTNAM
The Honorable JACK QUINN
The Honorable JIM RAMSTAD
The Honorable CHARLES B. RANGEL
The Honorable THOMAS M. REYNOLDS
The Honorable BOB RILEY
The Honorable ILEANA ROS-LEHTINEN
The Honorable MIKE ROSS
The Honorable STEVEN R. ROTHMAN
The Honorable EDWARD R. ROYCE
The Honorable PAUL RYAN
The Honorable JIM RYUN
The Honorable LORETTA SÁNCHEZ
The Honorable BERNARD SANDERS
The Honorable JIM SAXTON
The Honorable BOB SCHAFFER
The Honorable ADAM B. SCHIFF
The Honorable ROBERT C. SCOTT
The Honorable JOSE E. SERRANO
The Honorable PETE SESSIONS
The Honorable E. CLAY SHAW, JR.
The Honorable CHRISTOPHER SHAYS
The Honorable DON SHERWOOD
The Honorable JOHN SHIMKUS
The Honorable BILL SHUSTER
The Honorable ROB SIMMONS
The Honorable NICK SMITH
The Honorable VIC SNYDER
The Honorable JOHN M. SPRATT, JR.
The Honorable CLIFF STEARNS
The Honorable TED STRICKLAND
The Honorable JOHN SULLIVAN
The Honorable JOHN E. SUNUNU
The Honorable JOHN E. SWEENEY
The Honorable THOMAS G. TANCREDO
The Honorable ELLEN O. TAUSCHER
The Honorable JOHN R. THUNE
The Honorable TODD TIAHRT
The Honorable PATRICK J. TIBERI
The Honorable JOHN F. TIERNEY
The Honorable PATRICK J. TOOMEY
The Honorable EDOLPHUS TOWNS
The Honorable JIM TURNER
The Honorable FRED UPTON
The Honorable NYDIA M. VELÁZQUEZ
The Honorable DAVID VITTER
The Honorable GREG WALDEN
The Honorable JAMES T. WALSH
The Honorable ZACH WAMP
The Honorable MAXINE WATERS
The Honorable WES WATKINS
The Honorable DIANE E. WATSON
The Honorable MELVIN L. WATT
The Honorable J.C. WATTS, JR.
The Honorable ANTHONY D. WEINER
The Honorable CURT WELDON
The Honorable DAVE WELDON
The Honorable ED WHITFIELD
The Honorable ROGER F. WICKER
The Honorable JOE WILSON
The Honorable LYNN C. WOOLSEY
The Honorable DAVID WU
The Honorable C.W. BILL YOUNG

MEMBERS OF THE UNITED STATES SENATE IN ATTENDANCE

The Honorable GEORGE ALLEN
The Honorable MAX BAUCUS
The Honorable ROBERT F. BENNETT
The Honorable JOHN B. BREAUX
The Honorable SAM BROWNBACK
The Honorable MARIA CANTWELL
The Honorable JEAN CARNAHAN
The Honorable LINCOLN D. CHAFEE
The Honorable HILLARY RODHAM CLINTON.
The Honorable SUSAN M. COLLINS
The Honorable JON S. CORZINE
The Honorable TOM DASCHLE
The Honorable MIKE DEWINE
The Honorable CHRISTOPHER J. DODD
The Honorable RUSSELL D. FEINGOLD
The Honorable BILL FRIST
The Honorable BOB GRAHAM
The Honorable JUDD GREGG
The Honorable JAMES M. JEFFORDS
The Honorable EDWARD M. KENNEDY
The Honorable JOHN F. KERRY
The Honorable MARY L. LANDRIEU
The Honorable PATRICK J. LEAHY
The Honorable CARL LEVIN
The Honorable JOSEPH I. LIEBERMAN
The Honorable TRENT LOTT
The Honorable JOHN MCCAIN
The Honorable BARBARA A. MIKULSKI
The Honorable FRANK H. MURKOWSKI
The Honorable BILL NELSON
The Honorable DON NICKLES
The Honorable JACK REED
The Honorable HARRY REID
The Honorable JOHN D. ROCKEFELLER IV
The Honorable PAUL S. SARBANES
The Honorable CHARLES E. SCHUMER
The Honorable RICHARD C. SHELBY
The Honorable GORDON SMITH
The Honorable OLYMPIA J. SNOWE
The Honorable ARLEN SPECTER
The Honorable DEBBIE STABENOW
The Honorable CRAIG THOMAS
The Honorable FRED THOMPSON
The Honorable GEORGE V. VOINOVICH
The Honorable JOHN W. WARNER
The Honorable PAUL WELLSTONE
The Honorable RON WYDEN

The SPEAKER. The Chair recognizes the Honorable BENJAMIN GILMAN and the Honorable CHARLES RANGEL, Representatives from New York, and the Honorable HILLARY RODHAM CLINTON and the Honorable CHARLES SCHUMER, SENATORS from New York, in a reading and presentation of House Concurrent Resolution 448.

READING AND PRESENTATION OF HOUSE CONCURRENT RESOLUTION 448

Mr. RANGEL. Mr. Speaker, Mr. Vice President, leaders of the House and the Senate, on behalf of BEN GILMAN, Senator SCHUMER and Senator CLINTON, and the entire New York congressional delegation, we would like to thank you for your support of this resolution that gives us in New York an opportunity to say thank you for the way you responded to the attack on our city and our State.

You give our mayor and our governor an opportunity to be here on this historic event to say you did not treat us like New Yorkers, you treated us like Americans.

The text of the Concurrent Resolution was read as follows:

Mr. RANGEL. "Whereas on September the 11, 2001, thousands of innocent people were killed and injured in a combined terrorist attack involving four hijacked aircraft, the World Trade Center, and the Pentagon;

"Whereas in the aftermath of the attacks, thousands more were left grieving for beloved family and friends, livelihoods were compromised, and businesses and property were damaged and lost;"

Mr. GILMAN. "Whereas the greatest loss of life, personal injury, and physical destruction occurred in and was sustained by the City of New York;

"Whereas Government and the American people responded decisively through the bravery, sacrifice and toil of the fire and rescue workers, law enforcement, building trades, caregivers, Armed Forces, and millions more who through their many expressions of care and compassion brought forth comfort, hope, and the promise of recovery;"

Senator CLINTON. "Whereas the City of New York attended to the aftermath of the destruction of the World Trade Center with profound respect for the victims and compassion to the survivors; and

"Whereas the City of New York has invited the Congress to meet at the site of the original Federal Hall, where the First Congress of the United States convened on March 4, 1789: Now, therefore, be it"

Senator SCHUMER. "Resolved by the House of Representatives (the Senate concurring), That, in remembrance of the victims and the heroes of September 11, 2001, and in recognition of the courage and spirit of the City of New York, the Congress shall conduct a special meeting in Federal Hall, New York, New York, on September 6, 2002.

Passed by the House of Representatives, July 25, 2002.

Passed by the Senate, July 26, 2002."

(Applause.)

The SPEAKER. Without objection, the Members present, on behalf of themselves and the Congress of the United States, do hereby affirm the aforesaid Concurrent Resolution.

Would Mayor Bloomberg and Governor Pataki please come forward and accept the Concurrent Resolution.

Mayor Bloomberg and Governor Pataki of New York accepted the Concurrent Resolution.

(Applause.)

The SPEAKER. The Chair recognizes the Honorable VITO FOSSELLA, Representative from New York, and the Honorable SUSAN COLLINS, Senator from Maine, in a reading and presentation of the commemorative plaque.

READING AND PRESENTATION OF COMMEMORATIVE PLAQUE

Senator COLLINS. Mr. Speaker, Mr. Vice President, on behalf of the United States Congress, we present this commemorative plaque to Director Mainella for her stewardship of our Nation's treasures, especially this building, Federal Hall.

The plaque is inscribed as follows:

"Commemorative Joint Meeting of the Congress of the United States of America in Federal Hall, New York, New York, this Sixth Day of September, Two Thousand and Two."

Mr. FOSSELLA. "Convened in remembrance of the victims and heroes of September 11, 2001, and in recognition of the courage and spirit of the City of New York.

"This gift to Federal Hall from the Congress of the United States of America was made from a section of Aquia Creek, Virginia, sandstone and used as an original building material of the United States Capitol. It was removed on the East Central Front extension in 1958."

The SPEAKER. Director Mainella, please come forward and accept the commemorative plaque.

Director Mainella accepted the commemorative plaque.

(Applause.)

The SPEAKER. Billy Collins, Poet Laureate of the United States of America, will now read a poem written for this occasion entitled "The Names."

READING OF "THE NAMES" BY BILLY COLLINS, POET LAUREATE OF THE UNITED STATES

Mr. COLLINS. This poem is dedicated to the victims of September 11, and to their survivors.

"THE NAMES"

Yesterday, I lay awake in the palm of the night.
A fine rain stole in, unhelped by any breeze,
And when I saw the silver glaze on the windows,
I started with A, with Ackerman, as it happened,
Then Baxter and Calabro,
Davis and Eberling, names falling into place
As droplets fell through the dark.

Names printed on the ceiling of the night.
Names slipping around a water bend.
Twenty-six willows on the banks of a stream.

In the morning, I walked out barefoot
Among thousands of flowers
Heavy with dew like the eyes of tears,
And each had a name—
Fiori inscribed on a yellow petal
Then Gonzalez and Han, Ishikawa and Jenkins.

Names written in the air
And stitched into the cloth of the day.
A name under a photograph taped to a mailbox.
Monogram on a torn shirt.
I see you spelled out on storefront windows
And on the bright unfurled awnings of this city,
I say the syllables as I turn a corner—
Kelly and Lee,
Medina, Nardella, and O'Connor.

When I peer into the woods,
I see a thick tangle where letters are hidden
As in a puzzle concocted for children.
Parker and Quigley in the twigs of an ash,
Rizzo, Schubert, Torres, and Upton.
Secrets in the boughs of an ancient maple.
Names written in the pale sky.

Names rising in the updraft amid buildings.
Names silent in stone
Or cried out behind a door.
Names blown over the earth and out to sea.
In the evenings—weakening light, the last swallows.
A boy on a lake lifts his oars.
A woman by a window puts a match to a candle,
And the names are outlined on the rose clouds—
Vanacore and Wallace,
(let X stand, if it can, for the ones unfound)
Then Young and Ziminsky, the final jolt of Z.
Names etched on the head of a pin.
One name spanning a bridge, another undergoing a tunnel.
A blue name needled into the skin.
Names of citizens, workers, mothers and fathers,
The bright-eyed daughter, the quick son.
Alphabet of names in green rows in a field.
Names in the small tracks of birds.
Names lifted from a hat
Or balanced on the tip of the tongue.
Names wheeled into the dim warehouse of memory.
So many names, there is barely room on the walls of the heart.

(Applause.)

The SPEAKER. The Chair now recognizes the Honorable RICHARD GEPHARDT, Representative from Missouri and Democratic Leader of the United States House of Representatives.

Mr. GEPHARDT. Mr. Vice President, Mr. Speaker, and my fellow colleagues of the United States Congress, today we speak of the unspeakable, we remember the unimaginable, and we reaffirm our utmost resolve to defend the birthright of this land and our gift outright to this world: Ideals of liberty and tolerance that will never die.

Today, we say to the families who look to this September 11 and know that they will know the pain of their piercing loss all over again, we are with you as one, as the family of America. We pray that, for you, memory will bring hope as well as tears.

We have faith that love out lasts life, and you prove it every day as you carry on the dream of a lost husband or a wife, for the child that was both of yours and, in the truest sense, always will be.

We think of those last calls on cell phones from a doomed building or plane. Those last good-byes. Yet the life of a good person is like a wellspring that does not run dry. Nothing reminds us more powerfully of that than the rescuers of September 11, so many of them taken too, who rescued our national spirit and, amid the smoke and the darkness at noon, sent a flickering light that became a shining beacon for America.

So we have wept together, we have prayed together, given to each other, and stood side by side since September 11 in common humanity and national purpose. The sorrow has been matched by strength. America is on a mission. Not retribution or revenge, not just to defeat terrorism, but to show once again that good can triumph over evil and freedom can overcome fanaticism, as we did in different forums in a global arena twice before in the past century.

Some say that September 11, 2001, is another date that will live in infamy. Surely that is true, but it is also true that we have never known an assault like this, not just on our Armed Forces, but on our people. Not just on our buildings and our possessions, or even on the principles that we profess, but on the very foundation of this open, diverse, democratic society.

We have grown accustomed, too accustomed, to war and slaughter in our world. But most always it was "over there." One place it came before in the heartland was the homegrown terrorism that struck in Oklahoma City. Today, our caring and thoughts are there as well. And they are a half a world away with the young Americans who are on the front lines of freedom from fear.

For all our differences, how remarkably one we are all today. From Ground Zero to a sacred field in Pennsylvania, to a shattered but now rebuilt wing of the Pentagon, and all across this broad land. On the fatal flights of September 11, courage and resistance knew no bounds of party or race or status. They included a young father, a conservative columnist, and a gay man.

E Pluribus Unum.

So while we discuss and debate the next decisions, on the fundamental issue let there be no doubt. In this great and faithful struggle there are no Republicans, there are no Democrats, there are only Americans. None of us, no matter how long we live or what else marks our time, will ever forget September 11. And all of us, in the name of those who were lost for a concept of liberty that must never be lost, and in the cause of civilization itself, are as determined as an earlier generation of Americans to gain the inevitable triumph, so help us God.

(Applause.)

Vice President CHENEY. The Chair now recognizes the Honorable TRENT LOTT, the Senator from Mississippi and the Republican Leader of the United States Senate.

Senator LOTT. Mr. Vice President, Mr. Speaker, Members of the Congress, and distinguished guests, on behalf of the Senate and a united Congress, it is truly an honor to stand in this place in this city, New York City, today.

We are here to remember and to continue to mourn those that lost their lives, those innocent men, women, and children that were killed in that horrible event, September 11, a year ago.

We are here to show our continued appreciation for those that struggled so mightily to free and to save those that were trapped in the aftermath of the experience here in New York City and at the Pentagon.

But we are also here to express our recommitment to the people of New York and Pennsylvania and Virginia that we are with you. We will continue our efforts to help you to rebuild physically and spiritually, and to recommit ourselves to do everything in our power to make sure that America is secure against this horrible event or anything like it ever happening again.

Over the years, New York City has been called many things, from New Amsterdam to the Big Apple. Today, the Congress of the United States, Congressman RANGEL, call it home. We are here, we are comfortable here. We are here to stand with the people in this city because it is symbolic of how we stand together all across America.

We came here a year ago, the week after the infamous date. We expressed our commitment and we have been working every since to keep that commitment, and we will continue to do so.

This is a special place, as has already been said, because the First Congress began the work here that we continue this day. The work of ordered liberty, preserving, expanding the freedoms that now, as then, are the inalienable right of every person.

Two centuries ago, there were those who thought this was all nonsense. In their ignorance and arrogance, they called America a doomed folly. But history overtook them and their crowns and armies are part of the dustbin of history. There are those like them today who cannot see beyond the limits of their own hatred. It is so hard for us in America to even understand why there would be this hatred. They do not understand that in the unending struggle against tyranny, divine providence by whatever name we use is always on the side of freedom.

When the First Congress was meeting here in New York in January, 1790, President Washington asked its Members for "the cool and deliberate exertion of your patriotism, firmness and wisdom." As we face today's challenge to our country, we pledge to the people of New York just what we ask of them and all Americans: The cool and deliberate exertion of your patriotism, firmness, and wisdom.

We have seen it in this city. We have seen it in America, and we are here to do our part in that effort. The duration of our present conflict and its eventual price may be in doubt, but there can be no doubt as to its outcome. From this city's day of horror, out of all the loss and sorrow, has come a strength. I have seen it all across America. A resolve. A determination which, from Manhattan, to Mississippi, now binds us together for the mighty work that lies ahead. Thank you very much.

(Applause.)

Vice President CHENEY. The Chair now recognizes the Honorable TOM

DASCHLE, the Senator from South Dakota and Majority Leader of the United States Senate.

Senator DASCHLE. Mr. Vice President, Mr. Speaker, distinguished visitors and my colleagues, the United States Congress has come here to commemorate a shattering experience. One that has transformed America.

The poet Yeats, after a moment of violent upheaval in his own country, wrote: "All is changed. Changed utterly. A terrible beauty is born."

As we near the first anniversary of September 11 with profound sadness, our hearts ache for those who died and for their families and loved ones. At the same time, we are filled with an abiding sense of gratitude to the people who live and work in this great city, especially the courageous workers and rescuers, for the way they inspired and stunned a wounded Nation.

In their countless acts of heroism and compassion, a terrible beauty was born. In an hour of horror and grief, they showed us how to go on.

Here in New York, at the Pentagon, and in that lonely field in Pennsylvania, the wounds the terrorist inflicted were deep. But America's resolve was even deeper.

Let history record that the terrorists failed. They sought to destroy America by attacking what they thought were our greatest strengths, but they did not understand the true strength of America is not steel, it is not concrete, it is our belief in the ideals enshrined in our Constitution and in our Bill of Rights. It is in our shared faith in liberty and our unwavering commitment to each other.

So what happened on September 11 did not diminish our strength. It renewed it. We stand united today as proud citizens of the oldest and strongest democracy on earth. Our faith in that democracy and in our future is absolute and unshakable.

Next Wednesday, September 11, an eternal flame will be lit in Battery Park. That flame will symbolize our determination never, ever to forget.

We will never forget the heartbreaking loss.

We will never forget the selfless heroism.

We will never forget the terrible beauty that was born here one year ago.

Thank you.

(Applause.)

The SPEAKER. We are gathered here today in this ceremonial session to pay tribute to the people of New York and to the people of New York City who have suffered great loss, but persevered in the face of adversity. In doing so, we pay tribute to the American spirit.

It is altogether appropriate that we meet here today in Federal Hall. After all, it was here that the First Congress met to ratify the Bill of Rights and to inaugurate our first President of the United States, George Washington.

As in 1789, when ordinary Americans did extraordinary things to create a new Nation conceived in liberty and dedication to freedom, on September 11, ordinary Americans exhibited extraordinary courage in fighting a horrific evil.

New York lost hundreds of sons and daughters in that brutal attack on our Nation's freedom. She lost firemen and custodians, stockbrokers, police officers, construction workers and executives.

We also suffered a great loss in Virginia when a plane slammed into the Pentagon, and in Somerset County, Pennsylvania, when another plane that was headed for Washington, D.C., was brought down by the efforts of brave passengers.

We still feel the loss of every single person who perished on that fateful day. But as we lament the loss of life, we can marvel at the bravery of those who rushed in to help.

Such bravery was on display when Battalion Chief Orio J. Palmer and Fire Marshal Ronald Bucca of the New York Fire Department climbed to the 78th floor of the World Trade Center to organize a rescue. Their efforts saved the lives of dozens of people.

Bravery was also on display when several passengers of United Flight 93 decided that they would not let the terrorists complete their plans. They sacrificed themselves rather than let the terrorists win.

Stories of uncommon heroism were common on September 11. The genius of America could be found in the sacrifices of these brave martyrs of freedom.

As we remember September 11, we must look forward to the day when we complete the task at hand, when we vanquish once and for all the terrorists who seek to take away our Nation's freedom.

We thank those Americans who serve in our Nation's Armed Forces who fight to preserve our freedom and still work to bring terrorists to justice.

We elected Members of the 107th Congress, like those Members gathered in this location of the First Congress, simply reflect the desires of a people who cherish liberty and are willing to fight for freedom.

Let us always remember those we lost on September 11, and may God continue to bless America.

Thank you.

(Applause.)

"GOD BLESS AMERICA" SUNG BY CHAMBER CHOIR, STUYVESANT HIGH SCHOOL, NEW YORK CITY

The SPEAKER. The Stuyvesant High School Chamber Choir will now sing "God Bless America."

The Chamber Choir, Stuyvesant High School, sang "God Bless America."

(Applause.)

The Members and guests sang "God Bless America."

The SPEAKER. Ladies and gentlemen of the House and the Senate, this concludes the special ceremonial meeting of the Congress. Members are asked to remain in their seats and make their exit with the colors.

The Chair will assure that the record of these proceedings will be printed in the CONGRESSIONAL RECORD.

The proceedings are closed.

The Colors were retired by the Color Guard composed of members of the New York City Fire Department, New York City Police Department, New York State Unified Court System Officers, Port Authority of New York and New Jersey Police, and the United States Capitol Police.

[Whereupon, the Commemorative Joint Meeting of the Congress was adjourned.]

Mr. ENGEL. Mr. Speaker, I rise first to thank all my colleagues for voting to bring the Congress here to New York. Its been more than 200 years since Congress last met in New York City. It is a fitting tribute that Congress has returned here at this most sorrowful time.

The past year has been a tragic and very difficult time for me and my fellow New Yorkers. We watched in horror as terrorists hijacked two commercial airliners and slammed them into the World Trade Center. We watched in horror as the Twin Towers came down and dust and debris blanketed lower Manhattan. We watched in horror as the names of the more than 3,000 people murdered that day were announced.

But, in the days and weeks that followed, we New Yorkers experienced something else. We felt the hopes and prayers of millions of Americans flow over us. We felt the pride of being an American swell and invigorate us all. We felt the determination of the greatest nation the earth has every known renew itself and commit to rebuilding.

The terrorists intended many things with their attack. They sought to grievously wound our nation. And we were—we paid with the blood of our fathers and mothers, sons and daughters, and brother and sisters. They sought to disrupt our economy. And they did—billions of dollars have been lost and will be spent on recovery.

The terrorists also sought to incite fear into the hearts and souls of every American. But, they FAILED. Instead, they inspired a nation of freedom loving people to stand up to those who would seek to deny them their liberties, their justice, and the American way of life. They inspired us to fight back, so that our children's children will grow up in a world where they can safely speak their views, engage in the political system, and worship in their own way.

As we meet here, in this historic location, I am reminded of one of our country's greatest Presidents, Abraham Lincoln. His words, spoken more than a century ago, are most fitting today: "we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth."

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 11, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 10, 2002, it adjourn to meet at noon on Wednesday, September 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT OF INTENTION TO INSTRUCT CONFEREES ON H.R. 3210, TERRORISM RISK PROTECTION ACT

Mr. FOSSELLA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer tomorrow a motion to instruct conferees on H.R. 3210.

The form of the motion is as follows:

Mr. FOSSELLA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 3210, be instructed to agree to the provisions contained in section 11 of the Senate amendment, relating to satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and the state sponsors of terrorism.

Mr. Speaker, I intend to offer this motion on behalf of myself and the gentleman from North Carolina (Mr. WATT).

OPENING VICTORY FOR THE HOUSTON TEXANS OVER THE DALLAS COWBOYS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I intend to share my 1 minute with my colleague, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Mr. Speaker, it has been a difficult year for Houston, between floods and Enron and reduced energy production, but last night I watched a community come together. Last night, the National Football League came back to Houston after more than 5 years of being gone, and we watched the Houston Texans, a new expansion team, take on our cross-State rivals, the Dallas Cowboys, on prime time Sunday night at the Texas Super Bowl.

I watched as a team that was not expected to win literally won convincingly. It had not happened in 41 years that an expansion team won their first regular season game. I want to congratulate the Houston Texans and Bob McNair for their effort, and they played like veterans.

To quote Willy Nelson, "Momma, don't let your babies grow up to be cowboys," and with the Houston Texans, the pro football team, we now have a new sheriff in town.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding.

Are the Members ready for football? They never believed we can do it; yes, we can. We have the Houston spirit. That spirit is that we won as an expansion team, the first time since 1961: Houston Texans 19, Dallas Cowboys simply 10.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. GREEN) has expired.

Mr. GREEN of Texas. Mr. Speaker, I ask unanimous consent to have an additional 30 seconds.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me say, Mr. Speaker, the hometown boy, Clay Johnson, sang the catchy theme song and the Rocking Reliant stadium stood tall behind our Houston Texans.

I, too, would like to thank Bob McNair, the community, and all the fans that were out there, because we have ourselves a number one team, which is first in line, first in team, and first in scoring: The Houston Texans 19, the Dallas Cowboys 10. Victory for us yesterday.

CONGRATULATING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. NORTHUP. Mr. Speaker, the Valley Sports American Little League Team from Louisville won not only the World Series in this country, but the International World Series. This is a group of 11-year-old youngsters that not only played terrific games all the way through the playoffs, but conducted themselves with such sportsmanship and were such gracious winners that they captured the hearts not only of people in Louisville, Kentucky, but people all across this country.

They were totally unknown, went into the tournament with all the confidence and all the toughness that we would expect a group of 11-year-olds to have. They won the series in this country on Saturday night, and then won the International World Series on Sunday night.

They had the wonderful opportunity of meeting the President of the United States when he was in Louisville last week, and have been greeted with applause all across our community and all across this country. I just rise to recognize them.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BANKRUPTCY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise this evening grievously concerned about the direction this House may be going as it considers the bankruptcy conference report.

G.K. Chesterton once said, the reformer is always right about what is wrong, and he is generally wrong about what is right. But we in this House may have the opportunity to do the work of reformers and the obligation to do what is right this week.

The bankruptcy reform bill has languished in Congress, Mr. Speaker, since before many of us were Members, including me. Many Members of both houses labored tirelessly to reform the old law. I honor them for their outstanding work.

I especially respect those from this House who worked so diligently and faithfully as conferees. They did produce a bill that will eliminate many of the abuses in the current system, encourage personal responsibility, reduce bogus filings, and will put spouses and children in a favored position in collecting obligations owed them by those who seek to hide behind our country's bankruptcy laws.

Mr. Speaker, I heard from my friends from finance and in retailing. They tell me that the bankruptcy reform accomplishes many good things. I cannot nor do I want to disagree with them. Yet, Mr. Speaker, and I say this advisedly, if this House sends this bankruptcy conference report to the President, without question we will have reformed the system, but we will not have done the right thing. We will have been wrong about what is right.

Mr. Speaker, as we all well know, there is language in this conference report that could deny the protection of bankruptcy laws to nonviolent protesters active in the right to life; not violent bomb-throwers or those who physically assault women at abortion clinics, as has been reported. No, as a just and peaceful society, we cannot support private violence for any cause. Mr. Speaker, we are talking about the quiet, dignified men and women who do no more than pray, sing hymns, or hold placards outside abortion clinics, men and women who are doing no more than what the first amendment of the Constitution provides, which every single one of us in this House swore an oath to uphold.

Mr. Speaker, even if we disagree with every fiber of our being, every one of us should be opposed to those laws and tactics that squelch legitimate speech and scare people from expressing their opinions. The bankruptcy law provides the tools to chill not only our first amendment rights of free speech, but our very soul as a Nation. Using the force of law to squelch dissent is unacceptable.

Mr. Speaker, this law, which was crafted so carefully to permit some protests but crush others, will have just that result. The wealthy and powerful will turn their lawyers loose on quiet, peaceful protesters for no reason other than that they dislike the content of the speech. The powerful law firms for abortion rights interests will see to it that peaceful protesters are hauled into the justice system, are forced into settlement that forever forecloses dissent, or into the risk of threats to take their homes, property, and businesses as long as they live.

We will have done the right thing in reforming the bankruptcy code if we pass this report, but, Mr. Speaker, we will have injured the first amendment. We will have set the precedent that the powerful can use the force of law to stamp out disagreeable speech, and we will have cruelly laid the foundation for a permanent debtors' class. This is a legacy I am not prepared to leave my country.

Mr. Speaker, as I think about the blessing that is America, and as I remember those who sacrificed so that I might exercise the right to disagree with my colleagues this evening, I cannot escape the haunting, simple words of the prophet Micah who says, "He has shown you what is good, to do justice, to love kindness, to walk humbly with your God."

With all the respect and honor that is in me to my colleagues, and especially my colleagues who labored so long on this bankruptcy bill, I believe it is incumbent upon us to remove the offending language and send it back to the other body to honor and protect our Constitution, and not miss this calling to do justice to peaceful Americans who would express their dissent in this, the most troubling issue facing our Nation.

CONGRESSIONAL CUBAN POLITICAL PRISONERS INITIATIVE: MAYDA BARBARA JORDAN CONTRERAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to draw attention to a courageous struggle that is taking place on the island of Cuba. While Fidel Castro maintains his stranglehold on freedom of expression, association, and assembly, a growing number of nonviolent dissidents are speaking out to demand civil liberties and basic human rights for Cuba's 11 million citizens.

However, being brave enough to stand up to the regime can come at great personal cost. Opponents of the state are subject to punishments ranging from harassment and loss of employment to beatings and imprisonment. According to the best estimates of human rights groups, Cuban democracy groups, government and nongovernment organizations, there are over 400 political dissidents now languishing in Cuban jails. No other country of Cuba's size has held so many political prisoners for so long and under such cruel circumstances.

I am proud, Mr. Speaker, to be a member of Cuba Libertad's Congressional Cuban Prisoners Initiative. The initiative is a bipartisan effort to promote respect for human rights and democratic change in Cuba. Twelve prisoners have been selected to serve as symbols for the more than 400 men and women who are suffering in Cuban prisons for the expression of their political beliefs.

I would like to take this opportunity to highlight one such prisoner, Mayda Barbara Jordan. Mayda was one of hundreds of Cubans who sought freedom during the 1994 dissident uprising known as the Maleconazo, where hundreds of Cubans took to the streets to demand liberty. Mayda was arrested along with her sister for participating in this mass protest and trying to provide a better life for her family.

Her crime? The Cuban government calls it piracy. Her charge reflects the Cuban government's policy of sentencing dissidents for serious criminal acts in an effort to deny the existence of political prisoners.

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Mayda is a mother of two young children and is suffering from the 8th year of a 15-year prison sentence. Mayda has served time in solitary confinement and has been denied family visits for continuing to voice dissent against the regime and refusing to undergo reeducation.

Her sentence is meant to dissuade others from protesting or leaving Cuba. I urge my colleagues, Mr. Speaker, to join with me and demand the release of Mayda and all of Cuba's estimated 400 political prisoners. Through our efforts and those of such groups as Cuba Libertad, we can draw attention to the continuing atrocities against political prisoners in Cuba and let Castro know that we will not remain silent while these individuals are beaten, tortured and denied access to medical care.

Mayda Jordan and all those advocating for freedom and democracy in Cuba need international recognition for their courageous struggle. Their lives and the birth of a new democratic Cuba depend on it, Mr. Speaker.

HONORING DR. JERRY DONAL JEWELL

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, on August 17, 2002, Arkansas lost a great public servant and a fighter for social justice with the passing of Jerry Donal Jewell, a Little Rock dentist who made political history when he was elected in 1992 as the first African American president pro tem of the Arkansas State Senate.

A sharecropper's son, Dr. Jewell, who was born during the Great Depression, died at the age of 71 in a Little Rock hospital after a brief battle with cancer. Born in Crittenden County, Arkansas, Dr. Jewell attended public school in West Memphis. He later earned his B.S. degree from AM&N College, which is now the University of Arkansas at Pine Bluff, and his doctorate of dental surgery degree from Meharry Medical School in Nashville, Tennessee.

He continued to practice dentistry for over 30 years in Little Rock until his death. Dr. Jewell was the first African American since reconstruction elected to the State Senate for the State of Arkansas. Until his election in 1973, no African American has been elected to the State Senate in the State of Arkansas in 80 years. Between 1963 and 1967 he was president of the Little Rock branch of the National Association for the Advancement of Colored People. He became a lifetime member and president of the Arkansas Conference of the NAACP from 1965 to 1972. During this time and before, he worked throughout the State of Arkansas fighting segregation and racial injustice with the noted civil rights activist Daisy Bates and her husband L.C. Bates. Dr. Jewell played a role in national politics when he served on the National Democratic Party Credential Commission in 1972 and the National Democratic Party Charter Commission from 1972 to 1974.

Dr. Jewell was a hard worker and dedicated public servant who survived the harsh struggles of poverty to succeed not only in education but politics and medical practice. He became the acting Governor of Arkansas, as a matter of fact, when President Clinton was elected President; and when Governor Jim Guy Tucker left the State to come to the inauguration for 5 days, Dr. Jewell was acting governor, and during that time granted executive clemency to two individuals who were facing death row. Of course, that created quite a stir; but nevertheless he prevailed and hung in.

I am proud to know that we attended the same university, we are members of the same fraternity, Alpha Phi Alpha fraternity, and I am pleased to note that a great American did indeed provide tremendous service, not only to the State of Arkansas, but to the Nation as a whole.

HONORING DR. JERRY DONAL JEWELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, I just wanted to add my voice to those acknowledging the passing several weeks ago of State Senator Jerry Jewell in Arkansas.

I served with Senator Jewell from 1991 to 1993 as Congressman DAVIS noted, who, by the way, is an Arkansas native. He left Arkansas when he was 19, but he has never forgotten where he came from.

It was my pleasure also to serve with Senator Jewell in the State Senate. He certainly made history by being the first African American since Reconstruction to be elected to the State Senate. He was the first African American president pro tem and he became acting Governor. In Arkansas the way our Constitution works is if the Governor or lieutenant governor leaves the State, they lose their power as Governor, so Senator Jerry Jewell became acting Governor.

He had a very colorful civil rights history. I attended his funeral a couple weeks ago, and Dr. Roosevelt Brown told this story how when they were young men the efforts to try to desegregate a swimming pool during the summertime in Little Rock that basically involved Senator Jewell talking to the young person at the gate and two or three other young African American men running past and jumping in the pool and immediately all the white folks jumping out, the kind of story now that we think is humorous but at the time was deadly serious. It was a sign of his courage that he participated in those kinds of events.

The gentleman from Illinois (Mr. DAVIS) and I want to acknowledge the passing of Senator Jewell, the part of history he played in Arkansas, and the loss to his friends and family.

CONCERNING THE BUSH ADMINISTRATION POLICY FOR A "PREEMPTIVE" WAR AGAINST IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, like all Americans, I am concerned about the state of affairs in the world today, and how the United States government responds to the changing nature of threats to our national security—especially as we near the one-year anniversary of September 11th, how the Bush administration reacts to these challenges and its approach to solving other international challenges.

We are all committed to acting decisively to win the war on terrorism, and President Bush has had my full support in that effort. In fact, Congress voted as one voice after September 11th to give the President both moral support and authority to prosecute the war on terror and to bring those responsible for the attacks to justice.

I am also concerned that the proposed "pre-emptive war" against Iraq will divert the nation's attention and limited resources from our war on terrorism as well as from domestic needs, such as building up the economy and a prescription drug benefit for our seniors.

In speeches last week, Vice President CHENEY contemplated a "pre-emptive war" against Iraq—one giant step beyond the President's stated goal of a "regime change" that would oust Iraqi president Saddam Hussein, something most of us thought should have happened a decade ago. But Vice President CHENEY'S "preemptive" prescription for dealing with Iraq represents a radical departure from two centuries of U.S. defense and foreign policy and it should be the subject of Congressional hearings and a vigorous public debate.

Also of concern are a number of arrogant and ideological statements made by other Bush administration officials over the course of the last couple of weeks. Especially troubling are those suggesting that the President already has the authority to attack Iraq at will and doesn't need to consult with and get the approval of this Congress by virtue of the 1991 resolution authorizing the use of force in Desert Storm and last fall's resolution supporting the war on terror. At best, this is simplicity without reason, and reason enough to make the U.S. Constitution "required reading" for presidential appointees.

Without ambiguity, the Constitution vested in Congress two powers, among others—the power of the purse and the power to declare war. And the War Powers Resolution of 1973 clearly calls for collective judgment of both Congress and the President in time of war. The act gives the President the authority to act alone only when there is an emergency, an act of defense against a threat; examples would be Pearl Harbor and the September 11th attacks. In others cases a Declaration of War or Statutory Authority must be issued.

President Bush has said that Iraq is governed by evil forces who possess weapons of mass destruction but he has not insisted on an immediate resumption of unfettered weapons inspection by the United Nations as one way of proving his point. Secretary Powell's call for U.N. inspections is a hopeful sign that the Administration is reconsidering. The President and his team should follow the example of his father and make the case to the American people, their Representatives and Senators in Congress, and to the world community that Saddam Hussein poses a real and dangerous and verifiable threat—not only to his own people and Iraq's neighbors in the Middle East—but to the United States and world peace.

From such an exercise, the President could rebuild and perhaps strengthen the coalition of nations that successfully prosecuted the Gulf War, dealing with Iraq from a position of unquestioned strength—based on a broad international consensus. This path also has the virtue of assuring that all other methods to resolve the situation have been tried and there is no other alternative. It's worth noting that this is the same strategy President Bush followed in getting other nations to join us in the fight against terrorism. He would be well advised to follow the same course as he ponders what to do with the Iraq situation.

On the face of it, it may seem easier to make war than to create peace, but it's worth remembering history's lesson that the costs of war are high—in human lives, resources, domestic needs left unmet and other global challenges, while the rewards of peace are far greater, measured by the savings of what would otherwise be lost or wasted—as the Bible says, "Blessed are the Peace-makers."

Mr. President and Mr. Vice President, "Blessed are the Peace-makers," and war should be the last resort, not the first. If you have exhausted all best efforts to resolve the conflict with Iraq by all other means—by prevention, not pre-emption—without success, then the Congress, the American people and the world will give you the mightiest weapon to be had in an arsenal: the moral authority to exercise leadership and prosecute a war that serves the common interest of humanity and advances the noble cause of world peace.

RUSSIAN/UNITED STATES ENERGY COOPERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to encourage our colleagues to support a new direction for America as outlined by both our President and the President of Russia, President Putin.

Later on this month there will be a major energy summit in Houston, Texas, sponsored by the U.S. Energy Association. It will have the major energy players in our country and Russia come together to see ways we can cooperate.

This follows on with recommendations that many in this body took in a document that we produced last fall entitled, "A New Time, A New Beginning" which one-third of the House and Senate joined together in supporting. One of our major tenets was that we should work together with Russia on their energy exploration and development. The reason this is so critically important is, obviously, America's dependence on Middle Eastern crude and the problem it causes us as evidenced by the current crisis in the Middle East. Russia has huge supplies of energy. We have a need; we have the technology. We should be working together.

To that end, Mr. Speaker, there are a number of initiatives underway. I am circulating a memo in the House which I would encourage our colleagues to sign which is a joint statement that will be signed by both Members of the Congress, the House and the Senate, and members of the Duma and Federation Council. This document is followed through in a piece of legislation that I will introduce this week; and hopefully we can have that bill on the House floor before we adjourn at the end of September. In fact, my intent is to have the Duma ratify the document at the end of September. Eight hours later in Washington, the Congress will ratify the same document that calls for an expanded U.S.-Russian cooperation on energy.

Mr. Speaker, that document and the joint statement are as follows:

JOINT STATEMENT OF THE MEMBERS OF THE U.S. CONGRESS AND R.F. FEDERAL ASSEMBLY ON NEW ENERGY AND TRADE COOPERATION BETWEEN TWO NATIONS

On behalf of the U.S. Congress and members of the Russian Federal Assembly we strongly support the recent decision by President Bush on June 6, 2002 to extend market status to the Russian economy. The granting of market status is one of many mutually beneficial measures our two governments should continue to pursue to promote long-term engagement and integration of Russia into the world economy. A key component of new engagement is mutual efforts to bring greater stability to world energy markets and to support sustained economic growth in Russia and the United States.

Russia, with its vast oil and gas resources, a growing and diverse number of private sector companies, and a renewed commitment to investment by international energy companies, offers a unique opportunity to provide stability to an often volatile and insecure world energy market. We recognize that Russia and the U.S. can play a critical role in supporting energy development among the resource rich countries of the former Soviet Union (FSU).

In the coming months we will revitalize the work of the Duma-Congress Study Group on energy policy and coordinate our efforts with our respective Parliaments as well as efforts now underway by the government agencies of the United States and Russia. Among the specific legislative and other measures we commit to pursue are:

U.S. Congressional action to remove trade and economic barriers, including outdated laws no longer applicable to this New Time and New Beginning, such as the review provisions contained in the Jackson-Vanik Amendment of the 1974 Trade Act.

Duma action to strengthen investment incentives in the Russian energy sector, such as full implementation of Production Sharing legislation, encouragement of regulatory reform, and other measures to attract international investment into the Russian energy sectors. Of specific concern are legislative and related policy measures to permit full implementation of projects on Sakhalin Island and in the *Timan-Pechora* region, all of which offer unique opportunities to increase world and U.S. supplies of petroleum.

Regulatory and investment frameworks to expand Russia's oil and gas export capacities.

Joint parliamentary support for Russia's ascension to the WTO.

High level and sustained exchanges on energy development between official entities and private sector companies of Russia and the United States.

As our two governments proceed with this important Energy Dialogue we call upon them to consult widely with interested parties to promote exchanges and to seek support from the broadest cross section of our business and civil societies. Among the important non-governmental groups we value highly and whom we will continue to consult with are the Moscow International Petroleum Club, US-Russia Business Council, American Chamber of Commerce in Moscow, Russian-American Council for Business Cooperation, American-Russian Chamber of Commerce and Industry and other related entities that can play a critical role in policy assessments and promoting private sector exchanges. We will encourage the government agencies of Russia and the United States to consult widely with these groups.

H. CON. RES. —

Whereas the Russian Federation, with its vast oil and gas resources, a growing and diverse number of private sector companies, and a renewed commitment to investment by international energy companies, offers a unique opportunity to provide stability to an often volatile and insecure world energy market;

Whereas on June 6, 2002, Russia was granted market status economy [by the United States?];

Whereas the granting of market status is one of many mutually beneficial measures that the Governments of Russia and the United States should continue to pursue to promote long-term engagement and integration of Russia into the world economy;

Whereas a key component of new engagement is mutual efforts to bring greater stability to world energy markets and to support sustained economic growth in Russia and the United States; and

Whereas both Russia and the United States can play a critical role in supporting energy development among the resource rich countries of the former Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) in proceeding with [this important energy dialogue?] the Governments of the Russian Federation and the United States should consult widely with interested parties to promote exchanges and to seek support from the broadest cross section of business and civil societies; and

(B) the United States should remove trade and economic barriers [with respect to Russia?], including provisions of law that are no longer applicable, such as chapter 1 of title IV of the Trade Act of 1974 (commonly referred to as "Jackson-Vanik"); and

(2) Congress—

(A) supports the actions of the Russian Duma to strengthen investment incentives in the Russian energy sector, such as full implementation of production sharing legislation, encouragement of regulatory reform, and other measures to attract international investment into the Russian energy sectors;

(B) supports the actions of the Russian Duma to permit full implementation of [energy?] projects on Sakhalin Island and in the Timan-Pechora region, all of which offer unique opportunities to increase world and United States supplies of petroleum;

(C) encourages regulatory and investment framework in Russia to expand Russia's oil and gas export capacities;

(D) supports the accession of Russia to the World Trade Organization (WTO); and

(E) supports continued high level and sustained exchanges on energy development between the Governments of Russia and the United States and between businesses in the two countries.

Mr. Speaker, I would also call my colleagues' attention to a speech being given at the National Press Club this Thursday by Senator CONRAD BURNS. In that speech he will focus on the need for America to move toward joint U.S.-Russian energy cooperation.

Mr. Speaker, one final point, I will be contacting the administration tomorrow because the upcoming summit on October 1 and 2 in Houston is critically important, but to this date my understanding is it does not have a large focus on the legislative process as part of the energy initiative. And, obviously, we cannot have a joint energy relationship unless both bodies in both countries are directly involved. So I would call upon the administration to provide a provision in that conference for Members of the House and the Senate, members of the Duma and the Federation Council to speak to the issues of importance that will allow us to implement the ideas and the proposals of both President Bush and President Putin on ways that we can expand the cooperation between the U.S. and Russia in the energy arena.

UNITED STATES SHOULD PARTICIPATE IN UNITED NATIONS WORLD SUMMIT FOR SUSTAINABLE DEVELOPMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, I have just returned this last week from participation in the United Nations World Summit for Sustainable Development. It was truly an amazing experience, Mr. Speaker. It was the largest conference ever conducted by the United Nations. It was attended by over 100 heads of state who took part in the summit, joined by over 21,000 people, 9,000 delegates, 8,000 representatives of a variety of nongovernmental organizations and 4,000 members of the press. It was something that I will remember for a variety of reasons.

In one respect it was interesting in terms of the context in which the summit was taking place. Amidst news of drought, forest fires, devastating storms and flooding around the world, millions of people had been displaced in Asia, there were disastrous floods in central Europe, everybody that I met with and I had the opportunity to visit with the representatives of over two dozen countries, there was not one person when did not feel that the terrible ecological disasters that provided the backdrop in the news were not somehow connected to the cavalier treatment that we have accorded to the environment. There was virtually no skepticism expressed on behalf of the concerns for global climate change, for instance.

Now, while personally embarrassed that the United States did not have a greater presence, and somewhat overwhelmed by the environmental challenges we face, I returned from that experience with a greater sense of optimism than I would have thought possible just a month ago.

Now, make no mistake about it, I fear the United States was the big loser at that summit. I mention that there were 104 heads of state, not the President of the United States, who was staying on his ranch in Crawford, Texas, and participating in various fund-raising events around the country, allowing the United States to be portrayed as an obstructionist or uninterested in a conference to which most other countries sent their leaders. I found a certain amount of irony when the United States, at least some members of the administration are beating their drums for a potential action against Iraq, when a number of people noted the need if we are going to be moving forward to have a global alliance similar to that which was assembled by President Bush's father when he was involved with the war against Iraq with Operation Desert Storm. It seemed particularly ironic that the head of our government, who had an opportunity to meet with our global partners, strengthen bonds, and obtain support for difficult policies that require international cooperation was not there. It had a number of other spill-over effects. Frankly, we did not get credit for many of the more positive developments that we were involved with.

For instance, during the negotiations on the plan of implementation, which was the international agreement produced at the summit, the United States negotiators opposed most of the specific targets in the plan dealing with climate change and energy. The United States opposed language that would have set a goal for industrialized countries to increase their use of renewable energy by just 2 percent over the next decade. It is kind of hard to believe that the United States, with all of its resources and technology, its leadership, with a public that understands the need for energy independence and not being further reliant on unstable energy sources in the Middle East, hard to believe that our administration thinks it is not possible that the United States could meet the challenge of increasing our use of renewables in the next decade by just 2 percent.

It was disappointing that the United States seemed to avoid any discussion of global climate change, our contribution to the problem, and meaningful solutions.

The United States did finally support the summit goal to cut in half the number of people living without basic sanitation, matching our objectives for clean water, drinking water. This was important, Mr. Speaker, because by linking those two goals together, we have the opportunity to increase 300 percent the effectiveness of our investments. And I was pleased that at the last minute the United States abandoned its advocacy of destructive language that would have undercut women's reproductive health and freedom. It was a little embarrassing for a while that our partners in the fight for reproductive women's rights were those coming from the Arab states. In its original form it would have been a declaration that the Taliban would have felt comfortable with.

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But as I say, this was one area where we were able to see some changes that took place.

Mr. Speaker, I have some other thoughts and observations relative to the experience here; but I note that I have been joined by my colleague, the gentlewoman from Los Angeles, California (Ms. SOLIS), and I yield to the gentlewoman to make some comments, a woman who is deeply concerned about environmental issues and provided leadership internationally and at home for herself in California.

Ms. SOLIS. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to also thank the gentleman from Oregon for putting this discussion here before the public.

And I too, Mr. Speaker, rise to express my frustration with the leaders of our country, particularly the Bush administration, in their failure to be fully supportive of all the participants at the recent Johannesburg World Summit on Sustainable Development. The Johannesburg conference was a meeting where nearly 200 countries came together for 10 days to search for ways to bring clean water and sanitation to nearly 2 billion of the world's poorest people, the world's poorest people.

Because of this administration's unwillingness to help meet the needs of our global society, there were a few binding commitments made at the conference and our world leaders left that conference without addressing some of the most pending issues, like issues regarding AIDS, smokestack emissions, or uneven benefits of global trade. Carbon dioxide emissions, as my colleagues know, have risen 18 percent above 1990 levels in the U.S., by 11 percent in Japan, 13 percent in Canada, and almost 30 percent in Australia. As our carbon dioxide levels have risen, so too have our instances of weather-related disasters, and we see that here in the U.S. more and more.

Since 1975 these natural disasters, namely droughts, windstorms, and floods, have increased by 160 percent, killing approximately 440,000 people and causing $480 billion worth of damage in the 1990s alone. And still the U.S. negotiators fought efforts to decrease our world's dependence on dirty fossil fuels and increase our focus on alternative energy use by refusing to commit to deadlines that would have held our world leaders accountable? Any teacher or student will say that deadlines are necessary to ensure progress. We know that. And yet this administration would rather continue to allow people to live in unsanitary and unhealthy and unthinkable conditions in the name of flexibility.

During this past week, we heard repeatedly from U.S. officials that actions speak louder than words. If our actions are truly commendable and beneficial, why does this administration fear committing to sustainable development not only in action but in clear words and statements? There must be some form of accountability. No longer can we live without the understanding that this is a global society and we have to work together with real plans and real goals and real accountability to ensure that development is sustainable, not just in this country, in the U.S., but in the entire world. We have a responsibility.

The world's scientists predict that the Earth's temperature could rise by a global average of 6 degrees celsius by the year 2100. This reality demands action now; and 10 years ago at the Rio conference, many new initiatives and goals were put forward, and at this conference there were only two instances where we set a true goal. Number one, by 2015 we committed cutting in half the proportion of people who did not have access to basic sanitation. Number two, we established greater marine-protected networks. And in every case existing commitments were either reaffirmed, watered down, or altogether trashed.

When are we going to get serious about solving the problems of sustainable development? The goal of the summit was to implement a vision for a healthier and more sustainable future; but it fell far short, and now our country risks falling behind our competitors who will develop innovative and profitable and clean and efficient technologies, but where does that leave us? Where does that leave the United States?

It is time for this administration to start focusing on sustainable development.

Mr. BLUMENAUER. Mr. Speaker, we have also been joined this evening by the gentleman from California (Mr. FARR), my colleague from Carmel/Monterey, a gorgeous district in California. I have been impressed since the day I first came to Congress with the Congressman's deep appreciation for the environment and the leadership that he has provided, whether it is for scenic highways, coastal conservation, understanding the role that sustainable agriculture plays, and was host to the first White House conference on the oceans.

I yield to the gentleman from California (Mr. FARR) for comments on the world environmental summit.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER), my colleague and good friend, for yielding; and I want to congratulate him and my other congressional colleagues who went to Johannesburg, South Africa. While he was in South Africa, I had the privilege of being in his beautiful State, in fact in his district of Portland, Oregon; and I can tell my colleagues that indeed the western United States and particularly Oregon is one of the most beautiful States in the United States; and I would recommend to everybody who wants to see spectacular scenery and uncrowded highways just to visit that great State.

My colleagues all came together in Johannesburg about 2 weeks ago to address the global issues that exist at the intersection of economic development and environmental sustainability. I happen to be very keenly interested in the outcome of that because my district that my colleague just mentioned is the salad bowl center of the world and we cannot continue to produce fresh fruits and vegetables if we do not have a clean environment, clean water, clean air; and we know that from our interest in trying to develop small business economy through tourism and ecotourism that indeed the environment sells. Well, the environment cannot sell and cannot be there for small businesses if it is dirty.

My colleagues all went to Johannesburg to declare along with other countries the commitment to making the Earth cleaner, a more healthy place for humans and all living creatures; and I, following the press article, I was struck by how many poor Nations, who could least afford to send representatives from their government and nongovernment organizations, but indeed did hope that they could persuade the richer countries to help them grow their economies in socially and environmentally sustainable ways.

I think one of the most positive outcomes of the summit was the agreement by all nations to begin managing the marine resources with an ecosystem approach and to restore fish stocks to sustainable levels by the year 2015. I pledge to continue to work with the U.S. and all nations to make these goals and reverse the devastating trends in pollution and overfishing that we see in the oceans all over the world.

I was shocked, as my colleague's comments pointed out, and I am sad to say that I believe that our administration remains blinded to these issues; and I think it remains blinded because they really have not listened beyond the short-term special interests, corporate interests in America.

Let me tell my colleagues that I represent the State of California and chair the Democratic delegation in that State. Look at California. I mean, we have that comment here that sort of anything but California, but indeed, California is a nation-state. It is 33 million people. It is the fifth largest economy in the world. It is the most diversified in businesses, everything from Hollywood to Silicon Valley to agriculture. It was the leading agriculture State; and it goes on and on and on.

Yet this State that is such an economic engine, which has more cars, more people to consume energy, more air conditioners, more houses, more buildings to heat and cool, more of everything, has created policies in that State, political policies, that are implemented and carried out. The bottom line is that California consumes the least energy per capita of any State in the United States.

Why am I saying this? Because if the U.S. remains unwilling to truly come to the global negotiating table, strong commitments toward such efforts as reducing the emission of greenhouse gases and urging a change of the way from an unsustainable pattern of consumption and production, then California is going to suffer, the businesses of California. Why? Because in business there is a need to have fairness, and fairness essentially is a question of certainty.

If one is going to take capital and put it into something at risk, they want enough certainty that they are going to be able to get a return for their investment. That is what California businesses do every single day. Only the balance of that certainty is shifted away because the Federal Government fails to take a lead in leveling the playing field, which means, really, upgrading the playing field so that California, which is doing things that are environmentally very sensitive, gets treated wrongly in this town. It hurts all the small businesses who are not able to compete on a level playing field, and it certainly hurts our big corporations.

Are they going to the State legislature and asking the State to repeal all these tough environmental laws in California? Absolutely not. In fact, our national leadership should be championing the leadership of cleaning up the pollution. This administration should be acknowledging the leadership of California Governors. When we look at them, Republicans and Democrats alike, Republican Governor George Deukmejian; a Republican, Governor Pete Wilson; and now Governor Gray Davis, who just signed the toughest automobile car sequestration emission standards in the world.

That is the kind of leadership that American people are asking for. Was it easy to do politically? Absolutely not. Everybody who was in the automobile industry opposed it; and yet California has the largest automobile sales, the largest consumption of automobiles in the United States.

Why was it accomplished? Because it really was the right thing to do. California really wants to move towards sustaining itself internally on energy and making sure that energy is clean. We are the leader of wind energy; we are the leader of solar energy; we are the leader in geothermal energy; we are the leader in biomass production. All of these alternatives, which show that we can meet these really tough standards and still make a profit, I think ought to be recognized.

Business really needs fairness at the national level, an equal playing field; and I ask this administration, I ask the President of the United States, to help bring up the rest of the Nation to California standards, to recognize, as the leaders in California, ought to be praising Governor Davis. But because it is an election year and people are sensitive about partisanship and the President is a Republican and the Governor is a Democrat, that instead of praising him for doing the right things, there is a criticism going on and that criticism is just unjustified when we look at the voices that were in Johannesburg and what they were saying.

They want this Nation to join California, to be more like California, so that together we can lead the world, not drag the world down, which is the image that we had in Johannesburg.

I am absolutely thrilled that members of the legislative branch, the checks and balance system that we have in our Constitution, were able to go to Johannesburg and to indicate to the delegates that not everybody in the United States was against setting some really tough global standards and to providing the money and capital and leadership to move the world in that way. I am thrilled that my colleagues and others, including, I see, the gentleman from Maine (Mr. ALLEN) is here, people that ought to be thanked by the American people for their commitment to making sure that the world understands that we in the United States are trying to, in Congress, invest moneys in developing appropriate technologies so that those technologies can be applied in the developing countries around the world so that they can indeed have a clean, healthy environment to raise their children in.

I thank my colleagues for representing us at the world summit and thank them for having this colloquy tonight.

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Mr. BLUMENAUER. I appreciate the gentleman's attendance and his focusing on the leadership, for instance, that has happened now in California dealing with more fuel-efficient cars. I think it is clear that the American public would have responded, if Congress and the administration, when we were dealing with an energy bill, would have stepped forward to produce similar standards on a national level to reduce our reliance on fossil fuels, to protect the environment, to reduce greenhouse gases has ultimately saved the taxpayer money.

The gentleman referenced our being joined this evening by our colleague, the gentleman from Maine (Mr. ALLEN). Let me just say that one of the positive aspects of this conference, for me, was watching men and women from around the world who were policymakers and who understand the need to protect the environment come together. I had the privilege of watching our colleague from Maine participate in an organization called GLOBE, Global Legislators Organized for a Balanced Environment, and I am pleased to say that the United States Congress was well represented in a bipartisan fashion.

I think the international president, or chair, is our colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), who was eloquent on several occasions in pointing out that there is some bipartisan support for improving environmental standards. The national chair is the gentleman from Connecticut (Mr. SHAYS), and the gentleman from Maine (Mr. ALLEN) chaired some interesting negotiations with representatives from a dozen different countries around the world dealing with renewable energy.

I am pleased that the gentleman is here. I am pleased to have watched him in action provide some leadership in Johannesburg on behalf of not just the United States but parliamentarians from around the world, and I would be honored if the gentleman would join in this discussion at this point.

Mr. ALLEN. I thank the gentleman for yielding, and it certainly was true that being in Johannesburg for the time we were there was a very interesting experience. My colleague mentioned the meeting I chaired on renewable energy, and that in itself was an eye opener, I guess I would say, because we had around the table several representatives from Japan, two from Slovenia, two from Sweden, one from Thailand, one from the Philippines, one from Uruguay, and I am sure some others. It was a cross-section of nations large and small from really all around the globe. South Africa was included as well.

The interesting thing, to me, is how much different countries are trying to make sure that these international goals that are being talked about more elsewhere than here in the United States somehow fit their own countries and their own experience. And that is basically what you would expect. But what is true, I think, from this experience and from others is that most other countries realize that the climate is changing fast; that it is due to human emissions, carbon emissions in particular, and that, and this is where the United States is not following, that we need to do something about it. We need to do something fairly serious quickly. It is clear that the Europeans are taking the lead in a number of renewable energy technologies, wind and solar and small hydro and others, and we are being left behind.

I happened to go to an exhibit by BMW, where they were describing an engine that can run both on gasoline or alternatively on hydrogen, and they were arguing that this kind of internal combustion engine that can run on hydrogen is a transition to a hydrogen future. One of the problems is that, of course, if we are going to have cars that run on hydrogen, and in fact where the by-product is not carbon dioxide, carbon monoxide, or whatever, but water, where you could get to zero emissions quickly, we do not have a lot of hydrogen filling stations around this country or in Europe. And they were talking about this as a way to do a transition.

Mr. FARR of California. If the gentleman would yield. I am very curious about the gentleman's discussions. We spend a lot of time here in the House of Representatives and on the floor arguing trade issues, and obviously issues come up about trade sanctions. When the gentleman looked at the commitment that people were making in South Africa, did he get any feeling that we may be isolating ourselves from future markets because our standards are not good enough, our automobiles are not clean enough; and, therefore, they are not going to allow them to be sold in those countries; that our other exports of our machinery does not meet high enough standards to be marketed in those countries, and that we are really shutting off our ability to do trade?

Even though a lot of times the brainpower for that technology really rests in the United States, it is just that we have not had a commitment to investing that brainpower in the tools that can be incorporated in our polluting instruments.

Mr. ALLEN. I have no doubt that the gentleman is right. A couple of things. It is clear that the EU legislature and individual European countries are setting higher standards. They are setting some standards. They are setting higher standards, obviously, than the Federal Government here for carbon emissions. And the result is that they are triggering the need to do a substantial amount of research and development in renewable fuels, in ways of converting to new fuels, and to having more renewable technologies.

I think it is likely, based on what I heard in Johannesburg, that Europe is going to go roaring by the United States when it comes to developing new technologies of this kind. That is going to leave us, in the long run, at a disadvantage in the European market. And when carbon restrictions come in this country, as they surely will, it will leave U.S. automakers and others really behind the 8 ball.

Mr. BLUMENAUER. Could I just interject for a moment? Because I enjoyed touring that exhibit with the gentleman from Maine by BMW, and it did strike several chords. One, to the point made by our colleague from California, we are already being foreclosed by certain market segments. Next year, there are three hybrid vehicles that consumers can choose from, all made in Japan. And they have a waiting list for them. People want them. They are in my colleague's district, in my district, and it is a little frustrating to see that.

We have, however, American automakers who are meeting the standards, the higher standards in Europe. They are meeting the 40-mile-per-gallon fleet standard. They are having to contend with that. They are competing in the European market already. But they are somehow feeling that they cannot impose those higher standards here at home. And I find that a little frustrating.

And I know that the gentleman's point is right. In the long run, to the extent to which we resist that, we are going to lose business, not just internationally but we are going to lose business here at home.

Mr. FARR of California. Well, it is rather embarrassing, if not shameful, that our country that is always sort of championed as being in a leadership role of higher quality, of better standards, of caring for living things, protection of species, and so on, would be so negative about in this race for to clean up the planet; that we are not at the front of the parade.

It is embarrassing for me from a State that is trying to be at the front of the parade but not having any cooperation from the Federal Government to keep us up there or to encourage us to go further by bringing the rest of the Nation up to those levels.

Mr. BLUMENAUER. If I could make one last point, then turn it back to my colleague from Maine. Just following up on that, in that session that the gentleman from Maine chaired, we were joined by a friend of ours from Great Britain, a member of parliament, Tony Coleman, who pointed out that in Great Britain in the 1990s, they made the transition from dirty coal-fired power plants to cleaner gas power plants to generate electricity.

We in the United States, if we, instead of as the administration is suggesting, undercutting the new source review and dealing with the requirement of our own Clean Air Act for these dirty power plants that are having a devastating effect on my colleague's State, amongst others, we would just deal with the spirit and the letter of the law, clean up those power plants, we would reduce our emissions to the level that we had in 1990 and be well on our way to meeting the Kyoto protocols.

Mr. ALLEN. If the gentleman will continue to yield, I do not think people realize that one-third of all carbon emissions in this country come from these old coal-fired and oil-fired power plants that are grandfathered under the Clean Air Act. If we just bring them up to new source review standards, we will do an enormous amount to improve the carbon emissions situation in this country. That is probably the easiest step to take. It is probably the first step that we will take at some point to deal with these old power plants, and it makes no sense to keep putting it off.

I thought it was interesting, the meeting that GLOBE held. They had all sorts of meetings. In fact, GLOBE was a very active organization in Johannesburg. They did a terrific job. But the meeting I was chairing was all about the most controversial topic in Johannesburg, which is whether we should set targets and timetables for renewable energy.

Right now, globally, renewable energy sources, as defined by the U.N., represent about 2 percent of all power generated in the world. And the question was should we move to a target of getting, as I recall, a 10 percent increase by 2020 over the 2 percent that was applicable today and in 2000. It was a major goal but an achievable goal. At least the rest of the world thought it was achievable.

But it struck me that the problem the United States has, and particularly the Bush administration right now, is we cannot argue for a position to be adopted internationally if we are not willing to advocate for that position at home. And the fact is that the President's Clear Skies Initiative, so-called Clear Skies Initiative, basically would reduce carbon emissions in this country by about as much as if we did nothing at all.

Carbon emissions are continuing to go up, but they are going up slightly less than they did in the past. Under the President's proposal, they will continue to go up at a significant rate but slightly less than they did in the past. The rest of Europe, the Japanese, and countries in Africa and in South America, are saying what good does that do? You have to first stabilize the emissions; stop them from growing. And that is really what we need to do.

So that was a tremendous point of contention throughout Johannesburg. The U.S. never gave in. They never agreed to any targets or timetables. But I believe that the reason is clear: The President has basically said global warming is a problem. Adjust to it. And that is not the kind of response that the rest of the world believes is responsible.

Mr. FARR of California. It certainly does not demonstrate leadership. There is no way anyone can take the United States position and argue that we are a leader in this field.

I think we have been a leader in bringing about the consciousness of global pollution and admitting that we are, as tremendous consumers of our material goods, leading the world in pollution. And we have been a leader in recognizing that we have to do something about it, but that has always been initiated more by local communities and States. There has been sort of an attitude in America that you think globally and act locally. And certainly that has been the response coming out of the West, and I think out of my colleague's State of Maine as well.

The frustration that I have experienced in my political life has been that without leadership we do not get commitment of research dollars, of essentially those key dollars or those lending programs through international banks.

Attention was brought to me by a constituent who actually worked out the technology with a lot of firms, none of which were American companies, on how we could reduce all oil dependence on all the islands around the world. All of the islands do not produce oil, so they have to ship it in. It is very costly. Yet they are surrounded by two things; they are surrounded by sun and they are surrounded by saltwater. If we could use the sun to convert the saltwater, one, we get fresh water for the island, which, in addition, could be used for mariculture, so we could start growing fish products onshore that would have global markets as well as a domestic market; and, two, we reduce the independence of having to ship this oil. Hawaii is a good example in our country. And we have a by-product of clean water and an energy source.

□ 2015

That is very expensive to do; and the first time it is done, it is not cost effective. There is no profit. There needs to be a risk, and usually those kinds of risks are taken by government loans and subsidies, but we have to get it started.

I wonder if there was any discussion in Johannesburg about how to get the money in place to do some of these absolutely essential things.

Mr. BLUMENAUER. We met with business people, governments, and with academicians from around the world; and it does not seem that this is something that should be beyond our capacity.

First, the simple fact is that the future of energy in some way is going to deal with solar energy. In 1 hour, the sun radiates as much energy as the world consumes in a year with all of its fossil fuels. Being able to advance the technology, which is moving forward, to be able to harness virtually an unlimited supply of energy for the Earth's needs seems to be a top priority.

We had advocated, all of us in the U.S. delegation, Members of Congress from both parties, suggested there be one simple step, that when we have all of these export credit agencies, OPEC, the World Bank, Ex-Im, that there be a commitment that 10 percent of the energy facilities be renewables. We could do that with the stroke of a pen. It would move forward, help jump-start this. Sadly, that was resisted.

The goal of 15 percent by 2015 seems to be within our grasp if we use opportunities like this. But both gentlemen have been talking about United States leadership. I am frustrated that the United States steps back and uses excuses in lieu of leadership. In that session that the gentleman from Maine (Mr. ALLEN) chaired, there was a minister from India, and we point out that the United States consumes 36 times the energy and has 36 times the greenhouse gas emissions than the average Indian. The average citizen of India emits one-sixth of the greenhouse gases of the world average, whereas the United States emits six times the world average, 25 percent for less than 5 percent of the world's population. Yet somehow the administration feels that this desperately poor country of India that is emitting less than one-thirtieth of the greenhouse gases than we are, somehow they should step up and assume leadership. I think it is an abrogation of our responsibility.

Mr. Speaker, I would like to say that I appreciated the way the gentleman from Maine (Mr. ALLEN) guided that forward to have a resolution that was approved by these parliamentarians unanimously.

Mr. ALLEN. Mr. Speaker, if the gentleman would continue to yield, his point is an excellent one. One thing that we need to do more of with both China and India, they are going to be using some coal. Both have supplies of coal. They are developing their economies faster than other countries around the world, both are in different ways. But the best technology we have for clean coal use we ought to be making sure gets transferred to the Chinese and the Indians so they can do the best they can in holding down emissions.

I want to say a couple of other things about the U.S. position. It struck me that the problem was not that the United States did nothing, but that our reach was so short. By rejecting any effort to set targets and timetables for getting to more renewable energy, we were basically sitting back on the primary issue before the conference.

I would say the administration took several positions. They said we want to establish partnerships, partnerships between governments and the private sector and the nonprofit sector. Many of them were rolled out, and many of them I think are going to make a contribution. There is nothing wrong with a proposal for partnerships that deal with some of these environmental issues. The administration was also saying that we need to insist on good governance because so often aid money has been wasted when it goes to governments that are corrupt or inefficient; and that, too, makes good sense. But, it fell so far short of what the expectations were around the world, and I think in many quarters here in the United States.

It was only right near the end of the conference, probably a day before I left, which was the day before Colin Powell spoke, that we actually agreed to one target which had to do with sanitation, trying to move and I do not remember the exact number, but to cut in half the number of people living without sanitary and sewage facilities around the globe by 2020. But there was a case where at last, after a lot of negotiation, the U.S. finally came around to the position that the rest of the world had arrived at a long time before, and we were the lingering holdout.

I just want to make one more point about the mood. At a number of different meetings, I got the sense that we do face a crisis. Sustainable development is more than the environment. In fact, it is more than the economy of a country plus its environment. It also involves how people are living and whether they have a standard of living that is appropriate and one that is reasonable for them to expect given the circumstances of that country. In other words, sustainable development to the rest of the world has an economic component, an environmental component, and a social component. Often here in the United States we kind of leave out that social component, perhaps because we are at least generally the wealthiest country in the world. But it did seem to me that there was a sense both in a meeting that I went to on Latin America and in some of the conversations on Africa that this globalizing system, this growing uniformity of financial structures in developing countries, was not working very well for ordinary people.

In too many countries around the world which have been forced to open their markets both to goods and capital from other countries, they have found that the capital that comes rushing in can go rushing out just as fast; and they are concerned that their economies are not growing. They are stagnating. In Eastern Europe, after the breakup of the Soviet Union, in Africa, even Latin America, the rates of growth have been negative or so slow as to cause serious social problems.

Mr. Speaker, that is a component of this debate that needs to be addressed; and I think it needs to be addressed by making sure that when we set policies, whether trade policies or aid policies, we are doing things that empower people at the grass roots in countries so they can go out and make a living and start a business and have the kind of economic growth that we have experienced so often in this country.

Mr. BLUMENAUER. Mr. Speaker, one of the things that concerned me was that we seem in the more developed countries to have a blind spot towards that equity, and there did seem to be a dual standard.

There was a fascinating meeting which discussed the devastating impact that the more advanced countries' agricultural policies have on poor countries. All three of us had deep reservations about the agriculture bill that passed on this floor and was signed into law by the President just a couple of months ago.

But the European Union, for example, is ignoring its own egregious agricultural practices, which are actually worse than ours. For instance, poor countries in Africa were denied access to the European sugar market where prices are kept artificially high, some three times the world price, to deal with the sugar beet industry in Europe. Poor countries cannot have access to that market; and the Europeans are producing so much that they are dumping that sugar on the world market, undercutting the poor sugar farmers in Africa, much like corn from the United States is going to Mexico and driving poor farmers out of business in Mexico. And our farmers are getting rich subsidies from our government. It costs them more to produce than they get from the market, and the surplus is dumped overseas.

Yet we have aggressive policies to try to force some of the poor countries to open their markets to protect intellectual property I understand, to protect capital I understand, to protect drug patents; and sometimes it is less understandable why we do not do more to protect poor countries, and yet we hammer them with our inconsistent, and I would be prepared to argue, improper agricultural policies that are bad for the taxpayer, bad for the environment, and bad for most farmers and end up devastating poor farmers around the world.

Mr. FARR of California. Mr. Speaker, I think what turns that around is leadership. Leadership needs to be provided to get us out of the broken modality.

I think back to the years when I was a Peace Corps volunteer and had no resources except the people. They did not want to necessarily be American consumers and have all these goods, because they could not afford them; but they wanted a better life-style. What I think they wanted from the leadership was how can we have a better life-style without having to pay the price of pollution. They would say we live in pollution and streets that do not have sewers. We live in houses that do not have clean water, or any water at all. We live in houses that have no electricity, or if we have it, it is very weak because it is borrowed from what they call contraband electricity.

They were not asking for more bad, more ugly, more evil; they were asking how do we use the smart technologies in the United States. And I think we have done that on a couple of examples. For example, cell phones, a great technology, have eliminated a need to wire everything. Those things are very, very costly; and we are using a technology where satellites can help us communicate all over the globe. That has a social impact. It allows people access to information, and we do not necessarily have to build poles. Look at how if we could tear down all of the power lines in the Unites States how much more attractive many communities would be if they did not have all of those wires hanging everywhere.

My experience has been to lead us into the appropriate technology that is necessary for us to be in this world. The gentleman mentioned corn in Mexico. The one thing that the Mexican farmers are doing is they are starting to grow organic. Where is the organic market in the United States? They do not have to buy a lot of expensive fertilizers and get into the expensive infrastructure to compete with America. They have cheap labor. Organic farming is labor intensive. It takes more people to produce a crop than just doing it with chemicals.

There were examples of where American technology, American ingenuity can help countries overcome some of their pollution problems. I think what we have not demonstrated in this country is the will, the political will, the leadership that it takes to move forward.

Mr. Speaker, I appreciate the gentleman's recognizing the struggle that there was in Johannesburg with trying to defend America.

□ 2030

Mr. BLUMENAUER. Does the gentleman from Maine have some concluding thoughts?

Mr. ALLEN. Just a few. One of the interesting things I found in Johannesburg is people look at us the same way that we look at other countries. That is, we look at the policies set by the current administration, whether it is Britain or France or Germany, Russia, wherever, as being sort of the beginning and end of opinion on that subject in that country. And I think that one function that the six of us served who were over there is that we had a different view from the current administration, and that seemed to be of great comfort to a lot of people, that we were having a debate in this country, that it was not simply the case that people in the United States were saying, "No, we're putting our head in the sand. We're pretending that climate change isn't going on. We've decided to adapt somehow."

I do not know about you, but in my State, every summer is warmer than the last. We used to have snow all the time at Christmas. Now it is relatively rare. The changes are visible to most people even though they are hard to quantify. But when you look at them, when you look at the numbers, and I can take one State, Alaska. In the last 30 years the average temperature in Alaska has increased by 5.4 degrees. That is an enormous increase. In many places the permafrost is melting, the roads are sagging, trees are tipping over, buildings have less secure foundations. It is leading to dramatic changes.

I just think that what we have got to do here at home, those of us who believe this is a serious problem that needs to be dealt with, is keep urging our friends and colleagues to take this issue seriously, because as soon as you take climate change seriously, a whole set of things follow. You have to have an increasing emphasis on renewable energy of all kinds, small hydro, wind, solar, fuel cells and all of those technologies. I suspect that all of the estimates of cost are a little out of whack, because what we are saying is, with the right commitment, we are going to stimulate new technologies, the development of new technologies, the implementation of new technologies that will give an additional boost to significant parts of our economy. The rest of the world understands that. That was evident at Johannesburg. It is time we caught up with the rest of the world.

Mr. BLUMENAUER. I appreciate the gentleman's comments. I appreciate the leadership that he developed. I know it was not easy, having witnessed a little tiny bit of his Maine summer the week before, I do not know how hard it was for him to fly halfway around the world for a couple of days, but I think the conference was better for it and I deeply appreciate his willingness to do so. I must say that at the summit, I was encouraged by some other people that we encountered, where some of the hypocrisy of some of the richer countries, they were taken to task by well-organized and articulate poor people, by representatives of nongovernmental organizations, by a growing consensus of elected leaders like the gentleman helped guide dealing with renewable energy. We saw business step forward to embrace the challenge of the Kyoto Protocol.

The gentleman from Maine and I went to Abutu village where there were spectacular exhibits, one that was managed in part by the Smithsonian, that had a number of United States agencies that told a lot about the environment. But if you looked at that exhibit, and we walked through the exhibit tent, including the Department of Energy and NOAA and EPA, the Department of the Interior, there was no information on global warming, on climate change. None. But if you went next door to the exhibit of BP, British Petroleum, there they had information. There you had an international corporation that has sometimes had its problems with the environmentalists, but they have a saying, "BP stands for Beyond Petroleum." They have made a corporate commitment to meet the Kyoto protocols as a corporation. We found that the World Business Council for Sustainable Development joined in the fight for a real target for investment in renewable energy. We had citizen advocates and nongovernmental organizations that were effective in holding governments accountable. They were able to cut through the secrecy and the backroom deals. They provided us with the best information about what was actually occurring, who was doing what. I think it is important to note that their reactions were anything but knee jerk. I think they were very sophisticated in terms of their analysis of trade, environmental practices, the impact on our globe as well as proposing simple, commonsense solutions that are actually within our power to implement. I personally came away from that summit surprisingly encouraged.

Yes, at times the problems seemed overwhelming: 325 million children not in school; 1.1 billion people without clean water; 2.4 billion without adequate sanitation. Yet amazingly progress is possible in sanitation, water supply, affordable housing and agriculture. The citizens from around the world and business leaders are moving in that direction. It is clear that we have the know-how, the skill to change current destructive practices and teach people how to help themselves. I was stunned by the potential resources that are within our grasp. For what Americans spend on cosmetics every year, we could largely meet the target for sanitation, saving millions of lives each year and promoting a more stable world. By reforming our costly, environmentally damaging farm programs, we could help poor farmers around the world while we protect the U.S. taxpayer, the environment and our family farmers, cleaning up, as we mentioned, the dirty coal plants as required by the Clean Air Act in this country, and I salute the gentleman from Maine's leadership to try to make sure the United States does something about it, would put us on track to meet the Kyoto goals. Simply by doing what we know how to do, spending money more wisely, following our own environmental laws and heeding the wishes of the public, we can save the planet.

The world summit, I feel, was an important step in pulling these pieces together and making them a reality. The United States is the world's richest country. As its biggest polluter, it has a special obligation and responsibility to address these global environmental issues. I assure you that I am willing to work with you to make sure that we in Congress move in that direction.

Did the gentleman from California have any concluding thoughts?

Mr. FARR of California. I just want to thank the gentleman. I would love to see the leadership, the political leadership, elected leadership and the administration, would it not be wonderful if the electricity on the President of the United States' ranch was totally generated by solar power and that the vehicles that were driven on that ranch or were used were these hybrid vehicles as other countries have had. That is the kind of leadership. We need to demonstrate by our own actions as I have at home by using solar power to generate energy in my piece of property down on the Big Sur coast. That is the kind of leadership I think that the people are asking for, is demonstrate by your own use. My wife wants to get for our next car a hybrid car. I think each one of us can do our part. But at the same time we have to look and commend those areas, as I said, like California that has really moved on a huge scale to convert 33 million people into being energy-conscious, and to being environmentally sensitive.

I want to thank the gentleman for representing our Nation's viewpoint in the global conference in South Africa. I appreciate him and our other colleagues in this House attending that.

Mr. BLUMENAUER. I thank the gentleman from California. When we talk about leading by example in energy efficiency, does the gentleman from Maine have any experience?

Mr. ALLEN. I have done the same thing with a vacation property I have in Maine, which is convert to solar power. It is absolutely wonderful. We all need to take whatever steps we can. The gentleman from Oregon referred to the hybrid cars that exist. I do understand that Ford next year is going to come out with a hybrid. I have not seen it yet, but I understand they are working on one. It may be out next year. So there are going to be opportunities for the American public to save energy, save money and contribute to making this a cleaner planet.

I thank the gentleman very much for organizing this special order.

Mr. BLUMENAUER. I thank the gentleman for joining me.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5319

Mr. McINNIS. Mr. Speaker, I ask unanimous consent to have the gentleman from Florida (Mr. HASTINGS) removed as a cosponsor of H.R. 5319. The record should reflect that the gentleman from Washington (Mr. HASTINGS) was intended to be an original cosponsor of H.R. 5319.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Colorado?

There was no objection.

THE IRAQI SITUATION

The SPEAKER pro tempore (Mr. FERGUSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, I found the previous speakers' comments interesting. In part their comments were accurate, but I should point out that when we talk about the Kyoto treaty, what they should bring to the attention of the body is that when it was voted on by the United States Senate, the vote was 99–0. 99–0. That was not all Republicans, that was Democrats and Republicans combined in the United States Senate. Not one vote in favor of that so-called treaty. Why? Because that treaty unfairly assaulted the United States of America.

Obviously we as elected representatives of this country want to stand in front of this body and stand in front of the American public and commit to do things that are better. We can do a lot more to conserve, everybody in this country, in this world, can do more to conserve and, frankly, conservation right now is going to get us a lot further than my colleague's suggestion that the President of the United States convert his ranch in Texas to solar power. Conservation is the answer right now. In the long run, solar power, in the long run energy from waves, in the long run energy from other sources is what is going to be the answer, but in the short time, sitting here and condemning the United States of America as some people might do or feeling that the United States of America should hang its head low is wrong. The leading technologies in the world on environmental control, on assisting us with stopping pollution, on making coal cleaner burning and so on, without a doubt the leading technologies in the world are developed by the scientists in the United States of America. There is no other country in the world that has helped more other countries with their environmental problems, assisting them, sending them financial aid, doing anything we can to assist, than the United States of America.

The United States of America has nothing to apologize about. The United States of America is committed to do things better. But I for one am tired of seeing foreign country after foreign country after foreign country bash the United States of America. And we see it come to this floor. Some of our colleagues, while well intended, seem to get up here and become apologists for the greatest country in the history of the world. This country, the United States of America, has fought for other countries, has gone overseas more than any other country in the history of the world to fight not for American land but to fight for other people in this world.

Who do you think led the battle in Bosnia? Who do you think got communism out of Europe? You can go to example after example after example. It is the United States of America. To see some of my colleagues, or to see people stand up and continually bash the United States and put a spin on it is discouraging.

Take a look at Berkeley University. I cannot even imagine. There is an actual debate at Berkeley University on the commemoration for September 11, whether they should allow red, white and blue to be worn. Not a flag, just the colors red, white and blue, whether they should be allowed to be worn on campus because it might offend somebody. The American flag might offend somebody, so maybe we ought to take it down. Come on. Give me a break. Patriotism in this country today is still very strong. This country has got a lot more things going right for it than it does wrong. This country will stand head to head with any other nation, not just existing nations today, but look in the history of the world, and I challenge my colleagues, look in the history of the world to find one nation that has done as much as this Nation has done for the poor people in the world, for hungry people in the world, gone to the defense of many, many nations in the history of the world, educated more people than any other country in the world, educated them to a higher level than any other country in the world.

And what is the biggest export of this country that no other country can match? In fact, cumulatively, if you put all the history of the countries together in the world, they do not even come close to exporting what the United States of America exports as its biggest item. What is that item? It is freedom. The United States of America has broken the ice. It has taken the lead. It has put the footprints in the sand for freedom. And we see that some of our citizens for some reason act ashamed of being an American. The beauty of freedom is that they can always move. If the beauty of this country is so bad that you do not think it can be improved or you think that you have to continually criticize this Nation, go somewhere else.

I am one of those people that likes to look at the good things that this Nation does. Look what this Nation has done for the world in the development of medicine, in the development of vaccinations, in the fight against cancer. We can go down a list of a thousand different items. You pick the items. And amongst the very top of doing positive things, of doing good things, is the United States of America.

2045

Many times, many times the United States of America, when nobody else would stand up, it is the United States of America that ends up standing up. It is the United States of America that is the first one out of the foxhole, and it has not come without cost.

Many years ago, remember when the United States put weapons on European soil to stop the Russian Communist machine from moving in? And not all the students, but a bunch of student protests were organized, frankly organized by professionals in Europe; and the European leaders got pretty fragile, and I understand it. They were under a lot of pressure, get American troops off European soil. Americans go home. Americans, you are not welcome. The doctrine of appeasement. Communism is not going to take us. Communism, Americans are trying to over-exaggerate the situation.

In fact it went to the state where de Gaulle calls Johnson, gets Johnson on the phone. "Mr. President," he says, "I want all American troops off European soil." And, as the story goes, President Johnson replies to Mr. de Gaulle, "Mr. de Gaulle, does that include all of the American troops buried beneath your soil?"

America is a great country, but, once again, as we speak today, America will be called to a great task, a task not only brought to light by the events of 1 year ago on September 11, but a task that because of our strength, because of our capability to lead, the United States must answer the call; and it is not a small task, it is a great task, to which we have been called.

We have got to go out, and we have got to stop the proliferation amongst terrorists, amongst mad people, of these types of weapons that they are currently right now underneath our noses and in many cases with the knowledge of the world developing. So this evening I really want to focus my comments on our situation with the al Qaeda, and our situation with Iraq.

I do not know how many Members saw the headline today, what the al Qaeda said in the last few days, or at least it has now come to our attention. Pay very careful attention. Please, if you are doing something out there, colleagues, put it down. All I want, if you do not listen to anything else I say this evening, if you do not listen or do not remember anything else I say this evening, give me 15 seconds. That is all I am asking you for, 15 seconds. If this does not shake you up, I do not know what will. Give me 15 seconds.

This is the quote from the al Qaeda. For those of you colleagues out there, here is your 15 seconds. Take 15 seconds to look at this poster.

Let me read it. I was stunned when I saw this; not surprised, but stunned. Let us go through it. This is the al Qaeda, the leadership of the al Qaeda. This is not directed at the U.K.; it is not directed at France. It is directed at the United States of America, and, in turn, when it is focused on the United States of America, to our good friends overseas. And we have many allies overseas, and we have good allies overseas.

Do not be mistaken. Just because they are at the door of America's kindergartens today does not mean that they will not be at the door of your kindergartens tomorrow.

Look at what this says. This is why I want this 15 seconds: "We are emerging stronger, and we will hit America. We will hit America's shopping malls, their stadiums and kindergartens. This is our promise. Al Qaeda."

As I go on with my remarks this evening, I want to build a case for some of my constituents and for some of my colleagues who wonder whether or not we should not just kind of look the other way when it comes to the situation in Iraq.

Keep in mind that Iraq and the al Qaeda are comrades in arms. These people have one very strong common bond: they want to see the destruction of every man, woman and child, and keep in mind, child, kindergartners, of America. And when they are done with America, they will want to see the destruction of every man, woman and child in Canada. And when they are done with Canada, they will want to see it in France, and they will want to see it in the United Kingdom. They will want to see it wherever they can get it.

These people are mad people, but they are smart and they are intelligent. That is obvious by the strike they carried out against the United States.

This is a cancer we are dealing with. The people that speak like this, that carry out these acts, they are the equivalent of a horrible, fast-moving malignant cancer.

I spoke recently back in my district, and I said it is kind of like you are walking around and you go to the doctor, and the doctor says, "We just did an x-ray, and inside your foot, you do not feel it, but inside your foot our x-ray tells us that you have a malignant cancer that is developing and spreading very quickly."

You say to the doctor, "Doc, my foot feels fine. I do not feel anything in my foot. I really do not want to face cancer."

The doctor says, "Look, in trying to attack this cancer we may very well have to amputate your foot, which means you will never run again. It is going to be a severe interruption in your life. It is going to interrupt your financial status. It is going to have an impact psychologically on you. And the chemotherapy that may be necessary may have to be very aggressive, and it too will interrupt your lifestyle."

But you say to the doctor, "Doctor, I do not have any pain in my foot. I did not come in to see you about my foot. You show me this x-ray, but, I don't know, I am not feeling the pain. I am not feeling the pain. I do not know whether I want you to do what you say you have to do with my foot."

That is what we are dealing with here. We have got people in this country who say out of sight, out of mind. Do not be mistaken, Iraq is not an idle threat sitting out there. It is a very realistic threat that could happen today, it could happen tomorrow, or it could happen 5 years from now.

Saddam Hussein, keep in mind, I saw Bill O'Reilly tonight on TV, and Bill O'Reilly on TV was talking about a guy in jail in Texas that had allegedly killed 80 women, the most horrible criminal they have ever seen in their lives. Eighty women. It is a horrible person. All of us gasp at how horrible a person must be that commits these kind of murders. That is a serial killer. We all feel that way.

But, for some reason, when I talk to some about Saddam Hussein, when I listen to some of my colleagues, they hold that individual with higher esteem than they do serial killers within our own borders. And keep in mind what Saddam Hussein did. He invaded Kuwait. What did he do in Kuwait? They killed thousands of men, women and children in Kuwait in their invasion. His armies went in without provocation, and the reason his armies went in was to grab that oil in Kuwait.

And, once again, the country that I find more and more people apologizing for, or bashing, the United States of America is the one that led to the freedom and the liberation of Kuwait against a murderous tyrant, Saddam Hussein.

Keep in mind that it was Saddam Hussein for the first time, I think, and I am not a historian, a professor of history, but it was the first time I think that you had a coordinated assassination effort by the president of a country against the United States President.

Saddam Hussein, the evidence is absolutely clear, it was clear to the Clinton administration and it is clear to any law enforcement investigative agency, attempted to assassinate George Bush, Sr.; and it was only by a little luck that that assassination did not come off.

So we know that Saddam Hussein has killed thousands and thousands of men, women and children when he invaded Kuwait without provocation. That, standing alone, that standing alone ought to put him at the bottom of your list as far as respect or any kind of justification of why Saddam Hussein is still alive.

This guy is a bad guy. He is a malignant cancer out there. But Kuwait, if Kuwait is not enough, then take a look at what he tried to do to the President, our own President of this country, George Bush, Sr. If that is not enough, keep in mind our young men and women that are in the military, that are stationed in Turkey. Every day, almost every day of the week in the no-fly zones as designated by the United Nations, as agreed upon by Iraq, every day Iraq fires missiles at United States or allied aircraft in an attempt to destroy them. These aircraft are not flying out of their territory. They are flying within the territory designated as a no-fly zone by Iraq in joint agreement with United Nations. And yet for some reason people are reluctant to take out Saddam Hussein.

Look at the people within his own country that he gassed. Look at the Kurds. You can list example after example after example of how horribly evil, how malignant Saddam Hussein is and why we have got to do something.

We do not have any choice here; at least we do not have any viable choice. I guess we do have a choice. We can pretend that these weapons that they are developing, that they would have never used them or will never use them.

Frankly, I do not think Saddam Hussein, certainly if he had nuclear weapons today, and we know he has biological weapons, and I am going to read you some information about that here in a few minutes, I really do not think that Saddam would use them against the United States of America today. I think he would use them against Israel, but I do not think he would use them against the United States. He is no fool. He is a smart man. That is what I said earlier. He is a smart man. He knows that if he used them against the United States of America and the United States was able to track down, which we could probably do pretty quickly, as to where those weapons came from, who used them against us, that we have the weapon capability to destroy Iraq within minutes. So he is no fool. He does not want to see the United States of America retaliate with a massive, overwhelming attack that would destroy his country.

So do not think that Saddam Hussein will probably use the weapons himself. What he will do with these weapons is he will give them out. He will give them to the people like the al Qaeda, the people that swear that they are not done with America, that they are going after our kindergartens. Notice they do not say they are going after the military; notice they do not say they will engage in open warfare. They are going to go to the shopping malls, to the stadiums, and to the kindergartens.

The thing for me in Oklahoma City, what appalled me, the whole thing was horrible, a criminal act, but what was especially embedded in my memory of Oklahoma City was the fact that they had that preschool in there and Timothy McVeigh and his coconspirators, they did not care that there were small children in the Federal building in Oklahoma City. They killed those children without thought.

□ 2100

But that number was in the tens and tens. These numbers, if these people continue to develop the weapons and are given the weapons by people like Saddam Hussein, the next time they tally a hit against the kindergarten like we see in Oklahoma City, we will see numbers in the thousands and tens of thousands. New York City was 3,000; the Pentagon was a couple of hundred. Those casualties are stunning casualties, horrible, tragic; but the next time, their goal will be to add another comma to the fatalities, to the ravage that they wield upon the United States of America or upon our allies.

Now let me say that this problem of Saddam Hussein is not something that just came up under the Bush administration. I am amazed, frankly. And this is a bipartisan effort that we have to make. But I am amazed at the position that the Democratic party has taken. I am amazed at some of the leading Democrats in the United States Congress, the demands that they are making upon President Bush, the implications that they are making upon the President, that somehow he is some kind of wild Texas cowboy that wants to start a war.

I am going to go through what President Bill Clinton, their favorite President, the President most strongly supported by the liberal community, I am going to go through some quotes that President Clinton said several years ago about Saddam Hussein.

This is a very serious problem we are dealing with. I have never been more, I guess, in deep thought or sober about a situation than I am about the situation that we face today on the international circuit with the al Qaeda and with Iraq. I am stunned. Obviously, I do not disagree at all that the United States Congress, it is our obligation to be engaged in debate and to be engaged in the public policy, and to be engaged in the declaration of any type of war that this country might engage in.

So the comments that I am making are not whether or not we should have public debate in the United States Congress. I think that is good. What I am talking about this evening are how all of a sudden some of the individuals who stood right behind Bill Clinton and urged President Clinton, and these are Democrats, urged President Clinton to take immediate action to adopt a war resolution against Iraq, have done a complete reverse, saying, well, President Bush is going to have to answer a whole bunch of questions. We are not sure. Where is the justification for taking on Iraq? Where 3 or 4 years ago they were standing side by side, shoulder to shoulder, demanding that President Clinton and supporting him: We have to go into Iraq. We have to do something about that.

That is not stuff I am just making up. I have it right here. Let us go through it a little. This is probably an appropriate time. Let us look at President Clinton here.

President Clinton understood the threat then. Now, I think there has been a little spin put on it. I noticed that the other day the President said, or reported, and the President did not say it to me, I did not hear it from his mouth, but the President said if we were to take on Iraq, Saddam Hussein, that he, the President, that he does possess weapons, and the concern would be that he would use those weapons.

If we take that out logically, what we are saying is we should not go against Saddam because he might use these weapons. That is exactly the kind of leverage that Saddam Hussein wants to have with the rest of the world, the doctrine of nonproliferation.

And keep in mind, it was the liberals, and I am not trying to assail a particular affiliation, but there is a clear line here as to our ideas and our policies. It was the liberals that said, look, nonproliferation; let us hope this cancer goes away. Let us pray it away. Let us have peace throughout the world.

There are a lot of these countries out there that, unfortunately, no matter how much we pray, and I pray, and prayer is good, but no matter how much we pray, no matter how many hands we offer, no matter what we do, they are determined to wipe us off the face of the Earth. And it is not an idle threat. It was not an idle threat a year ago on September 11, and it will not be an idle threat a year from now.

We have to face up to the fact that there is a malignant cancer, no matter how much we pray, and it helps, and no matter how much we hope, no matter how well our neighbor talks to us and says, look, things are going to be all right, and they hold hands and we have lots of hugs and lots of tears and lots of love; people come up and say, we are going to help you, and all of that; that is all good, but the fact is that evil devil of malignant cancer is still in us, and that is the problem we have right here.

This kind of thing, this kind of thing right here, "We are emerging stronger, and we will hit America's shopping malls, stadiums, and kindergartens," that is a malignant cancer. We are not going to pray or hope that thought away. The only way we are going to be able to eliminate this threat is we have to take the fight to them.

Let us look at Bill Clinton's comments, the former President. I will read them: "What if Saddam Hussein fails to comply and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop his programs of weapons of mass destruction, and continue to press for the release of sanctions, and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction."

That was President Bill Clinton, February 18, 1998, 4 years ago; over 4 years ago; 4½ years ago those were the profound and well-spoken words, and right on point, of President Clinton. Does anybody in these Chambers believe that the capability, the destructive capability, of Saddam Hussein has reduced, has been reduced? Does anybody in here believe, really, truly in their hearts, that this madman has abandoned his weapons of mass destruction, which include chemical warfare and the attempt to get nuclear weapons?

We know in our hearts that he has not. We wish it were not true. Again, going to the example, we wish in our heart we did not have the cancer, we wish it was not true, we wish we were having a bad dream, and tomorrow morning we could wake up and it would be a bad dream, but it is reality. We have a commitment. We have a solemn commitment to the American people that we are willing and able to stand up to the great task which sits in front of us, and that great task, of course, is to secure the safety of not only this Nation but our allies, as well.

I know we are getting a lot of bashing by our allies, and we have a lot of allies that say, look, do it on your own. This is a dirty job. This is going to require some dirty work. We have some fair-weathered friends out there, but nonetheless, they are friends. They do not want to get their hands dirty. They do not want to get out there in the battlefield. They want the United States to do it.

If the United States does it alone and succeeds, we will be criticized for having done it on our own. But the reality of it is, somebody has got to do it. We cannot continue to let this cancer fester, because if we do, they are going to be successful. Knock on wood, and with the blessing of God, they have not hit our kindergarten yet. But Members know that is one of their targets. That is what they have told us. The statement is clear.

Let us go through some history here: "Administration rhetoric could hardly be stronger." This is an article, by the way, taken out of the Weekly Standard, the newsletter. "The President asked the Nation to consider this question." This is President Bill Clinton: "What if Saddam Hussein fails to comply, and we fail to act," as I said on the chart that I showed you, and this guy is allowed to continue.

This article goes on: "The President," again, referring to President Clinton, "His warnings are firm. If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow. The stakes," again, Bill Clinton, 4½ years ago on Iraq, "The stakes could not be higher."

This is a quote from Bill Clinton: "Some day, some way, I guarantee you he will use the arsenal." That is 4½ years ago, and our President ably and quite accurately recognized the threat. I can tell the Members that several of the leading Democrats, the Democrat leadership, got right behind the President in regard to the statement.

Yet those very leaders today are questioning President Bush: He is overreacting, he is overstating, he had better have the evidence to prove all of this. What a 360-degree or a 180-degree turn in the last 4½ years.

Let me continue on. Those are not the words of President George W. Bush in September of 2002, but of President Bill Clinton on February 18, 1998. Clinton was speaking at the Pentagon after the Joint Chiefs and other top national security advisors had briefed him on U.S. military readiness. The televised speech followed a month-long buildup of United States troops and equipment in the Persian Gulf, and it won applause from leading Democrats on Capitol Hill.

But just 5 days later, Kofi Annan, with the United Nations, struck yet another deal with the Iraqi dictator which once more gave the United Nations inspectors permission to inspect, and Saddam won again. Of course, much has changed since President Clinton gave that speech. The situation has gotten worse.

"Ten months after Saddam accepted Annan's offer, he kicked U.N. inspectors out of Iraq for good. We complained and the United States bombed a little. Then we stopped bombing. Later we stepped up our enforcement of the no-fly zones. A year after the inspectors were banished, the United Nations created a new toothless inspection regime. The new inspectors inspected nothing."

If Saddam Hussein was a major threat in February of 1998 when President Bill Clinton prepared this country for war, and United Nations inspectors were still inside Iraq, it stands to reason that in the absence of those inspectors monitoring this weapons buildup, that Saddam is even a greater threat today.

Now, keep in mind the history that we have seen with the Germans, for example, in World War I. The complaints that we see coming out of Iraq, oh, this is the proprietary area of our borders, for protection of our country; we should not be forced to have inspectors in the country; they are picking on poor old me; well, look at the arguments against inspections, although Germany agreed to it after World War I, as compared to what Saddam Hussein. And by the way, he has agreed to all of this. He signed a compact never to have these weapons in the history of his country.

But compare that back in history with after World War I, what the Germans did, and what the European response was to the Germans. It was a doctrine of, well, we are picking on him. We really should not be inspecting this country. We really ought to respect their borders. We ought to take them on their word, or make them promise. But U.S., you are exaggerating.

What was happening? The Germans were building up their gas munitions. We all know what happened a few years later when the Germans utilized these things. That is what is happening here, and that is what this article says.

The quotes that we have been giving, with the exception of this, this is not from 1998, this is very recent, but the quotes were from President Bill Clinton. He recognized the threat in 1998, and so did the Democratic leadership. Why is it that in 2002, the Democratic leadership is pretending as if none of this has occurred? They are making demands upon President Bush that they never made upon President Clinton.

I think every President has an obligation to their Nation, and I think they are constitutionally required to justify taking this country into a military action. After all, we are asking our sons and daughters to go in in defense of this country and to take an affirmative action against another country where the probability of loss of life is very high. We ought to meet the highest of standards.

But it is my position today, and I think it ought to be Members' positions, that those standards have been met for some time; that right underneath our nose we have a man who has cooperated with people like al Qaeda; a man who invaded another country and killed thousands and thousands of people; a leader, a man who poisoned and gassed his own people; a man who, almost on a daily basis, fires missiles against American and allied aircraft. We know what he is doing. We are meeting the standards that demand that America do something about this.

I would hope that our allies come on board. I would hope we get assistance from our allies. We cannot turn a blind eye to a malignant cancer, and we cannot turn a blind eye to Saddam Hussein.

□ 2115

You cannot do it. It will always come back to get you, and it will be your kindergartens that will suffer in the future if we do not respond affirmatively today.

Now does that mean we send in more inspectors? The only way you should send in more inspectors is on a time basis and those inspectors have unconditional entry into that country and they can go wherever they want in Iraq and do whatever kind of tests are necessary to run to ascertain that these weapons are, in fact, not in existence. I doubt seriously that that will occur.

Now, Iraq, by the way, may say, just to stall, they may say, okay, we will agree to it. But a week later you will find that there is a flat tire on the bus, that they are not going to let them go where they need to go. We cannot continue to fool around with this malignant cancer. We have got to sit up to reality. We have got to face reality. We have got to aggressively attack this cancer.

Now, I am not a military expert. I do not know what the military strategy should be. But I do know this, diplomatically we have not achieved the goal of concurring the cancer. It is like saying to a patient, I know you have prayed very hard about this. I know you have got a lot of family support in fighting this cancer. I know you have got a lot of hugs. I know that you have changed your diet. But the fact is the malignant cancer is still in your foot and it is aggressively moving up into the rest of your body. You face a very tough decision. It will inconvenience your life. But in the long run, it is the only decision for the preservation of your life that you can make, and that is that you have got to accept the reality that it is there, it is moving and it will kill you.

It is the same thing with Iraq. It is there. They are developing and have in their possession weapons of mass destruction and they will kill us. And if they do not attempt to kill us, they will give it to people like the al Qaeda that will carry this out. They do not care about our morality, values and our respect for our children and the preservation of life. That is obvious by their acts of September 11.

Let me continue with a few comments. Summing up the Clinton administration argument, Senator DASCHLE said, "Look, we have exhausted virtually all our diplomatic efforts to get the Iraqis to comply with their own agreements and with international law. Given that, what other option is there but to force them to do so? That is what they are saying. This is the key question. And the answer is we do not have another option. We have to force them to comply and we are doing so militarily."

That is from the majority leader, the Democratic majority leader, the president of Senate. All of the sudden that is not what we are hearing today.

Let me continue. "JOHN KERRY was equally hawkish. 'If there is not unfettered, unrestricted, unlimited access per the United Nations' resolution for inspections and UNSCOM cannot in our judgment appropriately perform its functions, then we obviously reserve the rights to press the case internationally and do what we need to do in order to enforce those rights. Saddam Hussein has already used these weapons and has made it clear that he has the intent to continue to try by virtue of his duplicity and secrecy to continue to do so. That is a threat to the stability of the Middle East. It is a threat with respect to the potential of terrorist activities on a global basis. It is a threat even to regions near but not exactly in the Middle East.' "

These are comments made by leadership of the Democratic Party in 1998; and yet today when you read the paper, well, we should defer this decision until after the elections, as if Saddam Hussein schedules his development of weapons of mass destruction, he sets them so that they are convenient with our election dates in this country.

It amazes me that with these kinds of threats in existence, with the knowledge that we had in 1998 that we know has not changed in 4½ years, in fact, has only increased, that we have hesitancy, that we have hesitancy by some of these very leaders that advocated action in 1998, not to do action in 2002 or to delay it and wait and wait and wait. Maybe the doctrine of appeasement does not work. The fact is we have to deal with it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. FERGUSON). The gentleman will refrain from casting reflections of sitting Members of the Senate.

Mr. MCINNIS. Let me finish off this article with this quote from President Clinton in 1998: "We have to defend our future from these predators of the 21st century."

This is President Clinton I am referring to.

Let me repeat my comment. From President Clinton: "We have to defend our future from these predators of the 21st century." To leave the quote for a minute, I absolutely agree 100 percent with what President Clinton was saying here. He was right then and George W. Bush is right today.

Continuing: "We have to defend our future from these predators of the 21st century," he argued. "They will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow that to happen. There is no more clear example of this threat than Saddam Hussein." And as the article says: "What more do you need to say?"

Now, we have taken some steps and we have taken some bipartisan steps, our missile defense system. The President has made commitment and we, as a Congress, have increased significantly the budgets, our military budgets, our defense mechanisms, but here is our biggest weakness. We have a very large Nation geographically. It is very tough to defend these borders. For example, shipping containers that come in. We cannot inspect even close to the number of shipping containers that come into this Nation every day. It is kind of like having a village in the mountains and from somewhere on the mountain every day you got a sniper, somebody shooting into your village. You cannot possibly put up a wall to stop these bullets from coming in. Every day that goes by the sniper fires another shot into the village.

At some point the village has to decide we cannot defend our perimeter. We will have to take the fight to them. We will have to go up on that mountain and find where that sniper is.

That is the situation we face here today. We cannot just retract on our borders within the United States, as some of our allies may suggest, that the United States is poking their nose into somebody else's business. Well, it became everybody's business after September 11. And what President Clinton accurately forecasted in 1998 came into place on September 11, 1 year ago.

The time of being able to just sit comfortably here and hope that it was not happening out there or enjoying the privilege of the fact that it had not happened within the borders of the United States for a long time, assuming that Pearl Harbor could go into that classification, and it does, those days are gone. We now have to engage in this fight, and we have to engage in this in every way possible.

I am not condemning diplomatic pursuit of some peaceful resolution. I am not condemning using prayers if you are trying to fight cancer. I think it is very, very helpful. And I think diplomatic efforts are very, very necessary. And I am not saying that we should not have congressional debate. I think it is constitutionally required. I think it is healthy for this Congress, for the people who have elected us to represent their views to have that type of debate.

But what I am saying is we cannot dilly dally around. We cannot any longer afford to ignore the fact that the malignant cancer is out there. We cannot afford to debate the accuracy of the x-ray very long. The x-ray tells us there is cancer. It told us we had cancer 4 years ago when President Clinton very accurately said what he has, what Saddam Hussein had, and what Saddam Hussein, by the way, supplies to the al Qaeda. We know it is there. And it does not do us any good in my opinion to continue to try to pretend it is not happening, to try to pretend that there is some clean way to handle this, that we can call Saddam up on the phone and say, Knock it off. What are you doing? Put those weapons in the closet and quit doing this and live peacefully with the rest of the world.

They have no intention of doing anything but destroying as much of the rest of the world as they can. And at the top of their list are our kindergartens. Every mother and father in America should be in a state of absolute dismay and anger today after this quote was released yesterday about targeting kindergartens. These are kindergartens in America, kindergartens in the United States. Some of us knew that, obviously, we think they will target some of these other areas; but for them to come out and say, your kindergartens, that is what we will target in America, that ought to wake everybody up.

The time for a debate is rapidly approaching. We should have a resolution on this floor as quickly as we can get a resolution on this floor. Our allies that belong to the United Nations ought to wake up, a lot of them are; but they need to come to the table too. America does not want to do it alone. America can do it alone, but America wants to be a partner. And I will tell you, our partnership, whether it is France, whether it is Hamburg, Germany, whether it is in Poland, all free-loving countries in the world are under the threat of this cancer of Iraq and the al Qaeda. And we, frankly, despite my criticism today or my expression of dismay by some of the remarks we see coming from our European allies, I do want to take a moment to tell you that as most of you know our European allies have assisted us in many ways with this fight against terrorism. But for some reason, I am a little baffled by the fact that we cannot get them to come over to this side of the line to face the reality of the threat that Iraq has against the world.

It is the United States today. Sure, that is their number one target, the United States and Israel. But I can assure our allies it is like the big bad wolf. It is at our door today, but it will be at your door tomorrow. And we have to team up. This partnership has to stay together. This partner, the United States of America, does not want to take Iraq on by itself or take on the war against terrorism. And our partners have come to the table in large part against the war on terrorism. But they are not coming to the table like they ought to be on Iraq. And it is time for this partnership meeting, for us to cut to the chase, to get down to the work that has to be done, and it is dirty work and it is a large task in front of us; but if we do not do it today, we will have let down, in my opinion I do not think it is too strong a word to use the word betrayed, we will have betrayed future generations by knowingly allowing a threat to be built of nuclear weapons, chemical weapons, biological weapons, to knowingly let that threat and those weapons be built by a mad man with the kind of commitments they have made to target our kindergartens and we do not take the fight to them.

It is inherently a responsibility of those of us in Congress to debate this. I do not argue that, I said that earlier. But as inherently, as strong as the debate is to get that debate completed and to move in a unified fashion as this Congress and as the United States Senate signaled it would with President Clinton in 1998, and the threat has only grown greater.

I think it is time for both of these Houses to come together in 2002 and move against the cancer that exists out there as a threat against the borders of this country, and as I have said, against the borders of our allies wherever they might be located throughout the worlds.

So I would hope that in the next, I hope in the very immediate future, I know that the President is going to the United Nations this week, I hope our allies in the United Nations and the people of the United Nations understand what a threat this malignancy is out there, understand how unsuccessful we have been to convince through diplomatic efforts, through inspections, through economic sanctions, through no-fly zones, how unsuccessful these efforts have been to get Saddam Hussein to stop proceeding with these weapons, what the ramifications are of these weapons.

□ 2130

Do my colleagues think that the al Qaeda, if they would have had nuclear weapons within their hands, do my colleagues think they would have used aircraft on September 11? They would have used nuclear weapons.

Do not forget, this country suffered an attack, a chemical attack, anthrax within days of September 11. We got hit with a chemical, with a biological attack against this country. Do my colleagues not think if the al Qaeda did not have that in their hands in sufficient quantities that they would not have used that? They were probably surprised that the World Trade towers collapsed. We know from the video that we have seen, they were elated by the success of their attack, but this only set the base for the al Qaeda. This only sets a base for countries like Iraq.

The next attack, they want to make sure those casualties, children, women and men, they want to make sure those casualties are many, many multiples of what September 11, the horror that September 11 brought to this Nation.

As I said at the beginning of my remarks, I am trying to think of my history. I have been in Congress 10 years. The horrible fires we suffered in Colorado this year, all of the different things, big issues that I think over these last few years we have dealt with, I cannot think of anything that is of a more of a threat, that has more serious future consequences than the international situation that we face today. Not the economy, not the impeachment several years ago, not the fires. We have got to go after that cancer that has centered itself in Iraq and has spread to al Qaeda and throughout rest of the world.

Again, at the conclusion of my remarks this evening, let me repeat what President Bill Clinton said 4½ years ago. President Clinton, "We have to defend our future from these predators of the 21st century," he argued. "They will be all the more lethal if we allow them to build arsenals of nuclear, chemical and biological weapons and the missiles to deliver them. We simply cannot allow that to happen. There is no more clear example of this threat than Saddam Hussein."

I will wrap up my comments with 15 more seconds. I would ask my colleagues to take 15 seconds and read the poster, and once again, what more of a threat, what more of a warning do we need, do we need as a Nation than exists out there today? If in 1998 what Saddam Hussein did in 1998 was not enough, then was September 11 enough? Then was the acts of aggression against Kuwait enough? Was the assassination against Bush, Senior enough? If that was not enough, if all of that was not enough, this statement standing alone, this statement standing alone ought to be enough to bring all of us to bear arms to assure the security of this Nation and our friends throughout the world.

DEFENDING OUR BORDERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I join my colleague from Colorado tonight in raising some concerns about the present situation in which the United States finds itself in terms of its relationships around the world, and as we all know, we are about to begin the debate on one of the most serious, perhaps more, in fact, the most serious topic that can ever confront this or any legislative body, and that is, whether or not we should commit the young men and women of this Nation who have valiantly volunteered their services to the defense of the Nation, whether we should commit them into harm's way in a far-off land in a war that could certainly become catastrophic in its dimensions.

We do not know, of course, how to plan for its outcome except to say that we do know that it will be fought, if, in fact, we engage in this thing, it will be fought by brave men and women who have always, as the President said, made us proud. If we commit those precious resources to the task at hand, the task that was laid out by the gentleman from Colorado (Mr. MCINNIS), then it appears to me we must do everything humanly possible, everything humanly possible to protect and defend them in their duty and to protect and defend the people of the United States of America. That is, after all, our primary responsibility, our raison d'etre, our reason for being.

The Federal Government has assumed many responsibilities over the years since the Constitution was written, and we have assumed those responsibilities sometimes, I think, without regard to what constitutional restraints were so clearly identified by the Founding Fathers. We are involved in innumerable activities, programs and sponsorships that were never, ever contemplated by the Framers of the Constitution, but the one thing that we must carefully consider is the responsibility that we were given to protect and defend the people and the property of the United States of America.

I can be persuaded by the gentleman from Colorado's (Mr. MCINNIS) arguments that our interests, our vital interests do, in fact, demand that we take a preemptive strike. I should say that we take preemptive action in Iraq. I can be persuaded that that is possibly the case. I must admit, however, that I need more information personally to cast a vote about which I have absolutely no misgivings if I am going to be voting to send sons and daughters off to war because I, I am sure like hopefully most of our colleagues in this body, will consider this in the following fashion.

Do I believe personally that this problem we face, that the threat that we face in the United States is so great that I am willing to send my son off to war, not just vote to send someone else's son or daughter, but am I willing to do so myself? This is a very high standard, and it is one that I believe every single Member must establish for themselves, and I can be persuaded that it is necessary to do so.

I must say that in this deliberation, there is something that is being left out. When people, even the President of the United States, says things like we will do everything necessary to defend the interests of this country, I like hearing it. I want to believe it. I want to believe that we will, in fact, do everything necessary to protect country, and while that might very well be to send men and women to Iraq, or places far flung all over the world, it is also completely logical, self-evident, that what we must do even before we do that in order to protect and defend the people of this country, what we must do is to defend our own borders, and this, I suggest, has not been done and is not being contemplated.

Over my August district work period I went to the borders and went to the southern and northern borders of the country. I first went to Arizona and then on to California where I observed firsthand the problems that we face on those borders, and let me say, Mr. Speaker, that the face of illegal immigration into this country, people coming across our borders without our permission or without our knowledge, the face of illegal immigration in my district, in Littleton, Colorado, perhaps the Chair's in Arkansas, but the face of illegal immigration in my district is one of a benign activity for the most part, people working menial jobs, for the most part in restaurants and landscaping activities, and people we say to ourselves, well, yes, they are here illegally, but after all, they are just trying to make a living.

The face of illegal immigration on the border, on our borders with Mexico and on our borders with Canada, that face is much, much uglier. That is the face of drug smuggling, of murder and of people coming into this country for the purposes of doing us great harm. That is what we see when we actually go to the border before it becomes diffuse throughout the land.

I visited the Tohono O'odham Indian reservation where they are under siege, and I mean that in the most literal definition of the term. They are under siege. The Tohono O'odham Indians have a 76-mile border coterminous with Mexico. Across that 76-mile border come 1,500 illegal aliens a day, and they are not just people coming for the good life. They are not just people coming to work at some sort of menial task in the United States, a task that "no American will take" and send their money back home, in this case to Mexico for the most part.

They are coming into the United States, many, in fact, perhaps even a majority, of the people coming across that border a day, 1,500 a day, it is estimated that well over 1,000 are involved with the drug trade and they are bringing with them literally tons of illegal drugs every single day. They have, in fact, put this Indian reservation into the status of being a captive nation. They have taken over two of the small communities in this reservation. When I say taken over, what I mean by that, I mean that they have threatened or coerced or bribed or addicted so many people in these two communities that they are essentially now nothing more than extensions of the drug trafficking of several Mexican cartels.

□ 2145

I met with people who told me that they are afraid to go out on their street at night; that they cannot let their children out. I saw 5-year-olds who were stoned, who had been given drugs. Their parents had been given drugs in order to coerce them and/or entice them, is perhaps the better word in this case, into becoming part of the drug trafficking network established by these cartels.

I saw the devastation to this particular Indian reservation. They are begging for help. As they say, their way of life is being destroyed. The vandalism, the robbery, the rapes, the incidence of all these things has gone up dramatically. Just one aspect, the trash alone that is hauled in and discarded by 1,500 people a day coming into their reservation is enormous. Where, may I ask, is the Sierra Club when we need them? Where are the Friends of the Earth? Where are all of the people who decry the devastation of our, of the natural habitats around the country and around the world? This Nation's natural habitat, their ecology is being destroyed by illegal immigrants coming across that border.

Hundreds of thousands of plastic water bottles, clothing, trash of every kind and description, discarded everywhere along their path. People racing through their communities, either trying to escape the border patrol agents or simply trying to make their way north have endangered the lives of their children so that they do not allow their kids to go outside and play. What I have just described, Mr. Speaker, is the face of illegal immigration on the border.

One of the things that they told us when we were down there is that it is not just Mexican nationals coming across now, but a dramatic increase, they have witnessed, in what they refer to as OTMs, or other than Mexicans. A dramatic increase in the number of Chinese coming through, a dramatic increase in the number of Asians from countries all over that part of the world, a dramatic number of Middle Easterners coming through. For what purpose, I would ask?

Does anyone think these people are coming across in order to get landscaping jobs? Are the Middle Easterners that are coming across that border illegally looking to work in restaurants as dishwashers, cooks and servers? In my own State, and in my own city, the biggest gang element is Asian. And they are quite predominantly illegals. But beyond that, what, we may ask, I think, are the Middle Easterners coming in for? What are they doing here? Why are they coming in illegally through Mexico?

Now, I suggest that there is a great possibility that they are coming in for purposes that are heinous. I do not know that. I have not been able to interview them because, of course, they come through without the slightest bit of intervention on our part. We do not stop them. We cannot stop them because we have no resources in place to do so. And even when we do stop them, even when they are interdicted farther inland, farther up into the United States, and when the INS is called and told we have a lot of people here in a van, in a truck, in a house, we have a lot of people here who are here illegally, the INS tells the local law enforcement agents, let them go, we do not have time. We do not have time.

Twenty-five illegal aliens were caught in a tractor-trailer truck in Dallas on July 27. The INS initially detained several, then released even these and "paroled them" into the United States. They have an automatic parole process. The INS can do this. The INS can say we will parole these people we have just caught, let them go, and then we will send them a letter later on telling them to report for their deportation hearing.

Now, this would be laughable, of course, if it were not so dangerous. This is a Saturday Night Live skit. "Here is your letter. We know you have snuck into the United States, so please report in 6 months to the following location for your deportation hearing." Right. "Thank you. Of course, I will." They actually call these letters "run letters." What they mean by that is that when the people receive them, of course they run. They go away. They do not go back to their country of origin, they run into American society.

Now, if we are so concerned about the possibility of a terrorist attack on the United States, which is the only thing we have heard again and again and again from the leadership, from Members of Congress who support our efforts, support the President in his desire to depose Saddam Hussein, if we are so concerned about that, and believe me, I am, then why would we not take just as much, no, not just as much, why would we not take even more care and concern about our own national borders?

On August 4 in Rogers County, Oklahoma, State troopers caught seven aliens who admitted they were illegally present in the country. The INS again would not pick them up and remove them.

During the Memorial Day weekend in New York the INS reportedly "did not want to be bothered," so they refused to take custody of several Mid Eastern illegal aliens. Local police officers had caught them at the Brooklyn Battery Tunnel during a terror alert. I remember this incident, Mr. Speaker. They actually had these people in custody. These were Mid Eastern illegal aliens. They called the INS. It was Memorial Day weekend, and so the called was routed from New York, because no one was at their workstation, it was routed to Vermont, where the person answering said to the police in New York City, "'let them go."

These are just a few of the literally hundreds, if not thousands, of cases like this that I could relate to the body tonight. With all of the talk about the need to increase our efforts of vigilance and be careful about things we see and things we hear, with all of that, and with all of the efforts being made now to extend the war against terrorism beyond Afghanistan and into other parts of the Middle East, it is amazing to me, it is incredible to me, and it should be to every single Member of this body, that we leave our own borders undefended.

Does anyone believe for even a second that should we prosecute this war in a more aggressive fashion than is presently the situation that there will not be some reaction on the part of the people, specifically Saddam Hussein and al Qaeda and fundamentalist Islam? We are told that if we go into Iraq, we must be concerned about the ramifications throughout the Middle East; that perhaps other countries with governments more friendly to the United States may fall as a result of having internal dissent because the phenomenon of fundamentalist Islam is so pervasive in these countries. We are told that that is what we must watch out for, what we must be careful of. But we are not told, and there is no precaution being made right now, for our own security within this Nation. We know there will be a reaction. What will that reaction be? Does anybody think it will simply be confined to the Middle East?

Now, everyone knows, certainly Saddam Hussein knows, that he cannot win in a conventional war against the United States. He can make it bloody. He can make it ugly. But he cannot win. He knows that. The world knows that. What makes us think for a moment that we will be left unscathed in the United States if we embark upon this path of action in the Middle East? Certainly the possibility exists that al Qaeda agents, that fundamentalist Islam will react in a way so as to increase the number of people that they already have in the United States, the cells that are operating here, that we are told by our Justice Department are operating, that are here in the United States and are ready to go into action at a moment's notice.

We know there are cells operating in Canada. We know there are cells operating in Mexico. Why is it not the most logical thing for us to say, well, we have to be careful here. Before we even go into Iraq, we must secure our borders. The reason, I fear, Mr. Speaker, that we do not do that is because, as Governor Ridge said, right there in the well of the House, to a question posed to him from, I think, this microphone about his reluctance and the reluctance on the part of the administration, and in fact most of the Congress, I suppose. No, I should qualify that, because the House has in fact passed an amendment to the defense authorization bill allowing for the military to be used on the border, and we have done that year after year after year, but it has failed in the other body. But when asked why we have not used all of our resources to defend our borders, including the military, Governor Ridge said there are political and cultural reasons why we cannot do so.

Well, there may be political and cultural prices to pay. I do not even know what he meant by cultural reasons. I do know what he meant by political reasons. We are concerned that if we in fact secure our borders and prevent people from coming into the United States illegally, we will in some way or other jeopardize our relationship with the government of Mexico and that we will simultaneously lose votes from Mexican Americans who somehow feel that this is a personal affront if we try to defend our own borders.

□ 2200

Mr. Speaker, I do not believe that for a moment. I do not believe Mexican-Americans are any less concerned about the safety of themselves and their families than any other group of Americans. I believe that a case can be made to them and to every single person in the United States as to why it is imperative that we secure our own borders. I believe we can do that. I believe that we will benefit as a result in terms of the politics, but whether we do or do not benefit politically, who cares. Is it not our absolute and total responsibility to do so?

There are cultural and political reasons why we cannot defend our own borders. I wonder how if there is another event of some great magnitude, which we all anticipate, which we hear every single day is a distinct not just possibility but probability, and if this is perpetuated by someone who has entered this country illegally, and/or people who have been recruited into a terrorist network by people who have come here illegally, I wonder what we will tell the spouses, the sons, the daughters of those people who are killed in that event.

We will make many, many speeches about how heroic their loved ones were, how heroic the efforts were of the people who tried to save them. Will we also say, I wonder, that there were political and cultural reasons why we could not protect them? I do not know how anyone could look into the faces of the people whose loved ones have been lost in an event of that nature and say those words. But say them we would have to if we follow the path we are on today.

The President has just submitted an action plan in which he calls for smart borders, and there is quite a lengthy list of things the administration has proposed: biometric identifiers, permanent resident cards, single alternative inspection systems, refugee and asylum processing reforms, handling of refugee asylum claims, visa policy coordination, air preclearance, advanced passenger information, joint passenger analysis, a lot of stuff about customs and how to bring goods into the United States; and I applaud them all.

I do not for a moment suggest that these are not good and salutary measures to take; but I look in here, I look in vain for the most important measure we can take to create a smart border, and that is to put the military in place to defend that border. Right now we cannot do that. We cannot do it with the Border Patrol. They are inhibited from actually achieving the goals of securing our borders by the fact the administration, the INS, is incompetent and completely unmotivated to act in this particular capacity. They are restricted by a myriad of laws we have passed here, confusing, conflicting laws, allowing for people to be retained in this country even after they have been found to be here illegally. We have refused to provide the resources necessary to actually secure the borders for one reason and one reason only: because it is politically and culturally unacceptable.

Well, I do not know who it is culturally unacceptable to. I do not know who it is politically unacceptable to, but those are not legitimate reasons for abandoning our own defenses. And no matter how much we do in the Middle East, no matter how many resources we put into accomplishing the goal of deposing Saddam Hussein, no matter what we do around the world to increase the number of countries that would be categorized as democracies rather than dictatorships, we will be at every step of the way in that process putting our own people in greater and greater danger if we do not do everything possible to secure our borders.

I, of course, cannot promise even if we do everything I have asked for, even if we completely reform the INS, even if we give Border Patrol agents greater authority and ability to actually do their job, even if we put military on the border, I cannot promise that someone with malicious intent cannot or will not get through; but at least I can say we did everything we can do, which is living up to the President's admonition to us, that we must do everything that we can do. That includes defending our own border.

What an amazing world we live in. What an interesting and incredible dilemma we face. We are told every day that it is a war that we are in, a war for our own survival, that America's way of life is at stake. What nation can we think of in history that knowing that that is the situation they face, have not in fact done the most obvious thing to try to protect themselves? What this demands is leadership. It demands that the President of the United

States tell the people of the United States what needs to be done, even if there is a political price to pay.

Mr. Speaker, I suggest that it would not be a negative reaction politically. I suggest that the people of this country are yearning for and desiring him to establish the exact nature of the conflict and also the exact way in which we are going to defend against it. They are hoping that he will say to them that we will in fact secure our borders, and this may mean that we will not have the opportunity to hire cheap labor or recruit people into a political party as new voters. But nonetheless, it has to be done, along with all of the other things that have been outlined by the President, with which I agree and for which I commend him. The border must be secured.

I ask, no, I beg the President of the United States to use his power, to use his executive authority to do just that: protect our borders; order the military to the border, allow us to use the expertise and the technology and the manpower we have available to us on our first line of defense.

I mentioned that I went recently to the Mexican border, but I also shortly thereafter went to the Canadian border, a little town called Bonner's Ferry, Idaho, where I witnessed a very interesting activity. At the time I got there, there were 100 Marines stationed there just to see whether or not they could in fact coordinate their activities and help the Border Patrol and the U.S. Forest Service and the customs agency control the northern border because I assure Members, although I have spent a great deal of time talking about the southern borders, I assure Members that the problems are just as large on the northern borders.

There are over 20,000 Muslims living in Calgary, Canada, which brings into the United States component parts of methamphetamines. They are sold and the proceeds go back to the Muslim groups in Canada, and the money is used to finance terrorist activities throughout the world.

Osama bin Laden, because of Canada's peculiar process of establishing who is or is not a refugee, Osama bin Laden could land in Ontario, claim he is Omar the tent maker, not show any identification, and walk immediately into Canadian society, and, of course, shortly thereafter walk unfettered probably into the United States.

The problems up there are significant. So there are 100 Marines, and I do not know the genesis of the stationing of these people on that border. I do not know if it was part of a larger strategy or not, but they were using three UAVs, unmanned aerial vehicles, more often commonly referred to as drones, and a couple of radar stations that were to help identify people coming across that border illegally. It worked. The Marines told me that it was the best training they had ever received because it was real time, real bad guys, and very difficult terrain.

We need the resources of the military. We do not have to put people arm in arm along 4,000 or 5,000 miles of border. We have the technology to aid in this. I saw it with my own eyes. It can work. We can make our borders very secure, not perfect but much more difficult to cross illegally than is presently the case. We can do it. The only thing we do not have is the will to do it.

☐ 2215

We unfortunately create a facade, a Potemkin Village. Prince Potemkin used to put up facades along the villages in his area and when Catherine the Great would sail down the river, she would see these beautiful villages. But behind these facades, of course, it was abject poverty. That is where the phrase Potemkin Village comes from. In a way that is what we have created or we have tried to create on the borders. We have increased the number of border patrol. We have established something called smart borders. We have told Americans that we are doing what is necessary to defend our borders, but it is nothing more than the creation of a Potemkin Village along the borders. They are just facades. They are not true defense mechanisms. Because what we are trying to do is to pretend to the American people that we are taking our responsibility of border defense seriously while at the same time assuring that people can come through illegally in order to, quote, take the jobs that no one else will take and in order to increase the ranks of political parties in the United States that benefit as a result of massive immigration, one particular political party, of course, the Democratic party, and the fear that if we actually got tough on the borders, there would be a political reaction. And there would be certainly outcries by immigration advocacy groups, especially immigration lawyers. They would raise Cain.

But is our responsibility here to pander to those political extremists? Or is our responsibility to protect and defend the people and the property of the United States of America? Again what a strange world we live in, whereby we can be talking about going off to war, recognizing all of the danger that that entails for the people we are sending but also for the people who are here, the people who remain, and not do anything to protect us. What an amazing situation.

Mr. Speaker, I hope and pray that our words, our admonitions, our concerns will be heeded by our other colleagues and by the administration. The stakes are so high, the risks are so great that we cannot possibly avoid doing what is right even at our own political peril should that be the case which, as I say, I do not believe for a moment would happen, but even if it did, that is what is required of us here, to do the right thing, even if it is politically or culturally problematic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. VELÁZQUEZ (at the request of Mr. GEPHARDT) for today, September 10 and 11 on account of personal reasons.

Ms. WATERS (at the request of Mr. GEPHARDT) for today and September 10 on account of business in the district.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of activities in the district.

Mr. WELLER (at the request of Mr. ARMEY) for today and until noon September 10 on account of medical reasons.

Mr. HASTINGS of Washington (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. JEFF MILLER of Florida (at the request of Mr. ARMEY) for today and September 10 on account of congressional business.

Mr. WAMP (at the request of Mr. ARMEY) for today on account of family reasons.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mrs. NORTHUP, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 12.

Mr. PAUL, for 5 minutes, September 10.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 351. An act to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes; to the Committee on Energy and Commerce.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5012. An act to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 9, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 5012. To amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 10, 2002, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8916. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "Assessment of the Cattle and Hog Industries" for Calendar Year 2001, pursuant to Public Law 106—472, section 312(e); to the Committee on Agriculture.

8917. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand [Docket No. FV02-989-6 IFR] received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8918. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Papayas Grown in Hawaii; Suspension of Regulations [Docket No. FV02-928-3 FR] received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8919. A letter from the Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service [DA-99-04] (RIN: 0581-AB59) received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8920. A letter from the Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Mideast Marketing Area; Interim Order Amending the Order [Docket No. AO-361-A35; DA-01-04] received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8921. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Removing Dancy and Robinson Tangerine Varieties from the Rules and Regulations [Docket No. FV02-905-3 IFR] received August 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8922. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Relaxation of Pack and Container Requirements [Docket No. FV02-920-3 IFR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8923. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period October 1, 2001 through March 31, 2002, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

8924. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General and classified annex for the period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

8925. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John A. Van Alstyne, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8926. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Gary S. McKissock, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8927. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Raymond P. Ayres, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8928. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Michael J. Williams, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8929. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Dennis V. McGinn, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8930. A letter from the Deputy Secretary, Department of Defense, transmitting letter on the approved retirement Vice Admiral Nobert R. Ryan, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8931. A letter from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured Home Construction and Safety Standards: Smoke Alarms; Amendments [Docket No. FR-4552-C-03] (RIN: 2502-AH48) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8932. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Uniform Financial Reporting Standards for HUD Housing Programs, Additional Entity Filing Requirements [Docket No. FR-4681-F-03] (RIN: 2501-AC80) received August 28,2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8933. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Ownership Reports and Trading by Officers, Directors and Principal Security Holders [Release Nos. 34-46421; 35-27563; IC-25720; File No. S7-31-02] (RIN: 3235-AI62) received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8934. A letter from the Assistant Secretary, Department of Education, transmitting a notice of extension of project period and waiver: tribally controlled postsecondary vocational and technical institutions program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8935. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — State Improvement Grant Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8936. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Indian Education Discretionary Grant Programs (RIN: 1810-AA93) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8937. A letter from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Office of Special Education and Rehabilitative Services, Office of Special Education Programs; Final Priority Under the State Improvement Grant Program; Notice Inviting Applications for New Awards for Fiscal Year 2002 [CFDA No. 84.323] received August 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8938. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Ozone-Depleting Substances; Essential-Use Determinations [Docket No. 97N-0023] (RIN: 0910-AA99) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8939. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (La Pryor, Texas) [MM Docket No. 01-262; RM-1-231] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8940. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Harrodsburg and Keene, Kentucky), [MM Docket No. 02-24; RM-10360] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8941. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Asherton, Texas) [MM Docket No. 01-246; RM-10230] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8942. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cuthbert and Buena Vista, Georgia) [MM Docket No. 02-48; RM-10386] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8943. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Firth, Nebraska) [MM Docket No. 01-234; RM-10262] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8944. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Freer, Texas) [MM Docket No. 01-243; RM-10263] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8945. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Alltoments, FM Broadcast Stations (Burney, California) [MM Docket No. 01-311; RM-10318] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8946. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Buffalo Gap, Texas) [MM Docket No. 01-221; RM-10171] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8947. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (San Mateo, California) [MB Docket No. 02-84; RM-10339] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8948. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheboyan, Rogers City, Bear Lake, Bellaire, Rapid River, Manistique, Ludington, Walhalla and Onaway, Michigan) [MM Docket No. 00-69; RM-9850; RM-9945; RM-9946] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8949. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (George West, Texas) [MM Docket No. 01-147; RM-10162] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8950. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Weinert, Texas) [MM Docket No. 01-205; RM-10212] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8951. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grandin, Missouri) [MM Docket No. 01-259; RM-10269] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8952. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bearden, Arkansas) [MM Docket No. 01-258; RM-10268] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8953. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ballinger, Texas) [MM Docket No. 01-292; RM-10302] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8954. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Benadives, Texas) [MM Docket No. 01-256; RM-10266] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8955. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pawhuska, Oklahoma) [MM Docket No. 01-260; RM-10270] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8956. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Eldorado, Texas) [MM Docket No. 01-294; RM-10304] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8957. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 95-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8958. A letter from the Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2001; to the Committee on International Relations.

8959. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Analysis, Department of Commerce, transmitting the Department's final rule – Revision to the Export Administration Regulations: Denied Persons List [Docket No. 020628162-2162-01] (RIN: 0694-AC58) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8960. A letter from the Assistant Secretary, International Security Policy, Department of Defense, transmitting the Department's FY 2002 Cooperative Threat Reduction Annual Report; to the Committee on International Relations.

8961. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

8962. A letter from the Auditor, District of Columbia, transmitting a report entitled, "D.C. Public Schools' Medicaid Revenue Recovery Operations Require Substantial Improvements"; to the Committee on Government Reform.

8963. A letter from the Administrator, Agency For International Development, transmitting the Agency's FY 2003 Annual Performance Plan; to the Committee on Government Reform.

8964. A letter from the Agency For International Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8965. A letter from the Director, Program Services Division, Office of Agency Programs, Office of Government Ethics, transmitting the Office's final rule — Technical Amendments to Regulations Governing Filing Extensions and Late Filing Fee Waivers (RIN: 3209-AA00) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8966. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8967. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of Special Counsel (OSC) for Fiscal Year (FY) 2001, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

8968. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AI30) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8969. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2002-03 Early Season (RIN: 1018-AI30) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8970. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AI30) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8971. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's final rule — Public Conduct on Bureau of Reclamation Lands and Projects (RIN: 1006-AA44) received August 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8972. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's final rule — Law Enforcement Authority at Bureau of Reclamation Projects (RIN: 1006-AA42) received August 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8973. A letter from the Acting Division Chief, Marine Mammal Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Dolphin-Safe Tuna Labeling; Official Mark [Docket No. 991210333-0089-02; I.D. 111099C] (RIN: 0648-AN37) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8974. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — National Marine Fisheries Service — Sea Grant Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics: Request for Application for FY 2003 [Docket No. 990810211-2169-03] (RIN: 0648-ZA69) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8975. A letter from the Director, Regulations and Forms Services Division, Department of Justice, transmitting the Department's final rule — Registration and Monitoring of certain Nonimmigrants [INS No. 2216-02; AG Order No. 2608-2002] (RIN: 1115-AG70) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8976. A letter from the Assistant Secretary of Labor, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Disaster Unemployment Assistance Program; Interim Final Rule; Request for Comments (RIN: 1205-AB31) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8977. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Tranportation, transmitting the Department's final rule — Security Zone; Lake Erie, Perry, Ohio [CGD09-02-006] (RIN: 2115-AA97) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8978. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell, Inc. Part Number HG1075AB05 and HG1075GB05 Inertial Reference Units [Docket No. 2001-CE-28-AD; Amendment 39-12795; AD 2002-13-07] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8979. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Seabrook Nuclear Power Plant, Seabrook, New Hampshire [CGD01-01-207] (RIN: 2115-AA97) August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8980. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area and Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-01-181] (RIN: 2115-AE84 and 2115-AA97) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8981. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Point Pleasant Beach to Bay Head, New Jersey [CGD05-02-052] (RIN: 2115-AE46) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8982. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Lake Erie, Perry, Ohio [CGD09-02-506] (RIN: 2115-AA97) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8983. A letter from the Executive Vice President, Communications and Government Relations, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2001, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

8984. A letter from the Acting Director, Office of Regulatory Law, Insurance Center, Department of Veterans Affairs, transmitting the Department's final rule — Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance (RIN: 2900-AJ80) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8985. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule — Re-use of Air Waybill Number on Air Cargo Manifest [T.D. 02-51] (RIN: 1515-AD01) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8986. A letter from the Chief, Regulations Service, Customs Service, Department of the Treasury, transmitting the Department's final rule — Licenses for Certain Worsted Wool Fabrics Subject to Tariff-Rate Quota [T.D. 02-50] (RIN: 1515-AC83) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8987. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Savings and Loan Industry Supervisory Goodwill — received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8988. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting (Rev. Proc. 2002-54) received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8989. A letter from the Congressional Relations Officer, United States International Trade Commission, transmitting the Commission's annual report entitled, "Shifts in U.S. Merchandise Trade 2001"; to the Committee on Ways and Means.

8990. A letter from the Secretary, Department of Energy, transmitting the Annual Report on Contractor Work Force Restructuring for Fiscal Year 2001, pursuant to 42 U.S.C. 7274h; jointly to the Committees on Armed Services and Energy and Commerce.

8991. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN members states in the General Assembly and Security Council for 2001, and evaluating the actions and responsiveness of those governments to United States policy on issues of special importance to the United States, pursuant to Public Law 101—167, section 527(a) (103 Stat. 1222); Public Law 101—246, section 406(a) (104 Stat. 66); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1701. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; with an amendment (Rept. 107-590 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 442. Resolution recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century (Rept. 107–646). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. H.R. 3813. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund (Rept. 107–647). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 5039. A bill to direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada; with an amendment (Rept. 107–648). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3880. A bill to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes; with an amendment (Rept. 107–649 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3880 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XXII the following action was taken by the Speaker:

[The following action occurred on September 6, 2002]

H.R. 3929. Referral to the Committees on Transportation and Infrastructure and Energy and Commerce extended for a period ending not later than October 4, 2002.

[Submitted September 9, 2002]

H.R. 3880. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than September 9, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STARK (for himself, Mr. Baca, Mr. Becerra, Mr. Bonior, Mr. Brown of Ohio, Mrs. Clayton, Mr. Coyne, Mr. Cummings, Mr. Davis of Illinois, Mr. Doggett, Mr. Farr of California, Mr. Filner, Mr. Honda, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Ms. Kaptur, Ms. Kilpatrick, Mr. Kucinich, Ms. Lee, Mr. Matsui, Mr. McDermott, Ms. Millender-McDonald, Ms. McKinney, Mr. Menendez, Mr. George Miller of California, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rodriguez, Ms. Schakowsky, Mr. Scott, Mr. Serrano, Ms. Solis, Mrs. Tauscher, Mr. Tierney, Mr. Towns, Ms. Waters, Mr. Watt of North Carolina, Mr. Waxman, Ms. Woolsey, Mr. Wynn, Ms. Brown of Florida, Ms. Watson, Ms. DeLauro, Ms. Baldwin, Mr. Markey, and Mr. Underwood):

H.R. 5344. A bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 5345. A bill to establish a moratorium on approval by the Secretary of the Interior of relinquishment of a lease of certain tribal lands in California; to the Committee on Resources.

By Mr. FATTAH (for himself, Ms. Jackson-Lee of Texas, Mr. Sanders, Ms. Brown of Florida, Ms. Kilpatrick, Mr. George Miller of California, Mr. Conyers, Ms. McKinney, Mr. Owens, Mrs. Christensen, Mr. Meeks of New York, Mr. Payne, Mr. Borski, Ms. Millender-McDonald, Ms. DeLauro, Mrs. Clayton, Mr. Hall of Ohio, Mr. Rush, Mr. Cummings, Mr. Andrews, Ms. Lee, Mr. Brady of Pennsylvania, Mr. Murtha, Mr. Jackson of Illinois, Mr. Davis of Illinois, Mr. Hoeffel, Ms. Pelosi, Mr. Frost, Ms. Woolsey, Mr. Filner, Mr. Gephardt, Mr. Larson of Connecticut, Mr. Baldacci, Mr. Pascrell, Mr. Wynn, Ms. Eddie Bernice Johnson of Texas, Mr. Baca, Mr. Doyle, Mr. Ford, Mr. Rangel, and Ms. Norton):

H.R. 5346. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BAIRD:

H.R. 5347. A bill to amend the Small Business Act to allow certain small business concerns that have employee stock ownership plans to qualify as HUBZone small business concerns; to the Committee on Small Business.

By Ms. BALDWIN (for herself, Mr. Delahunt, Mr. Shows, Mr. Barrett, Mr. Tierney, Mr. Allen, Mr. Frost, Mr. Conyers, Mr. Sanders, Mr. Holden, Mr. Phelps, and Mr. Hilliard):

H.R. 5348. A bill to amend title 11 of the United States Code to protect family farmers and family fishermen; to the Committee on the Judiciary.

By Mr. BLUNT:

H.R. 5349. A bill to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 5350. A bill to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 5351. A bill to amend the Internal Revenue Code of 1986 to encourage saving and investment, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. Cummings, Mr. Markey, Mr. Payne, Mr. McDermott, Mr. Owens, and Mr. Lipinski):

H.R. 5352. A bill to amend the Individuals with Disabilities Education Act to develop and implement strategies to reduce the number of children who have, or who are at risk of developing, emotional disturbances that require the provision of special education and related services under that Act; to the Committee on Education and the Workforce.

By Mrs. MORELLA (for herself, Mr. Wolf, Mr. Norwood, Mr. Ford, and Mr. Rodriguez):

H.R. 5353. A bill to amend title 10, United States Code, to require that additional special pay received by medical, dental, or veterinary officers of the uniformed services be treated as part of basic pay for retirement purposes; to the Committee on Armed Services.

By Mr. PALLONE:

H.R. 5354. A bill to accord honorary citizenship to the alien victims of the September 11, 2001, terrorist attacks against the United States and to provide for the granting of permanent resident status to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico:

H.R. 5355. A bill to amend title 38, United States Code, to permit remarried surviving spouses of veterans to be eligible for burial in a national cemetery; to the Committee on Veterans' Affairs.

By Ms. Eddie Bernice JOHNSON of Texas (for herself, Mr. Cummings, Ms. Watson, Mrs. Meek of Florida, Ms. McKinney, Mr. Rush, Mrs. Christensen, Ms. Lee, Mr. Davis of Illinois, Ms. Millender-McDonald, Mr. Clyburn, Ms. Jackson-Lee of Texas, Mr. Towns, Mr. Watt of North Carolina, Mr. Meeks of New York, Mr. Jackson of Illinois, Mr. Hastings of Florida, Mr. Scott, Ms. Kilpatrick, Mr. Jefferson, Ms. Norton, Mrs. Clayton, Mr. Owens, Mr. Lewis of Georgia, Mrs. Jones of Ohio, Mr. Wynn, Mr. Fattah, Mr. Conyers, Mr. Hilliard, Ms. Brown of Florida, Mr. Thompson of Mississippi, Mr. Clay, Mr. Payne, Ms. Waters, Mr. Bishop, Ms. Carson of Indiana, Mr. Ford, and Mr. Rangel):

H. Res. 518. A resolution recognizing National Historically Black Colleges and Universities Week and the importance and accomplishments of historically Black colleges and universities; to the Committee on Education and the Workforce.

By Mr. CONYERS:

H. Res. 519. A resolution providing for consideration of the bill (H.R. 1343) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 116: Mr. Frost.

R. 250: Mr. Boozman.

H.R. 267: Mr. LaTourette.

H.R. 348: Ms. Velázquez, Mr. Baca, Mr. Cummings, Ms. Jackson-Lee of Texas, Ms. Roybal-Allard, and Mr. Conyers.

H.R. 368: Mr. Souder.

H.R. 633: Mrs. Capps.

H.R. 664: Mr. Acevedo-Vila.

H.R. 778: Mr. Larson of Connecticut.

H.R. 854: Ms. Ros-Lehtinen, Mr. Crowley, Ms. McCollum, and Mr. Phelps.

H.R. 902: Mr. Reyes and Mrs. Capito.

H.R. 1076: Mr. Lynch.

H.R. 1097: Mr. Fattah.

H.R. 1182: Mr. Tom Davis of Virginia.

H.R. 1265: Mrs. Morella, Mr. Udall of Colorado, and Mr. Bentsen.

H.R. 1307: Mr. Hyde and Mr. Phelps.

H.R. 1309: Mr. Hinchey.

H.R. 1368: Mr. Cantor, Mr. Souder, and Mr. Schaffer.

H.R. 1452: Ms. Pelosi.

H.R. 1556: Ms. Berkley.

H.R. 1581: Mr. Rogers of Kentucky and Mr. Aderholt.

H.R. 1582: Mr. Fattah.

H.R. 1602: Mr. Pickering and Mr. Osborne.

H.R. 1642: Ms. McCollum.

H.R. 1774: Mr. Ryan of Wisconsin.

H.R. 1786: Mr. Platts.

H.R. 1887: Mr. English.

H.R. 1911: Mrs. Thurman and Mr. Larsen of Washington.

H.R. 1931: Mr. Farr of California and Mr. Gary G. Miller of California.

H.R. 1939: Mr. Hostettler.

H.R. 1990: Mr. Hinchey and Mr. Allen.

H.R. 2098: Mr. Kirk.

H.R. 2148: Mr. McNulty and Mr. Baird.

H.R. 2155: Mr. Forbes.

H.R. 2161: Mr. Gordon.

H.R. 2349: Mr. Shows and Mr. Carson of Oklahoma.

H.R. 2483: Mr. Stupak.

H.R. 2576: Mr. Pomeroy.

H.R. 2592: Mr. Honda.

H.R. 2612: Ms. McCollum.

H.R. 2688: Mr. Honda.

H.R. 2702: Mr. Frank.

H.R. 2878: Mr. Peterson of Minnesota.

H.R. 2908: Mr. Clay.

H.R. 3131: Ms. Berkley.

H.R. 3289: Ms. Schakowsky.

H.R. 3397: Mr. Tierney and Mr. Shays.

H.R. 3414: Mr. DeFazio, Mr. Maloney of Connecticut, Mrs. Morella, Mr. Larsen of Washington, Mr. Holden, and Mr. Frost.

H.R. 3686: Mr. Lewis of Kentucky.

H.R. 3741: Mr. DeFazio.

H.R. 3781: Mr. Gallegly and Mr. Udall of New Mexico.

H.R. 3794: Mr. Weldon of Pennsylvania.

H.R. 3802: Mr. Horn.

H.R. 3831: Mr. Schaffer.

H.R. 3834: Mr. Souder and Mr. Towns.

H.R. 4018: Mr. Deutsch, Mr. Davis of Florida, and Mr. Peterson of Minnesota.

H.R. 4039: Mr. Delahunt.

H.R. 4043: Mr. Bachus, Mr. Brown of South Carolina, and Mr. Isakson.

H.R. 4159: Mr. Collins.

H.R. 4170: Mr. Keller.

H.R. 4483: Mr. Green of Texas, Mr. Bass, and Mr. Larsen of Washington.

H.R. 4579: Mr. Ford.

H.R. 4680: Mr. McGovern and Mr. Spratt.

H.R. 4720: Mrs. Morella, Mr. McIntyre, Mr. McNulty, and Mr. Boozman.

H.R. 4728: Ms. Rivers.

H.R. 4738: Mr. Wilson of South Carolina.

H.R. 4742: Mr. Farr of California.

H.R. 4754: Ms. McCarthy of Missouri.

H.R. 4756: Mr. Tiahrt.

H.R. 4757: Mr. Ehrlich and Mr. Price of North Carolina.

H.R. 4785: Ms. Eshoo.

H.R. 4786: Mr. Castle.

H.R. 4793: Mr. Ross, Mr. Fossella, Mr. Shimkus, Ms. DeLauro, Mr. Frost, and Mr. Turner.

H.R. 4795: Mr. Kennedy of Minnesota.

H.R. 4799: Mr. Moran of Virginia, Mr. Kleczka, and Mr. Baca.

H.R. 4803: Mr. Gutierrez.

H.R. 4840: Mr. Cunningham.

H.R. 4852: Mr. Diaz-Balart.

H.R. 4918: Mr. Matsui.

H.R. 4963: Mr. Oberstar and Mr. Phelps.

H.R. 5013: Mr. Cantor and Mr. Nethercutt.

H.R. 5029: Mr. Green of Wisconsin and Mr. Matsui.

H.R. 5037: Mr. Barrett, and Mr. Frost.

H.R. 5047: Mr. Deal of Georgia.

H.R. 5064: Mr. Kingston, Mr. Shows, and Mr. Weldon of Florida.

H.R. 5078: Mr. Thompson of California, Mr. Inslee, and Mr. Price of North Carolina.

H.R. 5079: Ms. Rivers.

H.R. 5119: Mr. Farr of California.

H.R. 5124: Ms. McKinney, Mr. Sherman, Mr. Crowley, Ms. DeLauro, Mr. Bentsen, Mr. McDermott, Ms. Lee, Mr. George Miller of California, Mr. Sanders, Mr. Kind, Mr. Baca, Mr. Hastings of Florida, and Mr. Payne.

H.R. 5125: Mr. Hefley and Mr. Snyder.

H.R. 5153: Mr. Pallone, Mr. Ferguson, and Mr. McGovern.

H.R. 5159: Mr. Souder.

H.R. 5185: Mr. Tancredo, Mr. Peterson of Pennsylvania, Mr. Stump, and Mr. Carson of Oklahoma.

H.R. 5193: Mr. Stearns.

H.R. 5196: Mr. McIntyre, Mr. Underwood, Mr. Smith of New Jersey, Mr. Shows, Ms. Ros-Lehtinen, Mr. Andrews, Mr. Scott, Mr. Cunningham, Mr. Simmons, Mr. Langevin, Mr. Baldacci, Mr. Larsen of Washington, Mr. McGovern, Mr. Schrock, and Mr. Hostettler.

H.R. 5197: Mr. Burr of North Carolina, Mr. Baldacci, Mr. Bereuter, Mr. Wilson of South Carolina, Mr. Graham, Mr. Jones of North Carolina, Mr. Bartlett of Maryland, Mrs. Myrick, Mr. Riley, Mr. Norwood, Mr. Wolf, Mr. McIntyre, Mr. Brown of South Carolina, and Mr. Clyburn.

H.R. 5202: Mr. Jenkins.

H.R. 5226: Ms. Rivers, Mr. McDermott, Mr. Kolbe, Mr. Doyle, and Mrs. Morella.

H.R. 5227: Mr. Tiahrt.

H.R. 5230: Ms. DeLauro.

H.R. 5241: Mr. Gutierrez, Ms. McKinney, Ms. DeLauro, Mr. Lewis of Georgia, Mr. Clyburn, Ms. Millender-McDonald, and Mr. Payne.

H.R. 5250: Ms. Brown of Florida, Mrs. Thurman, Mr. Peterson of Minnesota, Mr. Sandlin, and Mr. Frost.

H.R. 5255: Mrs. Morella.

H.R. 5268: Mr. Schiff, Mr. Frank, Mrs. Tauscher, Ms. Rivers, Mr. Gutierrez, and Ms. Lofgren.

H.R. 5289: Mr. Borski and Mr. Doyle.

H.R. 5300: Mr. Sanders.

H.R. 5304: Ms. Millender-McDonald.

H.R. 5307: Mr. Terry.

H.R. 5316: Mr. Flake and Mr. Skelton.

H.R. 5317: Mr. Shaw, Mr. Ganske, Mr. Payne, Mr. Forbes, Mr. Terry, Mr. Kirk, Mr. Green of Wisconsin, Mr. Tiahrt, and Mr. Hoeffel.

H.R. 5319: Mr. Hastings of Washington, Mr. Rehberg, and Mr. Thune.

H.R. 5326: Mr. Grucci, Ms. DeLauro, Mr. Wu, Mrs. Johnson of Connecticut, Mr. Tanner, Mr. Schiff, Mr. McNulty, Mr. Green of Texas, Ms. Berkley, Mr. Farr of California, Mr. Scott, Mrs. Bono, Mr. Boozman, Mr. Visclosky, Mr. Barrett, Mr. Borski, Ms. Woolsey, and Ms. Waters.

H.R. 5330: Mr. King, Mr. Nadler, Mr. Crowley, Mrs. McCarthy of New York, Mr. Towns, and Mr. Hinchey.

H.J. Res. 89: Mr. Pitts.

H.J. Res. 108: Mr. Kerns, Mr. Ballenger, Mr. Barton of Texas, Mr. Shuster, and Mr. Goode.

H.J. Res. 109: Mr. Olver, Mr. Kleczka, Mr. Leach, Mr. Serrano, Mr. Sanders, Mr. McDermott, Mr. Becerra, Mr. Baldacci, and Mr. Frank.

H. Con. Res. 20: Ms. Berkley.

H. Con. Res. 162: Mr. Brown of Ohio.

H. Con. Res. 197: Mr. Allen.

H. Con. Res. 222: Mr. Shows.

H. Con. Res. 367: Mr. Tancredo.

H. Con. Res. 401: Mr. McInnis and Mr. Baca.

H. Con. Res. 438: Mr. Kildee.

H. Con. Res. 447: Ms. Ros-Lehtinen, Mr. Burton of Indiana, Mr. Andrews, Mr. Tancredo, Mrs. McCarthy of New York, Mr. Rohrabacher, Mr. Meeks of New York, Mr. Frank, Mr. Towns, Mr. Green of Texas, Mr. Nadler, Mr. Holt, and Mr. Souder.

H. Con. Res. 462: Mr. Kind, Mr. Obey, Mr. Kucinich, Mr. Bonior, Mr. Lucas of Kentucky, Mr. Moran of Kansas, Mr. Hinchey, Mr. Gutknecht, Mr. Smith of Michigan, Mr. Kennedy of Minnesota, Mrs. Clayton, and Mr. Hilliard.

H. Res. 295: Ms. Eshoo.

H. Res. 313: Mrs. Napolitano and Mr. Price of North Carolina.

H. Res. 398: Mr. McDermott, Ms. Lee, Mrs. Capito, Mr. Bishop, Mr. Hastings of Florida, and Mr. Terry.

H. Res. 499: Mr. Hinchey and Mr. Souder.

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DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5319: Mr. Hastings of Florida.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. ANDREWS. Mr. Speaker, I was unable to be present for votes on September 5, 2002 because I was taking my kids to their first day of school.

Had I been present, I would have voted in favor of H.R. 4727, the Dam Safety and Security Act of 2002, and also in favor of H. Res. 94, honoring the contributions of Venus and Serena Williams.

TRIBUTE TO JOHN EDWARD WRIGHT

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. GRAHAM. Mr. Speaker, I rise today to recognize John Edward Wright, originally from Aiken, South Carolina. Mr. Wright was recently awarded a citation for distinguished service from the Secretary of the Interior for his outstanding contributions in the field of public affairs for the Office of the Secretary.

Mr. Wright is the Senior Public Information Officer in the Secretary's Office of Communications, where he is held in high esteem and is respected for his media relations expertise, institutional knowledge, and familiarity with the key issues confronting the Department of Interior.

As Senior Public Information Officer, he provides expert public affairs counsel to the Secretary, Deputy Secretary and Director of Communications. In addition, departmental communications managers rely upon Mr. Wright for guidance and direction regarding public affairs messages and strategies.

Mr. Wright has also fostered important working relationships with reporters in the national media. He has a reputation for his responsiveness and willingness to go the extra mile to meet media deadlines. Earlier this year during the Department of Interior's unveiling of the Competitive Sourcing program, Mr. Wright worked closely with the Office of Policy, Management, and Budget was responsible for all media relations planning and execution. With his guidance, the launch of this plan in the media was an outstanding success, generating accurate and positive media coverage.

Most recently, Mr. Wright has been the lead for the public affairs office in the Office of the Secretary for implementation of media outreach and communications related to the Department of Interior/USDA National Fire Plan. In this capacity, Mr. Wright has worked effectively with federal and state communications officers to develop news releases, fact sheets, and interviews with key media. Mr. Wright, through his enduring hard work, unwavering attention to detail and diligence in promoting Departmental ideals, portrays a public information specialist that others can emulate.

For his service which has earned him Departmental commendation as well as his coworkers' respect, I recognize Mr. John Edward Wright.

RAE AND MAL WEBBER CELEBRATE THEIR 60th WEDDING ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family and friends who have gathered to congratulate Rae and Mal Webber of New Haven, Connecticut as they celebrate their 60th wedding anniversary. Throughout their six decades together, Rae and Mal have dedicated much of themselves to enriching our community—bringing the generosity and compassion they have shared together to us all.

It is not often that you find individuals who so willingly volunteer their time and efforts on behalf of their communities. Rae and Mal have a rich history of advocacy and unparalleled commitment—their unwavering spirit changing the face of Greater New Haven. I have often had the pleasure of working with both Rae and Mal and am continually inspired by their devotion and dedication to our community.

I have often spoke of our nation's need for talented, creative educators ready to help our children learn and grow. Committing a lifetime of work to our young people, Rae exemplified this ideal as an educator. Throughout her career, she touched the lives of thousands of children, ensuring that they were prepared with the skills and knowledge they needed to pursue their dreams. In addition to her professional career, Rae volunteered much of her time to community organizations. Through her efforts on behalf of the League of Women Voters, a non-partisan, non-profit organization that encourages the informed and active participation of citizens in government, Rae helped many Connecticut residents find ways to make their voices heard. Rae was also active in the coordination of the communal service held at the Immanuel Baptist Church on Martin Luther King Day. Her contributions, as a professional and community member, have truly made a difference in the lives of many.

A vocal public advocate, Mal's efforts on behalf of New Haven's Jewish community and the Greater New Haven area, have left an indelible mark that will not forgot. Education and the gift of knowledge were a central focal point of Mal's incredible work. As Chairman of the Board of Directors, during a pivotal point in its history, Mal led the efforts to save and enhance the New Haven Public Library—which has ensured the library's continued success today. Mal also served as the Director of both the Connecticut Jewish Community Relations Council and Anti-Defamation League during the times of the Civil Rights Movement—a tumultuous time throughout the nation.

Using his unique position in these two organizations, Mal worked diligently with clergy, political, and community leaders to sustain the relationship between our Jewish community and the Greater New Haven community as a whole.

Today, as they celebrate their lifetime together, we, as a community, extend our deepest thanks and appreciation for all that they have done to enrich our lives. I am proud to join their children, Susan, Henry, and Bruce, family, friends and community members in congratulating them on this very special occasion and extending my very best wishes for many more years of health and happiness.

TRIBUTE TO MARIE HOLINSWORTH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. LEVIN. Mr. Speaker, during my service as a Member of the House of Representatives, it has been my honor and privilege to rise and pay tribute to organizations and people who really make a difference in the Michigan community. Today I rise to recognize Marie Holinsworth, Legislative Chair for the Veterans of Foreign Wars Post 2358 Ladies Auxiliary in Roseville, Michigan.

As Legislative Chair, Mrs. Holinsworth has been a tireless advocate for the VFW's "Priority Goals." No veterans' subject is insignificant to Mrs. Holinsworth. With her quiet strength and customary eloquence, Mrs. Holinsworth's letters to my office express a comprehensive understanding of the issues and clearly set forth the agenda the Ladies Auxiliary is pursuing.

At the recent Michigan VFW State Convention, Mrs. Holinsworth was recognized for her legislative duties by being the recipient of two top awards. The first was the "Most Outstanding Promotion of the Legislative Program" for her efforts in writing letters, working at polls and meeting with candidates and legislators. This distinction was enhanced by the announcement that she also won the award for the "Best Promotion of Priority and Security Goals," placing first among over two-hundred and fifty Auxiliaries in the state of Michigan.

Mr. Speaker, I applaud Mrs. Holinsworth for the wonderful work that she has done for the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ladies Auxiliary, and heartily congratulate her on winning the awards which she so richly deserves.

TRIBUTE TO DAN B. WALDEN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special citizen in my district. Dan B. Walden has provided continuous efforts on behalf of children and education throughout his community and throughout the state of California. Dan Walden graduated from the University of California at Berkeley with a bachelor's degree in economics. For the past 33 years he has worked at Bank of America in industrial engineering, management, planning and project management. He has recently retired. Dan Walden has served as a school board member in Walnut Creek since 1988, serving as president in both 1994 and 1995. Along with this he was extremely active in the Contra Costa County School Boards, as its president in 1991 and 1996. Not only has he served his community, but the entire State of California as well. Dan Walden was a member of the California School Boards Association's Delegate Assembly since 1991. He has also served on numerous association committees. He served as chair of the CSBA Legislative Committee and Schools and Media Crisis Communications Task Force. Dan Walden has also served as chair of the Annual Education Conference Planning Committee in 1997. His desire to help did not stay in California as he has participated on the National School Boards Association's Policies and Resolutions Committee and the NSBA Pacific Region Bylaws and Regional Nominating Committees. Apart from the School Boards Associations he has also been active in community initiatives including the Contra Costa County Partners in Education, Project R.E.A.D. and the Walnut Creek Library Foundation, which he served as its first president. Dan Walden is now the outgoing President of the California School Boards Association for the 2002 year. I am very grateful for all of the hard work that Dan Walden has done in our community, the State of California and our country.

THE MILITARY PHYSICIAN EQUITY ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to urge support for the Military Physician Equity Act. This legislation will level the playing field for Uniformed Services (Title 37) physicians so that they have the option of receiving the same annuities as civil service physicians (NIH, HHS etc.) and Veterans Affairs (VA) physicians.

Currently, civil service physicians (Title 5) and VA physicians (Title 38) are allowed to have their recruitment/retention bonuses counted as part of their "high-three" for purposes of determining their retirement annuity. The "high-three" is the system whereby one's highest three consecutive salaries are used to determine an annuity. By allowing for recruitment/retention bonuses to be counted as one's salary, a retiree receives a bigger retirement check each month from his former employer. We do not feel it is just that Title 5 and Title 38 physicians should have received this benefit while military physicians do not. Our bill does not create any unique benefit; it only allows Title 37 military physicians to receive the same benefit that other Federal physicians receive.

In addition to the fairness issue, it is also a matter of good policy. The government cannot pay physicians on the same scale as physicians employed in hospitals, HMOs, and universities. Consequently, enhancing the benefits of our military physicians is an essential way to retain our best doctors. Passage of this bill would help offset the loss of income for Federal physicians if they choose to remain a public servant. This important legislation helps ensure that the government can recruit and retain highly trained and well-qualified physicians and I urge my colleagues to support it.

IN COMMEMORATION OF THE PLACER HERALD'S 150TH ANNIVERSARY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. DOOLITTLE. Mr. Speaker, today I wish to recognize the 150th Anniversary of my hometown newspaper, the Placer Herald, which traces its roots to the first printing press used in California.

On September 11, 1852, the first edition of the Placer Herald was published for 25 cents per copy in Auburn, California, not far from where gold had been discovered a few years earlier. Established by Tabb Mitchell, Richard Rust, and John McElroy to serve the mining community in the foothills of the Sierra Nevada, the newspaper was housed in a plain, board-sided storefront office. As an interesting historical note, the paper was printed on California's very first printing press—the one that Sam Brannan had brought to publish The California Star.

In 1892, a new, two-story brick building measuring 30 feet by 75 feet was erected on the site of the Placer Herald's original headquarters. After changing hands many times over the subsequent years, new owners moved the paper in 1963 to Rocklin, California, where it continues to be published.

I wish to commend the modern Placer Herald for its ongoing service to the people of Rocklin and neighboring communities. For 150 years, it has maintained its heritage of reporting local news to a segment of California's Gold Country. The newspaper serves a valuable purpose by both reflecting and shaping the community it serves. As we celebrate the Placer Herald's sesquicentennial, let me add my wishes that the newspaper will flourish for another century and a half!

ENVIRONMENTAL ACTIVISTS MUST STOP BLOCKING SENSIBLE WILDFIRE PREVENTION EFFORTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the August 3, 2002, Norfolk Daily News. The editorial emphasizes the need for proper forest management in order to prevent disastrous wildfires. Unfortunately, as the editorial indicates, all too often sensible management plans designed to reduce wildfire threats have been delayed or defeated by environmental activists.

[From the Norfolk (NE) Daily News, Aug. 3, 2002]

ACTIVISTS HAVE TO SHARE BLAME

The extreme environmental groups accused of contributing to the wildfires in the West this year are scrambling like mad to say it wasn't their fault. But as a recent report shows, they in fact have a lot to answer for:

The report comes from the U.S. Forest Service, and as press accounts note, it shows that administrative appeals delayed almost half of 326 projects last year that were aimed at lowering the wildfire threat through the hacking away of underbrush and small trees. Those making the appeals, of course, were more often than not environmental groups.

In response, the environmental groups maintain that what they're actually doing is trying to save the forests from the awful, dreadful timber industry, as if anytime the timber industry profits, life on this planet has somehow worsened. It's true that removing the biggest and oldest trees does not serve fire-prevention purposes, but that's not what the projects aimed to do. And meanwhile, it's also true that the preferred solution of environmental activists—controlled burns—is often no solution at all.

The problem with controlled burns, in addition to being extraordinarily expensive, is that the unwise suppression of natural fires over many decades has led to a buildup of what wildfires like to feed on, namely all that underbrush and all those small trees.

The consequence is that the burns cannot be controlled, as was amply illustrated two years ago when one such attempt destroyed 200 homes in Los Alamos, N.M. That burn was also mismanaged, but there are fewer and fewer stretches of forest where even the best management can be assured of keeping such burns from getting out of hand.

Thinning the forests mechanically is not only safe and effective and good for the future grandeur of the forests, but not nearly so expensive, because the timber industry helps foot the bill.

Delays in the process have to stop if we are not to see many repeat performances for this year's destruction.

TRIBUTE TO JOHN B. BEAUDOIN

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to bring to your attention an outstanding individual, John B. Beaudoin. Mr. Beaudoin has been chosen as the 2002 recipient of the Frank W. Kennedy Memorial Award. During the 1960s, Frank Kennedy served with distinction as the president of the Board of Directors of the Lansingburgh Boys & Girls Club. This award, named in his honor, is given to a member of the community that embodies the characteristics of Frank Kennedy—integrity, generosity, and loyalty to the community.

The 2002 recipient of this award, Mr. Beaudoin, is a graduate of Syracuse University with a masters in social work and, for the last 34 years, has been working for the Rensselaer County Commissioner of Social Services. With his unparalleled concern for youth and the elderly, John Beaudoin has used his role in the Department of Social Services to improve conditions within his community. He has developed various services such as homeless shelters, day care initiatives, and dealt with child protective issues, to name just a few of his accomplishments.

John Beaudoin has distinguished himself within the Department of Social Services, as well as the many affiliated organizations he has worked with. John has developed numerous programs to serve every facet of the community and is certainly deserving of this award.

Mr. Speaker, it is a privilege for me to join with the Lansingburgh Boys & Girls Club in honoring John Beaudoin. I am sure that John's admirable efforts on behalf of the local community will continue well into the future.

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, there is a crisis affecting the 500,000 children in foster care in this country. Day after day, there are reported cases of sexual abuse, neglect, and even death of foster children, all while under the care of the state child welfare agencies. Social workers remove children from their homes because of abuse and/or neglect. Yet neither safety nor stability is ensured by child protective services interventions.

In the following article, The Washington Post reports that a 7-year-old boy, a ward of the District's Child and Family Services Agency, was warehoused in a group home for older foster children, where 12-year-old boys later admitted to sodomizing him. Additionally, officials confirmed that other boys were sexually abused at that facility and at a separate group home for mentally retarded foster children.

But severe problems in the foster care system exist in many states and jurisdictions beyond Washington D.C. Articles and reports that I will provide in subsequent extensions document how children in foster homes, children's shelters, and group homes are sometimes subject to even greater abuse as a result of those placements.

A strong federal law passed in 1980 establishes tough accountability standards to protect children in foster care. It is evident that there has not been sufficient oversight at the state or federal level, and that billions of dollars are being spent, often in violation of federal law, to perpetuate a system that fails to provide children and their families with necessary services and safeguards.

The circumstances described in these reports underscore the need for lawmakers, practitioners, and advocates to work together without delay to reform the child welfare system and to review the enforcement and implementation of our foster care laws without further delay.

The article follows:

[From the Washington Post, Aug. 1, 2002]

D.C. SPEEDS GROUP HOME CHANGE; MOVE FOLLOWS NEW REPORT OF ASSAULTS ON BOYS

The director of the District's child welfare agency yesterday ordered her staff to speed up the removal of children under 12 from foster group homes, as officials learned of another unreported case of alleged sexual abuse involving youths at one of the privately run facilities.

The agency acknowledged yesterday that it did not remove an 11-year-old mentally retarded boy from one of the homes until nearly three months after he reported being sexually abused by a 15-year-old resident.

A city social worker learned of the April 9 incident shortly after it occurred but did not report it until July 2, city officials said. Police then interviewed the 11-year-old and his 12-year-old roommate, who also reported being sexually assaulted, and removed them from the home. The alleged perpetrator is still at the facility.

The case is the latest in a string of such incidents that were not promptly reported to authorities. Last week, city officials said that a 7-year-old boy was sodomized by two 12-year-olds at another group home in April and that the home's staff did not report the abuse until two days later. This week, officials said that home also failed to tell government monitors about a 1999 abuse incident.

The D.C. Child and Family Services Agency announced yesterday that it has strengthened its procedures on the reporting of abuse and that it will refer for prosecution any caregiver or employee who fails to make such a report.

More than 400 District foster children are in congregate care, as group homes and other institutions are called, and the agency's policy is to limit the facilities' use to older children and those with special medical needs.

Yesterday, Olivia A. Golden, the agency's director, ordered an inventory to determine how many group home residents are younger than 12. She ordered her staff to review those cases and prioritize the children for placement with foster families or relatives or for reunification with birth parents. A key hurdle to that effort, however, is a shortage of foster families, especially families who are trained to offer therapeutic services for children with intensive needs.

Golden's order comes one year after the agency emerged from six years of federal court control, the legacy of a 1989 lawsuit filed over poor conditions in the child welfare system. The agency is trying to improve its regulation of private foster care institutions, which have never been licensed because the city failed for 15 years to implement a 1986 licensure law.

"We knew we were coming into a situation where congregate care was substantially overused, and we knew that group home providers did not have enough resources and staff," said Golden, who took over the agency in June 2001.

Golden said she was "surprised and saddened" by the severity of unreported abuse. "The fact that we're still having tragedies is what we have to change," she said.

Marcia Robinson Lowry, the New York-based lead counsel in the class-action suit against the District, said yesterday that she has asked the agency's court-appointed monitor to investigate the recent incidents.

"We had been focusing on children 6 and under, but it is clear that the problem is well beyond that and that children under 12 should not be in group home facilities," Lowry said.

In the latest abuse case, a police report obtained by The Washington Post indicates that during an April 9 bed check at the group home, in the 800 block of Floral Place NW, staff members observed the 15-year-old running out of the two younger boys' bedroom with his pajama pants open.

The 11-year-old told the staff that the older boy had touched him on the buttocks, according to the police report,

The report states that when a detective went to investigate on July 2, the boy said he had been forced to perform oral sex on the 15-year-old. The boy's roommate corroborated the account and said his penis was grabbed by the teenager on the same night.

The 11-year-old "stated that this has occurred several times and each time he has reported it to the staff of the group home," the police report said,

Moderate mental retardation has been diagnosed in all three boys. The 11-year-old is living temporarily with his family while awaiting an alternative placement, and the 12-year-old has been placed with a foster family.

The group home is run by a nonprofit contractor, Community Multi Services Inc. It operates five homes that serve up to 18 mentally retarded foster children, as well as seven care facilities and 15 apartments for adults with developmental disabilities. It is paid nearly $3,500 a month for each foster child.

Constance A. Reese, the contractor's program director, said her staff interviewed the three boys and had them seen by a doctor but determined that "nothing took place with these children." She said the staff notified the three boys' social workers and sent an incident report to a government monitor.

Mindy L. Good, a spokeswoman for the child welfare agency, said that the 15-year-old boy's social worker learned of the incident April 10 but "completely failed to report this until July." The social worker, Emmanuel K. Baah, called the agency's abuse and neglect hotline in July after his supervisor ordered him to do so, Good said. The hotline staff then contacted the police.

Good said Baah violated agency policy on the reporting of abuse by not immediately calling the hotline or informing his supervisor. She said that the actions of the group home, the monitor and the social workers for the two younger boys also are being reviewed.

Baah, who has worked for the city since 1992, said he received a dismissal letter from the agency yesterday. He said the group home told him about the incident April 18, right before he went on a six week vacation. He said he did not call the hotline because group home employees were reviewing the alleged abuse and "because they were not sure whether it was substantiated or not."

For years, city law has required health care providers, law enforcement officers, educators and social service and day-care workers to immediately report suspected child abuse or neglect to the police or the child welfare agency.

Group home regulations that took effect in September require any staff member who knows of possible abuse or neglect to call the hotline immediately and submit a written report within 24 hours to the child's social worker and the child welfare agency.

But in February, the agency sent a letter to foster care institutions indicating that staff should make oral reports to social workers during business hours and to the hotline during evenings and weekends. Yesterday, the agency said that the 24-hour hotline, 202-671—SAFE, should always be used.

In addition, the agency said it will refer violations of the reporting requirements for prosecution and push for an increase in the penalties for violators. Currently, failure to report abuse or neglect is punishable by a fine of up to $100 or imprisonment for up to 30 days.

Staff researchers Bobbye Pratt and Karl Evanzz contributed to this report.

A PROCLAMATION RECOGNIZING JONATHAN W. WEISS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. NEY. Mr. Speaker, Whereas, Jonathan Weiss has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jonathan Weiss has shared his time and talent with the community in which he resides; and

Whereas, Jonathan Weiss has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jonathan Weiss must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 401, the residents of Jefferson County, and the entire 18th Congressional District in congratulating Jonathan W. Weiss as he receives the Eagle Scout Award.

HONORING SPECTRUM IN MARIN COUNTY, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Spectrum, Center for Lesbian, Gay, Bisexual and Transgender (LGBT) Concerns, on the occasion of its 20th anniversary. Spectrum began its work in 1982, under the leadership of Rev. Janie Spahr, and with the direction of Executive Director Paula Pilecki, Spectrum has continued to pursue its mission to "strengthen, mobilize and serve lesbian, gay, bisexual, transgender and questioning people, and promote acceptance, understanding and full inclusion in Marin County."

Spectrum is the only organization in Marin County that focuses exclusively on addressing the needs of LGBT people. In twenty years, over 1,000 volunteers have helped tens of thousands of people come together to speak out against fear and discrimination. Spectrum works with a national network of social Justice advocates to make the world a more inclusive and safe place for all people. Spectrum recognizes that in a diverse community, it is important that people learn to respect each other and their differences.

Spectrum plays an active role in the community, providing outreach programs that educate the community on LGBT people and provide systems of support for LGBT people. Spectrum's Speakers Bureau makes presentations to elementary, middle and high schools, colleges and community groups. Volunteer speakers share their personal stories to dispel myths and stereotypes about LGBT people. Spectrum's program, Rainbow's End, provides support for LGBT and questioning youth, 14–19 years old. Community Connections focuses on LGBT seniors providing peer support, facilitating social groups and educational forums.

Mr. Speaker, Spectrum has played a pivotal role in the LGBT community. The support they provide to LGBT people and the education they provide to the public has had an everlasting effect on Marin County.

COMMENDING THE PUBLICATION OF "TO LIFE: STORIES OF COURAGE AND SURVIVAL TOLD BY HAMPTON ROADS HOLOCAUST SURVIVORS LIBERATORS AND RESCUERS"

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. FORBES. Mr. Speaker, I rise to call attention to the publication of "To Life: Stories of Courage and Survival as told by Hampton Roads Holocaust Survivors, Liberators, and Rescuers."

I also wish to bring to the attention of the House of Representatives the following statement issued by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, upon publication by the United Jewish Federation of Tidewater of the book "To Life: Stories Of Courage and Survival told by Hampton Roads Holocaust Survivors, Liberators and Rescuers." Rabbi Zoberman, son of Polish Holocaust survivors, and his daughter Rachel are among the contributing authors.

STATEMENT OF RABBI ZOBERMAN

Out of the depths of Jewish anguish and an aching human soul, with much trepidation to disclose accounts so personal and intimate yet with a compelling need to unburden heavy-laden hearts, reaching out to connect across a separating abyss, this—courageously, convincingly and caringly—shared tales of woes and victories is an enduring gift of Tikvah, reasssuring hope for generations.

Out of the Shoah's poisonous fires still threatening to consume civilization, hope is painstakingly garnered and guarded from the midst of despair, a reminder of humanity's capacity to stand up to indefinite evil—physically, psychologically and spiritually—to ensure that infinite goodness will be the lot of all God's children.

Hope that dreams dashed by blind hatred and boundless cruelty perverting the divine image within us cannot ultimately be destroyed by demonic design deposited in the recesses of human depravity. While affirming the Holocaust's uniqueces we recall with horror the September 11th, 2001 terrorist strikes and the genocidal wars in Cambodia, Rwanda and Bosnia, further diminishing us. Hope that life's sacred and sweet essence of creative potential, morel imperative, fulfilling relations and maturing growth will prevail over the stifling emptiness of a culture of death. Hope that the holiness in the victims' lives, symbolized by the flickering Sabbath lights, is within reach in spite of history's harsh winds. Hope that glorious Israel reborn, the surviving remnant facing continued trials and tribulations, will ever be a fitting testimony to its martyred people's inspiring bequest of prophetic values and undying faith. Hope filled with lasting gratitude that the United States of America, home and haven to the persecuted and oppressed, a weary humanity's best and last beacon of light, will retain its great pluralistic vision. It valiantly defeated Nazism and it will win as well its war on global terrorism.

Our heroic survivors, rescuers and liberators have entered portals not one else has, a land only they traversed, leaving behind lost dear ones safe from hurt and humiliation under the Shechina's broken wings. They dared remember, recall and retell for memory empowers the living and is the dead's lasting memorial. Rebuilding and healing their lives in Hampton Roads, the survivors along with their children and grandchildren provide us with indelible past and present lessons of perseverance, purpose and promise. The treasured candles of their cherished lives will brightly shine, eternal watch and witness, kindling a path for shalom's blessing to yes highlight a global community at harmonious peace.

Mr. Speaker, I commend this important publication to all Members of the House of Representatives. The stories of Holocaust survivors must be documented and told again and again. In doing so, we will ensure that such inhumane horror will remain present forever in our collective conscience, so that we, above all else, will never let this dark chapter in our history ever repeat itself.

A PROCLAMATION COMMENDING MORNING JOURNAL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. NEY. Mr. Speaker, whereas, the Morning Journal published in Lisbon, Ohio will celebrate its 150th anniversary on September 15, 2002; and

Whereas, the Morning Journal started as The Buckeye State in 1852 and became the Evening Journal in 1909; and

Whereas, the Morning Journal has grown to become the largest newspaper in Columbiana County; and

Whereas, the Morning Journal serves its community with publication seven days a week;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing the Morning Journal on September 15, 2002 its 150th anniversary.

RECOGNIZING ROSELLE, MICHAEL HINGSON'S GUIDE DOG, FOR HER BRAVERY AT WORLD TRADE CENTER ON SEPTEMBER 11

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Roselle, a yellow Labrador dog, whose bravery on September 11 as she led her blind owner Michael Hingson from the World Trade Center is an inspiration.

Michael and Roselle have become well-known as representatives of the power of the human/animal bond to build a trust that can carry them through even the greatest tragedy.

Michael was working on the 78th floor of the World Trade Center when the building was struck. After making sure everyone in the office was evacuated safely, Roselle and Michael began the long descent down the stairwell. Despite the heat and smoke, they calmly made their way from the building and started running for the subway as Tower 2 began to collapse. In the subway, Roselle guided Michael and another woman down the stairs and led Michael to the home of a friend in mid-Manhattan.

Michael has traveled with a dog from Guide Dogs for the Blind for 37 years. Roselle's ability to lead, and Michael's to command, under such difficult circumstances embodies the success of the lifelong partnerships developed through this program.

Mr. Speaker, Roselle's story demonstrates that there were many kinds of bravery on September 11, 2001. It is appropriate to honor the bond that enabled her to save the life of Michael Hingson.

CONGRATULATING THE TOWN OF SMITHFIELD, VIRGINIA ON THEIR 250TH ANNIVERSARY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. FORBES. Mr. Speaker, I rise today to congratulate the Town of Smithfield, Virginia on the marking of their 250th anniversary this year.

Smithfield has a population of 6,584 and is approximately 10.1 square miles in size. Located on the banks of the Pagan River in Isle of Wight County, Smithfield, Virginia was incorporated in 1752 from land donated and surveyed by Arthur Smith IV. Smithfield offers residents a small-town atmosphere, a great school system, affordable housing, and a beautiful historic downtown.

While numerous Tidewater localities suffered during the Revolutionary War, the War of 1812, and the Civil War, Smithfield was spared the devastation. Since the Town's inception, Smithfield has worked hard to maintain its architectural heritage and small town charm.

The rise of Smithfield is most often credited to its world famous ham industry. Know as the "Ham Capital of the World," no visit to Smithfield can be considered complete without enjoying a quality ham.

To mark the Town's anniversary, on September 28th, the residents of Smithfield will be making the largest ham biscuit in the world. The ham biscuit bill will be eight feet in diameter and large enough to feed 1,752 people. I hope the Guinness Book of World Records will recognize the biscuit as the worlds largest ham biscuit.

Mr. Speaker, I congratulate the citizens of Smithfield, Virginia, as they celebrate the Town's 250th anniversary and wish them continued success and prosperity in the years to come. While rich in history and in the beauty if its surroundings, the greatest part of Smithfield is the people who live there. It is truly an honor and privilege to represent the people of the Town of Smithfield in the United States House of Representatives.

A PROCLAMATION RECOGNIZING MARK DUGAN

HON. ROBERT. W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. NEY. Mr. Speaker, Whereas, Mark Dugan is a hero who used his knowledge of Cardiopulmonary Resuscitation to help save the life of a one-year-old child; and

Whereas, Mark Dugan acted quickly and efficiently without hesitation or thought of himself; and

Whereas, Mark Dugan is an asset to the New Philadelphia community in his preparedness and willingness to help others; and

Whereas, Mark Dugan has displayed remarkable responsibility by becoming trained in life-saving first aid and furthermore by his real-life application of that knowledge;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Mark Dugan for his selflessness and heroism.

POINT REYES NATIONAL SEASHORE 40TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Point Reyes National Seashore on the occasion of its 40th anniversary. On September 13, 1962, President John F. Kennedy signed into law P.L. 87–657 "to save and preserve, for the purpose of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped."

Conceived as a park in the 1930s, the hard work of dedicated people made Point Reyes National Seashore a reality many years later. Today the Seashore, located an hour's drive from the urban San Francisco Bay Area, is enjoyed by over 2.5 million visitors annually. It comprises over 71,000 acres including estuaries, beaches, coastal grasslands, salt marshes, and coniferous forests and contains 45 percent of North American avian species and 18 percent of California's plant species. The Park is the best site for whale watching on the West Coast with as many as 200 migrating whales sited per day. In 1988 Point Reyes National Seashore was internationally recognized by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) for its examples of the world's major ecosystem types and named the Central California Coast Biosphere Reserve.

Lying just across the San Andrea Fault from the rest of North America, the Point Reyes peninsula is also a geological land in motion which has moved over 300 miles in the last 100 million years. Visitors to the Park's Earthquake Trail can see the results of this activity from near the epicenter of the 1906 San Francisco earthquake.

The cultural history of Point Reyes dates back 5,000 years to a time when the Coast Miwok Indians inhabited the peninsula. Over 120 Miwok archeological sites exist within the park. In 1579 Sir Francis Drake was probably the first European in the area, landing on the shores of the Bay which bears his name. Lighthouses and lifesaving stations, several still available to visitors, were established in the 19th century in response to the many shipwrecks in the treacherous waters off the coast. In the early 19th century Mexican land grantees established ranchos, and today ranching operations continue in the Park's pastoral zones.

Today, under the direction of Superintendent Don Neubacher, the Park successfully balances the needs of visitors and ranchers with the preservation of ecosystems and historical sites.

Mr. Speaker, Point Reyes National Seashore ranks among the top twenty most-visited National Park service areas in the country and exemplifies the Park Service's mission to "care for special places saved by the American people so that all may experience our heritage."

PAYING TRIBUTE TO ANDREA ARAGON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. McINNIS. Mr. Speaker, today I stand before you with great pride to honor the accomplishments of Andrea Aragon of Pueblo, Colorado. Andrea was one of the six distinguished women to receive the 2002 YWCA Anna Taussig Tribute to Women Awards on Thursday, June 6, 2002. She was selected for her unparalled dedication to the education of the youth of Pueblo, her personal philanthropy. Andrea Aragon has exemplified unrelenting passion in not only her professional life, but her personal one as well, and I am honored to pay tribute to her accomplishments today.

Andrea is the perfect example of a model citizen who commits selflessly to the betterment of her community. She currently dedicates her time to countless boards that strive to improve the integrity of the community, such as the Colorado Student Loan Obligation Authority, the University of Southern Colorado President's Leadership Program Advisory Board, the Pueblo Hispanic Education Foundation Board, the Columbine Girl Scouts Board, and the El Pueblo Boys and Girls Ranch Board and previously served as Executive Director for the Latino Chamber of Commerce. Throughout her term as Executive Director, Andrea increased membership by seventy-five percent which provided the Chamber with new, renovated offices and space. In July, Andrea was elevated to become the proctor of the office of development and alumni relations for the University of Southern Colorado.

Mr. Speaker, it is my pleasure today to recognize the compassion of Andrea Aragon of Pueblo, Colorado and her ability to inspire the community of Pueblo to strive for their dreams. Her actions are an integral asset to those around her, and the entire State of Colorado. Congratulations on your achievement Andrea, and I wish the best of luck to you and you future endeavors.

COMMENDING THE NATIONS THAT PARTICIPATED IN THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. STARK. Mr. Speaker, I rise today to commend the one hundred and ninety-one nations that participated in last week's United Nations World Summit on Sustainable Development. I hope that the cooperative efforts of these nations will begin to solve the mounting problems that have been brought to bear by decades of rampant consumption, resource depletion, and overpopulation.

I applaud a major victory of the conference: China's decision to join the Kyoto Protocol and reduce its greenhouse gas emissions. I welcome Russia's intention to do the same very soon in the near future. But, I am left with profound disappointment at the United States continued failure to offer our leadership and cooperation in this effort.

The United States, absence at the World Summit on Sustainable Development was not only a setback to America's leadership in the world, it was indicative of the Bush Administration's lack of commitment to solving a problem for which we are a major cause.

Fossil fuel consumption and Carbon Dioxide (CO_2) emissions—the major contributors to greenhouse gas and global warming—are on the rise, most notably in the United States and Asia. The United States, Canada, and Mexico are the primary source of CO_2, emissions in the world. In fact, CO_2, emissions in North America have grown steadily over the last decade, nearly 16 percent between 1990 and 2000. Meanwhile, these emissions have declined in the former Soviet Union, Europe and Japan.

The World Summit was a unique opportunity for nations to cooperatively address what scientists have long stated are the serious consequences of global climate change. Major glaciers and arctic sea ice are retreating, causing sea levels to rise. Rainfall has increased in the Northern Hemisphere leading to unexpected flooding and related disasters. Insurance payments for flood and storm damage rose by $28 billion in just a decade. Meanwhile, droughts and subsequent poverty and famine have been devastating large parts of Asia and Africa.

The President's failure to attend the summit—like his withdrawal of the United States support for the Kyoto treaty—puts the world's environment and economic well being in jeopardy, even as nations forge on without us. The President's indifference only isolates us from our allies and alienates the developing world.

Indeed, the root causes of global climate change are inextricably tied to the economic and social conditions in which much of the world lives. We cannot ignore the lack of econonmic opportunity and poverty that help breed extremism and hatred toward the United States. The World Summit was a profound opportunity for us to lend a compassionate hand to improving lives of people throughout the world.

The United States, as the only remaining superpower, is expected to show leadership on all issues affecting the global community. The President's decision to abandon a leadership role on global climate change and sustainable economic development, I fear, will severely harm our standing in the world—not to mention the environment—for years to come.

HONORING KEVIN EISENBERG

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Kevin Eisenberg, a student at Corona Del Mar High School in Newport Beach, California. Kevin is not you average, everyday student; he is motivated, dedicated, and committed to helping his fellow Americans who are currently serving and fighting for our great nation.

Following the tragic events of September 11, 2001, Kevin wanted to show his support for the troops who are risking their lives for us, as well as remember his late grandfather, Mr. Sam Cooper, who was a serviceman in the Navy. Subsequently, he decided to raise money for the Navy Marine Corps Relief Society, an organization that does not solicit donations.

Kevin used money previously earned to purchase American flags and bake apple pies, which he then sold from a stand on Newport Boulevard in Costa Mesa. All of the profits, including the initial investment, have been presented to the Navy Marine Corps Relief Society. In addition to financially supporting this great agency, he circulated information about the organization, helping everyone realize the vital role it plays to American service personnel.

During the six weekends Kevin spent outside at the stand, he raised $1500.00. What was important to him was not the amount of money actually raised, but more simply, increasing awareness. He wanted his fellow Americans to realize the importance of contributing and serving, with the hope that a chain reaction would ensue.

Mr. Speaker, I ask that the House please join me in honoring and commending Mr. Kevin Eisenberg for his selflessness, service, and devotion to our great nation, and to those who make the ultimate sacrifice so we may remain free.

PHILO T. FARNSWORTH

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. MATHESON. Mr. Speaker, I rise today to honor the achievements of Philo T. Farnsworth, the inventor of television.

Though his name is largely unknown in much of the world, Philo was born in Beaver City, Utah and later moved to Idaho. At the age of just 14 he conceived of the idea of manipulating electrons while plowing a field on his father's farm.

Seven years later he demonstrated his invention for a small circle of friends and family in San Francisco—and television was born. September 7, 2002 marks the 75th anniversary of Philo's remarkable invention.

Philo struggled to establish a patent for his invention, taking on electronics giant RCA. He battled the corporate giant for the patent rights and his dedication and persistence paid off.

Philo later went on to develop radar systems and the electron microscope in addition to conducting research on nuclear fusion. It was only after his death in 1971 that Philo's achievements in television were acknowledged.

In 1992, the state of Utah presented the United States Capitol with a gift, the statue of Philo Farnsworth that now graces the Hall of Columns, downstairs from this Chamber.

He was hard working and imaginative, as so many Utahns are, and I would like to honor his efforts today. His enthusiastic interest in science sparked a series a series of technological advancements that truly shaped the 20th century.

HONORING A LIFETIME OF WORK AND ACCOMPLISHMENTS BY ROBERT E. ROUNDTREE

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. BLUNT. Mr. Speaker, I rise today to honor a lifetime of work and accomplishments by Robert E. Roundtree. A Florida native, Bob Roundtree has spent the last 18 years in Springfield, Missouri, where he has been the General Manager of Springfield City Utilities.

Bob Roundtree has risen to the top of his profession in the management of public utility companies. His utility career began more than half a century ago. He started in 1948 as the "oiler" for the power plants in his hometown of Gainesville, Florida. Roundtree says an "oiler" is a glorified name for janitor. During the next 30 years, Roundtree moved through the ranks of the utility company, retiring in 1978 from the position of general manager.

Roundtree moved on to manage utility companies in Brownsville, Texas and Dalton, Georgia before arriving in Springfield in 1984. He transformed the corporate culture of Springfield City Utilities, which provides electricity, natural gas, water and bus services to a community of more than 150,000 people. Roundtree put the utility on sound financial ground, held utility rates stable, improved the reliability of the electric system, instituted safety programs to improve gas line safety, and promoted creation of a water pipeline that ensures adequate water resources for the community for the next 30 years. He also placed the utility company at the forefront of economic development by directing the creation of a major industrial park that is the source of hundreds of new jobs.

His leadership won him the "Springfieldian of the Year Award" in 1995. He has also been recognized by the Hawthorn Chapter of the Professional Secretaries International with their "Executive of the Year Award" in 1991. The American Public Power Association named him their recipient of the "Alex Radin Distinguished Service Award for Individual Achievement." Roundtree is a past president of the Springfield Chamber of Commerce and is a past president of the American Public Power Association. He has also given his time and energy to Junior Achievement, the Safety Council of the Ozarks and serves on the boards of several organizations. His favorite non-profit organization is "Project SHARE," a program through City Utilities to pay utility bills for those in need.

Bob Roundtree's big smile and deep voice are reassuring and project his confidence and vision. Bob says he is ready to retire to enjoy more time with his wife Alice Ruth, his three children, and four grandchildren.

The community he adopted 18 years ago is a better place because of his vision, work and diligence. The people of Springfield, Missouri and the customers of City Utilities offer Bob their best wishes for a bountiful retirement.

HONORING THE RETIREMENT OF MANAGEMENT ANALYST LYNNE MATTOS FROM THE UNION CITY POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. STARK. Mr. Speaker, on September 26, 2002, the Union City Police Department will celebrate the retirement of one of its finest officers, Management Analyst II Lynne Mattos.

In her 22-year career, Lynne has served the Union City Police Department in many capacities, working as a Crime Prevention Specialist, Community Relations Manager, and Management Analyst II.

Lynne Shelton was instrumental in developing Union City's Neighborhood and Business Watch Programs, the Police Department's False Alarm Program, and Crime Prevention's National Night Out. Lynne was involved in organizing almost all of the special events sponsored through city/police department collaborations, including the Gladiola Festivals in the late 1980s and early 1990s, the prestigious awarding of "All-America City" in 1999, and "WinterFest," an annual event to raise funding for many of the city's community-based service groups.

The recipient of countless accolades and letters of appreciation from citizens, businesses, Boy Scout troops, Lions Clubs, homeowners associations, and the school district, Lynne Mattos has made a lasting impression on the entire community. Lynne is also active on the city's Chamber of Commerce Board of Directors, and has been a member of the city's Planning Commission since February 1990.

I am honored to join the colleagues of Lynne Mattos in commending her for her many years of dedicated service. Her commitment to excellence has left its irreplaceable mark on the entire Union City community.

SPEECH BY DR. LESLIE LENKOWSKY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mrs. MORELLA. Mr. Speaker, on August 27, 2002, Dr. Leslie Lenkowsky, the CEO of the Corporation for National Community Service, and a constituent of mine, addressed the National Press Club on the subject of "Protecting the Homeland: What Volunteers Can Do." His words are particularly meaningful in light of the fact that he was appointed by President Bush and confirmed by the Senate in October of 2001, at a time when many thousands of Americans were volunteering in the recovery from the September 11th attacks. I commend the speech to my colleagues.

PROTECTING THE HOMELAND: WHAT VOLUNTEERS CAN DO

On September 11, as smoke poured from the ruins of the World Trade Center, along with New Yorkers, hundreds, if not thousands, of New Jerseyites headed toward Ground Zero to help. Many went right to work, assisting the hard-pressed "first responders": police, firefighters, emergency medical personnel, among others. But many also found themselves without clear guidance about what was needed or where they could best serve. Of New Jersey's 21 counties, only three had networks called "VOADS"—Voluntary Organizations Active in Disasters—which are the principal channel through which public agencies responsible for dealing with emergencies can call on the resources of the nation's nonprofit groups. As a result, many people who wanted to be helpful had difficulty finding ways of doing so.

What happened in New Jersey occurred elsewhere in the United States as well. Americans stepped forward in record numbers to give blood, make donations, even travel long distances to help the searchers and console the survivors. No one who knows our country's history should have been surprised; we have long been unique among the nations in our willingness to give and volunteer, especially in the face of local and national emergencies. But this outpouring of generosity stretched the abilities of our charities. Blood banks wound up with more supplies than they could keep; for all the exceptionally great work they did, the Red Cross and other groups encountered big challenges in distributing the contributions they received; so many people showed up to search the rubble of the World Trade Center, William Langewiesche's extraordinary series in The Atlantic Monthly reports, that the site became even more dangerous than it already was.

Moreover, this particular national emergency is not one which is likely to end soon. As the cache of videos uncovered recently by CNN so clearly illustrates, these perpetrators of evil are determined to strike again, and to strike in ways that heretofore had been considered unthinkable. To prevent what we can prevent, and to prepare ourselves for what we cannot, will take a concerted effort that involves not just our intelligence and security agencies, and our trained "first responders," whose efforts were critical in helping New York deal with the terrorist attacks, but also an unprecedented level of commitment by everyday people—by volunteers—to support those first responders and ensure that homes and families, schools and places of business, houses of worship and other public spaces are prepared to face any crisis.

No one should doubt that Americans are prepared to make this commitment. But what we must strengthen is our capacity to make this commitment effectively. We often think of volunteering as something we do spontaneously, as when we are moved by an appeal to help or the images of a needy group of people on our televisions. As we saw on September 11, there is a lot of truth to this, but as we also saw on that day, volunteering requires more to be useful in dealing with the threats we now face. It requires not just the will (of which Americans have always had plenty), but also careful and creative thought about the ways.

That is part of what President Bush is trying to do with the USA Freedom Corps. Last November, in a speech in Atlanta, the President responded to those asking what they could do to help by calling on Americans to "get directly involved in this war effort, by making our homes and neighborhoods and schools and workplaces safer." A few weeks later, in his State of the Union address, he created the USA Freedom Corps, a major Presidential initiative aimed at fostering a new culture of "citizenship, service, and responsibility" and helping the nation's voluntary groups build the kind of capacity they need to better assist not only in the war effort, but also in the many other vital tasks they perform in our communities.

As part of that sweeping initiative, the President called for the creation of a new set of Citizen Corps programs to deal specifically with the issue of homeland security. Today, FEMA and the Departments of Justice and Health and Human Services are working together to create and expand these programs.

At the Corporation for National and Community Service, we have long utilized Senior Corps volunteers and AmeriCorps members in public health, public safety, and disaster relief and preparedness. These programs were not designed specifically to deal with terror attacks, of course, but our members were well trained and fully able to take on the task. And like other Americans, they were glad to have the opportunity. Many, for example, have long worked with the American Red Cross and FEMA, responding to disasters and ensuring public safety. Currently, twenty American Red Cross Chapters sponsor National Readiness and Response Corps teams staffed by AmeriCorps members. These teams have assisted more than 430,000 victims of natural disasters since 1994.

Members of our National Civilian Community Corps, an AmeriCorps program, responded to the September 11 attacks, helping to process requests for aid, distributing relief checks to victims' families, and assisting them with paperwork and other kinds of support, both in New York and Washington. While the rescue workers combed through the site, our Corps members were helping out with the little things that truly made a difference in people's lives. They worked at Pier 94 in New York, at a Red Cross phone bank in Northern Virginia, and elsewhere. As one AmeriCorps member put it in an e-mail: "The hours are long, the cases are stressful, the food is fattening, but all in all we wouldn't want to be anywhere else right now."

AmeriCorps and Senior Corps participants are also working around the nation to free up police and other "first responders" by taking on basic tasks that divert them from focusing on public safety. Volunteers with special skills, such as our veterans, provide backup assistance to fire and medical personnel, while ordinary citizens can and do provide basic administrative assistance to police stations, hospitals, and fire stations so that those with highly technical skills can focus their time and energies on the tasks they are trained to perform.

In Daytona Beach, for example, nearly two hundred members of our Senior Corps participate in the local Citizens on Patrol program, helping police with traffic management and neighborhood watch. They wear uniforms, look for suspicious activity, remove disabled vehicles, watch vacant homes, and search for missing persons. They have fingerprinted thousands of children in an effort to keep them safe in the community. Last year alone, they served more than 51,000 hours and logged more than 360,000 miles in their patrol cars, allowing trained law enforcement officials in the county to focus on crime prevention and real emergencies.

And there's more to come. Just a few weeks ago, we became one of the first federal agencies to direct grant money to community groups working in homeland security. The $10.3 million in grants we gave to 43 private groups and public agencies in 26 states and the District of Columbia will support more than 37,000 homeland security volunteers across the nation. The grantees included: the venerable American Radio Relay League, based in Connecticut, which will create a national communications network of amateur radio enthusiasts prepared to respond in disasters when those new-fangled cell phones and pda's become inoperative; Mercy Medical Airlift, a charitable organization based in Virginia that usually flies critically ill patients to receive treatment around the country, but will also now prepare its network of pilots to fly at a moment's notice, transporting emergency blood shipments to hospitals, key relief agency officials to disaster sites, and needed materials to rescue and response crews; and the Housing Authority of the City of Milwaukee, which will train an intergenerational group of 2000 public housing residents in emergency preparedness, crime prevention, basic responder skills, and the use of two-way radios. In several communities, the American Red Cross will be working with local organizations to develop response plans and in New York City, the AmeriCorps Public Safety Program will place members in firehouses to relieve some of the administrative burdens on the "bravest of the brave," who sacrificed so much for all of us on September 11. Last, but not least, one of our grants will establish the New Jersey Secure Corps, whose main objective will be to ensure that every county in that state has a fully functioning VOAD.

These programs, I believe, represent some of the most appropriate and effective ways that citizens can help prepare for or respond to any future attack. They build on our strengths—the vast array of voluntary groups that are spread throughout our nation and the credibility they enjoy with so many Americans—to create an organized network that is ready, willing, and able to tackle emergencies whenever and wherever they arise. They do not ask ordinary citizens to take on the often difficult and dangerous tasks that the "first responders" and other specialists are qualified to do. But by coordinating their efforts with those trained professionals, these programs enable ordinary Americans—such as Senior Corps member Roseann Schneider, who is here today, but would otherwise be helping the Montgomery County police—to make extraordinary contributions to our nation's safety and security when the occasion requires them to do so.

Most importantly, by enlisting Americans in serving their country, these programs—and the broader efforts of the USA Freedom Corps—help to perpetuate our country's greatest source of strength, both in war and in peace: a citizenry that is actively engaged in public life.

When he announced the creation of USA Freedom Corps, the President also asked Americans to devote at least two years of their lives—or 4,000 hours—in service to their

Congress also needs to pass the Citizen Service Act, the legislation pending in the House right now would bring much needed improvements and reforms to our programs—as well as more resources. It has been almost a decade since the laws that authorize our programs were last debated and authorized—and while we have done much to expand and improve our programs with lapsed authorization, we think that debate and discussion will take us much further—and will ultimately help enhance the availability of quality volunteer opportunities for individuals and improve the quality of service that volunteers provide in response to many of our greatest national needs, including homeland security. A clear Congressional endorsement of this work would be a fitting way to recognize the efforts volunteers made on September 11—and are still making—to guard against the evils of terrorism.

Here with us today is one of those people: AmeriCorps member Mark Lindquist, who is a team leader at the DC campus of our National Civilian Community Corps. Right after September 11, he helped run shuttles between the Pentagon and Red Cross headquarters in Arlington, set up Red Cross centers for rescue and relief workers, as well as for survivors and their families, and a phone bank which people could call for more information. And during the rest of his AmeriCorps year, he took the training he received in helping victims of catastrophes to La Plata, Maryland, as well as states that had been ravaged by floods and forest fires.

All of us at the Corporation for National and Community Service, including our chairman, former Mayor Stephen Goldsmith and distinguished board of directors, are privileged to work with people like Mark and on issues such as volunteerism, philanthropy, and national service for many years now. For the first time in a long time, the values that we seek to inculcate and perpetuate through programs such as AmeriCorps, Senior Corps, and Learn and Serve America—patriotism, democratic citizenship, a concern for the national purpose, the desire to give back—are on the front burner of our nation's politics.

But they won't stay there forever. Dr. Robert Putnam, author of the book Bowling Alone, recently noted that: "in the aftermath of [last] September's tragedy, a window of opportunity has opened for a sort of civic renewal that occurs only once or twice a century. But though the crisis revealed and replenished the wells of solidarity in American communities, so far those wells remain untapped."

We should not lose the momentum toward civic connectedness and service to others that came out of the terrible event whose anniversary we will mark in just two weeks. Our Nation still has a great need for volunteers, in homeland security and in many other areas. And public service itself is a responsibility that attends the privilege of life in a free society. Among all that we will be called upon to remember in the next two weeks, let us not forget that the ideals embodied by our country are not only worth defending. They are also worth serving.

PAYING TRIBUTE TO JIM OLTERMAN

SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. McINNIS. Mr. Speaker, it is with great sorrow as I rise to pay tribute to the memory and passing of Colorado Division of Wildlife biologist, Jim Olterman of Dolores, Colorado. Jim Olterman had an exemplary career in his time at the agency and embodied the principles of honesty, hardwork, and courage that Coloradans and all Americans should strive to exemplify. As his family mourns his loss, we should pay tribute to a man who has contributed so much not only to the vitality of the region's wildlife, but also to the State of Colorado.

Mr. Olterman tragically lost his life Wednesday when his plane crashed while he was carrying out aerial fish-stocking duties high in the lakes of the Sangre de Cristo Mountains. As the most experienced pilot in the CDOW, Jim understood the danger that was involved in flying these high risk operations, but he chose the assignment because he believed in the division's mission to ensure the vitality of animal species in the wild.

Mr. Olterman served a very distinguished career in 27 years at the division. After attending Oregon State graduate school, Mr. Olterman entered into Division of Wildlife training classes and, in 1972, began to work for the Colorado Division of Wildlife's Ridgeway District. In 1979, Jim was promoted to the position of senior terrestrial biologist for the district, followed by a promotion in 1994 to senior terrestrial biologist for the entire Western Slope of Colorado.

Jim was involved in the reintroduction of many wildlife species in Western Colorado such as moose, lynx, and the black foot ferret. He was also the lead biologist of big game species in his district and played a crucial role in the expansion of big game herds throughout the region. Well-liked and widely respected throughout the agency, Jim Olterman was known as the "go to guy" who could always provide assistance and a thoughtful opinion on a broad range of subjects. It has been widely expressed throughout the CDOW that his pleasant company will be deeply missed and the proficiency and expertise that he brought to his work will be irreplaceable.

Mr. Speaker, it is with deep respect and great sadness that I recognize Mr. Jim Olterman before this body of Congress and this nation for the definitive contributions he made to his profession, to Colorado, and this nation. He devoted his life to the protection and management of Colorado's wildlife, and I commend him for the diligence and commitment he displayed in his professional endeavors. He will be missed by the many souls he touched in his life and I express my sincere condolences to his wife Robin and his family.

REFLECTIONS ON AMERICA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. HOEFFEL. Mr. Speaker, recently, as the one-year anniversary of September 11 approached, I looked back over the statement I released the day after the attacks occurred. As I read the statement that was issued even as the smoke and dust still billowed over Lower Manhattan, the Pentagon and a field in rural Pennsylvania, I was struck by how easy it was to write some of the words and how difficult it was to write others.

It was tremendously difficult to put into words my feelings of disbelief and anger over the insane acts of 19 individuals and their supporters. It still is. It was heart rending to try to voice the sorrow and sympathy I felt for the victims and their families. And that, too, is still difficult.

It was not difficult, however to write the words of hope, pride and conviction I had for this country and its people on September 12. And, today, a year later, I am happy to report that the hope, pride and conviction were well-founded. On September 12, 2001 I wrote, in part:

"As I walked to work across the Capitol grounds this morning, a day after the attacks, I was struck as I often am by the incredible beauty of the U.S. Capitol building. The dome was shining a brilliant white against a clear blue sky on a beautiful late summer day. I realized that the glorious dome, such a symbol of the strength and stability of our country, might well have been the final target of the ill-fated fourth hijacked plane.

"The simple truth is that even if a terrorist act had destroyed the dome, or if a thousand terrorist acts had obliterated the entire capital, America would still be standing firm as it is today."

In the past year, we have cried and cursed. We have opened our hearts and our wallets. We have buried our dead and we continue to heal our wounded and sorrowful. We have cleared the debris and begun to rebuild. Our President has led, and Congress has indeed stood shoulder to shoulder with him in support. Our soldiers have fought bravely and we here at home have done what we do best—we went back to work.

We will never again look at the world in the same way. We are sadder. We are wiser. We are closer. And, as I said a year ago, we are still standing firm. We've been through a lot. There will be tough times ahead, but today I have even a stronger feeling of hope, pride and conviction in our country and its people.

God Bless America.

TRIBUTE TO GARY QUICK ON THE OCCASION OF HIS RETIREMENT AS A UNION LEADER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to a man who was a union member for over forty three years and a union leader in the Upper Peninsula of Michigan for almost that long. Mr. Speaker, I rise to honor Gary Quick on the occasion of his retirement on June 30, 2002.

Gary Quick was born in downstate Michigan on October 28, 1940 and moved with his family to Rapid River in the Upper Peninsula as a child. Gary graduated from Rapid River High School in 1959.

Gary's union career began when he accepted a position as a sub assembler at the Harnischfeger Corporation plant in Escanaba, Michigan on May 4, 1959. With the new position came membership in United Auto Workers Local 632.

Gary came from a union family so he understood and valued the importance of union membership and union leadership. Gary was elected by members of Local 632 as Steward in 1963 serving until 1966.

Gary maintained the respect of the union rank and file and was elected Vice President of U.A.W. Local 632 in 1967. After two years as Vice President, Gary was elected President of Local 632 in 1969.

Mr. Speaker, Gary is not just a leader in his union, he is also a patriot who has a great love of his country. While serving his brothers and sisters as president of local 632, Gary also served his country as a United States Army Reservist.

Gary was honored to be sent to the U.A.W. Constitutional Convention as a delegate seven times between the years 1966 and 1983. He also served as a delegate to the Trades and Labor Council. In addition to his union activities, Gary served as a Commissioner on the Delta County Road Commission for six years.

The United Auto Workers Union recognized Gary's union leadership skills and service and appointed him to a union staff position as an International Representative in the United Auto Worker's Escanaba Sub-Region I-D office in April of 1989.

While serving as an International Representative, Gary successfully negotiated union contracts in a wide variety of employment settings including the health care, higher education, automotive, and aerospace industries.

Not one to shy away from public service, Gary also served on many community and industry boards and councils such as the Blue Cross Blue Shield Advisory Board, the Labor Management Board, and the Private Industry Council.

After attending his last U.A.W. Constitutional Convention this year, Gary announced his retirement effective June 30, 2002.

Mr. Speaker, when Gary was asked to recall the biggest influence in his union career, he responded that former United Auto Workers President Walter Reuther was the most influential figure in his career. The late Walter Reuther, who was known to call everyone he met brother, made many profound statements in his lifelong effort to better the lives of workers everywhere.

One such statement inscribed on Reuther's statue in the Walter and May Reuther Gardens at the Black Lake U.A.W. Educational Center in my district reads: "There is no greater calling than to serve your brother. There is no greater satisfaction than to have done it well."

Mr. Speaker, brother Gary Quick responded to his great calling and brother Quick has served his brothers and sisters well.

While Gary may be retiring from his active position with the union, I know that he will retain his love and support for his brothers and sisters in labor. Gary will now be able to focus his activities toward his wife Beverly and stepdaughter Tina, who, together with friends, relatives and union brothers and sisters celebrated Gary's retirement at a dinner on September 7, 2002.

Mr. Speaker, I ask you and my House colleagues to join me in saluting Gary Quick, a true personal friend and a friend of labor in the Upper Peninsula of Michigan.

TRIBUTE TO MR. JAMES H. GOMEZ

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. STARK. Mr. Speaker, I rise today to honor one of CalPERS' highest-ranking officials, Mr. James H. Gomez, as he ends his tenure as the Deputy Executive Officer.

James Gomez was appointed to the position of Deputy Executive Officer of CalPERS in December of 1996, a position that is second in command and serves as the chief operating officer under the CEO. As chief operating officer, James Gomez was responsible for the day-to-day operations of the $145 billion retirement system. He led the implementation of CalPERS' strategic plan to ensure the system is a world-class administrator of retirement and health benefits for public employees.

While at CalPERS, James Gomez made his mark by improving customer service with the Customer Call Center which significantly improves the ability to provide solutions to members' problems. He also led the effort to obtain $7 billion in state funding to benefit state and public school employees. The imaging project he oversaw allowed 51 million records to be imaged for increased record efficiency. CalPERS is a more effective and efficient organization due to the hard work and dedication of James Gomez.

James Gomez has been a public servant for close to 30 years working for the State Department of Benefit Payments, State Department of Social Services, California Department of Corrections, the County of Santa Clara, and most recently CalPERS. His dedication to public service kept him with the California State Department of Social Services over several years where he was tasked with ensuring that all children and foster care services were difficult to enter into but simple to leave.

James Gomez is the recipient of many distinguished awards and recognitions, including the American Society of Public Administrators and the Outstanding Public Administrator Award. In recognition for his contributions, he has earned the One to One, Leadership Award, Share the Path Program, along with other such distinguishable awards.

I am honored to join the employees of CalPERS in commending James Gomez for his many years in public service. His dedication to the community has been great and his commitment to the employees of California will serve as a model for others to follow.

U.S. SHOULD ASSUME INTERNATIONAL LEADERSHIP ROLE ON THE ENVIRONMENT

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 2002

Mr. RODRIGUEZ. Mr. Speaker, I expected that the United States would have taken a leadership role in the recent international summit on sustainable development. Instead, I am disappointed to report that this Administration has taken a back seat in international discussions on global warming and increasing the use of renewable energy.

GLOBAL WARMING

The United States is the number one contributor of greenhouse gases worldwide. We have a responsibility to provide the necessary international leadership to address global warming. It is shameful that the Bush Administration has elected to ignore that responsibility. Not only did the Bush Administration decide that the United States should not take a leadership role on addressing the challenges presented by global warming, but worse, it also tried desperately to keep the climate change issue off of the World Summit on Sustainable Development Agenda earlier this month in Johannesburg.

We may not agree with every international recommendation, and we must chart our own course. But at the time we must engage the issue not only here at home but also with our global neighbors around the world. If we don't show leadership, then we abdicate leadership.

RENEWABLE ENERGY

Even though we in the U.S. account for only 4 percent of the world's population, we account for 20 percent of the world's energy use. We are the world's great producer and great consumer. We must take responsibility for the consequences of our prosperity. Simply seeking voluntary standards to protect the environment will not solve the problem. Without some sort of specific timetables or goals, we will never get there. Partnerships are successful only when there is binding accountability. The Enron and WorldCom scandals have shown us the hard way that corporate self-policing will not work. We don't need corporations to do to our environment what they have done to their employees' 401 Ks.

Our national energy policy must include a forward-thinking plan to increase the use of renewable energy—in our buildings, automobiles, and appliances, the large sources of carbon dioxide emissions. Tax credits, incentives to use smart energy plans, and efficiency programs such as those offered by the Brooks Energy Sustainability Lab are all steps in the right direction to create more energy-efficient buildings and appliances.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, September 9, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

Time to be announced

Finance

Business meeting to consider H.R. 5063, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

S–216 Capitol

9:15 a.m.

Conferees

Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on seapower provisions.

SR–232A

9:30 a.m.

Judiciary

To hold hearings to examine the implementation of the USA PATRIOT Act, focusing on the expansion of the Foreign Intelligence Surveillance Act (FISA), in which the standards for courts to approve surveillance of foreign intelligence gathering are far less demanding than those required for approval of a criminal wiretap.

SD–226

Commerce, Science, and Transportation

To hold hearings to examine the status of aviation security one year after September 11, 2001.

SR–253

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the implementation of the Elementary and Secondary Education Act, focusing on Title 1.

SD–430

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 Cannon Building

2:30 p.m.
Intelligence
To hold closed hearings to examine intelligence matters.
SH–219

SEPTEMBER 11

1:30 p.m.
Conferees
Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on readiness provisions.
S–211 Capitol

4 p.m.
Conferees
Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces.
345 CHOB

SEPTEMBER 12

9:30 a.m.
Conferees
Meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people.
2123 Rayburn Building

10 a.m.
Intelligence
To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.
S–407 Capitol

Indian Affairs
To hold oversight hearings to examine successful strategies for Indian reservation development.
SR–485

Health, Education, Labor, and Pensions
To hold hearings to examine restoring economic security for workers in the nation one year after September 11, 2001.
SD–430

10:15 a.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine replenishment authorizations for the World Bank's International Development Association, the Asian Development Fund, and the African Development Fund.
SD–419

11 a.m.
Conferees
Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on airland provisions.
SR–232A

1:30 p.m.
Conferees
Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on emerging threats provisions.
2212 RHOB

2 p.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Wayne Abernathy, of Virginia, to be Assistant Secretary of the Treasury for Financial Institutions, to be followed by a business meeting to mark up S. 2239, to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers, S. 1210, to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and the nomination of Wayne Abernathy.
SD–538

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine S. 2537 and H.R. 3833, bills to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet.
SR–253

Foreign Relations
To hold hearings to examine the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002 (Treaty Doc. 107–08).
SD–419

3 p.m.
Conferees
Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on personnel provisions.
HC–8 Capitol

5:30 p.m.
Conferees
Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on strategic provisions.
HC–8 Capitol

SEPTEMBER 13

9:30 a.m.
Environment and Public Works
To hold oversight hearings to examine the implementation of the Comprehensive Everglades Restoration Plan.
SD–406

SEPTEMBER 17

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the Federal Energy Regulatory Commission's notice of proposed rulemaking, entitled "Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design".
SD–366

10 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine current tensions in South Asia.
SD–419

Indian Affairs
To hold hearings to examine S. 1392, to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition; and S. 1393, to provide grants to ensure full and fair participation in certain decisionmaking processes at the Bureau of Indian Affairs.
SR–485

SEPTEMBER 18

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy and to identify necessary changes tothose programs to support U.S. competitiveness in the global marketplace.
SD–366

10 a.m.
Indian Affairs
To hold hearings to examine H.R. 2880, to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations (historically referred to as the Five Civilized Tribes).
SR–485

SEPTEMBER 19

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the Food and Drug Administration jurisdiction of tobacco products.
SD–430

SEPTEMBER 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings to examine stem cell research.
SD–124

10 a.m.
Indian Affairs
To hold oversight hearings to examine Special Trustees.
SR–485

CANCELLATIONS

SEPTEMBER 13

9:30 a.m.

Conferees

Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on general provisions.

S-207 Capitol

HOUSE OF REPRESENTATIVES—*Tuesday, September 10, 2002*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 10, 2002.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 10 a.m.

PRAYER

The Chaplain, The Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, there are not enough days in a year to dedicate just one prayerful day for each life lost on that fateful day a year ago tomorrow. But each day, we remember the crumbling towers, the battered Pentagon, and the cavern in Shanksville field. Each life consumed and each family wounded is commended once again today to Your tender mercy and lasting love.

Just Reward for the virtuous, we still hold dear the snapshots in our mind of the heroes and heroines You revealed to us in the action film of this past year. In You each act of courage and selfless generosity will never be forgotten.

Guardian of saint and sinner alike, guide government leaders now, protect our military forces today, and help all Americans realize their fullest potential in the time You give us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PENCE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PENCE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado (Mr. HEFLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IN MEMORY OF WILLIAM A. SCHWARTZ

(Mr. ISAKSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISAKSON. Madam Speaker, I rise today to mourn the passing of William A. Schwartz and to praise his tireless dedication on behalf of his fellow man. William Schwartz, the CEO of the National Prostate Cancer Coalition, died last week; and he died of prostate cancer. Mr. Schwartz is the former president and CEO of Cox Enterprises and was president of Cannell Communications and First Media Television. He was an outstanding citizen of Atlanta, Georgia, and worked tirelessly on behalf of many organizations, including the Jewish Federation of Greater Atlanta, the Atlanta Ballet, and Temple Sinai, where he was an active member.

In 1994, Mr. Schwartz was diagnosed with prostate cancer, and from that day forward he dedicated himself to promoting awareness and increasing research to fight prostate cancer. As the volunteer chairman of the National Prostate Cancer Coalition, he lobbied effectively for increased funding for cancer research, and his advocacy benefited men throughout America.

Though prostate cancer took the life of William Schwartz, his spirit and tireless efforts will save the lives of many men.

UNJUSTIFIED WAR AGAINST IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, we owe it to the memories of those who lost their lives on 9–11 to remember, to reflect, and also to bring to justice those responsible. We also have a similar obligation not to use the events of 9–11 and the great losses which so many endured as a pretext for launching a war against Iraq.

Iraq was not responsible for 9–11. Iraq has not been linked to 9–11. Yet here we are on the anniversary of that grim day, and all the administration is attempting to do is reframe 9–11 by beating the drum for war against a nation not connected to 9–11.

America has had enough violence in the past year for our country to have to suffer even more violence to the truth which brings us into an unjustified war. Let us heal our Nation and heal it with truth and with justice. That is the American way.

CONGRESS SHOULD PASS AN ENERGY BILL

(Mr. HEFLEY, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. HEFLEY. Madam Speaker, we are approaching the end of this Congress without sending an energy bill to the President. The House passed H.R. 4, the Securing America's Future Energy Act of 2001; and unfortunately, we are not, after 1 year from that passage, celebrating the signing of H.R. 4 into law.

The President is still waiting to sign a comprehensive energy reform package that reduces our Nation's dependency on foreign oil. Why is the President still waiting, Madam Speaker? Not because of this House, who worked with the President to pass a comprehensive energy reform that increases America's national security. H.R. 4 was ignored by the party that controls the other body, who, instead, chose to take up and pass an energy package that did nothing to reduce our dependency on countries like Iraq and people like Saddam Hussein for our country's energy needs.

Madam Speaker, let us send the President an energy bill that he can sign with confidence, one that increases both our economic security and our national security. Let us pass one that looks very much like the one we passed a year ago August.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to characterize actions or inactions of the other body of the Congress.

STEEL HEALTH LEGACY COSTS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Madam Speaker, the United States has become the world's steel dumping ground at the expense of U.S. jobs, U.S. families, and the U.S. economy.

Since 1997, 34 steel companies have filed for bankruptcy, 17 since January of 2001, since President Bush became President, including LTV in Cleveland and RTI in Lorain, Ohio. Unfair trade has victimized an entire generation of American steelworkers, who now depend on this industry, steelworkers and retirees, for their benefits.

It is time for our leaders in Washington, for a change, to stand up. The House Steel Revitalization Act, H.R. 808, has 229 cosponsors, more than a majority of this body. The Steel Revitalization Act will mean jobs, it will mean community revitalization, it will mean strengthening and improving the U.S. economy; yet Republican leadership has blocked this bill.

A majority of Members of Congress have cosponsored this Steel Revitalization Act, and the conservative Republican leadership will not let this bill come to a vote. I ask my Republican friends to push their leadership to do the right thing.

ALLOW RESPONSIBLE FOREST MANAGEMENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, in the first 6 months of this year, wildfires have burned nearly 3 million acres out west. That 6-month total is significantly more than the annual averages, and even greater than the number of acres burned at the same point during the record-setting fire year of 2000. And thousands of acres of fire continue to burn as we speak.

So far, the State of Nevada has endured over 678 separate fires, turning nearly 81,000 acres into charcoal. Wildfires not only devastate our precious national forests but they endanger private property and the lives of thousands of residents in the West. It is time we give the Forest Service and the Department of the Interior the tools they need to expeditiously implement fuels-reduction work on tens of millions of acres of public land at risk of severe wildfire.

I urge my colleagues to support the efforts of the House Committee on Resources to move the President's healthy forest initiative to reduce wildfire risk for the sake of our national resources, our property, and our lives.

DECREASE OF UNDERWEIGHT BABIES IN ORANGE COUNTY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Madam Speaker, I rise today to commend the cities of Santa Ana and Anaheim for helping to bring down the rate of underweight babies in Orange County. Because of the high quality health care these cities have provided to women in my district, we have one of the lowest underweight birth rates in the Nation.

Santa Ana and Anaheim have proven that prenatal programs are the key to lowering the numbers of underweight babies and infant mortality. In fact, one such program, Maternal Outreach Management Systems, or MOMS, a nonprofit organization, has worked hard to improve infant health by working with women who are undereducated or may not have the proper information. MOMS comes together to help, in particular to help those with young children or about to give birth.

Out of the 46,000 born in Orange County this past year, only 5.5 percent of the babies were born underweight. Programs like MOMS have given more women opportunities to provide a better life for their unborn children and a better chance at being healthy. Again, I would like to commend our cities of Santa Ana and Anaheim in helping with this.

BANKRUPTCY REFORM LEGISLATION KILLS FREE SPEECH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, nothing is more important in our democracy than the right to free speech and peaceful assembly. No matter what they believe, we need to allow people to speak out. When we begin to hush people up because of what they believe, none of us is safe any longer.

Until recently, I thought all of us agreed on this. I guess I was wrong. I am sorry to say that the bankruptcy reform conference report contains a provision that singles out one group of people for unusually harsh punishment simply for what they believe. Under an amendment pushed through by one powerful Senator, peaceful, nonviolent pro-life protestors will face lifelong financial ruin if they have the temerity to stand outside an abortion clinic and protest the death of children inside.

Other groups can keep on speaking out and protesting, as they always have, environmental, labor, and civil rights. But if we pass this bill in its present form, pro-lifers will no longer have the same rights as other Americans have. This is not fair, and this body should take no part in this. It is wrong.

I urge my colleagues to join me in opposing the bankruptcy conference report in its present form. We should reintroduce this bill without this abortion amendment and do the job right.

URGING MEMBERS TO JOIN CONGRESSIONAL MISSING AND EXPLOITED CHILDREN'S CAUCUS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Madam Speaker, today I rise to again urge my colleagues, if they are not already members, to join the Congressional Missing and Exploited Children's Caucus.

In 1997, a little girl named Laura Kate Smither was abducted while jogging near her home in my congressional district. She was later found murdered. We have seen many of those stories, unfortunately too many of them lately. The pain that I saw and the terror that I saw my community go through, as well as the way they came together to search for this little girl, inspired me to want to do something to prevent this kind of loss in the future.

I came to Congress with a lot of ideas and issues on my mind, but soon realized the importance of one that was not being adequately addressed; and so I founded the Congressional Missing and Exploited Children's Caucus to serve as a loud and unified voice for children all over the world.

We have seen lots of stories recently on CNN and in our newspapers, elsewhere, during the summer. It is not that there are more but that we are becoming aware. I urge my colleagues to join this congressional caucus and to help us continue to fight child abduction and exploitation.

REMEMBERING SEPTEMBER 11, 2001

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, to state the obvious, tomorrow is September 11 again. Like many Americans, I will be home taking time with family and neighbors for a solemn reflection, remembrance and prayer, and so it should be for all Americans. But my earnest hope, Madam Speaker, is that September 11 of this year not be an anxious time; that in addition to remembering the lost, we actually, Madam Speaker, have much to commemorate.

In the past 12 months, our people have responded with selfless actions of courage and generosity, our military has responded with valor, our President with moral clarity and purpose, and this Congress, Republicans and Democrats alike, have responded with resources and reform.

☐ 1015

America is better prepared and safer this September 11 than the last. Let us also be confident in this, that He who sets this pilgrim's dream on this wilderness shore still watches over us. And I say like Americans have said throughout generations, I lift up my eyes to the hills, and where does my help come from, my help comes from the Lord.

DEFEAT H.R. 2357, ALLOWING CHURCHES TO FUND POLITICAL CAMPAIGNS

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Madam Speaker, the American people need to know that there is legislation pending in this House that would turn our churches into political campaign organizations. This bill would actually allow churches to endorse political candidates and even contribute church funds to political campaigns.

H.R. 2357 is an extraordinarily bad bill. It is a dangerous bill. This bill would demean the spiritual mission of our houses of worship by turning them into a vehicle for campaign contributions and partisanship. If someone wanted to maliciously tear our churches apart, I can think of few ways to do it better than to pit church members against church members each year as they debate which Federal, State, county and local candidates to endorse and how much to contribute to them.

This bill is opposed by numerous religious organizations, including the Baptist Joint Committee, the American Jewish Committee, the General Board of Church and Society, the United Methodist Church, the Congress of National Black Churches, the Interfaith Alliance Foundation and the Baptist General Convention of Texas, just to name a few.

If anyone thinks politicizing churches is a good idea, then they need to review the lessons of world history.

AMERICANS URGED TO REMEMBER SEPTEMBER 11

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Madam Speaker, this week it is important to remember those who lost their lives during the attack on America last year, as well as all of our first responders, our medics, our military personnel, and the people that volunteered and tried to help.

I think our Founding Fathers would be very proud of our new diligence in our quest to preserve liberty and freedom in this country. President Bush has designated September 11 of each year to be Patriot Day, and calls on all Americans to observe it appropriately.

I urge my Michigan citizens and all Americans to spend some time thinking about what we need to do to protect our liberty and freedom, and to pray for the families of those that died in the terrorist attack in Pennsylvania, Washington and New York. This Wednesday marks the 1-year anniversary. Let us remember what our forefathers did, and what happened to us 1 year ago and our renewed vigor to make sure that we do what is important to sacrifice ourselves in the preservation of liberty and freedom.

MOTION TO INSTRUCT CONFEREES ON H.R. 3210, TERRORISM RISK PROTECTION ACT

Mr. FOSSELLA. Madam Speaker, I offer a motion to instruct conferees on the bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

The SPEAKER pro tempore (Mrs. BIGGERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. FOSSELLA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3210 be instructed to agree to the provisions contained in section 11 of the Senate amendment, relating to satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and state sponsors of terrorism.

The SPEAKER pro tempore. Under rule XXII, the gentleman from New York (Mr. FOSSELLA) and the gentleman from North Carolina (Mr. WATT) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. FOSSELLA).

GENERAL LEAVE

Mr. FOSSELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct conferees on H.R. 3210.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as we all know, tomorrow marks the first anniversary of the greatest attack on the soil of the United States of America. In that attack, both at the Pentagon in Virginia, in Pennsylvania, and in downtown Manhattan, the Nation lost thousands of innocent human lives.

Since then I think our Nation has been on full alert and in the field combating the war on terrorism, seeking out those evil ones who committed those dastardly acts, so we can ensure that we can keep the peace for future generations. But at the same time, we need to get at the heart of these terrorist organizations in those states that sponsor terrorism.

Believe it or not, if an American citizen seeks a judgment in a court of law and is successful against some of these terrorist organizations or states that sponsor terrorism, and assets are frozen by the United States Government, some of those victims who are successful in a court of law may not and indeed are not recovering those assets.

It is a little ironic that American citizens can sue their neighbor for a mild act, obtain a judgment and recover, and yet we cannot sue a terrorist organization that killed people, and in this case thousands, and not recover unless the Federal Government on a petition or a case-by-case basis determines that those successful plaintiffs should recover. This motion to instruct will attempt to right that wrong.

Under current law, Americans who have been victimized by terrorist and state-subsidized terrorism and are eligible to enforce court judgments against the assets of a terrorist state have had to wait until Congress acts before they can receive their awarded funds. Some victims have gotten compensated, and many have not. As I mentioned today, thousands of Americans and their families are considering and have joined the class action lawsuit aimed at recovering and undermining the ability of these groups to perpetuate their acts of evil.

American victims of international terrorism will all have equal access to the courts and to block assets of terrorists, terrorist organizations, and state sponsors of terror as a small but important token of justice. We impose immediate financial costs on terrorists and states that sponsor terrorism, freezing assets for 20 years or 25 years or 30 years or even 5 years, and then giving them back to the terrorist state does not impose such costs, and that seems to be the policy today, dangling this carrot before these evildoers as if they are going to stop their evil ways.

At present, terrorism is a cheap way to pursue war against Americans. Unless America finds ways to make it more costly, terrorists and those states that sponsor terrorism have no economic incentive to stop. By imposing a direct and immediate cost, this provision represents one effective financial tool, one of many, against terrorists and those who help them, and this will seek to help the victims.

Finally, terrorist-sponsored states will no longer be able to use their diplomatic and intelligence agencies to support terrorists with financial impunity. In other words, hiding behind this veil of diplomatic or intelligence immunity, something that is too often abused and flies in the face of justice.

Terrorism-sponsoring states use those wholly owned and controlled agencies and instrumentalities to raise, to launder, and to distribute funds to terrorist cells, sometimes even in the United States of America. Ironically, these agencies and instrumentalities can claim foreign sovereign immunity against victims in U.S. courts because of their relationship with the terrorist-sponsoring states.

By exposing these agencies and instrumentalities to liability, the U.S. further increases the cost of sponsoring terrorism, and goes after the sources of funding for these organizations and cells.

Madam Speaker, tragically and regrettably, I lost a lot of friends and a lot of neighbors; and America lost a lot of friends and a lot of neighbors and brothers and sisters, more than 200 people from Staten Island and almost another 100 from the Brooklyn portion of my district. Those families right now are suffering the shock of it, the shock of losing a father or a mother or a sister or brother or uncle or aunt, and tomorrow marks the anniversary.

The notion that while brave men and women are fighting the war overseas in seeking out these terrorists and those who help them and harbor them and finance them because they are thinking of doing it again, the notion that this government, our government, could prevent my neighbors and friends one day, if successful in a court of law in obtaining judgment, to be unable to recover assets of a terrorist organization or a state that sponsors terrorism to me is the most unjust thing in this Nation.

Madam Speaker, I urge all Members to support this motion to instruct, to be compatible with the other body and bring justice to these families, these victims of terrorism.

Madam Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I applaud the gentleman from New York (Mr. FOSSELLA) for bringing this motion to instruct forward and pursuing a very good idea. I see that the gentleman has a number of speakers, so I am going to reserve my comments until some of his speakers can proceed.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield 5 minutes to the gentleman from Utah (Mr. CANNON), a man who deserves much, if not all, of the credit for bringing this to the floor today.

Mr. CANNON. Madam Speaker, I thank the gentleman from New York (Mr. FOSSELLA) for moving this issue today and giving me an opportunity to speak.

Madam Speaker, I rise in support of the motion to instruct conferees on H.R. 3210, the Terrorism Risk Protection Act, which provides for continued availability of insurance against terrorism risks and addresses multiple insurance and liability issues arising from the September 11 attacks.

The Senate passed a similar version overwhelmingly supported by the House, and this motion will allow the House to show its support for the issue with a vote to instruct conferees. I would like to talk particularly about what I think is one of the most important issues in that bill which fell within the Committee on the Judiciary's jurisdiction.

Under current law, Americans who have been victimized by state-subsidized terrorism and are eligible to enforce court judgments against the assets of a terrorist state have had to wait for Congress to act before they could collect their awarded funds. Some victims have gotten compensated. However, most have not.

Under the Fossella-Cannon language in section 15(e) of the Terrorism Risk Protection Act passed by the House, American victims of international terrorism will have equal access to the courts and to blocked assets of terrorists, terrorist organizations, and state sponsors of terror as a small but important token of justice.

This language imposes immediate financial costs on the states that sponsor terrorism. Freezing assets for 20 years and then giving them back to the terrorist states does not impose such costs. At present, terrorism is a cheap way to pursue war against Americans. Unless the U.S. finds ways to make it more costly, terrorists and states which sponsor terrorism have less economic incentive to stop. By imposing a direct and immediate cost, this language represents one effective financial tool against terrorists and also helps their victims.

After the Senate pulled the language from their version of the Terrorism Risk Protection Act, the gentleman from New York (Mr. FOSSELLA) and I introduced a stand-alone bill to ensure a solution to this problem. However, language identical to the bill introduced by the gentleman from New York (Mr. FOSSELLA) and me was added to the Senate bill on the floor by a vote of 81–3. With this provision now included in both the Senate and the House version of the Terrorism Risk Protection Act, there is no reason why we should not be able to preserve the express will of both houses in conference by maintaining this language.

Madam Speaker, there are many people who would benefit from this, and with recent attacks on the World Trade Center, there are many from the district of the gentleman from New York (Mr. FOSSELLA) which this legislation would directly affect.

□ 1030

Others affected by it include people like Terry Anderson and other former hostages held by Hezbollah who successfully sued and won judgments against Iran but have not been able to collect from the seized assets. The provision in this bill today will allow access to the frozen assets of terrorists, terrorist organizations and terrorist-sponsored states, and American victims of international terrorism who obtain judgments against those terrorists.

I would like to once again thank the gentleman from Ohio (Chairman OXLEY); the gentleman from Wisconsin (Chairman SENSENBRENNER); my colleague and friend, the gentleman from New York (Mr. FOSSELLA); and my colleague and friend, the gentleman from North Carolina (Mr. WATT), for their efforts on this issue.

I urge my colleagues to support the motion to instruct conferees. Allowing victims to go directly after the frozen assets of terrorists and their sponsors will help us to allow our Nation and economy to go forward.

Mr. FOSSELLA. Madam Speaker, again I would like to thank the gentleman from Utah for his leadership.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Madam Speaker, I thank my colleagues, the gentleman from New York (Mr. FOSSELLA) and the gentleman from North Carolina (Mr. WATT), for their leadership on this. I would like to thank our chairman, the gentleman from Ohio (Mr. OXLEY), for his guidance and leadership on the Committee on Financial Services for bringing many pieces of legislation to reality that will help us to not only track the assets, to track the money of terrorists, but now, with this piece of legislation, hopefully we will be able to access that for the victims.

Madam Speaker, I rise today in strong support of H.R. 3210, in an attempt to locate the assets, to seize the assets, and to deliver them back to the victims of terrorists, terrorist nations, et cetera.

Tomorrow we will stand around and we will be in solemn prayer in some places, we will be at services at other places, and remember the tragic attacks on America of almost a year ago. Many of us have borne the pain of seeing families torn apart by this terrible, terrible tragedy. I myself have had over 70 families in my district torn apart. Two of them I knew personally.

It is a terrible ordeal for the families, not only to lose the ones they love, but then to face the uncertainty of what is going to happen to them economically. Their financial needs have all been torn apart. Their communities are reaching out to them, but they still do not have the strength of knowing what they have to go forward with.

Hopefully, if we can get this legislation moving forward, if we can move this piece of legislation forward, hopefully we can bring some peace to their minds, knowing that they will have access to not only the love and the compassion that has been contributed from Americans, but also they will be able to punish the terrorists even more by seizing their assets, seizing their money, which in turn will slow down their operations.

Madam Speaker, I could not be more in support of this legislation. Once again, I thank my colleagues for their leadership on this.

Mr. FOSSELLA. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the Committee on Financial Services, one who has been leading this effort, both before and after September 11, in tracking down the assets of terrorists and states that sponsor terrorism.

Mr. OXLEY. Madam Speaker, let me first recognize the gentleman from New York (Mr. FOSSELLA) and the gentleman from North Carolina (Mr. WATT) for their leadership on this very, very important issue.

The whole concept of taking terrorist assets that have been seized and compensating victims seems so elemental to our system of justice that it has clearly been one that has been incorporated in this legislation, both in the House and in the Senate; and I would say without the leadership of these two gentlemen, we would not be here today.

As we know, the House passed our version of the terrorism insurance legislation back last year. The Senate finally moved in June. We just appointed conferees right before the August recess. We are ready to go to work on this side.

I will say I have had some discussions with participants from the other body. They seem ready and prepared to move forward. There is no reason why we cannot get this legislation, this conference committee work, completed and on the President's desk as quickly as possible, I would hope certainly by the end of September. That is not an unrealistic possibility.

I just saw a study the other day that the amount of construction sites that are standing idle and the amount of money in those construction sites now is over $10.5 billion. That is an awful lot of jobs that we are losing as a result of this. Somebody once predicted without terrorism insurance we could have a loss of 1 percent of our Gross Domestic Product off the growth numbers. That is an awful lot of jobs, an awful lot of economic activity.

So, Madam Speaker, let us dedicate ourselves today to first passing this excellent motion to instruct conferees. I want to assure both gentlemen that my main task over the next few weeks will be to bring this conference report to the floor of the House and get it signed by the President.

Mr. FOSSELLA. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BAKER), who again has been at the forefront and working closely with all of us to bring the terrorists to their heels.

Mr. BAKER. Madam Speaker, I thank the gentleman for yielding me time and wish to express my appreciation to both the gentleman from New York and the gentleman from Ohio (Chairman OXLEY) for their leadership on this important issue.

Madam Speaker, in this country when we find someone engaged in the sale of drugs to minors, we think it is such a terrible offense that we not only give them jail time when convicted, we seize all their assets. We take the car from which the material was hauled; we take anything we can find related to that activity.

How more appropriate when some state-sponsored activity takes the life of or tortures innocent individuals for no apparent reason, that we should go after not only those who commit the acts of terror, those who engage in it, but their assets as well?

The United States Government has seized millions of dollars of assets that could be made available to the victims of these heinous acts, but the Congress must act.

So I commend these individuals for taking the leadership in bringing forth this motion to instruct, which will, in some small way, bring relief to those who have been gravely harmed, and, more importantly, send a very strong message to those who engage in acts of terror: when you engage in these acts, there will be a very high price to pay. Money is not enough. We need more.

Mr. WATT of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to express my thanks again to the gentleman from New York (Mr. FOSSELLA), to the gentleman from New York (Mr. GRUCCI), to the chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY), the gentleman from Louisiana (Mr. BAKER), and to the gentleman from Utah (Mr. CANNON), all of whom have viewed this issue as being important enough to come and support this motion to instruct conferees.

I am personally not a big proponent of motions to instruct conferees, because our experience has shown that when we instruct the conferees, they seldom pay much attention to what we are instructing them to do anyway. They kind of have minds of their own. But this seems to me to be one of those situations where there is a growing sense of unanimity that this is a good idea; and I want to thank my friend, the gentleman from New York (Mr. FOSSELLA), for picking up the idea and running with it.

Let me kind of trace the history of how we got here so that my colleagues will understand it. There have been several kinds of odd references to me as one of the moving forces in this. My colleagues should know that this was an idea that I originated in a very crude amendment which I offered to the terrorism bill when it was being considered a year or so ago in the Committee on Financial Services.

I had two objectives in offering the crudely drawn, quickly drawn amendment to that bill. One of those was the obvious kind of frustration and feeling of helplessness that all of us had in the aftermath of the events of September 11 and the feeling that, as the gentleman from Ohio (Chairman OXLEY) said, this was a pretty elementary notion, that if the Federal Government was going to freeze assets of terrorists and terrorist groups, that it should not necessarily be the Federal Government that benefited from freezing those assets, but that those assets ultimately should be available to the individuals whose lives had been taken, the families of those individuals and the individuals who had been injured by acts of terrorism.

So the first reason that I had was just a sense of frustration and wanting to do something in response to the acts of September 11 and to other acts of terrorism.

The second rationale I had, really I have to reveal to my colleagues in honesty, was kind of to make a point, because when we were debating the terrorism reinsurance bill, one of the issues that came up in the committee was whether we would do some kind of tort reform in the context of the terrorism reinsurance bill.

I was frustrated by the notion that my colleagues would take a terrorism reinsurance bill and inject a highly political issue of tort reform in that bill, and I wanted to try to demonstrate to my colleagues how unreasonable I thought this whole concept of tort reform was. I thought the best way to do that was to point out to them that if they did tort reform, they would be capping as part of that tort reform the recoveries that individual citizens could obtain for acts of terrorism.

I could not imagine that my colleagues would want to put an arbitrary cap of $250,000 in punitive damages, or any kind of arbitrary cap, on the recovery by the family of a constituent of mine who had been killed in the violence on the U.S.S. *Cole*. My constituent, Lakeina Francis, who had lost her life, her family was there in North Carolina, and my colleagues were playing politics with this bill. I thought that one of the ways I could illustrate to them that what they were doing was unreasonable was to offer this amendment in the context of that terrorism reinsurance bill, and I did.

Of course, as I thought, it did put my colleagues who were supporting tort reform in a pretty tough position. They finally started to understand that these arbitrary caps that they were talking about in this bill did not make sense when somebody gets blown up, or when somebody gets injured by extreme negligence of another party. My colleagues thought this was a good idea, and they adopted this amendment in the terrorism reinsurance bill. They adopted my amendment to the bill.

Well, I conceded at the outset that this was a crude effort, an effort that started to build steam right there in the committee. After the committee markup and the passage of the House terrorism reinsurance bill, I am happy to say that the gentleman from New York (Mr. FOSSELLA) and the gentleman from Utah (Mr. CANNON) picked up on this idea and introduced a freestanding bill that was much, much better than the crude language that I had offered in the committee; and when the bill was considered in the Senate, the Senators put the language in the bill which was much better than I had introduced in the Committee on Financial Services and much better even than the free-standing bill that the gentleman from New York (Mr. FOSSELLA) and the gentleman from Utah (Mr. CANNON) introduced, which is why we are here with the motion to instruct conferees, to leave the provision in the bill.

☐ 1045

That is how we got here. This is a great idea. Not because I started with the idea but just because of what the gentleman from Ohio (Mr. OXLEY) said, the chairman of the Committee on Financial Services, this is so elemental. Why would we freeze the assets of a terrorist group, a terrorist country, terrorist, and not make those assets available to satisfy a judgment that an individual who has been injured or the family of an individual who has been killed in a terrorist attack, why would we freeze the assets if we were not doing it for this honorable purpose?

So I just think this is something whose time has come. I do not think it is going to be controversial. The U.S. Treasury has blocked over $3 billion from organizations or countries designated as terrorists or state sponsors of terrorism. Blocking this money may cripple these organizations and these terrorist states, but it does little to assist the victims of their terrorist acts unless we put this provision in the bill. The bill allows Americans who have suffered as a result of terrorist acts to receive compensation from these blocked assets. Compensating victims will not end terrorism as we know it, but it does raise the price, and it sends a message to terrorist organizations and the states that sponsor them, we will not stand for the murder of innocent Americans. Those who target Americans will be punished and not only will you be punished criminally, you will be punished financially as a result of this language. Using terrorists' assets to compensate victims punishes terrorists and deters future acts of violence, hopefully; maybe, may not, but whether it does or does not, we want them to pay for what they have done. Terrorist states and organizations should not go unpunished for murdering innocent Americans.

Just this past summer, five Americans were murdered in the cafeteria at Hebrew University, and the organization that claims responsibility for that has funds blocked by the U.S. Treasury. Those people ought to have access to those funds and be able to get to them.

The gentleman from New York's bill is fair. It gives all American victims of terrorism an opportunity to receive compensation from terrorist assets, and I urge my colleagues to retain this important provision in the final version of the terrorism insurance bill. By doing so, we demonstrate our commitment to the victim of terrorist acts and show our resolve to punish those states and organizations that sponsor terrorism. This language holds terrorists accountable for their crimes against Americans. It is a great idea. I applaud the gentleman from New York and all of the people who picked it up and ran with it.

Madam Speaker, I yield back the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

At the outset, let me really thank the gentleman from North Carolina (Mr. WATT). We really would not be here but for his efforts, his ideas, his support, and his leadership. And the victims of terrorism owe thanks to the gentleman from North Carolina as well as the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Ohio (Mr. OXLEY), the gentleman from Louisiana (Mr. BAKER), the gentleman from New York (Mr. GRUCCI), and the gentleman from Utah (Mr. CANNON), who really brought us here today.

And underscore what we have all said, and I am not going to repeat it, but every day and especially tomorrow, September 11, 2002, we honor the heroes and the victims who perished last year, our fellow American citizens, those who just want an ordinary way of life, a peaceful life, who sought to raise a family in this great Nation, who sought to do a job and do it right, and those valiant heroes from EMS and the police department and the port authority and especially the firefighters, 78 of whom were from Staten Island alone, and names like Egan and Olsen and Curatola and Esposito and Siller and Leahy and Doyle, and tragically thousands of others. They are names, yes, but they are families. They have left behind children, they have left behind wives, husbands, parents, and grandparents, and what they were seeking is all what I think we are all about, the right to live in freedom with liberty and in peace, and that was robbed from them. That was robbed from them. It was robbed from their families. And, yes, we are a stronger and better country, and we are fortunate to have brave men and women to wear the uniform to go get those people, wherever they may be across the globe, with the commander in chief, President Bush, leading the way.

But at the same time, I think it is unbelievable that these families down the road, in the event that they will obtain a judgment, would have to come back to Congress or to their own government to petition against a terrorist organization or a state that sponsors terrorism to recover some of those assets.

We should not be here next year or 10 years from now debating this. We should end the subject right now, put it to a close, and bring justice to those victims who suffer today and will be suffering for a long time. But at least this Congress is speaking with one voice and saying that we are going to right that wrong and provide equity for all.

Mr. SHAYS. Madam Speaker, I rise in strong support of the motion offered by the gentleman from New York and the gentlemen from North Carolina.

Now and then, a proposal comes before Congress that makes such good sense, it's a wonder no one though of it sooner. We have just such a proposal before us today.

Under Section 11 of the Terrorism Risk Insurance Act, Americans who are victims of cowardly terrorist acts will get the justice they deserve—not just an IOU.

Allowing victims to enforce judgments against terrorists and state sponsors of terrorism will serve two vital purposes. First, it will compensate the victims of terrorism and their families. These brave men and women have suffered unimaginable losses, and they shouldn't have to worry about whether the State Department will release frozen terrorist assets in the event they prevail in a lawsuit and be awarded funds.

Second, this provision will cut financing for terrorism off at the knees. The assets of terrorist states shouldn't simply be frozen—they should be seized. That's what we're doing here today.

Madam Speaker, I would like to thank Chairman MIKE OXLEY for his commitment to this legislation, and urge all of my colleagues to vote for this common-sense motion to instruct.

Mr. FOSELLA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. FOSSELLA).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOSSELLA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2003

Mr. HOBSON. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OLVER

Mr. OLVER. Madam Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. OLVER moves that the managers on the part of the House on the conference of the disagreeing votes of the two Houses on the bill, H.R. 5011, be instructed to insist on the higher of House or Senate funding levels, with regard to funding for planning, design, construction, alterations and improvements of military facilities; including environmental remediation, barracks, hospitals, childcare facilities, and family housing.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Massachusetts (Mr. OLVER) and the gentleman from Ohio (Mr. HOBSON) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a straightforward motion that all Members will be able to support. It instructs the House conferees to work toward the highest funding levels possible.

Madam Speaker, as the ranking member for this subcommittee, I have visited many military installations with the chairman, the gentleman from Ohio (Mr. HOBSON), installations which are both on shore and offshore.

We both agree that there is a tremendous backlog in providing decent housing, modern workplaces, and critical security for our service men and women and their families. The needs are well beyond the funding available in either the House or the Senate bill, but I strongly believe we need to get every cent available for military construction to the Department of Defense.

I urge Members to support this motion to instruct.

Madam Speaker, I reserve the balance of my time.

Mr. HOBSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are willing to accept the gentleman's motion.

Mr. OLVER. Madam Speaker, I yield back the balance of my time.

Mr. HOBSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. OLVER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HOBSON, WALSH, DAN MILLER of Florida, and ADERHOLT, Mrs. GRANGER, Messrs. GOODE, SKEEN, VITTER, YOUNG of Florida, OLVER, EDWARDS, FARR of California, BOYD, DICKS, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro-tempore. Is there objection to the request of the gentleman from California (Mr. LEWIS)?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OLVER

Mr. OLVER. Madam Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. OLVER moves that the managers on the part of the House on the conference on the disagreeing votes of the two Houses on the bill, H.R. 5010, be instructed to insist on the higher funding levels permitted within the scope of conference with regard to chemical and biological defense programs, projects, and activities.

The SPEAKER pro tempore. Pursuant to rule XXII, the gentleman from Massachusetts (Mr. OLVER) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I offer this motion on behalf of the ranking subcommittee member, the gentleman from Pennsylvania (Mr. MURTHA), who has been detained.

Madam Speaker, it has become obvious to all that chemical and biological warfare is a clear and present danger to our country.

□ 1100

The two gentlemen who lead the Subcommittee on Defense of the Committee on Appropriations, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), have recognized this fact for many years and have steadfastly worked to increase the funding for the variety of promising technologies in development to protect us from these weapons of mass destruction. We want, through this motion, to continue this.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am prepared to accept the gentleman's motion.

Madam Speaker, I yield back the balance of my time.

Mr. OLVER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. OLVER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. LEWIS of California, YOUNG of Florida, SKEEN, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia and OBEY.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. LEWIS of California. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. LEWIS of California moves, pursuant to clause 12 of rule XXII, that meetings of the conference between the House and the Senate on H.R. 5010 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS).

On this motion, the vote must be taken by the yeas and nays.

Pursuant to clause 8 of rule XX, this vote on the motion to authorize closed meetings of the conference will be followed by two possible 5-minute votes on questions postponed earlier today.

The vote was taken by electronic device, and there were—yeas 365, nays 0, not voting 67, as follows:

[Roll No. 378]

YEAS—365

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bass
Becerra
Bentsen
Bereuter
Berkley

Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr

Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Conyers
Cooksey

Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof

Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Myrick
Nadler
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul

Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)

Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)

Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)

Wilson (SC)
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—67

Barrett
Bartlett
Barton
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Cardin
Clement
Collins
Condit
Crowley
Delahunt
Diaz-Balart
Ehrlich
Fattah
Gilchrest
Hastings (WA)
Herger
Hilleary
Hoyer
Istook

Jackson-Lee (TX)
Kaptur
Kennedy (RI)
King (NY)
Kleczka
LaTourette
Linder
Lynch
Maloney (NY)
Mascara
Meeks (NY)
Miller, George
Miller, Jeff
Mink
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Owens
Platts

Pryce (OH)
Rahall
Riley
Ros-Lehtinen
Roukema
Rush
Sanders
Schaffer
Serrano
Souder
Stump
Sununu
Sweeney
Taylor (NC)
Towns
Velázquez
Walsh
Waters
Weiner
Weller
Wynn
Young (AK)

□ 1128

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 378 had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

On instructing conferees on H.R. 3210, the yeas and nays; and on approving the Journal, de novo.

The Chair will reduce to 5 minutes the time for any electronic votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 3210, TERRORISM RISK PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct on the bill, H.R. 3210, offered by the gentleman from New York (Mr. FOSSELLA) on which further proceedings were postponed earlier today.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. FOSSELLA) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 373, nays 0, not voting 59, as follows:

[Roll No. 379]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—59

Barrett
Bartlett
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Cardin
Clement
Collins
Crowley
Delahunt
Diaz-Balart
Ehrlich
Fattah
Gilchrest
Hastings (WA)
Herger
Hilleary
Hoyer
Istook
Jackson-Lee (TX)
Kaptur
Kennedy (RI)
King (NY)
Kleczka
LaTourette
Lynch
Maloney (NY)
Mascara
Meeks (NY)
Miller, George
Miller, Jeff
Mink
Morella
Napolitano
Nethercutt
Owens
Platts
Pryce (OH)
Riley
Ros-Lehtinen
Roukema
Sanders
Schaffer
Serrano
Souder
Stump
Sununu
Sweeney
Taylor (NC)
Towns
Velázquez
Walsh
Waters
Weiner
Weller
Wynn
Young (AK)

☐ 1137

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 379, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on rollcall Nos. 378 and 379, I was unavoidably detained. Had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Michigan. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 335, noes 35, answered "present" 1, not voting 61, as follows:

[Roll No. 380]

AYES—335

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Hansen
Harman
Hastings (FL)
Hayes
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg

Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Sullivan
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (FL)

NOES—35

Baird
Baldwin
Brady (PA)
Capuano
Condit
Costello
Crane
DeFazio
English
Filner
Green (TX)
Gutknecht
Hart
Hefley
Hilliard
Hinchey
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Moore
Moran (KS)
Oberstar
Olver
Peterson (MN)
Ramstad
Sabo
Stenholm
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—61

Barr
Barrett
Bartlett
Boehlert
Borski
Brown (FL)
Bryant
Callahan
Cardin
Clement
Collins
Crowley
Delahunt
Diaz-Balart
Ehrlich
Fattah
Hastings (WA)
Hilleary
Hoyer
Istook
Jackson-Lee (TX)
Jefferson
Kaptur
Kennedy (RI)
King (NY)
Kleczka
Lantos
LaTourette
Lynch
Maloney (NY)
Mascara
McCarthy (MO)
McDermott
Meeks (NY)
Miller, George
Miller, Jeff
Mink
Morella
Owens
Platts
Pryce (OH)
Riley
Ros-Lehtinen
Roukema
Sanders
Schaffer
Serrano
Souder
Stump
Sununu
Sweeney
Taylor (NC)
Thurman
Towns
Velázquez
Walsh
Waters
Weiner
Weller
Wynn
Young (AK)

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Mr. KENNEDY of Minnesota changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, on rollcall votes 378, 379 and 380, I was unavoidably delayed because of a malfunction with my paging system.

Had I been present, I would have voted aye on rollcall No. 378; aye on rollcall No. 379; and aye on rollcall No. 380.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

RECOGNIZING HISTORICAL SIGNIFICANCE AND TIMELINESS OF UNITED STATES-IRELAND BUSINESS SUMMIT

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 513) recognizing the historical significance and timeliness of the United States-Ireland Business Summit, as amended.

The Clerk read as follows:

H. Res. 513

Whereas from September 4, 2002, to September 6, 2002, the United States-Ireland Business Summit was held at the Ronald Reagan Building International Trade Center in Washington D.C.;

Whereas global economic change and the war against international terrorism have challenged industries and governments throughout the world to look at new ways to resolve conflicts, eliminate barriers, and expand markets;

Whereas the Summit brought together senior level corporate, government, and academic leaders from across the United States, Ireland, and Northern Ireland for discussions on economic competitiveness and important issues that are confronting the sectors of information and communications technology, biotechnology, and financial services in the United States and European markets;

Whereas the discussions focused on new public and private sector priorities, market development and entry, regulatory issues, and opportunities for joint ventures and economic growth, generating alliances between businesses with operations in the United States, Ireland, and Northern Ireland;

Whereas increased economic growth and job creation in Northern Ireland can further help promote the peace and shared governance under the terms of the Good Friday Agreement of 1998;

Whereas President George W. Bush has offered a compelling new vision for peace in Northern Ireland that emphasizes private sector leadership and innovation to restore economic vitality and cooperation;

Whereas the United States-Ireland Business Summit was a bold step toward making the vision of President Bush a reality and creating new opportunities in the United States, Ireland, and Northern Ireland; and

Whereas approximately 44,000,000 citizens of the United States identify themselves as having Irish ancestry and the United States has a strong and enduring interest in maintaining close ties with the people of Ireland and in supporting efforts to ensure peace, justice, and prosperity in Northern Ireland: Now, therefore, be it

Resolved, That the Congress recognizes the historical significance and timeliness of the United States-Ireland Business Summit held in Washington, D.C. from September 4, 2002, to September 6, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we bring before the House H. Res. 513, recognizing the historical significance and timeliness of the United States-Ireland Business Summit which took place last week.

This groundbreaking economic forum, strongly supported by the Bush administration, brought together more than 400 key government officials and successful CEOs from the United States, Ireland and Northern Ireland to build upon the strong business relations existing between our nations, and to foster an even greater economic climate that will enable a just and lasting peace to take hold in Northern Ireland.

We know that for so much of its history Ireland's economic progress was tragically inhibited by British economic rule. In fact, it was pure economic conditions in Ireland that prompted millions of Irish to emigrate to the United States. The Irish who came to America helped build the infrastructure of our great Nation; they helped boost our young, industrial economy; and they played historic roles in the growth of our democracy.

Today there are at least 44 million Americans who trace their ancestry to Ireland. Irish Americans have leading roles in government, business and academia. A year ago this week, we again witnessed the strengths and unselfishness of many Irish American heroes who gave their lives as New York's firemen and policemen at the World Trade Center on September 11.

The U.S.-Irish Business Summit, convened last week here in Washington, marked a new chapter in our Nation's great friendship with the people of Ireland, both north and south. The 3-day forum promoted new venues for shared prosperity and new business partnerships especially in the areas of financial services, communications fields and biotech.

Next to human rights, economic progress in Ireland, especially in the north, is crucial to a just and sustainable peace. We know when prosperity abounds, strife and turmoil are often quelled. Increased economic investment in Northern Ireland is especially important now that we have worked to cement the peace and usher in the new human rights protections envisioned by the Good Friday Agreement. Despite strong support from the governments in the region, the U.S. Government, and most of the people in Northern Ireland itself, much more needs to be done to achieve a full implementation of the Good Friday Agreement.

The United States has known for some time that economic prosperity, so long as it is complemented by real protections in human rights, can be a key to peace. And we have put our money where our mouth is over these many years. Since 1986, the United States has contributed more than $320 million to the International Fund for Ireland, a joint British-Irish government program designed to help create jobs. The Fund has had a tremendous impact, especially in the north and the border communities where economic development and cross-community cooperation have been needed the most.

The private sector can join and build upon our government's investment in peace in Northern Ireland. I am hopeful that the U.S.-Ireland Business Summit will provide added momentum to the success of the International Fund for Ireland. Added private investment will mean that more people have jobs. It will ensure that more people, regardless of their political or religious affiliation, can have access to job creation and a greater quality of life.

Madam Speaker, I note that the manager's amendment to this resolution contains some minor technical and grammatical changes to reflect that the U.S.-Irish Business Summit occurred last week. I congratulate the gentleman from New York (Mr. WALSH), a prime sponsor of this, for his tremendous leadership in the area not just of the summit, but in Irish affairs in general.

Madam Speaker, I reserve the balance of my time.

Ms. WATSON of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Res. 513. I first commend the gentleman from New Jersey (Mr. SMITH) for his leadership on this important resolution, and the gentleman from New York (Mr. WALSH) for introducing it.

Madam Speaker, for decades the people of Ireland have longed for peace and stability. Since the signing of the Good Friday Agreement of 1998, this dream is closer to reality than ever before. The Good Friday Agreement is a testament to the leadership abilities of George Mitchell and is one of the great achievements of President Clinton's foreign policy. However, the implementation of the Good Friday Agreement has not been without its setbacks, and it is critically important that all parties continue to push strongly for progress on political, security and economic fronts.

Madam Speaker, just a few miles away business leaders from the United States, Ireland and Northern Ireland met last week at the United States-Ireland Business Summit. I am pleased to report that these leaders helped lay the groundwork for the economic prosperity for Northern Ireland which is so critical to the peace process. This summit focused on generating new opportunities for business between the United States, Ireland and Northern Ireland, including promoting foreign investment, reducing regulatory barriers and increasing bilateral trade. Progress on these critically important issues can create new jobs for those unemployed on both sides of the Atlantic and make a tangible contribution to the success of the Good Friday Agreement.

I commend the leaders who participated in the summit, and urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I rise in strong support of H. Res. 513, recognizing the historical significance and timeliness of the 3-day U.S.-Ireland Business Summit which was held last week in Washington in which I was pleased to participate.

That business summit brought together business leaders from the Republic of Ireland, from Northern Ireland and the United States to discuss the importance and the advancement of our bilateral commercial ties across the Atlantic, and I thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. WALSH) and the gentlewoman from California (Ms. WATSON) for bringing this measure to the floor at this time.

Our special relationship and history that our Nation enjoys with Ireland is reflected in the increased trade between our two nations over the past decade. This has produced mutual benefits both for Ireland as well as the United States, and continues to underscore our common values, our traditions and our commitment to free trade. Moreover, expanding international commercial links has underscored and reinforced the benefits of peace in Northern Ireland. An environment free of violence and fear is vital to fostering a prosperous business community. However, the hard-won peace in Northern Ireland still remains fragile, which is why last week's summit was so critical for continuing the positive changes which have been made to date.

Regrettably, the interface violence we saw this last summer demonstrates that we are not yet over all of the troubles in the north. Accordingly, I want to commend President Bush for his strong support of this U.S.-Ireland summit, and particularly the summit chairman, the gentlewoman from California (Mrs. DAVIS) and the Irish-American Republicans for their leadership on this summit initiative. I urge my colleagues to continue our support of this worthy endeavor.

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Ms. WATSON of California. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Madam Speaker, let me thank the gentleman from New Jersey (Mr. SMITH), who has really done such an outstanding job not only in his work in Ireland in general but in human rights throughout the world. Many people are much better off because of his interests, his compassion, and his tenacity in seeing that those who have the least voice in the world are heard. Let me thank the ambassador for bringing forth this resolution.

Madam Speaker, I am pleased to have the opportunity to have visited both Ireland and Northern Ireland on several occasions. Taking satisfaction that the peace process is moving forward, I would like to reiterate my support for the goals of the U.S.-Ireland summit, this summit designed to bring together senior-level corporate government and academic leaders for discussion on economic competitiveness, consider important issues in the areas of information and communications technology, biotechnology, and financial services in the United States and European markets.

The emphasis of the summit on new public and private sector opportunities, market development, joint ventures, and economic growth between businesses in the U.S., Ireland, and Northern Ireland is truly commendable. I solute its promotion of peace and shared governance under the terms of the Good Friday agreement of 1998. As well, I support the emphasis it places on private sector leadership and in its leadership.

It is important for the United States to maintain close ties with all people of Ireland in supporting mutual peace, justice, and prosperity. There has been, however, an apparent oversight in the resolution, I believe, that I would like to address at this time.

The resolution failed to mention the tireless effort of special envoy Senator George Mitchell, who negotiated the Good Friday agreement. Neither did it remark on the dedication and commitment of former President Clinton in bringing the peace process in Northern Ireland to a successful conclusion. So I would just like to highlight that and bring attention to my colleagues of the establishment of the William J. Clinton International Peace Center in Enniskillen, Ireland, and that Ms. Steller O'Leary and others who have been working so much for advocating peace are involved in this and we look forward to having Members of our Congress visit that. I trust that the present administration will continue this important effort so that the reconciliation process does not falter. So I ask that my colleagues join me in honoring Senator Mitchell and President Clinton for their crucial role that they played in bringing peace to Northern Ireland.

Ms. WATSON of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 513, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTELSAT IPO EXTENSION ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2810) to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

The Clerk read as follows:

S. 2810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF IPO DEADLINE.

Section 621(5)(A)(i) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)(i)) is amended—

(1) by striking "October 1, 2001," and inserting "December 31, 2003,"; and

(2) by striking "December 31, 2002;" and inserting "June 30, 2004;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 2810 and urge swift passage of this noncontroversial legislation. Prior to adjourning in August, the Senate passed legislation, S. 2810, to extend the deadline by which INTELSAT is required to conduct its IPOs. I commend my colleagues in the other body and thank them for addressing this important issue.

Under the Open-Market Reorganization for the Betterment of International Telecommunications (ORBIT) act, INTELSAT is required to privatize, and as part of that effort, INTELSAT is to conduct an IPO by December 31 of this year. As detailed by the FCC, INTELSAT has made significant progress in its privatization efforts. Moreover, INTELSAT has made substantial preparations to conduct its statutorily mandated IPO.

However, volatility in the financial markets in general, and the telecommunications sector specifically, make this statutory deadline unrealistic. Indeed, one is hard-pressed to select a worse time for a satellite company IPO. Equally important, such an ill-timed IPO runs counter to one of the central policy objectives of ORBIT, dilution of foreign government ownership. If this IPO is forced to take place now, it is very likely that the foreign governments holding nonstrategic investments in INTELSAT will decide not to sell in this unattractive market. Rather, they will decide to hold on to their investments until a more attractive market price is available. The end result: no foreign government dilution in the near future.

S. 2810 would therefore give INTELSAT another year in which to conduct its IPO. It also provides the FCC authority to allow an additional extension of time if warranted by market conditions. Congress provided identical relief last year to Inmarsat. I urge all of my colleagues to support this important yet noncontroversial legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us is unopposed, and I support House passage of this bill today, as does the gentleman from Michigan (Mr. DINGELL) and all of the members of the Committee on Commerce who sit on the Democratic side.

This legislation simply extends the date by which INTELSAT may have an IPO and offer advanced satellite services to U.S. customers. The IPO was put into the law to induce INTELSAT to diversify its ownership and vastly diminish the international governmental ownership and control of the organization, with all of the advantages and disadvantages such international governmental ownership brings. The new date for an IPO will now be December 31, 2003, rather than the end of this year.

I want to commend the gentleman from Michigan (Mr. UPTON) for his work on this bill and urge Members to support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 2810.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING TEMPORARY WAIVER FROM CERTAIN REQUIREMENTS UNDER CLEAN AIR ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3880) to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLEAN AIR TRANSPORTATION CONFORMITY; TEMPORARY WAIVER FOR NEW YORK AREAS.

(a) TEMPORARY WAIVER.—Notwithstanding any other provision of law, until September 30, 2005, the provisions of section 176(c) of the Clean Air Act, and the regulations promulgated thereunder, shall not apply to transportation projects, programs, and plans (as defined in 40 C.F.R. Part 93, Subpart A) for the counties of New York, Queens, Kings, Bronx, Richmond, Nassau, Suffolk, Westchester, Rockland, Putnam, or the towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury in Orange County, New York. The preceding sentence shall not apply to the regulations under section 176(c)(4)(B)(i) of such Act relating to Federal and State interagency consultation procedures.

(b) INTERIM PROGRESS REPORT.—Not later than January 1, 2004, the Governor of New York

shall submit to the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation a report regarding the status of the State's progress towards achieving compliance with the provisions of law and regulation subject to the temporary waiver provided by subsection (a). Such report shall explain in detail the steps that the State has taken towards achieving such compliance and identify the necessary steps that remain to be taken by September 30, 2005, in order for the transportation projects, programs, and plans for the counties referred to in subsection (a) to be in compliance with the provisions of section 176(c) of the Clean Air Act, and the regulations promulgated thereunder, by September 30, 2005. The report shall also include a regional emissions analysis generally consistent with the requirements of 40 CFR 93.122, together with the relevant air quality data.

SEC. 2. METROPOLITAN PLANNING REQUIREMENTS; TEMPORARY WAIVER FOR NEW YORK AREAS.

Notwithstanding any other provision of law, until September 30, 2005, the provisions of sections 134(h)(1)(D), 134(i)(3), 134(i)(5), and 134(l)(1) of title 23 of the United States Code and sections 5304(a)(1), 5305(c), and 5305(e)(1) of title 49 of the United States Code and the regulations promulgated thereunder, shall not apply to the New York Metropolitan Transportation Council or to the Metropolitan Planning Organization designated under section 134(b) of title 23 of the United States Code.

SEC. 3. ADDITIONAL REQUIREMENTS.

(a) PROHIBITION ON CAPACITY EXPANSION.—During the period of the temporary transportation conformity waiver for transportation plans, programs, and projects under section 1, no regionally significant capacity expanding highway project shall be added to the Regional Transportation Plan for the counties referred to in section 1 and no such project may be advanced from the out years of the Plan into the TIP, except as provided in subsection (b).

(b) EXCEPTION.—Any regionally significant capacity expanding highway project south of Canal Street and West of Broadway in Manhattan may be added to the Plan referred to in subsection (a) if—

(1) the project is part of a redevelopment plan for lower Manhattan subject to NEPA and the New York State Environmental Quality Act, as applicable; and

(2) any projected increases in transportation related emissions resulting from the project are offset by corresponding reductions within the affected county, with best efforts made to secure reductions from within the immediate area affected by the project's emissions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will consider important legislation that will help New York rebuild Lower Manhattan after the tragic events of September 11.

Before I briefly discuss the purpose and effect of H.R. 3880, I want to thank the gentleman from New York (Mr. FOSSELLA) and his fellow Committee on Energy and Commerce New York members, the gentleman from New York (Mr. TOWNS) and the gentleman from New York (Mr. ENGEL), for their great leadership in developing this legislation and moving it through the committee in a very strong bipartisan manner.

As a result of this team effort, H.R. 3880 enjoys not only the support of the City and State of New York, but also the support of the Department of Transportation, the Environmental Protection Agency, and the environmental group Environmental Defense.

This legislation is needed because New York's transportation planning office was located in the World Trade Center and was destroyed on September 11. Three staff members were killed; and for all practical purposes, the planning office's records and complex computer models simply disappeared.

While tragic, this is not the sole reason New York needs a temporary extension from the Clean Air Act transportation conformity requirements. As we all know, September 11 changed the shape of New York. Thousands and thousands of offices have been moved to new places and commuters now travel different routes. Complying with the transportation conformity regulations and other metropolitan planning requirements would require a full understanding of these changes in the development of a new, corresponding computer model.

EPA and DOT all agree that this task would be impossible for New York to complete by next month, which is New York's existing conformity deadline. Without H.R. 3880, when New York misses next month's conformity deadline, progress would cease on over $4.6 billion worth of transportation projects, all at a time when the rebuilding of Lower Manhattan and its transportation infrastructure is of paramount importance.

So as to avoid this untenable outcome, H.R. 3880 provides a temporary 3-year waiver necessary for New York to develop new computer models and meet the requirements of the next conformity planning cycle in October of 2005.

I note that during full committee markup of H.R. 3880, the bill was amended in a bipartisan manner to address specific concerns raised by environmental groups with regard to regionally significant highway projects which now are generally prohibited unless they obtain emissions offset credits. Accordingly, H.R. 3880 has been endorsed by Environmental Defense.

In addition to the Committee on Energy and Commerce's New York delegation, I wish to thank the chairman of the Subcommittee on Energy and Air Quality, the gentleman from Texas (Chairman BARTON); the subcommittee's ranking member, the gentleman from Virginia (Mr. BOUCHER); and, of course, the ranking member of the full committee, the gentleman from Michigan (Mr. DINGELL), for their bipartisan cooperation in providing this timely relief for the City of New York. I also wish to thank the gentleman from Alaska (Chairman YOUNG), chairman of the Committee on Transportation and Infrastructure, for his cooperation with our request that this measure be considered by the full House promptly after our full committee markup.

In addition to the committee's report filed on H.R. 3880, the committee understands that New York State is working on expanding ferry service into New York City from Westchester and Rockland Counties and encourages this process to move forward as a means of providing alternative mass transit options which help to reduce traffic and improve the air quality of the region.

Mr. Speaker, in closing, I urge the House to vote for H.R. 3880, a bipartisan measure that will allow New York to continue the important task of rebuilding after the tragic events of 1 year ago.

Mr. Speaker, I ask unanimous consent that the managing of this bill go to my colleague, the gentleman from New York (Mr. FOSSELLA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this morning in support of H.R. 3880, which will provide to the New York City metropolitan area a temporary and necessary waiver of Clean Air Act conformity requirements until September 30, 2005.

□ 1215

Mr. Speaker, I urge approval of this measure by the House. Section 176(c) of the Clean Air Act requires that transportation activities conform to State air quality plans before the Federal Government is authorized to fund those transportation activities.

The region-only mission analysis used to establish conformity and subsequent eligibility for Federal funding must be, under this statutory provision, less than 3 years old. New York's current regional emission analysis will reach its 3-year expiration date on October 1, 2002. Then, under the provisions of the Clean Air Act, the New York conformity determination will lapse, jeopardizing the area's Federal transportation funding for most projects. It is estimated that the region stands to lose up to $1 billion in Federal transportation funding, should a conformity lapse occur.

The headquarters of the New York Metropolitan Transportation Council, and that is the agency that serves as the New York area's transportation planning office, was destroyed in the attacks of September 11. Due to the unprecedented loss of personnel, resources, and records, it will be impossible for New York to establish a current regional emissions analysis in order to meet the October 1, 2002 deadline for obtaining a conformity determination.

In addition to the loss at the New York Metropolitan Transportation Council headquarters, the attacks of September 11 have significantly altered the distribution of jobs and transportation patterns within the New York metropolitan area. These changes add to the impossibility of the data collection necessary to develop an accurate regional emissions analysis during the near term.

Given these extraordinary events, it is appropriate that we take action to provide temporary relief to the New York City area. The legislation before us today would grant a temporary waiver from the Clean Air Act transportation conformity requirements and selected metropolitan planning requirements of TEA–21 through September 30, 2005.

The bill received unanimous approval in the Committee on Energy and Commerce, and it is supported by the Environmental Protection Agency and by the U.S. Department of Transportation.

I urge that the House lend its approval to this necessary legislation, which will assist in easing the burden faced by the New York City area as the region continues to recover from the attacks of last September.

Mr. Speaker, I want to join my friend, the gentleman from Michigan (Mr. UPTON), in commending the gentleman from New York (Mr. FOSSELLA) and the other gentlemen from New York, Mr. ENGEL and Mr. TOWNS, for their sponsorship of this measure, which is most appropriate and deserves approval by this House.

Mr. Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me thank the gentleman from Virginia (Mr. BOUCHER), because he has been really great in his assistance and in his efforts to bring this to the floor, and the people in the city and in the State of New York are grateful for his support.

I thank as well my colleagues, the gentlemen from New York, Mr. RANGEL and Mr. TOWNS. We have tried to do this really in a nonbipartisan way because it is so critical to the future of rebuilding New York City.

I also thank the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Texas (Chairman BARTON), as well as the chairman, for being cooperative and understanding the plight of New York.

Mr. Speaker, I have a full statement that I will submit for the RECORD, but just to highlight, I think, as has been said by the gentleman from Michigan and the gentleman from Virginia, sadly, another consequence of September 11 was the fact that New York City almost was destroyed. The loss of life was tragic, but in addition, the infrastructure is destroyed.

Many Members in both the House and in the other body were in New York on Friday and saw what was once the World Trade Center, and saw underneath what was once the PATH station, the PATH train, or the 1 and 9 subway line, or so many of the buses that really interweave throughout downtown New York.

For all intents and purposes, things have changed in New York. New York was required to comply with the Clean Air Act as of October 1. Now, if the infrastructure has changed, the modeling to evaluate that infrastructure has changed, and the analysis, therefore, that was required has changed, so all bets are off.

In addition, and this is the saddest, obviously, some employees lost their lives in that attack.

So we have a combination of tragedies that brings us to this point. That, essentially, is to grant New York City and New York State temporary relief under the Clean Air Act. Without that, upwards of $4 billion to $5 billion, the estimates range, but the reality is that it is hard and it is real that those Federal dollars that fund needed Federal projects will stop, and it will stop the rebuilding efforts of New York City that have moved wonderfully in the last year. It will mean so many jobs will be put at risk, upwards of 200,000 jobs directly and indirectly related to the rebuilding of New York City.

This underscores, I think, what we all want to do; that is, to improve the quality of our air and the emissions surrounding New York City. But understand that this is a commonsense approach to a terrible accident that happened.

So I want to commend all those who recognized this necessary, really, legislation, and to thank all those in the staff that brought us here. I would hope, since time is of the essence, that the other body would join hands with us and give New York what it needs.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York (Mr. ENGEL), one of the sponsors of this measure.

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the Committee on Energy and Commerce has worked in a truly bipartisan fashion to bring this legislation to the full House today. The three of us on the committee that represent New York City, myself and the gentlemen from New York (Mr. TOWNS and Mr. FOSSELLA) have all worked very closely with the leadership of the Committee to put this before our colleagues.

Mr. Speaker, helping New York has been something that has been done in a bipartisan fashion since the tragic events of last September 11. This, of course, is part and parcel of that. New York City was hit not because it was some random place that was picked, but because New York is a symbol of what this country is, a symbol. That is why when New York was hit, everyone responded, because everyone understands that New York is a symbol of our great country.

As we know, and was mentioned by my colleagues, New York is facing a conformity lapse on October 1 of this year. H.R. 3880 will grant a temporary limited waiver for New York's Clean Air Act conformity requirements.

Mr. Speaker, the New York Metropolitan Transportation Council is the main agency that conducts the regional emissions analysis for New York, and as my colleague, the gentleman from New York (Mr. FOSSELLA), just mentioned, the NYMTC offices were on the 82nd floor of New York World Trade Center One, and were destroyed in the attacks of September 11. Three staff members are still missing and presumed dead, and all the vital data and institutional knowledge of the staff were lost on that fateful day.

As such, it is impossible for New York to meet its conformity requirements. I want to stress that without this waiver, New York will lapse out of conformity in less than a month, and many vital transportation projects will be halted, which threatens to cripple the region at a time when it is still struggling to recover.

The Clean Air Act sets out strict air quality standards to ensure that metropolitan areas remain at safe air quality levels. The Clean Air Act is vital to the health and welfare of residents across the country. That is why I have worked very hard to balance the need for the legislation with the best interests of my fellow New Yorkers and the environmental community, as well.

I have similarly been working to promote better and less polluting transportation throughout the New York metropolitan area, and have coordinated closely with Governor Pataki on this matter.

On July 22, 2002, I wrote to the Governor to urge his support for expanded ferry service from Rockland County to Manhattan and Westchester County to Manhattan, and I am pleased to announce that the Governor has responded favorably to my request and has assured me that he will make clean air transportation projects such as these a priority.

I want to also mention that in discussions with the chairman of our committee, the gentleman from Louisiana

(Chairman TAUZIN), we were supposed to have report language about the ferry service from Rockland and Westchester Counties in the bill, and through an oversight it was omitted. But I want to assure my colleagues that the chairman of the Committee and others on the committee in a bipartisan fashion have assured me that they will work with us to make this ferry service a reality.

There are provisions in the legislation that require New York to report to the Committee on Energy and Commerce, EPA, and DOT on the air quality during the waiver period. These reports will allow us to monitor New York's progress to get back into conformity by the year 2005.

I am pleased that this legislation has the support of the Environmental Defense Fund and the environmental defense community, and I will continue to work with them and Governor Pataki to ensure that air quality standards will be of the utmost priority during the waiver period.

Mr. Speaker, it is truly fitting that the House of Representatives is considering this legislation today. It will be a year tomorrow since the terrorist attacks, and this great body has shown its solidarity with New York. In fact, it is 52 weeks today, to this very day, that the tragedy happened. It is important that the Congress continue its commitment to see us through as we continue our recovery in New York.

I was pleased to be with my colleagues just last Friday when we had this special session in New York. I want to thank, in conclusion, the chairman and ranking member of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL), for all of their hard work on this issue, and I urge my colleagues to support this much-needed legislation.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just thank, from the committee, Joe Stanko, Michael Geffroy, as well as those from Governor Pataki's office and the mayor's office and the city of New York; also, the gentlemen from New York (Mr. RANGEL and Mr. TOWNS), the chairman, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. BARTON), and of course, the gentleman from Virginia (Mr. BOUCHER).

From my staff, I thank Julie Walker, who has really worked a lot and very hard on bringing this to the floor.

I would note, as well, if it has not been noted, that the 14 affiliated building and trade unions support this bill. I have a letter that I have been asked to submit for the RECORD from the Environmental Defense Fund.

The letter referred to is as follows:

ENVIRONMENTAL DEFENSE,
Washington, DC, September 10, 2002.

Hon. VITO FOSSELLA,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN FOSSELLA: We are writing about H.R. 3880, The Clean Air Transportation Conformity Temporary Waiver for the New York Areas, as recently amended. That bill would provide certain counties of the New York City metropolitan region with an extension of deadlines under the transportation conformity provisions of the Clean Air Act while containing protections for continued efforts to improve air quality in New York City.

The State of New York requested this extension on the grounds that the events of September 11, 2001 directly and substantially affected the offices and staff of agencies involved in making conformity determinations. Offices of both the New York Metropolitan Transportation Council (NYMTC) and the Port Authority of New York and New Jersey were destroyed on September 11, and, tragically, both agencies suffered loss of life. According to the state, these agencies also suffered unprecedented loss of agency records and institutional capacity. New York has stated that it is seeking this extension in order to ensure that federal transit funds essential to the rebuilding of lower Manhattan are not placed at risk by these unfortunate circumstances.

In December 2001, the original version of H.R. 3880 was introduced in the House. Because of its unnecessarily broad scope and lack of air quality protections, Environmental Defense opposed that bill, as originally introduced. We requested that, if any flexibility in meeting federal clean air transportation planning requirements were to be granted, it be done in a narrowly crafted way that include protections for air quality and public health. We are pleased that the bill has now been narrowed, and that New York has committed to take new steps to protect air quality and health. The changes include:

No "free pass" for highway projects: Regionally significant capacity-expanding highway projects not already in the adopted Transportation Improvement Program are specifically excluded from the waiver and cannot be advanced during this period excepting projects related to reconstruction of Lower Manhattan (whose emissions must be offset locally).

Transportaiton Conformity only: It is clear, based on a recent change to the legislative language, that H.R. 3880 applies only to "transportation projects, programs and plans as defined in 40 CFR Part 93 Subpart A", and that the waiver therefore does not apply to port projects, airports, or other transportation projects that are subject to the requirements of general conformity under Clean Air Act regulations.

Local emission offsets to protect public health in Lower Manhattan: New highway projects for lower Manhattan (i.e., the depressing of West Street) must include air quality offsets within the affected county (with best efforts to secure even more localized offsets).

Detailed Interim Milestones: New York has committed to meet detailed interim milestones on the way to attaining conformity by 2005. These include commitments to improved best practices transportation and air pollution modeling and other updated models and data for the region.

Report to Congress, EPA and DOT: New York must report to Congress, EPA and DOT on progress being made toward achieving conformity by the new 2005 deadline, including new emission reduction strategies adopted to offset revised estimates of air pollution emissions from cars and trucks that result from newer assumptions, data, and emission models.

Significantly, New York has also committed to take additional steps to protect air quality during the course of the waiver. These include:

A commitment to make the reconstruction of lower Manhattan a model for clean-air construction practice statewide, by using clean fuels and retrofits to cut emissions from non-road machinery throughout lower Manhattan. Non-road engines, like the construction machinery at work on the reconstruction of the World Trade Center site and transportation infrastructure in lower Manhattan, emit more fine particulate matter than cars, trucks and powerplants combined and are important sources of NOx, a precursor to the formation of urban smog.

Committments by key state agencies, including for example the New York State Department of Environmental Conservation, Department of Transportation and the Port Authority of New York and New Jersey, to identify and adopt new transportation control measures, such as incentives for increased use of transit, to be implemented in the new term to cut emissions from the transportation sector.

We recognize that September 11 has presented New York and the country with a unique and unprecedented set of circumstances. We further understand that the State of New York, at its highest executive leadership levels, has agreed to the conditions outlined above and is prepared to implement them vigorously. With these conditions, and under these unique circumstances, we support the amended version of H.R. 3880.

Sincerely,

JOHN BOWMAN,
Legislative Counsel, Environmental Defense.

Mr. TOWNS. Mr. Speaker, I'm very pleased to see the quick action of the House Leadership to bring this important legislation to the floor. H.R. 3880 is a bill that will provide a temporary limited waiver to the Clean Air Act's transportation conformity requirements within the New York City regional planning area (which includes, New York City, Nassau, Suffolk, Westchester, Rockland and Putnam counties as well as seven towns in Orange County). This waiver is necessitated as a direct result of the tragic events of 9/11. The New York Metropolitan Transportation Council (NYMTC), the office responsible for compiling the transportation conformity plan—was located in the World Trade Center, three of its staff members, and much of the progress that had been made in preparation for filing up to that date was lost in the terrorist attacks. In addition, as a result of the 9/11 destruction 100,000 jobs have been displaced and commuter and traffic patterns have change significantly. For example, The World Trade Center PATH Train Station was lost and a number of businesses have relocated away from lower Manhattan. Without this waiver, New York's conformity will lapse on October 1, 2002. As a result, a number of non-exempt transportation and transit projects will come to a halt until a new conformity plan is filed.

New York should not be penalized any more for the disaster of 9/11. A halt to transportation and transit construction projects will be devastating to an economy that has already suffered significant losses. Moreover, this will likely have the unintended consequences of hindering New York's efforts to achieve improved air quality, as projects such as the 2nd Avenue Subway and the East Side Access will not be able to move on to a new phase of work because they are considered non-exempt.

It should go without saying that no one takes this request lightly. New York, similar to most metropolitan regions, struggles to conform to clean air requirements. The events of 9/11 have made clean air an even bigger issue for many New Yorkers. However, I believe there has been some confusion over this waiver request. This request has nothing to do with the post 9/11 EPA cleanup and everything to do with the need to rebuild lower Manhattan and continue important transportation and transit projects on their current schedules throughout the region. There have been erroneous claims that there is no need to provide a waiver because it takes eighteen months for the lapse to take effect. This is not an accurate claim. In fact, some projects will begin to stop in October depending upon their implementation phase. Projects will be able to complete their current phase but not be able to progress to the next phase. As you can see from the list before us, numerous projects would be impacted without this waiver.

Working in a bipartisan fashion with my New York committee colleagues, Mr. FOSSELLA and Mr. ENGEL, I believe we have reached an acceptable compromise with the Environmental Defense to address to any outstanding environmental issues. This legislation is an important step forward in rebuilding the infrastructure that was destroyed on 9/11, strengthening our economy, and allowing the New York Metropolitan Transportation Council the opportunity to develop a new conformity plan that reflects the new traffic patterns of the post September 11th city. I urge my colleagues to support this effort to keep New York moving and restore New York's economy to the driving force that it always has been, I would urge my Senator colleagues to move this bill with all delivered speed. We cannot afford for New York's transportation infrastructure to experience any delays because of Clean Air restrictions. I'm hopeful that final congressional action will occur before the October 1st deadline.

Mr. FOSSELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3880, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOSSELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement today, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPRESSING THE SENSE OF CONGRESS REGARDING SCLERODERMA

Mr. FOSSELLA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 320) expressing the sense of Congress regarding Scleroderma, as amended.

The Clerk read as follows:

H. CON. RES. 320

Whereas scleroderma is a debilitating and potentially fatal autoimmune disease with a broad range of symptoms which may be either localized or systemic;

Whereas scleroderma may attack vital internal organs, including the heart, esophagus, lungs, and kidneys, and may do so without causing any external symptoms;

Whereas more than 300,000 people in the United States suffer from scleroderma;

Whereas the symptoms of scleroderma include hardening and thickening of the skin, swelling, disfigurement of the hands, spasms of blood vessels causing severe discomfort in the fingers and toes, weight loss, joint pain, difficulty swallowing, extreme fatigue, and ulcerations on the fingertips which are slow to heal;

Whereas people with advanced scleroderma may be unable to perform even the simplest tasks;

Whereas 80 percent of the people suffering from scleroderma are women between the ages of 25 and 55;

Whereas scleroderma is the 5th leading cause of death among all autoimmune diseases for women who are 65 years old or younger;

Whereas the wide range of symptoms and localized and systemic variations of scleroderma make it difficult to diagnose;

Whereas the average diagnosis of scleroderma is made 5 years after the onset of symptoms;

Whereas the cause of scleroderma is still unknown and there is no known cure; and

Whereas the estimated annual direct and indirect costs of scleroderma in the United States are $1,500,000,000: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring)

That it is the sense of the Congress that—

(1) private organizations and health care providers should be recognized for their efforts to promote awareness of and research on scleroderma;

(2) the people of the United States, including the medical community, should make themselves aware of the symptoms of scleroderma and contribute to the fight against scleroderma;

(3) the National Institutes of Health should continue to take a leadership role in research efforts regarding the fight against scleroderma and should allow for broad dissemination of the information learned from such research; and

(4) the Centers for Disease Control and Prevention should consider additional methods to improve disease surveillance of scleroderma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. FOSSELLA) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. FOSSELLA).

GENERAL LEAVE

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on House Concurrent Resolution 320.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is considering today House Concurrent Resolution 320, introduced by the gentleman from Illinois (Mr. GUTIERREZ) to raise awareness about a terrible disease, Scleroderma. House Concurrent Resolution 320 was reported favorably by the Committee on Energy and Commerce last week, and I encourage my colleagues to express their support for the resolution on the floor today.

Over 100,000 Americans are affected by Scleroderma, a chronic connective tissue disease that is debilitating and potentially fatal. Scleroderma is actually a symptom of a group of rare diseases that involve the abnormal growth of connective tissue.

Scleroderma is derived from the Greek word sclerosis, literally meaning hard skin. The symptoms include hardening and thickening of the skin, swelling and disfigurement of the hands, weight loss, joint pain, difficulty swallowing, as well as extreme fatigue.

With this wide range of symptoms, scleroderma is often difficult to diagnose. For some patients, these diseases cause hard, tight skin; for others, the problem is much greater, affecting blood vessels and internal organs like the heart, lungs, and kidneys.

□ 1230

Scleroderma affects people of all races and ethnic groups, men, women and children. For some Americans affected by scleroderma, recovery comes with time. For many others, there is no treatment that controls or stops the progression effectively. While scientists at the National Institute of Arthritis and Musculoskeletal and Skin Diseases continue to learn more about scleroderma, unfortunately, they do not know exactly what causes scleroderma, and there is still no cure.

The resolution before us today recognizes the work of private organizations and health care providers to raise awareness about scleroderma and encourages Americans to learn more about scleroderma. The resolution encourages the National Institutes of Health to continue to play a leadership role in discovering new treatments and disseminating information learned from their research. Finally, the resolution encourages the Centers for Disease Control and Prevention to consider how to improve disease surveillance of autoimmune diseases, including scleroderma.

Mr. Speaker, I encourage my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we are considering an important resolution today sponsored by my colleague, the gentleman from Illinois (Mr. GUTIERREZ). I am pleased to be a co-sponsor of this legislation, which is intended to raise the profile of scleroderma, a debilitating auto-immune disease that affects around a third of a million Americans every year.

Diagnosis can be difficult in the early stages. Many symptoms of scleroderma are common to or may overlap those of other diseases. The disease is highly individualized. While scleroderma can show mild symptoms in some, it can also deliver a more life-threatening prognosis in others.

Scleroderma can show symptoms on the surface as in a skin rash or disguise itself by affecting the organs, the muscles or blood vessels. Diagnosis can require consultation with rheumatologists and dermatologists, in addition to blood studies and specialized tests depending on which organs are actually affected.

The Committee on Energy and Commerce last week passed this resolution unanimously. I urge my colleagues to support it.

Mr. GUTIERREZ. Mr. Speaker, I am grateful that my bill, the Support Scleroderma Research bill (H. Con. Res. 320) has been scheduled to be considered in the suspension calendar today. The speed with which this bipartisan bill has traveled from the committee mark-up to Floor consideration is a testament to the importance of this bi-partisan and noncontroversial measure.

Scleroderma is a chronic, often progressive autoimmune disease in which the body's immune system attacks its own tissues. The disease can manifest itself in two forms: localized scleroderma, affecting the skin and underlying tissue and systemic scleroderma, also known as systemic sclerosis, a potentially life-threatening disease that attacks internal organs including the lungs, heart, kidneys, esophagus and gastrointestinal tract.

The wide range of symptoms and localized and systemic variations of the disease make it especially hard to diagnose. In fact, the average diagnosis is made five years after the onset of symptoms. Once diagnosed, however, people with this incurable disease can only look forward to symptomatic relief.

More than 300,000 Americans suffer from sclerodema. More than 80 percent of them are women between the ages of 25 and 65 years old. Scleroderma is the 5th leading cause of death among all autoimmune diseases for women under 65 years of age. The estimated annual direct and indirect costs of scleroderma in the United States are $1,500,000,000. In spite of these statistic and figures, we still don't know what causes scleroderma and we have yet to find a cure for it.

My bill seeks to move a step closer to finding a cure by bringing awareness to scleroderma and expressing our solid support for Federal efforts to fight this disease. As marked up last Thursday by the full Energy and Commerce Committee, this bill, among other things, expresses the sense of Congress that the National Institutes of Health (NIH) should continue to take a leadership role in research efforts regarding the fight against scleroderma and should allow for broad dissemination of the information learned from such research. The also believe that the Centers for Disease Control can, should, and must play a role regarding methods to improve disease surveillance of scleroderma.

Ideally, I believe that NIH should continue to play a leadership role in the fight of scleroderma by working more closely with private organizations and researchers and by funding research projects regarding scleroderma conducted by private organizations and researchers. I also urge NIH to hold a scleroderma symposium to bring together distinguished scientists and clinicians from across the U.S. to determine the most important priorities in scleroderme research and to support the formation of small workgroups composed of experts from diverse but related scientific fields to study this disease.

I would like to thank Chairman TAUZIN and Ranking Member DINGELL for their strong support for this resolution and their fast scheduling of it. I would also like to thank my colleague on the other side of the aisle, Congressman CHRISTOPHER SMITH of New Jersey, who has been a consistent and strong supporter of all initiatives on behalf of finding a cure for scleroderma, including an increase in Federal funding for research on scleroderma as being conducted by the National Institutes of Arthritis and Musculoskeletal Skin Disease. I would also like to recognize the hard work of my Legislative Assistant, Annie Grace Toro, on behalf of this bill.

Finally, I would like to thank the Scleroderma Foundation and the Scleroderma Research Foundation for their dedication and hard work on behalf of all individuals suffering from scleroderma.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New York (Mr. FOSSELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FOSSELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H. Res. 513, by the yeas and nays;

H.R. 3880, by the yeas and nays; and

H. Con. Res. 320, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RECOGNIZING HISTORICAL SIGNIFICANCE AND TIMELINESS OF UNITED STATES-IRELAND BUSINESS SUMMIT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 513, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H.R. 513, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 0, not voting 60, as follows:

[Roll No. 381]

YEAS—372

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Dunn

Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—60

Akin
Barrett
Boehlert
Bonior
Borski
Brown (FL)
Callahan
Calvert
Cardin
Clement
Collins
Cox
Crowley
Cunningham
Davis, Tom
Delahunt
Diaz-Balart
Dooley
Doolittle
Ehrlich
Gibbons
Gutknecht
Hastings (WA)
Hilleary
Jones (NC)
Kaptur
Kennedy (RI)
King (NY)
Kleczka
LaTourette
Linder
Lynch
Maloney (NY)
Mascara
McCrery
Meeks (NY)
Miller, George
Miller, Jeff
Mink
Morella
Obey
Owens
Riley
Ros-Lehtinen
Roukema
Sanders
Saxton
Schaffer
Serrano
Smith (MI)
Souder
Stump
Sununu
Sweeney
Taylor (NC)
Towns
Velázquez
Walsh
Waters
Wynn

☐ 1256

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

PROVIDING TEMPORARY WAIVER FROM CERTAIN REQUIREMENTS UNDER CLEAN AIR ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3880, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3880, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 55, as follows:

[Roll No. 382]

YEAS—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak

Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—55

Akin
Barrett
Boehlert
Bonior
Borski
Brown (FL)
Callahan
Cardin
Clement
Collins
Cox
Crowley
Cunningham
Davis, Tom
Delahunt
Diaz-Balart
Dooley
Doolittle
Ehrlich
Gibbons
Gutknecht
Hastings (WA)
Hilleary
Jones (NC)
Kaptur
Kennedy (RI)
King (NY)
Kleczka
Lynch
Maloney (NY)
Mascara
McCrery
Meeks (NY)
Miller, George
Miller, Jeff
Mink
Morella
Owens
Riley
Ros-Lehtinen
Roukema
Schaffer
Serrano
Smith (MI)
Souder
Stump
Sununu
Sweeney
Taylor (NC)
Towns
Velázquez
Walsh
Waters
Watkins (OK)
Wynn

☐ 1305

Mr. THOMAS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, on rollcall Nos. 378, 379, 380, 381 and 382, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING THE SENSE OF CONGRESS REGARDING SCLERODERMA

The SPEAKER pro tempore (Mr. QUINN). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 320, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. FOSSELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 2, not voting 61, as follows:

[Roll No. 383]

YEAS—369

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—61

Barrett
Berkley
Boehlert
Bonior
Borski
Brown (FL)
Callahan
Cardin
Clement
Collins
Cox
Crowley
Davis, Tom
Delahunt
Diaz-Balart
Dooley
Doolittle
Ehrlich
Evans
Gibbons
Gutierrez
Gutknecht
Hastings (WA)
Hilleary
Horn
Hunter
Jones (NC)
Kaptur
Kennedy (RI)
King (NY)
Kleczka
Lynch
Maloney (NY)
Mascara
McCarthy (NY)
McCrery
Meeks (NY)
Miller, George
Miller, Jeff
Mink
Owens
Riley
Ros-Lehtinen
Roukemay
Roybal-Allard
Schaffer
Serrano
Shuster
Slaughter
Smith (MI)
Souder
Stump
Sununu
Sweeney
Taylor (NC)
Towns
Velázquez
Walsh
Waters
Watson (CA)
Wynn

☐ 1314

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress regarding scleroderma.".

A motion to reconsider was laid on the table.

Stated for:

Mr. HORN. Mr. Speaker, on rollcall No. 383, having been on official business, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was also unavoidably detained for rollcall No. 378, on closing portions on the conference on H.R. 5015, Department of Defense Appropriations for Fiscal Year 2003. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 379, on motion to instruct conferees on H.R. 3210, the Trade Act of 2002. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 380, on approving the Journal. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 381, H. Res. 513, Recognizing the Historical Significance and Timeliness of the United

States-Ireland Business Summit. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 382, H.R. 3880, a Temporary Waiver for New York Areas for Clean Air Transportation Conformity and Metropolitan Planning Requirements. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 383, H. Con. Res. 320, expressing the sense of the Congress regarding Scleroderma. Had I been present I would have voted "yea."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4687 An act to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedure in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

☐ 1315

REMEMBERING THOSE KILLED ON SEPTEMBER 11, 2001

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in a solemn way I recognize that this week will be a week that America turns toward each other seeking to embrace and seeking to love, mourning those whom we lost on September 11, 2001, and celebrating the unsung heroes, and the families who have survived.

I stand before this House today to simply offer my deepest sympathy and that of my constituents of the 18th Congressional District of the State of Texas to all of those who experience this great loss as we come upon September 11, 2002. It is my desire to simply offer these words of sympathy because I love you and appreciate the sacrifice you made for this Nation. I conclude by simply saying, The Lord is my shepherd, I shall not want.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

QUESTIONS THAT WILL NOT BE ASKED ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, soon we hope to have hearings on the pending war with Iraq. I am concerned that there are some questions that will not be asked and maybe not even allowed to be asked. Here are some questions I would like answered by those who are anxious to start this war: Is it not true that the reason we did not bomb the Soviet Union at the height of the Cold War was because we knew they could retaliate?

Is it not also true that we are willing to bomb Iraq now because we know it cannot retaliate, which just confirms that there is no real threat?

Is it not true that those who argue that even with inspections we cannot be sure that Hussein might be hiding weapons, at the same time implying that we can be more sure that weapons exist in the absence of inspections?

Is it not true that the U.N.'s International Atomic Agency was able to complete its yearly verification mission to Iraq just this year with Iraqi cooperation?

Is it not true that the intelligence community has been unable to develop a case tying Iraq to global terrorism at all, much less the attacks on the United States last year? Does anybody remember that 15 of the 19 hijackers came from Saudi Arabia and that none came from Iraq?

Was former CIA counterterrorism chief Vincent Cannistraro wrong when he recently said there was no confirmed evidence of Iraq's links to terrorism?

Is it not true that the CIA has concluded there is no evidence that a Prague meeting between 9-11 hijacker Atta and Iraqi intelligence took place?

Is it not true that northern Iraq, where the administration claimed that al Qaeda was hiding out, was in control of our allies, the Kurds?

Is it not true that the vast majority of the al Qaeda leaders who escaped appear to have safely made their way to Pakistan, another of our so-called allies?

Has anyone noticed that Afghanistan is rapidly sinking into total chaos, with bombings and assassinations becoming daily occurrences; and that is according to a recent U.N. report, the al Qaeda "is, by all accounts, 'alive and well' and poised to strike again, how, when and where it chooses"?

Why are we taking precious military resources away from tracking down those who did attack the United States, who may again attack the United States, and using them to invade countries that have not attacked the United States?

Would an attack on Iraq not just confirm the Arabs' worst suspicions about the United States, and is this not just what Osama bin Laden wanted to have happen?

How can Hussein be compared to Hitler when he has no navy or air force, and now has an army one-fifth the size it was 12 years ago, which even then proved itself totally inept in defending itself?

Is it not true that the constitutional power to declare war is exclusively given to Congress? Should presidents, contrary to the Constitution, allow Congress to concur only when pressured by public opinion? Are presidents permitted to rely on U.N. permission to go to war?

Are you aware of a Pentagon report studying charges that thousands of Kurds in one village were gassed by Iraqis, which found no conclusive evidence that Iraq was responsible, that Iran occupied the very city involved, and that evidence indicated, according to this Pentagon report, the type of gas used was more likely controlled by Iran, not Iraq?

Is it not true that between 100,000 to 300,000 soldiers have suffered from Persian Gulf War syndrome from the first Gulf War, and that thousands may have died?

Are we prepared for possibly thousands of American casualties in a war against a country that does not have the capacity to attack the United States?

Are we willing to bear the economic burden of a $100 billion war against Iraq, with oil prices expected to skyrocket and further rattle an already shaky American economy? How about an estimated 30 years occupation of Iraq that some have deemed necessary to build democracy there?

Iraq's alleged violations of U.N. resolutions are given as reason to initiate an attack, yet is it not true that hundreds of U.N. resolutions have been ignored by various countries without penalty?

Did former President Bush not cite the U.N. resolution of 1990 as the reason he could not march into Baghdad, while supporters of a new attack assert that is the very reason that we can march into Baghdad?

Is it not true that, contrary to current claims, the no-fly zones were set up by Britain and the United States without specific approval by the United Nations?

If we claim membership in the international community and conform to its rules only when it pleases us, does this not serve to undermine our position, directing animosity toward us by both friend and foe?

How can our declared goal of bringing democracy to Iraq be believable when we prop up dictators throughout the Middle East and support military dictators like Musharaf in Pakistan who overthrew a democratically elected President?

Are you familiar with the 1994 Senate Hearings that revealed the United States knowingly supplied chemical and biological materials to Iraq during the Iran-Iraq war and as late as 1992—including after the alleged Iraqi gas attack on a Kurdish village?

Did we not assist Saddam Hussein's rise to power by supporting and encouraging his invasion of Iran? Is it honest to criticize Saddam now for his invasion of Iran, which as the time we actively supported?

Is it not true that preventive war is synonymous with an act of aggression, and has never been considered a moral or legitimate U.S. policy?

Why do the oil company executives strongly support this war if oil is not the real reason we plan to take over Iraq?

Why is it that those who never wore a uniform and are confident that they won't have to personally fight this war are more anxious for this war than our generals?

What is the moral argument for attacking a nation that has not aggressed against us nor is able to, even if it so wished?

Where does the Constitution grant us permission to wage war for any reason other than self-defense?

It it not true that a war against Iraq rejects the sentiments of the time-honored Treaty of Westphalia, nearly 400 years ago, that countries should never go into another for the purpose of regime change?

Is it not true that the more civilized a society is, the less likely disagreements will be settled by war?

Is it not true that since World War II Congress has not declared war and—not coincidentally—we have not since then had a clear-cut victory?

Is it not true that Pakistan, especially through its intelligence services, was an active supporter and key organizer of the Taliban?

Why do those who want war not bring a Declaration of War Resolution to the floor?

NO LINK BETWEEN SADDAM HUSSEIN AND AL QAEDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today's press reveals that the Bush administration has decided that they can find no linkage between Saddam Hussein and al Qaeda, despite some of the offhand remarks of Secretary Rumsfeld and Vice President CHENEY to the contrary. The intelligence agencies, turning all of their resources to this, cannot find existing links.

So that means that the President and his administration will have to make the case against Saddam Hussein to this Congress because the authorization passed by this Congress last fall was for the President to respond to those who were involved in the attacks and those who harbored or sponsored such attacks. That means a straight-up debate on the floor of the House of Representatives, hopefully a free and fair debate, over the wisdom of the first-ever preemptive war by the United States of America against Iraq.

I believe that the burden the administration has to prove that the United States should break from all precedents in more than 200 years of history, should break from all precedents set lawfully under the United Nations conventions since the end of World War II and actually launch a preemptive war, is an extraordinary burden. They have to prove a very real, credible threat by the Saddam Hussein regime.

Now Saddam Hussein is a despicable individual. He has murdered tens of thousands, and all effective opposition. He has murdered people ethnically, religiously. He has used weapons of mass destruction. He has an absolutely horrible record, and obviously we would not trust this gentleman one inch.

But the question in this case becomes what is different today than a year ago or 2 years ago in terms of Saddam Hussein. It seems, when asked honestly and privately, the generals and admirals at the Pentagon feel containment is working, that he did not pose a credible and immediate threat to the United States of America or its allies in that region.

So the question becomes then if he is credibly threatened with a preemptive war, would he become more of a threat? Then there is the issue of our allies. Would any allies support the United States in this endeavor? Then there are the questions from 10 years ago, the same questions that President Bush's father had to confront, and Colin Powell as chairman of the joint chiefs, which is what if they went to Baghdad and took out Hussein, what then? They were confronted with a long and problematic occupation of Iraq and further destabilization in the region. And even with all the allies, including Arab nations at the time, they felt it was not worth the risk of doing that.

□ 1330

Well, the same question needs to be asked today. In fact, I witnessed on "Face the Nation," where one Republican Senator said, "Well, we don't need any allies. We will just go and do this. We will take them out." And then he said, "We will rule Iraq."

I do not know who he has been talking to or what he is thinking, but the United States being involved intimately in that region and trying to rule a country, a very large country, in an extraordinarily volatile area, is a recipe for disaster. So they need not only a credible plan for what if and how and why; but they need to explain that, both to Congress, some of it can be confidentially, but, for the most part, these should be things that could be laid out.

Prime Minister Chretien said yesterday that the President had nothing new to say. It was just the same rhetorical sort of "we have got to remove him sooner or later," the same thing we have been hearing from Ms. Rice and other advisers to the President.

So I have sent a letter to the President, signed by 17 other Members of Congress, which lays out a series of about 20 questions that I believe are critical that this administration address before they would undertake to ask even for authorization for a preemptive war, the first ever in our history; and I am hopeful that the administration will in good faith answer those questions. Most of them are questions that could be answered in public, could be given to the American people, and could, if they answer them I believe convincingly, as they have not thus far, lead to some sort of authorization from the United States Congress.

But we cannot just sort of have this shadow boxing and discussion in private. This is an extraordinary issue, a constitutional issue, an issue that breaks with all precedent of this country; something that needs to be fully, freely, and fairly debated before the American people before we commit our sons and daughters to lengthy involvement in a war against Iraq and a subsequent occupation and rebuilding of that country. We are not doing such a great job of stabilizing and rebuilding Afghanistan. One has to question what we would do with a much larger nation in a much more volatile region of the world.

A YOUNG MARINE RESTORED MY FAITH

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, the "Orange Register" in California every week recognizes a writer who eloquently expresses a viewpoint or engenders a debate on a topic of public interest. It is known as the Golden Pen Award.

The title of this letter to the editor of the "Orange Register," written by Ann Baker, a real estate agent of Huntington Beach, California, is "A Young Marine Restores My Faith."

"It was our normal Thursday morning business meeting at our real estate office. No big deal. Before the meeting, we hung around the bagel table, as usual, with our coffee. He stood aside, looking a little shy and awkward and very young; a new face in the room full of extroverted salespeople. An average looking guy, maybe 5 foot 8 inches. A clean-cut, sweet-faced kid. I went over to chat with him. Maybe he was a new salesman?

"He said he was just back from Kabul, Afghanistan. A Marine. Our office (and a local school) had been supportive by sending letters to him and other troops, which he had posted at the American Embassy door in Kabul. He stood guard there for 4 months and was shot at daily.

"He had come to our office to thank us for the support, for all the letters during those scary times. I couldn't believe my ears," she said. "He wanted to thank us? We should be thanking him. But how? How can I ever show him my appreciation?

"At the end of the sales meeting he stepped quietly forward, no incredible hulk. As a matter of fact, he looked all the world 15 years old to me.

"This young Marine, this clean-faced boy, had no qualms stepping up to the plate and dodging bullets so that I may enjoy the freedom to live my peaceful life in the land of the free. No matter the risk. Suddenly the most stressful concerns of my life seemed as nothing. My complacency flew right out the window with his every word. Somewhere, somehow, he had taken the words honor, courage and commitment into his very soul and laid his life on the line daily for me and us. A man of principle. He wants to do it. Relishes it. And he came to thank us? For a few letters. I fought back the tears as he spoke so briefly and softly.

"He walked forward to our manager and placed a properly folded American flag in his hands. It had flown over the Embassy in Kabul. He said thanks again. You could hear a pin drop. As I looked around, I saw red faces everywhere fighting back the tears.

"In a heartbeat, my disillusionment with young people today quickly vanished. In ordinary homes, in ordinary towns, kids like him are growing up proud to be an American and willing to die for it. Wow. We will frame the flag and put it in the lobby. He only came to my office once, for just a few minutes, but I realize I rubbed shoulders with greatness in the flesh and in the twinkling of an eye my life is forever changed. His name is Michael Mendez, a corporal in the United States Marine Corps. We are a great Nation. We know because the makings of it walked into my office that day."

That is by Ann Baker of Huntington, California. I think that properly summarizes our Nation's respect for the men and women in uniform. We take for granted the sacrifices they and their families make to serve this country. We assume freedom comes without price at times; and September 11, which we rapidly approach, taught us a lesson, that America's freedom depends on the strong and vigilant men and women who fight our battles for our freedoms and fight for the integrity of this Nation.

Parents who allow their children to enter harm's way for the flag that flies behind me do so knowing for the freedom of a Nation men and women must offer themselves in sacrifice. Ann Baker's letter touched me as well because it signified from an average citizen that she recognized that day that that young man, Michael, who came to her office, changed her life; but it was also shaping the lives of future American leaders.

We pray for the safety of our troops here and abroad; but we also thank those special individuals who have character, who stand up for the flag and the Nation and fight the good fight for all Americans.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2003 AND THE 5-YEAR PERIOD FY 2003 THROUGH FY 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2003 and for the five-year period of fiscal years 2003 through 2007. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 301 of House Concurrent Resolution 353, which is currently in effect as a concurrent resolution on the budget in the House. This status report is current through September 6, 2002.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 353. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2003 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 353 for fiscal year 2003 and fiscal years 2003 through 2007. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 231(d) of the budget resolution, is shown for fiscal year 2003 and fiscal years 2003 through 2012. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2003 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2004 of accounts identified for advance appropriations under section 301 of H. Con. Res. 353 printed in the CONGRESSIONAL RECORD on May 22, 2002. This list is needed to enforce section 301 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2003 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 353

[Reflecting action completed as of September 6, 2002—on-budget amounts, in millions of dollars]

	Fiscal year 2003	Fiscal year 2003-2007
Appropriate Level:		
Budget Authority	1,784,073	(1)
Outlays	1,765,225	(1)
Revenues	1,531,893	8,671,656
Curent Level:		
Budget Authority	1,045,600	(1)
Outlays	1,313,395	(1)
Revenues	1,535,638	8,695,897
Current Level over (+)/ under (-) Appropriate Level:		
Budget Authority	−738,473	(1)
Outlays	−451,830	(1)
Revenues	3,745	24,241

[1] Not applicable because annual appropriations Acts for fiscal years 2004 through 2007 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2003 in excess of $738,473,000,000 (if not already included in the current level estimate) would cause FY 2003 budget authority to exceed the appropriate level set by H. Con. Res. 353.

OUTLAYS

Enactment of measures providing new outlays for FY 2003 in excess of $451,830,000,000 (if not already included in the current level estimate) would cause FY 2003 outlays to exceed the appropriate level set by H. Con. Res. 353.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2003 in excess of $3,745,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 353.

Enactment of measures providing in revenue reduction for the period FY 2003 through 2007 in excess of $24,241,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 353.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 6, 2002

[Fiscal years, in millions of dollars]

House Committee	2003		2003–2007 total		2003–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	7,825	7,271	37,017	34,479	(2)	(2)
Current Level [1]	8,532	8,406	49,206	47,592	(2)	(2)
Difference	707	1,135	12,189	13,113	(2)	(2)
Armed Services:						
Allocation	516	516	5,804	5,804	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	−516	−516	−5,804	−5,804	(2)	(2)
Education and the Workforce:						
Allocation	0	0	0	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	0	0	(2)	(2)
Energy and Commerce:						
Allocation	95	59	2,709	2,649	(2)	(2)
Current Level	776	776	−795	−795	(2)	(2)
Difference	681	717	−3,504	−3,444	(2)	(2)
Financial Services:						
Allocation	0	0	0	0	(2)	(2)
Current Level	40	36	404	395	(2)	(2)
Difference	40	36	404	395	(2)	(2)
Government Reform:						
Allocation	0	0	0	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	0	0	(2)	(2)
House Administration:						
Allocation	0	0	0	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	0	0	(2)	(2)
International Relations:						
Allocation	0	0	0	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	0	0	(2)	(2)
Judiciary:						
Allocation	0	0	0	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	0	0	(2)	(2)
Resources:						
Allocation	0	0	700	700	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	−700	−700	(2)	(2)
Science:						
Allocation	0	0	0	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	0	0	(2)	(2)
Small Business:						
Allocation	0	0	0	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	0	0	(2)	(2)
Transportation and Infrastructure:						
Allocation	0	0	17,476	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	−17,476	0	(2)	(2)
Veterans' Affairs:						
Allocation	0	0	0	0	(2)	(2)
Current Level	0	0	0	0	(2)	(2)
Difference	0	0	0	0	(2)	(2)
Ways and Means:						
Allocation	2,203	174	7,855	5,861	(2)	(2)
Current Level	388	312	3,018	2,876	(2)	(2)
Difference	−1,815	138	−4,837	−2,985	(2)	(2)
Medicare:						
Allocation	4,650	4,575	(2)	(2)	347,270	347,270
Current Level	0	0	(2)	(2)	0	0
Difference	−4,650	−4,575	(2)	(2)	−347,270	−347,270

[1] HR2646, the Farm Security and Rural Investment Act of 2002, was enacted May 13, 2002, prior to the adoption of the FY2003 House Budget Resolution on May 22, 2002.

[2] Not applicable.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2003—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	Revised 302(b) suballocations as of July 11, 2002 (H. Rpt. 107–567)		Current level reflecting action completed as of September 6, 2002 [1]		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	17,601	17,907	12	5,020	−17,589	−12,887
Commerce, Justice, State	40,303	43,104	0	13,755	−40,303	−29,349
National Defense	354,447	346,110	0	105,059	−354,447	−241,051
District of Columbia	517	581	0	112	−517	−469
Energy & Water Development	26,027	25,824	0	8,876	−26,027	−16,948
Foreign Operations	16,350	16,481	0	10,650	−16,350	−5,831
Interior	19,730	19,369	36	6,431	−19,694	−12,938
Labor, HHS & Education	129,902	125,701	19,128	84,594	−110,774	−41,107
Legislative Branch	3,413	3,467	0	612	−3,413	−2,855
Military Construction	10,083	10,058	0	7,349	−10,083	−2,709
Transportation [2]	19,411	60,767	20	38,860	−19,391	−21,907
Treasury-Postal Service	18,501	18,237	45	4,375	−18,456	−13,862
VA–HUD–Independent Agencies	91,811	97,713	3,448	53,158	−88,363	−44,555
Unassigned	0	271	0	−227	0	−498
Grand Total	748,096	785,590	22,689	338,624	−725,407	−446,966

[1] The House Budget Committee has revised the 302(a) allocation for outlays to reflect the difference between the House-passed and enacted versions of HR 4775, making supplemental appropriations for further recovery from and response to terrorist attacks on the United States. That adjustment, which equals—$2,322 million, has not yet been reflected in the 302(a) suballocations.

[2] Does not include mass transit BA.

Statement of FY2004 advance appropriations under section 301 of H. Con. Res. 353 reflecting action completed as of September 6, 2002

[In millions of dollars]

	Budget authority
Appropriate Level	23,178
Current Level:	
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education	0
Transportation Subcommittee:	
Transportation (highways; transit; Farley Building)	0
Treasury, General Government Subcommittee: Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee:	
Section 8 Renewals	0
Total	0
Current Level over (+)/under (-) Appropriate Level	−23,178

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 2002.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the fiscal year 2003 budget and is current through September 6, 2002. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 353, the Concurrent Resolution on the Budget for Fiscal Year 2003. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated July 12, 2002, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2003: the Sarbanes-Oxley Act of 2002 (Public Law 107-204), the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Acts on the United States (Public Law 107-206), and the Trade Act of 2002 (Public Law 107-210). The effects of these new laws are identified in the enclosed table.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Attachment.

FISCAL YEAR 2003 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 6, 2002

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,536,324
Premanents and other spending legislation	1,090,473	1,038,707	0
Appropriation legislation	0	313,127	0
Offsetting receipts	−346,866	−346,866	0
Total, previously enacted	743,607	1,004,968	1,536,324
Enacted this session:			
Job Creation and Worker Assistance Act of 2002 (P.L. 107–147)	3,524	3,587	0
Farm Security and Rural Investment Act of 2002 (P.L. 107–171)	8,532	8,406	0
Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (P.L. 107–188)	1	1	0
Auction Reform Act of 2002 (P.L. 107–195)	775	775	0
Sarbanes-Oxley Act of 2002 (P.L. 107–204)	40	36	43
2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Acts on the United States (P.L. 107–206)	0	8,342	−60
Trade Act of 2002 (P.L. 107–210)	388	312	−699
Total, enacted this session	13,260	21,459	−686
Entitlements and Mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	288,733	286,968	0
Total Current Level	1,045,600	1,313,395	1,535,638
Total Budget Resolution	1,784,073	1,765,225	1,531,893
Current Level Over Budget Resolution	0	0	3,745
Current Level Under Budget Resolution	−738,473	−451,830	0
Memorandum:			
Revenues, 2003–2007:			
House Current Level [1]	0	0	8,695,897
House Budget Resolution	0	0	8,671,656
Current Level Over Budget Resolution	0	0	24,241

[1] The revenue effects of the Clergy Housing Allowance Clarification Act of 2002 (P.L. 107–181) begin in 2004 and are included in this revenue figure.

Notes.—P.L. = Public Law.

Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements. To date, the Budget Committee has increased the outlay allocation in the budget resolution by $8,793 million for this purpose. Of this amount, $400 million is not included in the current level because the funding has not yet been enacted.

Source: Congressional Budget Office.

IMMIGRATION CONCERNS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise this afternoon in order to bring to the attention of the body a serious, in fact I think an extremely dangerous, problem that the United States faces in the area of immigration and immigration reform and specifically the problems we face on our borders with people coming across this country without our permission, people we do not know, people we do not know why they are coming, we do not know who they are, we do not know what they are going to do here; and they are coming through in huge numbers.

The face of illegal immigration in my district may be people wanting to do work in the entertainment industry, people wanting to do work in the landscaping area, people working in restaurants; but the face of illegal immigration on the borders is much uglier, much nastier.

The face of illegal immigration on our borders is one of murder, one of drug smuggling, one of vandalism for all the communities along the border, and one of infiltration of people coming into this country for purposes to do us great harm. Most recently, an incident occurred in Arizona near the Organ Pipe Cactus National Monument that I want to begin our discussion with today.

The situation in that part of the country is actually incredible. I cannot think of a way to describe it except to say that we are under siege, that there is an invasion. Near the Tohono O'odham Indian Reservation in Arizona, we have about a 76-mile coterminous border with Mexico and this particular reservation.

The Tohono O'odham are the second largest tribe in the United States, second only to the Navajo; and they have been living peacefully in this area for centuries. But in the last several months, things have gotten very, very bad in this particular area as a result of the fact that there have been some efforts on the part of the INS, and also the Border Patrol, to strengthen our border security posts around Nogales and Tucson and San Diego. As a result, we have created sort of a funnel effect where 1,500 people a day are now coming across that 76-mile border, coming across illegally, through the Tohono O'odham Indian Reservation and up into Arizona, and, of course, spreading across the United States.

These are not just people looking for a job. They are not just folks coming because they are seeking the American dream. These people, many of them are coming because they are transporting drugs, working for Mexican drug cartels. Many of them are coming for purposes, as I say, that have nothing to do with the benign or even, some might suggest, positive intent of seeking work in the United States.

Just a few weeks ago, in this same area, we had a situation where two Mexicans had committed a series of murders in Mexico that were connected to drug activity. These people were evidently professional assassins. They killed four people in Mexico that were in a rival gang, in a rival drug cartel; and they were escaping into the United States where they were confronted by a member of the Border Patrol and a member of the Park Service, a park ranger.

When they stepped out of their cars, when our folks stepped out of their cars to go and confront these people, they were met by two individuals who opened fire with automatic weapons; and one man, Christopher Eggle, was killed.

A 28-year-old park ranger was killed. He was killed in the line of duty. He laid down his life in the defense of others, in the defense of this country, just exactly the same way men and women in Afghanistan, in the Gulf War, in wars throughout our history have done. Yet very little has been heard about his death here in this country, very little news has been made by this death, and I wonder why.

Well, I am here today, along with my friend and colleague, the gentleman from Michigan (Mr. HOEKSTRA), who has in his district the parents of Mr. Eggle; and we are here today to make sure that people do hear about this event and that we do bring to the attention of the Nation and our colleagues the fact that people like Mr. Eggle are in fact putting their lives on the line on our borders; and they deserve every bit as much of our support and attention and concern as we approach 9-11 as all of the other folks who heroically defend America, whether they are the fire and police people in New York, or whether they are our troops that are perhaps being readied to go off to war in Iraq.

□ 1345

We need to bring Mr. Eggle and his comrades to the attention of our body.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA) to also say a few words here in this regard.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding, and I think that over the last period of time my colleague has been heroic in his efforts to educate the Congress on the challenges that face our Nation as a result of the conditions on our border. The conditions as we view them, the face of illegal immigration is one thing. In West Michigan it is another when one actually takes a look at it from the border and it is a very different reality that Kris Eggle faced in August.

Let me give a little bit of background about Kris. Kris was a 28-year-old National Park Service ranger. He was assigned to the Organ Pipe Cactus National Monument at the time of his death. My colleague has given us a little bit of the details about that, but if we go back, Kris was one of the best of the best. He graduated as valedictorian of Cadillac High School in 1991. He was an accomplished cross-country runner at Cadillac High School. He went on to be a top cross-country runner at the University of Michigan, where he graduated with honors in 1995.

After the graduation he chose Government service as the field where he was going to commit his life to. He joined the National Park Service. He served at the Sleeping Bear Dunes National Lakeshore, where he served as a ranger on both the North and South Manitou Island. He had been stationed in Arizona since 2000. That is a little bit of background about Kris Eggle.

A little bit of background on Organ Pipe Cactus National Monument. It is one of our finest national parks. It has over, I believe, 327,000 visitors per year. It is just an awesome area that my colleague has visited on a number of occasions that we are trying to preserve. The disappointing thing is that over the last number of years as our border patrol has tried to control illegal immigration and illegal border crossings at the urban centers, what that has resulted in is that we have not stopped the illegal border crossings as we have just moved them from one part of the border to the other, and in this case we moved them to Kris.

I met with some of his supervisors this morning who indicated that one of the reasons that these types of individuals were in the area, these types of hit men, is that individuals like Kris were maybe doing their job too well. Last year they seized close to 750,000 pounds of drugs in the park, and this is the reason that folks on the south side of the border were maybe behind in their drug payments and these types of things which got them in trouble. But folks like Kris were going about doing their job and going above and beyond doing their job. Kris's love was the environment, in making sure that Organ Pipe Cactus National Monument lived up to our expectations for what we want our national parks to be.

As the border crossings and the illegal border crossings moved over to Organ Pipe, what he found was that he not only had to deal with 327,000 legal visits to the park, he also had to deal with over 200,000 illegal aliens.

Let me read a little bit about what Michelle Malkin says about what happened here. She writes and she talks about why Kris did not get much attention, or his death, while other seemingly less important events get more focus in today's society. Whereas someone like Kris is a true hero, some others that maybe make the national media are not. Here is part of what she had written: "The park where Kris had been stationed for 2 years, Organ Pipe Cactus National Monument in southern Arizona, is considered the most dangerous national park system in the Nation, according to a national survey conducted by the Fraternal Order of Police. It is a magnet for illegal aliens and Mexican smugglers; some 200,000 illegal border-crossers and 700,000 pounds of drugs were intercepted at the park last year.

"Nonetheless, Eggle embraced his job. He was always cheerful, his coworkers said. 'A 'model citizen.' A 'quintessential American boy-turned-ranger.' He baked chocolate chip cookies for fellow rangers and entertained them with songs while on duty. Eggle's father, Robert, said, 'Kris was where he wanted to be, and he did what he wanted to do.' A native of Cadillac, Michigan, where he grew up on his family's 130-year-old farm, Eggle was an Eagle Scout, a high school valedictorian, a devout Baptist, and a champion cross-country runner for the University of Michigan. Former coworkers called the fleet-footed Eggle the 'Coyote' in honor of his running prowess.

"On August 9, Eggle's speed and dedication may have cost him his life. He and three U.S. border patrol officers responded after Mexican police reported that two armed fugitives had fled across the border into the U.S. A border patrol helicopter gave chase and directed Eggle and the other officers to where three suspects had ditched their vehicle. The American officers pursued the fugitives on foot as they ran into nearby bushes. One of the Mexican nationals was caught; in the attempt to apprehend the other two, Eggle was ambushed and shot by one of the suspects with an AK-47.

"The gunfire hit Eggle below his bulletproof vest. He died at the scene before an emergency helicopter arrived. At the memorial service in tiny Ajo, Arizona, this week, Eggle's casket was draped with an American flag and topped with the Stetson hat he wore on the job." He was buried in his hometown in Cadillac, Michigan, following services there.

Kris Eggle, after graduating, decided that he would serve the country that he loved. The folks that knew Kris said that he had one of the brightest futures possible at the National Park Service. The award that he is shown receiving here I believe was given to him in Arizona because where he earned the awards were during a training session, and rather than staying for the awards portion of the training session, he said "I want to get back to Organ Pipe. I want to get back to my job. I want to get back to my coworkers. I want to get back and do the job that I have been hired to do."

Kris, like all other fellow employees, took an oath to swear his allegiance to this country. Kris did his job. He did it magnificently.

The challenge that my colleague from Colorado and that Kris's parents have laid out to me is let us make sure that we give Kris's coworkers the resources, the protection, and whatever tools they need to minimize the risk that national park rangers take. They know the risks when they take the job. They are armed, they are given bulletproof vests. But we need to make sure that we give them a job that minimizes that risk, that we really do have border security. I am sure my colleague may touch on that, but when we take a look at the issues that are associated with the border there, we recognize that we have given Kris and his coworkers a very, very tough and very, very difficult job. A small number of national park rangers supported and complemented with border patrol folks, but a small number of park rangers and 80 border patrol folks is a small number compared to 200,000 illegal aliens, many of whom are Mexican nationals who are coming to America, looking for a better life and really with no intent to do any harm or danger to our folks patrolling the border, but a small number of whom have used that border location and that border-crossing as a market of opportunity, coming across the border in SUVs, coming across the border heavily armed and with one intent, to get the drugs to market at whatever the cost. And if the costs are the lives of our national park rangers, our border patrol agents, or a gunfight with these individuals, those individuals are willing to take that risk and kill Americans for them to move their drugs into our cities, into our communities, into our schools, and to our kids.

Kris was at the front line trying to make sure that that did not happen. To him we owe a great debt of gratitude, to his service. We extend our deepest sympathy to his family, his coworkers, and all that knew Kris, and I think that this Congress then also owes the family, the national park rangers, and American communities and schools and our children all over America the commitment that we will do what needs to be done on the border to ensure that these types of incidents hopefully will be eliminated or will be minimized. We know we can do it. The reason that there are fewer illegal border-crossings in the urban areas is that we put a focus and an emphasis on that. We now need to provide the border patrol and the national park service with the same resources that are essential to close and protect this section of the border as well as other sections of the border because as I talked with the rangers this morning, they recognize that if they close the border and are successful in getting the funding to make the border secure along Organ Pipe, that does not solve the problem. It may solve it for them, but they recognize that that is not enough because the land directly adjacent to Organ Pipe I believe is controlled by the Fish and Wildlife Service. So they do not want to put their folks at the Fish and Wildlife Service at risk just because they have gotten the resources to secure the border here.

Mr. Speaker, I would like to thank my colleague for giving me time, for sharing this, and for the commitment that he made. He made the commitment to be in Arizona before this incident ever happened. He has been back in Washington showing us pictures of the border, describing the conditions, telling us what has been going on there. I believe he was at Organ Pipe just briefly or shortly before these tragic events of August 9, and he also took the time, the effort, and the energy that he attended the services back in Arizona for Kris, and I very much appreciate the gentleman's doing that and being a representative of this Congress to the National Park Service, to Kris's family, in demonstrating our concern and our commitment to them, and I can personally convey to him their appreciation for his being there and participating and leading these efforts to make sure that the risks of something like this happening in the future will be very, very much reduced.

□ 1400

I thank my colleague, the gentleman from Colorado (Mr. TANCREDO), very much.

Mr. TANCREDO. Mr. Speaker, I thank my dear friend and colleague, the gentleman from Michigan (Mr. HOEKSTRA).

This is something that, when I say it is a pleasure in terms of being able to represent this body, it is certainly not a pleasurable experience, but being able to represent us at the funeral of Kris Eggle, I was glad to be able to do that, because I wanted his parents to see that someone does know, someone does care; that the Congress of the United States, at least many Members of it, are well aware of the sacrifice, the ultimate sacrifice that was given by their son, Kris, and by them giving their son in that regard.

The statements that were made that day, it was an enormously emotional funeral, as Members can imagine, of a young man well loved by all of his colleagues. There must have been a couple of hundred people there, 90 percent of whom were members of the Border Patrol, members of the Park Service, Forest Service employees and customs agents, all of them comrades-in-arms with Kris, and all of them talking about him in the most loving and glowing terms, those that knew him personally.

I remember his colleagues talking about how each day they would go out and he would be so enthusiastic about the job, about his responsibilities for the day. He would turn to his colleague and his co-worker and almost every day say something to the effect of, is there anything I can do for you today? That was one way of describing what Kris was like.

I also remember that his supervisor, the head of the Park Service in that area, got up and said, this death cannot be in vain. We have to recognize that there are things that this country needs to do in order to assure that someone else's son or daughter does not face the same fate.

We are at war on our borders. There is no other way of describing it. We ask men and women to go down there and put their lives on the line, just like we ask men and women to do it in the Armed Forces of the United States. But the difference with the war on our borders and perhaps the war that we are pressing, let us say, against terrorism is that I do not know if we have the will as a government to actually win that war.

I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I would like to just build off of that comment.

Obviously, today is September 10. September 11 we will again remember, as we have for almost every day over the last year, the heroism of the firefighters and the emergency personnel in New York City; the same at the Pentagon; the folks on United Flight No. 93. They very much deserve that recognition, and I am pleased that we are able to do that. We recognize that we are now in a war on terrorism.

But as we have noticed, during the month of August, I had the opportunity to travel to central Asia and met with our troops in Uzbekistan, met with our troops in Afghanistan, saw our troops on the U.S.S. *George Washington*, saw them in Bahrain. There are a whole lot of people who have their lives on the front line each and every day in central Asia. Then we have individuals like Kris, who have their lives on the line each and every day along our borders.

America has so many people to be grateful for who are willing to make that sacrifice and that commitment to our country. They have very, very many different faces. It is the responsibility of this Congress that in each of those wars that we are engaged in, whether it is the war on homeland security to make sure that we are safe in our homes and in our communities, and those are emergency first responders; whether it is the face of the American troops that have taken the war to the terrorists, they have their lives on the line; or whether it is the individuals like Kris, who maybe come into a war unexpectedly, who are going in and wanting to protect our national environmental treasures and are finding out that all of a sudden they are in the drug war, we need to remember each of these.

It is a commitment and responsibility of Congress that in each of these situations where we ask our young men and women, and Kris was maybe one of the older ones. He was 28, and he would have been 29 on his parents' anniversary in the month of August. If we take a look at the young people on the U.S.S. *George Washington*, more than 5,000, and I call them kids, because the average age is 20 years old, and my oldest daughter is 20, we ask our young people, in many cases, to fight our wars.

We need to make sure that if we are going to declare these kinds of wars, that we need to be serious about equipping them and giving them all of the resources that are necessary to fight the war effectively. We cannot have them go in without the proper resources, and I think this is an area where we need to take a look that says that we have declared a war on drugs, we have had it for a long time, but are we really properly equipping our borders to stop the flow of drugs into this country when through this 30-mile stretch of border there are, what is it, eight to 10 national park rangers there?

Mr. TANCREDO. Mr. Speaker, I would tell the gentleman, it is nine rangers.

Mr. HOEKSTRA. Nine rangers, along with some Border Patrol, who have pretty much single-handedly stopped over close to three-quarters of a million pounds of drugs, 700,000 to 750,000 pounds of drugs, in a single year.

Mr. TANCREDO. Reclaiming my time, Mr. Speaker, it is a fascinating thing, because I do not know if a lot of our colleagues, and I certainly do not believe a lot of the citizens of the United States, know the exact situation that we face on these borders, in our parks and in our national monuments.

Not too long ago I went down to the Coronado National Forest, not too far from Organ Pipes. The Coronado is one of the oldest national forests in the land. In 1906 it was created, a beautiful, beautiful environment that is being completely despoiled by the same thing, by massive numbers of people coming across illegally.

These people find that the terrain is rugged. They can hide more easily; and now actually we can fly over that and we can see where tracks have been worn into the land by so many people, by hundreds of thousands of people, so it looks actually like a spider web going out all over that particular forest area. Those tracks will not go away for many, many, many years.

Then they make a track and they think that we monitor it, so they will move over a little bit and move over a little. They think we put sensors out, so it just spreads out like that.

Trash, and it is the same thing in all our national parks in this area, the trash is enormous. The problem is with plastic water bottles strewn everywhere, hundreds of thousands, and clothing just tossed aside. They come through and they start warming fires in the night and walk away in the morning leaving them go.

When we got back from the Coronado, we left on a Sunday morning, and by the time we had gotten back, when I got back home to Colorado, 35,000 acres had been consumed in Coronado by one of these fires.

I am told by these folks who have been fighting these incursions, I guess there is no other way to put it, for years, that we have always had a lot of people bringing drugs through in our southern and northern borders; and, by the way, it is not unique to the southern border, but before when they would confront them, by and large they would drop what they were carrying.

They carry these 60- or 70-pound loads on their backs in these homemade backpacks, which, by the way, once they get to a part of the national park where another road has been cut in by their accomplices, a road used by trucks coming in to pick up the drugs, when they reach that, they unload the drugs and discard all of this backpacking material. They pile it up in huge, massive piles of this stuff all over the place.

He said that before when they would confront them, they would simply drop it and run. But now they are not. Now they are fighting back. Now they are opening fire. They are preceded by a guy with an M-16 leading a bunch of people carrying the drugs, and he is followed by a guy with an M-16.

Our park rangers, park rangers, for heaven's sakes, this is not really what they have been trained to deal with. Their responsibilities do not go to fighting drug cartels, but that is the position we have placed them in.

To their credit, as my colleague, the gentleman from Michigan (Mr. HOEKSTRA), has said, they have interdicted hundreds of thousands of pounds of illegal drugs over the course of just the last year. But it is getting rougher. It is getting tougher. It is getting meaner. The cartel members are actually holding hostage some of the family members of the people who are transporting the stuff for them, so unless they make it all the way across and to their appointed site where they dump it off to a truck, their family member in Mexico is killed.

So that is why, that and other reasons, why we are now facing a different kind of threat down there.

Besides that, we were told, there is an ever-increasing number of what they refer to as OTMs, other than Mexicans, coming across the border. Now we see what they call an alarming number of people coming through from China and from the Middle East, coming through these areas. For what purpose?

What is our ability and desire to try to interdict it and try to stop it? If we do not intend to defend these borders, then we should not be putting people like Kris in harm's way.

If it is not our intent to actually secure the border, and if that means putting the military in there to help Kris and his compatriots until we can stabilize the INS, until we can actually reform that organization and get the Border Patrol, and believe me, the folks on the line are doing a great job. These guys and the ladies down there who are Border Patrol agents, they are park rangers, they are Forest Service personnel, I take my hat off to them. It was my pleasure, as I say, to go down there and talk to them and see and visit them as often as I could during the break, both borders. But they need help. They cannot do this alone. We have asked them to try to hold back a flood, and we have given them a sieve.

Unfortunately, this flood is getting more dangerous all the time. Not a month prior to this particular event, or no, I am sorry, it was May 27, again, not far from where this happened, not far from Organ Pipes in a place called Papago Farms, a Border Patrol agent on patrol confronted a Mexican military vehicle in the United States, a Mexican HMMWV with several members of the Mexican military on board.

When he confronted them, they got out. He decided that discretion was the better part of valor, since he was certainly outgunned and outmanned. When he was turning around to go get help, a shot rang out from the Mexicans. It went through his back window, hit the metal grate that separates him from the back part of his vehicle, and went out the right rear window.

That was on May 27. We have had up to this point in time 127 incursions of that nature since 1997, where Mexican military, Mexican federal police have come into the United States. Usually it is for the purpose of protecting a drug shipment. There is usually a large shipment coming through, so they will actually act as the protection for it, or they act as a diversionary tactic. They come in over here, and we naturally send people to find out what this is all about when we have Mexican military coming in; and a drug shipment comes through where we have pulled our people away.

This is what has been happening. Again, nobody has talked about it. An American, a person that is a member of our Border Patrol, is actually fired upon by another person who is a member of a foreign military service, and nothing is said or done around here, all because we are fearful of discussing this issue of immigration and immigration control; all because we are fearful of the politics of it.

I will tell the Members, and I know the gentleman feels this way, too, this issue, it is our responsibility, even if it is to our political peril, it is our responsibility as Members of Congress of the United States to live up to the oath of office that says we are going to protect this country, the people and the property of this country, from all those who intend to do us harm.

Part of that duty is to defend this border, or, as I say, to leave it. But we cannot continue in this halfway mode of creating a facade of protection, sending people down there like Kris, telling them to hold back that flood, but not really and truly doing what is necessary for fear that we would actually stop the flow of illegal immigrants into the country.

There are all kinds of ramifications of that, political and economic. We do not want to deal with that, and we do not want to adjust our policies because we are afraid of the politics. I am not, and I know the gentleman is not, and I know there are other Members of this body who are not afraid to address this issue. There are hundreds of thousands of people like Kris who serve every day on that line who look to us for that kind of leadership and support. They see us as their only hope to ever get the job done.

□ 1415

And we have a duty to them to do everything we can. We ask them to do everything they can. We asked Kris Eggle to do everything he could do to protect that national monument, that national park; and he did everything that he could do. It is up to us to do everything that we can do in this body to make sure that his death was not in vain.

Mr. Speaker, I yield to my colleague.

Mr. HOEKSTRA. Mr. Speaker, there has been a lot of talk around the country lately about leadership. In corporate America we have seen where, for some, leadership had evolved from serving others, serving those who had given you the opportunity to lead, serving and recognizing that with leadership came a certain responsibility, and for that limited number of corporate executives it had moved from serving others. Leadership now means what can I get out of it for myself? Leadership began to mean more about, what's in it for me, than what is in it for others?

The gentleman is absolutely correct that for the folks that put their lives on the line each and every day, for them leadership is about service. Chris was doing this in service of his country. For our troops in central Asia, they are doing this in service to their country. For the firefighters and rescue workers in New York and at the Pentagon, they gave their lives because they recognize leadership and responsibility meant serving others and not serving myself. For the folks on United Flight 93, again, service meant, I am going to take the risk. I am in leadership. This is my opportunity to lead. And when leadership presented itself to those people on United 93, they went and they sacrificed their lives knowing that they would serve their country. That is exactly what Kris did.

The story of the incident is that he never forgot the responsibilities of his job. When they got to the place where the road ended and the tracks went off the road of the folks that they were pursuing, Kris recognized that to follow those tracks would do more harm to the environment so he parked the truck. He said, we do not take trucks out there. And because of his experience in running, he went after them on foot and then was ambushed and that is how he lost his life. But he never thought about what was in it for him. He said, this is the job that I have agreed to do. I am here to serve my country. I am here because I love the National Park Service, and he ended up sacrificing his life.

But the same thing that they have to do is that we have to recognize is that the individuals that we put on the front line as they have defined leadership to mean service, we need to view it the same way.

Leadership now means not what is in this for me politically, what are the political costs and consequences, but it is how do we serve our constituents, how do we serve this country and how do we serve those we put on the front line? The way we serve those on the front line is to provide them with clarity of what we want them to do. I think they have that. At least in that 30-mile section they have clarity. They see it as our job to secure that border. That is what we thought borders were for.

What maybe has not been so clear back to us here in Washington is taking the steps in leadership that will actually equip these individuals to do that job. Kris saw it. It was my duty to serve my country, protecting the borders and maintaining the integrity of the borders and stopping drugs from coming in here illegally and stopping others from coming in here illegally. That is my job. There is no lack of clarity there.

The only lack of clarity that they may have within the National Park Service is if they are asking us to do all of this, why does the rhetoric out of Washington not always match what they are asking us to do. They may be a little confused about that. And then in some cases, and maybe too often, it is why have they not given us the resources to properly do our job? There is no question that for any sovereign nation protecting the borders and providing integrity to the borders is a key component to your sovereign nation and keeping your nation safe. That is a well established fact. That is one of things that governments do. We just need to make sure that the folks that we ask to do that, we recognize and give them the resources to make sure that they can do that job and do it very, very effectively.

Mr. TANCREDO. Mr. Speaker, one of the ways in which this whole issue can be described includes a connection to the war on terrorism. Because it is not only the southern border where we see this kind of activity, but, as I say, I just returned a little bit ago from the northern border, a place near the Canadian border called Bonners Ferry, Idaho. And all of the activities up there of the border patrol, of the U.S. Forest Service, and in this case, there were 100 Marines that had been assigned the task of trying to determine whether they could interact with the border patrol and the U.S. Forest Service for the purpose of trying to defend one little chunk of border. Just see what we can do if we combine our efforts. One hundred Marines, 3 drones. They were using old UAVs, those unmanned aerial vehicles, flying along the border. It is the same ones, the first generation type we used in the first Gulf War, and a couple of radar towers. And, of course, what we saw was a large amount of drug activity, a large amount of people coming across that area carrying drugs.

When I was up there I was told that there is a very large Muslim population in Calgary, Canada. Again, kind of surprising in a way. Almost 25,000 people, Muslims living there. They were connected, a large number of them are connected with the trade in the component parts of methamphetamines, shipping them into the United States through Canada. They took it down here, make the drugs, sell it, and the money goes back to the Muslims in Calgary to this group, the drug trade group, and they use the money to support terrorist activities all over the world.

When we keep talking about this, about there being a war on our borders, it is quite literally a war. Again, something I think that so few of our colleagues even perhaps understand. They look at it again as just what they see in their own districts. That is understandable. But when you get to the border, as we say, you see illegal immigration in the form of drug trafficking, drug running, illicit sex trade, human smuggling, economic crimes. These are all part of what is going on on the border.

Mr. Speaker, I just wanted to say that it is a pleasure to be here with my colleague, the gentleman from Michigan (Mr. HOEKSTRA), to honor as little as we can here. As I said at Kris's funeral, when someone has given the full measure of devotion, what word can we possibly use to try and salve the wounds that are created by that event? There are few, if any, that we can utter that will give solace to his parents, give comfort to his friends, and rest to his soul. God is in charge of that, and we place his family, his friends, and all of the people who work every single day in the same capacity as Kris to help defend America, we place them in God's hands and ask for His blessing on them all; and for us here in this body, for the task that lays ahead of us, to help support him and America.

Mr. Speaker, I want to thank my friend for joining me today.

Mr. HOEKSTRA. Mr. Speaker, I went to Central Asia and I know my colleague has spent a lot of time on the border, and sometimes our constituents ask us why we go. They think it is some kind of a junket. It is to go to see a couple of things. It is to go to see these Krises around the borders, around the world who are on the front lines each and every day, to put a face with the people on the front line.

Central Asia, I was over there and I took a video camera, and I ran into about 10 or 12 constituents who are in K-2, who were at the Moscow embassy, who were on the U.S. George Washington, who were in Bahrain, and what we did is we just asked them to send a message back home. And we asked them, who do you want me to call? And you end up calling parents, husbands, grandparents; and each of these Krises around the world have loved ones that care deeply about them. So we have got to, number one, just to meet our constituents and to demonstrate that we care and we are concerned about the environment that we have put them in.

The second reason we go, and my colleague has gone along the border, is to find out whether we have given them the resources to do the job. What my colleague has tragically found out in Arizona is maybe we have not given them the resources, and maybe we have not paid as much attention to this issue as we should have. And for us to put our front line folks in that type of a position, my colleague has identified it, Congress can no longer say we did not know. We now know. And it is now our responsibility to respond. And we will have the opportunity to do that through the appropriations process. I think this year maybe we can move more human resources down to Organ Pipe and also where we can help construct some type of barrier to allow the more sophisticated illegal crossings to stop.

Mr. TANCREDO. Mr. Speaker, I certainly hope we will do that. I hope we will begin a process that will eventually lead to our being able to tell our constituents that we are living up to the commitments we have made to try to protect and defend this Nation.

No matter what we do, it is possible, of course, that someone may come across these borders to do us harm. We may not be able to get everyone who tries, that is true. But we can do so much more than we are presently doing.

We can use technology along with human resources so much more effectively than what we are presently doing. It just takes will power. In many ways I look at Chris and others and I think of them as the folks who went to serve in Vietnam. We asked them to go. We put them in harm's way. We told them the country needed them but there was no real will to win the war, and we left them sort of out on a limb. And we are still paying the price for that, for what we did to the men and women who served in the armed forces in Vietnam by sending them to a war that we really and truly were not committed to win.

That is how I view the situation on the border with Kris, the border patrol, the Park Service, Customs agents, Forest Service people. We put them there, but I do not know whether or not we have the will to really win this war. It tests our mettle here as well as theirs to determine how far are we willing to go, what are we willing to do here in this body to say that this is not going to happen again or to say that, in fact, we are serious about trying to defend the Nation.

We are about, well, perhaps, we are going to be sending men and women off again into harm's way into Iraq. We are told that this is a distinct possibility. The President may be coming to the Congress in a very short time asking for our support of that endeavor. Do we think for a moment that if we in fact move forward on that, and I tend to believe that we have to do that, but do we think for a moment that there will not be ramifications in the United States? Do we think for a moment that Saddam Hussein believes he can win a war in Iraq against our military might? No. He knows that is not possible. He knows that we are most vulnerable here. And he will try to bring the battle to us.

We are told every day that another attack in the United States is imminent. Well, how logical does it seem to you or any of our colleagues, I wonder, that we will spend an enormous amount of our treasury and our human resources in places thousands of miles away which, again, I am not going to argue right now as to whether or not it is appropriate. I tend to think it is. But we are doing nothing significant on our own border. Is this not the height of folly?

Is this not so irresponsible to us to not recognize that we are laying ourselves bare, laying ourselves open to greater attacks? And, yes, we are looking internally on how to deal with it. Maybe we will try to find them when they are here. Why not try to stop them before they get here? We may not absolutely be able to do it for every single person, for every single threat, but we can do far more than we are doing.

□ 1430

Just that, if we do that, if we commit to it. If we put the troops, if we use the military on our border to help support the Park Service, the border patrol and the forest service, we will have done, I think, a service to Kris Eggle and to the others who face danger every single day down there, and we will be doing our job. It is our responsibility here. It is not asking us to go the extra mile, for heaven's sake. It is asking us and the President of the United States to do exactly what we are supposed to do as well as the folks who are supposed to direct the resources of the Nation to its defense, and I fear that we are not doing it today.

I, of course, represent Columbine, the school in which such a tragedy occurred just a few years ago, and it was the most horrendous event I have ever gone through in public life, and I keep thinking about the fact that there were some good things that happened, and in every single horrible event something good does come out of it. We have to pray that this is the case, and it usually is.

Out of Kris's death, something good has got to happen here, and that is that we will, in fact, redouble our efforts, triple our efforts to protect his colleagues and our constituents from the forces of evil that are directed against us. I feel that that is what he would want us to do, and I do not mean just the al Qaeda agents, the cells that are operating. I mean the forces of evil that are importing drugs, sex slaves, all the rest that are coming across this border for the purposes of poisoning our children and our culture.

We also have a responsibility internally to do what we can to restructure the culture, to reinvigorate our own culture and to imbue it with what is good and right and just, but at the same time, we must do everything we can to make sure that these people cannot just come into the country at their will; just as my colleague said, what he was talking about the fact that this is our, as a Congress, it is our responsibility. We cannot ignore it. We cannot walk away from it, and it would be the best possible memorial we could give, I think, to Kris Eggle.

OUR NATION'S ECONOMY

The SPEAKER pro tempore (Mr. OTTER). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I have come to the floor to speak this afternoon because of my concern about the nature of the conversation about our country that is taking place at this time.

This is a complicated country. I have prodded myself on serving in this body in no small part because this body and the other body have been so good at grappling with the full range of issues that confront our country. Yet, as I stand back and look at the kind of conversation we were having before we recessed, conversation about corporate abuse, about the economy and about world affairs, I see a very different picture from the picture I see now.

All of the oxygen in this place and in the media has been taken up with Iraq. Iraq is a matter of major concern. I have not heard or read a single analyst or member of this body that does not believe that Saddam is a man to be taken seriously and to have a serious strategy for dealing with. There may be differences about how to deal with him, but the danger he poses ultimately is not a matter of debate. What to do about him is, of course, a matter of serious debate.

The fact is that there is almost no chance wherever a person stands on Iraq and Saddam Hussein that we will enter Iraq before the election. That kind of wag-the-dog approach to foreign affairs is something I do not believe this President would engage in. Indeed, Mr. BIDEN of the other body has indicated that in his conversations with the administration he certainly does not believe that there would be some quick entry of our country into a preemptive strike. That is why we are having a conversation now that I predict will go on for some time, because the case has not even begun to be made.

Our President is going to the U.N. only tomorrow or this week. Yet, talk of Iraq has completely displaced what I think my colleagues at home have found is what the American people believe is a clear and present danger now. The clear and present danger now is the absence of a domestic agenda on the screen for them to see as we approach November.

As for Iraq, the President himself has said he has not even made up his mind what to do. The President says he thinks we will have to strike Saddam at some point, but then is quick to say but I have not made up my mind what to do.

My question is, has the President made up his mind and have we made up our mind what to do about what confronts the American people each and every day, and that is the economy that drives how they live their lives. We cannot allow debate about the possibility of a war abroad to foreclose debate about urgent issues right here at home.

Unless my colleagues have not been listening to their constituents, I know they are hearing what I am hearing. Is this a jobless recovery? Because we still see people losing jobs. Some people do not like the use of the words jobless recovery, but even the most conservative analyst will use the words slow recovery, and there is a reason for that.

We have got unemployment now at 5.7 percent. That is a huge jump up from this time a year ago, 9.6 percent for blacks. People are seeing shifts in the cost of health insurance from their employer straight to them so that they are having to bear more of the cost of health insurance than they had to bear this time last year, always a danger signal that there is something happening in the economy that I better be careful about.

Perhaps the greatest and most conclusive evidence that something is wrong with the economy is what is happening to States and localities throughout the United States faced with huge deficits. My own city has found that the effect of the slow recovery or this recovery in many places, people no longer pay the kinds of capital gains they were paying, for example, no longer have the kind of disposable income yielding taxes of various kinds to State and local government. The effect of that is that State and local budgets are plummeting all over the country, and States are scrambling simply to find enough money to make it through with the bare necessities that State and local governments must provide.

That is something that virtually every State and local government in the United States is experiencing now. We have it in this region which is one of the most prosperous in the country. We have it in Maryland. We have it in Virginia. We have it in the District of Columbia, and we have it in virtually every State of the Union.

We know why there is this effect on State and local budgets, the effect on our own deficit which is growing like Topsy. We know it from bankruptcy and airlines. We know it from the fact that companies employ a million people less than they employed a year ago. We know it from layoffs in major sectors. Layoffs continue in manufacturing. Layoffs continue in retail.

We know it because of the higher cost of terrorism insurance, something we must get completed before this House and Senate go home for the elections because every place now which is exposed to the public is beginning to experience increases in the insurance, increases that are quite extraordinary, not only here in the Nation's capital where some might have expected it, but anyplace there is a facility where large numbers of people meet or even in rural areas where there may be some sensitive facilities nearby.

I am particularly concerned that in the face of this situation, with virtually no conversation going on in the media or in this body about the economy, we see that the American people turn on the television and say when is somebody going to talk about me. Our claims for unemployment were 33 percent above what they were a year ago. Most States have not kept the recommended reserves in their unemployment trust funds, just when they are most needed, and pathetically, 19 States have increased the earnings requirement in order to qualify for unemployment insurance while only 1 State has reduced the earnings requirement. This at a time when in a recent article we learned that if a person makes less than $50,000 per year, their chance of being laid off is 43 percent greater than if they earned more than $50,000 a year. I do not know how the lower middle class and low income people make it in times like this, and I do not understand why we would not be talking about these issues, why they are off the radar screen, because they are on the minds of all of our constituents.

Last year, only 38 percent of the jobless even qualified for unemployment insurance. If a person is a part-time worker, if they are a lower paid worker, if they are a temporary worker, they have been written off for unemployment insurance very often because when the great statute was passed, those kinds of workers were far less numerous, and we have not done our job to revise our own statutes, to take into account the new employment trends, employment trends that have been with us now for a full generation.

One of the reasons, of course, for this jobless recovery is that after September 11, the economy seemed to ride along just fine, and we thought, well, is not this something, they hit us and it did not make much difference. We owe a lot to the American people for making sure that they continued to live their lives, including live their lives in the economy, because this economy was driven or has been driven along for some time by consumer spending and consumers continue to stand after September 11.

It is clear as the nose on our face, however, that consumers have now lost confidence in the economy, and the reason we know it is because they have stopped spending. Consumers account for two-thirds of all the economic activity in our economy in the first place, so let them stop spending and we begin to feel it very quickly, and that is what they have stopped doing.

□ 1445

And I say to my colleagues, have you not stopped spending as much as you were spending? I do not know anybody who is spending the way they were 5 years ago, because there are too many uncertainties in the economy. And there is too little discussion here or elsewhere about what to do about those uncertainties.

After 9–11, in order to keep people spending, we had all kinds of approaches among retailers, reductions, the no-interest financing on cars; but it seems pretty clear that consumers have had it up to here, and I can understand why. Household debt is now 75 percent of the gross domestic product. When you get that much debt, I do not care how much you want to spend, you are probably going to think very hard before continuing on the all-American spending spree that the country has been on for some years now.

Now, I am not at all criticizing Americans either for spending or for deciding that the time to spend should end. I believe that they have a right to expect guidance from us on what we are going to do about it, and I believe they are getting guidance neither from us nor the Bush administration. We have to look forward and not only look backward to the good old days when the economy was so flush it looked like it would never stop expanding. The economy has been jolted to understand that that kind of expansion cannot go on forever. And if it cannot go on forever, we have to explain to the American people what to expect.

One thing we can expect is that the terrible budget cuts that the States and localities are having to do this year will continue for the indefinite future. Because when we cut this year, we find the problem rolls over for 2, 3, maybe even 4 or 5 years. In my own district, the chief financial officer has said that he thinks that the city must have a 5-year plan that indicates that our budget will be balanced not only this year, by making the kind of terrible cuts that we here and all across the country are having to make, but that we will not simply roll over the problem to other years. And so we have to look at a series of cuts that are going to continue for some time, because the kind of exuberance one saw in the market was indeed reflected in State and local budgets, and, yes, in spending by the American people.

I do not come to the floor today to say to my colleagues, all right, what is the answer? Let us write the answer clearly so the American people can see it. What I do come to the floor to say is that we should be debating not only foreign affairs but domestic affairs. We should not only be debating what should happen in Iraq, in Afghanistan, where we still have a theater of war, in the Middle East. All of these are of top concern and priority, but there are equal priority concerns on the domestic front.

When we have been at our greatest has been when we have shown the world we know how to walk and chew gum at the same time. That is the challenge before us today, not to shortchange the domestic agenda at a time when we have a slow recovery, when Americans do not know where their next health care premium is coming from, when the corporate abuse statute we will pass has yet to prove itself, when companies are still coming forward with restatements of earnings. All that is still on the screen and our constituents still need to hear from us a balanced debate: What are you going to do about Iraq and what are you going to do about home?

So I come to the floor as we ask that we initiate that debate; that the relevant committees help us to become involved in that debate; that we ourselves take on the role of restoring confidence in the consumer so that the consumer feels that it is safe again to spend because they have in Washington a Congress and a President who knows how to guide us during troubled times. They do not have that now.

When we have a balanced conversation and a balanced debate about the two great bookends, the domestic and the foreign, I think we will restore the confidence in the economy that we know now has vanished.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. KELLY (at the request of Mr. ARMEY) for September 11 on account of congressional business.

Mr. WALSH (at the request of Mr. ARMEY) today and September 9 on account of congressional business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. NUSSLE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 11, 2002, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second quarter of 2002, by Committees of the House of Representatives, as well as reports of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second quarter of 2002, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Steve Nixon	3/23	4/2	United Kingdom		1,354.16						1,354.16
Commercial airfare							345.81				345.81
Susan Firth	4/2	4/8	Bosnia/Herzegovina		1,300.00						1,300.00
Commercial airfare							5,100.00				5,100.00
Hon. Robert E. Cramer, Jr.	3/23	3/24	Cyprus		169.00						169.00
	3/24	3/26	Uzbekistan		666.00						666.00
	3/26	3/28	Pakistan		524.00						524.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	3/28	4/3	India		1,650.00						1,650.00
	4/3	4/5	Syria		522.00						522.00
	4/5	4/7	Turkey		536.00						536.00
	4/7	4/8	Switzerland		284.00		(3)				284.00
Hon. C.W. Bill Young	4/1	4/5	Italy		1,942.00						1,942.00
	4/5	4/8	Russia		1,083.65						1,083.65
	4/8	4/9	Netherlands		303.95		(3)				303.95
Hon. Henry Bonilla	4/1	4/5	Italy		1,942.00						1,942.00
	4/5	4/8	Russia		1,083.65						1,083.65
	4/8	4/9	Netherlands		303.95		(3)				303.95
Hon. Rodney Frelinghuysen	4/1	4/5	Italy		1,942.00						1,942.00
	4/5	4/8	Russia		1,083.65						1,083.65
	4/8	4/9	Netherlands		303.95		(3)				303.95
Douglas Gregory	4/1	4/5	Italy		1,942.00						1,942.00
	4/5	4/8	Russia		1,083.65						1,083.65
	4/8	4/9	Netherlands		303.95		(3)				303.95
Hon. Jim Kolbe	4/2	4/3	Mali		262.00						262.00
	4/3	4/5	Ethiopia		361.00						361.00
	4/5	4/7	Mozambique		467.00						467.00
	4/7	4/8	South Africa		165.00						165.00
Commercial airfare							2,281.75				2,281.75
Hon. Jim Moran	4/2	4/3	Mali		262.00						262.00
	4/3	4/5	Ethiopia		361.00						361.00
	4/5	4/7	Mozambique		467.00						467.00
	4/7	4/8	South Africa		165.00						165.00
Commercial airfare							2,281.75				2,281.75
Hon. Dan Miller	4/2	4/3	Mali		262.00						262.00
	4/3	4/5	Ethiopia		361.00						361.00
	4/5	4/7	Mozambique		467.00						467.00
	4/7	4/8	South Africa		165.00						165.00
Commercial airfare							2,281.75				2,281.75
Charles Flickner	4/2	4/3	Mali		262.00						262.00
	4/3	4/5	Ethiopia		361.00						361.00
	4/5	4/7	Mozambique		467.00						467.00
	4/7	4/8	South Africa		165.00						165.00
Commercial airfare							2,281.75				2,281.75
Alice Grant	4/2	4/3	Mali		262.00						262.00
	4/3	4/5	Ethiopia		361.00						361.00
	4/5	4/7	Mozambique		467.00						467.00
	4/7	4/8	South Africa		165.00						165.00
Commercial airfare							2,281.75				2,281.75
Mark Murray	4/2	4/3	Mali		262.00						262.00
	4/3	4/5	Ethiopia		361.00						361.00
	4/5	4/7	Mozambique		467.00						467.00
	4/7	4/8	South Africa		165.00						165.00
Commercial airfare							2,281.75				2,281.75
Scott Lilly	4/2	4/3	Mali		262.00						262.00
	4/3	4/5	Ethiopia		361.00						361.00
	4/5	4/7	Mozambique		467.00						467.00
	4/7	4/8	South Africa		165.00						165.00
Commercial airfare							2,281.75				2,281.75
James W. Dyer	4/3	4/5	Argentina		841.50						841.50
	4/6	4/7	Brazil		538.00						538.00
Commercial airfare							5,166.80				5,166.80
John T. Blazey	4/3	4/5	Argentina		841.50						841.50
	4/6	4/7	Brazil		538.00						538.00
Commercial airfare							5,196.87				5,196.87
Hon. Jack Kingston	5/3	5/6	Israel		1,086.00		(3)				1,086.00
Hon. Dan Miller	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/30	Greece		240.43						240.43
	5/30	5/31	Slovakia		180.00		(3)				180.00
James W. Dyer		5/27	USA		21.00						21.00
	5/28	5/30	Netherlands		480.00						480.00
	5/30	6/1	Germany		352.00						352.00
	6/1	6/4	France		897.00						897.00
Commercial airfare (Part)							[4]2,720.31				2,720.31
Frank Cushing		5/27	USA		21.00						21.00
	5/28	5/30	Netherlands		480.00						480.00
	5/30	6/1	Germany		352.00						352.00
	6/1	6/4	France		897.00						897.00
Commercial airfare (Part)							[4]2,720.31				2,270.31
Scott Lilly	5/30	6/1	Germany		263.28						263.28
	6/1	6/4	France		826.50						826.50
Commercial airfare							5,698.20				5,698.20
Gregory Dahlberg	5/28	6/1	England		1,376.00						1,376.00
Commercial airfare							5,236.00				5,236.00
Valerie Baldwin	5/28	5/29	Brussels		207.00						207.00
	5/29	5/30	Germany		214.00						214.00
	5/30	5/31	Crotia		268.00						268.00
	5/31	6/1	Bosnia		154.00						154.00
Commercial airfare							4,829.00				4,829.00
John Blazey	5/25	5/28	Italy		1,110.00						1,110.00
	5/28	5/30	Croatia		636.00						636.00
	5/30	6/2	Bosnia		612.00						612.00
Commercial airfare							6,672.70				6,672.70
Therese McAuliffe	5/25	5/28	Italy		1,110.00						1,110.00
	5/28	5/30	Croatia		636.00						636.00
	5/30	6/2	Bosnia		612.00						612.00
Commercial airfare							6,672.70				6,672.70
Alice E.H. Grant	5/28	5/29	Bolivia		91.00						91.00
	5/29	6/01	Peru		735.00						735.00
									73.00		73.00
Commercial airfare							3,188.50				3,188.50
Hon. Charles H. Taylor	5/28	6/4	Russia		2,084.00						2,084.00
									188.36		188.36
Commercial airfare							5,537.78				5,537.78
Hon. Jim Moran	5/28	6/3	Russia		1,803.00						1,803.00
									188.36		188.36
Commercial airfare							5,476.89				5,476.89
Hon. Jim Kolbe	5/31	6/2	Singapore		502.00		(3)				502.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Wolf	5/27	5/30	Jordan		705.00						705.00
	5/28	5/28	Syria								
	5/30	5/31	Israel		371.00						371.00
Commercial airfare							6,639.06				6,639.06
Hon. Carrie Meek	5/25	5/26	Russia		687.00						687.00
	5/27	5/27	Uzbekistan		333.00						333.00
	5/28	5/31	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00		([3])				536.00
Committee total					55,096.01		87,173.18		449.72		142,718.91
Thomas K. Baker	4/29	5/2	Germany		559.25		6,622.00		2,567.34		9,748.59
	5/2	5/5	Turkey		669.00						669.00
Carroll L. Hauver	4/29	5/2	Germany		559.25		6,622.00		27.00		7,208.25
	5/2	5/9	Turkey		1,616.75						1,616.75
	5/9	5/12	Germany		408.00						408.00
Robert J. Reitwiesner	4/29	5/2	Germany		559.25		6,622.00		699.55		7,880.80
	5/2	5/9	Turkey		1,616.75						1,616.75
	5/9	5/12	Germany		408.00						408.00
Committee total					6,396.25		19,866.00		3,293.89		29,556.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Agency aircraft (Part).

BILL YOUNG, Chairman, July 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Italy, Bosnia, Russia and Netherlands, April 2–9, 2002:											
Hon. Neil Abercrombie	4/2	4/3	Italy		2,061.81						2,061.82
	4/3	4/5	Bosnia								
	4/5	[3] 1/4	Russia		1,010.00						1,010.00
	[3] 1/4	4/9	Netherlands		317.00						317.00
Hon. Ken Calvert	4/2	4/3	Italy		2,061.82						2,061.82
	4/3	4/5	Bosnia								
	4/5	[3] 1/4	Russia		1,058.00						1,058.00
	[3] 1/4	4/9	Netherlands		317.00						317.00
Travel to Japan, April 8–9, 2002:											
Hon. Robert A. Underwood	4/8	4/9	Japan		265.00						265.00
Travel to Israel, May 3–6, 2002:											
Hon. Jim Saxton	5/3	5/6	Israel		1,086.00						1,086.00
							5,148.22				5,148.22
Travel to the Philippines, May 11–14, 2002:											
Hon. Robert A. Underwood	5/11	5/14	Philippines		732.00						732.00
Commercial Airfare							4,806.50				4,806.50
Travel to Russia, Uzbekistan, China and South Korea, May 25–June 3, 2002:											
Hon. Curt Weldon	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Hon. Solomon P. Ortiz	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Hon. Roscoe G. Bartlett	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Hon. Silvestre Reyes	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Hon. Jim Turner	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Hon. Joe Wilson	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Carl D. Commenator	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Peter M. Steffes	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Douglas C. Roach	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
B. Ryan Vaart	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Delegation expenses	5/25	5/27	Russia				798.75		1,642.62		2,441.37
Travel to Russia and Germany, May 25–31, 2002:											
Hon. John M. Spratt, Jr.	5/25	5/30	Russia		1,350.10						1,350.10
	5/30	5/31	Germany		288.00						288.00
Travel to Singapore, May 31–June 2, 2002:											
Hon. Vic Snyder	5/31	6/2	Singapore		502.00						502.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ellen O. Tauscher	5/31	6/2	Singapore		502.00						502.00
Travel to United Kingdom, June 18–20, 2002:											
Robert W. Lautrup	6/18	6/20	United Kingdom		688.00						688.00
Roger M. Smith	6/18	6/20	United Kingdom		688.00						688.00
William H. Natter	6/18	6/20	United Kingdom		688.00						688.00
Committee total					39,194.74		10,753.47		1,642.62		51,590.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents fiscal year 2000.

BOB STUMP, Chairman, July 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, July 25, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN BOEHNER, Chairman, July 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency,	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Albert Wynn	4/19	4/22	Spain		934.00						934.00
Hon. George Radanovich	5/23	5/26	United Kingdom		738.00		4,530.00				5,268.00
Hon. George Radanovich	5/26	5/28	Belgium		564.06		279.00				843.06
Hon. Karen McCarthy	4/2	4/3	Mali		262.00						262.00
Hon. Karen McCarthy	4/3	4/5	Ethiopia		361.00						361.00
Hon. Karen McCarthy	4/5	4/7	Mozambique		467.00						467.00
Hon. Karen McCarthy	4/7	4/8	South Africa		165.00		2281.75				2,446.75
Hon. Peter Deutsch	5/2	5/6	Israel		1,248.00						1,248.00
Hon. Chris Knauer, Minority	4/10	4/12	France		600.00		767.20				1,367.20
Hon. Ray Shepherd, Majority	4/10	4/12	France		600.00		767.20				1,367.20
Committee total					5,939.06		8,625.15				14,564.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLY TAUZIN, Chairman, July 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JULY 2, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Joseph Pinder	4/2	4/6	Argentina		1,800.00		5,433.47			7,233.47	
Kevin MacMillan	4/3	4/5	Argentina		1,134.00		5,433.47				6,567.47
Scott Morris	4/2	4/6	Argentina		1,800.00		5,433.47				7,233.47
Roy Dye	4/2	4/6	Argentina		1,800.00		5,433.47				7,233.47
Thomas Montgomery	5/23	5/31	Ethiopia		1,400.00		7,076.45				8,476.45
Vito Fossella	6/28	7/2	Bermuda		1,569.00		1,402.25				2,971.25
Robert Gordon	6/28	7/2	Bermuda		1,569.00		1,542.75				3,111.75
Committee total					11,072.00		31,755.33				42,827.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL G. OXLEY, Chairman, July 29, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kevin Long	4/20	4/21	Japan		872.00		7,129.28				
Sharon Pinkerton	4/19	4/21	Japan		1,308.00		6,783.78				
Nicholas Coleman	4/19	4/21	Japan		1,308.00		7,129.28				
Julian Haywood	4/19	4/21	Japan		1,308.00		7,355.78				
Christopher Donesa	4/19	4/21	Japan		1,308.00		7,129.28				
Brian Cohen	5/15	5/17	England		722.00		647.22		1,027.59		
J. Vincent Chase	5/26	5/30	Russia		1,470.00						
	5/30	5/31	Germany		234.00						
Christopher Shays	5/26	5/30	Russia		1,470.00						
	5/30	5/31	Germany		234.00						
Christopher Donesa	5/29	6/1	Canada		715.00		2,243.24				
Roland Foster	5/29	6/1	Canada		715.00		2,243.24				
Nicholas Coleman	5/29	6/1	Canada		715.00		2,243.24				
Mark Souder	5/29	5/30	Canada		258.00						
Stephen Horn	5/25	5/27	Russia		687.00						
	5/27	5/28	Uzbekistan		333.00						
	5/28	6/1	China		1,104.00						
	6/1	6/3	South Korea		536.00						
Christopher Shays	6/16	6/20	England		1,667.03		6,315.92				
Adam Putnam	6/16	6/19	England		763.60		5,136.33				
Bernard Sanders	6/16	6/19	England		747.46		5,136.33				
Kristine McElroy	6/16	6/19	England		759.38		5,136.33				
Larry Halloran	6/16	6/20	England		1,924.88		5,136.33				
Sharon Pinkerton	5/26	5/27	France		760.24		5,958.57				
	5/27	5/29	Italy		486.00						
	5/29	5/30	Greece		240.43						
	5/30	5/31	Slovakia		180.00						
Tom Davis	5/26	5/27			132.00						
Committee total					22,958.02		75,724.15		1,027.59		

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, July 25, 2002

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, July 23, 2002

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Adams	5/25	5/27	Kyrgystan		418.00						418.00
	5/27	5/30	Uzbekistan		849.00						849.00
	5/30	6/02	Kazakhstan		815.00						815.00
Commercial airfare							9,457.00				9,457.03
Lara Alameh	4/19	4/22	Spain		783.00		(3)				783.00
Douglas Anderson	3/23	3/30	China		1,261.00						1,261.00
	3/30	4/2	South Korea		654.00						654.00
Commercial airfare							4,833.50				4,833.50
Hon. Cass Ballenger	4/2	4/4	Colombia		412.00						412.00
	4/4	4/6	Bolivia		232.00		(3)				232.00
	4/6	4/8	Grenada		632.00		(3)				632.00
	4/6	4/8	Venezuela		137.61		(3)				137.61
Jessica Baumgarten	4/2	4/4	Colombia		367.00		(3)				367.00
	4/4	4/6	Bolivia		257.00		(3)				257.00
	4/6	4/8	Grenada		652.00		(3)				652.00
Deborah Bodlander	5/25	6/2	Israel		2,523.00						2,523.00
Commerical airfare							4,902.00				4,902.00
Ted Brennan	4/2	4/4	Colombia		280.00		(3)				280.00
	4/4	4/6	Bolivia		182.00		(3)				182.00
	4/6	4/8	Grenada		489.00		(3)				489.00
Hon. Steve Chabot	5/29	6/1	China		828.00						828.00
	6/1	6/3	South Korea		536.00						536.00
							[4]2,914.70				2,914.70
Malik Chaka	3/25	3/29	Guinea		603.00						603.00
	3/29	4/1	Liberia		745.00						745.00
	4/1	4/4	Sierra Leone		324.00						324.00
Commercial airfare							8,959.57				8,959.57
	5/25	5/28	Dem. Rep. of Congo		750.00						750.00
	5/28	5/29	South Africa		77.00						77.00
	5/29	6/1	Zimbabwe		525.00						525.00
Commercial airfare							10,018.01				10,018.01
William Delahunt	4/26	4/28	Venezuela		302.00						302.00
							[4]1,283.03				1,283.03
Eni Faleomavaega	4/2	4/4	Colombia		442.00		(3)				442.00
	4/4	4/6	Bolivia		332.00		(3)				332.00
	4/6	4/8	Grenada		328.00		(3)				328.00
	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	5/29	China		276.00						276.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	5/29	5/31	Malaysia		314.00						314.00
							[4]3,412.53				3,412.53
Paul Gallis	5/24	5/28	Bulgaria		938.00						938.00
	5/28	5/29	Ireland		329.00						329.00
	5/29	6/1	Belgium		696.00						696.00
							[4]2,790.47				2,790.47
Kirsti Garlock	4/2	4/4	Brazil		228.00						228.00
	4/4	4/6	Argentina		905.50						905.50
Commercial airfare							5,539.47				5,539.47
Hon. Benjamin Gilman	4/19	4/22	Spain		934.00		(3)				934.00
Hon. Dennis Halpin	3/23	3/30	China		1,261.00						1,261.00
	3/30	4/2	South Korea		654.00						654.00
Commercial airfare							4,783.50				4,783.50
Joseph Hoeffel	5/3	5/6	Israel		995.00		(3)				995.00
Hon. Darrell Issa	4/19	4/22	Spain		934.00		(3)				934.00
	5/26	5/27	Lebanon		132.00		(3)				132.00
Kenneth Katzman	5/25	5/27	Kyrgystan		418.00						418.00
	5/27	5/30	Uzbekistan		849.00						849.00
	5/30	6/2	Kazakhstan		875.00						875.00
Commercial airfare							9,457.03				9,457.03
Hon. Brian Kerns	5/25	5/27	Russia		687.00		(3)				687.00
	5/27	5/28	Uzbekistan		333.00		(3)				333.00
	5/28	6/1	China		1,104.00		(3)				1,104.00
	6/1	6/3	South Korea		536.00		(3)				536.00
Kay King	4/19	4/22	Spain		934.00		(3)				934.00
John Mackey	4/2	4/7	Colombia		1,150.00						1,150.00
							[4]1,279.00				1,279.00
	4/16	4/18	Ireland		558.00						558.00
Commercial airfare							5,274.15				5,274.15
	5/28	6/2	Peru		979.00						979.00
Commercial airfare							3,036.50				3,036.50
Alan Makovsky	5/25	6/2	Israel		2,523.00						2,523.00
Commercial airfare							4,902.50				4,902.50
Pearl Alice Marsh	3/25	3/29	Guinea		603.00						603.00
	3/29	4/1	Liberia		745.00						745.00
	4/1	4/4	Sierra Leona		324.00						324.00
Commercial airfare							8,959.57				8,959.57
	5/25	5/28	Dem. Rep. of Congo		750.00						750.00
	5/28	5/29	South Africa		89.00						89.00
	5/29	6/1	Zimbabwe		525.00						525.00
Commercial airfare							10,018.01				10,018.01
Caleb McCarry	4/3	4/6	Colombia		613.00						613.00
Commercial airfare							1,889.50				1,889.50
	4/26	4/27	Venezuela		265.00		(3)				265.00
Vince Morelli	5/29	6/1	Belgium		753.77						753.77
Commercial airfare							4,530.61				4,530.61
Paul Oostburg Sanz	4/2	4/7	Columbia		1,618.00						1,618.00
Commercial airfare							2,113.50				2,113.50
	4/15	4/18	Ireland		558.00						558.00
Commercial airfare							5,120.15				5,120.15
	4/26	4/27	Venezuela		600.00		(3)				600.00
Yleem Poblete	3/24	4/6	Switzerland		3,211.84						3,211.84
Commercial airfare							7,373.46				7,373.46
Patrick Prisco	4/19	4/22	Spain		783.00		(3)				783.00
	5/29	6/1	Belgium		621.00						621.00
			Dublin/Belgium/US				2,790.00				2,790.00
Frank Record	4/2	4/4	Brazil		238.00						238.00
	4/4	4/6	Argentina		905.50						905.50
Commercial airfare							5,539.47				5,539.47
	4/19	4/22	Spain		658.00		(3)				658.00
Joseph Grover Rees	3/28	4/5	Switzerland		1,751.00						1,751.00
Commercial airfare							5,019.34				5,019.34
Hon. Dana Rohrabacher	5/30	6/3	Philippines		320.00						320.00
Commercial airfare							3,553.00				3,553.00
Thomas Sheehy	5/25	5/30	Dem. Rep. of Congo		1,060.00						1,060.00
Commercial airfare							6,879.46				6,879.46
Valerie Van Buren	5/29	6/2	Belgium		696.00						696.00
Commercial airfare							5,727.61				5,727.61
Jo Weber	4/19	4/22	Spain		837.00		(3)				837.00
Hillel Weinberg	4/19	4/22	Spain		724.00						724.00
	5/25	5/27	Kyrgystan		418.00						418.00
	5/27	5/30	Uzbekistan		849.00						849.00
	5/30	6/2	Kazakhstan		875.00						875.00
Commercial airfare							9,457.03				9,457.03
Committee total					58,749.22		161,814.20				220,563.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial and military air transportation.

HENRY J. HYDE, Chairman, July 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Dreier	4/19	4/22	Spain		934.00		(3)				934.00
Brad Smith	4/19	4/22	Spain		934.00		(3)				934.00
Hon. Alcee Hastings	5/25	5/27	Russia		687.00		(3)				687.00
	5/27	5/28	Uzbekistan		333.00		(3)				333.00
	5/27	6/1	China		1,104.00		(3)				1,104.00
	6/1	6/3	S. Korea		536.00		(3)				536.00
Committee total					528.00						4,528.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, July 26, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Corrine Brown	5/25	5/27	Russia		687.00						687.00
	5/27	5/28	Uzbekistan		333.00						333.00
	5/28	6/1	China		1,104.00						1,104.00
	6/1	6/3	South Korea		536.00						536.00
Hon. Bob Filner	4/14	4/16	Mexico		550.00						550.00
Hon. Dan Miller	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/30	Greece		240.43						240.43
	5/30	5/31	Slovakia		180.00						180.00
Hon. Mac Collins	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/30	Greece		240.43						240.43
	5/30	5/31	Slovakia		180.00						180.00
Hon. John Mica	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/30	Greece		240.43						240.43
	5/30	5/31	Slovakia		180.00						180.00
Hon. Bob Borski	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/30	Greece		240.43						240.43
	5/30	5/31	Slovakia		180.00						180.00
Hon. Eddie Bernice Johnson	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/30	Greece		240.43						240.43
	5/30	5/31	Slovakia		180.00						180.00
Sharon Pinkerton	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/30	Greece		240.43						240.43
David Schaffer	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/30	Greece		240.43						240.43
Commercial airfare							4,672.78				4,672.78
Stacie Soumbeniotis	5/25	5/27	France		760.24						760.24
	5/27	5/29	Italy		486.00						486.00
	5/29	5/31	Greece		480.85						480.85
Commercial airfare							4,693.05				4,693.05
Hon. Wayne Gilchrest	4/2	4/3	Mali		262.00						262.00
	4/3	4/5	Ethiopia		361.00						361.00
	4/5	4/7	Mozambique		467.00						467.00
	4/7	4/8	South Africa		165.00						165.00
Commercial airfare							2,281.75				2,281.75
Committee total					17,498.78		11,647.58				29,146.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, July 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Angela Ellard	4/2	4/6	China		1,178.00		5,702.50				6,880.50
Meredith Broadbendt	4/2	4/7	China		1,492.00		5,709.50				7,201.50
Michael Castellano	4/2	4/7	China		1,491.00		5,612.50				7,103.50
Tim Reif	4/2	4/7	China		1,491.00		5,612.50				7,103.50
Hon. Ron Lewis	4/19	4/22	Spain		934.00		(3)				934.00
Hon. Mac Collins	5/25	5/27	France		760.24		(3)				760.24
	5/27	5/29	Italy		486.00		(3)				486.00
	5/29	5/30	Greece		240.43		(3)				240.43
	5/30	5/31	Slovakia		180.00		(3)				180.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, July 29, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PRINTING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above please check the box at right to so indicate and return ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, July 23, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Elizabeth Larson	3/28	3/31	Australia		670.00						670.00
	3/31	4/7	Asia		1,424.00						1,424.00
Commercial airfare							10,602.96				10,602.96
Wyndee Parker	3/28	3/31	Australia		670.00						670.00
	3/31	4/7	Asia		1,424.00						1,424.00
Commercial airfare							11,270.74				11,270.74
Hon. Tim Roemer	4/2	4/7	Asia		922.00						922.00
Commercial airfare							8,370.03				8,370.03
Timothy Sample	4/2	4/9	Europe		1,878.00		(3)				1,878.00
Elizabeth Larson	5/26	6/1	Asia		1,608.00						1,608.00
Commercial airfare							4,450.50				4,450.50
Marcel Lettre	5/26	6/1	Asia		1,608.00						1,608.00
Commercial airfare							4,450.50				4,450.50
Merrell Moorhead	5/28	5/31	Europe		666.00						666.00
Commercial airfare							3,396.40				3,396.40
Joseph Jakub, Staff	5/26	5/31	Europe		666.00						666.00
Commercial airfare							3,396.40				3,396.40
Lewis Moon, Staff	5/29	5/31	Europe		534.00						534.00
Commercial airfare							6,935.89				6,935.89
Michael Jacobson	5/29	5/31	Europe		534.00						534.00
Commercial airfare							6,935.89				6,935.89
John Stopher	6/21	6/22	Caribbean		299.00						299.00
	6/22	6/25	South America		735.00						735.00
	6/25	6/26	Central America		190.00						190.00
Commercial airfare							2,533.80				2,533.80
Committee total					13,828.00		62,343.11				76,171.11

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER J. GOSS, Chairman, July 25, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Dorothy D. Taft	5/14	5/17	USA				5,054.00				
			Italy		920.00						
Maureen T. Walsh	5/14	5/17	USA				5,054.00				
			Italy		1,048.00						
Committee total					1,968.00		10,108.00				12,076.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, July 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, FRED TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 19, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Fred L. Turner	4/16	4/18	U.K		588.00						588.00
	4/18	4/19	Denmark		378.00						378.00
Committee total					966.00						966.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, May 13, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DAVID TEBBE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 27 AND MAY 28, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Tebbe	5/27	5/28	Lebanon		222.00		(3)				222.00
Committee total					222.00						222.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID TEBBE, June 20, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DEREK MILLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 8 AND JUNE 13, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Derek Miller	6/8	6/13	Italy	1,387.85	1,313.00					1,387.85	1,313.00
Committee total					1,313.00						1,313.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DEREK J. MILLER, July 11, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. TONY P. HALL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 8 AND JUNE 15, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tony P. Hall	6/8	6/15	Italy		2,423.00		4,546.86				6,969.86
Committee total					2,423.00		4,546.86				6,969.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL, Chairman, July 11, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MAX FINBERG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 8 AND JUNE 15, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Max Finberg	6/8	6/5	Italy		2,423.00		4,546.97				6,969.97
Committee total					2,423.00		4,546.97				6,969.97

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MAX FINBERG, July 11, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, GREECE AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	4/2	4/3	Italy		840.00						840.00
	4/3	4/5	Greece		266.00						266.00
	4/5	4/9	Spain		772.00		(3)				772.00
Hon. Porter Goss	4/2	4/3	Italy		840.00						840.00
	4/3	4/5	Greece		266.00						266.00
	4/5	4/9	Spain		772.00		(3)				772.00
Hon. John Tanner	4/2	4/3	Italy		840.00						840.00
	4/3	4/5	Greece		266.00						266.00
	4/5	4/9	Spain		772.00		(3)				772.00
Susan Olson	4/2	4/3	Italy		840.00						840.00
	4/3	4/5	Greece		266.00						266.00
	4/5	4/9	Spain		772.00		(3)				772.00
Timothy Sample	4/2	4/3	Italy		840.00						840.00
	4/3	4/5	Greece		266.00						266.00
	4/5	4/9	Spain		772.00		(3)				772.00
Committee total					9,390.00						9,390.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUGLAS BEREUTER, Chairman, May 16, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 19, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe, Chairman	5/16	5/19	Mexico		345.65		(3)				345.65
Hon. David Dreier	5/16	5/19	Mexico		252.72		(3)				252.72
Hon. Charles Stenholm	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Joe Barton	5/16	5/18	Mexico		168.48		(3)				168.48
Hon. Chris Cannon	5/16	5/18	Mexico		168.48		(3)				168.48
Hon. Tom Tancredo	5/16	5/18	Mexico		186.96		(3)				186.96
Hon. Howard Berman	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Calvin Dooley	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Ed Pastor	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Bob Filner	5/16	5/19	Mexico		252.72		(3)				252.72
Hon. Lucille Roybal-Allard	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Silvestre Reyes	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Tom Udall	5/16	5/19	Mexico		280.44		(3)				280.44
Fran McNaught	5/16	5/19	Mexico		252.72		(3)				252.72

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 19, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Patrick Baugh	5/16	5/19	Mexico		252.72		(3)				252.72
Caleb McCarry	5/16	5/19	Mexico		252.72		(3)				252.72
Jim Farr	5/16	5/19	Mexico		252.72		(3)				252.72
Linda Solomon	5/16	5/19	Mexico		252.72		(3)				252.72
Jean Carroll	5/16	5/19	Mexico		252.72		(3)				252.72
Paul Oostburg Sanz	5/16	5/19	Mexico		252.72		(3)				252.72
Brad Smith	5/16	5/19	Mexico		252.72		(3)				252.72
Delegation expenses									4,077.62		4,077.62
Interpreters									3,120.00		3,120.00
Committee total					4,359.85				7,197.62		12,557.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, Chairman, June 18, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ENGLAND AND BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 28, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John McCamman	5/23	5/26	London, UK		738.00		4,530.00				5,268.00
	5/26	5/28	Brussels, Belgium		564.06		279.00				843.00
Tom LaFaille	5/23	5/26	London, UK		738.00		4,530.00				5,268.00
	5/26	5/28	Brussels, Belgium		564.06		279.00				843.00
Committee total					2,604.12		9,618.00				12,222.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN McCAMMAN, July 2, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BULGARIA AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 29, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	5/25	5/28	Bulgaria		938.00		(3)				938.00
	5/28	5/29	Ireland		329.00						329.00
Hon. Allen Boyd	5/25	5/28	Bulgaria		938.00		(3)				938.00
	5/28	5/29	Ireland		329.00						329.00
Hon. Vern Ehlers	5/25	5/28	Bulgaria		938.00		(3)				938.00
	5/28	5/29	Ireland		329.00						329.00
Hon. Ralph Regula	5/25	5/28	Bulgaria		938.00		(3)				938.00
	5/28	5/29	Ireland		329.00						329.00
Hon. John Shimkus	5/25	5/26	Bulgaria		418.00		2439.60				2857.60
Hon. John Tanner	5/25	5/28	Bulgaria		938.00		(3)				938.00
	5/28	5/29	Ireland		329.00						329.00
Susan Olson	5/24	5/28	Bulgaria		1040.00		2910.59				3950.59
	5/28	5/29	Ireland		329.00						329.00
Michael Ennis	5/25	5/28	Bulgaria		938.00		(3)				938.00
	5/28	5/29	Ireland		329.00						329.00
Robin Evans	5/25	5/28	Bulgaria		938.00						938.00
	5/28	5/29	Ireland		329.00		(3)				329.00
Paul Gallis	5/25	5/28	Bulgaria		938.00						938.00
	5/28	5/29	Ireland		329.00		(3)				329.00
Beverly Hallock	5/25	5/28	Bulgaria		938.00						938.00
	5/28	5/29	Ireland		329.00		(3)				329.00
Kay King	5/25	5/28	Bulgaria		938.00						938.00
	5/28	5/29	Ireland		329.00		(3)				329.00
Carol Lawrence	5/25	5/28	Bulgaria		938.00						938.00
	5/28	5/29	Ireland		329.00		(3)				329.00
Scott Palmer	5/25	5/28	Bulgaria		938.00						938.00
	5/28	5/29	Ireland		329.00		(3)				329.00
Patrick Prisco	5/25	5/28	Bulgaria		938.00						938.00
	5/28	5/29	Ireland		329.00		(3)				329.00
Jo Weber	5/24	5/28	Bulgaria		1040.00		2910.59				3950.59
	5/28	5/29	Ireland		329.00						329.00
Committee total					19,627.00		8,260.78				27,887.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUG BEREUTER, July 11, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, SYRIA, ISRAEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND MAY 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank R. Wolf		5/26	USA				6,639.06				
	5/27	5/30	Jordan		705.00						
	5/28	5/28	Syria								
	5/30	5/31	Israel		371.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, SYRIA, ISRAEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND MAY 31, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/31		USA								
					[3] – 341.00						
Committee total					735.00		6,639.06				7,374.06

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Less $341.00 returned to U.S Treasury/State Department in unused per diem.

FRANK WOLF, Chairman, June 26, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, SYRIA, ISRAEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND MAY 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel F. Scandling		5/26	USA				6,639.00				6,639.00
	5/27		Jordan		705.00						705.00
	5/29	5/29	Syria								
		5/30	Jordan								
	5/30	5/31	Israel		371.00						371.00
					[3] – 150.00						– 150.00
Committee total					926.00		6,639.00				7,565.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Returned $150.00 in unused per diem to U.S. Treasury.

DANIEL F. SCANDLING, June 26, 2002.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8992. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California; Revision to Container and Pack Requirements [Docket No. FV02-925-2 FIR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8993. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Increased Assessment Rate [Docket No. FV02-922-1 FR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8994. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Decreased Assessment Rate [Docket No. FV02-993-4 IFR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8995. A letter from the Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress for fiscal year 2003, pursuant to 2 U.S.C. 902(d)(2); to the Committee on Appropriations.

8996. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Weighted Guidelines Form [DFARS Case 2002-D012] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8997. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds — Construction [DFARS Case 2002-D011] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8998. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Partnership Agreement Between DOD and the Small Business Administration [DFARS Case 2001-D016] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8999. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Acceleration of Periodic Report Filing Dates and Disclosure Concerning Website Access to Reports [Release Nos. 33-8128; 34-46464; FR-63; File No. S7-08-02] (RIN: 3235-AI33) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9000. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Tribally Controlled Postsecondary Vocational and Technical Institutions Program — received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9001. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Career Resource Network State Grants — received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9002. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — Impact Aid Programs (RIN: 1810-AA94) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9003. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — Indian Education Discretionary Grant Programs (RIN: 1810-AA93) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9004. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA92) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9005. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9006. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Rules for Administrative Review of Agency Decisions (RIN: 1212-AA97) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9007. A letter from the Secretary, Department of Health and Human Services, transmitting the Administration on Developmental Disabilities Fiscal Year 1998 and 1999 Annual Reports, pursuant to 42 U.S.C. 6006(c); to the Committee on Energy and Commerce.

9008. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 02-58), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9009. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to India for defense articles and services (Transmittal No. 02-57), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9010. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 02-51), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9011. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 02-47), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9012. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 02-37), or major equipment, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9013. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 02-40), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9014. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 02-52), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9015. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 02-41), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9016. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Belgium for defense articles and services (Transmittal No. 02-53), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9017. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's FY 2002 Cooperative Threat Reduction Annual Report to Congress; to the Committee on International Relations.

9018. A letter from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting proposed legislation to authorize the Court Services and Offender Supervision Agency to appoint staff without regard to the provisions of title 5, U.S.C.; to the Committee on Government Reform.

9019. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, transmitting the annual report of the Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for fiscal year 2001, pursuant to 16 U.S.C. 1456a(b)(3); to the Committee on Resources.

9020. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal to amend section 709 of title 18, U.S.C., regarding the unauthorized use of the name or initials of the F.B.I., the U.S. Marshals Service, or the D.E.A.; to the Committee on the Judiciary.

9021. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; USCGC EAGLE port visit-Salem Harbor, Massachusetts [CGD01-02-063] (RIN: 2115-AA97) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9022. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule — Technical Corrections: Rules of Origin for Textile and Apparel Products [T.D. 02-47] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9023. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-57] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9024. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Clarification of Entity Classification Rules [TD 9012] (RIN: 1545-AX75) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9025. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Department Store Inventory Price Indexes [Rev. Rul. 2002-52] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9026. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treaty Guidance Regarding Payments with Respect to Domestic Reverse Hybrid Entities [TD 8999] (RIN: 1545-AY13) received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9027. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Department Store Inventory Price Indexes [Rev. Rul. 2002-57] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9028. A letter from the General Counsel, Department of Defense, transmitting proposed legislation to strengthen the management structure of the Office of the Secretary of Defense; jointly to the Committees on Armed Services and Government Reform.

9029. A letter from the Under Secretary, Department of the Treasury, transmitting the Department's proposal to repeal or modify certain reporting requirements in the area of international affairs; jointly to the Committees on Financial Services and International Relations.

9030. A letter from the Secretaries and Director, Departments of the Treasury, Education, and the Office of Management and Budget, transmitting a proposed legislative amendment to section 6103 of the IRC of 1986 that would allow the IRS to match the income reported on Federal student aid applications with income tax return data; jointly to the Committees on Ways and Means and Education and the Workforce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 5356. A bill to abolish the Board of Governors of the Federal Reserve System and the Federal reserve banks, to repeal the Federal Reserve Act, and for other purposes; to the Committee on Financial Services.

By Mr. BEREUTER:

H.R. 5357. A bill to provide for the review of agriculture mergers and acquisitions by the Department of Agriculture and to outlaw unfair practices in the agriculture industry, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. BLUMENAUER, and Ms. SOLIS):

H.R. 5358. A bill to ensure that funds made available to implement the National Fire Plan on National Forest System lands and other public lands are used to reduce the threat of catastrophic wildfire in the wildland-urban interface, to support community and private land wildfire control efforts, to require that receipts generated from hazardous fuels reduction projects are returned to the Treasury, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 5359. A bill to rescind the Department of Veterans Affairs memorandum of July 18, 2002, in which Directors of health service networks in the Department of Veterans Affairs are directed to ensure that no marketing activities to enroll new veterans occur within their networks; to the Committee on Veterans' Affairs.

By Mr. RYUN of Kansas (for himself, Mr. WALSH, and Mr. HANSEN):

H.R. 5360 A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. GRAHAM, Mr. DEMINT, Mr. SPRATT, and Mr. CLYBURN):

H.R. 5361. A bill to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building"; to the Committee on Government Reform.

By Mr. WILSON of South Carolina:

H. Con. Res. 463. Concurrent resolution expressing the sense of the Congress that on September 11, 2002, the people of the United States should reaffirm the principles for which the Nation was founded so that freedom may ring from every community in the Nation and be heard around the world; to the Committee on Government Reform.

By Mr. GILMAN:

H. Res. 520. A resolution congratulating Bosnia and Herzegovina on the 10th anniversary of its independence; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CARSON of Indiana:

H.R. 5362. A bill for the relief of Irina V. Kotlova-Green and her son, Nikita Kotlov; to the Committee on the Judiciary.

By Mr. OTTER:

H.R. 5363. A bill to provide for the retroactive entitlement of Ed W. Freeman to Medal of Honor special pension; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. Callahan.

H.R. 348: Ms. Woolsey.

H.R. 572: Mr. Hall of Texas.

H.R. 600: Mr. Wilson of South Carolina, Mr. Underwood, and Ms. Harman.

H.R. 632: Mr. Lantos, Mr. Gutierrez, and Mr. Frost.

H.R. 817: Mr. Boozman.

H.R. 848: Mrs. Meek of Florida and Mr. Evans.

H.R. 968: Mr. Moore.

H.R. 1021: Mr. Schiff, Mr. Grucci, and Mr. Souder.

H.R. 1109: Mr. Everett.

H.R. 1134: Mr. Hunter.

H.R. 1296: Ms. McCarthy of Missouri.

H.R. 1322: Mr. Lynch and Mr. Weiner.

H.R. 1543: Mrs. Myrick and Mr. Ehrlich.

H.R. 1624: Mr. Ross, Ms. Velázquez, Mr. Ganske, and Mr. Obsborne.

H.R. 1723: Mr. Ganske, Mr. Jefferson, Ms. Berkley, and Mr. Ehrlich.

H.R. 1908: Mr. Green of Wisconsin and Mr. Peterson of Minnesota.

H.R. 1918: Mr. Capuano, Mr. Wynn, and Mr. Cummings.

H.R. 1919: Ms. Harman.

H.R. 1956: Mr. Smith of New Jersey, Mr. Langevin, and Mr. Putnam.

H.R. 2041: Mr. Souder.

H.R. 2117: Mr. Osborne.

H.R. 2147: Mr. Andrews.

H.R. 2357: Mr. Hoekstra.

H.R. 2527: Mr. Cramer, Mr. Bonilla, and Mr. Filner.

H.R. 2573: Mrs. Tauscher and Mr. McGovern.

H.R. 2610: Mrs. Morella and Ms. Woolsey.

H.R. 2866: Mr. Andrews.

H.R. 2874: Mr. Lantos, Mr. Markey, Mr. Price of North Carolina, Mr. Phelps, and Mr. Schiff.

H.R. 2966: Ms. DeLauro and Ms. Watson.

H.R. 3430: Mr. Peterson of Minnesota.

H.R.3431: Mr. Cooksey and Mr. Vitter.

H.R.3450: Mr. Thune, Ms. Berkley, and Mr. Larsen of Washington.

H.R. 3464: Mrs. McCarthy of New York, Mr. McNulty, and Mr. Whitfield.

H.R.3552: Mrs. Maloney of New York and Ms. Ros-Lehtinen.

H.R.3831: Mr. Kennedy of Rhode Island.

H.R.3899: Mr. Price of North Carolina.

H.R. 4000: Mr. Boucher, Ms. Velázquez, and Mrs. Napolitano.

H.R. 4086: Mrs. Morella.

H.R. 4089: Ms. Berkley and Mr. McGovern.

H.R. 4091: Ms. Berkley and Mr. McGovern.

H.R. 4555: Ms. Watson and Mr. Baker.

H.R. 4600. Mr. Thomas, Mr. Pomeroy, and Mr. Thornberry.

H.R. 4643: Mr. Lewis of Georgia, Mr. Tierney, Mr. Olver, Mr. Stark, and Ms. Baldwin.

H.R. 4676: Mr. Paul.

H.R. 4691: Mr. Sullivan, Mr. Cunningham, Mr. Kingston, and Mr. Ganske.

H.R. 4763: Ms. Lofgren, Mr. Thompson of California, Mr. Calvert, and Mr. Foley.

H.R. 4780: Mr. Maloney of Connecticut, Mr. Abercrombie, Mr. Deutsch, Mr. Lynch, Ms. DeLauro, Mr. Rush, and Ms. Eshoo.

H.R. 4843: Mr. Clement, Mr. Ramstad, Mr. Gilchrest, Mr. Ross, Mr. Lipinski, Mr. Spratt, and Mr. Gutierrez.

H.R. 4887: Mr. Foley, Mr. English, and Mr. Tancredo.

H.R. 4942: Mr. Tiahrt.

H.R. 4963: Mr. Baldacci.

H.R. 4983: Mr. Norwood, Mr. Thompson of California, Mr. Berry, Mr. Ross, Mr. Boswell, Mr. Turner, Mr. Shows, Mr. Israel, Mr. Schiff, Mr. Phelps, Mr. John, Mr. Cramer, Mr. McIntyre, Mr. Sawyer, Mr. Frost, Ms. Schakowsky, Mr. Gonzalez, Mrs. Christensen, Mr. Edwards, and Mr. Hoeffel.

H.R. 5059: Mr. Young of Alaska.

H.R. 5064: Mr. Schrock.

H.R. 5147: Mr. Kolbe and Mrs. Roukema.

H.R. 5235: Mr. Cooksey and Mr. Kolbe.

H.R. 5253: Mr. Brady of Pennsylvania.

H.R. 5268: Mr. Borski, Mr. Shimkus and Mr. Doyle.

H.R. 5272: Mr. McDermott and Mrs. Lowey.

H.R. 5277: Mrs. Johnson of Connecticut and Mr. Ramstad.

H.R. 5304: Mr. Tancredo.

H.R. 5311: Mr. Boozman, Mr. Crowley and Mr. Shows.

H.R. 5316: Mr. Hayworth.

H.R. 5334: Mrs. Jones of Ohio.

H.R. 5340: Ms. Watson, Ms. Millender-McDonald, Mr. Frost, Mr. Davis of Illinois, Ms. Solis, Mr. Lewis of California, and Ms. Sanchez.

H.J. Res. 66: Mr. Doolittle.

H.J. Res. 108: Mr. Ryun of Kansas.

H. Con. Res. 315: Mr. Manzullo.

H. Con. Res. 343: Mr. Schiff.

H. Con. Res. 431: Ms. Slaughter.

H. Res. 499: Ms. Woolsey.

H. Res. 518: Ms. DeLauro, Mr. Barrett, Mr. Boyd, Mr. Etheridge, Mr. Andrews, Mr. Tanner, and Mr. Evans.

SENATE—*Tuesday, September 10, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we begin this day with the words of the psalmist when he prayed,

I cried out, You answered me and made me bold with strength in my soul.—(Psalm 138:3).

We, too, cry out, asking You to make us bold because of Your strength surging in our souls. We yield our souls to be ports of entry and dwelling places for Your Spirit in us. You form Your character in us and give us convictions we cannot deny. Your strength makes us resolute in living the truth. We feel boldness to speak Your truth and to follow Your guidance. Exorcize any fear, timidity, or equivocation.

Father, as the Nation looks to our Senators for moral integrity and inspiration, give them a special measure of Your power, so that, from the depth of their souls, they will have Your supernatural strength to lead with courage. We have a great need for You; and You are a great God to meet our needs. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON CORZINE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized, the Senator from Nevada.

SCHEDULE

Mr. REID. We will begin a period of time until 10:30 to debate the Daschle amendment. We have people who wish to speak. The time is evenly divided between the two leaders. We will vote on this matter at approximately 10:30.

Today, because it is Tuesday, we will be in our weekly party conferences from 12:30 to 2:15. At 2:15 we will begin consideration of the homeland defense bill. This morning we will work on the Interior bill. Hopefully, we will have a couple of votes—not just this one vote—on this matter that will be voted on at 10:30.

Tomorrow there are a number of activities here and at the Pentagon regarding September 11. Tomorrow there will not be much legislative business. There will be an opportunity for people to give speeches. Around noon there will be a moment of silence. Following that, we will have some time set aside for people to give speeches, if they desire. We have so much to do and so little time to do it.

Thursday and Friday, we are working on this bifurcated schedule. Maybe if we get rid of these two amendments today we can see the end in sight for the Interior appropriations bill. Hopefully, we will be able to work with Senator THOMPSON, who has been easy to work with, and move this along. Some of the other Members, we know, are waiting. We hope we can accomplish a lot today. We could have a late night tonight.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 5093) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

> Byrd amendment No. 4472, in the nature of a substitute.
>
> Byrd amendment No. 4480 (to amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.
>
> Daschle modified amendment No. 4481 (to amendment No. 4480), to provide emergency disaster assistance to agricultural producers.

AMENDMENT NO. 4481

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes remaining for debate on the Daschle amendment numbered 4481.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be allowed to follow Senator BURNS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. I thank my friend from Minnesota. Senator BYRD will be a little bit late this morning. If the Senator would like to give his statement now, that is perfectly OK with me. I think there will be more speakers on our side. I am supporting the amendment. We will make those points at a later time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague and I thank the Senator from Montana for all of his support, all of his leadership on this amendment that deals with disaster assistance for rural America.

Colleagues, the Presiding Officer comes from a State where agriculture is not the No. 1 industry. Thomas "Tip" O'Neill said all politics is local. I add, all politics is personal. For me, this is probably the biggest priority I have right now, to get help to people.

This amendment, which started with Senator BYRD providing assistance for firefighters working on fires in our country, and some Members said, let's do this all together.

I come from a State where we have had massive devastation, massive losses from flooding. Others come from States where there is drought. Others come from States where there are fires. And, of course, since I have been in the Senate it has been hurricanes, tornados, you name it. This provides much needed assistance to farmers, whether they be wheatgrowers, soybeans, or livestock producers.

In our State, the estimates of the amount of loss of dollars is $300 million plus. The people with the best of crop insurance have lost 30 percent that they do not have covered. The independent producers cannot make it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

This is what we have, a situation that is a perfect example of there but the grace of God go I, or we are our brother's keeper or sister's keeper. How true.

I have never, since I have been a Senator, voted against disaster assistance for any part of the country. I know that when people are hit by floods or drought or tornadoes or hurricanes or fire, it does not have a thing to do with whether they work hard or do not work hard, are good managers or not good managers. No one asks for this.

In the original farm bill, I think we had over $2 billion for disaster assistance for 2001. It was taken out in conference. It was opposed, I guess, by the administration and some of the leadership in the House. We tried to bring this disaster relief bill up, we tried to put it on the supplemental appropriations bill, without much luck.

I think the support has built for this legislation. We are going to have a really strong vote, and, frankly, I am not really interested in drawing the line, as in Democrats versus Republicans. I do not think this has much to do with that. I wish the administration would be more supportive, but I think the President will sign this bill. I know he will. I think if we get a strong vote on the Senate side, the House will support it. It is just impossible for any Senator or Representative—it doesn't really matter about party—you just cannot turn your back on people.

All these statistics, to me, translate in personal terms. The trips I have taken to northwestern Minnesota have been among the most emotional experiences I have had as a Senator. You can see the damage the floods have caused.

FEMA can help with temporary housing, and FEMA can help if there is damage of public infrastructure. FEMA helped us build a new school in Ada, MN. That was so important. But when it comes to farm country, really, if we do not provide the help, it is just not going to be there. FEMA cannot deal with these kinds of crop losses.

It is just the absolute sense of discouragement, of just being completely beaten down, of seeing your whole life's work disappear, of just believing there is no future. Then there has been the delay, and the delay, and I think a lot of farmers—and not just farmers, people in northwest Minnesota—have just lost all hope.

I make this appeal to all my colleagues to please support this legislation. The truth of the matter is, never in the 12 years I have been here have we hesitated to provide disaster assistance moneys to people. We never have hesitated—never—to take it out of general revenue. We know we are going to have to do it. As I say, if it is the farmers in northwest Minnesota now, it could be people on the coast in Florida who need help tomorrow. God knows, people in Colorado need it. Certainly in Colorado we have drought; South Dakota, North Dakota; Kansas is faced with these struggles—it is all over the country. And then it could be something else next year and the next year. We are talking about natural disasters. This is long overdue.

As a Senator from Minnesota, I view this as the most important vote we could have. I appeal to all my colleagues, regardless of the region of the country you are from, regardless of whether you are faced with any of these catastrophes. I again pledge, one more time—I see two more colleagues here in the Chamber, so I am not going to take more than another minute or two. Here is what I say to you, and it is an absolute promise I will keep. If you, as a Senator from New Jersey, or the Senator in the chair, any Senator ever comes to the floor and says, my God, this is what has happened, there is this devastation, there is no way people can build their economic lives without this disaster relief—I know it is not in the State of Minnesota—will you, as a Senator from Minnesota, support this? I will say yes, because we are a national community and we help people. That is what it is about: We help people. This is critically important.

I hope we will get a huge vote for this amendment. I make the plea to all my colleagues, regardless of the State they are from, to please support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BURNS. Mr. President, I yield 15 minutes to the Senator from Kansas.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. I thank my distinguished colleague for yielding.

Mr. President, before you saddle up to ride on a new trail, it is a good thing to take a look at where you have been. You can avoid a lot of trouble—a lot of ditches, a lot of box canyons—that way. The problem is that in terms of yet another expensive disaster bill for farmers and ranchers—sorely needed—we are indeed in a box canyon. It appears we are going to have to pay quite a price to backtrack, to get to a responsible and reasonable farm program policy to be of assistance to our farmers.

We didn't have to go down this trail. I would like to read a quote by the distinguished Senate majority leader. He is doing the best he can, as he sees it, with the disaster bill. But the majority leader said in regard to the new farm bill when it was passed in May, according to CQ Monitor News:

> What we are doing is putting certainty back in the bill. And I would argue, we're going to be doing it at less cost to the Federal Government during the course and life of this bill than we did under Freedom to Farm because you are not going to see these disastrous supplemental requests in the future. We'd still like to get one for 2001, but in the future you are not going to see them. It won't be necessary.

At the same time, we also had many say that the new farm bill was the greatest farm bill ever passed.

Here we are, only 4 months out from the passage of the farm bill, and farmers are lined up outside the Farm Service Agency offices in great numbers, with all of the complexities of the bill, and already these folks and a majority of the farm and commodity organizations are also lined up, pushing for a disaster assistance package, a bill the Congressional Budget Office now says will come close to $6 billion. It is a bill that faces an uphill, if not impossible, battle in the House and a possible Presidential veto.

How on Earth did we get here after passing the so-called greatest farm bill ever? Because in my view the new farm bill is flawed. Simply put, it provides no assistance to farmers when they need it the most. That so-called and much talked about countercyclical safety net we heard so much about—well, it was not a safety net. It is a hammock. It has holes, and it is lying on parched acres suffering from drought.

We are in, as has been said and has also been covered in the press, one of the worst droughts we have ever seen in many parts of the Plains. Pastures are gone. Cattle herds have been liquidated. Combines never left the shed in parts of Kansas. Parts of our great State look like the desert areas of the southwestern United States. I have bankers telling me they cannot cash flow a single producer who does business at their bank.

In large part, these cash flow problems are the result of a farm bill that provides no assistance to producers this crop-year when they do not have a crop. When the farm bill was debated months ago, I said I would vote against the bill because it would not have provided the so-called countercyclical assistance to wheat producers in 9 of the last 20 years. Why would you support a farm bill that did not really provide any assistance in about half of the time in the past 20 years, with most of those years being in poor production years caused by droughts, flooding, freeze, insects—the years when we need the assistance the most, 9 out of 20? I did not think that was a very good deal.

For that I received some criticism on this floor. I was told it was OK that the bill would not have paid out in 9 of those 20 years because that meant that prices were high and producers would not need the assistance.

Let the record show that yesterday in Dodge City, KS, the closing price was $4.67 a bushel on wheat. That is a tremendous price as compared to where it has been, so prices have come up. It is about $2.91 a bushel for corn, $4.28 a bushel on sorghum, $5.61 a bushel on soybeans—great prices. But, with these prices, my producers are barely hanging on. Why? They have no crops to sell. Consequently, the few who did sold early to meet these emergency obligations.

This August, I just finished a 105-county listening tour. I wish those "greatest farm bill ever" proponents would have been there. My farm meeting in Stockton, KS, America, started out with a farmer telling me:

> Pat, thanks for voting against that farm bill. I don't think most of us can survive this first year under it. We were counting, under the old bill, on a supplemental payment called the AMTA payment, or at best the equivalent of that payment.

It was a common statement all throughout Kansas.

The difference is that under that payment, the checks would have been there now and it would have been 60 cents for wheat as opposed to a very small direct payment of 6 cents a bushel for wheat. And the other three components of the countercyclical payment don't work in times such as this.

It is true that prices are high. But it is because drought has reduced the supplies. In many instances, my producers had no crop to harvest. And that is true in Montana, it is true in Wyoming, it is true in Colorado, it is true in South Dakota, it is true in Nebraska, and it is true in Oklahoma. But due to these high prices, they are not going to receive any countercyclical payments. There is no loan deficiency payment, and they have no crop to put under loan.

One of the criticisms of the farm bill was that it was too complex. Farmers would get payments in maybe one in four mailboxes. If you looked in one mailbox, no payment. If you looked in a second mailbox, no payment. If you looked in a third mailbox, no payment. If you looked in a fourth mailbox, maybe 6 cents a bushel.

That is one of the major flaws of this farm bill. It is why I pushed an alternative farm bill approach. It is also why I proposed implementing this bill or any new bill in 2003—the next cropyear to give us enough time to work on it—and doing a budgeted $5.5 billion supplemental AMTA payment plus livestock feed assistance for this year—cash payments, income protection, not a countercyclical payment less than what we are going to spend in regard to this disaster bill.

Instead, here we are doing a disaster bill again. Every even numbered year there is disaster assistance proposed and disaster assistance to implement. As long as this farm bill is our current policy, we are probably going to be back here doing one each and every year.

This ride into a farm bill box canyon is expensive. It is full of regulatory potholes, all sorts of snakes that come back and bite the producer and truly counterproductive—not counter-cyclical. Two years ago, we made significant reforms to the Crop Insurance Program. That was the tool under the Kerrey-Roberts bill, or the Roberts-Kerrey bill depending on which one you want to give the credit. If you like it, it is the Roberts-Kerrey bill. If you do not like it, it is the Kerrey-Roberts bill.

There are significant reforms. Coverage levels are up. Insured acres are up. Indemnities paid to producers are substantial. We spent $1 billion to address the problems caused by multiple years of losses. Many producers are telling me they are just beginning to realize the benefits of this change.

You can insure up to the 85 percent coverage level. However, because of the farm bill that was passed earlier this year, which took money out of crop insurance, we are now doing a disaster assistance bill that works to undermine the very reforms we passed in the year 2000. Again, it didn't have to happen this way.

We proposed a farm bill that would have provided assistance in years of both low prices and crop losses. The other side said: No thank you.

We proposed a supplemental AMTA package and livestock assistance that would have been paid for in the budget. The checks would be out this month. The other said: No thank you.

It took USDA 8 months to provide disaster payments several years ago. They are hard hit today trying to work through all of the paperwork on the new farm bill. I am not sure that will happen in regard to immediate assistance. Here we are again, just like the farm bill. My minority party was shut out of any committee consideration of that bill. And due to the parliamentary situation in which this second-degree amendment was submitted, we have no opportunity to offer amendments to this package.

I had a proposal to allow producers to choose between 2001 and 2002 assistance. The other side didn't like that, though it was a better deal for taxpayers. It brought the price down. And, after all, farmers did receive the extra AMTA payment in 2001.

Was it perfect? No. But it was a halfway point between those wanting assistance and some in this body who want nothing at all. It worked to protect the Crop Insurance Program by requiring the purchase of crop insurance in order to receive disaster assistance.

Why buy crop insurance if you are going to get disaster assistance every year?

It tried to make proper use of taxpayer dollars by keeping this spending in check. And it was popular with my Kansas producers on my recent tour in the 105 counties of the great State of Kansas.

We will not have a chance to debate any alternative proposals today. This package will probably pass. I am going to reluctantly—heels dragging—support it. I have to support it. The situation is grim—absolutely grim. It has been hotter out in Kansas. It has been drier out in Kansas. But it has never been as hot and as dry at the same time—even back in dirty thirties—as is the case as of today.

But let's be honest with ourselves and the American public. These funds are coming straight from Social Security. It is the other side that has increased the bidding war right at the start of this appropriations process, and we are doing this plain and simple because we have a new farm bill that is flawed and that has created a cash flow vacuum in rural America.

There is no question that we need—that our farmers need—this disaster assistance. The situation in farm country hit by drought—the drought that caused increased market prices in other commodity regions, not the farm bill—is recordbreaking. It is severe. By passing—"force-feeding" is the better term—this expensive emergency disaster package, without any chance for amendment, what do we achieve? I will tell you what we achieve. We achieve an issue. I hope the end result is that we achieve a bill. Right now we have an issue. This bill will not pass the House. It will not be signed by the President. It is going to be a little tough for the farmer, it seems to me, to cashflow with politics and an issue at the bank.

I hope when we pass this bill—this very expensive bill that is headed for an uphill battle in the House and with the administration—that we can reach some accommodation in conference.

Reluctantly, I will vote for the bill. I don't like the way it has been brought up. I have gone over all of the reasons why I think we should have done it another way.

I yield the floor.

Mr. BURNS. Mr. President, I would like to make another note about this process being hijacked for the last year and a half. When we started talking about drought and disaster relief and agriculture, the number was much smaller. In the meantime, we did pass a farm bill that I reluctantly supported. Of course, I was a party, with the Senator from Kansas, in offering a substitute amendment that I think would have been better for agriculture.

We have a circumstance at this time in this particular case where the money was taken out of agriculture and a drought where you have no crop for sale. We have a cashflow problem. In other words, we would like to see our agricultural producers go to the insurance program—we think it is much better than it was, say, 2 years ago—and to assume some responsibility in risk management. That is not the case now because of the drying up of funds over the last year and a half. The circumstances have changed. Thus, we have the amendment on the floor that is before us today.

I appreciate the work the Senator from Kansas has done in providing real help instead of getting into a position where we fall to the whims of politics. There are circumstances that arise that make this issue a very contentious issue. I thank him for his work.

Mr. ROBERTS. I thank the Senator.

Mr. BURNS. Mr. President, I yield to the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I thank my friend and colleague from Montana, Senator BURNS, for granting me some time this morning to speak regarding this very important legislation to assist our farmers and ranchers across our country with the disaster which they have been experiencing—not only this year but in many cases for 2 or as many as 5 years.

I thank Senators BAUCUS and BURNS for their tireless work to get drought relief to the floor. I thank Senator DASCHLE for moving so quickly to get this amendment to a vote.

I think going home over the August recess certainly gave many Senators—and all of us from the States that have been hit by drought even more reason to move on this bill. I am glad we are having this vote today.

This drought is a disaster. It has been a disaster for agriculture and a disaster for rural communities which depend so much on agriculture. If this had been a hurricane or an earthquake, we would have already responded. If we had found a way to call a drought by name, such as "Drought Andrew," or drought this or drought that, we probably would have been able to have it crystallized so people could see that it is the same kind of experience as you have with any other natural disaster. It just takes a longer time in building. It doesn't have necessarily a beginning point or an ending point, but it expands over a broad period of time. We would have had an aid package within a few weeks, and assistance would already be on the way, and the communities that have felt the hurt and the pain would already be feeling the positive effects from this kind of support. Here we are responding to natural disasters, and I think it is important we do that. We can remedy that by passing this amendment today, not waiting any longer.

I also believe that my colleagues who are not from drought-stricken States may not have the entire picture about how bad this has been. I know I have been kept up to date on the devastation caused by the drought—getting reports, getting information, seeing pictures—but visiting the drought areas during the recess firsthand was certainly an eye-opening experience.

Going to farms that have had crops—some good, some bad—every year for 70 years and today, this year, to see there is no crop, for the first time ever, is an eye-opening experience. To walk across a cornfield and find only shriveled cobs that can barely be shucked and having no kernels is an eye-opening experience.

This is not the result of poor planning or some unfortunate weather; this is the result of a natural disaster that has crept upon the land, had no mercy; and it has turned upside down the hopes and the work that went into planting this spring.

Again, for much of my State, this is a no-yield year. I would like to give some specific examples that I heard back home. A family farmer near McCook, NE—my hometown—Dale Dueland, whom I have known from the days that he crawled across his family's floor, said he would have a zero yield on his 900 acres of dryland corn. That crop is a loss this year, despite preparation that assumes little moisture—as he always assumes little moisture—and despite crop insurance.

Al Davis from Hyannis told me: "Each day places another nail in the coffin of many individual ranchers in Nebraska and on the Great Plains. Many ranchers have already thrown in the towel and are liquidating portions of their herds," which will have an impact not only today and tomorrow but for the next several years until those herds are rebuilt, if they are rebuilt.

Annette Dubas, who owns a ranch and farm in western Nance County, NE, told me after the third year in a row of drought conditions, some farmers in her area had already been forced out, while others work two jobs just to be able to keep their farms going. These are not big-time corporate farms; these are family farmers who are being driven out of businesses that, in some cases, have been in their families for generations—in many cases 100 or more years.

The relief package before us today is of the utmost importance to farmers and ranchers across Nebraska and all rural America. It will make the difference between keeping their farms or being forced out of agriculture—to the very great detriment of all of us who depend on the "breadbasket of the world."

We must pass this legislation and ensure that our rural communities are not allowed to wither under the worst conditions in over half a century.

This is not the result of a bad crop-year or bad market price; it is about a no-crop year. It is about a no-pasture year, a no-grassland year on top of 2 or more for 5 years. It has been where we have been experiencing no crops, no pasture, and no future—unless we are able to step forward today and adopt this legislation.

Mr. President, I would like to close my statement this morning by quoting from what Dale Dueland said at the Senate Agriculture Committee hearing in Grand Island, NE, last month. And I quote him:

> This drought is a disaster. It is as severe and as much a disaster as any flood, tornado, hurricane, or earthquake that you could imagine. It has been sneaky and sinister. It has tempted and teased us for two years with moderate dry spells, and this year just unleashed an unbelievable 90 days of extreme heat and dry to scorch the earth. This disaster deserves extreme measures to deal with the problems.

Mr. President, I could not have said it better than my friend Dale Dueland.

The PRESIDING OFFICER (Mr. CARPER). Who yields time?

Mr. BURNS. Mr. President, I yield 6 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 6 minutes.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator BURNS, for yielding time for me to come and speak on behalf of this amendment.

This is an amendment to provide emergency drought relief for ranchers and farmers. The amendment is based on Senator BAUCUS' bipartisan bill, S. 2800, of which I am very pleased to be a cosponsor, along with 16 other Senators.

The ranching tradition in our State—in New Mexico—goes back 400 years to the time that the Spanish settled the State. The cattle and calf industry in our State is the single most important agricultural product that we have, which represents close to $1 billion a year in direct cash receipts to people in our State.

Most of the cattle industry is concentrated in rural areas of the State, such as Union County, Chaves County, and Curry County. These are family-owned businesses. The families in New Mexico who own these businesses, in many cases, have ranched this same land for many generations.

New Mexico, like much of the rest of the West, is now in the throes of the worst drought in at least 50 years. In some parts of the State, the drought has persisted for the last 3 years.

According to the Natural Resources Conservation Service, this has been one of New Mexico's driest years in recent history. The lack of normal snow and rainfall has left ranchers in our State with little pasture for grazing livestock.

The Governor of New Mexico has declared a statewide drought emergency. He declared that in April. The Secretary of Agriculture has now declared every agricultural county in our State a disaster area.

Since March of this year, the USDA has rated range and pasture conditions in New Mexico at an average of 81 percent poor or very poor. These conditions have made it impossible for ranchers to maintain their herds. As a result of the continuing drought, water tanks and stock ponds in New Mexico's rangeland have dried up. Ranchers in my State are hauling water and are supplementing feed for their herds. As grazing conditions have continued to worsen, many ranchers have culled their herds because of the cost of water and feed being more than they could bear at this stage.

The drought will continue to impact producers in our State for years to come. Without emergency support such as contained in this amendment, the ongoing drought could very well put many of our ranching families out of business for good.

I would like to take this opportunity to thank the staff of the USDA's Farm Service Agency in New Mexico for their fine work so far this year in helping New Mexico farmers and ranchers deal with the drought. They have used the limited tools available to them. Paul Gutierrez, Scotty Abbott, and Rosalie Ramirez have worked effectively to provide some limited economic help to producers throughout New Mexico. As a result, many producers in our State have been able to take advantage of low-cost loans, emergency haying and grazing on CRP land, or assistance through the USDA's Emergency Conservation Program.

However, even with this limited help from USDA, the farmers and ranchers of New Mexico are continuing to suffer the economic effects of the drought. In previous years, Congress has provided emergency support through the Crop Disaster Program, the Livestock Assistance Program, and the American Indian Livestock Feed Program. I believe the drought disaster in New Mexico is so severe that assistance again this year is justified.

I first voted to support drought relief in February during consideration of the farm bill. That amendment, which Senator BAUCUS offered, was adopted by a large vote of 69 to 30. Unfortunately, the House refused to include the emergency funding in the farm bill, and it was dropped in conference.

Since the Senate voted in February, the conditions in my State have continued to deteriorate because of the lack of moisture.

The emergency funding provided in this amendment will provide payments to ranchers for the losses they have suffered from the drought. The disaster funding is desperately needed. I hope all Senators will support the amendment.

Mr. President, I ask unanimous consent that a letter from Frank A. DuBois, who is the New Mexico Secretary of Agriculture, in support of emergency drought funding as provided for in this amendment, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
STATE OF NEW MEXICO,
Las Cruces, NM, June 6, 2002.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: As you know, our ranchers are facing a financial hardship due to the drought. I ask your support for funding the Livestock Assistance Program authorized in the recent farm bill.

Pasture conditions have declined severely over the past months. Currently, pasture and feed conditions are reported in very poor to poor condition. As a result, ranchers are providing supplemental feed and hauling water to their livestock. Ranchers in the state are also culling herds to reduce their feed costs.

Cattle and calves are New Mexico's largest agricultural industry. The overall economic impact from the ranching industry to the state is over $1 billion.

Please call me at (505) 646-5063 if you have any questions.

Sincerely,

FRANK A. DUBOIS.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Three minutes, 15 seconds remain.

Mr. BURNS. I yield 3 minutes to my friend from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, Wyoming is experiencing a level of drought that has been devastating to the ranching industry of my State. In an effort to address a need that grows more and more desperate every day, I am cosponsoring the emergency agricultural disaster assistance amendment. This amendment funds the Livestock Assistance Program for both 2001 and 2002 and responds to a call for help that echoes through the ranching communities of Wyoming and throughout the west.

The need for drought assistance is great, but the need for responsible legislating is just as great. As a cosponsor, I am fully supportive of the amendment before us; however, I must serve the needs of my State without breaking the budget. For this reason, I plan to introduce an amendment, with the support of Senator GRASSLEY, to offset the emergency funding for the Livestock Assistance Program by reinstating payment limitations in the farm bill. I plan to pay my own way for the assistance I have advocated for over a year.

My proposed amendment does its best to work within the strictures of a poor economy. I am not unmindful of the fact that the United States will have a deficit this year after 4 years of surplus. Alan Greenspan said to me a few weeks ago that one of the things this country needs the most now is fiscal responsibility. As a fiscal conservative myself, I plan to use an offset for desperately needed livestock assistance funding.

Time has changed things since we voted for disaster assistance in the farm bill. The national economic picture isn't so rosy with the thunder clouds of the forecasted deficit on the horizon. In fact, the economic forecast is as stark as the weather forecast ranchers are reading in my State. This is a time for choices. The agricultural community can't have it all, but we can do our best to act responsibly and serve their needs. That is what my amendment would do. And it doesn't just serve the ranching community.

My proposed amendment is not an attempt to decrease the assistance going to our agricultural communities or to thwart the emergency agricultural amendment before us now. I have spent the last month in Wyoming and the devastation there is imprinted in my brain. This is the third year Wyoming and the west have been battling the effects of the weather and suffering through a drought that has had a severe impact on families and communities throughout the west. As an example, when I was home in Gillette I noted that we had received just over half of our normal level of precipitation since January. Water is so precious right now Wyomingites treasure every drop that falls from the sky as a gift from the heavens. Unfortunately, those gifts have been few and far between and, at the printing of the last crop report, 80 percent of Wyoming's range and pasture feed was rated in poor or very poor condition. That 80 percent represents a huge increase over our 5-year average, which was 32 percent.

At the present time, only 13 percent of Wyoming has adequate topsoil moisture. That lack of soil moisture not only makes it impossible to grow crops, but it also has effects that ripple throughout our entire State.

In our Popo Agie Conservation district a fracture opened up this summer in the ground. Soil scientists called in to determine the cause of the fracture said that the 5-foot deep crack had opened up because there is not enough moisture in the soil for the land to maintain its current status and structure.

There is a good reason for that. The U.S. Drought Monitor indicates that significant parts of the west, including Wyoming, are experiencing an exceptional level of drought—level D4. That's the highest rating given for the status of a drought.

As I noted, the effects of drought at a D4 level ripple throughout our communities. For instance, the drought has forced Wyoming's Governor Geringer to ban the use of fireworks or campfires on State lands. Many of Wyoming's towns and counties have followed the Governor's lead and banned similar activities on their town and county lands. These stipulations have ruined some businesses and forced others that rely on summer sales to go without their one chance to make a profit this year. It's a sacrifice, but everyone understands the reason for the ban. After all, in a region that has been plagued with fires, a single spark in an area surrounded by dry wood is a formula for disaster. Although everyone understands the need to take drastic steps to address the drought, everyone is also suffering from the devastating impact of a lack of water.

It may be difficult for some of us to comprehend the lack of water out west because for so many of the fortunate citizens of the United States a sufficient supply of water is no further away than the nearest tap or faucet. There are even States suffering from the effects of floods. Wyoming, however, as is much of the west, is in desperate need of every drop of water we can find.

The best example of what the drought has meant to our tourism and recreational industry is the Bighorn Canyon National Recreation Area, which stretches 60 miles from the beginning of Bighorn Lake to Yellowtail Dam in Montana.

Usually boaters have a choice of three ramps to use to launch their boats onto the lake. The lake has been dropping an average of 2 to 5 inches a day, so all the ramps have been closed. Since the drought began the water level has dropped at least 45 feet.

The reservoirs in the rest of Wyoming are in even worse condition. If the drought continues, the dam at Boysen reservoir will no longer be able to produce electricity because the dangerously low volume of water means that there will be insufficient water pressure to spin the turbines and produce the electricity that the towns and people of Wyoming depend on for the necessities of life.

As you can see, the drought has had an impact on just about every aspect of life in the west especially those activities and resources we have always taken for granted. With the drought, there will be no campfires, no fireworks, no boating, in short, the recreational activities of the spring, summer and fall are no longer permitted—or possible.

True, this is a terrible problem, but for those who have to forego a year of these activities, it has been an inconvenience. For the agricultural community, however, the drought threatens their way of life and their ability to provide for their families. For the ranchers and farmers, the drought threatens to destroy the land and turn once valuable topsoil into dry dust that will blow away and never be restored to use again. For them, and so many others, the drought has been nothing short of a disaster.

It's easy for me to tell you how my constituents are suffering because of the drought which has destroyed so much of the resources upon which they depend, but unless you hear with your own ears how bad things have become, you still might not believe it.

Let me tell you a story about what your life would be like if you were part of a typical family in Wyoming that is barely holding on from the effects of 3 years of drought.

It's July on the ranch and you have 1,000 cow/calf pairs. Normally, on a day like today, you would have paper and pencil in hand to calculate how much you expect to make in the fall when you sell your calves. Unfortunately, this is not a normal day or a typical year. For on this day you are using your pencil and paper to calculate just how bad the news will be in the coming months. Your bottom line this year will not reflect your margin of profit, but your margin for survival.

Last year you sold 1,000 calves at an average of 600 pounds for $1.07 a pound. Your total income from your hard work came to almost $640,000. That is before any expenses.

This year, the conditions brought about by the current drought have forced you to sell your calves earlier and at a lighter weight.

That's the bad news.

The worse news is that you have watched the bottom fall out of the cattle market this year. That means you'll be selling your cattle at a lower weight and at a lower price. It's a double whammy that is sure to destroy you this year and leave you muttering the old baseball adage to yourself, Wait till next year.

So, you continue your calculations and note that you'll probably be selling 1,000 calves this year at an average of 500 pounds for only 80 cents a pound. That will bring you about $400,000—before you pay your expenses. Thanks to the drought, your total income has already dropped from $640,000 to $400,000. Unfortunately, your expenses and your bills have not taken a similar drop. In fact, they have increased—which you discover when you start working on next year's budget.

After a terrible sale, you realize you have to start feeding your cows soon. Cows come from cows—so you have to keep some. Normally, this doesn't pose a problem because a rancher usually puts hay up all summer to start feeding the cattle in January.

The drought ended that. You see, the drought stole the irrigation water you would normally use to grow your crops of hay and corn on the 1,000 acres of farmland.

Adding up what that will cost you comes out like this—the cost of buying hay, the loss of corn production, the cost of feeding your cattle for four additional months, the cost of leasing additional grazing land and paying full price for irrigation water even though you only are getting ⅕ of the water you pay for that adds up to about $355,000, again added expenses due to the drought.

Remember, our total income came to $400,000. That means, after those expenses, you're left with about $45,000 to pay the normal operating expenses of the ranch, pay your mortgage, pay whatever help you have hired, make repairs on your ranch and the equipment you need—and, oh yes, feed and clothe your family.

Ranchers have added up those numbers in just about every way you can imagine and come up with the same answer—they can't afford to keep their cattle. That's why the sale rings in Wyoming are full and overflowing—which only serves to continue to drive prices downward.

As you can see, the double pressures of drought and the current depressed market have hit the ranchers in the West particularly hard.

Ranchers are usually an optimistic bunch, but this time nature offers them no reprieve and little reason to hope.

Farmers are having the same problem, but they have something our ranchers do not have—crop insurance.

Here on the Senate floor we crafted a farm bill that ensured there would be help for our Nation's farmers. We fully funded the programs farmers rely on and made sure they'd have a source of support when the market turned sour. Unfortunately, we didn't do the same for ranchers. The rancher doesn't have a safety net to keep him propped up nor does his crop, the cattle he raises, have a price safety net. This is an inequity that must be addressed.

As I listened to the heartfelt deliberations of the Senate on the farm bill, I heard a plea for the provision of $360,000 a year, which is the current payment limitation, in assistance to farmers. As the debate progressed I couldn't help but think of the ranchers who are struggling to make ends meet in Wyoming and throughout the west who are set to receive next to nothing to help them.

It seems clear to them, and to me, and to anyone who reviews our farm policy that farm bill payments were not intended to subsidize every acre of every farm—nor every bushel produced. They were meant to help those in need and to keep family farms in business. Shouldn't that same logic apply to family ranchers and ranches?

The American taxpayer should not be asked to keep large corporations or weekend hobby farmers in silk overalls and gold-plated pitchforks. Farm assistance was intended for and must continue to be directed at small and medium producers—family farmers who truly need help. Our rural communities depend on farms and the farms, in turn, depend on their communities.

Too many small farms are not receiving the assistance that is needed while large multi-million dollar corporations continue to receive Federal funds for every acre they take over. Payments to large corporations have nothing to do with good farm policy but good farm policy has everything to do with family farms.

Even farmers have recognized the desperate circumstances that face our ranchers and the inequity of their situations. Recently, we heard from an Illinois farmer who had a "heart for Wyoming." He wanted to donate hay to help Wyoming ranchers struggling to find feed for their herds. Don't get me wrong, we'll be glad to get it, but it will be a drop in a bucket compared to what we need—though it will be a much appreciated drop!

Just like the rancher with his pencil figuring out his budget, when you add it all up, there can be only one responsible conclusion and I have tried to present it in an amendment I plan on introducing later today.

Only by reinstating tougher payment limitations on farm bill payments and using the savings to offset emergency feed assistance to livestock producers for drought disaster can we hope to save them, while also making a stab at fiscal responsibility.

Current law has set payment limitations at $360,000, but that fails to count the gains farmers receive when they forfeit their crop to the CCC and keep the loan or when they use commodity certificates. These gains are not considered against the $360,000 payment limitation. Basically, payments are still unlimited.

If we have learned one thing this year, it should be to avoid tricky accounting. My amendment would put in place real payment limits by counting all gain. My amendment establishes that limit at $280,000 per year. This should be an easy choice as the Senate has already voted its support of farm bill payment limitations by 61–33 on February 7 of this year.

The reinstatement of payment limitations is directly in line with the proposal the administration made to the World Trade Organization to globally lower trade distorting subsidies. The proposal would limit trade distorting subsidies to five percent of agricultural production. Stricter payment limitations now would decrease the impact that this proposal would have on our farm bill programs. As world leaders we should set an example in word and deed for the rest of the world. We have spoken the word with the proposal. But as we all know, actions speak louder than words, so let us put our words into action today.

Under the terms of my legislation, a savings of at least $500 million from the strengthened payment limitations would be applied to the Livestock Assistance Program. The Livestock Assistance Program is available to livestock producers in counties that have been declared disaster areas by the President or the Secretary of Agriculture. It provides minimal financial relief to livestock producers that are experiencing livestock production loss due to drought and other disasters—but only if there is money in the fund. The emergency agricultural disaster assistance amendment before us now puts money in the fund and my proposed amendment would prevent that money from being another addition to our national debt.

Once the LAP is funded, producers apply for relief and a formula splits the available monies according to their needs. It assists all producers who qualify, but the extent of the assistance that is available is limited by the program funding and the number of applicants. The more applicants there are across the country, the smaller the individual payment.

Without the assistance and provisions in my proposed amendment, Congress is clearly picking the winners and losers of the current climate and economic conditions facing the West. This is not only unfair, it is unwise, too. We are continuing to slip outrageous benefits to corporate farms that don't need assistance while the West blows away in the wind. I'm only asking for what is fair and for what we should have done long ago.

I urge my colleagues to support the emergency agricultural disaster assistance amendment. If we pass this emergency amendment, the ranchers who are suffering will know that they have been heard. I also urge my colleagues to support my proposed amendment after this vote. If we go on to pass my amendment, we will have made the choice to act responsibly while providing desperately needed assistance. It will give ranchers and our economy a fighting chance to survive. We owe our ranchers and ourselves no less.

In conclusion, Mr. President, as I said, I am one of the cosponsors on this drought amendment. It is of critical importance to our State. We are in the third year of a critical drought. Each year has gotten worse. There has been less rain each year. Our ranchers are suffering terribly. I have tried on three different occasions to get some livestock assistance payments included in different bills. They have not made it through conference committee. At the same time we have taken care of farmers, we have provided them with payments of up to $360,000 each.

It is my intention, once this amendment is disposed of, to submit an amendment for the body to vote on that would provide for a slight reduction in those assistance payments where we are subsidizing every acre and every bushel produced on every farm so that something, anything can go to ranchers. We are talking about $360,000 to farmers, zero to ranchers. If my amendment for livestock assistance payments passes, they would get approximately $8,000. Does anybody see the disparity here? Ranchers need help, too. They are having to sell off their herds. When they sell off their herds, it drives the prices down. They were getting $1.07 a pound. How much are you paying for beef in the grocery store? It went down 80 cents a pound. It has been down to 60 cents a pound. Your prices went up. There is a monopoly in the beef, but that is another issue. We will cover that at another time.

We need to do something for the producers so we can keep putting food on the table. It is a huge part of the economy. It cascades into the rest of the economy. When farmers and ranchers can't buy things, then the merchants from whom they buy can't buy things. The economy implodes on itself.

Transportation is important in this country, but food production is more important. If we can't eat, we can't travel. We need to do something for the ranchers. There is a way we can do it. We absolutely need to do something on drought assistance. I hope my amendment will be accepted to offset some of the livestock assistance payments with the other payments so that we are not busting the budget. The best way for us to improve the economy is to watch the spending. That would be a cross-payment.

I ask for Members to watch for the amendment and to support the drought amendment.

The PRESIDING OFFICER. Thirty seconds remains to the Senator from Montana.

Mr. BURNS. I ask the Chair if the time of those who support the amendment has been used?

The PRESIDING OFFICER. Twenty-three minutes remain on the other side.

Mr. BURNS. We used 23 of it?

The PRESIDING OFFICER. Twenty-three minutes remain on the other side. Nine seconds remain on the side of the Senator from Montana.

Mr. BURNS. Mr. President, I yield to my friend from Colorado. I want to protect the opposition's time, understanding that we are starting to run out of time totally before the vote comes.

The PRESIDING OFFICER. The Senator's time has expired. Twenty-two minutes, 45 seconds remain to Senator WELLSTONE. The time is in the control of Senator WELLSTONE.

Mr. WELLSTONE. I would be pleased to give 5 minutes out of our time to the opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Can I yield 2 minutes to my friend from Colorado and allow him to outline his statement?

The PRESIDING OFFICER. Yes. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Minnesota for being willing to yield some time to my side.

I want to follow up on some of the comments made by my colleagues from the intermountain area, particularly the Rocky Mountain region. Colorado is right in the center of this drought. With all the stories you have heard about the States around Colorado, we are much more affected than anybody else.

This is a very unique drought. It is a more severe drought than any of the people in Colorado can ever remember. In fact, if you look at the tree rings up in some of the foothill areas, a study has been done which suggests that maybe this drought has been the most severe drought we have had since the 1700s. So we have a lot of individuals in rural communities, farmers and ranchers, suffering as a result of this drought.

I have been working closely with the Secretary of Agriculture, Ann Veneman, to try to provide as much relief as we can with the program moneys available. I thank the administration for being responsive, but we have to do more than that. That is why I am a cosponsor on this particular legislation. That is why I am pushing hard for its passage.

I grew up on a ranch in Walden, CO, spending my summers baling hay, and tending to cattle. But this year, hay is scarce and maintaining a cattle herd is a task of monumental proportions. I have seen the devastation caused by the drought as I have traveled across the state, and I have come to the very serious conclusion that farmers and ranchers, and the rural communities that depend on them, must receive emergency disaster assistance—before it is too late.

Those involved in agriculture have a strong tradition of lending their neighbor a hand when they are in need, and helping those who have suffered through a major loss. When a rancher's barn burns to the ground, you can count on farmers and ranchers throughout the county showing up to help rebuild. When a death or illness prevents the harvest of a crop, you can bet that a dozen combines will show up to bring the crop in, to salvage the season in the face of loss, and to lend a helping hand to those in need.

Yet this type of kindness is not isolated to the farm or ranch—we in the United States have always responded to natural disasters by providing the needed emergency assistance. And providing the needed assistance to those who produce our food, and sustain our democracy is no different. Following in the great fellowship that calls Americans together during the most challenging times, I urge my colleagues to immediately pass the emergency disaster amendment that is now before us.

The drought, which in some parts of my state has entered its fourth year, has transformed large expanses of prairie landscapes, and scarred mountain slopes and valleys to the point that all four corners of the state are parched beyond memory. In fact, the United States Department of Agriculture estimates that 93 percent of Colorado pasture is rated as either poor or very poor, and subsoil moisture supplies continue to be rated at extremely low at 86 percent very short.

Responding to the drought by developing new feed programs, working with Natural Resources Conservation Service field offices, funding the Emergency Conservation Program, and by responding quickly to the needs of farmers and ranchers of my state, Secretary of Agriculture Ann Veneman and President Bush, have provided farmers and ranchers with the tools to survive, and for that, I thank them both.

When I first urged the Secretary to release CRP ground for emergency grazing and haying in May, she responded by acting much more quickly than past practice dictated. In August, when I personally called the Secretary to urge the extension of the deadline, she responded the next day by extending the emergency haying and grazing deadline through November 30. Thank you, Madam Secretary, for your leadership in this difficult time.

While the administration has provided the tools to survive up to this point, the drought has now reached the point at which Congress must act swiftly to ensure survival beyond today.

I recognize that the arid climate of the west means dry weather, but I think that everyone would agree that this drought is anything but normal. In fact, I have been told dozens of times by farmers and ranchers—producers who have 70 plus years of experience—that this is the most severe drought they have ever witnessed. I recently had the opportunity to discuss the drought with scientists studying tree rings along Boulder Creek. They told me that only by tracing the rings back to the 1700's, could one find a period of comparable drought.

I have taken an active role in providing Coloradan's with access to programs that provide the necessary emergency resources. Over the past month, I have traveled across Colorado, meeting with 600 farmers and ranchers in Yuma, CO, coordinating meetings with dozens of producers in Las Animas, Alamosa, and Delta, and meeting with well over one hundred producers in Pueblo, to discuss the drought and drought relief. At the disaster forums, I brought together federal agencies that provide drought relief with the people who need their help the most. I listened as farmers and ranchers—some of whom had driven nearly 300 miles to attend—told of their need for assistance.

I listened as the Colorado Commissioner of Agriculture warned that state could lose as many as 50 percent of its farms because of the drought, and ranchers expressed their anguish at the fact that more than 1 million head of cattle—half the state's total—have already been liquidated. I listened as Larry Fillmore, a rancher north of Boone, CO, stood in a barren pasture that normally supports tall grass and cattle, and emotionally describe that the last moisture the pasture received was last October—in the form of a hail storm. Even the sage brush, with roots ten feet deep, had turned brown. I listened as ranchers told the story of mass cattle selloffs. In the proud community of La Junta, they are experiencing drought induced traffic jams, as a streaming line of trucks hauls cattle to the sale barn. Sale volume records are falling, and one sale—just one sale—can last nearly 24 hours straight, running from 9 am to 6:30 am the next morning.

According to an article in the Denver Post, over 700,000 acres of dryland winter wheat, worth an estimated $120 million, has been lost due to drought. Production was 38 million bushels this year, compared with a 10-year annual average of 83.4 million bushels. Sunflower production, worth almost $20 million last year, was down 71 percent this year, and 250,000 acres of dryland corn has completely withered away.

Perhaps the most telling story of all is that of Ed Hiza. Standing in the middle of his pasture, he said that 80 percent of the cattle in a 20 mile radius were gone, and that most of the remaining 20 percent would be shipped out within a month. Mr. Hiza made it clear about what the drought means for him, and many of his neighbors, "We've endured a lot of hardship in this county, and this drought is just the nail in our coffin." This story is recounted in the Pueblo Chieftan.

For those who do not believe that the drought is indeed that severe, I hope that they will pay attention to the following statistics, and keep in mind that Colorado is the source of water for many downstream States. According to the Colorado Department of Natural Resources, the South Platte River flows now hover at 13% of average, and Arkansas River streamflows are at record lows. In the San Luis Valley, many domestic wells have stopped flowing. Citizens are seeking assistance from Federal and State agencies for redrilling wells. The San Luis Valley aquifer has been drawn down to the lowest level ever recorded. On the Rio Grande, the flow is 6% of normal. Without using the flows that are normally dedicated to a wildlife refuge, the Rio Grande would probably be dry at the stateline. Many streams are dry and many more may go dry. On the Gunnison River, streamflows are near record lows. Calls on the river are occurring that have not been placed since the construction of one million acre feet of storage—the Aspinall Unit reservoirs—upstream. In the Colorado River Basin, reservoir supplies are bleak. Active storage in Grandby Reservoir is less than 1/5 of capacity. Dillon will have 75,000 acre feet out of 252,000 acre feet. Williams Fork will be at its dead pool. Wolford Mountain Reservoir will have 19,000 acre feet and Reudi Reservoir will have 35,000 acre feet of its 120,000 acre feet capacity.

In the Yampa, White and North Platte basins, many reservoirs are empty save for their dead pool storage. Streamflows are well below normal. In the San Juan and Dolores Basins, all irrigation reservoirs are expected to be emptied. The San Juan is flowing at 3% of normal, and the Animas River is flowing at 14% of normal.

In short, the need for relief is real. Although there is no legislative cure for a lack of moisture, we can help ease the economic hemorrhaging caused by the drought. As we search for new alternatives that will provide drought relief to communities and businesses, I urge my colleagues to vote in favor of this amendment, and support those who have suffered from natural disaster.

I ask unanimous consent to print the following information in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Sept. 7, 2002]

Senate Should OK Farm Bill

A prediction that Colorado will lose 20 to 50 percent of its farms and ranches over the next year underscores the importance of a bill in the U.S. Senate that will give cash and low-interest loans to help keep farms from shutting down their operations.

The bill, a $5 billion drought emergency package, is co-sponsored by Sen. Wayne Allard, a Loveland Republican. It is expected to pass the Senate on Monday. We urge swift passage of this measure that provides money for farms in dire need.

Not only would the emergency package provide low-interest loans for Colorado farmers and ranchers severely affected by drought conditions, it also provides cash grants for those who are too deep in debt to qualify for other government-subsidized loans.

Colorado's agricultural income stands to drop by one-half due to the drought. Production is already so far down this year that large dairy farms are losing thousands of dollars a month, hundreds of thousands of acres of produce have died and the prices paid to farmers for their products are decreasing.

Because the state has received federal drought designation, farmers also may qualify for federal loans. But many Colorado farms and ranches can't qualify for federal funding. Therefore, state loans and grants are of paramount importance during this extremely dry year.

What is frightening is that if the state's snowfall doesn't increase significantly this winter, the situation is going to be even worse next year.

The whole disturbing situation also makes a strong case for enhanced water storage systems during wet years.

While the government passes a measure to pump more cash into agriculture, we also must look at being more aggressive in planning for the state's future water needs.

[From the Denver Post, Sept. 6, 2002]

Senate Bill Seeks Cash for Farmers in Drought

OFFICIALS FEAR STATE WILL LOSE 20%–50% OF FARMS IN YEAR

(By Kit Miniclier)

Cash and loans would be available to farmers in Colorado and the rest of the country hit hard by drought under a $5 billion drought emergency package co-sponsored by U.S. Sen. Wayne Allard, R-Colo.

Low-interest loans aren't enough help for farmers whose worth shrank during the drought, agriculture officials say.

They predict Colorado will lose from 20 to 50 percent of its farms and ranches over the next year.

The measure, which Allard predicted would win Senate approval Monday, provides loans. It also offers cash grants for those who can't qualify for low-interest federal loans, he said.

"This is the worst drought in Colorado history," probably going back to the 1700s, said Allard, the only veterinarian in the Senate.

Agriculture, which consumes about 85 percent of Colorado's water, earns about $5 billion as the produce leaves the farm or ranch, "and you can add another $12 billion at retail," said Don Ament, a veteran farmer, state lawmaker and Colorado's commissioner of agriculture.

Dead and dying crops are expected to cut Colorado farm income by at least half this year, Ament warned Gov. Bill Owens this week.

Although a statewide federal drought designation earlier this year cleared the way for low-interest federal loans, many farmers and ranchers aren't eligible because they are already deeply in debt.

"A catastrophic impact on agriculture and rural businesses can be expected" this fall because of this loss of crops and income, according to a report compiled for Owens.

If Colorado doesn't get a substantial snowpack this winter, "the situation will be tenfold worse by this time next year," Ament added.

That's because there was water in the reservoirs this year, but many are dry now.

The state could increase its water storage by 150,000 acre-feet by simply repairing existing dams, according to Greg Walcher, executive director of the Colorado Department of Natural Resources.

There is a consensus—for this first time in two generations—to store water for bad years, Walcher added.

Colorado's drought-related losses reportedly include:

More than 1 million cattle—half the state's total, including breeder stock for hundreds of farms—sold prematurely.

Big dairy farms losing $15,000 to $20,000 a month because of low milk prices and rising feed prices.

700,000 acres of dryland winter wheat worth an estimated $120 million died. Production was 38 million bushels, compared with a 10-year annual average of 83.4 million bushels.

Sunflower production worth almost $20 million last year, was down 71 percent this year.

This year's 250,000 acres of dryland corn dried up before it could be harvested. Last year's crop was worth $34 million.

Sorghum for grain, which grossed about $17 million last year, is down by at least 25 percent this year.

"You know you've got real trouble when you drive by a reservoir and dirt storms are blowing out of the lake bottom," said Ament, who had recently driven past Barr Lake State Park northeast of Denver.

[From the Pueblo Chieftain, Aug. 24, 2002]

Rancher's Lament: "Feed and Worry"

(By Margie Wood)

With decent rain, the sandy soil on Larry Fillmore's ranch north of Boone would support waist-high grass and a cattle herd—and a way of life that has kept his family on the land for four generations.

This year, a portion that's in the Conservation Reserve Program is covered by a gray tangle of grass that saw its last moisture in the form of hail last October. And that was better than a 40-acre plot across the road, where two horses and a congregation of prairie dogs have eaten pretty much everything in sight.

"I'm ashamed of this part," Fillmore told visitors on a drought tour sponsored by the Colorado Association of Conservation Districts on Friday. "I thought it would rain someday."

But it didn't rain until a little bit of moisture fell Thursday night. By that time, Fillmore had sent most of his cattle to Oklahoma. He still has some stock in mountain meadows and is worrying about what to do with them in October when they have to be moved.

"I was still feeding (rather than having grass for the cattle to graze on) the 15th of July," he said. "We did two things all spring and summer: feed and worry. And that took up all day and all night."

His neighbor, J.D. Wright, has a stocker cattle operation nearby, meaning he buys calves in the fall, feeds them in through the winter and grazes them in the summer before taking them to sell. This year, there was so little grass he sold them early and figures he lost about $10 a head.

Now, after witnessing 11 lightning fires that burned thousands of acres in the area, Wright looks at a CRP field and sees a lot of fuel.

He agreed with Randy Loutzenhiser of Flagler, President of the state association of conservation districts, that the CRP land should be used periodically, maybe every third or fourth year, to keep it healthy and reduce the fuel load.

The CRP program is run by the Natural Resources Conservation Services, and this year the U.S. Department of Agriculture did make some allowances for grazing and haying on CRP land because of the drought. But there was a penalty involved, and Fillmore opted not to pay the price to move cattle onto his CRP land.

As the tour moved farther north in the Olney-Boone Conservation District, district conservationist Dave Miller of the NRCS pointed out a green field that had 4 to 4½ inches of rain this year, with grass about 8 inches tall.

Another field had a fire followed by rain in the same lightning storm, so the grass recovered somewhat. Yet another had a lightning fire with no rain, and the soil already is beginning to blow, Miller noted. "We're hoping somehow it will get some grass on it. The only other thing to keep it from blowing would be deep chiseling—and I mean 30 inches deep."

In some areas, even sagebrush looked brown and dead. "Those plants may have roots 10 feet deep," Miller said. "Still, there's no water for them."

But the worst sight on the tour was a field that has been farmed in a beans-milo rotation. The ground was tilled in the spring, exposing the roots.

"He planted a crop but there was no rain, no crop," Miller said—and all the silt with its nutrients has blown away, leaving a stretch of pale sand unbroken by one green shoot.

A few miles away, rancher Ed Hiza said 80 percent of the cattle in a 20-mile radius are gone. He expects to ship the rest of his cattle out within a month, saying "I can't feed them for nine more months, and that's the earliest I can see growing anything to feed them.

"We've endured a lot of hardship in this county, and this drought is just the nail in our coffin," he said. "Economically we find a lot of excuses about world markets and that, but the situation is that I could be forced off this ranch in the next few years."

[From the Pueblo Chieftain, Aug. 24, 2002]

ALLARD: DROUGHT MORE SERIOUS IN SOUTHERN COLORADO

(By Margie Wood)

U.S. Sen. Wayne Allard talked about drought at a standing-room-only meeting at the Greater Pueblo Chamber of Commerce Friday afternoon, assembling representatives of various state and federal agencies that can help suffering farmers and communities.

"This is a very critical situation, and it's more serious in Southern Colorado than in the northern part of the state," he said. "I've read that tree rings going back to the 1700s show no worse drought year than this one."

Allard said he has introduced legislation to provide direct aid to farmers and ranchers who have lost crops or livestock, and he is working to reform the tax code to help ranchers who have to liquidate their herds.

He noted that Agriculture Secretary Ann Veneman has extended CRP grazing/haying permits through Nov. 30, and said, "That won't solve all the problems, but it has helped some people stay in business."

Allard's aide Cory Gardner said the Senator is working on a federal drought assistance bill that has now reached $3 billion.

Others who appeared with Allard were Gigi Dennis, former state senator from Pueblo West who now heads the regional Rural Development agency under the USDA; Lewis Frank of the Farm Service Agency; State Conservationist Allen Green; and representatives of the Federal Emergency Management Agency and the Small Business Administration.

State Agriculture Commissioner Don Ament noted, "We can't seem to get out of these crises. I hate to be so negative, but we're here to help you survive."

Their audience ranged from John Stencel of the Rocky Mountain Farmers Union to a sheep rancher from Montrose to several Las Animas County ranchers.

"We're about four years into this drought in Las Animas County," said Gary Hill. "It is kinda funny that it didn't really get to be a drought until our city cousins couldn't water their lawns."

Stencel also spoke of the "quiet tragedy" of drought, and said it will take the state agricultural producers years to dig out.

Allard's staff conducted a similar meeting in Alamosa on Thursday.

Farmer Ray Wright, who heads the Rio Grande Water Conservation District and is a member of the Colorado Water Conservation Board, said the area is in a water deficit and an overdraft on the water supply will continue.

Alamosa businessman Leroy Martinez said part of the problem is that the traditional farming area has been expanded to the point where it can't be supplied with water.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I don't know how much time I have to yield.

Mr. WELLSTONE. Mr. President, are there other colleagues who want to speak on the Republican side who have not had a chance?

Mr. BURNS. In other words, those who oppose this amendment have not seen fit to come to the floor. That is the dilemma in which we find ourselves.

Mr. REID. Mr. President, is there a question before the Senate?

The PRESIDING OFFICER. At this time, the question is who yields time? Twenty minutes remain in the control of Senator WELLSTONE. Twenty minutes remain to the opposition.

Mr. REID. Mr. President, I ask unanimous consent that until someone shows up to oppose this, Senator BURNS be allowed to allocate time for those in support of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. The reason I say Senator BURNS, Senator BYRD is not here, and he has the greatest confidence in Senator BURNS to handle this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, will the Senator from Minnesota yield to the senior Senator from Wyoming for his statement?

Mr. WELLSTONE. I am pleased to yield.

Mr. BURNS. I yield 2 minutes to the senior Senator from Wyoming, Mr. THOMAS.

Mr. THOMAS. Mr. President, I spoke some about this yesterday on the floor in terms of it being part of the Interior bill. Certainly I support this amendment. This is the only way we have to relieve the kinds of economic disasters that have occurred in the West and over the country, as a matter of fact.

One of the issues is going to be how this is administered and how it is divided. Certainly, often you read about so much an acre for the crops and so on. I want to make the point again, this is also for livestock. This is for cattle, sheep, for the people who have not had grazing either on their own lands or on the lands that are leased. As we look at this, agriculture includes livestock. We need to make sure that is the case and that the distribution be made fairly throughout.

I appreciate very much the opportunity for us to actually do something. Hopefully, the expenditures, even though not a formal offset, will be offset actually by the reduction in costs in the farm bill, and this makes it a little more practical in terms of the finances.

I am supportive of the bill and hope we can move forward with the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will just take 1 minute for an observation, if I may.

I say to the Senator from Wyoming, this does include livestock producers, and it is extremely important. In our State, we are talking about livestock producers, but we are also talking about wheatgrowers, soybeans, all of the damage to the crops.

I thank colleagues on both sides of the aisle for coming out here, Republicans and Democrats, West and Midwest, and also Senators from the east coast who have not sustained this kind of damage but are willing to lend their support, knowing full well that if they need help they will get help from the rest of us.

This is sort of a definition of community and helping people, and I am so pleased to see the strong bipartisan support. I really believe if we get a huge vote, we have an excellent chance of getting help to people.

As a Senator from Minnesota, I am so pleased with the way this discussion is going and I thank my colleagues from both sides of the aisle for their support.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mrs. CARNAHAN. Mr. President, I strongly support this relief package for family farmers needing immediate disaster relief in order to stay on their land.

Let me cite a few numbers to underscore the extent of the problem in Missouri. Just yesterday, the USDA rated 58 percent of Missouri's pastureland in poor or very poor condition; 53 percent of Missouri's corn is in poor or very poor condition; 49 percent of Missouri's soybeans are in poor or very poor condition. Though any additional rainfall would be welcomed, it will only be of limited assistance.

Much of the damage I cited is on land that was hit last year by an army worm infestation of record proportion. Many farmers are facing 2 years of devastation because of these unprecedented natural disasters. This legislation would provide real relief for crop and livestock losses over the past 2 years. Much of the damage to the crops and pastureland is irreversible. Just as we help the victims of floods, wildfires, and other natural disasters, so we must come to the aid of farmers victimized by Mother Nature.

Several weeks ago, I expressed my disappointment to the administration for declaring that drought relief must be offset by cuts to programs funded in the new farm bill. Such cuts would undermine the farm bill's safety net that we put into place only a few months ago. This safety net is key to farmers, bankers, and others who must make long-term planning decisions.

Tampering with the safety net would send a message to our farmers that the farm bill is not something on which they can rely. In essence, the administration is proposing to rob Peter to pay Paul. This stance is particularly troubling when recent USDA reports show farm income decreasing by 23 percent this year. That is a $10.5 billion decrease in net farm income. It is the wrong position. It is wrong for our farmers, and it is wrong for our communities that rely on an agricultural economy.

Missouri ranks second nationally for the number of farms within a State. Agriculture is a large part of Missouri's economic lifeline. Historically, what is good for our farmers is good for America, and I urge my colleagues to support our farmers by providing disaster relief that keeps the safety net intact.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I ask my colleague if I may have 5 minutes.

The PRESIDING OFFICER. There are 13½ minutes remaining.

Mr. BURNS. That would be fine.

I say to my friend from Montana, I am trying to protect those who oppose, but I have no problem with yielding 5 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I thank my friend and colleague from Montana, Senator BURNS, for cosponsoring this amendment with me. I deeply appreciate his work.

I point out this is truly a bipartisan effort to get agricultural and disaster assistance payments to farmers and ranchers across our country. This is not a partisan matter. This is a nonpartisan matter. Drought does not know whether a farmer is a Republican, a Democrat, an Independent, or whatever political affiliation he or she may have. Drought hits everybody relentlessly. It is clear that these last several years it has hurt a lot of farmers.

This amendment we are attempting to pass will help farmers across our country.

I also thank the numerous agricultural organizations that have demonstrated their support for the amendment by making an endless number of phone calls, writing letters, and tirelessly raising the need for agricultural assistance in the Halls of the Congress.

Drought brings the producers to their knees, not only poor producers but the best producers. The crisis in our agricultural community has absolutely nothing to do with poor planning. I want to make that very clear. In fact, the farm bill has nothing to do with agricultural disaster assistance. The farm bill we passed has to do with farmers generally. If and when disaster hits, and if it is persistent over several years, then there is no choice but to fold up one's tent, leave, or cut back dramatically in a way that hurts not only the farmer but the rest of the community.

According to the New York Times on May 3, 2002—not too many months ago—let me quote an article in that newspaper:

> In eastern Montana, more than a thousand wheat farmers have called it quits rather than try to coax another crop out of the ground that has received less rain over the last 12 months than many deserts get in a year.

We today have the opportunity to help mitigate these drought conditions and keep our producers on the land. After consecutive years, drought harms not only producers but entire communities. I would like to share the words of Montana farmer Dan Debuff to illustrate the impacts of drought on his community of Shawmut:

> Our local John Deere dealer had sold seven combines last year at this time. This year he hasn't sold one. School enrollments are down 30 percent from 5 years ago and are still declining.

Remember, this drought has been going on for 4 or 5 years.

> Gross revenues for the local grain elevator and fertilizer plant have declined 33 percent from 2 years ago and they have eliminated two full-time jobs. The large elevator and fertilizer plant have cut 9 full-time jobs out of a total of 25.

The letter goes on to describe the adverse effects the drought has not only on farmers individually but also on communities.

I have a chart which shows the effect of the drought now in America. It covers almost the entire West. If one draws a line a little bit west of the 100th meridian, almost all of America west of that line is in drought. The chart shows by color the worst conditions. The red and orange are the worst, and that is almost all of the western United States. In fact, it is almost half of the geographic United States of America.

Without our help, without passing natural disaster assistance today, we will change the future of rural America forever. A large percentage of our hardworking producers will lose their land, lose their homes, their jobs, and their way of life. They will not be purchasing clothes, seed, fertilizer, or equipment in their local stores. They are going to have to move, take their kids out of school, go some place else, and try to make a go of it.

We now have the opportunity to do something about that. A vote for this amendment is a vote for America's family farmers and ranchers to provide us with a safe domestic food supply. A vote for this amendment is a vote for the future of rural America. A vote for this amendment is a vote for fulfilling our responsibility as a country to protect our citizens from natural disaster.

Rural America is resilient. Like them, I am not going to give up. We are going to keep trying until we get the disaster assistance we need. We give disaster assistance to people in the country for earthquakes, for floods, and for hurricanes. It only makes sense that we should give disaster assistance for our farmers.

I voted for disaster assistance for Americans for flood insurance, for hurricanes, and for earthquake disasters. I voted for those because it was the right thing to do, the American thing to do. It is also the American thing to do to help our farmers and ranchers.

I also ask the President to reconsider. I support the President many times and do not support him other times. This is one time I am asking the President to reconsider his opposition because our American farmers need all of America to help give them the assistance they need.

I very much thank the Chair and thank my colleague from Montana and thank the Parliamentarian. I yield the floor.

Mr. LEVIN. Mr. President, I would like to express my support for an amendment that is being offered by the distinguished majority leader. I am a cosponsor of this amendment, originally proposed as a bill by Senator BAUCUS which I also cosponsored. It now provides much needed assistance to our Nation's farmers.

While farmers across the country have faced tremendous losses during the past 2 years, those in my home State of Michigan have been among those who have suffered the most. Dramatic shifts in weather conditions throughout the growing season have devastated crops across the State. Some farmers faced early warm temperatures followed by freezing conditions while others saw torrential rains early in the growing season followed by long droughts; still others have faced drought conditions at the beginning of the crop year and heavy rains at harvest time.

These conditions have devastated many of Michigan's prime crops. This year, cherry farmers in Michigan lost upwards of 90 percent of their crops, a level that threatens to devastate Michigan and the Nation's cherry industry give that Michigan produces over 70 percent of the tart cherries in the Nation. Additionally, 80 percent of Michigan's apple farmers have lost upwards of 40 percent of their crop.

Earlier this year, I had the opportunity to visit with cherry growers in Michigan and listen to them as they told me how this year's crop losses were the worst on record. In addition, approximately 25 percent of apple growers in Michigan and across the Nation are in danger of going out of business in the next 2 years, and in Michigan that means that our cherry, peach, and asparagus crops, which are often grown on the same orchards, will be greatly decreased.

This year, USDA Secretary Ann Veneman recognized the atypical weather conditions that affected Michigan by designating 50 of the State's counties as disaster areas. Making matters worse, all of these counties were similarly designated last year, when Secretary Veneman designated 82 of Michigan's 83 counties as official disaster areas. While Michigan's farmers are some of the most innovative in the Nation, 2 years of statewide crop failure have threatened the continued viability of agriculture in Michigan.

No one, least of all America's farmers, likes the fact that emergency agricultural supplementals have seemingly become routine. However, we must provide this assistance for without it many of our Nation's farmers will cease to be able to continue farming. I thank the Senator from South Dakota and the Senator from Montana for their efforts in drafting, supporting, and helping to pass this amendment.

Mr. HARKIN. Mr. President, I strongly support this amendment to provide disaster assistance for our Nation's farmers and ranchers. Over the last several years, Congress has acted responsibly to provide help to those producers whose operations have been adversely affected by bad weather. I see no reason why this year should be different. This situation truly exemplifies an emergency in every sense of the word, and should not force us to deplete the long-term resources provided by this year's farm bill in order to meet these short-term needs.

Already, this has been a devastating crop year for producers across the country. In the most recent assessment issued by the National Weather Service, nearly every State west of the Missouri River faces significant crop losses as a result of severe to exceptional drought conditions. A second region of the Eastern United States which includes most States in a block from Georgia northward to Maine and westward to Ohio is facing a similar situation. For many States, particularly in the West, this is only the latest in a series of droughts.

We have only begun to assess the magnitude of this year's disaster for agricultural producers. From late July, press reports cite losses in the Plains States of $822 million in South Dakota, $687 million in Nebraska, and $267 million in Minnesota from both drought and flooding. With little appreciable rain during August in most drought-stricken regions, it is likely that losses have increased since those estimates were made. We have serious drought in southwest Iowa, and also experienced uncompensated 2001 losses in Iowa, mostly from prevented plantings.

Other regions have also been hit. In Michigan, harsh spring weather caused USDA to declare 50 counties agricultural disaster areas, particularly affecting the cherry and grape crops. Hordes of grasshoppers are eating their way through pastures and fields in the Rocky Mountain West, including Colorado and Idaho. Rampant disease threatens Georgia and North Carolina crops. In mid-August, Maryland's Governor sought a disaster designation for all but two counties in his State.

As a result of field surveys in late July, USDA is now predicting the smallest U.S. corn crop since 1995, at less than 9 billion bushels, and the smallest wheat crop since 1972, driven both by poor yields and reduced acreage. Although some farmers will benefit from the increased prices, those farmers with little or no crop to harvest will not. Western cattle producers, who have seen their pastures burn up in the unrelenting heat, face a choice of either buying hay on the market or selling their animals into a depressed market. There are currently no programs to assist these producers.

It is true that many row crop farmers have crop insurance policies, which will offer them some relief, but the gravity of this situation demands further Federal action. These producers are facing the loss of their crops in the wake of several years of low commodity prices, thus pushing them deeper into a financial hole.

With higher crop prices now projected by USDA for the 2002 crop year, it is clear that farm program spending will be lower than was originally predicted by the Congressional Budget Office. It was estimated recently by CBO that the difference could amount to $5.6 billion in LDP's and countercylical payments that will not now be made compared to the August baseline. That difference would exceed $6 billion when compared to earlier estimates of the farm bill's cost.

Floods and drought have been particularly hard this year not only on producers' bottom lines, but also on our soil, water, and wildlife resources. Unfortunately, the money needed to take care of our resources under the Emergency Watershed Protection Program wasn't included in this package. I intend to pursue adding the money needed for drought and flood relief through this program in conference, and hope that we will be able to address these needs in the final conference report.

I fear that unwillingness to act on this amendment could push many farmers to the brink of failure, and hasten the erosion of rural communities and small towns. If we truly want to assure economic security to our nation, then we must start with its backbone, our farm families and the rural economy they support.

I ask unanimous consent to print in the RECORD the text of the letter sent to the Senate leadership yesterday by Agriculture Secretary Veneman, reiterating the President's opposition to disaster relief legislation for which the cost is not offset by cuts in the 2002 farm bill. I am disappointed that the letter was sent. I hope that we will be able to bring the White House and the House of Representatives around to the realization that assistance is critically needed and that it cannot be funded by taking assistance out of the farm bill and away from other producers.

THE SECRETARY OF AGRICULTURE,
Washington, DC, September 9, 2002.

Hon. THOMAS DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS DASCHLE AND LOTT: We appreciate your efforts to help farmers and ranchers who are suffering as a result of the 2002 drought. As you know, the Administration continues to take all action allowable under current law to assist struggling farmers and ranchers. This includes expediting emergency declarations and making emergency loans available to producers, the recent release of CCC-owned milk powder in order to provide a low cost feed supplement for cow and calf operations, and the opening of all CRP lands nationwide for haying and grazing. The President has consistently stated his support for additional drought relief provided it does not increase the deficit.

The Congress has already provided the tools for drought relief for crop farmers through the heavily subsidized Federal Crop Insurance Program. The crop insurance subsidy was increased dramatically in 2000 to avoid the need for disaster payments. The vast majority of the crop acreage in the drought regions is covered by crop insurance. Over seventy percent of the acreage in the U.S. is covered and over eighty percent in South Dakota. Our goal should be to maximize participation in this program. Additionally, we recognize that ranchers and livestock producers who have been severely impacted by this drought do not benefit from the same risk management tools available to other farmers.

The recently enacted Farm Bill provides $180 billion, an increase of $82 billion above the baseline. This $180 billion can accommodate funding for emergencies, economic assistance, rural development, and other purposes. One of the greatest benefits of the Farm Bill is that it ensures farmers have the resources they need. On May 24, Senator Daschle defended the farm bill spending levels, stating "we're getting rid of those ad hoc disaster payment approaches". The farm bill should break the bad fiscal habit of needing to pass emergency agriculture spending bills including drought, flood, or other supplemental payments that make it difficult for Congress to live within its budget.

We support providing immediate assistance to those who don't have access to risk management tools, encouraging greater participation in the crop insurance program and providing relief within the resources of the current farm bill. If legislation consistent with this approach were to be presented to the President, we would advise his support.

In the Senate, an amendment has been offered to the Interior Appropriations bill that would reestablish emergency payment programs for farmers and ranchers similar to those used for the 2000 crop year. We understand the cost of this amendment is likely to approach $6 billion.

The Administration strongly opposes this amendment and any agriculture spending in excess of the $180 billion in spending provided earlier this year. This proposal would add $6 billion on top of the already generous Farm Bill only a few months after the bill was enacted. This is unacceptable. The needs for the current drought must be met within the additional resources provided for in the Farm Bill.

We hope this information gives you the guidance you need in order to consider a prudent and fiscally responsible drought assistance package. I look forward to working closely with you through this process.

Sincerely,

ANN M. VENEMAN.

Mr. SPECTER. Mr. President, I have sought recognition to state my reasons for voting for the amendment offered to provide $5.9 billion in emergency relief to farmers due to flooding, drought and other natural disasters because I am concerned that numerous farmers across the United States and Pennsylvania may lose their livelihoods.

The Pennsylvania agricultural community has been particularly hard hit by natural disasters in recent years. On September 3, 2002, Pennsylvania Governor Mark Schweiker requested a Natural Disaster Determination from the United States Department of Agriculture on behalf of 54 of Pennsylvania's 67 counties that are suffering due to this drought. These counties have been and continue to be under a drought warning or drought emergency. Due to these adverse weather conditions, Pennsylvania farmers have and will experience significant crop damage resulting in reduced harvests. The losses to these counties are projected at over $321 million in Pennsylvania. I am informed that situations similar to this are occurring across the United States. The funding in this amendment will provide $5.9 billion in relief for farmers for the 2001 and 2002 crop years.

During consideration of the 2002 farm bill, I opposed the overwhelming costs that came as a result of the House and Senate Conference, an increase of $10 billion over the levels passed by the Senate and the House. However, funds are now warranted to combat continued natural disasters that have become an acute problem for farmers in Pennsylvania and across the Nation.

The loss of crops that have come with these natural disasters have left grain farmers with a low yield. This low yield not only effects farmers producing grain but those who must use grain and account for the increased cost of production. The rising costs of grain to dairy farmers has created an intolerable situation where the costs of producing are increasing without the already low price of milk rising at a corresponding level. The addition of these increased costs to production is too much to be shouldered by the hardworking farmers of Pennsylvania and America.

Mr. HATCH. Mr. President, I rise to say a few words about the proposed drought relief package that I have cosponsored and to urge my colleagues to throw their full support behind this very important measure. Utah is in its fourth consecutive year of drought, and our farmers and ranchers have been hit particularly hard this season. If this body does not act now to alleviate some of the damage wreaked by this latest year of drought, many more farmers and ranchers will be forced to sell off their assets completely, as some have already done.

At this time, adequate feed and forage is simply not available for livestock producers in Utah. About 70 percent of Utah agriculture is in the livestock industry, and ranchers rely heavily on public grazing. However, in drought years many ranchers are kicked off public lands by the BLM and Forest Service in an effort to preserve the existing forage. Let me provide an example of how our ranchers have been affected by the drought and resulting expulsion from public grazing. Alarik Myrin is a rancher who I know from Duchesne County, Utah. Alarik has 600 head of cattle and each year relies on public lands to provide 500 of them with forage. Like many others in my state, he was forced off public lands and was not able to graze those 500 head even one day this year. This was a devastating blow in a drought year, because the meager harvest in the West has created a dramatic shortage of feed. While Alarik did receive a small alfalfa harvest on his private land, he was still forced to sell off 300 of his breeding cows along with their calves just to cut his losses. It is important to understand that, like most ranchers, Alarik Myrin makes his living from selling calves. Being forced to liquidate his producing cows without a profit was, in Mr. Myrin's words, like "selling the factory," and he is now left without the resources to purchase a new herd for the next season.

In a normal rainfall year, adequate runoff from Utah's snowpack would help to offset drought conditions. However, this year, the lack of snowpack has combined with almost no precipitation and Utah's largest cricket infestation ever documented to make for an extremely difficult year for agriculture.

Utah has some of the toughest ranchers I know but some have literally been brought to tears by the hardships they are facing this year. Some of these families have been farming and ranching since before Utah was a state, and they know how to succeed in difficult conditions. But a fourth year of drought of this severity is too much to overcome.

One more example of the extreme nature of this year's drought is brought to light at the Salina Cattle Auction in Utah. Normally, this auction sees 500 head sold in the entire month of July. This year, however, the auction saw an average of 2,700 head sold per week in July. Ranchers are liquidating their cows often at less than half the average price. For too many, the result is complete bankruptcy.

I have gone into some detail regarding the difficulties of Utah livestock producers, but crop losses for our farmers have been just as severe. For instance, much of Utah fruit crop this year has been completely ruined. The lack of precipitation and ground water has resulted in unseasonable frosts that have wiped out many of our orchards. Across the board, we are losing key elements of our agriculture sector in the West. Mr. President, if we want to be a nation that feeds itself, we must take action to allow our producers to survive this long drought and live to produce next season.

I urge my colleagues to recognize the importance of this drought relief package. I believe it will help to rebuild an agriculture industry that is in dire need of assistance. It will take several years to recover for many of our producers, but this package will help rebuild herds and allow many farmers and ranchers to continue to provide our nation with the invaluable resources we rely on. Again, I urge my colleagues to support farmers and ranchers across the country by voting in favor of this measure.

I thank the Chair.

CROP DISASTER RELIEF

Mrs. CLINTON. Mr. President, I would like to recognize Mr. DASCHLE for his efforts and concern for the farmers, growers, and ranchers of this nation. His leadership on providing financial assistance to these farmers who have been stricken by the wrath of Mother Nature is to be commended.

Mr. President, my colleague from New York, Senator SCHUMER, and I would like to engage Senator DASCHLE in a colloquy.

Mr. DASCHLE. I thank my colleague for her kind remarks, and would be happy to engage in a colloquy with the Senators from New York State.

Mr. SCHUMER. Mr. President, spring freezes, frosts, and excessive rains have caused severe and permanent damage to specialty crops, such as apples, peaches, pears, grapes (including labrusca grapes), strawberries, stone fruits, onions and cherries in New York State. This damage will not only cause a major financial hardship for the farms, but as my friend from South Dakota has already mentioned, the impact will spread throughout the economy of rural communities that depend so heavily on the prosperity of their farms.

Mrs. CLINTON. Mr. President, these weather conditions have wreaked havoc on an industry vital to New York State. As their trees now stand, green leaves and no fruit, it is feared that a large percentage of these fruit farmers will be forced out of business. It is crucial that these farmers receive assistance along with the farmers and ranchers of the rest of the country who have suffered the devastating effects of drought.

Mr. SCHUMER. Mr. President, this season's farm losses only continue a string of bad luck during the past few years. Last year, New York grape farmers suffered losses of approximately $7 million due to poor fruit set. This year, the losses are expected to be even greater—over $10 million lost because of adverse weather conditions.

Mrs. CLINTON. Mr. President, this year has been the worst year in memory for many specialty crop farmers. In New York's Hudson Valley region, losses on specialty fruit crops total $65 million for 2002 alone. For the communities and the fruit growers in the region, crop disaster relief is much needed to sustain our farms through this difficult time.

Mr. DASCHLE. I appreciate the remarks of the Senators of New York, and assure them that we intend for specialty crop producers, including producers of the crops mentioned by my colleague from New York, to receive disaster assistance under this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. REID. Mr. President, the time has actually expired, has it not?

The PRESIDING OFFICER. Just under 6 minutes remain for the opponents.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask the leader of the Senate if I may speak for 2 minutes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I am happy to yield time from the leader's allocation, if we are out of time.

Mr. DOMENICI. I will maybe not even take that long.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise to discuss the effects of a natural disaster that lingers across most of the West—drought. There is not a segment of the New Mexico population that will not be touched in some way, some form, or fashion by drought this year.

People in other parts of the country have turned on their television sets over the past few weeks and have seen the blazes of catastrophic wildfires that are again devastating the western United states. This may be the only effect of the drought that many are aware of. Let me tell you, the devastation is even more profound.

Ranchers, including ranchers on the Navajo Nation, are being forced to sell off livestock because they can't find enough water for them and can't afford the significant feed costs.

Other agricultural businesses are being forced to shut their doors because the agriculture sector as a whole is hurting. But this is not just a problem for the agricultural community.

Most of the national forests in New Mexico were closed to the public. This resulted in a decrease in tourism.

Let me mention a couple of specific examples. First of all, there is a small railroad, the historic Cumbres and Toltec Railroad, that takes people through a very beautiful part of the State. The railroad contributes to the tourism and economic stability of a very poor part of the State. That railroad was forced to close because it was so close to the national forest system lands that the fear that the railroad might spark and start a wildfire is a threat too imminent to risk.

A second example is the river rafting operations that have been forced to cease operations because of the drought conditions and lack of river flows.

Municipal and private wells are running dry. In the City of Santa Fe, emergency wells for municipal water use are needed because Santa Fe's water storage is at 18 percent capacity, the spring runoff is only at 2 percent, and current wells are pumping 24 hours a day.

The City of Santa Fe is at a Stage 3 water shortage emergency, which allows outdoor watering once a week, but the City Council is considering going to Stage 4, which would eliminate all outdoor watering. To put this in perspective, the last substantial rain for the area was in late January.

Santa Fe is only one of the numerous municipalities that have imposed restrictions on water use. These restrictions are enforced by "water police" and that violators face steep fines ranging from $20 for a first offense to $200 for a fourth offense and stay at $200 for each repeat violation.

While most livestock sales generally take place on the reservation during September and October, this year emergency sales were being held almost every weekend during July and August. Hundreds of cattle, horses and sheep have already died as a result of the severe drought conditions.

The article goes on to describe the severity of the conditions. "Stock ponds have gone dry, fish have died in evaporating lakes, and grass has disappeared. Sand blows across reservation roads, and the stiff bodies of dead cattle litter the land."

The seriousness of the water situation in New Mexico becomes more acute every single day. I reiterate that every single New Mexican will feel the impact of this drought in one way or another. whether they are selling off the essence of their livelihood—livestock, or losing daily revenues in other small businesses, or whether they are actually having to refrain from watering their own lawns and washing their cars, the drought and its devastation is very real.

There is a need out west and I stand ready to do what I can. It will be a monumental and expensive challenge, but one we cannot avoid.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I know we are about to vote. I will take whatever time I require from my leader time to make a couple of closing remarks with regard to this amendment.

I appreciate very much the great work done by so many of our colleagues over the course of the last several months on this issue. The Senator from Montana, Mr. BAUCUS, and the other Senator from Montana, Mr. BURNS, and my colleague from South Dakota, Mr. JOHNSON, and so many of our colleagues who have worked diligently to make the case to report to this body the gravity of the situation we now face, all deserve commendation.

As I traveled through South Dakota in August during my unscheduled driving, the comment I got most from people in every situation—people on Main Street, people in government, people on farms and ranches—was simply this: Help us with the drought. If you want to deal with the economy, help us solve this problem now.

The situation could not be any more grave than it is in the western part of my State. Statistically, this situation is the worst it has been in some counties since 1936. So, there is no other option than for us to answer the call made to us all as we traveled our States last month: Help us with the drought. Provide the assistance. Do what is right. Recognize that as we have dealt with crises and natural disasters in the past, we must now do the same. That is what this amendment does.

We would respond with generosity and we would respond with commitment if there was a hurricane. We would respond with generosity if there was a flood. We would respond with generosity it there was an earthquake. Let us respond with the same commitment and resolve in this drought as we would with any other natural disaster. That is what this amendment does.

We have actually saved a great deal of money because prices are higher than projected when the farm bill passed. We don't need an offset. We simply know these resources can be rededicated to rural America without the commitment of an offset per se.

This is an emergency. We must send a clear message that, without this help, we will lose many of those leaders in the agricultural community throughout our country that we rely on every day.

So I urge my colleagues to do the right thing and recognize the urgency of the need for this emergency disaster assistance, to support it on an overwhelmingly bipartisan basis this morning and send a clear message that help is on the way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I understand there are only 58 seconds remaining on the side of the opposition. I still want to protect their right to speak for some time before the vote, and we are now passed the time limit now. If the Senators who want to speak can be allowed at least 5 minutes, then we will go immediately to the vote.

Mr. REID. Mr. President, I object to an extension. We have Condoleezza Rice and George Tenet waiting for a classified briefing. Our time is up. People have had all morning to speak.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, there are two Senators who have sought recognition prior to the time we vote. I ask unanimous consent that Senator GRAMM of Texas and Senator CONRAD of North Dakota both be given 2 minutes prior to the vote and that the vote occur immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I yield 2 minutes to the Senator from North Dakota.

Mr. CONRAD. Mr. President, those who are in opposition to providing disaster assistance to our Nation's farmers and ranchers who have been hit by disaster have said it will cost money. Of course, that is true. It will cost money, over $5 billion, to provide disaster assistance. It is something we have always done. It is something we should do now.

More than that, the Congressional Budget Office informed me yesterday that there will be savings from the farm bill of $5.6 billion. Let me repeat that: The CBO informed me in a letter yesterday there will be $5.6 billion of savings from the farm bill. That is not a direct offset for this disaster assistance. I urge my colleagues to keep in mind when we are looking at overall spending that it will be about a wash.

There are savings from the farm bill because production is down. That means prices are higher than anticipated, meaning costs under the farm bill will be less by $5.6 billion. That approximately pays for the disaster package.

If anyone wonders whether it is really needed, I urge them to visit southwestern North Dakota, which has become like a moonscape. In running a food bank in northern South Dakota, a Presbyterian minister reported that the wives of ranchers are coming in asking for food and they are very concerned that their husbands not find out because they are proud. They do not want public assistance, but they desperately need it.

Now is the time. Please help. We always have in the past.

Mr. DOMENICI. Could I ask the Senator a question?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I listened carefully to the remarks, but the Senator did not say the Congressional Budget Office told you that a waiver is not necessary for this bill in that it will require a budget waiver or it will fall. Is that not correct?

Mr. CONRAD. That is absolutely correct.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, we have listened as over and over again our Budget Committee chairman, the majority leader, and others have talked about deficits and the alarm we have for rising deficits. Yet today we are in the process of adding $6 billion to those deficits. We have already passed a farm bill that cost a record amount—over $80 billion over 10 years—but that is not enough. We are now being asked to add roughly another $6 billion to that deficit.

We have to come to a recognition that deficits do not come from heaven. Deficits do not occur because God makes some decision. Deficits occur because we make decisions.

We have a budget process. The chairman of the Budget Committee is not willing to defend it, but we have it. We have a budget point of order that requires 60 votes for the Congress to go on record as saying we are willing to throw fiscal restraint out the door, that we are willing to add $6 billion to a deficit which is swelling daily.

I hope, first, that we sustain the budget point of order I will raise. But I hope those who are going to vote to waive this budget point of order and who will give us long lectures on many subjects will not include growing deficits among those subjects.

I think ultimately we have to start making decisions. We have to make a choice: Do we want these deficits to go ever higher or are we willing to make a stand now? I am not saying there are not people who need help. I think we can focus a narrower bill which is paid for. I think a source of paying for it can be some of the over $80 billion in the farm bill.

Mr. President, I raise a point of order under section 306 of the Congressional Budget Act against the pending amendment, No. 4481, because it contains matter which is within the jurisdiction of the Senate Budget Committee. That matter is, basically, setting aside the budget process.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I move to waive the relevant portion of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from North Carolina (Mr. HELMS), and the Senator from New Hampshire (Mr. BOB SMITH) are necessarily absent.

The PRESIDING OFFICER (Mrs. CARNAHAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 16, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—79

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Smith (OR)
Specter
Stabenow
Stevens

Thomas
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—16

Chafee
Ensign
Feingold
Fitzgerald
Frist
Gramm
Hutchison
Kyl
Lott
Lugar
Nickles
Santorum
Sessions
Shelby
Snowe
Thompson

NOT VOTING—5

Akaka
Gregg
Helms
Smith (NH)
Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

The Senator from Nevada.

Mr. REID. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that Senator ENZI be recognized to offer a second-degree amendment to the Byrd amendment, that he have up to 3 minutes to discuss his amendment, and that following the use or yielding back of his time, the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I would further notify Senators that following Senator ENZI, Senator CRAIG is expected to offer an amendment, which would be a second-degree amendment—I have spoken to the managers of the bill; I have spoken to Senators DODD and CRAIG—and that following the offering of the amendment by the Senator from Idaho, he would speak for a period of time but not until 12:30, and that there would be sufficient time for that amendment to be set aside temporarily and Senator DODD be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Daschle amendment is agreed to.

The amendment (No. 4481), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

Mr. BURNS. Madam President, reserving the right to object—and I will not object—I need a clarification, though, how that could be disposed of. Then would the Senator from Connecticut lay his amendment aside after it being offered to the main bill or to the underlying bill?

Mr. REID. The purpose of this is to have the Craig amendment laid down. As most know, we are trying to work out an agreement on this very contentious issue dealing with fire suppression. And staff is trying to work out a unanimous consent request that we could agree to later today. But until that happens, Senator CRAIG's amendment would be the matter next before the Senate. But he has agreed to temporarily lay that aside to allow the Senator from Connecticut to offer an amendment. And that is not in the form of a unanimous consent request; it is just for the information of Senators.

Mr. BURNS. I withdraw my reservation.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 4517 TO AMENDMENT NO. 4480

Mr. ENZI. Madam President, I call up amendment No. 4517.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. GRASSLEY, and Mr. HAGEL, proposes an amendment numbered 4517 to amendment No. 4480.

Mr. ENZI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide offsets through payment limitations)

At the end of the amendment, add the following:

SEC. 3 . PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “**$40,000**” each place it appears and inserting “**$17,500**”;

(2) in subsection (c), by striking “**$65,000**” each place it appears and inserting “**$32,500**”; and

(3) by striking subsection (d) and inserting the following:

“(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

“(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed **$90,000**:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the loan commodity under that subtitle.

“(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

“(2) OTHER COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed **$90,000**:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the commodity under those subtitles.

“(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, and honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles.

“(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (e), if an individual participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the operation, the total amount of payments or gains (as applicable) covered by this section that the individual may receive during any crop year may not exceed twice the dollar amount prescribed in this section.”.

AMENDMENT NO. 4517, WITHDRAWN

Mr. ENZI. Madam President, this is a sorely needed offset for sorely needed assistance. I wholeheartedly agree with the need for the emergency agricultural assistance we just passed. It is an emergency in Wyoming and most of the United States. Another pending emergency is the increase in our national deficit. We have a readily available and appropriate offset for at least part of the expenditure. I am suggesting we use it.

By needing emergency agricultural assistance today—we have tacitly admitted that by passing Senator DASCHLE's amendment—we showed that we needed to add to the farm bill. So it has already been opened.

This is an emergency, which is why I cosponsored the emergency amendment. However, this body already wanted payment limitations. We voted on February 7 of this year, by 61 to 33, to include payment limitations in the farm bill. This isn't an issue of chopping programs to provide agricultural emergency money when we don't do that for any other emergency. This is an issue of providing agriculture with emergency money and helping pay for it with something on which this body has already voted.

There has been some discussion this morning to the effect that the lack of crops will lead to additional money anyway. The President has said he supports drought relief that doesn't increase the national deficit. We voted for agricultural assistance today. We should make every effort to keep it alive, and keep it in the bill until it is sent to the President, by showing our good will and intention to do what we can today to keep this desperately needed assistance from increasing the deficit.

It is ridiculous to consider that this body will reject an amendment that provides an offset for an appropriations bill while entertaining a host of amendments that increase spending. The arcane rule seems almost slanted to increased spending.

However, I recognize the importance of rule XVI. I really think this need for drought assistance, for an offset so that we aren't increasing the national spending, is entirely critical. But I will withdraw my amendment based on the Parliamentarian's ruling that rule XVI prohibits offering amendments containing general legislation on appropriations bills. I remain committed to funding a bill in which we offer my amendment that will offset the drought spending.

I yield the floor.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 4518 TO AMENDMENT NO. 4480

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. DOMENICI, proposes an amendment numbered 4518:

(Purpose: To reduce hazardous fuels on our national forests, and for other purposes)

At the appropriate place in the amendment, add the following—

SEC. . EMERGENCY HAZARDOUS FUELS REDUCTION PLAN.

(a) In General.—Subject to subsection (c) and notwithstanding the National Environmental Policy Act of 1969, the Secretaries of Agriculture and the Interior shall conduct immediately and to completion, projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, May 2002 developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646) to reduce hazardous fuels within any areas of federal land under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior that are outside of Congressionally designated Wilderness Areas and that the appropriate Secretary determines qualifies as a fire risk condition class three area. Any project carried out under this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(b) Priority.—In implementing projects under this section, the Secretaries of Agriculture and the Interior shall give highest priority to—

(1) wildland urban interface areas;

(2) municipal watersheds;

(3) forested or rangeland areas affected by disease, insect activity, or wind throw, or

(4) areas susceptible to a reburn.

(c) Limitations.—In implementing this section, the Secretaries of Agriculture and the Interior shall treat an aggregate area of not more than 10 million acres of federal land, maintain not less than 10 of the largest trees per acre in any treatment area authorized under this section. The Secretaries shall construct no new, permanent roads in RARE II Roadless Areas and shall rehabilitate any temporary access or skid trails.

(d) Process.—The Secretaries of Agriculture and the Interior shall jointly develop—

(1) notwithstanding the Federal Advisory Committee Act, a collaborative process with interested parties consistent with the Implementation Plan described in subsection (a) for the selection of projects carried out under this section consistent with subsection (b); and

(2) in cooperation with the Secretary of Commerce, expedited consultation procedures for threatened or endangered species.

(e) Administrative Process.—

(1) Review.—Projects conducted under this section shall not be subject to—

(A) administrative review by the Department of the Interior Office of Hearings and Appeals; or

(B) the Forest Service appeals process and regulations.

(2) Regulations.—

(A) In general.—The Secretaries of Agriculture and the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

(f) Judicial Review.—

(1) Process Review.—The processes developed under subsection (d) shall not be subject to judicial review.

(2) Review of Projects.—Judicial review of a project implemented under this section shall—

(A) be filed in the Federal District Court for which the Federal lands are located within 7 days after legal notice of the decision to conduct a project under this section is made to the public in a manner as determined by the appropriate Secretary;

(B) be completed not later than 360 days from the date such request for review is filed with the appropriate court unless the District Court determines that a longer time is needed to satisfy the Constitution;

(C) not provide for the issuance of a temporary restraining order or a preliminary injunction; and

(D) be limited to a determination as to whether the selection of the project, based on a review of the record, was arbitrary and capricious.

(g) Relation to Other Laws.—The authorities provided to the Secretaries of Agriculture and the Interior in this section are in addition to the authorities provided in any other provision of law, including section 706 of Public Law 107–206 with respect to Beaver Park Area and the Norbeck Wildlife Preserve within the Black Hills National Forest.

SEC. . QUINCY LIBRARY INITIATIVE.

(a) Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented. Congress finds that delays and obstacles to implementation of the Act have occurred as a result of the Sierra Nevada Forest Plan Amendment decision January 2001.

(b) Congress hereby extends the expiration of the Act by five years.

Mr. CRAIG. Madam President, I have just sent to the desk a second-degree amendment in my name and that of the Senator from New Mexico, Mr. DOMENICI, and a good number of other Western Senators who have grown extremely concerned about the fire situation in the Western States primarily, and especially the Great Basin States, where we have seen now wildfires raging since mid-June—some 66.5 million acres, 2,300 homes up in smoke, 28 lives lost, phenomenal wildlife habitat and watershed destroyed. Clearly, it is a time when we need positive action to resolve this issue.

Others have spoken to it. Our President, about 3 weeks ago, while in Oregon, spoke very clearly to the need for flexibility within forest policy in this country to deal with the fuel-loaded forests of our Nation, to thin them and to clean them, to restore their health, and to do so in an environmentally sound way.

The amendment we offer today—while we still work with my colleagues from Oregon and California and other States that have the same problem, but we are working with a variety of interest groups at this moment to see if we can resolve this in permanent policy—is an expedited process that does not lock the courthouse door, that recognizes the validity of expression and public participation to deal with this issue.

We have reached out to incorporate what the Western Governors proposed, along with the Secretary of the Interior and the Secretary of Agriculture, some months ago, to be a collaborative process that brings all of the parties together on a State-by-State basis to recognize these lands and to designate them for the purpose of cleaning up.

We have limited this approach to no more than 10 million acres. There are over 33 million acres in the class 3 status, which means they are severely bug-ridden, dead, dying, fuel-loaded forests. Even with that number, we have chosen to be limited, to target the most severe, and to deal with it directly.

We also are dealing with the wildland-urban interface, where these homes now in the Western States are, of which we have lost over 2,300 as of today. We are also dealing with urban watersheds. Many of the watersheds that yield the valuable water to the growing urban populations of the West have been devastated by fire this year or are in conditions where they are extremely fire prone. We have also set up a variety of other prescriptions as to how these lands would be dealt with.

I will talk no more in detail about it. My colleague from New Mexico is here to speak about it. We are still working with our other colleagues in the West and around the country to see if we can build a bipartisan approach toward resolving this issue.

The President, the Deputy Secretary of Agriculture, and the Chief are directly involved with us at this moment to see if we can bind together at least a policy that begins to step us forward into resolving what, in my opinion, is now a critical, if not a crisis, status in our U.S. forested lands.

We have now lost an unprecedented number of acres. We are still burning in the States of California and in other States. That could well go on for another month before the wet season hits. We could lose over 7.5 million acres this year, comparable to what we lost last year.

That is the intent of this amendment—to bring parties of interest together to resolve this, to bring Western States together to see if we can find a course of action and the shaping of a public policy that begins to return our great forests to a state of environmental health, watershed quality, and wildlife habitat of the kind we would expect.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I thank Senator CRAIG. It is a privilege to work with him on this entire matter. He is the chief sponsor, and I am here to help him. I started working on it very late compared to Senator CRAIG. When I say "it," I mean this issue, the terrible status of the American forests.

Everyone in this Chamber, be they staffer or Senator, Democrat or Republican, has, over the last 3½ months, looked at their television in absolute awe, for they have seen hundreds of thousands of what seemed from a distance to be beautiful American forests that ought to be enjoyed by millions of people, owned by all Americans, burning up. Sometimes they move a little bit out of the forest and catch a house on fire. If they are burning in California, they burn a house, almost every time. We have fires in my State of New Mexico where they burn and no houses are affected, but the beautiful forest is burning to the ground.

You heard the numbers. It is absolutely incredible. What we are told is that there are, within this great forest, 33 million acres that, if you went and looked at it, they are not so beautiful, they are not so great.

If you drive through them for a few miles, you will probably ask the person you are riding with: Why are those trees still there? They may be stark, burned trees just standing straight up, black or dark brown from having been burned, but still standing up. If there is a big tree in the same forest—you may see a huge amount of acreage that has blown over. Nature knocked them over so they are not the beautiful forest that you think it is from a distance.

Or if you go to two or three forests, you will also find that there are infected forests with various kinds of bugs, to use a common word—insects that have eaten a forest away and what happens? It just stands. These dry, wooden trees just stand. Underneath all of this, or alongside of it all, are small trees that have fallen down, leaves that have piled up. In a nutshell, the forest is unattended and left, obviously, for years, with nobody doing what we all did many years ago. Nobody is cleaning it up; nobody is thinning it.

So we have acreage in America where there are so many trees growing side by side that we were shown yesterday by one of our colleagues, who is helping with this bill, two pieces—a cut across a tree about this thick, about 14, 15 inches in diameter, and another one was this big, about 4½, 5 inches in diameter. But guess what. They can tell how old each one is. The little one is twice as old as the bigger one because of poor growing conditions, because they were all squashed up together, like you see American forests today. Instead of being separated, where the Sun can go down through and the forest can be happy—as we called a bill to clean up the forests last year, we named it the Happy Forest Act, hoping that we would start to clean up the forests.

But we have not. The American people have now heard on the local news media and the national news media that, for some reason, the process of trying to clean up some of these trees—I am speaking now of those categories to which my friend Senator LARRY CRAIG alluded—that almost anybody would say let's get those out of the forests.

The process of cleaning it up has been held up by a procedure that gets almost every desired cleanup into a court of law, into a NEPA statement, regardless of how little or ineffective it is against the forest. In fact, the process got so bad that, while most of us were totally unable to get a change so we could do fix it, the distinguished majority leader saw it coming. Senator DASCHLE saw it coming in his State. He must have gone there and saw what we see. He saw it in his forest in the Black Hills. In other words, he saw some acreage where his constituents must have been showing him and saying: Senator, why do we have to leave that here? It is just a target that will burn our whole forest down. Why are you not able? Because environmental groups, which are particularly concerned—rightfully so—with the forests of America, won't let you take it up?

So everyone should know that Senator CRAIG, Senator DOMENICI, and many other Western and Rocky Mountain Senators—hopefully, before we are finished we will be joined by many others—looked at the urgent supplemental that passed not long ago, and we noticed that the distinguished majority leader had put in language exempting fuels reduction projects on the Black Hills National Forest from NEPA appeals and litigation.

So from a distance, we said, thank you, Mr. Majority leader, you really did for us what ought to be done—except that you only did it for your State. No criticism. That is fine. We say if it is good enough for the majority leader in his State, then it ought to be good enough for us. We have many, many times more acreage of this kind in our respective States—Idaho, Arizona, New Mexico, Nevada, and I can go on. We have much, much more of that broken down, knocked over timber, burned but still standing, wind blown, bug-infested. We would like to have the same thing, or as close as we can, that Senator DASCHLE, quite correctly, gave to the citizens of his State. He did that a month and a half ago, or less, when we put amendments on an appropriations bill.

Again, I have no objection to his having done that. I praised him because the time had come when NEPA had to be changed. We were all operating under a blanket that said you can't do that, no matter what. When we read this, we said, if you cannot do it, it has just been done because the distinguished majority leader did it for the Black Hills in his State. And now I walked, during the last 25 days in my State, into about six or eight meetings with cowboys and people who used to work in lumber mills, with people who have farms up alongside the forests; they are at meetings and all they want to know, why can't we clean forests so they won't burn down. Anybody coming to see Senator DOMENICI puts up his hand and he wants to know why can't New Mexico do what South Dakota can do. All we can do is say Senator DASCHLE is a fair man. He did this for his constituents. We believe when he sees what should be done for ours, he will be helpful.

We do hope the amendment that we put down—the Craig-Domenici, et al—that many Senators will be on it. I have talked to Senators on the other side whose names have not yet been mentioned—even by Senator LARRY CRAIG, the prime sponsor. I am talking to all of them now, Democrats and Republicans. We can put a bill together that will work in California, where there are many houses and they are very valuable and, therefore, you need to clean up around each of them—all the way over to New Mexico where you have very open spaces and some houses. But you have to make sure the cleanup is not going to just be around buildings and houses. Some of it will have to be in other open spaces where the forest itself will be the victim, not necessarily a house in the fire's way.

So I urge that—as is the usual manner when we have a situation such as this—we not end up with one group calling the other group names—that one is pro-environment, or that one is pro-forest. I submit that we have a big problem. Senator DASCHLE tried to solve it for his constituents. We have observed that carefully. We would like to solve it for our constituents. We do not believe the distinguished majority leader is going to say: I got it but you cannot have it. It is fair and it must be done. Our forests will burn down before we ever get to clean them up.

Having said that, we worked very hard—not just Republicans, but a number of Democrats, and not just Republican staff, but a number of Democrat staff who know what they are talking about. We crafted this bill. We think from the standpoint of doing away with some of the litigation that environmentalists like to be in place so they think their interests are protected, we have left more court proceedings in our measure than the majority leader left in his. We have streamlined the process, no question about it. We have taken less of a proportion of the class III gambling acreage and put it in our bill.

Senator CRAIG said, out of 33 million acres that are so polluted as we described, they are going to burn down and carry all kinds of other trees with them. Ten out of 33 is what we provide for in our bill. We are willing to say, if they cannot do 10, because they don't have the equipment or the time, it can be altered. We are also in favor of adding the new money that the President pledged, and that can go to this. If there needs to be more, we can talk about it on the floor of the Senate.

I rose today not to speak of technicalities. We will do that. Our amendment is there and there are plenty of copies for the technicians to look at. In a nutshell, we have seen the forests of America and they are burning.

We think over time we must have a new forest plan. I have heard my good friend, Senator CRAIG, speak of a new forest plan, a new horizon for maintenance and upkeep that will keep these forests beautiful. We also speak of preserving these forests where they are subject to being burned down because of our failure to maintain them. We want to go in, within the next 18 months, and do as much maintenance as we can. In the process, we are not interested in lumber.

As soon as we decided we were going this way, 10 or 15 Senators got on television and we heard opposition: We do not want to do that, because they are all for big lumber.

What we are for is saving our forests. We do not have any new lumber contract language, that I am aware of, in this bill. I am not an expert, but I see the experts saying that is true. We have provisions that will permit the managers within the Forest Service and the BLM to proceed to maximum cleanup, and to do it now.

We do not have any new roadways, as I understand it. We do not have new roadways where there are none, because we are not interested in that; that is not our goal.

So once again, I say to our friends, Democrats and Republicans, these are days when we seem to try to come together as Senators. We are not getting a lot done because 9/11 is hovering over us. But I do think it would permit us, also under that attitude we have generated of being more friendly and more congenial, to consider what those who oppose it say; we will consider it to be a legitimate objection, if the other side will consider what we propose to do as legitimate and let us explain it carefully.

Let's see if we can get a bill so we can go home this year, whether we are running or whether we are just going home because it is our time to go home, and we can go to those meetings I described and say, Democrat and Republican, joined by our President, we put more money into cleaning up the forests that you live by, live in, work with, and recreate in; we put money to do some real fixing up; and we also have agreed we do not have to take so long to go from weighing that forest and saying it is one of those that ought to be cleaned up to getting it cleaned up.

Should it take 5 years? Of course not. Should it take so long that everybody gives up? Of course not. We have provisions as to how fast it must go in terms of the events that occur in the courtrooms and other places.

This is one chance to make some real changes. They will be temporary, but we will be able to look at them and say we can now continue to do them; the forests may come out clean in 10 or 15 years, not next week, not next month.

I am hopeful our amendment, which obviously can be changed, will be looked at from the standpoint that we are not here to blame; we are not here to criticize; we are here to commend the distinguished majority leader for seeing that NEPA, the approach of the National Environmental Protection Act to cleaning up the forests, has to be modified in terms of its imposition of delay.

We ought to be able to do that in writing, where it is easy for everybody to understand and will not destroy, will not cause our forests to be logged in some way that is not good for America. We hope the public can look openly at our work in the next 3 or 4 days. And we want it to be open. We have nothing to hide. We want to be able to say within the next 6 weeks, across the United States on the nightly news and the newscasts of the day, the bipartisan Senate has decided to fix up the forests before they burn down, clean them up before they are no more. That is essentially what our bill is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I am going to be very brief because I am imposing on the time of Senator DODD. As chairman of the Senate's Subcommittee on Forests and Public Lands, I regret to say this morning I have to oppose the amendment that has been laid down by my colleagues.

I have enormous respect for both Senator DOMENICI and Senator CRAIG. I want to take a couple of minutes to talk about my concerns. I want to be clear, having lived this issue constantly with my constituents through the summer months, I am totally committed to the concept of expedited treatment when we are dealing with areas that are fire prone, when we are dealing with areas that are at risk for fire, as so much of the West is. I am committed to expedited treatment.

I will say, and I regret to have to do so this morning, I believe this amendment is an overreach. The history in the West, because things are so polarized, is that the surest way to taint an effort to try to bring the parties together is to overreach. Particularly, this analogy to South Dakota, I would say to my good friends, simply does not wash. The South Dakota example involved 800 acres. We are talking about millions and millions of acres in this debate. If there is one thing that we westerners have learned, it is that one size does not fit all.

I hope we can continue to talk about ways to really ecologically improve the health of fire-prone forests, work together to tailor our approach to deal with areas that are at risk for fire. I have made it clear I support expedited treatment there.

Let us not lock the doors to the courthouse. I believe people have a constitutional right to access the courts, but they do not have a constitutional right to a 5-year delay. Let us make sure all the stakeholders have a place at the negotiating table.

Senator CRAIG and I have an experience that has worked with the county payments bill, a bill that the Forest Service called the most important bill in 30 years.

Finally, it seems to me we ought to be sensitive to the ecological importance of the big old-growth trees.

So I am saddened that I have to oppose this amendment. I plan to continue to keep talking to my colleagues.

I thank Senator DODD again for his graciousness in giving me this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I will only take a minute.

I say to my good friend from Oregon, I thank him for his remarks. I am very hopeful that whenever we vote on this bill, the Senator will vote aye, because whatever it is the Senator thinks does not fit the bill in this amendment can be rectified.

I also say that my mentioning of the distinguished majority leader was with praise, with congratulations, and stating that he showed us how. I did not say we have to do it the same way, but he did change the effect of NEPA for his State once and for all on these forests. I am very proud he did. I want to do something close to that when we do it. I do not want to close the gates of the courthouse. In fact, we did less of that in this than with other bills. I think the Senator knows that.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I say to my friend, Senator CRAIG, who is in the Chamber, in conversations with the distinguished majority whip a moment ago the suggestion was that we might temporarily lay aside the Craig amendment so I could offer an amendment. I am not going to take a lot of time on this, I would say to the ranking member on this bill. I will lay down this amendment and explain briefly what I would like to do.

Since this involves the Bureau of Indian Affairs, Senator INOUYE, the chairman of the committee, is looking at the amendment, but I want to at least discuss this by taking a few minutes.

I ask unanimous consent that the amendment offered by the distinguished Senator from Idaho be temporarily laid aside for the purposes of offering an amendment I would propose, with the full understanding that, obviously, the amendment by Senator CRAIG would preempt any consideration of my amendment, at least under the present circumstances.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4522 TO AMENDMENT NO. 4472

Mr. DODD. Madam President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 4522 to amendment No. 4472.

Mr. DODD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures)

On page 64, between lines 15 and 16, insert the following:

SEC. 1 . FEDERAL RECOGNITION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, and subject to the availability of funds and subsections (b) and (c), the Bureau of Indian Affairs may not use more than $1,900,000 of the funds made available by this Act to carry out functions and activities associated with the Branch of Acknowledgment and Research.

(b) LIMITATIONS.—None of the funds made available under this Act shall be used to approve or deny a petition from any person or entity for recognition as a federally-recognized Indian tribe or tribal nation (referred to in this section as a "petition") until such date as the Secretary of the Interior (referred to in this section as the "Secretary") certifies to Congress that the administrative procedures described in subsection (c) have been implemented with respect to consideration of any petition submitted to the Secretary.

(c) PROCEDURES.—The administrative procedures described in subsection (b) are that—

(1) in addition to notices provided under any other provision of law, not later than 30 days after the date of receipt of a petition, the Secretary shall provide written notification of the petition to—

(A) the Governor and attorney general of—

(i) the State in which the petitioner is located as of that date; or

(i) each State in which the petitioner has been located historically, if that State is different from the State in which the petitioner is located as of that date;

(B) the chief executive officers of each county and municipality located in the geographic area historically occupied by the petitioner; and

(C) any Indian tribe and any other petitioner that, as determined by the Secretary—

(i) has a relationship with the petitioner (including a historical relationship); or

(ii) may otherwise be considered to have a potential interest in the acknowledgement determination;

(2) the Secretary—

(A) shall consider all relevant evidence submitted by a petitioner or any other interested party, including neighboring municipalities that possess information bearing on the merits of a petition;

(B) on request by an interested party, may conduct a formal hearing at which all interested parties may present evidence, call witnesses, cross-examine witnesses, or rebut evidence presented by other parties during the hearing; and

(C) shall include a transcript of a hearing described in subparagraph (B) in the administrative record of the hearing on which the Secretary may rely in considering a petition;

(3) the Secretary shall—

(A) ensure that the evidence presented in consideration of a petition is sufficient to demonstrate that the petitioner meets each of the 7 mandatory criteria for recognition contained in section 83.7 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) consider a criterion to be met if the Secretary determines that it is more likely than not that evidence presented demonstrates the satisfaction of the criterion; and

(4) the Secretary shall publish in the Federal Register, and provide to each person to which notice is provided under paragraph (1), a complete and detailed explanation of the final decision of the Secretary regarding a documented petition under this Act that includes express findings of fact and law with respect to each of the criteria described in paragraph (3).

Mr. DODD. Madam President, let me emphasize, I am offering this amendment now with the full understanding that my dear friend and colleague from Hawaii, the chairman of the committee, is reviewing this amendment to see whether it might be accepted. If it is, obviously we will deal with it in a different manner.

Since we have some time and we are about to leave the Interior bill to go back to homeland security, it may be another day or two before we get back to the Interior appropriations bill. So I thought I would take advantage of this pause in the consideration of the Craig amendment to lay out what this amendment is, why I am offering it, and why it is so terribly important that we adopt it, or something like it, if we can.

It is with some reluctance that I offer this amendment to address the process for recognizing Indian tribes in this country. I would have preferred to have the matter addressed at a different time and under different circumstance, but I raise it now because the matter has considerable urgency and importance in my State and other States.

Currently, there are 200 petitions pending at the Bureau of Indian Affairs by groups throughout our country seeking Federal recognition as Indian tribes. Nine of the petitions are in my State of Connecticut, a State 110 miles by 630 miles square. There are in addition to the two tribes that have been recognized in our State, with which I have a very close and warm relationship, the Pequot Tribe and the Mohegan Tribe, both of which have played a significant role in our State and with our citizens and have contributed to the well-being of our State. The two tribes have generated thousands of jobs in Connecticut and have provided much revenue for the State.

I offer this amendment which in no way deals at all with tribes that have been recognized. I strongly support them and have been deeply involved in both the Mohegan and Pequot issues, sometimes going back to my days when I served in the other body, when the Tribes were first considered for recognition. We went through an extensive process.

My concern has to do with the fact that the recognition process, by the admission of the Bureau of Indian Affairs, has broken down entirely. I will quote the former head of the Bureau of Indian Affairs, Kevin Gover, the Assistant Secretary for Indian Affairs:

> I am troubled by the money backing certain petitions and I do think it is time that Congress should consider an alternative to the [existing] process. [Otherwise,] we're more likely to recognize someone that might not deserve it.

That was the Assistant Secretary of Indian Affairs.

We are reviewing petitions that are almost hard to imagine. We just had a situation in our State where two tribes opposing each other sought recognition by the Bureau of Indian Affairs. The Bureau of Indian Affairs did not approve either application but rather came up with a third choice—no one asked for it—and recognized the third choice.

If that is not a system that is broken down, I don't know what is. All we are asking in this amendment is that communities, leaders, Governors, and the various States where the petitions are pending be notified of the petitions; that other tribes be notified as well as the petitions; that there be improved notice of petition to key persons who may have an interest in the petition, including the Governor and the attorney general of the State where a tribe seeks recognition; consideration of all relevant evidence submitted by a petitioner and other interested parties, including municipalities; require that a petitioner meet each and every one of the seven criteria for Federal recognition spelled out by the current Code of Federal Regulations; and require that a decision on a petition be published in the Federal registry that includes express written findings of fact and of law with respect to each of the seven mandatory criteria.

We had a case not long ago where the criteria of showing a continuity of relationship had been broken by more than 70 years. The Assistant Secretary, despite the findings of the technical staff that said this gap would be enough to deny recognition, overruled the technical staff and approved it anyway. So what we are doing is not writing new criteria. These criteria are part of the Federal Registry. We want to codify them to say if these criteria are important, they ought to be adhered to. If you go through the recognition process, you must meet the criteria, as well as inform affected communities.

Many States in the country have petitions pending. There are 200 pending. My State has nine. That is why there is a sense of urgency. Other States have petitions pending, as well. This is not about denying petitions. I happen to believe if criteria are met, these tribes ought to be recognized. In fact, I suggest the present process, as flawed and as broken as it is, devalues federal recognition so those that have been recognized, under stiff criteria, those who have gone through the process that took years in some cases, will see their recognition undermined in some sense if the future recognitions are granted where the criteria have not been met. That is what we are trying to avoid.

This amendment imposes a moratorium on any new recognitions until the Bureau of Indian Affairs applies these criteria. They can do it quickly and move forward, or they can delay it. And in that case, we hold up here.

We have also in this amendment provided some $1.9 million if funds are made available to the Bureau of Indian Affairs. There are some wonderful people working in this agency. But they do not have the resources needed when you have 200 applications pending, a relatively small staff, and if you are trying to do the historical research, the checking, all of the investigation that needs to be done, considering all the information that comes to you, you have to have the people who can help you do that.

I don't require this spending because that might subject the amendment to a point of order, but I merely point out that these funds, if available, should be made available to the Bureau of Indian Affairs to allow them to do the job they would like to do.

Again, I don't write anything new in terms of new criteria, new law, new hurdles. We take the existing criteria, we do say you must notify people and affected communities where this is going on so they can be heard and people have an opportunity to discuss what will happen if recognition is approved and we end up with a sense of community. I wish every single community could go through what we went through with the Mohegan Tribe in Connecticut when that Tribe was seeking recognition. The relationship with the surrounding communities that developed was not done under law. It was done because the leadership of the tribe and the leadership of the communities worked so closely together. As a result of that, today we have a wonderful relationship between a Native American tribe and the communities in which they reside.

Recently, I participated in the opening of a new hotel at the Mohegan facility, and had dinner with the tribal council. The tribal council invited leaders throughout the State. Everyone was there to celebrate the remarkable event, this wonderful relationships that have emerged, and the contribution this tribe has made. With the Pequot Tribe, we have had a more difficult relationship with some of the communities, but they are working at it. There are still issues to be resolved and they are struggling to sort them out.

We need to bring some sanity and some sensibility to a recognition process that is just not working. I wish there was some other way to deal with this. I don't ever want to support legislation to undo recognition where recognition has been granted. We are not talking about anything that would undermine the recognition of existing tribes in the country. It merely says for those petitions that are pending, the criteria should be met; that notice should be given; that opportunity to be heard should be made. We do not think that is a tremendous amount to be asking. We are looking at, in some cases, tremendous additional burdens on surrounding communities, on transportation, housing, and the like. We need to take that into consideration with Federal recognition as part of the process.

Mr. LIEBERMAN. Mr. President, I rise in support of Senator DODD's proposed amendment, of which I am a cosponsor, to reform and strengthen the Federal tribal recognition process for American Indian tribes and their governments.

I am pleased to join with my respected colleague on this amendment, and concur with his sentiment that this amendment will further constructive dialogue on establishing a more fair and open Federal tribal recognition process. In 2001, I joined him in introducing S. 1392 and S. 1393, which were similarly designed to reform and improve the process by which the Federal Government recognizes the sovereign status of American Indian tribes and their tribal governments.

The Federal tribal recognition process has greatly affected the State of Connecticut and its local municipalities from a financial and physical infrastructure standpoint. Connecticut is one of our nation's geographically smallest states. However, Connecticut already has three federally recognized tribes, one of which is being appealed, and nine more recognition petitions are in the Bureau of Indian Affairs pipeline. That is why Connecticut has been so keenly impacted by the federal recognition process.

This Federal recognition process has been fraught with controversy. We shouldn't recognize additional tribes until the process is fixed and credibility in the BIA recognition process is reestablished. It is widely recognized that the process is both extremely lengthy and that towns and other interested parties feel that their views have been ignored.

I want to stress that this amendment does nothing to affect already recognized Federal tribes or hinder their economic development plans. Nor does it change existing Federal tribal recognition laws. What this amendment does, consistent with those laws, is ensure that recognition criteria are satisfied and all affected parties, including affected towns, have a chance to fairly participate in the decision process. It assures a system of notice to affected parties; that relevant evidence from petitioners and interested parties, including neighboring towns, is properly considered; that a formal hearing may be requested, with an opportunity for witnesses to be called and with other due process procedures in place; that a transcript of the hearing is kept; that the evidence is sufficient to show that the petitioner meets the seven mandatory criteria in Federal regulations; and that a complete and detailed explanation of the final decision and findings of fact are published in the Federal Register. Under the amendment, funding available under the Interior

Appropriations bill to the Bureau of Indian Affairs for the recognition process becomes available when these fundamental due process procedures are implemented by the Secretary of Interior. The amendment dictates no outcomes, it simply tries to assure a fair process, accessible and more transparent to affected parties.

Mr. DODD. I see my wonderful friend, BEN NIGHTHORSE CAMPBELL. He and I have talked about this on numerous occasions, and he is aware of what I am doing with this amendment I drafted many months ago.

I have gone through it and have had numerous conversations with Native American tribes about this amendment, as to what I wanted to do and why I thought it was important. I am very grateful for the responses I have had, the understanding here that this in no way derecognizes—in fact I would vehemently oppose any effort to derecognize any tribe in this country that has received Federal recognition.

The point I am trying to make here is that the Bureau of Indian Affairs needs resources and it needs to follow a process so there is clarity; so everybody understands what happens and how it happens; so there is the information the people need; so there is an opportunity to respond; so the criteria will be met.

You have great technical staff, great professional staff at the BIA. It is disheartening for them to go through a process and make recommendations and have an Assistant Secretary veto their hard work, and that has happened in too many instances.

We have 200 applications pending—in my State nine of them—and a number of them are going to be decided in the next 7 or 8 months. If I could wait for the next Congress, wait for an authorization bill to come up, I would rather go that way. But next year the amendment I am offering would do little or nothing if recognition is granted in places it is not deserved.

What heightens this more than anything else are some of the most recent applications. I know my friend from Colorado is aware of this, but we actually had two tribes seeking recognition. They opposed each other's recognition. The Bureau of Indian Affairs essentially rejected both applications and approved a third application that was never filed. You can understand the utter amazement of my constituents under those circumstances. That is like two people applying for a Federal grant, both being rejected, and a grant being awarded to an agency that never sought it. My colleagues who think the system is not broken: Look at that example.

While your State may not be affected today, it could be, so we need to bring some order to this, provide the resources, make sure the criteria are met, and then we ought to accept and endorse and applaud when recognition occurs and not to undermine the recognition process when problems such as this arise.

Again, I will take some additional time if necessary. I am hopeful my colleagues can just accept this amendment. I am not interested in going through a unnecessary process here, a lengthy process of debate on this. I would like to see if we could agree. I am not adding anything new. I am just taking the criteria and codifying them, and setting a moratorium. The moratorium could last a month or less if the criteria would be applied, so it need not delay things inordinately.

I have tried every which way; I know of no other way we can get BIA's attention. We cannot get a bill up. We can't get things done, and the process goes on, and if a recognition comes through—I don't want to undo a recognition when it occurs. That would be outrageous. That would put in jeopardy every single recognized tribe, which would have to fear an act of Congress might somehow derecognize them. That is not the way to go. But if we don't bring in some sanity and we end up with circumstances such as those that happened in my State, I can see somebody passing legislation that might just do that, and it would not be because they are evil or bad but it would be because they see a system that is flawed and is providing recognition where it is not deserved, or worse, denying recognition where it was deserved because other financial interests objected to them reaching that status.

So both the petitioner that deserves recognition and the neighbors of petitioners that do not are in jeopardy as a result of the present process. It's unfair and wrong.

I am hopeful we can, as I say, adopt this and then convince the administration, convince the BIA to improve the process and go this route and straighten this out before we end up with a firestorm across the country that I think could do great damage to our Nation and to those that deserve recognition that might otherwise be adversely affected by it.

I have not gone into the whole casino deal because I don't think that is the issue. If a tribe in my State deserves recognition and they go through the process, my State allows for Native American tribes to operate casinos. If a tribe deserves recognition and they open up a casino, if they deserve the recognition, then they deserve to go ahead with that. I may not be enthusiastic about it, but I don't believe we ought to be opposing recognition because Native American tribes all of a sudden have discovered a way to accrue some wealth. So my objection to this process is not grounded in the casino debate. I understand it. I am sympathetic in some ways.

Mine is a small State, smaller than Yellowstone National Park. It is smaller than some counties in California or Montana, geographically. When you end up with two of the largest casinos in the world and the possibility of nine more in a little State, you can understand some frustration being felt. But my argument is not grounded on that point. If recognition is deserved, it ought to be granted. My concern is that the recognition process is so broken and so flawed that even the Assistant Secretary has described it as such. It is incumbent upon us, it seems to me, to try to do what we can to straighten this out.

So this amendment is designed to impose a moratorium, take existing law, existing regulations, codify them so there is clarity in the process, there is a clear roadmap, so those petitioners seeking recognition and those opposing it for whatever reason can have a higher degree of expectation of what is expected of them and what the hurdles are that have to be met before recognition is granted or denied.

With that, I have taken more time than I said I probably would. I am grateful to Senator CRAIG and Senator DOMENICI for laying aside their amendment so I could lay this down for the purpose of letting my colleagues know my interests. Hopefully we can find some common ground.

My colleague from Colorado has an alternative idea. My concern is, if we don't get that done in the meantime, the recognition goes forward and obviously he is not going to offer a bill that is going to undo anything that has occurred already.

For those of us who sense urgency on this issue, I am looking for some temporary filler here until we get to a more elaborate, more established process. My concern is by the time we get that done, the horses may be out of my barn, in a sense, and there will be nothing more than a historical tragedy in a way where I have nothing more to say to my colleagues except we missed an opportunity.

It seems to me, if I do not try to do something here, then we are subject to the criticism that we knew a system was broken and we didn't make an effort to try to do something about it.

With that, let me sit down, yield the floor, and listen to the good words of my friend.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Colorado is recognized.

Mr. CAMPBELL. I ask a couple of minutes of time from Senator BURNS, if I can get some.

Let me tell my friend, Senator DODD, I think he has brought something forward that we have long neglected. We have dealt with it in the Indian Affairs Committee several times and have not been able to find a solution.

I know, as you said, the casino issue may not be the central focus point, but clearly it has driven the debate over the last few years. There are probably 60 or 70 or more on the drawing boards right now throughout America. In fact, there is a good number in California.

We have seen the advent of huge amounts of money. Actually it ended up dividing families, about who was going to control the tribe. We are dealing with that now in California, where part of the family has literally disenfranchised some other parts through some local decisions made by the agencies in California rather than even going as far as the Secretary's office or the Under Secretary's office. So we know there are some real problems with it.

I wanted to mention that I may very well join you. But right now I understand this is going to be laid aside for a while anyway. I tried to call Senator INOUYE, the chairman. I am the ranking member, as the Senator from Connecticut knows. He is not in yet, but we are going to sit down and talk about this.

I might say, in the past, my own feeling about codifying anything—in other words, taking regulations and turning them into law—without people whose lives are going to be affected, I have always been very careful about that, particularly in the Indian community. We hear very often in committee when Indians come in to testify, tribes come to testify, people say: We didn't even know you were going to do this. We had no opportunity to study it, to deal with it. I know, at least in my view, I do not think any of the national groups, for instance, the National Congress of American Indians, any professional group or any particular tribes, have had a chance to review this and try to be in on the discussion about how we fix something that is rapidly causing a lot of problems.

Mr. DODD. If my colleague will yield, I have, going back a number of months now, specifically transmitted this language, or language like it anyway, to one of the national tribal councils to get their input. I don't want to bring anything to the floor that in any way they would feel hostile about or toward.

Mr. CAMPBELL. I tell my friend, their national convention is going to be in San Diego after we get out, in November, with only 17 or 18 days of actual working time here. It might well be too late to do anything this year. But if we don't, and even if it does have the support of Indian tribes, it is certainly something we ought to review next year. I tell my friend I will be looking forward to trying to find a solution to this very difficult problem.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BURNS. Mr. President, will the majority whip yield for a second?

Mr. REID. I would be happy to yield to my friend for a question.

Mr. BURNS. Will he allow me to ask unanimous consent that the Dodd amendment be laid aside so the pending business would be the Craig amendment?

Mr. REID. Absolutely.

Mr. BURNS. I ask unanimous consent that the Dodd amendment be laid aside and that we return to the Craig amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I thank the Senator.

AMENDMENT NO. 4518

Mr. REID. Mr. President, I want to take just a few minutes to talk about the statements given by my friend—I say my dear friend from New Mexico, the former chairman of the Budget Committee, and someone I have worked with for many years on the Appropriations Committee and the Energy and Water Subcommittee—regarding the South Dakota forest settlement that was initiated and accomplished just a few months ago.

The amendment that was offered by my friend from Idaho simply doesn't meet the Black Hills test. There are others who can probably explain that better than I. But I think I have a pretty good knowledge of what happened in South Dakota.

First of all, the amendment offered by the minority doesn't offer any new wilderness in exchange for protecting the timber from appeals. In addition to the 10 million acres of trees that my friend from New Mexico wants to have the Forest Service and BLM cutting down and doing things of that nature, if my friend wants to include a wilderness part of that, that would be something maybe a lot of us could take a look at. As we know, wilderness comes in this body by inches. It is very difficult to accomplish.

Anytime we talk about what is happening in South Dakota, understand that a component of that was creating wilderness—in fact, about 4,000 acres of wilderness. I think that is something we have to understand.

We have to also understand that the amendment offered by my friend from the minority is sweeping in its scope, covering, as I understand it, about 10 million acres. The South Dakota proposal dealt with 8,000 acres.

The terms and conditions of the individual projects under this proposal that we have from our friend from Idaho will not be subject to negotiations by environmental groups, States, and the industry. It also does not protect wilderness areas from new road construction. It will not retain large, green trees and snags—something that was in the South Dakota proposal.

I know it is an interesting ploy to say we want to do just exactly what South Dakota did. No one really means that. It is a totally different situation involving not 10 million acres but 8,000 acres.

There have been longstanding negotiations in South Dakota. It has been involved in the court system for a considerable period of time.

I think we have to get off that, and get off the fact that we only want to do what the majority leader wants. We want is to make sure that places such as beautiful Lake Tahoe, which is a lake surrounded by the States of Nevada and California are protected—a lot of people are living there. We are really afraid of a fire taking place there because lots of people now live in that basin.

During one of the trips that I remember taking with the supervisor of the forests in that area, he said: Senator, the thing we are worried about is fire, because of the downdrafts and updrafts that occur every day. If a fire starts in here, we will not be able to control it. We came very close this summer to having a fire burn into that basin. We were very fortunate. Nature was kind to us. It burned the other side toward Carson City. That was extremely important.

But what we want and what we hope to be able to have at a subsequent time is the Craig amendment and the amendment we will offer here. We will debate those two amendments and, of course, recognize that because we have the 60-vote threshold here in the Senate, we have been jumping through all of the hoops dealing with cloture. We would simply have the 60-vote threshold on both. We are in the process of seeing if we can work something out in that regard. That proposal was given to me by the Senator from Idaho earlier today. The staff is working to see if they can come up with the unanimous consent agreement.

What we want—and I will just lay out the broad outlines of that—is to protect Lake Tahoe.

What does that mean? We think 70 percent of the money should be spent protecting urban areas—not 70 percent creating new places to cut down trees where there are no people. Lake Tahoe is a perfect example of that. If we could have the trees thinned and, in effect, urban areas protected there for a quarter to a half mile, then it wouldn't matter what happened; we would be able to protect those properties and those people in that basin. The same applies around the rest of the country. We have to protect these urban areas.

We are not asking that 100 percent of the money be spent on these urban areas, but 70 percent. Now it is turned around. Now only about 30 percent is spent in urban areas and 70 percent spent outside these urban areas.

As I indicated, the Black Hills settlement agreement creates thousands of acres of new wilderness in the Black Elk Wilderness Area. The Black Hills settlement is an environmentally responsible thinning in two areas in the Black Hills National Forest. The Black

Hills settlement has conditions of sales negotiated among various parties, including environmental groups. The Black Hills settlement agreement allows negotiated sales to go forward without further appeal or lawsuits. The Black Hills settlement agreement contains large green trees and snags, and it protects endangered species and habitat.

We can get into more debate in that regard with this amendment offered by Senator CRAIG and the one we will offer at a subsequent time. But I just wanted to outline the two basic proposals and how we can't keep harping on the fact that we want to do what was done in South Dakota. Nobody really means that. It is just an effort to try to create an atmosphere where the rules we play by and have been directed by for so many years dealing with forests be done away with. It wasn't done in the settlement in South Dakota. We don't expect it to be done here.

It is my understanding we have a number of amendments that have been cleared and that have been approved by both Senator BYRD and Senator CONRAD. I suggest the absence of a quorum so we can make sure that is the case.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I apologize to my friend from New Jersey. I sat right by him for 6 years, and it was always hard for people to see me. I apologize. I thought Senator BURNS was the only Senator on the floor.

Mr. CORZINE. I appreciate that.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Thank you, Mr. President.

UNANIMOUS CONSENT REQUEST—S. 2845

Mr. CORZINE. Mr. President, I appreciate the distinguished Senator from Nevada giving me the opportunity to speak on an issue that I am really quite sad about, in all honesty. This is a human issue that I bring to the floor today that I think is an oversight on the part of the Senate and actually all of us in public life.

I want to speak about families of lawful noncitizens whose loved ones perished in the World Trade Center. They are about to be put into a position where, on a legal basis, they are deportable as of September 11, 2002, and this at the same time as they are taking on that incredibly difficult task of dismantling their lives here in the United States and returning to their country of birth.

This legislation would extend by 1 year the relief we provided in the Patriot Act to allow noncitizens whose parent or spouse was murdered in the terrorist attacks of September 11.

Today is September 10, just 1 day shy of the 1-year anniversary of the most significant terrorist attack on the United States in history.

The United States lost some 2,800 lives, as you know, but in the past year we have forgotten, in my view, to take into consideration the 504 nationals from 86 foreign countries who were a part of that. Many of these victims were in the United States as guest workers, contributing their technical expertise in helping the U.S. economy be the strongest in the world, be the engine of the world's economy. When they died, their hopes to provide a better life for themselves and their children in the United States died with them.

Tomorrow is September 11, and deportation proceedings could very well begin, if the INS were to proceed this way, for the grieving families of those temporary workers. While those families watch the media coverage of the anniversary—coverage that will no doubt extol the bravery and the sacrifice of so many of their family members—their presence in the United States will be in jeopardy.

These families were admitted to the United States 100 percent lawfully. They had all of their papers. They were admitted because we invited them here to help drive our economy. They did not sneak across any border or overstay their visas. They are lawfully present in the United States because work visas were provided to their loved ones. They paid taxes and submitted all appropriate paperwork. They were active in our communities in New York and New Jersey and very productive members of our society. Yet on the 1-year anniversary of the death of their loved ones, the INS could begin making arrangements for their removal from this country. Fortunately, the INS said they are going to turn a blind eye. But folks have to live with the risk that this is a possibility.

The challenges faced by these brave families were anticipated by those of us in Congress. In fact, the Patriot Act appropriately allowed them an additional year to remain in the United States. But it is becoming quite clear an additional year for families who have had to suffer so much is not adequate. This legislation is a response to the very real challenges of these families.

For example, many of these families are participating in September 11 support groups, groups that simply would not exist in the countries to which they may be returning. Many of them are eligible for awards from the Victims Compensation Fund, but, as you know, many of the awards have not been processed, or even begun to be processed in many instances. Much work remains to be done.

Although they have been in mourning for nearly a year, many widows and children are waiting patiently for DNA analysis of the remains of their loved ones. Without closure, the grieving process has been prolonged considerably. Because of this delay, many necessary and unfamiliar financial matters have not been adequately addressed. There are homes that need to be sold and other business affairs to be settled before these folks should be returning home.

Also, there are children to consider, many of them in American schools, who have begun their lives. Many of them are American citizens, the children themselves. In fact, I think some of these children could potentially be separated from their parents as we go forward with this whole process. So it is a real issue at a human level on the ground, where people are trying to work their way through this tragic series of events.

While it is difficult to define the precise number of survivors who would be eligible for relief under my legislation, it is safe to say it is under 200. I think it also reflects some problems in the INS. The books and records are not exactly clear on how many folks there are involved. We have identified, in my office, about 80 of these people with whom we are working to try to provide special attention to them. The thought is, it would be close to 200.

Yet despite the fact that this legislation is sculpted very narrowly to address only the most immediate humanitarian considerations for this population, and despite the fact that the number of people included is a narrow 200 or fewer, each time I have attempted to get this legislation cleared, an objection has been raised. Generally, it has been one individual who has used their ability to quietly veto this legislation.

So at this time, with September 11 just 1 day away, Mr. President, I think it is time to pass this legislation. I think it is important. I think it speaks to the nature and the quality of who we are as a nation.

Therefore, I ask unanimous consent that the Senate take up and pass S. 2845, legislation to extend for 1 year procedural relief provided under the USA Patriot Act for individuals who were or are victims or survivors of victims of a terrorist attack on the United States on September 11, 2001.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Objection.

The PRESIDING OFFICER. There is objection.

Mr. CORZINE. I appreciate the responsibility of the Senator from Wyoming to carry out the objection.

I continue to have serious concerns that if the facts of this issue were known broadly, they would not be resisted. I personally sought out the assistance of a number of folks who have typically objected to legislation dealing with immigration: Senator BYRD, Senator NICKLES, and particularly Senator HATCH, and they have been very helpful on this—and the Senator from Montana; excuse me. The distinguished Senator from Montana. I apologize. I am tied up in this sense of——

Mr. BURNS. I say to the Senator from New Jersey, I have lived on both sides of the line.

Mr. CORZINE. It is all a beautiful part of the country.

But I must say, of all of the issues that get at human interests, I consider it extraordinarily unusual that we have chosen to put a group of people—a limited group of people—at such risk.

I think this idea of having people be able to secretly hold legislation is a troubling one. I hope we can move on with it. I think this is an important piece of legislation.

I thank the Senator from Montana for his graciousness, and also the Senator from Nevada. I appreciate the opportunity to speak on this important issue.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time for working on this bill be extended past the hour of 12:30, until Senator BURNS and I can clear these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4523 TO AMENDMENT NO. 4472

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator BOXER.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

Mr. REID. Yes. I failed to ask that. I appreciate that, Mr. President.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. BOXER, proposes an amendment numbered 4523.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding 36 undeveloped oil and gas leases in the Southern California planning area of the outer Continental Shelf)

At the appropriate place, add the following:

SEC. . SOUTHERN CALIFORNIA OFFSHORE OIL LEASES.

(a) Congress finds that—

(1) There are 36 undeveloped oil leases on the land in the Southern California planning area of the Outer Continental Shelf that have been under review for an exceptionally long period of time, some going back over thirty years, and have yet to be approved for development pursuant to the Outer Continental Shelf Lands Act:

(2) The oil companies that hold these 36 leases have expressed an interest in retiring these leases in exchange for equitable compensation and are engaged in settlement negotiations with the Department of the Interior regarding the retirement of these leases; and

(3) It would be a waste of taxpayer dollars to continue the process for approval or permitting of these 36 leases when both the lessees and the Department of the Interior have said they expect there will be an agreement to retire these leases.

(b) It is the sense of the Senate that no funds should be spent to approve any exploration, development, or production plan for, or application for a permit to drill on the 36 undeveloped leases while the lessees are discussing a potential retirement of these leases with the Department of the Interior.

Mr. REID. Mr. President, the pending amendment, which I have offered at the request of Senator BOXER, is a sense-of-the-Senate amendment regarding southern California offshore oil leases. The amendment notes that several leases have not been developed and that the leaseholders are negotiating with the Government to retire those leases. During these negotiations, the amendment urges that no funds be spent on development of the leases.

The amendment has been agreed to by Senator BURNS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I would normally object to any amendment that would withdraw any lands from energy development or consideration. However, this one is just a little bit different. This is already tied up in litigation. I think anytime we shield land from energy exploration, we do not do this country a great favor, nor do we help our situation in the Middle East.

So I think should it be in any other form—there are litigation discussions now ongoing that could possibly expose this Government to a massive takings litigation. However, the way it is worded, it is only a sense of the Senate, and I do not object.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4523) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 4524 TO AMENDMENT NO. 4472

Mr. BURNS. Mr. President, on behalf of Senator BENNETT, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. BENNETT, proposes an amendment numbered 4524.

Mr. BURNS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside forest legacy program funds for the Castle Rock Phase 2 project and Chalk Creek (Blonquist) project, Utah)

On page 65, line 7, strike "Program," and insert "Program (of which $2,000,000 is for the Castle Rock Phase 2 project, $1,600,000 is for the Chalk Creek (Blonquist) project, and none is for the Range Creek #3 project, Utah),".

Mr. BURNS. Mr. President, the amendment reallocates funding provided in the bill for Forest Legacy projects in the State of Utah. The amendment is fully offset, and both sides have agreed to it. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 4524) was agreed to.

Mr. BURNS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4525 TO AMENDMENT NO. 4472

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk on behalf of Senator CLELAND and Senator THOMPSON.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CLELAND, for himself and Mr. THOMPSON, proposes an amendment numbered 4525.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate concerning adequate funding for the National Park Service)

On page 64, between lines 15 and 16, insert the following:

SEC. 1 . SENSE OF THE SENATE CONCERNING ADEQUATE FUNDING FOR THE NATIONAL PARK SERVICE.

(a) FINDINGS.—Congress finds that—

(1) the National Park Service is responsible for the preservation and management of the natural and cultural resources of the National Park System for the enjoyment, education, and inspiration of the present and future generations;

(2) the National Park Service is the caretaker of some of the most valued natural, cultural, and historical resources of the United States;

(3) the National Park System provides countless opportunities for the citizens of

the United States to enjoy the benefits of the heritage of the United States;

(4) the National Park Service is struggling to accommodate an increasing number of visitors while maintaining the National Park System; and

(5) in an effort to support the purposes of the National Park System, in recent years Congress has, with respect to units of the National Park System, substantially increased the amount of funding available for operations, maintenance, and capital projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) to the maximum extent practicable, continue efforts to increase operational funding for the National Park System; and

(2) seek to eliminate the deferred maintenance backlog by fiscal year 2007.

Mr. CLELAND. Mr. President, I would like to thank Senator BYRD and Senator BURNS, along with their staffs, for the hard work they have put into the Fiscal Year 2003 Interior Appropriations bill. I know that, with the current budgetary constraints, it was not easy task to craft a bill which would fund all of the agencies and programs which fall under this legislation. The FY 2003 Interior Appropriations bill includes close to $.6 billion for the National Park Service. This is an increase of nearly $100 million above the FY 2002 funding level and I know it will go a long way in helping the National Park Service meet their responsibilities to maintain our National Park system. However, the National Park Service currently has an estimated $600 million annual shortfall in operations funding which has significantly contributed to a backlog of unmet needs, threatening the natural, historic, and cultural treasures that the National Park Service was established to protect.

The National Park Service is charged with managing 83 million acres of land, 385 sites, habitat for 168 threatened or endangered species, more than 80 million museum objects, 1.5 million archeological sites, an 26,000 historic structures. Park Service employees do a remarkable job of preserving our heritage and welcoming park visitors, nearly 300 million each year, however, it has become clear that if the Park Service is to continue the good work they do, the Congress must provide substantial increase in funding so as to alleviate the maintenance backlog which is contributing to the physical deterioration of our parks and cutbacks in services provided.

The Chichamauga and Chattanooga National Military Park, located in Georgia and Tennessee, has more than 1,400 monuments and plaques, most erected during the 1890's and early 1900's to honor those who lost their lives during the Civil War. Many of these historic monuments have been vandalized or otherwise damaged over the years and have not been repaired due to a lack of funding. Another National Park Service site in Georgia, the Ocmulgee National Monument, was established to preserve the cultural remnants of 12,000 years of human habitation in the Southeastern United States. While Ocmulgee boasts the second-largest museum collection in the park system, there is no museum curator on site to monitor the artifacts. Funding limitations have also impaired the Park Service's efforts to teach visitors about the park's cultural resources. Most recently, a week-long program introducing local youth to the park was discontinued, and instead of receiving a guided tour of the park as in the past, visitors are fortunate if there is a ranger available to hand them a brochure upon entering the park.

Earlier this year, Senator THOMPSON and I were joined by 26 of our colleagues in requesting that the Senate Interior Appropriations bill include increased funding for the National Park Service. While the Committee did not increase funding as much as we had hoped for, we are most appreciative for the increase of nearly $100 million. Today, Senator THOMPSON and I have again worked together to introduce an amendment expressing the Sense of the Senate that the National Park Service is of tremendous importance and value to the American people and that the Congress should significantly increase operational funding and eliminate the deferred maintenance backlog by 2007. I thank Senator AKAKA and Senator GRAHAM for their leadership on this issue and appreciate their co-sponsorship of this amendment.

Mr. THOMPSON. Mr. President, as we debate the Interior Appropriations bill, I would like to take this opportunity to focus attention on underinvestment in our national parks, an issue of particular importance to me and the millions of Americans who visit our national parks each year. Earlier this year I joined 27 of my colleagues in writing to Chairman BYRD and Senator BURNS to request a $280 million increase above the fiscal year 2002 level for the National Park Service's operating budget. While the bill before us does not reach that goal, it is a step in the right direction and provides almost $98 million more than last year's funding level. I thank Chairman BYRD and Senator BURNS for their leadership, and especially for their commitment to continue working to increase operational funding for the National Park Service and to eliminate the deferred maintenance backlog by 2007.

Our national parks are a precious resource that we have a responsibility to protect. I have seen first hand the important role that our national parks play in conserving our natural resources and shaping our national heritage, and I have also witnessed the problems associated with a lack of resources for our parks. The Great Smoky Mountains National Park, located in my home State of Tennessee, is the Nation's most visited national park, welcoming more visitors each year than the Grand Canyon and Yosemite combined. Unfortunately, the Great Smoky Mountains National Park, like so many other parks across the country, is struggling to cope with an increasing number of visitors, a deteriorating infrastructure, and a general lack of resources. While Congress has regularly increased funding to operate and maintain the National Park System, we need to do more. The Federal Government has a fundamental responsibility to ensure that the Nation's 385 national parks are preserved for the enjoyment of current and future generations.

Since 1980, park visitation has grown by more than 40 percent and Congress has added more than 60 new park units. More visitors means more stress on roads, campgrounds, and trails, and requires higher staffing levels to ensure that visitors are kept safe and resources are protected. One might say our parks are being loved to death, and Congress must make it a priority to provide the funding necessary to keep pace with increasing needs. The threats facing the parks can no longer be ignored, and each year of delay only compounds the problem.

The amendment I am offering with Senator CLELAND makes clear the Senate's commitment to meeting our responsibility to our national parks. The amendment expresses the sense of the Senate that Congress should, to the maximum extent practicable, continue efforts to increase operational funding for the National Park System and to eliminate the deferred maintenance backlog by 2007. The President has promised to address the maintenance backlog, and I commend his efforts. The deterioration of our national parks did not happen overnight, and a solution is going to require a long-term commitment from both the administration and Congress.

The national parks exist for the use and enjoyment of all Americans and teach us important lessons about ourselves and the natural world in which we live. At a crucial time in our Nation's history, Americans should able to visit our national parks and experience them as they were meant to be enjoyed. A neglected and underfunded National Park System is not the legacy that I want to leave to our children and grandchildren. I am pleased that the Senate has recognized the importance of adequately funding our national parks, and it is my hope that Congress will continue to provide increased funding in the years to come.

Mr. GRAHAM. Mr. President, I join my colleagues, Senator CLELAND and Senator THOMPSON, in offering an amendment to the Interior Appropriations bill that shows the Senate's support for funding our national parks.

I am cosponsoring this amendment after hearing comments from park employees, park supporters, and park visitors about the importance of providing adequate funds to maintain our nation's natural treasures during my Third Annual National Parks Issues Forum, held at Zion National Park in Utah.

Tomorrow marks one year since the horrific terrorist attacks on our Nation. Events such as these remind us of the importance of having places of refuge were we can go to refresh and renew our spirits. John Muir wrote in his book Our National Parks, "Thousands of tired, nerve-shaken, overcivilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers but as fountains of life."

John Muir's thoughts still ring true. Our national parks, be they mountains, deserts, or rivers of grass, are critically important places for Americans to go and escape the trials of civilized life.

Our Nation's cultural and natural heritage are preserved in our parks. We have demonstrated our initial commitment to preserving this heritage by setting aside these special places as national parks. We must now continue to demonstrate our commitment to these special places by providing a level of funding adequate to operate and maintain them.

Throughout the park system there are historic structures and buildings that require rehabilitation; there are utility systems that require repair or replacement; there are roads that require paving. In addition there are units that are woefully understaffed. Given our current fiscal constraints, we must be sure to invest each of our dollars in those places that will do the most good and make the biggest impact in our parks.

I also want to take this opportunity to acknowledge Senator AKAKA's leadership on this and other issues of critical importance to the national parks. Senator AKAKA is the Chairman of the Subcommittee on National Parks and I have long enjoyed our work together to improve our parks.

Like Senator AKAKA, I believe that our national parks are worthy of our investment—worthy of our commitment. I urge my colleagues to help provide our parks with an adequate level of funding.

Mr. HELMS. Mr. President, God blessed this Nation with an abundance of natural resources and places of unmatched natural beauty. I am so glad that as a Nation we have set aside portions of our land for the enjoyment of the American people and have preserved our heritage by the restoration and maintenance of dozens of historic sites around America.

However over the course of my nearly thirty years in the Senate, I have seen the Federal Government fumble year after year its stewardship over the lands it holds as a fiduciary for the American People.

The Federal Government has continued to add acre after acre year after year, when it has been demonstrated that it cannot maintain what it already has. This has placed an enormous burden on the National Park Service and other Federal agencies who manage and hold in trust land for the American people.

The Park Service is charged with managing 385 sites which comprise 83 million acres of land drawing 300 million visitors per year. The Service is also responsible for, among other things, the care of more than 80 million museum artifacts that trace American history.

According to a report from the Congressional Research Service, the National Park Service estimated that its national maintenance backlog was $4.9 billion when it submitted its fiscal year 2002 budget request to the Congress. Let me say this again, $4.9 Billion.

The Appropriations Committee has recognized this and recommended an increase of $97,990,000 above the fiscal year 2002 enacted level, and $500,000 above the budget request, and I'm glad the Committee included an additional $20,000,000 in to meet these needs. Included in that is a 2.9 percent increase for base operations of National Parks in North Carolina. That is encouraging but the Federal Government needs to catch up.

According to the figures supplied to me by the National Park Service the total amount for "deferred repair/rehabilitation construction for the National Park Units in North Carolina" is $65,231,974.

My friend from Georgia, Mr. CLELAND, and my friend from Tennessee, Mr. THOMPSON, have offered a "sense of the Senate" resolution that calls upon the Federal Government to catch up on the hundreds of maintenance and repair projects in our national parks which I support.

Clearly, the Federal Government is behind the eight ball on its fiduciary duty to maintain and operate the National Park System.

In my State of North Carolina there are 9 sites within the State and three other parks service units that we share with other States, including the Great Smoky Mountains National Park we share with Tennessee, the Blue Ridge Parkway that we share with Virginia and the Appalachian National Scenic Trail that we share with the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Virginia, Tennessee and Georgia. There are a total of 416,620.1 acres of land that the National Park Service manages for the federal government in North Carolina.

The Federal Government needs the resources for proper management and catching up on the backlog of maintenance and construction projects on the Blue Ridge Parkway, Appalachian Trail, Cape Hatteras National Seashore, Carl Sandburg Home and National Historic Site, Fort Raleigh National Historic Site, Great Smoky Mountains National Park, Guilford Courthouse National Military Park, Moores Creek National Battlefield, and the Wright Brothers National Memorial.

These parks and historic sites are among the most visited in the nation and these units in North Carolina are among the most beautiful, spectacular and historically significant in the Nation. The first powered flight occurred at the site of the Wright Brothers Memorial on December 17, 1903. Next year America will gather at the Wright Brothers National Memorial to celebrate the Centennial Anniversary of flight and I am grateful to the Appropriations Committee for providing needed funding for this event.

The Revolutionary War battle at the site of the Guilford Courthouse National Military Park that was fought on March 15, 1781 is where General Nathanael Greene and his army of 4,400 patriots severely crippled Lord Cornwallis's professional troops of 1,900 men. Lord Cornwallis lost a quarter of his army and almost a third of his officers.

This was the largest and most hotly contested battle in the Revolutionary War's Southern Campaign and led to the American victory and British surrender at Yorktown seven months later.

The beauty of the Great Smoky Mountains National Park, Cape Hatteras National Seashore, Appalachian Trail and Blue Ridge Parkway are unmatched.

Our National Parks are like the front porch of America, they need to be swept and keep clean and well maintained at all times because it is a reflection of the America people. I do hope the Senate will pass this resolution and that the Federal Government will do a better job in the months and years ahead managing and maintaining land in the National Park Service system for our children and grandchildren.

Mr. REID. Mr. President, this amendment, proposed by Senators CLELAND and THOMPSON, is a sense of the Senate amendment pertaining to funding for the National Park Service. While noting that Congress has substantially increased funding for the Park Service over the past few years, the amendment urges Congress to continue that effort and to try to eliminate the maintenance backlog by fiscal year 2007. The amendment has been cleared by both sides. It is my understanding Senator BURNS has agreed to the amendment.

Mr. BURNS. Mr. President, there is no objection on this side. In fact, we support the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4525) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4526 TO AMENDMENT NO. 4472

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4526.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: Q02

(Purpose: To make a technical correction to the conveyance of land to the city of Mesquite, Nevada)

On page 64, between lines 15 and 16, insert the following:

SEC. 1 . CONVEYANCE OF LAND TO THE CITY OF MESQUITE, NEVADA.

Section 3(f)(2)(B) of Public Law 99–548 (100 Stat. 3061; 113 Stat. 1501A–168) is amended by striking "(iv) Sec. 8." and inserting the following:

"(iv) Sec. 7.
"(v) Sec. 8.".

Mr. REID. Mr. President, this amendment relates to a community about 90 miles outside Las Vegas on the Utah border. We have conveyed land to them on a previous occasion. This is a technical correction. It corrects a subsection number in Public Law 99–548. This has the clearance of Senator BURNS.

Mr. BURNS. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4526) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4527 TO AMENDMENT NO. 4472

Mr. BURNS. Mr. President, I send an amendment to the desk on behalf of Senator STEVENS of Alaska.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. STEVENS, proposes an amendment numbered 4527.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

Section 401(e)(4)(B) of Public Law 105–83 is amended after (Not more than) by striking "5 percent" and inserting "15 percent".

Mr. BURNS. Mr. President, this simply changes the administrative cost cap for the Northern Pacific Research Board, an entity that was created by Congress in the fiscal year 1998 Interior bill to conduct marine research. The amendment has been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4527) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4528 TO AMENDMENT NO. 4472

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4528.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside additional funds for permitting of geothermal energy applications, the processing of wind-energy rights-of-way, and Bureau of Land Management realty and ownership management in the State of Nevada)

On page 2, line 14, strike "of which" and insert "of which not more than $750,000 shall be made available for permitting of geothermal energy applications and the processing of wind-energy rights-of-way in the State of Nevada and $750,000 shall be made available for hiring additional personnel to perform realty work in the State of Nevada; of which".

Mr. REID. Mr. President, in Nevada, which is growing so rapidly, 87 percent of the land is owned by the Federal Government. There are a number of land applications dealing with all kinds of activities in public lands, and the BLM has not had money to process those applications. What they have done, in an effort to try to speed things up, is they have had people who are actually moving the land applications come and help them in the offices. It just does not work good, even though it may be right. Even though I hate to do this, we have clarified the expenditure of funds so they will have more money to hire BLM people to do this rather than look to the outside sector, which is an obvious, apparent conflict of interest. I should not say an obvious or apparent; I should say it appears to me it is a conflict of interest.

This amendment has been agreed to by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 4528) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4529 TO AMENDMENT NO. 4472

Mr. BURNS. Mr. President, I send an amendment to the desk on behalf of Senator CRAIG Thomas of Wyoming.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. THOMAS, proposes an amendment numbered 4529.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 24, Insert the following after the semicolon: "of which $750,000 is to conduct an independent and comprehensive management, operational, performance, and financial review of Yellowstone National Park;".

Mr. BURNS. Mr. President, this amendment earmarks funds for a comprehensive financial study of the operations of the Yellowstone National Park. Given that this piece of Yellowstone Park lies in my own State of Montana, I am very familiar with the park and the issues that concern the Senator from Wyoming. I support this amendment and understand it has been cleared on both sides.

Basically what this amendment does, it gives a little extra money to look into the books and the financial situation at the park. We have heard some disparaging stories. The way we take care of those, as the saying goes, is to look into it. It is going to take a little money to do that.

Mr. THOMAS. Mr. President, recently ABC ran a series of stories about the National Park Service and discussed the $4.9 billion backlog of deferred maintenance nationwide in our National Park System. One segment mentioned that some operations and park programs may need to be curtailed or discontinued as a result of budget shortfalls at Yellowstone National Park.

To be absolutely fair, over the past few years both Senator BYRD and Senator BURNS have been very generous to the National Park Service and to Yellowstone in particular.

Yellowstone is the world's first national park, created in 1872, and one of the biggest. It stretches across volcanic plateaus in northwest Wyoming and into southern Montana and Idaho, and contains more than 2 million acres of geysers, lakes, waterfalls, forests, bison, bears, and tourists. But more than that, Yellowstone is very rich in cultural, historical and natural resources, and in fact, represents—in one part—the multiple facets of park operations and programs found in the individual 285 units of the System.

My amendment would use Yellowstone as a demonstration project for business transformation. The National Park Service depends upon several sources of revenue to sustain operations and modernize facilities, including but not limited to, appropriations, fee income and revenue from concessioners, lease holders and permittees. These funding sources need to be managed in the most cost-effective and efficient manner possible to ensure improvement of services to the park visitor and for the protection of natural and cultural resources. Toward this end, I believe that improved state-of-the-art business practices need to be established in the National Park Service.

This amendment would require the Secretary of the Interior to contract for an independent and comprehensive management, operational, performance, and financial review of Yellowstone National Park. As I have already stated Yellowstone National Park has a wide range of a natural and cultural resources, programs and visitor services and provides an optimal environment in which to identify and make recommendations for improved management and operational practices that can be proliferated throughout the National Park Service and transform management to provide cost-effective, efficient and responsive programs. I know, the lessons that we will learn from Yellowstone will have application to the rest of the units within the System. I would suggest that the eventual cost savings, redirection of expenditures, and cost efficiencies will more than pay for the cost of this study.

We all are aware that there is a backlog of maintenance, and Congress has attempted to address the situation. But, I have to say that throwing money at the problem does not guarantee that there will not be a deferred maintenance backlog ten years from now. Unfortunately, we have never systematically evaluated the management programs that contributed to the backlog in the first place.

I believe this is a compelling need to establish new and better modern business practices within the National Park Service. With the passage of this amendment we can take advantage of the expertise that the private business sector has to offer so that we can redirect funds to address the backlog where we can, and more importantly, ensure that measures are taken to prevent a re-occurrence of programs and policies which led to the backlog we face today. I believe we can achieve these goals while maintaining important park program and operations.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 4529) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have nothing further to bring before the Senate at this time.

Mr. BURNS. Mr. President, I see no one else seeking recognition. I would suggest we recess the Senate for the party caucuses.

Mr. REID. There is already an order in effect.

Mr. BURNS. I move we recess under the previous order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:36 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

HOMELAND SECURITY ACT OF 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Thompson/Warner amendment No. 4513 (to amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recovery to counter terrorist threats.

Mr. FEINGOLD. Mr. President, I commend the chairman of the Governmental Affairs Committee, Senator LIEBERMAN, for recognizing early on that a major government reorganization should be considered in light of the tragic events of September 11th and for his leadership in putting together a basic structure for a new Department of Homeland Security. I also praise President Bush for supporting the existing congressional effort to elevate the authority and the status of the Office of Homeland Security to a Cabinet level position that will be responsive to the needs of the American people.

As we approach the anniversary of September 11th, Congress has been diligently working to insure that America has a Department of Homeland Security that can be responsive to the challenges of the post September 11th world. The Senate has spent the past few months exploring the bureaucratic obstacles that limited our capacity to identify and prevent the terrorist attacks of September 11th. We have considered in hearings whether the steps that have been taken to advance our country's safety and security since September 11 have been effective, and whether they adequately protect our most fundamental civil liberties.

The Congress has always responded to the challenge to protect this nation against any and all threats, including terrorism. I am committed to ensuring that as we build this new agency, we do so in manner that guarantees that basic fundamental rights are not lost or forgotten in a rush to be seen as doing something.

As the Senate moves forward in considering this new government structure, I have been guided by two simple questions: Will this reorganization make all of us safer? And will it preserve our liberties as Americans? That inquiry should continue to guide our consideration for a Department of Homeland Security.

So as we move forward toward establishing a Department of Homeland Security, it is important for all of us to examine and discuss both the strengths and weaknesses of the pending proposal.

All of us know that local law enforcement stands at the front line for security in our neighborhoods and communities. The new Department should be organized in a manner that helps and doesn't hinder local law enforcement. The Department of Homeland Security needs to insure that federal, state and local law enforcement work together with the necessary information, tools and resources that are required to adapt and respond to the evolving challenges our first responders are facing.

I am pleased that my bill, the First Responder Support Act, is part of the present proposal we are now discussing. I certainly want to thank my colleague from Maine, Senator COLLINS, for her work in making our responsibility to first responders a priority in this bill.

The First Responder Support Act will help first responders get the information and training they need from the Department of Homeland Security. I am also introducing the First Responder Communication Support Act to help communities who need communication systems to enable police, fire, EMS, and relief agencies to speak to one another in a time of crisis without overwhelming existing communication lines. Whether people face an act of terrorism or a tornado, in a time of emergency our first responders need to be able to communicate with one another.

I am also concerned about our efforts to protect the public from the use of weapons of mass destruction. The emerging chemical and biological weapons of the 21st century present new challenges to our military and to local first responders. The Weapons of Mass Destruction Civil Support Teams play a vital role in assisting local first responders in investigating and combating these new threats. The September 11 terrorist attacks emphasize the need to have full-time teams in each State.

I have filed an amendment that would require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State by September 30, 2003. The cost of establishing, training, equipping, and operating these new teams would be paid for from existing fiscal year 2003 Department of Defense resources, thus requiring no additional spending while providing a critical level of protection. As we rethink the security needs of our country, we should support the creation of an additional 23 full-time Weapons of Mass Destruction Civil Support Teams. Establishing these additional full-time teams will improve the overall capacity and capability to prepare for and respond to potential threats in the future. I look forward to working with Chairman LEVIN and Chairman LIEBERMAN on this effort.

We must remember that not every law enforcement purpose makes sense. The administration's proposal to create the TIPS program appears to be a way to begin domestic Government surveillance in our communities with a motto not of "love thy neighbor" but "spy on thy neighbor." I am concerned that if some trained police officers have a difficulty distinguishing between the proper and improper use of race in law enforcement activities, we are asking for real trouble if we ask untrained and fearful "citizen" volunteers to report on their neighbors.

Workers in the Department of Homeland Security who will have the awesome responsibility of protecting us should have the basic job protection their fellow Federal workers are granted. No one, including the President, has shown how simple and basic job security will jeopardize our national security. I believe we can protect our country at the same time that we protect our workers. In fact, we can better protect our country if our workers' rights are well-protected, too.

I am concerned that the administration appears ready to use the creation of a new Department of Homeland Security as an opportunity to eliminate or weaken the civil service protections currently in place for the Federal employees who would be transferred to the new Department. The civil service system was put into place in order to end the corrupt patronage system that had permeated Government hiring. The creation of a new Department should not be used as an excuse to roll back these protections.

In addition, I support the right of Federal workers to join a union and am troubled that the administration wants to strip existing union representation and collective bargaining rights from many of these workers. I also am troubled by the implication that union membership is somehow a threat to our national security.

In light of September 11, there has been a tremendous amount of discussion about the FBI's ability to effectively gather intelligence information. It has become clear that federal intelligence gathering agencies, such as the FBI, need to do better in collecting, organizing and presenting basic information about domestic terrorism. I believe that important first steps have been taken. In our desire to move agencies under one roof, however, we should not be afraid to ask if the move will actually improve intelligence gathering or simply confuse us.

I also want to take a moment to lend my support to the immigration provisions in the Lieberman substitute. There has been considerable debate in recent years, and especially since September 11, on how best to re-organize the Immigration and Naturalization Service, so that we can protect our Nation from those who would seek to enter the U.S. to do harm, while we effectively and efficiently address the needs of businesses, families, students, and visitors who seek to enter our Nation for lawful purposes.

The Lieberman substitute would wisely keep the service and enforcement functions of INS together in one Department; elevate the INS to a separate division within the new Department; keep visa approval authority within the Department of State; maintain the adjudication authority for immigration matters within the Department of Justice; and include a civil rights monitoring and oversight provision for the important purpose of holding INS enforcement functions accountable.

I commend Senator LIEBERMAN for including the ideas of Senators KENNEDY and BROWNBACK, the distinguished chairman and ranking member, respectively, of the Judiciary Committee Subcommittee on Immigration. These Senators came together to create a bipartisan INS reorganization plan. Immigrant advocates have long believed that in order to be effective and efficient, INS requires a strong leader with authority to coordinate and balance the complementary functions of services and enforcement. The Lieberman substitute does just that. While we seek to secure our Nation, we cannot ignore the importance of the flow of immigrants and visitors to our Nation. They provide the nutrients of new ideas, labor, and money that grows our economy and our Nation. I urge my colleagues to support the carefully crafted immigration provisions contained in the Lieberman substitute.

I am especially pleased that the Lieberman substitute contains an important provision to ensure that the new Department complies with the Nation's civil rights and privacy laws. As I have said, I believe that our consideration of this legislation should be guided by two principles: will this proposed re-organization make our country safer, and can we do so while respecting fundamental constitutional rights and protections? Many Federal agencies have designated offices and personnel to monitor agency policies and practices to ensure that they comply with the Nation's civil rights laws. This new Department of Homeland Security, with its unprecedented array of law enforcement powers, should be no different.

It is absolutely critical that the new Department include civil rights and privacy monitoring and oversight functions. I support the Lieberman substitute's requirement of a civil rights officer and privacy officer. The civil rights officer would be Senate-confirmed and would have responsibility to oversee and review Department policies to ensure that they do not violate the Nation's civil rights laws. The civil rights officer would refer matters that warrant further investigation to the new Department's inspector general. The Lieberman substitute would require the inspector general to designate an official to receive and review complaints alleging civil rights abuses and submit reports on a semi-annual basis to Congress that detail any civil rights abuses by employees and officials of the Department. Like the civil rights officer, the privacy officer would have responsibility to oversee and review Department policies to ensure that they do not violate the Nation's privacy laws.

I was pleased to join Senator KENNEDY in urging that these civil rights and privacy oversight provisions be included in the bill. I thank Senator KENNEDY for his leadership on this issue. I also want to thank Senator LIEBERMAN for his recognition of the importance of these accountability provisions and his willingness to work with us. These provisions are an important step toward ensuring that the policies and practices of the new Department will be consistent with the rights and protections guaranteed by our Constitution. I look forward to continuing to work with Senator LIEBERMAN to ensure that the new Department includes appropriate and effective civil rights and privacy oversight provisions.

Finally, notwithstanding our desire to move rapidly to address the Nation's safety, I believe we still have to ask ourselves if the cost of the Department is reasonable. I do have budget concerns with regard to the creation of this new Department. Safety for all Americans isn't inexpensive, but I don't want this new Department to unnecessarily aggravate our budget problems.

When the President first announced his proposal for the creation of a Department of Homeland Security, he indicated that the reorganization of the existing agencies would not increase costs and in fact should actually realize savings.

That promise of net savings stands in contrast to the analysis of the proposal by the Congressional Budget Office, which estimates that the new Department as proposed by this bill will add about $11 billion in new costs over the next 5 years on top of the projected net spending for the ongoing activities of the transferred agencies. And that $11 billion in new costs does not include the cost of developing the integrated information and communications systems authorized by the bill—systems with a price tag CBO states could exceed $1 billion.

I am told that when the Education Department and the Energy Department were created, they both exceeded their initial budgets by at least 10 percent, and I don't want that to be the case with this new Department of Homeland Security.

We need an effective, responsive and efficient Department of Homeland Security. I believe we can do this in a manner that protects the citizens who will depend on the Department and is fair to the employees who will be in the agency. In the coming weeks, I look forward to the debate on the shape and size of the Department with the belief that at the end of our discussion a better and stronger plan for a Department of Homeland Security will emerge.

Mr. HOLLINGS. Mr. President, the disturbing thing to this particular Senator—incidently, Senators are always disturbed—but in all candor, the best way to recognize 9/11 of last year is to make certain that a 9/11 does not occur again and that we correct the intelligence failure that brought about 9/11.

With respect to actually assuring us that a 9/11 would never occur again, we had that debate last Thursday relative to securing the cockpit of airplanes. We are depending on the White House to weigh in now with their particular view. In my view, once that cockpit door is secured, never to be opened in flight, a 9/11 could never happen again.

I speak advisedly. In the month of September of last year, I had the privilege of meeting with the chief pilot of El Al, the Israeli airline. That is the one airline in the world—particularly, of course, in the Mideast, where you have suicidal terrorists—that would be subject to a hijacking and people taking over the plane and running it into a building.

They determined years ago the only way to prevent a hijacking was to not give responsibility to the pilots for law and order on the flight itself—namely, a pistol and so forth to overpower any kind of attempted hijacking. Instead, they wanted the pilots to assume the responsibility that the plane would never go into a building or never be hijacked or taken to another country.

Over the last 30 years they have shown this is the right rule: Once the door has been secured, it has never opened in flight.

I can hear the chief pilot of El Al. He said: Senator, I can tell you here and now, if they are assaulting my wife in the cabin, I do not open that door. I go straight to the ground, and law enforcement meets me. And whoever is causing the trouble is off to jail.

As a result, they have not had a hijacking in 30 years. Yes, they have attacked the ticket counter of El Al in Los Angeles. But terrorists don't even hardly make an attempt to hijack an El Al plane because they know that, yes, they could cause trouble with the passengers but not with the crew, not with the plane itself. There is no way to take it over.

Let me embellish on that thought because we had a debate with respect to arming pilots with pistols. Many pilots wanted Congress to allow pistols in the cockpit. The House has passed that, and the Senate on last Thursday voted for that overwhelmingly.

What should be understood is, you have to remove the responsibility from that pilot. In other words, let's assume you have that pistol on the pilots as they walk to and fro; that is another danger. And as they get in transatlantic flights, that is another forbidden practice—those kinds of things need to be considered. But more particularly, if a flight attendant is crying out: They are choking me, they are killing me, open the door. In my opinion, once that door is cracked open, the pilot with the pistol might get off a shot or two. But as we saw on 9/11, there are now teams of suicide terrorists, five-member teams willing to sacrifice one, two, or three people. The pilot might be able to kill three of them, but the other highjackers would still be coming into that cockpit. They would take over that plane once that door is cracked, with pistols, machine guns, whatever else they have up there.

So it has to be categorical and clearly understood. People have criticized me for saying this, but as I come into Reagan National Airport and see the sign, "Welcome to Reagan National, Washington, DC," I would rather have a reflective sign saying, in Arabic: "Try to hijack, go to jail."

People will say: Why are you saying that in Arabic? I use Arabic numerals regularly. I invaded Morocco, Algeria, and Tunisia. Incidentally, I have the highest esteem for the country of Tunisia because I traveled there not too long ago, and they have some 65 percent literacy and 80 percent home ownership. And the Foreign Minister told me, when I asked: How in the world did you ever do this? He said: The secret is to let the women vote.

He said: As soon as we allowed women to vote in Tunisia, they wanted better schools for the children. They wanted nice homes for their families.

In World War II, I was one of the first in the African campaign with Colonel Anderson and the 178th Field Artillery. I wasn't in the frontline unit. I am not trying to fudge on his bravery. But we went into Tunisia. Now you can go into the city of Tunis itself and what was the Dust Bowl during the war, looks like a golf course. They have turned the country around.

But the fact is, it was Muslim extremists who overtook the barracks in Lebanon, and who blew up barracks in Saudi Arabia. They blew up our Embassy in Dar es Salaam in Tanzania. They blew up our Embassy in Nairobi, Kenya. They blew up the USS *Cole*. Almost nine years ago they tried to blow up the World Trade Centers. All of those were Islamic teams that came and caused the blowing up.

So I am justified in saying this. I want those who are blowing us up to understand: try to hijack and go to jail.

As I relate all these particular incidents, I come right to the point of my amendment in the second degree to Senator THOMPSON. I was working, and my staff was working with Senator THOMPSON's staff, to see if it was acceptable to him. He is not with us this afternoon, but we will be glad to talk to him tomorrow and on Thursday because he and I have the same intent. I think we have to fix the responsibility.

There is none better in the history of the United States of America than old Harry Truman. He said: The buck stops here. He put that little sign on his desk.

That has been the trouble. I don't fault President Bush. He didn't know anything before 9/11. He was not properly informed. And having not been properly informed, he could do nothing to have prevented it. So it is not my role this afternoon, on the floor of the Senate, to find fault with the President himself.

But I think we have to fix that responsibility for national security with him. In 1947, and later, as a Presidential directive, and then later in statutory language, the National Security Council was instituted. It says: "the function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security."

The problem is the make-up of the National Security Council. On it are the Vice President, Secretary of State, and the Secretary of Defense. It has been in bed some with the Secretary of Treasury. But there are some others, like the Attorney General who should be included. The Attorney General has oversight of the Drug Enforcement Administration, and we know that terrorism is financed by drugs. He has the Border Patrol and the Immigration Service under him. He has all of these entities. He would be the chief Cabinet officer as of this minute for security, unless you get that Secretary of Homeland Security. But it still is going to be his professional teams that ensure security and provide the domestic intelligence that the Council needs.

So that homeland security intelligence, wherever you have it—if you have it at a Bureau or an office of homeland security in the White House, or a Department of Homeland Security with a particular assimilating and analytical role of intelligence, or as a department in Congress itself—wherever you have it, you still are going to have to take whatever analysis, whatever finding, and fuse it at the National Security Council level.

If you were President of the United States, or I were President of the United States, I would only have one particular briefing, one report on my desk. Every hour the President gets them now with respect to political intelligence. He knows what the polls show in Nebraska and what the trends are in South Carolina. He has political polls on November given to him every hour just about. So they are constantly taking that.

I want intelligence polls taken and reported to the President of the United States and fused at the National Security Council. The National Security Council has that responsibility. The particular Department of Homeland Security does not amend that particular statute. In fact, we could pass a Department of Homeland Security in the next 10 minutes and you could have a 9/11, because the very things that went wrong on 9/11 would go wrong again. The very Departments that failed, starting with the CIA is not included in the new Department. The Central Intelligence Agency knew about all of these things I have related. An article in this week's Newsweek says that they knew they had persons who roomed with the suicidal terrorists of 9/11 who commandeered the planes themselves. We know of attempts made to run a plane into the Eiffel Tower.

We know from the Philippines incident that the CIA knew they had planned to run a plane into the CIA building. You can go down the litany—all of this was known before 9/11. The CIA didn't even correlate it, didn't pay attention to it, and certainly didn't pass it on and give it in the briefings to the National Security Council. I can hear Condoleezza Rice, the Director of the National Security Council, saying, "We never got anything specific."

I want to be sure they get something specific. The Department of Homeland Security bill, now being debated on the floor of the Senate, could pass and you would not have any of the Departments included that failed on last September 11.

The CIA failed. The FBI had reports from the field that something is wrong. The field teams said people were coming in and getting flight training, and we ought to be looking into it. It didn't get past the second level. You have Coleen Rowley, from Minneapolis, saying in her memo that they could be flying a plane into the World Trade Towers. We knew the World Trade Towers were vulnerable. They had already attacked them in 1993. Here was a memo again that they didn't pay any attention to. She came all the way to Washington and talked to the folks in the FBI. Nothing was done. We know, of course, the National Security Agency had something that said "Tomorrow is zero hour." That was in Arabic.

People tell me that I will hurt somebody's feelings if I put up a sign in Arabic that reads: try to hijack and go to jail. They say that is typecasting, profiling. Well, I mean to profile. I want it understood. That is exactly what occurred—in Arabic, "Tomorrow is zero hour." They got that on September 10 of last year, but they didn't translate it at the National Security Agency until September 12—after the tragedy.

Here we have everyone running up and down saying we are going to make sure 9/11 never happens again. Not with this bill. You might tinker around with what we already have on course.

Incidentally, of the 170,000 proposed staff for this Department, we already have 110,000 of them together in one Department—the Transportation Department. We had a hearing this morning with Admiral Loy of the Transportation Security Administration. It is a blessing we have him, because he knows what he is doing. He is moving and working. He has the airports, the authority, Republicans and Democrats—everybody pulling together. He solved the biggest problem we have had with respect to airline security. But he has the seaport security, the rail security, and Amtrak—the rail stations, the tunnels, and everything else of that kind; they are all in one Department. We haven't been waiting.

If you had just the homeland security bill and it had an up-or-down vote this minute, without any amendments, I would have to vote against it. I don't want to mislead my constituents and say that I have voted for homeland security, because I know with that bill I have not voted for homeland security; I haven't done anything about the intelligence failures of 9/11 of last year.

So, Mr. President, that is the attempt of my particular amendment—to get the National Security Council beefed up. By beefing up, I mean the President did put out an order in February after he took office last year. You ought to see that particular order. It has included in various forms of the Council, the Overseas Private Investment Corporation, the Peace Corps, and everybody else. It was so inclusive as to really confuse rather than fix a responsibility, that the buck stops here.

I want to make it absolutely certain that this particular National Security Council needs to be beefed up, irrespective of whether we pass a Department of Homeland Security, irrespective of whether they put an Office of Homeland Security in the White House, as is presently constituted with Governor Ridge, or whether they call it a bureau—and I certainly would go along with Senator THOMPSON with respect to the matter of confirmation. I know if I were President, I would not want my staff subject to the confirmation and to have to respond to the Congress. You elected me the President, you have given me the responsibility, and the buck stops here. My Chief of Staff, head of my Security Council, and everything else like that, are my choice, and I have my team, and I don't have to worry about the politics over in the legislative branch as to confirmation and being responsible to subpoenas coming over. We cannot subpoena the Director of the National Security Council. We should not be able to just subpoena willy-nilly. They can say we just have to plead executive privilege.

Be that as it may, I think the distinguished Senator from Tennessee is off on the right track. He wants to make sure we don't have all this bureaucracy; in other words, if you are going to have a Department collecting intelligence, you have the CIA collecting intelligence, you have the National Security Council collecting intelligence, and you have got domestic intelligence collected by the FBI.

You have the office in the White House trying to correlate and work with it, but even that correlation has to be fused with international threats, with foreign policy. There is only one place, and that is the National Security Council, as the Congress has already determined and as determined by none other than President Truman himself back in 1947, "The buck stops here." I do not want to have another buck stop in an office here and a department here and another agency there and a CIA agent and a defense intelligence agent over here. We have intelligence coming out of our ears. The reason this is not understood is we do not have an independent Presidential commission investigating 9/11.

I was moved the other evening when we heard former Vice President Mondale emphasize the need for that particular initiative. I joined in that some months back, and I did so advisedly. The reason I do it is when you have the House and the Senate investigate intelligence, you have a political split. It is 50 Republican and 50 Democratic. Having served for 8 years on the Intelligence Committee I can tell you that we had categorical sworn testimony to a certain effect, that was known by the White House, and we had it on two occasions to verify it, but we never could make that public because of 50 percent being Republican. They just did not want it to surface because it was critical.

Incidentally, that same Intelligence Committee staff is not subject to a polygraph. I want to emphasize that for the simple reason that one cannot get a job with the Secret Service unless they are polygraphed. They cannot get a job with the Central Intelligence Agency unless they are polygraphed. They cannot get a job with the FBI unless they are polygraphed. More particularly, they cannot get a job out there as a Capitol policeman unless they take a lie detector test.

I was told that certain information was not revealed to me by the CIA, as a member of the committee, because my staff—not my personal staff but the staff of the Senate Intelligence Committee—had not had the proper clearance.

I will never forget I had a constituent who was arrested in another country, and I was trying to get him out of that arrest. I had to struggle to do it. The country involved said he was an agent of the CIA or had gotten briefings from the CIA. They categorically denied it. It was a year and a half to 2 years later, I went into one country and talked with the station agent. He said: Oh, Senator, you are from South Carolina.

I said: I certainly am. How is that?

He said: Well, I debriefed so and so. He was one of the best we ever had.

That is how I found out about the lie saying that they never knew anything about him.

I served on the Hoover Commission in 1954 under GEN Mark Clark and President Herbert Hoover investigating the intelligence activities of the United States of America. It was the Joe McCarthy days. We went into the CIA, the CID, the Army, Navy, air intelligence, Secret Service, Q clearance, and the Atomic Energy Commission, and all the rest of the intelligence divisions.

I have a slight background in intelligence. There is a lack of coordination. In addition to having the buck stop here, you have to have that coordination, and only the President of the United States can get that coordination. He has to get those involved on the Council. I have talked to Director Mueller of the FBI because I oversee his appropriation. He says he has gotten CIA fellows over there. But then I hear reports that they are not always exchanging the information.

That information exchange and getting it all to the one Commander in Chief to make a decision as to whether or not we have intelligence, for example, with respect to a need to invade Iraq, that has to be centralized, not at the Department of Homeland Security, not at an Office of Homeland Security, but fused at the level of the National Security Council, reporting directly to the President of the United States.

I have included in this amendment, in an advisory capacity to the Council, the Director of the FBI—as is the Director of the Central Intelligence Agency. He is also in an advisory capacity. But that one summary intelligence report that is put on the President's desk early every morning has to have the fused intelligence of domestic as well as foreign intelligence.

There is this idea now that we can beef up and fix that responsibility. I am very much concerned, as I have tried to point out with respect to this particular amendment—I am in step with the distinguished Senator from Tennessee. He is trying to avoid further bureaucracy and further politics with respect to confirmation. You never have the Director of the National Security Council confirmed or the chief of staff. The Presiding Officer of the Senate or this particular Senator would never have our chief of staff or administrative AA assistant confirmed by the Senate. That is just more bureaucracy. I agree with Senator THOMPSON on that. But it still does not fix that responsibility of the buck stopping there and that has to be at the National Security Council level with the President of the United States, and nowhere else. There has to be one place in case we ever have anything that is even like 9/11, instead of people running around finger pointing, saying: This Department said, no, but the CIA did not do it, but the FBI, well, the National Security Agency guy, no, we did not find out from defense intelligence.

They knew. They should have told. We have intelligence, tens of billions of dollars according to what I read in the newspapers. We have all kinds of entities running around with intelligence. Here we are going around and saying we are going to avoid a 9/11 by the institution of a Department of Homeland Security.

So this particular Senator has been working in that field. Namely, we passed 100 to 0, all Republicans and all Democrats, airport security. We got together and we reported out of the Commerce Committee, and it passed the Senate 100 to 0, all Republicans and all Democrats, seaport security. It is hung up over in the House with respect to the conference. I have at the desk rail security in an Amtrak bill by a vote of, I think it was, 20 to 3 out of the committee. So I have been working in this field. I sat down last fall with the new Director of the FBI, Bob Mueller. We gave him $750 million. We said: Straighten out your computers, get those all working, reorganize your department, institute domestic intelligence.

We never wanted to do that. We shied away from domestic intelligence. With the McCarthy days and the witch hunts, the un-American activities and all, we do not want to go down that road. But the terrorism war requires an intelligence effort at the domestic level. Fine, you can have a Department—we have it going right now, to tell the truth, and we are trying to reorganize it under a new Secretary.

According to GAO, it is going to take 5 to 6 years to get it organized right, so we are going to have to depend on what we have.

I have been working in that particular field and just got through with a hearing this morning with the new Administrator of the Transportation Security Administration in the Department of Transportation, and I think we are on course. But we are behind the curve with respect to seaport security. We are behind the curve with respect to rail security, with respect to actual intelligence security and correlating it. This bill absolutely leaves out all of the failures of last year, 9/11, and includes therein all of the good operative entities; namely, that there was nothing wrong with the Coast Guard that would be included in the new Department, there was nothing wrong with FEMA or the agriculture office that would be included in the new Department.

As they said in the Navy during World War II: When in danger, when in doubt, run in circles, scream and shout.

We are running around here. We have a Department going, and it is supposed to govern. I voted for homeland security. You did not. This bill could pass in the next 10 minutes and it would not correct the failings of September 11. My amendment to the Thompson amendment would fix that responsibility at the National Security Council, so the buck would stop there. The President of the United States would have to know what is going on. If he could not find out, this President would get rid of him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I listened very carefully to the comments of my friend and colleague from South Carolina. Once again he makes a great deal of sense. I look forward to being supportive of his effort.

My colleague from Connecticut, Senator LIEBERMAN, is doing a remarkably fine job managing a very complicated piece of legislation. He deserves great deal of credit for taking on that responsibility. I have not had a chance to speak on the bill as of yet, but I don't want to miss the opportunity of congratulating him and thanking him, and all of our colleagues, for the work he has done and to thank Senator HOLLINGS for his tireless efforts on related matters.

The PRESIDING OFFICER. The Senator from Nevada.

MORNING BUSINESS

Mr. REID. I ask unanimous consent we proceed for a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. If the managers will come back and want to yield more, we will be happy to consent to that.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

MENTAL ILLNESS PARITY

Mr. WELLSTONE. Mr. President, the Washington Post on September 9 had an editorial titled "Equity for Mental Illness." I ask unanimous consent this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> [From the Washington Post, Sept. 9, 2002]
>
> EQUITY FOR MENTAL ILLNESS
>
> Last spring President Bush announced a new commitment to improving mental health care for Americans. He cited unfair limits on treatment as one major obstacle to effective care and pledged to seek legislation by year's end to require that insurance plans treat mental illnesses in the same way they treat other medical ailments. Now time is getting short and the calendar is crowded, but Congress still should approve a parity bill, and Mr. Bush, recalling his pledge, should help make it happen.
>
> This isn't the position we took when we last examined the subject, last year, and many of the issues that troubled us then haven't disappeared. Parity legislation is not a panacea. It won't help the uninsured. There's a risk that, by raising costs, it could cause some employers to weaken or abandon existing coverage or charge employees more for benefits. Congress tends to be much more interested in providing benefits than in dealing with their costs: That's especially true for a mandate like this, in which the costs would be borne almost entirely by the private sector. Businesses wrestling with double-digit increases in health care costs are fighting any move that would add even marginally to the problem.
>
> But two factors now seem to us to outweigh those concerns. The first is practical: Experience in both the federal employees' insurance system and in states that have enacted their own parity laws argues that, by managing care, insurers can move toward equal treatment without crippling cost increases. The Congressional Budget Office has estimated that enacting the parity bill now pending in Congress would add just less than one percent to the overall national cost of insurance premiums, though specific costs will vary from business to business depending on what benefits are offered. Insurers, CBO noted this spring, still will be able to exercise the management tools that have been used in the past to decide what treatments are appropriate and warranted, and to hold down expenses. The right response to the gathering health care crisis is to fix the system, not make the mentally ill bear a disproportionate burden.
>
> The second factor is one of fundamental fairness, and of removing the stigma that for too long has shrouded mental illness. Many mental disorders can be clearly diagnosed and effectively treated; some can't. The same can be said of cancers. The pending legislation would require large employers who offer coverage for mental and other illness to handle all disorders in essentially the same way: You can't put treatment limits or financial requirements on mental health benefits that are not imposed on physical ailments. Insurers would not have to pay for what is not medically effective. It's not a huge step, but it would help some people get the treatment they need. It's right to level the field.

Mr. WELLSTONE. I will read the opening paragraph:

> Last spring President Bush announced the new commitment to improving mental health care for Americans. He cited unfair treatment as one major obstacle to effective care and pledged to seek legislation to require the insurance plans to treat mental illness in the same way they treat other medical ailments. Now time is getting short and the calendar is crowded, but Congress still should approve a parity bill, and Mr. Bush, recalling his pledge, should help make it happen.
>
> This isn't the position we took when we last examined the subject.

As a coauthor of this legislation with Senator DOMENICI, I am gratified and moved that the Washington Post has come out with a very strong editorial in favor of parity in mental health coverage. This legislation is called the Mental Health Equity Treatment Act, with, by the way, 67 Senators, two-thirds of the Senate, and 243 Representatives, including authors MARGE ROUKEMA and PATRICK KENNEDY, bipartisan in both the Senate and the House, in support of it.

The Washington Post says it is not a be-all or end-all. The Washington Post is absolutely right. But it at least is a huge step toward ending the discrimination. And more or less, I argue, once we have the coverage in the plans, the care will follow the money. And there will be more of an infrastructure of care for people who do not get any help.

I don't know what has happened with the negotiations. There is no stronger advocate than my colleague, Senator DOMENICI. I was excited when the President announced his support. I thought the White House would bring people together and we would have agreement in the House and the Senate and we would pass legislation. Frankly, I have not seen a lot of negotiation take place. It has been a huge disappointment to me. I hope the White House will become fully engaged. It is not too late.

The President went on record as saying: I want to see this legislation passed; I want to see this discrimination ended. We need to see those words backed by action.

What we call the Mental Health Equity Treatment Act has tremendous support. If the White House would become engaged in this, we can pass this legislation. There are any number of different vehicles we still have this month. I believe we can attach this legislation to one of those vehicles and one of those appropriations bills or other pieces of legislation. This legislation will pass. It will pass for a couple of reasons. It will pass because all of the families that have been affected by this illness—and there is not anybody in the Senate or the House who does not have a member of the family who has not been affected one way or the other—have stepped forward. They have become their own leaders. They have become their own citizen lobby. They basically say it is time to end this discrimination. This is major civil rights legislation.

It will pass. Last time, this became part of the Education, Labor, Health and Human Services appropriations bill. Both Senator HARKIN and Senator SPECTER were strong advocates of this matter when it went to conference committee. We had near unanimous support in the Senate. Then it was blocked last session by the House Republican leadership and the White House. But there were a number of Republicans who said: We are very uncomfortable voting against this. Several of them, I believe, have their own personal experiences in their own families or with friends with mental illness. Several of them said: Look, if this comes back a year later and nothing has been done, we do not want to vote against this.

I come to the floor to include this very important editorial in the Washington Post in the Senate RECORD to bring this to my colleagues' attention. This is a change of position on the part of the Washington Post. The Washington Post points this out in their editorial.

Second, I remind the President that he has made a commitment to helping pass this legislation this session, not to put it off year after year after year. I hope he will back his words with the deed, the good Hebrew word, "mitzvah."

Time is not neutral. We do not have a lot of time yet. There is a lot of good will in the Senate, both by Democrats and Republicans. Certainly, one of the key leaders is Senator DOMENICI. Nobody has done more. I mention MARGE ROUKEMA and PATRICK KENNEDY on the House side. Senator REID has done so much work. I could go on and on. The White House has been semi-missing in action. We need them to become engaged. I have no doubt we can pass this in the Senate either on its own or as part of this appropriations bill or another bill. I worry there would be an effort to block it.

I think the President can do something wonderful. I think he can do something very positive. I think not only would he get a tremendous amount of support in the Senate and the House, but he would get a lot of support from families and people all across the country.

For my own part, working with my colleague, Senator DOMENICI, I am ready to put this amendment on to a bill. I am ready to do that. Certainly, we are going to do that in the Senate. We are going to get this into a conference committee. If we get the support from the President, we will pass this legislation. It would be win-win-win.

The insurance industry will not love it. That is true. They will not be in love with it. But it will be a win for the White House for doing something very good for people. It will be a win for both Democrats and Republicans, Republicans and Democrats. Most important of all, it will make a positive difference in the lives of many families and many people across this country.

Let's get this done. Let's get the support from the White House. Mr. President, you said you were all for this. We need you. We need you to be engaged. We need you to exert leadership. We need your support. If we get your support, we will pass this legislation.

As we look toward September 11, and commemorate this tragic day in America's history, we can be proud of the way in which the American people rallied to support those who suffered such unspeakable losses in their lives. Many of us still feel the shock and the fear of that day, and while we can take great pride in the ways in which our country has recovered, we know that for many, the grief and the trauma is still sharp and constant. We know more about how such events can leave scars on the psyche of a country, as well as individuals. We know that many who had suffered from mental illness prior to September 11 may find they need treatment again. We know that many in New York and other parts of our country are suffering from post-traumatic stress disorder. We show our strength as Americans when we respond not only with our strength and outrage toward the perpetrators of this horror, but also with compassion and support toward the victims.

I was pleased to sponsor support for programs that provided emergency mental health care for survivors and emergency workers and their families in the Senate's bioterrorism bill and other legislation. But we know that more is needed to improve the overall infrastructure of mental health care in our country's response to terrorism. People with mental illness are routinely denied decent mental health care. They are required to pay more for their care, and are given less access, simply because their illness is located in the brain, and not in another part of the body. While we can be proud as a country for our ongoing fight to reduce stigma against the mentally ill, we here in Congress should not be so proud. Nor should the President. We have not yet done our job in truly helping those with mental illness by ensuring full mental health parity in insurance coverage.

The Mental Health Equitable Treatment Act, which I have sponsored with Senator PETE DOMENICI, is poised to pass in this congress. This bill is more than ready to move forward and to be signed by the President. S. 543 enjoys the support of two-thirds of the Senate, 67 Senators, the majority of the House, 243 Representatives, and about 250 organizations representing health care, education, law enforcement, disability, religious organizations, and many others. On June 6, more than 2,000 people rallied at the Capitol in 100 degree heat to demand that this legislation move forward. On April 29, President Bush publicly proclaimed his support for full mental health parity and vowed to work with Congress to make sure he signed a full mental health parity bill this year.

And today, the Washington Post, which has historically questioned the value of mental health parity, reversed its position in support of full mental health parity. The Post states on its editorial page, "Now time is getting short and the calendar is crowded, but Congress still should approve a bill, and Mr. Bush, recalling his pledge, should help make it happen."

Throughout this Congress, I have continued to work with Senator DOMENICI, and with Senator KENNEDY, who, as Chair of the HELP committee, has been so helpful in moving this bill forward. Senator DASCHLE has stated many times that this legislation is one of the priority issues for the Senate floor. I have worked with White House staff to help clarify the intention of Congress in shaping this legislation—that we expect it to be a comprehensive bill that does not discriminate against people by diagnosis. We have been open and available to discussing issues of concern to other members and the White House. But we are still waiting? Why? Because the opponents of this bill—the insurance industry—continue to try to influence their friends at the White House and on Capitol Hill to either kill this bill, or weaken it so much that it would provide very little help to those who are praying for its passage.

Every argument the opponents have tried to put forward—whether it is cost, or science, or treatment effectiveness—every one of these arguments has been fought and won by the supporters of this bill. Opponents have challenged the CBO cost estimate of this bill not once, not twice, but three times, to no avail. The cost of S. 543 is low: the estimated increase in premiums for full mental health parity, covering all diagnoses, is 0.9 percent.

The opposition also distorts the purpose and intention of the bill by trying to limit it to only 5 percent of mental illness diagnoses. They know there is no scientific or even economic basis for restricting coverage in this way, but they continue these destructive methods as one more way to try to kill the bill. They resort to ridicule by trivializing the pain and reality of mental illness and the toll it takes on the lives of those with this illness and their families. This is an outrage, and we cannot allow such tactics to destroy the democratic process.

We all are very aware of how much work is remaining on our Senate calendar, much of which is so important to our country. But here, in this piece of legislation, we can show true bipartisan support, along with solidarity with the President, for those with mental illness. This bill will help those with chronic mental illnesses, those with acute depression, anxiety, or PTSD resulting from the trauma of September 11, children with autism or eating disorders, and the millions of other Americans with mental illness. Without treatment, mental illness can worsen, and can even lead to death. We cannot as a country allow people with mental illness to be treated as second-class citizens any longer. As the Post said today, "The right response to the gathering health care crisis is to fix the system, not make the mentally ill bear a disproportionate burden."

When President Bush spoke in support of full mental health parity, we in the Senate had already done our job. We had invested many months in bipartisan meetings to shape a bill that respected the business community, the insurance industry, and the needs of those with mental illness. This is why this bill has the support of the majority of Congress and about 250 organizations who represent millions of Americans.

It is time for President Bush to speak again, to publicly support this bipartisan, bicameral bill that clearly has the support of the American people. The House has finally held hearings on this, and I want to thank those committees for doing so. The hearings made it possible for witnesses to expose the arguments of the insurance industry for what they are. The opposition is based on nothing more than discrimination and protecting the corporate bottom line.

I want President Bush to be confident that he has my continued support to do everything possible to pass this legislation. But I ask him now to follow through on the promise he made in New Mexico to support full mental health parity. This legislation is ready to move forward. The President asked to sign a full mental health parity bill. There is nothing stopping this bill except the politics of the insurance industry. I ask President Bush to put the needs of those suffering from mental illness first, to help prevent further suffering and deaths, and to ease the pain of those scarred by September 11 by helping to make treatment available to those who need it. I ask him to urge Republican Congressional leaders to support this legislation. I ask him to endorse S. 543/H.R. 4066.

Within the constraints of the Senate calendar, this bill may move forward independently, or we may again attach it to an appropriations bill, as we did last year. With the tremendous support for this bill on and off the Hill, we have these options. However, when the bill moved forward on LHHS appropriations in 2001, 10 House members voted to kill this bill, and President Bush wrote a letter to Senator DOMENICI promising to help pass it this year. I ask the President to follow through on that promise. I ask him to prevent the insurance lobby from killing this bill again. Our country needs this legislation, and the majority of Americans have made it clear that they want it now.

I look forward to the day when people with mental illness receive decent, humane, and timely mental health care. It will be a good day for our country. I ask the President to make sure that this day comes soon.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, I know there are Senators who wish to travel to their States to accommodate the remembrance ceremonies with which many are involved tomorrow. As a result of that understanding and in appreciation of the need for travel, it is my expectation to withhold scheduling any additional votes today and then to announce that there will be no votes tomorrow.

So Senators who have an interest in traveling are welcome to do so. We have had a number of requests from Senators on both sides of the aisle. To accommodate those requests, that will be the decision.

There will be votes early, at least I should say midmorning, on Thursday. Senators should be prepared to come and participate in debate and be prepared to vote as early as 10 or 10:30 on Thursday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSESSING IRAQ'S MILITARY CAPABILITIES

Mr. DURBIN. Mr. President, as we approach the anniversary of the September 11 tragedy, our Nation is in the midst of a national debate about war with Iraq.

I am sure the presiding Senator recalls, as I do, graphically, that day just a year ago, on September 11, when the Capitol Building was evacuated. During the course of that evacuation, it finally hit me, as I stood on the grass outside the Capitol and was looking at this building, I was looking at the last building ever invaded by a foreign army on the continental United States soil, when the British attacked the Capitol during the War of 1812. That struck me as I stood there and reflected that once again an enemy had struck the United States home.

I never would have imagined, when I came to work that week, that by the end of the week I would be voting unanimously with my colleagues in the Senate, Democrats and Republicans, to give to the President of the United States the authority to go to war and the resources to go to war. It happened so quickly, but it was the right thing to do. We understood that the United States was in peril, was in danger—and still is—from the forces of terrorism around the world. We stood as one, in a bipartisan way, to back the President, to fight this war on terrorism, to go after those who were responsible for the September 11 tragedy which struck the United States.

Now, here we are a year later. The war on terrorism continues. Few, if any, would say that it is resolved or that we have won it. And we are debating the possibility of another war against another enemy. Osama bin Laden has not been captured or accounted for. The major leaders in al-Qaida are still on the loose somewhere. We believe al-Qaida still has a network of sleepers in 60 nations around the world. Afghanistan, the first battleground in the war against terrorism in the 21st century, is still not a stable and safe country. Hamid Karzai, the President of Afghanistan, barely survived an assassination attempt last week. We have thousands of American troops still on the ground there. I had the honor to meet with some of them last January; our hearts and prayers are with them every single day. But that war on terrorism still continues.

Yet the administration comes forward and tells us we still have to think about the possibility of another war, in this case a war against Iraq. Indeed, it is possible that within a few days or maybe a few weeks the people of the United States of America, through their Members of Congress, will be asked to vote on whether to go to war against Iraq. It is hard to believe the events are moving so quickly that we would be declaring a second war within little more than a year of the September 11 attack.

Last Sunday on "Meet the Press," Vice President CHENEY indicated that the administration would like the Congress to vote on Iraq prior to adjourning this October. Do you realize that is a matter of weeks—weeks, before we would be called on to make this momentous decision? Because this is not a matter of high-altitude bombing when it comes to Iraq. We wouldn't have the luxury of that type of warfare. We are talking about, in the President's words, "regime change." We are talking about removing Saddam Hussein from power, not peacefully but with force. That would involve, I am afraid, land forces invading, the type of war we have not seen in many decades in the United States.

We recall the Persian Gulf war. It was a much different situation, a little over 10 years ago, precipitated by Saddam Hussein's invasion and occupation of Kuwait: The formation of a coalition led by the United States but also with the United Nations and allies around the world, including many Arab States who joined us.

We fought to remove Saddam Hussein from Kuwait. We were successful in doing that. We had logistical support. We positioned our troops in Saudi Arabia and nearby. We had a broad coalition. We were forcing Saddam Hussein out of a territory he had occupied.

This is a far different challenge if we invade Iraq—different in that the coalition today consists of England and the United States, and no others. Logistical support is hard to find because the countries surrounding Iraq have basically told us they will not support us in this effort. Frankly, we would be fighting Saddam Hussein on his own territory, which gives him a home field advantage, which most military experts concede. Would we be successful ultimately? Yes—at some cost and at some price over some period of time. I have no doubt the American military—the very best in the world. Hussein would be gone. I can't tell you what it would cost.

In the midst of the Kuwait situation, Saddam Hussein didn't use chemical and biological weapons, which we believe he has, but instead he decided to fire Scud missiles on Israel—kind of a third party to this conversation—hoping, I am sure, that he would destabilize the Middle East and cause such an uproar and consternation that the United States would withdraw. It didn't work. Sadly, Israelis died in the process.

This time, we are not talking about moving Iraqi troops out of Kuwait but actually killing and capturing Saddam Hussein. To what lengths would he go in response? What victims would he seek? He doesn't have missiles to reach the United States, but he has the capacity to train what missiles he does have on nearby neighbors such as Israel.

Vice President CHENEY said that before the October adjournment, Congress would be asked to "take a position and support whatever the President needs to have done in order to deal with this very critical problem."

By most definitions, that is article I, section 8, clause 11, of the Constitution which gives the Congress, and the Congress alone, the power to declare war. The people who wrote that Constitution—the Founding Fathers—had seen a king in action, a king who had dragged his country into wars, and said that the United States would be different. We will never have a President to take us into a war. The American people will make that choice through Members of Congress—Members of the House elected every 2 years, and the Senate every 6 years. They will make the call, and do it very explicitly.

Vice President CHENEY is saying to Congress: It is your turn to make this decision.

The decision to go to war is the most significant decision any government can make, and Congress plays an essential role. We and the executive branch need to have all the relevant facts analyzed as thoroughly and objectively as possible before making the decision to put America's military men and women in harm's way.

Senior administration officials publicly identified Iraq's development of weapons of mass destruction and the potential of Iraq's transfer of these weapons to terrorist groups as the primary threat to our Nation. Ultimately, our Government must rely on the intelligence community to make the most thorough and unbiased analytic assessment of the current and projected status of Iraq's weapons of mass destruction infrastructure, regardless of whether the analytic judgments conform or conflict with stated U.S. policy. In other words, we are saying that the intelligence community should give us the unvarnished truth, tell us what Iraq has and its likely capability.

It is interesting, if you look at the countries that the Bush administration designated as part of the axis of evil—North Korea, Iran, and Iraq—of the three, the military capabilities of North Korea and Iran far surpass the capability of Iraq. We know that in the case with North Korea, and probably Iran as well, they have nuclear weapons today. We also know they are working on developing long-range missiles. We believe North Korea is the closest to developing missiles which could make it to the shores of the United States. But we think Iran is trying to do the same thing.

All that I am telling you is a matter of public information. We know this. We know what their capability is. When you look at the status of the three countries which the President said are the axis of evil, Iraq clearly ranks third. If all three are threats and enemies to the United States, why is it that the administration has focused in on Iraq, which to our knowledge does not have nuclear weapons today nor the ability to deliver any type of long-range weaponry against the United States?

As a member of the Senate Select Committee on Intelligence, I am deeply concerned that the intelligence community has not completed the most basic document which is asked of them before the United States makes such a critical life-or-death decision.

It is within the power of the Director of the CIA, George Tenet, to order a national intelligence estimate, known as an NIE. National intelligence estimates bring together all the agencies of the Federal Government involved in intelligence, sits them down, and collects and coordinate all of their information to reach the best possible conclusion he can come up with.

I was stunned to learn last week that we have not produced a national intelligence estimate showing the current state of weapons of mass destruction in Iraq. What is incredible, with all of the statements made by members of this administration about those weapons, is the fact that the intelligence community has not been brought together.

If we learned anything from September 11 of last year, we learned, when it came to the intelligence out there at the FBI and the CIA and other agencies, that no one ever brought it together. Had we been able to bring it together by September 10, could we have avoided September 11? I am not sure. I wouldn't say that. But we certainly would have appreciated the threat a lot better, and perhaps we would have been prepared a lot better. Maybe—just maybe—we might have avoided some or all of the tragedy. But we didn't do it.

Time and again since then as we looked back on last year, we have said we have to be better prepared, with better communications and better coordination of information from outside the country and inside, and bring it all together so we can make the best decision.

When we are talking about a possible invasion of Iraq and a war against Iraq, why haven't we really created the most basic document that we have the power to create in this Government—the national intelligence estimate—so we know exactly what we may be up against in Iraq? It has not been done.

This morning, I handed a letter to the deputy to Director Tenet asking that he give it to the Director personally, asking that they move as quickly as possible to establish and create this national intelligence estimate. Once it is established, I think we should meet on Capitol Hill—the Senate and the House Intelligence Committees. We should have classified hearing on things that can't be discussed publicly about this NIE, and then a public hearing as well to share with the American people, without compromising in any way the safety and security of the United States, as much information as we possibly can about the current state of affairs in Iraq.

National intelligence estimates are the Director of Central Intelligence's most authoritative written judgments concerning national security issues. They contain the coordinated judgments of the entire intelligence community regarding the likely course of future events. They provide not just a snapshot of a particular national security problem today but a coordinated assessment of how that problem might evolve over the next several years. This is the vital policy planning tool for our Nation's policymakers.

Let me tell you the many components of the U.S. intelligence community are worthy agencies. Each and every one of them does a good job of intelligence collection—the Central Intelligence Agency, the Defense Intelligence Agency, the Department of State Intelligence and Research Bureau, and the Department of Energy's Intelligence Office which is critical to doing an assessment of nuclear capability, and the National Security Agency, just to name a few. They provide analytic assessments on an hour-to-hour, day-to-day basis. They can tell us better than any other group the current situation in Iraq. We need to know what their consensus opinion is before we decide in advance whether or not this war should be undertaken. I firmly believe that policymakers in both the executive branch and the Congress—the President, the White House, the Department of Defense, the Department of State, and the Congress—would benefit from the production of a coordinated consensus document produced by all relevant components of the intelligence community on the current and projected status of Iraq's weapons of mass destruction.

The letter I sent to Director Tenet asked him to initiate this process as quickly as possible and to produce the NIE within several weeks. I requested that an unclassified summary of it be produced, as has been done in the past, so the American public can better understand this vitally important national security issue.

Let me tell you that during the time I served in the Congress—the House and the Senate—there is no moment I recall with more pain in my heart than the debate a little over 10 years ago about the Persian Gulf war. After we persuaded President Bush's father to follow the Constitution, to come to Congress and to seek the authority of the American people and the permission and approval of Congress before initiating that war, we then engaged in a debate—a long debate. I think virtually every Member of the House of Representatives took the floor over a 2- or 3-day period of time. The House met continuously. In that period of time, each of us stood in the well of the House of Representatives—as we did in the Senate Chamber here—and spoke our hearts about the challenge we faced and the vote we faced. We knew that if a vote were cast to go to war, innocent people would die and that American soldiers and American sailors and marines and airmen would have their lives on the line.

It meant a lot to me personally because of a friend of mine, who was a Marine at the time—I knew his parents well. They were from Springfield, IL. I had known his mother and father for many years. They came to me early on when the debate got started and said: We are worried to death about our son. Really, our hope for the future of our family is in the Marines. He is there in the Persian Gulf, and we sure don't want to see anything happen to him.

I assured them that I would think about him constantly as I made my decision on the Persian Gulf war. Of course, we all recall what happened. Finally, after the approval was given, the war was initiated. The land war did not take but 2 or 3 days and it was over. And I thought, at the time, what a great relief it was to be able to call his parents and tell them that it had ended so quickly and so well.

Little did I know that Christian Porter of the U.S. Marine Corps from Springfield, IL, was one of the several hundred American casualties in that war. This young man, whom we all worried about so much, was the victim of friendly fire.

I went to his funeral service in Springfield and to the veterans cemetery afterwards. My heart was broken for that family. But it was a good reminder for this Member of Congress—now a Member of the Senate—to remember what war is all about. It is about the potential loss of life of many innocent people. It is about being in harm's way for many Americans in uniform.

We have to take this responsibility very seriously. And if we are going to take it seriously, we must insist, in Congress, that the administration produce the clear and convincing evidence that an invasion of Iraq is the only option available to us to bring this potential threat under control.

If this administration cannot produce a National Intelligence Estimate which comes to that same conclusion, then, frankly, those of us who have listened to the heavy rhetoric over the last several weeks will understand that, when it comes to the evidence, there is something lacking.

It is time for the administration to rise to the occasion, to produce this evidence, as has been asked for and been produced so many times in the past when America's national security was at risk. We cannot accept anything less than that before any Member of the House or the Senate is asked to vote on this critical question of going to war.

We have to say to the administration: Bring forward your best evidence and your best arguments so that, ultimately, when we make this momentous and historic decision, we can go back to the States and people who we represent and say, that we have dispatched our responsibility in a credible, good-faith manner, that we have done everything possible to understand the nature of the threat, and the best response of the United States.

War is the last option. We have to know every element before we make that decision. We have to exhaust every other opportunity before we reach it.

On Thursday, the President will be at the United Nations in New York. I am certain he is going to remind them that Saddam Hussein is a thug, that he has been a threat to his own people, to the region, and to people around the world with his weapons of mass destruction. He will, undoubtedly, remind them of his cruel invasion of Kuwait, which mobilized the United Nations to defeat him and to displace his troops from Kuwait. He will, undoubtedly, remind them of what has happened since: when the United Nations resolution, which condemns and prohibits Iraq from ever having weapons of mass destruction, has been ignored by Saddam Hussein; how the inspectors, some 4 years ago, were pushed out of his country; and how this man has literally, as a thug, ruled this nation in a manner and form that most civilized countries in the world find reprehensible.

All of those things, I will concede, are true. But the next question facing the United Nations and facing the United States and its people, through its elected representatives in Congress, is: Is it the right thing for us to do?

We cannot make the right decision without the best information. And the production of the National Intelligence Estimate will give us that information.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAYING IN TOUCH WITH THE AMERICAN PEOPLE

Mr. BYRD. Madam President, the President talks a lot about the coffee shop in Crawford, TX, which brings to mind Uncle Josh and Aunt Nancy's Smokehouse in West Virginia where I have been talking with people for a long time. You ought to come down to that shop sometime—Uncle Josh and Aunt Nancy's Smokehouse. I talk with those people quite often. We have one of those in every State, I suppose: I suppose each of the Senators here has a coffee shop such as the one in Crawford, TX, or like Uncle Josh and Aunt Nancy's Smokehouse in their State. So I have one of those.

It is good to get back home and kind of get the feel of the people and "press the flesh" a little, as Lyndon Johnson used to say, and know what they are saying back there in that coffee shop.

But, Madam President, despite all of his talk about staying in touch with the people at the coffee shop in Crawford, TX, the President seems to have lost touch with the needs of the American people. I worry that the extra caffeine must have affected the President's ability to take the pulse of America. After looking at some of the administration's actions over the past few weeks, I am almost certain of it.

At almost every turn, the President seems to be a day late and a dollar short. Let me just give a few examples. On July 16, the House added $700 million of supplemental funding to the Interior bill to fight fires that are raging across this Nation. The administration, through the Office of Management and Budget, wrote to the Congress and strongly objected to that funding. Yet on August 28—just 6 weeks later—the President requested $825 million for emergency firefighting funding. It is a complete about-face.

In mid-July, the White House, through the Office of Management and Budget, again pressed Congress to reduce the size of the supplemental that was then in conference. The OMB Director, Mitch Daniels, recommended that conferees on the bill reduce funding for the Transportation Security Administration by $219 million. The conferees acceded to the administration's request. Yet on September 3—just 6 weeks later—the President requested that $219 million and an additional $327 million for the Transportation Security Administration. That is $546 million that, 6 weeks earlier, the administration did not think was necessary.

In late July, Congress approved $200 million for economic assistance to Israel and $50 million of disaster assistance for Palestinians, which was not requested by the President. The President had until September 1 to designate the funds as emergency and, thus, make the funds available to spend. The President rejected the funding on September 1. He could have had it then. All he needed to do was sign his name. No, he rejected it on September 1. But 2 days later, on September 3, the President requested—you guessed it—$250 million for the very same purpose. Are we seeing a pattern here? It is as plain as the noonday Sun on a cloudless sky. On September 4, the administration wrote Congress to stress its desire for Congress to restrain spending by keeping spending for the fiscal year that begins October 1 to a level of $759 billion, and yet on August 2 and September 3 the President requested $1.3 billion of additional funding and proposed no offsets for that spending.

The Congressional Budget Office now estimates that the President has requested $760.5 billion for the fiscal year that begins October 1, and yet the President insists we spend only $759 billion—that far and no farther, $759 billion. This President seems to rely on the same types of accounting techniques with regard to homeland security that are causing such problems in corporate America.

The President and his administration love to tell Americans that we are constantly at risk of new terrorist attacks. The President's Cabinet members have been out in great force time and time again putting the country on alert for a possible terrorist attack. We have been told to watch the bridges, watch the fuel trucks, watch the banks. Remember the little boy who cried wolf too often, too many times?

So we are constantly at risk, the administration says. In fact, just this afternoon the administration raised the Nation's level of alert from yellow to orange, believing there is a high risk for a terrorist attack.

I have been thinking that, too. I suppose most people in this country have been concerned about that as well. Apparently, security concerns have grown by such an extent in the last 24 hours that Americans at home and around the world are being told to be extra vigilant and alert. Specifically, the Attorney General pointed to new threats aimed at embassies overseas, at our Nation's transportation network, and at the symbols and monuments of our country. That is why Congress overwhelmingly included in the emergency supplemental package $10 million for embassy security. That is why Congress passed $17.7 million for security at the Washington Monument and the Jefferson Memorial. That is why Congress approved $150 million for airport security. That is why Congress approved another $42 million for security at air traffic control towers.

Congress has not been asleep at the wheel. Congress has been acting like Paul Revere in saying: Alert, rise, for the day is passing, and you lie sleeping on. Others have girded their armor and forth to battle have gone. So Congress has been sounding this alert. That is why Congress approved $150 million for airport security and another $42 million for security at air traffic control towers, but the administration rejected those items and labeled them as wasteful spending.

Wasteful, my foot. There is nothing wasteful about investing in the security of the American people. Hear me down there at the other end of the avenue. Hear me, Mr. President. There is nothing wasteful about investing in the security of the American people who send us to Washington, whose taxes pay the bills, whose sons and daughters give their blood in wars—the American people.

The only thing wasted by the President's rejection of these funds is time, time necessary to put these dollars to work and put them to work rightly, prudently, carefully, to put these dollars to work and to protect American lives.

The administration is right to warn America when it learns of new, credible terrorist threats, whether at home or abroad. However, Americans must have the tools to secure our homeland. The homeland defense problem cannot be solved simply by moving boxes around on an organizational flowchart or by "now you see it, now you don't" funding shenanigans.

A few weeks ago, Congress approved $2.5 billion for homeland defense programs, $2.5 billion that was put into legislation by this Senate through its Appropriations Committee, in a bipartisan display of support; $2.5 billion for homeland defense programs to secure our ports, our river ports, our seaports, to secure our airports, to secure our nuclear facilities, to train and equip our Nation's police and firefighters. Those are the people who ran up the steps, those are the people who sought to protect the lives of others, and those are the people who gave their own lives to save the lives of others. Those are the people who have now left widows and orphans, happy dreams forever gone. That is what Congress was thinking of when we put that money in the bill. This funding would have addressed the very security concerns the administration outlined this very afternoon.

The first question that was ever asked in the history of the human race was, "Where art thou?" When God came in the cool of the day, walking in the Garden of Eden looking for Adam, Adam was in hiding. God said, "Adam, where art thou?" That was the first question that was ever asked in the history of the human race: "Adam, where art thou?"

I say, where were you? The people will say to the administration, where were you? Where were you when the Congress passed that measure providing $2.5 billion for the security, for the welfare, and for the protection of the American people? Where were you, Mr. President? Where were you? It was up to you. Just the signature of a name would have given the $2.5 billion to the firefighters, the policemen, the health emergency people, would have given you that money for the protection of our nuclear facilities, for the protection of our ports of entry, for better border security to the north, for better border security to the south, for more food inspectors. Why did you turn your back on that money for the security of the American people?

I say again, that funding would have addressed the very security concerns the administration outlined this afternoon. Yet on September 1, the President chose to cancel those funds, turn his back on those funds, push them away. I wonder what goes into that coffee in Crawford?

Today, the Senate passed a drought relief amendment by a 79-to-16 margin. This amendment would provide disaster assistance to our Nation's farmers and ranchers in the face of unprecedented drought. That ought to be pretty easy to understand. I have lived in northern Virginia now for 50 years, the same number of years that I have served in Congress. In those 50 years, I don't recall ever such a drought as we have experienced and such weather as we have experienced as this year. I have been accustomed to pulling up my tomato plants, cutting up the stems, and putting them in the trash bags to be hauled away by the garbage truck. And I have been accustomed to doing that in mid-September or late September. This year, forget it. I did it in mid-August. Those vines were dying. The blossoms that had come earlier had never flowered into tomatoes. Don't think I am a great tomato producer. I only have three or four vines. I have planted as many as seven or eight during the years I have been in McLean, but that is just from a wee tomato farmer.

This is a drought. I have lived now 85 years, lacking a very few days—85 years. I have seen something happening out in the heavens as we witnessed pestilences and droughts, floods and fires. Something has happened. This was an unprecedented drought as far as I am concerned. I am probably not going to put out any tomato plants next year. The country will not miss my tomato plants, but the country misses the signature on that $2.5 billion that would have been turned loose, that would have been there for the country, for the protection of the people, for all these items and more that I have mentioned.

Yet the President has told our farmers and ranchers that he opposes this funding. How about that? He has told the farmers and ranchers he opposes this funding. But he did not oppose a $1.3 trillion tax cut that goes for the most part to the wealthiest in this country. Those people never lived on my side of the tracks, the people who are going to be the beneficiaries of most of that tax cut. They did not come from my side of the tracks. No, the people on my side of the tracks have not reaped any benefit from that tax cut. My side of the tracks, yes, had a coffee shop on that side, too, but not many people could afford 5 cents for the cup of coffee.

So when the President tells our farmers and ranchers he opposes this funding, without this help many farms and ranches will dry up and disappear. Congress knows how to take the pulse of the Nation and to respond to the needs of the people. There are people in this Congress who may have lived on the other side of the tracks, mingled with people not just in the Crawford coffee shop but in Uncle Josh's and Aunt Nancy's Smokehouse from where the common people, the ordinary people come.

If we wait for the President to change his mind, there may be no pulse to take for our farmers and ranchers. Once again, the President seems to be a day late and a dollar short. It is time for the administration to wake up and smell the coffee.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I understand that on my call for regular order, we go back to the pending bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Then I do call for the regular order.

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER. The Senate resumes consideration of the pending bill.

Mr. REID. Was there a unanimous consent request, Madam President?

The PRESIDING OFFICER. The Senator from Pennsylvania asked for the regular order.

Mr. REID. What is the regular order?

The PRESIDING OFFICER. The bill, H.R. 5005.

Mr. REID. If my friend would allow me to speak, it is my understanding that we were in a period of morning business with Senators allowed to speak for up to 10 minutes each. Would it not take consent to get out of that?

The PRESIDING OFFICER. Morning business occurs by consent. The regular order was the legislation.

Mr. SPECTER. Madam President, I think I have the floor. If I might just comment, what I would like to do is speak on the bill.

Mr. REID. We would like to hear you speak. But I say to my friend, there would be no amendments. We have the Thompson amendment pending, and we would have to have consent to set that aside, or I guess you could offer a second-degree to Senator THOMPSON's amendment. But you are not planning to offer an amendment?

Mr. SPECTER. Madam President, I don't plan to offer any amendments or anything unusual. I want to make some comments on the pending bill. I don't plan to do anything that would require the presence of anybody here to safeguard their interests. I don't wish to do anything that would be construed as contrary to anybody's interest. I would like to have people here who are on the bill.

Mr. REID. I only say I am sorry I have to leave the floor because I would love to hear the statement of the Senator from Pennsylvania. I say this as affirmatively and sincerely as possible. The Senator always makes statements that are good and direct, and I am sorry to have interrupted him, but I didn't know what was going on.

Mr. SPECTER. I am sorry the Senator from Nevada will not be here to hear my presentation, but there are 97 other Senators who could come. Counting the Presiding Officer and myself and the Senator from Nevada, that leaves 97 others. That is probably more people than are watching on C-SPAN 2, as a matter of fact, Madam President.

AMENDMENT NO. 4513

The pending amendment seeks to speak to the provisions of the bill relating to a National Office for Combating Terrorism, and I believe the thrust of the provisions for this national office are well founded as a coordinating mechanism. But after discussing the matter in some detail with the author of the bill, the distinguished senior Senator from Florida, and considering the views of the President, who does not want to have a confirmed officer in the West Wing but is looking for an adviser, as former Governor Ridge who is now his adviser, as Dr. Condoleezza Rice is the National Security Adviser—it seems to me there are strong reasons for us to avoid this legislation to have a Secretary of Homeland Security who will be confirmed and then have a Director for the National Office for Combating Terrorism, because all of these duties, in my opinion, can be handled by the Secretary of Homeland Security. So the objectives which the senior Senator from Florida seeks to accomplish can be accomplished without adding this additional office. I know the President does not want another officer confirmed by the Senate. He didn't want one in the first place, and didn't want a Department of Homeland Security, but now has acceded.

Senator LIEBERMAN and I introduced the legislation for a Department of Homeland Security and a Secretary of Homeland Security last October, and eventually the President acceded to that necessity, and there is now a bill on the floor.

But as I look over the responsibilities which the senior Senator from Florida has assigned to the Director of the National Office for Combating Terrorism, it is my view that these duties can be handled by the Secretary of Homeland Security. The responsibilities which are set out in section 201(c):

> To develop national objectives and policies for combating terrorism.

I think that is an appropriate function for the Secretary.

> To direct . . . [the] assessment of terrorist threats and vulnerabilities to those threats . . . .

Again, I think that is something that can be handled by the Secretary.

> To coordinate . . . the implementation . . . of the Strategy by agencies with responsibilities for combating terrorism . . . .

Again, I think that is something the Secretary can do.

> To work with agencies, including the Environmental Protection Agency, to ensure that appropriate actions are taken to address vulnerabilities identified by the Directorate of Critical Infrastructure Protection within the Department.

Again, that is something which the Secretary can handle.

> To coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism . . . .

That can be handled by the Secretary. In fact, this provision calls for coordination with the Secretary.

The provision does exclude military programs, projects or activities relating to force protection. This is a controversial item, as to whether there ought to be somebody with budget authority. I think it is a good idea. Right now there is diverse budget authority with a larger share of it on the intelligence agencies coming out of the Department of Defense. I believe it would be very useful to have that centralized.

When I chaired the Intelligence Committee in the 104th Congress, I proposed legislation which would have brought all of the intelligence agencies under one umbrella, the Central Intelligence Agency. Now I think there is an opportunity to do that with the new Department of Homeland Security since we are taking a fresh look at this area. I know there are objections to giving budget authority to anyone on an overall basis, but it would be my hope that this provision would stay—but it would stay under the dominion of the Secretary of Homeland Security.

The other responsibilities of the Director of the National Office for Combating Terrorism are:

> To exercise funding authority for Federal terrorism prevention and response agencies . . . .

Stated simply, all of the functions of the Director of the National Office for Combating Terrorism, in my view, can be handled by the Secretary of Homeland Security. I think those objectives are sound.

It is my hope that we will legislate here to put under the umbrella of the Secretary of Homeland Security the necessary authority to protect against terrorists. It is my judgment that had all of the dots been under one umbrella, there would have been a veritable blueprint for what happened on September 11 and that September 11 might well have been prevented. This is the time, with the new Department of Homeland Security to be established, that we have a chance to implement what so many people have proposed.

My idea to bring all of the intelligence agencies under one umbrella in the legislation, which I proposed in the 104th Congress when I chaired the Intelligence Committee, is an idea which has been proposed by many. At the moment, there is on the President's desk a comprehensive proposal to accomplish just that. But the reality is that the turf wars involving the various agencies are so fierce that this is never accomplished. Now we have a chance to do it.

Had the one umbrella been present to identify the FBI Phoenix memorandum—where there was a flight student with a big picture of Osama bin Laden and indicators of potential terrorist activity—had that, combined with the two men identified, who were later hijackers on September 11, in Kuala Lumpur where the CIA never told the FBI or the INS—had that been added to the records—the National Security Agency got it on September 10; it wasn't translated as a threat that something would happen the next day, perhaps later, until the 12th—especially with the information which could have been obtained, had a warrant been issued for the computer of Zacarias Moussaoui and for the search of his premises—there was a virtual treasure trove of information linking Moussaoui to al-Qaida.

We have learned a very different lesson from 9/11. Now is the time for the Congress to change it. We simply have to override the various Federal agencies that are fighting for their turf. The stakes now are too serious.

We have an enormous responsibility in the Congress to do everything we can to see to it that there is no recurrence of 9/11. We have action to be taken if there is a biological attack. We have worked on various antidotes for various biological weapons—smallpox and anthrax. But if we have to respond, it is a 99 percent loss. What we have to do is prevent it.

The intelligence agencies that want to maintain their own sovereignty just ought to change that attitude. The legislation which has been proposed would put all of these analysis sections under the Secretary of Homeland Security. That is what ought to be done. That can be done in this bill.

There was a meeting on July 31 with the President, Governor Ridge, and Members of Congress, where we talked about these ideas.

I ask unanimous consent that the full text of this letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, there is a critical line on the letter I have written to Governor Ridge. I will read just a little bit of it.

> Dear Tom:
>
> I was very pleased to hear the President's affirmative response yesterday to the proposal to have analysts from every intelligence agency (CIA, FBI, DIA, etc) under the umbrella of the Department of Homeland Security with the Secretary having the authority to direct those intelligence agencies to supply his Department with the requisite intelligence data.
>
> This doesn't mean that Homeland Security will have authority over CIA agents. They will remain with the CIA. It doesn't mean the Secretary of Homeland Security would have the direction of the FBI agents or any other agents. They will all remain in their Departments. But the analysts will all come together under one roof. There will be nothing to stop the CIA from having analysts under the CIA roof. But they will have to be CIA agents under the roof of the Director of Homeland Security so that all of the analysts are there and can put the dots together in one place.

The critical paragraph in the letter set forth is:

> Responsibilities.—The Directorate of Intelligence . . . . On behalf of the Secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information and such other intelligence-related information as the Directorate of Intelligence deems necessary.

That is the critical part of it.

The other way of articulating the idea would be to say that the President approves the Secretary having this authority. But it is unrealistic to expect the President to come in and make an analysis and take affirmative action. But it is effective to get the same job done if the problem is sufficient to have the matter disapproved by the President.

I don't think you really have to have statutory language because the President directs anybody as he chooses. They are going to be bound to carry out his orders. But this would give the Secretary of Homeland Security umbrella authority, as I say, subject to disapproval of the President.

Although I do think the senior Senator from Florida had a good idea and purpose in the National Office for Combating Terrorism, the better policy is to leave these responsibilities to the Secretary of Homeland Security, a separate Department. The President is then free to have an adviser on homeland security—as he currently does, a position filled in the West Wing by Governor Ridge.

EXHIBIT I

U.S. SENATE,
Washington, DC, August 1, 2002.

Hon. TOM RIDGE,
Director of Homeland Security,
Washington, DC.

DEAR TOM: I was very pleased to hear the President's affirmative response yesterday to the proposal to have analysts from every intelligence agency (CIA, FBI, DIA, etc.) under the umbrella of the Department of Homeland Security with the Secretary having the authority to direct those intelligence agencies to supply his Department with the requisite intelligence data.

As I said in the meeting in the Cabinet Room yesterday, I think that had all of the intelligence information known prior to September 11th been under one umbrella, the terrorist attacks of September 11th might have been prevented.

Senator Thompson, as I understood him, did not disagree with that ultimate approach except to express the view that he thought that changes in the structure of the intelligence community should await further studies. My own strongly held view is that we have a unique opportunity to make the changes in the intelligence community now because of the imminent terrorist threats; and, if we don't act now, we will go back to business as usual.

As you and I discussed in our meeting of July 29, 2002, there have been many proposals to place the intelligence agencies under one umbrella, including legislation which I introduced in 1996 when I chaired the Intelligence Committee, and the current proposals which have been made by General Scowcroft.

I suggest that Section 132(b) of the bill reported by the Governmental Affairs Committee be modified by adding at the beginning a new paragraph (1) to read as follows:

(b) RESPONSIBILITIES:—The Directorate of Intelligence shall be responsible for the following:

(1) On behalf of the Secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information and such other intelligence-related information as the Directorate of Intelligence deems necessary.

I am sending copies of this letter to Senator Lieberman and Senator Thompson so that we may all discuss these issues further.

My best.
Sincerely,
ARLEN SPECTER.

Mr. NELSON of Florida. Mr. President, while our troops have had enormous success abroad, the war on terror, obviously, is not over. We are just beginning. We must do everything we can to prevent future attacks on the homeland.

Tomorrow is going to commemorate that awful experience. My attention over the weekend was riveted to an article in one of the country's major newspapers that reported on a debriefing of one of the al-Qaeda detainees who had indicated that the fourth airplane, the one that crashed in Pennsylvania, had as its target the U.S. Capitol.

How many of us on that day were working in the U.S. Capitol? I was in a meeting on the west front of the Capitol, only 30 paces from where I am now standing in the Chamber of the Senate. It was a meeting attended by about 15, chaired by the majority leader. We had already seen the television images of the World Trade Center, but we continued our meeting.

Someone burst in the door and said: "The Pentagon has been hit." We leapt to the windows overlooking the west front of the Capitol, overlooking the mall in the direction of the Pentagon, and saw the black smoke rising on the other side of the Potomac.

Interestingly, my immediate reaction was to leap to a telephone to try to get word to my wife, Grace. Only 5 days earlier, we had moved into an apartment overlooking the southwest corner of the Pentagon. My message to her was—and we didn't even have a telephone in the apartment, since we had just moved in—to get into the basement garage because, of course, I didn't know what was happening on that side of the Potomac.

In the meantime, Grace Nelson is getting dressed in the apartment. She hears the airplane. She said it sounded so loud, as if it was going to hit the apartment. And the line of flight was very close to the apartment. She heard the impact. She ran to the window and saw the whole thing.

When she saw the people streaming out of the Pentagon, her immediate response, which is the great patriotic instinct of my wife, was: What can I do to go down and help those people?

That, of course, was a riveting experience, like any that you have had in your adult life. I was in college at the time of the assassination of President Kennedy. I can tell you exactly where I was when we received the word. So, too, on any other tragic event, such as the destruction of the space shuttle *Challenger*. And so, too, Americans will remember exactly what they were doing and where they were at the time of receiving the news that the Nation was under attack a year ago.

This war is going to be a long one, and it is going to be very difficult because it is a new kind of war. We don't have the luxury we have had for two centuries of two big oceans protecting us from our enemies, for now the enemies have figured out a way to infiltrate within. Of course, all of the U.S. interests and assets around the world, including our ambassadors, are targets we have to protect.

It is appropriate that this legislation is being considered at this time. What do we have to do to help protect future attacks on U.S. soil?

Clearly, there was a colossal intelligence failure on September 11. That is primarily what we need to address. The inexcusable bureaucratic inefficiencies and inability of one hand of the bureaucracy to know what the other hand was doing, all of that has to be ironed out. In the briefings that we have had, I have some degree of confidence that it is being ironed out. It better be. We have no choice. For the only way to thwart the terrorists is to find out what they are going to do before they do it and stop them.

Combining this new threat also requires a more agile government. What we are about to do is undertake the largest governmental reorganization in the last five decades. This new department will combine 22 agencies, 170,000 people, with an annual budget of $38 billion. But considering the seriousness of the threat and the scope of the restructuring, I must say that I am surprised by the administration's demands that this new Department of Homeland Security be run with minimal accountability to the American people, which includes accountability to this Congress.

There is something that we all swore to uphold when we took office: the Constitution of the United States. The political geniuses who gathered over 225 years ago fashioned a document that had checks and balances so that power could not be concentrated in any one branch of the Government.

So as we start to create this new, vast reorganization of the executive branch, we have to make it accountable to the American people by having it accountable to the Congress, with our oversight functions, with our appropriations functions, with our authorization functions, with all that has served this Nation so well since the beginning of our constitutional government in 1789.

I am concerned and a little bit surprised that the administration demands that they have it their way without the accountability, which is the checks and balances of the Constitution, necessary to the functioning of our constitutional government.

Many of us on both sides of the aisle believe this is an issue of great importance, involving such a massive reorganization of the Government that we must ensure that there are checks and balances. The American people deserve to know how this new department will be managed and how the resources allocated to the war on terror are going to be used.

Transparency is essential to ensure that this new department is working. I am not sure that is the message that has come from the administration. It is going to be up to us, particularly those of us who feel so strongly about this.

We have heard a number of people talk about the great leadership of Senator LIEBERMAN, the chairman of the Governmental Affairs Committee, and, clearly, the man who not only believes daily and recites daily the U.S. Constitution but carries that Constitution with him wherever he goes, a man who has been in Congress for over 50 years, Senator BYRD, who has expressed his concerns. And there will be more, including mine that I am registering today.

I am afraid that the administration's bill—which, in essence, is the House of Representatives-passed bill—fails to adequately protect the nonhomeland mission of the Coast Guard. Think of that. The Coast Guard overseas a number of important maritime missions, which save countless lives each year, including search-and-rescue operations, Marine safety, and recreational boating safety initiatives.

Am I sensitive to this? You bet. Look how much coastline Florida has. I have not actually measured it against the California coastline, but I suspect ours is greater if not equal to the California coastline.

So is the search-and-rescue operation, Marine safety, recreational boating safety—a non-homeland-defense mission of the Coast Guard—important? Of course, but so is the Coast Guard's mission on law enforcement, which includes drug interdiction, and alien migrant interdiction, and general maritime law enforcement.

Would it not be nice if we in Florida were not sensitive, as we are, to drug interdiction and to alien migrant interdiction? Waves of people try to come to Florida's shores illegally—some with just cause, but of which the Coast Guard plays a very important role. As resources are transferred to the war on terror, we should not forget about protecting people from the nonterrorist threats that can be harmful to our communities.

The final plan to transfer the Coast Guard to a new Department must ensure, in my judgment, that law enforcement safety and transportation missions are not unreasonably compromised. That is why I think we have to adopt the Senate language and protect it then in the conference committee—ironing out the differences between the Senate and House versions.

In addition—and very importantly—the administration's language in the

House bill completely undermines workers' rights. Guaranteeing the basic civil service rights of people hired to keep us safe does not and will not jeopardize national security.

What are we trying to protect? We are trying to protect the civil service of this Federal Government from being politicized, which is the reason why the Hatch Act was passed years ago, decades ago, saying that there was going to be a barrier put up so that any administration, after the Hatch Act, was not going to be able to use the Federal bureaucracy for their political ends; thus, the Hatch Act was enacted.

What the administration's language does is take away those worker rights, those basic civil service rights, and that is not healthy, because it has been healthy, as we have seen how the Federal bureaucracy operates under those protections in the Hatch Act.

The House bill would grant the President a blank check to take away the civil service protections of nearly 170,000 employees of the new agency. I don't think that is in the interest of the country. That is not going to affect the national security. The vague authority granted to the President would exempt employees from traditional labor laws if he determined, without any explanation, that the workers' rights somehow adversely affect the Department's homeland security mission. That is not right for the workers of the new agency, and it is not right for the country.

Finally, the administration bill hangs consumers out to dry by limiting the liability of firms providing new antiterrorism technologies and devices because damages caused by untested technologies that fail to work would be restricted even in cases of gross negligence in the manufacture of those new technologies and equipment and apparatuses. This limited liability provision gives carte blanche then to fly-by-night companies looking to profit from 9/11 by selling products that, at best, do nothing and, at worst, could cause direct harm. I don't think we want to hang those consumers out to dry—indeed, much more than that, we don't want to harm those consumers.

As the clock ticks, the time becomes increasingly somber as we reflect back on what we were doing 365 days ago, what happened to us personally, and how we have changed not only as a nation but individually. I think it is important for us to look at the big picture and that as we fashion a bureaucratic response that is more flexible to protect our homeland, we do so in a wise and cautious fashion.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, in the absence of any other Senator on the floor seeking recognition on the bill or, for that matter, any other purpose, I ask unanimous consent to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL MEDALS FOR CREW AND PASSENGERS OF FLIGHT 93

Mr. SPECTER. Mr. President, I have sought recognition to proceed as if in morning business to discuss legislation I have pending, S. 1434, a bill which has 69 cosponsors, which would give the Congressional Medal to all of the crew and passengers on flight 93 which crashed in Shanksville, PA, on September 11, 2001.

As we know from cellphone conversations from passengers on that plane, the passengers took over the plane from the terrorists, at least to the extent of depriving the terrorists control where the terrorists, as was widely suspected, were headed for the Capitol of the United States. And the plane crashed in Shanksville, PA, killing all of those on board.

It seems to me this is a unique place for the Congressional Gold Medal, because those passengers saved the Congress. Had that plane reached the Capitol, this Chamber would not now be in existence, nor the Rotunda, nor the House of Representatives. It is hard to say in the morning, perhaps midmorning, how many Members of the Congress of the United States and staff would not be here today. In seeking this recognition, it is a very unique opportunity to acknowledge those passengers.

This bill has languished because it has gotten tied up, as it is not uncommon for legislation to be tied up for a variety of other reasons. There are some who want to give medals to everyone who died on September 11, which I think is a fine idea. There are some who want to give medals to all of those who were in the rescue squads from the police precincts or fire stations or the Port Authority. And there, again, I think that is a commendable idea. And all the ideas to recognize other people may be fine, but they can take their turn on legislation.

But this legislation ought to be enacted before sunset tomorrow, before September 11, 2002, expires. I am now working with some of my colleagues in the Senate to accomplish that. If we cannot accomplish that, then I am going to ask unanimous consent to call up S. 1434, which has 69 cosponsors. It should have been discharged from committee a long time ago. With 69 cosponsors, that is 18 more votes than necessary to pass legislation in the Senate.

There is a bill in the House of Representatives which approaches the issue slightly differently. The proposal in the House is to leave the decision up to the Attorney General of the United States. Well, that might be a good idea if there was something for the Attorney General to determine that we do not now know. But all of the knowable facts as to what happened on flight 93 are now known.

The Attorney General cannot conduct an investigation and pinpoint any specific individuals. And it is doubtless true that some individuals were more responsible for taking control of the plane away from the terrorists than others. But all were present. And all of those who were present were accessories to heroism. They lent their support by their presence. Of course, they could not go anywhere else, but the passengers brought down the plane. And the passengers saved the Capitol of the United States.

Interestingly, just yesterday, The New York Times published a release which contains confirmation from key al-Qaida operatives that flight 93 was, in fact, headed for the Capitol. That has been a fairly accepted conclusion, but this is what the New York Times story of yesterday, September 9, says:

Yosri Fouda, correspondent for the satellite station Al-Jazeera, told The Associated Press that he was taken, blindfolded, to a secret location in Pakistan to meet Khalid Shaikh Mohammed and Ramzi Binalshibh in a June interview arranged by al-Qaida operatives.

The thrust of the story is that the al-Qaida operatives said that flight 93 was headed for the Capitol. So, in essence, I think we have waited long enough. I think this action ought to be completed before sunset on September 11, 2002. And I hope we can work out an accommodation from the Members who are now with varying points of view. But, as I say, I will ask unanimous consent that the bill be acted upon before sunset tomorrow.

Mr. President, I ask unanimous consent that the full text of this New York Times report identifying from al-Qaida operatives the fact that this plane, flight 93, was headed for the Capitol, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 9, 2002]

Report: Congress Was on 9/11 List

(By the Associated Press)

DUBAI, United Arab Emirates.—The U.S. Congress was the fourth American landmark on al-Qaida's Sept. 11 hit list and the terror group also considered striking U.S. nuclear facilities, according to a purported interview with two al-Qaida fugitives wanted in the terrorist attack.

Yosri Fouda, correspondent for the satellite station Al-Jazeera, told The Associated Press that he was taken, blindfolded, to a secret location in Pakistan to meet Khalid Shaikh Mohammed and Ramzi Binalsshibh in a June interview arranged by al-Qaida operatives.

Founda said he has waited until now to air the audiotaped interview—it is scheduled to be broadcast Thursday on the pan-Arab satellite station—because he wanted to include it in a documentary marking the first anniversary of the Sept. 11 attacks.

In an article in London's Sunday Times, Fouda wrote that he learned during the interviews that the U.S. Congress had been al-Qaida's fourth Sept. 11 target. Two hijacked planes slammed into the World Trade Center, another into the Pentagon, and a fourth went down in a Pennsylvanian field.

U.S. counterterrorism officials, speaking on condition of anonymity, said many of Mohammed's statements about the origins of the Sept. 11 plot are plausible, but they have no information that would verify those claims.

The officials could not corroborate Mohammed's statements that the U.S. Capitol was the intended target of the fourth plane or that nuclear power plants had also been considered as potential targets for the Sept. 11 attacks.

Abu Zubaydah, a top al-Qaida leader in U.S. custody since March, told interrogators that the White House was the fourth plane's target, U.S. officials have said.

U.S. officials regard Mohammed as one of the highest-ranking al-Qaida leaders still at large and believe he is still planning attacks against U.S. interests. U.S. officials say Binalshibh belonged to a Hamburg-based cell led by Mohammed Atta, an Egyptian suspected of leading the Sept. 11 hijackers.

"I am the head of the al-Qaida military committee and Ramzi (Binalshibh) is the coordinator of the 'Holy Tuesday' operation," Fouda quoted Mohammed as saying. Sept. 11, 2001 fell on a Tuesday.

Mohammed said planning for the attacks began 2½ years before Sept. 11 and that the first targets considered were nuclear facilities.

We "decided against it for fear it would go out of control," Fouda quoted Mohammed as saying. "You do not need to know more than that at this stage, and anyway it was eventually decided to leave out nuclear targets—for now."

Fouda, an Egyptian reporter and host of al-Jazeera's investigative program "Top Secret," said he flew to Islamabad, the Pakistani capital, and from there to Karachi on al-Qaida instructions. In Karachi, he was taken blindfolded and via a complicated route to an apartment where he met the two men.

Fouda, speaking by telephone from London, said al-Qaida operatives told him not to bring any electronic equipment—including a camera or recorder—to the interview. The al-Qaida members videotaped the interview but instead of sending a copy of the video as promised, sent him only the audiotape, he said.

At one point while being led to the meeting, Fouda said he thought he was going to meet bin Laden. Speculation has been rife that the al-Qaida leader may be in Pakistan after fleeing U.S. attempts to kill or catch him in neighboring Afghanistan.

Fouda said during the two days he spent talking to the two, Mohammed once referred to bin Laden in the past tense, leading him to believe bin Laden could be dead.

The U.S. officials said they do not consider Mohammed's use of the past tense to refer to bin Laden as any sort of definitive evidence that he is dead.

Fouda said he also learned that Atta, the chief hijacker, had been a sleeper operative in Germany since 1992 and started detailed planning with a 1999 meeting in Afghanistan with other sleepers.

Once in America, Atta communicated with higher ranking al-Qaida officials via e-mail, Fouda wrote. But when he had determined everything was ready, he telephoned Binalshibh in Germany to tell him the date, using a riddle that referred to the shapes of the numbers 9 and 11.

Al-Jazeera, the Qatar-based satellite broadcaster, has drawn world attention with its broadcast of interviews with and statements by bin Laden and his top lieutenants.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF BUSINESS

Mr. REID. Mr. President, this has been an unusual day. Earlier today, the majority wanted to vote on the Thompson amendment. We were led to believe, not wrongly, that the minority did not want a vote on that today. So we decided we would not vote on that today. We learned, later in the day, that Senator THOMPSON wanted a vote on his amendment today. By then, people had gone home for September 11 occurrences.

So now we are in a position where Senator THOMPSON thought there would be nothing happening on his bill today, and he left to do other things.

We have learned that the distinguished Senator from South Carolina, Mr. HOLLINGS, now wishes to offer a second-degree amendment to the Thompson amendment. I have not been able to speak to Senator THOMPSON. I have spoken, on a couple of occasions, to the Senator from South Carolina.

It would be my suggestion, therefore, that the Senator from South Carolina speak on his amendment, and that on Thursday, when we come back on this homeland security bill again, the Senator from South Carolina be recognized to offer his amendment.

We would be taking no advantage of the minority because, as everyone knows, the majority leader has the right of first recognition. And we have indicated to the Senator from South Carolina that he would be in order to offer that amendment, unless we can work something out with Senator THOMPSON that it need not be offered.

MORNING BUSINESS

Mr. REID. So I ask unanimous consent, Mr. President, that we go to a period of morning business, now, until 6 o'clock today, with Senators allowed to speak therein for a period of up to 10 minutes each. I hope that we would have consent that Senator HOLLINGS could offer the amendment; otherwise, we would, of course, have Senator DASCHLE come and offer that on Thursday.

Is the Senator from South Carolina satisfied with that?

Mr. HOLLINGS. That I be allowed to offer it at what time on Thursday?

Mr. REID. We have not decided what time Thursday, but we do not go to the bill until Thursday afternoon because——

Mr. HOLLINGS. If I could at least get an hour of debate, or whatever it is, on my amendment before we vote on the Thompson amendment.

Mr. REID. Yes. On the Thompson amendment itself, we were planning to do an hour and a half to 2 hours of debate prior to voting on it. That was the plan. Now, with you offering this second-degree amendment, I don't know what the pleasure of Senator THOMPSON would be. But we will work on that today, and tomorrow if necessary, with your staff and his.

Mr. HOLLINGS. I thank the distinguished leader. I think he has certainly accommodated the Senator from South Carolina. I definitely understand Senator THOMPSON is not here. I wanted to offer it while he is here so we can talk about it. But we will offer it at that particular time on Thursday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

SEPTEMBER 11, 2001, ANNIVERSARY

Mr. DODD. Mr. President, I rise this afternoon to share a few thoughts on the eve of tomorrow's anniversary of the terrorist attack, September 11, 2001. Tomorrow, a lot of our colleagues, both in this Chamber and the other body, will be expressing themselves, with many Members attending memorial services at the Pentagon. The Senate, as a body, plans to come together late tomorrow morning to meet as a body and to share our thoughts with the country about the events of a year ago. I take this opportunity to remember and to honor the nearly 3,000 of our fellow citizens and others who had come to this country to work—not all were Americans; the majority were—but lost their lives 1 year ago tomorrow in one of America's darkest of days.

I also join all of America in paying tribute once again to the countless men and women whose acts of bravery and heroism so inspired us on that day and the days that followed the tragedy of September 11, and continue to serve as a solemn reminder that the American spirit shines as bright as ever despite the events of that day, that horrible day a year ago.

Thousands of families across this great country of ours, including families in my home State of Connecticut—families in my State lost some 149 people, most of whom lost their lives in the World Trade Center—these families and their loved ones have endured a year of unimaginable grief and unimaginable bravery. Every American grieves with them as many of our fellow citizens the world over from around the globe have shared with us the sense of grief and horror of a year ago and have continued to relate to us and to share their thoughts and prayers with all Americans as a result of our commemoration of the events of 12 months ago.

Over the past 12 months, I have heard countless stories, tragedies that were once unthinkable. In Connecticut, I know of a man who lost both his wife and his only child on that day a year ago; of parents who lost their young children in their twenties, just beginning their lives as young adults, with professional careers; of wives who had received the last phone calls from their husbands before the Twin Towers fell.

Every American will always remember where they were when the Twin Towers were attacked and collapsed. Every American will always remember where they were when they heard a hijacked plane had crashed into the Pentagon, only a few blocks from where I am sharing these thoughts this afternoon. Every American will always remember how they felt upon learning that a group of passengers fought back against the terrorists who hijacked their plane before it crashed in the field of Pennsylvania. September 11, 2001, is a day that will be etched in all of our memories for the rest of our lives and etched in history forever.

Although all Americans went through that day together, we will always share its memory. Last September 11 was also a deeply personal day for each and every one of us. We each had our own highly personal experiences during those horrid hours that began in the early morning—that wonderful clear, bright, cloudless sky over the eastern part of our country.

For me, the hours and days and weeks following the terrorist attacks were filled with immensely mixed emotions, as most of my colleagues know. I see my friend and colleague from Texas on the floor. We shared the great joy last year of having children come into our lives. My first child, my daughter Grace, was born just 48 hours after the attacks, born on September 13, at a hospital right across the river in Virginia. From the window of the maternity ward, my wife Jackie and I watched the smoke rising from the still-burning Pentagon as we held our newborn child in our hands.

I can still vividly recall trying to balance my feelings of incredible, intense joy with this new beautiful life, mixed with the powerful feelings of horror and trepidation over what kind of a world my daughter Grace would grow up in, in the 21st century.

Something heartened me that day. I have told this story on numerous occasions. In the hospital as my wife held our newborn daughter, many of the doctors and nurses, several of them who held her shortly after she was born, came from places outside of America to become citizens. Three of them came from Afghanistan, Pakistan, and Lebanon. Here we are, 48 hours after the events, those countries had been the places of refuge for those engaged in the attacks on our country, and here were people from that very part of the world, United States citizens today, nurturing and caring for my newborn daughter.

That was all the evidence I needed at that particular moment that America was attacked not for who we are, but for what we stand for: Freedom, liberty, and community. And we shared something very powerful in common: We were devastated over the attacks, and we were never prouder to be Americans, almost simultaneously.

Word was already out that the terrorist attacks were the work of al-Qaeda, a fanatical group which hijacked planes, but also an otherwise peaceful religion, Islam, to perform their evil deeds.

Word was out that Osama bin Laden and his minions of hate thought that by attacking us, our buildings, our Pentagon, and our planes, they could somehow divide our great Nation and somehow weaken our resolve to be a global power, to be a force for freedom and democracy around the globe.

Word was out that those who hate the United States simply for who we are, for our freedoms, our prosperity, and our diversity, thought that by murdering thousands of innocent Americans and shattering the lives of thousands of families, our Nation would somehow lose its ability to function as a great democracy.

They were wrong. We are today stronger, I argue, than ever.

September 11 changed America forever. At one level, the attacks made us aware of our vulnerabilities and forced us to realize there is no such thing as the unthinkable. Yet at another level, the way in which the entire Nation came together, in the days and weeks and months after the attacks, has served as a profound and inspirational reminder to strengthen the American people and the breadth and depth of the American spirit.

So as we mark this historic day, a day of sadness, we look back and remember September 11, not just for the tragedy it evokes but also in renewing our faith in the greatness of the wonderfulness of our Nation, in which we are charged temporarily to be custodians, as Members of this body, to see that that daughter of mine and the children of our colleague from Texas grow up in a world far safer than what we witnessed a year ago. That becomes our collective responsibility as public officials: To put aside differences and, wherever we can, to work together as one people to make our country stronger and better, to achieve that sense of perfection that the Founders of our Nation envisioned more than 200 years ago.

With those thoughts in mind, I extend my deepest sympathies, my thoughts, and prayers to the families in my State and across our Nation who still grieve terribly for the loss they suffered a year ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Before Senator DODD leaves the floor, I appreciate so much his beautiful remarks. We do share something very special, and that is that each of us had a new baby—mine through adoption, yours with your wife. It was right during that very sad time. I think it was so helpful to have this new life I knew then we were fighting for, to make sure that my young son and my young daughter would have the same kind of life as I did.

I know you feel that way about Grace, and to look out from her birth to see the Pentagon smoldering must have been an emotional experience beyond any ability to describe.

So I am so proud that I have two babies born in 2001, and I have the firmest commitment to make sure we do everything in our power to assure that they have the freedom and the love of this country and the diversity we champion and the tolerance we have shown to the world. That is the way people should live. I thank the Senator for his remarks. I just wanted to say how their lives will be intertwined forever.

Mr. DODD. I thank the Senator.

NATIONAL AMBER ALERT NETWORK ACT OF 2002

The PRESIDING OFFICER (Mr. MILLER). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate immediately proceed to Calendar No. 566, S. 2896.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2896) to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part printed in black brackets and insert the part printed in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "National AMBER Alert Network Act of 2002".

[SEC. 2. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

[(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

[(b) DUTIES.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

[(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

[(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

[(3) work with States to ensure appropriate regional coordination of various elements of the network; and

[(4) act as the nationwide point of contact for—

[(A) the development of the network; and

[(B) regional coordination of alerts on abducted children through the network.

[(c) CONSULTATION WITH FEDERAL BUREAU OF INVESTIGATION.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

[(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

[SEC. 3. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

[(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

[(1) the issuance of alerts through the AMBER Alert communications network; and

[(2) the extent of the dissemination of alerts issued through the network.

[(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

[(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

[(3) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

[(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

[(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

[SEC. 4. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

[(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

[(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

[(1) the development or enhancement of electronic message boards along highways and the placement of additional signage along highways; and

[(2) the development or enhancement of other means of disseminating along highways alerts and other information for the recovery of abducted children.

[(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

[(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Secretary shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

[(e) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

[(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Transportation for fiscal year 2003 such sums as may be necessary to carry out this section.

[(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

[SEC. 5. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

[(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

[(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

[(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

[(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

[(3) such other activities as the Secretary considers appropriate for supporting the AMBER Alert communications program.

[(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

[(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

[(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

[(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice for fiscal year 2003 such sums as may be necessary to carry out this section.

[(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "National AMBER Alert Network Act of 2002".

SEC. 2. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) DUTIES.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) CONSULTATION AND COOPERATION.—(1) In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(2) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(3) In preparation for carrying out duties under subsection (b), the Coordinator shall consult with the National Center for Missing and Exploited Children and other private sector entities and organizations (including non-profit organizations) having expertise in matters relating to such duties.

SEC. 3. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(3) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION AND CONSULTATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

(3) The Coordinator shall also consult with the National Center for Missing and Exploited Children and other private sector entities and organizations (including non-profit organizations) having an expertise in matters relating to the minimum standards to be established under this section in establishing the minimum standards.

SEC. 4. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development or enhancement of electronic message boards along highways and the placement of additional signage along highways; and

(2) the development or enhancement of other means of disseminating along highways alerts and other information for the recovery of abducted children.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Secretary shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Transportation for fiscal year 2003 such sums as may be necessary to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 5. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

(3) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice for fiscal year 2003 such sums as may be necessary to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

Mrs. HUTCHISON. Mr. President, I would like to speak on the bill. My colleague, Senator FEINSTEIN, will speak, and then I would like to have the bill passed following those remarks.

Mr. President, I am so proud that the Senate Judiciary Committee has already passed the AMBER Alert bill on which Senator FEINSTEIN and I worked during the recess, after the tragic happening in California with the teenage girls who were lost but then found because of AMBER Alert, and the tragic kidnapping in Texas of a baby who was also found because of the AMBER Alert.

Although in numbers the child abductions through the summer weren't any more than previous years, they seemed so much more because we knew about them and we were able to do something about them. Not all of them have had a happy ending, but more than ever before have had a happy ending.

The realization that their child has been abducted must be the most terrifying nightmare a parent can endure. But that is what has happened to parent after parent in our country.

The AMBER Alert bill is named for Amber Hagerman, who was abducted when she was 9 years old, riding her bicycle near her home in Arlington, TX, in 1996. Amber was murdered. But her mother and law enforcement personnel in the Arlington-Dallas-Fort Worth area believed so strongly there should be some way to do something that would find these children that they created the AMBER Alert on a local level.

Today, cities, regions, and States have established AMBER Alerts and 30 abducted children have been found and rescued because of the AMBER Alert.

Most of the credit for this remarkable record goes to the National Center for Missing and Exploited Children, which provides technical guidance to communities and coordination among widely separated AMBER networks. And the Center could not be effective without the willing cooperation of the National Association of Broadcasters and local television and radio stations across the nation.

As we have witnessed this summer, AMBER Alert plans in different communities have been effective in bringing children home safely. Recently, an AMBER Alert was sent out to search for 10-year-old Nichole Timmons of Riverside, California. The Alert was not only delivered throughout California but contacts also were made in neighboring States, and Nichole was found in Nevada. Nichole and her family were extremely lucky because dedicated people at the National Center for Missing and Exploited Children made the effort to notify every possible jurisdiction, and local broadcasters devoted previous air time to the Alert. The vast majority of States, however, do not yet have comprehensive, statewide coverage and lack the ability to effectively communicate between plans. This is a critical issue particularly when an abducted child is taken across State lines.

Nichole's case clearly illustrates the need for a national AMBER network. My bill, the National AMBER Alert Network Act, prepared with the help of my friend, DIANNE FEINSTEIN of California, will fill the gaps that exist in the current patchwork of AMBER systems. We will provide resources for States and communities to build their AMBER Alert systems and spread information to surrounding jurisdictions.

Our bill establishes an AMBER Alert Coordinator within the Department of Justice to assist States with their AMBER Alert plans. The AMBER Alert Coordinator will set minimum, voluntary standards to help States coordinate when necessary. The AMBER Alert Coordinator will help to reconcile the different standards for what constitutes an AMBER alert. In doing so, the Coordinator will work with existing participants, including the National Center for Missing and Exploited Children, local and state law enforcement and broadcasters to define minimum standards. Overall, the AMBER Alert Coordinator's efforts will set safeguards to make sure the AMBER system is used to meet its intended purpose.

In addition, the bill provides for matching grant programs at the Department of Transportation and the Department of Justice. The grant programs will help localities and States build or further enhance their efforts to disseminate AMBER Alerts. To this end, the matching grant programs will fund road signage and electronic message boards along highways, dissemination of information on abducted children, education and training, and related equipment.

When a child is lost, the whole community grieves along with the family. An AMBER Alert channels this energy to a positive purpose. Tips from average citizens have resulted in the safe and rapid recovery of many children. We can spread the word about abducted children across county and state lines quickly, before the kidnappers have the chance to cover their tracks and get too far away.

I was very touched, when Senator FEINSTEIN and I decided we were going to introduce this National AMBER Alert bill, that Mr. Ed Smart, the father of Elizabeth Smart, who was abducted from her home in Utah and who has not been found, had a press conference with Senator BENNETT from Utah to say: Please enact this national system. Maybe it could have helped if we had had that in place.

Senator HATCH from Utah was so helpful in making sure the Judiciary Committee did expedite the passage of this bill. We could not have done it without Senator LEAHY, who allowed us to go forward, really, in miracle record time. Senator CLINTON came forward immediately to offer her help. So we have had a lot of people working on this issue. I do not think the Senate has ever come together so uniformly and so quickly to enact a piece of legislation as this AMBER Alert bill.

It is important that we enact this bill and that the President be able to sign it before we leave for a 3-month recess because there is no telling how many children could be helped if we had this in place and ready to go.

In memory of Amber Hagerman and for every family ravaged by the tragedy of child abduction, I urge my colleagues to pass the National AMBER Alert Network Act to safeguard America's children.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to begin by thanking the distinguished Senator from Texas for her leadership, for her perspicacity, for her work on this bill. We have to remember this bill was introduced exactly 1 week ago. We had hearings. It is on the floor. It is going to be passed today.

I hope it sends a message to the Nation. I hope that message is, if yours is a State that doesn't have an AMBER Alert, let us get one. Let me tell you why.

Seventy-four percent of the children who are abducted are lost within the first day. Therefore, if you can identify the abductor, if you can identify a license plate, you may well save the life of a child.

I think that came in loudly and clearly to both Senator HUTCHISON and me in the Judiciary Committee.

The Senator mentioned Nichole Timmons and her mother Sharon. It was interesting. Nichole was kidnapped by the gardener who worked at their home. She was taken across the State line from Riverside County into Nevada. Within 24 hours, a tribal officer in Nevada recognized the license plate of the vehicle, and that went out on an AMBER Alert. There was duct tape in that car. There was a metal rod in that car. If the license had not been run, Nichole never would have come home. The AMBER Alert worked.

In my State of California, we have only had the AMBER Alert for about a month. There have been 13 AMBER Alerts. One was a misstep. Eight were stranger abductions. Four were family-related abductions. All 12 of those children were returned. Never before have I seen a statistic such as that.

We know the AMBER Alert works. Now we have an opportunity to get this nationwide.

I think the bill is thoughtful. I think it is well set out.

Since 1996, when the AMBER Alert went into being, it has been credited with the return of 30 children to their families, including one case in which the abductor, interestingly enough, released the child himself after hearing the alert. In other words, it can act as a deterrent as well.

What is more important than our children, other than war and peace? I don't think anything. This is really important because it means you can avoid a child being murdered simply by issuing this AMBER Alert.

The Senator has indicated the various points of the bill. But I want to say this. The AMBER Alert is typically issued only when a law enforcement agency confirms that a predatory child abduction has occurred. When the child is in imminent danger and there is information available that is disseminated to the public, they can assist in the safe recovery of the child.

In the bill, we have provided that the Attorney General would set these minimum standards. So the same standards would be used across every State, probably close to what I have read, and therefore avoid a plethora of unnecessary AMBER Alerts. We can have a system which really functions well in those cases where the likelihood is that something grievous could in fact happen to that child.

I am hopeful that we will shortly have a national system with 15 AMBER Alerts. We are very proud that the National Association of Broadcasters is strongly supportive. As you know, when an AMBER Alert goes out, it interrupts the television program or radio program. It is on the highway. That is what gives the broad knowledge to people.

Interestingly enough, at the hearing, Marc Klaas was also there. His daughter Polly several years ago—in the mid-1990s—was taken from her bedroom when she had a sleepover with a number of girls in her home. Someone came into her home and took her. He truly believes that had AMBER Alert been in place, Polly might have been saved.

At that hearing, we had Nichole and her mother. She was saved. And we had Marc Klaas, who lost his daughter because there was not an AMBER Alert. For many of us, it was a real juxtaposition.

I thank the Center for Missing and Exploited Children. I thank my colleague, Senator HUTCHISON. I particularly thank the chairman of the Judiciary Committee. Without Senator LEAHY, this bill couldn't have been put on the calendar, it couldn't have been marked up, and it couldn't have been moved in the very short time in which it was.

I think it has accomplished something for our children today. It will pass unanimously. Only 15 States have it. And hopefully other States are going to move very rapidly. Hopefully one day Senator HUTCHISON and I will be able to come before you, Mr. President, and the rest of this body, and say that every State in the United States today has an AMBER Alert. Here are the statistics, ladies and gentlemen. We have saved a lot of children and had them returned to their parents.

I only say to the Senator, my friend, good work. I am delighted to be here today.

I thank my colleagues for voting for this bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from California for jumping right in after the tragic abduction of the teenage girls. Those lives were probably saved 5 minutes before they would have been murdered. That is what the testimony was. It was the result of the AMBER Alert, which is a statewide system in California. Senator FEINSTEIN, as the Senator from the home State, has an emotional tie to this issue. I just hope we can prevent in other States other parents from having this kind of scare in their lives. At least, if they have the scare, we will be able to help them and save the lives of the most innocent in our society. Of course, that is our children.

I send a list of cosponsors—we have 38—to the desk and ask that they be printed in the RECORD.

There being no objection, the list of cosponsors was ordered to be printed in the RECORD, as follows:

S. 2896—HUTCHISON-FEINSTEIN AMBER ALERT BILL OF 2002

CO-SPONSORS (38)

Democrats: Senators Biden, Carnahan, Cleland, Clinton, Dayton, Dodd, Durbin, Edwards, Feingold, Feinstein, Harkin, Johnson, Landrieu, Leahy, Bill Nelson, Rockefeller, Stabenow, and Wyden.

Republicans: Senators Allard, Bennett, Collins, Crapo, Ensign, Fitzgerald, Hatch, Helms, Hutchinson, Inhofe, Kyl, Lott, Lugar, Santorum, Sessions, Gordon Smith, Snowe, Thurmond, Voinovich, and McConnell.

Mrs. HUTCHISON. Mr. President, it is my understanding that other Senator's wish to speak. I was not sure if Senator NELSON wanted to speak before we passed the bill. I want to make sure we pass the bill. I don't know if we need to wait for other Senators before we do that.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, if the Senator from Texas would be amenable, while we are waiting for Senators, I have remarks with regard to another matter. It is my understanding that we are in morning business. I can accommodate you all in whatever way you would like. Senators could insert their remarks in the RECORD after the fact.

Mrs. HUTCHISON. I think that is probably what we would like to do. I would like to then go forward.

Mrs. FEINSTEIN. Mr. President, over the last few months the American people have awakened to the tragic reality that our children face the very real threat of predatory criminals each and every day.

The airwaves have been filled with story after story of children who have been abducted, sometimes to be found alive later thanks to an AMBER alert or good law enforcement work; sometimes to be found, tragically, dead; and sometimes never to be found at all.

This is not a new problem, but the increased attention to the problem gives us a real opportunity to make some much-needed changes in the law to prevent some of these horrible crimes and to better protect the children of this Nation.

The bill Senator HATCH and I introduce today will help ensure that law enforcement officers have the tools and resources they need to find, prosecute, and severely punish those who commit crimes against innocent children.

Specifically, the Hatch-Feinstein Child Crime Bill would do the following:

First, the legislation directs the FBI to establish a National Crimes Against Children Response Center. This Center would have as its primary mission the development of a comprehensive, rapid response plan to reported crimes involving the victimization of children. Working undoubtedly in conjunction with the National Center for Missing and Exploited Children, the AMBER Alert systems nationwide, and other agencies and private entities as well, this Center would be the focal point for seeing that the victimization of children does not go unsolved, or unpunished.

Second, the legislation will create a new Crimes Against Children Section at the Department of Justice, tasked with prosecuting crimes against children; providing guidance and assistance to Federal, State, and local law enforcement agencies and personnel who handle such cases; coordinating efforts with international law enforcement agencies to combat crimes against children; and acting as a liaison with the legislative and judicial branches of government.

The bill also directs this new office in DOJ to create a national Internet site that will consolidate sex offender information which States currently release under the federal reporting act.

The bill also directs States that have not developed Internet sites to do so. Currently, all 50 States have registration statutes that require sex offenders to register and to share information with the United States Attorney General through the Federal Bureau of Investigation, and over 30 States make offender information available to the public on the Internet. But not all States include all available information, and there is no single place to easily acquire this information about local sex offenders. The national database will be such a place.

The legislation also prevents the use of the so-called "Marital Privilege" to allow one spouse to protect another in cases where a parent, guardian or supervising adult has abused a child in the home. If an adult is abusing a child in his or her own home, it is vital to put a stop to the situation. Allowing a spouse to refuse to testify about the abuse by asserting an outdated "marital privilege" puts the child at continuing risk. This makes no sense.

In order to assist law enforcement track and punish child predators and other violent criminals, this legislation also expands the class of offenses that are included in the Combined DNA Index System, CODIS, by adding to the system all Federal felonies and additional offenses that subject Federal offenders to sex registration requirements. Currently, only select Federal offenses are entered in CODIS.

The bill makes two modifications to Rule 414 of the Federal Rules of Evidence, which already allows evidence of a defendant's prior acts of child molestation to be admitted in a criminal child molestation case.

Unfortunately, the definition of prior acts of child abuse includes only children under 14, so acts against 15 or 16-year olds, for instance, are inadmissable. This legislation extends the definition of "child" contained in Rule 414 to include any person below the age of 18—rather than age 14.

And the amendment also makes clear that where a defendant previously possessed what may have been virtual, as opposed to actual, child pornography, such evidence is admissible under Rule 414.

We have also included language to expand the Federal Wiretap Act by adding as predicate offenses to the statute, sex trafficking, sex exploitation, and other interstate sex offenses. Currently, the wiretap statute authorizes the interception of wire, oral, or electronic communications in the investigation of just two sexual exploitation of children crimes.

To obtain a wiretap, law enforcement authorities will still need to meet the strict statutory guidelines of the wiretap statute and obtain authorization from a court.

The legislation would also extend the maximum supervised release period that applies to sexual offenders, by granting Federal judges the discretion to impose up to lifetime periods of supervised release for individuals who are convicted of sexual abuse, sexual exploitation, transportation for illegal sexual activity, or sex trafficking offenses.

Under current law, a judge can impose no more than 5 years of supervised release for a serious felony, and no more than 3 years for a lesser categorized offense. This amendment will not require judges to impose a period of supervised release longer than 5 years; it simply authorizes them to do so where the judge sees fit based on the nature and circumstances of the particular case. Some sexual offenders may pose a potential risk to their communities for longer than 5 years, and discretion to supervise those offenders past an artificial time limit is simply common sense.

The legislation also increases the maximum penalties that apply to certain sexual offenses, by doubling the maximum penalties for sex offenses involving the trafficking of children and other interstate elements. This will allow the Sentencing Commission, and federal judges, greater latitude in determining sentences for the worst of offenders. No changes are made to mandatory minimums.

Finally, we direct the Sentencing Commission to review the guidelines that apply to child abuse and exploitation offenses to determine whether they are sufficiently severe.

Earlier this month Senator HUTCHINSON and I introduced legislation to help establish a national AMBER alert system. These systems have been proven effective in finding abducted children quickly, and most certainly saving some lives. That bill, which will pass tonight is one step in protecting our children from dangerous predators.

The bill I introduce today with my good friend Senator HATCH is simply another piece of the anti-predator puzzle. I hope my colleagues will join us in this effort.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment, that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of substitute was agreed to.

The bill (S. 2896) was read the third time and passed.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Florida.

I do not know if a bill has ever gone through the Senate any faster. It couldn't have happened without Senator LEAHY. I think passing this kind of bill before we leave for 3 months could be responsible for saving lives.

I am just so appreciative that we can go forward and that every single Senator on both sides of the aisle will give their consent to this bill passing.

So, Mr. President, I thank the Senator from Vermont for his leadership and for helping us work through what could have been a delay, but it was not because of his leadership.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank my good friend from Texas for her kind remarks, but I was simply able to expedite the very good work that she and the distinguished Senator from California have done.

I note that what has happened here is an idea which has come from the Senator from Texas and the Senator from California, who have worked together in a bipartisan fashion. Actually, this is a nonpartisan issue. They are both parents. The Senator from Texas knows how much I admire her work as a parent, as I do the Senator from California.

Whether or not you are a parent, the most terrifying experience is for a child to be suddenly missing, especially if foul play is involved. I am not talking about a child getting lost on the way home from school who is going to show up an hour later because all the neighbors are out looking for that child or a child who stayed too long at a friend's house and forgot to call and then calls a frantic parent 45 minutes or an hour later and says, "Gee, I forgot to tell you I was at Johnny's or Susie's house," or something like that. This comes into play in a case where, much as you hate to suspect there may be foul play, there may well be.

If you can return one child—one child—to the parents, look at what you have done. If you can return hundreds, which is the potential with this legislation, look how much more you have done.

It is the case where you have big States, such as those of the Senator from Texas and the Senator from California. They come from very large States: large graphically, large in population. I come from a very small State: small in geography, small in population. But if you can tie in my part of the country—the northeastern part—we go from very small States, such as mine, to the bordering States of New York and Massachusetts, which are much larger States in population. It is the whole northeastern corridor, but somebody can drive through those States in half the time it takes to drive, for example, across the State of Texas or the length of the State of California. So we have to be able to coordinate.

I think that is why so many came together on this: Senators HATCH, BIDEN, DURBIN, EDWARDS, FEINGOLD, KYL, SESSIONS—and I think you have 34 cosponsors.

Mrs. HUTCHISON. Thirty-eight.

Mr. LEAHY. Thirty-eight. I thank the Senator from Texas.

The Senator from Florida represents a State the length of which, if it went in the other direction, it would go across time zones.

Incidentally, people may see the success stories on one or two television programs, where there might have been one last year or last month or last week, but the Department of Justice estimates the number of children taken by strangers annually is between 3,000 and 4,000. That is terrible.

This plan originated in Arlington, TX, after the murder of 9-year-old Amber Hagerman. We will help coordinate. We will make sure the local, State, and Federal officials can work together.

But not only that, private citizens will be involved because they will hear from State broadcasters or from law enforcement people. I don't know of anybody who hears of a missing child who would not want to help. And this will make that possible.

So it will help kidnap victims. It will also preserve the flexibility of the States because States are different in how they want to implement it.

It is disturbing to see on TV or in the newspapers photo after photo of missing children from every corner of the Nation. As the father of three children, as well as a grandfather of one grandson, with another grandchild on the way, I know that an abducted child is a parent's or grandparent's worst nightmare.

Unfortunately, it appears this nightmare is happening all too often. Indeed, the Justice Department estimates that the number of children taken by strangers annually is between 3,000 and 4,000. These parents and grandparents, as well as the precious children, deserve the assistance of the American people and helping hand of the Congress.

By coordinating their efforts, law enforcement emergency management and transportation agencies, radio and television stations, and cable systems have worked to develop an innovative early warning system to help find abducted children by broadcasting information—including descriptions and pictures of the missing child, the suspected abductor, a suspected vehicle, and any other information available and valuable to identifying the child and suspect—to the public as speedily as possible.

The AMBER Alert system's popularity has raced across the United States. Since the original AMBER Plan was established in 1996, 55 modified versions have been adopted at local, regional, and statewide levels. Eighteen States have already implemented statewide plans. It is also a proven success—to date the AMBER Plan has been credited with recovering 30 children.

This bipartisan legislation will authorize the Attorney General, in cooperation with the Secretary of Transportation and the Chairman of the Federal Communications Commission to appoint a Justice Department National AMBER Alert coordinator to oversee the Alert's communication network for abducted children. The AMBER Alert Coordinator will work with the States, broadcasters, and law enforcement agencies to set up AMBER plans, serve as a point of contact to supplement existing AMBER plans, and facilitate regional coordination of AMBER alerts.

It also directs the AMBER Alert coordinator, in conjunction with the FCC, local broadcasters, and local law enforcement agencies, to establish voluntary guidelines for minimum standards in determining the criteria for AMBER alerts and for the dissemination of those alerts. As a result, our bipartisan bill helps kidnap victors while preserving flexibility for States in implementing the alert system.

Because developing and enhancing the AMBER alert system is a costly endeavor for States to take on alone, our bipartisan bill establishes two Federal grant programs to share the burden. First, the bill creates a Federal grant program, under the direction of the Secretary of Transportation for statewide notification and communications systems, including electronic message boards and road signs, along highways for the recovery of abducted children. Second, the bill establishes a grant program managed by the Attorney General for the support of AMBER alert communications plans with law enforcement agencies and others in the community.

Our Nation's children, parents and grandchildren deserve our help to stop the disturbing trend of children abductions. I am gratified the Senate has passed the AMBER Alert National Network Act, and I hope the House and the President will act expeditiously on this important piece of legislation to ensure that our communications systems help rescue abducted children from their kidnapers and return them safely to their families.

Mr. President. I thank the Senators who have joined on this measure.

I yield the floor and thank the distinguished Senator from Florida for his courtesy in allowing me to speak. But I hope he will note, in honoring that, I tried to wear a suit as close in color to his as possible.

The PRESIDING OFFICER. The Senator from Florida is recognized.

ELECTION REFORM

Mr. NELSON of Florida. Mr. President, before the distinguished chairman of the Judiciary Committee leaves the floor, I want to call to his attention, which I did a few minutes ago to his colleague, the distinguished chairman of the Rules Committee, that, lo and behold, there are problems with the voting equipment in Florida today during the primary elections. It underscores the fact there is a need for this

Congress to enact an election reform package.

In the Senate, we have passed a substantial bill which is a much different version than has been passed by the other body, the House of Representatives. And the conference committee has been unable to come to terms of agreement.

If it can happen in Florida, almost 2 years after the awful experience that the Nation went through in disputed ballots in the general election of November 2000, it can happen anywhere. It was a circumstance which riveted the attention of not only the Nation but the world with ballots that were confusing—ballots that were miscounted because it was difficult to determine the intent of the voter.

In fact, the Florida legislature had responded by providing appropriations so that the various counties, through their supervisors of elections, could modernize and update voting equipment, as well as procedures and providing voter education.

All of that has been in place in the State of Florida, where all of our citizens are so highly sensitive to the fact that their vote might not be counted, as happened in the experience 2 years ago. If it can happen in Florida today, as it literally has on primary election night, then how much more likely will it happen in other States? And how much more do we have to make the case that it is so important for us to get resolution of the differences and come to agreement in an election reform bill for the country as a whole?

That clearly is a matter that is relevant to the moment. As a result of the discrepancies that have happened earlier today in Florida, the Governor has extended the deadline for voting in Florida from 8 o'clock Eastern time to 10 o'clock this evening. So the results of the primary elections will be coming in quite late. Yet it bears to be underscored this is another reason we need to pass the election reform bill.

The PRESIDING OFFICER. The Senator from California is recognized.

IN MEMORY OF THE CALIFORNIA VICTIMS OF 9/11

Mrs. BOXER. Mr. President, I thank the Senator from Florida for what he said on the need to get homeland security right. He touched on the Coast Guard as an example of where we don't want to lose the function of the Coast Guard that is so important to our States—those of us who have waterways and oceans and a search-and-rescue element. I could not agree more with that point.

I am also going to be working on the Federal Emergency Management Administration. We know they have come to our rescue many times, and we don't want to lose the ability of that agency to function in a natural disaster, as well as, of course, utilizing them if, God forbid, we have another terrorist attack. I think these are things on which we need to reflect.

I am very pleased that Senator BYRD has slowed us up on considering this bill because it is not about an artificial date; it is about getting it right.

Mr. President, I am here in a very somber mood. We are approximately 15 hours away from the very moment 1 year ago that our Nation was hit, and I want to take just a moment of the Senate's time—maybe 15 minutes—to reflect on that day and, most of all, to remember the Californians we lost that day, numbering 54.

For me, and perhaps for you and many Americans, September has really been a month of excitement and anticipation. I have always loved September. It is the end of the summer, the beginning of a beautiful fall with the changing of the leaves, back to school, and perhaps a little quicker pace, a faster step. September, for most of us, never reminds us of loss, of fear, of shock, of the horrors born of an extreme, unbridled, blind hatred.

In September, we found out about those things. We also found out as a Nation what heroism truly is, how strong and united we can be, how we can set aside differences for the greater good and work together.

The images of September 11 are deep in our minds and deep in our souls. The pain is there, just under the surface. For some of us in America, it is on the surface, and it will always be on the surface for the families who grieve, for the children who will never know a parent—thousands of them—for communities that were decimated.

Today I want to remember those in my State who died on that day. Each was unique. Every one of those planes on that fated day was headed to California. So even though my State was 3,000 miles away from Ground Zero, from the World Trade Center or the Pentagon, we were linked in our sorrow, and we were linked in our outrage.

I am going to read the 54 names, and then I am going to talk a little more about some of the people whose families wanted me to just say a little more about them and show their picture to you.

David Angell; Lynn Angell; David Aoyama; Melissa Barnes; Alan Beaven; Berry Berenson; Dr. Yeneneh Betru; Carol Beug, and her mother Mary Alice Wahlstrom died together on flight 93. Mary Alice is from Utah.

Mark Bingham; Deora Bodley; Touri Bolourchi; Daniel Brandhorst, Ronald Gamboa, and their adopted son, David Brandhorst. He was 3 years old.

Charles "Chic" Burlingame, the captain of American Airlines flight No. 77. Technically, he was from McLean, VA, but his family is from California, and they considered him a Californian, and they said he considered himself a Californian.

Thomas Burnett; Suzanne Calley; Jeffrey Collman; Dorothy DeAraujo; Lisa Frost; Andrew Garcia; Edmund Glazer; Lauren Grandcolas; Andrew Curry Green; Richard Guadagno; Stanley Hall; Gerald Hardacre; John Hart; John Hofer; Melissa Hughes; Barbara Keating; Chandler Keller; Christopher Larrabee; Daniel Lee; Maclovio Lopez; Hilda Marcin; Dean Mattson; Dora Menchaca; Nicole Miller; Laurie Neira; Ruben Ornedo; Marie Pappalardo; Jerrold Paskins; Thomas Pecorelli; Robert Penninger; Mari-Rae Sopper; Xavier Suarez; Alicia Titus; Otis Tolbert; Pendyala Vamsikrishna; Timothy Ward; Christopher Wemmers; John Wenckus.

Mr. President, I want these names to be memorialized again today.

There is a beautiful song called "Try to Remember," and one of the lines is:

> Try to remember the kind of September when no one wept except the willow.

Sadly, those of us who lived through September 11, 2001, will weep for our lost brothers and sisters, but we will always remember our country, our embrace of freedom, and our democracy. And we will always cling closer to our loved ones. This place, this great democracy, America, will endure.

Now I am going to tell you a little bit more about a few of the people we lost in California. Many people noted that the New York Times has run an ongoing biography of the people who were lost on that day. I was talking to Bob Kerrey, the former Senator from Nebraska, and he said this to a group of us: When you read those memorials, what you realize is how wonderful and important each of these people was and what wonderful stories were related from their families, their friends, and their coworkers. What really emerged is why this is such a great country. These people, they do not get in the news. They get up and go about their lives. That is what you are going to find out as I read about these people and show these pictures in memoriam.

LAUREN GRANDCOLAS

Mrs. Grandcolas was a 38-year-old advertising sales consultant when the flight she was on, United flight 93, was hijacked by terrorists. As we all know, that plane crashed in a Pennsylvania field killing everyone on board. We also know of the heroism of the passengers on that plane.

Mrs. Grandcolas was born in Bloomington, IN, and attended the University of Texas at Austin where she met her husband, Jack Grandcolas. After graduation, she worked as a marketing director for a law firm and then for PricewaterhouseCoopers.

At the time of her tragic death, Mrs. Grandcolas was working as an advertising sales consultant at Good Housekeeping magazine and was researching and writing a nonfiction book to help women boost their self-esteem.

Lauren had enthusiasm and passion for life, loved the outdoors and was devoted to physical fitness. She hiked, jogged, kayaked, and enjoyed in-line skating around her neighborhood. Her energy was boundless. She took classes in cooking and gardening, scuba diving, and wine appreciation. Lauren was active with the United Way, March of Dimes, Project Open Hand, Juvenile Diabetes Foundation, Breast Cancer Awareness, and Glide Memorial.

Her husband Jack recalls she had a heart the size of Texas. Knowing her flight had been hijacked, Lauren left her husband a message on their home answering machine and then loaned her cell phone to another passenger to call loved ones.

The joy Lauren felt pursuing new interests and developing new skills was being interwoven in the book she was writing for women. Jack recalls:

> She made a point to do things that were good for her, and she thought she could extend what she had learned to help other adult women gain confidence. Her sister and I will fulfill her dream by completing the book.

Lauren Grandcolas is missed deeply by her family.

I wanted to take a moment to tell you a little bit more about her.

NICOLE CAROL MILLER

This next picture in memoriam is of Nicole Carol Miller. I want to start out by reading a poem that was dedicated to Nicole that was written by her father, David James Miller. It was written last September 11. If I cannot get through this, I will put it in the RECORD. My daughter's name is Nicole. This is the poem.

How I love thee My Nicole.
When the thoughts of you come into my mind
It's as if a breeze has passed through our rose garden and the sweet savory I smell
The taste of roses upon my tongue brings the sweetness of your memory to my mind
It comes upon me as the morning dew weighs the roses down
Smooth and pleasant are the thoughts of you, as the petals of a rose
And once again I am nourished with your love.

Nicole Carol was a lovely 21-year-old college student when the flight she was on, United flight 93, was hijacked by the terrorists. That was the plane that was brought down by the passengers in Pennsylvania.

Nicole's memory lives on in the hearts of those she loved. She took great joy in life and exemplified this with her wonderful outlook and her tenacious personality. Nicole's radiant smile, which we can see in this photo, could light up the room as she energized those around her. She knew how to be an outstanding friend. She was blessed with two families, her father and stepmother, David and Catherine Miller of Chico, CA, and her mother and stepfather, Cathy and Wayne Stefani, Sr., of San Jose, CA.

In her father's words:

> She had that sweet baby quality. She could make you smile and forget your troubles for a little bit.

Friend Heidi Barnes describes Nicole as very friendly and welcoming. She had a big heart, and it was open to everyone.

Nicole lived in San Jose, CA, with her mother and stepfather. She attended local schools and graduated from Pioneer High School in 1998. A talented softball player during all 4 years of high school, Nicole won a college softball scholarship during her senior year. Even though she had never been a competitive swimmer, she tried out for the Pioneer High swim team as a freshman and made the team. At the time of her tragic death, she was a dean's list student at West Valley College in Saratoga working part time and weighing whether to transfer to California State University at Chico or San Jose State University.

I offer this tribute to Nicole.

HILDA MARCIN

I would like to take this opportunity to share with the Senate the memory of one of my constituents, Hilda Marcin, who lost her life on September 11, 2001. Mrs. Marcin was 79 years old when the flight she was on, United Airlines Flight 93, was hijacked by terrorists. As we all know, that plane crashed in a Pennsylvania field, killing everyone on board.

Mrs. Marcin was born in Schwedelbach, Germany. When she was 7 years old, her family emigrated to the United States to escape oppression. Like many immigrants, her family left all possessions behind and came only with the clothes on their backs.

Her family settled in Irvington, NJ, where she attended local schools. She worked seven days a week in the payroll department of the New Jersey shipyards during World War II.

A friend arranged a blind date with Edward Marcin and they were married on February 13, 1943. They had two daughters, Elizabeth and Carole. The Marcin family enjoyed participating in school functions, class trips, the PTA, and various church activities. Mr. and Mrs. Marcin were also socially and politically active in Irvington. Mrs. Marcin later worked as a special education teacher's aide.

Hilda Marcin embraced life with enthusiasm and made the most of every minute. She adored her family and her granddaughter, Melissa Kemmerer Lata. She was an inspiration to those she touched, including the special needs children in the school where she worked. Her friends admired her positive attitude and her desire and ability to continue working during the later years of her life. Mrs. Marcin treasured freedom and democracy, and her American citizenship.

At the time of her death, Mrs. Marcin was flying to San Francisco to live with her younger daughter, Carole O'Hare. She is survived by her daughter, Elizabeth Kemmerer and son-in-law Raymond Kemmerer; daughter Carole O'Hare and son-in-law Thomas O'Hare; and granddaughter Melissa Lata and Melissa's husband, Edward Lata. I offer this tribute to her.

DANIEL LEE

Daniel Lee lost his life on September 11, 2001. Mr. Lee was 34 years old when the plane he was on, American Airlines Flight 11, was hijacked by terrorists. As we all know, that plane crashed into the World Trade Center, killing everyone on board.

Daniel Lee grew up in Palm Desert, CA. He was a carpenter and a drummer in a local southern California band. He met his wife, Kellie, in 1991 at a rock concert in which he was playing the drums. They were married October 7, 1995 and their first child, Amanda Beth, was born December 11, 1998.

Mr. Lee was a dedicated and successful set carpenter in the music industry, known to work 20 hour days when necessary. He worked with many talented musicians including Neil Diamond, Barbara Streisand, N'Sync, Aerosmith and Yanni. He was touring with the Backstreet Boys when, on September 11, 2001, he left to fly home to be with his wife as she was about to give birth to their second child. Allison Danielle Lee was born September 13, 2001.

Kellie Lee recalls Dan's bright, relaxed and charming smile. "He was caring, loving, funny and romantic. He loved being a Dad and was so excited about having another child on the way," she says. One of his special joys was getting friends together for barbeques and pool parties," Kellie remembers.

Dan Lee is survived by his wife, Kellie Lee, his daughters, Amanda and Allison, mother and stepfather Elaine and John Sussino, brothers Jack Fleishman and Stuart Lee and sister, Randi Kaye. I offer this tribute to Daniel Lee.

Mr. President, I take this opportunity to share with the Senate the memory of one of my constituents, Mari-Rae Sopper, who lost her life on September 11, 2001. Ms. Sopper was a 35-year-old lawyer and gymnastics coach when the flight she was on, American Airlines Flight 77, was hijacked by terrorists. As we all know, that plane crashed into the Pentagon, killing everyone on board.

Ms. Sopper was a native of Inverness, IL, and attended William Fremd High School in Palatine, IL. At the age of 15 she set the goal of becoming a champion gymnast. She succeeded, becoming all-American in 4 events, the school's Athlete of the Year and the state's Outstanding Senior Gymnast of the Year.

Larry Petrillo, her high school gymnastics coach, remembers her as brash and committed. "One thing she taught me is, you never settle for less than you are capable of. We should never accept limits. We should always fight the good fight. She was a staunch supporter of gymnastics and what's right," he recalls.

Upon graduating from Iowa State University with a degree in exercise science, Ms. Sopper earned a master's degree in athletics administration from the University of North Texas and a law degree from the University of Denver. Ms. Sopper was an accomplished dancer and choreographer and continued to coach at gymnastics clubs.

Ms. Sopper practiced law as a Lieutenant in the Navy's JAG Corps, focusing on Defense and Appellate Defense. She had left the Navy JAG Corps and was an associate with the law firm Schmeltzer, Aptaker & Sheperd, P.C. when she found her dream job: to coach the women's gymnastics team at the University of California at Santa Barbara.

It was a 1-year appointment and Ms. Sopper was looking forward to the challenge. Her mother, Marion Kminek, says Mari-Rae was excited about the opportunity. "I said go for it. Life is too short. It was something she had always wanted to do and she was so happy and excited," recalls Kminek.

At the time of her death, Ms. Sopper was moving to Santa Barbara to begin her appointment. Her close friend, Mike Jacki, recalls "This was to be a new adventure for Mari-Rae, and an opportunity to get back into the sport she loved. We have lost a very special person. She was prepared to make her dream come true, and in an instant it was gone."

Mari-Rae Sopper is remembered for her loyalty, strong values, excellent work ethic and spirit for life. She is survived by her mother, Marion Kminek and stepfather, Frank Kminek, her father Bill Sopper, sister Tammy and many loving friends.

Mr. President, the last story I share with the Senate is the memory of one of my young constituents, Deora Bodley, who lost her life on September 11, 2001. Ms. Bodley was a 20-year-old college student when the flight she was on, United Airlines Flight 93, was hijacked by terrorists. As we all know, that plane crashed in a Pennsylvania field, killing everyone on board.

Ms. Bodley grew up in San Diego, California. As a high school student, she visited local high schools to discuss HIV/AIDS with her peers. She volunteered with the Special Olympics and a local animal shelter. Chris Schuck, her English teacher at La Jolla Country Day School, recalls, "Deora was always thinking big and going after big game."

At the time of her death, Ms. Bodley was studying psychology at Santa Clara University. She coordinated volunteers in a literacy program for elementary school students. Kathy Almazol, principal at St. Clare Catholic Elementary, recalls Ms. Bodley had "a phenomenal ability to work with people, including the children she read to, her peer volunteers, the school administrators and teachers. We have 68 kids who had a personal association with Deora."

In the words of her mother, Deborah Borza, "Deora has always been about peace." At the tender age of 11 years, Deora wrote in her journal, "People ask who, what, where, when, why, how. I ask peace." A warm and generous person, Deora was a gifted student and a wonderful friend. Wherever she went, her light shined brightly.

Deora's father, Derrill Bodley, of Stockton, CA, feels her life was about "getting along" and sharing a message of peace. Her 11-year-old sister, Murial, recalls Deora taught her many things and says, "Most of all she taught me to be kind to other people and animals. I cherish the memories of my sister and plan to work hard in school and in everything I do so she can be proud of me like I was of her."

Mr. President, none of us is untouched by the terror of September 11th, and many Californians were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

So I am honored and very moved to have had this chance to put into the RECORD today the names of these more than 50 Californians, every one now a bright and shining star in the sky. Their memories will live on and their legacies will live on, as will the memories and legacies of every American and every person, every innocent victim, who was cut down in the most hateful way on that tragic day.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Alabama.

TERRORISM

Mr. SESSIONS. I thank the Senator from California for her eloquent remarks. It is time for a memory indeed. Tomorrow I will be going to the Pentagon for a memorial service, as will many other Senators, to memorialize that terrible day on September 11, when we lost the people at the Pentagon. Five of those lost at the Pentagon happened to be from the State of Alabama, but the State has lost 10 or more personnel since this war on terrorism began. It has touched the entire country.

Some of our finest people, innocent of any wrongdoing, innocent of any involvement in what might be considered to be oppression or disagreements with the terrorists who did these acts, paid the price. Historically, the civilized world has rejected these acts.

But there is afoot today terrorist groups and terrorist cells throughout the country. A significant number of people would believe they have a right to use terrorism and weapons of mass destruction to kill and maim people who have done nothing in their lives to wrong them. I believe we have to confront that.

The President has been talking about Iraq and the problem it presents. It is a real problem. It is a problem that will not go away.

We could wish it would go away; but it will not go away. The reason is they have been in such continual violation of the agreements they made with regard to not participating in weapons of mass destruction.

We are in a critical time right now. I think the President has done the right thing, to say he wants Congress to participate in a debate and to give him a resolution of support of his action with regard to Iraq. I believe that is a good step. I think it is good, not because it is absolutely clear to me that it is required—I know Senator DAYTON is a member of the Armed Services Committee and has been through a lot of these hearings—but we are at this point with regard to Iraq because we held back. We did not complete the job. We did not continue to move into Baghdad and capture or kill Saddam Hussein and completely take that country in 1991 during the gulf war—Desert Storm. We didn't do that.

We said OK, and the U.N. sort of stepped in, and they wrote up this agreement, and Saddam Hussein agreed to many different things. He agreed to reject weapons of mass destruction, chemical and biological weapons, and not only did he agree not to do those things, he agreed U.N. inspectors could be sent there to actually go into his country and examine anything that looked unusual, he would not attempt to stop that, and we could send inspectors to prove he was not participating in weapons of mass destruction—chemical, biological, or nuclear weapons.

But what has happened? The history is very sad. It is a circumstance that is particularly frustrating. We wish we did not have to direct our attention to it, but we do. It is not going away. He has broken virtually every one of the promises he made, and I suspect, from what I read, the President is going to talk about that at the U.N.

Let me say this about the United Nations. The United Nations is a noble organization, with noble goals, that deserves respect. Remember in the Declaration of Independence, they, the fathers of the American Revolution, used the phrase "a decent respect for the opinions of mankind" to require them to set forth the reasons for separation, the reasons for revolution.

So I think the President should explain to the world—and the U.N. is a great forum to do that—precisely why he believes we should act now.

I suspect what he is going to talk a lot about is resolutions that Saddam Hussein agreed to and that were put forth by the U.N. and were U.N. resolutions that have been violated. Resolution after resolution, for a decade or more, they have been in violation. He will raise that tomorrow—or Thursday, as he should.

The gravity of the problem is clear. Saddam Hussein's violations are matters of life and death. I wish it were not so. I wish it were just some disagreement over tariffs, or maybe oil prices, or something like that. But what we are talking about is that Saddam Hussein has, with determination and consistency for many years before the gulf war—11, 12 years ago, and since—persisted to develop weapons that he has used in this world. So it is a matter of life and death.

They demonstrate not just technical infringements on their agreements but they constitute a deliberate and determined program to develop weapons of mass destruction that he himself can use if he desires, or he can in secret provide to stateless terrorists so they can use these weapons on law-abiding American citizens and people of the world. So there is a real danger here.

Some say: What new evidence do you have to go forward? What new evidence do we have? Apparently, from some of the things you read in the papers—and I will not make reference to anything that is confidential—there have been indications that there is new evidence to indicate continued progress toward achieving dangerous weapons. We know, for example—we were shocked to find, at the time of the gulf war when we were victorious and did the inspection of the nuclear facilities, that Saddam Hussein had—that they were within 6 months of being able to produce a nuclear bomb when the United States successfully defeated Iraq in that war—6 months. The experts did not think that at the time, but the inspection of the country afterwards found that.

So I would say first of all, as Secretary Rumsfeld said: Oftentimes we know what we don't know. We know some things that indicate that he has continued steadfastly to improve chemical, biological, and nuclear weapons. We know that. But precisely how far he has gone we cannot say. But we know what his goal is. It has not changed. So I would say that is important for us to remember.

These things should not come as a surprise to any serious observer of the scene. We have been dealing with this man and his deliberate plans to obtain weapons of mass destruction for quite a number of years, and virtually daily since the gulf war. The fact is, he had no intention of complying with the world's demands to stop. He will not stop. Will a single person in this Congress, will a single person, come forth and say that they believe he will even unequivocally promise to stop? Which I doubt he will—but he might. But more important, will he actually stop production of these weapons? I challenge this body and the House of Representatives, and I will ask that question. Is there anyone here who thinks he sincerely will stop his activities to build weapons of mass destruction? I do not think anyone would.

Why? Is it just anger we are involved in here? Are we just angry over his bellicose statements about the United States? Are we just angry over his attempt to assassinate the President of the United States? Is it just anger over the fact that he gave $25,000 rewards to families of suicide bombers in Israel or other places, people who would murder innocent civilians, that cause us to say we don't trust him? No. It is not anger—although we have a right to be indignant over what he does. But we must not act solely out of anger.

I used to try criminal cases as a Federal prosecutor. Many times, the evidence from credible, honest witnesses would be contradicted solely by the words of the defendant. He would say: I didn't do it.

I used to do a little deal sometimes and talk to the jury. I said: Just because somebody says they won't do it doesn't mean they will not. I can say: I don't have a pencil in my hand, and if I do, I am not going to drop it. And I didn't drop it. I didn't drop the pencil.

Does that change the fact that I had a pencil and I dropped it? I think not.

This man is not credible. What we have to do when we deal with a man of this kind is look at his acts. Can they be just short-term acts? That is important, but long-term acts are even more important.

I think a decision that is to be made by a great nation, a nation that desires to protect its citizens and has the protection and security of its citizens in this country and around the world as its highest priority, that nation has to be serious. We cannot deal in wishful thinking. We cannot do so.

People say to me, basically: Can't we get along? Why do you want to talk about war?

Why do we have to wrestle with these issues? Isn't it possible that Saddam Hussein has seen the light and will change? I think people are not saying that. I don't think people are saying it. But in their hearts they are hoping that. Sometimes I think the same way. Isn't it just possible that this will change?

But let us consider the matter rationally and reasonably. What are the facts? What is the evidence? Is there a case here?

When solely evaluated, I submit there is overwhelming evidence that the facts present a demonstration that Saddam Hussein is manipulating the world, acting to keep them at bay while he steadfastly pursues his plan for weapons of mass destruction in direct violation of the agreement that saved his monstrous regime 11 years ago.

There are many ways to detail the charges against this most vicious dictator with the possible exception of North Korea, the most brutal dictator in the world today, and one who has been more active to export his violence than any other nation in the world today.

At this time, I think we should talk about the Iraq Liberation Act of 1998. This Congress voted on it. It passed the House of Representatives almost unanimously. There were maybe 30 "no" votes. It passed in this body unanimously by consent.

This is what we found in 1998 at a time when Saddam Hussein ejected the inspectors that he agreed to have come into his country. We did nothing about it. This is what the findings say:

> The Congress makes the following findings. On September 22nd, 1980, Iraq invaded Iran, starting an 8-year war in which Iraq employed chemical weapons against Iranian troops, and ballistic missiles against Iranian cities.

This country is not Iraq. It is not a backward country. It has a government of laws, longstanding. It has for that region of the world an educated population. They are capable of doing so much better than they are today.

Unfortunately, the people of Iraq are suffering more than anyone else as a result of Saddam Hussein's bad leadership.

It goes on in paragraph 2:

> In February of 1988, Iraq forcibly relocated Kurdish civilians——

These are citizens of Iraq——

> from their home villages in the Anfal campaign, killing an estimated 50,000 to 180,000 Kurds——

Fifty-thousand to 100,000 of his own civilians in 1988 after he lost the war, after he signed an agreement not to use weapons of mass destruction, and after he agreed to inspections——

> On March 16th, 1988, Iraq used chemical weapons against the Iraqi Kurdish civilian opponents in the town of Halabja killing an estimated 5,000 Kurds——

Causing numerous birth defects that affect the town to this day.

How long has it been since a nation in the world used chemical weapons against anyone, much less their own citizens, killing 5,000 Kurds? It is a despicable act by a despicable man who is not worthy to be a part of civilized nations, I submit.

On August 2nd, 1990, Iraq invaded and began a 7-month occupation of Kuwait.

This is a sovereign, independent nation on its border that happened to have substantial oil reserves that Saddam Hussein wanted. So on August 2, 1990, he invaded and began a 7-month occupation killing and committing numerous abuses against Kuwaiti citizens and setting Kuwaiti oilfields ablaze in his retreat.

Do you remember that? Just out of perversion and pure meanness, he set the oilwells on fire, polluting the atmosphere, putting at risk thousands of lives, and causing tremendous expense to bring those fires under control. In fact, they were brought under control better than we had any right to expect. At first, people expected it would take much longer than the long period it ultimately took.

No. 5—this is our findings, the Congress:

> Hostilities in Operation Desert Storm ended on February 28th, 1991, and Iraq subsequently accepted the cease-fire conditions in the United Nations Security Council Resolution 687 on April 3, 1991, requiring Iraq, among other things, to disclose and fully permit the dismantlement of his weapons of mass destruction program, and submit to long-term monitoring and verification of such a dismantlement.

That was the basic condition of it. We said: OK. Mr. Saddam Hussein, we will not continue this war. We have ousted you from Kuwait where you had no right to be, but you have to agree to dismantle your weapons of mass destruction. OK. He agreed to that. That was the U.N.-brokered deal.

Paragraph 6:

> In April of 1993, Iraq orchestrated a failed plot to assassinate former President George Bush during his April 14 through 16, 1993, visit to Kuwait.

What a despicable act. I submit to you as a Member of the Senate of any party that when a head of a foreign nation deliberately sets about to assassinate the leader or former leader of any great nation, that is something that should not be lightly dealt with. Frankly, I think we dealt with it too lightly at the time. We did take some action but not enough.

This man attempted to kill, assassinate the President, former President of the United States of America while he was visiting Kuwait, a country that former President Bush had led the liberation of and freed from this oppressive regime.

So it continues. That was in April of 1993:

> In October of 1994, Iraq moved 80,000 troops to areas near the border of Kuwait posing an imminent threat of renewed invasion of or attack against Kuwait.

This is a man who wants us to get along with him and says, If you want complete destruction of my Government, I will behave and end weapons, and I will get along with my neighbors. And here he is moving 80,000 troops down on the border towards Kuwait where he does not station them normally. It just shows the aggressive hostilities of which he is capable.

On August 31 of 1996, paragraph 8:

> In the findings of the U.S. Congress, Iraq oppressed many of its opponents by helping one Kurdish faction capture the seat of a Kurdish regional government.

> Since March of 1996, Iraq has systematically sought to deny weapons inspectors from the United Nations Special Commission on Iraq—UNSCOM—access to key facilities and documents, has on several occasions endangered the safe operation of UNSCOM's helicopters transporting UNSCOM personnel in Iraq, and has persisted in a pattern of deception and concealment regarding the history of its weapons of mass destruction program——

> And persisted in a pattern of deception and concealment regarding the history of his weapons of mass destruction programs——

The U.S. Congress, U.S. Senate unanimously found:

> On August 5 of 1998, Iraq ceased all cooperation with UNSCOM, and subsequently threatened to end long-term monitoring activities by the International Atomic Energy Agency and UNSCOM.

The International Atomic Energy Agency is monitoring Iraq's nuclear bomb capability.

Paragraph 11:

> On August 14, 1998, President Clinton signed Public Law 105-235 which declared that "the Government of Iraq is in material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations."

No. 12:

> On May 1, 1998, President Clinton signed Public Law 105-174, which made $5,000,000 available for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, developing and implementing agreements among opposition groups, compiling information to support the indictment of Iraqi officials for war crimes, and for related purposes.

It goes on to say:

> Sense Of The Congress Regarding United States Policy Toward Iraq.

In Section 3, this is what we found as a Congress:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

I repeat that. That is so important. We voted unanimously in this Senate that:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

I suppose we have tried to do so in many different ways. The problem is, we have not been very successful. Iraq continues to make a mockery of its agreements and continues to build and develop weapons of mass destruction.

So the President is, I am sure, from newspaper reports, going to talk about that to the United Nations. I am so glad that he is because we have to think about an important subject.

Mr. President, you are aware that the Economist magazine, a London publication, in England, which is seriously reviewed around the world—and people give its opinions great weight—has expressed a view that there is no alternative but to war in this circumstance.

A couple months ago, they had an insert on the role of American foreign policy in the world, and they talked about this tension between multilateralism and unilateral action by the President, or can the United States act alone or with a few allies? They raised this question.

Multilateralists say we ought to reach agreements, and those agreements ought to be for the purpose of making our world safer. And they can work in that regard. The question the Economist posed is: What if the people who sign them do not abide by them? What if the people who have signed them deliberately, deceitfully operate in violation of those agreements, thereby threatening the safety and security of the rest of the world? Does the world just sit by and do nothing? Is that a credible response?

Do you think that is what was on President Bush's mind when he said, in recent words—and I think I can quote him directly—"the credibility of the world is at stake"?

Yes, it is one thing to have resolutions. It is one thing to say we are going to have agreements so we can go away and wash our hands and say the matter is solved and the danger is over. That may be OK if it is a trade issue or some such event as that. But if it is a matter of life and death, dealing with a country that is capable of and has proven in the past it will use weapons of mass destruction against enemies in its own country and outside their country, if that is so, then we have a big problem.

So I think the President is determined to confront this issue and that the status quo in Iraq is not sufficient. We need to go back and remember what has already occurred. And that is where we are.

They say: Well, you have to have a unanimous vote. The United Nations has to support this action. I think a decent respect for the United Nations calls on the President to go there and state his case. I think it is important for the President to explain it to good and decent leaders all over the world, and seek their support wherever he can get it. But as a member of the Armed Services Committee, I can tell you, we do not have to have the support of any one nation to defeat Iraq. I hope we can do it promptly.

One thing I do believe is, he does not have popular support in his country and many of the people will be delighted to see him go. And I think it is not as if we are attacking a country that has loyal and decent people willing to die for their country. There may be some, but it is not nearly that many because this man is a brutal dictator.

But the President is required to state his case around the world. That is important. I hope he does not feel compelled to describe, in any detailed way, precisely how he might conduct a war, if a war becomes necessary. Maybe it will not be. I hope it will not be. But from my reading of this history, both before Desert Storm and after, of Saddam Hussein's absolutely steadfast determination to frustrate the world and do what he wants to do, I do not believe he is going to change. So I think we are going to be confronted with that situation sooner or later.

The question is, shouldn't we have the support of the United Nations? The problem there is this: A United Nations resolution requires a Security Council vote, a unanimous vote of the Security Council.

The American people have spent a lot of money building up the greatest military force in the history of the world. We will spend, next year, $370 or so billion on a national defense system for this country. And on the United Nations Security Council there are countries such as France and Germany and England, and also China and Russia. So what are we going to do? Are we going to say that the Chinese or the Russians, or any other member of the Security Council, for any reason they choose, has the right to say: No, Mr. President, we don't agree. You can't use force against Iraq. You can't use force to liberate Kuwait. You can't use force against Panama, as President Bush did. You can't act against Kosovo because we say no?

That is not something that a great nation, the preeminent world power—let's say it frankly—can allow. The preeminent world power—a good and decent nation, whose actions are not for self gain but to vindicate legitimate rights and interests—cannot allow its power to be curtailed by the vote of one nation in the U.N. Security Council.

So the President cannot say: I am going to defer this matter to the U.N. That would be absolutely wrong. It would be unwise. And the American people would not support that. It is our military. We did it to protect our just national interests—not our unjust national interests, but our just, legitimate national interests. I believe the President understands that distinction. I hope that we, as Americans, think that through because some tend to believe we have to have a vote of the U.N. before we can act to defend our national security interests around the world, and that is not correct. Very few would agree with that.

We are in a time of remembrance as we move toward September 11. We will be at the Pentagon tomorrow. Others will be in New York. Others will be in Pennsylvania. Others will have memorials in their communities and towns, as I will be visiting one in Birmingham, hosted by the religious community, to commemorate this sad occasion of September 11.

The President told us we were going to have to return to our fundamental beliefs, we were going to have to be courageous, and if we stepped out and took on these people, and we chased them to their lairs and went after them, we could make the world safer.

I believe the world is safer today. I believe it is an unacceptable policy to allow any nation to harbor terrorists, to allow any nation to allow their territory to be used as a training base or where they can build their weapons and plot their diabolical actions. We cannot allow that to happen. It is against the policy of the United States and this Congress, I believe.

We are in a time that all of us need to study how we got to where we are, being quite serious about this entire circumstance. I am coming to the conclusion that it is very unlikely, based on the consistent, long-term history of Saddam Hussein, that we can reach any kind of agreement with him.

As the Economist magazine said, for 11 years we have been trying to contain him in a box. The box is leaking. Who has suffered most? The people and children of Iraq. They are the ones who have been suffering for these 12 years. It is difficult for us to defend to the Arab world this kind of oppression that falls mainly on the innocent. They said, concluding their very serious editorial: Painful as it is, our vote is for war.

I hope we don't come to that, but I am afraid that is where we are heading. It is a subject we have to talk about. I believe that debate will now commence.

I yield the floor.

REVISIONS TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATIONS AND THE BUDGETARY AGGREGATES

Mr. CONRAD. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

On July 23, I filed adjustments to the 2002 budgetary aggregates and allocation for the Appropriations Committee resulting from the $29.9 billion in emergency funding included in the conference report to H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States (Public Law 107-206). The legislation, however, included $5.1 billion in emergency funding that the Congress made contingent on the President designating the total amount as emergency spending within 30 days of enactment. On August 13, the President announced that he would not declare the $5.1 billion as emergency spending, thereby vitiating the entire amount. Consequently, I am lowering the adjustments I made on July 23 by the amount of the contingency—$5.1 billion in budget authority—as well as by the estimated amount of the contingency's impact on 2002 outlays—$0.96 billion.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	734,126	700,500
Highways	0	28,489
Mass Transit	0	5,275
Conservation	1,760	1,473
Mandatory	358,567	350,837
Total	1,094,453	1,086,574
Adjustments:		
General Purpose Discretionary	−5,139	−962
Highways	0	0
Mass Transit	0	0
Conservation	0	0
Mandatory	0	0
Total	−5,139	−962
Revised Allocation:		
General Purpose Discretionary	728,987	699,538
Highways	0	28,489
Mass Transit	0	5,275
Conservation	1,760	1,473
Mandatory	358,567	350,837
Total	1,089,314	1,085,612

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts.

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays
Current allocation: Budget Resolution	1,710,450	1,653,782
Adjustments: Emergency Spending	−5,139	−962
Revised allocation: Budget Resolution	1,705,311	1,652,820

Prepared by SBC Majority Staff on 9-10-02.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 22, 2002 in San Francisco, CA. Two people beat a lesbian outside a nightclub. The assailants, Jack Broughton, 35, and Jean

Earl, 32, punched and kicked the victim, who was later treated at San Francisco General Hospital. Police say that the attackers shouted anti-gay slurs, and are investigating the incident as a possible hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

COMMUNITY HERO

Mr. SMITH of Oregon. Mr. President, I rise to salute a World War II veteran from my home State of Oregon. Today, I want to recognize the efforts of August F. "Gus" Smoorenburg, a member of the European resistance fighters who lived and struggled in Nazi occupied territories throughout the last century's largest and most destructive war.

Born in Amsterdam in the 1920s, Gus was 19 years old when Germany invaded Holland, Luxembourg, and France. To stop the Germans, the Dutch tried using their own landscape, opening the country's famous dams and sluices to stop tanks and trucks filled with soldiers. After the brutal killing of thousands of civilians, including schoolchildren, the Dutch surrendered on May 15, 1940.

The European resistance fighters, as they have come to be known, began as independent groups of youths clandestinely sabotaging the occupying German forces by whatever means at their disposal. Resistance groups sprang up in every Nazi-occupied country. Gradually, like-minded people banded together and worked in secret to overthrow the invaders. Dutch, French and Polish youths risked their lives day and night to slow the advance of the Nazi forces. They accomplished small victories by such simple methods as rearranging traffic signs and filling the gas tanks of their enemy's vehicles with sugar. These groups became a part of an organized European resistance movement when they finally established short-wave radio contact with London and received coded messages.

The risks of joining the resistance were great. A resistance worker caught by the Nazis faced certain death. The Germans sometimes rounded up and executed hundreds of civilians in revenge for an act of sabotage. Gus' life was no exception to this backlash to the resistance fighters. By 1944 his family was living on meager rations of tulip bulbs and two of his fellow resistance fighters and a cousin had been executed by firing squad.

The ferociousness of the fighting and danger that these unsung heroes faced are conveyed by his description of the bombing of Dortmund: "This sight I cannot ever forget: burning roofs collapsing, burning window sills and brick walls crashing down on sidewalks, bricks and debris lying everywhere from roads as well as from houses, blown to pieces. It is unforgettable . . . to see and feel a city, an entire city, on fire."

Gus moved to Portland, OR in 1977 to be closer to his oldest daughter. He has been a valuable member of the community and a welcome piece of living history. I believe it is time that he, along with other resistance fighters, be recognized for the sacrifices they selflessly made fighting the oppressive forces of fascism during those dark years.

Each allied nation is indebted to patriots such as Gus; without their invaluable efforts the greatest war of the last century might have lasted much longer and cost many more thousands of lives. It is with humble respect and praise that I offer my recognition today to Gus and the European resistance fighters.

THE NOMINATION OF PRISCILLA OWEN

Mr. LEAHY. Mr. President, in light of the continuing criticism of Republicans about the Senate Judiciary Committee's vote on the nomination of Priscilla Owen to be a judge on the United States Court of Appeals for the Fifth Circuit, I am making my statement from September 5, 2002, on that vote a part of the RECORD.

I would also like to respond to the misleading suggestion that the Senate Judiciary Committee has never defeated a nominee who received a "well qualified" rating from the American Bar Association. In fact, in the prior six and one-half years of Republican control of the Senate the nominations of more than a dozen judicial candidates with unanimous well qualified ratings were defeated in the Committee through the decision of Republicans to block them from receiving hearings and votes on their nominations. More than three dozen others received partial ratings of "well qualified" and "qualified." More than 50 of President Clinton's judicial nominees never received Committee votes, despite their ratings. The truth is that Republicans defeated dozens of judicial nominees with well-qualified ratings, not in the light of day with a democratic vote, but in the dark of night through secret, anonymous holds or other tactics.

Here are some of the Clinton nominees with unanimous well qualified or partial well qualified ratings who never received a Senate Judiciary Committee vote and whose nominations ended in Committee: Alston Johnson, Fifth Circuit, James Duffy, Ninth Circuit, Kathleen McCree-Lewis, Sixth Circuit, Enrique Moreno, Fifth Circuit, Judge James Lyons, Tenth Circuit, Allen Snyder, D.C. Circuit, Judge Robert Cindrich, Third Circuit, Judge Stephen Orlofsky, Third Circuit, James Beatty, Fourth Circuit, Frederic Woocher, Central District of California, Richard Anderson, District of Montana, Jeffrey Coleman, Northern District of Illinois, John Bingler, Western District of Pennsylvania, Elena Kagan, D.C. Circuit, Elizabeth Gibson, Fourth Circuit, Lynette Norton, Western District of Pennsylvania, Judge Legrome Davis, Eastern District of Pennsylvania, Judge Richard Leonard, Eastern District of North Carolina, Judge Linda Reigle, District of Nevada, Gary Sebelius, District of Kansas, Judge David Cercone, Western District of Pennsylvania, Patricia Coan, District of Colorado, Stephen Achelpohl, District of Nebraska, Judge Jorge Rangel, Fifth Circuit, Ronald Gould, Ninth Circuit, and Robert Freedburg, Eastern District of Pennsylvania. This is just a partial list.

Of course some of President Clinton's judicial nominees who received hearings and Committee votes had also received well-qualified ratings, but that did not stop Republicans from voting against them and trying to defeat their nominations. For example, some of the same Republicans who now claim it is unprecedented to defeat a nominee with a well-qualified rating voted against several Clinton nominees with that same rating, either in Committee, on the floor or both. The following nominees with well qualified ratings were subject of Republican efforts to defeat their nominations, despite the rating that Republicans now cling to like a impermeable shield against criticism: Judge Rosemary Barkett, Eleventh Circuit, Judge Merrick Garland, D.C. Circuit, Judge William Fletcher, Ninth Circuit, Judge Ray Fisher, Ninth Circuit, Judge Marsha Berzon, Ninth Circuit, Judge Sonia Sotomayor, Second Circuit, Judge Margaret McKeown, Ninth Circuit, Judge Richard Paez, Ninth Circuit, Judge Margaret Morrow, Central District of California, Judge Gerald Lynch, Southern District of New York, and Mary McLaughlin, Eastern District of Pennsylvania.

Republicans tried mightily to defeat these nominations. In fact, some of these nominees were asked about their ABA membership, as if being active in the Nation's largest bar association were somehow disqualifying. Republicans almost defeated some of these nominations. For example, Judge Paez was voted out of committee with barely a majority, and he received 39 Republican votes against his nomination despite his partial well-qualified rating. Judge Fletcher, who had a unanimous well-qualified rating, received negative votes in Committee from some of the same Republicans now complaining about negative votes on the nomination of Justice Owen, and Judge Fletcher's nomination received 41 Republican votes against his confirmation.

Thus, what Republicans are really complaining about is not that a nominee who received a well- qualified rating was defeated, but that one of their nominees was defeated, regardless of her ABA rating. That is understandable. What is not understandable is their effort to distort the facts and the history of defeat of numerous other nominees of President Clinton who had the same rating as Justice Owen. Those ratings were no obstacle back then to Republican efforts to defeat those nominations, either through blocking hearings and votes or through attempts to defeat nominations in the Committee and on the floor. It was not due to lack of effort on their part that a nominee with a well-qualified rating was not actually voted down on their watch. In fact, dozens were defeated in far less public ways, but their nominations failed, nonetheless, and were returned to the President without confirmation.

Additionally, I would like to respond to the notion that the vote against Justice Owen was somehow "anti-woman." Such a claim, as that made by Attorney General Ashcroft, is absurd. I recall that when John Ashcroft was in the Senate he voted against the confirmation of at least 11 judicial nominees of President Clinton and almost half of them are women who now sit on the federal bench. The Senate Judiciary Committee has been far fairer to this President's judicial nominees, including the women he has nominated to the federal bench.

Since the reorganization of the Senate Judiciary Committee 14 months ago, 17 women nominated to the Federal bench by President Bush have been given a hearing and reported out of committee. Sixteen have already been confirmed by the Democratic-led Senate. Four of these women were nominated to the Circuit Courts and were some of the first nominees in years to receive hearings, after the anonymous holds and obstruction during the period of Republican control of the Senate. Ten of those women nominees with records of fairness as lower federal courts or State court judges have been voted out of the Democratic-led Senate Judiciary Committee, including former Minnesota Supreme Court Justice Joan Lancaster.

Justice Owen's record, in contrast, was not one of fairness and adherence to precedent. Instead, time after time, Justice Owen's written opinions demonstrated her willingness to substitute her policy preferences for those of the Texas legislature and her determination to distort precedent. Even her fellow judges criticized her approach. These issues are discussed in more detail in my full Judiciary Committee statement that follows:

Statement of Senate Judiciary Committee Chairman Patrick Leahy on September 5, 2002 on the nomination of Justice Priscilla Owen to the United States Court of Appeals for the Fifth Circuit:

Today, the Senate Judiciary Committee considered a number of the President's nominees, including Priscilla Owen to be a judge on the United States Court of Appeals for the Fifth Circuit, and Reena Raggi to be a judge on the United States Court of Appeals for the Second Circuit. These two nominees were the 80th and 81st judicial nominees voted on by the Committee in less than 15 months, and the 16th and 17th circuit court nominees voted on by the committee in that time. This committee has worked diligently since the change in majority last summer to consider more than 250 of the President's nominees.

During our first year in the majority, we have held twice as many hearings for President Bush's Courts of Appeals nominees as were held in the first year of the Reagan Administration, when the Senate was controlled by Republicans, and five times as many as in the first year of the Clinton Administration, when the Senate was controlled by Democrats. Under Democratic leadership, this committee has also voted on more judicial nominees, 79 so far, than in any of the six and one-half years of Republican control that preceded the change in majority. We have already voted on twice as many circuit court nominees, 15, as the Republican majority averaged in the years they were in control. In fact, this last year we voted on more judicial nominees than were voted on in 1999 and 2000 combined and on more circuit court nominees than Republicans voted on in 1996 and 1997 combined.

We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated. By many measures the Committee has achieved almost twice as much this last year as Republicans averaged during their years in control.

In the six and one-half year period of Republican control before the change in majority last summer, vacancies on the Courts of Appeals more than doubled from 16 to 33 and overall vacancies rose from 63 to 110. We have reversed those trends, even though 43 vacancies have arisen since the changeover last year.

I have taken a number of actions to seek a cooperative and constructive working relationship with all Senators on both sides of the aisle and with the White House in order to make the confirmation process more orderly, less antagonistic, and more productive. Not all of my efforts have been successful and very few of my suggestions to the Administration have yielded results, but I have continued to make these efforts in the best interests of the country, the Senate and this committee.

I am proud of the work the Committee has done since the change in the majority. I am proud of the way we have considered nominees fairly and expeditiously.

The circuit court nominees voted on by the Senate Judiciary Committee today are two very different examples of the types of nominees sent to the Senate by this President. Judge Reena Raggi was appointed to the trial court in 1987 by President Ronald Reagan. She has a solid record of accomplishment in both the private and public sectors. She received the strong bipartisan support of two Democratic Senators, CHARLES SCHUMER and HILLARY RODHAM CLINTON, and of the New York legal community. We have every reason to believe that she will serve with distinction on the Second Circuit as a fair and impartial judge. She is a conservative Republican.

In sharp contrast is the record of the other circuit court nominee we considered today: Justice Priscilla Owen, a nominee whose record is too extreme even in the context of the very conservative Texas Supreme Court.

Justice Owen has been nominated to fill a vacancy that has existed since January, 1997. In the intervening five years, President Clinton nominated Judge Jorge Rangel, a distinguished Hispanic attorney from Corpus Christi, to fill that vacancy. Despite his qualifications, and his unanimous rating of Well Qualified by the ABA, Judge Rangel never received a hearing from the Committee, and his nomination was returned to the President without Senate action at the end of 1998, after a fruitless wait of 15 months.

On September 16, 1999, President Clinton nominated Enrique Moreno, another outstanding Hispanic attorney, to fill that same vacancy. Mr. Moreno did not receive a hearing on his nomination either, for more than 17 months. President Bush withdrew the nomination of Enrique Moreno to the Fifth Circuit and later sent Justice Owen's name in its place. It was not until May of this year, at a hearing before Senator SCHUMER, that this committee heard from any of President Clinton's three unsuccessful nominees to the 5th Circuit. This May Mr. Moreno and Mr. RANGEL testified along with a number of other Clinton nominees about their treatment by the Republican majority. Thus, Justice Owen is the third nominee to this vacancy and the first to be accorded a hearing before the Committee.

In fact, when the Committee held its hearing on the nomination of Judge Edith Clement to the Fifth Circuit last fall, it was the first hearing on a Fifth Circuit nominee in seven years. By contrast, Justice Owen is the third nomination to the Fifth Circuit on which this committee has held a hearing in less than one year. In spite of the treatment by the former Republican majority of so many moderate judicial nominees of the previous President, we proceeded this July, as I said that we would, with a hearing on Justice Owen.

Justice Owen is one among 16 Texas nominees who have been considered by this Committee since I became Chairman. So far, five District Court judges, four United State Attorneys, three United States Marshals, and three executive branch appointees from Texas have moved swiftly through the Judiciary Committee.

When Justice Owen was initially nominated, the President changed the confirmation process from that used by Republican and Democratic Presidents for more than 50 years. That resulted in her ABA peer review not being received until later in the summer. As a result of a Republican objection to the Democratic leadership's request to retain all judicial nominations pending before the Senate through the August recess, the initial nomination of Justice Owen was required by Senate rules to be returned to the President without action. The Committee nonetheless took the unprecedented action of proceeding during the August recess to hold two hearings involving judicial nominations, including a nominee to the Court of Appeals for the Federal Circuit.

In my efforts to accommodate a number of Republican Senators, including the Republican Leader, this Committee's ranking member, and at least four other Republican members of this Committee, I have scheduled hearings for nominees out of the order in which they were received. This has been a longstanding practice of the Committee.

It is also a fact that less controversial nominations are easier to consider and are, by and large, able to be scheduled sooner than more controversial nominations. This is especially important in the circumstances that existed last summer at the time of the change in majority. At that time we faced what Republicans have now admitted had become a vacancies crisis. From January 1995 when the Republican majority assumed control of the confirmation process in the Senate until the shift in majority last summer, vacancies rose from 65 to 110 and vacancies on the Courts of Appeals more than doubled from 16 to 33. I thought it important to make as much progress as quickly as we could in the time available to us last year, and we did. Evaluating the record of a nominee whose record raises questions as serious as those about Justice Owen simply takes longer.

The responsibility to advice and consent on the President's nominees is one that I take seriously and that this committee takes seriously. Justice Owen's nomination to the Court of Appeals has been given a fair hearing and a fair process before this Committee. I thank all Members of the Committee for their fairness. Those who have had concerns have raised them and have heard the nominee's responses, in private meetings, at her public hearing and in written follow-up questions.

I would particularly like to commend Senator FEINSTEIN for her evenhandedness in chairing the hearing for Justice Owen. It was a long day, in which nearly every Senator who is a member of this Committee came to question Justice Owen, and Senator FEINSTEIN handled it with patience and fairness.

I am proud that Democrats and most Republicans have kept to the merits of this nomination, and have not chosen to vilify, castigate, unfairly characterize and condemn without basis Senators working conscientiously to fulfill their constitutional responsibilities. To those who will take this occasion to engage in name-calling or accusations of political posturing, I can only express my disappointment.

The constitutional responsibility to advise and consent to the President's life tenure judicial nominees is not an occasion to rubber stamp. The nomination of Justice Priscilla Owen presents a number of areas of serious concern to me.

The first area of concern to me is Justice Owen's extremism even among a conservative Supreme Court of Texas. The conservative Republican majority of the Texas Supreme Court has gone out of its way to criticize Justice Owen and the dissents she joined in ways that are highly unusual and that highlight her ends-oriented activism. A number of Texas Supreme Court Justices have pointed out how far from the language of statute she has strayed in her attempts to push the law beyond what the legislature intended.

One example is the majority opinion in Weiner v. Wasson, 900 S.W.2d 316, Tex. 1995. In this case, Justice Owen wrote a dissent advocating a ruling against a medical malpractice plaintiff injured while he was still a minor. The issue was the constitutionality of a State law requiring minors to file medical malpractice actions before reaching the age of majority, or risk being outside the statute of limitations. Of interest is the majority's discussion of the importance of abiding by a prior Texas Supreme Court decision unanimously striking down a previous version of the statute. In what reads as a lecture to the dissent, then-Justice John Cornyn, the current Texas Attorney General and Republican nominee for the U.S. Senate, explains on behalf of the majority:

> Generally, we adhere to our precedents for reasons of efficiency, fairness, and legitimacy. First, if we did not follow our own decisions, no issue could ever be considered resolved. The potential volume of speculative relitigation under such circumstances alone ought to persuade us that stare decisis is a sound policy. Secondly, we should give due consideration to the settled expectations of litigants like Emmanuel Wasson, who have justifiably relied on the principles articulated in [the previous case]. . . . Finally, under our form of government, the legitimacy of the judiciary rests in large part upon a stable and predictable decisionmaking process that differs dramatically from that properly employed by the political branches of government. Id. at 12–13. (Citations omitted.)

According to the conservative majority on the Texas Supreme Court, Justice Owen went out of her way to ignore precedent and would have ruled for the defendants. The conservative Republican majority followed precedent and the doctrine of stare decisis.

In Montgomery Independent School District v. Davis, 34 S.W. 3d 559 (Tex. 2000), Justice Owen wrote another dissent which drew fire from a conservative Republican majority, this time for her disregard for legislative language. In a challenge by a teacher who did not receive reappointment to her position, the majority found that the school board had exceeded its authority when it disregarded the Texas Education Code and tried to overrule a hearing examiner's decision on the matter. Justice Owen's dissent advocated for an interpretation contrary to the language of the applicable statute. The majority, which included Alberto Gonzales and two other appointees of then-Governor Bush, was quite explicit about its view that Justice Owen's position disregarded the law:

> The dissenting opinion misconceives the hearing examiner's role in the . . . process by stating that the hearing examiner 'refused' to make findings on the evidence the Board relies on to support its additional findings. As we explained above, nothing in the statute requires the hearing examiner to make findings on matters of which he is unpersuaded. . . . Id. at 25–26.

The majority also noted that:

> The dissenting opinion's misconception of the hearing examiner's role stems from its disregard of the procedural elements the Legislature established in subchapter F to ensure that the hearing-examiner process is fair and efficient for both teachers and school boards. The Legislature maintained local control by giving school boards alone the option to choose the hearing-examiner process in nonrenewal proceedings. . . . By resolving conflicts in disputed evidence, ignoring credibility issues, and essentially stepping into the shoes of the factfinder to reach a specific result, the dissenting opinion not only disregards the procedural limitations in the statute but takes a position even more extreme than that argued for by the board. . . ." Id. at 28.

Collins v. Ison-Newsome, 73 S.W.3d 178, is yet another case where a dissent, joined by Justice Owen, was roundly criticized by the Republican majority of the Texas Supreme Court. The Court cogently stated the legal basis for its conclusion that it had no jurisdiction to decide the matter before it, and as in other opinions where Justice Owen was in dissent, took time to explicitly criticize the dissent's positions as contrary to the clear letter of the law.

At issue was whether the Supreme Court had the proper "conflicts jurisdiction" to hear the interlocutory appeal of school officials being sued for defamation. The majority explained that it did not because published lower court decisions do not create the necessary conflict between themselves. The arguments put forth by the dissent, in which Justice Owen joined, offended the majority, and they made their views known, writing:

> The dissenting opinion agrees that "because this is an interlocutory appeal . . . this Court's jurisdiction is limited," but then argues for the exact opposite proposition . . . This argument defies the Legislature's clear and express limits on our jurisdiction. . . . The author of the dissenting opinion has written previously that we should take a broader approach to the conflicts-jurisdiction standard. But a majority of the Court continues to abide by the Legislature's clear limits on our interlocutory-appeal jurisdiction. Id. at 182.

They continue:

> [T]he dissenting opinion's reading of Government Code sec. 22.225(c) conflates conflicts jurisdiction with dissent jurisdiction, thereby erasing any distinction between these two separate bases for jurisdiction. The Legislature identified them as distinct bases for jurisdiction in sections 22.001(a)(1) and (a)(2), and section 22.225(c) refers specifically to the two separate provisions of section 22.001(a) providing for conflicts and dissent jurisdiction. . . . [W]e cannot simply ignore the legislative limits on our jurisdiction, and not even Petitioners argue that we should do so on this basis. Id. at 183.

Again, Justice Owen joined a dissent that the Republican majority described as defiant of legislative intent and in disregard of legislatively drawn limits.

Some of the most striking examples of criticism of Justice Owen's writings, or the dissents and concurrences she joins, come in a series of parental notification cases heard in 2000. They include:

> In re Jane Doe 1, where the majority included an extremely unusual section explaining its view of the proper role of judges, admonishing the dissent joined by Justice Owen for going beyond its duty to interpret the law in an attempt to fashion policy.
>
> Giving a pointed critique of the dissenters, the majority explained that, "In reaching the decision to grant Jane Doe's application, we have put aside our personal viewpoints and endeavored to do our job as judges—that is, to interpret and apply the Legislature's will as it has been expressed in the statute." 19 S.W.3d 346.
>
> In a separate concurrence, Justice Alberto Gonzales wrote that to the construe law as the dissent did, "would be an unconscionable act of judicial activism."
>
> In re Jane Doe 3, Justice Enoch writes specifically to rebuke Justice Owen and her fellow dissenters for misconstruing the legislature's definition of the sort of abuse that may occur when parents are notified of a minor's intent to have an abortion, saying, "abuse is abuse; it is neither to be trifled with nor its severity to be second guessed."

In one case that is perhaps the exception that proves the rule, Justice Owen wrote a majority that was bitterly criticized by the dissent for its activism. In In re City of Georgetown, 53 S.W. 3d 328, (Tex. 2001), Justice Owen wrote a majority opinion finding that the city did not have to give the Austin American-Statesman a report prepared by a consulting expert in connection with pending and anticipated litigation because such information was expressly made confidential under other law, namely the Texas Rules of Civil Procedure.

The dissent is extremely critical of Justice Owen's opinion, citing the Texas law's strong preference for disclosure and liberal construction. Accusing her of activism, Justice Abbott, joined by Chief Justice Phillips and Justice Baker, notes that the legislature, "expressly identified eighteen categories of information that are 'public information' and that must be disclosed upon request . . . [sec. (a)] The Legislature attempted to safeguard its policy of open records by adding subsection (b), which limits courts' encroachment on its legislatively established policy decisions." Id. at 338. The dissent further protests:

> [b]ut if this Court has the power to broaden by judicial rule the categories of information that are 'confidential under other law,' then subsection (b) is eviscerated from the statute. By determining what information falls outside subsection (a)'s scope, this Court may evade the mandates of subsection (b) and order information withheld whenever it sees fit. This not only contradicts the spirit and language of subsection (b), it guts it. Id.

Finally, the opinion concluded by asserting that Justice Owen's interpretation, "abandons strict construction and rewrites the statute to eliminate subsection (b)'s restrictions." Id. at 343.

These examples, together with the unusually harsh language directed at Justice Owen's position by the majority in the Doe cases, show a judge out of step with the conservative Republican majority of the Texas Supreme Court, a majority not afraid to explain the danger of her activist views.

Ends-Oriented Judicial Activism Showing Bias Against Consumers, Victims, Individuals.—I am also greatly concerned about Justice Owen's record of ends-oriented decision making as a Justice on the Texas Supreme Court. As one reads case after case, particularly those in which she was the sole dissenter or dissented with the extreme right wing of the Court, her pattern of activism becomes clear. Her legal views in so many cases involving statutory interpretation simply cannot be reconciled with the plain meaning of the statute, the legislative intent, or the majority's interpretation, leading to the conclusion that she sets out to justify some pre-conceived idea of what the law ought to mean. This is not an appropriate way for a judge to make decisions. This is a judge whose record reflects that she is willing and sometimes eager to make law from the bench.

Justice Owen's activism and extremism is noteworthy in a variety of cases, including those dealing with business interests, malpractice, access to public information, employment discrimination and Texas Supreme Court jurisdiction, in which she writes against individual plaintiffs time and time again, in seeming contradiction of the law as written.

One of the cases where this trend is evident is FM Properties v. City of Austin, 22 S.W. 3d 868 (Tex. 1998). I asked Justice Owen about this 1998 environmental case at her hearing. In her dissent from a 6–3 ruling, in which Justice Alberto Gonzales was among the majority, Justice Owen showed her willingness to rule in favor of large private landowners against the clear public interest in maintaining a fair regulatory process and clean water. Her dissent, which the majority characterized as, "nothing more than inflammatory rhetoric," was an attempt to favor big landowners.

In this case, the Texas Supreme Court found that a section of the Texas Water Code allowing certain private owners of large tracts of land to create "water quality zones," and write their own water quality regulations and plans, violated the Texas Constitution because it improperly delegated legislative power to private entities. The Court found that the Water Code section gave the private landowners, "legislative duties and powers, the exercise of which may adversely affect public interests, including the constitutionally-protected public interest in water quality." Id. at 876–77. The Court also found that certain aspects of the Code and the factors surrounding its implementation weighed against the delegation of power, including the lack of meaningful government review, the lack of adequate representation of citizens affected by the private owners' actions, the breadth of the delegation, and the big landowners' obvious interest in maximizing their own profits and minimizing their own costs.

The majority offered a strong opinion, detailing its legal reasoning and explaining the dangers of offering too much legislative power to private entities. By contrast, in her dissent, Justice Owen argued that, "[w]hile the Constitution certainly permits the Legislature to enact laws that preserve and conserve the State's natural resources, there is nothing in the Constitution that requires the Legislature to exercise that power in any particular manner," ignoring entirely the possibility of an unconstitutional delegation of power. Id. at 889. Her view strongly favored large business interests to the clear detriment of the public interest, and against the persuasive legal arguments of a majority of the Court.

When I asked her about this case at her hearing, I found her answer perplexing. In a way that she did not argue in her written dissent, at her hearing Justice Owen attempted to cast the FM Properties case not as, "a fight between and City of Austin and big business, but in all honesty, . . . really a fight about . . . the State of Texas versus the City of Austin." Transcript at 69. In the written dissent however, she began by stating the, "importance of this case to private property rights and the separation of powers between the judicial and legislative branches . . .", and went on to decry the Court's decision as one that, "will impair all manner of property rights." 22 S.W. 3d at 889. At the time she wrote her dissent, Justice Owen was certainly clear about the meaning of this case—property rights for corporations.

Another case that concerned me is the case of GTE Southwest, Inc. v. Bruce, 990 S.W.2d 605, where Justice Owen wrote in favor of GTE in a lawsuit by employees for intentional infliction of emotional distress. The rest of the Court held that three employees subjected to what the majority characterized as "constant humiliating and abusive behavior of their supervisor" were entitled to the jury verdict in their favor. Despite the Court's recitation of an exhaustive list of sickening behavior by the supervisor, and its clear application of Texas law to those facts, Justice Owen wrote a concurring opinion to explain her difference of opinion on the key legal issue in the case—whether the behavior in evidence met the legal standard for intentional infliction of emotional distress.

Justice Owen contended that the conduct was not, as the standard requires, "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency . . ." Id. at 621. The majority opinion shows Justice Owen's concurrence advocating an inexplicable point of view that ignores the facts in evidence in order to reach a predetermined outcome in the corporation's favor.

At her hearing, in answer to Senator EDWARDS' questions about this case, Justice Owen again gave an explanation not to be found in her written views. She told him that she agreed with the majority's holding, and wrote separately only to make sure that future litigants would not be confused and think that out of context, any one of the outrages suffered by the plaintiffs would not support a judgment. Looking again at her dissent, I do not see why, if that was what she truly intended, she did not say so in language plain enough to be understood, or why she thought it necessary to write and say it in the first place. It is a somewhat curious distinction to make—to advocate that in a tort case a judge should write a separate concurrence to explain which part of the plaintiff's case, standing alone, would not support a finding of liability. Neither her written concurrence, nor her answers in explanation after the fact, is satisfactory explanation of her position in this case.

In City of Garland v. Dallas Morning News, 22 S.W. 3d 351 (Tex. 2000), Justice Owen dissented from a majority opinion and, again, it is difficult to justify her views other than as based on a desire to reach a particular outcome. The majority upheld a decision giving the newspaper access to a document outlining the reasons why the city's finance director was going to be fired. Justice Owen made two arguments: that because the document was considered a draft it was not subject to disclosure, and that the document was exempt from disclosure because it was part of policy making. Both of these exceptions were so large as to swallow the rule requiring disclosure. The majority rightly points out that if Justice Owen's views prevailed, almost any document could be labeled draft to shield it from public view. Moreover, to call a personnel decision a part of policy making is such an expansive interpretation it would leave little that would not be "policy".

Quantum Chemical v. Toennies, 47 S.W. 3d 473 (Tex. 2001), is another troubling case where Justice Owen joined a dissent advocating an activist interpretation of a clearly written statute. In this age discrimination suit brought under the Texas civil rights statute, the relevant parts of which were modeled on Title VII of the federal Civil Rights Act (and its amendments), the appeal to the Texas Supreme Court centered on the standard of causation necessary for a finding for the plaintiff. The plaintiff argued, and the five justices in the majority agreed, that the plain meaning of the statute must be followed, and that the plaintiff could prove an unlawful employment practice by showing that discrimination was "a motivating factor." The employer corporation argued, and Justices Hecht and Owen agreed, that the plain meaning could be discarded in favor of a more tortured and unnecessary reading of the statute, and that the plaintiff must show that discrimination was "the motivating factor," in order to recover damages.

The portion of Title VII on which the majority relies for its interpretation was part of Congress's 1991 fix to the United States Supreme Court's opinion in the Price Waterhouse case, which held that an employer could avoid liability if the plaintiff could not show discrimination was "the" motivating factor. Congress's fix, in Section 107 of the Civil Rights Act of 1991, does not specify whether the motivating factor standard applies to both sorts of discrimination cases, the so-called "mixed motive" cases as well as the "pretext" cases.

The Texas majority concluded that they must rely on the plain language of the statute as amended, which could not be any clearer that under Title VII discrimination can be shown to be "a" motivating factor. Justice Owen joined Justice Hecht in claiming that federal case law is clear (in favor of their view), and opted for a reading of the statute that would turn it into its polar opposite, forcing plaintiffs into just the situation legislators were trying to avoid. This example of Justice Owen's desire to change the law from the bench, instead of interpret it, fits President Bush's definition of activism to a "T".

Justice Owen has also demonstrated her tendency toward ends-oriented decision making quite clearly in a series of dissents and concurrences in cases involving a Texas law providing for a judicial bypass of parental notification requirements for minors seeking abortions.

The most striking example is Justice Owen's expression of disagreement with the majority's decision on key legal issues in Doe 1. She strongly disagreed with the majority's holding on what a minor would have to show in order to establish that she was, as the statute requires, "sufficiently well informed" to make the decision on her own. While the conservative Republican majority laid out a well-reasoned test for this element of the law, based on the plain meaning of the statute and well-cited case law, Justice Owen inserted elements found in neither authority. Specifically, Justice Owen insisted that the majority's requirement that the minor be "aware of the emotional and psychological aspects of undergoing an abortion" was not sufficient and that among other requirements with no basis in the law, she, "would require . . . [that the minor] should . . . indicate to the court that she is aware of and has considered that there are philosophic, social, moral, and religious arguments that can be brought to bear when considering abortion." In re Doe 1, 19 S.W. 3d 249, 256 (Tex. 2000)

In her written concurrence, Justice Owen indicated, through legal citation, that support for this proposition could be found in a particular page of the Supreme Court's opinion in Planned Parenthood v. Casey. However, when one looks at that portion of the Casey decision, one finds no mention of requiring a minor to acknowledge religious or moral arguments. The passage talks instead about the ability of a State to, "enact rules and regulations designed to encourage her to know that there are philosophic and social arguments of great weight that can be brought to bear," Casey at 872. Justice Owen's reliance on this portion of a United States Supreme Court opinion to rewrite Texas law was simply wrong.

As she did in answer to questions about a couple of other cases at her hearing, Justice Owen tried to explain away this problem with an after the fact justification. She told Senator CANTWELL that the reference to religion was not to be found in Casey after all, but in another U.S. Supreme Court case, H.L. v. Matheson. She explained that in, "Matheson they talk about that for some people it raises profound moral and religious concerns, and they're talking about the desirability or the State's interest in these kinds of considerations in making an informed decision." Transcript at 172. But again, on reading Matheson, one sees that the only mention of religion comes in a quotation meant to explain why the parents of the minor are due notification, not about the contours of what the government may require someone to prove to show she was fully well informed. Her reliance on Matheson for her proposed rewrite of the law is just as faulty as her reliance on Casey. Neither one supports her reading of the law. She simply tries a little bit of legal smoke and mirrors to make it appear as if they did. This is the sort of ends-oriented decision making that destroys the belief of a citizen in a fair legal system. And most troubling of all was her indicating to Senator FEINSTEIN that she still views her dissents in the Doe cases as the proper reading and construction of the Texas statute.

Last May, President Bush said that his standard for judging judicial nominees would be that they "share a commitment to follow and apply the law, not to make law from the bench." Priscilla Owen's record, as I have described it today, does not qualify her under that standard for a lifetime appointment to the Federal bench.

The President has often spoken of judicial activism without acknowledging that ends-oriented decision making can come easily to ideological conservative nominees. In the case of Priscilla Owen, we see a perfect example of such an approach to the law, and I cannot support it.

As I said earlier, when the President sends us a nominee who raises concerns over qualifications or integrity or who has a misunderstanding of the appropriate role of a federal judge, I will make my concerns known. This is one of those times. In his selection of Priscilla Owen for the Fifth Circuit, the President and his advisors are trying to do to the Fifth Circuit what they did to the Texas Supreme Court. Plucked from a law firm by political consultant Karl Rove, Justice Owen ran as a conservative, pro-business candidate for the Texas Supreme Court, and she received ample support from the business community. She fulfilled her promise, becoming the most conservative judge on a conservative court, standing out for her ends-oriented, extremist decision making. Now, on a bigger stage, the President and Mr. Rove want a repeat performance: sending Justice Owen to a court one step below the Supreme Court of the United States, attempting to skew its decisions out of step with the mainstream.

Before and after he took office, President Bush said he wanted to be a uniter and not a divider, yet he has sent the Senate several nominees who divide the Senate and the American people. Over the last 14 months, the Judiciary Committee has exceeded the pace of recent years in approving more than six dozen of the President's judicial nominees—most of them, conservative Republicans. The Senate by now has confirmed 73 of them. This committee and the Senate have made the judgment that those nominees will fulfill their duties to act fairly and impartially. I urge the President to choose nominees who fit that profile, not the profile of Justice Owen.

The oath taken by Federal judges affirms their commitment to "administer justice without respect to persons, and do equal right to the poor and to the rich." No one who enters a federal courtroom should have to wonder whether he or she will be fairly heard by the judge. Justice Priscilla Owen's record shows me that she has not fulfilled that commitment on the Supreme Court of Texas, and I cannot vote to confirm her for this appointment to one of the highest courts in the land.

IMPROVING THE GENETIC NEWBORN SCREENING PROGRAM

Mr. DEWINE. Mr. President, on August 1, along with my colleague from Connecticut, Senator DODD, introduced a bill designed to improve the Nation's current genetic newborn screening program. Our legislation would provide education grants for physicians and parents, as well as grants to States to improve follow-up and tracking of those children who receive a heelstick screening and receive a positive result for metabolic, genetic, infectious, and other congenital conditions that threaten their health and life.

Each year, newborn screening identifies an estimated 3,000 babies with conditions that would otherwise have had dire consequences. But despite their clear importance, our newborn screening systems are fragmented. Quite simply, all children do not have access to the same genetic tests. Where a child is born and what tests are offered in that State is what determines the tests a newborn receives. In my home State of Ohio, we test for 12 disorders, while right across the border in Kentucky, they test for only four disorders and in Pennsylvania, they test for five. In Massachusetts, however, newborns are tested for 29 disorders.

Furthermore, parents often are not sufficiently informed of the number of tests available in their state and what those tests can help accomplish. Physicians may not know to educate parents, or physicians may talk to parents too late in the birthing process for it to make a difference. Also, State health departments may not follow-up adequately with the parents of a child who receives a positive test result, and health departments may not have the capacity to effectively record or track a large number of positive results.

The bill we are introducing today would go a long way toward streamlining the current newborn screening system by offering states grants to accomplish the following: build and expand existing procedures and systems to report test results to individuals and families, and primary care physicians and subspecialties; coordinate ongoing follow-up treatment with individuals, families, and primary care physicians after a newborn receives an indication of the presence of a disorder on a screening test; ensure seamless integration of confirmatory testing, tertiary care, genetic services, including counseling, and access to developing therapies by participation in approved clinical trials involving the primary health care of the infant; and analyze collected data to identify populations at high risk, examine and respond to health concerns, recognize and address relevant environmental, behavioral, socioeconomic, demographic, and other factors.

This bill is a good start toward ensuring that all newborns receive equal access to genetic tests and that their follow-up care, if needed, is available and coordinated. The importance of these screenings cannot be overstated. It can mean the difference between life and death for a newborn. And that, is something we must address.

I ask my colleagues for their support.

ADDITIONAL STATEMENTS

FIESTA 2002 CELEBRATION

• Mr. LUGAR. Mr. President, as a lifelong supporter of cultural heritage events and friend of the Indianapolis Hispanic-Latino Community, I rise today to share with my colleagues my interest in, and strong support for, an important cultural event that will take place in Indianapolis on September 21.

For the 22nd year, Fiesta will be held on the American Legion Mall in downtown Indianapolis to celebrate Hispanic culture and heritage. This is the premier Hispanic cultural event for the State of Indiana.

Fiesta 2002 will highlight the music, food, and traditions of Hispanic culture and provide an educational opportunity for everyone to learn more about Hispanic traditions and understand the contributions Hispanics in Indiana have made to enrich and strengthen our community.

Attendees for this public event will have the opportunity to enjoy a wide range of activities that showcase the Hispanic traditions in music, history, art, and food, among many others. Information booths, contests, and speakers will be set up to encourage attendees and their families to experience and enjoy the many educational, social, and culinary offerings that will be available.

Fiesta is organized and coordinated by Fiesta Indianapolis Inc., a non-profit volunteer organization. Fiesta's mission is to promote and preserve Hispanic culture in central Indiana. Executive Director Carmen DeRusha has done outstanding work to coordinate Fiesta 2002, and I am thankful to her for her leadership in organizing the many individuals, groups, and businesses that are a part of this event.

I am so pleased to join in this celebration, and I welcome the opportunity to be a part of Fiesta 2002. The success and longevity of the Fiesta event is attributable to the growth and strength of the Hispanic presence in Indiana, and to the dedication and commitment of everyone involved planning Fiesta 2002.

Fiesta 2002 is important for the Hoosier State and I want to share with my colleagues in the Senate my support for this great event. The Hispanic community is strong in Indiana and growing stronger every day. Fiesta 2002 is a wonderful opportunity to learn more about Hispanic heritage and to celebrate their rich and vibrant traditions that broaden and strengthen the fabric of our community in Indiana.•

NORMA EUDORA CRONK

• Mr. BAUCUS. Mr. President, I would like to take the opportunity to congratulate Norma Eudora Cronk Dickson. On October 16th, 2002 she will celebrate her 100th birthday. Norma is a resident of Chinook, MT.

Norma Dickson was born October 16, 1902. She was the eldest of four children born to John Colburn Cronk and Anna Rogers Cronk. John and Anna Cronk moved to Montana in 1898, and settled in the Milk River Valley in Coburg, MT. Her parents were ranchers and prominent members of the community. Her father John was elected state representative in Montana in 1923. Her parents raised cattle and prize winning Percheron horses. The livestock pavilion at the Blaine County Fairgrounds was dedicated to her father's memory.

Norma attended college and taught for a few years prior to her marriage in 1928 to Dr. Joseph Robert Dickson, another Montana native who practiced dentistry in Chinook, Montana.

Norma and Dr. Dickson had four children; Joseph Robert Dickson Jr., Marilyn Dickson Gregg, James Cronk Dickson, and George William Hunt Dickson. They also have thirteen grandchildren and ten great-grandchildren.

In addition to Norma's dedication to her family, she has been very active in her community of Chinook, MT. Her involvements include the Eastern Star, Chinook Presbyterian Church, and High School Girl's State. She has also worked at the Chinook Senior Center as a volunteer from its inception until she was 97 years old. Finally, she was named Senior of the Year in Chinook. She is a treasure to her community, her State, and of course, to her family.•

CONGRATULATIONS TO D.C. MURPHY

• Mr. CRAIG. Mr. President, I would like to take this opportunity to congratulate D.C. Murphy of Nampa, ID on his recent achievement of driving two million miles without a preventable accident. Put into perspective, that is equivalent to driving around the world eighty times, or driving 275 miles every day for the last twenty years. As I am sure you can imagine, this is an incredible feat. Over the twenty years he has been employed by Yellow Transportation, the roads have become increasingly crowded. To travel as many miles as he has without an avoidable accident is an achievement of which he should be very proud.

Over the last twenty years there has been a 39 percent increase in the number of registered large trucks, and at the same time also a 90 percent increase in the number of miles these trucks traveled. It is a credit to the trucking industry, D.C. Murphy, and other truckers with similar responsible driving habits that even though there are more trucks than ever before on the road, the number of accidents has continued to decrease.

Again, let me commend D.C. Murphy on this accomplishment. I would like to wish him continued safety for as long as he is on the road.•

IN MEMORY OF SAM SIMMONS, SHERIFF OF GREENVILLE, SC

• Mr. HOLLINGS. Mr. President, I received sad news from my home State last week. Sam Simmons, the sheriff of Greenville, SC, was tragically taken from us. Sheriff Simmons was a tremendous public servant and long-time friend to law enforcement. He began his law enforcement career at the age of 20 and served his community and state for nearly 29 years in this field.

During his career, this tenacious, yet soft-spoken man worked his way up through the ranks in the Greenville County Sheriff's Office from dispatcher to the top law enforcement officer for Greenville County. I had the opportunity to work with Sheriff Simmons and his staff over the years and knew him to be an extraordinary example of how law enforcement officials should conduct both themselves and their departments.

Last week, several police officers in Sheriff Simmons' department called him a "lawman's lawman." I echo these sentiments and offer my heartfelt condolences to his wife, Mona, and their family.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of it reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4797. An act to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office".

H.R. 5157. An act to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

H.R. 5336. An act to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 442. Concurrent resolution recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century.

H. Con. Res. 401. Concurrent resolution recognizing the heroism and courage displayed by airline flight attendants each day.

The message further announced that pursuant to section 503(b)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5933), and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the National Skill Standards Board for a 4-year term: Mr. William E. Weisgerber of Iona, Michigan.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4797. An act to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office"; to the Committee on Governmental Affairs.

H.R. 5336. An act to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 442. Concurrent resolution recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read the first and second times by unanimous consent, and placed on the calendar:

H. Con. Res. 401. Concurrent resolution recognizing the heroism and courage displayed by airline flight attendants each day.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8834. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation to provide the Federal Bureau of Investigation (FBI) with the authority it needs to prevent the unauthorized use of the FBI's name and initials; to the Committee on the Judiciary.

EC–8835. A communication from the Secretary of the Treasury, the Secretary of Education, and the Director of the Office of Management and Budget, transmitting jointly, a draft of proposed legislation that would allow the Internal Revenue Service (IRS) to match the income reported on Federal student aid applications with income tax return data; to the Committee on Finance.

EC–8836. A communication from the Assistant Secretary of Indian Affairs, transmitting, pursuant to law, the report of a rule entitled "25 CFR 39, Indian School Equalization Program" (RIN 1076–AE14) received on August 12, 2002; to the Committee on Indian Affairs.

EC–8837. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to provide authority to collect license fees to cover the costs of the Packers and Stockyards programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8838. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Pleasure Vessels of Marshall Islands Entitled to Cruising Licenses" (T.D. 02–48) received on August 12, 2002; to the Committee on Finance.

EC–8839. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, a copy of the independent audit report for the Garden for the period from January 1, 2001 through December 31, 2001; to the Committee on the Judiciary.

EC–8840. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Report on Nuclear-Powered Submarine Force Structure, Supporting the National Military Strategy through 2020; to the Committee on Armed Services.

EC–8841. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Under Secretary of Defense for Policy, received on August 27, 2002; to the Committee on Armed Services.

EC–8842. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Deputy Under Secretary of Defense for Personnel and Readiness, received on August 15, 2002; to the Committee on Armed Services.

EC–8843. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Inspector General, received on August 15, 2002; to the Committee on Armed Services.

EC–8844. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation relating to the transfer of a certain naval vessel to the Government of Mexico; to the Committee on Armed Services.

EC–8845. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to strengthen the management structure of the Office of the Secretary of Defense; to the Committee on Armed Services.

EC–8846. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, a report identifying additional emergency procurement authorities needed to support anti-terrorism operations; to the Committee on Armed Services.

EC–8847. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Iodosulfuron-Methyl-Sodium; Pesticide Tolerance" (FRL 7187–2) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8848. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lactic acid, ethyl ester and Lactic acid, n-butyl ester; Exemptions from the Requirement of a Tolerance" (FRL 7196–6) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8849. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cypemethrin and an Isomer Zeta-cypermethrin; Pesticide Tolerances for Emergency Exemptions" (FRL 7197–7) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8850. A communication from the Senior Paralegal, Regulations, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mutual Savings Associations, Mutual Holding Company Reorganizations, and Conversions from Mutual to Stock Form" (RIN 1550–AB24) received on August 1, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8851. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of foreign policy-based export controls on certain "space qualified" items on the Commerce Control List (CCL) in the Export Administration Regulations (EAR); to the Committee on Banking, Housing, and Urban Affairs.

EC–8852. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision to the Export Administration Regulations: Denied Persons List" (RIN 0694–AC58) received on September 6, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8853. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision and Clarifications to the Export Administration Regulations-Nuclear Nonproliferation Controls: Nuclear Suppliers Group" (RIN 0694–AC52) received on September 6, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8854. A communication from the General Counsel, Office of Federal Financial Management, Office of Management and Budget, transmitting, pursuant to law, the report of a vacancy in the position of Controller, received on August 20, 2002; to the Committee on Governmental Affairs.

EC–8855. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Director for Management, received on August 20, 2002; to the Committee on Governmental Affairs.

EC–8856. A communication from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, a draft of proposed legislation entitled "Court Services and Offender Supervision Agency Interstate Supervision Act of 2002"; to the Committee on Governmental Affairs.

EC–8857. A communication from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, a draft of proposed legislation entitled "Court Services and Offender Supervision Agency Appointment Act of 2002"; to the Committee on Governmental Affairs.

EC–8858. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8859. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation entitled "District of Columbia Retirement Protection Improvement Act of 2002"; to the Committee on Governmental Affairs.

EC–8860. A communication from the Chief Operating Officer/President, Financing Corporation, transmitting, pursuant to law, the report relative to the statement of the system on internal controls for December 31, 2000 and 2001; to the Committee on Governmental Affairs.

EC–8861. A communication from the Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Public Conduct on Bureau of Reclamation Lands and Projects" (RIN 1006–AA44) received on August 12, 2002; to the Committee on Energy and Natural Resources.

EC–8862. A communication from the Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Law Enforcement Authority at Bureau of Reclamation Projects" (RIN 1006–AA42) received on August 12, 2002; to the Committee on Energy and Natural Resources.

EC–8863. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Domestic and Foreign Procurement Preference Rules" (AL–2002–06) received on August 27, 2002; to the Committee on Energy and Natural Resources.

EC–8864. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment Rule" (Order No. 890) received on September 3, 2002; to the Committee on Energy and Natural Resources.

EC–8865. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8866. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8867. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8868. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more to Jordan; to the Committee on Foreign Relations.

EC–8869. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more South Korea; to the Committee on Foreign Relations.

EC–8870. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8871. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with France that also involves the export of defense articles and defense services in the amount of $50,000,000 or more to France and Sales Territories; to the Committee on Foreign Relations.

EC–8872. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8873. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8874. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8875. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Fiscal Year 2003 Chesapeake Bay Program Activity Grants"; to the Committee on Environment and Public Works.

EC–8876. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Reasonable Available Control Technology for Nitrogen Oxides" (FRL7269–6) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8877. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Emission of Radionucledes Other Than Radon From Department of Energy Facilities National Emission Standards for Radionuclide Emission from Federal Facilities Other Than Nuclear Regulatory Commission Licenses and Not Covered by Subpart H; Final Amendment" (FRL7271–3) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8878. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ambient Air Quality Surveillance and Designation of Areas for Air Quality Planning Purposes; Louisiana; Modification of Ozone Monitoring Season and Revisions to Geographical Boundaries of Air Quality Control Regions" (FRL7374–1) received on September 6, 2002; to the Committee on Environment and Public Works.

EC–8879. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL7272) received on September 3, 2002; to the Committee on Environment and Public Works.

EC–8880. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; State Implementation Plan Correction" (FRL7374–4) received on September 6, 2002; to the Committee on Environment and Public Works.

EC–8881. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the State Implementation Plan (SIP) Addressing Sulfur Dioxide in Philadelphia County" (FRL7271–4) received on September 6, 2002; to the Committee on Environment and Public Works.

EC–8882. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; New Source Performance Standards" (FRL7374–3) received on September 6, 2002; to the Committee on Environment and Public Works.

EC–8883. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana; Volatile Organic Compound Regulations" (FRL7273–5) received on September 6, 2002; to the Committee on Environment and Public Works.

EC–8884. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Minnesota" (FRL7264–9) received on September 6, 2002; to the Committee on Environment and Public Works.

EC–8885. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidance for Combining Award of Grants for Counter-Terrorism Coordination Activities and Award of Grants for Technical Assistance and Training for Drinking Water System Security (for Systems Serving Fewer Than 100,000 People) by States and Terrorists into a Single Multiple-Appropriations Grant Award" received on September 6, 2002; to the Committee on Environment and Public Works.

EC–8886. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oregon: Final Authorization of State

Hazardous Waste Management Program Revision" (FRL7373-6) received on September 6, 2002; to the Committee on Environment and Public Works.

EC-8887. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a report relative to safety and security; to the Committee on Environment and Public Works.

EC-8888. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a report concerning additional recommendations of the United States Nuclear Regulatory Commission for Inclusion in the Physical Protection Infrastructure Plan; to the Committee on Environment and Public Works.

EC-8889. A communication from the Administrator of the Environmental Protection Agency, transmitting, a draft of proposed legislation entitled "Clear Skies Act of 2002"; to the Committee on Environment and Public Works.

EC-8890. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Establishment of Nonessential Experimental Population Status and Reintroduction of Four Fishes in the Tellico River, from the Backwaters of Tellico Reservoir Upstream to Tellico River Mile 33, in Monroe County, Tennessee" (RIN1018-AF96) received on August 12, 2002; to the Committee on Environment and Public Works.

EC-8891. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Procedures for Establishing Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska" (RIN1018-AH88) received on August 12, 2002; to the Committee on Environment and Public Works.

EC-8892. A communication from the General Counsel of Department of Commerce, transmitting, a draft of proposed legislation entitled "Federal Spectrum Relocation Payment Procedures Act"; to the Committee on Commerce, Science, and Transportation.

EC-8893. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, the Annual Report of the Coastal Zone Management Fund for Fiscal Year 2001; to the Committee on Commerce, Science, and Transportation.

EC-8894. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Removal and Revision of Regulations" (STB Ex Parte No. 637) received on September 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8895. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Aviation Administration, received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8896. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy for the position of Under Secretary of Transportation for Security, received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8897. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy for the position of Administrator, Federal Aviation Administration, received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8898. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the designation of acting officer for the position of Under Secretary for Transportation Security, received on August 27, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8899. A communication from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8900. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Generic Tortugas Amendment that Amends the Joint Fishery Management Plans (FMPs) for Coastal Migratory Pelagic Resources and the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic and the Gulf of Mexico FMPs for the Coral, Red Drum, Stone Crag, Reef Fish and Shrimp Fisheries" (RIN0648-AN83) received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8901. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Washington Sport Fisheries; Inseason Action and Partial Closure" received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8902. A communication from the Senior Rulemaking Analyst, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Investigative and Enforcement Procedures" (RIN2110-AA09) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8903. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Infectious Substances" (RIN2137-AD13) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8904. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, and the Director for the Fish and Wildlife Service, Department of the Interior, transmitting jointly, The Atlantic Striped Bass Studies 2001 Biennial Report; to the Committee on Commerce, Science, and Transportation.

EC-8905. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Low Income Home Energy Assistance Program (LIHEAP) Fiscal Year 2002 Contingency Funds; to the Committee on Health, Education, Labor, and Pensions.

EC-8906. A communication from the Regulations Coordinator, Substance Abuse and Mental Health, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substance Abuse and Mental Health Services Administration Mental Health and Substance Abuse Emergency Response Criteria" (RIN0930-AA09) received on September 6, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-8907. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Rules for Administrative Review of Agency Decisions" (RIN1212-AA97) received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-8908. A communication from the Director, Corporate Policy and Research Department, Pensions Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on August 15, 2002 ; to the Committee on Health, Education, Labor, and Pensions.

EC-8909. A communication from the Regulations Coordinator, Office for Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Standards for Privacy of Individually Identifiable Health Information" (RIN0991-AB14) received on August 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1140, A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts. (Rept. No. 107-266).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. SESSIONS, Mr. DEWINE, Mr. THURMOND, Mr. GRASSLEY, and Ms. LANDRIEU):

S. 2917. A bill to enhance national efforts to investigate, prosecute, and prevent crimes against children by increasing investigatory tools, criminal penalties, and resources and by extending existing laws; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2918. A bill to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building"; to the Committee on Governmental Affairs.

By Mr. BAYH:

S. 2919. A bill for the relief of Irina Kotlova-Green and her son, Nikita Kotlov; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2920. A bill to expedite procedures for hazardous fuels reductions activities and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 2921. A bill to encourage Native contracting over the management of Federal lands, and for other purposes; to the Committee on Indian Affairs.

By Ms. LANDRIEU (for herself, Mr. BURNS, Mr. LOTT, Mr. GREGG, Ms. MIKULSKI, Mr. LEAHY, Mr. BAUCUS, Mr. KERRY, and Mr. DODD):

S. 2922. A bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 1022

At the request of Mr. WARNER, the names of the Senator from Montana (Mr. BURNS) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1224

At the request of Mr. ALLARD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1224, a bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1934

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1934, a bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act.

S. 2268

At the request of Mr. MILLER, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2512

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2560

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2560, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 2654

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2654, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act.

S. 2664

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2664, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes.

S. 2674

At the request of Mr. BROWNBACK, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2674, a bill to improve access to health care medically underserved areas.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. CLELAND), the Senator from North Dakota (Mr. DORGAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2874

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2874, a bill to provide benefits to domestic partners of Federal employees.

S. 2896

At the request of Mrs. HUTCHISON, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Minnesota (Mr. DAYTON), the Senator from Oregon (Mr. SMITH) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 2896, a bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. 2896

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2896, supra.

S. 2901

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2901, a bill to provide that bonuses and other extraordinary or excessive compensation of corporate insiders and wrongdoers may be included in the bankruptcy estate.

S. RES. 239

At the request of Mr. ALLEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 239, A resolution recognizing the lack of historical recognition of the gallant exploits of the officers and crew of the S.S. Henry Bacon, a Liberty ship that was sunk February 23, 1945, in the waning days of World War II.

S. RES. 305

At the request of Mr. THURMOND, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Louisiana (Mr. BREAUX), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from West Virginia (Mr. BYRD), the Senator from Colorado (Mr. CAMPBELL), the Senator from Georgia (Mr. CLELAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAIG), the Senator from North Carolina (Mr. EDWARDS), the Senator from California (Mrs. FEINSTEIN), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Georgia (Mr. MILLER), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Tennessee (Mr. THOMPSON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Res. 305, A resolution designating the week beginning September 15, 2002, as "National Historically Black Colleges and Universities Week".

S. RES. 307

At the request of Mr. TORRICELLI, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 307, A resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 316

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Res. 316, a bill designating the year beginning February 1, 2003, as the "Year of the Blues".

S. RES. 324

At the request of Mr. JOHNSON, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 324, A resolution congratulating the National Farmers Union for 100 years of service to family farmers, ranchers, and rural communities.

S. CON. RES. 129

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 129, A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as "Chronic Obstructive Pulmonary Disease Awareness Month".

AMENDMENT NO. 4510

At the request of Mr. BAYH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4510 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. SESSIONS, Mr. DEWINE, Mr. THURMOND, MR. GRASSLEY, and Ms. LANDRIEU):

S. 2917. A bill to enhance national efforts to investigate, prosecute, and prevent crimes against children by increasing investigatory tools, criminal penalties, and resources and by extending existing laws; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, this summer we were all devastated by the repeated news flashes reporting violent crimes against children across our Nation. In June, Elizabeth Smart, a 14 year old from my home town of Salt Lake City, UT, was kidnapped at gun point from her home. To date, neither Elizabeth nor her abductor has been found.

In July, five-year-old Samantha Runnion was kidnapped while playing with a neighborhood friend down the street from her home in Stanton, CA. The following day, her body was found along a highway, nearly 50 miles from her home. California authorities have charged a man, who reportedly was acquitted just 2 years ago of molesting two girls under the age of 14, with Runnion's abduction, sexual assault and murder.

Elizabeth Smart and Samantha Runnion are just two, among many, recent child victims. The list of tragic cases goes on and on.

These horrific incidents illustrate the need for comprehensive legislation, at both the State and national level, to protect our children. We need to ensure that our law enforcement officers have all the tools and resources they need to find, prosecute, and punish those who commit crimes against our children.

Earlier this year, with Senators LEAHY, SESSIONS, HUTCHINSON, BROWNBACK, EDWARDS and DEWINE, I introduced S. 2520, the "PROTECT Act of 2002". This bill plugged a loophole that existed as a result of a recent Supreme Court decision which struck down key provisions in the "Child Pornography Prevention Act," which I authored and Congress passed in 1996. Among other things, the PROTECT Act prevents child pornographers from escaping prosecution by claiming that their sexually explicit material did not involve real children. Where child pornography includes persons who appear virtually indistinguishable from actual minors, prosecutions can still occur unless a defendant shows that the pornography did not involve a minor.

Today I rise to introduce with my colleagues, Senators FEINSTEIN, HUTCHINSON, HUTCHISON, SESSIONS, DEWINE, THURMOND and GRASSLEY, the "Comprehensive Child Protection Act of 2002," which enhances child crime prosecutions, investigatory tools, penalties and resources in a variety of ways. For the record, I will submit a section by section summary of the bill, but allow me to comment briefly on some of the bill's specific provisions.

First, and most significantly, the bill creates a National Crimes Against Children Response Center. The recent series of tragic events involving child victims has convinced me that we need to take a more proactive approach to prevent, deter and prosecute child predators of all types, abusers, molesters, pornographers and traffickers. And at the same time, we need to provide our children, the vulnerable victims of such predators, with the support systems they need to recover fully from such horrendous crimes and to assist law enforcement in effectively investigating and prosecuting these crimes.

To this end, our bill directs the Federal Bureau of Investigation to establish a National Response Center whose primary mission will be to develop a comprehensive and rapid response plan to reported crimes involving the victimization of children. While the Center is to be established by the FBI in consultation with the Deputy Assistant Attorney General for the new Department of Justice Crimes Against Children Section created by the bill, it will integrate the resources and expertise of other Federal, State, and local law enforcement agencies, as well as other child services professionals. By forming and training rapid response teams comprised of Federal, State and local prosecutors, investigators, victim witness specialists, mental health and other child services professionals, the Center will greatly enhance our national response and prevention efforts. The combination of valuable expertise and resources provided by such multi-jurisdictional and multi-disciplinary partnerships will increase the likelihood that law enforcement authorities will successfully identify, prosecute and punish child predators, and that child services professionals will provide child victims with much needed support.

Second, this legislation tasks the new Crimes Against Children Section with creating an Internet site that will consolidate sex offender information which States currently release under the Federal reporting act. The bill also directs States that have not developed Internet sites to do so. The creation of a national Internet site will enable concerned citizens to find in one, easily accessible place, critical information about sexual predators.

Currently, all 50 States have statutes that require sex offenders to register and share information with the United States Attorney General through the Federal Bureau of Investigation, and over 30 States make offender information available to the public on the Internet. A national Internet site will enhance the public's ability to find and access information that is already available in the public record, and will protect citizens in states where sex offenders travel or move, often to avoid detection. In short, the national Internet site will provide parents and other concerned citizens with essential information about the whereabouts and backgrounds of child abusers, so they can take all necessary steps to protect our Nation's children.

Third, the bill enhances the ability of federal prosecutors to bring and successfully prosecute cases involving children predators in several ways:

The legislation extends the statute of limitations period that applies to offenses involving the sexual or physical abuse of children by permitting such cases to be brought up until the date the minor reaches age 35, as opposed to age 25 as the law currently provides. I believe that there should rarely, if ever, be a time when we say to a victim who has suffered as a child at the hands of an abuser: you have identified your abuser; you have proven the crime; yet the abuser will remain free because you, the victim, waited too long to come forward. Our criminal justice system should be ready to adjudicate all meritorious claims of child abuse. Abusers should not benefit from the lasting psychological harms they inflict on innocent children. This provision is meant to recognize that the arm of the law should be long in the prosecution of crimes of this heinous nature.

The bill also amends an existing Federal evidentiary rule, Federal Rule of Evidence 414, to permit the admission into evidence of prior offenses involving child molestation or the possession of sexually explicit materials containing minors. The current evidentiary rule permits such evidence to be admitted only where the victim is under 14 years of age. This amendment extends the rule to apply to any victim who is under 18 years of age at the time of the offense. This amendment also makes clear that even where an individual possesses what may be virtual, as opposed to actual, child pornography, such evidence is admissible under Rule 414.

This legislation limits the scope of the common law marital privileges by making them inapplicable in a criminal case in which a spouse stands accused of abusing a child in the home. Where a spouse is charged with abusing a child of either spouse, or a child under the custody or control of either spouse, neither the abuser nor his or her spouse should be permitted to invoke a marital privilege to avoid providing critical evidence in a criminal proceeding.

Fourth, the bill enhances tools that are used to investigate child crimes. It expands the class of offenses that are included in the Combined DNA Index System, CODIS, by adding to the system all federal felony offenses and other designated federal and state sexual offenses that subject Federal offenders to sex registration requirements. This extension will increase law enforcement's ability to solve crimes where DNA evidence is found.

The bill also extends the Federal wiretap statute by adding additional sex exploitation offenses, as well as sex trafficking and other interstate sex offenses, to the statute's list of predicate offenses. As we all know, the Internet is becoming an increasingly popular means by which sexual predators make contact with child victims. Predators frequently initiate relationships with children online, but later seek to make personal contact with the child, either over the telephone or through face to face meetings. But as the law exists today, law enforcement authorities are restricted in their ability to investigate such predators. This amendment will not only aid investigators in obtaining evidence of such crimes, it will also help stop these crimes before a sexual predator makes contact with a child. To obtain a wiretap, law enforcement authorities will still need to meet the strict statutory guidelines of the wiretap statute and obtain authorization from a court. Thus, the legislation will not undermine the legitimate expectations of privacy of law-abiding Americans.

Fifth, this legislation will strengthen criminal penalties by extending the supervised release period that applies to child and sex offenders, increasing the maximum penalties that apply to offenses involving transportation for illegal sexual activity, and directing the United States Sentencing Commission to consider enhancing the sentencing guidelines that apply to criminal offenses with which child predators are frequently charged.

In particular, the bill grants Federal judges the discretion to impose up to lifetime periods of supervised release for individuals who are convicted of sexual abuse, sexual exploitation, transportation for illegal sexual activity, and sex trafficking offenses. Under current law, a judge can impose no more than 5 years of supervised release for a serious felony, and no more than 3 years for a lesser categorized offense. This amendment does not require the judge to impose a period of supervised release longer than 5 years; it simply authorizes a judge to do so where the nature and circumstances of the case justify a longer supervised release period.

In my view, if there is any class of offenders on which our criminal justice system should keep a close eye, it is sexual predators. It is well documented that sex offenders are more likely than other violent criminals to commit future crimes. And if there is any class of victims we should seek to protect from repeat offenders, it is those who have been sexually assaulted. They suffer tremendous physical, emotional and psychological injuries. By ensuring that egregious sexual offenders are supervised for longer periods of time, we will increase the chance that they will be deterred from and punished for future criminal acts.

In addition to increasing the maximum penalties that apply to certain offenses that involve the trafficking of children or other interstate elements, the bill directs the United States Sentencing commission to review the sentencing guidelines that apply to various federal offenses that are used to prosecute kidnappers, sexual abusers and exploiters to ensure that the sentences for these crimes are sufficiently severe where aggravating circumstances exist, such as where the victim was abducted, injured, killed, or abused by more than one person.

The "Comprehensive Child Protection Act of 2002" will enhance our ability to combat crimes against children, but it is by no means an end. Congress needs to continue to explore additional ways in which we can improve our ability on a national level to protect our children. Our children fall victim to many of the same crimes we face as adults, and they are also subject crimes that are specific to childhood, like child abuse and neglect. The effects of such heinous crimes are devastating and often lead to an intergenerational cycle of violence and abuse.

I want to do all I can to ensure that we devote the same intensity of purpose to crimes committed against children, as we do to other serious criminal offenses, such as those involving terrorism. We have no greater resource than our children. I invite the Department of Justice, the Federal Bureau of Investigation and other entities and professionals who are charged with protecting our children to work with me to improve our federal laws and to assist States in doing the same.

I ask unanimous consent that the text of the bill and a section-by-section summary analysis of S. 2917 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Child Protection Act of 2002".

SEC. 2. NATIONAL CRIMES AGAINST CHILDREN RESPONSE CENTER.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§ 540A. National Crimes Against Children Response Center

"(a) ESTABLISHMENT.—There is established within the Federal Bureau of Investigation a National Crimes Against Children Response Center (referred to in this section as the 'Center').

"(b) MISSION.—The mission of the Center is to develop a national response plan model that—

"(1) provides a comprehensive, rapid response plan to report crimes involving the victimization of children; and

"(2) protects children from future crimes.

"(c) DUTIES.—To carry out the mission described in subsection (b), the Director of the Federal Bureau of Investigation shall—

"(1) consult with the Deputy Assistant Attorney General for the Crimes Against Children Office and other child crime coordinators within the Department of Justice;

"(2) consolidate units within the Federal Bureau of Investigation that investigate crimes against children, including abductions, abuse, and sexual exploitation offenses;

"(3) develop a comprehensive, rapid response plan for crimes involving children that incorporates resources and expertise from Federal, State, and local law enforcement agencies and child services professionals;

"(4) develop a national strategy to prevent crimes against children that shall include a plan to rescue children who are identified in child pornography images as victims of abuse;

"(5) create regional rapid response teams composed of Federal, State, and local prosecutors, investigators, victim witness specialists, mental health professionals, and other child services professionals;

"(6) implement an advanced training program that will enhance the ability of Federal, State, and local entities to respond to reported crimes against children and protect children from future crimes; and

"(7) conduct outreach efforts to raise awareness and educate communities about crimes against children.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal Bureau of Investigation such sums as necessary for fiscal year 2003 to carry out this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"540A. National Crimes Against Children Response Center.".

SEC. 3. INTERNET AVAILABILITY OF INFORMATION CONCERNING REGISTERED SEX OFFENDERS.

(a) IN GENERAL.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)) is amended by adding at the end the following: "The release of information under this paragraph shall include the maintenance of an Internet site containing such information that is available to the public.".

(b) COMPLIANCE DATE.—Each State shall implement the amendment made by this section within 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making a good faith effort to implement the amendment made by this section.

(c) NATIONAL INTERNET SITE.—The Crimes Against Children Section of the Department of Justice shall create a national Internet site that links all State Internet sites established pursuant to this section.

SEC. 4. DNA EVIDENCE.

Section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)) is amended to read as follows:

"(d) QUALIFYING FEDERAL OFFENSE.—For purposes of this section, the term 'qualifying Federal offense' means—

"(1) any offense classified as a felony under Federal law;

"(2) any offense under chapter 109A of title 18, United States Code;

"(3) any crime of violence as that term is defined in section 16 of title 18, United States Code; or

"(4) any offense within the scope of section 4042(c)(4) of title 18, United States Code.".

SEC. 5. INCREASE OF STATUTE OF LIMITATIONS FOR CHILD ABUSE OFFENSES.

Section 3283 of title 18, United States Code, is amended by striking "25 years" and inserting "35 years".

SEC. 6. ADMISSIBILITY OF SIMILAR CRIME EVIDENCE IN CHILD MOLESTATION CASES.

Rule 414 of the Federal Rules of Evidence is amended—

(1) in subsection (a), by inserting "or possession of sexually explicit materials containing apparent minors" after "or offenses of child molestation"; and

(2) in subsection (d), by striking "fourteen" and inserting "18".

SEC. 7. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

"§ 1826A. Marital communications and adverse spousal privilege

"The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

"(1) a child of either spouse; or

"(2) a child under the custody or control of either spouse.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

"1826A. Marital communications and adverse spousal privilege.".

SEC. 8. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AND OTHER CRIMES AGAINST CHILDREN.

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting "section 1591 (sex trafficking of children or by force, fraud, or coercion)" after "section 1511 (obstruction of State or local law enforcement),"; and

(2) by inserting "section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes)," after "sections 2251 and 2252 (sexual exploitation of children),".

SEC. 9. INCREASE OF MAXIMUM SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(k) SUPERVISED RELEASE TERMS FOR SEX OFFENDERS.—Notwithstanding subsection (b), the authorized term of supervised release for any offense under chapter 109A, 110, 117, section 1201 involving a minor victim, or section 1591 is any term of years or life.".

SEC. 10. INCREASE OF MAXIMUM PENALTIES FOR SEX OFFENSES.

Title 18, United States Code, is amended—

(1) in section 1591(b)(2), by striking "20 years" and inserting "40 years";

(2) in section 2421, by striking "10 years" and inserting "20 years";

(3) in section 2422—

(A) in subsection (a), by striking "10 years" and inserting "20 years"; and

(B) in subsection (b), by striking "15 years" and inserting "30 years";

(4) in section 2423—

(A) in subsection (a), by striking "15 years" and inserting "30 years"; and

(B) in subsection (b), by striking "15 years" and inserting "30 years"; and

(5) in section 2425, by striking "5 years" and inserting "10 years".

SEC. 11. DEPUTY ASSISTANT ATTORNEY GENERAL FOR CRIMES AGAINST CHILDREN.

(a) ESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended by inserting after section 507 the following:

"§ 507A. Deputy Assistant Attorney General for Crimes Against Children

"(a) The Attorney General shall appoint a Deputy Assistant Attorney General for Crimes Against Children.

"(b) The Deputy Assistant Attorney General shall be the head of the Crimes Against Children Section (CACS) of the Department of Justice.

"(c) The duties of the Deputy Assistant Attorney General shall include the following:

"(1) To prosecute cases involving crimes against children.

"(2) To advise Federal prosecutors and law enforcement personnel regarding crimes against children.

"(3) To provide guidance and assistance to Federal, State, and local law enforcement agencies and personnel, and appropriate foreign entities, regarding responses to crimes against children.

"(4) To propose and comment upon legislation concerning crimes against children.

"(5) Such other duties as the Attorney General may require, including duties carried out by the head of the Child Exploitation and Obscenity Section and the Terrorism and Violent Crime Section of the Department of Justice.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 31 of title 28, United States Code, is amended by inserting after the item relating to section 507 the following:

"507A. Deputy Assistant Attorney General for Crimes Against Children.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR CACS.—There is authorized to be appropriated for the Department of Justice for fiscal year 2003, such sums as necessary to carry out this section.

SEC. 12. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review the Federal Sentencing Guidelines and policy statements relating to child abuse and exploitation offenses, including United States Sentencing Guideline sections 2A3.1, 2A3.2, 2A3.3, 2A3.4, 2A4.1, 2G1.1, 2G2.1, 2G2.2, 2G2.3, 2G2.4, and 2G3.1 to determine whether those sections are sufficiently severe.

(b) CONSIDERATIONS.—In reviewing the Federal Sentencing Guidelines in accordance with subsection (a), the United States Sentencing Commission shall consider whether the guidelines are adequate where—

(1) the victim had not attained the age of 12 years, or had not attained the age of 16 years;

(2) the victim died, or sustained permanent, life-threatening or serious injury as a result of the criminal act;

(3) the victim was abducted;

(4) the victim was abused by more than 1 participant;

(5) the offense involved more than 1 victim;

(6) the ability of the victim to appraise or control his or her conduct was substantially impaired;

(7) the offense involved a large number of visual depictions, including multiple images of the same victim; and

(8) the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence.

"COMPREHENSIVE CHILD PROTECTION ACT OF 2002"

Section 1. Title—The Comprehensive Child Protection Act of 2002.

Section 2. Creates a National Crimes Against Children Response Center—The bill directs the Federal Bureau of Investigation to establish a National Crimes Against Children Response Center whose primary mission will be to develop a comprehensive and rapid response plan to reported crimes involving the victimization of children. While the National Response Center is to be established by the FBI, in consultation with the Deputy Assistant Attorney General for the Crimes Against Children Office, it will integrate the resources and expertise of other Federal, State and local law enforcement agencies, as well as other child services professionals. By creating and training rapid response teams comprised of Federal, State and local prosecutors, investigators, victim witness specialists, mental health and other child services professionals, the Center will greatly enhance our national efforts to protect our children from child predators.

Section 3. Creates a National Internet Site for Sexual Offender Information—The legislation directs the new Department of Justice Crimes Against Children Office to create an Internet site that consolidates sex offender information which States currently release under the federal reporting act. The bill also directs States that have not developed Internet sites to do so.

Currently, all 50 states have registration statutes that require sex offenders to register and to share information with the United States Attorney General through the Federal Bureau of Investigation, and over 30 States make offender information available to the public on the Internet. The creation of a national Internet site will enable concerned citizens to find in one, easily accessible place, critical information about sexual predators.

Section 4. Expands the DNA Analysis and Backlog Elimination Act, 42 U.S.C. 14135a(d), by increasing the categories of offenses that are included in the system of convicted offender DNA profiles, the Combined DNA Index System (CODIS). The bill expands the class of offenses that are included in CODIS by adding to the system all Federal felonies and additional offenses that subject Federal offenders to sex registration requirements.

Currently, the DNA Analysis and Backlog Elimination Act includes only select Federal offenses in CODIS. The successful experience of a large number of States which authorize the collection of DNA samples from all felony offenders illustrated the merit of this extension. In these States, numerous crimes have been solved based on DNA evidence obtained from nonviolent felony offenders. The addition of other offenses that subject Federal offenders to sex registration requirements will further enhance enforcement's ability to solve crimes.

Section 5. Extends the Statute of Limitations Period for Child Abuse Offenses contained in 18 U.S.C. 3283 to allow prosecutions of offenses involving the sexual or physical abuse of a child to be brought until the child reaches the age of 35. Currently, such prosecutions may be brought until the child is 25 years of age.

This amendment is intended to recognize that the arm of the law should be long in the prosecution of child abuse offenses. Too often victims of such crimes do not come forward until years after the abuse because they fear their disclosures will lead to further humiliation, shame, and even ostracism. This amendment will reduce the number of meritorious child abuse cases that are barred from prosecution on statute of limitations grounds.

Section 6. Expands Rule 414 of the Federal Rules of Evidence which allows evidence of a defendant's prior acts of child molestation to be admitted in a criminal child molestation case.

The amendment extends the definition of "child" contained in Rule 414 to include any person below the age of 18—rather than age 14, as the Rule now reads. The amendment also makes clear that where a defendant previously possessed what may have been virtual, as opposed to actual, child pornography, such evidence is admissible under Rule 414. Like the possession of actual child pornography, the possession of virtual child pornography is highly probative evidence that should be admissible in a case of child molestation or exploitation.

Section 7. Precludes the Assertion of a Marital Privilege in a Criminal Child Abuse Case in which a spouse stands accused of abusing a child in the home. In such a case, neither the abuser nor his or her spouse should be permitted to invoke a marital privilege to preclude critical testimony relating to the child abuse.

Section 8. Expands the Federal Wiretap Act, 18 U.S.C. 2516(1)(c), by adding as predicate offenses to the statute, sex trafficking, sex exploitation, and other interstate sex offenses. Currently, the wiretap statute authorizes the interception of wire, oral, or electronic communications in the investigation of just two sexual exploitation of children crimes. This expanded tool will be particularly useful to investigators who track sexual predators and child pornographers.

To obtain a wiretap, law enforcement authorities will still need to meet the strict statutory guidelines of the wiretap statute and obtain authorization from a court. Thus, the legislation will not undermine the legitimate expectations of privacy of law-abiding Americans.

Section 9. Extends the Maximum Supervised Release Period that Applies to Sexual Offenders by granting Federal judges the discretion to impose up to lifetime periods of supervised release for individuals who are convicted of sexual abuse, sexual exploitation, transportation for illegal sexual activity, or sex trafficking offenses.

Currently, under the general supervised release statute, 18 U.S.C. 3583, a judge can impose no more than 5 years of supervised release for a serious felony, and no more than 3 years for a lesser categorized offense. This amendment will not require judges to impose a period of supervised release longer than 5 years; it simply authorizes them to do so where the judge sees fit based on the nature and circumstances of the particular case.

Section 10. Increases the Maximum Penalties that Apply to Certain Sexual Related Offenses by doubling the maximum penalties for sexual related offenses involving the trafficking of children and other interstate elements. Stiffer penalties are needed to punish and deter individuals who commit such offenses.

Section 11. Creates a Crimes Against Children Section at the Department of Justice—The bill also directs the Attorney General to appoint a Deputy Assistant Attorney General to oversee a new section at the Department of Justice designated to focus solely on crimes against children. Among other things, the new section will be tasked with prosecuting crimes against children, providing guidance and assistance to Federal State, and local law enforcement agencies and personnel who handle such cases, coordinating efforts with international law enforcement agencies to combat crimes against children, and acting as a liaison with the legislative and judicial branches of government to ensure that adequate attention and resources are focused on protecting our children from predators of all types.

Section 12. Directs the Sentencing Commission to review the guidelines that apply to child abuse and exploitation offenses to determine whether they are sufficiently severe. In so doing, the Sentencing Commission shall consider whether the guidelines are adequate where aggravated circumstances exist: the victim had not attained the age of twelve years, or had not attained the age of sixteen years; the victim died, sustained permanent, life-threatening, or serious injury as a result of the criminal act; the victim was abducted; the victim was abused by more than one individual; the offense involved more than one victim; the offense involved a large number of visual depictions, including multiple images of the same victim; or the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence.

Mr. DEWINE. Mr. President, I rise today with my colleague from Utah, Senator HATCH, to introduce the "Comprehensive Child Protection Act of 2002"—a bill to help protect our nation's children from child molestation and other forms of abuse.

Sexual abuse of children is a pervasive and extremely troubling problem in the United States. I learned that over 25 years ago when I was serving as the Country Prosecutor in Greene County, Ohio. I saw what this kind of abuse does to innocent, helpless children and how pervasive the crimes are in our communities. In fact, according to the Congressional Research Service, one of every three girls and one of every seven boys will be sexually abused before they reach the age of 18.

Our local police and prosecutors are on the front line in the fight against these criminals, and they deserve credit and our thanks for their hard work. For example, in Greene County recently, a number of child pornographers were identified and prosecuted when local law enforcement carried out a successful Internet sting operation.

Despite successes like this, however, the data suggest that law enforcement is fighting an uphill battle. Last year, there were over 5,400 registered sex offenders living in my home state of Ohio—an increase of 319 percent over 1998.

Equally troubling, many child molesters prey upon dozens of victims before they are reported to law enforcement. Some evade detection for so long because many children never report the abuse. According to the Bureau of Justice Statistics, between 60 percent and

80 percent of child molestations and 69 percent of sexual assaults are never reported to the police. Of reported sexual assaults, 71 percent of the victims are children, according to the Congressional Research Service.

For these reasons, it is vitally important that Congress do everything in its power to support law enforcement in its efforts to protect our nation's most vulnerable citizens. Enacting the "Comprehensive Child Protection Act of 2002" would be a step in the right direction. By enacting this measure, we would help protect our children from sexual predators, pornographers, and others who abuse children. Among its major provisions, this legislation would:

1. Direct the FBI to establish a new center that creates and trains "rapid response teams" (composed of prosecutors, investigators, and others) to respond promptly to reported crimes against children;

2. Establish a national Internet site that would make sex offender information available to the public in one, easy to access place. Currently, about 30 states make offender information available to the public online;

3. Authorize the collection of DNA samples from registered sex offenders and the inclusion of these DNA samples in the Combined DNA Index System, or "CODIS;"

4. Permit the prosecution of child abuse offenses until a victim reaches the age of 35 (as opposed to the age of 25 under current law). This provision recognizes that victims of such crimes often do not come forward until years after the abuse, out of shame or a fear of further humiliation;

5. Make it easier for investigators to track sexual predators and child pornographers and make it easier to prosecute criminal child abuse/molestation cases;

6. Create a new section at the Department of Justice to focus solely on crimes against children; and

7. Stiffen penalties for sex-related offenses involving children.

This is a good bill—a bill that would help ensure that our children are protected from some of the most heinous of criminals. It is a bill that would increase the punishment for those criminals. And, it is a bill that, quite simply, is the right thing to do. I encourage my colleagues to join us in cosponsoring this important measure.

Mr. GRASSLEY. Mr. President, I rise today in support of an act that I am cosponsoring with Senator HATCH that represents one of the most comprehensive pieces of legislation ever drafted to protect children, the Comprehensive Child Protection Act of 2002. As Ranking Republican on the Subcommittee on Crime and Drugs, I have been greatly concerned with the recent increase in reports of child abductions and murders, so I am glad to be a part of this effort to address this growing problem. In my tenure on the Judiciary Committee, I have long fought for our Nation's children, and have ardently supported laws that bring them and their families greater protection. I am also pleased that the President will be hosting a conference on missing and exploited children at the end of this month, and I look forward to that conference and appreciate the President's and First Lady's work on behalf of children.

This legislation comes at a critical time because we are hearing more and more about children being taken from their homes or schools and abused, or worse, murdered. Our children are a gift to us, are our national treasure, and are our future. We must do all that we can to protect these innocents and give law enforcement every tool possible to ferret out the criminals who would do our children harm. With this legislation, we will be ensuring a greater measure of protection for our children.

The bill does many important things. First, it helps law enforcement respond immediately to incidents of child abduction, because, as we've seen with the Amber Alert system, time is critical in any abduction case to thwart further injury or harm. The bill creates a National Crimes Against Children Response Center at the FBI that will integrate the resources and expertise of all Federal, State and local law enforcement sources to provide a rapid response for crimes involving child victims. The bill also helps law enforcement by making it possible to get wire taps for suspected sex trafficking and exploitation offenses, and will require that all Federal child sex crimes offenders have their DNA added to the national DNA registry. So the bill will help to centralize information about criminals and crimes, and makes the job of the criminal investigator easier and more accurate through wiretaps and DNA evidence.

The bill also creates a website registry for convicted child sexual offenders so that parents, neighbors, and police know who in their communities is a convicted child predator. This website will supplement registries in all 50 States. This important tool will help families make better and fully-informed decisions about their childrens' safety, and will greatly aid law enforcements' response to reports of child abductions and other offenses against children.

The bill also gives new tools to prosecutors and the courts. It extends the statute of limitations for prosecuting child offenders, allows prosecutors to introduce evidence of past child sex crimes in sentencing hearings, removes the so-called "spousal privilege" so that a spouse can't stand silent in the prosecution of the other spouse for child sexual abuse, and increases the maximum sentences and probation periods for child sex offenders. These important tools will make our communities safer by helping to rid them of child predators, and by keeping a tight leash on predators when they get released from prison.

So this bill helps the public know about sexual predators in their communities, improves the nation's ability to respond to child abduction reports, and aids criminal investigators and prosecutors in their efforts to protect the public by identifying and locking-up child predators. I ask my fellow Senators to support this important bill.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2918. A bill to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building"; to the Committee on Government Affairs.

Mrs. CLINTON. Mr. President: I ask unanimous consent that the text of the bill, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building," be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PETER J. GANCI, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, shall be known and designated as the "Peter J. Ganci, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Peter J. Ganci, Jr. Post Office Building.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 2921. A bill to encourage Native contracting over the management of Federal lands, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE to introduce the "Native American Contracting and Federal Lands Management Demonstration Project Act" to expand the highly-successful Indian Self Determination and Education Assistance Act of 1975 and to bring Native knowledge and sensitivity to the management of Federal lands.

Next week is the 140th anniversary of the bloodiest day in U.S. military history—the Battle at Antietam Creek in Sharpsburg, Maryland. Many Civil War historians see Antietam as the turning point in the Union's victory over the Confederacy and as the victory President Lincoln needed to issue the Emancipation Proclamation.

Americans have a visceral impulse to restrict development of the lands like those at Antietam, not because we are sons of the Union or daughters of the Confederacy, but because we are Americans.

We know that Antietam, like Omaha Beach and Little Bighorn and other places, is a sacred place.

In 1978, Congress passed the American Indian Religious Freedom Act, AIRFA, which declared that it is "the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites."

It is clear that twenty-five years after the enactment of the AIRFA, the tools available to protect Native sacred places and religious beliefs are insufficient.

At the same time, as our need for economic activities, such as logging, energy and mining, increases, the clashes between economic and cultural interests also increase.

In 1970, President Nixon's Special Message to Congress on Indian Affairs changed forever Federal Indian law and policy. The President also signed into law legislation transferring the sacred Blue Lake lands back to the Pueblo of Taos. These two events set the stage for both the Indian Self Determination and Education Assistance Act, 1975, as well as the AIRFA, 1978.

The legislation I am introducing builds on these precedents by setting up a demonstration project to expand opportunities for Native contracting on Federal lands. One goal of this bill is to bring to bear the knowledge and sensitivity of Native people to activities that are currently being carried out by Federal agencies.

Under the bill, the Secretary of Interior would select up to 12 tribes or tribal organizations per year to provide archaeological, anthropological, ethnographic and cultural surveys and analysis; land management planning; and activities related to the identification, maintenance, or protection of lands considered to have religious, ceremonial or cultural significance to Indian tribes.

I urge my colleagues to join me in supporting this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Contracting and Federal Lands Management Demonstration Project Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) FEDERAL LANDS.—The term "Federal lands" means any land or interests in land owned by the United States, including leasehold interests held by the United States, except Indian trust lands.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term by section 4(e) of the Indian Self-Determination and Education Assistance Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to expand the provisions of the Indian Self Determination and Education Assistance Act, as amended (25 U.S.C. 450 et seq.), in order to expand Native employment and income through greater contracting opportunities with the Federal Government;

(2) to encourage Native contracting on Federal lands for purposes of benefiting from the knowledge and expertise of Native people in order to promote innovative management strategies on Federal lands that will lead to greater sensitivity toward, and respect for, Native American religious beliefs and sacred sites;

(3) to better accommodate access to and ceremonial use of Indian sacred lands by Indian religious practitioners; and

(4) to prevent significant damage to Indian sacred lands.

SEC. 4. NATIVE AMERICAN FEDERAL LANDS MANAGEMENT DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Indian Self Determination and Education Assistance Act is amended by adding a new subsection as follows:

"SEC. . NATIVE AMERICAN FEDERAL LANDS MANAGEMENT DEMONSTRATION PROJECT.

"(a) IN GENERAL.—The Secretary of the Interior shall establish the 'Native American Federal Lands Management Demonstration Project' to enter contracts with Indian tribes or tribal organizations to perform functions including, but not limited to, archeological, anthropological and cultural surveys and analyses, and activities related to the identification, maintenance, or protection of lands considered to have religious, ceremonial or cultural significance to Indian tribes.

"(b) PARTICIPATION.—During each of the 2 fiscal years immediately following the date of the enactment, the Secretary shall select not less than 12 eligible Indian tribes or tribal organizations to participate in the demonstration project.

"(c) ELIGIBILITY.—To be eligible to participate in the demonstration project, an Indian tribe or tribal organization, shall—

"(1) request participation by resolution or other official action of the governing body of the Indian tribe or tribal organization;

"(2) demonstrate financial and management stability and capability, as evidenced by the Indian tribe or tribal organization having no unresolved significant and material audit exceptions for the previous 3 fiscal years; and

(3) demonstrate significant use of or dependency upon the relevant conservation system unit or other public land unit for which programs, functions, services, and activities are requested to be placed under contract.

"(d) PLANNING PHASE.—Each Indian tribe and tribal organization selected by the Secretary to participate in the demonstration project shall complete a planning phase prior to negotiating and entering into a conservation system unit management contract. The planning phase shall be conducted to the satisfaction of the Indian tribe or tribal organization and shall include—

"(1) legal and budgetary research; and

"(2) internal tribal planning and organizational preparation.

"(e) CONTRACTS.—

"(1) IN GENERAL.—Upon request of a participating Indian tribe or tribal organization that has completed the planning phase pursuant to subsection (e), the Secretary shall negotiate and enter into a contract with the Indian tribe or tribal organization for the Indian tribe or tribal organization to plan, conduct, and administer programs, services, functions, and activities, or portions thereof, requested by the Indian tribe or tribal organization and related to archeological, anthropological and cultural surveys and analyses, and activities related to the identification, maintenance or protection of lands considered to have religious, ceremonial or cultural significance to Indian tribes.

"(2) TIME LIMITATION FOR NEGOTIATION OF CONTRACTS.—Not later than 90 days after a participating Indian tribe or tribal organization has notified the Secretary that it has completed the planning phase required by subsection (e), the Secretary shall initiate and conclude negotiations, unless an alternative negotiation and implementation schedule is otherwise agreed to by the parties. The declination and appeals provisions of the Indian Self-Determination and Education Assistance Act, including section 110 of such Act, shall apply to contracts and agreements requested and negotiated under this Act.

"(f) CONTRACT ADMINISTRATION.—

"(1) INCLUSION OF CERTAIN TERMS.—At the request of the contracting Indian tribe or tribal organization, the benefits, privileges, terms, and conditions of agreements entered into pursuant to titles I and IV of the Indian Self-Determination and Education Assistance Act may be included in a contract entered into under this Act. If any provisions of the Indian Self-Determination and Education Assistance Act are incorporated, they shall have the same force and effect as if set out in full in this Act and shall apply notwithstanding any other provision of law. The parties may include such other terms and conditions as are mutually agreed to and not otherwise contrary to law.

"(2) AUDIT.—Contracts entered into under this Act shall provide for a single-agency audit report to be filed as required by chapter 75 of title 31, United States Code.

"(3) TRANSFER OF EMPLOYEES.—Any career Federal employee employed at the time of the transfer of an operation or program to an Indian tribe or tribal organization shall not be separated from Federal service by reason of such transfer. Intergovernmental personnel actions may be used to transfer supervision of such employees to the contracting Indian tribe or tribal organization. Such transferred employees shall be given priority placement for any available position within their respective agency, notwithstanding any priority reemployment lists, directives, rules, regulations, or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.

"(g) AVAILABLE FUNDING; PAYMENT.—Under the terms of a contract negotiated pursuant to subsection (f), the Secretary shall provide each Indian tribe or tribal organization funds in an amount not less than the Secretary would have otherwise provided for the operation of the requested programs, services, functions, and activities. Contracts entered into under this Act shall provide for advance payments to the tribal organizations in the form of annual or semiannual installments.

"(h) TIMING; CONTRACT AUTHORIZATION PERIOD.—An Indian tribe or tribal organization selected to participate in the demonstration project shall complete the planning phase required by subsection (c) not later than 1 calendar year after the date that it was selected for participation and may begin implementation of its requested contract no later than the first day of the next fiscal year. The Indian tribe or tribal organization and the Secretary may agree to an alternate implementation schedule. Contracts entered into pursuant to this Act are authorized to remain in effect for 5 consecutive fiscal years, starting from the fiscal year the participating Indian tribe or tribal organization first entered into its contract under this Act.

"(i) REPORT.—Not later than 90 days after the close of each of fiscal years 2003 and 2006, the Secretary shall present to the Congress detailed reports, including a narrative, findings, and conclusions on the costs and benefits of this demonstration project.

"(j) PLANNING GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriated funds, upon application the Secretary shall award a planning grant in the amount of $100,000 to any Indian tribe or tribal organization selected for participation in the demonstration project to enable it to plan for the contracting of programs, functions, services, and activities as authorized under this Act and meet the planning phase requirement of subsection (e). An Indian tribe or tribal organization may choose to meet the planning phase requirement without applying for a grant under this subsection. No Indian tribe or tribal organization may receive more than 1 grant under this subsection.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary for each of the 2 fiscal years immediately following the date of the enactment of this Act to fund planning grants under this section.".

SEC. 5. TRIBAL PROCUREMENT CONTRACTING AND RESERVATION DEVELOPMENT.

(a) IN GENERAL.—Section 7 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) is amended by adding at the end thereof the following new subsection (d):

"(d) FOSTERING TRIBAL PROCUREMENT CONTRACTING AND RESERVATION DEVELOPMENT.—

"(1) Upon the request and application of an Indian tribe to provide certain services or deliverables which the Secretary of the Interior would otherwise procure from a private sector entity, and absent a request to contract those services or deliverables pursuant to section 102 of this Act (25 U.S.C. 450f) made by the tribe or tribes to be directly benefited by said services or deliverables, the Secretary of the Interior shall contract for such services or deliverables through the applicant Indian tribe pursuant to section 102 of this Act (25 U.S.C. 450f).

"(2) Subsection (1) shall not apply unless the applicant tribe provides assurances to the Secretary that the principal beneficiary of the contracted services remains the tribe or tribes originally intended to benefit from the services or deliverables. For purposes of this subsection, the contracting tribe shall enjoy no less than the same rights and privileges under this Act as would the beneficiary tribe if the beneficiary tribe exercised its rights to contract under section 102 of this Act. If at any time the beneficiary tribe (or tribes) seeks to contract services being provided by the contracting tribe, the beneficiary tribe (or tribes) shall give the contracting tribe and the Secretary of the Interior no less than 180 days' notice.".

By Ms. LANDRIEU (for herself, Mr. BURNS, Mr. LOTT, Mr. GREGG, Ms. MIKULSKI, Mr. LEAHY, Mr. BAUCUS, Mr. KERRY, and Mr. DODD):

S. 2922. A bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, today I rise to introduce the Emergency Communications and Competition Act, ECCA, along with my colleague from Montana, Senator BURNS. I am pleased that this legislation has also been cosponsored by Senators LOTT, GREGG, MIKULSKI, LEAHY, and BAUCUS.

This bill will ensure that consumers will soon be able to avail themselves of an innovative new wireless technology, recently approved by the Federal Communications Commission. It is called the Multichannel Video Distribution and Data Service, MVDDS, a title which accurately describes what this new service will provide consumers: cable competition and a high speed access to the Internet.

Unless Congress Acts, however, it may be years before service is actually deployed to the public. That would be a lost opportunity for consumers, we would lose the opportunity to improve our communications infrastructure, not only for our citizens' access to cable and the Internet, but also for public safety purposes. MVDDS technology can address all of these needs, and we should remove unnecessary and counterproductive regulatory obstacles that prevent its swift deployment.

This bill is supported by consumer groups. The Consumers Union has endorsed this legislation, because it will help ensure that competition rapidly emerges for video programming as well as high speed Internet services. The Consumers Union notes that cable rates have risen 45 percent since cable was deregulated in 1996, an increase that is almost three times faster than inflation. According to the FCC, just one percent of cable communities enjoy "effective competition." MVDDS can go head-to-head with incumbent cable systems everywhere, and I believe that this good old fashioned competition will result in lower prices and better service for consumers even for those who don't choose to subscribe to MVDDS.

This legislation has also been endorsed by the National Grange, America's oldest general farm and rural public interest organization. The National Grange recognizes the extraordinary opportunity this new wireless technology can offer rural Americans, but it fears that the FCC Order authorizing MVDDS failed to ensure that it will indeed adequately serve rural America. At this time I would ask that these two letters, and other letters of support, be published in the RECORD following my statement.

The bill Senator BURNS and I are introducing today will restore fairness in the FCC licensing process, and in so doing, speed the deployment of MVDDS to applicants that are ready to launch service to the public now.

The ECCA provides that MVDDS applicants will be licensed in the same manner as satellite companies who applied on the same day to share the same spectrum. Currently, the FCC plans to subject only MVDDS applicants to an auction process. This would impose a discriminatory tax on an innovative new technology. Unfortunately, this is more of the same burdensome regulation that I believe has contributed to the collapse of the telecommunications sector. Government regulation is necessary, certainly; but we must be smart in how we regulate business. We must ensure that our laws and regulations are technologically neutral so that government policies don't replace the role of the marketplace in determining the fate of consumer products and services.

Furthermore, an auction would drastically delay the introduction of service to the public. Mr. President, this is quite the opposite of what spectrum auctions are supposed to do. In this case, industry incumbents can use the auction to block the introduction of new competition. A company with vast resources available could easily trounce a small startup in an auction—and then, under the terms of the FCC's Order, it would not have to deploy service for 10 years. Consumers cannot wait for spectrum to be "shelved" for an entire decade.

The ECCA solves this problem by ensuring that only qualified applicants will be licensed. That is, within six months of enactment, the FCC would issue licenses to any applicant that can demonstrate through independent testing that it will employ a technology that won't cause harmful interference to DBS operators with whom they would share spectrum. Then, to be sure that service is in fact deployed, the ECCA requires licensees to provide service to consumers within five rather than ten years.

This legislation also requires that parties who apply for licenses under this provision must assume specific public interest obligations in exchange for their prompt licensing. The bill requires full must-carry of local television stations, and an additional set aside of 4 percent of system capacity for other public interest purposes such as tele-medicine and distance learning. I can assure my colleagues that these are issues particularly important in rural areas in states like Louisiana.

The ECCA will also promote public safety, in two ways. First, it will require MVDDS licensees to air Emergency Alert System warnings. These alerts are presently carried by cable systems and over-the-air broadcasters. However, they are not seen by those who get their programming from DBS unless the viewer happens to be watching a local channel. In states like Louisiana, where DBS operators do not carry local stations, this is particularly important. Unfortunately, my state is not alone—local stations are also not carried in Alaska, Arkansas, Idaho, Iowa, Maine, Montana, Mississippi, Nebraska, North and South Dakota, West Virginia, and Wyoming. In total, over 1,100 TV stations are not carried by DBS.

Second, this legislation requires MVDDS licensees to make their transmission systems available to national security and emergency preparedness personnel on a top-priority basis in times of need. We all know that when emergencies strike, the need for public safety personnel to communicate with one another skyrockets. MVDDS wireless networks, which will be deployed ubiquitously throughout the country, can help alleviate this thirst for spectrum.

For these reasons, I believe that Congress should act on this matter as soon as possible. I urge my colleagues to support this bill and vote for enactment this year. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Communications and Competition Act of 2002".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To facilitate the deployment of new wireless telecommunications networks in order to extend the reach of the Emergency Alert System (EAS) to viewers of multichannel video programming who may not receive Emergency Alert System warnings from other communications technologies.

(2) To ensure that emergency personnel have priority access to communications facilities in times of emergency.

(3) To promote the rapid deployment of low cost multi-channel video programming and broadband Internet services to the public, without causing harmful interference to existing telecommunications services.

(4) To ensure the universal carriage of local television stations, including any Emergency Alert System warnings, by multichannel video programming distributors in all markets, regardless of population.

(5) To advance the public interest by making available new high speed data and video services to unserved and underserved populations, including schools, libraries, tribal lands, community centers, senior centers, and low-income housing.

(6) To ensure that new technologies capable of fulfilling the purposes set forth in paragraphs (1) through (5) are licensed and deployed promptly after such technologies have been determined to be technologically feasible.

SEC. 3. LICENSING.

(a) GRANT OF CERTAIN LICENSES.—

(1) IN GENERAL.—The Federal Communications Commission shall assign licenses in the 12.2–12.7 GHz band for the provision of fixed terrestrial services using the rules, policies, and procedures used by the Commission to assign licenses in the 12.2–12.7 GHz band for the provision of international or global satellite communications services in accordance with section 647 of the Open-market Reorganization for the Betterment of International Telecommunications Act (47 U.S.C. 765f).

(2) DEADLINE.—The Commission shall accept for filing and grant licenses under paragraph (1) to any applicant that is qualified pursuant to subsection (b) not later than six months after the date of the enactment of this Act. The preceding sentence shall not be construed to preclude the Commission from granting licenses under paragraph (1) after the deadline specified in that sentence to applicants that qualify after that deadline.

(b) QUALIFICATIONS.—

(1) NON-INTERFERENCE WITH DIRECT BROADCAST SATELLITE SERVICE.—A license may be granted under this section only if operations under the license will not cause harmful interference to direct broadcast satellite service.

(2) ACCEPTANCE OF APPLICATIONS.—The Commission shall accept an application for a license to operate a fixed terrestrial service in the 12.2–12.7 GHz band if the applicant—

(A) successfully demonstrates the terrestrial technology it will employ under the license with operational equipment that it furnishes, or has furnished, for independent testing pursuant to section 1012 of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1110); and

(B) certifies in its application that it has authority to use such terrestrial service technology under the license.

(3) CLARIFICATION.—Section 1012(a) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1110(a); 114 Stat. 2762A–141) is amended by inserting ", or files," after "has filed".

(4) PCS OR CELLULAR SERVICES.—A license granted under this section may not be used for the provision of Personal Communications Service or terrestrial cellular telephony service.

(c) PROMPT COMMENCEMENT OF SERVICE.—In order to facilitate and ensure the prompt deployment of service to unserved and underserved areas and to prevent stockpiling or warehousing of spectrum by licensees, the Commission shall require that any licensee under this section commence service to consumers within five years of the grant of the license under this section.

(d) EXPANSION OF EMERGENCY ALERT SYSTEM.—Each licensee under this section shall disseminate Federal, State, and local Emergency Alert System warnings to all subscribers of the licensee under the license under this section.

(e) ACCESS FOR EMERGENCY PERSONNEL.—

(1) REQUIREMENT.—Each licensee under this section shall provide immediate access for national security and emergency preparedness personnel to the terrestrial services covered by the license under this section as follows:

(A) Whenever the Emergency Alert System is activated.

(B) Otherwise at the request of the Secretary of Homeland Security.

(2) NATURE OF ACCESS.—Access under paragraph (1) shall ensure that emergency data is transmitted to the public, or between emergency personnel, at a higher priority than any other data transmitted by the service concerned.

(f) ADDITIONAL PUBLIC INTEREST OBLIGATIONS.—

(1) ADDITIONAL OBLIGATIONS.—Each licensee under this section shall—

(A) adhere to rules governing carriage of local television station signals and rules concerning obscenity and indecency consistent with sections 614, 615, 616, 624(d)(2), 639, 640, and 641 of the Communications Act of 1934 (47 U.S.C. 534, 535, 536, 544(d)(2), 559, 560, and 561);

(B) make its facilities available for candidates for public office consistent with sections 312(a)(7) and 315 of the Communications Act of 1934 (47 U.S.C. 312(a)(7) and 315); and

(C) allocate 4 percent of its capacity for services that promote the public interest, in addition to the capacity utilized to fulfill the obligations required of subparagraphs (A) and (B), such as—

(i) telemedicine;

(ii) educational programming, including distance learning;

(iii) high speed Internet access to unserved and underserved populations; and

(iv) specialized local data and video services intended to facilitate public participation in local government and community life.

(2) LICENSE BOUNDARIES.—In order to ensure compliance with paragraph (1), the Commission shall establish boundaries for licenses under this section that conform to existing television markets, as determined by the Commission for purposes of section 652(h)(1)(C)(i) of the Communications Act of 1934 (47 U.S.C. 534(h)(1)(C)(i)).

(g) REDESIGNATION OF MULTICHANNEL VIDEO DISTRIBUTION AND DATA SERVICE.—The Commission shall redesignate the Multichannel Video Distribution and Data Service (MVDDS) as the Terrestrial Direct Broadcast Service (TDBS).

CONSUMERS UNION,
Washington, DC, August 29, 2002.

DEAR SENATOR: On behalf of Consumers Union, we are writing to seek your support for the Emergency Communications and Competition Act of 2002, sponsored by Senators Landrieu and Burns. This legislation would benefit consumers by ensuring that quality wireless spectrum is available for video programming and a wide range of public services, including emergency warnings.

Consumers Union has long advocated for policies that will increase competition to cable television and encourage deployment of advanced Internet services to rural and underserved communities, and we support policies that encourage efficient use of wireless spectrum. We believe that multichannel video and data distribution service (MVDDS) could provide an extraordinary opportunity for consumers to receive video programming, local broadcast, and broadband Internet access at affordable prices, by efficiently reusing satellite spectrum. However, a recent FCC order authorizing MVDDS fails to ensure that this spectrum will be used for the purpose of competition for video programming.

Nationwide, consumers have seen their cable television rates rise 45 percent since cable was deregulated in 1996, an increase almost three times faster than inflation. In the few areas where there is robust competition among cable providers, rate increases have been less draconian; consumers receive more channels for less money. Direct competition for video services should be a high public policy priority because it results in lower prices and better service for consumers.

Instead, the FCC's decision seems to better serve the interests of companies who want to provide wireless data services to businesses, by defining markets in a way that it will be difficult to provide video services. By basing MVDDS licenses on an entirely different geographic system than what is currently used for television markets, the FCC order would render local television carriage all but impossible, perpetuating artificial scarcity for video spectrum. This virtually forecloses the possibility that MVDDS could be a robust competitor to cable.

At a time when the FCC has also eliminated the 45 MHz spectrum cap, inviting more wireless consolidation, it is far less critical to put additional spectrum on the market for non-video services. Accordingly, we support the Emergency Communications and Competition Act of 2002 as a sound approach to ensure that MVDDS is a vehicle for real competition to cable television, especially in rural and underserved areas.

First, the bill would facilitate licensing of companies in the 12.2–12.7 GHz band that are committed to providing these needed consumer services. Moreover, this bill requires that licensees build out these services within five years, compared with the FCC's order which allows license holders to warehouse MVDDS spectrum as long as ten years before providing services. Second, the Emergency Communications and Competition Act of 2002 would ensure access to local broadcast signals by including full must carry requirements and retransmission consent requirements in all television markets. Third, this bill fixes the market boundary definition problem by setting license boundaries that conform to existing television market boundaries.

Importantly, the bill would also require each licensee to disseminate Federal, State and local Emergency Alert System warnings to all subscribers. Currently, subscribers to Digital Broadcast Satellite (DBS) programming only receive alerts if they happen to live in an area where local programming is carried by DBS providers. This possibility is denied to subscribers in the 13 states in which DBS provides no local channels (AK, AR, ID, IA, LA, ME, MT, MS, NE, ND, SD, WV, and WY). Given the heightened need for effective local security and emergency management plans, consumers must be able to receive Emergency Alerts regardless of where they live and how they access video programming services.

Finally, the Emergency Communications and Competition Act of 2002 includes a number of specific public interest obligations of tremendous benefit to consumers. The bill requires a licensee to make its facilities available for candidates for public office and to provide at least 4% of its capacity for services that promote the public interest, including telemedicine services, educational programming, including distance learning, high speed Internet access to unserved and underserved populations, or local data and video services intended to facilitate public participation in local government and community life.

Consumers Union has long argued that American consumers must have competitive alternatives for video programming as well as for high speed Internet services. The Emergency Communications and Competition Act 2002 will help ensure such competition rapidly emerges. For all of these reasons, we ask you to support the Emergency Communications and Competition Act of 2002.

Respectfully,

CHRIS MURRAY,
Internet & Telecommunications Counsel.
GENE KIMMELMAN,
Senior Director.

NATIONAL GRANGE,
OF THE ORDER OF PATRONS OF HUSBANDRY,
Washington, DC, August 16, 2002.

Hon. MARY L. LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: On behalf of the National Grange, I am writing to thank you for introducing the Emergency Communications and Competition Act of 2002 (ECCA) sponsored by Sen. Mary Landrieu (LA) which would assure that multichannel video and data distribution services (MVDDS) will be available and affordable in every rural community across the nation.

The National Grange is America's oldest general farm and rural public interest organization. Founded in 1867, today the Grange represents nearly 300,000 Grange members affiliated with 3200 local, county and state Grange chapters. The Grange members are families and individuals who share a common interest in community involvement, agricultural and rural issues. The Grange is a genuine grassroots, bipartisan, political advocacy organization. The goal of Grange advocacy is the well being and prosperity of rural America.

Rural telecommunication service deployment is a top priority for the National Grange. In our priority issues document Blueprint for Rural America 2002, we described the vital need for telecommunications services in rural areas:

> "Adequate access to telecommunications services such as telephone, Internet, satellite and cable is important to rural America. The Internet delivers services and products efficiently, irrespective of geographic location. Today, workers who telecommute can enjoy a rewarding career and a rural life style. Satellite technology can bring new information to every farm in America. We must assure that advanced telecommunications technologies are available in every rural community at affordable costs."

We believe that multichannel video and data distribution services (MVDDS), as set forth in the ECCA, provide an extraordinary opportunity for rural Americans to receive video programming, local broadcast, and broadband Internet access at affordable prices. However, the FCC order authorizing MVDDS failed to ensure that rural America will be adequately served by this new technology. By contrast, the ECCA would assure that MVDDS is available and affordable in every rural community.

First, the ECCA would facilitate licensing of services in the 12.2–12.7 GHz band. It requires that licensees build out services within five years. The FCC rule allows license holders to warehouse MVDDS spectrum for as long as ten years before providing services. Rural Americans cannot afford to wait another ten years for access to advanced telecommunitions technologies such as MVDDS. The National Grange believes that license holders should be held to a strict "use or lose" standard if they fail to deploy services within the statutory five-year time frame.

Second, the ECCA would reverse the FCC's inappropriate decision to auction licenses in this band. Historically, auctions have failed to foster competition, particularly in rural markets. Only 31% of spectrum licenses offered for sale in 2001 were actually sold. Rural areas remain grossly underserved by spectrum licensing programs.

Third, it would include full "must carry" requirements for all local broadcast signals in all television markets served by MVDDS providers. Consumers in rural areas depend on local programming for news, information about local events, and other important interests. However, in many states, rural consumers are unable to receive those signals over Direct Broadcast Satellite (DBS) services or even, in some cases, by means of over-the-air free broadcasting.

Fourth, the ECCA would require each licenses to disseminate Federal, State and local Emergency Alert System warnings to all subscribers. Currently, subscribers to DBS programming may or may not receive alerts. DBS provides no local channels in 13 states (AK, AR, ID, IA, LA, ME, MT, MS, NE, ND, SD, WV, and WY). DBS subscribers in these states receive no emergency or local broadcasts at all. Given the heightened need for effective local security and emergency management plans, rural Americans must receive Emergency Alerts regardless of where they live and how they access video programming services.

Finally, the ECCA includes a number of specific public interest obligations that will benefit rural consumers. The bill requires a licenses to provide at least 4% of its capacity for services that promote the public interest, including telemedicine services, distance learning, high speed Internet access to unserved and underserved populations, or local data and video services intended to facilitate public participation in local government and community life. If implemented effectively, these provisions could dramatically change the way that rural Americans engage in civic life, experience education, and find necessary medical services.

The National Grange has a suggestion for improving this bill. We support adding language to the ECCA to protect the property interests of rural Americans with a provision forbidding MVDDS licenses from being used as evidence of public good for private property condemnation proceedings, other than in the cases of existing utility or railroad rights of way. We understand that MVDDS transmission technology is very small, and should not require building new towers or other projects that would require condemnation of private property. Because of this we do not believe there will be any technical justification for license holders to ask local governments to exercise eminent domain authority on private property in order to meet build out requirements.

The National Grange has long argued that rural Americans must have competitive alternatives to cable and Direct Broadcast Satellite services, both for video and high speed Internet services. The Emergency Communications and Competition Act of 2002 will ensure that competitive service is deployed in a timely manner along with critical local and emergency broadcast signals in rural underserved areas. For all of these reasons, we strongly support the Emergency Communications and Competition Act of 2002.

Sincerely,

KERMIT W. RICHARDSON, *President.*

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, September 9, 2002.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse coalition of organizations committed to the protection of civil and human rights in the United States, writes to express our support for the Electronic Communications and Competition Act of 2002, sponsored by Senators Landrieu and Burns. We believe that the legislation will help bridge the digital divide by encouraging rapid deployment of a new wireless multichannel video and data technology (MVDDS). This new technology will bring low-cost broadband Internet and video services to rural and underserved areas and increase the prospects for media ownership by minorities and women.

While LCCR was pleased that the Federal Communications Commission approved the creation of MVDDS, the order failed to ensure that MVDDS would provide local broadcast television, video programming, and broadband Internet services throughout the country. There is no question that auctions favor incumbents and are a major impediment to minority media ownership. The Electronic Communications and Competition Act will ensure that MVDDS fulfills, among other things, its potential to increase minority ownership and bridge the digital divide.

Notwithstanding the decades of civil rights community advocacy, minority broadcast ownership is declining. Although minorities represent more than one quarter of the nation's population, they are just 23, or 1.9% of the 1288 owners of licensed, full-power commercial broadcast television stations in the United States.

The Electronic Communications and Competition Act will eliminate the auction requirement and compel immediate licensing of all conforming MVDDS technologies. In addition, it will require license-holders to build out services within five years, significantly narrowing the digital divide. The act will also require that a percentage of each license-holder's capacity be used for public interest purposes such as distance education, telemedicine, or other important local purposes.

In sum, I urge you to support the Electronic Communications and Competition Act. It provides a rare opportunity to increase media diversity and to narrow the digital divide.

Sincerely,

WADE J. HENDERSON,
Executive Director.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, September 4, 2002.

DEAR SENATOR: As you know, the National Council of La Raza (NCLR) has long advocated on behalf of the nation's growing Hispanic community on a number of economic, education, and other social policy issues. You may not be aware, however, that NCLR has also had a long-standing interest in policy affecting telecommunications, access to the Internet, and the growing concentration of the media industry. That is why I am writing today to seek your support for the Emergency Communications and Competition Act of 2002, sponsored by Senators Mary Landrieu (D–LA) and Conrad Burns (R–MT).

NCLR has been a strong supporter in the past for policies that will increase competition in the cable industry and encourage deployment of advanced Internet services to rural and underserved communities. We have also urged "must carry" rules for all video programming competitors, regardless of platform, to ensure that communities, especially rural ones, have full access to local and emergency broadcast signals. That is why earlier this summer we wrote to a number of lawmakers expressing our support for new technology that will provide multichannel video and data distribution services ("MVDDS") (a copy of that earlier communication is attached). MVDDS provides a significant opportunity for consumers to receive video programming, local broadcasts and broadband Internet access at affordable prices. As noted in that earlier correspondence, the FCC order authorizing MVDDS failed in many significant respects to serve the interests of consumers and underserved communities.

We urge Congress to enact the Emergency Communications and Competition Act of 2002 to ensure that MVDDS benefits are available to all consumers, especially in rural and underserved areas, for a range of reasons.

First, the bill would facilitate licensing of companies in the 12.2–12.7 GHz band who are committed to providing these needed consumer services. Additionally, this bill requires licensees to build out these services within five years, compared with the current FCC rule which allows license holders to warehouse MVDDS spectrum for as long as ten years before providing services.

Second, the Emergency Communications and Competition Act of 2002 would include full "must carry" requirements and retransmission consent requirements in all television markets, thereby ensuring access to local broadcast signals. Moreover, this bill sets license boundaries that conform to existing television market boundaries. Local access is critical as consumers depend on local programming for news, information about local events, language appropriate programming, and other critical interests. Current FCC rules for the MVDDS licenses call for entirely different geographic boundaries, which would render local television carriage almost impossible.

Third, the bill would require each licensee to disseminate federal, state and local Emergency Alert System warnings to all subscribers. Today, subscribers to Digital Broadcast Satellite ("DBS") programming only receive alerts if they happen to live in areas where local programming is carried by DBS providers. This possibility does not even exist in the 14 states in which DBS provides no local channels (AK, AR, ID, IA, LA, ME, MT, MS, NE, ND, SD, VT, WV, and WY). Given the heightened need for effective local security and emergency management plans, consumers should be able to receive Emergency Alerts regardless of where they live and how they access video programming services.

Fourth, the Emergency Communications and Competition Act of 2002 provides other important benefits to consumers by requiring a licensee to provide at least 4% of its capacity for services that promote the public interest, including telemedicine services, educational and long distance learning proramming, high-speed Internet access to unserved and underserved populations, and/or local data and video services intended to facilitate public participation in local governments and community life, and also requires a licensee to make its facilities available for candidates for public office.

Finally, as noted in our earlier correspondence, MVDDS is likely to increase for minority broadcasting ownership opportunities and Latino content over the airwaves, a critically important consideration for NCLR.

NCLR believes that all American consumers are entitled to have access to competitive alternatives to cable and DBS services, for both video and high-speed data services. For the reasons set forth above, we ask you to support the Emergency Communications and Competition Act of 2002.

Sincerely,

RAUL YZAGUIRRE,
President.

AVOYEL-TAENSA TRIBE
OF LOUISIANA,
Simmesport, LA, August 28, 2002.

Hon. MARY L. LANDRIEU,
U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: I am writing on behalf of the Avoyel-Taensa Indian Organization. We are a rural people by nature and have an obvious concern about the development of rural areas in Louisiana. The Emergency Communications and Compensation Act of 2002 is critical for further development in this legislation and hope that you decide to sponsor it.

This legislation provides benefits for rural areas previously not available. Schoolchildren will have access to the internet—a significant advancement in education for rural communities. Also, this legislation will provide access to a wide-range of television stations for an entire rural area at an affordable cost. Having telemedicine capabilities in community health centers is becoming essential. This new Bill would bring this technology to the rural communities.

This new Bill will also require full "must carry" requirements for all local broadcast signals in all television markets. Consumers in rural areas depend on local programming for news, information about local events, and other important interests. Subscribers to Direct Broadcast Satellite (DBS) do not have access to local broadcast signals in the State of Louisiana.

Most importantly, however, the Emergency Communications and Competition Act of 2002 brings a new level of security to our rural communities. DBS does not distribute Federal, State, and Local emergency alerts to its subscribers. This Act will ensure that emergency alerts will reach the rural communities. Given the heightened need for local security and emergency management, it is imperative that rural Americans receive emergency alerts.

There is a new technology, led by Northpoint Technology that can effectively bring the luxury of satellite television and the necessity of local programming and emergency alerts at an affordable cost to the rural areas of Louisiana. We are pleased you have taken an interest in this legislation and stand by you if you decide to sponsor it.

Sincerely Yours:

ROMES ANTOINE,
Tribal Chief

WILMA MANKILLER,
ROUTE 1, BOX 945,
Stilwell, OK, August 16, 2002.

Hon. MARY LANDRIEU,
U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: Thank you for drafting the "Emergency Communications and Competition Act." Passage of your legislation will help facilitate the rapid deployment of the Multichannel Video Distribution and Data Service (MVDDS), a new wireless service that the Federal Communications Commission recently authorized.

This innovative wireless technology can provide affordable video programming (including all local channels) and broadband Internet access to consumers throughout the entire country, and it will be particularly important to Native Americans who live in rural areas where competition all too often is lacking or non-existent.

Your legislation will ensure that the FCC promptly issues licenses to qualified applicants. As you know, the FCC has decided to issue MVDDS licenses through an auction process. Auctions have yet to facilitate the deployment of video service or broadband to Native American communities. I'm particularly worried that in this case an auction may prevent the deployment of actual service for at least a decade.

Unless Congress enacts your legislation, well-heeled opponents of new completion could outbid small startups. Auction participants aren't required to have a proven technology and they don't have to deploy any service for ten years. Your bill corrects this by requiring all applicants to demonstrate they are capable of deploying MVDDS and requiring them to do so in five years.

The National Congress of American Indians (NCAI), the nation's oldest, largest and most representative tribal government, as well as the National Indian Telecommunications Institute (NITI), a tribally-owned and operated not-for-profit organization dedicated to ensuring that Native Americans have the same opportunity to participate in, and benefit from, the digital revolution as other Americans have urged the FCC to licenses to qualified applicants without an auction process.

As the NCAI wrote to the FCC on March 22, 2002, "The difficulty in finding service providers willing and able to provide telecommunications to Native American communities is well documented. As the FCC's own records show auctions do nothing to narrow that gap and indeed may exacerbate the problem.... If the FCC auctions use of the 12.2–12.7 GHz band, the potential to bring video and broadband services to our communities in that spectrum will remain unfulfilled."

I heartily share these concerns and thus I am very grateful that you have crafted legislation that will ensure the promise of MVDDS in rural America and tribal communities can be fulfilled through prompt licensing of companies that are ready, willing and able to offer new competitive service.

I and several other Native Americans are local affiliates of Northpoint Technology, the only company that has demonstrated its technology through independent testing. We clearly lack the resources to compete at an auction against giant communications companies. I find it remarkable that they are eligible to seek a license when they have no MVDDS technology.

It's also grossly unfair to subject us to MVDDS applicants to an auction when the FCC is issuing licenses—without auction—to several satellite companies that applied to share the same spectrum on the same day I filed my license application. Your legislation will ensure that terrestrial and satellite applicants for the same spectrum are treated in a like manner. While I believe that Northpoint is currently the only qualified terrestrial applicant because it alone submitted equipment for the independent testing conducted by the MITRE Corporation last year, your legislation clearly offers an opportunity for other companies to similarly become qualified by subjecting their own technology to independent testing this year.

Sincerely,

WILMA MANKILLER,
Principal Chief, Cherokee Nation.

MARZULLA & MARZULLA,
ATTORNEY AT LAW,
Washington, DC, August 30, 2002.

Re the Emergency Communications and Competition Act of 2002.

Hon. MARY LANDRIEU,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: I am writing to thank you for sponsoring the Emergency Communications and Competition Act of 2002.

This measure will promote the deployment of the Multi-channel Video Distribution and Data Service ("MVDDS"), an innovative ground-based wireless digital technology that will share spectrum with satellites in the 12.2–12.7 GHz spectrum band. Sharing this spectrum will dramatically increase the capacity of radio spectrum, and promises consumers new and competitive choices for multi-channel video programming and internet broadband services.

Because of its affordability, this technology will also make possible provision of broadband services to underserved populations such as students, library users, Indians on reservations, community center users, seniors, and residents in low-income housing.

However, this bill does more than benefit the consumer. This bill also protects the intellectual property rights of the inventors of this new technology, and thus is consistent with the constitutional framers' intent that creators and owners of intellectual property rights enjoy the fruits of their labor.

As you know, rather than permitting the inventors to utilize their new technology, the FCC instead chose to dismiss the inventors' licensing applications (after allowing their application to languish for over three years), and called for a nationwide spectrum auction. The FCC's refusal to process the inventors' permit application for over three years itself raises serious due process concerns. See, e.g., *MCI Telecommunications Corp.* v. *FCC*, 627 F.2d 322, 341 (1980) ("[D]elay in the resolution administrative proceedings can also deprive regulated entities, their competitors or the public of rights and economic opportunities without the due process the Constitution requires.").

The FCC's decision to auction off the right to use the inventors' technology, the only technology currently proven able to allow terrestrial service to reuse the same spectrum currently used by satellite systems, to the highest bidder also smacks of a taking of private property without payment of just compensation. See *Ruckelshaus* v. *Monsanto Co.*, 467 U.S. 986, 1003 (1984) ("[I]ntangible property rights ... are deserving of the protection of the Taking Clause has long been implicit in the thing of [the Supreme] Court. . . ."); *Webb's Fabulous Pharmacies, Inc.* v. *Beckwith*, 449 U.S. 155, 164 (1980) (holding that government may not "by ipse dixit,... transform private [property into public property without just compensation.").

Thus, this bill should be enacted not only because it protects the property rights of the inventors, but because it also benefits consumers. This bill will require the FCC to accept an application for a license to operate a fixed terrestrial service in the 12.2–2.7 GHz band only from an applicant that "will employ terrestrial service technology under the license that has been successfully demonstrated with operational equipment that the application has furnished for testing pursuant to section 1012 of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. §1110) and certifies in its application that it has authority to use such terrestrial service technology under the license." See proposed bill at §3 (b)(1)(B)(i). This bill will also require a license to build out the system covered by the license within five years of the grant of the license. See proposed bill at §3 (c).

These requirements will ensure that the FCC issues licenses promptly and in a fair and constitutional manner to qualified applicants (i.e., any party that demonstrates its own technology can share spectrum with satellites would be eligible for a license). This bill will finally enable consumers to enjoy an important new competitive service that is so long overdue.

Seldom does one bill protect private property rights, increase competition, and provide more service options for the public. I am happy to report that this bill accomplishes all three. I commend you for authoring this important legislation and ask that you call upon me if any can be of any assistance to help secure its passage.

Yours truly,

NANCIE G. MARZULLA.

Mr. BURNS. Mr. President, today I rise with my colleague from Louisiana, Sen. LANDRIEU, to introduce the "Emergency Communications and Competition Act of 2002" or "ECCA."

This bill will build upon previous legislation I authored, the LOCAL TV Act, to help ensure that all local TV stations, not just those in the largest markets are available to consumers. As a former broadcaster, I know Montana has some of the smallest of the Nations' 210 television markets, from 169th-ranked Missoula all the way down to 210th-ranked Glendive.

Today, the satellite operators provide local channels in 52 markets. I'm not crossing my fingers that they will get to Glendive anytime soon. That's why we need this legislation. It will enable the rapid deployment of the new Multichannel Video Programming and Data Distribution Service, MVDDS, which the Federal Communications Commission authorized earlier this year.

I commend the FCC for authorizing this new service, it not only promises to bring local channels to all markets, regardless of size, but it will also provide broadband Internet access to rural Americans who have no such access today. I expect that the low cost of this wireless technology will translate into low prices for consumers. This is precisely the kind of innovative new technology we should encourage and promote.

I am most concerned, however, that unless we pass this legislation, we may never see the deployment of this new service. The FCC has determined that licenses for this new service should be auctioned. I appreciate the FCC's effort to help generate new revenues for the Federal Treasury, but we must never let that consideration override good public policy judgments. The public interest is best served when the spectrum is licensed promptly to applicants that are ready to deploy service.

While auctions make sense in many instances, this is not always the case. Two years ago, Congress passed the ORBIT Act, legislation I authored which, in part, exempted from auctions "spectrum used for the provision of international or global satellite communications services."

We are now confronted with a case of first impression in which the FCC has determined to issue licenses to both terrestrial and satellite applicants that share the same spectrum. Previously this was thought to be technologically impossible, as I mentioned, the FCC has now determined that the terrestrial-based MVDDS can share with satellites. In my judgment, the same Federal resource must be licensed in the same manner to all applicants, regardless of the technology they will employ. To do otherwise is to pick industry winners and losers. This bill corrects this problem.

AMENDMENT SUBMITTED AND PROPOSED

SA 4516. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4517. Mr. ENZI (for himself, Mr. Grassley, Mr. Hagel, and Mr. Feingold) proposed an amendment to amendment SA 4480 proposed by Mr. Byrd (for himself, Mr. Burns, Mr. Stevens, Mr. Reid, Mr. Domenici, Mrs. Murray, Mr. Craig, Mr. Wyden, Mr. Kyl, Mr. Baucus, and Mr. Campbell) to the amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra, and for other purposes.

SA 4518. Mr. CRAIG (for himself, Mr. Domenici, and Mr. Murkowski) proposed an amendment to amendment SA 4480 proposed by Mr. Byrd (for himself, Mr. Burns, Mr. Stevens, Mr. Reid, Mr. Domenici, Mrs. Murray, Mr. Craig, Mr. Wyden, Mr. Kyl, Mr. Baucus, and Mr. Campbell) to the amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4519. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4520. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4521. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4522. Mr. DODD (for himself and Mr. Lieberman) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4523. Mr. REID (for Mrs. Boxer) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4524. Mr. BURNS (for Mr. Bennett) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4525. Mr. REID (for Mr. Cleland (for himself, Mr. Thompson, Mr. Akaka, and Mr. Graham)) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4526. Mr. REID proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4527. Mr. BURNS (for Mr. Stevens) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4528. Mr. REID proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4529. Mr. BURNS (for Mr. Thomas) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4530. Mr. WARNER (for himself and Mr. Thompson) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4531. Mr. SCHUMER (for himself and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which as ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4516. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related Agencies for the fiscal year ending September 30, 2003 and for other purposes; which was ordered to lie on the table.

On page 14, beginning on line 11 strike "$42,682,000, to remain available until expended:" and insert "$42,882,000, to remain available until expended, of which $200,000 shall be made available for the Caddo Lake Ramsar Wetland Science Center, Texas, and;"

On page 25, line 7, strike "$238,205,000" and insert "$238,005,000".

On page 25, line 12, after "Act," insert "of which $4,800,000 is for the Big Thicket National Preserve, Texas; and".

SA 4517. Mr. ENZI (for himself, Mr. Grassley, Mr. Hagel, and Mr. Feingold) proposed an amendment to amendment SA 4480 proposed by Mr. Byrd (for himself, Mr. Burns, Mr. Stevens, Mr. Reid, Mr. Domenici, Mrs. Murray, Mr. Craig, Mr. Wyden, Mr. Kyl, Mr. Baucus, and Mr. Campbell) to the amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. 3 . PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking "$40,000" each place it appears and inserting "$17,500";

(2) in subsection (c), by striking "$65,000" each place it appears and inserting "$32,500"; and

(3) by striking subsection (d) and inserting the following:

"(d) Limitations on Marketing Loan Gains, Loan Deficiency Payments, and Commodity Certificate Transactions.—

"(1) Loan commodities.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

"(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the loan commodity under that subtitle.

"(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

"(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

"(2) Other commodities.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

"(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the commodity under those subtitles.

"(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

"(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, and honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles.

"(f) Single Farming Operation.—Notwithstanding subsections (b) through (e), if an individual participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the operation, the total amount of payments or gains (as applicable) covered by this section that the individual may receive during any crop year may not exceed twice the dollar amount prescribed in this section.''.

SA 4518. Mr. CRAIG (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) proposed an amendment to SA 4480 proposed by Mr. BYRD (for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, Mr. BAUCUS, and Mr. CAMPBELL) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

SEC. ___. EMERGENCY HAZARDOUS FUELS REDUCTION PLAN.

(a) In General.—Subject to subsection (c) and notwithstanding the National Environmental Policy Act of 1969, the Secretaries of Agriculture and the Interior shall conduct immediately and to completion, projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, May 2002 developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-646) to reduce hazardous fuels within any areas of federal land under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior that are outside of Congressionally designated Wilderness Areas and that the appropriate Secretary determines qualifies as a fire risk condition class three area. Any project carried out under this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(b) Priority.—In implementing project sunder this section, the Secretaries of Agriculture and the Interior shall give highest priority to—

(1) wildland urban interface areas;

(2) municipal watersheds;

(3) forested or rangeland areas affected by disease, insect activity, or wind throw; or

(4) areas susceptible to a reburn.

(c) Limitations.—In implementing this section, the Secretaries of Agriculture and the Interior shall treat an aggregate area of not more than 10 million acres of federal land, maintain not less than 10 of the largest trees per acre in any treatment area authorized under this section. The Secretaries shall construct no new, permanent roads in RARE II Roadless Areas * * *

(d) Process.—The Secretaries of Agriculture and the Interior shall jointly develop—

(1) notwithstanding the Federal Advisory Committee Act, a collaborative process with interested parties consistent with the Implementation Plan described in subsection (a) for the selection of projects carried out under this section consistent with subsection (b); and

(2) in cooperation with the Secretary of Commerce, expedited consultation procedures for threatened or endangered species.

(e) Administrative Process.—

(1) Reviews.—Projects conducted under this section shall not be subject to—

(A) administrative review by the Department of the Interior Office of Hearings and Appeals; or

(B) the Forest Service appeals process and regulations.

(2) Regulations.—

(A) In general.—The Secretaries of Agriculture and the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

(f) Judicial Review.—

(1) Process review.—The processes developed under subsection (d) shall not be subject to judicial review.

(2) Review of projects.—Judicial review of a project implemented under this section shall—

(A) be filed in the Federal District Court for which the Federal lands are located within 7 days after legal notice of the decision to conduct a project under this section is made to the public in a manner as dètermined by the appropriate Secretary;

(B) be completed not later than 360 days from the date such request for review is filed with the appropriate court unless the District Court determines that a longer time is needed to satisfy the Constitution;

(C) not provide for the issuance of a temporary restraining order or a preliminary injunction; and

(D) be limited to a determination as to whether the selection of the project, based on a review of the record, was arbitrary and capricious.

(g) Relation to Other Laws.—The authorities provided to the Secretaries of Agriculture and the Interior in this section are in addition to the authorities provided in any other provision of law, including section 706 of Public Law 107–206 with respect to Beaver Park Area and the Norbeck Wildlife Preserve within the Black Hills National Forest.

SEC. ___. QUINCY LIBRARY INITIATIVE.

(a) Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented. Congress finds that delays and obstacles to implementation of the Act have occurred as a result of the Sierra Nevada Forest Plan Amendment decision January 2001.

(b) Congress hereby extends the expiration of the Act by five years.

SA 4519. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 7, strike ''Program,'' and insert ''Program (of which $2,500,000 is for the acquisition of Waywayanda Lake in Kent, New York),''.

SA 4520. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 328. (a) Conveyance of Certain Land at Bluegrass Army Depot, Kentucky, Authorized.—The Secretary of the Army may convey, without consideration, to Madison County, Kentucky (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 3 acres at the Bluegrass Army Depot, Richmond, Kentucky, and including the building known as Quarters 29.

(b) Condition of Conveyance.—The Secretary may not make the conveyance of property authorized by subsection (a) unless the County agrees to utilize the property for historical preservation and education purposes.

(c) Reversionary Interest.—If the Secretary determines at any time that the property conveyed under subsection (a) has ceased to be utilized for the purposes specified in subsection (b), all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination under this subsection shall be made on the record after an opportunity for a hearing.

(d) Administrative Expenses.—The Secretary shall apply section 2695 of title 10, United States Code, to the conveyance authorized by subsection (a).

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 4521. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 19 and 20, insert the following:

WEST NILE VIRUS

For a grant program under which the Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service, shall provide to States grants to carry out, in coordination with a State plan of mosquito abatement, activities to prevent or control West Nile virus, in an amount proportionate to the number of people with medically documented cases of West Nile Virus in a State but not more than $3,000,000 for any 1 State, $20,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A), 902(e)).

SA 4522. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1 . FEDERAL RECOGNITION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, and subject to the availability of funds and subsections (b) and (c), the Bureau of Indian Affairs may not use more than $1,900,000 of the funds made available by this Act to carry out functions and activities associated with the Branch of Acknowledgment and Research.

(b) LIMITATIONS.—None of the funds made available under this Act shall be used to approve or deny a petition from any person or entity for recognition as a federally-recognized Indian tribe or tribal nation (referred to in this section as a "petition") until such date as the Secretary of the Interior (referred to in this section as the "Secretary") certifies to Congress that the administrative procedures described in subsection (c) have been implemented with respect to consideration of any petition submitted to the Secretary.

(c) PROCEDURES.—The administrative procedures described in subsection (b) are that—

(1) in addition to notices provided under any other provision of law, not later than 30 days after the date of receipt of a petition, the Secretary shall provide written notification of the petition to—

(A) the Governor and attorney general of—

(i) the State in which the petitioner is located as of that date; or

(ii) each State in which the petitioner has been located historically, if that State is different from the State in which the petitioner is located as of that date;

(B) the chief executive officers of each county and municipality located in the geographic area historically occupied by the petitioner; and

(C) any Indian tribe and any other petitioner that, as determined by the Secretary—

(i) has a relationship with the petitioner (including a historical relationship); or

(ii) may otherwise be considered to have a potential interest in the acknowledgement determination;

(2) the Secretary—

(A) shall consider all relevant evidence submitted by a petitioner or any other interested party, including neighboring municipalities that possess information bearing on the merits of a petition;

(B) on request by an interested party, may conduct a formal hearing at which all interested parties may present evidence, call witnesses, cross-examine witnesses, or rebut evidence presented by other parties during the hearing; and

(C) shall include a transcript of a hearing described in subparagraph (B) in the administrative record of the hearing on which the Secretary may rely in considering a petition;

(3) the Secretary shall—

(A) ensure that the evidence presented in consideration of a petition is sufficient to demonstrate that the petitioner meets each of the 7 mandatory criteria for recognition contained in section 83.7 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) consider a criterion to be met if the Secretary determines that it is more likely than not that evidence presented demonstrates the satisfaction of the criterion; and

(4) the Secretary shall publish in the Federal Register, and provide to each person to which notice is provided under paragraph (1), a complete and detailed explanation of the final decision of the Secretary regarding a documented petition under this Act that includes express findings of fact and law with respect to each of the criteria described in paragraph (3).

SA 4523. Mr. REID (for Mrs. BOXER) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . SOUTHERN CALIFORNIA OFFSHORE OIL LEASES.

(a) Congress Finds That—

(1) There are 36 undeveloped oil leases on the land in the Southern California planning area of the Outer Continental Shelf that have been under review for an exceptionally long period of time, some going back over thirty years, and have yet to be approved for development pursuant to the Outer Continental Shelf Lands Act;

(2) The oil companies that hold these 36 leases have expressed an interest in retiring these leases in exchange for equitable compensation and are engaged in settlement negotiations with the Department of the Interior regarding the retirement of these leases; and

(3) It would be a waste of taxpayer dollars to continue the process for approval or permitting of these 36 leases when both the lessees and the Department of the Interior have said they expect there will be an agreement to retire these leases.

(b) It is the sense of the Senate that no funds should be spent to approve any exploration, development, or production plan for, or application for a permit to drill on the 36 undeveloped leases while the lessees are discussing a potential retirement of these leases with the Department of the Interior.

SA 4524. Mr. BURNS (for Mr. BENNETT) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 65, line 7, strike "Program," and insert "Program (of which $2,000,000 is for the Castle Rock Phase 2 project, $1,600,000 is for the Chalk Creek (Blonquist) project, and none is for the Range Creek #3 project, Utah),".

SA 4525. Mr. REID (for Mr. CLELAND (for himself, Mr. THOMPSON, Mr. AKAKA, and Mr. GRAHAM)) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1 . SENSE OF THE SENATE CONCERNING ADEQUATE FUNDING FOR THE NATIONAL PARK SERVICE.

(a) FINDINGS.—Congress finds that—

(1) the National Park Service is responsible for the preservation and management of the natural and cultural resources of the National Park System for the enjoyment, education, and inspiration of the present and future generations;

(2) the National Park Service is the caretaker of some of the most valued natural, cultural, and historical resources of the United States;

(3) the National Park System provides countless opportunities for the citizens of the United States to enjoy the benefits of the heritage of the United States;

(4) the National Park Service is struggling to accommodate an increasing number of visitors while maintaining the National Park System; and

(5) in an effort to support the purposes of the National Park System, in recent years Congress has, with respect to units of the National Park System, substantially increased the amount of funding available for operations, maintenance, and capital projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) to the maximum extent practicable, continue efforts to increase operational funding for the National Park System; and

(2) seek to eliminate the deferred maintenance backlog by fiscal year 2007.

SA 4526. Mr. REID proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1 . CONVEYANCE OF LAND TO THE CITY OF MESQUITE, NEVADA.

Section 3(f)(2)(B) of Public Law 99-548 (100 Stat. 3061; 113 Stat. 1501A-168) is amended by striking "(iv) Sec. 8." and inserting the following:

"(iv) Sec. 7.

"(v) Sec. 8.".

SA 4527. Mr. BURNS (for Mr. STEVENS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

Section 401(e)(4)(B) of Public Law 105-83 is amended after (Not more than) by striking "5 percent" and inserting "15 percent".

SA 4528. Mr. REID proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 2, line 14, strike "of which" and insert "of which not more than $750,000 shall be made available for permitting of geothermal energy applications and the processing of wind-energy rights-of-way in the State of Nevada and $750,000 shall be made available for hiring additional personnel to perform realty work in the State of Nevada; of which".

SA 4529. Mr. BURNS (for Mr. THOMAS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 21, line 24, Insert the following after the semicolon: "of which $750,000 is to conduct an independent and comprehensive management, operational, performance, and financial review of Yellowstone National Park;".

SA 4530. Mr. WARNER (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, between lines 9 and 10, insert the following:

Subtitle C—Risk Sharing and Indemnification for Contractors Supplying Anti-Terrorism Technology and Services

SEC. 521. APPLICABILITY OF EXISTING INDEMNIFICATION AUTHORITY.

(a) Requirement for Revised Guidance.—The President shall issue guidance regarding the discretionary authority for the indemnification of contractors and subcontractors under Public Law 85–804 (50 U.S.C. 1431 et seq.) that—

(1) clarifies that, in addition to the other procurements for which the indemnification authority may be exercised, the indemnification authority may be exercised for any procurement of an anti-terrorism technology or an anti-terrorism service by an agency of the Federal Government engaged in homeland security activities that is to be used for the purpose of preventing, detecting, identifying, or otherwise deterring acts of terrorism; and

(2) includes within the scope of the discretionary indemnification authority procurements made by State or local governments through contracts entered into by the head of an agency of the Federal Government under section 522, but only with respect to amounts of losses or damages not fully covered by private liability insurance and State- or local government-provided indemnification.

(b) Considerations.—In revising the guidance under subsection (a), the President shall consider the following issues:

(1) Whether to include within the scope of the losses or damages indemnification coverage authorized by the guidance issued under subsection (a)(1) economic damages not fully covered by private liability insurance.

(2) Whether an indemnification provision included in a contract or subcontract under authority provided under the revised guidance issued under subsection (a) should be negotiated prior to the commencement of the performance of the contract.

(3) To what extent information technology used to prevent, detect, identify, or otherwise deter acts of terrorism should be covered within the scope of the discretionary indemnification authority provided under the revised guidance issued under subsection (a).

(c) Form of Guidance.—The revised guidance under subsection (a) may be provided as a revision of Executive Order No. 10789 or otherwise.

SEC. 522. PROCUREMENTS BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.

(a) Establishment of Procedures.—An official of the United States designated by the President shall establish procedures in accordance with subsection (b) under which States and units of local government may procure through contracts entered into by the head of an agency of the Federal Government anti-terrorism technologies and anti-terrorism services for the purpose of preventing, detecting, identifying, or otherwise deterring acts of terrorism.

(b) Required Procedures.—The procedures under subsection (a) shall implement the following requirements and authorities:

(1) Submissions by States.—Each State desiring to participate in a procurement of anti-terrorism technologies or anti-terrorism services for such purpose through a contract entered into by the head of an agency of the Federal Government shall submit to the designated official, in such form and manner and at such times as that official prescribes, the following:

(A) Request.—A request consisting of an enumeration of the technologies or services, respectively, that are desired by the State and units of local government within the State.

(B) Payment.—Advance payment for each requested technology or service in an amount determined by the designated official based on estimated or actual costs of the technology or service and administrative costs incurred by the designated official.

(2) Permitted catalog technologies and services.—A State may include in a request submitted under paragraph (1) only a technology or service listed in the catalog produced under subsection (d).

(3) Coordination of local requests within State.—The Governor of a State (or the Mayor of the District of Columbia) may establish such procedures as the Governor (or the Mayor of the District of Columbia) considers appropriate for administering and coordinating requests for anti-terrorism technologies or anti-terrorism services from units of local government within the State.

(4) Shipment and transportation costs.—A State requesting anti-terrorism technologies or anti-terrorism services shall be responsible for arranging and paying for any shipment or transportation costs necessary to deliver the technologies or services, respectively, to the State and localities within the State.

(c) Reimbursement of Administrative Costs.—In the case of a procurement made by a State or unit of local government under the procedures established under this section, the official designated by the President under that paragraph shall require the State or unit of local government to reimburse the official for the administrative costs incurred by the Federal Government for such procurement.

(d) Catalog of Technologies and Services.—The official designated by the President under subsection (a) shall produce and maintain a catalog of anti-terrorism technologies and anti-terrorism services suitable for procurement by States and units of local government under the procedures established pursuant to this subsection.

SEC. 523. DEFINITIONS.

In this subtitle:

(1) Anti-terrorism technology and service.—The terms "anti-terrorism technology" and "anti-terrorism service" mean any product, equipment, or device, including information technology, and any service, system integration, or other kind of service (including a support service), respectively, that is related to technology and is designed, developed, modified, or procured for the purpose of preventing, detecting, identifying, or otherwise deterring acts of terrorism.

(2) Act of terrorism.—The term "act of terrorism" means a calculated attack or threat of attack against any person, property, or infrastructure to inculcate fear, or to intimidate or coerce a government, the civilian population, or any segment thereof, in the pursuit of political, religious, or ideological objectives.

(3) Information technology.—The term "information technology" has the meaning such term in section 11101(6) of title 40, United States Code.

(4) State.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(5) Unit of local government.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

SEC. 524. TIME FOR IMPLEMENTATION.

The revision of guidance required by section 521, together with the promulgation of regulations necessary for the implementation of the revised guidance, and the promulgation of the procedures, together with the production of the catalog of anti-terrorism technologies and services, required by section 522 shall be completed not later than 120 days after the date of the enactment of this Act.

SA 4531. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 3 . PROHIBITION OF USE OF FUNDS FOR OIL OR GAS PERMITTING OR LEASING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.

None of the funds made available by this Act may be used to prepare or issue a permit or lease for the exploration, development, or production of oil or gas in the Finger Lakes National Forest, New York.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 10, 2002, at 9:30 a.m., on the status of aviation security 1 year after September 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 10, 2002, to consider favorably reporting H.R. 5063, the Armed Forces Tax Fairness Act of 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Successful Implementation of Title I: State and Community Perspectives" during the session of the Senate on Tuesday, September 10, 2002, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "THE USA PATRIOT Act in Practice: Shedding Light on the FISA Process" on Tuesday, September 10, 2002, in Dirksen Room 226 at 9:30 a.m.

Witness List: Mr. David Kris, Associate Deputy Attorney General, Department of Justice, Washington, DC; Professor William C. Banks, Professor of Law, Syracuse University, Syracuse, NY; Mr. Kenneth C. Bass III, Senior Counsel, Sterne, Kessler, Goldstein, Fox, and First Counsel for Intelligence Policy, Department of Justice 1977–1981, and Adjunct Professor of Law, Georgetown University Law Center, Washington, DC; and Dr. Morton Halperin, Director, Open Society Institute-Washington Office, Washington, DC.

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 10, 2002, for a joint hearing with the House of Representatives' Committee on Veterans Affairs, to hear the legislative presentation of The American Legion. The hearing will take place in room 345 of the Cannon House Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 10, 2002, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Bjorn Sjue, an intern in my office, be allowed to be on the floor during the duration of the debate on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Alex Busansky, a detailee to my office from the Department of Justice, be allowed privileges of the floor for the duration of today's homeland security measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Bob Kerr, a fellow, be allowed floor privileges during the debate on homeland security.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLIGHT 93 NATIONAL MEMORIAL ACT

Mr. REID. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be discharged from consideration of H.R. 3917 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3917) to authorize a national memorial to commemorate the passengers and crew of Flight 39, who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD as if read, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3917) was read the third time and passed.

Mr. REID. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 2136, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2136) to establish a memorial in the State of Pennsylvania to honor the passengers and crew members of Flight 93, who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2136) was passed, as follows:

S. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flight 93 National Memorial Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on September 11, 2001, passengers and crewmembers of United Airlines Flight 93 courageously gave their lives to prevent a planned attack on the Capital of the United States;

(2) thousands of people have visited the crash site since September 11, 2001, drawn by the heroic action and sacrifice of the passengers and crewmembers aboard Flight 93;

(3) many people in the United States are concerned about the future disposition of the crash site, including—

(A) grieving families of the passengers and crewmembers;

(B) the people of the region where the crash site is located; and

(C) citizens throughout the United States;

(4) many of those people are involved in the formation of the Flight 93 Task Force, a broad, inclusive organization established to provide a voice for all parties interested in and concerned about the crash site;

(5) the crash site commemorates Flight 93 and is a profound symbol of American patriotism and spontaneous leadership by citizens of the United States;

(6) a memorial of the crash site should—

(A) recognize the victims of the crash in an appropriate manner; and

(B) address the interests and concerns of interested parties; and

(7) it is appropriate that the crash site of Flight 93 be designated as a unit of the National Park System.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a memorial to honor the passengers and crewmembers aboard United Airlines Flight 93 on September 11, 2001;

(2) to establish the Flight 93 Advisory Commission to assist in the formulation of plans for the memorial, including the nature, design, and construction of the memorial; and

(3) to authorize the Secretary of the Interior to administer the memorial, coordinate and facilitate the activities of the Flight 93 Advisory Commission, and provide technical and financial assistance to the Flight 93 Task Force.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Flight 93 Advisory Commission established by section (4)(b).

(2) CRASH SITE.—The term "crash site" means the site in Stonycreek Township, Somerset County, Pennsylvania, where United Airlines Flight 93 crashed on September 11, 2001.

(3) MEMORIAL.—The term "Memorial" means the memorial to the passengers and crewmembers of United Airlines Flight 93 established by section 4(a).

(4) PASSENGER OR CREWMEMBER.—

(A) IN GENERAL.—The term "passenger or crewmember" means a passenger or crewmember aboard United Airlines Flight 93 on September 11, 2001.

(B) EXCLUSIONS.—The term "passenger or crewmember" does not include a terrorist aboard United Airlines Flight 93 on September 11, 2001.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TASK FORCE.—The term "Task Force" means the Flight 93 Task Force.

SEC. 4. MEMORIAL TO HONOR THE PASSENGERS AND CREWMEMBERS OF FLIGHT 93.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System a memorial at the crash site to honor the passengers and crewmembers of Flight 93.

(b) ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the "Flight 93 Advisory Commission".

(2) MEMBERSHIP.—The Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 14 members, appointed by the Secretary, from among persons recommended by the Task Force.

(3) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of the members.

(B) FREQUENCY.—The Commission shall meet not less than quarterly.

(C) NOTICE.—Notice of meetings and the agenda for the meetings shall be published in—

(i) newspapers in and around Somerset County, Pennsylvania; and

(ii) the Federal Register.

(D) OPEN MEETINGS.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(6) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(7) DUTIES.—The Commission shall—

(A) not later than 3 years after the date of enactment of this Act, submit to the Secretary and Congress a report that contains recommendations for the planning, design, construction, and long-term management of the memorial;

(B) advise the Secretary on—

(i) the boundaries of the memorial; and

(ii) the development of a management plan for the memorial;

(C) consult with the Task Force, the State of Pennsylvania, and other interested parties, as appropriate;

(D) support the efforts of the Task Force; and

(E) involve the public in the planning and design of the memorial.

(8) POWERS.—The Commission may—

(A) make expenditures for services and materials appropriate to carry out the purposes of this section;

(B) accept donations for use in carrying out this section and for other expenses associated with the memorial, including the construction of the memorial;

(C) hold hearings and enter into contracts, including contracts for personal services;

(D) by a vote of the majority of the Commission, delegate any duties that the Commission determines to be appropriate to employees of the National Park Service; and

(E) conduct any other activities necessary to carry out this Act.

(9) COMPENSATION.—A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(10) TERMINATION.—The Commission shall terminate on the dedication of the memorial.

(c) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) administer the memorial as a unit of the National Park Service in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System;

(2) provide advice to the Commission on the collection, storage, and archiving of information and materials relating to the crash or the crash site;

(3) consult with and assist the Commission in—

(A) providing information to the public;

(B) interpreting any information relating to the crash or the crash site;

(C) conducting oral history interviews; and

(D) conducting public meetings and forums;

(4) participate in the development of plans for the design and construction of the memorial;

(5) provide to the Commission—

(A) assistance in designing and managing exhibits, collections, or activities at the memorial;

(B) project management assistance for design and construction activities; and

(C) staff and other forms of administrative support;

(6) acquire from willing sellers the land or interests in land for the memorial by donation, purchase with donated or appropriated funds, or exchange; and

(7) provide the Commission any other assistance that the Commission may require to carry out this Act.

10TH ANNIVERSARY OF UNITED STATES RECOGNITION OF BOSNIA AND HERZEGOVINA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 538, S. Res. 309.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 309) expressing the sense of the Senate that Bosnia and Herzegovina should be congratulated on the 10th anniversary of its recognition by the United States.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations without an amendment and with an amendment to the preamble.

[Insert the part printed in italic.]

S. RES. 309

Whereas the United States reaffirms its support for the sovereignty, legal continuity, and territorial integrity of Bosnia and Herzegovina within its internationally recognized borders and also reaffirms its support for the equality of the three constituent peoples and others in Bosnia and Herzegovina in a united multiethnic country, according to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Whereas, during the 10 years since its recognition, Bosnia and Herzegovina has made significant progress in overcoming the legacy of the internecine conflict of 1992–1995 instigated by ultranationalist forces hostile to a multiethnic society, and has persevered in building a multiethnic democracy based on the rule of law, respect for human rights, and a free market economy, as shown by the results of the elections held in November 2000;

Whereas most citizens and the national authorities of Bosnia and Herzegovina share the democratic values of the international community and feel the responsibility to uphold them;

Whereas the Government of Bosnia and Herzegovina is committed to international security and democratic stability and in that spirit has begun *discussions to initiate* the process of qualifying for membership in the Partnership for Peace; and

Whereas, after the attacks of September 11, 2001 on the United States, Bosnia and Herzegovina, as a reliable friend of the United States, immediately positioned itself within the anti-terrorism coalition of nations, sharing the common interests and values of the free and democratic world: Now, therefore, be it

Resolved, That the Senate—

(1) commends Bosnia and Herzegovina for the significant progress it has made during the past decade on the implementation of the Dayton Peace Agreement and on the implementation of the Constituent Peoples' Decision of the Constitutional Court of Bosnia and Herzegovina;

(2) applauds the democratic orientation of Bosnia and Herzegovina and urges the further strengthening by its government and people of respect for human rights, of the rule of law, and of its free market economy;

(3) urges Bosnia and Herzegovina as rapidly as possible to make fully operational all national institutions and state-level governmental bodies mandated by the Dayton Peace Agreement;

(4) welcomes and supports the aspiration of Bosnia and Herzegovina to become a member of the Partnership for Peace and, pursuant thereto, underscores the importance of creating a joint military command as soon as possible;

(5) urges the Government of Bosnia and Herzegovina to accelerate the return of refugees and displaced persons and to intensify its cooperation with the International Criminal Tribunal for the former Yugoslavia at The Hague, in particular with regard to surrendering to the Court individuals indicted for war crimes;

(6) reaffirms the importance for the future of Bosnia and Herzegovina of that country's participation in the European integration process and, in that context, welcomes the notable improvement in mutual cooperation among the successor states of the former

Yugoslavia and the strengthening of cooperation within the region as a whole, developments which are essential for long-lasting peace and stability in Southeastern Europe; and

(7) recognizes the important role of the Bosnian-Herzegovinian-American community in the further improving of bilateral relations between the United States and Bosnia and Herzegovina.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 309) was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

ORDERS FOR WEDNESDAY, SEPTEMBER 11, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 11 a.m., Wednesday, September 11; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; further, that the Republican leader be recognized at 11:40 a.m. for 10 minutes, and the majority leader be recognized at 11:50 a.m. for 10 minutes; that at 12 noon, there be a moment of silence in recognition of the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes tomorrow. The next rollcall vote is expected to occur Thursday morning.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, September 11, 2002, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 2002:

DEPARTMENT OF JUSTICE

GLENN T. SUDDABY, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE DANIEL J. FRENCH, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

JAMES M. STEPHENS, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, VICE ROSS EDWARD EISENBREY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be rear admiral lower half

STEPHEN W. ROCHON, 4866

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT T. CLARK, 7273

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CLARENCE M. AGENA, 9874

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5043 AND 601:

To be general

LT. GEN. MICHAEL W. HAGEE, 5620

EXTENSIONS OF REMARKS

LIEUTENANT BILLY JILES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor a true American hero. As violent crime rips through America's homes and neighborhoods, leaving ruined lives in their wake, a group of brave men and women fight this scourge. These men and women are our law enforcement professionals.

Lt. Billy Jiles of the Carroll County Sheriff Department was one such man. Every day he risked his life to keep our community safe. He was willing to pay the ultimate price for this battle, as he did on September 3, 2002. Going about his daily duties, Lt. Jiles responded to a routine 911 arson call at the residential home. As the arsonist fled the scene he was confronted by Lt. Jiles, the criminal then murdered Lt. Jiles.

As a result of this crime, Lt. Billy Jiles has left behind a wife and two young children. While nothing can ease the pain for Lt. Jiles' family and friends, we are able to take some comfort in knowing his sacrifice saved the lives of so many others.

I commend the dedication and selflessness of Lt. Jiles, a 20-year veteran of the Carroll County Sheriff's Department. I hope his life and legacy will serve as an incentive for all to continue to fight the war against crime in America.

IN HONOR OF THE OUTSTANDING SERVICE PROVIDED BY THE DELAWARE CHAPTER OF THE NATIONAL MULTIPLE SCLEROSIS SOCIETY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. CASTLE. Mr. Speaker, during my service as a Member of the House of Representatives, it has been my honor and privilege to rise and pay tribute to organizations and people who really make a difference in the Delaware community. Today, I rise to recognize the Delaware Chapter of the National Multiple Sclerosis Society and its over 1,000 dedicated volunteers.

The Delaware Chapter of the National Multiple Sclerosis (MS) Society has been serving Delawareans coping with MS for over 25 years. The information, support, and funding the Delaware Chapter provides is paramount in the fight to find a cure for this devastating disease currently afflicting over 1,100 people in Delaware, and over one-third of a million people across the Nation.

As many of my Colleagues may know, MS is a chronic, often disabling disease of the nervous system. Symptoms may be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision. Most people with MS are diagnosed between the ages of 20 and 40, but the unpredictable physical and emotional effects can be lifelong. The progress, severity and specific symptoms of MS in any one person cannot yet be predicted, but advances in research and treatment are giving hope to those affected by the disease.

This hope comes in the form of increased funding for research into the causes of MS, the development of new treatments, and the possibilities of a cure. Since the chapter was founded nearly 25 years ago, The Delaware Chapter has been instrumental in raising funds through events such as the MS 150 Bike to the Bay and the Delaware MS walk, which combined raised nearly $1.25 million in the past two years. And over its 25 year existence, the Delaware Chapter of the National MS Society has raised over $16.8 million for local and National MS research projects and estimates its 2002 totals to reach nearly $2 million.

These astounding numbers exemplify the dedication and hard work that have been the hallmark of volunteerism in the State of Delaware. Without the more than 1,000 volunteers and over 3,000 event participants, the mission of the National MS Society, ending the devastating effects of multiple sclerosis, would be that much farther away. Delaware volunteers, like Bianca Fraser, who this year alone raised over $45,000 in the MS walk for the Delaware Chapter, and will be inducted into the National MS Society National Fund-raising Hall of Fame, have proven themselves to be some of the best in the Nation—a fact that many of us in Delaware have known for quite some time now.

The Delaware Chapter also developed and maintains many beneficial programs for those living with MS and their families, including self-help groups, peer support systems, and counseling services. Through its educational programs, Moving Forward; Information Seminars; and Knowledge is Power, and through its Lending Library, the Delaware Chapter has become the premier source of information for Delawareans seeking to better understand this potentially debilitating disease, its causes and symptoms, available treatments and breakthroughs in research, and most importantly, the Chapter offers individuals the solace that they are not alone and that there are those who are dedicated to finding a cure.

The Delaware Chapter of the National Multiple Sclerosis Society and its volunteers have shown themselves to be exemplary models of dedication and caring within the Delaware community. I commend them for their quarter century of service and continued efforts in improving the lives of their fellow Delawareans.

MAGEE RIETER HONORED FOR 10TH YEAR IN A ROW

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the continuing outstanding achievement of the employees of Magee Rieter Automotive Systems of Bloomsburg, Pennsylvania, which has won General Motors' prestigious "Supplier of the Year Award" for the tenth consecutive year.

Of GM's 30,000 suppliers, Magee Rieter Automotive Systems is the only ten-time winner in North America. This is truly a tremendous achievement and one of which the company and all of its employees should be proud.

Magee Rieter, the leading supplier of carpets to General Motors in America, will celebrate this accomplishment on September 10, 2002. The company has been in business in Bloomsburg since 1889 and has been supplying General Motors for more than 90 years, first with hand-draped tapestries of Fisher Body carriages, through today's production of fully molded carpet floors and integrated acoustical systems.

Through the past 113 years, the company has endured and overcome numerous challenges, including floods, fires and the rapidly changing business environment. The company received the Army/Navy "E" Award for Excellence after World War II in recognition of its production of high-quality materials for the war effort.

As demonstrated by the more recent awards, the current employees have carried on the tradition of pride and success handed down by their parents, grandparents and great-grandparents who worked at Magee Rieter. Under the leadership of President and Chief Executive Officer Mike Katerman, Magee Rieter continues to be a cornerstone of the Bloomsburg community.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the hard work and impressive achievement of the people of Magee Rieter, and I wish them all the best.

INDIAN PRIME MINISTER TO SPEAK TO UNITED NATIONS—U.N. SHOULD PRESS HIM ON HUMAN RIGHTS, TERRORISM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. BURTON of Indiana. Mr. Speaker, on September 13, the Prime Minister of India,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Atal Bihari Vajpayee, will speak to the United Nations in New York. There are several issues that should be brought up while Mr. Vajpayee is there.

I am sure that Prime Minister Vajpayee will denounce terrorism. India claims to be democratic, after all. But India continues to sponsor cross-border terrorism in the Pakistani province of Sindh, according to the Washington Times. It continues to engage in terrorist activity against the minorities within its own borders. Recently, India admitted that its troops were responsible for the massacre of 35 Sikhs in the village of Chithisinghpora in March 2000. The Council of Khalistan issued an excellent press release on this, which I will introduce later. In November 1994, the Indian newspaper Hitavada reported that the late governor of Punjab, Surendra Nath, was paid $1.5 billion by the Indian government to foment terrorism in Punjab and Kashmir. The book Soft Target alleged that India blew up its own airliner in 1985 to blame Sikhs and justify further repression. These are just a few examples.

India continues to practice repression against its minorities. Its ongoing repression of Christians is well-documented. Recently, The Hindu reported that the death toll for this spring's violence in Gujarat is as high as 5,000. That is more people than were killed in the World Trade Center attack. The newspaper also reported that police officers were ordered not to intervene to stop the violence, in a scary echo of the Delhi massacre of Sikhs in 1984. Recently, in Malout, a peaceful demonstration of Sikh activists was fired upon by Indian police. In 1997, police gunfire broke up a Christian religious festival. The pattern continues.

America cannot and must not permit this to go unchallenged. When Prime Minister Vajpayee is in the country, he must be pressed on the issues of terrorism, democracy, and human rights. We should halt aid to India until it corrects these patterns of behavior, and we should support self-determination for all of the 17 freedom movements within India's borders. These measures will help to end terrorism in South Asia and promote real democracy and stability there. Mr. Speaker, I would like to place the Council of Khalistan's press release on India's admission that it was responsible for the Chithisinghpora massacre into the RECORD at this time.

INDIAN GOVERNMENT ADMITS ITS RESPONSIBILITY FOR MASSACRE IN CHITHISINGHPORA—EVIDENCE A FRAUD, INDIAN SOLDIERS IMPLICATED

WASHINGTON, DC, AUG. 2, 2002.—According to today's Washington Times, the Indian government has admitted that its forces were responsible for the massacre of 35 Sikhs in the village of Chithisinghpora, Kashmir on March 20, 2000. India finally admitted that the evidence it used to implicate alleged Kashmiri "militants" in the murders was faked.

This is a victory for Sikhs, including the Council of Khalistan, who have maintained that the Indian government is responsible for this atrocity. However, it is only after India's case against the alleged "militants" was exposed that it took responsibility.

The massacre was timed to occur at the time of former President Clinton's visit to India. Recent attacks on minorities also blamed on alleged "militants", took place just before Secretary of State Colin Powell visited. At the time of the Chithisinghpora massacre, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, strongly condemned the murders. "What motive would Kashmiri freedom fighters have to kill Sikhs? This would be especially stupid when President Clinton is visiting. The freedom movements in Kashmir, Khalistan, Nagaland, and throughout India need the support of the United States," he said. Khalistan is the Sikh homeland declared independent on October 7, 1987.

The massacres continued a pattern of repression and terrorism against minorities by the Indian government, which it attempts to blame on other minorities to divide and rule the minority peoples within its artificial borders. In November 1994, the Indian newspaper Hitavada reported that the Indian government paid the late governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert terrorist activity in Punjab, Khalistan, and in neighboring Kashmir. The book Soft Target, written by Canadian journalists Brian McAndrew and Zuhair Kashmeri, shows that the Indian government blew up its own airliner in 1985 to blame Sikhs and justify further repression. It quotes an agent of the Canadian Security Investigation Service (CSIS) as saying, "If you really want to clear up the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver. We know it and they know it that they are involved." On January 2, the Washington Times reported that India sponsors cross-border terrorism in the Pakistani province of Sindh.

A report issued last year by the Movement Against State Repression (MASR) shows that India admitted that it held 51,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA) even though it expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Additionally, according to Amnesty International, there are tens of thousands of other minorities being held as political prisoners. On February 28, 42 Members of the U.S. Congress from both parties wrote to President Bush to urge him to work for the release of Sikh political prisoners. The MASR report quotes the Pubjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands]."

Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. These figures were published in the book The Politics of Genocide by Inderjit Singh Jaijee. India has also killed over 200,000 Christians in Nagaland since 1947, over 80,000 Kashmiris since 1988, and tens of thousands of other minorities. Christians have been victims of a campaign of terror that has been going on since Christmas 1998. Churches have been burned, Christian schools and prayer halls have been attacked, nuns have been raped, and priests have been killed. Missionary Graham Staines and his two sons were burned alive while they slept in their jeep by militant Hindu members of the RSS, the parent organization of the ruling BJP.

"It is good that India has finally admitted its responsibility for the massacre at Chithisinghpora," Dr. Aulakh said. "Now I urge the U.S. government to place sanctions on India as a country and practices and promotes terrorism. The Chithisinghpora massacre proves that India is not a democracy, but a repressive, terrorist state which murders it minorities."

ABOLISHING THE FEDERAL RESERVE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce legislation to restore financial stability to America's economy by abolishing the Federal Reserve. I also ask unanimous consent to insert the attached article by Lew Rockwell, president of the Ludwig Von Mises Institute, which explains the benefits of abolishing the Fed and restoring the gold standard, into the RECORD.

Since the creation of the Federal Reserve, middle and working-class Americans have been victimized by a boom-and-bust monetary policy. In addition, most Americans have suffered a steadily eroding purchasing power because of the Federal Reserve's inflationary policies. This represents a real, if hidden, tax imposed on the American people.

From the Great Depression, to the stagflation of the seventies, to the burst of the dotcom bubble last year, every economic downturn suffered by the country over the last 80 years can be traced to Federal Reserve policy. The Fed has followed a consistent policy of flooding the economy with easy money, leading to a misallocation of resources and an artificial "boom" followed by a recession or depression when the Fed-created bubble bursts.

With a stable currency, American exporters will no longer be held hostage to an erratic monetary policy. Stabilizing the currency will also give Americans new incentives to save as they will no longer have to fear inflation eroding their savings. Those members concerned about increasing America's exports or the low rate of savings should be enthusiastic supporters of this legislation.

Though the Federal Reserve policy harms the average American, it benefits those in a position to take advantage of the cycles in monetary policy. The main beneficiaries are those who receive access to artificially inflated money and/or credit before the inflationary effects of the policy impact the entire economy. Federal Reserve policies also benefit big spending politicians who use the inflated currency created by the Fed to hide the true costs of the welfare-warfare state. It is time for Congress to put the interests of the American people ahead of the special interests and their own appetite for big government.

Abolishing the Federal Reserve will allow Congress to reassert its constitutional authority over monetary policy. The United States Constitution grants to Congress the authority to coin money and regulate the value of the currency. The Constitution does not give Congress the authority to delegate control over monetary policy to a central bank. Furthermore, the Constitution certainly does not empower the Federal Government to erode Americans' living standard via an inflationary monetary policy.

In fact, Congress' constitutional mandate regarding monetary policy should only permit currency backed by stable commodities such as silver and gold to be used as legal tender. Therefore, abolishing the Federal Reserve and returning to a constitutional system will enable America to return to the type of monetary system envisioned by our Nation's founders: one where the value of money is consistent because it is tied to a commodity such as gold. Such a monetary system is the basis of a true free-market economy.

In conclusion, Mr. Speaker, I urge my colleagues to stand up for working Americans by putting an end to the manipulation of the money supply which erodes Americans' standard of living, enlarges big government, and enriches well-connected elites, by cosponsoring my legislation to abolish the Federal Reserve.

WHY GOLD?

(By Llewellyn H. Rockwell, Jr.)

As with all matters of investment, everything is clear in hindsight. Had you bought gold mutual funds earlier this year, they might have appreciated more than 100 percent. Gold has risen $60 since March 2001 to the latest spot price of $326.

Why wasn't it obvious? The Fed has been inflating the dollar as never before, driving interest rates down to absurdly low levels, even as the federal government has been pushing a mercantile trade policy, and New York City, the hub of the world economy, continues to be threatened by terrorism. The government is failing to prevent more successful attacks by not backing down from foreign policy disasters and by not allowing planes to arm themselves.

These are all conditions that make gold particularly attractive.

Or perhaps it is not so obvious why this is true. It's been three decades since the dollar's tie to gold was completely severed, to the hosannas of mainstream economists. There is no stash of gold held by the Fed or the Treasury that backs our currency system. The government owns gold but not as a monetary asset. It owns it the same way it owns national parks and fighter planes. It's just another asset the government keeps to itself.

The dollar, and all our money, is nothing more and nothing less than what it looks like: a cut piece of linen paper with fancy printing on it. You can exchange it for other currency at a fixed rate and for any good or service at a flexible rate. But there is no established exchange rate between the dollar and gold, either at home or internationally.

The supply of money is not limited by the amount of gold. Gold is just another good for which the dollar can be exchanged, and in that sense is legally no different from a gallon of milk, a tank of gas, or an hour of babysitting services.

Why, then, do people turn to gold in times like these? What is gold used for? Yes, there are industrial uses and there are consumer uses in jewelry and the like. But recessions and inflations don't cause people to want to wear more jewelry or stock up on industrial metal. The investor demand ultimately reflects consumer demand for gold. But that still leaves us with the question of why the consumer demand exists in the first place. Why gold and not sugar or wheat or something else?

There is no getting away from it: investor markets have memories of the days when gold was money. In fact, in the whole history of civilization, gold has served as the basic money of all people wherever it's been available. Other precious metals have been valued and coined, but gold always emerged on top in the great competition for what constitutes the most valuable commodity of all.

There is nothing intrinsic about gold that makes it money. It has certain properties that lend itself to monetary use, like portability, divisibility, scarcity, durability, and uniformity. But these are just descriptors of certain qualities of the metal, not explanations as to why it became money. Gold became money for only one reason: because that's what the markets chose.

Why isn't gold money now? Because governments destroyed the gold standard. Why? Because they regarded it as too inflexible. To be sure, monetary inflexibility is the friend of free markets. Without the ability to create money out of nothing, governments tend to run tight financial ships. Banks are more careful about the lending when they can't rely on a lender of last resort with access to a money-creation machine like the Fed.

A fixed money stock means that overall prices are generally more stable. The problems of inflation and business cycles disappear entirely. Under the gold standard, in fact, increased market productivity causes prices to generally decline over time as the purchasing power of money increases.

In 1967, Alan Greenspan once wrote an article called Gold and Economic Freedom. He wrote that:

"An almost hysterical antagonism toward the gold standard is one issue which unites statists of all persuasions. They seem to sense—perhaps more clearly and subtly than many consistent defenders of laissez-faire—that gold and economic freedom are inseparable, that the gold standard is an instrument of laissez-faire and that each implies and requires the other. . . . This is the shabby secret of the welfare statists' tirades against gold. Deficit spending is simply a scheme for the confiscation of wealth. Gold stands in the way of this insidious process. It stands as a protector of property rights."

He was right. Gold and freedom go together. Gold money is both the result of freedom and its leading protector. When money is as good as gold, the government cannot manipulate the supply for its own purposes. Just as the rule of law puts limits on the despotic use of police power, a gold standard puts extreme limits on the government's ability to spend, borrow, and otherwise create crazy unworkable programs. It is forced to raise its revenue through taxation, not inflation, and generally keep its house in order.

Without the gold standard, government is free to work with the Fed to inflate the currency without limit. Even in our own times, we've seen governments do that and thereby spread mass misery.

Now, all governments are stupid but not all are so stupid as to pull stunts like this. Most of the time, governments are pleased to inflate their currencies so long as they don't have to pay the price in the form of mass bankruptcies, falling exchange rates, and inflation.

In the real world, of course, there is a lag time between cause and effect. The Fed has been inflating the currency at very high levels for longer than a year. The consequences of this disastrous policy are showing up only recently in the form of a falling dollar and higher gold prices. And so what does the Fed do? It is pulling back now. For the first time in nearly ten years, some measures of money (M2 and MZM) are showing a falling money stock, which is likely to prompt a second dip in the continuing recession.

Greenspan now finds himself on the horns of a very serious dilemma. If he continues to pull back on money, the economy could tip into a serious recession. This is especially a danger given rising protectionism, which mirrors the events of the early 1930s. On the other hand, a continuation of the loose policy he has pursued for a year endangers the value of the dollar overseas.

How much easier matters were when we didn't have to rely on the wisdom of exalted monetary central planners like Greenspan. Under the gold standard, the supply of money regulated itself. The government kept within limits. Banks were more cautious. Savings were high because credit was tight and saving was rewarded. This approach to economics is the foundation of a sustainable prosperity.

We don't have that system now for the country or the world, but individuals are showing their preferences once again. By driving up the price of gold, prompting gold producers to become profitable again, the people are expressing their lack of confidence in their leaders. They have decided to protect themselves and not trust the state. That is the hidden message behind the new luster of gold.

Is a gold standard feasible again? Of course. The dollar could be redefined in terms of gold. Interest rates would reflect the real supply and demand for credit. We could shut down the Fed and we would never need to worry again what the chairman of the Fed wanted. There was a time when Greenspan was nostalgic for such a system. Investors of the world have come to embrace this view even as Greenspan has completely abandoned it.

What keeps the gold standard from becoming a reality again is the love of big government and war. If we ever fall in love with freedom again, the gold standard will once more become a hot issue in public debate.

IN RECOGNITION OF JOHN J. BIONDI

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate an outstanding member of our community and northern New Jersey—John J. Biondi, who at the end of this month will conclude more than thirty years of service to the New Jersey Education Association, and four decades of contribution to the students and education community of northern New Jersey.

As a former teacher myself, I take especial pleasure in congratulating John on the occasion of his retirement, and applauding him for his valuable leadership in and contribution to the NJEA and Bergen County's education community. John is an outstanding example of the type of person who makes Bergen County, our State, and our Nation such a wonderful place. He exemplifies the American values that have made our country great.

During the course of his distinguished career, John's contribution to education in New Jersey has been as both a dedicated teacher and a dogged advocate for issues central to education.

Educated at Newark's Barringer High School, John earned his bachelor's degree from Rutgers University in 1964, majoring in history and science. In the years following his graduation, John brought science alive to the students in New Jersey, first as a science teacher at Belleville Junior High School, and later as a teacher of chemistry and biology at Lakewood High School. John's graduate work in personnel and guidance came at Fairleigh Dickinson University and my own alma mater, Montclair State College.

In 1969, John began what would become a lifelong career of advocacy for education issues as Vice President of the Lakewood Education Association. The following year, John served as President of the LEA and the chairman of its negotiation committee. At the county level, John was a representative to the Ocean County Council of Education Associations.

For the past thirty-one years, John has served New Jersey's education community as a UniServe Representative for the New Jersey Education Association. As a vital member of the NJEA's staff, John's career has been characterized by unswerving dedication, professionalism, and enthusiasm for educating both NJEA members and New Jersey's elected leaders. John's resourcefulness, creativity, and integrity mark him a role model for his colleagues and, indeed, for us all.

In recognition of all that John has given, the education community of Bergen County has proclaimed September 29, 2002 as "John Biondi Day." John's justified pride in this proclamation is shared by his wife Marilyn, his three sons, John Jr., Andrew, and Tom, and his grandchildren, Christopher and Joseph.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating John Biondi on his retirement, and commending him for his tremendous dedication and contribution to the students and education community of New Jersey.

JOHNNIE ROSEBORO, LOS ANGELES DODGERS ALL-STAR CATCHER

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Ms. WATSON of California. Mr. Speaker, it is with great sadness that I announce the passing of Johnnie Roseboro, an All-Star catcher for the Los Angeles Dodgers. John passed away on August 16 at Cedars-Sinai Medical Center in Los Angeles. He was 69.

Johnnie Roseboro played in the major leagues from 1957 to 1970 with the Dodgers, Minnesota Twins, and Washington Senators (now the Texas Rangers). He was named to All-Star teams in 1958, 1961, 1962 and 1969, and won Gold Gloves for his defensive play in 1961 and 1966. Roseboro became the Dodgers' starting catcher in the team's first season in Los Angeles, replacing the legendary Roy Campanella who had been paralyzed in an auto accident.

Roseboro was nicknamed "Gabby" by his teammates because he went about his business quietly and without fanfare. He always carried himself with dignity and class. These attributes are exemplified in the aftermath of the famous bat swinging incident in which San Francisco Giants pitcher Juan Marichal inflicted a two inch gash on Roseboro's forehead. The incident tarnished Marichal's reputation, who was only voted into baseball's Hall of Fame after Roseboro publicly stated that he thought Marichal was being unfairly kept out the Hall of Fame.

Roseboro's nobility of mind and heart defined him in his life both on and off the baseball diamond. He is survived by his beloved wife, Barbara Fouch-Roseboro and daughter, Morgan Nicole Fouch-Roseboro and his children by a former marriage, daughters Shelley Roseboro, Staci-Roseboro-Shoals, and Jaime Roseboro.

In closing, I would like to enter into the RECORD the following eulogy to Mr. Roseboro, written by Morgan Nicole Fouch-Roseboro.

[From the Eulogy for Johnnie Roseboro (By Morgan Nicole Fouch-Roseboro)]

"A MAN IS KNOWN BY THE SILENCE HE KEEPS"

(By Oliver Herford)

Some men walk through life making all a big ado. Puffing up their chests when reminiscing on unremarkable past accomplishments and feats. Opening wide their mouths to expel dubious wisdom and conspiracies, tendering words upon words upon words, but no meat.

But other men forgo words and express their abilities in deed. They do so simply, without fuss nor fanfare, dancing nor prancing. They just step up to the plate, eye the ball and swing. Sometimes, the ball grazes the tree tips and is going . . . going . . . gone, or it may foul backward into the stands. Regardless. For these few exceptional men, each gesture—win or lose—is always authentic and with the full weight of their being, forcing witnesses to pause, slack-jawed, in awe-inspired amazement.

There is little wonder into which camp John Roseboro fell. Ask anyone to describe him in two words and they would say succinctly: No Bull. He was unapologetically comfortable in his skin, to the core: you either got him or you didn't. For him, there was little worthy of sweat. He would simply throw up his hands and say, "No big deal," and move on. He left it to the critics to assess the long-term merit of his accomplishments—for him, it was all in a day's work, nothing more. He considered suggestions but, in the end, his instinct would always trump any outside counsel.

In spite of this characteristic, he made it utterly impossible to be angry at him. But, thankfully, the same worked in reverse. If you looked down to discover your feet on the wrong side of his line, a simple apology would always be followed by "That's okay, Babe," and any trace of the dispute would be immediately expunged.

Although his turtle-like mien caused some strangers to hesitate, his inner circle of friends and family knew the hard outer shell merely served as protection for its precious cargo—a tender and easily broken heart. This vulnerability might uncover why it was this particular organ's weakness that sparked his fifteen-year downward health spiral. Although, admittedly, he did nothing to impede the descent.

Even after enduring countless (okay, 54) hospital stays, surgeries and treatments at Cedars Sinai alone, he maintained an unyieldingly laissez-faire attitude toward improving his condition. Yet it is the rare man whose friends and family cannot utter a single negativity after fruitlessly imploring him—for decades—to set down the Coke can, exercise, and consider the fish section of the menu. But he would likely have undergone a thousand colonoscopies of bypasses if it meant any reprieve from the constant barrage of heart-health suggestions, books, pills and tonics he received on a daily basis. His food motto remained intact until the end: "I'll die with a full stomach and that's that."

Replacing words with such mottoes was just his way, each comment whittled down to its essence and punctuated with a saying for good measure. Favorites included "Ain't nothin' shakin' but the leaves," . . . "God willin' and the creek don't rise" . . . and "Is the Pope Catholic?"

Sayings aside, John was definitely a laconic spirit—the irony in his nickname, Gabby, was well-earned. But, as they say, silence is a text easy to misread. Just ask anyone brave enough to venture toward the back of the room and take a seat next to him. His bulbous eyes voyeuristically scanning the crowd, extracting vital bits of data to launch into an anecdote or a unique observation. Between tales of the Glory Days, life insights and off-colored jokes, they would discover—as we already had—a man of infinite, yet simplistic, wisdom blended with an understated hilarity. He was the anti-thesis of the "dumb jock." A voracious reader, he would complete several books a month. In his later years, he took countless adult education courses, honed his considerable culinary talents and taught himself to use his new computer to surf the internet.

Although John was undeniably great on the ball field, his greatest accomplishments lie in his legacy off the field. He was generous in his purchases for loved ones, but his best gifts were always of the non-monetary persuasion: unparalleled insight, laughs, great stories and lots of love. Any time spent with him was guaranteed to be an unforgettable treat and its own reward.

In short, John Roseboro was one of the best—and easiest—men you'd ever befriend. He was a loving husband, father, brother, son, uncle and friend. His life force beats strongly in the hearts of all who were blessed enough to share their lives with him.

John was born in Ashland, Ohio in 1933 to Cecil Geraldine Lowery Roseboro and John Henry Roseboro. His only sibling was James Alexander Roseboro.

John Roseboro is survived by his beloved wife, Barbara Fouch-Roseboro and daughter, Morgan Nicole Fouch-Roseboro and his children by a former marriage, daughters Shelley Roseboro and Staci Roseboro-Shoals (John), and son Jaime Roseboro (Karen).

Additional family members include grandchildren Ashley Shoals, Amber Shoals, Kaitlyn Roseboro, Sydney Roseboro, April Roseboro; brothers-in-law James Walker, Kenneth Walker, Jackie Millines; sisters-in-law Ifeoma Kwesi, Annie Roseboro, Michelle Hollie, Andrea Frye and Yolanda Leary; nephews Anthony M. Roseboro (Tia), Pearl Daniel White, Sinclair Saunders; nieces Gayle Mitchell (Charles), Sabrina Phillips, Latrice Westbury; great-nephews Alexander Roseboro, Jermaine Mitchell, Orlando Mitchell, Kenyon Saunders, Ronaldo Walker, Antonio Walker, Rico Walker, Norris Bray; great-nieces Shelbi Roseboro, Crystal Phillips, Summer Rain Phillips; god-daughters Kaiyanna Frye, Alexandra Josephine Richardson Jackson, and a host of other relatives and friends.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, because of commitments in my home state of Wisconsin, I was unable to vote on rollcall Nos. 371 through 374. Had I been present, I would have voted:

"No" on rollcall No. 371;
"Aye" on rollcall No. 372;
"Aye" on rollcall No. 373; and
"Aye" on rollcall No. 374.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall Nos. 377, 376, 375, 374, and 373, had I been present, I would have voted "aye."

HONORING CHARLES PALERMO ON HIS RECEIVING NEW JERSEY DISTINGUISHED SERVICE MEDAL

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. LoBIONDO. Mr. Speaker, I rise today to honor a South Jerseyan who has been honored for his brave service in World War II. Charles Palermo of Ocean City, New Jersey, a World War II veteran, was presented with the New Jersey Distinguished Service Medal on December 17, 2001 at the Cumberland County College. The New Jersey Distinguished Service Medal is the State's top military award and was given to Mr. Palermo in honor of the sacrifices he made for his country as a combat soldier.

Sergeant Palermo enlisted in the Marine Corps and was shipped out to the Pacific Theater where he spent nearly three years in combat, coming face to face with death several times. In the South Pacific, Sgt. Palermo escaped death more than once, when Japanese bombs hit the amphibious tank he was aboard. He recalled this harrowing escape later saying, "The worst experience was on August 11th and 12th at Guadalcanal. We had 13 men and four tanks. All the lights went out and we were stranded in the ocean. There was a big battle (during which Palermo's tank got hit by a bomb seconds after he and his crew jumped out). The next morning, there were a lot of dead bodies in the water—both Americans and Japanese," he said. Another time, Palermo did not escape the tank before an enemy bomb hit struck the vehicle. This time he was injured, suffering burns from the waist up. "It wasn't that bad," Palermo commented. On the island of Peleliu, he witnessed two of his friends enter a cave to seek out the enemy. But they never came out, he said.

The New Jersey Distinguished Service Medal was authorized by the State of New Jersey to honor all of the returning combat veterans and acknowledge the debt the State owed them for their service. "The New Jersey veterans receiving the Distinguished Service Medal are a credit to our State and our Nation. Their sacrifice and their bravery in combat is truly deserving of New Jersey's highest military award," said Acting Governor Donald DiFrancesco, of the honorees. Mr. Speaker, I concur with that sentiment and extend my thanks and appreciation to Mr. Charles Palermo who, like so many of his fellow World War II veterans, came forward to defend America and freedom.

HONORING AND REMEMBERING BOSTON CITY COUNCILOR BRIAN HONAN

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. CAPUANO. Mr. Speaker, I rise to honor and remember Boston City Councilor Brian Honan, an effective, passionate and admired public servant who was taken from us far too soon. I had the privilege of working with Brian and witnessed firsthand his dedication to the Allston-Brighton neighborhoods he represented.

Whether it was fighting to preserve affordable housing or working to enhance the quality of life for his constituents, Brian approached every issue with a determination to lend a helping hand. His interest was never getting a headline, only that his constituents benefited from his efforts.

Brian loved public service, something quite evident to anyone who watched him perform the duties of a Boston City Councilor. Every person, and every issue, was important and he worked tirelessly to represent the men and women who elected him. No issue was too trivial and no concern was too small.

Brian's devotion to the community extended beyond his official responsibilities. In particular, he was especially interested in creating opportunities for youth. You need look no further than the number of local institutions with which he had a powerful, positive relationship—the West End House Boys and Girls Club, the Oak Square YMCA, St. Columbkille's School, the Gardner School—the list could go on. Each serves young people and each enjoyed Brian's unswerving support.

We lost a bright light and a powerful voice this summer, but Brian's legacy of hard work will live on. The impact he had on the neighborhoods of Allston-Brighton is evident in countless ways and the City of Boston is a better place because of him. My thoughts and prayers are with Brian's family and friends.

I am honored to have known and worked with such a compassionate and effective public servant.

COMMEMORATION OF ARTBA'S 100TH ANNIVERSARY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, as a Representative of California, I appreciate the importance transportation plays in the daily lives of Americans. Whether it be the movement of goods and services or one's personal utilization of our expansive transportation network, America's transportation infrastructure has continued to thrive and evolve at unprecedented levels. The knowledge and efforts dedicated by groups such as America Road & Transportation Builders Association (ARTBA) have played a vital role in ensuring America's roadways, airports and waterways continue to effectively and efficiently meet our transportation needs.

This country has become the prosperous and efficacious nation that we live in today, due largely to the ingenuity and persistence demonstrated by so many Americans. Horatio Sawyer Earle, one of ARTBA's founding fathers, set out in 1902 to materialize a vision he had of connecting all the states' capitals through a network of highways. What ensued was an organization and set of ideas that has, for 100 years and counting, been at the vanguard of envisioning and implementing improvements to our nation's transportation infrastructure.

In areas of commerce, as well as personal commute, transportation has incorporated itself as an indispensable aspect of America's growth. America's transportation network enables us to partake in a tremendous $6 trillion worth of freight. The transportation construction industry itself is worth $160 billion a year and employs 1.6 million people. America has seen the successful implementation of these transportation endeavors in large part due to ARTBA's fielded expertise and fruitful consultations.

Mr. Speaker, I would like to take this opportunity to personally express both my admiration for ARTBA in reaching this 100-year milestone, and my gratitude for their unparalleled contributions to America's transportation infrastructure.

RECOGNITION OF LARRY T. WILSON, NEWLY ELECTED DIRECTOR ON THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS (NAFCU)

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. PRICE of North Carolina. Mr. Speaker, today I rise to recognize Larry Wilson, the President and CEO of Coastal Federal Credit Union, for his recent election to the Board of the National Association of Federal Credit Unions (NAFCU).

Larry has been President and CEO of Coastal Federal Credit Union, located in the

Fourth District North Carolina, since 1974. During his tenure, Coastal Federal Credit Union has grown in assets from $2.7 million to $1.245 billion; it now serves over 100,000 members from the great State of North Carolina.

Larry Wilson's accomplishments are impressive indeed. He was named NAFCU's Professional of the Year in 1985, and in 1992, Larry was crowned Executive of the Year by the Credit Union Executive Society. His illustrious career further includes leadership in the North Carolina Credit Union League, the North Carolina Credit Union Network, the Eastern North Carolina Better Business Bureau, and the Triangle Chapter of the American Red Cross.

Larry's contributions also shine through in Coastal Federal Credit Union's track record. In 1991, Coastal Federal Credit Union was recognized as Credit Union of the Year by NAFCU. Earlier this year, at NAFCU's Annual Conference, Small Business Administration Administrator Hector Barreto singled out Coastal Federal Credit Union for its significant contribution to improving the lives of the underserved.

Coastal Federal Credit Union participates in and sponsors an array of programs that benefit the local community, as well as communities throughout the State. During the holidays, Coastal Federal Credit Union sponsors and sells a Christmas card designed by a child who is a patient at Duke Children's Hospital, with all proceeds going to the hospital. Coastal Federal Credit Union has also helped to raise more than $400,000 to establish the bone marrow transplant unit at Duke Children's Hospital.

Coastal Federal Credit Union, in participation with credit unions throughout North Carolina, joined together to raise $265,000 to purchase and staff a motor home that travels to various cities in North Carolina to educate the public about child abuse prevention. This training unit is the first of its kind in the Nation. Through Larry and his employees, Coastal Federal Credit Union's motto of "people helping people" is put into practice every day.

As a highly respected voice for credit unions in our Nation's Capitol, NAFCU will be well served by Larry's membership on the Board. There is no question that Larry's 28 years of dedicated work, personal knowledge and expertise in the credit union industry will help to keep Congress connected with issues that are vital to credit unions both in North Carolina and across America. I congratulate Larry Wilson on his recent election to the NAFCU Board and look forward to continuing to work with him and our Nation's Federal credit unions.

SALUTING UVALDE, TEXAS AND THE WEST MAIN LIBRARY MUSEUM ARCHIVES PROJECT

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. BONILLA. Mr. Speaker, I rise in support of An Extravaganza in Old Uvalde (AEIOU), which was held in Uvalde, Texas on September 6th and 7th. This annual event is a fundraiser for the West Main Library Museum Archives Project.

The West Main Project will provide the people of Uvalde and the surrounding area access to a myriad of printed information. In addition, through its archives and museum, the project will play a critical role in preserving the culture of this beautiful region. This facility will provide the room and the resources to meet the needs of the community.

South Texas is home to a unique crossroads of cultures. This facility will remind area children of our heritage and provide a forum through which to share this heritage with neighbors and visitors alike. The library will chronicle the unique experiences of residents of the area, preserving their experiences on videotape for generations to come. It will showcase area geological, cultural, social and other historical artifacts. With archaeological and written documentation, the museum will tell the story of what Uvalde is and what it has been.

El Progreso will provide a place for local children to conduct research and be tutored, for migrant families to learn English, and for seniors to learn to use the Internet. It will provide a place for partnerships between educational, governmental, civic and social service organizations to flourish. It will allow residents to give back to the community through volunteering in a variety of capacities.

Education, history and culture are important parts of our past. I commend Uvalde for it's leadership in preserving the past while building towards the future. It is my sincere hope that thanks to the West Main Project, Uvalde will soon be home to the best library and archives in all of West Texas.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. MALONEY. Mr. Speaker, I was absent on Monday September 9, 2002, and missed Roll Call votes #375, 376, and 377. Had I been present, I would have voted Aye on Roll Call #375, Aye on Roll Call Vote #376, and Aye on Roll Call Vote #377.

IN REMEMBRANCE OF POLIO SURVIVORS

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. THUNE. Mr. Speaker, I rise today to recognize the many survivors of polio. Paralytic poliomyelitis, or polio as it is commonly referred to, often seems to be remembered as a disease of the past—a disease that afflicted millions of Americans during the Great Depression. Americans no longer experience the fear that seized our parents and grandparents during the summer months, when polio epidemics thrived. Polio hit quickly, no cure was available, and its victims were left crippled for life.

For many years, controlling polio's transmission was vigorously debated. President Franklin D. Roosevelt, one of America's most famous polio survivors, declared war on polio with the creation of the National Foundation for Infantile Paralysis, now known as the March of Dimes, in 1937. Through federal funding, researchers Joseph Salk and Albert Sabin developed two different polio vaccines in the 1950s. Shortly after, polio was eradicated in much of the industrialized world, providing a vast number of economic and social benefits.

The World Health Organization has taken great strides to eliminate polio throughout the world, and polio now only exists in ten countries worldwide. However, as long as polio exists, no man, woman, or child is completely safe from the disease.

September 2002 marks the 50th Anniversary of North America's most devastating polio epidemic. This epidemic touched the lives of nearly 60,000 people, leaving many with lifelong physical disabilities.

There are approximately 16,000,000 polio survivors in the United States today. Many of these survivors suffer from Post-Polio Sequelae, or PPS, symptoms, such as overwhelming fatigue, muscle and joint pain, sleeping disorders, and difficulty swallowing and breathing.

Every American should be aware of this once devastating disease as well as the affects still felt by survivors of polio. While remembering these people, we will aim to educate both polio survivors and doctors about the symptoms of PPS. By raising awareness, we will be able to inform polio survivors on the simple and effective therapies available to treat PPS and to make their lives easier.

Thank you, Mr. Speaker, and I encourage all of my colleagues to join me in declaring September "Polio Survivors' Month," and honoring these brave survivors of polio.

HONORING CORTRANS LOGISTICS, LLC

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. BARR of Georgia. Mr. Speaker, the past year has been marked by tough economic conditions and the thought of succeeding in the market as a new competitor would be considered almost impossible. However, through hard work and determination, CorTrans Logistics, LLC of Norcross, Georgia, has beat the odds and proved itself one of the most eminent businesses in the market. In fact, it was recently ranked as number 42 in Entrepreneur magazine's "Hot 100" fastest growing businesses for 2002. CorTrans Logistics, LLC was also recognized in the Atlanta Journal Constitution for their advances in the marketplace.

CorTrans Logisitics was founded in February 1999 by William R. Cortez, current president and CEO. He began the company with two employees and an initial investment of $100,000. The company has since expanded, yielding sales of $7.2 million in 2001; and now employees 12 individuals.

This group of individuals, specifically Bill Cortez, should be commended for not only the exemplary service they provide through their business, but also for overcoming the challenges presented to them in a tough economy. Their accomplishments are proof that through hard work, vision, integrity, and day-to-day perseverance, companies can survive and even thrive in today's fluctuating market.

IN HONOR OF THE 2002 VFW VOICE OF DEMOCRACY AWARD WINNER MEGHAN PASRICHA OF VFW POST 2863

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to Meghan Pasricha, a Delawarean and winner of the Veterans of Foreign Wars' 2002 Voice Of Democracy Scholarship Contest. Each year the VFW and its Ladies Auxiliary give high school students an opportunity to vocalize their duty and patriotism for the United States by drafting broadcast scripts addressing their view of a citizen's duties to America.

Out of the 84,000 students who submitted scripts on the theme of "Reaching Out to America's Future," Meghan was one of 58 winners throughout the United States, and the First Place winner for Delaware's Local VFW Post 2863.

In a year when many citizens' faith was shaken and so many Americans are in search of a voice of hope for our Nation's future, Meghan's essay touched the highest aspirations of the American spirit and called for increased patriotism, activism and unity. This excerpt from her winning essay is a testament to her role as a future leader:

> "Although the hearts of Americans are saddened by the recent tragedy, the American Spirit soars higher. The pace of change is suddenly accelerated. Even war has changed. In the future, our military will not only wage was the terrorists and enemies, but will also wage campaigns to win the hearts of unknown victims in foreign countries. I strongly believe that Americans will see this time as an opportunity to reinvent ourselves and move forward."

I would like to acknowledge the dedication and resolve that Meghan has shown toward her own future and the future of her country. Through the generous outreach of the United States VFW and Ladies Auxiliary, young people like Meghan around the our Nation are able to vocalize their dedication to America and find within themselves how they will shape the future for themselves and their fellow citizens.

I would like to join my colleagues in congratulating Meghan and all of the 2002 VFW Voice of Democracy Scholarship Contest award winners.

HONORING THE 10TH ANNIVERSARY OF BOSNIAN INDEPENDENCE H. RES. 520

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. GILMAN. Mr. Speaker, I rise to note that earlier today I introduced H. Res. 520, which congratulates Bosnia and Herzegovina on the 10th anniversary of its independence .

The stability of the Balkans remains important to the stability of Europe as a whole, and the 10th anniversary of Bosnian independence serves as an important benchmark for United States efforts to foster stability in that region. It also serves as a reminder that we must continue our joint efforts to foment military security, improve public security and law enforcement, foster democratic governance, promote economic development and refugee assistance, bring war criminals to justice, and continue to provide the security umbrella under which democracy and free-market capitalism is able to develop and flourish.

Our goal is to help transform the Balkans into a region of stable democracies that fully participate in Euro-Atlantic institutions. Yet, the emergence of a stable Bosnia—whole, free and integrated into Europe—will require further support of all types from the United States. The three constituent peoples and others in Bosnia have realized that their political future lies in strengthening an independent fully functioning multiethnic Bosnia and Herzegovina. They deserve our commendation and support.

RECOGNIZING LOCAL HEROES ON SEPTEMBER 11

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. WOLF. Mr. Speaker, as our nation approaches the one-year anniversary of the unspeakable acts of terror against America on September 11, 2001, I join with my colleagues Representative TOM DAVIS and Representative JIM MORAN to recognize some of the people in the northern Virginia area who were among the first health care responders to the attack on the Pentagon.

We attended on September 3 an event recognizing those associated with the Inova Health System for their heroic efforts on September 11 and I share today the remarks of Jolene Tornabeni, executive vice president and chief operating officer for Inova Health System, as well as a copy of a resolution adopted by the Virginia General Assembly commending Inova Health System.

RECOGNIZING INOVA'S HEROES

(By Jolene Tornabeni)

As we approach the anniversary of September 11, no doubt every one of us can remember where we were and what we were doing when the planes crashed in New York, Pennsylvania and the Pentagon. Throughout Inova Health System, the memories of that day remain fresh in our memories as well. At a time when most people wanted to be home with their families and loved ones, our staff showed its true strength of character. Hundreds of employees, nurses and physicians dropped what they were doing and volunteered to help. It was an immediate response that came from the heart.

Today, I'd like to recognize just some of those people who are Inova's heroes.

From Inova Alexandria Hospital.—Shortly after the American Airlines plane hit the Pentagon, hospital staff swung into gear readying beds, operating rooms and supplies. Inova Alexandria Hospital treated more patients from the Pentagon that day than any other Inova facility, caring for 24 people who were injured at the scene.

Among the many heroes that day are Emergency Department Chairman Dr. Marty Brown, vice chairman Dr. Tom Clark and the ER staff who were at the front end of caring for the patients as they arrived at the hospital. Dr. Clark cared for Virginia State Police Trooper Michael Middleton who sustained severe smoke inhalation while trying to rescue injured Pentagon workers. In addition, emergency nurse Sherry Hemby is also with us today.

I'd like to recognize pulmonologist Dr. Tom Smirniotopolous and nurse Ellen Smith. They both cared for Trooper Middleton during his long recovery at Inova Alexandria Hospital.

Also, emergency physician Dr. James Vafier. On September 11, he was working in his role as medical director for the Alexandria Fire Department at the Pentagon. On site, he was appointed the physician in charge of civilian medical response at the Pentagon.

Keeping order that day at Inova Alexandria Hospital were Steve Fuoco, the director of engineering, who served the hospital's command center, and Greg Brison, director of security. I'd also like to recognize hospital administrator Ken Kozloff for all of his efforts and a job well done by his entire staff.

All told, Inova treated 27 patients on September 11. Inova Mount Vernon Hospital treated one injured civilian. Our thanks go out to hospital Emergency Department chairman Dr. Michael Shuster and hospital administrator Susan Herbert.

Many thanks also go to the emergency department staffs at Inova HealthPlex in Springfield where two patients were treated, and the staff of Inova Fairfax Hospital. As the area's Level I trauma center, Inova Fairfax Hospital freed up dozens of hospital beds and readied itself to handle many, many patients that day. Sadly, their services were not needed.

Next, I'd like to recognize Dr. Dan Hanfling, the director of Emergency Management and Disaster Medicine for Inova Health System. On September 11, Dan was called to the Pentagon to assist in the search and rescue in his role as medical team manager of the Fairfax County Urban Search and Rescue team—which falls under the auspices of FEMA—the Federal Emergency Management Agency. Dan spent a week at the Pentagon helping coordinate the federal response to the disaster. Since 9-11, Dan has helped spearhead and focus Inova's disaster preparations across our system of hospitals and emergency care centers.

Dan also serves as the medical director of Inova AirCare, our medevac helicopter program which played a critical role at the Pentagon on September 11th. Minutes after the Pentagon was hit, the helicopter flight crew of nurse Margie Roche, paramedic Chuck Crocker and pilot Pete Russet flew to the

Pentagon to fly out the injured patients. That initial flight is memorialized forever in a well-publicized Reuters photo seen around the world in magazines and now a book. The photo depicts Inova AirCare against the backdrop of a burning Pentagon.

The helicopter shuttled much needed supplies to the scene that day, and, at the request of military leaders on the scene, remained at the Pentagon throughout the night.

As that day unfolded, the community's goodwill became abundantly evident as hundreds of people showed up at Inova Blood Donor Services'offices ready to roll up their sleeves and donate. Thanks to the leadership of medical director Dr. Jeanne Lumadue and administrative director Terri Craddock, Inova Blood Donor Services pulled in volunteers to help handle the onslaught and keep the offices open well past normal business hours. They collected more than 700 units of blood that day, which is just amazing. In all, they handled more than two thousand donors and returned more than 5,000 calls from interested donors in the initial days after the attack.

It was not long after September 11 that our country faced a second threat to our sense of security in the anthrax-laced letters mailed around the country. Inova Fairfax Hospital took center-stage in this national drama after diagnosing two patients from the Brentwood Postal Facility in Washington, DC with inhalation anthrax.

Emergency physicians Cecele Murphy and Denis Pauze relied on their instinct and medical training to make a diagnosis most doctors could not imagine making in their lifetimes. Thanks to them, and to physician assistant Ashna Nayyar and the entire ER staff, both men are alive today.

All of these people mentioned today and, in fact, all of the physicians, employees and volunteers throughout Inova Health System, are our heroes for the work they did on September 11 and its aftermath.

We also have heroes outside of our organization in the men and women of our community's police, fire and EMS agencies, particularly in Fairfax County and the City of Alexandria. Over the past year, we have been grateful for their continual support and advice on preparedness.

2002 SESSION

SENATE JOINT RESOLUTION NO. 275—ENROLLED

Commending Inova Health System

Agreed to by the Senate, March 6, 2002

Agreed to by the House of Delegates, March 8, 2002

Whereas, Inova Health System in Northern Virginia was deeply involved in the response to the attacks on September 11, 2001, and in the diagnosis and treatment of those exposed to anthrax in October of 2001; and

Whereas, on September 11, Inova Health System treated 27 patients injured in the attack on the Pentagon at its Alexandria, Mount Vernon, and Franconia-Springfield facilities; and

Whereas, within moments of the crash at the Pentagon, Inova AirCare was on the scene to transport patients, and AirCare 2, the system's back-up helicopter, transported needed supplies to the scene for use in patient triage; and

Whereas, Inova Blood Donor Services collected more than 2,000 units of blood in the first week following the attacks, and a portion of the donations were sent to New York and New Jersey to help injured patients; and

Whereas, the Inova Institute of Research and Education contacted the Food and Drug Administration to allow usage of a new drug—in its final phase of testing—in a successful attempt to save the life of Virginia State Police Trooper Michael Middleton; and

Whereas, more than a month after the September 11 attacks, Inova Health System played a leading role in the initial diagnosis and treatment of patients exposed to anthrax at the Brentwood Postal Facility; and

Whereas, Inova Fairfax Hospital emergency room physician Cecele Murphy diagnosed the first inhalation anthrax patient on October 19, 2001, before the source of the anthrax was known; and

Whereas, within two days, the hospital diagnosed the second anthrax case, and Inova physicians soon developed protocols for hospitals to follow in screening postal workers and other potential inhalation anthrax cases; and

Whereas, in collaboration with infectious disease specialists from Kaiser Permanente, Inova physicians published an anthrax case study in the Journal of the American Medical Association, an article that was published faster than any other case study in the journal's history; and

Whereas, Inova Fairfax Hospital held three press conferences to educate the public on key anthrax information, including the fact that it is not contagious and that patients in and visitors to hospitals are safe; and

Whereas, Inova Health System continued to take the lead in producing and distributing anthrax information to inform the public via information hotlines, websites, the press, and public meetings; and

Whereas, throughout the turbulent Fall of 2001, the medical professionals and staff of Inova Health System responded to emergency situations with great dispatch, diligence, courage, and professionalism; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Inova Health System for its quick and effective response to the events of September 11 and the anthrax incidents in October 2001; and, be it

Resolved further, That the Clerk of the Senate prepare a copy of this resolution for presentation to Inova Health System as an expression of the General Assembly's admiration and gratitude for its dedication to the health and welfare of the citizens of Northern Virginia.

HONORING MR. WILLIAM WEST

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in honor of a constituent of mine, Mr. William West. I am proud to recognize Mr. West for his dedication to furthering agriculture education in the state of West Virginia.

On a national scale, Mr. West was one of six educators to be recognized by the National Association of Agricultural Educators with the 2000-01 Outstanding Agricultural Education Teacher Award. This annual award was presented to Mr. West for conducting the highest quality agricultural education programs and rewarding him for his civic, community, agricultural and professional leadership.

This award also serves as a highlight of Mr. West's ability to draw upon community resources in order to provide meaningful educational experiences for all students.

Currently a teacher at Ripley High School in Ripley, West Virginia, William West continues to supply top quality agricultural education. His work, and the example he sets, has provided an invaluable service to his students and to West Virginia. I am honored to commend Mr. William West and offer him my best wishes in the future.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mrs. LOWEY. Mr. Speaker, during an absence yesterday, I regrettably missed Roll Call votes 375–377. Had I been present, I would have voted in the following manner:

Roll Call #375: Yea; Roll Call #376: Yea; Roll Call #377: Yea.

TRIBUTE TO HART AND MARK HASTEN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. PENCE. Mr. Speaker, I rise today to pay tribute to Hart and Mark Hasten, two brothers born in the small town of Bohorodczany, Poland and currently living in my home state of Indiana. In 1942, acting on horrifying rumors that Nazis were murdering Jews everywhere, their father placed young Hart and Mark in a horse drawn carriage and the family fled town in the middle of night.

Shortly after the Hastens left Bohorodczany, twelve hundred Jews were gathered by the Nazis and murdered in a nearby town. Hart and Mark, and their parents, were the only surviving Jews from the area.

Recently, the two brothers traveled back to their boyhood town to erect a monument in the memory of the martyrs. Rabbi Kasriel Shemtov from Israel and Rabbi Moseh Kolesnik from Ukraine as well as fifty Jewish people from neighboring villages joined Hart and Mark to observe the dedication.

The story of those who perished is etched in Hebrew and English on a granite stone in a small cemetery where they may rest in peace.

Mr. Speaker, I praise Hart and Mark Hasten for erecting this monument in the name of their fellow townspeople. This is a special memorial for a deserving community of heroes.

TRIBUTE TO AMBASSADOR PER ANGER OF SWEDEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. LANTOS. Mr. Speaker, I call to the attention of my colleagues to the passing during the August recess of Ambassador Per Anger of Sweden. He died Sunday August 25 in Stockholm at the age of 88. I invite my colleagues to join me in paying tribute to him.

Mr. Speaker, Per Anger was a distinguished career diplomat of his native Sweden. He was ambassador to Australia, Canada and the Bahamas, Consul General in San Francisco, an advocate and activist within the Swedish Foreign Ministry for humanitarian assistance, and an effective voice of conscience in Swedish diplomacy. But most of all, he will be long remembered for his active and effective collaboration with Raoul Wallenberg in the saving of Hungarian Jewish lives during the Holocaust, and then for his advocacy on behalf of Wallenberg after the Soviet Army took him prisoner at the end of World War II.

Mr. Speaker, Ambassador Anger was born in Goteborg on December 7, 1913, and studied law at Stockholm and Uppsala universities. He began his diplomatic career in Berlin, but he was posted to Budapest in late 1942. During his early days in Budapest, he passed on a historic piece of intelligence—the plans, location and operations of Nazi concentration camps that he had gleaned from refugees to Hungary.

He was still in Budapest in March 1944 when Nazi Germany occupied Hungary. Shortly after the German Wehrmacht arrived, Adolf Eichmann and his henchmen appeared in Budapest with the assignment to exterminate the Jewish population of Hungary. Per Anger began issuing temporary Swedish passports and identity cards to Hungarian Jews in an effort to protect them against deportation to Nazi extermination camps.

In July of 1944, Raoul Wallenberg arrived at the Swedish Legation Budapest. He came at the request of the United States and with the support of the Swedish government in an effort to do what he could to save the lives of Hungarian Jews. Wallenberg expanded the use of these protective passports, issuing tens of thousands of them to Jews facing shipment to extermination camps, and with American financial assistance he leased apartment buildings where Jews driven from their homes stayed nominally under Swedish diplomatic protection. Together Wallenberg and Anger saved tens of thousands of children, women, and men from the forced marches and from the trains bound for death camps at Auschwitz and elsewhere in Nazi-occupied Europe.

Mr. Speaker, while Per Anger's diplomatic career is distinguished, it is his efforts with Raoul Wallenberg that set him apart, that raise him above the many eminent Swedes who have served their country with honor and integrity. Ambassador Anger's association with Raoul Wallenberg gave him a cause that he continued to pursue with commitment and intelligence throughout his life. Because of that association, he will be honored around the world for generations.

A great deal of what we know about Raoul Wallenberg's efforts in Budapest in 1944 is the result of the work of Per Anger. His memoir, With Raoul Wallenberg in Budapest, provides essential documentation of many of the events during that tempestuous time. Without this published recollection, our knowledge of Wallenberg's incredible struggle against the Nazi terror would be considerably diminished.

Mr. Speaker, Ambassador Anger was also a champion within the Swedish Foreign Ministry, urging bolder and more aggressive action by the Swedish government to secure the release of Raoul Wallenberg after he was seized and imprisoned in the Soviet Union in January of 1945. Because Sweden was reluctant to take any action that might antagonize its huge neighbor to the east, it officially pursued a cautious and pusillanimous policy in seeking the release of Wallenberg. Within the Swedish Foreign Ministry, Ambassador Anger was a strong voice for bolder action.

After his retirement from the diplomatic service, Per has continued his efforts. Following the collapse of the Soviet Union, he was in Moscow on a number of occasions, at times with members of Raoul Wallenberg's family, in the continuing effort to determine the truth of what really happened after Wallenberg was seized by Red Army troops in Eastern Hungary.

Ambassador Anger has been one of the leaders in keeping alive the memory of Raoul Wallenberg during the fifty years since Raoul Wallenberg disappeared. I remember well many occasions when Anger paid eloquent tribute to the heroism of Raoul Wallenberg. One of his most memorable and moving tributes was given at the commemoration of the 50th anniversary of Wallenberg's disappearance which was held at the United States Holocaust Memorial Museum in Washington, D.C., on January 17, 1995.

Mr. Speaker, Ambassador Anger was honored appropriately for his humanitarian contribution to saving the lives of Hungarian Jews. In 1982 he was named one of the "Righteous Among Nations" by Israel's Yad Vashem memorial and museum. The government of Hungary awarded him the Order of Merit in 1995, and in 2000 he was granted honorary Israeli citizenship.

Mr. Speaker, as we reflect on the unspeakable horrors that were unleashed upon the world by the Nazi regime a half-century ago, it is important that we not only remember the atrocities and violence and murder and terror of that time, but that we also consider the sparks of humanity that glowed in the midst of that darkest of midnights. Per Anger was one of those radiant sparks of light. Per Anger had the decency, dedication, courage and the motivation to do great good against incredible odds.

TRIBUTE TO MR. CLAUDE BURPEE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. DUNCAN. Mr. Speaker, very few people alive today can say they knew someone who met President Abraham Lincoln. However, Mr. Claude Burpee of Maryville, Tennessee can. In fact, he can even say he shook the same hand that shook the hand of President Lincoln.

When Mr. Burpee was in elementary school, he had the opportunity to meet a Civil War veteran who was honored by Mr. Lincoln during the war.

Mr. Speaker, I congratulate Mr. Burpee for his unique connection to arguably our Nation's most admired President.

I have included a copy of a story written in the Maryville Daily Times that further explains Mr. Burpee's story that I would like to call to the attention of my colleagues and other readers of the RECORD.

[From the Maryville Daily Times, Feb. 13, 1991]

MARYVILLE MAN RECALLS HANDY LINK TO LINCOLN

(By Adele McKenzie)

An event of 53 years ago is alive today in the memory of Claude Burpee of Maryville. The happening was a reward as a student for making good grades and the privilege of shaking a hand that had many years earlier shaken the hand of President Abraham Lincoln.

Elijah Sanborn, who was then in his early 90's, had served in the Union Army as a youth of 16 or 17 during the Civil War. For a heroic deed, he received a citation which was presented by President Lincoln, who also shook his hand.

Sanborn lived in Acton, Maine, where Burpee was one of 25 to 30 students, grades 1 through 8, attending a one-room school taught by one male teacher. "One of our incentives for making good grades was the great honor of being able to shake the hand of this hero—Elijah Sanborn," remembers Burpee.

As far as Brupee knows, he is the last person living who attended Acton School and had this honor.

Children of today probably would not consider this event of any significance, but 53 years ago it was something to be proud of says Burpee.

He also remembers the old soldier quoting Lincoln as having said: "Don't let your schooling get in the way of your learning."

Two years ago, Burpee visited Maine and was delighted to find his old school, well taken care of and serving another role. Built in 1814, it is now the town library.

After serving in the Pacific Theater with the U.S. Marine Corps in World War II, Burpee spent 25 years in California following his career as a locksmith.

Advancing years and declining health of the parents of his wife, Wanda Joy, brought the Burpees to Tennessee 14 years ago to assist with their care. Burpee said he learned that Blount County was in need of a locksmith and so they chose Maryville as their home to be near their relatives who live at Mascot.

"Maryville has treated me well, and I've made a good living here. One couldn't find a nicer place to live," he said.

Selling his business two years ago, Burpee has devoted much of his time to work with Disabled American Veterans (DAV) serving presently as commander of Blount County DAV Chapter 76 and as alternate commander of the East Tennessee Division of DAV. Burpee is also a member of Blount County Memorial Post 5154 Veterans of Foreign Wars and Capt. Emerson J. Lones Post 13 American Legion.

SENATE—*Wednesday, September 11, 2002*

The Senate met at 11 a.m. and was called to order by the Honorable TIM JOHNSON, a Senator from the State of South Dakota.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, on this day of remembrance and resolve, we praise You for the way You brought us through those dark hours of September 11 a year ago. You were our refuge and strength, a very present help in trouble. We relive the anxious memories of that infamous day of attacks of terrorism on the World Trade Center, the Pentagon, and the airliner crashed in Pennsylvania. Today, as a Nation, we mourn for those who lost their lives as a result of these violent acts of treachery against our Nation. We deepen our ongoing intercession for their loved ones. Continue to comfort them, help them to endure the loneliness of grief, and grant them Your peace. Particularly, we pray for the families of the firefighters, police officers, and military personnel who died seeking to save others. Care for the thousands of children who lost a parent in these catastrophes.

When we turned over to You our anger, dismay, and grief, you gave us the courage to press on. Thank You for the strong, unified leadership of the President and this Senate in the aftermath of 9/11 and for the decisive engagement of the insidious enemy of terrorism throughout the world. May this be a day of renewed resolve to press on. Protect us from further attacks. Quiet our fears as we reaffirm our trust in You. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM JOHNSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 11, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM JOHNSON, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. JOHNSON thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, there will be, as the Chair has announced, morning business basically all day. At noon, there will be a moment of silence in recognition of the events of September 11. Both leaders have asked that those Senators who are here and have not gone home to their States try to be in the Chamber for the moment of silence. I hope all Senators will be here.

I also announce that the two leaders are going to speak prior to the noon moment of silence. The minority leader is going to speak at 20 till the hour, and the majority leader will speak at 10 till the hour.

IN REMEMBRANCE OF SEPTEMBER 11, 2001

Mr. REID. Mr. President, we all have been touched by the events at the Pentagon this morning. As I walked in, there was a woman whom I do not know, but she is symbolic of the sacrifices that people have made. Her face had been burned very badly, she had no hands, and her arms had been burned. This is what the terrorist activity is all about.

This innocent woman, who never did anything to anyone, has been subjected to this physical torture. It goes without saying that she has gone through and will go through many skin grafts and other such procedures so that she can learn to use her prosthetic hands, which she does not have yet.

It used to be when a building was constructed, they had a ceremony, on every major construction, called the laying of the chief cornerstone. What does that mean? It means that the final stone in the foundation of that building will be laid.

Why did people celebrate that event? They celebrated because they knew if that building had a strong foundation, it would be fine.

In our life in America, that foundation, that chief cornerstone is the Constitution of the United States. That little document that people speak about in this Chamber—led by, more than anyone else, Senator BYRD—is the chief cornerstone of this great democracy.

As we are forced to remember these events of September 11—because it is easy not to put unpleasant thoughts in our minds—as we are forced to remember these events, and rightfully so, we have to remember that this country has a firm foundation because the chief cornerstone of the foundation of this country is our Constitution.

Today, of course, is the first anniversary of the September 11 terrorist attacks on America. On this day we remember, as we will do every year on September 11, those tragic events that our Nation experienced on September 11, 2001.

What happened in New York, at the Pentagon, and in Pennsylvania has left many of us—in fact, all of us—with memories and strong emotions. I know that Nevadans were deeply affected by the terrorist attacks in the aftermath, and I feel good about how people in Nevada have reacted.

We were hurt very badly. Our No. 1 business is tourism, and tourism took a terrible blow. But those business entrepreneurs, people who worked for those large corporations, and the people who worked for the small businesses recognized that time would solve the problems, that time would heal a lot of the tourism problems, and it has. We are not back to where we were, but we are OK. I am proud of how the people of the State of Nevada have reacted.

We also have had from the State of Nevada a pouring out of sympathy, comfort, and consolation for those who were killed and hurt. We lost a teacher in the terrorism attacks, a teacher at Palo Verde High School. We lost two soldiers who were killed in action. So we will always remember what happened.

As individuals and in private, we will often reflect on this national tragedy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We cannot confine our memories to a single day or be guided by the calendar, but September 11 will forever be the day that we collectively, as a nation, as a people, as America remember. We remember those whose lives were ended so suddenly and violently, not knowing what happened.

We remember the firefighters. We remember the police officers—the firefighters are New York's bravest, the police officers are New York's finest—and all other emergency and rescue workers who accepted the risks in rushing into burning buildings giving their lives, suffering physical and mental injury to help save the lives of people they did not know.

We remember the sacrifice, the selflessness, the heroism, and the courage of all of those who offered aid. We must remember those who survived and the thousands who did not. We must remember the parents, grandparents, children, sisters, brothers, wives, husbands, partners, and friends who have been robbed of not a weekend, not a week, not a month, not a year, but they have been robbed of their loved ones forever.

From the stories they have shared, we remember not only the deaths but the lives of their loved ones, remember their loss, and their struggle to heal. We remember our personal losses, our pain, even our anger, and, of course, our tears.

We remember the shock of seeing massive metal towers collapse as if they were Erector Sets that our grandchildren constructed. We have seen these massive metal towers reduced to rubble. We all remember the fire and the smoke.

I will never forget leaving room 219, after Senator DASCHLE told us we had to evacuate the building, looking out the window and seeing the smoke billowing out of the Pentagon where we were this morning. We remember, though, the effort to rebuild the Pentagon. We remember the generosity and spirit of Americans coming together to offer kindness, money, compassion, and consolation. We remember the sympathy expressed by foreign governments. As the President expressed this morning, some 90 foreign governments—I think it was the President; maybe it was Secretary Rumsfeld—are helping us in our battle in Afghanistan.

We remember that individuals all over the world opened their arms and their hearts to America. We remember the gruesome images so vivid that they are etched in our minds, and we remember how the spirit of our Nation was awakened, how Americans demonstrated resilience and resolve. We remember how the country united to support the war on terrorism. We remember the soldiers who were killed as part of our military efforts in Afghanistan. We remember, and we must always remember, the firm foundation of our country. We are a country guided by the Constitution of the United States, which separates us from the rest of the world. That is why we have remained a strong, vibrant democracy for more than 200 years.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. I ask unanimous consent to speak on this matter for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I rise today to offer my thoughts on this very solemn day of remembrance as we all return from a magnificent ceremony at the Pentagon observing all that is strong and good and awesome about our country.

I thank the Senator from Nevada for his very poignant words of empathy, as well as his understanding of the foundations of our country. Nevada, as all States, was hit hard.

We saw the outpouring of compassion all over this country, and I will share some of those stories. I recall in August driving across a lonely two-lane road in South Dakota, which would eventually get to the Badlands. There was a big bale of hay on the side of the road which had painted on it the American flag. It showed the spirit of that farm. We did not see any people, but we knew the sentiment of the folks who lived on that farm and in that region.

September 11, 9/11, just those words evoke sentiments and memories of where we were and what we did on that day of tragedy. As we remember those vile terrorist attacks of one year ago, for many of us the emotions and shock, the disbelief and horror that we experienced individually and as a people and a nation are still fresh. Those memories, however, continue to strengthen our resolve in the same way that our Nation was forged together after those vile attacks a year ago.

Today, we view our Nation in a fundamentally new light. We have a greater understanding of the freedoms we enjoy and how vital it is that they be guarded, preserved, and even fought for, if necessary. We have a greater appreciation for a country that respects people of diverse backgrounds, cultures, and religious beliefs. We have poured out our hearts and our assistance to those who were injured and the families of those who lost a dear one. We view firefighters, police officers, first responders, with much greater appreciation, whether they are the brave men and women of the battalions in New York City or northern Virginia or in communities large and small all across our United States of America. These men and women were transformed on that day into our heroes. We will forever remember the thousands of innocent men, women, and children who were killed at the World Trade Center and in a field in Somerset County, PA.

This Senator will remember the 184 patriots at the Pentagon and on American Airlines flight 77 who lost their lives on Virginia soil. It is indeed the heroes and the innocent patriotic victims we will remember the most. The images of flags raised, the solemn salute of rescuers to their fallen comrades, and people who were rushing into burning buildings on the verge of collapsing hoping to just save one more life.

They and the freedom-loving patriots across our great Nation stand in stark contrast to those who only know hate, destruction, and oppression.

We also see that in a time of trial, ordinary people of all walks of life perform with extraordinary courage and dignity. We remember people such as LTC Ted Anderson, who carried two of the injured from the burning Pentagon and reentered through a broken window to drag out two more, one whose clothes were on fire; 1SG Rick Keevill and Virginia State Troopers Mike Middleton and Myrlin Wimbish, who entered the Pentagon three separate times looking for victims; LCDR David Tarantino, who moved a pile of rubble enough to pull a man from the Pentagon just before the roof collapsed; other Pentagon heroes such as SSG Christopher Braman; LTC Victor Correa; SGT Roxane Cruz-Cortes; MAJ John Grote; LTC Robert Grunewald; COL Philip McNair; CPT Darrell Oliver; SP Michael Petrovich; SGM Tony Rose; LTC Marilyn Wills; and CPT David Thomas.

The Senator from Nevada, Mr. REID, mentioned a woman who I think was Mrs. Kurtz at the Pentagon. Mrs. Louise Kurtz, though severely burned herself, valiantly tended to the needs of others around her. I am introducing legislation that will change current law so that individuals—such as Mrs. Kurtz, and those in her situation—can contribute to her retirement and so they will be able to afford to return to work after a very lengthy period of recuperation.

We also remember people such as Barbara Olson, a passenger on flight 77 who had the presence of mind to call loved ones on the ground to alert them of the hijacking.

We remember CPT "Chic" Burlingame of flight 77 who died fighting off hijackers who commandeered his plane and who is now properly buried at Arlington National Cemetery. These people have all touched our lives.

In talking to Mr. Burlingame's brothers and sister and wife, I find it noteworthy that at the Arlington National Cemetery his grave is on the tour and people in the tradition of those of the Jewish faith will put rocks on his headstone. That is very touching to the family and shows the unity and appreciation of a grateful nation.

We also remember the survivors, survivors such as Stephen Push, whose wife Lisa Raines perished in the Pentagon and who has become a forceful and articulate spokesman for victims and families.

I will always remember, and thought of it last night while driving home, a young boy, a neighbor, a friend of my children whose name is Nick Jacoby. He lost his father on flight 77.

There are stories all over our communities and Nation. We also, of course, remember the quiet dignity of people such as Lisa Beamer who helped keep their loved ones very much alive for all of us. Her husband Todd, who said, "Let's roll," led an uprising with several other patriots against the hijackers of flight 93 and saved hundreds, if not thousands, of lives at the Capitol and in the Washington, DC, area. Recent reports recognize their likely target was this building.

We will remember countless others whose courageous efforts saved lives and provided comfort. We will remember and we will thank them for their extraordinary, inspirational dignity and their character. We will also remember the construction workers, the hard-hat patriots of the Phoenix project who worked around the clock in their inspiring efforts to rebuild the Pentagon in plenty of time for employees to move in before the 1-year anniversary.

We will remember folks from a church that made quilts, the Christ Baptist Church from Prince William in Manassas, a magnificent quilt with the names of all who died. Also, we will remember the International House of Pancakes in Bristol, VA, an IHOP owned by an American who came here from Lebanon. I asked him a few months later how his business was. He said right after the attacks, for a few weeks, there were hardly any customers. But then a Methodist Church in Bristol, on the Virginia-Tennessee line, brought up the situation, and everyone from that church on that Sunday went in with their families and filled up the IHOP. Since then, others were coming back. That is a sign of the decency and the care of communities across the Nation.

Five days ago, in New York City, I had the opportunity to speak to a group of 70 mothers who were pregnant last September 11, and who were made widows on that terrible day. It has been said that suffering makes kinsmen of us all. While those mothers no longer have the physical and emotional support of their husbands, and the fathers of their children, they are now a part of our greater American family. In those babies, all under 1 year, the spirit and blood of their fathers live on. We want the babies to grow up with the optimism of liberty and opportunity and hope that is the spirit of America. These young children represent not just a birth but a rebirth, a rebirth and a rededication of the strength and unity of our Nation and her great, caring people as we move forward. Indeed, our Nation will be changed for generations by the tragic events of a single day and all those that followed September 11. We pray for the souls of all that we lost that day and their surviving families as well.

As a Senator from Virginia, for the permanent RECORD of our Republic, I ask unanimous consent to have printed the names of all the men, women, and children who perished in that attack on Virginia soil.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE 184 VICTIMS WHO PERISHED AT THE PENTAGON ON SEPTEMBER 11, 2001

Paul W. Ambrose
Specialist Craig S. Amundson
Yeoman 3rd Class Melissa Rose Barnes
Master Sgt. Max J. Beilke
Yeneneh Betru
Information Systems Technician 2nd Class Kris Romeo Bishundat
Carrie R. Blagburn
Col. Canfield D. Boone
Mary Jane Booth
Donna M. Bowen
Allen P. Boyle
Bernard C. Brown II
Electronics Technician 3rd Class Christopher L. Burford
Capt. Charles F. Burlingame III
Electronics Technician 3rd Class Daniel M. Caballero
Sgt. 1st Class Jose O. Calderon-Olmedo
Suzanne M. Calley
Angelene C. Carter
Sharon A. Carver
William E. Caswell
Sgt. 1st Class John J. Chada
Rosa Maria Chapa
David M. Charlebois
Sara M. Clark
Julian T. Cooper
Asia S. Cotton
Lt. Commander Eric A. Cranford
Ada M. Davis
James D. Debeuneure
Capt. Gerald F. Deconto
Rodney Dickens
Lt. Commander Jerry D. Dickerson
Eddie A. Dillard
Information Systems Technician 1st Class Johnnie Doctor, Jr.
Capt. Robert E. Dolan, Jr.
Commander William H. Donovan
Lt. Commander Charles A. Droz III
Commander Patrick Dunn
Aerographer's Mate 1st Class Edward T. Earhart
Barbara G. Edwards
Lt. Commander Robert R. Elseth
Charles S. Falkenberg
Leslie A. Whittington
Dana Falkenberg
Zoe Falkenberg
Store Keeper 3rd Class Jamie L. Fallon
J. Joseph Ferguson
Amelia V. Fields
Gerald P. Fisher
Darlene E. Flagg
Rear Adm. Wilson F. Flagg
Aerographer's Mate 2nd Class Matthew M. Flocco
Sandra N. Foster
1st Lt. Richard P. Gabriel
Capt. Lawrence D. Getzfred
Cortez Ghee
Brenda C. Gibson
Col. Ronald F. Golinski
Ian J. Gray
Diane Hale-McKinzy
Stanley R. Hall
Carolyn B. Halmon
Michele M. Heidenberger
Sheila M.S. Hein
Electronics Technician 1st Class Ronald J. Hemenway
Maj. Wallace Cole Hogan, Jr.
Staff Sgt. Jimmie I. Holley
Angela M. Houtz
Brady Kay Howell
Peggie M. Hurt
Lt. Col. Stephen N. Hyland, Jr.
Lt. Col. Robert J. Hymel
Sgt. Maj. Lacey B. Ivory
Bryan C. Jack
Steven D. Jacoby
Lt. Col. Dennis M. Johnson
Judith L. Jones
Ann C. Judge
Brenda Kegler
Chandler R. Keller
Yvonne E. Kennedy
Norma Cruz Khan
Karen Ann Kincaid
Lt. Michael S. Lamana
David W. Laychak
Dong Chul Lee
Jennifer Lewis
Kenneth E. Lewis
Sammantha L. Lightbourn-Allen
Maj. Stephen V. Long
James T. Lynch, Jr.
Terrace M. Lynch
Operations Specialist 2nd Class Nehamon Lyons IV
Shelley A. Marshall
Teresa M. Martin
Ada L. Mason-Acker
Lt. Col. Dean E. Mattson
Lt. Gen. Timothy J. Maude
Robert J. Maxwell
Renée A. May
Molly L. McKenzie
Dora Marie Menchaca
Patricia E. Mickley
Maj. Ronald D. Milam
Gerald P. Moran, Jr.
Odessa V. Morris
Electronics Technician 1st Class Brian A. Moss
Teddington H. Moy
Lt. Commander Patrick J. Murphy
Christopher C. Newton
Khang Ngoc Nguyen
Illustrator-Draftsman 2nd Class Michael A. Noeth
Barbara K. Olson
Ruben S. Ornedo
Diana B. Padro
Lt. Jonas M. Panik
Maj. Clifford L. Patterson, Jr.
Robert Penninger
Robert R. Ploger III
Zandra F. Ploger
Capt. Jack D. Punches
Aviation Anti-Submarine Warfare Operator 1st Class Joseph J. Pycior, Jr.
Lisa J. Raines
Deborah A. Ramsaur
Rhonda Sue Rasmussen
Information Systems Technician 1st Class Marsha D. Ratchford
Martha M. Reszke
Todd H. Reuben
Cecelia E. (Lawson) Richard
Edward V. Rowenhorst
Judy Rowlett
Sgt. Maj. Robert E. Russell
Chief Warrant Officer 4th Class William R. Ruth

Charles E. Sabin, Sr.
Majorie C. Salamone
John P. Sammartino
Col. David M. Scales
Commander Robert A. Schlegel
Janice M. Scott
Lt. Col. Michael L. Selves
Marian H. Serva
Commander Dan F. Shanower
Antionette M. Sherman
Diane M. Simmons
George W. Simmons
Donald D. Simmons
Cheryle D. Sincock
Information Systems Technician Chief Gregg H. Smallwood
Lt. Col. Gary F. Smith
Mari-Rae Sopper
Robert Speisman
Lt. Darin H. Pontell
Scott Powell
Patricia J. Statz
Edna L. Stephens
Norma Lang Steuerle
Sgt. Maj. Larry L. Strickland
Hilda E. Taylor
Lt. Col. Kip P. Taylor
Leonard E. Taylor
Sandra C. Taylor
Sandra D. Teague
Lt. Col. Karl W. Teepe
Sgt. Tamara C. Thurman
Lt. Commander Otis V. Tolbert
Staff Sgt. Willie Q. Troy
Lt. Commander Ronald J. Vauk
Lt. Commander Karen J. Wagner
Meta L. (Fuller) Waller
Specialist Chin Sun Pak Wells
Staff Sgt. Maudlyn A. White
Sandra L. White
Ernest M. Willcher
Lt. Commander David L. Williams
Maj. Dwayne Williams
Radioman Chief Marvin Roger Woods
Capt. John D. Yamnicky, Sr.
Vicki Yancey
Information Systems Technician 2nd Class Kevin W. Yokum
Information Systems Technician Chief Donald M. Young
Edmond G. Young, Jr.
Lisa L. Young
Shuyin Yang
Yuguang Zheng

Mr. ALLEN. I add in closing, the Burlingame family, wife and surviving brother and sister, gave me a replica of one of the few things found from Captain Burlingame, other than his wedding ring. He had a picture of his mother and a prayer. They gave this to me a couple hours ago at the ceremony at the Pentagon.

I share it with my colleagues and Americans. It is entitled: "I Did Not Die," by Mary Frye.

Do not stand at my grave and weep;
I am not there, I do not sleep.
I am a thousand winds that blow.
I am the diamond glints on snow.
I am the sunlight on ripened grain.
I am the gentle autumn rain.
When you awaken in the morning's hush
I am the swift uplifting rush
Of quiet birds in circled flight.
I'm the soft stars that shine at night.
Do not stand at my grave and cry;
I am not there, I did not die.

Never forget. We will never forget. We will always remember this day that forged America together. These horrific events have strengthened our unity of purpose and resolve as Americans, that we stand strong together for liberty. I hope and pray that as long as God continues to bless our United States and indeed blesses the entire world with people of such courage, integrity, and character, that liberty and justice will endure and prevail.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, today I come to the floor to remember, to reflect, to try to somehow do justice to the memory of those lost to us on September 11. The tremendous grief we felt then, and still feel so sharply today, makes this anniversary a painful one for all of us as a nation, and as a people.

The anguish of that day will always be with us, but those of us who witnessed those acts of terror on our television screens know that we cannot imagine the suffering of those who perished in the attacks, or those who survived them.

The families and friends of those who died must live with terrible loss, and those who survived must live with searing memories.

No passage of time can ever erase the emotions of that day. But 1 year later, we also know that no passage of time can diminish the legacy left behind by those who perished. They will always be with us, living on in the family and friends who loved them.

No passage of time will allow us to regain what was so tragically lost on that morning. But one year later, with the passage of time, we see so clearly what was briefly obscured by smoke and fear and disbelief. We see the strength of the people around us—their everyday heroism, their generosity, and their humanity.

No passage of time can change what happened on September 11. But the last year has shown us that when our Nation was tested by terror, we did not falter, and most of all we did not fail each other. We rose together to meet the challenges before us, and we found that together we were capable of more than we ever imagined.

So today we find strength in each other. We find strength in the acts of heroism, and the acts of simple humanity, that took place on September 11 and in the aftermath of the attacks: the bravery of the first responders at the World Trade Center and the Pentagon, and the acts of kindness of Americans all over the country who donated blood, observed moments of silence, or flew the flag in a show of patriotism and support.

Each of these acts, however large or small, contributed to our growing faith in the Nation's recovery, and in each other.

I was deeply proud of the many Wisconsinites who reached out to the victims of September 11 and their families. Volunteers from around the state flocked to disaster relief organizations to donate money and donate their time to support the victims of the attacks.

A number of Wisconsin volunteers also traveled to the World Trade Center to support the rescue workers. That desire all of us felt to do something, anything we could to help the victims of the attacks ran deep in my state, as it did everywhere across the country.

Just as the firefighters and police on 9/11 redefined bravery and heroism, in the uncertain days that followed, the Americans who reached out to help the victims and their families redefined generosity and patriotism.

A number of companies in Wisconsin, as so many businesses nationwide, also donated to the rescue efforts. Fire truck manufacturers such as Pierce Manufacturing of Appleton, WI, and Marion Body Works of Marion, WI, donated critical replacement equipment to the New York City Fire Department. Seagrave Fire Apparatus of Clintonville, WI, rallied to complete previously ordered equipment for the New York City Fire Department in the wake of the attacks, and sent staff to New York to help the Department repair damaged equipment.

These efforts reaffirmed our faith that Americans would rise to this challenge, as we have so many times throughout our Nation's history. And we are rising to that challenge.

It has not been easy, and I frankly don't believe that all the choices we have made have been the right ones. But that has never affected the pride I feel to be an American during this extraordinary time in our history. I couldn't be more proud of the way Americans have come together in the wake of this tragedy, and I have been privileged to serve in the Senate during this last year.

What we as a nation have accomplished over the last year, and what we will accomplish in the years to come to meet the challenge of terrorism, will be our mark on history, not just as a Congress but as a generation.

It is of course impossible to summarize what happened on 9/11 and what it means. There were so many moments—public and private, captured on film and also lost to history—that make up our collective memory of that day.

The New York Times section "Portraits of Grief," however, is one laudable effort to pay tribute to the victims as individuals by remembering and celebrating each of their lives. These brief stories of the victims' lives remind us that the people who died that day were from every walk of life, from all over the country, and from all over the world. They remind us of what America truly is—a sea of nationalities and ethnicities never before seen in human history. The bitter irony of al-Qaida's desire to kill Americans is that people from every corner of the world have become citizens of this Nation.

Like places all across America, the World Trade Center, the Pentagon, and the hijacked planes were filled with people with roots in Africa, Europe, the Middle East, Asia, and Central and South America.

These people and their families came here for different reasons, and they likely lived vastly different lives. But all of them had the chance to be a part of this great and free Nation. And all of them were senselessly struck down on September 11.

One such man was Ramzi Doany. I would like to read the story published in the "Portraits of Grief" section of the New York Times about this man, who lived for many years in my home state of Wisconsin.

> Ramzi Doany amassed friends. He amassed them with acts of kindness, like tutoring a woman with lupus, two children and no husband, to get her through college, or letting his college roommate and the roommate's wife live in his condo for two years so they could save money for a down payment on a house.
>
> He amassed friends with his sense of humor, which filled a room and flourished at an early age. As a boy of 9 or 10, young Ramzi dug a hole in the backyard for a terrible report card and put a stone on top. "He said it was dead and buried," said his sister, Dina Doany Azzam.
>
> Mr. Doany was born to Palestinian parents in Amman, Jordan, and lived for many years in Milwaukee. At 35, he devoured the novels of Dickens, cooked Thanksgiving turkeys with great pride (even if they were just a bit dry) and had just bought a Harley-Davidson motorcycle. He chose to work as a forensic accountant last March for Marsh & McLennan, the insurance brokerage company, because it would bring him to New York, a city he loved. The job also brought him to the World Trade Center.
>
> It was a funny sort of journey, his sister said.

This man's journey, like so many others, was tragically cut short on September 11.

On this day, the passage of time is bittersweet. Whatever the healing powers of time, no passage of years can change what happened on September 11. But the passage of time brings other gifts.

This last year has brought us resolve—the firm resolve to stop terror, to preserve our liberty, and to do justice to the memory of those who died.

It has also shown us our own resilience—how Americans, even in the initial moments of shock and horror of the attacks, showed so much bravery, so much compassion, and so much generosity.

Finally, time has brought renewal. It has renewed our strength, our hope, and our faith in each other.

So it is with this resolve, this resilience, and this sense of renewal that we move forward, in the name of those who perished, dedicated to fighting terror, and united by our faith in this great and free Nation.

I yield the floor.

Mr. STEVENS. Mr. President, in the morning hours of September 11 our nation endured a terrible tragedy. Though thousands of miles from the crash sites, the response from our "Last Frontier" was overwhelming. Alaskans rushed to aid the victims of the terrorist attacks. They volunteered rescue dogs and handlers. They waited in line for three hours to donate blood. Some boarded planes and traveled to Ground Zero to aid in the search and rescue efforts. In December, those Alaskans were still there clearing debris.

Alaskans who could not travel to the crash sites offered support in other ways. Over 10,000 Alaskans signed two fifty-foot banners bearing the phrase "Love and Prayers, from the People of Alaska." One banner was presented in New York City by Alaskan firefighters. The other now hangs in the Pentagon. Countless Alaskans donated funds to help victims through the economic hardships brought on by the attacks. In Kenai, the Firefighters Association petitioned our state to name a mountain after St. Florian, the patron saint of firefighters, as a tribute to firefighters killed in the World Trade Center.

This year, Alaskans once again join the nation in mourning and remembrance. Today, I attended the Pentagon's memorial service, but in my home State. Alaskans will pay tribute to our heroes in their own unique way. Anchorage residents will observe a moment of silence at 8:46 a.m. Emergency responders from across Alaska will gather on Barrow Street in Anchorage and join firefighters and police in a procession. A memorial wall will be erected at Town Square. In Homer, Motzart's "Requiem" will be performed as part of a worldwide sequence of performances beginning at the hour of the attack and moving from one time zone to the next. I hope all Alaskans who cannot participate in these events will attend a memorial and prominently display American flags.

I am proud of Alaska's efforts to honor and remember the victims of this tragedy. On that fateful morning they gave what Lincoln called the "last full measure of devotion." We honor their memory and their sacrifice.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming. The Senator is advised that under the previous order at the hour of 11:40 the Republican leader will be recognized to speak.

Mr. THOMAS. Mr. President, I appreciate the opportunity to share some thoughts about this day.

We all have memories, of course, of a year ago. They are so clear after a year. Nothing like that has ever happened in this country. We remember it as we see it again on TV today.

We have had a year to react, to recognize and accept the fact that it did happen. The unbelievable thing, shocking as it was, did happen. But we have also had the time to change from the immediate anger that we had, and the disbelief, to a commitment and resolution to do all that is necessary to make certain that it does not happen again.

We have had this year to increase our loyalty to our country and to our flag, to increase our understanding of the values of freedom and democracy, to commit our resolve to help and support those who have lost loved ones, family members, and friends, to accept the reality that here in the Congress we can disagree and have different views on normal, daily issues, but when it comes to protecting our country and to preserving freedom, we all come together.

The events of September 11 have clearly changed the way Americans view the world. We watched the events unfold. No one will ever forget. Everyone around the world has been touched, and we see some of that now. We are embroiled in a struggle against people who do not care about their lives and have set out to ruin ours. Sadly, we lost lives, but we regained a strong commitment to preserving our freedom and our integrity.

So all and all, it has been a year of shock, disbelief, anger, followed by commitment, caring, sharing, patriotism, and determination. I think we should be very proud of our fellow Americans for their commitment, their willingness to sacrifice and to give—whether it be on the battlegrounds overseas, whether it be in rescue missions or law enforcement, in charity to the needy, leadership in our country both at the community and national level, or just caring for our friends and neighbors and loving our families. This year has put an emphasis in all these values.

The United States will survive and will strengthen. Freedom will endure, and we thank God for the opportunity to be able to ensure that for our future.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. LOTT. Mr. President, my time was to begin at 11:40 and we are a couple of minutes before that time. If I can take a moment before I begin with that, I will seek recognition now.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LOTT. I acknowledge the fine statement that was made by Senator THOMAS and thank him for his efforts today to make sure that Senators are aware of the opportunity to come to the floor of the Senate and pay appropriate tribute and recognition, and express the condolences that are so appropriate for that occasion. I want to make sure he was aware of our appreciation.

Mr. THOMAS. I thank the Republican leader.

Mr. LOTT. Mr. President, this day, September 11, is its own memorial. A year ago I got a call from my daughter, expressing her horror and her sorrow on this, her birthday—and only 2 weeks after her new daughter was born. She talked about how "I will just change my birth date. I will celebrate it a day earlier." She asked me, "What exactly is this situation in this world I have brought my daughter into?"

It struck me that she would have those questions and those concerns, and what she had seen that day. She worried about what it means for the future.

I talked to her this morning on her birthday. She celebrates her birthday today, as she should—not just because it was the day she was born but because she now realizes that in some ways, in spite of her horror, this is an even more special day—this is Patriots Day.

So my special pen from the Pentagon service will go to my daughter on this day because I think in a way how she felt a year ago and how she feels today reflects what we have all gone through and what we have experienced.

The truth is that this day doesn't really require any speeches or ceremonies, though we certainly will have them all day long. We really need no monument to remind us of the suffering and sorrow that befell our country 1 year ago today.

As we sat there next to the wall of the Pentagon, I kept thinking about the innocent men, women, and children who lost their lives so inexplicably and so mercilessly on that day. But I also think about those who tried so hard that day to save people's lives with danger to themselves. Some of them probably were injured, and some of them maybe were killed—and all that has gone into the work at that building to symbolize the importance of us showing that we are mending our wounds and we are going to be stronger from what we have experienced.

The wound that we had last year hasn't healed, nor should we expect it to be healed so quickly, nor many of the scars. The scars will be there. As a nation, we lost a great deal—not only these innocent lives in Virginia, Pennsylvania, and New York, but also that sense of security, and perhaps even naivety that we have experienced thinking that this is America, we are free and we are accessible, and we go and do what we want without being better in any way.

Well, that has changed. I believe we have been hurt deeply—not just those who were directly involved, but all of us who watched it—all Americans and all freedom-loving people all over the world.

I continue to be so pleased and, frankly, thrilled with the reaction I get when I meet with leaders from countries all over the world—and just average people on the streets of other countries. They come up and express their condolences and their support.

Yesterday I met with the President of Bulgaria and the Prime Minister of Portugal. Their comments were so reassuring and satisfying. They have done their part. Bulgaria—yes. Bulgaria has had troops in Afghanistan and, fortunately, has stood with us and will stay with us in the future.

We have been hurt deeply. But our observance of this day is about more than grief, it is about more than anger, and it is about more than appreciation. It is about valor and courage beyond words adequate to describe what has happened and how we feel. It is about compassion and it is about a unity of spirit.

I have felt that I have seen it as I have gone across this country. I do not know how many States I have been in over the past year—but a lot of them, and there is a different feeling. When people sing "God Bless America" and start taking the Pledge of Allegiance to the flag, they sing and speak differently—with a little more gusto. But it is not about a flag, although that is what becomes so much a symbol of what we are experiencing internally. And it is not solely even about individuals. It is about ideas and principles—the values that have made this country what it is.

In this body, we don't take an oath to people or an oath to a person. We take an oath to the Constitution. So that unity of spirit has really been so obvious since I have gone into States in New England and the South and the West and the far West. It is about faith that looks through death and a consolation beyond all human assurance.

This morning, when we joined President Bush at the Pentagon to formally reopen that section of the building destroyed in the terrorist attack, we all again felt those emotions of a year ago. I was sitting next to Senator DASCHLE, and we couldn't help but remember a year ago when we flew in a helicopter, along with Senator REID and Senator NICKLES, right over that area. We looked down and saw what was going on—the smoke, the confusion, and the activities in trying to save people's lives, put out the fire, and deal with all that was going on. It is a site that has been burned into my memory forever.

Needless to say, there couldn't be a better symbol than the restoration of the Pentagon for the way America's Armed Forces have responded to the assault on our country. God bless them for what they have done and for what they are doing today.

But those who were responsible for that horror—and all those who shelter them, finance them, abet them, encourage them, or reward them—should understand this: America's most important rebuilding is not the shattered wall of the Pentagon, nor the scar in the earth in New York City. For what we have restored in the past year cannot be measured in granite and steel, nor even grassy knolls, as in the case of Pennsylvania. We have rebuilt a wall of resolve, of determination, and of steady purpose.

We have renewed trust in our leadership, and in one another, yes. We will disagree on this floor and we will argue about the best way to do the homeland security part and what should be the limitations on terror insurance. That is what democracy is all about. But in the end we have been able to find a way over the past year to come together and get a result. That is through determination and a steady purpose.

We have renewed trust in ways that I hope will stay with us for a long time. We have rediscovered in our shared sorrow the power of a truly free society to overcome the enemies of freedom.

These are our battlements and these are our armaments, and their might is going to be felt both here at home and in lands far away—until the hand of terror is crushed and the work of justice is done.

Again, we extend our heartfelt condolences to those family members who lost loved ones last year. We remind ourselves of how heroes were born on that date out of that horror, and we rededicate ourselves to the purpose of preserving this great young Republic and all the freedoms for which it stands.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I begin by complimenting the distinguished Republican leader on his eloquence and his message this morning.

It was 1 year ago today that many of us turned on our television and saw what we could only imagine at the time was a horrible, horrible accident. Soon we realized that it was no accident. Instead, it was the worst terrorist attack on American soil.

Later this morning the wing of the Pentagon that was destroyed is being rededicated. That field in Shanksville is once again green. The debris from the site of the World Trade Center has been removed. The heavy equipment and the workers are now engaged in the act of building—not removing.

Through the physical scars of that day, we see a nation beginning to be healed. The emotional ones are still raw with our memory. Thousands of families are approaching their second Thanksgiving without a loved one. Children are approaching their second holiday season without a mother—or a father. Empty lockers in firehouses still bear witness to the brave men who are no longer there.

And so, the Pentagon can be restored. New grass can cover the churned earth of a rural field. New towers can begin to rise where others fell. Seasons and years can pass. Through it all, we will never forget.

This day will forever be a part of our national memory. Nine/eleven will forever be our national shorthand for all that we witnessed, all that we have experienced—on that day and the days following.

That is what we remember all across America today.

In my home State of South Dakota, there will be a number of small services, including a memorial ceremony at Mount Rushmore.

In Seattle, WA, citizens will march to a downtown fountain that became the city's unofficial memorial after September 11. Thousands of flowers had been left there. Those flowers were gathered by the city and composted. Each marcher will receive a bulb, in mulch generated by the original memorial flowers, to plant.

Birmingham, AL, is dedicating a new memorial walk. San Francisco is unfurling a 5-mile long banner along the city's coastline.

From Portland, ME, to Portland, OR, people are pausing, and paying tribute. All tolled, more than 200 communities are holding events of some kind. In one way or another, all Americans have the opportunity to commemorate our Nation's loss.

And, of course, some people will simply go about their business—and that in itself is a powerful testimonial to our ability to go on.

Today is also a day to remember that our national tragedy is the combination of thousands of individual tragedies.

I think that sentiment was best stated by Janny Scott, a reporter on the Metro desk of the New York Times, who was responsible for assembling a number of the "Portraits of Grief" that sought to capture the essence of each of the victims.

She wrote about "the individual humanity swallowed up by the dehumanizing vastness of the toll," and what she called "the preciousness of each life's path."

This morning, in New York, former Mayor Giuliani began the process of reading the names of everyone who perished on that day. If one name is read every 5 seconds, it will take over 4 hours to list every loss.

We also remember the individual acts of heroism: Firefighters who rushed up to help others get down; the passengers and flight attendants on flight 93, who showed us that we don't ever have to surrender to evil.

Seeing their selflessness inspired something similar in all of us. In South Dakota, one ranch couple—themselves struggling—sold $40,000 worth of cattle and donated the proceeds to the victims. Similar acts of selflessness took place all over the country. Millions of hands reached out to those who had lost so much, until, by the act of reaching out and grieving, and remembering, we all came shoulder to shoulder as we understood the extraordinary nature of the loss.

The terrorists who brought down the World Trade Center thought they could shake the foundation of this country. They didn't understand that the foundation isn't concrete and steel; it is our people, it is our commitment—our commitment—to freedom and democracy, and to each other.

So today, we remember those we lost, and we rededicate ourselves to preserving the memory of their lives, and to defeating the terror that took them.

Our military men and women in Afghanistan and those fighting terror around the globe carry with them our pride, and our hopes.

In the most fateful struggles in human history, freedom has triumphed over the worst forms of tyranny, and we will defeat the tyranny of terror as well.

On March 11, 6 months after the attack, Valerie Webb, a 12-year-old who had lost her only living parent in the World Trade Center, flipped a switch, sending two towers of light rising into the darkness over Lower Manhattan.

Someone compared that memorial to a national votive candle. Others compared it to the lives that were lost: beautiful, powerful, and fleeting. On April 14, as planned, that temporary memorial was extinguished.

At sunset tonight, in Battery Park, New York's mayor will light a flame to commemorate the victims of that day. Unlike the towers of light, that flame will not be extinguished—it will be eternal.

That flame will burn within sight of another eternal flame—the symbolic flame from the torch held by the Statue of Liberty.

Those two eternal flames carry with them two eternal promises.

The torch held by the Statue of Liberty is our Nation's promise that we will never yield in our determination to be a light to all those who seek freedom.

And the flame that will be lit tonight is our promise that though we may be slowly, steadily walking the path from remembrance to recovery—we will never forget.

MOMENT OF SILENCE IN RECOGNITION OF THE EVENTS OF SEPTEMBER 11, 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12 noon having arrived, the Senate will now observe a moment of silence in recognition of the events of September 11, 2001.

(Thereupon, the Senate observed a moment of silence.)

Mr. DASCHLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARNAHAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN REMEMBRANCE OF SEPTEMBER 11, 2001

Mr. STEVENS. Madam President, I was very proud of the efforts of Alaskans in response to the disaster on September 11 of last year. Although we are thousands of miles from New York, they immediately reacted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, later this afternoon in my home State of Vermont, the chief judge of the Federal district court, Judge William Sessions, will have an immigration ceremony, and I might say that I can't think of anything more fitting. We will have memorials and other events throughout the State of Vermont today, just as we will in other States.

Many of us had been at the Pentagon earlier this morning, heard the moving statements, and saw the resolve of the men and women who protect this Nation. We heard our President and Secretary of Defense and others.

It is right that throughout the country we have different events to mark this occasion.

I want to especially compliment Judge Sessions for what he is doing in Vermont. If there is anything that speaks to the resiliency of this Nation, the greatness of this Nation, it is welcoming immigrants, saying our borders are not sealed, our borders are open.

We want to welcome people who will continue to make this country great, just as did my paternal great-grandparents and my maternal great-grandparents who came to this country not speaking any English but who sought employment and a new life. My grandfathers were stone cutters in Vermont, immigrant stock. My wife was the first generation of her family to be born here in the United States. It is immigrants who have made this Nation strong.

What Judge Sessions is doing is telling us that our borders and our country and our arms are still open to the mix of people from throughout the world who will continue to give us the diversity we need, just as our Constitution gives us diversity and guarantees that diversity in the first amendment. We now have new Americans who will be here with the same rights and privileges the rest of us have, and the Nation will be a better place for it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I know a lot of Senators wish to be heard. While I won't ask unanimous consent that this be done, I would urge that the Chair recognize members of both parties in alternating fashion to accommodate both sides equally. That might be the best way to accommodate everybody. That way we can get through the afternoon in the most appropriate way.

I urge and ask the Chair to recognize Senators on either side.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, we have just returned from a most historic and moving ceremony at the Department of Defense. That building will always occupy in my heart a very special place for I was privileged to serve there during 5 years and 4 months of the period of the war in Vietnam in the Navy Secretariat, including my service as Secretary of the Navy.

On 9/11, of course, I joined colleagues briefly here in the Chamber and then we exited and with other colleagues who were gathered in the park, we chatted a little bit about what we should do. I returned to my office and conducted a brief prayer meeting and recommended to my staff that they proceed to their homes and their loved ones.

In about an hour or two, however, I decided I would like to go to the Department of Defense again because of my very special high regard for the men and women of the Armed Forces and that dastardly act committed by terrorists. I called the Secretary of Defense, whom I had known for many years. We both served in the administration of President Nixon and President Ford. He said: Come right over.

I called my good friend and colleague, CARL LEVIN, at his home, and CARL immediately said, yes, he would join us, and the two of us then proceeded to the Department of Defense where we joined Secretary Rumsfeld and then-Chairman of the Joint Chiefs, General Shelton. It was a memorable afternoon there at the command post watching the magnificence of our command structure dealing with the many unknowns, and yet taking the proper actions.

The President called in. Both Senator LEVIN and I spoke with him briefly. Then we went back with the Secretary to where the plane had struck the building and visited with all those who were performing heroic acts right before our eyes in hopes of saving other lives and doing what they could to comfort those wounded.

We then returned with the Secretary. And Secretary Rumsfeld asked Senator LEVIN and I to accompany him to a press conference. We stood behind the Secretary and the Chairman while they spoke. And then unexpectedly, Secretary Rumsfeld turned to both of us and asked us to make a few remarks.

I have here this morning the remarks I made, with no preparation, just speaking from the heart. And they are as true today, 1 year later, as they were at about 6:30 on the afternoon or the evening of 9/11 when Senator LEVIN and I joined the Secretary. I will just repeat these remarks.

I stated that I was joined by my distinguished chairman, CARL LEVIN, and I said, speaking to the Nation:

> I can assure you that the Congress stands behind our President and the President speaks with one voice for this entire Nation. This is, indeed, the most tragic hour in America's history, and yet I think it can be its finest hour, as our President and those with him, most notably our Secretary of Defense, our chairman [of the Joint Chiefs] and the men and women of the armed forces all over this world stand ready not only to defend this nation and our allies against further attack, but to take such actions as are directed in the future in retaliation for this terrorist act—one of the most unprecedented in the history of the world.
>
> We call upon the entire world to step up and help, because terrorism is a common enemy to all, and we're in this together. The United States has borne the brunt, but [which nation] can be next? Step forward and let us hold accountable and punish those that have perpetrated this attack.

Under the leadership of our President and the courage of the men and women of the Armed Forces and the strength of the citizens of this Nation, that has been done, is being done, and will be done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, under the order now in effect, Senators have up to 10 minutes to speak, and we would ask that everyone would do their best to confine themselves to that 10 minutes.

I ask unanimous consent that the list of speakers be as I am going to outline them. These names have been given to our staff. The staff has given these to me: Senator FEINSTEIN, Senator KAY BAILEY HUTCHISON, Senator LEVIN, Senator SNOWE, Senator DORGAN, Senator SHELBY, Senator DODD, Senator BENNETT, Senator DURBIN, and Senator BROWNBACK. If everyone uses their 10 minutes, that is going to take some time. What I would suggest is that staff be notified of those who wish to speak this afternoon, and we will be happy to do that to make it so that people have to wait not a very long period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I rise today to share some of my thoughts on this very special day, a day that commemorates one of the darkest days in our Nation's history.

Those of us who listened this morning to the recitation of the names of those killed in the World Trade Center and the Pentagon found in those names both a message of grief and one deep in sorrow. Also in those names was a profound message of how deeply the world is interwoven. The reading of these names was, for me, an unforgettable message of our diversity.

My sorrow, my sympathy, my condolences go to those who have lost so much. For many, they have lost everything; yet they still have their spirit, their hope, and their determination, and they still have the love of a very sympathetic Nation.

On September 11, we all felt as if the loss was too much to bear, as if it would be impossible to go on. But out of the ashes of the World Trade Center and the Pentagon, we in Congress returned to work. We tried in our legislative ways to address the terrorist threat. Within a week of the attack, we approved a resolution authorizing the President to use force against those who would perpetuate or harbor the terrorists.

Within a month, we approved the USA Patriot Act, which authorized our law enforcement and intelligence agencies to take the necessary steps to root out the terrorist threat and to protect the Nation.

In May of this year, we approved the border security and visa reform legislation, which overhauled the way this Nation allows immigrants and visitors into the country.

In June, we approved a bioterrorism bill that included strict certification requirements for laboratories that handle anthrax, smallpox, and more than 30 other deadly pathogens.

At the same time, the United States launched a war against terror. In Afghanistan, the U.S. forces, working with the Northern Alliance, ousted the Taliban, fought al-Qaida troops, and made it possible for Hamid Karzai to be elected President—Afghanistan's first democratic election.

U.S. special forces were also sent to the Philippines, to Yemen, and Georgia to train local troops on how to fight the war against terror. We have broken up al-Qaida cells in Spain, France, Morocco, and Singapore, preventing planned attacks.

In the financial world, the Treasury Department began examining the financing of terrorist organizations, freezing more than $34 million in terrorist assets.

Now the Senate is considering two additional steps to defend our Nation: a bill to create a new Department of Homeland Defense and a comprehensive review of the intelligence failures that led to 9/11.

I would expect the Senate to approve the homeland defense bill in the coming weeks, and, hopefully, it will be signed into law by the end of the year.

On September 17, the Intelligence Committees of both the House and the Senate will open their first hearings on our intelligence review, which has been going on now for 6 months.

One year has now passed. The Nation has shown its resolve and resiliency. Now we must show our staying power.

For me, what emerged from 9/11 were four specific points:

First, we must stay the course on the war on terror. We must ferret out, bring to justice, one by one, group by group, those al-Qaida, or others, who would simply kill because they hate.

Secondly, we must make this country as safe as possible: eliminate loopholes in laws, prevent fraudulent entry into our country, ensure that deadly chemicals and biological agents are properly handled, and see that the national security is protected, wherever possible.

Thirdly, we have to reinforce the hallmarks of America: liberty, justice, freedom. Despite this crisis, the Constitution and the Bill of Rights remain strong and central to our way of life.

Finally, we need to celebrate our democracy, and the way we do that is simple: We make it work. We produce for our people. We pass good legislation. We administer the programs. We show that democracy offers solutions to the real problems of our society.

Let me say one thing about remaining vigilant in the war against terror. Much of the al-Qaida organization remains intact, including two-thirds of the leadership, and possibly Osama bin Laden himself. Afghanistan is our beachhead in the war on terror. We cannot lose it or we lose the war on terror. Yet Afghanistan's leadership is fragile. Just last week there was an attack on President Karzai's life.

We have an obligation to provide for the security of Afghanistan and its leaders and ensure that the nation does not fall under the control of regional warlords. We must ensure that the Afghan economy becomes upwardly mobile.

We have work to do to find those in hiding, whether in Pakistan, Yemen, Saudi Arabia, the Sudan, Southeast Asia, and, yes, in our own country. Al-Qaida remains poised to do their dirty deeds.

America learned on September 11 a very simple and sobering lesson—that there are people in the world who would destroy us if they could. We must remember this fact and do all we can to stop them. This means staying the course and winning the war against terror. This means keeping focused on the immediate threat from al-Qaida, and this means looking for new ways to strengthen our Nation's homeland defense.

As we all consider the past year, let us remember all of those who perished in the attacks and in their memory rededicate ourselves to doing all we can to making our Nation strong and preventing a similar attack in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I would like to split my time with my colleague from Texas, so I wish to be notified when I have used 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. Madam President, 1 year ago today, 3,000 people woke up, kissed their loved ones goodbye, went to work, and never returned. In the blink of an eye, their lives were brutally taken by the violent acts of terrorists.

Together, we grieved and mourned for those who lost their lives. We marveled at the heroism and bravery of the first responders—the firefighters, emergency personnel, and police officers—who rushed into the devastation to help others, many sacrificing their own lives in the process.

But the American spirit of resilience rose from the ashes of Ground Zero, the Pentagon, and that quiet field in Pennsylvania. Our collective anguish became our national resolve. We focused our energies on destroying the cowardly instigators of this tragedy so they could not do it again to us or any other nation on Earth.

We will forever recall this day, but we are not a vengeful people. As Americans, we value peace, freedom, and liberty. We know our diversity and tolerance of other views, religions, and ways of life are what make our Nation great. We do not perpetuate hatred or violence. We teach our children to love one another and treat others with respect.

America was born out of a great struggle. The words of our Founding Fathers ring as true today as they did more than 200 years ago. In 1771, Samuel Adams said:

> The liberties of our country, the freedom of our civil constitution, are worth defending at all hazards; and it is our duty to defend them against all attacks. We have received them as a fair inheritance from our worthy ancestors: they purchased them for us with toil and danger and expense of treasure and blood, and transmitted to us with care and diligence.

It is our duty to carry on the crusade for freedom that generations of Americans have fought and died to keep. The heroes of September 11 did not lose their lives in vain. The protection of our liberty and freedom remains resolute.

It is the words of a civilian hero that remain with us, a young man with a pregnant wife at home. He saw the horrors on his airplane that morning on September 11 as they were flying over Pennsylvania. He realized from telephone reports that this airplane, too, was part of a terrible plan headed for one of our treasured symbols of freedom in Washington, DC. Though he had little time to prepare, he and other brave passengers decided to fight. And Todd Beamer's last words in his valiant effort are our battle cry in this war on terrorism: "Let's roll."

America is ready to roll, Madam President, and we will never forget those who gave their lives for our freedom on September 11, 2001.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank my dear colleague and tell her I am very happy to have my remarks appear next to hers.

A year ago today, terrorism struck at the very symbols of American democracy and capitalism, as if by destroying those symbols, as if by destroying the buildings, as if by killing innocent people, they could destroy those institutions.

They failed.

Like millions of Americans, a year ago today I watched the horror of the terrorist attacks. But then I watched the triumph of the human spirit. I watched ordinary Americans, people pretty much like us, who on that day did extraordinary things.

A year ago today, our Nation's leaders watched, and we were helpless, like everybody else, to do anything about the problem. I am proud to say today that we are not helpless, that we have started to fight back.

Our homeland is more secure today than it was a year ago, but it is not as secure as it has to be. We are fighting a war, but the Congress has to give to our military and to our law enforcement officials the tools they need to finish the job.

When in doubt, I believe we must act. What is at issue is the safety of the American people, and I am not willing to turn that safety over to our allies, to the United Nations, or to anybody else. Where terror hides, it must be rooted out and it must be destroyed, and if we have to do that alone, then America is willing and capable of doing that alone.

In my 24 years of public service in Congress, I have always been proud of my country and my countrymen, but I have never been prouder than I have been in the last 12 months. It has always been a privilege to serve, but in the last 12 months it has been my great privilege to serve the greatest country in the history of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, 1 year ago today, the openness and freedom of American society were used against us when terrorists hijacked civilian passenger jets and used them as missiles to demolish the Twin Towers of the World Trade Center and destroy a large section of the Pentagon. The fourth jet hijacked that infamous morning, United Flight 93, may well have been headed for this Capitol Building before brave crew members and passengers fought back against their captors.

One year ago today, over 3,000 people had their lives snatched away from them. The emotional trauma of those losses has affected each and every American. No State, no town, no community, no person has been left untouched.

The despicable actions of the terrorists last September 11 have changed the world, not only because of what they have destroyed, but also because of what they have kindled in the American people.

In New York City, at the Pentagon, in the skies over Pennsylvania and across America, 1 year ago today and in the days since then, we have seen the bravery, compassion, determination, and shared sense of purpose of Americans from all walks of life. As one writer put it, "September 11 did not alter the American character, it merely revealed it."

I would add that it did not weaken our spirit, it strengthened it immeasurably.

We have, astoundingly, already rebuilt the mangled section of the Pentagon, and we have cleared Ground Zero in New York City. We have consecrated time and place and commemorated the heroic individuals who faced 9/11 head on.

We are now engaged in a war on terrorism. It is unlike any war we have ever fought. It has no boundaries. It has no clear end. Our enemies target civilians. They are not soldiers. They are not warriors. They are murderers.

We have taken the battle to our enemy. We have destroyed the Taliban and disrupted the al-Qaida network. Those who have not been killed or captured we have driven into hiding. We have liberated Afghanistan from the clutches of terrorists, and we have put the rest of the world on notice that to harbor terrorists is to invite disaster.

In these sterner times, we have rediscovered that we are made of sterner stuff.

Yesterday, I had the honor of helping to plant a memorial Red Ash tree at the Pentagon. That tree, and eight others like it planted at the site over the weekend, were propagated from parts of a champion Red Ash tree in Dowagiac, MI, named as such because it is the largest example known of its species. That champion is 450 years old and 21 feet around at its trunk. It spans the history of America. And, like the American spirit, it is indomitable.

At yesterday's ceremony, I remarked that we Americans are as well-rooted as that champion Red Ash in Dowagiac, and like its crown, our Nation's aspirations reach high into the skies above. The tendrils of democracy root us; our aspiration is an unquenchable desire for freedom—for ourselves and for all people everywhere.

Archibald MacLeish wrote, "There are those who will say that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is the American dream."

We have shared that dream with the rest of the world.

For the better part of the last century, the United States and our allies fought a successful battle against the genocidal forces of fascism and totalitarianism. We defeated the Nazis. We won the Cold War. In the bloody struggle between ideologies, democratic governments triumphed over repressive regimes.

This democracy of ours and our allies will prevail against the likes of al-Qaida because the overwhelming majority of people in the world want freedom and justice and dignity and opportunity. America remains a beacon of hope to the oppressed everywhere. Our current generation of service men and women, and the American people generally, will meet the new challenges and threats that we face as a nation as successfully as we met the challenges and threats of the last century.

The people who perished 1 year ago did not do so in vain. We will always remember them and, most importantly, we will honor them by carrying on that noble struggle for what has been called the American dream but what is actually humankind's dream.

Madam President, I ask unanimous consent that an article from the Detroit Free Press titled "Michigan's 16 Legacies" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Sept. 5, 2002]

MICHIGAN'S 16 LEGACIES

(By Sheryl James)

They were among America's best, brightest and happiest.

Many had attended some of the finest schools—Cranbrook, Detroit Country Day, the University of Michigan, Harvard, Yale, Princeton and Vanderbilt.

As teens, they walked the halls of schools from Cass Tech in Detroit to Traverse City High, all of them contributing, achieving, giving back. They were young scholars and financial wizards, technology gurus, National Honor Society members, athletes, musicians, champions of theater, contributors to their communities.

Most of them were well traveled—and well on their way to the kind of success that defines the American Dream. A few already had achieved that dream, with homes in Manhattan, book credits, TV appearances.

One of them survived the 1993 terrorist bombing of the World Trade Center.

They are gone now, these 16 terrorism victims who had significant Michigan ties. But their legacies live on—in their accomplishments and through their loved ones left behind.

FINANCIAL WHIZ KID ON FAST TRACK TO SUCCESS

Terence Adderley Jr., 22, had a head and a heart for finance by the time he was a teenager. Before even graduating from Detroit Country Day in 1997, he had started an investment club. His grandfather, William Russell Kelly, founded Kelly Services of Troy in 1946, and his father, Terence E. Adderley, is its president and chief executive officer.

Adderley, who grew up in Bloomfield Hills, took his love of finance to Vanderbilt University in Nashville, Tenn., where he earned a bachelor's degree in economics in May 2001. Soon after, he landed a job with Fred Alger Management Inc., which had offices on the 93rd floor of the trade center's north tower.

Joseph White, a University of Michigan business professor and former interim president, said Adderley had tremendous potential

White knew Adderley through U–M alumnus David Alger, president of Fred Alger Management. As a young analyst for the company, "Ted was thriving," White said. "He loved what he was doing."

Besides his father, survivors include his mother, Mary Elizabeth; five sisters, and a grandmother.

EXECUTIVE HAD EYE FOR BEST, BRIGHTEST

David Alger, 57, president of Fred Alger Management Inc., was a familiar fixture on CNN, MSNBC and CNBC—and at many U–M events. He was a prominent alumnus and supporter of the U–M business school, where, White said, he was the spring commencement speaker in 1997 and served on the school's senior advisory board.

Alger loved grooming young people for business and often returned to his alma mater.

"David was a terrifically talented man," White said. "A colleague of mine said, 'I loved David's rational exuberance,' and she got it just right. That was David: very analytical and very optimistic. . . .

"David encouraged people to participate in what he thought would be the biggest bull market in American history—in 1991. It was an incredible prediction."

Alger was born Dec. 15, 1943, in California but grew up in Grosse Pointe. He received his undergraduate degree from Harvard University and a master's in business administration from U–M in 1968. He joined his brother Fred's company, Fred Alger Management, in 1972 as an analyst. He eventually owned 20 percent of the business.

In 1995, Alger's brother moved to Geneva, Switzerland, and left him in control of the company's daily operations. At the time of Alger's death, the firm's assets had grown from $3 billion to $15 billion and its workforce from 82 to 220.

Alger, who owned homes in Manhattan and Tuxedo Park, N.Y., loved technology stocks and managed mutual funds that ranked near the top of the 1990s bull market. He often appeared on financial TV programs and wrote "Raging Bull:' How to Invest in the Growth Stocks of the '90s."

On Sept. 11, Alger was working in company offices on the 93rd floor of the trade center's north tower. There were 1,300 people at his funeral, said White, who attended. Alger is survived by his wife, Josephine; two daughters; his brother, and a sister.

UNFETTERED SPIRIT LOVED THE CITY LIFE

Eric Bennett, 29, a Flint native, caught the travel bug early when he took a trip overseas with a high school foreign language club. He traveled often afterward, said his mother, Kathy Bennett of Flint.

He visited Brazil, Puerto Rico, Rome, London and Paris, but Bennett also loved the Brooklyn, N.Y., brownstone where he lived, the big-city life in New York and his job as area vice president for Alliance Consulting Group. His office was on the 102nd floor of the trade center's north tower.

"From his home, he could see the towers, and from his desk at work, he could see Brooklyn," his mother said. "He just loved life."

In 1989, Bennett graduated from Flint's Kearsley High School, where he had been co-captain of the football team the year before. In 1993, he received a bachelor of science degree in computer information systems from Ferris State University. He also played football at Ferris State and earned an All-Midwest Intercollegiate Football Conference honorable mention in 1992.

In addition to his mother, he is survived by his father, Terry Bennett, and a sister.

WINGS FAN HELD FAMILY CLOSE TO HIS HEART

Frank Doyle, 39, formerly of New Boston and Bloomfield Hills, was a loyal Detroit Red Wings fan. He grew up playing hockey and was the varsity goalie from his first year on at Bowdoin College in Brunswick, Maine. Later, he played on three mens hockey teams near his Englewood, N.J., home.

Doyle attended Huron High School in New Boston and graduated from the Cranbrook Schools in Bloomfield Hills in 1980. He earned a bachelor of arts degree from Bowdoin with majors in economics and government in 1985. He also earned a master's in business administration from New York University's Stern School of Business in 1993.

Doyle was senior vice president of the Keefe Bryuette & Woods brokerage in the trade center's south tower. He directed its equity and trading department and was on the company's board of directors.

Just before his death, Doyle was training for triathlons.

"He was probably in the best shape of his life" and planned to run a triathlon the weekend after the terrorist attacks, said his wife, Kim Chedel. But, she said, Doyle mostly "loved being a dad" to their children, Zoe and Garrett, who were 3 and 16 months when their father died.

Doyle and Chedel had both escaped harm when the trade center was bombed by terrorists in 1993. Chedel, who then worked at a brokerage in a different part of the complex than her husband, escaped within 2 hours. She said she cried for hours while waiting for Doyle to emerge.

On Sept. 11, Doyle called Chedel after the first plane hit. He was on the 87th floor of the south tower—the second hit but the first to fall.

"He said, 'If you think we got rocked in '93, this was 10 times worse,'" Chedel said.

"I said, 'Frank, get out of there.' He said to me, 'The PA system said it was . . . more secure to stay in the building.'"

Doyle called his wife again at 9:22 a.m. "He said, 'Sweetie, we've gone up to the roof. The doors are locked, and we can't go down. I know you know this, but I love you . . . and you need to tell Zoe and Garrett every day for the rest of their lives how much Daddy loves them."

His survivors also include his mother, Maureen Doyle of New Boston, and three siblings.

TEACHER KEPT HER FRIENDS FOR A LIFETIME

Barbara Edwards, 58, who grew up in Wyoming, near Grand Rapids, was a woman of character and warmth. She kept friends for a lifetime and, as a high school teacher, showed up at her students' soccer games on her own time.

"Barb was a people person," said her sister Jane Gollan of Seattle. "If you met her 30 years ago, she would still be friends with you. She had a knack for keeping in touch."

Edwards also was a fan of Bette Midler and of personal mementos like the 40-year-old accordion she had as a child. She never threw anything out, and her garage never had room for a car, family members said.

Edwards, who lived in Las Vegas, graduated from Kelloggsville High School in Grand Rapids in 1961 and from Western Michigan University in 1965. She worked for a time at Catholic Central High School in Grand Rapids. She also married, had three children and lived in various states before divorcing in the early 1990s.

She was a high school French and German teacher in Las Vegas when she went to a friend's wedding in Connecticut the weekend before the Sept. 11 attacks. She was supposed to return home, but friends convinced her to stay for a couple of days. She wound up on American Airlines Flight 77, which left Dulles International Airport in suburban Washington, and crashed into the Pentagon.

Just before the attacks, one of Edwards' sons had left a job as a broker in the World Trade Center. In addition to her children, Edwards' survivors include her parents, Jack and Liss Vander Baan who live south of Grand Rapids in Allegan County; a sister, and two grandchildren.

AVID READER RELISHED HIS MICHIGAN ROOTS

Brad Hoorn, 22, originally from Richland, near Kalamazoo, never lost his affection for his favorite childhood book, "Charlotte's Web." He learned to read using that book and he reread it periodically, said his mother, Kathy Hoorn of Richland. A voracious reader, Hoorn often read an entire book to relax before an important college exam, she said.

Bright, energetic and outgoing, Hoorn played several musical instruments; had been president of the National Honor Society at Gull Lake High School in Richland, from which he graduated in 1997, and cocaptain of the tennis team.

He was a computer whiz, his mother said, and loved coming back to Michigan from his New York City apartment to golf with his father, Dennis; play with the family's two Labrador retrievers; visit friends and enjoy boating on lakes near the family home.

In May 2001, Hoorn received a bachelor's degree in economics from Yale University. On Sept. 11, he was working at Fred Alger Management Inc. on the 93rd floor of the north tower.

In addition to his parents, he is survived by a sister.

CONSULTANT MADE HER OWN WAY IN THE WORLD

Suzanne Kondratenko, 27, formerly of Romeo, had such zeal and spark, her sister called her a spitfire, Patricia Kondratenko said Suzanne was creative, independent and had a daring sense of humor.

"Things she would say, other people wouldn't get away with," Patricia Kondratenko of Rochester said. She especially remembers Suzanne's beautiful skin and how she always smelled like flowers.

Kondratenko and her sisters—all seven of them—attended the Academy of the Sacred Heart in Bloomfield Hills. Suzanne graduated in 1992. In 1996, she earned a bachelor's degree in English literature and humanistic studies from St. Mary's College in Notre Dame, Ind.

An employee of Keane Consulting in Chicago, Kondratenko was in New York on Sept. 11 to do consulting work for Aon Corp. on the 92nd floor of the trade center's south tower.

"Suzanne committed herself, entirely, to her every endeavor," said her sister Aimee Kondratenko of Chicago. "She was capable of so much."

She is survived by her sisters and her parents, Eric and Patricia Kondratenko, of Romeo.

ACTRESS CAPTIVATED BY THE ALLURE OF THEATER

Margaret Mattic, 51, knew by her senior year at Cass Tech High in Detroit that she wanted to be an actress and live in New York. She accomplished that goal, and more. Before she died, she was writing plays and planning to produce them, her sister, Jean Neal of Detroit, said.

"My earliest memories of Margaret are of her performing in school plays," said Peggy Robinson, who grew up with Mattic on Detroit's east side. "She was always the lead. I was a narrator. When we did 'Snow White,' she was Snow White. And she was Gretel when we did 'Hansel and Gretel.'"

Mattic also was adventurous, Neal said. "She did more traveling and living away from home. The rest of us remained in Detroit. Margaret lived in New Orleans and New York."

While Mattic was a student at Wayne State University, where she received a bachelor's degree in liberal arts in 1973, "she traveled to Europe for 8 weeks, all by herself," Neal said. "She had more nerve than all of us."

Mattic, the youngest of five children, always loved to read and write, said her mother, Katie Mattic of Detroit. As an adult, she bought dozens of books for herself and for her mother.

After graduating from Cass Tech in the late '60s, she appeared in several plays in Detroit and New York, particularly ones with African-American themes. Mattic worked as a customer service representative for General Telecom in the trade center's north tower.

She was single and had no children.

HE WAS ON WAY TO A HAWAII HONEYMOON

Robert R. Ploger III, 59, of Annandale, Va., approached his life's work with a sense of adventure, said his father, Maj. Gen. Robert Ploger of Ann Arbor. He studied philosophy in college but wound up working with computers.

He worked for major corporations, established his own successful company and finally became a computer architect for Lockheed-Martin in Washington.

Ploger's parents—his father is retired and his mother, Marguerite, is deceased—were originally from Owosso. Their son graduated in 1959 from Paris American High School in France and attended Michigan State University in 1959–60. He served in the U.S. Army from 1960–62. Ploger then earned a bachelor's degree in philosophy from the University of Denver in 1965, married and raised two children. He and his first wife, Sheila, later divorced.

Ploger had lived in California, Virginia and Maryland, working as a computer specialist.

He married his second wife, Zandra, in May 2001. On Sept. 11, they were on their way to Hawaii for a honeymoon. Both were aboard American Flight 77 when it crashed into the Pentagon. A memorial service was held at the same hotel in Annandale where the couple celebrated their wedding.

GENTLE GIANT WON PEOPLE OVER EASILY

David Pruim, 52, was "the kindest, nicest, most gentle, 6-foot-4 person there ever was," his wife of 28 years, Kate, told the New York Times shortly after his death. "He made everyone he came into contact with feel good about himself, from children to adults."

Pruim was senior vice president of risk services for Aon Corp., on the 103rd floor of the trade center's south tower.

The Pruims, both originally from Michigan, lived in Upper Montclair, N.J., with their 10-year old daughter, Carrington. David was a 1966 graduate of Western Michigan Christian High School in Muskegon. He received a bachelor's degree in political science from Hope College in Holland in 1970.

Last October, the college dedicated its homecoming football game to Pruim.

He is survived by three brothers and his stepmother, Louise Pruim, who lives in Norton Shores. His late father, James Pruim, was mayor of Muskegon from 1994 to 1996.

BRILLIANT MAN HAD AN EMPATHETIC EAR

Josh Rosenthal, 44, was a brilliant guy with a big heart. He doted on his nieces and, despite a terrible allergy to cats, kept his Manhattan apartment window open to provide a scratching post for his neighbor's cats, his sister Helen Rosenthal recalled.

"He had this ability to reach in and really touch people and make them feel like he was truly listening and understanding what they were saying," she said.

Rosenthal was raised in Livonia and graduated from Stevenson High School in 1975. His mother, Marilynn Rosenthal of Ann Arbor, is a professor of behavioral sciences at the University of Michigan-Dearbon. His father, Avram (Skip) Rosenthal of Southfield, owns Books Abound in Farmington and is a former director of the Henry Ford Community College Library in Dearborn.

In 1979, Rosenthal earned a bachelor of arts degree in political science from the U–M in Ann Arbor. In 1977, he was named a Truman Scholar, a merit-based scholarship award given to outstanding college juniors.

In 1981, Rosenthal received a master's degree in public affairs from the Woodrow Wilson School of Public and International Affairs at Princeton University. He moved to New York afterward, and on Sept. 11, was at work as senior vice president of Fiduciary Trust Co. on the 90th floor of the trade center's south tower.

Rosenthal lived in Manhattan, but stayed involved with family and friends in Michigan. He was godfather to several children of friends his sister said.

"Josh had a large and wonderful family that he was very close to," his mother said.

ONETIME STAR PITCHER HAD NEW LIFE WITH WIFE

Brock Safronoff, 26, originally from Traverse City, worked as a computer systems analyst for Marsh & McLennan Cos. Inc. on the 96th floor of the trade center's north tower. He was a 1993 graduate of Traverse City Central High School, where he had been a star pitcher for the baseball team.

In 1997, he earned a bachelor's degree in chemistry from Amherst College in Massachusetts, where he also was a starting pitcher on the baseball team. Later, he finished course work toward a master's degree from Columbia University in New York.

Safronoff and his wife, Tara, were married in August 2001 on Staten Island. They had just moved to a Manhattan apartment before the Sept. 11 attacks. In addition to his wife, his survivors include his parents Joel and Debra Safronoff of Traverse City; a brother, and a sister.

MILITARY MAN HAD 2ND CHILD ON THE WAY

Lt. Col. Kip Taylor, 38, originally from Marquette, came from a military family. He loved his job as an assistant to three-star Gen. Tim Maude at the Pentagon.

But at home, Taylor loved the gentler art of cooking. He especially loved trying out new recipes on unsuspecting visiting friends, his wife, Nancy, said.

Taylor also loved working with wood. He build a deck and worked on other projects at his McLean, VA., home. He had a 22-month-old son Dean. On Oct. 25, his wife gave birth to his second son, John Luke who will be called Luke.

"He considered his most important role as that of father," his wife said. "We were both so excited about the baby."

In 1985, Taylor graduated from Northern Michigan University with a bachelor's degree in management. He had two scholarships, one for basketball and one for the ROTC program.

He died when American Airlines Flight 77 crashed into the Pentagon. He was promoted to lieutenant colonel from major posthumously, his wife said.

His survivors also include his mother, Kay Taylor, who is executive director of a child care referral agency in Marquette; a brother, also in the Army, and a sister. Taylor's late father, Don, was a retired Army lieutenant colonel who gave his son his commission in 1985 and later taught military science at Northern Michigan University.

HORSE ENTHUSIAST COORDINATED SHOW

Lisa Marie Terry, 42, of Oakland Township found time every summer, no matter how busy she was, to hold her Summer Sizzler Horse Show in Mt. Pleasant.

It was not an easy task for Terry to put on a quarter horse event while working full time with Marsh Inc., a national construction company with offices in Detroit and in the trade center's north tower. But horses were her passion.

"She did it all by herself," said Sarah Tupper of Metamora, Terry's best friend and fellow horse enthusiast. "She worked on it all year, getting sponsorships, making it nice for exhibitors. She made a huge effort to put stuff in the show people wanted."

Terry especially encouraged young exhibitors, Tupper said.

On Sept. 11, Terry, a vice president in charge of construction for the New York-based Marsh, was going to Hawaii for a project. She stopped at the World Trade Center for a business meeting and was among some 300 Marsh employees lost in the attacks, company officials said.

A couple of years before her death. Terry, who was single, celebrated her rise to vice president—a rare position for women in her field—by buying a red BMW convertible, said her aunt, Olga Stevens of Troy. Soon after, she bought her Oakland Township home.

Terry had one brother and grew up in Troy, graduating from Troy High School in 1977. She studied a social services program at Ferris State University from 1977 to 1980 and was a member of the Theta Tau Alpha sorority. She studied insurance at Michigan State University in the mid-1980s.

She loved skiing, flowers and her two cats. An accomplished horsewoman, she showed for the American and Michigan Quarter Horse associations. The latter named her Sportswoman of the Year in 1993.

Terry also was a member of the American Business Women's Association and the National Association of Women in Construction.

FLIGHT ATTENDANT HAD THE HEART OF A CHILD

Alicia Nicole Titus, 28, whose parents live in Dexter, was a positive, peace-loving, let's-make-the-world-a-better-place kind of person.

"She was very much into acceptance of world cultures and . . . very embracing of people with different belief systems," said her father, John Titus. "So it is ironic, sadly so," he said, that she was a flight attendant on United Airlines Flight 175, which crashed into the trade center's south tower Sept. 11.

Titus had just become a flight attendant. Disillusioned with corporate life as a marketing director for a firm in San Francisco, where she lived, she switched careers, said her father, who is director of student advisement services at Schoolcraft College in Livonia. Alicia's mother, Beverly, teaches part-time at the college's Women's Resource Center and Continuing Education Department.

Titus grew up in St. Paris, Ohio. She graduated from Graham High School there in 1991 and earned a bachelor's degree in international business from Miami University in Oxford, Ohio, in 1995.

"She had lead roles in musicals in high school and was into track, cheerleading and National Honor Society," her father said.

She also loved outdoor sports such as snowboarding, mountain climbing and sky diving. She had traveled to Spain, Morocco, England and France.

Titus' roommate in San Francisco told her parents that the Sunday before the attacks, the two went to a local park, where they twirled hula hoops and played on the swings and slides—typical of Titus' childlike zest for life, her father said.

Titus, who was single, also is survived by two brothers; a sister, and a nephew.

RECENT GRADUATE HAD ENERGY, POTENTIAL

Meredith Lynn Whalen, 23, who was originally from Canton Township, loved animals, particularly horses. She always wanted to own a horse, said her mother, Pat Whalen of Canton.

But Whalen valued friends most of all. Her mother was comforted by her daughter's friends after the Sept. 11 attacks.

"Her friends have all described her as a very energetic, caring person with a lot of compassion for others," Pat Whalen said.

Whalen was just as energetic in high school. She was a varsity swimmer and in the National Honor Society at Plymouth Salem High School, from which she graduated in 1996. She earned a bachelor's degree in business administration with honors from the U–M in Ann Arbor in 2000.

"Meredith was an outstanding graduate of our 2000 BBA program," said White, the U–M business professor and former interim president.

White said David Alger, another U–M graduate and World Trade Center victim, spotted Whalen as a young person with great potential and convinced her to work for his company.

She became a research assistant for Fred Alger Management on the 93rd floor of the trade center's north tower and lived in Hoboken, N.J.

She is survived by her mother; three sisters, and a brother. Her late father, Henry (Hank) Whalen, had been a Canton Township trustee.

Mr. LEVIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. A few short hours ago, at the Pentagon, we bore witness to the essence of this solemn anniversary. It was a message of restoration and renewal from a grateful nation.

Today is the commemoration of both incalculable loss and limitless courage, of enduring sorrow and indomitable spirit.

We seek to honor the bravery and heroism displayed by so many for so long on this day and the days following. We are moved to grieve for what and whom we lost—such as Maine victims Anna Allison, Carol Flyzik, Robert Jalbert, James Roux, Stephen Ward, Robert Norton, Jacqueline Norton, and Robert Schlegel.

Today, we embrace all that we have retained as a nation—our strength, our sense of purpose, our unity, and our veneration of the principles of freedom and justice—for today, the hearts of Americans and freedom-loving people across the globe are beckoned at once by sorrow and resolve, and we should heed the call of both.

The snapshots of insanity etched in our minds, the indelible stain of unfathomable inhumanity, these must remain if we are to triumph over the tyranny of terror, and triumph we must.

In a horrific irony, the forces of darkness had their way on an especially bright and beautiful morning, much like today, and the evil that fueled their horrible deeds lives on in the shadows of the world. The struggle before us will be constant, and therefore our vigilance must be unflagging.

So on this first anniversary of a new era, let us continue to brace ourselves to perpetuating what is good and just, as we and our allies did in the 20th century's great struggles against evil. And let us remember how that one day in September not only changed America and the world but also reminded us of what really matters, of the principles and the people we value and certainly should appreciate—our firefighters, police officers, rescue workers, our troops, and seemingly ordinary Americans who, when faced with the horrible certainty of their circumstances, knowingly bring down a plane to save the lives of others, not to mention the very symbols of our democracy, the Capitol and the White House.

On this solemn occasion, we celebrate those heroes who walk among us today, while the legacy of those who made the ultimate sacrifice reverberates throughout New York, Washington, Virginia, Pennsylvania, and every town and city in this land. Indeed, if it is true that a nation is defined by its response to adversity, then America redefined its own greatness.

Men and women searching and clearing the World Trade Center site worked day and night, while volunteers brought them food and water. Their labor will stand as a memorial beside the hallowed site's eternal flame near the hole in the Earth that mirrors the hole in our heart that will never fully mend. And just across the Potomac, engineers and construction workers poured forth every last ounce to rebuild the Pentagon within 1 year in a gesture comprised of equal parts defiance and pride. At the building's D-ring, a father literally helped repair the broken stone and mortar near the very spot where his son perished that fateful morning.

What is lost can never be recovered, but with this first anniversary of September 11, it is as though life has reclaimed its rightful place where destruction dared intrude. At the Pentagon there is a single blackened stone set within the new wall to symbolize what cannot and must not ever be forgotten. We have witnessed an almost incomprehensible transformation from the blackened devastation we saw a year ago, just as America itself has been transformed.

An unparalleled sense of unity and compassion swept across America, proving once again that the true strength of our Nation has always flowed from the fortitude of our people.

As we lifted up the hearts of those grieving for loved ones, we moved toward a swift and just defense of our freedom, and the President worked vigorously and mightily to build an international coalition. And while the war on terror will unquestionably be long and dangerous, our heroic men and women in uniform struck quickly and decisively at the heart of the Taliban.

In February, I had the privilege of visiting our troops and meeting with President Karzai as part of a congressional trip to Afghanistan. What left the most profound impression on me, one I will never forget, was the unflinching commitment, the indefatigable resolve, and highest level of professionalism, not to mention bravery, of our troops.

Indeed, much was revealed to us on the morning of September 11, 2001: The extent of the threat against us, the image of the devil incarnate, but also the face of a resilient and passionate and a united nation that would not allow this travesty to stand.

We have learned that we can continue the process of healing, even knowing we will never fully be healed. We have learned we can move forward, without moving away from the anger we justifiably feel. Indeed, if we are to properly memorialize those whom we lost on that day and the days since, then we must maintain a boundless resolve in perpetuity that is so essential to keeping America secure and eradicate the roots of terrorism and the bloody instruments of fear.

At Gettysburg, President Lincoln said:

> It is for us the living . . . to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is . . . for us to be here dedicated to the great task remaining before us.

That is our call yet again today. That is the destiny to which we must rise. Now, like then, we are equal to the challenge. God bless America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I was not sure if I was going to come and say a few words today. I am almost fatigued by the coverage of 9/11, and yet there is something so important about this moment that silence somehow is not an appropriate response.

The horror of the moment of September 11 last year remains with us even as we ache in our heart for those who lost their lives on that day. I think all of us understand the target was not buildings. It was not buildings in New York or Washington, DC. The target was the spirit of our country. The target was democracy. The target was Americans and what Americans represent.

With the 1-year anniversary of that event, it is important for our country again to take stock of where we are, who we are, and what our citizenship responsibilities are as Americans.

One year ago, I left the Capitol Building late at night to drive home and drove past the Pentagon. It was still burning, with smoke billowing out of the Pentagon that was then bathed in floodlights. It was an eerie sight to see the fire at the Pentagon even late at night and to hear and see the F–15 and F–16 fighter planes flying combat missions over our city and the Capitol that day and that evening.

We went back to the Pentagon a few days later, and we were, as Members of Congress, meeting with Pentagon officials and viewing the damage. As we were there, one young marine was hanging by a crane in a bucket up near what had been the fourth floor of the Pentagon in what now was an open wound and gash in that concrete building. He had been hoisted up in the bucket by a crane that was moving toward this open gash. As we watched him, he reached around into this open area where this airplane hit and he pulled out a flag he had spotted up in an open area that had miraculously burned, and he brought this red and gold flag, which was the Marine flag, a brilliant red and gold color. He had the crane lower him to the ground. He marched over to where we were, walked past us and said: I am going to give this flag to the Marine Commandant. He said: Terrorists could not destroy this flag, and they cannot destroy this country.

I think the spirit of that young marine and the spirit of people at Ground Zero, where we visited a week following the attacks, is something I will always remember.

The visit to Ground Zero that many in Congress conducted was a very sad visit, showing the carnage and destruction of the World Trade Center where so many thousands died. The event I recall from that day, among many, was a firefighter who came to me with a several-day growth of beard, blood-shot eyes. He had worked around the clock for many days. He told me of the friends he had lost, those who were his fellow firefighters who had died in the tragedy. Here was a man who obviously had very little rest, had worked day and night. Through his blood-shot eyes and with a uniform that was quite dirty, having worked around the clock, he looked at me and said: Senator, you must promise me to do one thing.

I asked: What is that?

He said: Get them. Get them. If you do not get them, they will do this to this country again.

He represented the feeling of all Americans. We must make certain that terrorists are not able to do this again in our country. Our country is, in my judgment, as united as ever, united to battle terrorism wherever it exists in the world. We have come to understand as a country that a battle against terrorism is not quick. It is not easy. But it is something to which all America is committed. Every fanatic anywhere in the world who thinks terrorism is an acceptable means to an end needs to hear and know that America is united.

My State is half a continent away from Washington, DC, and New York City where the attacks took place. Let me speak for a moment about my rural State, so distant from the urban areas where the attacks took place.

First, tragically, we, too, experienced the loss of life. A young North Dakotan, Ann Nelson of Stanley, ND, died when the World Trade Center collapsed. I knew Ann and her family. She was a very special young woman. Her father has been a good friend of mine for many years. She had a bright future ahead of her, and she was a joy to all who knew her. Ann Nelson was a young North Dakota woman seeking a career, pursuing a job in the World Trade Center in New York City. She died because she was an American. She was one of thousands of innocent Americans who lost their lives because of these heinous, unspeakable acts of horror committed by terrorists.

The day of the attack in Washington, DC, I looked up in the sky to see fighter jets flying overhead. I found out later that day they were pilots from Fargo, ND, members of the Air National Guard called the Happy Hooligans, some of the best fighter pilots in the world. Over the years, they have won three William Tell Awards which is the award for the best fighter pilots. They are stationed on a rotating basis at Langley Air Force Base.

Part of their mission is to protect the Nation's Capital. They were the first scrambled and the first in the air and the first over the Nation's Capital on that very day, 9/11. We are so proud of them. They are the ones we saw in the air almost immediately after these attacks.

Their mission, I told them, reminds me of something I read some long while ago. I don't know where it comes from, a verse that said: When the night is full of knives, and the lightning is seen, and the drums are heard, the patriots are always there, ready to fight and ready to die, if necessary, for freedom.

A lot of patriots last September 11 said: I'm here and I'm ready to fight for freedom.

In the weeks and months that followed the attacks of September 11, our country has come together like never before. We understand that we face a very special and unusual challenge. We are a big, wide open, free democracy. It is very hard to provide absolute security in every way, every day all around our country. We do not want any of us to diminish the basic freedoms that represent America, the basic freedoms in our Constitution. We do not want to diminish those freedoms in order to fight terrorism. We want to fight terrorism and eradicate terrorism wherever it exists. We want to preserve that which makes America unique, the most wonderful country on the face of the Earth.

A year ago when I spoke in this Chamber about the events of September 11, I recalled the words that Shakespeare wrote: Grief hath changed me since you saw me last.

It continues to change us as we go forward carrying the heavy burden that grief imposes. But part of that change is much more than grief. Part of it is a steely resolve to respond forcefully and strongly and with precision to those who carried out the attacks 1 year ago. Our resolve in this year, in my judgment, has grown even stronger.

This will be a day that Americans will think about for many decades to come, the September 11 anniversary of 2001. My hope is we rededicate ourselves today to the mission ahead and the challenge ahead to preserve our democracy. My hope is that today we also pay honor to the memory of those innocent Americans who lost their lives, and then say thank you to all of the heroes who, on September 11, extended forward and said: Let it be me to reach out and help. And especially we say thank you to the men and women of the Armed Forces who serve in harm's way all across the world.

Finally, months after September 11, I was in Afghanistan, Baghram, Kabul, and that region of the world. As you fly into Afghanistan and look down through an airplane window to the hills and the mountains and understand that somewhere in caves deep in the mountains there were people plotting the murder of innocent Americans, you understand we cannot ever be oblivious to what is happening in the rest of the world. It can have a profound impact on the lives of those who cherish freedom.

I say to the young men and women I met in Kabul and Baghram and elsewhere, thanks for your service to America. Thanks for helping us wage the fight against terrorism, a fight this country is determined and destined to win.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, one year ago, America awoke to a tragic and devastating incarnation of hatred and evil. Incomprehensible to most citizens only a day before, the terrorist attacks of September 11 dramatically changed our people, our country, and the entire world.

Insulated for over 50 years from foreign attacks on our soil, Americans in an instant grasped the magnitude of the threat we face from terrorism. In the days after the attacks, the dangerous world in which we live never seemed more precarious.

The immediate aftermath brought a tremendous outpouring of grief and sorrow.

Our Nation mourned as the realities of the events of September 11 penetrated our collective psyche. Candles were lit in remembrance and flags were flown in patriotic displays of unity. Stories of bravery and courage emerged in the wake of the attacks which helped to inspire and remind us of all that is great about the American spirit.

This foundation of strength which was built in the days after the attacks prepared us for the challenges ahead, and helped harden our national resolve to deliver our enemies to justice.

We live in a far different world than the one we occupied just 12 months ago.

With a clear sense of purpose our country has engaged the war on terrorism on every conceivable front. The vision outlined by President Bush in his September 20 address to the nation has been undertaken with extraordinary success. We have been vigilant in our fight to hunt down those responsible for the attacks, as well as those who might do us harm in the future. We have fortified our defenses and reorganized our government. Americans everywhere are more aware of their surroundings and remain defiant of those wishing to do us harm. We as a nation have grown stronger and more united than ever.

We have been blessed with enormous freedoms and prosperity in this country. Over the course of our history, many Americans have made the ultimate sacrifice by giving their lives to protect our freedoms. Although we have enjoyed many years of peace, the events of September 11 showed us that this fight is far from over.

We must continue to build on the successes of the past year, and never become complacent with our victories. The burden cast upon our great Nation was one we neither asked for nor deserved, but we carry it on our shoulders consoled by the memories of those who went before us who sacrificed in the name of freedom.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. In the absence of anybody else on the floor seeking recognition, I ask consent that I be permitted to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, Senator SANTORUM, Senator ENSIGN, and I have just returned from memorial services in Shanksville, PA, commemorating the downing of Flight 93. It was truly an inspirational and emotional occurrence. The families of the victims of flight 93, the crew and passengers, were seated front and center, and then a large crowd was assembled, estimated in advance to be in the range of 20,000 to 30,000 people.

Gov. Mark Schweiker, Governor of Pennsylvania, spoke, as did former Gov. Tom Ridge, now the Homeland Security Director. There was not a dry eye in the entire assemblage. The message delivered by Governor Schweiker and Governor Ridge was a moment of remembrance, a moment of commemoration, and a moment of hope for the future, with a determination that a united America will repel terrorists wherever terrorists exist and that the struggle for freedom will be maintained and will be won.

Governor Schweiker went to the Shanksville Elementary School in advance of the ceremony and brought to the assemblage, especially the families of victims of flight 93, this message from the Shanksville Elementary School:

> If God brought you to it, God will bring you through it.

That brought quite a response.

Churchill was quoted, I think, so appropriately:

> Never was so much owed by so many to so few.

I think that is especially applicable to the Members of the Senate and the Members of the House of Representatives because flight 93 was headed to the U.S. Capitol. That had long been the speculation, and it was confirmed 2 days ago in an article in the New York Times, quoting members of al-Qaida.

Ms. Sandy Dahl, wife of pilot Jason Dahl, made an emotional speech and later came down and sat right next to where I was sitting and was holding her infant daughter, Michaela, who will be 2 at the end of September. It was quite a poignant picture of the widow, grieving for what happened a year ago today, but holding her child and looking forward to the future. The child was smiling, and so was Mrs. Dahl, looking at her infant daughter.

It is my hope that the Congress will yet act on legislation which has been introduced to grant Congressional Gold Medals to the 40 who were crew and passengers of flight 93. As I moved through the assembled ladies and gentlemen who were families of the victims and spoke to them and heard of their grief, the common thread was: Please move ahead. Thank you for the legislation—thanking the Congress for the legislation authorizing the creation of a memorial at Shanksville, a national memorial site, but also asking that our legislation for the Congressional Gold Medals be completed.

The family of Georgine Rose Corrigan presented me with this photo and the ribbons, red, white, and blue. These photos were worn by so many—virtually all of the families of the victims who were in attendance.

Yesterday, I spoke on the floor of the Senate and said that sometime before dusk today I would ask unanimous consent for the consideration of the bill S. 1434, which has 69 cosponsors, which would grant the Congressional Gold Medal posthumously to the victims of flight 93. This bill should have been moved a long time ago. I have taken it up with the appropriate Senators to get it moved, and it has not moved because of the interest of some in expanding it to cover other victims—the firefighters, the police, and others.

I certainly think it would be appropriate to grant recognition to all of those people. However, I think the victims of flight 93 are in a special category because they saved the Capitol.

In order to avoid the complications of having a bill discharged from committee, I have consulted with the Parliamentarian as to the procedures for having a bill held at the desk.

MEASURE READ THE FIRST TIME—S. 1434

Mr. SPECTER. At this time, I submit on behalf of myself and 69 cosponsors a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

The PRESIDING OFFICER. The bill will be read for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 1434) to authorize the President to award the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

Mr. SPECTER. Madam President, for purposes of completing the procedure, I intend to object after asking the bill be read the second time.

The PRESIDING OFFICER. Objection has been heard.

Mr. SPECTER. Madam President, I ask unanimous consent that at the conclusion of my remarks the program for the commemorative ceremony in Shanksville be printed in the CONGRESSIONAL RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"A TIME FOR HONOR AND HOPE"—ONE YEAR ANNIVERSARY MEMORIAL SERVICE, WEDNESDAY, SEPTEMBER 11, 2002

The County of Somerset wishes to express heartfelt thanks to all who have come forward to assist, contribute and participate in the One Year Anniversary Memorial Service. We would also like to extend a special thank you to these sponsors:

DIAMOND LEVEL

United Airlines Corporation
Deitrick & Associates Interiors, Inc.

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PEWTER LEVEL

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Kendall, Inc.
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Color ID
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HEARTFELT SUPPORT LEVEL

Ironworkers Local Union #46
Radio Shack Corporation
Rockwood Area School

ONE YEAR ANNIVERSARY MEMORIAL SERVICE—9:30 AM

MUSICAL SELECTIONS

Johnstown Symphony Orchestra and the 2d Marine Aircraft Wings Band, 2d Marine Aircraft Wing, Cherry Point, NC

"OLD GLORY" FLAG PRESENTATION

101st Airborne Division (Air Assault), Fort Campbell, KY

Remarks by Mr. Dave Pawlewicz, Century Link America

PRESENTATION OF THE COLORS

U.S. Marine Corp Honor Guard, 2d Marine Aircraft Wing, Cherry Point, NC

PLEDGE OF ALLEGIANCE

Miss Priscilla Gordeuk and Mr. Elwood Brant, Top Honor Senior Students, Shanksville-Stonycreek School District

NATIONAL ANTHEM

Ms. Jeanne Wentworth

FLYOVER

C–130's—911th Airlift Wing, Pittsburgh International Airport Air Reserve Station

REMARKS

Sandy Dahl, Wife of Flight 93 Pilot, Jason Dahl

"ONE MINUTE OF SILENCE FOR WORLDWIDE PEACE"

Murial Borza, Sister of Flight 93 Passenger, Deora Bodley

10:06 AM—"TOLL THE BELLS"

Br. David W. Schlatter, O.F.M., Bells of Remembrance toll forty times as names of passengers and crew are read. Presentation of Names: Mr. Tony Mowod

INTRODUCTION OF GOVERNOR MARK SCHWEIKER

REMARKS

Governor Mark Schweiker

INTRODUCTION OF KEYNOTE SPEAKER

Governor Tom Ridge, Homeland Security Advisor

REMARKS

Governor Tom Ridge, Homeland Security Advisor

TWENTY-ONE GUN SALUTE

Marines of the 4th Marine Aircraft Wing, Site Support Element, Johnstown, PA

ECHO TAPS

2d Marine Aircraft Wing Band, 2d Marine Aircraft Wing, Cherry Point, NC

MUSICAL SELECTION

"God Bless America"—2d Marine Aircraft Wing Band, 2d Marine Aircraft Wing, Cherry Point, NC and public

AIR FORCE FLYOVER WITH MISSING MAN FORMATION

AT–38's, 80th Flying Training Wing (80FTGW), 88th Flying Training Squadron (88FTS) Sheppard AFB, Texas

HEROES MEMORIAL RELEASE

Release of forty white birds representing the fallen heroes of flight 93

"GOD BLESS AMERICA"

Ms. Jeanne Wentworth, Leading assembled public and Johnstown Symphony Orchestra

FORMAL RETIREMENT OF THE COLORS

Honor Guard 2d Marine Aircraft Wing, Cherry Point, NC

DEPARTURE OF FLIGHT 93 FAMILIES

DEPARTURE OF DIGNITARIES

PUBLIC DEPARTURE

IN REMEMBRANCE OF SEPTEMBER 11, 2001

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I rise today to commemorate the vicious terrorist attacks that occurred on our Nation a year ago today, September 11, 2001.

Over the past few days, in large cities and small towns, in New York and the Pentagon today, in my home State of South Dakota, people have gathered to remember and to reflect upon what happened this last year.

In many ways it still does not seem possible that a year has passed since the attacks of September 11, 2001. It seems too soon to look back and reflect on the meaning of September 11 because the events of that day still echo in our daily lives. The wound is still too fresh, the loss too great. Every American will remember exactly where they were when they realized that our Nation was under attack. The images of that day will be with us forever: The burning buildings, the endless television footage of airplanes crashing into the Twin Towers, the images of New York covered in rubble.

I will always remember the smoke of the Pentagon as it appeared through a too-perfect blue sky here in Washington DC. But other thoughts—candlelight vigils, American flags adorning buildings, fences, and barns, the heroism of the passengers of American flight 93, and the lasting bravery of firefighters and other first responders—will also remain in our hearts as constant reminders of that day in September.

Across the Nation and around the world, people came together to do what they could for the victims and their families. I was proud, but not at all surprised, when South Dakotans overwhelmingly responded with offers of blood and other assistance. Millions of dollars were donated by South Dakotans to relief organizations, and thousands of hours of time were volunteered in efforts to aid survivors and the family members of victims. Employees at Luverne Fire Apparatus in Brandon put in 2,000 hours of their own time to build a fire truck that was donated to New York City. Red Cross volunteers from Rapid City assisted in recovery efforts at the Pentagon. Farmers and ranchers throughout the state sold cattle and grain at auctions and livestock drives and donated that money to relief efforts. In one extraordinary example, Don and Adeline Hight of Murdo sold 100 calves and donated the proceeds, about $40,000, to help victims of the terrorist attacks. In Brown County, the Rural American Patriot Fund used the money they collected from fellow farmers and ranchers to buy thousands of dollars in Patriot Bonds. The idea of Patriot Bonds began with a call from a South Dakotan to my office, and were approved by the Treasury Department last December. Patriot Bonds, similar to World War II war bonds, allow Americans to support the relief and recovery efforts at the World Trade Center and the Pentagon and to help fund the war on terrorism.

South Dakotans also helped to ease the emotional strain that the attack had on survivors and the victims' families. Police officers specializing in stress management from Mitchell and Yankton went to New York to help the police officers there deal with the emotional aftermath of the terrorist attacks. Lance Fillspipe, Junior Rodriguez, and eight other police officers from Pine Ridge Indian Reservation traveled to New York to help the police there handle security. Bonnie Riggenbach and Bob Holmes of Rapid City, both therapists, traveled to New York to do what they could to help people mend their lives. The Disaster Mental Health Institute at the University of South Dakota went to New York City in the wake of the September 11 attacks and played a key role in helping the recovery process. Students at Mount Marty College put together a banner signed by members of the community with words of sympathy and support for the city of New York. That banner is being considered by the Guinness Book of World Records as being the largest handmade banner ever made. Through gestures large and small, South Dakotans united with their neighbors and worked to bring something positive from all of the terrible destruction.

A lot has changed in our country, and in our world, since September 11. Our Nation has learned, to our vast sorrow, that we were not as untouchable as we had believed ourselves to be. Our country is involved in a war against terror that has taken our courageous military men and women, including my son Brooks, to Afghanistan as well as other far-off corners of the world. Our military effort in Afghanistan has helped to free people who were oppressed by a dictatorial regime that, in addition to the atrocities that the government inflicted upon its own people, harbored a terrorist group representing the worst humanity can become.

Here on the home front, things have changed as well. Barricades have been erected around national monuments, the Capitol, and the White House. Lines are longer and security more thorough at airports. Despite the longer lines and tighter security, our Nation still moves and functions much as it has for the last 225 years. We remain a beacon of democracy and justice for much of the world, and I work very hard as a Senator to make certain that new regulations, however necessary they may be in our post-September 11 world, do not infringe upon the basic rights of our citizens that we seek to secure.

So as we take this day to reflect upon the many lives lost last year, we are to reflect on the courage and heroism of those who did so much to save lives and defend our liberty today. We take comfort that the terrorists' goals were not realized—that there were attacks on buildings, but there were also attacks on everything America stands for—on individual liberty, on religious tolerance, on democracy, on free speech, and all the rights of our Constitution. These forces of hate, these forces of intolerance tried to destroy the very things that make this Nation strong. Buildings are being repaired but, more importantly, the light of democracy that holds this Nation together and our fundamental values burn just as brightly as it ever has.

The United States took a hit, but we have responded aggressively, and America will remain a beacon of liberty and freedom for the world forever after.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Utah.

Mr. BENNETT. Madam President, as I contemplated what I might say here today, I went back in my computer and pulled up a letter I wrote on September 22, 2001, in response to a friend of mine who corresponded with me in that difficult time. He is a history professor. I have known him since high school. And I sat down at my computer and simply let things flow out. I have now decided to share that letter with the Senate and with the country as I look back on it after a year's time. I think it reflects better than anything I could create now not only my feelings at the time but my concern for where we should be and what we should be doing.

I read the letter dated September 22, 2001:

> I have your letter, dear friend, and am moved to reply in depth using you as my audience as I make an attempt to speak to all the issues I see.
>
> I start with the President's address to the Congress last Thursday. It has been called historic, one of the greatest Presidential addresses ever given. It certainly had that character and, listening to it in a packed chamber more hushed than I can ever remember, I was struck by the power, eloquence and directness of his words. From a distance of a day or two, however, as I analyze it and discuss it with my colleagues, I realize that the speech was more than moving rhetoric. For the first time since the end of the Cold War, a U.S. President has laid out a clear statement of what the world is now like and what the U.S. role must be in that world.
>
> The fact that this has not been done before is less a knock on previous Presidents than a realization that, until September 11, Americans in general were probably not yet free of all our Cold War illusions. We are the world's only remaining superpower, we told ourselves. We are a just compassionate nation, we said. Ergo, we reasoned, it follows that, under our vigorous stewardship, the world itself will become a just and compassionate place, albeit little by little.
>
> With Hitler and Stalin and Mao all dead, we thought, with the Soviet Union gone, evil—true malevolence—has gone from the world stage. It only pops up here and there in the form of an isolated Serb or Somali warload.
>
> No more.
>
> Now we know that evil is alive and thriving, still threatening the peace everywhere in the world. Irrational hatred has not disappeared. The same mindset of fanaticism that built gas chambers 60 years ago is now hijacking airplanes and flying them into buildings, overseeing the preparation of chemical and biological weapons of mass destruction. As the President made so starkly clear, the world's new enemies hate freedom as much as Hitler did, and are prepared to kill millions as much as Stalin did. Evil has not gone away; it has simply changed its political language and its physical address.
>
> Our Cold War mentality told us that the trouble in the Middle East was about Israel, about power politics between established nation states, about borders and economics and markets. I readily agree that Israel has real problems with her neighbors, and they with her, but this is not about those problems. It is not about Israel. It is about defending the helpless against evil.
>
> President Bush told us that America is feeding the poor in Afghanistan. I didn't know that before. Since his speech I have been in briefings from those familiar with the region who tell us that the Taliban uses food as a weapon, denying it to those that oppose them. They say they hate us for our support of Israel, but they also hate us because we are trying to feed the starving in their own country, and thus undermine their effort to starve everyone into submission.
>
> They hate us because we profane their world with our notions of freedom—we "pollute the holy places" with business people and diplomats who let women drive and appear in public with bare faces. They hate us because we take the youth of all countries, including theirs, into our universities and teach them about science and economics and democracy, as well as about blue jeans and movies and freedom to travel and open debate. President Bush said it better than I can, and it was necessary for him to lay all that out if the Country is to "get" what we are facing.
>
> The President spoke of the diplomatic front in this war, of our need for partners. . . . He reported good progress there, citing Pakistan as an example. In the same briefings that told us about food shipments to Afghanistan I learned that the current leaders of Pakistan really don't have much of a choice in this fight because they are a target themselves. They hardly qualify as democrats by our definition, but the radicals still hate them for even their tenuous ties to us. By some estimates, the radicals are close to bringing the government down and turning Pakistan into another Afghanistan. The same is true, in terms of the radical's end goal, in Egypt, Jordan, Saudi Arabia and elsewhere.
>
> The leaders of those countries know they are at risk, and have been for some time. Sadat was murdered because he was willing to go to Jerusalem and say, "No more war." Those leaders need our help and are willing to help us in return because, long term, they know that the only nation with the capacity to lead a world wide campaign to eliminate this evil is ours. The success we are having in building a coalition of partners in the first days of this conflict is one of the most encouraging signs that things are, for the moment, going somewhat well.
>
> You are a historian; you know that the Second World War didn't begin on December 7th. Neither did this one begin on September 11th. As was the case with Europeans in the 30's, Americans have been in Foreign Policy denial in the 90's. Thrilled with the demise of our four-decade Soviet enemy, we read articles about the "end of history" and ignored the signs that were there to be seen. Now we have to go back and examine those signs . . .
>
> We must realize that we are truly at war, and, as was the case in 1941, really have been for some time. The embassy bombings, the attack on the U.S.S. *Cole*, the intelligence warnings—all these should have told us that this is a war and not, as some of the commentators have described it, a law enforcement problem. What's the difference? . . . In a war you focus on prevention of attack, not punishment. You . . . go after the enemy's assets to destroy them before they can be used to destroy you, gather the best intelligence you can and then play hunches and probabilities. You don't give out Miranda warnings.
>
> Please accept my assurance that our leaders know how different and difficult this war will be. They know that we have to have partners, and that many of these partners have internal problems that will prevent them from being the kind of "allies" on which we could traditionally count. . . . The team that President Bush has assembled is experienced, intellectually nuanced in its understanding, and deep. Down below the level of Cheney, Powell, Rumsfeld and Rice is a significant bench of very solid players who understand what we are up against. . . .
>
> So there we are. It has fallen our lot . . . to be the leader of the free world in a struggle that is global and against an enemy that is fanatic, decentralized, persistent, completely fearless and very, very patient . . . . bin Laden and his fellow fanatics have decided that they can defeat [us] . . . by keeping intact their capacity to visit horror on us at unexpected times. We will not have won until that capacity is destroyed. This will be a very long, tricky and difficult fight.
>
> But, as the President said, we will win it. And it will be worth it. The stakes are nothing less than they were in 1941 and through the Cold War years, for us and for all the rest of those who want to live in freedom.

Madam President, reading that a year later, I still feel the same way.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be recognized to speak for up to 10 minutes in this slot previously reserved for the Senator from Illinois and that Senator DURBIN be recognized to speak in the next Democratic slot.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. Madam President, it is truly an honor to have the opportunity to come and speak on the floor of the Senate today. This is one of those days when the Senate Chamber is really the people's forum, when the partisan or ideological or regional or whatever differences that sometimes separate us in votes fall aside and we stand here before the Chair, under the slogan that describes us—"E pluribus unum," "Out of many, one"—and truly represent the common and shared values, hopes, and aspirations of our people.

I am proud of what my colleagues have said thus far in this discussion and very grateful to be a part of it.

In New York City today, they are reading the names of the victims, the names of 3,000 of God's children, magnificent in their characteristic American diversity, whose lives were savagely taken on September 11 of last year simply because they were American. None of us here can say anything as powerful or profound as the recitation of those names today.

The Pentagon, the World Trade Center, and that field outside Shanksville, PA, will forever be hallowed battlegrounds, places where we will take our children to stand silently and contemplate their meaning, places of worship, really, where we will revere the lives lost and honor their place in our history.

This morning, as I left the very moving and unifying commemorative rededication service at the Pentagon, I came across a family, and I said hello and shook their hands, and I realized these were survivors of a man killed in the Pentagon on September 11 of last year: A young boy about 10 or 12 years old, full of innocence and youth, a great looking kid, carrying an American flag in a case—I presume the flag that was either placed over his father's coffin or given to him in memory of his father—a woman, who was the wife of the deceased and his parents—strong American stock—a man wearing the cap of a veteran, tears under his eyes. And there it was: A son without a father, a woman without her husband, parents without their child. I was speechless. There was nothing I could say except to shake their hands and put my hands over my heart.

In some ways, silence is a more appropriate response to the dreadful losses that were suffered on September 11. Silence, somehow, speaks more loudly to the horror and the complicated feelings that we all had on that day. Nevertheless, we must speak, to reflect on what happened that day, in the year that has passed, and to try to learn from that day and chart our way forward.

Madam President, our enemies hoped that September 11, 2001, would be the first page of a new chapter in world history: The end of the American century; the end of America as we know it; the beginning of a civilizational conflict, based on theological differences, taken to an inhumane extreme, which would end in the victory of radical extreme Islam.

As a distinguished Muslim citizen of Connecticut said yesterday at a public ceremony, al-Qaida hijacked his religion.

In this the terrorists betrayed their ignorance, not just about Islam but about America; not just about the American people but American democracy and its values.

I wish to speak for a moment about this conflict that September 11 has put us into and the differences between us and our enemies, which is what this is all about. This is not a simple struggle for power. This is a global conflict for values, for ideals. We are idealists. We and our many allies around the world, including so many millions in the Muslim world, believe in the inalienable and inviolable rights of every individual. Our enemies are craven cynics who desire raw power for themselves and seek to crush those who look or act or think differently. They claim to be religious, but how can they be religious and faithful in any way in which any of the world's religions understand it, if they are prepared to kill thousands of God's children allegedly in the name of God?

We are different. We are optimists. We grant people liberty, not as the gift of politicians but as our Declaration of Independence says: As the endowment of our Creator. We have confidence that a society governed by its people will progress, and that is why we seek to open the world and broaden the community of nations living under democracy, as we have so magnificently since the fall of the Berlin Wall.

Our enemies are not just pessimists; they are fatalists. They fear the voices of the people. They want to bring down a theological iron curtain to divide the world into acceptable and unacceptable people and nations and faiths, to those worthy of living and those targeted for death and domination.

Third, we are skeptics in a very healthy way. We question one another and ourselves. We are proud of who we are but not so proud that we pretend to be without fault. Our enemies proceed with a chilling sense of certainty and an unwillingness to look at themselves in the mirror.

It is those values that have guided us through our history and distinguish us now from our enemies. The men and women of our military performed brilliantly in unfamiliar territory against an unprecedented foe. Our police officers, firefighters, and other first responders have had reason to despair, but they have risen to the immense challenge and reminded us of what heroism they display every day. Every day Americans in our communities have had reason to lose faith and to turn from hope to fear, but they have not faltered. They have come together, finding our strength, not losing our optimism and our courage.

Here in Congress, though we still have work to do, we have faced the new reality of the post-September 11 world. We have asked tough questions of ourselves. We have supported our President as Commander in Chief. We have realized that we have not been as prepared as we should have been on September 11 last year, and we are taking steps to close our vulnerabilities.

As we do, we must remember that September 11 was not just a tragedy that happened. It was not just a natural disaster. It was an unnatural disaster, carried out as an intentional act by people who were evil.

That is why, as Charles Krauthammer wrote in the Washington Post a while ago, we must understand this anniversary as more than a day of mourning and solemn remembrance. It must be not just a day of commemoration but a day of rededication. Charles Krauthammer wrote:

> We would pay such homage had the World Trade Center and the Pentagon collapsed in an earthquake. They did not. And because they did not, more is required than mere homage and respect. Not just sorrow, but renewed anger. Not just consolation, but renewed determination. . . .

We will build beautiful memorials to those killed on September 11, but there are other memorials that we here in Congress can and must build: a Department of Homeland Security that does everything humanly possible to prevent anything such as September 11 from recurring, and it need not recur. We must support and encourage our military to search out and destroy or capture al-Qaida wherever they exist. We must reach out to the Muslim world, the great majority who are not fanatics or extremists, who suffer from a lack of freedom and a lack of material resources and hope, and offer them the support and the freedom that they desire and that is ultimately the best defense against the evil terrorism of the minority in the Islamic world that al-Qaida represents.

As we approach the great debate in this Chamber on the questions around Saddam Hussein and Iraq, we must remember the lessons of September 11. As we look back, having heard the warnings of Osama bin Laden, having experienced the attack against the World Trade Center in 1993, against the two embassies in Africa, against the U.S.S. *Cole*, as we look back, don't we wish we had taken the kind of action we are taking today to destroy al-Qaida?

In her foreword to "At Home In The World," a collection of Daniel Pearl's writings in the Wall Street Journal, his widow Mariane Pearl wrote:

> The terrorists who killed Danny stood at the other extreme of what Danny represents. They could only wield their knife and cowardice against Danny's intellectual courage and bold spirit. Danny died holding only a pen. They stole his life but were unable to seize his soul. By killing Danny, terrorists took my life as well but could not lay claim to my spirit. We will never let them win.

So, too, the terrorists may have killed 3,000 innocent Americans on September 11 of last year, but they will never lay claim to America's living spirit. We will never let them win.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise to speak about the events of 1 year ago. I am delighted to follow my colleague, Senator LIEBERMAN of Connecticut, with whom I have worked and will continue to do so. I add my name to his comments.

Today we are gathered to remember those who lost their lives on September 11, to honor those who sacrificed everything for the concept of and belief in freedom. That day and every day since then are stark and simple reminders that freedom is not free and that it is never secure.

This is something the people of my home State of Kansas have long understood. Our very motto is "ad astra per aspera"—"To the stars through difficulties." We have lived this every day, every year since before we were a State.

It is also a theme our entire Nation embraces today. We were not bowed by last September's attack. In fact, we arose from the ashes stronger and more resilient than ever.

"The greatest victories come when people dare to be great," Ronald

Reagan said, "when they summon their spirits to brave the unknown and go forward together to reach a greater good."

In the days immediately following that fateful day, we summoned our spirits and went forward together. We dared to be great.

As you look at the memorials, and as you listen to the speeches of remembrance, think of the sacrifice of all those involved, and of the lives cut short, the promises broken, the happiness destroyed. It is all too easy to cloak these sacrifices in mere platitudes. We must remember exactly what it means to sacrifice and what exactly was sacrificed.

These were not nameless, faceless people who just simply acted out some role. These were sons, daughters, husbands, wives, brothers, sisters, mothers, and fathers. They were scared men and women who had thrust upon them the part of hero, and they lived up to the billing.

It is also too easy to just call them heroes and walk away. It is not easy to recognize the fear and the strength and the courage they exhibited on that particular day.

I have been particularly taken now, reading stories of the heroes of 9/11 and the miracles that happened on that day—stories that we are all familiar with now—Todd Beamer and "let's roll," and the flight that went into the field in Pennsylvania, which was the very flight headed for this building. It probably would have reached its target had they not been heroes on that day. Would this place even be here now? It may have been rebuilt, but would we be back here yet? How many lives would have been lost here?

I read last Friday in USA Today about miracles of 9/11. Some police officers, one a rookie, went into the south tower; they were buried in 20 feet of rubble. Three of them were together. The first was killed in the first crushing, but two survived and they were able to crawl around. The second tower came down and they were pinned underneath the rubble and stayed there almost 24 hours. They could see a light about 20 feet up, and they knew there was a possibility they would get out. As they faded in and out of consciousness during the night, one of them had a vision, it said in USA Today. The vision he saw was Jesus coming toward him, bringing him a bottle of water. It gave him strength. He wasn't fearful of death. He was able to reach out with strength and yell for help. They were eventually found by a marine and were dug out from the rubble. That is one of the miracles of 9/11.

I think of the heroes that were going up the tower, instead of coming down, on 9/11. It was an amazing day, a tragic day, one we should not and we won't forget.

Also, sometimes it is easy to think that perhaps life does not change that much when actually life has irrevocably changed. It is not that life doesn't go on; it certainly does. We must never forget.

As author Elie Wiesel said in his Nobel lecture:

> For me, hope without memory is like memory without hope. Just as a man cannot live without dreams, he cannot live without hope. If dreams reflect the past, hope summons the future. Does this mean that our future can be built on a rejection of the past? Surely, such a choice is not necessary. The two are incompatible. The opposite of the past is not the future, but the absence of the future; the opposite of the future is not the past, but the absence of the past. The loss of one is equivalent to the sacrifice of the other.

We must not forget our past or the attacks or the outpouring of generosity and patriotism and simple kindnesses in the days following the attacks. All of this must continue. We cannot return to the safety of our homes and pretend the storms buffeting the lives of people hundreds and thousands of miles away does not affect us.

September 11 was a wake-up call that we cannot and will not forget. It has changed us. It has changed us in substantial ways that we can see and feel, and in ways that I don't think we have wrestled with yet.

One simple thing: "God Bless America" has become a national song—not the National Anthem but the national song. We gathered again today as Members of the Congress on the steps and sang it as we did on September 11. I hope we can officially continue to do that. Even though it was unofficial today, I hope our national song will become official.

We are a nation founded by men and women who are willing to stake their lives upon the conviction of universal rights and freedoms; that this was larger than their own lives and small roles that they felt they would play; that their actions were just a shot across history's bow on behalf of all people who both desired to be free and honored the sense of duty that liberty engendered.

On September 11 we saw a number of people step forward to recognize and fight for those universal rights and freedoms, each of us in our own way in our own actions. Today, we still have a torch to carry—for all those who died on September 11, all those who have died in the war against terrorism, and all peoples across the world who desire freedom.

These may seem to be the worst of times, but we are resilient and, most importantly, we are a hopeful people and we will prevail. There is a Biblical verse that says:

> And not only so, but we glory in tribulation also: knowing that tribulation worketh patience; and patience, experience; and experience, hope: and hope maketh not ashamed. . . .

We are a hopeful people. God bless America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I joined my colleagues in the Senate this morning on a trip to the Pentagon. The project there is known as the Phoenix Project, and those familiar with mythology know that the Phoenix is the great bird that rose from the ashes and flew again. Well, the spirit of America was flying again this morning at the Pentagon as we looked at a restored building—more importantly, a restored spirit.

The President, the Secretary of Defense, and others spoke. We all gathered—thousands of us—to pay tribute to those who lost their lives on September 11 there, as well as the victims in Pennsylvania and in New York.

As our buses came back, there were a number of people gathered in Washington on The Mall. Many of them were—in their own way, with their families and friends—commemorating September 11. As I passed, I saw one man standing there with a handwritten sign that said "United in Memory." I thought that really captures what we are doing today. We have stood united since September 11, but today we reflect. We are united in memory. We grieve for the victims. We mourn those who died.

But we also stand in praise of those heroes of September 11. Each one of us carries certain images in our minds of where we were when we heard it, what we did. For most of us, the first calls were to our families, and maybe it was indeed proper that we would turn to those we love the most to make certain they were safe.

I still remember images of that day, and the days following, just as real as the moment when I experienced it. One was a photograph from the New York Times, which showed a New York firefighter racing up the stairs, as you saw a long line of people racing down the stairs of the World Trade Center. A young, handsome face—probably a man with a family himself, thrusting himself into the jaws of that disaster in the hope that he could save someone's life.

Many like him—firefighters, policemen, first responders, medics, and others—gave their lives on September 11. They got up that morning and put their badges and uniforms on and probably never thought twice about whether they would return to their families. Sadly, many never did. They are truly American heroes.

I can recall a few weeks later being out on Lake Michigan, near Chicago, in a Coast Guard vessel with the young men who were keeping 12-hour shifts, patrolling the shores to keep them safe, checking every vessel that came on the Great Lakes. Most people in Chicago didn't even know they were there. But they were—every single day.

I can remember, as well, the Capitol Police just outside this door and around this complex, who worked 12-hour shifts day after day, week after week, to protect us, to protect the visitors, to protect the staff, to protect this great building after September 11. They are truly American heroes.

In January, as part of the first congressional delegation to visit Afghanistan in the daylight hours, we went to Bagram Air Force Base. It was an old Soviet base, and we were using it as part of our efforts to liberate Afghanistan from the Taliban.

To sit down with those young men and women in uniform who had missed Christmas with their families, did not know how long they were going to be there, and just to talk with them and eat with them and share some stories about home, and to have one young man come up to me and say: Senator, I am from Illinois. Can I ask you a favor? When I come back after this, could you give me a helping hand?

I said: Sure, what is it?

He said: I would like to become an American citizen.

I said: Wait a minute, you're a soldier here.

He said: Yes, I am. I was born in Panama, and I am not an American citizen. Will you help me become an American citizen?

I said: You got it, buddy; whatever you want, I will be there.

I also remember another incident in the middle of December. I flew into O'Hare, and I went down to get in the line for a taxicab. I drew a taxicab, and the driver was wearing a black turban and a beard. As we started to move along, I said: Excuse me, sir, would you happen to be a member of the Sikh religion?

He said: Yes, I am.

I remember I had been visited by Muslims, Sikhs, and others worried about people who would discriminate against them, and I knew a little bit about some of the terrible things that happened to them—they were isolated, but that did happen.

I said to the taxicab driver: How have things been for you over the last several months, wearing your turban, trying to be a regular taxicab driver?

He said: Most people couldn't be nicer. There were bad ones, too. Some cussed me out; some wouldn't get in my cab. They think I am a terrorist, too.

He said most people could not be nicer. He said: I have been in the United States for 33 years. I wish they would get in my cab because I would like to show them something.

I said: What is that?

He reached over and pulled down the visor, and there was a photograph of a young man in a U.S. Army uniform.

He said: I want to show them a picture of my son Michael.

I said: Michael is in the Army?

He said: Oh, yes; he was in Kosovo.

I said: Where is he now?

He said: He is with the Special Forces in Afghanistan, and I haven't heard from him in 6 weeks.

I thought to myself: Boy, does that tell the American story. Here we have a man who some, with little education or learning, in their ignorance, would say is an enemy of America. No, that man is a loyal American who was offering his greatest treasure on Earth, his son, to our Nation to serve and who was in harm's way at that very moment.

Just a few weeks ago, four widows from the World Trade Center came to see me. They want a public investigation of what happened leading up to September 11. I completely support them. I think it is now overdue. We should do it.

They talked about their experiences with their families. They told their stories over and over in all the Senate offices. Some of them carried around their necks photographs of husbands and families.

I remember one saying: I am lucky. My three friends here do not have any evidence of their husbands they lost, but I was a lucky one because they found a hand, and on that hand was my husband's wedding ring which I now have on my hand. That is all that survived.

She was grateful for that one memento of his life and how much it meant to her, and what a reminder it is to all of us of the true grief and loss that so many families have endured.

I suppose the lesson from September 11 should be clear: Let all those around the world who would attack the United States know that they will pay a heavy price. We approve of that. But also let everyone around the world know that we are not an aggressive, angry people. We are a caring and compassionate nation, and if others will reach out with a hand of peace, we will extend ours as well, no matter where you are from, no matter what your religion or ethnic or cultural background. Osama bin Laden and al-Qaida did not understand that, but we in America understand it well.

When I reach back in history for words that bring inspiration, I so often turn to one of our favorite sons, Abraham Lincoln from Illinois, and his second inaugural address right outside this building in which he said:

> With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

Lincoln said those words as we came to the close of the most devastating war in our history. He reached out to try to find common ground, even with the enemy, to bind this Nation. So, too, should we reach out in this world to tell the story of America, to help build a more peaceful world, a world where our children and grandchildren never have to fear another September 11.

After September 11, we were not just united in anger, not just united in sympathy. We were united in memory and united in hope—hope for a world of peace, hope that our children and children around the world will be spared the horror, the disaster, and the tragedy of September 11.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, as we observe the 1-year passing of the day al-Qaida attacked America, we have in our hearts, our thoughts, and our prayers the victims and their families. On this painful anniversary, they do not stand alone in their grief. All Americans of all faiths, colors, and creeds mourn the senseless loss of life on September 11, 2001.

The war on terrorism is a fight against evil forces bent on destroying America and our many freedoms. President Bush said this war will be unlike any we have ever seen, and he is certainly right. This is a war without borders and one in which the battle must be brought to the enemy, lest terrorists strike again on our own soil.

In the long proud arc of our Republic, America's courage has been too great, its values too strong, and its freedoms too dear to ever be turned back by an enemy. As we stand at the beginning of a new century, I am certain in the knowledge that we will prevail again.

Madam President, the watchwords for Kentuckians and all Americans on this day must be: Never again.

I think we can safely say that 1 year after September 11, 2001, we have ended the first chapter in the book about the war on terrorism. But the second chapter is going to be, in many ways, much more challenging.

The President and many of us in this Chamber are haunted by the notion that a year ago today, had those planes been full of something other than gasoline—a chemical weapon, a biological weapon or, worse still, a nuclear weapon—all of the destruction that we remember so vividly today would have been dramatically worse.

We will have before us in the Senate in the next few weeks a resolution giving the President the authority he will be seeking, and we will need to give him, to begin to launch the second chapter in this war, which is to target weapons of mass destruction, wherever they may be in the world, in the hands of leaders or gangs who wish to use them against our own people here at home.

This is a new doctrine the President will be laying down. In the past, we have turned the other cheek, if you will; we have waited to be attacked, and then we have responded. But that approach, when one considers the devastation of weapons of mass destruction, is simply unacceptable. The American people will not accept a strategy based upon responding after the next attack on our own soil using weapons of mass destruction.

This will be one of the most important debates we will have in the history of this body, and it will come up in the next few weeks. It will be an appropriate memorial and remembrance to those who lost their lives a year ago today as a result of a conventional attack. Were they alive today, I am sure they would applaud our efforts to prevent another attack with weapons even more devastating on other Americans here at home.

Make no mistake about it, this is the new challenge of the 21st century: Weapons of mass destruction in the hands of gangs such as al-Qaida or regimes such as the one in Baghdad used on Americans here at home by people who really are against modernity, who want to roll the clock back to the Middle Ages where women had no rights, where people had no opportunity to speak or to worship as they chose.

This is a war between modernity and the Middle Ages. Our enemies are quite intelligent and resourceful, and this challenge is going to go on for quite some time.

In conclusion, this would be a fitting memorial to those who died a year ago today, that America in a very proactive way seeks to prevent the next attack in the United States using weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I think all Americans today are pausing, if not for a moment, for a longer time just to think, to kneel and pray. On their mind is a historic incident that occurred a year ago today in this country.

Many of my colleagues and I went to the Pentagon this morning to recognize that great tragedy once again and to be there to honor those 184 civilian and military men and women who tragically died in the Pentagon when it was struck by terrorists.

There is no doubt in my mind, and my guess is there is no doubt in any American's mind, they again relived the events of the phenomenal and tragic incident that occurred a year ago today, both mentally and visually on television or in ceremonies or prayers or moments of silence around this country.

In rethinking that day myself, I thought of my own emotions; that I grew angry at first to realize we were being attacked by terrorists. Then I experienced for a moment on Capitol Hill that day a sense of fear that maybe the Capitol itself would be struck, or our office buildings, and that my staff might be in some way injured or my family may not be safe. Out of that fear, though, grew in my mind, and grew in most Americans' minds, a phenomenal sense of resolve.

Since that tragic day, we have seen that resolve take shape in so many forms, whether it is the celebrating of a complete reconstruction of the Pentagon today in almost unbelievable time, or whether it was citizens across this Nation reaching deep in their pocket to give a little or a lot of their personal wealth to help the remaining citizens whose husbands, wives, sons, or daughters were the victims of the 9/11 incidents.

As I was listening to our Secretary of Defense and our President today, I thought of two Idahoans who died a year ago today at the Pentagon, one LTC Ron Vauk of Nampa, ID, and one Brady Howell of Sugar City, ID.

I have known LTC Vauk only by a piece of paper. When I was a young Member in the House of Representatives, I had looked at his resume. I had studied his grades and I, along with the rest of my colleagues, had decided he was eligible for and ought to be nominated to the Naval Academy at Annapolis. We did nominate him, and he served with honor.

He had retired out of the military and was serving in the Navy Reserve, teaching in this area. He was serving only as a reservist at the Pentagon in a temporary status for a few days, having been called from his job to do so when that plane struck. I will never forget the time I spent with his bride and their small son in Maryland. I watched the unity of that family coming around the widow and that small son of LTC Ron Vauk. That was the kind of resolve we have seen repeated time and time again out of the tear-stained faces of Americans as they recognized that they had to commit themselves, as our President and as this Congress has committed itself, to never letting this happen again.

I remembered Jennifer Vauk today, and I can only say to that brave widow that I thank her for her courageousness at this tremendously difficult time for her. Resolve and resilience flowing from the veins of Americans into the energy of their souls clearly speaks so well in this country today. It is not just a 9/11 feeling, it is a sense of patriotism and resolve that has grown out of nearly every crisis this great country has experienced down through the years. It comes in all different forms.

At this instance, in Idaho, it was the Red Cross sending volunteers all the way across the country to Ground Zero in New York, or it was the numerous churches or memorial services held across the State of Idaho, or it was a marvelous little gal in Pocatello who had saved $1,000 of her own money to buy a horse, and she gave all of it to the 9/11 charities so some other child could have a little bit because that child had lost so much, a mother or a father.

It was not just an Idahoan doing it. It was thousands of Americans speaking out from the smallest, almost the poorest, to the tallest and the most wealthy in our country who found the capacity in their heart to experience this resolve and dedicate themselves, as did Leah Wright in Pocatello with her $1,000.

I suspect every generation has a defining moment. My guess is that September 11 is the defining moment for America's current generation. Our President, in speaking today, has given a name for all of us who would call it 9/11. It will be a Patriots Day, and I hope that every year we stop to remember Patriots Day and why we now recognize it in that capacity.

Congress is now debating legislation to create homeland security as a department, hopefully to bring our country together more cohesively, to allow our law enforcement communities to do so in a way that will give us greater intelligence and therefore greater resolve. In doing so, we must not allow terrorism, or our commitment to stopping it, deny us our own personal freedoms. We should never select security over freedom because it is the very freedom of our country that gives us the resolve we have today. Tragically enough, it was the very freedom of our country that caused terrorists to strike at us because we do not speak of freedom for Americans only, we speak of it for all citizens of the world and citizens of all countries as a right of humankind to be as free as possible, and for this great country to be dedicated to that freedom.

In our search for security, let us not deny ourselves the very freedom that is the strength of our country.

Many more will speak today, and at the end of the day many tears will be re-shed in memory of the men and women who died on 9/11. I am so proud of my country and so proud to be but a small part of its leadership because I have sensed in the Senate that while we may have our differences politically, a resolve all Americans have at this moment is to never allow this to happen again, never allow our citizens to be the target of an enemy that would choose to strike them down for political expression.

So be it 9/11 or be it Patriots Day, I hope on September 11 next year we will once again be speaking out about that day on September 11 of 2001 when thousands of Americans lost their lives, but America found once again a revitalized reason for being what we are and striving to allow the rest of the world to have the same kind of human freedoms we have and cherish.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, though we would never wish to relive the horror of September 11, 2001, we must dedicate ourselves to appropriately remembering it. That is the task we begin with this first anniversary of that darkest of days, to properly and lastingly honor the sacrifice of the more than 3,000 women, men, and children who perished at the Pentagon, at the World Trade Center, at the crash site of flight 93 in Shanksville, PA.

September 11 will be a day of mourning for many years to come. And it should be, for the grief of those who lost loved ones on that day will pass only with their passing. Nothing can wipe away the memory of a friend or a family member taken before their time. The victims of September 11—those who died and the friends and family who survived them—deserve our enduring respect.

Though the attacks were carried out in New York, Washington, and Pennsylvania, no American was left untouched by this tragedy. That includes the men and women of my home State of Tennessee. I think of John and Pat Lenoir of Knoxville who lost their son, Rob, when the World Trade Center collapsed. Francis Hall of Knoxville lost her sister-in-law. And Otis and Nancy Tolbert of Brentwood, TN, lost their son when flight 77 crashed into the Pentagon. We keep those Tennesseans in our thoughts and prayers today.

It is entirely appropriate that the President and First Lady began their September 11 by attending a church service. I hope Americans all across this country follow their example by spending some part of their day in a house of worship or on bended knee in prayer. Regardless of the God we may worship, faith in a higher power can help heal and explain and console and reassure us today, just as it did a year ago.

Though September 11 attacks did bring one of the darkest days in our history, a few rays of light did shine through. Americans rallied to help those in need by waiting hours to give blood, by donating supplies to the rescue effort, by digging deep in their own pockets for the September 11 charities. I am especially proud of the Tennessee Baptist Convention that sent 30 volunteers to prepare food for the rescue workers at the World Trade Center.

I am still moved to this day, as we were at the Pentagon a few hours ago, by the presence of members of the Tennessee Task Force One who helped search for survivors and recover the fallen at the Pentagon.

America will always remember the men and women who risked their lives to save the lives of others on September 11: Those on the front line, the medical personnel, the firemen, the police officers, all who rushed into harm's way, who forever touched our hearts with their heroism. Their example exists, survives, as an inspiration to us all. It will remain so for generations to come.

Britt Brewster, a 12-year-old Tennessee girl, who came up yesterday from Tennessee to participate in the remembrance services said earlier this week:

> The one good thing [about September 11] was that America started coming together as one.

I remember visiting Ground Zero with about 40 of my colleagues from this body a couple days after the attacks. Smoke was still rising from the debris. Almost everything was covered with the fine ash. The only color, other than the workmen's bright yellow hats, was the American flags that hung so proudly posted on the buildings around that World Trade Center site. We should fly our flags on this anniversary and show our common love for country and our fellow countrymen.

There has been much debate about what we should teach our children on this first anniversary of the September 11 attacks. I believe they need to know the truth. I had the opportunity to take my wife and my three teenage boys to Ground Zero about 2 months after the attacks. I wanted them to see firsthand the destruction with their very own eyes and remember, long after I am gone and my generation is gone, what evil once did—and, I should add, can do again—to our country. I will take them back to New York. We were just there 5 days ago and saw the rebirth, the vitality of that remarkable city. I also want my sons to see what good can be done, and can always be done, in our country.

The Gettysburg Address is considered one of the most powerful pieces of funeral oratory ever delivered on American soil. As Lincoln himself admitted, even he could not dedicate the battlefield beyond what those who fell there had already done. Instead, he urged his audience at the time to dedicate themselves, "that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion."

The terrorists attacked on September 11 and continue to make deadly threats because they hate our country and everything we represent. The 3,000 women, men, and children who died on that tragic day did so for the same cause as those who fell on the battle green of Lexington, and the forests of Argonne, and on the beaches of Normandy—justice, equality, liberty, democracy.

I urge every American to offer their respects to families who lost loved ones, to put those who perished in their prayers, and to show their patriotism by unfurling the American flag. But above all, I hope we will rededicate ourselves to those values, to the values that have been the core of the greatness of our country for more than two and a quarter centuries. Those values may be threatened sooner than we may think. If they are, we will find strength and hope and resolve in remembering, properly and lastingly, September 11, 2001.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, this past year, has been one of tragedy and challenge for the American people. Just a year ago, on September 11, 2001, we experienced a dawning national tragedy.

Just as the workday was beginning—8:46 a.m. to be precise—terrorists struck this country in a series of savage attacks. Over 3,000 were killed and many more were injured. Those attacks struck a vicious blow at every American everywhere.

Over the past year we have labored with the highest degree of human spirit to address our grievous losses—as individuals, in our families, in our communities, and as a nation. At the same time, we have worked hard to deal with the challenges that confront us now and into the future. We are resolved to put an end to the scourge of terrorism and to bring its perpetrators to justice. Our response to terrorism must be committed and complex, for no simple solution or single action can accomplish our goal. We must engage in the broadest possible international effort, for we know that terrorists are not contained by national borders. As we move forward, we take our inspiration from the calm determination and steely resolve of the firefighters, police, emergency personnel, and airline passengers who responded to the attacks, and from the resilience of those who are rebuilding lives and families and communities.

And we shall move forward, for we have families to care for, neighbors to look after, jobs that must be done, and civic obligations that must be met. The events of September 11, 2001, were tragic beyond measure, but our response to those events demonstrates the great strength of America and provides a new sense of what it means to be an American. The future of our Nation is ours to make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, a year ago today our Nation was savagely attacked in maybe the most evil attack ever on American soil. Over 3,000 innocent people were killed. I call it an evil attack because how can it be more evil than to kill people who are totally innocent—men, women, and children?

The attack on the World Trade Center was an attack on the United States.

on our economic beliefs and foundations. The attack on the Pentagon was an attack on our national security and defense. Flight 93 was, we now find out, headed for the Capitol, an attack on our democracy. I thank God for the heroes, the passengers on the plane.

A lot of heroes came out as a result of these savage attacks a year ago—men and women who were running into the buildings, not away from the buildings; into the buildings to save lives.

It is amazing. If you look at the pictures we have seen in the last few days of the World Trade Center and Pentagon—it is amazing that there are only 3,000 that were lost. That number could have been significantly higher. If you look at the devastation in New York City alone, it would not have been hard to imagine 20,000 lost, not 3,000. It probably would have been 20,000 lives lost had it not been for the courageous acts of firemen and policemen and fellow workers putting their own safety at risk to save other lives, not to mention the passengers on flight 93 who kept that plane from running into our Capitol, from hitting our Capitol. I cannot imagine the loss that would have happened, not just the loss of life—of Senators and Congressmen, our staffs, our employees, our security officers—but also the effect it would have on democracy. I shudder to think what would have happened if they would have hit our Nation's Capitol.

Today I joined with the President and many others in rededicating the Pentagon. It is great to see the Pentagon rebuilt, and my compliments go to the workers and others who rebuilt such a wonderful building in such a short period of time. But we also remember the loss of life in each of these instances.

In the Pentagon, a former employee and personal friend of mine, Barbara Olson, was killed. She was a passenger on that airplane. My heart still aches for Ted Olson and their family. What a terrible loss that was, taking the life of a person who was so bright, had so much life, was so engaged in the political life of our country. To have that life taken is just a very sad tragedy. To think that is multiplied by 3,000 times all across the country, it is a very sad reminder of the enormous tragedy we have suffered.

It reminds me of the Oklahoma City bombing we suffered on April 19, 1995. In Oklahoma City, we lost 168 lives. I knew some of those people as well. When you know somebody it makes it more personal. It is not just 3,000 lives. You realize it is individual families and some of those families were totally devastated and their futures enormously changed, if not destroyed because of this senseless, cowardly, evil attack that happened a year ago.

Like Oklahoma City, we had a lot of heroes. The heroes, the firemen who raced into the building, the heroes on flight 93, the heroes who were saving lives in the Pentagon, the medical personnel and others who saved countless lives, in some cases they gave up their life in order to save lives. The Bible says:

> Greater love hath no man than this, that a man lay down his life for his friends.

We had a lot of American citizens who laid down their lives to save other lives. What an enormous gift they have given. They did this to pay the ultimate price or make the ultimate sacrifice—to save the lives of other Americans.

Thousands of people killed one year ago today. Why? Because they were Americans, because they happened to be citizens of the United States, because they stood for freedom, they happened to share freedom.

Our country was attacked economically and militarily and politically. However, we survived that attack. The American economy is fine. Our American military stands strong. Our American democracy remains steadfast.

My compliments to the men and women in the military who are protecting our freedom daily and who have done a fantastic job going after the culprits, those who are responsible for this attack, in Afghanistan and other places.

My compliments to the administration, President Bush, Secretary Powell and Secretary Rumsfeld and others, who are going after the perpetrators of this crime—not just in Afghanistan, but in countries all across the world. My compliments to them for building up an international coalition of over 90 countries who are joining us in this attack, fighting the battle against terrorism throughout the world.

There is a lot of work that has been done and a lot of work that yet needs to be done. This Congress needs to join with the administration, both legislatively but also in support in continuing this attack and this battle on terrorism. We are not finished. There are still a lot of trained terrorists who threaten our country. Unfortunately, maybe they have been brainwashed into thinking it is good to try to kill innocent people if they happen to be Americans, or maybe if they happen to be friends of Israel. There is a lot of hatred that has been fomented for a long time, and that is very regrettable, but it is important that we band together—people all across the world—to condemn and combat terrorism.

I think the President has done an outstanding job, leading this country and leading the free world in that battle. I compliment him for it. We have a lot of work ahead, but I am absolutely confident that freedom will prevail. We are a great country because we are a free country. We have greater freedoms—political freedom, economic freedom, religious freedom—than any other country in the history of mankind. I am absolutely confident, though, in 10 years from now or 20 years from now, we will still be able to say that we live in the greatest and most free country in the history of mankind. However, these freedoms have been attacked. Frankly, these freedoms have been under attack for several years. Now we are responding and we are responding strongly. Yet we still have a lot to do. I am confident that the people who challenge us will not be successful. Freedom will prevail.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Wall Street Journal dated September 11, 2002.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 11, 2002]

WE WILL PREVAIL

(By Theodore Olson)

From a speech by Solicitor General Theodore Olson to the Federalist Society on Nov. 16, 2001. Mr. Olson's wife, Barbara, was one of the airplane passengers murdered on Sept. 11, 2001.

September 11, 2001 was unprecedented in our nation's history. Our country has been attacked before. Our soldiers and innocent citizens have been the victims of terrorism before. But never before in our history have so many civilian citizens, engaged in the routines of their daily lives, who neither individually nor collectively had done anything to provoke the savage attack that they were to experience that day, been brutally murdered for the simple reason that they were Americans, and because they stood, in their countless individual lives, for all the things that America symbolizes.

As President Bush immediately recognized, Sept. 11 was an act of war. But it was much more than that. It was also a crime, an act of pure hatred and unmitigated evil.

The victims were of all races, backgrounds, religions, ages and qualities. They had one thing in common. They were nearly all Americans. Their lives were extinguished because they were the embodiment of the aspirations of most of the world's peoples. The people who killed them hate the beacon that America holds out to people who are impoverished, enslaved, persecuted and subjugated everywhere in the world.

The men who planned the savage acts of Sept. 11 cannot prevail as long as American ideals continue to inspire the people they hope to tyrannize and enslave.

It is a cynical lie that the animals that killed our loved ones were motivated by Islam, or because this nation of ours is anti-Islamic. Enshrined in the First Amendment to our Constitution is freedom of expression and the free exercise of religion. This continent was populated by people who crossed a terrifying ocean to reach a rugged and inhospitable frontier to escape religious persecution.

From its birth, this nation and the American people have offered sanctuary and shelter to all faiths. Our Constitution—always with the support of our people—has extended its embrace to the unpopular, the unusual, the unconventional and the unorthodox. We protect not only those who will not salute our flag, but those who would spit upon it or burn it. We pledge our allegiance to a Constitution that shelters those who refuse to pledge their allegiance to it.

It is true, I suppose, that there are many in the Middle East who hate this country for its support of Israel. But how tragic and misguided to despise us for extending comfort and defense to a people who have so long, and so recently, been the victims of indescribable ethnic persecution. Nor has America's support for Israel ever been rooted in or manifested by hostility to the Muslim faith or those who practice it. The terrorists and their apologists have lied about these things, but what is another lie when their goals and tactics are so vastly more evil?

The terrorists can succeed only through corruption and brutality. Thus they must tear down America and its system of laws which shields its people from those malevolent acts. They can enslave the people they wish to subjugate only by keeping them poor and destitute, so they must undermine and discredit the one place in all the world that stands the most for the rule of law and allows its people the opportunity to rise above all those conditions.

Abraham Lincoln was paraphrasing our Declaration of Independence when he characterized our nation as having been "conceived in liberty and dedicated to the proposition that all men are created equal." That revolutionary document set down our collective belief in inalienable human rights, the proposition that governments derive their powers from the consent of the governed, the principle that tyrants who would oppress their people are unfit to be rulers of a free people, and the right to the pursuit of happiness.

The terrorists of Sept. 11 cannot prevail in a world occupied by the Declaration of Indepedence, the Constitution and its Bill of Rights, the Emancipation Proclamation, the Gettysburg Address, the Statue of Liberty, the World Trade Center, the Pentagon, the Capitol, the Supreme Court and the White House. They cannot co-exist with these ideals, these principles, these institutions and these symbols. So they cannot survive, much less prevail, in the same world as America.

America is not today, or ever, without imperfections and shortcomings. Implementation of our lofty ideals has never been without error, and some of our mistakes have been shameful. But the course of our history has been constant, if occasionally erratic, progress from the articulation of those lofty ideals to the extension of their reality to all our people—those who were born here and those, from hundreds of diverse cultures, who flock here.

There is no segment or class of the world's peoples who have exclusive claim on the term "American," and no segment of the world's population to whom that claim has been denied. We welcome 100,000 refugees per year into this country. Over 650,000 people immigrated legally to America in the most recent year for which we have reliable statistics. Over five million people are in this country today who were so desperate to come here that they did so illegally.

There are more Jews in New York City than in Israel. More Poles in Chicago then any city in the world except Warsaw. America is home to 39 million Irish-Americans, 58 million German-Americans, 39 million Hispanic-Americans and nearly a million Japanese-Americans. And there are seven million Muslims in America, nearly the population of New York City.

How tragic it is that the agents of the Sept. 11 terrorist acts were people whom we welcome to this country, and to whom we extended all of our freedoms, the protections of all of our laws, and the opportunities this country affords to everyone to travel, work and live. But we welcome immigrants because nearly all of us are immigrants or descendants of immigrants who came here to enjoy freedoms, rights, liberties, and the opportunity, denied elsewhere, to pursue happiness and prosperity.

Ronald Reagan often said that "every once in a while, each of us native-born Americans should make it a point to have a conversation with someone who is an American by choice." Mr. Reagan was fond of quoting from a letter he received from a man who wrote, "you can go to live in Turkey, but you can't become a Turk. You can't go to live in Japan and become Japanese, [and so on for Germany, France, etc.]. But . . . anyone from any corner of the world can come to America and be an American."

So it is particularly sad and a bitter irony that the 19 savages who took the lives of thousands of Americans were able to come here because we welcomed them, and trusted them, and allowed them to learn to fly our airplanes and gave them the freedom to travel. They took these precious gifts and turned them into instruments of hatred and death.

It has, I suppose, always caused some resentment that we believe so passionately and unquestioningly that the freedoms we value should belong to all people. But we know that these are enduring values. We can debate nearly everything else, but we don't need to debate that. We know that these principles lift everyone up.

We have now been reminded, in the most horrible way, that there are those who not only hate our principles, but who would dedicate their lives—and surrender their lives—to banish those ideals and the incentives they provide for tyrannized and impoverished people everywhere to do what Americans did in 1776. We have tragically learned again, in the most unthinkable fashion, that our values and our principles are neither self-executing nor self-sustaining, and that we must sacrifice and fight to maintain what our forebears sacrificed and fought to bequeath to us.

And now the rest of the world is learning again that Americans will not flinch from that fight or tire of it. Americans will fight, they will sacrifice, and they will not give up or leave the job unfinished. This war is for all living Americans. It is for the parents, grandparents and great-grandparents that fought and sacrificed to come here. And it is for our children and generations to come. And it is for those who choose to become Americans in the future.

America will not lose this war because we cannot even consider that we will lose what centuries of Americans fought to create, improve and maintain. We cannot, and we will not, betray the people who gave us this glorious heritage. We cannot and will not, dishonor or wash away the memories of those who somehow clawed their way out of poverty, tyranny and persecution to come to this country because it was America, and because they were willing to risk death to become Americans, and to give their children and grandchildren the opportunity and freedom and inspiration that makes this place America. Americans could no longer call themselves Americans if they could walk away from that legacy.

People who write for newspapers and who offer opinions on television, or who send advice to us from other parts of the world, sometimes say that America is too rich, lazy, complacent, frightened, soft and enervated to fight this fight. That we have no stamina, strength, will, patience, or steel. That we will collapse.

They are so wrong. We will prevail for the very reason that we have been attacked. Because we are Americans. Because the values that made us free, make us strong; because the principles that made us prosperous, make us creative, resourceful, innovative, determined and fiercely protective of our freedoms, our liberties and our rights to be individuals and to aspire to whatever we choose to be. Those values and those characteristics will lift us and will defeat the black forces who have assaulted our ideals, our country and our people.

The very qualities that bring immigrants and refugees to this country in the thousands every day, made us vulnerable to the attack of Sept. 11, but those are also the qualities that will make us victorious and unvanquished in the end.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think my colleague from Oklahoma is exactly right. We can carry it one step further. We have these freedoms and that is why they hate us so much; they don't have these freedoms. The idea that individuals can have the freedoms we in this country have is totally alien to everything they believe in.

I sat there as others did—I am sure my colleague from Oklahoma did this morning—and looked at the Pentagon, and I know what went through his mind and what went through my mind was the Murrah Federal Office Building in Oklahoma City in 1995. We lost about the same number of lives back then as we did in the Pentagon. There are a lot of other similarities there.

The appearance after the airplane struck was so similar to that which we experienced in Oklahoma City. That brought back those very sad memories.

I sometimes look at things and ask, How can anything good come from something as bad as all that? Yet I can see—it is obvious, as I saw the changes in attitudes of people here in this body, and also the body down the hall—they are reflecting the interests of the American people.

I have been concerned for the last 10 years with the deterioration in the condition of our military. We talk about the authorization program. We talk about our end strength. We talk about the fact that we don't have a national missile defense system.

Somebody very smart back in 1983 determined that there will be a day—and they put the date, fiscal year 1998—when we are going to have to be able to defend our people from an incoming missile. So we got on schedule to be able to deploy something to defend against a limited missile attack.

We talked about land-based, airbased, space-based, and the AEGIS system, and evaluated all of these until the early 1990s when the program stopped. President Clinton was President at that time. He vetoed the Defense authorization bill. In his veto message, he said: I will continue to veto any bill that has money in it for a national missile defense system because there is no threat.

Now we know there is. We know the threat is there, and we wish we could look back and say, Why didn't we stay on schedule where we would have to deploy by fiscal year 1998?—which is really 1997.

We have been watching the deterioration of our military in terms of end strength and in terms of authorization. Right now, we are sending our troops out into battle with inferior equipment.

My colleague from Oklahoma and I have both experienced the condition of our artillery system. It is one that has 1958 technology. You can think of it as Civil War technology where you have to run the barrel between each shot.

I think even some of the military leaders in America do not realize how deteriorated it is. I think a lot of our leaders were not aware until September 11 that there are many other countries making more sophisticated strike systems than we have. Our best air-to-air defense and air-to-ground vehicle is the F-16. They now have the SU-27 and SU-30. They are on the open market. We know that China has bought around 240 of these. It is a very threatening situation.

I can recall the day this happened. A year ago, we had the Chamber of Commerce in from the State of Oklahoma. They come up once a year. And they were over in the Hart Building. It was my turn to address them from 9 to 9:30. Senator NICKLES was addressing them from 9:30 to 10. As I got to the end of my 30-minute speech, I ended it the same way I have ended my speeches since 1994/95; that is, today we are in the most threatened position we have been in as a nation in the history of our country. Just as I said that, I looked up, and I saw this billowing smoke—not knowing what it was, not even finding out until Senator NICKLES ended his speech that in fact it was the bombing of the Pentagon.

This mentality that has been permeating the Halls of both the House and the Senate—that somehow the cold war is over and the threat is not out there anymore—is something that people now understand is not true.

When this administration came in, they saw our end strength and the problems we have in the military. We have to change our policy—which has always been to defend America against two MTW; that is, two major theater wars. Now it is to defend America against one theater.

This is something that is not acceptable to the American people. And they find out. I know this, Mr. President, because every time I say it, they ask the question: Do you mean that we don't have that capability, and we have abandoned the policy we have had in this country for the last 20 years? I say: Yes, that is where we are.

I think Secretary Rumsfeld was right when he testified before our Senate Armed Services Committee and said now we are trying to keep a military on a smaller amount of money relative to our gross domestic product than before Pearl Harbor. We are spending less today—3 percent of our gross domestic product—on our military.

People talk about how much stronger we are than anyone else. There are not many other countries that do not spend more than that percentage. Historically, it has been between 4 percent and 5 percent.

We are having a markup of the Defense authorization bill. I came over from there because I wanted to get on record as strongly as I can about the result and how we might benefit from this tragedy a year ago today.

In this debate which we are in, we need to know if there is some way we can relieve the Guard at the gates at our military operations so they can go and relieve some of the Guard and Reserves who are overworked. Right now, there is not a Senator in here who hasn't heard from Guard and Reserve back home. They are overworked and overdeployed. They have lost their jobs. Many of these individuals have had to quit the Reserves and the Guard. Sadly, we are missing the critical MO authorization specialties. It is something we are going to have to do.

But there is a mentality among people—and we don't disrespect those people who believe the threat is not out there. There are some people who honestly in their hearts believe that if we all stand in a circle—all countries—and hold hands and unilaterally disarm, all threats will go away. I know that doesn't sound reasonable, but in Washington, there are quite a few of those around.

I think the shock treatment we got on September 11 of 2001 brought us out of that. We understand what we are going to have to do. We are going to have to do a rebuilding.

I think if there is anything to come to benefit us as a result of this tragedy a year ago, it is to remind not the people in this Chamber—they react to the people at home—but to remind people at home that we are in a very threatened situation and the most vulnerable in the history of this country.

Secretary Rumsfeld said it in a way which I think is very good. He said the consequences of making a mistake now are far greater than ever before. He said they are minuscule by comparison—that the consequence of making mistakes in Somalia in 1993 was that we lost 18 soldiers. The consequence of making mistakes in Yemen in 1999 was tragic. We lost 17 sailors. But he said the consequence of making a mistake right now is that we could lose hundreds of thousands of people.

We need to move on and allow this tragedy in America to serve as a reminder to the people of America that we have to rebuild. We have to make America strong again to the point that we can meet the minimum expectations of the American people. We do not today.

I only say, as tragic as it is, that the best way to ensure that those individuals who died—over 3,000—a year ago will not have died in vain is by learning the lesson and rebuilding and preventing a far greater catastrophe from happening again.

Thank you, Mr. President. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, it is a privilege to welcome a distinguished delegation from the Norwegian Parliament. Nine members of the Committee on Defense are with us today in the Senate Chamber. They have come to the United States this week as a part of an ambitious series of events which will include meetings at the Pentagon, the State Department, the National Security Council, and Central Command in Florida.

They had been scheduled to leave Washington this morning, but they have changed their itinerary deliberately because they wanted to be with us here, the U.S. Senate, in the Capitol Building on this solemn day.

As fellow legislators and close NATO allies, the Norwegian Defense Committee wanted to express its solidarity with Congress and with the American people on the first anniversary of September 11.

I would like to read a letter into the RECORD from the Defense Committee of Norway.

They have written:

> To the Senate of the United States:
>
> The Standing Committee on Defense of the Norwegian Parliament wishes to express its deepest sympathy and solidarity with the American people on this day of remembrance—one year after the horrible terror attack on the United States that occurred September 11, 2001.
>
> Let us never forget all those individuals who lost their lives in New York, Virginia, and Pennsylvania, including firemen, police officers, and volunteers who tried to rescue people from the flames.

The letter continues:

> September 11 changed the world and international politics. Norway is proud to participate in the broad coalition against terrorism and does so by taking part in "Operation Enduring Freedom" under U.S. command. The fight against terrorism is a fight for democracy, for an open and free society, and for human rights.
>
> Sincerely,
>
> The Standing Committee on Defense [of Norway]:
>
> Ms. Marit Nybakk, Chairman DC, Ms. Aase Wisloeff Nilssen, Member DC, Mr.

Bjoern Hernaes, Member DC, Mr. Kjetil Bjoerklund, Member DC, Mr. Per Roar Bredvold, Member DC, Mr. Gunnar Halvorsen, Member DC, Mr. Aage Konradsen, Member DC, Mr. Leif Lund, Member DC, Mr. Per Ove Width, Member DC, Mr. Joern Olsen, Secretary DC.

I know that I speak for all Members of the Senate when I say that we deeply appreciate your support today. Your presence here reminds us of the importance of allies and the enduring bond between the United States and Norway.

During the long decades of the Cold War, Norway was the only NATO member to border directly on the Russian Republic. This "front-line" position imposed a special burden on Norway, and its value as a member of the Alliance far exceeded the size of its population.

The border between Norway and Russia is now peaceful and cooperative. Yet Norway still bears burdens from its history as a front-line state. In particular, it must contend with the environmental dangers created by the nuclear-powered Soviet-era fleet that is deteriorating on the nearby Kola Peninsula.

In June of this year, I had the pleasure to visit Norway following an extensive trip to Russia. There I met with many members of the Norwegian defense establishment, including members of the Defense Committee. We talked a great deal about nuclear clean-up issues on the Kola Peninsula. Norway has been an invaluable partner in addressing this nuclear threat through its support for the Nunn-Lugar program and its participation in the trilateral Arctic Military Environmental Cooperation program or AMEC. Under AMEC, our country has been working with the Russians and Norwegians to safely dispose of the nuclear material from decommissioned vessels.

We have had great success so far, but the challenges of safeguarding weapons and materials of mass destruction are immense. I am hopeful that our efforts can be expanded and accelerated, and I know that Norway will work closely with us to address these dangers.

So we welcome the Norwegian Defense Committee and draw encouragement from their presence here on this day of remembrance. We look forward to all that we can accomplish together, as we strive to make the world safe from terrorism and weapons of mass destruction.

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate stand in a short recess in order that we can greet the defense committee of the Norwegian Parliament, and I ask the Senate and members of the staff to greet the delegation assembled behind my desk.

There being no objection, the Senate, at 2:52 p.m., recessed until 2:55 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. My congratulations to the Senator from Indiana and the delegation from Norway. We are privileged to have them here.

IN REMEMBRANCE OF SEPTEMBER 11, 2001

Mr. BUNNING. Mr. President, I rise today in honor of those in New York, at the Pentagon, and in the skies over Pennsylvania who lost their lives 1 year ago today.

None of us in the Senate will ever forget the events of that terrible morning, nor will we ever forget the courage and compassion displayed by Americans everywhere in response to the attacks.

Today, my thoughts and prayers are with the victims, their families, and all of those who risked their lives to save others on that awful day. The despicable acts that we witnessed were meant to create havoc and to test our resolve as Americans. America passed that test. We are stronger and more united as a Nation today than we ever were. Despite the fact that our buildings were damaged, America's foundations remain unshaken. And despite the fact that 3,000 of our friends, relatives, and neighbors were murdered, America's sense of community is stronger than ever.

This morning, many of us took part in a memorial service across the river at the newly restored Pentagon. One year ago today, that building was on fire. One of its five sides essentially lay in ruin.

Last September, I visited the Pentagon just days after the attack. It was a terrible scene of devastation. But today we saw a building that has been completely rebuilt. The Pentagon, both on the inside and on the outside, is better than before. The offices within are busy now with the activity of military men and women who are hard at work in the war against terror.

The Pentagon, today, stands as a reminder of the American spirit and a warning to those who want to terrorize us: America will triumph, and those who want nothing less than to destroy our way of life will fail. They will fail because of the American spirit. They will fail because of our faith in freedom and democracy. They will fail because of the strength and character of the American people.

I believe Americans have emerged from the attacks even stronger and more dedicated to our beliefs and to our Nation. But we cannot let our guard down again. We cannot forget that evil is lying in wait for another opportunity to attack. So far, we have been able to anticipate, with intelligence, any future attacks. But we know the enemy will try again.

It has been said many times—but it bears repeating—it might not seem that we are at war, but we are at war. It is a different kind of a struggle than we have ever fought before.

On the surface, it might not seem like World War II, Korea, Vietnam, or any other conflict of the past. Make no mistake about it, danger still lurks, and we must remain vigilant.

Americans have made many sacrifices, big and small, over the last year. They gave blood and contributed to relief efforts. They became more vigilant in their communities. They volunteered to help those in need. We have come a long way since the attacks a year ago, and I could not be prouder of our people.

In that time, I believe we have found new national unity, not only from the heroism of firefighters, police, and our military, but also from the everyday efforts of regular everyday Americans.

I am proud of the way we in Congress responded to the attacks. By putting aside politics and working together with President Bush for the greater good, we have shown that, while we all wear political labels as Republicans and Democrats, we are Americans first.

The President has done a superb job leading our country in the war on terror, and we in Congress have done our best to provide him with the resources necessary to persecute and win that war.

Much has been done, but we must continue to remain focused on the task at hand—protecting our homeland. And that job continues tomorrow in the Senate. We will finish it, and we will finish it successfully.

People often ask me how things have changed in Washington since 9/11. Some things on the surface certainly have changed. There are more concrete barriers, roadblocks, and security precautions, but looking beneath the surface, I think the better question to ask is, What did 9/11 reveal about us? It showed that we are still a good and compassionate Nation and people. It showed that, under the worst of circumstances, we will come to the aid not only of our friends and neighbors, but to complete strangers. It showed that America is still the greatest nation on Earth, and it showed that, in the war on terror, we will prevail.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAYH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will spend a few minutes remembering the day, as we all have taken some time to express our individual thoughts and honor this day in the best way we can, to express what it means for us, for all Americans, and actually for millions of people around the world.

It is truly a somber day for all of us. In a nation that has known unparalleled success, coping with a tragedy of this enormity is all that more difficult. We love our liberty, we love our freedom, and we want nothing from the world or for the world but peace and prosperity. Yet today we find our liberty and our personal freedoms restrained. We are fighting one war and are poised on the brink of another. It is no wonder the anxiety of the American people is palpable.

As we search for certainty and leadership in these uncertain times, it is only natural we turn towards one of our greatest leaders, Abraham Lincoln. As our leader during our greatest crisis, his words carry a resonance and wisdom that ring true today.

President Lincoln's second inaugural address, delivered at the twilight of the Civil War, reads like a prayer. It is a request to God to show us how to be just, and to grant this Nation peace. Yet, while it is a prayer, it is also a plan. President Lincoln wrote:

> Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's 250 years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said 3,000 years ago, so still must it be said, the judgments of the Lord are true and righteous altogether.
>
> With malice towards none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

President Lincoln asked for God's assistance, but also to shine a light on the righteous path to victory. We must finish the work we are in, but we must also care for the victims of war and do all we can to achieve a lasting peace.

That is how President Lincoln wanted the Civil War to end. Not with recriminations that would tear the country apart forever and sow seeds for the next war but, rather, to approach victory with charity. For a powerful nation such as the United States, it is only in demonstrating our commitments to a world order that we can attain a lasting peace.

It is only in our generosity to the struggling nations to the world we can enjoy the full fruits of our labors and the great bounties of our democracy. It is part of the twin ironies of being the sole superpower in the world. The first is that to preserve the peace, we must prepare for war. The second is that to attain any real victory, we must show mercy to those we have vanquished.

Louisiana lost three sons on September 11: Petty Officer Second Class Kevin Yokum of Lake Charles, Navy LT Scott Lamana of Baton Rouge, and Louis Williams of Mandeville. The quick and expedient thing for our country would be to cry for their revenge and the revenge of the thousands of other Americans who died for freedom that day. Yet that is not America. It is not what these three men would have wanted. Rather, they would want to know that their deaths had helped to sow a lasting and just peace among ourselves and with all nations.

So I join my colleagues today in saluting the heroism of these men, of the men and women who died and were wounded at the Pentagon, the heroism of the men and women of our great metropolis, New York, and the surrounding States and regions—of course, New Jersey lost many people—and the men and women aboard flight 93. Let their heroism be our inspiration to finish the work that we have at hand.

We have a great amount of work ahead. We can be proud of the work we have accomplished in the last 12 months, any number of initiatives and bills and legislative proposals and endeavors that have really made this country much stronger, more secure than we were on this day, this hour, a year ago. But there is no doubt there is a great deal of work to be done. Let us remember that we will show leadership in our might and power. We will also show leadership in our mercy, in our willingness to leave this world to a much more just and fair place, where democracies rule the day and people can enjoy freedoms unheard of, really, and not yet experienced in the world. That is America's greatest challenge.

I yield the floor.

Mr. HATCH. Mr. President, one year ago today, September 11, 2001, terrorists attacked our country, killing almost 3,000 people. Each of us has, in the year since the attack, had our lives touched by the horrific events of September 11th. Each of us has, in the year since the attack, been shocked by the terrible images of destruction and suffering at the sites of these attacks—at the World Trade Center, in Pennsylvania, and at the Pentagon. Paradoxically, each of us has also been uplifted by the stories of heroism and self-sacrifice that have emerged from around the country in the wake of these terrible events.

From this act of war and hatred against all Americans, our country has demonstrated once again the resilient strength in the fabric of our people. Make no mistake about it: Our country is at war. But unlike past wars, we face a new challenge, a new type of enemy, one that is loosely organized throughout the world, with tentacles stretching into every corner of the globe, and one which is steadfast in its determination to defeat America.

We cherish our freedoms, our opportunities, and our tolerance. But we remain vigilant in our determination to meet and defeat our enemy—terrorists who threaten our security and our freedoms. Throughout our country's history, our people, its leaders, and Congress have demonstrated time and time again that when we work together—when we harness the full energy and commitment of our country—we can overcome any adversity or any enemy to our people. The tragic events of September 11th have united this country and challenged our country once again to face down the terrible threat of terrorism.

Beginning with the PATRIOT Act, which was signed into law soon after the September 11th attack, and continuing today with the pending legislation to create a new Department of Homeland Security, I have been committed to aiding our country's fight against terrorism in order to defeat our enemy and make our homeland safe from future attacks. My commitment is strong and my determination is unwavering to ensure that our President has all the tools and resources needed to fight and win this war so that the scourge of terrorism is extinguished forever.

In supporting the war against terrorism, I want to highlight some of the legislative measures that I have proposed or supported during the 107th Congress.

The Military Force Authorization Bill, P.L. 107–40, enacted September 18, 2001: This bill provided President Bush with the full and necessary authority to use force against those who took part in the terrorist attacks.

U.S.A. PATRIOT Act of 2001, P.L. 107–56, enacted October 26, 2001: This comprehensive anti-terrorism legislation provided new tools for law enforcement and for improved information sharing among Federal agencies to deter and protect against further terrorist attacks. The Act is tough on terrorists and those who harbor or assist them. The Act: one, increased criminal penalties for various terrorism crimes and money laundering schemes used to finance terrorists; two, reformed our immigration laws to ensure that suspected terrorists are denied admission into, or deported from, the United States; three, authorized the sharing of intelligence and criminal information among law enforcement and intelligence agencies to ensure that all information is available for preventing further terrorist attacks; four, updated law enforcement surveillance tools needed to investigate terrorists who use new communications and related technologies to conduct their terrorist schemes; and, five, required criminal background checks for commercial truck drivers transporting hazardous materials.

Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States, P.L. 107–38, enacted September 18, 2001: This bill provided $40 billion to support our country's war against terrorism, and provided substantial disaster assistance and recovery funds.

Department of Homeland Security, H.R. 5005, pending before the Senate: This proposal is currently being considered by the Senate would create a new Department of Homeland Security, which would be responsible for preventing terrorist attacks, protecting our country's infrastructure from attacks, coordinating the review and analysis of intelligence information among intelligence and law enforcement agencies, and coordinating response efforts by federal and local response agencies.

The Enhanced Border Security and Visa Entry Reform Act, P.L. 107–173, enacted May 14, 2002: This act tightened our border and visa policies by requiring the Immigration and Naturalization Service, the State Department, the FBI and Central Intelligence Agency to share information in order to identify individuals who may pose a terrorist threat to our country. In addition, the act: one, requires the State Department to issue visas and other travel documents which include biometric identifiers—i.e. fingerprints, retinal scan; two, mandates the INS to implement an entry-exit tracking system; three, requires the INS to install biometric scanners at all United States entry points; and four, provides greater access to law enforcement databases for INS and intelligence agencies. The act also increases funding for additional INS inspectors.

Secure Transportation for America Act, P.L. 107–71, enacted November 11, 2001: This act improved airport security for all United States travelers by adopting new and more stringent requirements for hiring of airport screeners to eliminate potential security risks; required airlines to install stronger cockpit doors to protect against possible forced entry into the cockpit and implemented the air marshal program to increase the presence of air marshals on all flights.

The Public Health Safety and Bioterrorism Response Act, P.L. 107–188, enacted June 12, 2002: This act provides $1 billion to State and local governments to improve planning and preparedness, $450 million to the Centers for Disease Control (CDC) to upgrade their capacities to deal with public health threats, and $1 billion to expand our current national stockpiles of medicines and vaccines. In addition, the act provides $200 million to protect our food supply and livestock and our drinking water from terrorist contamination.

The Terrorist Bombings Convention Implementation Act, P.L. 107–197, enacted June 25, 2002: This act ratified and implemented the International Convention for the Suppression of Terrorist Bombings, a United Nations treaty that seeks to suppress terrorist bombings and the financing of terrorism, and enhances our ability to extradite individuals responsible for terrorist bombings.

While we have accomplished much, there is still much to do. Since September 11th, we all recognize that we live in a different and more dangerous world. We must unite in our continuing support for our country's war against terrorism; we live with an ongoing and serious threat to our society. We must remain vigilant in protecting our way of life and meeting the challenges ahead.

I want to take a moment and offer my prayers and condolences for those families and friends who lost loved ones on September 11th. Today we all join together, hand-in-hand, heart-in-heart, tear-in-tear, to share as a country all of the pain of September 11th. We recognize your terrible loss, we offer you our support and we give you our love. We will never forgot the terrible tragedy of September 11th. We will do all we can in our prayers and in our deeds to make sure that such an attack never occurs again.

It is a new era in America and I ask for your prayers and support as we face many difficult challenges ahead. We do so with a steely resolve to never, ever let this horrible event ever occur again.

Mr. HOLLINGS. Mr. President, in the year since last September 11th, there has been much debate on the Senate floor on how to stop terrorists; and there will be plenty of time in the coming months to debate what we do insofar as organizing homeland security, and how we deal with Iraq and the fanatics who want to blow us up and the like.

But on this September 11th, this Senator wants to remember the 3,000 lives lost in New York, at the Pentagon, and in Pennsylvania. Obviously their loss has been felt by their families in ways none of us can imagine. But their loss has also been felt by all Americans. As a Senator, in the last year, not a day has gone by when I haven't thought about what happened last September 11th, and what actions this Congress can take to prevent such horrifying events. September 11th has moved this nation to respond and to defend ourselves in ways that has made America stronger, I have no doubt.

In addition, I want to honor the men and women in the armed forces, who have put their lives on the line in the last year to track down terrorists in caves and everywhere else they are hiding. I honor the law enforcement officials all over this country, who protect our homeland every day. And I have great respect for the newly hired men and women of the Transportation Security Administration, who are wearing the newest American uniform to ensure the safety of our airports.

September 11th made us address our security vulnerabilities, but there is more work to be done. In the coming months, on days that are less emotional than this anniversary, I hope we remain as strong and determined to win the war on terrorism.

Mr. DOMENICI. Mr. President, many of us will spend a good deal of this day reflecting on what happened one year ago in New York, Washington, DC, and Pennsylvania. The images of horror, confusion and bravery that dominated our television screens last September will, once again, be refreshed in our minds. The raw emotion that we felt then will also be revisited. And, as is our nature, we will, again, try to rationalize why such tragedy befell our Nation. But this effort will be futile, because those who attacked us are filled with a hatred that is incomprehensible to American logic. Simply put, for us, life is a precious gift of God; to our enemy, it is utterly dispensable. So how can we constructively approach September 11, 2002? I believe that Americans can do three things today to accomplish a sense of healing.

The first step focuses on our children. No group was scarred as much by the terrorist attacks as were they. Their innocent view of the world did not contemplate the kind of evil that was perpetrated on September 11, 2001. So for them, the images of crashing planes, burning buildings, and crying adults shattered their belief in a world that was good and safe. Not only were they frightened, they were also confused about why others wanted to hurt us. Today, many children may experience the same anxiety about terrorism that they did one year ago; let us recognize that and take a moment to reaffirm to them that they are loved, that they are protected, and that the good people in the world far outnumber the bad.

Secondly, be a patriot. This can be accomplished in many ways. Flying the flag is the most recognized. But telling a service-veteran that you appreciate his or her sacrifice is equally valuable. The civic heroes of September 11th, firefighters and police officers, also deserve our recognition for selflessly responding to the needs of the country. And acts such as giving blood, helping a neighbor in need or giving to a charity are just as patriotic. All these acts have the effect of uniting us behind a common purpose and remind us that no enemy can weaken our moral fabric.

Lastly, reflect back upon these words spoken by President Bush last September 20: "We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and defeat of the global terror network." This bold commitment by the President signaled to all that the United States was entering a long struggle that would require our desire for action to be checked by patience.

Patience, of course, remains necessary, but we have achieved much in our initial response to last year's attack. U.S. military action has unseated the Taliban government that once protected al-Qaida in Afghanistan, while terrorist training camps in that country have been rendered inoperable. At home, Congress and the President are working to establish a new Department of Homeland Security to enhance coordination of our government's anti-terror effort, both Chambers of Congress have passed the largest defense budgets in our Nation's history, and extraordinary effort has been made to improve air safety, intelligence gathering and counterterrorism methods. To be sure, our war on terror is just beginning, but we should remember that American action since last year's attack has been strong and has yielded positive results.

Contemplating what happened to our country one year ago is difficult for all of us. It is difficult for the friends and family of flight attendant Al Marchand, a New Mexico native who was one of the victims aboard United Airlines flight 175. It is difficult for the urban rescue team that traveled from New Mexico to New York in hopes of finding survivors. But remembering those lost is a duty. Today, if we focus on our children, our communities and the progress we have made in the last year, we will honor the fallen as well as re-energize ourselves for the struggle ahead.

Before I end, I want to make note of a poem I received from a young girl from Los Alamos, New Mexico. The title of the poem is "Who Am I," and it reflects some of the very serious thoughts that the reality of terrorism has forced upon our young people, thoughts about humanity, and thoughts about whether peace can prevail. I ask unanimous consent to print this poem in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO AM I?

A face, different from others around me.
A name, unusual to outsiders, yet beautiful in meaning.
A voice, bold but not abrasive when spoken to the world.
To my parents, I am their pride, their courage.
To my teachers, I am a word of exquisiteness.
Me: lucky and fortunate to be here and to have what I have.
In my family I am the listener and the speaker.
To my friends, I am the fun and happiness.
To my enemies, I am ignored like dust swept away.
To many strangers, I am another face smiling in the crowd.
My mind is mature, but there is much I don't know.
I am a child in every way.
Successes come and go, and I'm sure there will be disappointments.
I dream about the future and what it brings.
I always remember the good things and seldom the bad.
I forget the days when I was little, and they disappear into vast space.
People don't understand my thoughts, my culture, or sometimes, just me.
My frustration makes me want to be alone.
Who am I?
I am a voice with laughter, thoughts and opinion.
A name with pride and courage.
But most of all, a person waiting to fulfill a life of wonders, dreams, and the happiness that comes with it.

By Noopar Goyal,
LOS ALAMOS, NEW MEXICO,
MAY 2002.

Mr. BINGAMAN. Mr. President, I rise today in remembrance of the events of September 11, 2001. It hardly seems that it was one year ago that New York City and Washington, D.C., awoke to an astonishingly sunny late summer day whose calmness belied the tragic events that would come that morning. While the passage of time has continued as it did before that day, our lives, our Nation, and the entire world have since been profoundly transformed.

As that day unhinged one year ago, we all struggled to answer the questions that raced through our heads: "Who is capable of such monstrous violence?" "Why would they do this to us?" And like the families of the victims, many of us sat at the end of that long day and wondered: "How do we go on from here?"

A deep sense of loss and uncertainty permeated the Nation in the weeks that followed the attacks. But in spite of the somber mood, we did what Americans do best. United as never before, we found our resolve to forge ahead. We found strength by turning to family and by turning to our neighbors. We rededicated ourselves to the civic responsibility that is the cornerstone of freedom.

While memory remains scarred by the worst act of terrorism on American soil, the past year has been a time for healing. Today, we continue to heal by remembering those who lost their lives on September 11. We remember the men and women who worked at the World Trade Center, the military and civilian personnel at the Pentagon, the firefighters who did what they could to ease the tragedy, and the heroes of United Airlines Flight 93 who gave their lives to spare the Nation an even larger loss.

Each day that passes will bring us a bit closer to becoming whole again. But we must all take time on this day to mourn those who lost their lives on September 11 and honor the heroes who saved so many lives. We must also keep in our thoughts the troops who are fighting overseas in defense of our nation.

Today is about remembrance, but tomorrow is always about the future. Once again, we have to ask ourselves, "How do we go on from here?" And answer with certainty and strength. America will not be deterred by terrorism. Instead we will celebrate what it means to live as citizens of this country and honor our continued responsibility to advancing the freedoms that are the hallmark of this country.

Mr. THURMOND. Mr. President, I rise today, on this somber occasion, to remember and honor the thousands of lives that were lost one year ago today in the tragic terrorist attacks on our Nation. The United States will never forget the horrific events that occurred on what began as a peaceful morning of Tuesday, September 11, 2001. The tranquility of that morning was shattered by the evil acts of terrorists, filled with hatred for our Nation and opposed to the ideals we treasure. With their terror, our Nation was plunged into one of the darkest days of our history as thousands of Americans lost mothers and fathers, brothers and sisters, sons and daughters, friends and associates.

However, during this tragedy, the American spirit shined through that darkness and continues today, as a beacon to the world. It is that spirit, the willingness to expend the last full measure of one's life in service to others, that is the strength of our Nation. It is a power that grows as we are challenged. It is a force which has helped this Nation through difficult times and will see us through these times as well.

On that dreadful day, the terrorists failed miserably in their attempt to weaken our Nation. Their goal was destined for failure, for America has faced adversity numeorus times before and has always emerged stronger. The acts of heroism and charity by Americans in New York City, at the Pentagon, over the skies of Pennsylvania, here in Washington and across the Nation were extraordinary but not surprising.

Today, I also honor the men and women of our Armed Forces. They serve around the world defending the freedoms we enjoy and securing the liberty we cherish. I have stated many times that the highest obligation of American citizenship is to defend this country in time of need. Our citizens have accepted that obligation, some giving their all. Whether serving abroad or at home, the men and women in uniform are performing in an outstanding manner and deserve the appreciation and respect of all Americans.

History will not forget the events of this day. Likewise, we must never forget the thousands of Americans to whom we pay tribute today.

Mr. CONRAD. Mr. President, anniversaries are a time for reflection, and I wanted to take a few moments to share what emotions this North Dakotan is experiencing.

First, I feel sorrow, I feel sorrow for the thousands of innocent victims and the scores and scores of families and friends most directly and tragically affected. Those murdered were fathers and brothers, daughters and spouses; they were coworkers earning a living and supporting their families; they were best men in weddings, and mothers flying home to see their children.

They were also honorable Americans, as well as citizens from 86 countries around the world. The victims included North Dakotan Ann Nelson. Ann was the kind of daughter every parent wishes for, she was intelligent, caring, adventurous, and had a real zest for life. Ann was simply doing her job that day in the World Trade Center. Ann, the pride and joy of Stanley, ND, didn't make it home from work that fateful day.

When I think about Ann and her family and the other victims and their loved ones, I also feel anger. One of my home State newspapers, the Grand Forks Herald put it best, "Americans should accept that at the core of their grief is a white-hot fury and a sense of being outrageously wronged. . . . The World Trade Center didn't collapse in a strong wind. The Pentagon didn't fall into a sinkhole from an abandoned mine, and United Flight 93 didn't crash in a Pennsylvania field because it ran out of gas. No, those things happened because a band of terrorist fanatics slit the pilots' throats and then flew the planes, passengers and all, into the buildings for the mad glory of killing infidels by the score."

This North Dakotan's anger and sorrow also fuels my resolve. I feel resolve to continue working with members from both sides of the aisle and with our President to make sure we are doing everything in our power to protect North Dakotans and all Americans.

Over the past year, we have enacted vital anti-terrorism legislation, including provisions I authored to shore up our visa and border security laws. And while we have paid more attention to the challenges of protecting our 4,000 mile northern border from terrorist infiltration, I continue in my resolve to focus the necessary attention and resources to get the job done right.

So, I feel sorrow, anger, and resolve, but I also feel pride, pride in how our heroes performed that day in response to the attacks; pride in our police officers and firemen; pride in those risking their lives to save coworkers; and pride in members of Flight 93 who lost their lives to save countless others.

I also feel pride at North Dakota's own, the Happy Hooligans, who minutes after the terrorist attacks took to the skies over Washington, protecting our Nation's Capital at this most critical time.

I feel pride at the men and women in uniform, who have served and continue to serve in Afghanistan and across the world, with the unfailing twin goals of eradicating global terrorism and protecting their fellow citizens. I feel pride in the dedication of those reservists who have put their lives on hold to serve our country.

I also feel pride in our country, and it is certainly appropriate that Congress and the President agreed to designate September 11 as "Patriot Day." September 11 brought out the best in our fellow citizens and showed us again why we are all so fortunate to be a part of the greatest Nation on earth. Rather than the disillusionment that the terrorists hoped for, our country responded with renewed patriotism.

And finally, on this first anniversary of one of the darkest days in our country's history, this North Dakotan feels optimism. In times of challenge, moments of great opportunity also present themselves. In this instance, we stand at a critical time in our Nation's and the world's history, and the decisions we now make will influence the shape of our world in the 21st century and beyond.

Will we live in a world of freedom or fear? Will democracy reign or will fanaticism retain its lure? Will our country try to build a wall around ourselves or will we continue to be a beacon of freedom, democracy, and tolerance around the world?

Some fifth grade North Dakota students are planning to commemorate the September 11 attacks by planting trees at the International Peace Garden, just north of Dunseith, ND. The name of the program is "Seeds of Peace." I have the optimism to believe that this is the perfect symbol to commemorate the first September 11 anniversary.

Mr. NELSON of Nebraska. Mr. President, I am here on this day of remembrance to express on behalf of the National Funeral Directors Association and all Nebraskans our heartfelt sorrow for those who lost their loved ones on September 11, 2001. We Americans can be proud to declare the continued strength of our Union one year after this horrific act.

The United States of America continues to stand as a beacon of freedom and opportunity for everyone, regardless of race, creed, or religious belief.

The United States of America was founded on the fundamental principle that all citizens have the inalienable right of life, liberty, and the pursuit of happiness and the vitality of the United States of America is in the diversity of ideas, the freedom to express those ideas, and the opportunity to achieve one's potential and direct one's destiny.

These principles are absolute and will not be surrendered or weakened by the cowardly acts of terrorists who are afraid of the sunshine of freedom and the responsibility it brings.

On this day we must continue our unity, which reaffirms the principles for which this country was founded and that on this day freedom shall ring from every community in this great land and the voice of America will be heard around the world.

Mr. TORRICELLI. Mr. President, we will always remember where we were on this day, 1 year ago. As on other moments of tragedy in American history, September 11 will forever be in our hearts and mind. For those who were lost, for those who gave of themselves to save others. On that day, we were all one. We were all Americans.

When we reflect upon a tragedy such as this, there are many who come into our minds. We reflect upon the honored dead who we remember today, including the friends and family we lost. We think of our loved ones who are still with us today. We remember all of the firefighters, police and ordinary citizens who risked their lives to save people they often did not even know. We reflect upon the members of our armed forces who diligently work to protect us from any future tragedy.

On this solemn occasion, I would like to take a brief moment to recognize the efforts of the members of the AFL-CIO on September 11 and its aftermath. Indeed, there were few others as affected by September 11 than the labor community. The firefighters and police who bravely sacrificed and risked their lives were union members. The laborers, ironworkers, and operating engineers who helped dig for survivors while the fires still burned were union members. The nurses, doctors and EMTs who cared for the injured and dying were union members. Those who manned the ferries and fireboats that transported both the survivors and the bodies of the victims across the harbor were union members. Their efforts greatly affected the lives of many.

In the aftermath, unions across America started up blood drives and the AFL-CIO Union Community Fund along with dozens of local and international unions raised relief funds for the families and children who have been left behind.

On this day of solemn remembrance, I want to recognize all of the sacrifices of these valiant men and women. Their response to this tragedy was truly heroic.

Mr. KOHL. Mr. President, today we remember the terrible events of September 11. A year has passed but for those who lost loved ones or sustained serious injuries in the terrorist attacks on the World Trade Center or at the Pentagon, the pain is still fresh and the loss is still palpable. Losing a loved one is always difficult but to experience loss as a result of a senseless act of terror can only compound the pain.

For Americans in general, the sheer number of lives lost on September 11 was a national tragedy. Those of us who did not lose friends and family also experienced loss on September 11, albeit a loss of a different kind.

On September 11, we lost our sense of personal safety. The idea that terrorism could strike Americans going about their business, working in their offices or taking a simple plane ride for business or pleasure, has changed us forever. Travel by air will never be the same post-September 11. And on a less tangible level, we are now cognizant that in a free society like ours terrorists cannot truly be contained. The threat of terrorism may subside but it will never disappear.

On September 11, we lost our sense of trust. We have become more suspicious of those who want to enter our country. The Federal officials who protect our borders and control access to our country continue on heightened alert, on the lookout for aspiring terrorists. Our first responders, our local police and fire officers, have been tasked to survey our towns with a new eye and have entrusted all of us with the unsettling job of reporting suspicious activity in our neighborhoods.

Most of all, on September 11, we lost our sense of national security. The attacks of September 11 brought with them the realization that our robust defenses, the biggest and best in the world, cannot protect us from terrorists. Our sophisticated planes, submarines, and missiles cannot deter a terrorist attack, and cannot protect us from the unconventional attacks we now know the al-Qaida terrorists were contemplating.

Today, however, is not just a day to reflect on loss. Just as the stories of those who experienced personal loss on September 11 have evolved into stories of determination to carry on, our losses are tempered by resolve.

We are resolved to uproot the terror cells which may now be lurking in as many as 60 countries, waiting for us to let down our guard so they can attack us at home or abroad. Working with our allies around the world we are determined to disrupt these cells by stopping their funding and prosecuting their members. We will also remain vigilant. To the best of our abilities, we will take all precautions to deny these terrorists the opportunity to strike again.

We are resolved not to succumb to hate and to stereotyping of those who share ethnic or religious backgrounds with the terrorists. One of the biggest fears after September 11 was that there would be a backlash in this country against those of Middle Eastern descent or against adherents of Islam.

While there were reports of hate crimes, many Americans reached out to their Muslim or Middle Eastern neighbors to reassure them—whether they were American citizens or just residents that they should not feel at risk. While the heinous acts of September 11 elicited many emotions, I was proud that most Americans recognized that taking our revenge against those who had nothing to do with Osama bin Laden would have sunk us to the level of the terrorists themselves.

The threat of terrorism does have the potential to change the character of our nation. Just as we are vigilant about our physical security, we are resolved not to let terrorism curtail our freedoms. We must not allow the war on terror to infringe on the rights and liberties we hold dear. Terrorism will not go away, but it will have succeeded if we use it as an excuse to trample on the Constitution. The wonderful outpouring of patriotism which occurred this past year was not just an expression of national unity, it was a strong statement that we cannot and will not allow terrorism to undermine our democratic way of life.

In the days after September 11, many Americans wondered how we would carry on. And yet we have carried on. We have danced at weddings, rejoiced in new babies, and it is the brave family members of those who perished on September 11 who have led the way: the mothers who gave birth without the presence of their husbands and the brides who walked down the aisle without their fathers. This has been a difficult year, a year of inconceivable loss, but a year which has been marked by resolve and a rededication to the ideals and principles upon which our Nation was founded.

Mr. REID. Mr. President, I know Senator JEFFORDS and Senator GRASSLEY are here. We are going to go out before 4 p.m. today, the reason being we have services for the Senate family, but that gives adequate time for everyone.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise today on this 1 year anniversary of September 11 to join my colleagues, as well as the rest of the country, in a day of reflection and remembrance. It is often said that time heals all wounds. Obviously, it is going to take an eternity for the grief to subside for the families of the 3,000 people mass-murdered last year, with the mental image of commercial jetliners searing into the national landmarks remaining fresh in our mind. If they do not, we are reminded of it by watching TV this very day and maybe all week.

Such horrific acts that happened a year ago today seemed impossible at that time. But, of course, all that has changed. Now it is hard to understand how such hate and extreme acts of horror against humanity can take place. While the Federal Government is working to beef up the military to protect our borders and to improve its intelligence gathering, it is virtually impossible to guarantee a risk-free environment in a free and open society that we proudly claim as America.

One year after the attacks, I am not so sure the American people really remember that we are in a war on terrorism. But the fact is, we are, and we will be for some time to come. I pray that we do not end up with a situation in the Middle East that we see too often on television where there are random suicide bombings. The risk exists and Americans are not realistic if they do not think of those things happening here like they might happen in Jerusalem. Terrorism has changed our way of life. We might be complacent about it and not want to realize it, but it is here. And every one of us, then, has a responsibility to remain vigilant.

The 1-year anniversary of September 11 is an important reminder that the war against terror has not yet be won. Considering the loss of human life, imminent terrorist threats to our security, and even our ailing economy, it is not easy to look for the silver lining on the 1-year anniversary of the September 11 attacks. But remember what the President said in the week after those attacks: The terrorists succeeded in tearing down bricks and mortar, but they failed to rock the foundation that has kept America strong.

A year later, America's resilience can be seen from sea to shining sea.

September 11, 2001, ushered in a new era. Notions of invincibility have been shattered. But the uncommon courage of first responders called to duty on that day reflects the steadfast spirit of our great Nation and our people called Americans. Our resolve to pull together and to stand united against evil immediately resurrected the principles on which this country was founded some 226 years ago. Despite the attacks, attacks defined to pit fear against freedom, the United States of America is yet stronger than ever.

Like the rest of the country, lawmakers in Washington, DC, dropped partisan pretense, worked quickly to assist survivors, backed recovery efforts, ensured the safety of the flying public, and got the economy rolling again. The 107th Congress threw its support behind the President to root out the terrorist networks responsible for the attacks, realizing the war in Afghanistan is probably only one of many battles to be fought and hopefully won.

Thanks to courageous service men and women, the al-Qaida network has been largely dismantled from its base in Afghanistan but not elsewhere. That evil continues to lurk in other regions of our world. And with the security of the American people first and foremost in our mind, the President has worked to leave no stone unturned. That includes creating a new Cabinet-level Department of Homeland Security and keeping Iraqi dictator Saddam Hussein from unleashing weapons of mass destruction against the United States or other places within our world.

The President needs to make the case to the American people, to Congress, and our allies abroad, and he will do that hopefully within 48 hours, and do it in a way that says freedom and peace will remain at risk, as he explains it, until rogue dictators and others who harbor terrorists and finance their evil acts are no longer able to do those things.

This month, the Senate is debating the proposal to realign the Federal Government's infrastructure and operations charged with thwarting acts of terrorism. I am working to make sure the new Department helps to solve the shortcomings exposed by September 11 and not create new ones.

Many recall the patriotism displayed by native Iowan Coleen Rowley, who blew the whistle on bureaucratic bungling at the FBI. I will work in this bill to see that new Department employees are guaranteed strong whistleblower protections and to strengthen accountability within the intelligence community. These protections for whistleblowers are very important to make sure our intelligence community and the homeland security is working for the good of the American people and to see the statutory requirements are carried out.

When the Department of Homeland Security bill is up, I will make sure that hard-working taxpayers' money is not wasted with this new Federal agency.

One year later, after September 11, life goes on in America. It is not the same as it was a year ago. Life is not as secure or risk free as we once thought it was—and maybe we should not have thought that it was, but we did. Air travelers deal with tightened security measures at the Nation's airports. People are staying closer to home, flying less. Ordinary Americans and law enforcement officials do not hesitate to report suspicious activity. For many, it has enhanced common courtesies and boosted greater appreciation for the simpler things of life.

Iowans deserve a lot of credit for their outpouring of support in the last year. From a remarkable quilt-making project for the victims, particularly in New York City, to generous charitable cash donations, and to those serving in our military, Iowans are proud, compassionate Americans. Many agree that the tragedy a year ago has renewed a sense of civic duty, patriotism, and appreciation for the U.S. military. There is a spirit of all-for-one and one-for-all, as we wear, display, and decorate with all things red, white, and blue.

With this 1-year anniversary, I join my colleagues in reflection and remembrance. While we go about our daily business, we can consider the tragic loss in human life and the acts of heroism by brave defenders. In the weeks and years ahead, we can continue to work for the betterment of our communities. We can donate blood, pray for the victims and their families, support emergency workers, and give thanks for the precious freedoms we enjoy every day.

We cannot erase the sorrow and suffering brought by September 11, but with our actions each one of us can make America stronger.

I remember this day especially Miss Kincade, from Waverly, IA, who was on the plane that hit the Pentagon. She was an intern in my office in 1984.

I remember Mr. Edward V. Rowenhorst, whom I did not know but I know his brother who goes to my church in Cedar Falls, IA. He was in the Pentagon working.

I remember traveling to a ceremony last Veterans Day in Anamosa, IA, where they honored one of their own who was also killed in the Pentagon 1 year ago today.

So Iowans, as most people in most States, have victims to remember. I remember them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, today we as a nation commemorate a most unfortunate milestone, the 1-year anniversary of the tragic attack of September 11, a day that will sadly live in infamy. Since that time, much has been said and written about the terrible events of that day.

As we reflect on the events of the past year, I would like to commend the thousands of rescue workers, volunteers, and countless others who helped rebuild our Nation in the months following the attacks. In particular, I would like to especially commend the work of the Federal Emergency Management Agency, fondly known as FEMA.

To give some background, on August 15, 2001, I became chairman of the Environment and Public Works Committee, which has jurisdiction over FEMA. A short month later, terrorists attacked the Pentagon and the World Trade Center. Later that day, following the attacks, I visited the Pentagon. I was amazed that literally overnight FEMA had established a well-coordinated Federal response at the Pentagon. Virginia, Maryland, and other first responders came—from as far away as Nebraska. As soon as possible, they were all working, as coordinated as I have ever seen.

As soon as possible after that, I traveled to the World Trade Center—again to take a look at FEMA's response. Again, I was overwhelmed by the organizational capacity of FEMA and the fine work being done by that agency's men and women, under the guidance of FEMA Director Joe Allbaugh. There, on the piers of Manhattan, FEMA had quickly created a disaster field office that was a small city unto itself. Thousands of workers from around the country came together to bring calm and order to an otherwise chaotic situation.

Visiting the Pentagon this morning brought back a flood of memories for me about my own visits to the Pentagon and the World Trade Center. Just days after those attacks, I vividly remember the sights and sounds and smells. The devastation I witnessed was incredible, and difficult to put into words. Thousands of people lost their lives due to the cruel and cunning acts of evil perpetrated by a few. The victims of these attacks were men, women, and children, people with well-laid plans for their pleasant futures.

Although I left both the Pentagon and the World Trade Center with a heavy heart, I also left with a profound sense of gratitude for the gallant efforts of these rescuers and volunteers who tirelessly, and mostly anonymously, worked in places reserved only for the Ground Zero heroes.

In the year following the attacks, I have spoken with many people, Vermonters and others, about the attack. We have all expressed profound sadness for our Nation's great loss. They have also left me with the confidence that freedom will prevail, that good will triumph over evil, that these horrible attacks cannot break our resolve to stand together as free Americans.

Abraham Lincoln once said:

> Freedom is the last best hope of Earth.

Time is a great healer. The passage of time has brought thoughtful recollection. The passage of time has not dulled my recollection of what I saw and felt in those days following September 11. For me, this healing process has brought a renewed commitment to move forward with the hope that freedom prevails.

In closing, I would also like to pay tribute to the work of the Vermont Air and National Guard, which did an outstanding job of protecting our skies and our borders and our airports in the days after September 11. When our Nation was most in need, we pulled together successfully to bring this Nation into a position where it feels secure and with hope for the future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SILVER ROSE

Mr. NELSON of Nebraska. Mr. President, I am here today to thank Gary Chenett, Diane Rey, and John

Schniedermeier. They are responsible for awarding The Silver Rose to our veterans in Nebraska. The Order of The Silver Rose was established in 1997 by Mary Elizabeth Marchand. Her father, Chief Hospital Corpsman Frank Davis, died from illnesses resulting from the use of Agent Orange in the Vietnam War. He was a combat veteran; however, he was not wounded in combat, but was exposed to a dangerous substance while fighting for his country that took his life many years later.

The Department of Defense has determined that Chief Davis and many like him do not qualify for The Purple Heart. It is the mission of The Order of The Silver Rose organization to recognize the courage, heroism, and contributions of American service personnel found to have been exposed to Agent Orange in a combat zone. I am sure that as time passes, they will expand their focus to members who have died from other conflicts.

The Order of The Silver Rose gives many veterans the satisfaction that they are being recognized for giving their Nation the ultimate sacrifice. There are thousands of veterans who served this country faithfully and now find themselves in poor health, some fatal health, directly due to being exposed to harmful substances during war.

Gary Chenett, Diane Rey, and John Schniedermeier have awarded eleven Nebraskans with The Silver Rose, I would like to honor them today, they are: Raymond D. Todorovich of Omaha; Edgar Fleherty of Omaha; Randy E. Holke of Fremont; John Schniedermeier of Omaha; Ronald R. Charles of Omaha; Terry H. Greenwell of Omaha; David C. Smith of Firth; Joseph E. Stillwell of Omaha; Roy R. Rogers of Fremont; Albert W. Kowalski of Omaha; Gilbert J. Styskal, Jr. of Omaha.

On behalf of Nebraska, I thank these brave patriots for their sacrifices.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 2, 2002 in Shelton, CT. A 42 year old gay man was beaten at a Labor Day party. The three attackers made derogatory remarks about the victim's sexual orientation and then assaulted him, breaking his facial bones and ribs. Police are investigating the incident as a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MESSAGES FROM THE HOUSE

At 3:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2810. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3880. An act to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 320. Concurrent resolution expressing the sense of the Congress regarding scleroderma.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCLOSKY, Mr. MORAN of Virginia, and Mr. OBEY.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. HOBSON, Mr. WALSH, Mr. MILLER of Florida, Mr. ADERHOLT, Ms. GRANGER, Mr. GOODE, Mr. SKEEN, Mr. VITTER, Mr. YOUNG of Florida, Mr. OLVER, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. DICKS, and Mr. OBEY.

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, on September 6, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 464. Concurrent resolution expressing the sense of the Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 320. Concurrent resolution expressing the sense of Congress regarding scleroderma; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2924. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1943: A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes. (Rept. No. 107–267).

S. 1999: A bill to reauthorize the Mni Wiconi Rural Water Supply Project. (Rept. No. 107–268).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2388: A bill to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era. (Rept. No. 107–269).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1712: To authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes. (Rept. No. 107–270).

H.R. 1870: A bill to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada. (Rept. No. 107–271).

H.R. 1906: A bill to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park. (Rept. No. 107–272).

H.R. 2109: To authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System. (Rept. No. 107–273).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 2385: A bill to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes. (Rept. No. 107–274).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3048: A bill to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska. (Rept. No. 107–275).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 2923. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to infertility prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAPO, Mr. DAYTON, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRASSLEY, Mr. HARKIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Ms. SNOWE, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. 2924. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001; read the first time.

ADDITIONAL COSPONSORS

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2633

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2633, a bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes.

S. 2741

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2741, a bill to amend title 38, United States Code, to improve procedures for the determination of the inability of veterans to defray expenses of necessary medical care, and for other purposes.

S. 2892

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2892, a bill to provide economic security for America's workers.

S. 2922

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. RES. 306

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 306, a resolution expressing the sense of the Senate concerning the continuous repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on September 17, 2002 in SR–328A at 10:00 a.m. The purpose of this hearing will be to discuss implementation of the 2002 Farm Bill.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 12, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on successful strategies for Indian reservation development and the lessons that can be learned from developing country and other Indian tribal economies.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, September 17, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1392, a bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition, and on S. 1393, a bill to provide grants to ensure full and fair participation in certain decision-making processes at the Bureau of Indian Affairs.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 1008, Denny Wade King, to be United States Marshal; that the nomination be confirmed, the motion to reconsider be laid on the table; that the President be immediately notified of the Senate's action, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

Denny Wade King, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of the nomination of

Marion Blakey to be Administrator of the Federal Aviation Administration; that the Senate proceed to its immediate consideration; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that any statements thereon be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session with the preceding occurring without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF TRANSPORTATION

Marion C. Blakey, of Mississippi, to be Administrator of the Federal Aviation Administration for the term of five years.

LEGISLATIVE SESSION

SENSE OF THE CONGRESS ON THE ANNIVERSARY OF THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that when the Senate receives from the House H. Con. Res. 464, a concurrent resolution regarding the anniversary of the terrorist attack, the preamble and the concurrent resolution be agreed to; that any statements thereon be printed in the RECORD; and the motion to reconsider be laid upon the table, provided that it is identical to the resolution that I ask be printed in the RECORD following the granting of this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 464), with its preamble, reads as follows:

H. CON. RES. 464

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas the valor of the passengers and crew on the fourth aircraft prevented it from also being used as a weapon against America;

Whereas thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, making these attacks the deadliest terrorist attacks ever launched against the United States;

Whereas when the gravest moments came, many regular Americans, relying on courage, instinct, and grace, rushed toward the flaming buildings in order to rescue or toward terrorist-controlled cockpits in order to resist;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

Whereas while the States of New York, Virginia, and Pennsylvania bore the brunt of the terrorist attacks, every State and Territory and all Americans were affected and mourned these tragic losses;

Whereas Americans reached out to help strangers who had lost loved ones, colleagues, and their businesses;

Whereas local, State, and Federal leaders set aside differences and worked together to provide for those who were attacked and to protect those who remained;

Whereas Americans continue to repair damage to buildings and the economy, while relishing the freedoms they enjoy as Americans;

Whereas on September 14, 2001, in Public Law 107–40, Congress authorized the use of "all necessary and appropriate force" against those responsible for the terrorist attacks;

Whereas the United States Armed Forces subsequently moved swiftly against Al Qaeda and the Taliban regime in Afghanistan, whom the President and Congress had identified as enemies of America;

Whereas, in so doing, brave servicemen and women left family and friends in order to defend the Nation;

Whereas a year later, many servicemen and women remain abroad, shielding the Nation from further terrorist attacks;

Whereas, while the passage of a year has not softened the memory of the American people, resolved their grief, or restored lost loved ones, it has shown that Americans will not bow to terrorists;

Whereas the Congress has passed, and the President has signed, numerous laws providing additional resources for the overseas effort against terrorism, as well as additional tools for Federal, State, and local law enforcement and judicial systems to protect Americans at home; and

Whereas the Government reexamined the need for domestic security and the Congress is currently considering legislation to create a Department of Homeland Security with the specific mission of preventing further attacks.

Mr. DASCHLE. Mr. President, what we saw happen to our country 1 year ago today will be forever etched in our memories. Several of our colleagues have taken time here on the floor today to reflect on that horrible day.

Though our Nation was wounded deeply that day, we learned a great deal about ourselves—and that has made our country stronger. The courage of the first responders, the valor of the passengers on flight 93, the strength of the families of the victims, the character of our armed forces, and the generosity of Americans from each and every State in the Union have shown to terrorists, and to the world, that America is strong and will not bow to terror.

H. Con. Res. 464 is a small tribute to each of these heroes. It spells out, in broad bipartisan fashion, Congress's memory for lost loved ones, our deep admiration for the families of these innocent victims, our respect for the work of our first responders and armed forces, and our resolve to find and bring to justice those responsible for the attacks.

That resolve was made clear on September 14, 2001, when we overwhelmingly passed S.J. Res. 23. In that resolution, we granted the President the authority to pursue the nations, people or organizations who perpetrated the September 11, 2001 terrorist attacks on the United States in order to prevent any future acts of international terrorism against the United States by such nations, people, or organizations.

With today's resolution, we look back at the horror and the hope we saw on a day we will never forget. There may come a day when we must again look ahead to threats to our Nation that lie on or beyond the horizon. I am confident that when that time comes, Congress will again act in a bipartisan fashion to take the steps needed to keep America strong, and Americans safe.

But today, as we walk the path from remembrance to recovery, this resolution says what we all know in our hearts: We will never forget.

ORDERS FOR THURSDAY, SEPTEMBER 12, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 a.m. tomorrow, September 12; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session to consider Calendar No. 960, with the time until 10 a.m. equally divided between Senators LEAHY and HATCH—that would be prior to the vote on that nomination—with no intervening action; further, that it be in order to request the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that following the disposition of the nomination, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session and resume consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur tomorrow morning at 10 o'clock on the confirmation of Timothy Corrigan to be a United States District Judge for the Middle District of Florida.

Following that vote, the Senate will resume consideration of the Interior Appropriations Act. But at noon, the Senate will resume consideration of the homeland security bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:46 p.m., adjourned until Thursday, September 12, 2002, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 11, 2002:

MARION C. BLAKEY, OF MISSISSIPPI, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS.

DEPARTMENT OF JUSTICE

DENNY WADE KING, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

HOUSE OF REPRESENTATIVES—*Wednesday, September 11, 2002*

The House met at noon.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Remembering the images of September 11 a year ago can still stun a nation. A reflection of that tragic day and the thousands who were taken from us can still take the breath away of some. Others feel nothing, only emptiness. Others have moved on and celebrate the distance. Today a moment of common silence can unite us all in a deeper sense of presence.

Because words have their own spin to such an overwhelming story as this past year. Silence alone is free enough to embrace all traditions and all sentiments, drawing out a language of the heart.

Only silence can interpret some of the most sacred moments of a lifetime. So let memories flow and prayers arise in the soul of America as we enter unafraid the mystery of what has happened to us in silence.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3917. An Act to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2136. An act to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capital of the United States.

S. 2896. An act to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 15 one-minute speeches on each side.

REMEMBERING SEPTEMBER 11

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, today as a Nation we are reunited by a sense of common grief. One year ago today, America witnessed the unspeakable when our Nation was attacked and more than 3,000 innocent lives were cruelly taken from us at the World Trade Center, the Pentagon, and in Pennsylvania. From my home State of New Jersey, we lost over 700 people, and God bless their families. It was also a day when horror was met by heroism and the worst of humanity was overshadowed by the best of America. In reflections on this day, we remember the bravery of those who responded on September 11, our police, firefighters, our first aid squads, people who never gave up hope and rallied our Nation. They who responded came from all over America and across the Hudson from New Jersey.

We are grateful as well today for the service of our young men and women in uniform who, fighting in our war against terrorism, are resolved to bring justice to those who attacked us. They are fighting to right this terrible wrong in honor of the memory of those who perished and to protect our children and grandchildren, ensuring that they inherit a Nation free from further terror.

ON THE ANNIVERSARY OF SEPTEMBER 11

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, whenever I think of the enormity of what happened on September 11, 2001, words fail; and so I try to recall the words of our commander in chief on that fateful day. He basically made three suggestions. He said we should pray for all of the innocent victims and their families, and I try to remember to do that every day. He then said we should be grateful. And I will be perfectly honest, gratitude was not what was in my heart at that moment. But he went on to explain that we should be grateful to all the police officers, firefighters, and emergency personnel who, when others were running away from the buildings in terror, running for their lives, continued to run toward the buildings, into the buildings, up the stairs, many to their deaths. That was their job. And they did it well that day because they saved thousands of lives.

Finally, he suggested that we unite as a Nation in our resolve to track down the terrorist cowards who committed those acts, bring them to justice, and take away their capabilities to ever do anything like that again either in the United States or anywhere else in the world.

On this solemn anniversary may we continue to remember those three suggestions by our commander in chief.

TO THE CHILDREN ACROSS AMERICA REGARDING SEPTEMBER 11

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, usually when I stand here to address these 1-minutes, it is on the subject of missing children. Today I want to talk about kids who are missing mothers and fathers and sisters and brothers and friends and family because on September 11 of last year more than 2,000 children lost a parent. This may not be the kind of loss that I usually address, but it is a profound loss, nonetheless. I want to send a message to those kids today that this House is thinking about them and they are in our hearts and in our prayers.

The children of this country also lost a sense of innocence and security. I want to encourage parents across the Nation to talk to their children about the tragic events of September 11 of last year to reassure them that we all want the best for them and will continue to work to keep their, our, country safe from harm.

Mr. Speaker, on behalf of the Congressional Caucus on Missing and Exploited Children, I send our thoughts and prayers out to the children who lost somebody at the Pentagon, the World Trade Center, or in Shanksville, Pennsylvania, and to the kids all across America who are learning to deal with a changed and unsettled world.

God bless you and God bless America.

HONORING MICHAEL BELAY FOR HIS CONTRIBUTIONS TO HUMANITY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, today I rise to honor Michael Belay of Orange County. On a trip back to his native Ethiopia to a town called Abbiyi Addi, Belay saw children playing on the hulk of a helicopter that had crashed near their school. The dry, cracked earth was the floor of their classroom. They had no chalk, chairs or blackboard.

Belay saw an opportunity to help brighten the future for these children. He scrimped together $10,000 and took it back to his village. With this, he bought clothing, shoes and bags of food. When he returned to California, he organized HAPPY, Hands Across the Planet to Poor Youth, to raise $200,000 for these children to buy televisions, computers, construction materials, and chalk.

We can all find inspiration in Belay's actions. I am especially proud of him, Mr. Speaker, since he works part time as a security guard at Chapman University where I am a proud alum and a member of the board of trustees there.

It is people like Michael Belay that truly make our world a better place to live.

ON REMEMBERING THE EVENTS OF SEPTEMBER 11

(Mr. ACEVEDO-VILÁ asked and was given permission to address the House for 1 minute.)

Mr. ACEVEDO-VILÁ. Mr. Speaker, on behalf of all Puerto Ricans, I want to express heartfelt sympathy for the families of the victims from the terrorist attacks against this great Nation 1 year ago. The impacts of these horrific events were immediately felt throughout Puerto Rico. Hundreds of Puerto Ricans were among the dead and Puerto Rican emergency crews were among the first to arrive to assist crews in New York and at the Pentagon. But had there been no direct tragic link to Puerto Rico through casualties or through the emergency workers, Puerto Ricans would nonetheless continue to walk in lockstep in the war against terror. Make no mistake about it, Puerto Ricans today, as throughout the last 100 years, serve dutifully in all the branches of our Armed Services. Our common citizenship and common devotion toward democratic principles underscore our commitment to common defense. I stand before my colleagues today to let you all know that Puerto Rico will always be there in this effort. The cowardly acts of September 11 have caused great pain. Our suffering shall never be forgotten. But this Nation is today stronger and more committed to our principles of freedom and justice than ever before. United we stand, divided we fall. We stand together and will never, ever forget.

☐ 1215

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 464) expressing the sense of the Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 464

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas the valor of the passengers and crew on the fourth aircraft prevented it from also being used as a weapon against America;

Whereas thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, making these attacks the deadliest terrorist attacks ever launched against the United States;

Whereas when the gravest moments came, many regular Americans, relying on courage, instinct, and grace, rushed toward the flaming buildings in order to rescue or toward terrorist-controlled cockpits in order to resist;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

Whereas while the States of New York, Virginia, and Pennsylvania bore the brunt of the terrorist attacks, every State and Territory and all Americans were affected and mourned these tragic losses;

Whereas Americans reached out to help strangers who had lost loved ones, colleagues, and their businesses;

Whereas local, State, and Federal leaders set aside differences and worked together to provide for those who were attacked and to protect those who remained;

Whereas Americans continue to repair damage to buildings and the economy, while relishing the freedoms they enjoy as Americans;

Whereas on September 14, 2001, in Public Law 107–40, Congress authorized the use of "all necessary and appropriate force" against those responsible for the terrorist attacks;

Whereas the United States Armed Forces subsequently moved swiftly against Al Qaeda and the Taliban regime in Afghanistan, whom the President and Congress had identified as enemies of America;

Whereas, in so doing; brave servicemen and women left family and friends in order to defend the Nation;

Whereas a year later, many servicemen and women remain abroad, shielding the Nation from further terrorist attacks;

Whereas, while the passage of a year has not softened the memory of the American people, resolved their grief, or restored lost loved ones, it has shown that Americans will not bow to terrorists;

Whereas the Congress has passed, and the President has signed, numerous laws providing additional resources for the overseas effort against terrorism, as well as additional tools for Federal, State, and local law enforcement and judicial systems to protect Americans at home; and

Whereas the Government reexamined the need for domestic security and the Congress is currently considering legislation to create a Department of Homeland Security with the specific mission of preventing further attacks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes September 11 as both a day to remember those taken from their families, loved ones, and fellow citizens and a day for Americans to recommit to the Nation, to their freedoms, and to each other;

(2) extends its deepest sympathies to the countless innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) stands in great debt with the American people to the members of the Armed Forces serving both at home and abroad;

(5) praises the people of the United States for their patriotism, compassion, prayers, and generosity in donating time and money to support the innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(6) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(7) discourages, in the strongest possible terms, any effort to confuse the war on terrorism with a war on any people or any faith;

(8) commends the President and the brave servicemen and women of the United States Armed Forces in the successful effort to oust the Taliban from power;

(9) remains resolved to pursue all those responsible for the terrorist attacks of September 11, 2001, and their sponsors until they are discovered and punished; and

(10) reaffirms that Congress will honor the memory of those who lost their lives as a result of the September 11, 2001, terrorist attacks and will defend bravely the citizens of the United States in the face of all future challenges.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARMEY) is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democrat leader and cosponsor of the resolution, pending which I yield myself such time as I may consume.

Mr. Speaker, a year ago today the east coast of this great land woke up to the first rays of morning sunshine. We woke up as a Nation, full of optimism, full of gratification, aware of our freedoms, but probably taking them for granted. We were concerned about the people we love, with the confidence they would all be there. We were excited about the business of the day with hopes of good outcomes, and dearly involved with our children with an understanding of their safety. We did not think about heinous deeds when we woke that morning. Our minds were busy with our plans and hopes, dreams and schemes; and we went about our day's work.

Then, all of a sudden, out of the dark depths of the evil corners of the world, hatred, meanness, despair, jealousy, greed, whatever, rose to afflict this Nation.

We were shocked at what we saw. First, most of us thought it was an accident and how tragic it was. But soon, we realized it was a vicious, premeditated attack on us as a Nation and on innocent civilians in this country.

Those streaming rays of sunshine that came through those big buildings of New York City that stood as a monument to this thing we call the practical American genius, were shattered. That peaceful field in Pennsylvania, awake with morning dew, was smashed. Our Pentagon that stands for strength and freedom was assailed in a way that it has never been assailed. And, indeed, this very building on which we stand today was saved that morning by the first response to this vicious attack.

We took the hurt and the losses, and they came early; but it did not take us long to collect our wits in this great country. Immediately upon understanding on Flight 93 how vicious this was and how evil the intent, our American heroes fought back and this Nation was inspired by Todd Beamer who started the response with that phrase, "Let's roll."

Our early responders in New York City, after the tragic loss of life following American Flight 11, American Flight 77, and in Northern Virginia after the horrible nightmare of United Flight 175, our early responders came from our communities: firemen, policemen, and emergency workers of all types. They rushed to the danger and saved lives.

We struggled through that day with doubt, uncertainty and fear. But as the day wore on, we became more a Nation of resolve and less a Nation of fear. We began to build our way back to confidence and optimism on that very same day. America had the unwelcome need to see its own heroes fight for survival and rescue on our own land, and our heroes rose to the occasion in a way that has inspired each and every one of us.

In New York City and Pennsylvania and here in Northern Virginia, they did so no more nor any less than they would have in Kansas City, San Francisco, or Houston because they displayed the character of a free people who cherish their freedom and love their neighbors.

Now we have been asked to go on with the task of ridding the world of the evil that struck that blow. We again call upon our heroes, now not so often, not so many civilians, but honorable men and women in uniform who have stood before the history of this great Nation's marvelous tradition of defending freedom, peace and respect and have said, "I will volunteer to serve this Nation in its armed services."

These new young heroes, following generations of heroes past, are now being asked daily all across this globe to incur risks and hardship to find the evil ones and remove them.

I believe the perpetrators of evil that launched this horrible attack have seen in ways they have never dared to imagine the character and strength of this great Nation. They now know the resolve of this great Nation. They all understand the courage of our heroes.

Let me say again what I said at the time. This Nation has proven it will spend its heroes. Our heroes have proven they will go when asked, they will volunteer, they will do their duty. But we do not spend our heroism from this great Nation out of ambition for territorial expansion or out of a sense of revenge, but out of a requirement for a just world, a world in which people who will perpetrate evil against others will be found, and they will be prosecuted.

□ 1230

Let me just say to those of you who are still out there plotting and scheming, do not underestimate our American heroes; they are young, they are bright, they are strong, they have courage, and they will in fact bring you down.

Now we have come, Mr. Speaker, to this day a year later. The sun rose in the east today, and this great east coast of this great land was the first to experience this morning. We woke a little wiser, a little more aware, a little sadder, but we awoke with optimism, love, resolve and courage, and we will be that way for so long as this great Nation shall endure.

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to cosponsor this resolution with the gentleman from Texas (Mr. ARMEY) in the spirit of bipartisan unity on this difficult day for our wonderful and great Nation.

We gather together today to remember the victims, honor our rescue workers, and cherish the values embraced by human beings across the globe. On this first anniversary of September 11, we recall the strength, the courage and the character of innocent people who lost their lives in this horrendous attack.

To the families of September 11 victims, we say that we are with them as one. We honor the bravery they have demonstrated in the face of unspeakable suffering, and we honor the spirit of the American people, humanity at its best.

Today, we recall that amid the chaos of September 11 our rescue workers gave the last full measure of devotion so others could live another day. Hundreds of people rushed into burning buildings to save others who they had never before even met. On one of our darkest days, they sent forth a defiant ray of hope, and words alone could never do justice to their sacrifice.

Today, we also recognize this fundamental American truth: From the horror of September 11 has come incredible, unimaginable strength. Our Nation is still grieving, but make no mistake, we stand united.

As I said Friday in New York at our joint session, in this great and faithful struggle, there are no Republicans, there are no Democrats; there are only Americans, and we will remain resolved with our President to defend all those who threaten the liberty, freedom and democracy that define our Nation.

Today, as we pray for the victims' families, we also offer profound gratitude to the people who may well have saved our lives by fighting back on Flight 93. This resolution is crafted in their spirit, with them as our inspiration and as our guide.

This resolution honors people like the man who went to Ground Zero after the attacks and started digging through the rubble, searching for survivors, because, he said, we are "digging for freedom."

It honors the woman whose legs were crushed by debris at the World Trade Center, who has been in the hospital every day for the past year.

It honors the firefighters in New York who, ascending the stairs, calmly told civilians, "Just keep going down, clear run. Keep going down, clear run."

It honors the doctors at the Pentagon who, rolling in water to ward off the flames, saved countless servicemen and women because of their raw courage.

It honors the ironworkers, the construction workers, the engineers and others who worked around the clock for months to clear the debris at Ground Zero.

It honors all the workers at the Pentagon who worked day and night to meet the schedule of having the Pentagon back in perfect condition before the year anniversary of September 11.

It honors our law enforcement personnel who are protecting our citizens on a daily basis here at home.

It honors the members of our Armed Forces who have been fighting and are today fighting to defend our freedom and secure our Nation.

And it honors people like those we had lunch with on Friday in New York who lost their spouses on September 11.

In the face of the unthinkable, their courage, their simple courage to move to the future while they grieved about the past, was deeply moving and inspiring. They demonstrated a commitment to the values that all of us hold dear: Freedom, family, faith and friends.

Let all these deeds in the past year, and more, stand as a lasting monument to the spirit of our great Nation.

Today, we know that our most solemn obligation is to ensure that those who died on September 11 did not die in vain. In the days and weeks ahead, let us continue to work together with humility to protect our people, guard our freedoms, and report to the world that America will never be defeated.

Let us move forward as one Nation, one people, for the sake of every single person who believes in freedom and believes in civilization and believes in humanity.

Let me end with the words of an old hymn that I love so much. When we face the unexplainable, when we face evil, many of us turn to God. And, as we did one year ago, we ask again today for God's help.

As the hymn says, "And He will raise you up on eagles wings, bear you on the breath of dawn, make you to shine like the sun, and hold you in the palm of His hand."

May God shed His grace on this great and wonderful country and all of our people.

Mr. ARMEY. Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and that he be permitted to control that time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Illinois (Mr. HYDE) will control the time of the gentleman from Texas (Mr. ARMEY).

There was no objection.

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. LANTOS), the ranking member on the Committee on International Relations, be permitted to control the balance of my time and yield that time as he sees fit.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. LANTOS) will control the remainder of the time for the minority leader.

There was no objection.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 464.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been a year since the world watched the impossible happen, and yet it is difficult to believe that such a year has passed so quickly. The sense and feel of time have been altered, seemingly suspended even as the calendar's relentless progress has remained unaffected.

On this first anniversary, we would only deceive ourselves if we were to believe that those events are now safely confined to the past. We will continue to live with them all our lives.

Modern communications have brought us many new and wonderful things, but they have also made possible the communal experience of tragedy. In this new age, distance will no longer spare us, nor can an absence of ties insulate us, from sorrow.

All who witnessed the events of September 11 still bear the scars of seeing inconceivable images and impossible events unfold in real time. But our own experiences, however painful, cannot compare with that of the innocents who bore the horror directly, nor with that of their families and friends who were suddenly and violently severed from their former lives and from the touch of those deeply loved.

We Americans are a practical people. Instead of resigning ourselves to the difficulties of life, we instinctively seek to identify problems in order to focus our efforts and move towards solutions. In the past year we have done this.

We have come to know our enemies and direct our determination and resources to uncovering their hiding places and plans. We are now engaged in designing and implementing measures to resist their ability to harm us. The challenge is an entirely new one, but one which gains in clarity each day. I hope all of us are now aware that in addition to our successes, we must prepare ourselves for the likelihood of failures in a struggle that may have no end.

By infusing purpose, action can thus fill many voids, but the need remains to understand what happened and to comprehend the meaning of the events of that day. Here words give way to silence, for deep reflection is the predicate to understanding. Our modern, rational world once promised in time to reveal all secrets to us, but can we still cling to that belief now that we have been confronted with things we thought long past, vanquished and erased from the world by reason and light?

The modern world has seen many efforts to eliminate God from our lives, but we have not been able to eliminate evil. The last century was unparalleled in human history in its celebration of the savagery that human beings can wreak upon one another. We had hoped we might escape that fate in this century, but now we know that we will not.

We have been forcibly awakened from our dreams of an earthly heaven by the bitter knowledge that evil still roams freely in the world. We cannot allow ourselves to be paralyzed with despair or fear, and neither can we permit our natural optimism to shield us from the realities of the world. If there is any useful thing to be drawn from this terrible experience, it is that we have been given an unmistakable warning that in this new century, unknown and fearsome challenges await us, challenges that will impose the severest test of our national character.

Knowing this, we have a duty to prepare ourselves to defend not only our lives and those of our children, not only our beloved country, not only our freedoms, but civilization itself. We are Rome, beset by new barbarians who are savagely motivated by their immense hatred of us, of our happiness and our success, of the promise America represents for the world; for our enemies have no aim except destruction, nothing to offer but a forced march back to a bleak and dismal past. Theirs is a world without light; their all-encompassing hatred a repudiation of any saving grace.

□ 1245

Their victory would impose a new Dark Age, but this time perhaps an endless one. They are enemies of the future itself.

As we resolve ourselves to our task, as we grieve for all of those linked to us by tragedy, we may also see ourselves more truly and thereby understand that our great strengths are interwoven with many fragile things, and that being human, we have our faults and flaws to contend with as well. The threats we face have given us a greater sense of how rare and wonderful is the world we share and of our responsibility to protect it from the storms outside.

It is for these reasons that we remember those 3,000 fellow citizens who, asking nothing other than to live their lives in peace, were brutally murdered by men without conscience or mercy. We know it is right to remember our dead and commend them to the mercy of God, because should we forget them, we would only invite new acts of terror. We remember because, to quote Lincoln's haunting phrase, "the mystic chords of memory" bind us to the victims and the heroes of September 11.

And we shall not break faith with their memory.

May those who died in the attacks of September 11 rest in the mercy of God. May those of us who remain be steadfast, courageous, and live lives worthy of their great sacrifice.

Mr. Speaker, H. Con. Res. 464 expresses our gratitude to our friends and underscores the Nation's resolve to meet the enemy and defeat them. I believe passage of this resolution will commemorate those heroic actions of last September 11 and stand as an important symbolic gesture which all Members should support.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, at the outset, let me commend my good friend and distinguished colleague, the gentleman from Illinois (Mr. HYDE), for his powerful and thoughtful statement; and I identify myself with both the sentiments and the words that we have just heard.

Mr. Speaker, I rise today in strong support of this historic resolution, and I yield myself such time as I might consume.

Mr. Speaker, just a bit over a year ago, I had the great honor of joining my good friend, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), in managing the debate on the resolution condemning the September 11 terrorist attacks. On that day, I spoke of our Nation's loss of innocence. America's illusions of invulnerability were violently shattered on September 11, 2001; and our Nation turned its focus on far greater concerns than some of the follies and frivolities that had consumed us prior to that day.

Since September 11 last year, we have matured as a Nation. We Americans have come to terms with the terrible reality that ours continues to be a most dangerous world from which there is no escape. Distant events can and do impact on our daily lives in unpredictable and even unthinkable ways.

We have matured too, Mr. Speaker, in our understanding of the meaning of the term "homeland security." September 11 made clear that our safety is as dependent upon a strong foreign policy as it is upon strong domestic defenses. There is no homefront in this fight, only a united front in which our domestic and foreign policies form a single seamless defense against terrorism. Among the many casualties of September 11 was the false dichotomy between domestic and foreign policy.

Now, a year later, we face a new challenge. It is incumbent upon us now to prosecute this war against terrorism not simply in our own self defense, but in defense of the principle of democracy that is at the very core of our Nation. The terrorists and their protectors fear the freedom we cherish, and they seek to destroy it wherever it thrives. The war on terrorism, then, is a common struggle with all democracies to preserve democracy itself, and we can only achieve true victory in this epic struggle when we bring democracy to all the corners of the globe.

In his address before a joint session of Congress on September 20 of last year, the President defined our adversaries in this war as the perpetrators of the September 11 attacks and their protectors. He further widened the war in his State of the Union address to include other terrorist organizations and states that terrorize the world with weapons of mass destruction.

We must now widen our struggle further still to encompass all those repressive, undemocratic regimes that provide the breeding ground for terrorism. It is only through the creation of open societies, resilient to dissent and capable of free debate, that terrorism can truly be defeated.

It is in the crucible of the Middle East where this greater struggle must now be waged. It is not enough to defeat Osama bin Laden and his minions, although that we surely must do. We must also combat the repression, the lies, and the hatred that consume so many in this crucial region. The United States and our allies must recommit ourselves to bringing democratic institutions and free and open societies to these peoples.

It is tempting, Mr. Speaker, amid the grief of this day to find solace in the victories we have achieved in the war against terrorism to date. And indeed, the brave men and women of our armed services engaged in Afghanistan and around the globe deserve our deepest praise and gratitude for their battlefield achievements.

But we must not grow complacent in this epic fight, a fight that may span generations. To do so would dishonor those who perished on this day one year ago, and to do so would undermine the cause of democracy worldwide.

In the immortal words of President Lincoln, repeated at the World Trade Center this morning, we are a nation engaged in a great war, testing whether our Nation, or any nation so conceived and so dedicated, can long endure. For our own sake and for the sake of free societies, we must continue our fight.

Mr. Speaker, on this first anniversary of September 11, 2001, we mourn the victims, we honor the heroes, we contemplate the lessons, and we celebrate the unity of our Nation so proudly displayed since that fateful day. One year ago, we suffered a grievous wound. One year later, that wound has begun to heal and the scar it has left has toughened our skin, but it has not and will not harden our hearts or dampen our spirits. God bless this great Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me this time. I am obviously here to join my colleagues in honoring the memory of those who died in the terrorist attacks of a year ago this day and to underscore with gratitude the amazing valor displayed by them.

I am sure every American remembers where they were and what they were doing when these ignominious attacks occurred. For me, I recall finding Speaker HASTERT in his office, urgently gazing out the window down the Mall, looking at the smoke coming from the Pentagon. I urged immediate evacuation, and the Speaker said, stop. First, we must open the House and have a prayer. So part of my memory includes our short gathering in this Chamber and the earnest and moving prayer by the guest chaplain of that day, Reverend Gerald Creedon.

I would like to begin my remarks this day recalling that prayer. He said, "God of peace and life, send Your spirit to heal our country; bring consolation to all injured in today's tragedy in New York and Washington. Protect us and help our leaders to lead us out of this moment of crisis to a new day of peace. Amen."

What Reverend Creedon did not know, and what none of us knew here, was that more casualties were to come in a field in Pennsylvania shortly after his prayer and our very hasty adjournment that day. Actually, this was not Father Creedon's original prayer; he had prepared one on the topic of immigration. But realizing the gravity of the situation, he spontaneously gave us heartfelt, wonderful words which were suitable to the moment and which are posted on the wall of my office to this day as a daily reminder.

To the more than 3,000 people who lost their lives that day at the World Trade Center, the Pentagon, and United Flight 93, we owe continuing remembrance, deep thanks, and responsive action. A year ago today, terrorists attacked Americans and citizens of scores of other countries who were on our U.S. soil. We, along with a broad coalition of nations, have taken up the challenge of combating the scourge of global terrorism. It is serious business. President Bush has left no doubt about his commitment to have our Nation lead the way.

Last year the fight came to the doorstep of each and every American citizen; and within the very first minutes of September 11, 2001, our Nation responded as one. I would like to dedicate my short time today to celebrating the men and women, ordinary Americans, who have fought back; the quiet heroes.

Let me begin with Ceecee Lyles, a flight attendant of Flight 93, who was a resident of my district of southwest Florida. A former police patrol officer detective, she had spent 6 years risking her life to protect others in that service. In December of 2000, mindful of her young children and looking for a less dangerous career, she enrolled as a flight attendant school candidate; and 6 weeks later, she began flying for United Airlines out of Newark.

At 9:58 on September 11, only 5 minutes after the House recessed for the day under the dire circumstances then apparent, Ceecee called her husband, Lorne, in Fort Myers, who is a police officer there, from her plane to tell him that her flight had been hijacked. Her words: "I called to tell you I love you. Tell the kids I love them." Her last words that we know of were, "I think they are going to do it. They are forcing their way into the cockpit."

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And then the phone went dead.

In this Chamber, we owe a particular debt of gratitude to CeeCee Lyles and her companions on Flight 93, and we all know it. That flight may very well have been heading to Washington when it crashed into Shanksville, Pennsylvania. Without prompting or training, the passengers and crew fought back, and in doing so, saved many additional lives; possibly, our lives right here in the Capitol, for as we now know, many believe, and there is some evidence, that the Capitol was the intended target of Flight 93.

FBI Director Mueller, speaking at the crash site in Pennsylvania, said, "We believe that those passengers on that jet were absolute heroes." Wallace Miller, the coroner for the case, called the passengers citizen soldiers. He went on to ask: "When can you think of, other than the Revolution or our Civil War or at Pearl Harbor, where American citizens died defending their home ground?"

But let us reflect a moment on our history. While many would compare 9–11 to the devastation of Pearl Harbor, there is a significant difference. Pearl Harbor was, after all, a military-against-military matter; 9–11 was a vicious attack on civilians and on freedom.

It is obvious that all of us have had to deal with new restrictions on the way we live our lives; but we have also developed a sense of pride, of patience, and individual responsibility as we go about our lives to bring us closer as Americans.

The terrorists thought they would destroy our spirit; but instead, they renewed it. Destroying the will of the enemy to fight is the common measure of victory in war. bin Laden and his depraved extremists fueled our resolve to wipe his brand of evil from a civilized world.

In addition to people all over America who have stepped up to the plate, our government has also become more alert, more focused, and more vigilant. We all must recognize the dedication and sacrifice of the thousands of individuals in government service who are out there on the front lines. They are protecting you and me, and they are making us proud. They know we are counting on them at a time when it matters.

Every new day as we wake up safe and sound in our homes here, I hope we remember to say just a little thank you to those out there for the work they are doing. Whether fighting al Qaeda in Afghanistan and Pakistan, working the streets in Africa, Latin America, Europe, or Asia, perhaps working in a cubicle in the D.C. area, or as part of the joint terrorism task force in a U.S. city, these are the intelligence officers, the military and civilian personnel who in all likelihood will not receive public recognition for the work they do; yet they do work long hours, often in places far from friends and family, and sometimes at very great personal risk. I regrettably acknowledge that sometimes they do not come home.

Johnny Michael Spann was a CIA officer, a husband, and a father of three. He went into Afghanistan in an early phase of the war to collect information crucial to defeating the Taliban and to protecting Americans at home. He was killed last November during a prisoner uprising in Mazar-e-Sharif, which was particularly brutal, as we now know.

Finally, I would like to recognize that since last September every American has been engaged in combatting terrorism. We have been more vigilant, aware and alert, reporting leads to the police and FBI in record numbers. We have volunteered time and resources to our communities. We have been more patient as we have tried new security procedures at airports and public buildings, even though some of them have clearly turned out to be unworkable. We have maintained our basic freedoms and our democracy in the face of further terrorist threat. We still fly, we go to the mall, we cheer on our sports teams, we drive over bridges, we speak our minds, and we assemble where we choose.

So on this September 11, let us rededicate ourselves to honoring the memory of those who died by continuing to stand up to terror and to fear. Then let us also look to the future and the young people who are preparing to join the fray. Our youth, who some thought might be becoming a bit apathetic, or were perhaps now taking this great country for granted, are now applying in record numbers to service academies, to police and fire departments, the military, the FBI, the CIA, and other government service. They are our future and they are ready.

September 11 will come again next year and every year thereafter. It is now part of who we are. Woe to those who would ever test us again.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), our distinguished colleague from our capital city who represents Washington with such grace and effectiveness.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me, and for his kind and gracious words.

September 11 will always be a day to remember; but for us, it must also be a day to consider how to go on. If one lives or works here, as Members do, we remember that no sooner had September 11 come than we had October and the anthrax tragedies that occurred, beginning in the Brentwood post office, and spread even to this very Congress.

Yet, Mr. Speaker, though some may consider the capital city a target city, I can come to the floor this afternoon and say I have never felt myself to be a target. That is probably because I am an American, and it may be in part because I was a small child in this city during World War II. Therefore, I am blessed and perhaps burdened by the notion of American invincibility. I do not believe that simply because of our military might. Somehow I believe that my country cannot and will not be defeated ever from within or without. It is simply part of the way I was raised, and it is part of the way we must raise our children.

I know how one's spirit can be broken when one goes to the funerals of three small children and their teacher who went down in the plane at the Pentagon. It can try one's spirit. But the fact is, I regard those children as representatives of all who lost their lives in September and October of last year; and somehow or the other, remembering September 11 and the October anthrax tragedies through the lives of these 11-year-old children and their teachers, random targets, has instructed me how to go on.

I believe we will defeat terrorism. I tell you, it is part of my core belief. What I think we have to learn to do is to maintain an open society in the process. No society has ever faced what we have today. No society has ever had to face keeping itself wide open while understanding that terror lies within.

I am a native Washingtonian, a fourth-generation Washingtonian. We live here and feel ourselves the stewards of the Nation's capital. As such, we cannot stand by and see the Nation's capital ever be closed, because if it is closed or seems to close down, the rest of America will believe it must follow behind.

If this is to be an open and free society, it must begin with an open and free Washington, DC. I am proud of the Congress for keeping our Chambers open, for doing all we can to keep this city open, and for remembering that when we are open, the rest of the country will feel itself open. Finally we will, I believe, have the rest of the world believe they, too, must open their societies to us and to the rest of the world.

Mr. Speaker, I thank the gentleman for bringing this resolution to the floor.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank our chairman for yielding time to me.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 464, commemorating the tragic events of 9–11. I commend our distinguished majority leader, the gentleman from Texas (Mr. ARMEY); our distinguished Committee on International Relations chairman, the gentleman from Illinois (Mr. HYDE); and our ranking minority member, the gentleman from California (Mr. LANTOS), for bringing this measure to the floor at this time.

On that day, 1 year ago, our Nation was deliberately and barbarically attacked by terrorists at New York's World Trade Center, at the Pentagon, and on Flight 93 over Pennsylvania. It is our solemn duty today to reflect on those terrorist events and to memorialize those who perished needlessly at the hands of those criminals.

My 20th Congressional District in New York lost more than 90 innocent lives on that terrible day. We join in extending our condolences to all of the 9-11 victims, and to their families and to their loved ones, and at the same time, reminding them of our Nation's unrelenting determination to bring to justice all those who carried out these evil acts.

As our Nation stands together today in honoring the innocent men and women who were taken from us on 9–11, we also pay tribute to our firefighters, to the police officers, to the rescue workers, and to all the citizens who bravely mounted the largest rescue operation in history under the most unthinkable conditions. Their countless heroic acts on 9–11 mark it both as a day of tragedy as well as triumph.

Let us also pause today to salute the men and women of our Armed Forces who are out there defending freedom and democracy on the front lines of our war on terrorism. Let us pray, too, for their safe return and their eventual triumph.

As we reflect today upon our extensive losses on the anniversary of tragedy and horror, let us also remember the valor, the patriotism, and the unity of our Nation in its darkest hour. That date, 9–11, was not only a turning point in the history of our great Nation, but also the world. As we seek God's blessing for our Nation and for the victims and heroes of September 11, let us all pledge to work together to make our world a safer place in which to live.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER), one of the true statesmen in this body.

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from California (Mr. LANTOS), for yielding me this time.

I am pleased to join him and also my very close friend, the gentleman from Illinois (Mr. HYDE), in recognizing and remembering. As well, I am pleased to follow the remarks of my friend, the gentleman from New York (Mr. GILMAN). All three of these gentlemen, Mr. Speaker, have been in the forefront of focusing on the foreign policy of the United States. All three have focused on the extension of liberty and justice and freedom throughout this world. All three have focused on human rights and the recognition of the rights of individuals. How appropriate it is that these three leaders lead us in this remembrance.

Mr. Speaker, none of us, none of us will forget where we were when we learned the news. None of us, I think, will forget those 84 minutes from 8:46 a.m. on September 11, 2001, when the North Tower was struck, to 84 minutes later when the crash of the jet from Pennsylvania precluded the success of the terrorists in striking this Capitol.

None of us, Mr. Speaker, will ever forget. In an instant on that Tuesday morning, now known simply as 9–11, the generation of Americans, this generation of Americans, suffered its Pearl Harbor. In an instant, or more accurately, I suppose, in 84 minutes, more than 3,000 innocent human beings, many of uncommon courage, were murdered by criminals of unbounded evil.

Words, Mr. Speaker, cannot convey the depth of pain inflicted on this Nation and its people 1 year ago. The pain endures and will remain. Today we remember all those who were taken on that horrific day. Our thoughts and our prayers are with those who survived and those who lost loved ones, as well as with the brave men and women this very hour defending freedom here at home and abroad.

In many ways, such unspeakable acts have clarified our purpose, steeled our resolve, and confirmed who we are.

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We are a peaceful, tolerant and compassionate people. The evidence of that, Mr. Speaker, lies throughout our great Nation.

Since September 11 private charities have raised more than $2.4 billion, private charities, more than $2.4 billion to assist survivors. Former President Clinton and former Senate majority leader Bob Dole joined to raise $105 million to pay for college for the children and spouses of those killed or disabled. More than 3,000 people download applications for Americorps every week; more than 76,000 have requested Peace Corps applications; and more than 48,000 have signed up for Citizen Corps programs. Yes, Mr. Speaker, this is a generous, compassionate and giving Nation.

Closer to home, Donn Marshall of Marbury, Maryland, refused to let the savagery of 9–11 define the life and loss of his beloved wife, Shelley. Shelley was an employee of the Defense Intelligence Agency and she was one of the 20 Fifth Congressional District residents and 53 Marylanders who were taken from their family and friends by the mindless acts of savagery on 9–11. Rather than give in, however, to unblinking but justified anger, Donn has given his sorrow meaning.

In tribute to his wife, Shelley, he established the Shelley A. Marshall Foundation, an irrevocable trust that funds children's story hours at public libraries, creative writing contests at colleges, and tea parties at nursing homes that bring senior citizens and high school students together.

The aftermath of 9–11 has seen countless other acts, Mr. Speaker, of generosity, community and courage, in your district, Mr. Speaker, in mine, and in the districts of every Member of this House, which is to say in every corner of this Nation. From the local police officers and firefighters who raced towards danger at the Pentagon and Ground Zero in New York City, to the Facchina Construction Company in my district and those employees who completed their reconstruction work at the Pentagon 3½ months early, even after their La Plata headquarters was devastated and destroyed by a tornado just a few months ago, to the local artist in my district who raised $5,000 for the widows and children of firefighters from the sale of 9–11 T-shirts that he designed.

Mr. Speaker, the terrorists who sought to break our spirit only fortified that spirit. Their barbarism reminded us of our inevitable vulnerability but also reminded us that we are a part of something much greater than ourselves. We are the land of the free because, Mr. Speaker, we are the home of the brave.

More than 40 years ago President Kennedy stirred our Nation when he said that, "The energy, the faith, the devotion that we bring to this endeavor will light our country and all who serve it." And he correctly concluded that, "The glow from that fire can truly light the world."

The fire of freedom, Mr. Speaker, forged the American character and it burns deep within our soul. The ashes of tragedy have rekindled that spirit; and one year later, the world must know freedom's light still burns brightly and its eternal truth shall never, never, never be extinguished. May God, Mr. Speaker, continue to bless and guide America as we continue our commitment to a just Nation and the defense and extension of freedom.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Nebraska (Mr. BEREUTER) will control the time on the majority side.

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I rise in support of this important resolution and I thank the leadership of both sides for their initiative.

Mr. Speaker, this is a day of remembrance, a day of remembering over 3,000 individual persons who died at the hands of people who were so deranged that they also died in their killings of innocents in America. A day of remembering 3,000 families that will never again be the same, but the families through their sacrifice have definitely contributed to a better America because of what they have given. A day of remembering the sacrifice and courage that was demonstrated, manifesting itself as love, immediately overtook hate, incredible love that sent warm feelings throughout the world towards the United States of America. It is a day of emotion.

I was at the Pentagon this morning, as were many of my colleagues and our President and the Secretary of Defense. I was there last year right after the Pentagon was struck. The stench of war, death and destruction a year ago was replaced this morning by the smell of new construction, a breeze that blew up the dust of a construction site now complete, sparkling new windows, and a whole new day at the Pentagon. A day of sadness for great loss. A day of joy for the Phoenix project and that new beginning. A day of humility.

I continue to be in awe of this job, this country, and the people of America. A day of national pride as we stand together with our President and our leadership. A day of deep and abiding love for our fellow man of all denominations from all around the world. God created each of us. But a day of righteous anger for what has happened, and a desire for justice to be served, but for our country to never extract revenge.

Mr. Speaker, today is a day of unity in this House and across this land. The Holy Scripture says that unity is a supernatural anointing of God. The words say, One can chase a thousand, in the Old Testament. Two can chase 10,000. What that means is whenever God's children get together with a common purpose, spirit of unity, God anoints that unity and supernatural things can happen. We have seen that in this country as we have come together. We need to do it more often. We need to continue the unity that this tragedy brought to this great Nation.

Mr. Speaker, today is a day of resolve. We live in a new and difficult time. We stand today, my generation, on the shoulders of the greatest generation. A generation that I grew up admiring and continue to admire. The greatest generation rightly earned their place in our country's history because of their dedication and their sacrifice. My generation has been called the "me generation." We are self-absorbed, self-consuming, lazy, maybe not even capable of having what it takes. But I believe that in the last year, thanks to our domestic warriors, our first responders, our troops on the home front, our firefighters and law enforcement personnel and EMTs, and the bravery and courage that they have shown, this "me generation" may be becoming the "we generation." More selflessness, more sacrifice, more courage than I have seen in my lifetime has been demonstrated in the last year.

I even see the joy in the eyes of the greatest generation as they look in their later years at what has happened in the last year with some amazement and incredible pride to say to this generation, you have what it takes, too. And I am glad because the days ahead are uncertain, challenges are many. We may have many difficult times that we must go through ahead; but, Mr. Speaker, we have what it takes because we inherited a legacy of courage and honor and valor and we must answer this call to courage because what is at stake is freedom.

It is fragile. It is a powerful force much like unity and love, but it is fragile. We must not rest. We must not grow complacent over time. We must be vigilant. We must be willing to fight and to die to preserve freedom.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to my good friend and distinguished colleague from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, today I join millions of people in solemn reflection on the tragic events of September 11, 2001.

One year has passed since that horrific day thrust the world into shock and sadness; and while some pain has subsided, our wounds have not entirely healed, particularly for those who lost loved ones in New York, Pennsylvania, and Washington. However, by responding to this tragedy with hope and determination, our Nation has grown stronger.

As the initial confusion of the attacks subsided, we became familiar with some of the names and the faces of the victims. Rhode Island was touched personally by this tragedy through the loss of several who called our State home. David and Lynn Angell, Carol Bouchard, Renee Newell, Mark Charette, Michael Gould, Amy Jarret, Kathryn Laborie, Shawn Nassaney and Lynn Goodchild. We learned about these individuals, their interests and their lives. We have prayed for their families and loved ones and responded to their grief with compassion.

As in the past, Americans offered sympathy and support to those touched by tragedy, reminding us that though the terrorists attacked our Nation, they did not and they cannot damage our spirit.

On this solemn occasion I pay tribute to those who lost their lives, to their friends and families who continue to grieve, to the American heroes who dedicated themselves to rescue and recovery efforts, to our service men and women who are defending our Nation against the ongoing threat of terrorism and to the spirit of America which has helped us endure these difficult times and will grow stronger from our sacrifices.

God bless America.

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the time for debate on this resolution be extended 60 minutes to be equally divided between the majority and the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for yielding me time, and I thank the sponsors of the Patriot resolution which I rise in strong support of this afternoon.

Today is a solemn day to reflect on the lives lost and the families who have been altered forever by the terrorist attacks last September 11.

In the aftermath of these devastating attacks, the American public and people around the world came to realize that thousands of innocent Americans and others from many nations and walks of life perished because evil forces wanted to strike at the heart of this great Nation.

Today and forever we will grieve for all of the victims. We have listened to the reading of the names of those lost but who, more importantly, are the family, friends and loved ones of those who are still on this Earth and miss them today.

□ 1330

September 11 will always be etched in the minds of all Americans and our families and friends throughout the world. Today we remember our heroes who gave their lives so others may live, our brave citizens, firefighters, police officers, and emergency personnel. The outpouring of emotion, generosity, and courageousness of mankind continues to touch us daily. Now is not only the time for remembrance of the past but also a time to look forward to living our lives with vigor and joy. We are a country that stands more united than ever before. Our diversity has strengthened us and our pride in America continues to grow. On this pain-filled first anniversary, we stand tall defending freedom, working for peace, and seeking justice. We must continue to support one another, and we must remain committed and united in the war against terrorism and use all of our might to bring to justice all of those involved with the attacks. Today we pledge to do everything in our power to defeat terrorism and to make our Nation stronger in every way that has made it a beacon of freedom and opportunity in the entire world.

May God bless America.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time. And I thank the authors of this resolution today.

A year ago today, many of us as Americans might have been asking the question who are we? And the terrorists who attacked us might have thought in that horrific act of violence that who we were would crumble. They might have expected that because we came from all walks of life and spoke different languages when we first came to this Nation, we enjoy our respective cultures, that the coalition would disintegrate, that we would no longer be America, that we would begin to join places where we might have come from or our ancestors might have started and we might have gone at each other and might have accused each other.

But we fooled them because America is a Nation of the free and the brave. It is in fact a very special place; and more than anytime in our lifetime, Americans stood united. It frightened the rest of the world, I might imagine, those who wanted to perpetrate terrorism, undermine our democratic ideals, get us to attack our Constitution. We stood firm. As I sat there today at the Pentagon and I watched as our flag began to blow in the morning's wind, it reminded me of the words of Francis Scott Key, why he was so moved to write the "Star Spangled Banner," for as he looked up as those bombs were bursting and that war was going on, he felt that there was a theme and a symbol that continued, and his words were:

"Now it catches the gleam of the morning's fresh beam,

In full glory, reflected now shines on the stream;

'tis the star spangled banner. O, long may it wave

Over the land of the free and the home of the brave."

That is what we showed the world on September 11. We showed them that we could in fact survive. And today I take time to salute those first responders who helped us survive, the police, the firefighters, the paramedics, all the medical professionals, and just plain ordinary people, the volunteers, the men and women of the United States military who too today stand at the front line of freedom and opportunity and justice, the unsung heroes, many of whom will not and did not live to tell their own story. We honor them and yesterday belongs to the families, the families of those who lost their lives and the families of survivors. We honor them and we thank them.

I spoke today to a family member who lost his wife in Somerset, Pennsylvania; and his words were chilling to me. It reminded me of the importance of the resolve of this Nation and of this government. He said simply, "I do not understand. I'm still living through this. I do not know how I'm going to get through it." He, however, may take comfort in the way that America has come together, how we have comforted each other. He may take comfort in knowing that anytime we are attacked, we will stand unified together. Their stories may never be told, those who lost their lives, but we will stand arm in arm together.

Might I say, Mr. Speaker, as I close, that the government came together, State and local officials. Might I also say that even though we were diverse, we did not use this time to attack any religious group, any believers of any faith, any distinctive ethnic group. We came together.

I would simply say, Mr. Speaker, that this Nation is a Nation under God. I hold this Bible. I will not read it today, but I am proud as an American that if I chose to do, I could read this Bible because we do have the freedom which we fight for, and that is why I know in our hearts we will continue to wage this ongoing fight against terrorism; but we will do it by showing to the world our own values of democracy and of freedom and of justice and equality.

I believe the "Battle Hymn of the Republic" says it well:

"Mine eyes have seen the glory of the coming of the Lord. He is trampling out the vintage where the grapes of wrath are stored.

He has loosed the fateful lightning of His terrible swift sword.

His truth is marching on."

The truth of this Nation continues to march, and we can do it in a way that understands freedom.

God bless America and God bless its people, for the truth will continue to march on.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

In the way of introduction of the next gentleman, I would say that the Speaker, in the aftermath of the events of September 11, decided to create an entity within the House of Representatives to focus on the problems of terrorism. He placed that responsibility in the House Permanent Select Committee on Intelligence and created under the gentleman from Florida (Mr. GOSS) a new subcommittee to focus exclusively on terrorism, and that subcommittee is chaired by the distinguished gentleman from Georgia (Mr. CHAMBLISS), and the ranking minority member is the gentlewoman from California (Ms. HARMAN). A report they have prepared for the House is exceptionally insightful, very important in our work here; and I commend the gentleman and the gentlewoman from California for their effort.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for his very kind comments, and it was a very bipartisan effort that allowed us to produce what I think is a very informative report.

Mr. Speaker, today I rise in strong support of this resolution. On the anniversary of September 11, we remember the innocent victims of last year's terrorist attack against our Nation and pay tribute to the heroes who risked their lives to save others.

This day is indelibly marked in our Nation's memory. It is a day when our Nation changed, when we were savagely attacked by malicious enemies whose hatred of freedom and democracy runs so deep that they would murder innocent men, women and children.

These attacks on our cherished principles, values and freedoms tried to weaken our Nation; but the tragic events of September 11, 2001, only strengthened the American resolve. The loss is overwhelming; but in the wake of this tragedy, we have witnessed many of the best aspects of America: the tremendous outpouring of patriotism, a common sense of grief and loss which touched every American, a bond of love and support among strangers from across the land, a renewed commitment to our respective religious beliefs, and a renewed national resolve to root out terrorism and act against the enemies of America.

Today at the Pentagon ceremony, I visited with Pat Hogan, the widow of Major Cole Hogan of Macon, Georgia. Major Hogan was an Army Green Beret who served his country bravely here at home and around the world and was killed in the attack on the Pentagon. Our hearts, prayers, and thoughts are with the friends and families like Pat Hogan who suffered such a tremendous loss a year ago.

Over the past year we have endured daunting challenges, and our lives have been forever changed by these terrorist acts and the threat that continues to confront us. We have made progress in making America a safer place and fighting the war on terrorism. More still needs to be done; but as we move forward, we have an opportunity to rededicate ourselves to do all we can to work together to preserve the memory of those who perished in making our Nation a better place, a safer place and to ensure that the spirit of freedom, democracy and our core American values continue to burn even brighter in our Nation and around the world.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to my distinguished colleague from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I too rise to remember the terrible events of September 11, to honor the victims of the attack and their families and to let them know that especially today, they do not stand alone, and to pay tribute to the heroes of that day, the passengers of Flight 93, the rescue efforts at the Pentagon and in New York City, the police officers, the firefighters, the first responders, emergency medical technicians, the health care providers.

That day started with great shock and honor, Mr. Speaker; but it ended with incredible unity and a sense of resolve that those responsible would be held accountable. From the ashes of that attack arose a new sense of patriotism and a solemn pledge to never forget and to learn from that terrible day.

We became unified in this Nation out of a sense of common values that we share: love of country, love of the freedom and liberties that we hold so dear, a shared sense of common vulnerability now that our splendid isolationism in the world and our sense of innocence was taken from us. That is perhaps what has made me most angry about the events of last September 11, the grief that we have to share with the families who lost loved ones, but the knowledge that my two little boys and all our children in our country will have to grow up in a 21st century with the specter of terrorism and that vulnerability hanging over their heads.

I was heartbroken to have read the story of the two little boys who lost a father at the World Trade Center when they were at home, and they got all excited and started jumping up and down when they saw their dad's car being pulled into the driveway. They were screaming, "Mommy, Mommy, Daddy's home, Daddy's home." She knew that could not be the case, and she looked out the window to only see a tow truck dropping off her husband's car in the family driveway and having to explain to her sons why their dad was never coming home again.

Or the "Nightline" story of the retired firefighters living down in Florida who came back up to Ground Zero to sift through the wreckage in order to find the remains of bodies so they could be identified. They did it out of a sense of honor to their fallen comrades but also because they had lost their own sons, the next generation of firefighters who went into those burning buildings to save lives. One of the firefighters was interviewed by Ted Koppel, and he asked them, "Why are you doing this day in and day out, from dawn to dusk every day?" He responded, "When we signed up to be firefighters and when our sons signed up to be firefighters, we all knew there was a risk in this job, but everyone deserves a decent burial."

These are the memories that will live with us for the rest of our lives and why it is so heartbreaking.

After one of our intelligence briefings, I was talking to one of the intelligence officers and commented to him how sophisticated this terrorist operation seemed, and he replied that it was not all that impressive. He said it was a low-tech operation. It is very easy to fly commercial airlines when they are already aflight. The hard part is landing them safely, and they never intended to land safely.

That is the challenge that lies before our country today. We not only need to fly the Ship of State safely, but we need to land the Ship of State safely; and that is why I hope that we learn from this terrible event, but do not get too intoxicated with our own military power, which is considerable.

I would hope that we realize we must maintain our good citizenship throughout the globe, that we are in this all together. This is not only about enhancing our own security interests in the United States and for our citizens abroad, but for all of the freedom-loving nations throughout the globe who have a common goal in defeating international terrorism.

We cannot do this alone. We need the help of the international community.

☐ 1345

It is easy for our Nation, with the military power that we now possess, to accomplish so-called regime change. The hard part is nation-building that comes after. And that is why it is vitally important, I believe, that we keep our eye on the ball; that we pursue the al Qaeda organization, wherever they have scattered to the four winds, and that we do it with the cooperation and the help of the international community.

I am confident with the deliberations in the days ahead that we will be guided with proper decisions. May God bless and may God continue to guide this great Nation.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I appreciate the gentleman yielding me this time. One year ago today, the lives of all Americans were forever changed. For the terrorists, the story of the September 11 attacks is one of immense hate, a hatred for the principles of freedom, liberty, and equality for which our great Nation stands. For Americans, however, the story of September 11 is a story of immense love, a love of country, a love for human life.

Firefighters, police officers, and everyday citizens were heroic in rescuing victims of the attacks, and later in recovering the remains so as to properly honor those lost. Countless other citizens volunteered to assist and encouraged relief workers. Across the country, flags waved, hands were clasped in historic unity, and voices joined in prayer and in patriotic song.

In response to the attacks, America has been made stronger. Americans better appreciate the sacrifices that police officers, firefighters and emergency personnel make every day to ensure our safety. And we certainly have a much deeper admiration for the courageous devotion to duty of our servicemen and women, our men and women in uniform, who fight to defend our precious freedoms throughout the world.

President Bush so profoundly captured the enduring spirit of America when he stated last year, "We will not tire. We will not falter. We will not fail. United we stand."

God bless those who lost loved ones in the attacks of September 11 and those who gave their lives seeking to save the lives of others, and certainly God bless the United States of America.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM), my good friend, the distinguished ranking member of our Committee on Agriculture, and a great patriot.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time. It has been said that "Greater love hath no one than to lay down his life for a friend." Unless perhaps he or she lays down a life for a stranger. That is the love, the heroism, the patriotism that we pause today to remember and to honor. It is the love we witnessed on a large scale in New York and Pennsylvania, and Washington 1 year ago. But it is also the love that is practiced daily in communities across this great land.

In some ways, September 11, 2001, is so indelibly imprinted on our minds and souls that it is difficult to believe an entire year has passed. As we recall each detail personally experienced on that day, we remember the horror, the anguish, the sorrow, and the fear. Certainly these emotions remain fresh to all of those who lost a loved one. But even for citizens in other parts of the country hundreds of miles away, our connection as fellow Americans meant that we all felt deep grief.

As John Donne wrote more than 300 years ago, "No man is an island, entire of itself. Any man's death diminishes me because I am involved in mankind; and therefore never send to know for whom the bell tolls, it tolls for thee." In the weeks following September 11, as we heard the bells tolling or the bagpipes playing Amazing Grace in funeral after funeral, each one of us did feel that a part of us had died. And so today, as we remember, we feel sadness, we feel grief.

For those of us who were not physically present at one of the attack sites, perhaps our greatest wound came from the fear that gripped our chests and our country. Suddenly our sense of safety, of invulnerability, of carefree security received a vicious slash from a cruel and unexpected attacker.

As a Nation, we face the question will we be paralyzed by this fear or will we overcome it? The answer to that question is where the story brings us today. From biblical times until today humanity has discovered three things which overcome fear: Love, faith and action.

Some people are aware of that truth every day of their lives. Each community's firefighters, our police officers, our emergency and health care workers, our men and women in military uniform, every day these heroes set aside personal fear in order to do their job so that the rest of us might live safely. They risk the possibility of laying down their lives for both friend and stranger and in doing so they demonstrate some of the greatest examples of love in our society.

The year that has passed since September 11 has also helped us find meaning in and through our grief. It has given us an ability to view both world events and our personal lives with a new perspective. And what we have seen is that one of the darkest days of our history gave birth to thousands of acts of goodness, creating perhaps one of our finest hours. Ordinary men and women across the country showed extraordinary bravery, kindness and compassion as we pulled together as one United Nations.

As we look back, we learn that it was through our giving back that we are now able to move forward. So while we respect and honor those who lost their lives a year ago, and feel compassion for those who remain in grief, today is also a day of celebration. We celebrate the American spirit, the heroes who are gathered here today among us all over America, and the three antidotes to fear, love, faith and action.

The marvelous thing is that every one of us has the capacity to bring to life these fear fighters. We cannot all rush into burning buildings or stop senseless acts of violence. Few of us may actually be faced with the opportunity to save another life. But we all can be heroes by loving, by believing, and by acting to strengthen our communities. As we honor our heroes, both living and dead, we are called to find the heroic urge inside ourselves.

September 11 may have shown us the worst of humanity, but it also reminded us of the chance to become the best of humanity, by loving, believing and acting. May each of us today honor those who died by doing just that.

Mr. BEREUTER. Mr. Speaker, I am pleased now to yield such time as he may consume to the distinguished gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, exactly 1 year ago today, the lives of every American citizen were changed by the cowardly acts of terrorism committed against us on our own soil. Families were broken, loved ones were lost forever, and our sense of security was shaken.

Yet even in the dark hours of September 11, 2001, hope remained. For within the hearts of Americans, we share a common bond as citizens of the greatest Nation on earth. This bond prompts us to courage, to service, and to patriotism. This bond inspired Americans on the day of the attacks to rush to the aid of their fellow Americans without thought of possible consequences to themselves. This bond provides hope that our Nation will heal from our grief and conquer those who would threaten our liberty and our way of life.

While we choose to honor the sacrifices and tragedy of September 11 with solemnity today, we also celebrate who we are as a Nation. We celebrate our Republic, we celebrate freedom, we celebrate service, sacrifice and love for one another. We celebrate the heroic acts of ordinary citizens and to commemorate the tragic events of September 11. From the soldier to the firefighter and policeman, to ordinary folks going about their daily lives, we salute you. Your sacrifices will not be in vain. A grateful Nation lives and hopes because of your love for this great country.

I close today with Professor Al G. Wright's beautiful ode to our Nation, which celebrates our country with these words: "I am an American. That is the way most of us put it, just matter-of-factly. They are plain words, those four. You could write them on your thumbnail, or you could sweep them clear across this bright autumn sky. But remember, too, that they are more than words. They are a way of life. So whenever you speak them, speak them firmly, speak them proudly, speak them gratefully. I am an American."

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arkansas (Mr. ROSS), my distinguished colleague and good friend.

Mr. ROSS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, September 11, 2001, is a day that none of us will ever forget. I was sitting in my office across from our Nation's Capitol, and from the window in my office, I literally saw smoke rise from the Pentagon. A few hours later, I would learn that a young Navy petty officer from our district named Nehamon Lyons would be among the casualties at the Pentagon. Picking up the phone and calling his mom, Mrs. Jewel Lyons, back in Pine Bluff, Arkansas, was the most difficult call I have ever made.

This morning, I joined with other Members of Congress and with our President, united, Democrat and Republican alike, united as one America, as we remembered in a special service at the Pentagon. We remembered those who lost their lives 1 year ago today at the Pentagon, at that pasture in Pennsylvania, and, yes, at the World Trade Center in New York City. After that ceremony I returned to my office and I called Mrs. Jewel Lyons in Pine Bluff, Arkansas, to let her know what I had just experienced in that very special and moving service at the Pentagon and to let her know that America has not forgotten that young Navy petty officer, Nehamon Lyons, and his service to this great country.

My grandfather taught me to always look for something good in everything bad. There was not anything good about September 11, but I do believe it has brought out the best in the American spirit. I see a country today that is more patriotic than perhaps ever in my lifetime. I see a country today with a greater appreciation for our veterans and our soldiers. And I see a country today that is praying a lot more. Bible sales are up, church attendance is up, and I know that means America is only getting stronger.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on the first anniversary of the tragic events that killed so many Americans at the World Trade Center and the Pentagon, it is natural for our thoughts to turn to the victims of that day. It was, of course, a world-changing event that will continue to affect all of us. Now we know, too, that an extraordinary debt of gratitude is owed to those brave passengers of United Flight 93, which crashed in a Pennsylvania field. They fought the murderous hijackers in the cockpit and, thus, foiled the plot to crash that plane into the Capitol or White House.

The families of the victims will continue to grieve their losses, but the commemoration around the Nation today should focus on reinforcing America's newly heightened unity and sense of resolve that we as a Nation will dramatically increase our effectiveness in protecting our homeland and our citizens abroad from terrorist attacks. We must remain committed to meet these challenges while at the same time preserving the freedom, civil liberties, and opportunities which make America the envy of the world.

The period set aside for formally mourning our losses is long past. The victims and their families now are best served if all of us share and act upon a commitment to keep our Nation secure, strong, and a bastion of liberty. May God bless America.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. McGOVERN), a distinguished colleague and good friend.

□ 1400

Mr. McGOVERN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution. It is hard to believe that it has been exactly 1 year since that terrible September day, 1 year since our Nation experienced that devastating and profound loss. Words cannot begin to express the heartache that we felt that day, or the sympathy we continue to feel for those who were lost.

Like many of my colleagues, I represented several of the victims of September 11; and I appreciate this opportunity to extend my deepest condolences and prayers to their loved ones.

It has been a difficult, but necessary, week for all of us. From our session in New York City and visit to Ground Zero, to the ceremony at the Pentagon this morning, to the consideration of this resolution, Members of this House have had the opportunity to express our solidarity with the families and communities most deeply affected by September 11.

Today is also an opportunity to pay tribute to the millions of Americans who reacted with such bravery and compassion in the aftermath of the terrorist attacks, the doctors and nurses who ministered to the injured; the firefighters, police officers, ironworkers and others who refused to leave the site of the World Trade Center until everyone was accounted for; the ordinary citizens from every corner of our country, every background and religion, who donated blood, money, or who provided a kind word or a prayer.

Mr. Speaker, I also think it is important at this moment for us to express our gratitude to our men and women in our Armed Forces who, as we speak, continue to battle terrorists in Afghanistan. They serve our country with great distinction, and they are a credit to our country and, indeed, to the world.

We have accomplished a great deal in the past year by working together, but I believe we have much more to do.

Today we recall the solidarity and compassion shown our Nation and our people by other nations and other peoples around the world, and we can work with them to bring our most cherished values into reality.

Mr. Speaker, we can, I believe, make this world less violent, more peaceful, more tolerant, and more secure. We have the ability to eradicate poverty, disease, hunger and hopelessness, the things that terrorists exploit to justify the unjustifiable. What we need is the will to make it happen. We need to lead the world in pursuit of these important goals. In doing so, I believe we will demonstrate the true and magnificent character of the United States of America.

Mr. Speaker, in conclusion, it is my hope that as we remember the victims of September 11, as we offer our condolences to their families, and as we continue to bring the perpetrators to justice, that we rededicate ourselves to providing a better world for us all.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, today is Memorial Day for the victims and the heroes of September 11. It is a time to honor the people who have died and the people who still live. It is important as we grieve for the victims that we keep in mind how many people are alive today because of the efforts of those who helped them, many of them still alive.

Today it was my honor, along with Senator BEN NIGHTHORSE CAMPBELL of Colorado, to honor and recognize 11 members of our Park Police here in Washington, DC who were heroes and first responders on that day. It was an interesting way to recognize them. There was a crosscountry motorcycle ride organized by citizens from all of our districts and States across the country. It started out in Orange County, California, went to San Diego, California, 3,500 miles later it picked up hundreds of riders and came here to the Nation's capital. Like BEN CAMPBELL, I am a Harley rider and so I was happy to join them. That is why I found myself in a position to be able to bestow these glass plaques to our first responders.

First, the riders themselves, our constituents. They raised $1 million for the World Trade Center Miracles Foundation just from among the riders. In that they were like the people who responded heroically on September 11. They put aside their concerns and put first the needs of others. That is what people all around our country are doing in response to September 11.

Along their 3,500 mile route, they stopped in places like Wichita, Kansas, where they dedicated an evening to the family of Daniel Nolan. He perished in the World Trade Center. A few days later they were in Illinois at the Champaign County Fairgrounds celebrating the important work of first responders. Only yesterday, they traveled to Stoney Creek School in Shanksville, Pennsylvania, where the students had built a memorial to the heroes of Flight 93. At every step along the way, they honored the dead and the living, as we do today.

This coast-to-coast effort culminated in the honoring of 11 heroes who live among us in Washington, DC. from the United States Park Police; and I would like to mention their names on the floor.

First, two members of the motorcycle unit, Lieutenant George F. Wallace, commander, and Sergeant Daniel P. Beck, supervisor of the unit. They were in front of the Capitol today. They saw what had happened at the Pentagon from this side of the river, and they did what heroes do: they went right to the middle of that danger. They were two of the first uniformed police at the Pentagon on the scene. They assisted in the initial evacuation of the wounded. Their efforts helped ensure that those injured who were still alive received immediate care, and for that, obviously, those men and women, their families, and all of us are grateful.

After the arrival of other local police and fire units, these officers continued to work. They cleared the vicinity and organized the evacuation of personnel from the monumental core area.

There were nine others outside the Capitol who were similarly honored. The members of the United States Park Police Aviation Unit, Eagle One and Eagle Two. Eagle One includes Sergeant Ronald A. Galey, pilot; Sergeant John E. Marsh, rescue technician; and John J. Dillon, rescue team officer.

Eagle Two includes Lieutenant Phillip W. Cholak, aviation unit commander; Sergeant Bernard T. Stasulli, assistant aviation unit commander; Sergeant Keith E. Bohn, pilot; Sergeant Kenneth S. Burchell, copilot; and physician assistant Keith Kettell and Jason Kepp, medic, of the Uniformed Services University.

Here is what these people did on September 11. At approximately 9:40, the United States Park Police received an emergency call from Reagan National Airport tower notifying them that a plane had crashed in the vicinity of the Pentagon. They did not know yet what had happened. Members of Eagle One immediately lifted off, and they flew right into the center of the disaster, hovered right over the Pentagon, and they honored an FBI request and activated their microwave downlink and provided a live video feed of exactly what was going on at that moment.

Just as Eagle One began to provide this live feed, personnel at Reagan National Airport abandoned the airport tower and said they could not see anything because of the smoke. They requested that these people, the names I just gave you, take over responsibility for all of the air space, and they did. They took control over all of the tower's responsibility.

Even as Eagle One completed this assignment, Sergeant March requested helicopters from the Maryland State Police, MedStar and AirCare, and coordinated with ground units to establish a landing zone, honoring a request from the Arlington County Fire Department to transport patients to regional burn centers.

Meanwhile, Eagle Two's crew responded to its call of duty and loaded the mass casualty kit and additional equipment on board their aircraft. They landed on the west side of the Pentagon and immediately began coordinating the transport of 11 priority-one burn patients. While Eagle One directed MedStar and AirCare aircraft into the landing zone to medevac additional patients, Eagle Two transported two of these patients to the Washington Hospital Center. Those people are alive and doing much better today as a result of these heroic efforts.

As a lasting example of their heroic efforts, the U.S. Park Police Aviation Unit responded to a final request of the Arlington County Fire Department to transport a battalion chief of the Pentagon Fire Command Center for a 1-hour flight over the crash site because he was directing the firefighting efforts on the ground from their craft.

Those are just some of the heroes of September 11. They live among us here. It was, as I said, my honor to present them with citations this morning. But as we honor these first responders, I think we have to remember that, as we draw inspiration from their work, they are still there every day protecting our neighborhoods. They are still there every day protecting us from threats, whether it be fire or a terrorist attack. Because of their bravery, which we take so much for granted, we have a wonderful future to look forward to in this country.

I have no doubt that we will succeed in our efforts in the war on terror, and I have no doubt that we will owe a continuing and ever-deeper debt of gratitude to these men and women to protect and defend our country. I am grateful for the opportunity to honor these men and women.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in communities across the land, we gather to commemorate the unspeakable attacks against our Nation 1 year ago today.

Even with the passage of time, there are still no words to adequately describe our pain, sorrow, and our anger. Our hearts remain heavy with grief for the 3,000 souls who were lost, and we continue to mourn with their families and their loved ones.

I feel especially heartbroken for all the children who lost their fathers and mothers on this terrible day, and for all of the babies who came into the world after their fathers were killed. These young lives have been permanently and senselessly altered by those who so erroneously believe that extremism and hate pave the road to salvation.

Now it is our duty to help these children fulfill their dreams and understand that their parents died in an attack on the freedoms and values we hold to be self-evident.

It is also important to pay tribute to the acts of courage and heroism carried out by so many people: the firefighters, police and rescue personnel, the passengers on the doomed aircraft, and by countless citizens who volunteered at the crash sites and around the Nation. Some of them included volunteers from my district on the central coast of California who lent their expertise and resources.

Today is a day that we should honor all of the first responders who not only risked their lives on September 11, but who are also the first on the scenes of emergencies and disasters every day in communities across this country.

I am so proud of their commitment and their determination to make our country, indeed the world, a safer place. These brave individuals deserve our highest respect on September 11 and on every day.

It is also important to remember and honor the brave American servicemen and women who are defending our freedom around the globe, joined by defenders from other countries.

They are defending the principles of democracy and security on which this country was founded, and we salute their tireless mission. This has been a year of great sorrow and mourning. But it has also been a time of great American unity, strength of spirit, and generosity.

As one widow reflected, it is as though this entire year has been stuck on September 11. Now, perhaps, we can move on to September 12.

Mr. Speaker, I hope and pray, and let us work, that the coming year will bring peace to our families, our community, our Nation, and that the generosity of our people and the spirit of our democracy will be well known and well documented throughout the world.

□ 1415

Mr. BEREUTER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this is an emotional time for this country and an emotional time for this body. All of us have participated in events in our communities, tributes to the victims and their families in New York and the Pentagon, and that is right and proper. But I want to take this opportunity on this first Patriot Day to look forward, to remember and pause and reflect on why they envy us so, why the terrorists hate us so. What is it that would cause them to bring about the death and destruction of so many innocent lives, so many hopes and dreams shattered, so many communities who have lost church members, PTA officers, rotary club presidents, chamber directors, so many children who have lost a parent?

They despise the fact that we stand for freedom; that we represent all that is great, all that is tolerant and hopeful and helpful and strong about communities.

They misunderstood us. They thought we were no stronger than the celluloid films that come out of Hollywood; that we would buckle and cave, that we would wither up and shrink from the fight.

What they did not understand was that we had an army of ordinary American citizens who would rally; who would stand in line for hours to give their blood; who would contribute their paychecks to strangers; whose children would go to schools and have penny drives and carwashes and other fundraisers to send off to the victims, their families, and even the children in Afghanistan.

They hate the fact that in America little girls have the same opportunities as little boys, to dream, to hope, to be whatever they want to be, from a teacher to a firefighter to a Member of Congress, to President of the United States. They are afforded equal opportunity.

They resent the fact that different faiths have every opportunity to worship together, side by side, on the same city block, in peace.

They resent the fact that we have heroic civil servants who deliver the mail, who put out fires, who comfort victims, who run into buildings that everyone else is running out of; that we have teachers who instill values and character into the next generation of Americans; that we have health care workers, doctors and nurses, who rally to the scene and give so much of their heart and soul to putting lives and bodies back together.

People still risk their life to come to this country. People still see the United States as that shining city on a hill. They still risk their family's safety, they give up all of their worldly possessions, to stow away in a tanker or to cobble together a rickety raft and brave the straits of Florida or the Atlantic, to become a part of this country that those terrorists tried to destroy.

If given the opportunity, most free people, most thoughtful people, would choose that way of life, would choose that equality, that tolerance, that hope, that dream that is America.

And while all of us fight on a regular basis in this Chamber over things great and small, we never question the legitimacy of the debate or the legitimacy of the leadership or of the system or of the institution. While we criticize the policies of our President or administration, we do not question his right to be there and be our leader.

That is what they hated, that is what they envied, that is what they attempted to destroy, and they have succeeded only in bringing out the best in all Americans, leaving America today stronger than she was last September 11; a little closer together, still fairly complacent, still fairly naive about the dangers this world poses, but still very much in love with all things American, very much in love with our ability to debate on this floor, our ability to hope and dream and be whatever we want to be, and to instill that in our young people.

America is stronger today than she was a year ago; a little bruised, very bloodied in some areas, but stronger.

Mr. Speaker, God bless these United States of America.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my good friend, the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, our Nation was changed forever on the morning of September 11. The goal of Osama bin Laden was to demoralize us, was to create fear and uncertainty, to bring about instability in our country; and, obviously and thankfully, he has failed.

Last week Congress met in New York City to pay tribute to those who were killed on September 11 in that city, and this morning we assembled at the Pentagon. At these events and similar events all over this country, we were reminded about our resiliency and how strong this Nation really is.

Last September 11, we saw amazing displays of heroism and bravery. We saw what is extraordinary and best in the human spirit. None of us will ever forget the sight of firemen entering the World Trade Center, going up the stairs while other people were going down the stairs. And, as we know, most of those firemen never got out of that building alive.

We also today remember the courage of the people at the Pentagon who saved lives there, and we honor the members of our Armed Forces who are fighting terrorism in Afghanistan and elsewhere.

Mr. Speaker, we have also learned a great deal since September 11. We have learned, as we have never learned before, that we are a vulnerable Nation. Yes, we are the most powerful Nation on Earth, but what we learned on that day is that we could be attacked and that thousands of innocent men and women could be killed.

We have also learned that we must lead an international coalition against bigoted, religious fanatics who believe that they have the right to kill innocent people in order to impose their reactionary ideology on others.

Many of us have also learned that in order to maintain true American values, we must not undermine the principles and constitutional rights that make our country great and that this country was founded on.

As an American and as a Vermonter I have been extraordinarily proud of how our people responded to this crisis in terms of blood donations, financial contributions, and how we came together as a community to support the victims of September 11 and to support each other. If there is something positive out of the horrors of September 11, it is that we as a Nation, all of us, despite our backgrounds, where we come from, our religious beliefs, must continue to show that same sense of community, that love for each other, that was demonstrated in the aftermath of the September 11 attacks.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the resolution. Today is the 1-year anniversary of the most horrific attack on American soil in our history. On September 11, 2001, freedom-hating terrorists took from all of us our sense of innocence. They took from all of us the idea that innocent men, women and children going about their daily lives are immune from the horrors of war. They took from all of us the sense of safety and security to which we had become accustomed.

What they did not take from us and what they could not ever take from us, no matter how hard they tried a year ago, is our freedom and liberty, our way of life, our government of the people, by the people and for the people.

New York Governor Pataki opened the memorial ceremony at Ground Zero this morning with the reading of the Gettysburg Address which President Lincoln delivered in 1863, barely 100 miles from where the passengers of United Flight 93 heroically stopped terrorists from their attempt to, I believe, destroy this very building.

Part of President Lincoln's address includes these words: "That from these honored dead we take increased devotion to that cause for which they gave their last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation, under God, shall have a new birth of freedom."

We, too, are dedicated to a new birth of freedom here in this new century.

The horrible events of last September 11 have reawakened in all Americans a new sense of patriotism; a strength, a resolve that had lain dormant for far too long. The flags we see flying in every neighborhood across America today were not put up this morning. They have been there for the last year. The support of the American people for our men and women fighting overseas has remained unwavering, and the kind words and deeds of our fellow man seem all the more common today, 1 year later.

Eugene McCarthy once observed that America can choke on a gnat, but swallow tigers whole. This is a tiger that we as a Congress and as a Nation must deal with, and we will.

There is no lack of resolution here. There is no rancor. We will continue to stand behind the President. We will continue to do what we must do to keep those who hate our values and ideals from committing evil acts against us ever again.

Today let us honor and pay tribute to those who were taken from us before their time and resolve to remember them always. But let us also resolve that our commitment to the Republic that our Founders risked their own lives to create more than 200 years ago is stronger than ever. The foundation of our Nation is solid, and so is our dedication to her.

Mr. Speaker, God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to my friend, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve, we desire no conquests, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind.

These were the words of President Woodrow Wilson in his war message to Congress April 2, 1917.

This week, from Los Angeles to New York, from Fairbanks to Fort Lauderdale, and in 200 million households in between, a Nation struggles to come to grips with the most vicious attack on unarmed civilians in the Nation's history.

We once again appreciate, with the force that sometimes only tragedy brings home, that we are one country. Differences of geography, language, income and ethnicity have faded away. There are no national divides, no partisan debates, no hometown rivalries, no baseball strikes, not on this day. For all too brief a time, we are simply Americans.

And we are taking stock. Much has taken place since September 11, a date that may surpass the end of the last millennium as a turning point for the country.

□ 1430

Some of that change has been extraordinarily positive for our own security and for the peace and prosperity of the world. The promise of mutually assured destruction that for decades we exchanged with the Soviets has been replaced with an unprecedented partnership with Russia. This is no detente, but a completely new realignment of interests, which has transformed the world landscape and dramatically reduced the possibility of nuclear catastrophe.

For all that has changed in the last year and all that has transformed since the end of the Cold War, we are still at risk. Our most immediate and tangible threat comes not from interlocking engagements with a Europe that cannot overcome its historic feuding, not from nation states that are amassing colossal military forces with an eye towards territorial aggrandizement or world domination. The threat is primarily asymmetrical now, from stateless terrorist organizations and the nations that support them; from murderous psychopaths that are bent on igniting a holy war and have a blood lust for the United States. Such depravity has always existed, but with the advent of weapons of mass destruction and their terrible availability, it no longer takes a national miscalculation to inflict misery on the world. And as the lone superpower in the world, America has a target on her back.

The threat may come from new quarters, but we have one powerful bond with Americans from the beginning of the last century: This conflict is still about making the world safe for democracy.

On September 11 we were not attacked because we sought to conquer or subjugate another people. We were not attacked over a territorial dispute or a clash of national ideologies. And, notwithstanding post-attack propaganda from the terrorists, we were not attacked over our policy in the Middle East. Osama bin Laden and al Qaeda never showed an interest in the Palestinian cause except in a post-attack effort to point their homicidal rage as a defense to the West's supposed hostility to Islam. We were attacked simply because we existed, simply because we represented and continue to represent the triumph of free institutions, a respect for the free exercise of religion, association, and expression. We were attacked because we are a democracy in a world very unsafe for democracies. And winning this war, and the long twilight struggle it has become, will require nothing less than a sustained, unswerving commitment to the propagation of freedoms around the world.

We must root out al Qaeda and terrorist organizations wherever they exist. We must take the fight to the enemy, as the President declares, and not wait defensively at home for the next attack. At the same time, we must open a completely new front in the war on terrorism: the battle for democracy. We must attack tyranny, despotism, and the trampling of human rights around the world. We must use every instrument of our national policy to support the growth and cultivation of free institutions, a respect for the free exercise of religion, the right to associate with whom one pleases, and the right to speak one's mind. We must encourage the growth of democracies in every corner of the globe and not simply in Europe or the Americas. Democracy must come to the Arab nations, to China, and to every corner of Africa, and not simply to our adversaries. Democracy, too, must come to our allies, to the Saudis, to the Egyptians, and to the Jordanians. Democracy, not oil, will be the ultimate guarantor of our security.

This lofty ambition is not fanciful, not quaintly sympathetic, but practical. Democracies do not make needless war, democracies do not seek to terrorize or conquer, democracies do not serve as the breeding grounds for genocidal rage or terrorist madness. Democracies are better capable of eliminating the common scourges of mankind: poverty, disease, famine, and conflict. If we are to be partisans, let us be partisans of democracy.

We may never ferret out every last terrorist; the germ of madness is difficult to eradicate completely. But our peace and prosperity lie as much in changing the soil. Peace, again, must be "planted upon the tested foundations of political liberty," and a cardinal part of winning this war, as in the war to end all wars, will be our fortitude as one of the "champions of the rights of mankind."

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the time for debate on this resolution be extended for 30 minutes to be equally divided between the majority and the minority.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER), my good friend and distinguished colleague.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this resolution.

Mr. Speaker, at 8:46 this morning I came to this Chamber, where I was exactly a year ago, to reflect on the events that had transpired that terrible day and what has ensued since then. As we all shared a flood of remembrance in honor of the memory of the victims and the heroes of last September 11, I think, Mr. Speaker, it is just as important for us to reflect on the progress of this past year. Because tragedy gave us an opportunity and a responsibility, not just to deal with additional threats to our families, but to use the vast wealth and power of the United States to be a leader and a partner around the world, while we fulfill the promise of America here at home.

I thought about how much I have been inspired by the reactions of the American public at the time of the tragedy and of what we have seen throughout the year. But, Mr. Speaker, I wonder honestly what we think we have accomplished as a Congress in this last year. Immediately, we did do, as the resolution says: Local, State, and Federal leaders set aside differences and worked together to provide for those who were attacked and to protect those who remain. But since then, since then, is America really safer because of congressional action? Do the vast intelligence and security agencies now work together seamlessly? Have we made progress, not just against the Taliban and al Qaeda, but to promote democracy and freedom, peace and prosperity around the globe? Is this Congress working together cooperatively on issues of peace, the environment, human health, and education?

By any objective measure, we as elected officials have fallen short of that mark. We have yet as a body to provide voice, not just to the fears and frustrations, but to the hopes and aspirations of Americans that we will seize this moment.

Now, I think people on both sides of the aisle will disagree as to why this is so, but I do not think anybody can argue that we have done all that we could, or even, frankly, that we have done all that much from airline security, to reducing energy dependence in the Middle East, to giving coherence to our policies in the Middle East and around the world. We have fallen short in doing all that we could for peace and democracy.

As part of this solemn occasion, the most fitting tribute of all is not for us just to reaffirm as the resolution suggests an honoring of the memory of those who lost their lives and that we will bravely defend the citizens of the United States in the face of all future challenges; part of what we need to do is to acknowledge where we have fallen short and to renew our commitment that in this next year, we in Congress will catch up to where the actions and the expectations of the American public are; that we will enter in as Members of this Congress with a new spirit of cooperation and achievement, that takes the actions that make achievements of our values real, towards making our communities and, indeed, the world more livable and our families safer, healthier, and more economically secure.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to first express my appreciation to my good friend and fellow Californian (Mr. LANTOS), as well as the gentleman from Nebraska (Mr. BEREUTER) for moving this very important resolution and, like everyone else, I rise in strong support of it.

We all know that today we mark this first anniversary of one of the most tragic days in America's history. As we think about the families of those victims, our thoughts and prayers go to all of them. We all have sort of mixed emotions on this day. We all, of course, recall exactly what it was like here in the Capitol a year ago today, and we think about the day first and foremost with sadness because, as I said, of all of those whose lives were lost. But we also think about today with a great deal of resolve and defiance. In some sort of strange way, we also celebrate the success that we have had in pushing back those, as the President calls them, "evil-doers," those who would, in fact, bring an end to our way of life.

Just yesterday here in the District of Columbia and in 12 other States, there was a great celebration in that we had elections where people were choosing their leaders. We are continuing with our work here in the U.S. Capitol right now. So that is why we all have mixed emotions as we deal with today.

But it is also, I think, very important, Mr. Speaker, for us to take a few minutes to look at the history of what led up to September 11 and to realize that as we, with this resolution, are remembering and honoring those who were killed on September 11, I think it is also important for us to realize that this is an international war on terrorism, and it is not a war that began on September 11 of last year, it is a war which has been going on for decades.

Just a few minutes ago I sat down with some of my staff members and started talking about some of the horribly tragic events that Osama bin Laden and his terrorist allies have perpetrated over the past couple of decades, and I thought it appropriate that we take a moment as we reaffirm our strong commitment, as the President has said, to win this war on terrorism, and look at what led up to that tragic day one year ago.

On the 1st of April in 1983, 63 were murdered and 120 injured when the U.S. Embassy in Beirut was bombed by the Islamic Jihad. On the 23rd of October in 1983, we all remember the tragic Islamic Jihad bombing of the Marine barracks when we lost 242 of our Marines. On the 14th of June, 1985, Robert Stethem, the U.S. Navy sailor, was murdered and thrown from that TWA flight 847 which was hijacked by Hezbollah terrorists who also held 145 innocent passengers hostage for 17 days. On the 26th of February, 1993, we all remember very well the World Trade Center bombing in which six were murdered and 1,000 people injured. On the 25th of June, 1996, 19 U.S. military personnel were killed and 240 injured when the Khobar Towers housing complex in Dhahran, Saudi Arabia was bombed by Osama bin Laden's allies. On the 7th of August, 1998, 12 Americans and hundreds of Kenyans and Tanzanians were murdered in the bombing of the U.S. embassies at Nairobi and Dar Es Salaam, directed, as we all know, by Osama bin Laden, and on the 12th of October in 2000, 17 sailors were murdered and 39 injured in the bombing of the USS *Cole*. That was a horrible, horrible day.

These events, Mr. Speaker, underscore the fact that this is a war which has been going on now for decades.

So when I think about some of the challenges that we face as a Congress ahead, we are going to be dealing with a resolution which will help us confront those who have in fact provided shelter and refuge to al Qaeda and, of course, I am referring to Saddam Hussein and Iraq.

□ 1445

So this is a war which is one which really reaches all across our globe. It is one which I am happy to see our allies have joined in providing strong support for, and it is one which will continue probably beyond our lifetimes.

As I think about some of the very wonderful quotes throughout history that lead to our dealing with these challenges, I am reminded of a couple. There is one that I like to recall. At the beginning of every one of Winston Churchill's volumes, he has what is called the moral of the work, which is basically four points. He says: in war, resolution; in defeat, defiance; in victory, magnanimity; in peace, good will. I think that underscores where it is that we are headed in dealing with this challenge, which is going to continue in the future.

Shortly after September 11, President Bush went and delivered a speech in Cincinnati, Ohio. As I think back on many of the brilliant statements that have been made following September 11, I think that one of the most poignant, which underscores, again, the sacrifice that was made a year ago and where we are today, President Bush said, "Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America." These attacks can shatter steel, but they cannot dent the steel of American resolve.

So, Mr. Speaker, as we move ahead, I again would like to thank my colleagues, the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER), for this very important resolution, and provide strong support; and, as everyone is doing, extend my thoughts and prayers to the families of those who tragically lost their lives a year ago today.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we are all united in every congressional district in coming together in America today. I would like to honor two contributions from the first district of the State of Washington.

First, I would like to honor the life and heroism of Army Sergeant Larry Strickland, who lost his life while at his post on the second floor of the west wing of the Pentagon 1 year ago today.

Army Sergeant Strickland was a native of Edmonds, Washington, who served his country as a personnel manager and traveled to every post around the world to which he was assigned. He was a senior adviser to the deputy chief of staff, and he earned the greatest title I think anyone in the American military could have. He was a good soldier.

But he was also a good son to proud Americans Lee Strickland and Olga Strickland of Edmonds, Washington; and a good husband to wife, Deborah; and a good father to Julia, Matthew, and Chris; and a good grandfather to Brendan.

To those family members, we cannot ask to beguile them from their grief; but we hope that they are left with the cherished memory of the loved and lost, and the solemn pride that should be theirs for having left such a precious contribution at the altar of freedom. That family can be assured that we will keep Sergeant Strickland's memory alive as we go forward together in a unified way to preserve the freedoms for which he died.

Second, Mr. Speaker, I would like to honor Molly Peebles, Chuck Oppermann, and Erik Lindbergh, who led the flight of 51 planes in the Flight Across America from every State in the Union that brought every State's flag and the United States flag to New York this morning, having begun flights all across this country on August 11 to bring a message of resolution and healing to this Nation.

They spoke with the spirit of general aviation, which is important in this country for our freedoms and our economy. I hope their contributions send a statement that we have to honor general aviation and help them through this crisis, so we can continue to have both security and a viable general aviation in this country.

Mr. Speaker, America is proud of people in every district in this country, and I offer the honor of this Nation to these people from the First District of the State of Washington.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Nevada (Mr. GIBBONS), one of the three subcommittee chairmen of the House Permanent Select Committee on Intelligence.

Mr. GIBBONS. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, today America remembers. America just 1 year ago witnessed three heinous and senseless terrorist attacks that will be forever etched in our minds and memorialized in our history. May I say that no American will ever forget the horrific images of September 11, 2001, and no American will ever forget the thousands of innocent victims, or the hundreds of courageous heroes who will always have a place in our history and in our hearts.

Yet since that fateful day, the American people have persevered and established a new sense of normalcy. May I say to the cowards who targeted our great country last year, let me recite that terrorism against the United States, our freedom, and our people will never be tolerated. The United States stands strong, and we will fight terrorism wherever it lurks. No corner of this world will be safe for them or those who want to attack freedom, destroy liberty, and instill fear.

America's fight will not be won quickly or easily; however, it will be won. I have seen firsthand the bravery and the patriotism of the men and women in our Armed Forces, and may I say that they will not settle for anything less than victory. They are willing to make the ultimate sacrifice to protect our liberty. They deserve our strongest support and our deepest gratitude.

Americans have answered the call to help their fellow man and to defend freedom and to serve their Nation. We will not retreat. We will not be intimidated. America is strong and her strength is in her people. It is the strength of the American people that will prevail over terrorism wherever it may hide.

So on this, the first-year anniversary of September 11, on this, Patriot Day, may Americans again unite to remember our loss, to celebrate our freedom, and to defend liberty.

May God bless this great country and its people.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and our distinguished colleague, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from California for yielding time to me.

Mr. Speaker, 1 year ago today, I was in Tel Aviv, Israel. So, Mr. Speaker, I rise today to pay tribute to the over 3,000 victims who died in the September 11 attacks on America; and I wish to pay tribute to all the family members of those who perished, as well as to our public officials, businesses, and private citizens who have dedicated themselves to the rebuilding of a stronger Nation over the past 12 months.

In a recent special report about life after September 11 in America's tallest building, the Sears Tower, the Chicago Tribune observed that what happened was more complicated than fear. It was an awakening, then a reckoning, then a change in priorities and plans in the calculation of everyday decisions. This awakening and recalculation in our everyday lives has taken place not just among those in the Sears Tower and my home in Chicago, but across this great Nation. It is a new realization of how connected and responsible we are for the protection and well-being of all our fellow citizens.

In response to the devastation caused by the terrorists, the residents of Chicago have joined with millions of others in this country and around the world to donate millions of dollars and hours to the rebuilding efforts. Their material gifts, however, reveal an even deeper resolve to let the principles of freedom for which we stand ring loud and clear.

As we contemplate the effects of September 11 and extend our deepest sympathy to those who lost their loved ones on that fateful day, let us resolve to build not just a more vigilant and stronger homeland defense, but a society that continues to protect our personal freedoms and would enable us to fulfill the American dream of liberty and justice for all.

And in pursuit of this goal, let us, Mr. Speaker, continue to be able to sing: "O beautiful for spacious skies, for amber waves of grain, for purple mountain majesties above the fruited plain. America, America, God shed His grace on thee, and crown thy good with brotherhood from sea to shining sea."

God bless America.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend and our distinguished colleague, the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I woke up this morning not knowing, really, where was the appropriate place for me to be. Being a New Yorker, I did not know whether I should be at Ground Zero this morning, whether I should be in my community with many of my constituents, or whether I should be here in Washington, DC.

I made the decision to try to do a little bit of both, so I spent this morning with my constituents in New York, but then felt that it was most important for me to come here to Washington as we reflect on what took place just a year ago today, as we memorialize the individuals who lost their lives a year ago today, as we sit with and hold hands with the family members of those who lost their lives.

It is time for reflection; and as I reflect and think about just last Friday, as Members of the United States Congress came to New York for the first time since 1789 and went to the original Federal Hall, it struck me about this great thing that we know called democracy, and why we have to stand and fight and make sure that democracy prevails.

For when I just think, in 1789, I as an African American may not have been able, or not "may not," would not have been able to be part of that Congress. But democracy has prevailed, so that in 2002 I am a Member of this Congress; and we are here today where the Congressional Black Caucus is meeting.

We must preserve that democracy. What happened on September 11 of last year threatens that democracy. We must let freedom ring.

As I reflect and think, the words of Dr. King came back to me, where basically he was just talking about freedom. In 1965, we were talking about freedom basically just here on these shores. His words were, "So let freedom ring from the prestigious hilltops of New Hampshire. Let freedom ring from the mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania! Let freedom ring from the snow-capped Rockies of Colorado! Let freedom ring from the curvaceous peaks of California! But not only that; let freedom ring from Stone Mountain of Georgia! Let freedom ring from Lookout Mountain of Tennessee! Let freedom ring from every hill and every molehill of Mississippi! From every mountainside, let freedom ring."

I think we need to add now: Let freedom ring from Afghanistan. Let freedom ring from Pakistan. Let freedom ring in Israel and Palestine. Let freedom ring in China and India. Let freedom ring in Zimbabwe and Nigeria.

Let freedom ring in every country on every continent, because when freedom rings, in the words of Dr. King, when we let it ring, we will let it ring from every village and every hamlet, from every State and every city in every nation, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, Muslims and Buddhists, will be able to join hands and sing the words of the old Negro spiritual: "Free at last, free at last, thank God Almighty, we are free at last." God bless America.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend and distinguished colleague, the gentleman from Maryland (Mr. CARDIN).

☐ 1500

Mr. CARDIN. Mr. Speaker, I thank my colleague from California (Mr. LANTOS) for yielding me this time. And I thank all of our colleagues for bringing forward this resolution.

None of us will ever forget where we were on September 11, 2001, when we first learned about the 8:46 attack on our Nation. It was a defining moment for our Nation like November 22, 1963, and December 7, 1941. Now we commemorate the first anniversary of September 11 and, quite frankly, Mr. Speaker, we are not sure what we should say or what we should do, but we want to join together as a community to show our solidarity.

Today we honor our heroes. These are not our Presidents or our sports figures. These are ordinary Americans who performed extraordinary acts. Heroes by chance and heroes by choice. Like Todd Beamer on Flight 93 who gave up his life to save many others. We now know that it was likely that that plane was headed here towards the Capitol. He may in fact have saved our lives. Heroes such as John Fischer, a New York City firefighter, who went into harm's way in order to save lives and lost his life on September 11. Heroes such as Lieutenant Darin Pontell, a naval officer, a young man that I had the honor to appoint to the U.S. Naval Academy. He understood the risks of serving in our armed services, but he thought he would be safe in the Pentagon. He lost his life. Over 3,000 of our fellow citizens lost their lives, casualties to our continuing effort as a Nation to maintain liberty, safety, and freedom for all of its citizens.

Each of us was personally affected by September 11. We may not have known anyone personally who died, but we still grieve for them, and we hold the members of their families close to our hearts. We shall never forget September 11. Shortly after September 11, the Congress passed a law calling on the President to designate September 11 as Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001.

Throughout America we join together as a community in solidarity to make it clear to the world that our Nation is united and resolved to defend freedom against all enemies, any enemies. We may be Democrats or Republicans, conservatives or liberals. We may differ in religion or ethnicity, but we are united as Americans. Terrorists destroyed the New York World Trade Center buildings, but they can never destroy the character, strength and values of the American people.

Mr. Speaker, yesterday was an important day in Maryland. It was primary election day. Marylanders chose their leaders and representatives by the ballot box. Our enemies rule by fear, intimidation, and force. Because of America's leadership, freedom and democracy are winning in all corners of the world. As President Bush has said, "We are a people dedicated to the triumph of freedom and democracy over evil and tyranny."

Today we thank millions of Americans who responded to the Nation's calls, our soldiers, our firemen, our police, our postal workers, and so many more who have been on the front line for the defense of our country.

Ever since September 11, "God Bless America," our hymn, has had a special meaning. One year ago this evening, we sang it on the steps of the Capitol to make it clear to the world that we would triumph. Tonight we will sing "God Bless America" on the steps of the Capitol to make it clear to the world that we will never forget September 11.

Mr. Speaker, may God bless those who mourn, may God bless those who serve, and may God bless America and bring us peace.

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the time for debate on this resolution be extended 20 minutes to be equally divided between the majority and minority.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WEXLER), our good friend and distinguished colleague.

Mr. WEXLER. Mr. Speaker, we are here at this somber occasion to recognize September 11 as a moment in history when American heroism and patriotism prevailed over terror, adversity, and hate. This resolution pays tribute to those families personally affected by the tragic events of September 11 and honors the innocent victims of these horrific attacks.

Today America is united, drawn together by overwhelming grief, a shared commitment to freedom and unwavering resolve. Our unity as a Nation sends an unequivocal message that despite the tragic events of September 11, the American spirit remains strong, that in the face of destruction and hate, democracy, justice, and hope will prevail.

September 11 demonstrated that in a moment of unparalleled adversity and devastation, there exists an innate desire of Americans to help others that is unimaginably selfless and good.

Never was this more clear than 1 year ago today in New York and Washington where hundreds of the world's bravest and finest, including firemen, policemen, and first responders rushed to assist the victims of these tragic attacks; or above Shanksville, Pennsylvania, where passengers on Flight 93 actually took a vote, a vote, to sacrifice their own lives to preserve those of others and prevent a potential assault on the very Chamber in which we now stand.

The vote on Flight 93 to overtake the hijackers epitomizes American values, courage, and heroism at their very best. For in a moment of unprecedented darkness and despair these brave souls refused to sit idly by and bear witness to evil. They chose to take action after evoking the most basic American right and fundamental symbol of democracy that all of us hold dear.

As we commemorate the tragic events of September 11 and honor the victims lost in New York, Washington, and aboard Flight 93, we must remember the extraordinary acts of heroism that took place one year ago today. From Washington to every community across the United States, may we derive strength and courage from the bravery demonstrated on September 11 and commit ourselves to a future free from terror, intolerance and hate to one of understanding, freedom and, above all, peace.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been a fine moment for the House of Representatives. We came together, not as Republicans or as Democrats, but as American citizens who are still so painfully aware of that horrible moment a year ago when lives were snuffed out, orphans were made, widows were made, family tragedies were made across this land. And the people who did it so totally and so profoundly misunderstand the nature of an open and free society. They sought to intimidate us. They sought to make us give up the good fight, but they have only succeeded in steeling our will and determination that the terrorists of this globe and the regimes that harbor them will not prevail.

This struggle will go on for a long time. Al Qaeda may have been largely defeated in Afghanistan, but they are all over the world in scores of countries planning to perpetrate additional evil deeds. We are ready for them.

Not since Pearl Harbor have the American people been as determined, as united, as committed to defending the values of our way of life, our Constitution, our pluralism, our acceptance of all religions, of all ethnic groups, of all forms of commitments to values that we so dearly cherish in this country.

The terrorists may have succeeded in bringing down two magnificent buildings but they also succeeded, contrary to their hopes and aspirations, of steeling the determination of the American people to protect this free and open and magnificent society.

As we recall the events of a year ago and as we plan the next action, it is important for us to realize that while not always will governments be with us, people who love freedom will be with us in every corner of the world.

The President will be addressing the United Nations tomorrow. He will be speaking to all freedom-loving peoples on the face of this planet. He will be talking on behalf of all of us because we are determined in the 21st century, as we were in earlier centuries, not only to preserve our way of life but to expand the arena of freedom for people everywhere.

It is easy, Mr. Speaker, to become discouraged. When Pearl Harbor struck, many were pessimistic. When Hitler swept across Europe, many were pessimistic. But the indomitable spirit of men like Winston Churchill knew full well that free societies will prevail. The Osama bin Ladens of this world are simply incapable of comprehending how powerful the spirit of freedom is in open and democratic societies. We may suffer setbacks, we may suffer occasional defeat, but our goal of preserving this way of life for ourselves and making it available for others if they so choose cannot be defeated either by hijacking an aircraft, spreading biological or chemical weapons, or any such means. The spirits of free men and women will prevail. And there is no doubt in the minds of any of us in this body that however long this struggle will take against terrorism and countries that support terrorists, we will prevail in the long run as free men and women always have.

The many ceremonies across this Nation, from New York to the Pentagon to Pennsylvania, to every town and hamlet in the United States, is proof that the American people have learned the lesson of a year ago. We may have lost our innocence but we have multiplied our resolve and determination. This Nation is united, strong, and conscious of the fact that our values, more than our physical capabilities, will result in our ultimate victory.

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I want to commend all of my friends and colleagues who have participated in this discussion. I trust the message that we sent with many voices, many phrases, different approaches, will not be lost on those who cynically or otherwise are doubting the resolve of the American people. This resolve is unshakeable, and this resolve will bring about ultimate victory over terrorism and totalitarian societies.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to commend my colleague and friend, the gentleman from California (Mr. LANTOS), for the very able way that he has handled this debate, really this memorial, this commemoration, for his cogent and insightful remarks. The gentleman suggests that, in fact, this has reignited or reawakened a powerful, diverse Nation. Indeed, that is the case. That was what the terrorists apparently did not expect.

On a personal note, may I say that my wife and I are particularly grateful that her sister, an office worker in the Twin Towers, survived the bombing attack in 1991 and again last year and was able to come down to safety with a lot of difficulty and a lot of courage; and all of those people who had that experience, of course, will have a commitment to make this country even better and even stronger than it had been. I believe that there is not a doubt in anyone's mind in this country who understands America that what happened on September 11 has only reinforced our strengths. It has, in fact, increased our unity and our resolve.

The comments from my colleagues here today give us some very strong indication of the sentiment that their constituents feel and resolve that their constituents expressed to them in their districts. I commend all of my colleagues on both sides of the aisle for this remarkable experience and expression here today.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD), a good friend and neighbor and colleague.

Ms. MILLENDER-McDONALD. Mr. Speaker, I submit this statement in the RECORD in support of this resolution and applaud all Americans for their resilience as we commemorate, if you will, and reflect on last year's events.

Mr. Speaker, I rise to express my support for House Concurrent Resolution 464 that expresses the sense of Congress on the anniversary of the horrible terrorist attacks launched against our country and our ideals of democracy.

My heart is heavy as I reflect on the tragic events of a year ago. The past year has been especially difficult for the families, friends and coworkers of individuals who perished in New York, Pennsylvania, and Washington, DC. Our prayers are offered to the victims and their families.

Today, in a small and symbolic way, we are expressing our gratitude to the firemen, policemen, healthcare workers and the individuals who, on that fateful day, performed heroic deeds and helped their fellow human beings without regard for their own welfare. We thank you profusely for your efforts. America owes you a debt that we can never repay. We salute you for your service and valor.

We also salute those who have served our Nation so bravely overseas and all people of goodwill who personify humanitarian virtues during this tenuous and volatile time in the world.

Today, we are united as a nation to confront current world realities that have transformed the social, psychological and spiritual fabric of the world in which we coexist with our domestic and foreign neighbors.

During the recent year, my colleagues and I have actively engaged in debate about how to formulate an agenda that addresses homeland security, national spiritual salvation, and political bridge building with our international friends.

As we continue to make inroads toward progress, I cannot over-emphasize how important it is to map out a course for our future that will sustain, inspire and protect our children. We must infuse them with a sense of optimism because the confidence in which we as Americans move around our country has been shaken. However, as Americans, we will not be deterred from experiencing the freedom we cherish.

My colleagues and I on the Transportation Committee recognize the importance of protecting the confidence of America's traveling public. We have worked diligently to ensure that the security needs of the flying public are paramount. We will continue to pursue the course of protecting our transportation infrastructure, and we are committed to making sure that America continues to move passengers and cargo efficiently and safely.

As ranking member of the Subcommittee on Workforce, Empowerment and Government Programs, I recognize how small business owners around our Nation have been victimized economically and traumatized emotionally by the events of 9–11. Consequently, my colleagues and I on the Small Business Committee have worked to ensure that industries hit hard by the traumatic events of September 11th, including the travel industry, are able to survive. We have held hearings and offered legislation that seeks to resuscitate small businesses throughout our Nation. Small businesses constitute the backbone of our country's economy, and with our help, they will not only survive, but also flourish.

Our domestic efforts and grief over the tragic events of September 11th have heightened our appreciation for the pain of others around the world that have been subjected to the brutality and inhumanity of terrorism. And that is why we have supported liberation and democratization efforts in Afghanistan and sought to assist and rehabilitate the victims of persecution who are attempting to rebuild their lives and their country.

On this occasion of reflection recommitment and rededication to freedom, we are affirming our resolve to salute and honor the men and women who paid the ultimate price—their lives, just because they are Americans. They will never be forgotten and our Nation shall continue to rise to meet the challenge of terrorism and the threats posed by terrorists who seek to derail freedom and the goodwill of humanity.

May God bless America and all people of goodwill.

Mr. DAN MILLER of Florida. Mr. Speaker, I rise today to remember those who lost their lives and the lives of loved ones on September 11, 2001. I also rise to submit an article which appeared in the National Journal on August 31, 2002 which recounts my experience on that fateful day:

President Bush had scheduled a visit to Booker Elementary School in Sarasota to give a major speech on education on the morning of September 11. I'd spent the weekend in Washington, but I flew down in order to be with the president and to fly back on Air Force One with him. The president was scheduled to arrive at Booker at 9 o'clock in the morning. I was told something had hit the World Trade Center, but I didn't think too much more about it. We all weren't focused on that.

The classroom was small, so there were a limited number of people in that room besides the students. I went into the auditorium-type room and was awaiting the president's speech. The second plane hit at 9:05 or so. We all started to realize the magnitude of what was happening. We were just in a state of shock: "This can't be true. This can't be true."

Matt Kirk, of the Legislative Liaison Office at the White House, was assigned to us, and he tried to keep us updated. Things were in a state of flux, and the Secret Service agents were moving around. There was a question about whether the president was going to make a speech to the nation from the school, or go over in front of Air Force One. The White House staff felt the quickest way was to just do that right there. We went out and got in our van in the motorcade. I had my BlackBerry with me and I would get some news, and Matt Kirk could get some news from his little pager, but it was limited. This was, say, 9:15 to 9:30. The president came out, got in his limousine, and then we just drove very rapidly over to the Sarasota-Bradenton Airport. The president got on the plane, and it took off about 10 o'clock. We were told to tighten up our seat belts very tight, because the plane has the ability to take off very steeply. When we took off, we were told there was no communication, because they didn't want anyone to know where Air Force One was, and the press was told that too.

In many ways, for most of that day, I had far less news and information than most of the people around the world. It was frustrating. Air Force One did not have, at that time, the ability to pick up television. Matt Kirk would go up and try to talk to someone else and pick up some news. Somebody would come back and share some information. The president's political adviser, Karl Rove, came back a couple times, just giving us an update. It was very tense with the staff, because there obviously was a great security concern by the Secret Service and the crew.

Around 10 o'clock, we were heading due north. And then, you could sense a turn to the west. I would say 10:45, maybe 10:30 or so, the plane changed course. We were told we weren't going back to Washington. We didn't know where we were going. I remember looking out my window and looking down at that Gulf Coast of the Alabama-Mississippi-Florida area.

We started to pick up some TV reception. We saw that the collapse of the towers had occurred. It was so surreal. I remember Karl Rove coming back and he said, "There are 40,000 people who are working at the World Trade Center at this time." No one knew the magnitude could have been that high. And then, to hear about the Pentagon!

About 11:30, we got called up to the president's office. The president was at his desk. There's a little sofa that can seat four or five people, and a chair where Andy Card sat. Behind us was this TV screen on the wall. I didn't even know it was there until I got a photograph, and you saw the World Trade Center, a fuzzy picture of it, right over our heads.

The president was telling us that there were some other planes—six, maybe nine, planes—that were unaccounted for, and that a plane had crashed in Pennsylvania, so the decision was made not to return to Washington. He was very serious, very determined, very focused, and very collected. And I felt much more emotional at that moment that he was. You saw he was in control. I felt choked up. It was almost like you're speechless.

He said he was determined to make sure that the people who were responsible for this would be identified and punished. There was speculation on the plane, but not with him, that it was bin Laden. The belief was, the only people capable of such an evil deed were either a government—and they didn't think it was any government behind this—or the bin Laden organization.

The president was saying, "We are going off to an undisclosed location." He was able to very calmly explain where we were and what we were getting ready to do. The only one speaking was the president. And I don't remember really even asking questions.

I remember saying as we were leaving, "God bless you, Mr. President." You could see the weight on his shoulders. He had been through a lot in those couple of hours. And he obviously knew a lot more than we knew. He talked about how he had given the order—he actually said it had been while he was driving over from the school to Air Force One—to bring all the planes down from the air. He was saying how we had an AWACS and six fighters surrounding us. He was saying we were going to land at an undisclosed location, and that we would be getting off the plane there, and he was going on to another undisclosed location.

When we got to Barksdale Air Force Base, all you saw were just rows and rows of B-52 bombers. There was a van, a Humvee, there were people standing around with automatic weapons, which you don't see in the United States. We're seeing it today—but we did not see it until September 11. And you could see the president go out. We were left there on the plane. That's when we got good TV, from noon to 1:30. We could not have any contact—no cell phones or BlackBerrys. Then the president came back about 1:30. We exited the plane and stood there on the tarmac, and Air Force One took off.

I was able to call my wife, who was at home on Capitol Hill. The White House had called her and told her I was on Air Force One. I said something like, "Honey, I'm OK." I was able to tell her where I was and that there was another plane that was going to take us back to Washington. They flew us to Andrews Air Force Base, and I got home about 6 o'clock. We have to be about the only plane in the air, with the exception of the fighter planes, because everyone was grounded, I guess. I'll never forget the landing. You saw the Pentagon smoke.

I remember when I came home and walked in the house, it was very emotional. I hugged my wife. We just squeezed each other. It was hard to comprehend. I just didn't want to talk to anyone, besides my son and daughter, because it was still so emotional. I choke up sometimes just talking about it. It's just hard to comprehend that I was right there on Air Force One when this whole thing was evolving. This was obviously the most significant event during my congressional career. You realize that the U.S. is vulnerable—that we're not immune to some of the problems elsewhere around the world, and it makes you think that life is very precious. I didn't know anyone personally who perished that day, but it brought that home to me.

Mr. CUMMINGS. Mr. Speaker, I rise today as a cosponsor of this important Resolution and to share in a day of grief and reflection with all Americans.

One year ago today, the course of our Nation was forever changed. As we all know, on September 11, 2001, terrorists used hijacked airplanes to inflict catastrophic damage upon the United States, taking the lives of over 2,000 Americans. And while this day one year ago was marked by chaos, carnage, fear, and great loss, it also served to showcase the best we as Americans have to offer. In the year since, these qualities—courage, innovation, idealism, hope—have enabled us to take great steps toward rebuilding this Nation.

In many ways, the legacy of September 11, 2001, is a patchwork of personal stories. For many of us, the world has been changed forever in very personal and very painful ways. Each child who woke up on September 12th without a parent—and each parent who suffered the unspeakable pain of awakening without their child—deserves our tireless pursuit of those responsible for these heinous crimes. All Americans deserve a country in which they feel safe.

Each and every one of us has a connection to the destruction. Stepping out of my car that morning, I could feel the ground shake below me as the third hijacked airplane struck the Pentagon. I will never forget the uneasiness that I felt—I know that I will never be able to separate my personal attachment to that day with the larger infamy of September 11th. While our individual struggles to come to terms with what occurred are often frightening and lonely, they are also what bind us together. I believe I speak for millions of Americans when I say that a piece of me died with each victim of the September 11th attacks.

Mr. Speaker, I would be remiss if I did not mention a constituent in my district who also had a piece of him taken away that day. John Wesley's fiancée, Sarah, died on the plane that crashed into the Pentagon. John, like so many loved ones left behind, funnels his grief into a positive effort that is a testament to his fiancée—ensuring that her legacy will continue. I must also mention that despite his grief, John, such a positive person—is now committed to preserving Sarah's mission of exposing kids to different cultures. Mr. Speaker, there are so many John Wesley's in our Nation and I salute them for their courage.

We are now at the one-year anniversary of a day America will never forget. It is time to take a look at where we are. Already, we have waged our "War on Terrorism" to Afghanistan with great success. Brave American servicemen and servicewomen have risked their lives half-way around the world to prevent further attacks, and bring those responsible for September 11th to justice. We have radically altered the way that we look at national security by undertaking the single greatest Federal Government reorganization in 50 years. We have taken unprecedented strides in revamping our transportation security infrastructure. We have been forced to reevaluate our aging systems of immigration and naturalization. We have cleared the tons of rubble of the two largest buildings in America's largest city. We have removed and rebuilt the nerve center of this Nation's defenses. And we are far from through.

Mr. Speaker, I rise today as a patriot and a legislator. I take both roles very seriously. Since the attacks of September 11th, the American people have been reminded that freedom is not free. It takes courage to both survive in a dangerous world and retain our liberties. I will continue to work to give law enforcement the authority and resources it needs to attack terrorism, while standing sentry over the fairness, justice and constitutional rights of all Americans.

I mourn the victims of September 11th, and together with all Americans, I accept the challenges facing us as a truly united America. We will never forget. But we will not let the actions of a handful of zealots derail the hundreds of years of work we have put into this country—the freest, most successful, and most democratic nation in the world.

God Bless America.

Mr. TOM DAVIS of Virginia. Mr. Speaker, September 11th will always remain a day of great grief and sadness, courage and hope. The sight of the destruction and evil filled us with disbelief, sadness, helplessness and anger. That day and every day since we have also been blessed to see the best of America.

Throughout the last 12 months, we have seen the greatest of our national character in countless acts of sacrifice, courage and love. Police, firefighters and port authority officers rushed into the building with more concern for finding victims than for their own safety. Two office workers, finding a disabled stranger, carried her down 68 floors to safety. Rescuers worked past exhaustion to save lives after the collapse. The men and women of our Armed Forces, Federal Law Enforcement and Intelligence Community are now prosecuting the war on terrorism abroad. The men and women on Flight 93, having spoken with loved ones on their cell phones and being told of the unfolding events, stormed the hijackers and took the plane down, saving thousands of lives on the ground. These acts showed the world what we have long known—that our fellow Americans are courageous, compassionate and brave. That the true strength of our Nation is in the souls of each of us, and that is something our enemies can never take from us and never defeat.

Our Nation still grieves through our national tragedy and personal loss. To the children and parents and spouses and families and friends of the lost, we offer our deepest sympathy, our tears, our support and our love. None of us will ever forget the events of September 11th, but we will continue our lives together, arm-in-arm, with a collective strength that can carry us all.

Not only is our military winning the war on the ground, we are also winning the war in the hearts and minds of individuals across the world. The world is beginning to see exactly who America is and who are enemies are. Never has the difference been so clear. They wish to kill and destroy, we seek to assist and build. They work for division, we seek unity. They pray for and plot our failure, we hope and work for a better life for all.

In one year's time, we have comforted those who lost loved ones, we have completed our clean-up at Ground Zero, rebuilt the Pentagon, rallied the civilized world against terrorism, renewed our friendship with our Muslim friends and Arab partners, destroyed terrorist training camps in Afghanistan, rid the world of thousands of terrorists, put others on the run who will soon understand there are no limits to American justice, and freed a people from an oppressive regime, restoring hope and opportunity. We're working with the new Afghan government to lay the foundation for long-term stability and to reverse the conditions that allowed terrorist regimes to take root in the first place. This Congress has taken necessary actions to strengthen our homeland, assist the family and friends who lost loved ones, and worked to stem the economic downturn that resulted. There has been much good that has come out of that tragic day that shook us to our core, but strengthen our resolve and determination to rid the world of evil. And we still have much work to do. We did not ask for this mission, but we will fulfill it to ensure that freedom endures.

We are now engaged in a struggle that we cannot and will not lose. We have come to a unique moment in history, and America must take its rightful place, leading the charge for the right of men and the responsibility of government. Throughout our storied history, America has reaffirmed its commitment to freedom. Today, we find ourselves at the dawn of a new birth of freedom, not only for our Nation, but indeed for all of mankind. We have been given this enormous task, and we will undertake it as only America knows how—head on—and we will succeed. We will capture this opportunity for all of mankind and all time. We will continue to lead this Nation and world that we love, confident that the same God that watched over George Washington as he led our revolutionary army, over our founding fathers as they established our system of government, over Abraham Lincoln during the Civil War, and over our Armed Forces as they stormed the beaches at Normandy, is still watching over us today as we go forth to make the world safe for freedom and democracy.

America was targeted by our enemies because we are the beacon for freedom and opportunity in the world. That light still shines brightly today. Peace and freedom will prevail. Hatred and evil are ephemeral, but love and goodness have no end. The greatest people in the history of mankind have been called to defend a great nation and the greatest of ideas, and we will continue to succeed.

As we pause to mark the first anniversary of one of the worst days in our Nation's history, we not only remember and pray for the loved and the lost, we also renew our commitment to honoring their memory by pursuing peace and justice, by upholding freedom and democracy, and by defending all that is good and just in the world.

Ms. SCHAKOWSKY. Mr. Speaker, today, as we remember the victims of 9/11 and pay tribute to the fallen heroes who sacrificed their lives to save others, our Nation offers gratitude, comfort and support to the families of those who perished on that tragic day. Our Nation is also reminded of the brave men and women who are standing guard here at home and abroad—soldiers, police officers, firefighters, and first responders. We are grateful for their service. Time may heal wounds, but we will never forget.

Mr. UNDERWOOD. Mr. Speaker, it is with a most profound sense of remembrance that I rise in support of this resolution, which I am proud to cosponsor. Although Guam, the distant U.S. Territory I have the privilege of representing in this body, is roughly some 10,000 miles away from the City of New York, Pennsylvania, and Northern Virginia, its people, my constituency, share in the sorrow and concern for those directly affected by the September 11, 2001 terrorist attacks on our Nation. Our geographic isolation and great distance from the mainland has not kept us from taking part in the healing process, in demonstrating our resolve, and in providing for the defense of our country. This past year has been a time of anguish and renewal for many. It has been a time of trepidation over our future in a world with division, unresolved differences and weapons of mass destruction. As we reflect on the events of one year ago, we are reminded of who we are as a people, of what we believe in as a nation, and of the values that make our democracy strong.

The people of Guam are a patriotic people, whose loyalty to the United States has been tested in our most darkest hours of history. As many of my colleagues recall, concurrent with the attack on Pearl Harbor on December 7, 1941, Guam was also attacked, invaded and then occupied. During World War II, our island endured a 32-month brutal occupation. Survival during this daunting and difficult period emboldened the people of Guam and taught us to cherish freedom and democracy. It was with this experience, etched in our memories, that we were confronted with the events surrounding the most devastating attacks on American civilians in our Nation's history on September 11, 2001. In the days that have followed, school children on Guam, like many across the country, have penned their thoughts on paper and creatively expressed their feelings in drawings and illustrations for the families, firefighters, police officers, rescue personnel, and others that were a part of this tragedy. On Guam, like everywhere else in the country, scores of American Flags waved atop cars, trucks, and buses, on backpacks of school children and in front of homes. People filled the pews in the churches and places of worship to pray for those who lost their lives and for comfort, hope and peace. The people of Guam also donated blood, time and money in support of the rebuilding efforts. Memorial concerts, performances, and vigils have been held to bring recognition of the American heroism that was so courageously displayed in the aftermath of the attacks.

Last November, I was able to travel to the New York City Office of Emergency Management where I witnessed firsthand the professional, compassionate work of the people of New York in the face of this tragedy. I was able to bring with me then hundreds of support and thank you letters and drawings from school children on Guam.

To the families of those who lost loved ones, please know that the thoughts and prayers of the people of Guam are with you. To those first responders who aided in the rescue efforts and to those individuals who have committed themselves to the rebuilding efforts, please know that the people of Guam are grateful to you for your work and commitment. As we commemorate the tragic events of September 11, 2001, and pay tribute to all the goodness that has followed within the past year since that unforgettable day, let us never forget the sacrifice. The people of Guam stand in solidarity with the rest of our country. We continue to stand ready to do our part in this national crusade. As so often has happened in the past century, Guam is ready. We made our contributions in World War II and in the Korean and Vietnam Conflicts. We will do our part, and more, again and again in this new century to defend our country, to preserve our democracy, and safeguard our values of freedom and liberty.

Mr. HONDA. Mr. Speaker, today marks the one-year anniversary of one of the most tragic days in our country's history. I am proud of the way Americans have united following the horrific terrorist attacks on civilians. Neighbors who rarely spoke to each other, or people who did not even know each other shared their thoughts, compassion, and prayers for our fallen heroes. Our country is now stronger than ever.

Understandably, a lot of Americans are outraged following the attacks. Let it be clear that we will continue to hunt down those responsible for the attacks of Sept. 11, and those that may be foolish enough to plan to harm us again. We must also remember that we are not fighting a war with people of any specific ethnic group, nationality, or religion. We must be vigilant and wary of any efforts by the U.S. government or members of our citizenry to racially profile innocent people, as we wage our war against terrorism. I repeat the poignant words of a famous philosopher who once said "Whoever fights monsters should see to it that in the process he doesn't become a monster."

As a child, I was a first-hand witness to civil injustice. My family and I were locked up in a U.S. internment camp during World War II only because we were of Japanese descent. There were many patriots during this war. Thousands of young Americans of Japanese ancestry fought and died for the very country that imprisoned their families. However, their loyalty to America never wavered.

Our war against terror is going to be a long-term engagement. Along the way we will need to be thoughtful and critical of many different courses of action. It will be more important than ever to ensure that we all have the freedom to ask tough questions of our government officials, cultural institutions, and citizenry. The declaration of war against terrorism, in itself, is not sufficient justification for the passage of invasive and constitutionally suspect government powers, or calls for military action against nations. A true patriot will ensure that the actions of our government are just and reasonable.

Our Constitution is rarely tested in times of tranquility, but is severely tested in times of tension, turmoil, and tragedy. We must remember to embrace the principles of our Constitution—our contract for democracy and freedom—which others seek to destroy. They shall not succeed. My heart and prayers go out to all those who lost someone dear to them. Know that I share your pain, and that I will never forget the sacrifice your families made in the name of America.

Mr. UDALL of New Mexico. Mr. Speaker, a year has passed since 3,000 innocent men, women and children tragically lost their lives in a brutal and cowardly attack on our country.

While we have had a year to come to terms with the enormous tragedy of September 11, the sense of loss remains overwhelming.

On that somber day, we all watched in disbelief as terrorists hijacked planes to attack buildings that symbolized our strength and power. We will never forget that day or the people whose lives were unexpectedly taken from them.

New Mexico's families felt the pain of losing friends and loved ones. No one who knew Alamogordo's Alfred Marchand can ever forget this man who proudly served his community in the Alamogordo Department of Public Safety. After a stellar 21-year career, he followed his heart and became a flight attendant. While living his dream, he perished on United Airlines Flight 175 fighting against the terrorists.

We must also remember Senior Airman Jason Cunningham, who grew up in Carlsbad. Jason died on a mission in Afghanistan while trying to save another serviceman. Albuquerque's Sgt. First Class Christopher James Speer also died in an Afghanistan firefight with suspected terrorists. He made the absolute sacrifice to protect us from terror.

Remembering the 3,000 lives taken from us reminds us that, though we continue to move forward with our own lives, we do so in a world that has been profoundly affected by the events of September 11.

As we search for ways to deal with the unspeakable horror of this tragedy, we can take guidance from the words of Robert F. Kennedy. Amid the grief and rage that followed the assassination of Dr. Martin Luther King, Jr., RFK said, "In this difficult time for the United States, it is perhaps well to ask what kind of nation we are and what direction [do] we want to move in."

These questions are still appropriate today. What kind of nation are we? What direction do we want to move in? I would answer that America remains a great nation and I would challenge us all to move in a direction that even more closely embraces the virtues and values that make us great.

September 11 has tested—and will continue to test—the resolve and the resilience of all Americans. It will test our commitment to the virtues and values on which this Nation is built: democracy, diversity, liberty and justice for all. Our response to September 11 must be to become even more passionate in our commitment to these virtues and values: to embrace and support democracy around the world; to celebrate our national mosaic of races and religions; and to shine the light of liberty even more brightly into every corner of the earth.

America is involved. We give of ourselves—as servicemembers, teachers, law enforcement officials, emergency workers, and volunteers for causes great and small.

Today, public service is more important than ever. Tragedy reminds us we must come together to create an America that is even more just, more democratic and more secure.

America is a great nation. Let us look back on September 11, 2001, with sadness and respect, grieve for those we lost, and honor those who showed the courage that makes us all proud. Let us emerge from this tragedy a stronger and wiser great nation.

Ms. MCCARTHY of Missouri. I rise today to commemorate the anniversary of the September 11 attacks on our nation. As I reflect on this first anniversary of the tragic attacks on our nation I am overcome with sadness and hope, that we as a nation have come together in a spirit of reflection, resiliency and continued renewal is a testament to the enduring greatness of the American spirit.

Though we are pausing throughout the day to remember those we lost, our resolve to protect our freedom, is unyielding. Our nation is strong and once again America and our values have persevered. Friday's Special Session of Congress in New York's Federal Hall invoked the history of the first Congress convened in 1789 and represented a strong message to the world that as Americans we stand together in our fight against terrorism.

Last year when I visited Ground Zero I saw evil in the devastation present. Last week at Ground Zero I saw the continuing of our healing process and the unlimited hope of the American spirit. Throughout the past year I have been working with community leaders in my congressional district to both cope with the aggression forced upon us and assess the level of preparedness in our region should another incident occur.

We need to be sure our everyday heroes: our police, fire, ambulance, and medical personnel have the adequate resources, training, supplies, materials, and equipment they need to protect our community. These brave men and women are a critical component of our Homeland Security for they are our front line. Because of their valiance and commitment to service we are safer than we were a year ago.

As we remember the attacks on our nation in New York, at the Pentagon, and in Pennsylvania we are reminded of the promise and the hope that has risen from the ashes of that dreadful day. For Independence, to Lee's Summit to Kansas City, the people in the heart of our nation are joining in numerous events commemorating the 9/11 anniversary. One such event, the interfaith observance, "Remembering 9/11: A Day of Hope reflects the uniqueness of Kansas City as a place known for its river and fountains. Water gathered from the Missouri River and many of the area's fountains will be mixed with water gathered from rivers all over the world, including Tibet and Egypt. The water will be distributed to participants in the observance to be used at other events later in the day symbolically connecting all those present to a spirit of renewal and healing, regardless of religion or creed.

Another common theme throughout the Kansas City area remembrances is the number 3,000 approximating the number of victims in the September 11 attacks: 3,000 flags are to hang at the Kansas City Middle School of the Arts, 3,000 memorial candles are to light at Temple B'nai Jehudah, 3,000 names are to be read at the bell tower at Rockhurst University.

Mr. Speaker, I join my colleagues in support of H. Con. Res. 464 and echo the sentiments of Margaret Truman, daughter of President Harry S. Truman and native of Independence, Missouri that "in years to come we will see September 11 as a turning point in our history as a people, a day of grief and glory that created a new dimension in the soul of America."

Mr. WELDON of Florida. Mr. Speaker, on this first year anniversary, I extend my deepest sympathies to the families of the countless number of innocent victims of the September 11th terrorist attacks on the Pentagon, the World Trade Center, and in a desolate field in Pennsylvania.

Nothing will ever repair the losses we suffered as a nation one year ago today. The history of the United States changed forever when nineteen terrorists hijacked four planes and killed three thousand Americans.

While the events of that morning will forever play in our mind's eye, we endure and we are moving forward. As a united America, we have taken the needed steps to rebuild, to heal, to pursue justice, and to secure our borders.

Since that time, I have been proud to vote for legislation to make our communities safer and our military stronger as we face the challenges of the new century. I commend President bush for his leadership and I commend the brave men and women of the United States Armed Forces in the successful effort to oust the Taliban from power and hunt down those terrorists who perpetrated these acts of evil. I applaud those in our Armed Forces for their continued commitment to pursue those responsible for the attacks.

The words spoken so long ago by President Lincoln seem to fit so eloquently at this moment in history. "It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth."

As we humble ourselves before Him and pray for His guidance, may God continue to bless this great nation.

Mr. STRICKLAND. Mr. Speaker. We all carry with us memories of September 11, 2001. It was a profoundly personal day for all of us. No matter what happens in our lives, each of us will forever carry the horror we felt as we watched the unbelievable images on television unfold that fateful day. Even if we had no family or friends who were directly involved, as Americans we were deeply touched by those unspeakable events.

One year later, we observe a day of remembrance. Not an anniversary, but a guidepost: a mark against which we measure how far our nation has come since that horrific day one year ago.

That day, we witnessed the courage of hundreds of heroes who sacrificed themselves in an effort to save others. We felt rage and despair that a few evil men could purposefully steal so many lives, and at the same time we felt deep pride in the courage of our fellow Americans. We witnessed the best and worst of humanity. We dealt with our sorrow by caring for each other.

What began as one of the darkest days in our nation's history will long be remembered as one of America's finest hours.

One year later, I see a new America. We have not experienced the enormous sea change many predicted, but we greet each day with a greater sense of responsibility to our families, our communities and our nation. We also know that from now on we will be asked to sacrifice convenience for safety. We now know how vulnerable our freedom makes us.

But we also have a newfound appreciation for those freedoms and a renewed sense of the strength that our liberty gives us. We have been reminded that America's strength as a nation comes not only from its military might, but from the tightly woven fabric of the American family, symbolized in the stars and stripes of our flag. It is the solidarity of our national family that I hope will once again bring comfort to the families and friends of those who lost their lives on that fateful day.

We should also remember the thousands of Americans who are nobly risking their lives in foreign lands in the effort to wipe out terrorism. This war will continue to be time consuming and costly. But we Americans are a strong and resolute people. We have lived through the dark days of wars past.

As FDR said following the attack on Pearl Harbor, "No matter how long it make take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory . . . With confidence in our armed forces, with the unbounding determination of our people, we will gain the inevitable triumph. So help us God."

May God place his blessing on you and yours, and may God continue to bless the United States of America.

The following is a statement by Alan Wallace. Alan was a firefighter from my district who was stationed on the heli-pad outside the Pentagon on September 11, 2001. For his bravery that day, Alan was a co-recipient of the Department of Defense Fire Fighter Heroism Award. The following is his account of the events that day.

On the morning of September 11, 2001, I was assigned to the Heliport Station at the Pentagon. I was assigned there the day before as well. I should have been assigned to the Pentagon fire station all that week.

Fort Myer firefighters were taking a week-long class on Air Field Firefighting, given at the classrooms Building 219. Mark Skipper, Dennis Young and I had already had the training. Mike Thayer, John Pine and Ronnie Willett also had had the training. Thayer, Pine and Willett were scheduled off on 9/11. Chief George Thompson was off because his wife was ill.

Mark Skipper, Dennis Young and I were the 3 crew members assigned to the Pentagon fire station on the morning of 9/11. We arrived there about 0730. The fire station was new and we had only been using it since January or February 2001. We also had a new crash truck assigned there, an Emergency One Titan 3000. It carries 1,500 gallons of water and 200 gallons of 3% foam. Our first helicopter flight was around 10 am. But we were expecting Pres. George W. Bush to land in Marine One around 12 noon, returning from Jacksonville, Florida. (He had actually left from the Pentagon the day before.) Needless to say, neither flight arrived at the Pentagon that day because of the terrorist attacks.

Mark, Dennis, and I had our turn-out gear either on the crash truck or in the station. About 0830 I decided to pull the crash truck outside of the fire station and place it in a position more accessible to the heliport landing site. The truck was then parked perpendicular to the Pentagon, with the rear of the truck 15–20 feet from the west wall of the Pentagon, and the truck facing west, towards the heliport pad. The right side of the truck was approximately 30 feet from the fire station's apparatus door opening. (I forget to mention the Ford Van we normally use for transport between Fort Myer and the Pentagon. It is a 15 passenger vehicle which was parked west of the fire station facing north, with its rear about 10 feet north of the apparatus end of the fire station and approximately 6 feet from the side of the fire station.)

The fire station is approximately 75 feet long, 35 feet wide and 16 feet tall. The flight control tower sits above the fire station. There were two other individuals at the heliport site: Sean Berger (U.S. Army Personnel) and Jackie Kidd, both active duty Army.

As I said, we were expecting Pres. Bush about nooon, which would be a Code One Standby. In such situations, one of the problems I see at the heliport is that there are too many people there. Plus there are many vehicles, including Secret Service, Pentagon SWAT, U.S. Park Police, D.C. cops on motorcycles, and the two Presidential limounsines. And some of these vehicles even park in front of the fire station apparatus door, blocking the fire truck from exiting the building! That is why I wanted the crash truck out of the station and parked in a good location, for easy access to the Heliport in the case of an emergency.

After checking out the fire truck, eating a bowl of cornflakes, and cleaning the station and apparatus area, I sat in my favorite chair in the apparatus area to read a book about opera. About 0900 Mark and Dennis were inside the fire station in the day room. Mark came out to tell me that an airplane had just crashed into the World Trade Center. I then got up and went into the day room to watch the television coverage from New York City. While we three were watching, a second aircraft struck the second tower. I think we watched the TV for about 10 minutes or so.

I then went back outside. I was soon joined by Mark. We both began to work around the crash truck and were talking about the events in New York. About 0920, Chief Charlie Campbell called the Pentagon fire station to inform us of the attacks on the WTC in New York. He actually talked to all three of us: first Dennis, then me and then Skip. He wanted to be sure we were aware of the WTC disaster and that is was definitely a terrorist attack. He wanted to be sure we were aware of everything going on around the fire station. He also said Washington D.C. could very well be a target and if that happened, our fire truck could be dispatched to an incident.

Let me say this. After the NYC attack, I began to have "second thoughts" about having the fire truck parked where it was. Would it be better for the time being to return it to the fire station until around 1100 or so? But I decided not to move it.

Mark and I continued to mess around the fire truck. The last minute or two before the plane hit the Pentagon, Mark and I were working in the right rear compartment where the foam metering valves are located. Mark told me how, if you had to, you could get as much as 50% foam solution out of the roof turret and discharges. We laughed about cheating the government out of some foam! Mark and I then walked toward the right front corner of the truck. We were side-by-side, always within an arm's reach of each other. We had walked past the right front corner of the crash truck (Foam 161) and were maybe 10–15 feet in front of the truck when I looked up toward my left side. I saw a large frame commercial airline crossing Washington Blvd, heading towards the west side of the Pentagon! The plane had two big engines, appeared to be in level flight, and was only approximately 25 feet off the ground, and only about 200 YARDS from our location. I later said the plane approached the Pentagon at about a 45 degree angle but later drawings showed it was closer to 60 degrees. The airplane appeared to be a Boeing 757 or an Air Bus 320—white, with blue and orange stripes. Mark later recalled the plane was silver and even identified that it was American Airlines.

So many people think Mark and I watched the plane hit the building. We did NOT. We only saw it approach for an instant, I would estimate not longer then half a second. Others didn't understand why we didn't hear it sooner. We did not hear it until right after we saw it. I estimate that the plane hit the building only 1½–2 seconds after we saw it.

What I am saying is, immediately after we saw it we heard the noise, the engines, I'm sure. I described that as a terrible noise—loud, scary, and horrible. At the time we saw the plane, I said "LET'S GO!" and Mark and I ran away from the area. I turned and ran to my right, going north. (I do not remember which way Mark went, since I did not see him until I crawled out from under the Ford Van.)

As I recall, I had several clear thoughts and feelings as I was running: (1) the noise from the engines of the airplane; (2) awareness that now WE are being attacked; (3) planning to run until I catch on fire, then maybe dive to the ground and then figure out what to do; (4) hearing the sound of the plane crashing into the Pentagon, which I later described as a "crunch"; (5) sensation of a lot of pressure; (6) feeling very, very hot very quickly; (7) "we're certainly not going to burn up!"

Later that morning when I began to look at the distances of everything from the fire truck, I thought the plane hit the building 200 feet south of the front of the fire truck. I had only apparently run about 20 feet when the plane hit the building. I ran another 30 feet or so until I felt I was on fire. I thought I had done everything I could do for myself. I decided to get down below the fire and fireball. So I dove face first to the blacktop. At this time, it just happened that I was right beside the left rear tire of the Ford van. (I presume that the debris from the Pentagon and airplane was being propelled away from the impact site.) I immediately crawled very quickly under the van for cover and safety.

At this time, I noticed a lot of heat and decided to crawl to the end of the van. Very soon the heat was unbearable and I decided to get out from under the van and get farther away from the impact site. It was then that I saw Mark Skipper to my left—out in the field 50–75 feet away. He was standing, looking back to the impact site and seemed to be swinging his arms. I immediately ran over to him to ask if he was OK. He said he was, and then said "I'm glad you saw that airplane!" I said "get your gear on—we have a lot of work to do; I'm going to the fire truck."

It was probably at this time that I first noticed the damage to the Pentagon and the crash truck. A lot of smoke was in the sky above the Pentagon. The rear of the crash truck was on fire with a large blaze. But most noticeable was that everything around the fire truck on the ground was on fire. Also the west side of the Pentagon was on fire, all the way from the first to the fifth (top) floor.

I ran about 30 yards back to the damaged crash truck, stepping carefully, not to slip on the burning debris covering the ground. I arrived at the right cab door, opened it and climbed in. I grabbed the radio and put the head set on, then jumped over the radios into the driver's seat. I immediately pushed the 2 engine start buttons and the engine started, to my amazement. I thought if I could pull the fire truck away from the Pentagon and put it in a left turn, I could direct the roof turret nozzle into the impact site using the foam and water on board the truck. I then pushed off the emergency brake and pulled the transmission selector into the drive range and tramped on the accelerator (I still couldn't believe the engine had started.) However, the accelerator would not make the engine run any faster and the truck would not move. (I later found out from Mark then whenever I tramped on the accelerator, the flames on the back of the truck would flare up.) The window in the left door was open and I had left the right cab door open as I entered the truck. There was a lot of smoke coming up along the left side of the truck, and blowing through this open window and filling the cab with smoke, as well as exiting the right door. There was a fire in the left side of the driver's seat back. That must have produced a lot of the smoke in the cab as well. At some point when I was in the cab, I looked to my right and saw Dennis Young walking through the apparatus area, so I knew he was OK. At another point, I called Fort Myer Fire Dispatch on the fire radio and gave the following message:

"Foam 61 to Fort Myer: we have had a commercial airliner crash into the west side of the Pentagon at the heliport, Washington Blvd. side. We are OK with minor injuries. Aircraft was a Boeing 757 or Air Bus 320." It also seemed like I mumbled something else before I removed the head set, shut off the truck engine and began to egress the vehicle.

The fire station was to my right and I noticed it was trashed and there was burning material inside the apparatus area. I see Mark outside the right cab door signaling me to shut off the engine.

(Note: I feel I had the fire truck engine running in 20 seconds after the plane hit the building. This time included running, crawling, checking on Mark and running back to the burning crash truck.)

Just as I was about to get out of the wrecked truck, someone appeared at the cab door asking for a breathing apparatus. He may have been a Pentagon cop. So I handed him one of the S.C.B.A.'s and then handed another one to Mark. Before getting out of the cab. I grabbed my helmet, radio, face piece (for my S.C.B.A.). I carried these items over to the rear of the van, an area I thought would be out of the traffic and easy to find later. Dennis was attempting to use a fire extinguisher on the truck. Mark was removing some of the EMS equipment from the truck. At this time, we all probably thought the truck would be consumed by the damaging fire.

At this point, I went into the fire station through the open apparatus door area and attempted to get dressed in my turn-out gear (coat, pants, boots and helmet.) I noticed my boots and pants were covered with debris, with numerous wood, rock and metal fragments filling the boots. One of my elastic suspenders was on fire, which I stamped out (or so I thought). When I was considering how best to empty the debris from my boots, I heard a voice back outside saying "we need help here". I think it was at this time that Dennis, Mark and I began to assemble at the first floor windows of the Pentagon (behind the crash truck).

I was later told by a civilian rescuer that I helped him climb into the window of the Pentagon where most of the victims exited the building. I don't remember helping him up. But I definitely remember him being there. I feel he was instrumental in organizing the rescue effort at this area of the Pentagon. At the time, I described him as a civilian 35–40 years old wearing black jeans, black polo shirt with a red logo on the shirt.

In April, 2002, I learned that the identity of this 'civilian' was Blair Bozek. He turns out to be a Lt. Col. USAF, (Ret.). He was one of the SR71 Spy plane pilots. Ha! Mark and I always felt 10–15 people may have exited the Pentagon at our location. All were terrified, most were burned. They had had varying amounts of clothing burned from their bodies, and some were missing shoes. We were assisted in rescuing them by several civilians as well as Armed Forces people who, having been uninjured in the attack, had come to aid their fellow employees.

I would like to describe how very hostile the working environment was following the airplane attack. We were directly up against the Pentagon building, which was on fire with smoke pouring heavily from all of the windows. The ground was burning all around us. A magnolia tree was burning, which gave a strange sensation of flaming "things" floating in the air—I later realized they were magnolia leaves.' There were several times the heat was so intense that I thought my pants were on fire. It was especially difficult to breathe because of the smoke and fumes. These conditions definitely limited how long we could assist in the rescue.

I do remember helping three men carry an unconscious man all the way out to the guard rail beside Washington Blvd. While carrying him, I noticed the 4 inch fire hose from our Fort Myer Rescue Engine #161. That meant our fellow firefighters were on the scene. This was a relief, because after I called them on the radio, I was certain it would be difficult for them to get to the Pentagon because of traffic. But I learned later that R/E 161, R/E 162 and the Asst. Chief did not have difficulty getting to the Pentagon.

A further comment about my radio message: I should have followed it up with a call from one of the portable radios or possibly a phone call to Fort Myer from the heliport station phone (had it been in service). I had not waited for a reply from Dispatcher Bob Connelly. (More on this subject later).

Unknown to me, before my radio message, Arlington Dispatch was receiving numerous 911 calls from all around the county. Reports were varied: helicopter crash into east side of the Pentagon, tractor trailer on fire on Washington Blvd, possible airplane crash on or near the 14th Street Bridge. Many of the 911 callers could see smoke but could not determine its source. Some likely saw a low flying aircraft or heard the impact of the crash. Arlington Dispatch advised all listening stations about some of these reports, but of course couldn't confirm exact location, etc. In fact, it is quite possible that one of these callers, recalling the flight #90 crash into the Potomac River many years ago, was instrumental in causing National Airport to dispatch the first big crash truck. According to the firefighters from the classroom at Fort Myer, immediately after the communication from Arlington, they heard my radio message. Therefore apparently my message was successful in informing my fellow firefighters of the exact location. After victims stopped appearing at the Pentagon windows, Mark, Dennis and I began assisting the arriving Fort Myer companies on the fire ground. My next task was to get into my "fire turn gear". Returning to the rescue site behind the crash truck, again I looked at my fire boots and pants. They were still full of debris, but now the left suspender had completely burned off down to the end where it had been attached to my pants! I picked up my gear and dumped out the rocks, etc., stepped into my boots and pulled up the fire pants. With only one suspender, I must have looked like Jethro Bodine from the Beverly Hillbillies. I also got on my nylon sock-hood and fire coat. I grabbed a big lantern and two fire extinguishers (one CO_2 and the other 20# PurpleK, potassium bicarbonate).

I pulled the safety pin on the CO_2 and placed the lantern under my left arm, walked around the burning end of the crash truck, sprayed some of the CO_2 on it and under it. The extinguisher seemed only about half full, so it was quickly discharged and I threw it aside.

Pulling the pin on the PurpleK bottle, I walked behind the truck and into the Pentagon. Holding the illuminated lantern in my left hand, I immediately noticed how poor the visibility was. Keep in mind I still had no gloves, no helmet and no S.C.B.A. I do not think I went into the building any further than 20 feet. I would see fire and spray the extinguisher on it. It makes a very loud noise when being discharged and I did so several times. Out of nowhere, I heard the clear voice of a woman yell "hey!" She had heard the sound of the fire extinguisher and realized she was near another person. She did not sound panicked. I yelled back "I can't see you" and she clapped her hands. I was waving my flashlight. I did not go after her, and later I questioned my courage about why I hadn't.

Several days later, I noticed an article in the Washington Post which mentioned me. It also described a woman, Sheila Moody, who heard the swoosh of a fire extinguisher from someone, called out, and was answered by and rescued by a firefighter. I do not remember making contact with her. I believe it was my fire extinguisher she heard, but I also believe she was intercepted by another firefighter. But had I not had the fire extinguisher but had taken the garden hose attached to the fire station, she might not have known she was very near the outside of the building and near rescuers.

I then began to assist the firefighting crews. I got a larger nozzle tip for the attack team and got 50 feet of 4 inch hose off Engine 161 so we could move the deluge gun closer to the Pentagon. Another project I undertook was to begin removing all the equipment off the crash truck: the third S.C.B.A., all the extra air bottles, power cords, floodlights, all the 1¾″ hose (200 feet of it), tools, and fire extinguishers. At this point, the truck was still on fire and a lot of fire was right behind the truck in the Pentagon. I also noticed the two personnel vehicles that had been parked near the impact site, belonging to the two Army Flight Control Tower personnel. Both had been completely destroyed by flying debris and fire.

About this time hose line crews from Fort Myer were entering the building with a 2½″ hose with a 1¼″ solid nozzle. We added 50 feet of 4″ hose to the deluge gun. Capt. Dennis Gilroy noticed the first collapse of a cornice above the fifth floor windows, just above the impact site. Dennis Young and I were at the deluge gun and were told to pull back and allow the deluge gun to operate un-manned.

About the time Gilroy ordered our people to get out of the building, there was report of another hijacked airliner, allegedly heading toward Washington, D.C. During this period of waiting, Capt. Gilroy was assigning firefighters to hand line teams to attack the fire, which was beginning to spread to the third and fourth floors of the Pentagon.

By now, I was feeling the effects of exhaustion from the frantic pace and severe shortness of breath from the lack of air at the impact site where we had assisted victims. I thought Mark and Dennis were in the same shape. Mark and I both told Gilroy not to count on us for the hand line crew. Our fellow Fort Myer firefighters had become aware of our injuries and Gilroy called an EMS crew to tend to us.

Our injuries were primarily second degree burns on our necks and forearms. In addition, Mark had a laceration on his hand, Dennis had a sprained ankle, and I had left shoulder pain. (Note: Mark, Dennis and I were only wearing T-shirts, work trousers and boots or heavy shoes at the time of the attack.) A medic unit arrived, Arlington, I believe. They bandaged our burns with wet dressings and wrapped them with gauze. I was given oxygen to breathe; the others weren't experiencing difficulty breathing. We were delivered to the triage area at approximately 1100.

There, we three saw Jackie Kidd and Sean Berger from the Control Tower. They looked to be OK. Jackie was really shaking and Sean had his forearms wrapped, much like us. When I saw them, I realized I had not thought once about them after the attack. I felt bad about this. Later I thought I would have at least told Dennis Young to "check on the people in the Tower" but I guess there was just far too much to think about in the immediate response to the attack.

Sean and Jackie were both given a ride home by a nurse-bystander named Victoria Brunner, who had been working in Triage. (She now works at Fort Myer-Radar Clinic as a counselor.)

Mark, Dennis and I had a welcome opportunity to rest in the Triage area, and were given water, bananas, apples and plums. There were probably 50 health care people there. Triage was located in the tunnel under Washington Blvd. on Columbia Pike.

By now our word of our experience had spread to the FBI who interviewed us, as well as Kidd and Berger, while we were in Triage. After our interview, I wanted to return to the fire ground to see all the people from Fort Myer. We did so and spent about ½ hour there. Mark, Dennis and I stayed around Triage for about two hours. During this time, I had a chance to use a cell phone to call my Mother in Ohio. She was very relieved to learn I was OK. I also called Donna Houle at the Women's Memorial in Arlington Cemetery and asked her to contact some of my friends. In the next few days, I think I called everyone in my address book.

After all the other victims had been removed to hospitals, Mark and I were taken via ambulance to Arlington Hospital by Army Chase-Bethesda Rescue Squad #1. A young medic trainee named Sandra Melnick drove the medic unit. There were 6–8 people in the back of the squad, with one patient placed on a cardiac monitor. I sat in the front with her to give directions to the hospital.

After being released from the hospital, I contacted one of the hospital security officers to request a ride back to Fort Myer. He provided a driver within five minutes. Just as we were leaving the hospital, we were questioned by one of the local TV news channels, Fox I believe. We told them about seeing the airplane approach in time to run away from the Pentagon building.

Our driver took us as far as the Iwo Jima Memorial, just 200 yards from one of the gates into Fort Myer. Of course by now security had been increased significantly since my arrival there at 0530 earlier in the day. (The MP's had shoulder arms, a vehicle with machine gun mounted on top was nearby.) I was wearing a hospital gown, my fire boots and carried my fire pants in a plastic bag and had no I.D. But fortunately one of the MP's recognized me and allowed us to pass. (Mark did have some I.D.)

As soon as we were allowed to pass through the gate, an Air Force Major gave us a ride back to the fire station in his Jaguar. Ha—we were home!

We immediately began to tell our story and help out at the fire station. Dennis was there when we arrived. Soon after, Howard Kelly gave Mark a ride home. Dennis drove himself to his W. Va. home. I stayed at the fire house that night.

I enjoyed being back with my fellow firefighters and helping get the equipment back on the truck. Our people were exhausted, some were still frightened. I think all were glad they were working that day.

Remember the three firefighters who were scheduled off the day of 9/11? Willett, Pine and Thayer all came back in when they heard the news. Thayer told me later "from 25 miles from the Pentagon, I could see smoke, and I knew you three must be dead." He also said he felt bad because he was the person who had assigned us to the Pentagon heliport.

I was grateful—and am now amazed—that my injuries were minor. The burns on my forearms and neck healed quickly. My shoulder pain persisted and ultimately required surgery in November, 2001. The surgery went well and the surgeon and I were pleased with my recovery from it.

I returned back to work in February, 2002, glad to have a good job. I am very proud of Dennis, Mark and myself. I am SO grateful that none of our firefighters were seriously injured or killed.

Mr. DIAZ-BALART. Mr. Speaker, today we remember.

The pain has not subsided. The memories of those lost will not be forgotten. Today we honor their lives and their sacrifice.

The terrorists have failed. Blinded by their hatred, the true result of the attacks on September 11th were things they could never have anticipated. America responded with courage—not fear. America responded with love—demonstrated by the thousands of rescue workers. America responded with resolve—as we continue to hunt evil doers around the globe.

We must pay our highest tribute to the unsung heroes who have labored this past year—our first responders, our men and women in the armed services. I also would like to thank our President for showing true leadership in the face of this challenge thrust upon us.

Our job is not completed. While we have responded to the events of September 11th we have not taken the final step to ensure Americans are safe. We are faced with great decisions. But we do so with great resolve.

We will continue to show that the values and principles America stands for—the values and principles our brave Americans died for—will overcome those who would kill innocent civilians.

God bless and keep those who were lost one year ago today. God bless America—beacon of freedom.

Mr. MALONEY of Connecticut. Mr. Speaker, a year ago today our nation was brutally attacked, and thousands of Americans were murdered. Earlier today, I shared a moment of silence today with the people of Connecticut's 5th District, in New Milford, Sandy Hook and Waterbury, to honor the heroes and remember the victims of that tragic day.

On this day, the people of Connecticut's 5th District honor the brave firefighters from the Danbury Volunteer Fire Department and the Southbury Volunteer Fire Department. Each engine crew performed search and rescue in the hostile and dangerous environment of the devastated World Trade Center. On behalf of the people of Connecticut's 5th District, I wish to express my deepest thanks to these heroic individuals. The contributions they made to our community and country at the risk of their own peril cannot be measured.

The families and friends of those who perished have endured a year of unbearable loss. They have my deepest sympathy. Rarely have we felt hatred of terrorism perpetrated on our shores, and our response has shown the strength of character of the American people. The sadness that we all felt that day, and in the days since, has hardened into a resolve to honor the memories of those who perished, to heal our wounds so that our nation is even stronger than before, and to bring righteous justice to those who perpetrated the attacks.

Mr. JEFF MILLER of Florida. Mr. Speaker, today marks the one-year anniversary of the most horrendous act of terrorism ever perpetrated against any country. Our nation will never be the same after nineteen terrorists took thousands of American lives and declared war on our great nation.

Since the infamous day last Fall, an outpouring of patriotism and love for this country can be felt in cities and towns from coast to coast. The symbol of America, our flag, can still be seen flying with dignity and honor outside homes and businesses, displaying the true pride this nation has in its freedoms and unwavering principles.

As we look back at the tragedy of that day, I know that everyone will remember where he or she was on September 11th, 2001. I am sure we have all contemplated the frailty of life and that God has never promised anyone a set number of days. It is my hope that the citizens of the United States will use this time in our history as a catalyst to advance the nation and to return to the roots to which it was established; faith in God, democracy and patriotism.

Terrorism is still a threat to the civilized world and must be destroyed before it spreads. The primary weapons of terrorism are violence and fear. Those who have no respect for human life and seek terror through these means have no place in civilized society, and must be eliminated.

As President Reagan has said, "We will always remember. We will always be proud. We will always be prepared, so we may always be free." Let us keep the families that lost loved ones in our prayers and continue to support our deployed military personnel who courageously protect our liberties and freedoms. They are the true patriots.

I praise my colleagues and the President for the courage and resolve they have displayed during these trying and difficult times. May God grant us the wisdom to lead this country forward in a manner that would please Him and may He look favorably upon our great nation.

Mr. COSTELLO. Mr. Speaker, I rise today as a cosponsor of the Patriot Day Resolution, which fittingly expresses the sentiments of this body on the anniversary of perhaps the worst day in U.S. history. In many ways it is hard to believe it has been a year since that awful day—the memories are so fresh, so vivid. I visited the site of the WTC one week after it happened and spent time talking with survivors and rescue workers. That memory is just as fresh as those of last Friday, when we returned to New York City to participate in a wreath laying ceremony at the World Trade Center site, and those of this morning, when we attended the ceremony at the Pentagon to remember the victims and families. America will never forget.

September 11, 2001 has left an indelible mark on the American landscape and on our national consciousness. We will never forget the events of that terrible morning, nor will we forget how America responded. We continue to be inspired by the heroism of firefighters, police officers and emergency first responders, our military men and women and other ordinary Americans who have answered the call for freedom.

The attacks on the World Trade Center and the Pentagon were an attack on all of us—our people, our nation, our spirit, our way of life, our liberty and freedom. The terrorists intended to bring down and destroy the World Trade Center, the Pentagon and other targets—and the people in them. Their real goal was to instill fear, bring about disruption and to bring down and destroy our spirit. But as Reverend Billy Graham observed at a service at the National Cathedral shortly after the attacks—Their actions have done just the opposite. The terrorist attacks of September 11 could have torn our nation apart—but they have brought us together—we have become a family.

Mr. Speaker, the United States is the greatest country in the world! We have been tested before and we will be tested again. Those we lost last September 11 will hold a special place in the history of our great country. As we gather together today in communities, churches and other places throughout our great land we remain one nation under God, indivisible with liberty and justice for all! I urge all of my colleagues to support the resolution, and God bless the United States of America.

Mrs. MALONEY of New York. Mr. Speaker, it is an honor to serve in the people's House as a representative of New York City, the greatest city in the world.

For the nation, today is a day of solemn reflection and remembrance. We have all tried to mark this day in our own personal ways. I have just returned from a memorial service at Ground Zero, a sacred place for us all. My thoughts and prayers over this year have been for my beloved city whose residents have been fundamentally affected by 9/11.

Just a year ago, our country witnessed the evil actions of cowards that resulted in more than 3,000 people tragically dead and 2,000 children without a parent.

Mr. Speaker, there may not be another Member of Congress who lost more constituents in the September 11 attack on the World Trade Center than I did. I applaud the House for introducing this resolution celebrating America's resolve and commemorating the lives of those we lost. This resolution, in a small way, can help to continue the process of national healing and renewal.

We will never forget the hundreds of New York City firefighters, law enforcement officers, and EMS who responded to the attacks, and valiantly fought through the terrible conditions to rescue victims and to provide emergency care to the injured immediately after the attack. Tragically, the World Trade Center towers collapsed while these heroes were attempting to save innocent lives—343 firefighters and paramedics and 60 police officers made the ultimate sacrifice.

Over these past 12 months, we have witnessed countless selfless acts by public servants and private citizens, by our friends and neighbors. It is this wonderful spirit embodied by our city and our great nation that gives us hope.

Mr. SMITH of Michigan. Mr. Speaker, I remember speaking on the House floor the day after the attacks. I asked, "will we forget? Will this sick, sinking feeling fade? Will we fail to follow through on these promises or will we demonstrate unfaltering resolve?" I am proud to say, one year later, that the American people remain determined to fight the war on terror, and though the road ahead will continue to be hard, we will prevail.

We should reflect for a moment on the lessons in the attacks. In my view, there are three. First, America has enemies who resent our freedom and way of life. These enemies are determined and are ignored at our peril. Second, the oceans do not provide as much protection as they did in the past. We have to be aware that threats can come from anywhere. Third, as with Pearl Harbor, first punches can be devastating. We must now allow ourselves to be taken by surprise again.

Even though we have had a year to reflect since last September, it is still hard to comprehend the magnitude of the terrorist attacks and the historic turn of events that they triggered. In our 226-year history, America has never known an assault on our homeland such as that terrorist attack.

As horrific and sickening as the attacks were, however, they brought out the best in us as Americans. They reminded us that despite all our differences, we are one—a united America. Not only a nation of unprecedented strength, but also a nation that exhibits great tolerance and respect for the rights of its citizens as well as those of other nations—a nation of unshaken spirit, a nation bound by our shared faith in the founding principles of liberty and freedom.

America was best exemplified by the actions of our first responders in response to the attacks. On that warm autumn day, the New

York City fireman became the symbol of American freedom and American bravery to millions around the world. I believe it is really the one silver lining that shines through the cloud of horror that surrounds 9/11.

It is our job in Congress to honor those who protect us—our defense forces abroad and our first responders here in America—by fully providing the resources and guidance that they need. As President Bush said at the annual fire services dinner in Washington last spring. "There is no substitute for the raw courage of the firefighter." And we must never forget those Americans who made the ultimate sacrifice in saving the lives of others on September 11.

Mr. MATHESON. Mr. Speaker, when we evacuated our office a year ago, and I could see the black smoke rising above the Pentagon, I knew our country was under attack. The inconceivable was taking place.

The passing days brought more heartache than many of us thought we could bear. The hijackings and plane crashes took the lives of three Utahns—two who were on board the plane that hit the north tower of the World Trade Center and one who was on duty at the Pentagon.

Mary Alice Wahlstrom, of Kaysville, Utah and her daughter Carolyn, died together—two talented musicians whose families still grieve for the loss of their wives and mothers. Brady Howell of Centerville, Utah died—along with 188 others—when hijackers struck the Pentagon. His family—including his wife Liz—had to endure one agonizing week before learning his fate. A year of sorrowful birthdays and holidays has gone by, with a much-loved husband and wife, brother and sister, son and daughter, missing from the family pictures. Their names and their lives will always remind us of the goodness that is America—goodness that the terrorists sought to destroy. But we know that the terrorists will not succeed. Their cowardly attack took the lives of 343 members of the New York City Fire Department, but not the determination of 62 search and rescue team members from Salt Lake County. They rushed to New York, working 12-hour shifts, searching the rubble at Ground Zero for more than a week.

The terrorist attacks left many children without parents—but couldn't destroy their future, as Americans rallied to support a $100 million scholarship fund to someday send these children to college. We stand for everything that the terrorists hate—courage, freedom, compassion, democracy and hope. Even as our memorials and reconstructed buildings rise from the devastation of that day, those values emerge unscathed. We have suffered a loss, but not a defeat. We still mourn, but our faith has not faltered. The wounds are still fresh but the spirit that is America shines through—a beacon of hope for better days ahead.

Mr. DELAY. Mr. Speaker, we gather today within this citadel of freedom. This room is where America unites in defense of enlightened self-government. From this place our Nation draws from the strength and wisdom of our Founders.

For this reason, the terrorists targeted this temple to justice as they set out to strike a blow against self-government. And, as the terrorists attacked symbols of might and prosperity, they attacked the spirit of this building. In this way, the Capitol, the Pentagon, and the World Trade Center were all one and the same. This is where the American people exercise the fullest measure of freedom. So, we come together in this hallowed chamber to honor the brave Americans of September 11. As their Representatives, and on their behalf, we launch the debates that chart the course for this country. And, make no mistake, it was the exercise of freedom that terrorists wished to extinguish a year ago.

The terrorists failed. And, if their objective was to compel us into abandoning our principles, there may have been no more spectacular a failure in recorded history.

My friends, the flame of American freedom is burning brighter and hotter on September 11, 2002, than at any moment in our history. And that flame is sustained by the magnificent heroism in Manhattan, in Virginia, and in the air over Pennsylvania. Freedom continues unabated in many countries around the world. Americans are doing extraordinary things in dangerous places that are known and some that we can't talk about. But when we speak of the men and women defending us at this moment, we can say this for certain: The present generation of Americans stands shoulder-to-shoulder with our proudest generations. And we saw, in Pennsylvania, a stirring example of what it means to be an American: Out of many, one.

Strangers, thrown together by Providence, facing certain death, refused to yield in the face of raw evil. Their courage, in the moment of maximum danger, is the essence of what it means to be an American. That's why anyone in the world can become an American. All it takes is a willingness to subordinate our own individual interests to the greater good of the United States. It's a proud tradition of love, tolerance, pluralism, and determination. But we would do a great disservice to the legacy of America's September 11 heroes by casually accepting the passive posture of complacency in the face of danger.

The great lesson from 9/11 is the moral imperative to address dangers before they claim the lives of additional Americans. For that reason, we must stand with President Bush as he marshals freedom-loving people to confront gathering evils. We must actively deny the aspirations of evil groups and dangerous regimes. We must bring justice to the most remote caves where terrorists plot. We must protect America by striking our enemies before they can carry out their schemes within our borders.

This is the great decision before the Congress. This is the defining measure of our future security. And on this question, all of us will be accountable to the people.

Mr. Speaker, we offer our deepest sorrow and solidarity to the families of those who lost loved ones at the hands of evil, 1 year ago. Those who now struggle with grief and loss should know, above all, that they do not stand alone. They should take heart because every American stands beside them. We offer our love and gratitude for the sacrifices and unknown acts of heroism carried out by their relatives and friends. We'll never forget them or what they did for our country.

Thank you and God bless America.

Mr. ROEMER. Mr. Speaker, I rise in strong support and as a proud cosponsor of H. Con. Res. 464 expressing the sense of the Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.

Nearly three thousand American lives were lost exactly 1 year ago today when the United States was suddenly and deliberately attacked by al Qaeda terrorists bent on suicide and destruction of human life. By targeting symbols of American strength and success, these attacks clearly were also intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve. Although New York, Virginia, and Pennsylvania suffered the overwhelming burden of the terrorist attacks, every state and all Americans were affected and continue to mourn that day. We are united by the events of September 11, 2001, and while passage of 1 year has not softened our memory, resolved our grief, or restored lost loved ones, it has clearly demonstrated that Americans will not succumb to terrorists.

We observe September 11 not only to recognize the tragic deaths of the innocent souls who perished or who were gravely injured in Lower Manhattan, Shanksville, Pennsylvania, or at the Pentagon, but we also recognize this date to honor the firefighters, police officers, rescue workers and those intrepid eyewitnesses of this tragedy who selflessly faced grave danger in order to aid the wounded and dying in the immediate aftermath of the attacks. As the gravest moments came, many regular Americans, relying on courage, instinct, and grace, rushed toward the flaming buildings in order to rescue people or toward terrorist-controlled cockpits in order to resist their destructive plan. Today we honor the sacrifices and continuing heroism demonstrated by our brave servicemen and women who left family and friends in order to defend our nation. A year later, many servicemen and women remain abroad, shielding the homeland from further terrorist attacks.

As a member of the House Permanent Select Committee on Intelligence, I am proud to serve on the ongoing Congressional Joint Inquiry. My distinguished colleagues and I have spent considerable time reviewing the material and circumstances relating to the events surrounding last year's attacks. However, many important questions about September 11, 2001 remain unanswered. That is why I support the establishment of an independent, blue-ribbon commission to conduct a thorough investigation and to make recommendations based on its findings so that we never again experience another staggering loss of life on U.S. soil. The American people deserve a more thoughtful investigation and the families of the victims of September 11 are entitled to answers about exactly what went wrong and why.

Mr. MORAN of Virginia. Mr. Speaker, I rise today on the first anniversary of 9/11, a day which changed America's history.

For the past 12 months, this Nation has collectively experienced a full range of emotion, from the initial fear and uncertainty of that fateful day, to anger and outrage at the loss of American life and the violation of two of our nation's most recognizable symbols. We have mourned and continue to mourn for the victims of this horrible attack. Their families and friends are constantly in our thoughts and prayers. Embedded firmly in my mind is the image of streams of people who came to the ridge overlooking the Pentagon to pay their respects and sanctified that hill with flowers, candles and notes of remembrance.

Yet, in the midst of all the sadness, Americans have sought an outlet for their grief by renewing their sense of community service and patriotic pride. Our country, which has a strong history of bridging many differences, has become one. In Northern Virginia alone, we witnessed friends, neighbors and colleagues coming together to help rebuild and unite. With the round-the-clock dedication of the Pentagon Renovation team, the revival of the Pentagon has served as the quintessential symbol of our country's resilience and renewal. A special debt of gratitude goes out to those workers and planners who orchestrated this rebuilding.

As we bear witness to the powerful images and experiences of the past year, we are proudly reminded of what it means to be an American. The heroic acts of the firefighters, police officers and emergency responders who rushed into the inferno of the Pentagon and World Trade Center Towers to save lives, touches a special place in all our hearts. It is a place where love of country and for our fellow man is second nature. This unique American spirit is what wills us to go the extra mile and put our lives on the line for what we know is right.

So, Mr. Speaker, on the one year anniversary of September 11, let us honor the many sacrifices that have been made by our police, firefighters, emergency responders and our men and women in uniform. Their efforts to heal, protect and preserve this great nation deserve the utmost respect and admiration.

Mrs. McCARTHY of New York. Mr. Speaker, I in rise support of H. Con. Res. 464, a resolution to commemorate the passing of one year since the cowardly, brutal attacks of September 11. I would also like to express my condolences to the families who lost a loved one, along with my reverence for the heroism of New Yorkers, and the American people.

On September 11 as the horrific events unfolded, I watched brave firefighters, law enforcement and rescue personnel from New York and around the country risk their lives to save others. I watched hospitals prepare for the wounded and our armed forces go on high alert. I watched a stricken nation respond by rushing to donate blood and volunteer their time to help the injured. These are acts of honor and bravery that no barbaric act of violence can penetrate. The citizens of New York, and all of America did everything within their power to respond unselfishly and effectively to the attacks. More often than not, the very last fiber of human strength was tested. New Yorkers and all Americans rose to the daunting challenge as one proud, resolute nation.

Throughout the past year we have witnessed the rebirth of a new America. A stronger more resilient nation that is determined to eradicate all forms of terrorism. Those who oppose our way of life may try to destroy our buildings, but they will never destroy the sense of pride and love for this country cherished by Americans.

Although the tragic events of September 11 will forever bring sorrow to the families who lost loved ones, they will also serve as a reminder of how Americans unite during difficult times. This Resolution reminds us all how difficult it is to kill the American spirit. Honoring the lives lost, as well as thousands of rescue workers that worked tirelessly and bravely throughout this difficult time, is a fitting reminder of what this country stands for. We never forget our own, and we will always fight to continue our way of life.

Mrs. WILSON of New Mexico. Mr. Speaker, I would like to offer my support for the concurrent resolution in honor of Patriot Day under consideration by the House today.

On this solemn day of remembrance, it is important to gather with our families, our friends, and our communities to reaffirm our love of country and our dedication to upholding the values of freedom and democracy that we hold so dear.

Today, in Albuquerque and across the nation, we will take the time to honor those who faced danger bravely to save others: firefighters, police officers, and our soldiers overseas that now risk their lives to protect the freedom we enjoy.

In this spirit, I will be in Albuquerque on September 11 with my family and neighbors to honor the heroes, to pray for those lost and their families, to comfort the hurting and to reassure the children.

Mr. WU. Mr. Speaker, our nation was irrevocably changed that Tuesday morning, a year ago today. The past year has not been an easy one, but the American spirit has carried us through, and our democracy stands strong.

Whether it's Bunker Hill, Pearl Harbor, or September 11, Americans have a tradition of turning disasters into launch points for a better future. Americans' and Oregonians' response on September 11th underscores the strength of our democracy and our commitment to community and freedom. One thousand Oregonians went to NYC soon after September 11th to show that we stand shoulder to shoulder. Hundreds of Oregonians are there today.

Our nation has endured, and will, in spite of everything, thrive. Today, as we look back and remember who and what we have lost, we feel keenly the sense of security that we no longer take for granted. But we will not trade freedom for security. We will move forward together and build a future worthy of our courageous forbears, and all that they did to bring us to where we are today.

Mr. STEARNS. Mr. Speaker, I rise today not only to commemorate the lives lost September 11, 2001, but also to celebrate the indomitable American spirit that has been displayed since, and finally to remind our enemies that we are not finished with them. It has been a year to the date since an organization of men decided to test the resolve of the American people. With blind faith, unabashed cowardice, and intentions of terror, these men, these terrorists took the lives of over 3,000 men, women, and children. Through this evil act these men hoped to strike deep at our security, to impact the very fiber of our country's spirit. But as the towers fell, American flags rose, defying those who would attempt to shake the balance of freedom and power that we enjoy in this country. On that day the most diverse country on the planet was attacked, and from the twisted and smoldering wreckage arose the bond that has connected us all.

Many claimed that we would never be the same; that an inescapable change had come over our country. On the contrary, I feel that we have changed. We are a stronger country, united in the face of tragedy. The terrorists failed to realize that there is no changing the American spirit, only revealing it. After the 11th, the spirit of America revealed itself all across this country. From the thousands who donated blood, to the thousands more who donated time, resources and love to the task of not only repairing buildings but also repairing the hearts of those who lost loved ones on that tragic day. In the few days following 9/11 we wondered how we would respond to these cowardly acts. It has now been a year since that day, and I feel we have responded quickly and accurately. In the past year we have been able to witness as a country the power and resourcefulness of our armed services. Combining both new and old world tactics we have seen special forces mounted on horse back calling in the amazing payload of a B-1 Bomber. In a foreign and alien terrain we have seen the men and women of our armed services perform and adapt in outstanding fashion. Mr. Speaker, as co-chairman of the Air Force Caucus I realize the increasing importance of our Air Force in current and future campaigns. Nowhere has this importance been more felt than in the precision strikes made in Afghanistan in our war against terror. As we continue to hunt down those responsible, we also continue the rebuilding process both home and abroad. As voices rise today in freedom from the sites of these grizzly attacks, soon also shall memorials rise, as a continual reminder of that day and the way in which we, as Americans have reacted in the years since.

And, as America has reacted this year, we have struggled with the tender balance between security and freedom. While we of course must gird our nation for safety, are we eroding freedom and curtailing civil liberties and privacy in the process? Our federal buildings, once the most open of any nation, are becoming barricaded fortresses, with streets closed for blocks around, and loss of access. Airport travelers shed clothing, common tools in their toiletry kit, and their patience in the name of passenger screening. Future airport security measures may chillingly include smart-technology that scans a traveler's identification or body feature, and searches a database including information as personal as financial stability or neighborhood involvement, in the name of determining who is a trusted traveler. State legislatures ponder the Model State Emergency Powers Act, wherein a governor might be granted powers to quarantine citizens, force immunizations, and seize medical records, in the name of public health. I hope that as we strengthen our nation, we keep sight of the sublime principle of liberty on which the nation was founded, and think about the over-reaching consequences of binding the cords too tightly. The terrorists attacked our freedom; we should not attack our own freedoms.

Turning from thoughts of ourselves to those of our aggressors, I remind my colleagues that we are facing an enemy who despises our very existence. They are consumed by a hate of a country that, despite its faults, is open to all people regardless race or religion. We operate under principles of freedom, the ability to pursue life, liberty and happiness. As such, our country is fighting with hope against terror, and freedom against oppression. Our enemies will never know freedom, because they are imprisoned by hate, and for that, they have already lost. Former U.S. Secretary of Defense Casper Weinberger stated that "The will of the American people once aroused . . . is capable of accomplishing all the things that have to be done." As long as we continue to maintain a moral high-ground in this campaign and take the appropriate and precise responsive measures, the will of the people of this county will know no bounds.

Much has been said and will be said today about what happened a year ago. As observers, we have an obligation to the families and the victims. We must remember our fellow sufferers; that is the salve we offer the families. We also must remember those who terrorize us, as it is judgment on our enemies. Do Not Forget: It was a massacre—a cold-blooded, well organized, well executed, carefully plotted massacre of thousands of Americans. It was perversion—of a faith that preaches peace and tolerance. It was a message—delivered by maniacal men in possession of a perverse theocratic ideology. It was a crime—that must be paid for. It was an invasion—which damaged every sense of safety in every person who tried to sleep that night. For all the many things it was, it was also the beginning of a war that is not yet over.

And as much as there is to say about this day, one thing we have learned is painfully simple. We have learned that whatever false sense of isolation we felt was an illusion. We must remain vigilant and remember that "freedom is not free".

I conclude that we have learned that our lives are but a breath. That our families are more important to us than we ever knew and that protection of our lives and our families may cost us dearly. But we are Americans, and we will prevail.

Mr. BACA. Mr. Speaker, I rise in support of this resolution. Today, we mourn, cry, and with clenched fists restrain the raw emotions that are pulsing through our hearts. We look to the ground in sorrow and to the sky in prayer, trying to understand this senseless tragedy. More times than I can remember, I have bowed my head and prayed, asking our heavenly father for spiritual and emotional comfort, for those of us that still cannot understand why. We know the names and details of the actions of those terrorists, but that still does not fill the void in our hearts. To the families of those who died last year I can only say, you have the heartfelt sympathy of an entire nation. And, to our heavenly father I would ask to please guard the souls of the dead and let the comfort of His love ease the pain in the hearts of the living.

Mr. Speaker, I am proud to cosponsor this resolution because it accurately captures the emotions in our hearts. We all desperately wish it could be September 10th forever. Yet, I take solace in knowing that nothing endures but change. Things will get better. We have punished those responsible and exacted that punishment with judicious caution, and not unmeasured rage. America has proven that power in defense of freedom is greater than power on behalf of tyranny and oppression. We have demonstrated that power with spirit and resolve.

One year ago, for the second time in our modern history, our nation was attacked. War was thrust upon us. Undoubtedly, this day will forever live in our memories. Three of my constituents lost their lives on September 11, and my community will never forget their sacrifice: Cora Holland, Mother of three and grandmother, Rhonnda Sue Rasmusen, who died at the Pentagon, and Navy Yeoman second class Melissa Rose Barnes, who remains unaccounted for at the Pentagon. We as a nation have pulled together to build our courage and strength, for we are united and our faith will guide us.

I salute those brave individuals, police, firefighters, emergency medical personnel and others who sacrificed of themselves for their fellow Americans.

Mr. Speaker, I ask for the prayers of the American people for those whose lives have been lost. May God grant us the wisdom to continue to steer our great nation.

God Bless America!

On behalf of the people of the Inland Empire of California, I join my colleagues in full support of this resolution.

Mr. CAPUANO. Mr. Speaker, I rise today in remembrance of those who perished as a result of the terrorist attack on September 11th. It is impossible to forget the events of that dark day and difficult to comprehend the grief of the families who lost loved ones in an instant. My deepest sympathies are with them on this first anniversary of the attacks. The loss of so many innocent lives and the bravery of the rescuers will never be forgotten.

Since September 11th, Americans have adapted to a new reality—a reality with additional security, higher unemployment, economic insecurity, anthrax and the ongoing war on terrorism. But with this new reality we are also witnessing renewed sense of American pride. September 11th reminded us all to treasure our freedom. American flags fill our streets. Patriotic anthems play on the radio and in stadiums from coast to coast. The principles upon which this country was founded brought us together and the strength and spirit of our nation will endure this challenge.

Today, in every corner of this great country, vigils, prayer services and memorials will be held to honor the victims of the attacks. As we reflect on the events of a year ago, let us honor the emergency workers, firefighters, police officers, hospital employees and grief counselors who went above and beyond the call of duty that September morning and during the months that followed. We must also remember the airline employees and postal workers whose jobs were changed forever on September 11th. Finally, our hearts should also go out to the thousands of children and families in New York, Virginia, and in communities across the nation and around the world who lost mothers, fathers, brothers and sisters on that tragic day.

Mr. Speaker, I rise today in remembrance of all those who sacrificed their lives on September 11, 2001 and I honor their memory.

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today to reflect on the events of the past year. As I do so, I am reminded that the spirit of America is unbreakable, unwavering, and unshakable. September 11th and the actions that followed have affected all of us. As a nation, I see we are strong—if not stronger—since that great tragedy struck our homeland. The terrorist tried to break the spirit of America but they failed. As Americans, we are united and we will work together to fight the war on terrorism, to improve our lives, and the lives of our neighbors.

We will always remember the casualties of September 11th, the brave firefighters, police officers, and civilians that fought to save the lives of so many Americans. They were the first casualties in the war on terrorism. The heroes of September 11th are not just located in New York, Washington, DC, and Pennsylvania, but also they can be found all over this great nation and in the military serving our country overseas. For the Americans that donated time, blood, money, and prayers, they are also the heroes of September 11th. These deeds and sacrifices will not be forgotten.

I recently had the opportunity to visit our troops in Afghanistan and I am more confident than ever that we are in capable hands. There is no doubt that we have the best and most professional military in the world. And last week, I participated in a Joint Session of Congress in New York to honor those who lost their lives on September 11th. During our visit we laid a wreath at Ground Zero. From my perspective, both events clearly demonstrated America's renewed sense of solidarity, patriotism and pride.

Although September 11th will be a difficult reminder for all Americans, this is also an opportunity for the nation to show its strength and its unity. God bless America.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of this resolution honoring the patriots of September 11, 2001. A year ago, our nation suffered a terrible blow. Thousands of our friends and neighbors were lost in an attack by terrorists who despise America and all it represents.

This morning, many of us in Washington came together at the Pentagon Observance to comfort and pray for all of those who are experiencing renewed memories of the pain and anguish of that tragic day.

This afternoon, we come to reaffirm our resolve to stand strong for the ideals of liberty and unity.

September 11, 2001 was one of the worst days in our history. It was also one of our finest hours. That day, America showed the world that, through the spirit and courage of the American people, this great nation did not and will not crumble despite those who try to tear it down.

Many people were heroes that day. Some of their stories have been told, but many acts of courage will never be known. Emergency responders braved fire and flames to climb the stairways of the World Trade Centers in New York City to help people evacuate. Ordinary office workers carried strangers down hundreds of stairs to safety.

At the Pentagon in Washington, DC, military and civilian personnel went into the inferno over and over again to rescue their coworkers who were trapped.

Heroic passengers abroad Flight 93 sacrificed their lives on a field in Pennsylvania to prevent the deaths of hundreds more of their fellow Americans.

Yet even while the Pentagon burned and the World Trade Center towers fell, we were already preparing our response to this act of war. On the other side of the Pentagon, the military was making its plans. Within an incredibly short time, Congress came together in a bi-partisan manner and quickly passed historic legislation to secure our homeland and our skies.

Many of our allies pledged to stand with the U.S.A., in our war against terrorists. We will always remember those nations who have fought by our side in this war.

A year later, we have accomplished much. The Pentagon has been made whole. The rubble at Ground Zero has been cleared. Al-Qaeda has been defeated and stripped of its power base in Afghanistan. Our brave servicemen and women, together with Allied Forces, are far from home, but are proudly carrying out their mission of destroying what's left of Al-Qaeda's terrorists.

Today, as we remember the patriots of September 11 and mourn their loss, let us never compromise the ideals of liberty for which they, like so many Americans before them, have died. Let us honor them by remaining strong in our unity and in our diversity. Let us always remember that good overcomes evil and darkness is always followed by light.

The American flag represents freedom and still proudly waves. With our strength and resolve, we shall remain united in freedom . . . "one nation, under God, indivisible, with liberty and justice for all."

Mr. PASCRELL. Mr. Speaker, today, all across this great land, we honor the memory of those who lost their lives as a result of the terrorist attacks of September 11th, 2001.

We honor those who were taken from us by cowardly murderers, the very worst of human kind, simply because we are a free people. This 1-year anniversary is indeed a day of deep reflection and remembrance. I am not sure if the American family will ever come to terms with the visions of our brothers and sisters, our sons, and daughters, our mothers and fathers, being victimized by the despicable acts perpetrated by the evil and the cowardly. But I am sure that our love of country, our love of each other, will help us continue to recover and respond.

We remember and we mourn today. Those we lost will forever be in our hearts and minds. Our lives now are about making sure theirs were not lost in vain, about ensuring their values, their ideals, and their spirit always endure. We will also never forget what we saw in the immediate aftermath of the attacks. We saw—amid the carnage, amongst the destruction—the amazing heights of benevolence and decency and courage that mankind can offer.

What we saw was America.

Within moments of the first attacks, our first responders entered buildings without reservation in an attempt to save others—and they did so knowing full well that they themselves may never exit. Everyday Americans became extraordinary heroes to people they had never met before. Our eternal gratitude will also be extended to the passengers of United Flight #93 who prevented it from being used as a weapon against America.

As we mourn the victims and honor the heroes of September 11th, we must be resolute in our efforts to ensure that we protect and defended this nation against all those who would do us harm. And we must never forget what it means to be an American—to cherish the principles of freedom, democracy, and human rights for all. It is what separates us from them.

Across our nation, in synagogues, Roman Catholilc Churches, Presbyterian chapels, Baptist meeting houses and mosques, words of comfort, hope and grief will echo from pulpits. At dinner tables across this nation, families will grieve, and they will love each other. It is what we should do on this day.

America is vast and diverse, but today we are united as never before in our history. The victims of September 11 came from 735 towns and cities in 40 different states, all members of one American family. My district lost wonderful people, brothers and sisters, fathers and mothers, dear friends. As our nation pays tribute today, I think it is appropriate to enter the names of the 54 individuals from my district who died a year ago today.

You will never be forgotten.

Daniel Affilito; John Candella, Lt. Robert Cirri, Caleb Dack, Antoinette Duger, Edgar Emery, Barry Glick, Emeric Harvey, Howard Kestenbaum, David Lee, Ming Hao Liu, Robert Murach, Eshtesham Raja, Linda Rosenbaum, John Skala, Jorge Velázquez, Leah Oliver, Paul Lasczynski.

Cesar Alviar, Kyung Cho, Robert Coll, Robert Deraney, Luke Dudek, William Erwin, Tim Graziozo, Zhutu Ibis, Lauren Kestenbaum, Craig Lilore, Joseph McDonald, Ed Murphy, Steven Roach, Daniel Rosetti, Michael Stewart, Douglas MacMillan, Dorota Kopiczko, Catherine Nardella.

Paul Aquaviva, Kirsten Christophe, Michael Collins, Georgette Deraney, John Eichler, Christopher Faughnan, John Graziozo, Donald Jones, II, Franco Lalama, Ken Lira, Craig Montano, David Pruim, Leo Roberts, Norman Roosinow, Francis Trombino, Marsha Rodriguez, Robert Cordice, Linda Walker.

Mr. MARKEY. Mr. Speaker, I rise as one of the hundreds of cosponsors of this resolution today to commemorate the victims of the terrorist attacks on September 11, 2001, and to honor the families who grieve and the heroes who served on that terrible day in American history.

American Airlines Flight 11 and United Airlines Flight 175 took off for the West Coast early in the morning from Logan Airport in Boston. The Al Qaeda terrorists hijacked and redirected these planes into the Twin Towers of the World Trade Center, a crossroads of international trade and commerce.

In Newark, New Jersey, and in Washington, DC, similar teams of terrorists aimed Flight 77 towards the symbol of American strength, the Pentagon, and took Flight 93 toward the symbol of American democracy, the Capitol dome.

We remember and honor the brave men and women aboard Flight 93, who overwhelmed the Al Qaeda operatives of Flight 93 to prevent a devastating fourth blow to America—an attack on this very Capitol Building. Instead, they crashed that plane into a field in Pennsylvania and saved thousands of others from the tragedy that was visited upon the Pentagon and the Twin Towers.

The resolution we will pass today commemorates this day in American history and the more than 3,000 lives lost—some 93 from the Commonwealth of Massachusetts alone. But the resolution also honors all those who became America's new heroes—the policemen, firemen, rescue workers, medics, and volunteers who toiled that day and days afterward to pull victims out of the wreckage.

President John F. Kennedy said at his inauguration, "In the long history of the world, generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it! I do not believe that any of us would change places with any other people of any other generation. The energy, the faith; the devotion which we being to this endeavor will light our country and all who serve it and the glow from that fire can truly light the world."

Our new American mission is clear—we must never forget those who died a year ago today on September 11. We must not rest until those who committed these terrorist acts are brought to justice. And we must protect our country, all its citizens, from all that threatens democracy and freedom—for these are the fires that have lit the world.

Mr. KINGSTON. Mr. Speaker, on this day I believe we have the duty to remember all the ones who died on 9/11 and all the ones who have died in Afghanistan and elsewhere as a result of this war on terrorism.

As one stares at Ground Zero today, it looks like any other large building construction site in any other large city in America. There is raw dirt, a fenced perimeter, earth moving equipment going about and hard hat workers milling to and fro, and if you didn't know better you'd keep driving by. But upon close inspection, you notice all the buildings around it have brand new facades, you notice also a new bike path, you notice the road has been redone and much of the surrounding infrastructure. Then you notice another building, an historic building, that was located right next door; it's covered with soot, its windows are cracked and it's still boarded up. This building makes a quiet but solemn statement that sets the tone because as you look at this site you know that it's not just any other construction site, there is an eerie stillness about it. Rudy Giuliani has called it a cemetery but it's more than that; it's a battleground, just like Manassas or Gettysburg. A great battle has been fought here and the feeling of reverence one gets is universal.

Like all Americans, I remember that morning's events. I was in Washington, DC. As we watched in disbelief the horror of New York City, we were soon disrupted by an explosion at the Pentagon. We evacuated our building, and went onto a chaotic street scene, where we were told that the Capitol was under attack, that the Mall area had been hit, the State Department and the Sears Tower. Later that night, Congress gathered on the steps of the Capitol and sang "God Bless America." It was a moving American moment. Later in the week, Congress attended a church service at the National Cathedral with Presidents Carter, Ford, Bush, and Clinton. President George W. Bush spoke, as did Billy Graham. Then, on Sept. 20, President Bush addressed the nation. The sense of Americanism had never been stronger.

But of all these moments and all these experiences, none struck me, nor it seems anyone else in America, as deeply as the photos and images of the firefighters and policemen rushing up the steps of the World Trade Center at 9:30 the morning of the attack. It was there and then at that moment that Osama bin Laden was defeated. He had underestimated the American spirit as these brave men rushed to rescue people that they did not know, people who they did not see socially, people who probably would not even eat lunch with them, and yet they were Americans, and that was all that counted to the hundreds of firefighters, police officers and public safety workers who put their lives on the line.

Of the hundreds that died, many people don't know that sixty of them were off-duty. One such fireman had a nine o'clock tee time on the golf course. He was already on the golf course, in anticipation of a joyful day of golf, when he heard the news. Without even calling in, he threw the clubs in the trunk of his car and drove to the precinct to report. His body was found at four o'clock that afternoon.

At another fire station, six men were getting off duty having pulled an all night shift. Their fresh replacements were just finishing up with breakfast when the alarm sounded. The six new ones and the six off duty all jumped on board the fire truck and, of the twelve of them, not one made it back. Such was the spirit the of volunteerism that day. In fact, one precinct asked the Mayor's office to quit sending the call for more recruits since they were already too crowded with men and women who had stepped forward to answer the call.

On this day of observance, we should remember this lesson about being on and off-duty. For freedom does not wait for the on-duty only. If you and I are to preserve and protect freedom for the generations to come we must do it 24 hours a day 7 days a week. That is the best way to commemorate those who died on September 11, and our soldiers who have died in Afghanistan and everyone else who has suffered and sacrificed for this great land of liberty.

Mr. ISSA. Mr. Speaker, I rise today to thank the city of Leidschendam-Voorburg in the Netherlands for their act of friendship towards their sister city, Temecula, California.

As a way to express their sentiments of sorrow and sympathy for the events that occurred on September 11 the citizens of Voorburg have graciously donated the Statue "Singing in the Rain" by Frans Kokshoorn to the city of Temecula. The residents of Voorburg donated thousands of dollars to have this statue built and shipped to Temecula for its installation on this day of remembrance.

Mr. Speaker as we reflect on the events of 1 year ago, I would like to join the city of Temecula in thanking the city and citizens of Leidschendam-Voorburg for this genuine gesture of kindness during a difficult time for every American.

Mr. WALDEN of Oregon. Mr. Speaker, today we gather together as one people united in observance of the greatest tragedy in American history. We do so mournful of the staggering loss of life we suffered that terrible day one year ago and humbled by the heroes whose courage lifted the spirit of a grieving nation.

The attacks of September 11 offered us a grim view of the evil capacity of mankind, just as it showed us the triumph of the human spirit and the resilience of the American people. In the heroism of the firemen and policemen of New York, who rushed into burning buildings without regard to their own lives, we saw barbarism met with humanity. In the bravery of Pentagon personnel, who pulled their wounded comrades from the fiery ruins, we saw wickedness met with honor. And in the defiance of the passengers of Flight 93, who sacrificed their lives to deny victory to murderers, we saw cowardice met with valor.

While a year has passed since the Twin Towers fell and the symbol of America's military strength was breached, we remain numb to the magnitude of the suffering wrought by evil men. And while our grief subsides with time, it never leaves us completely. The emotions that swept over us that awful day—horror, sadness, fear, and anger—still come creeping back to remind us that the scars of September 11 will never fully heal.

But just as the terrorists dealt us a grievous wound, they also succeeded in uniting the American people like never before. We have renewed our faith in our system of government and reaffirmed our commitment to the spread of freedom and justice around the globe. And we have been reminded that whatever differences separate us, we remain a profoundly unified people.

Mr. Speaker, in the years ahead, the attacks of September 11 will be remembered not merely as an unspeakable tragedy, but as a date that triggered a renewal of the American spirit. As we move forward in our battle against the perpetrators of evil, we will proceed with the unshakable certainty that America's brightest days lie ahead. God bless you, and God bless America.

Mr. SHUSTER. Mr. Speaker, I rise today to share with you and all of my colleagues a poem written by Mr. Bruce Starr of Warfordsburg, Pennsylvania in remembrance of the tragic events of September 11. Mr. Starr's poem eloquently speaks of the spirit and the sense of unity that is America.

I AM AMERICA

(By: Bruce A. Starr, Warfordsburg, PA)

I AM a most magnificent land of dreams with wondrous opportunity of fabulous wealth.

I AM holding a vision for all of happiness and radiant health.

I AM loving and caring for children of God everywhere, and my generous sharing is beyond compare.

I AM bringing hope and courage to many for a really fresh, new start.

I AM the joy of freedom that beats from my heart.

I AM a powerful light of spirit which gloriously illumines the earth.

To peace in the valley, I am graciously giving birth.

I AM patiently awaiting everyone's communion, for our gentleness and strength abides in union.

I AM the truth and beauty that sets souls free, and

I AM guarding and protecting your God-given right to be!

For after all, "I AM America!"

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of the Bayshore Patriots, a group of four proud Americans from Tampa whose patriotism inspired thousands of people from across Tampa Bay to join together this morning for "Flags Along Bayshore: Tampa Remembers 9–11," an event to remember those lost in the September 11 attacks and honor those who protect and serve our nation every day.

The Bayshore Patriots—Linda Alfonso, Julie Sargent, Julie Whitney, and Bill Hamblin—have gathered every Friday afternoon since September 11th to wave flags on Bayshore Boulevard in Tampa, a major route for service men and women who work on MacDill Air Force Base. Through their simple act—the waving of a flag—this group has shown their support for troops in the Tampa Bay area and sent a message that terrorism will not destroy Americans' love of country. The Bayshore Patriots' spirit and dedication has invigorated the Tampa Bay community as more and more flag wavers join the group each week and passing motorists honk their horns in support. General Tommy Franks, Commander in Chief of U.S. Central Command, based at MacDill, has seen the group on this way to work and stopped to show his appreciation for the group's efforts.

When the Patriots decided to organize a September 11 tribute, with the hopes of having all 4.5 miles of Bayshore Boulevard lined with Tampa residents all waving flags, they were overwhelmed with support. Local businesses volunteered time, money and services to make the event possible, and people from every corner of our community signed up to wave flags and participate in the event, which was scheduled to include a keynote address by General Franks, patriotic songs, and remembrances. A steady downpour may have interrupted the program, but nothing could have dampened the resolve of the participants.

The Bayshore Patriots have taught us that we all can make a difference in the war on terrorism. They started as just a few voices calling out in patriotism and support for those impacted by September 11, but today, they were joined by a giant chorus of voices—men, women, and children from all walks of life singing in harmony. On behalf of the Tampa Bay community, I thank Linda Alfonso, Julie Sargent, Julie Whitney, and Bill Hamblin for their inspiration.

Ms. DELAURO. Mr. Speaker, I rise in the strongest support of this resolution. Our nation has endured so much pain—so much hardship and grief since we were attacked a year ago. Simply put, our world changed irrevocably. More than three thousand lives were lost, and today, America remembers their powerful legacy of courage.

Today, there remains a profound sadness in America, a sadness that will surely endure as spouses, parents, and friends across the nation continue to mourn their unfathomable loss. But in these last twelve months, Americans have begun the healing process—a process that continues to this day, inch-by-inch, hour-by-hour. That resilience is, perhaps, the ultimate symbol of the indomitable strength of the American spirit.

All of us were touched by the tragedy of September 11th, including so many from my home state of Connecticut. It was something that once again hit home for me two days ago, when I attended a ceremony dedicating a garden to the memory of three brave men from Milford, Connecticut, who perished in the World Trade Center. The ceremony was particularly moving because, in the World Trade Center bombing of 1993, one of these men, Seth Morris, had carried a pregnant woman 103 floors to safety. His was the kind of bravery we now understand is at the core of what it means to be American. It was the same heroism we saw in the firefighters and police officers who ran into the burning buildings while others ran out, and in the heroes on Flight 93 who made the ultimate sacrifice to save others. These personal stories are now a part of our ongoing national story.

The anniversary of September 11th serves as a reminder to all Americans that our nation has changed forever. We are now so much more aware of our freedoms and liberties, our strength of diversity and collective purpose. Our commitment to freedom and our strength as a nation has never been on fuller, broader display.

As our world has changed, so too has the workings of this great body in the last year. When it comes to protecting our people, Congress has spoken with one voice—powerful, determined and compassionate. Many here will remember when this body joined on the steps of the Capitol to spontaneously sing "God Bless America" on this day a year ago. Then, we said to those who had attacked us, "You will not dampen our spirits, you will not break our will."

And now, after a year of grief, unbearable sadness and the beginnings of the healing process, we have a similar message to share with the whole world: our spirits have not been dampened, and our will will never be broken.

That is what this resolution is about—reaffirming that commitment to protecting our American way of life and our dedication to making our nation not only safer, but stronger. For representatives of the American people, there truly is no higher calling.

Ms. LEE. Mr. Speaker, as we pause to remember the horrific and tragic events of September 11, 2001, let us honor the memory of the innocent men, women, and children whose lives were lost on that fateful day. The families, victims, and survivors are in our hearts and prayers as we support efforts to rebuild and recover from such senseless, inhumane, and inconceivable attacks.

We are filled with admiration for those who willingly rushed into danger to try to save others—the firefighters, police officers, rescue workers, and ordinary Americans who proved to be most extraordinary. They raced up stairs, they ran into burning buildings, and they brought down a plane to save others.

We pray that our young men and women in our armed forces who are putting themselves in harm's way will return safely to their families and friends. In the last year, they have stood watch to keep us safe, and we are profoundly grateful.

To say America suffered a terrible blow is an understatement. Since that terrible day we have slowly been recovering from our profound sense of shock. The walls of the Pentagon have been reconstructed. The terrible devastation at the World Trade Center has been gradually, painstakingly cleared away.

Out of the ashes of loss, we must reshape a future, a world free from horror and hatred, one that offers security for our children and future generations. To shape the future, this better world, let us recommit ourselves to justice and peace. As we rebuild the Pentagon, memorialize the World trade Center, and journey to a pasture in rural Pennsylvania where the men and women of Flight 93 gave their lives so that others might live, let us emerge more dedicated to peace, more aware of the world around us, and more secure.

Let us maintain the spirit of unity, of neighborly concern, of friendliness toward others, and of service that was so profoundly displayed in the aftermath of 9–11 and keep it alive and well. Let us hold on to the spirit that led us to stand in line for hours in order to donate blood because we so wanted help. Those values exemplify true patriotism and demonstrate what is best about America.

I am reminded of the words of a song, which has been sung so often, by so many, which beings, "Let there be peace on earth and let it begin with me. Let there be peace on earth, the peace that was meant to be."

Let us remember that hymn as we remember those we lost. Let us keep them as a constant reminder to be our own best selves, to stand up for democratic ideals, to work for peace, disarmament, and security, and to continue to display the love and courage that they shared with us one year ago.

Mr. EVANS. Mr. Speaker, the devastating acts committed against the United States on September 11th will never be forgotten. Today we remember those who perished in the attacks and extend our continuing support to their families. We honor and thank thousands of individuals—doctors and nurses, police and firefighters, military personnel, volunteers and blood donors and others—for their incredible acts of valor and courage and service to our nation. We salute postal workers and letter carriers who were threatened and felled by a threat they never saw. They, too, were innocent victims of these horrific acts.

Our thoughts this day are with the men and women in uniform half a world away. They are on duty to preserve and defend our nation against the scourge of terrorism. We honor their service and thank them from the bottom of our hearts.

Since September 11, our country has stood united in its resolve to overcome these horrific acts. I and fellow Members of Congress have joined together and supported President Bush in the war against terrorism. We have taken steps to make our country safer, assist those who have been affected by these acts of terrorism, and give law enforcement and the military the resources necessary to protect us from further acts of violence.

Those who carried out these acts can try to attack our way of life and democracy, but they cannot and will not defeat it or destroy it. We will continue to work together to ensure that these acts will never be perpetrated again.

Terrorism can never undermine our national spirit and character. We are a great nation. We are brave and courageous people. The values that guide us remain unbent and unbroken. They will endure.

Throughout our history, we have met great challenges. In every instance, we have overcome every test, every danger. And each time we have moved forward a stronger, greater nation with a brighter future.

This solemn anniversary reminds us of a great tragedy. But it also helps reinforce our national strength and what it means to be an American. Our purpose and resolve are undeterred.

Mr. LUTHER. Mr. Speaker, the tragedy of September 11th is a stark reminder of the dangerous world in which we live and the risks faced by people who are firmly committed to democracy, freedom and opportunity for all, as we Americans are.

As we recognize the one-year anniversary of these attacks, it is important to remember and honor the victims and survivors, their families and loved ones. But we should also remember the amazing acts of bravery, kindness and self-sacrifice that took place on September 11th: citizens helped each other, firefighters risked their lives to save those of others, Americans participated in food and blood drives and other efforts across the country.

The day was one of unspeakable horror, but also one of triumph. We Americans committed ourselves to gaining from this tragedy. As difficult as the time was, we resolved to work together to become stronger as a nation.

Events of this past year since the attacks remind us that we can easily lose the spirit of September 11th as we go about our daily business. At times we may have forgotten the feelings of national unity and pride that came in the immediate aftermath of September 11th. But in order to continue America's mission in the world, we must continue in that spirit and work together as Americans every day.

I along with my family and staff join all Americans in remembering the loss of that day and in thanking Americans for their many contributions in the face of tragedy. To truly honor them and the nation we love, we must continue in the spirit that followed September 11th and work together to ensure peace, justice and prosperity for all.

Mr. NEY. Mr. Speaker, whereas, September 11th was a day that impacted everyone in the United States of America in a shocking and terrible way; and,

Whereas, September 11th also became a pivotal event that unified all Americans, strengthening our communities and nation in amazing and inspiring ways; and,

Whereas, the committee of Phil Wallace, Marian Klier, Dorothy Powell, and Marian Martin are to be commended along with the community of Martin's Ferry for seeking to honor and remember those who lost their lives that day; and,

Whereas, this anniversary of September 11th calls for solemn remembrance, gratitude, patriotism, and most importantly a celebration of the indelible American spirit;

Therefore, I join with the residents of Martin's Ferry and the entire 18th Congressional District of Ohio in remembering those who died and thanking those who became heroes with perseverance and American pride.

Mr. MORAN of Virginia. Mr. Speaker, I rise today on the first anniversary of 9/11, a day which changed America's history.

For the past 12 months, this nation has collectively experienced a full range of emotion, from the initial fear and uncertainty of that fateful day, to anger and outrage at the loss of American life and the violation of two of our nation's most recognizable symbols. We have mourned and continue to mourn for the victims of this horrible attack. Their families and friends are constantly in our thoughts and prayers. Embedded firmly in my mind is the image of streams of people who came to the ridge overlooking the Pentagon to pay their respects and sanctified that hill with flowers, candles and notes of remembrance.

Yet, in the midst of all the sadness, Americans have sought an outlet for their grief by renewing their sense of community service and patriotic pride. Our country, which has a strong history of bridging many differences, has become one. In Northern Virginia alone, we witnessed friends, neighbors and colleagues coming together to help rebuild and unite. With the round-the-clock dedication of the Pentagon Renovation team, the revival of the Pentagon has served as the quintessential symbol of our country's resilience and renewal. A special debt of gratitude goes out to those workers and planners who orchestrated this rebuilding.

As we bear witness to the powerful images and experiences of the past year, we are proudly reminded of what it means to be an American. The heroic acts of the firefighters, police officers and emergency responders who rushed into the inferno of the Pentagon and World Trade Center Towers to save lives, touches a special place in all our hearts. It is a place where love of country and for our fellow man is second nature. This unique American spirit is what wills us to go the extra mile and put our lives on the line for what we know is right.

So, Mr. Speaker, on the one year anniversary of September 11th, let us honor the many sacrifices that have been made by our police, firefighters, emergency responders and our men and women in uniform. Their efforts to heal, protect and preserve this great nation deserve the utmost respect and admiration.

Mr. FALEOMAVAEGA. Mr. Speaker, although the scope and severity of the terrorist attacks on America make it difficult to know how best to memorialize those who were lost on September 11, 2001, I rise today to pay tribute to the passengers of United Flight 93 who courageously thwarted an attack on our nation's Capital.

To the firefighters of New York City who gave their lives to rescue others, I join with my colleagues in saying that you will always be our heroes. To the World Trade Center victims, we mourn your passing. To those who died at the Pentagon, we will not forget you. To every man and woman serving in the U.S. Armed Forces, we stand by you. To our friends and neighbors across the globe, we thank you for supporting us in a time of need. For every American who has made the ultimate sacrifice and those who continue to risk their lives in order to save others, our Nation stands forever grateful.

We are one Nation, under God, united in our resolve to defend freedom in the aftermath of the September 11, 2001 terrorist attacks on America. As President Franklin Roosevelt said, "We will not only defend ourselves to the uttermost but will make very certain that this form of treachery shall never endanger us again. With confidence in our Armed Forces, with the unbound determination of our people, we will gain the inevitable triumph, so help us God."

Mr. Speaker, I commend President George W. Bush for his leadership in securing our homeland and strengthening America's resolve to triumph over terrorism. I also commend the Honorable Colin L. Powell, U.S. Secretary of State, for his untold achievement in strengthening our alliances. I commend the Honorable Donald H. Rumsfeld, Secretary of Defense, for mobilizing our troops and protecting U.S. interests overseas. I commend the Secretary of Transportation, the Honorable Norman Y. Mineta, for his decisive action to ground all planes and avoid further tragedy on September 11, 2001.

I also commend my colleagues in both the House and Senate. I commend both Republicans and Democrats. I commend all Americans united in their resolve to end the threat of terrorism for future generations.

On behalf of the people of American Samoa, I rise today to say that we will always remember the heroic actions of those who gave their lives so that we might live. We stand united in our resolve to defend freedom. Like all Americans, we join in prayer and proclaim September 11, 2002 as a day of Solemn Observance.

I commend the Honorable Tauese Sunia, Governor of American Samoa, for proclaiming Wednesday September 11, 2002 to be a Day of Solemn Observance throughout the Territory. All flags will be flown at half-mast. Memorial services will start in the Territory at sundown on Tuesday, September 10, 2002 and will end with the last service set for 6:00 p.m. on September 11, 2002.

During this time, American Samoa will participate in a worldwide choral event. Choirs in every zone around the world will perform Mozart's Requiem at 8:46 a.m., the exact time of the first terrorist attack on America. American Samoa will represent the last time zone on the globe and the American Samoa Community College Choir will be the last choir on earth to sing Mozart's Requiem during this worldwide, commemorative service.

I applaud the volunteers from the Seattle Symphony Chorale who organized this worldwide event to pay homage to the victims, survivors, and heroes of September 11, 2001. I also commend the students, staff, and faculty members at the American Samoa Community College for representing American Samoa on this historic and solemn occasion.

I also express my deepest gratitude for those serving in the U.S. Armed Forces during this critical time in our nation's history. I am pleased to say that the sons and daughters of American Samoa serve proudly in the U.S. military and, per capita, there are probably more soldiers in the U.S. Army from American Samoa than any other State or U.S. Territory.

I thank the sons and daughters of American Samoa for answering the call to serve. I pray for them. I pray for their families. I am painfully aware of the sacrifices they are making. I am very mindful of the dangers they are facing. Some thirty years ago, I served in the Vietnam War. As a Vietnam veteran, I remember all too well what it is like to be separated from loved ones. Each day, I wondered if I would ever see my loved ones again or if I would be among the thousands to return home in a body bag.

By the grace of God, I returned home safely. I now pray that the good Lord will watch over the brave men and women of American Samoa who are also willing to pay the ultimate sacrifice so that future generations may live in peace.

On this day of Solemn Observance, in this sombre time of remembrance, my thoughts and prayers also go out to all those whose lives have been changed by the tragic events of September 11, 2001. May we always stand together in the defense of freedom and may God bless America.

Ms. SOLIS. Mr. Speaker, I rise today in remembrance of one of the most horrific events in our Nation's history.

Today we honor the thousands of innocent people who lost their lives in the World Trade Center, at the Pentagon and aboard Flight 93 a year ago and salute with great pride the many rescue workers, medical personnel, and firefighters who risked their own lives to save the lives of others.

September 11th is a very emotional day for Americans of all walks of life and it is especially difficult for those who were directly impacted in one way, shape or form. My heart goes to out the survivors, their families and all who were affected—emotionally or physically—by this event. I know it has not been an easy pain to bear.

Last year's terrorist attacks shook the sense of security we have come to take for granted in our daily lives. Although our country will never be the same, we have a renewed sense of commitment and are dedicated now, more than ever to upholding our freedoms and liberties. Our country, with all its diversity, stands united to prevent such a tragedy from happening again.

Mr. Speaker, I ask for a moment of silence in remembrance of those who were lost. May God bless America today and ever more.

Ms. SLAUGHTER. Mr. Speaker, I rise to join my colleagues in remembering the terrorist attacks of a year ago and paying tribute to the victims, the survivors, and the American spirit.

One year ago today, almost three thousand Americans lost their lives in a series of despicable attacks. These acts were carried out by a group of people who hated everything our Nation stands for, and who sought to destroy the symbols of our freedom and prosperity.

Despite the destruction they were able to inflict, these terrorists actually achieved the opposite of their intended goal. Instead of dividing us, they united us as never before. The evil of a few was met by the courage of thousands, and the generosity of millions.

The day of the attacks witnessed countless instances of unflinching, selfless courage at the sites in New York, Pennsylvania, and the Pentagon. Workers in the towers and at the Pentagon helped each other through the evacuation. Firefighters, law enforcement officers, and emergency personnel rushed to the scene, heedless of the danger to themselves.

Teachers shepherded children to safety; not a single child at the World Trade Center or Pentagon day care centers was harmed. And no one will ever forget the heroism of the passengers who crashed Flight 93 rather than allow it to continue to its intended target. The world watched in humbled awe as ordinary Americans performed extraordinary acts.

The following days and weeks saw another quintessential American trait expressed: our generosity. Millions of Americans contributed goods, services, and funds for the rescue effort. Equipment, food, and supplies poured into the City of New York. Over a few short weeks, millions of dollars were donated to the families of the victims of the attacks. Children held penny drives and car washes; businesses had fundraisers; corporations opened their coffers. No sooner was any need made known than it was met, often to overflowing.

The trials of September 11 proved that our Nation's motto still holds true—E pluribus unum. From many, one. From many individuals, many cultures, and many ideals we stand together as a single nation, united in purpose and resolve. Like steel tempered in fire, the challenges of this ordeal have made us stronger.

Today, we pay tribute to all those who were lost a year ago, and to those they left behind. My district of Monroe County, New York, bears its share of the collective grief. Pittsford businessman Thomas Duffy was at an early morning meeting in the towers and perished. The Vincent family lost their 24-year-old daughter, Melissa, who had just begun a career with Alliance Consulting. Several other constituents lost children, brothers, and sisters. Many lost friends and loved ones. None of these families will ever be the same again.

The best homage we can pay is to ensure that these people did not die in vain. We have already taken significant steps by removing the Taliban regime in Afghanistan, pursuing terrorists across the globe, and improving homeland security. But we can and must do much more.

Many vital security needs still must be addressed. We must pursue a long-term strategy for rooting out terrorism and eliminating the conditions that allow it to thrive. Our public health infrastructure must be rebuilt and strengthened. Perhaps most of all, however, we must rededicate ourselves to principles of freedom and democracy. Our precious liberty can never be taken for granted. We must find the delicate balance between protecting our security and preserving our freedom.

Finally, we must pay special attention to the needs of our children in these difficult times. Too many of our children across the Nation were traumatized by the terrorist attacks, and many remain anxious and fearful. These events must not be allowed to poison an entire generation. We must ensure that our children receive the aid they need to face the future happy, healthy, and secure. Terror is indiscriminate, and the young are especially vulnerable.

I join my colleagues in paying tribute to all the heroes of September 11. Our honored dead will not be forgotten. Their families shall not be alone. We, the survivors, will carry their memories in our hearts and live their legacy through our actions.

Mr. KLECZKA. Mr. Speaker, it was one year ago that we first shared that sense of inimitable sadness upon learning that thousands of our fellow Americans were suddenly and unexpectedly lost to us forever. They met their ends in the fields of western Pennsylvania; at our national military headquarters in Washington, DC; in two of the world's tallest office buildings in New York City. Some were sitting down for work, or simply taking a plane trip when the unthinkable occurred. Hundreds of others, heroes, were taken from us as they selflessly struggled to bring others to safety.

We came together today to honor their memory. In churches, synagogues, mosques, schools, homes, and workplaces across the land and around the world people will observe moments of silence in solemn remembrance. We pray for those left behind, whose lives are scarred forever with the loss of loved ones. We ask God for healing for them and for our country.

We also gather as a nation to lift our voices in song. While uniting us across the miles, our shared music today not only pays homage to the lives lost, but reaches out to embrace the grieving. The songs give us a shared strength by allowing us to publicly reaffirm the triumphs of our humanity over terror, of community over hatred, of rebuilding over destruction.

May today's remembrances bring honor to the memory of those who died one year ago, healing to the wounded of body and spirit, and the blessings of courage and strength for all who remember.

Ms. HART. Mr. Speaker, on this fateful day last year, the cowardly acts of terrorists tried to divide this Nation and destroy the American way of life. Instead they united us, and Americans rose above the ashes to show the indomitable spirit that makes this Nation so great.

Thousands of lives were lost that day, but millions of us answered the call of a nation under attack. The volunteers who helped the victims and families, the outpouring of donations—these are the shining examples of what we are capable of when our country needs us most.

President Bush asks us to honor the memory of those lost "by pursuing peace and justice in the world and security at home." While September 11 was a tragic day, we must also acknowledge the historic outpouring of charity and sacrifice by all Americans to those in need.

The war on terrorism is not concluding; it has only just begun. President Bush made it very clear that whenever there is terrorism in the world, the United States cannot rest. This is a war that we must remain united in—united and prepared for the challenge to defeat those who use terror and fear to oppress and destroy.

Those who perished on September 11 will forever remain in our memories and in our hearts. It is up to us to protect liberty and freedom for all future generations.

God Bless America.

Mr. PHELPS. Mr. Speaker, on the night 9–11–2001, when all the Members of the House and Senate gathered for that historic press conference to assure the American people that we had not run from the terrorists and were doing the business on behalf of the American people, that which we were elected to do, I was inspired to write these words and set them to music.

I believe my song expresses much of the sentiments of the American people that we will and must respond when threatened or harmed. We will defend the deepest principles of freedom and our Nation's heritage.

Especially on behalf of those brave people, our heroes: the firemen, policemen, emergency medical teams, our postal workers, the Pentagon workers, and those who were aboard the hijacked planes, HERE WE COME! With you in our minds, and in our hearts, and for everything which this country stands!

"HERE COMES AMERICA!"

The greatest of all nations, where freedom was born
through wars and sacrifices tested, tried and weary worn.
We stand for truth and justice, and our aim is strong and sure.
The red, white and blue waves on for freedom we shall endure

Here comes America on strong.
God bless America's her song.
United more than ever now.
In prayer to God we humbly bow
for freedom's cause we will not fail.
Over fear we shall prevail.
Let Old Glory Wave.
HERE COMES AMERICA

When liberty is threatened, we'll defend the people's will.
Though heroes have fallen, our resolve we shall fulfill.
A forgiving, loving people, pursuing peace and happiness
but if harmed or terrorized, Comes the Eagle From Her Nest.

Mr. GRAVES. Mr. Speaker, on September 11, 2001, America awoke to the worst terrorist attack in history. As we went to work and school, we left with a feeling of security that we have long since forgotten. By the time we returned to our families, our lives and our Nation had forever changed. It had been many years since America felt so insecure, so vulnerable. On that morning, the American people's resolve was put to the ultimate test. Everything appeared to be so uncertain that day. Who would do such a thing? Why would they do it? Is there more to come? How can I protect my family?

But there was much that was certain that day. America made a promise to the victims and their families, to future generations of Americans, and to the world. The American people promised that this action would not go unanswered. We promised that this action would only strengthen and unite us, not divide us. We would respond forcefully to those who were responsible while tending to our neighbors, our fellow countrymen. Together, you and people across northwest Missouri and our Nation donated blood for the victims, and donated money for their families. Together, we prayed for those who lost so much that day. We prayed for our soldiers who stood ready—preparing to defend our freedom.

As we stop to remember that terrible day, some of the pain and fear has subsided. But our determination to defeat those who seek to terrorize us must never fall victim to the passage of time. In the coming months, the American people will face a choice: live up to our responsibility by making tough choices and sacrifices to continue our assault on terrorism, or quit now and hope that they choose to stop planning future attacks. The American people should never have to endure such a tragedy again. As we have learned over the past year, we can do something about it. We must never mislead ourselves that we have to wait to be attacked again to continue our defense from terrorism. The more than 3,000 lives lost is all the justification we need to have to defend against a certain threat of terrorism. The United States must remain vigilant and prepared, so that we remain forever free.

Mr. PENCE. Mr. Speaker, the United States of America is founded on the fundamental principle that all citizens have the inalienable right to life, liberty and the pursuit of happiness.

The United States of America stands as a beacon of freedom and opportunity for everyone regardless of race, creed or religious belief.

The strength and vitality of the United States of America is in the diversity of its people, the diversity of its ideas, the freedom to express those ideas and the opportunity to achieve one's potential and direct one's destiny.

Mr. Speaker, these ideals and principles are absolute and will not be surrendered or weakened by the cowardly acts of terrorists who fear the sunshine of freedom and the responsibility it brings.

Let is forever remember that the date September 11 reaffirms the principles for which the United States of America was founded and that on this day each year freedom shall ring from every community in this great land and the Voice of America will be heard around the world.

Mr. BECERRA. Mr. Speaker, a year ago I stood on this same floor of the people's House as the ruins still smoldered, the families still prayed and hoped, and all of us searched for ways to explain and prepare for the events that were to unfold. I will never forget that feeling of collective will which permeated this Congress to act to bring to justice those who committed these heinous crimes.

America will never forget September 11th, 2001. In its tragedy, in its despicability, and in its lessons and impact on our way of life, it represents a singular moment of history. But what really do we remember about this event? And for today, the first anniversary of 9/11, perhaps the best question is: What should we remember?

Mr. Speaker, my answer to that is: Let us remember the mothers and sons, the brothers and sisters, who perished on September 11, by remembering, today, to touch our own mother or son, our brother, our sister.

We will never forget the firefighters, police officers, and volunteers—the heroes of September 11th. Let's prove that by not forgetting to extend a hand to our heroes in uniform, who protect us today.

And let us commemorate 9/11 and honor our fallen by forever defending and living up to the ideals embodied in our Constitution. Our way of life may have been challenged, but it has not been compromised. We can prove to the world that in triumph or tragedy, we shall be a nation of laws.

As I stood on the Floor of the House a year ago I asked: How do we explain this barbarous act of terrorism to our children? I did not believe then, nor do I believe now, that it is possible to really explain—to make sense of what happened—to our little ones. But I remember my words that followed and they right so very true to me today: "From my words and my deeds, from the way our country prosecutes this unconscionable crime, I hope [our children] will learn and they will remember how this country lives and breathes its freedom and relentless search for justice. Perhaps, then, as our children grow older and wiser, they will be better prepared to preserve life and defend America's values."

So, Mr. Speaker, as we move forward to complete the unfinished business of 9/11, let us remember our fallen, let us reflect on our tenacity and perseverance, and let us be the heroes in life that the victims of that day are in death.

I remember that feeling of hope and justice back then, and I believe it will guide us through our mission now. May God bless America.

Ms. HARMAN. Mr. Speaker, I rise in support of the commemorative resolution honoring those who died last September 11, those who came to the rescue, and those who served, and continue to serve, in the fight against terrorism.

Our minds are still seared with the images of last year's tragedy. Members knew some of the individuals who died in the attacks. In California's 36th district, where LAX—the destination of three of the four hijacked planes—is located, four of my constituents were killed.

They are: Anna Alison of Torrance, Chandler "Chad" Keller of Manhattan Beach, Stanley Hall of Rancho Palos Verdes, and John Wenckus of Torrance.

Today, we remember these individuals and join with their families in commemorating their lives and their contribution to our community and nation.

We also remember several other individuals who worked in the 36th district but lived elsewhere. Their coworkers remember them fondly: Ruben Ornedo, who worked at Boeing, and Peter Gay, who worked for Raytheon Electronics and commuted to El Segundo weekly from the east coast.

Mr. Speaker, our hearts are still broken and we continue to grieve. The remembrance ceremonies I attended—last week at Ground Zero and this morning at the Pentagon—were incredibly moving and heartfelt.

But as we work together to rebuild the lives shattered by the events of September 11, we also look to identify the actions we need to take at all levels of government to ensure maximum preparedness and protection against this threat—beginning with a reorganization of our government's resources.

We have learned from this horrific experience.

Sadder, but wiser and stronger, we are aided in our efforts this past year by the testimonies of those who walked through hell and by those who are prepared to do the same.

I am reminded of the words of Tennyson—

Tho' much is taken, much abides; and tho'
We are not now that strength which in old days
Moved earth and heaven, that which we are, we are—
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

New Yorkers, the workers at the Pentagon and the passengers and crew aboard American flight 77 did not yield.

Nor will America.

Mr. ORTIZ. Mr. Speaker, September 11, 2001, is a day you will always remember where you were, who you were with, and what you were doing. My personal experiences that day are vivid: going to a press conference in the Capitol at 9:30, moving fast to get out when we saw the reports of smoke at the Pentagon and seeing the monitor in the House radio-TV gallery flash, "White House being evacuated." Nothing can describe the feeling of rushing out of the building you love, hearing the attack was not concluded and seeing the smoke from the Pentagon rising behind the building in which my Congressional office is located.

I went to the Pentagon 2 days later to thank the emergency workers and was struck by the smells that were still so strong there, the stench of the burning building and literally the smell of death. I'd been to that building so many times and it seemed so impenetrable. This attack served to illustrate how vulnerable we are in this country. We live in a wildly dangerous world; the security increases we see here now have been the norm in Europe and around the Middle East for decades. Our world is dangerous. We live in this world; now we appreciate that danger every day.

Our nation was founded on the belief that God is great, that He is watching out for us. While the fear and hurt was apparent that day and the days that followed, so too, was the strength and courage of men and women who risked their own lives for their country and their American family that day. The passengers in the plane that crashed in Pennsylvania jumped into action, fighting a battle that eventually saved a Washington-area target, quite possibly the building where Congress meets.

Our legacy, our duty, today is to ensure that those who died on the planes, in the buildings, and on the battlefield, did not die in vain. Our respect for their memory must be to recommit ourselves to our nation, our freedom and each other. Today we mourn anew the lives lost in the attack one year ago, and the lives lost in battle since then and we offer our sympathies again to those they leave behind. We also honor the police, firefighters and rescue personnel who risked their lives to help those hurt in the attacks.

Our challenges are huge. Many people in this world carry evil in their hearts and minds. We can never change the hearts of humans, but great American men and women are doing their best every day to prevent that evil from finding its way here to our shores again. The United States is a beacon of light around the world. There are thousands of freedoms and privileges in this country that we enjoy every day but those privileges come at a cost, at a sacrifice. Our way forward will not be easy, for this is not over.

Ask God for wisdom and strength to protect us here at home and those around the world who love freedom and democracy. Always remember those service men and women serving in the military. They are doing difficult, dangerous work on our behalf, and on behalf of freedom and democracy. Our test is to be united at this hour of crisis in our nation and in our world. Congress will honor the memories of all those we have lost to the war on terror by defending the United States in the face of future attacks.

Mr. NETHERCUTT. Mr. Speaker, one year ago on September 11, our country suffered unexpected and unjustified attacks that killed and injured innocent people from many nations of the world. While the attacks occurred in the city of New York, a peaceful field in Pennsylvania and at the Pentagon in Virginia, the effects of terrorism were felt in every corner of America and throughout the world of nations that shared our sorrow.

The resulting war on terrorism has called together the people of America to unite behind a commitment to defend our homeland and preserve our way of life against all enemies of freedom and liberty. In doing so, America has witnessed a heartening resurgence of patriotism, a deep appreciation for the ordinary heroes among us, a fervent call to prayer, and a thankful devotion to the simple blessings of family, community, faith and friendship. We are indeed a blessed people, committed to liberty for individuals and nations everywhere, but mindful that freedom too often comes with great sacrifice.

Who can doubt our American faithfulness and resolve as we grieve for those who lost life on September 11, applaud the brave government servants and military might of our great nation, strive for economic stability and quietly pray for a peaceful world free of tyrants and violence.

The United States is no stranger to evil—our forefathers have overcome it through 225 years of proud but difficult history. The challenge for this and future generations will be to never succumb to the temptation of withdrawing from our national obligation to resist evil and fight for freedom for future generations of Americans. The war against terrorism, memorialized in those who died one year ago, is only the latest test of our national resolve. In lasting memory of September 11, let the legacy of this new century be one of victory for mankind as the United States of America leads the world to liberty and justice for all.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today, one year after the terrorist attacks on our nation, as we collectively pause to reflect, remember, and memorialize those who lost their lives on September 11, 2001. We proudly remember those heroic acts of bravery and courage selflessly performed by citizens that day. It was a day when ordinary people performed extraordinary deeds.

The nation was struck by terror, but responded with the courage and the conviction that makes us free. As we pause to recognize our precious freedoms, we will never forget September 11 and what happened in New York City, the Pentagon or in the fields of Pennsylvania.

The terrorists failed in their attempts to bring down this nation because the United States responded with love of country and the resolve to bring them to justice, ensuring that those who gave their lives will not have perished in vain.

With great compassion and understanding, our hearts go out to the families of those who lost their loved ones, knowing life will never be normal for them. As we pause today in remembrance, we are resolved to go forward protecting and cherishing the freedoms that sustain us all.

Mr. Speaker, H. Con. Res. 464 appropriately recognizes the one year anniversary of September 11 and I urge my colleagues to unanimously support this resolution. God bless America.

Mr. CUNNINGHAM. Mr. Speaker, a year ago today our nation was attacked by terrorists intent on destroying the most enduring symbols of our success and our way of life. On this solemn occasion, the anniversary of those horrific attacks, I rise in strong support of the resolution recognizing September 11 as a national day of remembrance.

On this day, we mourn the loss of thousands of innocent lives, we honor the selfless acts of those who came to the victims' aid, and we pay tribute to those who willingly put their lives on the line to stop the terrorists from wreaking further destruction on our land.

9–11 will forever be remembered as one of the darkest days in our nation's history. Today the horror of that event is still fresh, and the pain is still raw. And just as it is today, it will always be one for sadness and reflection. But the response it inspired in our nation was uplifting. As we shudder at the recognition of devastation on this day, we can also take heart in the greatness and strength it inspired.

Time will ease our sorrow, and we will continue to prosper as a nation. But we must never forget the lesson we were forced to relearn on September 11, 2001: there are those who are threatened by our strength, our freedoms and our way of life, and they want to destroy our nation. We must remain united in our commitment to pursue those who threaten us, to ensure our way of life and to uphold the hope of freedom around the globe.

Mr. SIMMONS. Mr. Speaker, one year ago today our nation endured an attack by a dedicated and dangerous enemy. Since that day we have seen that the principles and ideals that are the foundation of America are far stronger than any of the steel and concrete that fell that day.

We are gathered to remember the innocent lives that were taken. The district that I represent, the Second District of Connecticut, lost a number of wonderful people on September 11th. The names of some of them follow:

Josh Piver, of my hometown of Stonington, worked at Cantor Fitzgerald on the 105th floor of the World Trade Center. Josh loved jazz, loved living in New York City and had an exuberant passion for life. He was a fine young man with a bright future.

Madeline Amy Sweeney, a flight attendant for American Airlines Flight 11, the first jet to strike the World Trade Center. Displaying a courage while under tremendous pressure, she proved that on that day a loving wife, and a caring mother and daughter, could also be a hero. She used her cell phone to report what was happening and the information she provided helped us identify the attackers. She jump-started our investigation. Her parents live in Norwich, Connecticut.

Ruth McCourt, a homemaker from New London, Connecticut, and her four-year-old daughter, Juliana, were on United Airlines Flight 175 bound for Los Angeles. They were on their way to enjoy a vacation at Disneyland. Their jet crashed into the south tower of the World Trade Center.

James Greenleaf, Jr., a 32-year-old history buff, was a football star in high school. He worked on the 92nd floor of the World Trade Center. His friends said he was the type of individual who would spend a week's vacation helping an old friend build a new house.

Ed Calderon, 43, was a security guard for the Port Authority of New York and New Jersey. He loved to dance and especially loved the salsa. He had worked at the World Trade Center for 22 years and was last seen running toward the north tower after helping dozens of workers reach safety. He was hoping to help a few more people just before the building collapsed.

Bruce Eagleson, 53, a vice president of the Westfield Group, was at a meeting on the 17th floor of the World Trade Center when a jet struck the building. His oldest son called after the first plane hit and urged him to leave. He told his son he was helping to evacuate people and promised he would get out. Mr. Eagleson had hoped to retire within seven years. He loved fishing and golf.

Eric Thorpe, 35, was the star quarterback of his undefeated high school football team. He was one of the top salesmen at Keefe, Bruyette and Woods. But he kept success in the business world in perspective. He helped run a soup kitchen during college, worked as a Big Brother and participated in Hands Together, an anti-poverty program in Haiti. His friends knew him for his nonstop sense of humor.

Eric Evans, 31, was an easy-going individual who was determined to succeed in business. He also loved to garden and enjoyed tending his tomato and basil plants. His friends said he loved animals, except for the squirrels that would get into his tomatoes.

These fine people, and all the others who were taken from us on September 11, 2001, leave behind families and friends and lives that were full of the promise of tomorrow. Today it is appropriate that we honor their memory.

But this is more than a day of remembrance. This is a day to recommit ourselves to the values that are the foundation of America. Freedom, justice, honor and an unwavering belief in self-government—those are the values we believe in and they are the values that those we remember today believed in as well.

This is a day to keep in mind that there is a great and profound difference between the use of force to liberate and the use of force to enslave.

And this is a day to recommit ourselves to our love of our country. Let us join together and appreciate America's history and stand firm in support of our institutions and the duties of citizenship. This is a day to look to the future.

A great deal of learning in our nation has traditionally taken place when families gather around the kitchen table at mealtime. I hope that beginning tonight all American families will take time to discuss today's events around the dinner table. Talk together about what it means to be a citizen of this great nation. Share your thoughts with each other about what the events of today mean to you, your family and friends.

John Winthrop, one of the Pilgrims who came to this new world, described it as a "shinning city upon a hill."

Today, with our prayers, we remember those who are gone. Let us also direct our efforts to ensure, for our sake and for the sake of those yet to come, that this shining city on a hill will remain a beacon of freedom and hope that will forever reach out to embrace the aspirations and dreams of all the people of the world.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, a year ago today, a radical, Islamic terrorist group seized four aircraft, turning them into deadly weapons and killing thousands of defenseless people. Today, we continue to mourn the loss of those victims, and honor those who, with great bravery and instilled sense of duty, risked their lives to protect our people.

Yet while we reflect on this day, one year ago, we cannot look back. Throughout the history of America, we have been a forward-looking Nation, striving for excellence and finding strength in our love of country. America is a God-fearing land, and because of this, our Nation has been blessed mightily.

These attacks have been compared to December 7, 1941, when Pearl Harbor was also struck from the sky. At the end of that day, America was devastated and struck with the great sorrow of this tragedy. Yet as history so aptly tells us, America's resurgence brought forth the liberation of the world, and global peace for decades.

Today, as we look out across our land, we will see America at its most glorious hour. We will see the spirit of America at every ceremony, in every city and on the face of all Americans. It was the spirit of America that got us through that fateful day one year ago, and it will be this spirit that will carry us through for years to come.

It is contagious, this American spirit. Last year, as our firefighters, police officers and rescue workers sacrificed to save lives, the American spirit shined. As our military men and women headed overseas to defend our country, the American spirit shined. As Americans across our land joined together in unity and with a renewed sense of patriotism, the American spirit shined.

This is America, and faith and freedom will always be our call. That is what makes us unique. That is what makes us a people of great pride and resiliency. And that is what makes us a target. Yet in the end, America endures.

Today the war on terrorism is progressing, but it will take time. As the President has said many times—this is a faceless enemy that we fight, and determination and perseverance will be our keys to victory. In the end our victory will once again bring about global peace.

So as we reflect on that tragic day, one year ago, and mourn the loss of so many of our fellow Americans, be rest assured that our brave military men and women overseas are getting the job done, and making America proud.

I commend and thank our military men and women for their sacrifices and bravery as they protect the Homeland. They are picking up where the heroes of September 11th left off—defending America, and fighting for the freedoms that we are willing to die for. The terrorists who attack us operate out of hatred—hatred of our freedom, hatred of our faith, and hatred of our liberty. Yet in the end, it will be our faith, freedom and love of liberty that will ultimately defeat them.

May God Bless the United States.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

COMMEMORATING 9–11

The SPEAKER pro tempore. Without prejudice to the resumption of legislative business, under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, today America is reflecting on the events of 9–11, as we should; and it is a time to remember. It is a time to remember those who lost their lives and to remember those, like the firemen and the police, who gave their lives trying to save others. It is a time for rage, as we have heard, and a time for reflection, a time for pride and a time for anger. What it is not, however, is a time for mourning. That time is over.

Today, I join with all of those who solemnly commemorate this anniversary. Heartfelt commemoration, I suggest, is not enough. We must consider not just what happened a year ago, as we have been hearing for the last hour; but instead we must find and discover and talk about and we must make determinations about why 9–11 happened.

As a Nation, we are now engaged in a historic global conflict with a vile enemy who slaughters innocent people by the thousands and then makes sanctimonious references to God. Talk about blasphemy. I do not know if bin Laden is dead or alive; but I do know that when he dies he will burn in hell, and it is our job to get him there as quickly as possible.

Our President laid down a battle plan that brought the liberation of Afghanistan and will soon rid the world of threats like that of Saddam Hussein. This is a result of 9–11 one year ago, but it did not start one year ago.

The first order of business is for us to recognize that the murderous attack on us in New York and at the Pentagon was not an act of God, nor was it a natural phenomenon. It did not just happen; nor, let me add, was it just a case of bad luck.

The slaughter of our fellow citizens need not have happened. It was something that would not have happened had certain people done things differently, had certain government policies been different, had certain Federal agencies and Departments been given different marching orders. In short, 9–11 need not have happened, and it is imperative that the American people look closely at the policies, the systems, and yes, the people which led to 9–11 to ensure that something like this never happens again.

What policies am I talking about? Let us start with the fundamentals or, if you will, the fundamentalists. Of the 19 hijackers on 9–11, 16 were Saudis or held Saudi passports. America's relationship with Saudi Arabia is complex but not as unfathomable as some would have us believe.

In the Cold War, we worked closely with the Saudi royal family; and to be fair, they were our loyal allies. They helped us finance anti-Communist projects that were of immense importance to our national security in the days when the Soviet Union was spending billions of dollars to bury us. Saudi help was vital on a number of fronts so there was reason for us then to be grateful; and, yes, there is reason today for us to be grateful.

What they did to help us in the past, however, does not excuse what they are doing today that threatens us. Times have changed, and dramatically so. If our policy towards Saudi Arabia does not change significantly, there will be a heavy price to pay in the future, if we have not already paid enough.

Relying on low oil prices and on Saudi largesse for special Cold War projects left us dependent upon them, and who is them, who are we talking about? We are talking about the royal family, the royal family of Saudi Arabia that is autocratic and over the years has become fat and incompetent and in many ways cowardly. However, again, they helped us defeat an enemy intent on destroying us, Communism. So we paid special attention to the Saudis.

Instead of pushing for democratic reform and human rights, we let the Saudis, and because of their influence much of the Muslim world in general, we let them off the hook in our push for democracy and human rights.

In the short term, it makes sense. In the long term, it has had a dramatically bad impact, negative impact.

Young people in that part of the world have suffered under despots and crooks; yet we Americans in that part of the world continually talk about stability, when what we should be pushing for is democratic reform and the opening of closed societies.

Entrenched regimes, royal and secular, have been brutal and corrupt. Is it any wonder that young people in a large chunk of the world turn to Islamic fundamentalism as their idealistic alternative? In their corrupt world, radical Muslims have been the only ones offering a morally based alternative, but radical Islam is not a positive force. It is tyrannical, arrogant and malevolent.

Right here we should note that most forms of religious extremism are equally reprehensible and that radical Islam should not be singled out. Although limited to a few loud voices, a drumbeat started right at September 11 to paint all Muslims as the enemy of the United States and of the West. That drumbeat started the moment those planes hit the World Trade towers; but thanks to our wise President, we did not succumb to a strategy of hate.

bin Laden wanted us to retaliate against Muslims in general, which would have polarized hundreds of millions of people against us, many of whom would have ended up supporting bin Laden and his terrorists as their saviors. As I say, we did not fall into that trap.

By the way, just to put things in perspective, in the decade leading up to 9–11, Muslim people saw their fellow Muslims being ethnically cleansed, raped and murdered in Bosnia by thugs calling themselves Christians. They saw their fellow Muslims repressed and murdered by the tens of thousands in Kashmir by people who called themselves Hindus and cut down in the Middle East by the Israeli Army. Hundreds of thousands of non-combatant Muslims have lost their lives due to the actions of governments controlled by people of other faiths. So from their perspective, Islamic people are no more terrorists than others.

In the West, all we see is the frightening picture of planes flying into buildings and suicide bombers blowing up Pizza Huts in Israel. So the first policy we need to change is that which has us tolerating dictatorship and corrupt governments in Muslim countries in order to maintain stability. Working with Russia, which is now our friend and trying to build a democratic society, let us break our dependency on oil from unfriendly and democratic and undemocratic anti-Western governments. Let us seek out reformers in the Arab and Muslim world. Let us demand free elections and freedom of speech and press as well as religious tolerance in those Muslim countries.

Back to Saudi Arabia. Over the last 2 decades, the Saudi establishment has dealt with the rise of their homegrown religious extremists by ignoring them, giving them a free hand overseas and by sending them to Afghanistan.

□ 1530

Their extremists are called Wahabis. Those folks are on the outer limits of Islam. They are the ones who insist that women must cover themselves from head to foot. Now, that is okay if women voluntarily accept this religious mandate. Instead, however, the Wahabis act as if they have the right to control everybody, even those who do not accept their particular view, claiming to have an infallible insight about the wishes of God. They beat women with sticks if so much as their ankles are showing. They feel free to commit violence against people of other faiths and to prevent anyone with a different belief in God, even other Muslims, from worshipping and living their lives as they see fit.

This is the most radical of all Muslim sects. Instead of standing up to this religious gangsterism, the Saudi royal family allowed them to establish their base of operations in Saudi Arabia and to export Wahabi radicalism throughout the world, with the help, of course, of billions of petrol dollars.

One of the places not just influenced but under the control of the Wahabis was Afghanistan. The Taliban was not an indigenous religious sect of Afghanistan. That is the mistake so many people make. They represented a transplanted Wahabism. Transplanted from? Where else. Saudi Arabia.

These crazies did not represent the character and/or the values of the Afghan people. The Afghan people are devout in their faith but they are not fanatic. They pray and are grateful to God, but they do not feel compelled to have everyone else pray, much less feel compelled to compel that everyone else pray just like they pray.

I have seen this tolerance firsthand, even in the most desolate regions of that distant land. Years ago, 14 or 15 years ago, actually, I was in Afghanistan with a mujahedin unit, the mujahedin being the fighters against the Soviet occupation. During long treks across the desert, the small group of mujahedin fighters I was with would stop and pray five times a day. They would get on their knees and they would pray, and they would thank God for everything that they had. I might add that they had little. We did not even have a good clean glass of water, much less the provisions of food that could keep people healthy. Yet these people were grateful for everything.

It caused me reason to pause to think that here in the United States we have so much and how rarely people think about how grateful they should be for what we have. But here were these people, under attack by the Soviets, on their knees praying. But there were many other people in the surrounding area and with our group. About half of them were not part of the praying during those prayer sessions. They stood there.

What impressed me is that those who were praying felt perfectly comfortable. They were fulfilling their obligations to God but did not feel threatened by these others who were not praying and who were not compelled to participate. That was the essence of the Afghans. Grateful to God, devoted to God, but not fanatics who were trying to suppress other people into some sort of religious dictatorship.

The Taliban in Afghanistan, of course, was totally different than the type of attitude I am talking about. And it was not a result of the susceptibility of the people to the Taliban's form of Islam as much as it was a result, meaning the Taliban's ascension to power, was not a result of what is naturally in the Afghan people's hearts, but instead, I believe, the result of a deal between Saudi Arabia, Pakistan, and, unfortunately, the United States.

It, of course, goes back to the Cold War, when the United States was helping the Afghan freedom fighters in their struggle against the Soviet army that occupied their country. The Saudis were helping, too. Now we helped, and we can be proud of that. The Saudis were also helping, but as I discovered, it was not quite that simple.

As I was hiking through Afghanistan with that mujahedin unit heading towards the battle of Jalalabad, which was one of the last battles the Soviets participated in in Afghanistan, we came across an encampment of white tents. These were very expensive tents. There were off-road vehicles there. The people were well fed, well clothed. And I was told by my mujahedin fellow freedom fighters to keep my mouth shut and to speak no English because this was an encampment of a crazy psychopathic killer, a Saudi named bin Laden, and bin Laden would kill all of us if he knew there was an American with the group because he hated America as much as he hated the Communists.

And much of the support that the Saudis gave to the Afghan freedom fighters was right there. It was actually bin Laden and his group there fighting against the Russians. And that was their contribution to Afghanistan in the fight against the Soviets.

Well, after the Soviets withdrew from Afghanistan, after the mujahedin victory, instead of helping these people rebuild their country, and we can be proud we helped them fight off the Soviets with giving them the weapon systems they needed, but we did not help them at that point rebuild their country. In fact, America simply walked away and let them sleep in the rubble. We did not even help them dig up the land mines that we had given them to defeat the Soviet army. And so little young kids, little kids from Afghanistan have been blowing off their legs ever since. And they cannot even treat their young people because they do not have the medicines to do so because we have not been there to help.

There was an agreement, however, as we left. It was probably not a formal agreement; probably just an understanding to let Saudi Arabia and Pakistan oversee that region. So we walked away from Afghanistan and the entire region. Instead of insisting on a government that reflected the will and values of the Afghan people, we left them in the hands of the Saudis and the Pakistanis.

For several years, there was chaos and fighting. Not as bad as before, but there was fighting that continued, and the Saudis then unleashed their ace in the hole. We had left, but the Saudis had been preparing for this eventuality. The term Taliban means student and refers to those who spent most of the war against Soviet occupation not fighting the Russians. That was a whole different group of guys. That was the mujahedin. No, the Taliban were in schools, so-called religious schools, in Pakistan. Later, they emerged from these schools seemingly out of nowhere, but in fact trained, armed and financed by Saudi Arabia and Pakistan.

Within 6 months, they had conquered over two-thirds of the country, including Kabul, the capital city. But just as it was in Orwell's Animal Farm, vicious dogs were surreptitiously nurtured and then suddenly unleashed to do the bidding of pigs.

Just a reminder: Many pundits fail to understand the difference between the mujahedin and the Taliban. The former fought the war against Soviet occupation troops. That was the mujahedin. The latter, the Taliban, arrived on the scene much later. And in the end, the same mujahedin who helped defeat the Soviets were our allies in this last year in driving the Taliban out of power. The mujahedin, the good people of Afghanistan, have stood with us twice. Let us pledge that we will not walk away from them again. Let us help them rebuild their country.

Let the record show that I had spent a year trying to prevent the Taliban from coming to power at that time. My goal right after the end of the war with the Soviets was to try to bring the old King Zahir Shah back from his exile in Rome. Zahir Shah was one of the most beloved and pro-western of his people. He was anxious to serve as a transition leader that would lead his country to a new political system that was based on democratic elections; on ballots instead of bullets. As I say, he was an honest, kind man, with a good heart, and respected by all the people of Afghanistan.

Instead, the king was pushed aside, or should I say he was kept on the sidelines. And I might add that our own State Department played a major role in ensuring that this positive alternative did not come to power. Instead, the Taliban assumed power with the acquiescence if not the support of the Clinton administration. Knowing there was nothing more I could do, I hoped for the best. I tried my best to try to prevent the Taliban from getting into power. Now they were there, our government seemed to be going along with it, so all I could do is sort of hope for the best.

However, within a month or so, the tyrannical ways of these religious kooks made it clear to me and to everyone that they had to go. Yes, it was clear to me, but I take that back, it was not clear to everyone, because the Clinton administration could never seem to come to that conclusion, that the Taliban had to go. In understanding who should be accountable for 9–11, we must understand that the State Department, under President Clinton, was never anti-Taliban. Our State Department, probably under the President's direction, undermined those efforts aimed at undermining the Taliban. So those of us who were anti-Taliban found ourselves the target of the State Department rather than having the State Department target the Taliban for their misdeeds.

In several personal instances I was involved with helping obtain medical and humanitarian support for people in the areas of Afghanistan that was not yet under Taliban control. I was thwarted by our own government. I was thwarted by our own State Department. NGOs with aid for Afghans who were in areas that were controlled by the Taliban, on the other hand, had no trouble with our government. They had some other troubles that, of course, the Taliban gave them themselves, but our government was perfectly happy to have NGOs operating in Taliban-controlled areas but stopping people like myself who were trying to help those people in areas that were opposed to the Taliban.

In mid 1988, however, even with this tacit support from the Clinton administration, the Taliban were incredibly vulnerable. They had overextended themselves in an invasion of the northern part of Afghanistan, and many of their best, if not most of their best, fighters were captured, along with huge amounts of war supplies. The road to Kabul was open. And who interceded to prevent the collapse of the Taliban at this pivotal moment? Who pulled their chestnuts out of the fire? President Clinton, personally.

At this moment of maximum Taliban vulnerability, the White House dispatched Assistant Secretary of State Rick Inderfurth and Bill Richardson, then our United Nations ambassador. They flew to northern Afghanistan and convinced the anti-Taliban forces not to attack and not to retake Kabul, but, instead, to accept a cease-fire and an arms embargo.

This is at the moment, and I cannot stress this more forcefully, it was at a pivotal moment. The Taliban could easily have been defeated. The Northern Alliance was willing to accept a return of King Zahir Shah to lead a transition government. Instead, under the direction of the Clinton White House, these two top U.S. Government officials, Assistant Secretary of State Rick Inderfurth and U.N. Ambassador Bill Richardson, arrived on the scene to convince the anti-Taliban forces to stand back. And we thus saved this fanatical, anti-western regime from being destroyed and being defeated.

This later led to a dramatic defeat of the anti-Taliban forces. The cease-fire lasted only long enough for the Saudis and the Pakistanis to fully rearm the Taliban. And the arms embargo that Bill Richardson and Rick Inderfurth talked about, was only effective against the anti-Taliban forces, which are the people called the Northern Alliance. Think about that. We talked them into a cease-fire, which lasted only long enough for the Taliban to rearm. We talked them into an arms embargo, which was only an arms embargo against them.

Again, this was one of the major turning points that led to 9–11. Later, the Taliban, with their supplies replenished, went on the offensive and turned their country into a staging area for terrorism. So the Taliban ended up, with the Clinton administration's somewhat blessings, of taking over all but a sliver of Afghanistan. That portion, of course, that little sliver, was under the command of Commander Massoud, who stood alone in the Panjir Valley, a hero against the war on the Soviets. Now he was all that was left to resist the tyranny of the Taliban.

□ 1545

This is where bin Laden makes his official entrance. Behind the scenes, his foreigners, his radicals, had been there and been the Taliban shock troops for a long time. They murdered anyone and everyone who got in the way and ran roughshod over people all over Afghanistan. bin Laden had already declared war on the United States, and had already killed military personnel and bombed U.S. embassies. The Taliban permitted them to use their country as a base of operations.

Yes, the Clinton administration repeatedly demanded that bin Laden be given up or at least kicked out of Afghanistan. Yet there they were using all of these words making demands, yet they never seemed to care enough to help Massoud or help any of the others who wanted to resist the Taliban.

So what was the Taliban leadership to think? Well, of course they thought that the United States Government really did not mean what it was saying. They believed it was simply posturing for domestic political consideration. This is like when the Clinton administration went to China and demanded human rights reform and then never put any type of force behind that demand.

So our government made it clear to the Taliban by our inaction to support anyone who was opposing the Taliban that our demands on them actually were just made for public consumption here, and that we were actually more concerned with our deal, whatever that deal was, with Pakistan and Saudi Arabia and that we were more concerned with that than anything going on within Afghanistan, including bin Laden. Why would the tough guys in the Taliban think that we cared about human rights abuses, about their treating women like cattle, about their harboring of terrorists like bin Laden, and about their rejection of even a consideration of free elections of any kind when we were not doing anything about it? We did not, as I say, support Massoud; and, in fact, when several of us tried to help those resisting the Taliban, it was our government, the State Department, that got in our way.

Let us be fair about it. If that is the impression the Taliban got, we should admit it. Our government at that time was not serious about democracy, human rights and such in Afghanistan. We were not serious about their form of government or even their harboring of bin Laden because our government in that administration did nothing.

What all this means is that if we stray too far from our basic principles as a country, it is going to end up hurting us. If we stray too far from the fundamental principles that make us Americans, a love of liberty and justice, a belief in the democratic procedures to guide men, and permit people to guide their own destinies and secure their own destinies through election processes, if we ignore these principles, it will come back to hurt the United States of America.

Over the years, I complained over and over again; and I will submit for the record quotes of mine that warned America that we must act against the Taliban. I did this for years.

Well, obviously there was another policy. I am just a lone Congressman. I do not make policy. I try to influence policymakers. But my warnings, repeated warnings, were not heeded.

Well, who was responsible for the policies that left the Taliban free from domestic rivals, the policy that left them free from outside opposition, that left them free from the pressure to democratize and respect human rights? Who was responsible for these policies? How about Madeleine Albright? How about President Clinton? They could not get themselves to endorse any meaningful action against the Taliban even after we had been attacked in Saudi Arabia, blowing up our military bases there, our military installations, our living quarters there, or the blowing up of U.S. embassies in Africa.

Furthermore, there is ample evidence that in the last administration they passed up promising opportunities to take out bin Laden. I, for example, several years ago during the Clinton administration contacted the CIA to let them know that I had an informant who knew exactly where bin Laden was, that he was out of Afghanistan, and that he was willing to pinpoint bin Laden for them. I gave them my contact's phone number. They never called. After a week, I called my friend back and said, Did the CIA get with you? No.

I went to the CIA again and explained that this person had impeccable credentials of knowing what was going on in Afghanistan. They would get to him, but they did not. A week later they still had not called. Then I went and complained to the chairman of the Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. GOSS), whom I respect; and I told him what happened.

The next day he had a meeting in this building with representatives of the NSA, the CIA, and the FBI. It was the bin Laden task force. I told them what had happened and that my friend could pinpoint bin Laden, and that he had been ignored for 2 weeks. They would get to it.

Guess what, a week later my friend still had not been contacted. By then the trail was cold. But when I went to the gentleman from Florida (Mr. GOSS), it got action and my friend was called. He said it was a lackadaisical call. It looked like it was a pro forma call.

Does that sound like an administration committed to getting bin Laden? No. Let the record show there were numerous opportunities to get bin Laden and not one was exploited. The government of Sudan tried to give the U.S. a complete file on bin Laden and his whole gang. Madeleine Albright personally turned that down.

I know of a situation at the Defense Intelligence Agency where a young analyst felt there was a lack of information about Afghanistan and that lack of information was threatening to our national security. She wanted to get the information. She wanted to go up to Massoud's territory and find out what was going on because we did not know what was happening in Afghanistan. She was denied, and she had the gall on her own time, on her own vacation time, to go there to Massoud's stronghold to try to get that information. I think someone like that should get a medal. Instead, she was fired.

I personally asked the general who then headed up the DIA not to fire her. She got the ax anyway. By the way, there is no indication that the DIA, the Defense Intelligence Agency, warned anybody about the attack on 9–11, even though the murder of Commander Massoud 2 days prior to the attack in New York should have set off alarm bells. Of course they had fired the one person who was conscientious about Afghanistan. They had fired that person for being too conscientious, over the objection of a Member of Congress who pleaded that that was the type of responsible behavior we needed.

I say this because the death of Commander Massoud had a special significance to me. I had known Commander Massoud for many years, even before I went to Afghanistan in 1988. During my time in the White House, he sent his brother to me; and we continued a communication through third parties over the years. He was a man I deeply respected. He was a hero; not to say he did not make mistakes. Certainly he made mistakes, and he did some things wrong. But over years of fighting, everybody makes mistakes. But Massoud was a hero. He was a giant of a man.

Mr. Speaker, 2 days before they attacked us, they murdered Massoud. It took the wind right out of my lungs. I had been to his stronghold 5 years before. I visited him in the mountains of Afghanistan. Our friendship was close, and I respected him. We worked out an agreement to have King Zahir Shah return and that Massoud would support that if the King would lead a transition government and have honest elections 2 years later. He was willing to support that, and then the Taliban killed him.

After I had gotten myself together after his death, I knew that it must be because they are going to attack the United States. That is why the Taliban killed him, so we could not have anyone to turn to, to rally behind in our counterattack. So the next day I called the White House. I asked to speak to Condoleezza Rice, and I wanted a meeting with her and the National Security Council because there was an attack that would soon befall the United States of America.

They got back to me, and said, Congressman, we take your opinions on Afghanistan and elsewhere very seriously, but we are very busy. Can you come tomorrow? The earliest we can fit you in is 2:00 tomorrow. I woke up on 9–11 expecting to have a meeting with Condoleezza Rice and the National Security Council at the White House to warn them that there was an imminent attack planned on the United States and to take seriously any possible threat that they saw. Unfortunately, at 8:45, the planes began crashing into the buildings in New York.

So here we are. One year ago our country was blind-sided, attacked without warning, resulting in the slaughter of 3,000 Americans. As I have just discussed, this represents a failure of policy and a failure of the people behind that policy, primarily those in the Clinton administration, not because of politics, but because they happen to be there at the time. Who knows if it would have been a Republican administration. It was George Bush who walked away originally and left the Pakistanis and the Saudis in charge of that region. But it was during the Clinton administration that the Taliban took over, consolidated their power in Afghanistan, and turned that country into a base of operations for anti-American terrorists. The American response is undermining those who oppose the Taliban.

This leads me to my conclusion that our policy was part of an agreement with the Saudis and the Pakistanis to keep the Taliban in power. The attack, however, reflects more than a failure of policy. It reflects more than just that policy. The attack which was carried out by a terrorist organization, a terrorist organization that we had been told over and over again was the number one target of U.S. intelligence, that organization, the number one target of U.S. intelligence, was able to launch an attack of this scope and of this magnitude requiring millions of dollars and the coordination of hundreds of people against the United States. The number one target of U.S. intelligence was able to slaughter 3,000 Americans, to blindside us. This represents a catastrophic failure of America's intelligence system; it is a failure of the DIA, the CIA, the NSA, the FBI, and the rest of the intelligence alphabet soup here in Washington, DC.

We spend tens of billions of dollars every year, and the number one target of American intelligence is able to organize and pull off an operation of this scale. The magnitude of the screw-up boggles my mind.

Now we know there were warnings. The BBC is reporting that just 2 months before 9–11, the foreign minister of the Taliban was so upset about the terrorist plot that he had heard of that he sent an emissary to an American consulate in nearby Pakistan to warn the United States of a pending attack.

□ 1600

But no one listened to him. Then we know of FBI field agents who were pleading that attention be paid to the terrorist ties of certain students who were being trained to fly airplanes. These FBI agents were chastised for going around channels. They had to go through channels, but they were so concerned that the people in front of them were not acting, they tried to get the attention of Washington but were chastised for not going through channels and they were ignored. The list of failures goes on and on.

I will just say that on 9–11, that something like that happened to me indicates the type of mindset we are dealing with, even after the attack. On 9–11, when the planes had already crashed into the buildings, I realized, everyone realized it was an attack from Afghanistan, based on the terrorists based in Afghanistan, and I called the king of Afghanistan. I wanted to know if there was anyone there protecting him.

"Do you have any police there protecting you?"

"No."

"Are there any police outside your door?" Remember, the king of Afghanistan is in Rome, exiled in Rome. "Are there any policemen outside your door?"

"No, there aren't."

"Are there any people inside your compound with you protecting you?"

"No."

I said, "Is there anyone there with a gun to protect you?"

He said no.

I said, oh, my gosh, our number one asset, the one man who the people of Afghanistan could rally behind now that they have killed Massoud, only the king, Zahir Shah, was someone we could rally the people behind to counterattack against the Taliban, and he was hanging out there in the wind. He was totally exposed.

So I talked to someone, a very high official in one of our intelligence agencies. I told him, and he said he realized the importance of Zahir Shah and he was totally exposed, and he was vulnerable. And, guess what? Five hours later I happened to talk to that same high level official again. I can tell you when I asked him about, well, Zahir Shah, is he under guard now, his response to me was, "You don't expect us to act that fast, do you?"

Give me a break. Of course we expect our people to act that fast. You are within a phone call's distance of the Marine guards who guard our embassy in Rome. Our ambassador, or whoever was there, could have gone over and picked up the king or sent Marines over to protect him, or the agency has people in Rome, et cetera, et cetera.

Instead, 5 hours later, after 3,000 of our people, at that time we thought it was 20,000 people had been slaughtered, but you do not expect us to act that fast, do you?

The people in our intelligence community are, by and large, fine and dedicated people. I will tell you that right now. I respect them, but those individuals who may have my respect as people of good hearts and are patriots, they are now part of a bureaucratic behemoth.

We are relying on what has become organizationally incompetent, a system in which individuals get fired for showing initiative, like that young analyst at the DIA, or they get reprimanded, like those FBI field agents, for begging attention on some pressing threat.

We need to reform the system and make it better. To do so we need to hold those accountable who made errors and to change the structure and mindset. Most importantly, we need to change the structure and the mindset of our intelligence organizations. We cannot let the cloak of secrecy be used to shield the consequences of failure and incompetence.

For that reason I voted for an investigation of 9–11, not just that it be done by our Congressional oversight committees. And I have great respect for those leading those committees and members of those committees, but I believe that it should be also the responsibility of an independent commission on the level of the Warren Commission and perhaps the commission we established after Pearl Harbor to get all the facts about this historical failure of U.S. intelligence.

Let me stress again that I have tremendous respect for and trust for the gentleman from Florida (Mr. GOSS) and the others in the Permanent Select Committee on Intelligence here in the House, but a redundancy like we are calling for with an independent commission looking into the problem as well cannot in any way hurt. An independent commission could do nothing but contribute to the understanding of the idea pool that is needed to reform and to fix the system.

This anniversary is with us today. We must commit ourselves to see that such surprise attacks will never again be successfully launched against the United States. We will accomplish this by making the changes in policy and the changes in personnel that are needed to keep our country secure.

We must change the way we deal with Saudi Arabia. We must evaluate how we dealt with Afghanistan and admit that it was horrendously wrong. The people behind those policies, especially those people who are still in influential positions in the State Department and elsewhere, must understand that they bear a significant share of the responsibility for the death and destruction that fell on America one year ago today.

The arrogant so-called experts, for example, who shoved aside exiled King Zahir Shah for years, they shoved him aside for two decades, claiming that he was too old to play a positive role in bringing about a better Afghanistan and peace in Afghanistan. They were so absolutely wrong. People in the State Department should find out who it was who pushed this idea that the Zahir Shah could not participate, and those people should be talked to, and those people should look in the mirror and think very seriously about what they did to contribute to this loss of American life.

In essence, they kept the Taliban in power, because they prevented us from getting behind a positive alternative, whether it was Massoud or the others fighting the Taliban, or whether it was Zahir Shah. In essence, they kept the Taliban in power until 3,000 Americans were slaughtered by an attack that was launched from Taliban-controlled territory.

We were attacked a year ago today, and over these last 12 months our military has been able to launch a counterattack that has dislodged the Taliban and sent them, along with their terrorist allies, the al Qaeda, running for cover and running to hide their heads.

Our military has done a tremendous job. They did this in a landlocked country halfway around the world. This has been a magnificent victory for our country and for its military. To the degree that we sort of have questions about the need to restructure our intelligence system, we need to praise our military and make sure that we build upon the success of our military. They need certain amounts of changes, too, but we need to do that with the military. We can see the positive things they have done and build upon that.

This has been a magnificent victory. If bin Laden is alive today, he is in hiding and he is spending all of his hours not trying to launch some attack on us, but instead he is spending his time trying not to be captured. He could be spending his time mapping out attacks on the United States. Instead, thanks to the expertise and bravery and courage and great job our military has done, we have bin Laden and his likes in hiding, looking over their shoulders, freezing their assets, not able to launch another attack of the magnitude that we suffered one year ago today.

We have accomplished all of this, a tremendous accomplishment in a country on the other side of the world, landlocked. We did this with fewer than 50 American combat deaths. We dislodged the Taliban government from power, we destroyed the regime, we dislodged the terrorists, all with fewer than 50 American combat deaths.

Yes, there have been some mistakes, and in every combat situation there are. If accidentally a house or area is bombed, if we bombed some of our friends accidentally, which has happened, we just need to admit that it was a mistake and help those people rebuild. They will understand, because the Afghan people are praising us as their liberators. We have fought beside the mujahedin again, the freedom fighters of Afghanistan again, to free their land from the Taliban tyranny. As I say, there have been mistakes, but compared to what has been accomplished, this mission gets an A.

Let me note that I have two complaints. They are small complaints and the Afghan people will put up with them for now, but I think that we need to pay attention.

Number one, I do not believe Karzai was the right guy to pick. He does not have a wide base of support in Afghanistan. When the loya jirga was held, we should have permitted the king to emerge, as would have naturally happened. I think there was some wheeling and dealing going on that led to Karzai's ascension, and the king could have been there. He was the natural choice.

But I believe the Afghan people have good hearts and understanding. They know we are there to help them. They know there are political considerations. But they are demanding, of course, free elections in 2 years, and that is what we should be doing, making sure that we keep that pledge and that there are free elections. And if they want to elect anybody, whether it is Karzai or a member of the royal family or whoever it is, they should have a right to do so. We should work with them and help to rebuild their country, and that will be one way to really defeat the Taliban and really defeat al Qaeda. The people of Afghanistan have looked at us as liberators.

The other concern is about drugs. We have not eliminated the drug production in Afghanistan. The poppy crop was not destroyed. We have got to do so next year. That commitment has to be there. That drug money goes into bad hands.

Finally, let us take a look at the challenge we have today and look ahead a year. The President has wisely suggested that now is the time for us to eliminate that threat that hangs over us and has hung over us for 10 years. We did not complete the job in the Gulf War. We left Saddam Hussein in power. That was the gift that George Bush, Sr., gave to us. George Bush, Jr., is going to make up for that. He has committed us to eliminating the dictatorial, fascistic regime of Saddam Hussein.

We should not be weary of this. In fact, we should know that Saddam Hussein has less support in Iraq than the Taliban had support in Afghanistan. Our strategy should be to help the people of Iraq liberate themselves from this monstrous regime headed by Saddam Hussein. The people of Iraq will be waving American flags and dancing in the street because we will help them build a democratic society. We can do so with the same strategy as we did in Afghanistan, work with Special Forces teams and air support. We can support those people who want to fight for their own freedom. It worked in Afghanistan, it will work in Iraq. We should not have fear and trepidation about getting rid of this threat of Saddam Hussein. He is, as George Shultz suggested, a rattlesnake in our front yard, and we should not wait until he bites us to cut its head off.

Now we can move forward in Iraq and eliminate that threat, as we have eliminated the Taliban threat, and we can do so not by sending huge numbers of American forces, but by helping the people in Iraq, as we did in Afghanistan, to liberate themselves. That is what the challenge the President is giving us is. That is why we as Americans should always stand for those people who want to live in a free society and are willing with their courage and blood to fight for their freedom, but need our help logistically, need our air support, perhaps need our advice from our Special Forces teams.

So, as we remember 9–11, let us never repeat that, by being proactive in the future. Where there are dictatorships and fascist regimes, like the Taliban, and if they threaten the West and the United States, we do not have to do this with all regimes that are dictatorial, but if they threaten us, let us work with the people who suffer with a boot on their face and with an iron grip around their necks, let us work with those people to help them free themselves.

We have on the floor of the House of Representatives two pictures, one of George Washington, a great painting of George Washington, and a painting of Lafayette. Lafayette came here during the American Revolution to help us win our freedom. Let us not forget the French helped us win our freedom, and that people like Lafayette were heroes to early Americans.

While we must serve that same role that Lafayette served to us, we must serve that role to those people overseas who long for liberty and justice. If we do so, we will be the light of the world. We will be the hope of all the young people in the Muslim countries who are looking for some people who believe in something, rather than people who are talking about stability and keeping the status quo.

We need to be the ones who offer moral alternatives, and the morality we offer is democratic government and a respect for human rights, treating people decently. Our flag should stand for justice and hope. If we do, rather than the type of things we were doing in the 1990s with Communist China and the Taliban and all of these regimes, where we were not doing anything to make it clear that we honestly and sincerely believed these founding principles of our society, if we do that, we will be free and we will be safe.

□ 1615

There is a dynamic in this world between peace and freedom. Freedom tomorrow will bring peace. Just as we lived under the threat of some sort of war with the Soviet Union, the Soviet people, the Russian people were never our enemies. It was that system. As soon as we made it a fight between communism and democracy and stopped just supporting any dictatorship that was against the Communists, the Communist system itself began to crumble in Moscow, and no one was more heroic in that fight against the Soviet dictatorship than the people of Afghanistan. They fought and they bled and they gave us a more peaceful and a freer world.

We did not do what was right by them. We did not help them rebuild their country at that time; we did not stick with them. We left it up to the Saudis and the Pakistanis. We have a chance now to make up for that. But we must persevere in helping them rebuild their country; and that will cement peace in that region, because people will believe in us again. We need, again, to make sure that we become the force for liberty and justice and decent treatment for people all over the world, and that is where we will find America's security. Let us have the courage to do so. Our President has charted a wise course, and we should have the tenacity and the courage to follow this through now that we have learned after 9–11 that there are consequences to pay when we do not.

IN SUPPORT OF H. CON. RES. 464, PATRIOT DAY RESOLUTION

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise in support today of H.Con. Resolution 464, commemorating the solemn occasion of the first anniversary of September 11, 2001, and the vicious attack on the United States and its people that day.

September 11 will long be remembered not just for the death and destruction brought upon America and too many of our people, but also for the day in which innocence was lost. The hijacking of civilian aircraft and the taking of thousands of innocent bystanders' lives will forever be among the most heinous of crimes against humanity. Yet, while the attacks, designed to shake our Nation to its deepest roots and break our spirit to be a leader of the Free World, they only served to strengthen our resolve and show the world that the American sense of kindness and community could not be broken even by the most awful of acts.

In the midst of a living hell only Dante could describe, Americans rose to respond, first by the police, firefighters, and emergency medical personnel who poured into burning buildings which had become infernos, risking life and limb to save a fellow citizen and later by military force. As we now know, many made the ultimate sacrifice. Yet, rather than create panic and chaos, the attacks by the terrorists only served to underscore our resolve. Clearly, in the early hours following the attacks, the actions of otherwise ordinary Americans proved beyond a reasonable doubt that the terrorists failed in their ultimate goal. While they were able to cause pain and suffering and shatter a sense of security felt here at home, they failed in destroying the spirit which is America. And, in causing the death and destruction, they exposed the world to their own twisted ideology of anger and hate and a lack of respect for freedom and human life.

Mr. Speaker, in the intervening months, America, with our allies, has proven militarily that we can and will respond to defend ourselves and our freedom throughout the world. But even as important as it has been to respond swiftly and forcefully, it is now clear that the actions of those Americans who gave their lives on September 11, 2001, and those who responded to help them, and the faith that they inspired in the rest of us, resulted in a victory over the terrorists that very day.

Now, we must continue to battle for freedom and democracy throughout the world, not only for our own defense, but also in the memory of those who first gave their lives for the cause on September 11, 2001.

GOODWILL OF UKRAINE HELPS AMERICA HEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, this hallowed day, the anniversary of the terrible terrorist attacks upon the United States, is one that is observed throughout America. The eloquence of our colleagues in this House has stirred our hearts, described our attitudes, and revealed the Nation's character. America's tragedy is mourned this day throughout the world, too.

It is important for Americans to understand and appreciate the outpouring of support, the gestures of solidarity, and the prayers of the faithful bestowed upon us by the people of the world. As cochairman of the Congressional Ukrainian Caucus, I rise today to speak about one country's goodwill toward the American people in commemoration of the September 11, 2001, terrorist attack.

Throughout my tenure in Congress, I have always been an ardent supporter of democratic development in Ukraine. The full commercial and strategic potential of a democratic Ukraine is staggering and the desire for freedom is deeply routed in the American psyche.

Mr. Speaker, in the House the days and the weeks following the attacks, the Ukrainian people grieved with America and the rest of the world. The sentiments of the Ukrainian people were echoed in a letter from Bishop Stanislaw Shyrokoradiuk of the Roman Catholic Diocese of Kyiv-Zhytomyr. Here is what the bishop said, what he wrote:

"I would like to present to you and in you, to all American people, our condolences because of the terrible tragedy that has stricken the whole world.

"We have been deeply shaken to know about the series of acts of terrorism that happened in the United States of America yesterday.

"It has been an awful blow by its cruelty and scale that struck not only the U.S.A., but all humanity. I received this notice during spiritual retreats in our Higher Spiritual Seminary in Vorzel, where all priests of our Diocese came. As a sign of our unity and sympathy in your grief, we celebrated Holy Mass for the souls of the departed and prayed for all victims. May the Lord strengthen them by His grace that they may outlive this horrible disaster.

"There are Divine Services and prayers said for the souls of the departed victims, and for all of those who have suffered, in all of our churches.

"These day our hearts and prayers are with you and your people.

"Sincerely Yours, Bishop Stanislaw Shyrokoradiuk, the Vicar general of Kyiv Zhytomyr Diocese." Bishop Shyrokoradiuk in Ukraine sent that the day after.

As a country, Ukraine immediately declared its solidarity with the United States, offering its support morally, technically, militarily and with the capabilities of its infrastructure. Ukraine's stance clearly demonstrated its friendship with the United States and the forces of freedom.

Most helpful has been Ukraine's clearance of airspace for nearly 5,000 aircraft flying in from Afghanistan and aid in transporting allied troops and materiel by air and train. Ukraine also provided planes and crews in order to provide transportation for coalition forces and humanitarian missions over Iran.

Ukrainian security forces have been cooperating with Americans offering intelligence regarding the fighting in Afghanistan and other security concerns. Ukraine's international efforts in leading the Georgia, Ukraine, Uzbekistan, Azerbaijan, and Georgia Group, called GUUAM, to secure strategic transport corridors from terrorist activity have helped secure the entire regional community. Ukraine has cooperated with us in blocking and investigating the financial transactions and accounts of suspected terrorists.

Just today, Mr. Speaker, Ukraine's parliament, the Verkhovna (Supreme) Rada, unanimously passed three resolutions in support of America. One extends Ukraine's profound sympathy to the families and friends of victims. The other directs the Cabinet of Ministers of Ukraine to establish a memorial at the World Trade Center in New York to the Ukrainians who perished there. The third resolution outlines Ukraine's commitment to the future of freedom and reaffirms Ukraine's solidarity in the war on terrorism and its commitment to strengthening international peace and security.

This latter resolution lucidly addresses issues of global concern, including environmental problems and global health issues. Currently, Ukraine is preparing to send two IL–76 cargo planes loaded with small arms, ammunitions, and other military equipment to outfit the Afghan National Army.

This morning, the President of Ukraine, Leonid Kuchma, met with our ambassador, Carlos Pascual. The President pledged his country's continued support for Operation Enduring Freedom and expressed his regret for the loss of lives in America 1 year ago.

This afternoon, Ukraine's Ambassador Kostyantyn Gryshchenko visited me in my office here in Washington, D.C. and extended his country's condolences, support, and solidarity. He asked me to express to the House Ukraine's commitment to America's war on terrorism. He assured me that the prayers of countless Ukrainians are for the repose of the souls of the victims.

At this moment in Kyiv, Mr. Speaker, Ukrainians are paying their respects as they observe a large photo collage of Ground Zero. The display honors the emergency workers and heroes of 9–11. There is a similar exhibit at the Ukrainian National Gallery; and on Friday, they will hold a commemorative concert at the National Opera.

Ukraine's condemnation of international terrorism, its much-appreciated support on the war on terrorism, its tough, newly enacted laws to combat terrorism and its commitment to fight at the side of the United States and its allies for civil society and democracy clearly demonstrates the role Ukraine and her people intend to play. Ukraine's support for America is deeply appreciated.

Mr. Speaker, I thank the people of Ukraine for their condolences and camaraderie and commend Ukraine's leaders for standing shoulder to shoulder with the United States. I will submit for the RECORD at this time the resolution that was adopted this morning by Ukraine's parliament.

THE LESSONS OF THE TRAGEDY ARE NOT TO BE FORGOTTEN

STATEMENT BY THE VERKHOVNA RADA OF UKRAINE ON THE OCCASION OF THE ANNIVERSARY OF THE EVENTS IN THE UNITED STATES ON SEPTEMBER 11, 2001

The year that passed after the tragedy in the United States of America did not assuage anger and indignation at malevolent actions of terrorists, pain and bitterness over the loss of thousands of innocent people who died in the airplanes, skyscrapers of the World Trade Center in New York, and offices of the Pentagon. Paying homage to their memory we express once again our sympathy with families and loved ones of the victims.

The last year tragedy has taught the mankind many lessons. First of all it demonstrated that neither financial and economic power, nor possession of unprecedented arsenals of modern arms can guarantee security even for the most powerful state of the world. It has become even more obvious that only with united and coordinated actions can the mankind overcome the international terrorism and religious fundamentalism.

Realization of that led to creation of the anti-terrorist coalition that included dozens of countries. An important role within the coalition belongs to Ukraine, whose foreign policy major goals are strengthening of the international peace and security, maintaining peaceful, equitable, and mutually beneficial cooperation with members of the international community consonant with the generally accepted principles and norms of the international law.

The Verkhovna Rada of Ukraine considers it exceptionally important to apply the experience of the anti-terrorist coalition to strengthening cooperation of members of the international community in overcoming such global challenges as deepening gap between a handful of the richest countries and numerous less developed nations and countries in transition; catastrophic impoverishment of hundreds of millions of people; spread of drug abuse, infectious disease, corruption and organized crime; depletion of water and other natural resources; pollution; dangerous accumulation of nuclear, chemical, and other weapons of mass destruction; strive for hegemony and dictates in international relations; attempts to use objective processes of globalization and internationalization in the selfish interests of one state or a group of states.

United, the mankind is capable to ensure protection of the environment and biodiversity, acceleration of economic and social growth of every member of the international community. We consistently support the increasing role of the United Nations in resolving international problems, strict compliance with requirements of the UN Charter on conflict resolution and prevention of threats to peace and security of the nations.

The documents of the World Summit on Sustainable Development held recently in Johannesburg attracted attention in the Ukrainian society. By taking unprecedented decisions to voluntary renounce the third largest nuclear arsenal and close up the Chornobyl nuclear power station, Ukraine, having been left alone with these very complicated problems, demonstrated to the world its devotion to the cause of peace and international security and adherence to its international commitments.

Reflecting on the lessons of the last year September tragedy, we consider it our duty to draw once again the attention of the international community to the above issues and call on all the nations to consolidate and multiply their efforts to overcome global challenges facing the mankind in the 21st century.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 26 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1702

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 5 o'clock and 2 minutes p.m.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

The SPEAKER pro tempore. The pending business is the question of agreeing to the concurrent resolution, H. Con. Res. 464, on which further proceedings were postponed earlier today.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 0, not voting 63, as follows:

[Roll No. 384]

YEAS—370

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Filner
Flake
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—63

Ackerman
Barr
Barrett
Boswell
Brady (PA)
Brown (FL)
Capuano
Clement
Conyers
Crane
Crowley
Cummings
Davis (FL)
Fattah
Ferguson
Fletcher
Fossella
Gallegly
Gilman
Gonzalez
Grucci
Hastings (WA)
Hilleary
Hoeffel
Hoekstra
Israel
Jones (NC)
Kelly
Kennedy (RI)
King (NY)
Kingston
Kleczka
Levin
Lowey
McKinney
Meehan
Menendez
Miller, Gary
Miller, George
Mink
Murtha
Nadler
Neal
Pascrell
Paul
Pence
Rahall
Ramstad
Rothman
Roukema
Serrano
Shays
Shuster
Smith (MI)
Souder
Stump
Stupak
Tierney
Towns
Velazquez
Waters
Weiner
Wilson (NM)

□ 1728

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. WATERS. Mr. Speaker, I was unavoidably detained and was not present for rollcall vote 384 on House Concurrent Resolution 464. Had I been present, I would have voted "yes."

Mr. GRUCCI. Mr. Speaker, due to numerous September 11th memorial services taking place in my district in New York today, honoring my 60 constituents who lost their lives in last year's tragedy, I will be unable to make it back to the Capitol in time to vote on H. Con. Res. 464. If present, I would vote "yea."

Mr. FERGUSON. Mr. Speaker, on rollcall No. 384, I was absent due to attending memorial events relating to 9–11. Had I been present, I would have voted "yea."

Mr. PENCE. Mr. Speaker, on rollcall No. 384, I was absent due to attending and speaking at 9–11 events. Had I been present, I would have voted "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5193, BACK TO SCHOOL TAX RELIEF ACT OF 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–654) on the resolution (H. Res. 521) providing for consideration of the bill (H.R. 5193) to amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 1701, CONSUMER RENTAL PURCHASE AGREEMENT ACT

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, the Committee on Rules may meet the week of September 16 to grant a rule which could limit the amendment process for floor consideration of H.R. 1701, the Consumer Rental Purchase Agreement Act.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation to the Committee on Rules in room H–312 of the Capitol by 12 noon on Tuesday, September 17. Members should draft their amendments to the bill as reported by the Committee on Financial Services and the Committee on the Judiciary.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TAKE COURAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, today is a very, very important day in America's history. It is the 1-year anniversary of the attack on America. I was handed something by one of my young staffers who has joined my office. He was formerly a page or intern in our office, and he has come back to work full-time, Parker Altman from Belle Glade, Florida, a community in my district. When he handed me this, I felt compelled to bring it to the floor to read it in its entirety because it sums up, I think, a courageous viewpoint of a young person; and it speaks to what is in the hearts and minds of many young people who work in the Capitol, who are young, energetic, intelligent people who have come from around the country to be part of this great government.

It begins, "I woke up this morning just like any other day. Got ready for work and headed out. I had to leave a little early to beat the expected traffic around the Pentagon which is a transfer point on my daily commute. Regardless of my early departure, my wife insisted on getting up as well to make my lunch as she normally does. I told her not to worry about it, that I would get lunch at work, but she shook off her tiredness and strode into the kitchen. After putting my lunch in my briefcase, we hugged our usual goodbye, something was different. The hug turned into an embrace and I began to feel her shaking in my arms. 'Be careful,' she whispered, as her eyes welled up with tears.

"I arrived at the office about an hour early. I quickly settled into my morning routine of sorting the mail and answering letters. Absentmindedly I printed, folded, and stuffed. The rest of the staff began to trickle in and the office took on its typical tone. Televisions were turned on and a more subdued demeanor settled over us.

"I had assured Carrie when I left home this morning that I would be fine and would keep in contact with her throughout the day. I took on a brave face to settle her nerves, or so I thought. I realize now while I sit here in our Nation's Capitol that the impression of my courage that I summoned at home was not only to calm Carrie, but to quiet my own apprehensions. I sit here in my office at the footsteps of the Capitol building, the intended target of last year's Flight 93, with numerous memorials and services going on throughout the city. I sit here at my desk, wavering from the painful emotions dating back to this very morning 1 year ago to the pride and the response and resolve that united our Nation and back again, yet all masked by an outer appearance of courageous numbness. Pausing a bit to find these words, I realized that I sit here scared.

"This is not a bad thing. In my young opinion, I think fear can be a positive force if understood properly and not allowed to overcome all other emotions. I am scared. Scared but not crippled by the fear. I try not to dwell on the what-ifs, not to think about how I would handle a devastating situation like last year. I try, but the thoughts invariably sneak in. I like to think that fear has not defeated me. Today, like yesterday, I commuted into work, passing through the very site that was struck last year. Today, like yesterday, I sit at my desk in my office at the footsteps of the Capitol building, the very symbol of democracy that our enemies hate. Today, like yesterday, I remember the images flashing across the screen, and I feel a twisting in my gut from the raw emotions of these events. Today, like yesterday, I am scared. Scared but not crippled because I know that regardless of what happens today or tomorrow or the days beyond, my family and friends know that I love them. I know that despite the evils in the world that work to frighten us, there is a God that overpowers all. I know that because of this divine good, I should no longer be afraid of the evil. Senate Chaplain Lloyd John Ogilvie said it best in New York City last autumn. When faced with our inevitable fears, Dr. Ogilvie reminded us that because of His presence we should, 'take courage, it's yours, you know.'

"This is my prayer for you as this day progresses and as we face the uncertainties of tomorrow. It is, 'Take courage, it's yours, you know.'

That was by Parker Altman, my staff member. I mentioned he is from Belle Glade. It sums up the thoughts and emotions of many of the fine young people here today. They did come to work, despite the fears and alerts, Democrats, Republicans and Independents from around this great country of ours, these fascinating and fulfilling young people who choose to labor in these buildings and the Capitol, much like the Clerk's Office, the police officers, the rank and file. All of us came here today to prove a point to terrorists that we will not succumb to fear.

When we have a 21-year-old coming up to us, realizing that probably their own parents suggested they should stay home, call in sick, these kids chose no, and to face the burden of the day and face the challenges; and, yes, face the fear, knowing that this city could be a target at any time. But democracy, for it to flourish, fear must be subdued, and we must fight with our energy and vigor to make America the land of the free and the home of the brave.

Mr. Speaker, I salute Parker Altman today. I am thankful that he took time to put his words to paper..I am thrilled that I am able to read it on this floor and state a memorial for the RECORD. I urge all Americans today as we bow our heads in prayer to thank God for the divine inspiration and the great opportunity we had today to celebrate another day of American heritage; sad as it was, powerful that we were able to overcome our fears and focus on the work of the people.

AMERICANS STAND TALL AGAINST TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, I rise today on this September 11, the 1-year anniversary of the greatest tragedy on American soil in our history with a heavy heart, as I know is shared by all Americans, because it was on this day 1 year ago when almost 3,000 Americans lost their lives at the hands of evil terrorists who sought to destroy our Nation, who seek to destroy our way of life.

We know from that experience that all Americans must stand tall against the threat of international terrorism. We know as Americans that we never, never, never want to experience that tragedy again. As a part of our history, we will always remember September 11 of last year.

I come to the floor today to call upon the House to pass legislation entitled the National Memorial to the Victims of Terrorism Act. This legislation would memorialize all victims of terrorism, both those who have lost their lives on September 11, as well as those who have been victims of terrorism in previous times, as well as those who have died in the cause since.

Since September 11 of last year, we have engaged in a battle in Afghanistan where 51 Americans have lost their lives. We know from experience that the war against terrorism will not be won quickly and that perhaps we may face this challenge for many years ahead.

In many ways on September 11, the American people recognized for the first time that we were in fact engaged in a war against terrorism, even though we have had ample opportunity to define those events that occurred in previous years, taking the lives of American citizens and American soldiers, as a war. We understand that this legislation that we have introduced will memorialize those who lost their lives to terrorism. The legislation which we have introduced is entitled the National Memorial to the Victims of Terrorism. It was introduced by me and by the gentleman from Utah (Mr. HANSEN). It is a bipartisan piece of legislation that enjoys the support of Members on both sides of the aisle.

The legislation would create a 13-member Victims of Terrorism Memorial Advisory Board appointed by the President in consultation with the Secretary of the Interior and the Secretary of Defense. Members of the advisory board would include appointees from organizations dedicated to assisting the victims of terrorism and their families. The board would begin the process of establishing a memorial not later than 1 year after the date of enactment of this legislation. The advisory board would have the responsibility of raising the necessary funds from private sources to pay for this national memorial.

Those who came and testified on behalf of this legislation in the committee last May spoke very eloquently about the importance of this national memorial. We had testimony from Lisa Beamer, the widow of Todd Beamer, who joined those brave passengers on Flight 93 and fought off the terrorists and saved this Capitol and many people who were in this building.

We had testimony from Colonel Ted Anderson, who saved many victims when the Pentagon was struck by the aircraft on that fateful day.

We had testimony from Joe Finley, a New York firefighter who worked hard and dedicated his efforts on that fateful day to saving the lives of those who were struck in the World Trade Center.

We also had testimony from Liz Howell, a staffer on the Committee on Resources staff that heard of this bill who lost her husband at the Pentagon on September 11.

Each of these individuals shared heartfelt testimony as to why it is important for Americans to mark this event with a national memorial, and why it is also important to reflect in this memorial the memory of all who have lost their lives to terrorism.

□ 1745

The war on terrorism is indeed the first war of the 21st century. It will not be one marked by any one geographic location. It is a global war. It is a global war that will be fought both at home and abroad. Though they have lost their lives in places far and near over a span of time that includes the past, the present and perhaps the future, the victims of terrorism, both civilian and military, deserve solemn tribute, for they died at the hands of the enemies of America simply because they were Americans.

I call upon the leadership of this Congress to promptly set this bill for hearing in order that we may act promptly and pass the National Memorial to the Victims of Terrorism Act.

THE MEANING OF SEPTEMBER 11

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I do not intend to use the full hour this evening, unless some of my colleagues come in and would like to share some of the time.

I did want to take to the floor this evening on the evening of September 11 to basically talk about the meaning of September 11 to me and particularly to my constituents in New Jersey. I wanted to particularly make reference to two events that I participated in in the last 24 hours.

Last evening, after the House adjourned during the day for votes, I went up to Middletown, New Jersey, which is a town in my district, in Monmouth County, that suffered more deaths in the World Trade Center building during the attack on September 11 than any other town in New Jersey or maybe in the whole metropolitan area. There was a memorial service, a dedication of a garden in memory of the 36 residents of Middletown who died on September 11. It was a very moving ceremony. We had relatives of the victims who made speeches. I would like to talk about it a little more.

The other event I went to this morning was at my own high school in Long Branch, New Jersey, where the entire student body from kindergarten, I believe, all the way to 12th grade, to the graduating seniors, showed up at the football stadium for a service. I think we must have had probably over 4,000 people there this morning. It also was very moving. I would like to sort of comment on both of those ceremonies in light of what happened last year.

Mr. Speaker, last September 11 I actually was in the Capitol. Many of us know that on Mondays and Tuesdays we schedule at 9 a.m. what we call morning hour, which is very similar to the special orders that we have at the end of the day. It is an opportunity between 9 and 10 a.m. for Members of Congress to come down and give 5-minute speeches on whatever topic they desire. It is not part of the votes of the House. It is an opportunity to talk about issues or really any kind of event that you want to talk about that day.

Before morning hour on the Democratic side we have a meeting, what we call a message meeting in the morning that I chair, along with the gentlewoman from Connecticut (Ms. DELAURO), and that usually starts at 8:30 in the morning. So on that morning of September 11 last year we started at 8:30, maybe it was a little later, with a message meeting, and then we came up to the floor, some of us, including myself, to do the 5 minutes for morning hour.

I do not know exactly what time it was, probably maybe about 9:15 or 9:20, when I finished my 5-minute speech for morning hour that I walked out of this Chamber and walked over to the leader's office, the office of the gentleman from Missouri (Mr. GEPHARDT), and discovered that the World Trade Center had been attacked. It was on the TV.

The only reason I bring this up is because over the weekend there was a report in the news media about how certain informers for al Qaeda and the Taliban had indicated that the plane that went down in Pennsylvania on September 11 last year was actually headed for the Capitol, for the United States Capitol.

This morning when I was at the ceremony at Long Branch High School, the superintendent of schools, who was the MC for the ceremony, Mr. Joseph Ferraina, mentioned in his opening remarks that the people who died on September 11 basically gave their lives so that others might live.

I thought about that statement this morning, and, of course, it has a tremendous symbolic meaning, but it also had a literal meaning in a sense for me, because it is very likely that if those brave Americans who had decided to try to fight the terrorists and bring down that plane into a field in Pennsylvania had not made the decision to try to struggle and overcome the terrorists, that that plane would have headed for the Capitol and I would have been right here on the House floor and probably died as a result or could have died as a result of that attack. So those people literally, literally, were giving their lives so that Members of Congress like myself and my colleagues could live.

It is an amazing thing to think about, that they were willing to sacrifice so that that plane would not come here and hit the United States Capitol.

But I also thought this morning that they were not only giving their lives for other Americans, possibly myself and my colleagues, but they were also sacrificing their lives, they were essentially martyrs for the cause of America in a more symbolic way. When I say the cause of America, what do I mean? I mean democracy. I mean the freedom of speech, the freedom to assemble, the freedom of religion that we find so sacred.

My wife mentioned to me this morning that the Americans who were on that plane that ended up crashing in Pennsylvania, because they were in contact with others on the ground, they were using cell phones and were able to contact other people while they were on the plane, and they found out that the World Trade Center had been attacked, that the Pentagon had been attacked, and they decided, because of those attacks, that they would take a vote and they would vote amongst themselves on the plane as to whether or not they would try to overcome the terrorists in order to veer the plane away from, in this case, the Capitol or whatever else they thought landmark it might be used by the terrorists to attack.

I thought it was terribly significant that they voted, because here we are this morning in Long Branch, yesterday in Middletown, today on the floor in Washington, talking about the meaning of democracy and how the people who lost their lives were really martyrs for the American way for democracy. Lo and behold, they were taking a vote to decide whether to overcome the terrorists, which is probably, I guess, the most basic manifestation of what democracy is about, taking a vote.

I am sure that the terrorists that hijacked the plane were not taking any votes because, unlike the Americans who were willing to give their lives on that plane, they did not believe in a democratic process. They did not believe in the American way, the values that we believe in. They basically had a very different ideology, and their ideology, whatever it was, said that it was okay for them to hijack the plane, to kill innocent civilians for what would appear to be some sort of fundamentalist religious cause.

I think that we cannot forget the fact that so many Americans who lost their lives on September 11, including the 36 in Middletown, the town that I went to last night in my district, even though they were giving their lives for the American way, for American values, that the effect on their families, the effect on their relatives, is devastating.

It is nice to say that someone is a martyr. It is a glorious thing. But, at the same time, it is very hard to be the relative of the martyr, because your husband or your wife or your daughter or your son is no longer there. There is the huge void, if you will, that lingers. I am sure it lingers a year later or lingers 10 years later. It is never really filled.

Mr. Speaker, I will introduce into the record an article that was in the New York Times, I think it was on September 7, just a couple of days ago, that talks about Middletown, New Jersey, and the grief and the difficulty that the relatives and the survivors of the victims of September 11 have been going through.

I put it in the record, Mr. Speaker, not because I want to dwell on the grief. The title of the article in the New York Times is "Emerging From Cocoon of Grief," but because I think it is important for us to understand that as much as we talk about these victims and their families, or these heroes, I should say, and their families, in the sense that they gave so much and they are so important and they are so significant for us to comment on, that they still were people whose families now are having problems because of a void that has been left behind. I think this article kinds of sums it all up. It sums up their courage and what they had to face, but also sums up what they face in the future.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank my colleague for yielding to me and giving me an opportunity to voice my support for House Concurrent Resolution 464. I was not here when the vote was taken. I was on a plane coming from Los Angeles. I had to stay in the district to take care of some very important problems there. I tried very hard to get from the airport here to the House floor so that I may take that vote, because I think it is so important for all of us to show that we really do care and we really do honor the memory of those who lost their lives and for those families who are making sacrifices, even today, because of the devastation that they are experiencing in their families and in their homes and in their lives. So I would like it to be known that had I been present for the vote on House Concurrent Resolution 464, Roll Call No. 384, I certainly would have voted yes.

Again, I want to thank the gentleman from New Jersey (Mr. PALLONE) for taking out extra time on the floor. Having done what we all should have done, and that is voted, the gentleman has remained here, because he had something additional that he wanted to say to the families and to the friends and neighborhoods and the communities.

Just as I walked in, the gentleman was talking about what happened on that airplane in Pennsylvania when a decision was made by a vote "to roll," to try and take the plane away from the hijackers, in an effort perhaps to prevent them from coming to this Capitol or to the White House.

The gentleman is absolutely correct, we should never forget that, and we should all know and feel that we are very blessed because there were very brave people who decided to take a courageous action in the interest of saving lives. So I thank the gentleman for the extra time that he is putting into this.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague for those words.

Mr. Speaker, I see other colleagues joining me, and I am very pleased to see that, and I just wanted to talk a little bit more about the Long Branch ceremony this morning and Middletown last night, if I could.

I was really happy this morning in Long Branch because there were so many young people there, about 4,000 people, as I said, maybe from kindergarten all the way to 12th grade from my home community. I think they were listening very attentively to the various speeches being made and they understood that the people who lost their lives on September 11 really were heroes to the American way.

The most important thing I think we need to do as we continue to commemorate September 11, and in Long Branch actually said they plan on doing the ceremony every September 11 because they wanted to teach, if you will, the students and the young people about the significance of September 11, that it is important that from now on, not only today, but in the future, that we continue to commemorate the day and we continue to commemorate those people who lost their lives and the heroes that tried to help the victims, the firefighters, the police, because if we forget it, then we are not paying proper respect to them, and we must continue to point out that this democracy that we live in and the freedoms that we so cherish are not easily come by, that people continue to sacrifice for them.

Obviously we must continue to do what we can here in Congress with the President and Congress jointly to make sure that the terrorists do not have the opportunity to do this type of terrible act again.

If I could just mention a little more about Middletown last night, because it was so significant. As I said, in Middletown there were 36 men and women who lost their lives in the World Trade Center on September 11.

□ 1800

I mentioned the article that was in the New York Times, and there was a lot of news stories and national attention that was focused on Middletown over the last year because so many people died proportionately for the size of the town. But in the middle of all the descriptions in the news media about the suffering, about the people who died and their families, there was also much said about the pride of the community, the fact that the community came together in untold ways, that residents there were helping each other in time of need, and that the community banded together not only to help the families of people who died but also to send firefighters and police to help the efforts on September 11 and in the aftermath. And I guess I just wanted to say this evening, if I could, how proud I was last night to be able to say that I represent a community like Middletown and to also have the opportunity to participate in the groundbreaking for another wonderful community effort there, the Middletown Memorial Garden.

Let me just explain a little bit about what went on last night. Each of the elected representatives spoke briefly, and then they had relatives of the victims who spoke and then they proceeded over to this new memorial garden where each of the relatives was given a shovel to shovel some of the dirt before the garden started to be put together. And of the speakers, every one of them was overwhelming in terms of what they said and the significance of what they said, but in particular I can remember a little girl, I do not know, I think she probably was about 9 or 10 years old, maybe a little younger or a little older, and of course she reminded me of my own daughter. I have one daughter who is 9 years old. And she spoke about her father. She basically read a letter, I guess in a sense she was writing a letter to dad, and it was such a moving experience. And after that all the relatives, I think about 170 or so relatives that proceeded over to this garden to do the shoveling of the groundbreaking, and there were little kids 2 years old, 3 years old all the way up to teenagers. It was such an overwhelming experience.

I want to say in conclusion before I yield to my colleagues, the loss is always going to be there. There is no way to get away from the loss for all these relatives of what they lost on September 11, but I think if we do not forget the people who gave their lives, if we continue to commemorate their activities, if we do things like the Middletown Memorial Garden or the ceremonies like were held at Long Branch High School this morning, then we are doing what is necessary to make sure that we never forget what happened and the significance of what happened. We need to be reminded ultimately that this battle against those who would defy America and defy America's values is never ending and that we have to be constantly vigilant in order to protect our democracy and our freedoms. And that is why I think today was so significant to me, not only to the two ceremonies that I attended over the last 24 hours, but because I feel in general that people after a year really understand the significance of what happened on September 11 and are determined to keep in mind the lessons of that day.

Mr. Speaker, with that I yield to the gentleman from New York (Mr. ENGEL), and I know he had many of his own constituents who died and suffered that day as well. I yield to the gentleman.

Mr. ENGEL. I thank the gentleman from New Jersey (Mr. PALLONE), my friend, for yielding to me, and I am very grateful that we are able to speak on the floor about September 11 today because I have just gotten back from New York and spent my morning at

Ground Zero at the World Trade Center site where we had extremely moving events. I was just out in front of the Capitol where I sang "God Bless America" with so many of our colleagues, and for me being in two places the same day, Ground Zero, the World Trade Center, and at the Capitol where we now know that the doomed flight from Pennsylvania was heading towards the Capitol. It has been a very emotional roller coaster for me to be in both cities one day. Flying the shuttle, it was practically empty. A lot of people were obviously not flying today. But I am just so proud the way this Congress and the American people are handling the anniversary of the tragedy that happened 1 year ago today.

I saw, as I have seen in my city since September 11, just an outpouring of goodwill, of people just hugging each other and banding together and taking pride in being New Yorkers and taking pride in being Americans and just wanting to help each other, care about each other, be concerned with each other. We saw that again when I drove down this morning. The first thing we saw when we got near Ground Zero were people with American flags and having victory signs and thumbs-up signs and just hugging each other. When we actually got to the event, there was a platform and we started with different famous speeches that were made, and then at the exact times that the planes hit the World Trade Center, both towers, there were moments of silence, and then at the exact times that the buildings crumbled a year ago, there were bells tolling and moments of silence, and all the names of all the victims of the September 11 tragedy at the World Trade Center were read from A to Z, and it was very, very moving. I was given a list of names to read to be part of the procedure, to read the names, and I realized that someone had come in who was a family member of someone who had died at the World Trade Center and he had no names to read, and I gave him my list to read because it was just enough for me to be there to just get the feeling. And I will tell my colleagues, it was a very windy day in New York City today, and it was almost as if one could just feel the spirit lifting everybody that was there. I do not think I have ever had anything that has been as emotional or as emotionally uplifting. It was sad, very, very sad, but at the same time it made us feel like we were all part of something and that we were all together as Americans and as New Yorkers. There were thousands upon thousands of people. There were family members making their way down to the exact spot of Ground Zero.

Last night at about 1 o'clock in the morning, there were processions, actually marches, of people from all five boroughs. New York City, of course, has five boroughs. The Bronx, where I am from; Brooklyn; Manhattan; Queens; and Staten Island. And people started from the farthest reaches of the city, from the farthest points of the five boroughs from Ground Zero and all converged at Ground Zero. And so as the names were being read out, family members were marching down and we could see the family members. Yo Yo Ma was playing as he does so well, and it was just a very moving experience.

I said the week of September 11 last year after touring the site with the President 3 days after that I was never more proud to be an American and never more proud to be a New Yorker, and I feel that way again today. And I do hope that every September 11 we can all come together. I hope we can do it 365 days of the year, but I think that September 11 is a day that we really always need to reflect and always need to understand how proud we are to be Americans, how proud we are to be New Yorkers. The terrorists think that they can destroy our way of life, but they cannot. Quite the opposite. Because what I see is a resolve amongst Americans, amongst people in this country like I have never seen before. It is almost as if a sleeping giant has awakened, and we are going to ensure that the evil of terrorism is eradicated all over the world wherever it rears its ugly head, and this country will always be in the forefront of fighting evil. And we understand what it means to be an American, and we understand why it is so important that we all band together and help each other because that really gives us the meaning of what life is all about.

And those people, those poor people, and I will conclude, who perished on September 11 did not perish in vain because they will always be in our minds, they will always be in our hearts, and the heroism that we saw from the first responders to everybody else, the untold acts of heroism that we will never know about, those people are an inspiration to all of us.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from New York (Mr. ENGEL) for what he said, and I know that there were a lot of New Jersey people at Ground Zero. I think the governor of New Jersey also spoke or read the Declaration of Independence, if I am not mistaken.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), our Democratic whip.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for having this very important special order this evening on this day that is etched in the hearts and minds of all Americans.

I want to first commend the gentleman, my colleague from New York (Mr. ENGEL), and extend to him and the members of the New York delegation, especially the dean, the gentleman from New York (Mr. RANGEL) for the magnificent hospitality extended to the Congress. Over 300 Members of Congress traveled to New York on Friday to the place where George Washington took the oath of office as our first President of the United States. What more suitable place could there be than for us to express our grief to all those who personally suffered on September 11 and, indeed, to our entire country which shares in that grief?

But New York took a hit and all those from surrounding areas, as the gentleman said, many from New Jersey, certainly those in the plain in Pennsylvania and those at the Pentagon, in every venue the spirit of the families who suffered the loss and the spirit of the communities that were involved has lifted up our country.

This has been quite a day for our country, all over America, and I know in my district in San Francisco all day. We started at 5 o'clock this morning because it is three hours earlier, to be ready to commemorate at the exact moment the sad tragedy that our country experienced last year. But for some of us, we were in the National Cathedral at that precise time when the great bell of the cathedral rang to observe again that sad time and for all of us to join in mourning. It is a day of mourning and memories, and it is a day to pay tribute and give thanks certainly to the New York delegation for the wonderful venue they provided for us to mourn, commiserate, and they provided us a great memory for which we are all grateful.

With the resolution that we approved today in the Congress, we expressed our utmost appreciation to those brave and courageous young men and women in uniform who are fighting the battle to root out terrorism wherever it exists. Today we remember the victims of September 11. We also remember and pay tribute to Johnny Michael Spann, the CIA officer who in November became the first American killed in combat. We honored him earlier in this Congress with his family in the gallery. His name and the names of thousands of other Americans, too many Americans, are now etched as permanently in our history as they are in the minds of their families. As the poet laureate of the United States said in New York, too many names for even the walls of our hearts to contain.

For some of the families of the victims, the sound of a plane flying overhead fills them with fear. Indeed, the warning of any possible terrorist act intensifies their grief, and for them and for all Americans we must do everything in our power to reduce risk to the American people. Yet as we continue to grieve, we take pride in knowing that the unspeakable events of September 11 have brought Americans closer together than ever. The gentleman from New York (Mr. ENGEL) referenced that, as did the gentleman from New Jersey (Mr. PALLONE). We have joined together as a community, we rush to give blood, money, and volunteer time to become more patriotic, to appreciate our freedom.

Today's resolution honored all of those affected by September 11 from whom we have learned what it means to be a member of the American family. From our first responders, our firefighters, and police officers, we have learned to be an American is to be selfless, to put honor above personal safety and the lives of strangers above your own. From cell phone calls made from crumbling buildings, we learned that to be an American is to love family with a power and a force that transcends even death. From a group of passengers in a hijacked plane over Pennsylvania, we learned that to be an American is to be brave in the face of hopelessness and to do good for others while evil is being done to oneself. And from workers at the Pentagon who went to work that day and every day, we learned that to be an American is to love freedom and to show that love every day by serving our great country.

This morning we also went to the Pentagon, shared some sympathies with the families of those who lost their loved ones. One young man showed me the flag that was given to him in memory and honor of his father who perished that day. We also honored the hardhats who rebuilt the Pentagon so that here today on that 1-year anniversary we could visit a Pentagon that was restored, a sign of confidence and pride in our country.

With these lessons in mind, we can rest assured that the assault in our heart, the heart of our Nation, will only make it beat more strongly. That strength will allow us to triumph over terror militarily, and that strength will allow us to triumph over terror in spirit. We will cherish our freedoms now more than ever and recognize, as was said at the National Cathedral this morning, that there is a high cost to freedom.

☐ 1815

We will draw our loved ones closer and reach out further toward peace with our adversaries.

With that, I would like to once again express gratitude to all who have helped us all grieve. I hope it is a comfort to those who lost their loved ones that so many people throughout the world, and indeed, intensely in our own country, share their grief and are praying for them at this sad time.

I would also like to thank the gentleman from Illinois (Speaker HASTERT) and our leader, the gentleman from Missouri (Mr. GEPHARDT), for making it possible for us to travel to New York, because it was a place we had to visit. We went to the heart, to where our country began, to renew ourselves and to be ready for this very, very sad day, but in a spirit of renewal and pride in our great country. God bless America.

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. The only thing I wanted to add, Mr. Speaker, was that the gentleman pointed out that so many people from New York City and the suburbs of New York lost their lives. Both Senators from New Jersey were there today at Ground Zero, and the Governor was; both Senators from New York, and the New York Governor was.

In my district in Rockland County and Westchester County, the suburbs of New York City, so many people lost their lives: firemen, policemen, and average citizens who went to work. So this is truly a regional feeling, and absolutely a national feeling; but of course, in the New York City metropolitan area, a regional feeling, as well. I thank the gentleman for mentioning that.

Mr. PALLONE. I thank the gentleman for adding that. He is right, that we can even go beyond that. My understanding, I hope I am not wrong, was that the plane that went down in Pennsylvania was actually headed for California, so there were probably some of the constituents from the district of the gentlewoman from California (Ms. PELOSI).

We know there were even foreign nationals that perished in the World Trade Center, so the tragedy was truly not only American in that there were so many people from all parts of the country, but even people from other parts of the world. This was something that happened not only to New York and New Jersey, but to the country and even to the world.

Mr. Speaker, I include for the RECORD the article from the New York Times of September 9, 2002.

The article referred to is as follows:

[From the New York Times, Sept. 9, 2002]

EMERGING FROM COCOON OF GRIEF

(By Andrew Jacobs)

MIDDLETOWN, N.J., Sept. 6.—Even now, a year after her husband, Louis, disappeared at the World Trade Center, Barbara Minervino struggles with the competing pulls of rejoining the living or remaining curled up in the shelter of her cream yellow ranch home with its comforting memories and distracting mounds of 9/11-related paperwork.

A photographic shrine to her husband still dominates the living room and she refuses to touch the Yankee ticket stubs and the $15 he left on a nightstand the final evening of his life. But she is also increasingly drawn into the world, both by necessity, and in recent months, the realization that she can survive as a 54-year-old widow with limited skills. "It devastates me that I was able to live without Lou for the last year," she said, sitting in Redheads, a strip-mall restaurant where hundreds of mourners gathered last year after her husband's memorial service. "I didn't change a light bulb for 29 years. I didn't buy a bedspread without consulting him."

In contrast to the unrelieved grimness of the past months, there is now a hint of levity in her voice when she talks about the road ahead. "I still don't know where I'm going, but I feel like I'm a butterfly about to come out of the cocoon," she said. "With the grace that God gives me, I look forward to October and what my place is in the world."

Since losing 36 residents on Sept. 11, this centerless hodgepodge of look-alike ranch homes and waterfront estates has become a national symbol of devastating loss and communal caretaking. Over the past year, Vanity Fair, "Dateline NBC" and a score of newspapers discovered that tragedy had transformed this anonymous, disjointed suburb into a model of selfless do-goodism. Local volunteers distributed more than $700,000 in cash and services to the stricken families, and many neighbors, once strangers, delivered home-cooked meals to make sure no grieving survivor would have to cook during those first terrible months. Lawn services, mechanics and plumbers donated their time, ensuring that no one would have to worry about the mundane aspects of suburban living. In a way, this community has discovered itself in its grief. But as it crosses the first anniversary, Middletown, like Mrs. Minervino, is struggling with opposing impulses: the urge to move past the trauma of last September and the need to remember.

And while both impulses have enormous force, both the individuals and the town seem intent, finally, on moving on. "Some days, I just want a normal life like other women," said Kristen Breitweiser, who lost her husband, Ronald. "I want to go food shopping. I want to bake an apple pie. I don't want to be a 9/11 widow for the rest of my life." Of course, Sept. 11 this year will be more about looking back than looking forward. By 8:46 on Wednesday morning, when the bells begin to toll at St. Mary's Roman Catholic Church, the camera crews from MSNBC, CBS and Australian television will already be broadcasting live, showcasing this township's resilience in the face of excruciating loss. Shopping malls will fly their flags at half-staff, police officers will shroud their badges in black and residents will gather for commemorative events at a fishing pier, a half-dozen churches and the Middletown train station, where township officials will break ground on a four-acre park honoring the local residents who died.

"Not an hour goes by when you don't think about it," said the police chief, John Pollinger, choking on emotion as he pulled his car into a drive-through teller. "I think all of us here have been changed, changed forever."

But neither patriotism nor civic boosterism can stop the intrusions of daily life. Mounting job losses have taken a toll on many families. The battle over a proposed megamall, dormant in the first few months after the terror attacks, has reignited with more fury than before. And although a tentative contract agreement reached Thursday means schools opened without labor strife, there is lingering bitterness from an ugly strike in December that sent 228 instructors to jail. Since then, more than 100 teachers, about one-eighth of the district's total, have left the community for other jobs or early retirement. The district's embattled superintendent moved on as well. "There are deep and painful wounds that no glossing over, no platitudes, can undo," said the union's president, Diane Swaim, a middle school teacher who has lived here most of her life.

While many families say the public outpouring of kindness helped them endure a nightmarish year, they recognize that the unlimited benevolence cannot last forever. The meals stopped coming with the onset of summer, when many families went away on vacation, and several women said they have sensed a waning tolerance for outward displays of grief. "After a very long year, people expect us to move on, to get on, to try to live life," Mrs. Minervino said.

To many family members, moving forward remains painful. Brittany Chevalier, 16, who lost her 26-year-old brother, Swede, worries that school administrators and teachers will no longer make allowances for the days she is too distraught to come to school or too upset to complete an assignment. "They were understanding on the six-month anniversary, and they'll understand if I don't come to school on Sept. 11," she said, "but they'll start to think I'm being ridiculous when the year-and-a-half anniversary arrives. I guess I'm afraid people are just going to forget and that the world will just go back to normal."

But the pull toward moving on is the dominant impulse, even for the bereaved. During the past year, Patricia Wotton was so distracted by grief she became emotionally detached from her two children, Dorothea, nearly 3, and Rod, who is named for his father, who died a week before he was born. "It was too painful interacting with them," she said, "It reminded me of what I lost. Besides, I was so focused on breathing."

Over time, Dorothea began to act out aggressively, much of it directed at her fragile brother, who was born prematurely and spent his first month in intensive care. Last month, Dorothea's therapist warned that Ms. Wotton's inattention was compounding her daughter's trauma. It was those blunt words, Ms. Wotton said, that helped her cross an invisible line.

In a burst of activity, she opened her backyard swimming pool, planted some tomato plants in the garden that was once her husband's domain and started to talk baby talk to her son. She even visited ground zero, which helped her realize that her husband was really, truly gone. "I saw where the south tower was and finally understood he couldn't have survived such hatred," she said.

In an outgrowth of her newfound strength, she has begun a campaign aimed at winning extended health coverage from her husband's former employer, Fiduciary Trust, which plans to cut off all medical benefits in December. Last month she appeared with Diane Sawyer on ABC's "Primetime Thursday," and now other networks are clamoring for an appearance. "I have this big open wound, but it's starting to form a tiny scab," she said. "I still feel the pain, but I'm doing what my husband would have expected of me."

For Elaine Chevalier, Brittany's mother, the journey back to everyday life has been powered by the earthly distractions of work and the spiritual nourishment that comes from intense faith. Those first catatonic months have given way to busy days managing commercial real estate in and around Middletown. But Ms. Chevalier says her true salvation has been her church and its support group. The crystallizing moment came one night last year in a dream, which featured Swede, the angel Raphael and her son's yellow Labrador retriever, Holly, who had also just died. "I'm trying to heal by thinking about my son in a different way, trying to think of him as a spiritual being," she said, sitting in the family's soaring great room with Brittany by her side. "Sometimes it works, but sometimes it doesn't cut it."

As she crosses the one-year mark, Ms. Chevalier believes she is entering a new phase of her life, one marked by self-reliance. (She is also seeking a divorce from her husband of 30 years). "The community has been so wonderful to us," she said, "but people can't feel sorry for us and cater to us forever."

It has been a busy year for the dozens of volunteers who came together to spoil the grieving families of Middletown. Besides raising $200,000 in cash, the group, Favor, made sure every family received overflowing gift baskets to mark Thanksgiving, Christmas, the depths of winter and the beginning of summer.

In June, the group decided it had done its job, and announced that it would disband. Several of the organizers, who set aside work and the demands of family, said it was time to return to their former lives. But Favor will not be fading away any time soon. The renewed flood of news media attention that began in recent weeks has sparked a fresh round of philanthropy, including that of a Texas millionaire who has offered scholarships to the 61 children who lost a parent last September.

At the very least, Allyson Gilbert, the group's executive director, said she and others have decided to put together one more gift basket, something small and simple, perhaps a tray of home-baked cookies crowned by a teddy bear. The baskets, she said, will probably arrive a week or two after Sept. 11, when the commemorative events and televised anniversary specials are through.

"They don't need us to deliver these huge food baskets or big checks anymore," she said. "I think they just need a reminder that we're thinking about them, that we have not forgotten, and that we're not going to go away."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 464. Concurrent resolution expressing the sense of the Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.

CONGRESS MUST CREATE SINGLE, UNIFIED AUTHORIZATION AND APPROPRIATIONS COMMITTEES FOR NEW DEPARTMENT OF HOMELAND SECURITY TO BE SUCCESSFUL

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I take this time to reflect on the incidents of the past year and to discuss the next phase of our war against terrorism and our war for homeland security.

Mr. Speaker, 1 year ago on this day at 8:30 in the morning I was on the third floor of this building in the press gallery beginning a press conference with our colleagues from both sides of the aisle. We had assembled before the national media to call for support of a bill that I was introducing that day asking for an additional $6 billion of defense spending. That defense spending was to go specifically for readiness for our troops, for homeland security, and for the war against terrorism.

The first plane hit; the second plane hit. The media had to stop the press conference, and by 9 o'clock we realized that we were going to have to vacate the building. The Sergeant at Arms called for vacating the Capitol, and we began the orderly process of descending from the third floor of this building to the parking lot.

On the way out, I talked to our Sergeant at Arms. I said, What is happening? He said, There are at least two more planes in the air, and we feel one of them may be headed for the Capitol building. By the time we got to the parking lot and looked across Washington, off in the distance we could see the black smoke rising from the Pentagon.

There was total chaos on Capitol Hill that day, Mr. Speaker, because no one had anticipated that kind of action against us, in spite of the calls for America to be secure that had been made by many Members of this body on numerous occasions prior to 9–11.

We wandered on the Hill as they evacuated the office buildings, and moved down toward the Capitol Hill police station. Near the train station we would get our first briefing. About 120 of us got that briefing. I came back out and walked back toward the Capitol when my cell phone rang, and I got a call that was extremely disturbing and very emotional for me. I learned from my friends in the New York City Fire Department that one of my good friends was missing with the collapse of the two World Trade Center buildings.

See, what was so tragically emotional for me was that individual had taken me through the first World Trade Center bombing in 1993. As many of our colleagues know, Mr. Speaker, I would not be in this body were it not for my work in the fire service. Having grown up in a fire service family and becoming chief of my own local department, a fire instructor, and going back to school for a degree in that area, I have been identified with those brave individuals since I first came to this body 16 years ago.

So in my capacity as a Member of Congress and the founder of the Congressional Fire and Emergency Services Caucus for the past 16 years, I have made it my business to attend every disaster we have had, from the Murrah Building bombing in Oklahoma City to the wildlands fires in the West to Hurricane Andrew and Hugo in the South to the Mid Western floods to the Loma Prieta and Northridge earthquakes and the World Trade Center bombing in 1993.

It was in 1993 when I went up as a guest of Commissioner Howard Safir that I first met a brave young firefighter in New York who would later become the chief of all special forces and rescue in that department. He and members of the New York City Fire Department took me through the bombed-out parking garage in the Trade Center in 1993, where I saw the terrible, horrible devastation caused by bin Laden the first time he hit America.

He and I became friends. We traveled around the country and spoke at many events together on the need to prepare for homeland security and our common defense. In fact, it was the suggestion of a commission that came from some of the recommendations he gave me that resulted in legislation I introduced 4 years ago to create a commission chaired by former Governor Jim Gilmore of Virginia called the Gilmore Commission.

My friend, Ray Downey, was a member of that commission. The Gilmore Commission's purpose was to make recommendations to the Congress and the White House about how we could better prepare for what none of us wanted to think about: the ultimate tragedy against our country. Four years ago, no one was thinking that could be a reality, but the Gilmore Commission in fact three times issued reports before 9-11 with specific recommendations that we in the Congress and the White House should follow.

Ray Downey was a member of that commission. Ray Downey was the incident command officer on the scene in New York at Ground Zero directing the bulk of those 343 firefighters who were killed as they went up into the stairwells of those buildings to bring people down. In fact, when I went to the Trade Center Ground Zero site 2 days later, not as a Member of Congress but as a member of the fire service, I spent the day with the New York City firefighters.

The day that I arrived, unfortunately, the tragedy was that Ray Downey's two sons, who were both New York City firefighters, one a captain and one a lieutenant, were looking for the remains of their dad. How terribly tragic it was to be asked by the firefighters union in the city to go back to the Javits Center to greet the families of those that were going to visit with President Bush that night, the families of those that were missing.

I did that, and I saw our President for 2½ hours meet privately with the families of those victims who were tragically taken in the course of the rescue, in the course of the firefighting, in response to the World Trade Center disaster.

Mr. Speaker, I come to the floor for two specific reasons. One is to first of all talk about the next phase of where we have to go. It is extremely important that this body understand that even though we passed the Homeland Security Act creating a new Federal department, and we did a good job in that process, and the gentleman from Texas (Speaker ARMEY) and our colleagues on the other side of the aisle are deserving of credit for the outstanding piece of legislation that we finished very early in the morning hours of August, the other body will shortly complete their version of that bill; and by the end of this month we will send to the President a piece of legislation that creates a brand-new large agency in fact consolidating 22 existing agencies with over 170,000 employees and a budget of nearly $40 billion.

This new agency is needed, and this new agency is absolutely essential if we are going to win the war on terrorism and if we are going to properly protect our homeland.

The four departments of this agency are critically vital to our Nation's security: the Border and Transportation Security Division, the Emergency Preparedness and Response Division, the Chemical, Biological, Radiological, and Nuclear Countermeasures Division, and the Information Analysis and Infrastructure Protection Division.

This new cabinet agency I think is the right solution that the administration has proposed for America to be secure. But, Mr. Speaker, I come tonight to tell my colleagues that in my opinion the passage of this legislation and the signing of it into law by President Bush will only accomplish 40 percent of the solution.

Now, Members of Congress in both parties will pat themselves on the back; the President will sign the bill into law with a Rose Garden ceremony; and everyone will say, America should feel safe because we have created a new agency. This new agency will, for the first time, consolidate the efforts of 22 existing departments.

I come before my colleagues tonight to tell them that this agency cannot and will not succeed unless the Congress does its job. Mr. Speaker, I just mentioned that Congress completed their legislative work in the House and the other body is about to complete it, so what in fact am I talking about?

Mr. Speaker, as it currently stands, this new agency, with its new cabinet member director, will oversee 170,000 employees with a budget of nearly $40 billion. But here is the dilemma, Mr. Speaker: this agency will have to report to 88 separate committees and subcommittees of the House and the Senate. When we add in the intelligence committees and the other select committees, this new agency will have to answer to 90 separate committees and subcommittees of this body and the other body.

Mr. Speaker, this agency is doomed to failure unless this Congress does something that the leadership does not want to talk about. The reason I raise this tonight, Mr. Speaker, is to begin a process that I will continue for the rest of this year to call for the creation of one single authorization committee in the House, one single authorization committee in the Senate, one single Committee on Appropriations in the House, and one single Committee on Appropriations in the Senate.

Mr. Speaker, if the Congress does not rise to the occasion and put aside our petty differences, put aside our jurisdictional concerns, and realize that this agency cannot succeed having to answer to 90 separate committees and subcommittees, then this Congress will not have done its job.

Now, Mr. Speaker, this will not be done by legislation because the committee structure is a part of the rules of the House, so I am asking our colleagues on both sides of the aisle to communicate with the leadership of both parties so that whoever wins control of the Congress in November understands that our new rules in January must create single, unified authorization and appropriation committees to give the proper support to this new agency that we will have just created.

Now, I realize there are committee chairs and subcommittee chairs that do not want to give up jurisdiction. In my case, Mr. Speaker, I am the chairman of one of the largest subcommittees on the Armed Forces in the House, the Subcommittee on Military Procurement.

My subcommittee, with its membership from both sides of the aisle, oversees approximately $100 billion a year of our defense budget. But, Mr. Speaker, I understand the need for us to have a quantified oversight function if the homeland security agency is going to succeed. I am willing to give up the jurisdiction that my subcommittee has and am willing to support giving up the jurisdiction of the full Committee on Armed Services to a new committee structure that will have the ability to coordinate the work of this new committee.

Now, unfortunately, Mr. Speaker, we all know there are committee chairs, ranking members, subcommittee chairs and ranking members in both bodies that are not going to be willing to give up their committee jurisdiction.

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And if they prevail, I contend this agency will not be able to be successful. We cannot expect a new agency of this complexity with the challenges of information dominance, information assessment, transportation security, homeland response, first responders, research and testing for weapons of mass destruction and all the other activities that this agency will oversee, we cannot expect this agency to be successful if the Secretary of this agency, if the leaders of this agency have to come up to the Hill for the individual hearings and briefings that will be required by 90 committees and subcommittees of this body and the other body.

Mr. Speaker, I cannot overemphasize enough on this day 1 year after the attack on our country, the need for us to follow in the second phase of the battle for homeland security. As someone who has been involved on the Committee on Armed Services for 16 years, as someone who has been involved in homeland security ensuring the Congressional Fire and EMS Caucus and having founded it, the largest caucus in the Congress with 340 House and Senate members, with someone who has worked the issues of intelligence and data fusion and issues involving weapons of mass destruction, I am absolutely convinced, Mr. Speaker, the only way this new agency can succeed is if we rise above petty politics and if we rise above the parochial concerns each of us have with our own committees and subcommittees to give this new agency a chance to succeed.

The first few months of the existence of this agency, in fact, the first few years of the existence of this agency, are going to require organization, are going to require new structures, new budgets, new techniques, reaching out to deal with new challenges. The last thing this agency needs is to have 90 committees of this Congress calling them up to the Hill, getting them to come in and brief them on various aspects of what they are doing.

By setting up two new committees in the House, one authorization and one appropriations, two new committees in the Senate, one authorization and one appropriations, we will give our colleagues, and our steering committees will determine who those members are, we will give our colleagues the kind of jurisdictional control that will allow this new agency to succeed.

So, Mr. Speaker, I rise tonight to challenge our colleagues, to do something that I know is not inherently and logically what Members would want to do. And that is to take the jurisdiction away from existing committees, both appropriations and authorization, and consolidate all of those efforts into the new committee structures that would oversee a coordinated agency.

Mr. Speaker, I will be sending a dear colleague letter to all of my colleagues. I have talked to our colleague, the gentleman from New Jersey (Mr. ANDREWS) who will be working the other side of the aisle. I invite other Members of this body who feel as I do to join with us in calling on the leadership in both parties to begin the process to prepare for the makeup of the rules of the 108th Congress, for those that return, to make sure that in the new committee structures of this House and the Senate, the other body, is that this new committee structure be put into place.

If we take these steps now, if we lay the groundwork, then I am convinced this new agency has an absolutely outstanding opportunity to succeed. I would also encourage, Mr. Speaker, our colleagues and their constituents from around the country to weigh in with their representatives and let them know that the homeland security battle is only 40 percent complete when we established the new homeland security agency. The other 60 percent of that battle is in a consolidated committee structure that gives the jurisdictional control to a group of our colleagues in both bodies to coordinate, to have aggressive communication and to help provide the proper oversight of this new agency that we will, in fact, create by the end of this month.

Mr. Speaker, the second follow-on to homeland security involves the President's decision to move forward in an aggressive way against the weapons of mass destruction that Saddam Hussein has acquired in Iraq.

Mr. Speaker, I have been here 16 years. The toughest votes I have had to make are those votes we have taken that commit our sons and daughters, our brothers and sisters, our uncles and aunts to go into harm's way on behalf of this Nation. Because every time we do that we have casualties, we have injuries and we have loss of life. And all of our colleagues, as you know, Mr. Speaker, take this responsibility extremely seriously because they understand these are America's sons and daughters that we place in harm's way.

I am also concerned because in the last 10 years we have used our troops at a level that we have not seen in the past 100 years. From 1991 to 2000 our troops were deployed to 39 major involvements around the world from Haiti and Bosnia, from Kosovo and Macedonia, from Somalia and East Timor to Colombia and to numerous other destinations at home and abroad. Our troops are stretched. Our troops have been overworked, but this President has told us and will tell the world tomorrow at the U.N. that America has to continue this war against terrorism, and that includes dealing with Saddam Hussein in Iraq and the terrible capabilities that he, in fact, has acquired.

Now, Mr. Speaker, in spite of the President's request and call, I have questions and I have asked the administration and I am hopefully going to get all of the answers. Those questions are simple and they are: The absolute factual information about what technology Saddam Hussein has today in the area of weapons of mass destruction and how soon he will require more aggressive technology.

The second is what ties are there between Saddam Hussein's actions and his leadership and the al Qaeda, bin Laden network.

The third question relates to what kind of military action might we see. A surgical strike taking out Saddam and his upper guard or an all-out war as we saw in 1991 requiring massive commitments of our troops.

The fourth question involves the support of our allies. Not the public rhetoric that we hear, but the behind-the-scenes commitments, the behind-the-scenes private conversations between our President and our State Department and those nations that when we commit will have to support us.

The last question is what will be our exit strategy? What will happen when Saddam Hussein leaves? And I have no doubt that when we undertake such a mission we will be successful. But the key question for us to answer is who will follow Saddam Hussein? What organizational structure will be put into place? What role will the U.N. play, and what will be the response of our allies and the neighbors to Iraq?

The President is answering those five questions as we assemble today. In fact, yesterday before the Committee on Armed Services we had classified briefings with arms control inspectors from the U.N. who came before us and in private gave us a very candid assessment along with our intelligence community as to what capabilities Saddam Hussein has.

Mr. Speaker, I would suggest that every Member of this body and the other body ask the CIA, the Defense Intelligence Agency and the FBI and our other intelligence apparatus to come in and brief the member privately and confidentially on what we know about Saddam Hussein's capabilities.

Now, we know he has chemical weapons capabilities because he has used chemical weapons against his own citizens, the Kurds, in the past. We know he has been working on biological weapons capabilities and, in fact, we now know and this has been verified publicly, that he has this capability as well. In fact, he has strains of anthrax, small pox, botulism and other illness or other diseases of that type and organisms that can promote those types of diseases easy.

We know that Saddam has been working on nuclear capability, but it is not yet unclassified as to whether or not bin Laden has the capability to deliver a nuclear weapon. We are certainly aware he has missile technology because it was Saddam in 1991 who fired that low complexity scud missile into our barracks in Saudi Arabia that sent 28 young Americans home in body bags, half of them from my State, because we could not defend against that missile.

Mr. Speaker, the leadership in the White House is now offering Members of Congress the answers to the questions that I have posed. But, Mr.

Speaker, we must not be satisfied until we have taken every step possible to use every means possible to avert war.

Several of my colleagues on the other side of the aisle approached me this past week, colleagues who had traveled with me to Vienna when the war in Yugoslavia started several years ago. They came to me because at that time we were, with the support of our State Department, took a bipartisan delegation with 11 members of this body to Vienna to meet for two days with the leadership of the political factions in Russia. We were joined by a representative of Milosovic.

For two days we met with the State Department representative in the room with us. At the end of those two days, we hammered out the frame work which would 2 weeks later become the basis of the G–8 agreement which would end the war in Yugoslavia with Russian involvement.

So my colleagues on the other side of the aisle who went with us on that trip, the gentleman from Ohio (Mr. KUCINICH) who chairs the Progressive Caucus and others approached me and said, Perhaps we can do something similar again. I said, What are you talking about? He said, Perhaps we should join with our Russian friends and see what influence they can provide with us to convince Hussein that his time is up, that he can no longer run aware from the requirements that were placed upon him by the nations of the world in six U.N. resolutions that were passed in 1991. Those U.N. resolutions were not adopted in this body, by America alone. Those U.N. resolutions were hammered out by the nations of the worlds with the support of the U.N. Security Council which means that Russia and China and the other nations in the Security Council were in agreement with those resolutions.

Those resolutions at that time call for Hussein to abide by certain conditions after the U.S. removed his military from the independent nation of Kuwait. One of the primary requirements of those resolutions was that Iraq had to open up its doors for independent U.N. inspectors to verify whether or not weapons of mass destruction were in fact being produced.

Initially there was some limited success. But as we heard yesterday in a public hearing with two of our leading arms control inspectors from the U.N., the cooperation by Iraq quickly ended. In their estimation there is no doubt in their minds that Saddam Hussein today has developed sophisticated chemical and biological weapon technology. And within a few short months if he is able to acquire the fissile material he needs, the weapons grade material he needs, he could have a nuclear bomb at his disposal.

Now, contrary to what another inspector has said who traveled to Iraq, these inspectors were emphatic. They provided evidence. And they have provided their firsthand experiences.

Mr. Speaker, we have to take action. Now, I am convinced that we have to at this time go to our friends in Russia who have reached out so aggressively to us and we have to ask and in fact in a polite way demand that they come with us as partners as they did with us back during the Yugoslavian or Kosovo war. We responded when the Russians came to us and asked me in particular as the co-chairman of the Duma Congress group with the Russian Duma and Federation Council to join them in finding a way to end that war and we did. And now I have challenged them after a response from our colleagues on the other side to work with us to make a case in Moscow and to President Putin that Saddam Hussein must comply with the orders of the world community or he will be dealt with by the U.S. led coalition.

Now, I have been in communication for the past several days with the leadership of the Russian Duma. I have told them that we would like to bring a delegation to Moscow as soon as they will agree to the terms that we have established. The bipartisan delegation that we will take to Moscow on a military aircraft would have discussions with the Russians about a joint statement, a joint statement of Russian and American legislatures demanding that Saddam Hussein do what is right in terms of the leadership of the world's communities established in 1991 through the U.N. resolutions.

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In fact, it is my hope that when we arrive in Moscow at the invitation of our Duma friends we would also have a chance to meet face to face with President Putin, as I have done in the past, to deliver our feelings directly to him.

Why this focus on Russia? It is rather simple. Russia has become a new ally of ours. As our colleagues in this body know, I focus on Russia. It is of primary interest to me. I have traveled to that country 29 times, and I have a great many friends throughout Russian society, both elected and nonelected.

Russia has reached out to America, unlike many other countries in the world. It was President Putin who was the first foreign leader on September 11, 1 year ago, who telephoned President Bush and offered the support of the Russian people. It was President Putin and the Russian Government that opened the doors of their intelligence agency to share what intelligence they had on al Qaeda. It was President Putin and the Russian military that opened former Soviet military bases in Uzbekistan, which I took a delegation to visit in May, where our troops are today stationed, fighting the war against terrorism.

Russia has made a fundamental decision to join with America and the West in the 21st century, but Russia also maintains significant ties to Iraq. Iraq has relied on Russia in the past for technology, for the sale of legitimate military technology that can be sold in the marketplace. Russia also has just signed a $40 billion long-term energy deal with the Iraqi oil industry. Mr. Speaker, it does not take a rocket scientist to figure out Russia has ties with Iraq that are deep, that are both political and economic.

We have new ties with Russia. We have become Russia's friend, and we spend approximately $1 billion a year of the U.S. taxpayer dollars on programs to stabilize Russia, the cooperative threat reduction program, programs through the Department of Commerce, the Environmental Protection Agency, the Department of State, environmental programs, education programs, initiatives involving all aspects of Russian society.

In fact, it was this Congress that 2 years ago created a brand-new program called Open World, funded through the Librarian of Congress, Jim Billington and his office. Each year we bring over thousands of Russian leaders to spend up to 10 days in our local towns and cities understanding the strength of the American system.

Mr. Speaker, we have an opportunity here in this next phase of the war on terrorism. That opportunity I think requires us to call in our chips with Russia.

I am prepared, Mr. Speaker, to take time off from this body with our colleagues to go to Moscow to meet with our Russian colleagues from all factions, the Communist, Udinstyo, Yabloko, even Zhrionovsky's faction, to come together on a common agenda as civilized human beings as new partners and friends to tell President Putin that we need him to make the personal case to Saddam that the world will not tolerate the kind of buildup of weapons of mass destruction technology that he has built up over the past 10 years.

If Saddam refuses our request for unconditional visits, unconditional visits, not where Saddam can know 24 hours in advance where our inspectors are going, not where Saddam can predetermine what sites we are going to visit, unconditional visits, not by the U.S. but by U.N. and world-sanctioned inspectors, hundreds of inspectors, then Saddam has to understand that America will take the action required and requested by our President.

I have my doubts, Mr. Speaker, that Saddam will accept such a request; but as a Member of Congress responsible for the lives of my constituents who wear the uniform, I will not be happy unless I use every possible opportunity that I have to try to find a way to avoid the ultimate conflict. I think joining together, Democrats and Republicans, liberals and conservatives, joining with members of the Udinstyo, Yabloko, Union of Right Forces and all the other factions in the Russian political sphere, that we can find a common agenda that follows on and expands the U.N. resolutions passed in 1991.

What a dramatic statement it will be if Russian leaders and American leaders, George Bush supported by President Putin joined together, and tell Saddam Hussein the game's up, you have been doing for 10 years what you agreed not to do in 1992, not because the U.S. demanded it, but because the U.N. passed resolutions demanding that you adhere to the requirements of the civilized nations of the world.

Mr. Speaker, I would hope that in following through on this request we would give the President the kind of support that he needs during this difficult time. All of us will be listening intently tomorrow as the President makes a key address before the United Nations, as he lays out factually the evidence that we have as to Saddam's efforts and the potential use of that technology against our Nation, our people, our friends and other nations with weapons of mass destruction.

This is a key and fundamental part of the war against terrorism. If we allow Saddam Hussein and Iraq to go unchecked, it is only a matter of time before we will face the threat that would be caused by the weapons that he has produced.

Mr. Speaker, in our hearing yesterday, we questioned the inspectors from the U.N. about the possible effects on American and other lives if smallpox were used as a weapon of mass destruction. At our hearing yesterday, in a public format, they admitted that Saddam Hussein today has smallpox capability. The question asked by our colleagues on the committee was, What would be the potential impact on America if smallpox were used here or at one of our installations? They really could not give a solid answer.

When it came time for my questioning, I made reference to a war game, a simulation that our military funded in May of 2001 at Andrews Air Force Base. Mr. Speaker, as my colleagues know, war games are held to simulate the worst possible conditions that could face our country. This war game was conducted by the Army and by CSIS, the Centers for Strategic and International Studies, headed by Dr. John Hammer, former deputy Secretary of Defense.

What was the war game? The war game was called Dark Winter. What was the simulation? The simulation was a deliberate outbreak of smallpox in three cities in just three States of America. It was a very credible exercise. Former Senator Sam Nunn played the role of the President. Former CIA Director Jim Woolsey played the role of the CIA director and former top officials from both administrations of both parties played the role of our leadership.

What was the outcome? A single case of anthrax was given and put forward quietly in Pennsylvania, Alabama, and Arkansas, one case in each State. Within 2 weeks, Mr. Speaker, 2 million Americans were afflicted with smallpox, 2 million Americans. As my colleagues know, we have no smallpox vaccine. It is one of the reasons why the Secretary of Health and Human Services, Tommy Thompson, asked for the money we gave him to purchase 350 million vaccines.

The point is, Mr. Speaker, as bad as the World Trade incident was a year ago, as bad as the attack on the Pentagon was a year ago, as bad as the plane going down in Pennsylvania was a year ago, the next incident could be much worse. Saddam Hussein has continued to build these terrible weapons of mass destruction that both the U.S. and Russia are now destroying.

We must come together as an institution and find ways to support the next phase of our battle for homeland security. That means we have to pass in the next rules for the next session of Congress a unified oversight structure for authorization and appropriation of dollars in the House and the Senate for this new agency, and it means that we must hold accountable our new Russian friends to help put maximum pressure on Hussein; and if that fails, then we must be prepared to support our President in his effort to rid the world of the kind of sources of terrorism that can destroy mankind.

Mr. Speaker, I thank the Chair and the staff for staying.

OMISSION FROM THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 9, 2002 AT PAGE 16339

HOUSE OF REPRESENTATIVES,
Washington, DC, September 5, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER. I have been nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. Therefore, I have submitted my resignation as a Member of the House of Representatives, effective close of business, September 9, 2002. I am forwarding to you a copy of my letter of resignation to Ohio Governor Bob Taft.

I am grateful for the opportunity to serve with the distinguished men and women of the House of Representatives for the past twenty-four years. I look forward to working with the Members of the House as I continue service to the Nation in my new position.

Sincerely,

TONY P. HALL,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 5, 2002.

Hon. BOB TAFT,
Governor, State of Ohio,
Columbus, OH.

DEAR GOVERNOR TAFT: I have been nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. Therefore, I hereby resign as a Member of the House of Representatives, effective close of business, September 9, 2002.

It has been a privilege and high honor to serve the people of the Third Congressional District of Ohio as their Representative for the past twenty-four years and I am grateful for the trust they have placed in me. I look forward to continuing service to the people of Ohio and the Nation in my new position.

Sincerely,

TONY P. HALL,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOSWELL (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. MASCARA (at the request of Mr. GEPHARDT) for September 10 on account of personal reasons.

Mr. MENENDEZ (at the request of Mr. GEPHARDT) for today on account of participating in September 11 events in the district.

Mr. GEORGE MILLER of California (at the request of Mr. GEPHARDT) for September 9 and the balance of the week on account of illness.

Mr. NADLER (at the request of Mr. GEPHARDT) for today on account of events in the district commemorating the tragedy of September 11, 2001.

Mr. SERRANO (at the request of Mr. GEPHARDT) for September 9, 10, and 11 on account of official business.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of attending September 11 events in the district.

Ms. WATERS (at the request of Mr. GEPHARDT) for September 9, 10, and before 6:00 p.m. September 11 on account of official business in the district.

Mr. FERGUSON (at the request of Mr. ARMEY) for today on account of attending memorial events relating to September 11.

Mr. PENCE (at the request of Mr. ARMEY) for today on account of attending and speaking at 9–11 events.

Mrs. WILSON of New Mexico (at the request of Mr. ARMEY) for today on account of attending remembrance ceremonies in her district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BECERRA) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, September 12.

Mr. FOLEY, for 5 minutes, today and September 12.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BENTSEN, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2896. An act to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3287. An act to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE., in Washington, DC., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center."

H.R. 3917. An act to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capitol, and for other purposes.

H.R. 5207. An act to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building."

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, September 12, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9031. A letter from the Director, Office of Management and Budget, transmitting a proposed modification to the FY 2003 budget request for the Department of Defense; to the Committee on Appropriations.

9032. A letter from the Assistant Secretary, Department of Education, transmitting a notice of extension of project period and waiver, and reopening of competition for American Samoa: career resource network state grants, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9033. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "Saving for a Lifetime: Advancing Generational Prosperity"; to the Committee on Education and the Workforce.

9034. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Federal Sector Equal Employment Opportunity (RIN: 3046-AA57) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9035. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 02-46), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9036. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 24-02 which informs of our intent to sign a Memorandum of Understanding between the United States and the United Kingdom Concerning Cooperation on the Future Development, Operation, and Support of the Javelin Missile System (Javelin MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9037. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 210-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9038. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 129-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9039. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 18-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9040. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan [Transmittal No. DTC 79-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9041. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9042. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's enclosed legislation relating to the transfer of a certain naval vessel to the Government of Mexico; to the Committee on International Relations.

9043. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on International Relations.

9044. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9045. A letter from the Secretary, Department of Transportation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9046. A letter from the Director, Court Services and Offender Supervision Agency, transmitting proposed legislation to authorize the Court Services and Offender Supervision Agency to provide for the interstate supervision of offenders on parole, probation, and supervised release, and for other purposes; to the Committee on Government Reform.

9047. A letter from the Acting Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9048. A letter from the Vice Chairman, Federal Election Commission, transmitting copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

9049. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: June 2002 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

9050. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel Models 2 S1, 2 B, and 2 C Turboshaft Engines [Docket No. 2001-NE-10-AD; Amendment 39-12864; AD 2002-16-25] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. 2000-NM-307-AD; Amendment 39-12849; AD 2002-16-10] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9052. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2000-NM-387-AD; Amendment 39-12854; AD 2002-16-15] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9053. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2001-NM-346-AD; Amendment 39-12853; AD 2002-16-14] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9054. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Barry Aviation, LLC Model PZL-Krosno KR-03A "Peregrine" (Puchatek)Sailplanes [Docket No. 2002-CE-30-AD; Amendment 39-12856; AD 2002-16-17] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9055. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2001-NM-318-AD; Amendment 39-12855; AD 2002-16-16] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9056. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001-NM-398-AD; Amendment 39-12851; AD 2002-16-12] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9057. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and 328-300 Series Airplanes [Docket No. 2001-NM-313-AD; Amendment 39-12852; AD 2002-16-13] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9058. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, 700C, 800, and -900 Series Airplanes [Docket No. 2002-NM-159-AD; Amendment 39-12862; AD 2002-16-23] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9059. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Gordon, NE [Airspace Docket No. 02-ACE-9] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9060. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and Class E4 Airspace; St. Augustine, FL [Airspace Docket No. 02-ASO-1] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9061. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Memphis International Airport Class B Airspace Area; TN [Docket No. FAA-2001-9813; Airspace Docket No. 00-AWA-7] (RIN: 2120-AA66) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9062. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2000-NM-333-AD; Amendment 39-12850; AD 2002-16-11] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9063. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2002-NM-147-AD; Amendment 39-12848; AD 2002-16-09] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9064. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2001-NM-348-AD; Amendment 39-12863; AD 2002-16-24] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9065. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Caruthersville, MO [Airspace Docket No. 02-ACE-3] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9066. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Training and Qualifications for Personnel on Passenger Ships [USCG-1999-5610] (RIN: 2115-AF83) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9067. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; East River, Manhattan, NY [CGD01-02-090] (RIN: 2115-AA97) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9068. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Oilrig Construction Project Portland Harbor, Portland, ME [CGD01-02-099] (RIN: 2115-AA97) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9069. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Portsmouth Harbor, Portsmouth, NH [CGD01-02-045] (RIN: 2115-AA97) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9070. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Saugatuck River, CT [CGD01-02-102] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Ventura Offshore Gran Prix, Ventura, California [COTP Los Angeles-Long Beach 02-014] (RIN: 2115-AA97) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9072. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-02-054] (RIN: 2115-AE47) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9073. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; High Interest Vessel Transits, Narragansett Bay, Providence River, and Taunton River, RI [CGD01-02-065] (RIN: 2115-AA97) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9074. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; St. Mary's River, St. Mary's City, MD [CGD05-02-004] (RIN: 2115-AE46) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9075. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; East River, Manhattan, NY [CGD01-02-090] (RIN: 2115-AA97) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9076. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Registration Enforcement [Docket No. FMCSA-2002-13015] (RIN: 2126-AA78) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Temporary Requirements for Notification of Arrival in U.S. Ports [USCG-2001-10689] (RIN: 2115-AG47) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; San Diego Bay, CA [COTP San Diego 02-016] (RIN: 2115-AA97) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9079. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2002-NM-167-AD; Amendment 39-12866; AD 2002-17-01] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9080. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Exemption from Tax on Corporations, Certain Trusts [Rev.

Rul. 2002-54] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9081. A letter from the Secretaries, Departments of Agriculture and the Interior, transmitting the Departments' four legislative proposals to implement the President's Healthy Forests Initiative; jointly to the Committees on Resources, Agriculture, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 5193. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses; with an amendment (Rept. 107-650). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3434. A bill to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes; with amendments (Rept. 107-652). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4622. A bill to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; with an amendment (Rept. 107-653 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 521. Resolution providing for consideration of the bill (H.R. 5193) to amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses (Rept. 107-654). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 4622 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HANSEN: Committee on Resources. H.R. 2301. A bill to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes, with an amendment; referred to the Committee on Transportation for a period ending not later than October 4, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X (Rept. 107-651, Pt. 1). Order to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4622. Referral to the Committee on Agriculture extended for a period ending not later than September 11, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COLLINS:

H.R. 5364. A bill to support the public educational programs of the Army Aviation Heritage Foundation by amending title 10 of the United States Code to elevate the status of the Army Aviation Heritage Foundation to receive surplus military property; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 5365. A bill to support the public educational programs of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, by amending title 32 of the United States Code to authorize the Army Aviation Heritage Foundation to receive National Guard services and assistance; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 5366. A bill to provide for the transfer of a Vietnam-era Cessna L-19D Bird Dog aircraft that is excess to the needs of the Department of State to Army Aviation Heritage Foundation; to the Committee on International Relations.

By Mr. GREENWOOD (for himself, Mr. Hoeffel, Mr. Borski, Mr. Brady of Pennsylvania, Mr. Coyne, Mr. Doyle, Mr. English, Mr. Fattah, Mr. Gekas, Ms. Hart, Mr. Holden, Mr. Kanjorski, Mr. Mascara, Mr. Murtha, Mr. Peterson of Pennsylvania, Mr. Pitts, Mr. Platts, Mr. Sherwood, Mr. Shuster, Mr. Toomey, and Mr. Weldon of Pennsylvania):

H.R. 5367. A bill to name the Department of Veterans Affairs outpatient clinic in Horsham, Pennsylvania, as the "Victor J. Saracini Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. MURTHA:

H.R. 5368. A bill to amend the National Trails System Act to designate the historic transportation routes in the States of Pennsylvania, Maryland, West Virginia, and Ohio that led to the forks of the Ohio River in Pittsburgh, Pennsylvania, for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. RYUN of Kansas:

H.R. 5369. A bill to amend the Caribbean Basin Economic Recovery Act by allowing duty-free treatment for certain footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 5370. A bill to amend the Caribbean Basin Economic Recovery Act by allowing duty-free treatment for certain footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 5371. A bill to amend the Caribbean Basin Economic Recovery Act relating to certain import-sensitive articles; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 5372. A bill to amend the Caribbean Basin Economic Recovery Act by allowing duty-free treatment for certain footwear; to the Committee on Ways and Means.

By Mr. ARMEY (for himself, Mr. Gephardt, Mr. Hastert, Mr. Barton of Texas, Mr. Bereuter, Mr. Bilirakis, Mr. Bonilla, Mr. Boozman, Mr. Brown of South Carolina, Mr. Buyer, Mr. Cannon, Mr. Cox, Mr. Crenshaw, Mrs. Cubin, Mr. Cunningham, Mr. Tom Davis of Virginia, Ms. Dunn, Mr. Fletcher, Mr. Forbes, Mr. Gibbons, Mr. Gilman, Mr. Goss, Mr. Graham, Mr. Green of Wisconsin, Mr. Hayworth, Mr. Hilleary, Mr. Hoekstra, Mr. Horn, Mr. Jenkins, Mr. Sam Johnson of Texas, Mrs. Kelly, Mr. Kerns, Mr. Kingston, Mr. Kirk, Mr. LaHood, Mr. McHugh, Mr. McInnis, Mrs. Morella, Mr. Ose, Mr. Pickering, Mr. Petri, Mr. Portman, Ms. Pryce of Ohio, Mr. Putnam, Mr. Riley, Mr. Schrock, Mr. Sherwood, Mr. Simmons, Mr. Simpson, Mr. Smith of Michigan, Mr. Taylor of North Carolina, Mr. Toomey, Mr. Walsh, Mr. Wamp, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weller, Mr. Wicker, Mr. Wilson of South Carolina, Mr. Wolf, Mr. Young of Florida, Mr. Goodlatte, Mrs. Emerson, Mr. LaTourette, Mr. Ramstad, Mr. Rohrabacher, Mr. Shays, Mr. Saxton, Mr. Rogers of Kentucky, Mr. Fossella, Mr. Ballenger, Mr. Royce, Mr. Reynolds, Mr. Walden of Oregon, Mr. Linder, Mr. Mica, Mr. Castle, Mr. Stearns, Mr. Calvert, Mr. Thomas, Mr. Dan Miller of Florida, Mr. Gutknecht, Mr. Blunt, Mr. Rehberg, Mr. Nethercutt, Mr. Ehlers, Mr. Brady of Texas, Mr. Hobson, Mr. LoBiondo, Ms. Pelosi, Mr. Frost, Mr. Menendez, Ms. DeLauro, Mr. Holden, Mr. Cramer, Mr. Turner, Mr. Hoyer, Mr. Hastings of Florida, Mr. Thompson of Mississippi, Ms. Harman, Mr. Holt, Mr. Wexler, Mr. Markey, Ms. Velázquez, Mr. Green of Texas, Mr. Barcia, Ms. Norton, Mr. Wu, Mr. McDermott, Mr. Phelps, Mr. Acevedo-Vilá, Mr. Blumenauer, Mr. Tanner, Mr. Hinojosa, Mr. Pallone, Mr. Underwood, Mr. Meeks of New York, Mr. Crowley, Ms. Kilpatrick, Mr. Ackerman, Ms. Hooley of Oregon, Mr. Davis of Illinois, Mrs. McCarthy of New York, Mr. Gutierrez, Mr. Borski, Mr. Bishop, Mr. Jackson of Illinois, Mr. McGovern, Mr. Berry, Ms. McCollum, Mr. Lynch, Mr. Ross, Mrs. Napolitano, Mr. Weiner, Mr. Blagojevich, Mr. Lantos, Mr. Pascrell, Mr. Filner, Mr. Waxman, Mr. Peterson of Minnesota, Mr. LaFalce, Ms. Carson of Indiana, Mr. Ford, Mr. Moran of Virginia, Mr. Matsui, Mr. Berman, Ms. Millender-McDonald, Mr. Olver, Mr. McNulty, Mr. Oberstar, Mrs. Maloney of New York, Ms. Watson, Mr. Lucas of Kentucky, Ms. Rivers, Mr. Costello, Mrs. Capps, Mr. Sabo, Mr. Meehan, Mr. Capuano, Ms. Kaptur, Mr. Boyd, Mr. Larson of Connecticut, Mr. Baca, Ms. Schakowsky, Mr. Kanjorski, Mr. Hall of Texas, Ms. McCarthy of Missouri, Mrs. Meek of Florida, Mr. Cummings, Mr. Pomeroy, Ms. DeGette, Mr. Barrett, Mr. Doyle, Mr. George Miller of California, Mr. LIPINSKI, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. RANGEL, Mr. SHOWS, Mr. WYNN, Mr. BAIRD, Mr. SCHIFF, Mr. BOUCHER, Mr. MURTHA, Mr. SPRATT, Mr. DEUTSCH, Mr. KILDEE, Mr. FARR of California, Mr. LUTHER, Mr. TIERNEY, Mr. CLAY, Mr. ENGEL, Mr. GONZALEZ, Mr. HONDA, Mr. BECERRA, Ms. JACKSON-LEE of Texas, Mr. INSLEE, Ms. SLAUGHTER, Mr. ORTIZ, Mr. SERRANO, Mr. DAVIS of Florida, Mr. ISRAEL, Mr. SMITH of Washington, Mr. ROTHMAN, Mr. OSBORNE, Mr. GEKAS, Mr. THORNBERRY, Mr. HILL, Mr. STENHOLM, Mr. BALDACCI, Mr. RAHALL, Mr. WATT of North Carolina, Mr. McINTYRE, Ms. LOFGREN, Mr. HOEFFEL, Mr. MALONEY of Connecticut, Mrs. JONES of Ohio, Mr. SAWYER, Ms. SOLIS, Mr. DOOLEY of California, Ms. BALDWIN, Mr. NADLER, Mr. KIND, Mr. KLECZKA, Mr. SANDLIN, Mr. BOSWELL, Mr. COYNE, Mr. UDALL of Colorado, Ms. BERKLEY, Mr. KENNEDY of Rhode Island, Mr. DeFAZIO, Mr. MOORE, Ms. ESHOO, Mrs. WILSON of New Mexico, Mr. COOKSEY, Mr. TANCREDO, Mr. BARR of Georgia, Mr. KOLBE, Mr. MORAN of Kansas, Mr. JOHNSON of Illinois, Mr. FERGUSON, Mr. CULBERSON, Mr. BAKER, Mr. RYUN of Kansas, Mr. EHRLICH, Mr. PETERSON of Pennsylvania, Mr. RADANOVICH, Mr. FOLEY, Mr. DUNCAN, Mrs. BIGGERT, Mr. PASTOR, Mr. DINGELL, Mr. THOMPSON of California, Mr. GORDON, Mr. CARDIN, Mr. ROEMER, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 464. Concurrent resolution expressing the sense of the Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001; considered and agreed to.

By Mr. COLLINS:

H. Con. Res. 465. Concurrent resolution recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten; to the Committee on Armed Services..

By Mr. MORAN of Kansas (for himself and Mr. MOORE):

H. Con. Res. 466. Concurrent resolution recognizing the significance of bread in American history, culture, and daily diet; to the Committee on Government Reform.

By Mr. OSE:

H. Res. 522. A resolution expressing gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964; to the Committee on Education and the Workforce.

By Mr. WATTS of Oklahoma (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 523. A resolution recognizing the contributions of historically Black colleges and universities; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 356: Mr. WATKINS and Mr. WILSON of South Carolina.

H.R. 664: Mr. GUTIERREZ.

H.R. 699: Mr. SANDLIN.

H.R. 822: Mr. BACA.

H.R. 923: Mr. GUTKNECHT.

H.R. 1001: Mr. DEAL of Georgia.

H.R. 1111: Mr. CARSON of Oklahoma.

H.R. 1127: Mr. TERRY.

H.R. 1198: Mr. HOEKSTRA.

H.R. 1274: Mr. AKIN.

H.R. 1295: Mr. GUTIERREZ.

H.R. 1310: Mr. McDERMOTT.

H.R. 1331: Mr. TERRY.

H.R. 1509: Mr. McNULTY.

H.R. 1520: Mrs. KELLY.

H.R. 1731: Mr. STEARNS.

H.R. 1786: Mr. RAHALL, Mr. THUNE, Mrs. CAPITO, and Mr. MURTHA.

H.R. 1859: Mr. MORAN of Virginia.

H.R. 1862: Mr. UNDERWOOD.

H.R. 1990: Mrs. McCARTHY of New York.

H.R. 2020: Mr. JEFF MILLER of Florida and Mr. BISHOP.

H.R. 2035: Ms. LEE and Ms. BERKLEY.

H.R. 2125: Mr. BARTON of Texas, Mr. HYDE, Mr. CALVERT, Mr. WICKER, Mr. CHAMBLISS, Mr. NADLER, Mr. BURTON of Indiana, Mr. SANDLIN, Mr. OWENS, and Mr. GUTIERREZ.

H.R. 2219: Mr. BERKLEY and Mr. LARSEN of Washington.

H.R. 2290: Mr. GILLMOR and Mr. RAMSTAD.

H.R. 2355 Mrs. JO ANN DAVIS of Virginia and Mr. SMITH of Washington.

H.R. 2357: Mr. BRYANT.

H.R. 2374: Mr. SAM JOHNSON of Texas.

H.R. 3109: Mr. ROYCE, Ms. DeLAURO, Mr. HAYWORTH, Mr. DOOLEY of California, and Mr. PRICE of North Carolina.

H.R. 3131: Mr. PAYNE.

H.R. 3132: Mr. WAXMAN, Ms. NORTON, Mr. GORDON, Mr. HINCHEY, Mr. UDALL of Colorado, Mr. ROTHMAN, and Mrs. ROUKEMA.

H.R. 3183: Mr. LARSEN of Washington.

H.R. 3337: Mr. CAPUANO.

H.R. 3488: Ms. MILLENDER-McDONALD, Ms. WATSON, Ms. LEE, and Ms. BERKLEY.

H.R. 3612: Mr. LANGEVIN, Mr. SERRANO, Mr. GREEN of Texas, and Mr. PHELPS.

H.R. 3831: Mr. PHELPS.

H.R. 3974: Mr. SNYDER.

H.R. 4018: Mr. LARSEN of Washington.

H.R. 4032: Mr. MEEHAN, Mr. BORSKI, Mr. RODRIGUEZ, and Mr. EVANS.

H.R. 4483: Mr. GALLEGLY.

H.R. 4575: Ms. HARMAN.

H.R. 4602: Mr. ENGEL.

H.R. 4611: Mr. UDALL of Colorado and Mr. BONIOR.

H.R. 4614: Mr. LANTOS.

H.R. 4636: Mr. DEAL of Georgia, Mr. SCHAFFER, Mr. KINGSTON, Mr. BONILLA, Mr. COBLE, Mr. DOOLITTLE, Mr. GARY G. MILLER of California, and Mr. SESSIONS.

H.R. 4696: Mr. LATHAM.

H.R. 4718: Mr. POMEROY and Mr. STUPAK.

H.R. 4720: Mr. ABERCROMBIE.

H.R. 4743: Ms. BERKLEY.

H.R. 4757: Mr. BLUMENAUER.

H.R. 4789: Mr. KINGSTON.

H.R. 4790: Mr. KINGSTON.

H.R. 4809: Mr. ENGLISH.

H.R. 4890: Mr. McNULTY.

H.R. 4916: Mr. GUTIERREZ, Mr. PALLONE, Mr. BORSKI, Mr. RODRIGUEZ, Mr. EVANS, and Mr. STRICKLAND.

H.R. 4950: Mr. PAUL, Mr. HOSTETTLER, and Mr. CALVERT.

H.R. 4979: Mr. ROTHMAN, Mr. BLUMENAUER, Mr. SCHIFF, Mr. SANDERS, and Ms. McCOLLUM.

H.R. 5026: Mr. DUNCAN.

H.R. 5027: Mr. DUNCAN.

H.R. 5033: Ms. PRYCE of Ohio.

H.R. 5052: Mr. GOODE and Mr. JONES of North Carolina.

H.R. 5061: Ms. RIVERS and Mr. FROST.

H.R. 5073: Mr. KUCINICH.

H.R. 5085: Mr. CANTOR, Mr. WILSON of South Carolina, Mrs. KELLY, Mr. SKELTON, Mr. LARSEN of Washington, Mr. DOYLE, Mr. LIPINSKI, and Mrs. CUBIN.

H.R. 5086: Mr. SHADEGG.

H.R. 5098: Mr. SANDLIN.

H.R. 5125: Mr. SHERMAN.

H.R. 5146: Mr. SHAYS, Mr. MARKEY, Ms. SLAUGHTER, and Mr. BOEHLERT.

H.R. 5158: Mr. HINCHEY and Ms. LEE.

H.R. 5159: Mr. TOM DAVIS of Virginia.

H.R. 5173: Mr. RILEY.

H.R. 5183: Mr. FRANK.

H.R. 5191: Mr. MEEHAN.

H.R. 5196: Mr. KENNEDY of Rhode Island, Mr. JEFF MILLER of Florida, and Mr. MALONEY of Connecticut.

H.R. 5213: Ms. ROS-LEHTINEN, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. WATT of North Carolina, Ms. CARSON of Indiana, Mr. HILLIARD, Mr. CONYERS, and Ms. LEE.

H.R. 5214: Mr. CANTOR, Mr. BROWN of South Carolina, and Mr. COOKSEY.

H.R. 5234: Mr. ANDREWS, Mr. DOYLE, and Mr. FROST.

H.R. 5250: Mr. FRANK, Mr. HASTINGS of Florida, Mr. LARSEN of Washington, Mr. RODRIGUEZ, and Mr. SMITH of Washington.

H.R. 5272: Ms. RIVERS.

H.R. 5287: Mr. COOKSEY and Mr. McGOVERN.

H.R. 5300: Mr. MARKEY.

H.R. 5309: Mr. REHBERG.

H.R. 5310: Mr. HANSEN.

H.R. 5316: Mr. WATKINS.

H.R. 5317: Mr. FERGUSON and Mr. ROGERS of Michigan.

H.R. 5326: Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. SHERMAN, Ms. LOFGREN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. CLAY, Mr. OSE, Mr. WATTS of Oklahoma, and Mr. HILL.

H.R. 5330: Mrs. MALONEY of New York.

H.R. 5334: Mr. SHIMKUS, Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Mrs. MORELLA, Mr. McNULTY, Mr. McHUGH, Mr. FROST, and Mr. RANGEL.

H.R. 5340: Mr. MATSUI, Ms. WOOLSEY, Mr. STARK, Ms. ESHOO, Mrs. NAPOLITANO, Mr. BACA, Mr. ROHRABACHER, Mrs. CAPPS, and Mr. FILNER.

H.J. Res. 59: Mr. EVERETT.

H. Con. Res. 20: Mr. CARSON of Oklahoma.

H. Con. Res. 99: Mr. WEXLER and Mr. MEEHAN.

H. Con. Res. 221: Mr. COX, Mr. KIRK, Mr. BARTON of Texas, Mr. ROSS, Mr. SIMMONS, Mr. STARK, and Mrs. KELLY.

H. Con. Res. 269: Mr. KNOLLENBERG.

H. Con. Res. 327: Mr. BLUNT.

H. Con. Res. 351: Mr. SIMMONS, Mr. HILLIARD, Ms. WATSON, Mrs. TAUSCHER, Ms. RIVERS, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. BROWN of Ohio, Mrs. MALONEY of New York, Mr. DeFAZIO, Mr. NADLER, Mr. MORAN of Virginia, Mr. FATTAH, Mr. PETERSON of Minnesota, Mr. LARSEN of Washington, Mr. VISCLOSKY, Mr. BORSKI, and Mr. DOGGETT.

H. Con. Res. 433: Mr. DUNCAN.

H. Res. 348: Ms. MILLENDER-McDONALD.

H. Res. 398: Mr. SHAW and Mr. DEUTSCH.

H. Res. 499: Mr. DOYLE, Ms. LOFGREN, Mr. BERMAN, Mr. WAXMAN, and Mr. WEXLER.

H. Res. 512: Mr. WILSON of South Carolina.

H. Res. 518: Mr. FILNER, Mr. SANDLIN, Mr. FRANK, and Mr. BACA.

EXTENSIONS OF REMARKS

MARIJUANA MISINFORMATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. GILMAN. Mr. Speaker, I rise today to bring to the attention of the House a recent editorial by John P. Walters, the Director of the Office of National Drug Control Policy.

Writing in the San Francisco Chronicle on September 1, 2002, Director Walters commented on the widespread campaign of misinformation being waged on the issue of medical marijuana by those who favor drug legalization. Far from being a harmless drug with potential medicinal use, John Walters argues that the marijuana available to teenagers today is far stronger than that consumed by the Woodstock generation.

But rather than presenting a united front against the dangers of this drug, the debate over medicinal use is only sowing confusion among parents and adolescents alike. Meanwhile, emergency room admissions and treatment enrollments involving teenagers for marijuana use is rising sharply. In recent years, drug overdoses have overtaken homicides as the leading causes of death among teenagers.

Regrettably, many in the media have bought into the "compassionate" argument that severely ill people need the option of smoking marijuana to alleviate their symptoms. While running counter to common sense, this argument has been strong enough to support ballot initiatives in several States.

Adolescent use of marijuana is a serious problem with widespread ramifications. There needs to be more voices like Director Walters entering the debate to counteract the misguided, harmful, and misleading arguments being fostered and presented by groups preying on people's compassion as a way to open the door for wholesale drug legalization.

For review by my colleagues, Mr. Speaker, I request that Director Walter's editorial be inserted in full at this point in the CONGRESSIONAL RECORD:

[From the San Francisco Chronicle, Sept. 1, 2002]

MARIJUANA TODAY—SETTING THE RECORD STRAIGHT

(By John P. Walters)

The public debate over marijuana has been plagued by difficulties, not the least of which is a lack of accurate information. Any policy debate that draws activists promoting their cause is likely to suffer from confusion. But the debate over marijuana has been further muddled by careless or gullible media reports. Too often, journalists are fed misleading advocacy information that they swallow whole.

For instance, one columnist recently charged that worry about the increased potency of today's marijuana is wildly overstated. In fact, he calls such claims "whoppers," because the active ingredient THC (tetrahydrocannabinol) "has only doubled to 4.2 percent from about 2 percent from 1980 to 1997."

No wonder the public has trouble getting a clear picture. His source for this information is the Marijuana Policy Project, a group of marijuana legalizers relying on a study that covers just those years. Unfortunately, the columnist did not check his facts with the Drug Enforcement Administration, which monitors scientific studies of marijuana.

What does the DEA analysis show? In 1974, the average THC content of marijuana was less than 1 percent. But by 1999, potency averaged 7 percent. Further, unlike the old "ditchweed" and bulk marijuana of the past, there are now far more powerful products to entice youth. The THC of today's sinsemilla averages 14 percent and ranges as high as 30 percent.

Even stronger stuff is on the way. The point is that the potency of available marijuana has not merely "doubled," but increased as much as 30 times.

Some advocates argued that this increased potency is actually good news, because kids will simply use less. But the data don't support that interpretation. The number of tons of marijuana sold in America is increasing, not decreasing. The number of people seeking medical treatment for marijuana abuse is increasing rapidly, not decreasing. In fact, the number of adolescent marijuana admissions increased 260 percent between 1992 and 1999.

The stakes in this debate are high, especially for young people. So widespread is marijuana in today's schools that nearly half of all high school seniors report having tried it by graduation, while a smaller but still alarming number report using it every month—even everyday. This is a drug that, after all, produces withdrawal symptoms, is associated with learning and memory disturbances and produces behavioral problems for those who become dependent.

It's time to face facts: Today's marijuana is a more dangerous drug than the pot of the Woodstock era. It creates tolerance (you need increasing doses to achieve the same effect), and at high doses it induces paranoia or even violence.

The haze of misinformation grows even thicker when it comes to the issue of "medical" marijuana. On the face of it, the idea that desperately sick people could be helped by smoking an intoxicating weed seems unlikely, even medieval. It is, in fact, absurd.

Smoking marijuana, even if it weren't psychotropic, hardly seems healthy. The threat of lung damage, not to mention exposure to carcinogens and more toxins than those found in tobacco smoke, increases with every "hit." But no less than the New York Times editorialized recently in support of medical marijuana. Amazingly, the paper termed it "life-saving" and claimed it represented "mainstream medical opinion."

Who have they been listening to? Perhaps the source was the same Marijuana Policy Project, which paid for a full-page ad in the Times on March 6, 2000. The MPP claimed scientific support for medical marijuana from the prestigious National Academy of Sciences, whose Institute of Medicine, MPP claimed, "urged the federal government to give seriously ill people immediate access to medical marijuana on a case-by-case basis."

But nowhere in the IOM report can you find this "urging." Quite the contrary: the IOM throws cold water on smoked-marijuana enthusiasts, stating clearly, "Marijuana is not a modern medicine."

Does the IOM regard marijuana as a helpful "medicine" for the afflicted? Not at all. "In no way," the researchers continued, "do we wish to suggest that patients should, under any circumstances, medicate themselves with marijuana." In fact, they state that any experimental subjects must be notified that they are using "a harmful drug delivery system," adding that short-term experiments might be conducted only after the "documented failure of all approved medicines" and only under strict medical supervision.

But while the IOM wishes to study the ingredients in marijuana, the purpose of these clinical trials (now being conducted through • the University of California at San Diego) is not to investigate the potential medical benefit of smoking the stuff. As the researchers put it, their purpose "would not be to develop marijuana as a licensed drug."

These facts place us far away from efforts to justify the distribution of marijuana cigarettes through cannabis buyers clubs. Real and lasting damage can follow "experimentation" with marijuana, as reflected in the fact that marijuana abuse is today the major reason for young people to seek drug treatment.

Yet, listening to some in the media you are still likely to hear that marijuana "isn't such a big deal," and that even the National Academy of Sciences endorses it "for medicinal purposes." Now you know better.

PAYING TRIBUTE TO AMANDA DAVIO AND ST. MARTHA CATHOLIC SCHOOL

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor Amanda Davio and her classmates at St. Martha Catholic School in Okemos, Michigan, for their special efforts to thank the thousands of volunteers and emergency workers who responded to the September 11, 2001, attacks on the World Trade Center in New York City and the Pentagon here in Washington, D.C.

Last year, soon after those tragic attacks, I asked children throughout Michigan's 8th Congressional District to write letters and cards to the military men and women who were preparing for the war against terrorism. St. Martha students responded to that request along with hundreds of other students. Several of the schools, like St. Martha and Amanda

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Davio's kindergarten class, also sent along letters and cards for the workers at the attack sites.

These were forwarded to the Red Cross and eventually Amanda's card made it into the hands of New York City Police Officer Steve Tarricone. Officer Tarricone contacted the school, eventually traveled there to meet the students, especially Amanda, whose greeting has inspired him at a time when his spirits were very low.

Since then, the Davio family has visited New York and the two families have become good friends, developing a special bond born out of the shared experience of dealing with the aftermath of the tragedy of September 11, 2001.

The remarkable story of this new friendship is best told in the words of Amanda's father, Christopher Davio who wrote:

With the approach of the anniversary of the tragic events of September 11, 2001, I'd like to relate an uplifting side to the story and how, out of such horrific happenings; blessings and new relationships can grow.

Shortly after 09/11/01, U.S. Representative MIKE ROGERS sent out a request to the school children of his district to write cards and letters to the rescue workers at Ground Zero, the Pentagon and in Pennsylvania. My daughters' school, St. Martha Catholic School in Okemos, like I'm sure many other schools in the area, answered the call and each class composed cards, which were delivered to Mr. ROGERS for forwarding to the workers.

The cards followed a circuitous route and my daughter Amanda Davio's (age 5 and in Kindergarten at the time) card ended up posted in a Red Cross tent at the Staten Island Landfill, along with hundreds of other cards and notes. There in early March of this year, the construction paper card caught the eye of an NYPD officer, Steven Tarricone. The card, with a 5 year old's rendition of the American Flag and the words "Thank You" on the cover had a simple but profound message inside, "You Make Me Feel Proud." Officer Torricone saw that the card, signed Amanda Davio, was stamped with the school's name and address on the back and wishing to express his gratitude for the support and comfort that the card and all the other cards and notes had given him, placed it in his pocket and took it home.

Steve showed the card to his wife and his partner. He had to put in long days and was drawing extra shifts while the city still struggled with the aftermath of the devastating attack. After a few weeks, he put together a package and sent it to the St. Martha School. Inside the package was a thank you card in which he wrote a little about himself and his job. He described the day he found Amanda's card, he was assigned to the Staten Island Landfill and as he said, "My job for the day was to sift through the debris to try to find anything that would bring closure to the family members of victims of the World Trade Center." He thanked Amanda, her classmates and the staff at St. Martha School for their support and for taking the time out of their day to thank all the rescue workers. Steve included in the package five pictures he took on the days immediately following the disaster and took the time to describe on the back of each picture what was shown. He also sent along an NYPD cap, arm patch and ID cards with the request that they be given to Amanda.

Mrs. Helen Hillman, Principal of St. Martha, related to me how moved she was as she opened the package and after discussing the contents with other staff members, Amanda's teacher, Kara Lampke, suggested she present the items to Amanda at the upcoming spring program that the school children were to perform the next week. When next she saw me at the school, Mrs. Hillman told me to be sure and have my camera ready at the end of the program as Amanda was going to be presented with something. Being the proud parents that we are, my wife and I videoed and photographed throughout the show and when the time came for Mrs. Hillman to present the items and relate the story, sat there stunned by the thoughtfulness of Steve's reply. For him to express his gratitude in such a way and to know that someone took the time to show all the children how important their support was to the workers and victims of September 11 was one of the most significant events in my life.

A few days later, Officer Tarricone called the school to see if they had received the package and talked to Mrs. Hillman at length about what the cards had meant to him and other workers at the sites. He said he was amazed at the outpouring of support shown by the entire country and was moved by the fact that Amanda's card had come from a kindergarten from halfway across the country.

My wife and I began to put together a few things to send back to Officer Tarricone and his family and after videoing greetings from Amanda and her sister Angela (8) and Alissa (14), included the tape of the presentation and the school program along with other cards, photos and expressions of thanks.

When Steve got that package, he called to share his excitement with us and told "in the past 24 hours, I've watched the tape at least 25 times." He had shown it to his mother and sister and they were all so happy about our reaction to his reply.

We kept in contact over the next few weeks and Steve told us that he had gone to the Policemen's Benevolent Association for permission to have Amanda named an Honorary NYPD Officer. After receiving permission, he had a plaque made and sent it along with more photos, commemorative pins and the arm patches from each of the units of the NYPD to Amanda.

In the meantime, Mrs. Hillman called our local papers and news outlets and a story was run on the front page of the Community News as well as a news segment on WLAJ which was aired as a local connection to the official closing of the clean up effort at Ground Zero.

Since then, Mrs. Hillman has traveled to New York on a trip that she had planned long before all this developed. Steve met her at the airport with a red rose and welcomed her and her family. He arranged a visit to police headquarters and Ground Zero for all of them.

We took our family to New York at the end of August to meet Steve and his family (wife Michelle and daughter Ashley). Upon our arrival at a nearby hotel Wednesday, August 28, we called Steve and he immediately came to meet us. Greeting him for the first time was like seeing a close family member after a long absence. Amanda ran into his arms and the smiles lit up the whole lobby of the hotel. Steve took us to his house and we met Michelle and Ashley. Steve had a shirt made for Amanda in the style of his uniform, complete with her name and honorary badge number as well as NYPD arm patches and badge insignia.

We saw Steve again the next day at his house and met with a reporter and photographer from the Long Island Catholic, a diocese newspaper who had heard of the story from one of their staffers with family here in Okemos. After visiting with the representatives from the paper, we did a little touring locally then went to dinner with Steve and his family.

On Friday, Steve and Michelle met us at our hotel and took us into Manhattan. He had arranged a tour similar to the one given to Mrs. Hillman on her trip earlier in the month. We got to lower Manhattan about an hour before our appointment at One Police Plaza and while driving near Ground Zero, saw a fire station at the corner of Water and Wall Streets. Steve asked us to wait in the car while he went in and talked to the firemen on duty. The firemen, after hearing the story from Steve, welcomed us into the station, gave us a tour of the fire trucks and equipment and posed for pictures with the girls in fire suits and helmets. We paid our respects to the fallen members of the station at a memorial on the sidewalk in front of the firehouse, thanked the two firemen for the tour and their welcome, and went on to our appointment at Police Headquarters.

Pulling up to One Police Plaza was like entering a military post. Concrete barriers are placed so that only one vehicle can enter or leave the lot at a time and a large sanitation truck blocks the opening, pulling away to allow access after getting clearance from the guard post, then moving back to block the entrance. Security was tight! Upon entering the building, we passed through metal detectors and were photographed and given passes to wear on our outermost clothing.

We were all escorted to the Division of Community Affairs where we met Detective John Rowen and his daughter Ashleen. Detective Rowen took us to a conference room where we also met Detective Eugene Canapi. Gene had heard the story and came in on his day off to show us a presentation that the department had put together as a historical documentary on the events of September 11, 2001. Both men expressed their welcomes to us and told us how much the cards and letters from across the nation had meant to them. John said that of all the cards he had seen, it never occurred to him to answer back and he was glad that Steve had shown such thoughtfulness to reply to Amanda.

After the presentation, reporters from the New York Post and Newsday interviewed us and took photos of Steve and Amanda in their "uniforms!" We met Deputy Commissioner Patrick (Division of Community Affairs) and were greeted and treated like VIP's by everyone.

Detective Rowen and his daughter took us all down to the waterfront near Battery Park where we boarded a Police Harbor Patrol boat and were given a tour of the area from the water. We rode under the Brooklyn Bridge, out to Ellis Island and the Statue of Liberty. I'm not usually an emotionally demonstrative person but I had tears in my eyes when I saw the Statue. It was my first visit to New York City and had never seen it before. I remember thinking back to 9/11/01 and hearing the threats made to her after the horrible attacks. I was sure at that time that I'd never see it in person and was truly overcome at seeing her from the boat. I imagine that is how my ancestors felt coming over from Italy at the turn of the last century.

While on the Harbor Patrol boat, I talked with one of the officers that made up the crew of three. He had no idea who we were and when I told him the story he told me how glad he was that Steve had replied in the way that he had. He described the events of that day and how they ferried survivors and rescue workers to the site and told me how much they all appreciated the support shown by the rest of the country after the attack. He said that the Red Cross had given him a box of cookies sent by some school children from New Jersey and that he still kept the note that they had enclosed in his wallet, nearly a year afterwards.

After the harbor tour, we returned to One Police Plaza and were told that Police Commissioner Ray Kelly would like to meet Amanda. We were absolutely floored! Steve was really nervous as we waited to be escorted into the Commissioner's office, as he had never met him before either. Detective Rowen remarked that he doubted that many officers with Steve's experience (he's been on the force for seven years) had been invited to meet the Commissioner in his office. Commissioner Kelly greeted us warmly and posed for pictures with Amanda and Steve and a group photo with all of us. He gave us a brief tour of his office and explained that his desk was Teddy Roosevelt's from his tour as Commissioner in the late 1800's.

After leaving the Commissioner's office, Detective Rowen took us to see Ground Zero. After seeing it so often in news coverage, it was an uncanny feeling to actually be at the site. I said a quiet prayer for the victims and listened while Detective Rowen related his memories from the day of the attack. He was at the command center when the first plane hit and was helping victims at the foot of the buildings when the first tower fell. There is a brief shot of him running up the street in one of the CNN videos as the cloud of debris follows behind. He said it was like a wall of water, he ducked into a side street and the wave of dirt followed him around the corner. A nearby visitor asked what it was like to be surrounded by the smoke and he said it wasn't smoke, it was more like dirt and fine particles of concrete dust that followed him and eventually covered him like so many of the photos we all saw from the news that day.

The site now looks more like a construction site and an individual happening along on it today would probably wonder what was going to be built there. The sides of the hole go straight down for probably five or six stories and you can see each level of the substructure of the underground areas across the way. We could see where the subway tunnel was going north from the site. For someone who had never seen the World Trade Center, it was hard to imagine just how tall it was. Standing at Ground Zero now, you are surrounded by skyscrapers, the tallest of which is 54 stories. I tried to explain to my daughters that if they took that building and placed another one just like it on top that would have been about the same height as the 110 stories of the Twin Towers. Many of the buildings still show damage from the attack and collapse of WTC. Still the clean up has been a heroic effort in and of itself.

My family thanked Detective Rowen as we left and my middle daughter, Angela (8) exchanged e-mail addresses with Ashleen planning to stay in contact. As we drove back to Long Island we all were just amazed at the events of the day. Reflecting on the tragedy of last year and remembering the expressions of welcome and gratitude from each and every person we met.

When we had first discussed going to New York City to meet Steve and his family, he had told us that when we got there he was going to throw a big party. As the plans for the trip grew, we found out that his daughter Ashley's second birthday (September 1) would be celebrated on Saturday, August 31 and that he was having his whole family over. We picked that weekend to go so that we could meet all of them and make sure that they knew just how special we thought that Steve and Michelle were. Saturday dawned with a story in the New York Post about Amanda and Steve and how a small thank you card and its magnificent reply reached halfway across the country to bring them together. As we arrived at Steve and Michelle's, we were welcomed by all of their family and friends as a new part of the family. Steve's mother Linda had gifts for each of our girls, as did his Aunt Val & Uncle Len. We got to meet his partner and other friends from the force. About halfway through the party, we all heard the sound of bagpipes tuning up. Steve had told me that there was another surprise coming and as he called us all to the patio, he announced his Lieutenant and other members of the Emerald Society, NYPD's pipe and drum corps. They gave a short concert for all of us in honor of Ashley's birthday and Amanda's visit. Once again the emotions overflowed to hear the patriotic medleys and other songs from the bagpipes and drum. It was a great way to cap off another extraordinary day.

Our last full day in New York was spent touring the city like normal visitors. We left Steven and his family to give them a chance to spend Ashley's birthday alone while we went to the observation deck of the Empire State Building, drove down Broadway and explored Manhattan by ourselves. For visitors coming to New York for the first time, you're struck by the size of all the buildings, the number of people and you quickly come to see that there is no place like it in the country. I've had the privilege of visiting 46 of the 48 contiguous United States as well as Hawaii and Puerto Rico. Truly New York City has no equal.

After having dinner with Steve, Michelle, Ashley, and Steve's sister Lisa's family, we headed back to our hotel and the next morning left for home. Our trip to New York City was way more memorable than we could ever have imagined. It gave my children an experience that they will never forget. Steve and his family are in the process of planning a trip here for a visit to St. Martha School in early November. We are all looking forward to seeing them again. The police officers and firefighters of New York showed the rest of the nation that heroes arise from adversity. My family has been fortunate to meet one of those heroes and to get to know him as a good friend. People like Steve Tarricone are around us every day, and sometimes the small gestures, like a thank you card sent by a kindergartener can bring them into our lives. The next time your child comes home from school and says that they sent cards to someone, be it at a local nursing home, or to the President of the United States, I hope that you will recognize the importance of those messages to all who see them.

Mr. Speaker, Christopher Davio is right. Small gifts of kindness can have immeasurable benefits. Today, we wish to extend our appreciation to Amanda Davio and her family, Officer Steve Tarricone and his family and colleagues, and all the students from the 8th District who helped our nation begin its recovery. I now ask that our colleagues in the U.S. House of Representatives join us in recognizing this remarkable American story.

TRIBUTE TO THE HEROES OF THE 14TH CONGRESSIONAL DISTRICT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary women and men of the distinguished 14th Congressional District for their heroic responses to the tragic events of a year ago.

On the first anniversary of the attacks on our nation, we reaffirm our commitment to the ideals that have made the United States of America the greatest nation on earth. We have grieved for our lost loved ones, and now we continue the work of a freedom-loving nation. We take pride in and are in awe of what the American people have done in response to the attack on our nation. They have been brave, and generous and the entire world has witnessed the strength and the decency of our people. Americans respond with open, brave, and generous hands and hearts to those who are in need.

Mr. Speaker, the 14th Congressional District lost two extraordinary people, Naomi Solomon and Andrew Garcia, who enriched the lives of everyone they knew and loved.

I ask my colleagues to join me in once again offering our deepest sympathy and that of our entire nation to the Solomon and Garcia families.

This nation had many heroes on September 11, 2001. We all know of the supreme sacrifice made by so many firefighters, police officers and others in their response to the attacks on the World Trade Center and the Pentagon. We know of the heroism of those on the hijacked planes who prevented even more calamitous attacks on our nation's Capitol. We've learned about of the heroism of people all over our country who pitched in to give service to others.

Mr. Speaker, it is with a great sense of honor and pride that I ask my colleagues to join me in paying tribute to all who have emerged from the tragedies of that fateful day to embody what it means to be true American Heroes by giving so much of their time, talents and resources to heal the wounds of September 11, 2001. There are too many individuals, organizations and companies to name each separately, but I'd like to honor in our Nation's Record a few examples of some of the many people of the 14th Congressional District who rose to the occasion in extraordinarily generous ways:

The Town of Woodside Firefighters—held a "Fill the Boot" fundraiser on Sept 30th for the New York Fire 9–11 Relief Fund.

YWCA and the Mountain View City Human Relations Commission—held a "Building Community, Understanding and Respect" forum and dialogue in response to Sept. 11th.

The Menlo Park Community Chorus and the Foothill Orchestra—organized a program of patriotic and inspirational music on Dec. 15th which benefited the "victims and heroes" of Sept. 11th.

Banks, Financial Institutions and Credit Unions including San Mateo Credit Union and Stanford Credit Union—maintained and kept open their financial networks for their customers despite the resulting chaos of the attacks; and organized fundraising campaigns among their employees and customers to benefit the families affected by Sept. 11th.

Gallery Europa in Palo Alto owners Louise Erricson and David Himmelberger organized a special exhibit in which the sale proceeds were donated to families of victims of Sept. 11th.

Hyland Hogan and Lane Lees of the Half Moon Bay Fire District—following September 11th, they boarded a plane and were adopted by NYFD Ladder Company 3 where they helped the company after it lost 12 of its members and assisted the families of lost firefighters. In May, the district presented the New York Company with a memorial hand-made case holding an ax recovered by one of the firefighters and pictures of the 12 who perished.

All the teachers and school administrators (like Jill Ballard and Sherry Fulton who teach American Literature and Studies at Half Moon Bay High School)—who changed their curricula and schedules to help students understand and cope with the events of September 11th.

Law enforcement agencies and organizations like the Santa Clara County Sheriff's Office and the San Mateo County Deputy Sheriff's Association—set up funds to help the families of police officers killed in the Sept. 11th attacks.

California Task Force 3 Urban Search and Rescue—deployed local firefighters and other task force members to New York to assist at ground zero.

Harold Schapelhouman, Menlo Park Fire District
Randall Shurson, Menlo Park Fire District
Paul Cole, Half Moon Bay Fire District
Gerald Kohlmann, San Jose Fire Department
Phil White, South San Francisco Fire Department
Troy Holt, Menlo Park Fire District
Brian Beadnell, Menlo Park Fire District
Ben Marra, Menlo Park Fire District
Carl Kustin, San Mateo Fire Department
Rexford Lanson, Menlo Park Fire District
John Preston, NASA Ames DART
Bill Trolan, Physician
Jared Strote, Physician
George Berry, Civilian—Communications Specialist
David Larton, Civilian—Communications Specialist
Martin Mijangos, Civilian—Technical Information Specialist
Mike Bavister, Civilian—Technical Information Specialist
Gordon Coe, Menlo Park Fire District
Hollice Stonc, Civilian—Logistics Specialist
Mark Meyers, Civilian—Logistics Officer
Paul Brown, NASA Ames DART
Joe Zsutty, Structural Engineer
Raymond Lui, Structural Engineer
Harry Jackson, San Jose Fire Department
Kelly Kasser, NASA Ames DART
Crane Rigger, San Mateo County CDF
Robert Simmons, Civilian
James Stevens, Menlo Park Fire District—Medic
Kenneth Oliver, Menlo Park Fire District—Medic
Eric Haslam, South San Francisco Fire Department—Medic
Kevin Banks, Santa Clara Fire Department—Medic
John Wurdinger, Menlo Park Fire District—Technical Search Specialist
Roger Miller, NASA Ames DART—Technical Search Specialist K–9
Shirley Hammond, California OES, K–9
Jeff Place, California OES, K–9
Patricia Grant, California OES, K–9
Carol Herse, California OES, K–9
Tom Marinkovich, Menlo Park Fire District
Philip Snyder, NASA Ames DART
Don Chesney, Burlingame Fire Department
Michael Shaffer, Menlo Park Fire District
Rodney Brovelli, Menlo Park Fire District
Keith Slade, Menlo Park Fire District
Charles Sturtevant, Menlo Park Fire District
Jeff Schreiber, Menlo Park Fire District
Bill McFarland, Menlo Park Fire District
Mark Tagney, NASA Ames DART
Jeffrey Maxwell, Milpitas Fire Department
Chris De La Osa, Mountain View Fire Department
Daniel Horton, Redwood City Fire Department
Gerald Pera, Redwood City Fire Department
Steve Ehlers, Burlingame Fire Department
Bruce Barron, Burlingame Fire Department
Patrick Brown, Santa Clara Fire Department
Rod Villa, San Jose Fire Department
David Lerma, San Jose Fire Department
Greg Campbell, San Mateo Fire Department
Dave Rovetti, San Mateo Fire Department
Jesus Magallanes, South San Francisco Fire Department
Chris Campagna, South San Francisco Fire Department
Thomas Calvert, Menlo Park Fire District
Alex Leman, Civilian—Incident Support Team
Frank Fraone, Menlo Park Fire District—Incident Support Team
BK Cooper, Civilian—Incident Support Team
David Hammond, Civilian—Incident Support Team
John Osteraas, Civilian—Incident Support Team

The Children of the Payvand Cultural School of Cupertino, an Iranian Community Based School—filmed a special video after 9/11 to spread the message of tolerance and peace. The video is named Hand in Hand and it was sent to President Bush.

Local Media—reporters like Mark Simon and Tom Abate with the San Francisco Chronicle, Loretta Green, Leigh Weimers and Jim Puzzanghera with the San Jose Mercury News, Don Kazak, Palo Alto Weekly, Dave Price with the Palo Alto Daily reporters from The Almanac, Half Moon Bay Review/Pescadero Pebble, San Mateo County Times, Redwood City Independent, Los Altos Town Crier, Mountain View Voice, Silicon Valley Business Journal, Gentry, San Jose Magazine, Sunnyvale Sun, Cupertino Courier all provided critical information, told our collective stories, shared our thoughts and helped to underscore a message of hope and tolerance.

Silicon Valley Companies and Businesses—Silicon Valley companies came together with their employees immediately after 9/11 to raise millions of dollars for charitable organizations. Many of the contributions made by companies were matched by employees, which brought aid to the affected families including those of firefighters and police officers. The senior executives at Sun Microsystems raised $1 million and the company matched dollar per dollar all employee contributions. That effort raised an additional $500,000. Sun Microsystems, like many Silicon Valley companies also participated in Ebay's Auction for America, donating over $1.3 million worth of products. Hewlett-Packard employees gave $1 million to support relief efforts. HP itself contributed $2 million, and matched its employees' gifts with another $1 million. In addition, HP like many other Silicon Valley companies, donated equipment to assist in the September 11 relief efforts. Companies like National Semiconductor not only made monetary contributions but also organized employee blood drives. Paypal, through their members helped raise $2.35 million for the National Disaster Relief Fund of the American Red Cross. Cadence, under the leadership of CEO Ray Bingham, raised over $1.6 million in contributions to the American Red Cross and to the New York Firefighters' 9–11 Disaster Relief Fund. Cadence and its employees also held a special flag raising ceremony commemorating the tragic events of 9–11. Apple too went above and beyond to assist the victims. In addition to financial contributions to the Red Cross, Apple donated iBooks to the children of the rescue workers who lost their lives in the line of duty. These are but a few examples of the many contributions made by the employers and employees of the 14th Congressional District.

CHUMS—Children United Morally and Spiritually—designed an interfaith holiday card which they sold and donated the proceeds to victims of 9/11.

VA Palo Alto National Center for Post Traumatic Stress Disorder (NCPTSD) staff including Director Fred Gusman, Gregory Leskin, Robyn Walser, Sherry Riney, and Ken Drescher who traveled to the Pentagon to provide the Department of Defense guidance and assistance for the psychological response efforts following 9/11.

The men and women of the California Highway Patrol—whose continuing vigilance helps ensure the safety of our bridges, airports, and other infrastructure.

The members of the Reserves and California National Guard who have been mobilized and their families—many of these dedicated individuals have taken deep pay cuts and will endure long separations from their families to prosecute the war on terror.

Palo Alto Medical Foundation and Stanford University (particularly Eric Weiss MD and Lou Saksen)—formed a Bioterrorism Preparedness Group to respond immediately and appropriately to any suspected cases of bioterrorism.

USPS—dealt with the aftermath of the Anthrax attacks and continued to provide excellent service by delivering mail and keeping their offices open to the public.

American Red Cross Palo Alto Area Chapter Deployed September 11th Volunteers: The Chapter was second in the State of California for percentage of response based on chapter population and serves 250,000 people in Palo Alto, Mountain View, Los Altos, Los Altos Hills, at Stanford University and Moffett Federal Airfield. The following Red Cross-trained volunteers and staff were deployed for assignments which lasted up to three weeks at a time following the September 11 attacks:

Ginny Anderson, WTC New Jersey, Disaster Mental Health

Vinnie Biberdorf, WTC New Jersey, Local Chapter Liaison

Ruth Anderson, WTC New York, Disaster Mental Health

Judy Boore, WTC New York, Disaster Mental Health

Rita Castro-Hawkins, WTC New York, Voluntary Agency Liaison

Don DeJongh, WTC New York, Family Services

Miriam DeJongh, WTC New York, Family Services

Ted Easley, WTC New York, Staffing for Disaster Services

Paige Filomeo, WTC New York, Disaster Mental Health

Adriana Flores, WTC New York, Disaster Volunteers

Lynne McCreight, WTC New York, Records and Reports

Edwin Ou, WTC New York, Logistics

Laura Quilici, WTC New York, Disaster Mental Health

Peggy Rogers, WTC New York, Disaster Mental Health

Richard Wing, WTC New York, Disaster Mental Health

Ann Ziman, WTC FMA Center, Family Services

Geoff Ziman, WTC FMA Center, Family Services

Karen Duncan, WTC NHQ Support, Public Affairs

American Red Cross Palo Alto Chapter (locally): Palo Alto Area Red Cross Chapter led by Executive Director Patricia J. Bubenik, staff members and volunteers assisted four local families with issues related to the September 11 disaster, including counseling the family of a victim of the Pennsylvania air crash. Mental health disaster volunteers went to schools, PTAs, and church groups requesting help in the aftermath. Volunteers delivered materials to schools to assist with the conversations with children, teachers and parents.

The chapter staff also processed a total of $1,168,737 in donations designated for the National Red Cross (between September 11, 2001 and June 30, 2002).

At the same time, the Chapter continued to respond to an increased interest in first aid and CPR classes and trained an increased number of disaster service volunteers who came in response to the September 11 tragedies. They also registered and placed an unprecedented number of volunteers who wanted to be of service within the community.

CENTRAL NEW JERSEY SHARES A POEM ON FREEDOM BY WORLD TRADE CENTER VICTIM DAVID SCOTT SUAREZ

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. HOLT. Mr. Speaker, I rise today to share with you excerpts from a story that World Trade Center victim David Scott Suarez wrote about two hiking trips he had taken several years apart, and a poem he wrote about climbing as a metaphor for life and for freedom. David writes about freedom, both in terms of the struggle to attain it and the unparalleled joy of having it. In a sense, David's story reminds us that freedom is not free. It requires hard work and undaunting perseverance. Freedom can only be attained when people work, together with others, exerting all of the collective strength of the unified group, to ascend its peak. One could interpret David's story to say that freedom is not even a choice, but rather a requirement for the realization of human potential, and that freedom should be our example to the world that we shout from the mountaintops.

David's parents, Ted and Carol Suarez, have so far had his poem translated into over 90 languages, including three of the major languages spoken in Afghanistan. They offer their son's story and poem in hopes that they will show all of the people of the world how much they have in common, so that we will always choose to communicate with each other rather than fight, and so that their son's death and the death of so many others on September 11 will not have been in vain. The following are excerpts from "Return to Freedom", by David Suarez.

My legs burned. My heart pounded. A bead of sweat ran down my forehead to the tip of my nose. I wiped it off with the back of my dirty arm just before it dripped to the ground. The air was cool and the wind grew fiercer the higher into the atmosphere we climbed. It froze sweat to my skin and blew my hair every which way, occasionally stinging my eyes. I looked up past Bob, who was directly in front of me, but I could not see our destination. The peak was covered in clouds. . . . Hail pelted my raincoat. The trail we'd been hiking quickly turned to a swiftly flowing stream. The sky lit up. Thunder cracked simultaneously. I began to hear the slow cracking of, not thunder but wood. We all turned abruptly. A tree fell across the path 50 yards behind us, its top shattered and smoking.

Only nine miles to go, but the weather showed no signs of letting up. At night we were going to make camp on top of Mount Philip at 11,711 feet. . . . It was thirteen miles away and a strenuous climb from where we broke camp in the morning. Unfortunately, that day was worse than any other had been. Like myself, the other guys in the expedition were pretty melancholy. . . . All I could think about was the 40 pound pack and the ice covered ground that kept me from moving forward with any sort of speed. . . . It continued to storm. I trudged on. Stepping one foot in front of the other. . . . If I'd had a choice I'd have stopped, but there was no choice. Stopping meant hypothermia, which was worse than walking. Hours later, we reached the top. My hands were red. The tips of my fingers were almost white; they were completely numb. The clouds were so thick I couldn't see more than a few feet ahead. Everyone else was in the same condition, some worse. . . . There were fourteen of us, only six were able to pitch tents. . . . We pitched one after another. I thought each one along the way would be my last. Finally we finished and everyone was safe. Then, miraculously, the moment our tent was ready for sleep the clouds blew away and the warm sun came out. . . .

That was it, I was the last man standing. I was so excited I started to run to the peak. . . . I reached it minutes later. . . . I leaned back against the flagpole that stood higher than everything else. A smile of contentment crossed my face. I shut my eyes and fell asleep to the sound of the American Flag snapping in the wind. I was free.

Three thousand miles and five years later I was feeling the same thing. Freedom, what a strong word it is. Millions of people had died in its name. Do people fully understand and appreciate this single word? Do I? A month earlier I sat out on the lawn under the shade of a tall oak attending my Asian philosophy class. After class I walked past a preacher yelling that all of my peers (and myself) were doomed to hell. I walked further and saw a stand with pictures of marijuana leaves all around, apparently fighting for its legality. I sat down and watched a couple walk past hand in hand and smiling. It was July 3. The impact of what was occurring before me hit me like a blow. I was living the dream that so many had died for. I belonged to a select group of people that could enjoy life as it should be enjoyed. In day to day life I often didn't realize that. . . . My mind and my talents marked the limits of where I could go. No one else dictated them.

Those thoughts reentered my mind as I climbed to the top of Sugarbush Mountain in central Maine. Climbing became a metaphor for life. We were almost at the top and the wind was blowing fiercely. We had entered the clouds and couldn't see a thing. At one point I opened my jacket and leaned into the wind. It supported my weight for awhile. Together we reached the top. We raised our hands and screamed loudly for the world to hear. We'd conquered this mountain. Although the steep slopes tried to keep us down, they couldn't. Although our lives threatened to trap us in dull routine, we escaped. We were in charge of our destinies, only us. For a moment the clouds cleared. It seemed as if we could see the entire world at once. In silence we watched. We were free.

YOU ARE FREE

(By David S. Suarez)

The air is cool, the sky is dark, your muscles relax, while nature's breath fills your lungs

You have accomplished your tasks, felt the pain, and endured the pressure, a pressure so immense that you lived to escape

You have climbed to the very peak of the mountain and now relax on a rock, high above the trees while others sleep

You are enveloped by nature's beauty for just a moment you abandon your incarcerated body wholly relinquishing your ties to human nature and for only an instant, you become part of God you are free

A PROCLAMATION RECOGNIZING JACOB HOLLINGSHEAD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. NEY. Mr. Speaker, Whereas Jacob Hollingshead has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jacob Hollingshead has shared his time and talent with the community in which he resides; and

Whereas, Jacob Hollingshead has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jacob Hollingshead must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award; and

Therefore, I join with Troop 269 and the entire 18th Congressional District in congratulating Jacob Hollingshead as he receives the Eagle Scout Award.

VIOLENCE PREVENTION WEEK

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. ORTIZ. Mr. Speaker, I rise today to commend the community of Brownsville, Texas, for reminding our children about the values we uphold with "Violence Prevention Week" as the new school year begins.

Our school years now begin with concerns over not just grades and class assignments, but also the threat of gun violence. This reality confronts students and educational professionals each day they enter the classroom.

Here in Texas, we understand that promoting a safe and non-violent community begins at home, where life's first and most important lessons are learned. The logic that dictates that gun violence is driven by the mere existence of guns is inherently flawed. The dramatic increase in school violence during the last decade, without any correlating increase in gun purchases, is a testament to this.

Rather, there must be a community effort to ensure the safety of our schools and its students. The community of Brownsville understands this and teaches responsible gun use, while also promoting tolerance and understanding of others. With support from religious and civic organizations, Brownsville offers young people positive role models so today's students can become tomorrow's leaders.

Recognizing that it is our individual communities that set the example everyday for our young people, we should teach responsibility, emphasize faith, and offer age-appropriate entertainment and examples of proper behavior to our children. It is our duty to lead our children to the right path; then it is their duty to follow that path.

With this in mind, Brownsville is working to reduce school violence by planning "Violence Prevention Week," sponsored by the Brownsville Independent School District, the local law enforcement agencies, the Brownsville Chamber of Commerce, area civic organizations, and the local church community.

Events for the week include: a student essay contest about the challenge of school violence, the "Violence Prevention Fair" at a local mall, and assembly programs and speakers for middle and high school students about the issues facing young people today.

Our honored guest for this special event will be Dave Roever, a Vietnam veteran who has an intimate understanding of the daily challenges faced by young people of the 21st Century.

I ask my colleagues to join me in commending the community of Brownsville, Texas, for their efforts to work together to reduce gun violence and build a stronger and safer community.

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 26, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes:

Mrs. MALONEY of New York. Mr. Speaker, as a member of the United States House of Representatives representing New York City, I am deeply aware of the profound responsibility that was thrust upon this government last September 11th. It is our responsibility, our most important responsibility, to keep the American people safe from terrorism and violence. We were not prepared last fall. We should never be caught unprepared again.

Addressing this, on June 6, 2002, President Bush called for the creation of a permanent, cabinet-level department of homeland security. Even before the President's announcement, we as a nation have been struggling to figure out new ways to improve the nation's safety.

Throughout the debate about the creation of this new department, I have been skeptical that this may just be an exercise in moving boxes around on an organization chart. After examining the bill and listening to my colleagues both on the floor today and during the Government Reform Committee hearings and markup, I believe that H.R. 5005 should be passed by the House.

As you know, H.R. 5005, the Homeland Security Act of 2002, establishes a Department of Homeland Security as an executive department of the United States headed by a Secretary of Homeland Security who shall be appointed by the President, with the consent of the Senate. The legislation consolidated 22 federal agencies into one new Department responsible for intelligence analysis and dissemination, science and technology, border and transportation security, and emergency preparedness and response. The new department will also have an office of civil rights and liberties, critical to ensuring that the government does not overstep its boundaries. I am hopeful that this legislation will provide the framework for law enforcement, intelligence, health, and other first-line agencies to work together to defend our great nation.

I am disappointed that H.R. 5005 does not include an amendment that I crafted that passed unanimously in the Government Reform Committee. Learned from past lessons, the amendment fixed current problems in our response system and would have allowed future sites of attacks to cut through red tape and bureaucracy and receive disaster relief right away.

I am very concerned that the final product includes troubling provisions that weaken civil service protections for the new Department's employees, undermine Freedom of Information Act compliance, and disregard the need for accountability for corporations that contract with the agency. I strongly encourage the Senate to correct these flaws.

During this time in American history, we public servants must accept the responsibility before us. The President of the United States has said a Department of Homeland Security is necessary to improve our nation's security. I agree with him.

We have to do everything we can to prevent a tragedy like 9/11. We have to make sure we can respond as quickly as possible to future attacks. I hope and pray this new department will do this. I hope and pray we can avoid what my great city has had to live through.

Because of these lessons learned, I urge my colleagues to vote yes on final passage.

INDIAN INTELLIGENCE PROMOTING TERRORISM IN U.S., WORLDWIDE—INFILTRATES ORGANIZATIONS, CREATES TERRORIST INCIDENTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. TOWNS. Mr. Speaker, a recent intelligence report states that there are 25,000 agents of the Indian government's "Research and Analysis Wing" (RAW) outside India. While there is nothing wrong with legitimate intelligence work, RAW habitually infiltrates organizations of minority groups and creates terrorist incidents in order to discredit these groups.

The Indian government has recently been declared a violator of religious freedom by the United States government. On January 2, columnist Tony Blankley reported in the Washington Times that India is sponsoring cross-border terrorism in the Pakistani province of Sindh. This comes at a time when President Musharraf of Pakistan is actively helping us in the war against terrorism, at substantial risk to himself personally and politically.

The organizations Babbar Khalsa International (BKI) and the International Sikh Youth Federation (ISYF) have been identified by the U.S. government as "terrorist organizations." The ISYF has been banned in Canada. These organizations have been heavily infiltrated by the Indian government, to the point that they are government-controlled organizations. They have spawned other organizations designed to embarrass the Sikhs, especially those in the Khalistan freedom movement, and blame them for terrorism.

The Liberation Tigers of Tamil Eelam (LTTE) is another organization that our government has labelled "terrorist." Yet journalist Tavleen Singh of India Today, India's leading newsmagazine, reported that the Indian government itself created the LTTE and put up its leaders at the most upscale hotel in Delhi. If LTTE is a terrorist organization, then India created its terrorism.

In November 1994, the Indian newspaper Hitavada reported that the Indian government paid the governor of Punjab, the late Surendra Nath, the equivalent of $1.5 billion to foment terrorist activity in Punjab, Khalistan, and in neighboring Kashmir. In a country where half the population lives below the international poverty line, the supposedly democratic government could afford to lay out one and a half billion dollars to create state-sponsored terrorism. I'm sorry, Mr. Speaker, but I don't understand how that could happen in a democracy.

Also in 1994, our own State Department reported that the Indian government paid out more than 41,000 cash bounties to police officers for killing Sikhs. One of them killed a three-year-old boy and received a bounty for that! A report from the Human Rights Wing showed that at least 25,000 Sikhs were arrested, tortured, murdered, and cremated, then their bodies were declared "unidentified" and cremated. Two reports, one from the International Human Rights Organization (IHRO) and the other jointly issued by the Movement Against State Repression (MASR) and the Punjab Human Rights Organization (PHRO), showed that Indian forces carried out the massacre of 35 Sikhs in Chithisinghpora in Kashmir in March 2000.

In the excellent book Soft Target, journalists Brian McAndrew of the Toronto Star and Zuhair Kashmeri of the Toronto Globe and Mail prove that the Indian government itself carried out the bombing of an Air India airliner in 1985, killing 329 people, then blamed the Sikhs. There is too much good information in this book to quote here, but I would like to quote one statement from the Canadian State Investigative Service which appears in the book: "If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load everybody up and take them down for questioning. We know it and they know it that they are involved."

Mr. Speaker, this ongoing pattern of terrorism against its neighbors and against the minority peoples living within its borders shows that India's claim to be a secular democracy and an opponent of terrorism is a lie. India should be declared a terrorist state and subjected to appropriate penalties. These should include a cutoff of U.S. aid to India until the terrorism stops and human rights are fully enjoyed by all people within the country. And we should declare our support for the freedom movements seeking their freedom from India. By doing these things, we will advance the fight against terrorism in the world and help all people to enjoy the basic democratic right of self-determination.

As former Senate Majority Leader George Mitchell said, "the essence of democracy is the right to self-determination." It is time for real democracy in India rather than a continued campaign of terrorism.

IN HONOR OF RONALD MACK WOODGEARD

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. CHAMBLISS. Mr. Speaker, heroes come in many shapes and sizes. Over the past 11 months we have celebrated the lives of many heroes. We have paid tribute to firemen, policemen, public officials, businessmen, among many others. Their common thread is the selfless desire to improve the world around them.

Today I rise to recognize and pay tribute to one of my district's great heroes who spent his life on the political lines, digging deep into the business of Georgia law-making to tell the story, Mr. Ronald Mack Woodgeard, former Editor of the Macon Telegraph in Macon, Georgia.

Ron was known throughout the state, especially in Macon, for his fair and balanced journalism. He had a knack for taking a story into the future, not just by giving a play by play description of events, but by taking the analysis a step further to uncover not only the facts but look past the facts to explain what they mean.

A friend of the community, Ron earned and kept the trust of his neighbors, his co-workers, and public figures, including the subjects of his reports. Many view the role of news reporter to be "watchdog" but this reporter was not one out for cold blood, looking to exploit a person or a situation for the "scoop". He sincerely believed in educating people to improve the community and society as a whole. Through his leadership, the Macon Telegraph was known for representing all sides of its readership—there was always something for everyone on the editorial page.

Ron was a dedicated worker and a good friend of mine, but I call him a hero not only for his years of dedicated service of bringing the news home to south Georgia, but for doing his job while waging a ten year war against a rare form of cancer. Co-workers at the Telegraph remember Ron for pressing on without complaint. Pressing on for Ron meant getting the story while enduring more than 15 major and minor surgeries, three rounds of chemotherapy, and four courses of radiation. To survive ten years of this type of treatment and still get the job done takes iron will. Sadly, this invisible assailant overcame our soldier and took his life Monday, September 9, 2002.

Other professional hats of the Editor include college instructor, military policeman for the Army during Viet Nam, private investigator, and after completing trade school, a welder. But his most important job was father of two sons.

Ron Woodgeard believed in people and they believed in him. I believed in him, and I will miss him. My wife Julianne and I extend our deepest sympathy to his family, and join with them in celebrating the memory of one of Georgia's journalistic heroes. His legacy will live on through the millions of lives he touched.

PAYING TRIBUTE TO WANDA SOTHEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has selflessly contributed her time and energy towards the betterment of her community and her nation. Wanda Sothen, of Durango, Colorado, has donated countless hours to aid the people of Durango and its surrounding communities following this wildfire season. She has been a true inspiration to her friends, family, and community and it is with pleasure that I applaud her efforts before this body of Congress and this nation.

When wildfires ravaged Colorado and the devastation proved too widespread for the Red Cross and other aid organizations to care for the specific needs of the 1,700 households displaced by the 70,000 acre Missionary Ridge fire, Wanda stepped up to meet the challenge. Recognizing that her friends and neighbors needed more than just the basics of food and shelter, Wanda founded Helping Hands, a relief organization based out of Durango. Starting with only a telephone and a stack of index cards at a desk in the local mall, Wanda carefully put together every piece of relief she could find.

Wanda learned quickly that many residents needed help, and many also had something to give, the problem was trying to bring everyone together. After the creation of Helping Hands neighbors began to donate items such as candles, clothing, food, school supplies, along with professional veterinarian services for local animals. Wanda's understanding of community needs extended beyond the ordinary, as animals from the size of goldfish to horses found help or homes through her organization. Her untiring spirit of charity continues to bless the lives of those affected by the fire as she continues to turn each donation into a gift of relief.

Mr. Speaker, I stand today to pay tribute to Wanda Sothen, a true community activist, before this body of Congress and this nation. Her diligence in bringing her community together in the face of crisis, by creating and running Helping Hands, has made her an inspiration to us all. She truly stands as an example of American values and civic virtue and deserves our praise.

A PROCLAMATION HONORING MR. AND MRS. DeGENOVA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. NEY. Mr. Speaker, Whereas, Joseph and Malvina DeGenova were united in marriage on August 24, 1933; and

Whereas, Joseph and Malvina DeGenova are celebrating 69 years of marriage; and

Whereas, Joseph and Malvina DeGenova have demonstrated a firm commitment to each other; and

Whereas, Joseph and Malvina DeGenova must be commended for their loyalty and dedication to their family, consisting of 3 sons, 8 grandchildren and 5 great-grandchildren; and

Whereas, Joseph and Malvina DeGenova have proven, by their example, to be a model for all married couples.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Mr. and Mrs. DeGenova as they celebrate their 69th Wedding Anniversary.

THE CRANBURY LIONS CLUB MARKS SEPTEMBER 11

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. HOLT. Mr. Speaker, Wednesday, September 11, 2002 marks the 1st anniversary of the heinous attack on the United States of America by terrorists. On Saturday, September 14, 2002, the Cranbury Lions Club will remember the heroic actions on September 11th of a Cranbury, New Jersey resident, Mr. Todd Beamer, with the dedication of a memorial in the township's Heritage Park. Mr. Beamer was aboard Flight 93 on September 11, 2001 when it was hijacked by terrorists and crashed in Western Pennsylvania.

The memorial honors the uncommon service of Todd Beamer and his fellow Flight 93 passengers whose selfless act of courage saved countless lives and helped reunite our Country. It also provides a permanent symbol to underscore the invaluable role of all citizens in protecting our unalienable rights of Life, Liberty, and the Pursuit of Happiness.

The Todd Beamer Memorial contains two symbols of strength, a boulder and an oak tree. On the boulder is a plaque that reads:

> "LET'S ROLL"
>
> These are the memorable words spoken by Todd Beamer, a Cranbury resident, who was aboard United Flight 93, when it was hijacked by terrorists on September 11, 2001, as he joined with his fellow passengers in a final act of resistance, sacrificing their lives to save countless others.
>
> A man described as ordinary to the world, extraordinary to his family, he shall forever be remembered for his uncommon act of bravery. This memorial celebrates the faith and heroism of Todd Beamer—husband, father, son, brother, friend, civilian—an American.

Americans have read or heard about the heroic actions of Todd Beamer, and will always remember his simple, inspiring words: "Let's Roll". As we memorialize his actions and words, it is equally important that we reflect on the life of Todd Beamer.

A native of Illinois, Mr. Beamer was born in Glen Ellyn, the middle child of David and Peggy Beamer, and spent his young adulthood in this suburb of Chicago. He was raised in a caring environment where value was placed on family, hard work, strength of character, and faith in God. In high school, he starred in soccer, basketball and baseball, serving as a team captain. Mr. Beamer continued to excel in athletics at Wheaton College where he earned a degree in business in 1991. He was later awarded an MBA from DePaul University.

In 1993, Mr. Beamer married Lisa Brosious, and they moved to Central New Jersey, soon settling in Cranbury to start their family. His prior success in athletics and academics was mirrored in his professional pursuits on behalf of Oracle Corporation.

Mr. Beamer's faith and commitment to his church was always evident. He was a member of the Princeton Alliance Church in Plainsboro. He served as a Sunday school teacher, participated on the Church softball team, and mentored young adults.

Admired and loved by family, friends, and colleagues, the legacy of Todd Beamer will be his unwavering commitment to serving God and his fellow man. On behalf of all Americans, we extend our deepest gratitude to Todd Beamer's parents, David and Peggy; his wife, Lisa; his three children, David, Drew, and Morgan; and his two sisters, Melissa and Michelle.

Todd Beamer was a special man who made the supreme sacrifice for his country, and left a lasting mark on the people whom he touched. The Todd M. Beamer Foundation will ensure that his selfless act of giving to others in need continues in the future. He will be remembered by all.

TRIBUTE TO LIEUTENANT GENERAL ROY E. BEAUCHAMP

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. ORTIZ. Mr. Speaker, one of our nation's great patriots, Lieutenant General Roy E. Beauchamp, is retiring after 37 years of exemplary active military service in the United States Army. He served his country with dignity, honor, courage, and integrity.

General Beauchamp concludes his illustrious career as the Deputy Commanding General, U.S. Army Materiel Command from May 2001 to October 2002, and is retiring as the senior Ordnance officer in the Army. During this period, General Beauchamp also served as the Army's Executive Director for Conventional Ammunition, Single Manager for Conventional Ammunition.

General Beauchamp has been at the forefront of the AMC Strategic Plan, integrating technology, acquisition, and logistics to ensure the readiness and capability of today's U.S. Army. He is the strategic and operational developer of the Army's Logistics Modernization Program and a significant contributor to Single Stock Fund implementation throughout the Army, a huge endeavor that is saving countless millions of dollars for the Army and the nation by reducing inventory requirements worldwide. He is truly committed to the Army Transformation and continues to market the need and direction of logistics transformation at every opportunity.

General Beauchamp is a world-class logistician with an unprecedented understanding of logistics at every level—tactical, operational, and strategic—and is undoubtedly the Army's most experienced and knowledgeable wholesale logistics expert. He has served our nation brilliantly and selflessly in numerous logistics assignments throughout his career. From September 1999 to November 2000, he served as the Director of Logistics and Security Assistance, J–4/J–7 at the United States Central Command, MacDill Air Force Base, Florida. He was the Commanding General of the U.S. Army Tank-Automotive and Armaments Command, Warren, Michigan from June 1997 to September 1999.

Other assignments included: Special Assistant to the Deputy Chief of Staff for Logistics, the Commander of the Defense Industrial Supply Center, Philadelphia, and the Commander of the 2nd Support Battalion, 3rd Infantry Division, and Germany. During Operation Desert Shield/Desert Storm, General Beauchamp was the Commander of the 101st Corps Support Group, 101st Airborne Division. During this tour of duty, his actions in combat were exemplary, ensuring the deep penetration of ground and air elements of the 101st Air Assault Division in leading General Schwarzkopf's famed "Left Hook" strategic envelopment of Iraqi forces. General Beauchamp's prior assignments include three tours with the United States Army Europe and one tour with the United States Forces Korea.

General Beauchamp is a native of Florida and a graduate of the University of Nebraska at Omaha. In 1965, General Beauchamp enlisted in the U.S. Army and later was commissioned as a 2nd Lieutenant in 1967. He earned a Master of Business Administration from the University of Dayton and a Master of Arts Degree in Public Administration from Central Michigan University. General Beauchamp is also a graduate of the Industrial College of the Armed Forces.

General Beauchamp's military decorations include: the Defense Distinguished Service Medal, the Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit with 4 Oak Leaf Clusters, the Bronze Star Medal, and the Meritorious Service Medal with 5 Oak Leaf Clusters.

Throughout his career, his lovely wife Olivia has loyally supported him, providing loving support through 31 moves all over the world. She, too, epitomizes devotion to country and the Army, having volunteered countless hundreds of hours at each of her husband's assignments. On numerous occasions she has served in positions of responsibility and leadership in the local family support group infrastructure, working hard to ensure the very best for our military family members.

Mr. Speaker, Lieutenant General Beauchamp deserves the thanks and praise of a grateful nation that he faithfully served for so long. I ask my colleagues to join me in wishing him, Olivia, their son Joshua, daughter-in-law Bridget, and lovely grandchildren Riley and Maggie, all the best in the years ahead.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mrs. MALONEY of New York. Mr. Speaker, on Sept 9 and 10, 2002, I missed rollcall votes No. 375, No. 376, No. 377, No. 378, No. 379, No. 380, No. 381, No. 382, and No. 383.

Had I been present I would have voted "yea" on these 9 rollcall votes.

RELEASE OVER 52,000 SIKH POLITICAL PRISONERS, STOP ITS REPRESSION AND TERRORISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. TOWNS. Mr. Speaker, on August 12, Indian Prime Minister Atal Bihari Vajpayee will meet with President Bush. The next day he will speak at the United Nations in New York. I am sure he will be preaching the principles of democracy and human rights, things that we all support. However, Mr. Vajpayee would have much more credibility on these issues if India lived by the principles it preaches.

Unfortunately, India is only a democracy for the upper-caste Brahmins. For minorities, it is a repressive state with little freedom. According to the Movement Against State Repression, India admitted to holding 52,268 political prisoners under the repressive, expired TADA law.

Recently, it was reported in the Hindu newspaper that the violence in Gujarat this spring killed over 5,000 Muslims. According to published reports, the government orchestrated the violence and ordered police not to stop it. This is typical of India's pattern of repression against minorities.

The Indian government has murdered over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, more than 85,000 Kashmiri Muslims since 1988, and thousands of other minorities. Over 50,000 Sikhs have been made to "disappear." The Washington Times reported that India admitted that its forces committed the March 2000 massacre of 35 Sikhs in Chithisinghpora.

The former majority leader of the Senate, George Mitchell, has said that "the essence of democracy is the right to self-determination." Yet India has never kept its promise to the UN in 1948 that it would hold a plebiscite in Kashmir. India refuses to do the democratic thing and allow the people of Nagaland, Khalistan, and the other nations seeking their freedom from Indian rule. Multinational states like India, the Soviet Union, Austria-Hungary, and others are doomed to eventual collapse.

India is a practitioner of terrorism, as an excellent article by Tim Phares at NewsMax.com entitled "The Terrorism of the Indian Government" demonstrates. The Washington Times reported on January 2 that India sponsors cross-border terrorism in Sindh, a province of Pakistan. Journalist Tavleen Singh reported in India's leading news magazine, India Today, that India itself created the Liberation Tigers of Tamil Eelam (LTTE), which the U.S. government has called a "terrorist organization." It paid the late governor of Punjab, Surendra Nath, $1.5 billion to foment covert state terrorist activity in Kashmir and in Punjab, Khalistan, according to the Indian newspaper Hitavada. India has recently made deals to provide materials to Iraq. When we are fighting a war on terrorism, "the world's largest democracy" is practicing and supporting it.

Mr. Speaker, we must do something to stop these activities. I hope that President Bush and Secretary General Annan will press Mr. Vajpayee on the issues of political prisoners, violence against minorities, and terrorism. The U.S. government also has other actions at its disposal. It is time to impose sanctions on India and cut off its aid and trade. And the U.S. Congress should go on record in support of self-determination for Khalistan, Kashmir, Nagaland, and the other nations seeking their freedom in South Asia.

I would like to insert the article "The Terrorism of the Indian Government" into the RECORD at this time.

THE TERRORISM OF THE INDIAN GOVERNMENT

(By Tim Phares)

The South Asian subcontinent has been called the most dangerous place in the world, and events there over the past few months seem to confirm this description. While the danger of war seems to have passed for now, India and Pakistan remain on alert and both countries continued to point nuclear-capable missiles at each other. Unfortunately, tensions remain high as each side tries to gain an advantage over the other. Pakistan and minorities within India's borders charge that India is seeking hegemony in the South Asian subcontinent. Certainly is deployment of new missiles that can reach deep into Pakistan and its tests that began the nuclear escalation in the region suggest that this may be true.

At the recent Asian security conference in Kazakhstan, India refused to talk with the Pakistanis about Kashmir. In 1948, India promised to hold a plebiscite on the status of Kashmir, but it has never been held. Recently, the BBC reported that Iraq and India have signed an agreement to boost trade ties, especially in the oil sector. This comes at a time when the United States may be preparing to fight Iraq again. Unfortunately, this is consistent with India's pattern of behavior.

India now tries to create the impression that it supports the United States, but its long record says otherwise. The May 18, 1999, issue of the Indian Express reported that George Fernandes, the defense minister, organized and led a meeting with the ambassadors from Red China, Cuba, Russia, Yugoslavia, Libya and Iraq to discuss setting up a security alliance "to stop the U.S."

India had a long-term friendship with the former Soviet Union and supported its invasion of Afghanistan, yet it has shown little support for the United States in its war on terrorism. On Jan. 2, Tony Blankley wrote in the Washington Times that India is sponsoring cross-border terrorism in the Pakistani province of Sindh. Journalist Tavleen Singh has reported in India's leading news magazine, India Today, that the Indian government created the Liberation Tigers of Tamil Eelam (LTTE), which the U.S. government has identified as a "terrorist organization."

The government also has taken quiet, implicit control of two Sikh organizations, Babbar Khalsa International and the International Sikh Youth Federation, which the United States also has designated as "terrorist organizations."

India's implicit support for terrorist activity is consistent with its internal behavior. It has a record of repressing minorities that undermines its proclamation of democratic values.

The violence this spring in Gujarat, in which over 5,000 people were killed, according to The Hindu newspaper, has also heightened tensions. Muslims and other minorities charge that the violence was stirred up by the government to diminish Muslims in India.

In addition, the pro-Fascist Rashtriya Swayamsewak Sangh (RSS), the parent organization of the ruling BJP, has recently called for the majority-Muslim state of Kashmir to be divided into three states, despite India's 1948 pledge to the United Nations that it would let the people of Kashmir decide their fate in a plebiscite. The majority-Sikh state of Punjab, Khalistan, the predominantly Christian state of Nagaland, and several other states also have strong, active movements seeking their independence.

Human rights organizations report that more than 200,000 Christians in Nagaland have been killed by the Indian government. The book "The Politics of Genocide," by Inderjit Singh Jaijee, cites figures from the Punjab State Magistracy showing that over 50,000 Sikhs have been murdered by the Indian government since it invaded the Sikhs' holiest shrine, the Golden Temple, in June 1984.

In addition, according to a report by the Movement Against State Repression (MASR), the Indian government admitted to holding 52,268 Sikhs as political prisoners under the repressive, expired TADA law. According to Amnesty International, tens of thousands of other minorities are also being held.

In February, a bipartisan coalition of 42 members of the U.S. House of Representatives, led by Reps. Dan Burton, R–Ind., and Edolphus Towns, D–N.Y., wrote to President Bush urging him to work for the release of these political prisoners.

In 1994, the U.S. State Department reported that the Indian government paid out over 41,000 cash bounties to police officers for killing members of the Sikh minority. In the same year, the Indian newspaper Hitavada reported that the Indian government paid the late governor of Punjab, Surendra Nath, the equivalent of $1.5 billion to foment terrorist activity in Punjab and Kashmir. According to human rights groups, Indian forces have killed over 80,000 Muslims in Kashmir and thousands of other minorities, including Dalit "untouchables," Tamils and others.

MASR also co-sponsored with the Punjab Human Rights Organization an investigation of the March 2000 massacre of 35 Sikhs in Chithisinghpora. It concluded that Indian forces carried out the massacre. A separate investigation conducted by the International Human Rights Organization came to the same conclusion. Retired General Narinder Singh has said that "Punjab is a police state."

The book "Soft Target," written by Canadian journalists Zuhair Kashmeri of the Toronto Globe and Mail and Brian McAndrew of the Toronto Star, shows that India blew up its own airliner in 1985, killing 329 people, apparently in order to blame Sikhs for the atrocity and create a pretext for more violence against them. The book shows that the Indian consul general in Toronto pulled his daughter off the flight shortly before it was due to depart. An auto dealer who was a friend of the consul general also canceled his reservation at the last minute. Surinder Singh, director of North American Affairs for the External Affairs office in New Delhi, also canceled his reservation on that flight.

The consul general also called to finger a suspect in the case before the public knew that the bombing had taken place. The book quotes an agent of the Canadian State Investigative Service (CSIS) as saying, "If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it, and they know it, that they are involved."

In recent months, India has been added to the State Department's "watch list" of countries that violate religious freedom. Some members of Congress have called for sanctions against India and for an end to American aid. Some have also endorsed self-determination for the peoples seeking freedom from India through a plebiscite on independence. While these events seem unlikely to occur anytime soon, the Indian government has held negotiations with the freedom fighters in Nagaland. Home Minister L.K. Advani recently admitted that if Kashmir achieves freedom (which now seems more likely than ever), it will cause India to break apart. Some experts have predicted that within a decade, neither India nor Pakistan will exist in their current form.

The Indian subcontinent will continue to be a region that bears close attention by American policymakers.

PERSONAL EXPLANATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. SAXTON. Mr. Speaker, regretfully, I was not present for business before the House on September 9, 2002. Had I been here, I would have voted in support of rollcall votes Nos. 375, 376, and 377.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. WIENER. Mr. Speaker, I was unavoidably detained in my district on Tuesday, September 10, 2002, and missed rollcall votes 378, 379 and 380. I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 378, On Closing Portions of the Conference on H.R. 5010, I would have voted "aye."

For rollcall vote No. 379, on the Motion to Instruct Conferees on H.R. 3210, I would have voted "aye."

For rollcall vote No. 380, on approving the Journal, I would have voted "aye."

TRIBUTE TO THE LIFE OF ESTER MATA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. BACA. Mr. Speaker, I would like to pay tribute to the life of Esther Mata, a beloved community member.

Esther took much pride in her cherished San Bernardino community. Being a long time resident of San Bernardino she attended San Bernardino High School and San Bernardino Valley College. Her love for the city and its people was deeply rooted. She was the quintessential community activist for despite challenges, she continued to fight for services to be implemented in the community. Her presence and efforts in the community was a vital source in motivating people and enhancing the community.

Esther devoted her life to improve the livelihood of her fellow community members through her civic engagement and involvement. Some of her accomplishments include serving as President of the Inland Empire Hispanic Chamber of Commerce, President of Sinfonia Mexicana, and President of the Inland Counties Hispanic Roundtable. She was San Bernardino's catalyst to progress. Her passion enabled her to make great contributions that will never be forgotten. One of her most memorable contributions was garnering an $87,000 grant from the county to assess Hispanic business in the area.

Esther passed away on Saturday, August 31, 2002. She is survived by her son, Malcolm Mata; three daughters Sylvia Zicafoose, Bernardine Leutz, and Desiree Forshay; two brothers Raymond and Louie Lopez; and sister Braulia Ortega. Her family, innumerable friends, and the entire community will miss her greatly.

And so Mr. Speaker, I submit this memorial to be included in the archives of the history of this great nation, for individuals like Esther are unique in their generous contributions to this country.

IN MEMORY OF WAYNE FORD BUCKLE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to the life of a good man, and an inspirational Virginian, Mr. Wayne Ford Buckle. Wayne was a selfless patriot and civic-minded community leader who contributed greatly to the Northern Virginia area.

Wayne Buckle left us on March 24, 2002, but what he gave during his 85 years will remain a lasting legacy. As a lifelong and charter member of the Church of the Brethren in Arlington, Virginia, Wayne Buckle and his wife Wilma led by example, actively participating in many facets of the life of the church. In 1960, Wayne achieved distinction by serving as the first lay District Moderator in the Church. One program that Wayne especially enjoyed focusing his energies on was the District Camping program. Wayne frequently gave his time as a camp counselor and was deeply involved in the development and growth of Shepherds Spring, the Church of the Brethren Youth Camp in the Mid-Atlantic District.

Perhaps Wayne Buckle was best known for his fierce loyalty to his beloved Democratic Party. A member of the Mason District Democratic Committee of Fairfax County since 1956, Wayne remained a dedicated standard bearer for the party all his life. For over two decades, his prowess as alternating treasurer for the Mason District Democratic Committee, the Northern Virginia Democratic Club, Virginia's 10th District Democratic Committee and Virginia's 11th District Democratic Committee allowed these organizations to grow and prosper under his watchful eye. A strong union supporter till the end, Wayne also played a big role with the American Federation of Government Employees, serving as their trusted treasurer for many years.

Wayne's wisdom, patient nature and unshakable spirit were able to overcome obstacles that would have stopped most people in their tracks. Loved by many and respected by all, Wayne exemplified the well-rounded family man, civic, and political leader whose insatiable thirst for life provided a role model to us all. Wayne Buckle's lifelong devotion to improving the lives of the disadvantaged and dispossessed epitomizes FDR's quote that "the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." Those of us who knew him will miss his gentle and not-so-gentle reminders that we can be better than we think we can be. We will miss you dearly Wayne, but your legacy will not be forgotten.

HONORING THE 100TH ANNIVERSARY OF THE MSGR. PATRICK DUNIGAN KNIGHTS OF COLUMBUS COUNCIL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating the Monsignor Patrick R. Dunigan Council 695, Knights of Columbus, upon their 100th Anniversary. The Knights will be celebrating this event with Mass followed by a reception on September 14th in my hometown of Flint. I have been a member of the Dunigan Council for several years and will be joining the other Knights at this auspicious occasion.

The Knights of Columbus were founded in 1882 with the principles of charity, unity, fraternity and patriotism. In 1902, Council 695 was organized in Flint on September 14th of that year. The oldest Knights of Columbus Council in Genesee County, the Dunigan Council has from its beginning held the principle of charity foremost in its activities. Helping its members cope during the Depression, they provided assistance for the families of the unemployed. It was at this time that Monsignor

Patrick R. Dunigan befriended the Council and provided them with a foundation for their charitable work. As pastor of St. Michael Catholic Church he saved the Council from dissolving by providing a meeting place at the parish. In 1955 the Council was named in his honor to commemorate the many years of guidance and support he gave to its members.

The Council became a supporter of Boysville in 1947 and in 1953 the Council played a role in rebuilding the Beecher District after the devastating tornado struck that area. Participating in the program to assist the mentally retarded started in 1967, the Dunigan Council has assisted in raising millions of dollars across the state.

Support for Catholic school athletic programs was started in the 1940s. The Catholic League high school football program, and grade school basketball were just two of the recipients of the Council's largesse. Since the opening of Powers High School the Council has continued its support of its athletic department. At the grade school level the Council has focused on the development of the girls volleyball and baseball teams.

In 1955 the Dunigan Council took on the role of mothering new councils. A total of nine councils have spun off from Council 695. The Davison Council was the first, followed by the Mt. Morris Council. In the early 1990s the Dunigan Council was invited by Father Douglas Osborn to make its home at St. John Vianney. The Choral group that was an offshoot of the Council in 1966 has grown to the Singing Knights. This group now incorporates members from several councils and has performed at functions for many years.

In keeping with the principles of the Knights of Columbus, the Dunigan Council has decided to make their anniversary celebration a project to assist Boysville. I ask the House of Representatives to join me in commending the men of the Patrick R. Dunigan Council 695 Knights of Columbus, for their devotion to their faith, their support of the next generation through building athletic programs, and their tireless assistance to the less fortunate. I congratulate them for 100 years of hard work and spiritual growth.

PAYING TRIBUTE TO FAYE FLEMING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay respect to the passing of Faye Fleming at the age of fifty-nine. Faye served ten years in the Colorado House of Representatives, representing House District 31, which included Western Adams, Southern Weld and Eastern Boulder Counties from 1982 to 1984 and from 1986 to 1994. During her legislative tenure, Faye served as Chairman of the House Transportation and Energy Committee and Joint Transportation Legislation Review Committee. She was an innovative leader and played a key role in the implementation of the Colorado Clean Air Act and the state's underground petroleum storage tank remediation program. Faye Fleming was a remarkable woman and her accomplishments most certainly deserves the recognition of this body of Congress and this nation.

Faye was born on February 19, 1943 in Johnson City, New York. She attended Iowa Weslyan College and the University of Colorado at Boulder prior to receiving her B.A. from Metropolitan State College in Denver. Before her legislative career, Faye held numerous civic positions including Chairman of Adams County Planning Commission, member of the Adams County Head Start Policy Council, and President of Adams County League of Women Voters. Faye is survived by her husband, Larry French of Thornton, Colorado, her son, Dr. Andrew Barnard of Alana, Maine; and her daughter, Heather Schultze of San Francisco.

Mr. Speaker, Faye Fleming was a remarkable woman whose leadership and goodwill towards her fellow Coloradans inspired many and whose good deeds certainly deserve the recognition of this body of Congress. Faye's departure leaves a gap in many hearts but her memory will surely survive in the lives of those who knew her. Faye Fleming committed her life in the service of her state, and I join many others in mourning Faye's loss and celebrating her life.

CENTRAL NEW JERSEY SHARES THE ACCOUNT OF TRADE CENTER VICTIM FAMILY MEMBER SARAH VAN AUKEN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. HOLT. Mr. Speaker, I rise today to share with you an article written by Sarah Van Auken, 13 year-old daughter of World Trade Center victim Kenneth Van Auken. It was published last week in her local newspaper, and it presents a straightforward account of how the nightmare of September 11 unfolded before the eyes of a young person who found herself thrust suddenly onto the front lines of a war she didn't even know was taking place. It shows us not just how deeply painful and terrifying it is for a child to lose a parent, but also how this young women's own feelings of fear, confusion and uncertainty as the day unfolded were magnified by that fact that she saw just the same feelings among the adults around her. Sarah Van Auken's life since that day became a swirling tapestry of endless tears, helpless longing for her father, and newfound celebrity born of the worst set of circumstances she could possibly have imagined. Out of her pain, she wrote a song in honor and memory of her father. The song paints a picture that perhaps we all might see ourselves within. A picture of a person, standing, quietly, waiting, listening for the faintest sound on the wind of the guiding hand that will come back and show us show how to get through this, the guiding hand that we can grasp so that we'll find ourselves together again, safely, home. This has been a year of deep searching and painful discovery for us all, and I would like to share Sarah Van Auken's account of it with you.

This past year has been very hard for me. You see, my father, Kenneth Van Auken, was in the World Trade Center on Sept. 11, 2001. No, he did not escape—but he did leave a message saying, "I love you. I'm in the World Trade Center. The building was hit by something. I don't know if I'm going to get out but I love you very much. I—I hope I'll see you later. Bye." That was the single most horrible thing I had ever heard in my life. He was trying to stay calm for us—trying to let his last words be "I love you." Somehow, I wish I could go back in time and erase all that happened. Maybe even stop him from going to work. I wish I could have one last goodbye. But I guess it's too much to ask.

You're most likely wondering how I found out. Well, I was having a regular day at school. You know, boring—yet I was with my friends. Anyway, I was in study hall minding my own business when someone yelled out, "Is it true that a plane crashed into the World Trade Center?" Knowing my dad worked there, I wrote a note to my friend next to me saying, "If that's true, my dad would be dead!" I didn't believe what he said because the teacher acted like nothing happened. Also, I wouldn't trust that kid. So as the day went on, I felt weird. You know like when you know that something is wrong, but you really don't think about it? At eighth period, around 1:30 p.m., an announcement came on saying there is a "little accident" in New York—and if we get home and one of our parents are not there, we should not worry. If you get scared, we should call 911 or talk to the police. That's when I got scared. When I was walking down the hallway, I almost started crying, but held back my tears. When I got in the car to go home, my neighbor who drives me tried to get one of my classmates to stop talking about the announcement. She was obviously trying to stay away from the subject. Then, when we got to that boy's house, his dad started talking about it. He didn't say what happened, but gave me a weird look. I got home and saw my grandparents' car. I knew they weren't supposed to be there. I saw my mom with a tear stained face, and I ran up to her and she didn't have to tell me. I just cried.

From that day on, nothing has been the same. Nobody has treated me the same. Nobody wanted to talk about it—yet they couldn't help asking me questions about what had happened, and how I was doing. When I knew for sure, after three days, that my father was dead, I cried harder than I have ever cried in my life. My father, my superman, was dead. We had a memorial, and went on "Oprah." I wouldn't eat. I couldn't sleep in my own bed. I would cry about the smallest things. I was wearing one of his shirts, to feel close to him. I was looking at family pictures. Of course, I was still crying. I couldn't figure out what would make me stop being so depressed and irritable. I had to get it out. I wanted to scream, run, jump—but I couldn't. I just didn't have the strength. I cried too much.

So, I did what I usually did to get out my feelings: I wrote a song. I sang it to my mom and she called my godmother, who called her brother in-law, who told me to record myself singing and send it to him. Exactly a month after Sept. 11, I recorded it in a studio. The song titled "Daddy's Little Girl" was on a local radio station twice, once in California and on "Larry King Weekend." I always wanted publicity because I wanted to be famous—but not this way. Today I am still crying, when nobody's around. I think about what happened constantly, but can't really talk about it. And though I may sound selfish, somehow I think nobody knows how I really feel. My life is turned upside down. The things I used to do I either can't do anymore, or I've lost interest, or they seem so much harder. I'm trying to "move on," but I don't want to. My mind has accepted that he's dead, but my heart hasn't. And somehow, I don't think my heart will. Because I'll never stop crying, not in a million years.

Sometimes, it will hit me that he's gone forever—that he's never coming home. I recently had a Bat Mitzvah. It was very hard, just like the 11th of every month is hard, and Father's day, my mom's birthday, my brother's birthday, my birthday, my dad's birthday, and most of all next week's Sept. 11 anniversary. I know most of the teens that are reading this might often think about what it would be like if you lost a parent. I used to wonder, too. Except now I don't wonder, I know.

DADDY'S LITTLE GIRL

(By Sarah Van Auken)

Standing-daddy's little girl (just); Standing (yeah)-daddy's little girl . . .

I wonder, wonder through the trees, blow the wind, blow the wind to me. Control, controlling my fears, somewhere, behind these tears. And may, maybe you'll appear, somehow whisper in my ear (my ear, my ear!)

CHORUS

If you were just standing here, I could erase these tears of mine! And all these words would disappear, oh! Standing-daddy's little girl (just); Standing (yeah)-daddy's little girl . . .

Can it, can it be, that the wind is guiding me! Daddy are you there? 'cause I've, I've looked everywhere I need, I need you! What should, what should I do! And may, maybe you'll appear, somehow whisper in my ear (my ear, my ear!)

CHORUS

If you were just standing here, I could erase these tears of mine! And all these words would disappear! I just want to find you, but there's nothing I can do. Where do you roam? i just want you HOME!!!!

Standing-daddy's little girl (just); Standing (yeah)-daddy's little girl . . .

HONORING REV. JUAN MARTINEZ AS HE CELEBRATES HIS 40th PASTORAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my sincere congratulations to my dear friend, Reverend Juan Martinez, as the congregation of the Door of Salvation Pentecostal Church honors him on his 40th pastoral anniversary. This is a tremendous milestone for Reverend Martinez and for the community he has served for the last four decades.

One of the eldest Hispanic ministers in New Haven, Reverend Martinez has been an active and vocal member of our community since his arrival. Upon making his home in New Haven, Reverend Martinez established the church known as "Iglesia Puerta de Salvacion" which has flourished under his leadership. Throughout the last half century, the Hispanic population has grown at a rapid rate and we have been fortunate to have Reverend Martinez working so diligently in our community.

As the pastor for 40 years, Reverend Martinez has ministered to the spiritual needs of hundreds in the Hill community—strengthening our bonds of faith and helping to build stronger neighborhoods of which we can all be proud. As a community leader he has embodied the spirit and values of our great nation. Today, Reverend Martinez continues down his chosen path—providing counsel and offering solace and guidance to those most in need. With his unparalleled dedication and talent, he has made a real difference in the lives of many.

Throughout his lifetime, Reverend Martinez has exemplified the qualities we need in our community leaders. I am proud to join his wife, Maria, his six children, family, friends, and the congregation of the Door of Salvation Pentecostal Church in extending my warmest congratulations as he celebrates his 40th pastoral anniversary. His good work and invaluable contributions have left an indelible mark on our community.

IN MEMORY OF CHIEF WARRANT OFFICER CHARLES STANLEY

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. LATOURETTE. Mr. Speaker, on Friday, Chief Warrant Officer Charles I. Stanley was laid to rest with full military honors at Arlington National Cemetery. It had been 33 years since the Army helicopter he was piloting crashed in bad weather in South Vietnam during the Vietnam War. A search and rescue mission to find Stanley and six others on the helicopter following the crash had been unsuccessful.

For more than three decades, Stanley's family was unsure of his fate, and wondered if he would always be classified as MIA and if their grief would have no end. Finally, in November of 2000, several years after a crash site was identified, Stanley's remains were positively verified through DNA analysis. His burial at Arlington National Cemetery, our nation's most hallowed ground, took place last week and finally gave his beloved family some closure after decades of uncertainty.

Stanley grew up in Highland Heights, OH. He was a graduate of Mayfield High School and attended Ohio State University before enlisting in the Army in 1968. He was just 23 years old at the time of his death.

Stanley is survived by a brother, Ronald Stanley of Highland Heights, a sister, Carol Subel, a Chagrin Falls resident, and many other family members. Sadly, Stanley's mother and father both passed before learning of their son's fate.

At Stanley's funeral last week, about 50 family members, friends and Vietnam veterans gathered at Arlington to pay their last respect and to give this military hero a long overdue farewell. There was a chapel service at Fort Myers and then a graveside burial at Arlington, complete with a three-gun volley, a flag presentation and the performance of Taps by a lone bugler.

On behalf of the 19th Congressional District of Ohio, I extend my condolences to Stanley's family. I am pleased that you finally were able to give your brother the burial that befits him as a war hero, and that you have gained some closure in this painful chapter of your lives. Please know that Charles Stanley's heroic service and sacrifice for our nation are appreciated and will never be forgotten.

FOOD SAFETY REQUIRES MULTI-PRONGED APPROACH, INCLUDING IRRADIATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. BEREUTER. Mr. Speaker, the recent recall of ground beef highlights the need for increased attention to food safety and the means to achieve it. An editorial in the August 2, 2002, Norfolk Daily News, discusses the need to utilize a variety of approaches to further ensure safety. This includes adequate inspection at the plant and proper food preparation. In addition, the editorial states that "the Federal government has made it possible, though not simple, for processors to employ the most fail-safe system of all—irradiation. Already in wide use in the food industry, it can extend shelf life as well as destroy the pathogens which seem to survive despite inspection efforts. Its use needs better acceptance in the red meat industry, and especially from those activists who claim to have the best interests of consumers at heart."

The Food and Drug Administration has approved irradiation for the control of pathogenic micro-organisms in red meat. The FDA concluded that irradiation reduced disease-causing microbes and did not compromise the nutritional quality of treated products. While the U.S. food supply is generally very safe, we must continue to seek improved methods of ensuring this safety. Irradiation is one of these methods.

TRIBUTE TO THE PONY LEAGUE TEAM OF NORWALK, CALIFORNIA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mrs. NAPOLITANO. Mr. Speaker, I am bursting with pride today as I rise to honor an extraordinary group of young athletes, the PONY (Protecting Our Nation's Youth) League Team of Norwalk, California, my hometown. On August 24, this team completed its undefeated competition in the 2002 PONY League World Series in Washington, Pennsylvania, with a commanding 10–0 victory over Levittown, Puerto Rico, to become the world champions. Norwalk became the first United

States team since 1999 to win the PONY League World Series, and the third California team in six years to win the title.

After defeating tournament host Washington by a 11–7 score on the second night of competition, Norwalk cruised through the 13-game tournament with convincing victories over Hagerstown, Md. (11–0), Port Neches, Texas (11–4), and finally Levittown (10–0). The championship win ended their dominating four-game performance, in which the Norwalk team outscored their opponents by a combined score of 43–11.

We are often bombarded by negative stories about our young people involving violence and drugs. I ask my colleagues to join me in acknowledging this each of the young people on this team who have done something so positive in working together to reach this outstanding achievement: Art Gonzalez, Jimmy Buentello, Frankie Lucero, Johnny Perez, Gabriel Schwulst, Danny Dutch, Miguel Flores, Jesus Cabral, Tony Zarco, Jamil Acosta, Eddie Murray, George Sanchez, Richard Melendrez, Anthony Topete and Victor Sanchez.

I also want to recognize the team's manager and coaches, Ruben Velazquez, George Sanchez and Tony Rivas, as well as the parents of the players, who all played important roles in the team's success this season. Volunteers like these are the backbone of the PONY League, and without them the participation and success of our young athletes would not be possible.

The PONY League provides an excellent opportunity for 13 and 14-year-olds throughout the world to enjoy competitive baseball. The PONY League was founded 1951, and since then over 5 million young athletes have participated. There are now 28,500 teams throughout the United States and 12 other countries. I have always been supportive of this League, the Norwalk PONY-Colt League, since my own sons played in it decades ago. I am very proud of all of the young people who have participated this season and many other seasons, but particularly the 2002 world champions from Norwalk, California. Congratulations.

PERSONAL EXPLANATION

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. WATKINS. Mr. Speaker, I missed three rollcall votes on September 9, 2002, because I was attending meetings in my Congressional District. Had I been present, I would have voted "aye" for rollcall votes 375, 376, and 377.

PAYING TRIBUTE TO MARSHALL DUANE SHERMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Marshall Duane "Whitey" Sherman, a longtime resident of Kremmling, Colorado. Mr. Sherman lived an extraordinary life and accomplished many things, he began his career as a lineman with the Estes Park Light and Power Company. Soon after, he worked as a consultant and inspector for various power companies throughout the state including the Department of Energy.

Despite his busy career, Mr. Sherman also managed to find time to make significant contributions within his community and throughout the State of Colorado. A cordial and responsible individual, Mr. Sherman spent much of his free time as a mentor to Colorado's future generations. He served as a 4–H leader and was involved in a number of church youth summer programs. Mr. Sherman also served on a host of other organizations that became influential to the welfare of the Kremmling community. He was president of the Middle Park Fair Board for ten years, served on the Kremmling Hospital board of directors, was the president of the West Grand Education Foundation, and was active in many groups within the Kremmling Community Church where he was a member.

Mr. Speaker, it is with great honor that I take the time to pay tribute to a man that has epitomized what it means to be a benefactor of his state and a role model for future generations to emulate. He was a decent, hard working American who found the time to help others and helped to make the Town of Kremmling, Colorado a better place to live. My condolences go out to the Sherman family, his wife Geneva and their sons Marshall, Mike, and Rich. Although the loss of Mr. Sherman will be deeply felt throughout the Kremmling community, there is solace in knowing that his life has made an impression that will transcend his death for many years to come.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Ms. BALDWIN. Mr. Speaker, on Wednesday September 4, 2002, I missed two votes due to flight delays. Although I received the appropriate leave of absence from the House, I wish to inform my colleagues and constituents of the 2nd District of Wisconsin on how I intended to vote on the roll call votes that I missed.

On Roll Call vote 371, I would have voted No. On Roll Call vote 372, I would have voted Aye.

MISSOURI'S #1 YOUNG BASEBALL TEAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to the Blue Springs Indians baseball team of Blue Springs, MO. These young players have distinguished themselves, the Blue Springs community and the State of Missouri with outstanding conduct on and off the field.

The Blue Springs Indians are the #1 baseball team in Missouri in the 8 years old and under USSSA Missouri League. The team managed this feat by winning the Missouri State Championship Tournament. The Indians finished 11th in the World Series and are ranked #15 in the nation.

The Blue Springs Indians are Taylor "Tator Tot" Cross, Luke "Biscuit" Crabb, Cole "Little Man" Erwin, Nate "Bear" Goff, Nick "G-Man" Gulotta, Gehrig "Lou" Hudson, Landon "Boot" Mason, Steven "Sully" Sullivan, Logan "Mowgs" Taylor, Brett "T-Rex" Valentine, Trevor "T-Bone" Wescott, and Andrew "Action" Wright.

Mr. Speaker, these young ball players have played a wonderful season of baseball and have made their friends and family proud. I am certain that my colleagues will join me in wishing the Blue Springs Indians all the best.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. WELLER. Mr. Speaker, due to unavoidable circumstances, I was forced to take a medical leave of absence from the House of Representatives from 12:00 p.m. on September 5, 2002, until 12:00 p.m. on September 10, 2002. I respectfully request that how I would have voted had I been able to be present for votes be submitted and accepted into the Congressional Record at an appropriate place as follows:

On Rollcall vote No. 375, H.R. 5157 offered by Representative Don Young, on Federal Transit Formula Grants Flexibilty, had I been able to be present I would have voted "aye."

On Rollcall vote No. 376, H. Con. Res. 401 offered by Representative Don Young recognizing the heroism and courage displayed by airline flight attendants each day, had I been able to be present I would have voted "aye."

On Rollcall vote No. 377, H. Res. 516 offered by Representative Northup congratulating the Valley Sports American Little League Baseball Team from Louisville, Kentucky, for their outstanding performance in the Little League World Series, had I been able to be present I would have voted "aye."

On Rollcall vote No. 378, H.R. 5010 offered by Representative Jerry Lewis to close portions of the conference on the Defense Appropriations bill, had I been able to be present, I would have voted "aye."

On Rollcall vote No. 379, H.R. 3210 offered by Representative Oxley to instruct conferees, had I been able to be present, I would have voted "aye."

On Rollcall vote No. 380, on approving the Journal, had I been able to be present, I would have voted "nay."

TRIBUTE TO THE HONORABLE WES WATKINS

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. LUCAS of Oklahoma. Mr. Speaker, today Oklahoma's delegation to the United States Congress pays tribute to our friend and colleague, the distinguished gentleman from Oklahoma, Wes Watkins.

Following twenty years of service in the House, Wes Watkins is leaving Congress at the end of this term. His service on behalf of Oklahoma's Third Congressional District spans parts of four decades: From 1977 to 1991 as a Democrat, and from 1997 to the present as a Republican.

Those of us who have had the honor to serve and work with Wes Watkins know him to be one of the hardest working and most dedicated members of the Congress.

The Third District of Oklahoma has been one of the most rural, economically distressed areas of the nation, and Wes Watkins has made it his mission to lay the foundation for private sector economic development and job growth in his district.

Whether he was recruiting potential employers or seeking federal funding for basic infrastructure that most of the country takes for granted—like paved roads and running water—Wes Watkins has always placed the needs of his constituents first on his priority list.

When traditional financing couldn't be arranged for businesses to expand or locate in his district, Wes Watkins helped found Rural Enterprises of Oklahoma, a non-profit economic development organization that in the past twenty years has financed more than $200 million in business loans for rural Oklahoma. When a potential business recruit told him there was not an ample water supply to locate a coal-fueled electric power plant in his district, Wes Watkins obtained federal funding to raise the level of a local lake to accommodate the plant's needs.

Wes Watkins led the effort to help fledgling rural businesses succeed by helping create the nation's first rural business incubators in his district. And he worked with Oklahoma's career and technology education system to create rural distance-learning centers to help bridge the digital divide between urban and rural areas by bringing technology training directly to his rural constituents.

Thanks in large part to Wes Watkins' efforts, southeastern Oklahoma—once known for its welfare dependency—is now developing into one of the fastest growing areas of our state.

In addition to his economic development efforts in rural Oklahoma, Wes Watkins has earned a reputation as a strong supporter of our state's agriculture and energy industries. He has worked to improve rural health care and education. Wes Watkins has been an outspoken advocate for our nation's veterans and for a strong national defense. He has obtained funding for countless economic infrastructure projects like road construction, airport improvements, and water development in his rural district. And Wes Watkins' efforts to ensure Oklahoma's former Indian lands were eligible for federal Indian land tax incentives have provided Oklahoma with one of the best industrial recruitment tools in America.

With twenty years of experience in the House, Wes Watkins is the dean of Oklahoma's House delegation. His leadership and wisdom will be greatly missed not just by his many admiring colleagues, but by his district, his state, and his nation.

Thank you Wes, for your many years of service and for a job well done. Your friends in Oklahoma's congressional delegation wish you the best of health and continued success in the years to come.

PAYING TRIBUTE TO JOE ULIBARRI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Judge Joe Ulibarri of Pueblo, Colorado and recognize his contributions and service to his community. After twenty-three years in the Pueblo Municipal Court, Judge Ulibarri has retired. Throughout his tenure, Judge Ulibarri has made a number of important rulings, notably his 1991 decision that allowed the Municipal Court to accept juvenile citations and relieve the state Court of their backlog, leading to the expeditious handling of juvenile cases in Pueblo. The career and accomplishments of Joe Ulibarri are a testament to fine public service and most certainly deserve the recognition of this body of Congress and this nation.

Judge Joe Ulibarri was born on July 31, 1943 and was educated at Southern Colorado State College where he received an Associate of Arts degree in Social Studies and English. He went on to study law at the University of Denver School of Law, where he received his Juris Doctorate degree in 1970. Following graduation he earned a job as a staff attorney working for the Mexican-American Legal Defense and Educational Fund in Denver, Colorado. In 1979, Judge Ulibarri became the Assistant Municipal Judge for the City of Pueblo, and after ten years was promoted to the position of Presiding Municipal Judge. In retirement, Joe plans to spend more time with his new granddaughter, Noelle Elora, who was born January 3, 2002. Joe also hopes to travel with his lovely wife Juanita and perhaps even return to teaching part-time.

Mr. Speaker, it is a great privilege that I recognize Judge Joe Ulibarri and his selfless contributions to our legal system and to his community. Joe has worked hard throughout his career and it is my honor to bring forth his accomplishment before this body of Congress and this nation. Good luck to you Joe in all your future endeavors.

A SPECIAL TRIBUTE TO DONALD J. PEASE IN REMEMBRANCE OF HIS DEDICATED SERVICE TO THE PEOPLE OF OHIO'S 13TH CONGRESSIONAL DISTRICT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. GILLMOR. Mr. Speaker, a long time friend of mine and former Member of Congress, Edward F. Weber, requested that I submit the following statement in memory of his friend and colleague, Donald J. Pease.

Mr. Speaker, the family, friends, and constituents of Ohio's 13th Congressional District mourn the passing of our former Member, Donald J. Pease. Don was elected to Congress in 1976 and served until his retirement in 1992. Among other assignments he was a member of the Ways and Means Committee where he was instrumental in drafting certain significant changes to the income tax law.

It is probably very rare when two members of the same high school class serve together in this House, as Don and I did in the 97th Congress. It was my privilege to have been Don's classmate at Jesup W. Scott High School in Toledo, Ohio from which he and I graduated in 1949. Don was elected president of the senior class, a position he forfeited in favor of being the editor of the school paper, because school rules prohibited the holding of two major offices. I know that Don received many honors; among those was his election in 1981 as a charter member of the school's Hall of Fame. All of the '49ers will miss him greatly.

From high school Don went on to Ohio University and from there pursued graduate studies on a Fulbright Scholarship. When his formal studies were finished, Don established a business career in journalism, as the editor and co-publisher of the Oberlin News-Tribune. He combined this with service in the Ohio Legislature for 10 years before his election to Congress.

Don's friendliness and his humor, his keen mind and ability with words; and the integrity with which he approached each given task were distinguishing characteristics wherever he was and whatever he did.

A heart condition caused Don not to seek reelection in 1992, and it was his heart that suddenly took his life on Sunday, July 28, 2002 while at home in Oberlin. Regardless of our political persuasion, Ohio, especially the 13th Congressional District, is a better place because of individuals like Don Pease.

Mr. Speaker, I ask my colleagues to join me in remembering the life of a former colleague, Donald J. Pease. Our democratic institutions and the American people are better served through the diligence and determination of public servants, like Don, who have dedicated their lives to serving the needs of others. I am confident that Don's life will continue to serve as a model for future generations on how one individual can serve his community and positively influence others around him. Our thoughts and prayers are with Don's family and friends during this difficult time. We wish them the very best.

IN MEMORY OF FAY LATHAM

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. FORBES. Mr. Speaker, I rise today to remember my dear friend, Fay Latham.

Fay was a loving mother, grandmother, and servant of God, but to me she was first and foremost a trusted friend. If I can convey but one overriding memory of Fay, it is that she was always there for me from the earliest days onward. As I embarked on my career in government service, she was active in each of my campaigns, contributing even more than I could have asked. I owe her much.

While Fay's loss to the community will be considerable, her dedication and commitment to principal will continue to inspire. We must continue to remember and honor people like Fay Latham who steadfastly step in the breach when principle and duty call. Her husband Jesse and her family have my continuing gratitude and respect.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 12, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 13

9:30 a.m.

Environment and Public Works

To hold oversight hearings to examine the implementation of the Comprehensive Everglades Restoration Plan.

SD–406

SEPTEMBER 17

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Federal Energy Regulatory Commission's notice of proposed rulemaking, entitled "Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design".

SD–366

Armed Services

To hold closed hearings to examine the situation in Iraq.

S–407 Capitol

10 a.m.

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine current tensions in South Asia.

SD–419

Agriculture, Nutrition, and Forestry

To hold hearings to examine the implementation of the 2002 Farm Bill (P.L. 107–171).

SR–328A

Health, Education, Labor, and Pensions

To hold hearings to examine the challenges for public health relative to the West Nile Virus.

SD–430

Indian Affairs

To hold hearings to examine S. 1392, to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition; and S. 1393, to provide grants to ensure full and fair participation in certain decisionmaking processes at the Bureau of Indian Affairs.

SR–485

10:15 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings to examine U.S. policy in the Andean region.

SD–226

2:30 p.m.

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine the adequacy of childhood vaccines.

SD–430

SEPTEMBER 18

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy and to identify necessary changes tothose programs to support U.S. competitiveness in the global marketplace.

SD–366

10 a.m.

Indian Affairs

To hold hearings to examine H.R. 2880, to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations (historically referred to as the Five Civilized Tribes).

SR–485

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine transportation security one year after September 11, 2001.

SD–538

SEPTEMBER 19

9:30 a.m.

Indian Affairs

To hold oversight hearings to examine the role of Special Trustees within the Department of the Interior.

SR–485

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the Food and Drug Administration jurisdiction of tobacco products.

SD–430

SEPTEMBER 25

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings to examine stem cell research.

SD–124

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing to consider the nominations of Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services, and Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission.

SR–485

CANCELLATIONS

SEPTEMBER 13

9:30 a.m.

Conferees

Meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on general provisions.

S–207 Capitol

HOUSE OF REPRESENTATIVES—*Thursday, September 12, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 12, 2002.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Most Reverend John R. Gaydos, Bishop of Jefferson City, Missouri, offered the following prayer:

From the eighteenth psalm of King David we read: "The breakers of death surged round about me; the menacing floods terrified me. The cords of Sheol tightened; the snares of death lay in wait for me. In my distress I called out: Lord! I cried out to my God. From his temple he heard my voice; my cry to him reached his ears."

Almighty God, the first anniversary has passed. The sorrow abides in our hearts, but it does not dwell there alone. Gratitude abides there, too. We are sorry for the lives lost and the suffering of those who survive. We are grateful for the renewed solidarity and spirit of generosity that has been enkindled across this great country. As we continue the binding up, we experience the power of Your providential care. Make each of us, this day, instruments of Your light and strength for our blessed Nation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute at this time.

WELCOME TO BISHOP JOHN RAYMOND GAYDOS

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, it is my pleasure to welcome our guest chaplain, the Most Reverend John Raymond Gaydos, bishop of Jefferson City, Missouri. Knowing of his higher calling since he was a young man, Bishop Gaydos has dedicated his life to serving his church and his community.

Born in St. Louis, Missouri, he attended the St. Agnes School of St. Louis, which is the St. Louis Preparatory Seminary; Cardinal Glennon College of St. Louis; and the Pontifical Gregorian University in Rome, Italy. Bishop Gaydos was ordained on December 20, 1968 at St. Peter's Basilica in Vatican City.

Bishop Gaydos has been a pastor at several parishes in the St. Louis area, in addition to being secretary to the archbishop and vicar general of the St. Louis archdiocese. He was appointed bishop of Jefferson City, Missouri, in 1997, where he presently serves. He is well known for his leadership within the Church, serving as chairman and member of various archdiocese and national committees.

I welcome Bishop Gaydos to the House of Representatives and thank him for his opening prayer this morning.

MOTION TO GO TO CONFERENCE ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

Mr. HYDE. Mr. Speaker, in accordance with rule XXII of the rules of the House, and by direction of the Committee on International Relations, I move to take from the Speaker's table the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This 15-minute vote on the motion to go to conference will be followed by a 5-minute vote on the Journal.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 50, as follows:

[Roll No. 385]

YEAS—382

Abercrombie
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Costello
Cox
Coyne
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—50

Ackerman
Armey
Barr
Barrett
Bereuter
Berman
Bonilla
Brown (FL)
Capuano
Clay
Clement
Combest
Condit
Conyers
Cooksey
Cramer
Crane
Dicks
Ehrlich
Fattah
Ford
Gallegly
Gilman
Gonzalez
Hastings (WA)
Hilleary
Issa
Kennedy (RI)
Kirk
McHugh
Meek (FL)
Miller, Gary
Miller, George
Mink
Myrick
Neal
Portman
Rahall
Ramstad
Roukema
Ryan (WI)
Smith (MI)
Souder
Stump
Stupak
Sununu
Towns
Velázquez
Watson (CA)
Wexler

□ 1032

Mr. TANCREDO changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FORD. Mr. Speaker, with regard to rollcall vote 385 on the motion to go to conference on H.R. 1646, the State Department authorization, I missed that vote en route back to the Capitol. Had I been present, I would have voted "yea."

Mr. STUPAK. Mr. Speaker, this morning, September 12, my plane back to Washington was delayed and I missed rollcall vote number 385 on the motion to go to conference on the State Department authorization, H.R. 1646. On this vote I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROWN of South Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 342, noes 42, answered "present" 1, not voting 47, as follows:

[Roll No. 386]

AYES—342

Abercrombie
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Condit
Cox
Coyne
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hayes
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Spratt
Stark
Stearns
Stenholm
Sullivan
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Upton

Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—42

Aderholt
Bachus
Baldwin
Borski
Brady (PA)
Costello
DeFazio
English
Filner
Gillmor
Green (TX)
Hart
Hastings (FL)
Hefley
Hilliard
Hinchey
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
Moore
Oberstar
Olver
Peterson (MN)
Sabo
Schaffer
Slaughter
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—47

Ackerman
Barr
Barrett
Bereuter
Berman
Bonilla
Brown (FL)
Capuano
Clay
Clement
Combest
Conyers
Cooksey
Cramer
Crane
Ehrlich
Gallegly
Gephardt
Gilman
Gonzalez
Hastings (WA)
Hilleary
Hooley
Issa
Kennedy (RI)
Kirk
McHugh
Meek (FL)
Miller, Gary
Miller, George
Mink
Myrick
Neal
Oxley
Pelosi
Rahall
Ramstad
Roukema
Ryan (WI)
Serrano
Snyder
Souder
Stump
Sununu
Towns
Velázquez
Watson (CA)

☐ 1045

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, on September 12, 2002, official business in Washington, D.C., caused this Member to unavoidably miss two rollcall votes. On rollcall No. 385 (motion to go to conference on H.R. 1646, the State Department Authorization bill), this Member would have voted "yea." On rollcall No. 386 (approving the Journal), this Member would have voted "yea."

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, on September 11 I was in my district taking part in September 11 ceremonies and remembrances and I missed rollcall vote number 384. Had I been present, I would have voted an emphatic "yea" on this vote expressing the sense of Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, on the morning of Thursday, September 12, 2002, I was in my congressional district participating in ceremonies honoring constituents who perished in the September 11, 2001, terrorist attacks on America. Due to this circumstance, I was unable to cast votes for rollcalls 385 and 386. Had I been present, I would have voted in the following manner: "yea" on rollcall 385; "yea" on rollcall 386.

APPOINTMENT OF CONFEREES ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

The SPEAKER pro tempore (Mr. TERRY). Without objection, the Chair appoints the following conferees:

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SMITH of New Jersey, LANTOS and BERMAN and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5193, BACK TO SCHOOL TAX RELIEF ACT of 2002

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 521 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5193) to amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 521 is a standard closed rule providing for the consideration of H.R. 5193, the Back to School Tax Relief Act of 2002. The rule waives all points of order against consideration of the bill and provides one motion to recommit, with or without instructions.

Mr. Speaker, one of the great successes of this Congress and this administration was the enactment of the No Child Left Behind Act, legislation to extend and amend the Elementary and Secondary Education Act.

Containing some of the most sweeping education reforms in decades, the act incorporates four key principles: Stronger accountability to ensure results; increased flexibility and local control that sends dollars and decisions directly to the classroom; expanded options for parents; and an emphasis on teaching methods that have been proven to work. It is one of these principles, expanded options for parents, that brings us here today.

The Back to School Tax Relief Act of 2002 will give parents the opportunity to take advantage of the Tax Code and take control over financing their child's education. According to the National Center for Education Statistics, student enrollment at public and private elementary and secondary schools peaked to a record level of 53.2 million in the fall of 2000, a 14 percent increase since 1990. In my home State of New York, enrollment in grades K through 12 increased more than 4 percent from 1994 to 2000, and in many parts of the country, enrollments are expected to continue increasing through at least 2005.

As more and more students hit the books, more and more parents are straining the family finances trying to make ends meet as they put their kids through school. Under present law, above-the-line deductions are allowed for qualified tuition and related expenses for higher education only. The legislation before us today simply extends that deduction of up to $3,000 to qualified elementary and secondary education expenses paid in connection with eligible K through 12 students. This includes expenses at public, private, religious or home schools.

Not every school district is the same nor is every family. By incorporating this tax deduction we can provide parents the flexibility to tailor their education expenses to best suit the needs of their families and their children. Quality education should be available and affordable to all parents.

Mr. Speaker, I commend my colleagues on the Committee on Ways and Means, especially the gentleman from California (Chairman THOMAS), for advancing this legislation through committee and bringing it to the House floor. With our children now back in school, there is no better time for this body to consider and pass legislation that will help families offset the cost of education.

Mr. Speaker, I strongly urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from New York for yielding me the customary 30 minutes.

Mr. Speaker, anyone who plays popular sheet music knows that at the beginning of a piece there is always a place called "vamp until ready" where the pianist literally kills time until we are ready for the main act when the singer comes on. I think this bill comes into the category of vamp until ready.

Obviously, we all understand, those of us who serve in Congress and all of the wonderful staff here, that we need the appropriations bills on the floor of the House to be passed by October 1 to keep the government running. I am beginning to think we are not going to do that this year and expect we will probably come up with a giant continuing resolution.

But this is certainly a vamp until ready bill, and I certainly rise in opposition to it, because, in addition to everything else, it has a closed rule. The underlying bill is part of a continuing wave of election year gimmicks that the majority knows will never be signed into law.

At a time when the body is woefully behind in the most basic task of passing bills funding the Nation's priorities, we should be using our time more constructively; but, instead, we are considering a resolution that shuts out consideration of a meaningful bipartisan substitute that would improve school facilities across the country.

It does not have to be this way, Mr. Speaker. Surely expanding educational opportunities for our children would be an issue where this Congress could set aside its differences and work together. Education remains at the top of everyone's priority list, for rich and poor, Democrat and Republican, and any other category of persons. Instead, we have before us today a purely partisan bill, a bill that the minority leadership on the Committee on Ways and Means dubbed an embarrassment, and not a single member of the majority of the Committee on Ways and Means defended the substance of this bill when the gentleman from New York (Mr. RANGEL) and others raised concerns about its uncertain and likely overly broad definition of eligible expenses.

This measure will not improve the education of a single child, because it is designed to make a political point and not to become law. The problems with the bill are numerous.

First, the legislation is the first step towards shifting funds away from public schools and into private and religious schools. This comes at a time when States are reeling from lost revenue and being forced to cut everything from teachers' salaries to laying off firefighters and policemen. We do not need to utilize the limited time of this body before adjournment debating another scheme to get the Federal Government to pay for private school tuition.

Ninety percent of our children are in public schools, and those schools need our help drastically, now more than ever. I would also note that the $20,000 limit for singles and $40,000 limit for couples will not be enough to take advantage of the tax deduction, which is not refundable. Therefore, we are giving them absolutely nothing.

Several months ago you recall we passed the No Child Left Behind Act that reauthorized the elementary and secondary education programs, and the congressional leadership and the President pointed with pride to the enhanced levels of education spending that were authorized in the legislation, and it was a fine bipartisan bill. But now the administration and leadership have allocated funds for that program for the next fiscal year, and they are $7 billion short. In other words, Mr. Speaker, many children will be left behind. And while they are supporting this bill, which is estimated to cost $5 billion, it seems to me that it would have been much better to have put this money into leaving no child behind. The substitute that the Democrats were attempting to offer would go a long way toward addressing the reversal.

Mr. Speaker, we cannot expect our children to learn and our teachers to teach unless they are provided with safe and modern school buildings. Forcing students to go to school in trailers or dilapidated school buildings is a clear message to them that they do not matter, and surely we can do better.

Currently our public school system has extraordinary unmet needs for funds to construct and modernize our schools. The new estimates based on data collected by the State departments of education indicate that more than $300 billion will be needed to repair or replace existing public school facilities. That $300 billion cannot be met without significant commitment of funds from all levels of government, including the Federal Government.

The substitute we had hoped to have made in order would provide a meaningful down payment for school construction and modernization. In my home State of New York, it would have meant an infusion of close to $2.5 billion, incredibly needed money for school construction and rehabilitation.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, listening to my colleague's remarks, I just must say in our research of the bill that 90 percent of the families that would benefit have children in public schools, and $3 out of every $4 of the tax benefits would be spent on public school education.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and of the underlying legislation.

We marked the tragic first anniversary of September 11 yesterday; and I think, as we focus on our priorities, clearly national security, winning the war on terrorism, dealing with the threats that exist from tyrants around the world is our number one priority.

But it is important to note the very key distinction that exists between those evil-doers, as the President calls them, and those here in the United States. It is clear that before September 11 of last year, education was our top priority. It was the issue that both Al Gore and George Bush agreed on in the election; not exactly how to do it, but they all agreed.

As my friend, the gentleman from Rochester, New York (Mr. REYNOLDS), has just said so well, Democrats and Republicans, rich and poor, all agree that it is very important for us to focus on the importance of education. That is why this House, in a bipartisan way, did pass the No Child Left Behind Act. It saw broad bipartisan support, and President Bush was able to sign it.

In the tax measure, we were able to focus attention on that very important group of Americans who have to deal with the challenge of paying for higher education. So what is it that we did? We were able to provide tax incentives for people to deal with the horrendous costs that exist today for higher education. So now we have moved ahead with legislation to deal with those at the lower end of the economic spectrum, those who are trying to focus on the very important primary and secondary education challenges that we have.

Now, it has been labeled "nothing but politics," and it cannot be signed into law. I will tell the Members, we can look at a wide range of legislation that began in this House with Members saying it would not become public law that in fact did become public law, I think all the way back to welfare reform measures in the middle part of the last decade.

I look at this tax measure that dealt with the issue of providing incentives for people to move with higher education costs. That measure, as Members will recall, we tried to move it. People said it would never be signed into law; but, in fact, as we repeatedly have proceeded with measures from this House, we have been able to see them become public law.

Similarly, this Republican majority is saying to those who are at the lower end of the economic spectrum, we want to make sure that they can get into that first rung of the ladder. We know that $3,000 would go a long way towards dealing with the challenge of making sure that books are available; and tuition, any tuition costs for those on the private side, although, as my friend, the gentleman from New York, has just said, 90 percent of those benefiting from this are in public schools; dealing with the issue of transportation; dealing with computer technology.

These are the kinds of costs that families face today, and we believe that single parents earning less than $20,000, married couples with incomes of $40,000 or less, they should be able to specifically benefit from this package. It is a program that is focused on ensuring that those who are not in the upper income brackets have an equal opportunity to get the best quality education possible.

That is why this is a very good piece of legislation. I commend my colleagues on the Committee on Ways and Means for proceeding with this. I believe that it is specifically geared towards that. That is why we should keep it on that issue, so we should vote against a motion to recommit that my colleagues want to move on the other side of the aisle, want to move on that, which does not even relate to this issue of providing incentives for those who are seeking opportunities to improve their education.

Mr. Speaker, I encourage an "aye" vote for this rule and an "aye" vote for the very important underlying legislation, and opposition to any measure which would jeopardize the potential success of it.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MATSUI), a valued member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me the 4 minutes.

Mr. Speaker, I have to say that there are so many reasons why we should vote "no" on this rule that it is really hard in the period of 4 minutes to really compress it, but I am going to do the very best I can.

First of all, this will cost $5 billion over the next 3 years. The reason it is only for the next 3 years is because it expires at the end of 3 years. As we know, we have not got any of the appropriations bills to the President's desk, even though the fiscal year will end in about 3 weeks.

The reason for it is because, rightfully, the appropriators are having a very difficult time trying to come up with bills that would stay within at least some reasonable budget confines. That is because the tax bill that was passed last year, which incidentally was about $1.4 trillion, and 40 percent of it goes to the top 1 percent of the taxpayers, which basically makes about $1.1 billion a year on their tax returns; but the fact of the matter is that here we are now passing a bill that will cost $5 billion over the next 3 years, and we cannot move appropriation bills. That is somewhat odd, obviously.

But more importantly, this $5 billion will invade the Social Security trust fund. As we are getting close to the election on November 5, I think the American public is entitled to know who really cares about Social Security, making it ensured as a defined benefit plan. Obviously, by passing this bill, we are going to make that much more difficult. Senior citizens of America and those people who are concerned about being disabled or, obviously, survivors' benefits, should be very concerned about what we are doing on this particular piece of legislation.

But most importantly, this is bad legislation. No one gave it a lot of thought. We did not have a hearing on it. What is interesting is that one can get up to $3,000 a year on a tax credit, tax deduction, if one is an elementary or grammar school parent; so they go out and buy a flat screen television and say, we use this for our children's education, because we can put it up to a computer. A flat screen TV costs about $4,000; take $3,000 and use it for a deduction. We know they are going to do that. We know this is not really going to go for education. They can even purchase a car if they say they need a car in order to take the child to school in the morning, up to $3,000, of course.

This tax bill is ridiculous. It makes no sense at all. It is only a political document. In fact, we know the Senate is going to take it up because they have been stopping all this bad legislation we have been moving out of the House.

Obviously, I think, the Chair and the leadership is probably very happy about that. In fact, when I asked the gentleman from California (Mr. THOMAS) and I said, how are you going to make this fit within the budget, he said, it does not make any difference until the President signs it. Everyone on their side of the aisle chuckled because they know it is not going to become law.

We should also vote against this because there is one very important piece of legislation that should pass this year, in spite of the fact that we have Social Security problems, and others. That is school construction. We estimated that it would cost $127 billion over the next decade, $127 billion over the next decade just to repair and modernize the public schools throughout the United States. $127 billion.

The gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means, and the gentleman from New York (Mr. RANGEL), the ranking Democrat, over the years have put together a piece of legislation that would cost over the next 35 years $25 billion. That bill would go at least as a downpayment for school construction for all the public schools in America. This would be a great start.

I have a public school that I went to when I was in high school, C.K. McClatchy. I go there all the time. The roof is leaking. They cannot do anything about it. We need to pass a bill that makes sense, not bills for flat screen TVs or for automobiles. We need a bill that undoubtedly will help America's schoolchildren.

I would suggest a "no" vote on this rule.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART), my colleague on the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I do not understand the opposition to this legislation. I am trying to figure it out, but I do not understand it, because education is supposed to be a top issue for everybody, important for everybody. So a bill that says that if a family makes less than $40,000 a year they get a tax deduction of up to $3,000 for education expenses, it would seem to me that if education is an important issue, this is a bill that should be important to them.

We just heard the dear friend who spoke before say that one could even get a car paid for with this tax deduction. I am not sure about that because the school has to certify first that it is education-related, the cost, before they can get a tax deduction.

But let us say a family does have a situation where they do not have transportation, let us say, because in that school district, for whatever reason, there is no transportation. I do not think there is a situation like that; I do not think that a school is going to certify a car. But if there would be a need for that family to have transportation and that $3,000 tax deduction to solve that transportation problem, I think it is a worthy thing to do, like I also think it would be worthy to help a family with academic tutoring or books or uniforms or supplies, which clearly would be said by the school to be education related. That is what we are talking about here. We are talking about families who make $40,000 or less, helping them out with their needs.

Other things should be done as well on education. Sign us up, of course. By the way, we got together in a bipartisan fashion, which is the way in which we should work, and the way I thought we would work with this legislation, as well, when we are talking about education. We passed the legislation that was proposed initially by the President. It was modified here.

So I would ask my colleagues to realize that we are talking about education and we are talking about families who make less than $40,000, and to at least move the process forward, so hopefully, and whether or not the Senate acts, I do not know if the Senate is going to act, but I know education is important.

So I would say, let us move forward and let us improve upon the legislation if necessary, instead of minimizing it like we are hearing with the opposition.

This is a good bill. I commend the gentleman from California (Mr. THOMAS) for it.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I think we do realize that $40,000 is the limit on that. What we are saying is that is not an income that one would be paying taxes on and would allow them to get this refund.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my distinguished colleague on the Committee on Rules for yielding time to me. I was hoping the gentleman from Florida (Mr. DIAZ-BALART) would stay so I could help to educate my good friend, the gentleman from Florida. Perhaps he will hear it back in his office.

He began his remarks by indicating he does not understand. What part of, if you have no tax liability, this bill provides no relief, does the gentleman not understand, I say to the gentleman, or any of the other Members that rise in support of this measure?

I am in opposition to the closed rule for the so-called Back to School Tax Relief Act. As soon as I hear that the teachers in my district, along with teachers and parents throughout the country, are voicing strong opposition to an education bill, that bill gets my full attention.

The teachers of America have good reason, as do parents, to be wary of this particular measure. Under the pretense of offering tax benefits to low-income families, this charade, I repeat, charade, and footnote right there, this is not going to become the law this year, and if it is, that my colleagues on the other side are setting the stage for something that is going to pass at some point in the future, then say that; but do not give the impression here on this floor that this measure is about to become the law. It is not going anywhere.

As matters go, this tax relief bill could cost the American taxpayer close to $5 billion over the next 5 years. That said, what happens when we take that out of the Federal Treasury is there is no additional money for States and localities, so some of the same parents and some of the other parents who have no relief here at all are going to wind up paying more real estate taxes.

To add insult to injury, the actual educational benefits are negligible, and the actual number of families who might benefit is amazingly small. This bill will allow two-parent families with incomes of $40,000 or less and one-parent families with incomes of $20,000 or less, almost all of whom have no tax liability, to claim deductions for educational expenses in public, private, religious, or home schools.

The fact is that most families in this tax bracket clearly do not have a tax liability and would not benefit from this bill. I know that supporters of this bill claim that it provides educational tax benefits to all low-income families. The truth is that this bill would provide educational tax benefits to a few families in America who choose to send their children to private school. Make no mistake, this bill allows tuition deductions; and it is little more than a private school voucher bill. They can put a diamond tiara and a ball gown on an elephant; but when all is said and done, it is still an elephant.

The gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from California (Mr. MATSUI) pointed to a measure that would help these parents. That is the measure offered by the gentlewoman from Connecticut (Mrs. JOHNSON) and the ranking member, the gentleman from New York (Mr. RANGEL), that would add to renovation and modification and new school construction.

If that is not something that is important, I do not know what is. I urge my colleagues to reject this rule.

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Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out as I am managing this rule that the discussion is on tax deductions, and my understanding, looking at Committee on Ways and Means, is that even the parliamentarian ruled that the school construction portion was not germane to the legislation that was brought forth out of the Committee on Ways and Means and to the Committee on Rules.

So while there may be great merit on school construction, and some of my colleagues here are saying that we cannot afford and should not do the tax deductions and yet have advocated school construction, there ought to be another place and time in the Committee on Ways and Means or some other vehicle in the body to bring forth the discussion on school construction.

This legislation before us is a rule bringing forth consideration by the entire body of the legislation introduced by the gentleman from Colorado (Mr. SCHAFFER) which deals with a tax deduction for K through 12.

Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. SCHAFFER), the sponsor of the legislation.

Mr. SCHAFFER. Mr. Speaker, I appreciate the gentleman yielding me time.

Mr. Speaker, this rule is important. It is important because by its passage it will bring the underlying legislation to the floor. This is a bill that is about rich versus poor. And it is surprising to me to hear the opponents of the rule and the bill speak so viciously against the poor in America because that is what they are doing. See, if one is wealthy in America today, one gets a deduction for every donation made to a school whether it is public or private. But if one is poor, one does not get that deduction. Since most poor people do not itemize, they do not take the deduction.

This is an above-the-line deduction that we are proposing in the legislation which means poor families, those earning $20,000 or less on an individual return, 40,000 for a joint return, would receive a deduction on money they spend on education of their children which is a benefit they do not get today. It is a benefit that will amount to about $475 for a family in America. It is a benefit they do not have today. And the cost of educating their children is not a cost that is borne exclusively by government. It is a cost that is borne by families as well when they buy uniforms, when they buy band equipment, when they buy computers, books, school supplies, transportation; and, yes, for maybe 10 percent of those who are part of the beneficiaries of this bill, maybe tuition, maybe, at a private school.

Ninety percent of the benefit of this bill will result in more money being available for public schools, not private. And this is a benefit that occurs to poor families with children in schools and these families want to invest more money in their child's education. Those who say that $5 billion is too much to spend on the poor children of America, I say shame on you. We are going to squander more than that on every agency, department we can name, A, B, C, D departments down the street here.

But all we are talking about doing here is setting aside about $5 billion over 10 years so that poor families can afford to spend more money on their child's education, not on bridges, not on post offices in all our districts, not on new university projects, not on water projects, not on dams, not on agriculture research, but on education. I believe it is important. I believe it is one of our highest priorities, and I regret that there are people here who cannot agree with that. In fact, we agreed when we passed the budget because we built this fund, we built the $5 billion right into our own budget. And we have accommodated the spending that we are contemplating here. Let us just do it. Let us pass the resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong opposition to this rule as well as to the underlying bill. When we first listened to the bill and we listened to the gentleman who just spoke, this bill sounds appealing. It is aimed at the working class whom he calls the poor. It is designed to help them afford education, and we would think on first blush that that is good idea. But on closer examination what we find is this bill is really a very bad idea.

First of all, it is fiscally irresponsible. They do not want to talk about that, but the fact is for the same duration of this bill we will also be experiencing tremendous deficits in this country and this bill will only make that situation worse.

Second, we find this bill is very disingenuous. They tell us they are trying to help the working class poor, but in fact most of those people will not be eligible because this is a deduction, and if they have other deductions that do not have the requisite income levels, they will not get the benefit of this deduction. So do not believe that they are really helping the poor. This is basically an election year gimmick bill.

Third, the bill is very contradictory. In the No Child Left Behind bill, the appropriation, they have underfunded education by $7.2 billion. They are indeed leaving children behind.

Let us look specifically at special education. We made a commitment several years ago to fund 40 percent of special education costs for local school districts. We are only funding 18 percent. But now they have a new gimmick bill while they are not fulfilling the commitments they already made in the area of special education. I find that very disturbing.

They want to talk about the poor. Title I is specifically the program designed to help the poor. The No Child Left Behind bill calls for $16 billion in funding. But they actually only appropriate $11.3 billion. We are short $4.7 billion. About the same amount that they want to claim they can give back in their bill. Remember, most of the poor will not be eligible, but they will be shortchanged because we underfunded Title I.

After-school programs, certainly low income residents and students need after-school programs. They underfund after-school programs by half a billion dollars, but yet they come up with an election year gimmick bill.

As we will hear from the Democratic side, what we really need in poor communities is school modernization, technology, improved roofing, air conditioning. Young people come to me and say, We need air conditioning. It is 90 degrees and our building is not air-conditioned. That would really help the poor.

But at the end of the day what we find is this is a gimmick bill. They do not expect it to be signed into law. It is disingenuous. It suggests that people will get benefits when they are really not eligible. It is fiscally irresponsible. And it contradicts promises they have already made. There are abundant reasons why we should reject this bill and I urge my colleagues to do so.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for the opportunity to speak on behalf of this bill and to once again state the obvious, and that is, in fact, the poor will benefit.

I do not know how many ways we can put this. This is an above-the-line deduction that we are proposing. It does not matter about the deductions that they have. It is above-the-line. It will come to them regardless. It will, in fact, help the poor. I do not know how many ways there are to say that in order to, in fact, get people to understand the nature of an above-the-line deduction which is being proposed here.

Let us also talk about the possibility that this thing may not become law. Well, I do not know what will happen from this point on with this bill. My only responsibility is to determine how I should vote on this bill before me at this time and why. And I recognize that it may not become law. I recognize that there are many forces arrayed against it, mostly the forces of monopoly education, those people who say there is only one way to educate a child. It is our way or the highway; that the only money that can be possibly be spent on education is in the system we, the government, can control.

We know that that is where the real opposition is in this bill. It has nothing to do with the amount of money being spent. For heaven's sake, Members of the Committee on Ways and Means, Democratic Members of the Committee on Ways and Means have introduced 6 bills that I have in front of me that take an awful lot more money away from education than this even purports to, and this, of course, puts it into education. It is just not their kind of education. Not the education system that is run by the government that gets all of the money. It will get 90 percent of it. But a tiny little trickle may end up going to a private school and God knows we cannot have that. Why? Because we do not have control over that process.

Well, I tell you we should not. The only people that should have control over that process are the parents of the kids that are being sent to those schools. They are the ones who should make this determination as to where their kids are going to be educated, where the best educational experience can be obtained. We do not mind having that happen for people who are rich, for people who can any single day stand up and say I want my child in this district or in this school and I am willing and able to pay for it. We do not do that. Why do we do it to the poor?

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Washington State (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I rise in opposition to the rule and to the bill which underlies it. I just came from the Committee on the Budget, on which I sit, and listened to Mr. Greenspan tell us about the chaos in our economy, and he is talking about a Congress that has abandoned fiscal discipline. Essentially what he said was this Republican Congress in this 40th act of the fiscal follies of 2001 and 2002 has absolutely decided to eat their dessert before they eat their vegetables. You have been doing it for 2 solid years. You passed the tax cuts, but you cannot pass a budget. You have given all the goodies away and you cannot pass the budget. That is why we are not anywhere near completion here.

This private school voucher is just one more example of the same stuff. The President has clapped himself on the back, and all the Members have, about "we passed No Child Left Behind," and that promised an increase of 15 percent funding in education, but the President's budget only had 2.8 percent increase in spending. Why did you promise 15 percent and then the President puts out a budget for less than a fifth of that? That does not make any sense. You are leaving kids behind, and we are going to give you an opportunity to change your priorities.

This picture has on it some of what we want to do in the motion to recommit. You can take the same money that you are giving away and throwing out there for people to buy gym shoes and TVs and whatever they want as long as they say it is for education. That is all they have to do is say it is for education. You take that same money and you can do something for public schools. With $7 billion you can leverage $25 billion of construction.

I put these pictures up here because I want you to understand we are not talking about theoretical stuff. We are talking about drinking fountains, we are talking about broken steps, we are talking about rotten ceilings in schools. We send kids to those public schools and say, "Why do the teachers not teach them well? I think people ought to have a choice to go to a private school to get away from this." Because we will not put the money into something that makes real sense.

This voucher, when we questioned the people from Treasury and said what can one use this money for, it was appalling. You can do it for broadband access for your TV or maybe you do not have a TV; so because you want your computer to go through the TV, you can buy a TV, one of those nice flat-screen ones and you can deduct the whole thing. You can buy gym shoes, some of those Michael Jordan $100 gym shoes, because your kid has to take gym and that is related to gym. Babysitters or maybe a cab ride to school. The school says we are not going to have any buses and you have got to get your kid there any way you can. All you have got to do is call a cab and deduct it from your income tax.

If this makes sense when we are putting the children of the United States in these kinds of schools, this is San Diego, but I could bring some from Seattle, and I bet there is not a Member on this floor that could not bring pictures just like this from their district, and yet we have a bill. It has been in the Congress. It was introduced. It has 228 signatures. That is more than half the House of Representatives, and we cannot get the chairman to even have a hearing. Now tell me, are we going to leave any children behind? It is pretty obvious we are because we have to continue the tax giveaway follies. Vote no on the rule, vote yes on the motion to recommit, and vote no on the bill.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding.

I rise in support of this underlying rule and in support of the underlying bill. This is the first full week of school in many areas of our country. In Florida, where I come from, they went back into school in August, but for millions of Americans things are really getting underway right now and they are being faced by significant costs.

Particularly I want to address the people who have their children in public school. Many of these families have to buy gym clothes, as the gentleman from Washington State (Mr. McDERMOTT) mentioned. Some of them have to pay yearbook fees, they have to pay fees for new software, lots of additional fees. I had one parent with two kids in public school tell me that they were out several hundred dollars in cheerleading fees and other fees. Obviously for people who have their children in private school, this is a much greater expense.

☐ 1130

This body spoke and this body voted, and the Senate approved it and it was signed into law; and we allowed a tax deduction of $3,000 for higher education.

What this debate is really about is are we going to allow the same thing for K through 12 and why not? Why not? The gentleman from Washington State talked about putting more money into education for Washington. I have been here for 8 years now. When I got here, the education budget was $30 billion. What is it now, 48 billion or something like that?

I want to address this issue of school construction. We could probably get a bill out of this body, but one of the things that holds this issue up is there are a lot of people on that side of the aisle that want to mandate that any school construction funds adhere to Davis-Bacon union work requirements; and in the State of Florida, this is going to drive up school construction costs by 30 percent. Frankly, for us in Florida, we do not want Federal money if it has those kinds of strings attached; and that gets me to what really is the issue here.

We are trying to help families, and we are not trying to help rich families. This is targeted for the $20,000 to $40,000 range. We are specifically trying to help working families that have kids and have struggled making ends meet. Why should they send 30 cents to Washington for every 70 cents they spend on their kids' education? Give them the whole dollar to spend on their kids' education.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time, and I would just say to the last speaker that he is correct that we gave a $3,000 deduction for higher education. However, he also must know that that expires at the end of 2005. It is not a permanent tax part of this.

Secondly, I would say that it is kind of interesting to listen to some prior speakers who talked about the poor and who would get this. First, no single mother with an income more than $20,000 is going to be eligible because, by the way, $20,000 is the statutory income cutoff for noncouples.

Second, no single mother with less than a $20,000 income will benefit if she has significant child care expenses. The reason is that for every potential dollar of tax cut from a new K through 12 education deduction, she loses a dollar of benefit under the dependent care tax credit. The credit is nonrefundable so the usable credit is limited to the amount of tax liability prior to the credit if the liability is already as low as the credit or lower, which is the case for such a single mother; then reducing her tax liability with a new deduction just reduces the credit. There is no net gain.

I might point out that after reading all of this, one of the things I think the American people are very concerned about is how we make our Tax Code less complicated rather than more complicated, and this certainly is causing us to have more complication and for people to even have the ability to use this.

Third, even among mothers without dependent care expenses, for a single mother with two children to get a benefit, her income has to fit within a very narrow range of $19,250 to $20,000. A single mother, two children and a $19,250 income or less is not going to benefit because the child credit is only partly refundable and because her tax before credit is low. She is unable to use all of the $600 per-child credit, so her tax before credit is reduced by a new deduction; her usable child credits fall by that same amount.

So as my colleagues can see, there are some concerns as to who would be able to use this and particularly at those levels.

I also have to say that I always can tell when there is a bad bill because, quite frankly, the rule then governs the debate. Guess what. Today, we have a closed rule with no substitute allowed. Are we afraid to have debate in the U.S. Congress about issues that are of concern to the American public? I do not think the American public is concerned about debate. So why would we close the rule?

What we are going to have is an opportunity to at least take advantage of one area that they cannot take, and that is the motion to recommit; and in that motion to recommit, we are going to ask this Congress to look at what every State is asking for and, that is, funds for the ability to build schools. With that, let us take down this rule.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

In listening to my colleague from Florida, I looked at the number of families and kids who could potentially benefit from the education tax deduction in 2000. The State of Florida, the number of families is 722,518. The number of children is 1,283,971.

I would also say, and I cannot speak for the Committee on Rules, but I can talk about our precedent in the Committee on Rules, and I can speak for me as an individual. I want to remind the gentlewoman that there was no substitute brought before the Committee on Rules that could have been considered and would have been routinely added as a substitute consideration to come to the floor.

Then I will also point out that I have not seen any motion that has referred to school construction that has been made available to me as a member of the Committee on Rules or to anyone else that I have asked. So I want to make sure that my colleagues both on the floor and throughout the buildings clearly understand that the rule before us today says that it is a legislation, I will ask the gentleman from Colorado to speak on again, of a deduction, of $3,000 above the line for K through 12.

School construction may be a worthy subject. It is one that we know there are sponsors on both sides of the aisle. The Parliamentarian ruled that school construction would not be part of this as it was presented in the Committee on Ways and Means and was defeated on a party-line vote. There will be a future bill on construction, I am sure, because I have not seen it go away, but this does not address that.

PARLIAMENTARY INQUIRY

Mr. MCDERMOTT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. MCDERMOTT) will state his parliamentary inquiry.

Mr. MCDERMOTT. Mr. Speaker, has the Parliamentarian made a decision on the amendment which is going to be offered later in the day?

The SPEAKER pro tempore. The Chair cannot respond with an anticipatory ruling or advisory opinion.

The gentleman from New York (Mr. REYNOLDS) is recognized.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Mr. Speaker, let me ask this in the form of a question. It is my understanding, and I would like to be corrected if not, that in fact there was a substitute that was brought to the committee. My understanding is that it was out of order. But is it not customary, on occasion, that we have the opportunity to waive the rules?

Mr. REYNOLDS. Number one, it is my understanding the substitute was not germane. Number two, we usually do not waive the rules on germaneness.

Mrs. THURMAN. Mr. Speaker, if the gentleman would continue to yield, is it my understanding that the rules were waived on this bill?

Mr. REYNOLDS. We waived points of order for technical reasons.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I would just say to the gentleman, the number he has read back to me of the children and those who would have been affected by this piece of legislation, let me just say also to him that under America's Better Classroom Act, quite frankly the State of Florida would have received $1.1 billion in new additional dollars for classrooms. This could have given us some ideas of what we could have done with classroom size.

I would also say I watched after this body, and I thought we have a very good debate. We talked about education; we did a bipartisan bill. We all believed that the President was right in putting this bill of Leave No Child Behind. It was historic across the Nation. We watched people go around in a bipartisan way. I mean, we had the gentleman from California (Mr. GEORGE MILLER) and others standing hand in hand; how wonderful this legislation was going to be.

I also remember the day that the debate took place, and the debate went something along the lines, this is a good piece of legislation if the money's there. Lo and behold, we get a budget proposal this year that cuts $8 billion. Instead of restoring dollars to the budget, for things like classroom size and other things, the fact of the matter is we are going to end up cutting $7 billion to give $5 billion to probably where very few people will be able to use this because of their other tax liabilities.

I would suggest to this body that if my colleagues are going to make promises and go out and talk about historic legislation, they ought to back it up with the money and quit playing tax breaks for a few.

Mr. REYNOLDS. Mr. Speaker, our last speaker is the bill's sponsor. I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER) to help us clearly see the intent of what he has sponsored in his legislation, because the debate on education has taken us in varied directions.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank him for putting the final discussion here in the right context because the debate has drifted far away from the intended subject, and that subject is America's children who are in schools and primarily those who are poor.

I have always appreciated the gentlewoman from Florida for her candor, and I appreciate it again today because she really revealed the motivation behind many of the votes that will take place today. It is motivated by unrelated issues, about school construction, other bills; and unfortunately, if they succeed, the casualty in the outcome of that debate would be poor children in America.

The bill that precipitated the debate and brought the rule here is all about focusing on families that earn $20,000 per individual, $40,000 per married couple, and allowing them to deduct from their taxable income up to $3,000 of expenditures for costs associated with educating their children, for books, supplies, materials, tuition, transportation, those items that those families believe to be in the best interests of furthering their child's education.

I understand there are many here who have opposed and been in opposition of this idea because they do not trust these parents. They think they might buy flat screen TVs. Guess what, the Department of Education buys flat screen TVs. In fact, the Department of Education has a very bad record over the last several years when it comes to waste, fraud and abuse. We have investigated it. I did not see anybody over on that side of the aisle stand up saying, wait a minute, since they spent money on Cadillacs, flat screen TVs, have lost cash, hundreds of millions of dollars, let us not give them anymore. Nobody raised that argument. In fact, my colleagues' argument then was let us give them more money so they do not waste as much.

I tend to trust families and individuals to spend money right when it comes to their children, and I trust them more than I do government. That is just what I believe, and that is really what this debate is all about.

For those who believe that there is not really an appreciable benefit for families, they should just vote for it, because as my colleague pointed out, this costs $5 billion. That is $5 billion of children who stand to benefit from this legislation. Let us spend it on them rather on the bureaucracy, and let us vote for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to make two points. One is that we do trust American families on this side of the aisle. We trust them enough that we do not want to perpetrate a hoax on them this morning, which we think is exactly what is happening here, and to point out that had the gentleman from New York's (Mr. RANGEL) substitute been allowed and passed, that our State of New York would receive $2.5 billion in much needed construction money.

Mr. Speaker, I yield back the balance of my time.

□ 1145

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 208, nays 201, not voting 23, as follows:

[Roll No. 387]

YEAS—208

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint

Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Ackerman
Bonilla
Clement
Combest
Cooksey
Gallegly
Gilman
Gonzalez
Hastings (WA)
Hilleary
Issa
Lynch
Meek (FL)
Miller, Gary
Miller, George
Mink
Neal
Rahall
Roukema
Stearns
Stump
Towns
Velázquez

☐ 1212

Messrs. HONDA, DICKS, LIPINSKI, JACKSON of Illinois, McINTYRE, JEFFERSON and Ms. McCOLLUM changed their vote from "yea" to "nay."

Mr. TERRY changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 387 I was unavoidably detained. Had I been present, I would have voted "yea."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

☐ 1215

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I take this time to inquire of the distinguished majority leader what the schedule is. Was that the last vote of the day, and how are we going to proceed?

I am pleased to yield to the distinguished gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman from California for yielding.

Mr. Speaker, the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, September 17, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. I will schedule a number of measures under suspensions of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes on Tuesday will be postponed until 6:30 p.m.

For Wednesday and the balance of the week, I have scheduled the following measures: H.R. 1701, the Consumer Rental Purchase Agreement Act, and H.R. 4687, the National Construction Safety Team Act.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I would like to inquire of the majority leader when he expects the bill that was just pulled to be rescheduled?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry.

We do have some technical considerations. We will have to have some discussions among ourselves, the bill sponsor and the committee of jurisdiction. I will announce in ample time for everybody's consideration before we reschedule it again.

Ms. PELOSI. I would further like to inquire of the majority leader when the appropriations bills will come to the floor?

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's concern on that. We wait upon the circumstances that allow us to bring our appropriations bills to the floor in a manner that is consistent with the budget passed by the House. We know this is a difficult circumstance for the House, in light of the fact that the other body has not passed a budget whatsoever and is seeking to spend anywhere from $9 billion to $19 billion beyond the President's request and the House budget. So we continue to work on these difficult problems.

Ms. PELOSI. Mr. Speaker, I thank the gentleman. I was particularly interested in the Labor, Health, Human Services and Education bill, when that would come to the floor, because in its present form it cuts $7 billion in education from the Leave No Child Behind bill that was passed, H.R. 1, with great fanfare early in the year. So we are very, very interested in the resolution and the debate on that bill.

Would that bill be coming up next week?

Mr. ARMEY. Again I want to thank the gentlewoman for the inquiry.

The Labor, Health and Human Services bill has always been a bill that this side of the aisle, the Republican majority, has given special attention to. Indeed, Mr. Speaker, we have more than doubled spending on that bill since 1996, going from $67 billion at that time, the first year in which we had majority jurisdiction, to $130 billion today. So we continue to have great emphasis on that bill. Indeed, we plan a 5.3 percent increase over the previous year; a 3.7 percent increase over last year for education and a 14.2 percent increase over last year for title I. So we continue to work with a sense of priority for that.

Obviously, we always understand that the very definition of "underfunded" in this town is the difference between what a bill's original sponsor seeks to authorize and what in fact is indeed appropriated. But we are continuing, as we have done, to increase appropriations in this bill and its jurisdiction more than other appropriations bills.

Ms. PELOSI. Reclaiming my time, I am glad the gentleman ended on that note, because further to remind our colleagues, the President's Leave No Child Behind bill, H.R. 1, the flagship bill on education that was passed by this body, had $7 billion in the President's bill for education, but in this bill cutting the investment in education leaves millions of children behind. So it is a high priority for us, and we look forward to that bill coming to the floor.

Would the distinguished majority leader tell us when the bankruptcy conference report would be scheduled?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry.

It is particularly timely to talk about bankruptcy within the context where 3.7 percent increase and a 14.2 percent increase is considered a cut. That is exactly the kind of thinking that leads to bankruptcy dilemmas across the country. The bankruptcy bill, too, is an extremely important bill. We intend to do so.

Unfortunately, the bill is inflicted by a totally extraneous provision having to do with abortion put in by the other body. That has made it very difficult for Members who have a commitment on both of these two very important moral issues to reconcile their conflicts between that.

Unfortunately, we risk this bill's passage by virtue of the kind of extraneous riders that are all too commonplace in the other body. This body, being the more disciplined and responsible body, will, as it many times must do, find a way to come to terms with that irresponsibility in the legislative process, and as soon as we have found that way, I promise we will bring that bill to the floor.

Ms. PELOSI. Is the gentleman referencing the provision in the bill that was put in by the gentleman from Illinois (Chairman HYDE), from the gentleman's own party?

Mr. ARMEY. I appreciate the gentlewoman's inquiry.

The gentlewoman also understands it is contrary to the rules of the House for me to mention Senator SCHUMER by name, and I would never do that.

Ms. PELOSI. And the gentleman from Illinois (Chairman HYDE).

Mr. Leader, can we assume that since here we are, it is 20 after 12 on Thursday, we are in the middle of a great economic uncertainty in our country, America's seniors are clamoring for prescription drug benefits, we need to invest more in education, we have a list of priorities that the American people are concerned about, including their pension security, we came in just the other night, we are going out at 20 after 12 on Thursday and there will be no votes tomorrow, is that our understanding? We finished our business for the week?

Mr. ARMEY. Again, if the gentlewoman will yield, I appreciate so much the gentlewoman's frustration. We passed investment security over to the other body in August. We passed the education bill. We passed the prescription drug bill. We passed the homeland security bill.

We in this body are stuck with watching these bills languish in the other body as we await any kind of competent action from the other body. As soon as they can manage to pass any of these bills and get to conference on these bills, we would be willing to sit down and work on these bills, and I promise you we will bring them back for completion.

The gentlewoman is absolutely correct. All of this is too important to the people of this Nation for the other body to continue to dillydally.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I think that if there is a person out there who has lost their pension or a senior making a decision about how much of a dosage you are able to afford to take or whether you can even afford to take any prescription drug over purchasing food, or if your child is going to a substandard school and you want a better investment, and the list goes on and on, you would think that what we were doing here is irrelevant, especially when we are not even here. We are missing-in-action on some of the struggles of the American people.

Will the gentleman inform us whether we will have votes next Friday?

Mr. ARMEY. Mr. Speaker, I do appreciate the gentlewoman's inquiry.

Of course, all of these concerns are exactly why our pension bill was passed out of this body, as I said, last April.

Whether or not we are able to have votes on Friday will depend upon the appropriators, particularly those appropriators that must reconcile themselves against the excesses of the other body. But we will try to get these bills to the floor, and I will announce as early as I can whether or not there will be votes on Friday.

Ms. PELOSI. So it is our understanding we are leaving at 20 after 12 on Thursday, coming back at 6:30 on Tuesday, and we may be out next Friday?

Mr. ARMEY. If the gentlewoman will yield, the incredible thing, Mr. Speaker, is that even keeping these hours, we get three times as much work done as is done in the other body.

Ms. PELOSI. Our standard must be the standard we set for the American people, and we cannot hide behind anyone else's schedule. We have leadership that we can take ourselves to meet the needs of the American people.

I thank the distinguished majority leader for the information, and, as always, his gracious presentation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members that references to the Senate or to Senators are closely circumscribed by the rules and inappropriate references must be avoided.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 13, 2002, TO TUESDAY, SEPTEMBER 17, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 13, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, September 17, 2002, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LAYING ON THE TABLE CERTAIN RESOLUTIONS

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that the following resolutions be laid on the table:

H. Res. 464;
H. Res. 500;
H. Res. 501;

H. Res. 506; and

H. Res. 508.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentleman from New York?

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–261)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for 1 year. Proclamation 7463, Declaration of National Emergency by Reason of Certain Terrorist Attacks, was published in the *Federal Register* on September 18, 2001 (66 Fed. Reg. 48199).

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2002, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 12, 2002.*

WELCOMING BULGARIAN PRESIDENT GEORGI PARVANOV TO AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday, I welcomed Bulgarian President Georgi Parvanov to Capitol Hill, along with Ambassador Elena Poptodorova and Foreign Minister Solomon Passy. Joining me in this meeting were the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from California (Mr. HORN), who are two members of the newly formed Bulgaria Caucus, also cochaired by the gentlewoman from California (Mrs. TAUSCHER).

The Bulgarian caucus was created to spread awareness in America about Bulgaria's strategic location and critical assistance in the war on terrorism. Members of the Bulgaria Caucus are also strongly committed to helping Bulgaria gain admittance to NATO this November.

President Parvanov presented proclamations to the gentlewoman from California (Mrs. TAUSCHER) and I to honor the creation of the Bulgaria Caucus. The presidential proclamation affirms "Bulgaria is committed to standing by the United States in the war on terrorism for the long haul," and that the leaders of Bulgaria are looking forward to working with members of the Bulgaria Caucus to further interest and awareness in America about Bulgaria.

□ 1230

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SADDAM'S VIOLATION OF U.N. RESOLUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today in the wake of the remarks by the President of the United States before the United Nations, words that resonated not only around this Nation but around the world, to respectfully repeat the question the President asked that august and historic body today: Will the United Nations choose to be relevant on the planet Earth?

As the President described, Saddam Hussein, the dictator of Iraq, has systematically and continually violated 16 United Nations resolutions over the past decade. The United Nations, for incomprehensible reasons, has chosen to retreat in the face of Hussein's audacity.

Mr. Speaker, we must learn the lessons of history. Over 60 years ago, Neville Chamberlain retreated in the face of tyranny in Central Europe when he returned to the people of England and held aloft a sheet of paper, an agreement of peace with the dictator of Germany, and pledged that he had achieved peace in our time.

For the past decade, the United Nations has repeated the mistakes of the past. President Bush demonstrated by his speech in the United Nations that he will not play the role of a modern-day Chamberlain, but he has chosen to play the role of Churchill. As the President said today, Saddam has made the case against himself. A dictator who routinely murders his own people, harbors terrorists, develops weapons of mass destruction is a threat to the civilized world.

President Bush has made the case for military action against Iraq, and it is now time for the United Nations to fully support regime change in that nation and for that people.

Iraq has refused weapons inspections for almost 4 years. Mr. Speaker, 4 years is 4 years too long. Are we to believe that Saddam Hussein stopped developing biological and chemical weapons and his pursuit of nuclear capability at the exact moment he prevented weapons inspections from going forward? As the President said memorably today to the United Nations, logic and common sense scream otherwise.

Are we willing to gamble, as the President asked, the lives of hundreds of thousands, if not millions, of people on the possibility that Saddam Hussein can be trusted, or is it more reasonable to assume that when that dictator attains a nuclear weapon, that he will be prepared to use it?

Saddam Hussein has already used weapons of mass destruction. A nuclear capability is simply the next and logical macabre step. As the President said today, this is a gamble that opponents of military action are taking in the world. It is a gamble that I and many in this institution, as the debate ensues in the weeks and months ahead, I pray will not be willing to take.

Mr. Speaker, military conflict is a serious business. There is not a night that I do not go into my 11-year-old son's room late, pull up the covers and brush back his hair, that I am not aware of the cost of war. But I must say today, the risk of inaction against this malevolent dictator, who has flaunted the resolutions of the civilized world, is greater than the risks of action.

The United Nations, as the President said memorably today, Mr. Speaker, was designed to be able to respond to threats from dangerous dictators who threaten the peace of the world. I say again that question which the President asked today. The United Nations must now choose whether it will be relevant on planet Earth.

If they choose against relevance, as the President was clear today, let the world be assured that by this Congress and its war powers authorizing our Commander in Chief, the United States and its courageous allies will not choose irrelevance; we will choose justice. We can seek the safety and security of our people and the people of the civilized world.

ELECTIONS IN KASHMIR

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the

House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the House floor this afternoon to express my deep concerns regarding the upcoming elections in Kashmir, which begin on September 16.

Mr. Speaker, I would like to first make it clear that Kashmir is a state within India, which is the largest democracy in the world. Given that India has operated under the traditions of democracy since independence, I am confident that Indian officials and their electoral commission are doing everything possible to ensure that the elections proceed under free and fair circumstances.

In fact, this week myself and some of my colleagues who are members of the India Caucus met on a bipartisan basis, I should say, with the external minister, Sinha; and he told us very dramatically that the Indian Government, together with the electoral commission, are doing everything possible to make sure that these elections are held in free and fair circumstances. They have learned some of the lessons from the past about how to improve the voter turnout and to make sure that violence is not committed against those who would choose to exercise their right to vote.

However, my concern stems not only from increased infiltration of terrorists at the Kashmiri line of control, but also from the surge of violence in the Kashmir region by Islamic fundamentalists, whose primary purpose is to thwart the elections in Kashmir.

It is no coincidence that the new wave of infiltration at the border and the specific violence aimed at candidates running in Kashmir are occurring now just days prior to the beginnings of the election. On a near-daily basis for over a year, we have been witnessing cross-border terrorism in Kashmir that has led to countless murders of Indian army officials and innocent civilians.

This leads me to believe that there is very little possibility that infiltration by Islamic militants at the Kashmir line of control has subsided, even though President Musharraf of Pakistan pledged that infiltration would decrease several months ago. Mr. Speaker, increased cross-border activity, augmented by targeted attacks against those running in the elections, and President Musharraf's calling the elections a sham, are cause for serious alarm.

Just yesterday, it was reported that a candidate, a Kashmiri state government minister, along with seven others, was killed by militants. This was the second murder of a candidate in less than a week and is the most recent addition to a string of murders by militants that have killed 40 political workers in the past several weeks. Militants have vowed to escalate violence prior to the election in an effort to disrupt the elections, and they go so far as to say that they will attempt to kill anyone who participates.

Mr. Speaker, unless there is a clear directive from the Pakistani President to the militants to end this violence surrounding the elections, and an acknowledgment from President Musharraf that these elections are not to be interfered with, and that they should proceed free and fair, it is unclear to me what type of outcome there will be between now and the conclusion of the elections. The elections go, Mr. Speaker, from September 16 until sometime in October.

I would urge President Musharraf of Pakistan to take a leadership role and to ensure India that the elections can take place without any threat of violence. I urge the Bush administration to put more pressure on Musharraf to end cross-border infiltration and not condone interference at the polls in Kashmir.

Mr. Speaker, I mention that when the Indian external minister, Mr. Sinha, was here, he spoke to our Secretary of State, Mr. Powell, and asked him to do whatever he could to put pressure on Musharraf to make sure that the elections in Kashmir are not interfered with.

But, of course, the concern is whether Musharraf is going to carry through. He has to be made to uphold his commitments to ending terrorism, and the first step he can take is to do everything in his power to ensure that cross-border terrorism into Kashmir ceases and that the elections in Kashmir take place freely and fairly, without the threat of violence to the candidates or Kashmiri voters.

A TRIBUTE TO CONNELLY SPRINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BALLENGER) is recognized for 5 minutes.

Mr. BALLENGER. Mr. Speaker, let me just say, nestled halfway between Raleigh and Asheville in North Carolina is a little town called Connelly Springs. It is a small town built around an old stagecoach stop which now serves railroad passengers.

Named for its healthful spring waters, Connelly Springs was incorporated in 1920; but due to taxes, licenses, fines, and other onerous government impositions, residents decided to repeal the town charter in 1933.

As time passed, residents needed a water supply system as local wells became less productive. Residential roads needed paving, and the State only paved highways. To address these community needs, a group of citizens petitioned the State legislative bodies to allow a vote on reincorporation; and in 1989, 266 out of the 400 town voters approved the effort.

Amazingly, the first government decided a nickel per hundred dollar property tax would cover the cost of government. City offices were established in the old filling station with a volunteer clerk to handle the details. In addition, six volunteer council members would set town policy.

The council did an outstanding job meeting the community's needs. When two larger towns on either side of Connelly Springs decided to run a large water line connecting those two, the town of Connelly Springs' council realized the lines would pass near the northern boundary of the new town. They decided to go into the deal for $200,000 paid over 20 years.

The plan worked beautifully. With several backhoes and other equipment to aid in the installation, Connelly Springs installed the water lines and became the first North Carolina self-help program member whose local residents provided the time and the resources to install their own water lines.

With the aid from their Rensselaerville Institute and the Appalachian Regional Commission, a $60,000 loan from the Ford Foundation, and local funds, the town reached the necessary projected cost of $282,000.

Three years ago, I shoveled a little dirt to prepare the land for a new town hall. This September 7, I helped cut the ribbon to open the finished town hall. The upper floors contain offices and the council chamber, and the lower floor will be a community center for all local groups to use whenever they need it.

We ate hot dogs and hamburgers to celebrate the grand opening. It is all paid for, and they have money in the bank. In all my life, I have never seen a more dedicated group of citizens who manage their efforts and money so carefully. I only wish I had some of that dedication in Raleigh, North Carolina, and also in Washington, D.C.

HONORING CONGRESSIONAL STAFF AND GOVERNMENT EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, yesterday our Nation and this House paid a fitting tribute to those who lost their lives on September 11, to the heroic rescuers, and to their families.

Today, I would like to take just a moment to honor another group of people who serve this Nation in a less dramatic way, but who are heroes in their own right and in their own quiet ways.

Last year, just 1 day after our Nation came under attack, and this very building was among the targets, the men and women who work here in this building, in our offices and in countless other government offices throughout this land, came right back in to work to serve this great Nation. When they came in to work on that September 12 morning, they knew then and they have known each and every day since then that they work in a potential target.

Scarcely a month later, they then faced a new challenge when anthrax entered our buildings, and for some of our staff, entered their bodies. The Capitol Police, the janitors and maintenance workers, the grounds crews, the people who serve food, the secretaries, the Parliamentarians, the clerks, the young pages, our legislative and our committee staff, our field and caseworkers, and all the other dedicated and courageous people who make this place and our government run all deserve our thanks and our praise.

With tears in their eyes, with sadness and with fear in their hearts, but with indomitable courage they came right back to work to serve this country we all love.

A year has passed now, and the immediate danger may have been diminished; but it remains in our awareness. Still, our staffs and the rest of the employees come to work, and in doing so, they serve our country.

□ 1245

In these times, this takes courage. So, and for that courage, I am grateful and this country is deeply fortunate.

HONORING OFFICER CRYSTAL D. SHEFFIELD

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise this afternoon to pay tribute and honor Crystal D. Sheffield, a Baltimore City police officer who was killed in the line of duty while coming to the aid of a fellow officer on August 21, 2002. She was the city's first female officer ever to die in the line of duty.

Following a family tradition of public service, Officer Sheffield became a Baltimore City police officer in 1999, joining 3 family members already on the police force. Officer Sheffield was raised in Baltimore and loved her city. She wanted to give back to Baltimore and the community she loved. She worked the midnight shift in the western district of Baltimore, which is one of the more dangerous districts.

I had the opportunity to attend Officer Sheffield's wake and funeral services a few weeks ago. It was a moving ceremony with more than 300 people in attendance. Political officials, ordinary citizens, police officers and firefighters from Baltimore, the State of Maryland and other jurisdictions were among the attendance. Many people approached the family, telling them stories of how Officer Sheffield helped them with a problem. The testimonial showed how much she was loved and will be missed.

She worked the western district, which was near my house, and I got a chance to know her. It is interesting to note that when told of her tragic death, some of my neighbors simply wept. Not only was Officer Sheffield a dedicated police officer, she was also a dedicated wife and mother. She is survived by her husband, Lt. William Sheffield, a Baltimore City firefighter, and her son, Darian. It was said that she wanted to be a role model for her son so she worked hard, building a wonderful reputation of being dependable and a great police officer who could easily resolve conflicts. Officer Sheffield could often be found at her son's school, talking to his teachers and encouraging him to excel.

Police officers work and put their lives at risk for all of us. Like all police officers, Officer Sheffield took an oath to protect and to serve. She was simply doing her job. Officer Sheffield did not know that her next call would be her last call, but she lost her life going to the aid of a fellow officer. That was the type of officer and the type of person Officer Sheffield was.

So, Mr. Speaker, I want to pay special tribute to Officer Crystal Sheffield, a real American hero and a role model for us all. I extend my condolences to the family, friends and colleagues of Officer Sheffield, and my thanks for a job well done.

VACATION OF SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order of Mr. JONES of North Carolina requested on September 9, 2002 is vacated.

There was no objection.

DROUGHT AID THROUGH THE FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I come to the floor today to discuss a very pressing and most distressing issue in the Great Plains States and much of the mountain West; and as can be seen by the map here, the drought map, we are currently experiencing a drought across the United States that affects roughly 45 percent of the land mass of the country.

In a normal year we can expect drought in maybe 10 percent or 15 percent of the country. And you can see by the severe brown marks and the red marks that the drought is not only extensive, it is extreme.

These are areas where essentially all the pastures are gone. The cattlemen have no feed left for the winter. They have had to sell off their herd in many cases because there is no way that they can feed their cattle. And as we have had the glut on the cattle markets, prices have declined and a great many cattlemen have taken huge losses, so we are seeing tremendous distress in the livestock industry, particularly in the cattle industry.

Also, what we have found is those who have raised crops have experienced a similar difficulty. The dry land crops are totally gone in all of those areas that are red and brown. And, of course, this has caused huge economic distress. Even those areas that are irrigated have lost substantially because one cannot run a center pivot fast enough to keep up with the drought. In many areas they have lost their ditch water. The water has been cut off because the rivers are dry. There is no water available. So even irrigated crops are severely impacted.

So some have said, well, what we have to do is take the money out of the new farm bill because there is a huge amount of money in there and just take it out of there. We have not been able to figure out how we can get enough money out of the farm bill without destroying the farm bill that will undo this huge problem. So as a result, the gentleman from South Dakota (Mr. THUNE), the gentleman from Kansas (Mr. MORAN) and myself have introduced legislation that we think addresses this problem.

At the present time we are estimated to lose $1.4 billion in the State of Nebraska alone. Kansas also is roughly $1.4 billion and the other States that we see here will have similar losses, so it is a huge loss. The thing that we are concerned about is if there were a hurricane that affected that amount of land mass in the United States, or if we had a wildfire that burned up that much area in the United States, or if we had a tornado that affected that much, or a flood or whatever, we would immediately have assistance. But a drought occurs slowly over time and it is not quite as visible, but the economic devastation is every bit as great as what these other disasters might have.

So we need help and we need it now. We cannot take the money out of the farm bill because there simply is not that much there. So what we have proposed is another solution, and that is that we look at this, at the spending currently in the farm bill.

We will see in the heavy blue line here what has been budgeted for the farm bill in the year 2002, roughly $19 billion. Yet, recent projections by CBO indicate that roughly $13 billion will be spent this year. So it is a $6 billion shortfall. And, you say, why is that? Well, the reason is because the drought, the drought has reduced production of corn, soybeans, milo, sorghum, rye, many other crops by 10 to 15 percent. Therefore, the price has risen. So as the price has risen, there is no need for government payments, no countercyclical payment, no loan deficiency payments. So as a result we will see a savings, so to speak, of roughly $6 billion, and the reason for the saving, if you want to call it that, is simply because we have had a drought. And those people who have been affected most by the drought, who have been hurt by the drought, will not receive any payments.

What we are proposing is we take this shortfall, this $5 billion or whatever, and allocate it to emergency drought assistance. It does not break the budget. It falls within what has already been budgeted. This contrasts sharply with what the other body has proposed. They want to add roughly $6 billion of new spending. We think this is fiscally responsible. We think it certainly addresses the issue that is going on in the West and other parts of the country, even in the southeastern part of the country. But the main thing we are trying to drive home is this is critical and this is not emergency spending. It is not because of low prices. It is because of natural disaster. It is disaster spending which we need badly.

Mr. Speaker, I urge careful consideration of my colleagues to this dilemma that we are now facing.

LESSONS LEARNED FROM SEPTEMBER 11

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, as we continue our reflection on September 11, I wanted to take a moment to enter into the RECORD a piece written by the Speaker Pro-tempore of the Florida House of Representatives, Sandra Murman from Tampa, Florida, and it goes like this:

"When I hear the date September 11, images immediately flood my mind. I see the plane hit the second tower. I see the Pentagon on fire and I can hear the sickening crunch as the towers fall while throngs of people run to escape the thick gray cloud. I also remember the utter horror I felt when I realized this was not simply one plane off course but rather a planned attack. This was our generation's Pearl Harbor. But unlike Pearl Harbor, terrorists hijacked planes full of innocent civilians and crashed those planes into buildings filled with more innocent civilians. On that day we saw the face and felt the hand of evil, but we also saw extraordinary goodness through the lives of heroic Americans in Washington, New York, and a Pennsylvania field.

"As we gather here to mark the one-year anniversary of the attack, I would like to share my thoughts on what I have learned since last September," she writes.

"Lesson one: I have been reminded that life is short and precious. That argument with a spouse, the concern over which car to purchase on September 10, suddenly seemed so petty after the attacks. As I evaluated my own life, I realized what mattered most was my relationship with God, my family, loved ones and community. Everything I do now needs to have meaning, purpose, and positively impact those around me.

"Lesson two: Before September 11 we knew we had enemies and lived in a dangerous world, but September 11 we discovered that organized groups of terrorists had both the desire and the ability to create devastation within our country. We can no longer take this security for granted. There is our new reality.

"Lesson three: On September 11 America showed that we are still a nation of heroes. Incredible courage was shown by the New York City firefighters who slapped on their gear and charged into the burning buildings to help victims escape. New York lost 343 of its finest that day. Hundreds of workers in the World Trade Center helped one another escape. I remembered hearing the story of one man who, instead of escaping Tower Two, chose to remain behind with a disabled colleague who could not make it down the stairs. They both perished that day. And, of course, we all heard the story of Flight 93, those extraordinary men and women who said their goodbyes to their loved ones, prayed the Lord's Prayer, and with the words of 'Let's roll,' charged the cockpit to save countless lives in Washington, D.C.

"In an instant these ordinary Americans became legends. All the sacrifices on September 11 have left us speechless with gratitude.

"Lesson four: We have the responsibility to ensure that the lives lost on September 11 were not in vain. We were attacked because of who we are. The principles on which our country was founded, freedom, equality and the dignity of the individual, are a threat to Islamic extremists. They view open, democratic societies as the enemy and want to create a society where there is no religious freedom and no civil liberty. As defenders of liberty we stand in their way.

"At this very moment our servicemen and women are defending the cause of freedom throughout the world. Here on the home front we, too, have a responsibility. Our defense involves upholding the values of America. We have a civic duty to participate in our democratic institutions. We have a responsibility to instill in our children a love of liberty, a love of country, the difference between right and wrong and the willingness to make sacrifices in this ongoing struggle between freedom and tyranny.

"Let me close by reading President Bush's September 20th speech to the Nation:

" 'Great harm has been done to us. We have suffered great loss. And in our grief and anger we have found our mission and our moment. Freedom and fear are at war. The advance of human freedom, the great achievement of our time, and the great hope of every time, now depends on us. Our Nation, this generation, will lift the dark threat of violence from our people and our future. We will rally the world to this cause by our efforts, by our courage. We will not tire. We will not falter. We will not fail.

" 'Thank you. May God bless you all.' "

Sandra Murman, majority leader of the Florida House of Representatives.

POLITICAL SPEECHES IN CHURCHES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES of North Carolina. Mr. Speaker, I appreciate this opportunity.

Mr. Speaker, it is kind of ironic that I would be following the gentleman from Florida (Mr. FOLEY) as he was paying tribute to those who have lost their lives and their families, and then he talked about our military who today are in Afghanistan defending the freedoms that we all enjoy, and our way of life.

☐ 1300

My purpose today in asking for this time is that I have put in legislation, House bill 2357. It is called the Houses of Worship Political Speech Protection Act. I believe that the strength of this country depends on our spiritual leaders having the freedom to talk about issues of the day, whether they be the moral issues of the day or the biblical issues of the day or the political issues of the day, quite frankly.

When I started looking into this legislation and doing the research and the history on why there was a law in the Tax Code that would somehow prevent certain political speech, and the more I looked into it, the more concerned I became because I believe sincerely that the first amendment right of all the American people and all the groups in this country, I mean, must be protected and has been for years and years by men and women who have served this Nation and many who gave their lives for America.

As I looked into why there was some type of political speech restriction on our churches and synagogues and mosques, I found out that in 1954, Lyndon Baines Johnson, United States Senator from Texas, and actually the majority leader of the Senate, had the H.L. Hunt family opposed to his reelection. At the time, the H.L. Hunt family had two think thanks that were conservative in nature and they were not churches, but they were 501(c)(3)-type status.

What Mr. Johnson did on the Senate side, he introduced an amendment to a revenue bill that was never debated. The amendment was never debated, and the Republican minority at that time accepted the Johnson amendment on what they call "unanimous consent," or UC. Basically, what the Johnson amendment did was to put a gag order on any type of political speech by a preacher or priest or rabbi; and I would like to explain that just a little bit for practical reasons.

It happened in the 3rd District of North Carolina, which I have the privilege to represent, that a priest in a Catholic church was asked by a parishioner, a friend of mine named Jerry Schill, if the priest would just say at the end of the homily, or the sermon, on Sunday that George Bush is pro-life, not really anything more than that, but just that one statement. The priest said to Jerry Schill, "Jerry, I cannot do that. If I do, I might be violating the 501(c)(3) status of this church and we would lose that status."

Mr. Speaker, I decided that, working with other Members, including the Chair, that I would introduce the legislation to return the first amendment right to our churches and synagogues and mosques in this country. That was taken away primarily by one man who, in his arrogance being Senator Johnson, wanted to stifle the speech of opposition.

I must tell my colleagues, with a great deal of humility, that we have 130 cosponsors of this legislation. We have recently picked up three or four from the Democratic side, which I am very grateful for. In addition, we recently have received a letter of support from a former Member of the House who is a Democrat, and the former Member's name is Reverend Floyd Flake.

I served my first term with Dr. Flake, and he was a man that we all respected for his integrity and his honesty, and Dr. Flake decided to leave the House and go back to his church. It is the Greater Allen Cathedral of New York; and quite frankly, I found out after we put this legislation in that Reverend Flake had received a letter of reprimand from the IRS, Internal Revenue Service. They have the authority because the Johnson amendment went on the revenue bill, and Reverend Flake had at that time candidate Al Gore in his church and after Presidential candidate Gore was speaking, Reverend Flake got up behind him and said to his congregation that, "I think this is the right man to lead this Nation." That was a violation. So, therefore, instead of losing the status, he was given a warning.

I contacted Reverend Flake, and he wrote me a letter that I want to submit for the RECORD, but I want to read just one paragraph. It says: "I praise God for the stand you have taken to defend the first amendment right of houses of worship. It is unjust that churches and clergymen and women are unfairly targeted when they exercise their rights as American citizens."

Mr. Speaker, I want to read a couple more letters that we have received in support of this legislation. One is from Rabbi Daniel Lapin. He heads a group called Toward Tradition. He is a wonderful man of God. I have heard him on the radio several times, and I am going to submit his letter for the RECORD with the Chair's permission. I will read just two paragraphs: "I hope that Congress and the President would join your campaign to revive one of the most basic principles of the American founding, the freedom of unhindered political speech." That is Rabbi Lapin.

In addition, a letter from D. James Kennedy. Dr. Kennedy says, and this is the Coral Ridge Ministries, "In a culture like ours, which sometimes seems on moral life support, the voice of the church in her message of reconciliation, virgin hope is more important now than ever before. Yet the current law enacted by Lyndon Johnson has effectively silenced the church. We are a poorer Nation for it." D. James Kennedy in support of H.R. 2357.

Then James Dobson sent us his letter. I will submit the letters again with the Chair's permission: "I was encouraged by your work on H.R. 2357, for I have been troubled by the increasing pressure on churches and other religious organizations to desist from speaking out on the moral issues of our day."

A letter of support from the former ambassador to the Vatican, Ray Flynn, also former mayor of Boston, Massachusetts.

The last letter I want to read is from the Southern Baptist Convention, Dr. Richard Land; and Mr. Speaker, I would also with the Chair's permission like to submit the entirety of this letter for the record, also. The paragraph I would like to read, Mr. Speaker, is this: "We endorse your bill because we believe it provides an appropriate barrier to hinder the government from seeking to define the mission of the church. If it should become law, we will encourage Baptist churches to speak freely on the issues of the day as we believe they should already but to refrain from formally endorsing candidates."

The reason I wanted to close with that letter is because this legislation that we have 130 cosponsors on is not anything more or less but to return the freedom of speech to the churches should the churches and synagogues decide that that they would like to talk about such issues of the day.

I include those letters for the RECORD at this point.

THE GREATER ALLEN CATHEDRAL
OF NEW YORK,
Jamaica, NY, June 24, 2002.

Hon. WALTER JONES,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN JONES: I am grateful that we were finally able to connect by telephone regarding H.R. 2357, the Houses of Worship Political Speech Protection Act.

I praise God for the stand that you have taken to defend the First Amendment Right of Houses of Worship. It is unjust that churches and clergymen/women are unfairly targeted when they exercise their rights as American citizens.

I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation.

Sincerely,
Hon. Rev. FLOYD H. FLAKE, D.Min.,
Pastor, U.S. Congressman, Retired.

TOWARD TRADITION,
Mercer Island, WA, October 12, 2001.

DEAR CONGRESSMAN JONES: Thank you for the courageous leadership you so consistently demonstrate along with your steadfast commitment to the founding principles of our blessed country.

I feel honored to stand shoulder to shoulder with you and to offer my full support for H.R. 2357, "The Houses of Worship Political Speech Protection Act," which will revive every American's Constitutional right to free speech in all houses of religious assembly.

Along with most Americans of faith, both Christian and Jewish, I heartily applaud your efforts and determination in promoting this crucial legislation. You perceptively recognize that this long overdue legislation is important to all religious faiths and all political parties.

Use of taxation to influence religious activity is unarguably a violation of every American's First Amendment rights, and H.R. 2357 is a step in the right direction. I hope that Congress and the President will join your campaign to revive one of the most basic principles of the American Founding, the freedom of unhindered political expression.

May our friendship continue to flower in an America moving ever closer back to our founding principles, or as a I like saying, Toward Tradition.

I should mention that I am honored to be speaking this coming Tuesday night at the Adam's Mark in Charlotte for the NC Family Policy Council. I am sure you know those good people.

God bless you, your family and your efforts.

Best wishes to Joanne.

Sincerely,
Your friend,
RABBI DANIEL LAPIN,
President.

CORAL RIDGE MINISTRIES,
Fort Lauderdale, FL, September 20, 2001.

Congressman WALTER JONES,
Cannon House Office Building,
Washington, DC.

DEAR WALTER: Congratulations on your efforts thus far in advancing HR 2357 (The Houses of Worship Political Speech Protection Act). I am very encouraged to hear about the number of cosponsors you have received and hope a great many more will join you in the days ahead.

As you know, I feel this legislation is a vitally important step in reversing a long-standing injustice, whereby free speech seems to be protected everywhere, except in the pulpits of our churches and other houses of worship. In culture like ours, which sometimes seems on moral-life support, the voice of the church and her message of reconciliation, virtue, and hope is more important now than ever before. Yet the current law (enacted by Lyndon Johnson) has effectively silenced the church. We are a poorer nation for it.

I strongly encourage our friends in the House leadership and Chairman Thomas to schedule early hearings on this important piece of legislation. I hope you will communicate these sentiments to them on my behalf.

Walter, I commend you for your forthright and courageous stance in taking on this issue. When this bill becomes law, future generations of Americans may view it—and rightly so—as an important milestone in the reformation of our culture.

Sincerely in Christ,
D. JAMES KENNEDY, Ph.D.

FOCUS ON THE FAMILY,
Colorado Springs, CO, August 21, 2001.

Hon. WALTER B. JONES,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE JONES: It was a pleasure to talk with you over the phone recently. I was encouraged by your work on HR 2357, for I've been troubled by the increasing pressure on churches and other religious organizations to desist from speaking out on the moral issues of our day. It's heartening to know that the Lord has raised up those who, like yourself, are willing to take a stand and defend First Amendment rights. Our prayers will be with you and your staff as you attempt to move this important bill through the House of Representatives. I was pleased to hear that you've already received a promising response from many of your fellow congressmen.

Thanks again for taking the time to discuss this issue with me. It was an honor to become acquainted with you—I commend you for your commitment to the Lord and dedication to your family. All the best as you persevere in the vital role in which God has placed you. Blessings!

Sincerely,
JAMES C. DOBSON, Ph.D.,
President.

SOUTH BOSTON, MA,
October 12, 2001.

Congressman WALTER B. JONES,
Congress of the United States, House of Representatives, Washington, DC.

CONGRESSMAN WALTER B. JONES: Thank you for introducing H.R 2357, legislation guaranteeing the right of free speech to everyone. This proposed legislation is timely and appropriate. Since the events of September 11th, our country has been brought together by President Bush and many religious leaders in a public manifestation of patriotism and civic unity never experienced before in my many years in public service.

I join with other concerned Americans in supporting this legislation and would urge members of Congress to do likewise.

God bless your efforts and thank you for your courageous political and moral leadership.

Sincerely,
RAYMOND L. FLYNN,
National President of Catholic Alliance, Former United States Ambassador to the Vatican, and Mayor of Boston.

SOUTHERN BAPTIST CONVENTION,
ETHICS AND RELIGIOUS LIBERTY COMMISSION,
Washington, DC, October 16, 2001.

Hon. WALTER JONES,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN JONES: Thank you for your leadership in introducing H.R. 2357, the "Houses of Worship Political Speech Protection Act." This bill is critical to the free exercise of religion in the United States.

H.R. 2357 is consistent with the Constitutional principle that the church should be separate from the state. The government should not have the power to define what the church believes or practices in principle or in effect. With the unbridled discretion given to the Internal Revenue Service to selectively target those it wishes to silence or threaten, this principle is not currently being protected.

Your bill will restore the proper balance by providing a "substsantiality" test similar to that already applied in the area of legislation or lobbying.

The Ethics & Religious Liberty Commission believes that while the government should not restrict the activities of the church to define its mission, the church should restrict its own activities consistent with its mission. We believe that the church should speak to the current issues of the day consistent with its own doctrine and teachings. Nothing in the law or practice of government should hinder this freedom. However, we do not believe it is wise, prudent or appropriate for Baptist churches to endorse candidates.

We endorse your bill because we believe it provides an appropriate barrier to hinder the government from seeking to define the mission of the church. If it should become law, we will encourage Baptist churches to speak freely on the issues of the day (as we believe they should already) but to refrain from formally endorsing candidates.

Because not all churches hold the particular constraints of Baptist doctrine and history, we do not expect others to apply this particular bill in the same way. However, consistent with Baptist and Constitutional principles, we believe every church should be free to be the church in the way their own doctrine dictates.

Once again, thank you for your leadership.

Sincerely,
RICHARD D. LAND, D.Phil.

Let me go back to the Catholic priest in the 3rd District of North Carolina.

Why should a preacher or priest or rabbi not, if they choose to believe that the Lord has talked to them in their heart and say that I want your sermon today to be about protecting life or it could be the other side of the issue, where the preacher maybe feels that it is a pro-choice candidate that he or she feels is the right person? Whether they are pro or con on the issue, they should have the right to talk about the issue; but because this law is so vague, and I want to touch on that in just a moment, Mr. Speaker, this law is so vague that half the churches do not know what they can and cannot do when it comes to giving sermons on the biblical issues that are today the political and moral issues of the year 2002.

Mr. Speaker, I believe again that the strength of this country is that its foundation was built on Judeo-Christian principles; and if the spiritual leaders of America do not have the freedom to choose to talk about certain issues, then I think America's future is in trouble.

On the 14th of May of this year, I want to thank the gentleman from New York (Mr. HOUGHTON) and the Subcommittee on Oversight. They held a hearing on this issue, as well as the gentleman from Illinois (Mr. CRANE) has always been very interested in this issue, also. He has just taken a different approach from this bill, but what I wanted to say was that the testimony for the side in support of this law or this bill to change the law, we had Dr. D. James Kennedy fly up from Florida to speak in behalf of this bill. Then a former Member of the House, and a Democrat, who also at one time was the vice mayor of Washington, D.C., Pastor Walter Fauntroy, spoke in behalf of this legislation; and then the attorney for the American Center for Law and Justice who helped me draft this legislation, Colby May, was also one of the witnesses in behalf of this legislation.

At a later time I am going to bring to the floor testimony of two of the IRS representatives, a Mr. Miller and a Mr. Hopkins, who appeared before the Subcommittee on Oversight on that day, and I am going to just paraphrase a couple of comments they made, but I am going to come back next week and submit for the RECORD a couple of statements that they made.

First of all, they acknowledged that this was a very difficult law to enforce, when they were asked by the chairman, "How do you enforce this law?" They said that it was very difficult to do.

Secondly, what really, really got my attention is that they acknowledged that they were dependent on a third party to report the church or synagogue. Mr. Speaker, that reminds me of my days of studying the history of the forties, when the government is looking for a third party to report a violation of a law, that really, being a man of faith that I am, and a man that believes strongly in the Constitution, that really gives me trouble, to be very honest about it.

In addition, what the IRS agent said was that possibly the legislation that we have introduced would help them better understand the vagueness of the Johnson amendment. So I am very hopeful that sometime this year that we as a House will take this bill up for a debate and a discussion and a vote.

I want to, as I begin to start towards my closing, I am going to take maybe 5 or 6 more minutes, I would like to read a quote by a former Congressman, George Hansen. I believe and I stand to be corrected, he is from the State of Idaho, but he served years ago, but this is what I want to say today and to get in the RECORD. This is what Congressman Hansen said: "It is impossible to have religious freedom in any Nation where churches are licensed to the government." I am going to repeat that, Mr. Speaker, because I think what Mr. HANSEN said is absolutely correct: "It is impossible to have religious freedom in any Nation where churches are licensed to the government."

For those again, let me remind the House that if this was 1953, I would not be on this floor because, Mr. Speaker, there would not be any restrictions of speech on the churches. I have done the research, and I have found that when the churches and synagogues in this country qualified for the 501(c)(3) status, there was no restrictions at all on the speech of those churches or synagogues or mosques in this country. It is the Johnson amendment that was never debated that put the government into the churches and synagogues of this Nation, and I again believe so much in the first amendment right of each and every American citizen that certainly our spiritual leaders, should they choose to talk about the issues of the day, whether they be political issues of the day or moral issues of the day, they should have the right to do so.

Let me also use another quote, if I may, from Martin Luther. Martin Luther said: "The church must be reminded that it is neither the master nor the servant of the State but, rather, the conscience of the State." Mr. Speaker, what he is saying is that the church should not be the servant of the State. It should be the conscience of the State. How can it be the conscience of the State if the Federal Government, through the IRS, is trying to intimidate what they say?

Mr. Speaker, I am going to close in just about 2 or 3 minutes and yield back my time to the Chair, but I want to close this way by saying that I am a person who believes that this country's strength is the fact that we are a Nation under God, and those people that are opposed to this legislation, in my opinion, do not either understand the history of America and the history of the Johnson amendment, or they are for whatever reason concerned about the churches and the synagogues having the freedom, the total freedom of speech that they enjoyed in 1953, that was taken away from them in 1954.

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Mr. Speaker, with the help of my colleagues, and I thank the Democrats who have joined me in this effort, we will continue to fight this battle for returning the First Amendment to our churches and synagogues.

I want to close by a certain way I close in my district every time I speak, and that is to ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God to please bless the Members of Congress, both House and Senate, and their families. I ask God to please bless the President of the United States as he has some very difficult decisions in the days ahead of him, as we do. And I always close by saying three times, I ask God to, please, God, please, God, please, continue to bless America.

HONORING GENERAL BERNARD A. SCHRIEVER

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized for the remainder of the majority leader's hour, 44 minutes.

Mr. STEARNS. Mr. Speaker, I want to commend the gentleman from North Carolina (Mr. JONES) for his courageous stand, and his desire to ask for the Almighty's blessings on this country again and again.

Mr. Speaker, I rise today to honor Bernard A. Schriever, United States Air Force (retired), for his dedication and service to the United States Air Force, for his essential service in the development of the United States ballistic missile program, and for his lifetime of work to enhance the security of the United States of America.

He was born in Bremen, Germany in 1910. Bernard Schriever came to America in 1917 and became a naturalized citizen in 1923. After graduating from Texas A&M, he began his military career in 1931 as an Army artillery officer, later transferring to the Army Air Corps for flight school and flying 36 combat missions during World War II. In 1943, General Schriever became chief of staff for the Maintenance and Engineering Division of the Fifth Air Force Service Command, and then commander of the advance headquarters, Far East Service Command, which supported theater operations from bases in Hollandia, New Guinea, Leyte, Manila, and Okinawa.

He was promoted to lieutenant colonel in August 1943 and then to full colonel in December at the young age of 33.

Following World War II, General Schriever was assigned to the position of Chief of the Scientific Liaison Section under the Deputy Chief of Staff for Materiel, Army Air Force headquarters, and while in that post, he developed planning documents that linked ongoing research and development efforts with long-range military planning.

In 1954, the Air Force's highest priority was the development of the first intercontinental ballistic missile, the Atlas, and soon thereafter development of that missile became a top national priority under the Eisenhower administration to counter the Soviet nuclear threat. At that time the Soviet Union had produced nuclear and thermonuclear bombs and was pursuing an aggressive rocket technology program culminating in the October 1957 launch and orbit of the Sputnik satellite.

General Schriever led the development of the new United States ballistic missile program and headed the Western Development Division, later called the Ballistic Missile Division, which was solely responsible for planning, programming and developing the intercontinental ballistic missile. In fact, the size and funding of the Western Development Division was actually larger than the Manhattan Project.

On December 17, 1957, the Air Force conducted the first successful test launch of an Atlas missile, and by 1963 the Strategic Air Command had deployed 13 Atlas missile squadrons with nearly 120 missiles on alert to meet the contemporary Soviet Union threat. General Schriever oversaw the simultaneous development of the Atlas missile and the intermediate-range ballistic missile, Thor, which achieved an initial operating capability in 1959. Furthermore, the more advanced Titan intercontinental ballistic missile reached initial operating capacity by April 1962. And by October of 1962, 10 Minuteman intercontinental ballistic missiles were placed in service in response to the Cuban missile crisis.

Mr. Speaker, it is nothing short of amazing that General Schriever's efforts produced, within only 8 years, four complete missile systems for the United States, each system being more advanced and more complicated than its predecessor. Both the Atlas and the Titan systems were modified and became the workhorses for America's space program, and the Atlas missile is still used as a satellite launch vehicle today.

General Schriever retired in 1966 as a four star general, and continued his service to the United States as a member of the President's Foreign Intelligence Advisory Board, the Defense Science Board, and the Ballistic Missile Defense Organization Advisory Committee. His expertise is still sought in the continuous development of America's space systems.

Walter J. Boyne, former director of the National Air and Space Museum of the Smithsonian Institution, wrote, "Today's navigational, meteorological, intelligence, and communication satellites owe their existence to the work of Schriever and his team." Furthermore, the Air Force in its official biography of General Schriever recognizes him as "the architect of the Air Force's ballistic missile and military space program."

Furthermore, the Falcon Air Force base outside of Colorado Springs was renamed the Schriever Air Force Base.

Mr. Speaker, during my service in the United States Air Force, I had the opportunity to work on many of the systems that General Schriever and his team pioneered. His name was spoken with an air of reverence, and the enormity of his accomplishments in developing a viable deterrent to the Soviet threat and ensuring American predominance in space was not lost on all of the Air Force personnel. I remember an article in Air Force News back in 1999 where General Schriever stated, "We envisioned that space would become critical to our warfighters. Even back in the 1950s when we were talking about deterrent capabilities, we believed space would become an important factor. Nowadays, thanks to space, in the first few days of a conflict, we can shut their eyes, ears and their ability to talk. Then you can apply your forces with much less risk. Just look at what happened in the Persian Gulf and the Balkans, entirely different from Korea and Vietnam. Space had everything to do with that."

General Schriever continues to uphold that premise, as he recently stated at a ceremony last month honoring space and missile pioneers when he said, "We have to be number one in space. We need to keep that position to deter that kind of capabilities to make war."

Mr. Speaker, America's dominance in space today is due in large part to the leadership, talent, and selfless service of General Bernard A. Schriever. I stand here today to state that Congress recognizes and honors him for his dedication and service to the United States Air Force, for his essential service in the development of the United States ballistic missile program, and for his lifetime of work to enhance the security of the United States.

Thank you, General Schriever. God bless you, and God bless America.

HONORING JOHNNY UNITAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CARDIN) is recognized for 5 minutes.

Mr. CARDIN. Mr. Speaker, I rise today to recognize the untimely death of Johnny Unitas, whom I think everyone would agree is the greatest football quarterback of all time.

Johnny, "The Golden Arm," died Wednesday, September 11, 2002 of a heart attack at age 69. The Hall of Famer came to Baltimore from Pittsburgh to work for Bethlehem Steel at Sparrow's Point. He played for the Baltimore Colts from 1956 until 1973.

The Baltimore Sun described Johnny's legacy perfectly: "Baltimoreans fell in love with a plain-spoken, rough-hewn hero who epitomized their city of steelworkers and longshoremen." Unitas retired in 1973, holding 22 NFL records. He completed at least one touchdown pass in 47 straight games, a record that no one has even come close to matching. He did that during the years from 1956 through 1960. He led the Baltimore Colts to the NFL championship in 1958 and 1959, and the Super Bowl in 1970. Johnny Unitas was inducted into the Football Hall of Fame in 1979.

On the NFL's 50th anniversary, Johnny was voted the greatest quarterback of all times. With the aid of national television, Johnny catapulted the NFL into the public's eyes every day, driving the growing popularity of professional football.

Mr. Speaker, he was responsible for developing the national phenomenon of enjoying football the way we do today.

Johnny's trademark hunched shoulders, crew cut, black high-top cleats and stern look found a home in the heart of every Baltimorean. I was a teenager when Johnny Unitas played for the Colts. I remember fondly the days of his 18-year NFL career. More than a football player, Johnny touched the community with his devoted service to charitable causes; he was kind, warmhearted and affable.

This past week I had the opportunity to be with him at Towson University. He was continuing his community service. He never denied a person an autograph, not because he thought he was a star, but he knew that he would disappoint the youngster, or even an older person, if he would not give that person his autograph. He was always available to help in our community for charitable events.

Mr. Speaker, I ask my colleagues to join me in remembering Johnny Unitas, a legacy not only in Baltimore, but across the Nation. On the field, he will always be known as No. 19, but he will surely remain number one in our hearts. We offer our condolences to his family. We will always remember what he has meant to professional football, and what he has meant to Baltimore.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for September 11 and 12 on account of official business.

Mr. BONILLA (at the request of Mr. ARMEY) for today on account of family medical reasons.

Mr. ISSA (at the request of Mr. ARMEY) for today on account of attending President Bush's address to the opening of the U.N. General Assembly.

Mr. MCHUGH (at the request of Mr. ARMEY) for today until 11:00 a.m. on account of meetings at the White House.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. BALLENGER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. CARDIN, for 5 minutes, today.

ADJOURNMENT

Mr. CARDIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 13, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9082. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregan, Utah, Washington and Wisconsin; Order Amending Marketing Agreement and Order No. 930 [Docket Nos. AO-370-A7; FV00-930-1] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9083. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, California; Increased Assessment Rate [Docket No. FV02-987-1 FR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9084. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Celery Grown in Florida; Termination of Marketing Order No. 967 [Docket No. FV98-967-1 FR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9085. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV02-916-1 FIR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9086. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hass Avocado Promotion, Research, and Information Order [FV-01-705-FR] (RIN: 0581-AB92) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9087. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit [Docket No. FV02-905-2 IFR] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9088. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 98-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9089. A letter from the Assistant Secretary, Department of Defense, transmitting a report on the summary of amounts for Cooperative Threat Reduction (CTR) programs in the Former Soviet Union, pursuant to Public Law 105—85 section 1409 (111 Stat. 1962); to the Committee on Armed Services.

9090. A letter from the Under Secretary, Deaprtment of Defense, transmitting the Department's report on Nuclear-Powered Submarine Force Structure; to the Committee on Armed Services.

9091. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, "Recommendations from the U.S. Secretary of Defense For Additional Emergency Procurement Authority To Support Anti-Terrorism Operations"; to the Committee on Armed Services.

9092. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Performance of Security Functions [DFARS Case 2001-DO18] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9093. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Certification of Disclosure in Companies' Quarterly and Annual Reports [RELEASE NOS. 33-8124, 34-46427, IC-25722; File No. S7-21-02] (RIN: 3235-AI54) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9094. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9095. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Substance Abuse and Mental Health Services Administration Mental Health and Substance Abuse Emergency Response Criteria (RIN: 0930-AA09) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9096. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: United States Munitions List, Categories II, III, VII, XVI and XVIII; and Section 123.7 — received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9097. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule — Bureau of the Census Certification Process [Docket No. 020509117-2195-02] (RIN: 0607-AA36) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9098. A letter from the Employee Benefits Porgram Manager, Department of Defense, transmitting the annual report of the Retirement Plan for Civilian Employees of United States Marine Corps Community Service Activities, The Personal and Family Readiness Division and Miscellaneous Nonappropriated Fund Instrumentalities, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

9099. A letter from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9100. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9101. A letter from the Acting Assistant Administrator/National Ocean Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Graduate Research Fellowships in the National Estuarine Research Reserve System for FY03 (RIN: 0648-ZB26) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9102. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on March 13, 2002, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

9103. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the Court for the District of Columbia Circuit; to the Committee on the Judiciary.

9104. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Removal and Revision of Regulations — received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9105. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administrator's final rule — Small Business Competitiveness Demonstration Program (RIN: 2700-AC33) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9106. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-61] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9107. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report on Options for Assisting Russia in the Development of Alternative Energy Sources for Seversk and Zheleznogorsk to Facilitate Cessation of Weapons-Grade Plutonium Production; jointly to the Committees on International Relations and Armed Services.

9108. A letter from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting notification of prospective funding obligations requiring special notification for Serbia under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; jointly to the Committees on International Relations and Appropriations.

9109. A letter from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting notification of prospective funding obligations requiring special notification for Colombia under Section 520 of the Kenneth M. Ludden Foreign Operations,Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; jointly to the Committees on International Relations and Appropriations.

9110. A letter from the Assistant Secretary for Economic Development, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2000, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 5091. A bill to increase the amount of student loan forgiveness available to qualified teachers, with an emphasis on special education teachers; with an amendment (Rept. 107–655). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BALLENGER, and Mr. NORWOOD):

H.R. 5373. A bill to enhance notification to union members of their rights under the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BALLENGER, and Mr. NORWOOD):

H.R. 5374. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to inform union members of their rights; to the Committee on Education and the Workforce.

By Mr. MICA (for himself, Mr. KELLER, Mr. WELDON of Florida, Mr. STEARNS, Mr. BISHOP, and Ms. BROWN of Florida):

H.R. 5375. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure public safety officers receive benefits; to the Committee on the Judiciary.

By Mr. COMBEST (for himself, Mr. STENHOLM, Mr. GOODLATTE, Mr. HANSEN, Mr. MCINNIS, and Mr. BERRY) (all by request):

H.R. 5376. A bill to enhance the authorities of the Secretary of Agriculture and the Secretary of the Interior to reduce catastrophic wildfire threats to communities and the environment; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN:

H.R. 5377. A bill for the relief of John Castellano; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. SERRANO, Mr. TOWNS, Mr. ISRAEL, Mr. OWENS, Mr. RANGEL, Mr. ACKERMAN, Mr. HINCHEY, Mr. WEINER, Ms. VELÁZQUEZ, Mr. MCNULTY, and Mr. CROWLEY):

H.R. 5378. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mr. NETHERCUTT:

H.R. 5379. A bill to amend the Secure Rural Schools and Community Self-Determination Act of 2000 to clarify the treatment of title III project funds reserved by counties under such Act for purposes of disbursements under chapter 69 of title 31, United States Code; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 5380. A bill to amend the Internal Revenue Code of 1986 to increase the amount of capital losses that may offset ordinary income; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon:

H.R. 5381. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H. Con. Res. 467. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TURNER introduced a bill (H.R. 5382) to provide for the liquidation of certain entries of polytetrafluoroethylene; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 267: Mr. WEINER.

H.R. 440: Mr. TIAHRT and Ms. VELÁZQUEZ.

H.R. 638. Ms. DELAURO and Ms. ROYBAL-ALLARD.

H.R. 854: Mr. BURTON of Indiana and Mr. FROST.

H.R. 951: Ms. JACKSON-LEE of Texas, Mr. BOEHNER, Mr. COLLINS, Mr. WEXLER, and Mr. LATHAM.

H.R. 1212: Mr. WAMP.

H.R. 1232: Mrs. CAPPS and Ms. ROYBAL-ALLARD.

H.R. 1305: Mrs. MYRICK.

H.R. 1581: Mr. MCINNIS.

H.R. 1598: Ms. DELAURO.

H.R. 1918: Mr. MOORE and Mr. HOLT.

H.R. 2073: Mr. CARSON of Oklahoma and Ms. LOFGREN.

H.R. 2088: Mr. BALDACCI.

H.R. 2207: Mr. CLYBURN, Mr. KING, and Mr. OTTER.

H.R. 2329: Mr. LARSON of Connecticut.

H.R. 2592: Ms. ESHOO.

H.R. 2723: Mrs. JO ANN DAVIS of Virginia.

H.R. 2953: Mr. ENGEL.

H.R. 3183: Mr. SANDLIN.

H.R. 3409: Mr. GRUCCI.

H.R. 3521: Mr. HYDE.

H.R. 3612: Mr. WALSH, Mr. ACEVEDO-VILÁ, and Mr. LARSON of Connecticut.

H.R. 3710: Mr. COOKSEY, Ms. RIVERS, Mr. CRANE, and Mr. LANTOS.

H.R. 3897: Mr. THUNE.

H.R. 3930: Mr. REHBERG, Mr. SANDERS, Mr. EHRLICH, Ms. SLAUGHTER, Mr. WATKINS, Mr. KIND, Mr. CASTLE, Mr. ALLEN, Mr. MCNULTY, Mr. KENNEDY of Rhode Island, Ms. HOOLEY of Oregon, Mr. PAYNE, Mr. DINGELL, Mrs. DAVIS of California, Mr. WU, Ms. MCCARTHY of Missouri, Mr. HOEFFEL, Ms. BALDWIN, and Mr. BLAGOJEVICH.

H.R. 3990: Mr. WATTS of Oklahoma.

H.R. 3992: Mr. LUCAS of Kentucky and Mr. SULLIVAN.

H.R. 4025: Mr. PRICE of North Carolina.

H.R. 4548: Mr. ISRAEL, Mr. PASTOR, Mr. GEORGE MILLER of California, Mr. WYNN, Mr. EHRLICH, Mr. BALDACCI, Mr. MCGOVERN, Mr. SHIMKUS, and Mr. CARSON of Oklahoma.

H.R. 4561: Mr. HONDA.

H.R. 4594: Mr. THOMPSON of California.

H.R. 4600: Mr. PUTNAM, Mr. GILLMOR, and Mr. RILEY.

H.R. 4604: Mrs. NORTHUP.

H.R. 4691: Mr. FLETCHER, Mr. LUCAS of Kentucky, Mr. TIAHRT, Mr. BOOZMAN, and Mr. LAHOOD.

H.R. 4803: Ms. SÁNCHEZ, Mr. DEUTSCH, and Mr. SHAYS.

H.R. 4814: Ms. HARMAN, Mr. KILDEE, and Mr. LUTHER.

H.R. 4983: Mr. STRICKLAND, Mr. KANJORSKI, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5073: Mr. PAYNE.

H.R. 5250: Mr. PLATTS, Mr. BALDACCI, and Mr. MCGOVERN.

H.R. 5274: Ms. SLAUGHTER, Ms. WATSON, and Mr. BONIOR.

H.R. 5293: Ms. WOOLSEY, Mr. BENTSEN, Ms. WATSON, Mr. FILNER, Ms. VELÁZQUEZ, Mr. BROWN of Ohio, Mr. LARSEN of Washington, Mr. WEXLER, Ms. BALDWIN, Ms. RIVERS, Mr. BLUMENAUER, Ms. LOFGREN, Mr. INSLEE, Mr. MARKEY, and Mr. FRANK.

H.R. 5294: Mr. KUCINICH.

H.R. 5312: Ms. SÁNCHEZ.

H.R. 5340: Ms. HARMAN, Ms. LEE, Mrs. TAUSCHER, Mr. THOMAS, and Mr. GARY G. MILLER of California.

H. Res. 499: Mr. PAYNE.

SENATE—*Thursday, September 12, 2002*

The Senate met at 9:45 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. The prayer today will be offered by the guest Chaplain, the Reverend F. Kenneth Hoffer, Mount Culmen Evangelical Congregational Church, East Earl, PA.

PRAYER

The guest Chaplain offered the following prayer:

Please join me in prayer.

Almighty God, we lift our thanks for Your guidance which has preserved our Nation, a nation "under God," and for the peaceful continuity of government in America.

We look gratefully to the past, thanking You that from the foundations of America, You granted our forefathers courage and wisdom, as they trusted in You.

By their example to lead, guide, and direct, inspire the women and men of this Senate whom You have entrusted leadership to serve and wage the struggle to find peace and justice in our world. May they see Your vision and wisdom for the problems of this hour that we face as a nation.

Bless the Senators as they render dynamic leadership and thank You for all our leaders, diplomats, and military personnel. Let our resources be a strength to all, regardless of race, creed, faith, age, sex, or national origin.

May we work together toward peace, righteousness, and goodness for all peoples of all nations. We pray to You, O God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 12, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. The Senate is going to vote on Timothy Corrigan to be a district judge for the middle district of Florida. Following disposition of that nomination, we will go to the Interior bill; that is, the pending Craig amendment. The Dodd amendment also has been offered. We hope there can be some resolution of the forest amendment. If we could do something about the fire suppression amendments that are around, the Craig amendment and there is another to be offered, we could resolve this bill quickly. It appears at this stage that has not been done yet.

After 2 o'clock, we hope there will be a couple of back-to-back votes. They have been cleared on this side and tentatively cleared on the other side to vote on the Thompson amendment and also on the Hollings amendment. That has not quite been done yet, but Members should understand there very possibly could be votes at 2 o'clock today.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. REID. I am happy to yield.

Mr. CRAIG. I think the leader has certainly appropriately explained where we are with the Craig-Domenici amendment and our efforts. We have met consistently over the last several days with colleagues on both sides of the aisle to see if we could strike a bipartisan agreement. At this time we are working with Senator FEINSTEIN and Senator WYDEN to see if we can come together so they can come to your caucus to determine whether we can pick up support in a bipartisan way.

We would like to have the remainder of the day to work. At the same time, I recognize the frustration holding up the Interior appropriations bill for this purpose. I think both the Senator and I recognize the critical character of what we are trying to do here—or the nature of it—in resolving this issue. If you can give us a little more flexibility, I think at some point—probably by the end of the day—we will know whether we can or cannot go any further.

Mr. REID. Mr. President, it is really a waste of the Senate's time to debate his amendment today and, further, we pretty well know the respective positions. Senator BYRD will be here to manage the bill this morning. I know he has an amendment to offer, as others do. Maybe there could be an agreement made to set aside the Senator's amendment, recognizing that it would be the matter before the Senate at any time you call it. We will try to work on something like that.

Mr. CRAIG. I appreciate the Senator saying that. I am certainly willing to look at that and allow other amendments that the chairman would think are appropriate to move on this amendment—to move without it being an obstruction.

The Senator is right, this issue is defining it. I will probably want to speak on it, and others may want to do the same. We have at least a 2-hour timeframe to get some work done. I hope we can do it.

Mr. REID. Mr. President, I didn't mean to say that anybody speaking on the amendment is a waste of time. I meant to say there is no need to be speaking unnecessarily when we can do other things. If the Senator or people who oppose his amendment want to speak, that will be helpful to the Senate. What I am saying to the Senator from Idaho is, you don't need to maintain the floor to protect your rights, nor do we. I have received calls, as has the majority leader, from some Democratic Senators who believe there may be some ability to work out a compromise.

Mr. CRAIG. Good. I thank the Senator for saying that. I did not take that characterization in any critical way.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to proceed to the consideration of Calendar No. 960, which the clerk will report.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

The legislative clerk read the nomination of Timothy J. Corrigan, of Florida, to be United States District Judge for the Middle District of Florida.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the chairman and ranking member of the Judiciary Committee.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, how much time is available to the Senator from Vermont in his capacity as chairman of the Judiciary Committee?

The ACTING PRESIDENT pro tempore. Three minutes 40 seconds.

Mr. LEAHY. I thank the distinguished Presiding Officer.

Yesterday marked the first anniversary of the September 11 terrorist attacks on the United States. Americans, very appropriately, honored the memory of the brave men and women who died in that terrible time. Our thoughts were and are with those who perished that day, the loved ones they left behind, and the heroes who acted with fearlessness, bravery and hope.

The world has changed during the last year, but, fortunately, the principles on which this country was founded have not changed. I want to especially commend Chief Judge William Sessions of the U.S. District Court for the District of Vermont for proceeding with an immigration and naturalization ceremony in Vermont yesterday. What a wonderful gesture, granting citizenship to a new group of Americans and reminding us that we are a nation of immigrants and that our borders are open to immigrants who come to America seeking freedom, opportunity and a better life for their children. Whether our relatives came here for religious or political freedom in the 17th or 18th centuries, or to escape famine and persecution in the 19th and 20th centuries, many of us are descendants of those immigrants. Senator KENNEDY reminded us all earlier this year that immigrants are not the problem, terrorists are the problem. When the President appeared last night on Ellis Island, framed against the backdrop of the Statue of Liberty, that setting likewise reminds us that we are a nation of immigrants. Let this country, and what it stands for, always be a beacon of hope and freedom for the oppressed and downtrodden.

I am glad to see the President before the U.N. today. When our President speaks before the United Nations, we should not be looking at it as Democrats or Republicans, but as Americans. We want him, in his representation of our Nation and as our chief spokesperson on foreign policy, to be successful, and I wish him that success. I also appreciate his invitation to be there for the speech. Of course, our Senate votes will keep me here.

The Judiciary Committee continues working hard to make progress on judicial nominations and on legislation to respond to the new challenges that face our great nation. The Senate met on September 12 last year, and the Judiciary Committee held a business meeting on September 13. I kept the agenda that day to consensus items and bipartisan legislation. I felt strongly that we did not need partisan bickering but that we needed to come together and show that we can unite and that there is much that unites us all. We were able to report the first United States Attorneys nominated by President Bush. We worked on our bill to authorize the activities of the Department of Justice, a bipartisan drug use prevention, treatment and rehabilitation bill and the bipartisan Drug Competition Act.

That same afternoon we held a confirmation hearing for judicial nominations, including a judicial nominee from Mississippi. Just as we continued to meet and work in the immediate aftermath of the attacks on September 11, we also proceeded with hearings through and in the immediate aftermath of the receipt of the anthrax letters sent to Majority Leader DASCHLE and to me.

We worked hard to improve what became the USA PATRIOT Act with bipartisan support in the weeks that followed in September and into late October. In addition to our work on this landmark legislation, as well as continued oversight of the Justice Department, the FBI and the INS, we continued to hold judicial nominations hearings to help fill vacancies in our Federal courts with fair-minded judges.

We have now reported 80 judicial nominees out of committee. With today's confirmation of Judge Corrigan for the Middle District of Florida, we will confirm our 75th judicial nomination from President George W. Bush. We have confirmed more of President Bush's nominees in less than 15 months—75—than were confirmed in the last 30 months that a Republican majority controlled the Senate and the pace of judicial confirmations—73. We have also now confirmed more of President George W. Bush's judicial nominations since July, 2001—75—than were confirmed in all of 1989 and 1990, the first 2 years of the term of his father President George H.W. Bush—73.

As I have noted through the year, we could have accomplished even more with a modicum of coöperation from the White House. I regret that the administration and some Senate Republicans have been unwilling to acknowledge what we have accomplished in this regard but have, instead, chosen a strident posture and rejected our efforts toward bipartisan cooperation. The administration has chosen division rather than consensus with respect to its selection of Federal judges, which is unfortunate and unnecessary. The White House has insisted on sending forth a number of nominees who are divisive. Their records evidence judicial activism to reach ultra-conservative outcomes. Thus, in addition to reporting favorably 80 judicial nominees since the change in majority, the Judiciary Committee has, after a hearing and careful consideration, voted against reporting two nominations.

I regret that with respect to the important matter of our independent Federal judiciary, a matter that affects all Americans, the White House has chosen the path of partisanship. I regret that some in the White House and among Republicans would rather raise campaign funds and stir up their most extreme supporters than fill judicial vacancies quickly with consensus nominees.

Senate Republicans are running away from their own record. It is revealing that they refuse to make a fair comparison to the actual results during their most recent period of Senate control, which shows starkly how far we have come. Had they, in the 6½ years they were in the Senate majority, acted as fairly and as quickly on President Clinton and President Bush's judicial nominees as we have, we would have far fewer vacancies.

The truth is that we have done about twice as much as they. With today's vote, the Democratic-led Senate will confirm its 75th judge—exceeding the number of circuit and district court nominees the Republican Senate majority was willing to confirm in the last 30 months of their control of the process. Democrats have done more than Republicans did in less than half the time. Likewise, in less than 15 months of Democratic control of the committee, we have held more hearings, for more nominees, and voted on more nominees in committee, and the Senate has confirmed more nominees, than the Republicans did in their first 15 months of control of the committee in 1995 and 1996.

That today the Senate will confirm the 75th judge since July, 2001, is indication both of what we have been able to accomplish and what could be accomplished with some cooperation from the White House and Senate Republicans. I have noted how simple procedural accommodations that I suggested would have already resulted in another 10 to 15 fewer vacancies and more confirmations.

Unfortunately, my efforts to increase cooperation with the White House have been rebuffed. We continue to get the least cooperation from any White House I can recall during my 26 years in the Senate. This is not the way to get judges through the Senate. Rather, with cooperation, with work, with something more than just words, nominees get through.

A New York Times editorial this week, on September 10, noted: "We must fight the enemies of freedom abroad without yielding to those at home." We know that the terrorists are our enemy; they attacked all of us last September 11 and in the attacks that preceded it on U.S. embassies and the USS *Cole* and the 1993 World Trade Center attack. Republicans are wrong to try to make Democrats or the Judiciary Committee the enemy. We all want to ensure an independent and impartial Federal judiciary as a protector of our freedoms. Thus, ends-oriented, ideologically driven nominees selected to push the circuit courts and the law in a rightward direction are going to be scrutinized and may well be rejected.

I hope that, as we did in the days immediately following September 11, 2001 last year, we can come together and demonstrate unity. Since last July, we have greatly reformed the confirmation process and brought it out of the shadows and into the light of day. We now hold hearings, debate nominations, cast our votes, and abide by those votes. That was not the committee practice in the recent past, when secret holds and anonymous objections stalled scores of nominees by President Clinton. We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have already held 23 judicial nominations hearings, including one the week of September 11, 2001, and others during the period in which committee offices and hearing rooms were closed because of the anthrax letters.

Yesterday I noticed our 24th hearing to be held next week. I intend to call Professor Michael McConnell of Utah as a nominee at that hearing. Despite the fact that the committee has already acted upon and the Senate has already confirmed Judge Harris Hartz last December and Judge Terrence O'Brien this April to the 10th Circuit, the first new 10th Circuit judges in 7 years, I will proceed with a third hearing on a 10th Circuit nominee at the request of Senator HATCH. The other circuit court for which we have held hearings on three nominees has been the 5th Circuit. There, we proceeded with nominees at the request of Senator LOTT and Senator HUTCHISON.

In addition, at the nominations hearing next week we will hear from District Court nominees from California, Delaware, New Jersey, Tennessee, and Texas. By proceeding next week we are able to proceed with a full complement of District Court nominees. That leaves only one District Court nominee with the support of home-State Senators and an ABA peer review who has not yet been scheduled for a hearing.

Today's vote is on the nomination of Judge Corrigan to the United States District Court for the Middle District of Florida. Judge Corrigan has an extensive career, serving as a general litigator in private practice for over 14 years and as a U.S. Magistrate Judge for the Middle District of Florida since 1996. He received a unanimous "Well-Qualified" rating from the ABA and has strong bipartisan support. While so many nominees of President Clinton had that rating but were never given a vote by the Republican majority, Judge Corrigan received a hearing and a vote within days of his file being complete in July.

The confirmation of Judge Corrigan today will bring additional resources to the U.S. District Court for the Middle District of Florida. Judge Corrigan was nominated to fill a new position Congress created by statute in 1999 to address the large caseload facing the federal courts in Florida. He makes the second Florida district court nominee that we will have confirmed in one week. I congratulate Judge Corrigan and his family.

During the Clinton administration, we all worked very hard in cooperation with Senators GRAHAM and Mack to ensure that the Federal courts in Florida had its vacancies filled promptly with consensus nominees and had the judicial resources it needed to handle its caseload. Due to bipartisan cooperation among the Senators and with the White House, during the Clinton administration, the Senate was able to confirm 22 judicial nominees from Florida, including 3 nominees to the 11th Circuit. It is most unfortunate that such tradition of cooperation, coordination and consultation has not been continued by the current administration.

My recollection is that the only Florida nomination that generated any controversy or opposition was that of Judge Rosemary Barkett of the Florida Supreme Court to the 11th Circuit. I do recall that Judge Barkett was strongly and vociferously opposed by a number of Republican Senators because of what they viewed as a judicial philosophy with which they did not agree. Those voting against her confirmation include Senators HATCH, GRASSLEY, MCCONNELL, SPECTER, and THURMOND, all of whom are now on the Judiciary Committee, as well Senators LOTT, NICKLES, and HUTCHISON of Texas. Judge Barkett received the highest rating of the ABA, "Well Qualified," and yet 36 Republicans voted against her confirmation, but she was confirmed with bipartisan support, including the support of her home-State Senators. Indeed, there was extended opposition both before the Judiciary Committee and on the Senate floor.

Unfortunately, the cooperation, coordination and consultation that Senator Mack and Senator GRAHAM shared with the Clinton White House do not seem to be the model for the way this White House has chosen to communicate with Senator GRAHAM and Senator NELSON. That is most unfortunate. It is a tribute to Senator GRAHAM and to Senator NELSON that we have made the progress that we have. I know that it has not been easy. They have been more than gracious in their willingness to support these nominees. We urge the White House to work with these Senators to nominate qualified, consensus nominees for the remaining vacancies in the courts.

With today's vote, the Democratic majority in the Senate has demonstrated once again how it is fairly and expeditiously considering President Bush's judicial nominees. We have worked very hard to provide bipartisan support for the White House's nominations in spite of its lack of willingness to work with us in partnership.

Mr. HATCH. Mr. President, I rise in support of the confirmation of Tim Corrigan to the U.S. District Court for the Middle District of Florida.

I have had the pleasure to review Judge Corrigan's distinguished career and I can say, without hesitation, that his confirmation will bring to the Federal bench, not just a legal scholar with impeccable credentials, but a caring individual who used his many skills and talents to serve his community and his less fortunate fellow citizens.

Tim Corrigan graduated with distinction from Duke University in 1981, where he was a member of the editorial board of the Duke Law Journal. After graduation, he served as a law clerk to the Honorable Gerald B. Tjoflat of the United States Court of Appeals for the Eleventh Circuit.

Following his clerkship, Judge Corrigan spent 14 years in private practice with a prominent Jacksonville law firm, where he focused on civil litigation. He also engaged in a substantial appellate practice, including preparing appellate briefs and delivering oral argument in several district courts of appeals in Florida, the Supreme Court of Florida, and the U.S. Court of Appeals for the Eleventh Circuit. Moreover, Judge Corrigan served as co-counsel in a case in the U.S. Supreme Court where he had a primary role in the preparation of the briefs.

Judge Corrigan became a U.S. Magistrate Judge in 1996. Because of the heavy caseload of the Middle District of Florida, the magistrate judges are entrusted with substantial responsibilities. Thus, in addition to handling a broad array of civil and criminal nondispositive motions, he has conducted numerous evidentiary hearings in criminal cases and issued many reports and recommendations regarding dispositive criminal motions. He has also exercised full jurisdiction over Federal civil cases, including a lengthy jury trial.

Judge Corrigan has published a number of legal writings and recently participated in a revision of the Middle District of Florida's Civil Discovery Handbook. He has also taught law school classes as an adjunct instructor.

Judge Corrigan has been recognized by the Jacksonville Bar Association for the many hours he has spent doing pro bono work. Throughout his career he has volunteered his time for the United Way, Big Brothers, the Special Olympics, the Jacksonville Area Legal Aid, and the Guardian of Dreams, an organization that provides scholarships to low-income students.

Judge Corrigan will make a fine member of the Federal Bench.

Mr. President, I wish to respond to some of the remarks of my colleague from Vermont about the Judiciary Committee's treatment of President Bush's judicial nominees.

My colleague from Vermont says that the Judiciary Committee has moved 80 nominees and only voted against two. This, he says, is a record which hasn't been equaled in years and years, certainly not during President Clinton's administration. I am frankly amazed by this assertion. In fact, under my chairmanship the Judiciary Committee did not vote against a single nominee. Not a single nominee in the span of six years of Republican control of the Senate. Even when one of President Clinton's nominees was voted down, the Committee under my chairmanship permitted the nomination to go to the floor for a full Senate vote. My colleague from Vermont certainly cannot say the same. In the last fifteen months, the Democrat-controlled Judiciary Committee has already voted against two nominees in committee and voted against allowing their nominations to go to the floor for a vote. This is not a record to promote.

The real story is the Senate's Democratic leadership is treating President Bush unfairly when it comes to judicial nominees. Some would justify this unfair treatment of President Bush as tit for tat, or business as usual, but the American people should not accept such a smokescreen. What the Senate leadership is doing is unprecedented.

Historically, a President can count on seeing all of his first 11 circuit court nominees confirmed. Presidents Reagan, Bush, and Clinton all enjoyed a 100-percent confirmation rate on their first 11 circuit court nominees. In stark contrast, seven of President Bush's first 11 nominations are still pending now for almost a year and a half since they were nominated.

History also shows Presidents can expect almost all of their first 100 nominees to be confirmed swiftly. Presidents Reagan, Bush, and Clinton got 97, 95, and 97, respectively, of their first 100 judicial nominations confirmed. I know that is true. I helped to get President Clinton's 97 of his first 100 judicial nominations confirmed. In this case, the Senate has confirmed only 73 of President Bush's first 100 nominees.

Some try to blame Republicans for the current vacancy crisis, and that is pure bunk. In fact, the number of judicial vacancies decreased by three during the 6 years of Republican leadership of the committee. There were 70 vacancies left by the Democrats when I became chairman of the Judiciary Committee in January 1995, and there were 67 at the time the Republicans left.

I might add again—I have said it many times, but it needs to be said—President Reagan was the all-time judicial confirmation champion with 382 judges confirmed. He had 6 years of a Republican—his own party—Senate helping him. President Clinton had virtually the same number confirmed, 377, and he had 6 years of the opposition party, meaning the Republican Party, to assist him, and he got basically just as many as President Reagan. He was treated very fairly, and I know because I was the Judiciary Committee chairman for those 6 years.

Some have tried to blame the White House for the committee's sluggish pace on nominees, and that again is pure bunk.

Specifically, I want to respond to the unbelievable allegations that the White House has failed to consult with home State Senators about judicial nominations.

In contrast to the claims of the distinguished Senator from Vermont, there has been an abundance of consultation by the White House with home State Senators. In my 26 years, I have not seen anything like it. The White House has risen above and beyond the call of duty insofar as consultation is concerned.

My colleagues who complain about the alleged lack of consultation from the White House really want something else altogether. What they want is for the President to defer to them 100 percent on judicial nominations. They want to be the one to nominate judges with only minimal, if any, input from the White House.

This, of course, would turn the Constitution on its head. The Constitution plainly gives the President the power to nominate Federal judges. The Senate's role is only that of advice and consent. It is an important role, but it is certainly not as important as the right to nominate judges.

Maybe they should offer an amendment to the Constitution if they would like it otherwise, but I know that amendment would not see the light of day.

The bottom line is that President Bush will continue to consult in good faith with home State Senators about judicial nominations. He deserves the same courtesy of good faith in return, not the partisan rejection of qualified nominees that the committee Democrats have handed him.

Mr. President, last week in the Judiciary Committee, one of my colleagues appeared to partially justify his vote against Justice Priscilla Owen by claiming that the White House failed to consult him on the nomination of Judge Reena Raggi from his home State of New York.

I ask unanimous consent to print in the RECORD a letter from the White House counsel totaling the number of consultations that were made with the distinguished Senator. I think the record needs to be made clear.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 5, 2002.

Hon. CHARLES E. SCHUMER,
Hart Office,
Washington, DC.

DEAR SENATOR SCHUMER: I write in response to your statement this morning during a Senate Judiciary Committee meeting that you were not consulted by the White House prior to the nomination of Judge Reena Raggi to the United States Court of Appeals for the Second Circuit. I was surprised and very disappointed to hear of your comments, given the extensive consultation that took place between us prior to President's Bush's nomination of Judge Raggi in early May, 2002.

Our records reflect that beginning in early September, 2001—more than eight months before Judge Raggi's nomination was submitted to the Senate—my staff called your office numerous times to seek your input on prospective candidates for the Second Circuit vacancy to which Judge Raggi was ultimately nominated. By early November, 2001, my staff had provided your office with a list of the names of candidates, including Judge Raggi, who we planned to interview for the vacancy.

In mid-November, I advised you that we were prepared to submit Judge Raggi's names to the President in advance of commencing an FBI background investigation, Immediately after receiving the President's approval, my staff informed yours that Judge Raggi's names had indeed been submitted to the FBI. At that time, we invited your staff to contact us at any time with any questions or concerns as you reviewed Judge Raggi's qualifications. No such questions or concerns were ever raised.

In late April, 2002, upon completion of the FBI background investigation, my staff informed yours of the President's intention to nominate Judge Raggi. Following the nomination, you returned your "blue slip" reflecting your support for Judge Raggi's nomination. Today, you joined your colleagues on the Judiciary Committee in unanimously voting to approve the nomination.

In my view, the extensive consultation that took place between us concerning Judge Raggi's nomination reflects the common practice we have followed to date regarding federal judicial nominations in New York and elsewhere. In light of this record, I find your statements this morning very troubling. I trust that you share my desire to continue the same extensive practice of consultation on federal judicial nominations in New York that has been in place since the President took office. In light of that past practice and the history of Judge Raggi's nomination, I know that you will want to issue a public correction of your statements this morning.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

Mr. HATCH. Finally, some might suggest that the Republicans left an undue number of nominees pending in committee without hearings at the end of the Clinton administration. We did leave 41, which is 13 less than the Democrats left without hearings in 1992 at the end of the Bush administration. In fact, a number of the nominees now who have been submitted to the committee were submitted by Bush 1 back in the early nineties. They were never given a hearing, never given a chance, and they are still being dragged through the mud—not so much the mud, but through the difficult times of the confirmation process without any hearings.

President Bush deserves to be treated at least as well as the last three President. Instead of thinking up new ways to rewrite history, the Senate Democratic leadership of the committee should begin confirming President Bush's first 11 and first 100 judicial nominations at a pace that matches or exceeds the rate we reached for President Reagan, President George Herbert Walker Bush, and President Clinton.

I think it would be fair, and I hope we can some day in the future work it out where both sides on the Judiciary Committee will work together to see that these nominations are brought to the floor where, in an expeditious fashion, the Senate as a whole can decide whether or not to confirm them. We have to work towards that end. I am going to be dedicated towards working toward that end.

I know there are colleagues on the other side on the Judiciary Committee who would like that as well. I believe it will end a lot of this partisan confusion. Frankly, I hope we can see that the Constitution will be implemented and that the Senate as a whole will decide whether or not to confirm these people. If that were the case, I have no doubt that Judge Pickering would have been confirmed to the Fifth Circuit Court of Appeals, and I think there is no question that Justice Priscilla Owen would have been confirmed to the Fifth Circuit Court of Appeals. I have high hopes they will be confirmed in the future anyway.

Mr. GRAHAM. Mr. President, I would like to thank the Judiciary Committee for recognizing the needs of Florida and favorably reporting the nomination of Judge Timothy Corrigan. Tim Corrigan, an experienced Judge in Florida's Middle District, has been nominated to serve as a Federal judge in the Middle District of Florida.

Tim Corrigan's qualifications make him an excellent candidate for service on the Federal bench. Prior to his appointment as a Magistrate Judge, Judge Corrigan spent 14 years in private practice with the Jacksonville law firm of Bedell, Dittmar, De Vault, Pillans and Coxe, P.A. As a Magistrate Judge since 1996, he has considerable experience handling a broad variety of civil and criminal matters, including conducting numerous evidentiary hearings and misdemeanor trials.

Judge Corrigan received his law degree, with distinction, in 1981 from Duke University School of Law, where he served as a member of the editorial board of the Duke Law Journal. He received his undergraduate degree, with honors, from the University of Notre Dame in 1978.

Mr. Corrigan is a member of the Florida Bar, the Jacksonville Bar Association, the Federal Bar Association and the American Bar Association. The Jacksonville Bar Association recognized Judge Corrigan in 1991 for his pro bono services. From 1987–1989, Judge Corrigan served on the board of Jacksonville Legal Aid and was honored for his efforts.

I thank my colleagues for considering this nominee. I am confident that they will agree that Judge Timothy Corrigan posses the qualities needed to effectively serve on the Federal Bench.

Mr. DEWINE. Mr. President, as Senator HATCH just mentioned, last Thursday, on September 5, 2002, the Judiciary Committee met in an executive business meeting and considered the nomination of Texas Supreme Court Justice Priscilla Owen to be a Federal Court of Appeals Judge for the 5th Circuit. As a member of the Judiciary Committee, I participated in the debate on her nomination and then cast my vote in Owen's favor. Unfortunately, Owen's nomination was rejected on a straight party-line vote of nine in favor and ten against. I thought that the issues that had been raised against Justice Owen were unfounded. I won't go into Justice Owen's excellent qualifications here today, nor will I address objections that have been raised regarding her nomination.

However, had the full Senate engaged in a debate on Justice Owen, and I think she deserved such a debate, I would have pointed out significant mischaracterizations that have been made about her decisions in a series of parental notification cases before the Texas Supreme Court. I discussed this issue in the Judiciary Committee debate, so for the information of other Senators who did not have the opportunity to participate in that debate, I ask unanimous consent to print my committee statement for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Statement regarding 5th Circuit Court of Appeals Nominee Justice Priscilla Owen

Mr. Chairman, I believe that we are headed for a very momentous vote today and I would like to follow up on a comment made by Senator FEINSTEIN in regard to the closeness of the last election. I would simply say that whether an election is decided by a few votes or whether it is a landslide, the President still has the constitutional duty that is prescribed in the Constitution and the Senate has its constitutional obligation. I candidly do not think that how close an election is or whether it was a landslide matters one bit.

Let me talk about Justice Owen's opinions in the Doe cases that Senator FEINSTEIN was talking about. I think we need to put this in its proper perspective. First of all, these are not abortion cases. These are parental notification bypass cases.

As we all know, these were a series of Texas Supreme Court cases interpreting a Texas statute that requires a minor to tell one of her parents before she has an abortion. None of these cases had anything to do with whether a woman could get an abortion. That was not before the court. In Texas, as in the rest of the country, women may legally get abortions.

The question of a right to abortion is not what these cases were about. The only question in any of these Doe cases was whether a minor child could avoid the requirement of Texas law to get parental consent to tell one of her parents before she got an abortion.

The Doe cases came to the Texas Supreme Court only after an act of the Texas Legislature in 1999, when it passed a law that requires parental notification when a minor is seeking an abortion. Let me just reiterate, the Texas legislature created this notice requirement, not the Texas Supreme Court, and certainly not Justice Owen.

When the legislature enacted this law, it included a process that a minor could use to circumvent the notice requirement. The legislature looked to the United States Supreme Court and looked to the precedent of the Supreme Court on parental notice rights to craft what was intended to be a limited exception to the parental notice rule, but an exception that was constitutional.

The process allowed a teenage girl to go to a State court judge and ask for a "judicial bypass". The legislature instructed the court to grant the bypass if the young lady could demonstrate one of the following. Senator FEINSTEIN has outlined these, but I am going to read them again because I think it is important to understand the context of these decisions.

One, the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her parents; OR if she could demonstrate that notification would not be in the best interests of her; OR, three, if she could demonstrate that notification may lead to physical, sexual, or emotional abuse of the minor.

Now, while these exceptions appear straightforward, as with all statutes in a common law system—and that is what we are dealing with—the terms are, of course, subject to interpretation by the courts. And I would submit that what we see in the Texas Supreme Court is that give-and-take on the interpretation; that when you look at both the majority and minority opinions in each one of the cases, you will see interpretation. So that should not be the issue.

Many, many, many statutes every single day are construed by our courts, and the courts are obligated to interpret and apply the statutes as they believe the legislature intended.

Senator FEINSTEIN and others at the hearing raised the issue of statutory construction, and basically the charge was that Justice Owen had become a judicial activist. Let me talk, if I could, about some questioning I did of Justice Owen at the hearing on three separate issues.

I asked Justice Owen about her analysis of the Texas parental notification statute. She made these three points about decision making in state courts of appeals, and although

I think these points are obvious, I would like to repeat them because I think it gives us a better understanding of what the issues are in front of us.

I think that it is particularly important for the Committee to consider how the Texas Supreme Court analyzed the Doe cases and whether that analysis was consistent with standard appellate review.

First, Justice Owen told me that the Texas Supreme Court applied the standard presumption, something that all courts must apply, that a state legislature is aware of U.S. Supreme Court precedent on an issue on which it is legislating. So in interpreting the statute, both the majority and, in a dissent, Justice Owen applied this rule of construction.

The language of the Texas statute tracks closely with language in Supreme Court precedent on the issue. It therefore was simply standard procedure for the justices to look to the U.S. Supreme Court case law to interpret the Texas law. You can't interpret one without the other. It was not an act of activism in any sense. It was merely standard appellate procedure to look at Supreme Court precedent. The only difference in the outcome of the majority's opinion and Justice Owen's dissent in one key case had to do with a pretty nuanced application of the precedent to the facts of the case.

Second, another important point Justice Owen made in response to my questions was that appellate courts almost always defer to trial courts on issues of fact. That was Justice Owen's position in the Doe cases and that is the standard applied to fact issues in a vast majority of cases in our country's courts of appeals.

That deference is necessary because the trial courts are in a much better position to judge factual issues. The trial courts get to see the witnesses firsthand and to judge their credibility. These Doe cases obviously hinge on that analysis, the analysis by the trial court, the trial court's ability to judge the demeanor of the witnesses, the trial court's determination of the facts. The trial court, for example, had the advantage of actually listening to the teenager's testimony to determine whether she was "mature" or not.

Now, in all the cases before Judge Owen—I think we need to keep this in mind—in all the cases, when we think about the factual determination that the teenager had not met the requirements for a judicial bypass. The trier of fact had already made that determination.

The final point, again to state the obvious, that was brought out in my discussion with Justice Owen was that before the Texas Supreme Court ever heard a parental notification case, a bypass case, a number of judges had already denied the bypass.

First, the trial judge would have ruled against the teenager not just once, but really on all three of the ways that she could achieve the bypass. The judge would have had to have found that she had not proven her case on any of the three.

Next, a three-judge court of appeals would have ruled against the teenager on these same issues. So before this case ever reached the Texas Supreme Court, the case had already been decided once at the lower court and already decided at the appellate court.

I believe these are important points, all of them, all three, about how Justice Owen analyzed the Doe cases. And I think it may be constructive to put these cases in the context of all the bypasses requested by teenage girls in Texas.

We don't know the total number and I am not sure really what great significance it has, but we do know that at least 657 bypass petitions were filed between January 1, 2000 and March 8, 2002. This is the number of cases in which the Texas Department of Health paid some of the expenses for filing the petition. So it is the minimum number of cases that were just filed.

Of all these cases, we ended up with 10, 12 cases that got to the Supreme Court, depending on how you calculate them. Some came up for the second time on review. Of these ten cases, Justice Owen thought the majority of the Texas Supreme Court got it wrong three times. So she is only in the minority three times in the Texas Supreme Court, and in these cases she agreed with both lower courts. I think these are things that we need to keep in mind to put this in its proper perspective.

What we are really talking about here is a small handful of cases. A handful of cases in which a minor was required under Texas law to tell one of her parents that she wanted to have an abortion. Justice Owen conducted a perfectly reasonable analysis in her opinions. In three of those cases, she came to a different conclusion than the majority of the court.

That conclusion would not, as some would imply, overturn 30 years of abortion precedent. It would simply require each of these three teenage girls to tell one of their parents that they are going to have an abortion. So, in my view, it is ludicrous to think that this is sufficient to disqualify Justice Owen for a seat on the 5th Circuit Court of Appeals.

Mr. Chairman, I appreciate your time. I don't want to take the committee's time to talk about all the other issues. I thought I would just devote my time to that one particular issue.

Am I to understand the vote is to occur at 10 o'clock?

The PRESIDING OFFICER (Ms. STABENOW). The Senator is correct.

Mr. REID. Madam President, I do not want to cut Senator HATCH off from speaking, but I have to acknowledge that this judge will be approved by, I think, a unanimous vote. Unless Senator BURNS feels strongly to the contrary, we should go ahead with the vote. If Senator HATCH has something to say, he can speak after the vote. If Senator BURNS wants him to speak, I will be happy to do that. Senators are waiting around to vote. Schedules have to be met.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5005

Mr. REID. Madam President, while the Senator is making that decision, I ask unanimous consent that at noon today, when the Senate resumes consideration of H.R. 5005, the homeland security legislation, the Thompson amendment be set aside and Senator HOLLINGS be recognized to offer a first-degree amendment relating to national security; that the Hollings and Thompson amendments be debated concurrently for a total of 2 hours, prior to a vote in relation to each amendment, which 1 hour equally divided and controlled between the proponents and opponents of each amendment, with no second-degree amendments in order to either amendment prior to a vote in relation to each amendment; that upon the use or yielding back of time, without further intervening action or debate, the Senator vote in relation to the Thompson amendment, to be followed by an immediate vote in relation to the Hollings amendment; that upon disposition of these amendments, Senator BYRD be recognized to offer a first-degree amendment, as provided for under a previous order; provided further, that following a vote in relation to the Thompson amendment, regardless of the outcome, the Senate vote in relation to the Hollings amendment; that if neither amendment is disposed of, then the amendments remain debatable and amendable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the only caution I will make is that this order does not provide for who is for and against these amendments. We really do not know at this stage. When the time of noon arrives, the Chair will have to make some ruling as to who is going to control the time in opposition to these amendments, if, in fact, there is anyone opposed to them.

Has the Senator made a decision?

Mr. BURNS. Madam President, I suggest and recommend to the chairman of the committee that we move forward on this vote. I know Senators have made their schedules around the vote that was determined to happen at 10 o'clock this morning. We have other business to do on the Interior appropriations bill and a short time within which to do it. I suggest to the chairman that we move forward.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I suggest we go ahead with the vote. I will ask for the yeas and nays once it is reported.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. LEAHY. I understand.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Timothy J. Corrigan, of Florida, to be United States District Judge for the Middle District of Florida? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE), are necessarily absent.

Mr. NICKLES. I anounce that the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Alabama (Mr. SESSIONS), and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS — 88

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Chafee
Cleland
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING — 12

Akaka
Carper
Clinton
Dodd
Enzi
Gregg
Helms
Hutchinson
Sessions
Smith (NH)
Torricelli
Wellstone

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER OF PROCEDURE

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be recognized for a period not to exceed 5 minutes, and that following the remarks of the distinguished Senator from Pennsylvania, the Senate stand in recess subject to the call of the Chair to accommodate Senators who wish to watch the President's speech.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

MEASURE PLACED ON THE CALENDAR—S. 2924

Mr. SPECTER. Madam President, I ask unanimous consent to proceed as in morning business to allow for the second reading of a bill. I understand there will be objection. However, this relates to the award of the special Congressional Gold Medal to the crew and passengers on flight 93.

I had said on Wednesday and Tuesday, yesterday and the day before, that I intended to do this. Since making that announcement, I have discussed the matter with the Senator from New York, who is in the Chamber, and also the Senator from Texas, who is the ranking member of the Banking Committee. I asked the chairman to be present, but he had other business to which he had to attend.

This unanimous consent request is to proceed to the second reading of the bill, which I will object to, and then to ask unanimous consent that S. 2924, which was previously introduced as S. 1434, be taken up, and the Senator from New York will object to that. I said that if he was absent I would object on his behalf.

I am doing this so it will be known that every effort is being made by this Senator to get a resolution of S. 2924, which seeks to give gold medals, special Congressional Gold Medals, to all those who were on flight 93.

There are others, including the Senator from New York, who would like to include other people. The Banking Committee ranking member wants to sit down—which we are committed to do early next week—to try to get it resolved. However, for purposes of the record, I would like to proceed now with the second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

> A bill (S. 2924) to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

Mr. SPECTER. Madam President, I will now ask the Senate proceed to consider the bill, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

UNANIMOUS-CONSENT REQUEST—S. 2924

Mr. SPECTER. I ask unanimous consent—and I understand there is an objection, but for the record I ask unanimous consent to take up S. 2924.

The PRESIDING OFFICER. Is there objection? The Senator from New York.

Mr. SCHUMER. Reserving the right to object, and I will object, the intentions of the Senator from Pennsylvania are good and noble and I am supportive of them, but there are people in New York who should be taken into account as well. We have been negotiating for a little while. We will continue to negotiate and hopefully come to a happy resolution. That is why I object. I have no objection to the Pennsylvanian people being included, but certainly I have objection to leaving out some of the heroes in New York who were not police and firefighters—they were included—but we have lots of people who tried to carry people downstairs and everything else. That is what we have to work out. So I will reluctantly object and hopefully we can resolve this shortly.

The PRESIDING OFFICER. Objection is heard. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from New York for his comments. As I said, I anticipated the objection. I am willing to work with the Senator from New York to give recognition to the many heroes who were involved in the rescue effort in the World Trade Center towers. There is no doubt about that. However, I do want to get it moved along. I think this is something that would have been better had we been able to finish it before September 11, 2002. However, since we did not do that, since it is September 12, we now have a calendar to move it ahead.

I thank the Chair and my colleague from New York for yielding the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess, subject to the call of the Chair.

Thereupon, the Senate, at 10:33 a.m., recessed until 11:09 a.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

LEGISLATIVE SESSION

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 5093, which the clerk will report.

> A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 4518

Mr. BOND. Mr. President, I rise to support the Craig second degree amendment. This amendment will address the continuing problem of hazardous fuels buildup in our Nation's forests. Unfortunately, the excessive buildup of these fire producing fuels has reached a crisis stage.

Nowhere is this fact more evident than what is happening in our forests this year. Currently, conditions in our Nation's forests are terrible. The fire risks as a result of the buildup of these fuels are extremely high. According to the Society of American Foresters, "As a result of 80 years of fuels accumulation and several years of drought, the potential for wildfire is at an all time high in many regions of the U.S." In addition to this, recent forest service estimates indicate that approximately 73 million of the Nation's national forests are at risk from "catastrophic" wildfire.

For many of the states, the damage is already done. As you all know, many western states have experienced devastating wildfires—fires that have not only destroyed homes and property, but vast acres of trees and wildlife as well. As of late August, more than 6.3 million acres of land have burned this fire season—more than double the 10-year average. So far in this fire season, we have seen devastating fires in Colorado, Arizona, New Mexico, Alaska, and Oregon.

Mr. President, these fires not only clean out and tear down living trees, they kill the wildlife, they threaten homes, they threaten lives; most of all, they scorch the Earth, subjecting it to disastrous soil runoff into our Nation's rivers, streams, and lakes, and knocking out the potential of forest regrowth for decades.

The time for addressing the problem of excessive fuels buildup in our forests is long overdue. Current efforts to reduce fuel loads are taking far too long due to senseless bureaucratic delays. According to the U.S. Forest Service, it can take up to 8 years to plan and executive a relatively routine fuels reduction project. We simply cannot afford to wait this long.

We are talking about good science-based forest management here. In a letter to the St. Louis Post Dispatch, Dr. Gene Garrett of the University of Missouri School of Natural Resources, who has studied and taught forestry for over 32 years, indicates that "In many forests in the west, trees become susceptible to insects and disease, die off, and add their wood mass to an already excessive fuel load on the forest floor. Studies have shown that fuel loads are 5-10 times higher per acre in the pine and mixed conifer types in the west than during pre-settlement times. Forest scientists all across the country believe that reduction of these excessive fuel loads is the necessary and prudent action to take to restore the health of our forests, to protect our environment, to protect our wildlife.

If we do not address this problem now, we risk losing many of America's most pristine forests due to wildfire devastation. Congress needs to pass legislation to streamline and expedite the clearing of these fire producing fuels.

I believe that the Craig hazardous fuels reduction amendment will accomplish this goal. This amendment is designed to cut through bureaucratic red tape and speed up the review and approval process for fuels reduction efforts.

Specifically, this amendment limits projects to areas that qualify as Condition Class 3 or high fire risk areas with priority placed on wildlife urban interface zones, municipal watersheds, diseased, dying, insect-infected or wind-thrown trees and areas susceptible to reburn.

Proposed projects must also be consistent with the applicable forest plan, resource management plan, or other applicable agency plan. Furthermore, this amendment limits the aggregate treatment area to 10 million acres of Federal land or roughly 6 percent of the 190 million acres of Federal lands that are at high risk of wildfire.

Finally, the Craig amendment allows parties to seek judicial review in Federal district court.

This amendment is important to Missouri because it addresses most of the causes of excessive fuels buildup in Missouri Forests.

No. 1, there has been a significant increase in fuels in the Mark Twain National Forest as a result of a serious tornado that occurred in Southeast Missouri on 4/24/02.

According to the U.S. Forest Service's Tornado Fuels Assessment for the Mark Twain, heavy winds from the tornado caused tops of trees to be broken off, stems splintered and whole trees to be uprooted. Because of this damage, fuels in this region of the forest have increased by anywhere from 5–25 times pre-tornado conditions.

Fuels in the tornado-affected areas are now classified under two levels: "very high to extreme fire danger" and "high fire danger." Currently, over 470 valuable private structures near this damaged area are endangered by this fuels buildup.

No. 2, Missouri has a significant number of wildlife urban interface areas. These are areas in and around forests that have a high population with a significant number of private structures. Some of these areas include individual residences, numerous rural subdivisions and small towns. These areas are particularly prevalent in southeast Missouri.

No. 3, in additional to the tornado, several years of drought, oak decline and oak mortality have accelerated the process of fuels buildup in other areas of the Mark Twain. The USFS has prepared an Environmental Impact Statement for oak decline and forest health for a 192,000 acre area of the Mark Twain where trees are dying from a combination of age, drought and insect infestation red oak—bores and two line chestnut bores.

The first of Missouri's two fire seasons starts next month. The most recent high wildfire season in Missouri occurred in 2000 when over 8,700 acres of wooded lands burned—more than 3,000 acres over the ten year average. The time for this body to act on this problem is now.

As stated earlier, I believe that the Craig amendment will address most of the fuels buildup issues in Missouri's forests, and prioritize them for expedited cleanup. In closing, I urge you to vote in favor of this amendment. By expediting the cleanup or clearing of these fuels, Missouri and the rest of the Nation can expect to see the risks of catastrophic wildfires reduced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that I proceed after the remarks of the distinguished Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. May I amend that?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to make a few comments directly following Senator WYDEN, if I may.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Missouri. He has stated the case very dramatically, not just for Missouri but in many respects for the rest of the West and many States in this Union where we are losing our forests because we cannot clean out from the forests the existing fuel. We cannot keep the forests thin so they are not susceptible to the tremendous losses we have been suffering.

Utah is no exception. We have lost thousands and thousands of acres of wonderful forests. We have not been able to take care of the forests because of basically what I consider to be environmental extremism. We are all environmentalists. We all want the forests to last. We all want to make sure it works.

My gosh, what has been going on in this country is environmental groups using the courts to override our professional land managers. It has led to a total neglect of the forests, a total neglect of what we consider to be not only natural resources but the beautiful forests of this land and the ability to keep them beautiful.

The PRESIDING OFFICER. At 12 noon, the Senate will resume the issue of homeland security.

Mr. WYDEN. Mr. President, the Senate has before it the Craig-Domenici amendment with respect to how we should spend the money we have in this appropriations bill designated for hazardous fuels reduction. It is an enormously important issue to my constituents.

I chair the Senate Subcommittee on Forest and Public Lands Management. There were devastating fires throughout this summer all over the west. Because of that, I have spent a large chunk of my waking hours in the last few months, both out in Oregon and here in DC, trying to find the common ground that would allow us to deal with the risk of fire on the millions of acres of national forest land that are fire prone and at the same time be sensitive to environmental values and legal processes.

It saddens me to rise today in opposition to this amendment because I had hoped by this morning to be able to come to the Chamber and talk about how the Senate had found common ground. I know the distinguished Senator from California, Mrs. FEINSTEIN, is very much committed to this as well.

I agree that hazardous fuels reduction on our national forests must be pursued aggressively. I strongly believe in the concept of expedited treatment for fire-prone areas, but I simply cannot agree to the excessively broad slashes that this amendment takes at our environmental laws.

For instance, let me spend a moment talking about some of the provisions with respect to access to the courts that are in the amendment that is before the Senate this morning.

First, I feel strongly that citizens have a constitutional right to access the courts with respect to concerns over the management of our national forests, but I also believe they do not have a constitutional right to a 5-year delay. So, I have made it clear I support reforms that address these questions and expedite the critical work that needs to be done. But, I want my colleagues to understand this amendment before us today goes too far and that is why I oppose it.

This amendment strips away a plaintiff's right to a temporary restraining order and a preliminary injunction. This means, essentially, that the plaintiff's case will be heard on its merits, but while he is waiting to be heard the agency does not need to wait to complete the project over which the suit was filed. In effect, people are going to be suing over stumps.

I do not think that is what the Senate wants. I do not think that is what makes sense.

They are going to say this keeps the courthouse door open. I want my colleagues to know that though the courthouse door may be open, the effect of this provision is the plaintiff never makes it past the coat closet of the courthouse. This is not a meaningful and balanced approach to forestry. Justice is not going to be found with respect to the provisions as written.

This issue is fundamentally about trust. Certainly, there are many good people at the federal land management agencies. But suffice it to say there are many in the environmental community that do not trust the natural resources leadership of these agencies. There are many on the other side and many people in rural communities who believe there are some in the environmental community that simply are committed to delay.

So what I have tried to do, along with Senator FEINSTEIN, Senator BINGAMAN, and others who spent many hours with us, is to come up with a reasonable, mainstream proposal to reduce hazardous fuels, improve the environment and protect communities.

For example, we have said there ought to be a categorical exclusion from required NEPA analysis of the hazardous fuels reduction projects that produce a significant amount of green timber and salvage when accompanied by environmental safeguards like protecting big old trees and the assurance that the building of new roads will not waste the limited resources we have for such projects. This provision that we have talked about could save between 1½ and 3½ years of time.

Going even further, we said—and this can only be done by statute—there should be no administrative appeals on these projects.

Senator BINGAMAN, Senator FEINSTEIN, myself and others, have said these are the kinds of ideas and approaches that help to bring the Senate together to try to find the common ground in this area. Unfortunately, that has been unacceptable to my colleagues on the other side of the aisle up to this point. That is why I believe the Craig-Domenici language that overreaches will polarize, in my view, this very contentious debate even further.

I would like to see the Senate make a very real and meaningful attempt to address the important forest management issues and reduce the risk of wildfire. I would like to see expedited treatment for key areas. My sense is there is broad agreement now that on 5 million acres, even 6 million acres—I have heard colleagues talk about 7 million acres—if we could address the questions of a fair and open process with respect to the courts, the Senate could come together.

I am very anxious to work with my colleagues to do that. But given the contentiousness of this issue, I think the amendment before us now so restrains people who would like to bring legitimate questions of forest policy to the courts, that provision is going to so polarize the Senate as to set back the effort to try to find common ground.

What I want to do is work on a bipartisan basis to implement the National Fire Plan. That is a collaborative effort. That is the kind of effort that would bring the Senate together. That is what we were able to do in the county payments law and I hope we can do it again.

We have to put firefighting dollars where they can best be used in a strategic way to reduce hazardous fuels, to start in the places where treatment would be most effective, the wild and urban interface ecosystems and municipal watersheds where fire can cause the most damage.

Senator BINGAMAN has worked with Senator FEINSTEIN and others on that. I think this is the kind of approach that brings people together. Certainly there is a commitment to cut these never-never land legal processes down in a significant way, but they have to maintain the integrity of the system.

Already I mentioned the prospect of being able to save 1½ to 3½ years of time when we are talking about the categorical exclusions from required NEPA analysis on hazardous fuels that myself and Senator BINGAMAN and others have supported. That is a significant step towards reducing the time line that so many folks are upset about in pursuing hazardous fuels reduction projects.

I am open to other ideas and suggestions but I hope the Senate will not support the amendment that is before us now. I do believe what will happen if this amendment passes is that plaintiffs will be suing over stumps. People will not be able to have the issues addressed, in effect, while it is appropriate, while the case is moving forward. That is why I think the amendment is an overreach.

I hope my colleagues will continue to work with Senator BINGAMAN, Senator FEINSTEIN and me, and the many colleagues who would like to find common ground come forward to work with us and support a package that would allow us to get expedited treatment for important projects while at the same time be sensitive to fair access to the courts and to environmental values.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I truly believe we have a real fire emergency in America's forests. It is precipitated somewhat by drought, but it is precipitated by a very flawed forest policy, a forest policy that has practiced fire suppression and spent over a billion dollars this year in suppressing the largest number of acres burned in the history of our Nation—6 million acres burned, 28 people lost, hundreds of millions of dollars of property lost, and a major concern of the American people. All the money cannot be spent suppressing fires. We have to begin to spend the money grooming forests so they are more fire resistant.

Over the past 100 years, there has been a buildup of underbrush, a buildup of dead, dying, and downed trees, a buildup of infested trees, and a buildup of nonindigenous species trees which become fire ladders. All of this presents fire ladders. So a fire begins, and it "ladders" up into the crowns of old growth, and there is a fire conflagration. I watched that happen in Colorado. I flew over the fires in Arizona. We watched it happen in New Mexico. Yes, it is happening in California, and we are not through with our fire season yet.

There is a true bona fide message. It needs to be met. I have been trying to work with Senator WYDEN, Senator CRAIG, Senator KYL, Senator DOMENICI, Senator BURNS. We have spent hours trying to come up with a bipartisan amendment which could get 60 votes on this floor. I believe we are relatively close to those 60 votes. Senator WYDEN has indicated some of the parameters in which we have been negotiating.

We have 74 million acres of forests in the highest risk of catastrophic fire; 24 million of those acres are Federal lands. We took the Federal lands—California alone has 7 million acres of the 24 million acres in what is called class 3, highest risk of catastrophic fire—to see if we could create for 1 year, as an amendment in an appropriations bill, an expedited program to address those acres, making 70 percent of the effort in urban interface areas where we find property, and people, where fire is devastating. Also, in some of the watershed areas, the areas of heaviest pest infestation, windthrow, as well as those acres which are apt to burn—highly catastrophic.

We are very close. We can agree on the number of acres which, after all, will be conditioned by the amount of money. We have agreed to truncate the administrative process. We concentrate on the areas I have mentioned.

But on this side of the aisle, there are very strong feelings we should not change the judicial review process. We are trying to come to grips with the Republicans on this issue. I am hopeful we can. Those on the Energy and Water Development Subcommittee who are negotiating hopefully will be on that subcommittee next year as well. If we can have a 1-year trial of moving the administrative processes faster, creating the emergency within these 5 to 7 million acres of the 24 million acres, confining most of it to the urban interface and the watersheds that are in the resource management and forestry plans, we can make a difference. We can see whether it works.

There are people who say it will not work because there are individuals or groups who will go into court to try to stop us. I am not sure that is entirely correct. I thought so initially, and then I looked at a GAO letter. I will read part of it into the RECORD. It is dated August 31, 2001. It says:

> In summary, as of July 18, 2001, the Forest Service had completed the necessary environmental analyses and had decided to implement 1,671 hazardous fuel reduction projects in fiscal year 2001. Of these projects, 20 (about 1 percent) had been appealed and none had been litigated. Appellates included environmental groups, recreation groups, private industry interests, and individuals.

That is just with one program, that hazardous fuel reduction project in that year. It would indicate that in this small area court challenges have not been a big problem. Many people who believe in the National Environmental Policy Act, known as NEPA, believe very strongly that we should not vitiate the NEPA process in any way, and we should not vitiate the judicial process in any way in this 1-year pilot project.

I am hopeful we will be able to find an accommodation that will get 60 votes. On this side, we clearly have to get Democrats centered around an effort. And on the Republican side, we have to be able to convince them we are serious about moving in a constructive, emergency way to address the problem of catastrophic fire in our country. We can do it. Senator CRAIG, Senator KYL, Senator BURNS, Senator DOMENICI, all want to do it.

It is true that on both sides there are different approaches. I believe in a draft either called Bingaman 3 or Feinstein Modified—whatever one wants to call it. We are relatively close to that. I am hopeful we can, by unanimous consent, not take the vote on any of these at this time but continue to negotiate at least until tomorrow morning, and hopefully be able to get through the impasse we are in at the moment—or even to next week. This bill will not be included. I believe it is important we try to move more rapidly this year with hazardous fuels mitigation. In what is Bingaman 3 or Feinstein Modified—whatever anyone wants to call it—we have a very good first start.

We would like to hear from the other side of the aisle. We would like to continue these negotiations. I am hopeful there is not a vote at this time, that we are able to continue the matter, and we are able to continue to negotiate. I was present at meetings for 3 hours yesterday. I was in a conference call on it for an hour and a half last night. I want the Senate to know our efforts are sincere, they are earnest, that we would like to find an accommodation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank Senator WYDEN and Senator FEINSTEIN. There is no one better to work with as we have moved through the negotiations to change the way we look at management areas with regard to reduction of the fuel load on the floors of our forests and dealing with diseased forests.

It is most troubling to me that we are seeing the results of 20 years of frivolous appeals and putting the U.S. Forest Service and the Bureau of Land Management under such review that they cannot manage with any common sense; 20 years' experience, with a lot of folks on the ground who probably do not have 2 days' of education in their whole life, but they have been in the forest all their life, saying we are going in exactly the wrong direction and this will lead to disaster. But because they do not have a certain standing in the process to get their voice heard, their warning goes unheeded.

So we come to the years of 2000, 2002, even 1998. My State of Montana is just completing its fifth year in drought and also in low snowpack. We had devastating fires in 2000, with a lesser amount this year because we got a little rain. But now when the rains come, we see the mud slides, devastating mud slides that take streams out, destroy water quality, damage watersheds. I have heard people give endless speeches on watersheds. They have been damaged beyond repair. It will take years and years for them to be restored. It impacts municipalities and also impacts wildlife—fish.

How much do we have to show America that the past 20 years have been a disaster, an unmitigated disaster? This policy was recommended by groups who, at times you have to believe on the management of forests—there is an old saying that says they don't know the difference between "sic 'em" and "come here." Hocus-pocus science—a theory. Feel good, warm and fuzzy—but it burns. That is what we are talking about here and that is what should be at the crux of our discussions with one another in this Senate.

How do we avoid continuing this in a commonsense way, where if you want to debate the science or the decision made by an agency or a person with regard to the management of that land, that it cannot be open and all cards have to be on the table? That is what we are looking at here.

So I am going to work with my chairman, Mr. BYRD, as we try to move this piece of legislation along. I will tell you, I have never seen more earnest and dedicated people, people dedicated to solving a problem, than those in this debate, in the private meetings, the endless hours that negotiation have gone on. I appreciate that because basically I think we are driven to take care of our forests. But past practices have not given us much help.

Mr. President, I now yield time to my good friend from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Colorado for yielding some of his time to me. I thank him for his leadership, trying to bring some common sense to the way we manage our forests. It is a pleasure for me to be on the Senate floor with my western colleagues who face a lot of problems similar to those I am facing in the State of Colorado.

The citizens of Colorado and the west are facing a challenging time. Faced with drought and fires across the state, our response to the test of mother nature is being measured, and will continue to be measured with the passage of time. Yet the message I want to send home today, and one that my colleagues rising in support of forest health also wish to convey, is that we must not fiddle while our forests burn.

We have studied forest fires, forest health, and forest management. We have studied while our forests burn and while our critical habitat turns to ash. Yet we continue to imperil life, property and nature with catastrophic wildfires.

I want to thank the rescue workers, fire fighters, police, sheriffs offices, aid workers, and the thousands of volunteers who have battled the blazes all summer long. I hope these brave firefighters realize that their efforts are not in vain, and that new policies will restore sound forest health and revitalize our management of our great forestlands.

Unfortunately, today there is an increasing threat of fire in millions of acres of forestlands and rangelands throughout the United States. This threat is especially great in the interior States of the western United States, where the Forest Service estimates that 39,000,000 acres of National Forest System lands are at high risk of catastrophic wildfire.

Today's forestlands and rangelands are the consequences of land management practices that emphasized the control and prevention of fires, disrupting the occurrence of frequent low-intensity fires that periodically remove flammable undergrowth.

As a result of these management practices, forestlands and rangelands in the United States are no longer naturally functioning ecosystems, and drought cycles and the invasion of insects and disease have resulted in vast areas of dead or dying trees, overstocked stands and the invasion of undesirable species.

Population movement into wildland/urban interface areas exacerbate the fire danger, and the increasing number of larger, more intense fires pose grave hazards to human health, safety, property and infrastructure in these areas. In addition smoke from wildfires, which contain fine particulate matter and other hazardous pollutants, pose substantial health risks to people living in the wildland/urban interface.

The budgets and resources of local, State, and Federal entities supporting firefighting efforts have been stretched to their limits. In addition, diminishing Federal resources—including personnel—have limited the ability of Federal fire researchers to respond to management needs, and to utilize technological advancements for analyzing fire management costs.

Now, I would like to share with my colleagues a little about Colorado's devastating fire season. Several months ago, one third of the State was blanketed in smoke from forest fires, blocking the sun, the mountain view, and creating major pollution problems, and asthma related deaths. Over 500,00 acres of Colorado has burned this year. The normal is 70,000 acres.

Over the course of the wildfires, safety and emergency personnel have had to evacuate 142 subdivisions, 85,000 people, and ended up spending more money on suppression because of the interface complexity. It is critical for life and property protection to mitigate this problem.

The result of the catastrophic fires is a hardened surface that is impenetrable by water. When the ground can't absorb the water, not only is the drought prolonged, but the water has to go somewhere. So it goes downhill. As the volume of the water increases, it picks up rocks, additional—possibly undamaged—soil and other debris.

This flow of tainted water and debris does not discriminate. It enters watersheds and people's homes. Right now in southwestern Colorado roads are closed, homes are damaged and people are trying to dig their yards out of up to ten feet of mud.

In the past six years, six major forest fires have affected the mainstem of the South Platte river, a major source of water for the Denver metropolitan area. The Hayman fire this summer was the first of these fires to destroy Denver Water property.

However, all of these fires have caused problems with the watershed which has negatively affected the quality of the water delivered to the two largest water treatment plants for Denver Water.

The Hayman fire completely consumed the trees on the acreage surrounding Denver Water's Cheesman Reservoir, except where Denver had applied Forest Service procedures of thinning and brush removal. As a result of the fire and the emulsified granite soil surrounding Cheesman, the burned trees and ash has been washing into the Reservoir as well as into the mainstem of the South Platte along the burn area. About 90 percent of Denver Water's property was burned.

At Cheesman Reservoir where Denver Water used Forest Service-type techniques, fire intensity was diminished and the fire did not destroy the entire forest. Therefore erosion and attendant water quality degradation will be minimized. One of the Forest Service mandates in its enabling legislation was protection of municipal water supplies. It is imperative that the Forest Service limit fire damage in municipal watershed areas.

This will take money, personnel, quick response and long-term dedication of public resources. In order to protect and preserve watersheds as public purpose resources, the Forest Service will need money and Congressional support to reverse policies that limit sound forest management.

It is estimated that damage to Denver Water facilities from sediment deposits and degraded water quality will occur for the next thirty years. To date, Denver Water's cost to try to mitigate some of the Hayman fire damage is over $500,000 for erosion prevention and protection of facilities.

It is estimated the cost for the next 8 weeks will be $100,000/week. Additionally, the life of our reservoirs impacted by the fire will be reduced by about 40 years due to increased sediment. Dredging of the reservoir will solve some problems, but will not prevent the continued inflow of sediment.

It is conceivable the total cost of dredging Cheesman Reservoir will exceed $20 million.

These examples are just a few of the tragedies created by the fires. Glenwood Springs, Durango, Steamboat and many more, have suffered as well. Yet the quiet tragedy of the fires will not be revealed for years—what have we done to the ecosystem, to habitat, and wildlife? Only after thousands of hours of human capital investment and millions of dollars in rehabilitation will we know.

We all value protection of our forests and the natural beauty of our land. But we can no longer respond and react—we must take the steps to achieve a healthy balance and return our forests to a state of good health.

We are facing some serious problems. My feeling on this is that the forest managers themselves—they are scientists—know how to best manage our environment. I think we need to give them some more latitude in practicing good science and protecting forest health.

I will elaborate on this a little later.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 2 minutes before the Senate reverts to the homeland security bill.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. Mr. President, reserving the right to object—I will not object—I wonder if we could agree that the time would not go against either side with regard to the debate of this amendment. I ask unanimous consent it not go against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I seek the floor at this time to ask unanimous consent that the pending amendment be set aside temporarily so that I may offer this amendment on behalf of myself and Mr. STEVENS.

Mr. PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object, is it my understanding that we would still allow the Craig-Domenici amendment to be in place when we return?

Mr. BYRD. Absolutely.

Mr. CRAIG. I will not object.

Mr. DOMENICI. I would like to know what it is.

Mr. BYRD. It will take me a little longer than 2 minutes.

Mr. DOMENICI. Let me ask if it has to do with the budget or is in any way trying to perfect the budget.

Mr. BYRD. No. I think the Senator from New Mexico will embrace the amendment.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the 2 minutes I asked for be extended to 4 minutes so that we would have two additional amendments and I may show this amendment to the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Senator.

Mr. BYRD. Mr. President, if the Chair will withhold temporarily until the distinguished Senator from New Mexico has looked at the amendment.

Mr. President, I renew my request.

Mr. DOMENICI. I have no objection. I have looked at it.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 4532 TO AMENDMENT NO. 4472

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4532 to amendment No. 4472.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide critical emergency supplemental appropriations)

At the appropriate place in Byrd Amendment No. 4472 insert the following:

TITLE —SUPPLEMENTAL APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Office of the Secretary", $18,000,000, to remain available until expended: *Provided*, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services' Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance," for emergency expenses for activities related to combating international terrorism, $10,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for public safety expenses related to security events in the District of Columbia, $12,000,000, to remain available until December 1, 2003: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the Committees on Appropriations of the House of Representatives and Senate, detailing any expenditure of these funds: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "science" for emergency expenses necessary to support safeguards and security activities, $11,350,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expenses, $138,650,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(B)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund" for emergency expenses for activities related to combating HIV/AIDS, tuberculosis, and malaria, $200,000,000, to remain available until June 30, 2003: *Provided*, That such activities should include maternal health and related assistance in communities heavily impacted by HIV/AIDS: *Provided further*, That additional assistance should be provided to prevent transmission, of HIV/AIDS from mother to child: *Provided further*, That of the funds appropriated under this heading in this Act, not less than $100,000,000 should be made available for a further United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: *Provided further*, That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund as of December 31, 2002: *Provided further*, That of the funds appropriated under this heading, up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health: *Provided further*, That funds appropriated by this paragraph shall be appropriated to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any similar provision of law, may not be used to transfer or allocate any part of such funds to any agency of the United States Government: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the funds appropriated under his heading shall be subject to the regular notification procedures of the Committee on Appropriations.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $17,651,000, to remain available until expended: *Provided*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Public Health and Social Services Emergency Fund" for baseline and follow-up screening and clinical examination, long term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $9,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional, or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, $150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 9

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $39,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

CHAPTER 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $200,000,000, to remain available until September 30, 2003, of which $150,000,000 is for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); and $50,000,000 for interoperable communications equipment: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BYRD. Mr. President, on Tuesday, September 10, 2002, the Attorney General announced an increase in the national threat level to the "High Risk" level. The President accepted the recommendation based on what the Attorney General described as specific intelligence received and analyzed by the full intelligence community and corroborated by multiple intelligence sources.

The Attorney General indicated that the likely targets include the transportation and energy sectors and symbols of American power such as U.S. embassies, U.S. military facilities and national monuments.

I intend to offer an amendment to the Interior bill for $937 million of supplemental funding. The package includes $647 million of homeland security funding that draws from the $5.1 billion emergency contingency fund that the President rejected those items that are most directly related to the increased threat. In addition, the amendment includes $200 million for international AIDS programs as was approved by the Senate 79–14 when Senator FRIST offered the amendment last June. The amendment also includes $90 million that the Congress had previously approved for providing long-term health screening and examinations for the emergency personnel who responded to the attack at the World Trade Center.

The Office of Management and Budget currently estimates that there is $940 million available under the discretionary caps for fiscal year 2002 budget authority. Therefore, this amendment does not require an emergency designation by the President. If the President signs the bill, the funds will be made available.

Highlights of the $937 million package include $150 million for security at our nuclear plants and labs, $150 million for the direct costs of new security requirements for our Nation's airports, $150 million to equip and train our Nation's firefighters for dealing with weapons of mass destruction and other threats, $100 million for grants to fire and police departments to improve the interoperability of their communications equipment, $39 million for the Customs Service for improved border security, $17.7 million for increased security at the Washington Monument and Jefferson Memorial, $18 million for USDA for securing biohazardous materials, $12 million for DC for law enforcement costs of the September 28 IMF conference and other national security events, $10 million for embassy security, $200 million for international AIDS, tuberculosis and malaria services, and $90 million for long-term health monitoring of World Trade Center first responders.

I thank the Chair, and I thank all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Chair will shortly report H.R. 5005. This morning when the order was entered, we did not know if anyone would oppose either amendment. I have been advised that the comanager of this legislation is going to oppose the Hollings amendment. I, therefore, ask the Chair to designate the Senator from Tennessee as the person controlling the time against the Hollings amendment.

The PRESIDING OFFICER. The Chair will do so.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute.

Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized to offer an amendment.

AMENDMENT NO. 4533 TO AMENDMENT NO. 4471

Mr. HOLLINGS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. Hollings] proposes an amendment numbered 4533 to amendment No. 4471.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the membership and advisors of the National Security Council)

At the end of subtitle D of title I, add the following;

SEC. 173. MODIFICATION OF MEMBERSHIP AND ADVISORS OF NATIONAL SECURITY COUNCIL.

(a) MEMBERS.—Subsection (a) of section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph, by redesignating clauses (1) through (6) as subparagraphs (A) through (G), respectively;

(2) by designating the undesignated paragraphs as paragraphs (1) through (4), respectively; and

(3) in paragraph (4), as so designated—

(A) by striking subparagraphs (E) and (F) and inserting the following new subparagraphs:

"(E) the Attorney General;

"(F) the Secretary of Homeland Security; and"; and

(B) in subparagraph (G), as so redesignated, by striking "the Chairman of the Munitions Board," and all that follows and inserting "to serve at the pleasure of the President.".

(b) ADVISORS.—That section is further amended—

(1) by redesignating subsections (g) through (j) and subsection (i), as added by section 301 of the International Religious Freedom Act of 1998 (Public Law 105–292; 112 Stat. 2800), as subsections (i) through (m), respectively;

(2) by transferring subsection (l) (relating to the participation of the Director of Central Intelligence on the National Security Council), as so redesignated, to appear after subsection (f) and redesignating such subsection, as so transferred, as subsection (g); and

(3) by inserting after subsection (g), as so transferred and redesignated, the following new subsections:

"(h) The Director of the Federal Bureau of Investigation may, in the performance of the Director's duties as the head of the Federal Bureau of Investigation and subject to the direction of the President, attend and participate in meetings of the National Security Council."

Mr. REID. Mr. President, will the Senator withhold for a parliamentary inquiry?

Mr. HOLLINGS. Yes.

Mr. REID. Mr. President, I have been speaking to the manager of the bill, Senator LIEBERMAN. We have two amendments pending. Senator THOMPSON opposes the Hollings amendment. It would seem that the Senator from Tennessee should have one-half hour in opposition to that amendment. Senator LIEBERMAN opposes the Thompson amendment. He should have one-half hour in opposition to that. If the two managers agree with that, we should have that in the form of an order so somebody can designate the time on it.

The PRESIDING OFFICER. That is the understanding of the Chair.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair.

This amendment is so simple that it becomes suspicious, in a sense. All I amend here is the National Security Council so as to include the Attorney General, the future Secretary of Homeland Security, and the Director of the FBI in an advisory position similar to the CIA as presently included in the 1947 law. The reason for this, of course, is to get not only the responsibility of the Council fixed, but more particularly to realize now that domestic threats are far greater than any international threats. I don't believe Russia is going to attack us. I don't think China is going to attack us. I don't think Saddam, after all he has heard about us attacking him, is going to attack us, except perhaps maybe overseas but not the homeland. But homeland security must be emphasized.

Let me refer immediately to that section of the 1947 act signed by President Harry Truman on July 26, 1947. I quote:

> The functioning of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the government to cooperate more effectively in matters involving the national security.

In other words, the function of joining all the dots is with the National Security Council.

You have all these entities now, here with a new one, to take certain analyses: the Department of Homeland Security. But you still have the CIA, the FBI, the National Security Agency. You have intelligence sections of the State Department. They are all over the Government; Intelligence Committees within the Congress, and everything else like that. Wherein is the responsibility fixed to join the dots?

Harry Truman said it best in 1947. He said: "The buck stops here." So my particular amendment is to fix that responsibility, and assist the President, so there would be no misunderstanding.

Incidentally, only the President of the United States can change this culture of the so-called "need to know." I speak advisedly. I was in the intelligence game back in the 1950s. I was a member of the Hoover Commission. We investigated the CIA, the FBI, the Army, Navy, Air Force intelligence, the Defense Department, the Secret Service, the Q clearance, the atomic energy intelligence, and all the other functions.

I will never forget, in October of 1962, I got a call from my friend who would later operate this desk as a Senator, Bobby Kennedy. Bobby said: I would like to get that report from you with respect to this Cuban missile crisis, and the background on it. I turned over my report, my particular one. I never have gotten it back.

But, in any event, the glaring error that persists this minute is that there are no joining of the dots, people are not talking to each other. Intelligence has gone like economics and trade—globalization, globalization. I cannot emphasize that too much in the little bit of time that is given me.

Immediately after 9/11 the CIA, the FBI, the various intelligence agencies said: Oh, this was a surprise. They could know nothing about a plane going into a building.

Let me talk about terrorism and give you a dateline:

The bombing of the U.S. Embassy in Beirut in April 1983 by the Islamic Jihad; the bombing of the Marine barracks in Beirut in October 1983, also by the Islamic terrorists; the Hezbollah restaurant bombing in April 1984; the Naples USO attack in April 1988; the attempted Iraqi attacks on U.S. posts on January 18 and 19 of 1991; the World Trade Center bombing in February of 1993; the attempted assassination of President Bush by Iraqi agents in April of 1993; the attack on U.S. diplomats in Pakistan in March of 1995; the Khobar Towers bombing in June of 1996; the U.S. Embassy bombings in Nairobi, Kenya, and Dar es Salaam, Tanzania, in 1998; the attack on the U.S.S. *Cole* in October of 2000; and the terrorist attacks on, of course, September 11. And they have not stopped. We have the car bombing outside the U.S. consulate in Karachi, Pakistan, in June of 2002.

Mr. President, I ask unanimous consent this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TERRORISM TIMELINE

Bombing of U.S. Embassy in Beirut, April 18, 1983: Sixty-three people, including the CIA's Middle East director, were killed, and 120 were injured in a 400-pound suicide truck-bomb attack on the U.S. Embassy in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

Bombing of Marine Barracks, Beirut, October 23, 1983: Simultaneous suicide truck-bomb attacks were made on American and French compounds in Beirut, Lebanon. A 12,000-pound bomb destroyed the U.S. compound, killing 242 Americans, while 58 French troops were killed when a 400-pound device destroyed a French base. Islamic Jihad claimed responsibility.

Hizballah Restaurant Bombing, April 12, 1984: Eighteen U.S. servicemen were killed, and 83 people were injured in a bomb attack on a restaurant near a U.S. Air Force Base in Torrejon, Spain. Responsibility was claimed by Hizballah.

Naples USO Attack, April 14, 1988: The Organization of Jihad Brigades exploded a car bomb outside a USO Club in Naples, Italy, killing one U.S. sailor.

Attempted Iraqi Attacks on U.S. Posts, January 18–19, 1991: Iraqi agents planted bombs at the U.S. Ambassador to Indonesia's home residence at the USIS library in Manila.

World Trade Center Bombing, February 26, 1993: The World Trade Center in New York City was badly damaged when a car bomb planted by Islamic terrorists explodes in an underground garage. The bomb left six people dead and 1,000 injured. The men carrying out the attack were followers of Umar and Abd al-Rahman, an Egyptian cleric who preached in the New York City area.

Attempted Assassination of President Bush by Iraqi Agents, April 14, 1993: The Iraqi intelligence service attempted to assassinate former U.S. President George Bush during a visit to Kuwait. In retaliation, the U.S. launched a cruise missile attack 2 months later on the Iraqi capital Baghdad.

Attack on U.S. Diplomats in Pakistan, March 8, 1995: Two unidentified gunmen killed two U.S. diplomats and wounded a third in Karachi, Pakistan.

Khobar Towers Bombing, June 25, 1996: A fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility in Dharhran, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel. Several groups claimed responsibility for the attack.

U.S. Embassy Bombings in East Africa, August 7, 1998: A bomb exploded at the rear entrance of the U.S. embassy in Nairobi, Kenya, killing 12 U.S. citizens, 32 Foreign Service Nationals (FSNs), and 247 Kenyan citizens. About 5,000 Kenyans, six U.S. citizens, and 13 FSNs were injured. The U.S. embassy building sustained extensive structural damage. Almost simultaneously, a bomb detonated outside the U.S. embassy in Dar es Salaam, Tanzania, killing seven FSNs and three Tanzanian citizens, and injuring one U.S. citizen and 76 Tanzanians. The explosion caused major structural damage to the U.S. embassy facility. The U.S. Government held Usama Bin Ladin responsible.

Attack on U.S.S. *Cole*, October 12, 2000: In Aden, Yemen, a small dingy carrying explosives rammed the destroyer U.S.S. *Cole*, killing 17 sailors and injuring 39 others. Supporters of Usama Bin Ladin were suspected.

Terrorist Attacks on U.S. Homeland, September 11, 2001: Two hijacked airliners crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon was struck by a third hijacked plane. A fourth hijacked plane, suspected to be bound for a high-profile target in Washington, crashed into a field in southern Pennsylvania. More than 5,000 U.S. citizens and other nationals were killed as a result of these acts. President Bush and Cabinet officials indicated that Usama Bin Laden was the prime suspect and that they considered the United States in a state of war with international terrorism. In the aftermath of the attacks, the United States formed the Global Coalition Against Terrorism.

Car Bombing outside U.S. Consulate, June 14, 2002: A suicide bomber drives a car filled with explosives into a guard post outside the U.S. consulate in Karachi, Pakistan, killing 11 Pakistanis and injuring at least 45 people, including one U.S. Marine who is slightly wounded by flying debris.

Mr. HOLLINGS. Now, they say: Well, Senator, you point all those things out. But, after all, we didn't know anything about a plane going into a building.

Well, in December 1994, the al-Qaida hijacked an Air France plane that was headed into the Eiffel Tower. Who has not heard of flying a plane into a structure?

In 1995, the CIA was hot on the Philippines and thwarted the blowup or the crashing of eight planes at one particular time. They learned of the plan to do what? To crash a plane into the CIA building. That was back 6 years before 9/11.

And then, in January of 2000, in Malaysia, there was an article with respect to al-Qaida. Let me read from the article. I quote:

> At the time, the men had no idea that they were being closely watched—or that the CIA already knew some of their names. A few days earlier, U.S. intelligence had gotten wind of the Qaeda gathering. Special Branch, Malaysia's security service, agreed to follow and photograph the suspected terrorists. They snapped pictures of the men sightseeing and ducking into cybercafes to check Arabic Web sites. What happened next, some U.S. counterterrorism officials say, may be the most puzzling, and devastating, intelligence in the critical months before September 11. A few days after the Kuala Lumpur meeting . . . the CIA tracked one of the terrorists, Nawaf Alhazmi as he flew from the meeting to Los Angeles. Agents discovered that another of the men, Khalid Almihdhar, had already obtained a multiple-entry visa that allowed him to enter and leave the United States as he pleased. (They later learned that he had in fact arrived in the United States on the same flight as Alhazmi.)
>
> Yet astonishingly, the CIA did nothing with this information. Agency officials didn't tell the INS, which could have turned them away at the border. Nor did they notify the FBI, which could have covertly tracked them to find out their mission. Instead, during the year and nine months after the CIA identified them as terrorists, Alhazmi and Almihdhar lived openly in the United States, using their real names, obtaining driver's licenses, opening bank accounts and enrolling in flight schools—until the morning of September 11, when they walked aboard American Airlines Flight 77 and crashed it into the Pentagon.

Mr. President, I ask unanimous consent that this article be printed in the RECORD, in addition to another article of this particular week, where we had an informant from the CIA who was staying with them all the time. When he heard that they were the names, he said: "Oh, I knew them. Yeah, they were terrorists and everything else."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, June 10, 2002]

THE HIJACKERS WE LET ESCAPE

(By Michael Isikoff and Daniel Klaidman)

The CIA tracked two suspected terrorists to a Qaeda summit in Malaysia in January 2000, then looked on as they re-entered America and began preparations for September 11. Why didn't somebody try to stop them? Inside what may be the worst intelligence failure of all. A Newsweek exclusive.

Kuala Lumpur is an easy choice if you're looking to lie low. Clean and modern, with reliable telephones, banks and Internet service, the Malaysian city is a painless flight from most world capitals—and Muslim visitors don't need visas to enter the Islamic country. That may explain why Al Qaeda chose the sprawling metropolis for a secret planning summit in early January 2000. Tucked away in a posh suburban condominium overlooking a Jack Nicklaus-designed golf course, nearly a dozen of Osama bin Laden's trusted followers, posing as tourists, plotted future terrorist strikes against the United States.

At the time, the men had no idea that they were being closely watched—or that the CIA already knew some of their names. A few days earlier, U.S. intelligence had gotten wind of the Qaeda gathering. Special Branch, Malaysia's security service, agreed to follow and photograph the suspected terrorists. They snapped pictures of the men sightseeing and ducking into cybercafes to check Arabic Web sites. What happened next, some U.S. counterterrorism officials say, may be the most puzzling, and devastating, intelligence in the critical months before September 11. A few days after the Kuala Lumpur meeting, Newsweek has learned, the CIA tracked one of the terrorists, Nawaf Alhazmi, as he flew from the meeting to Los Angeles. Agents discovered that another of the men, Khalid Almihdhar, had already obtained a multiple-entry visa that allowed him to enter and leave the United States as he pleased. (They later learned that he had in fact arrived in the United States on the same flight as Alhazmi.)

Yet astonishingly, the CIA did nothing with this information. Agency officials didn't tell the INS, which could have turned them away at the border, nor did they notify the FBI, which could have covertly tracked them to find out their mission. Instead, during the year and nine months after the CIA identified them as terrorists, Alhazmi and Almihdhar lived openly in the United States, using their real names, obtaining driver's licenses, opening bank accounts and enrolling in flight schools—until the morning of September 11, when they walked aboard American Airlines Flight 77 and crashed it into the Pentagon.

Until now, the many questions about intelligence shortcomings leading up to the attacks have focused on the FBI's clear failure to connect various vague clues that might have put them on the trail of the terrorists. Last week, in the aftermath of Minnesota agent Coleen Rowley's scathing letter ripping the FBI for ignoring warnings from the field, Director Robert Mueller announced a series of reforms aimed at modernizing the bureau.

All along, however, the CIA's Counterterrorism Center—base camp for the agency's war on bin Laden—was sitting on information that could have led federal agents right to the terrorists' doorstep. Almihdhar and Alhazmi, parading across America in plain sight, could not have been easier to find. Newsweek has learned that when Almihdhar's visa expired, the State Department, not knowing any better, simply issued him a new one in June 2001—even though by then the CIA had linked him to one of the suspected bombers of the USS Cole in October 2000. The two terrorists' frequent meetings with the other September 11 perpetrators could have provided federal agents with a road map to the entire cast of 9–11 hijackers. But the FBI didn't know it was supposed to be looking for them until three weeks before the strikes, when CIA Director George Tenet, worried an attack was imminent, ordered agency analysts to review their files. It was only then, on Aug. 23, 2001, that the agency sent out an all-points bulletin, launching law-enforcement agents on a frantic and futile search for the two men. Why didn't the CIA share its information sooner? "We could have done a lot better, that's for sure," one top intelligence official told Newsweek.

The CIA's belated and reluctant admission now makes it impossible to avoid the question that law-enforcement officials have tried to duck for weeks: could we have stopped them? Tenet has vigorously defended his agency's performance in the months before the attacks. In February he told a Senate panel that he was "proud" of the CIA's record. He insisted that the terrorist strikes were not due to a "failure of attention, and discipline, and focus, and consistent effort—and the American people need to understand that." Yet last week intelligence officials acknowledged that the agency made at least one mistake: failing to notify the State Department and the INS, so the men could have been stopped at the border.

CIA officials, who have been preparing for the start of Senate intelligence committee hearings this week, seem at a loss to explain how this could have happened. The CIA is usually loath to share information with other government agencies, for fear of compromising "sources and methods." CIA officials also say that at the time Almihdhar and Alhazmi entered the country in January

2000, they hadn't yet been identified as bin Laden terrorists—despite their attendance at the Malaysia meeting. "It wasn't known for sure that they were Al Qaeda bad-guy operators," says one official.

CIA officials also point out that FBI agents assigned to the CIA's Counterterrorism Center were at least informed about the Malaysia meeting and the presence of Almihdhar and Alhazmi at the time it occurred. But FBI officials protest that they only recently learned about the most crucial piece of information: that the CIA knew Alhazmi was in the country, and that Almihdhar could enter at will. "That was unforgivable," said one senior FBI official. This led to a series of intense and angry encounters among U.S. officials in the weeks after September 11. At one White House meeting last fall, Wayne Griffith, a top State Department consular official, was so furious that his office hadn't been told about the two men that he blew up at a CIA agent. (Griffith declined to comment.)

To bolster their case, FBI officials have now prepared a detailed chart showing how agents could have uncovered the terrorist plot if they had learned about Almihdhar and Alhazmi sooner, given their frequent contact with at least five of the other hijackers. "There's no question we could have tied all 19 hijackers together," the official said.

It was old-fashioned interrogation and eavesdropping that first led U.S. intelligence agents to the Qaeda plotters. In the summer of 1998, only a couple of weeks after bin Laden operatives truck-bombed two U.S. Embassies in Africa, the FBI got a break: one of the Nairobi bombers had been caught. Muhammad Rashed Daoud al-Owhali, a young Saudi from a wealthy family who became a fierce bin Laden loyalist, was supposed to have killed himself in the blast. Instead, he got out of the truck at the last moment and fled. He was arrested in a seedy Nairobi hotel, waiting for his compatriots to smuggle him out of the country.

Questioned by the FBI, al-Owhali made a detailed confession. Among the information he gave agents was the telephone number of a Qaeda safe house in Yemen, owned by a bin Laden loyalist named Ahmed Al-Hada (who, it turns out, was also Almihdhar's father-in-law).

U.S. intelligence began listening in on the telephone line of the Yemen house, described in government documents as a Qaeda "logistics center," where terrorist strikes—including the Africa bombings and later the *Cole* attack in Yemen—were planned. Operatives around the world phoned Al-Hada with information, which was then relayed to bin Laden in the Afghan mountains.

In late December 1999, intercepted conversations on the Yemen phone tipped off agents to the January 2000 Kuala Lumpur summit, and to the names of at least two of its participants: Almihdhar and Alhazmi. The condo where the meeting took place was a weekend getaway owned by Yazid Sufaat, a U.S.-educated microbiologist who had become a radical Islamist and bin Laden follower. He was arrested last December when he returned from Afghanistan, where he had served as a field medic for the Taliban. Sufaat's lawyer says his client let the men stay at his place because "he believes in allowing his property to be used for charitable purposes." But he claims Sufaat had no idea that they were terrorists.

After the meeting, Malaysian intelligence continued to watch the condo at the CIA's request, but after a while the agency lost interest. Had agents kept up the surveillance, they might have observed another beneficiary of Sufaat's charity: Zacarias Moussaoui, who stayed there on his way to the United States later that year. The Malaysians say they were surprised by the CIA's lack of interest following the Kuala Lumpur meeting. "We couldn't fathom it, really," Rais Yatim, Malaysia's Legal Affairs minister, told Newsweek. "There was no show of concern."

Immediately after the meeting, Alhazmi boarded a plane to Bangkok, where he met a connecting flight to Los Angeles on Jan. 15, 2000. Since the CIA hadn't told the State Department to put his name on the watch list of suspected terrorists, or told the INS to be on the lookout for him, he breezed through the airport and into America. Almihdhar was also on the plane, though CIA agents did not know it at the time.

The CIA is forbidden from spying on people inside the United States. Had it followed standard procedure and passed the baton to the FBI once they crossed the border, agents would have discovered that Almihdhar and Alhazmi weren't just visiting California, they were already living there. The men had moved into an apartment in San Diego two months before the Kuala Lumpur meeting.

The CIA's reluctance to divulge what it knew is especially odd because, as 2000 dawned, U.S. law-enforcement agencies were on red alert, certain that a bin Laden strike somewhere in the world could come at any moment. There was certainly reason to believe bin Laden was sending men here to do grave harm. Just a few weeks before, an alert Customs inspector had caught another Qaeda terrorist, Ahmed Ressam, as he tried to cross the Canadian border in a rental car packed with explosives. His mission: to blow up Los Angeles airport. Perhaps agency officials let down their guard after warnings about a Millennium Eve attack never materialized. Whatever the reason, Alhazmi and Almihdhar fell off their radar screen.

Free to do as they pleased, the 25-year-old Alhazmi and 26-year-old Almihdhar went about their terrorist training in southern California. They told people they were buddies from Saudi Arabia hoping to learn English and become commercial airline pilots. The cleanshaven Alhazmi and Almihdhar played soccer in the park with other Muslim men and prayed the required five times a day at the area mosque. They bought season passes to Sea World and dined on fast food, leaving the burger wrappers strewn around their sparsely furnished apartment. And, despite their religious convictions, the men frequented area strip clubs. Neighbors found it odd that the men would rarely use the telephones in their apartment. Instead, they routinely went outside to make calls on mobile phones.

People who knew the men recall that they couldn't have been more different. Alhazmi was outgoing and cheerful, making friends easily. He once posted an ad online seeking a Mexican mail-order bride, and worked diligently to improve his English. By contrast, Almihdhar was dark and brooding, and expressed disgust with American culture. One evening, he chided a Muslim acquaintance for watching "immoral" American television. "If you're so religious, why don't you have facial hair?" the friend shot back. Almihdhar patted him condescendingly on the knee. "You'll know someday, brother," he said.

Neither man lost sight of the primary mission: learning to fly airplanes. Almihdhar and Alhazmi took their flight lessons seriously, but they were impossible to teach. Instructor Rick Garza at Sorbi's Flying Club gave both men a half-dozen classes on the ground before taking them up in a single-engine Cessna in May. "They were only interested in flying big jets," Garza recalls. But Garza soon gave up on his hapless students. "I just thought they didn't have the aptitude," he says. "They were like Dumb and Dumber."

Had law-enforcement agents been looking for Alhazmi and Almihdhar at the time, they could have easily tracked them through bank records. In September 2000, Alhazami opened a $3,000 checking account at a Bank of America branch. The men also used their real names on driver's licenses, Social Security cards and credit cards. When Almihdhar bought a dark blue 1988 Toyota Corolla for $3,000 cash, he registered it in his name. (He later signed the registration over to Alhazmi, whose name was on the papers when the car was found at Dulles International Airport on September 11.) Of course, agents might have used another resource to pinpoint their location: the phone book, Page 13 of the 2000–2001 Pacific Bell White Pages contains a listing for "alhazmi Nawaf M 6401 Mount Ada Rd. 858–279–5919."

By then, though, the case seems to have gotten lost deep in the CIA's files. But Almihdhar's name and face surfaced yet again, in the aftermath of the October 2000 bombing of the *Cole*. Within days of the attack, a team of FBI agents flew to Yemen to investigate. They soon began closing in on suspects. One was a man called Tawfiq bin Attash, a.k.a. Khallad, a fierce, one-legged Qaeda fighter. When analysts at the CIA's Counterterrorism Center in Langley, Va., pulled out the file on Khallad, they discovered pictures of him taken at the Kuala Lumpur meeting. In one of the shots, he is standing next to Almihdhar.

If, as the CIA now claims, it wasn't certain that Almihdhar had terrorist connections, it certainly knew it now. And yet the agency still did nothing and notified no one.

In mid- to late 2000, Almihdhar left San Diego for good. It appears that he spent the next several months bouncing around the Middle East and Southeast Asia. While he was away, his visa expired—a potentially big problem. Yet since the CIA was still not sharing information about Almihdhar's Qaeda connections, the State Department's Consular Office in Saudi Arabia simply rubber-stamped him a new one.

Almihdhar returned to the United States on July 4, 2001, flying into New York. He spent at least some of the time leading up to September traveling around the East Coast and, at least once, meeting with Mohamed Atta and other September 11 plotters in Las Vegas.

Meanwhile, Alhazmi, having flunked out of two California flight schools, decided to try his luck in Phoenix in early 2001. There he hooked up with Qaeda terrorist in training, Hani Hanjour, who eventually piloted Flight 77. In April 2001 Alhazmi headed east, and was pulled over for speeding. Oklahoma State Trooper C. L. Parkins ran Alhazmi's California driver's license through the computer, checked to see if the car was stolen and made sure there wasn't a warrant out for Alhazmi's arrest. When nothing came up, he issued the terrorist two tickets, totaling $138, and sent him on his way. (The tickets were not discovered until after 9–11.) Like Almihdhar, Alhazmi eventually went east, spending time in New Jersey and Maryland. On Aug. 25, he used his credit card to purchase two tickets for Flight 77.

Two days earlier, CIA officials finally, and frantically, awoke to their mistake. That summer, as U.S. intelligence picked up repeated signals that bin Laden was about to launch a major assault, Tenet ordered his staff to scrub the agency's files, looking for anything that might help them thwart whatever was coming. It didn't take long to discover the file on Almihdhar and Alhazmi. CIA officials checked with the INS, only to discover that Almihdhar had traveled out of the country, and was allowed back in on his new visa. On Aug. 23, the CIA sent out an urgent cable, labeled immediate, to the State Department, Customs, INS and FBI, telling them to put the two men on the terrorism watch list.

The FBI began an aggressive, "full field" investigation. Agents searched all nine Marriott hotels in New York City, the place Almihdhar had listed as his "destination" on his immigration forms in July. They also searched hotels in Los Angeles, where the two men originally entered the country back in 1999. But it's unclear whether agents scoured public records for driver's licenses and phone numbers or tried to track plane-ticket purchases. In preparation for their mission, the men had gone to ground.

Now, amid the escalating blame wars in Washington, federal agents are left to wonder how different things might have been if they'd started that search nearly two years before. The FBI's claim that it could have unraveled the plot by watching Alhazmi and Almihdhar, and connecting the dots between them and the other terrorists, seems compelling.

The links would not have been difficult to make: Alhazmi met up with Hanjour, the Flight 77 pilot, in Phoenix in late 2000; six months later, in May 2001, the two men showed up in New Jersey and opened shared bank accounts with two other plotters, Ahmed Alghamdi and Majed Moqed. The next month, Alhazmi helped two other hijackers, Salem Alhazmi (his brother) and Abdulaziz Alomari, open their own bank accounts. Two months after that, in August 2001, the trail would have led to the pilot's ringleader, Mohamed Atta, who had bought plane tickets for Moqed and Alomari. What's more, at least several of the hijackers had traveled to Las Vegas for a meeting in summer 2001, just weeks before the attacks. "It's like three degrees of separation," insists an FBI official.

But would even that have been enough? There's no doubt that Alhazmi and Almihdhar could have been stopped from coming into the country if the CIA had shared its information with other agencies. But then two other hijackers could have been sent to take their place. And given how little the FBI understood Al Qaeda's way of operating—and how it managed to mishandle the key clues it did have—it's possible that agents could have identified all 19 hijackers and still not figured out what they were up to. That, one former FBI official suggests, could have led to the cruelest September 11 scenario of all: "We would have had the FBI watching them get on the plane in Boston and calling Los Angeles," he says. "'Could you pick them up on the other end?'"

[From Newsweek, Sept. 16, 2002]

THE INFORMANT WHO LIVED WITH THE HIJACKERS

(By Michael Isikoff with Jamie Reno)

At first, FBI director Bob Mueller insisted there was nothing the bureau could have done to penetrate the 9-11 plot. That account has been modified over time—and now may change again. Newsweek has learned that one of the bureau's informants had a close relationship with two of the hijackers: he was their roommate.

The connection, just discovered by congressional investigators, has stunned some top counterterrorism officials and raised new concerns about the information-sharing among U.S. law-enforcement and intelligence agencies. The two hijackers, Khalid Almihdhar and Nawaf Alhazmi, were hardly unknown to the intelligence community. The CIA was first alerted to them in January 2000, when the two Saudi nationals showed up at a Qaeda "summit" in Kuala Lumpur, Malaysia. FBI officials have argued internally for months that if the CIA had more quickly passed along everything it knew about the two men, the bureau could have hunted them down more aggressively.

But both agencies can share in the blame. Upon leaving Malaysia, Almihdhar and Alhazmi went to San Diego, where they took flight-school lessons. In September 2000, the two moved into the home of a Muslim man who had befriended them at the local Islamic Center. The landlord regularly prayed with them and even helped one open a bank account. He was also, sources tell Newsweek, a "tested" undercover "asset" who had been working closely with the FBI office in San Diego on terrorism cases related to Hamas. A senior law-enforcement official told Newsweek the informant never provided the bureau with the names of his two houseguests from Saudi Arabia. Nor does the FBI have any reason to believe the informant was concealing their identities. (He could not be reached for comment.) But the FBI concedes that a San Diego case agent appears to have been at least aware that Saudi visitors were renting rooms in the informant's house. (On one occasion, a source says, the case agent called up the informant and was told he couldn't talk because "Khalid"—a reference to Almidhdhar—was in the room.). I. C. Smith, a former top FBI counterintelligence official, says the case agent should have been keeping closer tabs on who his informant was fraternizing with—if only to seek out the houseguests as possible informants. "They should have been asking, 'Who are these guys? What are they doing here?' This strikes me as a lack of investigative curiosity." About six weeks after moving into the house, Almidhdhar left town, explaining to the landlord he was heading back to Saudi Arabia to see his daughter. Alhazmi moved out at the end of 2000.

In the meantime, the CIA was gathering more information about just how potentially dangerous both men were. A few months after the October 2000 bombing of the USS *Cole* in Yemen, CIA analysts discovered in their Malaysia file that one of the chief suspects in the *Cole* attack—Tawfiq bin Attash—was present at the "summit" and had been photographed with Almihdhar and Alhazmi. But it wasn't until Aug. 23, 2001, that the CIA sent out an urgent cable to U.S. border and law-enforcement agencies identifying the two men as "possible" terrorists. By then it was too late. The bureau did not realize the San Diego connection until a few days after 9-11, when the informant heard the names of the Pentagon hijackers and called his case agent. "I know those guys," the informant purportedly said, referring to Almihdhar and Alhazmi. "They were my roommates."

But the belated discovery has unsettled some members of the joint House and Senate Intelligence Committees investigating the 9-11 attacks. The panel is tentatively due to begin public hearings as early as Sept. 18, racing to its end-of-the-year deadline. But some members are now worried that they won't get to the bottom of what really happened by then. Support for legislation creating a special blue-ribbon investigative panel, similar to probes conducted after Pearl Harbor and the Kennedy assassination, is increasing. Only then, some members say, will the public learn whether more 9-11 secrets are buried in the government's files.

Mr. HOLLINGS. So what you have, in January of 2000, is not only the informant, the CIA had the information. Again, like I said, they did not communicate it. The dots are never going to get joined. I can see poor Condoleezza Rice standing up and saying: We didn't have anything specific. We didn't have anything specific. She will never get anything specific. She will not get a phone call saying, "We are coming," like we have already called Saddam with. We have told him, "We are coming." But that is not the way the world works with the al-Qaida crowd.

So right to the point, on July 10, 2001, the FBI learned about the Phoenix, AZ, flight school. A memo was sent to the FBI. But it stopped at midlevel—never communicated to the White House, never communicated to the CIA. Again, the dots not joined. I can tell you that right here and now.

Here is a news story from July 21, 2001, before 9/11 of last year, in the Iraqi news. The name of that particular newspaper is Al-Nasiriya.

Quoting from it:

> Bin Ladin has become a puzzle and a proof also, of the inability of the American federalism and the CIA to uncover the man and uncover his nest. The most advanced organizations of the world cannot find the man and continues to go in cycles in illusion and presuppositions.

It refers to an exercise called "How Do You Bomb the White House." They were planning it.

Let me read this to all the colleagues here:

> The phenomenon of Bin Ladin is a healthy phenomenon in the Arab spirit. It is a decision and a determination that the stolen Arab self has come to realize after it got bored with promises of its rulers; After it disgusted itself from their abomination and their corruption, the man had to carry the book of God . . . and write on some white paper "If you are unable to drive off the Marines from the Kaaba, I will do so." It seems that they will be going away because the revolutionary Bin Ladin is insisting very convincingly that he will strike America on the arm that is already hurting.

In other words, the World Trade Towers. Here, over a year ahead of time in the open press in Iraq, they are writing that this man is planning not only to bomb the White House, but where they are already hurting, the World Trade Towers.

I ask unanimous consent to print this article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Al-Nasiriya, July 21, 2001]

AMERICA, AN OBSESSION CALLED OSAMA BIN LADIN

(By Naeem Abd Muhalhal)

Osama Bin Ladin says that he took from the desert its silence and its anger at the same time.

He has learned how to harm America and has been able to do it, for he gave a bad reputation to the Pentagon as being weakened in more than one spot in the world. In order to follow one step taken by Bin Ladin America has put·to work all its apparatus, its computers and its satellites just as the governor cowboy of Texas has done. Bin Ladin's name has been posted on all the internet sites and an amount of $5 million dollars has been awarded to anyone who could give any information that would lead to the arrest of this lanky, lightly bearded man. In this man's heart you'll find an insistence, a strange determination that he will reach one day the tunnels of the White House and will bomb it with everything that is in it.

We all know that every age has its revolutionary phenomenon. In Mexico there was Zapata. In Bolivia there was Che Guevara, during the seventies came out Marcos and the Red Brigades in Italy, the Baader Meinhof Gang in Germany and there was Leila Khaled the Palestinian woman and others. They all appeared in violence and disappeared quietly. During the nineties Bin Ladin came out in the open having been completely overtaken in his mind by the robbery happening to his country and its treasurers. For him it was the beginning of the revolution. For this endeavor he mobilized everything that he had of money, of investments and Sudan was his first stop. Bin Ladin ended up in Afghanistan where his revolutionary drive pushed this stubborn revolutionary to plan very carefully, and in a very detailed manner, his stand to push back the boastful American onslaught and to change the American legend into a bubble of soap.

Because Bin Ladin knows what causes pain to America, he played America's game, just as an oppressed man entertains itself with the thing oppressing him. He countered with the language of dynamite and explosives in the city of Khobar and destroyed two US embassies in Nairobi and Dar al Salaam.

America says, admitting just like a bird in the midst of a tornado, that Bin Ladin is behind the bombing of its destroyer in Aden. The fearful series of events continues for America and the terror within America gets to the point that the Governor of Texas increases the amount of the award, just as the stubbornness of the other man and his challenge increases. This challenge makes it such that one of his grandchildren comes from Jeddah traveling on the official Saudi Arabia airlines and celebrates with him the marriage of one of the daughters of his companions. Bin Ladin has become a puzzle and a proof also, of the inability of the American federalism and the C.I.A. to uncover the man and uncover his nest. The most advanced organizations of the world cannot find the man and continues to go in cycles in illusion and presuppositions. They still hope that he could come out from his nest one day, they hope that he would come out from his hiding hole and one day they will point at him their missiles and he will join Guevara, Hassan Abu Salama, Kamal Nasser, Kanafani and others. The man responds with a thin smile and replies to the correspondent from Al Jazeera that he will continue to be the obsession and worry of America and the Jews, and that even that night he will practice and work on an exercise called "How Do You Bomb the White House." And because they know that he can get there, they have started to go through their nightmares on their beds and the leaders have had to wear their bulletproof vests.

Meanwhile America has started to pressure the Taliban movement so that it would hand them Bin Ladin, while he continues to smile and still thinks seriously, with the seriousness of the Bedouin of the desert about the way he will try to bomb the Pentagon after he destroys the White House . . .

The phenomenon of Bin Ladin is a healthy phenomenon in the Arab spirit. It is a decision and a determination that the stolen Arab self has come to realize after it got bored with promises of its rulers: After it disgusted itself from their abomination and their corruption, the man had to carry the book of God and the Kalashnikov and write on some off white paper "If you are unable to drive off the Marines from the Kaaba, I will do so." It seems that they will be going away because the revolutionary Bin Ladin is insisting very convincingly that he will strike America on the arm that is already hurting. That the man will not be swayed by the plant leaves of Whitman nor by the "Adventures of Indiana Jones" and will curse the memory of Frank Sinatra every time he hears his songs. This new awareness of the image that Bin Ladin has become gives shape to the resting areas and stops for every Arab revolutionary. It is the subject of our admiration here in Iraq because it shares with us in a unified manner our resisting stand, and just as he fixes his gaze on the Al Aqsa we greet him. We hail his tears as they see the planes of the Western world taking revenge against his heroic operations by bombing the cities of Iraq . . .

To Bin Ladin I say that revolution, the wings of a dove and the bullet are all but one and the same thing in the heart of a believer.

Mr. HOLLINGS. Then on August 15, just prior to September 11 of last year, we had Moussaoui arrested in Minnesota. He wanted to know how to fly a plane, but not how to take off in a plane. And the FBI's Coleen Rowley, from Minnesota, testified before the Congress that she had written a memo, and the way she summed it up, they could crash the plane into the World Trade Towers.

Again, Mr. President, I could continue to go down the list, but we have this USA Today article of September 2 of this year, where the hijacker allegedly bragged what they were going to do on September 11. The year before the attacks, the Germans reported the particular terrorist saying that was exactly what they were going to do.

And there is a Time magazine article of May 27 of this year that sums up how the United States missed all of the clues. We have seen all the particular articles, and now we have the amendment in to fix the problem.

Let me just say a word about, and not in any criticism of our distinguished Director of the National Security Council, but Condoleezza Rice is about as steeped in domestic security as I am in foreign policy.

You can't find anyone more qualified in foreign policy. This young lady graduated at 20 years of age Phi Beta Kappa from the University of Denver. Then she earned her master's at the University of Notre Dame a year later, when she was 21. At the age of 27, she received her doctorate from the School of International Studies at the University of Denver, and then in 1981 became a faculty member of Stanford University in foreign policy.

So she has been steeped in that particular discipline all her life. Let me quote from her particular biography:

> The Bush administration has substantially restructured the National Security Council during its first three weeks in office, providing an early indication of how the new White House plans to handle foreign policy.

She cut the NSC staff by a third, reorganized it to emphasize defense strategy, national missile defense, and international economics.

> In a White House first, Rice has expanded her regular meetings with Secretary of State Colin L. Powell and Defense Secretary Donald H. Rumsfeld to include Treasury Secretary Paul O'Neill.

It also indicates:

> . . . Bush's desire to decrease U.S. involvement in the Balkans and signal to Russia "that this administration is not going to treat Russia as a special case." Other notable changes have been the elimination of the divisions handling international environmental and health issues, and of the NSC's communications and legislative offices.

The reason I point this out is that prior to coming on board, the previous Director of the National Security Council, Sandy Berger, had a one-on-one meeting, telling Dr. Rice: Look, you are coming on board, and most of your time is going to be taken up with counterterrorism. There isn't any question about it. But what does she do? Instead, she takes action on everything that she knows about and she is absolutely authoritative in, but is not the need of the moment.

My problem with this bill is that it doesn't include any of the agencies that had a failure on 9/11 in the proposed Department. The CIA failed. The FBI failed. The National Security Agency failed. On September 10, the NSA got a message in Arabic: Tomorrow is zero hour. But they didn't translate it from Arabic into English until September 12. And then the National Security Council, limply standing there, not being informed of anything, just said: Well, they didn't give us anything specific.

It is the National Security Council's function to bring all the elements together, the gathering of intelligence, the analysis of intelligence, the joining of dots, the fixing of responsibility. The buck stops here. That is what this simple amendment does.

It puts the FBI Director on the Council. Now we have a domestic intelligence effort, something we never had. I met immediately with Bob Mueller. I have his particular budget. I gave him some $750 million to up-date his computers and synchronize them with the

FAA and the Immigration Service, the Border Patrol, and everything else, so that we could have one-stop shopping on knowledge of any kind of a terrorist threat.

We also gave him the money transfer of the funds last fall to institute his new Department of Domestic Intelligence. Now the Domestic Intelligence is supposed to give that over to the Department of Homeland Security. But the Homeland Department does not gather any intelligence. It only takes what it is given, and it only analyzes what is given and, in a sense, doesn't know what to ask for because they are not in the game. It is the same with the CIA. I can see right now a breakdown continuing between domestic and foreign intelligence.

I have talked to Director Mueller on this particular score. He has hired experienced CIA personnel at the FBI to help him set it up as a Department of Domestic Intelligence. He says he is talking with the CIA. But he hasn't really gotten all the way down to his agents and directors talking at the State level. They have yet to talk to the chiefs of police. I know because we have had meetings with respect to port security. It will take time. It may take 5 years for this new Department to really get in gear and work correctly.

But let me say here and now that we have to have this fixed. The only place I know to be able to fix it is with the President himself—and we have that type of President. That President is no nonsense. He wants to have on his desk timely reports on intelligence, just like he gets from Carl Rove, timely reports on politics. Let's give the emphasis and time—a little bit at least—to intelligence. Give me those timely reports. And that timely report has to be fused not just from the Department of Homeland Security, or the office, or the bureau, or whatever else they call Governor Ridge over there, but it has to be fused at the National Security Council level, with foreign intelligence.

I am not for the President having to get his director over here confirmed by the Senate. I would favor the Thompson amendment. We don't want the National Security Council Director to come here and be confirmed. I think Governor Ridge, in contrast to Condoleezza Rice, knows law enforcement. He has been a Governor, been in Congress, been chief law enforcement officer of Pennsylvania. He knows domestic security, which is something that Dr. Rice has never been into until 9/11. She will have a hard time learning at that level, unless she gets help.

So I think Governor Ridge is an excellent individual in that White House, or wherever they put him, to help her begin to report. But she has to ultimately, as Director, fuse domestic with foreign intelligence, and all the other intelligence you might get from places like the Drug Enforcement Administration. The financing of terrorism is drugs. We know it. They have to follow the banks. She has to get intelligence from the Secretary of the Treasury. She has to work with all these particular entities, and the President doesn't have to take this volumes and volumes of intelligence reports and sit down and read all day. It has to be not only analyzed but prioritized. So it is right in front of him, what he has to give his attention to at that moment and throughout the day, each day, on our homeland security.

I yield the floor temporarily.

Mr. WARNER. Mr. President, I was going to ask the Senator a question.

Mr. HOLLINGS. Yes, sir.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as our highly esteemed colleague knows full well, he occupies a position in this Chamber almost second to none by virtue of his long experience and as a chief executive officer of his State, a Governor. In listening very carefully to what he said, it occurs to me that there is merit in this amendment.

However, my question to our colleague, given the rather dramatic points he makes here, is: Should we not allow the current President the opportunity to communicate with the Senate his views on this? It seems to me this council was established for the specific reason of being advisory to him. It is thought of as his means of establishing an infrastructure, as all Presidents have done, that best serves the method by which they wish to govern and discharge their responsibilities as President. My committee, Armed Services, the Foreign Relations Committee, the Committee on Governmental Affairs, and others that possibly have some oversight on this type of amendment, it seems to me, could quickly gather the views and, in all probability, we may end up with our colleague's amendment. But at least afford the courtesy to the President to share with the Congress—and most specifically the Senate—the views before they act on such a dramatic piece of legislation as this.

Mr. HOLLINGS. Of course, we have the President's views. He submitted a bill. In general, that particular view is before the Senate in the form of the House bill. While we have our own views—and that is our responsibility—this is not to preempt the President. In all fairness, when you see the distinguished chairman of Armed Services, he is who is disturbed. Talk about turf—not of the Senator from Virginia, but the Pentagon, the Department of State. Calls went out to the Department of State on this particular amendment. They don't want that FBI. They don't want the domestic intelligence. They don't want that Secretary of Homeland Security. They want their National Security Council to be solely engaged in foreign policy and foreign and international threats, not domestic.

So no siree, that would be a put off, as it would be for the Pentagon crowd. We worked very closely with the Army and Navy and their intelligence, and I have the greatest admiration for Secretary Rumsfeld. But they have to report in, too, to this domestic intelligence. That still has to be—the intelligence—fused with CIA foreign intelligence at the level of the National Security Council. There is no substitute for it.

If the President doesn't like it, he will say so to the House and it will be knocked out in conference. So don't worry about that. I am not worried about it. I want everybody to know here and now this bill does nothing to avoid and prevent another 9/11. All the agencies that, on 9/11, performed admirably—the Coast Guard was doing its job, FEMA was doing its job, and they got the agriculture people who were doing their job—they are the ones being included. Some 110,000 of the 170,000 people to be in this proposed department, with respect to seaport security, airline security, and rail security are already together in the Department of Transportation. We have been working on that. We have instituted an Office of Domestic Preparedness within the Justice Department. We have all of that going.

But the ones that failed are totally left out of the Department of Homeland Security—the ones that failed us on 9/11 go untouched. Please, my distinguished colleague, don't come up and say let's find out what he thinks and put this off. We know what he thinks. Vote for this amendment and send it to the House. If they knock it out, it will be dropped out.

For one, I go along with Senator THOMPSON. We don't need to confirm Dr. Rice at the National Security Council. Generally speaking, we don't have her name over on her budget. We talk about that on the Appropriations Committee level—if there is an Office of Homeland Security there. I go along with the Senator from Tennessee not to require that office be confirmed over here because, as President, I know good and well I would not depend on the legislative branch's intelligence. I can tell you that right now.

With any Department they would institute, I have a mammoth responsibility. The buck stops here, and I cannot explain another 9/11 by going along with this bill and saying the problem is solved. It is not solved at all. Don't delay me, Senator. You know and I know it will be taken out if the President opposes it.

Mr. WARNER. I thank my colleague.

The PRESIDING OFFICER. The time for the Senator of South Carolina has expired.

Mr. HOLLINGS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senator from Virginia be yielded 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Senator from Tennessee. I wish to commend the Senator from Connecticut, Mr. LIEBERMAN, and our very dear, soon-departing friend from Tennessee for their very important work on this bill, homeland security.

AMENDMENT NO. 4513

Mr. WARNER. Mr. President, I will now turn, I say to the Senator from South Carolina, my remarks to the question of the pending amendment by the Senator from Tennessee, and I thank my good friend for his reply to my question.

Mr. HOLLINGS. I thank the Senator.

Mr. WARNER. Mr. President, we were, as a body in recess—fortunately, the leadership decided this body should go into recess so we could watch the President of the United States deliver a speech which, in my judgment, is one of the most important speeches ever delivered before the United Nations.

He laid out with specific clarity the threats to the world posed by Saddam Hussein, the threats to the world of inaction at this time, and that those who say to him, there is concern this Nation is acting unilaterally—our President very clearly gave the United Nations a clear and respectful mandate to act now in the face of unrefuted facts that in 16 instances, Saddam Hussein has defied the United Nations and the Security Council. What better evidence?

He alluded to the fact that Saddam Hussein has provided evidence—clearly, it is there—of a highly increased tempo of activities toward the manufacture of weapons of mass destruction, weapons which in no way are needed for the rightful defense of the sovereign Nation of Iraq, weapons that could only be manufactured and devised for offensive actions against other nations.

This is not a war, which we are alluding to, between Iraq and the United States. This is a war of free nations—many free nations—free people, innocent people whose lives are at risk in the same way lives were risked on 9/11 a year ago in New York, in my State of Virginia, and in Pennsylvania. I commend the President.

It is interesting, against his speech is the background of another President, President Clinton, who on February 19, 1998, referring to his own perspective on terrorism, said, referring to the terrorists:

> They actually take advantage of the freer movement of people, information and ideas, and they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow this to happen. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of the region, and the security of all the rest of us.

Our President built on that foundation in this historic speech that was delivered today. It is my fervent hope that the Congress of the United States, hopefully led by the Senate, will accede to the President's request made to a group of us from the House and Senate who were in his office just weeks ago, when he called on the Congress, to act with respect to this situation such that the executive branch, led by President Bush, and the Congress are arm in arm as we carry forward our war against terrorism and, most specifically, the threats posed by Iraq.

We are here on the issue of homeland defense, the issue of a new Department. We have had a good debate. We have our differences of view but, nevertheless, I see the momentum, I hope, in this body to move forward with this legislation.

I support the overall intent of this legislation. I strongly agree with the need to better organize our Government to protect our homeland, but I do not support all the provisions of this bill.

Two such provisions are addressed by the pending Thompson amendment, which I strongly support, which would strike titles II and III of the underlying legislation. These titles have been of concern to me for some time, and in a letter dated July 17 of this year, which I ask now unanimous consent to print in the RECORD at the conclusion of my remarks, I so expressed my concerns to the managers of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. Mr. President, title II mandates the establishment of a National Office for Combating Terrorism, and title III mandates the development of a national strategy for combating terrorism and homeland security response. I note that the administration is strongly opposed to both of these titles.

The arguments against title II are not unlike the questions I posed to the distinguished Senator from South Carolina regarding his measure, which is also pending before the Senate. And that is, we should accord, as a legislative body, the Congress, the maximum flexibility to our President, be he Democrat or Republican, in establishing that structure he deems necessary in his Department to best serve his style of discharging the obligations of the Office of President.

Our President respectfully says to the Congress: I do not need what is proposed in title II.

Again, on October 8, 2001, following the tragic events of September 11, President Bush formed the Office of Homeland Security in the Executive Office of the President to oversee immediate homeland security concerns and to propose long-term solutions.

Governor Ridge has discharged with great distinction the responsibilities of that office. They worked hard under the President's guidance to produce a comprehensive plan that now deserves our serious consideration and support.

Again, the mandate to establish an Office for Combating Terrorism within the Executive Office of the President of the United States, in my judgment, would be redundant to the structure currently in place, particularly since the President has already stated his intention to retain the position of Assistant to the President for Homeland Security. I urge the Senate to respect the right of the President under the Constitution to establish his office, his infrastructure, which best serves his style of management.

Turning to a second concern, and that is budget review and certification authority provided for in this legislation to the proposed Director of the National Office for Combating Terrorism, in my view, such authority will undercut the ability of several Cabinet-level officials, most notably the Secretary of Defense, Secretary of State, Attorney General, and the Director of Central Intelligence, as well as the new Secretary of Homeland Security, assuming the Senate and the House act, to carry out their primary responsibilities.

In the case of the Department of Defense, the Secretary of Defense—and I have had the privilege in my 24 years in the Senate of working with a succession of those Secretaries—the Secretary of Defense has a wide-ranging responsibility to protect the vital U.S. interests and to protect against the threats that are ever mounting against our Nation.

The Department, under the leadership of Secretary Rumsfeld, is currently engaged in an all-out global war against terrorism designed to bring to justice those responsible for the September 11 attacks on our Nation and to deter would-be terrorists and those who harbor them from further attacks. The Secretary of Defense must ensure that the Department is adequately and properly funded to carry out its many missions.

Pending before the Congress is the largest increase in defense spending in many years, decades, but it is necessary. Our committee, the authorization committee, together with the Appropriations Committee, will soon bring their respective conference reports to this body for approval, and I anticipate rapid approval by both Houses of Congress.

It would be unwise to subject portions of the budget of these respective Cabinet officers to a veto in many respects.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THOMPSON. Would the Senator like additional time?

Mr. WARNER. I ask for an additional 2 minutes.

Mr. THOMPSON. I yield 2 additional minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I turn now to title III. The pending legislation requires the development of a national strategy for combating terrorism and homeland security response. I have been the author, with colleagues on the other side of the aisle, Senator Nunn, who was chairman of our Committee on Armed Services, and Chairman LEVIN, the current chairman, and urged that these various reports concerning the security of our United States be brought by the administration to the Congress in a timely manner so we can make our appropriate decisions on the budget.

Time and again, our committees have done that. It has been, generally speaking, a good response by successive administrations on this subject.

When the President established the Office of Homeland Security, he directed Governor Ridge to develop a comprehensive strategy to protect the United States from attack, which is right here. Therefore, I think it is again redundant for this specific section in title III to be enacted which more or less formalizes, again, the necessity for producing this report which the President has voluntarily done.

I see the distinguished Senator from Connecticut in the Chamber. I commend him for the hard work he has done, and I strongly urge that this body be given the opportunity soon to make its final deliberations and that this important legislation be adopted in whatever form is the will of the Senate.

I congratulate the Senator from Connecticut, as well as the Senator from Tennessee.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 17, 2002.

Hon. JOSEPH I. LIEBERMAN,
Chairman,
Hon. FRED THOMPSON,
Ranking Member,
Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN AND SENATOR THOMPSON: On July 15, I joined with Senator Levin in sending a letter to your Committee on the Bush Administration's proposal to create a Department of Homeland Security. That letter addressed issues in the Administration's proposal which fall under the jurisdiction of the Senate Armed Services Committee. Today, I am writing to express my concerns about certain aspects of S. 2452, the National Homeland Security and Combating Terrorism Act of 2002, which was reported out of the Government Affairs Committee on June 24, 2002. While I support the overall intent of the legislation and agree with the need to better organize our government to protect our homeland, much has changed since this bill was reported to the Senate.

In the intervening weeks, the President has proposed the establishment of a Department of Homeland Security and the most fundamental reorganization of the United States Government since the passage of the National Security Act of 1947. This proposal is the logical culmination of a very deliberate process that started when then-Governor George W. Bush established homeland security as his highest priority during a speech at the Citadel in September 1999, stating, "Once a strategic afterthought, homeland defense has become an urgent duty."

Following the tragic events of September 11, President Bush formed the Office of Homeland Security in the Executive Office of the White House to oversee immediate homeland security concerns and to propose long-term solutions. Governor Ridge and others have worked hard under the President's guidance to produce a comprehensive plan that now deserves our serious consideration and support.

While I support the establishment of a Department of Homeland Security, I do not support creating a National Office for Combating Terrorism as outlined in Title II of S. 2452. In my view, establishing this position within the Executive Office of the President would be redundant to the structure put in place by the President on October 8, 2001. The President has already stated his intention to retain the position of Assistant to the President for Homeland Security.

I have serious concerns about the budget review and certification authority provided to this proposed Director of the National Office for Combating Terrorism by S. 2452. In my view, such authorities would undercut the ability of several Cabinet-level officials, including the Secretary of Defense, the Secretary of State, the Attorney General and the Director of Central Intelligence, to carry out their primary responsibilities. In the case of the Department of Defense, the Secretary has wide-ranging responsibilities to protect vital U.S. interests and to prevent threats from reaching our shores. The Department, under the leadership of Secretary Rumsfeld, is currently engaged in an all-out global war against terrorism—designed to bring to justice those responsible for the September 11 attacks on our nation and to deter would-be terrorists and those who harbor them from further attacks. The Secretary of Defense must ensure that the Department is adequately and properly funded to carry out its many missions. It would be unwise to subject the budget carefully prepared by the Secretary of Defense to a "decertification"—in essence, a veto—by an official who does not have to balance the many competing needs of the Department of Defense and the men and women of the Armed Forces.

I also note that Title III of S. 2452 requires the development of a National Strategy for Combating Terrorism and the Homeland Security Response. When the President established the Office of Homeland Security, he directed Governor Ridge to develop a comprehensive strategy to protect the United States from terrorist attacks. President Bush unveiled his Homeland Security Strategy earlier this week, precluding the need for the requirement in Title III, S. 2452. Legislating anything other than a periodic review and update of this strategy would be burdensome and would divert attention and resources away from the Administration's focus on homeland defense and the global war on terrorism. As the President stated in releasing the Homeland Security Strategy on July 16, "The U.S. Government has no more important mission than protecting the homeland from future terrorist attacks." We in the Congress should do all we can to help our President achieve this goal.

I hope my comments are useful as you continue your work on this important legislation.

With kind regards, I am
Sincerely,

JOHN WARNER,
Ranking Member.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I am proud of the work our Governmental Affairs Committee has done. It was a very open process. We included provisions recommended by members of both parties. I think it is a strong proposal. Obviously, there is some disagreement with the White House about parts of it, but I repeat what I have said before, that we are in agreement on: First, the basic necessity to better organize our homeland defenses, because this disorganization which exists now is dangerous. Second, there is broad bipartisan agreement on this bill we have reported out of our committee and the White House about what I have estimated to be 90 percent of the components of the bill. We are having a series of tussles about the remaining 10 percent. The sooner we resolve them, the better. The sooner we get this bill passed and on the way to a conference committee with the House and authorize the administration to set up this new Department, the safer the American people will be.

I appreciate the Senator's call for expedited action, and I hope and pray that others in the Senate heed that call.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak in opposition to the idea for a National Office for Combating Terrorism, which would be a position confirmed by the Senate, because I believe the responsibilities which are enumerated in the bill can be handled by the Secretary for Homeland Security so that it is not necessary to have another position of Director for the National Office for Combating Terrorism.

As the responsibilities are set forth in section 201(c), first to develop national objectives and policies for combating terrorism, that is a core function for the Secretary of Homeland Security. Second, to directly review the development of a comprehensive national assessment of terrorist threats, again, I believe is something which can be handled by the Secretary of Homeland Security, which is a position to be confirmed.

Another responsibility enumerated in the statute is to coordinate the implementation of the strategy by agencies with responsibilities for combating terrorism, and there again it is my view that that can be handled by the Secretary of Homeland Security.

Another responsibility is to work with agencies, including the Environmental Protection Agency, to address vulnerabilities identified by the Director of Central Infrastructure Protection within the Department. Again, that is a matter which can be handled by the Secretary of Homeland Security.

Another responsibility is to coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the program and activities under the strategy, including the budgets of the military departments and agencies within the national foreign intelligence program related to international terrorism, but excluding military programs, projects, or activities relating to force protection.

I believe there is sound reason for having budget authority to coordinate overall the intelligence functions. However, again, I think to the extent we grant that overall budget authority, the logical place to put it is in the Secretary of Homeland Security.

As the other responsibilities are enumerated, to have the exercise, function, and authority for Federal terrorism prevention and response agencies, again, these are matters for the Secretary of Homeland Security.

The intent of the drafter of these provisions is correct in seeking to provide the coordination, but to have another officeholder confirmed by the Senate and in the West Wing is not advisable. The analogy to the National Security Council position now held by Dr. Condoleezza Rice, I think, is inapposite and does not apply to making the Director for the National Office of Combating Terrorism a confirmed position.

There is a real need on the overall coordination, to be sure we have all of the agencies responsible for intelligence and analysis under one umbrella, such as the CIA, the FBI, the Defense Intelligence Agency, the National Security Agency, and all of the intelligence agencies.

A point worth repeating is that had we put all of the dots together on matters known prior to September 11, 2001, there was a veritable blueprint and September 11 might well have been prevented. There was the Phoenix office of the FBI reporting on a man taking flight training, a big picture of Osama bin Laden on his wall, and other respective connections to al-Qaida. We had the two terrorists known by the CIA in Kuala Lumpur who turned out to be terrorist pilots of planes on 9/11. The information was not given to the FBI or the INS in a timely fashion. There was the threat given to the National Security Agency on September 10, 2001, which was not transcribed, that something was going to happen the next day. It was not interpreted until September 12, after the events of 9/11 had occurred.

Perhaps most importantly, there was the effort to obtain a warrant under the Foreign Intelligence Surveillance Act as to Zacarias Moussaoui, and had that warrant been obtained, there was an actual treasure trove of information linking Moussaoui to al-Qaida.

The FBI used the wrong standard, as disclosed in the testimony of Special Agent Coleen Rowley, who appeared with FBI Director Mueller on June 6 at an oversight hearing by the Judiciary Committee. In Agent Rowley's letter, she talked about the U.S. attorney in Minnesota requiring 75 to 80 percent probabilities. Agent Rowley thought that was wrong. She thought the standard should be a preponderance of the evidence, more likely than not—51 percent, as she put it. However, she was wrong as well because the standard is articulated in the case captioned Gates v. Illinois, an opinion written by then-Justice Rehnquist, saying the standard was suspicion, and Justice Rehnquist went back to the Krantz case with Chief Justice Marshall talking about suspicion on the totality of the factors. However, there was ample evidence to obtain a Foreign Intelligence Surveillance Act warrant for Zacarias Moussaoui.

It would have been thought that the FBI would have had its house in order after their experience on Wen Ho Lee, when at the highest levels of the Justice Department, the matter rightfully went to the Attorney General at that time and they declined to issue a vice warrant and later determined, even by the review of the Justice Department, there was probable cause. That matter was subjected to very intense oversight by the Judiciary Committee at that time.

We have pursued the oversight on Zacarias Moussaoui. We found in closed hearings—this much can be disclosed—the FBI agents are still not applying the correct standard. I wrote to FBI Director Mueller on July 10, 2002. We had the hearings on July 9. I asked when they would apply the right standard. Earlier this week on Tuesday there was another oversight hearing by the full Judiciary Committee, this time publicly, and the Department of Justice representative acknowledged the wrong standard had been applied, but says they have corrected it with examples. We are waiting to see the specifics.

The impact of this is that there ought to be one umbrella under which the analysis of all of the intelligence agencies occurs. The amendment which has been offered here, the provision of section 201, which the pending amendment seeks to strike, has a laudable purpose. It is seeking that kind of coordination, but it simply does not require a director for a national office of combating terrorism, which would be a confirmed position.

The language in the bill needs to be specified so the burden is on those who oppose the coordination to come forward. I wrote to Governor Ridge on August 1 referring to a meeting which had been held the previous day. I think it appropriate to quote briefly from this letter. I was very pleased to hear the President's affirmative response yesterday to the proposal to have analysis from every intelligence agency—CIA, FBI, DIA, et cetera—under the umbrella of the Department of Homeland Security with the Secretary having the authority to direct those intelligence agencies to supply his Department with the requisite intelligence data.

The key language of the responsibilities which I believe should be in the bill, and I intend to offer an amendment if we cannot get this worked out by agreement is that the Directorate of Intelligence within the Department of Homeland Security shall be responsible for the following:

> (1) On behalf of the secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information and such other intelligence-related information as the Directorate of Intelligence deems necessary.

The thrust of this language would give the Secretary the authority to command all the analyses unless the President disapproves. However, the language to have the President direct the Secretary to have this oversight responsibility is unworkable because you cannot take it to the President to ask for his authority on each occasion. However, if there is strong reason to disallow the Secretary's authority in a specific case, then it is subject to disapproval of the President. I do not think that is necessary, but in order to avoid any controversy, the language ought to be included in the statute.

Although I have already put this letter in the RECORD before, I think it is worth including at this stage of the debate, so I ask unanimous consent that the letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 1, 2002.

Hon. TOM RIDGE,
Director of Homeland Security,
Washington, DC.

DEAR TOM: I was very pleased to hear the President's affirmative response yesterday to the proposal to have analysts from every intelligence agency (CIA, FBI, DIA, etc.) under the umbrella of the Department of Homeland Security with the Secretary having the authority to direct those intelligence agencies to supply his Department with the requisite intelligence data.

As I said in the meeting in the Cabinet Room yesterday, I think that had all of the intelligence information known prior to September 11th been under one umbrella, the terrorist attacks of September 11th might have been prevented.

Senator Thompson, as I understand him, did not disagree with that ultimate approach except to express the view that he thought that changes in the structure of the intelligence community should await further studies. My own strongly held view is that we have a unique opportunity to make the changes in the intelligence community now because of the imminent terrorist threats; and, if we don't act now, we will be back to business as usual.

As you and I discussed in our meeting of July 29, 2002, there have been many proposals to place the intelligence agencies under one umbrella, including legislation which I introduced in 1996 when I chaired the Intelligence Committee, and the current proposals which have been made by General Scowcroft.

I suggest that Section 132(b) of the bill reported by the Governmental Affairs Committee be modified by adding at the beginning a new paragraph (1) to read as follows:

(b) RESPONSIBILITIES.—The Directorate of Intelligence shall be responsible for the following:

(1) On behalf of the Secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information and such other intelligence-related information as the Directorate of Intelligence deems necessary.

I am sending copies of this letter to Senator Lieberman and Senator Thompson so that we may all discuss these issues further.

My best.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my colleague from Pennsylvania for his remarks and his support of the Thompson amendment. I thank the Senator from Virginia for the same. I think both of these Senators, without dispute, would be recognized as people who have been students and have been leaders in the areas we are dealing with today. I think their support on this important amendment is crucial.

I was particularly taken with the comments of Senator WARNER as he related his thoughts listening to the President a little while ago before the United Nations. I had the same thoughts. The President made a magnificent speech. In part, it was a legal brief, where he outlined ad seratim the various instances where Saddam Hussein had rejected the sanctions that had been placed on him by the United Nations, rejected the resolutions that had been passed by the Security Council time and time and time again, rejected inspectors, rejected sanctions, basically rendering what the United Nations and the international community as a whole and specifically the Security Council, what they had done, rendering it a nullity.

I thought it was a very effective walk through history. There was no secret information disclosed. It was a rendition of what we all should have known. The people who were listening to him today were taken on that walk down memory lane of all the things that have happened since 1990 and the attempts that the United Nations have made, the attempts the Security Council have made, all thwarted by this one country, as he continued to oppress his own people, as he continued to either attack or plan attacks for others, as he continued to develop his weapons of mass destruction, as he finally acknowledged, yes, he did have chemical and biological weapons after lying about it for all those years and our inspectors telling us he had a virtual Manhattan nuclear project the last time we went in there. And now he has closed us out and we are wringing our hands over what we know and what we do not know.

That is our position. Internationally, the entire world is, because he has put us in that position, once again, and deprived us of any knowledge of exactly what he is doing, although we know he has the intelligence, he has the scientists, he has the infrastructure, the capability, the know-how, the desire, everything, except possibly enriched uranium with which to make a nuclear weapon. Unfortunately, there is a lot of that in the world. We do not know whether he has it.

Part of it was an effective legal brief. Part of it was inspirational. It was an appeal to the United Nations for it not to become irrelevant in terms of world peace. If the U.N. and the Security Council allow a country such as this, a regime such as this, to thwart the very purpose of the creation of the United Nations, then what authority, what standing, what moral suasion is it going to have in the future when the next tinhorn dictator comes along and hunkers down and takes a little bombing and goes on with his suppression of people and killing of innocents and using weapons of mass destruction on his own people as he prepares for the next attack. I thought it was very effective.

And what is the relationship between Saddam Hussein and terrorism? The President pointed out one of the most dangerous circumstances we can contemplate is having a regime such as his with the ability to transfer his capabilities over to terrorists.

We know he has a long history of relationships with various terrorist organizations, including some with al-Qaida. Are we to assume he would not ever use as a surrogate someone to do his dirty work? It is extremely relevant to the battle on terrorism. I think those who urge that we totally clean up the battle on terrorism over here, because it is a distinct problem, before we address the situation in Iraq are missing that point.

Which brings us to the bill we are considering today. It is very relevant. It is a homeland security bill. This is where all the chickens come home to roost in regard to our Nation's security.

What concerns me about this bill is that in more than one instance there is an attempt to diminish the President's authority. This bill would not give the President authority that other Presidents have had. Most all of the Members serving here today served under President Clinton. It would take away authority President Clinton had with regard to national security. This bill would lessen—give less authority, in terms of the management of this monolithic new Department we are about to create, than the head of the FAA has to manage the FAA.

With regard to the subject matter that is addressed by the Thompson amendment, we would not give the President the right to have his own adviser inside the White House as he deals with all these issues. That concerns me. I do not think that is going in the right direction.

We are not going to do anything in this Congress to diminish Congress's traditional role. Senator BYRD and Senator STEVENS have made it clear that they are not going to stand back and let the traditional appropriations authority of the Congress be set aside. Senator LIEBERMAN has made that clear. The bill reflects that position. I am sure we will be able to work out something along those lines that does not diminish our authority in any way. We have the power of the purse. We have the power of the purse.

This bill creates many positions, including the new Secretary, that will be Senate confirmed. He will have to come before this body. So we are not diminishing the authority of the Congress. What we are doing is establishing a brandnew, important Department that we are going to have to approach in a bit of a different way than we have approached other Departments at other times because we have not been very successful with other Departments at other times. This Government is rife with Departments and governmental agencies that have waste and fraud and abuse, sending out checks for billions of dollars to people who are not even alive; losing large pieces of equipment, at least on the books, such as ships and things of that nature; having the GAO come before us year after year after year, saying these agencies are not doing any better. They cannot pass an audit. Government as a whole cannot pass an audit. We do not know what assets and liabilities we have. We cannot keep up with them. It is a mess.

We are pulling 22 of these agencies into a new Department. We cannot approach it the same old way. We have to have a 21st century paradigm in order to address a 21st century problem.

Most of the rules we are operating under now were created in the 1950s when we had a paperwork Government. People came into Government at this position, worked for 20 years, and were promoted in lockstep in these 15 steps, with 10 steps within each of the 15, totally unable to address modern-day problems.

As the GAO tells us we cannot handle the information technology challenge that faces our Government, private industry has been able to. We have been trying to incorporate information technology capability in the IRS for years. We have spent billions of dollars and still the computers will not talk to each other—and they are not the only ones. We have human capital problems. We have financial management problems—year after year.

So that is all the background for considering an amendment such as this, which addresses the bill where it creates a new Office of Combating Terrorism.

We are suggesting the President ought to have a little flexibility, a little traditional flexibility to have, in the White House—not over at the new Department but in the White House—a person he chooses to coordinate not only what is going on in the new Department but the important national security, or homeland security, entities that are not in the new Department. Coordination is needed.

We have that coordinated. The President established an Office of Homeland Security. The President established an Office of Combating Terrorism within the NSC. Those are already there. You say we need them Senate confirmed. NSC is not Senate confirmed. We have a Senate-confirmed position we are creating in the new Secretary of the Department of Homeland Security.

This bill, as it is drafted now, mandates the development of a national strategy. We have a national strategy. We have had it since July. I don't know whether the idea is to set the old one aside and come up with a new one or submit the one the President has already put out again. This was a good idea back several months ago. Time has passed it by.

The suggestion is made that this new person inside the White House, confirmed by the Senate over the President's objection, would have budgetary authority that would allow this new person to decertify the homeland security budget. The budget goes to him before it even goes to OMB. What kind of situation is that going to be? What if you were asked to take on the job of new Secretary of Homeland Security knowing that your budget was going to go to some guy over in the White House and he had to be satisfied before it even got to you? How would you like it over at the OMB, when we are going into a period of deficit, when people, apparently in this Congress, still think we can have guns and butter indefinitely, we don't have any problem spending helter-skelter, left and right?

He has to balance all that. And he has a guy over in the White House who has only one priority, homeland security. And as important as it is, it is not the only priority this Government has. But he has veto power over the Government.

There never has been a circumstance like this in the history of Government. There never has been a big Department, like the Department of Homeland Security, and what we are creating, with authority and responsibility and jurisdiction over the issue at hand, homeland security in this case, and a White House-confirmed position with decertification budget authority all at the same time.

I think it would absolutely be havoc for any administration, Democrat or Republican. I think it would lessen accountability, not increase accountability. Goodness knows, we need increased accountability.

The President has said he is going to keep Governor Ridge. I don't know whether the idea is we will give this new fellow an office down at the other end of the hall or that the President is not being square with us, that he will really get rid of Ridge or that he will give Ridge this job. I don't know what the idea is. The President said he is going to keep up the office. He is entitled to have his own counsel, as Presidents traditionally have.

So I urge we not do that. I urge we maintain the status quo there; that we not take another step to restrict the President, to restrict either his national security authority that Presidents traditionally have, restrict the new Secretary's authority to manage the Department, in the new age and time and challenge that we face, and we not restrict the President within his own office in terms of whom he wants to bring in and have confidential conversations with, who cannot be called up to the Hill at any time.

I said early on in this discussion before these bills were presented that ultimately it was clear Congress was going to have somebody's leg to chew on. Congress needed to have somebody who is accountable to come up here and testify. I didn't particularly welcome this back and forth as to who was going to talk and what office they would talk in and what other office they would not talk in. I don't think that would do any of us any good. I knew that ultimately somebody was going to have to come up here and be a spokesman and be accountable. We now have that. That is the new Secretary. That is the new Department of Homeland Security.

We don't need it with regard to the position in the White House. The President said he doesn't want it. I believe on these close questions, if indeed my colleagues believe it is a close question, that we ought to give the President the benefit of the doubt. He is now, without boast, the leader of the free world. As we are facing the challenge of terrorism and the challenge that is presented by Saddam Hussein, as evidenced by his speech today, the ears of the entire world were trained upon him. That is not anything to do with him personally. That is the position of the President of the United States.

In times such as these, if you can compare any other time with this—especially in times of war, especially in times of issues of war and peace—whoever is President of the United States is the leader of the free world and is the leader in espousing those values that we hold dear, knowing as the entire world does that we are going to be on the front lines of any enforcement action the world deems necessary for the cause of freedom and democracy.

That is not a hokie sentiment. That is not Democrat-Republican. That is just reality.

I hope as we consider these issues that my colleagues will give on balance the call for a bit of flexibility, at least as much as we have given prior Presidents, and at least as much as we have given heads of these other agencies when facing challenges that are much less than what we are facing today.

I urge my colleagues to vote for the Thompson amendment.

I yield the floor.

Mr. CAMPBELL. Mr. President, I stand in strong support of the Craig-Domenici amendment to improve the tragic health of our Nation's forests. Years of complete fire suppression has resulted in unnaturally dense forests. In many places out West where nature would have 50 trees per acre, there are 500 trees per acre, this tremendous build-up in hazardous fuels significantly increases fire danger and makes trees more prone to insect infestations.

The facts are clear: Unnaturally dense forests result in unnaturally hot burning and fast moving fires. The Forest Service and other land management agencies have known the facts for years but have been hamstrung, in large part due to shifting political winds.

And here is the dilemma: interest groups and agencies argue about what needs to be done while forests go up in flames, endangered species are destroyed, and human life and property are jeopardized.

The amendment that we are proposing does not point the finger at any one group or agency. Rather, this amendment moves beyond the politics and focuses on results consistent with plans developed by the Western Governors' own "10-Year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment."

Where the agencies are unable to proceed with hazardous fuels reduction, this amendment directs the Secretaries of Agriculture and Interior to expedite responsible forest management projects in a balanced way and is very similar to language previously passed by this body to allow for fuel reduction in certain other western States.

This amendment looks at the facts. In this year alone, 62,924 fires have scorched more than 6.3 million acres of land across this Nation. But what about people, how has wildfire affected our communities?

Since April of this year in my State of Colorado, 12 communities, 141 subdivisions totaling 81,068 people have been evacuated because of wildfire. When those Coloradans returned after being evacuated, they found 384 homes burned to the ground and 624 other structures destroyed.

Although property damage and widespread dislocation are devastating on communities, the wildfire season of 2002 has proved even more tragic. Wildfires have claimed the lives of 10 firefighters in Colorado, and 21 in the nation. Returning to a pile of ash instead of your home is one thing, coming home without a father or sister is another altogether.

Without responsible hazardous fuel reduction, this year's fire situation is bound to repeat itself and I cannot allow this to happen. This year's fires came close enough to my own front porch at one point, that it was difficult for my wife and me to breathe. Given the drought conditions that the West is enduring, the situation on the 181 million acres that are currently classified as a Class 3 fire risk is not going to get any better.

I urge my colleagues to support this amendment to reduce the threat unhealthy forests pose nationwide.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, yesterday, being obviously the first anniversary of the horrific attacks against us on September 11 of last year, we commemorated with very moving—and I thought unifying—purpose at events here in the Capitol in Washington, at the Pentagon, in New York, and Pennsylvania—and really throughout America and so many places. Our attention was riveted again on what happened to us and how urgent it is to act to prevent that horror from ever happening again.

I will state again what I have said on the floor before. I am not one who believes that another September 11 type of attack against America is inevitable. It is not inevitable if we are aggressive in searching out and destroying the remaining al-Qaida terrorists, if we are wise and strong in marshaling the unique capabilities we have in America to better organize our homeland defenses. Of course, that is what this bill is about.

I think the President's statement today at the United Nations is further testimony and further draws our attention to the urgency of the challenges we face.

I want to say parenthetically that I thought the speech the President gave at the United Nations today was a powerful and convincing indictment of Saddam Hussein and the grave threat he poses—not just to the United States and to his neighbors in a most critical region of the world, but to the legitimacy and the authority of the United Nations in the world community, a United Nations which Saddam has outrageously and consistently defied and deceived for more than a decade.

I fully support the President's call to action by the United Nations. I hope the nations of the world will take a look at the record. I think my friend from Tennessee said it was in some sense a lawyerly statement. It really was an indictment of the 16 resolutions of the United Nations that Saddam Hussein has ignored, and he has defied and thumbed his nose at every one of them. How can the United Nations be the institution we want it to be—bringing peace and resolving conflicts—if one rogue leader of one nation treats its orders and resolutions with such disrespect?

This is a moment of decision for the members of the United Nations. I hope they rise to the challenge that President Bush has quite correctly put before them today.

This does bring us back to where we are on this amendment and Senator THOMPSON's motion to strike titles 2 and 3 of this amendment which is before the Senate and which was reported out of the Governmental Affairs Committee. These were authored largely by Senator GRAHAM of Florida, who has spoken on them. They are part of an attempt in this bill to deal not just with homeland security, but to deal with the problem of terrorism that the President spoke about so eloquently and convincingly today at the United Nations.

Homeland security is just one part of the battle against terrorism. We obviously have other parts that are critically important as well—certainly the Defense Department, certainly our intelligence community, the State Department, the Treasury, and various foreign aid and public diplomacy programs, and law enforcement agencies, a lot of which will not in any sense come under the purview of this new Department of Homeland Security.

That is why it was the wisdom of the committee—I believe it was certainly the judgment of the committee—that in addition to creating the Department of Homeland Security, we would guarantee the kind of aggressive antiterrorism effort that the country needs now and in the years ahead by creating in the White House an office to combat terrorism, to coordinate not just the Homeland Security Department but the other agencies of our Government that are involved in the fight against terrorism.

It is my understanding that many have spoken in support of Senator THOMPSON's amendment to strike these sections. Perhaps some at the White House agree that there will be an office in the White House, but they object to the confirmation requirement in our proposal that the director of that office be confirmed by the Senate. And there was also objection to the budget certification authority that we give the director of the office.

Senator GRAHAM is a practical and realistic man on matters of this kind. We know there is concern in the Senate about the requirement of confirmation of the director of this office and the budget certification authority. We are consulting with our colleagues to see if they will support a proposal that would modify these titles by simply removing the Senate's authority to confirm and the budget authority given to the director and leave an office of counterterrorism. This office would be appointed by the President without confirmation by the Senate, but with a guarantee that the broader counterterrorism war that we will be fighting for years will have in the White House, close to the President, an adviser for whom that is his or her only responsibility.

We think this proposal is a way that Congress, respecting the President and his authority—this President and Presidents to follow—can guarantee as much as we can by the law that is in a quieter time further from the pain and shock of September 11, 2001; that America will not fall into a slumber and allow itself to be vulnerable once again as we were a year ago yesterday to terrorism's awful sword.

I report that to my colleagues. I hope members of both parties and our friends at the White House will consider that as a good-faith possibility and see whether we can build a consensus to go forward on it.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the time consumed by the quorum calls be taken equally from both sides on the time remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair and, again, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I also yield myself 10 minutes on the side of Senator LIEBERMAN in opposition to the Thompson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, President Bush could not have made a better choice for Director of the White House Office on Homeland Security than Gov. Tom Ridge. We served together in the House of Representatives. We are personal friends. And I hold him in the highest regard. He is clearly the right person for this extremely difficult task and assignment and has done a great job under trying circumstances and in a very brief period of time.

However, I believe we must keep title II in the bill, which establishes a National Office for Combating Terrorism in the White House, with a Presidentially appointed, Senate-confirmed Director, not as any rebuke to the President or Governor Ridge, but to give Governor Ridge the tools he needs to be even more effective.

I cosponsored Senator GRAHAM's bill, S. 1449, to establish this office and supported its inclusion in Senator LIEBERMAN's original bill to establish a Department of Homeland Security, which I also cosponsored.

I refer my colleagues to testimony given by Retired General Barry McCaffrey, before the Governmental Affairs Committee, on October 12 of last year. He spoke about organizing our Government to protect America. Here is what he said:

> Our government does best when it establishes institutions for the long haul that are based on rationality, not personality. . . . The terms of this office—how its leadership is appointed, where its monies come from, what powers it wields, who it is accountable to—must have the permanence of law. . . . Any Cabinet member, current or former, will tell you how important it is to have the Commander-in-Chief in your corner. However, when push comes to shove, it is even more important to have the law on your side.

General McCaffrey's experience as our antidrug czar at the Office of National Drug Control Policy brought him to his strong conclusion that the White House Office on Homeland Security must have its own budget and the position must be confirmed by the Senate. Without those ingredients, the Director would have neither the clout to fight Washington's bureaucracy nor the accountability before Congress to do his job effectively.

General McCaffrey's testimony was borne out by our experience here in Congress when numerous committees asked Governor Ridge to testify about homeland security. He was unable to because he said: I am a staffer of the President. I am not appointed by the Senate.

Governor Ridge was finally allowed to testify by the White House but only after the President decided he wanted to create this new Department.

Title III, which the Thompson amendment would strike, gives the job of developing a national strategy to combat terrorism and a comprehensive antiterrorism budget to the National Office for Combating Terrorism.

Having clout in the budget process is essential. President Bush says Cabinet Secretaries know that Governor Ridge has his trust and must put aside turf wars. But what we are setting up here are institutional structures.

Government officials come and go. Not all will have the close personal relationship that Governor Ridge enjoys with President Bush. The President certainly has the right to structure his staff and his advisors as he pleases, but we have the responsibility in Congress to pass legislation to establish structures of Government which will endure.

Let me say this as a parenthetical observation: One of the things I added to this bill—and in which I have particular pride—is an effort to try to establish some sort of architecture for computers and information technology in this new Department. I could go on for some time about the dismal state of computers at the premier law enforcement agency of the United States, the Federal Bureau of Investigation. It is a fact, if you look at the various agencies we will count on to protect America, that in terms of computer capability, it is almost as if you were traveling across the world and you picked countries that were computer illiterate and asked them to communicate with those that were the most sophisticated. That is what we have in the Federal Government.

What I tried to do with this bill is to establish a standard for coordinating computer architecture, a Manhattan project. I put it in the Office of Management and Budget, frankly, because I couldn't assign it to a higher level and get it passed by committee. That is sad. But it is a fact. What I believe we are trying to establish in this bill is to make sure that within the White House there will be someone always close to the President who is willing to rip through the bureaucracy and to establish the standards and procedures to make sure that America is safe. Unless you have someone at that high level close enough to the President to get it done, someone who is going to deal with it, you will run into a problem. Saying in this situation that we are going to have in a Department of Homeland Security someone who is going to be subjected to Senate confirmation, separate budget authority, is to give them enhanced authority as well.

Departments and agencies with major responsibilities for homeland security, including the Department of Defense, State, and Treasury, the FBI, the entire intelligence community, among many others, are properly not included in the new Department. There will be a critical job to do to develop a national strategy for computers, for information technology and beyond, and coordinate this strategy so that the agencies of this new Department can effectively combat the threat of terrorism against the United States.

I hope my colleagues in the Senate will support the language put in this bill by Senator LIEBERMAN after deliberation in committee and oppose the Thompson amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I speak in opposition to the amendment, which would strike titles II and III from this legislation.

These two titles together will provide, within the community concerned about securing the homeland, the direction and capacity to develop a comprehensive strategic plan of how to accomplish that very difficult objective, and then to place within the White House an officer who is responsible for the specific function of combating terrorism. The subfunctions of that office will be to coordinate the variety of agencies that will have some responsibility for implementing the strategic plan.

Some have thought that no office such as this is necessary because we are about to bring a whole Department of Homeland Security. We have a Department of Defense, but we also have within the White House a national security adviser whose job is to coordinate national security issues. The reason is because, as broad as the Defense Department is, it does not contain all of the activities of the Federal Government that relate to national security. It does not include the State Department, which has our diplomatic and foreign relations function. It does not include the Department of Treasury, which has some important national security responsibilities as it relates to economic issues. It does not include the Department of Energy, where most of our nuclear development responsibility is placed.

So we have an agency in the White House to bring all those Departments that have some national security function behind a common strategy. This is exactly the purpose of this office within the White House, and that would be deleted if this amendment were to be adopted. There will be no entity that has statutory status that will be responsible, or capable, of trying to bring all of these agencies together. That is the most fundamental reason.

But there is another reason why I think this office is very important. In my judgment, the threats the United States will be facing in our homeland and abroad are likely to escalate over the next period of time. No. 2, it is exactly during this period of time that this new Department of Homeland Security is going to be trying to integrate almost two dozen agencies that have had their homes elsewhere—in some cases, for a century or more.

It is at this very time that there is likely—I suggest not likely, but there almost certainly will be considerable resistance to achieving the cohesion that is going to be necessary to accomplish this objective. I suggest that it will not be long before we have a debate on the floor about why did a certain misstep occur or why was a gap allowed to go unfilled, as we try to put together a structure to protect our homeland.

I suggest that an answer to those questions is going to be that there was so much support for the status quo and resistance to the sort of change that could not be overcome sufficiently and in time to avoid an unnecessary vulnerability. That is my prediction. I don't believe there is any suggestion that will give absolute certainty that my prediction will prove to be false. But I believe that having this office within the White House, where there is somebody who wakes up every morning thinking about fighting terrorism, and who is in an office within walking distance of the President of the United States, will give us a greater opportunity to achieve the speedy, expeditious, and effective coordination activities that will be necessary to protect our homeland.

This office has some considerable powers. For instance, it has the power to certify budgets. Why does it have that power? Because I can tell you that there is going to be a tendency of an agency that has been doing a set of functions for a long time, and now they suddenly have a homeland security function, and when that new function is battling inside the agency with all of those that have had a long history and a constituency and a political support base, any new function is not likely to do very well. We learned that lesson in the war against drugs. The very fact that Congress made this a priority didn't result in it being a priority in the agencies that had their operational responsibility. I suggest the same thing is likely to occur here.

Unless you have somebody to tell that agency that unless you put an additional $15 million into carrying out your part of the strategic plan of homeland security, we are going to decertify that part of your budget—that is the kind of clout it is going to take—if we don't feel that this issue is worthy of giving this office that kind of responsibility, then I am afraid we are going to be coconspirators in a plot which is going to have a bad conclusion.

So I urge that if, as I anticipate, there will be a motion to table the Thompson amendment, that motion be supported so we can retain this important position within the White House, recognizing that its ultimate power is going to come from the President himself, but it will give the President, who wants to have the most effective homeland security, an agency that we in Congress have established and, therefore, have invested our confidence in, which he appoints, and which will have the capability to give us the best hope that we can accomplish our objective of defending the homeland against terror.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, very briefly, I thank the Senator from Florida, Mr. GRAHAM, for his hard work on this part of our bill. It is work that really goes back to last fall. I think he is absolutely right. I appreciate his accommodation to the fact that there may be Members of the Senate who support the basic idea of an office in the White House to coordinate our antiterrorism efforts in various agencies but are concerned about the power the current language gives the Senate to confirm the nominee to that position. Therefore, we will offer a motion to table at the time the vote on Senator THOMPSON's motion to strike comes up, with the intention of offering a second-degree amendment to give Members the opportunity to vote on the concept of an office of counterterrorism in the White House, to coordinate our antiterrorism efforts, without the necessity for Senate confirmation, which the President, we know, opposes.

I yield the floor.

Mr. THOMPSON. Mr. President, I am prepared to yield back the remainder of our time. It is imperative that we have a vote in 2 minutes. The Senator from Utah wanted a moment. From looking at the clock, we have 2 minutes until 2 o'clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMPSON. How much time does each side have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 12½ minutes. The Senator from Connecticut has 28 seconds.

Mr. THOMPSON. The Senator from Connecticut has how much?

The PRESIDING OFFICER. He has 28 seconds.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I strongly support Senator THOMPSON's amendment to strike the portions of Senator LIEBERMAN's substitute amendment that would create a National Office for Combating Terrorism in the White House. Senator LIEBERMAN's substitute would create this Office in the White House in addition to creating the Department of Homeland Security. I initially question the wisdom of creating two separate offices with identical goals and overlapping jurisdiction, when the entire point of creating a single Department of Homeland Security is to oversee and coordinate the efforts of many different agencies in this immensely important area. But I have another, more pressing concern: encouraging good decision-making.

Senator LIEBERMAN's bill would make the heads of both the National Office for Combating Terrorism and the Secretary of Homeland Security, subject to confirmation by the Senate and congressional oversight hearings. So far as the office in the White House is concerned, I disagree with such an invasive approach. We need to be mindful of the important role that confidential communications play in the deliberative process for all important decisions—including the decisions that we as lawmakers make after careful and candid discussions with our staff. Just as we would be wary of those who would seek to intrude into these communications, so too should we be reluctant to interfere with the President's deliberative process and the frank communications he has with his advisors in the White House on critically sensitive issues such as our nation's security. Of course, I have no objection that the head of the new Department of Homeland Security be Senate-confirmed, but it simply does not follow that such an approach should be extended to the President's own advisor on these issues.

As responsible lawmakers, we must recognize that we simply do not have the same license to specify the duties of the President's senior advisors in the White House as we do to specify the duties of agency officers and staff members who exercise legislative duties. We should take our cue in this area from the National Security Act of 1947, which established the National Security Council. As we all know, the President may appoint very senior advisors to the NSC—like Dr. Condoleezza Rice—who are not subject to confirmation by the Senate. That fact certainly does not detract from Dr. Rice's stature, but in fact enhances it. Anyone who deals with Dr. Rice knows that she has the backing of the President—precisely because she has his confidence and is beholden to no one else.

There certainly must be an advisor within the White House who advises the President on matters that pertain directly to our homeland security, as the President has recognized. But there is absolutely no reason why that office should be made—and micro-managed—by Congress. Why does both the head of the Department of Homeland Security and the President's Homeland Security Advisor need to be confirmed by the Senate? There is no doubt that Homeland Security is of paramount importance, but so is national security in general. And does this mean we are going to require that Dr. Rice be Senate confirmed? How about Karl Rove and Andy Card? A step in this direction is simply misguided and unwise.

I yield the floor.

Mr. THOMPSON. Mr. President, I am prepared to yield back our time if the Senator is.

Mr. LIEBERMAN. I am. I yield back our time as well.

The PRESIDING OFFICER. All time is yielded back.

Mr. LIEBERMAN. Mr. President, I move to table the Thompson amendment before the Senate. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

The PRESIDING OFFICER (Mrs. CLINTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—41

Baucus
Biden
Bingaman
Boxer
Byrd
Carnahan
Carper
Cleland
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—55

Allard
Allen
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Chafee
Clinton
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—4

Akaka
Shelby
Smith (NH)
Torricelli

The motion was rejected.

Mr. LOTT. Madam President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4533

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4533. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. SMITH) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—48

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—49

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—3

Akaka
Smith (NH)
Torricelli

The amendment (No. 4533) was rejected.

Mr. THOMPSON. I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

ORDER OF PROCEDURE

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate go into morning business for up to 10 minutes, allocated to the Senator from Vermont for the purpose of introducing legislation, and that when the Senator is done, I be recognized for the purpose of offering an amendment to the pending matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

(The remarks of Mr. JEFFORDS and Mrs. CLINTON pertaining to the introduction of S. 2928 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senator from North Carolina be recognized to speak for up to 10 minutes in morning business, and that immediately after his remarks, the Senator from Connecticut be recognized for the purpose of offering an amendment.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

The Senator from North Carolina.

(The remarks of Mr. EDWARDS are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

AMENDMENT NO. 4534 TO AMENDMENT NO. 4513

(Purpose: To provide for a National Office for Combating Terrorism, a national strategy, and for other purposes)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 4534 to amendment No. 4513.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LIEBERMAN. I yield now to the Senator from Florida, my cosponsor on this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, earlier today and, to a greater extent, at the end of last week, we had a debate on the issue of the establishment within the White House of an office to combat terrorism.

The rationale for that office is several-fold. One, not all of the agencies that will have responsibility for protecting the homeland against terrorism are in the Department of Homeland Security. There are a number of important functions—all of the intelligence agencies, the Department of Defense, the Department of Justice, to mention three, which clearly have a significant role in protecting the homeland—which are not within the Department of Homeland Security. So that creates the need for someone who is in a position of responsibility to coordinate their activities in order to achieve a cohesive, comprehensive plan to protect the people of the United States.

That also raises a second necessity, which is that there be a consistent strategic plan of action around which all of these agencies will organize their antiterrorism activities. That is title III of the legislation that has been introduced by our colleague from Connecticut—the requirement that there be such a comprehensive strategic vision of how we are going to protect this very open and free society of America against terrorist attacks.

A third reason why I think this office is important is because we know the resistance that is going to occur to the changes that we are now suggesting. We are asking agencies which, in some cases, are a hundred years or more old to change those old habits, to reprioritize, to put at the top of their list defending the homeland against terrorists. There will be, both within the agencies and among the agencies, some conflicts, inevitably. We need someone who has the voice, who has the ear, who has the appointment of the President of the United States to be able to moderate and resolve those conflicts, and to do so in a clear and expeditious manner so we do not exacerbate unnecessarily the vulnerability of the American people while agencies are engaged in bureaucratic catfights.

A final reason why I think this is important is that we need someone to perform a function that, frankly, has not been adequately performed in the last decade, vis-a-vis our intelligence agency. That function is to constantly challenge the agencies that have homeland security responsibility as to their relevance.

There is a tendency for an agency that has been doing its business in a particular manner for a long time to be resistant to taking on new habits—maybe it is the governmental equivalent that it is hard to teach old dogs new tricks, that it is hard to teach old bureaucracies new patterns of activity. I use the intelligence community as an example of that truth. They grew up, beginning with the establishment in 1947, as agencies which had as their role of being to develop and analyze information relative to the Soviet Union and its Warsaw Pact allies.

It has been largely since the end of the cold war that the intelligence community has broadened its focus on the rest of the world, where the United States has important interests that it wishes to know more about and to have a greater analytical capability to decide what we ought to do about it. The intelligence community, in my judgment, was slow to make that transition. Part of the reason is that they were not produced adequately. They were not asked with sufficient frequency and aggressiveness: Are you relevant to the kinds of challenges that you face today?

I believe that is part of the responsibility of Congress, part of our oversight. It also will be a responsibility of this new office within the office of the President to be asking these agencies that have homeland security responsibilities: Are you relevant to the kinds of challenges that we have facing our Nation today? So those are the essential rationales.

Now, the concern that was expressed last week was not that we were going to have such an office. In fact, at one point, the Senator from Tennessee and I, I thought, had a common agreement that there was the need for an entity in the White House that could perform those functions. The question, then, became calibrating just how much influence and power should that Department have.

I personally was, and continue to be, an advocate for a strong, very robust office of counterterrorism in the White House because I think the challenges of inertia and resistance to change are going to be significant, and there will have to be an effective, even more assertive force in the other direction to get the kinds of changes the American people expect our Federal Government to make in order to give the priority that we expect to protect the homeland against terrorists.

But it is clear from the vote that we have just taken that the majority of the Members of the Senate feel that goes a little too far. So what Senator LIEBERMAN and I have been doing over the past several days is trying to think through what could be essentially jettisoned from this legislation as it relates to the office within the White House that would still maintain the essential credibility of the office to perform its function but would make it acceptable to a majority of our colleagues.

The two issues that we have identified for such discharge are, first, the provision that the Presidential appointee to the office of antiterrorism be subject to Senate confirmation, and, second, the provision that gave this office the capacity to decertify budgets of the agencies which had some homeland security responsibility if it were determined that they were not allocating sufficient funds to that function within the agency, which was that agency's part of the comprehensive plan to fight terrorism in the homeland.

I offered this amendment with my colleague, Senator LIEBERMAN, with some anguish because I think those two levels of accountability and capability are important to assure us that we can achieve what we must achieve in defending the homeland. But in order to be able to save the larger concept of such an office in the White House, which now will be almost a parallel to the office that is held by Dr. Condoleezza Rice, as the National Security Adviser—that office is a statutory office, appointed by the President, created by Congress, but not subject to confirmation. That will be this office. It will be an office created by statute by the Congress, so it will have the legitimacy of law. The head of the office will be appointed by the President and not subject to Senate confirmation. That is the model we will have if this amendment is adopted.

What happens if we do not adopt this amendment and then proceed to adopt the Thompson amendment which will delete both title II and title III? There will be no congressional directive that it is important to have an agency to coordinate the multiple Departments of the Federal Government with homeland security responsibility. In fact, it could be interpreted as a congressional statement that we affirmatively do not want there to be a place in the Federal Government that can bring these Departments together; that, for some reason, the experience we learned since 1947 as to the importance of a National Security Adviser who can perform that function for national security is not relevant to the kind of challenges we are now going to face in terms of domestic security.

Second, with the elimination of title III, we will have no congressional directive to establish a strategic plan for homeland security and to have the strength of Congress in support of that plan. I think it is worth giving up the confirmation and the budget certification if we can retain the fundamental principles of the importance of an agency that can achieve collaboration, can organize behind a strategic plan, will have the strength that comes from congressional creation and Presidential appointment, and will be able to move us as rapidly as possible into the best posture to defend our homeland and be a constant product to see that these agencies are cognizant of the changes that will inevitably be occurring in the environmental threat in which they will be operating and that they are prepared to constantly be reinventing themselves, adapting themselves to effectively respond to the challenges that will be different 10 years from now than they are today, and much different 30 years from now than they are today.

I urge the adoption of this amendment which I consider a compromise offered in good faith that meets the primary concerns that were expressed in this Chamber last week and again today but allows us to move forward with a totality of national policies, including Department of Homeland Security, the responsibilities that will continue to be vested in other agencies outside of the Department of Homeland Security, and an entity within the White House with the ear and the confidence of the President capable of seeing that the whole of these work together in a cohesive team for the defense and protection of the people of America.

I urge the adoption of this amendment and then the defeat of the underlying amendment.

THE PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2928 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, I thank the distinguished leaders for allowing me this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Florida, Mr. GRAHAM, for not only his eloquent statement and his spirit of accommodation that leads him to offer this second-degree amendment, but also for the work he has put into this idea.

It is an excellent idea—I have said this before and I will say it again briefly—the pending amendment, which is to say the underlying amendment that came out of the Senate Governmental Affairs Committee, is our best effort to respond to the terrible events of September 11 and to protect the American people from anything like that ever happening again. That is done, first, with the creation of a Department of Homeland Security, and second, with, in the White House, this National Office for Combating Terrorism—one focused on homeland defenses and the other serving as an adviser to the President, coordinating all our antiterrorism activity which goes well beyond homeland security to defense, law enforcement, foreign policy, foreign aid, economic policy, et cetera.

Senator GRAHAM has worked hard on this issue, and I think presented a very good proposal. It was, as the last vote indicates, not the will of the Senate to accept it in its current form. Many of our colleagues indicated to Senator GRAHAM and me that they might be able to support this office if there were no Senate confirmation. Senator GRAHAM has agreed by this amendment to remove that requirement.

What would be left then would be quite similar to what the National Security Adviser has been doing for some period of time since that statute was created, a statute which coordinates advice to the President in a particular subject area. In this case, that subject area is terrorism, which according to most experts outside and inside the Congress, will likely be the dominant threat to our security in the next period of our history.

So the best proposal, which we had hoped would be accepted, would be to provide for Senate confirmation. The Senate has expressed its will there, and I think Senator GRAHAM has now offered the next best idea. I am privileged to be a cosponsor of this amendment with him, and I do so with some sincerity, particularly because of the other section of this legislation which does create a Secretary of Homeland Security who, of course, is subject to Senate confirmation and is accountable to the Senate.

So the concerns I had, the Senator had, and so many others had about the previous Office of Homeland Security being occupied by an individual not subject to Senate confirmation, and therefore not accountable to the Congress, has now been overcome with the creation of the Department of Homeland Security; that no matter what its shape, which I think we all agree will be created by the end of this session, now allows us to take a step forward, not as large as the committee proposal would have taken but nonetheless a significant step forward in creating the office and thereby giving this President and future Presidents one individual within the White House whose direct function is to coordinate the entire antiterrorism effort of the United States of America.

I support the amendment before the Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am sorry I have not been in a position to be following the debate. Without losing my right to the floor, Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is on the Lieberman second-degree amendment to the Thompson first-degree amendment.

Mr. BYRD. When was this second-degree amendment introduced?

The PRESIDING OFFICER. Within the last 15 minutes.

Mr. BYRD. I have not had an opportunity to study this amendment. I did hear, though, the distinguished manager of the bill say something to the effect that this amendment would eliminate the requirement for Senate confirmation of the—is it the Director of Homeland Security?

I ask that I retain the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Responding to the Senator from West Virginia, this amendment, which is suggested by Senator GRAHAM, who was the originator and implementer of the idea of a separate White House office on antiterrorism, would leave the Secretary of Homeland Security unchanged.

The Secretary would be nominated by the President and confirmed by and accountable to the Senate, and the new office on antiterrorism that would be created in the White House in our original proposal was subject to Senate confirmation, as well. We heard from many colleagues, particularly on our side of the aisle, who thought that since we were creating a Department of Homeland Security with a confirmable Secretary, it was a mistake to require confirmation of an office in the White House. Senator GRAHAM has responded to that and, as a result, offered this second-degree amendment to create the Director, who would be appointed by the President, without confirmation by the Senate.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. I strongly disagree with those who believe the Director within the White House need not be confirmed. I am very opposed to that idea. I am ready to speak at some length on this. Do I have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Very well. While I am speaking, I hope my staff will bring some of the materials I have prepared to use. I am not going to go along with an immediate vote on this, I can tell Senators that. I am sorry I had to get to the floor ahead of Mr. THOMPSON—I saw him standing—but I was concerned. I will yield to the Senator if he has an amendment to beat this amendment, but I am not yielding the floor now.

Mr. THOMPSON. And I would not try to take it, even if I thought I could.

I respond to my friend from West Virginia by saying, I was simply going to address the issue very briefly and ask for the yeas and nays, frankly, on the second-degree amendment.

I might add, I think the Senator is correct in the way he described it, but we had three basic concerns. One had to do with the Senate confirmation. The other one had to do with the fact that it put this person in a position of being a strategy maker, a statutory strategy maker, when we already have a national strategy.

I have no objection to reporting to Congress periodically, but being in on the front end of that, I think that horse has already left the barn.

Mr. BYRD. When?

Mr. THOMPSON. In July.

Mr. BYRD. How?

Mr. THOMPSON. When the President presented the national strategy.

Thirdly, the new Director is still a pretty big player as far as budget authority is concerned.

Mr. BYRD. Yes.

Mr. THOMPSON. Those were three things we had concern about, and now it is down to two. I was going to make those points, move to table, and ask for the yeas and nays. That was my intention.

Mr. BYRD. I thank the Senator.

Mr. President, I have been saying to my Senate colleagues that we had better take some time and look at what we are doing. What was about to happen, in my judgment, would have borne out my concerns and my warnings. An amendment has been offered by the distinguished manager of the bill. He certainly has far more expertise with respect to this bill than I have. He has spent days, nights, and weeks, I would say, on it. So in taking the floor at this time, as far as I am concerned, it is a labor of love. I am not on the committee, but this is a good example. Senators—at least one Senator—did not know what we were doing. An amendment was called up, I understand, 15 minutes ago. I do not think I have inaccurately stated what Senator THOMPSON had indicated with reference to when this amendment was called up. We will say within the last half hour. I suppose that is accurate.

The amendment comes from my side of the aisle. Normally, I might not pay quite that much attention to it, but I have spent a lot of time on the House bill and on the Lieberman substitute, and I have been very concerned that Senators really are not paying attention. That is my observation. I may be very wrong in that. I am sure the Senators on both sides of the aisle who are members of the Lieberman committee know what is going on.

But I don't know about the rest of us.

Here we have an amendment before the Senate, as I understand it, that would eliminate the requisite confirmation by the Senate of the Homeland Security Director, the individual who is in the White House, occupying a place which is now occupied by Mr. Ridge. It would seem to me we ought to require confirmation of that person.

I heard Mr. LIEBERMAN say that it is somewhat similar to the National Security Director, Condoleeza Rice. She does not require confirmation. We have a State Department, Secretary of State and the Secretary of Defense we can call up at any time and find out what we want to know with respect to defense and international security matters. I made that same argument with respect to Condoleeza Rice back in the days when Senator STEVENS and I were trying hard to get the President to send Mr. Ridge before the Senate Appropriations Committee to answer questions with respect to the appropriations budget. There were those who said Dr. Rice does not have to come before the Congress and answer questions, and I said we can get the Secretary of Defense or Secretary of State. That is quite true.

However, Mr. President, the Homeland Security Department is going to be in a far different position than Dr. Rice is in. The Director of Homeland Security will be the person who knows all the answers with respect to homeland security. That persons's powers will be far broader in many ways than Dr. Rice and her powers.

The first Secretary of State was appointed in the very early days of the Republic. The same was true with the Secretary of War and the Secretary of the Treasury. We have something before the Senate that is new, a situation that has never prevailed in this country, where it is attacked from within by terrorists and where the President has used an Executive order to create a homeland security agency. I don't think much of this Executive order, as a matter of fact. I am afraid we are seeing too many of them, too often. The position that Governor Ridge has now held was created by an Executive order. This is not just a little clerk down there in the bowels of the White House working. This is not just an ordinary adviser. This is a new type of war. This is a new type of agency, a new kind of department.

Yes, we need it. I have been in favor of creating a Department of Homeland Security. But having read the administration's proposal with respect to the creation of the Department, and having read the House bill, H.R. 5005, in regard to the creation of the Department, I have been more and more constrained to believe that we have a new "animal" in this Department of Homeland Security. It is not like the Department of Energy. It is not like the Department of Interior or the Department of Transportation. It is not like most of the Departments that have been with this Government for a long time, several of which have been created while I have been a Member of Congress.

This is an entirely different breed of Department. This is a Department that is going to encompass many issues that are of interest to several of the Departments, the Secretaries of which were not even aware of when the President announced his intention to create a homeland security agency, and an agency answerable to him. Many of the Secretaries who are in the Departments that were to be ultimately involved were not aware of this until the day the President announced it, I am told, or at least I read that in the newspaper. So this is a new animal.

If all Senators would read the House bill, they would get a reflection of the administration's wishes with respect to the Department of Homeland Security—not entirely. I believe the House bill is in some respects better than the administration's proposal, but the bill by Mr. LIEBERMAN's committee, as reported out of his committee, is better than the House bill.

However, we have had too much of this lately: An administration that wants a program run out of the White House. And now the administration does not want this position confirmed. Let me restate that. The administration does not want the Director to be confirmable by the Senate. That alone makes me very suspicious. We have an administration that operates a great deal in secret, wants to operate even further in secret, wants to be more secretive.

It was very secretive about the so-called shadow government. I didn't know anything about shadow government until I read about it in the newspaper. The administration tried to claim that I had been told what that was. The administration was wrong 100 percent. I had never been told. Of course, after this appeared in the newspapers, the administration was willing to try to come up and explain what this is about. And we have seen this whole Executive order with respect to a Department of Homeland Security, the way in which that suddenly emerged from the dark mists of secrecy, we have seen the same path.

We have an administration that looks upon the Congress of the United States as a subordinate body. I am sure some of the administration officials look upon Congress with utter contempt. They don't want Congress in this position. The Senate, of course, is one-half of the Congress, being one of two branches. I don't want that. And I am not going to knuckle under to what they want. This Senator is not—now, tomorrow, or the day after tomorrow in this respect.

I may be overridden. The Senate, I said myself, is more than the 100 hearts, and the Senate will eventually work its will on this, I suppose. But it is not going to do so in the next 15 minutes. This is a position that ought to be confirmed. It doesn't make any difference what President Bush wants or what he doesn't want. The Congress is an equal branch.

This Congress is unlike, perhaps, the State Legislature of West Virginia. The State Legislature of West Virginia may feel it has to go along with its Governor. I have been in the State Legislature of West Virginia. I know a little about how legislatures work and how Governors operate at the State level. They generally are very concerned about the State constitution, what it allows with respect to the budgets and so on, the State budgets. I have seen some other Governors come to Washington as President and they think that, well, they did it this way in the government of Georgia or they did it this way in the State of California or they do it this way in the State of Texas. Well, things here are not done as they are done at the State level in West Virginia.

Why should we bend to the administration's opposition to this point? Why shouldn't this individual be confirmed? It is not enough to say: Well, the National Security Adviser doesn't require confirmation.

It is not enough to say that. That does not win the jury, I would hope, in regard to a Homeland Security Director. Just because Dr. Rice isn't required to be confirmed is no good reason why the Director of Homeland Security—be it Mr. Ridge, eventually, or John Doe—there is no good argument as to why that person should not be confirmed.

Are we going to sheath our sword and leave the field on that flimsy argument: Well, Dr. Rice is not confirmed so I see no harm in not having the Director of Homeland Security confirmed.

It is an entirely different argument. It is as different as day and night. That is no argument. Why should I say I take my seat now and let this vote occur in the next 15 minutes—or the next 30? That is no argument. Who is here to hear the argument? There may be a good many Senators in their offices listening to it. That is how I kind of caught on to it.

I am prepared to speak for several hours, if I can get the materials I want that I have gone over during the recess. I don't know how other Senators spent their time. I am sure they were very busy during the recess, but I spent most of the time during the recess studying the House bill and the Lieberman substitute. I had objected, as Senators will recall, to going to the bill before the recess. I had objected to taking up any substitute before the recess. I felt that it was a matter worthy of considerable time and debate.

I was here when we created the Department of Energy. I was here when we created the Department—today they call it Health and Welfare or something like that. Abe Ribicoff was the Secretary of that Department. He later came here as a U.S. Senator. I was here when the Department of Veterans Affairs was created. Thank God I am here now when we are discussing the creation of this Department. This is a far different kettle of fish.

Why should this Senate kowtow to any President, whether it be Democrat or Republican? If former President Clinton were in the White House today, I would take the very same position. It is not because we have a Republican in the White House. It is because we have an administration that is intent on being secretive, has only a sneer, as it were—at least some of the people down there—for the Congress of the United States. It looks upon the Congress with contempt.

Some of the people in the administration don't want to live by the "rules" that have governed for many years. I use the word "rules" because I am remembering, in one case, one of the Cabinet officers using that word. We are tied down by rules.

The administration people read "Gulliver's Travels." It must have been required reading because they continue to talk about the Lilliputians. That is the attitude toward the Congress of the United States.

I do not want to give any administration too much power. I want any President to have whatever power he needs to deal with the protection of this country, homeland security. But I do not want to give any President power that he does not need but wants, and so I am a little bit aghast at the willingness of some of our people on my own side to just bow down and scrape and say: Well, no, that's not too important. We don't confirm Dr. Rice. We didn't confirm her predecessor. We don't confirm the security advisers. Therefore I see no reason why we need to confirm the Director of Homeland Security.

I do. There is a great deal of difference. And, also, I haven't had an opportunity to read this amendment. I had an opportunity to talk with Senator LIEBERMAN, perhaps for 2 minutes here, and with Mr. THOMPSON for less than that. I haven't read this amendment, but I have heard enough about it to oppose it—to oppose Mr. LIEBERMAN's amendment.

Of course I will be against Mr. THOMPSON's amendment, also. I am against his amendment, too. But the first vote would come on or in relation to the Lieberman amendment—I believe that is right. The first vote would come on or in relation to the Lieberman amendment as against the Thompson amendment. I assume Mr. THOMPSON is going to move to table the Lieberman amendment.

Mr. LIEBERMAN. The Senator from West Virginia is correct. It is a Lieberman-Graham amendment, and I think it is Senator THOMPSON's intention to move to table it.

Mr. BYRD. And the distinguished Senator from Connecticut, Mr. LIEBERMAN, for whom I have tons and tons and tons of respect, is opposed and he has offered an amendment now, as I understand it, that would run up the white flag. I will use my own words. I am sure the offeror of the amendment wouldn't use those terms, but in my words, would run up the white flag insofar as confirmation, required confirmation of the Homeland Security Director by the Senate is concerned.

I would like to have the Senator's response. He is entitled to respond. I ask unanimous consent that I may retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, responding to the Senator from West Virginia, I need to say that I wouldn't describe it as running up a white flag. Senator GRAHAM, who has constructed this section of the bill which I have supported, felt in the exercise of practicality but also because he feels so strongly about the importance of at least putting in law a requirement—again, exercising the power of Congress. There are some in the Chamber who believe Congress should never tell the President what to do about anything, and if the President wants to create an adviser on counterterrorism he should have the right to do that or not do that.

Mr. BYRD. Yes. There are monarchists—not anarchists—in the Congress, I will admit.

Mr. LIEBERMAN. That is a word I would embrace. That is quite right. Our Framers did not create a monarchy. They created a Republic with a President with substantial powers—accountable to the Congress with substantial powers—and to the people we are all ultimately accountable. The Senator from West Virginia is not just a Senator but "the Senator." He has had so much experience over some years here. He knows, as we have all experienced these days, that sometimes we come to a moment where we can't quite achieve—Senator GRAHAM is at an Intelligence Committee meeting, so I am taking the liberty of speaking for him—the ideal that we aspire to because the votes have been counted and we don't have the votes. That was the clear message from the vote.

It was important, nonetheless, to take a significant step forward and create the office, with a law to guarantee that there would be somebody in the White House whose sole responsibility is to coordinate our government-wide antiterrorism program. I must say that I am quite personal about this issue.

I said to the Senator from Florida when we talked about introducing the second-degree amendment that we may not have the votes for this, either. I understand the Senator from West Virginia has a different point of view on what has been done. But Senator GRAHAM feels so strongly about the importance of at least creating the office, even if we can't achieve the ideal of Senate confirmation, that he wanted to offer this amendment notwithstanding the possibility that the White House is not negotiating very much at this point. They are just wanting it their way or no way. But he wanted to give this option to the various Members of the Senate, particularly on this side of the aisle, who say, Senator GRAHAM, Senator LIEBERMAN, I like your idea but I don't like the idea of Senate confirmation.

That is the purpose of this amendment. I know how strongly the Senator from West Virginia feels about the prerogative of the Senate. I agree with him in this case. It is just that we haven't been able to achieve what we wanted here, although we hoped we might achieve a good part of it.

I thank the Senator for giving me the opportunity to respond. It is not my nature to settle for less than the ideal, but, as the Senator knows, sometimes in our democratic system we have to do it to achieve some progress.

I thank the Senator.

Mr. BYRD. Mr. President, I thank my dear friend, the distinguished junior Senator from Connecticut, and the standard bearer for the Democratic Party in the last election, and a man whom I greatly respect for other reasons. He and I have many kindred feelings when it comes to the discussion of religion. I admire him for many, many things in that regard. If we wanted to get into the discussion of the cosmological principles that guide the operation of this universe, and if we wanted to talk about Charles Darwin, that great English naturalist and his theory of survival of the fittest, the Senator and I have a lot of kindred thoughts.

I understand Senator GRAHAM. He is a former Governor. There is nothing wrong with being a former Governor. But Governors have a way of looking at things a little differently than those lowly peons like myself who served in the House of Delegates and the State Senate of West Virginia. I can understand how a Governor sees things—even at the Federal level—because sometimes they see things through the lens of their experiences as Governor dealing with State matters and State constitutions. I can understand that. I wish I had been a Governor of the State of West Virginia at some point. I would like to have that additional experience.

But I cannot yield without more than just a clash of sword against a shield, even to Senator GRAHAM. I have great respect for him, but he is wrong in this instance. When he gets to the floor, I will tell him I said that. I say that out of respect to him. We can all disagree. I sometimes try to remember that I can be wrong, and often am. But this is wrong.

I would be happy to debate this with Senator GRAHAM until the cows come home, if he wishes. He feels strongly, as Senator LIEBERMAN says. I take that exactly the way Senator LIEBERMAN says it. Senator GRAHAM feels strongly. Well, so do I.

I am going to see that there is some debate on this matter before we vote on it. I am not as young as I once was. I once spoke 14 hours—or something like 14 hours—on this floor. I once sat in that chair for 22 hours. I sat in the chair 22 hours, and I would still have been setting in it had Richard Nixon, the Vice President, not come to the Senate Chamber. He naturally had the right to the gavel. I had been a Senator a while, but I had not been a Senator a long time. But I knew who the President of the Senate was.

Incidentally, the President of the Senate can't address the Senate without unanimous consent of the Senate.

I noticed the Vice President the other day in New York. I saw what was going on on television. I saw that he spoke at that meeting in New York when the two Houses convened up there. Of course, when they first convened in New York, John Adams was Vice President, and he talked at length. He was quite a gregarious person in that respect, somewhat unlike the current Vice President. He is not gregarious, and neither am I, for that matter. But the Vice President doesn't speak these days—I have an audience of one here, but even one individual is of great importance. So I want my friend from Connecticut to hear what I had to say here, not that it will be read even as a footnote.

But at this time, the Vice President cannot address the Senate except by unanimous consent of the Senate. At the time of the beginning of the Republic, the Vice President was John Adams. And he was one who would speak at the drop of a hat. He spoke quite at length.

That is a little bit besides the point here, but I just have to say that I cannot—I suppose the Senator will win over my objection because not many people here seem to be paying much attention to what is being said at the moment. I think they take for granted it is a bill like other bills that come here that have come through the committee, and: "I am going to vote with my party," or "I am going to vote against the party," or whatever.

But I have been trying to get their attention. And if it had not been for my objections, this bill would have probably been passed already. But some attention, at least, is being paid to it now. And I hope that more attention will be paid to it.

On the business of having the Director of Homeland Security confirmed, Senator STEVENS and I had our experience—and it was not a very happy experience—with this administration when it came to the hearings that both Senator STEVENS and I thought we ought to have on appropriations. That was the supplemental appropriations bill, I believe. That was in the very early part of this year. And at that point the memories of September 11 of last year were almost as vivid—in January and February of this year—as they were the day after the event.

But Senator STEVENS and I joined in asking Governor Ridge to come up before our Appropriations Committee and testify on the budget for homeland security. Oh, he didn't want to come up. He was just a staff person at the White House. I believe I saw the President, Mr. Bush, on television, on one occasion, saying: He doesn't have to go up there. He doesn't have to go. He's a staff person.

And so I said, at the time, probably in a low voice: Well, technically speaking, the President has a point. The person, Mr. Ridge, is on the President's staff.

So far so good. But Mr. Ridge is far different from the ordinary staff person. And he is far different from the ordinary adviser to the President. The President has lots of advisers. He has the Secretaries of all the Cabinets. They are his advisers. And a confirmed Director of the Office of Homeland Security can still be an adviser to the President. He still would be, and he certainly would carry more weight than he carries as an adviser incognito. Those are my words.

But keep in mind that this so-called staff person, this person on the President's staff, is running all over the country speaking to chambers of commerce, going down to Mexico and meeting with the authorities there, going up to Canada, meeting with the authorities there. Ordinary staff people do not do that. This is more than just an ordinary staff person. This is more than just an ordinary adviser to the President.

And he was quite willing to come up and "brief" Members of Congress. Well, that doesn't fill the bill as far as I am concerned. I am chairman of the Appropriations Committee. I don't know how long I will be chairman, but as long as I am chairman of the Appropriations Committee, that doesn't fill the bill.

We have briefings, if we want them. But when we want to spread the Record for the American people to see, and for the American people to hear what is said by witnesses and by Senators who are asking questions, it should be done in formal hearings—hearings, not briefings behind closed doors.

I think there was some offer, even, to have a briefing with the doors open, but that still does not—still does not—meet the bill. Here is a committee of the Congress, the Appropriations Committee, created in 1867, doing its work, doing its duty, as we have always done it. When we have had Republican chairmen of the committee and when we have had Democratic chairmen of the committee, the committee has always had hearings. And they have been public hearings.

If we want closed hearings, we can vote to have a closed hearing. And then we might vote to have the Record cleaned up a little bit and made public. But ordinarily when we are hearing testimony on the budget, the Federal budget—the people's money, and the way the taxpayers' money is to be spent—the taxpayers are entitled to hear that. They are entitled to hear what the administration person says.

What was it that had to be secret? There was nothing. There was nothing about the testimony that he would give on these budget matters, on the appropriations for the next year—nothing—that it needed to be secret.

If we had had briefings, they would not have been kept secret. Ten minutes later, those who would be in the briefings would go out and tell what was said because it was not classified. That was a sham. That was a charade on the part of the administration to try to make it appear that the administration was trying to be reasonable. Yes, they would let Mr. Ridge come up and brief Members. Why, my foot. Have him come up and brief Members of the Congress? Why, that is laughable.

When I first came to this Congress, John Taber of New York was chairman of the House Appropriations Committee. Would John Taber have agreed to have an administration person in the position that Tom Ridge is in—I am talking about John Taber, the Republican chairman of the House Appropriations Committee—would John Taber have agreed to have the administration witness come up and just give the Appropriations Committee a briefing? Heavens, no.

And so I feel the same way about it. Why should the Appropriations Committee of the Senate, after 135 years—after 135 years—through all administrations, Republican and Democrat—settle for having a briefing, letting the administration's point man on homeland security just come up and give a briefing? Why, the American people are entitled to more than that. The American people are entitled to more than that. That is trivializing the appropriations process. No, I would not agree to that.

That is what we are about to do here. We are about to say, yes, we will have a Secretary of the Department. I am for a Department of Homeland Security. And in my amendment, I certainly subscribe to Senator LIEBERMAN's committee proposal in having a Department, having a Secretary of the Department. I go along with that. Yes, let's have a Secretary. But in my amendment, I am still proceeding under the understanding that the Director of Homeland Security within the White House will also be confirmed.

In an appropriations bill which Senator STEVENS and I brought to the floor several months ago, we had language requiring the confirmation of the Director of Homeland Security. It was in the appropriations bill. We tried and we tried—Senator STEVENS and I tried more than once—to have the Director of Homeland Security come before the Appropriations Committee in the Senate and testify.

I assured those from the administration who talked with me about that, we were not interested in knowing anything about Mr. Ridge's secret conversations or private conversations with the President; we were not interested in any of that stuff. We are not interested in that Dick Tracy stuff. We only want to know the facts concerning the appropriations. We are not going to ask him questions like that. It is not going to be classified.

If Mr. Ridge wants the committee to hear him in secret, we will vote on that in the committee. And if the committee wants to close the door for an hour to hear what he has to say that is so secretive and so demands secrecy, we will vote on that. But we are not interested in embarrassing Mr. Ridge. We are not interested in embarrassing Mr. Bush. We only want the facts concerning the moneys that are going to be needed for homeland security.

No, they wouldn't let him come up. The administration had its feet in concrete and was determined not to let Mr. Ridge come up and testify before the Senate Appropriations Committee.

The President said he was going to change the tone in Washington. Well, as far as I was concerned, that was not changing the tone in the right direction. That was a sour note, and I am sorry the administration ever took that position. But here we are today and the administration still doesn't want it. Why?

Why did they have their feet in concrete a few months ago with respect to Governor Ridge? We could have gotten off on a much better footing if Mr. Bush had said: Go on up there and answer their questions. If they are asking questions on dollars and cents, the taxpayers' money, the appropriations needs, go on up there and answer those questions.

It would have struck a much sweeter note. But it kind of, in a way, poisoned the well. So that wasn't changing the tone for the better. That made it worse. And to this day, the administration doesn't want that position to be one that requires confirmation by the Senate.

Here we are, the loyal opposition when it comes to this bill, I guess, saying: We think that position ought to be confirmed. If we are going to create it, it is going to be confirmed. That is the way the Senate ought to look at this.

If there were a Democrat in the White House, I would say the same thing. It should be the Senate's will.

Now, the President can veto the bill. He can do that if he wants. He can do that. I believe it is the seventh section of article I of the Constitution which lays out the veto power of the President—the seventh section, article I.

Mr. REID. Mr. President, I am wondering if I could ask a question without the Senator losing his right to the floor.

Mr. BYRD. Absolutely.

Mr. REID. Would the Senator consent to my suggesting the absence of a quorum, with the order being that as soon as the quorum is called off, which would be very quickly—I want to visit with the Senator and the managers of the bill—the Senator from Virginia would retain the floor?

Mr. BYRD. I don't know about the Senator from Virginia.

Mr. REID. I am sorry, West Virginia.

Mr. BYRD. Yes, that is perfectly OK.

Mr. REID. I ask unanimous consent that when the quorum call I will shortly suggest is called off, the Senator from West Virginia have the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, time being of the essence and realizing Senators want to get out of here and go home and how badly they want to get rid of the pending amendment, I will try to move on a little faster. My thanks to the pages for bringing me a lectern.

Mr. President, I have heard the concerns of some of my colleagues about establishing a statutory office within the Executive Office of the President with a Director confirmed by the Senate. I have heard the arguments that Congress would be intruding upon the President's right to receive confidential advice and it would tie his hands with regard to the internal management of the White House.

These arguments misrepresent the realities of coordinating the executive branch and the management challenges it will involve, even after this new Department is up and running.

The point has been made many times during the crafting of this legislation that the functions involved in homeland security are scattered throughout the Federal Government. That is an important point. Let me state it again: The point has been made many times during the crafting of this bill that the functions involved in homeland security are scattered throughout the Federal Government. That is not like the State Department. It is certainly not like the Defense Department.

We are talking about a Department with functions scattered throughout the Federal Government, the functions involved in homeland security. That does not stop just at the water's edge. It goes on to the other side of the river. Many of those functions will not be transferred into the Department by this legislation.

The legislation before the Senate today and which the Senate will vote on—I suppose, eventually, if this legislation is passed—creates a Department of Homeland Security. I am for creating a Department of Homeland Security, but the bill creating a Department of Homeland Security is not the end. That is not the alpha and the omega. That is not the end-all. We really will not have done our work. We will have only begun.

Many of those functions, I say again, will not be transferred into the Department by this legislation. That is why I say we ought to stop, look, and listen to what we are doing. The administration would like Congress to pass just a mere piece of paper, as it were, handing the Department of Homeland Security over to the administration, saying here, Mr. President, here it is. It is yours, lock, stock, and barrel. Take it. We are out of it. We will stand on the sidelines.

That is what we would do if we were to pass the legislation supported by the White House. If we were to pass the legislation that has been sent to us from the House, we would be doing just that. We would be passing a bill creating a Department of Homeland Security in the Lieberman bill, legislation that would say: A Department is created. Here it is, Mr. President. It is yours. Take it. Do what you want with it. You have the next 13 months in which to implement this legislation. It is yours.

I am not in favor of doing that. I am in favor of creating a Department of Homeland Security, but I am not in favor of Congress doing that and then walking away and saying: It is yours, Mr. President; for the next 13 months we will go to the sidelines. I am not in favor of that.

I don't know why some Senators seem not to be exercised about it, but my blood pressure has gone up a little bit about the very idea of handing this over to the President and to this administration and saying: Here it is. It is yours.

That legislation, when we send it to the President, will not be all; we will have created, under Mr. LIEBERMAN's bill, we will have created a Department, we will have created six directorates, we will have created the superstructure of a Deputy Secretary, six Under Secretaries, five Assistant Secretaries, and so on.

That is OK with me. Let's create that superstructure. That is fine. But when it comes to transferring the agencies into that Department, how many agencies are there? Some say 22. Some say 28. Some say 30. How many agencies are there? What agencies are they? By what criteria were those agencies selected? Who said that this agency ought to go in but not that one? And why should this agency go there and not that one? Why should that one go in? Why not this one?

So all that is going to be left up to the administration. We are going to leave it up to the administration as to the agencies that will go in, as to their functions, as to their objectives, as to their assignments. We are just going to turn it all over—lock, stock, and barrel—to the administration.

That is the way it would be under the administration plan. That is the way it would be under the House plan. That is the way it would be under the Lieberman plan. I am trying to improve the Lieberman bill. I am saying, OK, let's do the superstructure. Let's have a Secretary. Let's have a Department of Homeland Security. Let's have a Secretary. Let's have a Deputy Secretary. Let's have six directorates, as Mr. LIEBERMAN proposes. Let's have five Assistant Secretaries. I am in favor of that. That is all in title I.

But I am saying, whoa, whoa, whoa, whoa. Let's not go too fast now. Let's create this over a 13-month period. Let's have the work done under a 13-month period, as the Lieberman bill would do. Let's create all this. Let's create the superstructure. Let's have it completed in 13 months, as Mr. LIEBERMAN would do.

He would have the Department and the superstructure and the agencies, their functions, and everything within 13 months, beginning with 30 days after the bill is enacted into law. Then there would be 12 months in what is called a transition period. Mr. LIEBERMAN would have that. I would have that, too. But I would say, let's wait a little bit. Let's slow down a little bit. Let's not just turn this over to the administration and let them have it and we walk away.

When I say "we," I mean the Congress, the people's representatives. I am saying Congress should stay front and center in the mix. Let's have, say, one of the directorates go forward beginning on February 3. There are six directorates. One is in title XI. I don't touch title XI. That deals with immigration. I don't touch that, certainly not at this point.

But for the other directorates, I would say, OK, on February 3 we will create one directorate and, Mr. Secretary, you send up to the Congress your proposal as to how we flesh out that directorate, as to what agencies go into that directorate—what agencies. Of course, that directorate is going to deal with border and transportation security.

Mr. LIEBERMAN and his committee and Mr. THOMPSON have created six directorates. One of them is Border and Transportation Security. My amendment would say, OK, let's take border and transportation security in that first directorate, and, Mr. Secretary, you send up your proposals for transferring agencies into that directorate to make it work. You have 120 days to do that—that is 4 months. That is February 3 that we start, because that is the day the President sends up his budget.

Then we say, 120 days later—4 months later—Mr. Secretary of the Department of Homeland Security, you send up your proposals for the next two directorates. The next two directorates are the Directorate of Intelligence and the Directorate of Critical Infrastructure—the Directorate of Intelligence and the Directorate of Critical Infrastructure, those two directorates that are created by Mr. LIEBERMAN's bill. See, I am with Mr. LIEBERMAN on that.

But I am saying: Wait just a little bit. Let's hold our hands on the bridle here. Let's not let this horse run away with this wagon. Let's hold up here. You send up your proposal, Mr. Secretary. I assume that might be Mr. Ridge or somebody else, I don't know who; it is the Secretary we are talking about. Yes, you send up your proposals 120 days after February 3 while the fleshing out of the Border and Transportation Directorate is going forward. Then, 120 days later, we say to the Secretary: Send up your proposals for these next two directorates, the Directorate of Intelligence and the Directorate of Critical Infrastructure.

All right. The Secretary, then, will send up his proposals for those two directorates. And as far as time is concerned, 120 day later, then—that would be June 3—120 days later would be something like October 1. All right. Let's have the Secretary send up his proposals for the fourth and fifth directorates.

Here they are, the Directorate of Emergency Preparedness and the Directorate of Science and Technology. I did not create these directorates; these directorates are to be created under Mr. LIEBERMAN's bill, under his substitute for the House bill. I am taking his words for gospel, and I am saying: OK, let's go along, let's have those directorates. But I am saying, February 3 we will have the proposal for the first directorate; June 3, let's have the proposals from the Secretary of Homeland Security for the next two directorates; then, on October 1, we say to the Secretary, now send up your recommendations to Congress concerning the last two directorates in title I: that is, the Directorate of Emergency Preparedness and the Directorate of Science and Technology.

So, there you are, we do it in a staged fashion. One directorate; 4 months later, two more directorates; 4 months later, two more directorates. By the end of that next 4 months, the 13 months would be up, so we will be within the same total timeframe as is envisioned by Mr. LIEBERMAN's committee. It envisions all this being done within 13 months—13 months following the passage of the Act.

We are saying the same thing, but we are saying don't do it all at once, and we are not going to give you authority, Mr. President, to do it all at once. We are saying do it, some here, some there, and some there, and let Congress be in on all this all the time—all the way.

How does that come about? All right, each set of proposals from the Secretary of Homeland Security will come to the Congress, and they will go to the committee, the Lieberman committee, and its counterpart in the other body. So both the House and Senate will be working on these sets of directorates in stages. Congress will be front and center. Congress isn't going to hand this thing over and then abdicate its responsibility and walk away and stand over here on the sidelines. Congress is going to stay involved. That is what my amendment is about. Let's keep Congress involved.

What happens then? All right, let's take the first directorate. That is Border Transportation. The Secretary sends up his proposals to Congress. The proposals, as far as the Senate is concerned, go right straight to the Lieberman committee. Mr. LIEBERMAN and Mr. THOMPSON stay right front and center. They take these proposals in their committee; they amend them, they adopt them, or whatever. Whatever that committee wishes to make of the proposals that are sent to it by the Homeland Security Director, that committee reports that out as a bill. It comes to the Senate.

Oh, that is going to delay. Oh, my goodness, you say, that committee is going to report out another bill and the Senate is going to have to work on it?

Yes, that is true. But we can prepare expedited procedures. So I say let's prepare expedited procedures. If we do it in that fashion, we can prepare expedited procedures where the bill is not delayed, where it is not filibustered—it can't be filibustered under expedited procedures—and the Senate will take that and, under expedited procedures, will consider it. It is not going to be a—what is that infernal thing called?—fast track. That is right, fast track. Under fast track, the Senate doesn't get a chance to amend, but under these expedited procedures I am thinking about, the Senate will be able to work its will and amend the bill that is reported out by Mr. LIEBERMAN and by his committee's counterpart on the other side, in the House of Representatives.

That committee would report the bill out to the Senate, the majority leader would call up the bill, and it would be acted upon under expedited procedures and disposed of.

Four months later, when the next item came up here, the Directorate of Intelligence and the Directorate of Critical Infrastructure, the same thing, same procedure would obtain. The Secretary of Homeland Security would send his proposals to the Congress.

The reason I don't say the President is that if I did, I would make my amendment fall, if cloture were to be invoked on my amendment. If cloture were to be invoked, it would fall because it would not be germane. I have tried to construct this amendment so it would stand the test of germaneness in the event cloture were invoked on this amendment.

So instead of the President sending it up, it would be his man—it has to be his man, the Secretary of the Department of Homeland Security. The Secretary would send the proposals to the committee, to Mr. LIEBERMAN's committee. Mr. LIEBERMAN's committee, under expedited procedures, would go over the recommendations from the Secretary and send them, in amended form perhaps, to the Senate floor to be taken up here and passed.

So the same thing, the same procedure, would obtain in each instance where a directorate or directorates were being fleshed out by agencies.

Are we talking about 22 agencies here? No. Twenty-six agencies? No. Twenty-eight agencies? No. Are we talking about 30 agencies? Maybe no, maybe yes. Who knows?

In any event, the concept is this:

That we avoid the chaos of just passing this bill today—say this is the bill before the Senate today, and it is passed by the House and the Senate and sent to the President. We avoid the chaos that will prevail throughout the affected agencies of Government if this bill is passed and sent to the President because it is all done at once. We hand it over to the President lock, stock, and barrel. We walk away. And the President may take 6 months or he may take 8 months or he may take 13 months before he sends up all of the recommendations dealing with 6 directorates and 22 agencies—or 28. He may take all.

Under my amendment, we say no. Let us just take some at a time. Let us see how it works. Let us create that first directorate. Let us have the recommendation of the Secretary of the Department. Let us have his recommendations. Let the Senate, Mr. LIEBERMAN, and the committee look at it. His committee looks at it and reports the bill to the floor. Let us have the Senate look at it, and the same thing in the House but all under expedited procedures.

We do some here, do some there, and do some later on. We stage it. We phase it in. We don't just hand it over lock, stock, and barrel, and say: Here it is. It is yours.

We avoid the chaos of doing it that way. Let us do it in an orderly way. Let us have an orderly process so we really do not do damage to the proposal by Mr. LIEBERMAN. As a matter of fact, in my way of looking at it, we don't vote. My amendment will say we will create the Department just as Mr. LIEBERMAN creates the Department. We will create six directorates just as Mr. LIEBERMAN creates six directorates. We will have a Secretary and a Deputy Secretary, and we will have seven other Secretaries, and five Assistant Secretaries just as Mr. LIEBERMAN has the same number.

We are with you, Committee, Mr. LIEBERMAN's committee. We are with you. But instead of just passing this bill and wiping our hands and walking away, saying, I shall have no more to do with this, it is all yours, Mr. President, we are going to say: Here is the concept. Your Secretary will send up recommendations in intervals. There will be some of it at a time. We will do the first directorate. While that is going through the mill and during the 4 months when those agencies are being moved in, we are going to be taking a look at the next two directorates. But we will have in mind the flaws and the warts that we found in the first transactions. We will have had an opportunity to try. Let us see how it works. If there are flaws, if there are mistakes, we can correct them as we go along, and the next two directorates will not make those same mistakes.

When we set up the next phase, the final two directorates we will have benefited by whatever mistakes or whatever shortcomings may have surfaced during the creation of the preceding directorates.

It seems to me this is much more logical. It is an orderly process. It keeps Congress—the elected representatives of the people—in the process. And it keeps Mr. LIEBERMAN's committee—which is the committee that has jurisdiction over the subject matter—front and center.

Why not do it that way? Why not do it in an orderly way rather than just turning the whole thing over all at once and just washing our hands of it, and saying, that is it, it is up to somebody else?

That is not the way to do it. I think the concept is one that is unassailable. That is the way it would work under my amendment.

We think we are all in agreement. We are talking about at least two dozen agencies and 170,000 Federal employees. That is a big shakeup in our Government. There is virtually little debate going on here. There was a big rush to get this through in a hurry, pass it by September 11, or pass it before we go out for the August recess.

Norman Ornstein wrote an article in the Washington Post some several Sundays ago in which he pointed out the chaos. He referred to the chaos that will occur in this Government of ours if we go down the road meekly like lambs to the slaughter and pass this as the administration conceived it in the darkness of midnight in the subterranean caves of the White House; just go along like that with all of these agencies in turmoil, and we transfer 170,000 Federal workers.

Here they are—all moving their desks up Pennsylvania Avenue, and they are having to move the telephones and get new telephone numbers. They are having to move their computers, and they are having to do all this. And the people who work in those agencies are going to be shifted to another building with a new mailing address. All of that is going on at the same time. All of these agencies with 170,000 Federal employees all at once—all is going on in the 13-month period. They are going to be working in a different culture, in a different kind of atmosphere with different associations with different assignments than what they have been accustomed to—all of this at once.

What pandemonium will have taken over Pennsylvania Avenue. In "Paradise Lost," Milton wrote about the fall of some of the angels from heaven. He wrote about the rebellion against the Creator by these angels and how they conspired to take over. And they fell. They were run out of heaven. Satan and his angels of like mind fell with them. They fell like Lucifer from heaven, and they fell upon the boiling lake. Lucifer sat and built himself a palace there. That palace was called Pandemonium.

Do you remember that—those of you who have read Milton's "Paradise Lost"? He created a palace called Pandemonium.

That is exactly what will happen—pandemonium.

Go back and read Norman Ornstein. By the way, go back and read Milton's "Paradise Lost." But also go back and read Norman Ornstein's article in the Washington Post of some several weeks go. I will get it. We are going to be debating this beyond today. We certainly won't pass this bill today. I think we are sure of that.

So you have an opportunity to go back and read Norman Ornstein's very thoughtful and thought-provoking article about the pandemonium that will reign on Pennsylvania Avenue. He didn't put it in those exact words, but that is what you will be reading about—the pandemonium that will reign and the chaos that will reign when all of these angels—22, 30 of them—so many that nobody knows exactly how many agencies—but 170,000 employees have to rip up their telephones and their computers and carry them off and up and down the avenue. What chaos that will be. Who is going to be minding the store when all of this chaotic exercise is being carried out?

Who is going to be minding the store? Who will be watching the terrorists? What will happen to those people right now who are in the agencies of this Government right today? At 5:30, I suppose most of them are not still around; but certainly a lot of them are around, and will be around until midnight and after midnight. They will be out on the borders, securing the borders. They will be out there at the airports. They will be at the ports of entry to this country. They will be all along the border between Canada and the United States and the southern border between Mexico and the United States. They will be out there every hour of the 24 hours. They are out there right now, and they will be there tonight when, Mr. President, you. and I are sleeping. They are out there right now.

But will these people be at their posts of duty when all of this chaos reigns, when we are going through all this big uprooting of the Government here in Washington, the uprooting of men and women who are at their jobs, at their desks, at their telephones today and every day?

They are at their desks securing our country, protecting our country, protecting you and me, and my grandchildren and yours. What will happen when all of this chaos reigns? These people will not know—"Let's see, where am I supposed to go? What room am I in? What is the number and the place I am supposed to go in this new Government?"

They will be saying: "Where is my computer? Where is my laptop? Where is it? And what is my new telephone number? And, by the way, what is the name of my agency here? Who is in charge here?"

Imagine the chaos. But under my proposal, we will do this in an orderly fashion. We will do the same thing Mr. LIEBERMAN does. In the end, we come out with the same Department, come out with the same directorates, the same number of directorates, named exactly like his directorates. We come out with the same number of Under Secretaries and Assistant Secretaries, the same thing. And we will do all that up front, the superstructure.

But the rest of it, flushing out the directorates, determining what agencies go in—we want to know, Mr. Secretary, what are your recommendations with regard to the agencies that go in here.

We will be doing all that in an orderly way, 120 days at a time: February 3, the first directorate; June 3, the second and third directorates; October 1, the fourth and fifth directorates. We do not deal with the sixth one because that is in title II. My amendment only goes to title I because I did not want to go and get mixed up and have any problems with germaneness in the event that cloture is invoked on my amendment or on the bill. So that is it. Why the opposition to my amendment?

So with Congress dumping the job of dealing with over two dozen agencies and 170,000 employees into the lap of the Secretary, he will no doubt be too busy trying to get his own house in order to spend his time worrying about what the rest of the Federal Government is doing. The Secretary of Homeland Security will not be in a position to coordinate agencies outside of his Department, so who will do it? Who will be responsible for managing and overseeing homeland security functions and resources across the entire Federal Government?

That is not like Condoleezza Rice. That is not like the Secretary of State. That is not like the Department of State. Hear me now. That is not like the Secretary of State. They do not concern themselves with agencies all across the whole Federal Government. But this one will. This Homeland Security Department will be concerned with functions and resources that cut across the whole Federal Government.

Who will be able to dedicate the time necessary to follow up on the operations of so many agencies in so many different Departments?

This is a brandnew Department. Let me tell you, this is a brandnew, shiny toy, unlike the State Department, unlike Condoleezza Rice's Department. I say what I say with great respect to her. But you cannot equate Condoleezza Rice's position with the position of the Director of Homeland Security. Why, her Department was created more than 200 years ago. But not this Department.

This is a brandnew Department. It cuts across virtually all agencies of Government; something new. Then how could we equate the National Security Adviser and her position with this new Secretary, this new Director of Homeland Security, who will be in the White House, untouchable?

One of my favorite movies, in the old days, when we had black and white television—I can remember back in 1953, I believe it was, or 1954, when my wife and daughters went to one of the stores around here and bought a new television set. Yes, television had not been around long. It just came upon the scene in 1926. I did not have a television set in my house.

One evening, I went home from my daily work in the office of mine representing the old Sixth Congressional District in West Virginia, where the current Presiding Officer was born, the distinguished junior Senator from Delaware, who sits in the chair today and presides over this body with such dignity and poise. He was born in that old Sixth Congressional District. That was the district that I represented. Well, that was back in the years 1953, 1954, 1955, 1956, 1957, and 1958.

And one day, when I went home for supper—we called it supper over at our house. We are just country folks. I went home to supper. I had my supper. My wife and I and our two daughters walked into the living room and sat down. And she said: Do you see anything new? I looked around. She said: Do you see anything new in the living room today? I had not seen anything new, but as I looked around, there it was, a brand spanking new black and white television set—black and white.

Well, my favorite movies in those days were clean. And they were wholesome movies. There are a few of them left but not many in this day and age. We talk about other people being evil, about Saddam Hussein being evil; just take a look at the television programming in the evenings. I saw, on one of the evening shows—I turned the TV on the other night. I seldom turn it on, but you can't help but see some of them. And I saw some beautiful young women on there, and they were saying words that I wouldn't say, and I have said them all in my time. But I don't like that kind of language in the living rooms of the country.

How can we say somebody is evil? We need to take a look at our own self. I cannot look in the mirror and say I am not evil. Nor can any other man, truthfully. Because we have a little bit of Satan in us. We have a spark of the Divine in us. That is why there is an afterlife. And we will have to answer for what we have done in this life.

So there is that black and white television set over there. And I liked "Gunsmoke." I kind of liked old Matt Dillon in those days. And I liked "The Honeymooners," Jackie Gleason. And I liked the "Untouchables" in those days, Eliott Ness.

But here we have the untouchables at the White House. Don't touch them. Don't have them come up here. Don't have them come up. They are the untouchables. Don't have them come up before the committees.

This administration thinks we should not have someone of that stature, the stature of Tom Ridge, come up before a committee of the Senate. Who will be responsible for managing and overseeing homeland security functions and resources across the entire Federal Government? Who will be able to dedicate the time necessary to followup on the operations of so many agencies in so many different Departments?

Now, I don't want Senators to go home yet. I have been trying to tell Senators that this is a very important step we are being asked to take, and we ought to be paying attention to it. I have been saying that to the administration. Don't push it too fast.

Let's don't be stampeded by this administration. The President is out there with his backdrops saying: Contact Congress. Tell them to pass my bill, pass this bill on homeland security.

Well, let's just slow down a little bit. So I say, I wouldn't go home quite yet if I were Senators because there might be a vote here yet, or there may not.

Who will have enough authority to twist the arms of bureaucrats when implementing homeland security policies in the field proves harder than dreaming them up in the basement of the White House?

Who will do all this? Tom Ridge, will he do it, the man who refused to testify before Congress when the Nation most needed to hear from him? No. He had time enough to run around all over the country and speak to chambers of commerce and this organization and that organization about his Homeland Security Department and to say awful nice things about what he was going to do and all of that. He had time to go to Canada. He had time to go to Mexico and talk to the heads of state in some of those areas. He had time to do that, but he didn't have time to come up here and talk with these peons who are sent here by the people out there on the prairies and on the plains and on the mountains and in the valleys and in the fields and in the mines and on the stormy deep. He didn't have time to talk with us.

I think he would have come, but the President wouldn't let him because of this misguided perception that, well, because Tom Ridge was an "adviser" to the President, he didn't have to go up there; because he is on the President's "staff," he didn't have to go there.

This is a different kind of staff. This is a different kind of adviser. Here is a man who goes all over the country speaking about homeland security, about his plans, about what is going to be happening, what is going to be done, what are the concerns, what are the fears, what are the things we have to guard against. But don't go up there in that briar patch. Don't go up there to Congress. Don't go up there and talk to those people. They are the elected representatives of the people. Tom Ridge isn't elected by anybody.

But those people up there, those men and women up there in the Halls of Congress, they are elected, and they have to go back at times and answer to the electorate for what they have done or not done. They have to cast votes. They have to show down, and they have to go back home and explain the votes to the people. No, don't go up there to them.

And there is that fellow BYRD up there and that fellow STEVENS. One is a Democrat and the other one is a Republican. They want Tom Ridge to come up there. And those two guys—I will say "guys" because that is all right; that term is used a lot around here these days—those two Senators. The President could even say: I have a letter on my desk written to me by TED STEVENS and by Senator BYRD asking me for an appointment. They want to make their case about having Tom Ridge come up there.

But the President of the United States didn't show Senator STEVENS or me the courtesy of even writing a letter back to us or calling us on the telephone saying: I received your letter, Senators, but I am of a different opinion. This is why I don't want to send him up there.

No, the President didn't show us that courtesy. He had some underling—and I say that with great respect—a person who wrote the letter. I think there were one or two of them down there who wrote letters back to me and to Senator STEVENS saying: The President has received your letter and this is why it can't be done or won't be done.

Now, how do you like that? Here is the President pro tempore of the Senate, the senior Democrat in the Senate of the United States has written asking the President for an invitation, asking for an invitation to come to the White House to discuss having Mr. Ridge come up before the Senate Appropriations Committee when it holds important hearings. Is that changing the tone in Washington? Is that changing the tone in Washington?

Here is the ranking member on the Appropriations Committee, former chairman of the Appropriations Committee from the Republican side of the aisle, a man, who knows, who could be the next President pro tempore of the Senate, the man right here at this desk who sits in this chair on which I hold my hand at this moment. Here are two very senior Members. Not that all wisdom flows from the limbs and joints and brains of these two Senators, but they have been here a while. They are the chairman and ranking member of the Senate Appropriations Committee.

We wanted an opportunity. We had been turned down in our letters. We had been rejected. We asked for an invitation. We asked for the President to give us an appointment. Let us come down and explain our case for having Tom Ridge come down.

Did the President ever invite us down? No. No. Was that changing the tone in Washington? That didn't do any good. That didn't help at all.

Here we are with the same thing. Here we have this administration wanting to turn hands down on the idea of having the Homeland Security Director come up to the Hill and testify on his confirmation and have the Senate vote to confirm. Why not? Why not?

This Constitution that I hold in my hand tells me that the Senate may confirm or will confirm. Certain offices will be appointed by the President, by and with the consent of the Senate. And up until this point, I don't remember Presidents dictating to the Senate as to what offices the Senate may create and which will be confirmed and which will not. I don't remember that happening. This is a new leaf in my book of 50 years here in Congress, the very idea.

And now we want to say, OK, Mr. President, we will do it your way. We will yield on this. You can appoint your man. We won't require him to be confirmed.

So are we going to hand over this responsibility to Tom Ridge, to entrust him with these important duties that extend far beyond the White House gates, after he has already clearly demonstrated an unwillingness to cooperate with Congress on a matter that directly affects the hearts and lives of every one of our constituents?

That is how important it is. This is a matter that affects the hearts and lives of every one of our constituents. Senator THOMPSON says we should. He trusts the President to command the secret war on terror without input from Congress. I guess Senator THOMPSON—and I have great respect for him—feels confident that Tom Ridge has enough clout to do the job. But I am not sure that one man's clout will be enough. On my side of the aisle there are Senators who are willing to say the same thing.

Well, they say that vote has been decided earlier today. I don't believe that has been decided earlier today. The question we voted on earlier today went beyond that. John Dean, the former counsel to President Nixon, knows something about putting Executive power in the hands of White House advisers and beyond the reach of congressional oversight. This past April, Mr. John Dean wrote a column in which he expressed concerns about entrusting such responsibilities of coordinating homeland security to a White House aide with no statutory authority.

Where is the statutory authority for this White House aide? Oh, I know the President issued an Executive order, but where is the statutory authority for it? Somebody has to ask for money once in a while. Money doesn't grow on trees. They have to come here at some point. This old Appropriations Committee is a waterhole. Out there in the great forest are a lot of animals. They roam around out there, and when the night comes and the shadows and the curtains of night come, you will hear something rustling in the leaves and you will hear a limb crack and a twig break. By golly, there are animals out in that forest. At some point, they all have to come to the waterholes, don't they? The birds, the bees, and the animals on four legs—don't they have to come to the waterhole at some point? Well, the Appropriations Committee is the waterhole. At some point, these people down at the other end of the avenue also have to come to the waterhole.

I know the President is Commander in Chief, whether he is a Democrat or a Republican. It is so stated by this Constitution, which I hold in my hand. But the Commander in Chief, the President, shall be the commander in chief of the Army and the Navy and the militia when called into service to the country. But suppose Congress doesn't provide an Army and Navy for the President to command? Yes, he is the Commander in Chief.

Charles I of England, in 1639, I believe, was the first to use that term, "commander in chief." That goes back a long ways, to 1639.

But in 1649, Charles I lost his head. His head was severed from his body. That was Charles I of England. Some Senators may have forgotten it, but the Parliament and the King of England had a war. There was a war between the King and Parliament. Can you imagine a war in this country between the President of the United States and Congress? That is the way it was in England.

You can change history all you want and you can talk about political correctness all you want, but the people who wrote this Constitution were British subjects. Some had been born overseas. Alexander Hamilton, James Wilson, and several of them were first immigrant descendants. There was Franklin and there were others, and I believe James Morris may have been born in England. In any event, these were British subjects. Some were Irishmen, some were Scots, but they were British. You can say all you want, and political correctness is not going to change that. This Constitution was written by men—not women. In that day they did not have women elected as delegates to the convention, but there were the men, British subjects. They knew about the history of Englishmen. They knew about the struggles of Englishmen. They knew about the Magna Carta, which was wrung from a despot in 1215, along the banks of the Thames River. On June 15, 1215, they knew about that. They knew that the barons stood there with their swords in their scabbards. They knew that Englishmen, going back for many years under the Anglo Saxons, after William of Normandy came to England in 1066 and brought feudalism to England, they knew the Englishmen had fought and shed their blood for the concept that the people should be represented by elected representatives in the Commons. They knew—those men who shed their blood—the power of the purse would be vested in the Commons, in Parliament.

Englishmen fought for centuries in order to win that battle over the power of the purse. They knew that in 1688—let me go back to 1649 for just a minute. I was earlier talking about the war between King Charles I, who believed in the divine right of Kings, and his father, James I of Scotland, was also a devotee of the idea that the King was God's immediate representative on Earth. So they believed in what is called "divine right of Kings." James I was a very strong devotee of that idea. His son, Charles I, was as much a devotee of that misguided idea—maybe more so—than James. But Charles I carried it a little bit too far. The High Court of Justice was created January 3, 1649; and on January 30—less than a month later—Charles I lost his head before perhaps 200,000 people.

What followed that, in quick measure, was the Commons outlawed the Lords. There would be no more King, no more House of Lords.

So our forefathers knew all about this. They knew how Englishmen had shed their blood to wrest from tyrannical monarchs the power of the purse because the power of the purse is the greatest raw power that there is in government.

Cicero, that great Roman orator said, "There is no fortress so strong that money cannot take it." So there you have it. The Englishmen knew that. Our forebears knew that. So the men who wrote the Constitution knew that. And they knew that this right that elected representatives of the people have control over the public purse had been set as an example back in the British Isles from which they—most of them or their forebears—had lately come.

So there you have it. That is history. There is more to it than that, but that is just a little of it.

(Mr. DAYTON assumed the Chair.)

Mr. BYRD. Mr. President, going back to Mr. Dean's column—as I say, he wrote it back in April of this year—he expressed concerns about entrusting responsibilities, such as coordinating homeland security, to a White House aide with no statutory authority.

John Dean raised a number of important questions which I will now ask the Senate. I quote John Dean:

> Would the departments and agencies fall into line when a senior White House aide so directed them?

How about it? We are talking about just an aide. He has not been confirmed by the Senate. How about the Secretaries of the Departments who have been confirmed, who come before the Congress, who come before congressional committees and answer questions and give testimony and are witnesses? Would those senior White House aides fall into line when this upstart, who has not been confirmed by anybody, except the President appointed him to this position—he is a White House aide—are those Department heads going to stand and salute when Tom Ridge tells them to fall into line? How about that?

What authority does he have? Does he have authority over these people, these men and women who are in Cabinet positions, who have stood before the bar of the Senate and been confirmed to their positions?

> Would the Cabinet officers follow orders from anyone other than the President himself? Could a senior White House aide resolve long-time department rivalries?

How about that? We know there have always been Department rivalries going back to the early days of this Republic. Would this senior White House aide, who does not have to come before Congress and answer questions about his own budget, would these Department heads, these Cabinet officers who do come before the Congress and they have been confirmed by Congress—they come here about their budgets—would they be brought into line by this upstart, this fellow who is here?

I know he is here by the grace of the President, but could a senior White House aide resolve long-time Department rivalries such as those between the CIA and the FBI? We have heard about that, haven't we?

Can this White House aide crack the whip, and these heads of agencies, such as the CIA and FBI, will they jump to attention, salute, and say, yes, sir; yes, sir; no, sir; yes, sir? Could the senior White House aide resolve long-time Department rivalries like those between the CIA and the FBI, or Treasury and Justice, law enforcement responsibilities?

> Could this White House aide get the Border Patrol, the Immigration and Naturalization Service, and Customs operating like they all belong in the same Government?

What authority does he have? He is just the President's man; that is it. He does not have any statutory authority. He is not confirmed by the Senate. How would you feel, Mr. President, if you were a Cabinet officer in this administration, and you had someone who was not a Cabinet officer, who had not been confirmed by the Senate, a new man on the job, a new office on the street; it is a brandnew office. It is a new office, what will be a new Department. But this fellow down here who really runs things does not have to go up before Congress. Here I am, a poor old Cabinet officer, and I lie awake at night worrying about how I will answer these questions when I am called up before that committee tomorrow and all those klieg lights will be on me, and they will ask me questions about money, how I have been spending it all. Here I have to go up there tomorrow. This man does not have to go up. All he has to do is go up to the "Commander in Chief."

By the way, the Commander in Chief—let me read from this book so people will know this is bona fide. If I had to, I could say it from memory. Here is the Commander in Chief. He is not the Commander in Chief of industry.

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States. . . .

But he is not the Commander in Chief of industry. He is not the Commander in Chief of the Congress. But here I am, a Cabinet officer, and I have to go up there and listen to those people up there. I have to go up there and sit at a table, way past the lunch hour, and listen to those Senators, be criticized by them. And here is this man. He is not confirmed by anybody. He just stands at the Commander in Chief's desk and salutes and says: Yes, sir; no, sir; not my will but thine be done.

I do not believe a man or a woman who is thrust into that kind of a position is going to relish being in that position because he does not have any statutory authority behind him. It would seem to me a person in that position would want statutory authority behind him; get the statute behind him. He would want to be confirmed. Yes, he then has the authority, the authority of the legislative branch, as well as his own appointment by the Chief Executive, behind him.

The next question:

> Could an aide, such as the homeland security director, get the Border Patrol, Immigration and Naturalization Service, and Customs operating like they all belong in the same Government?

I have been quoting Mr. John Dean.

Mr. President, Mr. Dean concluded that homeland security is too important an issue for a Nixon-style executive leadership.

Here is a man who was in the Nixon administration, the counsel to President Nixon, John Dean. Mr. Dean concluded that homeland security was too important an issue for a Nixon-style executive leadership and that congressional oversight and the collective wisdom of Congress are essential in dealing with a threat of such magnitude.

I agree. Why do we have to fuss and fume and fight over whether or not this person should be confirmed? The President ought to say: Okay, let's get on with it; let's confirm him. I will name the person, and, with the advice and consent of the Senate, he will serve.

What is wrong with that? That has been the case for over 200 years. Some Presidents have suffered defeat when it came to their nominees. I can think of John Tyler, especially when he was fuming and fussing around with the Whig leaders in the Congress. What is so bad about that? After all, I would welcome that. Let him be confirmed by the Senators. That will give him more authority. It makes him more bona fide in the eyes of the people. He would stand before the American people with more authority. What is so bad about that? That is not anything damaging to the President. Requiring a person to be confirmed is not demeaning to the President. So why should we Democrats be willing to roll over and play dead on it?

They say: Oh, they have the votes on the other side.

Well, that is all right. Let's have a vote at some point; let's not just say roll over and play dead. It is far more important for us to stand for what we can look back on 10 years from now and say we did the right thing, we were right, than just for a day to say, well, we will avoid this fight, they have the votes, and let's go on.

That is not enough. Let us make the case for confirmation, and if we go down to defeat, the record will be there. And later, when the pages of history are turned one by one and we can then look back on the mistakes that may have flowed from that very act of having an individual in that position, not confirmed by the Senate of the United States, we will know that we stood for the right; we stood for what was best for our children and grandchildren.

This job is too important to be left to Tom Ridge alone. I do not say that with any disrespect to Tom Ridge. I could not speak of him with disrespect if I wanted to. The man was a Governor; he was a Member of the House of Representatives in earlier days. He is a respectable man. So I do not speak of him as a person; I speak of him as an officer who will be in a key position for the first time in over 200 years, an untried position, an untried office, in times that are trying but not yet tried really. This job is too important.

So if you want to beat me, beat me. Go ahead. Roll over me. I will not get on your wagon. This is a principle, and I think a lot of people, if they listen to me and hear what is being said and if they will study this bill, sooner or later they are going to come around to my viewpoint. I think the American people, if they heard it, would say: Senator, you are right; this position is too important to be left to Tom Ridge alone, too important to be left to a President to appoint, and that ends it.

I know the President is elected, but an electoral college sends him here, an electoral college sends Vice President CHENEY here, but no electoral college sends me here. The Senator from the great State of Minnesota, who is now presiding—by the way, one of his ancestors was a signer of the Declaration of Independence. He signed from the State of New Jersey. His name was Jonathan Dayton, and Senator DAYTON of Minnesota today sits in the chair. So we were sent here by the people.

We cannot rely on a confidential adviser to the President to orchestrate Federal homeland security policy unilaterally and in secret. What is going on here? What is this all about? Why the stiff jaws down at the other end of the avenue against having this man come up and testify? He knows the answers. That is why Senator TED STEVENS and I wanted him up before the Appropriations Committee—because he knows the answers. He is the President's point man on homeland security. That is the way it will be.

I do not mean to drag over the old ashes all the time, but that is the same way it will be if the Congress puts its rubber stamp on this legislation and goes forward with the administration's desire of being able to appoint this adviser to the President in this very untried, really untested up until the last 8 or 10 or 12 months, position. That man has not been confirmed by the Senate. He has not answered questions for his confirmation, does not have to go up to the Senate and the House and answer questions before the Appropriations Committees. He does not have to answer questions from any other committees. He is the President's man.

Have you read about all the King's men? Well, this is not quite a monarchy yet, although I am afraid there are some Members of both Houses, I am sorry to say, who, by my perceptions at least, would be monarchists. They will do anything the President says should be done, and they will do it in the name of his being the Commander in Chief.

Well, the Commander in Chief of what? The Army and the Navy and the militia when it is called into service. But suppose Congress does not call the militia into service? That is done by statute. It has been on the statute books a long time. The Congress calls the Guard into service. It passes the laws. Who creates the Navy and the Army? Look in article I, section 8, and you will find out who. Congress shall have power. Who provides the money to keep these agencies running? Our English forbears said: We will appropriate money for an army, but just for a year at a time. In our Constitution, we took a leaflet out of our English forbears at the time and said 2 years at a time, not more than 2 years. This Constitution still governs. I have not heard much about it in recent days.

I listened last Sunday to all the talking heads and everybody on certain programs because I saw in the newspaper that some pretty important people were going to be on television. I saw that the Vice President was going to be on, Secretary of State Powell was going to be on, Secretary of Defense Rumsfeld was going to be on, and National Security Adviser Condoleezza Rice was going to be on. I thought I had better listen to all of these people. So I did. I listened to them. I listened to every one of them. Not once, and not once in all of the debate I have been hearing around here and downtown and at the U.N. and everywhere else, not once have I ever heard the Constitution of the United States mentioned. Now, it may have been on one of those Sunday programs. I may have missed it somehow, but not once did I hear the word "Constitution" mentioned.

These smart lawyers down at the White House—and they are smart; I studied law, never with any intention of being a lawyer. I probably wouldn't have been a good one anyhow. But in any event, these smart lawyers down at the White House say the President has legal authority to unilaterally deliver an unprovoked attack against Iraq as a sovereign State. I have as much fear and as much concern and as much contempt for Saddam Hussein as does any other man or woman. But it takes more than just legal authority.

These smart lawyers can line up on either side. You can hire a good lawyer on either side. You can hire a good lawyer to take this side of the case over here or you can hire that same good lawyer for this side of the case. A smart lawyer can come in with an almost impenetrable case.

But that is not the point. The Constitution is there. The Constitution is there. I hold a copy of that Constitution in my hand. It is, other than the Bible, my guiding light, this Constitution. Constitutional scholars in this land agree with me. Just legal authority is not enough. It is the Constitution. It is there. It is always there morning, noon, afternoon, night. The Constitution is always there. But not once, not once was this Constitution mentioned on any of the networks that I listened to last Sunday in the discussions about a possible war into which this country was being—at least in some quarters—stampeded into. We were going to war. We were going to be in a war. Our collective minds at the head of Mount Olympus had been made up already. The President had the legal authority.

Legal authority, my foot. It is the Constitution we are talking about. The Constitution says the Congress shall have power to declare war. I know that only five wars have been declared, but that Constitution is still there. And there are at least six other wars to which statutes have been passed by Congress, dependent upon as authority. What has happened to us all when we just go forward blindly without looking to the left or the right, saying we will go to war. We will change this regime. We will do it, I will do it, or it will be done.

How about those 535 Members who sit up there on Jenkins Hill? How about them? They have certificates showing that they were duly elected by the people—not by an electoral college but they were sent here by the people. Are we going to disregard them? And these people who sit up here on Jenkins Hill ought to read this Constitution again. Many of them have, I am sure. But let us not disregard this Constitution.

The President has legal authority to do this and do that. When it comes to war, this Constitution says the Congress shall declare war. We can talk a long time about this subject, too, and probably will. As far as I am concerned, we will, if the Lord lets me live.

Legal authority: We have an organic law that says Congress shall declare war. I know the President has inherent authority and that it comes from this Constitution, too—inherent authority to act to repel a sudden attack upon this country or upon its military forces. He may not have time to talk with Congress. He may not have time to get a declaration of war from Congress. He may not have time to get an authorizing measure from Congress. He may have to act. In that case, this Constitution gives him that inherent authority.

We are talking about an unprovoked attack by this country, an unprovoked attack upon a sovereign state. It does not make any difference if we do not like the person who is the head of that State or who is running it or who is a dictator, of course. The fact we do not like him is not enough. Congress shall have the power to declare war. We are going to talk about that a while.

I noticed a column in one of the great newspapers this morning which virtually had our minds made up for us. We are just going to go. We are going to do this.

Incidentally, I will have more to say on that subject at another time.

This job we are talking about is too important to be left to Tom Ridge alone. It is too important to be left to Tom or Dick or Harry alone. We cannot rely on a confidential adviser to the President to orchestrate Federal homeland security policy unilaterally and in secret—in secret. This administration wants to act in secret too much. The Government's fight against terrorism is bigger than a Department of Homeland Security. Isn't it? They want to fight over this little fellow—he is not just a little fellow once he is down there behind that desk—but they want to wage a big fight against terrorism, and it is a fight that is bigger than the Department of Homeland Security and it is too big for Tom Ridge or any other Tom, Dick, or Harry.

He needs the authority of the legislative branch behind him. In accordance with the Constitution, the President shall appoint thus and so by and with the consent of the President.

His position ought to be made subject to the confirmation of the Senate.

My Appropriations Committee brought an appropriations bill to the floor. This bill was the fiscal year 2002 supplemental that was brought before the Senate in the early part of the year, sometime around June or July. In that bill, as reported by the Senate Appropriations Committee, made up of 29 Senators, 15 Democrats and 14 Republicans, that bill had a provision that provided that the Director of Homeland Security must be someone confirmed by the Senate of the United States. That was in the bill.

It was brought here before this body, and it passed the Senate by a huge margin. I think there were more than 70 votes cast for that appropriations bill. That provision was in it. Senators knew it was in it because we brought it up in the Appropriations Committee of the Senate. It was there. There was never any attempt to strike it. There was no attempt to amend it. In that provision all Senators knew, they had their eyes open, they didn't have blinders on, and it wasn't something done in secret. It was right there in the bill, and we had it in the Senate here, everybody knew about it, and not one, not a peep did we hear against that provision here in the Senate. It passed the Senate and went to conference.

Then the administration saw the handwriting on the wall. They must have been reading about Belshazzar in the Book of Daniel.

Belshazzar had a great party, a great dinner thrown. And he had his soothsayers and his lords and his highfalutin officers and all. Belshazzar, King. He was having all this mirth. He invited a thousand of his lords. This was a great function there on the banks of the Euphrates River.

All the mirth was going on. Everybody was laughing, drinking, toasting, feasting. And all at once, there, over near the candlestick, appeared a man's hand, and that man's hand wrote something on the wall near the candlestick. And Belshazzar, the great King, wondered what it was, and he became obsessed with fear, and his knees buckled, and his hand trembled, and he brought forth his magicians, his medicine men, and his soothsayers, and he asked them: What is that saying? What are those words over there?

And somebody said: Well, we can't answer this. We don't know what those words are. But there is a man, a young man, who can interpret these words for you, O King, and his name is Daniel. He is in prison. I believe he was still in prison. They said: This young man can interpret these words.

The King said: Bring him to me. And the King said to Daniel—I hope I am not getting two of my Biblical stories crossed up. It is late in the day. I hadn't counted on saying this. But I believe the King promised Daniel that he would have half the kingdom if he could interpret this dream. He would be clothed in the richest of garb and be made ruler of half the kingdom.

Anyhow, Daniel said: These are the words, O King:

> MENE, MENE, TEKEL, UPHARSIN.

Meaning this:

> Thou art weighed in the balances, and art found wanting.
>
> Thy kingdom is divided, and given to the Medes and Persians.

That is not the entire interpretation, but that is most of it.

> MENE, MENE, TEKEL, UPHARSIN. Thou art weighed in the balances and are found wanting. Thy kingdom is divided, and given to the Medes and Persians.

And that night, Belshazzar was slain and his kingdom was divided.

Why have I told this story? I told the story about Belshazzar, the handwriting on the wall. This administration saw the handwriting on the wall. Here was this appropriations bill coming right down the road like a Mack truck, and it had in it the language to the effect that the Director of Homeland Security would be appointed by the President with the advice and consent of the Senate.

The administration saw that coming, and it was coming like a Mack truck. So the administration, as it sometimes does—and I don't blame it for doing it—decided it would try to get ahead of this wave that was coming. The administration, lo and behold, came up with this grand idea of having this homeland security agency, and this was all cooked up and hatched down at the White House, down there in the subterranean caverns.

I don't think it would matter if electricity were cut off. If there had been a big storm and all the electricity cut off, it wouldn't have mattered because they probably had lanterns, candles, down in those subterranean, dark caverns where shadows can be seen flitting around—shadows in the cave. That brings up another story, but I won't tell it right now.

In any event, here these people were, and they saw this Mack truck coming down the road, this bill that had been passed by the Senate, an appropriations bill saying that we are going to have the homeland security man answer to those Senators up there.

You see, we had invited him, TED STEVENS and I invited him time and time again. He wouldn't come. We had written to the President of the United States, thinking: Well, he will hear us, he will listen to us. He is a man who said he wanted to change the tone in Washington. He will hear us: Mr. President, please let us come down and visit with you, and let us make our case for the Director of Homeland Security coming before the Senate Appropriations Committee.

Not a word did the President say, by telephone or by pen—not one. No. The President was going to change the tone. But here he wouldn't let this man come up. Why not?

So here is this bill coming down here saying: Yes, he will come. He will have to be confirmed by the Senate or he won't be the man in that position.

So the administration got busy and said: OK, we will get ahead of that wave. And here came the President, come out with this and he unveiled this beautiful new toy. And, by the way, it just swept over the country, the media grabbed onto it, and here we are now. We have this bill up before the Senate.

So the administration saw the handwriting on the wall and got ahead of the truck.

But it is still the same question before the Senate. Are we going to have this important position be filled by someone who will come up before the Senate, the committees in the Senate and the committees of the House and answer questions about the budget? So let us see that he does that, and we will make sure of that by making him confirmable by the Senate.

Oh, no. Now, that is going too far, says the administration and some of my friends on this side of the aisle and on that side of the aisle. They are perfectly willing out here today to accede to that and not contest that any longer. After all, Condoleezza Rice doesn't come up there. She is the National Security Adviser. The Congress doesn't require her to come up. Why should they require Tom Ridge to come up?

What kind of an argument is that? Where would that get you in law school? Where would that get you in moot court? What kind of a lawyer is that? I would hate to have been that kind of a student down at American University and gone up before Dean Myers in moot court and said: Well, I will tell you now, Dean. Condoleezza Rice, the National Security Adviser, doesn't have to. Congress doesn't require her to come up there before them and be confirmed. So why would we say that the head of the Homeland Security Department has to come up there?

What an argument. What kind of lawyer would make that argument? Yet Senators are willing to roll over and play dead with that argument. They don't require Condoleezza Rice to come up?

Is that a case winner? My word, what kind of high-priced lawyer is that? Would that have won the case for William Jennings Bryan in Tennessee? That great lawyer, that great orator, is the man who argued the case in the John T. Scopes trial, and his opponent. That was a real case. I don't think they would have won the case just to say: Well, this fellow over here, say what you want to him about him. But over here, we don't require this person to go up there and be confirmed. So, let's get home early for supper. We don't want to argue about that. They have the votes. Let us just give it to them. They have the votes. Why not give it to them?

I am talking about William Jennings Bryan in the John T. Scopes trial. That is not quite enough of a case, I don't believe, to be persuasive. It might be persuasive among good lawyers, but it is not quite persuasive among Senators.

The Government's fight against terrorism is bigger than a Department of Homeland Security, and it is too big, I say to Tom Ridge, or Tom, Dick, and Harry—nothing derogatory about the person. Oh, no, you are not going to hang me with that. I don't mean that. But it is too important to the American people to have just an aide to the President doing it.

Only an office that can act with the authority of both the White House and the Congress can realistically guarantee that homeland security policy will be fully implemented in the farthest corners of the Federal Government.

That is a sound statement. It is based on specifics, and it is based on logic. It is based on common sense. I don't have much of it anymore. I get tired early. I am quite tired now. My voice is getting faint, and my hands tremble and my hair is white. But I still believe the people back in West Virginia sent me here to represent them to my best ability. I swore when I came here, before God and man, standing up before that desk there, that I would support and defend the Constitution against all enemies, foreign and domestic. I am not saying there are enemies in this body or in this country. No. I am not saying that at all. But there are some people who are willing to go the easy way and take the line of least resistance on that Constitution. Oh, that Constitution is an old piece of paper. Those men back there in 1787 didn't have any telephones. The telephone didn't come along until 1875. No. Those people back there at the time the Constitution was written didn't have the incandescent light. No. That just came along in 1878. No. Back in those days, they didn't have automobiles. They had horses and buggies. They pulled the shades and drew the blinds so they couldn't hear the wagons out there on the streets. The automobile didn't come along until 1887 or 1888. They couldn't tell what was going on outside the place. They did not have the cell phones. They didn't have radios. They didn't have television sets, and radios didn't come along until the turn of the century.

There was Marconi, and wireless telegraph didn't come along until 1848. The steam engine was invented back in 1869. That was just a few years before the convention met. You couldn't expect those people back then to write a constitution that would endure for the ages. You can't expect that.

The Constitution? What do you mean, Senator BYRD? The Constitution?

Well, the Constitution was written in 1787. There were not any women there. The youngest person there, I believe, was Johnathan Dayton. He may have been the youngest person there. Benjamin Franklin was 81.

They did not have television. Television didn't come along until 1926. We are the bright ones. We are the people who should have written the Constitution in our age. We have the radio, and all of these things.

I know that Isaiah, of course, prophesied that certain things would happen. Isaiah said: Make straight the desert highway for our God. Every valley shall be exalted, and every mountain and hill shall be laid low. The crooked shall be made straight, and the rough places low. The glory of the Lord shall be revealed, and all flesh shall see it together.

But Isaiah? That was a long time ago. Back in those days, how could he have foreseen? But he did.

Take these marvelous inventions I have been talking about—the telephone, the radio, television, the cable under the oceans, the jet-propelled plane, the automobile—they have exalted the valleys, have laid low the mountains and the hills, have made the rough places plain, have made a straight line in the desert.

Isaiah's predictions have come true. And the glory of the Lord has been preached in all corners of the Earth, on every continent and every corner of the globe. The glory of the Lord has been revealed.

Those people weren't old fogies. Isaiah knew what he was talking about. Here were the Kings with all of these marvelous inventions.

When Nathaniel Gorham and Rufus King and John Langdon and Roger Sherman and George Read and Benjamin Franklin and Robert Morris and Gouverneur Morris and Elbridge Gerry were up there working, they did not have all these wonderful inventions; and they met behind closed doors. They didn't let anybody know what was going on. And they wrote that little old book they called the Constitution of the United States.

By the way, this book contains both the Constitution and the Declaration of Independence. It certainly isn't very much, is it? These smart lawyers say that the President has legal authority. And these smart lawyers had to go through—what?—was it 4 years or 3 years or 2 years, or whatever, to get that law degree? I had to go 10 years to get mine. And I read far more books than this little book. It took a long time. I had to burn a lot of midnight oil to get my law degree.

Yes, these smart lawyers can say: Oh, the President has legal authority. But this is what counts in the final analysis, the Constitution.

Yes, I listened to all those programs last Sunday. There was the Vice President of the United States. There was Condoleezza Rice. There was the Secretary of Defense. There was the Secretary of State. And there were others there. And not one time did any one of them ever mention the Constitution of the United States.

They are all saying: The President has authority. Congress has already authorized them. It authorized them in the 1991 resolution. It authorized them in the resolution last year. And he also has the robes of Commander in Chief wrapped around him. Oh, he has all the authority he needs.

No, he doesn't. This says: Congress shall have the power to declare war. Now, you may argue all you want, but I took an oath. And I have taken it many times. I have stood at the desk up there, and I put my hand on the Holy Bible, the King James version, which was published in 1611. And I have sworn before God and man to support and defend this, the Constitution of the United States, against all enemies, foreign and domestic. Here it is in my hand.

Have we grown so far, have we grown so big, have we come so far, have we gained so much power, so much wisdom, so much judgment, so much authority, that we can just nonchalantly push aside this dear old book that holds the Constitution of the United States? No. I took that oath. It was a serious oath. Every Senator in this body has taken that oath. Every Senator in this body has taken that oath. It is not to be taken lightly.

Someday we will talk about the oath and how the ancient Romans revered their oath, the oath they took, the oaths. But we just lightly cast this Constitution aside: This is an old piece of paper. Ha, that thing was written in 1787, and it was ratified by the few States that made up this people, as we have it. It only needed to be ratified by nine States. That was long before our time. We are much smarter than they were then. We know more now than they knew then. We are experienced. We are living in the real world. The Constitution was for yesterday. The Constitution was for yesteryear. The Constitution was for the 18th century. It was all right, still, in the 19th century. And for the first half of the 20th century it was probably all right. But these are different times.

Is that what John Marshall said? Tell that to John Marshall. I will tell you, folks, the thing is much deeper than this. Senators have not seen, really, what events will flow—and I have not, either—from our creation of this Department. And I want to create a Department. But from an unconfirmed Director, a Director that is unconfirmed by the Senate, they will look back and say: ROBERT BYRD, for once, was right. And maybe just for once. Or some may be a little more lenient and liberal than that and say: Well, I have known a couple times he was right; but he was right. And those men who wrote the Constitution were right. They were writing a constitution that would protect the common people, the people of this country, against tyranny, against unlimited power. They were protecting the liberties of the people.

There was no Democratic Party, there was no Republican Party when those men, those 39 signers of the Constitution of the United States, sat down on September 17, 1787, and wrote their names on the dotted line.

Old Benjamin Franklin said: "We shall all hang separately or we shall hang together." They pledged their fortunes, their lives—think of that—their sacred honor.

The men who signed this Declaration of Independence were committing treason—treason—when they signed that

Declaration of Independence. They could have been taken to England, tried, and hanged, or gone to the guillotine, like Charles I. It may not have been a guillotine, but it was certainly an accurate axman.

But they wrote this Constitution to create limited government, divided government, with tensions separating the various Departments. Yes, they were written on parchment, these barriers to tyranny, to power. And there had to be jealousy among those three Departments. It was thought they would defend the prerogatives of that Department against the encroachments of another Department. That was the way it was meant to be.

And when I came here to this Senate, there were men and one woman, Margaret Chase Smith, who sat right over there, where my hand is pointing to that desk over there in the front row on the Republican side. Those men and one woman, what would they have said? Would they have said: "Let's go home to supper early. Let's just give it to them. They have the votes"? No, not those Senators; not Styles Bridges; not Senator Hickenlooper; not Senator BENNETT of Utah; not Senator Javits of New York; not George Aiken of Vermont; not Mike Mansfield of Montana; not Richard B. Russell of Georgia who sat at this desk; not Willis Robertson of Virginia; not Harry Byrd, Sr., of Virginia; not Senator O'Mahoney of Wyoming; not Stuart Symington of Missouri; not John McClellan of Arkansas; not William Fulbright of Arkansas; not Everett Dirksen of Illinois, who wanted the marigold the national flower; not STROM THURMOND of South Carolina, who sat on this side of the aisle, my side; not Olin D. Johnston of South Carolina; not Samuel Ervin of North Carolina; not Norris Cotton of New Hampshire; no, not those men and that lady who wrote her declaration of conscience as she sat at that desk, Margaret Chase Smith.

Those Senators on both sides of the aisle would have had none of this. They wouldn't have stood still for that kind of halter to be placed over their heads, for that kind of noose to be placed around their necks. They would not have stood for that.

We have great Senators today. I have always thought, as I have looked back and I have thought about the Senators we have today, how intellectually advanced they are. They are really smart. And a lot of their hearts are in the right place. But something happened to the Senate. It is too partisan anymore. It is guided too much by partisan politics.

But back to the question at hand. There have been a lot of changes in the White House, too. I don't believe that Dwight D. Eisenhower would have wanted to see this. Dwight D. Eisenhower was a President who prayed himself. He prayed in his first inaugural address. The President of the United States, Dwight Eisenhower, spoke the prayer and asked for divine guidance.

George Washington, the greatest of all, he said, no, I can't do this. This is something that Congress will have to decide, when it came to using the military.

Well, those days are gone. I say again that only an office that has the authority of both the White House and the Congress can act in a way that will realistically guarantee that homeland security policy will be fully implemented in the farthest corners of the Federal Government. That man who sits down there in the White House, who will be the new Homeland Security Director, needs the authority of the Senate behind him. He needs the constitutional authority of the confirmation by the Senate behind him.

Then he can go out and speak to the American people with the knowledge that he has the authority—not just the authority of someone who has been created by an Executive order but someone whose position has been created by the Congress of the United States, and he himself, as the person, has been confirmed by the Senate of the United States.

I should think that he would be viewed by the American people, if they stop and think, as having more real authority if he is confirmed by the Senate of the United States. I have a feeling that his colleagues would look upon him as somebody who is an equal over them. He had to go before the Senate and answer the questions of Senators and committees, and he had to be confirmed. He had to be reported favorably by the committee in the Senate, and he had to stand before the bar of judgment, as it were, and be confirmed by the votes of the Senators. Not only was he appointed by the top Executive order of the land, but he was confirmed by the top legislative authority in the land, the legislative branch, meaning the Senate in this instance, according to the Constitution.

By giving the new Director statutory authorities, statutory responsibilities, we will ensure that he will have independent authority to act from within the White House, without having to compete with other advisers to secure the President's support for his coordination efforts. If he is not required to be confirmed by the Senate, he will have to compete with other advisers who don't have to be confirmed by the Senate, other staff people who don't have to be confirmed by the Senate.

He will have to compete with many others who require confirmation. He will have to compete with them to secure the President's support for his coordination efforts because his coordination efforts, as they are carried out, are going to cut across a lot of lines of authority. They are going to cut across lines of authority that run between and among two or more agencies, many agencies of the Government.

He is going to have to cut through that redtape. He is going to have to cut through it. What authority does he have? He is the President's staff man. He is the President's adviser. Who is the President's adviser? Did he ever go before the people's elected representatives in the Senate and get their confirmation? No.

Well, some of his competition does have to go before those Senators, his competitors.

Its competitors will be other Department heads—men and women who have had to come before the Senate Committee to be confirmed by the whole Senate. He has to compete with them. But his confirmation would ensure that he would have independent authority to act from within the White House. He has the authority, the stamp of approval not just of the President but, more importantly, the stamp of approval of the people of the United States through their elected Representatives. In fact, we will not only allow the Director to act independently, we will require him to do so. How about that?

The Director will have to follow up on the implementation of homeland security strategy, because he will have to answer to Congress if he doesn't. Also, by requiring Senate confirmation of this new Director of the National Office for Combating Terrorism, Congress will ensure that its concerns over the implementation of homeland security strategy will not be subordinated to the political agenda of the White House. Even when the President's advisers want to conceal agency mismanagement or shift public focus toward a war with Iraq, Congress can make sure that the Director's job is getting done because Congress can ask him directly and say: All right, Mr. Director, we want to know about your stewardship.

We are all going to have to answer for our stewardship—we Senators, who are viewed with contempt by many of the people in the administration, who have to be confirmed by Senators. We Senators have to answer for our stewardship. I have answered for my stewardship many times over a political career of 56 years now, in all legislative branches of government, both at the State level in both houses, and in both Houses at the Federal level. I have had to answer for my stewardship. I have to go back every now and then and say: Here is my name. I want to put it up again. Here is my filing fee. I want to stand for office again. I have to answer for my stewardship, and so would the Director of Homeland Security have to answer to the people's Representatives for his stewardship in that office.

Oh, no, no, he is the President's staff man. He is the President's adviser. Well, he is an important adviser, and he certainly is an important staff man. He is above the grade level of ordinary staff people, ordinary advisers. He should be confirmed.

So we will not only allow the Director to act independently, we will require him to do so. The Director will have to follow up on the implementation of homeland security strategy because he will have to answer to Congress if he doesn't.

I have only read three and a half pages thus far. I am a slow reader. How did I ever get through that? Talk about poor readers, my goodness. I have only read three and a half pages, and I have been talking—how long have I been talking, may I ask the clerk through the Chair?

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator has been speaking for 2 hours 15 minutes.

Mr. BYRD. My lands, that is a lot of time. Was it 2 hours and a half?

The PRESIDING OFFICER. The Senator from West Virginia has been speaking for 2 hours 15 minutes.

Mr. BYRD. And I have just read three and a half pages. I am a slow reader. I had a feeling that Senators just wanted me to keep on. They don't want to come over and hear this. I am trying to get their attention. Three and a half pages in 2 hours 15 minutes.

Mr. President, while I am speaking, it reminds me of Cicero, who was asked the question: "Which of Demosthenes' speeches do you like best?" Cicero answered: "The longest." That is how good Demosthenes was.

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. Is it a question the Senator thinks I might be able to answer?

Mr. REID. Easy.

Mr. BYRD. Then, yes, always.

Mr. REID. Is the Senator aware he has spoken 2 hours 15 minutes just this last round? Prior to that, he spoke for an hour. So this is actually 3 hours 15 minutes, other than the short quorum call after which I requested that the Senator have the floor. So, actually, it has been closer to 3 hours 15 minutes. Is the Senator aware of that?

Mr. BYRD. I wasn't really aware of the passage of time. Along that line, may I say, let me see if I can quote a little verse by someone else:

The clock of life is wound but once,
And no man has the power to know just
 when the hand will strike, at late or
 early hour.
Now is all the time we have, so live, love,
 and work with a will.
Take no thought of tomorrow, for the clock
 may then be still.

Mr. REID. May the Senator ask another question?

Mr. BYRD. Yes.

Mr. REID. Is the Senator aware that the majority leader has authorized me to announce that there will be no more rollcall votes today?

Mr. BYRD. I am not aware of that. That might change my outlook.

Mr. REID. That is what I was thinking might be the case.

Mr. BYRD. That might send me home to my dear wife of 65 years and 3 months and 14 days.

Mr. REID. May I ask one other question. It would also send me home to my wife. We were married 43 years ago today, September 12. So it is my anniversary today. But I don't want the Senator to feel any compulsion that I should get home early.

Mr. BYRD. I really feel guilty in detaining the distinguished Senator, the very able Senator, my friend. He is one I have admired all the time I have known him. I am sorry I have detained him on his wedding anniversary. I wish the Senator would have let me know that a little earlier.

Mr. REID. If I may say one more thing. I was looking for an opportunity. In fact, I suggested it, but they said it would be very unsenatorial. I was considering waving a white flag because they surrendered some time ago and indicated that they had left. There was going to be a motion to table made when the Senator decided to sit down, but there was a decision made that maybe that might take a long time. So they decided to go home some time ago. I indicated it would be very unsenatorial to wave a white flag in the Senate, so I thought this would be a better way of telling you there is going to be no motion to table made tonight.

Mr. BYRD. I see a more colorful hue as I look for it out here. My little dog's name is Trouble. My wife named the dog. Obviously, she was looking at me when she named the little dog Trouble. That little dog Trouble loves me, but he loves my wife more.

My wife is in the hospital right now. I should go over to visit her. I am a little too late already.

I am trying to remember what the great Englishman, Edmund Burke, said about the origin of the term "whip." The "whipper-in" was the person who kept the hound from running away from the field in the fox chase.

The English had the whip in the 14th century, certainly in the 17th century, the 1600s. The whip at that time would send what they called a "circular letter" to the King's supporters, or if there was a whip in the opposition, he would send a circular letter to the opponents of the King and tell them to come in and meet in Parliament at a certain day and a certain time about a certain piece of business. That was the whip. That was the English whip. That is where the whip system started.

The House has a whip. The Senate has not had a whip as long as the other body has had a whip. The Senate has a great whip in the distinguished senior Senator from Nevada. I have been a whip, and before that I served under whips. I was a whip for 6 years, and I was a good whip. I stayed on the Senate floor all the time.

But I say right here and now, as far as I am concerned, Senator REID of Nevada is the best whip the Senate has ever had, notwithstanding even that I was a Senate whip. I served as whip when Mr. Mansfield was majority leader. I put everything I had into being a whip. I stood by the gate. If I had been told to guard that gate, I would have been at that gate alive or dead when Mr. Mansfield came back.

This Senator from Nevada, as far as I am concerned, is the best whip we have ever had. He is right here on this floor all the time, or within a voice from this floor. He works here on this floor. He is very loyal to his majority leader, and he is loyal to his duties, to his people back home. He tells me every now and then he has a delegation from Nevada that he has to go and see. But this whip is here at all times, and he is here to protect me. If I to leave the floor, he will protect me. I know he will. He is a good whip. He is a great whip.

I will take my hat off any day and say: Gunga Din, you are a better whip than I am. That is saying a lot. I don't say that often. I was a good whip, but the Senator is a better whip than I was because he probably is more loyal to his party than I was and more loyal to his majority leader than I was.

I stood on this floor offering an amendment during the Vietnam war to say the President of the United States—who happened to be Richard Nixon at the time—had a duty to do whatever it took. If it meant bombing the Vietcong across the lines in Cambodia, the President had a duty to do that to protect our American servicemen.

I offered that amendment, and my majority leader was opposed to it. I stood by it; I fought the fight and lost. Mr. Nixon called me on the telephone that same afternoon from Camp David. He said: You did a great thing down there. He called me Bob. My wife does not call me Bob. She is kind enough to call me Robert. He said: Bob, that's a great thing you did. In his words, he said: You did a statesmanlike job. You stood for what you believed in, and you offered an amendment on behalf of the servicemen, the men in the field. You stood by what you thought, and you even stood against your own party, the leadership.

That was all right, and that was well and good for me because I have my own views of what is required of me. But the distinguished Senator from Nevada, he is not disloyal to his leader, not to the people over here who elected him to his position in the Senate, nor to the people back in Nevada who sent him here. I salute him.

I will quietly fold my tent and fade away from the Chamber if he is about to tell me that there will not be any more votes and that tomorrow, when we come back, I may have the floor again.

Mr. REID. Will the Senator yield for a brief comment in response to the Senator?

Mr. BYRD. Yes.

Mr. REID. The plan tomorrow is to come in and we will be on the Interior appropriations bill until noon. Senator DASCHLE is planning on having a vote on a judge around 10 o'clock, and that will be by voice. Senator DODD, and whoever is opposing his legislation, will debate for a half hour, and that vote will .occur at 10:15 tomorrow morning. Tomorrow morning, we will be on the Interior appropriations bill.

I, frankly, do not think we can work anything out on forest fire suppression. I will try, but I do not think it can be done. So the leader has to make a decision as to whether he is going to file cloture on the Craig amendment. We may have to do that tomorrow.

At noon, we will go back to this bill. I have been told that the Senators who offered this amendment, Senators GRAHAM and LIEBERMAN, are considering withdrawing the amendment, which would leave the amendment pending being the Thompson amendment which, of course, will be subject to another amendment.

That will be the status at noon tomorrow, if the leader decided to work on this bill Friday afternoon. As the distinguished Senator from West Virginia knows, Friday afternoons are really tough to get things done around here. We are going to have votes tomorrow, one on the judge and one on the Dodd amendment.

Before signing off, I say to my friend, the Senator's comments did not go unnoticed. I am flattered and a little embarrassed, but I do appreciate very much what the Senator said. As I have said publicly and privately, every day that I have been able to serve in the Congress and the Senate with the distinguished Senator from West Virginia is a day I consider to be very lucky. To think someone from where I came could be on the same floor as a Senator speaking with the great ROBERT BYRD is difficult for me to imagine.

I understand the importance of the job I have. I appreciate very much the statements of the Senator. But that is our plan for tomorrow.

Mr. BYRD. I thank the distinguished Democratic whip. I am very willing to take my tent and fold it silently and slip away.

I ask unanimous consent that when the Senate next takes up homeland security——

Mr. REID. Which will be tomorrow at noon or thereabouts.

Mr. BYRD. ——I be recognized at that time.

Mr. REID. I am the only one in the Chamber and I certainly would not object to that. I do not think anyone from the minority is present, and they do not have any basis for objecting anyway. The Senator has the floor now.

We would attempt tomorrow morning—of course, the Senator is the manager of the other bill. We would attempt during that period of time to see what we can work out on this homeland security bill so we can attempt to move forward in some way, because certainly what we do not want, at least tomorrow, is to be in a position where we have to file cloture. I do not think that is necessary.

We will be happy to meet with the Senator tomorrow.

I ask unanimous consent that when the Senate next goes to H.R. 5005, the first recognition be given to the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the speech I have made not be counted as a speech under the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. May I say to the distinguished Senator, I am quite happy to go home. These old legs of mine have been carrying me around now for a long time. I always had heard that when one gets to be up in years a little bit, the feet and the legs first start to trouble one. So I can bear witness to that.

In case there are any Senators who think the distinguished majority whip did wrongly in saying we could go home if the Senator would take a seat, let me say I have only spoken 2 hours and 15 minutes—is that accurate?

Mr. REID. Three hours and 15 minutes. Now it is about 3½ hours.

Mr. BYRD. And I am only on page 3 of page 4. Well, that is just a start. As John Paul Jones said, "We have just begun to fight."

I have in my pocket the Constitution of the United States and the Declaration of Independence. Once I finished page 4 tonight, I intended to start reading the Declaration of Independence and the Constitution of the United States to follow.

Mr. REID. I say to my friend, I do not think he would have to read it, would he?

Mr. BYRD. I think reading it makes it better.

Mr. REID. Does not the Senator have that memorized anyway?

Mr. BYRD. I know something about the Constitution, but I will save that for another day. I have a number of poems which I would be glad to quote even though these old legs are getting tired. Shall I quote one?

Mr. REID. I personally would like to hear a poem.

Mr. BYRD. Mr. President, I never was a show-off so I am not going to quote any poetry tonight. That would be showing off. I just wanted the Senator to know I could quote some poems. I can read the Constitution and comment on it as I go along. I can read the Declaration of Independence. I can read the Bible. I can read Milton's "Paradise Lost." I could read Carlyle's "History of the French Revolution." I could even read Daniel Defoe's "Robinson Crusoe." Just because my legs are hurting and I am growing quite frail and my voice is a little weak, I am not quite ready to say, well, they have the votes and let us quit.

I thank the distinguished Democratic whip. The Senator knows I am getting tired, which is the reason I am not saying things just right.

Let me see if there is anything else for which I need consent. I believe not, but it is my understanding that I will be recognized when the Senate next returns to the homeland security legislation. I thank the Chair and I thank the whip.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I do not think a good steward would want to leave his job unfinished quite so abruptly. I do have a half page of my prepared remarks to read. I do not like to put items in the RECORD, so, if I may, I ask unanimous consent that again this not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. By requiring Senate confirmation of this new Director of the National Office for Combating Terrorism, Congress will ensure that its concerns over the implementation of homeland security strategy will not be subordinated to the political agenda of the White House.

Remember, we are not just talking about a Director of Homeland Security under the Bush administration. We are not just talking about a Director of Homeland Security under a Republican administration. There can very well come a time there will be a Director of Homeland Security under a Democratic administration, and I hope the Senators will see the wisdom in looking forward to a time when the worm will turn, the wheel will turn, and there will be a Democrat in the White House.

I am thinking of Senate confirmation as something that will be important under a Democratic administration as well as under a Republican administration, as important to the people of this country under a Democratic President as under a Republican President, under Mr. Bush. For the moment, it is a Republican President. A thousand years is but a day in God's reach. And there will probably be a Department of Homeland Security after my life on this globe has run its span.

The war against terrorism may not end soon. It may go on and on. Who knows? The President himself has said it will not be quick, it will not be easy, and it will not be short. Therefore, it is not difficult to imagine that there will come a day when there will be a Democratic President in the White House, and I say that my Republicans friends, when that time comes, will be glad if we in our day have required the Director of Homeland Security to be confirmed by the Senate.

So we are not legislating for a day, a week, or the remaining 2 years of this Republican administration. We are debating and acting for a long time.

Once this is on the statute books, it is not easy to change it because a President can veto a change. If Congress sees the unwisdom of its ways today and seeks to change the statute books, maybe a President in the White House would veto that bill if it came to his desk. So its easier, in a way, to make a law than it is to change a law, in some instances. We had better do it right the first time, rather than just do it fast. Do it right. That is what I am seeking to do.

Even when the President's advisers want to conceal the agency mismanagement or shift public focus toward a war with Iraq, Congress can make sure that the Director's job is getting done because Congress can ask him directly. So I tell my colleagues that I understand their desire to style the statutory office by yielding to the urge that I know some Members do.

Let's do it right. There may be a different administration, maybe a different party at the White House, Mr. Bush may not be at the White House at that time, I may not be at my desk. Let's do it right. Let's do it the way we ought to do it. If the war on terror is to be with us a long time, a Director of Homeland Security will be with us a long time, and Tom Ridge, if he is to be the Director in the future, even he may be gone and another Director may stand in his stead. Think about that. It is more than just a thought in passing.

I thank my friend from Nevada. I thank all Senators. I thank the wonderful people who have to man the desks up there. I thank the Presiding Officer, I thank the pages, the security personnel, the Doorkeepers and all. They have had to wait and listen. They are doing their job. I thank them and I apologize to them, in a way. I apologize for having delayed them to their places of abode.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, my statement has to undergo some interruption because of the colloquy between Mr. REID and myself. But the little remainder that I just read just now, I hope it will be understood from those who read the RECORD, that was the closing part of a previously prepared speech, and I hope they will keep that in mind when they read all parts of it in the RECORD. I would not ask it be joined directly with the first part, because of that colloquy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allow to speak for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. EDWARDS. Mr. President, as a member of the Senate Intelligence Committee, I firmly believe that the issue of Iraq is not about politics. It's about national security. We know that for at least 20 years, Saddam Hussein has aggressively and obsessively sought weapons of mass destruction through every means available. We know that he has chemical and biological weapons today. He has used them in the past, and he is doing everything he can to build more. Each day he inches closer to his longtime goal of nuclear capability—a capability that could be less than a year away.

I believe that Saddam Hussein's Iraqi regime represents a clear threat to the United States, to our allies, to our interests around the world, and to the values of freedom and democracy we hold dear.

Saddam has proven his willingness to act irrationally and brutally against his neighbors and against his own people. Iraqi's destructive capacity has the potential to throw the entire Middle East into chaos, and poses a mortal threat to our vital ally, Israel.

What's more, the terrorist threat against America is all too clear. Thousands of terrorist operatives around the world would pay anything to get their hands on Saddam's arsenal, and there is every possibility that he could turn his weapons over to these terrorists. No one can doubt that if the terrorists of September 11 had had weapons of mass destruction, they would have used them. On September 12, 2002, we can hardly ignore the terrorist threat, and the serious danger that Saddam would allow his arsenal to be used in aid of terror.

Iraq has continued to develop its arsenal in definance of the collective will of the international community, as expressed through the United Nations Security Council. It is violating the terms of the cease-fire that ended the Gulf War and ignoring as many as 16 U.N. Security Council resolutions—including 11 resolutions concerning Iraq's efforts to develop weapons of mass destruction.

These U.N. resolutions are not unilateral American demands. They involve obligations Iraq has undertaken to the international community. By ignoring them. Saddam Hussein is undermining the credibility of the United Nations, openly violating international law, and making a mockery of the very idea of international collective action which is so important to the United States and our allies.

The time has come for decisive action. With our allies, we must do whatever is necessary to guard against the threat posed by an Iraq armed with weapons of mass destruction, and under the thumb of Saddam Hussein. The United States must lead an international effort to remove the regime of Saddam Hussein and to assure that Iraq fulfills its obligations to the international community.

This is not an easy decision, and its carries many risks. It will also carry costs, certainly in resources, and possibly in lives. After careful consideration, I believe that the risk of inaction is far greater than the risk of action.

As we set out on this course, we must be as conscious of our special responsibility as we are confident in the rightness of our cause.

The United States has a special role of leadership in the international community. As America and its allies move down this path, we must do so in a way that preserves the legitimacy of our actions, enhances international consensus, and strengthens our global leadership.

First, this means making the strongest possible case to the American people about the danger Saddam poses. Months of mixed messages, high-level speculation and news-leaks about possible military plans have caused widespread concern among many Americans and around the world.

I am encouraged that the President has overruled some of his advisors and decided to ask for the support of Congress. From the support of Congress, this effort will derive even greater and more enduring strength.

Second, the Administration must do as much as possible to rally the support of the international community under the mandate of the United Nations Security Council. We should tap into the strengths of existing alliances like NATO to enforce such a mandate. And let me be clear: America's allies deserve more than just token consultation. The Bush administration must make a full-court press to rally global support, much like the impressive effort President Bush's father made to rally the first international coalition against Saddam in the fall of 1990. If they do, I believe they will succeed.

If, however, the United Nations Security Council is prevented from supporting this effort, then we must act with as many allies as possible to ensure that Iraq meets its obligations to existing Security Council resolutions. After all, that's what the U.S. and its NATO allies did during the 1999 war in Kosovo, when a U.N. Security Council resolution was impossible.

Third, we must be honest with the American people about the extraordinary commitment this task entails. It is likely to cost us much in the short-term, and it is certain to demand our attention and commitment for the long-haul. We have to show the world that we are prepared to do what it takes to help rebuild a post-Saddam Iraq and give the long-suffering Iraqi people the chance to live under freedom.

Working with our allies, we have to be prepared to deal with the consequences of success—helping to provide security inside Iraq after Saddam is gone, working with the various Iraqi opposition groups in shaping a new government, reassuring Iraq's neighbors about its future stability, and supporting the Iraqi people as they rebuild their lives. This is a massive undertaking, and we must pursue it with no illusions.

Ensuring that Iraq complies with its commitments to the international community is the mission of the moment. Rebuilding Iraq and helping it evolve into a democracy at peace with itself and its neighbors will be the mission of many years.

Unfortunately, the administration's record to date gives me cause for concern. They must not make the same mistakes in post-Saddam Iraq that they are making in post-Taliban Afghanistan, where they have been dangerously slow in making the real commitment necessary to help democracy take root and flourish.

Finally, the administration must show that its actions against Iraq are part of a broader strategy to strengthen American security around the world.

We must address the most insidious threat posed by weapons of mass destruction—the threat that comes from the ability of terrorists to obtain them. We must do much more to support the many disarmament programs already in place to dismantle weapons and prevent access to weapons-grade materials in Russia and the former Soviet states; we must fully fund Nunn-Lugar; and we should work hard to forge international coalition to prevent proliferation.

We must be fully and continuously engaged to help resolve the crisis between Israel and the Palestinians. Disengagement was a mistake. The United States cannot deliver peace to the parties, but no agreement is possible without our active involvement.

We also must have a national strategy for energy security, working to strengthen relationships with new suppliers and doing more to develop alternative sources of power.

And we must do far more to promote democracy throughout the Arab world. We should examine our overall engagement in the entire region, and employ the same kinds of tools that we used to win the battle of ideas fought during the Cold War, from vigorous public diplomacy to assistance for democratic reform at the grassroots.

The path of confronting Saddam is full of hazards. But the path of inaction is far more dangerous. This week, a week where we remember the sacrifice of thousands of innocent Americans made on 9/11, the choice could not be starker. Had we known that such attacks were imminent, we surely would have used every means at our disposal to prevent them and take out the plotters. We cannot wait for such a terrible event—or, if weapons of mass destruction are used, one far worse—to address the clear and present danger posed by Saddam Hussein's Iraq.

SEPTEMBER 11 REMEMBRANCE

Mr. ENZI. Mr. President, yesterday we marked the anniversary of one of the most horrific events in our Nation's history. On September 11 of last year, without provocation or warning, extremists took control of four of our planes and used them as weapons of destruction against us to cowardly take from our lives our friends and neighbors, our mothers and fathers, and our sons and daughters.

As we watched those events unfold, during the subsequent rescue attempts, we saw more of our Nation's brave men and women lose their lives in the support and defense of others. It was not only a terrible loss of life. It was a loss of our most vital and valuable resource, our Nation's people and the potential they carried within them for greatness in so many different fields and endeavors of importance to them and to us.

As we watched the images broadcast around the world, we all made a decision in our hearts to do everything we could to respond to the attack on our nation, our freedom, our liberty and our way of life. For each of us it meant something different, but for all of us, it helped to know there was something we could all do to help.

For Congress, that meant expressing our strongest support for the President and his ambitious and necessary plan to end the global network of terror that has sown the seeds of despair and hatred wherever it has found fertile ground. The President's plan is to do more than defeat the forces of terror. It is to replace those seeds of anger and hatred with seeds of hope and peace.

For our Nation's Armed Forces, it meant answering the call to duty and taking arms against an enemy who placed no value on human life.

The rules of war are not many, but one unavoidable one is that it takes the lives of our young men and women. One of those we lost in the early stages of the war was one of Wyoming's own, Jonn Edmunds, an Army Ranger from Cheyenne, who gave his life in Afghanistan as he fought and died for a cause that he believed in.

For all Americans, it meant an awakening of our sense of patriotism and our love of country, as we put aside our differences and unfurled our flags and proudly displayed them on our porches and windows. We came together as one, united, in support of our leaders and our President.

We know from past experience that the effort to respond to challenges like this is not a quick or easy one. It takes a lengthy and determined commitment to principle if we are to succeed.

I have no doubt our resolve will remain strong and we will be united in purpose, as we have done before when called to respond to a threat to our way of life.

A little over fifty years ago, on a day that has been compared to this one, those who opposed us were heard to say after their attack that they may have done nothing more than awaken a sleeping giant. On that day in December and this one in September, we may have been a sleeping giant, but when the time came to respond, we did, and by so doing, we changed the world.

We have to respond with strength and determination because those who attacked us chose their targets with such clear and evil intent. They attacked the World Trade Center, because of its symbolic representation of our economic power. They attacked the Pentagon because of its symbolic representation of the power of our military. And they sought to attack our Nation's capital because it is the heart of our government and it represents our democracy and our way of life.

No one will ever forget where they were or what they were doing as they first heard the news of the terrorist attack on our Nation. We all sat and watched in stunned silence as events unfolded that are now forever etched in our mind.

In the days that have passed since then, we have kept alive the memory of those we lost, repaired and restored what we could, and made plans to recreate what could not be saved. It has been a difficult and daunting task.

Through it all the President has led a united Nation, committed to ending the threat of terrorism, not just for us, but for our children, and for all the children of the world who deserve to grow up and pursue a dream of peace, hope and opportunity.

When the terrorists struck at the heart of our Nation that day they took something more precious than our buildings, and the symbols of American pride and ingenuity we all hold dear. When they took our loved ones from us, they also took the innocence of our children who had to learn quickly, and at a young and tender age, that there are bad people in the world who do bad things. And that all too often, bad things happen to good people.

But, when they looked at us with questioning eyes, did any of us have a good answer to the question they wanted answered the most, "Why?"

Fortunately, the President's leadership has enabled him to put together an international coalition dedicated to dismantling the network of terror and to bringing those responsible to justice, wherever they may try to hide.

The conspiracy of terrorism can only survive in the darkness of hatred. It can not long survive when we bring the light of peace to bear on all the Nations of the world. That light is the symbol of freedom that our Statue of Liberty holds proudly and with purpose in the harbor of New York, not far from where the Twin Towers once stood. It is a light that will someday shine for everyone in every country in the world, and we will all live in peace and freedom.

We are, and always will be, a Nation of individuals. We all have our own stories, our own goals and ambitions, and our own plans for our lives. But, when faced with a crisis, as we were last year, we come together as one united in our commitment that no one will ever have to endure a tragedy as terrible as the events that unfolded last year.

Yesterday was a day of remembrance. It will always be so. May it serve as a constant reminder that we are one Nation, under God, with liberty and justice for all.

The lives of all those who were lost are like an unfinished symphony that has been left to us to continue and complete. We carry their dreams, their hopes, their ambitions, their challenges and their plans for the future with us. With God's strength and the support of each of us we will complete the work they started and ensure the safety and security of all people, of all countries, and of all regions of the world for generations to come.

CBO ESTIMATES ON REPORTED BILLS

Mr. BIDEN. Mr. President, prior to the August recess, the Committee on Foreign Relations reported several bills without written report. At the time, the Congressional Budget Office, CBO, estimates on the bills were not available. I ask unanimous consent that the CBO estimates on these bills, S. 1777, H.R. 4558, and H.R. 2121, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 1, 2002.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1777, the International Disability and Victims of Landmines, Civil Strife, and Warfare Assistance Act of 2002.

The CBO staff contacts for this estimate are Joseph C. Whitehill, who can be reached at 226-2840, and Jeanne M. De Sa, who can be reached at 226-9010.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1777—International Disability and Victims of Landmines, Civil Strife, and Warfare Assistance Act of 2002

Summary: S. 1777 would authorize the President to furnish assistance to individuals with disabilities in foreign countries, including victims of landmines and other war injuries. The bill also would authorize the Centers for Disease Control and Prevention (CDC) to provide such assistance, and would authorize the Department of Veterans Affairs (VA) to provide advice and expertise to U.S. agencies and private voluntary agencies undertaking such programs. Currently, the U.S. Agency for International Development (USAID), the CDC, and VA provide some assistance in this area under more general authority. CBO estimates that implementing S. 1777 would cost about $4 million over the 2003–2005 period, assuming appropriation of the necessary amounts. Because S. 1777 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

S. 1777 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: For this estimate, CBO assumes that the legislation will be enacted near the beginning of fiscal year 2003, that the estimated amounts will be appropriated each year, and that outlays will follow historical spending patterns. The budgetary impact of S. 1777 is shown in the following table. The costs of this legislation fall within budget functions 550 (Health) and 700 (veterans benefits and services).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	2	2	0	0	0
Estimated outlays	1	2	1	0	0

Basis of estimate: S. 1777 would authorize the President to furnish assistance to individuals with disabilities in foreign countries, including victims of landmines and other war injuries. Under more general authorities in current law, USAID, the CDC, and VA provide roughly $15 million a year in assistance in this area. The bill would expand current programs.

U.S. Agency for International Development.—Section 3 would authorize assistance to individuals with disabilities, including victims of landmines and other victims of warfare and civil strife. USAID currently provides such assistance, primarily through the Patrick Leahy War Victims Fund, with a funding level of $10 million each year. CBO estimates that under S. 1777, funding for individuals with disabilities would continue at that rate.

Centers for Disease Control.—Section 4 would authorize the appropriation of such sums as may be necessary in fiscal years 2003 and 2004 for the CDC to conduct programs in foreign countries for individuals with disabilities, including persons injured by landmines and civil strife. Those programs could include research on trauma and rehabilitation, evaluating treatment interventions, developing medical instruction tools for responding to traumatic injuries, and facilitating and training peer-support networks. The bill would authorize the CDC to provide grants to nongovernmental organizations to carry out research, prevention activities, and public awareness campaigns, as well as other activities to share information about research on limb loss and best practices in treatment programs.

Under current law, the CDC provides $5 million a year for some of the activities authorized by the bill, most of which are directed toward a network for victims of landmines. S. 1777 would authorize the CDC to carry out additional activities such as trauma research and evaluation of medical treatments. According to the CDC, those additional activities would require $2 million a year in additional funding. Thus, CBO estimates that the bill would increase agency spending by $4 million over the 2003–2005 period, subject to appropriation of the necessary amounts.

Department of Veterans Affairs.—Section 5 would authorize VA to provide advice and expertise to federal agencies and technical assistance to private voluntary organizations (PVOs) with respect to planning, development, operation, and evaluation of landmine assistance, research, and prevention programs. The VA currently provides advice to other federal agencies on a nonreimbursable basis. The bill would authorize VA to provide technical assistance to PVOs on a reimbursable basis. Based on information from VA, CBO estimates the cost and collections from providing this technical assistance would be less than $500,000 a year.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1777 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On November 8, 2001, CBO prepared an estimate for H.R. 3169, the International Disability and Victims of Landmines, Civil Strife, and Warfare Assistance Act of 2001, as ordered reported by the House Committee on International Relations on November 1, 2001. That bill would authorize the appropriation of $15 million in 2002 and 2003 for programs to assist individuals with disabilities, including victims of landmines and other victims of warfare and civil strife administered by USAID and such sums as may be necessary in 2002–2004 for the CDC. H.R. 3169 also would authorize VA to provide advice and expertise to federal agencies and technical assistance to PVOs with respect to planning, development, operation, and evaluation of landmine programs. CBO's estimate of the costs associated with the CDC and VA programs are the same in both bills.

Estimate prepared by: Federal spending: USAID—Joseph C. Whitehill (226–2840), CDC—Jeanne M. De Sa (226–9010), VA—Sam Papenfuss (226–2840); impact on state, local, and tribal governments: Greg Waring (226–3220); impact on the private sector: Paige Piper/Bach (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 14, 2002.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2121, the Russia Democracy Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehall, who can be reached at 226–2840.

Sincerely,

ROBERT A. SUNSHINE
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2121—Russia Democracy Act of 2002

Summary: H.R. 2121 would expand the U.S. government's authority to provide assistance to democratic institutions and media in Russia and would authorize the appropriation of $50 million in 2003 for programs to strengthen the rule of law and an independent media in that country. (In 2002, appropriations for various types of assistance to the independent states of the former Soviet Union totaled $784 million.) Assuming the appropriation of the authorized amount, CBO estimates that implementing the act would cost about $50 million over the 2003–2007 period. Enacting H.R. 2121 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2121 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2121 is shown in the following table. The estimate assumes that the authorized amount would be appropriated and that outlays would follow historical spending patterns for similar activities. The costs of this legislation fall within budget function 150 (international affairs).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization level	0	50	0	0	0	0
Estimated outlays	0	9	21	11	5	2

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 2121 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On November 6, 2001, CBO prepared an estimate for H.R. 2121 as ordered reported by the House Committee on International Relations on November 1, 2001. That earlier version of the legislation would have authorized the appropriation of $50 million in 2002.

Estimate prepared by: Federal costs: Joseph C. Whitehill (226–2840); impact on state, local, and tribal governments: Greg Waring (225–3220); impact on the private sector: Paige Piper/Bach (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 2002.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4558, an act to extend the Irish Peace Process Cultural and Training Program.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4558—An act to extend the Irish Peace Process Cultural and Training Program

Summary: The Irish Peace Process Cultural and Training Program Act of 1998 (Public Law 105–319) provides nonimmigrant visas for young adults from certain areas of Northern Ireland and the Republic of Ireland. Those individuals work or study in the United States for up to three years. This program is currently scheduled to terminate on October 1, 2005. H.R. 4558 would extend it until October 1, 2006.

CBO estimates that implementing H.R. 4558 would cost about $4 million in fiscal year 2006 for the Department of State to administer this program, subject to the availability of appropriations. Enacting the legislation also would affect direct spending and receipts, but CBO estimates that any such effects would not be significant. Because the act would effect direct spending and receipts, pay-as-you-go procedures would apply.

H.R. 4558 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4558 is shown in the following table. The costs of this legislation fall within budget functions 150 (international affairs) and 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Spending under current law:						
Estimated authorization level[1]	4	4	4	4	0	0
Estimated outlays	4	4	4	4	0	0
Proposed changes:						
Estimated authorization level	0	0	0	0	4	0
Estimated outlays	0	0	0	0	4	0
Spending under H.R. 4558:						
Estimated authorization level	4	4	4	4	4	0
Estimated outlays	4	4	4	4	4	0

[1] The 2002 level is the amount appropriated for that year for the Irish Peace Process Cultural and Training Program. The estimated authorization levels for 2003 through 2005 are CBO baseline estimates.

Since the program's inception, there have been about 250 participants each year. Thus, CBO estimates that any effects on fees collected by the Immigration and Naturalization Service (INS) or the State Department as a result of extending the program would be insignificant. INS fees are classified as offsetting receipts (a credit against direct spending), and the State Department fees are classified as governmental receipts (i.e., revenues).

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act specifies pay-as-you-go procedures for legislation affecting direct spending and receipts. Those procedures would apply to H.R. 4558 because it would affect both direct spending and receipts, but CBO estimates that the annual amount of such changes would not be significant.

Intergovernmental and private-sector impact: H.R. 4558 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On July 22, 2002, CBO transmitted a cost estimate for H.R. 4558 as ordered reported by the House Committee on the Judiciary on July 17, 2002. The two versions of the legislation are identical, as are our cost estimates.

Estimate prepared by: Federal costs: Mark Grabowicz (226–2860); impact on state, local, and tribal governments: Angela Seitz (225–3220); impact on the private sector: Paige Piper/Bach (226–2960).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VOTE EXPLANATION

Mr. WELLSTONE. Mr. President, I regret that I was necessarily absent for the vote on the confirmation of Timothy Corrigan to the United States District Court in Florida due to my attending events in Minnesota commemorating the anniversary of the terrorist attacks of September 11. I would ask that the RECORD reflect that I would have voted yes on this nomination.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in July 2000 in San Diego, CA. Four Mexican migrants were attacked and shot with pellet guns. The assailants, several neo-Nazi skinheads, chased the victims, beat them, and shot them with high-powered pellet guns. Two of the victims had to have the pellets surgically removed. Police investigated the incident as a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SPEECH OF YASSER ARAFAT

Mrs. BOXER. Mr. President, this week, Palestinian leader Yasser Arafat delivered a speech to the Palestinian Legislative Council that I found extremely disappointing.

The speech, which was given Monday, did not outline specific steps to end terrorism against the Israeli people and did not offer any new ideas on how to achieve peace in the Middle East. As one senior European diplomat said, "It was a very shallow speech, repeating the standard phrases he's used for years now."

Perhaps most disturbing of all was Yasser Arafat's outright refusal to call for an end to the practice of suicide bombings, even after his own interior minister, Abdel Razak Yehiyeh, said that all Palestinians should abandon suicide attacks. The omission is especially glaring given that drafts of the speech made available to the media beforehand explicitly called for the parliament to outlaw suicide bombings against civilians. As someone who has continually worked to rally international support against this disgraceful practice, I am greatly saddened that Yasser Arafat did not have the courage to call for a complete ban on suicide bombings.

Given this most recent failure of Yasser Arafat, I want to bring to the attention of my colleagues a report issued by Amnesty International titled "Without Distinction—Attacks on Civilians by Palestinian Armed Groups." This report, which was released just weeks before the August recess, documents 128 attacks between September 29, 2000 and May 31, 2002 in which 338 civilians were killed. In the press release issued with the report, William Schultz, Executive Director of Amnesty International USA, says, "there is no justification for attacking civilians, and Palestinian leaders must clearly state that all such attacks must cease, whether they take place in Israel, the West Bank or Gaza." I ask unanimous consent that the entire press release be printed in the RECORD. The full report can be found on the Internet at http://www.amnestyusa.org/countries/israel_and_occupied_territories/index.html.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Amnesty International, July 11, 2002]

ISRAEL/OCCUPIED TERRITORIES/PALESTINIAN AUTHORITY

WASHINGTON, DC.—In a report released today, Amnesty International condemned attacks by Palestinian armed groups against civilians as crimes against humanity and possible war crimes, and called for the perpetrators to be arrested and prosecuted.

"There is no justification for attacking civilians, and Palestinian leaders must clearly state that all such attacks must cease, whether they take place in Israel, the West Bank or Gaza," said William F. Schulz, Executive Director of Amnesty International USA (AIUSA). "Action must then follow words, with those responsible for these attacks arrested and brought to justice in line with international human rights standards."

Amnesty International examined 128 attacks between September 29, 2000 and May 31, 2002 in which 338 civilians were killed. Based on analysis of the attacks and the armed groups claiming responsibility, Amnesty International concludes that the attacks are widespread, systemic, and part of an explicit policy of attacking civilians. Those individuals who order, plan, or carry out such attacks are therefore guilty of crimes against humanity, and the attacks may constitute war crimes. Attacks on civilians are expressly prohibited by the Geneva Conventions and the principles of international humanitarian law.

The report profiles the groups claiming responsibility for these attacks and reviews the statements of their leaders and officials. For example, the Al-Aqsa Martyrs Brigade, formed by Fatah members in 2000, has claimed responsibility for 23 attacks. Marwan Barghouti, Secretary General of Fatah, stated to Amnesty International that Fatah considers that Israelis in the West Bank and Gaza are not civilians because "it is all in occupied country." Amnesty International asserts that international law prohibits attacks on civilians wherever they are.

Despite an obligation to investigate and prosecute the perpetrators of attacks on civilians, many of the detentions of alleged members of armed groups by the Palestinian Authority appear to be motivated by considerations other than a genuine concern to bring the perpetrators to justice.

"The Palestinian Authority has the responsibility to stop attacks by Palestinian armed groups and claims that the Palestinian Authority has acted with due diligence to stop these attacks lack credibility," said Marty Rosenbluth, AIUSA's Country Specialist for Israel, the Occupied Territories and the Palestinian Authority. "However, the investigation and prosecution of those responsible must not result in further violations. To date, the measures taken by both Israel and the Palestinian Authority have included torture and violations of the right to a fair trial."

Mrs. BOXER. Mr. President, this week, Yasser Arafat had the opportunity to follow the advice of Dr. Schultz and strongly state that terrorist attacks, including suicide bombings, must end. Unfortunately, Yasser Arafat has again fallen short of what he must do so that peace can be achieved in the Middle East.

ADDITIONAL STATEMENTS

HISPANIC HERITAGE MONTH

• Mrs. CARNAHAN. Mr. President, I am proud to take this opportunity to recognize the period beginning on September 15 and ending on October 15 as Hispanic Heritage Month. This month celebrates the rich and varied heritage of Hispanics in the United States, who come from as far away as South America and the islands of the Caribbean, and as nearby as our neighbor to the south, Mexico. I urge all Americans to take this opportunity to learn more about the culture and important contributions Hispanics have made and continue to make to the United States.

It is fitting that what originally started out as Hispanic Heritage Week in September of 1968 has been lengthened to a month-long celebration of the culture and contributions of Hispanics to the American experience. This is in large part a reflection of the growing prominence of Hispanics in all sectors of American society. As a U.S. Senator, though, I am especially interested and encouraged by the growing role Hispanics are playing in our Nation's government.

Hispanics have a long history of service to the United States as elected officials. The first Hispanic to serve in the Congress was Delegate Joseph Marion Hernandez of the Territory of Florida in 1822. The first Hispanic elected from a State was Romualdo Pacheco of California, who won his race by one vote in 1876. Dennis Chavez of New Mexico became the first Hispanic Senator after being elected in 1936.

In recent years, Hispanic women have also successfully been elected to the Congress. In 1988, ILEANA ROS-LEHTINEN became both the first Cuban-American and first Hispanic woman elected to serve in the House of Representatives. Four years later, she was joined in the House by LYDIA VELÁSQUEZ, the first Puerto Rican woman, and LUCILLE ROYBAL-ALLARD, the first Mexican-American woman. I am pleased that the number of Hispanics now serving in the House of Representatives has more than doubled in the years from 1984 to 2000, from 9 to 21, and I look forward to working with Hispanic colleagues in the Senate as well.

Government is not the only area where Hispanics are breaking new ground. Hispanics are enriching all aspects of our Nation's cultural and economic life. Hispanic entrepreneurs, who open up small businesses at a higher rate than that of the general population, fuel our economy and create jobs. Hispanic writers, such as Isabel Allende, are not only enriching our literature, but are also redefining the American experience through their novels, such as Portrait of Sepia and Daughter of Fortune. Hispanic labor leaders, following in the footsteps of Cesar Chavez, continue to fight for livable wages and safe working conditions. Roberto Clemente, an athlete and humanitarian, who died while delivering much-needed relief supplies to Central America, was the first Hispanic elected to the Baseball Hall of Fame following a stellar career with the

Pittsburgh Pirates. Hispanics have also served honorably in every military engagement since the Revolutionary War—38 have earned the military's highest decoration for their bravery, the Medal of Honor. Louis Caldera, the eldest son of Mexican immigrants, followed in this tradition of military service and became the first Hispanic Secretary of the Army from 1998-2001.

As we celebrate Hispanic Heritage Month, let us take the time to learn more about these and other Hispanic leaders. But let us also take a moment to recognize the many hardworking Hispanic members of our own communities as well. Let us welcome them when they are new arrivals and ensure that our diversity remains one of our greatest strengths. Their contributions serve to enrich our common culture and we are all the better for it. The truest testimony of our greatness as a nation is the enduring power of the American Dream and the sacrifices people everywhere are willing to make to attain it.•

CENTENNIAL CELEBRATION FOR INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 309

• Mr. DURBIN. Mr. President, I rise today to celebrate the centennial of the International Brotherhood of Electrical Workers Local 309 in Collinsville, IL. On September 11, 1902, eleven electrical workers from my hometown of East St. Louis, IL committed to support a united labor effort by forming their own local chapter. Despite the dangers in developing the electrical industry, the group continued its work and advanced to become highly trained and skilled journeymen.

The group has grown from its eleven original members to 1,100 and has helped shape the Metro-east and surrounding areas of southern Illinois. Local 309 has been a leader in the electrical industry, with advancements in training, organizing, market recovery, and member services. Its apprentice program has been registered in the United States Department of Labor Bureau of Apprenticeship and has been producing skilled and experienced workers for the past 100 years. It continues to show its commitment to the education of its members in this, its centennial year.

Through their expertise and solidarity, today's members of Local 309 continue the legacy of their founders by uniting the electrical workers of southern Illinois under the common goals of fairness, justice, and leadership in their field.

Congratulations to the members of Local 309 on their centennial celebration. Best wishes for the next 100 years.•

NATIONAL KIDS VOTING WEEK

• Mr. McCAIN. Mr. President, I wish to take this opportunity to recognize Kids Voting USA and its efforts to educate our children about civic participation, democracy, and the electoral process. Kids Voting USA is an organization that began in my State, but now reaches nearly five million students nationwide.

What began as a fishing trip to Costa Rica by three Arizona businessmen has blossomed into an organization that involves 9,000 schools, 200,000 teachers, 80,000 volunteers, and countless sponsors and donors. With 38 States and more than 140 communities across the Nation participating, Kids Voting USA teaches students from kindergarten through high school about the importance of civic participation and their rights and responsibilities as citizens. Through an acclaimed, interactive core of service-based curricula, young people gain the knowledge, skills, and motivation for democratic living.

Combined with a civics education, students participate in local and national elections in communities across the country. Kids Voting USA enables students to visit official polls on election day, accompanied by a parent or guardian, to cast a ballot that replicates the official ballot. During the last national election, more than 1.5 million students voted as part of the Kids Voting USA program. In last year's local elections students actively participated in over 114 cities, counties, and school districts.

This year, National Kids Voting Week is September 11–17, and will coincide with the inauguration of National Civic Participation Week. It will be a week that highlights programs and activities that lead to greater participation in elections and the political process. As we reflect on the events of the last year, National Kids Voting Week will celebrate the vibrant and important Kids Voting program by focusing on the hopes and dreams of young citizens. I would like to recognize Kids Voting USA and all it has done to promote the future of democracy by engaging families, schools, and communities in the election process.•

MERCK MECTIZAN DONATION PROGRAM

• Mr. CORZINE. Mr. President, I rise today to recognize the 15th anniversary of one of the largest and most successful public/private partnerships in health care in the developing world, the Merck MECTIZAN Donation Program. Today, this program provides hope to millions, and I am proud to pay tribute to Merck & Co., a leading New Jersey corporation, for its work on this critical issue.

On October 21, 1987, Merck & Co., Inc. announced plans to donate MECTIZAN, ivermectin, a medicine Merck discovered to combat river blindness, for as long as it might be needed, wherever needed. Onchocerciasis, "river blindness", is a leading cause of blindness in the developing world. It is a debilitating and disfiguring disease, affecting millions in sub-Saharan Africa, parts of Central and South America and Yemen in the Middle East. The disease, which has infected 18 million people and has left an estimated one million people visually impaired or blind, is caused by parasitic worms that infiltrate, multiply, and spread throughout the human body.

In the global fight against infectious diseases, the lack of public health infrastructure contributes to widespread and needless suffering even when valuable drug treatments are available for use. When Merck made the decision to donate MECTIZAN to treat river blindness, the company understood that while providing the drug for free was necessary, it was not sufficient. They also understood that it was critical to create a reliable, effective distribution system that would ensure MECTIZAN reached the affected millions for as long as necessary.

The lack of public health care infrastructure was a tremendous challenge even though MECTIZAN is an easy to administer oral medication that requires only a single annual dose. To that end, a multisector coalition involving Merck, the World Health Organization; the World Bank; UNICEF; the Carter Center; Ministries of Health of endemic countries; more than thirty non-governmental development organizations, and local community health workers was created. The Merck MECTIZAN Donation Program is now considered by many to be the most important model for public/private partnerships for addressing health care issues in the developing world.

The success and sustainability of the Merck MECTIZAN Donation Program over the past 15 years demonstrates the power and possibilities in strong and creative public/private partnerships to help address the enormous public health challenges facing developing countries today. As a result of the MECTIZAN Donation Program, more than 30 million people are now receiving treatment for river blindness annually. Since the program's inception, Merck has donated more than 700 million MECTIZAN tablets. Access to MECTIZAN has spared millions of children and their families from the risk of infection and the fear of going blind due to river blindness.

Building on the success of the program's fight against river blindness, Merck expanded the program in 1998 to include the donations of MECTIZAN for the prevention of lymphatic filariasis, more commonly known as elephantiasis, in African countries where river blindness and lymphatic filariasis co-exist. It is estimated that 300 million people in Africa are at risk of this disease.

On this, the 15th anniversary of the Merck MECTIZAN Donation Program, I offer praise and gratitude to the many partners who have made life better for millions of people in the developing world.•

TRIBUTE TO ALAN KRANOWITZ

• Mr. DODD. Mr. President, today I pay tribute to a great friend and outstanding public servant, Alan Kranowitz, who passed away on June 3, 2002, following a long battle with cancer. Alan's loss continues to reverberate throughout the Washington D.C. area, a testament to the enormous impact he had and the plethora of lasting friendships he made during his 25 years of service as a top advisor to Congressmen and Presidents.

Alan was born and raised in New Britain, CT, and educated at Yale. He first came to Washington in 1965 to serve as executive assistant, and later as chief of staff to my father, Senator THOMAS DODD. By the time Alan left my father's office in 1971, he was one of my father's most valued and trusted aides.

But Alan did not only add knowledge and outstanding political instincts to my father's office. Alan's wit, good nature, and personal appeal made him beloved beyond measure by everyone who was fortunate enough to have known him, or to have worked with him, in my father's Senate office, and beyond.

After 1971, Alan moved easily between top congressional staff positions and key policy positions in the Nixon, Ford, and Reagan administrations. Starting off as Senate liaison for the U.S. Department of Housing and Urban Development under President Nixon, Alan soon became the chief lobbyist for the Office of Management and Budget in the Nixon and Ford Administrations.

In the mid-1980s, Alan joined the Reagan White House as a chief legislative advisor and liaison, where his encyclopedic knowledge of policy and his personal ability to bridge differences between Democrats and Republicans made him a key player in shaping the legislative agenda of President Reagan's second term.

Ken Duberstein, President Reagan's Chief of Staff, told The Washington Post and The New York Times that Alan was an invaluable part of Reagan's legislative team; that the White House "relied heavily on [Alan] in determining what was possible and doable" because Alan always offered "absolutely unbiased, straightforward advice."

Aside from working in the White House, in the 1980s, Alan also served as chief of staff to former Representative Tom Loeffler of Texas, and as a senior advisor to House Republican leader Bob Michel.

In 1989, Ronald Reagan appointed Alan as an original council member of the U.S. Holocaust Memorial Museum in Washington.

For the past 12 years, Alan served as a senior vice president of the National Association of Wholesalers-Distributors.

I believe that Alan is best remembered in Washington as someone who brought integrity wherever he went, and excelled at whatever he did. In a town where one's political and institutional affiliations often define their career options, Alan moved easily from the Senate to the House, from Congress to the White House, and from Democratic to Republican positions.

That's because it was Alan the man, not Alan the Democrat, or Alan the Republican, who lit up a room, who brought charm and grace along with him wherever he went, and who touched the hearts of everyone with whom he came in contact.

Alan's was a life cut short, and he will be sorely missed. To Carol, his wife of 35 years, and to his sons, Jeremy and David, and everyone else in Alan's family, I offer my most heartfelt condolences for your loss.

But I came to the floor of the Senate today not simply to mourn a loss, I came to the floor to celebrate a life. The life of Alan Kranowitz was truly a life well-lived. He touched so many and every one of us he touched is a better person because of it.•

VANESSA SHORT BULL IS MISS SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I publicly commend Vanessa Short Bull, a resident of Rapid City, South Dakota, on her selection to represent South Dakota in the Miss America Pageant in Atlantic City, NJ.

Vanessa Short Bull's extraordinary dedication to educational excellence, efforts to increase political awareness, prodigious ballet talent, and years of dedicated practice helped her win the title of Miss South Dakota. Vanessa will now be traveling to Atlantic City to compete against other highly talented women from across our nation for the title of Miss America 2002.

Vanessa obtains the honor of being the first American Indian to be crowned Miss South Dakota. She was born on the Pine Ridge Indian Reservation, and currently resides in Rapid City. She is an enrolled member of the Oglala Sioux Tribe, and a direct descendent of several great Lakota leaders. Thomas and Darlene Short Bull are Vanessa's proud parents, and they deserve special recognition for their roles in helping Vanessa obtain this prestigious honor.

"Political Awareness and Participation" is the center of Vanessa's platform. She believes it is important for Americans, especially young people and minorities, to become more involved in the democratic process. She has been actively helping her cause by registering voters and encouraging them to get out and vote. Vanessa will perform the classical ballet piece "The Dying Swan" for the talent portion of the competition. She has danced for more than 15 years and has studied at the School of Cleveland Ballet, Ballet West Conservatory, and the University of Utah.

The Miss America Organization has maintained a tradition of empowering American women to achieve their personal and professional goals, while providing a forum for them to express their opinions, talents, and intelligence. Vanessa exemplifies this tradition, and provides an excellent example for other gifted young women to emulate. All of South Dakota is proud to have her represent our great state.

Vanessa Short Bull is an extraordinary woman who richly deserves this distinguished recognition. I strongly commend her years of hard work and dedication, and I am very pleased that her substantial efforts are being publicly honored and celebrated. I wish her the best at the Miss America competition, and it is with great honor that I share her impressive accomplishments with my colleagues.•

CHARACTER COUNTS AND ALBUQUERQUE'S SEPTEMBER 11 COMMEMORATION

• Mr. DOMENICI. Mr. President, I rise today to highlight the contributions of a community, dedicated to the spirit of the Character Counts education movement, in its commemoration of the first anniversary of the September 11 terrorist attacks on our Nation.

The Nation as a whole this week took time to honor the victims, salute our military men and women fighting the war on terrorism, and reaffirm our faith and belief in our great Nation. New Mexico communities joined in this effort, not least among them our largest city, Albuquerque.

I rise today to highlight Albuquerque's tribute because it fused the nearly decade-long effort to build character education into the day-to-day life of the city with the community's desire to commemorate September 11.

This week, some 4,200 Albuquerque school children simultaneously released helium-filled balloons as part of a "Character Counts Soaring Spirits Salute" to commemorate September 11. This balloon launch gave the students a chance to honor the people who lost their lives in last year's terrorist attacks.

But the Character Counts rally had a second purpose. We designed this balloon launch to lead into the celebration of National Character Week. Supporters of the Character Counts initiative hope this will become a yearly observance built around September 11, and the purpose of the week is to celebrate the acts of kindness and courage we see in our communities every single day.

The Character Counts Soaring Spirits Salute involved some outstanding New Mexico community leaders and business owners who worked together to make this event happen, and serve as evidence of a community working together to improve itself by promoting the tenets of good character. I am proud to say these are people who routinely rally behind our youth.

I believe some deserve to be singled out, including: the New Mexico State Fair; Excel Staffing Companies; MCI; Albuquerque Public Schools, (APS); KISS-FM; Public Service Company of New Mexico; Valley Distributing; Greg Cook Productions; Dave Garduño of Garduño's Restaurants; as well as the men and women of the 58th Special Operations Wing and the New Mexico National Guard of Kirtland Air Force Base in Albuquerque.

A measure of gratitude is also owed to a number of individuals, including: Gabe Garcia and Chris Montaño of Duranes Elementary School; Judi Preston of Video Wizard; Eric Hampleman of Simmons Media; Steve Stucker of KOB-TV; Bill Wood of KRQE-TV; Bruce Bortner and Ed O'Leary of the Albuquerque Character Counts Leadership Council; Carole Smith of APS; Terry Eisenbart of Southwest Airlines, who sponsored State Fair festivities for the day.

I am very fortunate to represent a community like Albuquerque where I know we can always count on daily acts of Respect, Responsibility, Trustworthiness, Citizenship, Fairness and Caring. Those are the pillars of Character Counts, and it's why today I congratulate and I deeply thank my neighbors in New Mexico for their daily acts of kindness, courage, and character as we mark our progress as a nation and a united community a year after the terrible attacks on our Nation.•

TRIBUTE TO JOHNNY UNITAS

• Ms. MIKULSKI. Mr. President, it is with sadness that I rise today to pay tribute to a man who passed away too soon, the Man with the Golden Arm, the great Baltimore Colt, Hall of Famer Johnny Unitas. He was known to many as the greatest quarterback to ever play in the National Football League. Yet to those of us in Baltimore and Maryland, he was our own Johnny U. He was the man who put professional football on the national map, who embodied the strong spirit of our city and State.

Johnny Unitas was born in Pittsburgh, but he spent most of his life in Baltimore. He was as much a part of the fabric of the city as crab cakes and Cal Ripken.

After high school, he wanted to play football in college at the University of Notre Dame. Yet the coaches there told him he was too small to play football. Johnny wound up playing at the University of Louisville, and was drafted in 1955 by his hometown Pittsburgh Steelers. The Steelers promptly cut him from the team before the 1955 season started, telling him that he wasn't smart enough to be a quarterback.

Pittsburgh's loss was Baltimore's gain. The Baltimore Colts signed him in 1956, and the rest is history. In 1958, he led the Colts to an improbable victory in the NFL Championship Game against the New York Giants, a game that is now referred to as "The Greatest Ever Played." Unitas engineered the famous 80-yard game-tying drive with less than 2 minutes to play in regulation, then led the Colts to victory in overtime. This was the first overtime game ever played in the NFL. The legend of Johnny Unitas was soon born.

His trademark crew-cut and black high-top cleats were copied by boys all over Baltimore, Maryland, and the entire country. Every kid wanted to be number 19.

His toughness was legendary. Many times he played with broken bones, through unbearable pain. The words he said to his teammates before every game embodied his spirit: "Talk is cheap, let's go play."

His accomplishments are too numerous to mention, but among them are these: 3-time Player of the Year; 3-time NFL Champion; first quarterback to pass for over 40,000 yards; a touchdown pass in 47 consecutive games, a feat which is compared to Joe DiMaggio's 56-game hitting streak; 10 Pro Bowl selections; Player of the Decade for the 1960's; Greatest Player in the First 50 Years of the NFL; NFL 75th Anniversary Team; and Hall of Fame Inductee, 1979. When he retired in 1973, Johnny Unitas held 22 NFL records.

It is not just his accomplishments on the field that endeared him to the fans in Baltimore. He was an unassuming superstar, a reluctant hero, a regular guy who happened to be a tremendous athlete. He understood that a smile or a handshake or an autograph could make a fan's day.

He was generous with charities, too, even as he fell upon difficult financial times. He established the Johnny Unitas Golden Arm Educational Foundation, and supported various organizations dedicated to children's causes, cancer research, and victims of sexual assault and domestic violence.

Johnny Unitas was the underdog who became the greatest quarterback in the history of the National Football League. Yet beyond that, he was a fine person who will be sorely missed, not only in Baltimore and Maryland, but across the country. My thoughts and prayers are with his family, his friends, and his many, many fans.•

EXPULSION OF THE ACADIANS

• Mr. BREAUX. Mr. President, I rise today to address the injustices the British Crown inflicted upon the Acadian people over 200 years ago. Due to their refusal to take an oath of loyalty to the King of Great Britain that would require them to bear arms against their French ancestors, the British governor exiled them from their homes and confiscated their property in Eastern Canada beginning in 1755.

This action caused great suffering among the Acadian people as they struggled to find a new home. Forced from their homes, many left for the American colonies. Ultimately, a small group of Acadians found their way to the Spanish colony of Louisiana in 1764. In the next twenty-five years, over 2,600 made the journey to Louisiana.

These refugees ultimately settled in Louisiana and created the Cajun culture which has so richly influenced Louisiana since that time. While Louisiana culture benefited greatly from the Acadian expulsion, the suffering of the Acadian people must never be forgotten.

Great Britain is one of our closest allies. We have a long history of cooperation and friendship. It is for this very reason I believe and hope the British government would acknowledge this tragic incident and the difficulties it caused for thousands of my Cajun ancestors.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTICE STATING THAT THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE TERRORIST ATTACKS ON THE UNITED STATES OF SEPTEMBER 11, 2001 IS TO CONTINUE IN EFFECT BEYOND SEPTEMBER 14, 2002—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for 1 year. Proclamation 7463, Declaration of National Emergency by Reason of Certain Terrorist Attacks, was published in the *Federal Register* on September 18, 2001 (66 Fed. Reg. 48199).

The terrorist threat that led to the declaration on September 4, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2002, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 12, 2002.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, on September 11, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 3287. An act to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center".

H.R. 3917. An act to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes.

H.R. 5207. An act to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building".

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2924. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8910. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2001; to the Committee on Foreign Relations.

EC–8911. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8912. A communication from the Secretary of Transportation, transmitting, pursuant to law, a Report to Congress: U.S. Department of Transportation Research and Development, Competitive Merit Review Selection and Performance Measurement Evaluation; to the Committee on Environment and Public Works.

EC–8913. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of a nomination confirmed for the position of Commissioner, received on September 9, 2002; to the Committee on Governmental Affairs.

EC–8914. A communication from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Inmate Central Records System" received on August 15, 2002; to the Committee on the Judiciary.

EC–8915. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Report on the Administration of the Foreign Agents Registration Act for the period July 1, 2002 through December 31, 2001; to the Committee on Foreign Relations.

EC–8916. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Acceleration of Periodic Report Filing Dates and Disclosure Concerning Website Access to Reports" (RIN3235–AI33) received on September 9, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8917. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Budget Request for the Office of the Inspector General for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8918. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Budget Request for Fiscal Year 2004 ; to the Committee on Health, Education, Labor, and Pensions.

EC–8919. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Addition of Tannat as a Grape Variety Name for American Wines" (RIN1512–AC50) received on September 9, 2002; to the Committee on Finance.

EC–8920. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting, pursuant to law , the report of a rule entitled "T.D. ATF–482, Expansion of the Lodi Viticultural Area" (RIN1512–AC92) received on September 9, 2002; to the Committee on Finance.

EC–8921. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2002–61) received on September 9, 2002; to the Committee on Finance.

EC–8922. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Fluid Milk Promotion Order; Final Rule" (Doc. No. DA–02–02) received on August 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8923. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Order Amending Marketing Agreement and Order No. 930" (Doc. No. AO–370–A7) received on August 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8924. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit" (Doc. No. FV02–905–2 IFR) received on August 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8925. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Hass Avocado Promotion, Research and Information Order" (Doc. No. FV–01–705–FR) received on August 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8926. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Registration Enforcement" (RIN2126–AA78) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8927. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Diamond Aircraft Industries GmbH Models H–36, HK 36R, HK 36 TC, HK 36 TS, HK 36 TTC, HK 36 TTC–ECO, HK 36 TTC–ECO and HK 36 TTS Sailplanes" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8928. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: de Havilland Inc. Models DHC 2, MK 1, DHC 2 MK II, and DHC 2 MK III Airplanes" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8929. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Model 650 Airplanes" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8930. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 and 11F Airplanes" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8931. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Airplanes" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8932. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 and 11 F Airplanes" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8933. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070, 0100, 2000, 3000, and 4000 Series Airplanes" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8934. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Makila 1 A, 1 A1, and 1 A2 Turboshaft Engines" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8935. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Model HH 1K, TH 1F, UH 1A, UH 1B, UH 1E, UH 1F, UH 1H, UH 1L, and UH 1P; and SW Florida Aviation SW204, SW205, SW205A 1 Helicopters Manufactured by Bell Helicopter Textron, Inc. for the Armed Forces of the United States" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8936. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model DC120B, EC 155B, SA330F, SA330G, SA330J, AS332C, AS332L, AS332L1, AS332L2, AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS365N2, AS365N3, SA–365N and SA365N1 Helicopter" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8937. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–8–21, 31, 32, 33, 41, 42, and 43 Airplanes; and Model DC 8 50, 60, and 70 Series Airplanes; Modified per Supplemental Type Certificates SA 1063S0, SA 1862S0, or SA1832S0" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8938. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Stillwater Municipal Airport, Stillwater, OK" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8939. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Springhill, LA" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8940. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. Turboshaft Engines" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8941. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopter" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8942. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, Inc. Model 204B, 205A, A–1, and B Helicopters" (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8943. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Aberdeen Field Airport, Smithfield, VA" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8944. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Scott Field Airport, Mangum, OK" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8945. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Annapolis, MD" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8946. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Norton, KS" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8947. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Bloomington, IN; Correction" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8948. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cold Bay, AK" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8949. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cordova, AK" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8950. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Nuiqsut, AK" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8951. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Buckland, AK" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8952. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class D and Class E Airspace; Medford, OR" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8953. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Coppertown, MT" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8954. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kodiak, AK" (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8955. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Oilrig Construction Project Portland Harbor, Portland, ME" ((RIN2115–AA97)(2002–0184)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8956. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; East River, Manhattan, NY" ((RIN2115–AA97)(2002–0183)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8957. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Requirements for Notification of Arrival in U.S. Ports" (RIN2115–AG47) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8958. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Diego Bay, CA" ((RIN2115–AA97)(2002–0179)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8959. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; St. Mary's River, St. Mary's City, MD" ((RIN2115–AE46)(2002–0030)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8960. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; High Interest Vessel Transits, Narragansett Bay, Providence, RI" ((RIN2115–AA97)(2002–0180)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8961. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ventura Offshore Gran Prix, Ventura, California" ((RIN2115–AA97)(2002–0181)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8962. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; East River, Manhattan, NY" ((RIN2115–AA97)(2002–0182)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8963. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Portsmouth Harbor, Portsmouth, NH" ((RIN2115–AA97)(2002–0185)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8964. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Training and Qualifications for Personnel on Passenger Ships" (RIN2115–AF83) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8965. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY" ((RIN2115–AE47)(2002–0080)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8966. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (2 regulations)" ((RIN2115–AE47)(2002–0081)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8967. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Amendment to Caruthersville, MO Class E Airspace Area" ((RIN2120–AA66)(2002–0141)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8968. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes; and Model A310 Series Airplanes" ((RIN2120–AA64)(2002–0393)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8969. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes" ((RIN2120–AA64)(2002–0389)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8970. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes" ((RIN2120–AA64)(2002–0388)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8971. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 and 300 Series Airplanes" ((RIN2120–AA64)(2002–0394)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8972. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Request for Comments; Barry Aviation, LLC Model PZL-Krosno KR–03A "Peregrine" (Puchatek) Sailplanes" ((RIN2120–AA64)(2002–0396)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8973. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–600–2B19 Series Airplanes" ((RIN2120–AA64)(2002–0384)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8974. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Action Establishment of Class D and Class E4 Airspace; St. Augustine, FL" ((RIN2120–AA66)(2002–0140)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8975. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Amendment to Gordon, NE Class E Airspace Area" ((RIN2120–AA66)(2002–0139)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8976. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes" ((RIN2120–AA64)(2002–0391)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8977. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 and 328–300 Series Airplanes" ((RIN2120–AA64)(2002–0390)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8978. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Modification of the Memphis International Airport Class B Airspace Area" ((RIN2120–AA66)(2002–0142)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8979. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes" ((RIN2120–AA64)(2002–0392)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8980. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes" ((RIN2120–AA64)(2002–0385)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8981. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model DHC–8–100, 200, and 300 Series Airplanes" ((RIN2120–AA64)(2002–0386)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8982. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca SA Arriel Models 2 SI, 2B, and 2C Turboshaft Engines" ((RIN2120–AA64)(2002–0387)) received on September 9, 2002; to the

Committee on Commerce, Science, and Transportation.

EC–8983. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments Amendment No. 437" ((RIN2120–AA63)(2002–0008)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8984. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320 and A321 Series Airplanes" ((RIN2120–AA64)(2002–0397)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8985. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 27 Amendment No. 3019" ((RIN2120–AA65)(2002–0045)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8986. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 53 Amendment No. 3020" ((RIN2120–AA65)(2002–0046)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8987. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes" ((RIN2120–AA64)(2002–0399)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8988. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, a Division of Textron Canada, Model 407 Helicopters" ((RIN2120–AA64)(2002–0398)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8989. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 23 Amendment No. 3016" ((RIN2120–AA65)(2002–0048)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8990. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 27 Amendment No. 3015" ((RIN2120–AA65)(2002–0047)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8991. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller Inc. HC–A3V, HC–B3M, HC–B3T, HC–B4M, HC–B4T, and HC–B5M Series Propellers; Correction" ((RIN2120–AA64)(2002–0400)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8992. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Airplanes" ((RIN2120–AA64)(2002–0401)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8993. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 37 Amendment No. 3017" ((RIN2120–AA65)(2002–0049)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8994. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 14 Amendment No. 3018" (RIN2120–AA65)(2002–0050)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8995. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Action Amend Class E Airspace: Seneca Falls, NY" ((RIN2120–AA66)(2002–0143)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8996. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amend Class E Airspace; Mount Pocono, PA" ((RIN2120–AA66)(2002–0144)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8997. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Diamond Aircraft Industries GmbH Models HK 36R "Super Dimona", HK 36TC, HK 36TS, HK 36 TTC, HK 36 TTC–ECO, HK 36 TTC–ECO (Restricted Category), and HK 36 TTS Sailplanes" ((RIN2120–AA64)(2002–0402)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8998. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Ballonbau Worner GmbH Model K–630/1Stu Manned Free Gas Balloons" ((RIN2120–AA64)(2002–0403)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8999. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes" ((RIN2120–AA64)(2002–0404)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9000. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model BAe.125 Series 100A Airplanes and Model Hawker 1000 Airplanes" ((RIN2120–AA64)(2002–0405)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9001. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT8D Turbofan Engines" ((RIN2120–AA64)(2002–0407)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9002. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 45 Airplanes" ((RIN2120–AA64)(2002–0406)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9003. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment Class D Airspace; White Plains NY" ((RIN2120–AA66)(2002–0146)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9004. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace Gordonsville, VA" ((RIN2120–AA66)(2002–0145)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9005. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Poplarville, MS" ((RIN2120–AA66)(2002–0148)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9006. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace Cordova, AK" ((RIN2120–AA66)(2002–0147)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1069: A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes. (Rept. No. 107–276).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2482: A bill to direct the Secretary of the Interior to grant to Deschutes and Crook

Counties in the State of Oregon a right-of-way to West Butte Road. (Rept. No. 107–277).

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2712: A bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries. (Rept. No. 107–278).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

H.R. 809: A bill to make technical corrections to various antitrust laws and to references to such laws.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON:

S. 2925. A bill to provide that certain ceiling fans enter duty-free and without any quantitative limitations if the competitive need limitation had been waived with respect to the fans; to the Committee on Finance.

By Mr. SANTORUM:

S. 2926. A bill to name the Department of Veterans Affairs outpatient clinic in Horhsam, Pennsylvania, as the "Victor J. Saracini Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2927. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER):

S. 2928. A bill to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2929. A bill to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office"; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 2930. A bill to amend the Secure Rural Schools and Community Self-Determination Act of 2000 to clarify the treatment of title III project funds reserved by countries under such Act for purposes of disbursements under chapter 69 of title 31, United States Code; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2931. A bill to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Dayle 'Chick' Hearn Post Office"; to the Committee on Governmental Affairs.

By Mr. GREGG (for himself, Mr. ENZI, Ms. COLLINS, and Mr. COCHRAN):

S. 2932. A bill to make technical amendments to the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself, Mr. HATCH, Mr. BAUCUS, Ms. COLLINS, Mrs. CARNAHAN, Mr. SMITH of Oregon, Mrs. LINCOLN, Mr. BOND, Mr. TORRICELLI, Mr. NELSON of Nebraska, and Ms. STABENOW):

S. 2933. A bill to promote elder justice, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SESSIONS (for himself, Mr. REID, Mr. CRAPO, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HAGEL, Mrs. LINCOLN, Mr. GRASSLEY, Mr. DORGAN, Mr. SHELBY, Mrs. FEINSTEIN, Mr. HELMS, Ms. CANTWELL, Mr. DEWINE, Mr. MILLER, Mr. INHOFE, Mr. INOUYE, Mr. BROWNBACK, Mr. CORZINE, Mr. CRAIG, Mr. JOHNSON, Mr. ROBERTS, Mr. EDWARDS, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. CAMPBELL, Mr. KERRY, Mr. FITZGERALD, Mr. LIEBERMAN, Mr. ENSIGN, Mr. KENNEDY, Ms. SNOWE, Mr. SARBANES, Mr. HATCH, Mr. BREAUX, Mr. THURMOND, and Mrs. CARNAHAN):

S. Res. 325. Resolution designating the month of September 2002 as "National Prostate Cancer Awareness Month"; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Ms. COLLINS, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FITZGERALD, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, Mr. WYDEN, and Mrs. CLINTON):

S. Res. 326. A resolution designating October 18, 2002, as "National Mammography Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1967

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2047

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2047, a bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax.

S. 2188

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2188, a bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act.

S. 2250

At the request of Mr. CORZINE, the names of the Senator from California (Mrs. BOXER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2250, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 2328

At the request of Mr. HARKIN, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from

New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Tennessee (Mr. FRIST), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), the Senator from Georgia (Mr. CLELAND), the Senator from Montana (Mr. BAUCUS), the Senator from Florida (Mr. GRAHAM), the Senator from Washington (Ms. CANTWELL), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2328, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2508

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2508, a bill to preserve the effectiveness of medically important antibiotics by restricting their use as additives to animal feed.

S. 2513

At the request of Mr. TORRICELLI, his name was added as a cosponsor of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2560

At the request of Mr. ALLARD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2560, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S. 2691

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2691, a bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes.

S. 2700

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2700, a bill to amend titles II and XVI of the Social Security Act to limit the amount of attorney assessments for representation of claimants and to extend the attorney fee payment system to claims under title XVI of that Act.

S. 2727

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2727, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 2742

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2742, a bill to establish new nonimmigrant classes for border commuter students.

S. 2763

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 2763, a bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes.

S. 2816

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2892

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2892, a bill to provide economic security for America's workers.

S. 2911

At the request of Mr. HUTCHINSON, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Virginia (Mr. ALLEN), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2911, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the modifications to education individual retirement accounts.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. RES. 305

At the request of Mr. THURMOND, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 305, A resolution designating the week beginning September 15, 2002, as "National Historically Black Colleges and Universities Week".

S. RES. 305

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Res. 305, supra.

S. CON. RES. 129

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 129, A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as "Chronic Obstructive Pulmonary Disease Awareness Month".

S. CON. RES. 134

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 134, A concurrent resolution expressing the sense of Congress to designate the fourth Sunday of each September as "National Good Neighbor Day".

AMENDMENT NO. 4480

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 4480 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4510

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 4510 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER):

S. 2928. A bill to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, Members of the Senate, I rise on behalf of myself and Senators LEAHY, CLINTON, and SCHUMER to introduce the Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002.

This legislation will bring the Lake Champlain Basin Program into the 21st century.

In 1990, along with Senators LEAHY, MOYNIHAN, and D'AMATO, I introduced the Lake Champlain Special Designation Act which designated Lake Champlain as a resource of national significance.

The program began as a management conference with a charter of developing a comprehensive pollution prevention, control, and restoration plan for Lake Champlain.

The management conference began work immediately after passage of the Lake Champlain Special Designation Act of 1990 and developed the Plan entitled, "Opportunities for Action."

The conference evolved into today's Lake Champlain Basin Program which works cooperatively with partners throughout the region to protect and enhance the environmental integrity and the social and economic benefits of the Lake Champlain Basin.

A key element of the success of this program is the active participation of the local partners.

State and local governments, nonprofit entities, and the regional representatives of the Federal agencies involved in the Basin Program are the best fuel behind this program's success.

It is their efforts that have made this program an international model for lake restoration programs.

The program completed its first 5-year update of "Opportunities for Action" in January 2002.

Our legislation authorizes the implementation of this plan through a partnership between the Basin Program and the Federal Government.

Before I get into the specifics of the legislation, let me take a minute to describe the Lake Champlain Basin to you.

For those of you who have not visited either the Vermont or the New York side, I recommend that you take the time to see this magnificent spot which is the sixth largest freshwater lake in the world, after only the Great Lakes.

Lake Champlain flows north along the borders of Vermont, New York, and Canada.

It is 120 miles long and just 12 miles wide at its widest point.

Lake Champlain is home to a diverse array of 81 species of fish, 318 species of birds, 56 species of mammals, 21 species of amphibians and 20 reptile species.

The floor of Lake Champlain boasts some of the best-preserved submerged cultural heritage resources in North America.

Shipwrecks in the lake reflect virtually every era of human activity in the Basin.

The Lake Champlain Basin stretches from the Adirondacks to the Green Mountains and north into Quebec.

It is an area about the size of Massachusetts with 56 percent of the Basin in Vermont, 37 percent in New York, and 7 percent in Canada.

The Basin not only offers natural beauty, but also plays a key role in the life of Vermonters, New Yorkers, and Canadians.

It is a recreation mecca in the region with over 7,500 motorboats, more than 3,000 sailboats, and thousands of swimmers, windsurfers, kayakers, canoers, and scuba divers visiting Lake Champlain on a typical summer day.

Recreation generated $3.8 billion in the Basin in 2000. The population in the Basin has been steadily growing over the last 40 years.

Today, approximately one-third of the Basin's over 600,000 residents use the lake as a source of drinking water. It is also a key source of water for agriculture and industry. All of this human activity has taken a toll on Lake Champlain.

Although it remains a generally healthy lake today, it is plagued by excess phosphorous loadings, toxics such as mercury, and invasions of nonnative species such as the zebra mussel and sea lamprey.

We must take action to prevent future degradation.

The Lake Champlain Basin Program issued a revised Plan in January 2002, also entitled "Opportunities for Action," that provides a path to protect the health of the lake well into the future.

The bill we introduce today, the Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002, authorizes the Federal side of the partnerships required to implement Opportunities for Action.

This legislation authorizes $5 million per year for 5 years for the Environmental Protection Agency to make grants to implement Opportunities for Action.

These funds will be coupled with a 25-percent local match as well as with $6 million per year for 5 years from the Department of the Interior, the Department of Commerce, and the Department of Agriculture.

This bill also revises an authorization that Congress passed in the Water Resources Development Act of 2000 for the Army Corps of Engineers to provide design and construction assistance of up to $20 million for implementation of Opportunities for Action to make it more usable for "Vermont-style" projects.

These funds will be used to protect and enhance the environmental integrity and social and economic benefits of the Lake Champlain basin and to achieve the environmental goals described in the plan, including: the reduction of phosphorous inputs; the reduction of toxic contamination; the control of the introduction, spread, and impacts of nonnative nuisance substances and species; the minimization of risks to humans from water-related health hazards, and the protection of natural, recreation, and cultural heritage resources.

I look forward to working with my colleagues in Washington, in New York, and, most of all, in Vermont to pass this legislation and to implement this program that is so critical to the long-term health of Lake Champlain.

Mrs. CLINTON. Mr. President, I join my colleague from Vermont in supporting this bill that he is introducing today, the Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002.

I thank Chairman JEFFORDS, with whom I have the honor and pleasure of serving on the Senate Environment and Public Works Committee, for working on this legislation, for being devoted to Lake Champlain, and for giving my distinguished predecessor, Senator Moynihan, the honor of naming it after him.

Senator Moynihan was in my office on Tuesday. I told him of Senator JEFFORD's plans, and he was surprised and delighted. But he certainly deserves this great honor because, along with Senator JEFFORDS, he has been a champion of this natural and cultural resource that our States share: the Lake Champlain Basin and Champlain Valley.

We are joining with our colleagues—Senator LEAHY and Senator SCHUMER—in introducing this legislation because we know how significant this lake is. It is the sixth largest natural freshwater lake in the United States. Some of us consider it a "Great Lake." It is home to an array of fish, birds, and other wildlife.

It also has significant historic, social, and economic consequences for our entire country. What we aim to do with this legislation is to give the Champlain Valley Basin the kind of support it needs to continue its recovery.

This is an area that Senator JEFFORDS and Senator Moynihan paid particular attention to. They have worked very closely together over the last many years. And it builds on legislation that Senator Moynihan played a key role in during the 101st Congress, as well as a plan that came out of the 1990 legislation entitled "Opportunities for Action" that enabled the Lake Champlain Steering Committee to create the new guiding document on which our legislation, in great measure, draws.

This will provide new and important resources for counties in Vermont and also counties in New York, including Clinton, Essex, Franklin, Hamilton, Warren, and Washington Counties.

This is very important environmental legislation, but it is equally important economic, social, and historic legislation. That is why I am very proud to sponsor this legislation with my chairman, Senator JEFFORDS, and to join him in naming this legislation after our illustrious and esteemed colleague, Senator Patrick Moynihan.

There is no more fitting tribute to Senator Moynihan than to give him the recognition that he is due for the leadership role he played in bringing to national attention places of great national importance, such as Lake Champlain.

I thank Senator JEFFORDS.

Mr. LEAHY. Mr. President, my colleague, Senator JEFFORDS, introduced legislation, the Lake Champlain Basin Program Act of 2002, in honor of former Senator Daniel Patrick Moynihan. With the forbearance of the distinguished Senator from Connecticut and the distinguished Senator from Tennessee, I will only speak for a couple minutes.

I, obviously, strongly support what Senator JEFFORDS has done and appreciate his work and the work of the members of his staff.

In Vermont, we are extremely pleased with the success of the Lake Champlain program to date. With the additional resources in this bill, we are confident that the problems that Lake Champlain encounters—the problems of pollution and of other matters—can be addressed.

Lake Champlain is a magnificent lake standing between Vermont and New York. It is a lake that is enjoyed by people who fish, sail, who are involved in economic activities, and, of course, it has tremendous economic and historical value to this Nation, from the time of the Revolutionary War on.

The basin program shows what happens when two States, Vermont and New York, and one province, the Province of Quebec, get together and work on a common watershed and link their people, their governments—local, State, and Federal—together in almost unprecedented cooperation to save this great big beautiful lake. It has been a model for watersheds throughout the Nation.

I am pleased to join in introducing this legislation. I believe it will ensure that our children and our grandchildren will enjoy this lake in the same way Senator JEFFORDS and I did when we were children.

I am very pleased to join with my colleagues from Vermont and New York as we introduce the Lake Champlain Basin Program Act of 2002 in honor of former Senator Daniel Patrick Moynihan.

I was with Senator MOYNIHAN in 1990 that we were able to enact the first comprehensive piece of legislation to make Federal resources available to help our states address the challenges facing Lake Champlain.

I want to thank Senator JEFFORDS and his staff for all the work they have put into this effort. I know that many hours have gone into the research, discussion and editing to get where we are today.

I also want to thank Senators CLINTON and SCHUMER who are our valuable New York partners in all things related to Lake Champlain.

Our initial 1990 Lake Champlain legislation was very successful. It brought together various agencies, interest groups and government entities to develop a comprehensive pollution prevention and restoration management plan for the Lake.

Through long hours and a cooperative effort, the Vermonters and New Yorkers involved came up with a good plan which was signed by Governors Dean and Pataki in 1996.

While we have several priority action items ranging across a wide spectrum of Lake related issues, the Big three remain phosphorus reduction, toxic contaminant prevention and clean-up and management of aquatic nuisance species.

Our legislative proposal today rightfully moves from an emphasis on research and planning to one of clean-up implementation and, quite importantly, monitoring the progress of that clean-up.

We are very pleased with the success of the Lake Champlain Basin Program to date, and with the additional resources envisioned in this bill, we are confident that the problems Lake Champlain is encountering can be addressed successfully.

The Basin Program stands as a fine example of how two States and one province can work together as a common watershed linking its citizens and their governments at all levels—local, State and Federal.

Indeed, the Lake Champlain model has been held up many times in recent years as an example for other watersheds around the world.

We are happy to share our successes, and even our failures, with conservation initiatives internationally.

I am excited about the prospects of this legislation and I hope the full Senate will give Vermont and New York its ringing endorsement once it has received committee review.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002".

SEC. 2. LAKE CHAMPLAIN BASIN PROGRAM.

Title I of the Federal Water Pollution Control Act is amended by striking section 120 (33 U.S.C. 1270) and inserting the following:

"SEC. 120. LAKE CHAMPLAIN BASIN PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COMMITTEE.—The term 'Committee' means the steering committee of the program comprised of representatives of Federal, State, and local governments and other persons, as specified in the Plan.

"(2) LAKE CHAMPLAIN BASIN.—

"(A) IN GENERAL.—The term 'Lake Champlain basin' means all water and land resources in the United States in the drainage basin of Lake Champlain.

"(B) INCLUSIONS.—The term 'Lake Champlain basin' includes—

"(i) Clinton, Essex, Franklin, Hamilton, Warren, and Washington counties in the State of New York; and

"(ii) Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington counties in the State of Vermont.

"(3) PLAN.—The term 'Plan' means the plan entitled 'Opportunities for Action: An Evolving Plan for the Future of the Lake Champlain Basin', approved by Lake Champlain Steering Committee on January 30, 2002, that describes the actions necessary to protect and enhance the environmental integrity and the social and economic benefits of the Lake Champlain basin.

"(4) PROGRAM.—The term 'program' means the Lake Champlain Basin Program established by subsection (b)(1).

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program to be known as the 'Lake Champlain Basin Program'.

"(2) PURPOSES.—The purposes of the program are—

"(A) to protect and enhance the environmental integrity and social and economic benefits of the Lake Champlain basin; and

"(B) to achieve the environmental goals described in the Plan, including—

"(i) the reduction of phosphorous inputs to Lake Champlain from point sources and nonpoint sources so as to—

"(I) promote a healthy and diverse ecosystem; and

"(II) provide for sustainable human use and enjoyment of Lake Champlain;

"(ii) the reduction of toxic contamination, such as contamination by mercury and polychlorinated biphenyls, to protect public health and the ecosystem of the Lake Champlain basin;

"(iii) the control of the introduction, spread, and impacts of nonnative nuisance species to preserve the integrity of the ecosystem of the Lake Champlain basin;

"(iv) the minimization of risks to humans from water-related health hazards in the Lake Champlain basin, including through the protection of sources of drinking water in the Lake Champlain basin;

"(v) the restoration and maintenance of a healthy and diverse community of fish and wildlife in the Lake Champlain basin;

"(vi) the protection and restoration of wetland, streams, and riparian habitat in the Lake Champlain basin, including functions and values provided by those areas;

"(vii) the management of Lake Champlain, including shorelines and tributaries of Lake Champlain, to achieve—

"(I) the protection of natural and cultural resources of Lake Champlain; and

"(II) the maintenance of recreational uses of Lake Champlain;

"(viii) the protection of recreation and cultural heritage resources of the Lake Champlain basin;

"(ix) the continuance of the Lake Champlain long-term water quality and biological monitoring program; and

"(x) the promotion of healthy and diverse economic activity and sustainable development principles in the Lake Champlain basin.

"(c) Implementation.—The Committee, in consultation with appropriate heads of Federal agencies, shall implement the program.

"(d) Revision of Plan.—At least once every 5 years, the Committee shall review and, as necessary, revise the Plan.

"(e) Grants.—

"(1) In general.—Subject to paragraph (2), the Administrator may, in consultation with the Committee, make grants, for the purpose of implementing the management strategies contained in the Plan, to—

"(A) State, interstate, and regional water pollution control agencies; and

"(B) public or nonprofit agencies, institutions, and organizations.

"(2) Cost sharing.—The Federal share of the cost of any activity carried out using funds from a grant provided under this subsection shall not exceed 75 percent.

"(3) Additional requirements.—The Administrator may establish such additional requirements for the administration of grants provided under this subsection as the Administrator determines to be appropriate.

"(f) Coordination of Federal Programs.—

"(1) Agriculture.—The Secretary of Agriculture shall support the implementation of the program by providing financial and technical assistance relating to best management practices for controlling nonpoint source pollution, particularly with respect to preventing pollution from agricultural activities.

"(2) Interior.—

"(A) Geological survey.—The Secretary of the Interior, acting through the United States Geological Survey, shall support the implementation of the program by providing financial, scientific, and technical assistance and applicable watershed research, such as—

"(i) stream flow monitoring;

"(ii) water quality monitoring;

"(iii) evaluation of effectiveness of best management practices;

"(iv) research on the transport and final destination of toxic chemicals in the environment; and

"(v) development of an integrated geographic information system of the Lake Champlain basin.

"(B) Fish and wildlife.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in cooperation with the Committee, shall support the implementation of the program by—

"(i) supporting the protection and restoration of wetland, streams, aquatic, and riparian habitat;

"(ii) supporting restoration of interjurisdictional fisheries and declining aquatic species in the Lake Champlain watershed through—

"(I) propagation of fish in hatcheries; and

"(II) continued advancement in fish culture and aquatic species management technology;

"(iii) supporting the control and management of aquatic nuisance species that have adverse effects on—

"(I) fisheries; or

"(II) the form, function, or structure of the ecosystem of the Lake Champlain basin;

"(iv) providing financial and technical assistance in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to private landowners seeking to improve fish and wildlife habitat, a goal of which is—

"(I) restoration of full function to degraded habitat;

"(II) enhancement of specific habitat functions; or

"(III) establishment of valuable fish and wildlife habitat that did not previously exist on a particular parcel of real property; and

"(v) taking other appropriate action to assist in implementation of the Plan.

"(C) National parks.—The Secretary of the Interior, acting through the Director of the National Park Service, shall support the implementation of the program by providing, through the use of funds in the National Recreation and Preservation Appropriation account of the National Park Service, financial and technical assistance for programs concerning cultural heritage, natural resources, recreational resources, or other programs consistent with the mission of the National Park Service that are associated with the Lake Champlain basin, as identified in the Plan.

"(3) Commerce.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall support the implementation of the program by providing financial and technical assistance, through the national sea grant program of the Department of Commerce, for—

"(A) research;

"(B) management of fisheries and other aquatic resources;

"(C) related watershed programs; and

"(D) other appropriate action to assist in implementation of the Plan.

"(g) No Effect on Other Authority.—Nothing in this section affects the authority of—

"(1) any Federal or State agency; or

"(2) any international entity relating to Lake Champlain established by an international agreement to which the United States is a party.

"(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section **$11,000,000** for each of fiscal years 2003 through 2007, of which—

"(1) **$5,000,000** shall be made available to the Administrator;

"(2) **$3,000,000** shall be made available to the Secretary of the Interior;

"(3) **$1,000,000** shall be made available to the Secretary of Commerce; and

"(4) **$2,000,000** shall be made available to the Secretary of Agriculture.".

SEC. 3. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (a)—

(A) by striking "(a)" and all that follows through "(A) the land areas" and inserting the following:

"(a) Definition of Lake Champlain Watershed.—In this section, the term 'Lake Champlain watershed' means—

"(1) the land areas";

(B) by striking "(B)(i) the" and inserting the following:

"(2)(A) the";

(C) by striking "(ii) the" and inserting the following:

"(B) the";

(D) in paragraph (2)(A) (as redesignated by subparagraph (B)), by inserting "Hamilton," after "Franklin,"; and

(E) in paragraph (2)(B) (as redesignated by subparagraph (C)), by striking "clause (i)" and inserting "subparagraph (A)";

(2) in subsections (b) through (e), by striking "critical restoration" each place it appears and inserting "ecosystem restoration";

(3) in subsection (b)—

(A) in the subsection heading, by striking "Critical Restoration Projects" and inserting "Ecosystem Restoration Program";

(B) in paragraph (1), by striking "participate in" and inserting "provide design and construction assistance to non-Federal interests for"; and

(C) in paragraph (2), by striking "A" and inserting "An";

(4) in subsection (c)—

(A) by striking "assistance for a" and inserting "design and construction assistance for an"; and

(B) in paragraph (2), by inserting "ecosystem restoration or" after "form of";

(5) in subsection (d)—

(A) by striking "(d)" and all that follows through "(A) In general.—A" and inserting the following:

"(d) Criteria for Eligibility.—

"(1) In general.—An"; and

(B) by striking "(B) Special" and inserting the following:

"(2) Special"; and

(6) in subsection (e)(1)—

(A) by striking "to a" and inserting "to an"; and

(B) by striking "agreement that shall require the non-Federal interest" and inserting the following: "agreement that is in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and under which the non-Federal interest agrees".

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2929. A bill to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office"; to the Committee on Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today, along with Senator BOXER to introduce legislation that would name a post office in Los Angeles, CA after Nathaniel Adams Coles, whom we all know as Nat "King" Cole.

Nat "King" Cole was a great American vocalist and entertainer, and the best selling African-American recording artist of his generation.

Born in 1919 in Montgomery, AL, Mr. Cole proved, at an early age, to be quite musically adept. At the age of four, he gave his first public performance playing the piano and singing at Chicago's Regal Theater.

In 1937, as a struggling young musician, he moved to Southern California.

While in Los Angeles, Mr. Cole was asked to put together a small musical group which was to play at the Sewanee Inn, a Los Angeles nightclub.

The owner of the Sewanee Inn is responsible for the nickname "King Cole" because he asked him to wear a golden paper crown. Though the crown was short lived, the nickname stuck and the musical group became known as the King Cole Trio.

In 1943, the King Cole Trio signed with a fledgling record company known as Capitol Records. The next year, Capitol Records released a song written by Nat "King" Cole and recorded by the King Cole Trio called "Straighten Up and Fly Right."

The song became a huge hit due to its popularity with audiences of different races. The King Cole Trio went on to have a series of musical hits that include "For Sentimental Reasons" and "The Christmas Song."

Nat "King" Cole went on to sell so many records that Capitol Records' headquarters became known as the "House that Nat built."

Nat "King" Cole's legacy not only encompasses his musical genius, but also his bravery in overcoming racial intolerance. During his career, he played in some clubs where he was the first ever Black entertainer to perform. He also endured an attack from white supremacists while on stage in Birmingham, Alabama in 1956.

Mr. Cole holds a special place in the hearts of Los Angeles residents, as a man who brought down racial barriers. In 1948, Mr. Cole and his family purchased a home in the exclusive Hancock Park section of Los Angeles. His would-be neighbors formed an association to prevent him from moving into the all-white community.

Overcoming these protests and threats, Mr. Cole moved in and became the first family to integrate the community.

In honor of this distinguished former resident, members of the community surrounding the Oakwood Station Post Office, have advocated that the post office at 265 South Western Avenue in Los Angeles be named after Nat "King" Cole.

It is my pleasure to introduce such legislation, and I hope that my colleagues will support it.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2931. A bill to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Dayle 'Chick' Hearn Post Office", to the Committee on Government Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today, along with Senator BOXER, to introduce legislation that would name a postal facility in Los Angeles, California after the great Los Angeles Laker's announcer, Francis Dayle "Chick" Hearn.

Chick Hearn was born on November 27, 1916, in Buda, IL.

His interest in broadcasting began when he worked for the Armed Forces Radio, while he was stationed in the Philippines during World War II.

Soon after he was discharged, he began announcing Bradley University basketball games for a radio station in Peoria, IL.

Mr. Hearn's desire to work in radio broadcasting soon led him to Southern California, where he worked for CBS radio announcing University of Southern California football games.

Then, in 1961, Chick Hearn began announcing Lakers' game when the franchise moved from Minnesota to Los Angeles.

His contributions to the game go far beyond giving the fans the play-by-play. Mr. Hearn pioneered basketball phrases, such as "airball" and "slam dunk" and "finger role" which are now well known and often used by Americans who participate or have an interest in basketball.

Perhaps the most distinguished characteristic of Chick Hearn's career is his extraordinary dedication to his work. Beginning on November 21, 1965, Mr. Hearn announced a record 3,338 consecutive games for the Los Angeles Lakers.

This streak ended on December 16, 2001, three days before Mr. Hearn underwent heart surgery. Until his death on August 5, 2002, Hearn had been the only play-by-play announcer the Los Angeles Lakers had ever had.

During his distinguished career of more than 40 years with the Los Angeles Lakers, Mr. Hearn saw the Lakers capture nine NBA titles.

He had the opportunity to watch the careers of basketball stars such as Jerry West, Wilt Chamberlain, Kareem Abdul-Jabbar and Magic Johnson, and he spread his love of basketball to all who listened.

He is a member of the Basketball Hall of Fame and the Sportscasters Hall of Fame.

In honor of Chick Hearn's dedicated service, it is my pleasure to introduce legislation to name the post office at 5805 White Oak Avenue in Encino, CA.

It is my hope that the Senate will approve this legislation, and honor the memory of Chick Hearn.

By Mr. GREGG (for himself, Mr. ENZI, Ms. COLLINS, and Mr. COCHRAN):

S. 2932. A bill to make technical amendments to the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today I am proud to introduce, along with my colleagues Senator ENZI, Senator COLLINS, and Senator COCHRAN, the Higher Education Technical Amendments of 2002. This legislation makes several technical and non-controversial changes to the Higher Education Act, HEA, and is designed to provide relief from burdensome legal requirements, improve the financial aid process, and bring greater clarity to the law.

Most importantly, it provides for a one-year extension of two provisions in the HEA that are of great importance to students, their families, and schools. These provide schools having low student loan default rates with exemptions from the requirement that loan proceeds be disbursed in multiple installments, and the requirement that the disbursement of loan proceeds to first-time undergraduate borrowers be delayed for 30 days after classes start. Under current law, these provisions are set to expire at the end of this month.

Thousands of institutions of higher education across America count on these exemptions to save them time and money in the disbursement of their limited financial aid resources. These provisions also serve as an incentive for schools to keep their default rates low. Additionally, failing to act now means that students needing loan proceeds for books or living expenses could be seriously disadvantaged. At a time when both student and institutional budgets are being squeezed, we should do what we can to provide them with relief.

The bill makes a number of other beneficial changes to the HEA. Most notably, it: Helps protect home-schooled students by making it clear that institutions of higher education will not lose their institutional eligibility for Federal financial aid by admitting home-schooled students. Clarifies the Federal policy on the return of financial aid funds when students withdraw, to better protect students' grant aid. Removes barriers to students seeking forbearance from lenders on student loan payments, by eliminating the requirement that new agreements between lenders and borrowers be in writing. Instead, the bill allows a lender to accept a request for forbearance over the telephone, as long as a confirmation notice of the agreement reached is provided to the borrower and the borrower's file is updated. Makes clear that under the Thurgood Marshall Legal Educational Opportunity Program, the U.S. Department of Education can provide scholarship aid to low-income and minority students to prepare for and attend law school. Eases requirements for Hispanic-Serving Institutions, HSIs, by allowing them to apply for Federal HSI grants without waiting two years between applications. Corrects a drafting error in current law that mistakenly bars students attending certain nonprofit schools of veterinary medicine from eligibility for the Federal Family Education Loan Program. Allows financial aid administrators to use "professional judgment" to adjust a student's financial need in cases where the student is a ward of the court. Expands the use of technology to provide voter registration material directly to students in a timely manner.

I am well aware that extending the two provisions set to expire on September 30 for another year will cost $10 million. However, we intend to find the necessary offsets to pay for these extensions as the bill progresses through the Senate. It is my sincere hope that we can all work together in these final weeks of the session to see that this legislation becomes law.

The Higher Education Technical Amendments of 2002 will improve the financial aid process for everyone involved, but most importantly, for our nation's postsecondary students. I urge my colleagues to support this legislation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 253—RESOLUTION DESIGNATING THE MONTH OF SEPTEMBER 2002 AS "NATIONAL PROSTATE CANCER AWARENESS MONTH"

Mr. SESSIONS (for himself, Mr. REID, Mr. CRAPO, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HAGEL, Mrs. LINCOLN, Mr. GRASSLEY, Mr. DORGAN, Mr. SHELBY, Mrs. FEINSTEIN, Mr. HELMS, Ms. CANTWELL, Mr. DEWINE, Mr. MILLER, Mr. INHOFE, Mr. INOUYE, Mr. BROWNBACK, Mr. CORZINE, Mr. CRAIG, Mr. JOHNSON, Mr. ROBERTS, Mr. EDWARDS, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. CAMPBELL, Mr. KERRY, Mr. FITZGERALD, Mr. LIEBERMAN, Mr. ENSIGN, Mr. KENNEDY, Ms. SNOWE, Mr. SARBANES, Mr. HATCH, Mr. BREAUX, Mr. THURMOND, and Mrs. CARNAHAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 325

Whereas over 1,000,000 American families live with prostate cancer;

Whereas 1 American man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas over the past decade prostate cancer has been the most commonly diagnosed nonskin cancer and the second most common cancer killer of American men;

Whereas 189,000 American men will be diagnosed with prostate cancer and 30,200 American men will die of prostate cancer in 2002, according to American Cancer Society estimates;

Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years;

Whereas African-Americans have the highest incidence and mortality rates of prostate cancer in the world;

Whereas screening by both digit rectal examination and prostate-specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and has reduced prostate cancer mortality;

Whereas the research pipeline promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting our families: Now, therefore, be it

Resolved,That the Senate—

(1) designates the month of September 2002 as "National Prostate Cancer Awareness Month";

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved methods for screening, treating, and curing prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy, and to observe the month of September 2002 with appropriate ceremonies and activities.

Mr. SESSIONS. Mr. President, I rise today to submit, along with Senator REID and 36 of our colleagues from both sides of the aisle, a resolution to designate September 2002 as National Prostate Cancer Awareness Month. As a prostate cancer survivor myself, I understand the importance of public awareness and early detection, and I hope that by designating this month as National Prostate Cancer Awareness Month, we can help save lives.

Since the tragic events on September 11, 2001, Americans have continued to honor their heroes of that day with respect, gratitude and, too often, the memory of lives lost. The "first responders" protected our safety and well-being, not only in New York and Washington, but also in cities and towns across the country, where police, fire, emergency service, National Guard and the military have been laden with banners and bouquets of thanks, recognition and remembrance. September is also "Prostate Cancer Awareness Month", PCAM, a time to remember those who have perished from the disease and to celebrate those who are surviving, and a time to work together to accelerate a cure. Along with The National Prostate Cancer Coalition, NPCC, I look forward to raising awareness in September with commemorations of "911" joining the NPCC's special campaign, "Protecting Our Protectors" which encourages men in law enforcement, fire service, and current and former servicemen to get screened for prostate cancer.

This resolution is an effort to help increase awareness and educate American men and their families about prostate cancer and early detection, as well as emphasize the need for more prostate cancer research. It will designate September 2002 as National Prostate Cancer Awareness Month. Together, Senator REID and I ask for your support and encourage all of our colleagues to join us in raising awareness. With your help, prostate cancer can be preventable, controllable, and curable.

Today prostate cancer remains the most commonly diagnosed nonskin cancer in America. According to estimates by the American Cancer Society and the National Cancer Institute, NCI, more than 189,000 American men will learn that they have the disease during 2002. Nearly 30,000 American men will lose their lives to prostate cancer this year, making it the second most common cause of cancer death among men. These statistics translate into devastating realities for men and families across this country.

This disease will affect one in six men in the United States during his lifetime. More than 25 percent of those battling this disease are under the age of 65, prime years of productivity for families and for this nation. The number of Americans impacted by cancer, and prostate cancer, is also expected to grow. If unchecked during the next decade, cancer incidence and mortality rates could increase by 25 percent-30 percent. In too many cases, prostate cancer remains undetected until advanced stages of the disease, when conventional therapies no longer work. This makes it critical that all American families understand the risks of prostate cancer and take measures to ensure early detection.

If a man has one close relative with prostate cancer, his risk of the disease is double that of the average male. With two close relatives, his risk is fivefold. Should he have three close relatives with prostate cancer, his likelihood of a prostate cancer diagnosis is nearly 97 percent.

African American families are at particular risk. African American men have the highest incidence and mortality rates in the world. According to the National Prostate Cancer Coalition, we must raise public awareness about the impact of prostate cancer and emphasize early detection with the PSA, prostate specific antigen, blood test and DRE, digital rectal examination. Over the last five years prostate cancer mortalities have decreased by 27 percent. This shows that, with the right investment in education and research, we are already saving lives.

SENATE RESOLUTION 326—DESIGNATING OCTOBER 18, 2002, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN (for himself, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Ms. COLLINS, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FITZGERALD, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon. Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, Mr. WYDEN, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 326

Whereas according to the American Cancer Society, in 2002, 203,500 women will be diagnosed with breast cancer and 39,600 women will die from this diease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 18, 2002, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 18, 2002, as "National Mammography Day". I am pleased that 54 of my colleagues have endorsed this proposal by agreeing to be original cosponsors. I might note that I have introduced a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to submit this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2002, it is estimated that over 203,000 women will be diagnosed with breast cancer and slightly fewer than 40,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be optimistic. The number of deaths from breast cancer is falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily.

In recent months, the newspapers have been filled with discussion over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. It seems that much of this controversy relates to new interpretations of old studies, and the relatively few recent studies of this matter have not clarified this issue. Most sources seem to agree that all of the existing scientific studies have some weaknesses, but it is far from clear whether the very large and truly unambiguous study needed to settle this matter definitively can ever be done.

So what is a woman to do? I do not claim any expertise in this highly technical area, so I rely on the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography, and I endorse the statements of these distinguished bodies.

On the other hand, I recognize that some women who examine these research studies are unconvinced of the need for periodic screening mammography. However, even those scientists who do not support periodic mammography for all women believe that it is appropriate for some groups of women with particular risk factors. In agreement with these experts, I encourage all women who have doubts about the usefulness of screening mammography in general to discuss with their individual physicians whether this test is appropriate in their specific situations.

So my message to women is: have a periodic mammogram, or at the very least discuss this option with your own physician.

I know that some women don't have annual mammograms because of either fear or forgetfulness. It is only human nature for some women to avoid mammograms because they are afraid of what they will find. To those who are fearful, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where "National Mammography Day" comes in. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 18, 2002, as National Mammography Day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4532. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R . 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4533. Mr. HOLLINGS proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes.

SA 4534. Mr. LIEBERMAN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 4513 proposed by Mr. THOMPSON (for himself and Mr. WARNER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4535. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4532. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

TITLE —SUPPLEMENTAL APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Office of the Secretary

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for 'Office of the Secretary', $18,000,000 to remain available until expended: Provided, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service; Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF JUSTICE

Office of Justice Programs

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services, Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $50,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for 'Embassy Security, Construction, and Maintenance' for emergency expenses for activities related to combating international terrorism, $10,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DISTRICT OF COLUMBIA

FEDERAL FUNDS

Federal Payment to the District of Columbia

For a Federal payment to the District of Columbia for public safety expenses related to security events in the District of Columbia, $12,000,000, to remain available until December 1, 2003: Provided, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the Committees on Appropriations of the House of Representatives and Senate, detailing any expenditure of these funds: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Science

For an additional amount for 'Science' for emergency expenses necessary to support safeguards and security activities, $11,350,000: Provided, That the entire amount is designated by the Congress as an emergency requirement, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

WEAPONS ACTIVITIES

For an additional amount for 'Weapons Activities' for emergency expenses, $138,650,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for 'Child Survival and Health Programs Fund' for emergency expenses for activities related to combating HIV/AIDS, tuberculosis, and malaria, $200,000,000, to remain available until June 30, 2003: Provided, That such activities should include maternal health and related assistance in communities heavily impacted by HIV/AIDS: Provided further, That additional assistance should be provided to prevent transmission of HIV/AIDS from mother to child: Provided further, That of the funds appropriated under this heading in this Act, not less than $100,000,000 should be made available for a further United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: Provided further, That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund as of December 31, 2002: Provided further, That of the funds appropriated under this heading, up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading 'Operating Expenses of the United States Agency for International Development' for costs directly related to international health: Provided further, That funds appropriated by this paragraph shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any similar provision of law, may not be used to transfer or allocate any part of such funds to any agency of the United States Government: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the funds appropriated under this heading shall be subject to the regular notification procedures of the Committee on Appropriations.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

National Park Service

CONSTRUCTION

For an additional amount for 'Construction', $17,651,000, to remain available until expended: Provided That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for 'Public Health and Social Services Emergency Fund' for baseline and follow-up screening and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $90,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GRANTS-IN-AIR FOR AIRPORTS

(AIRPORTS AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional, or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, $150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 9

DEPARTMENT OF THE TREASURY

United States Customs Service

SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses' $39,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 10

INDEPENDENT AGENCY

Federal Emergency Management Agency

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for 'Emergency management planning and assistance' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $200,000,000, to remain available until September 30, 2003, of which $150,000,000 is for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); and $50,000,000 for interoperable communications equipment: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4533. Mr. HOLLINGS proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

At the end of subtitle D of title I, add the following;

SEC. 173. MODIFICATION OF MEMBERSHIP AND ADVISORS OF NATIONAL SECURITY COUNCIL.

(a) MEMBERS.—Subsection (a) of section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph, by redesignating clauses (1) through (6) as subparagraphs (A) through (G), respectively;

(2) by designating the undesignated paragraphs as paragraphs (1) through (4), respectively; and

(3) in paragraph (4), as so designated—

(A) by striking subparagraphs (E) and (F) and inserting the following new subparagraphs:

"(E) the Attorney General;

"(F) the Secretary of Homeland Security; and"; and

(B) in subparagraph (G), as so redesignated, by striking "the Chairman of the Munitions Board," and all that follows and inserting "to serve at the pleasure of the President.".

(b) ADVISORS.—That section is further amended—

(1) by redesignating subsections (g) through (j) and subsection (i), as added by section 301 of the International Religious Freedom Act of 1998 (Public Law 105–292; 112 Stat. 2800), as subsections (i) through (m), respectively;

(2) by transferring subsection (l) (relating to the participation of the Director of Central Intelligence on the National Security Council), as so redesignated, to appear after subsection (f) and redesignating such subsection, as so transferred, as subsection (g); and

(3) by inserting after subsection (g), as so transferred and redesignated, the following new subsections:

"(h) The Director of the Federal Bureau of Investigation may, in the performance of the Director's duties as the head of the Federal Bureau of Investigation and subject to the direction of the President, attend and participate in meetings of the National Security Council."

SA 4534. Mr. LIEBERMAN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 4513 proposed by Mr. THOMPSON (for himself and Mr. WARNER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 2, line 4, insert after the period the following:

TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM

SEC. 201. NATIONAL OFFICE FOR COMBATING TERRORISM.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President the National Office for Combating Terrorism.

(b) OFFICERS.—

(1) DIRECTOR.—The head of the Office shall be the Director of the National Office for Combating Terrorism, who shall be appointed by the President.

(2) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Director of the National Office for Combating Terrorism.".

(3) OTHER OFFICERS.—The President shall assign to the Office such other officers as the President, in consultation with the Director, considers appropriate to discharge the responsibilities of the Office.

(c) RESPONSIBILITIES.—Subject to the direction and control of the President, the responsibilities of the Office shall include the following:

(1) To develop national objectives and policies for combating terrorism.

(2) To ensure that relevant agencies and entities conduct appropriate risk analysis and risk management activities and provide pertinent information derived such activities to the Office, and to review and integrate such information into the development of the Strategy.

(3) To develop, with the Secretary of Homeland Security, the Strategy under title III.

(4) To coordinate, oversee, and evaluate the implementation and execution of the Strategy by agencies with responsibilities for combating terrorism under the Strategy, particularly those involving military, intelligence, law enforcement, diplomatic, and scientific and technological assets.

(5) To work with agencies, including the Environmental Protection Agency, to ensure that appropriate actions are taken to address vulnerabilities identified by the Directorate of Critical Infrastructure Protection within the Department.

(6)(A) To coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects, or activities relating to force protection.

(B) To have the lead responsibility for budget recommendations relating to military, intelligence, law enforcement, and diplomatic assets in support of the Strategy.

(7) To serve as an advisor to the National Security Council.

(8) To work with the Director of the Federal Bureau of Investigation to ensure that—

(A) the Director of the National Office for Combating Terrorism receives the relevant information from the Federal Bureau of Investigation related to terrorism; and

(B) such information is made available to the appropriate agencies and to State and local law enforcement officials.

(d) RESOURCES.—In consultation with the Director, the President shall assign or allocate to the Office such resources, including funds, personnel, and other resources, as the President considers appropriate and that are available to the President under appropriations Acts for fiscal year 2002 and fiscal year 2003 in the "Office of Administration" appropriations account or the "Office of Homeland Security" appropriations account. Any transfer or reprogramming of funds made under this section shall be subject to the reprogramming procedures in the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67).

SEC. 202. DIRECTOR AND OFFICE.

(a) DEFINITIONS.—Unless the context clearly indicates otherwise, the following shall apply for purposes of this division:

(1) DIRECTOR.—The term "Director" means the Director of the National Office for Combating Terrorism.

(2) OFFICE.—The term "Office" means the National Office for Combating Terrorism established under this title.

(b) DIRECTOR.—The Director shall—

(1) develop the strategy with the Secretary under section 102(b)(3); and

(2) carry out the functions under section 192(d)(1) and (2) with the Secretary.

(c) OFFICE.—

(1) RESEARCH AND DEVELOPMENT AGENDA.—The Under Secretary for Science and Technology shall coordinate with the Office, the OSTP, and other appropriate entities under section 135(c)(2)(A).

(2) TRANSFERS.—Section 189(a) shall apply with respect to transfers to the Office.

(3) GIFTS.—Section 189(f) shall apply with respect to gifts to the Office.

(4) DEFINITIONS.—The definitions developed under section 192(d)(1) shall be considered in determining the mission of the Office.

(5) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—Section 208(a)(1) of the National Science and Technology Policy, Organization, and Priorities Act (42 U.S.C. 6617(a)(1)) is amended by inserting "the National Office for Combating Terrorism," after "National Security Council,".

TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM AND THE HOMELAND SECURITY RESPONSE

SEC. 301. STRATEGY.

(a) DEVELOPMENT.—The Secretary and the Director shall develop the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recovery to counter terrorist threats, including threat, vulnerability, and risk assessment and analysis, and the plans, policies, training, exercises, evaluation, and interagency cooperation that address each such action relating to such threats.

(b) RESPONSIBILITIES.—

(1) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall have responsibility for portions of the Strategy addressing border security, critical infrastructure protection, emergency preparation and response, and integrating State and local efforts with activities of the Federal Government.

(2) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have overall responsibility for development of the Strategy, and particularly for those portions of the Strategy addressing intelligence, military assets, law enforcement, and diplomacy.

(c) CONTENTS.—The contents of the Strategy shall include—

(1) a comprehensive statement of mission, goals, objectives, desired end-state, priorities and responsibilities;

(2) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal Government and with State and local authorities;

(3) plans for countering chemical, biological, radiological, nuclear and explosives, and cyber threats;

(4) plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy;

(5) plans for improving the resources of, coordination among, and effectiveness of health and medical sectors for detecting and responding to terrorist attacks on the homeland;

(6) specific measures to enhance cooperative efforts between the public and private sectors in protecting against terrorist attacks;

(7) a review of measures needed to enhance transportation security with respect to potential terrorist attacks;

(8) plans for identifying, prioritizing, and meeting research and development objectives to support homeland security needs; and

(9) other critical areas.

(d) COOPERATION.—At the request of the Secretary or Director, departments and agencies shall provide necessary information or planning documents relating to the Strategy.

(e) INTERAGENCY COUNCIL.—

(1) ESTABLISHMENT.—There is established the National Combating Terrorism and Homeland Security Response Council to assist with preparation and implementation of the Strategy.

(2) MEMBERSHIP.—The members of the Council shall be the heads of the Federal terrorism prevention and response agencies or their designees. The Secretary and Director shall designate such agencies.

(3) CO-CHAIRS AND MEETINGS.—The Secretary and Director shall co-chair the Council, which shall meet at their direction.

(f) SUBMISSION TO CONGRESS.—Not later than December 1, 2003, and each year thereafter in which a President is inaugurated, the Secretary and the Director shall submit the Strategy to Congress.

(g) UPDATING.—Not later than December 1, 2005, and on December 1, of every 2 years thereafter, the Secretary and the Director shall submit to Congress an updated version of the Strategy.

(h) PROGRESS REPORTS.—Not later than December 1, 2004, and on December 1, of each year thereafter, the Secretary and the Director may submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

SEC. 302. MANAGEMENT GUIDANCE FOR STRATEGY IMPLEMENTATION.

(a) IN GENERAL.—In consultation with the Director and the Secretary, the Director of the Office of Management and Budget shall provide management guidance for agencies to successfully implement and execute the Strategy.

(b) OFFICE OF MANAGEMENT AND BUDGET REPORT.—Not later than 180 days after the date of the submission of the Strategy referred to under section 301, the Director of the Office of Management and Budget shall—

(1) submit to Congress a report describing agency progress under subsection (a); and

(2) provide a copy of the report to the Comptroller General of the United States.

(c) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 90 days after the receipt of the report required under subsection (b), the Comptroller General of the United States shall submit a report to the Governmental Affairs Committee of the Senate, the Government Reform Committee of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives, evaluating—

(1) the management guidance identified under subsection (a); and

(2) Federal agency performance in implementing and executing the Strategy.

SEC. 303. NATIONAL COMBATING TERRORISM STRATEGY PANEL.

(a) ESTABLISHMENT.—The Secretary and the Director shall establish a nonpartisan, independent panel to be known as the National Combating Terrorism Strategy Panel (in this section referred to as the "Panel").

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Panel shall be composed of a chairperson and 8 other individuals appointed by the Secretary and the Director, in consultation with the chairman and ranking member of the Committee on Governmental Affairs of the Senate and the chairman and ranking member of the Committee on Government Reform of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to combating terrorism and the homeland security of the United States.

(2) TERMS.—

(A) IN GENERAL.—An individual shall be appointed to the Panel for an 18-month term.

(B) TERM PERIODS.—Terms on the Panel shall not be continuous. All terms shall be for the 18-month period which begins 12 months before each date a report is required to be submitted under subsection (l)(2)(A).

(C) MULTIPLE TERMS.—An individual may serve more than 1 term.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the Strategy; and

(2) conduct the independent, alternative assessment of homeland security measures required under this section.

(d) ALTERNATIVE ASSESSMENT.—The Panel shall submit to the Secretary an independent assessment of the optimal policies and programs to combat terrorism, including homeland security measures. As part of the assessment, the Panel shall, to the extent practicable, estimate the funding required by fiscal year to achieve these optimal approaches.

(e) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Panel may secure directly from any agency such information as the Panel considers necessary to carry out this section. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Panel.

(2) INTELLIGENCE INFORMATION.—The provision of information under this paragraph related to intelligence shall be provided in accordance with procedures established by the Director of Central Intelligence and in accordance with section 103(d)(3) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(3)).

(f) COMPENSATION OF MEMBERS.—Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(g) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(h) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(4) REDUCTION OF STAFF.—During periods that members are not serving terms on the Panel, the executive director shall reduce the number and hours of employees to the minimum necessary to—

(A) provide effective continuity of the Panel; and

(B) minimize personnel costs of the Panel.

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) ADMINISTRATIVE PROVISIONS.—

(1) USE OF MAIL AND PRINTING.—The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other agencies.

(2) SUPPORT SERVICES.—The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

(k) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(l) REPORTS.—

(1) PRELIMINARY REPORT.—

(A) REPORT TO SECRETARY.—Not later than July 1, 2004, the Panel shall submit to the Secretary and the Director a preliminary report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORT TO CONGRESS.—Not later than 30 days after the submission of the report under subparagraph (A), the Secretary and the Director shall submit to the committees referred to under subsection (b), and the Committees on Appropriations of the Senate and the House of Representatives, a copy of that report with the comments of the Secretary on the report.

(2) QUADRENNIAL REPORTS.—

(A) REPORTS TO SECRETARY.—Not later than December 1, 2004, and not later than December 1 every 4 years thereafter, the Panel shall submit to the Secretary and the Director a report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORTS TO CONGRESS.—Not later than 60 days after each report is submitted under subparagraph (A), the Secretary shall submit to the committees referred to under subsection (b), and the Committees on Appropriations of the Senate and the House of Representatives, a copy of the report with the comments of the Secretary and the Director on the report.

SA 4535. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, between lines 6 and 7, insert the following:

SEC. 195A. USE OF COMMERCIAL GOODS AND SERVICES.

(a) POLICY.—It has been and continues to be the policy of the United States that, in the process of governing, the United States—

(1) should not compete with its citizens; and

(2) should rely on commercial sources to supply the goods and services needed by the United States Government.

(b) REQUIREMENT.—The Secretary of Homeland Security shall rely on commercial sources to supply the goods and services needed by the Department of Homeland Security.

(c) EXCEPTIONS.—Subsection (b) does not apply to the performance of the following functions:

(1) A function that is inherently governmental in nature in that—

(A) the performance of such function is so intimately related to the public interest that it must be performed only by United States Government personnel; and

(B) the performance of such function by United States Government personnel does not compete with commercial enterprises in the private sector.

(2) A function that, by law or in the interests of national security, must be performed by United States Government personnel.

(d) RELATIONSHIP TO OTHER LAW.—The Secretary of Homeland Security shall administer this section in a manner that is consistent with the policies and laws that are generally applicable to procurements of goods and services by the United States Government.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 19, 2002, at 2:15 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 2623, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes;

S. 2640 and H.R. 3421, to provide for adequate school facilities in Yosemite National Park, and for other purposes;

S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes;

S: 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota;

S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes;

H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; and

H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the Committee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 12, 2002, at 2:00 p.m., to conduct a hearing and mark-up for the nomination of Wayne A. Abernathy, of Virginia, to be Assistant Secretary of the Treasury for Financial Institutions; a mark-up of S. 2239, the FHA Downpayment Simplification Act of 2002; and a mark-up of S. 1210, Reauthorizing the Native American Housing and Self-Determination Act of 1996.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 12, 2002, to consider favorably reporting H.R. 5063, the Armed Forces Tax Fairness Act of 2002.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 12, 2002 at 10:15 a.m. to hold a hearing on the World Bank's International Development Association.

Agenda

Witnesses

Panel 1: The Honorable John Taylor, Under Secretary for International Affairs, Department of Treasury, Washington, DC.

Panel 2: Witnesses to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 12, 2002 at 2:30 p.m. to hold a hearing on the Moscow Treaty.

AGENDA

Witnesses

Panel 1: The Honorable William J. Perry, Berberian Professor and Senior Fellow, Institute for International Studies, Stanford University, Stanford, CA;

The Honorable Fred C. Iklé, Distinguished Scholar, Center for Strategic and International Studies, Washington, DC.

Panel 2: The Honorable Rose Gottemoeller, Senior Associate, Russian and Eurasian and Global Policy Programs, Carnegie Endowment for International Peace, Washington, DC;

Ambassador James E. Goodby, Nonresident Senior Fellow, Foreign Policy Studies, The Brookings Institution, Washington, DC;

Dr. John P. Holdren, Teresa and John Heinz Professor of Environmental Policy and Director Science, Technology, and Public Policy Program, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University, Cambridge, MA;

Mr. Henry D. Sokolski, Executive Director, Nonproliferation Policy Education Center, Washington, DC.

Additional witnesses to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "One Year Later: Restoring Economic Security for Workers and the Nation," during the session of the Senate on Thursday, September 12, 2002, at 10 a.m., in SD–106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 12, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on successful strategies for Indian reservation development and the lessons that can be learned from developing country and other Indian tribal economies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 12, 2002, at 10 a.m. and 2:30 p.m., to hold a joint closed hearing with the House Permanent Select Committee on Intelligence regarding the joint inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, September 12, 2002, at 2:30 p.m. on S. 2537/H.R. 3833, DOT Kids Implementation and Efficiency Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Elmer Ransom, a fellow on the Finance Committee staff, be granted the privilege of the floor during the Senate's proceedings today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I ask unanimous consent that Thomas Swanton, a staff member of Mr. SPECTER's office, be granted floor privileges for the duration of the debate on H.R. 5005, the homeland security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I ask unanimous consent that a fellow in Senator BROWNBACK's staff, Jay Wolff, be permitted privileges of the floor during the homeland security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I ask unanimous consent to extend floor privileges to Wan Kim and Michael Volkov, who are both on detail to the minority staff of the Judiciary Committee, during the course of any debate on H.R. 5005, the homeland security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Madam President, I ask unanimous consent that Jan Rasgus, a congressional fellow in my office, be granted floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 5093

Mr. REID. I ask unanimous consent that on Friday, September 13, once the Senate resumes consideration of H.R. 5093, the Department of the Interior appropriations bill, and the Dodd amendment No. 4522, the time until 10:15 be for debate prior to the vote in relation to the amendment, with no second-degree amendment in order prior to a vote in relation to the amendment, with the time equally divided and controlled as follows: Senator DODD controlling time in support of the amendment, and the time in opposition controlled equally between Senators INOUYE and CAMPBELL; that at 10:15 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the amendment; that if the amendment is not tabled, it remain debatable and amendable.

The PRESIDING OFFICER. Without objection, it is so ordered.

DNA SEXUAL ASSAULT JUSTICE ACT OF 2002

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 501, S. 2513.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2513) to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Delete the part printed in black brackets and insert the part printed in italic.]

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "DNA Sexual Assault Justice Act of 2002".

[SEC. 2. ASSESSMENT ON BACKLOG IN DNA ANALYSIS OF SAMPLES.

[(a) ASSESSMENT.—

[(1) IN GENERAL.—The Attorney General shall survey each law enforcement jurisdiction to assess the backlog of DNA testing of rape kit samples and other sexual assault evidence.

[(2) DETERMINATIONS.—The Attorney General, acting through the Director of the National Institute of Justice, shall carry out an assessment of Federal, State, local, and tribal territories law enforcement jurisdictions to determine the amount of—

[(A) evidence contained in rape kits that has not been subjected to DNA testing and analysis; and

[(B) evidence from sexual assault crimes that has not been subjected to DNA testing and analysis.

[(b) REPORT.—

[(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the assessment carried out under subsection (a).

[(2) CONTENTS.—The report submitted under paragraph (1) shall include—

[(A) the results of the assessment carried out under subsection (a);

[(B) the number of rape kit samples and other evidence from sexual assault crimes that have not been subjected to DNA testing and analysis; and

[(C) a plan for carrying out additional assessments and reports to continue until all law enforcement jurisdictions report no backlog in crime scene DNA testing and analysis.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

[SEC. 3. GRANTS FOR ANALYSIS OF DNA SAMPLES FROM RAPE KITS.

[Section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)) is amended—

[(1) in paragraph (2), by inserting "including samples from rape kits and nonsuspect cases" after "crime scene"; and

[(2) by adding at the end the following:

["(4) To ensure that DNA testing and analysis of samples from rape kits and nonsuspect cases are carried out in a timely manner.".

[SEC. 4. INCREASED GRANTS FOR DNA ANALYSIS.

[Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

[(1) in paragraph (1)—

[(A) in subparagraph (B), by striking "and" at the end; and

[(B) by striking subparagraph (C) and inserting the following:

["(C) $25,000,000 for fiscal year 2003;

["(D) $25,000,000 for fiscal year 2004;

["(E) $25,000,000 for fiscal year 2005; and

["(F) $25,000,000 for fiscal year 2006."; and

[(2) in paragraph (2), by striking subparagraphs (C) and (D) and inserting the following:

["(C) $100,000,000 for fiscal year 2003;

["(D) $100,000,000 for fiscal year 2004;

["(E) $50,000,000 for fiscal year 2005; and

["(F) $50,000,000 for fiscal year 2006.".

[SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY FOR AND RECEIVE DNA BACKLOG ELIMINATION GRANTS.

[Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

[(1) in subsection (a), by inserting "or eligible units of local government" after "eligible States";

[(2) in subsection (b)—

[(A) in the matter preceding paragraph (1), by inserting "or unit of local government" after "State" each place that term appears;

[(B) in paragraph (1), by inserting "or unit of local government" after "State";

[(C) in paragraph (3), by inserting "or unit of local government" after "State" the first time that term appears;

[(D) in paragraph (4)—

[(i) by inserting "or unit of local government" after "State"; and

[(ii) by striking "and" after the semicolon;

[(E) in paragraph (5)—

[(i) by inserting "or unit of local government" after "State"; and

[(ii) by striking the final period and inserting "; and"; and

[(F) by adding at the end the following:

["(6) if the applicant is a unit of local government, certify that the applicant participates in a State laboratory system.";

[(3) in subsection (c), by inserting "or unit of local government" after "State";

[(4) in subsection (d)(2)(A), by inserting "or units of local government" after "States";

[(5) in subsection (e)—

[(A) in paragraph (1), by inserting "or local government" after "State" each place that term appears; and

[(B) in paragraph (2), by inserting "or unit of local government" after "State";

[(6) in subsection (f), by inserting "or unit of local government" after "State";

[(7) in subsection (g)—

[(A) in paragraph (1), by inserting "or unit of local government" after "State"; and

[(B) in paragraph (2), by inserting "or units of local government" after "States"; and

[(8) in subsection (h), by inserting "or unit of local government" after "State" each place that term appears.

[SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG GRANTS.

[Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

[(1) in subsection (b)—

[(A) in paragraph (5), by striking the period at the end and inserting: "; and"; and

[(B) by adding at the end the following:

["(6) ensure that each laboratory performing DNA testing or analysis satisfies the quality assurance protocols and practices described in subsection (d)(2)."; and

[(2) by adding at the end the following:

["(k) Priority.—In awarding grants under this section, the Attorney General shall give priority to a State or unit of local government that has a significant rape kit or nonsuspect case backlog as compared to other applicants.".

[SEC. 7. AUTHORIZATION FOR GRANTS FOR IMPROVED RESPONSES TO AND INVESTIGATION OF SEXUAL ASSAULT CASES.

[(a) Authorization of Grants.—The Attorney General shall make grants to eligible entities to—

[(1) carry out sexual assault examiner training and certification;

[(2) develop sexual assault examiner programs;

[(3) acquire or improve forensic equipment;

[(4) train law enforcement personnel in the handling of sexual assault cases and the collection and use of DNA samples for use as forensic evidence; and

[(5) train law enforcement personnel to recognize, detect, report, and respond to drug-facilitated sexual assaults.

[(b) Eligible Entity.—For purposes of this section, the term "eligible entity" means—

[(1) a State;

[(2) a unit of local government;

[(3) a college, university, or other institute of higher learning;

[(4) sexual assault examination programs, including sexual assault forensic examiner (SAFE) programs, sexual assault nurse examiner (SANE) programs, and sexual assault response team (SART) programs; and

[(5) a State sexual assault coalition.

[(c) Application.—To receive a grant under this section—

[(1) the chief executive officer of a State, unit of local government, or university that desires a grant under this section shall submit to the Attorney General—

[(A) an application in such form and containing such information as the Attorney General may require;

[(B) certification that the testing will be done in a laboratory that complies with the quality assurance and proficiency testing standards for collecting and processing DNA samples issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131);

[(C) notice that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes; and

[(D) if the applicant is a unit of local government, certification that the applicant participates in a State laboratory system; and

[(2) an existing or proposed sexual assault examination program shall submit to the Attorney General—

[(A) an application in such form and containing such information as the Attorney General may require;

[(B) certification that the program complies with the standards and recommended protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

[(C) notice that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes.

[(d) Priority.—In awarding grants under this section, the Attorney General shall give priority to proposed or existing sexual assault examination programs that are serving, or will serve, populations currently underserved by existing sexual assault examination programs.

[(e) Restrictions on Use of Funds.—

[(1) Supplemental funds.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this section.

[(2) Administrative costs.—An eligible entity may not use more than 3 percent of the funds it receives under this section for administrative expenses.

[(3) Nonexclusivity.—Nothing in this section shall be construed to limit or restrict the ability of proposed or existing sexual assault examination programs to apply for and obtain Federal funding from any other agency or department or any other Federal Grant program.

[(f) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Justice $15,000,000 for each of fiscal years 2003 through 2006 to carry out this section.

[SEC. 8. AUTHORIZING JOHN DOE DNA INDICTMENTS.

[(a) Limitations.—Section 3282 of title 18, United States Code, is amended—

[(1) by striking "Except" and inserting the following:

["(a) Limitation.—Except"; and

[(2) by adding at the end the following:

["(b) DNA Profile Indictment.—

["(1) In general.—In any indictment found for an offense under chapter 109A, if the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

["(2) Exception.—Any indictment described in paragraph (1), which is found within 5 years after the offense under chapter 109A shall have been committed, shall not be subject to—

["(A) the limitations period described in subsection (a); and

["(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

["(3) Definition.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.".

[(b) Privacy Protection Standard.—Section 10(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(a)) is amended by inserting before the period at the end the following: "or in section 3282(b) of title 18, United States Code".

[(c) Rules of Criminal Procedure.—Rule 7 of the Federal Rules of Criminal Procedure is amended in subdivision (c)(1) by adding at the end the following: "For purposes of an indictment referred to in section 3282 of title 18, United States Code, if the identity of the defendant is unknown, it shall be sufficient to describe the defendant, in the indictment, as an individual whose name is unknown, but who has a particular DNA profile, as defined in that section 3282.".

[SEC. 9. INCREASED GRANTS FOR COMBINED DNA INDEX (CODIS) SYSTEM.

[Section 210306 of the DNA Identification Act of 1994 (42 U.S.C. 14134) is amended—

[(1) by striking "There" and inserting the following:

["(a) In General.—There"; and

[(2) by adding at the end the following:

["(b) Increased Grants for CODIS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out a redesign of the Combined DNA Index System (CODIS) $9,646,000 for fiscal year 2003.".

[SEC. 10. INCREASED GRANTS FOR FEDERAL CONVICTED OFFENDER PROGRAM (FCOP).

[Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended by adding at the end the following:

["(g) Authorization of Appropriations.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out this section $497,000 for fiscal year 2003.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "DNA Sexual Assault Justice Act of 2002".

SEC. 2. ASSESSMENT OF BACKLOG IN DNA ANALYSIS OF SAMPLES.

(a) Assessment.—The Attorney General, acting through the Director of the National Institute of Justice, shall survey Federal, State,

local, and tribal law enforcement jurisdictions to assess the amount of DNA evidence contained in rape kits and in other evidence from sexual assault crimes that has not been subjected to testing and analysis.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the assessment carried out under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the results of the assessment carried out under subsection (a);

(B) the number of rape kit samples and other evidence from sexual assault crimes that have not been subjected to DNA testing and analysis; and

(C) a plan for carrying out additional assessments and reports on the backlog in crime scene DNA testing and analysis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Justice to carry out this section $500,000 for fiscal year 2003.

SEC. 3. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) by striking the heading and inserting "**AUTHORIZATION OF DEBBIE SMITH DNA BACKLOG GRANTS.**"; and

(2) in subsection (a)—

(A) in paragraph (2), by inserting "including samples from rape kits and samples from other sexual assault evidence, including samples taken in cases with no identified suspect" after "crime scene"; and

(B) by adding at the end the following:

"(4) To ensure that DNA testing and analysis of samples from rape kits and nonsuspect cases are carried out in a timely manner.".

SEC. 4. INCREASED GRANTS FOR ANALYSIS OF DNA SAMPLES FROM CONVICTED OFFENDERS AND CRIME SCENES.

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "and" at the end; and

(B) by striking subparagraph (C) and inserting the following:

"(C) $15,000,000 for fiscal year 2003;
"(D) $15,000,000 for fiscal year 2004;
"(E) $15,000,000 for fiscal year 2005;
"(F) $15,000,000 for fiscal year 2006; and
"(G) $15,000,000 for fiscal year 2007.

Amounts made available to carry out the purposes specified in subsection (a)(1) shall remain available until expended."; and

(2) in paragraph (2), by striking subparagraphs (C) and (D) and inserting the following:

"(C) $75,000,000 for fiscal year 2003;
"(D) $75,000,000 for fiscal year 2004;
"(E) $75,000,000 for fiscal year 2005;
"(F) $75,000,000 for fiscal year 2006; and
"(G) $25,000,000 for fiscal year 2007.

Amounts made available to carry out the purposes specified in paragraphs (2) and (3) of subsection (a) shall remain available until expended.".

SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY FOR AND RECEIVE DNA BACKLOG ELIMINATION GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)—

(A) in the matter preceeding paragraph (1)—

(i) by inserting ", units of local government, or Indian tribes" after "eligible States"; and

(ii) by inserting ", unit of local government, or Indian tribe" after "State"; and

(B) in paragraph (3), by striking "or by units of local government" and inserting ", units of local government, or Indian tribes";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "or unit of local government, or the head of the Indian tribe" after "State" each place that term appears;

(B) in paragraph (1), by inserting ", unit of local government, or Indian tribe" after "State";

(C) in paragraph (3), by inserting ", unit of local government, or Indian tribe" after "State" the first time that term appears;

(D) in paragraph (4), by inserting ", unit of local government, or Indian tribe" after "State"; and

(E) in paragraph (5), by inserting ", unit of local government, or Indian tribe" after "State";

(3) in subsection (c), by inserting ", unit of local government, or Indian tribe" after "State";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "or a unit of local government" and inserting ", a unit of local government, or an Indian tribe"; and

(ii) in subparagraph (B), by striking "or a unit of local government" and inserting ", a unit of local government, or an Indian tribe"; and

(B) in paragraph (2)(A), by inserting ", units of local government, and Indian tribes," after "States";

(5) in subsection (e)—

(A) in paragraph (1), by inserting "or local government" after "State" each place that term appears; and

(B) in paragraph (2), by inserting ", unit of local government, or Indian tribe" after "State";

(6) in subsection (f), in the matter preceeding paragraph (1), by inserting ", unit of local government, or Indian tribe" after "State";

(7) in subsection (g)—

(A) in paragraph (1), by inserting ", unit of local government, or Indian tribe" after "State"; and

(B) in paragraph (2), by inserting ", units of local government, or Indian tribes" after "States"; and

(8) in subsection (h), by inserting ", unit of local government, or Indian tribe" after "State" each place that term appears.

SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) if the applicant is a unit of local government, certify that the applicant participates in a State laboratory system;

"(7) provide assurances that, not later than 3 years after the date on which the application is submitted, the State, unit of local government, or Indian tribe will implement a plan for forwarding, not later than 180 days after a DNA evidence sample is obtained, all samples collected in cases of sexual assault to a laboratory that meets the quality assurance standards for testing under subsection (d); and

"(8) upon issuance of the regulations specified in section 10(d), certify that the State, unit of local government, or Indian tribe is in compliance with those regulations."; and

(2) by adding at the end the following:

"(k) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to a State or unit of local government that has a significant rape kit or nonsuspect case backlog per capita as compared with other applicants.".

SEC. 7. QUALITY ASSURANCE STANDARDS FOR COLLECTION AND HANDLING OF DNA EVIDENCE.

(a) NATIONAL PROTOCOL.—

(1) IN GENERAL.—The Attorney General shall review national, State, local, and tribal government protocols, that exist on or before the date of enactment of this Act, on the collection and processing of DNA evidence at crime scenes.

(2) RECOMMENDED PROTOCOL.—Based upon the review described in paragraph (1), the Attorney General shall develop a recommended national protocol for the collection of DNA evidence at crime scenes, including crimes of rape and other sexual assault.

(b) STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.—Section 1405(a) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note) is amended—

(1) in paragraph (2), by inserting "and emergency response personnel" after "health care students"; and

(2) in paragraph (3), by inserting "and DNA evidence collection" after "sexual assault forensic examinations".

SEC. 8. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

(1) establish and maintain sexual assault examiner programs;

(2) carry out sexual assault examiner training and certification; and

(3) acquire or improve forensic equipment.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term "eligible entity" means—

(1) a State;

(2) a unit of local government;

(3) a college, university, or other institute of higher learning;

(4) an Indian tribe;

(5) sexual assault examination programs, including sexual assault nurse examiner (SANE) programs, sexual assault forensic examiner (SAFE) programs, and sexual assault response team (SART) programs; and

(6) a State sexual assault coalition.

(c) APPLICATION.—To receive a grant under this section—

(1) an eligible entity shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require; and

(2) an existing or proposed sexual assault examination program shall also—

(A) certify that the program complies with the standards and recommended protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

(B) certify that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes.

(d) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to proposed or existing sexual assault examination programs that are serving, or will serve, populations currently underserved by existing sexual assault examination programs.

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) SUPPLEMENTAL FUNDS.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this section.

(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 5 percent of the funds it receives under this section for administrative expenses.

(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of proposed or existing sexual assault examination programs to apply for and obtain Federal funding from any other agency or department or any other Federal grant program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, to remain available until expended, $30,000,000 for each of fiscal years 2003 through 2007 to carry out this section.

SEC. 9. DNA EVIDENCE TRAINING GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

(1) train law enforcement personnel and all other first responders at crime scenes, including investigators, in the handling of sexual assault cases and the collection and use of DNA samples for use as forensic evidence;

(2) train State and local prosecutors on the use of DNA samples for use as forensic evidence; and

(3) train law enforcement personnel to recognize, detect, report, and respond to drug-facilitated sexual assaults.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term "eligible entity" means—

(1) a State;

(2) a unit of local government;

(3) a college, university, or other institute of higher learning; and

(4) an Indian tribe.

(c) APPLICATION.—To receive a grant under this section, the chief executive officer of a State, unit of local government, or university, or the head of a tribal government that desires a grant under this section shall submit to the Attorney General—

(1) an application in such form and containing such information as the Attorney General may require;

(2) certification that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes;

(3) certification that the applicant is aware of, and utilizing, the national sexual assault forensic examination training protocols developed under section 1405(a) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

(4) if the applicant is a unit of local government, certification that the applicant participates in a State laboratory system.

(d) RESTRICTIONS ON USE OF FUNDS.—

(1) SUPPLEMENTAL FUNDS.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this section.

(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 5 percent of the funds it receives under this section for administrative expenses.

(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of an eligible entity to apply for and obtain Federal funding from any other agency or department or any other Federal grant program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $10,000,000 for each of fiscal years 2003 through 2007 to carry out this section.

SEC. 10. AUTHORIZING JOHN DOE DNA INDICTMENTS.

(a) LIMITATIONS.—Section 3282 of title 18, United States Code, is amended—

(1) by striking "Except" and inserting the following:

"(a) LIMITATION.—Except"; and

(2) by adding at the end the following:

"(b) DNA PROFILE INDICTMENT.—

"(1) IN GENERAL.—In any indictment found for an offense under chapter 109A, if the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

"(2) EXCEPTION.—Any indictment described in paragraph (1), which is found within 5 years after the offense under chapter 109A shall have been committed, shall not be subject to—

"(A) the limitations period described in subsection (a); and

"(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

"(3) DEFINITION.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.".

(b) RULES OF CRIMINAL PROCEDURE.—Rule 7 of the Federal Rules of Criminal Procedure is amended in subdivision (c)(1) by adding at the end the following: "For purposes of an indictment referred to in section 3282 of title 18, United States Code, if the identity of the defendant is unknown, it shall be sufficient to describe the defendant, in the indictment, as an individual whose name is unknown, but who has a particular DNA profile, as defined in that section 3282.".

SEC. 11. INCREASED GRANTS FOR COMBINED DNA INDEX (CODIS) SYSTEM.

Section 210306 of the DNA Identification Act of 1994 (42 U.S.C. 14134) is amended—

(1) by striking "There" and inserting the following:

"(a) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(b) INCREASED GRANTS FOR CODIS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out upgrades to the Combined DNA Index System (CODIS) $9,700,000 for fiscal year 2003.".

SEC. 12. INCREASED GRANTS FOR FEDERAL CONVICTED OFFENDER PROGRAM (FCOP).

Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended by adding at the end the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out this section $500,000 for fiscal year 2003.".

SEC. 13. PRIVACY REQUIREMENTS FOR HANDLING DNA EVIDENCE AND DNA ANALYSES.

(a) PRIVACY PROTECTION STANDARD.—Section 10(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(a)) is amended by inserting before the period at the end the following: "or in section 3282(b) of title 18, United States Code".

(b) LIMITATION ON ACCESS TO DNA INFORMATION.—Section 10 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e) is amended by adding at the end the following:

"(d) LIMITATION ON ACCESS TO DNA INFORMATION.—

"(1) IN GENERAL.—The Attorney General shall establish, by regulation, procedures to limit access to, or use of, stored DNA samples or DNA analyses.

"(2) REGULATIONS.—The regulations established under paragraph (1) shall establish conditions for using DNA information to—

"(A) limit the use and dissemination of such information, as provided under subparagraphs (A), (B), and (C) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

"(B) limit the redissemination of such information;

"(C) ensure the accuracy, security, and confidentiality of such information;

"(D) protect any privacy rights of individuals who are the subject of such information; and

"(E) provide for the timely removal and destruction of obsolete or inaccurate information, or information required to be expunged.".

(c) CRIMINAL PENALTY.—Section 10(c) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e) is amended—

(1) in paragraph (1), by striking "discloses a sample or result" and inserting "discloses or uses a DNA sample or DNA analysis"; and

(2) in paragraph (2), by inserting "per offense" after "$100,000".

Mr. REID. I ask consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2513), as amended, was read the third time and passed.

DESIGNATING "YEAR OF THE BLUES"

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 567, S. Res. 316.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 316) designating the year beginning February 1, 2002, as the "Year of the Blues."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that this resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 316) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 316

Whereas blues music is the most influential form of American roots music, with its impact heard around the world in rock and roll, jazz, rhythm and blues, country, and even classical music;

Whereas the blues is a national historic treasure, which needs to be preserved, studied, and documented for future generations;

Whereas the blues is an important documentation of African-American culture in the twentieth century;

Whereas the various forms of the blues document twentieth-century American history during the Great Depression and in the areas of race relations, pop culture, and the migration of the United States from a rural, agricultural society to an urban, industrialized Nation;

Whereas the blues is the most celebrated form of American roots music, with hundreds of festivals held and millions of new or reissued blues albums released each year in the United States;

Whereas the blues and blues musicians from the United States, whether old or new, male or female, are recognized and revered worldwide as unique and important ambassadors of the United States and its music;

Whereas it is important to educate the young people of the United States to understand that the music that they listen to today has its roots and traditions in the blues;

Whereas there are many living legends of the blues in the United States who need to be recognized and to have their story captured and preserved for future generations; and

Whereas the year 2003 is the centennial anniversary of when W.C. Handy, a classically-trained musician, heard the blues for the first time, in a train station in Mississippi, thus enabling him to compose the first blues music to distribute throughout the United States, which led to him being named "Father of the Blues": Now, therefore, be it

Resolved, That the Senate—

(1) designates the year beginning February 1, 2003, as the "Year of the Blues"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the "Year of the Blues" with appropriate ceremonies, activities, and educational programs.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE UNITED STATES CONGRESSIONAL PHILHARMONIC SOCIETY

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H. Con. Res. 183, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 183) expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution and its preamble be agreed to, the motion to reconsider be laid on the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 183) was agreed to.

The preamble was agreed to.

DESIGNATING THE WEEK BEGINNING SEPTEMBER 15, 2002, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 305, and that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 305) designating the week beginning September 15, 2002, as "National Historically Black Colleges And Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid on the table, and any statement relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 305

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

The Senate—

(1) designates the week beginning September 15, 2002, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

CONGRATULATING THE NATIONAL FARMERS UNION FOR 100 YEARS OF SERVICE TO FAMILY FARMERS, RANCHERS, AND RURAL COMMUNITIES

Mr. REID. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. Res. 324, and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) congratulating the National Farmers Union for 100 years of service to family farmers, ranchers, and rural communities.

There being no objection the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid on the table with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas the National Farmers Union celebrates its centennial anniversary in 2002;

Whereas during its 100 years of service to rural America, the National Farmers Union has faithfully promoted the organization's mission of education, legislation, and cooperation as identified by its founders and proclaimed in its triangular symbol;

Whereas the National Farmers Union represents nearly 300,000 family farmer and rancher members across the United States;

Whereas the National Farmers Union epitomizes the spirit and energy of hundreds of thousands of family farmers, ranchers, rural advocates, and communities;

Whereas the National Farmers Union remains dedicated to protecting and enhancing the quality of life for rural America;

Whereas the National Farmers Union has been instrumental in the establishment and progress of the farmer-owned cooperative movement; and

Whereas the National Farmers Union strives to improve rural America through proactive support and proposals to enhance rural economic development, educational opportunities, resource conservation, market competition, domestic farm income, and international cooperation: Now, therefore, be it

Resolved, That the Senate commends and congratulates the National Farmers Union for a century of dedicated service to the farmers, ranchers, and rural communities of the United States.

PROVIDING A TEMPORARY WAIVER UNDER THE CLEAN AIR ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3880, which has just been received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3880) to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3880) was read the third time and passed.

ORDERS FOR FRIDAY, SEPTEMBER 13, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. tomorrow, Friday, September 13; that following the prayer and the Pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session to consider Executive Calendar No. 961 and the nomination be confirmed without any intervening action or debate; that following the disposition of the nomination, the motion to reconsider be laid on the table, any statements thereon be printed in the RECORD, the President be immediately notified, and the Senate return to legislative session and resume consideration of the Interior Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur tomorrow morning at 10:15 a.m. in relation to the Dodd amendment to the Interior Appropriations bill. At noon the Senate will resume consideration of the Homeland Security Act.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. Mr. President, I appreciate very much the patience of the Presiding Officer.

I now ask unanimous consent, as I believe there is no further business to come before the Senate, that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:53 p.m, adjourned until Friday, September 13, 2002, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 2002:

DEPARTMENT OF STATE

MAURA ANN HARTY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (CONSULAR AFFAIRS), VICE MARY A. RYAN.

THE JUDICIARY

RALPH R. ERICKSON, OF NORTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH DAKOTA, VICE RODNEY S. WEBB, RETIRED.

S. MAURICE HICKS, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE DONALD E. WALTER, RETIRED.

THOMAS L. LUDINGTON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PAUL V. GADOLA, RETIRED.

WILLIAM D. QUARLES, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE WILLIAM M. NICKERSON, RETIRED.

VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE BOHDAN A. FUTEY, TERM EXPIRED.

GLEN L. BOWER, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE CAROLYN MILLER PARR, TERM EXPIRED.

CONFIRMATION

Executive Nomination Confirmed by the Senate September 12, 2002:

THE JUDICIARY

TIMOTHY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

IN HONOR OF JOHNNY UNITAS

HON. BRIAN D. KERNS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2002

Mr. KERNS. Mr. Speaker, I rise to pay tribute to an individual who many consider to be the greatest quarterback of all time, Johnny Unitas.

The Johnny Unitas story is one that serves as an inspiration to us all.

Hailing from what once was called "low rent Pittsburgh," his rags to riches career began in 1955, when he was drafted in the 9th round, but then cut, by the Pittsburgh Steelers.

A year or so later, after playing semi-pro ball for $6 a game, Unitas signed a pro contract with the Baltimore Colts.

His career then skyrocketed, and he was a key player in the Colts 1958 championship victory over the Giants. That contest came to be known as the greatest game ever played.

Always known for his black high top shoes, Johnny U. passed for over 40,000 yards in his career, which was highlighted by throwing a touchdown in an N.F.L. record 47 consecutive games. This is a record that still stands and one that some say is unbreakable.

A few years ago, here in the Nation's Capitol, it was my honor to meet Mr. Unitas and shake his hand. I can tell you he was truly a gentleman.

As you may know, the Baltimore Colts eventually moved to my home State of Indiana.

In honor of Johnny Unitas, there are reports that current Colts quarterback Peyton Manning will be wearing black high tops this Sunday, when the Colts play the Miami Dolphins.

I think I speak for many when I say Johnny Unitas, #19 of the Baltimore Colts, was one of the toughest and greatest players to ever grace the football field.

Johnny Unitas embodied what it means to be an American. He chased the American Dream. Despite the odds . . . through hard work, determination and sheer guts, he became a champion N.F.L. quarterback.

On behalf of the millions of fans that admired your play on the field let me say thanks for all the great memories.

God bless you Johnny Unitas and may he watch over your family.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. MOORE. Mr. Speaker, I rise today to express my great concern with provisions of H.R. 5203.

Supporters of this legislation will tell you it shows their support for the education of our children. I believe that if Congress is serious about supporting elementary and secondary education, we should fully fund the provisions of the No Child Left Behind Act passed overwhelmingly last year. The President's budget not only fails to provide all the funding authorized for this legislation, it actually cuts funding for these programs by $90 million from the 2002 enacted level, to $22.1 billion for 2003. This is $4.2 billion below the $26.3 billion authorized for 2002.

Mr. Speaker, every member of the House has heard from their local school districts how the unfunded mandate of the special education law leaves them struggling to balance the books. I voted for the No Child Left Behind Act and I made a commitment to my local school districts that I would do everything in my power to ensure that this new law is fully funded.

Unfortunately, the bill before us today will divert funds from the commitments we made when passing the No Child Left Behind Act in favor of initiatives for which there is no strong consensus. For example, the Coverdell Savings Account provisions of this bill could divert scarce resources from our public school system, a system that serves over 90% of our nation's kids. These Education Savings Accounts (ESA) provide tax breaks, equivalent to vouchers, for private schools. ESA's drain funds from the treasury that could be used for other purposes—including full funding of the No Child Left Behind Act. Further, ESAs offer no real choice to low-income families, who do not have the funds to put aside for private school, or families with disabled kids, who can still be turned down by private schools.

Mr. Speaker, while I am concerned with the affect certain provisions of this bill will have on scarce public school funds, I do support several provisions in this bill. I have long supported efforts to expand the student loan interest deduction. This policy affirms my belief in the importance of higher education to our nation's future and my hope that the opportunities of college can be made more affordable to more individuals. I also support legislation that would help local communities with school construction and renovation needs. The average age of school buildings in my congressional district is 30 years, and 25% of my schools use portable classrooms. The need is great in both areas, and during my time in office I have actively worked to address these problems. It is regrettable that I was unable to support this bill due to the unfortunate legislative vehicle chosen and that it was brought to the floor by the majority in their zeal to vote yet again for school vouchers.

Finally, I am opposing this bill because it was brought to the floor under an unfair procedure that prevents the consideration of any amendments and even a motion to recommit. Perhaps if the majority had utilized the regular order of the committee process, members like me would have had an opportunity to have our concerns addressed and this legislation, stripped of its controversial elements, could have passed the House overwhelmingly.

PAYING TRIBUTE TO JOHN A.F. WENDT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this opportunity to recognize the life and accomplishments of John A.F. Wendt, Jr., of Delta, Colorado, before this body of Congress. Mr. Wendt has just recently passed away and as his family mourns their loss, I would like to pay tribute to the extraordinary contributions he made to his community, and to his country. Throughout his life, Mr. Wendt embodied the unrelenting principles of honor, character, and sincerity that we, as Americans, should always strive to emulate.

Mr. Wendt was a World War II and Korean War veteran who courageously served his country in the Army's elite 11th Airborne unit in the Pacific. His resolute character and principled demeanor won him the approval and respect of his fellow servicemen who viewed him as a dedicated soldier and a loyal comrade. In fact, Mr. Wendt's courage was so commendable that he was awarded the prestigious Silver Star, Bronze Star, and Purple Heart medals for his military service.

After graduating from University of Colorado in 1951, Mr. Wendt became a very successful and distinguished lawyer. He was a practicing attorney his entire life; he served as a judge and a district attorney and was on the Board of Directors of the Colorado Bar Association for many years. Mr. Wendt loved the law profession and the genuine interest and enthusiasm that he brought to his work won him the esteem and admiration of his colleagues.

Despite the pressures of a demanding career, Mr. Wendt found the time to make significant contributions within his community. Mr. Wendt was a committed member of the Pony Club, a horsemanship education program for children. Mr. Wendt served on the Board of the Pony Club but also took the time to participate directly with the children within the organization. Mr. Wendt was also a sportsman and founded the Roaring Fork Hounds Club, where he eagerly participated in the organization's events.

Mr. Speaker, it is with profound sorrow that I recognize Mr. John A.F. Wendt before this body of Congress and this nation for the outstanding service and commitment he made to his country. My condolences go out to his brother Allan and his children John, Eric, Wendy, and Hilary. Mr. Wendt lived his life

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with courage and with honor and I commend him for his conduct. His loss will be deeply felt and a grateful nation will be forever in his debt.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, on September 9, 2002, I was in my Congressional District in Rhode Island and consequently I missed three votes.

Had I been here I would have voted: "yes" on rollcall No. 375, "yes" on rollcall No. 376, and "yes" on rollcall No. 377.

On September 10, 2002, I was in my Congressional District in Rhode Island and consequently I missed six votes.

Had I been here I would have voted: "yes" on rollcall No. 378, "yes" on rollcall No. 379, "yes" on rollcall No. 380, "yes" on rollcall No. 381, "yes" on rollcall No. 382, and "yes" on rollcall No. 383.

On September 11, 2002, I was in my Congressional District in Rhode Island and consequently I missed one vote.

Had I been here I would have voted: "yes" on rollcall No. 384.

PERSONAL EXPLANATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. HOYER. Mr. Speaker, on September 10, 2002 I was unable to vote on rollcall No. 380. Had I been present, I would have voted "aye."

CONFERENCE REPORT ON H.R. 3009, TRADE PROMOTION AUTHORITY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. MOORE. Mr. Speaker, I rise in support of the conference report for H.R. 3009, Trade Act of 2002, which provides for Trade Promotion Authority for the President, among other things.

Globalization is here to stay. With markets now linked globally by computers, satellite communications, and advanced transportation networks, international trade and investment will play an increasing role in American prosperity. We cannot, as a nation, afford to retreat from a proactive strategy of trade expansion that takes advantage of our position as the world's most prosperous and dynamic economy.

Trade liberalization is also an important tool towards developing responsible global relations. It is a tool, as the preamble of the GATT states, for "raising standards of living, ensuring full employment, developing the full use of the resources of the world and expanding the production and exchange of goods." Indeed, open markets are an important engine of economic growth, which can expand opportunities, raise living standards, and affect social change. Perhaps most importantly, however, trade liberalization provides our nation with an additional diplomatic tool and a forum within which our nation may deal with international disputes and/or coalition building. Trade's national security component cannot be understated.

Mr. Speaker, on December 6, 2001, I voted for TPA because I believe trade expansion is necessary to achieve continued economic growth and protect our vital national security interests. House approval of this legislation in December helped move the process forward on this legislation and made possible a stronger bill from the Senate and a conference report that contained many of the important provisions of the Senate bill.

The TPA conference report contained strong trade adjustment assistance (TAA) provisions that improved and expanded the current program. Indeed, the conference report nearly tripled the existing TAA program and set important new precedents regarding coverage for displaced workers and health care assistance for the unemployed. This bill will, for the first time, allow displaced workers to receive assistance in purchasing qualified group health plans and makes them eligible for a benefit to pay 65 percent of their health care costs. This bill also expands the universe of individuals eligible for assistance to include secondary workers and farmers. Finally, the bill doubles the amount to be used to retrain displaced workers in new and better paying jobs, while creating wage insurance for older employees.

With specific regard to trade, the conference report improves upon the House-passed version by requiring, for the first time, that labor and environment issues are "on par" with, or given the same consideration as, other trade-related issues. These labor and environment issues are fully enforceable through dispute resolution mechanisms under current law and the bill contains provisions to ensure that our U.S. trade laws are protected.

The conference report also fully addresses investor-state disputes, or so-called Chapter 11 issues not contained in the original House-passed bill. The legislation will (1) ensure that foreign investors in the U.S. are not accorded greater rights than U.S. investors; (2) establish standards for "fair and equitable treatment" consistent with U.S. legal principles and practice; (3) set up mechanisms to deter and eliminate frivolous claims; (4) provide for public input into the formulation of government positions in investor-state dispute settlements; and (5) create an appellate body to review these disputes.

Finally, this agreement will make the process of foreign trade agreements more efficient and diplomatic. Although the President will form our nation's official policy on trade, Congress will have considerable influence over the development of that party through the creation of a new Congressional Oversight Committee. Ultimately, Congress will also have the authority to check the Administration's power by accepting or rejecting the policy.

TPA is critical for removing remaining trade barriers to exports of Kansas' good and services. Kansas exporters still face major trade barriers in sectors like civil aircraft and parts, agricultural equipment, industrial machinery and auto parts. With the United States on the sidelines, foreign competitors are forging ahead and pursuing their own market-opening agreements. Kansas' economy is export-dependent, with export sales of $1,879 for every state resident. More than 68,000 Kansas jobs depend on exports of manufactured goods. I believe that this agreement strikes a good balance to protect these export-dependent jobs, preserve our values with regard to labor and the environment, protect our trade laws, and provide unprecedented assistance for displaced workers to receive new, and better jobs.

PAYING TRIBUTE TO JESS J. CAMPBELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness and respect that I recognize the life and passing of Mr. Jess J. Campbell of Orchard Mesa, Colorado. Mr. Campbell, a resident of Colorado for over a hundred years, witnessed the state's changes and transformations over the course of a century. His loss will be felt by many in his community and I am honored to tell his story before this body of Congress today.

Jess Campbell was born in Steamboat Springs on July 16, 1901. He grew up in the Montrose and Hotchkiss areas of Colorado and lived his entire life on the Western Slope. Mr. Campbell worked as a rancher, a miner, and in real estate and then in 1921, he began working for the Rio Grande Railroad and retired as an engineer after 52 years of service. Mr. Campbell was also a lifetime member of the Brotherhood of Locomotive Firemen and Enginemen and the Rio Grande Veterans.

Although Mr. Campbell had an interesting and eventful career, he was also a loving and devoted husband and father. Together, Mr. Campbell and his wife Blanche raised 10 children, 21 grandchildren, 30 great-grandchildren, and 6 great-great-grandchildren. During his free time, Mr. Campbell enjoyed gardening, woodworking, camping, and fishing and enjoyed spending time with friends and family at his cabin on Poncha Pass.

Mr. Speaker, it is an honor to recognize Mr. Jess J. Campbell before this House of Representatives and this nation for the wonderful contributions he has made to the State of Colorado. Mr. Campbell was a pioneer of the state and has left an indelible impression upon its history. As his friends and family gather to mourn their loss, there is solace in knowing that the legacy of Jess J. Campbell will continue into the future generations of this country.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. MASCARA. Mr. Speaker, on September 9, 2002, I was absent for personal reasons and missed rollcall votes numbered 375, 376, and 377. For the record, had I been present I would have voted "yea" on all of these votes.

PERSONAL EXPLANATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2002

Mr. HOYER. Mr. Speaker, on September 10, 2002 I was unable to vote on rollcall 378. Had I been present, I would have voted "aye."

HONORING THE 25TH ANNIVERSARY CELEBRATION OF BURKE CENTRE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 25th Anniversary of Burke Centre, Virginia.

Burke Centre is located in the core of the 11th congressional district of Virginia. This planned residential community began its development in 1976 and has grown into a thriving community with over 5,800 residences in its five neighborhoods: the Commons, the Landings, the Oaks, the Ponds, and the Woods. These neighborhoods are impressive examples of a successful organized community, with each of the five represented by one trustee, and featuring a pool and community center.

The gem of Burke Centre is the Conservancy, consisting of 1,700 acres, including 350 acres of pristine open space area ideal for a wide range of active and passive recreational activities. Ponds, tennis courts, playing fields, swimming pools, and other amenities are maintained for the enjoyment of residents.

This planned neighborhood took into consideration the community needs of its residents during its development. An efficient and effective committee system ensures residents' voices are still heard today. Burke Centre has established itself as a community committed to conservancy with its abundance of nature parks and outdoor activities. The Election Board is responsible for maintaining this mission and overseeing the annual Conservancy Board and Cluster Committee elections.

In commemoration of its 25th anniversary, Burke Centre's Fall Festival, planned and organized dually by volunteers and staff, will be the community's chance to celebrate this landmark anniversary. Antique vendors, entertainment, games and arts and crafts will pay tribute to Burke Centre's beginnings.

Mr. Speaker, in closing, with all that Burke Centre has created and offered its residents since its development 25 years ago, we have great reason to celebrate today. Accordingly, I extend my warmest congratulations to a community that has been dedicated to providing the best possible residential and community environment to its citizens.

IN RECOGNITION OF EDITH LEDERBERG

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to my good friend Edith Lederberg, a woman who has served with distinction at the Area Agency on Aging of Broward County for twenty-five years.

Born on October 26, 1929, Edith Lederberg is a native of Freeport, New York. There she attended Hofstra University and obtained a Baccalaureate degree in Spanish and a Master's degree in Education. While residing in New York, Ms. Lederberg held teaching positions in the Freeport and Linderhurst Public School Systems, and Wantagh Union Free School District. In 1975, she became a Public Relations Consultant for the Wantagh Union Free School District.

Moving to Broward County, Florida in 1977, Edith continued her public relations career when she became Director of Community Relations Advocacy as Community Coordinator for the Area Agency on Aging. In 1986, Ms. Lederberg was appointed Executive Director of the Area Agency on Aging of Broward County.

As Executive Director of the Area Agency of Broward County she performs as the Project Director under the guidance of the Areawide Council on Aging; planning, coordinating, and directing the Area Agency on Aging Programs. She works with the State Department of Elder Affairs, as well as with public and private agencies at the local level. She sets policy for the Area Agencies administrative unit, advocates on behalf of senior concerns locally, statewide, and nationally, and raises financial resources to support programs for Older Americans residing in Broward County.

Throughout the years, Ms. Lederberg's remarkable service has been widely recognized. In 1995, Ms. Lederberg was appointed to serve as a Florida Delegate to the White House Conference on Aging. In 1996 and 1997, she served as President of the Florida Association of Area Agencies on Aging. Edith also is an active member of Broward's Coordinating Board for Transportation Disadvantaged and the Coordinating Council of Broward. Additionally she has been inducted into Broward Women's Hall of Fame and Broward Senior Hall of Fame. In 1999, she was selected as one of the Broward County Fair's First Ladies of Broward and was the designee for the Florida Department of Elder's Affairs' Incredible Partners Award. In 1997, she was appointed by Senator Bob Graham to serve on the Federal Judicial Nominating Commission, and I had the privilege of reappointing her in 2001.

For the past twenty-five years Edith has found her calling as an advocate for the elderly, not only in Broward County, but throughout the state and the country, and what an advocate she is. This 'Angel of the Aging', as she is often called, is knowledgeable, articulate, persuasive and stubborn when fighting for what she feels is right. Many in Florida have seen the poster of this petite woman sitting on a Harley with the caption: 'Fully Engaged in Positive Aging'. How appropriate, Edith Lederberg: mother, grandmother, poet, baker of cakes, and voice of the elderly.

Mr. Speaker, I am pleased to recognize Edith Lederberg today for all of her contributions, improving the quality of life for senior citizens of Broward County and for her 25 years of service to the Area Agency on Aging of Broward County.

IN PRAISE OF THOMAS O'SULLIVAN, DR. FRED EPSTEIN, AND DR. GEORGE JALLO

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, I today offer my praise for the incredible strength, dedication and bravery of three individuals, Thomas O'Sullivan, Dr. Fred Epstein and Dr. George Jallo.

In the beginning of 1999, then five-year-old Thomas started to have difficulty walking and maintaining balance. His parents, Patrick and Andrienne O'Sullivan, obviously concerned, took Thomas to a doctor in Ireland. Thomas was diagnosed as having an inoperable brain tumor, and his parents immediately began searching for someone who could help him. They had heard of one Dr. Fred Epstein, who founded the Institute for Neurology and Neurosurgery at Beth Israel Medical Center in New York City. Dr. Epstein's team received and reviewed Thomas' medical records.

Through this connection, a doctor trained by Dr. Epstein, Dr. George Jallo, agreed to perform surgery on Thomas without cost. In April of 2002, Dr. Jallo successfully removed 70% of the tumor plaguing Thomas' health. I cannot overstate how much we owe Dr. Epstein and Dr. Jallo for their work, because without this surgery, Thomas would have lost the ability to walk or swallow, his condition would have worsened, and he would most likely not have been able to live a normal life.

While Thomas still faces a difficult road to recovery, thanks to Dr. Epstein, Dr. Jallo and to Thomas' own inner-strength, it is by no means an impossible one. Mr. Speaker, I rise to commend the determination and commitment that they have all demonstrated. It is truly a testament to the richness of the human spirit. I also wish Thomas good health and long life, and encourage those who are still working on Thomas' behalf to see that he reaches that goal. Your actions have made us all proud and should serve as a reminder to the American people of the good that is in all of us. Thank you.

TRIBUTE TO KANU-FM PUBLIC RADIO OF THE UNIVERSITY OF KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. MOORE. Mr. Speaker, I rise today to recognize an important cultural organization that has played a vital role in my congressional district for the past 50 years.

Radio station KANU–FM began broadcasting on September 15, 1952, in Lawrence, Kansas, when Harry Truman was serving as President. During the coming weekend, they are celebrating their 50th anniversary on the air. I would like to take this opportunity to thank them for their service.

Since 1952, KANU has informed, enlightened, educated and amused the radio listeners of northeast Kansas; it is the flagship station of National Public Radio in our state and it is a cultural lifeline for Kansans and an example of public radio at its best.

At a time when radio programming is becoming more homogeneous, KANU continues to present classical music, jazz, opera, bluegrass and folk music. These genres have a wide audience, but listeners might not be able to hear them on the radio without the steadfast, continued support of KANU.

KANU is also a credit to its home institution, the University of Kansas, which has backed the institution from its beginning.

As a listener, supporter and occasional guest of KANU, I urge all Kansans, and indeed, all fans of good radio, to thank KANU for their 50 years of broadcasting and to wish them well for the next 50 years.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002.

Mr. OWENS. Mr. Speaker, on September 10 I was unavoidably absent and missed rollcall votes Nos. 378, 379, 380, 381, 382 and 383. If present I would have voted "yea."

PAYING TRIBUTE TO NICK PAPADAKIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. McINNIS. Mr. Speaker, I stand before you and this body of Congress today to honor a remarkable veteran of the United States Navy who recently passed away. Nick Papadakis of Pueblo, Colorado contributed selflessly to our nation and I thank him for his commitment to this country. As a Navy veteran who served in time of war, Nick is an example of what is best about our country: the passion and valor of its citizens.

In 1959, after service in the Navy, Nick received an honorable discharge and started a career with the Prudential Insurance Company, which lasted for twenty-eight years. He moved to Colorado in 1971 and immediately found his calling. Nick and his wife dearly missed the deli specialties of San Francisco and opened their own restaurant, "The Deli." The Deli was a success because aside from good food, Nick provided a personal atmosphere where customers could discuss sports, politics and the Pueblo Community. Nick's deli has been a vital part of the Pueblo community since it opened.

Mr. Speaker, I ask you to join me today in celebrating the life of Nick Papadakis, who tragically lost his battle with cancer recently. Nick dutifully served our country and selflessly committed himself to the betterment of Pueblo. His legacy of love includes his wife, June; his two daughters, Michele and Alison; and their husbands; as well as three precious granddaughters who doted on their grandfather. Nick's remarkable spirit empowered all who knew him. I would like to express my deepest condolences to his friends and family as I pay tribute to the power of his life today before this body of Congress.

ALLEN SHUR: 2002 JOHNS LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. FILNER. Mr. Speaker, I rise to salute Allen Shur on receiving the 2002 Johns "Labor Leader of the Year" Award in recognition of his outstanding contributions to the working women and men of our community.

Allen was born in Los Angeles in May 1948. His father was a member of the International Brotherhood of Electrical Workers. Allen lost both of his parents at a young age. Overcoming his loss, he graduated from high school in Los Angeles County. Then he attended college in southern California and became active in the labor and political movements of the late 60s and early 70s.

Allen joined the International Brotherhood of Electrical Workers in 1967. He graduated from the then four-year IBEW/NECA Inside Apprenticeship program in 1971. Allen distinguished himself by his political involvement, which caught the attention of IBEW's membership. He served on the Executive Board of Local 569 and as a Labor Trustee.

In 1995, the membership overwhelmingly elected him to the office of Business Manager, a position that he continues to hold. Allen has continued his support for organizing the electrical workers in San Diego and Imperial Counties, increasing Local 569's membership rolls each year. In addition, Allen has directed his staff to organize both workers and contractors, providing all workers in the electrical industry the union choice.

Allen serves as the District I Vice President of the California Federation of Labor (AFL–CIO), Executive Board Member of the San Diego Labor Council, Vice President of the San Diego County Building and Construction Trades Council, and Secretary of the AFL–CIO Building Corporations. He also volunteers his time with Christmas in April and other community organizations.

Allen Shur exemplifies the high values, standards, and principles of the late John S. Lyons. I offer my congratulations to him on his receipt of the 2002 "Labor Leader of the Year Award."

PERSONAL EXPLANATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. HOYER. Mr. Speaker, on September 10, 2002 I was unable to vote on rollcall 379. Had I been present, I would have voted "aye."

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Ms. PRYCE of Ohio. Mr. Speaker, I rise today on the anniversary of the day our great nation was forever changed when terrorists attacked and killed thousands of Americans simply because they were American.

Today, first and foremost, our Nation pays respect to the victims and their families. We stand united and remind them that one year has passed and still, we will never forget September the 11th.

What happened to the United States on that infamous day brought out the best of the American spirit.

The enemies who struck us grossly miscalculated the strength and resolve of the American people.

They didn't know that our bonds of liberty, our bonds of freedom, and our bonds of democracy are stronger and run deeper than any individual, than any building, than any monument.

As President Bush said, "This country will define our times, not be defined by them. As long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty, here and across the world."

During this unprecedented time of great challenge, there will be no corner of the earth where the demons of September 11th will be safe from justice.

America will continue to fight for the security of our great nation, and for peace in the world.

We will never forget every firefighter, flight attendant, father and friend that died that infamous day. May God watch over their families and continue to bless America.

PITTSBURGH PIRATES ALL-STAR EMPLOYEES

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. COYNE. Mr. Speaker, I rise today to call the House's attention to the recognition that the Pittsburgh Pirates have recently awarded a number of their employees for their outstanding work.

The Pittsburgh Pirates Baseball Club began playing its home games at PNC Park on Pittsburgh's North Shore during the 2001 baseball season. The new baseball park is an impressive facility, and it has been well regarded by the many fans and visitors who have attended games there.

An important part of the positive experience visitors take away from PNC Park consists of the service they are provided with by the more than 2,500 employees who work at the Park on each game day. These workers take visitors' tickets, staff the concession stands, keep the facility clean, and provide parking and security services. Their work does a great deal to make a visit to PNC Park such a rewarding experience.

As a way of rewarding and encouraging exemplary service, the Pittsburgh Pirates Baseball Club recognizes a number of "All-Star" employees each month. The All-Star employees for the month of August, 2002, were Bill Gray, De'Milles Jones, Keith Hall, Anna Eberhart, Chad Jordan, Tom Prendergast, Michelle Kimble, Phil Coyne, and Dan Felter. I would like to congratulate these individuals on their selection for recognition as exemplars of excellence on the job.

TRIBUTE TO RUDD MAGERS MAYER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Rudd Mayer, a loving mother, tireless worker for the environment and passionate citizen of Boulder, Colorado, who tragically passed away on August 13, 2002.

Rudd spent most of her life raising a family, but in her late forties she became a member of the Boulder-based Land and Water Fund of the Rockies working primarily on energy efficiency and renewable energy issues. Her work was essential in getting Colorado's publicly owned energy utility to include wind power as part of its energy supply portfolio. The success of that program is direct proof that Rudd was on to something. She was instrumental in encouraging consumers to pay a little extra for "green energy" such as wind power. She was the main force behind the program to allow consumers the choice of acting on their beliefs of a cleaner environment by helping to implement and promote renewable energy options.

In addition to her important work, Rudd was someone who held friends and family close and instantly drew people in, constantly forming new friendships and acquaintances. Rudd's presence would light up any room and her enthusiastic personality contributed greatly to gatherings of groups and individuals.

Rudd was first, and foremost, a mother. When her kids were growing up, she was always there after school, and set a table for six without fail. Rudd was incredibly active, and exercising was a huge part of her life in Winnetka, Illinois. She was an accomplished tennis player, platform tennis player, rollerblader, hiker and skier. She also enjoyed golf, mountain biking, and swimming breaststroke with her head out of the water wearing Ray Ban sunglasses and a floppy white hat.

Rudd knew she belonged in the west ever since her father took her on a train to Yellowstone when she was about ten years old. When she arrived in Boulder in the 90's it was like coming home. Once in Boulder she lived in a solar heated house in Sunshine canyon. Refusing to use electricity, she would wake up every morning and light a fire to heat the house. During the winter she would sleep in full ski wear.

Her first job in Boulder was at the Boulder Book Store. She grew to be a nationally recognized "green power" marketing expert at the Land and Water Fund of the Rockies. Shortly after her retirement, Rudd's energy program received a rare unsolicited grant from the Rockefeller Foundation.

What we will remember in the end is more than her big smile, huge heart and sparkling eyes. She was truly an inspiration without bounds to our family and everyone who knew her.

Rudd had always believed in the river of life; she believed that all things had a purpose, and she would have said there was a reason this time for her to go.

Attached is a news story marking her passing. Those that had the pleasure of knowing and working with Rudd will miss her bright smile, her love of life and her passion for enhancing our quality of life.

BOULDER ACTIVIST RUDD MAYER DIES; ENVIRONMENTALISTS SAY WIND-POWER PROPONENT WILL BE MISSED

(By Katy Human)

Rudd Mayer, an energetic environmental advocate and the driving force behind Xcel Energy's successful wind-power program, died unexpectedly of heart failure Tuesday. She was 58. The tiny, husky-voiced woman commanded great respect in Boulder's environmental community.

"All day long, I've been getting e-mails from Rudd's colleagues about what a pioneer she was," said Susan Innis, green-power marketing director for the Land and Water Fund of the Rockies, an organization for which Mayer consulted.

Several years ago, a merger settlement forced Xcel, then Public Service Company of Colorado, to develop a wind-power program, Innis said, but she said WindSource would have been a quiet, sidelined program without Mayer's input.

Mayer and several colleagues developed a sophisticated marketing scheme for the wind program, which lets Xcel customers buy "green" power for slightly more than traditional electricity from coal-fired power plants. More than 23,000 households and businesses in Colorado are now signed up, according to Xcel figures.

Several organizations praised Mayer's work with awards, including the President's Council on Sustainable Development, the Environmental Protection Agency and the Center for Resource Solutions.

Mayer's former colleague Kelley Green said her friend's greatest legacy is not WindSource but simply the attitude Mayer brought to her work.

"There are lots of people who do really amazing and wonderful things for the environment," Green said, "but there are few that do it with her spirit, her integrity, her commitment, her joy." Mayer was born Sept. 8, 1943, in Washington, D.C., to Dorothy and Rudyard K. Magers. She spent most of her childhood in Evanston, Ill., and graduated from Smith College with a bachelor's degree in art history.

She married Richard Mayer, her high school sweetheart, said Brooke Mayer Larson, a daughter. The two later divorced but remained friends.

Mayer lived in Boulder for about a decade, and the West suited her, Larson said. "She's such a passionate person. She loved the mountains, the land, the desert. . . ."

Mayer had some health problems as a result of childhood illness but was one of the most enthusiastic and energetic people around, said Claudia Putnam, also of the Land and Water Fund. On Tuesday morning, a friend of Mayer's drove her to Boulder Community Hospital because she was having trouble breathing, Putnam said.

Mayer is survived by four children—Larson, Alexandra Mayer Druker of Palo Alto, Calif., Taylor Mayer of Billings, Mont., and Campbell Mayer, who has been traveling around the world—and five grandchildren.

The Mayer family is planning a "memorial celebration" at 10:30 a.m. Monday on the lawn in front of the Chautauqua Park Dining Hall in Boulder. In lieu of flowers, the family has asked donations be sent to the Land and Water Fund to support wind power.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. MASCARA. Mr. Speaker, on September 10, 2002, I was absent for personal reasons and missed rollcall votes numbered 378 through 383. For the record, had I been present I would have voted "yea" on all of these votes.

IN RECOGNITION OF STATE SENATOR DEBBY SANDERSON

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. SHAW. Mr. Speaker, I rise today to recognize my good friend, Florida Senator Debby Sanderson who has announced her retirement after 20 years of distinguished public service to the residents of Broward and Palm Beach counties.

In 1982, Senator Sanderson was the first female elected from Broward County to the Florida House of Representatives and served as the Freshman Minority Leader her first term. In 1988, Debby was appointed by the Democratic Speaker of the House to the House Health and Human Services Appropriations Committee. It was this committee assignment early in her career which led to her interest in social services and shaped much of her future work in the Florida legislature. She was chairwoman of the Human Services Appropriations in the House until her election to the Senate in 2000.

During her years of service in the House and Senate, Debby brought her low-key, principle driven agenda focusing on issues such as health care, children, education and a commitment to Florida's social services. Always accessible to her constituents, Debby traveled her district listening to the needs and concerns of officials and citizens alike. Although the Florida legislature is only in session for two months out of the year, for Debby it has been a full time job.

When Senator Debby Sanderson recently announced her retirement, the room was filled with admirers from the social services community all of whom have benefitted from her hard work and dedication: PACE, a program for troubled teenage girls; Joe DiMaggio Children's Hospital; Autism Society of Florida; Area Agency on Aging; Special Olympics, to name just a few. Also present were representatives of Florida Breast Cancer Research Coalition whose cause will benefit from passage of the special license plate legislation sponsored by Senator Debby Sanderson.

Mr. Speaker, Senator Debby Sanderson has decided to retire from public life; however I am certain she will remain an active participant in her community, state, and country. During her 20 years of service, Debby and I have shared constituents and lived within each other's district. She represented me in Tallahassee with honor and dignity and I am honored to represent her here in Washington.

IN REMEMBRANCE OF JAMES L. CHARLES

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. PORTMAN. Mr. Speaker, I rise today in remembrance of James L. Charles, a dear friend, constituent, community leader, and public servant who passed away on September 1, 2002.

Jim was born in Adams County, Ohio on August 21, 1922. He lived a full life, having proudly served his local community and nation. Early on, he served in the U.S. Marines in World War II. Most recently he was a member of the Ohio Education Association, the National Education Association, the Highland Chapter of Ohio Retired Teachers Association, the Brown County Shrine Club, Georgetown American Legion Post #180, Masonic Lodge #631 of Columbus, Scottish Rite Valley of Dayton, and the Syrian Temple of Cincinnati.

He earned a Bachelor of Education from the University of Dayton in 1953, and a Master of Education from Xavier University in 1967. For much of his life, his passion was helping others learn to read and further their education. For a number of years, he owned and operated a restaurant in Dayton, Ohio, which established a co-op program so employees could get a college education. In addition, he served as the State Director of The National Right to Read Foundation and also as President of the Ohio Reading Reform Foundation. In the 1980's, he worked with the Ohio General Assembly on the issue of literacy, and he was the author of an Ohio State law, signed in 1989, which encourages the use of phonics to teach reading skills. Jim was a strong believer in the benefits of phonics, and through his personal efforts, he not only made a huge difference in the progress of phonics, but also in the reading skills of thousands of Ohioans.

Mr. Speaker, Jim Charles made a difference in the lives of others. His service to our country and to Southwestern Ohio are to be commended and remembered well. All of us in Southwestern Ohio offer condolences to his wife, Dr. Doris Charles, and are thankful for Jim's many contributions to our community.

IN REMEMBRANCE OF MRS. WANDA FLOYD OF GOOSE CREEK, SOUTH CAROLINA

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to honor the memory of a great American and a close friend, Mrs. Wanda Floyd, of Goose Creek, South Carolina. Wanda was born on February 1, 1926 and died on September 5, 2002. She will be sorely missed by her family and host of friends.

Many politicians, including myself, owe much to the tireless work of this "Republican Woman". Wanda served in various roles throughout the county. She was the President of the Berkeley County Republican Woman's Club for many years and was a mainstay at the polls. In fact, she and her late husband, Bud Floyd, celebrated their 50th Wedding Anniversary working the polls at Goose Creek High School! Today, the county she loved, is much stronger, as is the Republican Party of the Low country. We were blessed to have known and worked alongside of this truly loved South Carolinian.

RECOGNIZING THE HISTORICAL SIGNIFICANCE AND TIMELINESS OF UNITED STATES-IRELAND BUSINESS SUMMIT

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 2002

Mr. HASTINGS of Florida. Mr. Speaker, today I voice my full support for H. Res. 513. This Resolution is timely and presents an historic opportunity to recognize the long-standing and enduring relationship between Ireland and the United States of America. This Resolution serves as a reminder of the very strong bond that exists between our two peoples.

Our two governments have long recognized and supported a free, fair, market economy and the principles of open markets that are such an inherent part of our free enterprise systems. These same principles served to maintain and strengthen our democratic form of governments.

Ireland's democratic government and market economy were rewarded with external investment from the United States, Europe, and Asia that flowed into her teeming high technology economy.

Since September 11, 2001, when the United States was attacked, it has been forced to assume a new role as it has engaged in a new war on terrorism. This is a war, which, as so many of us have previously stated, is dependent upon the support we receive in the international community.

This resolution also serves to recognize the importance of friends and allies such as Ireland, that share our beliefs in strong market economies and the role such economies play in our current war against terrorism.

As one of America's great presidents, John F. Kennedy, said during a speech in Dublin in 1963, "We need men who can dream of things that never were." These words serve as a call to us to face a new challenge in our time.

Mr. Speaker, in recognizing our relationship with Ireland, I believe that the economic and political success of Ireland and the Irish people combined with a longstanding relationship with the U.S. will serve as a model for peace and increased economic growth in a peaceful Northern Ireland. Private sector innovation and leadership will help to resolve conflict and increase understanding between all parties in the region.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. OWENS. Mr. Speaker, Monday, September 9th I was unavoidably absent and missed roll call votes No. 375, No. 376 and No. 377. If present I would have voted "yea."

HONORING MR. ERIC MORELAND JONES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Ms. LEE. Mr. Speaker, I rise today to honor and commend bravery and dedication demonstrated by my constituent, Mr. Jones who was a first responder at the attack on the Pentagon on September 11, 2001.

The memories of the horrific terrorist attacks will remain with us forever. Yet, through the pain and adversity of these tragedies, heroes were also born.

We witnessed the horrific attacks on the World Trade Centers in New York City, we learned of the terrible airline crash in the

Pennsylvania countryside, and we witnessed what was once an unfathomed attack on our Nation's center of defense, the Pentagon.

I have known Mr. Jones' family for many years. In the footsteps of his parents, he carries on a legacy of commitment to humanity through public service. On September 11th, Eric was driving by the Pentagon when it was hit by American Airline flight #77. He immediately went to the Pentagon site and quickly began to aid in evacuating injured and dying personnel from the building; he carried and helped people to safety and medical triage. Eric remained at his volunteer post for more than 72 hours.

On July 15, 2002, Mr. Jones was one of two people to receive the Office of the Secretary of Defense Medal of Valor for his actions. As we commemorate the anniversary of the 9–11 attacks, we also pay tribute to thousands of first responders and volunteers like Mr. Jones who risked their own lives to ensure that others were saved.

I am deeply moved by Eric's heroism and want to extend my sincere appreciation to him. As we take time to reflect on the events of 9–11 on this anniversary day, we must also resolve and re-commit ourselves to peace and security.

HOUSE RESOLUTION 5367—TO NAME THE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC IN HORSHAM, PENNSYLVANIA, THE "VICTOR J. SARACINI DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC"

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today in strong support of the resolution that Representative GREENWOOD and I introduced yesterday, which will name the new Veterans clinic in Horsham, Pennsylvania after Victor J. Saracini, a distinguished veteran and victim of the attacks on September 11.

Victor J. Saracini served his country with great pride as an exemplary technical coordinator aboard S-3A fighterjets on the U.S.S. *Saratoga*. He served in the Naval Reserve at the Naval Air Station Joint Reserve Base, Willow Grove, Pennsylvania, until his honorable discharge as lieutenant in 1985. Victor Saracini was the recipient of the National Defense Service Medal, the Navy E Ribbon, and the Expert Marksmanship Ribbon.

On the morning of September 11, 2001, terrorists hijacked the Los Angeles-bound airplane that Captain Saracini was piloting, and reset course for the South Tower of the World Trade Center, killing everyone on board and murdering hundreds of other innocent civilians inside the building. These innocent victims, Mr. Saracini included, represent our nation's first casualties in this war on terror.

To honor the life of Victor Saracini, devoted aviator, distinguished veteran, and proud defender of America's freedom, is to honor all victims of September 11 and their families. I urge my colleagues to support this resolution, and I call on the House Veterans Affairs Committee to pass this resolution and bring it to the floor of the House of Representatives as soon as possible.

TRIBUTE TO BOB BRIGHAM

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Ms. HARMAN. Mr. Speaker, I rise today to pay tribute to the distinguished career of a friend, Bob Brigham.

I met Bob during my first campaign for Congress and we have been friends ever since. Over the years, I have known Bob to be a savvy and affable man, who greatly cares about educating our children. In addition to his community work, Bob's most enduring accomplishment has been his 35 years as a teacher, coach, administrator, and mentor with the Manhattan Beach Unified School District.

Although Bob's most storied athletic accomplishments lies in being a star football player at Redondo Union High School and Fresno State, I know him best as someone who can keep up with me during Manhattan Beach's annual 10-k run.

In addition to his commitment to his students and to jogging, Bob has always found time to play an active role in his hometown of Manhattan Beach. He has participated in the Manhattan Beach Historical Society, the Centinela-Bay Human Relations Committee, PFLAG, the Beach Cities Symphony Association, and his congregation, the Manhattan Beach Community Church, where he has been a member since 1939.

On a personal note, from Day One, Bob has also been an invaluable member of Team Harman, volunteering in each of my campaigns. After stuffing envelopes and walking precincts together, I have come to trust Bob as another set of eyes and ears in the district, helping to keep me informed about the latest concerns of South Bay residents.

Mr. Speaker, Bob Brigham has been an asset to the South Bay for more than 60 years. And because of his devotion to Manhattan Beach and the South Bay, his retirement from the Manhattan Beach School District will not mean retiring from community involvement. And I know he will also find the time to stay fit, so he can keep up with me during our next race to the finish line.

Thank you, Bob, for your contributions and your friendship.

MICHAEL D'ANTUANO: 2002 JOHNS FELLOWSHIP AWARD WINNER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. FILNER. Mr. Speaker, I rise to salute Michael D'Antuano on receiving the 2002 Johns "Fellowship Award" in recognition of his outstanding contributions to the working women and men of our community.

Michael has over 25 years of construction industry experience and is recognized throughout the country for his skills in labor relations, collective bargaining and negotiations. He joined the Parson Corporation in 1975 as a labor advisor on the massive Alaska Pipeline program. Working with Arco and Sohlo on their oil and gas modular fabrication and construction projects, Michael was assigned to construction sites throughout Washington, Oregon, California and Prudhoe Bay, Alaska. In the late 1970s, he was assigned to Parson's headquarters in Pasadena, California, and assumed the administration of labor relations activities throughout the Untied States on major company projects, emphasizing labor/management cooperation and safe working environments and conditions for craftsmen.

Michael was appointed the President of Parson Constructors, Inc. in April, 1994—the construction arm of The Parson Corporation. As President, he has been instrumental in establishing innovative approaches to labor/management relations. Parsons has negotiated and administered ground breaking Project Labor Agreements for major infrastructure and government programs throughout the country. Locally, the San Diego County Water Authority Emergency Storage Project is under construction with a project labor agreement negotiated and administered by Michael and his staff.

He is on the Board of Directors of the North American Contractors Association (NACA) and serves on numerous labor/management committees across the nation. He is also a trustee for the Laborers International Union Laborers-Employers Cooperation and Education Trust and a Southern California Regional Board Member of the American Cancer Society (ACS).

Michael D'Antuono exemplifies the high values, standards, and principles of the late John S. Lyons. I offer my congratulations to him on his receipt of the 2002 Johns "Fellowship Award."

DINGELL-LAHOOD STEEL LEGACY ACT PRESS CONFERENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. KUCINICH. Mr. Speaker, for the thousands of steelworker retirees who have lost or are at risk of losing their pension and health care benefits, help is needed immediately.

The bill we have introduced, the Dingell-LaHood Steel Legacy Relief Act, will ensure that all retirees of all troubled steel companies—companies that have closed, companies that are bankrupt, companies that are being acquired—will have for themselves and their families health benefits equivalent to what's provided by Medicare, and a prescription drug benefit similar to the Blue Cross/Blue Shield program.

To do this, this bipartisan bill sets up a trust fund in the Treasury Department that taps steel import duty receipts, the assets of government-assumed retiree health care plans, and a portion of the profits made by healthy steel companies that benefit from this program.

We are saying that the United States will not stand by and watch while thousands and thousands of workers who helped build this country are left unable to take care of themselves and their families.

We are saying to all of our nation's retired steelworkers: We have not forgotten, and we will not let you down.

This bipartisan legislation is a critical step in our ongoing efforts to help the steel industry and steel workers.

We pushed a long time for the Administration to initiate a Section 201 steel investigation, and finally last year we got one.

We pushed the International Trade Commission to recognize the devastating effect of steel imports through a finding of injury, and we got it.

Many of us have spent countless hours trying to save steel companies in our districts that are on the brink. In my hometown of Cleveland, our entire community—steelworkers, local government, state government, businesses, churches, citizens—coalesced to keep LTV from shutting the doors on our steel mills forever. And we won—the mills remain, and a new owner will keep them running.

And now we are all stepping forward—the steelworkers, steel companies, Members of Congress—to ensure that men and women who have given 20, 30, even 40 years of their lives to the manufacture of steel are not left behind.

I want to tell all retired steelworkers—whom I meet all the time and who ask me how they are going to afford health insurance, how they are going to take care of their families—I want to tell all of you: We will not rest until this legislation is passed.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall Nos. 385, 384, 383, 382, 381, 380, 379, and 378, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. KLECZKA. Mr. Speaker, on Monday, Tuesday, and Wednesday, September 9, 10, and 11, I was unavoidably detained and thereby absent for votes on rollcall numbers 375 through 384. Had I been present, I would have voted "yea" on rollcall number 375, "yea" on rollcall number 376, "yea" on rollcall number 377, "yea" on rollcall number 378, "yea" on rollcall number 379, "yea" on rollcall number 380, "yea" on rollcall number 381, "yea" on rollcall number 382, "yea" on rollcall number 383, and "yea" on rollcall number 384.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. LEVIN. Mr. Speaker, on rollcall No. 384, I was home in Michigan on Wednesday participating during the day and evening in ceremonies commemorating September 11, 2001. As a result, I was not able to vote on H. Con. Resolution 464. Had I been present, I would have voted "yea."

SUPPORT A DEMOCRACY AND OUR ALLY: TAIWAN DESERVES TO BE PART OF THE UNITED NATIONS

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. OSE. Mr. Speaker, Taiwan is one of the few independent nations that has not been allowed to join the United Nations as a full member. And it looks like opposition to their bid is again forming among those who would keep Taiwan and its 23 million citizens from joining their rightful place among the community of nations.

Simply put, Taiwan's 23 million people deserve a voice and a seat in the United Nations. Taiwan's population is larger than those of two thirds of the U.N. member states. Over the last 50 years Taiwan is the world's 17th largest economy, with the 15th largest trading volume. Taiwan's economic performance has contributed greatly to world prosperity. At a time when the U.N. continues to ask the United States to contribute more money to its budget, why is it turning away a willing, dues-paying member?

Perhaps the best reason the United States should continue to support Taiwan and its bid for U.N. membership is shared values. Taiwan is a vibrant democracy and endorses the ideals of peace, human rights, and development. More importantly, Taiwan is able and willing to carry out all U.N. Charter obligations.

Some have argued that granting Taiwan membership in the U.N. would be unacceptable to the People's Republic of China. However, Taiwan has repeatedly stated its willingness to work with the Chinese mainland. Taiwan leaders have repeatedly appealed to PRC leaders for peaceful settlement of political disagreements between the two sides. In addition, Taiwan hopes that Taiwan and the PRC will work together to help maintain peace and stability in Asia and Pacific. The United Nations should encourage a dialogue between Taiwan and China—not ignore it. Granting Taiwan U.N. membership is a positive first step to permanent peace and stability in the Taiwan Strait.

Finally, it is worth noting that Taiwan's exclusion from the U.N. violates the U.N. principle of universality. Remember that the U.N.'s mission is to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."

As President Bush addresses the U.N. on this very day, and talks about the threats facing the world and those nations truly fighting for peace, I urge him to remember our friend and ally who is not allowed to join him at the U.N.'s headquarters in New York. I urge him to remember Taiwan and to support them in their bid to join that great body of free nations.

TRIBUTE TO SISTER LORRAINE BIEBEL

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. BLUNT. Mr. Speaker, I rise today to praise the work and amazing accomplishment of a Franciscan nun who has left a lasting mark on Springfield, Missouri. She has overcome adversity and criticism to win the respect of many of her peers by creating important social services that have helped the less fortunate people of Springfield, Missouri.

In 1983, Sister Lorraine Biebel took on the temporary assignment of opening a soup kitchen in Springfield. Since then, Sister Lorraine has remained at the helm of what has become known as the Kitchen Ministry. Today the ministry that Sister Lorraine started has a $3.5 million budget, nine buildings, a small army of volunteers and a reputation for helping anyone with a legitimate need.

Sister Lorraine has been a vigilant visionary and leader to meet the demands of those less fortunate. It has been a labor of love and faith. Biebel's holistic approach has seen the conversion of an old hotel into a 90-room shelter with three dormitories and transitional housing. The Family Nurturing Center offers childcare for infants and pre-schoolers, as well as after school programs. There are also counseling services, walk-in medical services, dental clinics, and mental health counseling. In addition, it offers referral services, job programs, out reach programs for at-risk youth, literacy and GED training. Sister Lorraine helped to create a free store for residents and a thrift store for the community that offers free household items, clothing, and food for those people trying to improve their family unit or get back on their feet.

In praise of the God she serves, Sister Lorraine's faith is what has driven her to these accomplishments. Sister Lorraine has been a tireless servant of God's compassion for the disadvantaged, the homeless, and the countless volunteers who have rallied to support the programs.

With the naming of her successor, Tobias Meeker, Sister Lorraine is retiring but her work will not end. She hopes to reactivate the Little Portion Retreat Center where she lives in Republic, Missouri. There she promises to continue to nurture the spiritual health of others in a less stressful environment.

Sister Lorraine Biebel and the Kitchen Ministry are a wonderful example of the substantial social changes faith based initiatives can bring to a community's less fortunate population. Working with the federal and state government, local charities, churches of many denominations, and generous donors, Sister Lorraine has molded a multifaceted ministry that provides shelter, clothing, health care, counseling, education, job skill training, and spiritual guidance. The Kitchen Ministries have professionally and cost-effectively provided these services and care in a manner in which the federal government could not. The ministry is the work of many caring people, led by a woman of great faith whose work has touched thousands of lives.

We wish Sister Lorraine good health and best wishes in her retirement.

H. CON. RES. 401, RECOGNIZING THE HEROISM AND COURAGE DISPLAYED BY AIRLINE FLIGHT ATTENDANTS EACH DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Ms. PELOSI. Mr. Speaker, I rise in support of H. Con. Res. 401, a resolution to recognize the heroism and courage displayed by airline flight attendants each day.

The anniversary of the September 11 terrorist hijackings and attacks on the World Trade Center and the Pentagon is just two days away. All Americans remember and mourn the lives lost that tragic day.

The world has changed for all of us. Before that time, flight attendants and their families and loved ones lived and worked with the knowledge that rare instances of mechanical failure or hijackers could endanger their lives. But no one imagined the dreadful assault of September 11, when terrorists turned four airborne planes into missiles used to attack thousands of Americans.

That day, flight attendants again demonstrated their courage in the face of extreme danger. From all that we know of the final minutes on those flights, flight attendants worked to communicate with the ground, and in all likelihood helped prevent Flight 93, which crashed in rural Pennsylvania, from taking many more lives.

I would like to bring my colleagues' attention to the heroism of Betty Ong, a flight attendant on American Airlines Flight 11, whose family lives in my district of San Francisco. On September 11, Betty called the airline reservations center from the plane to sound the alarm and provide information about the terrorists who had taken over the plane. I am aware of the enormous pain and suffering her family has been experiencing and extend them my deepest sympathy. It is an honor to pay tribute to Betty and express my appreciation for her life and bravery in the face of enormous danger.

Now, even stepping onto an airplane is an act requiring willpower and courage for many Americans. Yet flight attendants do it every day. Flight attendants deserve our respect, cooperation, courtesy, and commendation for their hard work and courage their hard work. I urge my colleagues to vote for this resolution.

HONORING BONNIE ELOISE RUSH MILAM

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. LAMPSON. Mr. Speaker, I rise today in honor of Bonnie Eloise Rush Milam. It is fitting that today we honor this great lady, a proud American who gave so much to her country and it's military by founding the Melody Maids.

Eloise Milam was born in a house on the bay shore of Anahuac, Texas. Her family wound it's way through Texas, to Oregon and then eventually settled in Beaumont. She began to take piano lessons at age five and loved playing and singing on local programs, eventually becoming a member of the chorus at Beaumont High School.

After graduation, she continued through college and after as a member of numerous music and drama organizations. She sang in church and community concerts and with the Beaumont Light Opera Company.

By 1942, Eloise Milam had a very large group of private voice students. She was frequently asked to arrange programs for community affairs. When asked to assist with a bond rally at the Jefferson Theater, she presented her students as a choral group. Because the newspaper insisted on having a name for the group, they quickly decided on the Melody Maids. A new career was born.

The Melody Maids traveled countless times from coast to coast, singing for conventions and programs of all sorts, but primarily for military installations and especially veteran's hospitals. They made four tours of Europe, several more to England, three to the Far East, seven to the Far North, four to the Caribbean, five to Mexico, seven to Hawaii and four to Bermuda, Iceland, and the Azores.

Many of the tours were financed by the girls themselves with money made from musicals, style shows, cake and pie sales and other benefits. Practically all the tours after 1956 were sponsored by the Entertainment Branch of the Dept. of Defense. They were the most frequently requested of all the performers who traveled with the Department of Defense's Professional Entertainment Branch. She led her group into numerous hospital wards all over the world where individual conversations with wounded, injured, or ill military personnel proved to be a bright spot for them and a personal privilege for group members.

Her influence has been felt by hundreds of Texas high-school and college-age Melody Maids and by thousands of military personnel around the world. Her talent and spirit represented by this group in their performances before civic organizations and in hospitals and military installations have brought significant goodwill to Texas.

Her leadership was characterized by a combination of kindness and emphasis on excellence. The standards she set for the group are many that we should set for ourselves today. Eloise stressed the value of service to our fellow human beings, the rewards of helping one another in group activities, and a respect for different cultures and religions.

Every August, women from all over the country head toward Beaumont. They come to spend a weekend reminiscing about their Melody Maid experiences, exchange family news, and mostly to be with Eloise and recognize her tireless work and passionate dedication to service and country.

Mr. Speaker, it is truly an honor to stand here tonight, representing such an amazing lady. Eloise Milam's commitment to her community and country is an inspiration to us all.

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, in 1980 Congress made a commitment to improve the lives of abused and neglected children. However, lack of federal oversight and accountability has undercut that commitment. In fact, in far too many instances we have had devastating results. Of the estimated 2000 children annually who die of abuse and neglect, more than 40 percent were already known to child welfare agencies.

In Milwaukee, 48 percent of families investigated for abuse had prior involvement with the child welfare system; in Washington, DC, 32 percent of such families had been previously reported to protected services; and in New York City, in 43 percent of families that had been the subject of an abuse/maltreatment complaint, children were abused or maltreated again while under city supervision.

These sobering statistics are made worse when you consider that this state-sanctioned abuse and neglect occurs despite federally mandated procedural safeguards, including individualized case planning, case management and case reviews.

Federal law requires that children have a safe environment consistent with their special needs. Yet year after year, many states have consistently failed to meet even the basic needs of foster care children. This continued failure raises serious questions about the adequacy of federal oversight of state child welfare programs, which the federal government largely funds.

In yet another tragic example of our failure to provide for and protect foster children, a 9-year-old boy died of an asthma attack six weeks after being placed in foster care. According to the following article in the Los Angeles Times, Los Angeles county officials admit that social workers failed to inform medical workers of the child's severe asthma.

[From The Los Angeles Times, July 31, 2002]

TEARFUL APOLOGY IN BOY'S DEATH; COUNTY: A $1-MILLION PAYOUT IS OKD. MOLINA, MOVED BY A MOTHER'S PLEA, VOWS ANSWERS IN FOSTER CARE CASE.

(By Garrett Therolf)

A mother's plea for a criminal investigation into the death of her son—whose life ended while he was in the Los Angeles County foster care system—Tuesday elicited a trembling and tearful apology from county Supervisor Gloria Molina, who pledged to demand answers from county officials about what happened.

Hours later, Molina and her colleagues approved a $1-million settlement in the lawsuit brought over the boy's death.

Molina's remarks and the board action followed an emotional appeal by the boy's mother.

Debra Reid, 44, entered the hearing room grim-faced, flanked by eight family members dressed in black. At her side was her son Debvin, who was placed in foster care for 15 months in 1997. His older brother, Jonathan, was taken away at the same time. The children were taken from their mother after social workers concluded that she was unstable and not tending properly to their medical needs.

But Jonathan died six weeks after being placed in foster care, where social workers, by the county's admission, failed to inform medical workers of his severe asthma. Reid has been fighting the county in the courts ever since.

"This is five years in coming," Reid began.

Racked with sobs, Reid recalled how she begged social workers to treat Jonathan's asthma. Social workers had dismissed Reid's account of the severity of the child's asthma, county officials acknowledged.

"They said my child was healthy," Reid told the board. "Well, that child now lies in an Inglewood cemetery."

None of the social workers has been disciplined in the case, county officials said. Reid begged supervisors to launch a criminal investigation, alleging that social workers had falsified reports to take the boy from her.

"We have sought true justice and we have not received it until someone sends this case for criminal investigation," Reid said. "All we have received is a payoff, and we're not satisfied with a payoff."

"Not one person from the county," Reid said, "has bothered to apologize."

Reid's appeal to the board is one of many that the supervisors have heard involving the foster care system.

Virtually every week, a parade of parents come before the supervisors, pleading for help in getting their children out of that system. Most weeks, they leave empty-handed, as supervisors insist that they cannot involve themselves in matters that are before the courts. The pleas often meet with indifference from county officials, who typically talk among themselves as parents address the supervisors.

Tuesday was different.

As Reid spoke, the hearing room went silent. Aides and department heads dabbed at tears. In an adjacent chamber where county administrators eat snacks and drink coffee, all movement ceased.

Supervisor Yvonne Brathwaite Burke asked Reid whether she was satisfied with the settlement. After conferring with her attorney, Reid said she was, but reiterated her call for justice.

Then Molina spoke, her voice trembling, her eyes watering.

She recalled how supervisors routinely rebuff requests for help in foster care cases, and how she had told a congresswoman pleading on Reid's behalf that she had to trust the courts to do the right thing.

"I don't know that my apology to you will help you at all," Molina said. "I can only say I apologize for not being more attentive."

Promising to personally pursue the issue, Molina said, "We've got to really take the gloves off on this thing, because this is a real battle. If that department [the Department of Children and Family Services] could not protect those children, then we should not be empowering that department to carry out this work."

Supervisor Mike Antonovich quickly added his apology. Supervisor Zev Yaroslavskey said the whole board apologized for what happened to Jonathan.

After the meeting, Reid said Molina's apology "meant a lot. She was sincere. That is the first sign of remorse I have seen in the county."

Reid said Tuesday's hearing and the conclusion of two civil cases filed over Jonathan's death and Debvin's placement in foster care were gratifying milestones in her family's quest for justice.

The determination to press for further action on Jonathan's death has occupied Reid and her family for years, she said Tuesday. At each step of the way, nine family members have gathered to vote on strategic decisions about how to pursue the case, she said.

Along the way, the family has turned to one lawyer after another—seven in all.

"Every time a lawyer didn't believe in me or in this case we got rid of them," Reid said. "Jonathan is still very much a part of this family."

VICTORVILLE, CALIFORNIA CELEBRATES 40 YEARS OF CITYHOOD

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate the citizens and civic leaders of Victorville, California on the 40th anniversary of cityhood for the Mojave Desert community. The history of this rapidly growing city is a fascinating glimpse of the growth of the inland areas of California.

Like many of the towns of the Southwest, Victorville began its existence as a railroad stop. Around 1885, a station was established at the Mojave River crossing on what ultimately became the Santa Fe Railway's on its Mojave Desert. It was named for Jacob Nash Victor, a railroad construction superintendent who was a pioneer in the early development of the expansion of the railroad to the west. In 1901 the US Postal Service renamed the city to Victorville to eliminate a name duplication problem with Victor, Colorado.

When it was incorporated on Sept. 21, 1962, the city of Victorville had grown to just over 8,000 residences; by 1995 the city boasted a bustling population of 60,649 and had increased its size to 67.68 sq. miles, an increase of over 58 sq. miles. Rich soil and an abundance of water encouraged the development of the agricultural community. Large deposits of limestone and granite led to the cement manufacturing industry, which has emerged as the most important sector of commerce in the Victor Valley.

With the historic Route 66 running through Victorville and heading on up to Chicago, the town has always provided numerous activities for tourists, included a Route 66 museum and the San Bernardino County Fair. The city has become the commercial hub of the Victor Valley, which includes more than 300,000 people in a wide range of communities.

One of the most important national connections with Victorville began in 1941 with the construction of the Victorville Army Airfield. Later renamed George Air Force Base, the base construction was completed on May 18, 1943. When fully activated, the base housed two jet fighter wings of the Tactical Air Command whose primary aircraft was the F–4 Phantom Wild Weasel, which provided vital electronic reconnaissance from the Vietnam War through the Persian Gulf War. The base also employed over 6,000 military and civilian personnel. In January 1989 the Secretary of Defense announced the closure of the base. In the past decade since the closure, Victorville annexed the base, renamed it the Southern California Logistics Airport, and has turned it into a booming new commercial center and international cargo airport that is expected to serve the entire Southwest region.

Mr. Speaker, I have proudly represented the City of Victorville for more than two decades in Congress, and I have watched it grow into a dynamic city that is well-governed and fiscally sound. The City Council now oversees a budget of $77.6 million for 69,298 citizens who are known for their friendliness, self-sufficiency and optimism. Please join me in congratulating the city leaders and the community for their 40 years of cityhood, and wishing them continued success in the future.

RECOGNIZING CHIEF TIM HOLMAN, GERMAN TWP. FIRE AND EMS

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. HOBSON. Mr. Speaker, I rise today to recognize the accomplishments of Tim Holman, who is the chief of the German Township Volunteer Fire Department and EMS. Chief Holman was recently named "Volunteer Fire Chief of the Year" at the 2002 International Association of Fire Chiefs Conference in Kansas City.

Tim has volunteered for the German Township Fire Department for 27 years, and he has served as chief since 1991. By incorporating his private sector business experience into the management of the fire department, Chief Holman successfully consolidated two township fire departments, while also implementing an officer development program, a quality improvement process, and a team building process. Chief Holman has been essential in the streamlining of his fire department, allowing the brave volunteers of the German Township Fire Department to better serve their community. I applaud Chief Holman, and the men and women of the volunteer fire departments throughout my district, for the dedication, sacrifice and commitment that exemplifies volunteer fire departments.

AMENDING THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. NETHERCUTT. Mr. Speaker, I rise before you today, along with my colleague in the other body, the Senator from New Mexico [Senator BINGAMAN], who serves as Chairman of the Senate Energy and Environment Committee, to introduce this important legislation. The bill we introduced today will amend PL 106–393, the Secure Rural Schools and Community Self-Determination Act of 2000, to clarify the treatment of Title III funds reserved by counties under such Act.

Since 1908, Congress recognized that federal land deprived counties of revenues they would have otherwise received and therefore accorded a measure of compensation to counties by sharing revenues derived from National Forest System lands. Further, Congress annually appropriates funds for counties that are considered payments in lieu of taxes (PILT), an amount that is based upon a formula derived from the amount of federal land and revenue sharing receipts.

In recent years, counties have increasingly suffered hardship due to the severe fluctuation of shared federal receipts. Local education and road maintenance programs have been the most affected by the declines. PL 106–393, the Secure Rural Schools and Community Self-Determination Act of 2000, was borne as a result. The intent of the bill was to address the fluctuation of shared federal receipts and restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes. Congress further created opportunities within this Act to enhance the restoration, maintenance and stewardship of Federal lands. For example, under Title II of this Act, eligible counties have the opportunity to place a percentage of their payments toward cooperative projects on federal land.

PL 106–393, originally introduced by Representative Nathan Deal and Senator Ron Wyden, enjoyed bi-partisan support in both Houses of Congress and was ultimately signed into law on October 30, 2000. It set forth three categories by which eligible counties could elect to receive their stabilized payments under Title I, II, or III, or a combination thereof. Eligible counties receive Title I and Title III funding directly while Title II funding is directly held by the federal government and allocated toward cooperative federal projects that I briefly mentioned above.

As it stands however, PL 106–393 undermines the stability and predictability of payments it purports to provide the counties. To understand the enormity of impact, it is critical to remember that PILT is the only form of federal payment that a county can use for its day-to-day operations. While appropriated PILT funds have always been impacted by shared federal receipts, the Act kept Title I consistent with the shared receipts and its relationship with PILT payments. However, the intent of the Act was that Title II and Title III would not impact PILT.

Yet, in fact, the Department of Interior and the United States Department of Agriculture have determined otherwise in that Title III payments will affect an eligible county's PILT payments because the funding is directly received and spent by them. I have been told that the margin of impact could be anywhere from fifty cents ($.50) to a dollar for dollar reduction in PILT depending upon the amount the county could elect to receive under Title III. For example, Ferry County, located in northeast Washington, received a PILT payment in 2001 of approximately $200,000. The county elected to receive $182,000 under Title III for fiscal year 2002. Conservatively, an estimate of fifty ($.50) cents on the dollar would equate to a $91,000 reduction in PILT. Further, eligible counties are required to specify their allocations under PL 106–393 prior to the PILT calculations, so they have no way of knowing the impact their allocations may have on their PILT payments from year to year. It is also important to note that no other source of federal funding could replenish the PILT funding lost. Although Title III funding is received directly, specific parameters are set to its spending. Bluntly put, PL 106–393 pits a county's potential desire and need for reimbursement for the emergency services it renders on federal land against its need for PILT funding for general operations. This is contrary to the intent of PL 106–393.

The legislation I introduce today is narrow in scope. It will amend PL 106–393 to re-establish the stability and predictability of payments by directing that Title III funds not be considered when PILT payments are calculated.

Time is of the essence. It is imperative Congress act before we adjourn this session. Please join me in cosponsoring this most important measure.

HONORING VERLYAN RUTH BYRD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Mrs. Verlyan Ruth Byrd, an honorable federal employee who loyally served her country throughout her life.

During World War II, Mrs. Byrd was recruited by the United States Army as a typist at the Granite City Army Depot in Granite City, Illinois. She worked part time at the depot as a high school student, and upon graduation she got a job as a full-time clerk typist. She continued to serve her country with the Department of Defense through 1978, when she suffered a severe heart attack. Mrs. Byrd was forced into early retirement in 1979.

Upon her retirement, the Social Security Administration told Mrs. Byrd that she could file for social security upon her 65th birthday. However, when she entered the office after she reached the age of 65, she was told that due to the Government Pension Offset (GPO) law she was not eligible to receive Social Security.

This law, which went into effect after she was forced to retire, reduces pension funds for spouses for work that was not covered by Social Security. While the law was originally intended to prevent "double dipping" into social security funds by government workers who receive substantial pensions, many seniors have been forced by the law to live in poverty while being denied the money they paid into the system.

Mrs. Byrd spent the latter years of her life living in an old house that was desperately in need of repairs. She also had substantial medical bills and used as many as 15 prescription drugs on any given day. Despite her life as a loyal government employee, Mrs. Byrd was forced to live in poverty in the waning years of her life.

Mrs. Byrd was said by her friends to be a considerate, generous, family oriented woman with a kind disposition. She wrote to government officials to have the GPO law repealed, but action was not taken quickly enough. Mrs. Byrd died on Sunday, July 28, 2002 at 7:20 p.m. She was not alone in her struggle with the GPO law. Many other government employees, particularly in the teaching community, are ill-served by this law.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Ruth Byrd and wishing the best for her family, and to urge immediate action by the House of Representatives to pass H.R. 664, legislation I have cosponsored to address the GPO problem.

ACT NOW

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. LANTOS. Mr. Speaker, last Friday (September 6, 2002), an outstanding article by our distinguished former Secretary of State, George P. Shultz, was published in a number of American newspapers. Secretary Shultz eloquently explained why he believes we must act decisively against Iraqi dictator Saddam Hussein.

As Secretary of State for President Ronald Reagan, George Schultz exhibited remarkable experience in foreign affairs. Since leaving the Department of State, Secretary Shultz has continued to deal with international relations as a Distinguished Fellow at Stanford University's Hoover Institution, an institution dedicated to public policy analysis of international and domestic questions. In recognition of Secretary Schultz's outstanding commitment to education and public service, the Hoover Institution's Foreign Service Institute was recently renamed in his honor.

Mr. Speaker, I believe that all of our colleagues in the United States Congress would benefit from reading Secretary Schultz's excellent analysis on the issue of Iraq, and I ask that it be placed in the RECORD.

ACT NOW—THE DANGER IS IMMEDIATE SADDAM HUSSEIN MUST BE REMOVED

(By George P. Shultz)

Are we to be the Hamlet of nations, debating endlessly over when and how to act? Saddam Hussein's performance as ruler of Iraq is a matter of grave concern not just for the United States but for the international community as a whole: The major debate going on in the media, in Congress and with our friends and allies is necessary. But it is also necessary to move beyond debate and create the clarity that is the basis for action.

The world now has entered the third decade of crises and dangers to international peace and security created by Saddam Hussein. In 1980 he launched an eight-year war against Iran. Chemical weapons were used, and at least 1.5 million people were killed or severely wounded. In 1990 he invaded Kuwait in a war aimed at eradicating another state's legitimate sovereign existence. As he was forced out, he deliberately created environmental degradation of gigantic proportions. He has used chemical weapons against the Kurdish people in an attack on a genocidal scale, and he has sent his forces into Kurdistan to conduct widespread slaughter. He has relentlessly amassed weapons of mass destruction and continues their development. He has turned Iraq into a state that foments, supports and conducts terrorism. No other dictator today matches his record of war, oppression, use of weapons of mass destruction and continuing contemptuous violation of international law, as set out by unanimous actions of the U.N. Security Council.

Against this background, much of the current debate ignores the facts of the United Nations' long series of steps to rein in Saddam Hussein and authorize action against his regime. A strong foundation exists for immediate military action against Hussein and for a multilateral effort to rebuild Iraq after he is gone.

A remarkable series of U.N. Security Council resolutions in 1990 and 1991 authorized war to oust Hussein's forces from Kuwait. This was the basis for the Desert Storm campaign that won the Gulf War in 1991. With that military victory, a Security Council resolution declared the "suspension" of offensive operations, deliberately leaving intact the original authorization to use force. Then Security Council Resolution 687 imposed a series of demands upon Iraq with the objective of restoring peace and security in the area. This carried the case against Hussein beyond the matter of liberating Kuwait to focus on the elimination, under international inspection, of his weapons of mass destruction. In other words, the threat to the region and the world of a decisively armed Iraq was fully recognized and declared unacceptable.

In the first years after Desert Storm, U.N. inspectors uncovered Iraqi facilities used to manufacture weapons of mass destruction. They dismantled uranium-enrichment and other nuclear weapons installations and destroyed a chemical weapons plant and hundreds of missile warheads armed with poison gas. Threats of Iraq's noncooperation were countered by U.S. airstrikes. But even limited Iraqi compliance decreased sharply over time.

The U.N. inspectors did what they could. They found a lot, but they missed even more. In 1995 Lt. Gen. Hussein Kamel Hassan Majeed, a son-in-law of Saddam Hussein, defected and revealed that Hussein was making biological weapons at a center where inspectors had found nothing. The center, which had produced 30,000 liters of biological agents, including anthrax and botulinum toxins, was destroyed, but the inadequacy of inspections in Iraq was demonstrated.

In 1997 Saddam Hussein escalated his campaign of harassment, obstruction and threats against the inspection effort. He activated ground-to-air missile systems to deter inspection flights. He expelled all American members of the inspection teams. In early 1998 Hussein refused access to "presidential sites"—the numerous palaces he had built for himself around Iraq. The United States responded with a military buildup, including ground troops deployed to Kuwait. In a speech at the Pentagon in February 1998, President Clinton gave details of Iraq's violations and declared that Hussein must grant "full, free and unfettered" access to inspectors or the United States would launch attacks to compel his compliance.

In an attempt to defuse the crisis, U.N. Secretary General Kofi Annan negotiated that same month a Memorandum of Understanding between Iraq and the United Nations, which pledged "immediate, unconditional and unrestricted access" for inspections. A Security Council resolution endorsed the Memorandum of Understanding and warned Iraq of the "severest consequences" if the memorandum was violated.

In September 1998, the chief U.N. inspector informed the Security Council that Iraq was again barring inspections, and the council, in yet another resolution, condemned Iraq for suspending its cooperation. A further U.N effort to regain Iraq's cooperation failed as Iraq declared that it was suspending all cooperation with U.N. inspections. In an emergency session, the Security Council passed Resolution 1205 on Nov. 5, 1998, condemning Iraq's action as "a flagrant violation" of the original resolutions of 1990–91. Since then, nothing consequential has been done. The failure to take military action against Hussein after his flagrant violation in 1998 has given him nearly four years to continue unencumbered in his development and accumulation of weapons of mass destruction.

Iraq by its own actions has, in effect, terminated the cease-fire established in 1991 at the end of the Gulf War and reactivated the "suspended" authorization to use military force against Iraq. No longer can anyone plausibly claim that Iraq's weapons of mass destruction can be eliminated by an inspection program. The Security Council's judgment still stands: A Saddam Hussein armed with weapons of mass destruction is not acceptable. Military force against Hussein is both necessary and authorized to rid Iraq of weapons of mass destruction.

The full range of reasonable legal, diplomatic and other alternatives has been exhausted. All conceivable forms of leverage have been employed: sanctions; embargoes; massive military buildups to threaten him into compliance; limited military operations in the form of air and cruise missile strikes; the encouragement of internal opposition; positive inducement through the "oil for peace" program; and diplomacy in all forms—unilateral, multilateral, private, public, direct and through intermediaries. Nothing has worked. Any further steps will only provide him with more time and heighten the danger.

Self-defense is a valid basis for preemptive action. The evidence is clear that Hussein continues to amass weapons of mass destruction. He has also demonstrated a willingness to use them against internal as well as external targets. By now, the risks of inaction clearly outweigh the risks of action. If there is a rattlesnake in the yard, you don't wait for it to strike before you take action in self-defense.

The danger is immediate. The making of weapons of mass destruction grows increasingly difficult to counter with each passing day. When the risk is not hundreds of people killed in a conventional attack but tens or hundreds of thousands killed by chemical, biological or nuclear attack, the time factor is even more compelling.

The moment is racing toward us when Hussein's possession of nuclear weaponry could transform the regional and international situation into what, in the Cold War, we called the balance of terror. Some argue that to act now might trigger Hussein's use of his worst weapons. Such self-imposed blackmail presumes easier judgments when he is even better equipped than now. Time is his ally, not ours.

Concern over the future of Iraq is legitimate. Following the end of the current Iraqi regime, a new Iraq can emerge as a territorially integral sovereign state with a federal-style form that respects the Kurdish, Sunni and Shia communities. A set of phased transitional steps, including referendums and elections, can be carried out and involve the range of Iraqi political parties, factions and groups in exile and internally opposed to the Hussein regime over the years.

For the Middle East, a major source of and support for terror and instability will have ended. Those who argue that the Iraq crisis should be deferred until progress is achieved between Israelis and Palestinians are proposing an impossible task. For the Arab world as a whole, a new Iraq offers the opportunity to start a reversal of the stagnation detailed in the "Arab Human Development Report 2002" recently released by the United Nations. The report describes how Arab societies are being crippled by a lack of political freedom, repression of women and isolation from the world of ideas that stifles creativity.

The history of Iraq, the achievements of its peoples, its high civilization of the past, and its extensive natural resources all point to the possibility of a positive transformation once Hussein's yoke is lifted. In the process, a model can emerge that other Arab societies may look to and emulate for their own transformation and that of the entire region. The challenge of Iraq offers an opportunity for a historic turning point that can lead us in the direction of a more peaceful, free and prosperous future.

This is a defining moment in international affairs. Authorization for action is clear. We have made endless efforts to bring Saddam Hussein into line with the duly considered judgments of a unanimous U.N. Security Council. Let us go to the Security Council and assert this case with the care of a country determined to take decisive action. And this powerful case for acting now must be made promptly to Congress. Its members will have to stand up and be counted. Then let's get on with the job.

The writer was secretary of state from 1982 to 1989. He is the Thomas W. and Susan B. Ford Distinguished Fellow at Stanford University's Hoover Institution.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall No. 384, Expressing the Sense of the Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001. I was with my constituents of Staten Island and Brooklyn on this sad anniversary. Had I been present, I would have voted "aye."

For the past year, our nation has grieved over the loss of nearly 3,000 brave men and women who were cruelly and unfairly taken from God's earth much too soon. These past 365 days have been a time of immense sadness for our nation. We have buried too many innocent souls—too many mothers, too many fathers, too many sons and too many daughters.

Today is officially known as Patriot's Day as a result of legislation that I passed in Congress. I chose this name because I thought it best described the victims of September 11th—men and women who loved their country and who died in its name. While they were not soldiers, they certainly were patriots.

Indeed, no one among us will ever forget the indelible images of brave firefighters, police officers and other emergency services personnel entering the burning towers bound by honor, duty and courage. Or the pictures of ordinary Americans leading their friends, coworkers and even strangers out of the rubble because they were taught to help those in need. In an age when the word heroism is bandied about much too often, we watched true heroes in action.

And so today, we remember these patriots—to recall their smile, their laugh, their kindness. Their loss is an injustice to humanity. And while they can never be replaced, they must be remembered and honored for making the greatest of all sacrifices.

The American story is far from finished. Indeed, the best chapters are yet to come. We must believe that, for I know in my heart that it is our destiny.

We also must believe that there is a just God directing our people in a just cause of liberty. That cause, like others before, which crushed fascism and communism, is now to forbid the tyranny of terrorism. The terrorists sought to destroy America by crushing brick and twisting steel. They didn't understand that the source of America's strength is its people, and that its people embody a spirit of optimism and hope that can never be destroyed. Our hearts may still be heavy, but our soul is stronger and more vibrant than ever. The values of America will forever stand firm and resolute.

My prayers go out to every family that lost a loved one on September 11th. My words cannot ease your suffering, so I simply tell you that you remain in my thoughts. God Bless you and God Bless America.

I ask unanimous consent that this statement be printed in the appropriate part of the CONGRESSIONAL RECORD.

TRIBUTE TO REV. JOHN A. TOTH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. SMITH of Michigan. Mr. Speaker, all over the United States we are blessed with a wonderful sense of community, where neighbor helps neighbor. One important reason for this great blessing is the inspired guidance of our religious leaders.

In my home state of Michigan, one of those leaders has been bringing God's word for over 30 years. The Rev. John A. Toth, of the First Presbyterian Church in Dimondale, has been a beacon of faith and prayer, of hope and service, and of charity and outreach to the less fortunate. His life's work has been devoted to the service of others—his faith, his family, his community and his country.

John has been supported in his ministry by his remarkable wife Joanne. Thanks to their work, Dimondale is a better place to live and raise a family.

I am honored today to rise in recognition of the steadfast service and commitment of this fine American and a principled man of God, Reverend John A. Toth.

Reverend Toth pastored the First Presbyterian Church in Dimondale, Michigan for 30 years and has been a positive and energetic force for the community outside of his ministry. He has served as precinct delegate, on the Eaton County Courthouse Square board, on the state Boundary Commission, village appeals board and Eaton County's Solid Waste Planning Commission. The fruits of his work know no bounds. For instance, what started as a church youth paper drive for camp scholarships developed into the Dimondale recycling center, which recycles over 1.8 million pounds of materials a year.

On Sunday, September 15, 2002, Rev. Toth will give his last sermon as the church's minister and he will be honored for his hard work and dedication at a special dinner. John Toth's significant contribution to not only those his ministry touched, but also the entire State of Michigan, in no way goes unnoticed. I would like to express my sincere gratitude for the efforts of Rev. Toth to improve the lives of those around him. The people of Michigan are truly grateful for his service.

DEDICATION OF THE SEPTEMBER 11 MEMORIAL IN ORADELL, NEW JERSEY AND PRESENTATION TO MRS. TRACY WOODALL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to call to the attention of my colleagues the dedication of a memorial in Oradell, New Jersey to honor and commemorate those who lost their lives in the tragic events of September 11, 2001.

Let me say first, Mr. Speaker, that I have been deeply moved by the outpouring of support and dedication that we all have seen throughout our Nation over the past year. In the days and weeks after the tragic events of September 11, we heard and read the stories of countless family members, neighbors, and friends who went to work on that day and never came home.

In my own district, our Bergen County community was particularly hard-hit. We all know someone who was lost. Their stories are heart wrenching . . . and still remain nearly unbearable in their sadness.

Over the past year, I have spoken to many families in my District in an attempt to bring them some consolation. Even though there are no words to relieve their anguish, I have told each family that they should take some comfort in the knowledge that the hearts and prayers of the entire Nation were with them.

As we dedicate this memorial in Oradell this evening to all of those who lost their lives on that tragic day, we pause to remember each of the men and women whose lives were so tragically cut short by a brutal and senseless act of terrorism.

In particular, we commemorate the tragic loss of one of Oradell's own residents, Brent Woodall.

In their deaths, the victims of the World Trade Center attack have come to symbolize all that we love in America. The terrorists attacked the Towers because they represented America's democracy, freedom, diversity, and economic prosperity.

Brent Woodall embodied these ideals in his work and in his life. Whether in his work in the stock market—the nerve center of America's economic freedom—or as a talented athlete, or simply as a man deeply devoted to friends, family, and those whom he loved, Brent's life exemplified the American values which have made our country great.

The loss of every life that day was tragic. The loss of Brent touches each of us, as he and Tracy were just beginning so much of their life together. They had just bought a home, and were beginning a family together.

I did not know Brent personally, so I will not presume to elaborate upon his life and times beyond that. But as I have come to know the nearly one hundred residents of my Congressional District who never came home on September 11, so I have come to know Brent Woodall.

In every way, Brent's life was a life that is easy to celebrate.

This evening, we will commemorate our losses, and send a message of heartfelt sympathy and support to Brent's family and friends, particularly his wife, Tracy, and their son, Pierce Ashley, who came into this world on April 22, 2002, only after a few short months after his father had perished. How proud Brent would have been of his son . . . and how proud Pierce will someday be of his father, whose good nature, humor, and zest for life live on in him.

At tonight's memorial, I will be honored to present to Tracy Woodall an American flag, which was flown over the United States Capitol in Brent's honor.

Our flag has long stood as the symbol of our core values of freedom and liberty. It now stands also as a symbol of our national resolve to bring those responsible for this atrocity to justice, and, tonight, as a tribute to Brent, and all of those who lost their lives in one of America's darkest hours. Let it serve also to let Tracy, Pierce, and all of their family know that the support of extended family, friends, community, and the Nation, are with them now and always.

Mr. Speaker, I ask my colleagues to join me in asking that God bless Tracy and Pierce Woodall, the rest of their family, and all those who lost friends, family, or loved ones in this national tragedy. And, as Brent Woodall would have wanted, we ask that God bless the United States of America.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September, 11, 2002

Mr. LIPINSKI. Mr. Speaker, December 7, 1941 is the worst day in the history of our Republic in the 20th Century, and September 11, 2001 is the worst day in the history of our land of liberty in the 21st Century. Both days cost this nation thousands of lives; mothers, fathers, daughters, sons, grandmothers, grandfathers, aunts, and uncles and perished on these days because they were Americans. Their families and friends left behind have never been the same—nor will they ever be the same—and the same can be said for our nation.

On both occasions these victims were victims because of what America stands for: liberty, freedom, justice, human rights, opportunity, and a faith in a caring and loving God. But out of this criminal act perpetrated upon the citizens of this nation and on this fortress of freedom that we call the United States of America, a fierce determination arose to destroy those forces of evil that without cause or warning attacked the U.S. We brought those that attacked us on December 7, 1941 to justice, and we are well on our way to bringing those who attacked us a year ago to the same fate. But today, September 11, 2002, we stop to remember in a formal way the victims and their families who perished on these very, very dark days in our nation's history. Today we stop to honor them, remember them, pray for them, and rededicate ourselves to seeing to it that this never happens again in America or any place else in the world.

HONORING BILL CARR

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. BENTSEN. Mr. Speaker, on behalf of myself and my colleague Gene Green, I rise to honor the memory of an extraordinary woman, Billie Carr, known far and wide as the "Godmother of Texas Liberals," who passed away on September 9, 2002, at the age of 74. Her death is a tremendous loss not only for her family, but for Texas and the nation. Ms. Carr will be long remembered as an unapologetic partisan, a champion of civil rights, a challenger of the status quo and a visionary who fought to forward the goals of the Democratic Party of the local, state, and national level.

Billie Carr was an exceptional individual whose life underscored what it meant to be an American. Known as a hard driving Democrat, revered by many, reviled by others and intimidated by none, Billie Carr was a kind and caring human being whose commitment to the American democratic experiment made our state and nation a better place. She once told me that political parties did not exist for the benefit of the politicians, but rather the politicians existed for the benefit of the parties and their volunteers. And she never let me or any other elected official forget it. She understood not only the function of politics better than most, but the purpose as well.

Billie Carr, was first exposed to politics as a 26-day-old infant when her parents took her to a session of the 1928 Democratic National Convention, held that year in her native Houston. At the age of 18, Billie discovered what would become the true loves of her life, David Carr and politics. In the early 1950's, David was elected president of the United Steelworkers Union at the plant where he worked, and together, Billie and he learned the political ropes by working with union officials and labor organizations. In what would be a key to her political education, Billie volunteered for the Truman campaign in 1948, establishing herself as a tough political insider.

In 1953, in what would serve as the beginnings of the liberal movement within the Texas Democratic Party, Billie along with the legendary Frankie Randolph, enraged at local and state Democrats who had endorsed Republican Dwight D. Eisenhower for president, took action. On Texas Independence Day of that year, they formed the Harris County Democrats, a liberal arm of the party that eventually became a powerful voice in the Harris County and Texas Democratic Parties.

Billie Carr was not only instrumental in the development and success of the Texas Democratic Party, but she was also influential on the national level, having attended every national convention since 1952. In 1968, infuriated by the direction of the state party, Billie led a challenge to the entire Texas Delegation, along with a busload of over 100 people, some of whom went on to become members of Congress, to protest the selection of delegates. As a testament to her tenacity and resolve, in 1972, she was elected as a national Democratic Committeewoman from Texas and later was a member of the Democratic National Committee's, Executive Committee.

During her more than fifty years of political involvement, many turned to Bill Carr for wisdom and guidance, including former President Bill Clinton who came under Billie's tutelage when he worked in Texas for the McGovern campaign in 1972. Billie Carr, a woman of irreproachable integrity, never used her status for personal gain, instead she believed the way to expand her movement was to bring people together under a unified front. Her unflagging drive and passion for each of her causes, has had a profound impact on the politics of Texas.

Throughout her tenure, Billie Carr sought to reinforce the tried and true notion that politics are best influenced, and best practiced, when done so at the grassroots level. She came of age simultaneous with the outgrown influence of money and media in politics. And she fought to the very end to ensure that volunteers and old-fashioned shoe leather remained as influential in elections as they did in the policy effected. Few would realize that the return of grassroots politicking recently heralded in a front page New York Times article is a phenomenon, which can be attributed in part to the tenacity of Billie Carr's life work.

Although Billie Carr has served the Democratic Party well, she considered her most important role to be mother, grandmother and friend. She is survived by three sons, David, Billy and Michael Carr, three grandchildren and many friends. It is fair to say that she was as devoted to them as they were to her. In an age when many politicians sought to coin family values, Billie Carr practices them to the fullest extent.

Mr. Speaker, many in Texas and across America mourn the loss of Billie Carr but rejoice in her memory and the contributions she has made to the betterment of our nation.

IN HONOR OF THE DEDICATED WORK OF DALE A. CALLAWAY AND SHIRLEY LEA JOSEPH FOR THE DELAWARE VOLUNTEER FIRE SERVICE COMMUNITY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. CASTLE. Mr. Speaker, today I rise to recognize Dale A. Callaway, President of the Delaware Volunteer Firemen's Association (DVFA) and Shirley Lea Joseph, President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association for their hard work and continued dedication to the fire service and our State.

Mr. Speaker, I am proud of the volunteer fire service in Delaware. These men and women protect their communities, our State, and our Nation—and do so unselfishly. On behalf of my fellow Delawareans, I would like to commend and salute DVFA President Dale Callaway and Ladies Auxiliary President Shirley Joseph, not only for their tireless efforts on behalf of the citizens of the First State, but for their many years of contributions to fire and emergency services.

Dale Callaway has been a vital and active member of the fire services community for years. Mr. Callaway has worked diligently for the Milton Fire Company and served as past President of the Sussex County Firemen's Assocaition. Shirley Joseph, too, has played an extremely critical role in keeping the Ladies Auxiliary of the DVFA a vital part of our communities. Her 42 years of dedication to the fire service as a charter member of Ellendale Station 75 serves as a model of service for us all. The Ladies Auxiliary has a long rich history and their commitment to the community is to be commended.

It is a tradition in the volunteer fire service for these men and women to not seek praise for what they do as volunteer firefighters, but today I offer my thanks on behalf of all Delawareans. Dale Callaway and Shirley Joseph are both exemplary models of commitment and excellence. I know they will continue to serve as valuable members of the Delaware fire service community. Their selfless commitment contributes every day to the quality of life at home in their community as well as throughout the entire State. This is why they will have a permanent place in Delaware's volunteer fire service history, and why, today, we say thank you.

TRIBUTE TO RICHARD N. GRAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. Mr. Richard Gray, of Marshall, MO, has retired as Executive Director of the Missouri Valley Human Resource Community Action Agency.

Mr. Gray began his work at the Missouri Valley Human Resource Community Action Agency 13 years ago in February of 1989. The MVHR Community Action Agency has a myriad of programs to assist low-income people in the communities of Carroll, Chariton, Johnson, Lafayette, Pettis, Ray and Saline counties. Under Richard's leadership the agency has thrived and has been improved considerably. The Affordable Housing Development Program, which offers decent, affordable apartments around the community, was conceived and has flourished under his leadership.

Mr. Speaker, Richard Gray has dedicated 13 years to the MVHR Community Action Agency, serving with honor and distinction. The people of Central Missouri have greatly benefitted from his service. I know that the Members of the House will join me in wishing him all the best in the days ahead.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. CAPUANO. Mr. Speaker, on Wednesday, September 11, 2002, I was in my congressional district participating in ceremonies honoring constituents who perished in the September 11, 2001, terrorist attacks on America. Due to this circumstance, I was unable to cast a vote for rollcall 384. Had I been present, I would have voted in the following manner: "Yea" on rollcall 384.

TRIBUTE TO BAYMEC

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Ms. LOFGREN. Mr. Speaker, I rise today to commend BAYMEC, the Bay Area Municipal Elections Committee, as they celebrate 18 years of advocating for lesbian, gay, bisexual and transgender (LGBT) rights in Santa Clara Valley and in communities along the central coast of California.

BAYMEC was founded in 1984 by local activists Ken Yeager and Wiggsy Sivertsen. At that time, the Santa Clara Valley region was still reeling from the repeal of city and county ordinances which would have given gays and lesbians protection in housing and employment. BAYMEC was formed to organize the local gay and lesbian community, reverse the political tide, and advance the civil rights of LGBT individuals.

The past 18 years has produced a legacy of successes for BAYMEC and for the citizens of Santa Clara Valley. BAYMEC stands as a united front to fight for civil rights and end discrimination, to educate public officials, and to provide a voice for the LGBT community.

I am proud of the leadership, volunteers and network of supporters whose dedication has built BAYMEC into an integral part of the fabric of our local community. And, in so doing, BAYMEC is contributing to making Santa Clara Valley and the Central Coast a place where all people can expect to be treated with justice, dignity and respect.

CONGRATULATING H. BYRON MASTERSON ELEMENTARY SCHOOL OF KENNETT, MISSOURI ON WINNING THE KIDS ARE AUTHORS CONTEST FOR "SEPTEMBER 12TH . . . WE KNEW EVERYTHING WOULD BE ALL RIGHT"

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mrs. EMERSON. Mr. Speaker, I come to the House floor today with the memories of September 11th forever etched on my mind. I remember thinking that the world would never be the same again after that fateful day. I was right. Now, one year later, I am touched and moved by the courage, compassion and character that people across our nation have shown in the days and months since the attack on America.

I am nearly moved beyond words by the ways our children have responded to the new challenges facing our nation. Immediately following September 11th I visited classrooms all over the Eighth Congressional district. I listened and spoke with students, teachers and parents and felt—for the first time I can remember—a bond and sense of purpose that was somehow missing in the days before.

I have never been as proud to be an American as I was when I visited with the children at those schools in my district. To be honest, I wasn't sure exactly how to talk about the tragic events of September 11th, because I wasn't sure how much they understood about why this tragedy happened to us. Instead of comforting them, they comforted me. Instead of me telling them what happened, through their patriotic songs, intelligent questions, cheers of pride, patriotic bulletin boards, and their hugs and tears, they shared what they had learned and seen.

One of those schools was H. Byron Masterson Elementary School in Kennett, Missouri. The students shared their feelings, but they did more than that. They took action. And this week, a year later, the results of their actions were heard and seen in New York City. The message from the children is one of comfort. Their story is summarized in a story reported by the Associated Press and I would like to share it with all of you.

> Darlene Robertson says that on some days, the rut is the best place to be. On Sept. 12th, it was the daily rut of life in Robertson's southeast Missouri town that provided the stability her first-grade students needed in that insecure time after the terrorist attacks. "September 11 upset the routine of America, and these little children felt it," Robertson said. "That's why the rut was so important for us that day." Those students, now second-graders at H. Byron Masterson Elementary School, wrote about their experience in a book entitled, September 12th . . . We knew Everything Would be All Right. The book, which the children also illustrated, won the Kids Are Authors contest sponsored by Scholastic Books. Now Scholastic is publishing the book and distributing it nationwide.
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> When Robertson first heard of the contest, she began talking with her husband about topics for a book her students could write. They knew that a lot of children would be writing about the terrorist attacks of September 11th, so her husband suggested September 12th as a topic. So the idea for the book was born, and in March, Robertson and her students began to recall what September 11th and 12th were like—how they had discussed what they saw on television, and how she assured them they were safe inside their classroom. "September 11th shook us all up. As a faculty, we had to be careful not to show our true feelings about the day. We had to do things just like we had been doing the day before. It gave the kids security." The book takes readers through the day after the attacks and how the students' daily routine was a comfort to them: "The sun rose again, and the students traveled to school as usual. They still had homework. And two plus two still added up to four," they wrote in the book. "On September 12th, our parents still tucked us in our warm, safe beds," they wrote. "We knew we would be all right because our parents said they loved us."
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> My favorite quote from the books is one that I used recently in my weekly column about September 11th. The children wrote, "We knew everything would be all right because the stars and moon came out and America went to sleep. And the next morning the sun came up again."
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> The students, together with their parents, were recognized for their achievement. They along with teacher, Darlene Robertson and her husband, Dennis, and Masterson Principal Elsie Heller, left for New York City early Monday morning, September 9th.
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> The group of approximately 40 spent three days in the Big Apple including the one year anniversary of September 11th. The trip, sponsored by NASDAQ, ended with the group taking part in the ceremonial opening and ringing of the bell at the NASDAQ market on September 11th. During their stay in NYC, the group visited various sights including every child's dream, Toys R Us, New York. They also toured the Empire State Building and the New York Public Library. And they took a trip to the company, Scholastic, whose contest made all of this possible.
>
> Scholastic will be at H. Byron Masterson Elementary School on September 12th for a banquet, where they will present the students with medals. The school also will receive 100 copies of the book and an autographed copy of the book will be sent to President Bush.

As their teacher Mrs. Robertson said "We're just a little small town of 11,000 in the Bootheel of Missouri but here we are . . . It is an honor to be chosen."

It is an honor for me to represent these children and their families in Congress. Congratulations on this remarkable and special milestone in your lives. You children have inspired me. You have shown your compassion for others. You have displayed the true character of America. You have shown me and other parents and adults your maturity and depth of understanding about our great nation. You have given us resolve. You have given us courage. And you will help us show the world that no act of terror will ever bring us to our knees. We will be stronger than ever in the face of adversity. We will be one. We will be tougher. We will prevail.

CONGRATULATIONS TO LEAH A. CUNNINGHAM

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 2002

Mr. SIMMONS. Mr. Speaker, I rise today to congratulate Leah A. Cunningham of Niantic, CT. Leah Cunningham was named a national winner in the 2002 Voice of Democracy Program and received the $1,500 Department of Colorado and Auxiliary Award. Leah was sponsored by VFW Post 5849 and its Ladies Auxiliary in East Lyme, Connecticut.

I applaud the achievements of Leah Cunningham and ask that her award-winning essay be submitted into the CONGRESSIONAL RECORD.

[From the 2001–2002 VFW Voice of Democracy Scholarship Contest]

REACHING OUT TO AMERICA'S FUTURE

(By Leah Cunningham of Connecticut)

Yiyia, what is your advice for me and my role in helping America to have a better future?

"I came to this country at only 12 years old, alone and frightened of the unraveling journey ahead. I immigrated from Greece, but I soon became a loving citizen of this great land called America. I have learned that for America to have a better future, we must trust and learn from the issues of the past."

And then, my Yiyia (which is Greek for grandma) would smile in her strong oak rocking chair, gazing out the window of her apartment. Yiyia would have faith in the youth of America and their love for a country. She had seen the beginning stages of World War I as torpedoes were launched at her boat; she had watched America slowly enter World War Two, and thankfully, she died before her eyes would witness the devastation of the worst terrorist act to ever assault American soil: The destruction of the New York trade center towers by two hijacked airplanes.

These horrific events of September 11th have sparked a new found interest in our past and pride. Have we perhaps become more aware of our duty to create a peaceful life for our youth? The idea is to reach out to America's future, enabling our children to create a better world, providing them with knowledge, insight. Someday as a grandmother, I hope to share with my grandchildren the knowledge a nation has touched my existence with. I will reach out to America's youth—empowered in good faith to help America's future.

Our nation has indeed suffered tragedy but at the same time, we have been blessed by devoted American citizens striving towards a common goal: to make America a peaceful nation. Firemen, Red Cross volunteers, policemen, and average American citizens are so diligently working in New York City, to defy evil and restore the site of utter human devastation. We have refocused our priorities, acknowledging kindness, not only kindness for our friends and relatives, but a rejuvenated sense of benevolence towards strangers and fellow Americans. I see a confident nation, converging together, providing that we will not fall, we will not falter, we will not fail in a time of unforeseen cruelty towards our freedom land. We are reaching out to America's future in quiet and bold ways. I even see a rebirth of historical values and national pride.

President George Washington wrote in his 1796 farewell address: "The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquilly at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize . . ." Washington's words ring across more than 200 years to reach America today and in the future.

The future of America depends on our ability to secure unity and influence the well being of active American citizens. Simply requiring a civics or history course for high-school graduation is not enough. We should urge our youth to become involved in the social fabric of the community. The little things truly aide in reaching out to America's future: encouraging youth to register for voting, involving teenagers in mock political systems, having children understand the American flag, and ensuring appreciation towards war veterans and their roles in providing long-standing freedom in America.

I have come to think of it as my responsibility, my mission, to in some way reach out to America's future. My grandparents remember where they were when Pearl Harbor was attacked by the Japanese. My parents remember where they were when John F. Kennedy was assassinated. And, I will forever remember exactly where I was on September 11th, 2001, when terrorists attacked our nation, killing thousands. My greatest achievement will be if a defining moment of my grandchildren's life is not a catastrophic pre-empt to war, or a brutal disheartening assassination of a loved president, or an act of horrific human destruction. But rather, their moment of true American unity and love for a nation will be when their grandmother reaches out to their curious eyes and big hearts, and tells them of her experiences as an American and what they must do to hopefully following her patriotic footsteps.

As Thomas Jefferson suggested in his first Inaugural Speech, our principles for peace in the future depends on the ability to historically, look back, in order to look forward. Jefferson states, ". . . Let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety." The youth of America will bloom with bright hearts and clear visions if they are mindful of America's pursuits and "retrace their footsteps" of answers.

America is living and breathing, and within this country there is embedded a recipe for survival and for peace. Our youth needs the support and encouragement of patriotic citizens. We must trust in the goodness of people, and work towards a humane world, with the youth of America as leaders towards peace and justice. We must start with the seeds of tomorrow, the children of America's future, to not only establish a long-term remedy for terrorism, but to maintain strength, pursue unity, and forever sustain national loyalty.

HOUSE OF REPRESENTATIVES—*Friday, September 13, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 13, 2002.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In You, O Lord, we find wisdom and hope. In the dark night, You bring forth light. In loneliness, You make Your presence known. In times of doubt and indecision, You speak Your word. In facing threats that frighten us, You providentially provide confirmation that strengthens resolve and frees the spirit. You are the source of all power and the foundation of all human freedom; therefore, we place our trust in You.

Be with this Nation at this time of its recovery from the sad events which have affected both the people and the economy in this past year. Make us once again strong and united so that we can be Your instrument of peace and justice in the world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 3880. An act to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clear Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

H. Con. Res. 183. Concurrent Resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 2513. An act to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

OFFICE OF THE DEMOCRATIC LEADER,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 12, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), I hereby reappoint the following individual to the Ticket to Work and Work Incentives Advisory Panel:

Ms. Frances Gracechild of California to a 4-year term.

Yours Very Truly,
RICHARD A. GEPHARDT.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2513. An Act to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, September 17, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9111. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Iodosulfuron-Methyl-Sodium; Pesticide Tolerance [OPP-2002-0141 FRL-7187-2] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9112. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9113. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2001, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

9114. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report entitled, "Alternatives to Fee Basis Physicians for Military Entrance Physical Examinations"; to the Committee on Armed Services.

9115. A letter from the Director, Office of Management and Budget, transmitting an appropriation report, as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on the Budget.

9116. A letter from the Assistant Secretary, Department of Education, transmitting Final Priorities —— Rehabilitation Research Training Centers program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9117. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ambient Air Quality Surveillance and Designation of Areas for Air Quality Planning Purposes; Louisiana; Modification of Ozone Monitoring Season and Revisions to Geographical Boundaries of Air Quality Control Regions [LA-31-1-7189a; FRL-7374-1] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9118. A letter from the Principal Deputy Associate Administrator, Environmental

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; State Implementation Plan Corrections [SIP NO. MT-001-0032, MT-001-0039; FRL-7374-4] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9119. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the State Implementation Plan (SIP) Addressing Sulfur Dioxide in Philadelphia County [PA-172-4194a; FRL-7271-4] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9120. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; New Source Performance Standards [SIP NO. SD-001-0015; FRL-7374-3] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9121. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana; Volatile Organic Compound Regulations [IN141-1a; FRL-7273-5] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9122. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Minnesota [MN69-7294a; FRL-7264-9] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9123. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oregon: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7373-6] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9124. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to International Waters in the Pacific Ocean and French Guiana [Transmittal No. DTC 214-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9125. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 45-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9126. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan [Transmittal No. DTC 70-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9127. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 127-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9128. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan [Transmittal No. DTC 86-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9129. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 37-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9130. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 145-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9131. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with France [Transmittal No. DTC 126-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

9132. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of Jordan [Transmittal RSAT-3-02]; to the Committee on International Relations.

9133. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President has invoked his authority under the International Emergency Economic Powers Act (IEEPA) to continue the system of export controls in effect under the EAA; to the Committee on International Relations.

9134. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9135. A letter from the Secretary, Department of the Treasury, transmitting the Department's draft legislation entitled, "To improve the administration of Federal pension benefit payments for District of Columbia teachers, police, firefighters, and judges, and for other purposes"; to the Committee on Government Reform.

9136. A letter from the Under Secretary, Department of Defense, transmitting the Department's FY 2001 Annual Statement of Assurance, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

9137. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9138. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9139. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9140. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9141. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9142. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended December 31, 2001, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

9143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Buckland, AK [Airspace Docket No. 02-AAL02] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9144. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Nuiqsut, AK [Airspace Docket No. 02-AAL-03] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9145. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kodiak, AK [Airspace Docket No. 02-AAL-04] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9146. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace, Coppertown, MT [Airspace Docket No. 01-ANM-08] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9147. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision to Class D and Class E Airspace, Medford, OR [Airspace Docket No. 00-ANM-30] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9148. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Bloomington, IN; Modification of Class E Airspace; Bloomington, IN; Correction [Airspace Docket No. 01-AGL-06] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9149. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Cold Bay, AK [Airspace Docket No. 01-AAL-2] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9150. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Cordova, AK [Airspace Docket No. 02-AAL-1] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9151. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establish Class E Airspace; Aberdeen Field Airport, Smithfield, VA [Airspace Docket No. 02-AEA-03] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9152. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Annapolis, MD [Airspace Docket No. 02-AEA-01] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9153. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Scott Field Airport [Airspace Docket No. 2002-ASW-1] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9154. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Springhill, LA [Airspace Docket No. 2002-ASW-2] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9155. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Stillwater Municipal Airport, Stillwater, OK [Airspace Docket No. 2001-ASW-18] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9156. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-53-AD; Amendment 39-12804; AD 2002-14-04] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9157. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 Airplanes [Docket No. 2001-NM-55-AD; Amendment 39-12805; AD 2002-14-05] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9158. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-59-AD; Amendment 39-12806; AD 2002-14-06] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9159. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Models H-36 "Dimona," HK 36 R "Super Dimona," HK 36 TC, HK 36 TS, HK 36 TTC, HK 36 TTC-ECO, HK 36 TTC-ECO (Restricted Category), and HK 36 TTS Sailplanes [Docket No. 2002-CE-11-AD; Amendment 39-12829; AD 2002-15-01] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9160. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; de Havilland Inc. Models DHC-2 Mk. I, DHC-2 Mk. II, and DHC-2 Mk. III Airplanes [Docket No. 98-CE-124-AD; Amendment 39-12828; AD 2002-14-28] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9161. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 650 Airplanes [Docket No. 2000-NM-388-AD; Amendment 39-12824; AD 2002-14-24] (RIN: 2120-AA64] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9162. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 98-NM-224-AD; Amendment 39-12827; AD 2002-14-27] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9163. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Makila 1 A, 1 A1, and 1 A2 Turboshaft Engines [Docket No. 2001-NE-23-AD; Amendment 39-12833; AD 2002-15-05] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9164. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Model HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P; and Southwest Florida Aviation SW204, SW204HP, SW205, and SW205A-1 Helicopters Manufactured by Bell Helicopter Textron, Inc. for the Armed Forces of the United States [Docket No. 2002-SW-21-AD; Amendment 39-12836; AD 2002-13-51] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9165. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC120B, EC 155B, SA330F, SA330G, SA330J, AS332C, AS332L, AS332L1, AS332L2, AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS365N2, AS 365 N3, SA-365N, and SA-365N1 Helicopters [Docket No. 2001-SW-50-AD; Amendment 39-12838; AD 2002-15-08] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9166. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc., (formerly AlliedSignal, Inc. and Textron Lycoming) T5313B, T5317 Series, and T53 Series Turboshaft Engines [Docket No. 2000-NE-32-AD; Amendment 39-12832; AD 2002-15-04] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9167. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopters [Docket No. 2002-SW-22-AD; Amendment 39-12835; AD 2002-08-54] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9168. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, A-1, and B Helicopters [Docket No. 2002-SE-24-AD; Amendment 39-12839; AD 2002-09-51] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9169. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-21, -31, -32, -33, -41, -42, and -43 Airplanes; and Model DC-8-50, -60, and -70 Series Airplanes; Modified per Supplemental Type Certificates SA 1063SO, SA1862SO, or SA1832SO [Docket No. 2002-NM-130-AD; Amendment 39-12840; AD 2002-16-01] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9170. A letter from the Administrator, Department of Transportation, transmitting the Department's report entitled, "Injuries and fatalities of Workers Struck by Vehicles on Airport Aprons"; to the Committee on Transportation and Infrastructure.

9171. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 Series 1000A Airplanes and Model Hawker 1000 Airplanes [Docket No. 97-NM-313-AD; Amendment 39-12875; AD 94-09-11 R1] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9172. A letter from the United States Trade Representative, Executive Office Of The President, transmitting an outline of the Administration's plans to pursue a free trade agreement (FTA) with Morocco; to the Committee on Ways and Means.

9173. A letter from the Deputy Secretary, Department of Defense, transmitting notification regarding the FY 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, pursuant to Public Law 107—206; jointly to the Committees on Armed Services and Appropriations.

9174. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidance for Combining Award of Grants for Counter-Terrorism Coordination Activities and Award of Grants for Technical Assistance and Training for Drinking Water System Security (for Systems Serving Fewer Than 100,000 People) by States and Territories into a Single Multiple-Appropriations Grant Award — received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Revised Suballocation of Budget Allocations for fiscal year 2003 (Rept. 107-656). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4793. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases; with an amendment (Rept. 107-657). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CUBIN:

H.R. 5383. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.R. 5384. A bill to amend the Farm Security and Rural Investment Act of 2002 to eliminate any confusion regarding the applicability of the payment quantity limitations to the transition payment required as part of national dairy market loss payments; to the Committee on Agriculture.

By Mr. RANGEL:

H. Con. Res. 468. Concurrent resolution honoring the Harlem Little League All-Stars for their performance in the 2002 Little League World Series baseball tournament; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 512: Mr. SMITH of Washington.

H.R. 513: Mr. SMITH of Washington.

H.R. 967: Mr. STRICKLAND.

H.R. 1368: Mr. FOSSELLA.

H.R. 1624: Ms. KILPATRICK, Mr. SHADEGG, and Mr. DOOLEY of California.

H.R. 2023: Mr. SCHROCK, Mr. ROGERS of Michigan, Mr. MCHUGH, Mr. UPTON, Mr. ARMEY, Mr. DELAY, Mrs. BONO, Mr. DEAL of Georgia, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. BARCIA, Mr. STUPAK, Mr. POMEROY, and Mr. PETERSON of Minnesota.

H.R. 3363: Mr. ENGLISH, Mr. YOUNG of Alaska, Mr. LATHAM, Mr. MURTHA, and Mr. BLUMENAUER.

H.R. 3414: Ms. NORTON and Mr. MURTHA.

H.R. 3535: Mr. CANNON and Mr. GRAHAM.

H.R. 3659: Mrs. MCCARTHY of New York.

H.R. 4763: Mr. MARKEY, Mr. DEAL of Georgia, Mrs. MINK of Hawaii, and Mr. MCDERMOTT.

H.R. 4804: Mr. COBLE, Mr. HAYES, Mr. SMITH of New Jersey, Mr. WICKER, Mr. DREIER, Mr. LUCAS of Kentucky, Mr. GRAHAM, and Mr. HAYWORTH.

H.R. 5064: Mr. LAHOOD.

H.R. 5285: Mr. BAIRD, Mr. DOOLITTLE, Mr. LATOURETTE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, and Ms. DELAURO.

H.R. 5287: Mr. CARSON of Oklahoma, and Mr. FILNER.

SENATE—*Friday, September 13, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, at dawn one hundred and eighty-five years ago tomorrow, Francis Scott Key saw the Stars and Stripes over Fort McHenry and wrote the stirring words of our national anthem that have moved our hearts to patriotism ever since. "O say does that star spangled banner yet wave, o'er the land of the free and the home of the brave?"

Yes, Lord, thankfully, it does. As our flag flies over the Capitol this morning, we commit ourselves anew to serve You by doing the strategic work of government and by leading our Nation through the present challenges in the way that pleases You. It is good to know that You are not surprised by the needs we bring to You. Help us to see that prayer is how You call us to do what You think is best rather than just a call for You to assist us with what we already have decided. Help us to wait for You, to listen intently to You, and to gain strength to carry out Your best for us, personally and for our Nation. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 13, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mrs. CARNAHAN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leader time is reserved.

EXECUTIVE SESSION

NOMINATION OF JOSE E. MARTINEZ, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 961, which the clerk will report.

The legislative clerk read the nomination of Jose E. Martinez, of Florida, to be United States District Judge for the Southern District of Florida.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. GRAHAM. Madam President, I thank the Judiciary Committee for recognizing the needs of Florida and favorably reporting the nomination of Mr. Jose Martinez.

Jose Martinez's long and impressive legal career makes him an outstanding candidate. Beginning as counsel and now partner at Martinez & Gutierrez, Mr. Martinez has been associated with the firm since 1991. Jose Martinez has served as Assistant United States Attorney in the Southern District of Florida, and Legal Officer for the United States Navy, Judge Advocate General Corps. He took a two-year leave from his firm to become the Regional Director for the Office for Drug Abuse Law Enforcement of the United States Department of Justice.

Mr. Martinez received his undergraduate and law degrees from the University of Miami. He was the President of the highest honorary on campus, the Iron Arrow. His involvement with Student Government ranged from working in the Student Activities Office to becoming the treasurer of the School of Business.

Currently, Mr. Martinez is the vice chairman of the Federal Court Practice Committee of the Florida Bar. He is also a member of the American Bar Association, the Federal Bar Association, the Cuban American Bar Association, and the Hispanic National Bar Association.

In summary, Mr. Martinez is a highly regarded and qualified candidate for the federal bench.

I appreciate the Senate's consideration of Judge Martinez's nomination and appreciate the Senate's recent confirmation of Kenneth Marra and Timothy Corrigan, who will serve in Florida's Southern and Middle Districts, two of the largest and busiest judicial districts in the country.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5093, which the clerk will report by title.

The legislative clerk read as follows:

> A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

> Byrd amendment No. 4472, in the nature of a substitute.
>
> Byrd amendment No. 4480 (to amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.
>
> Craig/Domenici amendment No. 4518 (to amendment No. 4480), to reduce hazardous fuels on our national forests.
>
> Dodd amendment No. 4522 (to amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.
>
> Byrd/Stevens amendment No. 4532 (to amendment No. 4472), to provide for critical emergency supplemental appropriations.

AMENDMENT NO. 4522

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Madam President, first of all, let me say, I know under the existing order of the unanimous consent request agreed to yesterday between the leaders—let me make a parliamentary inquiry. As I understand it, there is a vote to occur at 10:15; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. On or in relation to the Dodd amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. Madam President, let me say, first of all, for the benefit of my colleagues, I know our staffs, right now, are working to see if it is possible to come to some compromise on the amendment that I proposed along with my colleague from Connecticut, Senator LIEBERMAN. My hope is that we might be able to do that.

I thank Senator INOUYE and Senator CAMPBELL and their staffs and my staff. They began to work last evening, talking about this matter. There was some discussion about possibly delaying this vote, but the leadership wanted to go forward with a vote this morning, and so we are going to try to work this out, if we can. That would be my fervent goal and desire.

Let me state, again, why they are talking and working here. It was not my hope or desire to have to get involved in all of this, but each of us represents our respective State. And my State has been undergoing some additional pressures. There are some nine applications pending for designation for recognition.

I have been—and still am—a strong supporter of the Native American community. I have a strong relationship with the two tribes in my State that have added tremendously to the economic well-being of my home State of Connecticut.

What provoked this response among the constituents in my State, and provoked the approach that Senator LIEBERMAN and I are taking, is that over a year ago we submitted a piece of legislation calling for a moratorium, a delay on the designation process, so that we could bring some rationality to the recognition process of the Bureau of Indian Affairs; it seemed to be out of control.

In fact, the previous Assistant Secretary at the BIA, on his departure, cited the significant problems that existed within the Bureau of Indian Affairs in terms of its recognition process.

What happened in my State most recently was that two tribes sought recognition, and the BIA rejected both tribes and came up with a third approval that had never been sought, despite the fact that the two tribes had been in opposition to each other during the recognition process. Needless to say, my constituents believed they did not have an opportunity to be heard and don't understand how it is that when a recognition is being sought, all of a sudden a third alternative emerges that was never on the table.

There is a concern that the Bureau of Indian Affairs is sort of out of control; that if this is the way things are going to proceed, we need to put a hold on here to figure out how it will work so people have an opportunity to respond.

There are 200 designation applications pending in 37 different States. What I am talking about in my State, which is smaller than Yellowstone National Park—I said to my colleague from Montana yesterday, I think there are ranches in Montana that are probably larger than the State of Connecticut. So you can imagine, with nine applications pending in a State that is 100 miles by 40 or 50 miles, with an impact on 3½ million people, this is not insignificant.

I sat here and voted for drought relief legislation. I voted for assistance to farmers in the Midwest. When there are hurricanes and fires, even though my State is not affected, I stand up and support those efforts because I respect the needs of various States.

My State is now facing some real problems on this issue. And I am not asking to stop a process. I am not anti-Native American at all. My record is replete with indications of how strongly I feel about Native Americans. But I have an obligation to stand and speak for my constituency. And they are feeling threatened when they are not allowed to be heard. When they cannot participate in a debate that is going to have a huge impact on their lives, it seems to me something needs to be done.

If I wait much longer, then the issue is going to be over, because I would vehemently oppose—vehemently oppose—any effort to reverse a designation and a recognition. That, to me, would be outrageous and a dreadful precedent. But once that recognition occurs, it is unlikely to ever be rolled back.

So what I am trying to do is not, in any way, to suggest that those who have been designated or recognized—that anything be done there at all but merely in the future, as we are talking about this, shouldn't the people of my communities be notified? My Governor, my attorney general, the mayors of my towns that are surrounding these areas, shouldn't they be notified?

What about in the other 37 States where this is going to occur. It may be in Connecticut today, but it may be your State next. I think being heard on these matters, being invited to participate—there are seven criteria that are listed in the regulations, and in some cases various criteria are totally disregarded. In some instances, the technical staff have made one recommendation and have been overruled by the Assistant Secretary, totally disregarding all the efforts and work done by the people at the BIA.

So I do not like doing this. This is not the way I normally proceed, but I am in a tough place. I have to stand and speak for my constituents. I am hopeful we can find some compromise in the next few minutes to avoid asking our colleagues to make choices on matters such as this. This is not how I like to proceed, but if I let this go and another year comes and goes; and these processes go forward under a system, as it did with the two applications I just described, you can imagine how my constituents and yours may react down the road.

I also am concerned that this is going to devalue the recognition process. For those who get recognition, to suggest somehow the process was not as thorough and as fair as it should be does a disservice to those who deserve recognition.

So this process needs fixing. If we do not do that, everybody gets hurt by it and we build up a level of hostility that is unnecessary.

This is a moratorium. The moratorium could end next week. It need not be a moratorium indefinitely. It just says a moratorium until you make these fixes. No new law is being requested here—nothing. It just says comply with the existing regulations and make sure the people are notified and invited to participate in a debate that can have a profound effect on their lives and their families. That is not too much to ask. It does not give them a veto power. It does not make it an adversarial proceeding. It just says we ought to invite people to participate. That is the American way. That is the way we do things.

So this amendment merely says to have a moratorium until these matters are put in place and worked out I do not know how my colleagues may vote. I may lose today. But as I stand here, I promise you, if you are one of the 36 other States and this comes to your State, then you are going to be standing where I am, and you are going to be insisting upon the same sort of thing.

We stand and vote to support each other's needs when they occur. I am asking my colleagues to support me in this particular case because my State is feeling it. And we are not anti-Native American at all. Quite to the contrary. We are deeply proud of the Mohegan and Pequot Tribes in my State. I strongly supported their recognition efforts. In fact, I have been highly criticized in books because I stood in support of them when they were under threat of not being recognized.

So I will not take a back seat to anyone in my determination to fight for them. But I need to fight for my constituency as well when they feel as though they are not being served well by a process that is fundamentally broken. And when the Assistant Secretary for the Bureau of Indian Affairs says the system is broken, it is not working, then we ought to pay attention. And that is what this amendment is designed to do.

My fervent hope would be, with the staff of the committee, in the remaining 15 minutes or so we have, we put on the table an offer that would make this moratorium only exist for 1 year, to clarify some language they were concerned about. We can offer that, accept it, and move on. We need not have this become a divisive debate.

I know the chairman of the committee and the ranking member are here, and they want to be heard. I have spoken my piece. I hope we can work it out in the next 15 minutes or so and then put this issue behind us. But if we cannot, I am going to ask my colleagues to support my State. Look to your own States. If you are unclear, inquire, because the issue will come to your State, I promise you, sooner or later. And this vote will be looked back upon as to where you stood on this issue when you, all of a sudden, are confronted, as we were, with two groups seeking recognition and neither one was approved, and then there is a third one. That is how bad this system is right now. That is wrong. That is unfair. My people deserve better than that.

So I urge my colleagues to support this amendment if a compromise is not reached.

I yield the floor.

I suggest the absence of a quorum and that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Does the Senator from Connecticut withhold his suggestion of a quorum call?

Mr. DODD. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I would defer to Senator INOUYE, our chairman, if he wishes to speak first.

Madam President, I support a motion to table the Dodd amendment. Let me say at the outset, though, that no one questions Senator DODD's commitment to the Indian people of America. He has an exemplary voting record, and he has always been there when we needed help.

My problem with his amendment is that there has been almost no input from tribes themselves, and in the past they have opposed any moratorium. We all know the problem that exists now with the recognition process. We all know it needs to be streamlined and needs to be changed. It is replete with problems. We have heard it over and over.

We have had a couple hearings on this already in the Indian Affairs Committee, and we intend to take it up again. Whether we have run out of time this year has yet to be determined.

But I was not aware there was going to be some discussion on a compromise amendment. And because the unanimous consent request was entered into yesterday, many of us, including me, have made reservations on planes that we can't change. So I hope I am going to be able to be here to speak to it, but knowing how these things sort of creep, I may not be able to do so.

So from my own standpoint, if I do have to leave, I am going to defer to our chairman, Senator INOUYE. The Indian Affairs staff is working with Senator DODD's staff on an amendment that may be acceptable, but I will certainly defer to my chairman in his decision of whether to support that amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Hawaii.

Mr. INOUYE. Madam President, it is with some considerable reluctance that I rise today to speak in opposition to the amendment proposed by my good friend, the senior Senator from Connecticut, that would prohibit the expenditure of funds for the operations of the Branch of Acknowledgment until the Secretary of the Interior has certified to the Congress that certain administrative procedures have been implemented with respect to the consideration of any petition submitted to the Secretary.

The provisions of this amendment are drawn from an authorizing bill, S. 1392, that is now pending in the Committee on Indian Affairs.

At Senator DODD's request, in July of this year I agreed to schedule a hearing on S. 1392.

That hearing is to be held on Tuesday, September 17.

As chairman of the Committee on Indian Affairs, I believe that Senator DODD's request for a hearing in the authorizing committee reflects a position on which we can both agree that the appropriate venue for the consideration of reforms to the Branch of Acknowledgment process is in the authorizing committee of jurisdiction.

In an effort to responsibly address the matter of whether there is some urgency associated with effecting reform in the Branch of Acknowledgment that cannot await action by the authorizing committee, particularly as such reform may affect the State of Connecticut, I authorized my staff to contact the Department of Interior's Branch of Acknowledgment officials for information on the petitions currently pending before the Branch.

The committee is advised that there are two petitions of tribal groups located within the State of Connecticut that are currently pending in the branch.

Both petitions are the subject of court-ordered negotiated agreements, and thus both petitions are subject to the ongoing jurisdiction of the Federal district courts.

So for those members who believe that the Congress should forebear from injecting itself into pending litigation, the jurisdiction of the Federal district courts should be honored as well here and action should not be taken on an amendment which would interfere with the courts' jurisdiction. The court-ordered negotiated agreement for the Schaghticoke Tribe provides that the proposed finding whether positive or negative is due to be published on December 5, 2002.

Thereafter there is a 6-month comment period, followed by a two-month response period, both of which may be extended at the request of the parties.

If no extensions are requested or granted, then assuming a positive finding, the earliest time in which a positive finding would become effective for purposes of any appeals by the State of Connecticut or other parties, is August 5, 2003.

For the Golden Hill Paugussett Tribe—under court order, the proposed finding whether positive or negative is due to be published on January 21, 2003.

Thereafter there is a 6-month comment period, followed by a 2-month response period, both of which may be extended at the request of the parties.

If no extensions are requested or granted, then assuming a positive finding, the earliest time in which a positive finding would become effective for purposes of any appeals by the State of Connecticut or other parties, is September 21, 2003.

The other groups that will be affected by the amendment proposed by Senator DODD are two petitioning groups of the Nipmuc Tribes of Massachusetts, the Mashpee Tribe of Massachusetts, the Snohomish Tribe of Washington State and the Burt Lake Band of Michigan.

I firmly believe that Senator DODD's authorizing legislation can be addressed through the hearing process and acted upon well within the time frame that is anticipated for action on the two pending petitions from Connecticut tribal groups, and thus, that it is not necessary for the authorizing provisions of this amendment to be considered within the context of the Interior appropriations bill.

In addition, I am certain Senator DODD would agree with me that reforms of the magnitude proposed by his amendment merit the full consideration of all those now involved or who may become involved in the Federal acknowledgment process—including the administration, and equally important, the Nations of Indian country, as well as other interested parties.

There has been no hearing nor public record developed on the proposal advanced in Senator DODD's amendment, and I think it is incumbent upon us to develop such a record and to receive testimony on this proposal before any action is taken precipitously.

There are other proposals now pending in the Congress for the reform of the Federal acknowledgment process—Senator CAMPBELL, the vice chairman of the Committee on Indian Affairs, has one such proposal.

Clearly, the proponents of those measures would also wish to have their legislative initiatives given full consideration, and I believe we should afford a full and fair opportunity for all such measures to be considered rather than adopting one proposal that has not yet been the subject of hearings.

Under current law, the Branch of Acknowledgment works with petitioning tribal groups in a cooperative process which is designed to assure that a petitioning group has submitted data sufficient to address each of the seven criteria that petitioners must meet.

The regulations require the Assistant Secretary for Indian Affairs for the Department of the Interior to provide notice of the petition to the Governor and the Attorney General of the State in which the petitioning group is located.

It has been represented that the proposed amendment does nothing more than codify the existing Branch of Acknowledgment regulation, but in fact, the proposed amendment proposes to replace most of the existing procedural rules governing the acknowledgment process with a contested hearing process.

It would grant interested parties, and not petitioners, the power to control the timing of the contested case and would prevent the expenditure of any funds by the Branch of Acknowledgment if the Branch does not comply with the new procedural rules established by the amendment.

The amendment requires the Secretary to consider "all relevant evidence submitted by a petitioner or any other interested party, including neighboring municipalities."

Upon the request of an interested party, the Secretary may conduct a formal hearing for interested parties to present evidence, call and cross examine witnesses, or rebut evidence even before a petition is complete.

A transcript of the hearing is to be made part of the administrative record upon which a decision may be based.

Nowhere in the existing administrative regulations is a contested case hearing, such as the one proposed by my colleague's amendment, authorized.

Instead, the general spirit of the regulations is to enable a cooperative relationship between the petitioning group and the Branch of Acknowledgment, as reflected by the authorization for a technical review of each petition by the Branch of Acknowledgment and the opportunity to supplement or amend a petition before it is actively considered and to have information submitted by third parties who have legal, factual, or property interests in the recognition decision to be considered.

The present administrative process allows for publication of a proposed finding, a 6-month comment period for all interested parties, and a 2-month response period for the petitioning group.

A final determination is then made and time lines are established governing requests for reconsideration and when the decision becomes final.

In contrast to the existing regulations, the proposed amendment creates a contested case process the timing of which is controlled not by the Branch of Acknowledgment in conjunction with the petitioning group, but by those municipalities, counties, State attorney generals, State Governors, and other tribes falling within the notice provisions of the amendment.

Given the fact that the amendment proposes to include State, county and municipal governments from each area that the petitioning group was historically located—and that Federal policy forced not one but many relocations of most tribal groups from their traditional areas—the amendment contemplates the involvement of scores if not hundreds of small communities that no longer are in close proximity or have any geographic relationship with the petitioning group.

With the exception of the continued application of the seven criteria in the existing regulations, almost every other aspect of the regulations would be changed under the amendment, including the burden of proof a petitioning group must satisfy to meet the criteria.

In addition, a petitioning group would be required to defend its petition whenever an interested party requests and is granted a hearing, even though that request may be made at a time where a petitioning group has not yet perfected its petition.

I am not suggesting that the proposals advanced in this amendment do not merit the consideration of the Congress.

Indeed, as I have earlier indicated, the Committee on Indian Affairs has scheduled a hearing on Tuesday, September 17 for that very purpose.

What I am suggesting, Mr. President, is that there is an appropriate venue for the consideration of substantive changes in Federal Indian law and policy, and that venue is in the authorizing committees of the Congress.

I ask unanimous consent to print the following statement in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR—FY 2003 INTERIOR APPROPRIATIONS BILL EFFECT STATEMENT TO THE CONFERENCE MANAGERS

Bureau/Office: Bureau of Indian Affairs.

Appropriations: Operation of Indian Program.

Activity/Subactivity: Central Office Operations/Tribal Government.

Project/Budget Element: Tribal Government Services.

[In thousands of dollars]

Item	FY 2002 enacted	FY 2003				
		Pres. request level	House level	Senate level	Compared to request	
					House	Senate
Branch of Acknowledgment and Research	1,050	1,100	1,600	1,100	500	0

House Action: House added $500,000 to the Bureau's Central Office, Division of Tribal Government Services. Fund are specifically for the Branch of Acknowledgment and Research (BAR).

House Report Statement: None.

Reference: This amendment was reported and voted on by the full Appropriations Committee.

Effect of House Action: The House Action would enable the BAR to hire additional staff to process requests from Indian groups who are petitioning for Federal recognition.

What would the funding be used for?: Currently the BAR has three research teams. Each team is composed of a cultural anthropologist, a genealogist, and a historian. FY 2003 funding for three teams and support staff for BAR is $1,100,000. The additional funding would enable the BAR to staff one additional research team and hire support staff who would focus on administrative functions, such as FOIA requests, preparation of administrative files for litigation, and other time consuming responsibilities that are currently handled by the professional research teams. Consequently, this funding would allow four research teams to focus on processing documented petitions.

Feasibility/capability of the proposed funding level or language this fiscal year?: On November 2, 2001, General Accounting Office (GAO), released a report on the acknowledgment process titled "Improvements Needed in Tribal Recognition Process." The two concerns raised by GAO were the need to improve the speed and transparency of the decision-making process. These additional funds will enable the Department to address these two identified concerns.

Is the program/project ranked on existing priority setting system? This program was included within the total budget priorities competing for increased funding. However, because many other priorities, funding was not included within the President's Budget Request.

Senate Action: Proposed at the President's Budget request level; however S. 2708 was introduced on the floor which amends the Department of the Interior's appropriations bill.

Senate Report Statement: None.

Reference: S. 2708.

Effect of Senate Action: S. 2708 is an amendment to the Department of the Interior's appropriations bill. The purpose of this bill is "[T]o prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures."

The Department should oppose this bill because it will result in the Department being unable to comply with court scheduling orders for issuing acknowledgment decisions and because many of its provisions are ambiguous and appear to be unworkable.

Sections 1(c)(1)(A) and 1(c)(1)(B) require notice to each state, county and local government in the area where the petitioner is located and in the area historically occupied by the petitioning group. The acknowledgment regulations already provide for written notice to the state and local government where a petition is currently located and provide for notice of the petition in the Federal Register and in local newspapers. Written notice to governments where the petitioner was historically located within 30 days of the receipt of a letter of intent is unrealistic. There is insufficient evidence in a letter of intent to identify these locations.

Section 1(c)(1)(C) requires the Department within 30 days to notify any Indian tribe and any other petitioner that, as determined by the Secretary (i) has a relationship with the petitioner (including a historical relationship); or (ii) may otherwise be considered to have a potential interest in the acknowledgment determination.

As with the prior provision, the difficulty with the notification provision with the 30-day deadline, is that it may be that until a petition processing is begun, or at least until the preliminary technical assistance review, that the Department will not know all of the petitioners, tribes, states, and others that could be involved. Notice beyond that in the Federal Register to such entities within 30 days of the receipt of a letter of intent is not feasible.

Section 1(c)(2)(A) requires the Secretary to consider all relevant evidence submitted by a petitioner or any other interested party, including neighboring municipalities that possess information bearing on the merits of a petition. The Department already considers all evidence which is submitted within prescribed time frames by petitioners and any other interested party, including neighboring municipalities.

Under section 1(c)(2)(B), the Secretary, on request by an interested party, may conduct a formal hearing at which all interested parties may present evidence, call witnesses, cross-examine witnesses, or rebut evidence presented by other parties during the hearing.

The bill leaves unspecified who the hearing would be before, when in the acknowledgment process this hearing would take place, and the purpose of this hearing. Therefore, any advantages of a hearing are unclear.

Further under the existing regulations, The Department provides for hearings before the IBIA, an independent administrative review body. If an additional hearing is intended, it would further delay decisions on the petitions.

Under section 1(c)(3)(A), the Secretary shall ensure that the evidence presented in consideration of a petition is sufficient to demonstrate that the petitioner meets each of the 7 mandatory criteria for recognition contained in section 83.7 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

This section appears to restate the existing standard used by the Department.

Under section 1(c)(3)(B), the Secretary shall consider a criterion to be met if the Secretary determines that it is more likely than not that evidence presented demonstrates the satisfaction of the criterion.

The meaning of the stated standard is unclear, particularly as to whether it changes the regulatory standard which provides that a criterion shall be considered met if the available evidence establishes a "reasonable likelihood of the validity of the facts relating to that criterion." It is unclear if this provision would change the existing standard.

Under section 1(c)(4), the Secretary shall publish in the Federal Register, and provide to each person to which notice is provided under paragraph (1), a complete and detailed explanation of the final decision of the Secretary regarding a documented petition under this Act that includes express findings of fact and law with respect to each of the criteria described in paragraph (3).

The regulations already require that notice of the final determination be published in the Federal Register. It is ambiguous if the complete final determination is to be published in the Federal Register which would be an extraordinary and unnecessary expense. Presently, the decisions are publicly available and will be posted on the Internet as soon as possible.

Recommendation: The Department does not support this amendment, and it opposes considering it as part of the Interior Appropriations Bill.

Mr. INOUYE. Madam President, what I would like to propose is to convert this amendment into a bill and have it referred to the Committee on Indian Affairs to give time to the respective staffs, the staff of the committee and the staff of Senator DODD, to work over this measure and come forth with a resolution of the matter. When that resolution is reached—and I gather it can be reached in 24 or 48 hours—we can once again bring up the new amendment and consider that.

If I may, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, last night I worked with Senators INOUYE and DODD until almost 11 o'clock. The arrangement made at that time was that we would have a vote at 10:15 on the Dodd amendment. The Senators have worked with their staffs and we are still going to have a vote at 10:15 but not on the Dodd amendment. We are going to ask unanimous consent to set that aside and to see if Senators DODD, CAMPBELL, and INOUYE can work out this problem that is now facing us. They do believe by early next week they can work something out.

I know some Senators are going to be upset that we are only voting on a judge this morning, but there has been a lot of work going into having this amendment withdrawn. I think it is in the best interest of the Senate that we not charge forward on something if it can be resolved. There will be a vote at 10:15. We will vote on Arthur Schwab, of Pennsylvania, to be a judge. We expect to announce that in a moment or two.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, before the unanimous consent request, I thank the distinguished majority whip. I thank my colleague from Hawaii, my colleague from Colorado, and the Senator from Montana as well. I apologize to colleagues who were counting on a vote. I know the leadership wants to have a vote. This matter is very important. If we can resolve this by not having a divisive Senate on this issue, I think that exceeds the importance of whether we have a vote. We are going to try to work this out so we can deal with the underlying cause of the amendment. I thank the Senators for offering my colleague from Connecticut and I a chance to come to a solution. We will ask unanimous consent to temporarily set aside the Dodd-Lieberman amendment. Then this will pop back up again, I presume, Tuesday when we come back after Yom Kippur and deal with the matter. I am confident that at that time we will have resolved this problem and we can vote on a compromise. I apologize. We worked late last night. I thank the Senators and their staffs. Senator REID was on the phone until after 11:30. Time didn't permit us to get it done. I don't want to see the Senate vote on a matter of this importance without trying to resolve the differences. We will vote on a judgeship, but we will, at some point, vote on this matter—a compromise or the Dodd-Lieberman amendment. I hope it will be a compromise that will be satisfactory to everybody.

I thank the Senator from Nevada. He works hard to keep things on track. This is something which I think rises to the level of reaching a compromise on an important effort.

Mr. REID. I simply say to my friend that I think we have far too many votes here anyway that are not necessary. I think it shows the experience and wisdom of the people who have been working on this issue, along with you and Senator CAMPBELL. There is no need to have a vote on this matter. We may never have to have one. If we do, we will vote on it. I think a lot of people say "I want a recorded vote" because it looks good—or whatever reason. We spend far too much time voting on matters that could be passed without a recorded vote. Even though there is no vote on this amendment, I think the Senators have saved us a lot of time.

The next vote will occur at 5 o'clock Tuesday.

EXECUTIVE SESSION

NOMINATION OF ARTHUR J. SCHWAB, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 963, Arthur Schwab to be U.S. district judge; that the Senate vote immediately on the nomination; that upon the disposition of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and statements thereon be printed in the RECORD as though read and that the Senate resume legislation session, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read the nomination of Arthur J. Schwab, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. REID. Madam President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Arthur J. Schwab, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 216 Ex.]

YEAS—92

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—8

Akaka
Cochran
Helms
Miller
Murkowski
Roberts
Smith (NH)
Smith (OR)

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider is tabled. The President will be immediately notified of the Senate's action.

Mr. DASCHLE. Madam President, I yield such time as the Senator from Pennsylvania may require to make a brief statement.

Mr. SPECTER. Madam President, I thank the majority leader.

I have sought recognition to comment very briefly on the nomination of Arthur J. Schwab of Pittsburgh, PA. Mr. Schwab is an outstanding lawyer and will make an outstanding judge. His credentials include: Graduating cum laude from Grove City College; Order of Coif from the University of Virginia Law School; an extraordinary litigation record as a trial lawyer, appearing in some 22 States, in addition to Pennsylvania; in the Federal courts in Pennsylvania, he argued appeals in the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Eleventh Circuit Courts. He has an extraordinary litigation background and will make an outstanding judge.

I ask unanimous consent to have printed in the RECORD the qualifications of Arthur J. Schwab.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Arthur J. Schwab graduated cum laude from Grove City College in 1968. He then attended the University of Virginia law school, where he graduated Order of the Coif in 1972. After law school he was an assistant district attorney with the District Attorney's Office of Allegheny County. He then became a partner in the law firm of Mansmann, Beggy, McVerry & Baxter, later named McVerry, Baxter & Cindrich, from 1970 to 1988. He has also been Of Counsel to the law firm of Tucker Arensburg, a shareholder of Grogan, Graffam, McGinley & Lucchino, P.C. Currently, Mr. Schwab serves as the chief counsel and chair of litigation at Buchanan Ingersoll, P.C., in Pittsburgh, Pennsylvania.

Over the past 20 years, Mr. Schwab has developed a practice in the areas of trade secrets, confidential information, employment agreements, software copyright infringement, trademark, unfair competition, and diversion of corporate opportunities. He has tried cases in state and federal courts in more than 22 different states, as well as in the Courts of Common Pleas of the Commonwealth of Pennsylvania and in the United States District Court for the Western District of Pennsylvania. Mr. Schwab has also been responsible for cases involving appeals to the United States Courts of Appeals for the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Eleventh Circuits.

Mr. Schwab is also actively involved in his local community, including serving as the co-chair of the Senator John Heinz Level of Giving Division of the United Way of Allegheny County. From 1979 to 1988, Mr. Schwab began an extensive pro bono project concerning Child Advocacy for the Allegheny County Bar Association that produced, with the assistance of 60 Reed Smith attorneys, over 3400 hours of representation of indigent children.

Once again, I believe that Arthur Schwab will be an excellent addition to the federal bench and I urge my colleagues to vote for his confirmation. Thank you.

Mr. LEAHY. Madam President, today the Senate has confirmed its 76th and 77th new judges since the change in majority last summer, with the vote on Arthur Schwab, who is nominated to the Eastern District of Pennsylvania and the vote earlier this morning on Jose Martinez, who is nominated to the Southern District of Florida. In less than 15 months we have confirmed more judges that the Republican majority confirmed in its final 30 months in the majority. We have been more than twice as productive as they were and Republicans are nonetheless complaining that we have not worked three or four times as fast as they did to fill vacancies their inaction perpetuated.

The Senate has now confirmed more judges than were confirmed in all of 1989 and 1990, the first two years of the first Bush Administration, and almost 40 percent more confirmations than in the first 15 months of the Reagan or Clinton Administration, both of which were cooperating with a Senate majority of the same political party.

Another stark comparison would be between how we have proceeded this year and how the recent Republican majority proceeded in the years they were in the Senate majority but the President was a Democrat. In the 1996 session for example, the second full year in which the Republican majority was in control of progress on President Clinton's judicial nominees, the Republican majority allowed only 17 judges to be confirmed the entire year. Not a single circuit court judge was confirmed that entire session all year—not one. By contrast, just since January, in this the second session of this Congress, this Democratic Senate has already confirmed 180 percent more judges than were confirmed in the second year of the Republican majority. We have also already confirmed seven judges to the circuit courts, which is seven more than were confirmed in the 1996 session.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

CLOTURE MOTION

Mr. DASCHLE. Madam President, I call for regular order with respect to the amendment numbered 4480, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Senator BYRD's amendment No. 4480.

Joseph Lieberman, Harry Reid, Jean Carnahan, Daniel K. Inouye, Christopher Dodd, Herb Kohl, Jack Reed, Richard J. Durbin, Kent Conrad, Paul Wellstone, Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Jim Jeffords, Robert Torricelli.

Mr. DASCHLE. Madam President, I am happy to yield to the Senator from Idaho.

Mr. CRAIG. I thank the majority leader for yielding. He has just filed cloture on the Byrd amendment. The underlying second degree is the Craig-Domenici amendment to try to deal with forest health. I appreciate the frustration of time here and the reality we have to get a lot of work done in the next several weeks to conclude the appropriations process.

It was never our intent to block the Byrd amendment. This is a critical and necessary amendment that deals with fire itself and replacing some of the moneys or refurbishing, replenishing some of the moneys that have been spent fighting fires, primarily in the West but across the country, in our public forests.

We are continuing to work. We had another meeting this morning. I told all of my colleagues, Democrat and Republican alike, that Monday was drop dead. I meant that only in the sense of the legislation itself. Clearly, we have worked hard. There have been some good faith efforts. There has also been a reality as to where all of the sides are on this issue. Tragically enough, no matter what we accomplish, the forests of our country are going to continue to burn at a high rate because of their diminished health because of public policy over the last good number of decades.

But on Monday, in visiting with Senator REID, I hope we will have something we can vote on—or a clear decision that we cannot arrive at an agreement. I hope at some point, Leader, I can come to you and ask you if you could vitiate the vote on cloture, that we could expedite this ourselves. But there are a good number on my side, and some on yours, who want more debate and at least more discussion on this issue, even if we can have opposing positions on which to vote.

I do believe for the American people, who have seen the western skies full of smoke now since the middle of June, it is important that this Senate express its will on this issue.

The Senator from South Dakota found an expression that fit his State. I do not criticize him for it because the Black Hills of South Dakota are in a state of forest health problems, as are other public forests. Clearly, it is important that we not walk away from this session of Congress without the public knowing where we are on this issue because, as the Senator knows, no matter what we do, even if we can have some aggressive effort on thinning and cleaning, the country must become ready to accept, tragically enough, that we are going to lose 5 million or 6 million acres a year of old growth and watershed and wildlife habitat to wildfires because of the public policy that has brought our forests to this current health environment.

But I hope we can make a step, probably not a big one but at least a small step, in the right direction of showing the public we can manage their land and we can do so in an environmentally sensitive way that will replenish the health of these magnificent forests that have now grown to a state of disrepair.

I understand where the leader is. I did want that expression out there. I hope we can come to the majority leader on Monday and say we have something, we hope you can vitiate, and we hope we can come to this floor and debate this issue and get on with the process.

Mr. DASCHLE. Let me respond to the Senator from Idaho. I would be more than happy to entertain a consent agreement to vitiate the cloture vote on Tuesday if we arrive at a consensus about this over the weekend. We laid this bill down on September 4. It is now September 13, and I am told we have not spent this much time on any appropriations bill to date. So I attempted to be as patient as I could be with regard to the ongoing discussions. We have offered procedural arrangements to deal with this. They have not been acceptable to some. We have offered as many different iterations of compromise as I think our imaginations allow. But if there is a productive and successful effort over the weekend, we will certainly revisit the question.

However, we have to move on, this is not only a fire amendment but it is a drought amendment, now, as a result of the overwhelming action taken by the Senate just last week. This is a very important piece of legislation, and we have to move along. There is too much work to be done in too short a time.

So we will look at where we are on Monday and come to some conclusion. But if we are unsuccessful, we will have to move on with the cloture vote on Tuesday.

I yield the floor and I thank my colleague.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, before the majority leader leaves the floor, I would like to comment on the discussion that just took place between the majority leader and Senator CRAIG and indicate to him I have been a daily participant in those negotiations. I have tried to act in good faith; many have. But somehow or another, we make one step forward, and literally the next time we meet, it looks as if we have gone one and a half back. It is getting more difficult.

We don't intend to delay this bill once we know the good faith efforts of the Senators—which is about 10 of them—cannot reach an agreement. We will come forward. But we will have to take a little time, as best we can, without delaying things too much, to let everybody know what has happened. It will not take too long for that to occur. There are other Senators who may feel differently. The amendment is a Craig-Domenici amendment. We put it together, gathered the Senators, but I wanted the record to reveal we are not interested in delaying the good faith effort on this bill, but we have a powerful issue, as you well known, that burns at many of our hearts. I am sorry I had to use that terrible word. We are having burns elsewhere in our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I had wanted to make some comments this morning on the issue of homeland security. I understand we are currently back on the Interior appropriations bill; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. I ask the chairman of the Appropriations Committee if he has other business to transact on that appropriation. If not, I would like to offer some comments on homeland security, which is the second track we have been working on this week.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, if I may respond to the Senator's question without his losing his right to the floor? He has asked me a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I assume the Senate will return to homeland security this afternoon. The order is, I believe, 12 or 12:30?

Mr. REID. Yes, at 12 noon, with Senator BYRD having the floor.

Mr. BYRD. At 12 noon, at which time, under the unanimous consent order entered last evening, I will get recognized.

Now, I intend to explain my amendment clearly because my amendment is not adversarial to the Lieberman bill. My amendment improves, in my judgment—and I think people will agree once they really understand my amendment—the Lieberman amendment, the Lieberman bill. Therefore, I will be explaining my amendment. That is in answer to the question of the distinguished Senator.

At that time, if he wishes me to yield to ask questions about homeland security, that will be fine, but I intend to take some time this afternoon. At that time, the Senator can speak. As far as I am concerned, if Senators are going to speak on the Interior bill at this time, why, the Senator could get unanimous consent to speak out of order. I do not believe the Pastore rule has run its course yet. So the Senator could get consent to speak out of order for 10 minutes, 20 minutes, whatever he wants, and nobody is around here to object.

Mr. REID. Will the Senator from North Dakota yield for a question?

Mr. DORGAN. I am pleased to yield to the Senator from Nevada for a question.

Mr. REID. We have the two managers of the Interior bill here now. We have approximately an hour until we go to the homeland security bill. I have looked to staff, and we have no amendments to clear at this time. That is my understanding. So it would probably be to everyone's benefit, because the cloture motion has been filed on the pending amendment, that we go off this bill.

Mr. DORGAN. Yes.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that until 12 noon today, the Senate be in a period of morning business and at 12 noon we go to the homeland security bill and Senators be allowed to speak during morning business time for up to 10 minutes. Is that OK with the two managers?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOMELAND SECURITY

Mr. DORGAN. Madam President, let me thank the chairman of the Appropriations Committee and the ranking member. We have a very short amount of time in which to do a great deal of business. I did not wish to interrupt their work on Interior if in fact there was an amendment that was to be acted upon. I appreciate their courtesy.

Let me make some comments about the broad question of homeland security and relate it to the discussion yesterday at the United Nations that was offered by President Bush.

Mr. BYRD. Madam President, will the distinguished Senator yield for a question?

Mr. DORGAN. I am pleased to yield for a question from the Senator from West Virginia.

Mr. BYRD. I wish I could be on the floor to hear what the Senator has to say. I have an appointment. I have to be down below this floor at 11 o'clock, which is 1 minute or 2 from now. I will read the remarks of the Senator. I know they will be good. If I can come back before he completes his remarks, I will do that.

Is it the understanding of the Senator that he will complete his remarks by 12 noon?

Mr. DORGAN. Yes.

Mr. BYRD. I thank the Senator.

Mr. DORGAN. Madam President, I have not been on the floor until now to speak about the homeland security bill and the issues surrounding that bill. I have been thinking a lot about it, as have many of my colleagues. We have had a good number of amendments, and I do not believe anyone here thinks the issue is whether we shall pass a piece of legislation dealing with homeland security. Of course we should enact a piece of legislation dealing with homeland security. We need to respond to the President's request. We will do that. The question isn't whether, the question is how.

There are many ideas about homeland security that come from all corners of this Chamber. We ought to take the best of all of those ideas and incorporate them into this legislation.

Yesterday the President spoke at the United Nations about the threat that comes from Saddam Hussein and Iraq. Because that also relates to the issue of homeland security, I wanted to make some comments of a general nature this morning.

In my desk, I have a couple of pieces of materials taken from weapons that were once targeted at the United States. I ask unanimous consent to be able to show them on the floor. I am doing this for a very important reason.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this piece of material is part of a wing strut from a Backfire bomber that the Soviets used to fly. This Backfire bomber doesn't exist anymore. It wasn't shot down. It wasn't part of combat with the United States. This was sawed off of an airplane. The wings were sawed off of a Backfire bomber that used to carry nuclear weapons—presumably that would threaten our country in the middle of the Cold War. It was dismantled, sawed apart, and destroyed. And in a sense, we purchased it. We paid for it under the Nunn-Lugar program, in which we decided through arms control agreements with the Soviet Union—and then with Russia—to reduce the number of nuclear warheads and reduce the delivery vehicles for nuclear warheads, because we believed that allowed us to step back from the dangers of nuclear war.

I hold in my hand part of a Soviet Backfire bomber that we didn't shoot down. We helped pay to saw the wings off this bomber.

This other material is ground up copper wire that used to be in a Soviet submarine that carried nuclear missiles with warheads aimed at the United States of America. That submarine doesn't exist any longer. I am able to hold in my hand this ground up copper from that dismantled submarine because of an arms control agreement by which we negotiated with the Soviets to reduce the number of nuclear weapons and reduce the delivery vehicles for those nuclear weapons, and, therefore, have made this a safer world. A bomber and a submarine that used to carry nuclear weapons no longer exists. We have made progress.

But there are, of course, somewhere in the neighborhood of 30,000 nuclear weapons that continue to exist on the face of this Earth. And many in this world aspire to acquire nuclear weapons. Terrorist groups and other countries want to become part of the club that has nuclear weapons. Our children and their children are threatened by the proliferation of nuclear weapons.

It doesn't take 100 nuclear weapons or a thousand nuclear weapons to create chaos and hysteria and concern for the future of the world. It just takes one—just one nuclear weapon.

Today, if someone is notified that there is a nuclear weapon missing from the Russian arsenal and that has been stolen by terrorists and is put in the trunk of a rusty Yugo car on the dock at New York City, or in a container on a ship coming into the ports of Los Angeles—if just one nuclear weapon is thought to be entering this country's space, its ports, its docks, its cities—that is enough for the kind of nuclear blackmail that can cause chaos and hysteria and threaten a nuclear war.

The President gave a very forceful speech yesterday to the United Nations. He is—and we are—concerned about Iraq and Saddam Hussein having access to weapons of mass destruction. He is—and we are—concerned about the potential of a Saddam Hussein getting access and acquiring a nuclear weapon.

I don't diminish at all the concern about that. We ought to be concerned about that. We and the President are all concerned about that.

But let us understand that the broader issue of arms control and arms reduction ought to be front and center in this Chamber. This country needs to be a leader in the world to help reduce the number of nuclear weapons and help prevent the spread of nuclear weapons to other countries.

Regrettably, in recent years, some Members in this Chamber—and elsewhere in the Government of the United States—have expressed, if not a benign neglect, an open hostility to arms control and arms reductions.

Let me go through a few of the things that have happened. We had a vote in this Chamber on the issue of the Comprehensive Nuclear Test-Ban Treaty. We should have such a treaty. After all, we don't test anymore in this country. The first George Bush Presidency said we will no longer test nuclear weapons. But this Senate voted against a Comprehensive Nuclear Test-Ban Treaty—despite the fact that we unilaterally decided not to test, and have not tested for a decade. This Senate turned that treaty down, sending a message to the rest of the world that this is not our priority.

There is nothing more important, in my judgment, to the children of America and to their children and their future than dealing with this question of a nuclear threat. The Soviet Union is gone. The Cold War is over.

The President's discussion about Saddam Hussein underscores the concern about one dictator in Iraq—an evil man in Iraq who is seeking to get nuclear weapons.

But I am just saying that there is much more at stake than that. The Iraq situation is at stake for us, and we need to respond to that. But there is much more at stake.

So many others want to acquire nuclear weapons. There are so many nuclear weapons around in this world. I indicated that there are somewhere between, perhaps, 25,000 and 30,000 nuclear weapons in existence. A fair number of them for a number of reasons are not very well controlled. So we need to talk in the broader context about what our responsibility is, and what our role is with respect to arms control and arms reduction in the future.

The Senate was asked to consider the nomination of a fellow named John Holum, who the President said he wanted as senior adviser for arms control. John Holum is a remarkable American, who has had incredible experience, and he was nominated for the position of Under Secretary of State for Arms Control and International Security Affairs. He is somebody who believes in his heart that we need to pursue negotiations and efforts to achieve treaties for nuclear arms reduction and to achieve progress in stopping the spread of nuclear weapons. But his nomination was blocked.

The President sent us instead John Bolton, who doesn't have experience in arms control, who has never served in an arms control position, who has expressed disdain for arms control and those who promote it, and who expressed disdain for the United Nations. He said:

> . . . a building in New York has 38 stories. If it lost 10 it wouldn't make a bit of difference.

And his nomination was approved by the Senate.

So we have someone in this area who really isn't interested in pursuing the approach that we have used, which has been quite successful in beginning the process of reducing nuclear weapons and reducing the nuclear threat.

We also have had discussions in recent months about perhaps developing a new type of nuclear weapon. Perhaps a nuclear weapon can be developed that will be a cave buster—some nuclear-tipped bomb that will bust into caves and be more effective in dealing with the problem that we encountered in Afghanistan where terrorists burrowed into caves.

The minute you start talking about designing nuclear weapons—especially a little nuclear weapon with a special nuclear tip that can be used against caves—once you start talking about the potential to use nuclear weapons, the genie is out of the bottle.

Our discussion in this country ought never to be a discussion about how to use a nuclear weapon. That is not what we ought to be discussing.

We ought to be discussing our obligation to assume a world leadership position to stop the spread of nuclear weapons and stop the proliferation of nuclear weapons. Do you want a future 10 years from now or 40 years from now in which 50, 75, or 100 countries, including terrorists and rogue nations, have nuclear weapons at their disposal? I don't think so.

We have had a 50-year effort in this country—50 years—to stigmatize nuclear weapons and brand them only as a weapon of last resort. We ought not do anything to undermine that basic approach to nuclear weapons.

We are talking about homeland security in these days. When you talk about nuclear weapons, you have to talk about homeland security against the ultimate weapon; that is, a nuclear weapon. But there are many other kinds of weapons.

We may spend $7 to $8 billion this year, in this Congress, on a national missile defense program, trying to build a missile that has the capability of hitting a bullet with a bullet. The purpose of that is a defensive mechanism by which if a rogue nation or terrorist or some other country were able to launch an intercontinental ballistic missile against the United States, we would be able to shoot it down and prevent a nuclear attack using an ICBM.

We will spend an enormous amount of money on that, believing that one of the threats is an intercontinental ballistic missile coming in at 14,000 miles an hour, with a nuclear warhead, sent by some rogue nation or terrorist state. It is one of the less likely threats; the Pentagon will tell you that. Rogue nations and terrorist states would have a very difficult time dealing with an ICBM, if they could acquire one in the first place.

A far more likely prospect would be a container, on a container ship, pulling up to a dock in New York City at 3 miles an hour, with a low-yield nuclear device in the middle of a container, in the middle of a container ship.

There are 5.7 million containers that come into this country every year to all of our ports and docks. These big ships pull up with containers stacked on top of their decks. Of the 5.7 million, 100,000 are inspected. So 5.6 million are not. I was at a dock in Seattle recently, and they had pulled off a ship container, and they were inspecting it at the Customs facility. I asked them: What is this? What is in the container?

They said: Frozen broccoli, from Poland.

I said: Well, do you know anything about it, the frozen broccoli from Poland?

They said: No, but we'll show you.

They opened up the container, pulled the bag out, and ripped it open, and, sure enough, there was broccoli from Poland.

I said: How do you know what's in the middle of this container? You just pulled the one bag out.

They said: Well, we don't. We just opened it to see that it was frozen broccoli from Poland.

So we have 5.6 million containers that come into this country, and they are largely uninspected. Does anyone here not believe that port security, the security of containers, is critically important?

Did you read the story about the fellow from the Middle East who decided to send himself to Canada, presumably with the thought of coming into the United States, and he put himself in a container? He had a cot, he had potable water, he had a telephone, he had a computer, he had a GPS system, he had a heater. And there he was living in a container, on a container ship, shipping himself to Toronto, Canada.

Well, they found this guy. They thought he was a terrorist. I don't know what the disposition of that was. But think of it, how easy it is, if 5.7 million containers come into this country, and we only take a look at 100,000 of them. What is in the other 5.6 million?

That is a big homeland security issue. What are we going to do about that?

We have heard discussions about the potential for a dirty bomb. The National Research Council gave a long listing the other day with respect to homeland security, about our shortcomings on preparedness to defend against nuclear and dirty bomb threats, and against biological warfare.

Here is what the report said. We have to develop vaccines for airborne pathogens—we are way behind in doing that—create better sensors and filters for dangerous chemicals; build a system to counter sabotage of the Nation's food supply; find better methods to fend off attacks on nuclear reactors, electrical power grids, and communications systems; and develop defense in depth for airport and other transportation security.

Much of what we are talking about in the current debate about homeland security is organizational. We say, let's take a look at an organizational chart and find the boxes and evaluate how we can put all these boxes together in a different way. And so you have, at the end, 170,000 people in a new agency.

Putting agencies together in a way in which they are better prepared to deal with homeland security makes good sense to me. But there is not a right or a wrong way to do it. There are a lot of different ideas on how it might or might not work, and we will not know, perhaps for a year or 2 or 3 or 4 years, after the Congress finishes its work, and the President signs the bill, whether what we have done advances our interests or retards it.

It is reasonable to ask the question, if homeland security is going to be restructured, should we consider some change to the way we use the FBI and the CIA, and the way we gather and analyze intelligence? I know there is a portion of that in this bill, and I think this is a question we have to consider carefully.

Good intelligence is critical. I mentioned the issue of nuclear weapons. Russia, which is now the nuclear repository of the old Soviet Union, has thousands of excess nuclear weapons in storage facilities that fall far short of what we expect for decent security standards. We are told they have more than 1,000 metric tons of highly enriched uranium and at least 150 metric tons of weapons-grade plutonium, much of it in less than adequate storage facilities. That is enough for 80,000 nuclear weapons, by the way.

In addition, dangerous biological pathogens are kept at scores of poorly guarded sites around the former Soviet Union.

Tens of thousands of former Soviet Union scientists and engineers are living hand to mouth because of military downsizing and the collapse of the economy. These are people who know how to make these bombs, were involved in the development of the Soviet nuclear capability.

We know that individuals and groups have attempted to steal uranium or plutonium from sites in the former Soviet Union dozens of times in the past 10 years.

Former Senate Majority Leader James Baker and former White House Counsel Lloyd Cutler headed a panel last year that studied the threat to our country posed by nuclear weapons, materials, and know-how in the former Soviet Union. Here is what the panel said about a scenario where a terrorist would have access to some basic material and could get the engineers and scientists to put this together:

> The national security benefits to the U.S. citizens from securing and/or neutralizing the equivalent of more than 80,000 nuclear weapons and potential nuclear weapons would constitute the highest return on investment in any current U.S. national security and defense program.
>
> In a worst case scenario, a nuclear engineer graduate with a grapefruit-sized lump of highly enriched uranium or an orange-sized lump of plutonium, together with material otherwise readily available in commercial markets, could fashion a nuclear device that would fit in a van like the one terrorist Yosif parked in the World Trade Center in 1993. The explosive effects of such a device would destroy every building in [the] Wall Street financial area and would level lower Manhattan.

The Baker-Cutler panel recommends spending a substantial amount of money, $30 billion over 10 years—three times what the administration is proposing—to secure weapons and fissile and biological material in Russia by expanding cooperative threat reduction, which is an important part of the outgrowth of the Nunn-Lugar program, and a range of other efforts.

So Iraq is important, but there are broader issues to consider as well.

Incidentally, the President yesterday did the right thing by going to the United Nations and saying to the U.N.: Look, you have had resolution after resolution after resolution, and Iraq has defied you. They have failed to live up to their terms of surrender from the gulf war, and they simply thumb their nose at your resolutions.

What the President said to the United Nations yesterday was: You had better decide whether you are going to pass resolutions and enforce them or not. And the President said: We will take this to the National Security Council.

A lot of people were worried that he would not do that. I am glad he has. It is exactly the right step. The notion of saying we don't care what the Security Council does or what the U.N. says, that is not the way to do it. The President yesterday did the right thing. He said to the National Security Council and the United Nations: You need to begin enforcing what you are doing by resolution with respect to the country of Iraq.

I hope the United Nations will decide to do that. My hope is we can put together a coalition through the United Nations of coercive inspections that demand and achieve the inspections necessary to make sure we are not threatened by weapons of mass destruction in Iraq.

But let us agree that the problem is bigger than just Iraq, and let us decide to be a world leader in dealing with stopping the spread of nuclear weapons. Let's bring back the comprehensive nuclear test ban treaty. Let's pass it. Let's send a signal to the world that we care about the chemical weapons ban, because this country wants to lead in the right direction to stop the spread of weapons of mass destruction.

Now, let me say a few words about the proposed Department of Homeland Security. The President says to us he wants to put this agency together, and he wants to do it in a way that he has maximum flexibility with respect to all of these workers. Whatever we do, however we do it, we will give this President very substantial flexibility. But to suggest somehow that the basic protections that workers expect and have received for many years in this Government of ours should be discarded or disallowed makes no sense.

We propose to provide the same basic protections to workers in all of these agencies that you have for civilian workers at the U.S. Department of Defense. That makes good sense.

I get tired of people saying: Federal workers, they are not worth much. They are people who can't find a job elsewhere.

We have terrific people working for the Federal Government. We have great people in public service—not just the Federal Government, but State and local government as well.

Among those people who filed out of the World Trade Center, we had firefighters and law enforcement officers climbing the stairs. Some of those firefighters were up on the 70th floor carrying 60-pound backpacks, climbing up as that fire was coursing through that building, knowing they were risking their lives. They were not asking about overtime or about how tough it might be, what the risk was. They were doing their jobs—wonderful, brave people. There are a lot of people like them all over this country in public service. This Government ought to say to them: We value your work. We honor your work.

I don't want anything in this homeland security bill to in any way denigrate the work of those public employees or pull the rug out from under them. They are going to be our first defenders, the first line of defense. They are the ones who will make this work.

We have a lot to do here. We have a government of checks and balances which requires cooperation, which requires that we work together. The President has some good ideas. I think our colleagues have good ideas. I think Senator BYRD does us a service by talking about how we put this together in the long term.

In politics, there are always a couple of sides. Each side too often wants the other to lose. We should get the best of both rather than the worst of each. That is especially true on homeland security.

It is up to us. The moment is now. The President is right to be talking about concern of weapons of mass destruction. But is it not just Iraq. This is a much bigger subject. We need those who now talk in the most aggressive ways about dealing with this issue to join us to develop new arms reduction strategies and to develop approaches by which the rest of the world joins us in stopping the spread of nuclear weapons.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

ELDER JUSTICE ACT OF 2002

Mr. BREAUX. Mr. President, I take a moment to speak to legislation that has been introduced by myself along with a number of bipartisan colleagues, which is entitled the Elder Justice Act of 2002.

The legislation has been introduced by me along with Senators HATCH, BAUCUS, COLLINS, CARNAHAN, SMITH of Oregon, LINCOLN, BOND, TORRICELLI, NELSON of Florida, and also Senator STABENOW.

I will take a minute to just describe the problem we have in this and outline the features of the legislation. I think there are probably few pressing national concerns of social issues that are as important and also ignored as much as elder abuse, elder neglect, and also the exploitation of elder Americans.

This abuse of our seniors takes many different forms. It could be physical abuse, sexual abuse, psychological abuse, and it could also be financial abuse. The perpetrator may be a stranger you have never heard of or never seen; it may be an acquaintance; it may be a paid caregiver in some institution; it may be a corporation; and, unfortunately, far too often it can be a spouse or another member of the elderly person's family.

Elder abuse happens everywhere—in poor, middle class, and upper income households; in cities, suburbs, and in rural areas. It knows no demographic or geographic boundaries.

The cost of such abuse and neglect is extremely high by any measure. The price of the abuse is paid in needless human suffering, inflated health care costs for everyone, depleted public resources, and the loss of one of our greatest national assets: Of course, the wisdom and experience of the elders in our country.

With scientific advances and the graying of millions of baby boomers, this year the number of elderly on the planet will pass the number of children on the planet for the very first time. Although we have made great strides in promoting independence, productivity, and quality of life, old age still brings inadequate health care, isolation, impoverishment, abuse, and neglect for far too many elder Americans.

Studies we have looked at in our Aging Committee, which I have the privilege of chairing, conclude that elder abuse, neglect, and exploitation are widely unreported. These abuses significantly shorten the lives of older Americans. A single episode of mistreatment can "tip over" an otherwise independent, productive life, triggering a downward spiral that can result in depression, serious illness, or even death.

Too many of our frailest citizens suffer needlessly and cannot simply move away and escape from the abuse. Frequently, they cannot express their wishes or their suffering. Even if they can, they often do not because they fear retaliation.

Congress has passed comprehensive bills to address the ugly truth of two other types of abuse—child abuse and crimes against women. These bills have placed these two issues into the national consciousness and addressed the issues at the national level.

These laws created new Federal infrastructure and funding—focusing resources, creating accountability, and changing how we think about and treat the abuse of women and children. Most jurisdictions now have established coordinated social service, public health, and law enforcement approaches to confront these abuses.

It is interesting when we look at how Federal dollars are being spent in the area of abuse and neglect. On the chart, the area in red represents the money being spent with regard to child abuse—$6.7 billion on various programs. On the other hand, if you look at what we are doing in the area of spousal abuse, domestic abuse, it is about $520 million. When you look at how much we are spending on the question of elder abuse, it is only a very small amount in comparison—approximately 2 percent of the money that is spent on trying to alleviate, understand, and prevent abuse. It is focused on the fastest growing segment of our population, where in our hearings in the Aging Committee we have found it is a substantial and real problem.

I am not saying domestic abuse and child abuse should be terminated from the standpoint of spending money to prevent it. Of course not. It is a high priority. What we are saying is that we need more attention on the question of how we treat, as a society, the elderly in our country, which is the fastest growing segment of our population.

Despite dozens of congressional hearings over the past two decades on the devastating effects of elder abuse, neglect, and exploitation, interest in the subject has risen and fallen, it has waxed and waned. To date, no Federal law has been enacted to address this issue of elder abuse in a comprehensive fashion.

In these hearings we had in the Aging Committee, elder abuse was called a disgrace, a burgeoning national scandal. Indeed, we found no single Federal employee working full time on the issue of elder abuse in the entire Federal Government, in any Department, anywhere.

I think the time has come to provide seniors a set of fundamental protections. That is why, along with the colleagues I listed, we have introduced S. 2933, the first comprehensive Federal effort to address elder abuse in the United States—the Elder Justice Act of 2002.

Our bill will elevate elder abuse, neglect, and exploitation to the national stage in a lasting way. We want to ensure that there is Federal leadership to provide resources for the services, prevention, and enforcement effort to those on the front lines.

You know, a crime is a crime, no matter who the victim is, or wherever the victim happens to be, or whatever the age of the victim is. Crimes against seniors must certainly be elevated to the level of child abuse and crimes against women.

It is clear, in confronting child abuse and violence against women, that the best method of prevention has been a two-pronged approach—through both law enforcement and social services. With offices in the Department of Health and Human Services, HHS, and the Department of Justice, our legislation will ensure a combined public health-law enforcement coordination at all levels.

In addition, because elder abuse and neglect have been virtually absent from the national research agenda, our legislation establishes research centers of excellence and funds research projects to fuel future legislation that may be necessary.

These measures lay the foundation to address, in a meaningful and lasting way, a devastating and growing problem that has been invisible for far too long. We can no longer neglect these difficult issues afflicting frail and elderly victims—American citizens.

This effort takes numerous steps to prevent and treat elder abuse. It improves prevention and intervention by funding projects to make older Americans safer in their homes, facilities, and in their neighborhoods, to enhance long-term-care staffing, and to stop financial fraud before the money goes out of the door.

It enhances detection by creating forensic centers and develops expertise to enhance detection of the problem.

It bolsters treatment by funding efforts to find better ways to mitigate the devastating consequences of elder mistreatment.

It also increases collaboration by requiring ongoing coordination at the Federal level, among Federal, State, local, private entities, law enforcement, long-term care facilities, consumer advocates, and families, to bring all of these agencies together in a coordinated fashion.

It aids prosecution by assisting law enforcement and prosecutors to ensure that those who abuse our Nation's frail elderly will be held accountable, wherever the crime occurs and whoever the victim happens to be.

It also helps consumers by creating a resource center for family caregivers and those trying to make decisions about the different types of long-term care providers.

The importance of defending our right to live free of suffering from abuse and neglect does not diminish with age.

If we can unlock the mysteries of science and live longer, what do we gain if we fail to ensure that Americans also live better lives and longer lives, lives with dignity? More and more of us will enjoy a longer life in relatively good health, and with this gift comes the responsibility to prevent the needless suffering too often borne by our frailest citizens.

I appreciate the work of the members of our Aging Committee and our cosponsors and their joint effort with me to put together this legislation. I recommend it be considered by our colleagues and that the Senate proceed ultimately to action on the bill, S. 2933, the Elder Justice Act of 2002.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

IRAQ

Mr. LIEBERMAN. Mr. President, I rise today to voice my strong support for the convincing call to action against Iraq that President Bush issued yesterday at the United Nations to discuss the unique dangers created by Saddam Hussein's regime and to argue that it is imperative that the international community, led by the United States of America, mobilize now to eliminate those dangers.

On September 11, 2001, a foreboding new chapter in American history began. On that day, our Government was reawakened in this new century to its oldest and most solemn responsibility: protecting the lives and liberty of the American people.

As we survey the landscape of threats to our security in the years ahead, the greatest are terrorists—al-Qaida and rogue regimes such as Saddam Hussein's.

Saddam hates America and Americans and is working furiously to accumulate deadly weapons of mass destruction and the missiles, planes, and unmanned aerial vehicles to use in attacking distant targets.

Every day Saddam remains in power is a day of danger for the Iraqi people, for Iraq's neighbors, for the American people, and for the world. As long as Saddam remains in power, there will be no genuine security and no lasting peace in the Middle East, among the Arab nations or among the Arabs, Israelis, and Christians who live there.

The threat Saddam poses has been articulated so often that some may have grown numb to the reality of his brutality. But after September 11, we must reacquaint ourselves with him because if we do not understand and act, his next victims, like Osama bin Laden's, could be innocent Americans.

President Bush advanced that process with great effectiveness in his speech at the U.N. yesterday, albeit after a season long on the beating of drums of war and short on explaining why war may now be necessary. But the President did that yesterday in New York. Now we, in Congress, must go forward together with him as the Constitution's competing clauses require us to do. Each of us must decide what actions will best advance America's values and secure the future of the American people.

The essential facts are known. We know of the weapons in Saddam's possession—chemical, biological, and nuclear in time. We know of his unequaled willingness to use them. We know his history, his invasions of his neighbors, his dreams of achieving hegemonic control over the Arab world, his record of anti-American rage, his willingness to terrorize, to slaughter, to suppress his own people and others. And we need not stretch to imagine nightmare scenarios in which Saddam makes common cause with the terrorists who want to kill Americans and destroy our way of life.

Indeed, 2 days ago on September 11, 2002, the state-owned newspaper in Iraq showed a picture of the World Trade Center's Twin Towers in flames with the headline "God's Punishment."

This man—Saddam Hussein—is a menace to the people and the peace of the world. It was his brutal invasion of his peaceful neighbor, Kuwait, in August 1990 that first and finally convinced America and the world that Saddam had become a tyrant, like so many before him in world history, who had to be stopped before he did terrible damage to his people, his region, and the wider world. I was privileged in January of 1991 to join with my colleague from Virginia, Senator JOHN WARNER, in sponsoring the Senate resolution that authorized the first President Bush to go to war against Saddam.

The American military fought bravely and brilliantly, in that conflict and won an extraordinary victory in rolling back Saddam's invasion of Kuwait. But we did not achieve total victory. On April 9, 1991, I came to the Senate floor and expressed my disappointment that our forces in Desert Storm had not been authorized to remove Saddam from power, while his military was in disarray.

I said then: "The United States must pursue final victory over Saddam. We must use all reasonable diplomatic, economic, and military means to achieve his removal from power. Until that end is realized, the peace and stability of the region will not have been fully accomplished."

In 1997 and 1998, I joined with Senators BOB KERREY, TRENT LOTT, and JOHN MCCAIN to introduce the Iraq Liberation Act, which established in law for the first time that it is U.S. policy to change the regime in Baghdad, not just contain it, and authorized specific assistance, including military training and equipment, to the Iraqi opposition in furtherance of that goal. That declaration was based on Saddam's record of barbarism before, during and after the gulf war, and his repeated violations of U.N. resolutions.

On November 13, 1998, after Saddam ejected the U.N. weapons inspectors, I said, "If we let him block the inspections and the monitoring that he agreed to as a condition of the cease-fire in the gulf war, then there is no doubt that one day soon, he will use weapons of mass destruction, carried by ballistic missiles, against Americans in the Middle East or against our allies."

Since then, months and years have passed and the danger from Baghdad has only grown greater. International pressure—legal, diplomatic, economic, and political—has failed to change Saddam's behavior. Growing stockpiles of Iraqi weapons, toxins, and delivery systems have accumulated. So too has a growing pile of U.N. resolutions which Saddam has persistently defied. They testify to the repeated opportunities the international community has given him to prove he has changed and to his determination nonetheless to remain a recidivist international outlaw.

As President Bush made clear yesterday, this must end. The hour of truth and decision has arrived. This is Saddam's last chance, and the United Nations' best chance to show that its declarations of international law stand for something more than the paper on which they are written. It is time for all nations, law abiding and peace loving, to make clear that, after September 11, the world will not hesitate or equivocate while a tyrant stocks his arsenal and builds alliances with terrorists.

I am grateful that President Bush has effectively begun the critical work of educating the American people, the Congress, and the world about why. Our cause is just. The facts are on our side.

"Making this case" is not a burden. It is the vital responsibility of a democracy's leaders when they have decided that our Nation's security may necessitate war.

It is an extraordinary opportunity, as well, to engage our allies in meeting the greatest security threat of our generation before it is too late—not just for us but for them. An opportunity to make the consequences of repeated defiance of the United Nations painfully clear to Iraq, and to any other government that might follow in its criminal path. An opportunity to show the world's law-abiding, peace-loving Muslim majority—who share the same values we do, the same aspirations we have for our families, and, I might add, the same extremist foes—that as we oppose tyranny and terror, we will actively support them in their fight for freedom and a better life.

President Bush has acted wisely and decisively in asking the United Nations to lead this noble effort, to insist that Iraq obey its resolutions, and to be prepared to enforce them militarily if Iraq does not comply. But if Saddam does not comply, and the United Nations proves itself unwilling or unable to take decisive action, then the United States surely can and must assemble and lead an international military coalition to enforce the United Nations resolutions and liberate the Iraqi people, the Middle East and the world from Saddam Hussein. If we lead, I am confident many other nations will come to our side.

For more than 11 years now, since the early spring of 1991, I have supported the use of military force to disarm Iraq and to remove Saddam Hussein from power. In fact, since the Iraq Liberation Act was passed by Congress and signed by President Clinton in 1998, that has been the law of our land. Therefore, I am fully supportive of such military action now.

I know that many of my colleagues in the Senate believe thoughtfully and sincerely that it would be preferable to give support to the President in two stages, first to endorse yesterday's call for U.N. action, and then to return later, if the U.N. does not act, to authorize the use of America's military power against Iraq. Other Members of the Senate are understandably concerned that a debate on the question of war against Iraq may be unnecessarily politicized if it occurs in the more heated environment of this fall's congressional elections.

But the White House has made it clear it will ask for a resolution of support and authorization in the very near future. Each member of the Senate must, and I am confident will, face that reality in a spirit of non-partisanship, going where their hearts and heads take them, in deciding how best to fulfill our Constitutional responsibility to provide for the common defense in the current circumstances. For my part, I intend to work with Members of both parties in the Senate with the White House to draft a Senate resolution that will receive the broadest possible bipartisan support for the President, as Commander in Chief, as he works to protect our Nation and the world from Saddam Hussein.

On October 22, 1962, as nuclear weapons were being amassed in Cuba, President Kennedy spoke to the Nation and warned Americans of the need to act in the face of the rising threat. President Kennedy's courageous and eloquent words can guide us now. He said on that occasion.

> My fellow citizens, let no one doubt that this is a difficult and dangerous effort on which we have set out. No one can see precisely what course it will take or what costs or casualties will be incurred. Many months of sacrifice and self-discipline lie ahead, months in which many threats and denunciations will keep us aware of our dangers. But the greatest danger of all would be to do nothing.
>
> The path we have chosen for the present is full of hazards, as all paths are, but it is the one most consistent with our character and courage as a nation and our commitments around the world. The cost of freedom is always high, and Americans have always paid it but there is one path we shall never choose, and that is the path of surrender or submission.
>
> Our goal is not the victory of might, but the vindication of right—not peace at the expense of freedom, but both peace and freedom, here . . . and, we hope, around the world. God willing, that goal will be achieved.

I yield the floor.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER (Mrs. LINCOLN). Under the previous order, the hour of 12 noon having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

> Lieberman amendment No. 4471, in the nature of a substitute.
>
> Thompson/Warner amendment No. 4513 (to amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counterterrorist threats. (By 41 yeas to 55 nays (Vote No. 214), Senate failed to table the amendment.)
>
> Lieberman amendment No. 4534 (to amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized.

Mr. BYRD. Madam President, I do not expect to yield, except for questions. I have several thoughts with respect to the pending measure. I can speak at great length. Only the Lord can intervene and make that statement fall. But I don't expect to do that today.

House Republicans yesterday criticized the majority leader and the managers of the bill, Senator LIEBERMAN, for not moving quickly enough to pass legislation to create a new Homeland Security Department. They accuse the Senate Democratic leadership of endangering the country by not passing legislation.

We are going to hear more and more of that. There is no excuse for not giving the people of this country a homeland security bill, said the Speaker of the House yesterday.

Let me say again what the Speaker of the House yesterday said: There is no excuse for not giving the people of this country a homeland security bill.

What a flimsy argument, with all due respect, and I have great respect for the Speaker. I know the rules of the Senate and the House. I am not going to go beyond that quotation in referring to what the Speaker of the House said. I am not going to go beyond that to in any way appear, in any way, and I do not now appear, even presume; I don't want anyone to presume or to assume or to interpret what I say as any personal criticism of the Speaker of the House of Representatives. But what a flimsy argument. We are going to hear that argument; we are going to hear it from other people. It will not be long in coming, if it has not already been expressed by others. But worse than flimsy is the kind of argument we ought not be making. It is an empty argument. It is shallow. That kind of argument cannot stand up under its own weight, that there is no excuse for not giving the people of this country a homeland security bill.

Let us be clear about a few things. Neither the House bill nor the President's proposal would create any new agencies. They are proposing only to move existing agencies from one Department to another. The Immigration and Naturalization Service, the Customs Service, the Coast Guard, all of these agencies currently exist. They are operating. They are funded. And the people are out there working day and night. These agencies have been working around the clock since the terrorist attacks last year on September 11. They have been out there working. They were on the borders. They were patrolling the U.S. waterways last night, the night before, and the night before that, and in all of the nights that have occurred, beginning on September 11, and before.

Whether or not we create a new Homeland Security Department, and regardless of when we do it, these same agencies will continue to protect our homeland. The funds are there. The funds are being used. The people are there on the job. So do not have any concern about that. They are not absent their protest and they are not empty handed. They are not empty handed. They are working.

Now, we must be careful about how we create this Department. And I want to create this Department of Homeland Security; I want to create a Department of Homeland Security. But I am not one who wants to debate the bill on the Senate floor for 2 days and vote on it. That is what the House did, the other body. They have their own rules. I have been a Member, many years ago. I say “many;” many in the context of the ordinary lifetime of many years ago. They have their rules. I don't criticize that at all. They can operate fast. The House can operate quickly, they can operate fast, and so can the Senate, as we did last year when we passed an appropriations bill within 3 days of the fall of the towers, the Twin Towers. We passed an appropriations bill within 3 days, a bill appropriating $40 billion.

The Senate can act fast, too. But thank God, the Senate has different rules from the rules of the other body. And that is no criticism of the rules of the other body. But why the hurry? Why pass a bill in 2 days? Why should the Senate not take a little time and discuss this? The people are out there. Our security people are at their posts. They have been funded. As a matter of fact, the Senate has passed bills coming out of the Appropriations Committee, chaired by me and with the ranking member, Mr. TED STEVENS, a former chairman of that committee, and all of the members acting unanimously—Republicans and Democrats alike. We have provided funds, more funds than the President has been willing to sign into law. We sought to provide $2.5 billion in a bill. All the President needed was to sign his name. That was all he needed. Two point five billion more would have been available—for what? For homeland security. And the President had 30 days in which to sign that measure into law. He refused to sign it into law. So who is in a hurry?

The real threat to the American people is that by transferring 22 agencies and 122,000 employees to this new Department, all at once we will throw our homeland security efforts into a state of chaos and therefore make the country even more susceptible to a terrorist attack. What is more, if we are not careful about how we create this Department and the authorities that we grant to this new Department with regard to its intelligence and law enforcement powers, we could do irreparable harm to the constitutional liberties of the American people.

For this reason, 26 leaders of nationally prominent conservative organizations have urged the Senate to exercise—and I use quotes—“restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy.”

Let me say that again: 26 leaders of nationally prominent conservative organizations have urged the Senate to exercise “restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy.”

I say to those who would say there is no excuse for not giving the people of this country a homeland security bill: Don't push this Senate. Don't push it. The Senate will act in due time. Don't push this Senate. Back off. Don't push this Congress as a whole into unwise and hasty decisions that would make this country even more vulnerable to another terrorist attack.

That attack can happen right now, later today, tonight. Why should we hurry in acting on this particular measure? The people are out there. The people in the agencies, the Customs, the Coast Guard, the Naturalization and Immigration Service, at the ports of entry into this country, at the river ports, at the seaports, food inspectors, the health officials, the firemen, the policemen—they have been there. We have done our part, up to this point, by funding those agencies that provide security to the country, to the nuclear facilities, along the border. We have funded them. We have provided more funds than the President himself has been willing to sign a bill for. They have been there. He had days to sign that bill, but he didn't do it. Now the hue and cry is: Pass this bill, the homeland security bill.

The House of Representatives passed it in 2 days. That is all right; their rules will allow them to do that. But I say to the leadership in the House, and to the leadership down at the other end of this avenue: Don't push the Senate. Don't push the Congress into unwise and hasty decisions that would make this country more vulnerable to another terrorist attack. Don't push the American people. Don't push the American people, I say, as I look through those electronic eyes, the lenses there. Don't push those people into handing over their civil liberties.

Now, pay attention. Not much attention has been paid thus far to my expression of concerns about this hasty action on this legislation. But don't push the American people into handing over their civil liberties in the name of homeland security. And some debate on this bill—when I say this bill, the House bill or the Lieberman substitute—debate will surface, will open the eyes of the American people and the eyes of Senators, to the threat of eroding the liberties of the American people.

Don't risk eroding the liberties of the American people. It doesn't sound like passing a homeland security bill would do all that, does it? It has an innocent sounding name, a good name. But let's take a look at the bill. Read closely the bill. Don't push the American people into handing over their civil liberties in the name of homeland security.

Everybody understands when our Nation is put on a wartime footing, we have to put certain limits on ourselves. But take a look at this bill. Take a look at the bill. Don't risk eroding the liberties of the American people and lead the public to believe this proposal is a panacea for homeland defense. That is what the administration is pressing for. That is what those who are pressing the Senate are pressing for when they argue that the Senate is endangering the security of the American people by not quickly passing the President's proposal. I believe that the administration and others who take that position have lost sight of the real goal here, which is not a Homeland Security Department but a more secure homeland.

The President and his administration seem more concerned with scoring a political victory, maybe, than whether a Homeland Security Department will actually work and will actually protect the American people from another terrorist attack.

My interpretation of what is being done is—I have to say that I can be wrong, too. Perhaps I am putting the wrong interpretation on it. Perhaps the President is not more concerned with scoring a political victory than whether the Homeland Security Department will actually protect the American people from another terrorist attack. I don't want to read it that way. I don't want to misinterpret it. I don't want to see the President as doing that, or feeling that way about it. I don't want to even assume that is his motivation. But that is the motivation of some. That is the motivation of some.

Forty-one Senators opposed the Thompson amendment to strike titles II and III from the Lieberman substitute. Yet there is only one Senator on the floor defending those titles. I did not draft the language. Yet I am the only one fighting for it. I am the only one fighting at the moment to retain titles II and III of the bill. I will have something to say about those titles at some point.

When I say titles II and III, I am talking about the Lieberman proposal. Let me briefly explain what my amendment does so those who are listening will understand that my amendment is not seriatim to the bill that has been introduced by Senator LIEBERMAN. My amendment only goes to title I of that bill. There are 24 titles to the bill. My amendment only goes to title I of Mr. LIEBERMAN's bill. I am not yet addressing the House bill. That is far worse. The House bill is really a poison pill.

Mr. LIEBERMAN's bill has 24 titles listed. My amendment only goes to title I.

Mr. LIEBERMAN's proposal has encompassed in the bill that was reported by the committee a Department of Homeland Security. I am for that. My amendment does not do otherwise in support of a Department of Homeland Security.

The Lieberman proposal provides for a Secretary. My amendment provides for a Secretary.

The Lieberman proposal provides for a Deputy Secretary. My amendment provides for a Deputy Secretary.

The Lieberman proposal provides for seven Under Secretaries. My proposal provides for seven Under Secretaries.

The Lieberman proposal provides for five Assistant Secretaries in title I. My amendment provides for five Assistant Secretaries in title I.

The Lieberman proposal proposes six directorates. My proposal provides for six directorates in title I.

There is another directorate provided for in title XI. I don't touch that at the moment. My amendment does not touch that. We are only talking about title I in my amendment.

Thus far, the same superstructure that is provided for by Mr. LIEBERMAN is provided by the amendment which I have introduced—the same thing; no change; nothing different about that.

The Lieberman proposal provides for a huge transaction here, which Mr. LIEBERMAN has told me involves 28 agencies and offices. We have heard the figure 22 bandied around here. I have seen those all over the press. I accepted that figure for a while, until I asked Mr. LIEBERMAN how many agencies are we really talking about. He said: I have counted them, and I count 28 agencies and offices, and 170,000 Federal workers being transferred to this Department.

I don't say anything criticizing Mr. LIEBERMAN's bill. I am comparing my amendment in certain respects with the bill which was reported by the Senate committee which Mr. LIEBERMAN chairs and of which Mr. THOMPSON is ranking member.

That bill provides for all this huge transaction—all of this movement of people, all of this shifting around of people in the agencies, or among the agencies in which they are presently working. And it provides for all this to be done—for these agencies to be shifted into the new Department.

Their letterheads will probably change. Their telephone numbers will probably change. The offices in which they serve today may or may not change. They may be moved up Pennsylvania Avenue to a new place. They may have to move their desks and their telephones and their computer systems. Their culture will change. They may not have the same associates. They may not be located in the same location. Their telephone numbers may be changed. Their missions may be changed. Their assignments may be changed. Their objectives, overall, may be changed. We have seen the objectives of the FBI, for example, change since the September 11 attacks.

Mr. DAYTON. Madam President, will the Senator yield for a question?

Mr. BYRD. Just in a moment, if I may, and then I will yield.

They are undergoing all of these changes. This will all be done within a period of 13 months following the signing by the President of the act. Thirteen months after that act becomes law, all this will be completed. My amendment does not change that calendar date as to when this massive transaction will be completed.

My amendment provides that at the end of the 13 months this is envisioned as to be done the same way, the same thing—not the same way, but the same time period over all. Thirteen months occurs with respect to the Lieberman bill and with respect to my amendment, if my amendment is adopted—the same time period, 13 months.

So what is the difference? Under the bill, the committee bill, once the Senate passes whatever it passes, and that is sent to conference, and it comes back, and it is signed into law, Congress is out of it except with respect to the appropriations that will go forward to the agency, to the new Department. When the Senate passes this bill and sends it to conference, for all purposes of amending that process in the Senate, it is over. When it goes to conference, whatever comes back from the conference between the two Houses—the Republican-controlled House and the Democratic-controlled Senate—whatever comes back from that conference is it.

We have one more—one more—chance, and that is in voting up or down on that conference report. When that conference report comes back to the Senate, it may not even look like the bill that passed the Senate. Ha, ha, ha. Now, Senators, you may have an entirely different breed of legislation on this bill when it comes back. It is there. You can vote it up or down. But, Senators, you will not be able to offer any amendments to that conference report. You can vote it down, you can vote it up, but you cannot change it.

It may be virtually an entirely new proposition. Who knows what the conferees will agree to. Senators, you are having your last chance here when we vote, eventually, on this bill, if we do.

So why, why, why should Senators just roll over and play dead, as it were; perhaps come to the floor, make a short speech—of 10 minutes, 15 minutes—in support of the bill, or a short speech in opposition to it? Why should Senators have to do that within the next week, let's say, or 2 weeks or 3 weeks? Why should Senators have to do that before a new Congress sits in January?

Let me repeat, the Immigration and Naturalization Service, the Customs Service, the Coast Guard, other existing agencies that provide security to our country and to us—all of these agencies currently exist. The agencies have been working around the clock since the terrorist attacks last year. They were on the borders. They were patrolling U.S. waterways.

Whether or not we create a new Department of Homeland Security in September, whether or not we create a Department of Homeland Security in October, whether or not we create a Department of Homeland Security in November, whether or not we create a Department of Homeland Security in December, these same agencies will continue to protect our homeland.

Now, back to my amendment, and then, shortly, I will yield to the Senator for a question.

What is the difference between the bill, then, and my amendment? I have already said as to the superstructure, as to the overall time period of 13 months, we are in lockstep, we are in lockstep with Mr. LIEBERMAN and his committee.

Now, here is the difference. Here comes the difference: Remember, this is all to be done within 13 months. Under the Lieberman committee proposal, once this bill that is before the Senate—once whatever the Senate passes, and it is concurred in by both Houses—whatever package is sent to the President, and he signs it, these things are going to take place.

We are going to do it in the same period of time, but under the Byrd amendment, all of this chaotic happening is not going to occur at once. We are not going to pass the bill and send it to the President and say: Now, Mr. President, it's all yours. We're going to step off to the sideline. Congress is not going to have any more part in it. We have passed the bill. It sets up the new Department by legislation. It deals with 22 or 28 or 30—that many—agencies and offices. So here it is. Here is the bill. Here is our bill. It's yours. Under the Lieberman approach, it's yours. You have 13 months to do it in. Have at it. Good luck. Good luck, Mr. President. Here's the package. It's all yours.

Can Senators imagine the chaos that will occur in trying to do all of this in a way that is other than systematic and orderly?

My amendment provides an orderly process whereby on February 3—if the amendment is included in the act—on February 3, the Secretary of the new Department would send up his recommendations as to what agencies, what functions, what assignments, and so on, would need to be carried out to complete the flushing out of this skeleton, of putting into effect the establishment of the first directorate.

Remember, I said that there were directorates in the Lieberman bill. There are Directorates in the Byrd amendment.

The Secretary of the Department of Homeland Defense, the new Department—which will be established by this law, if it becomes law—the Secretary sends up his policies, his recommendations as to what agencies shall go into this new Directorate. That is on February 3.

The recommendations of the Secretary will be sent to the committee in the Senate and the committee in the House that have jurisdiction over this subject matter. Mr. LIEBERMAN's committee and Mr. THOMPSON's committee, their committee will still be in the mix. Their committee will still be front and center.

Under my amendment, we are not going to say: OK, Mr. President, here it is. Have a good time. Good luck to you. Enjoy what you are doing. We are just going to move off to the side.

Our committee is going to say: All right, we have a department. We are going to create this first directorate. We are going to have this new Secretary of Homeland Defense send up his policy recommendations to the House and Senate. They will be referred to the committees of jurisdiction, Mr. LIEBERMAN's committee in the Senate, and his counterpart committee in the House. And those committees will take these policy recommendations that have been sent up by the Secretary of the Department of Homeland Security, and they will treat those as recommendations for a bill.

They will look over those policies. They will debate them in the committee. They will report, ultimately, a bill which accepts the policies or which amends those policies.

There will be, in my concept, an expedited procedure where that bill does not just go through the committee and lie there. But within 120 days after the policies have been sent to the Congress by the Secretary, the Secretary then, 120 days later, or on June 3, would be required to send up his recommendations for fleshing out the next two directorates which are named in Mr. LIEBERMAN's bill also.

The second proposal, there will be the Directorate of Intelligence and the Directorate of Critical Infrastructure Protection. Those directorates are named in the Lieberman bill.

But we say, now, the first directorate that we will deal with will be the directorate of Border and Transportation Protection. All of these directorates are the same directorates as are provided for in the Lieberman bill. But we are saying that the first directorate to be decided upon and to be fleshed out will be the Directorate of Border Transportation and Protection.

That is February 3. So there is 120 days for action to be taken in moving those agencies that are involved in the Directorate of Border and Transportation Protection into the Department. One hundred twenty days later, June 3, the Secretary will send up his recommendations for the Directorate of Intelligence and for the Directorate of Critical Infrastructure Protection; 120 days later, or October 1, the Secretary would send up his recommendations. And in each of these three phases, Mr. LIEBERMAN's committee would take the recommendations of the Secretary. And in each, the Lieberman committee will report to the Senate a bill containing the recommendations of the Secretary. They may have been amended in the committee. They may have been modified somewhat. But Mr. LIEBERMAN's committee would then report that and so would the House committee report that bill to their respective houses, and then the respective houses would take up the bill under expedited procedures, as I conceive it, expedited procedures. So there could be no filibuster.

That committee can be discharged from the bill. If the committee cannot report the bill, the committee will be discharged, and it will come to the full body, in the House or in the Senate, whichever is having a problem.

So we have three phases, each phase of 4 months. The first phase will take a look at that, the committee does, the Senate does. There you go, you have a directorate in being, one directorate, the agencies, the number of people that will be moved into that particular directorate, that will be going forward.

When it comes time, on June 3, for us to take a look at the policies, at the recommendations sent by the Secretary ensuring the next two directorates, we will have the advantage of seeing the mistakes, seeing the errors, seeing the faults, seeing the shortcomings of the way these agencies were moved into the first directorate. So we profit by staying in the mix. Congress profits, and the people represented by the Congress profit.

Perhaps I should not use the word "profit." They "benefit" from the experience in fleshing out that first directorate. Then comes along the second and third directorates, every 4 months, and the same thing happens. And then the fourth and fifth directorates come along 4 months later, and the same thing obtains. The recommendations go to the two committees. They are reported out under expedited procedures. Each House would be required to go to the measure under expedited procedures, and it is passed.

Congress stays in the mix. Why Congress? Because Congress is made up of the elected, directly elected, not sent here by any electoral college but directly elected by the people of Arkansas or the people of Minnesota or West Virginia. So Congress stays in the mix.

It is phased. There is an orderly process of doing what Mr. LIEBERMAN wants to do and over the same time period. So we come out at the end, 13 months; we have created this Department that Mr. LIEBERMAN creates. We have created six of the seven directorates that Mr. LIEBERMAN's bill creates, and we have set up the superstructure. We have appointed the same number of directors, the same number of Secretaries, the same number of under secretaries, the same number of assistant secretaries—all of it.

We take Mr. LIEBERMAN's proposal, but we say we won't just turn it over to the administration the day after it is passed. We will go off fishing, if it is summertime, or perhaps we can go play golf. We will just quit. That is the responsibility of the administration, his bill says.

Mine says, oh, no. No. That is the responsibility of Congress and the administration—Congress working with the administration; the administration working with Congress in an orderly process. The people in 28 agencies won't have to be moving their desks all at once. It will be some now; 4 months later, some more; 4 months later, the rest.

What's wrong with that? That provides an orderly process. Madam President, I think at this point I have explained enough of what my amendment does to yield to the distinguished Senator from Minnesota for a question. We will have plenty of opportunity later to explain what my amendment does. I want people to go home this weekend to know what my amendment does. That is it in a nutshell.

I don't claim to be a medicine man. I don't claim to be a magician. I don't say watch what is in my right hand and don't watch what the left hand is doing. It is there. This is it.

Yesterday, included in the CONGRESSIONAL RECORD was a brief statement explaining the amendment. I also tried to explain it on the floor today. I have been up all night and the night before with my wife in the hospital. I sat right in her room all night, watching her and reading my Constitution again. It is a little hard to make things quite come together as one would like when one has lost sleep. I merely mention that so that everybody will know that I have tried to explain the purpose of my amendment, but not under the best conditions.

I yield now to the distinguished Senator from Minnesota for a question only, retaining my right to the floor.

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I thank the Senator from West Virginia, whose explanation has been very clear—last night and also today. I trust the Senator's amendment comes from wisdom gained from many years of watching executive branch organizations, new departments brought together, and, of course, the Senator has the sweep of history both in this institution, and also I recall hearing the Senator last week quote a Roman, and I must confess a week later, whose name and statement I have forgotten, but which the Senator has remembered for all these years. It was something to the effect that reorganizations are just another way of delaying and confusing matters.

I wonder if the Senator can share some of that experience gained and the insight into other organizations or reorganizations of Federal agencies, and how that might have suggested some of the oversight that the Senator has in his amendment.

Mr. BYRD. Mr. President, I thank the very dedicated, patriotic, able, and distinguished Senator for the diligence with which he pursues his responsibilities as a U.S. Senator. I appreciate very much what he has said with reference to me. Those remarks are very flattering. They might, if left alone, appear to be more than exactly the fact. I don't have a lot of experience, but I have seen some departments created during my tenure. I remember the new Department of Health, Education and Welfare, I believe it was called. I remember I was here and voted for that Department; the new Department of Energy, I voted for that; the new Department of Education, I voted for that; the new Department of Veterans Affairs, I voted for that.

Now, as to reorganizations, I can take a look at recent experience as to reorganizations. The administration, since the September 11 attacks, has announced at least 3 major governmental reorganizations prior to the President's proposal to create a new Homeland Security Department.

Last December, in response to numerous media reports criticizing the Nation's porous borders, the administration proposed the consolidation of the Customs Service and the Immigration and Naturalization Service within the Justice Department. Last March, following the mailing of two student visas by the INS to two of the September 11 hijackers 6 months after they crashed planes into the World Trade Center Towers, the administration announced that the INS, the Immigration and Naturalization Service, would be reorganized—split into a services bureau and a separate enforcement bureau.

Last May, following the reports about intelligence failures by the FBI, the administration announced a reorganization of the FBI. These reorganizations have either produced very little, or they have been replaced by subsequent additional reorganization proposals. It is as if we are spinning around in circles, with little left to show for all of the energy that we have expended, little left but dizziness. To avoid a similar fate of this new department, which I support—I am not opposed to creating a new Department of Homeland Security. As a matter of fact, I urged that months ago.

The story behind that, which I recounted more than once, about the efforts of Senator STEVENS and myself to have Tom Ridge, the Director of Homeland Security, which was created by Presidential Executive order—not by statute—come up and testify before the Senate Appropriations Committee on the budget, on the homeland security agency's budget, he would not come. I have gone through that ad nauseam, time and time again. I may go through it again.

Right now, it is sufficient to say that we had an unfortunate experience there. So I suggested that we have the Homeland Security Director be a person appointed by the President, and with the consent of the Senate, requiring Senate confirmation of that position, that officer. I recommended that, and we could not get him to come by invitation, the President having put his foot down hard and in concrete, being immovable, claiming that "this is my staff person, this is my adviser. He is not required to go up there." Well, with all of the responsibilities and the authorities that were being assumed or carried out by the new Homeland Security Director, Mr. Ridge—he was going all over the country speaking to chambers of commerce, explaining his work and the things we were doing and the things we needed to do to secure our homeland—he would appear anywhere, anytime, apparently, because I read of many of his appearances around the country.

Each time I read about his being here, there, or out in Montana, or wherever, I thought: Why can't he come up before the people's branch and tell the people's representatives what he wants, what he needs, what this country needs, what the people need for their security and safety? Why doesn't he come before the elected representatives of the people? Oh, yes, he is an adviser to the President, but the President has lots of them. He is on the staff of the President, yes. But this man is carrying a much larger bag of responsibilities than the ordinary staff person, the ordinary adviser to the President.

I know the President has to have advisers to whom he can talk. They do not need to come before Congress. I told the administration: Look, we are not going to ask Mr. Ridge, your Homeland Security Director, who was appointed pursuant to a Presidential order—we are not going to ask him about his private conversations with the President. We are not interested.

We want to ask this man, who is the point man for the administration on homeland security—he is the person who is running around telling everybody what it is. He is the man running around all over the country spilling his beans to this agency, that agency, whatever agency, whatever committee or whatever group of people, fraternal order or civic order, whatever it might be—he is the man running all over the country talking to the people everywhere and going up to Canada. He is the man who has gone down to Mexico and talked about various and sundry subjects pertaining to border controls, surely, and so on.

Why can't he come to Jenkins Hill, on which this great architectural structure has been for 200 years or thereabouts? Why can't he come here and answer questions by the people's elected representatives in the Congress? After all, it is the people's money. He is being paid out of the pockets of the American people, this Mr. Ridge is. Pennies do not fall from heaven. He is being paid by the taxpayers, and the President is being paid by the taxpayers. Who pays him?

He says this man cannot come up, this man does not have to go up to Congress. That is the President talking. Who pays him? The people. The people. Who pays us? The people. So the people are entitled to know a little about this, about how their moneys are being spent.

That is why we have public hearings in the Appropriations Committee and by the subcommittees of the Appropriations Committee. The hearings are in public. The hearings are open. There can be a huge audience out there in some of those massive, handsome rooms over in the Senate office buildings. People can hear. They can see on television. They can hear over the radio. They can hear their people, their representatives, and they can hear the President's man, all of us being paid by the people, some of us being elected by the people.

But some of those who testify are not elected by the people. Tom Ridge is not elected by the people; he has not been elected by the people, except to run as Governor of Pennsylvania and run for membership in the other body, which he has done. He has been Governor of Pennsylvania. He has been a Member of the other body of the Congress. So he is a man who knows a great deal about the subject matter, and he has thrown himself into his work. He is the expert. He knows the answers to a lot of these questions. He is a very intelligent man, a very articulate person. He is the person in charge.

Why shouldn't the Congress hear him? They said: We will be happy to send him up for briefings. He can meet with Senators and House Members and have little briefings, and we can tell you all about it. That is not the point. His portfolio is much greater than the portfolio of an average staff person of the President or an "adviser" to the President.

He is dealing with a subject that is virtually brand new to the American people. Last September 11 brought to the view of the American people something we had not seen before, something we had not experienced before, and opened to all of us a new kind of world, and the world is changed forever. Our country in some ways is changed forever. Every person in this country—man, woman, boy, or girl—their life is changed forever. It is not going to be a short time. The President himself has said this war—they call it a war; it is a different kind of war—this war is going to last a long time. It is going to take us a long time.

Does anyone think we are going to get all the terrorists ever? No. We have not even gotten Bin Laden yet. We do not know where he is. He may be alive; he may not be alive. But whether he is alive or not, his agents are spread, we hear, in 60 countries or more. This is something big, and it affects our lives, it affects our work in the Senate.

Why shouldn't the person who is the top man in the United States with reference to homeland security appear before a Senate committee, the Appropriations Committee? We are not seeking to put him on the spot or to embarrass the President by some question, such as: Tell me about your private conversations with your President. We are not going to do that.

The Senate Appropriations Committee has been in business for 135 years. This committee was established in 1867. Think of that. Two years after the Civil War ended—1867. Fifty percent, or more—a very high percentage—a great majority of some of our students in the polls do not know when the Civil War ended; they do not know that it even occurred in this country.

But we know that in 1867 this Appropriations Committee in the Senate was established. Before that, the Finance Committee in the Senate, which had been established in 1816, did the appropriations work, as well as raising taxes, and so on. In 1867, the Finance Committee did that work no longer. Seven Members of the Senate were appointed to this new Appropriations Committee. I believe it was seven Members. In any event, the Appropriations Committee has been doing business ever since.

The way we have done business is the right way. We get testimony; we get people to appear before the subcommittees. There are 13 subcommittees of the Senate Appropriations Committee, and every one of those subcommittees has subpoena power in that Appropriations Committee. That committee has subpoena power—the Appropriations Committee. No wonder everyone wants on the Appropriations Committee.

That Appropriations Committee deals with the public purse, and by virtue of this Constitution, the power of the purse is vested in the legislative branch. Article I, section 9, of this Constitution, which I hold in my hand, vests the power of the purse in this body. So the right way to do it is to have public hearings.

The people need to know what questions are asked. The people need to know what answers are being given.

It is out there. Everybody can see it. Everybody can hear it. There is a record of it.

Then when the appropriations bill is put together, the testimony of these witnesses is read again. There are hearings printed. Hearings will be available to members of the Appropriations Committee of what was said during the testimony by Mr. Ridge, if he had come before the committee. And when the bill is taken up on the floor, there are the printed hearings. They are available. There is a committee report—aha, a committee report on that bill—for the benefit of the Senators who are to vote on the bill.

That committee report is important. It is really laughable that the administration would propose that they would be willing to send up this man, who is the know-all, as far as anyone can know, about homeland security and what is being done by our Government, or what we hope to do—So the American people need to know that. The committee needs to know that. But he is going to come up in a private briefing? That is the administration's proposal: No, we will not let him come up there and get before that committee. No, no, no. He is the President's man. We are not going to let him come up. You do not call Condoleezza Rice. He is in the same position.

No, he is not. You cannot equate the one with the other in this respect.

So the committee is going to write a report. How important is a committee report? Suppose there is a court case at some point with respect to a provision in a bill. One of the things the court would need to know is what was said in the committee. In order to get the intention of the legislators, in order for the court to interpret the intention of the legislators with respect to that particular bill or that particular provision, the court may want to resort to a committee report. That has happened before in this country.

What committee report is going to be around where we have a shadow government, as it were, with the administration officials coming up to the Senate and talking in private, behind closed doors? Oh, the doors can be open, that is all right, but there is no record. The people out there do not see what is going on. What kind of government is that?

This is an open government—it is supposed to be—with respect to its appropriations, with respect to our bills. How utterly foolish the administration was to take that utterly foolish position in refusing to allow Tom Ridge to come before the Appropriations Committee of the Congress. That was utterly foolish. It poisoned the well.

The result was a provision which Senator STEVENS and I wrote into an appropriations bill providing that the Director of Homeland Security would indeed require confirmation by the Senate of the United States, and that appropriations bill came before the Senate not too long ago. Not one finger was raised against it. Not one Senator rose to strike that language from the bill.

It was in the bill. Everybody knew it. The staff of every Senator saw it. They knew it, or they should have known it. Not one effort was made to remove it. That overall appropriations bill passed the Senate, including that provision, by a vote of 71 to 22—quite a secure majority, 71 to 22. I will try to remember that. That bill was passed, including that provision.

I say to the distinguished senior Senator from Montana who presides today, that bill passed the Senate by a vote of 71 to 22, and went to conference.

Oh, wait a minute. The administration suddenly sees on the horizon, here comes this bill, here comes this provision. Oh, Mr. Director, Mr. Tom Ridge, you know the Senate has—here it is right here, this appropriations bill. They are going to make you come up there. They are going to make you come up there.

Mr. President, look at this bill here. The Senate is going to make this man come before the Senate of the United States in the Appropriations Committee. The President will not be able to say, well, he is an adviser of mine; he cannot come. The President will not be able to put his feet in concrete and say, this man is on my staff and my staff people do not have to come.

Mr. President, it is in this bill. I do not care what you say. You can veto the bill, if you want to. Do you want to veto that appropriations bill? Do you want to veto that appropriations bill because it has that provision? Then you will have to explain to the American people why you will not let this man go before the Appropriations Committee of the Senate and answer questions of interest to the American people, questions dealing with their money, the money they pay in taxes to pay your salary, Mr. President, and to pay your salary, Mr. Ridge.

Oh, you cannot hide behind that desk any longer. That part of the shadow government just will not work any longer because this legislation is going to require you to have that man of yours come up there.

And you know what happened? Then down in the subterranean caverns, in the ill-lighted recesses of the bowels of the White House, four solemn individuals met one day and there was hatched the egg to provide the homeland security proposal. There was the egg. I do not care how warm the egg is, it still takes it 3 weeks to hatch. Try it sometime—3 weeks. But it did not take 3 weeks for that egg to hatch, not in that White House.

The administration wanted to get out front on this provision that was in the appropriations bill, written in there by Senators BYRD and STEVENS and supported by every member of that Appropriations Committee and not questioned by any Member of the Senate.

It is on its way to conference, Mr. President. I tell you, we have to act quickly, and the President did act quickly. They came out and unveiled this great proposal that came to life like Minerva who sprang full grown and fully armed from the forehand of Jove. That is how it came about.

Then there was Aphrodite who sprang from the ocean foam and was carried by a seashell or a leaf to a nearby island and then went on to Mount Olympus and appeared before the gods, and the gods were overcome by the beauty of Aphrodite. All of that happened. And the same way with this egg that hatched, it just sprang into being all of a sudden and here it was, this massive proposal by the President. He unveiled it, and they were quite successful in taking the people's eyes away from some of the other things that were demanding attention in the newspapers of the time. They took those things off the front page.

Here was a new Department. Since then, the President and all the people in his administration, the King's men and women, have been out there saying: Pass this bill, pass this bill, which was hatched by four individuals. Let me see if I can remember their names. Mr. Ridge was one. Mr. Mitch Daniels was another. He is the Director of the Office of Management and Budget. Mr. Gonzalez, I believe he is the President's counsel, and Mr. Card, I believe. I hope I am right. I am. Someone nodded in the affirmative to me and so I am. There it was in the newspapers. Those four gentlemen, very reputable persons, people of high caliber and unblemished reputations, as far as I know, and this was their idea.

Now compare that group of four, working in the shadows, the dim light. The lights may have gone out, but I expect there might have been candles there, or perhaps oil lamps. I can just see the shadows, the figures of the shadows moving back and forth in those caverns, on the walls of those caverns, as the men remonstrated, and said this: We ought to have this, we ought to have that. Whatever they say. Anyhow, that was hatched down there.

Now that was a different committee. Four individuals, from the committee that wrote the Declaration of Independence. By the way, I carry that Declaration of Independence right here in my shirt pocket. Who was on the committee that wrote that Declaration of Independence? Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Livingston. So there were five. My, my, look at those giants, five giants who wrote the Declaration of Independence. Had they been arrested by the British for treason, they could have been sent to England and they could have been hanged. And so could the others who signed that Declaration of Independence. The signers are all listed in this little book I hold in my hand.

They were doing things that challenged. They were doing things for which they were willing to give their lives. They would have given their lives, had they been tried for treason. Those men committed treason against the government under which they then lived. The far reaches of the Parliament's hand, the King's hand, from Great Britain, from England, could have snatched them, taken their fortunes, taken them to England, tried them, taken their lives. So they pledged their lives, their fortunes, their sacred vows.

How about those four in the White House? Were they pledging their lives and fortune? Quite a different committee, I must say.

Anyhow, with all respect to the four men who are public servants, and who are doing their best, as they see it, for their President—quite a different matter.

Mr. JEFFORDS. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield to the distinguished Senator for a question, retaining my right to the floor.

Mr. JEFFORDS. I have listened carefully to your dissertation of the past and the responsibilities that all of us have to make sure we uphold the Constitution. And I also recognize that what the administration was doing in this regard, and agree with the Senator that what happened at that time, was most unfortunate.

Is the Senator aware the administration has compared the creation of the Department of Homeland Security to the reorganization of the Government set forth by the passage of the National Security Act of 1947?

Mr. BYRD. Yes, allusions to that act, the National Security Act, which was created in 1947 after a period of at least 3 or 4 years. This Senator is aware of the allusions that have been made to that act and the references that have been equated, the reorganization of the Government under the Bush Administration and how it is compared.

Mr. JEFFORDS. I have done some research on the creation of the Department of Defense that I would like to share with my friend. I found the research helpful in putting the current debate in context.

First, I agree this proposal is similar in scope to the 1947 debate, but there are also some notable differences between the 1947 debate and today's dialog.

Mr. BYRD. I would like to hear those.

Mr. JEFFORDS. The Bush administration proposal and the Lieberman substitute we are debating represent a dramatic reorganization of the Federal Government. The most obvious difference between the process in the 1940s and this summer is time. The creation of the Department of Defense was a collaborative process between the executive branch and Congress, measured not in days and weeks but years.

Proposals for combining the military services were first considered in Congress in 1944. President Harry Truman became keenly involved in the effort and sent a message to Congress at the end of 1945 proposing the creation of the Department of National Defense. Congressional hearings were held on the matter throughout the following year. In 1947, the President sent legislation to Congress that, after additional hearings and congressional input, was finally passed and signed into law in July of 1947.

Mr. BYRD. The Senator is certainly laying down a very impressive premise for the question which he will ultimately ask. Please go ahead. The Senate needs to hear this.

Mr. JEFFORDS. Additionally, Congress made significant changes in the Department of Defense in 1949. Thus, the thoughtful and deliberate process to create an effective Department of Defense did not happen in a summer, a year, or even one session of Congress.

Mr. BYRD. How about that. Right.

Mr. JEFFORDS. It took 5 years and was founded upon discussion, debate, and compromise.

Mr. BYRD. Say that again.

Mr. JEFFORDS. It was founded upon discussion, debate, and compromise.

Let me be clear that I am not advocating we take 5 years to debate the proposal before us, only that we ought to be thoughtful and deliberative. This current reorganization will affect the lives of every American for years to come. Unfortunately, the current administration has made it clear it will veto any legislation that is not almost identical to its proposal.

Mr. BYRD. Say that again, please.

Mr. JEFFORDS. It is clear it will veto any legislation that is not almost identical to its proposal.

Recently, President George Bush, speaking about this legislation, said: The Senate had better get it right.

I agree with the President that we do have a solemn responsibility to consider, debate, amend, and strengthen this legislation. I am sure the President understands that the Senate's deliberate consideration of this bill is an integral part of the process of "getting it right."

As the President's father said, a time of historic change is no time for recklessness.

Mr. BYRD. Right again. What was that?

Mr. JEFFORDS. A time of historic change is no time for recklessness.

Mr. BYRD. Yes.

Mr. JEFFORDS. As my friend from West Virginia knows, when Congress created the Department of Defense, the affected agencies had input into the process.

Here is another significant difference between the development of the Department of Defense and the current debate over homeland security.

In the 1940s, the executive branch agencies affected by the proposed reorganization were participants in the process. The Army, the Navy, and the Joint Chiefs of Staff proposed specific plans for reorganizations as early as 1945. And the Army and Navy were consulted prior to the President submitting draft legislation in 1947, 2 years later. This cooperative approach in developing a workable new Department contrasts starkly with the way the administration developed homeland security draft legislation.

A small group of advisers, which the Senator has explained well, working in secret in the White House, developed the present Bush proposal. Members of Congress and the Secretaries of the affected Cabinet agencies were reportedly not even informed about the proposal.

Mr. BYRD. How about that.

Mr. JEFFORDS. Amazing.

As I have said many times, I understand, in the wake of the horrific events of September 11, we would look for ways to strengthen our Nation's defense to prevent any further catastrophe. I fully support that goal, but we must be cautious, to make sure that we work to correct what went wrong and not interfere with what went right.

We know what went wrong, and I firmly hope we, as a nation, will develop a comprehensive plan to address the shortcomings of our intelligence gathering and communication efforts which, to me, were the core of the problem.

Mr. BYRD. Right on. Right on.

Let me hear that said again. I want to be sure I remember that.

Mr. JEFFORDS. We know what went wrong, and I firmly hope that we, as a nation, will develop comprehensive plans to address the shortcomings in our intelligence gathering and communication efforts.

Because of the similarity of the September 11 attacks and the attack on Pearl Harbor, over 60 years ago—which I am just barely old enough to remember, being 5 at that time, but I remember that day to this moment—we should remember the finding of the Joint Congressional Committee that investigated Pearl Harbor, that:

> . . . the security of the nation can be ensured only through . . . centralization of responsibility in those charged with handling intelligence.

That, to me, is the key that we have to look at for a resolution of this problem.

I hope we will learn a lesson after the tragic events that occurred on September 11. Correcting intelligence failures must be the hallmark of any new Department of Homeland Security.

I thank my colleague for yielding, and I look forward to continuing this debate and considering this important legislation.

In closing, I hope we will take our time in creating this new Department and that we will protect the role of the legislative branch throughout this process. I commend Senator LIEBERMAN for leading debate on this important topic, but I also thank my friend from Virginia. In the 200-year history of this body, there has never been a more vigilant defender——

Mr. BYRD. Would the Senator mind repeating that and addressing his remarks to the Senator from West Virginia and the Senator——

Mr. JEFFORDS. Yes, right. I also thank my friend, the Senator from West Virginia, Mr. BYRD. In the 200-year history of this body, there has never been a more vigilant defender of the legislative branch than the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I didn't want him to repeat what he said for that part. But I wanted him just——

Mr. JEFFORDS. I wanted to repeat it for that part.

Mr. BYRD. I thank the Senator. He referred to this Senator as the Senator from Virginia. That was inadvertent and it was pretty much out of levity, in a way, that I wanted him to get the States right and recognize me as a Senator from West Virginia, which he knows. People do have that slip of the tongue. It happens many times.

But what the Senator said—putting that entirely aside—is what I have been saying. We need to take the time and not act in haste. That is what we are being pushed to do, and the press, the media has not paid enough attention, in my judgment, overall, to this bill and to the Lieberman substitute. Somebody hasn't been listening.

My colleagues, I do not believe, have been listening. That is why I said slow down a little bit here.

I am grateful to the divine hand that brought these Senators to the floor. At least this Senator from West Virginia is getting a little attention. It is not that I want attention, but this Senator from West Virginia is getting a little attention as to what he is saying, why this stubborn guy from West Virginia—I will call him a guy—this stubborn upstart from West Virginia is trying to stop the train, trying to stop our hurrying forth, acting in the least amount of time, acting almost immediately to give to the President this legislation creating a Department of Homeland Security.

At last, at last, at last two of my colleagues have asked questions today. I am sure there will be other Senators who will do the same, now that I am beginning to break through, get through the ice, get through the veil that this is a measure that is vitally important to every individual in this country today, every man, woman, boy, and girl. It goes beyond just creating a Department of Homeland Security.

That is what the distinguished Senator said. He is talking about intelligence. He is getting into the intelligence area of what is involved here. It is much more involved than just creating a Department of Homeland Security. I am for that. I have been for it. But I am glad, I am grateful to the distinguished Senator for what he has said here. He has capsuled this very large subject with respect to the National Security Act, how time passed, the steps that were taken, the pauses that occurred, the scrutiny that was given, and the fact that the heads of the military branches—the Navy and the Army and others—their thoughts were acquired, their recommendations were acquired, their advice was sought as to the creation of this new department of defense. So they had input into it.

It wasn't done overnight. It didn't grow up like the prophet's gourd, overnight. It took time and that was a wise move.

I thank the Senator for going into that particular aspect of this in depth. He has been thorough in what he has said with respect to the creation of the department of defense. I am grateful and the American people can be grateful to the Senator for what he has said, what he has contributed here today in just the few minutes he held the floor and he zeroed right in on one of the things that I eventually wanted to get to, and there are others.

I am not going to say anything further now, if the Senator wants to ask a further question.

Mr. JEFFORDS. No. I am very pleased to have been able to have this time with the Senator, and I look forward to working with him.

Mr. BYRD. I thank the Senator. I am delighted. I am just delighted that he came to the floor and made this statement. I am delighted that he believes we should take our time. Not an exorbitant amount of time, not an inordinate amount of time, but take time, the necessary time to scrutinize this proposal and act. It is not so important that we act quickly; it is important that we do it right. That is all I have been saying. Let's do this right.

Mr. DAYTON. Will the Senator yield for a question?

Mr. BYRD. I again thank the Senator from Vermont.

Mr. DAYTON. I think the Senator from Vermont is very enlightening as to the timing of that crisis—also following right in the aftermath of World War II, certainly another time where this country faced a very grave threat, leading into the beginning of the Korean war where the country again faced another enormous threat.

I wonder if the Senator can comment on how that experience should be instructive to the Senator's amendment. It seems the Senator has foreseen the kind of timetable of bringing back from these various directorates their preliminary plans that would lead to a far more insightful and, I think, constructive reorganization than the one that is contemplated by the proposal of the administration.

Mr. BYRD. Mr. President, I think I grasped the question that was asked. It was well put. I think I have a problem with the Senator's microphone and where he is standing. Would he shorten his question?

Mr. DAYTON. The Senator from West Virginia has an amendment which would seem to embody the intention of what occurred post-World War II, which was the sequential development of a department of such critical importance. I wonder if there is a parallel to be drawn there to instruct all of us that the approach being recommended by the learned Senator from West Virginia is the one that is going to likely produce the much more beneficial result to the country rather than the helter-skelter that would go forward without the Senator's direction.

Mr. BYRD. Absolutely. The Senator, by his question, has really answered his question. We saw that the country took more time in the 1940s to create a Department of Defense. It took time. It had the input of the heads of the military branches and their advice. Mr. Truman took time. It wasn't enacted during the heat of battle. The thought was there. The suggestion was there. Committees held hearings, and buildings were proposed during that time. But it was after the war that the Department of Defense was created. It wasn't all done in a hurry. There was need to do something along those lines. Many Members of Congress introduced legislation to carry out the results, to create and reorganize the Government in that respect. The military people who were directly involved, they had input.

We may be in a situation here where we can't wait 4 years, or 3 years, or 2 years, as was the case there. But there is a direct parallel. They took their time. In taking their time, it didn't mean they were just dragging their feet. They took time. During the time that was passing, they talked about this; they got the advice of the military. They were preparing all along their action—but do it right; not do it quickly but do it right.

The same is true here in many respects. The point is that we must not do it quickly. We are being urged in the Senate: Get on with it, pass it. The President, with his backdrop as he goes around the country and appears before the military organizations and others: Do it, do it, do it now.

There was a little ad I used to hear on television not too many months ago: Do it now; do it here. Do it now; do it here. Well, that is what I am hearing: Do it now, do it now, do it now, do it here, do it quickly. I am saying no, no. The object is, do it right—not do it by this weekend or not do it by next weekend, and not to do it in a hurry, do it right.

This is a far-reaching measure. If this act is passed as the administration wants it passed, believe you me, it is going to affect the civil liberties of Americans. That is what I am saying. Just hold on a minute.

In the bill by Mr. LIEBERMAN that came out of his committee—I will refer to that momentarily to just kind of jar the senses of Members of the Senate who have not been paying very much attention—many of them. They are busy people. They have their attentions drawn to other very important matters all the time. There is just not enough time allotted to us as Senators to do our work right in every case. There just isn't enough time.

I just want to read one provision from Mr. LIEBERMAN's bill. It is on page 186 of the bill. It is title III that sets up a national strategy for combating terrorism and the homeland security response.

Under title III of the committee bill, in section 301 designated "Strategy," under the first paragraph:

> The Secretary and the Director—

That means the Director of the Department of Homeland Security, and the Secretary of Homeland Security—

> shall develop the National Strategy for Combating Terrorism and Homeland Security Response—

They shall do this. I will read it—

> for detection, prevention, protection, response and recovery to counterterrorism threats, including threats, vulnerability and risk assessment and analysis, and the plans, policies, training exercises, evaluation, and interagency cooperation addresses each such action relating to such threats.
>
> Responsibilities Of The Secretary.
>
> The Secretary shall have responsibility for portions of the Strategy—

Strategy with a capital S—

> addressing border security, critical infrastructure protection, emergency preparation and response, and integrating State and local efforts with activities of the Federal Government.

Next paragraph:

> Responsibilities Of The Director.
>
> The Director shall have overall responsibility for development of the Strategy—

Again, with a capital S—

> and particularly for those portions of the Strategy addressing intelligence, military assets, law enforcement and diplomacy.

Next paragraph:

> Contents.
>
> The contents of the Strategy—

Strategy with a capital S—

> shall include—

Get that: The contents of the Strategy which will be developed by the Secretary of the Department and the Director—

> shall include:
>
> (1) a comprehensive statement of mission, goals, objectives, desired end-state priorities and responsibilities;
>
> (2) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal Government and with State and local authorities;
>
> (3) plans for countering chemical, biological radiological, nuclear and explosives and cyber threats.

Now get this. Paragraph 4 is one of the items that will make up the contents of the Strategy with a capital S—strategy that is developed by the Secretary of the Department of Homeland Security and the Director of Homeland Security—the Director. Here is someone I want the Senate to be required to confirm—this Director. We will provide for the confirmation of the Secretary. But I want the Director confirmed, too.

Get this. This is paragraph 4 of the Strategy with a capital S. There is much more to be said about this Strategy set forth in title III. But listen to this. This is part of the plan, part of the Strategy.

> (4) plans for integrating the capabilities—

My—

> And assets of the United States military into all aspects of the Strategy. . . .

Now, does that get the attention of any Senator? We have something we call posse comitatus—some would say comitatus, which would be correct, too—both. But there are laws, there are statutes, that have to do with posse comitatus. And I shall have a speech to make on posse comitatus, or comitatus, at some point, hopefully, or likely, if we continue.

But forgetting the statute for a moment, listen to this. The Secretary and the Director are going to draw up a strategy for dealing with this homeland security. And what is part of something that this bill is requiring that they include in their plans, and that they have the authority to develop and include in its strategy? Let me read that again. It says:

> The contents of the Strategy shall include—

And we jump down to (4):

> plans for integrating—

What does that mean?

> integrating the capabilities—

My, "the capabilities." What are they talking about, "capabilities"?

> . . . include . . . integrating the capabilities and assets—

What does that mean, "assets"?

> of the United States military into all aspects of the Strategy.

Now, what do we have here? What are we dragging into this legislation? Why, that should cause every Senator in this body to raise an eyebrow. What are we talking about here? What are we voting for? I will have more to say on this.

I believe that at last I am getting a little attention to what I say about this homeland security.

Let me read that again so it will be in the RECORD for the weekend, and Senators can think about it a little bit.

And the media may have had their attention called to something here that is in this bill. Let me tell you something. I expect Senators would open their eyes even more as to what is in the administration's plan and what is in the House bill. But just in the Lieberman bill, which, as I say, is an improvement over these other approaches by the administration and the House, the House of Representatives—let me read that again:

"The contents of the Strategy"—this is in title III—"The contents of the Strategy shall" be developed by the Director of Homeland Security and by the Secretary of the Department of Homeland Security—yes, my attention has been called to an error I made. The correct title of the Director is the Director of the new Office for Combating Terrorism. I referred to the Director of Homeland Security. This is the exact title of the director. And this, the Lieberman bill, and these two titles here, have to do with this new office. These two titles in the Lieberman bill have to do with the establishment of this new Office for Combating Terrorism, established in title II. So I will just refer to this as the director.

The Director and the Secretary of the Department of Homeland Security will devise this strategy for securing the country. That is what we are all talking about. But this bill requires that among the responsibilities of the Director are these:

> The Director shall have overall responsibility for development of the Strategy, and particularly for those portions of the Strategy addressing intelligence, military assets, law enforcement, and diplomacy.

And among the "Contents": "The contents of the Strategy shall include"—(1), (2), (3,) and now (4)—there are nine items to be included in "The contents of the Strategy." The fourth one is this:

> plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy. . . .

Now, what are we going to have? A police state? Are we going to have the Army and the Navy, the Marines—are they going to get involved? I don't think anybody wants to do that. I don't think anybody is thinking of that.

But look at this language, what it says. We have to contemplate the unintended consequences of what we do here. Even at best, if we have both eyes and both ears, and the full attention and focus of our collective brains, and we pass an item, we give it careful attention, there may still be unintended, unforeseen consequences that will flow from that act that we passed.

How much more so might that happen if we pass an act in a hurry and don't apply the full focus of our faculties in addressing that legislative matter? The question answers itself.

Finally, let me just read, once more, item No. (4) in "The contents of the Strategy":

> (4) plans for integrating—

"Integrating," what does that mean?

> integrating the capabilities and assets of the United States military. . . .

We all know what that means when we talk about the military and the capabilities of the U.S. military—

> plans for integrating the capabilities and assets of the United States military into all—

Not just a few, all—

> aspects of the Strategy.

Well, I just wanted to read into the RECORD that excerpt from the committee bill.

Now, perhaps by the fact that these two distinguished Senators asked me questions today about it—a relative of the Senator from Minnesota was a signer of the Constitution of the United States, signing from the State of New Jersey on that occasion. So this fine Senator is here on the floor today and has asked me questions. And the equally fine and good and able Senator from Vermont has asked some questions.

So at last—at last—hallelujah, we are getting some questions. Somebody is beginning to pay attention to what is in this measure.

Perhaps the greatest and the gravest defect of the National Security Act to reorganize the Armed Forces, continuing in this vein, was the failure of Congress to provide oversight of the CIA. When the Central Intelligence Agency was established, there was no congressional oversight. It was responsible only to the National Security Council and the President, and what a mistake that turned out to be.

As a result, the late Clark Clifford wrote: "The CIA became a government within a government."

Listen to that—became a government within a government. That is exactly what we have here. We have the makings of a government within a government. If the administration were to have its way, we would have a government within a government. We would have a government that is run out of the White House, and the Cabinet officers would be put to one side. The Secretaries of the various Departments, just put them aside. Put the Congress off limits, forget it. We will run things from this White House. That is what I am concerned about, as I see here.

As the late Clark Clifford wrote:

> The CIA became a government within a government which could evade oversight of its activities by drawing the cloak of secrecy around it.

(Mr. WYDEN assumed the Chair.)

Mr. BYRD. There you have it in a nutshell. The CIA became a government within a government which could evade oversight of its activities by drawing the cloak of secrecy around it.

For years my immediate predecessor as majority leader was Senator Mike Mansfield. There has been presiding in the chair up until a moment ago the Senator from Montana, MAX BAUCUS, but now we have another Senator in the chair. That majority leader from the State of Montana—at the time, Senator Mike Mansfield—argued for the CIA to be brought under congressional supervision. There was Mike Mansfield. There was my predecessor as majority leader of the Senate. He was majority leader many years. I was his successor.

The late Mike Mansfield said:

> What I am concerned with is the CIA's position of responsibility to no one but the National Security Council.

He continued:

> The CIA is free from practically every form of congressional check.

That was his caution. He said:

> There is no regular methodical review of this agency.

Now hear the voice of the late Mike Mansfield coming down through the years. Listen to him. Listen to the late Mike Mansfield:

> What I am concerned with is the CIA's position of responsibility to no one but the National Security Council. The CIA is free from practically every form of congressional check.

The late Senator Mike Mansfield cautioned:

> The CIA is free from practically every form of congressional check. There is no regular methodical review of this agency.

Senator Mansfield pointed out:

> Our form of government is based on a system of checks and balances.

Hear that. Hear the voice of Mike Mansfield, his words coming down through the years, reverberating in this Chamber. I hope they will be reverberating in the hearts and minds of the men and women who sit today in this great body, the august 100, the special 100 who have been elected by 280 million people in phases; according to our illustrious Framers, three classes—so that there would be a staged rotation of this body, with the Senate in transition all the time, so there would never be a completely new Senate, so there would never be a new complete turnover of the Senators. Today they number 100.

The House, theoretically, can turn over in 2 years. We could have a completely new House, theoretically, in 2 years under the Constitution. But not here. One-third of the Senate only every 2 years, one-third of the Senate only; and then another third for 2 years; and then the third third for 2 years. That was the genius of the Framers.

Here we have a continuing body, and we have checks and balances written into this Constitution. And there was Senator Mansfield pointing it out:

Our form of government is based on a system of checks and balances.

They are written into this Constitution which I hold in my hand.

I saw some of the greatest of the figures in our Government last Sunday on television. There was the Secretary of State. There was the Vice President of the United States, who is the President of the Senate but who cannot address the Senate except by unanimous consent. There was Dr. Condoleezza Rice, a very able person who is not confirmed by the Senate. She was on television. And there was the Secretary of Defense, Donald Rumsfeld, on television. There were others. I listened to all of them.

I don't often listen to television, even on Sundays, when more of the people who are most often seen and heard and read about in the media are on the Sunday shows. But I listened to them all last week because I expected them to say something about this subject of the war, the subject of an attack, an attack on a sovereign state.

Mrs. CLINTON. Will the Senator from West Virginia yield for a question?

Mr. BYRD. Let me finish this thought, and I will be happy to yield.

I saw all those on television. They were talking about the President launching an attack on Iraq.

I have no brief for the Government of Iraq. I have never met Mr. Ritter. I know nothing about Mr. Ritter. I think Iraq under the current regime is a threat. But not one of those individuals who are high in the Government of this country—not one—mentioned the Constitution of the United States. Every one of them had to swear an oath to protect the Constitution, but not one mentioned this Constitution. And to hear them talk, we were ready to go to war. We were prepared to go to war. The President had the authority—I am putting that in my words—the President had the authority to go to war, to launch an unprovoked military attack on a sovereign state. He has just assumed that he has that power under the Constitution. No, not under the Constitution. It is assumed that the President of the United States has that power. There are smart lawyers around and they can take either side of the case and come up with a good argument. They can win either side—most good lawyers, who can take either side. But not Senators who have sworn to support and defend this Constitution and who are here in this august, 100-Member body. And I have seen this whole body change, except for one person. I have seen the whole body—300 Members of the whole body—change three times in my 44 years in the Senate. But not one mentioned the Constitution.

I know what the Constitution says. The Constitution says that Congress shall have power to declare war. We can split hairs all we want, but there are the words. I know there are traditionalists who believe every word of that Constitution, and that was the position that was generally held in this country up until the Korean war. But there are revisionists today who want to change that. They want to give the President power; they think he should have it. So that is what we hear from those who want the Commander in Chief to have that power.

The Commander in Chief was a title to be given to the civil authority at war—not to the military—and to make sure of that we don't have a four-star general sitting as Commander in Chief; we don't have a three-star general, or a two-star general, or a one-star general. We don't have a military officer sitting in that Oval Office. No, we have a man of the people, who is a civil authority. He is the President of the United States. He is the Commander in Chief.

You fellows with the stars on your shoulders, don't get too heady here. This Constitution says, in essence, a civilian, a civil officer, a civil authority shall sit at the top.

Those revisionists ought to read the "Federalist Papers," also. What do we have here? Our constitutional government that the Framers gave us in 1787—once the States, in their conventions, had ratified that Constitution—nine of them—said, in essence, the power to declare war and the power to make war shall not be reposed in the same hands.

So that person, who is Commander in Chief, is the civil authority down there. He is Commander in Chief, but he cannot declare war, except in a circumstance where this Nation is being subjugated to a sudden attack. The President has inherent power under the Constitution. I don't think anybody disagrees with that. The President has inherent power to use the military forces at his command in order to repel a sudden attack—sudden, unforeseen, where maybe Congress is at home, Congress is out on recess, Congress has gone home for the Christmas holidays, or the Thanksgiving holidays, or the Jewish holidays, or Congress may have recessed for a month in August and they are not here. But the President has inherent power in this Constitution to use the military to repel a sudden attack against this country or its military forces. Nobody argues with that.

What is being debated here is the President launching, through some figment of the imagination, or some resolution which has run its course, and under the term "Commander in Chief," an unprovoked attack against a sovereign state—to use a military offensive. We are not talking about a defensive situation. We are talking about an offensive situation in which the President of the United States would attack a sovereign state—in this case, Iraq.

I think Iraq poses a threat under the present regime. I don't argue with that. I don't have any argument with the fact that Saddam Hussein is an evil man. Of course, we are all evil; every man is. The Bible says no man is good. If we look at the programming that appears on our television stations, we will probably conclude that this country is not exactly a nation that is not evil. It is an evil nation in some respects. So let's be careful. I would be careful throwing that word around—"evil"—and saying that this is a war between good and evil. It may be a war against evil, but it is not necessarily between a good nation and an evil nation. But that is off on another track.

The power to declare war and the power to make war are under different hands. Those powers are reposed in different entities. Our Constitution reposes the power to declare war in Congress, the duly elected, directly elected Representatives of the American people. Of course, the Members of the Senate were not directly elected by the people back in those days, but there was a requirement that the power to declare war was in Congress. Congress is made up of two bodies. At one time it was elected by the respective State legislatures, but no more. That has been changed by constitutional amendment, as we all know.

Today, the points are still there. The basis is still there. Declaring war and making war are two different things, and the Framers saw to it that the Commander in Chief would be not a person who would declare war. That is the person who will make war. That was discussed in the Constitutional Convention and that is the way we have it today.

Now, I, therefore, say that this President is not authorized to declare war. Why? Because there has not been a sudden, unforeseen attack on the United States.

Iraq is not attacking the United States at the moment. If the President were to launch a sudden offensive on Iraq, where is his authority to do so? He is not doing it to repel a sudden attack against the United States. No, he is doing it because he knows, as I know, that Saddam Hussein is a threat to us all, to the safety of the people in this area, his own people, and the people in the region, and a threat, if you carry it far enough, to us. It is not all that sudden, and who should declare war in that event? Congress, not the U.N.

I applaud the President for going to the U.N. and laying out his case as to why the U.N. had its chances, had failed, had not lived up to its responsibilities, and he made that case well. But the case has not been made. It will be talked about eventually; it is being talked about a great deal now. I read all about it in the newspapers, I see it on television and hear it on the radio. The case is now being made for an attack unilaterally by this country against a sovereign state when this country has not been attacked.

The purpose is not to repel a sudden invasion of the United States or a sudden attack. If the President were to do this, it would be unprovoked at this moment. Where is the President's authority? They say it is in the resolution adopted by Congress in 1991. It is not there. The authority is not there for the President today to launch an unprovoked attack against Iraq. They said it was in the resolution last year. I say the authorization is not there. It is not there. We can argue and talk all night about that, but it is not there. Show me; anyone, show me. It is not there.

They say he is the Commander in Chief. Well, so what; he is the Commander in Chief. Once war is declared or authorized by the Congress, then the Commander in Chief will make the war. We will have one head at the military and that was the right thing to do. Then an attack, if it is authorized by Congress, can go forward.

Let's don't meddle with this Constitution. There will always be defenders of this Constitution, and there are some who will remind the country of the Constitution when they are on television. So do not assume or take for granted that the President has that power. It is this Constitution, the Constitution of the United States, with 39 names attached to it.

Not one word do I hear by those who appear on television, not one word about the Constitution. I said that yesterday. I am going to say it again today. Not one word did I hear. Perhaps I missed something, but I do not think I did. Not one word. They all just assume that the President is going to do it, he has a right to do it, he has an authority to do it. If our administration has its way, we will take this fellow out, and we will take him out unilaterally; we are not going to wait on anything.

Wait a minute, there came a second thought. Some people began to ask questions. Other nations began to ask questions. Our friends began to ask questions. Our friends in the region began to ask questions, and so a decision came. And so, we will hold up a little bit here. We will go to the U.N. That is right. That is good. Go to the U.N.

The U.N. should face up to its responsibilities and should lay down the precepts as to why this regime must go. The U.N. should express a world view to get the other nations of the world to see it is in their interest that there be a regime change or that there be inspections—bona fide inspections, not like the inspections that were going on up until a few years back, in 1998, I believe.

The President has done that. I say let's don't close our eyes to the fact that this Constitution still lives.

Mr. President, I apologize to the Senator from New York. I did not really intend to talk that long. I intended to yield the floor for a question from her, and I intended to do it earlier. I am very happy, with my apologies, to yield to the distinguished Senator. She is a very distinguished Senator from the State of New York; she is a former First Lady of this Nation. I yield to her.

I am grateful that she has a question, that she has perhaps some questions. I am glad somebody is beginning to listen. So I yield to the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. BYRD. The Chair does not recognize the Senator from New York. The Senator from West Virginia has the floor. I yield to the Senator from New York, Mrs. CLINTON, for a question on the condition that I retain my recognition from the Chair as holding the floor.

The PRESIDING OFFICER. The Chair acknowledges the Senator from New York to ask a question.

Mr. BYRD. This Senator has yielded. The Chair can't yield to the Senator from New York for a question. I may not have yielded. Now, Mr. President, I only yield to the Senator from New York, Mrs. CLINTON, for a question. Under the rules, I can do that, and I do that with the understanding that I do not yield the floor. So if I yield the floor, how can the Senator from New York be recognized? The Senator from New York is recognized by virtue, under the rules, of my yielding for a question.

Mrs. CLINTON. Mr. President, I thank the Senator from West Virginia. I thank him for the courtesy of yielding to me for a question, but I thank him even more for his stalwart defense of our Constitution and his constant reminder of our founding document and the principles that it contains.

I ask the Senator from West Virginia, is it not also the case that under the Constitution, this issue about congressional power was very well debated, thought through, written about by our Founders, and that among the powers that were granted to the Congress was the power of the purse, the power to make the decisions about how the people's money would be used? Is that a correct reading of the Constitution that we cherish so greatly?

Mr. BYRD. Mr. President, the distinguished Senator from New York, Mrs. CLINTON, is preeminently correct. That authorization for power of the purse is found in section 9 of article I of the Constitution.

Tie that together with the first section of article 1 and we find where laws are made and the fact that appropriations may be withdrawn from the Treasury in consequence only of an appropriation by law. Congress has to pay and pass the laws. The Senator is preeminently correct.

Mrs. CLINTON. Is it not the case that in the Senator's capacity as the chairman of the Senate Appropriations Committee that the committee, under the Senator's leadership, has held a number of hearings about the various needs that our country faces with respect to both military and homeland security?

Mr. BYRD. Again, the Senator is correct.

Mrs. CLINTON. Is it further the case that in taking testimony and receiving evidence, the Senator has helped to create a better understanding of what the needs are that we should be meeting as we attempt to prepare our country for the unfortunate but realistic possibilities of terrorism?

Mr. BYRD. Mr. President, in response to the question, that has certainly been the intention of the Senator from West Virginia who currently is the chairman of the Appropriations Committee in the Senate. That is the intention, and I believe I am beginning to be successful in getting some ears attuned. The Senator is correct.

Mrs. CLINTON. Further to that point, I believe it is the fact, is it not, that in the course of examining the many needs which our country has, in order to deal with the vulnerabilities we currently experience, the Senator has come up with a number of items that the Appropriations Committee has determined would further our security, fulfilling the responsibility that the Congress is given under our Constitution?

Mr. BYRD. In response to the question from the distinguished Senator from New York, Mrs. CLINTON, that is absolutely correct. Senator STEVENS, as the ranking member of the Appropriations Committee, and I—and the full committee of 29 members made up of 15 Democrats and 14 Republicans—have responded in that spirit, and we have provided for the consideration of the Senate and ultimately the entire Congress our views as to the appropriations that are needed.

Mrs. CLINTON. Is it further correct that among those items the Senator has reviewed, studied, and analyzed for the validity of their claims and the importance of their priorities, was a recognition we had some additional work to do because of the terrible attacks of September 11? And as a Senator from New York, I want to pause for a moment and acknowledge with great gratitude the leadership of the Senator from West Virginia in this body and the response of this Nation. We had some unfinished business that we learned about because of those horrific attacks on September 11, which the Senator from West Virginia is attempting to address.

Mr. BYRD. Mr. President, in response to the question from the very able Senator from New York, Mrs. CLINTON, I respond in the affirmative with a resounding "yes."

The Senator from New York has written me on two occasions about the needs of her constituents. And without losing my right to the floor, I ask unanimous consent that—I believe the Senator has sent me one or two letters. She has spoken to me a number of times off the floor and on the floor in this regard. My memory is not infallible, but she sent me one or two letters. I do not have them right now, but I ask unanimous consent to have printed in the RECORD, at the conclusion of our remarks that are taking place in this colloquy, those two letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1)

Mrs. CLINTON. I thank the Senator from West Virginia because these are matters of grave importance to my constituents. Beyond that, they are of great importance to all Americans. I very much appreciate the Senator's attention because he has studied these issues, he understands how we have to demonstrate clearly our resolve and our preparedness.

I ask the Senator from West Virginia, as he has moved forward with his work on behalf of the Appropriations Committee, and very importantly the work of homeland security, if he has determined there is a need for additional money to be sent to our frontline responders, our frontline soldiers, our firefighters, our police officers, our emergency workers, so they may do the important job of protecting us as we expect them to do?

Mr. BYRD. Mr. President, I thank the distinguished Senator for stating so lucidly and so articulately a reference to the needs of the people of her State, in reference to the needs of the people who are on the ground, in reference to the needs of the first responders, in reference to the needs of the firefighters. She is preeminently correct in her summation of what has happened in that Mr. STEVENS and I—and again the full Appropriations Committee, Republican and Democratic—acted in a very bipartisan way, have time and again responded affirmatively and effectively to the needs of the people of New York and the people of the Nation.

New York was attacked, and within 3 days my committee, the committee of Mr. STEVENS, the Appropriations Committee, appropriated $40 billion.

Time and again, we have responded, and time and again the distinguished Senator—both Senators from New York, the Senator who is now at her desk and the senior Senator from New York who talked with me before having to catch an airplane today and had to leave. He could not be on the floor today because he had something else he was required to do and was expected to do. So he is not present now, but he talked with me today on the floor when the Senate returned to the homeland security bill. And while the Senate was on the Department of Interior appropriations bill, he talked with me again about the needs of his State, the State which he so ably represents. And just a few days ago, within this last week it was, the Senator from New York came to see me in my office. It was not the first time she had come to me to talk about the needs of that great city, the city of New York, and its great people. Many times, she and the senior Senator, Mr. SCHUMER, have come to my office.

Last week, she came to my office in the early evening hours of the day and expressed to me the need for three items especially. She wanted those items in the appropriations bill. We are debating an appropriations bill and it is taking a long time. It should not take this long. We ought to have had this bill passed and sent to the President.

In this Appropriations Committee which I chair and which Mr. TED STEVENS, I will say, cochairs realistically, that committee has reported all 13 appropriations bills several weeks ago which have to be passed this year. They have been reported from my committee. They have been sent to the Senate and they appear on the Senate calendar.

Those 13 appropriations bills are very slow in getting to the President. Not one has gone to the President. The House Appropriations Committee—and I do not speak with disrespect there; they have a wonderful chairman over there in Congressman YOUNG and a wonderful ranking member over there in DAVE OBEY. They speak their minds. They speak their hearts. But that chairman over there has some people, other high offices he has to deal with in that body. He cannot always do what he may wish to do. The House is a little different from the Senate. In the Senate, of course, we can talk and kind of speak our minds, and we can take independent actions here.

That Senator from New York who holds the floor over there at this moment, she is standing right by her desk. She came to my office last week and importuned me to find a way at some point that she would like to introduce an amendment or she wanted an amendment introduced or wanted to amend one of those bills, take care of those three items in particular that she addressed to me. And then, lo and behold, earlier this week I held up a letter brought to me, delivered to me, not by the U.S. Mail but by someone from the Senator's office. I believe she came by my office and did not find me in the office at that time, so she left a letter, which I have already gotten consent to have printed in the RECORD. She wrote me a letter. She was not just saying, I want mine. She was saying, these are needed, also by the people in the other States of this Union.

So yesterday Senator STEVENS and I joined in an amendment to the Interior appropriations bill which comes out of the Appropriations subcommittee that I chair, the subcommittee on the Department of the Interior. In that amendment, Senator STEVENS and I have entered and offered, we have attempted to address the needs of the firemen, of the security of our nuclear plants, and other pressing homeland security needs among which are the three items in which the Senator expressed interest.

So, time and again we have done this. Time and again, the Republicans and Democrats on that subcommittee have joined to deal with the home security needs.

So the answer is, yes, those needs have been expressed by the Senator, those needs have been addressed by the Appropriations Committee, and even now, or when the Senate gets back on the Interior appropriations bill, there is the amendment by Senator STEVENS and myself which will address some remaining needs in the amount of over $900 million in that amendment.

So it is national in scope, but within that national-in-scope measure is the State of New York.

Mrs. CLINTON. I thank the Senator for his understanding and compassion and his leadership.

As I yield back the floor because of a courtesy that was extended to me by the Senator to be part of this colloquy, I point out that dealing with homeland security is a very heavy responsibility.

Mr. BYRD. Mr. President, I yield for the purpose without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. I thank the Senator because he has shouldered this heavy responsibility.

We have a process that we have had for many decades about the money we appropriate for our military, and the needs are discussed within the civilian and military leadership of the Department of Defense. It comes to the Congress, and there is a process.

But we are faced with new challenges. It is my observation and opinion that the Senator from West Virginia and his very worthy colleague, the Senator from Alaska, have taken it upon their shoulders to create a process where none was before so we could begin to address these very serious issues—not wait for a Department to get set up, not wait for it to get organized or get its first budget.

But right now, in the face of the ongoing threats, of having an orange-level threat just a few days ago, it brings home how important the work is the Senator is doing. I express my gratitude to him. I thank him for the courtesy of yielding to me for these questions.

EXHIBIT 1

U.S. SENATE,
Washington, DC, September 3, 2002.
Hon. ROBERT C. BYRD,
Chairman, Senate Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I want to thank and commend you again for all your hard and important work to help New York recover from the terrorist attacks and on the issue of homeland security more generally. We are all greatly indebted to you.

As the FY 2003 Interior Appropriations bill comes to the floor tomorrow, I understand there may be some effort to offer an amendment to provide the emergency funding requested by the Administration to battle the wildfires in the western part of the country. As a part of this effort, I thought I would raise a couple relevant items of particular importance to me that were left short-changed by President Bush's decision to not make the emergency designation on the $5.1 billion you included in the FY 2002 Supplemental Appropriations bill. The following emergency items are especially relevant to address the urgent needs of firefighters and emergency responders in New York and across the country:

$90 million to HHS/CDC for clinical examinations and the monitoring of long-term health consequences for police, fire and other first responders at Ground Zero. Each day there are new reports of emergency rescue personnel who worked at the World Trade Center site suffering from respiratory and other ailments. The $12 million appropriated last year provided sufficient funding to begin baseline screenings for approximately one-third of the workers at the site. This additional funding is necessary to continue the screenings for the remaining first responders, as well to monitor their health for the coming years.

$150 million in firefighting grants as authorized under the FIRE Act. As you know, fire departments from New York and across the country have filed applications that exceed $3 billion in need for $360 million in available resources. These resources will help our fire departments meet the demands and safety needs of our communities.

$100 million in grants to make fire and police equipment interoperable—these resources are split evenly between FEMA and DOJ's Office of Domestic Preparedness. One of the primary causes of the death of most firefighters on September 11th was their inability to communicate with each other and with the Police Department. These resources are critically needed to protect the health and lives of our bravest domestic soldiers.

As you can see, these are all emergency items and ones that you had the foresight to include in the Supplemental Appropriations bill Congress passed earlier this year. I very much appreciate all your hard work and support in making sure these important items get the funding they so critically need.

Sincerely yours,
HILLARY RODHAM CLINTON.

U.S. SENATE,
Washington, DC, September 10, 2002.
Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to follow up on my letter of September 3 with some recent findings on the health of emergency response workers at the World Trade Center site.

New information on the health impacts of working at Ground Zero was released yesterday in the New England Journal of Medicine and the Centers for Disease Control and Prevention's Morbidity and Mortality Weekly Report (attached). This new data confirms, what many of us have known for some time, that there will be continuing health consequences for the workers and volunteers who responded at the World Trade Center site. Specifically, Dr. David Prezant and colleagues presented new data showing that both a "World Trade Center cough" and permanent, asthma-like symptoms are directly correlated with intensity of exposure to the collapse of the towers. In fact, in just six months since the attacks, eight percent of those highly exposed displayed the cough, and twenty-three percent of those highly exposed showed asthma-like symptoms. Of those identified with the cough, 87 percent also had gastrointestinal reflux disease.

In addition, during the 11 months after the attacks, the number of respiratory medical leave incidents increased five-fold and the number of stress-related incidents increased seventeen-fold among FDNY workers. As of the end of August, more than 360 firefighters and EMS workers remained on medical leave or light duty assignment because of respiratory illness that occurred after WTC exposure, and 250 FDNY rescue workers remained on leave with service-connected, stress-related problems. It is estimated that 500 FDNY workers will have to retire on the basis of their injuries in the aftermath of the WTC attacks.

With this new evidence, which was also reported this morning on the front page of The New York Times, I feel more strongly that we must immediately provide the emergency funding you included in the FY 2002 Supplemental Appropriations bill earlier this year. As we have discussed, the three key pieces are:

$90 million to HHS/CDC for clinical examinations and the monitoring of long-term health consequences for police, fire and other first responders at Ground Zero.

$150 million in firefighting grants as authorized under the FIRE Act.

$100 million in grants to make fire and police equipment interoperable. These resources are split evenly between FEMA and DOJ's Office of Domestic Preparedness.

I look forward to working with you on this as we proceed on the FY 2003 Interior Appropriations bill.

Sincerely yours,
HILLARY RODHAM CLINTON.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York for her questions and her comments.

Mr. President, I have been informed that the distinguished occupant of the chair, Mr. WYDEN, has to leave soon, has to depart the chair; is that correct?

The PRESIDING OFFICER. The Senator from West Virginia is correct, but given the importance of the matters of the Senator from West Virginia, I want to make sure the Senator from West Virginia gets all the time he needs to complete his remarks, and I will stay for this.

Mr. BYRD. Mr. President, I thank the Senator. I have been a Member of this body 44 years. I don't think I have ever seen a time when I was pressed to complete my statement on the premise that there were no other Senators available to preside over this body and that the occupant of the chair would have to leave soon, thus forcing me to complete my statement before I intended to complete it.

This comes down to a pretty serious juncture. I will not go any further than to say that in this body no Senator should be required to end his statement on the basis that after a certain hour there will be no further Senators available to preside. Now, Mr. President, that is pretty serious.

I have been a Senator a long time, 44 years come next January 3. I have been a Member of the Congress for 50 years come next January 3. Never have I had it put to me that at a certain hour we will have no more Senators available to preside. Now, something is wrong with the Senate if it has come to that. Suppose I want to speak until 6 o'clock this evening. Suppose I want to deliver a speech that I consider very, very important.

I am not here addressing a Mother's Day speech, making one of my holiday speeches. I am not here talking about Mother's Day or Christmas Day or Thanksgiving or Independence Day. I am addressing what I consider to be one of the most important questions to come before this Senate in my 44 years in this Senate. I am very well aware of the fact there needs to be a Senator in the chair as I speak. As President pro tempore of this body, I should know that. The office of President pro tempore is a constitutional office, unlike the office of, say, the majority leader, minority leader, majority whip, or minority whip. These are offices and officers who are voted on by this body and elected by this body. But I am President pro tempore of the U.S. Senate. I am the 86th President pro tempore of the U.S. Senate. The President pro tempore is the President of the Senate for a time being, temporarily, while the Vice President, who is the President of the Senate, is away, is not presiding, or is assuming the responsibilities of the Presidency in the event, very unfortunate event that that should happen. The President pro tempore, he is the first constitutional officer elected by the Senate in March 1789. He is a constitutional officer. You don't find words in the Constitution about the majority leader or minority leader or majority whip or minority whip. I have been in at least three of those positions, majority leader, majority whip—at least two of them. And minority leader, so I have been three of them. But the President pro tempore is a constitutional officer.

I happen to be a Senator from West Virginia. And I happen to have on my heart, which is heavily burdened, a speech. And I want to unburden my heart.

I don't intend to take undue advantage of the person who is presiding now. Perhaps he is caught in the unfortunate circumstance that there is no other Senator available to take the chair, in which case nobody will hear me; I cannot speak.

This Senator wants to raise a concern, wants to express a concern about the situation, if we have come to that in the U.S. Senate. Senators ought to ponder that. And there ought to be some Senators at least who would be willing—and I am sure there are Senators in town—not every one of the Senators who happen to not be on the floor today, not every one of them is absent from the city. They know what their duties are as Senators. I know what my duty is. It is my duty to get out of my bed and come here and preside, if no other Senators can be found and if it is important that the Senate stand in—I get out of my bed if that happens. I know what my responsibilities are, and it kind of offends me that we seem to have come to a situation this afternoon when no other Senators "are available to take the chair," and the Senator in the chair has to leave shortly.

I am very thankful to the Senator in the chair. I asked him a question and he, I am sure, needs to go soon. But he has expressed the viewpoint and the willingness to stay here as long as I want to speak.

I am not going to take advantage of him and pretty soon I will yield the floor. But I would put it in these words: It is a dreadful thought to me, when I am told that there are no other Senators available. I don't say this critically of the individual who carried this message to me. It is not the making of that individual, that person who is carrying out the duties of that person in doing that. I am sure there must be difficulty in finding Senators.

But what is wrong? What has become of the Senate and its place in the Constitution? What has become of the Senate? It has been here, now, for 215 years. What has become of the Senate? What has become of the Senate, the greatest deliberative body, we hear so often, a body in which a Senator can stand on his or her feet and speak as long as those feet can carry that Senator?

The floor cannot be taken from a Senator unless he has offended the Senate and a point of order is made that the Senator take his seat and he is required to take his seat. If he speaks in terms that are offensive to another Senator, that person's character, he might be asked to take his seat. Or if he speaks offensively concerning a State of this Union, he might be required to take his seat.

But now I am going to be required to take my seat because there is no other Senator available, I understand, to take the duties of the chair.

Mr. President, we ought not in this Senate to have that situation arise again, and I am sorry it arose because it kind of takes away from the theme that I was trying to say here. But it is worth bringing out. Certainly, I think it is worth surfacing because, if that is going to be the situation, then we are in bad shape.

The distinguished Democratic whip earlier today told me that he had an engagement. He had an appointment, I believe, back in his home State. He had to leave at around 3 today and I understood that. That is fine. He told me in plenty of time. He told me this probably before noon today that if I was going to make a lengthy speech, he would have to leave. So I understand that. But there should be some other Senator willing to take the chair, and I have a feeling there are other Senators in town who would come and preside if need be.

All that aside, now, let me close my remarks. In closing I want to thank the officers of the Senate, the staff members of the Senate who have to remain here. They are here in front of us—the Parliamentarian, the journal clerk, the reading clerk and counting clerk and the pages and the people at the desk. They are here. I want to thank them and apologize for my taking the time this afternoon, but we all know what the responsibilities are of officers of the Senate. We know what the responsibilities of clerks and employees of the Senate are when we sign on, and we know what the responsibilities of Senators are when we sign on.

Having said that, I offer my apologies to everyone if I imposed on their time. I offer my apologies, most appropriately and more precisely, to the Senator from Oregon, Mr. WYDEN, who is presiding at this moment and who has very graciously indicated his willingness to sit in that chair until I close.

The whip asked me to close the Senate. So if the whip or the majority leader had any special requests or any Senator had any special request to make before I close the Senate, I will be very happy if someone would present me with those requests.

In the meantime, let me close my printed remarks. It is only a page and a half, and they will go very fast.

> Our form of government—

Senator Mansfield pointed out—

> is based on a system of checks and balances. If this system becomes seriously out of balance at any point, the whole system is jeopardized.

Senator Mansfield noted:

> There is a profound difference between an essential degree of secrecy to achieve a specific purpose and secrecy for the mere sake of secrecy. Once secrecy becomes sacrosanct, it invites abuse.

Senator Mansfield recognized, as I do, that the CIA is by nature and necessity a secretive organization, but it is not an organization that should operate outside our constitutional system, not outside our system of government.

With the Senate select committee to study government operations with respect to intelligence agencies—in other words, the Church Committee, named after the chairman of that committee, the late chairman, Frank Church, the Church Committee—we embarrassingly and tragically learned just how "seriously out of balance" that agency was.

The Senate committee discovered that the CIA had been involved in illegal, improper, and unethical activities, including the overthrow of democratically elected governments, attempted assassinations of foreign leaders, and in violation of foreign countries.

In testimony before the Church Committee, the late Clark Clifford acknowledged:

> The lack of proper controls has resulted in a free-wheeling course of conduct on the part of operations within the intelligence community that has led to spectacular failures and much unfortunate publicity.

That was one of the architects of the National Security Act of 1947 speaking.

Three decades after its enactment, Mr. Clifford was complaining about continuing imperfections and the damage that had been done to our country.

I am very concerned that 30 years from now Congress will be struggling to rectify the problems we will be creating with the hastily considered enactment of this legislation as it is written, creating the Department of Homeland Security, according to the legislation that is written and before the Senate.

How much harm could be done in the meantime cannot be imagined. I am referring to damage to the rights and the liberties that we hold most dear: civil rights, labor rights, labor protections, civil liberties of all Americans.

I will go into those further. I intended to get into some of them this afternoon. I will not do so. I am talking about damage to our constitutional process.

I see one other Senator, the distinguished Senator on the Republican side of the aisle. I assume he would like to take the floor, if I give it up. I didn't intend to give it up until we adjourned. But if the distinguished Senator wishes me to yield to him 5 minutes before I adjourn the Senate, I will adjourn in the absence of the majority whip and the majority leader. But I will do so by their request.

Does the Senator wish me to yield for a question?

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia.

Mr. BYRD. Does he wish me to yield for a statement?

Mr. SESSIONS. I would like to make a statement. I had hoped to speak for 10 or 15 minutes. I understand we have a problem. I have been here since before noon. I know the Senator had his time reserved, as he has every right to do. I was hoping I would have a few moments to talk about the important developments with regard to the President's position on the United Nations and Iraq. I believe it is important to make some remarks today.

The PRESIDING OFFICER (Mr. DAYTON). The Chair is here for the duration, as long as it may take to complete his remarks.

Mr. BYRD. Mr. President, this is the Senator to whom the Senator from Alabama is addressing his remarks. This Senator will answer the Senator.

Mr. President, since there is another Presiding Officer at the moment, the distinguished Senator from Minnesota, who has been in his individual chair in the Chamber—he sits over here to my left—all afternoon during all of the time that this Senator has been talking about the homeland security matter. He is still here. I thank him. He has taken the chair to relieve Senator WYDEN. I am glad of that. I am still not going to impose on the Senate. But I am going to hold the floor until the Senator from Alabama gets through with his statement.

I ask unanimous consent, Mr. President, that I may yield to the distinguished Senator from Alabama, Mr. SESSIONS, for not to exceed 15 minutes.

I ask unanimous consent that the Senator may proceed on the statement only, that I may retain my rights to the floor, and that he may proceed for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia. I appreciate his leadership in the Senate, his concern for our constitutional order, and his serious historical understanding of the separation of powers. We might not always agree on where those separations are, but I certainly respect his dedication to preserving those separations.

PRESIDENT BUSH'S ADDRESS TO THE UNITED NATIONS

Mr. SESSIONS. Mr. President, I believe it is important today to talk about the remarks President Bush made at the United Nations. I believe he has made a courageous call on the United Nations to defend its credibility in its dealings with Iraq by ensuring that Iraq does not continue to update its weapons of mass destruction and does not continue to violate with impunity the 16 U.N. resolutions of which he is in violation. I think those remarks were a true example of world leadership.

President Bush spoke as one who knows right from wrong, who has honest convictions, and he has the courage to express and to act on them. In direct words, he detailed the incontrovertible case that Saddam Hussein deliberately used his promises at the time of his defeat in the Gulf War as a considered strategy to cause the allies to stop their hostilities before removing him from power, which has proven to be a trick. Since then, his actions have clearly confirmed his deception and have shown his insincerity, his duplicity, and his complete rejection of the U.N. resolutions—his rejections, indeed, of the United Nations itself and of the United States and the nations that joined together to defeat him in 1991. He rejects them. He does not respect them and his promises made to them.

Those agreements, he has said he will follow, but he has never intended to follow them because he doesn't give them respect or credibility.

The "Economist" magazine of London said it is well and good to talk about multilateralism, but it asked, "what happens when people agree to things and do not do them?" That brings up a problem, particularly when their failure to do so deals with matters that threaten the peace of the world.

I don't think anyone can deny that Saddam Hussein's consistent policy has been to defeat, obstruct, and get around the agreements he has made.

Some tell us that the world—the international community—is all against us. They say we are acting unilaterally. Some leaders around the world have indeed said that. But the truth is that President Bush is consulting regularly with world leaders. His speech to the U.N. struck the right balance. And progress is being made in obtaining support around the world—with not enough help, I am afraid, from this Congress.

But who would ever deny that Saddam Hussein is a unilateralist? With whom did he consult before he invaded Kuwait in 1991? With whom did he consult before he utilized poison gas to kill thousands of his own citizens, the Kurds, in the 1990s?

Who did he consult with, what other nation did he consult with, when he plotted to assassinate the former President of the United States of America? Who has he consulted with, as he deals to construct, develop, and produce weapons of mass destruction?

So I would like, Mr. President, to just make a few comments here to bring us some perspective that I think is very important at this time on the kind of support we have around the world.

First of all, I think one of the clearest-headed nations—a nation that consistently gets it right around the world on matters of foreign policy—the United Kingdom, is in total support of the United States. Indeed, it was reported in the paper today that they were moving troops into the Middle East, and prepared to use them, if necessary, with us.

So the Foreign Minister of the U.K., commenting on President Bush's speech to the U.N. said it was "tough and effective", and the speech received quite good remarks from the British leadership.

The Belgian Foreign Minister, heretofore a critic of the United States action, Louis Michel, said, after the speech: "Now we have to press Iraq." He added, if the U.N. "doesn't deliver, it will be uncomfortable for some European countries not to support the United States." That was in today's Washington Times.

Kofi Annan, the Secretary General of the U.N., who has criticized the United States recently, also "urged Council members yesterday to take action or lose legitimacy."

Even France, which has been pretty outspoken against the United States actions, accusing the United States of unilateral activities, has said: "We don't have sympathy for the Iraq regime." And their Foreign Minister further added that "he defies the authority of the Security Council, raises the threat of proliferation of weapons of mass destruction and, therefore, jeopardize the stability of the region."

The Danish Prime Minister's views were remarkable. A few days ago, on September 11, in an op-ed piece here in the Washington Times, Anders Fogh Rasmussen, the Danish Prime Minister, said, in a strong statement of affection and support for the United States wrote:

> Our common values, shared destiny and visions have been further fortified by the horrors of September 11.
>
> On the first anniversary of that somber date, Danes will think back with sympathy and sorrow on the victims of the terrorist attacks against the United States and their bereaved families. One year later, our solidarity with America is undiminished.
>
> September 11 was a defining moment calling for determined action in defense of humanity and fundamental freedoms. Acting can entail dangers but the dangers of inaction are far, far greater. In the face of today's new threat, the only way to pursue peace is to pursue those who threaten it.

He goes on to add:

> America and Denmark see eye-to-eye on the real challenges facing us today. In the fight against terrorism, Denmark was, is and will be fully behind the United States. Our best soldiers have been in Afghanistan on the ground and in the mountains, fighting alongside U.S. special operations forces. The danger is far from over and the international community must not waver now.

So said the Prime Minister of Denmark.

Representatives of the Romanian Government have been in town recently, and they have expressed strong support for the United States position in Iraq.

Norway, the Norwegian Foreign Minister, after the speech by President Bush, made these comments: "We are challenged to live up to our responsibilities." And then he said something that I think is true for most of the world leaders: "I guess we'll have to choose among a lot of bad options, really."

Nobody wants to choose. Nobody wants to have a war. We wish it were not so. But we have bad options here. And the President is confronting us with the truth, the history of violations by Saddam Hussein. He is forcing world leaders. He is forcing the U.S. Congress. And, frankly, as I have gone back and studied the history of Saddam Hussein, and the violations are more explicit, more repeated, more deliberate than I had remembered actually.

So I think that is where we are today. And one reason it is appropriate for the United States to be most aggressive in leading this effort is that we are the ones—the United States military—that is overwhelmingly enforcing, as best we can, the resolutions of the United Nations in Iraq today.

Many people do not realize that our planes are enforcing a no-fly zone over Iraq today. They fly every day. They are attacked on a regular basis. And we respond and retaliate on a regular basis, attacking Iraq. And they have surface-to-air missiles that they utilize against our aircraft. So far they have not been able to knock down one of our aircraft.

I say to the Presiding Officer, I know that is a matter of concern to you as a member of the Armed Services Committee. But it is a real matter of significance that we are carrying this burden. How long do they want us to carry it?

The Economist magazine, in an article on this entire matter, voting in their editorial for war, said that the "box is leaking," our ability to contain him cannot continue. And who did they suggest are suffering most? The people of Iraq, the children of Iraq, because of this diabolical leader that they have.

So, yes, we have to take action. We cannot continue to delay. We have troops there in the region that are specifically there to make sure he does not expand again as he did when he attacked Iran. And that war cost 1 million lives in Saddam's failed attempt to defeat Iran and take that territory from Iran; in addition to the gulf war.

He moved, after the gulf war, 80,000 troops down on the Kuwait border, causing us to have to respond out of fear he might once again attack Kuwait.

We have Patriot batteries in Saudi Arabia designed to shoot down Saddam's Scud missiles. I visited a Patriot battery with my legislative assistant, LTC Archie Galloway. And we visited the Alabama National Guard unit that mans a Patriot battery on duty to shoot down Iraqi Scud missiles, if need be at our expense, this very day.

So that is not a problem that has been on the front burner of most of the nations of the world. They are not deeply involved in these matters. They are not paying that cost every day, as we are. They are not confronting the reality of Saddam Hussein's duplicity.

But the President is leading us to understand. So I think it is now important for this Congress to speak. Are we with the President or are we against him? We don't need to be rushed, but we need to get busy in discussing this issue. It is not a new issue.

Most of the evidence is there for the world to see, and has been there for many, many years. So we need to make clear whether we will support the President or not. And if we do not, what are we saying? Are we undermining Secretary of State Colin Powell's ability to negotiate with foreign nations? Are we encouraging the Socialist left in Europe to believe that if they object and fight and complain that they can ultimately prevail, and the United States will fail to act? Are we encouraging radical groups in moderate Arab nations to put more and more pressure on the Arab leaders of those countries who might at least privately be sympathetic to our efforts, by failing to support clearly the President of the United States?

I believe we will act to support the President. I believe this Congress will move. We need to do it before we recess. If we do not, it will be unhealthy for our country. Am I confident we will vote in support of the President and his proposals and give him authority to take the action necessary to preserve and protect our security interests? Yes, I am. Let me tell you why.

There are several important factors. In 1998, this Senate detailed, as I indicated on the floor of the Senate earlier in the week, a list of direct violations of United Nations resolutions by Saddam Hussein. On August 14, 1998, the President of the United States, President Clinton, signed Public Law 105-235 which declared that:

> The Government of Iraq is in material and unacceptable breach of its international obligations.

It urged the President to "take appropriate action in accordance with the Constitution and relevant laws of the United States to bring Iraq into compliance with its international obligations."

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. SESSIONS. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I still have the floor, do I not?

The PRESIDING OFFICER. The Senator has the floor.

Mr. BYRD. Mr. President, inasmuch as I still have the floor and the distinguished Democratic whip has asked me to adjourn the Senate in his absence, I will yield to the Senator 1 additional minute. I have a few brief comments with regard to what the Senator has said. I will be glad to yield, if there is no other objection, to the Senator for an additional minute without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from West Virginia for his courtesy.

It is time for this Congress to relook at our record of involvement with Iraq and study it, to take new testimony, have new hearings, and to stand up, and put up or shut up. We need to be with the President or not with the President. I am convinced this Congress will be with the President. We do not need to undermine his ability to be effective in policies that we support by delaying our support for them.

I urge this Senate to move expeditiously, to not wait on the U.N., which is not elected by the people of the United States to decide this issue but to decide ourselves that we support the President's policies; make that clear, give him the authority he needs to be effective in protecting the United States and this world from a savage and dangerous criminal, Saddam Hussein.

I thank the Senator from West Virginia and yield the floor.

HOMELAND SECURITY ACT OF 2002—Continued

Mr. BYRD. I thank the distinguished Senator from Alabama. I have long had as my friends Senators from Alabama. When I came to the Senate, there were Senators Sparkman and Lister Hill. There have been a succession of Senators from Alabama. Especially, I want to mention the late Senator James Allen from Alabama. I have had very good relations with the Senators from Alabama.

I consider myself as being on the same footing, same level of good relations with the distinguished Senator from Alabama who has just addressed the Senate.

I do want to comment briefly on two or three things that he said.

He first indicated, when I yielded to him, that he and I had often agreed on matters and that there were times when we might disagree as to our interpretations of the Constitution. That can be very true.

Today, I have been talking about a phrase which, when joined with the preceding language, amounts to a sentence, a clause: The Congress shall have power to declare war.

There is no reason for anybody to misinterpret that. I hope the Senator from Alabama wouldn't misinterpret what is in plain view, written in plain English, and has been in that Constitution now for over 200 years. I hope there is no matter of misinterpreting that plainly spoken clause in the United States Constitution: The Congress shall have power to declare war.

I hope we don't have to argue about how to interpret those plainly written, well-understood words from the

English language that Congress shall have the power to declare war. That is what I have been talking about.

The distinguished Senator went on to say, we need to be with the President of the United States; we need to support the President of the United States.

I like to be with the President of the United States on most matters. And in the final analysis, I may be with the President on this one. But it is not a matter of being with the President or supporting the President. I maintain that we need to be with the Constitution of the United States. We need to support the Constitution of the United States. It is not damn the torpedoes, full speed ahead; it is not damn the Constitution, full speed ahead.

I want to be with the Constitution. Count me on the side of the Constitution. I want to support the Constitution first, last, and all the time, I say to the Senator. And maybe I will be with the President in due time. But I am not one who says this is a matter that has to be hurried before the election. What is this? Is this the October surprise in August or in September? This is a matter of great moment. And hinging on the decisions of this Senate may be the lives of many citizens.

In the second book of Samuel, I remember the story there which is told of a rich man and a poor man who lived in the same city. The rich man had huge herds of sheep, cattle, and lambs. The poor man had one little lamb. The poor man had one little ewe lamb. Everywhere that poor man went, that little lamb went. That little lamb was the sole possession the poor man had. When he ate, he fed that little lamb from his bowl, from his pot, or whatever it might have been. The poor man cared for that little lamb and it loved him. He shared his food and he shared his shelter with that little lamb.

Presently, a traveler visited the rich man, and the rich man wanted to present a feast to the traveler. He wanted to show courtesy and all of the niceties of being a man of hospitable nature. He wanted to spread food before the stranger. Did he take from his lambs, his herds? He had huge herds. He had vast possessions. He had barns in which he stored the product of the fields. He had vast lands. He had servants. He was well off. He had many, many lambs.

Did he take one of the lambs from his own herd? No. He took the one little lamb that the poor man had and served it up, may I say to the distinguished Senator from Alabama. He served that little lamb, the only lamb that the poor man had. He didn't ask for it. He just took it. He took that little lamb from the poor man and served it up to his guest.

Now, why do I say this? Why do I refer to second Samuel today? There are many mothers in this land who won't get to vote on this matter. There are many mothers in this land who have but one little lamb. I know we have a volunteer military now, and those who volunteer understand what their responsibilities are. They know they may have to sacrifice their lives, and they volunteered to do it. Nevertheless, there are those in the service who are the little lambs of mothers who are at home at night thinking about their little lambs and praying for their little lambs.

Now, here we are about to be faced with a proposition in which these representatives—these mothers of the sons and daughters who are in the services—will not be asked for their vote. There are those who apparently are under the impression that the Congress doesn't need to be asked for its vote—the Congress, the elected Representatives under this Constitution.

Yet some have suggested that the President has the authority. He can go. Some say he is right and he should attack unilaterally. That is what we have been talking about in the last few weeks. People were under the impression that this might be a unilateral attack by the United States against a sovereign state that was not attacking the United States. Of course, we all agree about this imp who is head of that government. But that is a sovereign state. That state is not attacking us.

I am not arguing that Iraq it is not a threat, but is it such a threat, is it so impending, is it so immediate that the Commander in Chief, who is the civil authority over the military in our system of government, can send men and women in the military to war, send them to give their lives, to shed their blood, without asking the Congress? Is he the alpha and the omega, the beginning and the end, of this decision?

The President is the Commander in Chief. He is not a four-star general. Under our system, it is meant to be that way. He is not a four-star general. This is a republic, a constitutional republic, and we have a legislative branch and a judicial branch. These are separate branches. Are we, the Congress, going to stand by and say I am with my President, right or wrong?

No, I don't subscribe to that. Every Senator in this body knows I have spoken out in opposition to Democratic Presidents—President Clinton being one. I am not speaking from the standpoint of a Democrat. I am speaking from the standpoint of a duly elected Representative of the American people who have sent me here to this body under a constitutional system that observes a separation of power. No, don't tell me you are either with the President or against the President. That is what I have just heard.

I am with the Constitution. Mark me down for the Constitution.

Now, I will have both ears open and hear the arguments that are made. I have already applauded the President for going to the United Nations. I think the U.N. has been derelict in its duty. It has stood by supinely while 16 of its resolutions have been ignored. I don't disagree with that; the President did the right thing in doing that. There should not have been all this talk in the newspaper, on the television, and on the radio, and through the media—the many men and women of the Government taking the attitude, apparently, that the President has the authority to go to war if he wants to; he has the authority. That is not so.

We are not talking about a mere skirmish. We are not talking about a situation in which another country has attacked our country or launched an attack on our military forces. This is not a skirmish that we have looming out here. This is war. The weapons that may be unleashed in this war will not have been unleashed, perhaps, in previous wars. But we still have a Constitution. I don't care how many, or how loud they may talk or speak. I am going to be at least a single voice saying that we live, we work, we act by the Constitution of the United States when it comes to declaring war and making war. You can have a thousand voices, but they will not drown out mine.

I am going to be heard, if God gives me the privilege of standing on this floor and speaking. I don't know how long God may give me that privilege. But as long as I can speak, I will. I am not the greatest defender of the Constitution that ever lived. I know a lot about American history, and I know a lot about the Daniel Websters who spoke in support of the Union that was created by this Constitution, which I hold in my hand.

This is no Johnny-come-lately to this Senate. I have seen 300 Senators come and go except for one Senator. There have been others in this body who have defended this Constitution as valiantly as any could defend it.

Don't say to me you are either with the President or you are not with the President. That is not the case. I am with the Constitution of the United States, and I am with the Commander in Chief of the United States when Congress declares war.

I know there have only been five declarations of war. I know there have been seven other wars that have been carried on, not by declaration but by congressional statute. Congress authorized them. There have been many smaller wars, conflicts, military skirmishes, and so on. But this is a major question facing this country. It will not be a military skirmish if it happens, and many a mother will cry on her pillow because her lamb, perhaps her only lamb, will have his life taken.

Mr. President, I say let's hear what the ordinary people—I want to use the word "ordinary" because that fits me exactly. I came from the other side of the tracks. I did not grow up in the boardrooms of this country. I was never on any corporate board. The only business I ever had was a small grocery store. My wife did most of the work in that little grocery store. She put me through college. So I am from the other side of the tracks.

I have known times when I did not know what my next job would be. I had a family early. My wife and I have been married 65 years, 3 months and 15 days today. We were poor. When I was married I was making $70 a month, working 6 days a week, long hours a day, and for a while in that period walking 4 miles to work and 4 miles from work if I could not catch a ride on a milk truck or bread truck.

I am from the other side of the street. I am not a pampered brat who never knew the need for a nickel, never knew the need for anything, had everything given to me. I do not find any fault with people who are born lucky. What I am saying is there are many more people like this man from the other side of the tracks in this country, and there are many more mothers from that side of the tracks than there are those who never knew what it was to have to wipe the sweat from their brow for their daily bread; never had to get their fingernails dirty; never had to wear tennis shoes in the snow. Those are the people who fight in wars. They are the people whose sons and daughters die in wars, but they are not the people who are at the high echelons of Government who do the voting.

In this instance, yes, we are going to have a vote. You can bet on that. We will have one. I said all along we ought to vote. That is what I am saying today. Congress should vote. But I am not for an "October surprise" in August, and I am not for voting on this matter before the election.

Look behind that drapery. Draw aside that veil. What do you see? It has to be voted on before the election? Forget it. If circumstances develop that truly can convince, can be persuasive beyond a semblance of doubt that Congress ought to act tomorrow or the day after tomorrow or next week, yes, but that convincing case has not been made.

A convincing case was made to the United Nations yesterday with respect to the failures of the United Nations, the fact that that body has been recreant in carrying out their responsibilities, a very convincing case made by the President of the United States. But no convincing case has been made in the press or in this body that we must act to give the President authority to invade a sovereign nation now or before the election. That case has not been made.

Make the case and make it here. And believe me, there will be plenty said on both sides. If our Nation is at war with another country, I will do everything I can to support that war.

I helped to build the liberty ships and the victory ships in the shipyards of Baltimore and the shipyards of Tampa, FL during World War II. I was a first-class welder who helped to build ships to carry the food and commerce for the engine of war in World War II. I helped to build the ships to convey to the military in Europe, in northern Africa, in the Pacific. These ships carried the munitions of war. We helped to keep the food lines and the blood lines open with those ships. So there are many ways to serve. But believe you me, this Senator is not now or ever going to be stampeded into voting for or against this subject just to be with or without the President. I am with the Constitution. If that is the argument we are going to hear, it is not going to be a very persuasive argument. You are either going to be with this President or not with him.

Who made this President? He is a very respectable individual who comes from a fine family. I served here with his father who became President. Who made him? How did he become President? Somebody had to cast votes to elect him President. How long will he be President?

The Constitution made this President. The Constitution was here before this President or any other President. Who made the President? Who is going to be with the President? I will first be with the Constitution. I may be with the President later, but first is the Constitution.

Don't come here saying we are either with or without the President. That is not the question. The question is: Are we with the Constitution? Are the people's representatives going to make a decision? When that time comes, then there might be some good arguments to go to war with Iraq, even to stand alone and go to war. Maybe arguments can be presented. There may be evidence by then. Who knows? I do not know, but we have to see it. The evidence is not there yet that we have to act so hastily, that we have to act before the election.

What does the election have to do with it? What does the election have within itself to do with it? The election will go forward. What is to keep Congress from voting on this matter after the election? Why does it have to be before the election? Is that the "October surprise" in September or October, before November? Let's not be too hasty. That is what I have been saying about this legislation with reference to homeland security. Let's don't be too hasty. Let's do it right. Remember that mother's lamb.

The distinguished Senator asked: With whom did Hussein talk? With whom did he consult? He may not have consulted anybody; that is too bad. Hussein should have had a free and independent Senate. Hussein should have had a Senate where voices could be heard, voices in opposition to Hussein, voices of caution, openly and freely where all the public could hear. Yes, Hussein should have had that. There was no Senate like this Senate in Hussein's government. I am talking about a free, separate branch, that is independent, where there is free, unlimited speech—except for unanimous consent or cloture—where there is a Senate that controls the purse strings. Yes, I say Hussein should have had that. He should have had a Senate like this Senate. It is not led around by any President's chain. No President chains this Senate.

There are no chains on this Senate. It is a free and independent Senate. Yes, Hussein should have had a Senate such as this one, where debate would have been heard. But he does not have that. With whom did he consult? Certainly not an Iraqi Senate, like this one.

The same could be said of Emperor Justinian who ruled in Constantinople, on the great golden horn. Justinian sent thousands of people to their deaths in the Nika rebellion. Justinian did not have a Senate.

What about Ivan the Terrible, who had tens of thousands massacred? Ivan the Terrible did not have a Senate. There was no Senate in Muscovy.

Peter the Great sent thousands of men to labor and to die in the swamps to build the city of Petrograd, Leningrad. But Peter the Great had no Senate to caution him, no Senate that controlled the purse strings.

Yes, with whom did Hussein consult? That is a good question. But we know that Hussein had no Senate.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. BYRD. No, not yet. I will yield maybe later. I will be glad to yield—does the Senator have to leave the floor? I will yield right now. He is about to leave the floor in a huff, I believe. I hope he is not. Maybe I am misinterpreting him.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alabama for a question without losing my right to the floor.

The PRESIDING OFFICER. The Senator has that right.

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia. The Senator is so eloquent in defending the prerogatives of this Senate, and I thank him for that.

We do not need to rush into this. I am of the belief—and I ask the Senator if he would consider the possibility that he would be willing to support the commencement of debate and a vote, if we could do so, before we recess because we may be into January before we return, and I think it could complicate matters.

If I was inarticulate, I apologize, but my request would be that we consider the policies, not the President. It is not a personal thing; the Senator from West Virginia is correct. Let us consider those policies so the world would know whether we are going to support that or not. I know the former Vice Presidential nominee for the Democratic Party, Senator LIEBERMAN, is supporting these policies, and I think there is a majority here. I think the Senator from West Virginia may well agree at some point, after he has had full time to digest and consider it, but I do believe and hope that the Senator would consider allowing us to have a vigorous debate and a vote as soon as we possibly could.

Mr. BYRD. Mr. President, I will respond to the question that has been addressed to me, and it is a good question, a thoughtful question. May I just say I hope the Senator will join me in insisting that this Senate debate the homeland security legislation and not rush that legislation. That is a part of national defense as much as anything. It is the defense of our homeland. So I hope the Senator will be one of those who will join me in taking our time to thoughtfully debate a very serious matter, namely, the creation of the Department of Homeland Security.

Now, more to the question as it was addressed to me, the answer is I support debate on the question as to whether or not the Congress should authorize the Commander in Chief to make war. I have asked my staff to consider language for such a question to be presented to the Senate. My staff has been working on such a matter. I hear that Mr. LEVIN is going to hold hearings in the Armed Services Committee, on which the distinguished Senator from Alabama serves so well.

It is good that Senator LEVIN is going to do that. It is good that the distinguished Senator from Delaware, Mr. BIDEN, chairman of the Foreign Relations Committee, will hold hearings. The chairman of the Intelligence Committee, Senator GRAHAM, may hold hearings. So all these things are well and good. They are all necessary under the circumstances. We should understand what the witnesses say in those hearings.

Our three chairmen should not just invite administration witnesses. Apparently they already have their minds made up. Invite them, but don't just not stop at that. Apparently they have their minds made up. I heard three or four of them on Sunday talk shows last Sunday. I already mentioned that. They are all from the same viewpoint, and not one mentioned the Constitution of the United States. Yes, I favor that the Congress vote, up or down. I have said that before today. I have said that many days. I think the Congress should vote up or down on the question.

This is the question as to whether or not Congress will authorize and declare war, if it comes to that. This will be no minor skirmish. This will not be a little group out on a party and they happened to run into some other people, they got mixed up and got to fighting, and two or three were killed. This is not a minor skirmish. I said, yes, this is a solemn question because it does involve a dictator such as Saddam Hussein, one who has killed his own people, gassed his own people, one who has shown no compunction about using biological or chemical weapons. We know he has done that. We know he can do that.

But the question is, what is it that makes it so urgent that all of a sudden here comes something like a cloud over the western hills and blows into the Capital City, here is a looming storm that just came up. Lord, this may be a torrent. It may flood ourselves. It may kill people. We have to do something about it right now. What can we do as mere mortals? It is not quite like that.

I have already said the President has inherent power without asking anybody. If Congress is out of town, he does not have to ask Congress. If this country is attacked, he has the inherent power to repel the attacker. I don't argue about that. But that is not the situation. What is so new? We have known these things now for months or years.

May I say to the distinguished Senator from Alabama, would the Senator show me the courtesy of just finishing? I know there may be some who think I am long winded.

Mr. SESSIONS. I had something I had to take care of, and I thank the Senator, but I will be glad to stay a few more minutes.

Mr. BYRD. Cicero was asked what speech by Demosthenes he liked best; and he said, the longest.

So it is all right. One can be long winded if he has something to say. And he may have to say it over and over and over in this situation.

I say, yes, yes, in answer to the Senator, I am for a vote. But I have to see evidence that requires us to vote now or tomorrow. We have had this evidence all this while, at least a long while, 3 months or 4 months or 3 years. So why the sudden rush that we have to vote before the election? I think we should vote after the election so Senators will not be persuaded or moved one way or the other, because of an election, as to how they vote. They are voting to send that little lamb to the slaughter. Should we do that in a hurry? No. I say let's delay.

I have said all I will say in answer to the distinguished Senator, unless he has another question.

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia for his courtesy and his thoughtfulness. I just ask that he consider, in evaluating his decision, the difficulties it provides for the United States if we cannot get a vote of support. If we are not for it, let's say so. If we do not believe and we are not going to fund—which is our ultimate power, to cut off funds—let's say so, and we get on with something else.

I strongly believe we should proceed. Senator WARNER, who was chairman of the Armed Services Committee or ranking member on the Armed Services Committee, said there were nine hearings last time before the gulf war, with a period of intense debate. The Senator is correct, we ought to have hearings and we ought to have debate. It is just a question of, as soon as we get that and people feel ready, the sooner we get started and the sooner we complete it, I think the Nation will be better off.

I respect the views of the Senator and the concerns. As the Senator knows, under our Constitution we have elections all the time, one following the other. There is never a time that someone does not have an election in mind, unfortunately.

Mr. BYRD. The Senator avoids the question he put to me. He is talking about an election that will come upon us in November—this coming November. I understand what he is saying. He is saying we ought to take action before the election. Then he says we ought to hear what the U.N. says. And I say, let's not be in all the hurry. We ought to hear what the U.N. says. Let's see what world opinion is. We ought not go into this alone.

If this man is a threat to world peace, the United States should not have to go it alone. Perhaps he will have to be removed. But we have a little bit of time, surely.

I say to the Senator, let's take the time. Let's debate the question. Let's debate it and reach a decision on the basis of what the Constitution tells us.

Let me just continue. I didn't want the Senator to leave. I thought he was about to leave.

Let me continue. He said, with whom does he consult? That is a good question. I have already responded. I also talked about Justinian. I talked about Ivan the Terrible. I talked about Peter the Great. Now, let's go to Stalin. With whom did he consult? With whom did Adolph Hitler talk? With whom did he consult?

It was not a free and independent Senate. If they had a free and independent Senate that had control of the power and control of the purse strings, history might have been different. Hundreds of thousands of lives might have been saved.

Mr. President, let us not act in haste. Let us forget about our politics. Let us not be for or against a resolution on the question of war or peace on the basis of what party we belong to. Let us put that question in a way that we will be with and in support of the Constitution.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now go into a period for the transaction of routine morning business and that Senators may speak therein for not to exceed 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD FOR GUNS PROGRAM

Mr. LEVIN. Mr. President, this Saturday the Detroit Police Department will begin a new gun buyback program offering a $25 gift certificate for gas and a $25 gift certificate for food to anyone who brings in an unloaded gun. Last year, a very successful similar effort took more than 600 guns off the streets of Detroit.

During the past week, volunteers from the Youth Initiative Project, an organization dedicated to drug prevention and stopping youth violence, have gone door-to-door informing people throughout the community of the program. In addition, the Youth Initiative Project is a planning a Family Safety Fun Day to coincide with the gun buyback program that will distribute trigger locks and information on gun safety.

There have been 14 young people killed by guns this year in metro Detroit. In response to these tragic shootings, the Youth Initiative Project held a town hall meeting at the Redford Branch of the Detroit Public Library on how to prevent gun violence. Some of the organizers were trained this summer at the Youth Action Institute, a three day convention in Washington, D.C. sponsored by the Alliance for Justice. These same volunteers are planning three more town hall meetings in Detroit and then will move their program into local schools.

I hope my colleagues will join me in commending the Detroit Police Department for this positive approach to getting guns off the streets and the Youth Initiative Project for their efforts to make the day a success and their commitment to educating their peers on gun safety.

NEEDED: REGIME CHANGES IN BURMA AND CAMBODIA

Mr. McCONNELL. Mr. President, on August 1, 2002 the United States and the Association for Southeast Asian Nations, ASEAN, signed a "Joint Declaration for Cooperation To Combat International Terrorism."

Through this Declaration, both Burma and Cambodia affirmed commitments "to counter, prevent, and suppress all forms of terrorist acts . . ." and pledged to view "acts of terrorism in all its forms and manifestations, committed wherever, whenever, and by whomsoever, as a profound threat to international peace and security. . . ."

Lest the irony of these commitments be lost on my colleagues, let me say a word or two about each country.

For over a decade, the people of Burma have been under the repressive misrule of military thugs who have systematically ruined the economy, while profiting from illicit activities, imprisoned political opponents, (including those legitimately elected by the people of Burma), raped ethnic girls and women, forced into labor children and villagers, and squandered scarce financial resources on military weapons and nuclear technology, at the expense of the welfare of their compatriots.

Just last week, two members of the youth wing of the National League for Democracy—the legitimately elected representatives of the people of Burma—were arrested and sentenced to three years in prison for possessing a journal published by exiled dissidents. By any definition, the State Peace and Development Council's rule in Burma has been a reign of terror.

In neighboring Cambodia, the ruling party is led by a former Khmer Rouge guerilla whose penchant for violence is well known, and documented, throughout the region. In July 1997, Prime Minister Hun Sen staged a bloody coup d'etat to oust his royalist rivals, and he is the prime suspect in a brutal assassination attempt on the country's sole opposition leader, Sam Rainsy.

That attempt, which occurred during a political rally on Easter Sunday in 1997, failed, but killed and injured scores of Cambodians. American democracy worker Ron Abney was injured in the terrorist attack, and has long suspected that Hun Sen was the devious mastermind. To this day, Ron and all victims of Hun Sen's terror are awaiting justice.

I am also troubled by news reports that Heng Sean, an opposition activist, was murdered in Kampong Cham over the weekend. It appears that Mr. Heng's only crime was to support Sam Rainsy and his agenda for reform.

For my colleagues less familiar with Cambodian affairs, I recommend reading "The Cambodian Conundrum" by veteran journalist Nate Thayer, Foreign Service Journal, March 2002, which provides keen insights into the previous Administration's "blind eye" foreign policy in Cambodia.

Given the actions of Southeast Asian hardliners in Rangoon and Phnom Penh, last month's pledges to combat terrorism ring hollow. It would serve American interests in the war on terrorism—as well as benefit the welfare of the people of Burma and Cambodia—for regime changes to occur in those countries.

UNITED STATES POLICY ON SUDAN

Mr. FEINGOLD. Mr. President, I rise today to comment on the situation in Sudan, a country characterized by brutal fighting and tremendous suffering, a country in which an estimated two million people have died in just the past decade from war-related causes, and where millions more have been displaced.

In July, I held a hearing on U.S. Policy in Sudan in my capacity as chairman of the African Affairs Subcommittee of the Senate Foreign Relations Committee. At that time, I praised the administration for devoting high-level attention to the plight of the Sudanese people. As I noted then, the President and the Secretary of State have spoken out about Sudan. The President appointed Senator John Danforth to be his Special Envoy for Peace in Sudan. USAID Administrator Andrew Natsios was named Special Humanitarian Coordinator for Sudan. As a result of Senator Danforth's efforts, the International Eminent Persons Group has investigated means for preventing abductions and slavery and has reported on its findings. And in July, negotiations between the Government of Sudan and the Sudan People's Liberation Army, or SPLA, in Machakos, Kenya produced a broad framework for ending the civil war and providing the people of the south with the means to exercise their right to self-determination. All of this deserves praise.

But currently, the negotiations are troubled. The Government of Sudan pulled its negotiators out of Machakos in response to the SPLA's capturing the strategic garrison town of Torit on September 1. Many observers, including key American officials, believe that the process is not permanently derailed but merely disrupted. Still, this disruption calls the world's attention to a rather telling point. There is no ceasefire on the ground in Sudan, and not only do military engagements continue, so too do attacks on civilians and the manipulation of humanitarian assistance. The situation of the Sudanese people has not improved despite the developments at the negotiating table.

I continue to support the administration's efforts to work with Inter-governmental Authority on Development, IGAD, to facilitate the peace process. But given this disconnect between reality on the ground and rhetoric in negotiations, given the troubled recent history of United States-Sudanese relations, given the scale and scope of the abuses committed against civilians regularly in that troubled country, this effort requires something of a leap of faith. I do not criticize the administration for taking the leap, I believe that it was a correct and courageous decision to work with the Government in Khartoum and with the SPLA to try to find a path to peace in Sudan. But I do criticize the administration for not taking the confidence-building measures, including those identified by Senator Danforth, seriously enough, leaving us with little in the way of concrete reassurances that our leap was a wise one.

Specifically, I am referring to issue of the civilian bombing monitoring team. In the July hearing, I asked Assistant Secretary of State for African Affairs Walter Kansteiner about the bombing of civilian targets. Senator Danforth succeeded in getting both the Government of Sudan and the Sudanese People's Liberation Army to agree to allow a monitoring team to verify their stated commitment not to intentionally attack civilian targets. That happened in spring. But at the time of the hearing, we still had no monitors on the ground. Meanwhile, reports of attacks on civilians persist. What are we waiting for, I asked. When will the team be functioning on the ground?

I was told that this effort was taking shape, and that the team would be functioning by the end of August. But today, the team is still not in place, still not functioning. We cannot even move to the very important work of trying to link documented incidents of attacks on civilians to clear consequences, because we remain, apparently, incapable of deploying a qualified and appropriately equipped team of people with experience in Sudan and in human rights monitoring.

I spend a great deal of time trying to call the administration's attention to very serious issues in sub-Saharan Africa that are deserving of more American time and interest. I do not have to do that when it comes to Sudan. Bringing peace to Sudan appears to me to be this administration's most significant policy initiative in the region, and I commend the administration for its efforts. That said, this element of the effort, following up on the commitments obtained by Senator Danforth relating to the bombing of civilian targets, this element of the effort is quite plainly falling short.

If the administration needs additional resources, personnel, or logistical capacity to make this happen efficiently and effectively, I know that many in Congress stand ready to help. Many of my colleagues have long history of working to address the crisis in Sudan, notably my partner in on the African Affairs Subcommittee, Senator FRIST, and I admire their commitment and their work. In calling attention to this issue, and in criticizing the administration for its failure to move forward on the civilian bombing monitoring issue, I do not seek to inject partisanship into the Sudan policy debate. But I do want to make it clear that this is not a small thing and not a secondary priority. The administration's capacity to help bring peace to Sudan is strongest when the diverse community of Sudan advocates and the entire Congress is united in support for that effort. We need to sustain our faith in this endeavor with concrete steps even as our country continues to facilitate big-picture negotiations. And so I encourage the administration to make deploying a qualified and well-organized monitoring team at the earliest possible date a real priority.

ADDITIONAL STATEMENTS

IN RECOGNITION OF BISHOP WILLIAM T. CAHOON

● Mr. TORRICELLI. Mr. President, I rise today to recognize the work of Bishop William T. Cahoon on the recent Holy Convocation in New Jersey.

For more than a quarter century, Bishop Cahoon has dedicated himself to bringing together the ministry and local communities. He currently serves as the Jurisdictional Prelate for the Garden State Jurisdiction, Church of God in Christ, and in 1984 was elected and served as Secretary of the National Board of Trustees. During this time, he has championed issues which empower the family, church and community, and is the founder of the Community Development Corporation, known as the New Garden State Caring Families and Neighborhoods, Inc. In 1997, he was recognized as one of the 100 Most Influential Persons in the State of New Jersey and was given the Man of Distinction Award of his Jurisdictional efforts in 1998.

Bishop Cahoon has always believed that "We must minister to the realities of our unique communities through whatever social, economic, political and spiritual means necessary." It is this openness to new ideas of ministering to the people of New Jersey that inspired the recent Holy Convocation, the goal of which was to the paradigm shift to ministering in the 21st century.

It was an honor to see Bishop Cahoon at work during the recent Holy Convocation and I wish him the best in his mission.●

THE 100TH ANNIVERSARY OF THE JEWISH NATIONAL FUND

● Mr. CORZINE. Mr. President, I rise to congratulate the Jewish National Fund as the group celebrates its 100th anniversary on October 6, 2002. Without the efforts of the Jewish National Fund, the nation of Israel might very well not exist. Today, through the efforts of the JNF, Israel not only exists as a Jewish State, but flourishes despite numerous geographic and political changes.

The Jewish National Fund was established at the Fifth Zionist Congress in 1901 with the express purpose of allowing Jews from around the world to join together and make the Zionist dream a reality. Jewish communities from around the world participated by collecting donations in signature "Blue Boxes." These donations were used to purchase the land that would one day become the state of Israel. Jews disunited could not achieve their nationalist dream and create a Jewish state in the land of Israel, but together, through the work of the Jewish National Fund, they began to build a nation. JNF purchased the land, developed and built the infrastructure, and planted the forests that made the country green. I am confident that through the dedication and hard work of the Jewish National Fund, Israel will continue to thrive for the next 100 years and beyond.

Since 1901, the Jewish National Fund has planted over 220 million trees, built over 120 dams and reservoirs, developed over 250,000 acres of land, created more than 400 parks throughout Israel and educated students around the world about Israel and the environment. The Jewish National Fund is also active in funding arid land research and has partnered with the USDA Forest Service and the Arizona-based International Arid Lands Consortium.

This past year marked a great milestone for the Jewish National Fund. The group celebrated a great century and witnessed the birth of their dream: a thriving Jewish homeland. I wish the Jewish National Fund the best of luck as they embark on their second century of service.●

TRIBUTE TO ALBERT GREENE CLAY

● Mr. MCCONNELL. Mr. President, I wish to pay tribute to the late Albert Greene Clay, a man whose contributions were instrumental to the tobacco and horse industries, and whose presence was well-known at the University of Kentucky.

A native of Mount Sterling, KY, Albert received a bachelor's degree from Duke University in 1938, and attended Harvard Business School in 1939. On October 26, 1939, Albert married his college sweetheart, Lorraine Case Newlin. I would like to take this opportunity to express my sincerest condolences to his family, especially his wife Lorraine, his sons Robert and John, his daughter Charlotte Clay Buxton, and seven grandchildren.

Albert left behind a legacy as an individual whose contributions to the tobacco industry are far-reaching and long-lasting. He played a key role in the establishment of the Burley Auction Warehouse Association in the 1940s, and continued his involvement by serving as chairman and president of the organization's board for 25 years.

Albert's leadership extended to the national level, where he served as director of the National Tobacco Tax

Council, Burley and Dark Leaf Tobacco Export Association and Tobacco Growers Information Committee. In 1977, he was appointed by the Carter administration to serve on the Agriculture Policy Advisory Committee for Trade Negotiations.

Not only did Albert's accomplishments encompass the tobacco industry, but they also extended into another important facet of his native State—the horse industry. Albert helped found the American Horse Council in 1969, and continued to serve as secretary of the organization for many years. His passion for horses benefited students at the University of Kentucky, where Albert played a vital role in the creation of the institution's Equine Research Foundation. He served as chairman there from 1988 to 1998 and was also instrumental in the formation of UK's Maxwell Gluck Equine Research Center. Albert maintained his involvement in the university, serving on the UK board of trustees, and as chairman of the board for several years.

I would like to express my appreciation for Albert Greene Clay's outstanding contributions to both the Commonwealth of Kentucky, and the entire United States.•

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 20, 2001, in Cullman, AL. Two black men were attacked inside their car after arriving at a party. The assailants, three white men, smashed the car with baseball bats and cut a racial slur into the side of the car. Authorities investigated the incident as a possible hate crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

100TH ANNIVERSARY OF BIG BASIN REDWOODS STATE PARK

• Mrs. FEINSTEIN. Mr. President, I rise today to congratulate the Big Basin Redwoods State Park of Santa Cruz County in California on their 100th anniversary.

Established in 1902, Big Basin Redwoods State Park is California's oldest State park. Big Basin Redwoods is the birthplace of the original coastal redwood conservation movement. Today the results of the conservation movement can be seen in the 18,000-plus acres of California redwood forest.

The park has the largest continuous stand of Ancient Coast Redwoods south of San Francisco. Additionally, Big Basin Redwoods State Park is considered by many to be the birthplace of both the park and environmental movement in California.

At the turn of the 20th century, the remaining redwood forests were disappearing at rate that threatened massive destruction of the ancient trees. The only redwood forests left in America ranged from Oregon to Big Sur. Concerned citizens and organizations such as the Sempervirens Club, persuaded then-Governor Henry T. Gage to sign legislation that would set aside land for a redwood park.

Today, the ensuing generations of those environmentally concerned citizens are celebrating the 100th anniversary of the preservation of the California redwood lands. The perseverance and dedication to protecting primeval forest places that the founders of the Big Basin Redwoods State Park exemplified are recognized and celebrated today. Without such dedication to the environmental movement hundreds of forests across the country would have been destroyed.

The Big Basin Redwoods State Park contains both cultural and historical sites of national importance, wildlife habitats, natural ecological preserves, and recreational opportunities for the public. The Big Basin Redwoods State Park is a unique and uncommon place of historical and primeval environmental importance. Therefore, special recognition is deserved on September 13, 2002, the 100th anniversary of its founding.•

HONORING WALTER J. SCHRAMM THE OUTSTANDING OLDER WORKER OF SOUTH DAKOTA FOR 2001

• Mr. JOHNSON. Mr. President, I wish to publicly commend Walter Schramm, a resident of Winner, SD, on his selection as last year's Outstanding Older Worker of South Dakota.

The Outstanding Older Worker award is sponsored by Experience Works a national, nonprofit organization that provides training and employment services for mature workers. Walter will be honored in Washington, D.C., September 17–21, at the annual Experience Works Prime Time Awards Program. He will join 51 other outstanding older workers representing each State, the District of Columbia, and Puerto Rico. Due to the tragic incidents of September 11, 2001, and the subsequent cancellation of the Experience Works Prime Time Awards Program, Walter will be recognized at this year's event.

After serving in the Pacific theater in World War II as a Marine Air Corps pilot, Walter returned to the United States to complete his military service and start a career. With little money, and no retail experience, he opened the Schramm Furniture store in Winner. His lack of business knowledge and experience was overcome by his tremendous work ethic and strong sense of community. Walter's hard work and dedication over the years have helped him succeed and grow as a small business owner, and today, his two sons, Jeff and Tom, share the business with their father.

For the past 56 years Walter has been the owner/president of Schramm Furniture, Inc. At age 85, he continues to work six days a week, nine hours a day. Walter opened his business with the motto: "Provide good service to the customer and they will come back." Though times have changed, Walter's motto has remained the same, and today, just as 56 years ago, customers continue to return to Schramm Furniture for its reliable customer service.

Walter's tremendous contributions to the community, and civic/business leadership have set him apart from other outstanding senior workers. He is a member of the Chamber of Commerce and Rotary International, Trinity Lutheran Church, the SD Retailers Association, the Winner Athletic Association, and a lifetime member of the American Legion and VFW.

This prestigious honor is a reflection of his extraordinary service and commitment to the Winner community. Through his outstanding community involvement and dedication to service, the lives of countless South Dakotans have been enormously enhanced. His wonderful example serves as a model for other hard working and dedicated individuals throughout South Dakota to emulate.

Walter Schramm is an extraordinary person who richly deserves this distinguished recognition. I strongly commend his years of hard work and dedication, and I am very pleased that his substantial efforts are being publicly honored and celebrated. It is with great honor that I share his impressive accomplishments with my colleagues.•

HONORING RUSSELL WYATT THE OUTSTANDING OLDER WORKER OF SOUTH DAKOTA FOR 2002

• Mr. JOHNSON. Mr. President, I wish to publicly commend Russell Wyatt, a resident of Hot Springs, on his selection as this year's Outstanding Older Worker of South Dakota.

The Outstanding Older Worker award is sponsored by Experience Works, a national, nonprofit organization that provides training and employment services for mature workers. Russell will be honored in Washington, D.C., September 17-21, at the annual Experience Works Prime Time Awards Program. He will join 51 other outstanding older workers representing each State, the District of Columbia, and Puerto Rico.

At age 76, Russell Wyatt continues to own and operate Wyatt's Real Estate and Appraisal Service in Hot Springs. Russell's hard work and dedication over the years has helped him succeed and grow as a small business owner. His entrepreneurial spirit has led to many tremendous accomplishments, and helped him adapt to a rapidly changing workplace.

However, it is Russell's tremendous contributions to the community, civic leadership, and volunteer work that set him apart from other outstanding senior workers. He helped organize the Oral Volunteer Fire Department and Southern Hill's Real Estate Board, promote the Miss South Dakota Pagaent, and bring a Pamida Store and Civic Center to Hot Springs. Hot Springs residents have come to count on his hard work and dependability.

This prestigious honor is a reflection of his extraordinary service and commitment to the Hot Springs community. Through his outstanding community involvement and dedication to service, the lives of countless South Dakotans have been enormously enhanced. His wonderful example serves as a model for other hard working and dedicated individuals throughout South Dakota to emulate.

Russell Wyatt is an extraordinary person who richly deserves this distinguished recognition. I strongly commend his years of hard work and dedication, and I am very pleased that his substantial efforts are being publicly honored and celebrated. It is with great honor that I share his impressive accomplishments with my colleagues.●

IRA YELLIN: IN MEMORIAM

• Mrs. FEINSTEIN. Mr. President, I wish to pay tribute to Ira Yellin, who passed away on September 10. He was only 62 years old.

My heart goes out to his wife, Adele, to his daughter Jessica and his son Seth, to his mother Dorothy and his two brothers, Marc and Albert.

Ira was a true visionary, a man who championed the restoration of downtown Los Angeles long before it was popular.

His own restoration of the Grand Central Market, an enduring emblem of the ethnic diversity that is Los Angeles, is perhaps the greatest of his many accomplishments as a real estate developer.

Yet Ira was involved in so much more than real estate. He was a civic and community leader, and served as a past president of the American Jewish Committee and a member of the board of the Skirball Cultural Center and the J. Paul Getty Trust.

The son of a Talmudic scholar, an ex-Marine, an urban pioneer, a political and social activist, Ira was an optimistic man of boundless energy. Not even the lung cancer that he battled so bravely over the last year could slow him down.

Up until the very end of his life he maintained his commitment to his work, to his community and, above all, to his loving family, in a way which has earned my highest admiration and my deepest affection.

Ira Yellin was a wonderful man who will be sorely missed, yet both his notable achievements and his engaging personality have made a lasting impact on all of us. He will not be soon forgotten.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, which was referred as indicated:

EC-9007. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Amendment to Regulation H (Membership of State Banking Institutions in the Federal Reserve System)—Reporting and Disclosure Requirement for State Member Banks with Securities Registered under the Securities Exchange Act of 1934" (Doc. No. R-1129) received on September 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1865: A bill to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Lower Los Angeles River and San Gabriel River watersheds in the State of California as a unit of the National Park System, and for other purposes. (Rept. No. 107-279).

S. 2222: A bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes. (Rept. No. 107-280).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON:

S. 2934. A bill to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 2935. A bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 2936. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes; to the Committee on Governmental Affairs.

By Mr. EDWARDS:

S. 2937. A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. LEVIN):

S. Res. 327. A resolution honoring Ernie Harwell; considered and agreed to.

ADDITIONAL COSPONSORS

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 1103

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1103, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates in any case in which there is an absence of effective competition, and for other purposes.

S. 1678

At the request of Mr. MCCAIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1785

At the request of Mr. CLELAND, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1990

At the request of Mrs. MURRAY, the name of the Senator from Delaware

(Mr. CARPER) was added as a cosponsor of S. 1990, a bill to establish a public education awareness program relating to emergency contraception.

S. 2026

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2026, a bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes.

S. 2122

At the request of Mrs. CARNAHAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2184

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 2633

At the request of Mr. LEAHY, his name was withdrawn as a cosponsor of S. 2633, a bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purpose.

S. 2734

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2816

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 2869

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. BREAUX), the Senator from Wisconsin (Mr. KOHL) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2869, supra.

S.J. RES. 35

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S.J. Res. 35, A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 326

At the request of Mr. BIDEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 326, A resolution designating October 18, 2002, as "National Mammography Day".

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Con. Res. 11, A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 107

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 107, A concurrent resolution expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment", as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape.

S. CON. RES. 129

At the request of Mr. CRAPO, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Con. Res. 129, A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as "Chronic Obstructive Pulmonary Disease Awareness Month".

S. CON. RES. 136

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Con. Res. 136, A concurrent resolution requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

AMENDMENT NO. 4510

At the request of Mr. BAYH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4510 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4518

At the request of Mr. CRAIG, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Colorado (Mr. CAMPBELL), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. SMITH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 4518 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 2934. A bill to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; to the Committee on the Judiciary.

Mr. JOHNSON. Mr. President, I rise today to introduce the American Legion Amendment Act to make technical changes to the membership qualifications in the Federal charter of the American Legion.

Under the American Legion's current charter, a veteran who leaves the Armed Services may become a member of the American Legion if he or she served since "August 2, 1990 through the date of cessation of hostilities, as decided by the United States Government" and "was honorably discharged or separated from that service or continues to serve honorably after that period." At this point, the United States Government has not issued a cessation of hostilities decision for U.S. military operations during this period. For those military men and women who are no longer serving, they have discharge papers stating they served honorably during that period which makes them qualified for American Legion membership. Yet, servicemembers who served since August 2, 1990, and are still on active duty, have no discharge papers for the period, and are not officially serving after the cessation of hostilities. Therefore, they are not eligible for membership in the American Legion despite their dedicated service in our nation's Armed Forces.

The bill that I am introducing today would change the standard for a veteran to qualify for membership in the

American Legion to "continues to serve during or after that period." This change would make it clear that membership is open to the thousands of active duty personnel who served during operations Desert Shield and Desert Storm, in addition to the operations that followed in Iraq, Bosnia, Kosovo, and Afghanistan.

As my colleagues in the Senate know, the American Legion continues to be one of our Nation's most effective advocates on behalf of America's veterans, as well as a pre-eminent service organization. The American Legion has grown to nearly 3 million members whose efforts are truly making a difference in communities throughout our country. As the father of a son who served in Bosnia, Kosovo, and Afghanistan, I am pleased to offer the American Legion Amendment Act that will offer him and his military colleagues the opportunity and the honor to join the American Legion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF REQUIREMENTS FOR ELIGIBILITY IN THE AMERICAN LEGION.

Section 21703(2) of title 36, United States Code, is amended by inserting "during or" after "continues to serve honorably".

By Ms. LANDRIEU:

S. 2935. A bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, as you know, the State of Louisiana, along with many other States, has for the past several months been under siege. The enemy is small, but powerful, and great in number. Hard to detect, they sneak up on you and with one attack, they can change your life forever. To date, 10 Louisianans have lost their lives in our war against mosquitos and the West Nile virus that they carry and 222 more have been injured. In Baton Rouge, our State capital, 42 people have been reported to have been infected with the disease and three have died. Only Illinois, with 292 human cases and 11 deaths, has experienced more casualties from the virus than Louisiana.

I am here this morning to introduce legislation that asks for Federal assistance for States to "M.A.S.H." out this predator and stop the spread of this disease. Throughout the history of Louisiana, spraying for mosquitos and dredging the water they breed in has been a common occurrence. Until now, however, it was done because mosquitos were pests and they could carry deadly germs. Now, our State and local officials are spraying around the clock in a desperate race to control the worst outbreak of West Nile the Western hemisphere has ever seen. There is no specific treatment for West Nile, nor a vaccine. The most effective way to protect our citizens against this deadly virus is to stop it before it happens.

I think that is clear that there is an urgent need for this bill to become law. If passed, it can have an immediate effect in saving on the lives of people in my State and throughout the nation. I want to be clear, however, that this is not an effort to supplant state's responsibility in this area, but to supplement it. Our State has and will continue to dedicate a great deal of State and local resources toward "Fighting the Bite." On September 5, 2002, the State of Louisiana began distributing $3.4 million in state funds to support the local governments in their efforts to combat West Nile. The Department of Health and Hospitals is spending over $200,000 on a public education campaign asking people to do their share to avoid leaving standing water and other mosquito havens. Two-thirds of Louisiana's population is covered by an active mosquito control program and those without mosquito control programs are using spray trucks provided by the Louisiana Department of Agriculture and Forestry.

One might think that given the national public health threat imposed by the spread of West Nile that there would already be Federal funding of this type available. Natural disasters such as this require the Federal, State and local governments to work together in a coordinated fashion to bring immediate relief to affected citizens, to educate the public, and to prevent the disease from inflicting further harm. Our Nation's first experience with the West Nile Virus taught us that effective treatment and prevention of this deadly disease also requires coordination among the many Federal agencies with expertise and jurisdiction. The formation of a West Nile Virus Coordinating Committee, chaired by CDC and composed of representatives from USDA, the United States Geological Survey's National Wildlife Health Center, the Environmental Protection Agency, and the Defense Department was the first step in this direction.

Louisiana's experience, thus far, has proven the necessity of this coordinated approach. However, Federal leadership must continue to be strengthened, and coordination must continue to be improved between Federal agencies involved in West Nile. One of the shortfalls, and perhaps the easiest to address, is the lack of an effective funding source for mosquito control. In August of this year, the CDC endowed the state of Louisiana with $3.4 million to use in the fight against West Nile. The CDC money, though, cannot be spent on chemicals or spraying, rather it must be spent on surveillance, education and testing. It is for this reason that our Governor, and the Governor of Mississippi appealed to FEMA for their help in increasing much needed abatement activities. This request was denied.

West Nile is one of many vector borne diseases spread from birds to humans by mosquitos. If our Nation's public health system is to respond accordingly, then they must have the aid of effective mosquito abatement programs. This bill puts that system in place. I am pleased to by joined by my senior Senator from Louisiana, as well as Senators GREGG and HUTCHISON. I am hopeful that before long this bill will be supported by the majority of the Senate. I ask the majority leader for his help in seeing to it that this bill is passed as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mosquito Abatement for Safety and Health Act".

SEC. 2. GRANTS REGARDING PREVENTION OF MOSQUITO-BORNE DISEASES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 4 of Public Law 107–84 and section 312 of Public Law 107–188, is amended—

(1) by transferring section 317R so as to appear after section 317Q; and

(2) by inserting after section 317R (as so transferred) the following:

"SEC. 317S. MOSQUITO-BORNE DISEASES; ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS; COORDINATION GRANTS TO STATES.

"(a) PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States for the operation of mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as 'control programs').

"(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to political subdivisions that—

"(A) have an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to other political subdivisions;

"(B) demonstrate to the Secretary that the political subdivisions will, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions; and

"(C) demonstrate to the Secretary (directly or through State officials) that the

State in which the political subdivision is located has identified or will identify geographic areas in the State that have a significant need for control programs and will effectively coordinate such programs in such areas.

"(3) REQUIREMENT OF ASSESSMENT AND PLAN.—A grant may be made under paragraph (1) only if the political subdivision involved—

"(A) has conducted an assessment to determine the immediate needs in such subdivision for a control program, including an entomological survey of potential mosquito breeding areas; and

"(B) has, on the basis of such assessment, developed a plan for carrying out such a program.

"(4) REQUIREMENT OF MATCHING FUNDS.—

"(A) IN GENERAL.—With respect to the costs of a control program to be carried out under paragraph (1) by a political subdivision, a grant under such paragraph may be made only if the subdivision agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than ⅓ of such costs ($1 for each $2 of Federal funds provided in the grant).

"(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision involved justify the waiver.

"(5) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the political subdivision involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision will submit to the Secretary, and to the State within which the subdivision is located, a report that describes the control program and contains an evaluation of whether the program was effective.

"(6) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $100,000. A political subdivision may not receive more than one grant under such paragraph.

"(b) ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States to conduct the assessments and to develop the plans that are required in paragraph (3) of subsection (a) as a condition of receiving a grant under paragraph (1) of such subsection.

"(2) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $10,000. A political subdivision may not receive more than one grant under such paragraph.

"(c) COORDINATION GRANTS TO STATES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of coordinating control programs in the State.

"(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to States that have one or more political subdivisions with an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.

"(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if—

"(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and the plan takes into account any assessments or plans described in subsection (a)(3) that have been conducted or developed, respectively, by political subdivisions in the State;

"(B) in developing such plan, the State consulted or will consult (as the case may be under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs; and

"(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions described in paragraph (2) that are contiguous.

"(4) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

"(A) describes the activities of the State under the grant; and

"(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account any reports that the State received under subsection (a)(5) from such subdivisions.

"(5) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $10,000. A State may not receive more than one grant under such paragraph.

"(d) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a), (b), or (c) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of control programs under subsection (a) and assessments and plans under subsection (b). The Secretary may provide such technical assistance directly or through awards of grants or contracts to public and private entities.

"(f) DEFINITIONS.—For purposes of this section:

"(1) CONTROL PROGRAM.—The term 'control program' has the meaning indicated for such term in subsection (a)(1).

"(2) POLITICAL SUBDIVISION.—The term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007. In the case of control programs carried out in response to a mosquito-borne disease that constitutes a public health emergency, the authorization of appropriations under the preceding sentence is in addition to applicable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.".

SEC. 3. RESEARCH PROGRAM OF NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 463B. METHODS OF CONTROLLING CERTAIN INSECT POPULATIONS.

"The Director of the Institute shall conduct or support research to identify or develop methods of controlling the population of insects that transmit to humans diseases that have significant adverse health consequences.".

SEC. 4. SENSE OF THE SENATE CONCERNING THE WEST NILE VIRUS.

It is the sense of the Senate that—

(1) the West Nile virus raises concerns about the safety of the nation's blood supply and every effort should be made to protect blood and blood products recipients from infection with the virus;

(2) the Food and Drug Administration should comprehensively review its protocols and regulations for screening of blood and platelet donors and their donated specimens, and report to Congress on the ability of these protocols to protect the blood supply from West Nile virus;

(3) on the basis of a review conducted as provided for in paragraph (2), the Commissioner of Food and Drugs should revise protocols and regulations to protect the blood supply and blood products supply from West Nile virus to the maximum extent possible;

(4) the Commissioner of Food and Drugs should make recommendations on additional authorities that are needed to protect the blood supply and blood product supply from the West Nile virus; and

(5) the Commissioner of Food and Drugs, keeping with procedures to maximize the protection of the public health, should expedite review of appropriate blood screening tests for the West Nile virus.

Mr. BREAUX. Mr. President, the West Nile virus has reached epidemic proportions. My home State of Louisiana has seen cases of the disease skyrocket in recent months, with 222 cases and 9 deaths reported to date. But this is not a problem isolated in one State or one region. The Centers for Disease Control, CDC, have reported cases of this mosquito-borne illness in humans in 30 States and the District of Columbia. It is clear, as we have seen in Louisiana, that State governments are overtaxed in money and man-power and simply cannot continue to fight the spread of this disease on their own. The Federal Government needs to work hard and fast to combat this potential public health crisis and assist the hardest hit areas in preventing the loss of even more lives.

Earlier this year, my colleagues in the House of Representatives, Congressmen BILLY TAUZIN and CHRIS JOHN, introduced legislation that would make grants available through the CDC to help States in establishing and maintaining mosquito control programs and prevent mosquito-borne illnesses. Today Senator LANDRIEU and I have introduced companion legislation to the House bill, The Mosquito Abatement for Health and Safety Act, H.R. 4793, of the same title in an effort to quickly make resources available to local governments in Louisiana and across the country that have been on the front lines fighting the spread of the West Nile outbreak.

Both bills would provide money to improve assessment tools, including surveys of potential mosquito breeding areas, and support research initiatives to develop methods of controlling insect populations that spread disease and pose a health threat to humans. In disbursing grant monies, the CDC would give priority to those areas with reported instances of mosquito-borne illnesses in humans or animals.

The country is experiencing an outbreak that is both unfortunate and alarming. Only through improved coordination of state and federal agencies can we begin to address this problem and spare further cases of this deadly disease.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 327—HONORING ERNIE HARWELL

Ms. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 327

Whereas Ernie Harwell worked as a Major League Baseball broadcaster for 55 years and as the signature voice of the Detroit Tigers for 42 of those years;

Whereas Ernie Harwell's voice brought the game of baseball to life for Tiger fans, and he was voted Michigan Sportscaster of the year 17 times;

Whereas Ernie Harwell had such a love of baseball that, upon meeting Babe Ruth as a child, he had "The Babe" autograph his shoe because he did not have paper;

Whereas Ernie Harwell called the 1968 and 1984 World Series that crowned the Tigers world champions;

Whereas in 1948, Ernie Harwell became the only broadcaster to be traded for a player when Branch Rickey, general manager of the Brooklyn Dodgers, traded Cliff Dapper to the Atlanta Crackers for Harwell;

Whereas Ernie Harwell's memorable moments include broadcasting the debut of Willie Mays in 1951, Bobby Thomson's "shot heard 'round the world" that same year, and Hoyt Wilhelm's no-hitter against the New York Yankees in 1958;

Whereas on August 2, 1981, Ernie Harwell became the fifth broadcaster to be inducted into the Baseball Hall of Fame;

Whereas Ernie Harwell brought to life, through the medium of radio, the performances of some of baseball's greats, such as Sparky Anderson, Kirk Gibson, Al Kaline, Denny McLain, Alan Trammell, and many others;

Whereas the Cleveland Indians renamed the visiting radio booth in the Jacobs Field press box the "Ernie Harwell Visiting Radio Booth" in commemoration of his career;

Whereas Sunday, September 15, 2002, is "Ernie Harwell Day" at Comerica Park in Detroit, Michigan; and

Whereas Detroit Tiger fans all over the country have fond memories of Ernie Harwell, summer, and Tiger victories: Now, therefore, be it

Resolved, That the Senate—

(1) honors and celebrates the achievements of Ernie Harwell;

(2) wishes Ernie Harwell good health and happiness in his retirement; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Ernie Harwell.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4536. Mr. INHOFE (for himself and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4536. Mr. INHOFE (for himself and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 1 . RECONSTRUCTION OF INTERSTATE 40.

(a) IN GENERAL.—Subject to the condition described in subsection (b), notwithstanding any other provision of this Act, in addition to amounts that are otherwise available, $12,000,000 shall be made available, and shall remain available until expended, for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma that was destroyed as a result of a barge collision that occurred on May 26, 2002.

(b) CONDITION.—The condition described in this subsection is that the State of Oklahoma agree that the Federal Government shall—

(1) be subrogated to all claims of the State of Oklahoma for amounts necessary to reconstruct the destroyed portion of Interstate Route 40 against each entity determined to be responsible for the collision, not to exceed $12,000,000 in the aggregate; and

(2) have authority to pursue such claims as are necessary to recover any amounts up to $12,000,000 that are not paid to the State by those entities.

(c) REIMBURSEMENT AND REOBLIGATION OF FUNDS.—Federal funds obligated before the date of enactment of this Act for the reconstruction described in subsection (a)—

(1) may be reimbursed from funds available under this section; and

(2) if reimbursed under paragraph (1), shall be immediately available to the State of Oklahoma for reobligation.

(d) EMERGENCY REQUIREMENT.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A), 902(e)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Friday, September 13, 2002, at 9:30 a.m., to conduct an oversight hearing to receive testimony on the implementation of the Comprehensive Everglades Restoration Plan. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING ERNIE HARWELL

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 327, submitted earlier today by Senators STABENOW and LEVIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 327) honoring Ernie Harwell.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, I rise to submit a resolution, along with Senator LEVIN, to honor Ernie Harwell, the voice of the Detroit Tigers. As Tiger fans across the country know, Ernie Harwell is retiring this year after broadcasting major league baseball for 55 years, the last 42 of which were in Detroit.

Ernie Harwell has broadcast some of the great moments in baseball, including the debut of Willie Mays, Bobby Thompson's "shot heard round the world" and Hoyt Wilhelm's famous no hitter against the Yankees in 1958.

In addition, he also called the Tigers' last two World Series victories in 1968 and 1984. He also brought to life the performances of some of baseball's greats, like Sparky Anderson, Kirk Gibson, Al Kaline, Denny McLain, Alan Trammel and many others.

Tigers fans have such fond memories of Ernie Harwell, it is hard to believe that he will not be in the broadcast booth next year. Since Sunday, September 15 is Ernie Harwell Day at Comerica Park in Detroit, Senator LEVIN and I wanted to take up and pass this resolution congratulating Ernie on his great career and wishing him the best of luck in retirement.

I hope my colleagues will support this resolution.

Mr. LEVIN. Mr. President, I am pleased and honored to join my colleague from Michigan, Senator STABENOW, in offering a resolution commemorating the achievements and retirement of Ernie Harwell. Ernie, a Hall of Fame broadcaster, will conclude his remarkable 55-year career upon calling his last game for the Detroit Tigers this season. For most of the last 42 years, Ernie has served as the voice of the Tigers, and I know that Detroit fans, as well as baseball fans everywhere, will miss Ernie's distinctive voice and irreplaceable baseball wit. In a city rich with baseball tradition, Ernie is as much of a part of Tiger baseball as the Olde English D and Tiger Stadium.

For four decades, Ernie Harwell's unwaveringly calm voice has provided Tigers fans with an incomparable mixture of play-by-play description, baseball history, and sensible statistics. Much of Ernie's appeal grew out of the fact that he almost never lets emotion overtake him. He lets his words, his description of the game, paint a vivid picture of the events for the listeners at home.

Ernie Harwell was born on January 25, 1918, in Washington, GA. As a boy, he delivered newspapers on a route that included the famed author Margaret Mitchell's home. Before launching his sports career, Ernie served as a Marine in World War II. He also acted in several movies including "One Flew Over the Cuckoo's Nest." He began his baseball career as a sportswriter and copy editor for the Atlanta Constitution. Luckily for us, he did not stay in that position long; in 1943 he left to become an announcer for the Southern Association's Atlanta Crackers.

Ernie's skills were quickly recognized in Atlanta, and in 1948 he became the only announcer ever traded for a player! Branch Rickey, the General Manager of the Brooklyn Dodgers, traded catcher Cliff Dapper to the Crackers to allow Ernie to break his contract. His tenure in Brooklyn was highlighted by calling Jackie Robinson's best season, 1949, when Robinson was awarded the Most Valuable Player award for the National League while leading the Dodgers to the pennant.

The next year, Ernie left Brooklyn to go across town and call New York Giants games on the burgeoning medium of television. While there, he called Willie Mays's debut game in 1951 and Bobby Thomson's "Shot Heard 'Round the World" at the end of that season when the Giants won the pennant. Unlike Russ Hodges' who shouted "The Giants win the pennant!", Ernie stuck to his style and simply said "it's gone" when the ball shot off Thomson's bat. That was all baseball fans needed.

After a short stint as the first broadcaster of the Baltimore Orioles, he was hired as the voice of the Detroit Tigers, where he has stayed for 42 of the last 43 years. Ernie quickly became a part of the Tigers family. "If you do this job for a while in one city and you're pretty good, you become part of the family," he once said. "They take you to the beaches and the mountains and the cottages, the workplace and the kitchen. That's gratifying, but it's sort of humbling, too, that people are that interested and they listen."

Ernie called the 1968 and 1984 World Series that crowned the Tigers world champions. He was in Detroit for the careers of many baseball greats, including the soon-to-retire Travis Fryman, now with the Cleveland Indians. Fryman, one of Ernie's favorite players in Detroit, presented him with an Indians hat and jersey during the Tigers' last trip to Cleveland. During that series, Indians officials named the visiting radio booth in the Jacobs Field press box the "Ernie Harwell Visiting Radio Booth."

The true devotion of Tigers fans to Ernie Harwell was made loud and clear when the Tigers' then-new management informed Ernie that 1991 would be his last season as the Tigers' broadcaster. They said they wanted to go with a younger and newer voice. Following a public outcry, the Motor City brought home its familiar voice in time for the 1993 season. He has been with Detroit ever since.

Ernie's achievements have been recognized on both the local and national stage. He has been voted Michigan Sportscaster of the Year 17 times and is a member of the Michigan Sports Hall of Fame. In 1981 he was just the fifth broadcaster to be elected to Baseball's Hall of Fame. In 1988 he became a member of the Radio Hall of Fame and the following year he was elected to the National Sportscasters Hall of Fame.

Ernie's talents extend beyond the microphone. He is an accomplished author and songwriter. He has authored such books as Tuned to Baseball, Diamond Gems and The Babe Signed My Shoe, and coauthored or contributed to several other books about the game of baseball. In addition to his literary works, Ernie has also had more than 50 of his songs professionally recorded.

Considering that he has announced games over an unprecedented seven decades, Ernie will always be remembered best as a broadcaster; however, his personality and earnestness have endeared him to generations of listeners as a friend. To say that Ernie Harwell is beloved by the citizens of Michigan would be an understatement, which is why it comes with great regret that we are marking his retirement.

Ernie Harwell once said that a successful play-by-play man "should have the enthusiasm of a fan, the background knowledge of a writer, the reflexes of a ballplayer, and the impartiality of an umpire." I think he has exemplified these qualities, and he brought so much more to the game. Ernie Harwell is a Detroit hero and a baseball legend. While some of the Tigers' recent years have been forgettable, Ernie Harwell will never be.

As much as we will miss Ernie, we wish him well as he begins his life away from the microphone. I join the citizens of Michigan in thanking Ernie Harwell for his decades of outstanding service to the Detroit Tigers and the broadcasting community. I know my colleagues in the Senate will join me in supporting this resolution in his honor.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 327) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 327

Whereas Ernie Harwell worked as a Major League Baseball broadcaster for 55 years and as the signature voice of the Detroit Tigers for 42 of those years;

Whereas Ernie Harwell's voice brought the game of baseball to life for Tiger fans, and he was voted Michigan Sportscaster of the year 17 times;

Whereas Ernie Harwell had such a love of baseball that, upon meeting Babe Ruth as a child, he had "The Babe" autograph his shoe because he did not have paper;

Whereas Ernie Harwell called the 1968 and 1984 World Series that crowned the Tigers world champions;

Whereas in 1948, Ernie Harwell became the only broadcaster to be traded for a player when Branch Rickey, general manager of the Brooklyn Dodgers, traded Cliff Dapper to the Atlanta Crackers for Harwell;

Whereas Ernie Harwell's memorable moments include broadcasting the debut of Willie Mays in 1951, Bobby Thomson's "shot heard 'round the world" that same year, and Hoyt Wilhelm's no-hitter against the New York Yankees in 1958;

Whereas on August 2, 1981, Ernie Harwell became the fifth broadcaster to be inducted into the Baseball Hall of Fame;

Whereas Ernie Harwell brought to life, through the medium of radio, the performances of some of baseball's greats, such as Sparky Anderson, Kirk Gibson, Al Kaline, Denny McLain, Alan Trammell, and many others;

Whereas the Cleveland Indians renamed the visiting radio booth in the Jacobs Field press box the "Ernie Harwell Visiting Radio Booth" in commemoration of his career;

Whereas Sunday, September 15, 2002, is "Ernie Harwell Day" at Comerica Park in Detroit, Michigan; and

Whereas Detroit Tiger fans all over the country have fond memories of Ernie Harwell, summer, and Tiger victories: Now, therefore, be it

Resolved, That the Senate—

(1) honors and celebrates the achievements of Ernie Harwell;

(2) wishes Ernie Harwell good health and happiness in his retirement; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Ernie Harwell.

AMENDING SECTION 5307 OF TITLE 49, UNITED STATES CODE

Mr. BYRD. Mr. President, by the authority of the majority leader, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5157 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5157) to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5157) was read the third time and passed.

INTERNATIONAL DISABILITY AND VICTIMS OF LANDMINES, CIVIL STRIFE AND WARFARE ASSISTANCE ACT OF 2001

Mr. BYRD. Mr. President, at the request of the distinguished majority leader and the assistant leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 528, S. 1777.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1777) to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Disability and Victims of Landmines, Civil Strife and Warfare Assistance Act of [2001] *2002*".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following finding:

(1)(A) According to the International Committee of the Red Cross, there are tens of millions of landmines in over 60 countries around the world, and it has estimated that as many as 24,000 people are maimed or killed each year by landmines, mostly civilians, resulting in amputations and disabilities of various kinds.

(B) While the United States Government invests more than $100,000,000 in mine action programs annually, including funding for mine awareness and demining training programs, only about ten percent of these funds go to directly aid landmine victims.

(C) The Patrick Leahy War Victims Fund, administered by the United States Agency for International Development, has provided essential prosthetics and rehabilitation for landmine and other war victims in developing countries who are disabled and has provided long-term sustainable improvements in quality of life for victims of civil strife and warfare, addressing such issues as barrier-free accessibility, reduction of social stigmatization, and increasing economic opportunities.

(D) Enhanced coordination is needed among Federal agencies that carry out assistance programs in foreign countries for victims of landmines and other victims of civil strife and warfare to make better use of interagency expertise and resources.

(2) According to a review of Poverty and Disability commissioned by the World Bank, "disabled people have lower education and income levels than the rest of the population. They are more likely to have incomes below poverty level than the non-disabled population, and they are less likely to have savings and other assets . . . [t]he links between poverty and disability go two ways—not only does disability add to the risk of poverty, but conditions of poverty add to the risk of disability.".

(3) Numerous international human rights conventions and declarations recognize the need to protect the rights of individuals regardless of their status, including those individuals with disabilities, through the principles of equality and non-discrimination.

(b) PURPOSE.—The purpose of this Act is to authorize assistance for individuals with disabilities, including victims of landmines and other victims of civil strife and warfare.

SEC. 3. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 134 the following:

"SEC. 135. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.

"(a) AUTHORIZATION.—The President, [acting through the Administrator of the United States Agency for International Development,] is authorized to furnish assistance to individuals with disabilities, including victims of civil strife and warfare, in foreign countries.

"(b) ACTIVITIES.—The programs established pursuant to subsection (a) may include *programs, projects, and* activities such as the following:

"(1) Development of local capacity to provide medical and rehabilitation services for individuals with disabilities, including victims of civil strife and warfare, in foreign countries, such as—

"(A) support for and training of medical professionals, including surgeons, nurses, and physical therapists, to provide effective emergency and other medical care and for the development of training manuals relating to first aid and other medical treatment;

"(B) support for sustainable prosthetic and orthotic services; and

"(C) psychological and social rehabilitation of such individuals, together with their families as appropriate, for the reintegration of such individuals into local communities.

"(2) Support for policy reform and [advocacy] *educational* efforts related to the needs and abilities of individuals with disabilities, including victims of civil strife and warfare.

"(3) Coordination of programs established pursuant to subsection (a) with existing programs for individuals with disabilities, including victims of civil strife and warfare, *in foreign countries.*

"(4) Support for establishment of appropriate entities in foreign countries to coordinate programs, projects, and activities related to assistance for individuals with disabilities, including victims of civil strife and warfare.

"(5) Support for primary, secondary, and vocational education, public awareness and training programs and other activities that help prevent war-related injuries and assist individuals with disabilities, including victims of civil strife and warfare, with their reintegration into society and their ability to make sustained social and economic contributions to society.

"(c) PRIORITY.—To the maximum extent feasible, assistance under this section shall be provided through nongovernmental organizations, and, as appropriate, through governments to establish appropriate norms, standards, and policies related to rehabilitation and issues affecting individuals with disabilities, including victims of civil strife and warfare.

"(d) FUNDING.—Amounts made available [for a fiscal year] to carry out the other provisions of this part (including chapter 4 of part II of this Act) *and the Support for East European Democracy (SEED) Act of 1989* are authorized to be made available [for such fiscal year] to carry out this section and are authorized to be provided notwithstanding any other provision of law.".

SEC. 4. RESEARCH, PREVENTION, AND ASSISTANCE RELATED TO INTERNATIONAL DISABILITIES AND LANDMINE AND OTHER WAR VICTIMS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, is authorized—

(A) to conduct programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare;

(B) to provide grants to nongovernmental organizations for the purpose of carrying out research, prevention, public awareness and assistance programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare.

(2) APPROVAL OF SECRETARY OF STATE.—Activities under programs established pursuant to paragraph (1) may be carried out in foreign countries only [after consultation] *in coordination* with the Administrator of the United States Agency for International Development, and upon approval for such activities in such countries by the Secretary of State.

(b) ACTIVITIES.—Programs established pursuant to subsection (a) may include the following activities:

(1) Research on trauma, physical, psychological, and social rehabilitation, and continuing medical care related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare, including—

(A) conducting research on psychological and social factors that lead to successful recovery;

(B) developing, testing, and evaluating model interventions that reduce post-traumatic stress and promote health and well-being;

(C) developing basic instruction tools for initial medical response to traumatic injuries; and

(D) developing basic instruction manuals for patients and healthcare providers, including for emergency and follow-up care, proper amputation procedures, and reconstructive surgery.

(2) Facilitation of peer support networks for individuals with disabilities, including victims of landmines and other victims of civil strife and warfare, in foreign countries, including—

(A) establishment of organizations at the local level, administered by such individuals, to assess and address the physical, psychological, economic and social rehabilitation and other needs of such individuals, together with their families as appropriate, for the purpose of economic and social reintegration into local communities; and

(B) training related to the implementation of such peer support networks, including training of outreach workers to assist in the establishment of organizations such as those described in subparagraph (A) and assistance to facilitate the use of the networks by such individuals.

(3) Sharing of expertise from limb-loss and disability research centers in the United States with similar centers and facilities in war-affected countries, including promoting increased health for individuals with limb loss and limb deficiency and epidemiological research on secondary medical conditions related to limb loss and limb deficiency.

(4) Developing a database of best practices to address the needs of the war-related disabled through comprehensive examination of support activities related to such disability and access to medical care and supplies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section such sums as may be necessary for each of fiscal years [2002] *2003* through 2004.

SEC. 5. EXPERTISE OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs is authorized—

(1) to provide advice and expertise on prosthetics, orthotics, physical and psychological rehabilitation and treatment, and disability assistance to other Federal departments and agencies, including providing for temporary assignment on a non-reimbursable basis of appropriate Department of Veterans Affairs personnel, with respect to the implementation of programs to provide assistance to victims of landmines and other victims of civil strife and warfare in foreign countries and landmine research and health-related programs, including programs established pursuant to section 135 of the Foreign Assistance Act of 1961 (as added by section 3 of this Act) and programs established pursuant to section 4 of this Act; and

(2) to provide technical assistance to private voluntary organizations on a reimbursable basis with respect to the planning, development, operation, and evaluation of such landmine assistance, research, and prevention programs.

[SEC. 6. INTERAGENCY GROUP.

[(a) ESTABLISHMENT.—The Secretary of State shall establish and chair an interagency group to ensure coordination of all Federal programs that furnish assistance to victims of landmines and other victims of civil strife and warfare, and conduct landmine research, demining and prevention programs.

[(b) OTHER MEMBERS.—Members of the interagency group shall include, but not be limited to, representatives from—

[(1) the United States Agency for International Development;

[(2) the Department of Health and Human Services;

[(3) the Department of Education;

[(4) the Department of Defense; and

[(5) the Department of Veterans Affairs.

[(c) PUBLIC MEETINGS.—At least once each calendar year, the interagency group should hold a public meeting in order to afford an opportunity for any person to present views regarding the activities of the United States Government with respect to assistance to victims of landmines and other victims of civil strife and warfare and related programs. The Secretary of State shall maintain a record of each meeting and shall make the record available to the public.]

Mr. BYRD. Mr. President, I ask unanimous consent the committee amendments be agreed to, the motion to reconsider be laid on the table, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1777), as amended, was read the third time and passed, as follows:

THANKING SENATE PERSONNEL

Mr. BYRD. Mr. President, let me thank again our very dedicated staff and the officers of the Senate, the security personnel, the committee staff people, and in particular those Senators who have presided this afternoon.

And I should not forget the pages. I thank them too.

Let me also thank the people who work here at these desks. Many times they have to come to Senators to tell them what the situation is. It may not be a situation that the Senator likes. That is not because of the person who carries the message to the Senator. People who convey the message are told to carry the message.

If I have said anything today that would offend any person in the Senate family, I certainly want to apologize.

I don't see any other Senators seeking recognition.

I again thank the Senator from Minnesota for presiding at this hour, at 4:15 p.m.

ORDERS FOR TUESDAY SEPTEMBER 17, 2002

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, September 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, by the way, that was the day in 1787 that the Constitutional Convention completed its work—September 17, 1787. What a day. What a great day for free peoples, for people who have the liberty and freedom to speak. It devised a system of government, a government of the people, by the people, and for the people—a government of separation of powers and checks and balances.

I thank those Framers for what they did on July 16, 1787, when they decided under a great compromise which provided for a Senate—a Senate where Members would represent the States with two Senators from each State so that a small State, or a large State, or medium-size State would have an equal voice in this Senate. Let us remember that as we go along.

Again, I say that day on September 17, 1787, there were 39 signers who put their names on this Constitution, including John Milton Niles, a Senator from Connecticut. And his relative sits in the chair today, Senator DAYTON from Minnesota.

Let me begin again so that the RECORD will show it as read in its completeness and without interruption.

I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, September 17; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader, or his designee, and the second half of the time under the control of the Republican leader, or his designee; that at 10:30 a.m. the Senator resume consideration of H.R. 5093, the Interior Appropriations Act; that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly conferences; that at 2:15 p.m. the Senate resume consideration of H.R. 5005, homeland security; that at 4:15 p.m. the Senate resume consideration of the Interior Appropriations Act with 60 minutes of debate, equally divided between the chairman and the ranking member of the subcommittee, or their designees, prior to the vote on cloture on the Byrd amendment; further, that the live quorum with respect to the cloture motion filed today be waived; and that the cloture vote occur at 5:15 p.m., Tuesday, September 17, without further intervening action or debate.

Before the Chair puts the question, let me consider what I just said.

Mr. President, I add this request, which is my own request: That when the Senate resumes consideration of

H.R. 5005, the homeland security bill, I be recognized at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I overlooked a request of the lady. I thank the fine lady who serves the Senate so well for calling this to my attention. And, for the Record, her name is Lula.

Mr. President, I also ask unanimous consent that Members have until 1 p.m., Tuesday, September 17, to file first-degree amendments, notwithstanding a recess of the Senate during that time, and that second-degree amendments be filed until 4:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M., TUESDAY, SEPTEMBER 17, 2002

Mr. BYRD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:20 p.m., adjourned until Tuesday, September 17, 2002, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 13, 2002:

THE JUDICIARY

JOSE E. MARTINEZ, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

ARTHUR J. SCHWAB, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

EXTENSIONS OF REMARKS

SEPTEMBER IS PROSTATE CANCER AWARENESS MONTH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to express my commitment to finding better treatments and, eventually, a cure for an all-too-quiet killer—prostate cancer. Prostate cancer Is a deadly disease that affects American men. As protectors of the American family, it is crucial to inform the public of the crucial role a basic medical check-up can play in detecting this potentially deadly disease. In order to achieve this goal, our Nation's premiere health agencies must be fully engaged and adequately funded by Congress.

Mr. Speaker, in 1998, Congress recognized that prostate cancer research was under-funded and, as a result, requested that the National Institutes of Health (NIH) submit a five-year professional judgment budget (1999–2003). The purpose of this document was to demonstrate how best to improve federal prostate cancer research efforts.

Congress received the budget plan in June of 1999. The plan promised an investment of more than $1.5 billion for prostate cancer research. Unfortunately, real investment has fallen short of its projected finding commitment, and prostate cancer research has not kept pace with scientific opportunities and the proportion of the male population who are afflicted with the disease. As a result, the 107th Congress is now asking NIH to provide an updated five-year plan for the next five years.

Mr. Speaker, in addition to instructing NIH to develop a new and achievable five-year plan, Congress must insist on greater accountability to ensure all federal funds for cancer research are appropriately expended for this purpose. An investment in cancer research will not only yield dividends in lives saved but, also, in dollars and cents. Cancer already costs this country more than $150 billion annually. With the "graying" of the baby boomers, it has been estimated by THE MARCH Research Task Force that, if left unchecked, costs associated with cancer will jump to a staggering $200 billion before we see the end of the decade.

In 1971, President Richard Nixon declared American's war on cancer, promising to end its toll on our society within a decade. Each subsequent Administration has reaffirmed this commitment, yet the number of cancer cases and death continue to grow. As you may be aware, more than 1.2 million new cases of cancer were diagnosed in the United States in 2001, and an estimated 553,000 lives were lost. Tragically, prostate cancer represents 15 percent of all cancer cases and accounts for 15 percent of all cancer deaths.

Mr. Speaker. This country can and must do better than this. While recent increases in prostate cancer research funding are welcome and have proved vital, the sad truth is that Congress' efforts have not been sufficient to ensure the most promising paths to treatment and cure are adequately funded or implemented.

I encourage my Colleagues to join with me to ensure our country's war on cancer in general, and prostate cancer in particular, moves forward with a new resolve to beat these dreaded diseases once and for all.

HONORING CDR EARL BENNETT III FOR HIS ACCOMPLISHMENTS AS A NAVAL RESERVE OFFICER UPON HIS RETIREMENT

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Mr. CANTOR. Mr. Speaker, I rise today to honor CDR Earl Bennett III for his service in the U.S. Naval Reserve. CDR Bennett will have completed 19 years of cryptologic service with the Air Force Security Service and the Naval Reserve Security Group as of September 30, 2002, as well as seven years in language assignments.

CDR Bennett is an outstanding U.S. Naval Officer who has served his country with distinction for over 25 years. His professionalism, commitment to sailors under his charge, and dedication to duty are truly deserving of special recognition. He is a highly dedicated man who has faithfully contributed to his community, the U.S. Naval Reserve, and the United States of America. On behalf of a grateful nation, I extend my warmest wishes of "Fair Winds and Following Seas" to CDR Bennett and congratulate him for a job extremely well done.

Mr. Speaker, please join me in honoring CDR Earl Bennett III.

WPS, APA, AND MSDC PRESENT RESILIENCE IN THE FACE OF TERROR: HEALING THE TRAUMA OF 9/11

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to commend the Washington Psychiatric Society, the American Psychiatric Association, and the Medical Society of the District of Columbia (MSDC) for collaborating to present "Resilience in the Face of Terror: Healing the Trauma of 9/11." This conference, of interest to primary care, emergency and psychiatric physicians, and other health professionals will be held at the new George Washington University Hospital in Washington, D.C., on Saturday, September 14, 2002.

Resilience in the Face of Terror has several noteworthy goals and objectives: To evaluate our responses to the crisis generated by the attacks in New York, Washington, and Pennsylvania on September 11, 2001; increase our knowledge of the medical dimensions of disasters; learn about the psychological aspects of religious fanaticism and intolerance, and discuss medical, mental health, and public health lessons learned and their applications to prevention and healing of trauma.

This conference will be co-chaired by two exceptional individuals, Dr. Catherine May and Dr. Eliot Sorel, a close friend of mine. Dr. May is the president of the Washington Psychiatric Society (WPS), a practicing physician with expertise in women's health, psychiatric and emergency medicine, and an assistant clinical professor of psychiatry and behavioral sciences, George Washington University School of Medicine and Health Sciences. Dr. Sorel is the president of the Medical Society of the District of Columbia, a practicing physician with expertise in mood disorders and psychiatric disorders related to traumatic events, and clinical professor of psychiatry and behavioral sciences, George Washington University School of Medicine and Health Sciences. Other notable attendees include Jeffrey Akman, M.D., president-elect of WPS; Robert Bonvino, M.D., a leader in the Medical Society of the State of New York; Daniel Ein, M.D., chairman of the emergency preparedness committee of MSDC: Colonel Jeffrey Elting, M.D., Medical Director D.C. Hospitals' Bioterrorism Preparedness; Colonel Theodore Nam, M.D., president of the Uniformed Services District Branch of the American Psychiatric Association; Jerrold Post, M.D., professor of psychiatry, Department of Psychiatry and Behavioral Sciences, and political psychology, in the Elliott School of International Affairs, George Washington University; Steven Steury, M.D., chief clinical officer for the District of Columbia Department of Mental Health; Robert Ursano, M.D., chairman, Department of Psychiatry, Uniformed Services University and Health Sciences.

All of the aforementioned individuals and all those participating in the conference deserve commendation for raising awareness of this issue so other health professionals can use the knowledge to help those most affected by the tragedy on September 11. I applaud their generosity and salute their public service.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF LARRY GREENE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Ms. HARMAN. Mr. Speaker, award winning news cameraman, Larry Greene is the latest victim in America's ongoing fight against terrorism.

Larry was working on a special assignment in the Persian Gulf for Los Angeles based KCBS news. On Friday, September 6th, he boarded a U.S. Navy helicopter to capture on film U.S. military personnel as they boarded a Syrian freighter suspected of carrying smuggled Iraqi oil. Minutes later, the helicopter crashed into the ocean, killing Larry and injuring four American sailors.

In his more than 25 years as an investigative journalist, Larry Greene won more than 40 prestigious journalist awards. Among them dozens of Emmys, Golden Mikes, Press Photographer Association awards, and the prestigious Alfred I. Dupont-Columbia University Award. Just last year, Larry was named "photo journalist of the year" by the Southern California Media Association.

In addition to his service in the Persian Gulf, Larry exhibited great bravery by taking on other extremely dangerous assignments such as the El Salvador and Armenian earthquakes, the civil unrest in Haiti, and the events in Saudi Arabia immediately following the September 11th attacks.

I had the privilege of working with Larry when he came to Washington during the Anthrax attacks last October to interview Congressional Members and policy leaders.

My constituents and I will miss the work of this intensely talented newsman who was dedicated to bringing the news from far away home to all of us. Our prayers are with his wife Diana, and their two sons, Clayton and Connor, as well as his colleagues and friends at KCBS.

HONORING ARLENE HEWITT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the diligent, innovative and civic-minded work of Mrs. Arlene Hewitt. After 35 years of dedicated service to INOVA Alexandria Hospital, Mrs. Hewitt has decided to retire, but her active role as a community leader in the Northern Virginia region will undoubtably continue.

Raised in Brookline, Massachusetts, Arlene relocated to Alexandria, Virginia with her family in 1967, to join the former Alexandria Hospital in an effort to establish an innovative new program. Keenly aware of the poor social services available to the disadvantaged members of the community, Arlene began her tireless effort to establish and then direct the hospital's first social work department. Through this department, Arlene made numerous accomplishments, including initiating the Senior Health Access outreach program, establishing a hospital employee assistance program, collaborating with the Alexandria Health Department to create an early childhood immunization program, and playing an instrumental role in coordinating initiatives to reduce unintended pregnancies, stamp out teenage smoking and promote bike helmet safety. These socially conscious programs have given an enormous boost to the health services of Alexandria and the Northern Virginia region. Without Arlene's untiring dedication, these highly effective services that continually provide enormous benefits to the region would not exist.

Outside of her job, Arlene has also served in a variety of positions with many outstanding organizations. She is actively involved in her synagogue, serving on the Board of Directors at Alexandria's Beth El Hebrew Congregation. Beginning with an appointment to the Executive Committee and later serving as Committee Chair, Arlene has been associated with the Alexandria United Way for over 30 years. Her unmatched devotion led to her being awarded a life membership to the Alexandria United Way and the prestigious 2002 Alexandria United Way Outstanding Services Award. While most people would end their philanthropic activities here, Arlene has repeatedly gone above and beyond the call to civic duty. She has also served on the Alexandria Committee on Aging, been a charter member of the Alexandria Health Advisory Commission, chaired the Alexandria Chapter of AARP's health council and has been specially recognized by the Northern Virginia Rotary District Governor for outstanding service to the [chyph]elderly.

Mr. Speaker, words alone cannot adequately describe the communities' gratitude to Arlene Hewitt. She has touched many lives both directly and indirectly and given hope and guidance to those who need it most. It is an understatement to say that INOVA Hospital will greatly miss her presence, but fortunately for Northern Virginia and Virginia's 8th District, her living legacy will continue going strong.

HONORING 30-YEAR NORTHPORT FIRE DEPARTMENT MEMBER JAMES MAHONEY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Mr. ACKERMAN. Mr. Speaker, I am pleased to rise today to praise Mr. James Mahoney, the recipient of the National Volunteer Fire Council's Scott Health and Safety Volunteer Firefighter of the Year Award for the Year 2002.

In 1973, Mr. Mahoney joined the Northport Fire Department. In an illustrious career that spanned three decades, Mr. Mahoney has been the consummate firefighter. From the Northport Lumber Yard fire in the 1970s to the fire at the Long Island Oyster Farm, Firefighter Mahoney valiantly responded to the emergency needs of his community during times of great danger and uncertainty.

In addition, Mr. Mahoney has diligently worked to unite the Northport Fire Department with its surrounding neighborhood. His impressive accomplishments include serving as an elected captain of the rescue squad three times; chairman of the 100th anniversary committee; chairman of the fire prevention committee; coordinator of the baby-sitter course, chairman of the annual Meet Your Friend the Firefighter event; and seven-year Safety News columnist for a local newspaper, The Observer.

Mr. Mahoney has also been a valuable member of my own interview committee for military academy appointments. In addition, he has been president of the Suffolk County Volunteer Firefighters Burn Center Committee; President of the Northport Running Club; Commander of Northport American Legion Post 694; and co-chairman for the Day of Remembrance following the terrorist attacks of September 2001.

Before his career as a firefighter, Mr. Mahoney answered the call of his country, serving in the Korean War for two years. In his professional life, Jim Mahoney worked as an educator for 34 years, teaching in various elementary schools on Long Island. In addition, he was Principal of the New Lane Elementary School in Seldon, NY.

Jim is a life long resident of Northport, New York, where he resides with his wife Sophie, his four children and his four grandchildren.

Mr. Speaker, 2002 has been and will continue to be a banner year for Mr. Mahoney and the Northport Fire Department. A month before he was chosen as the National Volunteer Fire Council's Scott Health and Safety Volunteer Firefighter of the Year, Mr. Mahoney was presented with the Fire Service Achievement Award for the Year 2002 by the Fireman's Association of the State of New York.

Wishing him all the best as he travels first to Buffalo, New York to receive his state service award and then on to Sitka, Alaska to be presented with his national honor, I ask my colleagues to join me in saluting Mr. James Mahoney.

A TRIBUTE TO JAMES "LUCKY" HAYES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to a man by any measure—James "Lucky" Hayes. On July 31, 2002, Mr. Hayes departed us. He was a man of many talents who wore many hats including law enforcement officer, community organizer and singer/performer with the likes of Joe Henderson and the great Joe Tex.

Lucky, as his friends called him, was a believer in Proverbs 29:2 "When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn." Lucky worked continuously to ensure that his voice was heard in the political process by working on a number of local and statewide campaigns.

Lucky was a faithful church member. He served in the choir and on the Deacon Board. He served as a Scout Master for Boy Scouts of America, Assistant Coach for the "Chicks" T-Ball Team and a member of the Youth and Membership Committees for the 100 Black Men of Bolivar County.

SENATE—*Tuesday, September 17, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious, loving God, who taught us to give thanks for all things, to dread nothing but the loss of closeness with You, and to cast all our cares on You, set us free from timidity when it comes to living the absolutes of Your commandments and speaking with the authority of Your truth. We are living in a time of moral confusion. There is a great deal of talk about values, but our society often loses its grip on Your standards. We affirm the basics of honesty, integrity, and trustworthiness. We want to be authentic people rather than professional caricatures of character. Free us from capricious dissimulations, covered duality, and covert duplicity. Instead of manipulating with power games, help us to motivate with patriotism. Grant us the passion we knew when we first heard Your call to political leadership, the idealism we had when we were driven by a cause greater than ourselves, and the inspiration we knew when Your Spirit was our only source of strength. May this be a day to recapture our first love for You and our first priority of glorifying You by serving our Nation. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Ms. STABENOW). The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, there will be a period of morning business until 10:30 a.m. The first half of the time will be under the control of Senator DASCHLE or his designee. The second half of the time will be under the control of Senator LOTT or his designee.

We will resume consideration of the Interior appropriations bill at 10:30 a.m. The Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences. At 2:15 p.m., the Senate will resume consideration of the homeland security bill.

At 4:15 p.m. today, the Senate will resume consideration of the Interior appropriations bill, with 60 minutes of debate, equally divided, between the chairman and ranking member of the Subcommittee on Interior of the Appropriations Committee, Senator BYRD and Senator BURNS. The cloture vote on the Byrd amendment to the Interior appropriations bill will occur at approximately 5:15 p.m. today. Senators have until 1 p.m. today to file first-degree amendments and until 4:15 p.m. today to file second-degree amendments to the Interior appropriations bill.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes. Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from North Dakota.

LET'S HAVE AN ECONOMIC SUMMIT

Mr. DORGAN. Madam President, several weeks ago I wrote to President Bush and suggested it is time—perhaps past the time—to have an economic summit in this country to talk about the challenges we are facing with this American economy.

It is interesting, if you look at what has happened. We had gone through a period of almost unprecedented growth and opportunity. The 1990s was a period in which people were working. We had increases in the number of jobs available, home ownership, personal income, and the stock market was moving up. The economy was growing.

It solves a lot of problems in a country when you have an economy that is growing. There is no social program that is as good as a good job that pays well, and people who are trained and skilled and able to assume those jobs.

But in recent years—the last year and a half, 2 years—we have hit some rough water here, and the economy is not doing well. We have a series of things that have happened.

Early in the President's term, he proposed a fiscal policy with a $1.7 trillion tax cut, the bulk of which goes to the upper income folks in the country. And he said: Well, we are going to have surpluses for 10 straight years.

I was on this floor and said—I am the conservative on this—I don't think you ought to predict, with any precision, what is going to happen 10 years from now. We don't know what is going to happen 3 months from now or 3 years from now, let alone 10 years from now.

The President, and others here, insisted: No. We are going to have all these surpluses, and this money belongs to the American people. Let's give it back. Let's lock it in, and do it now.

In a matter of months, we had a war on terrorism, the terrible and tragic attack on this country of September 11. We have a recession that occurs shortly after this new fiscal policy is developed, which probably was occurring even as it was being developed. And then we have a series of corporate scandals, scandals unlike any we have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

seen in our lifetime, certainly, and perhaps in a century or so. In addition to that, we see a stock market that begins to collapse.

So all of these things, coming together, have dramatically changed what is happening in Government. Big budget surpluses have now turned to big budget deficits. And it is as if nothing has happened. We have the administration, the President, and others acting as if: Well, nothing has really changed. There is no need to be talking about these things.

Of course there is a need for us to be talking about them. Things have changed in a dramatic way. As a result of that, I think we ought to come together and have an economic summit of some type with the President, to talk about what kind of fiscal policy can put this country's economy back on track, so that those who are out of work can find work, so that those whose life savings in their 401(k)s, that have been dissipated, can begin to see them grow once again, so that the economy produces opportunity and jobs once again.

This isn't going to happen just by accident. It is going to happen if we take a look at what is not working and what are the potential solutions to make it work.

I understand the discussion in the last few weeks has been all Iraq all the time. I am not suggesting it is not important. That is a very important matter, a serious and deadly issue for this country. It is also the case, however, as the newspaper tells us this morning, that the President is out 2 days a week campaigning across the country and fundraising and so on. He has a right to do that as well. But if he has the time to do that, then he also has the time to work with us to construct a fiscal policy that relates to what we face today.

Today we face an economy in trouble. We face a war on terror. We face budget surpluses that have turned to budget deficits. We face a stock market in great turmoil. We face a a circumstance of well over 6 percent of our population out of work, unable to find jobs. It is time for us to stop, take stock, and evaluate what works and what doesn't. How do we put together a plan that moves this country toward economic opportunity and economic growth once again? I understand why some want to ignore it, but it is not the right thing for this country.

I have been chairing hearings for the last 8 or 10 months on the subject of corporate scandals. That is an important issue. It has also played a role in injuring the feelings of people and the confidence they have in the economy. There is a difference in how we view those issues.

For example, I was trying to offer an amendment to the corporate responsibility bill that passed the Senate. I was blocked by the Republican side. Regrettably, that amendment is not now law. The rest of the bill is law. The amendment is very simple. It says, if you are a corporate executive and you are taking a company into bankruptcy, the 12 months before you run that company into the ground, if you are getting bonus payments and incentive payments, we have a right to recapture them and force a disgorgement of those payments. You should not get incentives and bonuses when you run a company into the ground.

Since I was blocked from offering that and it is not now law—I will continue to try—the Financial Times came out with an analysis. They said that the 25 largest bankruptcies in America occurred in the last year and a half; 208 corporate executives took $3.3 billion in compensation out of those corporations before those corporations were run into the ground. I will hold a hearing on that in the next couple weeks.

There is something fundamentally wrong with what is going on in those areas. We have people who don't want to talk about it. The administration doesn't want to talk about it. That is not the issue they want to bring to the floor and have a debate on. But that is what we should have a debate on. How do you establish confidence in this economy if you don't clear up those kinds of problems?

So whether it is corporate scandals, a troubled economy, a recession, a war on terrorism, a stock market that acts like a yo-yo, we need to put the pieces of this puzzle together again. It is not going to get put together by people just ignoring the issue.

One of the significant issues facing our country at this moment is an economy that is in very serious trouble. It does no service to our country to deny that. Let's try to find a way to fix it. There may not be a way where one party says, we have all the answers, or the other side says, we have all the answers. Maybe the answers are the best of what both have to offer, instead of getting the worst of what each has to offer. In order to get there, you have to sit down and talk about it.

I urge the President to respond to these requests for an economic summit, to sit down with us and talk about what is wrong with the economy and how you put this back together towards an economy and a future of economic growth and opportunity once again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

NATIONAL AND DOMESTIC SECURITY

Mr. DURBIN. Madam President, I thank my colleague from North Dakota for raising what I think is an important and timely issue; that is, what are we going to focus on, what will be our interest, what will be the real objective and issue we will make the centerpiece for our discussion over the next 7 weeks before the election on November 5.

It is very clear what the President wants to focus on. He wants to focus, it appears, exclusively on the issue of Iraq. Of course, we all concede that national security is our No. 1 priority. I happen to believe, as most do, that Democrats and Republicans have stood together since September 11 of 2001. We have provided the President the resources with the authority, and we have told him we will stand shoulder to shoulder with him in fighting a war on terrorism.

There is little disagreement on Saddam Hussein and Iraq. I haven't heard a single Member of Congress from either party in either Chamber stand to defend Saddam Hussein. This man is a thug. He has been a threat to his own people, to the region, and certainly, if he is developing weapons of mass destruction, then they could be a threat way beyond that region of the world.

We have to take it very seriously, as we have. I thought we made real progress last week. There was a time in early August when voices from the White House were telling us: We are just going to have to go it alone. The United States will have to take on Saddam Hussein by itself. Incidentally, we don't need congressional approval. We have father Bush's war approval which will be good enough for son Bush as President.

I disagree with that, but that was an argument being made out of the White House. There was also a suggestion that the President and the United States need not go to the United Nations to talk about inspections; that we would just, frankly, achieve regime change on our own.

Thank goodness cooler heads prevailed. Thank goodness, last week, the President not only acknowledged that he would come to Congress for any approval before we would go to war, he also went to the United Nations in New York on September 12 and made a historic speech, calling on the United Nations to live up to its responsibility, its mandate, in terms of the power and weaponry of Iraq, and basically said to the United Nations: It is time for us to prove this organization has a future.

Good news followed. This morning's paper suggests that Iraq got the message, a message delivered not just by the United Nations but by a lot of nations that historically had been at least friendly with Iraq and have now said they have no choice, they have to reopen their country to meaningful inspections. If the press reports are accurate, Saddam Hussein has said he will allow U.N. inspections on an unconditional basis now. That is a dramatic mark of progress. I hope the White

House will take yes for an answer. I hope the White House will realize that we can seize a historic opportunity to send inspection teams in to find out exactly what is going on in Iraq.

If it is threatening to us, to anyone in the region, or to the people of Iraq, we have to use the authority of the United Nations to make certain that it becomes a peaceful situation. I think progress has been made. I will tip my hat to the President and to those in the White House for that fact.

But mark my words, there are some who will not take yes for an answer. They won't be satisfied that the U.N. is living up to its responsibility if it sends in inspectors. They will not be satisfied that Saddam Hussein has said: We are opening our borders. They will say: We can't trust him. It will never work. Let's prepare to invade.

That makes a mockery of the President's visit to New York last week, to the United Nations. He has called on the United Nations to act. Now it is time to give them an opportunity to act. We should respond accordingly. If it is successful, if we can bring Iraq under control through this fashion, without a war, without the loss of innocent life, then thank goodness we can consider that alternative, and we should pursue it. If not, of course, there is another day for us to consider the options that may be at our disposal.

That is the issue of national security. I have to tell you, as I travel around the State of Illinois, there are people who want to talk about other issues of security; for example, health care security.

The Presiding Officer, the Senator from Michigan, has been a leader on the issue of prescription drugs. As I go about the State of Illinois, people are interested in Iraq, but I still run into people, senior citizens in particular but ordinary families as well, who talk about the fact that they cannot afford to buy the prescriptions they need to keep themselves and their children healthy. I don't see the kind of fervor and desire coming out of the Republican side when it comes to health care security as there is for national security.

When it comes to health care security, the cost of health insurance, I went yesterday to speak to the Illinois State Chamber of Commerce. The members who were gathered there of the major corporations in Illinois agree with the major unions in Illinois that the cost of health insurance is bankrupting our system. Businesses cannot afford to buy insurance for the owners of the business, let alone for the employees. The premiums go up 25, 35 percent a year. Labor unions are seeing every increasing dollar amount on an hourly basis eaten up completely by the cost of health insurance increases.

Have we heard a word from this administration about health care security, about the cost of health insurance? Of course not.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. REID. I also heard the Senator from North Dakota speak this morning. It appears that I am hearing the fact that we can talk about Iraq and, at the same time, we can deal with some of these economic issues with this staggering economy. Is that what the Senator is saying?

Mr. DURBIN. That is exactly right. I say this to the people at the White House who make up the schedule: Can you give us 4 hours a week on the economy? Pick the 4 hours and let's talk about it in realistic terms. Let's talk about health security 1 hour a week. Can we do that? Can the White House find time in the busy schedule of dealing with national security and making campaign trips to raise money for candidates to give us 1 hour a week to talk about health care? I don't think that is too much to ask. And I think Congress ought to reciprocate. We ought to be answering in terms of what we can do to try to lift the burden, whether it is the cost of prescription drugs or the cost of health insurance for businesses and families across America.

Mr. REID. Will the Senator yield for another question?

Mr. DURBIN. I am happy to yield.

Mr. REID. The Senator served in the House of Representatives. Is the Senator aware that this administration—a Republican administration—has significant control and direction that it can give to the House of Representatives, which is led by the Republicans?

Mr. DURBIN. Absolutely. The Speaker of the House almost has unilateral power to set the business for the House, now controlled by the President's party.

Mr. REID. Would the Senator acknowledge that the House basically has been doing nothing? We have appropriations bills that we are waiting for them to do. I have not heard the President say one word about the inaction of the House. Has the Senator?

Mr. DURBIN. I have not. The Senator is aware of the fact that we have the Patients' Bill of Rights that has gone nowhere in conference with the House and Senate, and there are issues we have tried to raise time and again—energy, for example—and all of these things have died in conference.

Mr. REID. Would the Senator also acknowledge that this bill, which is very important to constituencies all over America, on terrorism insurance—and the President went to Pennsylvania a couple weeks ago and said: I am for hardhats, not for trial lawyers. Does the Senator realize that is lost because the Republican House will not let us even hold a meeting on this bill?

Mr. DURBIN. I am aware of that. I say to the Senator from Nevada that I heard from not only businesses and developers and unions but from ordinary people about terrorism insurance. There is a fear—legitimate fear—if we don't pass something soon, it is going to have a dramatic negative impact on employment.

We are already losing jobs. That is another issue the White House won't discuss. I have talked about national security and health care security. There is an income security thing, as well—not only the loss of jobs in this country but terrorism insurance plays right into this. What is the President doing? What is Congress doing? Can the President give us 1 hour a week on the economy, 1 hour a week on income security, to talk about what we can do to increase the number of jobs? A meeting in Waco, TX, in August for a day is not enough. It takes a bipartisan, honest effort and to engage the Congress in doing something. Let's pass the terrorism bill. Let's have the President call on Democrats and Republicans to get it done this week. We should do it this week. If we do not, we are not meeting our responsibility.

Mr. REID. If the Senator will further yield, the Senator is aware that the newspapers in Washington indicate that the President has been in Iowa, over the period of a year, I think 11 times. The Senator is aware that Iowa is where the first primary is held. The Senator from Illinois is aware that Iowa is where there are close elections.

I would like the Senator to respond, isn't it necessary that the President be more engaged in what is going on in domestic issues rather than politicking around the country?

Mr. DURBIN. That is the very point I am making. I concede that the President is the leader of his party, and every President has spent time trying to help his party and its candidates. I don't begrudge any President doing that as we come close to an election. As I travel in my State, the people are more focused on the problems that families are running into when it comes to the basic necessities of life than on the next election. They are hoping this President and all candidates will address issues as basic as income security, health care security, and, may I add, pension security.

This is something that has become a devastating issue for families in Illinois. Former steelworkers worked a lifetime and paid in religiously, week after week, month after month, year after year, with the promise that when they retired, they would have a pension and health care. They now find themselves high and dry with bankrupt companies. I haven't heard a word from the administration about pension security. This really hits a lot of people close to home.

I grew up in an area in Illinois that had a lot of steel mills. I used to apply there for jobs in the summer and hope that I could get one of those great-paying jobs. I have gone to meet with displaced steelworkers. I see tough men, muscular people, who worked hard their whole lives, who just don't take much foolishness at all, break down and cry in front of me because at age 59 they have lost all their health insurance protection. These are retirees who really followed the rules and did what they were supposed to do in America. Can we ask the President for 1 hour a week to talk about pension security—Just 1 hour? I think that would be an indication the President is listening to the people across America in terms of the economic issues.

Mr. REID. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. REID. It has been discussed on the floor that we have held up in the other body, which has the ability to move very quickly, terrorism insurance, Patients' Bill of Rights, election reform, energy policies for this country, bankruptcy reform. So we know things are held up there.

Now, I say to my friend from Illinois, I am kind of a hawk. I was the first Democrat to support President Bush when he wanted to go into Iraq the first time. I consider myself a hawk rather than a dove. I am looking very closely at Iraq and I think we need to do that. But in doing that, is the Senator aware that Lawrence Lindsey, the President's chief economic adviser, indicated in the Wall Street Journal yesterday that the war in Iraq will cost this country about $200 billion? Is the Senator also aware that I had a conversation with the chief executive officers of the airlines last Thursday in my office? The first thing the spokesperson, the chief executive officer of one of the largest airlines in the world, told me was: If there is a war in Iraq, we all go broke.

That was told to me in my office last week: If there is a war in Iraq, we all go broke, all the major airlines in America.

So the Senator is aware we not only need to focus on Iraq—the military aspects of it—but also what it does to the domestic policy, which the President is ignoring. Is the Senator aware we need to also consider that?

Mr. DURBIN. That is a very important point, not to mention the most basic concern, of course. If we go to war, lives of Americans will be lost. Innocent people will die. War should be the last decision we make, the last option we take. Thank goodness, we now have movement through the United Nations. I am asking that the President and the White House, now that progress is being made, spend some small portion of their time focusing on the economic issues the Senator from Nevada raises. I have talked about health care security, income security, pension security. I will add a fourth one—Social Security.

We realize the President's tax package of last year is going to take $2 trillion out of the Social Security trust fund over the next 10 years—$2 trillion—with no promise to repay any of it at a time when the baby boomers, by the millions, will start arriving and asking for Social Security. Social Security is our contract with America—our real contract—the one that comes from the heart. We have had it since the days of Franklin Roosevelt. Is it too much to ask this administration to give us an hour a week to focus on Social Security and its future, and Medicare, talk about the reimbursement for health care for senior citizens and hospitals and providers across America? These are real issues. I certainly have hospitals in rural areas and hospitals in the inner city struggling to survive at this point in time.

When you talk about the issues on which we should be focusing, national security is important, and I think it ought to be No. 1 on the agenda; but, for goodness' sake, don't ignore the rest of America and the lives we have to lead and the impact that our failure to act is going to have. That is why I look at 7 weeks before the next election and say to the President and the White House: Give us an hour a week at least to talk about the economy in this country, about the need to breathe life back into this economy.

It is only 2 years ago we were doing so well. We had all of this accumulation of wealth. People saw their retirement plans growing. They were making plans to leave their jobs early and enjoy a comfortable life with their families.

People were seeing their stock portfolios improving to the point where they were considering options. They knew they had money to send their kids to college. Now look what we are up against, and not a word from the White House. One little meeting in Waco, TX, does not make economic policy for America.

Where is this administration? Where is this President? Where is the economic leadership this country needs?

Mr. REID. Will the Senator yield for another question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. Las Vegas, Clark County, has the sixth largest school district in America. About 250,000 students go to school in the Las Vegas area in one school district. Chicago, I am sure, is larger than that; is that not true?

(Mr. CARPER assumed the Chair.)

Mr. DURBIN. That is true.

Mr. REID. Has the Senator heard coming from the White House during the past 2 months, 3 months, a single word about education?

Mr. DURBIN. No, I have not. I say to the Senator from Nevada, he joined me and Democrats and Republicans in passing the No Child Left Behind legislation the President asked for to put more resources in education. The Senator from Nevada is just as aware as I am that when the President's budget came up, he did not fund his own programs. He did not put the money into the schools as he promised.

As I go across my State—and I bet the State of Nevada is in the same situation—we have seen a downturn in State revenues, cutbacks in State budgets, schools are suffering. They are saying: Where is that Federal money President Bush promised us? It is not there, and this administration does not want to talk about that. They do not want to talk about education security for this country. They want to talk only about national security. They do not want to talk about income security, pension security, health care security, Social Security, or doing something to make our schools more secure.

One has to ask oneself: Is that as good as it gets? Is that the best we can hope for from this White House, to focus exclusively on Iraq and the Middle East? I think it is a mistake.

We have made progress. I tip my hat to the President. Let's use the United Nations. Let's bring Saddam Hussein under control, but for goodness' sake, let's get our economy under control, too. It is really out of hand. People across the country—families, small businesses, family farmers—are suffering as a result.

Ms. STABENOW. Will my friend from Illinois yield?

Mr. DURBIN. I will be happy to yield.

Ms. STABENOW. Having had the opportunity to preside and listen to the discussion, I thank him for putting into perspective what our challenge is, not only on the national security front; I thank him for focusing on the fact we are together and stand for safety and security, but also the fact we need to be focused on our economic security as well.

Mr. President, I wonder, also, if the Senator might add to his list—I know he is aware of the fact we have passed a very important prescription drug bill. We had two focuses in the Senate: One, to add Medicare coverage and, two, to lower prices for everyone.

The point the Senator from Illinois made this morning about the high price of health care for businesses, for our farmers, for everybody is also very much a part of what we passed to lower prices by getting more competition with generic drugs, opening the border to Canada to bring lower prices, giving States more flexibility.

I wonder if the Senator will comment on the fact that the Senate has passed this very important bill, sent it to the House, and it has received no action this fall. We have nothing yet in committee. We have not seen the President speaking out about the fact we passed a bill that will actually lower prices, bring more competition, address the fact that our seniors and our families are having to struggle right now—in fact, right now, as we are here, there are people who are watching C–SPAN 2 saying: Do I eat today or buy my medicine?

We had a bill which passed the Senate. We would greatly appreciate the President's leadership in encouraging the House of Representatives to pass this bill this fall. We could dramatically lower prices immediately with the passage of that bill.

Mr. DURBIN. I say to the Senator from Michigan, first, let me acknowledge—and I am sure my colleagues know as well—Senator STABENOW has been a leader on the issue of prescription drugs. She has been tenacious. Thank goodness she has been. She took a bus trip to Canada.

The PRESIDING OFFICER. The time of the majority leader has expired. Twenty-eight minutes remain on the other side.

Mr. REID. Mr. President, I ask unanimous consent that until someone comes from the other side, we be allowed to use that time. The minute someone's head pops in that door, we will quit. In the meantime, there seems to be no need to have the Senate voiceless.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair. I thank the Senator from Nevada.

The point the Senator from Michigan makes is an important one. We did pass a prescription drug bill. It was not what we wanted. We wanted a voluntary program under Medicare which would be universal and available for all Americans so they could get the benefits of Medicare when it came to prescription drugs.

We could not convince our Republican friends to go along with us on that, but we did pass a bill in terms of generic drugs to reduce costs for all families across America, to let States come up with their own plans so they could find ways to reduce costs for all the citizens in their State, as well as the safe reimportation of drugs from countries that have much lower costs. Those are three good issues, but do not forget the fourth.

Senator ROCKEFELLER's amendment provides that $6 billion, on an emergency basis, will be given for Medicaid to States facing high unemployment. These States have cut back in reimbursements to providers and hospitals. My State is one of them—I bet the State of Michigan is too—and that $6 billion would come back to the States right now. It would help them keep hospitals open and provide basic health care.

We cannot get the House of Representatives to consider that legislation. Now they are talking about dropping everything and coming up with a resolution on Iraq. Why is it they can drop everything for a resolution on Iraq, but cannot drop everything, when it comes to prescription drugs, to move the issue forward?

Our bill is there. It is pending. It would be a help to all families across America, not just the families of senior citizens.

I say to the Senator from Michigan, we have to keep reminding the President and the Republican leadership that there are many issues in this country, not the least of which is good quality health care for everyone.

Ms. STABENOW. Absolutely.

Mr. DURBIN. Mr. President, I yield the floor.

Mr. REID. Mr. President, before the Senator yields, may I ask one more question?

Mr. DURBIN. Of course.

Mr. REID. What the Senator said is we can focus on Iraq and that there are many issues the President can help us on: Getting appropriations bills passed in the House would help us; doing something on election reform—we had another debacle in Florida 2 years after the original debacle; we passed a bill and are waiting to get that out of conference. We have the energy bill we need to get out of conference with the House. There is terrorism insurance, bankruptcy—am I missing anything?—generic drugs. That is one issue about which the Senator from Illinois and I did not talk.

Mr. DURBIN. Patients' Bill of Rights.

Mr. REID. Patients' Bill of Rights. There are so many issues with which we need to deal in the Congress that the President can help us with if we were not on the one track of Iraq.

It seems to me—and one can read about this in the editorial pages every day—that the President could be doing this to divert attention from these domestic issues. Has the Senator read some of those comments, I say to my friend from Illinois?

Mr. DURBIN. I have read the speculation. I do not buy it. I do not believe it, but the point I am trying to make in the course of this—and I think we all are—is that the President has made progress. The United Nations is moving forward. Inspections are going to be ordered. Saddam Hussein has agreed to them. That is real progress. I salute the President for that progress.

What I am now saying is, let's focus on America and some of the things we need to do to win the economic war in this country. I am asking for a very small pledge of time from the White House to focus on these economic issues that face our country. We can do both. The United States can defend itself, fight a war on terrorism, keep a watchful eye on Iraq and still be worried about the issues that American families in Nevada, Illinois, and Delaware think about every day: What about my job? What about my pension? How am I going to pay for that health insurance? Can we pay for these prescription drugs? Is Social Security really in good shape for years to come?

These are real gut-wrenching issues for real families. I think it is a responsibility of the White House to get beyond the agenda they have focused on for the last several weeks and open it up to new issues and new concerns that are universal across America.

We talked about education. Kids are back in school, and there is a lot of concern about whether our schools have the quality teachers they need, whether the kids are going to get the education they deserve. We have to put money back in education. We have to focus on making certain we have after-school programs for kids who need a special helping hand, smaller class sizes—something we pushed for in the past—make sure teachers are paid as the professionals they are. These are real needs.

When we talk about filling real needs, I do not want to overlook in health care a shortage in nursing. I would like the White House to give us 15 minutes this week or next week with an idea for the agenda of having more nurses in America. This is a serious shortcoming in health care in the United States. Hospitals have reduced their number of beds; nursing and convalescent homes, the same, for one simple reason: There are not enough nurses.

We need an initiative, a national leadership. I hope the President will not ignore this. When you listen to the agenda we could be considering, it is substantial, but it gets to the heart of the real issues about which Americans are concerned. I sincerely hope we move on that and move on it quickly. We owe it to the American people.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOING THE SENATE'S WORK

Mr. DASCHLE. Mr. President, I know Senators are just getting back into town from the Jewish holiday yesterday. And I hope we can make the most of this week. We have a lot to do, on the Interior appropriations bill as well as on the issue of homeland security.

As our colleagues are aware, this afternoon we will have a cloture vote on the Byrd amendment. I reluctantly filed that cloture vote last week because we are now in the third week of debate on the Interior appropriations bill as well as on homeland security.

With all of the work that must be done and with all of the issues we must address, we simply cannot prolong this debate indefinitely.

Seventy-nine Senators a couple of weeks ago voted for an amendment offered by the distinguished Senator from Montana, myself, and others responding to the crisis we now face in drought-stricken parts of the country. The regions of the country which are experiencing drought are growing—the Southeast, the Midwest, and the far West—areas throughout the country that have experienced drought conditions, and in some cases it is unprecedented.

We also have a very serious situation with regard to firefighting, so serious that this administration changed its position from one which said we will not provide any new resources for firefighting—that all firefighting moneys that ought to be dedicated to firefighting this fall be taken from the Forest Service budget. They changed from that position to say, we now recognize how serious this situation is, and we will commit $850 million and ask the Congress to support it.

You have two very important priorities in dealing with disaster and crisis: One with the Forest Service and firefighting needs. This is urgent. This is extraordinarily important to the ongoing effort to fight fires throughout the country, especially again in the West. And, second, as I noted, the drought.

We have voted for this legislation. We have gone on record on a bipartisan basis in support of this legislation. I know there are those who still would like to work out other compromises relating to other issues, and if that can be done, I certainly will welcome it.

But we simply cannot go on week after week after week without more notable progress, without more of a tangible way with which to address these needs, and, secondly, without a way to recognize that we have a lot of work to do in a very short period of time. We have what amounts to about 15 legislative days left prior to the time we adjourn for the year. I am troubled, to say the least, by the extraordinary list of items that have to be addressed and the very minimal amount of time legislatively we have to address them.

I come to the floor this morning urging colleagues on both sides of the aisle to recognize the need, to recognize the urgency, to recognize the shortness of legislative time available, and to recognize how important it is that we move on to accomplish as much as we possibly can in a very short period of time.

I can only hope we will get a good vote this afternoon—I would like it to be unanimous—on cloture, so at least on this particular amendment we have the opportunity to move on to other issues, and hopefully to a time for final passage on the Interior appropriations bill.

I will have more to say about homeland security later on in the day, but I must say, this is something that just begs our support, recognizing the prioritization it deserves as we consider the schedule and the need that is so clearly a recognition around the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, the majority leader makes a very good point. I am struck by what we are debating off the floor, which is timber health. At the heart of that is how we deal with judicial appeals, which has brought a new dynamic to that debate on forest health and how we manage our public lands; that is, not a denial of judicial appeals, but also in the area of timber restraining orders.

People can file appeals—we do not want to deny that—but also how we deal with the decision-rendering process, which does cause some concern with folks using timber restraining orders as a tool in the process to get their way. Basically, that is what we have here.

We are on a time line, if we go off this. Those who do not want to see anything move press us into a time line, and then we go on home knowing there is a timeframe on that debate.

Given the time we have and the leader's decision to double-track these two issues in order to facilitate and deal with these issues in a short time line, we have to take a look at that. I know the leader is. I congratulate him for his push on this and to make it a reality. But so far, it hasn't come to be and does not get us to where I think we want to be before we go home in October. We want to move forward as fast as we can.

But also there is lingering debate out there that a lot of folks are concerned about—especially on our forests. I want to bolster the leader's contention that drought relief and disaster relief in farm and ranch country are still with us. Just on Sunday past—here we are in the middle of September with football in the air—it was 92 degrees in Billings, MT. The Yellowstone River is as low as I have ever seen it. Above the Bighorn River where it spills into the Yellowstone, you can walk across that river just about anywhere and not get your knees wet. We still have that concern.

The leader is right. It passed this body overwhelmingly. It should be allowed to move forward with the apparatus in front of us in which to get that relief out to our people who are suffering at this time. I appreciate his leadership on that.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd amendment No. 4472, in the nature of a substitute.

Byrd amendment No. 4480 (to amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici amendment No. 4518 (to amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd amendment No. 4522 (to amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens amendment No. 4532 (to amendment No. 4472), to provide for critical emergency supplemental appropriations.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to speak directly to the issues raised both by the majority leader and the Senator from Montana; specifically, with respect to how we are going to resolve issues related to the health of our forests.

I know the discussion has greatly focused on fires and the catastrophic results of fires this year. I am going to talk about that to a great extent. But I would like to make a point at the very beginning which I hope we don't lose sight of; that is, fire is merely one component of the problem we have to deal with. What we are really talking about is the health of our forests, both for the protection of people from catastrophic wildfires and also for the ecological benefits that a healthy forest provides. It provides wonderful recreation for our citizens. It provides habitat for all of the flora and fauna we not only like to visit and like to see but to understand that it is very important for ecological balance in our country. It protects endangered species. It provides a home for all of the other fish, insects, birds, mammals, and reptiles we would like to protect, whether they are endangered or not.

In order to have this kind of healthy forest, we have come to a conclusion, I think pretty much unanimously in this country, that we are going to have to manage the forest differently than we have in the past.

What the debate is all about is how the Congress is going to respond to this emergency, not just from the catastrophic wildfires but from the other devastation of our forests that has created such an unhealthy condition that it literally threatens the health of probably somewhere between 30 and 70 million acres of forest land in the United States.

The administration has come forth with a far-reaching proposal that will begin to enable us to treat these forests in a sensible way. We have legislation pending before us—an amendment by the Senator from Idaho—that was put in place as a means of being able to discuss this. And we have been trying, over the course of the last week or so, to negotiate among ourselves in the Senate to be able to come to some conclusion about what amendment it might be possible to adopt as part of the Interior appropriations bill so that it will be easier for us to go in and manage these forests.

I am sad to say that so far our efforts at negotiation have not borne fruit. I think, therefore, it is necessary today to begin to recognize that unless we are able to reach agreement pretty soon, we are going to have to press forward with the kind of management approach that I believe will enable us to create healthy forests again.

Let me go back over some of the ground that has been discussed but perhaps put a little different face on it in talking about my own State of Arizona.

Some people may not think of the State of Arizona as containing forests. They may think of it as a desert State. The reality is, a great deal of my State is covered with some of the most beautiful forests in the entire United States—the entire world, for that matter. We have the largest Ponderosa pine forest in the United States. Ponderosa pines are enormous, beautiful trees, with yellowing bark. It is not uncommon at all for them to have a girth of 24 inches and above in a healthy forest. They are a little bit like if you want to think of the sequoia trees in California—not quite as big but coming close to that kind of magnificent tree.

One hundred years ago, the ponderosa pine forests in Arizona were healthy. These trees were huge. They were beautiful. There were not very many per acre; and that, frankly, was what enabled them to grow so well. They were not competing with a lot of small underbrush or small trees for the nutrients in the soil, the Sun, the water, which is relatively scarce in Arizona, and they grew to magnificent heights.

Several things happened to begin to change the circumstances. First of all, loggers came in and, seeing an opportunity, cut a lot of these magnificent trees. Secondly, grazing came in, and all of the grasses that grew because of the meadow-like conditions in which this forest existed were nibbled right down to the base in some cases. A lot of small trees, therefore, began to crop up and crowd out the grasses, and pretty soon there was not any grass. There was simply a dense undergrowth of little trees that began to crowd out what was left of the bigger trees, as well.

Then came the fires because these little trees were so prone to burning. It is a dry climate. They are crowded together. Instead of having maybe 200 trees per acre, for example, you might have 2,000 trees per acre or more. But they are all little, tiny diameter trees that are very susceptible to fire. And the big trees that are left, of course, are susceptible to fire as well because when the lightning strikes, it sets the small trees on fire, which then quickly crown up to the larger trees, creating a ladder effect, going right on up to the top of the very biggest trees. It explodes in fire, as you have seen on television. That kind of environment is what we are faced with today.

The old growth has come back. We have some magnificent, big trees, but they are being crowded out by all of these very small-diameter trees and other brush and other fuel that has accumulated on the forest floor. So what happens when there is a fire—whether man set or lightning created—is that the fuel begins to burn. It burns quickly just like a Christmas tree, if you can imagine, if you have ever seen a Christmas tree burn. It quickly burns the smaller trees and underbrush, and then catches the branches, the lower branches of the bigger trees, and then crowns out, and then you have a big fire.

What is the result of the big fires in Arizona this year?

First of all, we can talk about the size of the fires. We can talk about the size of the Rodeo-Chediski fire in Arizona. It was about 60 percent the size of Rhode Island. This is simply one fire. You can see from this map the size of the Rodeo-Chediski fire. Here is the size of the State of Rhode Island. If you add in other fires that have occurred in Arizona this year, you have a size that exceeds the size of Rhode Island. That is in my State. That is how much has burned in my State—about 622,000 acres in this fire alone.

Let me show you what it looks like after that burn. And I have been there. I have walked it. I have driven through it. I have seen it from the air by helicopter. It is a devastating sight. Here it is, as shown in this photograph.

The ground is gray. It burned so hot that it created a silicone-like glaze over the soil. And, of course, it just absolutely takes all the pine needles and branches off the trees, so all you have are these sticks left standing. Some of these, by the way, are pretty good size trees. And there is salvageable timber in here if we are permitted to go in and do that salvaging.

But because of the glaze over the soil, the report from the experts in the field is that when the rains finally began to come, it did not soak into the soil; it ran off. And what you now find throughout the central and eastern part of Arizona is massive mud flow into the streams. It kills the fish. It makes the water unpalatable. It devastates the free flow of the water, so it creates new channels and erodes the soil. It goes around bridges, and there is one bridge that was very much in danger.

It flows into the largest lake in the State, Lake Roosevelt. And Roosevelt Lake is the biggest surface water source of water for the city of Phoenix and the other valley cities. There has been great concern that mud flow will affect the water quality and the water taste, as well as damaging the environment for the aquatic life in the lake and in the other streams.

There are some other sad things about this fire. Just to mention some of the devastation, the total of this fire was about 468,000 acres burned. The total in Arizona is about 622,000 acres. The structures burned in Arizona were about 423, the majority of which were homes and some commercial structures.

In the United States, this year alone, we have lost 21 lives as a result of the wildfires, and over 3,000 structures. The impacts on our forests in Arizona, the old growth trees will take 300 to 400 years to regenerate—300 to 400 years. To have a tree of any good size takes at least 100, 150 years.

We have endangered species in our forests, the Mexican spotted owl, for example. The fire burned through 20 of their protected active centers. So I think those who claim to be environmentalists, who want to protect a forest by keeping everybody out of it, and rendering it subject to this kind of wildfire have a lot of explaining to do when 20 of these protected centers for the Mexican spotted owls were ruined, devastated, burned up in this fire. The recovery time for this habitat is 300 to 400 years as well.

Twenty-five goshawk areas—this is another one of our protected species—and postfledging areas were impacted or destroyed. Wildlife mortalities—and these are just those that were actually documented—46 elks, 2 bears, and 1 bear cub, and, of course, countless other small critters.

I think it is interesting that air quality is something that is frequently overlooked when you think of these fires. I was up there. I know because I had to breathe it. But just one interesting statistic is that the greenhouse gases from the Rodeo fire emitted during 1 day—just 1 day of the fire; and this thing burned for 2 to 3 weeks in a big way, and then longer than that in a smaller way—but 1 day's emissions of greenhouse gases from the Rodeo fire surpassed all of the carbon dioxide emissions of all passenger cars operating in the United States on that same day.

So if we are really concerned about greenhouse gases, just stop and think, all of the emissions from all of the cars in the United States did not equal 1 day's worth of emissions from this one fire. Of course, there were a lot of other fires burning in the country as well.

Let me try to put this in perspective in terms of the amount of area of Arizona that is subject to this kind of fire.

We have about 4 million acres of forest in Arizona that is classified as condition 3. That is about one-third of all the forests in Arizona. Condition 3 is the area that is in the most danger of catastrophic wildfire. Here is a State map of Arizona. And the area in yellow is pretty much the forested area of our State, with the area depicted in red the class 3 area.

So you can see that a great deal of our ponderosa pine forest here is in very dire condition and needs to be treated as soon as possible.

The Grand Canyon is right here. You can see on the north rim, there are significant areas that need to be treated. Over here, near the Navaho Indian Reservation, there are areas that need to be treated. Flagstaff is here; you can see the mountains that rise over 12,000 feet just north of Flagstaff. Those areas are very much in danger. You have the Prescott National Forest, Coconino National Forest, the Tonto National Forest. The Apache Indian Reservation is probably the largest. This area is the watershed for Phoenix, the Gila River and its tributaries. It provides a great deal of the surface water for the city of Phoenix and surrounding areas.

These are beautiful mountain areas with a base elevation of over 7,000 feet. This area over here is 9,000 feet. The mountains rise over 11,000 feet, covered with ponderosa pines, spruce, fir, aspen, and others trees. All of this area is in grave danger of beetle kill disease, mistletoe, wildfire, and being weakened and dying from insufficient nutrients and water because of the condition of the forest.

It is a very matted, tightly packed forest with all of the little diameter trees literally squeezing out the big trees that we all want to save. It is called a dog hair thicket. It is so thick that a dog can't even run through it without leaving some of his hair behind.

Let me show you an example of what the forest used to look like and how it looks today. On the top you see a photograph of 1909. You can see these beautiful big ponderosa pine trees. There are some smaller ones back here. You have different age growths, and that is the way you like to have a forest so as the big ones grow older and die, there are others to take their place. You see a great deal of grass, sunshine, open space. You can imagine this is a very healthy forest because you don't have too much competition for what the trees need to grow. It is also a wonderful environment for elk and deer and butterflies and birds. It is open. You have plenty of grass for forage and so on.

This is the same area in the year 1992. This is the way much of our forests look today—absolutely dense, crowded. I am not sure if the chart is observable here, but you can see that the forest is now very crowded. Here you have beautiful, large ponderosa pines, a couple more back here, but they are being squeezed out by all of the smaller diameter trees.

What we are talking about in management is not cutting the big trees, not logging the forest. We are talking about taking out the bulk of these smaller diameter trees that are not doing anybody or anything any good and are clogging up the forests, preventing the grass from growing. They are ruining the habitat for other animals and creating conditions for insects, disease, and catastrophic wildfire.

For those who say we don't want to go back to logging, nobody is talking about that. We are talking about saving these big trees, not cutting them down.

The problem is, a lot of the environmental community is in total concert with this general management. But you have a very loud, activist, radical minority that is so afraid commercial businesses will want to cut large trees, that they want to destroy any commercial industry. In the State of Arizona, there is essentially no logging industry left. We have two very small mills, and the Apache Indian Reservation has two mills. The Apache Reservation I will get to in a moment because that is where the Rodeo-Chediski fire occurred.

What we are talking about here is having well-designed projects, after consultation with all of the so-called stakeholders, with the Forest Service having gone through all of the environmental planning and designating projects, stewardship projects with enhanced value so that they can go to these commercial businesses and say: Can you go into this forest and clean all of this out and make it look like this? Whatever you take out of here that we mark for you to be able to take out, you can sell that. You can turn it into chipboard, fiberboard. You can turn it into biodegradable products for burning and creating electricity. You can perhaps take some of the medium-size trees and get some boards out of them, maybe some two-by-fours. Can you make enough of a profit to do this for us because there is not enough money for us to appropriate to treat 30 or 40 or 50 million acres?

We are talking about a lot of money we simply don't have. You have to rely upon the commercial businesses to do that. Some of the radicals are so concerned that when they are doing this job for us, they will say: We don't have anything more to do; we want to take the big trees. And they are concerned that we won't have the ability to tell them no. Therefore, they are going to prevent us from cleaning up the forest for making it healthy again. They will create a condition that results in the catastrophic wildfires I was talking about; in effect, cutting off our nose to spite our face.

We are not going to do what everybody recognizes needs to be done because maybe when that is all done, 40 years from now, somebody will say: We want to go after the big trees.

Does anybody believe the political environment in that setting is going to permit us to do that? None of us are going to agree to that. I don't agree to it today.

Let me tell you a story. Former Secretary of Interior Bruce Babbitt is a very strong supporter of what we are talking about. An area he used to hike in when he was young is called the Mt. Trumbull area on the north rim of the Grand Canyon north of Flagstaff. As Secretary of Interior, being BLM land under the jurisdiction of the Department of Interior, he was able to do the rules and regulations that enabled us to go in and do the clearing. So they hired a couple of brothers that had a small business. They brought some pieces of equipment down from Oregon. One of them was a very small caterpillar thing that could snip all these small diameter trees. They cleaned out a fairly good size area. They made enough money to be in business, and isn't that fine. What they left was a forest that looked more like this.

I remember one tree that a BLM person there said: I have to show you this. Here was a tree that looked like a big California sequoia. It was a big ponderosa pine. The boughs came all the way down to the ground. And all around it were these small dog hair thicket kind of trees and brush. He said: We have to get them to clean this out because this tree is very much in danger of burning. If any spark comes within a mile or so, it will just climb up this ladder.

That beautiful tree, that was maybe 200 or 300, 400 years old, is going to go up in flames. That is the kind of tree we are trying to protect. For those who say we want to somehow do logging and so on, I simply say they are wrong; we are not. This is what we are trying to create, not this.

Let's go on to talk about some of the other aspects. In Arizona, there were about 4 million acres classified as condition 3, meaning most subject to catastrophic wildfire. Nationally, there are just under 75 million such class 3 acres.

Out of this, the Forest Service identifies about 24 million as the highest risk of catastrophic fires. And this definition means they are so degraded that they require mechanical thinning before fire can be safely reintroduced.

According to the General Accounting Office, we have a very short period of time in which to treat these acres. According to a 1999 study, the GAO says we have 10 to 25 years to treat this 30 plus million acres of class 3 land if we are to prevent unstoppable fires.

This shows you what can be done when you treat the acres. This is full restoration, meaning we have gone in and cut out quite a few of the small diameter trees leaving relatively few, mostly larger trees per acre. This is exactly what this particular acre had on it when the cutting and thinning had been done, going in and cutting out the small diameter trees.

In Arizona you can introduce fire in prescribed burns during the month of October and November because it is cooler. It is moist, and the fires are not going to get out of control. Fire was introduced here in this area in October, the wet month, and you can see that it is burning along the ground, burning the fuel that has accumulated on the ground. It is not going to go through this tree here or these trees here. It may burn some of the smaller trees, but what is going to be left is a nice environment in which you have grasses that can crop up the next spring and reintroduce a lot of species and habit and protect, as well, from fire.

If lightning were to strike one of these trees and start a fire, it would return along the ground like this. In the hot summer months, once it has been treated, it is likely, with all of the fuel having burned off the previous winter, the fire will move around the ground and it will not crown out to a higher degree of fire.

The reason you cannot treat these forests with fire alone, and you have to mechanically thin and cut out some of the underbrush first, is demonstrated by the next chart. This shows you what happened when we left this many trees per acre. This shows you when you do minimal thinning. They didn't do very much thinning, and they reintroduced fire, and you can see this fire is starting to climb the trunks of these trees and is going to crown out. You see it coming up along the top of this tree. It is going to catch the crowns of a lot of these larger trees. They are at great risk of burning and a fire starting. This is during the wet month of October when you have a lot of moisture. If you don't take out very many trees, a la this particular treatment here, minimal thinning, and you introduce fire, you are going to have a risk of fire in the hot months. It is going to be a very grave risk.

Let's turn to the third chart, which shows what happens when you don't do anything at all, you only burn. This demonstrates why you have to do thinning first. No thinning was done on this particular acre. This is during the cool, wet month of October in Arizona. They introduced fire, and look at what happened. It got out of control and created a crown fire. This is the beginning of what the Rodeo-Chediski fire looked like.

So it is too late in much of our forests to introduce prescribed burning. It will go out of control. You have to go in, as I said, and thin it out first and then, that fall, you set a prescribed burn and you burn all of the fuel on the ground. Thereafter, the grasses grow and everything regenerates and you have a very nice environment.

There is another myth. I talked about cutting old-growth trees. When people talk about saving old growth, we need to be careful because the reality is that a lot of old-growth trees, particularly in Arizona, are not big trees at all. They are not the ones you necessarily want to save. If you have been on the California coast, perhaps you have seen trees over a thousand years old. Some of the oldest ones are gnarled.

Which tree here is the oldest? Interestingly, this smaller tree is 60 years old and this bigger one is 55 years old. This is the younger tree—the big one. This tree was in an area that wasn't competing for a lot of nutrients, water, and sun. It was in a more open area. It grew as you would expect it to—very well, very quickly, and very big.

Obviously, this is a tree we are going to want to preserve. It will get bigger and bigger. But if you have that area in which the trees are crowded together in these very dense thickets, you can have a tree no bigger than this small one after 60 years. In fact, I have another one about the same size that is 88 years old.

Old growth would be something over 120 to 150 years. We have trees not much bigger than this that are designated old growth. We desire to create an environment in which you get these big beautiful trees that grow old and big and create the habitat for all of the fauna I discussed before for which we are trying to preserve the forests. This is an illustration of why you don't want to have arbitrary limits on cutting old-growth trees. The tree you want to save is this big one, not that one, the small one. That makes a much nicer environment and one that is better for the wildlife.

(Mrs. CLINTON assumed the Chair.)

Mr. KYL. Let me now discuss one of the concerns that has cropped up during the discussions about the kind of legislation we want.

There are those organizations in the environmental movement that understand there is too much public opinion in favor of doing something to manage our forests now because of this wildfire season, this catastrophic fire season. They understand they have to make some concessions. They have concluded that the best thing to be for is what they call urban/wild interface management. What that is supposed to mean is that you can go in and thin the areas right around communities and right around people's expensive million-dollar summer homes, and the like, but you cannot go out into the forests themselves.

We will put up the chart that shows the class 3 lands.

The problem is, first of all, it treats very few acres. This will illustrate the point. We don't have very many communities in these forests. There are five or six little towns in this whole area here. To do urban/wild interface management alone, by going out a half mile around the city limits of those little towns, is going to do nothing to enhance the environment in the rest of the forest. It will do nothing to protect the habitat of the endangered species out there. Actually, it does very little to protect the communities themselves.

The Rodeo-Chediski fire—and I will show you the chart later—burned with such ferocity and intensity that the small areas that had been treated provided little or no protection. It was only the areas where there had been a larger area of treatment that were protected as a result of the fire.

I can tell you, while the fire was still burning in the eastern area, we helicoptered up to the Rodeo-Chediski lookout and we drove about another 2 miles on a road that divided between an area that had been treated—that is to say, there had been thinning, and I believe prescribed burning in the area as well, and on the other side of the road it was not treated. The side that was not treated looked like a moonscape. There was no living thing. Every tree had all of the branches and pine needles burned off—nothing but ghostly, ghastly sticks. On the side that was treated, you could hardly see that a fire had gone through there. It laid on the ground, and it burned itself out. It was in a large enough area that it did not burn in that area.

Unfortunately, where you had just a thin, light, little strip of a quarter mile or half mile, the fire jumped right over it. I saw that as well in different areas.

Part of the problem is a phenomenon that exists particularly in the West, where you have dry, hot conditions on the ground. The fire crowns out, as you have seen on television, and these massive spires of flame go 100, 150 feet in the air, which creates a plume of high, hot air, smoke, ashes, cinders, carried upward, and it looks like a mushroom cloud from an atomic kind of explosion because the column of hot air rises like this and it creates a mushroom effect. It gets up into the cooler atmosphere, 15,000, 20,000 feet, and it cannot rise any more because the heat doesn't sustain it. The cool air dampens it down and begins to create condensation. Eventually, the weight of the plume that has risen is greater than the capacity of the hot air to sustain it and it collapses. The firefighters call it a phenomenon of a collapsing plume. What happens then is the whole thing comes crashing down, creating a huge rush of air down on the ground, which pushes out all of the hot cinders, sparks, smoke, and ash out, like this, for 2 or 3 miles.

That happened many times in the Rodeo-Chediski fire. I witnessed the creation of one such plume in an area of Canyon Creek, where I have been hiking and camping. It was devastated by this fire. So it doesn't do you any good to create a bulldozer kind of a firebreak, or a quarter of a mile or half mile of thinning, if the fire can spread with such ferocity. That is what happened over and over in this particular fire.

Let me explain that, notwithstanding the fact that there had been some treatment around some of our communities. Just stop and think about this for a moment. About 30,000 Arizonans had to pick up everything they had within about a 6-hour—I forget exactly how many hours of warning it was, but it was very few hours. They had to pick up what they could in their pickup trucks and cars and find somewhere else to live for the next 2 weeks. Show Low, AZ, is a town of over 20,000, 25,000 people, and in Pinetop and Lakeside and McNary, a few smaller towns, they all had to leave. They could not go back in for anything. A few people tried to feed livestock and keep horses and cattle and pets alive, but a lot was lost when these people had to be gone for 2 weeks.

Just think of having to leave your home and not knowing whether it was going to burn or not. Some did burn, but the towns were saved.

Interestingly, one of the reasons Show Low was saved was that a canyon to the southwest had been treated. It had been thinned, and there had been prescribed burning in that area I believe 2 or 3 years before; I have forgotten exactly how long before.

When the fire hit that area, the combination of that plus the backfire they lit in this particular canyon prevented the fire from reaching the outskirts—it reached the outskirts but prevented the fire from burning the town of Show Low.

Think about that. What we need to do is not treat quarter-mile or half-mile or even mile-long strips of property around fancy summer homes or small communities but, rather, treat the forest itself—as much as we can treat, as quickly as we can treat it. Only in that way will we get the environment back to the healthy state it was.

Only by treating large areas of the forest will we be able to return it to the status shown on this chart, where the small mammals will have a place to graze, really small animals will have a place to hide from the hawks, which will have a place to get the small mammals. We will have the birds, the butterflies, and more introduced as a result of this kind of treatment.

I mentioned before the issue of salvage timber. There is objection even to going in and cutting down the trees. I will show a chart of these trees. This is a huge amount of timber that could be salvaged as a result of the fire. In this kind of landscape, we need to cut some of the trees to lay it down and stop some of the erosion which inevitably occurs because of this kind of fire. It will enhance the regrowth of that area. Even seeding and planting does not do any good because the water washes all that material into the streambeds and it does not take.

This is timber that has a huge amount of value if it is able to be removed quickly, but disease will set in and deterioration will occur within a few months. If it is not removed in a 12-to-18 month period, it is lost. This is one way to help pay for what we are trying to do. Rabid, radical environmentalists do not want to even salvage that timber. Why? Again, because it will actually provide some jobs for the commercial timber industry and the mills that would mill the trees into lumber. They do not want them to be in existence because they then pose a threat to the rest of the forest. That is their logic. It is amazing logic.

Most of the Rodeo-Chediski fire was not on Forest Service land. Sixty-some percent was on the White Mountain Apache Indian Reservation. One can see on this chart the area of the fire. The green area is the Apache-Sitgreaves National Forest, and the yellow area is the Fort Apache Indian Reservation.

The White Mountain Apache Tribe relies a great deal on the revenues of its timber operations to sustain its tribal operations. In fact, it is the tribe's biggest source of revenue.

Also significant to the tribe is the revenue it derives from the hunting that it permits on its land. The White Mountain Apache Tribe for decades has been very smart about how they have managed their forests. They understand that if you are going to have wild turkey, if you are going to have bear, if you are going to have wildcat, huge elk that people are willing to pay $10,000 to hunt, if you are going to have that kind of wildlife that will bring in these kinds of trophy hunters who will pay the tribe a lot of money to hunt on the reservation, then you have to do a couple of things. First, you can only take out the number of animals necessary to keep healthy herds, a healthy group of bear or lion, or whatever it might be. So they take out very few of those animals, just enough to keep the forest ecosystem in balance.

Second, you have to have a healthy forest. You have to have a forest that is not all grown over in this dog-hair thicket environment but, rather, the more open forest that I showed before. The reason is that these elk have to have grass on which to graze, as I said. You are not going to have an environment where the lions are going to be able to go after the smaller critters because there will not be any small critters if they do not have places to forage and places to hide.

The White Mountain Apache Tribe has been very smart about the way they have managed the forests. They have not been subject to the same restrictions as has the Forest Service. They have been able to do more prescribed burns. They have been able to do thinning and utilize that small-diameter timber in their mills, and they have taken out modest amounts of medium- and a little bit of larger diameter timber as well.

Some environmentalists say: You cannot do that; there has to be a diameter cap of 20 inches, 16 inches, or some number. The tribe has not been subjected to that. It has asked itself the question—it is the type of question experts, such as Wally Covington from Northern Arizona University, ask: Not to define old growth or diameter cap, but take a look at the area and determine its carrying capacity. What will this particular area carry? What did it carry 100 years ago in terms of the kinds of trees, and other growth, and the number of trees?

When one determines that, then one knows what kind of treatment is called for. In some areas, you are going to cut all but 150 trees, leaving mostly large trees with a few more intermediate-size trees. In other areas, you may cut less. It may be that an area is so full of medium-size growth trees, let's say 20-inch diameter trees—you may be taking several of those out or maybe quite a few of those out. It does not mean you are harming the environment. It means you are reducing the number of stems to the carrying capacity of the land so it can rejuvenate, so it can grow back, and the trees left will be the magnificent trees we are trying to preserve. We will have grass and all the rest that is necessary for healthy flora and fauna.

That is the idea of this treatment. Over the years, the Apache Tribe has done a good job managing their forests. As a result, they have had less of a problem with fire. There are several different areas that have been treated, and in the bear report that followed the devastating fire, there is quite a bit of discussion about the kind of timber that was lost, the areas that were not as heavily damaged, and a discussion of the areas preserved, by and large, because they had been treated in the past.

I find it interesting, by the way, and I am going to digress here—let me make this point. We need to help the Fort Apache Tribe salvage the timber that is salvageable in this area. They do not have the capacity in their mills to do it, but they can mill some of it and then sell some of it to others. They have to get to it right away. They are making plans to do that. They need about $6.7 million to complete this project. I hope we will be able to provide that to them and it will help sustain the reservation.

As to the Forest Service, there are objections already to salvaging the same timber. We do not know where this boundary is when we are on the ground. It is all the same. Why the Apache area can be salvaged but not the Forest Service area I cannot explain. Nobody can rationally explain it. We need to salvage there as well. Yet there are those who object to any opportunity to salvage this timber.

One of the ideas for legislation was to have an opportunity to complete some stewardship projects or enhanced value projects that would in a temporary way—maybe over a 3-year-period of time, for example—treat areas of the forest that have not burned to see how well this kind of management worked.

This has been tried in the past. One of the cases is the so-called Baca timber sale. When we talk about timber sales, some of the more radical environmentalists get all upset because we are actually going to sell some timber to a mill that can mill it into lumber and build homes and lower the price of homes, by the way, so we do not have to buy all the timber from Canada at higher prices.

This Baca timber sale was proposed in 1994 to reduce hazardous fuels both in the interface and to improve forest health. It followed 5 years of planning and public participation. All the stakeholders were involved. But environmentalists appealed and litigated the case for 3 years.

The Baca timber sale was in this area. When the Rodeo fire went through that area, it burned about 90 percent of the proposed area. An area that could have been treated, that could have been made healthy, that the fire would largely have skipped around, was left to be ravaged by this catastrophic fire. The same environmental groups currently threaten lawsuits that would prevent the restoration of this area, which is why I mention that.

I ask my colleagues, when are we going to say we are no longer going to be jerked around by the radical environmentalists' agenda to destroy the commercial timber industry so they never have to worry about any big trees being cut, in the process permitting the forests to burn, destroying the habitat, endangering lives, burning homes, and burning up the same trees they want to save, as well as the environment for the species?

I mentioned before some of the species. The goshawk is an example. In 1996, the Forest Service proposed a project to thin near the nest of the goshawk, partly to reduce the fire hazards that were presented to the goshawk. These radical environmentalists appealed. That year the fire burned through the forests, including the goshawk nest. That is what happens when irresponsible environmentalists have control.

What does the control result from? It results from the fact we have a legal system that was designed to provide the maximum environmental input into decisions about abuse by some of the radical environmental groups. Let me cite some statistics from a report released in July by the Forest Service that covered the appeal and litigation activities on the mechanical treatment projects during the last 2-year period. Out of 326 Forest Service decisions during this study period, 155 were appealed, more than half; 21 decisions that were administratively appealed ultimately led to Federal lawsuits.

What happens with the lawsuits? You get an injunction which prevents you from moving forward with the project. In many cases either it burns while the project is pending or the Forest Service decided to move on rather than fight the appeal. The appeal, therefore, goes away, the work never having been done.

In the southwestern region of Arizona and New Mexico, 73 percent of all treatment decisions were appealed. Nationwide it was almost half—48 percent of the project decisions in fiscal year 2001 and 2002. Again, 73 percent in our area were appealed.

We cannot operate that way. The Forest Service is spending half of its budget preparing for these projects and fighting them and doing the work in litigation and on appeals to respond to the environmental community activity. About half of their budget is spent directly fighting the appeals, dealing with the injunctions, or preparing the projects in such a way as to be immune from this kind of litigation, which almost inevitably appears anyway.

On administrative appeals alone in 1999 through 2001, in Arizona—just one State—environmental groups filed 287 administrative appeals; 75 of these were filed by two groups that are very active. In litigation in the last 5 years, the Sierra Club and the Center for Biological Diversity litigated 11 projects in Arizona and in 10 years litigated 17 projects, including the Baca timber sale which was 90 percent burned while on appeal because of the litigation that ensued.

This is what has to stop. The administration, President Bush, has visited these areas and has concluded that the best way to try to deal with this problem is to keep the environmental laws in place so there is never any question about the application of the proper standards for the projects that are developed but to make it more difficult for those who are appealing for the sake of delay, to delay projects to the point they are no longer worth proceeding. In other words, move the process along.

The President's idea is you still have to have sales or projects that comply with the NEPA process where there is environmental review by the State holders, but you cannot get a temporary restraining order or preliminary permanent injunction in court unless the court decided the case and imposed a permanent injunction on the sale, but you could not go in advance and get that injunction, which is frequently what happens today.

In addition to that, the administrative appeals would be reduced or eliminated for certain sales. If you want to file suit, you can file suit and go directly to the judge. The hope would be that the judge would decide the case quickly and therefore either the project moves forward or it doesn't, but everyone knows they can move forward with alternative plans if the project cannot move forward. It seems to me on a trial basis, a limited basis, that would make sense.

What we proposed was we limit this proposal to class 3 areas—in my State of Arizona it would be only the red areas—that we limit it in time to maybe a 3-year authorization so we see how it works. If people do not think it works, we do not have to continue it. And that we limit the amount of acres that would be treated—maybe 5, 7, or 10 million acres per year, something like that. That, obviously, could be negotiated. And you would limit the way in which the appeals could be brought and have no temporary restraining order or preliminary injunction to be able to stop a particular sale. There would also be no limitation on the salvage projects I mentioned before.

Now, would these projects be logging? Would they be clearcut, et cetera? Of course not. First, they would have to be pursuant to the plans that have been developed by the forests. All of these regional plans have long ago discarded any kind of clearcut cutting. They have basically adopted the management theory of reducing the small diameter underbrush and small diameter trees, leaving, by and large, the larger older trees that we want to preserve.

Those are the plans in place now. They are the plans that would be proposed. If there is any plan that is not consistent with that, obviously, people could file a lawsuit and they could go to court and say, judge, this is not consistent with what we had in mind. And the court, of course, could say, that is right. If the proper environmental analysis had not been done or was inconsistent with the plan, the project could be stopped. That is what we are proposing.

As I said before, we have been in negotiations with our friends on the other side of the aisle. I mention in particular Senator FEINSTEIN from California has been very helpful in trying to find some middle ground, to craft a plan to permit us, over a very short period of time, to be able to treat a small amount of acreage and see how well it works. If it works well, perhaps we could go on from that. We got to the point of having a 1-year authorization, with 5 or 7 million acres maximum to be treated. It would be limited to this class 3 area. And a high priority would be given to urban wildland interface and to municipal watershed areas. Even that has not been accepted.

The question is whether or not we are going to be able to reach an agreement that permits us to fairly quickly pass an amendment, have it adopted and sent to the other body so we can begin negotiation for a conference report that enables us to send something to the President and begin treating these forests or whether we are basically going to be in a stalemate or gridlock with the two different camps in the Senate, neither one having the votes to prevail, with the result that nothing comes out of this legislative session and we will be left with an opportunity missed, and a heightened risk for the forests that we want to preserve.

That is the choice before the Senate. I call upon my colleagues who have been working on this to try to find a way to enable us to be able to treat some of the acres in good faith, and see how it works, and if it does work well, as we predict it will, to enable us to expand that to the roughly 30 million acres that the General Accounting Office said we need to treat or else see burned.

Those are the stakes. I call upon my environmental friends, who are mostly concerned about protecting these areas of the forests, to think about the priorities.

Do we want to protect the habitat for those endangered species that we all would like to preserve? Do we want to protect the habitat for all the other flora and fauna? Do we want to have a healthy forest or do we want, in effect, to let it go to seed, risking catastrophic fire, disease, and insect devastation which will not protect the environment but will destroy it for all the purposes I mentioned before?

That is the choice before us. It seems to me there is no better time to act and, in fact, this may be the last opportunity to act this year in order to achieve this result. I urge my colleagues to find this compromise; if not, to support the kind of effort I propose that is a limited project with very tight constraints—in effect, a pilot or demonstration project to see if we can make this kind of forest management work.

I thank my colleagues for their indulgence.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, administration budget requests and congressional appropriations bills are a clear reflection of our priorities as a nation. As was discussed on the floor earlier today, it seems we had, from the administration, a focus on Iraq and nothing else.

I am happy to see a bill just came from the House. I would like very much to see other things coming from the House, not the least of which is the rest of the appropriations bills and the matters that are now in conference. No. 1 on the top of my list is the terrorism insurance bill. We need to have that done.

I think now we have the second debacle in a row in Florida. We have election reform that we have passed. It would be nice to finish that conference report as well as the Patients' Bill of Rights and the generic drug bill that seems lost over there sometimes. We have a lot of things that we need to complete.

And, of course, bankruptcy reform. Senator CARPER came to me this morning, here on the floor, and told me how desperately his constituents feel this is necessary to help many different industries. So there are a lot of things we need to do.

I listened patiently to the very erudite remarks of the Senator from Arizona. I would say it is not an either/or situation. It is not a question of forests burn down or the radical environmentalists caused all this. The fact is, what we are proposing is instead of 70 percent of the money being spent where there are no people, we reverse that and have 70 percent of the money spent in places such as Lake Tahoe, a beautiful lake shared by California and Nevada. We are very concerned about what happens if a fire occurs there.

My friend from Arizona said there are million-dollar homes, that is what we are trying to protect—and I am sure there are, in the Lake Tahoe area, some very expensive homes. But remember, this is also an area of hotels, motels, and ski lodges and the service people who work in those are not millionaires and don't have millionaire homes but they need to be protected. That is what this is all about.

As I said, the administration budget request and appropriations bills are a clear reflection of our priorities as a nation. It is where rhetoric meets reality. In an economic downturn, and that is what we are in now, it is more important to put people first, ahead of—instead of handouts to—corporations.

Unfortunately, I am sorry to say, the Bush administration's so-called healthy forest initiative would add to its already impressive list of corporate giveaways. This proposal is anti-community and anti-environment, plain and simple.

My friend is in a neighboring State, Arizona, and I know they have suffered these devastating fires. We have watched them and feel for them. But the answer is not to bash on radical environmentalists. That is not the cause of these fires. We have a number of people in America who feel very strongly that the proposals made by my friend from Arizona, where you basically take away judicial review of decisions made, is wrong. I do not think there are many who would put the League of Conservation Voters in the camp of radical environmentalists. In fact, I think they are very moderate. They see things the way the American people see things—a way to protect the environment. The League of Conservation Voters will grade all of us, all 100 Senators, on this amendment and on this vote.

I think it would be a shame if, because of the pending Craig amendment, that the minority would vote not to invoke cloture on this most important piece of legislation. We need to move forward with this bill. If cloture is invoked, the Craig amendment falls—no question about that. But we have tried to work something out and we have been unable to work it out.

My good friend from Oregon, Senator WYDEN—who is a consensus builder, who is a longtime legislator—understands the art of legislation is the art of compromise. He has worked for weeks trying to come up with a compromise. If Senator WYDEN can't do it, it cannot be done, because he is someone who understands legislation and how to work out a so-called deal.

The League of Conservation Voters will grade us on this amendment in its annual scorecard. Whoever votes to agree to this amendment will fail, in their eyes, fail to protect the environment. That is what this vote is all about today.

Like the Bush plan, the Republican amendment is championed as a way to address the real fear and suffering of those who live in danger of wildfires. Sadly, this is simply a smokescreen for another corporate handout. This is tragic because wildfires have burned roughly 100,000 acres in Nevada and more than 6.3 million acres nationwide this year. The fire season is already one of the worst in the record. In Nevada, it is past. That doesn't mean we can't still have devastating fires, but this fire season has been bad. The one before it was bad. By December of this year we may have the grim distinction of it being the worst year for wildfires in American history.

Faced with this devastation, what is the administration's plan? It proposes to suspend environmental reviews of timber projects, making it easier for timber companies to harvest large, healthy, fire-resistant and, of course, profitable trees. The Republican plan will suspend the main environmental law applicable to our forest, NEPA, the National Environmental Policy Act. That is the law that forces the Forest Service to ensure its timber sales don't hurt the environment. It is the avenue through which local people and governments review these sales.

It would also prevent any meaningful judicial review of timber company and Forest Service actions. That is what this pending amendment would do. That is because in the Republican plan the issuance of temporary restraining orders and preliminary injunctions is prohibited. That is what restraining orders are all about. If you do not have a restraining order, by the time you get to court the trees are gone. What is the point of judicial review if the trees have already been clearcut by the time you walk through the courthouse door?

The Republican amendment also fails to target funding to the places where forests meet our communities, where people and property are at greatest risk. This is not a situation where there will not be work done in areas outside of municipalities, places where people live. But we are saying let's reverse things. Instead of spending 70 percent of the money where there are no people, let's spend 70 percent of the money where there are people.

The Republican amendment does not require that a certain percentage of funds be spent on wildlife/urban interface. Instead, it gives the Forest Service discretion to carve out big tree timber sales and cast aside community concerns, as they have been doing for such a long time.

There is no hard target to protect our communities because that is not what the Republican plan is about. It is about making it easier for the Administration to sell our forests to their favorite timber companies.

We already have a stack of GAO reports detailing the myriad of ways that our forests are mismanaged by our agencies.

For example, we know that government agencies do not target funding to the wildland-urban boundary where we can best protect lives and livelihoods.

According to the President's own budget, only one-third of the fuels reduction budget was spent to directly protect people and homes. That report came out in February of this year.

Think about that. The Forest Service has a record of spending most funding out in the forests, away from people. That is not an acceptable record. They support logging of large, profitable—and fire resistant—trees. They place lower value on hazardous fuel reduction projects on forests and rangeland around communities.

Don't just take my word for it. In response to GAO requests, Forest Service officials themselves stated that they tend to "(1) focus on areas with high-value commercial timber rather than on areas with high fire hazards or (2) include more large, commercially valuable trees in a timber sale than are necessary to reduce accumulated fuels."

How does the President reward agency mismanagement? By repealing public oversight. The record of agencies in managing our forests demonstrates just how important it is to have that oversight.

When my colleagues vote on the Republican plan, they should ask "Would it truly help communities threatened by fire?" The answer is no.

I hope the minority will vote to invoke cloture and have this amendment go down. The Craig amendment should fall.

The big trees that would fall as a result of this amendment aren't the main cause of the wildfires now scorching many states—including mine, the State of Nevada, and of course, all over the West.

The real personal and economic danger facing Americans in the areas where our wildlands meet our communities is being used as the disguise for this latest giveaway to big corporations.

The Administration and the Republican amendment don't focus resources on these areas—a principle embraced in the National Fire Plan and the Western Governors' Association. I don't think they are radical environmentalists.

Instead, they make it easier to squander fire money on projects that are far from communities and that threaten to worsen future fires.

I am sorry that it appears that it is the modus operandi of the Bush Administration—roll back environmental laws, cut the public out of the process, keep people in the dark and turn over a public resource to corporations.

Corporations can handle anything; any problem in America, turned over to corporations. We need oversight of these corporations.

In this case, that choice puts people in harm's way—it diverts taxpayer dollars from public safety and, in many instances, to private plundering. We should instead spend fire money on projects that reduce the risk to communities in forests and rangeland at high risk of wildfire.

Mr. President, Nevada has relatively little commercial timber but we do have a terrible hazardous fuels problem that threatens Nevadans from Caliente to Reno—all over the State. Past practice proves that Congress needs to direct spending these funds to protect communities rather than accepting the President's new proposal.

Protecting people should be our priority today, not paving the way for companies to remove great trees from our public lands.

There could still be work done, and there will be work done in areas that the Senator from Arizona says there should be. What we are saying is all the money shouldn't be spent there. We are also asking: Why not have judicial review? Why not have the ability to look at what is being done by these agencies?

No one wants these fires to occur. They are devastating. But you have to recognize what appeared in, I believe, today's Washington Post—it could have been in yesterday's Washington Post—and what happened in Montana 2 years after the devastating fires. They reviewed in depth what happened there. We know fires have been burning for centuries—forever. You need to have these fires occur on occasion. That is why we have prescribed burning in all of the country. It is too bad we had the serious problem with prescribed burning in New Mexico. But we need prescribed burning. Burning makes for healthier forests. We have to deal with what we are calling for in the amendment that we want to offer; that is, have prescribed burning to make healthier forests. We want to improve forests so we have nature doing what it has to do.

We know pine trees can only germinate if there is a fire. There is new growth of pine trees after fires, which pop the pinecones, and causes the planting. That is something which is extremely important.

We tried to work something out on a compromise basis. We can't do that. The majority leader made the right decision. A cloture motion was filed. We are going to vote on that this evening.

I hope the Craig amendment will fall so we can move forward with this bill and complete this legislation.

I am disappointed we won't be able to offer our amendment. Our amendment would also not be germane. That is too bad because I believe we should focus on what is going to happen in urban centers—in areas where there are people. Hopefully, we can get the mix of money being spent so that more is done there and not out in the middle of nowhere.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I cannot sit idly by and not offer some comment on the Senator's statement.

No. 1, the Senator has flopped the money in regard to the President's budget. I might add that at least the president completed a budget. Seventy percent of this money would go to wildland urban interface, and 30 percent goes to the less populated areas, not the other way around as the Senator from Nevada suggested.

In this amendment, we change no environmental law. We deny no one the appeal process. Both administratively and judicially, those things don't change.

What I am asking Senators and this country to consider are environmental laws, NEPA, clean water, clean air, and the Forest Management Act, which has been in effect for some 25 years. We have been operating and managing under those laws for that long without some reform. Look at the track record. I'm asking for proof you are right to deny this; prove us wrong.

For years and years, I have followed football a little. I guess what makes that game great is there is only one rule book, and it is in every State across the Union. If we want to bring some discipline, look at that fact and compare it to what we are doing in our judicial system.

When I look at the appeals process—as the chief of the Forest Service said the other day, if you get 999 people out of 1,000 to agree on a management decision, it can all be stopped by one person. That has been the case ever since these laws were put into effect. We see the result, we get growth, and we burn. We do away with grazing, and we burn. If we do away with active management of a renewable resource, what was there before? We saw younger trees that grew old, matured, died, and regrowth occurred.

Once again, look at the track record of the management we have been under for the last 25 years. We see great regrowth and reforestation even in clearcuts where that management has worked: New trees, new forests, a renewable resource that is in demand by the American public, to carry on into the next generation and the next generation, a renewable resource that can be used by all Americans, all Americans; that is, if housing and the use of lumber appeals to you.

I realize some folks don't worry about the cost of a home or people getting into their first home. The folks on the other side of this issue are less caring about it. The League of Conservation Voters—who are a pretty moderate group, have a little radical group among them that actually makes the policy to carry out their appeals process in this situation.

Make no mistake about it, if they who want to manage the forests differently want us to prove why we think this plan would work, then I ask for the other side to use the same system to prove theirs has worked. For 25 years, those management practices have all but culminated, in the last 4 years, in the destruction of a renewable resource which could have been somewhat prevented.

Yes, there will always be fires. They even slash and burn after harvest is over. Do you know what? They grow back. They are wonderful. They are beautiful. But what I fear is that the way this system is now, people who have never had any dirt under their fingernails are making the management decisions on a resource that should be used for generations to come. It just does not make a lot of sense to me.

Compare the track records. No money goes to corporations. No law is changed. All rights are preserved. We are saying let's put the football at the 50-yard line. Nobody likes to start on their own 20.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, we are attempting to make a very important policy determination on the management of our public lands. Many of us have been on the floor over the last good number of years to talk with some concern about the changing character of our public lands and the impending crisis that might occur under the normal climate cycles across the United States as a result of catastrophic wildfires on our forested public lands.

Tragically enough, many of the alarms we were talking about were based on studies done over several decades, that inactive management of our public lands, in the absence of fire, was allowing a fuel buildup that ultimately could result in catastrophic wildfires.

We are now at that point where it has become obvious to the American public, from watching television this summer, and seeing the fires that have raged across the western forests, that something is wrong out there; that this was not a normal environment; that this was something they were not used to; Why were these beautiful forests now burning?

They were burning, they are burning—they are still burning—and have been since mid-June because of public policy that had largely taken fire out of the ecosystem but had not allowed a comparable activity in the ecosystem of our forested lands that would remove the underbrush and the small trees and maintain the kind of environmental balance that was there prior to European man coming upon the scene a couple hundred years ago, and especially in the last 65 to 70 years when we had become very good at putting out fires in our forests. It is from that perspective that brings us to the floor today.

A few moments ago, my colleague from Arizona was on the floor talking in great detail about the wildfires that swept across his State this summer—the white forests of southwestern Arizona, and the phenomenal damage that occurred there. It nearly wiped out an entire community. It clearly destroyed valuable ecosystems and watersheds and wildlife habitat to a point of ultimate devastation.

It, in fact, has created such an environment that it denies Mother Nature, once she has done this damage, the ability to come back and to create a resilient forest in a reasonably short period of time. By that I mean several decades.

These fires are now so intense, based on the fuel loading on these lands, that it is equivalent to literally tens of thousands of gallons of gasoline per acre in Btu's. The fire burns deep into the soil, soil loaded with organic materials that absorb and hold water and allow plants to flourish, creating what are known as hydrophobic soils. In other words, it caramelizes them; it fuses them; it ultimately destroys the ability of these lands to reproduce for decades.

Of course, because you have denied the ability of the land to absorb water, when the rains come in the fall, massive landslides, erosion, and watershed damage occurs. Right now, in Colorado, with the current rainfall, landslides are occurring as we speak. They are not making the national news that the fires that swept across those lands a couple of months ago did, but they are making the local news because the roads are blocked, people cannot traverse the area, watersheds are being damaged, and, of course, the quality of the water that now flows into the reservoirs that supply the urban areas of Denver and other places is in question—all because of public policy and a perception that has prevailed in public policy for the last several decades that inactive management, no management, man's hand not present in the forest, was, by far, the better way to go.

I am not even questioning the fact that several of the industries that were prevalent in our forests over the last century have lost credibility in the eyes of the American people. I am not even going to argue that forest policy of 30 years ago, based on certain attitudes and certain images, projected by national environmental groups, has not changed attitudes and has caused us to lose the support of the American public on certain aspects of national U.S. forest policy. I believe most of that is true.

But what I also believe is true is that a radical move from one position to the other, and holding the far position on the other side, is just as bad as maybe clear cutting policies of 40 or 50 years ago.

Many will now argue: But we are saving old-growth forests across our country by disallowing the human hand to touch the land. I suggest to those who so argue that this year we have lost over 2½ to 3 million acres of old-growth forest because we were not allowed to go in and take out the underbrush and the small trees that are below these older trees. And as the fires swept across the land, it took everything, including the old growth.

So radicalism or extremism or a fixed policy on one extreme or the other can produce the wrong results.

Putting good stewards on the land who understand the science of the land and the science of the forest itself is, by far, the better way to go. But in the last decades, we have decided that the policy was bad. I say, collectively, as a Congress, we have decided that. So we began to micromanage from the floor of the Senate. Every Senator influenced by some of his or her environmental friends decided they were the forest experts. They would legislate the particulars or they would deny certain actions that should be happening on the public lands.

As a result, over the last number of years, we have seen the average number of fires and total number of acres destroyed per year begin to rapidly increase on our public forested lands.

What was once an average burn of 1 million, 1.5 million to 2 million acres a year is now up into the 6 to 7 to 8 million acres a year. And it seems now, if you were to graph it, to be progressively climbing.

This year we have now burned about 6.5 million acres of forested land—not just burned it but destroyed it. There is hardly a tree standing—watersheds destroyed, land hydrophobic, wildlife habitat gone. Mother Nature will not come in there and replace herself for a decade. In the meantime, watersheds will slip and slide off the face of these mountains in landslides, riparian areas destroyed and urban areas at risk.

We are, therefore, going to sit here, as a Congress, and say: This is OK. This is the right thing to do.

The majority leader some months ago knew that in the Black Hills of South Dakota it wasn't the right thing to do, and he was able to work with groups and accomplish for South Dakota some of what we would like to accomplish for the rest of the forested States of our country: an active form of management that brings groups together, creates local public interest, understands the dynamics of good stewardship, and allows some degree of active management.

So for the last several weeks we have worked very closely with a variety of Senators from both sides of the aisle to see if there was not a bipartisan way of accomplishing this. Tragically, some interest groups have some of our colleagues so locked into a single position that they can find no flexibility in their vote.

My colleague from Oregon, RON WYDEN, and Senator DIANNE FEINSTEIN of California have worked closely with us to try to make some of these changes. They have come a long way. I, too, have come a long way in trying to craft a middle ground that will allow active management on a select number of acres of land to prove to the American public that what we can do can be done right not only in improving forest health but, at the same time, not damaging the environment and, in a very short time, allowing that land to rapidly improve as wildlife habitat and watershed quality land and also be productive for additional tree production for the housing industry and for the American consumer that would like to own a stick-built home.

Last week, Senator DOMENICI of New Mexico and I offered an amendment that we thought was a comprehensive effort to come to the middle ground, to a position that both sides could support. We took the advice of the western Governors who met with the Secretary of the Interior and the Secretary of Agriculture some months ago to express the very concern I and other Western colleagues have expressed about the state of at least the western forests and to try to arrive at a collaborative process that would allow both sides to come together.

In our amendment, what we have offered is basically allowing a collaborative process to go forward at the State levels to select those lands most critically in need of active management for the kind of thinning and cleaning that would be most desirable under these areas and, at the same time, to recognize the clear protection that would come as a result of existing forest plans, to not override forest plans that most of our States have on a forest-by-forest basis, but to recognize that those are appropriate planning processes, that the efforts we would recommend to improve forest health would be consistent with the resource management plans and other applicable agency plans.

We would establish a limited priority of action, and that limited priority would be in the wildland/urban interface areas. This year, we have lost over 2,100 human dwellings while we have lost 6.5 million acres of wildlife dwellings. So the human, in this instance, is experiencing phenomenal damage to his or her dwelling, just as is wildlife. As a result of that, we recognize the most critical need of trying to resolve the wildland/urban interface.

I see my colleague from West Virginia on the floor at the moment. He was very willing to put additional money into firefighting this year. It is part of this amendment on the floor now.

Why? Not only do we need it, but now the Forest Service spends most of its time protecting houses instead of protecting trees and wildlife habitat and watershed. Why? Because over the last 25 years in the West, every piece of non-Federal land that is in the timbered areas has found it to be a place where people like to live. They have built beautiful homes out there. As a result, we now have a conflict that we did not have 25 years or 30 years ago when fire became an issue on our public lands. So we are dealing with the wildland/urban interface areas.

The other area I mentioned, now very critical in the West, is the municipal watershed area. These are the watersheds that provide the water and the impoundment or where water is collected for our growing urban areas. Many of those were devastated this year. I was on one in Denver, Colorado; now devastated, water that will now flow into the reservoirs that will feed the city of Denver. Much of that water will have the result of an acid base produced by the ashes of the forest fires that destroyed the watersheds of that area.

We also recognize that forested or range land areas affected by disease, insect activity, and what we call wind throw or wind blowdown, those are the areas that are now dead or dying. As a result of that, those are most susceptible to fire. We have recognized the need to get into some of those areas. That would be important to do.

Lastly, areas susceptible to what we call reburn, where the fire flashes across it, largely kills the trees, and then causes those trees to die, making them more susceptible to fire.

We have also said that this approach, while extraordinary, will include only 10 million acres. When I say only 10 million, I am talking about over 300 million forested Federal acres in our Nation under the direction and management of the U.S. Forest Service. These forested public lands encompass a very small amount. This would be showcased over a limited period of time with substantial restrictions. So that would be very important, and the process would have some limitations as it relates to current law: That we would not allow appeals or injunctions, but that there would be a judicial review process on a project-by-project basis. It would allow the filing in a Federal district court for which the Federal lands are located within 7 days after legal notice when a decision to conduct a project under the section is made. In other words, we do provide a legal remedy for those who openly object to any of this activity.

As I and others have said, and the President said over a month ago, we will not lock the courthouse door. While we think it is tremendously important that we begin to deal with forest health, we should not deny the fundamental process in the end. And we would not deny locking the courthouse door so that there could be a review as these actions proceeded.

Those are the fundamentals of what we are proposing to do—a limited nature, 10 million acres, to allow the groups to come together on a State-by-State basis to meet with the Forest Service and examine those acres and the most critical need of action, and to recommend to the Forest Service those areas, to allow a limited environmental review to go forward and, through that recommendation, then move to expedite the process in a way that is commensurate with forest health.

(Mr. JOHNSON assumed the Chair.)

Mr. CRAIG. If we could treat 5, or 6, or 7 million acres a year, and by that, I mean thinning and cleaning, leaving the old growth; our legislation talks about leaving no less than 10 trees per acre of the oldest trees, and more if it fits the landscape, or the species, or the watershed in which this activity would be going on.

But even if we do all of that—if the public would allow us, and this Senate were to vote to become active managers of our lands once again—with all of that, the state of our forests is now in such disrepair from a health, fuel-loading, big-kill standpoint, that in the years to come we are still going to lose 4, 5, 6, 7 million acres a year to wildfire. It is simply a situation of human creation by public policy that has denied active and reasonable management on these lands for several decades now. As a result of that, we have a tragedy in the making.

But if we act, in the course of the next decade we can save 700, 800, or a million acres of old growth and watershed and wildlife habitat, by these actions, that might otherwise be burned by wildfire. That is the scenario and the issue as I see it. It is also the issue that some of our top forest scientists see.

Is it a political issue today? Tragically enough, it has been politicized. There seems to be a loud chorus of people out there who say: Do nothing. The tragedy today is that a do-nothing scenario is, without question, more destructive to the environment than a do-something scenario could ever be, because it would be total destruction instead of limited damage in some areas that we treat, as we move to protect the old trees and guard against entry into the roadless areas at this moment in time, but still allow the thinning, cleaning, and fuel removal to come out of these acreages, as proposed by the Craig-Domenici amendment that is now pending.

So I hope my colleagues will support us and join with us. While the fires have dominantly been in the West this year, this is not just a western issue. We are fortunate to have forested public lands all over our country. Here in the East, similar problems are now happening: Overpopulation of our forests, even in the hard woods, bug kill, fuel loading; and now we are beginning to see more of our forests in the East, along the Allegheny and the Blue Ridge and down into the South, become ripe for burn during certain seasons of the year.

So it is a situation that is now beginning to repeat itself in the East as much as it has since the late 1990s out in the West. So I believe it is a national issue of substantial importance and one that we ought to spend time debating and understanding.

I encourage my colleagues to visit with me, Senator DOMENICI, or others who have offered this amendment, trying to seek a balanced approach to allow the U.S. Forest Service to begin the program of selective, active management of thinning and cleaning, using a comprehensive, collaborative approach on a State-by-State basis, with interest groups from those areas, in a way that will begin to restore the forest health of this Nation.

We may have a cloture vote at about 5:15. I hope my colleagues will not vote for cloture but will give us an opportunity to vote up or down on this amendment, as I think we are entitled, because we believe it is not only good policy but it is a critical and necessary vote for our country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. How much time does the Senator from New Mexico want for his speech?

Mr. DOMENICI. I didn't know whether we had any time left on our side.

Mr. BYRD. I believe we have until 12:30 overall.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I would ask for 5 minutes at this point.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I ask unanimous consent that I may yield to the distinguished Senator from New Mexico, Mr. DOMENICI, for not to exceed 5 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from West Virginia.

I have heard most of the statement on the floor by my distinguished friend and colleague, Senator CRAIG, with whom I am a cosponsor of a very important amendment. We have a number of Democrats and Republicans who have joined us on this amendment. All I want to do is suggest that if we are going to have cloture this afternoon, I hope that, with reference to a cloture that will take this amendment down, Senators will not do that.

We have not had very much time. It is a very important and easy-to-understand issue. It will be confronted with an opposition amendment, which we have not seen yet, that will be forthcoming by the majority leader and, perhaps, Senator BINGAMAN. Both of them are moving in a direction of modifying the existing environmental laws that don't let us remove certain kinds of trees from our forests that are, by most people, determined to be the kind of trees you should remove. They either result in a burndown, or have the result of what is called a blowdown where whole portions of a forest are blown over, or they have just accumulated and are not growing because there is so much rubbish left over that you cannot get the Sun to do any good. When the fires come, they go from one place to another, right over the top of trees.

We want to set the timeframe within which objection can be made to going in and cleaning up that kind of forest, that it be moved in a very short period of time and not be subject to lengthy court hearings but, rather, that it move expeditiously.

We got our idea from an amendment the distinguished majority leader attached to a previous appropriation bill. The majority leader did this modification of the environmental laws that restrained removal of certain kinds of forests that were no longer needed and that could be used if you took them out of there rather quickly. The majority leader did that in an amendment and made it apply to a certain forest in his State and, thus, in the State of the occupant of the chair.

I don't have any objection to that amendment today. If the majority leader and his fellow Senator who occupies the chair want to do that, that is their business. It is about their State. I didn't come down to talk about changing environmental laws. I waited a couple weeks and suggested that maybe we ought to do the same thing—that we ought to get some movement in our forests rather than leave these kinds of trees there.

There are many other things wrong with the forests that we are going to have to fix. Essentially, over 6 million acres of our forests have burned—more than twice the 10-year average—in the current fire season. Twenty-one people have been killed and 3,000 structures have burned.

It will be more like an experiment. We will take a piece of these forests, and we will go in and clear them out within a reasonable timeframe, rather than the unreasonable timeframe that has become the procedure heretofore which, by using the courts and various actions of the courts, imposing NEPA and all of its requirements, whenever groups do not want any of this clearance, they win, just by delay.

I thought there would be a unification of purpose and we might get all the Senators to understand this was not an effort to defeat the environmentalists. We did not think they ought to necessarily take sides in opposition to this issue. It is a very realistic, commonsense approach.

We will have more time to discuss it in more detail, and we will get to discuss it at our respective policy luncheons. I thank the Senator for yielding me the 5 minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the situation with respect to time?

The PRESIDING OFFICER. There are 10 minutes remaining prior to the recess.

Mr. BYRD. Mr. President, I ask unanimous consent that I may hold the floor beyond the 10 minutes for a reasonably short period of time. I would say perhaps another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield to the distinguished Senator. He wants 3 minutes for a statement. So I yield 3 minutes to him. I do not know why I am accommodating all these Senators like this, but I yield 3 minutes. I yield to him without losing my right to the floor for a statement only for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAPO. I thank the Chair.

(The remarks of Mr. CRAPO pertaining to the introduction of S. 2942 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, over the course of the last several months, the Senate Appropriations Committee has endeavored to craft 13—13—bipartisan, responsible pieces of legislation which fund every aspect of the Federal Government. The Appropriations Committee accomplished its goal. Each bill was adopted by the committee without a single dissenting vote—not one.

This is the largest committee of any committee in the Senate. It is made up of 29 members—15 Democrats and 14 Republicans. So each bill was adopted by the committee without a single dissenting vote: 13 bills, not a single nay vote. That is true bipartisan cooperation. In fact, if one adds up the rollcall votes for the 13 bills, one would have a tally of 377 aye votes to zero nay votes. That is a record for which committee members should be proud.

As all Senators are aware, the appropriations bills are stuck. They are stuck; the ox is in the ditch. The House Appropriations Committee has not acted on five appropriations bills, and the full House has yet to pass eight of the bills, leaving the next fiscal year in a dangerous position of starting without Congress having completed action on the funding legislation.

Why are we in this predicament? While it would be easy to point the finger at the House of Representatives, the blame basically, truly belongs down the avenue—the other end of the avenue.

The White House's Office of Management and Budget remains wedded to an arbitrary budget figure that undercuts the Congress' ability to complete its work in a responsible fashion. The Senate has passed appropriations bills that total $768 billion. Every Senator on the Appropriations Committee voted for that funding level. Every Senator on that committee voted for that funding level of $768 billion. Every Senator on the Appropriations Committee, Democrat and Republican, recognizes that level of $768 billion is a responsible level that provides for the largest Defense spending bill ever, that provides for a significant increase in homeland security funding, and that accommodates just enough to cover the cost of inflation for domestic priorities—priorities such as veterans health care, education. These are not boondoggle bills. These are responsible pieces of legislation.

The House appropriators would be able to complete work on their bills if they were able to utilize the same overall figure. I want to say the fault is not with the House Appropriations Committee chairman. That committee would be able to finish its job. But the White House has insisted that the House allocate no more than $759 billion. So the House is stuck $9 billion below the Senate and weeks behind the calendar for completing its work.

The House needs to get its work done, but more importantly, the administration needs to provide some flexibility to help us to finish these bills. We do not need political games. We need to complete action on 13 individual appropriations bills.

I know; I worked closely with the chairman on the other side, Chairman YOUNG, and with the ranking member on the Democrat side, DAVE OBEY. I worked closely with them. Their heart is in the right place. They know the Senate and the House ought to go to the higher, top line figure, $768 billion. But it is the administration that has its feet in concrete and its head in the sand. No, it wants to stay right on the $759 billion. That is why these appropriations bills are stuck.

Just yesterday—listen to this—in an article in the Wall Street Journal, Mr. Lawrence Lindsey, head of the White House's National Economic Council, projected that the military costs for this so-called war in Iraq will be $100 billion to $200 billion. They were talking about billions of dollars this year alone. I will say that again: Just yesterday, in an article in the Wall Street Journal, Mr. Lawrence Lindsey, head of the White House National Economic Council, projected that the military costs for this so-called war in Iraq will be $100 billion to $200 billion this year alone.

Now, I would consider $100 billion to be quite substantial. That is a lot of money, $100 billion. But Mr. Lindsey says it may go from $100 billion to $200 billion this year alone. I consider $100 billion to be quite a substantial figure, and I would consider $200 billion to be doubly substantial.

Mr. Lindsey, when asked about that level, said: That's nothing. That's nothing—$100 billion to $200 billion, that's nothing? If $100 billion is nothing, Mr. Lindsey, what is $9 billion? How can $100 billion be nothing if the White House is willing to put the entire Government on autopilot over $9 billion? That is why we are not getting the appropriations bills done. The administration, through its Office of Management and Budget, says no more than $759 billion, because he has the authority of the President behind him.

I have heard some strange economic plans in my day, but this one takes the cake. How can $100 billion be nothing, as Mr. Lindsey is quoted as saying, if the White House is willing to put the entire Government on autopilot over $9 billion?

The growth of the fiscal year 2003 appropriations bills is not for the domestic program. The additional $9 billion in the Senate bills will fund the President's requested increases in the Department of Defense and homeland security. For the rest of the Government, that $9 billion is the difference between a hard freeze and a 3-percent adjustment for inflation. But those facts do not seem to matter. They do not seem to matter to this administration.

In times such as these, the administration should be working with Congress to complete action on these appropriations bills, not attempting to hamstring Congress at every turn.

Obviously, the Office of Management and Budget has adopted a strategy that places the administration's political goals and rhetoric above the needs of the Nation. The political goals come first, apparently, with this administration. What a shame. What a shame. The Office of Management and Budget has signaled that this year politics wins out over principle, rhetoric wins out over reality.

So much for the new tone the President was going to bring to Washington. All this administration wants to do, apparently, is to play the same old games. The administration seems to believe that the Federal Government is nothing more than a Monopoly board. The President is living on Park Place, but the rest of the country is relegated to Mediterranean Avenue. The administration has asserted that $768 billion is excessive spending for the coming fiscal year, and yet the significant increases within that total are to fund the President's proposal to significantly increase defense spending and homeland security funding.

I am not against doing whatever is needed to meet the Nation's requirements for defense, and the same is true with respect to homeland security. But the Nation should not be forced to cut budgets on health care, on education, on veterans programs, and other priorities here at home just to meet some political goal of the administration. The clock is ticking. We do not have time to play these political games.

There is more at stake than a simple roll of the dice.

I ask unanimous consent to have printed in the RECORD the article from the Wall Street Journal published on Monday, September 16, 2002. The title of the article is: "Bush Economic Aide Says Costs of Iraq War May Top $100 Billion."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSH ECONOMIC AIDE SAYS COST OF IRAQ WAR MAY TOP $100 BILLION

(By Bob Davis)

WASHINGTON.—President Bush's chief economic advisor estimates that the U.S. may have to spend between $100 billion and $200 billion to wage a war in Iraq, but doubts that the hostilities would push the nation into recession or a sustained period of inflation.

Lawrence Lindsey, head of the White House's National Economic Council, projected the "upper bound" of war costs at between 1% and 2% of U.S. gross domestic product. With the U.S. GDP at about $10 trillion per year, that translates into a one-time cost of $100 billion to $200 billion. That is considerably higher than a preliminary, private Pentagon estimate of about $50 billion.

In an interview in his White House office, Mr. Lindsey dismissed the economic consequences of such spending, saying it wouldn't have an appreciable effect on interest rates or add much to the federal debt, which is already about $3.6 trillion. "One year" of additional spending? he said. "That's nothing."

At the same time, he doubted that the additional spending would give the economy much of a lift. "Government spending tends not to be that stimulative," he said. "Building weapons and expending them isn't the basis of sustained economic growth."

Administration officials have been unwilling to talk about the specific costs of a war, preferring to discuss the removal of Mr. Hussein in foreign-policy or even moral terms. Discussing the economics of the war could make it seem as if the U.S. were going to war over oil. That could sap support domestically and abroad, especially in the Mideast where critics suspect the U.S. of wanting to seize Arab oil fields.

Mr. Lindsey, who didn't provide a detailed analysis of the costs, drew an analogy between the potential war expenditures with an investment in the removal of a threat to the economy. "It's hard for me to see how we have sustained economic growth in a world where terrorists with weapons of mass destruction are running around," he said. If you weigh the cost of the war against the removal of a "huge drag on global economic growth for a foreseeable time in the future, there's no comparison."

Other administration economists say that their main fear is that an Iraq war could lead to a sustained spike in prices. The past four recessions have been preceded by the price of oil jumping to higher than $30 a barrel, according to BCA Research.com in Montreal. But the White House believes that removing Iraqi oil from production during a war—which would likely lead to a short-term rise in prices—would be insufficient to tip the economy into recession. What is worrisome, ecomists say, is if the war widens and another large Middle East supplier stops selling to the U.S., either because of an Iraqi attack or out of solidarity with Saddam Hussein's regime.

Mr. Lindsey said that Mr. Hussein's ouster could actually ease the oil problem by increasing supplies. Iraqi production has been constrained somewhat because of its limited investment and political factors. "When there is a regime change in Iraq, you could add three million to five million barrels of production to world supply" each day, Mr. Lindsey estimated. "The successful prosecution of the war would be good for the economy."

Currently, Iraq produces 1.7 million barrels of oil daily, according to OPEC figures. Before the Gulf War, Iraq produced around 3.5 million barrels a day.

Mr. Lindsey's cost estimate is higher than the $50 billion number offered privately by the Pentagon in its conversations with Congress. The difference shows the pitfalls of predicting the cost of a military conflict when nobody is sure how difficult or long it will be. Whatever the bottom line, the war's costs would be significant enough to make it harder for the Bush administration to climb out of the budget-deficit hole it faces because of the economic slowdown and expense of the war on terrorism.

Mr. Lindsey didn't spell out the specifics of the spending and didn't make clear whether he was including in his estimate the cost of rebuilding Iraq or installing a new regime. His estimate is roughly in line with the $58 billion cost of the Gulf War, which equaled about 1% of GDP in 1991. During that war, U.S. allies paid $48 billion of the cost, says William Hoagland, chief Republican staffer of the Senate Budget Committee.

This time it is far from clear how much of the cost—if any—America's allies would be willing to bear. Most European allies, apart from Britain, have been trying to dissuade Mr. Bush from launching an attack, at least without a United Nations resolution of approval. But if the U.S. decides to invade, it may be able to get the allies to pick up some of the tab if only to help their companies cash in on the bounty from a post-Saddam Iraq.

Toppling Mr. Hussein could be more expensive than the Persian Gulf War if the U.S. has to keep a large number of troops in the country to stabilize it once Mr. Hussein is removed from power. Despite the Bush administration's aversion to nation building, Gen. Tommy Franks, commander of U.S. troops in the Middle East and Central Asia, recently said that the U.S. troops in Afghanistan likely would remain for years to come. The same is almost certain to be true in Iraq. Keeping the peace among Iraq's fractious ethnic groups almost certainly will require a long-term commitment of U.S. troops.

During the Gulf War, the U.S. fielded 500,000 troops. A far smaller force is anticipated in a new attack on Iraq. But the GOP's Mr. Hoagland said the costs could be higher because of the expense of a new generation of smart missiles and bombs. In addition, the nature of the assault this time is expected to be different. During the Gulf War, U.S. troops bombed from above and sent tank-led troops in for a lightning sweep through the Iraqi desert. A new Iraq war could involve prolonged fighting in Baghdad and other Iraqi cities—even including house-to-house combat.

The Gulf War started with the Iraqi invasion of Kuwait in August 1990, which prompted a brief recession. The U.S. started bombing Iraq on Jan. 16, 1991, and called a halt to the ground offensive at the end of February.

With Iraq's invasion, oil prices spiked and consumer confidence in the U.S. plunged. But Mr. Lindsey said the chance of that happening again is "small." U.S. diplomats have been trying to get assurances from Saudi Arabia, Russia and other oil-producing states that they would make up for any lost Iraqi oil production. In addition, Mr. Lindsey said that the pumping equipment at the nation's Strategic Petroleum Reserve has been improved so oil is easier to tap, if necessary. Both the Bush and Clinton administrations, he said, wanted to "make sure you can pump oil out quickly."

On Thursday, Federal Reserve Chairman Alan Greenspan said he doubted a war would lead to recession because of the reduced dependence of the U.S. economy on oil. "I don't think that . . . the effect of oil as it stands at this particular stage, is large enough to impact the economy unless the hostilities are prolonged," Mr. Greenspan told the House Budget Committee. "If we go through a time frame such as the Gulf War, it is unlikely to have a significant impact on us."

The U.S. economy also has become less dependent on oil than it was in 1990, said Mark Zandi, chief economist at Economy.com, an economic consulting group in West Chester, Pa. A larger percentage of economic activity comes from services, as compared with energy-intensive manufacturers, he said. Many of those manufacturers also use more energy-efficient machinery.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Thompson/Warner amendment No. 4513 (to amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats.

Lieberman amendment No. 4534 (to amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under an order previously entered, it is my understanding the Senator from West Virginia has the floor; is that right?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair and I thank the distinguished Democratic whip.

Mr. President, I want to be sure that Senators understand the parliamentary situation in the Senate at this point.

Last Thursday, the Senate voted on a motion to table the Thompson amendment to strike Titles II and III of the Lieberman substitute. Title II would establish a new National Office for Combating Terrorism within the Executive Office of the President whose Director would be confirmed by the Senate and made accountable to the Congress.

That is incredibly important. The National Office for Combating Terrorism was viewed by our good colleague, Senator LIEBERMAN as a central part of his homeland security bill. Title II was carried over from his original bill that was introduced last May, before the White House endorsed the idea of creating a new Department of Homeland Security.

But the motion to table the Thompson amendment to strike Title II failed by a vote of 41–55 last Thursday. Senator LIEBERMAN conceded the victory to Senator THOMPSON, and urged the Senate to accept the "the next best idea." Senator LIEBERMAN offered a scaled down version of Titles II and III as a second degree amendment to the Thompson amendment.

It was at that point that I gained the floor and have held it until today.

So I find myself in a position that I had not intended—and not an easy position. I have often felt, in recent days, as if this 84-year-old man—soon to be 85; within a few days—is the only thing standing between a White House hungry for power and the safeguards in the Constitution. That is not bragging, that is lamenting.

This is not the way it ought to be. This will not go down as one of the Senate's shining moments. Historians will not look back at this debate and say that we fulfilled the role that was envisioned by the Framers.

This Senate should have the wisdom to stand for this institution and the Constitution. It is not our duty to protect the White House. It is our duty to protect the people—those people out there looking through their electronic lenses, the people who come here from day to day, these silent individuals who sit up here in the galleries. They do not have anything to say. They are not allowed to speak under the Senate rules, but they sit and watch us. They are looking over our shoulders, as it were, and they expect us to speak for them. They will help to ensure that the interests and the rights of the American people are protected. That is what these people want. They want us to assure that their interests—the people's interests—and the rights of the American people are protected.

I have been joined by a few voices on this floor in recent days, and I thank them. I feel that at least some Members are beginning to view this legislation as doing much more than merely setting up a new Department of Homeland Security.

I have also heard from citizens across the country who have urged me never to give up. Well, I can assure them that as long as I am privileged to serve in this body I will never give up defending the Constitution.

I heard Condoleezza Rice last Sunday, and I heard Dr. Rice the Sunday before.

I heard Secretary of State Powell last Sunday on television, and I heard him the Sunday before.

I have listened to Secretary Rumsfeld, and I have listened to Vice President CHENEY on television.

I have listened to various and sundry Senators on television. I have listened to various and sundry other spokespersons on television.

I read the op-ed piece of former Secretary of State Shultz in the newspaper Sunday a week ago.

I read the op-ed piece of former Secretary of State James Baker in the paper this past Sunday. And I hear many persons in the media—not everybody but some in the media—who seem to be intent upon galvanizing this and making this country ready for war. Not one of these people have I heard—maybe I missed it—refer to the Constitution. I take an oath, and so does every other Senator, to support and defend the Constitution of the United States against all enemies, foreign and domestic. Nobody says anything about the Constitution in this debate that is raging over the country.

There is a great fervor, and there is a great wave of opinion being created. And some in the media are doing it, or helping to create it. They have their minds made up. We are off to war.

I can hear the bugles, and I can see the flag. I can see the sunlight tinting on the bugles as they pass, and the flag I see going already. I can hear the guns. There is a great fervor here, and I hear the war drums being beaten. It is as though we have our minds made up. It is as though the President is already ready to go. And there is a developing hysteria in this country saying: Let us go to war. We have our minds made up.

Nobody stands up against that. But the Constitution is a barrier—this Constitution which I hold in my hand. This Constitution says Congress shall have the power to declare war. It doesn't say the President shall have power to declare war. It doesn't say the Secretary of State shall have power to declare war. Congress shall have power to declare war. But who is bothering to mention Congress? Who is bothering to mention the Constitution? It has become irrelevant, as far as some of the commentators and columnists and editorial writers are concerned, it seems to me. That is my impression. The Constitution has become just an old piece of paper. It was great 215 years ago but not now. Events have overtaken the Constitution. Nobody mentions it.

I haven't heard Dr. Condoleezza Rice mention it on her television appearances. I haven't heard the Secretary of State mention the Constitution. I haven't heard the Secretary of Defense mention the Constitution. I haven't heard the Vice President of the United States say a word about the Constitution when he discusses the business of going to war.

Has it become irrelevant? Are we to sit supinely by and be swept up in this national fervor that is being developed, that is being created to stampede this country into war? Are we to sit silently by?

Well, I want to assure the people that as long as I am privileged to serve in this body I will never give up defending the Constitution. And the Constitution is front and center to this business that we are discussing—the issue of war and peace. The Constitution is front and center.

Why, there are some who will get on the national television programs—they do not invite me; I don't expect them to mention the Constitution. Why is it? Why is that?

Here is the Vice President, the President of this body right here under the Constitution, who can't address the Senate except by unanimous consent, but when he is on national television on these programs, why doesn't he mention the Constitution? Is this Constitution irrelevant? They take for granted, I suppose, that the United Nations is the chief authorizer of America marching off to war.

I am for what the President did the other day. He went to the United Nations. He has pointed the finger, as it were, at the United Nations, and said the United Nations has been recreant in its duty and recreant in its responsibility to enforce its resolutions. I think he laid down an excellent case in making that point.

But we also have a duty here. We have a duty to uphold this Constitution and what it says about declaration of war and what it says about Congress.

Why, it is as though the Constitution is something that went away with the winds of yesterday—gone.

I can assure the people I will never give up defending this Constitution. It is my sworn duty. At some point, however, I will have to relinquish the floor. And when I do, the Lieberman amendment presumably will be withdrawn and the Senate will vote on the Thompson amendment. That amendment, I presume, would pass, and titles II and III of the Lieberman substitute will be stricken from the bill.

Senator LIEBERMAN may be right that we don't have the votes to defeat the Thompson amendment. But what disturbs me most of all is that such an important element of the Lieberman substitute could be stricken from the bill so easily.

I am talking about the need to confirm the Director of the National Office for Combating Terrorism. So I just refer to that title as the Director.

Now, I don't think we should accept that verdict so easily.

It is unbelievable to me that people are not fighting harder for these proposals, not only in title II and title III, but throughout the entire bill. The issues raised by this legislation are too important to languish without more debate in the Senate.

I know I am not the only Senator who is concerned about this bill, but I have not heard enough voices speaking out on these important matters. There are many, many unanswered questions which Senators need to focus on and explore.

Of course, I can't fight this battle alone.

Meanwhile, the President and the House Republican leadership are already turning up the heat on the Senate to pass this bill quickly. The President even suggests that delaying this bill will endanger the lives of the American people.

That is nice rhetoric, Mr. President, but I doubt whether anyone believes that argument. The people are not endangered by our thorough consideration of this legislation. The mistakes we avoid now are just as important as getting the Department in place quickly. What is not done well, generally, must be done over, and unintended consequences can take years to correct.

Nevertheless, pressures are building to expedite consideration of this bill. But in taking the floor, I hope to draw attention not only to the fallibility of passing this bill without a confirmable White House Homeland Security Director, but to other portions of this bill that should make Senators question the rush to enact this legislation so quickly.

My hope is that Senators will consider the gravity of this legislation before they simply jump on board somehow. This homeland security legislation will have important consequences not only for the lives of all Americans, but for the American way of life as well.

Mr. President, the security of the American people, on American soil, is, and has always been, our Government's most solemn responsibility. September 11 added a new dimension and urgency to that duty.

The bill before the Senate seeks to enhance our Government's ability to protect the American people from the devastation of another terrorist attack by creating a new Department of Homeland Security.

I have been for that. I was for that before President Bush was for it.

That is a very ambitious goal. It is a worthy and honorable goal born of commendable intentions. But if we do not move with great caution—if we do not slow down just a little bit—move with great caution—and deliberation in our work, we will risk undermining the very purpose to which we are dedicated.

My concerns about the proposed legislation are many. They are legion. While we can all embrace the concept of a new Department of Homeland Security, there are many, many pitfalls ahead for such an endeavor in the complicated new atmosphere of what has been called a "war" on terrorism.

I have made several comments about the threat that this new Department poses to the civil liberties—hear me now—to the civil liberties of the American people. And that is not just hyperbole.

Twenty-six leaders of conservative organizations across this country released a statement this month urging the Senate to exercise "restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy."

So, you see, that was not just ROBERT BYRD talking. That was not just an 84-year-old man, soon to be 85, talking.

Let me say that again. Twenty-six leaders of conservative—get that—conservative organizations across America released a statement this month urging the Senate to exercise—and I quote—"restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy."

They wrote that:

> [T]he popular enthusiasm for such a centralization and bureaucratization in the name of homeland security may prove unwise. Proposed legislation not only increases the growth of the federal bureaucracy but establishes an infrastructure, legal and institutional, which, if abused, could lead to serious restrictions on the personal freedoms and civil liberties of all Americans.

In case there are any latecomers to hearing this Senate, just now, I am talking about 26 leaders of conservative organizations across America who released a statement this month urging the Senate to slow down. They wrote—and I quote again:

> [T]he popular enthusiasm for such a centralization and bureaucratization in the name of homeland security may prove unwise. Proposed legislation not only increases the growth of the federal bureaucracy but establishes an infrastructure, legal and institutional, which, if abused, could lead to serious restrictions on the personal freedoms and civil liberties of all Americans.

"All Americans."

September 11 was a shock to this Nation, and the fear, anger, and alarm it engendered have not, as yet, vanished. My concern is that in our zeal to see to it that terrorists never again defile our homeland, we will unwittingly cede some of our precious freedoms and blur the constitutional safeguards that have been the basis for our liberties and the check against an overreaching executive for 215 years, or thereabouts.

Let me make it clear that I am not accusing anyone of deliberately trying to exploit our national tragedy.

Rather, I believe that in our shock and revulsion, our collective determination to prevent further horrific attacks may change our Nation in fundamental ways that will eventually surprise and dismay all of us. How terribly ironic it would be if it were our response to the treachery of al-Qaida which dealt our constitutionally guaranteed freedoms the most devastating blow of them all.

I believe that all of those in Government, those of us in Government who are challenged with confronting the horrible reality of what happened on September 11, have not, even yet, come to grips with certain fundamental realities. We must all begin to face certain truths.

Terrorism is a worldwide force, and our ability to prevent it at home or contain it abroad is limited—is limited—at best.

An enemy in the shadows, living among us and using our own openness and freedoms to attack our infrastructure, and to cripple and kill our citizens, is unlike any enemy we have ever before known.

No Government Department can ever guarantee complete safety from this kind of threat in a world increasingly connected by trade, travel, electronic communication, migrating populations and open borders. But, we can do our best to anticipate vulnerabilities, protect critical infrastructure, and respond to possible devastation or deliberately spread disease.

Yet, we can never be perfectly safe from the scourge of a terrorist attack. That is reality. And handing over our precious liberties and hard-won principles on such topics as worker rights, openness in government, the right to privacy and civil liberties—that is what is involved here—will not change that unfortunate and troubling reality. Such a course, blindly followed in the name of fighting terrorism, would be disastrous. Hear me. It is understandable that this administration, or any administration so consumed with the need to prevent another such horrific attack, might become so zealous and so focused on that mission that important freedoms could be trampled or relegated to a secondary position in our national life. If we are not vigilant, our country could be fundamentally changed before we realize it, in ways which we would all come to deeply regret.

Let me illustrate what I mean. Recent headlines have provided examples of the administration's strong penchant for secrecy, and its refusal to be confined by the law and the Constitution in its attempts to shield its actions from public scrutiny.

Last month, a Federal appeals court in Cincinnati issued a direct rebuke of attempts by the Administration to circumvent the Constitution—there is that magic word—by conducting deportation hearings in secret, whenever the government asserts that the object of the hearings might be linked to terrorism. Writing for the three-judge panel of the 6th Circuit Court of Appeals, Judge Damon J. Keith wrote, "A government operating in the shadow of secrecy stands in complete opposition to the society envisioned by the framers of our Constitution."

The Justice Department has already conducted hundreds of these hearings out of sight of the press and the public. In doing so, the administration has been able to decide the fate of each of these individuals without recrimination.

It may be that all of these hearings were conducted properly and fairly, but there is just no way for us to know. Like so many other actions that this administration has taken on behalf of our safety, we have no way of knowing whether what they have done was the right thing to do. Nobody in this administration or anywhere else is all wise. We have no way of knowing whether the steps they have taken have really helped to secure our safety. And we have no way of knowing whether the actions they took may have threatened our own liberties.

The administration argued that secrecy is necessary for these hearings because subjecting them to public scrutiny would compromise its fight against terrorism.

The court's concurring opinion addressed the merits of the government's position, but it pointed out that a reasonable solution to the administration's concerns could be achieved by requiring the Government to demonstrate the need for secrecy in each hearing on a case-by-case basis.

Ultimately, the Court of Appeals saw the Government's argument for what it is; namely, a danger to our liberty. The court took the clear-headed, clear-eyed position that excessive secrecy in matters such as these compromises the very principles of free and open government that the fight against terror is meant to protect.

Even with the best of intentions to justify the Government's actions, our freedoms are easily trampled when officials are allowed to exercise the power of the Government without exposing their actions to the light of day.

As Judge Keith wrote, "Democracies die behind closed doors."

We have also seen evidence in the news of what the executive branch is capable of when it is allowed to operate behind closed doors. On August 23, just last month, the front page of the Washington Post brought news of serious abuses of the laws that allow the Justice Department to conduct certain law enforcement activities in secret. Thank providence, thank heaven for a free press. That is what we want to keep. That is what we want to maintain—a free press.

The Washington Post article revealed that on May 17, a secret court that was created to oversee the Government's foreign intelligence activities rejected new rules proposed by the Department of Justice that would have expanded the ability of Federal investigators and prosecutors to operate in secret.

There you have it again—secret.

The Attorney General, John Ashcroft, wanted to tear down the walls between intelligence officials and law enforcement officials in the Department of Justice, allowing broad sharing of secret intelligence information among offices throughout the Department.

Mr. Ashcroft wanted to tear down these walls for a reason. The walls make it harder for his Department to circumvent the constitutional obstacles faced by his investigators in trying to hunt down terrorists. And like others in this administration, Mr. Ashcroft has little patience or concern for the Constitution now that he is a general in the President's "war on terror."

I voted for Mr. Ashcroft. I am not one of those who opposed his nomination. I was one of the few on this side of the aisle who voted for Mr. Ashcroft's nomination. I have to say, I am disappointed. But Mr. Ashcroft is not alone. Take a look at this administration.

Haven't you heard of the shadow government? That came to light a while back. All of a sudden, like the prophet's gourd, it just grew up overnight. Here is this shadow government. I had not been told about it. After all, I am chairman of the Appropriations Committee in the Senate. I am not the top Democrat in the Senate, but I am the senior Democrat in the Senate. I hadn't been told anything about it. I am the President pro tempore of the Senate; in other words, the President, for the time being. If the Vice President is not in the chair, I am the President of the Senate. I hadn't been told anything about a shadow government.

Of course, I said time and time again how this great idea about a Homeland Security Department, at least the administration's great plans, suddenly sprang into existence, like Aphrodite, who sprang from the ocean foam, or like Minerva, who sprang from the forehead of Jove fully armed and fully clothed.

All of this was a secret. We didn't know anything about this thing hatched out of the bosom of the White House—this great plan hatched out by four individuals in the bowels of the White House. So this White House, this administration, has a penchant for secrecy.

I am not going to point the finger just at Mr. Ashcroft. I voted for him. On this side of the aisle, I voted for him. He used to serve in this body. But Mr. Ashcroft wanted to tear down these walls for a reason. I say again, the walls make it harder, as all walls do, to get wherever you are going. The walls make it harder for his Department, Mr. Ashcroft's Department, to circumvent, get around, the constitutional obstacles faced by his investigators in trying to hunt down terrorists.

He and others in this administration apparently have little patience and concern for the Constitution—here it is—now that he is a general in the President's war on terror. Today is September 17, 2002, in the year of Our Lord; this is the day, 215 years ago, when our forefathers signed their names, the framers of the Constitution signed their names on the Constitution. They had completed their work, which had begun back in May 1787, and they signed their names on this Constitution. This is the day. I will have more to say about that shortly.

But this secret court, which was created by Congress under the Foreign Intelligence Surveillance Act, recognized the danger of tearing down these protective walls. The act made it easier for Federal investigators to obtain evidence through wiretaps or physical searches when the evidence will be used for foreign intelligence purposes. Traditional criminal investigations require a higher standard for search warrants and wiretaps, to protect the constitutional rights of American citizens. By trying to tear down the wall between the two, the Attorney General was hoping to lower the bar for obtaining evidence for criminal investigations by expanding access to secret procedures used in foreign intelligence.

The wall between law enforcement and intelligence has always allowed for cooperation in specific instances. In fact, this is the first time in the history of this secret court that an administration's request has been rejected. But this cooperation has previously been allowed to prosecute people such as CIA mole Aldrich Ames, whose crime was inextricably linked to foreign intelligence. If this wall had fallen, the Justice Department would be allowed to secretly investigate almost anyone who made an international phone call.

It is well to remember that the Patriot Act, passed in the aftermath of September 11, already lowered the bar for bypassing due process, privacy, and individual freedom. The Justice Department argues that the Patriot Act also authorizes the elimination of the wall between intelligence and law enforcement.

Couple this momentum with a new Department primed to root out terrorism at home and abroad and a powerful new Secretary of Homeland Security with intelligence powers that cut across traditional lines of authority, and one can easily see the possibility for abuse and for excess. That is why I am standing on the floor—trying to draw the attention of the public, trying to capture the attention of my colleagues, and trying to capture the media's attention. This is what I am talking about.

In reacting to the court's ruling, the Justice Department said:

> We believe that the court's action unnecessarily narrowed the Patriot Act and limited our ability to fully utilize the authority Congress gave us.

Get that. It is the phrase "fully utilize" that gives me some special pause. Powers granted to this administration must continue to be checked. Oh, I tell you, they need to be checked. The need for checks on administrative powers is not just hypothetical, it is not just constitutional; I wish more would pay attention to that aspect of it. It has been well documented by recent Executive actions.

The most disturbing part of the secret court opinion is the revelation that the Justice Department has already been abusing this secret process, including 75 specific instances cited by the court in which FBI, or Justice officials, provided false statements in their applications for wiretaps and search orders, including one application signed by then-FBI Director Louis B. Freeh.

The court cited these examples as evidence of the need to keep a close eye on the Department's activities in order to prevent an environment in which cooperation becomes subordinated to the law enforcement agenda of the Attorney General.

While some of the abuses identified by the court occurred during the administration of former President Clinton, rather than President Bush, the need for oversight applies to every administration.

My concerns are not just based on who may be in the White House at a particular moment. My concerns are based in the Constitution. These problems transcend administrations. Administrations may come and go, but the Constitution, like Tennyson's brook, goes on and on forever.

The war on terrorism must not be used by the executive branch—any executive branch. Mr. Bush certainly won't be in office forever. So one should look even beyond this administration, whatever the next administration will be. The war on terrorism must not be used by the executive branch as an excuse to ignore constitutional liberties behind closed doors and to destroy the delicate checks and balances that have made this Nation a great beacon for freedom to the world.

Congress is the leveler when it comes to precipitous actions. The Senate, in particular, is the place intended by the Framers for cooling off. A calm oasis where reason and cooler heads prevail against the heat of passion has always been found on the floor of the United States Senate, and I hope that we in this Chamber will again step up to that traditional calling as we consider this matter in these extraordinary times.

In an election year, all politicians like to claim we have an answer for even the Nation's most intractable problems, but in this case we underestimate the intelligence of the American people if we believe that merely offering them a new Department of Homeland Security will serve as currency to buy our way out of our continuing responsibilities under the Constitution.

The people know that such a Department is no panacea for protection of our homeland. They will never forgive us if we are lax in our duty to safeguard traditional freedoms and American values based on the Constitution as we rush to fashion a new Department, even though that Department is intended to protect the American people from the insidious danger of a virulent attack on our homeland.

In the name of homeland security, Congress must not be persuaded to grant broad authorities to the administration that, given more careful thought, we would not grant. The House has already passed legislation to grant the President the authority to waive worker protections for Federal employees, to place the new Department's inspector general under the thumb of the Homeland Security Secretary, to exempt the new Department from public disclosure laws, and to chip away at congressional control of the power of the purse.

Close examination of the President's plan shows that the administration is seeking more new powers which, unchecked, might be used to compromise the private lives of the American public.

Congress must never act so recklessly as to grant such broad statutory powers to any President, even in the quest for something so vital as protection of our own land. So vital, the war on terror. We must exercise great caution. We must operate with the clear knowledge that once such powers are granted, they will reside in the White House with future Presidents—Republican and Democrat—and they will not be easily retrieved.

So once such powers are granted, they will not be easily retrieved. They will reside in the White House. And everyone who knows anything about the Constitution and about our experience in the political arena, anybody who knows anything about that, knows that no future President will likely return those powers, likely give up those powers, once they have been granted, and a Presidential veto in the future will be very difficult to overcome, as such a veto is usually difficult to overcome. Once the powers go down that avenue to the other end, they are gone for a long time, and the only way they can be retrieved is by overriding a Presidential veto. And, of course, the Senators and everyone know that will require a two-thirds vote. It will not make a difference whether the President is Democrat, Republican, or Independent; He will want to keep those powers. So be careful about granting them now.

Both the House-passed bill and the Lieberman bill substitute broad new authority to the administration to create this new Department, but neither bill ensures that Congress remain involved. Neither the House bill nor the Lieberman bill ensure that Congress remain involved throughout the implementation of the legislation.

Senator LIEBERMAN's bill takes steps to ensure that Congress is informed as the Department assumes its duties, but under his bill this information comes to us only after the fact. It is not enough just to be told how the administration intends to use these statutory powers. Congress needs to retain some prerogatives so Congress can temper and shape the administration's exercise of these new authorities and so Congress can temper and shape the new Department's exercise of the new authority.

So Congress has the responsibility to make sure we do not grant broad statutory powers to the President and then just simply walk away from the new Department, trusting that the administration will exercise restraint. Congress must remain involved to ensure that the orderly implementation of the Department does not flounder and that important worker rights and civil liberties do not fall into the breach.

Government reorganization is nothing novel. We have had Government reorganization before. And we have from time to time found new agencies created in the spotlight of political pressure and then left to languish and go awry in the twilight of mundane and practical purpose. This could be a mistake.

This administration, since the September 11 attacks, has announced at least three major governmental reorganizations prior to the President's proposal to create a new Homeland Security Department.

Last December, in response to numerous media reports criticizing the Nation's porous borders, the administration proposed the consolidation of the Customs Service and the Immigration and Naturalization Service within the Justice Department.

Last March, following the mailing of two student visas by the Immigration and Naturalization Service to two of the September 11 hijackers 6 months after they crashed planes into the World Trade Center Towers, the administration announced the INS would be reorganized, split into a services bureau on the one hand and a separate enforcement bureau on the other.

Last May, following reports about intelligence failures by the FBI, the administration announced a reorganization of the FBI. These reorganizations have either produced very little or they have been replaced by subsequent additional reorganization proposals. It is as if we are spinning around in circles with little left to show for all of the energy expended but dizziness.

To avoid a similar fate to this new Department, I have an amendment to the Lieberman substitute that would ensure that the Congress continues to play a role. The Byrd amendment would create the superstructure of the new Department as outlined in the Lieberman bill, but would require Congress to pass separate, more detailed legislation to transfer the agencies, functions, and employees to it.

The Byrd amendment would not change the intent of the Lieberman bill. Let me say this, Senator LIEBERMAN is near the floor. I don't necessarily have to keep the floor for the next hour. I can under the order that had been entered. I get first recognition. But there is still an hour in this 2-hour period before the Senate goes back to the Interior appropriations bill. I welcome Mr. LIEBERMAN's questions. I am happy to discuss my amendment with him if he so desires before I give up the floor.

My amendment would immediately create a new Homeland Security Department. There it is. My amendment would create immediately a new Homeland Security Department. My amendment would immediately establish the superstructure of the six directorates outlined by the Governmental Affairs Committee. The Byrd amendment is not designed as an alternative to the Lieberman bill. I refer to it as the Lieberman bill. It is a bill that has been reported by the committee which Senator LIEBERMAN so ably chairs. So I refer to the bill as "the Lieberman bill." Its purpose is to strengthen. The purpose of my amendment is to strengthen the Lieberman bill. Its purpose is to ensure a strong Department capable of protecting our people. But its enactment would also ensure that the guiding hand of Congress would be there to help steer the course and stay the course.

What is more, any legislation submitted pursuant to this act would be referred to the Governmental Affairs Committee in the Senate so that my amendment, the Byrd amendment, would not deprive Senator LIEBERMAN or his committee of their jurisdiction or their expertise as we go about implementing this new Department which will have been created by the Lieberman bill. And, as I say, my amendment also creates that Department. My amendment allows the Department of Homeland Security to be established just as Senator LIEBERMAN envisioned. But the Byrd amendment would give Congress additional opportunities to sift through details concerning worker rights, civil liberties, secrecy, and various duties and functions. Equally important, it would ensure that the agencies and the offices to be transferred into the Department can continue to perform their important work of protecting the homeland while the groundwork is being laid for their move to the new Department.

Just recently we have all noted in the media that—I believe six persons were arrested in New York, in Buffalo, NY. Six persons were arrested. We didn't have any new Department of Homeland Security. There is no Department of Homeland Security that has been established. Yet the work of securing our homeland goes forward by the persons who man—man or woman, I use the word "man" to mean both women and men—the persons who are on the borders, who are guarding the ports of entry, who are looking at the huge containers that come into our ports, the persons who—right today and last night at midnight and all through the hours of this day, yesterday, the day before, and tomorrow—will continue to do their work even though there is no Department of Homeland Security. The FBI was on the job. The FBI has been on the job. And so the FBI brought about the arrest of these six persons, and they are being held.

So I say to the President and to anyone else: Nobody is holding up the work of proceeding with the security of our country. The people who will secure this Nation under a Homeland Security Department, if and when one is established, are the same people who are right now, right this day, securing the homeland. These people have been on the job last night, 6 months ago, and they continue to do this work. They have expertise. They have experience. They are trained, and so on. So nobody is holding up the security of the country. Nobody is holding that up. That is going forward, as was seen when the FBI arrested the six persons.

So this is vital. Ongoing reorganizations can foster chaos and destroy worker morale. Orderliness and careful thought while we transition can avoid overlooked vulnerabilities and missed nuances which could signal another disaster.

With the Byrd amendment, the Lieberman bill would transfer agencies and functions to the Department, one and two directorates at a time, beginning on February 3 of next year. This would then give Congress the opportunity to gauge and to monitor how the new Department is dealing with transition and what additional changes might be necessary. It would provide a means to quickly address the problems that will undoubtedly arise in the early phases of the Department's implementation and to guard against mistakes and missteps.

The Byrd amendment would not delay the implementation of the new Department one whit. It would actually expedite the implementation of the new Department by providing Congress with additional means to solve the quandaries that traditionally plague and delay and disrupt massive reorganizations.

Here we are talking about 170,000 employees. We are talking about 28 agencies and offices—some have said 30. So this is no minor movement. This is a major reorganization.

Moreover, the Congress could act to transfer agencies before the end of next year, roughly the same time period outlined by the Lieberman plan. When I say the Lieberman plan, I am talking about the bill that was adopted by the committee, which Mr. LIEBERMAN ably chaired. And that is the same time period outlined by the House bill. So who is holding up anything? Why shouldn't we stop, look, and listen here and do this thing in an orderly way? Do it right. Not necessarily do it now, do it here, but do it right. The Lieberman plan provides the President with a 1-year transition period, beginning 30 days after the date of enactment, effectively allowing up to 13 months before any agencies are transferred.

By then forcing the administration to come back to us—which the Byrd amendment would do—we can insist on knowing more about the plans of the administration with its penchant for secrecy—plans which are now only hazy outlines. So if Congress passes the Lieberman proposal or if Congress passes the House proposal, Congress will just be turning the thing over to the administration, lock, stock and barrel, and saying: Here it is, Mr. President. You take it. You have 13 months in which to do this, but it is all yours. Congress will just go off to the sidelines. Congress will have muzzled itself.

Whereas in the Byrd plan, the Byrd plan would also transfer these agencies. It would create a Homeland Security Department, and it would provide for the transaction, the movement of these various agencies, their personnel and their assets, into the new Department over the same period, 13 months, but it would do it in an orderly process in an orderly way, phased in, with Congress staying front and center and continuing to conduct oversight in this massive reorganization.

We must insist on assurances that in granting more powers to this administration and to future administrations to investigate terrorism, we are not also granting powers to jeopardize the rights, privacy, or privileges of law-abiding citizens.

We must insist on assurances that the constitutional rights of Americans remain protected. We must insist that the constitutional control of the purse by the Congress is not compromised.

We must insist on assurances that Government reorganization will not be used as a convenient device to dismantle time-honored worker protections.

We must insist on the preservation of our Government's constitutional system of checks and balances and separation of powers. We have a responsibility to do our very best as a nation to get this thing right. If we are going to create a new Department, let's get it right.

We have a responsibility to ourselves and to future generations to ensure that, in our zeal to build a fortress against terrorism, we are not dismantling the fortress of our organic law—our Constitution—our liberties, and our American way of life.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. BYRD. Madam President, as I stated earlier, today is September 17, the 215th anniversary of the signing of the Constitution in 1787. The Constitution is not noted for its soaring rhetoric or for the emotional power of its language, but it is nonetheless the most important document in our Nation's history.

Bar none, this Constitution that I hold in my hand is the most important document in our Nation's history. And it was meant, according to that eminent jurist John Marshall, to endure for ages—ages. It is not irrelevant. This is relevant. This Constitution is relevant. It is, front and center, relevant to today's issues.

The Declaration of Independence—which is also contained in this little book which I hold in my hand—with its ringing phrases, may have been a turning point in history, having laid out the case for breaking our ties with the Crown and setting us on the path to rebellion and liberty. There is no question in my mind but that it was a turning point.

But the Constitution is the foundation upon which our subsequent history was built. In its plain speech, it forms the blueprint for an entirely new form of government never before seen in history and, to my mind, not yet matched by any other.

I am happy to call attention to this day—to the anniversary of the signing of the Constitution.

As the Senate has been debating the homeland security bill, I have several times raised constitutional concerns about the way the homeland security bill is structured. In doing so, I have often felt like a voice crying out in the wilderness. Like a tree falling with no one to hear it, I have wondered if I was in fact making any progress and wondered if I was making any sound while I was talking. Was I making any sound?

I hope my colleagues and the American people will look at the Constitution, and I hope they will read it and they will study it. It is not long. It is not a huge volume. It doesn't contain many pages, and it isn't difficult to understand. But each time I read it, it seems I always find something new. It is like my reading of the Bible. It is like my reading of Shakespeare. I always find what seems to be something new.

The Constitution is not written in fancy, lawyerlike phrases, or flowery 18th century language. Every citizen was meant to understand it and to participate in the exercise of government—that being the surest defense against tyranny.

It is much like the Magna Carta, which indeed is a taproot, and beyond—a taproot from which liberty sprang and a taproot from which our Constitution sprang—the Magna Carta, a great charter, the charter of the English people, which was signed by King John on June 15, 1215. That was simple, but it was easily understood. It was written for ordinary people to understand, and it has been read and reread by millions through the centuries.

So read the Constitution. Look to history. I believe my concerns will be shared.

Article I of the Constitution outlines the powers of the legislature. It vests with the Congress the power to make laws. There it is. The first section of the first article says that all legislative powers herein are vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives. There it is—the power to make laws, the powers of the legislature.

Also, article I of the Constitution sets forth the qualifications and means of selecting representatives and the basic requirements for congressional operations.

Therein one will find in section 2 where the Constitution sets forth the creation of the House of Representatives, and then section 3 of the Constitution lays down the precepts and terms and the basis for the creation of the Senate.

The Constitution is a user manual for Congress, the operating software of the legislative branch. Article I, section 8, is the critical list of congressional powers, including subsection 18 which grants to Congress the power:

> To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

You heard it here. Powers may be vested by the Constitution in the Government and its Departments or officers. But the Congress must pass the necessary laws for those powers to be exercised. It is meant to be a cooperative affair, with Congress playing a critical role.

Further, in section 9, subsection 7, of article I, the Constitution states that:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Congress again plays a critical role in providing funds for Government operations, and requires that the public be kept informed about how those funds are spent.

One can trace our Nation's history going back into the centuries and can trace these powers in the colonial governments, in the representative assemblies of the Colonies. The people in the Colonies had faith in their representative assemblies. Going back to the history of England, this has often been referred to as the "motherland."

Of course, we all know that the Spanish populated various areas in the South and Southwest, St. Augustine, and New Mexico, and other areas. But the individuals who wrote the Constitution, who met in Philadelphia, were British subjects. Some of them were born in the British Isles. They were English-speaking individuals. They knew about the history of Englishmen, how the English had struggled to secure the rights of the people, the power of the purse, to secure the control of the public purse for Parliament.

They knew that Parliament was created in the early 1300s during the reigns of Edward the First, Second, and Third. And they knew that the power of the purse had been lodged over a long period of centuries in Commons. That was made very clear by the English Bill of Rights which was enacted by Parliament in 1689.

So there it was, the power of the purse, lodged in the hands of the people's elected Representatives in Commons and now in Congress.

So Congress, as I say, plays a critical role in providing funds for Government operations, and the public must be kept informed about how those funds are spent.

Part of that process, as I have indicated, by long tradition, has occurred during the testimony of Government officials before the Congress regarding their budget requests and the manner in which previous appropriations have been spent. In the case of the proposed Department of Homeland Security, with its 170,000 employees and its enormous budget, such openness is equally to be expected, and should be demanded, by the taxpaying public.

Article II of the Constitution concerns the establishment of the Chief

Executive, concerns the powers of the President, the qualifications and means of selecting the President, and his oath of office being required. Article II, section 2, subsection 2 notes that the President:

> shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law . . .

Well, Madam President, that would seem clearly to include the proposed Director of Homeland Security will be certainly one to whom the provision in the Constitution is addressing, except that the subsection continues:

> but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

If the Congress does not wish to provide for accountability or wish to have any voice in the selection of important Government officials, the Congress must take deliberate action to divest itself of its constitutional role in the operations of Government.

The authors of the Constitution clearly foresaw the growth of Government and recognized that the Congress could consume itself in processing the appointments of hundreds of minor officials. However, I sincerely doubt that these wise men would expect that a cabinet level official heading up an enormous department with a mission of grave importance to the Nation would receive less scrutiny and less oversight than so many officials whose positions do not involve the defense of our vital domestic security. That does not make sense. It is not logical. It is ludicrous. The Senate would not provide its advice and consent in the selection of the Director of Homeland Security, while Assistant Secretaries and Deputy Assistant Secretaries in other Departments are subject to confirmation? I cannot believe that the Senate cares less for the Department of Homeland Security and its Director than it does for so many other Government officials with smaller budgets and more narrow portfolios.

No, Madam President, I can only surmise that any willingness on the part of the Senate to abrogate its constitutional responsibilities and powers comes from a lack of attention to the deceptively plain language of the Constitution itself. Perhaps we should gussie it up, wrap it legalistic bells and whistles, enshroud it in "wheras-es" and "let it therefore be resolved" clauses, so that it receives the respect that it deserves. But, in fact, even Article III, concerning the judicial power of the United States, has no highfaluting lawyer words. Article IV, concerning the powers of the States; Article V, the process by which the Constitution may be amended; Article VI, making the Constitution the supreme law of the land, and Article VII, regarding ratification—none of these short Articles contains any obscure, opaque, misleading, or confusing language. Really, considering how many lawyers were involved in the drafting of the Constitution—a little more than half of the delegates to the Constitutional Convention were lawyers—it is a model of clarity and clean writing.

Indeed, the men who drafted the Constitution were as much heroes as those who signed the Declaration of Independence, making themselves known as traitors and wanted men in England, traitors to the Crown. They were treasonous. They committed treason. And they could have been hunted down and sent off to England and been executed. The Framers of the Constitution undertook a mighty task. They had to preserve the Nation's hard-won freedom by correcting the flaws in the Articles of Confederation that made the Nation weak and vulnerable to attack from without and rebellion from within. Drawing upon the lessons of history and the ideals of the Enlightenment, they set themselves the job of devising a novel form of government that could encompass the great diversity of the new Nation—from the mercantile North to the slaveholding South, from the settled East to the frontier West, with citizens from cultures around the globe.

In Philadelphia, in the hot summer of 1789, after lengthy and contentious debate, after considering and rejecting proposal after proposal, and after nearly 600 separate votes, they produced the miracle that is our Constitution. And so there you have it. In over 200 years, it has been amended 27 times, and 10 of the 27 amendments were ratified early on, by 1791.

In today's computer-minded lexicon, the Constitution is the mother board without which our thinking, evolving, machine of Government could not function. It is the enduring standard operating system, running the complex interactive software of national life. It is our embedded code, and when we overwrite it without careful consideration, we may well be planting the worms of our own destruction.

When the Executive acquires too much power and freedom of action unchecked by the balancing powers and oversight of the legislative branch, our careful system of checks and balances is in danger of being corrupted.

So on this anniversary of the signing of the Constitution, we would do well to revisit this miracle of compromise and foresight. We would do well to marvel at the abilities of the men who crafted this document. We would do well to rededicate ourselves to its careful preservation that it might see us through another two centuries and more.

Our fathers in a wondrous age,
Ere yet the Earth was small,
Ensured to us an heritage,
And doubted not at all

That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity.

Then fretful murmur not they gave
So great a charge to keep,
Nor dream that awestruck time shall save
Their labour while we sleep.

Dear-bought and clear, a thousand year
Our fathers' title runs.
Make we likewise their sacrifice.
Defrauding not our sons.

I ask unanimous consent that the article from the Washington Post titled "Secret Court Rebuffs Ashcroft," to which I have already referred, and the New York Times op-ed titled "Secrecy Is Our Enemy," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 23, 2002]

SECRET COURT REBUFFS ASHCROFT

(By Dan Egen and Susan Schmidt)

The secretive federal court that approves spying on terror suspects in the United States has refused to give the Justice Department broad new powers, saying the government had misused the law and misled the court dozens of times, according to an extraordinary legal ruling released yesterday.

A May 17 opinion by the court that oversees the Foreign Intelligence Surveillance Act (FISA) alleges that Justice Department and FBI officials supplied erroneous information to the court in more than 75 applications for search warrants and wiretaps, including one signed by then-FBI Director Louis J. Freeh.

Authorities also improperly shared intelligence information with agents and prosecutors handling criminal cases in New York on at least four occasions, the judges said.

Given such problems, the court found that new procedures proposed by Attorney General John D. Ashcroft in March would have given prosecutors too much control over counterintelligence investigations and would have effectively allowed the government to misuse intelligence information for criminal cases, according to the ruling.

The dispute between the Justice Department and the FISA court, which has raged behind closed doors until yesterday, strikes at the heart of Ashcroft's attempts since Sept. 11 to allow investigators in terrorism and espionage to share more information with criminal investigators.

Generally, the Justice Department must seek the FISA court's permission to give prosecutors of criminal cases any information gathered by the FBI in an intelligence investigation. Ashcroft had proposed that criminal-case prosecutors be given routine access to such intelligence information, and that they be allowed to direct intelligence investigation as well as criminal investigation.

The FISA court agreed with other proposed rule changes. But Ashcroft filed an appeal yesterday over the rejected procedures that would constitute the first formal challenge to the FISA court in its 23-year history, officials, said.

"We believe the court's action unnecessarily narrowed the Patriot Act and limited our ability to fully utilize the authority Congress gave us," the Justice Department said in a statement.

The documents released yesterday also provide a rare glimpse into the workings of the almost entirely secret FISA court, composed of a rotating panel of federal judges from around the United States and, until yesterday, had never jointly approved the release of one of its opinions. Ironically, the Justice Department itself had opposed the release.

Stewart Baker, former general counsel of the National Security Agency, called the opinion a "a public rebuke.

"The message is you need better quality control," Baker said. "The judges want to ensure they have information they can rely on implicitly."

A senior Justice Department official said that the FISA court has not curtailed any investigations that involved misrepresented or erroneous information, nor has any court suppressed evidence in any related criminal case. He said that many of the misrepresentations were simply repetitions of earlier errors, because wiretap warrants must be renewed every 90 days. The FISA court approves about 1,000 warrants a year.

The department discovered the misrepresentation and reported them to the FISA court beginning in 2000.

Enacted in the wake of the domestic spying scandals of the Nixon era, the FISA statute created a secret process and secret court to review requests to wiretap phones and conduct searches aimed at spies, terrorists and other U.S. enemies.

FISA warrants have been primarily aimed at intelligence-gathering rather than investigating crimes. But Bush administration officials and many leading lawmakers have complained since Sept. 11 that such limits hampered the ability of officials to investigate suspected terrorists, including alleged hijacking conspirator Zacaris Moussaoui.

he law requires agents to be able to show probable cause that the subject of the search is an agent of a foreign government or terrorist group, and authorizes strict limits on distribution of information because the standards for obtaining FISA warrants are much lower than for traditional criminal warrants.

In Moussaoui's case, the FBI did not seek an FISA warrant to search his laptop computer and other belongings in the weeks prior to the Sept. 11 attacks because some officials believed that they could not adequately show the court Moussaoui's connection to a foreign terrorist group.

The USA Patriot Act, a set of anti-terrorism measures passed last fall, softened the standards for obtaining intelligence warrants, requiring that foreign intelligence be a significant, rather than primary, purpose of the investigation. The FISA court said in its ruling that the new law was not relevant to its decision.

Despite its rebuke, the court left the door open for a possible solution, noting that its decision was based on the existing FISA statute and that lawmakers were free to update the law if they wished.

Members of the Senate Judiciary Committee have indicated their willingness to enact such reforms but have complained about resistance from Ashcroft. Chairman Patrick J. Leahy (D-Vt.) said yesterday's release was a "ray of sunshine" compared to a "lack of cooperation" from the Bush administration.

Sen. Charles E. Grassley (R-Iowa), another committee member, said the legal opinion will "help us determine what's wrong with the FISA process, including what went wrong in the Zacarias Moussaoui case. The stakes couldn't be higher for our national security at home and abroad."

The ruling, signed by the court's previous chief, U.S. District Judge Royce C. Lamberth, was released by the new presiding judge, U.S. District Judge Colleen Kollar-Kotelly.

FBI and Justice Department officials have said that the fear of being rejected by the FISA court, complicated by disputes such as those revealed yesterday, has at times caused both FBI and Justice officials to take a cautious approach to intelligence warrants.

Until the current dispute, the FISA court had approved all but one application sought by the government since the court's inception. Civil libertarians claim that record shows that the court is a rubber stamp for the government; proponents of stronger law enforcement say the record reveals a timid bureaucracy only willing to seek warrants on sure winners.

The opinion itself—and the court's unprecedented decision to release it—suggest that relations between the court and officials at the Justice Department and the FBI have frayed badly.

FISA applications are voluminous documents, containing boilerplate language as well as details specific to each circumstance. The judges did not say the misrepresentations were intended to mislead the court, but said that in addition to erroneous statements, important facts have been omitted from some FISA applications.

In one case, the FISA judges were so angered by inaccuracies in affidavits submitted by FBI agent Michael Resnick that they barred him from ever appearing before the court, according to the ruling and government sources.

Referring to the "the troubling number of inaccurate FBI affidavits in so many FISA applications," the court said in its opinion: "In virtually every instance, the government's misstatements and omissions in FISA applications and violations of the Court's orders involved information sharing and unauthorized disseminations to criminal investigators and prosecutors."

The judges were also clearly perturbed at a lack of answers about the problems from the Justice Department, which is still conducting an internal investigation into the lapses.

"How these misrepresentations occurred remains unexplained to the court," the opinion said.

[From the New York Times, Sept. 2, 2002]

Secrecy Is Our Enemy

(By Bob Herbert)

You want an American hero? A real hero? I nominate Judge Damon J. Keith of the United States Court of Appeals for the Sixth Circuit.

Judge Keith wrote an opinion, handed down last Monday by a three-judge panel in Cincinnati, that clarified and reaffirmed some crucially important democratic principles that have been in danger of being discarded since the terrorist attacks last Sept. 11.

The opinion was a reflection of true patriotism, a 21st-century echo of a pair of comments made by John Adams nearly two centuries ago. "Liberty," said Adams, "cannot be preserved without a general knowledge among the people."

And in a letter to Thomas Jefferson in 1816, Adams said, "Power must never be trusted without a check."

Last Monday's opinion declared that it was unlawful for the Bush administration to conduct deportation hearings in secret whenever the government asserted that the people involved might be linked to terrorism.

The Justice Department has conducted hundreds of such hearings, out of sight of the press and the public. In some instances the fact that the hearings were held was kept secret.

The administration argued that opening up the hearings would compromise its fight against terrorism. Judge Keith, and the two concurring judges in the unanimous ruling, took the position that excessive secrecy compromised the very principles of free and open government that the fight against terror is meant to protect.

The opinion was forceful and frequently eloquent.

"Democracies die behind closed doors," wrote Judge Keith.

He said the First Amendment and a free press protect the "people's right to know" that their government is acting fairly and lawfully. "When government begins closing doors," he said, "it selectively controls information rightfully belonging to the people. Selective information is misinformation."

He said, "A government operating in the shadow of secrecy stands in complete opposition to the society envisioned by the framers of our Constitution."

The concurring judges were Martha Craig Daughtrey and James G. Carr. The panel acknowledged—and said it even shared—"the government's fear that dangerous information might be disclosed in some of these hearings." But the judges said when that possibility arises, the proper procedure for the government would be to explain "on a case-by-case basis" why the hearing should be closed.

"Using this stricter standard," wrote Judge Keith, "does not mean that information helpful to terrorists will be disclosed, only that the government must be more targeted and precise in its approach."

A blanket policy of secrecy, the court said, is unconstitutional.

The case that led to the panel's ruling involved a Muslim clergyman in Ann Arbor, Mich., Rabih Haddad, who overstayed his tourist visa. The ruling is binding on courts in Kentucky, Michigan, Ohio and Tennessee and may serve as a precedent in other jurisdictions.

The attorneys who argued the case against the government represented four Michigan newspapers and Representative John Conyers Jr., a Michigan Democrat. They took no position on whether Mr. Haddad should be deported.

"Secrecy is the evil here," said Herschel P. Fink, a lawyer who represented The Detroit Free Press. He said the government "absolutely" had an obligation to "vigorously" fight terrorism. But excessive secrecy, he said, was intolerable.

"We just want to watch," said Mr. Fink.

Judge Keith specifically addressed that issue. The people, he said, had deputized the press "as the guardians of their liberty."

The essence of the ruling was the reaffirmation of the importance of our nation's system of checks and balances. While the executive branch has tremendous power and authority with regard to immigration issues and the national defense, it does not have carte blanche.

Lee Gelernt, a lawyer with the American Civil Liberties Union who represented some of the plaintiffs in the case, noted that the administration has been arguing since Sept.

ll that it needs much more authority to act unilaterally and without scrutiny by the public and the courts.

He said last week's ruling was the most recent and, thus far, the most important to assert, "That's not the way it's done in our system."

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER (Mrs. CARNAHAN). The majority leader.

Mr. DASCHLE. Madam President, I will be brief. The President again today admonished the Senate for moving slowly on homeland security. He again told his audience that he was very concerned that we are moving slowly on an issue of great import in terms of his design on homeland security and the need for a recognition of national security through this legislation.

Let me simply say to the President and to anybody else who has question: There is no desire to slow down this legislation. There are Senators who have very significant concerns about various provisions, but there ought to be no question about our desire to continue to work to complete the deliberation of this legislation and send it to conference as quickly as possible.

We have only had an opportunity to debate one amendment and bring it to closure. It would be my hope we could take up Senator BYRD's amendment sometime very soon and we could take up other amendments to the legislation as soon as possible. We have now been on this bill for 3 weeks, and I understand why some would be concerned about the pace with which the Senate is dealing with this legislation.

I discussed the matter with Senator LOTT, and I think he shares my view that we have to move the bill along. I note that if the President had supported homeland security legislation when the Democrats first offered it last summer, we probably would have completed it by now. It took them about 2 months to respond to the actions taken by the Governmental Affairs Committee in the Senate. But that has been done. They have responded, and we have worked with them to come up with a plan of which we are very proud and a product that can be addressed.

Senator BYRD has a good amendment. There are others who have amendments as well, but the time has come to move on. I had originally hoped we could get an agreement that only relevant amendments would be offered. We have not had a case of nonrelevant amendments. We have had a case of no amendments in this process. It is very important for us to demonstrate to the American people, it is very important for us to make as clear as we can that we want to come to closure on this legislation—take up amendments and deal with them effectively, but the amendments ought to be germane and we ought to work within a timeframe.

CLOTURE MOTION

Mr. DASCHLE. Madam President, with respect to the Lieberman substitute amendment to the homeland security bill, I send a cloture motion to the desk.

Mr. BYRD. Madam President, I ask the leader if he will add my name to that cloture motion.

Mr. DASCHLE. I will be happy to add the Senator's name.

Mr. BYRD. Madam President, I give the distinguished majority leader my power of attorney to sign this for me. Everybody in the country knows about my trembling hands. So I hope the majority will sign this for me.

Mr. DASCHLE. Madam President, I ask unanimous consent that I have that right, and we will accommodate the Senator's request. I appreciate very much his support of the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman substitute amendment No. 4471 for H.R. 5005, Homeland Security legislation.

Jean Carnahan, Herb Kohl, Jack Reed (RI), Richard J. Durbin, Kent Conrad, Paul Wellstone, Jim Jeffords, Max Baucus, Tom Harkin, Harry Reid (NV), Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Robert Torricelli, Mary Landrieu, Joseph Lieberman, Robert C. Byrd.

Mr. DASCHLE. Madam President, we now have two cloture motions before the Senate. The first one ripens this afternoon at 5:15. That is on the amendment offered by Senator BYRD to the Interior appropriations bill.

We cannot get to the rest of the business before us unless that cloture motion is agreed to. There can be no excuse, there can be no reason, after all this debate, after all the meetings, that we cannot at least bring closure to that amendment.

Senators still have a right to offer amendments to the bill, but we have to move on. I cannot imagine that there would be a Senator who would want to extend debate beyond the 3 weeks we have now debated Interior and the Byrd amendment. The same could be said of homeland security. If we want to respond to the President, who again today said the time for the Senate to act is now, let's respond on a bipartisan basis and let's vote for cloture on the Lieberman substitute and let's move this legislation along.

I yield the floor.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. SPECTER. Madam President, I have sought recognition to comment briefly about the upcoming cloture vote and also about the status of our progress on the homeland security bill and the progress of the Senate on its fundamental responsibility to have a budget or make appropriations.

I would have thought that on September 17, the day the Constitution was ratified, there would be more regard for the constitutional responsibility of the Senate. We have the power of appropriation, but we are not handling our duties. Much as I dislike saying so, I believe the Senate is dysfunctional. Harsh, perhaps, but true, certainly. We are simply not getting the job done.

I am a little surprised to see a cloture motion filed on an amendment to an appropriations bill. If there were protracted debate, if there were an effort to stall, if there were some attempt made to delay the proceedings of the Senate, perhaps so. But there are Senators who want to vote on an important issue relating to the forests, especially in the West, and the dangers of fire. They have been seeking a vote but have not been able to get one.

I intend to vote against cloture, to give Senators a chance to present their amendment. That is not to say I will support the amendment, but I believe the Senators ought to have an opportunity to present their amendment.

Cloture has now been filed on the homeland security bill. We are now in our third week after returning from the August recess, and the Senate has done virtually nothing during that period of time. We have had prolonged speeches on generalizations which have, in fact, impeded the progress of the homeland security bill. We were in a position to vote on the amendment by the distinguished Senator from Connecticut last Thursday, but it could not get a vote because the time was consumed with speechmaking. Now, I like speechmaking as much as the next Senator, but there has to be some balance as to what is being done. And again this afternoon—I had not known unanimous consent was granted—more lengthy speeches, without really getting to the substance of what the Senate ought to be doing.

We have not passed any appropriations bill among the 13 we are charged with passing. Now, this is September 17, 13 days away from the end of the fiscal year, with only a few working days left. The Department of Defense appropriations bill lies dormant. It has been passed by both bodies, but there hasn't been a conference. The military construction appropriations bill lies dormant. Again, it has been passed by both bodies but there hasn't been a conference.

We are fighting a war at the present time. We are cleaning up the remnants of other wars, in Kosovo and in Bosnia, and our troops are in Afghanistan. We will be called upon soon to vote on a resolution which may send us to war against Iraq.

Now, what are we doing for the Department of Defense? We have a very substantial increase in defense funding, but the way it looks now, we are going to be having a continuing resolution. What the House has said ought to be adopted and what the Senate has said ought to be adopted will be curtailed very drastically if we have a continuing resolution. So we are simply not doing our job.

Then we have 11 other appropriations bills. I have the responsibility, as ranking member of the Subcommittee on Labor, Health and Human Services, and Education, to prepare a very major bill which funds the Department of Education, the major capital investment of America, the Department of Health and Human Services, which is very important, and the Department of Labor on worker safety. But we are not moving to pass the bill.

The National Institutes of Health, probably the best investment this Congress makes, the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government—has an increase of $3.5 billion in this year's appropriations bill. But as of this reading, it is unlikely to comment on its operation because we are not going to pass the bill.

We are told that the Department of Defense appropriations bill is being held up because we have not established the allocations. Why haven't we established allocations? We haven't established allocations because there is no budget. The Budget Act was passed in 1974, and this is the first year there hasn't been a budget passed.

As I am approaching the end of my 22nd year in this body, not an inconsiderable period of time, I have not seen the Senate in such disarray as we are at the present time.

We had a vote several weeks ago on what was the equivalent of deeming. That is legal jargon, Senate jargon, for making out as if we had passed a budget to establish a figure. It required 60 votes to have this amendment passed—I was sorely tempted to vote for it—which would have established the Senate budget $9 billion above the House budget. I do believe we need a budget, because if we do not, we are going to be passing appropriations bills which far exceed the purported allocations.

It is customary, on the attractive education proposals and the attractive health proposals, to get into the high fifties. With a 60-vote requirement, those amendments are not passed, but they are very tempting amendments. When I responded to the rollcall, with 59 Senators having voted aye on the deeming resolution, I just was not going to do it, notwithstanding my deep commitment to the appropriations process and notwithstanding my knowledge that it was fairly important to have a budget figure.

But if we are going to use a shortcut, if we are going to use a substitute, what is the point of having a budget resolution? If the Budget Committee knows it can be derelict in its duty and be bailed out by 60 Senators who will say, awe, shucks, let's go ahead and do it anyway, what is the point to have the Budget Committee do its job next year or any year?

The previous chairman of the Budget Committee told me—the distinguished senior Senator from New Mexico is sitting in front of me—that he will be chairman next year. If I was sure of that, I would have voted for deeming. But I am not sure of much of anything on the current posture.

So it is my hope that we will move ahead and have votes and let there be a vote on this issue on the course. But let us proceed to vote on the homeland security issues which are very important.

One of the critical issues on homeland security, in my judgment, is to have the analysis of all the agencies—FBI, CIA, NSA—under one umbrella.

Had that been done prior to September 11, 2001, I think that catastrophe might have been avoided. There were lots of danger signals. There were lots of dots on the board.

There was the July FBI Phoenix memorandum about a man taking flight training and two al-Qaida men in Kuala Lumpur, known to the CIA, who later turned out to be pilots on the hijacked planes. The CIA didn't bother to tell the FBI or INS.

You had the NSA warning on September 10 that something was going to happen the next day. But nobody bothered to translate it until September 12.

Then you had the matter of Zacarias Moussaoui, a much celebrated personality today with the litigation in the Federal court. But had the FBI obtained a warrant under the Foreign Intelligence Surveillance Act, there was a treasure trove of information linking Moussaoui to al-Qaida. And there was a virtual blueprint, had all the dots been put together.

After September 11, I opposed the creation of an independent commission because it seemed to me the Intelligence Committees could do the job. I understood that they couldn't move ahead immediately with hearings in closed session and then in open session in order to give the intelligence community an opportunity to regroup. But that time has long passed, and now we find the Intelligence Committees are embroiled in another investigation; that is, an investigation by the FBI against the Intelligence Committees.

It is very difficult to understand how the Intelligence Committees can be investigating the FBI and the CIA and other intelligence agencies, and then, having a leak of classified material, to have the FBI investigate the intelligence committees. I wrote to the chairmen and vice chairmen of both the House and Senate, strongly urging them not to do that—that you simply can't have investigators being investigated by those who are under investigation.

Then you have the issue of separation of powers. If the FBI is going to be able to investigate the Congress, what independence does the Congress have in our oversight function?

So the Intelligence Committees have not moved ahead for that job. The only alternative now is an independent commission. I worked as one of the younger lawyers on the Warren Commission staff many years ago. I say "younger lawyer" because I am still a young lawyer. And, while the Warren Commission has received a fair amount of critical analysis over the years, the essential conclusions have held up—that Oswald was the sole assassin, or the single bullet that went through both the President and Governor Connolly and the President was struck by a later bullet which killed him. So I have now come to conclude that we need an independent commission.

But most of all we need a Senate which will move ahead in its duties and obligations. This is a good day, September 17. September 17, 1787, was the day the Constitution was signed. So, 215 years later, that ought to be a hallmark for us to move ahead and discharge our duties.

I yield the floor.

Mr. DOMENICI. Madam President, I was en route here and was watching and saw the Senator from Pennsylvania speaking. I got here as fast as I could because I was wondering when somebody would say what he has said. Frankly, I am sorry the distinguished President pro tempore is not here, or I would ask him the same question: When do we intend? When would he let us vote on this very important, new Cabinet position and the Cabinet organization that goes with it?

I heard much of what he wants to say. I know he wants to win. But I believe it is important that when we are at war, we proceed with some dispatch to give the President what he wants. If the distinguished Senator is going to lose, we all lose sometimes. If he is going to win, maybe he will win sooner than he thinks. But it is taking a long time and getting nowhere. And I think we know the issues on that new piece, that new Department of our Federal

Government. I think he ought to let us proceed with it.

My further observation has to do with appropriations. You know, we are all tied in knots because we didn't get a budget resolution, and every time we say it, somebody should be here on our side of the aisle because it is not our fault. It is not me as ranking member. It is not my fault. And it is not my fault in any other capacity. I have been on that committee for 25 years, and never did I not get a budget resolution when I was chairman. One way or another, we got a budget resolution.

Now we don't know which appropriations numbers to follow, the bigger number in the House or the Senate or vice versa. At least that much would be resolved with a budget resolution. I hope we learn from it and we get on to our business today.

Mr. SARBANES. Madam, President, my amendment, No. 4554, would establish an Office of National Capital Region Coordination within a newly-created Department of Homeland Security. Joining me in offering this amendment are Senators WARNER, MIKULSKI, and ALLEN.

The September 11, 2001 terrorist attack on the Pentagon underscored the unique challenges the National Capital Region faces in emergency preparedness. A recent editorial in the Washington Post perhaps described the problem best:

> Sept. 11 laid bare the truth about the national capital region's preparedness for a major terrorist attack. That fateful day revealed that the area's 5 million residents, the federal government's far-flung operations and the varied state and local jurisdictions were ill-prepared for the kind of emergencies that could result from bioterrorism or other murderous terrorist strikes . . . . It will be no easy feat, converting a region containing three branches of the federal government, two states, and the District of Columbia, each with separate police forces and emergency plans—but all using the same roads and bridges—into a well-coordinated governmental operating complex . . .

In no other area of the country must vital decisionmaking and coordination occur between an independent city, two States, seventeen distinct local and regional authorities, including more than a dozen local police and Federal protective forces, and numerous Federal agencies.

In hearings before the Senate Appropriations Subcommittee on the District of Columbia, Senator MARY LANDRIEU, the Distinguished Chair of the Subcommittee, and virtually every witness highlighted the region's high risk for terrorism and the critical need for coordinated and timely communication between the Federal Government and the surrounding State and local jurisdictions. I want to commend Senator LANDRIEU for her leadership on this very important issue and for working to address the emergency preparedness funding needs of the District of Columbia and the Washington Metro system.

Over the past year significant progress has been made on the State and local levels in emergency response protocols. The Metropolitan Washington Council of Governments, COG, the association representing the 17 major cities and counties in the region, should be commended for the strong partnerships and initiatives they have nurtured over the past twelve months, including the creation of the COG Ad Hoc Task Force on Homeland Security and the development of a Regional Emergency Response Plan.

Similarly, at a summit meeting convened last month, the mayor of the District of Columbia and the Governors of Maryland and Virginia took a major step forward with the signing of an eight-point "Commitments to Action" to improve coordination. Unfortunately, the Office of Homeland Security, which helped convene the summit, is not a party to the agreement.

What is still lacking, however, is the integration of the Federal Government's many and diverse protocols in the region with those of State and local authorities. This past August, a plan known as the Federal Emergency Decision and Notification Protocol was announced by the Administration, giving the directors of the Office of Personnel Management, the Federal Emergency Management Agency, and the General Services Administration the authority to release Federal employees in the area and around the country. However, as an August 17, 2002 article in the Washington Post notes, "[left unclear by the plan is how Federal agencies execute the evacuation. Congress and the courts are independent of the President. Even Cabinet secretaries and senior agency directors have autonomy over their employees and buildings . . . ."

I commend to my colleagues the September 10, 2002 edition of the Washington Post which featured a story detailing the status of emergency planning in the area, noting the work yet to be done by the Federal Government.

The unique and dominant Federal presence in this region obligates the Federal Government to become a fully cooperative partner in the region's efforts at emergency planning and preparedness.

One of the key goals of a new Department of Homeland Security is to consolidate the components of the Federal Government playing an integral role in the protection of the homeland, both existing and yet-to-be-created, into one single entity whose purpose is to coordinate these components and facilitate their individual missions.

In the National Capital Region, the many branches and agencies of the Federal Government similarly necessitate a single voice to aid and encourage the significant efforts already being undertaken by State, local, and regional authorities. It is with this goal in mind that my amendment proposes the creation of an office within a Department of Homeland Security that would provide such a voice.

The Office of National Capital Region Coordination would establish a single Federal point of contact within a new Department of Homeland Security. This office would not only coordinate the activities of the Department affecting the Nation's Capital, but also act as a one-stop shop through which State, local, and regional authorities can look for meaningful access to the plans and preparedness activities of the numerous other Federal agencies and entities in the region. Likewise, this new office would become the vehicle used by the multitude of Federal entities in the area to receive vital information and input from the state, local, and regional level in the development of the Federal Government's planning efforts.

In short, the Office of National Capital Region Coordination would ensure that the Federal Government takes a place at the table as this region makes unprecedented attempts to coordinate the work of its many State, local, and regional authorities.

The need for such an office has been expressed and supported by many of the most important participants and stakeholders in the area's terrorism preparedness activities, including COG, WMATA, the Greater Washington Board of Trade, and the Potomac Electric Power Company, PEPCO. I ask that letters of support from these groups be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. A year has passed since the horrific attacks of September 11th, and as we debate the shape and form of a new Department of Homeland Security, the time has come for the Federal Government to fulfill its obligations to the National Capital Region and those dedicated to preserving its safety. I would urge my colleagues to support this important amendment.

PEPCO HOLDINGS, INC.,
Washington, DC, September 10, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: As Chief Executive Officer of Pepco Holdings Inc., I am writing to express my strong and unequivocal support for Senator Paul Sarbanes' amendment to the National Homeland Security and Combating Terrorism Act of 2002.

The proposed amendment would create within the Department of Homeland Security a National Capital Region Coordination Office. This office would have the responsibility of coordinating the response activities of the Federal, State, and local governments with that of the general public and the private sector.

The District of Columbia is truly in a unique situation when it comes to Homeland

Security. As our Nation's Capital, the District is home to more than 370,000 Federal workers and draws over 18 million visitors annually. At the same time, given the multi-jurisdictional nature of the Greater Washington Metropolitan area and the enormous Federal presence, there are distinct challenges facing this region's efforts to have a comprehensive and coordinated response to terrorism.

For example, there are over a dozen separate local police departments in the greater Washington area. Overlaying this, there are another dozen Federal law enforcement agencies, each with their own jurisdiction and mandate. These departments have their own procedures and are developing their own contingency plans. Coordinating these efforts will not be an easy task and will require a dedicated office within the Department of Homeland Security.

Unfortunately on September 11 we saw what can happen if the region fails to coordinate its response. On the afternoon of the attack the Federal government sent home its entire workforce early without notifying anyone on the local level. At the same time the Federal government was releasing hundreds of thousands of Federal employees and contractors to already grid-locked roads and packed Metro stations, Federal agencies were erecting security zones and blocking off streets around their facilities making the evacuation of the District even more difficult.

Thankfully, there was no secondary attack after the Pentagon. But had there been one, this lack of coordination could have had disastrous results and I believe illustrated the need for a dedicated office within the Department.

As the major provider of electricity to the District of Columbia as well as Prince George's and Montgomery counties in Maryland, Pepco has spent a significant amount of time and effort on security issues since September 11. The more I look at the unique challenges we face in this new environment, both as Chief Executive and a Washingtonian, the more I believe in the need for Senator Sarbanes' proposal.

Thank you for your leadership on homeland security issues, and I trust that you will give the National Capital Region Coordination Office provision every consideration.

Sincerely,

JOHN M. DERRICK,
Chairman, Chief Executive Officer.

WASHINGTON AREA TRANSIT AUTHORITY,
Washington, DC, September 5, 2002.
Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: On behalf of the Washington Metropolitan Area Transit Authority, I would like to express our great appreciation and strong support for your efforts to enhance security in the national capital region. We urge you to offer an amendment to S. 2452, the "National Homeland Security and Combating Terrorism Act of 2002" in order to address the specific needs of the National Capital Region, perhaps the area of greatest potential risk in the country.

Importantly, there is not central point of coordination for the many Federal entities in the region, including various executive branch agencies, the Office of Homeland Security, the Military District of Washington, the U.S. Congress, and the judicial branch. Effective coordination within the Federal government is absolutely critical in the National Capital Region in light of the fact that the Federal government is the region's largest employer. The recent Regional Summit on Security, convened by Governor Ridge, also pointed out the continuing need for effective coordination among all levels of government in the National Capital Region.

The other matter of concern is the enormous challenge this region faces in working constructively with the Administration as it formulates security budget proposals. While the Congress, through the appropriations process, has generally been quite receptive to funding requirements for security measures, it has been extremely difficult and cumbersome to present our case to the Administration for the resources needed to carry out the national strategy for combating terrorism and other homeland security activities, due to the highly decentralized nature of the Executive Branch budget development process. The proposed amendment provides a mechanism for a review of the funding resources required for the region to implement the national strategy for combating terrorism.

We greatly appreciate your attention and diligence in assisting the region in addressing these important issues. We are all facing challenges that previously seemed unthinkable. We owe you a great debt of gratitude for your leadership in assisting the National Capital Region in preparing to meet these challenges.

Sincerely,

CHRISTOPHER ZIMMERMAN,
Chairman, Board of Directors.

GREATER WASHINGTON BOARD OF TRADE,
Washington, DC, August 23, 2002.
Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: Thank you for your leadership on building a strong and thoughtful Department of Homeland Security. As you prepare your final mark on S. 2452 we urge you to include an amendment that calls for a separate office for the National Capital Region within the Department. The proposal is supported by many of your colleagues including Senators Warner, Allen, Sarbanes and Mikulski, as well as Senator Landrieu, ranking member of the District of Columbia Appropriations Subcommittee and Mayor Anthony Williams.

The National Capital Region is perhaps the area of greatest potential risk in the country to future terrorist attack. It is the seat of government, the location of many symbolic and historic structures, the venue for many high profile public events attended by large numbers of people, a key tourism destination that draws 18 million visitors annually and home to 370,000 federal workers and hundreds of lawmakers.

The area is unique in that it has dozens of federal agencies that have been mandated to have their own emergency preparedness plans. Most of these agencies have not coordinated their plans with local governments or private sector concerns that own and operate critical infrastructure like power, telecommunications and transportation, which the agencies are dependent. The region also has more than a dozen separate and distinct police forces representing seventeen jurisdictions and more than a dozen federal protective forces that need better coordination.

S. 2452 does not currently require the federal government to coordinate with the region or intradepartmentally, leaving the region and the nation's capital vulnerable. While coordination efforts are improving, there clearly needs to be an institutional structure in place to bring coordination to the level necessary in this complex environment.

We urge you to support the amendment to S. 2452 that will create a single point of contract within the Department of Homeland Security for coordination in the National Capital Region. The purpose is not to supercede any planning or action currently being undertaken, but only to serve as a coordinator of information, a point of contact for planning with the regional public and private sectors.

Sincerely,

ROBERT A. PECK,
President.

METROPOLITAN WASHINGTON
COUNCIL OF GOVERNMENTS,
Washington, DC, August 22, 2002.
Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: The Metropolitan Washington Council of Governments (COG) is appreciative of your efforts in strengthening the provisions of S. 2452, the National Homeland Security and Combating Terrorism Act of 2002, as it impacts the National Capital Region. In particular we endorse your efforts in insuring that federal terrorism preparedness and emergency response activities in the Washington, DC area are coordinated in consultation with those of the Region's sub-federal governments, private and non-profit entities, and the public generally.

As you are aware, COG is completing a year-long effort involving hundreds of public officials and public and private experts in the development of coordination and communications protocols for use by state and local governments, private and non-profit agencies, and other "stakeholders" concerned about preparation for and management of terrorist and other emergencies in the National Capital Region. Having a single contact point for coordinating these efforts with existing and proposed Federal response capacities is necessary for the effective and timely protection of life and property in the region.

The proposed amendment creates a function within the Department of Homeland Security which will be such a contact point, allowing full communication among the Federal and sub-federal entities dedicated to protection of this region and its citizens and coordination of their potentially supportive but disparate functions without impeding the planning or actions of either group.

Additionally, the creation of such a function recognizes the unique status of this region, with its strong presence of the Federal government as employer, policy-initiator, and potential target, as worthy of specific future Federal support.

The COG Ad Hoc Task Force on Homeland Security has considered the concepts and purposes contained in this proposed amendment and supports its enactment.

On behalf of my colleagues on the Task Force, I am pleased to endorse this proposed amendment and urge you to support its passage.

Sincerely,

CAROL SCHWARTZ,
Chairman.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now continue with the consideration of H.R. 5093, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 5:15 will be equally divided between the chairman and the ranking member of the subcommittee or their designees prior to a vote on the cloture motion on the Byrd amendment No. 4480.

The Senator from Nevada.

Mr. REID. Madam President, Senator BYRD and Senator BURNS are not here. The Chair has already decreed that we will divide the time. But there have been a number of people waiting: Senator CRAPO, Senator DOMENICI, Senator CRAIG. Just for expedition purposes, if they would like to speak now, that is fine. We would wait until they finish. I do not know in what order they wish to go, so why don't we announce that so people aren't waiting around.

Mr. DOMENICI. How much time are we going to have?

Mr. REID. Half of 40 minutes, 20 minutes.

The PRESIDING OFFICER. Twenty minutes.

Mr. DOMENICI. If you want to let Senator CRAPO go first?

Mr. CRAIG. That will be fine.

Mr. REID. May we have an order? You are going to use your time probably, now, and then a little over here or what do you want to do?

Mr. CRAIG. Madam President, Senator REID, I assume we would retain the last 5 minutes for closing purposes.

Mr. REID. Because it is your amendment.

Mr. CRAIG. Yes, because it is our amendment. We would want that.

Mr. REID. That is really no problem. It is our cloture motion, but if you want the last 5 minutes, that is fine. So we ask that consent. In the meantime, you use whatever time you need. So you have 15 minutes now.

Mr. CRAIG. I yield the Senator from Idaho 5 minutes.

Mr. CRAPO. Madam President, I rise in support of the efforts to address the serious and devastating impacts of fires that are currently raging throughout the West and to impress upon my colleagues the need for immediate action to reduce this threat in the future.

I thank my colleague from Idaho, Senator CRAIG, for his tireless efforts to try to find a path forward on a collaborative basis and to build the consensus necessary to address this difficult issue. The Senator from New Mexico as well has been very closely involved in developing these proposals. I commend him for his efforts.

As I begin, I offer my gratitude to the brave men and women who are fighting these fires. Wildland firefighting is a dangerous and exhausting job, and I can't thank them enough for their efforts. Already this year, 6.3 million acres have been burned, and this level of destruction puts us on pace to meet the catastrophic fire season of 2000, when 8.4 million acres burned, with more than a million of those acres in Idaho.

Idaho has been relatively lucky this year. However, with outbreaks of Douglas fir beetles and mountain pine beetles throughout Idaho, it is clear we are poised for another dangerous fire season.

Not all fire is bad. In fact, fire can be beneficial. However, many of the fires we face today are fueled by unnatural fuels and burn with an intensity and size that makes them undesirable in our natural ecology. Additionally, insect and disease outbreaks are often naturally occurring agents of change, yet some outbreaks are enhanced by our past actions and inactions and occur in scopes that are damaging and unnatural.

As a result of the previous fire seasons, Congress acted with an immediate and bipartisan response.

We came forward with funding and direction for a national fire plan. Yet, to date, this plan has not been implemented effectively enough to address the risks facing our communities.

I do not think we should be pointing fingers or making excuses about why or how these fires occurred. We need to look forward and address the problem. We need to do so quickly. I do not want to see another million acres burning in Idaho next year.

In his Healthy Forests Initiative, the President outlined actions that will effectively address the risk of catastrophic wildfires. In the Fiscal Year 2002 supplemental appropriations bill, our majority leader identified a way to effectively reduce the risks in the Black Hills National Forest. Clearly, we all want to protect our forests.

Our forests are an important part of our heritage and have great impacts on local economies and recreational opportunities for local residents and visitors alike. They provide our drinking water and wildlife habitat. In short, healthy forests are vital to all Americans.

The Forest Service has identified 70 million acres of Condition Class III lands. These lands are at catastrophic risk of wildfire and subject to insect and disease infestations, windthrow, and other health risks. It is important to address risks on these lands, but it must be noted that today we are not debating action in all of these areas.

As I said, many of these threats are natural and we may choose to let them occur naturally. However, we must act—and act quickly—to protect our high value forest areas. We must act to protect homes, property, and livelihood, maintain the quality of our watersheds, and take steps to ensure that burned areas are quickly rehabilitated rather than face the dangerous risks of reburn.

Again, the amendments we are discussing do not include the entire 196 million acre National Forest System or 74.5 million acres of condition class III areas, but instead address areas where we cannot allow endless delays. We do so without eliminating public recourse. There has also been speculation the language will do what Senator DASCHLE did and limit all appeals and judicial review. This is not true.

Critics also contend the amendment suspends environmental laws. That is also false. The amendment requires that projects be consistent with the applicable forest plans or resource management plans. I can tell you from experience that these site-specific plans take years of work with widespread public involvement and compliance with all of our environmental laws.

Protecting our environment and the opportunity for public involvement is a vital part of any actions on our public lands. Reducing the risk of fire is no exception. However, the imminent threat demands we act quickly and move past stalling tactics and countless delays.

Damage to our environment from these fires is acute. The harm to local economies is felt in many ways. It is clear our forests have deteriorated to the point were active management is a necessity. I hope my colleagues recognize that and will support the efforts of member's whose goal is to protect their communities and environment.

I encourage all of the Senators to vote against the cloture motion.

Mr. CRAIG. Madam President, I thank my colleague from Idaho for his very thoughtful presentation and his true expression of the real conditions on our forest lands.

I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I thank my colleague, Senator CRAIG, who has spoken to the broader issue of the problem we face, and the firefighters. And Senator CRAPO elaborated on that some.

Let me speak for a moment about why I support the Craig-Domenici amendment from a local standpoint. It certainly provides a critical tool in doing the job that we know needs to be done. We know there are counterproposals floating around. From my perspective, that does not accomplish what we need to have done.

Let me speak a couple of minutes about what happened near the town of

Durango, CO. I live about 18 miles from there. In fact, during the Missionary Ridge fire, we watched it with great anticipation from our porch at our ranch.

Durango is a very scenic town in Colorado, home of one of only 13 gold medal trout streams in the whole country, and has some of the finest mountain biking areas in the West.

Two months ago, there was a fire called the Missionary Ridge fire, declared under control on July 28, but only after we had lost over 70,000 acres of forest, 56 homes, 27 adjoining buildings, and the collective cost of $40.6 million to fight that fire. More importantly, large areas around the Lemon and Vallecito Reservoirs burned so intensely that the soil had become hydrophobic and unable to keep water back. Downstream, the La Plata, Aimas, Los Pinos, and Florida Rivers were now all at risk.

When I was home this past weekend, I was reading in the local newspaper about several homes that were washed off their foundations by the mud slides as a result of that loose soil caused by the fire and the burning of all of the underbrush and trees.

That $40.6 million lost, to put it in context, is more than double the amount of funding allocated for recreation for all of the 11 forests in Region II, which is Colorado, Wyoming, South Dakota, and Nebraska. It is four times the amount of funding for wildlife for all 11 forests in Region II for fiscal year 2002. It is nearly double the amount of money allocated to the region for hazardous fuels reduction work for fiscal year 2002. So in a little over 1½ months, we spent more allowing that area to be destroyed by fire than we would have spent on wildlife habitat management on all 11 forests over 4 years.

Speaking of wildlife, when the Missionary Ridge fire was at its highest level of intensity, I happened to have a chance to talk to one of the firefighters who had been on the front line. He told me he estimated the fire to be moving at about 50 miles an hour—literally out of control—and actually saw birds being burned out of the sky because they were unable to outfly that fire, and that a number of small animals literally burned alive because they could not outrun that fire. There are just terrible stories about what happened.

I ask unanimous consent to have printed in the RECORD some excerpts of stories in the local newspapers in Durango of September 8, 10, 13, and 14.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 2002

The Valley Fire began on June 25th and quickly consumed 10 homes and 378 acres, about 160 acres were burned on private land.

Fall Creek Ranch residents hired a logging company to help remove logs and place other logs around areas where waters tend to flow heavily. The residents have poured $26,000 into mitigation so far.

Just under an inch of rain in less than an hour created mud and water flows that cover Florida Road, County Road 501, and County Road 245. About 700 customers at the Bar D Chuckwagon restaurant were trapped until about 10 p.m.

SEPTEMBER 10, 2002

The City of Durango's turbidity went from 2 NTU's (a measure of the number of small particles that are suspended in a water sample) or practically colorless, on Friday, to 440 NTU's, a chocolate brown by Monday.

A waive of ash, mud and debris cascaded down from Missionary Ridge burn area late Wednesday, flooding fields and roads and temporarily stranded some residents north and east of Durango.

SEPTEMBER 13, 2002

Only about a quarter-inch of rain fell, but it was enough to close roads, flood houses and clog culverts.

LaPine County has spent about $100,000 keeping roads and drainage structures clear of mudslides.

"There are homes out there that never expected to be influenced by flooding that are getting a hell of a surprise," said Doyle Viller La Plata County director of road maintenance.

Dead fish are littering the banks of the Animas River after recent mudslides in the Animas Valley, and there could be hundreds more beneath the murky water.

The mud is so thick that they (the fish) can't breath in the water said Mike Japhet, State of Colorado Division of Wildlife.

He received one report that the fish were "gasping for air and trying to swim out of the water onto the bank" near 32nd Street in Durango on Sunday.

All the fish around the 32nd Street Bridge, appear to be dead, Japhet said, and the death zone could extend north for several miles to where the mud entered the water.

SEPTEMBER 14, 2002

The county estimates that more than $100,000 has been spent on clearing roads and ditches near Lemon and Vallecito Reservoirs, and there has been more than $1 million in personal property damage from flash flooding.

OCTOBER 2002 BICYCLING MAGAZINE ARTICLE—RUSSELL ZIMMERMAN, DURANGO BICYCLE SHOP OWNER

"The last time I rode here, the forest was so dense you could see no more than 100 feet ahead. There is nothing left today, no living thing within a mile to interrupt the barren landscape. No fallen trees, no bushes, no grass.

"The bottom of my wheels disappear into the three-inch-deep layer of ash. The route is the same, but the trail is different. Roots are gone, burned away. Some of the rocks have even been vaporized."

"My tires kick up a fine dust that covers the bike, and me. No one could follow me; they'd choke." Before the fire, I'd spot a porcupine every ride. Or a deer, or elk or bear. Not this time."

Mr. CAMPBELL. Madam President, the result now, of course, is that on the Animas River, which goes through the town of Durango, dead fish are littering the banks because so much mud has come into the water.

Mike Japhet of the Colorado Division of Wildlife said that in some places fish are actually trying to get out of the water because they cannot breath. He received one report that fish were actually "gasping for air" as they tried to stay alive.

The local county has spent over $100,000 just clearing mud from roads and ditches near the Lemon and Vallecito Reservoirs that were affected by this fire.

I want to add my voice to the Craig-Domenici amendment. I just want to point out from a local point of view the catastrophic results.

Our little town of Durango in fact relies heavily on tourism. An old train takes tourists through the mountains. They had 28,000 cancellations in just 2 weeks because of that fire. Those cancellations, of course, result in money lost to the local community. The estimated loss of revenue during the month after that fire in the town of Durango was estimated to be about 40 percent from the normal resources they would have been able to rely on from tourists who stay in motels and who eat in the restaurants.

The facts are clear: unnaturally dense forests result in unnaturally hot burning and fast moving fires, like we experienced in Colorado.

Our proposal would address the problem in a balanced way—even providing greater review of projects than the majority leader's plan that takes care of his own state that he managed to attach to the emergency supplemental bill.

We know what needs to be done, but now opponents are opposing our bill and offering counterproposals that will do absolutely nothing to help forest managers thin these forests to reduce the risk of these catastrophic fires, nor allow for any salvage operations to help pay for the rehabilitation of these areas.

What does the counterproposal do? Their proposal does nothing more than sell the public a false bag of goods—it does nothing but create false expectations in the public.

My state of Colorado has experienced enough from prior bad policies. I am offended that some would now suggest new ones.

Since my friends on the other side know what needs to be done, why are they proposing such ineffective policy?

Because we are in an election year and some politically-active environmental groups are drafting the policy. It is not a secret. They say there is a lot of campaign money at stake—television and radio ads that could be poured into your State if you oppose doing the right thing.

It is time to do the right thing. It is time for these environmental groups to start looking at policies that benefit the environment rather than maintaining the political hammerlock they have on the Forest Service and BLM.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, how much time do we have?

The PRESIDING OFFICER. Seven minutes.

Mr. DOMENICI. Madam President, I yield 3 minutes to the distinguished Senator on our side, and then I will be glad to offer the remainder to Senator BYRD.

Mr. REID. Madam President, that wouldn't give the Senator the last 5 minutes.

Mr. DOMENICI. Madam President, fellow Senators, I come today to the floor because there is a very important amendment that is attached to the Interior appropriations bill, and it is a second-degree amendment attached to the Byrd amendment.

The only thing I would like to say today, since cloture has been called for on the Byrd amendment, is that if in fact cloture is invoked, our amendment will disappear. We believe our amendment is a good amendment and it deserves an up-or-down vote.

We have not been delaying things. We have been waiting for an opportunity to have a vote. We would like an up-or-down vote on our amendment, which is an effort by a number of Senators on both sides of the aisle to permit the Forest Service and the BLM of the United States to go into our forest lands that desperately need cleanup and to look at just four types of properties that belong to our Federal Government: those that have blown over and are there, and where they are unable to do anything—the trees are, in fact, dormant—forests that have been bitten and eaten so that the bugs have infested them, so they are useless, but we leave them there instead of removing them, and removing all of the substance that is there with them. And there are two other kinds similar to that, and we address them.

All we try to do is say: Can't we expedite the removal of that substance I have just described which causes fires? Because once any of that starts, you cannot stop it, and it goes like wildfire. And since our forests are not maintained properly, it burns thousands and, in some instances—like this year—millions of acres.

As I see it, it is time we do something practical. Our amendment is commonsense cleanup for the forests that are being destroyed. I do not believe the amendment—that will be offered later on, if we lose—does that in a proper manner. I believe it makes it just as difficult, if not more difficult, to remove this kindling, this buildup that is permitting our forests to burn.

We are not delaying any bill. We are asking for a chance to vote. Whenever it is possible in the Senate, we want a vote. That is all we ask. We will have more time then to explain it in detail.

It is common sense. It is not anti-environment. It is a rational, reasonable way to clean four kinds of forests that none of us would like to leave in their current situation so that they will become the essence of the next firestorms of the West.

If I have not used all my time, I yield the remainder of it to Senator CRAIG for his allocation or use. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Madam President, how much time remains?

The PRESIDING OFFICER. Nineteen minutes.

Mr. BYRD. How much of that time—

The PRESIDING OFFICER. I am sorry, 19 minutes remain for the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Madam President, the underlying first-degree amendment, which is the subject of the cloture vote this afternoon, provides $825 million in emergency funds to the Forest Service and the Bureau of Land Management. That money will be used to repay the extraordinary fire suppression costs incurred by those agencies over the past several months.

As many of our colleagues know, particularly those who represent Western States, 2002 is turning out to be one of the most devastating fire seasons on record. Over the past 10 years, the average number of acres burned by fire between January 1 and September 16 has been 3.4 million acres. This year, however, the comparable number of acres burned is 6.4 million; almost twice the 10-year average.

But this problem is much more than just the numbers of acres burned. The devastation and destruction resulting from these fires is almost too much to comprehend. Fire suppression costs will exceed $1.5 billion. Nearly 3,000 structures have been destroyed, including 1,313 homes. And, most tragic of all, 21 citizens have lost their lives fighting these treacherous fires.

Clearly, Madam President, this situation amounts to a domestic emergency of historic proportions.

That is why Senator BURNS and I proposed this amendment and why so many of our colleagues have joined us in this endeavor. Indeed, even the President has come to appreciate the need for this assistance, as evidenced by his August 28 funding request to Congress.

Madam President, it is of the utmost importance that we move forward on this matter, and that we do so in a timely manner. In fact, I would remind my colleagues that the authority to designate such funds as an emergency expires on September 30. Consequently, if this bill is not signed into law by the end of the month, there is a very real possibility that these funds will not be made available. I urge my colleagues to support the cloture motion, and help us in our effort to help our firefighters.

Madam President, I yield the floor.

How much time does the distinguished Senator from North Dakota wish?

Mr. CONRAD. Five minutes.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER (Mr. MILLER). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I understand certain comments were made about the slowness of the appropriations process and the assertion that not having a budget resolution pass the floor is the reason for that.

I do not think that is supported by the facts. The appropriations process is moving slowly for reasons that have no relationship to a budget resolution or having one or not having one.

The fact is, the appropriators agreed to an amount for a budget that was what was recommended in the resolution that went through the Budget Committee. The appropriators agreed unanimously—Democrats and Republicans—to adopt the budget amount for this year that the committee recommended.

So there is nothing to prevent appropriations bills from coming to the floor in an orderly process. The appropriators gave to each of the committees an allocation that added up to the amount of money that was provided for in the recommendation by the Budget Committee. So that is not the problem here.

No. 2, I think it should be pointed out that we had an opportunity on the floor to pass a budget for this year and got 59 votes. We got 59 votes. Now, it required 60 votes. But we had a bipartisan supermajority in the Senate for a budget amount for this year—not a budget resolution but a budget amount for this year. We fell one vote short of getting that amount approved.

Frankly, all of this misses the larger point. The reason we are in deep financial trouble now has nothing to do with the budget resolution for this year at all. The real problem is the budget resolution that passed last year. The budget resolution that passed last year put us on the course of a 10-year plan that has contributed to the most dramatic reversal in our fiscal fortunes in our Nation's history.

It was the budget resolution that passed last year that contained a massive and unaffordable tax cut that has undermined the fiscal strength of this country for years to come.

Last year, we were told we would have $5.6 trillion of budget surplus over the next decade—$5.6 trillion. Now, if we look at the Congressional Budget Office's new report, what we see is no surpluses; the money is all gone.

If we just adopt the President's recommendation on spending and taxes for the next 10 years—no additional spending by Congress, not a dime—if we just adopt his proposals, we will be $400 billion in the red. That is after being told last year we had $5.6 trillion of surpluses over the next decade. Now we are $400 billion in the hole. That is a $6 trillion turn.

And what are the reasons for it? The No. 1 reason is the tax cuts that were in last year's budget, pushed by the President, passed by the Congress. That accounts for over a third of the disappearance of the surplus.

The next biggest reason: technical considerations that apply to revenue not meeting the estimates. That is the second biggest reason—not related to the tax cut, but it is the second biggest reason.

The third biggest reason is the increased costs because of the attack on the United States.

I am talking now about, over the 10 years of the President's budget plan, what are the contributing factors to the disappearance of the surplus. The biggest reason—over a third—is the tax cut, 34 percent. The second biggest reason: revenue not meeting expectations, apart from the tax cut; that is 29 percent. Twenty-two percent is increased costs associated with the attack on the country. And the last, and smallest, part of the problem is the economic slowdown, representing 14 or 15 percent of the disappearance of the surplus.

That is the reality. The appropriations process not moving forward has nothing to do with the budget resolution being passed or not passed. The simple fact is, the appropriators agreed to the amount that was in the budget proposal that passed the Budget Committee. They did so on a unanimous basis, and they proceeded to stay within that amount. That is the reality.

The bigger truth, the larger reality is that we have fiscal problems because of the budget that passed last year. That put us on a course that does not add up, never has added up, and will require serious work in the future, if we are going to get back on track.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I have the 5 remaining minutes prior to the vote reserved. We have no more time to allocate on our side. The assistant leader said we could use time if there were no speakers from the other side. Senator BYRD is here.

Mr. BYRD. How much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. Mr. President, does the Senator want more than 5 minutes? Do you need more?

Mr. CRAIG. I think our colleague from Oklahoma would like to speak for 5, and then if I could use 5 to close it out, then we could advance the vote.

Mr. BYRD. It is fine with me if the Senator closes. The Senator wants 5 minutes over there. How much time does the Senator need?

Mr. BURNS. Two. That is all I need.

Mr. BYRD. I yield 2 minutes to the ranking member and I will yield 5 minutes to the distinguished Senator. I am always very accommodating, most always, to Senators from the other side of the aisle. Then will I have any more time left?

The PRESIDING OFFICER. If the Senator yields 10 minutes, that would exhaust his time.

Mr. BYRD. I thank the Chair. I won't need it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague and friend from West Virginia for his yielding a couple minutes. I will be brief.

I urge my colleagues to vote no on cloture. I say that knowing my friend and colleague from West Virginia, I guess, is going to support it. But he is chairman of the Appropriations Committee. I have been on the committee. I have been in the Senate for a long time. It is a very bad idea to start filing cloture on any amendment that you don't like on appropriations bills. It is a bad idea for a couple reasons. One, it won't work. You are not going to be able to take a cloture vote and say, "We will have a fire amendment and it is going to spend several hundred million dollars on fire, but we will not have any other amendment dealing with this issue," because it won't work.

The Senator from Idaho is entitled to his amendment. Even if cloture is invoked, we can still get a vote on the Senator's amendment, or some other Senator can offer a similar amendment.

I will, first, tell my colleague from West Virginia, I don't like cloture. To me, it should be used very sparingly. It is becoming far too prevalent in the Senate where somebody says: We will just file cloture.

Someone told me: We will file cloture on homeland security. We will wrap that up.

Of course, that would deny us the opportunity to offer the President's bill on homeland security. They may file it, but they will not get cloture. The President is entitled to have a vote on his homeland security proposal, and we are going to get it, just as the Senator from Idaho is entitled to have his vote on fire control. Other Senators have ideas.

My point is, you can waste days on cloture. We wasted 3 days. No one on this side of the aisle was filibustering the Interior bill or filibustering homeland security, nor should they, in my opinion. I hope we don't have filibusters ever, frankly, on appropriations bills. We need to decide how much we are going to spend and how we will do it.

Maybe if somebody came up with an amendment that is so offensive, so intrusive, so anti an individual State that they would filibuster, that might be unique, but I haven't found that yet in my Senate career on an appropriations bill. I can't remember filibusters on appropriations bills. I have only been here 22 years—not nearly as long as my friend from West Virginia. It is a terrible idea if somebody says: I don't like that amendment so we will file cloture on it and hope it goes away. If cloture is adopted, the Craig-Domenici amendment will disappear.

I am telling my colleagues, it will not disappear, even if cloture is invoked. And if it is, I might tell my friends, we could spread out, we could waste another couple days. I don't think anybody wants to do that because we have no interest in filibustering anything.

My colleague from New Mexico is a very good legislator, and he has a couple ideas on fire management, and so does my colleague from Idaho. I know the other Senator from Idaho and other Senators have ideas, and they are entitled to have their amendments considered. And they will be considered at some point.

I urge my colleagues, let's not get in the habit of going the route of cloture if an amendment appears and we say we don't really like it. That process will not work. We only have a week from Monday to complete action on the appropriations bills, if we are going to have them done by the end of the fiscal year. That is only 13 days. We have already spent a week and a half on the Interior bill and we are not even getting close.

We have basically had an amendment on drought, and we were precluded from offering another drought amendment. And now we have a fire amendment, appropriating money for fire, and my colleague is trying to be denied a vote.

This side is going to find a way to get some votes on this bill. We can spend weeks doing it or we can spend days. We can spend an hour. I heard my colleague from Idaho said he is willing to have a time limit. He is willing to have a side by side. I know the Senator from New Mexico has a fire amendment. Great. Senator BINGAMAN, I think, that is a different fire amendment, and I think that is fine. Let's vote on those amendments.

I appreciate my colleague from West Virginia yielding. I urge my colleagues to vote no on cloture.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair. I thank my chairman of the Appropriations Committee.

Mr. REID. Mr. President, how much time does he have? How much time is left on the other side?

The PRESIDING OFFICER. The Senator from Montana has 4 minutes 20 seconds; the Senator from Idaho, 4 minutes 10 seconds.

Mr. BURNS. I will take the first 4 minutes. I thank my good friend from West Virginia also for allocating the time.

As he believes very much in the Constitution of the United States, I also believe in some of the rulings of the Senate. And I think I would be remiss as ranking member on this committee and a comanager on this bill if I did not fight for the rights of the rest of the Members in this body to have a vote. I think it is what it is all about. That is for debate.

I haven't heard anybody come down here and talk against the merits of this second-degree amendment. It will not go away. And silence tells me that maybe the case has already been made and hard to defend of what we are trying to do as far as forest health is concerned. Twenty years, 25 years is a track record, a known track record. And now we see the culmination of those management practices over that many years in the growth of the forest and what it can lead to if we allow folks who probably don't have all the experience in the world, on the ground management of a renewable resource, what that brings us to.

So I would hope that we would support cloture or deny cloture so this issue can be talked out because it will not go away. I am not real sure it is not the shortest way to arrive at a vote and settlement of the issue.

I thank my good friend from West Virginia.

Mr. BYRD. Mr. President, why do we want to vote down cloture? There are other appropriations bills coming to the floor. I am supporting the Senator's amendment. I never said a word against his amendment. I would be very supportive of it. I am not filibustering it, and I haven't filibustered anything else. I haven't filibustered the homeland security bill, either. I have heard some intimations this afternoon that I have filibustered. My Lord, some people around here wouldn't recognize a filibuster if they met it on the way home. I know what a filibuster is. But I am not against this amendment. Why would we want to vote against this cloture?

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Correct me if I am wrong. If cloture is invoked, the amendment of our friend from Idaho would no longer be germane and it would fall. We would like our colleague to have the right to offer his amendment.

Mr. BYRD. Mr. President, there are other appropriations bills coming. Why not vote for this bill and do some of the good things that are being done with this bill, and the Senator can come back another day with his amendment? I am not opposed to his amendment. Why do we want to penalize other parts of the country and other Senators for good things that are in the bill because some Senators don't want to vote for cloture on this?

This is an appropriations bill. Those advocating voting against cloture, in many instances, are Senators who are on the Appropriations Committee. Why? We need to get on with this. Let's vote cloture on this and the Senator will have another day, another opportunity on another appropriations bill.

I am for his amendment. I think he has made a good statement in support of it. I cannot understand why we want to cut off our nose to spite our face on this bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to make a couple final remarks before I leave the floor for another event I need to attend.

The Senator from West Virginia just now said it so well. There is an ongoing filibuster on this amendment, but not on this side. It is not on this side. There is no question that, on controversial issues, this Senate must acquire 60 votes to pass an amendment. The Senator from Idaho has offered an amendment that does not have the requisite 60 votes. The Senator from New Mexico and others on our side have offered an alternative that we acknowledge does not have 60 votes. Over the course of the last several weeks, we have attempted to find common ground and, at least to date, have failed. In fact, I recall vividly last week on the floor the Senator from Idaho indicated they were going to make another effort yesterday to attempt to reach that common ground. That has not happened.

So it is fair to say that both sides have failed to reach the Senate requisite for controversial amendments, which is 60 votes. We had offered a procedural compromise since we could not find a substantive one. That compromise would be to have side-by-side votes, to indicate that there is support, but not the level of support required under Senate rules. That, too, failed.

So the bottom line is that we have an amendment pending that 1 week ago today generated 79 votes; 79 people went on record—Republican and Democrat—supporting drought assistance on an amendment that supports firefighting assistance. The President and others have said the firefighting money is urgent. I would like to reread the speeches made last week about the urgency of getting something done on drought assistance, about how important it is to get out there and provide this help now.

Well, in the next 5 minutes we will have a chance to provide this help now. The Senator from Idaho is not precluded from reoffering this amendment to the Interior appropriations bill. He can do that. So to say it is now or never for them is just not correct. There is nothing to preclude them from going back and offering this amendment to the underlying bill—nothing. So if they vote against cloture, they are voting against firefighting assistance, against drought assistance, and there can be no other conclusion.

Don't tell me you have to do it on this amendment or you cannot do it at all. That is not right. So let's get real and be honest here. There is a game being played here that I think ought to be shown for what it is—a game that, for whatever reason, is denying this amendment passage today, even though the debate and consultation and the continued cooperative effort to see if common ground can be achieved. I just talked, moments ago, to Senator BINGAMAN. He said he has another meeting scheduled—I think it is this afternoon—with Senators on both sides of the aisle to see if they can reach common ground. If they can, it can be offered to the bill.

For the life of me, I don't understand why anybody can say, on one hand, how urgent it is to get firefighter assistance, drought assistance—by the way, I ask unanimous consent that the votes of those Senators who supported that amendment a week ago be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE ROLLCALL VOTES, 107TH CONGRESS—2ND SESSION (2002)

(As compiled through Senate LIS by the Senate Bill Clerk under the direction of the Secretary of the Senate)

VOTE SUMMARY

Vote Number: 212.

Vote Date: September 10, 2002, 10:45 a.m.

Question: On the Motion (Motion to Wave CBA RE: Daschle Amdt. No. 4481).

Required for Majority: $\frac{3}{5}$.

Vote Result: Motion Agreed to.

Amendment Number: S. Amdt. 4481.

Statement of Purpose: To provide emergency disaster assistance to agricultural producers.

Vote Counts: Yeas 79; Nays 16; Not Voting 5.

ALPHABETICAL BY SENATOR NAME

Akaka (D–HI), Not Voting
Allard (R–CO), Yea
Allen (R–VA), Yea
Baucus (D–MT), Yea
Bayh (D–IN), Yea
Bennett (R–UT), Yea
Biden (D–DE), Yea
Bingaman (D–NM), Yea
Bond (R–MO), Yea
Boxer (D–CA), Yea
Breaux (D–LA), Yea
Brownback (R–KS), Yea
Bunning (R–KY), Yea
Burns (R–MT), Yea
Byrd (D–WV), Yea
Campbell (R–CO), Yea
Cantwell (D–WA), Yea
Carnahan (D–MO), Yea

Carper (D-DE), Yea
Chafee (R-RI), Nay
Cleland (D-GA), Yea
Clinton (D-NY), Yea
Cochran (R-MS), Yea
Collins (R-ME), Yea
Conrad (D-ND), Yea
Corzine (D-NJ), Yea
Craig (R-ID), Yea
Crapo (R-ID), Yea
Daschle (D-SD), Yea
Dayton (D-MN), Yea
DeWine (R-OH), Yea
Dodd (D-CT), Yea
Domenici (R-NM), Yea
Dorgan (D-ND), Yea
Durbin (D-IL), Yea
Edwards (D-NC), Yea
Ensign (R-NV), Nay
Enzi (R-WY), Yea
Feingold (D-WI), Nay
Feinstein (D-CA), Yea
Fitzgerald (R-IL), Nay
Frist (R-TN), Nay
Graham (D-FL), Yea
Gramm (R-TX), Nay
Grassley (R-IA), Yea
Gregg (R-NH), Not Voting
Hagel (R-NE), Yea
Harkin (D-IA), Yea
Hatch (R-UT), Yea
Helms (R-NC), Not Voting
Hollings (D-SC), Yea
Hutchinson (R-AR), Yea
Hutchison (R-TX), Nay
Inhofe (R-OK), Yea
Inouye (D-HI), Yea
Jeffords (I-VT), Yea
Johnson (D-SD), Yea
Kennedy (D-MA), Yea
Kerry (D-MA), Yea
Kohl (D-WI), Yea
Kyl (R-AZ), Nay
Landrieu (D-LA), Yea
Leahy (D-VT), Yea
Levin (D-MI), Yea
Lieberman (D-CT), Yea
Lincoln (D-AR), Yea
Lott (R-MS), Nay
Lugar (R-IN), Nay
McCain (R-AZ), Yea
McConnell (R-KY), Yea
Mikulski (D-MD), Yea
Miller (D-GA), Yea
Murkowski (R-AK), Yea
Murray (D-WA), Yea
Nelson (D-FL), Yea
Nelson (D-NE), Yea
Nickles (R-OK), Nay
Reed (D-RI), Yea
Reid (D-NV), Yea
Roberts (R-KS), Yea
Rockefeller (D-WV), Yea
Santorum (R-PA), Nay
Sarbanes (D-MD), Yea
Schumer (D-NY), Yea
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Not Voting
Smith (R-OR), Yea
Snowe (R-ME), Nay
Specter (R-PA), Yea
Stabenow (D-MI), Yea
Stevens (R-AK), Yea
Thomas (R-WY), Yea
Thompson (R-TN), Nay
Thurmond (R-SC), Yea
Torricelli (D-NJ), Not Voting
Voinovich (R-OH), Yea
Warner (R-VA), Yea
Wellstone (D-MN), Yea
Wyden (D-OR), Yea

Mr. DASCHLE. Mr. President, there can be no doubt. If we are serious about moving this legislation forward and providing this assistance, we take care of this amendment and move on to other issues. We have been on this bill now for 3 weeks. We will be on it for another couple weeks, the way it looks. There comes a time when we just have to move on and when we have to recognize that, under Senate rules, we either have to accommodate the rules, or reach some compromise, or drop the amendment. We have those three options.

We cannot accommodate the rules today because neither side has 60 votes. Let's recognize it for what it is. This is a delay. Until we get over this delay, we cannot provide the kind of assistance to firefighters and farmers and ranchers that is absolutely critical across the country. And the very speeches we made last week are just as real and important and urgent today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, for the life of me, I must tell the majority leader, I cannot understand what you speak of. There has been no filibuster on this bill, and a second-degree amendment is not extraordinary nor does it require 60 votes. You know the rules as well as I do. The chairman of the Appropriations Committee just came to the floor and made the right speech, talking about the urgency of his amendment and firefighting money. I support it totally.

If we don't deal with his amendment and deal with my amendment in concept as a new public policy for this country, he as chairman, or another chairman, will be coming to the floor every year and asking for $1.5 billion to $2 billion of taxpayer money to fight the wildfires of the West, across the Alleghenies, and down to the Blue Ridge. That is the reality of a misguided public policy that has put our national treasures at risk, the U.S. forestlands.

This year, we burned over 6.5 million acres; the chairman spoke to that. We lost 2,100 homes; the chairman spoke to that. We lost 21 lives; the chairman spoke to that, too. This is a tactic to stall? Not at all. No, the majority leader, in my opinion, misspoke. There has been no filibuster. I have kept him and the assistant leader in full consultation as we have tried to resolve and bring, in a bipartisan way, a clear new adjustment in public policy. We cannot arrive at that. It is my amendment that is now up as a second degree, and appropriately so.

I ask for a vote on it, an up-or-down vote, as it is entitled to. I would accept a side-by-side debate with Senator BINGAMAN's alternative but not a 60-vote, no—51 or 50. Majority rules here, except under the rules that require a 60 vote. In this instance, it is not required.

I hope my colleagues will join with us this afternoon and say no to cloture, and maybe then we can move expeditiously because we have lost days when this could have been resolved very quickly.

I don't blame the Senator from West Virginia for being frustrated. He is chairman of the Interior Subcommittee. He brought a bill to the floor that most of us want. The majority leader knows I supported the aid to farmers and ranchers that have experienced catastrophic drought. It is not my intention, nor anyone else's, to hold up that money. But it is our intention, it is our purpose, and we will have a vote, to deal with national forest policy that will slightly adjust our ability to get active on the land, to remove the fuel, to improve the forest health, to save the watershed, to save the wildlife habitat, and, also, to save homes and people's lives and the beautiful landscapes of the public forests of these United States.

Shame on us for failing to address a policy that, this year, has allowed the burning of 6.5 million acres of public land, and the fires will continue year after year into the future until the public stands up and says: Congress, United States Senate, change your ways. Your policy isn't working. Your policy is not working, and our forests are burning and our forests are being lost because of public policy.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. CRAIG. I will be happy to respond to a question.

Mr. DOMENICI. Mr. President, I say to the Senator, did I hear the majority leader say that if we lose and we are knocked down by cloture, we can offer this legislation later?

Mr. CRAIG. The Senator did hear that.

Mr. DOMENICI. I wonder how we could be delaying the bill then.

Mr. CRAIG. We are not.

Mr. DOMENICI. How could we be delaying it? If we have a chance to do it later, wouldn't we be delaying it then, too?

Mr. CRAIG. It is not our intention to delay. We have never intended to delay the bill.

Mr. BYRD. Will the Senator yield?

Mr. CRAIG. I will be happy to yield if I have time remaining.

Mr. BYRD. Why won't Senators vote for cloture? There are many other needs being addressed by this bill. I have said I will support the Senator on another bill later.

The PRESIDING OFFICER. The time required for the cloture vote—

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I am trying to salvage a bill.

Mr. DOMENICI. Which bill is the Senator referring to, our amendment or the big bill?

Mr. BYRD. Why vote down cloture on this amendment? What is wrong with it?

Mr. DOMENICI. It is an amendment properly to the Interior bill. Why would we knock it down? It is germane. It is relevant. And put it where? Where would we put it? The Senator said put it on another bill. Where? It is a very important subject matter. It is just as important as the burning amendment.

Mr. BYRD. If they intend to bring it up later, why not vote for cloture here? Senators can always bring up something later.

Mr. DOMENICI. I say to the Senator from West Virginia, this is the most appropriate bill for it to be on.

Mr. BYRD. Of course it is, but if you cannot get it on one bill, you try on another.

Mr. DOMENICI. Why does the Senator want us to vote to take it off the bill? Those who have worked hard on this issue want it on the bill.

Mr. BYRD. I have not opposed that. I tried to be very understanding with the Senator. We cannot have everything the way we want it. I have lost a few amendments in my time that were of interest to my part of the country, too.

Mr. DOMENICI. The majority leader is even wrong in saying this amendment needs 60 votes. It does not need 60 votes, even with a budget resolution. It is just an authorization bill. It is implementing what you put in the bill, the $825 million. It is not subject to 60 votes, which means—why not have cloture; they both need 60 votes anyway. That is not so. Our bill does not need 60 votes, nor does Senator BINGAMAN's amendment need 60 votes. Pure and simple: 51 votes on a bill on which they belong. So why would we, who have struggled with it, vote to kill it? We want it alive. We want it to go to conference with the Senator when we all go to conference.

Mr. BYRD. Why don't Senators help me get this bill to conference? That is what I am asking. Why don't Senators help me get this bill to conference?

Mr. DOMENICI. We are going to help with the Interior bill—both bills.

Mr. BYRD. I hope so.

Mr. DOMENICI. This is the only measure in which we are interested. We have gotten together for hours in the offices of five different Senators because it is important. And then somebody comes along and says: Let's have a cloture vote and kill the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Senator BYRD's amendment No. 4480.

Joseph Lieberman, Harry Reid, Jean Carnahan, Daniel K. Inouye, Christopher Dodd, Herb Kohl, Jack Reed, Richard J. Durbin, Kent Conrad, Paul Wellstone, Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Jim Jeffords, Robert Torricelli.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Byrd amendment No. 4480 to H.R. 5093, the Department of Interior and Related Agencies Appropriations Act, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. SCHUMER) is absent because of a death in the family.

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—50

Akaka
Allard
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Stabenow
Torricelli
Wellstone
Wyden

NAYS—49

Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Schumer

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. DASCHLE. I enter a motion to reconsider the vote by which cloture was not invoked on amendment No. 4480.

The PRESIDING OFFICER. The motion is entered.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, shortly we will dispose of the Lieberman and Thompson amendments.

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DASCHLE. If I could just restate: We will dispose of the Lieberman and Thompson amendments. It is my understanding, once that has occurred, Senator BYRD will offer his amendment. It is my understanding that debate will take place tonight, and of course tomorrow.

With that understanding, there will be no more rollcall votes this evening.

I yield the floor.

Mr. SPECTER. Mr. President, I seek recognition first to thank Senator BYRD, the Chairman of the Senate Appropriations Committee and its Interior Subcommittee and the Subcommittee Ranking Republican, Senator BURNS, for their efforts in drafting the fiscal year 2003 spending plan for the agencies under their jurisdiction. Also, I want to call attention in particular to two competitively awarded initiatives that, unfortunately, the annual Department of Energy, DOE, budget submission routinely underfunds and expects Congress to correct.

First, Air Products and Chemicals, Inc. and its partners, DOE, Ceramatec, ChevronTexaco, Eltron Research, McDermott Technology and Concepts NREC, are developing a unique, oxygen-producing technology based on high-temperature, ion transport membranes, ITM. The technology, ITM Oxygen, would be combined with an Integrated Gasification Combined Cycle, IGCC, system to produce oxygen and electric power for the iron/steel, nonferrous metals, glass, pulp and paper, cogeneration, and chemicals and refining industries. The ITM Oxygen project is a cornerstone project in DOE's Vision 21 efforts and has the potential to significantly reduce the cost of tonnage oxygen plants for IGCC systems.

The DOE fiscal year 2003 cost-share requirement is $6.5 million from the Fossil Energy Research and Development, Coal and other Power Systems, President's Coal Research Initiative, Advanced Systems budget under IGCC, Vision 21. Unfortunately, DOE requested only $3.5 million for the ITM Oxygen project. Underfunding ITM Oxygen in fiscal year 2003 by $3 million would result in a delay of the program, by at least one year and I am advised it would add approximately $10 million to the program's costs.

Second, DOE's ITM Syngas program is developing a ceramic membrane reactor able to separate oxygen from air and partially oxidize methane to produce synthesis gas in a single step. Development of this technology will lead to numerous applications including clean transportation fuels, hydrogen for fuel cell applications, and chemical feedstocks. A critical application is gas-to-liquids, GTL, conversion where ITM Syngas technology will significantly improve the overall economics of GTL and permit the economical recovery of more than 37 trillion cubic feet of stranded Alaska North Slope gas.

Air Products and Chemicals, Inc. is leading a research team comprising Pacific Northwest National Laboratories, McDermott Technology, Ceramatec, ChevronTexaco, Eltron Research, Norsk Hydro, the University of Alaska-Fairbanks, the University of Pennsylvania, and Pennsylvania State University.

The DOE fiscal year 2003 cost share requirement is $5.5 million from the Fossil Energy Research and Development, Coal and Other Power Systems, President's Coal Research Initiative, Fuels, Transportation Fuels and Chemicals program. DOE's fiscal year 2003 budget request of $5.0 million for the Fossil Energy Research and Development, Coal and Other Power Systems, President's Coal Research Initiative, Fuels, Transportation Fuels and Chemicals program budget includes just $2.4 million to continue the ITM Syngas/Hydrogen project. Underfunding ITM Syngas in fiscal year 2003 would result in stretching out the program and increasing overall program costs.

I want to thank the Senators from West Virginia and Montana for having supported in the past both the ITM Oxygen and Syngas programs. Because of their attention, both development efforts have remained on cost, on schedule and promise to be true success stories. Now I want to thank them again, for adding $6 million to the DOE's request for IGCC programs and $15 million for transportation fuels and chemicals programs. This additional funding will ensure that ongoing programs like the ITM Oxygen and ITM Syngas are fully funded in fiscal year 2003. I look forward to working with both the Senator from West Virginia and the Senator from Montana as they conference with our colleagues in the House of Representative to ensure that $6.5 million is provided for ITM Oxygen and ITM Syngas is funded at $5.5 million.

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4534 WITHDRAWN

Mr. LIEBERMAN. Mr. President, on behalf of the Senator from Florida and myself, I withdraw the pending amendment to the Thompson amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The Senator from Tennessee is recognized.

AMENDMENT NO. 4513

Mr. THOMPSON. I urge the adoption of the pending Thompson amendment, No. 4513.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4513) was agreed to.

Mr. THOMPSON. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. It is my understanding, under the order previously entered, the Senator from West Virginia is now in order to offer an amendment; is that the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask the Senator from West Virginia if he intends to do that tonight or tomorrow.

Mr. BYRD. Mr. President, I would rather not do it tonight.

Mr. REID. I say to the two managers of the bill, Senator BYRD, who has been involved in the Interior bill all day, indicated he would rather that he lay it down in the morning, when we get back on the bill tomorrow.

I ask the two managers, is that appropriate?

Mr. LIEBERMAN. Mr. President, I have no objection whatsoever. We will look forward to a good, hearty debate on Senator BYRD's amendment tomorrow.

Mr. THOMPSON. I have no objection, Mr. President.

Mr. REID. Mr. President, I suggest the absence of a quorum—I withhold that request.

Mr. BYRD. Mr. President, I thank both Senators.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I also need to get home. My wife is recuperating from an appendectomy and doing very well. I think I need to go home. I thank both Senators for their understanding and consideration.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business until 7 o'clock with Senators allowed to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are in morning business until 7 o'clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO VICE ADMIRAL NORBERT ROBERT RYAN, JR.

Mr. LOTT. Mr. President, I rise today to honor Vice Admiral Norbert Robert Ryan, Jr., United States Navy, who will retire on Sunday, December 1, 2002, after 35-years of faithful service to our Nation.

Hailing from Mountainhome, PA, Vice Admiral Ryan graduated from the U.S. Naval Academy in 1967. Following graduation he attended flight training and was designated a Naval Aviator in 1968. After completing additional technical training, he spent three years with Patrol Squadron EIGHT conducting antisubmarine warfare patrols during the height of the Cold War.

Returning to the Naval Academy from 1972 to 1975, Vice Admiral Ryan helped shape future Navy leaders while serving as a Company Officer and Midshipman Personnel Officer. While at the Academy he concurrently attended graduate school, earning a Master of Science degree in Personnel Administration from George Washington University.

In 1975, Vice Admiral Ryan returned to the fleet, commencing a period of nine straight years of sea-duty assignments in which he served on a Carrier Group Commander's staff and flew P-3 Orion aircraft in three different Patrol Squadrons, including service as the Commanding Officer of Patrol Squadron FIVE. From 1984 to 1986, he was assigned as the Operations Officer on the staff of Commander, Patrol Wing ELEVEN and then as Force Operations Officer for Commander, Patrol Wings, Atlantic.

After serving two years as the Administrative Assistant to the Chief of

Naval Operations, Vice Admiral Ryan completed studies at the John F. Kennedy School of Government, Senior Officer National Security Program, enroute to command of Patrol Wing TWO.

From 1991 to 1993, Vice Admiral Ryan served as Executive Assistant to the Vice Chairman, Joint Chiefs of Staff. During the period of 1993–1995, he was assigned to the Bureau of Naval Personnel, first as Director for Total Force Programming and then as Director for Distribution.

Vice Admiral Ryan returned to the fleet as Commander Patrol Wings Pacific/Commander Task Force 12 and then to the Pentagon where he performed superbly as the Navy's Chief of Legislative Affairs, serving in that important post from 1996 to 1999.

In November 1999, Vice Admiral Ryan assumed duties as Chief of Naval Personnel/Deputy Chief of Naval Operations, Manpower and Personnel. In this position, he distinguished himself through exceptionally meritorious service as he expertly developed and executed a visionary Navy personnel strategy, dynamic assignment system placement improvements, intelligent manpower allocations and many carefully crafted quality of life initiatives. His relentless efforts directly provided an unprecedented level of personnel readiness throughout the Navy.

A leader by example, Vice Admiral Ryan fostered creative concepts for taking care of people by applying focused mentoring and one-on-one leadership with the individual Sailor foremost in mind. He was the driving force that positioned the Navy's human resource organization for optimum support of the Service's needs. A true visionary, he supported manpower reform, new Fleet personnel requirements, and innovation in personnel management and manpower preparation for new operational platforms and weapons systems.

During his tenure as Chief of Naval Personnel, Vice Admiral Ryan oversaw unprecedented success in quality of life enhancements for all Navy men and women and their families. These enhancements included the establishment and improvement of cost-efficient and extremely effective recruiting and reenlistment incentives, implementation of the Thrift Savings Plan, expansion of life insurance benefits to active duty family members and improvements to the process by which Sailors receive housing allowances. His actions maintained sensitivity to Fleet requirements while being ever mindful of our most vital asset—the Sailor.

Vice Admiral Ryan's leadership, intelligent stewardship and exceptional commitment to all naval personnel stand to ensure the success of our Navy well into the 21st Century. He is an individual of uncommon character and his professionalism will be sincerely missed. I ask my colleagues on both side of the aisle to rise with me to thank Vice Admiral Norb Ryan for his honorable service in the United States Navy, and to wish him and his family fair winds and following seas as he closes his distinguished military career. We also wish Norb Ryan and his wife, Judy, success, happiness, and good health as he takes the helm as President of The Retired Officer's Association.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last week, the Senate confirmed the 74th, 75th, 76th, and 77th judicial nominations from President George W. Bush. We have confirmed more of President Bush's nominees in less than 15 months than were confirmed in the last 30 months that a Republican majority controlled the Senate and the pace of judicial confirmations. We have done more in half the time. We have also already confirmed more of President George W. Bush's judicial nominations since July 2001, than were confirmed in the first two full years of the term of his father President George H.W. Bush.

We are recognizing Hispanic Heritage Month and this week I understand that the Congressional Hispanic Caucus has a number of meetings and events planned. It seems a good time to take stock of where we are with regard to judicial nominees who are Hispanic.

I am informed that out of all of President George W. Bush's judicial nominations less than 10 are Hispanic or Latino; indeed, the percentage of nominees who are Hispanic is approximately 6 percent, which is, or course, less than half of the percentage of Hispanics in the population of the United States. Earlier this year the Puerto Rican Legal Defense and Education Fund issued a report "Opening the Courthouse Doors: The Need for More Hispanic-American Judges." The report urged the President to take action to address the persistent problem of Hispanic under-representation in Federal judgeships by nominating "qualified Hispanic candidates who have also had a demonstrated interest and a meaningful involvement in the work and activities of the Hispanic community." I regret that the President has not heeded this recommendation.

President Clinton nominated more than 30 Hispanic candidates for judicial vacancies. Unfortunately, some of them were denied hearings and votes during the years in which a Republican majority controlled the Senate process. Qualified, mainstream Hispanic nominees such as Christine Arguello of Colorado, Enrique Moreno of Texas, and Jorge Rangel also of Texas, who were nominated to circuit courts and Anabelle Rodriquez of Puerto Rico and Ricardo Morado of Texas, who were nominated to district courts, were defeated without a hearing or a vote. Others, such as Judges Rosemary Barkett of Florida, Sonia Sotomayor of New York, Carlos Lucero of Colorado, Jose Cabranes of Connecticut, Kim Wardlaw of California, Fortunado Benavides of Texas, and Richard Paez of California who were nominated to the circuit courts were eventually confirmed, many after lengthy delays by Republicans and Republicans' efforts to vote down their nominations.

For example, three of President Clinton's first 14 judicial nominees were Hispanic. One of them, Judge Barkett of Florida, who was nominated to the Eleventh Circuit, was targeted by Republicans for defeat based on their claims about her judicial philosophy or ideology. Despite numerous procedural efforts by Republicans, then in the minority, to delay and defeat her nomination, Judge Barkett was eventually confirmed. Although she had received a unanimous "Well Qualified" rating from the ABA, 36 Republicans voted against her confirmation.

Once Republicans took over the Senate in 1995, they slowed down the confirmation process dramatically, especially for circuit court nominees. They delayed the confirmation of Judge Sotomayor to the Second Circuit and tried to defeat her nomination because the Republican leadership feared she could be elevated to the Supreme Court. Even though Judge Sotomayor, like Judge Barkett, received a unanimous "Well Qualified" rating from the ABA, 29 Republicans voted against her confirmation on grounds of judicial philosophy or ideology. Republicans also delayed the confirmation of Judge Richard Paez for over 1,500 days, and after numerous procedural efforts to defeat his nomination through delay, Republicans mustered 39 votes against his confirmation.

Other Hispanic nominees, like Judge Fuentes who was nominated to the Third Circuit, had to wait a year to be confirmed. This was not because Republicans were busy confirming other circuit court nominees. In the 15 months after he was nominated, Republicans allowed only seven circuit court nominees to be confirmed. In contrast, the Democratic-led Senate has confirmed 13 of this President's circuit court nominees in less than 15 months, and two others are awaiting a vote on the floor.

President Clinton also appointed Judge Ricardo Urbino to the District Court in D.C., Judges Daniel Dominguez, Salvador Casellas, and Jay Garcia Gregory to the District Court in Puerto Rico, Judge Victor Marrero to the District Court in the Southern District of New York, Judges David Briones, Orlando Garcia, and Hilda Tagle to the District Courts in Texas, Judges Mary Murguia and Frank Zapata to the District Courts in Arizona, Judge Carlos Murguia to the District

Court in Kansas, and Judge Adalberto Jordan to the District Court in Miami. Republicans delayed on a number of Hispanic nominees to the District Courts, including Judge Tagle who waited more than 30 months to be confirmed while Ms. Rodriguez waited more than 30 months to never be confirmed during the period of Republican control of the Senate.

In contrast, rather than reflecting the growing Hispanic population and increasing numbers of qualified Hispanic lawyers who are potentially judicial nominees, the Bush Administration's nominations have resulted in very few Hispanic judicial nominees compared to the Clinton Administration. President Bush has chosen only 8 Hispanics out of the 128 judicial nominations he has made. That is most regrettable.

Since the change in majority, we have moved quickly on the few Hispanic nominees who have been forwarded by this White House. Judge Christina Armijo was confirmed in May, 2001. Judge Phillip Martinez was confirmed last September. Judge Randy Crane was confirmed in March. Judge Jose Martinez was confirmed last week. Magistrate Judge Alia Ludlum, who was nominated in July and whose ABA peer review was recently received, is participating in a confirmation hearing this week. Unfortunately, because the White House nominated Judge James Otero and Jose Linares in July and August and has changed the 50-year tradition regarding ABA peer reviews, the ABA peer reviews on these recent nominees have not been received or they, too, would have had hearings. Each of the other Hispanic nominees to federal trial courts participated in a confirmation hearing within 60 days of having a completed file. In addition, I am planning another confirmation hearing to include Miguel Estrada.

Thus, Democrats will have held hearings on every Hispanic judicial nominee submitted by the President who has a completed file. The Democratic majority has proceeded to vote to confirm every Hispanic district court nominee who has had a hearing. Moreover, we have proceeded without the years of delay that used to accompany consideration of minority judicial nominees.

In "Justice Held Hostage," the bipartisan Task Force of Federal Judicial Selection of the Citizens for Independent Courts, co-chaired by Mickey Edwards and Lloyd Cutler, reported that during the period of Republican control of the Senate judicial nominees who were ethnic minorities or women took longer to get considered by the Senate, were less likely to be voted on and less likely to be confirmed—if they were considered at all by the Republican-controlled Senate Judiciary Committee.

I recall all too well the months and years it took for the Republican-controlled Senate to confirm Hispanic judicial nominees like Judge Sotomayor, Judge Paez, and Judge Tagle, in addition to other women or minorities like Judge Margaret Morrow, Judge Marsha Berzon, Judge Ann Aiken, Judge Margaret McKeown, and Judge Susan Oki Mollway. I also recall the numerous women and people of color who were nominated to the federal bench by President Clinton but who were never given hearings by the Republicans, like Judge Roger Gregory, Judge Helene White, Jorge Rangel, Enrique Moreno, and Kathleen McCree Lewis. Judge White of the Michigan Court of Appeals waited over 1,500 days but was never given a hearing or a vote. Still others, like Bonnie Campbell, were given a hearing but never given a vote on their nominations. These are just a few of the women and minorities whose confirmations were delayed or defeated through delay.

President Clinton worked hard to increase the diversity of the federal bench and 12 percent of his appointments to the circuit courts were Latino. It would have been closer to 16 percent if all of his Hispanic nominees to the circuit courts had been accorded hearings and votes. By contrast, President Bush has nominated only one Hispanic to the dozens of circuit court vacancies that have existed during his term. Thus, as of today, 3 percent of this President's circuit court nominees are Hispanic. Between the circuit vacancies that were blocked by Republicans and the new ones that have arisen during the past 15 months, President Bush has had the opportunity to choose nominees for 41 vacancies on the circuit courts—13 of these have already been confirmed. This President has chosen only one Hispanic to fill any of these 41 vacancies, and none to any of the following vacancies: the four vacancies in the Tenth Circuit, which includes Colorado and New Mexico, among other States; the three vacancies on the Fifth Circuit, which includes Texas; the six vacancies on the Ninth Circuit, which includes California and Arizona, among other States; none to the three vacancies in the Second Circuit, which includes New York; and none to the three vacancies on the Third Circuit, which includes New Jersey and Pennsylvania.

If this White House had looked a little harder and were not so focused on packing the circuit court bench with a narrow ideology, it could have found many qualified nominees, like Enrique Moreno, Jorge Rangel, Christina Arguello and others to fill these vacancies. Instead, President Bush did not choose to re-nominate these individuals who had been unfairly blocked by members of his party, and he also withdrew the nomination of Enrique Moreno to the Fifth Circuit, a nomination that the ABA had rated "Well Qualified."

So when Republicans try to take credit for President Clinton's Hispanic nominees and try to blame Democrats for the lack of Hispanic nominees by President Bush, they should be confronted with the facts and asked why they opposed so many of President Clinton's qualified Hispanic nominees and why so many of them voted against Judge Paez and Judge Sotomayor and Judge Barkett, and why so many Hispanic nominees were delayed for years and why so many were never given hearings or votes. Of course the facts have not prevented unfounded accusations by critics of the Democratic majority. The Republican press conference accusing Senate Democrats of being anti-Hispanic was an example of such inflammatory and baseless accusations.

As the Congressional Hispanic Caucus meets this week with Hispanic leaders from across the country, I welcome their views on the few Hispanic judicial nominees sent to the Senate by the President and their help in encouraging this White House to work more closely with Senators from both political parties to nominate qualified, mainstream Hispanic nominees to the federal bench.

Our diversity is one of the great strengths of our Nation, and that diversity of background should be reflected in our federal courts. Race or ethnicity and gender are, of course, not substitutes for the wisdom, experience, fairness and impartiality that qualify someone to be a federal judge entrusted with lifetime appointments to the federal bench. White men should get no presumption of competence or entitlement. Hispanic and African American men and women should not be presumed to be incompetent. All nominees should be treated fairly, but no one is entitled to a lifetime appointment to preside over the claims of American citizens and immigrants in our federal courts. We must, of course, carefully examine the records of all nominees to such high offices, but we know well the benefits of diversity and how it contributes to achieving and improving justice in America.

VOTE EXPLANATION

Mr. BUNNING. Mr. President, I was necessarily absent for the vote in executive session on September 9, 2002. Therefore, I did not formally vote on the nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida. Had I been present for that vote, I would have voted "yea" to confirm Mr. Marra for this position.

CBO COST ESTIMATE—S. 1971

Mr. BAUCUS. Mr. President, the Committee on Finance filed a report on

S. 1971 without the Congressional Budget Office cost estimate. I ask unanimous consent that the CBO cost estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1971—National Employee Savings and Trust Equity Guarantee Act

Summary: S. 1971 would make several changes to both the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 (ERISA) that would affect the operations and taxation of private pension plans. These include changing the requirements for diversification options, providing information to assist participants in making investment decisions, and changing the premiums paid to the Pension Benefit Guaranty Corporation (PBGC). In addition, S. 1971 would modify the tax treatment of certain executive compensation and make other changes.

The Joint Committee on Taxation (JCT) estimates that the bill would increase governmental receipts by $437 million over the 2003–2007 period, and by $221 million over the 2003–2012 period. Most of the revenue increase would occur in 2003 ($578 million), and the bill would result in a loss of revenue from 2005 through 2010.

CBO estimates that the bill would increase direct spending by $36 million over the 2003–2007 period and by $89 million over the 2003–2012 period. Discretionary spending would also increase by $4 million over the 2003–2007 period, assuming appropriation of the necessary amounts. Because S. 1971 would affect revenues and direct spending, pay-as-you-go procedures would apply.

JCT has determined that the revenue provisions of the bill do not contain any mandates. CBO has determined that the other provisions contain no intergovernmental mandates, but they do contain several mandates on sponsors, administrators, and fiduciaries of private pension plans. CBO estimates that the direct cost of those new requirements on private-sector entities would exceed the annual threshold specified in the Unfunded Mandates Reform Act ($115 million in 2002, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of the bill is shown in the following table.

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN REVENUES					
Executive compensation provisions	182	95	68	40	19
Change in interest rate for calculating plans' funding requirement	397	−54	−119	−97	−65
Voluntary early retirement incentive plans	−1	−4	−7	−10	−10
Total revenues	578	37	−57	−66	−55
CHANGES IN DIRECT SPENDING					
Flat-rate PBGC premiums	(1)	(1)	1	1	1
Variable-rate PBGC premiums	0	3	4	5	6
Interest rate range for funding overpayment	9	−3	−3	−2	−1
Payment of interest on overpayments of PBGC premiums	3	3	3	3	3
Total direct spending	12	3	5	7	9
TOTAL CHANGES IN DIRECT SPENDING AND REVENUES					
Net increase or decrease (−) in the budget deficit	−566	−34	62	73	64
SPENDING SUBJECT TO APPROPRIATIONS					
Studies by PBGC, Treasury, and Labor:					
Estimated authorization level	4	0	0	0	0
Estimated outlays	3	1	0	0	0

[1] less than $500,000.

Notes.—Components may not sum to totals because of rounding.

Sources: CBO and the Joint Committee on Taxation.

Basis of estimate

This estimate assumes that S. 1971 will be enacted around October 1, 2002.

Revenues

All estimates of the revenue proposals of the bill were provided by JCT. The provisions relating to executive compensation would tax without deferral certain compensation provided through offshore trusts, and require wage withholding at the top marginal tax rate for certain supplemental wage payments in excess of $1 million. Those provisions would increase revenues by $182 million in 2003, by $402 million over the 2003–2007 period, and by $496 million over the 2003–2012 period. The pension-related provision with the largest revenue effect would alter the allowable interest rates used to calculate pension funding requirements (see discussion below). That provision would increase revenues by $62 million over the 2003–2007 period and reduce revenues by $199 million over the 2003–2012 period. Other pension provisions would reduce revenues by $1 million in 2003, by $32 million over the 2003–2007 period, and by $82 million over the 2003–2012 period.

Direct spending

Reduced Flat-Rate Premiums Paid to PBGC—Under current law, defined benefit pension plans operated by a single employer pay two types of annual premiums to the Pension Benefit Guaranty Corporation. All covered plans are subject to a flat-rate premium of $19 per participant. In addition, underfunded plans must also pay a variable-rate premium that depends on the amount by which the plan's liabilities exceed its assets.

The bill would reduce the flat-rate premium from $19 to $5 per participant for plans established by employers with 100 or fewer employees during the first five years of the plans' operations. According to information obtained from the PBGC, approximately 7,500 plans would eventually qualify for this reduction. Those plans cover an average of 10 participants each. CBO estimates that the change would reduce the PBGC's premium income by less than $500,000 in 2003 and by $8 million over the 2003–2012 period. Since PBGC premiums are offsetting collections to a mandatory spending account, reductions in premium receipts are reflected as increases in direct spending.

Changes in Variable Premiums Paid to the PBGC.—S. 1971 would make several changes affecting the variable-rate premium paid by underfunded plans. CBO estimates, in total, this section will decrease receipts from those premiums by $9 million in 2003 and $51 million over the 2003–2012 period.

First, for all new plans that are underfunded, the bill would phase in the variable-rate premium. In the first year, the plans would pay nothing. In the succeeding four years, they would pay 20 percent, 40 percent, 60 percent, and 80 percent, respectively, of the full amount. In the sixth and later years, they would pay the full variable-rate premium determined by their funding status. On the basis of information from the PBGC, CBO estimates that this change would affect the premiums of approximately 250 plans each year. It would reduce the PBGC's total premium receipts by about $2 million in 2004 and by $41 million from 2004 through 2012.

Second, the bill would reduce the variable-rate premium paid by all underfunded plans (not just new plans) established by employers with 25 or fewer employees. Under the bill, the variable-rate premium per participant paid by those plans would not exceed $5 multiplied by the number of participants in the plan. CBO estimates that approximately 2,500 plans would have their premium payments to the PBGC reduced by this provision beginning in 2004. As a result, premium receipts would decline by $1 million in 2004 and by $10 million over the 2004–2012 period.

Finally, the bill would alter the allowable interest rates used to calculate pension funding requirements contained in ERISA and the Internal Revenue Code, which would allow plans to become more underfunded in plan year 2001 without subjecting them to tax and other penalties. Even though most plan-year 2001 accounts will be finalized in September 2002, the new interest rate requirement would give some plans credits that may be used in plan-year 2002, which would affect premiums paid in fiscal year 2003. JCT estimates that this provision initially would cause employers to reduce pension plan contributions, but later increase these contributions until fund returns to baseline levels. Some plans subsequently would have to pay higher premiums because their reduced contributions would further increase their level of underfunding. Other plans, however, would qualify for a special exemption and not be required to pay the variable premium for plan-year 2001. Based on information from the PBGC, CBO estimates the net effect would be a decrease of $9 million in premium receipts in 2003. From 2004 through 2007, premium income would then increase, resulting in a net change in receipts of less than $500,000 over the 2003–2007 period.

Authorization for the PBGC to Pay Interest on Refunds of Premium Overpayments.—The legislation would authorize the PBGC to pay interest to plan sponsors on premium overpayments. Interest paid on overpayments would be calculated at the same rate as interest charged on premium underpayments. On average, the PBGC receives $19 million per year in premium overpayments, charges an interest rate of 8 percent on underpayments, and experiences a two-year lag between the receipt of payments and the issuance of refunds. Based on this information, CBO estimates that direct spending would increase by $3 million annually.

Substantial Owner Benefits in Terminated Plans.—S. 1971 would simplify the rules by which the PBGC pays benefits to substantial owners (those with an ownership interest of at least 10 percent) of terminated pensions plans. Only about one-third of the plans taken over by the PBGC involve substantial owners, and the change in benefits paid to owners-employees under this provision would be less than $500,000 annually.

Discretionary spending

Studies. S. 1971 would direct the PBGC, the Department of Labor, and the Department of the Treasury to undertake four studies: one regarding establishing an insurance system for individual retirement plans, one on the fees charged by individual retirement plans, one on ways to revitalize defined benefits pension plans, and one on floor-offset employee stock ownership plans. Based on the costs of studies with comparable requirements, CBO estimates these studies would cost about $4 million over the 2003-2012 period, assuming the availability of appropriated funds.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purpose of enforcing pay-as-you-go procedures, only the effects through 2006 are counted.

	By fiscal year, in millions of dollars—									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Changes in receipts	578	37	−57	−66	−55	−97	−94	−50	4	21
Changes in outlays	12	3	5	7	9	10	10	11	11	11

Estimated impact on state, local, and tribal governments: JCT has determined that the revenue provisions of S. 1971 contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

CBO reviewed the non-revenue provisions of S. 1971 and has determined that they contain no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimated impact on the private sector: With only limited exceptions, private employers who provide pension plans for their workers must follow rules specified in ERISA. Therefore, CBO considers changes in ERISA that expand those rules to be private-sector mandates under UMRA. The nonrevenue provisions of S. 1971 would make several such changes to ERISA that would affect sponsors, administrators, and fiduciaries of pension plans. CBO estimates that the direct cost to affected entities of the new requirements in the bill would exceed the annual threshold specified in UMRA ($115 million in 2002, adjusted annually for inflation). JCT has determined that the revenue provisions of S. 1971 do not contain any private-sector mandates.

Title I of the bill would impose restrictions on individual-account (that is, defined contribution) plans regarding assets held in the plans in the form of securities issued by the plan's sponsor. The bill would require affected plans to allow participants to immediately sell those securities that have been acquired through the employee's contributions, and to allow participants to sell certain securities acquired through the employer's contributions after three years of service with the firm. The latter requirement would be phased in over three years. CBO estimates that the added administrative and recordkeeping costs of this provision would be approximately $20 million annually, with larger amounts in the first year.

Title I also would require plans to offer a range of investment options. This requirements would add little to plans' costs because many plans now abide by a safe harbor provision in ERISA that has similar requirements.

Title II of the bill would impose restrictions on plan administrators during transaction suspension periods. (Transaction suspension periods are periods of time when participants are unable to direct the investment of assets in their accounts—for example, when a plan is changing recordkeepers.) To avoid financial liability during those time periods, fiduciaries would be required to abide by certain conditions. The bill also would increase the maximum bond required to be held by fiduciaries from $500,000 to $1 million. CBO estimates that the direct cost of these provisions to plan sponsors and fiduciaries would be small.

Title III of the bill would impose a number of requirements on plans regarding information they must provide to their participants. Administrators of defined contribution plans would be required to provide quarterly statements to participants. Those statements would have to contain several items, including the amount of accrued benefits and bested accrued benefits, the value of investments held in the form of securities of the employing firm, and an explanation of any limitations or restrictions on the right of the individual to direct the investments. Currently, plans must provide more limited statements to participants upon request. CBO estimates that, while many plans now provide pension statements on a quarterly basis, about 30 million participants would begin to receive quarterly statements as a result of this bill. The added cost of this requirement would be about $100 million annually.

Title III also would require administrators of private defined-benefit pension plans to provide vested participants currently employed by the sponsor with a benefit statement at least once every three years, or to provide notice to participants of the availability of benefit statements on an annual basis. CBO estimates that the cost of this provision would be less than $5 million annually.

In addition, Title III would require plans to provide participants with basic investment guidelines and information on option forms of benefits, as well as information that plan sponsors must provide to other investors under securities laws. Plans also would have to make available on a web site any disclosures required of officers and directors of the plan's sponsor by the Securities and Exchange Commission. CBO estimates that the cost of these provisions would exceed $25 million annually.

Previous CBO estimates: CBO has prepared cost estimates for three other bills that contain provisions similar to those in S. 1971. These are:

H.R. 3669, the Employee Retirement Savings Bill of Rights, as reported by the House Committee on Ways and Means on March 14, 2002 (CBO estimate dated March 20, 2002),

H.R. 3762, the Pension Security Act of 2002, as ordered reported by the House Committee on Education and the Workforce on March 20, 2002 (CBO estimate dated April 4, 2002), and

S. 1992, the Protecting America's Pensions Act of 2002, as ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on March 21, 2002 (CBO estimate dated May 7, 2002).

The major budgetary effects of H.R. 3669, like S. 1971, pertain to revenue provisions that relate to pension plan funding. (H.R. 3669 also included a provision excluding certain stock options from wages.) H.R. 3669's provisions affecting pension would produce an estimated revenue loss of $1.2 billion over the 2002–2012 period, compared with the $277 million revenue loss projected for the pension provisions of S. 1971 over the 2003–2012 period.

Like S. 1971, both H.R. 3669 and H.R. 3762 would make several changes to ERISA affecting premiums collected by the PBGC. CBO estimated that H.R. 3669 would increase direct spending by $104 million over from 2003–2012 and H.R. 3762 would increase direct spending by $185 million over the same period. Unlike S. 1971, H.R. 3762 included a provision amending the underlying formula used to determine variable rate-premiums for plan-year 2003. Also, one of the changes made by H.R. 3762 would first apply to plan-year 2002, while that provision in S. 1971 would start with plan-year 2003. Both bills also contained somewhat different language than S. 1971 affecting the interest rates used to calculate variable-rate premiums in the plan-year 2001.

S. 1992 did not have any estimated impact on either revenues or direct spending.

Estimate prepared by: Federal revenues: Annie Bartsch; Federal spending: Geoff Gerhardt; impact on state, local and tribal governments: Leo Lex; impact on the private sector: Bruce Vavrichek.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis; G. Thomas Woodward, Assistant Director for Tax Analysis.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The

Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 26, 2002 in Denver, CO. A lesbian, April Mora, 17, was brutally attacked by three men. The attackers punched and kicked her in the stomach, then held her down and carved the words "dyke" and "RIP" into her flesh with a razor.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CHALLENGES IN RURAL HEALTH CARE

• Mr. DORGAN. Mr. President, I wanted to take a few minutes to describe some of the challenges facing rural health care systems and why I feel it is critical for the Senate to act now to reduce the inequities in Medicare funding between rural and urban providers.

Rural America depends on its small town hospitals, physicians and nurses, nursing homes, those who provide emergency ambulance services, and other members of our rural health care system. And because of past and proposed cuts in Medicare reimbursement, plus historical unfairness in Medicare payments, these vital services are in jeopardy.

Like most of my Senate colleagues, I supported the Balanced Budget Act, BBA, of 1997 when it was enacted by Congress with strong bipartisan support. Prior to the passage of this law, Medicare was projected to be insolvent by 2001, so it was imperative that we took action to extend Medicare's financial health and to constrain its rate of growth to a more sustainable level.

We later found that the Balanced Budget Act worked to reduce Medicare program costs, but many health care providers were adversely affected by payment reductions that were larger than intended. To address these concerns, Congress in 1999 made adjustments in the Balanced Budget Refinement Act, BBRA, followed in 2000 by the Medicare Beneficiary Improvement and Protection Act, BIPA. Without these needed changes, frankly, as many as a dozen of North Dakota's hospitals might be closed today.

But, additional legislation is still needed to improve Medicare reimbursement for health care providers in order to stabilize the Medicare program and ensure that beneficiaries, especially in rural areas, will continue to have access to their local hospitals, physicians, nursing homes, home health, and other services. Many small rural hospitals in particular serve as the anchor for the full range of health care services in their communities, from ambulatory to long-term care. Medicare is the single most significant payer for services at these hospitals, and as such, it has an impact on the whole community.

Part of the problem in North Dakota is simply demographics: North Dakota's population is the second oldest in the Nation, and our population is shrinking daily. In fact, in 13 of North Dakota's counties, there were 20 or fewer births for the entire county last year. Admissions to rural hospitals have dropped by a drastic 60 percent in the last two decades, and those patients who do remain tend to be older, poorer, and sicker. This means that rural hospitals tend to be disproportionately dependent upon Medicare reimbursement, to the extent that Medicare accounts for 85 percent of their revenue. Obviously, given this reality, changes in Medicare reimbursement have a major impact on the financial health of rural hospitals.

Another part of the problem is that Medicare has historically reimbursed urban health care providers at a much higher rate than their rural counterparts. Of course, some of this difference can be explained by regional differences in the cost of health care and variations in the health status of older Americans. But this is not the whole explanation. Even after adjusting for these factors, a recent report by health care economists found that, for example, Medicare's per beneficiary spending was about $8,000 in Miami, but only $3,500 in Minneapolis. When average Medicare payments for the same procedure are compared, the disparities in payment in different areas of the country are dramatic. The table below compares payments for two of the most common procedures in North Dakota: hospitalization for heart failure and shock, and hospitalization for treatment of pneumonia.

Location in U.S.	Heart Failure and Shock	Simple pneumonia
North Dakota	$3,079	$3,383
California	4,774	5,153
New York	4,471	5,237
District of Columbia	6,168	6,588

As you can see, the average payment for these same hospital procedures, in larger and more urbanized States like New York and California, is 150 percent of the Medicare payment for the same procedure in North Dakota. The average Medicare payment for these same procedures is twice as high in the District of Columbia. In my opinion, the difference is largely explained by a Medicare reimbursement system that is skewed in favor of urban area, and past legislation has done little to address that concern, despite efforts by some of us to do so.

I have cosponsored legislation in the Senate, the Area Wage and Base Payment Improvement Act, S. 885, that would address the rural inequity in Medicare reimbursement in two ways. First, this bill would equalize the "standardized payment" which forms the basis for Medicare's reimbursement to hospitals. You would think something called the "standardized payment" would already be standard, but the fact is that hospitals in rural and small urban areas, including all of North Dakota, receive a smaller standardized payment than large urban hospitals. This bill would raise all hospitals up to the same standardized payment.

Second, S. 885 would increase the wage index for most of North Dakota's hospitals. This is a major area of concern that I hear about from North Dakota hospital administrators. The current wage index, which is an important factor in a hospital's total Medicare reimbursement, is based on an antiquated theory that it costs more to hire hospital staff in urban areas than it does in rural areas. That may have been true once, but it is no longer true today. Today, hospitals in North Dakota are competing with hospitals in Minnesota, Chicago and elsewhere for the same doctors and nurses, and they have to pay competitive wages in order to recruit staff.

I am also a cosponsor of the Rural Health Care Improvement Act of 2001, S. 1030. This legislation introduced by Senator Conrad would, among other things, provide for a new "low volume" adjustment payment for hospitals with a smaller number of patients and establish a revolving loan fund to help rural health care facilities make much-needed capital improvements.

I also want to mention a positive impact of the Balanced Budget Act of 1997. That legislation created the Critical Access Hospital program, which has proven to be critically important to the survival of North Dakota's smallest and most rural hospitals. Twenty-eight of North Dakota's rural hospitals, serving about 181,000 North Dakotans, have now converted to Critical Access Hospital status, which allows them to receive cost-based reimbursement from Medicare. I strongly support continuing this program and making some modest changes to strengthen the program. We also need to reauthorize the Rural Hospital Flexibility program, which provides grants to states to assist small rural hospitals in making the switch to Critical Access Hospitals.

In addition, Congress also must make some other changes to Medicare reimbursement to head off some upcoming reductions in payments. For instance, Medicare reimbursement to physicians and allied health providers is scheduled to be reduced by 12 percent over the next three years because of problems with the payment formula. In addition, reimbursement to home health agencies is scheduled to be cut by 15 percent on October 1, and a 10 percent payment boost for rural home health agencies expires at the end of this year. And skilled nursing homes will be facing a 10 percent reduction in their Medicare payment rates in 2003 and a 19 percent cut in 2004 unless Congress acts to avert this "cliff" in funding. I support making changes in all of these areas to help address these concerns.

In closing, I think we as a Nation need to acknowledge that a strong health care system is an important part of our rural infrastructure. Over the years, we have determined that rural electric service, rural telephone service, an interstate highway system through rural areas, and rural mail delivery, to name a few services, make us a better, more unified Nation. We need to make the same determination in support of our rural health care system, and I will be fighting for policies that reflect rural health care as a strong national priority.●

ON CONSTITUTION DAY, THE WORK OF THE SENATE, AND BALANCING THE BUDGET

Mr. CRAIG. Mr. President, I rise to note an interesting coincidence of things that are happening, and not happening, today.

Many Americans are celebrating today as Constitution Day. At 4 p.m. eastern time, on September 17, 1787, the Framers of the U.S. Constitution adjourned the Constitutional Convention in Philadelphia. The Constitution they proposed, after deep debates and tortured compromise, was then submitted to the several States for ratification, and for the judgment of history.

According to the nonpartisan, nonprofit organization, Constitution Day, Inc., at 4 p.m. today, "schools across America will be led in the recitation of the Preamble to the US Constitution on a national teleconferencing call conducted by Sprint . . . churches across America will be led in the ringing of their bells to honor the First Amendment, Freedom of Religion . . ." and there will be commemorations from Valley Forge, PA, to a replica of Independence Hall at Knott's Berry Farm, CA.

Little can be said, that has not been said before, about the profound wisdom, foresight, and faith that the Framers of our Constitution brought to constructing the foundational document of our Nation's system of government and laws.

President Coolidge said of the Constitution, in 1929, "The more I study it, the more I have come to admire it, realizing that no other document devised by the hand of man ever brought so much progress and happiness to humanity."

I rise to acknowledge this special day of celebrating our Constitution and I join all Americans in paying tribute to the patriots who produced it.

For many Americans, one of the signs of our deep respect for the Constitution is our acknowledgment that, in exceptional cases, a problem rises to such a level that it can be adequately addressed only in the Constitution, by way of a Constitutional amendment.

Yesterday, President Bush spoke forcefully about the Senate's failure to pass a budget resolution for the fiscal year that starts in just 14 days. He called upon us to do what was needed, urgent, and responsible, and to do it promptly, by sending him this year's defense appropriation and the homeland security bill. And in all this, the need to maintain fiscal discipline becomes evident, as we see a return to deficit spending.

For 4 years in a row, a modern record, the first time since the 1920s, Republican Congresses balanced the Federal Budget. The first Republican Congresses in 40 years made balancing the budget their top priority, and did what was necessary to run the kind of surpluses we need to pay down the national debt and safeguard the future of Social Security.

Today, the Federal budget is again written in red ink. The Congressional Budget Office's recently released budget update projects a $157 billion deficit for fiscal year 2002, the year about to end. If you don't count the Social Security surplus, the rest of the government will run a $317 billion deficit.

Under current policies, CBO says the deficit will be about the same next year, in fiscal year 2003. But we don't know today what war against terrorism will demand next year. And, unfortunately, we do know that too many in Congress and too many interest groups are demanding large increases in spending for other purposes.

This year's budget deficit was caused by an economic recession and a war begun by a terrorist attack. Even before taking office, President Bush correctly foresaw the coming recession and prescribed the right medicine, the bipartisan Tax Relief Act of 2001, that has bolstered the economy and prevented a far worse recession.

We will rebound from the recent economic slowdown. And we must do whatever it takes to win the war, that's a matter of survival and of protecting the safety and security of the American people. Beyond that, we must keep all other federal spending under control, so that we return, as soon as possible, to balancing the budget.

Even in the heady days of budget surpluses, I always maintained the only way to guarantee that the Federal Government would stay fiscally responsible was to add a Balanced Budget Amendment to the Constitution. Before we balanced the budget in 1998, the government was deficit spending for 28 years in a row and for 59 out of 67 years. The basic law of politics, to just say "yes" was not repealed in 1998, but only restrained some, when we came together and briefly faced up to the grave threat to the future posed by decades of debt.

The Government is back to borrowing. And for some, a return to deficit spending seems to have been liberating, as the demands for new spending only seem to be multiplying again.

That is why, on Constitution Day, it is important to me to be a cosponsor of S.J. Res. 2, and to call again for Congress to adopt a Balanced Budget Amendment to the Constitution and send it to the states for ratification. I also stress that this amendment would not count the Social Security surplus in its calculation of a balanced budget. Those annual surpluses would be set aside exclusively to meet the future needs of Social Security beneficiaries.

On Constitution Day, I call on the Senate to do today's work: Send the President a Defense appropriations bill, send the President a homeland security bill, and pass a budget that holds the line on new spending. And, on Constitution Day, I call on the Senate to safeguard the future, by again taking up a balanced budget amendment to the Constitution.

ADDITIONAL STATEMENTS

HONORING FREEDOM SERVICE DOGS

● Mr. ALLARD. Mr. President, I wish to honor the Freedom Service Dogs on the occasion of its 15th anniversary of serving people with mobility impairments by providing them with service dogs.

Freedom Service Dogs was founded by Mike Roche, a Colorado paramedic, and P.J. Roche, a dog trainer. They started the service to help Colorado citizens be more mobile by training dogs to open doors, turn on lights, pull wheelchairs, pick up dropped items, tug clothing on and off, and alert for help when needed.

Not only does Freedom Service Dogs provide people with increased confidence and social acceptance, it also saves the lives of hundreds of good dogs abandoned in animal shelters by training them to help those impaired.

Freedom Service Dogs is a charitable organization that relies on the support of the community to provide free services to those in need.

I congratulate Freedom Service Dogs for 15 years of service and commend this group and the communities that support them for creating a model organization that serves the needs of mobility impaired Coloradans.●

TRIBUTE TO TIM MONTGOMERY

• Mr. HOLLINGS. Mr. President, the people of South Carolina could not have been more proud of Gaffney, SC, native Tim Montgomery this past week. He set a world record in the 100 meters at the IAAF Grand Prix Final in Paris with a time of 9.78 seconds, one-hundredth of a second faster than the old record.

It may surprise some of my colleagues in this body that South Carolina could produce the fastest runner in the world. They look at the races for Senate that Senator THURMOND and I have been involved with, and have probably concluded our state produces only marathoners.

But the new generation of South Carolinians excel in speed. Mr. Montgomery has demonstrated great talent as a sprinter, as the 2001 USA Outdoor champion and a gold medalist in the 2000 Olympic 4x100 relay. No question, his hard work culminated in his perfect run this past week, making him the best of the world's best.

I know every track fan in our nation joins those of us in South Carolina in congratulating Mr. Montgomery and wishing him continued success in the future.•

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

• Mr. TORRICELLI. Mr. President, I rise today to honor the memory of the victims of the Katyn Forest Massacre in 1940.

On September 17, 1939, Soviet troops invaded Poland in accordance with the German-Soviet agreement. While Polish troops fought bravely, they ultimately were overwhelmed by the Soviet forces.

In an effort to eliminate potential threats to Soviet control of Poland, Soviet troops, under Stalin's orders, committed what some have called one of the most heinous war crimes in history. Over 15,000 Polish soldiers, officers, intellectual leaders, prisoners of war and other Polish citizens were executed. Between four and five thousand Polish bodies were buried in a mass grave in the Katyn Forest. There were no trials, no justice for these innocent victims.

While the Soviet government denied complicity, on February 19, 1989 it finally released documents confirming their role in this massacre. However, an admission of complicity does not ease the pain of a nation whose entire population was affected by this horrible event.

I am hopeful that as more people learn of the Katyn Forest Massacre, we will be able to come to terms with this tragedy and the pain that it has caused so many. We must continue to honor the memories of those who were lost that day, so that we will not be destined to repeat this century the horrors which so often affected the last.•

TRIBUTE TO STORAGETEK

• Mr. ALLARD. Mr. President, I wish to recognize the outstanding achievements of StorageTek, A Colorado technology firm recently named "Company of the Year" by ColoradoBiz Magazine.

StorageTek, headquartered in Louisville, CO, is an innovator and frontrunner in virtual storage solutions for tape automation, disk storage systems, and storage networking. With 22,000 customer locations in forty countries, StorageTek employs more than 7800 people worldwide. Their customers include finance, insurance, and telecommunications leaders, as well as government agencies such as the Department of Defense, Central Intelligence Agency, and Congress.

ColoradoBiz magazine rewards companies demonstrating exceptional achievement in financial performance, community involvement, marketing innovation, operational efficiency and research and development. StorageTek is specifically cited for its reduction of customer order processing time by twenty-five percent, reducing inventory by $100 million, and reducing facility space by fifty percent.

Additionally, the company is lauded for contributing more than nine million dollars to charitable causes, with emphasis on education, arts, health, and human services. Through a program called Volunteers in Partnership with the Community, VIP.COM, StorageTek also rewards and encourages employee volunteers with a monetary gift to an employee's chosen organization when that employee volunteers 100 hours or more.

I congratulate StorageTek for receiving "Company of the Year," and commend them for setting the standard in business and the community.•

HONORING RICHARD H. JETT

• Mr. BUNNING. Mr. President, today I wish to recognize Mr. Richard H. Jett of Campton, KY. This weekend, Mr. Jett will be honored as Kentucky's Outstanding Older Worker for 2002 at an awards ceremony hosted by Experience Works.

Mr. Jett's life is an example of selfless devotion to community improvement. He was an educator, high school principal and superintendent of schools in Kentucky until his retirement in 1982. However, Mr. Jett's idea of retirement is certainly not traditional.

Currently, the city of Campton, KY, has the privilege of calling Mr. Jett its mayor. Along with community development, the improvement and beautification of Campton is always in the forefront of his mind. One will often find Mr. Jett sweeping sidewalks or tending to the landscape, showing his pride for Campton and Kentucky. As in all areas of his life, Mr. Jett leads by example, never resting on his laurels.

Aside from his service in the public sector, Mr. Jett operates a tour company, he organized the East Kentucky Talent Project to help young musicians, and he has taught square dancing, western dancing and clogging for the past 40 years at the Natural Bridge State Park. His active lifestyle does not show signs of slowing, even after being diagnosed with cancer in 1998, and undergoing knee replacement surgery.

At a time when civic pride is not only desirable, but essential, Mr. Jett's life is an example of how we should treat our city, state, nation and fellow citizens: with upmost respect, compassion and dedication. He is truly an American Hero to the lives he touches daily. Please join me in honoring the distinguished career of Mr. Richard H. Jett.•

TRIBUTE TO JOHNNY UNITAS

• Mr. MCCONNELL. Mr. President, today I pay tribute to a legend in the world of professional football, the late Johnny "Golden Arm" Unitas. I would also like to extend my most heartfelt condolences to his wife Sandy, his daughters Paige and Janice Ann, and his sons John, Kenneth, Robert, Christopher, Joe and Chad. I know my colleagues join me in expressing our gratitude for Johnny's many contributions.

Revered as the greatest quarterback of all time, Johnny was a man of incredible integrity and was a hero to many, both on and off the field. After graduating from St. Justin's High School in Pittsburgh, PA, where he got his start playing football as a sophomore, Johnny began to set his sights on college football. He found his niche at the University of Louisville. As quarterback for the university's football team, Johnny's skills and leadership demanded the attention of national recruiters. He was signed by the Baltimore Colts in 1956, and proved to be one of the team's greatest assets for 17 seasons.

His impressive accomplishments include throwing touchdown passes in a record 47 consecutive games and being the first quarterback in the NFL to pass a total of 40,000 yards. During his celebrated career in the NFL, Johnny received many of the game's highest awards. He was named Player of the Year in 1959, 1964 and 1967, was named Player of the Decade for the 1960s. On July 28, 1979, Johnny was enshrined into the Pro Football Hall of Fame. He was also named the Greatest Player in the First 50 years of Pro Football, was named to the NFLs 75th Anniversary Team, and had his number, 19, retired by the Baltimore Colts.

Indeed, Johnny Unitas will forever be considered one of the greatest football players in history. But his legacy doesn't end there. He was a down-to-earth role model who cherished interaction with teammates and younger players. In 1987, the Johnny Unitas Golden Arm Award was established in his name to honor the top senior quarterback in college football each year. Additionally, after completing his reign in the NFL, Unitas continued to visit Louisville to help his alma mater with anything he could.

I am certain that the legacy of excellence that Johnny Unitas has left will continue on, and will inspire others. On behalf of myself and my colleagues in the Senate, I offer my deepest condolences to Johnny's friends and loved ones, and express my gratitude for all he contributed to the University of Louisville, the National Football League and to our great Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 17, 2002.*

MESSAGE FROM THE HOUSE

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), the Minority Leader reappoints the following individual to the Ticket to Work and Incentives Advisory Panel: Ms. Frances Gracechild of California to a 4-year term.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two houses; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to Conference: Mr. HYDE, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. LANTOS, and Mr. BERMAN.

From the Committee on the Judiciary, for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the Senate amendment, and modification committed to conference: Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. CONYERS.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on September 12, 2002, by the President pro tempore (Mr. BYRD).

H.R. 3287. An act to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center".

H.R. 3917. An act to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes.

H.R. 5207. An act to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9008. A communication from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting, pursuant to law, a special notification under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; to the Committee on Appropriations.

EC–9009. A communication from the Assistant Secretary, Land and Minerals Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Oil and Gas Leasing—Clarifying Amendments" (RIN1010-AC94) received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9010. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Controller, Office of Federal Financial Management, received on September 10, 2002; to the Committee on Governmental Affairs.

EC–9011. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to International Waters, Pacific Ocean or French Guiana; to the Committee on Foreign Relations.

EC–9012. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly status on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–9013. A communication from the Administrator, Office of Workforce Security, Employment and Training Administration, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Training and Employment Guidance Letter 18–01—Reed Act Distribution" received on July 23, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–9014. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual reports for Fiscal Year 1998 and 1999 describing the activities and accomplishments of the state programs operated under the authority of the Act; to the Committee on Health, Education, Labor, and Pensions.

EC–9015. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Permitting Earlier Use of Rev. Proc. 2002–41" (Notice 2002–55) received on September 10, 2002; to the Committee on Finance.

EC–9016. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2002 National Pool" (Rev. Proc. 2002–56) received on September 10, 2002; to the Committee on Finance.

EC–9017. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Designated IRS Officer or Employee Under Section 7602(a)(2) of the Internal Revenue Code" (RIN1545–BA98) received on September 10, 2002; to the Committee on Finance.

EC–9018. A communication from the Assistant Secretary of the Navy, Installations and Environment, transmitting, pursuant to law, a notification to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

EC-9019. A communication from the Assistant Secretary of Defense, International Security Policy, transmitting, pursuant to law, the report on options for assisting Russia in the development of alternative energy sources for Seversk and Zheleznogorsk to facilitate cessation of weapons-grade plutonium production; to the Committee on Armed Services.

EC-9020. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Performance of Security Functions" (DFARS Case 2001-D018) received on September 10, 2002; to the Committee on Armed Services.

EC-9021. A communication from the Deputy Secretary, Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Applicability of CFTC and SEC Customer Protection, Recordkeeping, Reporting, and Bankruptcy Rules and the Securities Investor Protection Act of 1970 to Accounts Holding Security Futures Products" (RIN3235-AI32) received on September 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-9022. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Confirmation Requirements for Transactions of Security Futures Products Effected in Futures Accounts" (RIN3235-AI50) received on September 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 198: A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land. (Rept. No. 107-281).

S. 1846: A bill to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York. (Rept. No. 107-282).

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5063: A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services. (Rept. No. 107-283).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1883: A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes. (Rept. No. 107-284).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2018: A bill to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes. (Rept. No. 107-285).

H.R. 695: A bill to establish the Oil Region National Heritage Area. (Rept. No. 107-286).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 706: A bill to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico. (Rept. No. 107-287).

H.R. 2115: A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington. (Rept. No. 107-288).

H.R. 2828: To authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes. (Rept. No. 107-289).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 2328: A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality.

Under the authority of the order of the Senate of July 29, 2002, the following reports of committees were submitted on September 17, 2002:

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1210: A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Wayne Abernathy, of Virginia, to be an Assistant Secretary of the Treasury.

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. George P. Taylor, Jr.

Air Force nomination of Col. Mark R. Zamzow.

Air Force nomination of Brig. Gen. Peter U. Sutton.

Air Force nomination of Lt. Gen. Norton A. Schwartz.

Air Force nomination of Lt. Gen. Ronald E. Keys.

Air Force nomination of Maj. Gen. Carrol H. Chandler.

Army nomination of Colonel James A. Hasbargen.

Army nomination of Brig. Gen. Timothy M. Haake.

Marine Corps nominations beginning Col. George J. Flynn and ending Col. Richard T. Tryon, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 2001.

Marine Corps nominations beginning Brig. Gen. Emerson N. Gardner, Jr. and ending Brig. Gen. Joseph F. Weber, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 2001.

Navy nominations beginning Rear Adm. (lh) Duret S. Smith and ending Rear Adm. (lh) Jerry D. West, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 2002.

Navy nominations beginning Rear Adm. (lh) Robert M. Clark and ending Rear Adm. (lh) Noel G. Preston, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2002.

Navy nomination of Rear Adm. (lh) Linda J. Bird.

Navy nominations beginning Rear Adm. (lh) Richard E. Brooks and ending Rear Adm. (lh) James M. Zortman, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.

Navy nomination of Capt. William D. Masters, Jr.

Navy nomination of Capt. David L. Maserang.

Navy nominations beginning Capt. Mark D. Harnitchek and ending Capt. Michael S. Roesner, which nominations were received by the Senate and appeared in the Congressional Record on April 9, 2002.

Navy nominations beginning Captain Robert J. Cox and ending Captain James A. Winnefeld, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Navy nomination of Rear Adm. Kevin P. Green.

Navy nomination of Capt. James E. McPherson.

Army nomination of Maj. Gen. Charles C. Campbell.

Army nominations beginning Colonel Clinton T. Anderson and ending Colonel Scott G. West, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2002.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Joseph J. Balas and ending Mark C. Wrobel, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Mary S. Armour and ending Sharon B. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Air Force nominations beginning Kevin D. Baron and ending Brian J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Marine Corps nominations beginning A. D. King, Jr. and ending Richard A. Ratliff, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Marine Corps nomination of Mark A. Knowles.

Marine Corps nomination of Gerald M. Foreman II.

Air Force nominations beginning Susan S. Baker and ending Gilmer G. Weston III, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nominations beginning Ralf C Beilhardt and ending Richard L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nominations beginning Michael P Abel and ending Wesley G Zeger, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Navy nominations beginning Vanessa P Ambers and ending Douglas M Zander, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Navy nominations beginning Amado F Abaya and ending Mark T Zwolski, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Air Force nominations beginning Debra A. * Adams and ending Julie F. * Zwies, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Air Force nominations beginning Nicola S. * Adams and ending Tambra L. * Yates, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Army nomination of Kenneth S. Azarow.

Army nominations beginning Oscar T * Arauco and ending John C * Wheatley, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Navy nomination of Paul T. Camardella.

Army nomination of Richard A. Redd.

Army nomination of Mary C. Casey.

Army nominations beginning David P Acevedo and ending Edward W Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2002.

Army nominations beginning Joseph M Adams and ending James A Worm, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2002.

Army nominations beginning Kim J Anglesey and ending Robert J Zoppa, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2002.

Army nominations beginning Anthony J Abati and ending X167, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2002.

Marine Corps nomination of Leon M. Dudenhefer.

Navy nomination of Bradley J. Smith.

Navy nomination of Theresa M. Everette.

Navy nomination of Anthony D. Weber.

Air Force nominations beginning Donald C. Alfano and ending Daniel M. Fleming, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Air Force nominations beginning Robert W. Bishop and ending Steven K. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Air Force nominations beginning Mathew J. Brakora and ending Stephen D. Winegardner, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Air Force nominations beginning Timothy P. Destigter and ending Sheldon R. Omi, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Air Force nomination of William R. Charbonneau.

Air Force nominations beginning Margaret H. Bair and ending Paul E. Maguire, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Army nominations beginning William C. Devires and ending Peter P. Mckeown, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Marine Corps nomination of Samuel B. Grove.

Air Force nominations beginning James P. Acly and ending James R. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Guerry H Hagins and ending Matthew A Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Scott A Anderson and ending Gwendolyn Willis, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Douglas P Barber, Jr. and ending Douglas R Velvel, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Phillip M Adriano and ending Neil A Zlatniski, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Kristin Acquavella and ending William B Zabicki, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Sue A Adamson and ending George A Zangaro, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Christopher G Adams and ending Ra Yoeun, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Rufus S Abernethy III and ending Joan M Zitterkopf, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Michael L Blount and ending Robert P Walden, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 2938. A bill to require the entry of information on visa denials into the electronic data system, to require a study on use of foreign national personnel in visa processing, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. ROBERTS):

S. 2939. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday; to the Committee on Governmental Affairs.

By Ms. SNOWE:

S. 2940. A bill to establish a system of Interagency Homeland Security Fusion Centers, to require that budget requests for the Coast Guard for non-homeland security missions are not reduced, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL:

S. 2941. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. BAYH, Mr. SPECTER, Mr. MILLER, Mr. MCCAIN, and Mr. BUNNING):

S. 2942. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. LEAHY, and Mr. ENZI):

S. 2943. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2944. A bill to amend the Internal Revenue Code of 1986 to extend Superfund, oil spill liability, and leaking underground storage tank taxes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. ALLEN, Ms. LANDRIEU, and Mrs. CLINTON):

S. 2945. To authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself and Mr. HOLLINGS):

S. 2946. A bill to reauthorize the Federal Trade Commission for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself, Mrs. HUTCHISON, Mr. MILLER, Mr. BUNNING, Mr. CLELAND, Mr. BREAUX, Mr. SHELBY, Mrs. LINCOLN, and Mr. CONRAD):

S. 2947. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON:

S. 2948. A bill to authorize the President to agree to certain amendments to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, and Mrs. BOXER):

S. 2949. A bill to provide for enhanced aviation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. BREAUX, and Mr. SMITH of Oregon):

S. 2950. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. HOLLINGS, and Mr. MCCAIN):

S. 2951. A bill to authorize appropriations for the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S.J. Res. 44. A joint resolution to consent to amendments to the Hawaii Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI:

S. Con. Res. 139. A concurrent resolution expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1112

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1112, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1291

At the request of Mr. HATCH, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1678

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2084

At the request of Mr. BOND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies.

S. 2122

At the request of Mrs. CARNAHAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2181

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2181, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 2268

At the request of Mr. MILLER, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2569

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2569, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 2663

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2663, a bill to permit the designation of Israeli-Turkish qualifying industrial zones.

S. 2663

At the request of Mr. BREAUX, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2663, supra.

S. 2683

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2683, a bill to amend the Internal Revenue Code of 1986 to clarify that church employees are eligible for the exclusion for qualified tuition reduction programs of charitable educational organizations.

S. 2718

At the request of Mr. BURNS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2718, a bill to redesignate the position of the Secretary of the Navy as

Secretary of the Navy and Marine Corps, and for other purposes.

S. 2770

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas.

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Ms. LANDRIEU), the Senator from California (Mrs. BOXER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2892

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2892, a bill to provide economic security for America's workers.

S. 2903

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2906

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2906, a bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways.

S. 2908

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2908, a bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each States, and for other purposes.

S. 2926

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2926, a bill to name the Department of Veterans Affairs outpatient clinic in Horhsam, Pennsylvania, as the "Victor J. Saracini Department of Veterans Affairs Outpatient Clinic".

S. 2935

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from New Hampshire (Mr. GREGG) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2935, a bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases.

S.J.RES. 2

At the request of Mr. CRAIG, his name was added as a cosponsor of S.J.Res. 2, A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance.

AMENDMENT NO. 4508

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 4508 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4509

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 4509 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4518

At the request of Mr. CRAIG, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 4518 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 2941. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I introduce the "Campus Classmate Offenders in Rehabilitation and Treatment Act."

The Campus Classmate Offenders in Rehabilitation and Treatment Act, which can also be referred to as the "Campus CORT Act," directs the Department of Justice to establish a demonstration program to provide grants and training to help our Nation's universities and colleges establish new quasi-judicial systems. These systems aim at countering the serious drug and substance abuse related problems that are taking such a heavy toll on our institutions of higher learning and the students who attend them. The demonstration program, which would be administered by the Department of Justice's Office of Justice Programs, would be based on the valuable lessons and successes we have garnered from our Nation's innovative and expanding drug court system.

Specifically, this demonstration program legislation would authorize the establishment of up to five Campus CORTs each year for Fiscal Years 2003 through 2006. The bill authorizes the Office of Justice Programs to provide $2,000,000 in Federal funding during each of those years to help get five Campus CORTs well trained, soundly established and up and running. This new program's approach should be similar to how the Office of Justice Programs currently runs the ongoing drug court grant-making program, including providing an Internet-based application process.

There are plenty of good reasons to take the next step and establish a Campus CORTs program based on the drug court model. Since they first appeared in 1989, drug courts have rapidly spread all across the Nation. Rather than simply locking-up nonviolent drug offenders in prison along side violent criminals, drug courts provide the alternative of court-supervised treatment. Instead of simply punishing, drug courts help get people clean.

Drug courts' many successes are underscored both by the bipartisan support they have received in Congress and by the Bush Administration. For example, during a national conference hosted this last April by the National Association of Drug Court Professionals, both Office of National Drug Control Policy Director John Walters, our Nation's "Drug Czar," and Drug Enforcement Agency Director Asa Hutchinson gave speeches in support of drug courts.

According to the latest statistics as reported by the Department of Justice's Office of Justice Programs, there are nearly 700 Drug Courts in operation all across the United States. This includes 483 Adult Drug Courts, 167 Juvenile Drug Courts, and 37 Family Drug Courts. An additional 400-plus new Drug Courts are in the planning process. The report goes on to state that approximately 220,000 adults and 9,000 juveniles have been enrolled in the drug court system and of those, 73,000 adults and 1,500 juveniles have graduated.

The merits of the drug court system are well documented. Nationwide, the drug courts have helped more than 1,000 to be born drug free, more than 3,500 parents to regain custody of their children, and 4,500 parents to resume making their child-support payments. The retention rate is over 70 percent, with 73 percent of the participants managing to keep their jobs or successfully find new work. These are encouraging successes, and not just for the individuals involved, but for society as a whole.

These are the kind of successes we should be able to see once the drug court model is customized and applied through Campus CORTs as we work together to respond to the alcohol, drug and other substance abuse challenges facing our Nation's colleges and universities.

Our Nation's drug courts use a carrot and stick approach where offenders can either live at home and remain free to work under court supervised treatment or face the very real threat of hard jail time. Similarly, Campus CORTs will give troubled students the chance to get supervised treatment and stay clean or get kicked out of school and watch their futures get squandered away.

Instead of simply booting students with substance abuse problems directly out of school, as is currently happening at many universities and colleges all across the country, I believe we should instead help provide institutions of higher learning with new tools they can use to help students get and stay clean. Of course, just like it is with the existing drug courts, there will be some students who simply do not respond to Campus CORTs. While those students will have to face the fact that they may well be expelled from school, at least we will have been able to give them the opportunity to clean-up their act.

Since the new Campus CORTs would be established at colleges and universities, the legislation calls on the Office of Justice Programs, or OJP, to establish new "quasi-judicial standards and procedures for disciplinary cases" for institutions of higher learning that wish to participate in the new Federal program.

Today, I am pleased to highlight that one of the leading institutions of higher learning in my home State, Colorado State University, CSU, has already broken new ground as the Nation's first university to apply the drug court concept in a campus setting. The "Day IV" program, as it is known at CSU, has racked-up a successful record in helping keep students clean and in school.

Under the pioneering leadership of Cheryl Asmus, the drug court inspired program helped 26 out of 30 students who would have otherwise been kicked out of school stay there during the last spring semester alone. As I understand it, two of the four were dismissed from school for not meeting the Day IV program's treatment requirements and the other two left school for other reasons.

In any case, a success rate approaching 90 percent is a wonderful accomplishment, both for the university and especially for the 26 students who have managed to pull themselves back from potential disaster.

Our drug court system is making a difference all across our Nation. In fact, a 2002 report issued by Columbia University's prestigious National Center on Addiction and Substance Abuse states that "drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision." The report underscores that "drug use and criminal behavior are substantially reduced while offenders are participating in drug court" and that "criminal behavior is lower after participation, especially for graduates."

Far too many of our Nation's college students are falling by the wayside as they get sidetracked by crippling drug and alcohol abuse problems. Not only are academic careers being impacted and ended, entire lives are being thrown into limbo.

Our Nation's drug court system is a good example of a viable and productive partnership between the Federal Government, our State governments and local jurisdictions. Their collaboration is making a positive impact all across our country. I want to take this moment to thank the people of the OJP, the experts at the National Association of Drug Court Professionals and the State and local judges, prosecutors, law enforcement officers and other officials who have done so much to establish, build upon and continually improve our Nation's drug court system.

I also want to take a moment to thank Judge Karen Freeman Wilson, Chief Executive Officer of the National Association of Drug Court Professionals, Stuart VanMeveren, District Attorney for Colorado's Eighth Judicial District, and Colorado State University President Albert Yates for their letters of support for the Campus CORT legislation I am introducing today. Their support for this bill is appreciated.

I ask unanimous consent that the three letters of support and the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 2941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campus Classmate Offenders in Rehabilitation and Treatment Act" or the "Campus CORT Act".

SEC. 2. ESTABLISHMENT OF CAMPUS DRUG COURTS.

(a) IN GENERAL.—The Attorney General, acting through the Office of Justice Programs, is authorized to make demonstration grants to accredited universities and colleges to establish not to exceed 5 campus classmate offenders in rehabilitation and treatment programs (referred to as "Campus CORTS") each fiscal year modeled after the statewide local drug court programs throughout the United States.

(b) CAMPUS CORTS.—Campus CORTS shall—

(1) be established at accredited colleges or universities;

(2) have jurisdiction over substance abuse related disciplinary cases involving students that may or may not be criminal in nature, including illegal drug use, abuse of prescription drugs, alcohol abuse, and other issues, but no student who is deemed to be a danger to the community may be involved;

(3) pursuant to regulations promulgated by the Attorney General, establish appropriate quasi-judicial standards and procedures for disciplinary cases; and

(4) impose as the ultimate sanction expulsion from school.

(c) CONSULTATION.—The Attorney General shall consult with the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, universities and colleges, including the Campus Drug Court program at Colorado State University, and other experts in establishing quasi-judicial standards required by this Act.

(d) ASSISTANCE.—The Attorney General shall make grants to qualified universities and colleges, the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, and other associations and experts to assist in establishing campus drug courts and provide training and technical assistance in support of the program.

(e) GRANT MAKING CONSIDERATIONS.—In awarding grants to qualified colleges or universities, the Office of Justice Programs should—

(1) endeavor to include colleges and universities of different sizes across the United States; and

(2) enable colleges and universities to apply for grants through the Internet site of the Office of Justice Programs.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for each of the fiscal years 2003 through 2006 to carry out this Act.

AUGUST 23, 2002.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: As the representative of the National Association of Drug Court Professionals (NADCP) and of the drug court professionals throughout the country I am writing this letter of support for your bill for the "Campus Classmate Offenders in Rehabilitation and Treatment Act" or the "Campus CORT Act." Modeled after the "campus drug court" at Colorado State University, campus drug courts nationwide are the exciting next step in the drug court arena. I truly appreciate your commitment to making them a reality.

All of the drug court professionals across America laud the depth of your knowledge about substance abuse and its concomitant crime and appreciate your steadfast support of stopping the revolving door of drug addiction and crime in our criminal justice system. With the alarming news about drug use and binge drinking on college campuses, the Campus CORT Act will face the campus drug and alcohol use and abuse problem head on, preventing accidents and crimes at colleges and universities throughout the nation.

Taking the drug court concept to this next level, to college campuses, is the logical way to further the fight against substance abuse and criminal behavior. As you know, Columbia University's prestigious National Center on Addiction and Substance Abuse (CASA) report from 2001 states that drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision. In addition, it found that drug use and criminal behavior are substantially reduced while offenders are participating in drug court.

Again, thank you for introducing the "Campus CORT Act" and for your continuing support of drug courts. I look forward to continuing to work with you and your staff in the future.

Very truly yours,
Judge KAREN FREEMAN WILSON (ret.),
Chief Executive Officer.

OFFICE OF THE DISTRICT ATTORNEY,
EIGHTH JUDICIAL DISTRICT, STATE
OF COLORADO,
Fort Collins, CO, August 28, 2002.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Fort Collins, CO.

DEAR SENATOR CAMPBELL: I wholeheartedly support your proposed "Campus CORT Act.".

As you know, Colorado State University, through the work of Dr. Cheryl Asmus and others, has developed a Campus Drug Court that is now in full operation. Prior to the implementation of the CSU Campus Drug Court, many bright, promising college students lost their opportunity to obtain their college degree because of being dismissed from school as a result of a drug or alcohol addiction. This new pilot program provides students who have drug or alcohol problems a process in which they can address their usage problem while staying in school. Colorado State University's project has proven very successful. Very few students in the program have failed to abide by the program requirements. Most participants have been able to abstain from usage. This success is due to the very strong impetus for students to "stay clean" by allowing them to continue to have access to grants and loans, as well as remain at the university so long as they abide by drug court requirements.

Federal legislation that creates funding to expand the campus drug court program is an excellent proposal. This program helps promising young people, who have chosen to improve their lives through a college education, succeed when alcohol and drugs may be the one obstacle that stands in their way. They are given the opportunity to stay in school, graduate, and become contributing members of society. That success is insured by addressing a drug or alcohol addiction problem that very well would have a negative affect on their families and their ability to succeed professionally.

The availability of federal funds to assist in starting these programs across the country has the promise of spawning very successful drug and alcohol programs nationwide. The traditional Drug Court concept has been very successful. The Campus CORT Act can provide the resources that will result in the same success opportunity for students at our colleges and universities.

We wish you every success in your efforts to pass this legislation. If there is anything I can do to assist, please do not hesitate to contact me.

Sincerely,
STUART A. VANMEVEREN,
District Attorney.

COLORADO STATE UNIVERSITY,
Fort Collins, CO, September 4, 2002.
Hon. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington DC.

DEAR SENATOR CAMPBELL: This letter serves as strong support for the bill you are proposing to introduce to the United States Senate that will authorize the appropriation of funds to establish "drug courts" at other colleges and universities. These drug courts will be modeled after the Drug Courts Program, and the Colorado State University (CSU) campus drug court. I understand that CSU will play a critical role as consultant to the Attorney General of the United States in this effort, and we are committed to working in any capacity in this effort. As the first, and only university with a campus drug court to date, we are in a unique position to provide first-hand experience and advice.

In late 1999, the Family and Youth Institute at Colorado State University set up several meetings with the CSU Office of Judicial Affairs and Colorado's Eighth Judicial District Drug Court. The result of these meetings spawned an effort to apply for support to establish a "campus drug court." In mid-2001, the Family and Youth Institute was awarded two years of support for the drug court from the U.S. Department of Education. Currently, a cross-disciplinary team meets weekly to staff the drug court students. After one semester in operation, all but four (one school dropout, two expelled from program, one positive breathalyzer) of approximately 20 students remain trouble and AOD free. So far, we have three drug court graduates and recorded improvements in the other participants in terms of grades, employment, family situations, attitudes, and behaviors.

As a Carnegie Class I research institution, CSU is poised to lead the field in determining what factors of a drug court influence their success. I am aware of the current debates across the nation of the true impacts of the 1000 plus drug courts. I am confident that by introducing the model into the world of academia, inevitably it will inevitably spur research that will result in research-based evidence to concretely address these debates and concerns.

We have found the model to be easily adaptable to our campus setting and have listed as one of our four goals to assist other campuses in developing their own campus drug courts. We are extremely grateful and appreciative you have decided to assist us in this goal. It is not an accident that Colorado State University, and Colorado, will lead in this effort. You have long championed drug courts and, in particular, the Eighth Judicial District's Juvenile Drug Court, our mentor.

A key strategy of Colorado State University is civic education renewal. A part of this strategy is to focus on initiatives and programs that assist students in developing into people of integrity and strong values. We are also dedicated to the ability to graduate students in four years who are prepared to enter the world as contributing citizens. Using dismissal or expulsion as a consequence for someone with a substance abuse problem is a quick fix for our campus, but not for the individual or the community at large. As a land-grand institution, valuing service to our society, we believe the integration of drug court's goal of using treatment with strong interventions into the disciplinary system, as an alternative to dismissal or expulsion directly supports the mission of Colorado State University.

Sincerely,
ALBERT C. YATES,
President.

By Mr. CRAPO (for himself, Mr. BAYH, Mr. SPECTER, Mr. MILLER, Mr. MCCAIN, and Mr. BUNNING)

S. 2942. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce important legislation that will correct a serious flaw in the Social Security Disability Insurance program, which currently forces many Americans who are diagnosed with a terminal illness to live out their final days in poverty.

Under current law, any eligible individual applying for SSDI benefits must wait 5 full months before he or she can begin receiving benefits. I appreciate the support of Senator BAYH, Senator SPECTER, Senator MCCAIN, and Senator MILLER for this bill that will eliminate the waiting period for those individuals with terminal illnesses.

Far too often, I have had terminally ill constituents contact me through my State offices with horror stories about their personal experiences. These people are healthy, hard-working members of our society. Suddenly, they are told by their doctor that they have a terminal illness and that it would be best if they stop working and go on disability as soon as possible to maintain their strength. However, because of the waiting period, before they know it, these people are several months behind in their bills. Others, unfortunately, do not even live through the full waiting period.

I am sure that if any of my colleagues were to contact their State offices and speak to their staff that handle these disability cases, they would find that their constituents have faced similar difficulties with this waiting period. Like every other hard-working American, these terminally ill individuals have all paid into the Social Security system throughout their working lives, with the expectation that future benefits would be there to supplement lost income should a disability or serious illness ensue.

I am please that this legislation has the support of the National Association for the Terminally Ill. This organization's primary mission is to assist individuals diagnosed with a terminal illness, whose life expectancy is two years or less. They have told me of the many individuals that have come to them for assistance, faced with no income, while waiting through those 5 months before receiving disability benefits. Frequently, the association is contacted by people who are forced to sell furniture, cars, family heirlooms, and even their homes, just to pay expenses for daily living.

Two years ago, this Congress did the right thing by waiving the 24-month waiting period for Medicare coverage for individuals diagnosed with Lou Gehrig's Disease. The time has now come for Congress to take the appropriate action to relieve part of what is already an unthinkable burden on all terminally ill individuals.

I invite my colleagues to join us in this effort and I hope the Senate will proceed expeditiously with this important legislation that will provide relief for tens of thousands of working Americans. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Act Improvements for the Terminally Ill Act".

SEC. 2. ELIMINATION OF TITLE II WAITING PERIOD FOR TERMINALLY ILL INDIVIDUALS.

Section 223(a) of the Social Security Act (42 U.S.C. 423(a)) is amended—

(1) in paragraph (1), by inserting "he meets the requirements of paragraph (3), or" after "but only if"; and

(2) by adding at the end the following new paragraph:

"(3)(A) For purposes of paragraph (1), an individual meets the requirements of this paragraph if—

"(i) the impairment underlying a finding that the individual is under a disability results in his death prior to the end of the applicable period described in subparagraph (B), or

"(ii)(I) in the case where such finding is made before the end of the applicable period, the Commissioner determines that, at the time such finding is made, such impairment is expected to result in the individual's death prior to the end of such period, or

"(II) in the case where such finding is made after the end of the applicable period, the Commissioner determines that, at any time during such period, such impairment was expected to result in the individual's death prior to the end of such period.

"(B) For the purposes of subparagraph (A), the 'applicable period' is the period of the first six consecutive calendar months throughout which such individual is under a disability by reason of such impairment which begins not earlier than the first day of the period described in subsection (c)(2)(B).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to applications filed after the date of the enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. LEAHY, and Mr. ENZI):

S. 2943. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today with my friend from Iowa to introduce legislation to give farmers options in identifying a forum to resolve disputes with agribusinesses.

This legislation is based on our amendment to the Senate-passed Farm Bill that was unfortunately stripped in the conference committee. Our amendment passed by a vote of 64–31, yet it was ultimately taken out due to objections by large agribusiness companies in the backroom negotiations.

While our effort then was not successful, I am hopeful that we will be able to pass this legislation and begin to give farmers a fair shot in the marketplace.

I am deeply concerned that the concentration of power in the hands of a few large agribusiness firms, companies that can raise a billion dollars on Wall Street at the drop of a hat, is forcing farmers and ranchers to be placed at a competitive disadvantage in the marketplace.

These large corporations are using their market power to force independent producers into a position of weakness through unfair contracts and other uses of market leverage.

In some cases, the domestic marketplace has become almost noncompetitive for the family farmer. Farmers have fewer buyers and suppliers than ever before. One indication of this dominance is one-sided contracts that favor agribusinesses at the expense of farmers and ranchers.

It is of paramount importance that we help restore competition in rural America. One way to promote competition is to ensure that farmers have a choice of forums to resolve disputes with agribusinesses.

While alternative methods of dispute resolution such as arbitration can serve a useful purpose in resolving disputes between parties, I am extremely concerned about the increasing trend of stronger parties to a contract forcing weaker parties to waive their legal rights and agree to arbitrate any future disputes that may arise.

It recently came to my attention that large agribusiness companies often present producers with "take it or leave it" contracts, which increasingly include mandatory and binding arbitration clauses. This practice forces farmers to submit their disputes with packers and processors to arbitration.

As a result, farmers are required to waive access to judicial or administrative forums, substantive contract rights, and statutorily provided protections. In short, this practice violates the farmers' fundamental due process rights and runs directly counter to basic principles of fairness.

Arbitration is billed as an inexpensive alternative to civil lawsuits. The opposite, however, is often the case. Filing fees and other expenses in arbitration result in much higher costs for the parties than civil actions. Attorney fees, whether hourly or contingency, are similar regardless of forum.

For example, in a recent Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were $11,000. This is far more than the $150 to $250 cost of filing in civil court. It makes no sense for a farmer to seek payment for wrongdoing when he or she has lost $10,000, when it costs $11,000 just to get the case before an arbitrator.

The practical result of these mandatory arbitration clauses is that farmers have no forum in which to bring their dispute against the company. Arbitration clauses require farmers to waive their right to a jury trial and bring a dispute only in a forum that my be cost-prohibitive. Farmers, who likely have substantial debts due to low prices and large mortgages on their farms, are often left without any recourse even in a case where the agribusiness has plainly acted illegally.

With the litigation option taken away by contract and the arbitration forum taken away by economics, the grower has no forum in which to bring his or her dispute against the company. The net result of these mandatory arbitration clauses is that the farmer always loses.

If poultry farmers lose their farms as a result of a mis-weighed animal, they should have the right to hold the company accountable. When farmers are hurt because they have received bad feed, we must ensure that they are able to choose the forum through which they can resole their concerns.

If farmers believe they have been provided diseased animals from an agribusiness, they should at least have a forum in which to voice their concerns.

In short, we must give farmers a fair choice that both parties to an agricultural contract may willingly and knowingly select. This legislation therefore does not prohibit arbitration. It simply ensures that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

I urge my colleagues to join me in this legislation and give farmers options to resolve disputes in the agriculture marketplace.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Contracts for Growers Act of 2002".

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"§ 17. Livestock and poultry contracts

"(a) DEFINITIONS.—In this section:

"(1) LIVESTOCK.—The term 'livestock' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(2) LIVESTOCK OR POULTRY CONTRACT.—The term 'livestock or poultry contract' means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

"(3) LIVESTOCK OR POULTRY GROWER.—The term 'livestock or poultry grower' means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

"(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(b) CONSENT TO ARBITRATION.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

"(c) EXPLANATION OF BASIS FOR AWARDS.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"17. Livestock and poultry contracts.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. ALLEN, Ms. LANDRIEU, and Mrs. CLINTON):

S. 2945. To authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am introducing the 21st Century Nanotechnology Act. This bill would authorize a coordinated interagency program that will support long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national and homeland security. Building on the National Nanotechnology Initiative, the bill would authorize appropriations for research throughout the government while providing tools for better cross-agency management and coordination

Nanotechnology is the science and technology of building electronic circuits and devices from single atoms and molecules on a scale of one one-billionth of a meter. It will one day change the way Americans live.

I am convinced that this so-called "small science" is the next big thing" in technology. The world is on the cusp of a nanotechnology revolution that will change our lives on a scale equal to, if not greater than, the computer revolution. The United States could miss that revolution if our nanotechnology work remains uncoordinated and scattered across a half-dozen Federal agencies. That would be tragic on several levels, from scientific to social to economic.

I am determined that the United States will not miss, but will mine the opportunities of nanotechnology. To do this, I want America to marshal its various nanotechnology efforts into one driving force to remain the world's leader in this burgeoning field. And I believe Federal support is essential to achieving that goal.

The legislation I am pleased to be introducing today with Senator LIEBERMAN will provide a smart, accelerated, and coordinated approach to nanotechnology research, development, and education. In my view, there are three major steps America must take to ensure the highest success for its nanotechnology efforts.

First, a National Nanotechnology Research Program should be established to coordinate long-term fundamental nanoscience and engineering research. The program's goals will be to ensure America's leadership and economic competitiveness in nanotechnology, and to make sure ethical and social concerns are taken into account alongside the development of this discipline.

Second, the Federal Government should support nanoscience through a program of research grants, and also through the establishment of nanotechnology research centers. These centers would serve as key components of a national research infrastructure, bringing together experts from the various disciplines that must intersect for nanoscale projects to succeed. As these research efforts take shape, educational opportunities will be the key to their long-term success. As chairman of the Commerce Committee's Science, Technology, and Space Subcommittee, I have already laid out a challenge to triple the number of people graduating with math, science and technology degrees. Today, I commit to helping students who would enter the field of nanotechnology. This discipline requires multiple areas of expertise. Students with the drive and the talent to tackle physics, chemistry, and the material sciences simultaneously deserve all the support we can offer.

Third, the government should create connections across its agencies to aid in the coordination of nanotechnology efforts. These could include a national coordination office, and a Presidential Nanotechnology Advisory Committee, modeled on the President's Information Technology Advisory Committee.

I also believe that at these organizational support structures are put into place, rigorous evaluation must take place to ensure the maximum efficiency of our efforts. The bill would call for an annual review of America's nanotechnology efforts from the Presidential Advisory Committee, and a periodic review from the National Academy of Sciences. In addition to monitoring our own progress, the U.S. should keep abreast of the world's nanotechnology efforts through a series of benchmarking studies.

If the Federal Government fails to get behind nanotechnology now with organized, goal-oriented support, this nation runs the risk of falling behind others in the world who recognize the potential of this discipline. Nanotechnology is already making pants more stain-resistant, making windows self-washing and making car parts stronger with tiny particles of clay. What America risks missing is the next generation of nanotechnology. In the next wave, nanoparticles and nanodevices will become the building blocks of our health care, agriculture, manufacturing, environmental clean-up, and even national security.

America risks missing a revolution in electronics, where a device the size of a sugar cube could hold all of the information in the Library of Congress. Today's silicon-based technologies can only shrink so. small. Eventually, nanotechnologies will grow devices from the molecular level up. Small though they may be, their capabilities and their impact will be enormous. Spacecraft could be the size of mere molecules.

America risks missing a revolution in health care. In my home State, Oregon State University researchers are working on the microscale to create lapel-pin-sized biosensors that use the color-changing cells of the Siamese fighting fish to provide instant visual warnings when a biotoxin is present. An antimicrobial dressing for battlefield wounds is already available today, containing silver nanocrystals that prevent infection and reduce inflammation. The health care possibilities for nanotechnology are limitless. Eventually, nanoscale particles will travel through human bodies to detect and cure disease. Chemotherapy could attack individual cancer cells and leave healthy cells intact. Tiny bulldozers could unclog blocked arteries. Human disease will be fought cell by cell, molecule by molecule, and nanotechnology will provide victories over disease that we can't even conceive today.

America risks missing a host of beneficial breakthroughs. American scientists could be the first to create nanomaterials for manufacturing and design that are stronger, lighter, harder, self-repairing, and safest. Nanoscale devices could scrub automobile pollution out of the air as it is produced. Nanoparticles could cover armor to make American soldiers almost invisible to enemies and even tend their wounds. Nanotechnology could grow steel stronger than what's made today, with little or no waste to pollute the environment.

Moreover—and this is key—America risks missing an economic revolution based on nanotechnology. With much of nanotechnology existing in a research milieu, venture capitalists are already investing $1 billion in American nanotech interests this year alone. It's estimated that nanotechnology will become a trillion-dollar industry over the next ten years. As nanotechnology grows, the ranks of skilled workers needed to discover and apply its capabilities must grow too. In the nanotechnology revolution, areas of high unemployment could become magnets for domestic production, engineering and research for nanotechnology applications—but only if government doesn't miss the boat.

The Federal Government is already making some efforts with regard to nanotechnology. The U.S. does have a National Nanotechnology Initiative. This nation has already committed substantial funds to nanotechnology research and development in the coming years. But here's my bottom line. It is essential to build on this foundation of funding with a framework for sound science over the long term. That is the reason for the legislation I am issuing today. On the framework it provides, of national coordination and strategic planning, scientists will be able to meet the grand challenges of nanotechnology. Over the long term, with Federal support, they will be able to plumb the depths of its capability, and scale the heights of its potential.

In 1944 the visionary President Franklin Delano Roosevelt requested a leading American scientist's opinion on advancing the United States' scientific efforts to benefit the world. Dr. Vannevar Bush offered his reply to President Harry S Truman the next year, following FDR's death. In his report to the President, Dr. Bush wrote, "The Government should accept new responsibilities for promoting the flow of new scientific knowledge and the development of scientific talent in our youth. These responsibilities are the proper concern of the Government, for they vitally affect our health, our jobs, and our national security. It is in keeping also with basic United States policy that the Government should foster the opening of new frontiers and this is the modern way to do it."

Those principles, so true nearly sixty years ago, are truer still today. With the 21st Century Nanotechnology Research and Development Act, I propose that the government now accept new responsibilities in promoting and developing nanotechnology. I hope that the Senate can act swiftly on this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Nanotechnology Research and Development Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The emerging fields of nanoscience and nanoengineering (collectively, "nanotechnology"), in which matter is manipulated at the atomic level (i.e., atom-by-atom or molecule-by-molecule) in order to build materials, machines, and devices with novel properties or functions, are leading to unprecedented scientific and technological opportunities that will benefit society by changing the way many things are designed and made.

(2) Long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, electronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national security could be as significant as the combined influences of microelectronics, biotechnology, and information technology on the 20th century. Nanotechnology could lead to things such as—

(A) new generations of electronics where the entire collection of the Library of Congress is stored on devices the size of a sugar cube;

(B) manufacturing that requires less material, pollutes less, and is embedded with sophisticated sensors that will internally detect signs of weakness and automatically respond by releasing chemicals that will prevent damage;

(C) prosthetic and medical implants whose surfaces are molecularly designed to interact with the cells of the body;

(D) materials with an unprecedented combination of strength, toughness, and lightness that will enable land, sea, air, and space vehicles to become lighter and more fuel efficient;

(E) selective membranes that can fish out specific toxic or valuable particles from industrial waste or that can inexpensively desalinate sea water; and

(F) tiny robotic spacecraft that will cost less, consume very little power, adapt to unexpected environments, change its capabilities as needed, and be completely autonomous.

(3) Long-term, high-risk research is necessary to create breakthroughs in technology. Such research requires government funding since the benefits are too distant or uncertain for industry alone to support. Current Federal investments in nanotechnology research and development are not grounded in any specifically authorized statutory foundation. As a result, there is a risk that future funding for long-term, innovative research will be tentative and subject to instability which could threaten to hinder future Untied States technological and economic growth.

(4) The Federal government can play an important role in the development of nanotechnology, as this science is still in its infancy, and it will take many years of sustained investment for this field to achieve maturity.

(5) Many foreign countries, companies and scientists believe that nanotechnology will be the leading technology of the 21st century and are investing heavily into its research. According to a study of international nanotechnology research efforts sponsored by the National Science and Technology Council, the United States is at risk of falling behind its international competitors, including Japan, South Korea, and Europe if it fails to sustain broad based funding in nanotechnology. The United States cannot afford to fall behind our competitors if we want to maintain our economic strength.

(6) Advances in nanotechnology stemming from Federal investments in fundamental research and subsequent private sector development likely will create technologies that support the work and improve the efficiency of the Federal government, and contribute significantly to the efforts of the government's mission agencies.

(7) According to various estimates, including those of the National Science Foundation, the market for nanotech products and services in the United States alone could reach over $1 trillion later this century.

(8) Nanotechnology will evolve from modern advances in chemical, physical, biological, engineering, medical, and materials research, and will contribute to cross-disciplinary training of the 21st century science and technology workforce.

(9) Mastering nanotechnology will require a unique skill set for scientists and engineers that combine chemistry, physics, material science, and information science. Funding in these critical areas has been flat for many years and as a result fewer young people are electing to go into these areas in graduate schools throughout the United States. This will have to reverse if we hope to develop the next generation of skilled workers with multi-disciplinary perspectives necessary for the development of nanotechnology.

(10) Research on nanotechnology creates unprecedented capabilities to alter ourselves and our environment and will give rise to a host of novel social, ethical, philosophical, and legal issues. To appropriately address these issues will require wide reflection and guidance that are responsive to the realities of the science, as well as additional research to predict, understand, and alleviate anticipated problems.

(11) Nanotechnology will provide structures to enable the revolutionary concept of quantum computing, which uses quantum mechanical properties to do calculation. Quantum computing permits a small number of atoms to potentially store and process enormous amounts of information. Just 300 interacting atoms in a quantum computer could store as much information as a classical electronic computer that uses all the particles in the universe, and today's complex encryption algorithms, which would take today's best super computer 20 billion years, could be cracked in 30 minutes.

(12) The Executive Branch has previously established a National Nanotechnology Initiative to coordinate Federal nanotechnology research and development programs. This initiative has contributed significantly to the development of nanotechnology. Authorizing legislation can serve to establish new technology goals and research directions, improve agency coordination and oversight mechanisms, help ensure optimal returns to investment, and simplify reporting, budgeting, and planning processes for the Executive Branch and the Congress.

(13) The private sector technology innovations that grow from fundamental

nanotechnology research are dependent on a haphazard, expensive, and generally inefficient technology transition path. Strategies for accelerating the transition of fundamental knowledge and innovations in commercial products or to support mission agencies should be explored, developed, and when appropriate, executed.

(14) Existing data on the societal, ethical, educational, legal, and workforce implications and issues related to nanotechnology are lacking. To help decision-makers and affected parties better anticipate issues likely to arise with the onset and maturation of nanotechnology, research and studies on these issues must be conducted and disseminated.

SEC. 3. PURPOSE.

It is the purpose of this Act to authorize a coordinated inter-agency program that will support long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national and homeland security.

SEC. 4. NATIONAL NANOTECHNOLOGY RESEARCH PROGRAM.

(a) NATIONAL NANOTECHNOLOGY RESEARCH PROGRAM.—The President shall establish a National Nanotechnology Research Program. Through appropriate agencies, councils, and the National Coordination Office, the program shall—

(1) establish the goals, priorities, grand challenges, and metrics for evaluation for Federal nanotechnology research, development, and other activities;

(2) invest in Federal research and development programs in nanotechnology and related sciences to achieve those goals; and

(3) provide for interagency coordination of Federal nanotechnology research, development, and other activities undertaken pursuant to the program.

(b) GOALS OF THE NATIONAL NANOTECHNOLOGY RESEARCH PROGRAM.—The goals of the program are as follows:

(1) The coordination of long-term fundamental nanoscience and engineering research to build a fundamental understanding of matter enabling control and manipulation at the nanoscale.

(2) The assurance of continued United States global leadership in nanotechnology to meet national goals and to support national economic, health, national security, educational, and scientific interests.

(3) The advancement of United States productivity and industrial competitiveness through stable, consistent, and coordinated investments in long-term scientific and engineering research in nanotechnology.

(4) The development of a network of shared academic facilities and technology centers that will play a critical role in accomplishing the other goals of the program, foster partnerships, and develop and utilize next generation scientific tools.

(5) The development of enabling infrastructural technologies that United States industry can use to commercialize new discoveries and innovations in nanoscience.

(6) The acceleration of the deployment and transition of advanced and experimental nanotechnology and concepts into the private sector.

(7) The establishment of a program designed to provide effective education and training for the next generation of researchers and professionals skilled in the multi disciplinary perspectives necessary for nanotechnology.

(8) To ensure that philosophical, ethical, and other societial concerns will be considered alongside the development of nanotechnology.

(c) RESEARCH AND DEVELOPMENT AREAS.—Through its participating agencies, the Nanotechnology Research and Development Program shall develop, fund, and manage Federal research programs in the following areas:

(1) LONG-TERM FUNDAMENTAL RESEARCH.—The program shall undertake long-term basic nanoscience and engineering research that focuses on fundamental understanding and synthesis of nanometer-size building blocks with potential for breakthroughs in areas such as materials and manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemical and pharmaceuticals industries, biotechnology and agriculture, computation and information technology, and national security. Funds made available from the appropriate agencies under this paragraph shall be used—

(A) to provide awards of less than $1,000,000 each to single investigators and small groups to provide sustained support to individual investigators and small groups conducting fundamental, innovative research; and

(B) to fund fundamental research and the development of university-industry-laboratory and interagency partnerships.

(2) GRAND CHALLENGES.—The program shall support grand challenges that are essential for the advancement of the field and interdisciplinary research and education teams, including multidisciplinary nanotechnology research centers, that work on major long-term objectives. This funding area will fund, through participating agencies, interdisciplinary research and education teams that aim to achieve major, long-term objectives, such as the following:

(A) Nanomaterials by design which are stronger, lighter, harder, self-repairing, and safer.

(B) Nanoelectronics, optoelectronics, and magnetics.

(C) Healthcare applications.

(D) Nanoscale processes and environment.

(E) Energy and energy conservation.

(F) Microspacecraft.

(G) Bio-nanodevices for detection and mitigation of biothreats to humans.

(H) Economical, efficient, and safe transportation.

(I) National security.

(J) Other appropriate challenges.

(3) INTERDISCIPLINARY NANOTECHNOLOGY RESEARCH CENTERS.—The appropriate agencies shall fund 10 new centers in the range of $3,000,000 to $5,000,000 per year each for 5 years. A grant under this paragraph to a center may be renewed for 1 5-year term on the basis of that center's performance, determined after a review. The program, through its participating agencies, shall encourage research networking among centers and researchers and require access to facilities to both academia and industry. The centers shall assist in reaching other initiative priorities, including fundamental research, grand challenges, education, development and utilization of specific research tools, and promoting partnerships with industry. To the greatest extent possible, agencies participating in the program shall establish geographically diverse centers including at least one center in a State participating in the National Science Foundation's (NSF) Experimental Program, to Stimulate Competitive Research (EPSCoR), established under section 113 of the NSF Authorization Act of 1988 (42 U.S.C. 1862(g)).

(4) RESEARCH INFRASTRUCTURE.—The program, through its participating agencies, shall ensure adequate research infrastructure and equipment for rapid progress on program goals, including the employment of underutilized manufacturing facilities in areas of high unemployment as production engineering and research testbeds for micron-scale technologies. Major research equipment and instrumentation shall be an eligible funding purpose under the program.

(5) SOCIETAL, ETHICAL, EDUCATIONAL, LEGAL, AND WORKFORCE ISSUES RELATED TO NANOTECHNOLOGY.—The Director of the National Science Foundation shall establish a new Center for Ethical, Societal, Educational, Legal, and Workforce Issues Related to Nanotechnology at $5,000,000 per year to encourage, conduct, coordinate, commission, collect, and disseminate research on the societal, ethical, educational, legal, and workforce issues related to nanotechnology. The Center shall also conduct studies and provide input and assistance to the Director of the National Science Foundation in completing the annual report required under paragraph 7(b)(3) of this Act.

(6) TRANSITION OF TECHNOLOGY.—The program, through its participating agencies, shall ensure cooperation and collaboration with United States industry in all relevant research efforts and develop mechanisms to assure prompt technology transition.

SEC. 5. PROGRAM COORDINATION AND MANAGEMENT.

(a) IN GENERAL.—The National Science and Technology Council shall oversee the planning, management, and coordination of the Federal nanotechnology research and development program. The Council, itself or through an appropriate subgroup it designates or establishes, shall—

(1) establish a set of broad applications of nanotechnology research and development, or grand challenges, to be met by the results and activities of the program, based on national needs;

(2) submit to the Congress through the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science, an annual report, along with the President's annual budget request, describing the implementation of the program under section 4;

(3) provide for interagency coordination of the program, including with the Department of Defense;

(4) coordinate the budget requests of each of the agencies involved in the program with the Office of Management and Budget to ensure that a balanced research portfolio is maintained in order to ensure the appropriate level of research effort;

(5) provide guidance each year to the participating departments and agencies concerning the preparation of appropriations requests for activities related to the program;

(6) consult with academic, industry, State and local government, and other appropriate groups conducting research on and using nanotechnology;

(7) establish an Information Services and Applications Council to promote access to and early application of the technologies, innovations, and expertise derived from nanotechnology research and development program activities to agency missions and systems across the Federal government, and to United States industry;

(8) in cooperation with the Advisory Panel established under subsection (b), develop and apply measurements using appropriate

metrics for evaluating program performance and progress toward goals; and

(9) identify research areas which are not being adequately addressed by the agencies' current research programs.

(b) PRESIDENT'S NANOTECHNOLOGY ADVISORY PANEL.—

(1) ESTABLISHMENT.—The President shall establish a National Nanotechnology Advisory Panel.

(2) SELECTION PROCEDURES.—The President shall establish procedures for the selection of individuals not employed by the Federal government who are qualified in the science of nanotechnology and other appropriate fields and may, pursuant to such procedures, select up to 20 individuals, one of whom shall be designated Chairman, to serve on the Advisory Panel. Selection of individuals for the Advisory Panel shall be based solely on established records of distinguished fundamental and applied scientific service, and the panel shall contain a reasonable cross-section of views and expertise, including those regarding the societal, ethical, educational, legal, and workforce issues related to nanotechnology. In selecting individuals to serve on the Advisory Panel, the President shall seek and give due consideration to recommendations from the Congress, industry, the scientific community (including the National Academy of Sciences), scientific professional societies, academia, the defense community, the education community, State and local governments, and other appropriate organizations.

(3) MEETINGS.—The Advisory Panel shall meet no less than twice annually, at such times and places as may be designated by the Chairman in consultation with the National Nanotechnology Coordination Office established under subsection 5(c) of this Act.

(4) DUTIES.—The Advisory Panel shall advise the President and the National Science and Technology Council, and inform the Congress, on matters relating to the National Nanotechnology Program, including goals, roles, and objectives within the program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals using appropriate metrics. The Advisory Panel shall issue an annual report, containing the information required by subsection (d) of this section, to the President, the Council, the heads of each agency involved in the program, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science, on or before September 30 of each year.

(c) NATIONAL NANOTECHNOLOGY COORDINATION OFFICE.—The President shall establish a National Nanotechnology Coordination Office, with full-time staff, to provide day-to-day technical and administrative support to the Council and the Advisory Panel, and to be the point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, and others to exchange technical and programmatic information. The Office shall assure full coordination of research efforts between agencies, scientific disciplines, and United States industry.

(d) PROGRAM PLANS AND REPORTS.—

(1) ANNUAL EVALUATION OF NANOTECHNOLOGY RESEARCH DEVELOPMENT PROGRAM.—The report by the Advisory Panel, required pursuant to subsection (b)(4), shall include—

(A) a review of the program's technical success in achieving the stated goals and grand challenges according to the metrics established by the program and Advisory Panel;

(B) a review of the program's management and coordination;

(C) a review of the funding levels by each agency for the program's activities and their ability to achieve the program's stated goals and grand challenges;

(D) a review of the balance in the program's portfolio and components across agencies and disciplines;

(E) an assessment of the degree of participation in the program by minority serving institutions and institutions located in States participating in NSF's EPSCoR program.

(F) a review of policy issues resulting from advancements in nanotechnology and its effects on the scientific enterprise, commerce, workforce, competitiveness, national security, medicine, and government operations;

(G) recommendations for new program goals and grand challenges;

(H) recommendations for new research areas, partnerships, coordination and management mechanisms, or programs to be established to achieve the program's stated goals and grand challenges;

(I) recommendations for new investments by each participating agency in each program funding area for the 5-year period following the delivery of the report;

(J) reviews and recommendations regarding other issues deemed pertinent or specified by the panel; and

(K) a technology transition study which includes an evaluation of the Federal nanotechnology research and development program's success in transitioning its research, technologies, and concepts into commercial and military products, including—

(i) examples of successful transition of research, technologies, and concepts from the Federal nanotechnology research and development program into commercial and military products;

(ii) best practices of universities, government, and industry in promoting efficient and rapid technology transition in the nanotechnology sector;

(iii) barriers to efficient technology transition in the nanotechnology sector, including, but not limited to, standards, pace of technological change, qualification and testing of research products, intellectual property issues, and Federal funding; and

(iv) recommendations for government sponsored activities to promote rapid technology transition in the nanotechnology sector.

(2) OFFICE OF MANAGEMENT AND BUDGET REPORT.—

(A) BUDGET REQUEST REPORT.—Each Federal agency and department participating in the program shall, as part of its annual request for appropriations, submit a report to the Office of Management and Budget which—

(i) identifies each element of its nanotechnology research and development activities that contributes directly to the program or benefits from the program;

(ii) states the portion of its request for appropriations that is allocated to each such element; and

(iii) states the portion of its request for appropriations that is allocated to each program funding area.

(B) OMB REVIEW AND ALLOCATION STATEMENT.—The Office of Management and Budget shall review each report in light of the goals, priorities, grand challenges, and agency and departmental responsibilities set forth in the annual report of the Council under paragraph (3), and shall include in the President's annual budget estimate, a statement delineating the amount and portion of each appropriate agency's or department's annual budget estimate relating to its activities undertaken pursuant to the program.

(3) ANNUAL NSTC REPORT TO CONGRESS ON THE NANOTECHNOLOGY RESEARCH DEVELOPMENT PROGRAM.—The National Science and Technology Council shall submit an annual report to the Congress that—

(A) includes a detailed description of the goals, grand challenges, and program funding areas established by the President for the program;

(B) sets forth the relevant programs and activities, for the fiscal year with respect to which the budget submission applies, of each Federal agency and department, participating in the program, as well as such other agencies and departments as the President or the Director considers appropriate;

(C) describes the levels of Federal funding for the fiscal year during which such report is submitted, and the levels proposed for the fiscal year with respect to which the budget submission applies, for each of the program funding areas of the program;

(D) describes the levels of Federal funding for each agency and department participating in the program and each program funding area for the fiscal year during which such report is submitted, and the levels proposed for the fiscal year with respect to which the budget submission applies, and compare these levels to the most recent recommendations of the Advisory Panel and the external review of the program;

(E) describes coordination and partnership activities with State, local, international, and private sector efforts in nanotechnology research and development, and how they support the goals of the program;

(F) describes mechanisms and efforts used by the program to assist in the transition of innovative concepts and technologies from Federally funded programs into the commercial sector, and successes in these transition activities;

(G) describes coordination between the military and civilian portions, as well as the life science and non-life science portions, of the program in technology development, supporting the goals of the program, and supporting the mission needs of the departments and agencies involved;

(H) analyzes the progress made toward achieving the goals, priorities, and grand challenges designated for the program according the metrics established by the program and the Advisory Panel; and

(I) recommends new mechanisms of coordination, program funding areas, partnerships, or activities necessary to achieve the goals, priorities and, grand challenges established for the program.

(4) TRIENNIAL EXTERNAL REVIEW OF NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the National Science Foundation shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial evaluation of the Federal nanotechnology research and development program, including—

(i) a review of the technical success of the program in achieving the stated goals and grand challenges under the metrics established by the program and the nanotechnology Advisory Panel, and under other appropriate measurements;

(ii) a review of the program's management and coordination across agencies and disciplines;

(iii) a review of the funding levels by each agency for the program's activities and their ability with such funding to achieve the program's stated goals and grand challenges;

(iv) recommendations for new or revised program goals and grand challenges;

(v) recommendations for new research areas, partnerships, coordination and management mechanisms, or programs to be established to achieve the program's stated goals and grand challenges;

(vi) recommendations for investment levels in light of goals by each participating agency in each program funding area for the 5-year period following the delivery of the report;

(vii) recommendations on policy, program, and budget changes with respect to nanotechnology research and development activities;

(viii) recommendations for improved metrics to evaluate the success of the program in accomplishing its stated goals; and

(ix) a review the performance of the Information Services and Applications Council and its efforts to promote access to and early application of the technologies, innovations, and expertise derived from program activities to agency missions and systems across the Federal government and to United States industry.

(B) Evaluation to be transmitted to Congress.—The Director of the National Science Foundation shall transmit the results of any evaluation for which it made arrangements under subparagraph (A) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science upon receipt. The first such evaluation shall be transmitted no later than 12 months after the date of the enactment of this Act, with subsequent evaluations transmitted to the Committees every 3 years thereafter.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) National Science Foundation.—

(1) General authorization.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out the Director's responsibilities under this Act—

(A) $221,000,000 for fiscal year 2003; and

(B) $254,150,000 for fiscal year 2004.

(2) Specific allocations.—

(A) Interdisciplinary nanotechnology research centers.—Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2003, $50,000,000 for fiscal year 2004, shall be available for grants of up to $5,000,000 each for multidisciplinary nanotechnology research centers.

(B) Center for societal, ethical, educational, legal, and workforce issues related to nanotechnology.—Of the sums authorized for the National Science Foundation each fiscal year, $5,000,000 shall be used to establish a university-based Center for Societal, Ethical, Educational, Legal, and Workforce Issues Related to Nanotechnology.

(C) National nanotechnology coordination office.—Of the sums authorized for the National Science Foundation each fiscal year, $5,000,000 shall be used for the activities of the Nanotechnology Coordination Office.

(D) Gap funding through the science and technology policy institute.—Of the sums authorized for the National Science Foundation each fiscal year, $5 million shall be for the Science and Technology Policy Institute, in consultation with the Office of Science and Technology Policy, for use in competitive grants to address research areas identified by the council under section 5(a)(9) of this Act. Such grants may be made to government or non-government awardees.

(b) Department of Energy.—There are authorized to be appropriated to the Secretary of Energy to carry out the Secretary's responsibilities under this Act—

(1) $139,300,000 for fiscal year 2003; and

(2) $160,195,000 for fiscal year 2004.

(c) National Aeronautics and Space Administration.—There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration to carry out the Administrator's responsibilities under this Act—

(1) $22,000,000 for fiscal year 2003; and

(2) $25,300,000 for fiscal year 2004.

(d) National Institutes of Health.—There are authorized to be appropriated to the Director of the National Institutes to carry out the Director's responsibilities under this Act—

(1) $43,200,000 for fiscal year 2003; and

(2) $49,680,000 for fiscal year 2004.

(e) National Institute of Standards and Technology.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out the Director's responsibilities under this Act—

(1) $44,000,000 for fiscal year 2003; and

(2) $50,600,000 for fiscal year 2004;

(f) Environmental Protection Agency.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out the Administrator's responsibilities under this Act—

(1) $5,000,000 for fiscal year 2003; and

(2) $5,750,000 for fiscal year 2004.

(g) Department of Justice.—There are authorized to be appropriated to the Director of the National Institute of Justice to carry out the Director's responsibilities under this Act—

(1) $1,400,000 for fiscal year 2003; and

(2) $1,610,000 for fiscal year 2004.

SEC. 7. ADDITIONAL REPORTS, STUDIES, AND PLANS.

(a) International Benchmarking Studies.—

(1) United States standing to be monitored.—In order to maintain world leadership in nanotechnology, the program established under section 4(a) shall monitor the United States' standing in the key research fields that support technological innovation.

(2) Biennial NSTC study of relative united states position.—Not later than 3 months after the date of enactment of this Act, the President, through the Council, shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a biennial study of the relative position of United States compared to other nations with respect to nanotechnology research and development.

(3) Issues to be addressed.—The study required by paragraph (2) shall address, among other issues—

(A) the current and likely future relative position of United States private sector, academic, and government research in nanotechnology relative to other nations;

(B) niche nanotechnology research areas where the United States is trailing other nations;

(C) critical research areas where the United States should be the world leader to best achieve the goals of the Federal nanotechnology research and development program;

(D) key factors influencing relative United States performance in this field; and

(E) institutional, funding, and human-resource factors that are critical to maintaining leadership status in this field.

(4) Action plan.—Not less than 6 months after receipt of each study, the Council shall develop a plan for addressing the issues raised in the study. The plan shall include—

(A) investment strategies for addressing the issues raised in the report;

(B) strategies for promoting international research cooperation to leverage international niches of excellence identified by the report; and

(C) institutional and human-resource changes to be made to achieve or maintain leadership status in this field.

(5) Transmittal to congress.—The Council shall submit the study required by paragraph (2) and the plan required by paragraph (4) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, not later than 18 months after the date of enactment of this Act and every 2 years thereafter.

(b) Societal, Ethical, Education, Legal, and Workforce Issues Related to Nanotechnology.—

(1) Studies.—The Director of the National Science Foundation shall encourage, conduct, coordinate, commission, collect, and disseminate studies on the societal, ethical, educational, and workforce implications of nanotechnology through the Center for Societal, Ethical, Educational, and Workforce Issues established under section 4(c)(5). The studies shall identify anticipated issues and problems, as well as provide recommendations for preventing or addressing such issues and problems.

(2) Data collection.—The Director of the National Science Foundation shall collect data on the size of the anticipated nanotechnology workforce need by detailed occupation, industry, and firm characteristics, and assess the adequacy of the trained talent pool in the United States to fill such workforce needs.

(3) Annual report.—The Director of the National Science Foundation shall compile the studies required by paragraph (2) and, with the assistance of the Center for Ethical, Societal, Educational, Legal, and Workforce Issues Related to Nanotechnology established by paragraph 4(c)(5) if this Act, shall complete a report that includes a description of the Center's activities, which shall be submitted to the President, the Council, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science not later than 18 months after the date of enactment of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) Advisory panel.—The term "Advisory Panel" means the President's National Nanotechnology Panel.

(2) Fundamental research.—The term "fundamental research" means research that builds a fundamental understanding and leads to discoveries of the phenomena, processes, and tools necessary to control and manipulate matter at the nanoscale.

(3) Grand challenge.—The term "grand challenge" means a fundamental problem in science or engineering, with broad economic and scientific impact, whose solution will require the application of nanotechnology.

(4) Interdisciplinary Nanotechnology Research Center.—The term "interdisciplinary nanotechnology research center" means a group of 6 or more researchers collaborating across scientific and engineering

disciplines on large-scale long-term research projects that will significantly advance the science supporting the development of nanotechnology or the use of nanotechnology in addressing scientific issues of national importance, consistent with the goals set forth in section 4(b).

(5) NANOTECHNOLOGY.—The term "nanotechnology" means the ability to work at the molecular level, atom-by-atom, to create large structures with fundamentally new molecular organization.

(6) PROGRAM.—The term "program" means the national nanotechnology research program established under section 4.

(7) RESEARCH INFRASTRUCTURE.—The term "research infrastructure" means the measurement science, instrumentation, modeling and simulation, and user facilities needed to develop a flexible and enabling infrastructure so that United States industry can rapidly commercialize new discoveries in nanotechnology.

Mr. LIEBERMAN. Mr. President, our Nation has long prided itself on being the world's premier innovator of new ideas. Over the last two and a half centuries, the uniquely American willingness to experiment with novel concepts and to chart bold directions has placed us at the forefront of scientific and technological progress. Our ability to engage in scientific exploration and to marry research findings with the development of practical applications has, in turn, enabled us to set the benchmark on virtually every indicator of human progress, from longer lifespans, to higher standards of living, to unparalleled economic productivity.

However, while past accomplishments may confer a present competitive advantage, it does not guarantee future success. We cannot afford to rest on our laurels in a world that is becoming increasingly characterized by the speed with which scientific paradigms shift and technological revolutions occur. In a global economy in which ideas and technology are the new currency, every new breakthrough represents an opportunity to claim, or, in our case, lose, global leadership.

The emerging field of nanotechnology constitutes such an opportunity. It is not just any opportunity, however, but one whose magnitude and significance locates it on the scale of harnessing electricity, creating antibiotics, building computers, or wiring up the Internet. It is, in short, a new frontier in science and technology that has the potential to transform every aspect of our lives. Nanotechnology, in fact, may have even greater potential to affect the way we live since it has such broad prospective applications in so many different areas, from medicine, to electronics, to energy. Nanotechnology is what scientists and technologists often call an "enabling" technology, a tool that opens the door to new possibilities constrained only by physics and the limits of our imaginations.

Yet, despite the enormous potential that nanotechnology offers, it is not an area in which we have assumed uncontested leadership. From an international prospective, the United States faces the danger of falling behind its Asian and European counterparts in supporting the pace of nanotechnological innovation. Other nations have grasped the fact that the first players to fully capitalize on the promise of nanotechnology have the potential to leap frog in productivity and precipitate a reshuffling in the economic, and perhaps aspects of the military, pecking order. Accordingly, they have undertaken substantial efforts to invest in nanotechnology research, and to accelerate technology transfer and commercialization. While our Nation certainly possesses the raw resources and talent to lead the world in developing this technology, it is also clear that a long-term focus and sustained commitment, as well as new collaborations between government, academia, and industry, will be needed to ensure our place at the head of the nanotechnological universe.

This is why I am so proud today to join my colleague, Senator RON WYDEN of Oregon, in introducing the 21st Century Nanotechnology Research and Development Act. This Act will build on the efforts of the National Nanotechnology Initiative, NNI, which was started under President Clinton and has received continued support under President Bush, to establish a comprehensive, intelligently coordinated program for addressing the full spectrum of challenges confronting a successful national science and technology effort, including those related to funding, coordination, infrastructure development, technology transition, and social issues.

I feel it is appropriate at this point to give credit to President Clinton for having the prescience and initiative of creating the NNI, and to applaud President Bush for expanding support for nanotechnology R&D from $270 million in FY 2000 to the $710 million targeted in his budget request for FY 2003. The NNI has been a key driver of nanotechnology in this country by bringing coherence and organization to what had previously been a scattered set of research programs within the federal government. It has, in no small part through the efforts of its spokespersons. Dr. Mike Roco and Dr. Jim Murday, achieved a higher profile for nanotechnology both within and outside the government, and gathered national attention to the importance of this field.

The time is now ripe to elevate the U.S. nanotechnology efforts beyond the level of an Executive initiative. Funding for nanotechnology will soon reach $1 billion a year, and the NNI currently attempts to coordinate programs across a wide range of Federal agencies and departments. This level of funding and the coordination challenges that arise with so many diverse participants strongly recommend having a program based in statute, provided with greater support and coordination mechanisms, afforded a higher profile, and subjected to constructive Congressional oversight and support.

Our bill closely tracks the recommendations of the National Research Council, NRC, which completed a thorough review of the NNI this past June. The NRC report stated how impressed the reviewers were with the leadership and multi-agency involvement of the NNI. Specifically, it commended the Nanoscale Science, Engineering, and Technology, NSET, subcommittee, which is the primary coordinating mechanisms of the NNI, as playing a key role in establishing research priorities, identifying Grand Challenges, and involving the U.S. scientific community in the NNI. To improve the NNI above its current level of success, the NRC made a number of recommendations. These recommendations have largely been incorporated into our bill, including establishing an independent advisory panel; emphasizing long-term goals; striking a balance between long-term and short-term research; supporting the development of research facilities, equipment, and instrumentation; creating special funding to support research that falls in the breach between agency missions and programs; promoting interdisciplinary research and research groups; facilitating technology transition and outreach to industry; conducting studies on the societal implications of nanotechnology, including those related to ethical, educational, legal, and workforce issues; and the development of metrics for measuring progress toward program goals. This legislation will also complement the provision that I authored in this year's Senate defense authorization bill, S. 2514, establishing a nanotechnology research and development program in the Department of Defense. If this provision is supported in conference, we will have matching pieces of legislation that will encompass and coordinate both civilian and defense nanotechnology programs, establishing a truly nationwide effort that leverages the expertise residing in every corner of our government.

If history teaches us anything, it is that once the wheels of innovation have stopped and stagnation has set in, mediocrity will soon follow. Nowhere in the world are those wheels of innovation spinning more rapidly than in the area of nanotechnology. This legislation provides a strong foundation and comprehensive framework that elicits contributions from all three sectors of our society in pushing nanotechnology research and development to the next level. I look forward to supporting Senator WYDEN in getting this important bill through the Congress, and encourage my colleagues to join us in setting the stage for U.S. economic growth over the next century.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 139—EXPRESSSING THE SENSE OF CONGRESS THAT THERE SHOULD BE ESTABLISHED A NATIONAL MINORITY HEALTH AND HEALTH DISPARITIES MONTH, AND FOR OTHER PURPOSES

Mr. TORRICELLI submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 139

Whereas in 2000, the Surgeon General announced a goal of eliminating, by 2010, health disparities experienced by racial and ethnic minorities in health access and outcome in 6 areas: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations;

Whereas despite notable progress in the overall health of the Nation there are continuing health disparities in the burden of illness and death experienced by African-Americans, Hispanics, Native Americans, Alaska Natives, Asians, and Pacific Islanders, compared to the population of the United States as a whole;

Whereas minorities are more likely to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and, in recent years, acquired immunodeficiency syndrome than nonminorities suffering from those same illnesses;

Whereas there is a national need for scientists in the fields of biomedical, clinical, behavioral, and health services research to focus on how best to eliminate health disparities between minorities and the population of the United States as a whole;

Whereas the diverse health needs of minorities are more effectively addressed when there are minorities in the health care workforce; and

Whereas behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and behaviors that affect health and illness, and these factors have the potential to be modified to help close the health disparities gap that effects minority populations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a National Minority Health and Health Disparities Month should be established to promote educational efforts on the health problems currently facing minorities and other populations experiencing health disparities;

(2) the Secretary of Health and Human Services should, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, present public service announcements on health promotion and disease prevention that target minorities and other populations experiencing health disparities in the United States and educate the public and health care professionals about health disparities;

(3) the President should issue a proclamation recognizing the immediate need to reduce health disparities in the United States and encouraging all health organizations and Americans to conduct appropriate programs and activities to promote healthfulness in minority and other communities experiencing health disparities;

(4) Federal, State, and local governments should work in concert with the private and nonprofit sector to recruit and retain qualified individuals from racial, ethnic, and gender groups that are currently underrepresented in health care professions;

(5) the Agency for Healthcare Research and Quality should continue to collect and report data on health care access and utilization on patients by race, ethnicity, socioeconomic status, and where possible, primary language, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, to monitor the Nation's progress toward the elimination of health care disparities; and

(6) the information gained from research about factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness, should be disseminated to all health care professionals so that they may better communicate with all patients, regardless of race or ethnicity, without bias or prejudice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4537. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4538. Mr. GRAHAM (for himself, Mr. SARBANES, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4539. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4540. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4541. Mr. CRAIG (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4542. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4543. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4544. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4545. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4546. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4547. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4548. Mr. SARBANES submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4549. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4550. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4551. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4532 proposed by Mr. BYRD (for himself and Mr. STEVENS) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4552. Mrs. CLINTON (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4553. Mr. BAUCUS (for himself and Mr. BURNS) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4554. Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4555. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4556. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4557. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4558. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4559. Mr. CRAIG (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4560. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4561. Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4562. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4537. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1___. EFFECT OF CERTAIN PROVISIONS ON DECISION AND INDIAN LAND.

(a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SA 4538. Mr. GRAHAM (for himself, Mr. SARBANES, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between 15 and 16, insert the following:

SEC. 1 . REPORT ON ALTERNATIVE TRANSPORTATION SYSTEMS FOR UNITS OF THE NATIONAL PARK SYSTEM.

(a) REPORT.—Not later than February 1, 2003, the Director of the National Park Service shall submit to the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on traffic and congestion problems and alternative transportation solutions within units of the National Park System.

(b) REQUIREMENTS.—The report submitted under subsection (a) shall—

(1) describe the need for alternative transportation solutions within units of the National Park System, including data on visitation to the units of the National Park System during calendar years 1999, 2000, and 2001 in relation to the capacity of the units;

(2) include recommendations on the best methods for implementing alternative transportation systems for units of the National Park System, which shall—

(A) be based on the findings of the Federal Lands Alternative Transportation Systems Study completed under section 3039 of Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105–178) and the National Bicycling and Walking Study completed under the FY 1991 Transportation Appropriations Act, and

(B) consider both motorized and non-motorized land transportation systems and maritime transportation systems; and

(3) develop options for implementation of the recommendations of the two reports referenced in subparagraph (2)(A), taking into account any additional needs identified since completion of those reports.

SA 4539. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 3 . NATIONAL FOREST LAND MANAGEMENT IN THE STATE OF FLORIDA.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map entitled "Florida Land Dispositions" and dated March 31, 2002.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE.—The term "State" means the State of Florida.

(b) SALE OR EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of Federal land in the State described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcels of Federal land in the State referred to in paragraph (1) consist of—

(A) tract A–942a, East Bay, Santa Rosa County, consisting of approximately 61 acres, and more particularly described as T. 1 S., R. 27 W., Sec. 31, W½ of SW¼;

(B) tract A–942b, East Bay, Santa Rosa County, consisting of approximately 40 acres, and more particularly described as T. 1 S., R. 27 W., Sec. 38;

(C) tract A–942c, Ft. Walton, Okaloosa County, located southeast of the intersection of and adjacent to State Road 86 and Mooney Road, consisting of approximately 0.59 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26;

(D) tract A–942d, located southeast of Crestview, Okaloosa County, consisting of approximately 79.90 acres, and more particularly described as T. 2 N., R. 23 W., Sec. 2, NW¼ NE¼ and NE¼ NW¼;

(E) tract A–943, Okaloosa County Fairgrounds, Ft. Walton, Okaloosa County, consisting of approximately 30.14 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26, S½;

(F) tract A–944, City Ball Park—Ft. Walton, Okaloosa County, consisting of approximately 12.43 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26, S½;

(G) tract A–945, Landfill-Golf Course Driving Range, located southeast of Crestview, Okaloosa County, consisting of approximately 40.85 acres, and more particularly described as T. 2 N., R. 23 W., Sec. 4, NW¼ NE¼;

(H) tract A–959, 2 vacant lots on the north side of Micheaux Road in Bristol, Liberty County, consisting of approximately 0.5 acres, and more particularly described as T. 1 S., R. 7 W., Sec. 6;

(I) tract C–3m–d, located southwest of Astor in Lake County, consisting of approximately 15.0 acres, and more particularly described as T. 15 S., R. 28 E., Sec. 37;

(J) tract C–691, Lake County, consisting of the subsurface rights to approximately 40.76 acres of land, and more particularly described as T. 17 S., R. 29 E., Sec. 25, SE¼ NW¼;

(K) tract C–2208b, Lake County, consisting of approximately 39.99 acres, and more particularly described as T. 17 S., R. 28 E., Sec. 28, NW¼ SE¼;

(L) tract C–2209, Lake County, consisting of approximately 127.2 acres, as depicted on the map, and more particularly described as T. 17 S., R. 28 E., Sec. 21, NE¼ SW¼, SE¼ NW¼, and SE¼ NE¼;

(M) tract C–2209b, Lake County, consisting of approximately 39.41 acres, and more particularly described as T. 17 S., R. 29 E., Sec. 32, NE¼ SE¼;

(N) tract C–2209c, Lake County, consisting of approximately 40.09 acres, and more particularly described as T. 18 S., R. 28 E., Sec. 14, SE¼ SW¼;

(O) tract C–2209d, Lake County, consisting of approximately 79.58 acres, and more particularly described as T. 18 S., R. 29 E., Sec. 5, SE¼ NW¼, NE¼ SW¼;

(P) tract C–2210, government lot 1, 20 recreational residential lots, and adjacent land on Lake Kerr, Marion County, consisting of approximately 30 acres, and more particularly described as T. 13 S., R. 25 E., Sec. 22;

(Q) tract C–2213, located in the F.M. Arrendondo grant, East of Ocala, Marion County, and including a portion of the land located east of the western right-of-way of State Highway 19, consisting of approximately 15.0 acres, and more particularly described as T. 14 and 15 S., R. 26 E., Sec. 36, 38, and 40; and

(R) all improvements on the parcels described in subparagraphs (A) through (Q).

(3) MAP AND LEGAL DESCRIPTION.—

(A) AVAILABILITY.—The map shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(B) MODIFICATIONS.—The Secretary may—

(i) correct minor errors in the map; and

(ii) for the purposes of soliciting offers for the sale or exchange of land under paragraph (4), modify the descriptions of land specified in paragraph (2) based on—

(I) a survey; or

(II) a determination by the Secretary that the modification would be in the best interest of the public.

(4) SOLICITATIONS OF OFFERS.—

(A) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may solicit offers for the sale or exchange of land described in paragraph (2).

(B) REJECTION OF OFFERS.—The Secretary may reject any offer received under this section if the Secretary determines that the offer—

(i) is not adequate; or

(ii) is not in the public interest.

(5) METHODS OF SALE.—The Secretary may sell the land described in paragraph (2) at public or private sale (including at auction), in accordance with any terms, conditions, and procedures that the Secretary determines to be appropriate.

(6) BROKERS.—In any sale or exchange of land described in paragraph (2), the Secretary may—

(A) use a real estate broker; and

(B) pay the real estate broker a commission in an amount that is comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CONCURRENCE OF THE SECRETARY OF THE AIR FORCE.—A parcel of land described in subparagraphs (A) through (G) of paragraph (2) shall not be sold or exchanged by the Secretary without the concurrence of the Secretary of the Air Force.

(8) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the value of non-Federal land for which Federal land is exchanged under this section is less than the value of the Federal land exchanged, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(9) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The net proceeds derived from any sale or exchange under this section shall be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary for expenditure, without further appropriation, for—

(i) acquisition of land and interests in land for inclusion as units of the National Forest System in the State; and

(ii) reimbursement of costs incurred by the Secretary in carrying out land sales and exchanges under this section, including the payment of real estate broker commissions under paragraph (6).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Land acquired by the United States under this section shall be—

(A) subject to the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 480 et seq.); and

(B) administered in accordance with laws (including regulations) applicable to the National Forest System.

(2) APPLICABLE LAW.—The land described in subsection (b)(2) shall not be subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the land described in subsection (b)(2) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws (including geothermal leasing laws).

SA 4540. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ___. (a) PAYMENT TO HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use any amounts received paid under subsection (a) for purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SA 4541. Mr. CRAIG (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following—

SEC. . EMERGENCY HAZARDOUS FUELS REDUCTION PLAN.

(a) IN GENERAL.—Subject to subsection (c) and notwithstanding the National Environmental Policy Act of 1969, the Secretaries of Agriculture and the Interior shall conduct immediately and to completion, projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, May 2002 developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646) to reduce hazardous fuels within any areas of federal land under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior that are outside of Congressionally designated Wilderness Areas and that the appropriate Secretary determines qualifies as a fire risk condition class three area. Any project carried out under this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(b) PRIORITY.—In implementing projects under this section, the Secretaries of Agriculture and the Interior shall give highest priority to—

(1) wildland urban interface areas;

(2) municipal watersheds;

(3) forested or rangeland areas affected by disease, insect activity, or wind throw; or

(4) areas susceptible to a reburn.

(c) LIMITATIONS.—In implementing this section, the Secretaries of Agriculture and the Interior shall treat an aggregate area of not more than 10 million acres of federal land, maintain not less than 10 of the largest trees per acre in any treatment area authorized under this section. The Secretaries shall construct no new, permanent roads in RARE II Roadless Area and shall rehabilitate any temporary access or skid trails.

(d) PROCESS.—The Secretaries of Agriculture and the Interior shall jointly develop—

(1) notwithstanding the Federal Advisory Committee Act, a collaborative process with interested parties consistent with the Implementation Plan described in subsection (a) for the selection of projects carried out under this section consistent with subsection (b); and

(2) in cooperation with the Secretary of Commerce, expedited consultation procedures for threatened or endangered species.

(e) ADMINISTRATIVE PROCESS.—

(1) REVIEW.—Projects conducted under this section shall not be subject to—

(A) administrative review by the Department of the Interior Office of Hearings and Appeals; or

(B) the Forest Service appeals process and regulations.

(2) Regulations.—

(A) In general.—The Secretaries of Agriculture and the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

(f) JUDICIAL REVIEW.—

(1) Process review.—The processes developed under subsection (d) shall not be subject to judicial review.

(2) Review of projects.—Judicial review of a project implemented under this section shall—

(A) be filed in the Federal District Court for which the Federal lands are located within 7 days after legal notice of the decision to conduct a project under this section is made to the public in a manner as determined by the appropriate Secretary;

(B) be completed not later than 360 days from the date such request for review is filed with the appropriate court unless the District Court determines that a longer time is needed to satisfy the Constitution;

(C) not provide for the issuance of a temporary restraining order or a preliminary injunction; and

(D) be limited to a determination as to whether the selection of the project, based on a review of the record, was arbitrary and capricious.

(g) RELATION TO OTHER LAWS.—The authorities provided to the Secretaries of Agriculture and the Interior in this section are in addition to the authorities provided in any other provision, of law, including section 706 of Public Law 107–206 with respect to Beaver Park Area and the Norbeck Wildlife Preserve within the Black Hills National Forest.

SEC. . QUINCY LIBRARY INITIATIVE.

(a) Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented. Congress finds that delays and obstacles to implementation of the Act have occurred as a result of the Sierra Nevada Forest Plan Amendment decision January 2001.

(b) Congress hereby extends the expiration of the Act by five years.

SA 4542. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 3 . ACTIONS TO REDUCE FIRE HAZARDS AND INSECT INFESTATION ON NATIONAL FOREST SYSTEM LAND.

(a) FINDINGS.—Congress finds that—

(1) forest health conditions on National Forest System land are deteriorating, and it is in the public interest to take immediate action to treat the land;

(2) pending litigation prevents timely action by the Secretary of Agriculture to reduce the risk of wildfire on National Forest System land using existing administrative and legal processes;

(3) State and local governments, local industry users, and several environmental groups support immediate action by the Secretary of Agriculture to address the risk of fire danger in an environmentally responsible manner; and

(4) the Forest Service and State and local fire officials should be encouraged to take any actions necessary to create a defensible fuel zone within State-owned land adjacent to National Forest System land.

(b) Fire and Insect Risk Reduction in Existing Timber Sale Analysis Areas.—

(1) In general.—Subject to paragraph (3), the Secretary of Agriculture (referred to in this section as the "Secretary") may, as necessary to reduce insect infestation or fire hazards on National Forest System land, treat additional timber—

(A) inside or outside of the existing cutting units for National Forest System timber sales; and

(B) in the analysis areas for those sales.

(2) Timber sale contracts.—In carrying out additional timber treatments under paragraph (1), the Secretary may modify timber sale contracts currently in effect if—

(A) the purchaser agrees to the modification; or

(B) the Secretary offers additional timber sales in the timber sale analysis areas.

(3) Priority.—In carrying out additional timber treatments under paragraph (1), the Secretary shall give preference (in order of priority) to—

(A) areas that are located not more than ¼ mile from private properties on which the owner has taken or is taking actions to treat the timber on the private property;

(B) stands that—

(i) are a fire hazard or insect infested; and

(ii) are in close proximity to—

(I) private land; or

(II) communities;

(C) areas that have the highest concentration of insect infestation that has the potential to spread to other areas;

(D) stands that—

(i) are a fire hazard or insect infested; and

(ii) are in close proximity to areas of high resource value in which retaining green trees is important, such as wildlife habitats, sensitive landscapes, recreation areas, and developments;

(E) stands that—

(i) are a high fire hazard or insect infested; and

(ii) are within skidding distance of existing roads;

(F) concentrations of insect-infested trees or areas that are high fire hazards; and

(G) high-density stands that—

(i) are most susceptible to insect attack; and

(ii) are in close proximity to insect-infested trees.

(c) Timing.—Notwithstanding any other provision of law (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.)), the Secretary shall immediately carry out any actions authorized by this section.

(d) Exemption From Applicable Law.—Any action authorized by this section shall not be subject to the notice, comment, and appeal requirements of section 322 of Public Law 102–381 (16 U.S.C. 1612 note).

(e) Judicial Review.—Any action determined by the Secretary to be authorized by this section and the determination by the Secretary shall not be subject to judicial review by any court of the United States.

(f) Roadless Character.—The actions authorized by this section shall not affect the determination of the wilderness capability, wilderness suitability, or roadless character of any National Forest System land.

(g) Report.—The Secretary shall submit to Congress a report on the implementation of this section not later than—

(1) November 30, 2002;

(2) June 30, 2003; and

(3) November 30, 2003.

SA 4543. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike "restoration:" and insert the following: "restoration; of which $3,000,000 is available for the United States Geological Survey National Wildlife Health Center to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:".

SA 4544. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike "restoration:" and insert the following: "restoration; of which $4,000,000 is available for the United States Geological Survey National Wildlife Health Center to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:".

SA 4545. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike "restoration:" and insert the following: "restoration; of which $3,000,000 is available to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:".

SA 4546. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike "restoration:" and insert the following: "restoration; of which $4,000,000 is available to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:".

SA 4547. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, lines 13 and 14, strike "$348,252,000, to remain available until expended" and insert "$350,252,000, to remain available until expended, of which $2,000,000 shall be made available for the rehabilitation and construction of the Wind River Irrigation Project (to be derived by transfer of that amount from the amount made available for tribally controlled community colleges under the heading 'OPERATION OF INDIAN PROGRAMS')".

SA 4548. Mr. SARBANES submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 3 . REPORT ON AVIAN MORTAILITY AT COMMUNICATIONS TOWERS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service, in cooperation with the Chairman of the Federal Communications Commission and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate a report on avian mortality at communications towers in the United States.

(b) Contents.—The report submitted under subsection (a) shall include—

(1) an estimate of the number of birds that collide with communication towers;

(2) a description of the causes of those collisions; and

(3) recommendations on how to prevent those collisions.

SA 4549. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 5 and 6, insert the following:

(c) Privacy Audit.—

(1) In general.—The Privacy Officer shall conduct an audit of the Department to—

(A) evaluate the privacy practices of the Department, including compliance with provisions under section 552a of title 5, United States Code; and

(B) recommend strategies to improve the management of personal information.

(2) ISSUES TO BE STUDIED.—The audit shall include—

(A) a detailed review of the on-line and off-line privacy management policies and practices of the Department with respect to the collection, retention, use, and disclosure of personal information; and

(B) a detailed report of the privacy practices of the Department and recommendations for their improvement.

(3) COMPLETION DATE.—

(A) INITIAL AUDIT.—The initial audit under this subsection shall be completed not later than 24 months after the effective date of this division.

(B) SUBSEQUENT AUDITS.—Subsequent audits under this subsection shall be completed not later than 3 years after the submission of the previous audit report.

(4) REPORT.—Upon the completion of each audit under this subsection, the Privacy Officer shall submit a report to Congress that contains—

(A) the results of the audit; and

(B) recommendations for improvement of the management of personal information by the Department.

SA 4540. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CHAPTER—

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act, notwithstanding any other provision of law, $100,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4551. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4532 proposed by Mr. BYRD (for himself and Mr. STEVENS) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the text of the provision captioned Chapter 8, strike "expended:" and insert "expended, and for an additional amount to enable the Federal Aviation Administrator to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act, notwithstanding any other provision of law, $100,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended:".

SA 4552. Mrs. CLINTON (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, insert between lines 15 and 16 the following:

In this subsection, the term "key resources" includes National Park Service sites identified by the Secretary of the Interior that are so universally recognized as symbols of the United States and so heavily visited by the American and international public that such sites would likely be identified as targets of terrorist attacks, including the Statue of Liberty, Independence Hall and the Liberty Bell, the Arch in St. Louis, Missouri, the Golden Gate Bridge, Mt. Rushmore, and memorials and monuments in Washington, D.C.

SA 4553. Mr. BAUCUS (for himself and Mr. Burns) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, lines 12 through 15, strike "28 contracts" and all that follows through "Region 1" and insert "30 contracts subject to the same terms and conditions as provided in this section: *Provided*, That of the additional contracts authorized by this section at least 11 shall be allocated to Region 1, of which at least 2 contracts shall be allocated to the Kootenai National Forest because of special circumstances there."

SA 4554. Mr. SARBANES (for himself and Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 20 and 21, insert the following:

SEC. 141. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

(b) RESPONSIBILITIES.—The Office established under subsection (a)(1) shall—

(1) coordinate the activities of the Department relating to the National Capital Region, including cooperation with the Homeland Security Liaison Officers for Maryland, Virginia, and the District of Columbia within the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress that includes—

(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

(d) LIMITATION.—Nothing contained in this section shall be construed as limiting the power of State and local governments.

SA 4555. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 164. USE OF NATIONAL PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.

To the maximum extent practicable, the Secretary shall use national private sector networks and infrastructure for emergency response to chemical, biological, radiological, nuclear, or explosive disasters, and other major disasters.

SA 4556. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, insert between lines 13 and 14 the following:

(c) ADDITIONAL DUTIES.—

(1) DEFINED TERM.—In this section, the term "geospatial information" means collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or manmade physical features, phenomena or boundaries of the earth and any information related thereto, including surveys, maps, charts, satellite and airborne remote sensing data, images, and services, with services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, cartographers, and other such services of an architectural or engineering nature.

(2) COORDINATION OF GEOSPATIAL INFORMATION.—The Chief Information Officer shall establish and carry out a program to provide for the efficient use of geospatial information, which shall include—

(A) providing such geospatial information as may be necessary to implement the comprehensive national infrastructure plan under section 133(b)(3); and

(B) providing leadership in meeting the requirements of, and populate the databases used by, those responsible for planning, prevention, mitigation, assessment and response to emergencies, critical infrastructure and other Department functions, and to assure the interoperability of, and prevent unnecessary duplication of, geospatial information among all users.

(3) RESPONSIBILITIES.—In carrying out paragraph (2), the responsibilities of the Chief Information Officer shall include—

(A) managing the geospatial information needs and activities of the Department;

(B) establishing such standards as are necessary to assure the interoperability of geospatial information pertaining to Homeland Security among all users of such information within—

(i) the Department;

(ii) other agencies;

(iii) State and local government; and

(iv) the private sector;

(C) coordinating with and providing liaison to the Federal Geographic Data Committee and carrying out the Department's responsibilities pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906;

(D) assisting and encouraging the Undersecretary for Emergency Preparedness in providing grants—

(i) to fund the creation and procurement of geospatial information systems and data; and

(ii) to execute information sharing agreements with State, local, and tribal governments; and

(E) to the maximum extent possible, ensuring that the Department utilizes commercial geospatial data and services available by awarding contracts to entities in the private sector.

(4) PRECAUTIONS.—The Secretary shall ensure that the proper precautions are observed regarding public access to data which may be of critical importance regarding national or homeland security.

On page 72, after line 8, insert the following:

(15) With the assistance of the Chief Information Officer and, where appropriate, in consultation with the Under Secretary for Critical Infrastructure Protection, providing grants regarding geospatial information, as described in section 108(c)(1)—

(A) to fund creation and procurement of geospatial information systems and data; and

(B) to execute information sharing agreements with State, local, and tribal governments.

SA 4557. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, strike lines 10 and 11, and insert the following:

TITLE VI—IDENTITY THEFT

SEC. 601. SHORT TITLE.

This title may be cited as the "Identity Theft Victims Assistance Act of 2002".

SEC. 602. TREATMENT OF IDENTITY THEFT MITIGATION.

(a) IN GENERAL.—Chapter 47 title 18, United States Code, is amended by adding after section 1028 the following:

"§ 1028A. Treatment of identity theft mitigation

"(a) DEFINITIONS.—As used in this section—

"(1) the term 'business entity' means any corporation, trust, partnership, sole proprietorship, or unincorporated association, including any financial service provider, financial information repository, creditor (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), telecommunications, utilities, or other service provider;

"(2) the term 'consumer' means an individual;

"(3) the term 'financial information' means information identifiable as relating to an individual consumer that concerns the amount and conditions of the assets, liabilities, or credit of the consumer, including—

"(A) account numbers and balances;

"(B) nonpublic personal information, as that term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

"(C) codes, passwords, social security numbers, tax identification numbers, State identifier numbers issued by a State department of licensing, and other information used for the purpose of account access or transaction initiation;

"(4) the term 'financial information repository' means a person engaged in the business of providing services to consumers who have a credit, deposit, trust, stock, or other financial services account or relationship with that person;

"(5) the term 'identity theft' means an actual or potential violation of section 1028 or any other similar provision of Federal or State law;

"(6) the term 'means of identification' has the same meaning given the term in section 1028; and

"(7) the term 'victim' means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer with the intent to commit, or to aid or abet, identity theft or any other violation of law.

"(b) INFORMATION AVAILABLE TO VICTIMS.—

"(1) IN GENERAL.—A business entity that possesses information relating to an alleged identity theft, or that has entered into a commercial transaction, provided credit, provided, for consideration, products, goods, or services, accepted payment, or otherwise done business for consideration with a person that has made unauthorized use of the means of identification of the victim, shall, not later than 20 days after the receipt of a written request by the victim, meeting the requirements of subsection (c), and in compliance with subsection (d), provide, without charge, a copy of all application and business transaction information related to the transaction being alleged as an identity theft to—

"(A) the victim;

"(B) any Federal, State, or local governing law enforcement agency or officer specified by the victim; or

"(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this section.

"(2) RULE OF CONSTRUCTION.—

"(A) IN GENERAL.—No provision of Federal or State law prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this section.

"(B) LIMITATION.—Except as provided in subparagraph (A), nothing in this section requires a business entity to disclose information that the business entity is otherwise prohibited from disclosing under any other provision of Federal or State law.

"(c) VERIFICATION OF IDENTITY AND CLAIM.—Unless a business entity, at its discretion, is otherwise able to verify the identity of a victim making a request under subsection (b)(1), the victim shall provide to the business entity—

"(1) as proof of positive identification, at the election of the business entity—

"(A) the presentation of a government-issued identification card;

"(B) if providing proof by mail, a copy of a government-issued identification card;

"(C) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

"(D) personally identifying information that the business entity typically requests from new applicants or for new transactions at the time of the victim's request for information; and

"(2) as proof of a claim of identity theft, at the election of the business entity—

"(A) a copy of a police report evidencing the claim of the victim of identity theft;

"(B) a copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

"(C) any affidavit of fact that is acceptable to the business entity for that purpose.

"(d) VERIFICATION STANDARD.—Prior to releasing records pursuant to subsection (b), a business entity shall take reasonable steps to verify the identity of the victim requesting such records.

"(e) LIMITATION ON LIABILITY.—No business entity may be held liable for a disclosure, made in good faith and reasonable judgment, to provide information under this section with respect to an individual in connection with an identity theft to other business entities, law enforcement authorities, victims, or any person alleging to be a victim, if—

“(1) the business entity complies with subsection (c); and

“(2) such disclosure was made—

“(A) for the purpose of detection, investigation, or prosecution of identity theft; or

“(B) to assist a victim in recovery of fines, restitution, rehabilitation of the credit of the victim, or such other relief as may be appropriate.

“(f) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A business entity may decline to provide information under subsection (b) if, in the exercise of good faith and reasonable judgment, the business entity believes that—

“(1) this section does not require disclosure of the information;

“(2) the request for the information is based on a misrepresentation of fact by the victim relevant to the request for information; or

“(3) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

“(g) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this section creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

“(h) ENFORCEMENT.—

“(1) CIVIL ACTIONS.—

“(A) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this section by any business entity, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

“(i) enjoin that practice;

“(ii) enforce compliance of this section;

“(iii) obtain damages—

“(I) in the sum of actual damages, restitution, and other compensation on behalf of the residents of the State; and

“(II) punitive damages, if the violation is willful or intentional; and

“(iv) obtain such other equitable relief as the court may consider to be appropriate.

“(B) NOTICE.—Before bringing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General of the United States—

“(i) written notice of the action; and

“(ii) a copy of the complaint for the action.

“(C) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this section, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

“(i) the business entity has made a reasonably diligent search of its available business records; and

“(ii) the records requested under this section do not exist or are not available.

“(D) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to provide a private right of action or claim for relief.

“(2) INTERVENTION.—

“(A) IN GENERAL.—On receiving notice of an action under paragraph (1)(B), the Attorney General of the United States shall have the right to intervene in that action.

“(B) EFFECT OF INTERVENTION.—If the Attorney General of the United States intervenes in an action under this subsection, the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

“(C) SERVICE OF PROCESS.—Upon request of the Attorney General of the United States, the attorney general of a State that has filed an action under this subsection shall, pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure, serve the Government with—

“(i) a copy of the complaint; and

“(ii) written disclosure of substantially all material evidence and information in the possession of the attorney general of the State.

“(3) CONSTRUCTION.—For purposes of bringing any civil action under this subsection, nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State—

“(A) to conduct investigations;

“(B) to administer oaths or affirmations; or

“(C) to compel the attendance of witnesses or the production of documentary and other evidence.

“(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General of the United States for a violation of this section, no State may, during the pendency of that action, institute an action under this subsection against any defendant named in the complaint in that action for violation of that practice.

“(5) VENUE; SERVICE OF PROCESS.—

“(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States—

“(i) where the defendant resides;

“(ii) where the defendant is doing business; or

“(iii) that meets applicable requirements relating to venue under section 1391 of title 28.

“(B) SERVICE OF PROCESS.—In an action brought under this subsection, process may be served in any district in which the defendant—

“(i) resides;

“(ii) is doing business; or

“(iii) may be found.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

“1028A. Treatment of identity theft mitigation.”.

SEC. 603. AMENDMENTS TO THE FAIR CREDIT REPORTING ACT.

(a) CONSUMER REPORTING AGENCY BLOCKING OF INFORMATION RESULTING FROM IDENTITY THEFT.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681*i*) is amended by adding at the end the following:

“(e) BLOCK OF INFORMATION RESULTING FROM IDENTITY THEFT.—

“(1) BLOCK.—Except as provided in paragraphs (4) and (5) and not later than 30 days after the date of receipt of proof of the identity of a consumer and an official copy of a police report evidencing the claim of the consumer of identity theft, a consumer reporting agency shall block the reporting of any information identified by the consumer in the file of the consumer resulting from the identity theft, so that the information cannot be reported.

“(2) REINVESTIGATION.—A consumer reporting agency shall reinvestigate any information that a consumer has requested to be blocked under paragraph (1) in accordance with the requirements of subsections (a) through (d).

“(3) NOTIFICATION.—A consumer reporting agency shall, within the time period specified in subsection (a)(2)(A)—

“(A) provide the furnisher of the information identified by the consumer under paragraph (1) with the information described in subsection (a)(2); and

“(B) notify the furnisher—

“(i) that the information may be a result of identity theft;

“(ii) that a police report has been filed;

“(iii) that a block has been requested under this subsection; and

“(iv) of the effective date of the block.

“(4) AUTHORITY TO DECLINE OR RESCIND.—

“(A) IN GENERAL.—A consumer reporting agency may at any time decline to block, or may rescind any block, of consumer information under this subsection if—

“(i) in the exercise of good faith and reasonable judgment, the consumer reporting agency finds that—

“(I) the block was issued, or the request for a block was made, based on a misrepresentation of fact by the consumer relevant to the request to block; or

“(II) the consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions, or the consumer should have known that the consumer obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions;

“(ii) the consumer agrees that the blocked information or portions of the blocked information were blocked in error; or

“(iii) the consumer reporting agency determines—

“(I) that the consumer's dispute is frivolous or irrelevant in accordance with subsection (a)(3); or

“(II) after completion of its reinvestigation under subsection (a)(1), that the information disputed by the consumer is accurate, complete, and verifiable in accordance with subsection (a)(5).

“(B) NOTIFICATION TO CONSUMER.—If the block of information is declined or rescinded under this paragraph, the affected consumer shall be notified, in the same manner and within the same time period as consumers are notified of the reinsertion of information under subsection (a)(5)(B).

“(C) SIGNIFICANCE OF BLOCK.—For purposes of this paragraph, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or monies as a result of the block.

“(5) EXCEPTIONS.—

“(A) NEGATIVE INFORMATION DATA.—A consumer reporting agency shall not be required to comply with this subsection when such agency is issuing information for authorizations, for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment, based solely on negative information, including—

“(i) dishonored checks;

“(ii) accounts closed for cause;

“(iii) substantial overdrafts;

“(iv) abuse of automated teller machines; or

“(v) other information which indicates a risk of fraud occurring.

"(B) RESELLERS.—The provisions of this subsection do not apply to a consumer reporting agency if the consumer reporting agency—

"(i) does not maintain a file on the consumer from which consumer reports are produced;

"(ii) is not, at the time of the request of the consumer under paragraph (1), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

"(iii) informs the consumer, by any means, that the consumer may report the identity theft to the Federal Trade Commission to obtain consumer information regarding identity theft.".

(b) FALSE CLAIMS.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

"(j) Any person who knowingly falsely claims to be a victim of identity theft for the purpose of obtaining the blocking of information by a consumer reporting agency under section 611(e)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681*i*(e)(1)) shall be fined under this title, imprisoned not more than 3 years, or both.".

(c) STATUTE OF LIMITATIONS.—Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

"SEC. 618. JURISDICTION OF COURTS; LIMITATION ON ACTIONS.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), an action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years from the date of the defendant's violation of any requirement under this title.

"(b) WILLFUL MISREPRESENTATION.—In any case in which the defendant has materially and willfully misrepresented any information required to be disclosed to an individual under this title, and the information misrepresented is material to the establishment of the liability of the defendant to that individual under this title, an action to enforce a liability created under this title may be brought at any time within 2 years after the date of discovery by the individual of the misrepresentation.

"(c) IDENTITY THEFT.—An action to enforce a liability created under this title may be brought not later than 4 years from the date of the defendant's violation if—

"(1) the plaintiff is the victim of an identity theft; or

"(2) the plaintiff—

"(A) has reasonable grounds to believe that the plaintiff is the victim of an identity theft; and

"(B) has not materially and willfully misrepresented such a claim.".

SEC. 604. COORDINATING COMMITTEE STUDY OF COORDINATION BETWEEN FEDERAL, STATE, AND LOCAL AUTHORITIES IN ENFORCING IDENTITY THEFT LAWS.

(a) MEMBERSHIP; TERM.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) in subsection (b), by striking "and the Commissioner of Immigration and Naturalization" and inserting "the Commissioner of Immigration and Naturalization, the Chairman of the Federal Trade Commission, the Postmaster General, and the Commissioner of the United States Customs Service,"; and

(2) in subsection (c), by striking "2 years after the effective date of this Act." and inserting "on December 28, 2004.".

(b) CONSULTATION.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) CONSULTATION.—In discharging its duties, the coordinating committee shall consult with interested parties, including State and local law enforcement agencies, State attorneys general, representatives of business entities (as that term is defined in section 603 of the Identity Theft Victims Assistance Act of 2002), including telecommunications and utility companies, and organizations representing consumers.".

(c) REPORT DISTRIBUTION AND CONTENTS.—Section 2(e) of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) (as redesignated by subsection (b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the coordinating committee, shall report on the activities of the coordinating committee to—

"(A) the Committee on the Judiciary of the Senate;

"(B) the Committee on the Judiciary of the House of Representatives;

"(C) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(D) the Committee on Financial Services of the House of Representatives.";

(2) in subparagraph (E), by striking "and" at the end; and

(3) by striking subparagraph (F) and inserting the following:

"(F) a comprehensive description of Federal assistance provided to State and local law enforcement agencies to address identity theft;

"(G) a comprehensive description of coordination activities between Federal, State, and local law enforcement agencies that address identity theft;

"(H) a comprehensive description of how the Federal Government can best provide State and local law enforcement agencies with timely and current information regarding terrorists or terrorist activity where such information specifically relates to identity theft; and

"(I) recommendations in the discretion of the President, if any, for legislative or administrative changes that would—

"(i) facilitate more effective investigation and prosecution of cases involving—

"(I) identity theft; and

"(II) the creation and distribution of false identification documents;

"(ii) improve the effectiveness of Federal assistance to State and local law enforcement agencies and coordination between Federal, State, and local law enforcement agencies; and

"(iii) simplify efforts by a person necessary to rectify the harm that results from the theft of the identity of such person.".

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

SA 4558. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, lines 14–15

Strike "not later than 4 years" and insert "not later than 5 years".

SA 4559. Mr. CRAIG (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place, insert the following:

SEC. . LEWIS AND CLARK BICENTENNIAL CORPS OF DISCOVERY II TRAVELING EDUCATION CENTER.

The National Park Service, using funds made available by this act, shall provide $2 million toward equipping and operating the Lewis and Clark Bicentennial Corps of Discovery II Traveling Education Center.

SA 4560. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATIONS TO AVIATION AND TRANSPORTATION SECURITY ACT.

(a) SECURITY SCREENING OPT-OUT PROGRAM.—Section 44919(d) of title 49, United States Code, is amended—

(1) by striking "not more than 1 airport from each of the 5 airport security risk categories" and inserting "up to 40 airports equally distributed among the 5 airport security risk categories"; and

(2) by adding at the end the following: "The Under Secretary shall encourage large and medium hub airports to participate in the program".

(b) EXTENSION OF DEADLINE.—Section 110(c)(2) of the Aviation and Transportation Security Act is amended by striking "1 year after the date of enactment of this Act" and inserting "December 31, 2002".

SA 4561. Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE —VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE SMITHSONIAN INSTITUTION

SECTION 01. SHORT TITLE.

This title may be cited as the "Smithsonian Personnel Flexibility Act of 2002".

SEC. 02. DEFINITIONS.

In this title:

(1) EMPLOYEE.—

(A) IN GENERAL.—The term "employee" means a civil service employee of the Institution who—

(i) is serving under an appointment without time limitation; and

(ii) has been employed by the Institution as a civil service employee for a continuous period of at least 3 years.

(B) Exclusions.—The term "employee" does not include—

(i) a reemployed annuitant under—

(I) subchapter III of chapter 83 or chapter 84 of title 5, United States Code; or

(II) another retirement system for employees of the Federal Government;

(ii) an employee with a disability for which the employee is or would be eligible for disability retirement under—

(I) subchapter III of chapter 83 or chapter 84 of title 5, United States Code; or

(II) another retirement system for employees of the Federal Government;

(iii) an employee who has received a decision notice of involuntary separation for misconduct or unacceptable performance;

(iv) an employee who has previously received an incentive payment from the Federal Government under this title or any other authority;

(v) an employee who—

(I) is covered by statutory reemployment rights; and

(II) is on transfer employment with another organization; or

(vi) an employee who—

(I) during the 24-month period preceding the date of separation of the employee, received and did not repay a recruitment or relocation bonus under section 5753 of title 5, United States Code;

(II) during the 12-month period preceding the date of separation of the employee, received and did not repay a retention allowance under section 5754 of title 5, United States Code; or

(III) during the 36-month period preceding the date of separation of the employee, did not repay funds provided for student loan repayment under section 5379 of title 5, United States Code, unless the paying agency has waived the right to recover those funds.

(2) Executive branch employee.—The term "executive branch employee" means an employee of an Executive agency (as defined in section 105 of title 5, United States Code), other than the United States Postal Service or the Postal Rate Commission, who is employed under section 05.

(3) Incentive payment.—The term "incentive payment" means a voluntary separation incentive payment authorized under section 04(a).

(4) Institution.—The term "Institution" means the Smithsonian Institution.

(5) Judicial branch employee.—The term "judicial branch employee" means an employee of the judicial branch of the Federal Government employed under section 05.

(6) Plan.—The term "plan" means the voluntary separation incentive plan for the Institution completed under section 03(a).

(7) Secretary.—The term "Secretary" means the Secretary of the Smithsonian Institution.

SEC. 03. VOLUNTARY SEPARATION INCENTIVE PAYMENT PLAN.

(a) In General.—Before obligating any funds of the Institution for incentive payments, the Secretary shall complete a voluntary separation incentive payment plan for the Institution that—

(1) describes the intended use of the incentive payments; and

(2) provides a proposed organizational chart for the Institution describing the organization of the Institution after the incentive payments have been completed.

(b) Contents.—The plan shall include—

(1) the specific positions and functions to be reduced or eliminated;

(2) a description of which categories of employees will be offered incentive payments;

(3) the time period during which incentive payments shall be paid;

(4) the number and amounts of incentive payments to be offered; and

(5) a description of how the Institution will operate without the eliminated positions and functions.

(c) Implementation.—Before implementing the plan, the Secretary shall consult with the Director of the Office of Management and Budget.

SEC. 04. AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) In General.—The Secretary may make an incentive payment to any employee who voluntarily separates within the 3-year period beginning on the date of enactment of this Act in accordance with this title and the plan.

(b) Requirements.—An incentive payment—

(1) shall be offered to employees on the basis of—

(A) organizational unit;

(B) occupational series or level;

(C) geographic location;

(D) specific periods during which employees may elect an incentive payment;

(E) skills, knowledge, or other job-related factors; or

(F) a combination of the factors described in subparagraphs (A) through (E);

(2) shall be paid in a lump sum after the separation of the employee;

(3) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code (without adjustment for any previous payment made); or

(B) an amount determined by the Secretary, not to exceed $25,000;

(4) may be made only in the case of an employee who voluntarily separates, by retirement or resignation, under this title;

(5) shall not be a basis for payment, or included in the computation, of any other type of benefit of the Federal Government;

(6) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, from any other separation; and

(7) shall be paid from funds available for the payment of the basic pay of the employee.

SEC. 05. EFFECT OF SUBSEQUENT EMPLOYMENT BY THE FEDERAL GOVERNMENT.

(a) In General.—Except as provided in subsection (b), if, within the 5-year period beginning on the date of separation of the employee under this title, an employee who has received a voluntary separation incentive payment under this title accepts employment for compensation with the Federal Government (other than the legislative branch) (including, with respect to any employee other than an executive branch employee or a judicial branch employee, employment under a personal services contract), the employee shall, before the first day of employment with the Federal Government, pay to the Institution the entire amount of the incentive payment.

(b) Exceptions.—

(1) Executive branch employee.—If an employee described in subsection (a) is an executive branch employee, the Director of the Office of Personnel Management may, at the request of the head of the employing agency, waive repayment under subsection (a) if—

(A) the executive branch employee possesses unique abilities; or

(B) in the case of an emergency involving a direct threat to life or property, the executive branch employee—

(i) has skills directly related to resolving the emergency; and

(ii) shall be employed only until such time as the emergency is resolved.

(2) Judicial branch employee.—If an employee described in subsection (a) is a judicial branch employee, the Director of the Administrative Office of the United States Courts may waive repayment under subsection (a) if the employee—

(A) possesses unique abilities; and

(B) is the only qualified applicant available for the position.

SA 4562. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. .

"(a) Findings.—Congress finds that:

"(1) In 2002 approximately six and one half million acres of forest lands in the United States have burned, 21 people have lost their lives, and 3,079 structures have been destroyed. The Forest Service and the Bureau of Land Management have spent more than $1 billion fighting these fires.

"(2) 73 million acres of public lands are classified as class 3 fire risks. This includes 23 million acres that are in strategic areas designated by the Forest Service and the Department of the Interior for emergency treatment to withstand catastrophic fire.

"(3) The forest management policy of fire suppression has resulted in an accumulation of fuel loads, dead and dying trees, and non-native species that creates fuel ladders which allow fires to reach the crowns of large old trees and cause catastrophic fire.

"(4) The Forest Service and the Department of the Interior should immediately undertake an emergency forest grooming program to reduce the risk of catastrophic fire.

"(b) In General.—The Secretary of Agriculture and the Secretary of the Interior shall conduct immediately and to completion projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, FY 2001 (H. Rept. 106-646) to reduce hazardous fuels. Any project carried out pursuant to this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

"(c) Priority.—In implementing projects under this section, the Secretary of Agriculture and the Secretary of the Interior shall give highest priority to—

"(1) wild and urban interface areas;

"(2) municipal watersheds; or

"(3) forested or rangeland areas affected by disease, insect activity, wind throw, or areas subject to catastrophic reburn.

"(d) Acreage Limitation.—In implementing this section, the Secretary of Agriculture and the Secretary of the Interior shall treat an aggregate area of not more than 2.5 million acres of federal land. This amount is in addition to the existing hazardous fuels reduction program that treats approximately 2.5 million acres each year.

"(e) PROCESS.—The Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process with interested parties consistent with the Implementation Plan described in subjection (a) for the selection of projects carried out under this section consistent with subsection (b). Such collaborative process may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act, Public Law 106–393.

"(f) ADMINISTRATIVE PROCESS.—

"(1) REVIEW.—Projects implemented pursuant to subsection (g) shall not be subject to the appeal requirements of the Appeals Reform Act (section 322 of Public Law 102–381) or review by the Department of the Interior Board of Land Appeals. Nothing in this section affects projects for which scoping has begun prior to enactment of this Act.

"(2) REGULATIONS.—The Secretary of Agriculture and the Secretary of the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

"(g) CONCLUSIVE PRESUMPTION.—Within one-half mile of any community, unless there are extraordinary circumstances, hazardous fuels reduction actions authorized by subsection (g) are conclusively determined to be categorically excluded from further analysis under the National Environmental Policy Act, and the Secretary of Agriculture or the Secretary of the Interior, as appropriate, need not make any findings as to whether the projects individually or cumulatively have a significant effect on the human environment. This conclusive determination shall apply in any judicial proceeding brought to enforce the National Environmental Policy Act pursuant to this section.

"(h) CATEGORICAL EXCLUSIONS.—(1) Subject to paragraph (2), until September 30, 2003, the Secretary of Agriculture and the Secretary of the Interior may categorically exclude a proposed hazardous fuels reduction action, including prescribed fire, from documentation in an environmental impact statement or environmental assessment if the proposed hazardous fuels reduction action is located on lands identified as condition class 3 as determined by the Secretary of Agriculture and the Secretary of the Interior and pursuant to scientific mapping surveys and removes no more than 250,000 board feet of merchantable wood products or removes as salvage 1,000,000 board feet or less of merchantable wood products and assures regeneration of harvested or salvaged areas.

"(2) Scoping is required on all actions proposed pursuant to this subsection.

"(i) EXTRAORDINARY CIRCUMSTANCES.—For all projects implemented pursuant to this section, if there are extraordinary circumstances, the Secretary of Agriculture and the Secretary of the Interior shall follow agency procedures related to categorical exclusions and extraordinary circumstances.

"(j) REDUCE FIRE RISK.—In order to ensure that the agencies are implementing projects that reduce the risk of unnaturally intense wildfires, the Secretary of Agriculture and the Secretary of the Interior—

"(1) shall not construct new roads in any inventoried roadless areas part of any project implemented pursuant to this section;

"(2) shall, at their discretion, maintain an ecologically sufficient number of old and large trees appropriate for each ecosystem type and shall focus on thinning from below for all projects implemented pursuant to this section;

"(3) for projects involving key municipal watersheds, must protect or enhance water quality or water quantity available in the area; and

"(4) must deposit in the Treasury of the United States all revenues and receipts generated from projects implemented pursuant to this section.

"(k) HAZARDOUS FUELS REDUCTION FUNDING FOCUS.—In order to focus hazardous fuels reduction activities on the highest priority areas where critical issues of human safety and property loss are the most serious and within key municipal watersheds identified in forest plans, the Secretary of Agriculture and the Secretary of the Interior shall expend all of the hazardous fuels operations funds provided in this Act only on projects in areas identified as condition class 3 as defined in subsection (g) and at least seventy percent of the hazardous fuels operations funds provided in this Act only on projects within one-half mile of any community or within key municipal watersheds identified in forest plans. Nothing in this subsection will affect projects for which scoping has begun prior to enactment of this Act.

"(l) COMMUNITIES.—At least ten percent of the hazardous fuels operations funds provided in this Act shall be spent on projects that benefit small businesses that uses hazardous fuels and are located in small, economically disadvantaged communities.

"(m) MONITORING.—(1) The Secretary of Agriculture and the Secretary of the Interior shall establish a multiparty monitoring process in order to assess a representative sampling of the projects implemented pursuant to this section.

"(2) Funds to implement this subsection shall be derived from hazardous fuels reduction funds."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 18, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on H.R. 2880, a bill to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate at 10:00 a.m., on Tuesday, September 17, 2002. The purpose of this hearing will be to discuss implementation of the 2002 farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 9:30 a.m., in closed session to receive testimony on Iraq.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 10:30 a.m., to conduct an oversight hearing on "The Tennessee Valley Authority and Financial Disclosure."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Hearing during the session of the Senate on Tuesday, September 17, 2002, at 9:30 a.m. in SD–106. The purpose of the hearing is to receive testimony on the Federal Energy Regulatory Commission's Notice of Proposed Rulemaking, "Remedying Under Discrimination through Open Access Transmission Service and Standard Electricity Market Design," issued July 31.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Losing Momentum: Are Childhood Vaccine Supplies Adequate? during the session of the Senate on Tuesday, September 17, 2002, at 2:30 p..m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 17, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1392, a bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition, and on S. 1393, a bill to provide grants to ensure full and fair participation in certain decision-making process at the Bureau of Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 17, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Tuesday, September 17, 2002, at 10:30 a.m. on Aviation Cargo Security. This will be a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Tuesday, September 17, 2002, at 2:30 p.m. on Nanotechnology.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE AMERICAN COMMERCIAL DRIVING TRAINING AND TECHNICAL ASSISTANCE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 557, S. 1344.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1344) to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Native American Commercial Driving Training and Technical Assistance Act".

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress makes the following findings:

[(1) Despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States.

[(2) The United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions.

[(3) The economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals.

[(4) Two tribally controlled community colleges, D-Q University in the State of California and Fort Peck Community College in the State of Montana, currently offer commercial vehicle driving programs.

[(5) The American Trucking Association reports that at least until the year 2005, the trucking industry will need to hire 403,000 truck drivers each year to fill empty positions.

[(6) According to the Federal Government Occupational Handbook the commercial driving industry is expected to increase about as fast as the average for all occupations through the year 2008 as the economy grows and the amount of freight carried by trucks increases.

[(7) A career in commercial vehicle driving offers a competitive salary, employment benefits, job security, and a profession.

[(b) PURPOSE.—It is the purpose of this Act—

[(1) to foster and promote job creation and economic opportunities for Native Americans; and

[(2) to provide education, technical, and training assistance to Native Americans who are interested in a commercial vehicle driving career.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) COMMERCIAL VEHICLE DRIVING.—The term "commercial vehicle driving" means the driving of a vehicle which is a tractor-trailer truck.

[(2) SECRETARY.—The term "Secretary" means the Secretary of Labor.

[SEC. 4. COMMERCIAL VEHICLE DRIVING TRAINING PROGRAM.

[(a) GRANTS.—The Secretary may award 4 grants, on a competitive basis, to eligible entities to support programs providing training and certificates leading to the professional development of individuals with respect to commercial vehicle driving.

[(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

[(1) be a tribally-controlled community college or university (as defined in section 2 of the Tribally-Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1801)); and

[(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

[(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to—

[(1) grant applications that propose training that exceeds the United States Department of Transportation's Proposed Minimum Standards for Training Tractor-Trailer Drivers; and

[(2) grant applications that propose training that exceeds the entry level truck driver certification standards set by the Professional Truck Driver Institute.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Commercial Driving Training and Technical Assistance Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) despite the availability of abundant natural resources on land under the jurisdiction of Indian tribes and the existence of a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social problems than any other group in the United States;

(2) the United States has an obligation to assist Native American communities in the establishment of appropriate economic and political conditions;

(3) the economic success and material well-being of Indian communities depend on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(4) commercial vehicle driving programs are currently offered at several tribal colleges and universities;

(5) the American Trucking Association reports that at least until 2005, the trucking industry will need to hire 403,000 truck drivers each year to fill vacant positions;

(6) according to the Federal Government Occupational Handbook, the commercial vehicle driving industry is expected to expand at the average rate of expansion for all occupations through the year 2008 because of economic growth and an increase in the quantity of freight carried by trucks; and

(7) a career in commercial vehicle driving offers a competitive salary, employment benefits, job security, and a profession.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster and promote job creation and economic opportunities for Native Americans; and

(2) to provide education, technical, and training assistance to Native Americans who are interested in commercial vehicle driving careers.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMERCIAL VEHICLE DRIVING.—The term "commercial vehicle driving" means the driving of—

(A) a vehicle that is a tractor-trailer truck; or

(B) any other vehicle (such as a bus or a vehicle used for the purpose of construction) the driving of which requires a commercial license.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE AMERICAN.—The term "Native American" means an individual who is a member of—

(A) an Indian tribe; or

(B) any people or culture that is indigenous to the United States, as determined by the Secretary.

(4) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 4. COMMERCIAL VEHICLE DRIVING TRAINING PROGRAM.

(a) GRANTS.—The Secretary may provide grants, on a competitive basis, to entities described in subsection (b) to support programs providing training and certificates leading to the licensing of Native Americans with respect to commercial vehicle driving.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a tribal college or university (as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059(b)(3)); and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) PRIORITY.—In providing grants under subsection (a), the Secretary shall give priority to grant applications that—

(1) propose training that exceeds proposed minimum standards for training tractor-trailer drivers of the Department of Transportation;

(2) propose training that exceeds the entry level truck driver certification standards set by the Professional Truck Driver Institute; and

(3) propose an education partnership with a private trucking firm, trucking association, or similar entity in order to ensure the effectiveness of the grant program under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1344), as amended, was read the third time and passed.

INDIAN FINANCING AMENDMENTS ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 558, S. 2017.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2017) to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Indian Financing Act Amendments of 2002".

[SEC. 2. FINDINGS AND PURPOSE.

[(a) FINDINGS.—Congress finds that—

[(1) the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) was intended to provide Native American borrowers with access to commercial capital sources that, but for that Act, would not be available through loans guaranteed by the Secretary of the Interior;

[(2) although the Secretary of the Interior has made loan guarantees available, acceptance of loan guarantees by lenders to benefit Native American business borrowers has been limited;

[(3) 27 years after enactment of the Act, the promotion and development of Native American-owned business remains an essential foundation for growth of economic and social stability of Native Americans;

[(4) acceptance by lenders of the loan guarantees may be limited by liquidity and other capital market-driven concerns; and

[(5) it is in the best interest of the guaranteed loan program to—

[(A) encourage the orderly development and expansion of a secondary market for loans guaranteed by the Secretary; and

[(B) expand the number of lenders originating loans under that Act.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to stimulate the use by lenders of secondary market investors for loans guaranteed by the Secretary of the Interior;

[(2) to preserve the authority of the Secretary to administer the program and regulate lenders;

[(3) to clarify that a good faith investor in loans guaranteed by the Secretary will receive appropriate payments;

[(4) to provide for the appointment by the Secretary of a qualified fiscal transfer agent to administer a system for the orderly transfer of the loans;

[(5) to authorize the Secretary to—

[(A) promulgate regulations to encourage and expand a secondary market program for loans guaranteed by the Secretary; and

[(B) allow the pooling of the loans as the secondary market develops; and

[(6) to authorize the Secretary to establish a schedule for assessing lenders and investors for the necessary costs of the fiscal transfer agent and system.

[SEC. 3. LOAN GUARANTEES.

[Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

[(1) by inserting "(a) IN GENERAL.—" before "Any loan"; and

[(2) by adding at the end the following:

["(b) TRANSFER OF LOANS AND UNGUARANTEED PORTIONS OF LOANS.—

["(1) TRANSFER.—

["(A) IN GENERAL.—The lender of a loan guaranteed under this title may transfer to any person—

["(i) all of the rights and obligations of the lender under the loan, or in an unguaranteed portion of the loan; and

["(ii) the security given for the loan or unguaranteed portion.

["(B) REGULATIONS.—A transfer under subparagraph (A) shall be consistent with such regulations as the Secretary shall promulgate under subsection (g).

["(C) NOTICE.—A lender that completes a transfer under subparagraph (A) shall give notice of the transfer to the Secretary (or a designee of the Secretary).

["(2) EFFECT OF TRANSFER.—On any transfer under this subsection, the transferee shall—

["(A) be considered to be the lender under this title;

["(B) become the secured party of record; and

["(C) be responsible for—

["(i) performing the duties of the lender; and

["(ii) servicing the loan or portion of the loan, as appropriate, in accordance with the terms of guarantee of the Secretary of the loan or portion of the loan.

["(c) TRANSFER OF GUARANTEED PORTIONS OF LOANS.—

["(1) TRANSFER.—

["(A) IN GENERAL.—The lender of a loan guaranteed under this title, and any subsequent transferee of all or part of the guaranteed portion of the loan, may transfer to any person—

["(i) all or part of the guaranteed portion of the loan; and

["(ii) the security given for the guaranteed portion transferred.

["(B) REGULATIONS.—A transfer under subparagraph (A) shall be consistent with such regulations as the Secretary shall promulgate under subsection (g).

["(C) NOTICE.—A lender that completes a transfer under subparagraph (A) shall give notice of the transfer to the Secretary (or a designee of the Secretary).

["(D) ACKNOWLEDGEMENT.—On receipt of notice of a transfer under subparagraph (C), the Secretary (or a designee of the Secretary) shall issue to the transferee the acknowledgement of the Secretary of—

["(i) the transfer; and

["(ii) the interest of the transferee in the guaranteed portion of a loan that was transferred.

["(2) EFFECT.—Notwithstanding any other provision of law, with respect to any transfer under this subsection, the lender shall—

["(A) remain obligated under the guarantee agreement between the lender and the Secretary;

["(B) continue to be responsible for servicing the loan in a manner consistent with the guarantee agreement; and

["(C) remain the secured creditor of record.

["(d) FULL FAITH AND CREDIT.—

["(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all loan guarantees made under this title.

["(2) VALIDITY.—

["(A) IN GENERAL.—Except as provided in subparagraph (B), the validity of a guarantee of a loan under this title shall be incontestable if the guarantee is held by a transferee of a guaranteed obligation whose interest in a guaranteed loan has been acknowledged by the Secretary (or a designee of the Secretary) under subsection (c)(1)(D).

["(B) FRAUD OR MISREPRESENTATION.—Subparagraph (A) shall not apply in a case in which the Secretary determines that a transferee of a loan or portion of a loan transferred under this section has actual knowledge of fraud or misrepresentation, or participates in or condones fraud or misrepresentation, in connection with the loan.

["(e) DAMAGES.—The Secretary may recover from a lender any damages suffered by the Secretary as a result of a material breach of an obligation of the lender under the guarantee of the loan.

["(f) FEE.—The Secretary may collect a fee for any loan or guaranteed portion of a loan transferred in accordance with subsection (b) or (c).

["(g) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate such regulations as are necessary to facilitate, administer, and promote the transfer of loans and guaranteed portions of loans under this section.

["(h) CENTRAL REGISTRATION.—On promulgation of final regulations under subsection (g), the Secretary shall—

["(1) provide for the central registration of all loans and portions of loans transferred under this section; and

["(2) contract with a fiscal transfer agent—

["(A) to act as a designee of the Secretary; and

["(B) on behalf of the Secretary—

["(i) to carry out the central registration and paying agent functions; and

["(ii) to issue acknowledgements of the Secretary under subsection (c)(1)(D).

["(i) POOLING.—

["(1) IN GENERAL.—Nothing in this title prohibits the pooling of whole loans, or portions of loans, transferred under this section.

["(2) REGULATIONS.—The Secretary may promulgate regulations to effect orderly and efficient pooling procedures under this title.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Financing Amendments Act of 2002".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) was intended to provide Native American borrowers with access to commercial sources of capital that otherwise would not be available through the guarantee or insurance of loans by the Secretary of the Interior;

(2) although the Secretary of the Interior has made loan guarantees and insurance available, use of those guarantees and that insurance by lenders to benefit Native American business borrowers has been limited;

(3) 27 years after the date of enactment of the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.), the promotion and development of Native American-owned business remains an essential foundation for growth of economic and social stability of Native Americans;

(4) use by commercial lenders of the available loan insurance and guarantees may be limited by liquidity and other capital market-driven concerns; and

(5) it is in the best interest of the insured and guaranteed loan program of the Department of the Interior—

(A) to encourage the orderly development and expansion of a secondary market for loans guaranteed or insured by the Secretary of the Interior; and

(B) to expand the number of lenders originating loans under the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.).

(b) PURPOSE.—The purpose of this Act is to reform and clarify the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) in order to—

(1) stimulate the use by lenders of secondary market investors for loans guaranteed or insured under a program administered by the Secretary of the Interior;

(2) preserve the authority of the Secretary to administer the program and regulate lenders;

(3) clarify that a good faith investor in loans insured or guaranteed by the Secretary will receive appropriate payments;

(4) provide for the appointment by the Secretary of a qualified fiscal transfer agent to establish and administer a system for the orderly transfer of those loans; and

(5)(A) authorize the Secretary to promulgate regulations to encourage and expand a secondary market program for loans guaranteed or insured by the Secretary; and

(B) allow the pooling of those loans as the secondary market develops.

SEC. 3. AMENDMENTS TO INDIAN FINANCING ACT.

(a) LIMITATION ON LOAN AMOUNTS WITHOUT PRIOR APPROVAL.—Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended in the last sentence by striking "$100,000" and inserting "$250,000".

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking "Any loan guaranteed" and inserting the following:

"(a) IN GENERAL.—Any loan guaranteed or insured"; and

(2) by adding at the end the following:

"(b) INITIAL TRANSFERS.—

"(1) IN GENERAL.—The lender of a loan guaranteed or insured under this title may transfer to any individual or legal entity—

"(A) all rights and obligations of the lender in the loan or in the unguaranteed or uninsured portion of the loan; and

"(B) any security given for the loan.

"(2) ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—

"(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (i); and

"(B) the lender shall give notice of the transfer to the Secretary.

"(3) RESPONSIBILITIES OF TRANSFEREE.—On any transfer under paragraph (1), the transferee shall—

"(A) be deemed to be the lender for the purpose of this title;

"(B) become the secured party of record; and

"(C) be responsible for—

"(i) performing the duties of the lender; and

"(ii) servicing the loan in accordance with the terms of the guarantee by the Secretary of the loan.

"(c) SECONDARY TRANSFERS.—

"(1) IN GENERAL.—Any transferee under subsection (b) of a loan guaranteed or insured under this title may transfer to any individual or legal entity—

"(A) all rights and obligations of the transferee in the loan or in the unguaranteed or uninsured portion of the loan; and

"(B) any security given for the loan.

"(2) ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—

"(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (i); and

"(B) the transferor shall give notice of the transfer to the Secretary.

"(3) ACKNOWLEDGMENT BY SECRETARY.—On receipt of a notice of a transfer under paragraph (2)(B), the Secretary shall issue to the transferee an acknowledgement by the Secretary of—

"(A) the transfer; and

"(B) the interest of the transferee in the guaranteed or insured portion of the loan.

"(4) RESPONSIBILITIES OF LENDER.—Notwithstanding any transfer permitted by this subsection, the lender shall—

"(A) remain obligated on the guarantee agreement or insurance agreement between the lender and the Secretary;

"(B) continue to be responsible for servicing the loan in a manner consistent with that guarantee agreement or insurance agreement; and

"(C) remain the secured creditor of record.

"(d) FULL FAITH AND CREDIT.—

"(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all loan guarantees and loan insurance made under this title after the date of enactment of this subsection.

"(2) VALIDITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the validity of a guarantee or insurance of a loan under this title shall be incontestable if the obligations of the guarantee or insurance held by a transferee have been acknowledged under subsection (c)(3).

"(B) EXCEPTION FOR FRAUD OR MISREPRESENTATION.—Subparagraph (A) shall not apply in a case in which a transferee has actual knowledge of fraud or misrepresentation, or participates in or condones fraud or misrepresentation, in connection with a loan.

"(e) DAMAGES.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may recover from a lender of a loan under this title any damages suffered by the Secretary as a result of a material breach of the obligations of the lender with respect to a guarantee or insurance by the Secretary of the loan.

"(f) FEES.—The Secretary may collect a fee for any loan or guaranteed or insured portion of a loan that is transferred in accordance with this section.

"(g) CENTRAL REGISTRATION OF LOANS.—On promulgation of final regulations under subsection (i), the Secretary shall—

"(1) provide for a central registration of all guaranteed or insured loans transferred under this section; and

"(2) enter into 1 or more contracts with a fiscal transfer agent—

"(A) to act as the designee of the Secretary under this section; and

"(B) to carry out on behalf of the Secretary the central registration and fiscal transfer agent functions, and issuance of acknowledgements, under this section.

"(h) POOLING OF LOANS.—

"(1) IN GENERAL.—Nothing in this title prohibits the pooling of whole loans or interests in loans transferred under this section.

"(2) REGULATIONS.—In promulgating regulations under subsection (i), the Secretary may include such regulations to effect orderly and efficient pooling procedures as the Secretary determines to be necessary.

"(i) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop such procedures and promulgate such regulations as are necessary to facilitate, administer, and promote transfers of loans and guaranteed and insured portions of loans under this section.".

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2017), as amended, was read the third time and passed.

NATIVE AMERICAN ALCOHOL AND SUBSTANCE ABUSE PROGRAM CONSOLIDATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 560, S. 210.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 210) to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Native American Alcohol and Substance Abuse Program Consolidation Act of 2001".

[SEC. 2. STATEMENT OF PURPOSE.

[The purposes of this Act are—

[(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Native Americans afflicted with alcohol and other substance abuse problems; and

[(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis and treatment programs for their communities, consistent with the policy of self-determination.

[SEC. 3. DEFINITIONS.

[(a) IN GENERAL.—In this Act:

[(1) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

[(2) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

[(3) INDIAN TRIBE.—The terms "Indian tribe" and "tribe" have the meaning given the term "Indian tribe" in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) and shall include entities as provided for in subsection (b)(2).

[(4) SECRETARY.—Except where otherwise provided, the term "Secretary" means the Secretary of Health and Human Services.

[(5) SUBSTANCE ABUSE.—The term "substance abuse" includes the illegal use or abuse of a drug, the abuse of an inhalant, or the abuse of tobacco or related products.

[(b) INDIAN TRIBE.—

[(1) IN GENERAL.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this Act, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this Act).

[(2) INCLUSION OF OTHER ENTITIES.—In a case described in paragraph (1), the term "Indian tribe", as defined in subsection (a)(2), shall include the additional authorized Indian tribe, inter-tribal consortium, or tribal organization.

[SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

[The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation, as appropriate, shall, upon the receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the tribe to coordinate, in accordance with such plan, its federally funded alcohol and substance abuse and mental health programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

[SEC. 5. PROGRAMS AFFECTED.

[The programs that may be integrated in a demonstration project under any plan referred to in section 4 shall include—

[(1) any program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders;

[(2) any program under which an Indian tribe is eligible for receipt of funds through a competitive or other grant program for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis, or prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders, if—

[(A) the Indian tribe has provided notice to the appropriate agency regarding the intentions of the tribe to include the grant program in the plan it submits to the Secretary, and the affected agency has consented to the inclusion of the grant in the plan; or

[(B) the Indian tribe has elected to include the grant program in its plan, and the administrative requirements contained in the plan are essentially the same as the administrative requirements under the grant program; and

[(3) any program under which an Indian tribe is eligible for receipt of funds under any other funding scheme for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis, or prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders.

[SEC. 6. PLAN REQUIREMENTS.

[For a plan to be acceptable under section 4, the plan shall—

[(1) identify the programs to be integrated;

[(2) be consistent with the purposes of this Act authorizing the services to be integrated into the project;

[(3) describe a comprehensive strategy that identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the tribe's service area;

[(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan;

[(5) identify the projected expenditures under the plan in a single budget;

[(6) identify the agency or agencies in the tribe to be involved in the delivery of the services integrated under the plan;

[(7) identify any statutory provisions, regulations, policies, or procedures that the tribe believes need to be waived in order to implement its plan; and

[(8) be approved by the governing body of the tribe.

[SEC. 7. PLAN REVIEW.

[(a) CONSULTATION.—Upon receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the tribe submitting the plan.

[(b) IDENTIFICATION OF WAIVERS.—The parties consulting on the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan.

[(c) WAIVERS.—Notwithstanding any other provision of law, the head of the affected Federal agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency that has been identified by the tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with the purposes of this Act or with those provisions of the Act that authorizes the program involved which are specifically applicable to Indian programs.

[SEC. 8. PLAN APPROVAL.

[(a) IN GENERAL.—Not later than 90 days after the receipt by the Secretary of a tribe's plan under section 4, the Secretary shall inform the tribe, in writing, of the Secretary's approval or disapproval of the plan, including any request for a waiver that is made as part of the plan.

[(b) DISAPPROVAL.—If a plan is disapproved under subsection (a), the Secretary shall inform the tribal government, in writing, of the reasons for the disapproval and shall give the tribe an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

[SEC. 9. FEDERAL RESPONSIBILITIES.

[(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

[(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act.

[(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

[(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

[(A) the development of a single reporting format related to the plan for the individual project which shall be used by a tribe to report on the activities carried out under the plan;

[(B) the development of a single reporting format related to the projected expenditures for the individual plan which shall be used by a tribe to report on all plan expenditures;

[(C) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

[(D) the provision of technical assistance to a tribe appropriate to the plan, delivered under an arrangement subject to the approval of the tribe participating in the project, except that a tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider; and

[(E) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting not less than 2 times during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

[(b) REPORT REQUIREMENTS.—The single reporting format shall be developed by the Secretary under subsection (a)(3), consistent with the requirements of this Act. Such reporting format, together with records maintained on the consolidated program at the tribal level shall contain such information as will—

[(1) allow a determination that the tribe has complied with the requirements incorporated in its approved plan; and

[(2) provide assurances to the Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

[SEC. 10. NO REDUCTION IN AMOUNTS.

[In no case shall the amount of Federal funds available to a participating tribe involved in any project be reduced as a result of the enactment of this Act.

[SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.

[The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, or the Secretary of Transportation, as appropriate, is authorized to take such action as may be necessary to provide for the interagency transfer of funds otherwise available to a tribe in order to further the purposes of this Act.

[SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.

[(a) Administration of Funds.—

[(1) In general.—Program funds shall be administered under this Act in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount utilized from each program) are expended on activities authorized under such program.

[(2) Separate records not required.—Nothing in this section shall be construed as requiring a tribe to maintain separate records tracing any services or activities conducted under its approved plan under section 4 to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among individual programs.

[(b) Overage.—All administrative costs under a plan under this Act may be commingled, and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes so long as the overage is used for the purposes provided for under this Act.

[SEC. 13. FISCAL ACCOUNTABILITY.

[Nothing in this Act shall be construed to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

[SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

[(a) Preliminary Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the implementation of the program authorized under this Act.

[(b) Final Report.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services in a manner consistent with the purposes of this Act.

[SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

[Any State with an alcohol and substance abuse or mental health program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, may deem appropriate to help insure the success of such program.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Alcohol and Substance Abuse Program Consolidation Act of 2002".

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with alcohol and other substance abuse problems;

(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;

(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;

(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for, technology for an automated clinical information system that incorporates clinical, as well as financial and reporting, capabilities for Indian behavioral health care programs;

(5) to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;

(6) to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs; and

(7) to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs.

SEC. 3. DEFINITIONS.

(a) In General.—In this Act:

(1) Automated clinical information system.—The term "automated clinical information system" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

(2) Federal agency.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

(3) Indian.—The term "Indian" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) Indian behavioral health care program.—The term "Indian behavioral health care program" means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

(A) mental health problems; or

(B) alcohol or other substance abuse problems.

(5) Indian tribe.—The terms "Indian tribe" and "tribe" have the meaning given the term "Indian tribe" in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b) and include entities as provided for in subsection (b)(2).

(6) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(7) Substance abuse.—The term "substance abuse" includes—

(A) the illegal use or abuse of a drug or an inhalant; and

(B) the abuse of tobacco or a related product.

(b) Indian Tribe.—

(1) In general.—In any case in which an Indian tribe has authorized another Indian tribe, an intertribal consortium, a tribal organization, or an Indian health center to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this Act, the authorized Indian tribe, intertribal consortium, tribal organization, or Indian health center shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this Act).

(2) Inclusion of other entities.—In a case described in paragraph (1), the term "Indian tribe", as defined in subsection (a)(3), shall include the additional authorized Indian tribe, intertribal consortium, tribal organization, or Indian health center.

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

(a) In General.—The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, upon receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the tribe in a manner that integrates the program services involved into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

(b) Use of Funds for Technology.—Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project carried out under subsection (a), the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for, technology for an automated clinical information system.

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in a demonstration project under a plan submitted under section 4 are—

(1) any Indian behavioral health care program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula;

(2) any Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds through competitive or other grants, if—

(A)(i) the Indian tribe has provided notice to the appropriate agency regarding the intentions of the tribe to include the Indian behavioral health care program in the plan that the tribe submits to the Secretary; and

(ii) the affected agency has consented to the inclusion of the grant in the plan; or

(B)(i) the Indian tribe has elected to include the Indian behavioral health care program in its plan; and

(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

(3) any Indian behavioral health care program under which an Indian tribe is eligible for

receipt of funds under any other funding scheme.

SEC. 6. PLAN REQUIREMENTS.

A plan of an Indian tribe submitted under section 4 shall—

(1) identify the programs to be integrated;

(2) be consistent with the purposes of this Act authorizing the services to be integrated into the demonstration project;

(3) describe a comprehensive strategy that—

(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the tribe's service area; and

(B) may include site and technology assessments and any necessary computer hardware installation and support;

(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan, including, if implemented, the manner and expected results of implementation of an automated clinical information system;

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies in the tribe to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the tribe believes need to be waived in order to implement its plan; and

(8) be approved by the governing body of the tribe.

SEC. 7. PLAN REVIEW.

(a) CONSULTATION.—Upon receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with—

(1) the head of each Federal agency providing funds to be used to implement the plan; and

(2) the tribe submitting the plan.

(b) IDENTIFICATION OF WAIVERS.—The parties consulting on the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan.

(c) WAIVERS.—Notwithstanding any other provision of law, the head of the affected Federal agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency that has been identified by the tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with—

(1) the purposes of this Act; or

(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs.

SEC. 8. PLAN APPROVAL.

(a) IN GENERAL.—Not later than 90 days after the receipt by the Secretary of a tribe's plan under section 4, the Secretary shall inform the tribe, in writing, of the Secretary's approval or disapproval of the plan, including any request for a waiver that is made as part of the plan.

(b) DISAPPROVAL.—If a plan is disapproved under subsection (a), the Secretary shall inform the tribal government, in writing, of the reasons for the disapproval and shall give the tribe an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

SEC. 9. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act.

(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

(A) the development of a single reporting format related to each plan for a demonstration project, which shall be used by a tribe to report on the activities carried out under the plan;

(B) the development of a single reporting format related to the projected expenditures for the individual plan, which shall be used by a tribe to report on all plan expenditures;

(C) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

(D) the provision of, or arrangement for provision of, technical assistance to a tribe appropriate to support and implement the plan, delivered under an arrangement subject to the approval of the tribe participating in the project, except that a tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider; and

(E) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting not less than twice during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

(b) REPORT REQUIREMENTS.—The single reporting format shall be developed by the Secretary under subsection (a)(3), consistent with the requirements of this Act. Such reporting format, together with records maintained on the consolidated program at the tribal level shall contain such information as will—

(1) allow a determination that the tribe has complied with the requirements incorporated in its approved plan; and

(2) provide assurances to the Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

SEC. 10. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to a participating tribe involved in any project be reduced as a result of the enactment of this Act.

SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.

The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, is authorized to take such action as may be necessary to provide for the interagency transfer of funds otherwise available to a tribe in order to further the purposes of this Act.

SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.

(a) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under such program.

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring a tribe to maintain separate records tracing any services or activities conducted under its approved plan under section 4 to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among individual programs.

(b) OVERAGE.—All administrative costs under a plan under this Act may be commingled, and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes so long as the overage is used for the purposes provided for under this Act.

SEC. 13. FISCAL ACCOUNTABILITY.

Nothing in this Act shall be construed to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the implementation of the program authorized under this Act.

(b) FINAL REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services in a manner consistent with the purposes of this Act.

SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

Any State with an alcohol and substance abuse or mental health program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, may determine appropriate to help ensure the success of such program.

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 210), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 18, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, September 18; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 5093, the Interior Appropriations Act; that at 11:30, there be a period for morning business until 12:30, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half under the control of the Republican leader or his designee; that at 12:30, the Senate resume consideration of H.R. 5005, Homeland security, under the previous order; further, that the live quorum with respect to the cloture motion filed earlier today be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, cloture was filed on the Lieberman substitute amendment to the Homeland Security Act. Because of that, all first-degree amendments must be filed tomorrow prior to 1 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, September 18, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 2002:

DEPARTMENT OF STATE

PETER DESHAZO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JOHN L. MORRISON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004, VICE JOHN J. PIKARSKI, JR., TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JODY A. BRECKENRIDGE, 6724
CAPT. JOHN E. CROWLEY, 5694
CAPT. LARRY L. HERETH, 6731
CAPT. RICHARD R. HOUCK, 0136
CAPT. CLIFFORD I. PEARSON, 4808
CAPT. JAMES C. VAN SICE, 3714

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CHRISTINE D BALBONI, 3649
LANCE L BARDO, 9253
CAROL C BENNETT, 3459
DENNIS D BLACKALL, 4433
MATTHEW M BLIZARD, 3968
TERRENCE W CARTER, 5502
THOMAS D CRIMAN, 0962
NORMAN L CUSTARD, 3116
KURT W DEVOE, 3934
MARK R DEVRIES, 0375
GAIL A DONNELLY, 4334
STEPHEN C DUCA, 6680
DANE S EGLI, 9435
ROBERT A FARMER, 3906
MICHAEL P FARRELL, 1733
EKUNDAYO G FAUX, 6592
GARY E FELICETTI, 1251
KENNETH D FORSLUND, 3160
SCOT S GRAHAM, 7482
MARK S GUILLORY, 0713
KURTIS J GUTH, 3341
WARREN L HASKOVEC, 3072
DAVID L HILL, 3428
VIRGINIA K HOLTZMANBELL, 9403
JAMES C HOWE, 6983
JAMES T HUBBARD, 1016
RICHARD M KASER, 3920
JONATHAN S KEENE, 5395
JUDITH E KEENE, 5304
FREDERICK J KENNEY, 4104
DANIEL A LALIBERTE, 7312
WILLIAM D LEE, 5846
DAVID L LERSCH, 1158
MARSHALL B LYTLE, 4211
JAY G MANIK, 6358
BRET K MCGOUGH, 2558
BRADLEY R MOZEE, 5080
PETER V NEFFENGER, 7652
DAVALEE G NORTON, 1886
ROBERT R OBRIEN, 0241
STEPHEN J OHNSTAD, 4543
KEVIN G QUIGLEY, 5215
ADOLFO D RAMIREZ, 1298
MICHAEL P RAND, 3153
RICHARD A RENDON, 5036
DANIEL N RIEHM, 3462
JOSEPH F RODRIGUEZ, 5302
GEORGE A RUSSELL, 2455
DAVID L SCOTT, 4085
BARRY P SMITH, 3164
CURTIS A SPRINGER, 4856
RICHARD A STANCHI, 3737
PHILIP H SULLIVAN, 2349
GERALD M SWANSON, 5780
KEITH A TAYLOR, 2082
PATRICK B TRAPP, 4240
JAMES E TUNSTALL, 9187
GEORGE P VANCE, 6383
STEVEN E VANDERPLAS, 3428

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

To be lieutenant

DAVID C. CLIPPINGER, 2208

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE W. KEEFE, 3692

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

MAURICE L. MCDOUGALD, 9849

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN R. HINSON, 5835
BRUCE A. OLSON, 7632
CLARICE J. PETERS, 1441
JOSEPH M. SCATURO, 4556

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CATHI A. KIGER, 8767
BARRY L. RICHMOND, 0118
PAUL A. STEVES, 9499
TIMOTHY R. WARRICK, 9000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAY F. DALEY, 8244
DENNIS L. FRALEY, 3934
TED H. FRANDSEN, 4256
KEVIN W. JENKINS, 3994
JAMES A. JOYCE JR., 0025
THOMAS G. KNIGHT, 3202
PAMELA J. RODRIGUEZ, 5596
RONNIE D. STUCKEY, 5336
DONNA S. WOODBY, 2424

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PAUL M. AMALFITANO, 1432
LYNN C. HAGUE, 9256
JAMES S. HOGGARD, 2939

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STEPHEN M. BLOOMER, 0737

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

THEODORE A. MICKEVICIUS, 5698

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

HUGO E. SALAZAR, 4820

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID A. SUGGS, 9683

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHANDLER P. SEAGRAVES, 7868

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ARTHUR R. STIFFEL IV, 1763

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY BALL, 7050

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ENEIN Y H ABOUL, 9160
ERIC M ACOBA, 3008
BARRY D ADAMS, 0851
HEATHER W AGUSTINES, 3868
DENNIS A ALBA JR., 5067
PAUL A ANDRE, 9304
ARTHUR C ANTHONY, 7440
WILLIAM C ASHBY, 7062
DAVID L BAILEY, 1144
FELIX A BIGBY, 8519
TRUPTI N BRAHMBHATT, 3053
ERIC H CONDEVALENTIN, 2221
ROSANNE Y CONWAY, 1298
GREGORY W COOK, 0077
CANDACE A CORNETT, 8869
CEDRIC M CORPUZ, 1251
MICHAEL F CRIQUI, 6236
WILLIAM M DENISTON, 3167
MICHAEL J DUSZYNSKI, 1136
STEPHEN C ELGIN, 5030
DAVID A ELLENBECKER, 6994
WALDO F FERRERAS, 0955
JIMMY E FRANCIS, 4786
RUTH E GOLDBERG, 5254
FRANCIS E HANLEY, 9093
JOHN E HANNON IV, 6021
DANIEL J HARDT, 8991
WILLIAM J HARTMANN, 5884
KATY M HAWKINS, 3943
BEULAH I HENDERSON, 3375
JAMES HERBST, 4549
LEE D HOEY, 3824
DENISE N HOLDRIDGE, 4445
RACELI C HULETT, 2078
MARY M HUPP, 1459
BRIAN E HUTCHISON, 1890
BRIAN T IVEY, 9912
TINA M JANGEL, 8978
SUSAN M JAY, 2449

GERALD H KAFORSKI JR., 9945
JASON R KELTNER, 2779
LISA K KENNEMUR, 4339
MICHAEL N LANE, 7589
ROBERT J LESLIE, 1959
MARC C LEWIS, 2037
JAMIE M LINDLY, 1481
LOUKIA D LOUKOPOULOS, 3174
MICHAEL G LUTTE, 8943
JAMES J LYNCH, 9304
RALPH J MARRO, 1765
DAVID M MARTIN, 2470
PAUL C MILLER, 5995
KRISTEN L MOE, 8494
MICHAEL M MONTOYA, 9596
SHEILA J MOSELEY, 3469
SARAH M NEILL, 0666
KELLEY A NEWMAN, 7088
RONALD J NORRA, 4119
CHRISTOPHER J ODONNELL, 1685
CHARLES E OLSON, 3460
RANDALL R OWENS, 9247
RENE A PACHUTA, 3916
HAE A PARK, 0144
JAMES E PATREY, 0204
DAN K PATTERSON, 6071
ELENA M PREZIOSO, 4630
SHUSMITA H RAHMAN, 6504
TIMOTHY R RICHARDSON, 6410
ALAN M ROSS, 1400
JULIE L RUDDY, 7370
JERRY N SANDERS JR., 6178
MARK A SCHIFFNER, 1576
BERET A SKROCH, 4604
JASON E SPENCER, 3123
ROHINI SURAJ, 4578
MARK A SWEARNGIN, 2909
ERIC R TIMMENS, 9577
JOY E TIMMENS, 3643
CONNIE L TODD, 6476
BRIAN G TOLBERT, 1869
SHANE A VATH, 2329
JUDITH M WALKER, 2314
HERLENA O WASHINGTON, 4395
LAURA L V WEGEMANN, 1530
DEBORAH D WHITE, 9942
MICHAEL WHITECAR, 7313
BYRON C WIGGINS, 3291
GERARD J WOELKERS, 0812
DEBRA L YNIGUEZ, 4706
KIMBERLY A ZUZELSKI, 4601

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTOPHER H BERKERS, 5502
ROBIN T BINGHAM, 6665
MARK R BOONE, 2291
STEVEN A BROFSKY, 1043
MICHAEL C CABASSA, 4156
LEWIS T CARPENTER, 9534
DAVID F CHACON, 6486
TERENCE CHAN, 6482
LOUIS H DELAGARZA, 5332
MADELYN GAMBREL, 5485
TODD C GRAMBAU, 8481
STEPHENIE L HEDSTROM, 2567
ROBERT S HEMPERLY, 3359
DAVID JIN, 8440
GRACE L KEY, 3674
IVETTA M MACLIN, 6076
TODD D MILLER, 0885
TROY R NAPIER, 4447
MATTHEW C NEUMANN, 4190
SHAWN P OBANNON, 4883
VICTOR R ORAMAS, 3283
LAMAR C ORTON, 0697
JOSE G PEDROZA, 2190
SUZANNE D RIMMER, 7294
KOICHI SAITO, 0565
MARTHA L SIRUS, 5374
COURTNEY L STAADECKER, 6090
BUFFY STORM, 1190
TRENEICE L WICKS, 1693
KIMBERLY A WILLIAMS, 1162
RICHARD L ZIMMERMANN, 2966

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID R BROWN, 7386
CARL H FARMER, 1767
ROBERT J FITKIN, 9722
STANLEY W FORNEA, 6946
JEFFREY T HAN, 0976
DEAN L HOELZ, 2728
DWIGHT A HORN, 1938
CARL P KOCH, 6100
JOHN S KROENER, 1223
PATRICK J LAUTENBACH, 0118
MARCUS E LAWRENCE, 6158
MARC A MCDOWELL, 3844
GEORGE J MENDES, 2273
WILLIAM E MIDDLETON, 3195
VINSON W MILLER, 0564
JEFFREY S MILNE, 6388
JAMES H PITTMAN, 7897
TIMOTHY B POWELL, 7716
JASON L RIGGS, 9102
DAVID D SCHILLING, 6117
GREG T SCHLUTER, 7127
ANDREW P SHOLTES, 2160
STEVEN L SOUDERS, 6781
WILLIAM D STALLARD, 8755
LOFTEN C THORNTON, 8125
ROBERT J VANCE, 8907
ANDREW A WADE, 5393
DARRELL J WESLEY, 6868
TIMOTHY R WHITE, 5182
GEORGE B YOUNGER, 9067

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON SEPTEMBER 17, 2002, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

JOHN RODERICK DAVIS, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HENRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE E. GORDON GEE, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON MAY 6, 2002.

HOUSE OF REPRESENTATIVES—*Tuesday, September 17, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. KERNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 17, 2002.

I hereby appoint the Honorable BRIAN D. KERNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1777. An act to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH) for 5 minutes.

TARIFFS ON STEEL IMPORTS

Mr. SMITH of Michigan. Mr. Speaker, I am going to make some comments on the tariff on steel imports. President Bush approved the new tariffs on steel imports, I think to help give the steel industry and our American steelworkers a chance to make changes so that they might compete in the long term. I suspect the President, who as a young man did physical work in the oil fields, wanted to give a chance to save some of the jobs of the people that do the hard physical work in the steel industry.

However, the high tariff restrictions on steel imports have turned out to be a mistake with a potential of losing more jobs than they save. The price of steel in the United States has risen since March by 30 to 50 percent. In addition to the large price increases, there has been a reduction in the amount of steel available. This has made it impossible for many steel-consuming industries to find sufficient supplies of steel. Domestic steel producers have in many cases reneged on long-term contracts now that the steel prices have leaped, with the result that the consuming industries have been forced to pay higher than agreed-on prices or have been forced into the volatile spot market for steel.

This has harmed American workers in a number of ways. First, some American producers lose out because they are now competing with foreign companies that have access to cheaper steel. Their products become relatively more expensive because the steel in them costs our American producers more.

Second, many American firms have had trouble securing supplies of steel sufficient in quantity to keep that factory operating. I have had layoffs in my district because plants have closed for lack of steel.

Third, it gives American firms a powerful incentive to move production out of the United States to foreign plants where steel is available at the lower world market price. This is so that they can compete, so that they can survive as a company.

There are 57 workers employed in steel-using companies for every one worker in the steel-making industry. Steel-using industries account for more than 13 percent of gross domestic product, while the steel industry accounts for about one half of 1 percent. Thus, the steel tariff has threatened many more jobs than it has protected.

The Bush administration has recognized some of the distress that the steel tariffs are causing. It has issued rulings that exclude 727 products from the tariff. And, of course, this has set off a frenzy of lobbying as some of the steel-using companies angle for exemptions. This causes distortions not only in the price of domestic and foreign producers but between competing domestic producers as well.

Finally, the steel tariff encourages retaliation from our trading partners. The European Commission is now threatening retaliatory tariffs of 100 percent on a 22-page list of goods ranging from rice to grapefruit to shoes, brassieres, nuts, bib overalls, billiard tables, ballpoint pens, et cetera. The Japanese are also drawing up their steel payback list. Steel-exporting Russia has already retaliated by fencing out U.S. chicken. Hopefully that is going to be resolved.

We can ask if the tariff has done that much for the steel industry. Over the past 30 years, the Federal Government has been implementing policies to keep the steel industry in business despite its inefficiencies. These policies include voluntary quotas, antidumping, countervailing duty measures. Some of the companies have moved up and are now competitive, but much of the industry, instead of resulting in a stronger manufacturing efficiency, these policies have allowed companies to continue with production methods and labor contracts that keep it perpetually at the risk of dissolution.

Standard and Poor, for example, did not seem optimistic with the President's decision and responded to the tariffs by refusing to raise the industry's credit ratings.

The steel tariff has turned out to be a mistake that is harming many industries both in my State of Michigan and across the country. It is having the result of losing American jobs. We need to repeal this kind of tariff restriction to allow our steel-using companies to be competitive. We need to start reviewing the kind of overzealous regulations and overzealous taxation that we have put on our steel industry and we need to assist in research and technology to help allow them to be more competitive in an international market.

SPIRALING PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore (Mr. KERNS). Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I came to the floor today to talk about the high cost of prescription drugs, which I will, but I am moved to respond for a moment to my friend from Michigan. He should visit some of the Northeast Ohio steel mills that have run into incredible problems because of unfair foreign competition and what it has meant to jobs in communities like Lorraine and Cleveland and Warren, Ohio, and other places because of dumped foreign, illegally dumped steel. And while some applauded the President's actions back several months

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ago, we certainly do not applaud the President selling out the steel industry after making sort of a head-fake in a political way that he is supporting the industry, and now has gone around the world promising other countries and reducing and in many cases revoking some of the tariffs that clearly have made the steel industry put in a more competitive position and in a more level playing field.

Mr. Speaker, industry experts predict that premiums for employer-sponsored health insurance will jump 13 to 24 percent next year, the third straight year of double-digit increases. What is driving the increased premiums? Mostly it is spiraling prescription drug costs.

In response to the public's outrage at astronomical drug prices, the brand name drug industry says, Not to worry, prescription drugs actually save money by reducing health care costs. If they were more reasonably priced, that would be the case. There is no doubt that prescription medicines can reduce disability, prevent illness, and help alleviate the need for other health care services. Unfortunately, drugs are priced so outrageously high that costs associated with their increased use far outstrip any offsetting savings that might accrue. They are priced so high that millions of seniors cannot afford them, and other Americans, too. Even a miracle cure is worthless if people cannot have access to it.

Skyrocketing drug prices are jeopardizing employer-sponsored health insurance, undercutting the financial security of seniors, and absorbing an enormous share of the Federal and State taxes devoted to health care.

Something has to give. The first step is the most obvious. Brand name drug industries exploiting loopholes in the law to block lower-priced generic drugs from even getting into the market, we can stop that. Generic drugs are identical to their brand name counterparts except for price. Generics are typically 70 to 80 percent less expensive than their brand name equivalent.

In some cases the price differential is even greater. The anti-anxiety drug Vasotec sells for $180 per prescription. The generic costs $55, a savings of $125.

Consumers lose millions in potential savings when brand name companies block their competitors from entering the market. As a matter of fact, the Congressional Budget Office estimates consumers would save $60 billion in the next 10 years if Congress would close the legal loopholes that drug companies use to scam the patent system.

Under current law, for instance, FDA suspends generic drug approvals for 2½ years the moment a brand name drug company sues for patent infringement. By attaching new and often unrelated patents to an existing drug right before its original patent expires, brand name companies have been able to repeatedly get a 30-month addition lengthening of their patent.

The drug industry ties up generic drug approvals in the courts by repeatedly challenging the methods the FDA uses to ensure that the generic and the brand product are equivalent. The CBO estimates that consumers will lose $60 billion, as I said, due to these delaying tactics. That is how much consumers will save if Congress and the President do the right thing.

The Federal Trade Commission, the Patent and Trademark Office, and the President have acknowledged the need to address inappropriate delays in access to lower-priced generic products.

The other body passed by an overwhelming margin legislation to close the loopholes and deliver long overdue relief to American consumers. The House of Representatives should pass it, too.

There are three pieces of legislation, each of which would close the loopholes. They are not partisan. They are not radical. And, realistically, they are not a panacea. But any one of them, if passed by this Congress and signed by the President, will force the drug industry to clean up its act, will get generic competition into the marketplace, will save consumers tens of billions of dollars.

I urge Republican leadership, which has stood in the way of this because of their closeness to the drug industry, I urge Republican leadership to give Members the opportunity to debate and vote on one of these bills in time to get a product to the President's desk.

Members of both sides of the aisle recognize that it is time to do something about runaway prescription drug costs. Removing unjustifiable barriers to lower-priced medicines is a logical step. Given the havoc that runaway drug prices are wreaking on this Nation, on all people, but especially on America's seniors, it should be an imperative.

CELEBRATING THE 215th ANNIVERSARY OF THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, it is Constitution Day in America, which may sound boring for some, their eyes may glaze over, but not for me in my house.

It was on this day, Mr. Speaker, 215 years ago that all 12 State delegations approved at the Constitutional Convention what was to become the Constitution of the United States. Think about that, 215 years ago. If we reckon a life is 75 years, Mr. Speaker, it was scarcely 3 lifetimes ago which this awesome document which begins with words that have now rung through generations, through history, to inspire not only the American people, to inspire the world, were crafted and adopted. Words that begin with "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, to ordain and establish this Constitution."

It would take until June 21 of 1788 that the Constitution would become effective, Mr. Speaker, when ratified by the ninth State, New Hampshire. And then in the Spring of 1789, the government would first convene in the first Congress in Federal Hall in New York City where the 107th Congress, of which I am privileged to be a part, gathered just 10 days ago, the second time only that we have met since those very first days.

□ 1245

Three short lifetimes ago, the Federal convention convened and created a document which John Marshall, the Chief Justice of the U.S. Supreme Court, appointed by our second President, John Adams, would describe thusly: "A Constitution intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." There have been crises in those three lifetimes, Mr. Speaker.

Think of it. Seventy-five years to the day after this document was ratified, Americans would find themselves locked in the bloodiest battle in American history. September 17, 1862, outside Sharpsburg, Maryland, would be the battle of Antietam on this very day; and there, as much as anything, they were fighting over this document. They were fighting over a vision of a Union that would be preserved.

Seventy-five years from that day it would be September 17, 1937, and war was gathering in Europe, a dictator unchecked expanding his borders, violating international convention, and 75 years would pass and those experiences resonate with our experiences today.

Three short lifetimes ago, our founders bequeathed to us a document that has been the inspiration of the world, written most assuredly, Mr. Speaker, by the hand of man, men with feet of clay, very human in every sense of the word, but as we embrace the realities of these 215 years and how this great Republic, this great representative democracy has inspired the world, we can be certain of this, that while it was written by the hand of men, they were most certainly guided by providence to offer this gift to their posterity and to the entire world.

So I thought it imperative today, Mr. Speaker, that we gather to remember the accomplishment of three short lifetimes ago, the Constitution of the United States of America, and may it be said as equally as it is today when four short lifetimes have passed that we will gather in this same place, that we will celebrate the liberties ensconced in the Constitution and in the Bill of Rights; and may it be our prayer in our lifetimes to pass along this great document and these great traditions as adequately and as ably as our forebears have passed it onto us on this Constitution Day, 2002.

PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. KERNS). Pursuant to the order of the House of January 23, 2002, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, there is a consensus among Members of Congress, in fact, I think there is a consensus among the American people, as well as the President also says, that Medicare beneficiaries should indeed receive prescription assistance. The Congressional Budget Office has projected that the cost of providing prescription drugs to seniors will certainly be high, and it is unpredictable as to how high it will go; but they have said to how the estimate has been made in the last year, that by the year 2010 we will be 23 percent higher than what we predicted it to be, and already it is too high. Already seniors cannot afford that.

This increases the sense of reality that we cannot make long-term predictions nor can we make short-term predictions with accuracy. With that reality, what we know with the combined fact that more baby boomers are retiring among them, are retiring now, more than ever before, they are going to live longer and need more health care; and yet their reliance on Medicaid does not give them any assurance for that.

We must ensure that our seniors have the peace and security that they need to have access to affordable prescription drugs for maintenance of a quality of life.

We must also work to make sure that they do not deplete their savings and what low income they have from their retirement and their Social Security in order to provide prescription drugs. My colleagues have heard that seniors now have to make the awful election, whether they feed themselves or pay the rent or buy prescriptions that they just really need for their health; and some of them are making the decision, which is harmful to their health, of dividing their daily dosage and spreading it so it can go further.

Our seniors deserve better than that. They are the people who have worked to make our country as robust as it is. They have served our Nation in a variety of ways, have served on the military to make sure we are secure. Certainly, it is not because we do not have the technology. It is because we have not found the political will to do this.

In my district, the First Congressional District, our population of seniors continues to increase. Consider this: from 1980 through the eighties and through the nineties, from the ages of 65 to 84 increased by 31 percent. From the 1990s to 2000, there was an additional increase of some 16 percent added to that 31 percent. So we are living longer, those from the ages of 65 to 84, and also, the mean income is approximately $26,800 in my district. That does not allow a lot of flexibility of maintaining a quality of life and increasing the cost for prescription drugs and other health care.

In 1996, the average out-of-pocket costs for prescription drugs for seniors living below the poverty line was $368 for an average cost then; but now in 2000 that same index would be 2,000, $386 from 1996 to 2,000. My colleagues say, well, that is not a lot of money. That is a lot of money when the income has not gone up; and when a person retires their income is going down, not up, and the increase we give for a Social Security benefit certainly does not go into the cost of senior citizens. So we need far more money because seniors indeed are not able to have the income security to protect them. $463 is the equivalent of a mortgage payment that seniors would have to pay. They can no longer afford that.

We need to find ways in which we can help provide for them, and many adults are now having to reach back and provide for their senior parents as they are also providing for their children because their income, the retirement and the Social Security, is not sufficient.

The very least that Congress could do is to work towards bringing a prescription drug benefit that would be part of our Medicare benefit. Most elderly receive their primary health assistance through Medicare, and I would gather today if we were doing Medicare all over again we would make sure there would be a prescription drug provision. Yet Medicare does not provide any coverage for any senior's outpatient prescription drugs. We almost have to go to the hospital to be there and most seniors now have conditions that can be maintained by not doing it.

Mr. Speaker, we have an opportunity, in fact, we have an obligation, Mr. Speaker, to make sure we have a prescription drug program that works for our seniors and not put up these artificial programs that we say that the companies are going to give some rebate. They need something they can rely on. To do less would be unworthy of us as a great Nation.

PAYING FOR PRESCRIPTION DRUGS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to follow up on my two colleagues. The gentlewoman from North Carolina talked in great detail about why we need a prescription drug benefit for seniors and why it should be under Medicare as an expansion of Medicare, and my colleague from Ohio talked about the cost of prescription drugs and how the brand-name drug companies essentially have put on a program, a lobbying campaign, a very effective one to try to prevent any kind of changes in the law that would allow for generic drugs or other kinds of measures that would reduce costs, not only for seniors but for all Americans; and I think those two discussions by my colleagues really are at the heart of the issue.

When it comes to prescription drugs, we need a benefit program under Medicare for senior citizens and those eligible for Medicare; and at the same time, we need to address the issue of costs and bring down costs for all Americans because increasingly more and more people cannot afford to pay for prescription drugs and go without. And I also add, the real problem here is the brand-name drug companies. They are artificially keeping the price of prescription drugs high in order to make even more profit than they would normally make.

Let me say, the Democrats in the House of Representatives, my colleagues on the Democratic side, have proposed an answer to both of these problems, both to the benefit and to the costs. At the time when the Republicans and the Republican leadership were trying to move a prescription drug bill that would simply privatize the program and say, well, we will give people some money, senior citizens, and maybe they can go out and buy a prescription drug policy in the private sector.

The Democrats were saying that would not work, and we came up with a prescription drug program under Medicare. We basically said that just like under Medicare now, they can pay so much per month in a premium to get their doctor bills paid. Most seniors pay a premium, so much per month under what is called part B of Medicare; and after the first $100 deductible, 80 percent of the costs of their doctor bills are paid for by the Federal Government. We propose, as Democrats, doing the same thing with prescription drugs. A senior would pay about a $25 per-month premium. They would have a $100 deductible for the first $100 in drugs; and after that, 80 percent of the costs would be paid for by the Federal Government for all the prescription drug needs up to $2,500 a year, at which time everything would be paid for at 100 percent by the Federal Government.

What we did in our Medicare benefit program in our proposal, by contrast to the Republicans, is we said the Secretary of Health and Human Services would be mandated to negotiate lower prices for all the seniors that were in the Medicare program, about 30 to 40 million seniors. Following up on what the Federal Government does with the Veterans Administration or with the military, we said the Secretary of Health and Human Services would be mandated to bring down costs for prescription drugs in the Medicare program because he would have the power to negotiate. We estimate that would bring down the cost of prescription drugs maybe 30, 40 percent over what they are now.

The Republicans totally rejected the idea of expanding Medicare to include prescription drugs. They just want people to go out and buy their own private health insurance, and they put in their bill which passed the House of Representatives that the head of the Medicare program or the head of the prescription drug program that they were proposing would not have any authority to negotiate price reductions, in fact, would be forbidden from doing so.

Why are they doing this? They are doing this because they do not want anything to negatively impact the drug companies. What the drug companies have been doing in this House of Representatives is very clear. From the very beginning they were giving huge amounts of money to the Republicans. They had a big fund raiser for them one night a couple of months ago when we were actually having these bills in committee being marked up, when they wrote the bill, the Republican bill, to make sure it was not an expansion of Medicare and did not impact costs in any way for drugs; and then they started putting up ads on TV where they promoted the Republican candidates for Congress or the Republican incumbents who voted for their own drug bill and said that people should vote for them because they are doing a very good job and providing people with a prescription drug benefit, which is simply not true.

We heard that this year United Seniors, which is basically a front for PHARMA, for the prescription name drug industry has pumped another 10, or I do not know how many, millions of dollars into an ad campaign. The bottom line is that the drug companies are going to do whatever they can with their Republican allies in Congress to make sure the issue of price is not addressed.

What are the Democrats saying about price? We heard my colleague from Ohio. He has introduced a bill similar to what passed the Senate that basically tries to encourage generic drugs by eliminating some of the barriers that the name-brand drug companies have put in place that make it more difficult under the patent system for generic drugs to come to market.

□ 1300

Mr. Speaker, we can address this in so many ways, but we have to get to the cost issue; otherwise we are not going to get to the problem.

RECESS

The SPEAKER pro tempore (Mr. KERNS). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 1 minute p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, You are our light and our salvation. In Your hands is the faith of this Nation, for we place all our trust in You.

You claim the hearts of the powerful. Bestow Your wisdom upon the Members of the House of Representatives, that they may draw from the foundation of Your counsel and place You in all their thoughts and deeds.

The many talents of these women and men in government reflect Your splendor and manifest the diversity of this Nation. May their work today give the world hope and joy. For You are Lord of all and work through all, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maryland (Mrs. MORELLA) come forward and lead the House in the Pledge of Allegiance.

Mrs. MORELLA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

JAMES D. BENOIT AND WAN SOOK BENOIT

The Clerk called the Senate bill (S. 1834) for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

There being no objection, the Clerk read the Senate bill as follows:

S. 1834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT TO PAY CLAIMS.

(a) PAYMENT REQUIRED.—The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James D. Benoit and Wan Sook Benoit, jointly, the sum of $415,000, in full satisfaction of all claims described in subsection (b), such amount having been determined by the United States Court of Federal Claims as being equitably due the said James D. Benoit and Wan Sook Benoit pursuant to a referral of the matter to that court by Senate Resolution 129, 105th Congress, 1st session, for action in accordance with sections 1492 and 2509 of title 28, United States Code.

(b) COVERED CLAIMS.—Subsection (a) applies with respect to all claims of the said James D. Benoit, Wan Sook Benoit, and the estate of David Benoit against the United States for compensation and damages for the wrongful death of David Benoit, the minor child of the said James D. Benoit and Wan Sook Benoit, pain and suffering of the said David Benoit, loss of the love and companionship of the said David Benoit by the said James D. Benoit and Wan Sook Benoit, and the wrongful retention of remains of the said David Benoit, all resulting from a fall sustained by the said David Benoit, on June 28, 1983, from an upper level window while occupying military family housing supplied by the Army in Seoul, Korea.

SEC. 2. LIMITATION ON USE OF FUNDS FOR ATTORNEYS' FEES.

No part of the amount appropriated by section 1 in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANISHA GOVEAS FOTI

The Clerk called the bill (H.R. 2245) for the relief of Anisha Goveas Foti.

There being no objection, the Clerk read the bill as follows:

H.R. 2245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ANISHA GOVEAS FOTI.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Anisha Goveas Foti shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Anisha Goveas Foti enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Anisha Goveas Foti, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

THE NIH SECURITY ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, today I am introducing the critically important National Institutes of Health Security Act.

After September 11, Congress authorized a 322-acre biomedical research facility to bolster its security by doubling its police ranks from 64 officers to 108. This decision was made by U.S. intelligence experts who determined that the NIH campus is vulnerable and a potential target for terrorist attack, infiltration or theft of protected materials and research. Unfortunately, the force has never come close to reaching those numbers due to the current pay and retirement system. NIH police are one of the lowest paid in the Washington metropolitan area. Making matters worse, NIH police are not classified as Federal "law enforcement officers," and are thereby denied the superior retirement benefits that distinction affords. The result is in low retention of officers, difficulty with recruitment. Without retirements included, there exists a 77 percent attrition rate at NIH yearly.

Due to the severity of the situation and the resources that NIH protects, I am introducing legislation that would allow NIH to bolster its security force. This bill would add no additional cost to the Federal Government. It would simply allow some long overdue flexibility to be used by NIH.

Without these changes, we are undoubtedly allowing a prime target to remain vulnerable to terrorists.

I want to recognize NIH law enforcement personnel, specifically Clyde Bartz and the Fraternal Order of Police, for raising my awareness of this issue.

HONORING ENLACE AND GUILLERMINA GARCIA FOR THEIR CONTRIBUTIONS TO EDUCATION

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to commend the parents and volunteers who participated in the first Annual Walk for Success, sponsored by ENLACE, to raise the awareness of the importance of registering for school.

I would especially like to honor one mother in particular, Guillermina Garcia, for her dedication to her family and to the community. Like many Americans, Guillermina dreams of sending her children to college, and she wants her friends and neighbors to aspire to this lofty goal also.

Despite the many hardships that she faces, Mrs. Garcia finds the time to walk throughout her community door to door and to talk with parents about becoming more involved in their children's education.

Mrs. Garcia also finds time to attend a weekly math class which teaches her how to play games with her children to help them with math. Through her actions she has proven herself to be a role model for her children and for our community.

I would like to congratulate Mrs. Guillermina Garcia and the ENLACE organization for working to educate Orange County residents about educational opportunities.

PASS H.R. 5272 TO LOWER DRUG PRICES

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, according to industry experts, health insurance premiums will jump 13 to 24 percent next year. What is driving this increase? Mostly the cost of prescription drugs.

To deflect attention from these remarkably high prices, the drug industry argues that prescription medicines actually save money by reducing health care costs. If they were more reasonably priced, that might be true. There is no doubt that medicine helps alleviate the need for other health care services. But prescription drugs are priced so outrageously high that their inflationary impact far outstrips any savings. Skyrocket insurance premiums simply do not lie.

There is no excuse for the drug industry's pricing practices. There is no excuse for the tactics drug makers use to block lower-priced generic drugs from the market. There is no excuse for the drug makers' lobbying tactics to try to kill our legislation.

This body must act on H.R. 5272, legislation that will stop the gaming and deliver lower drug prices to the American people, an estimated $60 billion in savings.

I urge House Republican leadership, all too often too close to the drug industry, to bring this consumer savings bill up for a vote before Columbus Day.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 13, 2002 at 4:43 p.m.

That the Senate passed without amendment H.R. 5157.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed motions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

WOMEN'S HEALTH OFFICE ACT OF 2002

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1784) to establish an Office on Women's Health within the Department of Health and Human Services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Health Office Act of 2002".

SEC. 2. HEALTH AND HUMAN SERVICES OFFICE ON WOMEN'S HEALTH.

(a) ESTABLISHMENT.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"HEALTH AND HUMAN SERVICES OFFICE ON WOMEN'S HEALTH

"SEC. 229. (a) ESTABLISHMENT OF OFFICE.—The Secretary shall establish through the last date for which appropriations are authorized under subsection (e), within the Office of the Secretary, an Office on Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a Deputy Assistant Secretary for Women's Health.

"(b) DUTIES.—The Secretary, acting through the Office, with respect to the health concerns of women, shall—

"(1) establish short-range and long-range goals and objectives within the Department of Health and Human Services and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Department that relate to disease prevention, health promotion, service delivery, research, and public and health care professional education, for issues of particular concern to women;

"(2) provide expert advice and consultation to the Secretary concerning scientific, legal, ethical, and policy issues relating to women's health;

"(3) monitor the Department of Health and Human Services' offices, agencies, and regional activities regarding women's health and stimulate activities and facilitate coordination of such departmental and agency offices on women's health;

"(4) establish a Department of Health and Human Services Coordinating Committee on Women's Health, which shall be chaired by the Deputy Assistant Secretary for Women's Health and composed of senior level representatives from each of the agencies and offices of the Department of Health and Human Services;

"(5) establish a National Women's Health Information Center to—

"(A) facilitate the exchange of information regarding matters relating to health information, health promotion, preventive health services, research advances, and education in the appropriate use of health care;

"(B) facilitate access to such information;

"(C) assist in the analysis of issues and problems relating to the matters described in this paragraph; and

"(D) provide technical assistance with respect to the exchange of information (including facilitating the development of materials for such technical assistance);

"(6) coordinate efforts to promote women's health programs and policies with the private sector; and

"(7) through publications and any other means appropriate, provide for the exchange of information between the Office and recipients of grants, contracts, and agreements under subsection (c), and between the Office and health professionals and the general public.

"(c) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) AUTHORITY.—In carrying out subsection (b), the Secretary may make grants to, and enter into cooperative agreements, contracts, and interagency agreements with, public and private entities, agencies, and organizations.

"(2) EVALUATION AND DISSEMINATION.—The Secretary shall directly or through contracts with public and private entities, agencies, and organizations, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) and for the dissemination of information developed as a result of such projects.

"(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.".

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Office on Women's Health (established under section 229 of the Public Health Service Act, as added by this section), all functions exercised by the Office on Women's Health of the Public Health Service prior to the date of enactment of this section, including all personnel and compensation authority, all delegation and assignment authority, and all remaining appropriations. All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions that—

(1) have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions transferred under this subsection; and

(2) are in effect at the time this section takes effect, or were final before the date of enactment of this section and are to become effective on or after such date;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

SEC. 3. CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN'S HEALTH.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN'S HEALTH

"SEC. 310A. (a) ESTABLISHMENT.—The Secretary shall establish through the last date for which appropriations are authorized under subsection (f), within the Office of the Director of the Centers for Disease Control and Prevention, an office to be known as the Office of Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Director of such Centers.

"(b) PURPOSE.—The Director of the Office shall—

"(1) report to the Director of the Centers for Disease Control and Prevention on the current level of the Centers' activity regarding women's health conditions across, where appropriate, age, biological, and sociocultural contexts, in all aspects of the Centers' work, including prevention programs, public and professional education, services, and treatment;

"(2) establish short-range and long-range goals and objectives within the Centers for women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Centers that relate to prevention, research, education and training, service delivery, and policy development, for issues of particular concern to women;

"(3) identify projects in women's health that should be conducted or supported by the Centers;

"(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on the policy of the Centers with regard to women; and

"(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4)).

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (referred to in this subsection as the 'Coordinating Committee').

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors of the national centers and other appropriate officials of the Centers for Disease Control and Prevention.

"(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

"(4) DUTIES.—With respect to women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for programs and activities that focus on women's health;

"(B) identifying needs regarding the coordination of activities, including intramural and extramural multidisciplinary activities; and

"(C) making recommendations to the Director of the Centers for Disease Control and Prevention concerning findings made under subparagraphs (A) and (B).

"(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Director of the Office shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

"(e) DEFINITION.—As used in this section, the term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means diseases, disorders, and conditions—

"(1) unique to, significantly more serious for, or significantly more prevalent in women; and

"(2) for which the factors of medical risk or type of medical intervention are different for women.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.".

SEC. 4. AGENCY FOR HEALTHCARE RESEARCH AND QUALITY ACTIVITIES REGARDING WOMEN'S HEALTH.

Part C of title IX of the Public Health Service Act (42 U.S.C. 299c et seq.) is amended—

(1) by redesignating sections 927 and 928 as sections 928 and 929, respectively;

(2) by inserting after section 926 the following:

"SEC. 927. ACTIVITIES REGARDING WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—The Director shall designate an official of the Office of Priority Populations to carry out, through the last date for which appropriations are authorized under section 928(e), the responsibilities described in this section for such official.

"(b) PURPOSE.—The official designated under subsection (a) shall—

"(1) report to the Director on the current Agency level of activity regarding women's health, across, where appropriate, age, biological, and sociocultural contexts, in all aspects of Agency work, including the development of evidence reports and clinical practice protocols and the conduct of research into patient outcomes, delivery of health care services, quality of care, and access to health care;

"(2) establish short-range and long-range goals and objectives within the Agency for research important to women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Agency that relate to health services and medical effectiveness research, for issues of particular concern to women;

"(3) identify projects in women's health that should be conducted or supported by the Agency;

"(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on Agency policy with regard to women; and

"(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4)).

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the official designated under subsection (a) shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (referred to in this subsection as the 'Coordinating Committee').

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the official designated under subsection (a) and the directors of the centers and offices of the Agency.

"(3) CHAIRPERSON.—The official designated under subsection (a) shall serve as the Chairperson of the Coordinating Committee.

"(4) DUTIES.—With respect to research on women's health, the Coordinating Committee shall assist the official designated under subsection (a) in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities; and

"(C) making recommendations to the Director of the Agency concerning findings made under subparagraphs (A) and (B).

"(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the official designated under subsection (a) shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared."; and

(3) by adding at the end of section 928 (as redesignated by paragraph (1)) the following:

"(e) WOMEN'S HEALTH.—For the purpose of carrying out section 927 regarding women's health, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.".

SEC. 5. HEALTH RESOURCES AND SERVICES ADMINISTRATION OFFICE OF WOMEN'S HEALTH.

Title VII of the Social Security Act (42 U.S.C. 901 et seq.) is amended by adding at the end the following:

"OFFICE OF WOMEN'S HEALTH

"SEC. 713. (a) ESTABLISHMENT.—The Secretary shall establish through the last date for which appropriations are authorized under subsection (f), within the Office of the Administrator of the Health Resources and Services Administration, an office to be known as the Office of Women's Health. The Office shall be headed by a director who shall be appointed by the Administrator.

"(b) PURPOSE.—The Director of the Office shall—

"(1) report to the Administrator on the current Administration level of activity regarding women's health across, where appropriate, age, biological, and sociocultural contexts;

"(2) establish short-range and long-range goals and objectives within the Health Resources and Services Administration for women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Administration that relate to health care provider training, health service delivery, research, and demonstration projects, for issues of particular concern to women;

"(3) identify projects in women's health that should be conducted or supported by the bureaus of the Administration;

"(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on Administration policy with regard to women; and

"(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4) of the Public Health Service Act).

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (referred to in this subsection as the 'Coordinating Committee').

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors of the bureaus of the Administration.

"(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

"(4) DUTIES.—With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for programs and activities that focus on women's health;

"(B) identifying needs regarding the coordination of activities, including intramural and extramural multidisciplinary activities; and

"(C) making recommendations to the Administrator concerning findings made under subparagraphs (A) and (B).

"(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Director of the Office shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

"(e) DEFINITIONS.—For purposes of this section:

"(1) ADMINISTRATION.—The term 'Administration' means the Health Resources and Services Administration.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Health Resources and Services Administration.

"(3) OFFICE.—The term 'Office' means the Office of Women's Health established under this section in the Administration.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.".

SEC. 6. FOOD AND DRUG ADMINISTRATION OFFICE OF WOMEN'S HEALTH.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 908. OFFICE OF WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—The Secretary shall establish through the last date for which appropriations are authorized under subsection (e), within the Office of the Commissioner, an office to be known as the Office of Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Commissioner of Food and Drugs.

"(b) PURPOSE.—The Director of the Office shall—

"(1) report to the Commissioner of Food and Drugs on current Food and Drug Administration (referred to in this section as the 'Administration') levels of activity regarding women's participation in clinical trials and the analysis of data by sex in the testing of drugs, medical devices, and biological products across, where appropriate, age, biological, and sociocultural contexts;

"(2) establish short-range and long-range goals and objectives within the Administration for issues of particular concern to women's health within the jurisdiction of the Administration, including, where relevant and appropriate, adequate inclusion of women and analysis of data by sex in Administration protocols and policies;

"(3) provide information to women and health care providers on those areas in which differences between men and women exist;

"(4) consult with pharmaceutical, biologics, and device manufacturers, health professionals with expertise in women's issues, consumer organizations, and women's health professionals on Administration policy with regard to women;

"(5) make annual estimates of funds needed to monitor clinical trials and analysis of data by sex in accordance with needs that are identified; and

"(6) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4) of the Public Health Service Act).

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Women's Health (referred to in this subsection as the 'Coordinating Committee').

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors of the centers of the Administration.

"(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

"(4) DUTIES.—With respect to studies on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying whether there is a need for further studies and, if so, developing strategies to foster such studies;

"(B) identifying issues in specific areas of women's health that fall within the mission of the Administration;

"(C) identifying whether any need exists for the coordination of Administration activities, including internal and external activities;

"(D) maintaining the Administration's focus in areas of importance to women;

"(E) supporting the development of methodologies to determine how to obtain data specific to women (including data relating to the

age of women and the membership of women in ethnic or racial groups); and

"(F) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function.

"(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Director of the Office shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.".

SEC. 7. NO NEW REGULATORY AUTHORITY.

Nothing in this Act and the amendments made by this Act may be construed as establishing regulatory authority or modifying any existing regulatory authority.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1784.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will consider H.R. 1784, the Women's Health Office Act of 2002. I would like to take a moment to sincerely thank our colleague, the gentlewoman from Maryland (Mrs. MORELLA), for her tireless, tireless support of this bill, which ensures that our key public health agencies continue working together, and that is greatly to be emphasized, continue working together, to address the unique health needs of women.

President George H.W. Bush created the Office of Women's Health at the Department of Health and Human Services to improve the health of American women by advancing and coordinating a comprehensive women's health agenda throughout the department.

The Office of Women's Health, OWH, is the government's champion and focal point for women's health issues, and works to address inequities in research, health care services and education. Furthermore, the Office of Women's Health encourages women to take personal responsibility for their own health and wellness. H.R. 1784 provides statutory authority for this office.

This legislation, Mr. Speaker, also authorizes four additional offices of women's health at the Centers for Disease Control and Prevention, at the Agency for Healthcare Research and Quality, at the Health Resources and Services Administration, and at the Food and Drug Administration. A coordinating committee will be created within each of these offices to identify the need for programs, activities and research that focus on women's health.

Congress can and should play an active role in promoting women's health research and prevention measures. This measure will create an infrastructure within HHS that will help the department better focus its energies on women's health, and I urge all Members to join me in supporting passage of this important legislation. H.R. 1784 will improve the health of all women.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I begin by thanking my friend, the gentleman from Florida (Mr. BILIRAKIS), for his support and interest in this legislation. I am pleased we are considering the Women's Health Office Act passed out of our subcommittee and then passed the full committee also. I applaud the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. MALONEY) for their involvement in this issue.

Certain diseases and conditions, as we know, as we finally address, exclusively affect women, are more prevalent in women, or affect women differently. While research in women's health has traditionally been far too limited, development of a number of women's health offices in the past few years has begun to shrink that disparity.

□ 1415

The Women's Health Office Act would statutorily create offices of women's health in the Department of Health and Human Services, the Agency for Health Care Research and Quality, Health Resource and Services Administration, the Centers for Disease Control in Atlanta, and the Food and Drug Administration. These offices have committed themselves to promoting women's health. This bill will help ensure that the needs and gaps in research, policy programs, education, and training in women's health will continue to be addressed in a concerted way. I recommend, Mr. Speaker, that my colleagues support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she might consume to the gentlewoman from Maryland (Mrs. MORELLA), who is the author of this legislation and who did not just sit back, but kept pushing and pushing every time certainly she saw me in the hallways or here in this Chamber.

Mrs. MORELLA. Mr. Speaker, as the lead sponsor of this bill, H.R. 1784, the Women's Health Office Act of 2002, I must say I am delighted to be here today. I am here today with this bill with great thanks to the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Ohio (Mr. BROWN), the ranking member. Also, I would like to thank the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL).

But it is true what the gentleman from Florida has said: I have bugged him indefatigably, and I very much appreciate this important piece of legislation coming before us. I also want to thank the 96 cosponsors and the gentlewoman from New York (Mrs. MALONEY) for joining with me on this legislation. I also wanted to thank all of the hard-working organizations, the nonprofits and individuals, for their unity in working together to advance women's health and to help to bring this bill to the House floor for a vote.

Mr. Speaker, the Women's Health Office Act of 2002 will provide for permanent authorization for offices of women's health in four Federal agencies: the Department of Health and Human Services, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Food and Drug Administration.

In the Agency for Health Care Research and Quality, the bill requires the director of the agency to designate an official of the Office of Priority Populations to report to the director on activities regarding women's health.

As many of my colleagues probably know, for years our Nation's medical research community actually ignored the health concerns of women. For example, in 1989, the Congressional Caucus for Women's Issues asked the General Accounting Office to investigate the National Institutes of Health, their policy regarding the inclusion of women in clinical trials and protocols. Back then, women were routinely excluded from critically important studies on heart disease, cancer, HIV and AIDS; and it was found that diseases primarily affecting women were severely underfunded.

In its report, the GAO found that NIH had made little progress in implementing a policy that encourages the inclusion of women in research populations. So the women's caucus then introduced the Women's Health Equity Act which, among its provisions, called for the establishment of an Office of Women's Health at NIH and a requirement that women and minorities be included whenever appropriate in research studies funded by NIH.

That fall, on the very day that Senator MIKULSKI, then Congresswoman Pat Schroeder, and I went to NIH to discuss these inequities, NIH announced that it had created an Office of Research of Women's Health. This office would ensure that greater resources were devoted to diseases primarily affecting women and ensure that women would be included in clinical trials. We in Congress subsequently codified that, and the office was signed into law by President Bush the First.

Since then, funding for breast and ovarian cancer at NCI, which is the National Cancer Institute, has more than quadrupled, and funding for osteoporosis has grown from only two osteoporosis-specific grants in the entire country in the early 1980s to more than $80 million in osteoporosis-specific grants today. Despite great strides on women's health research, we still have to be vigilant and we still must address issues that are not receiving the public attention and the research priority that they deserve.

For example, we do not understand why an estimated 75 percent of autoimmune diseases occur in women, most frequently during the child-bearing years. Hormones are thought to play a role, because some autoimmune illnesses occur more frequently after menopause; others suddenly improve during pregnancy with flare-ups occurring after delivery, while still others will get worse during pregnancy. We do not understand why more than 90 percent of those with eating disorders are women. Further, the number of American women affected by these illnesses has doubled to at least 5 million in the past 3 decades. In fact, we do not even understand why more girls are affected by autism than boys. This list continues with heart and stroke, cancer, and many more diseases.

Mr. Speaker, another area of women's health where I would like to see more efforts is this area of microbicides. Microbicides are a potential new class of products that women can use to prevent HIV infection as well as other sexually transmitted diseases. Today, the United States has the highest incidence of sexually transmitted diseases in the industrialized world. Mr. Speaker, 15.4 million Americans acquired an STD in 1999 alone. STDs cause serious, costly, even deadly, conditions for women and their children, including infertility, pregnancy complications, cervical cancer, infant mortality, and a higher risk of contracting HIV. Microbicides have the potential to save billions in health care costs. The total cost to the U.S. economy of STDs, excluding HIV infection, was approximately $8.4 billion in 1999 alone. When the cost of sexually transmitted HIV infection is included, that total rises to $20 billion.

Microbicide research and development receives less than 2 percent of the Federal AIDS research budget, and best estimates show that less than half of this amount is dedicated directly to product development. Clearly, this is not nearly enough to keep pace with the growing STD and HIV epidemics.

Mr. Speaker, it is my hope that, with passage of this bill, it will bring us closer to the day when women will no longer have to fear getting HIV and STDs.

Well, H.R. 1783 is a simple, clean bill. All it does is it provides statutory authority for offices that are already in place. These offices and programs have a very good track record. For example, heart disease is the number one killer of American women. AHRQ has funded studies to develop tools to improve diagnostic accuracy in emergency rooms and dramatically increase the timely use of clot-busting drugs in women.

AHRQ is also working to reduce the impact of breast cancer, another disease which takes a heavy toll on women. The agency is currently conducting outreach to poor and minority women who are less likely to get mammograms to ensure that they receive this critical preventive health care.

Providing statutory authorization for Federal women's health offices, as we do today, is a critical step in ensuring that women's health research continues to receive the attention that it requires in this 21st century.

So concluding, Mr. Speaker, I can say without exaggeration that women working together as patients, lawyers, advocates, medical researchers, and Members of Congress have been a powerful catalyst for the advances that we have made in the research and treatment of breast, ovarian, cervical cancer, osteoporosis and heart disease. The men have been there for us, bringing forward this bill and others that do help with the focus on health for women, as well as men and all.

So I urge my colleagues to support this legislation and programs to address the health needs of all of our citizens and the fundamental challenges posed by our Nation's health care system.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the work of the distinguished chairman and the distinguished ranking member and the bipartisan effort that has brought this bill to the floor.

I rise in strong support of the Women's Health Office Act. Anyone trying to keep track of women's health issues today is literally on a merry-go-round. The best recent example is the hormone replacement treatment quagmire, HRT. Here we had a major drug, progesterone, where a study has just shown serious health consequences for a drug that was being administered to millions of women to promote serious health benefits. I mean, that is just how complicated it is. But that is the nature of the women's health beast. And we do not need to make it more complicated than it already is. Having multiple offices that do not relate one to another with no statutory imprimatur makes it more complicated than it really is.

Speaking of complications, what I think these offices help us to do is to face the fact that females are a particularly complicated organism. Throughout her life, a woman emerges as diametrically opposed to what she once was. A woman of child-bearing age is the opposite of the menopausal woman she shall become.

Now, I have not even got to the differences between women and men. If we are dealing with these kinds of complications in a single human being, we have to figure out ways to make sure that what happens to her health is as good as it gets, or as good as we can get it.

Because of such complications, the bipartisan women's caucus successfully fought, for example, to have medical and scientific studies that included women and not only men, because not including women had terrible consequences for us. That is one of the reasons that the average American woman today does not know that heart disease is the number one killer of women, because these studies, this information, has not been out there, because we have not paid the kind of close and coordinated attention to women's health that this bill will help to promote. It has been very important to test women differently from men when putting drugs on the market, because let us face it, women have very different chemistry.

Mr. Speaker, a year ago I signed on to a bipartisan letter asking HHS Secretary Tommy Thompson to help authorize the multiple women's offices, only one of which was statutorily authorized. The best way to do it is the permanent authorization embodied in this bill, and I strongly support it; and I ask for the support of Members of this House.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, but I will reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member; and I thank the distinguished chairman for being a leader on these issues. The chemistry between the ranking member and the chairman has presented a lot of good initiatives on this floor; and I thank them for that, because health care is American. It involves all of us. I thank the gentlewoman from Maryland (Mrs. MORELLA), and of course my colleague, the gentlewoman from New York (Mrs. MALONEY); and I announce as well that

I was very pleased to be one of the original cosponsors of this legislation.

It is important to delineate what this legislation actually does. It codifies and provides statutory authority for a women's health center in four very vital health agencies of this government, and that is, of course, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Food and Drug Administration, and the Office of Priority Populations within the Agency for Health Care Research and Quality, the lead agency for women's research.

□ 1430

But the Centers for Disease Control certainly is the key as it relates to the fighting of diseases here in the United States.

I think something else is important, as well, as we look at this legislation, that all of these agencies will be brought to bear on the complexity of women's health and will be required to identify projects in women's health that should be conducted by the particular centers.

In addition, they will be brought to bear to consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups as appropriate on the policy of the centers' work as it is regarding women.

I heard my friend and colleague, the gentleman from Ohio (Mr. BROWN), mention just a few moments ago or sometime before on the need for a guaranteed drug benefit under Medicare. I see my seniors, in particular women, as I visit with them in my district needing to have this kind of legislation.

This legislation that we are debating on the floor of the House will go a long way in helping the health of women of all ages, including those in puberty and young women of child-bearing age, now that we find that women can have children a longer period of time; and minority women in particular, who we find have the highest percentage of infections of HIV/AIDS in the United States of America.

A lot of this research, as well, can help our friends around the world, particularly developing nations, where we use now more women in clinical testing; and we can get more of the data that can be utilized by our friends around the world, particularly in our work with the United Nations.

So this is a historic occasion to begin to understand that the study of women's health should be focused. We should get one science, one consistent science, so that when there are prescriptions on certain hormone treatment, that we can have the research and the science to make sure that what we are suggesting or treating women with is the right direction to go. I applaud this legislation.

In conclusion, let me say that I have filed legislation dealing with cultural competence. It relates to this issue, and I look forward to working with the committees on this issue.

I rise in support of H.R. 1784, the Women's Health Office Act of 2002.

In the last century, the life expectancy of American women has increased by 30 years. Now we face the challenge of keeping women alive and healthy. American in the new millennium faces increasingly complex public health challenges. I stand here today, ashamed to say that thus far our nation has not taken advantage of the opportunities and advancements in medical technology to meet the goal of improved health for all Americans.

The Women's Health Office Act of 2002 amends the Public Health Services Act to establish within the Office of the Secretary of Health and Human Services an office on Women's Health, headed by a Deputy Assistant Secretary for Women's Health. In addition, the Women's Health Act requires the establishment of a Department of Health and Human Services Coordinating Committee, a National Women's Health Information Center, and requires biennial reports to Congress.

Research has established that the existence of persistent racial and socioeconomic disparities in women's health in the United States. We know that coronary disease is the leading cause of death for both men and women. But, nearly twice as many women in the U.S. die of heart disease and stroke every year as die from all types of cancer. Yet, multiple studies have shown that women are less likely than men to be referred for invasive cardiac procedures.

While the life expectancy of women in the United States has risen, as a group, African American women have a shorter life expectancy and experience earlier onset of such chronic conditions such as diabetes and hypertension. If we look at the death rates for diseases of the heart, African American women are clearly at risk with 147 deaths per 100,000. When we look at cervical cancer, we see that the incidence rate of invasive cervical cancer is higher among Asian-American women. Yet, we cannot explain the causes of these higher rates.

Disparities are perhaps most alarming when we look at HIV/AIDS. Twenty-two percent of Americans currently living with HIV are women, and 77 percent of those are African American or Hispanic. Many people are shocked to know that AIDS is the second leading cause of death among African American women age 25 to 44.

There are nearly 40 million women in America who are members of racial and ethnic minority groups. These women suffer disproportionately from premature death, disease, and disabilities. Many also face tremendous barriers to optimal health. This is a growing challenge in our nation.

The challenge is even greater when we consider the aging population. By the year 2050, nearly 1 in 4 adult women will be 65 years old or older, and an astonishing 1 in 17 will be 85 years old or older. We must ensure that our Federal agencies are in the forefront working to find solutions to the challenges our nation faces in caring for the health of our women.

The "Women's Health office Act of 2002" provides permanent authorization for offices of women's health in five federal agencies: the Department of Health and Human Services (HHS); the Centers for Disease Control and Prevention (CDC); the Agency for Health Care Research and Quality (AHRQ); the Health Resources and Services Administration; and the Food and Drug Administration (FDA).

Mr. Speaker, behind each impersonal statistic is a woman whose life is potentially at risk because of health disparities and a family that will be devastated by the loss of a mother or sister. The Women's Health Act of 2002 would be a tremendous step toward eliminating health disparities. In the last century we made improvements that expanded the lifespan of women. In this century we have the challenge of meeting the health care needs and improving the quality of life for all women.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I, too, thank the gentleman from Ohio (Mr. BROWN) for his cooperation, Mr. Speaker. Yes, even though we disagree on matters of philosophy, we do have a chemistry that works well for the legislation that is up before this House.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume, just to say that I feel the same way, to be sure.

Mrs. CHRISTENSEN. Mr. Speaker, in good conscience, I rise in support of H.R. 1784. The Women's Health Office Act of 2002 amends the Public Health Service Act to establish within the Office of the Secretary of Health and Human Services (HHS) an Office on Women's Health, headed by a Deputy Assistant Secretary for Women's Health, requires the establishment of a Department of Health and Human Services Coordinating Committee and a National Women's Health Information Center, requires biennial reports to Congress and authorizes appropriations for FY 2003 through 2007.

Women make up the largest number of Americans afflicted by so many of today's leading illness—many of which are preventable if steps are taken earlier in life through routine care and a balanced and healthy lifestyle.

Heart disease is the number one killer of American women. Although the incidence of HIV/AIDS is decreasing in white males, it has become the third leading cause of death among women ages 25 to 44 and the leading cause of death among African American women in this age group. Even more alarming is the younger ages at which infection is occurring.

As we carry out our myriad responsibilities, we have too often forsaken not only our physical health, but our mental health as well. We make up 12 percent of the U.S. population suffering from mental illness. Nearly 4.1 million women in this country currently use illicit drugs, and over 1.2 million misuse prescription drugs for nonmedical reasons.

Currently, minority women receive fewer preventive health interventions than white women. 55 percent of Asian American women, 43 percent of Hispanic women and 37 percent of African American women did not have a Pap test within the past year.

54 percent of Asian American women, 52 percent of African American women, and 51 percent of Hispanic women did not have a mammogram within the past two years. 74 percent of Hispanic women and 73 percent of Asian American women did not have a blood pressure screening within the past year; and stroke occurs at a higher rate among African American and Hispanic women compared with white women.

We in the Congressional Black Caucus, who work to close the gaps in health care and raise the health status for African Americans and People of Color, are committed to improving the health of women and all Americans.

Mr. Speaker, this bill directs the Secretary of HHS to establish within the Office of the Director of the Centers for Disease Control and Prevention the Office of Women's Health, headed by a Director, requires the director to establish the Coordinating Committee on Research on Women's Health and requires biennial reports to Congress.

Mr. Speaker, in efforts to eliminate health disparities I am proud to support my colleague on the other side of the aisle in this campaign to give all women health information and to guide them in making the choices which will enable them to embark on a path to good health.

Mr. BLUMENAUER. Mr. Speaker, I am pleased that the House is debating and voting today on H.R. 1784, the Women's Health Office Act, a bill that I support and have cosponsored. This measure will provide the tools necessary for successful coordination of women's health efforts in the federal government. Passage of this bill will bring needed attention and coordination to federal efforts to prevent, treat and research women's health needs.

Streamlined federal communication regarding women's health issues is vital. This bill will also prevent attempts, like those made last year, to eliminate the offices of women's health throughout federal health agencies. Specific statutory authorization, as provided under this bill, will allow the women's health offices to carry out their tasks without fear that their programs or funding will be cut.

It is essential that we provide stable funding and statutory support for the good work these programs do to promote women's health, study diseases that affect women and promote the inclusion of women in research studies. I urge the speedy adoption of this important measure.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H.R. 1784, the Women's Health Office Act. By establishing Offices of Women's Health throughout different agencies in the Department of Health and Human Services, this legislation recognizes the ongoing need to focus attention on various health issues particularly related to women. Women make up over half the adult population of this country and it is critical that we make women's health a top priority.

For years, almost all medical research was conducted from a male perspective, while women's medical needs were ignored. Today there is a need for more research on breast, cervical, and ovarian cancer, hormone replacement therapy, and how various ailments such as osteoporosis and heart disease specifically affect women. It is important that we conduct this research, not as an afterthought, but as primary research important to everyone's well-being.

There is also a need to ensure that all women in the U.S. have access to health care coverage, including comprehensive reproductive health care, prenatal care, preventative care, and coverage throughout menopause and old age. Too many poor and low-income women in this country have little or no access to health care. This is particularly harmful and unacceptable for pregnant women and women suffering from ongoing ailments.

I also expect the new Offices of Women's Health within the various agencies to focus on domestic violence and sexual assault as serious threats to both women's health and public health in general. Violence against women is the leading cause of injury to women in America between the ages of 15 and 54. Not only does this violence leave victims with visible injuries, but it can lead to other physical problems and emotional distress. It is critical that we look at violence against women from a medical perspective, as well as examine its social consequences, in order to recognize it, address it, and work to end it.

I am pleased that the House of Representatives is addressing the issue of women's health today and I urge my colleagues to vote for H.R. 1784, the Women's Health Office Act.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H.R. 1784, the Women's Health Office Act.

As an original cosponsor and vocal advocate of this legislation, I am delighted that it is finally being considered by the House. Congress has delayed far too long in addressing the second-class status of the various offices of women's health throughout the Department of Health and Human Services (HHS).

As other speakers have attested, only two of the HHS offices of women's health are currently established in statute: the Office of Research on Women's Health at the National Institutes of Health, and the women's health associate administrator at the Substance Abuse and Mental Health Services Administration. While offices of women's health exist at a number of other agencies, they can be moved, altered, or eliminated at the discretion of the agency director. This lack of permanence is extremely detrimental to long-term planning and multi-year efforts. It also sends a message to our nation's women that we are not firmly committed to improving their health.

Women's health is not a passing fancy or a fad that will go out of fashion. It is a serious discipline that will require the attention of doctors, scientists, and health care providers far into the future. The offices of women's health should not be an afterthought. H.R. 1784 is a vital step in permanently integrating women's health into the structure of our health care system. I look forward to voting for this important initiative, and I urge my colleagues to do the same.

Mr. WU. Mr. Speaker, for too long, women's health needs have been ignored or excluded in federal medical research. For instance, one federally funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is a leading cause of death among women. Another study on breast cancer examined hundreds of men.

Fortunately, this attitude has changed. Today, medical researchers and health care providers know and understand the importance of distinguishing women's health. I strongly support these efforts, but I realize that more needs to be done. Last May, the GAO released a report on the status of women's research at NIH. Although noting that much progress has been made, the report stated that the Institute had made less progress in implementing the requirement that certain clinical trials be designed and carried out to permit valid analysis by sex, which could reveal whether interventions affect women and men differently. It also found that NIH researchers, even though they would include women in their trials, would either do no analysis on the basis of sex, or would not publish the sex-based results if no difference was found.

This must change. We need to continue to eliminate this health care gender gap and improve women's access to affordable, quality health services. The bill before us today, by Women's Health Office Act, will bring us one step closer to eliminating this gap by providing permanent authorization for Offices of Women's Health in five Federal agencies: the Department of Health and Human Services (HHS); the Centers for Disease Control and Prevention (CDC); the Agency for Health Care Research and Quality (AHRQ); the Health Resources and Services Administration (HRSA); and the Food and Drug Administration (FDA). Currently, only two women's health offices in the Federal Government have statutory authorization: the Office of Research on Women's Health at the National Institutes of Health, and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration (SAMHSA).

Offices of Women's Health across the Public Health Service are charged with coordinating women's health activities and monitoring progress on women's health issues within their respective agencies, and they have been successful in making Federal programs and policies more responsive to women's health issues. Unfortunately, all of the good work these offices are doing is not guaranteed in Public Health Service authorizing law. Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in future years.

I urge my colleagues to join me in support of this important legislation.

Mrs. MALONEY of New York. Mr. Speaker, I am delighted to have the opportunity to speak on the floor in favor of H.R. 1784, The Women's Health Office Act. Congresswoman MORELLA and I have worked on this bill for a number of years and I want to thank the Congresswoman for her leadership on this issue.

In addition, I want to thank the Energy & Commerce committee, Chairman TAUZIN, Congressman DINGELL, Chairman BILIRAKIS, and Congressman SHERROD BROWN for moving this bill forward and for their dedication to women's health.

The other body has also taken action on this issue. I am pleased to see that this legislation was included in the Senate's "Women's Health Act," S. 2328, that passed out of the Senate Committee on Health, Education, Labor, and Pensions earlier this month.

By permanently establishing offices for women's health within the Department of Health and Human Services, the Agency for Health Care Research and Quality, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration, the Women's Health Office Act will provide the much needed statutory authority to further develop women's health research.

H.R. 1784 is endorsed by 50 advocacy organizations who represent women, health care professionals and consumers, including the Society for Women's Health Research, the Women's Research and Education Institute, and the YWCA of the U.S.A.

H.R. 1784 is grounded in a basic premise: only through good science and research do we find better treatments and cures. Women and girls should benefit equitably in the advances made in health care and medical research.

Women around the United States need and deserve to have their health protected and not overlooked. Yet, various health differences between men and women have long gone unnoticed and not studied. Just last spring, the GAO reported that 8 out of 10 drugs pulled off the market were more harmful to women than to men. These were drugs that underwent extensive clinical trials and were approved by the FDA. Yet, once on the market these drugs caused serious health hazards for the women they were prescribed to.

Obviously, there is still much work to be done in the area of women's health. Congress, Federal health agencies, and the scientific community are working to ensure that women's health is made a priority. This legislation is another important step towards equity in health.

I support this legislation. Women need this legislation. Let's work to improve the lives and health of women in this country. Support H.R. 1784, The Women's Health Office Act.

I'm honored to be the lead Democrat on this bill.

Mr. DINGELL. Mr. Speaker, I rise in strong support for this bill. The General Accounting Office released a report in 1990 that exposed the historical pattern of neglect of women in health research. As a result of this report, there was a significant increase in government initiatives in women's health research and the creation of women's health offices, advisors, and coordinators in many governmental institutions.

But that was just a beginning. We must now work to ensure that these highly beneficial institutions remain funded and operational into the future.

Currently, there are only two agencies which have federally authorized women's health offices: the Office of Research on Women's Health in the National Institutes of Health, and the Office for Women's Services in the Substance Abuse and Mental Health Services Administration. Since these two agencies are the only women's health offices established under statute, these are the only two women's health offices that are federally authorized and protected by law. The women's health offices, advisors, and coordinators of other government agencies face the possibility that future administrations will not continue to support them, or that future funding will be insufficient to meet their needs.

H.R. 1784 would provide permanent authorization for women's health offices in the Department of Health and Human Services, the Agency for Health Care Research and Quality, the Health Resource and Service Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration. It will ensure that these women's health offices will continue under statute and carry on the important work to improve the health of women through ongoing evaluation in the areas of education, prevention, treatment, research, and delivery of services.

I want to note the outstanding leadership on this legislation of my friend and colleague, Representative CAROLYN MALONEY. I urge my colleagues to join me in support of this important and beneficial piece of legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 1784, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CANDACE NEWMAKER RESOLUTION OF 2002

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 435) expressing the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice and should be prohibited.

The Clerk read as follows:

H. CON. RES. 435

Whereas "rebirthing" is a form of "attachment therapy", which is used to try to forge new bonds between adoptive parents and their adopted children;

Whereas Candace Newmaker, a child from North Carolina, died from the rebirthing technique, and four other children have died from other forms of attachment therapy;

Whereas the American Psychological Association does not recognize rebirthing as proper treatment; and

Whereas many States have enacted or are considering legislation to prohibit this technique: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the "Candace Newmaker Resolution of 2002".

SEC. 2. SENSE OF CONGRESS REGARDING THERAPEUTIC TECHNIQUE KNOWN AS REBIRTHING.

(a) IN GENERAL.—It is the sense of the Congress that the therapeutic technique known as rebirthing is dangerous and harmful, and the Congress encourages each State to enact a law that prohibits such technique.

(b) DEFINITION.—In this resolution, the term "rebirthing" means a therapy to reenact the birthing process in a manner that includes restraint and creates a situation in which a patient may suffer physical injury or death.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of House Concurrent Resolution 435, which does express the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice that should be prohibited.

Now, Mr. Speaker, a terrible story: in Colorado, a 10-year-old girl named Candace Newmaker died during a rebirthing session. Rebirthing is supposed to forge new bonds between adoptive parents and their children, and it involves wrapping the child in a sheet and covering him or her with pillows, often for more than an hour, to simulate the birthing process.

During the procedure, Candace, who had been diagnosed with attachment disorder, told her therapist several times that she could not breathe. However, her therapist did not unwrap her, but told her to push harder to get out. Candace was rushed to a local hospital where she died the next day.

Unfortunately, Mr. Speaker, Candace is not the only child to die and suffer from this practice. Four other children have died as a result of rebirthing therapy.

The American Psychological Association does not recognize rebirthing as proper treatment for attachment disorders, and many States, including Colorado, have enacted legislation which makes it illegal to practice rebirthing therapy if restraints are involved or there is a risk of physical injury. Many other States have enacted or are considering legislation to prohibit this technique, as well.

The Committee on Energy and Commerce unanimously approved the resolution before us on September 5; and we are very, very grateful to the gentlewoman from North Carolina (Mrs. MYRICK) for introducing this resolution. It does encourage each State to enact a law that prohibits this potentially very deadly practice.

Mr. Speaker, I urge my colleagues to support this important resolution, and I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from North Carolina (Mrs. MYRICK) has introduced legislation inspired by the tragic death of the 10-year-old that the gentleman from Florida (Chairman Bilirakis) referred to as a result of what is commonly known as rebirthing therapy. This resolution expresses congressional opposition to this dangerous and deadly practice.

This radical therapy has been used by some therapists to treat attachment disorder, most commonly seen in adopted children. The American Psychological Association and the National Council for Adoption and other organizations condemn this practice as fraudulent and as dangerous. In addition to the risk of death by asphyxiation, psychologists say it can further damage already-troubled children.

Our committee, the Committee on Energy and Commerce, supported this important resolution. I urge my colleagues to do the same today.

Mr. Speaker, this body brings a variety of resolutions to the floor coming out of the Subcommittee on Health, almost all of which I support, almost all of which are positive.

I wish, however, Mr. Speaker, that we would do a little bit more in terms of trying to rein in prescription drug prices. I look at legislation like this, which is important; but we should be using this time on the floor also to pass legislation like that which the gentlewoman from Missouri (Mrs. EMERSON), a Republican, and I, a Democrat, have introduced, which is the GAAP bill, H.R. 1862.

I have introduced similar legislation with the gentleman from California, H.R. 5272, to deal with the problem of drug pricing. It is a bill the other body has passed. It would stop the gaming of the patent system by the drug companies whereby they have been able to extend their patents by cutting deals with generics, by in some cases using private lawsuits, using the court system.

Our legislation would save $60 million to consumers over the next 10 years. It is something that our committee should do and that this body should do.

While the chairman, the gentleman from Florida (Mr. BILIRAKIS), has always been so helpful in bipartisanly working on a lot of these issues, the Republican leadership has not been so helpful. I would hope that as we work on these resolutions, as on the resolution of the gentlewoman from North Carolina (Mrs. MYRICK), which I support, House Concurrent Resolution 435, that we would also work on legislation like H.R. 5272, which has bipartisan sponsors, but on which, because of the opposition of the drug industry, Republican leadership, who are much too close to the drug industry, much too aligned to the drug industry with drug industry contributions and political support, has failed to step forward.

I would hope as we pass this bill today that perhaps tomorrow we can work on such legislation, on which we are going to do a discharge petition, I would add parenthetically, this week, Mr. Speaker, and pass legislation to stop the gaming of the patent system, as we pass legislation like we are today.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, to stay on the point of the legislation before us now, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), the author of the legislation.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman for yielding me this time and for bringing this bill forward today.

I do come in support of H. Con. Res. 435, the Candace Newmaker Resolution of 2002. I introduced this resolution in July to honor a little girl from North Carolina who lost her life tragically because of voodoo science called rebirthing. She was a beautiful 10-year-old girl, her whole life ahead of her; and she died tragically in April of 2000 because she was forced to take part in a rebirthing therapy session. Candace had been adopted out of the foster care system by a single woman; and like any child would, she missed her parents and her siblings, and her adoptive mother claimed that she and Candace were not "bonding" properly.

While searching the Internet for help, Candace's adoptive mother discovered "reactive attachment therapy." It is a disorder treatment, a clinical term for what folks see as a child's ability to bond with new adoptive parents.

A therapist, who never even met Candace, diagnosed her with this disorder; and her mother took her to Colorado for treatment. A radical attachment-disorder therapist was paid $7,000 for a 2-week course of treatment for Candace. This was not a licensed psychiatrist or a licensed psychologist. The supposed therapist's highest degree was a master's in social work.

After a few days of other attachment therapy, the therapist thought that Candace was ready for the rebirthing therapy. This was supposed to simulate Candace's trip through the birth canal and would symbolically deliver her to her adoptive mother and erase her natural birth 10 years ago.

The therapist and her assistant, along with two other helpers, wrapped Candace tightly in a flannel blanket and covered her with eight cushions. Then the four adults put their combined weight of 673 pounds on Candace's 70-pound body, bounced on her and squeezed her to simulate contractions. During the 70-minute procedure, the adults taunted Candace to try to fight her way out of the cocoon. Ten minutes into the procedure, Candace begged to be let out because she could not breathe. Her sobs and her pleas were ignored, and she was even told to go ahead and die by the therapist. Candace continued to cry for her life for 30 more minutes.

Forty minutes into the procedure, she spoke her last word, "no." The adults continued to sit on her and taunt her for 30 more minutes. When they finally unwrapped Candace, she was dead. Her adoptive mother had witnessed the entire episode, and the therapist had even videotaped the procedure which was used against her in a court of law. She and her assistant were convicted of reckless child abuse resulting in death and were sentenced to 16 years each.

Colorado has since passed a law to outlaw this horrendous practice; and other States, including my State of North Carolina, will hopefully do so soon. The resolution I introduced, H. Con. Res. 435, would express the sense of Congress that this "rebirthing" therapy is dangerous and should be prohibited. This therapeutic technique is not recognized by any professional psychological groups, and many have specifically denounced the practice, including the American Psychological Association, the American Psychiatric Association, the Judge David Bazelon Center for Mental Health, and the National Council for Adoption. I encourage all States to outlaw this voodoo science and prevent another tragedy from happening.

Candace's grandparents, David and Mary Davis, who are my constituents and who are here today, have been tireless advocates for outlawing this procedure. They do not want their granddaughter to have died in vain.

I ask my colleagues to join me in passing this resolution to ensure States to outlaw this procedure.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 435.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ROLLAN D. MELTON POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4102) to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building."

The Clerk read as follows:

H.R. 4102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROLLAN D. MELTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, shall be known and designated as the "Rollan D. Melton Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Rollan D. Melton Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

☐ 1445

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration, H.R. 4102.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4102, introduced by our distinguished colleague from Nevada (Mr. GIBBONS) designates the facility of the United States Postal Service in Fallon, Nevada, as the Rollan D. Melton Post Office Building. All Members of the House delegation from the State of Nevada are cosponsors of this legislation.

Mr. Speaker, Rollan Melton was a credit to the field of journalism and a devoted resident of the town of Fallon in the gentleman from Nevada's (Mr. GIBBONS) district. At this time, Mr. Speaker, the sponsor of the legislation, the gentleman from Nevada (Mr. GIBBONS), has asked me to read a statement on his behalf because he regrets that he is unable to be here today.

"It is only fitting that this post office, which is an integral part of the Fallon community, be named after the man who dedicated his life to the town, its people, and the goal of keeping small communities like Fallon connected to the world through their local newspaper.

"A prominent resident of Fallon, Nevada, Rollan Melton established a remarkable career in journalism and never forgot his hometown roots.

"Born July 21, 1931, in Boise, Idaho, Rollan Melton moved to Fallon as a young boy. He played football for the Fallon High School and went on to the University of Nevada on a Harold's Club scholarship. He always appreciated his Fallon years and would later endow a scholarship at Fallon's Churchill County High School to celebrate the help he had from his high school teachers and coaches.

"As a young man, Melton quickly embarked on a career of journalism. He would write for the London Observer, the Wall Street Journal and several New York City papers. Yet, Melton loved his home State of Nevada and in 1957, he joined the Reno Evening Gazette where he could write about his hometown and the surrounding communities.

"He would hold various positions at the paper including reporter, sports editor, telegraph editor, promotion manager, and, finally, editor and publisher of the paper which would become known as the Reno Gazette-Journal.

"Throughout his newspaper career, he remained active in numerous philanthropic organizations. He served as a trustee and officer of the Jon Ben Snow Trust based at Syracuse, New York. The trust gives about $300,000 in grants each year in Nevada.

"Melton was also a member of the Nevada Board of Regents, earning the designation of a Distinguished Nevadan.

"Of all his positions, the one he loved the most was columnist, and he wrote frequently about Fallon and its people. On November 30, 2001, Melton was inducted into the Nevada Writers Hall of Fame. He was also named to the Nevada Newspaper Hall of Fame.

"Melton completed 23 years of column writing in October 2001. His first book, Nevadans, was published in 1988. His second, an autobiography entitled Sonny's Story, was published by the University of Nevada in 1988. And the third book, 101 Nevada Columns, was published on his 70th birthday on 2001.

"As a distinguished writer, Rollan Melton found his inspiration in the people of Nevada. Naming the Fallon Post Office in his honor would be a great tribute to his work and commitment to the Silver State and to the town he loved so much, Fallon, Nevada."

Mr. Speaker, this concludes the statement from the gentleman from Nevada (Mr. GIBBONS).

Mr. Speaker, I urge adoption of H.R. 4102.

Mr. Speaker, I reserve the balance of my time.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague who, as usual, is doing a great job on this for his colleague and for the entire delegation over there.

Mr. Speaker, I am a member of the House Committee on Government Reform and I am pleased to join the gentleman in the consideration of H.R. 4102 which names that post office in Fallon, Nevada, for the late Rollan D. Melton.

Mr. Speaker, As a member of the House Committee on Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4102, which names a post office in Fallon, Nevada, after the late Rollon D. Melton, H.R. 4102, which enjoys the support and cosponsorship of the entire Nevada delegation, was introduced by the gentleman from Nevada (Mr. GIBBONS (R–NV)) on April 9, 2002.

Mr. Rollon Melton graduated from the University of Nevada in 1955. A journalism major, Rollon served as the sports editor of the campus paper, "Sagebrush" and worked as the city editor of a Nevada weekly. In 1957, he joined the Reno Evening Gazette as a reporter, eventually rising to the position of editor and publisher.

As Chairman and CEO of Speidel Newspapers, Mr. Melton negotiated the Speidel merger with Gannett in 1977, and served on the Gannett board for two years. In 1979, he was chosen as a Distinguished Nevadan.

An avid supporter of a sound college education, Mr. Melton served as an interim dean of the Reynolds School of Journalism. He was also a member of the advisory board for the Reynolds School of Journalism, Sigma Delta Chi Journalism Society and the College of Arts and Science.

Active in fine arts and educational programs, Mr. Melton continued to remain a columnist for the Reno Gazette-Journal until his death on January 13, 2002.

Mr. Speaker, I comment the gentleman from Nevada (Mr. GIBBONS) for seeking to honor Rollon D. Melton by naming a post office after him in his adopted city of Fallon, Nevada and urge the swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I urge the adoption of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 4102.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOSEPH D. EARLY POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5333) to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building."

The Clerk read as follows:

H.R. 5333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH D. EARLY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, shall be known and designated as the "Joseph D. Early Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Joseph D. Early Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration, H.R. 5333.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5333, sponsored by our distinguished colleague from Massachusetts (Mr. MCGOVERN), designates the facility of the United States Postal Service in Worcester, Massachusetts as the Joseph D. Early Post Office Building. All Members of the House delegation from the Commonwealth of Massachusetts are cosponsors of this legislation.

Mr. Speaker, with this legislation we honor a man who has been a fixture in Massachusetts politics for over 40 years.

Joseph Early was born and raised in Worcester and attended the College of Holy Cross. Early was the captain of the Holy Cross Crusaders basketball squad that won the 1954 National Invitational Tournament, at that time the major tournament in America, I might point out.

After college he served in the United States Navy before returning to Worcester to teach and coach basketball. Early began his long career of service to the people of Worcester in 1962 when he was elected to the Massachusetts State House. He served until his election to the U.S. House of Representatives in 1974. He served in this body until 1993.

Here in the House Mr. Early sat on the Committee on Appropriations and tirelessly but quietly advocated the causes important to himself and to his constituents. His stewardship of the National Institutes of Health is especially noteworthy and undoubtedly resulted in many medical advances.

Mr. Speaker, I urge the adoption of H.R. 5333.

Mr. Speaker, I reserve the balance of my time.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is, in fact, a bill that was presented by the gentleman from Massachusetts (Mr. MCGOVERN) and cosponsored by all of the Members from that delegation.

Mr. Early has, in fact, served a distinguished career in Massachusetts. It was mentioned by my colleague from Utah (Mr. CANNON), he was a Worcester, Massachusetts native, born in 1933. He went through the schools in Worcester and the College of the Holy Cross. He graduated from there in 1955. He served in the United States Navy and after that was a teacher and a coach. He has been a member of the Massachusetts House. He was a staunch Democrat. He was also a delegate to many conventions and elected to this House in the 94th Congress and served in eight successive Congresses after that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for yielding me time, and I want to also thank him for his assistance in moving this measure forward. As well, I want to thank the gentleman from Utah (Mr. CANNON) for his kind words.

Mr. Speaker, today citizens across the Commonwealth of Massachusetts are going to the polls to cast their votes in the State's primary election. It is certainly fitting that on this same day, the House of Representatives votes to honor one of Massachusetts' long-serving and distinguished Members of Congress, Joseph D. Early.

I am proud to be joined by the entire Massachusetts delegation in expressing unanimous support for H.R. 5333, a bill to designate a facility of the U.S. Postal Service in Worcester, Massachusetts, as the Joseph D. Early Post Office Building.

As both a predecessor of mine in Congress and as a cherished friend, I am proud to have sponsored this legislation which will properly honor Joe Early with a Federal building to bear his name.

Mr. Speaker, Joe Early is undeniably one of the City of Worcester's favorite sons. Long before the Jesse Burkett Little League team of this year, Joe Early brought national prominence to the City of Worcester as cocaptain of the Holy Cross College basketball team that won the 1954 National Invitational Tournament. The same tenacity Joe regularly demonstrated on the hardwood later proved to be the hallmark of a remarkable career in public service.

First elected to the Massachusetts House of Representatives in 1962, Joe rose through the ranks to ultimately become Vice Chairman of the House Ways and Means Committee. In the legislature, Joe earned a reputation as a forceful advocate for social programs and a staunch supporter of organized labor. This unwaivering commitment to New Deal principles remained firmly intact when Joe Early arrived as a newly elected Member of Congress in 1975.

As a Member of the House Committee on Appropriations, Joe continued to fight doggedly for funding for education, health care and social services. Senior citizens, most notably the frail elderly, never had a more loyal friend or passionate ally in their struggle to retain health care benefits in the late 1980s than Joe Early. In an era of shrinking domestic spending, Joe repeatedly cautioned his colleagues to not forsake our priorities at home.

He was the guardian at the gate for medical research funding, and the National Institutes of Health in particular benefitted greatly from his vigilance on the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations.

Many of the recent advances in the treatment of chronic disease can be attributed in no small measure to Joe's steadfast support of the NIH. Today, people here and around the world live healthier lives because of Joe Early; and while he may not be a household name, he will forever be remembered within the medical research community as a true champion of their cause.

Joe's persistent work in his committee was rivaled only by a fierce devotion to his constituents at home. There are countless untold stories of the assistance performed by Joe on behalf of a family in need. No problem was too big and no person was too small to receive the personal attention and intervention of Congressman Early.

Joe's constituent service was renowned as was his relentless pursuit of funding for the Third District of Massachusetts. The University of Massachusetts Medical School stands as only one shining example of Joe Early's tireless efforts to ensure his district receive its fair share.

Mr. Speaker, in our business there are show horses and there are work horses. Joe Early was the consummate work horse. He never sought the glory of the spotlight or rushed to grab a headline. Joe was content to let others receive the credit while he worked quietly and effectively on the issues and for the constituents he cared so deeply about. In that respect, Joe Early is very much like the district he represented for 18 years. In fact, it has been said that Joe Early did not represent his beloved City of Worcester as much as he personified its three-decker homes and blue-collar work ethic.

Mr. Speaker, in that spirit, we shall pass this legislation to name a post office building in Worcester for Congressman Joseph D. Early as a small tribute to a great man who humbly and selflessly has given so much of his life in service to others.

Mr. Speaker, I want to thank my colleague from Massachusetts (Mr. TIERNEY) for his generosity in yielding me time and for his leadership on this issue.

Mr. TIERNEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I urge the adoption of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 5333.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 3253.

The Clerk read as follows:

H. RES. 526

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 3253, with the Senate amendments thereto, and to have concurred in the Senate amendment to the title of the bill and to have concurred in the Senate amendment to the text of the bill with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Emergency Preparedness Act of 2002".

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7325. Medical emergency preparedness centers

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

"(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(3) The Under Secretary shall carry out the Under Secretary's functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(b) MISSION.—The mission of the centers shall be as follows:

"(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

"(2) To provide education, training, and advice to health care professionals, including health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) or through interagency agreements entered into by the Secretary for that purpose.

"(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

"(c) SELECTION OF CENTERS.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

"(2) A finding by the Secretary referred to in paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendations of the Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) under which physicians and other persons in the health field receive education and training through the participating Department medical facilities so as to provide those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radiation, and incendiary or other explosive weapons or devices.

"(B) An arrangement with a graduate school specializing in epidemiology under which students receive education and training in epidemiology through the participating Department facilities so as to provide such students with training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

"(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxins through the participating Department facilities.

"(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, prevention, or treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

"(3) For purposes of paragraph (2)(A)—

"(A) a qualifying medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated; and

"(B) a qualifying school of public health is an accredited school of public health that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

"(d) RESEARCH ACTIVITIES.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center's expertise. Each center may seek research funds from public and private sources for such purpose.

"(e) DISSEMINATION OF RESEARCH PRODUCTS.—(1) The Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section is made available, as appropriate, to health-care providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

"(f) Coordination of Activities.—The Secretary shall take appropriate actions to ensure that the work of each center is carried out—

"(1) in close coordination with the Department of Defense, the Department of Health and Human Services, and other departments, agencies, and elements of the Government charged with coordination of plans for United States homeland security; and

"(2) after taking into consideration applicable recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)) or any other joint interagency advisory group or committee designated by the President or the President's designee to coordinate Federal research on weapons of mass destruction.

"(g) Assistance to Other Agencies.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and data analyses as necessary to protect the public safety and prevent or obviate biological, chemical, or radiological threats.

"(h) Detail of Employees From Other Agencies.—Upon approval by the Secretary, the Director of a center may request the temporary assignment or detail to the center, on a nonreimbursable basis, of employees from other departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a nonreimbursable basis pursuant to such a request.

"(i) Funding.—(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for medical care.

"(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

"(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7324 the following new item:

"7325. Medical emergency preparedness centers.".

(b) Peer Review for Designation of Centers.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary of Veterans Affairs for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. The peer review panel shall be established in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(2) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) In General.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

"§ 7326. Education and training programs on medical response to consequences of terrorist activities

"(a) Education Program.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

"(b) Implementing Official.—The program shall be carried out through the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(c) Content of Programs.—The education and training programs developed under the program shall be modelled after programs established at the F. Edward Hebért School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

"(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

"(2) Identification of the potential symptoms of exposure to those agents.

"(3) Understanding of the potential long-term health consequences, including psychological effects, resulting from exposure to those agents, weapons, or devices.

"(4) Emergency treatment for exposure to those agents, weapons, or devices.

"(5) An appropriate course of followup treatment, supportive care, and referral.

"(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

"(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

"(d) Potential Trainees.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for health-care professionals in Department medical centers. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainees, and health practitioners in a variety of fields.

"(e) Consultation.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7325, as added by section 2(a)(2), the following new item:

"7326. Education and training programs on medical response to consequences of terrorist activities.".

(b) Effective Date.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) In General.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1785. Care and services during certain disasters and emergencies

"(a) Authority To Provide Hospital Care and Medical Services.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

"(b) Covered Disasters and Emergencies.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

"(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

"(c) Applicability to Eligible Individuals Who Are Veterans.—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

"(d) Reimbursement From Other Federal Departments and Agencies.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

"(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

"(e) Report to Congressional Committees.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

"(f) Regulations.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.".

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

"1785. Care and services during certain disasters and emergencies.".

(b) Members of the Armed Forces on Active Duty.—Section 8111A(a) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

"(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in that disaster or emergency.

"(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

"(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(ii) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.".

SEC. 5. 10-YEAR EXTENSION OF EXPIRED AUTHORITY.

Effective September 30, 2002, subsection (d) of section 1722A of title 38, United States Code, is amended by striking "September 30, 2002" and inserting "September 30, 2012".

SEC. 6. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) Increase.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking "six" in the first sentence and inserting "seven".

(b) Functions.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(11) Operations, preparedness, security, and law enforcement functions.".

(c) Number of Deputy Assistant Secretaries.—Subsection (d)(1) of such section is amended by striking "18" and inserting "19".

(d) Conforming Amendment.—Section 5315 of title 5, United States Code, is amended by striking "(6)" after "Assistant Secretaries, Department of Veterans Affairs" and inserting "(7)".

SEC. 7. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS.

(a) In General.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 8117. Emergency preparedness

"(a) Readiness of Department Medical Centers.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from chemical or biological attack or otherwise to respond to such an attack so as to enable such centers to fulfill their obligations as part of the Federal response to public health emergencies.

"(2) Actions under paragraph (1) shall include—

"(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

"(B) the provision of training in the use of such equipment to staff of such centers.

"(b) Security at Department Medical and Research Facilities.—(1) The Secretary shall take appropriate actions to provide for the security of Department medical centers and research facilities, including staff and patients at such centers and facilities.

"(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 116 Stat. 631), including the results of such evaluation relating to the following needs:

"(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

"(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

"(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

"(c) Tracking of Pharmaceuticals and Medical Supplies and Equipment.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a chemical or biological or other terrorist attack.

"(d) Training.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks or attacks from an incendiary or other explosive weapon.

"(e) Participation in National Disaster Medical System.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)).

"(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

"(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

"(A) The Secretary of Defense.

"(B) The Secretary of Health and Human Services.

"(C) The Director of the Federal Emergency Management Agency.

"(f) Mental Health Counseling.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

"(A) Veterans.

"(B) Local and community emergency response providers.

"(C) Active duty military personnel.

"(D) Individuals seeking care at Department medical centers.

"(2) The strategies under paragraph (1) shall include the following:

"(A) Training and certification of providers of mental health counseling and assistance.

"(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

"(3) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

"8117. Emergency preparedness.".

(b) Repeal of Codified Provisions.—Subsections (a), (b)(2), (c), (d), (e), and (f) of section 154 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 38 U.S.C. note prec. 8101) are repealed.

(c) Conforming Amendments.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting "of section 8117 of title 38, United States Code" after "subsection (a)"; and

(2) in paragraph (2), by striking "subsections (b) through (f)" and inserting "subsection (b)(1) of this section and subsections (b) through (f) of section 8117 of title 38, United States Code".

The SPEAKER pro tempore (Mr. Boozman). Pursuant to the rule, the gentleman from New Jersey (Mr. Smith) and the gentleman from Illinois (Mr. Evans) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. Smith).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to bring to the floor legislation that I introduced almost a year ago to respond to the diabolical terrorist attacks of September 11 and the anthrax attacks that followed.

The legislation, H.R. 3253, as amended, the Department of Veterans Affairs Emergency Preparedness Act of 2002, provides the Federal Government with another tool to prevent or, if necessary, respond to future acts of terrorism against the United States. This legislation is designed to mobilize the underappreciated strength of the VA health care infrastructure in defending our Nation against future acts of terrorism.

Although it may come as a surprise to many, the Department of Veterans Affairs operates our Nation's largest integrated health care network, with over 200,000 health care practitioners, 163 medical centers, more than 800 outpatient clinics, 115 medical research programs, affiliations with over 100 schools of medicine, and a $25 billion annual budget including over $1 billion for research programs.

The VA health care system must, Madam Speaker, be an integral component of any homeland security strategy. In fact, the VA already does have defined roles in both the National Disaster Medical System and the Federal Response Plan in the event of national emergencies.

Among the VA's current specialized duties are, one, conducting and evaluating disaster and terrorist attack simulation exercises; second, managing the Nation's stockpile of drugs to counter the effects of chemical and biological poisons; third, maintaining a rapid response team for radioactive releases; and, fourth, training public and private NDMS medical center personnel around the country in properly responding to biological, chemical, or radiological disasters.

H.R. 3253 was developed in order to apply the existing experience and expertise in the VA's health care research programs as a defensive tool in the war on terrorism.

Madam Speaker, I know from my own experience with the anthrax attacks last October, which hit my own district and hit it hard in central New Jersey in Hamilton Township, putting thousands of dedicated postal workers and the public as well at risk, that we need to move very quickly, develop new tests and new treatments for anthrax and scores of other biological and dangerous chemical agents and radiological weapons that might be employed by terrorists.

When anthrax was discovered in the Hamilton Post Office, I was astounded to discover that there were no existing protocols to test, quarantine, or treat victims. The confusion that emanated, the fog, if my colleagues will, that followed the discovery of anthrax made a bad situation even worse. I saw it over and over again, well-intentioned experts from the departments of health, State and Federal, CDC and the like were flying by the seat of their collective pants. Far too many pertinent questions were not answered and were not answered with scientific or any kind of precision.

It was during that crisis, frankly, that I thought that we needed to develop a new policy that would establish protocols which would try to deal with the details before the unthinkable, which now had become thinkable, actually happened; and that was the genesis of this legislation.

H.R. 3253, we believe, will marshal some of our Nation's best and brightest scientists in a focused effort to develop new protocols for testing, vaccinating, and treating our citizens who may be victims of biological, chemical, or radiological terrorism.

Madam Speaker, the House previously approved H.R. 3253, as amended, on May 20. I am very grateful that the Senate passed an amended bill on August 1. The bill before us today represents the compromise language agreed to after discussions and negotiations between the House and the Senate Committees on Veterans' Affairs.

As amended, H.R. 3253 will authorize the VA to establish four National Medical Preparedness Centers. These centers would undertake research and develop new protocols for detecting, diagnosing, vaccinating, and treating potential victims of terrorism. In particular, the centers would focus on ways to prevent and treat victims of biological, chemical, and radiological or explosive terrorist acts.

The new centers would conduct direct research and coordinate ongoing and promising new research with affiliated universities and other government agencies. These centers would serve as training resources for thousands of community hospital staffs; hazardous materials, HAZMAT teams; emergency medical technicians, EMTs; and firefighters and police officers, who must be the first medical responders in the event of terrorist attacks.

The emergency preparedness centers would also be charged with establishing state-of-the-art laboratories to help local health officials detect the presence of dangerous biological and chemical poisons.

The funding to support these centers would come from the additional funds provided for combating terrorism and would not use or otherwise reduce funding for veterans' health care.

Under the compromise agreement reached with the Senate, VA's authority to provide emergency medical treatment would be expanded to include first responders, other Federal agencies, veterans not enrolled in the VA health care system, active duty service members, and others receiving VA care in declared domestic emergencies. Reimbursements collected for the cost of care, whether coming from FEMA, the Department of Defense, or an insurance company, would be credited to the VA's Medical Care Collections Fund, the same as in other VA collection efforts.

In addition, a new Assistant Secretary for preparedness security and law enforcement would be established at the VA.

Finally, Madam Speaker, the compromise bill would codify in title 38 of the U.S. Code various provisions from Public Law 107-188, the "Public Health Security and Bioterrorism Preparedness and Response Act of 2002," that pertain to the Department of Veterans Affairs.

Madam Speaker, as we pass the 1-year anniversary of 9-11 and the subsequent anthrax attacks, we are all thankful that no additional acts of terror have been carried out against the United States. However, there can be no doubt that serious dangers and threats remain. Our government must remain vigilant in defending and protecting our citizens from every threat, of any kind, and H.R. 3253 is another step towards homeland security. I urge all Members to support this legislation.

Mr. Speaker, I include for the RECORD the Explanatory Statement on the House Amendment.

EXPLANATORY STATEMENT ON HOUSE AMENDMENT TO SENATE AMENDMENTS TO H.R. 3253

The House amendment to the Senate amendments to H.R. 3253 reflects a Compromise Agreement that the House and Senate Committees on Veterans' Affairs have reached on H.R. 3253 and S. 2132. H.R. 3253 (hereinafter known as the "House bill") passed the House on May 20, 2002. The Senate considered S. 2132 (hereinafter known as the "Senate bill") on August 1, 2002. This measure was incorporated in H.R. 3253 as an amendment and passed the Senate by unanimous consent on August 1, 2002.

The House and Senate Committees on Veterans' Affairs have prepared the following explanations of H.R. 3253, as amended (hereinafter referred to as the "Compromise Agreement"). Differences between the preparedness provisions contained in the Compromise Agreement and the related provisions of H.R. 3253 and S. 2132 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

SHORT TITLE

CURRENT LAW—Public Law 105-368, the "Veterans Programs Enhancement Act of 1998," charged Department of Veterans Affairs (VA) to investigate potential long-term health effects of biological and chemical warfare agents. Under current law, the VA does not possess specific authority to establish centers dedicated to research, education, and training activities related to managing the health consequences of terrorist use of weapons of mass destruction.

HOUSE BILL—Section 1 of H.R. 3253 provides that the short title of the bill is the "Department of Veterans Affairs Emergency Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002".

SENATE BILL—Section 1 of S. 2132 provides that the short title of the bill is the "Department of Veterans Affairs Emergency Preparedness Act of 2002".

COMPROMISE AGREEMENT—Section 1 of the Compromise Agreement would adopt the Senate language.

ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS RESEARCH CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS

CURRENT LAW—No provision.

HOUSE BILL—Section 2(a) of H.R. 3253 would amend Chapter 73 of title 38, United States Code, by establishing a new section 7325.

Subsection (a) of section 7325 of title 38, United States Code, would require the Secretary of Veterans Affairs to establish at least four national medical emergency preparedness centers at existing VA medical centers, to be staffed with department employees. The Under Secretary for Health, in consultation with the assistant secretary for operations, preparedness, and security, would be responsible for supervising and evaluating the operation of these centers.

Proposed section 7325(b) of title 38, United States Code, would define the centers' threefold mission as follows: (1) to a conduct research and development into "detection, diagnosis, vaccination, protection, and treatment for chemical, biological and radiological threats;" (2) to provide education, training, and expert advice to department and community health-care practitioners; and (3) to provide "contingent rapid response laboratory assistance" to local health-care authorities during national emergencies. The House bill would specify that at least one center concentrate solely on biological threats, one on chemical threats, and one on radiological threats to public health and safety.

Proposed section 7325(c) of title 38, United States Code, would define qualifications for center directors, and section 7325(d) would direct the Secretary to designate sites through a competitive selection process. Proposed section 7325(g) would establish a consulting peer-review panel, including experts in relevant fields, to assist the Under Secretary for Health in evaluating the scientific and clinical merits to proposals and offering recommendations concerning site designations for the four centers.

Paragraph 2 of proposed section 7325(d) of title 38, United States Code, would require that a candidate site demonstrate the ability to attract qualified scientists; develop arrangements with at least one accredited, affiliated school of medicine and school of public health; be affiliated with a graduate program in epidemiology; and offer training and education programs for nursing, social work, counseling, and/or other allied health personnel.

Subsection (e) of the proposed section 7325 of title 38, United States Code, would authorize to be appropriated $20 million for each of fiscal years 2003–2007, and would authorize the Under Secretary for Health to expend Medical Care funds as appropriate for the support of such centers, in coordination with the assistant secretary with responsibility for operations, preparedness, and security. Subsection (f) of the proposed section 7325 would authorize each center to seek other public or private research funds to fulfill its research mission.

Proposed section 7325(h) of title 38, United States Code, would require that VA make the centers' findings available to health-care providers in the United States through publications and medical education programs, and that research programs be coordinated and shared with other Federal departments and agencies. The House bill would authorize the Department to assist Federal, State, and local civil and criminal authorities upon request to deal with biological, chemical, or radiological threats. Proposed subsection (j) of section 7325 would authorize details on a non-reimbursable basis of other Federal employees to assist the centers in accomplishing center missions.

SENATE BILL—Section 101 in the Senate bill would add section 7320A to title 38, United States Code.

Proposed section 7320A in the Senate bill would establish four centers to carry out research on "the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices." This section would require that centers provide education and training to VA health-care professionals, and to non-VA professionals at the direction of the Secretary through the National Disaster Medical System (hereinafter "NDMS") or other interagency agreements. This section would also authorize the Secretary to provide appropriate "laboratory, epidemiological, medical, or other assistance" to Federal, State, and local health-care agencies and personnel involved in or responding to a national emergency. The Senate bill would not assign specific areas of research to single centers.

The Senate bill would require that the Secretary designate centers after peer review of competitive proposals submitted by existing qualified VA medical centers. The Senate bill would require the same qualifications as the House bill, but would require geographic dispersal "to the maximum extent practicable."

The Senate bill would require the offices responsible for directing research and medical emergency preparedness to administer the centers. This section would require those offices to work in close coordination with the Departments of Defense and Health and Human Services, the Office of Homeland Security, and other agencies, interagency working groups, or committees charged with coordinating Federal research into the response to casualties caused by terrorist use of weapons of mass destruction.

Subsection (e) of proposed section 7320A would require that centers be staffed by VA employees or employees detailed from other Federal agencies, on a non-reimbursable basis.

Proposed section (f) section 7320A would authorize the Secretary to provide assistance to Federal, State, and local agencies engaged in investigations or inquiries to protect against threats posed by terrorist use of weapons of mass destruction. Proposed section 7320A(g) would authorize the centers to seek grants from outside sources, and would authorize to be appropriated $20 million for each of fiscal years 2003–2007.

COMPROMISE AGREEMENT—The Compromise Agreement would incorporate the Senate provisions in proposed section 7325 of title 38, United States Code, authorizing a total of four medical emergency preparedness centers, dispersed geographically to the maximum extent practicable. The Committees intend for VA to select sites based upon the strength of existing resources and scientific merit of the proposals; although regional distribution of these centers would be encouraged, predicted research productivity should be paramount in designating sites.

The proposed section 7325(a) of title 38, United States Code, would follow the House bill assigning responsibility for operation and supervision of the centers to the Under Secretary for Health, in consultation with the assistant secretary with responsibility for operations, preparedness, security, and law enforcement. The Compromise Agreement would not include House language defining qualifications for center directors. The centers would be situated organizationally within the Veterans Health Administration (VHA) and would report to the Under Secretary for Health. Nevertheless, the research products and educational tools arising from the work of the centers would link directly to the mission and function that the compromise Agreement would assign to the assistant secretary responsible for operations, preparedness, security and law enforcement. Thus, there would be a clearly defined line of accountability and coordination among the centers and the responsible departmental officials. This need is clearly acknowledged in the Compromise Agreement by the requirement to link the Under Secretary's decisions with regard to the operations of the centers to the work of the assistant secretary.

Proposed section 7325(b)(1) of title 38, United States Code, in the Compromise Agreement would follow the Senate language by substituting "prevention" for "vaccination and protection," and adding to the list of potential threats incendiary and other explosive sources. The Committees agree that contingency planning would include an all-hazards approach and acknowledge that strategies for mass casualty management overlap, irrespective of the particular nature of a terrorist attack or source of other mass-casualty disaster. The Compromise Agreement would not require individual centers to be dedicated to specific fields of study. Nevertheless, the Compromise Agreement would allow the Department to pursue multiple approaches to the medical management of mass casualties. In exercising the authority, the Department could designate any, some, or none of the centers as lead agent for developing subject matter expertise in a particular focused research area dealing with bioterrorism.

Proposed section 7325(b)(2) of title 38, United States Code, would require centers to provide education, training, and advice to health-care professionals within VHA as proposed in both bills, but would follow the Senate language to specify that such training be provided to outside professionals and practitioners through the NDMS as authorized by Public Law 107–188, the "Public Health Security and bioterrorism Preparedness and Response Act of 2002," or through specific interagency agreements executed for the purpose. The committees intend that VA take steps to ensure that potentially valuable research findings and educational developments in medical emergency preparedness be translated from the centers into clinical practice as quickly as practicable, but that VA accomplish this task through channels established as part of VA's role in existing federal response partnerships and the evolving U.S. national homeland security policy.

Proposed section 7325(b)(3) of title 38, United States Code, would adapt language from both bills authorizing centers to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health-care agencies and personnel in the event of a disaster or emergency.

Proposed section 7325(c) of title 38, United States Code, would direct the Secretary to select sites for centers as delineated in language shared by both bills, following the House language that would require proposals for the designation of centers be coordinated between the United Secretary for Health and the assistant secretary for operations, preparedness, and security, and be subject to a scientific peer-review process. The Compromise Agreement would follow House language describing the composition of the peer-review panel, but would replace the term "bio-hazards management education and training" with the term "infectious diseases," in describing the types of expertise called for in such peer-review panel participation. The Compromise Agreement would also follow House language requiring that to be qualified, centers would need to develop an arrangement under which nursing, social work, counseling, or allied health personnel would receive training and education from the centers, in addition to other provisions shared by both bills.

Sections 7325(d) and (e) of title 38, United States Code, would adopt the House language on research activities and dissemination of research products. Section 7325(f) would follow the Senate language requiring that research be coordinated with departments, agencies, and working groups charged with coordinating Federal research into responses to weapons of mass destruction.

Proposed section 7325(i) of title 38, United States Code, in the Compromise Agreement, would follow House language on the authorization of appropriations to support the efforts of these centers.

EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES

HOUSE BILL—Section 3(a) of the House bill would amend chapter 73 of title 38, United States Code, by adding a new section 7326.

Section 7326(a), of title 38, United States Code, would require the Secretary of Veterans Affairs to develop and disseminate programs to educate and train health-care professionals to respond to the consequences of terrorist activities.

Proposed section 7326(b), of title 38, United States Code, would designate the Under Secretary for Health, in consultation with the assistance secretary responsible for operations, preparedness and security, as the implementing officials or entity.

Under section 7326(c), of title 38, United States Code, the education and training programs currently established at the F. Edward Hebert School of Medicine of the Uniformed Services University of the Health Sciences would provide baseline national curriculum and clinical protocols for training health-care professionals.

Section 7326(d), of title 38, United States Code, would require the education and training programs to cover the needs of health-care professionals at every level of learning and in a variety of fields.

Under section 7326(e), of title 38, United States Code, the Secretary would be required to consult with the accrediting, certifying and coordinating bodies representing the various fields of health professions' education.

Section 3(b), of the House bill would require the Secretaries to implement this section within 90 days of enactment.

SENATE BILL—The Senate bill contains no comparable provisions.

COMPROMISE AGREEMENT—Section 3 of the Compromise Agreement would follow the House language with one amendment requiring that programs be designed for health-care professionals "in Department medical centers."

AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES

CURRENT LAW—Section 8111A of title 38, United States Code, authorizes VA to serve as a supportive contingency health-care system to the Department of Defense, requiring VA to furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty during and following a period of foreign war. This provision addresses the potential needs of post-deployment forces following an armed conflict abroad, when active-duty military casualties might quickly overwhelm available military treatment facility resources. Under section 1784 of title 38, United States Code, the Secretary is authorized to "furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care and services at rates prescribed by the Secretary." The authority of section 1784 addresses humanitarian care provided by the Department to non-veterans.

Neither provision authorizes VA to care for active-duty military casualties following a domestic disaster or conflict, a possibility that must be acknowledged following the terrorist attacks in New York and Washington on September 11, 2001. In addition, current law does not recognize VA's already considerable commitment to providing emergency care during disasters as part of the Federal Response Plan established under Executive Orders 12148 and 12656.

HOUSE BILL—The House bill contains no comparable provisions.

SENATE BILL—Section 301(a) of the Senate bill would add a new section 1785 to title 38, United States Code, to authorize the Secretary to furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by a declared major disaster or emergency, or following activation of the NDMS. Proposed section 1785(c) of title 38, United States Code, would allow VA to care for veterans during such a disaster without regard to enrollment required under section 1705 of title 38, United States Code. Proposed section 1785(d) of title 38, United States Code, would authorize the Secretary to give higher priority to furnishing care to individuals affected by disasters than to anyone except service-connected veterans and members of the Armed Forces receiving care under section 8111A of title 38, United States Code. Proposed section 1785(e)(1) of title 38, United States Code, would authorize VA to be reimbursed for care furnished to an officer or employee of another Federal department or agency, with amounts credited in the Medical Care Collections Fund to the facility providing care. Under proposed section 1785(f) of title 38, United States Code, the Secretary would be required to report to the House and Senate Committees on Veterans' Affairs the volume of care furnished by VA under these provisions.

Section 301(b) of the Senate bill would amend title 38 of the United States Code, section 1784, to provide an exception to the requirement that VA charge individuals for emergency care during a covered disaster or emergency.

Finally, the Senate bill would amend section 8111A of title 38, United States Code, to authorize the Secretary to furnish hospital care or medical services to members of the Armed Forces on active duty in this country, whose need for care is related to their response to a covered disaster or national emergency.

COMPROMISE AGREEMENT—Section 4 of the Compromise Agreement would follow the Senate language, but would amend it by striking references to priorities for furnishing care. Also, the Compromise Agreement would delete language that would have suspended VA charges for emergency care under section 1784 of title 38, United States Code, during disasters.

INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS

CURRENT LAW—Section 308 of title 38, United States Code, currently authorizes six assistant secretaries of the Department of Veterans Affairs and 18 deputy assistant secretaries.

HOUSE BILL—Section 4 of the House bill would amend section 308 of title 38, United States Code, by increasing the number of authorized assistant secretaries to "seven" and would amend subsection (b) of that section by adding "operations, preparedness, security, and law enforcement functions" to currently authorized functions.

SENATE BILL—Section 201 of the Senate bill is identical to section 4 of the House bill. Section 202 of the Senate bill would amend section 308(d)(1) of title 38, United States Code, by increasing the number of authorized deputy assistant secretaries from 18 to 20.

COMPROMISE AGREEMENT—Sections 6(a) and (b) of the Compromise Agreement would follow identical provisions from both bills. Section 6(c) of the Compromise Agreement would increase the number of deputy assistant secretaries from 18 to 19. The Committees urge the Secretary to examine the deployment of existing deputy assistant secretaries to ensure that the Department is properly staffed with deputy assistant secretaries to fulfill its various functions and missions.

CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS

CURRENT LAW—Section 154 of Public Law 107-188, the "Public Health Security and Bioterrorism Preparedness and Response Act of 2002," enacted on June 12, 2002, mandated a series of responsibilities for the Secretary of Veterans Affairs related to bioterrorism and other emergency preparedness functions.

HOUSE BILL—The House bill contains no comparable provisions.

SENATE BILL—The Senate bill contains no comparable provisions.

COMPROMISE AGREEMENT—The Compromise Agreement is intended to codify authorities related to the Secretary's emergency preparedness duties, enacted in Public Law 107-188 into chapter 81 of title 38, United States Code.

The Compromise Agreement would add a new section 8117 to title 38, United States Code. Proposed section 8117(a) codifies the requirement that the Secretary provide for the readiness of VA medical centers against chemical or biological attacks in order to protect patients and staff and to fulfill other emergency response missions. Proposed section 8117(a)(2) codifies the requirement that these preparations include provision and training in the use of decontamination and personal protection equipment.

Proposed section 8117(b) of title 38, United States Code, would codify the requirement that the Secretary provide for the security of VA medical and research facilities, taking into account the security evaluation required by section 154(b)(1) of Public Law 107-188.

Proposed section 8117(c) of title 38, United States Code, would codify the requirement that the Secretary develop and maintain a centralized system for tracking the location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the VA's health-care system so that these items might be accessed quickly during disasters.

Proposed section 8117(d) of title 38, United States Code, would codify the requirement that the Secretary ensure that VA medical centers, in consultation with affiliated medical schools, take steps to train resident physicians and other health-care personnel in the potential medical consequences of a terrorist attack.

Proposed section 8117(e) of title 38, United States Code, would codify the requirement that the Secretary establish and maintain a training program for VA health-care professionals and their community partners in the NDMS, in accordance with recommendations of the bioterrorism preparedness working group established in title 42, United States Code, and in consultation with the other NDMS Federal partners.

Proposed section 8117(f) of title 38, United States Code, would codify the requirement that the Secretary develop and maintain strategies that would allow VA expert personnel to provide mental health assistance, including counseling and assistance for post-traumatic stress disorder, following a terrorist attack or other public health emergency. Such a strategy would be developed in consultation with the Secretary of Health and Human Services, the American Red Cross and the bioterrorism preparedness working group established in title 42, United States Code. The Secretary would be responsible for training and coordinating VA providers in the treatment of veterans, emergency responders, active-duty military personnel, or others seeking care at a VA medical center.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of the Veterans Affairs Emergency Preparedness Act, as amended. After the tragic events of September 11 last year, our chairman, the gentleman from New Jersey (Mr. SMITH), again demonstrated his leadership. Chairman SMITH introduced legislation authorizing an important role for the Department of the VA in our Nation's fight against terrorism. That is the primary purpose of this measure today.

It provides medical care to millions of veterans each year and conducts groundbreaking health care research, and it also provides educational opportunities to many of our Nation's health care providers.

The VA is truly an unparalleled national resource. This legislation provides the structure and the authority for the VA to leverage its expertise to combat terrorism. For the VA to achieve this goal, it must have adequate resources.

Today, the Veterans Affairs does not have enough resources. That is not my judgment, but it is the judgment of the Task Force to Improve Health Care Delivery to Veterans established by President Bush. I call on the President to fully fund the VA. I ask him to provide all funding the VA needs to deliver timely, quality care to our veterans, today and tomorrow; provide the resources the VA needs to combat terrorism. And I thank the chairman once again for his leadership.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the distinguished chairman of the Subcommittee on Health.

Mr. MORAN of Kansas. Madam Speaker, since September 11, our Nation has been made to reevaluate every action we undertake. A year after the attacks on New York and in Washington and the plane crash in Pennsylvania, we are still at a heightened state of alert. What we once considered a safe Nation has now become a people concerned about security. The citizens of America are looking now, more than ever, to Congress and to the President for answers.

The legislation before us, H.R. 3253, would use the assets and expertise of the Department of Veterans Affairs to help protect the people of the United States from terrorists. Our government must be proactive in preparing the United States for future terrorist attacks. As Vice President CHENEY cautioned earlier this year, "The prospects of a future attack against the United States are almost certain." We must respond in a timely, effective and comprehensive manner to protect the American people when an attack occurs. This bill would help do just that.

Under this bill, four geographically separated National Medical Emergency Preparedness centers would be established. Each center would study and work toward solutions to health consequences that arise from exposure to chemical, biological, explosive, and nuclear substances used as weapons of mass destruction.

The VA is prepared to handle this new and important mission. In addition to its medical care mission to care for millions of American veterans, the veterans health care system is the Nation's largest health care provider of graduate medical education and a major contributor to biomedical and other scientific research. Because of this widely dispersed, integrated health care system, the VA can be, and has been in the past, an essential asset in responding to national emergencies.

Not only would the four special centers conduct research and develop methods of detection, diagnosis, prevention, and treatment; but they would also be charged with the dissemination of the latest information to other public and private health care providers, to improve the quality of care for patients who may be exposed to deadly chemicals, radiation, or other terrorist weapons of mass destruction.

This bill would also require the Secretary of Veterans Affairs to carry out a program to develop and disseminate model education and training programs on the medical responses to terrorist activities. The VA's infrastructure, which includes affiliation with over 107 medical schools, and other schools of health professions, would enable current and future medical professionals in this country to be knowledgeable and medically competent in the treatment of casualties from terrorist attacks. Our bill provides the VA a formal role in the national disaster medical system and authorizes the VA to treat first responders, active duty forces, firefighters, police officers and members of the general public that may be victims of terrorism or other mass casualty disasters.

With this bill, the VA health care professionals will be properly armed with information and education on bioterrorism response. Mechanisms will be put in place to study the likely avenues and methods of chemical, biological, and radiological poisoning; and the VA will be part of the rapid response by Federal, State, and local officials in types of emergencies that only a year ago we could scarcely imagine.

H.R. 3253 is a bipartisan and bicameral compromise; and, Madam Speaker, I urge my colleagues to support this effort in America's war on terrorism.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume, and I just want to begin by thanking my very good friend and colleague, the gentleman from Illinois (Mr. EVANS), for his work on this legislation. We have served together on the Committee on Veterans' Affairs for longer than 20 years; and he as been a true advocate for veterans, and on this legislation, like on the others, has been a great friend and ally as we work in tandem to try to bring good, solid pieces of legislation to the floor. So I want to thank the gentleman from Illinois (Mr. EVANS) for that good work.

I want to thank Michael Durishin and Susan Edgerton, who are two of his top staffers, who again worked very, very tirelessly with our own staff here on the majority side; and again, these bills, the details of which are very much worked over and vetted, would not happen without that kind of cooperation. So I do want to thank them as well.

The gentleman from Kansas (Mr. MORAN), who just spoke, and the gentleman from California (Mr. FILNER), the chairman and the ranking member of the Subcommittee on Health, and the gentleman from Indiana (Mr. BUYER) also, the chairman of the Subcommittee on Oversight and Investigations, worked on this legislation as well; and I want to thank them.

I want to thank our own staff, Pat Ryan, Kingston Smith, Jeannie McNally, Peter Dickinson, Kathleen Greve and John Bradley, who all had input into this legislation, and, we have held hearings on it. One of them was one of those day-long hearings. We had four panels. We heard from experts, and again, I think we all were astonished at the lack of response when it came to these capabilities.

As I alluded to earlier in my comments, I thought when I sat in those meetings in Trenton and Hamilton and Mercer County, where there was this befuddled look on the part of very well-meaning experts in the field about what do we do about anthrax, has it been spread through cross-contamination, what are the risks, how often and how long and to whom should Cipro or Doxycycline be administered.

There were a million and one questions and very few answers because those questions had not been considered in advance; and that is what this legislation is all about, to establish centers of excellence that seek to find out, if this kind of event happens, what is prescribed, what is the consequence. Just today in The Washington Times, there was an excellent op-ed piece by a doctor who heads up the emergency room physicians, pointing out that the first responders, as they rush in to help in a situation, smallpox, anthrax, sarin, just name it, will not have a clue what it is they need to do to prepare themselves, to protect themselves and preclude contamination.

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So it is very important that these details be worked out in advance, coordinating with other agencies of the government. The VA has shown in the past it has a unique perspective and an expertise to bring to bear on this.

Madam Speaker, I also thank our Senate colleagues. Senator ROCKEFELLER worked on this and got legislation passed. It was a very cooperative effort. They added some very meaningful language to the bill, so we ended up with a very good hybrid that will go to the President for signature. I also thank Senator SPECTER, the ranking member. In addition, I appreciate the efforts of the Senate staff, Bill Tuerk and Kim Lipsky, David Goetz and Bill Cahill, and I especially thank Julie Fischer, who has been Senator ROCKEFELLER's top aide, who worked with the other side of the aisle to craft a good bill. This bill has been endorsed by the administration. Now we will work on getting this bill signed, implemented, and then we will do oversight on its implementation.

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the amended version of H.R. 3253, the Emergency Preparedness Act. As an original co-sponsor of H.r. 3253, I recognize the significant role the Department of Veterans Affairs (VA) can play in our quest as a nation to restore a sense of security following the horrific events of September 11, 2001 and the subsequent anthrax attacks. This measure would authorize the VA to become a full partner in our defense efforts through the establishment of four "Medical Emergency Preparedness Centers" at VA hospitals throughout the nation.

These centers would be charged with conducting medical research, and developing health care responses for chemical, biological, radiological, incendiary and explosive threats to the public. The centers would also provide education, training, and advice to VA and outside doctors, and other health care professionals on how to diagnose and treat illnesses caused by exposure to chemical, biological and radioactive materials. Especially important is the role the proposed centers would play in providing rapid response assistance and other aid to local health care authorities in the event of a national emergency.

This legislation recognizes the critical role the VA can play in our homeland security efforts. The VA operates the nation's largest integrated health care network with over 20,000 health care professionals, 163 medical centers, 800 outpatient clinics, 115 medical research centers, and has affiliations with more than 100 medical schools. Several VA facilities have already initiated efforts to serve our country in this effort. For example, the Audie Murphy Memorial Hospital in San Antonio, has developed relationships and shared teaching and research arrangements with various medical school sin Texas and the county hospital system. Audie Murphy also works closely with several military medical missions with expertise in chemical, biological and radiological hazards.

The collaborative efforts of veterans health care providers, like Audie Murphy Hospital, not only help veterans, but our nation as a whole. Further, it puts the VA in a critical position to attract high level scientists in fields relevant to bio-chemical and radiological threats. I believe that through the development of National Emergency Preparedness Centers, the VA can become an important partner in our nation's homeland defense efforts.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 526.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL CONSTRUCTION SAFETY TEAM ACT

Mr. BOEHLERT. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and the emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Construction Safety Team Act".

SEC. 2. NATIONAL CONSTRUCTION SAFETY TEAMS.

(a) ESTABLISHMENT.—The Director of the National Institute of Standards and Technology (in this Act referred to as the "Director") is authorized to establish National Construction Safety Teams (in this Act referred to as a "Team") for deployment after events causing the failure of a building or buildings that has resulted in substantial loss of life or that posed significant potential for substantial loss of life. To the maximum extent practicable, the Director shall establish and deploy a Team within 48 hours after such an event. The Director shall promptly publish in the Federal Register notice of the establishment of each Team.

(b) PURPOSE OF INVESTIGATION; DUTIES.—

(1) PURPOSE.—The purpose of investigations by Teams is to improve the safety and structural integrity of buildings in the United States.

(2) DUTIES.—A Team shall—

(A) establish the likely technical cause or causes of the building failure;

(B) evaluate the technical aspects of evacuation and emergency response procedures;

(C) recommend, as necessary, specific improvements to building standards, codes, and practices based on the findings made pursuant to subparagraphs (A) and (B); and

(D) recommend any research and other appropriate actions needed to improve the structural safety of buildings, and improve evacuation and emergency response procedures, based on the findings of the investigation.

(c) PROCEDURES.—

(1) DEVELOPMENT.—Not later than 3 months after the date of the enactment of this Act, the Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall develop procedures for the establishment and deployment of Teams. The Director shall update such procedures as appropriate. Such procedures shall include provisions—

(A) regarding conflicts of interest related to service on the Team;

(B) defining the circumstances under which the Director will establish and deploy a Team;

(C) prescribing the appropriate size of Teams;

(D) guiding the disclosure of information under section 8;

(E) guiding the conduct of investigations under this Act, including procedures for providing written notice of inspection authority under section 4(a) and for ensuring compliance with any other applicable law;

(F) identifying and prescribing appropriate conditions for the provision by the Director of additional resources and services Teams may need;

(G) to ensure that investigations under this Act do not impede and are coordinated with any search and rescue efforts being undertaken at the site of the building failure;

(H) for regular briefings of the public on the status of the investigative proceedings and findings;

(I) guiding the Teams in moving and preserving evidence as described in section 4 (a)(4), (b)(2), and (d)(4);

(J) providing for coordination with Federal, State, and local entities that may sponsor research or investigations of building failures, including research conducted under the Earthquake Hazards Reduction Act of 1977; and

(K) regarding such other issues as the Director considers appropriate.

(2) PUBLICATION.—The Director shall publish promptly in the Federal Register final procedures, and subsequent updates thereof, developed under paragraph (1).

SEC. 3. COMPOSITION OF TEAMS.

Each Team shall be composed of individuals selected by the Director and led by an individual designated by the Director. Team members shall include at least 1 employee of the National Institute of Standards and Technology and shall include other experts who are not employees of the National Institute of Standards and Technology, who may include private sector experts, university experts, representatives of professional organizations with appropriate expertise, and appropriate Federal, State, or local officials. Team members who are not Federal employees shall be considered Federal Government contractors.

SEC. 4. AUTHORITIES.

(a) ENTRY AND INSPECTION.—In investigating a building failure under this Act, members of a Team, and any other person authorized by the Director to support a Team, on display of appropriate credentials provided by the Director and written notice of inspection authority, may—

(1) enter property where a building failure being investigated has occurred, or where building components, materials, and artifacts with respect to the building failure are located, and take action necessary, appropriate, and reasonable in light of the nature of the property to be inspected to carry out the duties of the Team under section 2(b)(2) (A) and (B);

(2) during reasonable hours, inspect any record (including any design, construction, or maintenance record), process, or facility related to the investigation;

(3) inspect and test any building components, materials, and artifacts related to the building failure; and

(4) move such records, components, materials, and artifacts as provided by the procedures developed under section 2(c)(1).

(b) AVOIDING UNNECESSARY INTERFERENCE AND PRESERVING EVIDENCE.—An inspection, test, or other action taken by a Team under this section shall be conducted in a way that—

(1) does not interfere unnecessarily with services provided by the owner or operator of the building components, materials, or artifacts, property, records, process, or facility; and

(2) to the maximum extent feasible, preserves evidence related to the building failure, consistent with the ongoing needs of the investigation.

(c) COORDINATION.—

(1) WITH SEARCH AND RESCUE EFFORTS.—A Team shall not impede, and shall coordinate its investigation with, any search and rescue efforts being undertaken at the site of the building failure.

(2) WITH OTHER RESEARCH.—A Team shall coordinate its investigation, to the extent practicable, with qualified researchers who are conducting engineering or scientific (including social science) research relating to the building failure.

(3) MEMORANDA OF UNDERSTANDING.—The National Institute of Standards and Technology shall enter into a memorandum of understanding with each Federal agency that may conduct or sponsor a related investigation, providing for coordination of investigations.

(4) WITH STATE AND LOCAL AUTHORITIES.—A Team shall cooperate with State and local authorities carrying out any activities related to a Team's investigation.

(d) INTERAGENCY PRIORITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3), a Team investigation shall have priority over any other investigation of any other Federal agency.

(2) NATIONAL TRANSPORTATION SAFETY BOARD.—If the National Transportation Safety Board is conducting an investigation related to an investigation of a Team, the National Transportation Safety Board investigation shall have priority over the Team investigation. Such priority shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(3) CRIMINAL ACTS.—If the Attorney General, in consultation with the Director, determines, and notifies the Director, that circumstances reasonably indicate that the building failure being investigated by a Team may have been caused by a criminal act, the Team shall relinquish investigative priority to the appropriate law enforcement agency. The relinquishment of investigative priority by the Team shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(4) PRESERVATION OF EVIDENCE.—If a Federal law enforcement agency suspects and notifies the Director that a building failure being investigated by a Team under this Act may have been caused by a criminal act, the Team, in consultation with the Federal law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

SEC. 5. BRIEFINGS, HEARINGS, WITNESSES, AND SUBPOENAS.

(a) GENERAL AUTHORITY.—The Director or his designee, on behalf of a Team, may conduct hearings, administer oaths, and require, by subpoena (pursuant to subsection (e)) and otherwise, necessary witnesses and evidence as necessary to carry out this Act.

(b) BRIEFINGS.—The Director or his designee (who may be the leader or a member of a Team), on behalf of a Team, shall hold regular public briefings on the status of investigative proceedings and findings, including a final briefing after the report required by section 8 is issued.

(c) PUBLIC HEARINGS.—During the course of an investigation by a Team, the National Institute of Standards and Technology may, if the Director considers it to be in the public interest, hold a public hearing for the purposes of—

(1) gathering testimony from witnesses; and

(2) informing the public on the progress of the investigation.

(d) PRODUCTION OF WITNESSES.—A witness or evidence in an investigation under this Act may be summoned or required to be produced from any place in the United States. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(e) ISSUANCE OF SUBPOENAS.—A subpoena shall be issued only under the signature of the Director but may be served by any person designated by the Director.

(f) FAILURE TO OBEY SUBPOENA.—If a person disobeys a subpoena issued by the Director under this Act, the Attorney General, acting on behalf of the Director, may bring a civil action in a district court of the United States to enforce the subpoena. An action under this subsection may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.

SEC. 6. ADDITIONAL POWERS.

In order to support Teams in carrying out this Act, the Director may—

(1) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code;

(2) request the use, when appropriate, of available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

(3) confer with employees and request the use of services, records, and facilities of State and local governmental authorities;

(4) accept voluntary and uncompensated services;

(5) accept and use gifts of money and other property, to the extent provided in advance in appropriations Acts;

(6) make contracts with nonprofit entities to carry out studies related to purpose, functions, and authorities of the Teams; and

(7) provide nongovernmental members of the Team reasonable compensation for time spent carrying out activities under this Act.

SEC. 7. DISCLOSURE OF INFORMATION.

(a) GENERAL RULE.—Except as otherwise provided in this section, a copy of a record, information, or investigation submitted or received by a Team shall be made available to the public on request and at reasonable cost.

(b) EXCEPTIONS.—Subsection (a) does not require the release of—

(1) information described by section 552(b) of title 5, United States Code, or protected from disclosure by any other law of the United States; or

(2) information described in subsection (a) by the National Institute of Standards and Technology or by a Team until the report required by section 8 is issued.

(c) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, a Team, the National Institute of Standards and Technology, and any agency receiving information from a Team or the National Institute of Standards and Technology, shall not disclose voluntarily provided safety-related information if that information is not directly related to the building failure being investigated and the Director finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

(d) PUBLIC SAFETY INFORMATION.—A Team and the National Institute of Standards and Technology shall not publicly release any information it receives in the course of an investigation under this Act if the Director finds that the disclosure of that information might jeopardize public safety.

SEC. 8. NATIONAL CONSTRUCTION SAFETY TEAM REPORT.

Not later than 90 days after completing an investigation, a Team shall issue a public report which includes—

(1) an analysis of the likely technical cause or causes of the building failure investigated;

(2) any technical recommendations for changes to or the establishment of evacuation and emergency response procedures;

(3) any recommended specific improvements to building standards, codes, and practices; and

(4) recommendations for research and other appropriate actions needed to help prevent future building failures.

SEC. 9. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIONS.

After the issuance of a public report under section 8, the National Institute of Standards and Technology shall comprehensively review the report and, working with the United States Fire Administration and other appropriate Federal and non-Federal agencies and organizations—

(1) conduct, or enable or encourage the conducting of, appropriate research recommended by the Team; and

(2) promote (consistent with existing procedures for the establishment of building standards, codes, and practices) the appropriate adoption by the Federal Government, and encourage the appropriate adoption by other agencies and organizations, of the recommendations of the Team with respect to—

(A) technical aspects of evacuation and emergency response procedures;

(B) specific improvements to building standards, codes, and practices; and

(C) other actions needed to help prevent future building failures.

SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ANNUAL REPORT.

Not later than February 15 of each year, the Director shall transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) a summary of the investigations conducted by Teams during the prior fiscal year;

(2) a summary of recommendations made by the Teams in reports issued under section 8 during the prior fiscal year and a description of the extent to which those recommendations have been implemented; and

(3) a description of the actions taken to improve building safety and structural integrity by the National Institute of Standards and Technology during the prior fiscal year in response to reports issued under section 8.

SEC. 11. ADVISORY COMMITTEE.

(a) ESTABLISHMENT AND FUNCTIONS.—The Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall establish an advisory committee to advise the Director on carrying out this Act and to review the procedures developed under section 2(c)(1) and the reports issued under section 8.

(b) ANNUAL REPORT.—On January 1 of each year, the advisory committee shall transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) an evaluation of Team activities, along with recommendations to improve the operation and effectiveness of Teams; and

(2) an assessment of the implementation of the recommendations of Teams and of the advisory committee.

(c) DURATION OF ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

SEC. 12. ADDITIONAL APPLICABILITY.

The authorities and restrictions applicable under this Act to the Director and to Teams shall apply to the activities of the National Institute of Standards and Technology in response to the attacks of September 11, 2001.

SEC. 13. AMENDMENT.

Section 7 of the National Bureau of Standards Authorization Act for Fiscal Year 1986 (15 U.S.C. 281a) is amended by inserting ", or from an investigation under the National Construction Safety Team Act," after "from such investigation".

SEC. 14. CONSTRUCTION.

Nothing in this Act shall be construed to confer any authority on the National Institute of Standards and Technology to require the adoption of building standards, codes, or practices.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

The National Institute of Standards and Technology is authorized to use funds otherwise authorized by law to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from New York (Mr. WEINER) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

GENERAL LEAVE

Mr. BOEHLERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4687.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am honored to bring this bill back to the House so we can pass it and send it on to the President for his signature. Last week the Members of the House, like citizens throughout our Nation, set aside time to remember the events and heroes and victims of last September 11. We re-experienced the shock and horror of that day, and we gave thanks for our liberties and the way our Nation spontaneously came together to provide emergency, emotional and financial support to those people and places that needed it.

But that is not enough. Our responses to September 11 cannot be limited to sentiment. We have to learn from what happened that day, and apply those lessons. Most of the lessons, of course, relate to foreign policy and domestic security, and it is often difficult to discern exactly what those lessons ought to be once one goes beyond enhanced vigilance, but there are also lessons related to building safety, and at least the immediate lessons in that area are crystal clear.

The collapse of the Twin Towers, and especially the emergency response and evacuation procedures in response to the attack on the Towers, indicates that we need to know more about skyscraper safety. The government study that followed the collapse showed that we need to have better procedures in place to study building failures, from whatever cause, if we are going to save lives in the future.

The attack on the World Trade Center is, we hope, unique. But the collapse of those two seemingly immovable objects has lessons for a wide variety of buildings facing a wide variety of relatively common circumstances.

H.R. 4687, which I introduced along with the gentleman from New York (Mr. WEINER), will ensure that we are able to learn and apply those lessons, not only in the case of the World Trade Center, but in future cases as well.

The bill simply and precisely remedies each and every failing that hindered the investigation of the World Trade Center collapse. The bill gives clear responsibility and authority, including subpoena power, to the National Institute of Standards and Technology to use its longstanding expertise, and that of outside experts, to investigate failures of structures and evacuation procedures, and to make specific recommendations to prevent their recurrence. The bill ensures that NIST's response will be swift and thorough.

This bill has already passed the House overwhelmingly, and we have negotiated clarifying changes with the Senate. The bill is ready for the President, and it will be a fitting memorial to those who perished last year at this time.

Madam Speaker, I thank the families of those who died at the Trade Center, especially those who have formed the Skyscraper Safety Campaign, for all their hard work in helping to bring this measure to fruition. We are working together to ensure that no other families will ever have to experience their particular pain.

Madam Speaker, I reserve the balance of my time.

Mr. WEINER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to add a couple of points of explanation to what the gentleman from New York (Mr. BOEHLERT) has said.

First of all, it is clear that no one in this body, no one on the Committee on Science, no one could have anticipated that dreadful act, that shameful act of cowardice that led to the collapse of the World Trade Center. In fact, nothing that we do today should negate the fact that the way those buildings were built, with such strength and such great craftsmanship, they stood for over an hour, even after they were hit with the most horrific forces any building has had to withstand. What is the result, today over 25,000 families are together with their surviving member because they were able to get out alive. It was the largest urban rescue in history, and it would not have been possible had it not been for the fortitude of those buildings.

But we also would be remiss if we did not recognize that the investigation that ensued after the September 11 building collapse was a disaster. There was miscommunication between different agencies. There was infighting with agencies. To give Members an idea, 80 percent of the steel from those buildings was taken away and recycled before any expert could take a look at them to try to determine if there were flaws that could be avoided in the future.

The electrical switches that could have provided so many telltale signs for investigators were taken away. There were even fights over whether investigators had the right to see the blueprints to the building. In fact, the way I put it, it was a crime scene, and not only was there no smoking gun found, but there was no weapon found. In truth, there was not even a detective assigned to the case. That is what we are trying to address today.

I should point out this is not just idle Monday morning quarterbacking. There are real things that we will be able to learn from this investigation and others to come, although we all hope that this agency is never used. We could learn things that we learned already in the preliminary investigation of the World Trade Center, that perhaps having exit stairwells so close together makes it possible that they can all be knocked out through one horrific event, such as happened in Tower One where three of the stairwells were completely knocked out, preventing egress to the top.

We can learn something that hopefully we would have learned in the 1993 bombing of the World Trade Center, that we need to hard-wire repeaters into these buildings. Repeaters allow firefighters on the ground to talk to firefighters almost a quarter of a mile up without interference on the radio. The most haunting thing that came from so many of the revelations that we have seen since September 11 is that firefighters, the most heroic imaginable, were climbing the stairs up, not hearing the calls from their comrades below that it was time to evacuate. Mayday calls that should have been assigned to firefighters to get out were never heard by the firefighters because the hard-wiring in the building was not sufficient to install repeaters.

Finally, we may need to learn something about roof access to these buildings. Who knows what might have been possible. We know that hundreds of people perished that day because they went up to the roof seeking a way out. As a matter of fact, early on there were reports that some of the dispatchers who were getting the calls were advising people to do that, all of the things we may learn for future investigations.

But there is one other fact we must not forget, and the gentleman from New York (Mr. BOEHLERT) pointed it out, that this bill would not have happened, simply put, would not have happened had it not been for families of victims and interested Americans coming to us and saying in the midst of all of the difficult things that we have to do as a Congress and efforts to secure our homeland, let us not forget that we need to do an investigation about why those buildings came down.

Frankly, it was the impetus of the Skyscraper Safety Campaign that made this bill a reality. It would not have become a reality had the gentleman from New York (Mr. BOEHLERT) not taken it up, and not taken it up with such dignity and speed, and his staff had not been so proficient in doing it, including Mike Quear on our side of the aisle, Geoffrey Hockert and Lamar Robertson on my staff. Frankly, the gentleman from New York (Mr. BOEHLERT) has shown us the way to get this stuff done. Many of us are standing here after September 11 and wondering why so many of the obvious things are taking longer than we thought. Perhaps if the gentleman from New York (Chairman BOEHLERT) was the chairman of all of the committees, and I am not sure that I would wish that on the gentleman, but perhaps it would move quicker.

Secondly, it is undeniably a fact that if we did not have the NTSB as a model, this would have taken a lot longer. The NTSB has shown us the way in the way that they investigate airline crashes, the way they sequester information, and take control of a scene as if it were a crime scene. They always get their man. They have virtually 100 percent success rate of coming to conclusions about why planes crash. We use that as a model to help this bill.

Madam Speaker, I strongly urge the President to give this the attention it deserves by having a ceremony when he signs this bill. I thank Senator SCHUMER and Senator CLINTON for being so expeditious in their consideration. This is legislation that hopefully we will never see put into place. There should never again be, God willing, the type of catastrophic building collapse as we saw in New York on the morning of September 11; but if there is, we should learn from it. And, as importantly, we hope with this legislation we give the tools to investigators to learn everything possible to learn about the causes of the September 11 collapse.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from New York (Mr. WEINER) points out something very important. We get things done in this institution by working on a bipartisan basis. We get things done in this Congress by working on a bicameral basis. That is why we have succeeded in getting to this point.

Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), someone who has been very instrumental in fashioning this bill and bringing us to the point where we are right now.

Mr. SHAYS. Madam Speaker, I thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from New York (Mr. WEINER) for this legislation, for their perseverance, and for listening to their constituents and the people who suffered from September 11 who helped design this bill.

When we had the first hearing on H.R. 4687, the National Construction Safety Team Act, I thought, "what am I really going to learn." Two large airplanes filled with fuel crashed into two buildings, and the buildings came down; end of story.

Well, as soon as the hearing began, I learned there was so much more to the story. First, who was in charge. What happened to the evidence, not like it was a crime, this was a terrorist act, but what happened to the materials that would help us understand how these buildings collapsed and how it might have been prevented.

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As others have pointed out, where the location of the stairs were. I have a constituent who spoke to her loved one, her husband, for almost an hour as he went to the top of the building, went down to the fire, tried to find a way to get out, asked for her help as she looked at the building on the cameras, on the TV, to see if she saw any opportunity. That was the last time she spoke with her husband, trying to help him deal with this catastrophe.

We have a good model in the NTSB. We know that we have the ability when there are airplane crashes to look at the NTSB and see what they do. They take control. They have subpoena power. They have the ability to look at every aspect of the disaster, the people involved, what they did, what they did not do, the materials involved, what happened. With this legislation, NIST has the same authority, with all the same powers. When there is a major catastrophe, when there is loss of life, they are going to step in.

I was particularly intrigued by the fact that not only were we talking about these two incredibly large buildings, but we are talking about a 40-story building that caught on fire and there was no way to put that fire out, no water, no ability to put it out, so it was allowed to burn for nearly 7 hours, this 40-story structure. Think of all that we could have learned about building material. Think what we will learn in the future and just think of how important it is for those who have lost loved ones to know that there is an organization like NIST that will take charge just like the NTSB takes charge in the disaster of an air flight. We are at war with terrorists. They are going to use conventional, biological, and possibly chemical weapons. Heaven forbid that they will someday have access to nuclear weapons and try to use them. We know that we cannot always prevent a disaster, but when there is one, we need to learn from it.

Again, I want to just thank both the chairman of the Committee on Science, who has brought science to the discovery of why things happen, and the gentleman from New York (Mr. WEINER) for his incredible help. I appreciate the work of both of them.

Mr. BOEHLERT. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI) who has been there right from the beginning, at every hearing, meeting with the skyscraper safety campaign committee, meeting with the professional staff, working very hard to produce the product that we are proud to present to the House today.

Mr. GRUCCI. Madam Speaker, I would first like to take a moment to thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from New York (Mr. WEINER) for their steadfast leadership and my colleagues on the Committee on Science for working together on this incredibly important piece of legislation. The tragedy of September 11 was one that no one could ever predict or even fathom. The extent to which our Nation was affected may never be completely understood. America sat with fear and awe, our eyes captivated by the sight of these once great majestic towers, reduced to a pile of smoldering ruins. But as the hallowed ground of lower Manhattan is cleared of the rubble and America attempts to heal from the horror of September 11, we continue to work together to find what answers we can muster from this tragedy and ask the critically important questions to find out how these towers failed.

Madam Speaker, my congressional district lies just 45 miles from what is now known as Ground Zero. My constituents were some of the first responders, opening up their emergency rooms and volunteering their rescue services to help the mothers and fathers, brothers and sisters, friends and even strangers, all that were trapped in that rubble in the World Trade Center on the morning of September 11.

This legislation, the National Construction Safety Team Act, will give the National Institute of Standards and Technology clear authority and responsibility as well as the necessary legal tools to investigate building failures. Other Federal agencies, such as the National Transportation Safety Board, have the authority to obtain evidence and investigate transportation calamities. In the collapse at Ground Zero, there was no clear mandate to what Federal agency would lead an investigation into the building's failure. This confusion can never happen again.

H.R. 4687 clarifies the process and makes certain that NIST has the authority to study building collapses. It is crucial that we extend this authority to building engineers and protect all Americans from future danger or tragedy. I am proud to be an original cosponsor of this legislation and place my full support behind the bill. I urge my colleagues to join me once again in supporting final passage of this critical legislation before the close of the 107th Congress.

Mr. WEINER. Madam Speaker, I yield myself such time as I may consume.

I just want to make one concluding thought. One of the things that has been suggested in some quarters, and we are having a great deal of discussion in New York about how to redevelop lower Manhattan is, "Well, maybe we shouldn't build big buildings anymore." I think this legislation is a recognition of just the opposite. Big buildings have always been, as E.B. White described it, built out of our desire to reach for the heavens. In New York City, frankly, we do not have big wide open spaces, so we are not going to build out to the sides. We are going to be building high-rise.

There is another absolute fact I can say going forward: We are always going to have firefighters who are going to run into those buildings to save people on the high floors. Those are two almost immutable facts of life in New York and probably in the United States of America.

This legislation is a sign that we are not retreating from that idea. What we are doing is trying to learn from our experiences, to try to make both the people who work in those buildings, firefighters and emergency workers who may someday, God forbid, have to rush into those buildings, make them both safer. But let no one see this legislation being passed and say, well, we are getting a little bit weak in the knees about whether or not we should be living up to our greatest ambitions as Americans and as New Yorkers. Neither one is true. In fact, this is recognition that we are going to be building big buildings, we are going to be making them safer, we are going to be making them such that emergency workers can get in and out of them with ease and make them, frankly, never terror-proof, they are never going to be earthquake-proof, they are never going to be bomb-proof, but we are going to try to learn the tragic lessons of September 11. That should be the legacy of those 2,801 people that were lost that day.

Madam Speaker, I yield back the balance of my time.

Mr. BOEHLERT. Madam Speaker, I yield myself such time as I may consume.

Our unending quest must be to fill gaps in our knowledge base. With this legislation, we are doing just that. This is a proud moment for the House. I want to thank particularly the gentleman from New York (Mr. WEINER) but also others who cannot be here today because of conflicts. The gentleman from New York (Mr. ISRAEL) was very helpful. The gentlewoman from Maryland (Mrs. MORELLA) was there right from the beginning and worked very hard.

I want to comment on the high degree of professionalism of the staff on the Committee on Science. On our side, Cameron Wilson and Diane Jones and Dr. John Mimikakis and our staff director David Goldston. But it was not just a Republican staff and a Republican bill or a Democrat staff and a Democrat bill. This is a bill for America developed by concerned Americans who want to protect us as much as humanly possible for the future.

Mrs. MORELLA. Madam Speaker, I rise today in strong support of H.R. 4687, The National Construction Safety Team Act of 2002. I want to thank Chairman BOEHLERT for his outstanding leadership on this legislation, and for helping to bring this important issue to our attention. This bill has been strongly supported here in Congress, and also by the Administration.

We are all imminently aware of the tremendous challenges America faced on September 11. In an effort to find answers to some of our questions, the Science Committee heard disturbing testimony about the investigations into the reasons for the catastrophic building failure at the World Trade Center. As a result of that testimony, we have learned that there was no federal agency with clear authority over the investigation. This bill helps remedy that problem by giving the construction safety teams and the National Institute of Standards and Technology comprehensive investigation authorities similar to those of the National Transportation Safety Board. We are firmly establishing who is in charge of future investigations with clear mandates for action, without impeding search and rescue operations. The legislation will allow the teams to carry out critical functions such as: accessing the site of a build disaster, accessing key building records and documents, and retrieving and preserving evidence. We have also learned through testimony that the public was often kept in the dark, leading to confusion and resentment among victims and families. This bill establishes clear lines of communication, ensuring that the public will be informed throughout the investigation, with regular briefings and public hearings.

Additionally, we are supporting much needed research by NIST into the technical causes of the World Trade Center collapse, and other fire safety issues, in an attempt to provide the necessary research for future building safety codes. NIST is the premier federal laboratory for research in building design and safety, and is uniquely positioned to fully understand the World Trade Center disaster and thereby prevent future collapses.

While I applaud my colleagues for their efforts on moving this important bill, I also caution them that our work may not be done. As the investigations continue, NIST may uncover more questions about the deficiencies of our building designs. They may also discover gaps in our knowledge. New studies and new facilities may be necessary to fill these voids, and thereby may require a new commitment from us. Passage of H.R. 4687 is a very important step toward greater knowledge and better understanding of the events that changed all our lives. I urge your support of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I strongly support H.R. 4687, The National Construction Safety Team Act of 2002. I am pleased with the outcome of our work on the Science Committee in addressing in a timely fashion, a problem highlighted in the wake of the events of last 9/11. In just a year we already have before us a piece of legislation that will greatly enhance the safety of the next generation of buildings, and save many lives.

Every experience, no matter how horrific, presents an opportunity to learn. Many lives were lost last year, the two moments that jets crashed into the World Trade Center Buildings 1 and 2. However, much of the devastation occurred over the next hour, as people became trapped in the building, exposed to fire and smoke, and eventually as the buildings collapsed. Although, our first responders made heroic efforts, and did an excellent job at rising to the challenge of this unprecedented attack—there is always room for improvement. Also, although the World Trade Center was an architectural marvel, perhaps there were design changes that could have been incorporated that would have saved lives.

Even as the healing is taking place, we must look back carefully and objectively at the events that took place, and look forward to implement plans which might prevent such catastrophic loss from occurring again.

The National Construction Safety Team Act gives responsibility to the National Institute of Standards and Technology (NIST) to dispatch teams of experts within 48 hours after major building disasters. The team will determine the likely technical cause of building failures. They will also evaluate procedures used for evacuation and emergency responses. Then, the team will recommend specific changes to building codes, standards and practices, and to emergency response and evacuation procedures. The team will make regular briefings to the public during ongoing investigations, to keep the public apprised of developments. Implementation of the final recommendations will make our nation's buildings safer and people more secure.

The bill strikes an excellent balance between allowing the team to be efficient and effective—to access the site, subpoena evidence, etc.—and the need to stay out of the way of search and rescue attempts that may also be ongoing.

Obviously, the first implementation of this bill would be a comprehensive review of the World Trade Center collapse. NIST has already started its follow-on investigation, with $16 million transferred from FEMA. This bill (H.R. 4687) will provide NIST with the ability to subpoena data, if necessary, to augment its current investigation. The citizens of New York deserve such a deep and thoughtful approach.

But this bill is not only a "World Trade Center Bill." Teams will be organized and prepared to respond within 48 hours of any major building failure that involves significant loss of lives, or the danger of such loss. I hope that such a system could also help us learn from, and better prepare for natural disasters as we saw in Houston during Tropical Storm Allison in 2001. Flooding led to the destruction of thousands of homes and buildings, and the loss of 41 lives nationwide. Hospitals, such as that at Baylor College of Medicine, suffered millions of dollars in damages, setting research back years.

One young woman who died in Houston, Kristie Tautenhahn, was in a building that was rapidly flooding. A voice came over the intercom, informing employees that the underground garage was filling up with water, and people should go down and move their cars. Kristie, a 42-year old proofreader in a law firm got trapped in an elevator on her way down to the garage, and drowned soon after.

Tragic events, like the death of Ms. Tautenhahn or the flood damage of Baylor probably would not trigger the kind of investigations that this bill provides for. However, it seems that the work of investigative teams created by this bill, could provide valuable information which may bring about smarter building codes, to prevent such failures, and better strategies of getting the appropriate warnings and evacuation information to potential victims of disaster.

H.R. 4687 is a great strike toward a more comprehensive national strategy for predicting, preventing, and mitigating damage due to disasters of all sorts. It is a proactive, preemptive type strategy that could save lives and money. I am pleased with the Science Committee's leadership on such issues. It compliments well other legislation emerging from the Science Committee, such as the Inland Flooding Bill that I worked on with my colleague from North Carolina BOB ETHERIDGE, which will help predict and prevent damage from cyclone-related flooding. We are turning away from just putting out fires, and toward understanding our vulnerabilities, and trying prevention. It is the right way to go.

I urge my colleagues to support the National Construction Safety Team Act 2002.

Mr. BOEHLERT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4687.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 38 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 435, by the yeas and nays;

H. R. 4102, by the yeas and nays; and

H.R. 5333, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CANDACE NEWMAKER RESOLUTION OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 435.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 435, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 35, as follows:

[Roll No. 388]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)

Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Baird
Barr
Blagojevich
Brown (FL)
Burr
Collins
Combest
Davis (FL)
DeLay
Dooley
Ehrlich
Ganske
Gekas
Hansen
Hilleary
Hulshof
LaTourette
Lipinski
Lynch
Mascara
McKinney
Miller, George
Mink
Nadler
Nethercutt
Ney
Phelps
Riley
Roukema
Royce
Schaffer
Stark
Stump
Watson (CA)
Watts (OK)

☐ 1853

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each motion to suspend the rules on which the Chair has postponed further proceedings.

* * *

ROLLAN D. MELTON POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4102.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 4102, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 34, as follows:

[Roll No. 389]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Baird
Barr
Blagojevich
Brown (FL)
Burr
Collins
Combest
DeLay
Dooley
Ehrlich
Ganske
Gekas
Hansen
Hilleary
Hulshof
LaTourette
Lipinski
Lynch
Mascara
McKinney
Miller, George
Mink
Nadler
Nethercutt
Pelosi
Phelps
Roemer
Roukema
Schaffer
Serrano
Stark
Stump
Watson (CA)
Watts (OK)

□ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOSEPH D. EARLY POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. DUNCAN). The pending business is the question of suspending the rules and passing the bill, H.R. 5333.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 5333, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 35, as follows:

[Roll No. 390]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Baird
Barr
Blagojevich
Brown (FL)
Burr
Collins
Combest
Cummings
DeLay
Dooley
Doyle
Ehrlich
Ganske
Hansen
Hilleary
Hulshof
John
LaTourette
Lipinski
Lynch
Mascara
McKinney
Miller, George
Mink
Nadler
Nethercutt
Pelosi
Phelps
Roemer
Roukema
Schaffer
Stark
Stump
Watson (CA)
Watts (OK)

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROEMER. Mr. Speaker, I regret that as a result of an important, previously scheduled personal commitment, I was not able to be present in the House of Representatives to cast two votes on Tuesday, September 17, 2002. Had I been present in the chamber, I would have voted “yea on rollcall No. 389 on H.R. 4102—The Rollan D. Melton Post Office Designation Act, and “yea” on rollcall No. 390 on H.R. 5333—The Joseph D. Early Post Office Designation Act.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed Recorded Votes on Tuesday, September 17, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes: on Passage of H. Con. Res. 435, I would have voted “yea”; on Passage of H.R. 4102, I would have voted “yea”; on Passage of H.R. 5333, I would have voted “yea”.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, SEPTEMBER 18, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, September 18, 2002, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H. Res. 523 and H. Con. Res. 337.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 524, SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT OF 2002, AND HOUSE RESOLUTION 525, SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON LEGISLATION EXTENDING AND STRENGTHENING SUCCESSFUL 1996 WELFARE REFORMS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–660) on the resolution (H. Res. 527) providing for consideration of the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1701, CONSUMER RENTAL PURCHASE AGREEMENT ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–661) on the resolution (H. Res. 528) providing for consideration of the bill (H.R. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Ms. WATERS. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 3295 tomorrow.

The form of the motion is as follows:

Ms. WATERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate to ensure that a conference report is filed on the bill prior to October 1, 2002.

☐ 1915

AUTHORIZING USE OF CAPITOL ROTUNDA TO PRESENT CONGRESSIONAL GOLD MEDAL TO GENERAL HENRY H. SHELTON

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 469) authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.), and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. DUNCAN). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 469

Resolved by the House of Representatives (the Senate concurring), That the Rotunda of the Capitol is authorized to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.). Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 469.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMUNICATION FROM STAFF DIRECTOR AND CHIEF COUNSEL, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Christopher Donesa, Staff Director and Chief Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 10, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

CHRISTOPHER DONESA,
Staff Director and Chief Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

COMMUNICATION FROM PROFESSIONAL STAFF MEMBER, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Kevin Long, Professional Staff Member, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 10, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KEVIN LONG,
Professional Staff Member.

COMMUNICATION FROM PROFESSIONAL STAFF MEMBER, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Scott Feeney, Professional Staff Member, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

SCOTT FEENEY,
Professional Staff Member.

COMMUNICATION FROM MINORITY COUNSEL, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Julian A. Haywood, Minority Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 16, 2002.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,
JULIAN A. HAYWOOD,
Minority Counsel.

SEMIANNUAL REPORT DETAILING TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 17, 2002.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECORD INCREASE IN PUBLIC DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, last week the President of the United States went to Ohio and mentioned repeatedly that what this Congress needed was a budget. I agree. I wish he had included one more word in that, what this Congress needs is a "balanced" budget.

See, Mr. Speaker, last year this Congress, when there was still a Republican majority in the other body and a Republican majority in this body, gave the President his budget and gave the President his tax breaks. They passed both bodies by a fairly narrow margin, but they did indeed become law and the President signed them into law.

As a result of that budget, our Nation's debt has increased by $440,605,894,921 in the past 12 months. To put that into perspective, our Nation is now $6,210,481,675,956 in debt.

What is particularly disturbing about that is that as our President ponders sending the young men and women in uniform off to fight, most of whom are 23 years old or younger, I think it is particularly significant that in the lifetime of those soldiers and sailors who are 23 years of age or younger, our Nation's debt has increased by over $5 trillion. What is particularly bad about that is, just like any individual who has a credit card, as long as we owe that money, we have to pay interest on it. The single largest expenditure of this Nation is not welfare, it is not food stamps, it is not veterans' health care, it is not building highways, it is not defending the Nation. It is squandered on interest on the national debt. We squander $1 billion a day. That is 1,000 times 1,000 times 1,000 every day is squandered on the national debt.

Mr. Bush, I know that all of us are our fathers' sons. All of us are proud of our dads, and you should be particularly proud of your dad. After all, he was the President of the United States. One of the things your dad did not do well was controlling the deficit when he was President. As a matter of fact, the largest deficit in our Nation's history took place during the fiscal year of 1991, when your dad was President. In that year, our Nation borrowed $432 billion. That is 1,000 times 1,000 times 1,000 times 432 to make ends meet.

I regret to tell you, Mr. Bush, that you are on the way to breaking your dad's record; that in all probability, at the end of this year, you will have borrowed, with your budget passed through a Republican Senate and Republican House, more than that $432 billion. So as you go to Ohio and tell folks that we need a balanced budget, I would only ask as one of 435 Members of this House that you include the word "balanced" budget.

Why do you not use your incredible popularity to ask the American people to get their Congressmen to support a constitutional amendment to balance the budget, so that this generation does not burden the next generation with our bills? After all, no mom or dad would go buy a house and say, "I don't care what it costs, because I am going to stick my child with that bill when they hit 40 years of age, when they reach the maximum income years."

None of us would go out and buy a fancy car, and say, "By the way, bill it to my grandchildren, whether they are born or not."

That is precisely what this Nation has been doing, particularly for the last 23 years, when it borrowed $5 trillion.

On an aside, Mr. Bush, you made a very compelling case to the UN last Thursday, and I am in agreement; you have now convinced me that our Nation will be at war unless the Iraqis back down. If that is the case, then I must insist as a Member of Congress that the wise thing for our Nation to do would be to call up the Guard and Reserve. Over one-half of the force of the United States of America is in the Guard and Reserve.

If there is going to be a war, then I subscribe to former General and now Secretary of State Colin Powell's theory of the overwhelming use of force, and we cannot have the overwhelming use of force if the Guard and Reserve is not called up.

If we are going to do this, let us do this right. The best way to minimize American casualties is to use overwhelming force, and that has to include the calling up of the Guard and Reserves. If this is going to be a war, then it is going to be everybody's war, and the way you make it everyone's war is including the National Guard and the various branches of the Reserves in the effort.

I would also hope that this body has an opportunity to vote on it. But, prior to that vote, I would highly recommend that the Guard and Reserve be called up, because the Iraqis watch Cable News Network also, and I think as an American people, we should expect attacks on American soil through acts of terror from the minute that that vote is taken, and we should be prepared for that as a Nation. The only way to be prepared for that as a Nation is to have the Guard and Reserve called up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded that their remarks in debate should be addressed to the Chair. It is not in order to direct remarks directly to the President of the United States.

BALANCING THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I want to continue on the general thesis of the concern that many of us have on this side of the aisle, that we seemingly have forgotten about budgets and balanced budgets and we seem to not be willing to talk about the deficits that are now occurring. That is very alarming.

As you know, last year this body passed a budget, an economic game plan. There seems to be a great reluctance to change that plan, which means that we are now willingly going to be endorsing deficits as far as the eye can see.

We on this side on the Blue Dog Caucus have repeatedly offered to work in a bipartisan way with our friends on the other side of the aisle and with the administration to come up with a new budget plan. But there seems to be no desire whatsoever to do so.

We now are very concerned, because at the end of this month the few remaining budget rules that have worked fairly good over the most recent period of time when we did achieve a balanced budget, pay-go, simply saying if you are going to increase spending you have got to find some cut somewhere else, expire. If you are going to cut taxes, you have got to find somewhere else to pay for it. It has worked pretty good, when the spirit of this body was behind it.

Now, Mr. Speaker, there seems to be no willingness of the leadership of this House to pass these budget enforcement rules so that they might at least be enforced, and some would say so they can be ignored, which is basically what we have been doing in this body all year. The rules we have, we ignore them and we pass a rule over the objection of the minority.

The Committee for a Responsible Federal Budget makes a very compelling argument that we should stop blaming the other body for what they are not doing and just us do our job. It would seem that it would make a lot more sense to all of us in this body if we passed all 13 appropriation bills. Then we would have something to be concerned about, whether the Senate does or does not pass a budget.

□ 1930

But we seemingly are not going to be able to pass the 13 appropriation bills, but some of us seem perfectly willing to find somebody to blame. I was reminded a long time ago when you are pointing the finger of blame at someone else, there are always three pointing back at you; and we need to be reminded and we are going to take to the floor quite often over the next several days and remind everyone of the multitude of budget votes, lockbox votes that we voted in this body almost unanimously that no one was going to touch the Social Security surplus. We are. And as far as the eye can see, we are going to be doing it again.

Running up debt, we increased our Nation's debt by $450 billion in a vote last year. We are going to have to do it again early next year because, as the gentleman from Mississippi (Mr. TAYLOR) pointed out, our public debt outstanding has now gone to $6.210 trillion. That is an increase of $440 billion, and I said increase because seemingly when you read the press and you read the rhetoric of what we are attempting to be told that it is not that bad, it is that bad. It is a serious problem, and it goes far beyond the war on terrorism.

CBO says the impact of September 11 represents only about 11 percent of the total deterioration of the surplus since last year, and now we are being told that we are going to possibly be in another war, that the estimated cost now ranges somewhere between 100 and $200 billion. We should spend some time, instead of doing what we seem to be doing here this week, very few votes of substance, very few discussions, no bills being proposed to put the pay-go rules and putting some budget discipline back into our budget, no one talking about a budget, no one talking about a new budget, which means that somebody ought to come on this floor and defend the budget that we are now under.

Come on this floor and honestly talk about the fact that we have borrowed in the last 12 months $440 billion; $440 billion that we have borrowed. We owe the Social Security trust fund $1.3 trillion. We owe Medicare $263 billion. We owe the military retirement fund $164 billion. We owe the civil service retirement and disability fund $535 billion, and we are increasing that. I do not think that is the kind of a budget confidence vote that the markets are looking at or that anyone is looking at today.

I would conclude my remarks by saying Congress and the President need to come up with a new budget and economic game plan to deal with the changes in our budgetary outlook and deal with the new circumstances facing this country. To do otherwise is fiscally irresponsible.

IMPLEMENTING A LONG-TERM BUDGET PLAN

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentleman from Florida (Mr. BOYD) is recognized for 5 minutes.

Mr. BOYD. Mr. Speaker, I want to follow up on the themes that were developed by the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Texas (Mr. STENHOLM).

Mr. Speaker, we are less than 2 weeks away from the end of the fiscal year, and it is rapidly becoming very clear that the leadership of the House, this House of Representatives, has painted itself into a corner. How do we implement a responsible long-term budget plan? How do we extend the current budget enforcement rules that help control discretionary spending and require offsets for mandatory spending and new tax cuts? These budget enforcement rules are set to expire on October 1. How do we enact the 13 annual appropriations bills in regular order?

All of these questions must be answered by the House leadership if we are going to stem the flow of red ink and put the Federal budget back on the path to balance. Unfortunately, the only solution that the House leadership seems to have is to pretend that these deadlines do not exist. This is not a workable solution.

The Blue Dog Coalition has offered to work with the Republican leadership to develop bipartisan answers to these questions by establishing a viable long-term budget, extending the budget enforcement rules to control both the tax side and the spending side of the Federal budget, and to develop a road map to enact the appropriations bills in a fiscally responsible manner. We have offered in the past to work with the leadership, and we do that again this week.

First, Congress and the President need to make tough choices to address the changes in the budget outlook. The President has an obligation to lead in proposing a game plan to deal with the changed circumstances and to put the budget back on a path to balance without using the Social Security surplus. Right now under the President's budget, we will be borrowing from the Social Security trust fund until at least 2009. Given that the House of Representatives has voted seven times since I have been in this House in 5½ years to protect the Social Security trust fund by placing it in a lockbox, it is simply unacceptable to borrow the Social Security trust fund for the next 8 years to operate the general revenue side of the government. This is why we must sit down in a bipartisan manner and develop realistic tax and spending levels that will put us back on the glide path to a balanced budget.

Next, we must extend the budget caps which are set to expire, the provisions of the Budget Enforcement Act of 1990, which were adopted on a bipartisan basis expire, as I said earlier, on October 1. Unless we renew our budget discipline, Congress will continue to find ways to pass more legislation that puts still more red ink on the national ledger. Even Alan Greenspan and the Concord Coalition agree that steps must be taken to answer these questions in such a way that we balance the budget. Chairman Greenspan stated, and I quote, "Failing to preserve (budget enforcement rules) would be a grave mistake . . ." The Concord Coalition warned that allowing budget enforcement rules to expire is "an open invitation to fiscal chaos."

Finally, we must work together to develop a bipartisan proposal to finish the 13 appropriations bills.

Mr. Speaker, our fiscal year ends in about 2 weeks. Over the past few years, when Congress and the President have not been able to finish the 13 appropriations bills, spending has far exceeded the levels that were recommended in the budget resolution earlier in the year. This year, we have not sent one of the 13, not one of the 13 appropriations bills to the President for his signature. As a matter of fact, the House, the House of Representatives has passed only three of the 13 regular appropriations bills off of the House floor; and again, the fiscal year ends in 2 weeks. There have been none that have been voted on on this House floor, or none scheduled since Labor Day, since we returned to our work from the August recess.

Mr. Speaker, it is vital, if we are going to put the budget back on the path to a balanced budget, that we work together to control the discretionary spending on these 13 bills. Working together in a bipartisan basis, we can balance the budget, just like we did in the Balanced Budget Act of 1997. This is why I urge and call upon the President and the Republican congressional leadership to work with us to develop bipartisan proposals that will ensure that we have a fiscally responsible government.

SUPPORT H.R. 3612, THE MEDICAID COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to request support for H.R. 3612, the Medicaid Community-based Attendant Services and Supports Act, also known as MiCASSA. This bill will enable our older Americans and citizens with disabilities who qualify for long-term care services under the Medicaid program to receive the non-institutional community support service options they are entitled to under the Americans With Disabilities Act.

The Americans With Disabilities Act, signed into law by President Bush in 1990, ushered in a new era of promise for a segment of our population whose talents and rights as American citizens have been too long ignored. It promised a new social compact to end the paternalistic patterns of the past that took away our rights if we become disabled. It says that people with disabilities have the right to be active participants integrated into the everyday life of society. This premise, however, cannot become a reality until we roll up our sleeves and do the work necessary to eliminate the barriers that still hinder its full implementation.

In its 1999 Olmstead ruling, the Supreme Court said that States violate the Americans With Disabilities Act when they unnecessarily put people with disabilities in institutions. The problem is that our Federal-State Medicaid program has not been updated and has a built-in bias that results in the unnecessary isolation and segregation of many of our senior citizens and younger adults in institutions.

Too often, decisions relating to the provision of long-term services and supports are influenced by what is reimbursable under Federal and State Medicaid policy rather than by what individuals need and deserve. Research has revealed a significant bias in the Medicaid program towards reimbursing services provided in institutions over services provided in home and community settings. The only option currently guaranteed by Federal law in every State is nursing home care. Other options have existed for decades, but their spread has been fiscally choked off by the fact that 75 percent of our long-term care dollars go into institutional settings, in spite of the fact that studies show that many people do better in home and community settings.

Only 27 States have adopted the benefit option of providing personal care services under the Medicaid program. Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly distributed, have long waiting lists, and reach just a small percentage of eligible individuals.

Governor Howard Dean is a physician and Vermont's Chief Executive. He recently testified on Capitol Hill on behalf of the National Governors Association and asked Congress to give the States the tools they need to grow home and community-based service. In his testimony he said, "We can provide a higher quality of life by avoiding institutional services whenever possible. Some people insist we will need more nursing homes. They are wrong. Baby boomers today are looking for alternatives for their parents. We can't afford to protect the status quo. We need to listen to people and act boldly to develop those services they want and are, in fact, affordable."

So I ask, Mr. Speaker, all Members of this honorable body to be in support of services for individuals in home-based settings so that they too can realize the assurance of living as they choose and as they see fit. Support MiCASSA.

DOMESTIC POLICY AND INTERNATIONAL POLICY

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, there are two subjects that I want to address this evening, and both are of critical importance to us. One involves domestic policy, and one of them involves international policy. Obviously, we can guess what the international policy would be: dealing with Iraq, dealing with our war on terror, dealing with the United Nations resolutions. But before I get into the international discussion that I want to have this evening with my colleagues, I want to discuss the domestic situation involving a subject a long ways away from the al Qaeda or from Afghanistan or from Iraq or from the United Nations resolutions. I want to talk for a few minutes about the national forests, especially the national forests on public lands.

Now, public lands are lands that are owned by the government. It could be a local government, it could be a State government, or it could be Federal Government. The largest owner of land in the United States obviously is the United States Federal Government. They own millions and millions and millions of acres of land in this country.

Now, when this country was first developed, our population was primarily on the east coast, and the government wanted to grow our big country. As our country began to make land acquisitions, for example, the Louisiana Purchase and things like that, they knew that in order to expand the country, we not only had to buy the land, but we had to occupy the land. We had to put people on the land.

□ 1945

We had to have the people willing to protect the land. The best way to do that was not to give them a deed that said, Here is some land out in the West. Obviously, to grow our country we needed to move it west. We needed to move the population west. West in the early days was West Virginia. People did not have to go very far west to find out that they were in wilderness areas.

To do this, the Federal Government knew that they could not just give a piece of paper that said someone owned a piece of property out in the State of Kansas or Missouri or up in the Colorado mountains. They knew they could not do just that.

Today, it is a little different. Today, one can actually have a piece of property in Colorado, and one can live in Florida, and their rights as a private property owner are respected. They do not have to worry about squatters or about people taking over their land when they were not there.

But in the early days of the country, that was not true. That is not what the situation was. In the early days, one had to possess or be on the property; and frankly, they had to have a six-shooter strapped to their sides. That, in fact, is where the saying "possession is nine-tenths of the law," that is where that saying came from; that is, that to hold that land, they needed to go out there and be on it.

The government wanted to expand. They had to figure out, how do we encourage people to leave the comforts of the East Coast? How do we encourage our population on the East Coast to move inward, to move west? How do we do this?

They came up with an idea. In the Revolutionary War, our government bribed the soldiers, the British soldiers. We bribed the soldiers in such a way that we offered them free land, free land if they would defect from the British troops and join the American troops in our efforts against the Brits.

So they decided to follow the same type of philosophy or the same strategy. That strategy is to offer free land to people if they would go out and settle on the new land that the government had acquired. If they would agree to do that, the government would give them land. That is where we had the act like the Homestead Act take place, where the government would give people, if they would go out and work the land for a period of time, 3 to 5 years, they would give 160 acres or 320 acres.

People bought into that concept. It really did begin the movement of taking this country to the West, the opportunity of free land. Then we combine that with other things that we began to do in the mid-1860s, for example, the continental railroad, the completion of the continental railroad; and the ability for a merchant to be able to ship merchandise from one store that he or she owned to another store he or she owned; and time zones in the country. There were a lot of things that were changing with the Industrial Revolution. We saw this huge movement to the West. We were able to possess the lands that the United States as a government purchased; so we had that possession. That possession is nine-tenths of the law. We were able to accomplish that.

But what happened was when these settlers hit the Rocky Mountains, when they hit the western part of the United States, which is different than the eastern part of the United States geographically and in water measurements, because, for example, in the East in a typical year, and this is not a typical year, but in a typical year when our Nation is not suffering from a drought, we have lots of water in the East. In fact, the situation in the East usually is, how do we get rid of the water, or shove it over on our neighbor's property?

In the West, it is a very arid region. It is the arid region of the country. In fact, almost half the country has about 14 percent of the water. That is the West: the Rocky Mountains, the Utahs, the Nevadas, the Californias; and Montana, Wyoming, States like that. This is a very arid place.

What happened when our country was attempting to get people to possess that land? They would not do it, because 160 acres was not enough. See, even in eastern Colorado, and, now, my district consists of the mountains of western Colorado, but in eastern Colorado, with 160 acres in a typical year one could support a family in those early days. But once one hits the mountains of Colorado or hit western Colorado, or the Rocky Mountains in Montana, or the mountain ranges in New Mexico or places like that, 160 acres would not even feed a cow; would not even feed a cow. So they had to come up with something different.

What was happening was people were moving to the West, going to the West; but as soon as they hit those Rocky Mountain regions, as soon as they hit the arid areas, they went around them. They went around to the fertile valleys in the State of California, or they went to other places; or settled out in Nebraska or Kansas or Missouri or Arkansas, places like that where the land was much more fertile, the water was much more plentiful.

So word got back to Washington: Look, this strategy of ours, this strategy of giving land for people to possess so we have people on the land to grow our Nation, our great Nation, is working fine except when we hit the arid States of the West.

Somebody said, well, what shall we do? Shall we give them a proportionate amount of land, like 3,000 acres, which would be the equivalent of, say, 160 acres as far as what one could grow on it? It is proportionate to what one could grow on it. The answer was, Wow, we have gotten a lot of political heat here in Washington, D.C. simply because we gave so much land to the railroads.

As we know, there were a lot of robber barons. It sounds kind of familiar with some of the times we are facing right now. There was a lot of political heat because of the robber barons and the railroads, so the decision was very consciously made: Do not give them ownership of the land, these people, but let them use the land, to avoid the political heat. Let us go ahead and keep the property in the government's name, although originally all along it was intended to go to private hands; but to avoid the political heat, let us go ahead and keep the title to the land, and let the people use the land.

That was the birth of a concept called multiple use, many uses. That is where the concept of multiple use on Federal lands was conceived. When I grew up, for example, and I guess this is the best way to define multiple use, when I grew up and people went to the Federal lands, which in my district, there are probably 120 communities in my district, and actually, geographically, my district is larger than the State of Florida, but in my district, the Federal lands encircle every community except one. So of the approximately 120 communities in my district, 119 of them are completely circled by this land owned by the government.

Now, up until about the 1970s it was not a problem, because the land, under this concept of multiple use, was utilized and best described by a sign when one entered the forest that said, for example, "Welcome to the White River National Forest, a land of many uses." It was a land of many uses.

Well, it was not long before we had people in the East, while they were the beneficiaries of private land, and if we take a look at a map of the United States of America, we will find it very interesting. I know it is hard to see my pen here, but let me see if I can demonstrate quickly the differences between private ownership and government ownership as it relates to the United States and the geography of our country.

Now, obviously, Mr. Speaker, I am not an artist, so I am not trying to be an artist. I will just do a basic form, give or take, of the United States. My pen, unfortunately, is not working very well. Here is the eastern United States. Here is New York, Florida, places like that.

Basically, where my point is right here, right where I cross right here on the chart, to my left here, in the western United States, there are vast amounts of public land. That is where the majority, the great majority of the public land in the United States is located, in the western part of this country.

In the eastern part of the country we have a couple of large holdings, not huge, but large holdings of Federal land. We have the Everglades down in Florida, we have the Appalachians, and we have a little up here in the Northeast. Other than that, if we were to apply the color red to this poster board I have here, and this were the western United States, it would be almost all red. On the eastern side we would see little blotches of red, but very, very little of red in proportion to the West.

So the problem that happens is that we have a lot of people in the eastern United States that have very little experience with public lands. Their lands are owned by their neighbors, or they own the lands; they are not owned by the Federal Government. If we go to Pennsylvania or out to Missouri or some of these States, or even eastern Colorado, and when we have a planning and zoning meeting, that planning and zoning meeting is held at the local county courthouse or the local city hall. When we go to the West where the land is still owned by the government, those meetings are held in Washington, D.C. That is who does the planning and zoning out there for those Federal lands.

So it has always been a little pet peeve with those of us in the West that people in the East, with all due respect, have very little experience with public lands. They do not have the water issues that we do in the West, but they like to tell us in the West what is best for us in the West.

That is what happened many years ago in regard to our forests. Keep in mind that the majority of the forests in the eastern United States are privately owned. Whether we go down to the Carolinas, if we go to Florida, places like that, Minnesota, these forests are owned privately, the big majority of them.

In the West, our forests are primarily on public lands; so what we see, what we tend to see, is private forests usually produce better, and private forests generally are managed better. Why is that? Because in the West we have many, many different hands and fingers in the management of it because it is public lands.

Now, I think with public lands we have a pretty high fiduciary duty to manage those public lands, and we have to take care of those lands, because they do belong to all of us; although I think some precedent should be given to people who have to survive and live on those lands, that are completely surrounded by those lands, that depend for their water from those lands, that depend on their highways being able to come across those lands, that depend upon the power lines and the cellular phone towers. I could go on and on about how dependent in the West we are on public lands, a dependency not recognized nor necessitated in the East.

What happened? In the West we began to suffer, and actually not just in the West but throughout this country we have suffered massive forest fires. In the 1930s, society did not really accept fires as a natural course of a forest collapsing itself, so we decided that because the fires were such a threat to the human population and to wildlife populations and to watersheds and so on, that we would begin a very aggressive effort to fight the forest fires. Instead of letting them burn, we would fight them.

In the early days, around the turn of the century, we would have between 40 and 50 million acres a year on fire, 40 to 50 million acres a year that were on fire. What happened as a result of very effective work, frankly, by the American people and the Forest Service and the different fire agencies, we were able to restrain or restrict those fires from 30 or 40 or 50 million acres a year to 2 or 3 million acres a year, maybe 4 million acres a year, because we became very efficient with public relations: Smokey, the bear: Be careful, put your campfire out completely, pour water on it, et cetera, et cetera.

What happened through the evolution of time, a very short evolution of time, through the last 3 or 4 decades or so, man became very good at controlling fire. Unfortunately, we begin to see these forests, forests that would have, say, 20 trees per acre, all of a sudden begin to get 30 trees per acre, which was not the natural course of that acreage; then, pretty soon, 30 or 40 or 50 trees per acre.

Now, many of those acres out there that nature had always had by economics and balances, as nature does it, instead of having maybe 20 or 30 or 40 trees per acre, we now have 600 or 700 or 800 trees per acre. It has become a tinderbox. It has become gunpowder.

What has happened is that we had some terrible abuses by lumber companies in the '30s and '40s and '50s and '60s. These lumber companies would go in and they would use the concept of clear-cutting, where they cut everything in sight. They would leave a mess behind. They did not take into consideration the watersheds.

Frankly, there were a lot of scientific things that they did not know at that time that we know today that did a lot of harm back then when they carried out those policies of cutting lumber in those forests.

So thank goodness we begin to recognize some of that. We begin to get a tighter control, especially on public forests; because, after all, those do belong to the people. We begin to get a tighter grip on what was going on out there. We begin to apply more science to our forests. We had some very wholesome environmental movements to help us protect those forests.

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But as is typical in our country, we wait for something to get to a crisis, which is exactly what happened on many of our forests, one, through our own forest management policies, and, two, through really unmonitored forest timbering, taking the lumber out of the forest, unmonitored. That is the extreme.

We realize and we see the damage that has happened. And as is a typical government response, it overresponds. So we come over here and at first solid environmental organizations came forward and conscientious conservatives came in and said, We need to conserve. We need to have more conservation in this area. We need to use better policies, and we were in hopes that we could bring that into balance.

But what has happened over the last 15 years in large part is as a result of radical environmental organizations, and not all environmental organizations are radical and I am not professing that up here. But I am telling you the Earth First, the Wilderness Society, the National Sierra Club, they operate on the Earth First strategy, and that is take the radical approach. And the approach that they have used in these public forests, primarily in the West, is preventing us, preventing us from going in and doing carefully monitored thinning and treating of these forests. You have got to manage these forests and we are not being allowed to do it. Lawsuit after lawsuit after lawsuit. Litigation for 3, 4, 5, 6 years into the future in order for you to go in and treat under a carefully monitored program, under the direction of the forest scientists, under the science of the forest, to go in and treat this forest.

What happens? Well, over time these forests get more and more trees per acre, and pretty soon some of those trees begin the national evolution. They die off and they fall on the forest floor. And pretty soon the forest floor begins to build up what we call fuel, dead leaves, dead trees. They are not being cleaned out. They are not being cleaned naturally as they were 100 years ago by fire. Instead, they are being controlled by, one, by controlled fire. We are learning more about that as we go on. And, two, we have organizations out there that would like to, every time you talk about going and treating a forest, they like to spin it, they like to spin it into lumber. You are helping some big lumber company. You will clear-cut. You will cut all of the big trees out of there.

It is a bunch of hype. It is a bunch of spin. And, unfortunately, they are so good with public relations, they spend so much money on advertising and commercials on TV, it is easy for them to convince the public that you should have hands-off on the forest or that the only place you should go and look at the forests is where it abuts up against the home.

They completely ignore watersheds. What are watersheds? In the mountains, for example, the water for a community usually is many, many miles away from that community; and it is up on the top of the mountain or side of the mountain and it is called the watershed, where the waters accumulate from the high snows.

My district is the highest elevation on the continent. So up at high altitudes of 10, 12, 13, 14,000 feet we have accumulation of water, watersheds, and those watersheds make their way down the mountains into the communities. We need to manage these forests. We need to protect those watersheds. And what has happened is over the years, in part, not totally, because the drought was a major contributing factor to the major forest fires we had this year; but in part we had people whose sole intent was to obstruct the process of the science of the forest. And once again today we are seeing it happen over again.

This summer has been a devastating summer in regards to forest fires. Take a look at the State of Oregon. How many hundreds of thousands of acres in the largest fire in that State's history. Take a look at the State of Arizona, hundreds of thousands of acres on fire in the largest fire in the history of that State. Take a look at my own home State, the State of Colorado, the Haymen fire, hundreds of thousands of acres in that State, in the State of Colorado, the largest fire in its history.

We have had massive fires this year. You cannot allow a forest, whether it is right next to what is called the urban interface, which means right next to the communities, whether it is right next to the communities or whether it is deep into the forests, you cannot allow those forests to accumulate the kind of growth that they have accumulated. You have got to manage those forests. And just by common sense we cannot let fire run wild. We still have to control fire. Controlled fires are one of the tools that we can help to treat and thin forests, but it is by no means the only tool, and it is by no means a major tool. Because, frankly, one out of every 20 controlled fires we have we lose control of them. That is what happened down in Mexico. That is what happened in the great Yellowstone fire a few years ago. We lost control of a controlled burn.

We have to go in there and manage these forests. The best people to manage those forests are not the public relations or political strategists for Earth First, the Wilderness Society and the National Sierra Club. Those are not the people that should be managing our forests. Nor should the Congressmen be managing our forests.

The people that ought to manage our forests are the people who are educated about forest science from some of the best universities in the country. Colorado State University, for example. From the people who have their hands in the forest soil every day of the week. From the experts on forest policy, on trees, how to grow trees, what is the proper amount of balance in that ecosystem that we have out there. Those are the people whose opinions should primarily drive forest fire policy and forest health policy in this country.

Now, I am chairman of the Subcommittee on Forests and Forest Health of the Committee on Resources, and that committee has oversight responsibility on all the forests in the Nation. And I am telling you, under my direction on that committee, our committee is determined to try and get management of the forests back to the scientists of the forests. But it is no easy task. I can tell you that the Wilderness Society, the National Sierra Club and their cohorts, the Earth First and some of these other organizations, they do not want to give up that territory. They have enjoyed the power of being able to control the management of America's forests through emotional arguments, through political, strategized, public relations campaigns; and you can pick up and see advertisements about it; and what has happened, I will tell you that some of the people in some of these organizations are well intended. But what we are running into right now is obstructionism. The radical organizations are trying to litigate, paralysis by analysis, and every time that you talk about the necessity to go into a forest and help thin it out for the forest's health, to help prevent fires, and whether there is a fire or not, just for the health of the forest in general because the scientists say that is the thing to do, do you know what happens? Right away we get some of the radical organizations, many of which do not even live near that forest, start filing actions and appeals in the courtroom. Our litigation today runs 3 to 5 to 10 years on some of these treatment projects.

Now, I have proposed a bill and it is a bill with bipartisan support. It is a bill that we have bipartisan working groups on. It is the most promising bill we have in the U.S. House of Representatives for a bipartisan compromise to help us go in and treat these forests. And guess what happens? We have not even got off first base. We have just come up with the idea, hey, let us stay within the environmental laws but let us stop this paralysis by analysis. Let us stop these organizations, from Earth First, for example, or the Wilderness Society from being able to litigate this from here as far as time can see, from one court to the next court to the next court. Let us put aside the spin that every time we want to clean out a forest that there must be some under-the-table deal with some lumber company out there.

What we are attempting to do with our bill to keep the environmental regulations that we have, keep public input, this is the forest of the public and the input of the public is absolutely crucial; but the public input should not go on and on and on. At some point you must make a decision. At some point we need to move on these forests.

Right now we have 175 million acres of forest property; 175 million acres that has not been treated; 75 million acres of that property is ready to explode, especially when we have a summer like the summer we just got through with serious droughts in many of these States and we saw what happened. Just a simple cigarette in Durango, Colorado, a simple cigarette that was thrown out a window blew up a fire that burned tens and tens and tens of thousands of acres, destroyed homes. And after it destroyed the homes, it brings the mudslides that destroy more homes.

Some of this can be prevented through proper management of our forests; and not only just the fires, our wildlife needs proper management in the forests. Good wildlife habitat has meadows in it. You have better wildlife habitat on an average piece of land, let us say an average acre of land, you have better wildlife habitat, better plant habitat, better habitat for the entire ecosystem all around if you just have 20 or 30 trees per acre instead of 4, 5, 600 trees per acre, where the sun cannot get in; where if there is a fire it goes from canopy to canopy; where it burns so intense that it sterilizes the soil.

We are not just talking about forest fires. We are talking about wildlife. We are talking about forest fires. We are talking about the plants and the other things that are important for the whole system to balance out there. But we are having a very difficult time being able to let the scientists come back in and manage the forests. And in large part it is because of a very aggressive political campaign which involves buying advertising in newspaper, radio ads and so on by different organizations. I think Earth First is in there. The Wilderness Society is in there. Of course, the National Sierra Club is in there. Greenpeace, some of these organizations, they are doing everything they can to make sure that we do not bring science into the forests.

That is not what has happened here on the House floor. That is not what is happening here with my colleagues.

My colleagues on both sides of the aisle have finally said, Look, enough is enough. We have got to do something about the management of this forest. I have got people like the gentleman from Oregon (Mr. DEFAZIO), a very driven, very focused and very recognized environmentalist in the United States Congress. I have got the gentleman from California (Mr. GEORGE MILLER). He and I have clashed from the entire time I have been up here. He is very ardent on his issues on the environment, a very strong proponent of the environment. I have the gentleman from Oregon (Mr. WALDEN), from the logging areas up in Oregon, who is a very strong proponent of the environment. Lumber is an important industry up in his district. He understands it. I have got myself. I have got other Members, Democrat and Republican, who have come together to try and structure a bill that keeps us within the environmental laws, that gives us the protection of environmental laws, that gives us public input, but allows this process to go forward. It stops paralysis by analysis. It does not allow these decisions to be made simply because you are able to stall it out through litigation, because some wealthy organization can file lawsuit after lawsuit after lawsuit after lawsuit.

And many of the mechanical treatment projects, about half the mechanical treatment projects we had lately, half of them were appealed. Half of them get into this paralysis by analysis. Now, not all of them were appealed by environmental organizations, and that is to their credit. And not all environmental organizations are being obstructionists in regards to what we are trying to do. We have some moderate, good, level-headed people out there that want something done with the forests.

So when I address the group, I am really addressing the most radical segment of an environmental community. And I am begging that segment, we have called them on the phone. We have begged them to come to the table; not to come to the table to fight, not to come to the table carrying protest signs, not to come to the table threatening more litigation; to come to the table just like we did with the Great Sand Dunes in my bill in Colorado; like we did with the Spanish Peaks, my bill in Colorado; like we did with the Black Canyon Park, the Campbell bill in Colorado. We were able to get local people, local environmental communities together and we were able to customize. And that is what this bill does.

This allows our local environmental communities to come together with our local timber industries' representatives, for example, or the people that recreate or the wildlife experts. The wildlife people have a big opinion here because, as I said earlier, a healthy forest is very, very important for good healthy wildlife.

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This bill will allow decisions to be made with public input, with judicial input. We just do not allow it to go on forever and ever and ever. This bill has been endorsed by newspapers as a reasonable approach.

What are we seeing? We are seeing the national organizations, primarily located in Washington, D.C., or primarily located outside the public lands, pooling large sums of money to run commercials. That is how threatened they are by the fact that science might come back to the forest, to run commercials by full-page newspaper advertising, talking about how bad this bill is; and they have never even seen the bill, to the best of my knowledge.

My point here tonight is we have got forests that are in real trouble. We have got wildlife out there that is in real trouble. We have an environment out there that is in real trouble, and a lot of it is because of the fact that we are not allowing the people who know best, our forest scientists, our wildlife experts, our water and aquatic life experts, we are not allowing them to manage the forest based on science. Instead, we are seeing the forests managed by litigation that stalls and stalls and stalls and by radical environmental organizations that fund political campaigns as if they are running somebody for office, running public relation campaigns which, by the way, they cannot put as newspaper articles because newspaper articles have to be at least a little bit factually correct. Their newspaper advertisements do not have to be. So they run it as paid advertisements throughout the public lands area.

Our young people, it is amazing, in our schools are not being given the education they need to understand that the science of the forest is a very complicated issue; and we need to let the scientists do it, not the elected office people, although they should set the policy, with input from the people that elect them, with input from the public, and we should not let these forests be run by Earth First.

I do not think Earth First or Greenpeace or the Wilderness Society or the National Sierra Club, and the National Sierra Club up until this summer's firefighting and the same with the Wilderness Society were not proponents of going in and treating a forest and thinning out. Now all of the sudden they have changed their leaf, and they are in favor of it, but only as it faces the city, as if none of these problems with wildlife, too many trees per acre, too much foliage or other problems occur anywhere but on the front of the forest. It does not occur in the middle of the forest, on our watersheds and so on, according to some of these people.

My committee is bound and determined to come up with a fair, commonsense policy. It is not our intent to shortcut anybody from public input. It is not the intent to do anything except allow the forest service experts, the wildlife experts and so on to get their opportunity to come in and manage the forests as they ought to be managed.

These forests are absolutely critical for the health of this country; and they are absolutely, they are eminently important for those of us who live out in the forests, who are completely surrounded by the forests, who are completely surrounded by public lands. We want good public land policy; and we want the people who live in those public lands, regardless of what side of the issue they are on, we want people who live within the borders of those public lands to have input as to what goes on with those public lands.

It is my intent to continue to pursue on a bipartisan basis, which I think is very important, and I intend to pursue in good faith discussions with people such as the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Oregon (Mr. WALDEN), and a number of others out here, the gentleman from Virginia (Mr. GOODLATTE), to pursue good sound forest health policies. That is our goal and it is our target.

Let me shift gears very quickly and spend my remaining time talking about an issue far afield from forest health and forest management. I want to speak this evening about the situation with President Bush and Iraq.

I have a couple of posters I would like to start the conversation out with. This is a quote to my left here, and I would like my colleagues to read along with me. This is from President Bill Clinton. This quote is 4 or 5 years ago. This is what Bill Clinton said about Saddam Hussein. What if Saddam Hussein fails to comply, they are talking about inspections, and the disarmament, to disarm the weapons that we know Saddam Hussein is building, has or soon will be in the possession of, so what if Saddam Hussein fails to comply, and we fail to act, or we take some ambiguous third route?

Keep in mind what the former President is saying here, if we fail to act or if we take an ambiguous third route. What he means by "ambiguous third route" is that Saddam Hussein comes out and puts some type of condition on inspections or tries to come up with some type of alternative other than inspections that would allow him to hide the weapons or would allow him to develop the weapons, without intrusion by the rest of the world or if we take some ambiguous third route, which gives him yet more opportunities to develop his program of weapons of mass destruction, and continue to press for the release of the sanctions and continue to ignore the solemn commitments that he made. Solemn commitments that he, Saddam Hussein, made and I am going to go through those commitments with my colleagues. Well, he, speaking about Saddam Hussein, will conclude that the international community has lost its will.

He will then conclude, here in the red, he will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction.

Let us take a look. As my colleagues remember, Iraq is the country that invaded, without cause, without cause, without retribution, invaded a smaller country, the country of Kuwait in the early 1990s. In the process of that invasion, they caused massive, massive human fatalities. They killed thousands and thousands, tens of thousands of Kuwaitis, men, women and children. They killed without discrimination.

It was only because of the United States of America and the coalition that it built with its European partners, and their partners throughout the world which also included, frankly, some cooperation from Russia and cooperation from China on the U.N. Security Council and so on. The rest of the world decided through a coalition led by the United States that they would not allow this to stand, that Saddam Hussein would not be allowed to ravagely and savagely go into a small country, devastate its population, destroy its economy and occupy its lands. So we did Desert Storm. We led the fight.

We bent back and we liberated Kuwait. Iraq, by the way, their famous Right Guard or whatever, their fighting force, their supreme fighting force, they ran. This huge powerful war machine of Iraq collapsed within days to the fire power and to the strength of the United States of America and to the world coalition that followed.

Iraq made certain promises. Specifically, Iraq through Saddam Hussein, he made them, he made commitments to the United Nations. He made commitments to the rest of the world, and he promised to live with those commitments as long as his country existed. He has broken the commitments that he made, and the commitments that he made he broke 16 times, at least 16 times.

He kicked out the inspectors and then he went out and solicited by saying that his people were starving to death. By the way, he diverted money, instead of going to the people, his people, he put the money into his palaces. He has 14 massive palaces, like 14 Pepsi centers. That is how big these palaces are. They are great big stadium-types of homes. He put the money into that and the military, and he allowed his people to starve, and he tried to put a guilt feeling, a guilt complex on the rest of the world, saying that he picked on me and how soon some of the world forgot how savagely he killed those people in Kuwait, as savagely as Hitler killed people in his invasions.

Do not make any mistake about it. This man is crazy. Crazy is almost a complimentary word. He is a sick, destructive killer. He killed in Kuwait. He even attempted to assassinate our President, George Bush, Senior, our former President, George Bush, Senior. He went and gased his own people and some of the Kurds. He gased entire villages, and there is no doubt about that. There is no question. He admitted to it. He took some pride in it.

The United Nations came up with some resolutions; and they said we will stop the invasion of Iraq, the coalition invasion of Iraq if you comply. Will you comply? And Saddam Hussein says, yes, I will comply. He signed the documents. He swore to the documents, and over the last 9 years, he swore to the documents. Year after year he swore to the documents. Year after year he swore to the documents. Year after year he swore to the documents. Year after year he said I do not have weapons of mass destruction; bring in the inspectors. Time after time after time after time he blocked the inspections in his country.

We can actually realize a great victory. President Bush, despite the diplomatic pressure that has been put against him by some in the world, despite some of the pressure, and unfortunately by some of our Democratic leadership within this Congress, despite the pressure that his approach was the wrong approach, he has at least cornered Saddam Hussein; and thanks to President Bush, Saddam Hussein, at least at this point, has come back and said he will allow inspections, unconditional inspections in his country. That was not Saddam Hussein's position when President Clinton was there, and I am not trying to be partisan. I am just telling my colleagues this is a position of noninspection that he has been locked in for some time.

President Bush has forced Saddam to play his hand, and his hand right now is to allow inspections; and the President and the administration and this Congress ought to take him up on that offer, and we ought to send inspectors in there by the plane-load, and we ought to inspect everything. We ought to look at every palace. We ought to look in every closet. We ought to look under every street. We ought to look at their nuclear facilities, their power plants; and when we find weapons, we should demand that they be disarmed, and if they are not disarmed, the coalition should go in there and disarm them. This man has a history of lying and deception. Let me give my colleagues an example.

U.N. Security Resolution 678, Iraq must comply with the resolution in regards to the illegal invasion of Kuwait. They broke it.

U.N. Resolution 688, Iraq must release prisoners detained during the civil war. They broke it. Same, 688, Iraq must return Kuwaiti property seized during the Gulf War. They did not do it.

U.N. Resolution 687, April 3, 1991, Iraq must not use, develop, construct or acquire any weapons of mass destruction. They have. They have defied this, but they have acquired the weapons they are not supposed to acquire. Iraq must not commit or support terrorism or allow terrorist organizations to operate in Iraq. They allow terrorist organizations in Iraq; and by the way, these are the kind of organizations that we are speaking about in Iraq.

Take a look at this poster. If this does not give my colleagues a sobering moment, I do not know what will. Follow me to the left by looking at the poster: "We are emerging stronger and will hit America's shopping malls, stadiums and kindergartens. This is our promise." The al Qaeda. This quote is from last week. This quote to my left, look at that, kindergartens. They fully intend to kill every man, woman and child in America they can get their hands on. Iraq is not supposed to have anything to do with these kind of organizations; but they do, in violation of the U.N. resolutions.

U.N. Resolution 707, Iraq must cease attempts to conceal and move weapons of mass destruction and related materials. They broke it. Iraq must make a full and final and complete disclosure of its weapons of mass destruction. They broke that commitment.

U.N. Resolution 715, October 1991, Iraq must fully cooperate with the United Nations and the inspectors. They broke it.

U.N. Resolution 949, October 15, 1994, Iraq must not utilize its military and other forces in a hostile manner. They fire at the United States and British and coalition aircraft every day of the week we are in the air. They broke it.

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Iraq must fully cooperate with the inspectors. They broke it.

U.N. Resolution 1051, Iraq must fully cooperate with the U.N. and allow immediate, unconditional, unrestricted access. They broke it.

U.N. Resolution 1060, they must cooperate with the weapons inspectors and allow requested access. They broke it.

U.N. Resolution 1115, June 21, they must give further requirements in regards to inspections. They broke that one.

U.N. Resolution 1134, they must give unrestricted access, another access issue. They broke that.

U.N. Resolution 1137 condemns the continued violations of Iraq of previous resolutions, reaffirms their responsibility, reaffirms the responsibility of Iraq to carry out their commitments. They broke it.

They broke 1194, 1204, 1205, and 1284. Resolution after resolution after resolution after resolution, the Iraqi leadership has lied, been deceitful, and broken resolutions one after another.

In fact, I am not sure there is one United Nations resolution out there where Iraq has kept its word, that relates to their invasion of Kuwait or access to their weapons of mass destruction, or that relates to their helping train terrorists.

My congratulations to President Bush. President Bush and his team, Mr. Powell, Mr. Rumsfeld and Ms. Rice, have forced Saddam to at least say he will allow inspections again. And for his own good health, I think it would be beneficial for him this time, instead of lying about it, that he follow through with exactly what he was supposed to do for the last 10 years, and that is to allow full, complete inspections of the facilities anywhere in his country those inspectors intend to visit.

This President has done something that no other government in the world has been able to do with Iraq. In a period of 2 or 3 months, by directly making it clear that Iraq will not continue to flagrantly violate the conditions of the United Nations agreements that they agreed to and they knew about and we agreed to and we knew about, this President has drawn the line in the sand.

Guess what got results? We only get results out of countries like Iraq by forcing it. We have got to use a force play. There is no negotiating with this guy. There is no loving and hugging and telling him let us have some soft talk, some warm, fuzzy discussions, and promise us that you are going to comply and not poison your people any more, not kill innocent men, women and children any more, and have some type of freedom in your country, have some kind of respect for rights of women in your country.

The only way to get it is to force it, and this President has forced. This is just the opening stage, the first step in bringing Iraq back in with the world community, in bringing Iraq back in line with what we hope would be a contribution to peace in this world.

President Bush is exactly where he needs to be. He is right on track. He has, without the firing of a single shot, forced the world's madman to open his country to inspections.

Now, if this madman fails to do that, I think President Bush will successfully put a coalition through United Nation resolution to fire a shot if necessary to force Iraq to come back in with the world community and to stop building weapons of mass destruction, weapons that would make September 11 look small in proportion to the type of devastation that they could do.

President Bush, since September 11, has found a more focused purpose and has exercised good leadership. I have to tell Members, our colleagues on the other side of the aisle and the Democrat leadership have stalled. They have criticized the President. Look at what has happened in the last few days. The President is accomplishing what we want to accomplish. So in a bipartisan effort, we should pass a resolution in this House supporting the President. We should pass a resolution supporting the President in a way that he continues down the path that he is headed, and that is a path that so far just in the past couple of weeks, his strong movements, his very directed comments as to what was going to happen and his directed action, has forced Iraq to play their first hand. They threw down their hand, and they are allowing inspections.

It may not work, but you better not mess around with this country and with the U.N. coalition. This country, under the direction of President Bush, is not going through this exercise in futility. President Bush does not consider this an exercise. He considers this, and this Nation considers this, and the United Nations Security Council should consider this and do consider it, a very serious matter which will be followed through with.

We intend to follow through and disarm Iraq from weapons of mass destruction. We will accomplish that goal, and we will accomplish that goal under the leadership of President Bush. To this point we have done pretty well so far. It is just the beginning. But so far the President has had tremendous success.

Mr. Speaker, I urge the Democratic leadership, I am begging the Democratic leadership, put aside your partisanship and your objections on the Sunday talk shows and help our President help our effort here. Just in the opening stage, we are going to be able to get inspectors into Iraq. If the going gets tough, stick with us. It is time.

I have to say, Members, a lot of Democrats not in leadership are supporting this and are supporting the President. But the leadership needs to quit playing politics and come on board with us. This matter is much too serious for partisanship. I invite them on the team. The President has done a good job so far, and so has his team.

PRESCRIPTION DRUG BENEFIT FOR SENIORS

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening, and it is certainly not the first time, I am coming to the floor to talk about the need for a prescription drug benefit under Medicare, and also to deal with the rising costs for prescription drugs. I think this Congress has an obligation before we adjourn in another month or so to address both issues because the bottom line is that not only more senior, more Americans are facing rising prescription drug costs, and I think it is primarily due to the fact that the brand name drug industry is trying to control prices in a way to make sure they receive maximum profits and influence the United States Congress both in terms of political contributions, influence the public with TV ads, all of which make it very difficult to address the issue and the need for a Medicare prescription drug benefit and some sort of effort to control prices or at least bring prices down because of the impact that it is having on our health care system.

Mr. Speaker, I do not need to tell any American about the rising cost of prescription drugs. As the cost goes up, more and more Americans are not able to afford their medicine. That has an impact because, as we know, certainly in the last 20 years, certainly in the last generation, prescription drug medications have become a preventive measure. In other words, if you are able to take certain prescription drugs, you do not need to be hospitalized or go to a nursing home or have some sort of radical medical procedures. Prescription drugs essentially are a form of prevention, a more serious interference in terms of medical care.

I just think that it is very unfortunate that we do not address the problem of rising cost and what it means for the average American, particularly for the average senior.

I wanted to start out this evening by giving some information about the level of price increases. This is an analysis that was done by Families U.S.A. just a couple of months ago in June of this year. It says that the prices of the 50 most prescribed drugs rose on average by nearly 3 times the rate of inflation last year.

The study analyzed price increases for the 50 most commonly prescribed drugs for seniors for the last year, and that is January 2001 through January 2002, and then for the past 5 years and before that the last 10 years. The report found that nearly three-quarters, 36 out of 50, of these drugs rose at least 1.5 times the rate of inflation, while one-third, 8 out of 50, rose 3 more times the rate of inflation.

The drugs that experienced the largest price increases were the following, and I am not going to get into all of the details, but it gives some incredible examples. Demadex and Premarin rose nearly 7 times the rate of inflation. Plavix rose more than 6 times the rate of inflation. Zestril, Lipitor, and Combivent rose more than 5 times the rate of inflation.

The interesting thing about it is that if we compare price increases of generic versions of these same brand name drugs, and this is what the report did, the report showed that the brand name drugs rose 4.5 times faster than the rate of price increases for generic drugs, 8.1 percent versus 1.8 percent, and 10 of the 50 most prescribed drugs for seniors are generic, and the average annual price for those drugs was $375. Nine of these 10 drugs did not increase in price at all.

The point that that makes, and I think it is particularly important in light of the Democrats making a push in the next few days to try to get a bill brought up in committee that seeks to encourage more generic drugs, is that the brand name drug prices were increasing rapidly, whereas generic drugs were not.

When we talk about generic drugs, a lot of people are familiar with generics and understand what it means, but a lot of people are not. What we have found repeatedly is that if we can bring a generic drug to market, in other words, if the patent for the brand name drug expires and you can have a number of companies selling a generic drug in lieu of the patent drug, that will significantly bring down costs. Generics are one way of bringing down costs, and that also needs to be addressed by this Congress.

What are the Republicans and the Democrats doing about this problem? We know we have a problem of price increases with prescription drugs. We know that Medicare right now does not include any kind of prescription drug benefit unless you happen to be in an HMO, and many of the HMOs have dropped seniors in the last couple of years.

So what is the Congress doing about it? Well, the Democrats have really come up with a very simple solution. The Democrats have proposed basically expanding Medicare to provide a prescription drug benefit. Those Members who are familiar with Medicare know that under part B of Medicare, which takes care of the doctors' bills, basically what seniors do, and 99 percent of the seniors do this when they participate in Medicare, they pay a monthly premium, so much a month. It is usually $45–50 a month, and they pay a deductible of $100 for their first doctor bill. But after that, 80 percent of the doctors' bills are paid for by the Federal Government under Medicare, and they pay 20 percent up to a certain amount when the government pays 100 percent.

The Democrats proposed and we have legislation that would accomplish the same goal and do it in the same way, provide a prescription drug benefit under Medicare that was guaranteed, that was universal, that all seniors and everyone eligible for Medicare would take advantage of, and essentially you would pay $25 a month premium, you would have a deductible of $100, and after that 80 percent of your prescription drug costs would be paid for by Medicare by the Federal Government. There would be a 20 percent copay.

□ 2045

And after someone had shelled out $2,500 out of pocket, if that were the case in paying the 20 percent, then all of their prescription drug bills would be paid for 100 percent, modeled after what we do now for doctor bills.

It makes sense. It is very simple. Medicare has been a very successful program. Given that more and more seniors do not have access or have problems paying for prescription drugs, this would seem to be a logical solution. It is certainly logical, certainly reasonable; but the problem is that the Republican leadership in the House, because they are so much in the pockets of the brand-name drug companies, would not even consider something like that. When the Democrats tried to bring it up as a substitute to the Republican bill, they ruled it out of order. They would not let it come up.

What have the Republicans proposed instead of a simple expansion of Medicare to include prescription drugs? They have talked about the need for privatization. In the same way that President Bush has talked for privatizing Medicare as a whole, the Republican leadership in the House has moved a bill and passed a bill, because they have the majority, they have the votes, to simply provide private health insurance or try to encourage seniors to seek out private health insurance that would cover their prescription drugs, basically give seniors a certain amount of money like a voucher so that they could go shop around and see if they could find a private insurance plan that would pay for prescription drugs.

I would venture to suggest to my colleagues that this is the most absurd idea; and the reason I say that is because if the private sector was able to effectively provide prescription drug benefits in the same way that people thought that maybe the private sector would be able to provide for health insurance for seniors in general, then we would not need a government program.

The reason that we have Medicare in general to pay for hospital bills, to pay for doctor bills, is because when seniors prior to Medicare, 30, 40 years ago, tried to go out to buy private health insurance to pay for their medical bills, they could not find it because they were too high risk. They were using too much health care. They could not find a health insurance policy that would provide the coverage. And so that is why we started Medicare as a government program. Not because we were socialists and wanted a government program; but because, practically speaking, seniors could not find health insurance, they could not buy it. It was not available.

So now why would we want to do the same thing, why would we want to suggest to seniors that they go out and try to buy health insurance privately that just covers prescription drugs? That is even less likely to be available because most seniors use prescription drugs and anybody who knows the way insurance operates, the private sector knows, that private insurance companies only want to provide insurance to low-risk individuals. They do not want to provide insurance where everybody who is covered by the policy is going to take advantage of the benefit and need the prescription drugs, because they cannot make any money if they sell insurance that provides that kind of a benefit. So the Republican proposal is essentially absurd from the get-go because it will never work, because if there was private insurance available, seniors would just go out and buy it and they cannot buy it because it is not available.

I would venture to say to my colleagues that what is really going on here is that the Republicans are doing the bidding of the brand-name drug companies. The brand-name drug companies do not want a Medicare benefit, and they do not want anything that would interfere in the rising price and cost and profits that they make from selling prescription drugs. Even if it means selling it to fewer and fewer people, they are making more and more of a profit.

In case anyone doubts what I say, I just wanted to point out very briefly this evening, and I have done this before, some of the things that are going on with the brand-name drug companies to accomplish their goal of preventing a real prescription drug benefit that would be meaningful to seniors. On the day when the Republican bill that I talked about, the privatization bill, was brought up and considered in the Committee on Energy and Commerce, which has jurisdiction over prescription drugs and that I am a member of, there was a fundraiser for the Republican National Committee the same night; and because the drug companies were so involved in the fundraiser for the Republican National Committee, the committee actually broke at 5 o'clock and carried over its business to the next day because all the Republicans had to go to this fundraiser where they would get money from the prescription drug industry.

This is an article from The Washington Post on that day in June, and the headline says: "Drug Firms Among Big Donors at GOP Event."

"Pharmaceutical companies are among 21 donors paying $250,000 each for red-carpet treatment at tonight's GOP fundraising gala starring President Bush, two days after Republicans unveiled a prescription drug plan the industry is backing, according to GOP officials.

"Drug companies, in particular, have made a rich investment at tonight's event." It goes on to describe all the money that they were giving, but the article further on says that "every company giving money to the event has business before Congress. But the juxtaposition of the prescription drug debate on Capitol Hill and drug companies helping underwrite a major fundraiser highlights the tight relationship lawmakers have with groups seeking to influence the work before them.

"A senior House GOP leadership aide said yesterday that Republicans are working hard behind the scenes on behalf of PhRMA," that is the pharmaceutical company trade group, "to make sure that the party's prescription drug plan for the elderly suits drug companies."

What was going on here was that the big drug companies were not only giving to the Republican campaign coffers, they were writing the bill. They wanted to make sure that the bill that was written by the Republicans that came out of committee and came to the floor was a bill that suited them and suited them because either it would not work because it was the privatization proposal that does not work or at least would guarantee that there was no effort to reduce or have any influence over prices. And if anyone doubts that, I will read a little section from the Republican prescription drug bill that is entitled "Noninterference."

Basically what it says is that the administrator of their program, of their prescription drug program, could not in any way try to reduce prices. I will just read you some sections. This is the actual bill.

It says that "the administrator of the program may not require a particular formulary or institute a price structure for the reimbursement of covered outpatient care; two, interfere in any way with negotiations between PDP sponsors and Medicare+Choice organizations and drug manufacturers, wholesalers or other suppliers of covered outpatient drugs; and, three, and this is most important, otherwise interfere with the competitive nature of providing such coverage through such sponsors and organizations.''

So what they did with this noninterference clause in their bill, and I know it is a little bureaucratic there, but the bottom line is it says that you cannot interfere in anything that would deal with pricing, with price structure. Remember, I mentioned before that the Democratic bill expands Medicare to include a prescription drug benefit. It does not operate with the private sector. It simply expands Medicare to include a prescription drug benefit. We do the opposite with regard to the cost issue. In the Democratic bill we say that the Secretary of Health and Human Services must, is mandated, to negotiate and reduce prices, because the idea now is that there are going to be 30 or 40 million seniors in the Medicare program who now have this prescription drug benefit; and if the Secretary of Health and Human Services negotiates for them, he can bring down prices maybe 30, 40 percent because he now has the power to negotiate for all these 30, 40 million senior citizens.

This is what happens now with the VA. The Veterans' Administration does this. They negotiate for the veterans in order to bring down prices. The military does this, the Army, Navy. They all negotiate on behalf of the military personnel to bring down prices so they get a really good price for their prescription drugs. That is what the Democrats do in their bill.

The Republicans say, You cannot do that. We do not want you to do that. Not only did the drug companies give all this money to the Republicans, not only did they write the bill to make sure that they were protected in the sense that there would be no effort to reduce price, but also they started running ads almost immediately after the Republican bill passed the House of Representatives touting the fact that certain Republicans who were running in tough races this November to be reelected, that those Republicans had voted for the Republican bill and how wonderful they were and how wonderful they were to their senior constituents because they voted for this bill. Amazingly, if you think about it, you give money to prevent the good bill from coming up, you make sure that your bill is the one that is written, and then you go out on the airwaves and you pay for advertisers who tell the American public that the person who voted for this pharmaceutical boondoggle is doing the right thing and in some way is some sort of a hero. But this is exactly what was done.

There is a report that I have, and this was actually done by Public Citizen, another nonprofit group. They pointed out in the report issued in July of this year that United Seniors Association, which is the group that is running these ads telling you how wonderful the Congressmen are that voted for the Republican bill, is basically nothing but a front group for the drug industry. Drug companies gave that organization that runs these ads and pretends to be sort of neutral $10 million initially to push the drug bill favored by the industry.

In fact, the information I have, which is really new information, this week, says that not only has this alleged senior group that is being underwritten or financed by PhRMA, by the drug companies, not only did they start running the ads in June or July after the Republican bill passed here, but they have continued to run ads and now as of, I guess this is dated yesterday, September 16, which I am going to read you now, they are just pumping even more money into these ads. This is a ''Daily Health Report'' from the Kaiser Network, the Henry J. Kaiser Family Foundation, Kaiser Network. It says that the Pharmaceutical Research and Manufacturers Association, that is PhRMA, the drug companies' trade group, has contributed millions of dollars in recent months for political ads in several States with tight congressional races.

For example, the industry group has provided the United Seniors Association, which runs the ads, with more than $8 million for ads promoting about two dozen House candidates who support the House-passed GOP drug bill which includes the prescription drug benefit. The commercials began running last week in about 20 regions where Republicans face tough races this fall. The ads are tailored to each race, stating that the candidate understands the need to assist seniors with health care costs and supports adding meaningful drug coverage for all seniors. The ads end by encouraging viewers to call their respective Congressman and urge him to keep fighting for his bill. The association's campaign, which also includes Internet and direct mailing efforts, is supported by a general education grant from PhRMA.

In addition, another group, the 60 Plus Association, has been running radio and newspaper advertising in selected States backing the GOP-backed drug bill. The National Journal reports that both groups are helping Republican candidates and drug companies by promoting industry-backed legislation.

I do not want to keep going on, but the other thing that we found is that not only are the drug companies financing these ads telling people to support candidates that support their bill but now they are also putting pressure on companies to not support an alternative bill which the Democrats are pushing in particular this week that would make it easier for generics to come to market. This is from the same report, from the Kaiser Network.

It says that in other prescription drug news, pressure from the pharmaceutical industry has forced several companies to drop their support of a Senate-passed bill, S. 812, that would ease market entry of generic drugs, according to a Washington Post editorial from yesterday.

Earlier this month, Georgia-Pacific and Verizon Communications left or reduced their roles in Business for Affordable Medicine, a coalition lobbying for easier access to generic drugs, after brand-name drug makers threatened to end contracts with the companies. Georgia-Pacific asked to not be listed on the coalition's Web site after receiving pressure from Eli Lilly, and Verizon left the coalition recently after being pressed by Wyeth. Since then, Marriott International quit the coalition and UPS has asked to be removed from the Web site. ''Given that all these companies stand to benefit from lower drug prices, it's a fair guess that drug company pressure had something to do with their decisions,'' The Washington Post stated, concluding that it is a ''worrying sign'' that the ''eminently reasonable reform'' passed by the Senate ''faces tough sledding in the House, whose Members now have to choose between affordable medicines and placating the drug lobby.''

Let me explain a little bit what this generic drug bill is that the Democrats are pushing now, again in an effort to try to reduce costs. What basically has been happening is that brand-name companies get a patent for a particular drug, a prescription drug when they develop it, when they do the research and they develop it. They are able to seek a patent and gain a patent where they have so many years where they exclusively can sell the drug because they produced it, or they researched and developed it. The reason that that patent is given is because it is basically incentive for a company or an individual to develop a new miracle drug.

But after so many years when this exclusivity runs out, the theory is that the drug companies benefited greatly and made a lot of profit on the drug, then generic companies, basically any company can come in and produce a similar generic drug which obviously is sold for significantly less and is one way of trying to reduce costs for prescription drugs.

□ 2100

But the problem is that over the years the brand name drug companies have tried to come up with all kinds of ways of getting around the end of their patent, by renewing it, or playing some kind of games or gimmicks, if you will, to try to get the patent extended or get a new patent that is similar to the old one so you cannot bring generics to market.

I do not want to get into all the details of this, but I want to give one example. Under current law, when a generic drug seeks FDA approval and a brand company's drug is patented, the brand company can sue the generic for patent infringement. But under the current law, which is called Hatch-Waxman, it forbids the FDA from approving the generic application for 30 months.

Basically what they are saying is if the patent has expired and a generic wants to come in and produce the same drug, but the company that has the patent feels that somehow the patent is going to be infringed, the FDA basically gives a stay for 30 months, if you will, before the generic can come to market. What the brand companies have done is they have used this provision by dragging out lawsuits and by obtaining a series of 30-month delays through the last-minute filing of new and sometimes frivolous patents.

I do not want to get into all the details of this, but the bottom line is they can keep running the period when the patent is exclusive, essentially, and force the situation where the generic drug does not come to market. There are all kinds of examples like this.

Some of my colleagues, on a bipartisan basis, the gentleman from Ohio (Mr. BROWN), a Democrat, and the gentlewoman from Missouri (Mrs. EMERSON), a Republican, introduced a bill called the Prescription Drug Fair Competition Act, H.R. 5272, that seeks to basically get rid of a lot of these loopholes so that the generics can easily come to market and these patent abuses cannot continue.

This bill actually passed in the Senate, I am sorry, Mr. Speaker, by the other body, but so far our efforts, primarily by the Democrats, to bring this bill up in this House and have it passed here so it can go to the President and be signed into law have achieved nothing. The Republican leadership refuses to have a hearing in committee, refuses to allow a vote to bring it out of committee, refuses to let it come to the floor of the House.

Now, this is only one way of trying to reduce costs, but a very effective way. Essentially what we have been seeing in the House under the Republican leadership is that every effort that has been made, either by the Democrats or on a bipartisan basis as this generic bill was, to try to come up with formulas that would reduce costs, the Republican leadership just will not allow it to come up.

As I mentioned before, in their own benefit bill, their prescription drug benefit bill, the privatization bill, they have this non-interference clause that says you cannot negotiate price reduction. The Democrats mandate in their bill that prices are reduced. The Democrats in the other body, they actually passed a bill that would plug up these generic loopholes. The Republicans in the House refused to bring it up.

There are many other examples. We have bills that would allow reimportation from Canada. As I think many of my colleagues know, if you compare the United States and the price of drugs in the United States to almost every other developed country, you take like the top 5 or 6 countries by gross national product, Britain, France, or even smaller countries like Canada or Italy, whatever, Western Europe, other developed countries, you will find that prescription drug prices are significantly less, sometimes 30 or 40 percent of the cost of what you would pay in the United States. So one of my colleagues, the gentleman from Maine (Mr. ALLEN), proposed a bill that said that the cost that companies charge for prescription drugs in the United States has to be comparable to what citizens in these other countries pay.

Well, of course, we cannot get that bill posted by the Republicans. They will not allow that to be posted.

We have also tried to, as I said, pass a bill that would allow you to reimport a drug. In other words, you could apply to a drugstore in Canada, for example, over the Internet, or even physically go to Canada and bring the drugs back into the United States. Legislation has been introduced by my colleague, the gentleman from Vermont (Mr. SANDERS), that would allow reimportation from Canada. Republicans will not let that bill come up. That has not come to the floor.

The list goes on and on. Probably one of the worst examples is that right now, when the brand name drug companies advertise for certain drugs on TV and encourage you to use a brand name as opposed to a generic for a particular drug, the advertising costs are actually underwritten by the taxpayers. They get a tax credit or deduction for that kind of advertising. That actually encourages you as the consumer to pay higher prices for the brand name drug.

So all of these things, we have legislation on the Democratic side that would eliminate the tax subsidy or the deduction or the tax credit for that kind of advertising by the pharmaceutical companies. We cannot bring that up either. They will not allow it.

The Republican leadership does not want us in any way to address the issue of cost and trying to reduce costs for prescription drugs, because basically the drug industry is behind the Republican efforts, paying for the Republican efforts, paying for the ads for their candidates, and they are basically in the pockets of the brand name drug industry.

I do not mention this because I am trying to be evil or trying to say that all Republicans are bad or anything of that nature, but the problem is that the leadership very much does whatever the brand name drug industry wants, and that is the main reason why we are not able to get any kind of effort to reduce prices, and it is another reason why we are not able to get any kind of expansion of Medicare to include prescription drugs.

Mr. Speaker, I just would like to take a little more time, and then I am going to conclude this evening, to talk about the benefit.

My constituents in New Jersey over the last 2 or 3 years since the Medicare+Choice, the HMO programs effectively tried to sign up a lot of seniors under Medicare on the theory that if you signed up for an HMO you would get your prescription drug coverage, because Medicare does not normally cover it, but some of the HMOs that were offering Medicare policies in New Jersey were offering a prescription drug plan as part of their HMO Medicare policy.

But what we found is that more and more of the HMOs after 6 months or a year would pull out of the Medicare program and would not give seniors the option, if you will, of joining an HMO and getting their prescription drug benefits.

There was an article just last week in the New York Times dated September 10 entitled "HMOs for 200,000 Pulling Out of Medicare" by Robert Pear. It says, "Health maintenance organizations serving 200,000 elderly and disabled people said they will pull out of Medicare next year, raising to 2.4 million the number of beneficiaries that have been dropped by HMOs since 1998."

Again, if you talk about a privatization plan for prescription drugs, we already have the example with HMOs which were offering prescription drugs to seniors and increasingly have dropped them because they cannot afford to provide the benefit. It seems to me that that goes far to explain why a privatization program for seniors to provide seniors with a prescription drug will not work, and that is why you have to simply expand Medicare along the lines of what the Democrats have talked about in order to provide a decent benefit.

Mr. Speaker, I will conclude with that, but I want to say that I am going to be here many times, many nights, over the next 3, 4, 5 weeks before we adjourn, and I know I am going to be joined by a lot of my colleagues on the Democratic side, saying that before we adjourn we need a Medicare prescription drug benefit that covers all seniors and everyone under Medicare and that is affordable, and, secondly, that we need to address the issue of price and rising costs for prescription drugs, pass the generic bill, provide some kind of reimportation, provide some sort of process whereby the agency that administers the. Medicare program can negotiate cheaper drug prices. All these things have to be done.

If any of my colleagues on either side of the aisle doubt that this is an important issue for the average American, whether they are a senior or not, they just should spend a couple of days at a forum or talking to their constituents on the street, and they will find that they are crying out for this Congress to address this prescription drug issue in an effective way.

ENSURING FREEDOM OF SPEECH IN AMERICA

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I can assure you and the staff that I will not take that much time. That might be the best news I can give.

Mr. Speaker, I am pleased to have a few minutes of this hour to talk about an issue that I think, as my friend from New Jersey feels that the issue he is talking about, prescription drugs, is important, and I would agree it is important, but I want to talk about freedom of speech.

I think that there is nothing except the Bible that is more sacred to the American people than the Constitution. It is second only, again, to the Bible.

Tonight I want to talk a little bit about H.R. 2357. This is a bill that I introduced about 2 years ago. I actually have 130 sponsors, and I believe you, Mr. Speaker tonight in the Chair, are a cosponsor of this also.

In this country we have our men and women in uniform that right now are overseas in Afghanistan, and they could be called on to be in other parts of the world to defend the national security of this country, and the national security of this country includes our constitutional rights and our freedoms, the things that we cherish. We really appreciate those who have given their life for this country in the past and what they have done to ensure that we would have the freedoms that we enjoy in this great, great Nation, blessed by God Almighty.

I would like to give a little bit of the history of this bill that I put in. If this was 1953, Mr. Speaker, I would not even be on the floor, because there would be no issue. In 1953, the churches, synagogues and other houses of worship had no restriction on what they might say in their church. But in 1954, Lyndon Baines Johnson, the United States Senator from Texas and the majority leader, was very offended that there was a 501(c)3 group that was opposed to his reelection by the name of the H.L. Hunt family. These were not churches. These were think tanks, as we know them today, and they were opposed to his reelection.

So what Lyndon Johnson did, he put an amendment on a revenue bill going through the Senate in 1954 that was never debated. There was no debate at all. The Republican minority accepted what they call a UC, a unanimous consent, so therefore it became the law. It gave the authority to the Internal Revenue Service that the Internal Revenue Service would be able to, if you will, evaluate what could and could not be said in a church, synagogue or mosque.

Mr. Speaker, I am of the firm belief that those men who came to this country along with their wives years and years and years ago came to this country for religious freedom. They came here to build a new nation, a nation that would be and still is blessed by God Almighty.

Mr. Speaker, my problem is, and the reason I introduced H.R. 2357, that I believe that spiritual leaders of this country must have the freedom to talk about the issues of the day, whether they be about political issues of the day or whether they be about the moral issues of the day, and sometimes those sermons in those churches have to touch on the political issues of the day.

I will give an example of that, because it happened in my district. A very dear friend of mine who happens to be a Catholic down in New Bern, North Carolina, whose name is Jerry Shield, Jerry asked his priest, Father Rudy at St. Paul's Catholic Church in New Bern, in the year 2000 to just make one little comment the Sunday before the Tuesday election. He said, "Father, how about just saying that George Bush, who is a candidate for President of the United States, is pro-life?"

Believe this or not, Mr. Speaker, the priest said, "Jerry, I cannot say that. If I do, I will violate the 501(c)3 status of this church and we might lose that status."

Mr. Speaker, I am going to tell you that I am offended that any clergy in this country, our spiritual leaders that talk about morality, that talk about the political issues of the day as they see fit to talk about those issues, that they should have any restriction at all on them.

What I wanted to do tonight, I was on the floor last week and I talked about a few of the national leaders who are supportive. Again I want to say we have 130 cosponsors of this bill. I am pleased to tell you that in the last couple of weeks we have picked up three additional Democrats. I want to pick up more.

I am reaching out to my friends on both sides of the aisle to ask them to please look at this as nothing more. It is not a political issue, it is not a party issue, it is just an issue of freedom of speech, because, again, I cannot say it too much, that if this was 1953, I would not be on the floor.

□ 2115

There was no restriction. I have researched this issue and when the churches qualified by the law to become 501(c) status, there is no, no restriction of what they could or could not say.

I want tonight to again just mention a few of the spiritual leaders of this country who support this legislation. Richard Land, the Southern Baptist Convention; James Dobson, we all know is the president of Focus on the Family; David Barton, director of the Wallbuilders. He has been such a strong supporter of this legislation. James Martin, president of the 60 Plus Association; Tim and Beverly LaHaye, the Concerned Women for America; Kent Synder, executive director for the Liberty Principle; Connie Mackey; William Murray, the chairman of the Religious Freedom Coalition; David Keene, chairman of the American Conservative Union; D. James Kennedy, President of Coral Ridge Ministries; and Ray Flynn, Mr. Speaker, the former ambassador to the Vatican is a strong supporter of this legislation, H.R. 2357, to return the freedom of speech to our churches and synagogues. In addition, Rabbi Daniel Lapin, and I have had the pleasure of talking to him twice now. What a wonderful man of God he is and he is a real inspiration to all of us who love God, there is no question about it. And James Bopp, the constitutional lawyer for the James Madison Center for Free Speech.

Mr. Speaker, in addition to that, I am very pleased to tell my colleagues tonight that a former Member of the United States House of Representatives, a man that was here my first session in the United States Congress, I had great respect for. I did not really get to know him, I wish I had. But he was a real leader on the Democratic side. His name is Floyd Flake. Dr. Flake is a minister, a former Member of Congress, and he is the pastor of the Greater Allen Cathedral in New York; and he wrote a very strong letter of support for this legislation.

Mr. Speaker, in addition to that, they held a hearing on this issue on May 14, and I am very pleased to tell my colleagues that Dr. D. James Kennedy came up from Florida to testify on behalf of this legislation. In addition, I am pleased to tell my colleagues that another former Member of the House, a Democrat, Walter Fauntroy, Pastor Walter Fauntroy came to testify on behalf of this legislation. Let me read the last paragraph of Dr. Flake's letter.

It says: "I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation." That is the key: liberating legislation. Our men and women of faith who are spiritual leaders should have every right they choose to talk about the issues of the day. I know that when Al Gore was running for the Presidency in the year 2000, he was in Dr. Flake's church and after Mr. Gore spoke, the minister said, Dr. Flake said, "I think this is the right man to lead this Nation." Well, then he got a letter of reprimand from the IRS. Well, Mr. Speaker, if that is what Dr. Flake felt and wanted to say that to his congregation, there should not have been any Federal Government overseeing what he said in that church.

Then I gave the example earlier of my friend, Jerry Shield, down in New Bern to ask the priest just to say that George Bush is pro-life, let us support George Bush. These are the things that if this was 1953, they would be able to do it without any reservation at all. But Lyndon Johnson, who was an arrogant Member of the Senate at the time, and later became a President that I do not have much respect for his Presidency, quite frankly; but anyway, he put in an amendment without any debate, as I said earlier, that pretty much stifled the churches and synagogues of this country. They did hold a hearing on this legislation, and I want to thank the gentleman from New York (Mr. HOUGHTON), the chairman of the committee, for holding that hearing, because what it did, it gave us a chance to talk about this issue.

I want to read just a couple of comments, Mr. Speaker, because they had two representatives of the IRS to come talk about their authority given again by Lyndon Johnson to stifle the speech of the churches and synagogues in this country. I am not going to read all of the testimony, but I am going to read just a couple of minutes for the RECORD, if I could. Let me use for an example that one of the comments was of the gentleman from Georgia (Mr. LEWIS), who asked Mr. Miller, who represents the Internal Revenue Service at the hearing, and Mr. LEWIS said, "As a rule," again, to the IRS, "do you monitor the activities of churches during the political season?" The IRS representative, Mr. Miller says, "We do monitor churches. We are limited in how we do that by reason of section 7611 and because of the lack of information in the area, because there is no annual filing."

But, Mr. Speaker, this is the point I want to make. He additionally said, "So our monitoring is mostly receipt of information from third parties who are looking."

Well, I think that is a sad commentary on this great Nation that we have to have our churches and synagogues having a third party to look in to see what they are saying, because then that third party, if they believe they have violated the Johnson amendment, can report them to the Internal Revenue Service. Mr. Speaker, that is not what this great Nation is about. That is not what these great men and women in uniform are willing to give their life for. They are willing to give their life for the national security of this country and the freedom of this Nation. But that is what Mr. Miller said: we are dependent on a third party to report the church for violating the Johnson amendment for speaking freely on the political and moral issues of the day.

Then there is another question that Mr. LEWIS asked and I want to read this for the RECORD: "Do you have the ability or the capacity as an agency to monitor the activities of churches and other religious institutions?" Mr. Miller with the Internal Revenue Service says, "The only thing we can rely upon again is who would be in that audience to report it."

Mr. Speaker, I think that is so tragic. We have a law in the land of this country that restricts freedom of speech in our churches and synagogues, and we have to depend on a third party to be there to report that to the Internal Revenue Service. That again is not what should be in this country. The spiritual leaders of this great Nation should have the right to choose whatever they feel that they must say from their heart and their God to their members who are in that congregation. But again, Mr. Miller has been very honest on the committee on May 14, and he acknowledged we are dependent on a third party to report churches and synagogues who might violate the law of the land. Well, my point there is that how in the world, with all of the churches and synagogues and mosques in this country, can we enforce this law? The law is unjustified, it is unneeded, and should never have been adopted. It was done in 1954 at night without any debate. We should pass H.R. 2357 and return the freedom of speech to our churches and synagogues.

Just one more point on this, Mr. Speaker, and then I am going to work toward a close. Let me read this letter, and this is what really bothers me more than anything. This might better explain to the Congress what we are trying to say. The gentleman from Illinois (Mr. WELLER) was also on that committee that I mentioned that the gentleman from Georgia (Mr. LEWIS) served on, the oversight committee chaired by the gentleman from New York (Mr. HOUGHTON). The gentleman from Illinois (Mr. WELLER) asked this question: "So just to follow up on that, say you have a candidate who is a guest speaker, was in a church speaking from the pulpit, concludes his or her remarks, and the minister walks up, puts his hands or arms around the particular candidate and says, this is the right candidate; I urge you to support this candidate. Is that allowable under current law?" That is the gentleman from Illinois (Mr. WELLER) to Mr. Hopkins, who represents the Internal Revenue Service, and he says, "No, that would not be allowable under law. That would clearly be political campaign activity. It would be protected, however, under the two bills that are specifically the subject of this hearing," a bill introduced by the gentleman from Illinois (Mr. CRANE) and myself, Congressman JONES, H.R. 2357.

Mr. Speaker, I came to this floor last week, and I am going to come a couple times this week and a couple of times next week, because I hope that the leadership of the House will bring this to the floor of the Congress to vote on. I believe sincerely that if this country is going to have a great future, and we are a Nation who cannot forget that this Nation has been blessed by God; if we are going to have a strong Nation, then our preachers, our priests, and our rabbis must have a right to talk about the issues of the day. And sometimes those moral issues of the day become political issues. I think that our ministers must have the right to talk about those issues of the day if this country is going to remain morally strong.

Let me start closing by reading a letter; it will not take but just a couple of minutes. This is a minister who is an African American minister down in Raleigh, North Carolina, and I know him, I have talked to him by phone; and I have a great deal of respect for him. He is a strong man of God. I had read an article in a Raleigh paper; all the liberal press, Mr. Speaker, they just cannot understand this legislation. The liberals just cannot understand it. I guess they forget that they are protected by the Constitution and so should the ministers and priests and rabbis, as far as I am concerned.

Let me read this. It is from Marian B. Robinson, minister of the St. Matthew AME Church in Raleigh, North Carolina, and it will not take but a moment.

"Dear Congressman Jones: I read with interest an article printed in Raleigh News and Observer as it pertained to H.R. 2157, the Houses of Worship Political Speech Protection Act. Thank you for introducing a bill that will give free speech to houses of worship on issues of moral and political significance without the fear of losing their tax exempt status. If the churches cannot do it, then who can?"

Second paragraph: "Secondly, the black church has always been a platform and forum to get the message out to our people since we have no other institution or places to go or turn to. The church continues to be the mouthpiece for informing and directing our people on most things. Part of our job consists of trying to keep families strong and together by instilling morals and values and the teachings of Christ. We need freedom of speech from the pulpits without fear of reprisals. This will help us carry out our tasks in a manner pleasing to God and meaningful to the people."

Mr. Speaker, the reason I wanted to read that letter is because this support is across the board. It is from people of faith, whether they be African American, whether they be Muslim, whether they be Catholic, Jew, or Protestant. They support this legislation because they fully understand, as I understand, that the strength of this country is the fact that our spiritual leaders have the freedom to talk about these issues.

I must say that as Pastor Robinson asked me in this letter of support, Mr. Speaker, if they are not going to have the right to talk about these issues, then who is going to talk about them? What I say to the liberal press is, I do not have much respect for the liberal press. When it suits their needs, they support it; when it does not suit their needs, then they do not support it. But I will tell my colleagues that I never saw in 1953, and I have had my staff to do a lot of research, I never saw any editorial or any news article that took the churches to task for what they might have said of a political nature in 1953. None.

So, Mr. Speaker, tonight as I close, I do want to mention this. The IRS also has what they call code words. They do not just have to say to the minister that just because you say that you want to support myself, Congressman JONES, or as the minister mentioned earlier, another candidate, that that would be a violation. That would be a violation was the answer to the gentleman from Illinois (Mr. WELLER). But this is what I want to start closing with tonight, Mr. Speaker, is that they print a publication that is called "Election Year Issues," and they give an example of code words, C-O-D-E, code words. And these code words can, if used, can bring the IRS into looking into that church's activity.

Let me just give an example of code words: liberal, pro-life, pro-choice, anti-choice, Republican, Democrat, and there are others.

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These are code words that the IRS can use if they think that there is a violation. They do not mention the candidate; but they might mention a code word, and the IRS can come in and threaten a church.

Mr. Speaker, tonight as I close, and again, I am like many Members of Congress on both sides of this aisle, I have great faith in God. This is the greatest Nation in the world because we are a Nation that understands that we are blessed by God almighty.

I just think and I hope that in the next couple of weeks that the leadership will give the Congress a chance to debate this issue, to vote on this legislation; and I hope the majority of the Members of this House will vote to pass this legislation.

Again, I close by reminding the House that in 1953, and up to 1953, there were no restrictions on the churches and synagogues in this country. So let us return the freedom of speech to the spiritual leaders of this country so that they can do their job for our God.

Mr. Speaker, I close this way because I have three military bases in my district: Cherry Point Marine Air Station, Camp Lejeune Marine Base, and Seymour Johnson Air Force Base. Every time I speak, and I spoke Monday night at the Christian Coalition banquet down in my district, and I was pleased to say that the Republican candidate for the United States Senate, Elizabeth Dole, was there and did a fantastic job of giving her testimony, I close this way, and I have ever since September 11.

I first ask God to please bless our men and women in uniform, I ask God to please bless the families of our men and women in uniform, and I ask God to please bless the President of the United States as he leads this Nation. I ask God to please bless the men and women who serve in the House and Senate.

I ask God, and I say it three times, please God, please God, please God, continue to bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. GEORGE MILLER of California (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PHELPS, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 12, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3287. To redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE., in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center".

H.R. 3917. To authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September, 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes.

H.R. 5207. To designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building".

ADJOURNMENT

Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 18, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9175. A letter from the Principal Deputy Associate Adminstrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiophanate-methyl; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0226; FRL-7196-5] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9176. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Objections to Tolerances Established for Certain Pesticide Chemicals; Additional Extension of Comment Period [OPP-2002-0057; FRL-7275-3] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9177. A communication from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Departments of Agriculture, Energy, Interior, and Transportation; International Assistance Programs; and the National Capital Planning Commission; (H. Doc. No. 107—262); to the Committee on Appropriations and ordered to be printed.

9178. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 99-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9179. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 00-02, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9180. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9181. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 98-04, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9182. A letter from the Deputy Secretary, Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 2001, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

9183. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report on the Summary of amounts for Cooperative Threat Reduction (CTR) Programs in the Former Soviet Union; to the Committee on Armed Services.

9184. A letter from the Vice President, Export-Import Bank of the United States, transmitting a report involving U.S. exports to China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

9185. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Confirmation Requirements for Transactions of Security Futures Products Effected in Future Accounts [Release No. 34-46471; File No. S7-19-02] (RIN: 3235-AI50) received Septemebr 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9186. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Applicability of CFTC and SEC Customer Protection, Recordkeeping, Reporting, and Bankruptcy Rules and the Securities Investor Protection Act of 1970 to Accounts Holding Security Futures Products [Release No. 34-46473; File No. S7-17-01] (RIN: 3235-AI32) received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9187. A letter from the Principal Deputy Associate Administrator, Environmemtal Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District [CA 270-0366a; FRL-7272-4] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9188. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA247-0361 FRL-7272-6] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9189. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 0264-0365; FRL-7266-2] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9190. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Clarify the Scope of Sufficiency Monitoring Requirements for Federal and State Operating Permits Programs [FRL-7374-6] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9191. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emmission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production [FRL-7375-9] (RIN: 2060-AJ34) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emmission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection [FRL-7271-1] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Approval of Miscellaneous Revisions to The Mecklenburg County Local Implementation Plan [NC 98-200237a; FRL-7377-8] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9194. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination on Waiver of Restrictions on Assistance to Russia under the Cooperative Threat Reduction Act of 1993 and Title V of the FREEDOM Support Act, pursuant to 22 U.S.C. 5952; to the Committee on International Relations.

9195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 2001 report on U.S. Representation in UN agencies and efforts made to employ U.S. citizens, pursuant to 22 U.S.C. 276c—4; to the Committee on International Relations.

9196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report for 2001 on International Atomic Energy Agency Activities in Countries Described in Section 307 (a) of the Foreign Assistance Act; to the Committee on International Relations.

9197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a Drawdown under section 506(a)(1) of the Foreign Assistance Act of 1961, as amended to support the Philippines; to the Committee on International Relations.

9198. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" finalrule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AI30) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9199. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Late Seasons and Bag Possession Limits for Certain Migratory Game Birds (RIN: 1018-AI30) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9200. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule — Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2002-03 Late Season (RIN: 1018-AI30) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9201. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Prospective Payment System for Inpatient Services in Psychiatric Hospitals and Exempt Units"; to the Committee on Ways and Means.

9202. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Revision of Rev. Proc. 88-10 (Rev. Proc. 2002-48, 2002-38) received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9203. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2002 funds appropriated for International Organizations and Programs (IO&P) to the Child Survival and Health Programs Funds, pursuant to 22 U.S.C. 5952 nt; jointly to the Committees on International Relations and Appropriations.

9204. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

9205. A letter from the Board Members, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Ways and Means, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3995. A bill to amend and extend certain laws relating to housing and community opportunity, and for other purposes; with an amendment (Rept. 107–640 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4864. A bill to combat terrorism and defend the Nation against terrorist acts, and for other purposes; with an amendment (Rept. 107–658). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 2690. An act to reaffirm the reference to one Nation under God in the Pledge of Allegiance; with an amendment (Rept. 107–659). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 527. Resolution providing for consideration of the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms (Rept. 107–660). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 528. Resolution providing for consideration of the bill (H.R. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes (Rept. 107–661). Referred to the House Calendar.

COMMITTEE DISCHARGE AND TIME LIMITATION PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on September 13, 2002]

H.R. 5259. The Committee on the Budget discharged. Referral to the Committees on Ways and Means, Rules, and Government Reform extended for a period ending not later than October 4, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 5385. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5386. A bill to prohibit the discharge of a firearm within 1,000 feet of any Federal land or facility; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Frank, Mr. Berman, Ms. Jackson-Lee of Texas, Mr. Meehan, Mr. Delahunt, Mr. Kucinich, Mr. Blumenauer, Mr. Davis of Illinois, Mr. Evans, and Ms. Schakowsky):

H.R. 5387. A bill to make needed reforms in the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Illinois:

H.R. 5388. A bill to authorize the disinterment from the Luxembourg American Cemetery and Memorial in Luxembourg of the remains of Private Ray A. Morgan of Paris, Illinois, who died in combat in January 1945 in the Battle of the Bulge, and to authorize the transfer of his remains to the custody of his next of kin; to the Committee on Veterans' Affairs.

By Mr. LAMPSON (for himself and Mr. Foley):

H.R. 5389. A bill to amend title 18, United States Code, to provide forensic and investigative support of missing and exploited children; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H.R. 5390. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for certain oilseeds; to the Committee on Agriculture.

By Mrs. MORELLA (for herself, Mr. Ehrlich, Mr. Gilchrest, and Ms. Norton):

H.R. 5391. A bill to provide for the establishment of the National Institutes of Health Police, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. Evans):

H.R. 5392. A bill to amend title 38, United States Code, to enable the Department of Veterans Affairs to recover costs of medical care from third parties in the same manner as if the health care system of the Department were a preferred provider organization; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 5393. A bill to extend the time period prior to the need for workers for the filing of applications for temporary labor certification in the processing of alien labor certification applications; to the Committee on the Judiciary.

By Mr. WEINER (for himself, Mr. Conyers, and Mrs. Maloney of New York):

H.R. 5394. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

By Mr. ETHERIDGE:

H. Con. Res. 469. Concurrent resolution authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.); to the Committee on House Administration; considered and agreed to.

By Mr. ROGERS of Michigan:

H. Con. Res. 470. Concurrent resolution supporting the goals and ideals of College Savings Month; to the Committee on Government Reform.

By Mr. NUSSLE (for himself, Mr. Brown of South Carolina, Mr. Bonilla, Mr. Schaffer, Mr. Ballenger, Mr. Watts of Oklahoma, Mrs. Bono, Mr. Tom Davis of Virginia, Mr. Barr of Georgia, Mr. LaTourette, Mr. Jenkins, Mr. Hayes, Mr. Dan Miller of Florida, Mr. Akin, Mr. Gekas, Mr. Issa, Mr. Boozman, Mr. Shadegg, Mr. Hobson, Mr. Shimkus, Mr. Kerns, Mr. Fossella, Mr. Schrock, Mr. Royce, Mr. Frelinghuysen, Mr. English, Mr. Chambliss, Mr. Terry, Mr. Ryan of Wisconsin, Mr. Hastings of Washington, Mr. Boehlert, Mr. Thune, Ms. Hart, Mr. Upton, Mr. Brady of Texas, Mr. Burton of Indiana, Mr. Kennedy of Minnesota, Mr. Souder, Mr. Graves, Mr. Latham, Mr. Hastert, Mr. Shaw, Mr. Pitts, Mr. Gibbons, Mr. Forbes, Mr. Jeff Miller of Florida, Mr. Putnam, Mr. Kingston, Mr. Hayworth, Mr. Tauzin, Mr. Camp, Ms. Pryce of Ohio, Mr. Fletcher, Mr. McInnis, Mr. Simmons, Mrs. Biggert, Ms. Dunn, Mr. Everett, Mr. Rogers of Michigan, Mr. Otter, Mr. Cunningham, Mr. Cantor, Mr. Boehner, Mrs. Northup, Mr. Watkins, Mr. Baker, Mr. Vitter, Mr. Foley, Mr. Sununu, Mr. Rogers of Kentucky, Mr. Pence, Mr. Duncan, Mrs. Roukema, Mr. Sessions, Mrs. Cubin, Mrs. Wilson of New Mexico, Mr. Diaz-Balart, Mr. Norwood, Mr. Grucci, Mr. Gutknecht, and Mr. Wolf):

H. Res. 524. A resolution expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002; to the Committee on Ways and Means.

By Mrs. NORTHUP (for herself, Mrs. Johnson of Connecticut, Mr. Hastert, Mr. Shaw, Mr. Pitts, Mr. Gibbons, Mr. Forbes, Mr. Jeff Miller of Florida, Mr. Putnam, Mr. Kingston, Ms. Pryce of Ohio, Mr. Fletcher, Mr. Hayworth, Mr. Tauzin, Mr. McInnis, Mr. Camp, Mr. Kennedy of Minnesota, Mr. English, Mrs. Biggert, Mr. Pence, Mr. Duncan, Mrs. Roukema, Mr. Boehner, Mr. Sessions, Ms. Dunn, Mr. Rogers of Michigan, Mr. Cunningham, Mr. Cantor, Mr. McKeon, Mrs. Cubin, Mrs. Wilson of New Mexico, Mr. Norwood, Mr. Grucci, Mr. Watkins, Mr. Gutknecht, Mr. Wolf, Mr. Greenwood, Mr. Baker, Mr. Vitter, Mr. Foley, Mr. Ballenger, Mr. Watts of Oklahoma, Mr. Brown of South Carolina, Mr. Bonilla, Mrs. Bono, Mr. LaTourette, Mr. Tom Davis of Virginia, Mr. Barr of Georgia, Mr. Dan Miller of Florida, Mr. Akin, Mr. Jenkins, Mr. Hobson, Mr. Boozman, Mr. Shadegg, Mr. Gekas, Mr. Issa, Mr. Everett, Mr. Schrock, Mr. Petri, Mr. Frelinghuysen, Mr. Royce, Mr. Shimkus, Mr. Chambliss, Mr. Ryan of Wisconsin, Mr. Hastings of Washington, Mr. Terry, Mr. Thune, Mr. Upton, Ms. Hart, Mr. Brady of Texas, Mr. Burton of Indiana, Mr. Souder, Mr. Lewis of Kentucky, Mr. Shays, Mr. Hayes, Mr. Graves, Mr. Wilson of South Carolina, Mr. DeLay, and Mr. Reynolds):

H. Res. 525. A resolution expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H. Res. 526. A resolution providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 3253; considered and agreed to.

By Mr. OBERSTAR:

H. Res. 529. A resolution congratulating Martin Strel of the Republic of Slovenia for his historic athletic achievement as the first person to swim the length of the Mississippi River; to the Committee on International Relations.

By Mr. OSE (for himself, Ms. Lee, Mr. Pombo, Mrs. Tauscher, Mr. Matsui, Mr. Stark, Mrs. Napolitano, Mr. Herger, Mr. Sherman, Mr. Thompson of California, Mr. THOMAS, Mr. CALVERT, and Mr. RADANOVICH):

H. Res. 530. A resolution congratulating the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team; to the Committee on Government Reform.

By Mr. ROHRABACHER (for himself and Mr. FRANK):

H. Res. 531. A resolution amending the Rules of the House of Representatives to permit Members to characterize action in the Senate in the same manner that they may characterize action in the House; to the Committee on Rules.

By Ms. WATERS:

H. Res. 532. A resolution commending the Los Angeles Sparks basketball team for winning the 2002 Women's National Basketball Association championship; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII,

362. The SPEAKER presented à memorial of the General Assembly of the State of North Carolina, relative to House Resolution No. 1780 memorializing the United States Congress and the President to enact legislation to establish a federal/state partnership to use local county veterans service officers to assist the United States Department of Veterans Affairs in eliminating the veterans claims processing backlog; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. PUTNAM.

H.R. 257: Mr. WOLF and Mr. HEFLEY.

H.R. 267: Ms. WOOLSEY, Mr. KIND, Ms. HOOLEY of Oregon, Mr. JEFFERSON, and Mr. CRAMER.

H.R. 285: Mr. HONDA.

H.R. 397: Mr. GRUCCI.

H.R. 415: Mr. EVANS.

H.R. 438: Mr. TAYLOR of Mississippi.

H.R. 638: Mr. PAYNE.

H.R. 792: Ms. NORTON and Mr. EVANS.

H.R. 848: Mr. MANZULLO.

H.R. 854: Mr. RANGEL, Mr. SERRANO, and Mrs. MALONEY of New York.

H.R. 914: Ms. DUNN.

H.R. 959: Mr. POMBO.

H.R. 1111: Mr. CLEMENT.

H.R. 1182: Mr. TIERNEY.

H.R. 1295: Mr. EVANS.

H.R. 1309: Mr. RAMSTAD and Mr. GRUCCI.

H.R. 1310: Ms. WOOLSEY.

H.R. 1368: Mr. SHAYS and Mr. SESSIONS.

H.R. 1525: Mr. SCHIFF.

H.R. 1786: Mr. KLECZKA and Mr. SANDLIN.

H.R. 1911: Mr. STUPAK.

H.R. 1918: Mr. BECERRA.

H.R. 1957: Mrs. JO ANN DAVIS of Virginia.

H.R. 2037: Mr. TIBERI and Mr. LARSEN of Washington.

H.R. 2098: Mr. CLEMENT and Ms. BERKLEY.

H.R. 2144: Mr. WU.

H.R. 2161: Mr. SPRATT.

H.R. 2220: Mr. TURNER and Ms. SÁNCHEZ.

H.R. 2290: Mr. GONZALEZ.

H.R. 2582: Mr. ANDREWS.

H.R. 2638: Mr. MCHUGH, Mr. ROYCE, Ms. HOOLEY of Oregon, and Mr. MANZULLO.

H.R. 2874: Mr. THOMPSON of California and Mr. NEAL of Massachusetts.

H.R. 3062: Mr. COX.

H.R. 3110: Mr. ENGEL.

H.R. 3278: Mr. YOUNG of Alaska.

H.R. 3320: Mr. HOUGHTON.

H.R. 3388: Mrs. MCCARTHY of New York.

H.R. 3414: Mr. MASCARA, Mr. POMEROY, and Mr. SCOTT.

H.R. 3422: Ms. SLAUGHTER.

H.R. 3612: Mr. EVANS.

H.R. 3624: Mr. NORWOOD.

H.R. 3741: Mr. PLATTS.

H.R. 3831: Mr. ACEVEDO-VILÁ.

H.R. 3992: Mr. LOBIONDO.

H.R. 3995: Mr. GOODLATTE, Mr. BERRY, Mr. HONDA, Mr. PLATTS, and Mr. MCINTYRE.

H.R. 4011: Mr. STRICKLAND.

H.R. 4032: Mr. HINCHEY.

H.R. 4483: Mr. GRAHAM.

H.R. 4524: Mr. CLAY.

H.R. 4531: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ARMEY, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Mr. BEREUTER, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mrs. BONO, Mr. BOYD, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAMP, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. CARSON of Oklahoma, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. CONDIT, Mr. CONYERS, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Mrs. CUBIN, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Florida, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DOGGETT, Ms. DUNN, Mr. EDWARDS, Mr. ETHERIDGE, Mr. FARR of California, Mr. FATTAH, Mr. FRANK, Mr. FROST, Mr. GEPHARDT, Mr. GORDON, Mr. GREEN of Texas, Mr. GUTKNECHT, Ms. HART, Mr. HASTINGS of Florida, Mr. HEFLEY, Mr. HILLIARD, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. HYDE, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Ms. KILPATRICK, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mr. LEWIS of California, Mrs. MALONEY of New York, Mr. MATHESON, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOORE, Mrs. MORELLA, Mrs. NAPOLITANO, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PETRI, Mr. PHELPS, Mr. RANGEL, Mr. REYES, Ms. RIVERS, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUSH, Ms. SÁNCHEZ, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. TURNER, Ms. VELÁZQUEZ, Mr. WALDEN of Oregon, Ms. WATERS, Mr. WATT of North Carolina, Mr. WEINER, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEXLER, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. WU, Mr. BALDACCI, Mr. BONIOR, Mr. BORSKI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mrs. CAPITO, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mrs. EMERSON, Ms. ESHOO, Mr. HALL of Texas, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. ISSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Mr. PASCRELL, Mr. JACKSON of Illinois, Mr. FORD, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Ms. ROS-LEHTINEN, Mr. LEVIN, Mr. LIPINSKI, Mr. LYNCH, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MOLLOHAN, Mr. MORAN of Virginia, Ms. NORTON, Mr. OBERSTAR, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. SCHIFF, Ms. SOLIS, Mr. STENHOLM, Mrs. THURMAN, Mr. WATTS of Oklahoma, Mr. WAXMAN, and Mr. WYNN.

H.R. 4574: Mr. EHRLICH.

H.R. 4600: Mr. FOSSELLA.

H.R. 4604: Mr. EVANS.

H.R. 4639: Mr. LANTOS.

H.R. 4646: Mr. BERMAN, Mr. SCOTT, Mr. CONDIT, and Mr. BECERRA.

H.R. 4704: Mr. LANGEVIN.

H.R. 4707: Mr. BLAGOJEVICH, Mr. HINCHEY, Mr. GUTIERREZ, and Mr. OLVER.

H.R. 4738: Mr. FRANK.

H.R. 4760: Mr. MICA.

H.R. 4790: Mr. LATOURETTE.

H.R. 4810: Mr. DOGGETT.

H.R. 4872: Mr. BALLENGER.

H.R. 4916: Mr. TOWNS, Mr. HINCHEY, and Mr. LYNCH.

H.R. 4939: Mr. BONIOR.

H.R. 4948: Ms. HARMAN and Ms. WATERS.

H.R. 4967: Ms. SCHAKOWSKY and Mr. BONIOR.

H.R. 5031: Mr. ROSS, Mr. FRELINGHUYSEN, Mr. PRICE of North Carolina, Mr. SCHROCK, and Mr. REYES.

H.R. 5052: Mr. TURNER and Mr. GOODLATTE.

H.R. 5057: Mr. FRANK.

H.R. 5060: Mr. CLEMENT, Ms. HARMAN, Ms. BERKLEY, Mr. GUTIERREZ, Ms. SÁNCHEZ, Mr. PUTNAM, and Mr. PLATTS.

H.R. 5073: Mr. CROWLEY.

H.R. 5085: Mr. STRICKLAND and Mr. WALSH.

H.R. 5089: Mr. MCINTYRE.

H.R. 5113: Mr. REHBERG.

H.R. 5119: Mr. PUTNAM and Ms. DELAURO.

H.R. 5131: Mr. GREEN of Wisconsin.

H.R. 5196: Mr. PLATTS and Mr. SAXTON.

H.R. 5197: Mrs. CUBIN and Mr. TURNER.

H.R. 5213: Mr. PETRI, Ms. WATSON, Mr. FRANK, Mrs. MORELLA, Mr. GEORGE MILLER of California, and Mr. STARK.

H.R. 5250: Mr. SANDERS and Mr. NEAL of Massachusetts.

H.R. 5267: Mr. GILMAN, Mr. TOWNS and Mr. MCDERMOTT.

H.R. 5268: Mr. KILDEE, Mr. WEXLER, Ms. WOOLSEY, Mr. PRICE of North Carolina, Mr. SWEENEY, Mr. UDALL of Colorado, Mr. NEAL of Massachusetts, Mr. BONIOR, Ms. DELAURO, Mr. GRUCCI, and Ms. LEE.

H.R. 5272: Mr. OLVER, Mr. ROSS, and Mr. WEXLER.

H.R. 5280: Mr. SHERWOOD, Mr. SHUSTER, and Mr. ENGLISH.

H.R. 5289: Mr. ENGLISH and Ms. SCHAKOWSKY.

H.R. 5293: Ms. SCHAKOWSKY, Mr. KLECZKA, Mr. LANTOS, Mr. DOOLEY of California, Mr. LEVIN, and Mr. OLVER.

H.R. 5294: Ms. SCHAKOWSKY.

H.R. 5311: Mr. BARTLETT of Maryland, Mrs. BONO, Mr. ROSS and Mr. LATOURETTE.

H.R. 5316: Mr. COOKSEY.

H.R. 5317: Mr. SIMMONS, Mrs. MORELLA, Mr. GUTIERREZ, Mr. PLATTS, Mr. GORDON, Mr. BAKER, Mr. ISAKSON, Mr. HYDE, and Mr. LATOURETTE.

H.R. 5322: Mr. SCHROCK, Mr. BALLENGER, Mr. ENGLISH, Mr. GOODLATTE, Mr. KINGSTON, and Mrs. CUBIN.

H.R. 5326: Mr. MASCARA, Mr. HALL of Texas, Mr. BARTON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. INSLEE, Ms. SCHAKOWSKY, Mr. MCINTYRE, Mr. CANNON, Mr. KUCINICH, Mr. RILEY, Mr. WATKINS, and Ms. NORTON.

H.R. 5334: Ms. HART and Mr. WOLF.

H.R. 5344: Mr. WEXLER, Ms. ROYBAL-ALLARD, and Mr. NADLER.

H.R. 5346: Mr. SCOTT, Mr. KUCINICH, Mr. KANJORSKI, Mr. HOLT, Mr. HOLDEN, Ms. SÁNCHEZ, Mr. PASTOR, Mr. MCGOVERN, Mr. MASCARA, Mr. SERRANO, Mr. FARR of California, Mr. OLVER, Mr. PRICE of North Carolina, Mrs. JONES of Ohio, and Mr. HINCHEY.

H.R. 5348: Ms. NORTON and Ms. MILLENDER-MCDONALD.

H.R. 5358: Mr. BROWN of Ohio, Mr. BALDACCI, Mr. RANGEL, Mr. KILDEE, Ms. DELAURO, and Mr. UDALL of Colorado.

H.R. 5359: Mr. Sanders, Mr. Shows, Mr. Ballenger, Ms. Norton, Mr. Hastings of Florida, Mr. Holden, Mr. Rangel, Mr. Murtha, and Ms. Millender-McDonald.

H.R. 5378: Mr. Frank.

H.R. 5383: Mr. Thune and Mr. Pomeroy.

H.J. Res. 93: Mr. Pence and Mr. Wamp.

H.J. Res. 105: Mr. Frank.

H.J. Res. 108: Mr. Souder, Mr. Phelps, Mr. McNulty, and Mr. Isakson.

H.J. Res. 109: Mr. Payne and Mr. Bonior.

H. Con. Res. 164: Mr. Sessions.

H. Con. Res. 238: Mr. Crowley and Ms. Schakowsky.

H. Con. Res. 345: Mr. Young of Florida.

H. Con. Res. 351: Mr. Wexler, Ms. Berkley, Mr. Inslee, and Mr. Frost.

H. Con. Res. 382: Mr. Tierney and Mr. Sanders.

H. Con. Res. 406: Mr. Rogers of Michigan.

H. Con. Res. 445: Mr. Shows, Mr. Forbes, Mr. Wilson of South Carolina, Mr. Kerns, Mr. Goode, Mr. Shadegg, Mr. Foley, Mr. Gutknecht, Mr. Boozman, Mr. Graham, Mr. Platts, Mr. Riley, Mr. Shimkus, and Mr. Tancredo.

H. Con. Res. 458: Mr. Goodlatte, Mr. Tom Davis of Virginia, Mr. Dreier, and Mr. Shays.

H. Con. Res. 462: Mr. Kildee, Mr. Sanders, Mr. Gekas, Mr. Otter, Mr. McInnis, Mr. LaHood, and Mrs. Cubin.

H. Con. Res. 468: Mr. Frost, Mr. Nadler, and Mr. Lewis of Georgia.

H. Res. 190: Ms. Schakowsky.

H. Res. 253: Mr. Towns.

H. Res. 454: Mr. Doyle.

H. Res. 484: Mr. Pastor.

H. Res. 499: Mr. Ackerman, Mr. Deutsch, Ms. Schakowsky, and Mr. Schiff.

H. Res. 518: Mr. Skelton and Mr. Riley.

H. Res. 523: Mr. Hoekstra, Mr. Ehrlich, Mr. McKeon, Mr. Holt, Mr. Andrews, Mr. Scott, Mr. Boehner, Mr. Graham, Mr. Kildee, Mr. Hinojosa, Mr. George Miller of California, Mr. Tierney, Mr. Wilson of South Carolina, and Mr. Riley.

EXTENSIONS OF REMARKS

IN RECOGNITION OF ILLINOIS STATE REPRESENTATIVE MARY LOU COWLISHAW

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. HASTERT. Mr. Speaker, I rise today to recognize the invaluable contributions of State Representative Mary Lou Cowlishaw over her nearly 20 years of service to the people of Illinois as a member of the Illinois General Assembly. Moreover, I am proud to have served alongside her during her first four years of service.

As a parent and former public school teacher, I would like to commend Representative Cowlishaw for her strong commitment to improving educational opportunities for the young people of Illinois. As the Ranking Member of the Illinois House Elementary and Secondary Education Committee and as a board member of the Lisle School District 202 Foundation, Representative Cowlishaw has done an exceptional job of advancing education and thereby securing the well-being and future success of all children in Illinois.

During her tenure in the Illinois General Assembly, Representative Cowlishaw's efforts contributed to the establishment of the Illinois Mathematics and Science Academy located in my congressional district. She has also worked tirelessly to advocate innovative approaches to increase student learning, improve teacher quality, and expand access to teaching in mathematics and science.

And, Representative Cowlishaw's exemplary dedication to the young people of Illinois extends well beyond the walls of the classroom. In fact, this past March, the Illinois Coalition to End Homelessness honored Representative Cowlishaw for her work to improve the educational rights of homeless students across the Nation.

When Representative Cowlishaw retires from the Illinois State House of Representatives at the end of this year, she should carry with her the knowledge that she has made the Illinois General Assembly, and particularly the State of Illinois, a better place.

A PROCLAMATION HONORING MR. AND MRS. HOUSEHOLDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, Whereas, Robert and Zema Householder are celebrating 70 years of marriage; and

Whereas, Robert and Zema have demonstrated a firm commitment to each other; and

Whereas, Robert and Zema must be commended for their loyalty and dedication to their family; and

Whereas, Robert and Zema have proven, by their example, to be a model for all married couples; and

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Mr. and Mrs. Householder as they celebrate their 70th Wedding Anniversary.

HONORING DR. RICHARD WARREN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Franklin, Massachusetts in honoring Dr. Richard Warren for his 30 years of outstanding service to the Franklin Public School System and other districts throughout New England.

After receiving his bachelors' degree from Bryant College in 1964, Dr. Warren earned his Masters of Educational Administration and Supervision at Rhode Island College in 1973; his Certificate of Advanced Study at the University of Connecticut in 1978; and his Ph.D. in Education Administration at the University of Connecticut in 1980.

During his 30-plus years of service to public education in Franklin and New England, Dr. Warren has distinguished himself as both an educator and administrator. Whether it be as an elementary school teacher for the public school districts of Tiverton, Rhode Island and Fall River, Massachusetts; Supervising Principal for Scituate Public Schools of Scituate, Rhode Island; or Superintendent of Schools for Franklin, Ayer, Mansfield and Dartmouth School Districts in Massachusetts, Dr. Warren has maintained his life-long commitment to educating the children of our community.

Furthermore, Dr. Warren's passion and dedication to learning has never been confined to the classroom. He has served as Associate Director of the Northeast Community Education Development Center and Research Associate for the Department of Education Administration at the University of Connecticut; Director of Community Services for Fall River Public Schools in Fall River, Massachusetts; and Coordinator of the Title I Extended School Day program. It is clear that Dr. Warren's passion and enthusiasm for education has rewarded not only the children of our public schools, but also our entire community.

Although Dr. Warren is retiring to spend more time with his wife, Linda; daughters, Lisa and Barbara; and his grandchildren, he intends to be active as an educational consultant. In his personal time. Dr. Warren enjoys music and gardening.

Mr. Speaker, I ask my fellow members of U.S. House of Representatives to join me in congratulating Dr. Warren for all that he has done for the community of Franklin and other communities throughout Massachusetts and New England. He has served us well, and I wish him the best of luck in all future endeavors.

TRIBUTE TO CAPTAIN DAN MARSHALL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SCHAFFER. Mr. Speaker, I rise to recognize Captain Dan Marshall of Greeley, Colorado. Captain Marshall has demonstrated exemplary leadership at the Air Force's 137th Space Warning Squadron in Greeley. For this, Mr. Speaker, the United States Congress commends Captain Marshall and wishes him the best of luck.

Throughout his career, Captain Marshall has accumulated such honors as being top of his class at USAF Undergraduate Space Training at Vandenburg Air Force Base in 1998 and having top qualifications as MGS Field Commander and Main Operating Base OTC. Captain Marshall is rated "Highly Qualified" in Space Operations, which is the best U.S. Space Command rating given by the military. In addition, Dan is a highly skilled pilot having earned his Bachelor of Science degree in Aviation at Metropolitan State College in Denver, Colorado. Dan's continued service is admirable and greatly appreciated by his fellow Coloradans, Americans and me.

The United States military is vital to the future and national security of our great Nation, and the citizens of this country are indebted to Captain Marshall. His rank and educational achievements speak for themselves. Dan is a fine example to the youth of America and to all who share his devotion to our country.

As a citizen of Colorado's Fourth Congressional District, Captain Marshall is truly a positive role model for the youth of America. Dan's community, state and country are proud of him. I ask the House to join me in extending our appreciation and well wishes to Captain Dan Marshall.

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE AND THE WORLD TRADE CENTER ATTACKS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the victims of senseless and unspeakable atrocities. The New Jersey Division

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the Polish American Congress sponsored a memorial service to remember those who lost their lives during the tragic Katyn Forest Massacre sixty-two years ago, and those killed during the attack on America, September 11, 2001. The service was held at the Katyn Monument site in Jersey City, New Jersey, on September 15, 2002.

After Nazi Germany and the Soviet Union maliciously invaded Poland in 1939, the Polish citizenry fought bravely against both adversaries on two fronts. Unfortunately, in the process of valiantly defending their homeland, over fifteen thousand Polish soldiers, officers, intellectual leaders, prisoners of war, and other Polish citizens were brutally murdered. Perhaps one of the most unforgettable acts committed by the Soviet Union against Poland was later uncovered with the discovery of 4,500 bodies found in a single mass grave at the Katyn forest, near Smolensk in the Soviet Union. This horrendous discovery became known as the Katyn Forest Massacre.

And in an egregious attack against humanity, over three thousand Americans and citizens representing more than 80 nationalities were lost at the World Trade Center, the Pentagon, and the fields of Somerset County, Pennsylvania, on September 11, 2001. The heinous attacks on American soil reaffirmed our commitment to Democracy in defense of a free and open society, threatened by evil, injustice, hatred, and tyranny.

Today, I ask my colleagues to join me in honoring the lives lost in these tragedies. We shall never forget these acts of barbarism. And we shall never forget the innocent lives lost as we strive, as a People, to create a peaceful world.

SEPTEMBER 6, 2002: A TIME TO MOURN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. PENCE. Mr. Speaker, the good book tells us that there is a time for every purpose under heaven. There is a time to weep and a time to mourn. On September 6th I joined some 250 of my colleagues in this body as we traveled to Federal Hall in New York City to do just that.

We gathered at a place in which this Congress met and even adopted the Bill of Rights in 1789. We mourned with those who mourn and we wept with those who weep. The last time I was in New York City was September 21, 2001. I stood in the ashes and on the periphery of the devastation at Ground Zero and I expect tomorrow, as we all do, to be a deeply moving day emotionally.

As we join to pray, Mr. Speaker, let us ever remember that we are also told that there is a time for peace and there is a time for war. As we pray for the bereaved let us also pray for wisdom for our President and our leadership in this institution as we choose the times and the days ahead for war.

A PROCLAMATION RECOGNIZING RAYMOND EDWARD WARNER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Raymond Warner has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Raymond Warner has shared his time and talent with the community in which he resides; and

Whereas, Raymond Warner has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Raymond Warner must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 212 and the entire 18th Congressional District in congratulating Raymond Edward Warner as he receives the Eagle Scout Award.

HONORING WILFREDO VAZQUEZ-POL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Wilfredo Vazquez-Pol of Clinton, Massachusetts who retired on September 3, 2002 from the United States Environmental Protection Agency after many years of dedicated service.

Willie, as his friends and co-workers a affectionately call him, has had a very illustrious career. He served his country by enlisting in the U.S. Navy in 1965 and was stationed in Hawaii and served in Vietnam. He was an auditor with the U.S. Department of Treasury, Office of Inspector General, and for the past 22 years, was a devoted member of the EPA/OIG staff where he was the Audit Manager in the Boston office since 1988. His hard work earned him the bronze Medal, the highest award given by the Inspector General.

Willie has been an outstanding citizen in Clinton and has given much of his personal time to community service. He helps provide translation services to Latino residents who have difficulty transitioning into the community. Willie is a member of the Clinton Lodge of Elks where he served as Exalted Ruler, and is also a member of the Clinton Hospital Board of Directors.

Mr. Speaker, it is a great pleasure to congratulate Willie on an outstanding career. I am certain that the entire U.S. House of Representatives joins me in wishing him many years of good health and happiness in his retirement.

TRIBUTE TO JERRY MORGENSEN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Jerry Morgensen, President and CEO of Hensel Phelps Construction in Greeley, Colorado. After the devastating attack on our Nation last September, Mr. Morgenson and his company were hired to rebuild the scarred west face of the Pentagon. Tonight, he is being awarded the Air Force Association's John R. Alison Award in recognition of his outstanding industrial leadership while renovating and rebuilding the home of our defense department.

Jerry Morgensen is a man who has served his country well during one of its darkest hours. Due to his innovation and leadership, he and a team of dedicated men and women were able to rebuild the Pentagon in less than one year, defying the terrorists and fostering a sense of healing in the citizens who watched the building's dramatic transformation. I am proud of the tremendous work Mr. Morgensen has done, not only to rebuild the Pentagon, but to reinvigorate our national spirit.

A citizen of Colorado's Fourth Congressional District, Jerry Morgensen is truly a great American. I ask the House to join me in extending our sincere thanks and warmest congratulations to Mr. Jerry Morgensen.

IN MEMORY OF STEVEN SNYDER, CHAMPION OF THE PERSECUTED

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. WOLF. Mr. Speaker, on August 27, 2002, one of the leading advocates for the persecuted passed away. His name was Rev. Steven Snyder and I knew him well. Steve cared as much as anyone I know for the persecuted. His efforts and labor on behalf of the voiceless and the persecuted, raised awareness of cases and problems in far away places that few would have known without his voice. Mr. Speaker, I will insert following these remarks an article from the Washington Times which describes how Steve made such a difference with his life.

Steven was the founder and president of International Christian concern, an organization dedicated to raise awareness of and to advocate for the plight of persecuted Christians around the world. Prior to founding International Christian Concern, Steve was the director of Christian Solidarity International, where he also was a strong and vocal advocate for the persecuted.

Steve was a pioneer in exposing to the world the horrible persecution and brutality that is occurring to people just because of their religious beliefs. Steve's efforts and his voice resounded in the halls of power throughout the world. His advocacy and speaking out on the persecuted, influenced Members of Congress and government officials from around the world to intervene and become involved in what would have otherwise been unknown issues.

In order to see and learn first-hand of persecution, Steve risked his life many times by personally traveling to very dangerous parts of the world, where he not only was a witness to human rights abuses, but where he also brought hope and love to the suffering.

Steve was a remarkable man who did incredible things in his 53 years for the suffering all over the world. Steve will be sorely missed. He deserves the words from Matthew 25, "Well done, good and faithful servant."

We send our condolences to his wife Connie and four children Sarah de Vuyst, Lori Slaubaugh, Joshua Snyder and Sean Snyder.

[From the Washington Times, Aug. 29, 2002]

SNYDER DIES AT 53; ADVOCATED CHRISTIAN FREEDOM ABROAD

(By Larry Witham)

The Rev. Steven L. Snyder, a tireless global traveler and advocate for voiceless Christians abroad who faced religious persecution under communist and Islamic regimes, died Monday night of an infection. He was 53.

The evangelical minister, a native of the San Diego area, began his advocacy work as the U.S. director of Christian Solidarity International, which in the 1980s focused on persecution under communism. In 1995, he founded International Christian Concern to extend the work to Islamic countries.

The Silver Spring resident and father of four was acknowledged yesterday as a pioneer voice on the topic of Christian persecution when it was not high on Washington's human rights agenda.

Mr. Snyder also took risks to penetrate such countries as Sudan, Vietnam, Cuba, Saudi Arabia, Indonesia, China and Pakistan to bring out accurate information, documents and video footage of underground churches or persecuted minorities.

"He was a faithful servant of people persecuted for their faith," said U.S. Ambassador at Large for Religious Liberty John V. Hanford III, who had met and worked with Mr. Snyder in 1985. "He stayed with it despite the constant discouragement that comes with human rights work."

"Steven labored in this vineyard long before the movement against persecution captured the imagination of evangelicals," said the Rev. Richard Cizik, Washington director of the National Association of Evangelicals. "What a faithful friend he was of the persecuted."

Friends and human-rights workers who knew Mr. Snyder noted his on-the-ground work, desire to highlight those who suffered rather than himself, and a kind of perpetual sad look in his eyes from seeing such grim events abroad—and so little interest at home.

"When not many people cared about this issue, he worked at it faithfully and strenuously," said Paul Marshall, a scholar of religion with Freedom House. "He didn't just report, he went to dangerous places. He did his research with his boots on."

Dr. David Harding, a family physician who is on the six-member board of International Christian Concern, traveled to Indonesia with Mr. Snyder in November to provide medical aid to Christians being persecuted by Muslims on the island of Sulawesi.

"Steven is going to be very difficult to replace," Dr. Harding said. "He made every effort to get the facts right, and he had a way of finding all the right people and getting at the truth of a situation."

Pat Bradley, a St. Louis businessman who first met Mr. Snyder in 1999, recalls their two-week fact-finding tip to Sudan in February 2000.

"For two days we drove into the south from Uganda on what we thought was the bumpiest road in the world, until we got to Sudan's roads," Mr. Bradley said. "Between us we had seen bad places, but by far this was the worst."

It was 105-degree bush country, he said. "These people had literally nothing. No food or clothing. They were victims of a scorched-earth policy, and some were tortured."

On return from Sudan in 2000, Mr. Snyder drafted a detailed report for Capitol Hill and the State Department, and made it available to news organizations.

During a trip to China in 1999, Mr. Snyder brought in Bibles and met with leaders of the underground church. Some of the people who went to hear his presentations remember the vivid images and footage he brought back of nighttime river baptisms.

Staff at the State Department yesterday also took the news with sorrow. One staffer asked a reporter whether Mr. Snyder had worked at State because everybody knew him.

"Steve was a foot soldier for religious freedom," said Tom Phar, director of international religious liberty at the State Department. "He traveled the world working on behalf of people being persecuted for their faith. He was an effective advocate and a good friend."

On Monday afternoon, Mr. Snyder was rushed to the Holy Cross Hospital emergency room with a high fever, and friends recall that because the diagnosis was severe he asked them to "pray for a miracle." He died about 7:45 p.m.

Mr. Snyder lost his spleen in an operation six years ago, and doctors said that weakened his ability to fight the infection, which rapidly taxed his entire system.

He is survived by his wife, Connie Snyder of Silver Spring, and four children: Sarah de Vuyst of Ukraine; Lori Slaubaugh of Rollin, N.D.; Joshua Snyder of Boulder, Colo.; and Sean, 16.

Visitations may be made tomorrow from 2 to 4 p.m. and from 7 to 9 p.m. at Collins Funeral Home at 500 University Blvd. W. in Silver Spring. A funeral service will be held 10 a.m. Saturday at Immanuel's Church at 16819 New Hampshire Ave. in Silver Spring.

In lieu of flowers, the family asked that donations "to help the persecuted church" be sent to International Christian Concern, 2020 Pennsylvania Ave. NW, Box 941, Washington, DC 20006-1846.

A PROCLAMATION HONORING ANITA ADAMS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Anita Adams, Auditor of Muskingum County, has for the tenth straight year, earned the Certificate of Achievement for Excellence in Financial Reporting; and,

Whereas, this award from the Government Finance Officers Association (GFOA) is an honor given to local governments that publish comprehensive financial reports meeting the standards on the GFOA; and,

Whereas, Anita has shown continuous dedication to the people of Muskingum County;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in applauding Anita Adams for receiving the Certificate of Achievement for Excellence in Financial Reporting.

IN RECOGNITION OF FAIRLAWN REHABILITATION HOSPITAL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of Fairlawn Rehabilitation Hospital in my hometown of Worcester, Massachusetts. In 1987, Fairlawn served as a small acute community hospital. However, over a period of time it has evolved into the first facility in the United States to fully convert into a rehabilitation provider. Currently, an average of 100 inpatients and 100 outpatients are treated everyday to help people reach their fullest potential to make for a joyful and productive life.

Fairlawn Rehabilitation Hospital is in joint collaboration with the Fallon Clinic, UMASS Memorial Health Center, and HEALTHSOUTH Corporation. Fairlawn Rehabilitation Hospital specializes in many rehab programs: brain injury, orthopedics, geriatrics, stroke, spinal cord injury, pulmonary, amputee, neurological cardiac, and burns are included. The incredible care and dedication to the patients' of Fairlawn Rehabilitation Hospital is to be commended.

Mr. Speaker, on Thursday, September 19, 2002, Fairlawn Rehabilitation Hospital celebrates its Fifteenth Anniversary. It is fitting that this facility is recognized for its efforts in improving the lives of people with disabilities in Central Massachusetts. I am confident that the entire U.S. House of Representatives joins me in thanking the employees of Fairlawn Rehabilitation Hospital for their dedication and service to the people of Central Massachusetts.

IN MEMORY OF ADEL A. ZAKHARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to remember Adel A. Zakhary, a friend and neighbor to many, who lost his life in the World Trade Center tragedy on September 11, 2001. A memorial service took place in his honor on Saturday, September 14, 2002, at Saint George Catholic Orthodox Church in Jersey City.

An immigrant from Egypt, Adel lived the American dream, making America his home with his wife, Nagat, son, George, and daughter, Mariam. He was dedicated and tireless in his work, and in providing for his family. On September 11, he went to work on the 92nd floor of Tower One of the World Trade Center, as he had done for 18 years.

In one of the most unforgivable acts against humanity, over three thousand people were lost at the World Trade Center, the Pentagon, and the fields of Somerset County, Pennsylvania, on September 11, 2001. Adel was among those individuals who were tragically lost. The horrific attacks have strengthened us in our resolve to fight evil and intolerance in pursuit of freedom, justice, and democracy.

Today, I ask my colleagues to join me in remembering Adel A. Zakhary, a loving husband and father, who will never be forgotten. Let us join together not only to grieve this tremendous loss, but also to celebrate the remarkable accomplishments in his life. I extend my deepest sympathies to the family and friends of Adel.

SEPTEMBER 11, 2002: TRIBUTE TO FREEDOM

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. PENCE. Mr. Speaker, the United States of America is founded on the fundamental principle that all citizens have the inalienable right to life, liberty and the pursuit of happiness.

The United States of America stands as a beacon of freedom and opportunity for everyone regardless of race, creed or religious belief.

The strength and vitality of the United States of America is in the diversity of its people, the diversity of its ideas, the freedom to express those ideas and the opportunity to achieve one's potential and direct one's destiny.

Mr. Speaker, these ideals and principles are absolute and will not be surrendered or weakened by the cowardly acts of terrorists who fear the sunshine of freedom and the responsibility it brings.

Let us forever remember that the date September 11 reaffirms the principles for which the United States of America was founded and that on this day each year freedom shall ring from every community in this great land and the Voice of America will be heard around the world.

A PROCLAMATION HONORING MR. AND MRS. DILLON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Matt and Joy Dillon were united in marriage July 31, 1977 and are celebrating 25 years of marriage this year; and

Whereas, Matt and Joy Dillon have demonstrated a firm commitment to each other; and

Whereas, Matt and Joy Dillon must be commended for their loyalty and dedication to their family; and

Whereas, Matt and Joy Dillon have proven, by their example, to be a model for all married couples; and

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Mr. and Mrs. Dillon as they celebrate their 25th Wedding Anniversary.

HONORING MARTHA EZELL "MAMA" TUNE FOR A LIFETIME OF ACHIEVEMENT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Martha Ezell Tune, "Mama Tune," of Antioch, Tennessee, for a lifetime of devotion to family, faith, and community.

Mama Tune's contributions to Davidson County, and particularly, the Antioch area, have impacted many. Whether it be her involvement and leadership in civic matters, cooking meals for family and friends, working the polls on election day, writing a history of the Antioch community, or substitute teaching at Antioch High School, Mama Tune is an individual who is an inspiration to us all.

A Tennessee native, Mama Tune graduated from Antioch High School in 1941, alongside her brother, James. That same year she married James Tune. The two enjoyed 50 years together and had two children, Buford and Sam, and three grandchildren. Mama Tune's sons are successful Middle Tennessee business owners.

Tune received her education from Middle Tennessee Teacher's College and the University of Alabama. She taught at Una Elementary School for several years. She has been teaching in the Metropolitan Davidson County School System as a teacher or substitute teacher for fifty years and currently substitutes at Antioch High School on a regular basis. Many times she teaches students whose parents she once taught in school. Her profound influence for the good has shaped many lives over the years.

Mama Tune often touts the accomplishments of the students she taught at Antioch. She pours more than knowledge into their lives: she pours love and they do not ever forget it.

The Clement family has known and appreciated the friendship of the Tune and Ezell families for a number of years. In particular, we have enjoyed many conversations and meals at their home, including such southern delicacies as homemade chocolate pie, cornbread, green beans, fried chicken, and macaroni and cheese. Mama Tune is well known for her cooking and included a number of her best-loved recipes in the book, "All I Know About Antioch High School, The Town, and My Life."

Individuals like Mama Tune are those who make this nation great—individuals who are willing to give of themselves and their time for the betterment of the state and the community through acts of kindness and love. Today we honor her for a lifetime of achievement.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. CAMP. Mr. Speaker, I rise in support of this Joint Resolution and in doing so, I stand in solemn remembrance of the tragic events of a year ago and a pride in America's response.

While the loss of life was immense, and the impact of the terrorist attacks was felt far from New York, Washington, D.C., and Pennsylvania, the terrorists failed. The group of men, and the larger organization they represented, wanted to break the will of a proud and strong country. The world stands in witness to their failure.

Instead of falling apart, our country united. Our brave first responders worked tirelessly to help survivors; we saw ordinary citizens involved in heroic efforts; and all across the country Americans joined together to offer assistance.

The outpouring of support and unity could be seen in every flag that was flown with pride across this country. The United States of America rose to the challenge presented to it with a resolve that was felt around the world.

Now, on our first Patriot Day, when we see our flag at half-mast, let us not only remember the tragic events of a year ago, but also the strength exhibited by all Americans. I urge my colleagues to join me in supporting this resolution, expressing solidarity on this day of remembrance.

PRESCRIPTION DRUGS FOR SENIORS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SCHIFF. Mr. Speaker, I rise today on behalf of millions of seniors across our nation who are forced to choose between buying their food, paying their rent, or purchasing their medicine. For too many seniors, this is truly a life or death situation that none of them should have to face.

Unfortunately, this Congress is just weeks away from adjourning for the session and we are still no closer to enacting a Medicare prescription drug benefit.

Over two months ago, we had an opportunity to debate and vote on a bill that would provide a meaningful prescription drug benefit under the Medicare program. The "Medicare Rx Drug Benefit and Discount Act (H.R. 5019) would add a new "Part D" to the Medicare program with voluntary prescription drug coverage for any senior that chooses to enroll. Participating seniors would pay a set $25 per month premium and a $100 a year deductible. In return, Medicare would cover 80% of all drug costs up to $2,000 a year. Once a senior reached the $2,000 out-of-pocket limit, Medicare would then pay for all drug costs beyond that point.

The House leadership refused to allow this bill on the floor. Instead, in the dead of night, while our nation's seniors were fast asleep, a majority in the House passed a bill that might as well have been written by the pharmaceutical industry. No substitute was allowed and no amendments could be offered. There was nothing even remotely bipartisan about that evening.

The bill that passed at 2:30 a.m. on June 28 does not establish a prescription drug plan under Medicare. Instead, it relies on private insurers who are free to design their own plans, charge their own prices, decide which drugs to cover, and tell our seniors what pharmacies they may use. It does nothing to bring down rising drug costs nor does it address the issue of reimportation. Most importantly, the House leadership knows this bill has no chance of passing the Senate. It was a political gesture, not a policy priority.

Where does this leave our nation's seniors? They are still being forced to choose between food, shelter, and their medicine. They are still paying exorbitant prices for the same medications that are available in Canada and overseas for a fraction of the cost. They are still waiting for this House to act in a responsible manner.

My House colleagues on both sides of the aisle, we still have time—it is not too late. Let's work together in a bipartisan manner to meet our parties' respective promises to the American people and provide meaningful prescription drug benefits. Together we can bring hope and relief to our nation's seniors and pass a real Medicare prescription drug plan before this Congress adjourns.

PERSONAL EXPLANATION

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. EHRLICH. Mr. Speaker, on Tuesday, September 10, I was unavoidably detained due to my involvement in the Maryland primary. Had I been present, I would have voted in the following manner: "Aye," on rollcall No. 378, on motion to close portions of the conference on H.R. 5010; "Aye," on rollcall No. 379, on motion that the House instruct conferees on H.R, 3210; "Aye," on rollcall No. 380, on agreeing to the Journal; "Aye," on rollcall No. 381, on motion to suspend the rules and agree to the resolution, H. Res. 513; "Aye," on rollcall No. 382, on motion to suspend the rules and agree to the resolution, H.R. 3880; and "Aye," on rollcall No. 383, on motion to suspend the rules and agree to the resolution, H. Con. Res. 320.

STATUE DONATED IN REMEMBRANCE OF SEPTEMBER 11TH

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ISSA. Mr. Speaker, I rise today to thank the city of Leidschendam-Voorburg in the Netherlands for their act of friendship towards their sister city, Temecula, California.

As a way to express their sentiments of sorrow and sympathy for the events that occurred on September 11th, the citizens of Voorburg have graciously donated the statue "Singing in the Rain," by Frans Kokshoorn to the city of Temecula. The residents of Voorburg donated thousands of dollars to have this statue built and shipped to Temecula for its installation on this day of remembrance.

Mr. Speaker, as we reflect on the events of one year ago, I would like to join the city of Temecula in thanking the city and citizens of Leidschendam-Voorburg for this genuine gesture of kindness during a difficult time for every American.

THE NATIONAL INSTITUTES OF HEALTH SECURITY ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to urge support for The National Institutes of Health (NIH) Security Act.

The National Institutes of Health, founded in 1887, is one of the world's foremost medical research centers, and the Federal focal point for medical research in the U.S. Comprised of 27 separate components, mainly Institutes and Centers, NIH has in excess of 75 buildings on more than 300 acres in Bethesda, Maryland.

The research centers at NIH study some of the most infectious diseases in the world, including anthrax, smallpox and West Nile virus, as well as nuclear waste and radioactive material. Unfortunately, because of the work NIH does, they present a prime target for terrorists that wish to do America harm. Therefore, it must be a paramount goal of this Congress to ensure that NIH can protect itself against an attack. Presently, NIH does not have the ability to do so.

After September 11, Congress authorized the 322-acre biomedical research facility to bolster its security by doubling its police ranks from 64 officers to 108. This decision was made by U.S. intelligence experts who determined that the NIH campus is vulnerable and a potential target for terrorist attack and/or infiltration and theft of protected materials and research. Unfortunately, the force has never reached such heights due to its current pay and retirement system.

NIH police are one of the lowest paid in the Washington-Metropolitan area. The minimum salary for NIH police, $26,415, falls thousands short of what's offered by some federal agencies, and even by some local police departments. Making matters worse, NIH police are not classified as federal "law enforcement officers," and are thereby denied the superior retirement benefits that distinction affords. The result is in low retention of officers and difficulty with recruitment. Without retirements included, ther exists a 77 percent attrition rate at NIH yearly. Currently, the force has faced such problems with officer retention and recruitment that by June, its numbers had dwindled to about 50.

Due to the severity of the situation and the resources that NIH protects, I am introducing legislation that would allow NIH to bolster its security force. This bill would add no additional costs to the federal government, it would simply allow some long overdue flexibility to be used by NIH. This would include:

Making NIH Police "Federal Law Enforcement Officers," which allows their officers who are doing the same essential work as other "law enforcement officers" to receive commensurate salaries and retirement pay.

Allowing NIH police to carry firearms, serve warrants and subpoenas, and make arrests without warrant for any offense against the U.S.

Conducting investigations within the U.S. for offenses committed on property occupied by NIH.

Without these changes, we are undoubtedly allowing a prime target to remain vulnerable to terrorists. Protecting the 4-million square foot research hospital, the third largest federal building in the world, must be a priority of this Congress and I urge support for this legislation.

A PROCLAMATION RECOGNIZING SHAYNA L. SMITH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Shayna Smith has devoted herself to education during her enrollment at Wheeling Jesuit University; and

Whereas, Shayna Smith has spent countless hours in the pursuit of academic excellence; and

Whereas, Shayna Smith has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Shayna Smith must be commended for the hard work and dedication she put forth in graduating from Wheeling Jesuit University;

Therefore, I join the entire 18th Congressional District in congratulating Shayna Smith as she receives her Bachelor of Science from Wheeling Jesuit University Scout Award.

TRIBUTE TO MR. BOB STANLEY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in honor of a constituent of mine, Mr. Bob Stanley. I am proud to recognize Mr. Stanley for more than twenty years of devoted service to the trucking industry and the state of West Virginia.

For the last nineteen years, Mr. Stanley has been the Managing Director and President of the West Virginia Motor Truck Association. During his prestigious years as President, Mr. Stanley has built an organization that is financially strong and well respected throughout the state of West Virginia. As a voice for the trucking industry, he is also highly respected and regarded as a true professional and gentleman.

Prior to his employment in the trucking industry, Mr. Stanley served twenty-six years with the West Virginia State Police. In 1979, Bob Stanley retired as Lt. Colonel/Deputy Superintendent.

It is an honor to commend Mr. Stanley on his service to the trucking industry as well as to the state of West Virginia.

HONORING SANTA BARBARA COUNTY SUPERINTENDENT BILL CIRONE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to the Santa Barbara County Superintendent of Schools, Bill Cirone. I have known Bill for many years, dating back to the days when I was a school nurse in the Santa Barbara County schools, and I am very pleased to have the opportunity to honor him today.

On October 3, 2002, the Emmaus of Santa Barbara will present the 2002 Richard Breza Service to Santa Barbara Award to Bill Cirone. I can think of no more deserving person than Bill to receive this award, as he has served Santa Barbara County Schools for the past 20 years in his position as Superintendent. Bill has created the nationally acclaimed Santa Barbara "Center for Community Education and Citizen Participation" and has constantly emphasized the importance of community service in our schools. Bill has served on the board of directors or advisory committees for many organizations, including the University of California at Santa Barbara Gevirtz Research Center, the National Association of Partners in Education, the Santa Barbara Industry Education Council, the Santa Barbara Foundation, the Thomas Jefferson Center for Character Education and the Santa Barbara Grand Opera Association.

Santa Barbara's County Schools are truly a product of Bill's creativity and passion for excellence. He has influenced the lives of thousands of children, their parents, and community members as a whole. It is always refreshing to see Bill at community events, as he serves as an example of someone who cares so deeply about our children's futures. There are so many extraordinary people on California's central coast, but there is no doubt that there is a special place in my heart for Bill Cirone.

Thank you, Mr. Speaker, for allowing me to pay tribute to our wonderful Superintendent on this glorious occasion.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. MOORE. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week under Public Law 105–225. This marks the 215th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans have been attacked on our own soil by terrorists who do not recognize the rule of human law.

HONORING DAN WILFORD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to pay tribute to Mr. Dan S. Wilford on the occasion of his retirement as president of Memorial Hermann Healthcare System, based in Houston, Texas. For the past 18 years, Mr. Wilford has served as Chief Executive Officer of Memorial Hermann, with 11 hospitals in the greater Houston area, an outpatient center, two nursing homes, a wellness center, a retirement community and a network of affiliates throughout southeast Texas. Under his leadership, Memorial Hermann has become the largest non-profit health care system in Texas and among the largest in the country.

As a member of University of Mississippi's class of 1962, Mr. Wilford was inducted into the University's Alumni Hall of Fame in 1995. He earned his Master's Degree in Hospital Administration at Washington University in St. Louis in 1966 and completed his residency in hospital administration at Hillcrest Medical Center in Tulsa, Oklahoma. Prior to his arrival at Memorial Hermann, Mr. Wilford served in various administrative capacities for 20 years. He was associated with Hillcrest Medical Center in Tulsa for 10 years in addition to serving as president of North Mississippi Health Services in Tupelo, Mississippi from 1974 to 1984.

Mr. Wilford has proudly served on the board of directors of many professional organizations. He is active in Voluntary Hospitals of America, Texas Hospital Association, American Hospital Association, Hospital Research and Development Institute, American College of Healthcare Executives, Greater Houston Partnership, Houston Area and Fort Bend County Chambers of Commerce, United Way of the Texas Gulf Coast and First United Methodist Church of Sugar Land, Texas. Through his commitment to these organizations, Mr. Wilford has set himself apart as a leader and activist in the health care community.

His dedication to the health care profession has lead many acclaimed institutions to recognize Mr. Wilford's achievements. In 1995, he was the recipient of the Washington University Health Administration Program Distinguished Alumnus Award, received an honorary Doctorate of Laws degree from Houston Baptist University and was named Business Leader of the Year in Fort Bend County, Texas. Two years later, he received the American College of Healthcare Executives Gold Medal Award and was presented with the Earl C. Collier Award by the Texas Hospital Association.

In addition to his many professional achievements and honors, Mr. Wilford is a retired National Football League official who has actively participated in sports throughout his life.

Mr. Speaker, Mr. Wilford has established a legacy by building a health care system with a strong commitment to spiritual values and community-focused care. With his retirement from Memorial Hermann, Mr. Wilford celebrates the conclusion of a stellar 40-year career in hospital management and I congratulate him on his unwavering commitment to health care and inspirational leadership.

HONORING DR. NOEL SMITH OF WACO, TEXAS, A TRUE UNSUNG HERO

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. EDWARDS. Mr. Speaker, I rise today to honor a great Texan, Dr. Noel Smith of Waco, who had the vision for an independent public television station in Central Texas. Earning a Ph.D. in Distance Learning from Texas A&M University, Dr. Smith rose to become the Chair of the Telecommunications Department at Central Texas College in Waco, where he effectively used his talents as teacher, mentor, and counselor to improve the lives of many Texans.

It was at Central Texas College that Dr. Smith became actively involved in his lifelong commitment to KCTF Television. In its early days as a stand-alone station, KCTF experienced more problems than shining moments. But in 1994, when its owners withdrew support for the station, Dr. Smith rallied a committed group of Waco citizens who convinced the Chancellor and Trustees of Central Texas College to sell them the license.

Once Dr. Smith's group bought the license, the hard work began. It was as though everyone at the station was performing on a high wire without a net. Yet somehow, Dr. Smith stayed faithful to the vision of creating a community public television station and, thankfully, his vision became a reality. Brazos Valley Public Broadcasting, as it was now called, was born. KCTF would eventually become KWBU, and KWBU would expand to include public radio. Dr. Smith articulated his vision in the KWBU Mission Statement:

"KWBU shall serve as an essential lifelong resource providing quality public television and radio programs and services for the enrichment of the lives of the residents of McLennan County."

Mr. Speaker, Not many ideas make it from vision to reality. But this one has because Noel Smith has worked tirelessly to ensure that public television in Central Texas achieves that mission.

In his professional life, Dr. Noel Smith has held many national positions of leadership that have contributed to the growth of public broadcasting. He served with distinction on the board of directors of the Southern Educational Communications Association, now the National Educational Telecommunications Association, and he was a member of the PBS Board of Directors. He has used his leadership to effectively represent the interests of small market licensees.

During the course of his career, Dr. Smith has accomplished a tremendous amount of good. In addition to leading the growth of KWBU, Dr. Noel Smith is an ordained Baptist minister, and certainly appreciates the many blessings in his life, including a long marriage to his wife Judy, his three wonderful daughters and numerous grandchildren.

This story does not end on the expected happy note. At this writing, Noel is very ill. But something of Noel Smith will always be a part of KWBU and public broadcasting in Central Texas.

I ask all of my colleagues to join me in honoring and celebrating the life and accomplishments of an unsung hero, Dr. Noel Smith of Waco, Texas. The people of my District are better off today because of his commitment to turn his vision for public television into reality.

HONORING FRESNO CITY FIRE DEPARTMENT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Fresno City Fire Department for their devotion to protecting the citizens and community of Fresno. The year 2002 marks the 125th Anniversary of the Fresno City Fire Department, which will be celebrated at the 4th Annual Fresno City Firefighters' Chili Cook-Off on September 14th, 2002 at California State University of Fresno.

In 1877, Leopold Gundlefinger and other citizens formed a Hook and Ladder Company in order to protect the city from fires. Unfortunately, in 1882, fire destroyed the original Hook and Ladder Company, but was replaced by dedicated volunteers who were named "Fresno Alert No. 1." The Fresno Fire Department was officially created in 1902 and has protected a large portion of the Central Valley ever since. In 1984, a grant was established to create a community volunteer fire prevention program called "Burn Aware." The goals of the volunteers were to implement and create a wide spread network of fire prevention programs.

In 2002, the Fresno City Fire Department received national praise for its inventive and advanced approach to alternate methods of providing municipal fire protection. This fire protection agency has the highest ideals in providing fire protection service and is a leader in California. The special occasion will include a chili-tasting contest among fire departments from throughout the Valley, live rescue demonstrations, and fun for the entire family.

Mr. Speaker, I wish to honor the Fresno City Fire Department for their dedicated and selfless service to the Central Valley. I urge my colleagues to join me in wishing this organization many more years of continued success.

HONORING LEVITOWN'S 50TH ANNIVERSARY

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. GREENWOOD. Mr. Speaker, it is with great pride that I rise today to commemorate the golden anniversary of a community in my district that revolutionized suburban living in America: Levittown, Pennsylvania. In honor of this anniversary, I would like to submit the following proclamation for the record:

Whereas Levittown, Bucks County, Pennsylvania, was created fifty years ago, beginning with twenty families who moved into their homes on June 23, 1952;

Whereas this benchmark in American housing resulted from the collaboration of attorney Abraham Levitt and his sons, architect Alfred S. Levitt and businessman William J. Levitt;

Whereas William Levitt's innovative mass-production technique resulted in 17,000 affordable homes that were constructed at a record pace;

Whereas these new and vibrant neighborhoods were spread among the Bucks County municipalities of Falls, Middletown, and Bristol Townships, and Tullytown Borough;

Whereas Levitt created not only the prototypical suburban home with its spacious interiors and fully landscaped exteriors, but he also designed entire neighborhoods that grew into coherent communities;

Whereas Levittown became the realization of the American Dream for thousands of families, many of who served their country during the Second World War;

Whereas Levittown has evolved into the quintessential example of America's melting pot middle class, as it houses a diverse population of ethnicities and religious traditions;

Be it resolved, therefore, that the U.S. House of Representatives recognize the fiftieth anniversary of Levittown, an anniversary that marks an epochal achievement in American housing.

HONORING ANTHONY A. LUCIANO WITH HUDSON FALLS ITALIAN-AMERICAN CIVIC CLUB ANNUAL RECOGNITION AWARD

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to recognize a distinguished constituent of the 22nd District of New York; Mr. Anthony A. Luciano. Mr. Luciano's lifelong dedication to his family, his profession and his community have rightly earned him the Hudson Falls Italian-American Civic Club Annual Recognition Award.

Over the past fifty years, as a husband, a father, a teacher, a coach and a mentor, Mr. Luciano has been an exemplary contributor to his community. As a devoted faculty member of the Hudson Falls Central Schools from 1948–1983, he victoriously led the cross country team to four Boys Northern Conference Titles and three Section 2 Class B Championships. In addition to achieving seven Northern Conference Championships with his basketball team, he remains a respected member of the Section 2 Basketball Committee since 1955. His skills and dedication to his players further continued in track. In this sport Mr. Luciano successfully coached his team to fifteen Northern Conference Dual Meet Championships, nine Northern Conference Invitation Meet Championships, seven Section 2 Class B Championships and five Washington County Invitation Championships. I am proud to mention he has since been inducted into both the Glens Falls Heritage Hall of Fame and the New York State Basketball Hall of Fame for his outstanding achievements.

Mr. Luciano has truly set standards for excellence in his profession and service to the community. For forty years, he remained a trusted member of the Washington County Children's Committee, serving two 2-year terms as co-chairperson with his wife, Mary. In 1983, he received the Prestigious Private Sector Initiative Commendation from President Ronald Reagan in recognition of his exemplary community service in the finest American tradition. His extraordinary charity and kindness has not gone unnoticed locally. Mr. Luciano received awards from the Hudson Falls/Kingsbury Chamber of Commerce, Hudson Falls Rotary Club and the Fort Edward Historical Association, to name a few.

Mr. Speaker, it is a great privilege to honor Mr. Luciano's selfless contributions to his community before Congress. He is truly a role model for future generations to emulate and I wish him the very best in all his future endeavors.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Ms. PRYCE of Ohio. Mr. Speaker, I was regrettably absent on June 17, 24, and 25, 2002, and on September 9 and 10, 2002. Consequently, I missed the following recorded votes. Had I been present, I would have voted "yes" on roll call votes no. 230, 231, 232, 249, 250, 251, 252, 253, 254, 255, 256, 375, 376, 377, 378, 379, and 380.

HONORING CHESTERFIELD SMITH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002,

Mr. DEUTSCH. Mr. Speaker, I rise today to pay tribute to a friend and distinguished citizen of Florida, Mr. Chesterfield Smith. Chesterfield Smith's inspiring dedication to our judicial system, social commitment to the legal profession, and remarkable personal and professional accomplishments serve as a model of American achievement. I rise today to congratulate him on his most recent accolade, the 2002 Justice Award from the Judicature Society.

Founded in 1913, the American Judicature Society (AJS) is a prestigious national, nonpartisan organization of judges, lawyers, and non-lawyers dedicated to promoting the effective administration of justice. This award serves as AJS's highest distinction, recognizing a lifetime of dedication to the improvement of the administration of justice at a national level.

Chesterfield Smith's dedication to the legal profession embodies the underlying principles upon which this country was founded with his dedication to justice and his desire to help others, bringing us closer to the ideals outlined in the U.S. Constitution—justice, equality and true brotherhood. His distinguished career includes service as President of the American Bar Association and the Florida Bar Association. He demonstrated his faithfulness to the legal profession as a fellow of the American College of Trial Lawyers and as a member of the International Academy of Trial Lawyers.

After graduating with honors from the University of Florida College of Law, he went on to become a principal architect of Holland and Knight, LLP, one of the nation's largest and most respected law firms. As chair of the Florida Constitution Revision Commission, he accepted the challenge of revising and redrafting Florida's Constitution for the first time in fifty years.

Mr. Speaker, I come to the House floor today to pay tribute to Chesterfield Smith and his many lifetime achievements. I congratulate him on receiving the distinguished 2002 Justice Award. His remarkable life's work as an accomplished public servant is deserving of such notoriety, and I consider him to be a true leader of the 21st Century.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SHAYS. Mr. Speaker, on September 11, I was in the 4th Congressional District to honor the heroes and victims of the September 11, 2001 terrorist attacks.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "yea" on recorded vote number 384.

CELEBRATING THE 85TH ANNIVERSARY OF ST. ELPIS GREEK ORTHODOX CHURCH

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. FORBES. Mr. Speaker, I rise today to congratulate St. Elpis Greek Orthodox Church of Hopewell, Virginia on its 85th anniversary.

In 1914, Dupont Chemicals decided to expand their plant in Hopewell in support of WWI. Consequently, ads were posted throughout Europe to recruit immigrants as laborers and engineers for this plant. About 6000 Greeks responded to this ad with the promise of a new future in America. Upon arrival in Hopewell, these Greeks sought to preserve their heritage and religion by building the first Greek Orthodox Church in Virginia.

The tremendous sacrifice made by these early parishioners to establish St. Elpis was great. Their devotion and commitment to preserving their Greek heritage and religion enabled the parishioners to overcome great obstacles over the years and has enabled the church to continue to thrive. This spirit is as vibrant today as it was 85 years ago.

Mr. Speaker, I congratulate St. Elpis and its parishioners, as they celebrate the 85th anniversary of the founding of their church and I wish them continued success and prosperity in the years to come. It is truly an honor and a privilege to recognize St. Elpis in the United States House of Representatives this day.

TRIBUTE TO THE MITRE CORPORATION IN HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the MITRE Corporation in celebration of twenty years in Huntsville, Alabama. As you know, the MITRE Corporation is a private, independent, not-for-profit organization that provides government agencies with technical support that is not available through the government or contractor community.

For 2 decades, the Army, NASA, and Department of Defense programs headquartered at Redstone Arsenal have relied on the MITRE Corporation's Huntsville Site Office for objective technical expertise. Since the MITRE Corporation cannot manufacture products or compete with the industry, the support it provides Redstone Arsenal is in alignment with the government's objectives and free from competitive pressures.

Mr. Speaker, I commend the MITRE Corporation for 20 years of excellent service to the North Alabama defense and NASA community. In 1982, this Site Office began with one person and now employs a staff of 33. On this milestone anniversary celebration, I send the employees of the MITRE Corporation my thanks and wish them many more years of success in Huntsville, Alabama.

IN RECOGNITION OF LAWRENCE LIVERMORE NATIONAL LABORATORY ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to the Lawrence Livermore National Laboratory and its staff for their outstanding contributions to science and to the security of our Nation throughout the past 50 years.

The Laboratory was established in 1952 to help meet an urgent national security need and has made numerous advances to keep the Nation at peace and secure.

Lawrence Livermore, Los Alamos, and Sandia National Laboratories developed the nuclear weapons that have deterred world wars. The labs are ensuring the continuing safety, security, and reliability of our Nation's nuclear weapons stockpile in the absence of nuclear testing.

Breakthroughs at the Lawrence Livermore National Laboratory led to the development of the high-yield warheads that greatly contributed to strategic deterrence throughout the Cold War.

The Laboratory has provided technical support to arms control negotiations and treaty implementation, including negotiations and treaties to reduce the size of nuclear arsenals, prevent the proliferation of nuclear weapons and technologies, and limit nuclear weapons testing.

The Laboratory has greatly contributed to efforts of the United States intelligence community to understand nuclear weapons-related activities worldwide, and today is using its capabilities to defend our nation against terrorism.

The Laboratory is also a leader in science and has worked on technologies to provide us with long term energy security.

The Laboratory has developed environmental restoration technologies that are being used to rapidly clean up groundwater contamination at Superfund sites and is developing simulation capabilities to better understand changes in the earth's climate.

The Laboratory is identifying the source of genetic diseases and developing improved detectors of biological agents.

Livermore scientists produced work that won a Nobel Prize for Physics in 1998 and numerous advances in astrophysics.

Technology development at the Laboratory has broadly contributed to the Nation's technical prowess and the competitiveness of United States industry, as evidenced by the winning of 85 prestigious R&D 100 awards.

Lastly, the Laboratory contributes broadly to higher education, as well as elementary and secondary educational efforts throughout Northern California and educational outreach directed at minority groups nationwide.

On its 50th anniversary, I would like to congratulate the Laboratory, its staff, and former employees for their dedicated service to our Nation, outstanding contributions to national security, a strong tradition of scientific and technical excellence, and continuing efforts to make the world more secure and a better place to live.

PAYING TRIBUTE TO: SALVADOR A. LOPEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct privilege to recognize Mr. Salvador A. Lopez of Glade Park, Colorado for the selfless act of courage he displayed last March of 2002. On September 18, Mr. Lopez will be awarded the prestigious Special Carrier Alert Award from the National Association of Letter Carriers, and as he receives his award, I would like to pay tribute to his extraordinary act of courage. Mr. Lopez is a letter carrier for the U.S. Postal Service in Grand Junction, Colorado, where he has worked for the last 28 years. Not too long ago, while he was busy delivering mail along his route, Mr. Lopez noticed a runaway car with a child inside who was too young to take control of the vehicle. Mr. Lopez hurriedly ran alongside of the car, jumped into the car window, and pulled the emergency brake. Fortunately, Mr. Lopez was able to stop the vehicle before the car drove into a busy intersection which could have brought certain injury to himself and the child. Due to Mr. Lopez's quick thinking and heroic actions, the child only suffered minor bruises, while Mr. Lopez escaped with three broken ribs. Last April, the Carnegie Hero Fund honored Mr. Lopez with one of its 23 nationally recognized awards for his heroism. Tomorrow, he will be recognized again by the National Association of Letter Carriers for his courageous actions here in Washington D.C. The true magnitude of his bravery can only be fully illustrated by the fact that the child whom he saved, Nicholas Reyes, will have the opportunity to reach his full potential.

Mr. Speaker, it is a distinct honor to recognize Mr. Salvador A. Lopez before this body of Congress and this nation for his bravery and composure in a time of adversity. Mr. Lopez's courage is an example of what all Americans throughout the country are capable of demonstrating when faced with extraordinary circumstances. Congratulations on your achievement, Salvador, and good luck in your future endeavors.

TRIBUTE TO MR. DAVE MANEY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to honor Mr. Dave Maney of Augusta, Georgia. Mr. Maney is Experience Works' 2001 Older Worker of the Year for the State of Georgia.

As a Marketing Representative with the Department of Labor Career Center in Georgia, Mr. Maney changes the downhill direction of the unemployed every day. His job is to motivate, encourage and inspire clients into believing in their ability to find and keep a job. The way Mr. Maney describes his job is . . . "Most of my clients, and there have been more than 600 this year, seldom set goals, and when they do, they are not high enough. I teach them that goals have to be higher than anything they have ever done."

His goals in life have been simple. "The keys to my success and to the life I have had to this point have been a positive attitude, a great wife and wonderful home life, and loving interaction with people."

That interaction with people, especially those who are labeled non-custodial parents, and food stamp recipients, has added tremendous value to both his life and work. From his first job as a custodian at Montgomery Ward, to his service in the Korean Conflict, raising six children, and surviving cancer, Mr. Maney has had a full and challenging life. "With all I've been through I would still say that giving people self-worth and hope for a better tomorrow is my proudest accomplishment," says Mr. Maney.

Mr. Speaker, due to the events of last September we were not able to honor Mr. Maney for his accomplishments. I hope that you will join me today to do so.

CUBAN POLITICAL PRISONERS INITIATIVE—SENATE OPENING

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SMITH of New Jersey. Mr. Speaker, today, Americans for a Free Cuba gathered on the Senate steps to officially open the Cuban Political Prisoners Initiative display in the Senate Russell Office Building. They will be storming the halls of the US Senate tomorrow, urging Senators not to vote for lifting the travel ban on Cuba.

The Business and Agricultural communities have used their vast resources to make their case for lifting sanctions on Cuba at a summit here in Washington, but we know that their case is based on their own self-interest. They have failed to acknowledge or fully consider that lifting sanctions would empower Castro to cling to power and continue his reign of terror over millions of suffering people.

The members of the Americans for a Free Cuba have heroically made the case for those Cubans who cannot speak for themselves because of Castro's brutal and restrictive regime through their silent vigil and demonstration. This is a regime that prohibits freedom in almost every way possible while punishing and imprisoning all opposition. The compelling stories of Cuban defectors clearly demonstrate that many will do whatever they can to escape the dreadful conditions brought about by their totalitarian ruler. Both the people and political prisoners in Cuba as well as those who cherish freedom are counting on Americans to stand up to Castro and keep the pressure on through the embargo.

Thankfully, President Bush is behind The Americans for a Free Cuba 100 percent. I commend President Bush for the strong and unwavering stance he has taken against the Castro regime. The President has made it clear that the United States will work with Cuba only after Castro takes concrete measures to improve the abysmal human rights situation in his country. I support the President's demand to Castro that he must free political prisoners, legalize political activity, permit free elections, and cease discriminating against Cuban workers before Congress should even begin to consider lifting economic sanctions. Administration officials have vowed a Presidential veto to any version of the Treasury-Postal Appropriations bill that weakens trade or travel sanctions on Cuba.

The Cuba Political Prisoners Initiative was initially launched in April when over a dozen members of Congress, from both political parties, adopted a dozen political prisoners. These prisoners each have a unique story but all share in a common suffering because of their love of freedom.

While the Cuba Political Prisoners Initiative was launched this Spring, it will not end until every single Cuban political prisoner is free. I am sending out a letter signed by my colleagues who are part of this initiative to Sergio

Vieira de Mello, the new UN High Commissioner for Human Rights, urging him to follow through on the resolution this commission adopted in April that called on the Cuban government to improve its record on human, civil, and political rights and allow the UN and other representatives to examine human rights conditions in Cuba.

Twenty former political prisoners were amongst those gathered on the Senate steps today.

They are the heroes for freedom that endured the horrors of Castro's Cuba and lived to tell about it. Also in attendance was Maritza Lugo Fernandez a former Cuban political prisoner joining us today who was jailed more than 30 times before she was exiled by the Castro regime. Her husband, Rafael Ibarra Roque, is still a political prisoner in Cuba and is the prisoner I have adopted.

Before going to prison, where he has been since 1994, Mr. Roque's home was raided by Castro's thugs, who seized virtually everything he owned of value including the family car, the stove, a television, and even his pets. He was arrested and charged with "sabotage," but no credible evidence whatsoever exists that he committed this crime. Those close to the case know his real "crime" was having the courage and audacity to speak out against the regime and demand the same freedoms Americans—and other freedom loving people hold to be self-evident and a basic foundation for society.

Mr. Roque has been sentenced to twenty years in the wretched Combinado del Este Prison in Havana where political prisoners are subjected to especially brutal treatment. The State Department's 2001 Human Right's report on Cuba speaks of political prisoners suffering beatings, intimidation, and sexual abuse. These abuses are carried out not only by prison officials but also by state security agents posing as prisoners.

Unfortunately Mr. Roque's case is not an exception but rather the norm for human rights activists in Cuba. Hundreds of others whose only crime is their love of freedom languish in Castro's prisons and the Cuban people on a whole have suffered under the terror of his rule for over 40 years.

The Cuba Political Prisoners Initiative display that we have opened in the Senate Rotunda is somber but will serve as an important reminder of the hundreds of innocent Cubans languishing in Castro's prisons for all Senators, Senate staff, and visitors who pass by it each day. I am confident that when the American people and members of Congress hear the true facts about the great human rights abuses occurring in Cuba, and fully consider the great harm Castro seeks to do our nation through working with terrorist states and harboring fugitives of justice, they will agree that keeping sanctions on Cuba is our only option.

The challenge of fighting for human rights in Cuba remains great. However, we must never give up and we must never, ever forget those who are persecuted for carrying the torch of freedom.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. LYNCH. Mr. Speaker, I rise today to recognize and pay tribute to the victims of the tragic events of one year ago. Last year on September 11th Americans awoke to a brutal attack on our country on its own soil. Throughout the course of this one tragic day, something that at once seemed inconceivable became a horrific reality. No one feels the pain of this day more acutely than the families and friends of the more the than 3,000 people who lost their lives at the Pentagon, the World Trade Center and in Shanksville, Pennsylvania. All of these people and their families are in our thoughts and prayers on this somber occasion.

Although there is little that we in Congress can do to ease those families' suffering, by adopting this resolution, we are reaffirming our commitment to honor the memory of the people who were lost that day, while also paying tribute to those individuals who unselfishly risked their own lives to protect others.

Mr. Speaker, September 11th was one of the most difficult days in American history. But in the darkness of that day, an incredible spirit of bravery and hope emerged. Hundreds of emergency rescue personnel descended upon the scene at both the World Trade Center and the Pentagon with the sole purpose of assisting others. At the same time, ordinary people demonstrated amazing courage by trying to help others escape while putting themselves in peril and in fighting back against the terrorists on United Flight 93. It is truly remarkable how many people gave their lives trying to protect others. The bravery and generosity of these people is a lasting mark of September 11th.

In responding to these extraordinarily trying times, the true fabric of American society was illustrated to the world. Americans around the world came together and generously gave of themselves in a myriad of ways. Rescue workers spent countless hours at ground zero searching for survivors and then shuffling through the debris. Construction workers, ironworkers and other personnel tirelessly worked their way through the wreckage in an effort to cleanup the site. Their important task would not be interrupted by exhaustion, injury or inclement weather. However, far away from ground zero, and across the globe, people generously gave their time, energy, money and caring to help support the loved ones of the lost victims. Today, we honor these selfless contributions.

As we gather now, one year later, it is my hope that we never forget the spirit that pervaded this country in the weeks and months following the attacks. As we continue to rebuild and to heal, we will need to draw upon that strength. The American people demonstrated amazing resolve and resilience in the last year, and it is a resolve that we must continue to maintain, day by day, week by week, this year and for many years, that we will preserve our freedoms, protect our families, and work to cleanse the world of the scourge of terrorism.

Mr. Speaker, in the wake of September 11th, Congress rallied in a strong bipartisan manner to quickly pass legislative measures to protect our country. It was this remarkable unity of purpose that most struck me when I was sworn into this body in October of last year. Over time, this unity has dissipated some, but our goal should remain clear. We in Congress owe it to the American people to do all that we can to make sure that the necessary resources are available to protect our country. This is a serious responsibility and not one that should be burdened by partisan debate. In the coming months, we must act responsibly and decisively to ensure that the people of the United States once again feel safe in their own cities and towns. I commend the leadership of both the Republican and Democratic parties for recognizing this important anniversary and for introducing this thoughtful resolution.

PAYING TRIBUTE TO THE TOWN OF LA JARA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, it is my pleasure to honor the town of La Jara, Colorado as a beacon of western spirit and pride for over a century. I am proud to have the pleasure of applauding a growing community that strengthens our society's values. The town is truly an inspirational token, established and sustained through determination and hard work and I am honored to pay tribute to the town today.

La Jara was incorporated on March 11, 1902 with Mayor Austin Valdez as the founding father and trailblazer for the town. La Jara settlers moved into the region to establish a better life and brought with them the vision and the tools to build a thriving community. La Jara's settlers first migrated West following the railroad and its expansionists prospects. The settlers lived in the region with no more than a few brick houses and a water tower and, although the lifestyle for each settler was hard and troublesome, the determination of those early pioneers laid the foundation that has upheld through the ages.

Initial settlement of the town is due in large to the San Luis Valley Company of the 1800s. In 1888, the company orchestrated a large sales campaign and sold numerous plots of land in La Jara. These plots motivated migrants to establish homes and settle the land in the valley, leading to a population boom by the 1890's. Today La Jara exists as an established town with all the essential functions and amenities of a metropolitan city.

Mr. Speaker, I would like to extend my admiration and gratitude to the town and residents of La Jara, Colorado before this body of Congress and this nation. Truly the seeds of success have been planted in La Jara and are bringing forth the best for future generations.

TRIBUTE TO KIM ROAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that a longtime community leader in eastern Jackson County, MO, will be receiving the Citizen of the Year Award at the Truman Heartland Community Foundation annual benefit dinner. Mr. Kim Roam has demonstrated a strong commitment to the area and has helped to ensure a brighter future for the community.

Mr. Roam began his community activity in the county in 1983 after he joined the law firm Cochran, Oswald, McDonald Roam & Moore, P.C. Since that time he has served as President of the Blue Springs Jaycees, Chairman of the Blue Springs Chamber of Commerce, Grain Valley School District Parent Teacher Support Board Member, the Valley Arts and Beautification Council Member and a member of the Grain Valley Optimist Club.

Mr. Roam has also enjoyed recognition for being spotlighted as Blue Springs' Outstanding Citizen of 1994, as Rotary Citizen of the Year 1995, and as co-recipient of the Commerce Bank William T. Kemper Foundation Blue Springs Community Service Award, which he shared with his spouse, Debbie.

Mr. Kim Roam has distinguished himself as a community leader in eastern Jackson County. He has and continues to make his friends and family proud. I am certain that my colleagues will join me in wishing Kim Roam and his family all the best.

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBERANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 2002

Mr. CRANE. Mr. Speaker, I rise today to join my colleagues in the House and Senate in commemorating the victims and heroes of September 11, 2001, during our special session of Congress held in Federal Hall in New York, New York.

On the days following the attacks on September 11th, Americans across the country came together to demonstrate the strength and resiliency of this great country. It is in that same spirit that we stand together today—both Republicans and Democrats—to reaffirm that strength and resiliency by showing a strong bipartisan expression that we are first and foremost Americans and are committed to protecting the freedoms and values that make this country great.

As we go through this week and revisit some of the darkest moments in our nation's history, we must remember that our nation has always been one that has triumphed over adversity. At times of great despair, America has consistently risen to its greatest hours.

In remembrance of those lives lost on September 11th and to heroes that emerged on that fateful day, I would like to close with some words from President Abraham Lincoln's Gettysburg Address:

> "that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion . . . that we here highly resolve that these dead shall not have died in vain . . . that this nation, under God, shall have a new birth of freedom . . . and that government of the people . . . by the people . . . for the people . . . shall not perish from the earth."

May God bless America.

TRIBUTE TO MS. DOROTHY "DOT" B. THOMAS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to honor Ms. Dorothy "Dot" B. Thomas a Community Developer for Central Savannah River Area Economic Opportunity Authority (EOA) in Augusta, Georgia. Ms. Thomas is the recipient of Experience Works' 2002 Older Worker of the Year award for my home state of Georgia.

Dot Thomas began her career at the EOA in 1971. Beginning first as a Community Developer, she studied and worked her way up to the Coordinator of the Energy Assistance Program. In 1996 she retired, but soon found herself back at EOA volunteering, mentoring new staff, and offering friendly advice based on her many years of experience. She was so valuable to the EOA that when a part-time position became available in 2000, Dot was convinced to come back to work saying . . . "I so enjoy working, learning new things, and interacting with others that I sometimes wonder why I retired."

In her current position as Community Developer, Dot works with families in need—assisting them with energy assistance, food, rent, clothing, etc. She says her most important contribution at EOA is giving people hope. "I want them to feel better about themselves when they leave my office. Many times people come in looking so bad. But when I can say something to make them feel better about themselves and their circumstances, it just makes my day special!" Lola Johnson, director of the EOA, contributes Ms. Thomas' professional success to the heart and soul she puts into her work. "Of all the accomplishments Dot has made over her years of service to our agency and the Central Savannah River Area community, probably the most important and long-lasting ones involve the impact she has had on the clients we serve as well as on her co-workers."

Dot's dedication to improving the quality of people's lives doesn't end with her job. She loves and lends support to her husband of 50+ years, Ernest, and to the rest of her family; she makes a "joyful noise" in her church choir; and she volunteers at the local soup kitchen. She has also been an active member of the Georgia Community Action Association for more than 30 years. Ms. Johnson sums it up best, being a human services worker is not what Dot does for a living, "it's who Dot Thomas is."

Mr. Speaker, please join me and all Georgians in congratulating Dot Thomas.

PAYING TRIBUTE TO ST. ANTHONY HOSPITALS' FLIGHT FOR LIFE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an outstanding organization that continuously renders emergency medical aid at a moments notice. The St. Anthony Hospitals' Flight for Life program based in Denver, Colorado has saved thousands of lives since its inception. It is with great pleasure I stand and honor these courageous men and women who are so willingly dedicate their lives to help those in crisis.

Founded in 1972, Flight for Life was the first civilian emergency air ambulance in the nation. Some 200 air ambulance programs all over the world have since patterned their emergency response units after Flight for Life's excellence. This commendable program serves the people of Colorado and eight surrounding states, and its members have registered over 65,000 missions in the first 30 years of service. Over its history, Flight for Life's crews responded to the 1976 gondola accident in Vail, Colorado; the 1985 Keystone Teller Lift collapse; and the Columbine High School shootings in 2000, among the thousands of missions flown. Medical missions have taken them to 40 states as well as Canada, Mexico, and Costa Rica.

In order to meet each challenge, Flight for Life maintains an elite core of medical professionals and pilots; each one with specialized experience and that allows them to react professionally to any life-threatening experience in a variety of environments. To help in that mission, the program also maintains a mountain base outside the Denver Metro area, the highest medical helicopter base in the country, at the Summit Medical Center in Frisco, Colorado. From there, they operate a specialized avalanche rescue team and often help transport search teams to the scene. With so many professions ready to respond to any emergency situation, Flight for Life continues to stand out as a leader in emergency response excellence.

Mr. Speaker, I stand today to pay tribute to the men and women of this organization before this body of Congress and this nation. The Flight for Life program has raised the bar for emergency response throughout the world.

These courageous professionals have served the people of this nation with distinction for 30 years and deserve our praise.

IN MEMORY OF SEPTEMBER 11 AND ITS FORGOTTEN VICTIMS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BURTON of Indiana. Mr. Speaker, we are commemorating the terrible attack on America this past September 11. This was a terrible event in which about 3,000 people lost their lives. A year later, they are in our prayers.

Also in our prayers are the other victims—those who were subjected to violent, unfair attacks in the aftermath of September 11. One of these was Balbir Singh Sodhi, a gasoline station owner from Arizona. He was murdered at his gas station by someone who apparently mistook him for a follower of Osama bin Laden. His brother, Sukhpal Singh Sodhi, a cab driver in the San Francisco Bay area, was recently killed in his taxicab. I am sure that we would all like to extend our sympathies to the Sodhi family.

No one should be killed because of his religion. Even if Mr. Sodhi had been a Muslim and a follower of bin Laden that would not justify murdering him. But what makes this crime even more disturbing is that this perception was a mistake. Mr. Sodhi was a Sikh, not Muslim.

Sikhism is an independent, monotheistic, revealed religion that believes in the equality of all people, including gender equality. It is not part of either Hinduism or Islam, yet because of the turbans they wear, which are required by their religion, Sikhs are sometimes mistaken for Muslim followers of bin Laden.

The violence has mostly ended, but there are still some unrelated violent incidents. Unfortunately, Balbir Singh Sodhi's brother was also killed just a couple of months ago in his taxicab outside San Francisco. I call for an end to all these attacks and for full and prompt prosecution of all the people responsible.

Mr. Speaker, I would like to place the Council of Khalistan's recent press release on the anniversary of September 11 into the RECORD at this time.

IN MEMORY OF THOSE KILLED IN LAST YEAR'S ATTACK ON UNITED STATES

Sikhs Suffered the Most After the Attacks

Council of Khalistan Condemns Attacks, Calls for End to Violence Against Minorities

WASHINGTON, D.C., September 11, 2002.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today remembered the attacks on America a year ago that killed almost 3,000 Americans. He also condemned the violence against Sikh Americans and other minorities that broke out in the wake of the September 11 attacks.

"On behalf of the 21-million strong Sikh Nation and especially on behalf of more than 500,000 Sikh Americans, we remember with sadness and outrage the attacks on America a year ago and offer our prayers and sympathies on this sad anniversary to the people of the United States for the terrible attack on the United States and for the loss of life it entails," Dr. Aulakh said. "We especially pray for the families of those who have departed."

"America must do what it can to eradicate terrorism from the world," Dr. Aulakh said. "We support all the efforts to do so and we must do our part as American citizens," he said. "This sad anniversary reminds us that we stand together as a nation. We must show unity on this occasion."

"We also condemn the violence against Sikhs and other minorities that took place last year after the September 11 attacks," Dr. Aulakh said. "Sikhs suffered the most in the post-September 11 violence," he said. "The very first victim of this violence was Balbir Singh Sodhi, a Sikh gasoline station owner from the Phoenix area," he noted. Recently, his brother was killed in his taxicab. All this violence must stop," Dr. Aulakh said.

"Nobody should be killed for his or her religion, whether Sikh, Muslim, Christian, Jewish, Hindu, or whatever religion one may follow," Dr. Aulakh said. "But it is important to note that Sikhs are not Muslims nor followers of bin Laden. We condemn bin Laden," he said. "Unfortunately, because of the turbans we are required to wear, many people mistake Sikhs for bin Laden followers," he said. "The Sikh religion is an independent, monotheistic, sovereign religion that believes in the equality of the whole human race, including gender equality," he said. "Daily we pray for the well being of the whole human race."

In the wake of the September 11 attacks, a couple of young Sikhs were attacked in Brooklyn. Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York. Many Muslims and other minorities were also subjected to violent attacks.

"We hope that there will not be any more of these incidents in connection with the anniversary of the attacks. "Violence against innocent people of any religion or ethnicity is unacceptable," said Dr. Aulakh. "It must be condemned and the violence must be ended."

TRIBUTE TO MR. SAMUEL J. TENENBAUM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a longtime friend, Mr. Samuel J. Tenenbaum of Lexington, SC. On Wednesday, September 18, 2002, Mr. Tenenbaum will receive the Lifetime Achievement award in the area of philanthropy from the Columbia Urban League Guild.

The Columbia Urban League is a non-profit organization that works for equal opportunity for everyone. The Columbia Urban League Guild is an affiliate and volunteer arm of the Columbia Urban League. The Lifetime Achievement Award is an award given to an individual who has made significant contributions to Columbia, the Midlands region, and the state.

A 1961 graduate of Savannah Country Day School, Mr. Tenenbaum graduated from Emory University with a Bachelor's of Arts degree in History. He went on to do graduate studies in American Studies at the University of Minnesota. In 1967, he went to work in his family business, Chatham Steel Corporation, from which he retired in 2000 as Vice-President.

An outstanding citizen of the State of South Carolina, Mr. Tenenbaum presently serves as chairman of the Alston Wilkes Foundation, trustee of both the Columbia Jewish Foundation and the Columbia Museum of Art, and chairman of the Alumni Advisory Committee to the Institute of Jewish Studies at Emory University. He is also a member of Habitat for Humanity, First Union Bank Advisory Board, The Richard W. Riley Institute of Furman University, and The Kosmos Club.

I have had the pleasure of knowing Sam for longer than either of us care to remember. He has been a driving force behind the scenes in almost every major community initiative affecting the Columbia Metropolitan area. He puts his heart and soul into each and every endeavor whether it is raising money to replace a New York City fire truck lost on September 11th or building bridges between different racial and ethnic groups. Sam Tenenbaum is one of the most dedicated public servants I have ever known who prefers to stay out of the limelight and let his generous spirit speak for itself.

Mr. Speaker, I ask that you and my colleagues join me in commending Mr. Samuel Tenenbaum on his Lifetime Achievement recognition by the Columbia Urban League Guild. I cannot think of anyone more deserving of this honor.

FOSELLA-WATT MOTION TO INSTRUCT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. MALONEY of New York. Mr. Speaker, as we continue our war on terrorism, we must remain vigilant in our efforts to decimate the terrorists that are threatening our very existence and have singled out Americans who represent freedom and democracy, so cherished by our citizens.

I strongly support the Fossella-Watt motion to instruct which will finally allow American victims of international terrorism to receive compensation from blocked assets—judgments they were already awarded.

Last week, we commemorated the anniversary of 9/11. A day that marked the most devastating acts ever committed on U.S. soil.

There may not be another Member of Congress who lost more constituents in the September 11th attacks on the World Trade Center than I did.

I knew countless number of victims and their families and one year later, the pain and hardship go on. No amount of money can bring back our loved ones, but this motion to instruct can work to prevent future tragic acts of terrorism.

It paralyzes the financial resources of those terrorist organizations and increases our ability to go after the sources of funding for these organizations and cells. It sends a message to terrorists that we will not stand for the murder of innocent Americans. And, those who target Americans will be punished.

The United States must use every tool in its arsenal—military, diplomatic, and legal—to protect Americans and other innocent parties against these random acts of terror.

The Fossella-Watt motion to instruct is a tool to weaken the terrorist grip.

I urge my colleagues to retain this provision in the final version of the Terrorism Insurance bill.

TRIBUTE TO DEPUTY UNDER SECRETARY ROGER R. RAPP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Committee on Veterans' Affairs, I rise today to pay tribute to Mr. Roger R. Rapp, who on October 3, 2002, will be retiring after serving 30 years at the Department of Veterans Affairs.

Roger personifies the steadfast career civil servant. He began his federal career at the Veterans Health Administration in 1972, advancing through various positions which included field assignments at VA medical centers in Dayton, Ohio, and Washington, DC. Ultimately, Roger moved to the National Cemetery Administration (NCA), where he served as the director of the National Cemetery Area Office in Philadelphia, Pennsylvania. In 1987, Roger was named Director of Field Operations for the NCA. In March of 2000, his title was changed to that which it is today, Deputy Under Secretary for Operations. As the one responsible for operations and construction at NCA, Roger has personally visited each of the 120 VA National Cemeteries.

Roger's dedication to veterans and their families is apparent to all who know him, and he truly is a man with a vision. He has been a leading voice in ensuring the expansion of existing cemeteries, development of new national cemeteries, and expanding the State Cemetery Grants Program. Through his leadership, the number of national cemeteries increased from 103 in 1973 when NCA was formed, to the current 120; five new national cemeteries are currently in the planning stages.

It is said that Roger knows the majority of NCA employees nationwide on a first name basis, and he has devoted his career to helping all VA employees take pride in their jobs and focus on the needs of veterans. Owing to his leadership, NCA scored 93 percent on the American Customer Satisfaction Index, the highest score of any federal government entity. Roger was also instrumental in establishing the Director Training Programs to provide upward mobility and career advancement for VA employees throughout the system. Additionally, he's contributed significantly over the years to Leadership VA, the agency's executive development program.

Mr. Speaker, Roger Rapp is an advocate for veterans and has dedicated 30 years to this advocacy—20 years with the National Cemetery Administration alone. And when the situation called for it, he has done so with humor and selflessness. Indeed, Roger was a lucid and forthright witness when testifying before the House Committee on Veterans' Affairs. Thank you, Roger, for your dedication to America's veterans. You are leaving, a lasting legacy of dedicated federal service.

TRIBUTE TO MICHAEL RICHMOND

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BRADY of Texas. Mr. Speaker, I rise today to congratulate Mr. Michael Richmond, President and CEO of The Woodlands Operating Company, as he prepares to retire from 30 years of dedication and service to The Woodlands Community.

Michael Richmond is a visionary. He shared in the original vision for The Woodlands almost from the very inception when he joined George Mitchell and his team in 1972.

During these past 30 years, Michael's career moved rapidly within The Woodlands Corporation and then into The Woodlands Operating Company. He became treasurer, then senior financial officer and moved into the operations area as senior vice president of commercial development. In 1985 he was named executive vice president of the company with responsibilities encompassing commercial, The Woodlands Conference Center and Resort, investment properties, apartments, office buildings, industrial development and retail shopping centers. Today, thanks to Michael's leadership, The Woodlands is a model of success.

In his three decades of service and exemplary performance in developing The Woodlands, the new owners Morgan Stanley and Crescent Operating, Inc. named him president and COO in November 1997. He was named President and CEO on November 1, 1998. Currently, Michael is serving on numerous boards and is affiliated with many community services. When he heard Michael was retiring, George Mitchell stated "I hate to see it, Mike is a very knowledgeable person. He did a great job of keeping the vision alive."

Mr. Speaker, please join me and the citizens of The Woodlands, Texas, in thanking and congratulating Michael Richmond on a job well done.

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBRANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

SPEECH OF

HON. BOB ETHERIDGE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 2002

Mr. ETHERIDGE. Mr. Speaker, it's hard to believe that it's been almost a full year since that awful day. On September 11, 2001, all the world saw the very face of evil. And on that day and every day since, we have felt the heartbeat of America.

For me, the most enduring image of 9/11 was the sight of the Pentagon on fire after the terrorists crashed American Airlines Flight 77 into our nation's military headquarters. A thick black smoky cloud oozed from the Pentagon and hung over the banks of the Potomac River. I will never forget seeing with my own eyes that proud building engulfed in flames. Then the whole world watched TV in stunned disbelief as the twin towers of the World Trade Center came crumbling down in a fiery wreck of twisted steel.

On that day, America was changed forever. But, the test in life is not whether or not you ever get knocked down. The true test is whether you have the courage, pride and determination to get back up again. Every day since September 11, the people of this country have gotten back up.

We Americans from all walks of life have pulled together like never before. We have stood united to tell our enemies that the spirit of America will never be broken. We will not rest until we have eliminated Osama bin Laden and his terrorist network.

In the year since 9/11, we have come to treasure the service and sacrifice of ordinary Americans and extraordinarily heroic. The selfless devotion of the firefighters, police, EMS and other public servants in New York City and the Pentagon have given us new appreciation for our hometown heroes whose everyday service does so much to strengthen our communities. The dedicated professionalism of our men and women in uniform renew our pride in our country and make us thankful for our many, many blessings. And the incredible story of the passengers of the hijacked plane who fought back and prevented the tragic events of that day from being even worse inspires us all to take charge and give back to our country.

September 11 taught us anew the immeasurable strength of the uniquely American ideal of "We, the people." As we memorialize the lives lost one year ago, let us also celebrate the renewed spirit of America that has been reinvigorated by the service and sacrifice of so many ordinary citizens and inspirational heroes.

RECOGNIZING OUTSTANDING SERVICE TO OUR NATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ROSS. Mr. Speaker, I rise today to honor and congratulate an outstanding member of our military, and native of my district, whose impressive service in the United States Navy makes our district, our country, and me very proud.

Vince McBeth was born the fourth child of Velma McBeth-Slaughter and the late Manuel M. McBeth in Camden, Arkansas. In 1983, he graduated from Fairview High School, where his impressive athletic and academic performance earned him many honors. He went on to earn a Bachelor of Science Degree in Political Science at the U.S. Naval Academy, where he was Captain of the Navy Football Team as well as an officer on the Brigade Staff.

Upon receiving a commission as an Ensign in the U.S. Navy, McBeth completed division officer tours aboard two guided-missile frigates, USS *Duncan* and USS *John A. Moore*, and a guided-missile cruiser, USS *Antietam*, in Long Beach, California. He then served as Operations Officer aboard the USS *Barry* in Norfolk, Virginia.

At age 30, McBeth became one of the youngest officers to command a warship. As Commanding Officer of the USS *Tempest*, McBeth commanded more than 50 special warfare missions while deployed to the European and Caribbean theaters. After earning a Master's Degree in International Relations from the Fletcher School of Law and Diplomacy at Tufts University, McBeth returned to serve as Executive Officer of the USS *Barry*. He now serves as a Commander in the U.S. Navy and the Administrative Aide to the Secretary of the Navy. McBeth was recently appointed as a White House Fellow.

McBeth's service to our country extends beyond his actions in the military. He has coordinated Adopt-A-School programs in several communities and implemented U.S. Embassy-sponsored community relations projects in numerous countries abroad. His awards include the Legion of Merit, Meritorious Service Medal, two Navy Commendation Medals, and three Navy Achievement Medals.

Throughout his life, McBeth has sought to better himself, his community, his youth, and his country. He is a model for today's youth of what is possible through hard work, discipline, and most of all, compassion. I congratulate him on his recent White House appointment, and I wish him luck in what I know will be many more selfless years of service to our great nation.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 384, 385, and 386, had I been present, I would have voted "yea"; on rollcall No. 387, "nay."

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, because of commitments in my home State of Wisconsin, I was unable to vote on rollcall Nos. 375 through 386. Had I been present, I would have voted:

"Aye," on rollcall No. 375; "Aye," on rollcall No. 376; "Aye," on rollcall No. 377; "Aye," on rollcall No. 378; "Aye," on rollcall No. 379; "Aye," on rollcall No. 380; "Aye," on rollcall No. 381; "Aye," on rollcall No. 382; "Aye," on rollcall No. 383; "Aye," on rollcall No. 384; "Aye," on rollcall No. 385; and "Aye," on rollcall No. 386.

PAYING TRIBUTE TO ADAM CURRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct privilege to recognize Adam Curry of Clifton, Colorado for the recent contribution he has made to the advancement of science. An undergraduate student at Mesa State College and only 18 years old, Adam has invented an earthquake warning system that has received much attention from numerous people throughout the scientific community.

Adam Curry has shown lots of interest and enthusiasm for electronics throughout his life. As a kid, Adam spent afternoons taking apart various appliances around the house to try to understand how they operated. Today, the curiosity of Adam's childhood has developed into an extraordinary talent for electrical engineering. Adam has just recently developed an electronic device that measures minute amounts of electron activity related to earthquakes and uses gravity to create a computer language. The language can then be transmitted through the Internet to warn that an earthquake is coming. The invention is significant because it provides scientists around the world with the ability to measure earthquake activity.

Over the summer, Adam traveled extensively throughout the country and Eastern Europe to enlighten the scientific community to the utility of his new earthquake warning system. He hopes to have his new invention placed in 20 different locations throughout the world. He has met with many scientists from prestigious universities such as the University of Virginia, Harvard University, and the University of St. Petersburg, and from all accounts, everyone is very excited about the possibilities that his earthquake warning system has to offer. Currently, Adam is in the process of modifying his invention into a smaller, more convenient prototype that can be installed directly into a user's computer.

Mr. Speaker, it is an honor to recognize Mr. Adam Curry before this body of Congress and this nation for his outstanding accomplishment in the fields of science and electronics. It is very satisfying and encouraging to see our upcoming generation of young people committed to the prosperity of knowledge and to the progress of academic achievement. Adam Curry has only begun to reveal the true merits of his potential, and we shall witness many more accomplishments and contributions from him in the years to come. Congratulations on your achievement, Adam, and keep up the good work.

14TH ANNIVERSARY OF THE UPRISING OF THE BURMESE PEOPLE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ROHRABACHER. Mr. Speaker, today is the 14th anniversary of the uprising of the Burmese people against the drug dealing military dictatorship that rules their nation. On this solemn occasion we need to ask ourselves what we can do to help those brave people help themselves.

The people of Burma and their elected leaders, Aung San Suu Kyi and members of the National League for Democracy (the NLD), have struggled for over a decade to bring an end to the military dictatorship. In 1991 Daw Aung San Suu Kyi won the Nobel Peace Prize for defying great odds in standing firm against this heinous regime. She has spent years under house arrest and hundreds of members of her political party, the National League for Democracy, have disappeared into Burma's notorious prison system.

Fourteen years ago the Army slaughtered thousands in cold blood on the streets of Rangoon and imprisoned and tortured thousands more.

The people of Burma believe that the people and the government of our great Nation stand strongly behind them. Today some governments in the world are struggling to decide whether or not to support the war against terrorism while they sponsor acts of domestic terrorism against their own citizens. We need to ensure that we keep the friends that we have by not making any deals with such governments as the Burmese junta or Chinese communists. By supporting the people of Burma over the totalitarian regime that is currently in power, we will not only help the people of Burma to help free themselves but we will be creating the good will in the future that will enable us to fight terrorism in that area of the world.

Lately though, I have seen some news about Burma that greatly disturbs me. The military dictators have come knocking on the door of the United States asking for money for what they call humanitarian aid, while simultaneously spending $130 million on MIG fighter planes from the Russians. This is nonsensical. We should not waste American taxpayer money on aid money that encourages the regime to spend more on weapons. We should also not forget who has caused the humanitarian crisis in Burma and why. The regime is entirely responsible for the sufferings of the Burmese people; their lack of good governance—any form of governance—has resulted in a debacle of the public health sector.

Even more disturbing than this, however, I have recently seen evidence that the military regime has sent its scientists to Russia to learn to build a nuclear reactor. The United States must do everything in its power to ensure this does not happen. The Burmese regime has proven repeatedly not only its callous brutality, but complete disregard for international opinion. Nuclear power in the hands of the Burmese dictators that terrorize their own people makes Southeast Asia and the world a more dangerous place.

The United States and the international community ought to inform the Burmese junta that in no uncertain terms it should immediately begin full-scale political talks with the elected leaders of Burma, the National League for Democracy, and ethnic nationalities aimed at speedy transition to democracy. I have met many of the leaders of Burma's struggle for freedom myself and I can tell you they would be outstanding partners for the United States and the world. In the meantime, to ignore the threat posed by an armed, nuclear Burmese military regime would be a serious error.

HONORING THE CAREER OF REDONDO COUNCILMAN KEVIN SULLIVAN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Ms. HARMAN. Mr. Speaker, I rise today to honor the distinguished career of a constituent and friend—Redondo Beach City Councilman Kevin Sullivan, who resigned from the city council earlier this year.

As a dedicated council member, Kevin served the city of Redondo Beach for more than five years. He was a representative from the Second District of the city, which includes not only my district office but also both a power plant and a beautiful harbor. Kevin knew how to balance the needs of these two potentially competing interests.

In general, Kevin's career was focused on the best interests of the community, from his seat on a local committee against LAX expansion to holding local town meetings for the public. He was a person who could be counted on to take care of the community's needs while making the time to return his constituents' phone calls.

Kevin has always been there for the community. As a union leader for many years, he was thought of as a great negotiator. His skills served the people in his union while gaining him respect from others who watched him fight for causes he thought worthy. He never ducked the tough fights.

I loved Kevin's Boston accent—which fit in particularly well at the Redondo Lobster Festival. He knows everyone, and I have been fortunate over many years to have his strong support and help.

Mr. Speaker, I am sorry that Kevin has decided to leave public service, but I expect he will return one day. Meanwhile, I am certain I will miss his smile, pleasant humor and good deeds. He has added a great deal. Well done, my friend!

OPPOSING THE WAR ON CIVIL LIBERTIES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I remain strongly opposed to the continued efforts by President Bush, Attorney General Ashcroft and the Administration to seriously endanger our country's civil liberties. In the aftermath of the September 11 tragedies, Congress moved quickly to enact sweeping legislation granting additional powers to federal, state and local law enforcement authorities in the name of fighting terrorism. I voted against that measure because I believed, and still believe, that such measures intrude significantly on the important civil liberties that make American democracy invaluable and unique.

The "anti-terrorism" legislation contained numerous provisions that had little or nothing to do with the war on terrorist activities. Amongst other things, the law authorized covert searches for any Federal criminal investigation, including the IRS, without restricting those to terrorist activities; provided for unprecedented wiretapping authority; gave access to confidential financial and medical information granted by a secret court; and allowed indefinite detention of immigrants solely on the basis of suspicion.

In a September 10, 2002 editorial, the New York Times outlines the continuing and substantial nature of the assault on our civil liberties. In the wake of September 11, the administration has shown its "contempt for basic rights in its enthusiasm for military tribunals."

Today, one year after the events that so tragically shook the nation, our precious civil liberties continue to be endangered in the name of "anti-terrorism efforts." Such a secret, covert and, ultimately un-American agenda serves only to increase paranoia, rouse unnecessary public fear and stifle the protections that are fundamental to freedom, democracy and an open society. Rather than increasing security, such actions serve only to asphyxiate the public trust. Rather than protecting against terrorism, the foundations and principles upon which American democracy exist are slowly being eroded. The 4th Amendment was created for the purpose of ensuring our rights and protecting against the very violations to which our government would now subject us. The war on terror can be fought without surrendering our rights. As so amply stated in the New York Times, "Fear is no guide to the Constitution. We must fight the enemies abroad without yielding to those at home."

I urge my colleagues to read the September 10, 2002 New York Times editorial entitled, "The War on Civil Liberties."

[From the New York Times, Sept. 10, 2002]

THE WAR ON CIVIL LIBERTIES

It would be easy to dismiss the harm that has been done to our civil liberties in the past year. Most of us do not know anyone whose rights have been seriously curtailed. The 1,200 detainees rounded up after Sept. 11 and held in secret were mainly Muslim men with immigration problems. So were the people the government tried to deport in closed hearings. The two Americans who were labeled "enemy combatants," hustled off to military brigs and denied the right even to meet with a lawyer, are a Saudi American man captured in Afghanistan and a onetime Chicago gang member.

There is also no denying that the need for effective law enforcement is greater than ever. The Constitution, Justice Arthur Goldberg once noted, is not a suicide pact.

And yet to curtail individual rights, as the Bush administration has done, is to draw exactly the wrong lessons from history. Every time the country has felt threatened and tightened the screws on civil liberties, it later wished it had not done so. In each case—whether the barring of government criticism under the Sedition Act of 1798 and the Espionage Act of 1918, the internment of Japanese-Americans in World War II or the McCarthyite witch hunts of the cold war—profound regrets set in later.

When we are afraid, as we have all been this year, civil liberties can seem abstract. But they are at the core of what separates this country from nearly all others; they are what we are defending when we go to war. To slash away at liberty in order to defend it is not only illogical, it has proved to be a failure. Yet that is what has been happening.

Since last September, the Bush administration has held people in prison indefinitely and refused to tell the public who is being held or even how many detainees there are. No less odious than the administration's secret arrests are its secret trials. The government has barred the public and the press from deportation hearings for immigrants suspected of ties to terrorism.

The administration has also shown contempt for basic rights in its enthusiasm for military tribunals. In November, when President Bush first issued the order setting these up, it seemed the administration wanted to try anyone alleged to have ties to terrorism, even American citizens arrested in the United States, in military courts. Faced with an uproar, the administration backed down, announcing that the tribunals would accord defendants some rights. It then decided to try several prominent terrorism suspects in civilian courts.

This summer the administration unveiled, with great fanfare, the TIPS program (for Terrorism Information and Prevention System), to recruit Americans to spy on their fellow Americans. As originally conceived, TIPS was to include mail carriers, utility workers and others with access to people's homes. Again, after a popular outcry the administration scaled TIPS back.

In times of conflict, the president seeks to increase his power. Congress, sensitive to public fears over safety, cannot always be counted on to stand up to him. That leaves the Judiciary and members of the public to worry about the trampling of rights. This year a number of judges have stood out for their courage. Gladys Kessler, of Federal District Court in Washington, D.C., declared that secret arrests were "odious to a democratic society," and ordered the government to release the names of all detainees. It has not done so. And Judge Robert Doumar of Federal District Court in Norfolk, Va., who is presiding over one of the "enemy combatant" cases, recently told prosecutors to submit documents for his review so he could determine if the defendant was in fact an enemy combatant. The Justice Department, disgracefully, defied his order.

As the Bush administration continues down its path, the American people need to make clear that they have learned from history and will not allow their rights to be rolled back. The world has changed since Sept. 11, but the values this country was founded on have not. Fear is no guide to the Constitution. We must fight the enemies of freedom abroad without yielding to those at home.

FIRE ISLAND AND THE WATER RESOURCES DEVELOPMENT ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ISRAEL. Mr. Speaker, as the House begins the process of reauthorizing the Water Resources Development Act, I wanted to inform my colleagues of correspondence between myself, the gentleman from New York, Mr. GRUCCI, and the Acting Assistant Secretary of the Army for Civil Works, Les Brownlee.

Mr. GRUCCI and I wrote to the Assistant Secretary in June to note the fact that, in our opinion, the Army Corps of Engineers has not suitably complied with Section 342 of the Water Resources Development Act of 1999. I ask that our letter of June 19, 2002 be printed in the RECORD at this point.

Today my office received a reply from the Assistant Secretary, which I now ask be printed in the RECORD. In his reply, the Assistant Secretary noted that the Army Corps "deferred all investigations on the Fire Island Interim project in July 2001" due to the State's desire to focus on the Fire Island Reformulation project, which is slated to end in November 2005.

I bring these letters to the attention of my colleagues to help them in their deliberations on the Water Resources Development Act.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 19, 2002.

Hon. CRAIG MANSON,
Assistant Secretary for Fish & Wildlife and Parks, U.S. Department of the Interior, Washington, DC.

Hon. LES BROWNLEE,
Under Secretary of the Army and Acting Assistant Secretary for Civil Works, U.S. Department of the Army, Washington, DC.

DEAR ASSISTANT SECRETARY MANSON AND UNDER SECRETARY BROWNLEE: In 1999, the Congress passed, and the President signed, the Water Resources Development Act of 1999. Within that legislation was a Section of particular concern to us as Representatives of the South Shore of Suffolk County, New York. Section 342 of that law concerns the Fire Island Interim Project (FIIP), a routine beach nourishment project made necessary by the severe northeast storms of 1991–96. Those storms gravely weakened the barrier island, which protects the communities of the South Shore.

In an effort to resolve differences between the Army Corps of Engineers, the Fish & Wildlife Service and the National Park Service, the statute required your agencies to "complete all procedures and reviews expeditiously and to adopt and submit to Congress, not later than 120 days after the date of enactment . . . a mutually acceptable shore erosion plan for the Fire Island to Moriches Inlet reach of the project." Almost three years have passed, but Congress has yet to receive such a plan. This continued inaction raises serious concerns as to why your agencies could not agree on a plan that would allow this beach preservation effort to go forward.

As you may know, the FIIP is an interim segment of a storm damage reduction and hurricane protection plan authorized by Congress more than 40 years ago. It arose in response to a request by New York State for Corps recommendations in the wake of the storms of the early 1990s. The Corps recommended, and then-Governor Cuomo's Coastal Erosion Task Force endorsed, a project that would serve as a bridge to a final "refommulated" plan for protecting Long Island's South Shore. Unfortunately, this important project has been constantly delayed.

This project is fully justified economically on the basis of reduction of storm damage to properties, both on the barrier island and in low-lying areas of the mainland. It is also of vital importance to the region's tourist economy and to the continued health of wildlife habitat, including that of certain endangered species, on the barrier. We are also concerned by the fact that despite a clear legal mandate, your agencies have not given Congress a "mutually acceptable shore erosion plan for the Fire Island to Moriches Inlet reach of the project."

Thank you for your attention to this matter. We look forward to hearing a response from your agencies as soon as possible and we hope to work with you in the future to resolve this issue.

Sincerely,

FELIX J. GRUCCI, JR.,
STEVE ISRAEL,
Members of Congress.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS
Washington DC, September 17, 2002.

Hon. STEVEN J. ISRAEL,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ISRAEL: Thank you for your letter of June 19, 2002, co-signed by Congressman Felix J. Grucci, Jr. concerning the Fire Island Interim project and the Congressional directive contained in Section 342 of the Water Resources Development Act of 1999.

In accordance with the 1999 Partnership Agreement between the Departments of Army and Interior, the New York District prepared a draft decision document for the Fire Island Interim project. This project was a short-term project to reduce the potential for storm damages along the south shore of Long Island until completion and implementation of a more comprehensive plan, which could result from the ongoing reformulation study for Fire Island Inlet to Montauk Point. In a letter dated December 17, 1999, Dr. Joseph Westphal wrote to the Speaker of the House concerning our progress, specifically noting the draft decision document and draft Environmental Impact Statement, and our hope that a mutually acceptable solution would emerge as a result of the public and agency review.

During 2000, the New York District received many comments on the proposed Fire Island Interim project. The Department of Interior and the State of New York shared many concerns. Based on these concerns, the time that had passed to reach agreement on an interim project, and the time remaining to complete the reformulation study, the state decided not to support the proposed interim project. Instead, the State wished to focus on completing the reformulation study. Therefore, the Army Corps of Engineers (Corps) deferred all investigations on the Fire Island Interim project in July 2001.

The Corps has currently scheduled completion of the reformulation study in November 2005. All of the cooperating agencies are working towards developing a comprehensive plan, which would address various concerns noted during the evaluation of the interim project. Upon completion and analysis of the reformulation study, there may be an opportunity to construct initial, or separable increments of the overall project. If the particular concern at that time is construction along the Fire Island barrier island, then we will put our efforts towards achieving that goal.

Thank you for your interest in the Civil Works program. I hope that this letter addresses your concerns. Please do not hesitate to contact me if you need any additional information.

Sincerely,

L. BROWNLEE,
Acting Assistant Secretary of the Army (Civil Works).

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBRANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

SPEECH OF

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 2002

Mr. BORSKI. Mr. Speaker, and my fellow colleagues of the United States Congress, we are here in the City of New York as representatives of a United States that is bound together as never before. It is a tragic bond, as it came at a cost of immeasurable suffering to the people of this great city, and to those who lost their loved ones in the Pentagon or on flight 93 that ended in Shanksville, PA. Today we are gathered in remembrance of the events that pierced our hearts one year ago.

On September 11th, the terrible and violent acts perpetrated against our homeland took the lives of so many innocents. In the days after the attacks, the courage and strength of our rescue workers lifted the spirits of our nation. In the weeks and months following, an outpouring of generosity from every corner of our nation showed that we stand together. Thousands lined up to give blood in a gesture that Americans would share the essence of life with no regard for whom the recipient might be. The continuing work of the young men and women in our armed forces is a declaration that those responsible for such cowardly acts will not escape justice. Today, one year later, we can say that our wound are healing. Our nation has overcome a great deal, and it is unity that has helped us overcome our grief.

We, as public servants, have come together to realize an even greater responsibility to our nation. These memories are a reminder that we must remain vigilant while we rebuild and that we must never allow our greatest treasure, our liberty, to be vulnerable to the will of our enemies.

We will never forget the innocent victims. We will never forget the heroes. It is with their memory in our hearts that we live each day with a greater sense of purpose and a deeper appreciation for the gifts that we in this nation share.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. TOWNS. Mr. Speaker, we are commemorating the terrible attack on America on September 11 last year. This was a terrible event in which about 3,000 people lost their lives. A year later, they are in our prayers.

Also in our prayers are the other victims—those who were subjected to violent, unfair attacks in the aftermath of September 11. One of these was Balbir Singh Sodhi, a gasoline station owner from Arizona. He was murdered at his gas station by someone who apparently mistook him for a follower of Osama bin Laden. His brother, Sukhpal Singh Sodhi, a cab driver in the San Francisco Bay area, was recently killed in his taxicab. I am sure that we would all like to extend our sympathies to the Sodhi family.

No one should be killed because of his religion. Even if Mr. Sodhi had been a Muslim and a follower of bin Laden, that would not justify murdering him. But what makes this crime even more disturbing is that this perception was a mistake. Mr. Sodhi was a Sikh, not Muslim.

Sikhism is an independent, monotheistic, revealed religion that believes in the equality of all people, including gender equality. It is not part of either Hinduism or Islam, yet because of the turbans they wear, which are required by their religion, Sikhs are sometimes mistaken for Muslim followers of bin Laden.

The violence has mostly ended, but there are still some unrelated violent incidents. Unfortunately, Balbir Singh Sodhi's brother was also killed just a couple of months ago in his taxicab outside San Francisco. I call for an end to all these attacks and for full and prompt prosecution of all the people responsible.

Mr. Speaker, I would like to place the Council of Khalistan's recent press release on the anniversary of September 11 into the RECORD at this time.

IN MEMORY OF THOSE KILLED IN LAST YEAR'S ATTACK ON UNITED STATES

SIKHS SUFFERED THE MOST AFTER THE ATTACKS; COUNCIL OF KHALISTAN CONDEMNS ATTACKS, CALLS FOR END TO VIOLENCE AGAINST MINORITIES

WASHINGTON, D.C., September 11, 2002.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today remembered the attacks on America a year ago that killed almost 3,000 Americans. He also condemned the violence against Sikh Americans and other minorities that broke out in the wake the September 11 attacks.

"On behalf of the 21-million strong Sikh Nation and especially on behalf of more than 500,000 Sikh Americans, we remember with sadness and outrage the attacks on America a year ago and offer our prayers and sympathies on this sad anniversary to the people of the United States for the terrible attack on the United States and for the loss of life it entails," Dr. Aulakh said. "We especially pray for the families of those who have departed."

"America must do what it can to eradicate terrorism from the world," Dr. Aulakh said. "We support all the efforts to do so and we must do our part as American citizens," he said. "This sad anniversary reminds us that we stand together as a nation. We must show unity on this occasion."

"We also condemn the violence against Sikhs and other minorities that took place last year after the September 11 attacks," Dr. Aulakh said. "Sikhs suffered the most in the post-September 11 violence," he said. "The very first victim of this violence was Balbir Singh Sodhi, a Sikh gasoline station owner from the Phoenix area," he noted. "Recently, his brother was killed in his taxicab. All this violence must stop," Dr. Aulakh said.

"Nobody should be killed for his or her religion, whether Sikh, Muslim, Christian, Jewish, Hindu, or whatever religion one may follow," Dr. Aulakh said. "But it is important to note that Sikhs are not Muslims nor followers of bin Laden. We condemn bin Laden," he said. "Unfortunately, because of the turbans we are required to wear, many people mistake Sikhs for bin Laden followers," he said. "The Sikh religion is an independent, monotheistic, sovereign religion that believes in the equality of the hole human race, including gender equality," he said. "Daily we pray for the well being of the whole human race."

In the wake of the September 11 attacks, a couple of young Sikhs were attacked in Brooklyn. Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York. Many Muslims and other minorities were also subjected to violent attacks.

"We hope that there will not be any more of these incidents in connection with the anniversary of the attacks. "Violence against innocent people of any religion or ethnicity is unacceptable," said Dr. Aulakh. "It must be condemned and the violence must be ended."

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. STUPAK. Mr. Speaker, I wish to add my voice to the multitude of Members honoring our Nation and its heroes on September 11, 2002.

Mr. Speaker, although I was back in my district taking part in events commemorating the impact September 11th has had on all of us, I would have voted "Yes" on passage of H. Con. Res. 464. Due to a technical mixup, my name was not added as a cosponsor of this worthy bill, and I wish to state my intention here that I fully support this resolution and its sentiments.

As a former law enforcement officer, I know too well the toll such tragedy takes on individuals—their lives, their families, their future, and I know too well how difficult, yet how necessary it is to ensure like-minded individuals are prevented from carrying out further attacks.

This resolution makes it clear that while the passage of a year has not softened our memories, it has shown that we will not bow down to terrorism.

We must find those responsible for the deaths of so many—including my constituent Army Major Kip Taylor who perished in the Pentagon on that day a year ago—and ensure they face the consequences of their actions.

September 11 brought out the worst in our enemies. Yet it also brought out the best in our citizens. That is what we are honoring today.

HOUSE OF REPRESENTATIVES—*Wednesday, September 18, 2002*

The House met at 10 a.m.

The Reverend Dr. Eric Anthony Joseph, Chaplain and Dean, Langston University, Oklahoma, offered the following prayer:

The Biblical psalmist says, "I will make Your name to be remembered in all generations; therefore the people shall praise You forever and ever" (Psalm Chapter 45:16 and 17).

Let us ask God to govern our hearts and minds and Nation as we pray:

Dear heavenly Father, in a world in which many would claim our allegiance and seek our praise, we recognize that You alone are worthy of our praise.

For since the first Continental Congress opened in 1774 with 2½ hours of prayer, various ministers and guest chaplains and politicians have graced this transit House to appeal to You, as our sovereign Lord, to play an integral role in the Government of our then young Nation.

In 1789 we had 65 House Members and 26 Senators. In 1800 we moved the seat of power to the District of Columbia near the residence of our first President, General George Washington; and since 1911 we have grown to 435 House Members and today we have 100 Senators.

Therefore, Lord, as we grow as one Nation under Your providential jurisdiction, we beseech You to give these anointed House Members and servants to Thy people the fruit of Your omnipotent Holy Spirit.

May the House of Congress serve with love, joy, peace, patience, goodness, kindness, faithfulness, gentleness, self-control, as well as justice, humility, and compassion.

Guide and bless these men and women who have been elected by Your grace to direct us to the center of Your will. We openly ask these things in the name of Your Son, the living Saviour and Lord, Jesus the Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 210. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 1344. An act to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.

S. 2017. An act to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

WELCOMING DR. ERIC ANTHONY JOSEPH

(Mr. ISTOOK asked and was given permission to address the House for 1 minute.)

Mr. ISTOOK. Mr. Speaker, it is my privilege and my honor to welcome today our guest chaplain, Dr. Eric Anthony Joseph, the chaplain of Langston University in Langston, Oklahoma, which is in my congressional district in our State. Langston University is named for the first African-American office holder in American history, and of course it is one of the premier Historically Black Colleges and Universities about which we will be honoring today with a special resolution.

Dr. Joseph is a man of learning, a man of experience, and a man of strong faith. He has received many degrees, including a doctorate of philosophy in intercultural education, a Masters of Divinity, a Masters of Arts in Christian education, a Bachelor of Arts in Communication, and two fine arts degrees.

Dr. Joseph has used his talents in a variety of ways to help bring people closer together and closer to God. He has served as a minister, a teacher, a chaplain, as a consultant, an athlete, and as a writer. Dr. Joseph has dedicated his life to ministering to people and strengthening their faith.

I join the Speaker and all of our colleagues in welcoming today Dr. Eric Anthony Joseph to the U.S. House of Representatives; and I thank him for his service, his leadership, and providing us this day with our opening prayer.

UNFETTERED INSPECTIONS IN IRAQ

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, Saddam Hussein has said he will let weapons inspectors into Iraq and the United Nations; and the world community says, all right. He is agreeing and he is cooperating.

Well, we have been down that road before. Saddam Hussein years ago promised unfettered inspections. However, when the inspectors got there, they were told, not now, not at night, not in the palaces, not in certain locations, not where we do not want you to go.

President Bush laid out a compelling argument to the United Nations on the need for forcible inspections; and if that does not change the attitude of Saddam Hussein, then that regime must go. They are in violation of the United Nations Council. They have violated numerous articles, and they need to be brought to bear the responsibility that the United Nations has in this effort.

Now, if we are going to continue to pay dues to this organization, we better expect and demand, as the President suggested, that they play a vital role and a meaningful role in world affairs. If they are going to just sit there and gather in New York for cocktails and coffee, then what is the point of spending millions and billions of dollars to keep the organization alive?

Saddam Hussein is a menace. He has proven it so. Let us fight with the President.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EDUCATING COMMUNITIES ON MISSING AND EXPLOITED CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, tomorrow in Texas I am co-hosting on the Beaumont Police Department and the Jefferson County Sheriff's Academy a seminar on missing-and-exploited-children cases. And while we work here in Washington to pass legislation to protect children at home and across America, I also think it is important for us to make sure that our law enforcement officers have the training that they need.

The seminar is a day-long event run in conjunction with the National Center For Missing and Exploited Children. The first 3 hours of the seminar will cover topics regarding the duties of the first responder and law enforcement resources. In the latter 4 hours, we will discuss the investigation of crimes against children with specific emphasis on physical and sexual abuse, abduction and missing children.

Sixty-nine officers will attend this conference, and that is 69 officers who will be better equipped to deal with the terrible call from a parent saying, My child is missing.

Mr. Speaker, I believe that passing legislation is not our only duty as Members of Congress. I also believe that we must work to educate and assist our communities. This is a great first start.

PASSING A RESPONSIBLE BUDGET

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, when American families face difficult times, they set priorities. Today the United States is fighting a war and facing a slow economy. These are difficult times, and they call for clear priorities. President Bush and Republicans have done just that.

In March, Republicans in the House, led by the gentleman from Illinois (Speaker HASTERT), passed the President's budget plan that clearly outlined spending priorities.

We are keeping our commitment to education, Social Security, Medicare and, most importantly, national defense and homeland security. But Democrats have offered no plans and have set no priorities. The only clear message coming from them is let us spend more.

We must focus on what we need, not what we want. The American people have been consistent in making the economy their top concern. The President and respected Alan Greenspan have said that the way to promote a strong economy is to control government spending. The President and Republicans have presented a responsible budget that meets our Nation's priorities. It is time for the Democrats to get on board.

HONORING JULIA FAIRFAX

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as a graduate of a historically black college, I too want to add my welcome to our guest chaplain, Dr. Eric Joseph. But I really rise to pay tribute to a grand lady of my community, Miss Julia Fairfax, 93 years old, who passed away just last week.

The amazing thing about her, though, is she was actively engaged and involved with all levels of community activity up until about 6 months ago. A grand lady, a grand dame, a lady that we shall always remember, admire and respect, Miss Julia Fairfax.

FIXING BROKEN BANKRUPTCY LAWS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, for more than 5 years Congress has been working to fix our Nation's broken bankruptcy laws. And now when we are just 1 yard from the line, one Senator's extremist views on abortion have placed this bill in jeopardy. I still have not found anyone who can explain to me what abortion has to do with bankruptcy. Nevertheless, there it is, right in the middle of the bill, language that would single out peaceful, nonviolent pro-life protesters for unique punishment while leaving other debtors unaffected.

Mr. Speaker, this is completely wrong. We believe in treating people equally in this country, no matter what their politics, no matter what they believe.

Well, no one should be surprised that this bill is now in jeopardy. Fifty-five of us have been on record since May saying that we could not support this bill if it contained the Senate's poison pill.

Mr. Speaker, we need to fix this bill first by taking out the abortion language and then pass it.

WHAT IS SADDAM HUSSEIN HIDING?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, since the end of the Persian Gulf War, Iraq has violated U.N. sanctions and resolutions 16 times. Sixteen times they have thumbed their nose at the United Nations and their resolutions.

Now, I commend President Bush on addressing these issues with the United Nations last Thursday. It is time to enforce all United Nations resolutions, and it is time to put weapons inspectors back in Iraq with unfettered access. This hard line must be taken.

Iraq cannot be given another decade to comply. All U.N. resolutions must be enforced, and this cannot be negotiable.

Mr. Speaker, if Iraq has no weapons of mass destruction, then what are they afraid of? If Iraq complied with the United Nations' resolutions, sanctions would be lifted; and they could make $120 billion a year in their oil sales; but Saddam Hussein has foregone $120 billion a year to hide something. We must have U.N. inspectors inside Iraq, and they must have complete access to see everything to see just what Saddam Hussein is hiding from the rest of the world.

NO MORE IRAQI OIL

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, America is at war against terrorists; yet, we buy our oil from nations that harbor the very same terrorists our sons and daughters bravely fight.

In the first 6 months of this year, America gave Saddam Hussein a staggering $2.3 billion for Iraqi oil. I do not want to send my 18-year-old son or the sons and daughters of the people of Montana to the Middle East to fight for terrorist oil, especially when we have oil available here at home.

Mr. Speaker, we need to unify as Americans, pass a comprehensive and balanced energy plan that reduces our dependence on oil sold by terrorists. We must stop bankrolling the very terrorists that our men and women are fighting currently.

We have bought enough Iraqi oil. No more.

☐ 1015

DECLARING WAR ON IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, when the USS *Maine* was detonated in the harbor of Havana, Cuba, and the United States of America believed Spain to be responsible, we did not pass a resolution in this body authorizing the use of force for a regime change in Spain. We declared war on Spain and we won.

When Pearl Harbor was decimated through a dastardly attack by the imperial government and military of

Japan, we did not pass a resolution authorizing a regime change in this Congress. We declared war on Japan.

Now, in the wake of 9/11, when there is enormous circumstantial evidence to suggest complicity with al Qaeda and Iraq, we are about to debate a resolution authorizing military force for a regime change, seemingly unwilling to use the term "declare war," discharging our constitutional duty.

Mr. Speaker, can a Nation that does not possess the courage to use a word possess the will to wage a war? If the facts are there to prove complicity with terrorism and al Qaeda, and even with 9/11, the nation of Iraq, let us do no less than our duty. Let us pass a resolution to declare war.

WELFARE REFORM

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute.)

Mr. CUNNINGHAM. Mr. Speaker, in 1993, we took up the welfare reform bill. Many on the other side fought the welfare reform bill, but I want my colleagues to know that the events that took place and the successes of welfare, I had a meeting with over 100 men and women that had been previously welfare recipients in San Diego. Every single one of them lauded the bipartisan support of that welfare bill.

I had a doctor who came to my office and said that a lad with a 14-, a 13-, and a 12-year-old girl. The-14-year-old had two children. The 13-year-old had a child. The 12-year-old, the mother wanted to know what was wrong because her 12-year-old could not have a child. We changed those kinds of things and bettered it for children.

What we are asking is for the other body to take up the welfare reform bill that has helped millions of low income Americans and pass the welfare bill on the Senate side. We will be taking up a resolution this week, and we hope that both sides of the aisle will help to help the people that need it the most.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The Chair would like to remind the gentleman that he should not be urging action upon the other body, the Senate, in his comments on the floor of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

RECOGNIZING CONTRIBUTIONS OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 523) recognizing the contributions of historically Black colleges and universities.

The Clerk read as follows:

H. RES. 523

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas historically Black colleges and universities have allowed many students to attain their full potential through higher education;

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition; and

Whereas the third week in September is an appropriate time to express that recognition: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

The House of Representatives—

(1) recognizes the significance of historically Black colleges and universities;

(2) recognizes that historically Black colleges and universities have been educating students for more than 100 years;

(3) commends the Nation's historically Black colleges and universities for their commitment to academic excellence for all students, including low-income and educationally disadvantaged students;

(4) urges the presidents, faculty, and staff of the Nation's historically Black colleges and universities to continue their efforts to recruit, retain, and graduate students who might otherwise not pursue a postsecondary education;

(5) recognizes the significance of title III of the Higher Education Act, which aids in strengthening the academic quality, institutional management, and financial stability of historically Black colleges and universities; and

(6) requests that the President issue a proclamation calling on the people of the United States and interested groups to demonstrate support for historically Black colleges and universities in the United States during that week with appropriate ceremonies, activities, and programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 523.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. WATTS) for introducing this important resolution, and I appreciate his efforts to recognize the importance of historically Black colleges and universities.

HBCUs, as they are known, were created more than 150 years ago to provide African Americans with access to higher education, and currently there are 105 historically Black colleges and universities across the United States. In my State of Ohio, there are two HBCUs, Wilberforce and Central State Universities, that provide an invaluable education to the youth of Ohio.

While comprising only 3 percent of our Nation's 2- and 4-year institutions, HBCUs are responsible for producing 28 percent of all bachelors' degrees and 15 percent of all masters' degrees and 17 percent of all first professional degrees earned by African Americans.

In 1998, Congress enacted the Higher Education Amendments to make improvements to programs designed to help HBCUs strengthen their institutions and graduate and professional programs under the Higher Education Act, and these changes included allowing institutions to use Federal money to build their own endowments and to provide scholarships and fellowships for graduate and professional students.

Since 1995, Congress has increased its financial support of HBCUs by 89 percent, and President Bush's fiscal year 2003 budget, passed by this House in March, included more than $213 million, a $7 million increase over the current fiscal year, to strengthen HBCUs across the country.

Mr. Speaker, over the last 2 years leaders here in Congress have continued to demonstrate their commitment to historically Black colleges and universities. The Committee on Education and the Workforce has visited a number of HBCU campuses within the last year to consider the issues and concerns of minority-serving institutions to better address their needs through Federal education programs. Tomorrow we will continue our series of hearings on this very important topic.

Finally, I would like to thank and commend my colleagues on the Committee on Education and the Workforce, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. GEORGE MILLER), the ranking Democrat, the gentleman from New York (Mr. OWENS) and others for their leadership on this issue and for their tireless efforts in promoting HBCUs in the House.

I want to urge my colleagues today to vote yes on this important resolution. It is my goal and the goal of the Committee on Education and the Workforce to build on the record of academic excellence of students attending these universities and colleges. This resolution honors their important work done at HBCUs and encourages all students to attend college and prepare for the challenges and opportunities of the 21st century.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I might consume.

I am pleased to join my colleagues in honoring the contributions of our Nation's historically Black colleges and universities. I am a graduate of Morehouse College and of Atlanta University, both historically Black colleges.

I think it is very important to note that in the constellation of the higher education world in America, these 105 historically Black colleges and universities are only a small part. There are more than 3,000 colleges and universities in the United States at this point. It is very important that we understand the value of this treasure that we have in this collection of colleges.

Our Nation continues to struggle with a great gap in college opportunity. Only 59 percent of African American high school graduates enroll in college, compared to 66 percent of white high school graduates. I am not going to stand here and pretend that the bulk of the African American students who do go to college are going to go to historically Black colleges and universities. That is not the case. We have more students enrolled, of course, in other institutions. However, these institutions have a special role in going after an underserved, hard-to-reach group.

Historically Black colleges and universities have a unique track record of success in expanding college opportunity for those who would normally not get the opportunity or, given the opportunity, would need special assistance. Historically Black colleges and universities enroll 16 percent of all African American college students, but they are responsible for a full 40 percent of African American college graduates.

The greater percentage of African Americans that get Ph.D.s are far greater among the graduates of historically Black colleges and universities. They have developed innovative academic strategies, supported cutting-edge research and helped to launch the careers of millions of today's leaders, including scientists, doctors, teachers, lawyers, artists, entrepreneurs, community and religious leaders. They were there when there was nothing else, especially in the segregated South.

These institutions were created out of the efforts of local people using very basic grassroots methods. Sometimes tuitions were paid in terms of bushels of corn or crates of eggs. They improvised and survived over the years, and even now many of these historically Black colleges and universities have a very difficult time financially. They are not secure at all. Very few of them have endowments which are adequate for the purposes of today's financing.

Despite broad bipartisan support, they still receive only 4 percent of the $29 billion in Federal funds for universities each year.

The House leadership has failed to keep its promise to move the education appropriations bill, and they have a lot at stake in that bill. Even worse, the Republican proposal includes only a 3.6 percent increase for Black colleges. Over the past 5 years, these institutions have received a 15 percent annual increase. The increase this year is far less than it was before.

We appreciate this resolution. We appreciate the special recognition being given to historically Black colleges and universities, but they are in need of substantial support.

The Republican leadership has also failed to schedule H.R. 1606, which is the gentleman from South Carolina's (Mr. CLYBURN) bill to preserve historic landmarks on Black college campuses. H.R. 1606 was approved by the Committee on Resources and has been on the House calendar since June. We would like to see some action on that.

The House has not even held any hearings on H.R. 1162, even though it has 120 sponsors. H.R. 1162 is a comprehensive initiative of minority-serving colleges introduced by the gentleman from California (Mr. GEORGE MILLER).

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. WATTS), the chairman of the Republican conference.

Mr. WATTS of Oklahoma. Mr. Speaker, the resolution before the House today recognizes the importance and the significance of the 105 historically Black colleges and universities in America, commonly referred to as HBCUs.

One-third of all black students in college go to HBCUs. These distinguished institutions of higher learning place doctors, lawyers, legislators, educators, business owners, community leaders and America's black middle class into the mainstream of society. What were once the only options for Americans of African descent to receive post secondary education are now attractive options where students can learn in a rich, historic environment.

So many young citizens have been given the opportunity to attain their full potential because of HBCUs. Many of them are from underserved communities. These are students who may have never had the chance to go to college were it not for the presence of historically Black colleges and universities in their respective States around the country.

As one that used to play a little football, I am particularly thankful to HBCUs for producing the first black player to be drafted in the National Football League, Paul "Tank" Younger. About 100 NFL players right now have HBCU roots, including the Tennessee Titans' very distinguished quarterback Steve McNair, a fantastic quarterback who hails from Alcorn State in Mississippi.

Congress, both Democrats and Republicans, has recognized the importance of historically Black colleges and universities and voted to increase funding by 41 percent over the next 5 years. President Bush has continued this dedication by supporting similar increases so many more students can aspire to achieve their hopes and their dreams.

As most of the presidents of HBCUs from around the Nation gather in Washington this week, it is fitting to showcase the many benefits derived from a unique and distinguished network of schools. This resolution urges the White House to issue a proclamation calling on others to support HBCUs with appropriate activities, ceremonies, financial contributions and programs.

Nearly half a million students attend historically Black colleges and universities. We must do everything possible to further promote their role in higher education and the contributions they make to better the lives of so many young Americans. I urge the House to adopt this important resolution.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

☐ 1030

Mr. DAVIS of Illinois. Mr. Speaker, I cannot help but recall a number of years ago when I, as a 16-year-old, left home to go to the University of Arkansas at Pine Bluff. Not a university at that time, it was Arkansas AM&N College. I recall having $20 in my pocket, scared as I could possibly be, having never been away from home that much; but I also remember being able to go and register on credit. I also recall being able to purchase books and borrow them with virtually no money.

Then as time went on, I have six brothers and sisters who also attended the University of Arkansas at Pine Bluff, four nieces and nephews. Then I look around in my office in terms of people to work with and for me, there are seven individuals who work with me who have attended Historically Black Colleges and Universities, Wilberforce, Morehouse, Howard, UAPB, Jackson State. The reality is that for thousands and thousands of individuals, without these institutions being available, well equipped, ready, prepared, many of the individuals who have managed to rise above the individuality of their circumstances would have never been able to do so.

So I commend my colleague for introducing the resolution. I also share the comments of my colleague from New York who suggests that the best way to pay tribute to these institutions is to make sure they have adequate resources, that they are adequately funded, that there are resources to rebuild, in some instances, their infrastructures. Some of them I have visited their campuses, and they are seriously in need of repair. Some of them have virtually no equipment.

Mr. Speaker, as we pay tribute, the best way to do that is to make sure that these institutions are able to continue to grow, to develop, to thrive, and provide the opportunity for the thousands and thousands of students who otherwise would not be able to make it.

Mr. Speaker I rise in support of H. Res. 523, Recognizing the Contributions of Historically Black Colleges and Universities. There are about 105 historically black colleges and universities in the United States—the first being Cheyney University of Pennsylvania, which was founded in 1837. This measure commends the Nation's historically black colleges and universities for their commitment to educating all students, including low-income and educationally disadvantaged students, and recognizes the significance of title III of the Higher Education Act (PL 105–244), which strengthens the academic quality, management and financial stability of historically Black higher-education institutions. Also, the Black land-grant institutions in which the U.S. Congress had to pass a second Morrill Act in 1890 designed to provide equal educational opportunities for Black students who had been denied admission to their States' original 1862 land-grant universities. The 1890 institutions are a subset of the HBCUs whose mission is teaching, research, and extension and the continual education of young men and women to be self-sufficient.

Harry Truman, the 33rd President of the United States of America said, "We have to make it possible for every person to develop himself to the extent of his capacity and will, and no barriers should stand in the way; not for his or her sake, but for the sake of all of us."

The one true measure of a nation's success is its ability to engage all of its citizens in the ever changing and transformation of a technology-based global economy. Cultural diversity, acceptance of differences, equal opportunity, shared economic prosperity—the ideals of the American way—must shift from being desired national objectives, to being absolutely crucial ones if the country wants to continue to be the most powerful, wealthiest, and freest nation in the world. To accomplish these goals America must face and overcome the tremendous task of educating all segments of its population. No group's educational potential can be neglected in this competitive global arena. The cost of ignorance is too great to ignore, neglect, and accept in order to build a stronger, and wealthier nation, otherwise to do so would deprive the economy of critical human resources and to incur costs to society—the costs of supporting those not capable of earning a living wage.

Many African-American young people find themselves at a disadvantage by being victims of poverty and other social ills in their attempt to better themselves by seeking a higher education. Fortunately, the Nation has in place a network of institutions. Historically Black Colleges and Universities, HBCUs. Traditionally, the predominantly Black institutions have attracted students mainly from the Black community.

In the past, much of the existence and origin of HBCUs can be attributed to the Civil War between April 1861 to April 1865 which was the single most important factor leading to the creation of conditions favorable for the establishment, growth, and development of educational institutions for the Negro in southern States. The end of the war marked the close of an era of 246 years (1619–1865) when the Negro in the South was in slavery—an era when in several southern States it was a crime to provide education or training in a useful trade or profession to a Negro. After the Civil War the men of the 62nd and 65th U.S. Missouri Regiment of Colored Infantry from the Union Army contributed $6,380 to establish Lincoln University of Missouri in 1866, one of the oldest predominately Black landgrant institutions. These young brave veterans of war wanted to develop an institution with a purpose to address poor Black students having access to an education. The committed founders of Lincoln initiated a national desire among churches, citizen groups, individuals, and State legislatures to develop and build educational institutions for their students to have access to quality affordable education and to address racial segregation in southern States.

I am a graduate of the Arkansas Agricultural, Mechanical, and Normal College, which is a 1890 land-grant institution known today as University of Arkansas at Pine Bluff. The HBCUs constitute some of the largest and most prestigious institutions of higher education in the nation. Several of the 1890s offer doctoral degrees and/or professional degrees in engineering, food science, toxicology, environmental science, and other areas of national need. Six public HBCUs produce nearly 20 percent of African-American bachelor degree recipients in engineering and the 1890s graduate over 80 percent of all Black recipients of bachelor degrees in agricultural sciences. Tuskegee University alone has trained more than 80 percent of the Nation's African-American veterinarians. These universities have been in the forefront of educating youth-at-risk, producing research vital to the quality of life and the environment, and addressing the social and economic needs of inner cities and rural communities. The HBCUs contributions must be commended because they with limited funding and resources have done an outstanding job and have made significant improvements in the range and level of academic performance and research programs. Our HBCUs must have increase funding to continue to serve the at-risk youth, low-income, and disadvantaged students in our country. After all, "a mind is a terrible thing to waste."

Mr. Speaker, I urge all my colleagues to support H. Res. 523, Recognizing the Contributions of Historically Black Colleges and Universities.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ISAKSON), a member of Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I particularly thank the gentleman from Oklahoma (Mr. WATTS) for introducing this important resolution.

Two miles south of my district and in the city of my birth, Atlanta, Georgia, the largest collection of Historically Black Colleges and Universities resides in America, Spellman, Morris Brown, Morehouse College, and the Morehouse School of Medicine, the largest collection of institutions anywhere in the world.

They have contributed greatly to the United States of America, not the least of which the most recent president of Morehouse School of Medicine, Dr. Louis Sullivan and the former Secretary of Health and Human Services under President Bush and the previous administration. But they have also contributed to my life. My doctor, Dr. Roaj Ujjin is a graduate of Morehouse School of Medicine and a friend who has helped me on many occasions, both personally and with my health.

These colleges and universities, which rose out of a tremendous need, have grown to be a major component of parity in the education and production of graduates who contribute to our country. I commend this Congress, the gentleman from Oklahoma (Mr. WATTS), the gentleman from Ohio (Mr. BOEHNER), and the gentleman from New York (Mr. OWENS) for the great tribute they are paying to those institutions today. Most importantly, I thank those institutions for the contribution they make to us.

Mr. Speaker, I urge all Americans to join in the support of their foundations and efforts for future growth.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the distinguished chairman and the distinguished ranking member for bringing this important resolution to the floor. I rise in strong support of House Resolution 523 because it recognizes the major role that Historically Black Colleges and Universities have played and continue to play in the education of African Americans and people of all racial and ethnic identities.

I emphasize that the HBCUs have always been open to people of all races and have always educated people of all races. We are fortunate in the District of Columbia to have two great HBCUs here, Howard University and the University of the District of Columbia.

Most Members know something about Howard, so I want to discuss the University of the District of Columbia, one of the oldest HBCUs, but the last to be funded as an HBCU. Even though it has long been a HBCU, the UDC was funded only in 1999. That occurred as part of a bill passed by this House, the College Access Act, where this House decided that because D.C. only had one university, an open-admissions university, that District students ought to be able to go to any public institution in the United States at low in-state tuition and to private universities here in the city and in the region.

There were some at the UDC who believed that opening higher education to more students would undermine UDC itself. The fact is the opposite has occurred. There is now new interest in UDC, not only because it is now a funded HBCU, but because there is new interest in college education in the District of Columbia.

Talking about going to college and about the College Access Act has had the effect of raising the profile of the University of the District of Columbia. At its lowest point in 1997, we did not know if the UDC, which had been the step-child of education in the District of Columbia, was going to continue. Now, in no small part because of the College Access Act, which has helped us to market college education in the District of Columbia, there has been a 13 percent increase in enrollment at this newest of the funded HBCUs, the University of the District of Columbia.

It would have been tragically wrong to restrict D.C. students given this opportunity of going to colleges, public colleges anywhere in the United States. That is the kind of zero-sum game you never want to play, especially with higher education.

Fortunately, and to their credit, the students at UDC and the faculty understood and supported the College Tuition Access Act to open public universities to all our residents. Now we understand that having done that, we have increased enrollment at our own State university. We are pleased, therefore, to support this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 6 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time and for bringing this bill to the floor. I thank my colleagues on the Committee on Education and the Workforce on both sides of the aisle, and I thank the gentleman from Oklahoma (Mr. WATTS) for bringing this issue to the floor.

Of course, I rise in support of H. Res. 523, which recognizes the contributions of Historically Black Colleges and Universities. I thank the gentleman from Oklahoma (Mr. WATTS). For the last 3 years he has brought the presence of Historically Black Colleges and Universities here to the Capitol where we have been able to discuss issues of importance in terms of promoting the work that is being done at these colleges and universities.

Currently, there are 105 Historically Black Colleges and Universities that have all provided quality education, specifically in the fields of technology. Historically Black Colleges and Universities have played a prominent role in American history, have enabled thousands of students to obtain their full potential through higher education. Currently over half a million students attend HBCUs, and almost 60 percent are female.

Financial support for Historically Black Colleges and Universities has increasingly been a problem since enrollment over the past 10 years has been double compared to the national average. In Maryland, there are four Historically Black Colleges and Universities, Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore.

One of the greatest issues facing our Nation this decade will be the pressing need to ensure that U.S. workers are prepared to compete in the technology-driven workforce of the future. As we enter the 21st century, U.S. jobs continue to grow fastest in areas that require knowledge and skills stemming from a strong grasp of science and technology. In fact, the Bureau of Labor Statistics has estimated that of the top 10 fastest-growing occupations, the top five are computer related.

Now more than ever, it is important that we cultivate the scientific and technical talents of all citizens, not just those who have traditionally worked in these fields. Today women, minorities, and persons with disabilities constitute a little more than two-thirds of the U.S. workforce, and yet their presence in the science and technology fields remains unacceptably low. As a result, the largest pool of potential workers continues to be isolated from science, engineering, and technology careers. While this is a challenge facing all institutions of higher learning, Historically Black Colleges and Universities have led the way to educating the under-represented minorities in those science, engineering, and technology fields. There is a disproportionate positive contribution that HBCUs have made to the development of the Nation's technical talent.

The National Science Foundation data indicates that HBCUs account for nearly one out of three science and engineering degrees granted to African Americans. In addition, a high percentage of African Americans who go on to pursue an advanced degree in the science, engineering, and technology fields receive their undergraduate degrees at Historically Black Colleges and Universities.

In 1998, I introduced legislation, which became law, creating the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development. The purpose of the commission was to look at why women and minorities are not pursuing an education or career in the science and technology fields at the same rate as their traditionally white, male counterparts.

The commission felt that, if we continue to fail these groups in their quest to prepare for and participate in the new, technology-driven economy, we put at risk our Nation's economic and intellectual preeminence. One of the major recommendations of the commission was to establish a nongovernmental organization to serve as a clearinghouse of very best practices for educating all ages of women and minority in the SET fields and also to provide grants for carrying out their best practices.

On that call to action, the BEST initiative was formed. BEST: building, engineering and science talents. It was launched in September 2001 as a public-private partnership. The features that set BEST apart from other initiatives are its national scope, its comprehensive and systematic approach, its engagement of public and private sector leaders, and its vision of aligning key groups that make up America's under-represented majority.

As co-chairs of the National Leadership Council of BEST, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and I have looked to the leadership of HBCUs. Nationally recognized scholars and practitioners from HBCUs are participating in our blue ribbon panels on BEST practices. Two that have made important contributions are Dean Orlando Taylor of Howard University and Professor Melvin Webb of Clark Atlanta University.

Historically Black Colleges and Universities play an integral role in ensuring that we meet our Nation's technology and labor needs. By providing students with access to technology and engineering education, they will not only be prepared to use the technology required in most jobs today, but will also be encouraged to pursue careers on the technology forefront.

Mr. Speaker, these prestigious institutions of higher learning deserve our highest honors, and I join the gentleman from Oklahoma (Mr. WATTS) and others in this Chamber in supporting this legislation and urge passage.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I join with my colleagues in supporting H. Res.

523, recognizing the contributions of Historically Black Colleges and Universities. I thank the gentleman from Oklahoma (Mr. WATTS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for bringing this forward because it is a good recognition of the thousands of young Americans who have received quality education at the more than 100 HBCUs around the country, a long and distinguished history that we recognize here today.

☐ 1045

The HBCUs have created higher educational opportunities where none existed and launched the careers of millions of scientists, doctors, teachers, educators, and lawyers. HBCUs are responsible for a full 40 percent of African American college graduates. So these are schools that are important for not just a subgroup, and they are of far more than historical importance. They are critical for our society's and our economy's functioning today. Historically Black Colleges and Universities have produced the majority of black professionals in the Nation, and the adoption of this resolution will affirm the United States' support of these institutions and critical contributions that their alumni make to our society.

But it is worth pointing out that we must go beyond empty words of praise. We must, this year, work to restore the purchasing power of Pell grants. We must increase the supplemental equal opportunity grants by really several hundred million dollars if we are truly going to pay respect to and help the HBCUs. We should be increasing Federal work study by several hundred million dollars. We should keep and, in fact, enhance the program leveraging educational assistance partnerships to help with State scholarships. I cannot fail to point out that although we do not know what will be in the appropriations bill coming up, we do know what the President has requested and what the Committee on Appropriations is working with and that is what would for HBCUs be, in effect, a cut in Federal funding. Yes, it is a small increase, but it is not an increase that keeps up with inflation.

So I ask my colleagues to support H. Res. 523, recognizing the contributions of Historically Black Colleges and Universities. I praise the dedicated work of the teachers and administrators of these schools. But I ask my colleagues to go beyond words of praise and provide real resources to allow HBCUs to achieve their promise and to allow the students of these colleges and universities to achieve their promise.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the resolution. Most of my life I have been in education. I was a teacher and a coach, both in high school and in college. I have seen what a good education can do. For my parents, who never missed a single event either athletic or academic that my brother and I went to, so the responsiveness of the families is critical. The President, to have a President that focuses on education and leaving no child behind. I fully believe that if a child qualifies to go to college, there should be no child whether it is a historically black college or any group, that should be left behind. Because the consequences are a devilment themselves.

I have a friend in San Diego, Bishop McKinney. He has actually come back and testified. He runs a program for African-American students. These children are at-risk students. If someone did not pick up the gauntlet and did not take care of these children, they would get left behind. Bishop McKinney has a private school that depends on private contributions. But I want to tell you that over 90 percent of those children, men and women, qualify to go to college. So Bishop McKinney, the Jaime Escalantes that say, hey, we can teach children are heros.

It is not just the college itself that is important, it is the whole effort. It is the funding that my colleague mentioned a moment ago. Since 1998, we have increased education by 40 percent in this body, mostly in a bipartisan way. I want to thank the gentleman from California (Mr. GEORGE MILLER) and the chairman for working out the agreements that we have had recently. It is some of the most bipartisan legislation that we have had. But it also takes dedicated teachers at a lower level, not just 100,000 teachers but 100,000 qualified teachers that work with the children every single day. Those dedicated teachers should be paid more. They hold in their hands the lives not just of our children but society itself, because if that child is left behind, where are they going to end up? What is the prognosis? If you take a child in the inner city that drops out or is denied an education, they are going to end up statistically involved in crime or drugs or worse. Of that group, there is a lot of abuse, both child and spousal abuse. So it is the whole package, not just the university. You can have a university, but if you do not train the children early on and afterwards, then you have problems. It is also on the other end of it, also.

I have got a friend, Dr. Rafi, who is one of the preeminent computer scientists in the world. His books are in every college and university in the United States and many of those overseas. But when he graduated from college, his background and knowledge were not accepted within the workplace because he was a minority. He said, I'm not going to complain. I'm not going to take their devilment. I am going to prove to them that my worth is more than just the color of my skin. He took over and ran the department after a year and a half. Now his books are spread throughout. If you do not understand computer science, you can read one of his books. It is at a very elementary level of understanding, but yet it is for college students.

So it is not just the funding. It is not just the parents. It is not just the Jaime Escalantes or the Bishop McKinneys and the college itself, but it is the follow-on throughout. That is why this resolution is so important. We cannot stop short of just recognizing the university, but the whole package.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this time to repeat a plea for H.R. 1606. We have had tremendous bipartisan support for Historically Black Colleges and Universities starting in 1986 with the Higher Education Assistance Act when title 3–B was authorized and a steady stream of funding was created for historically black colleges, the first steady stream of Federal funding for the majority of these colleges. Before, there had been some land grant colleges in the South, segregated land grant colleges that were receiving Federal funding, but this created for all 105 Historically Black Colleges and Universities a steady stream of funding. During the years of the existence of title 3–B, both parties have supported increases in funds. It is an example of bipartisan cooperation that probably is unmatched in the area of education. So I have no complaint whatsoever in terms of that effort by both parties.

But I would like to make a plea for H.R. 1606. H.R. 1606 builds upon the successful program that Congress authorized in 1996 to provide Federal funds to assist in the preservation of buildings and structures that are eligible to be listed on the National Register of Historic Places and that are located on the campuses of Historically Black Colleges and Universities. We do not want Historically Black Colleges and Universities to become museums. Our fight is to keep them operating, keep them functioning and making a contribution. But they do have a museum quality, and they have a special contribution they have made to the American heritage. We would like to see that supported.

The 1996 act came about as a result of a cooperative effort by the Department of Interior and the United Negro College Fund, which identified many historic properties at the HBCUs that were threatened and in need of repair. A 1998 study had been done by the General Accounting Office, and it identified 712 historic properties at 103 of the Historically Black Colleges and Universities that were in need of assistance.

H.R. 1606, as reported by the Committee on Resources, authorizes the appropriation of such sums as may be necessary to carry out this historic preservation program. The bill also provides that the grantee must provide from funds derived from non-Federal sources an amount that is equal to 30 percent of the total cost of the project for which the grant is provided. H.R. 1606 enjoyed significant support in Congress and among the African American community. The bill was favorably reported by the Committee on Resources on May 22, 2002, and has been pending on the House calendar since the committee report was filed on June 20, 2002. I would like to make a plea from both sides of the aisle to support the placing on the calendar and bringing to the floor a vote for H.R. 1606, the preservation of historic buildings on the campuses of Historically Black Colleges and Universities.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Let me thank Chairman WATTS for this resolution today that honors the significance and the importance of Historically Black Colleges and Universities. They are unique institutions in our country that serve the African American community and populations that have been traditionally underserved. Congress' role over the last several decades in terms of providing funding to strengthen these institutions has continued to increase. As I mentioned earlier, funding for these institutions from Congress has increased some 89 percent since 1995. That does not include the $7 million increase that is called for by the President in this fiscal year's appropriation bills. When we finally come to some resolution on these, I fully expect that that number will be met in the appropriations process.

As I said before, these are unique institutions, and they deserve our support.

Ms. MILLENDER-McDONALD. Mr. Speaker, it is a great privilege for me to offer my support of H. Res. 523 which recognizes the significant achievements of our nation's 105 historically Black colleges and universities.

For more than 100 years, historically Black colleges and universities have educated, guided and nurtured generations of this country's preeminent scholars, physicians, educators, business and other professionals. In particular, historically Black colleges and universities have educated and opened the doors of higher education to scores of economically disadvantaged students who might not otherwise have had access to a college or graduate degree.

Today, I want to remind my colleagues of the critical importance of Title III of the Higher Education Act which shores up the academic quality, financial health and administrative capacity of traditionally Black educational institutions.

It is my hope that the President will support H. Res. 523 by issuing a proclamation that will inform and motivate citizens and organizations nationwide to similarly demonstrate support for our historically Black colleges and universities.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of H. Res. 523, a resolution that recognizes the many contributions of historically Black colleges and universities to American society. The 105 historically Black colleges and universities throughout the United States provide a diverse community of students with a high caliber and quality education, a necessary tool in our competitive workforce. Not only do these campuses foster a strong history of educational achievement, they also provide students with exposure to a rich heritage and significant historical perspective.

It is imperative that all students feel that they have access to institutions with allow them to attain their full potential through the pursuit of higher education. Historically Black colleges and universities have demonstrated success throughout their 100 years of educating our youth, proving that they are worthy of our national recognition and praise. Historically Black colleges and universities have provided many economically and educationally disadvantaged students with critical educational training and guidance—necessary components to building bridges to opportunity and access. The inroads made by these institutions are empowering communities which have historically been forgotten or dismissed.

We are fortunate in the 28th Congressional District of Texas to have an outstanding institution which exemplifies the rich tradition of historically Black colleges and universities. St. Philip's College was founded in 1898 by Bishop James Steptoe Johnston of St. Philip's Episcopal Church of the West Texas Diocese. The school, which opened on March 1, 1898, began as a sewing class for girls with fewer than 20 students in a house located in the historic La Villita area in downtown San Antonio. Today, St. Philip's College has been a vibrant multi-campus institution of the Alamo Community College District, joining three other colleges—San Antonio College, Palo Alto College and Northwest Vista College—in meeting the educational needs of San Antonio's growing and diverse community. A Historically Black College and a Hispanic Serving Institution with a semester enrollment of more than 8,000, St. Philip's is among the oldest and most diverse community colleges in the nation and one of the fastest growing in Texas.

I urge the presidents, faculty, and staff at historically Black colleges and universities around the country to continue their impressive work, providing a caring, nurturing, and respectful environment in which all may learn. We must all be dedicated to the education of all of our youth, and in particular those whose families have historically been shut out of educational opportunity, for leadership and service to our Nation and global community.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to ask my colleagues to join me in proclaiming September 15–September 21, 2002, as National Historically Black Colleges and Universities week.

The quest for reasonable parity in the American social order for African Americans rests with education. It is fair to state that the HBCUs of America have been and continue to be the equal opportunity colleges and universities of the higher education institutions in America. The racial progress made socially, economically, politically and educationally by African-Americans has been made because of the existence of these institutions.

Currently, there are 118 historically black colleges and universities in the United States. A brief review of the history of education for African-Americans in this country will reveal that the HBCUs were elementary schools for the freed slaves and their progenies.

They were secondary schools for African-Americans when there was not a public education system. And HBCUs became colleges to provide higher education programs for African-Americans when the time was appropriate and education could be sustained by a critical mass of African-Americans who had graduated with secondary education achieved. They were only a group of colleges and universities which produced a critical mass of well educated African-Americans who were teachers, lawyers, doctors, ministers, social workers, pharmacists, etc. for leadership in the Black community.

Because of the existence of the schools, repressive segregated laws were challenged, our right to vote was achieved, as well as our right to participate in every facet of the American society. As such, these institutions have proven their ability to transform the prospective and quality of life for African-American citizens. They stand poised now to provide another great service to America and to African-American people.

The HBCUs are ready to respond to the call of our President to leave no child behind. We propose now to engage the HBCUs in a national urban thrust to equalize the college going rate for urban youth. In so doing, we transform urban America.

Historically Black Colleges and Universities have been proclaimed the salvation of black folks. HBCUs are credited with making higher education financially attainable for those whom otherwise would not be able to afford post-secondary education. They tout significant success rates because they are good at providing remedial preparation for students who start out with weak high-school backgrounds.

These institutions provide a supportive social, cultural and racial environment for people of color who are seeking a college education and perform a remarkable task of educating almost 85 percent of the country's Black College graduates.

Historically Black Colleges and Universities have educated 75 percent of Black Ph.Ds, 46 percent of all Black business executives, 50 percent of Black engineers, and 80 percent Federal judges. In addition, the historically Black health-professional schools have trained an estimated 40 percent of the nation's Black dentists, 50 percent of Black pharmacists and 75 percent of the nation's Black veterinarians.

HBCUs have educated an estimated 50 percent of the nation's Black attorneys and 75 percent of Black Military officers. They have produced Congressional representatives, state legislators, writers, musicians, actors, engineers, journalists, teachers, scholars, judges, pilots, activists, business leaders, lawyers and doctors.

Today I ask that my fellow members of Congress salute and acknowledge Historically Black Colleges and Universities, the presidents, faculties, staff, and trustees of the 118 institutions for their vigorous and persistent efforts in support of equal opportunity in higher education.

I also ask that Congress further commend the students who benefit from Historically Black Colleges and Universities for their pursuit of academic excellence and request that the President issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mrs. CHRISTENSEN. Mr. Speaker, on behalf of my constituents in the United States Virgin Islands, many of whom would not have had the opportunity for a college education were it not for a Historically Black College or University, as well as my two children who are both graduates of some of these fine institutions. I am pleased to support H. Res. 523, recognizing the contributions of Historically black Colleges and Universities.

Mr. Speaker for over a century, Historically Black Colleges and Universities (HBCU's) have played an important role in providing opportunities for higher education to millions of African-Americans. Many of these colleges and universities were founded during the era of slavery or when American society was deeply segregated.

Although social conditions have changed radically since these colleges and universities were founded, the HBCU's have remained committed to providing African-American students with superb educational opportunities.

Almost 300,000 African Americans are currently enrolled in HBCU's, and among their alumni are Members of Congress, hundreds of elected officials, military officers, physicians, teachers, attorneys, judges, ambassadors, and business executives.

I want to particularly call your attention to the key role that these institutions play in eliminating disparities in health care.

The recent Institute of Medicine report, entitled "Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care", clearly demonstrated the need for more health care providers of racial, ethic and linguistic backgrounds to meet the need of our increasingly diverse population as one of its major recommendations.

In the wake of anti-affirmative action movements across this country medical school enrollment in majority medical schools have dropped significantly over the last ten years. Were it not for minority health professional schools at our HBCU's the percentage of minority health care professional would be even less than the four percent currently represent across the different health professions.

Another reason for our drop in health profession students is our poor and under-supported public school system. The worst public schools and the most ignored are in communities of color. As a result, our students graduate ill prepared for college.

Only because of the commitment of our HBCU's to work with primary and secondary schools to improve student preparation and other programs designed by to remediate what is missing are our students given a chance to serve their communities in the critical area of health care and all of the others that are so important to improving our quality of life.

The Subcommittee on National Parks and Public Lands on which I serve as the Ranking Democrat, earlier this year considered and passed H.R. 1606, which was introduced by my colleague JIM CLYBURN and which I am proud to be an original cosponsor, to build upon the work started in 1996 with the passage of the historically black colleges and universities' historic preservation program.

This program has been the catalyst for the preservation of historic structures at these institutions of higher education. Unfortunately, the program has used up all of its existing authorization of funds and while its accomplishments to date have been great, the work that still needs to be done is even greater.

Many of the buildings that have been and will be assisted by this program are integral elements of the school campus and their preservation will not only preserve buildings but also the history and spirit of these pioneering institutions.

To address this problem H.R. 1606 would authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations. I urge my colleagues to support passage of H.R. 1606 when it comes on the floor for a vote later this month.

So I join my colleagues in recognizing these find institutions, especially the University of the Virgin Islands, in my district, for contributing immeasurably to all of our well-being.

I thank and commend my colleagues, Congressman J.C. WATTS and EDDIE BERNICE JOHNSON, for their leadership in bringing H. Res. 523 to the House floor.

Mr. CUMMINGS. Mr. Speaker, it is a pleasure for me to join my colleagues in supporting H. Res. 523, which recognizes Historically Black Colleges and Universities (HBCU). Mr. Speaker, we honor the 105 HBCUs, like Morgan State University and Coppin State College, located in my district, and the 13 predominately black institutions of higher learning, like Baltimore's Sojourner-Douglass College. Mr. Speaker, I am proud to point out that I am a graduate of Howard University, an HBCU.

This week, Presidents, Chancellors, and representatives from HBCUs attended a conference with Congressional and business leaders and members of the Administration to identify opportunities to advance HBCUs.

HBCU's have been educating students for more than 100 years by making higher education affordable to all students, especially African-Americans. HBCU's have educated almost 85% of all African-American college graduates in the United States. Throughout their history, HBCUs have served as emblems of excellence in higher education for African Americans. These institutions of higher learning have a rich history of providing quality education that have allowed many students to attain their full potential.

HBCUs have performed a remarkable task of providing the educational training for a significant number of African-American politicians, federal judges, lawyers, doctors, engineers, educators, researchers, entertainers, and business executives, thus providing an opportunity for African Americans to participate and make exemplary contributions in all walks of life.

Often acclaimed, "the salvation of black folks," HBCUs have engraved in American history the opportunity for freedom through education. The benefits of an educational experience at an HBCU are significant and cannot be duplicated. Students develop intellectually and build life skills and personal confidence about their identity, heritage, and mission to society.

This record of outstanding achievement comes despite daunting challenges—not the least of which are limited financial resources. In fact, I must note that in comparison with other colleges and universities, HBCUs are often underfunded. However, these institutions have maintained their commitment to excellence in higher learning.

Mr. Speaker, as I stated earlier, there are two HBCUs in my district of Baltimore.

Coppin State College has become a beacon in the community, working with school children, while also providing services to small businesses in cooperation with the Small Business Administration. It has also sponsored workshops, health fairs, concerts, and other activities that enable the college to serve as a repository for African-American culture.

Likewise, Morgan State University provides avenues for students to compete in the global marketplace by steering them toward nontraditional careers such as transportation at their National Transportation Center. Morgan has also become a premier institution in Maryland and the country for its engineering and science programs. These are just two examples of HBCUs working to fulfill their commitment to academic excellence.

In the continuing struggle, the course is not to dismantle or compromise the HBCU, but should be to preserve their identity and integrity. These great institutions of higher learning merit full support in continuing their missions. So, in conclusion as we honor the Nations' HBCUs, let us really show our gratitude by supporting an increase in financial resources to each HBCU when we consider the Labor, HHS, Education appropriations bill and the reauthorization of the Higher Education Act.

Mr. RILEY. Mr. Speaker, I rise today in strong support of H. Res. 523, and to call the attention of my colleagues to one of the premier historically Black universities in the Nation, Tuskegee University. As our country celebrates a week recognizing Historically Black colleges and Universities (HBCUs), I want to take a few moments to bring to light some of the reasons I am proud to represent Tuskegee in Congress.

Since its humble beginning days under Dr. Booker T. Washington in the 1880's, Tuskegee has educated many fine leaders in a variety of fields. Militarily, Tuskegee has taken the lead in spawning many successful protectors of our country. The first African-American four star General, Daniel "Chappie" James, was educated at Tuskegee. The school has produced more African-American general officers in the military than any other institution. And most notably, Tuskegee was home to the famed Tuskegee Airmen that bravely fought for the United States in World War II.

Tuskegee has also produced that first African-American winner of the National Book Award (Ralph Ellison), and a number of African-American experts in the fields of aerospace, electrical, and chemical engineering. While achieving all these military and academic successes, Tuskegee has been able to achieve a high level of athletic excellence, as well. The men and women of Fighting Tigers athletics have made Tuskegee the Nation's winningest Historically Black College, and University.

The school currently enrolls some 3000 students, who represent most states in the country and several foreign countries. Currently, degrees are offered at the bachelor's, master's, Doctor of Veterinary Medicine, and Doctor of Philosophy (Ph.D.) levels. The students at Tuskegee receive world class educations in fields such as architecture, business, computers, engineering, liberal arts, teacher education, agricultural science, nursing, and veterinary studies. Some of its most notable programs range from studies of the Human Genome Factor to aerospace science engineering, to growing-food-in-space, and to the center for Plant Biotechnology Research. And most recently, the publication U.S. Black Engineers & Information Technology listed Tuskegee as on of the top schools in the Nation for African Americans in engineering.

Mr. Speaker, the motto of Tuskegee University is "capturing the quest for excellence in teaching, research and service." Every day on their campus in Alabama, the students, faculty, and staff of Tuskegee carry out this vision of Dr. Washington. I urge my colleagues to join me in recognizing the contributions of Tuskegee University, and of all Historically Black Colleges and Universities, by supporting H. Res. 523.

Mr. HOYER. Mr. Speaker, I rise today to celebrate Historically Black Colleges and Universities and their proud history of educating African-Americans for 165 years.

The contributions of HBCUs to this country are of such significance that it has become tradition for the President to proclaim a week in September as Historically Black Colleges and Universities week. This year the observance is taking place of the week of September 15th.

In the early part of the 20th century, HBCUs offered educational opportunities to blacks when most schools would not admit them. But even as the doors of other higher education institutions have opened to black students over the past few decades, HBCUs continue to offer a quality education to thousands of young Americans.

The first black college, now known as Cheyney University of Pennsylvania, was made possible by a Quaker philanthropist named Richard Humphreys who bequeathed $10,000 to establish a school to educate African-Americans. The school was founded as the Institute for Colored Youth in Philadelphia in 1837, almost 30 years before the Emancipation Proclamation would free the South's slaves. The University has since outgrown its original mandate and now offers degrees in more than 30 disciplines for people of all races.

Following the success of Cheyney University, over 100 Historically Black Colleges and Universities in the United States have been established, educating people of all races in every discipline from liberal arts to medicine to business.

It is important to note that while Historically Black Colleges and Universities comprise only about 3 percent of all colleges and universities, nearly 30 percent of all bachelor's degrees awarded each year to African Americans are earned at those institutions.

I am proud of the State of Maryland's part in this evolution of black higher education, and I am privileged to represent Bowie State University (BSU), the oldest of Maryland's four HBCUs. (The three other HBCUs located in Maryland are Morgan State and Coppin State, both in Baltimore, and the University of Maryland—Eastern Shore).

Bowie State descends from the first school opened by the Baltimore Association for the Moral and Educational Improvement of Colored People in Baltimore in 1865. BSU now has eighteen undergraduate academic programs, sixteen graduate programs at the master's level and recently established its first doctoral program in Education Leadership.

Some Historically Black Colleges and Universities are facing financial hardships and several have closed during the past few years. The Federal Government must recognize that the contributions made by these institutions have not occurred in a vacuum benefitting only a small segment of the population. Rather, the entire country has gained from the educational opportunities they offer to African-American citizens and others.

Congress and the President can acknowledge this by adequately funding the programs that support the efforts of these important institutions. The President has requested a four percent increase in funding for the Strengthening Historically Black Colleges program and the Strengthening HBCU Graduate Institutions for fiscal year 2003. This increase will do no more than help the programs keep up with inflation. As a member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I would like to see these programs receive more funding to help them continue their mission and tradition of educating African-Americans.

Marion Wright Edelman, founder of the Children's Defense Fund, said that "Education is for improving the lives of others and for leaving your community and world better than you found it."

Ms. Edelman's observation clearly illustrates how important HBCUs have been to America's black community and the Nation as a whole. Not only have they educated and improved the lives of individuals, but they have empowered those individuals to bring their knowledge back to their communities and improve the lives of others. And America is the better for it.

Mr. Speaker, I ask my colleagues to join me this week in saluting the contributions of America's Historically Black Colleges and Universities.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a great American, Charles B. "Chuck" Harmon, on the occasion of this Congressional Tribute to the Negro Leagues. Negro League baseball players were at the vanguard of efforts to demonstrate that what matters most is not the color of a person's skin, but character, skill, and determination. Negro League players surmounted obstacles of the day to prove their skills as ball players and the character of the American spirit.

Chuck Harmon was one of twelve children born to Sherman and Rosa Harmon on April 23, 1924 in Washington, Indiana where he completed elementary and secondary school. He attended the University of Toledo for three and one-half years between 1942 and 1949 and served with honor in the United States Navy. Mr. Harmon has been married to Daurel Woodley Harmon for 54 years and has three children, Charlene, Charles Jr., and Cheryl. He also has two grandchildren, Danielle and Justin.

Chuck Harmon was honored on May 15, 1997 by the City of Cincinnati, a day designated to honor both Jackie Robinson and Chuck Harmon on the occasion of the fiftieth anniversary of Jackie Robinson breaking the color barrier in Major League Baseball. The day doubled as a Golden Anniversary for Mr. Harmon, who signed his first professional baseball contract in 1947. Seven years later in 1954. Mr. Harmon broke the color barrier of the Cincinnati Reds baseball team.

Chuck Harmon has maintained courage and composure throughout many adverse situations, being the first and only African American to play on many segregated teams. Mr. Harmon's strength of character and achievements have resulted in many honors and awards. He has been honored by the Governor of Ohio, GEORGE VOINOVICH, the Greater Cincinnati Urban League, the Cities of Golf Manor, Ohio and Washington, Indiana which have named streets and a park in his honor, and a host of other sports teams for which he played. For the past 25 years, Mr. Harmon has focused on public service within the First Appellate District Court of Appeals in Cincinnati, Ohio.

Charles B. Harmon has lived a life characterized by a strict code of personal and public ethics, self respect, and respect for others. Mr. Speaker, it gives me great pleasure to rise today, and join with my congressional colleagues in congratulating player of the Negro Leagues and a great American from the State of Ohio, Charles B. "Chuck" Harmon.

Mr. FALEOMAVAEGA. Mr. Speaker, as members of Congress, I believe it is incumbent upon us to support the efforts of Historically Black Colleges and Universities (HBCUs) to recruit, retain, and graduate students who otherwise might not have the opportunity to pursue a post-secondary education.

It is a known fact that Historically Black Colleges and Universities have played a vital role in giving our Nation's youth the tools necessary to forge their way in today's society. More importantly, Historically Black Colleges and Universities have provided historically disadvantaged students with the opportunity to determine for themselves how best to combine their rich cultural heritage with demands of today's scientific and technological society. Historically Black Colleges and Universities have also forged the way for all minority groups to recognize the importance of education and the need for our children to make their mark in today's world.

I would like to commend the leaders and students, both past and present, of Historically

Black Colleges and Universities for their tireless efforts in giving voice to those whose voices would have otherwise been made mute. I commend them for their perseverance and diligence. I thank them for teaching us that we can make a difference in society by remaining true to ourselves and embracing who we are.

As the only member of Congress of Samoan ancestry, I have a special affinity for the struggle of minorities. I have a special affinity for those affiliated with this Nation's Historically Black Colleges and Universities. You can believe that as long as I am a Member of Congress, I will always stand in support of historically Black Colleges and Universities and I urge my colleagues to do the same.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of House Resolution 523 which recognizes the contributions of Historically Black Colleges and Universities. (HBCUs)

Education has always been key to economic opportunity in America. HBCUs have been a catalyst for educational and economic opportunity for generations of African Americans. These institutions were born of the belief that post-Civil War freedmen should become immediately educated. They continue to provide quality higher education and professional nurturing to a broad mixture of diverse individuals.

In the days of slavery, slave owners made it a point to keep slaves from reading and having access to education. One only has to read Frederick Douglas to fully comprehend what slave owners would have brought upon themselves if slaves would have received an education. Even after the Emancipation Proclamation, during the days of Jim Crow laws, there were numerous efforts to keep blacks from having access to education.

As a result of the growth and success of HBCU's, the vast majority of African Americans with bachelor's degrees in engineering, computer science, life science, business and mathematics have graduated from one of the 105 HBCUs. These graduates make up the majority of our Nation's African American military officers, physicians, Federal judges, elected officials, and business executives. The distinguished faculty members of HBCUs serve as role models and mentors, challenging students to reach their full potential.

I graduated from an historically black institution—Florida A&M University. I wanted to be a physician, but I could not attend graduate school in Florida or any other southern state—not because I lacked the qualifications to be admitted to graduate school, but simply because of the color of my skin. For those of my generation, HBCU's were our sole lifeline for economic opportunity and advancement.

Today, HBCUs remain a critical part of our education system. These institutions have significantly increased educational access for thousands of economically and socially disadvantaged Americans, particularly young African Americans.

It is wonderfully appropriate that today we honor HBCUs with our words. It is even more important that we honor them with our deeds. In our Appropriations process, we must recognize the indispensable role that HBCUs play in our educational system and fund them properly.

Mr. Speaker, I congratulate our HBCUs for their record of achievement and commend Representative WATTS for offering this important resolution.

Mr. PITTS. Mr. Speaker, today, the House passed House Resolution 523, a resolution recognizing the contributions of Historically Black Colleges and Universities (HBCUs). Historically Black Colleges and Universities have a long, proud history of educating some of the brightest minds in America and tapping into the talent and potential of African-American students at a time in our Nation's history in which African-Americans did not enjoy the rights and freedoms of other Americans.

The 16th Congressional District of Pennsylvania is the home of two historically Black universities: Lincoln University and Cheyney University.

Lincoln University, named after President Abraham Lincoln, was founded in 1854 as an institution dedicated to providing higher education for African-American men. Lincoln University boasts several famous graduates, including renowned poet Langston Hughes and Former Supreme Court Justice Thurgood Marshall.

Founded in 1837, as the Institute for Colored Youth, Cheyney University is the oldest historically Black university in America. Cheyney University was founded through the help of a Quaker benefactor who was committed to ensuring that African-American students could receive a high quality higher education. Cheyney University also has a long list of distinguished graduates, including "60 Minutes" journalist Ed Bradley and Philadelphia Tribune publisher and CEO Robert Bogle.

Since the founding of Lincoln and Cheyney Universities, African-Americans have achieved many important milestones in various academic disciplines. Yet, Historically Black Colleges and Universities continue to carry the mantle of African-American scholarship for future generations.

Finally, I want to commend Dr. Ivory V. Nelson, President of Lincoln University, and Dr. W. Clinton Pettus, President of Cheyney University, for their leadership and vision.

Mr. FORBES. Mr. Speaker, I rise in support of H. Res. 523, which recognizes the important contributions of Historically Black Colleges and Universities. These institutions are rich sources of history and knowledge that continue to serve communities across the nation. Virginia's 4th Congressional District is home to two historically Black institutions of higher education.

Virginia State University, located near the historic center of the City of Petersburg, was founded on March 6, 1882 when the legislature passed a bill to charter the Virginia Normal and Collegiate Institute. The University's first academic year, 1883–84, saw a student body of 126 and a faculty of only seven. By the centennial year of 1982, the University was fully integrated, with a student body of nearly 5,000 and a full-time faculty of 250.

Dr. James Solomon Russell founded Saint Paul's Normal and Industrial School in 1888. In 1941 the institution was granted authority to offer a four-year degree program. In 1957 the name was changed to Saint Paul's College, the name it bears today. Saint Paul's College boasts a characteristically small college atmosphere with a student body of 600, allowing for both diversity and camaraderie

Virginia's history and desire for academic excellence are indelibly linked to the success and achievement of these institutions. For this reason, I rise in support of this resolution to recognize the Historically Black Universities and Colleges of our Nation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of House Resolution 523 recognizing the contributions of Historically Black Colleges and Universities. This legislation acknowledges the significance of the United States' Historically Black Colleges and Universities (HBCU's).

Historically Black Colleges and Universities are institutions of higher learning established prior to 1964. The principle mission of these institutions was, and is, the education of African-Americans. Toward this end, these institutions boast a proud and long-lasting tradition of producing some of the United States' most prominent African-Americans leaders and scholars, ranging from W.E.B. DuBois to Dr. Martin Luther King, Jr. and countless other individuals, who have devoted their lives to the service of traditionally disenfranchised communities throughout our Nation.

According to a number of sources, there are reportedly more African-American students attending HBCU's than at any other time in United States' history. In fact, as reported by the National Center for Educational Statistics, there was a 26 percent increase in HBCU enrollment between 1976 and 1994. For the years 1993 through 1994, roughly 28 percent of Black bachelor degree recipients received their degrees from Historically Black Colleges and Universities. With regards to this time span, Historically Black Colleges and Universities were responsible for awarding another 15 percent African-American master degree recipients, 9 percent of blacks earning a doctorate, and 16 percent of black professional degree recipients.

The State of Texas has been fortunate to have these Historically Black Colleges and Universities educate a significant portion of its residents and other students from a wide array of places throughout the world. From Texas' first Black college, Paul Quinn College, to colleges and universities such as Prairie View A&M University, Texas Southern University, and Wiley College, historically Black institutions throughout the State still play a critical role in the granting of undergraduate, graduate, and professional degrees to minorities. Due to the existence of these institutions, Prairie View A&M University has made a significant contribution to the preparation of many of Texas' minority educators, and Texas Southern University has played an enormous role in educating many Black attorneys and pharmacists.

Overall, as these institutions continue progressing toward claiming their stake in the mainstream of U.S. education, their missions and purposes for existing become more inclusive, as these important institutions adjust to the changing demographic compositions of their student bodies. It is a fact that more students from other racial and ethnic groups are attending.

Mr. Speaker, I urge my Colleagues to support this legislation. Historically Black Colleges and Universities not only are deserving of recognition, but they also are necessary to the vitality of our Nation's higher educational system. This legislation recognizes this very fact by acknowledging historically Black institutions' commitment to sustaining a viable education for students for over 100 years.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 523.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 337) recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

The Clerk read as follows:

H. CON. RES. 337

Whereas even though African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas 6 separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players;

Whereas Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship;

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States;

Whereas during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States;

Whereas during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues;

Whereas the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities;

Whereas only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves; and

Whereas baseball is the national pastime and reflects the history of the Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 337.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

This resolution, Mr. Speaker, recognizes the teams and players of the Negro baseball leagues for their achievements, dedication, sacrifices and contributions to baseball and to the Nation. I want to commend the distinguished sponsors of this resolution, the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Illinois (Mr. DAVIS), for introducing this important resolution.

Until the mid-20th century when Jackie Robinson and Larry Doby, and parenthetically I would say Larry Doby of the Cleveland Indians, broke the color barrier, African Americans were excluded from playing major league baseball. Despite this, the desire that some African Americans had to play baseball professionally could not be repressed.

African Americans began organizing their own professional baseball teams. In 1885, the Cuban Giants from New York became the first professional African American baseball team.

□ 1100

In 1920, Rube Foster, known as the "Father of Negro Baseball," organized the Negro National League by adopting an organized league structure. Between 1920 and 1960, six separate baseball leagues known collectively as the Negro Baseball League were formed. The Negro Leagues maintained the high level of professional skill and, some believe, became centerpieces for economic development in many African American communities.

Teams such as the Pittsburgh Crawfords, which played in Pittsburgh's Hill District, reflected this high level of skill. The Crawfords won the 1935 Negro National League with future Hall of Famers James "Cool Papa" Bell, Oscar Charleston, Josh Gibson, Judy Johnson and the legendary Satchel Paige.

Again, Mr. Speaker, parenthetically, there is a book I had the pleasure of reading last year called Crooked River Burning, which, sadly, is about some of the sadder days in Cleveland, Ohio, but it is the story of a young Polish fellow who grew up on the west side of Cleveland and follows his life. But it begins in 1948 when he sneaks out of his uncle's house to go down to Municipal Stadium and sees the debut of Satchel Paige and the Cleveland Indians uniform, and over 70,000 people were in attendance on that evening.

Starting in 1935, the black teams began all-star game competition. The game was known as the East-West Game and was played each summer in Chicago's Comiskey Park. The Negro Leagues also had their own world series, but according to the Negro League Baseball Players Association, the East-West Game was considered more important than the world series and annually attracted between 20,000 and 50,000 fans.

In 1945, major league baseball started signing players from the Negro Baseball Leagues to its minor leagues for the first time since 1919. By 1950, five major league teams had black players; by 1953, seven clubs had 20 players; and by 1957, 14 clubs had 36 players.

As players in the Negro Baseball Leagues signed to play with the major leagues and attendance at Negro League games dropped, the Negro Baseball Leagues folded in 1960.

Events such as the 1991 opening of the Negro Leagues Baseball Museum in Kansas City, Missouri, reflect the recognition that the Negro Baseball Leagues and its players deserve. As this resolution notes, the Negro Baseball Leagues helped teach the country to judge others not by the color of their skin, but by the content of their character and the measure of their skills and abilities. In fact, Mr. Speaker, gender roles also fell in the Negro leagues, because three women played in them.

Mr. Speaker, I ask all Members of the House to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am proud to be an original cosponsor of H. Con. Res. 337, recognizing the teams and players of the Negro Baseball Leagues. This is a measure that is long overdue.

Mr. Speaker, I have been an avid baseball fan since I was a young person, and actually 50 years after the fact I can still recite the starting lineup of the old Brooklyn Dodgers. So when my colleague, the gentleman from Oklahoma (Mr. WATTS), approached me several months ago to cosponsor a resolution with him honoring the Negro Baseball Leagues and players, it was not exactly a hard sell. Likewise, I am sure, it was not difficult for the gentleman from New York (Mr. RANGEL) and Senators SANTORUM and MIKULSKI to join us.

I am reminded of Harlan Williams' observations in Jim Crow at Bat: Apartheid in Baseball, when he wrote that, "Baseball is America's game. It was invented here, flourished here, and has been exported all around the world. As a national phenomenon, baseball has long served to mirror cultural currents and national attitudes. And from its inception, baseball's racial attitudes have mirrored those of society."

In 1872, John "Bud" Fowler became the first African American to enter organized baseball. At the time, Sporting Life magazine called him "one of the best general players in the country. If he had had a white face," they said, "he would be playing with the best of them." He was joined by a handful of other black players.

However, by the end of the 1800s, the door to organized baseball was slammed shut to African Americans. We are here today to celebrate the response to this closed door.

In 1920, Andrew "Rube" Foster, the indisputable father of Negro baseball, convinced seven other team owners to join with his team, the Chicago American Giants, to form the Negro National League. In fact, in 1981, "Rube" Foster was inducted into the Baseball Hall of Fame in Cooperstown, New York, where he is considered to be one of baseball's greatest renaissance men.

In the years following the establishment of the Negro National League, other Negro Baseball Leagues were formed. The skill of the play and the players was extraordinary, as was the colorful array of their nicknames: Satchel Paige, "Cool Papa" Bell, "Double-Duty" Radcliffe, "GroundHog" Thompson, and the list goes on and on.

Of the 254 members of the National Baseball Hall of Fame, 18 were players who had only played in the Negro leagues. Still others, including Willie Mays and Jackie Robinson, had first played in the Negro Leagues, then went on to play in the major leagues, and were later inducted into the Baseball Hall of Fame. In fact, the caliber in the Negro Leagues was so high that many of the players who later moved on to the major leagues actually had better statistics playing there than they did in the Negro Leagues.

The electrifying decision by Branch Rickey to sign Jackie Robinson to play for the Brooklyn Dodgers in 1947 pushed open the closed door. As the best African American baseball players joined the major leagues, the Negro Baseball Leagues declined. The last teams folded in the early 1960s.

Some people shake their heads and say that the Negro League players came along too early. I think "Cool Papa" Bell had it right when he said "they opened the door too late."

But then it is never too late to right what has been wrong, to create equal opportunity and to open the doors for the Luke Easters, Minnie Minosos, Kirby Pucketts, Barry Bonds, Sammy Sosas, Frank Thomases and countless others who have thrilled and delighted us with their skill.

It is never too late to make America what it has never been, but must be. Opening the doors and recognizing the contributions that African Americans have made to baseball is a step in the right direction.

Thomas Wolf is reported to have said, "To every man his chance, his golden opportunity, to become whatever his talents, manhood and ambitions combine to make him. That is the promise of America."

This bill is a step in the right direction, I commend the gentleman from Oklahoma (Mr. WATTS) for introducing it, and I urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATTS), the author of the concurrent resolution.

Mr. WATTS of Oklahoma. I thank the chairman for yielding me time, and I also want to commend and thank my friend from Illinois (Mr. DAVIS) for his assistance in this effort.

Mr. Speaker, when the National Association of Baseball Players on December 11, 1868, voted unanimously to bar "any club which may be comprised of one or more colored persons," a racial barrier was built, but an opportunity was born.

A few years later, the Cuban Giants in New York became the first black professional baseball team. The men in this fledgling organization played independently of any structured league, but started what would become a model for the first half of the 20th century.

There actually were some black players on integrated teams in the late 1800s. Brothers Moses Fleetwood Walker and Welday Walker played in the major leagues in 1884. But as a new century dawned, the systematic exclusion kept a lot of good talent off a lot of diamond-shaped fields.

In 1920, a man by the name of "Rube" Foster founded the eight-team Negro National League at a YMCA in Kansas City, Missouri. To this day, he is referred to as the Father of Black Baseball. Three years later, a pioneer named Ed Bolden formed the Eastern Colored League.

In 1933, echoing the major league structure, the Negro National League and the Negro American League were born. That same year, an all-star game was formed. Playing in Chicago's Comiskey Park, Negro League players garnered between 20,000 and 50,000 fans, who would come and watch the greatest black athletes of the day. Camden Yards, mind you, in Baltimore, holds less than 49,000 people.

Up until 1948, the Negro League World Series was played 11 times in all, surviving even the ruins of the Great Depression.

As we work to educate the public on the rich and awesome history of the Negro Leagues, we also must reflect on the progress that has been made in such a relatively short amount of time. Today we think nothing of seeing a black man at the plate hit home run after home run on teams like the Dodgers and the Yankees and the Giants and the Braves. It is difficult to realize that we would not see that same player a half century ago.

Jacques Barzun, a French American historian and former dean of Columbia University's graduate school, astutely observed in his book God's Country and Mine in 1994, "Whoever wants to know the heart and mind of America had better learn baseball."

Mr. Speaker, baseball is America. Along with apple pie and jazz and automobiles, it symbolizes who we are as a Nation. But let us not forget about who played in the shadow of the big leagues when our country subscribed to the ideology of separation.

I urge my colleagues to vote for this resolution to honor the players and the teams of the Negro Baseball Leagues.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time, so I will simply close by indicating that it is a thrill and delight. There are still a number of ex-members of the Negro League who live around and in my congressional district, and three or four of them often convene at a McDonald's restaurant and sort of hold court. Individuals kind of move around and come by to chat with them and to see them. "Double-Duty" Radcliffe recently passed away.

But one of the teaching instruments that takes place as people realize who these men are and what their contributions have been, they stand there at "McDonald's University" and soak in all of the knowledge and information.

So, again, I want to commend my colleague, the gentleman from Oklahoma (Mr. WATTS), for introducing H. Con. Res. 337, recognizing the teams and players of the Negro Leagues.

And as we recognize these teams and these players, I also want to acknowledge and recognize all of the parents and coaches who are involved in Little League baseball play. There is nothing better than watching a group of young people in organized Little League activity learning, growing, developing, reaching a level of understanding about teamwork, positive attitudes, and not on the corner hauling crack and blow, but listening to the sound of the crack of the bat.

So I commend the gentleman from Oklahoma (Mr. WATTS) for this resolution, and I urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Illinois (Mr. DAVIS) and the gentleman from Oklahoma (Mr. WATTS) for sponsoring this important resolution and working so hard to bring it to the floor.

This resolution pays tribute to the contributions of many fine athletes who did not get the recognition they deserved during their playing careers or, in many cases, during their lifetimes, because segregation required them to play out of the limelight.

Nevertheless, the players in the Negro Leagues were among some of the most accomplished who ever played our national pastime. Some went on to make their marks in the newly integrated major leagues. But all of them contributed to baseball history and helped pave the way for today's stars.

□ 1115

I urge passage of the resolution.

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the players of the Negro Baseball Leagues. These brave Americans—barred from playing major league baseball—organized their own professional baseball leagues that were, by all accounts, the caliber and quality of the all-white league from which they were excluded.

What began in the early 1800's as informal contests became actual professional teams by 1885, and the official Negro Baseball Leagues by 1920. The leagues, which lasted until 1960 when African-American ballplayers were accepted into major league baseball, were the venue for some of the game's greatest players. Jackie Robinson, Satchel Paige, Willie Mays, and Hank Aaron were giants of the game of baseball—all got their start in the Negro Baseball Leagues.

More important than their impact on the game of baseball, however, was the symbolic value of the Negro Baseball Leagues. In an era where being black meant second-class status in America, the players of the Negro Baseball Leagues gave African-American children role models and helped to integrate the all-white American pastime.

Mr. Speaker, the struggle from segregation to full racial integration—a struggle that continues to this day—is the story of brave men and women who broke racial barriers by challenging the social, political, and economic norms of their time. The players of the Negro Baseball Leagues were such people.

Today, we commemorate the Negro Baseball Leagues and the indelible mark they made not only on baseball, but also on American society.

Mr. PUTNAM. Mr. Speaker, I rise in support of H.C.R. 337 and particularly wish to recognize the Negro League teams that played in Florida and the players who now reside in our great State.

While there were other minor or semi-professional teams in our State, Florida's most recognized Negro League team was the Jacksonville Red Caps, who played in the Negro American League.

Their numbers are dwindling, there are now only 150 or so former Negro League players left in the entire country, so it is important that, as we consider H.C.R. 337, I also recognize former players of the Negro Leagues who now live in Florida.

While I'm sure my list of Florida's remaining Negro League players is not complete, each year the Jacksonville Suns honor former Negro League players, and on June 9 of this year they met at Wolfson Park and honored the following former Negro League players:

Herb Barnhill, who began his baseball career in 1936 and played for the Jacksonville Red Caps in 1938 and 1941–42;

Henry "Bird" Clark, who began his baseball career in 1955 at the age of 16 with the Kansas City Monarchs;

Art Hamilton, a catcher who started with the Indianapolis Clowns in 1953, played with the Detroit Stars and closed his career with the Philadelphia Phillies in 1961; and

Harold "Buster" Hair Jr., who played for the Birmingham Black Barons in 1953, was drafted and played in Canada and then in 1958 played with the Kansas City Monarchs.

Thank you, Mr. Speaker. It is my pleasure to join my colleagues today in recognizing the contributions of these African-American baseball players who now reside in Florida, and their surviving Negro League teammates. I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 337.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONSUMER RENTAL PURCHASE AGREEMENT ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 528

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services, as amended by the amendment recommended by the Committee on the Judiciary, now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution before us is a fair, structured rule providing for the consideration of H.R. 1701, the Consumer Rental Purchase Agreement Act.

H. Res. 528 provides 1 hour of general debate, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services, as amended by the amendment recommended by the Committee on the Judiciary, now printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read.

H. Res. 528 makes in order only those amendments printed in the Committee on Rules report accompanying this resolution. It provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. This rule waives all points of order against the amendments printed in the report.

Finally, H. Res. 528 provides for one motion to recommit, with or without instructions.

Mr. Speaker, I urge my colleagues on both sides of the aisle to join me in support of this fair rule, which would enable the House to work its will on H.R. 1701, and two separate amendments, one offered by the gentleman from New York (Mr. LAFALCE) and another offered by the gentlewoman from California (Ms. WATERS).

In summary, H.R. 1701 seeks to create uniform national disclosure standards for the rent-to-own industry. It provides greater cost information to consumers who are considering rental purchase agreements.

I would like to commend the work of the gentleman from Ohio (Mr. OXLEY), my friend and colleague of the Committee on Financial Services, in bringing this legislation to the House floor, which I was pleased to cosponsor earlier this year. I also want to commend the gentleman from North Carolina (Mr. JONES) for being the primary author of this measure.

Again, in closing, I urge my colleagues to join me in supporting this fair rule so that the House can proceed to consider the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this rule and to the underlying bill, H.R. 1701, a bill to amend the Consumer Credit Protection Act to establish Federal disclosure requirements for rental purchase businesses.

Traditionally, rent-to-own businesses cater to low- and moderate-income individuals who either do not have the money or do not have the credit to purchase goods for their homes. These individuals turn to businesses such as Rent-A-Center or RentWay with the idea that renting is a reasonable alternative to purchasing their household goods; and although this may be true in some instances, that is not always the case.

Mr. Speaker, to quote the gentlewoman from California (Ms. WATERS), who will speak on her own measures that she offered, one of which was accepted, three that were categorically rejected, she said this is special-interest legislation at its worst. For a number of reasons, this legislation fails to protect those consumers who depend on rental purchase businesses from being taken for a ride. And while the measure does implement necessary contracts, store tag, and advertising disclosure, it fails by preempting existing State consumer protection laws that treat rent-to-own transactions as credit sales and, therefore, require the disclosure of the cost of credit and annual percentage rates. A footnote right there, Mr. Speaker: in some of these failed disclosure situations, triple digit interest rates are being charged to people.

This bill might have had a chance of being a great piece of legislation, had the four amendments of my good friend and colleague, the gentlewoman from California (Ms. WATERS), and the second amendment of the gentleman from New York (Mr. LAFALCE) been accepted; and I was in full and complete support of both being allowed. As a result, this legislation in my judgment is not worth the paper it is drafted on. It is not curative. When the question was put yesterday to the relevant subcommittee chairman, who I am sure will speak and thus speak passionately regarding this matter, when the question was put to him whether or not it was curative, he stated that it was "helpful."

Worse yet, the Committee on the Judiciary chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), is quoted as saying, "The bill is unnecessary and unwise and is a misguided attempt to preempt the existing law of virtually every State."

The regulation of the rent-to-own industry is a State issue and all those who disagree, in my opinion, are misguided too.

How can H.R. 1701 fulfill its stated purpose to protect consumers against unfair rental purchase agreements and predator financial services if it does not require rent-to-own businesses to disclose the interest rates in the leasing contract? Would any of us accept a bank loan without the APR being stated in the contract?

Mr. Speaker, one of our duties as Members of Congress is to make accessible the highest quality of life for all those who live within our great country's borders. H.R. 1701 would work against that continuous goal, if passed as is; and I urge my colleagues to vote against H.R. 1701 and against this closed rule.

Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. HASTINGS) for the attention that he paid to this particular piece of legislation in the Committee on Rules. I thank him for taking the time to understand it and to try and help me to make it a better bill with the amendments that I presented at the Committee on Rules.

I had four amendments in the Committee on Rules to H.R. 1701; only one was accepted and, of course, I thank the members for that. However, I think I was thrown a bone, a bone to say, well, we did something; but certainly, this does not cure what is wrong with this bill.

Let me tell my colleagues about the other amendments that I proposed that were not accepted. One of the amendments that I had was a very simple amendment. The sponsors of the bill had indicated that they wanted this bill to be a floor rather than a ceiling when it comes to State laws, and my amendment would simply strike a single subsection that would have accomplished that goal. Let me just share with my colleagues that 52 of the State Attorneys General earlier signed on to a letter objecting to this bill and, specifically, the preemption section. The Attorneys General stated: "Any State law that affords consumers the benefit of disclosures in rent-to-own agreements beyond those required by H.R. 1701 would be invalidated."

This is simply about State preemption. I am surprised that those who are advocating State preemption would do so when oftentimes we find they are standing up to protect States' rights and the State to protect its ability to make public policy in the interest of that State.

As initially considered in committee, the bill would have preempted all inconsistent Federal and State laws, regardless of whether they provided greater or less protection for consumers. This has been revised to preempt only those State laws or regulations that treat rent-to-own transactions as credit sales and apply credit-like regulation, including disclosure of annual percentage rates and cost limits based on APRs. This would provide for automatic preemption of the laws of four States: Wisconsin, New Jersey, Minnesota, and Vermont, which currently apply credit statutes and regulations to rent-to-own transactions. It would also preempt all States from imposing credit-like restrictions on rent-to-own transactions in the future.

A letter written to the Committee on Financial Services by 52 State and territorial Attorneys General expressed strong opposition to any language which "expressly preempts any State law that regulates a rent-to-own transaction as a credit sale or similar arrangement that requires the disclosure to consumers of an effective interest, annual percentage, or singular rate."

This is outrageous, and we should be ashamed that a bill like this could get this far in the Congress of the United States. Most of those people out there as consumers expect us to protect them. Why would we fight to keep this industry from disclosing the interest rates on rent-to-own contracts? I think I know why. Why would we not want to treat them like credit sales? I think I know why. But it is unconscionable and unreasonable that Members of the Congress of the United States of America would use their power to work against consumers in this way with an industry that has some really questionable practices.

Let me tell my colleagues about the third amendment that they rejected. It would have added a new subsection to prohibit any unfair or deceptive acts or practices and abusive collection by the rental purchase industry.

□ 1130

Mr. Speaker, for years the industry has resisted it being classified as a sale so that it would not be subject to protections governing credit sales transactions. At the same time, it has also resisted coming under protections offered by the Consumer Leasing Act. I think it is unconscionable that a Federal law purporting to regulate this industry would fail to include basic protections against unfair or deceptive practices.

Let me tell Members a little bit about this industry. Some of the more outrageous examples include rent-to-own employees struggling with the customer in the home over the possession of the television set, and picking up a nearby object and smashing the set. This happened in Maryland in 1983.

An employee was breaking and entering a customer's home, only to be shot and killed as a result, in Nebraska in 1980.

In a number of instances, rent-to-own dealers have been found liable for tort claims such as assault, battery, and trespass.

In 1985, a Texas jury returned a verdict of nearly $130,000 against a rental company for injuries to a customer which occurred during an attempted repossession.

Many rent-to-own dealers, when faced with an incident of wrongful repossession, will attempt to accuse the employee of unforeseen misconduct. It goes on and on and on, but my attempts to clean up the legislation were rejected.

Lastly, let me tell the Members about the fourth amendment, which was so reasonable. It would have placed a cap on total price.

Twelve States currently require an early purchase option in rent-to-own contracts: California, Connecticut, Delaware, Iowa, Maine, Michigan, Nebraska, New York, Ohio, Pennsylvania, South Carolina, and West Virginia. All of these States employ a formula to determine how much equity is acquired in the product over time, and the difference between the figure and the cash price.

Six States impose substantive limits on rental purchase prices: Connecticut, Iowa, Michigan, New York, Ohio, and Pennsylvania. My amendment is based on the New York law.

I would ask that we reject this rule because it has done nothing to make this a credible bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would like to add emphasis, in closing, to what the gentlewoman said. She had one amendment that brought to the attention of this body that when a person that is renting pays 133 percent of the total purchase price that they would own the property. Now, any of us that pay 133 percent of something ought to at least own 75 percent of something by the time that we do that. For us not to have made that amendment in order, in my judgment, is a mistake.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to point out that if one is buying a house, in the typical payment, one is paying roughly 200 percent of the cost of the house after it is over. Most people are not complaining.

And to the gentlewoman from California, who said twice she has a list of 52 attorneys general writing in against this, I would love to see that list.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 178, not voting 16, as follows:

[Roll No. 391]

YEAS—238

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—178

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley

Berman
Berry
Bishop
Blumenauer
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Blagojevich
Bonior
Brown (FL)
Bryant
Clay
Hilleary
Kingston
Leach
Miller, George
Mink
Myrick
Roukema
Simmons
Stump
Velázquez
Young (FL)

□ 1220

Mr. MCNULTY, Ms. ESHOO and Mr. DAVIS of Florida changed their vote from "yea" to "nay."

Mr. HOYER and Mr. DOOLITTLE changed their vote from "nay" to "yea."

The resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to House Resolution 528 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1701.

□ 1222

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms and rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes, with Mr. ISAKSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 25 minutes for the Committee on Financial Services, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. WATERS) each will control 5 minutes for the Committee on the Judiciary.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I yield 5 minutes to myself to speak in support of this legislation.

Mr. Chairman, I speak to the whole House when I say that the subject of the legislation we find ourselves debating on the floor here today is the rent-to-own industry and the need to have some floor of regulations over that industry.

There are 15 million citizens who annually use rent-to-own stores. There has been an exhaustive study, a survey of rent-to-own by the Federal Trade Commission. In fact, they made several suggestions and proposals. They outlined abuses in the industry.

Let me speak to that industry. That industry is an industry, like many others, that people, their only connection with it is they drive by a store, and we see more and more rent-to-own stores in their neighborhood or in their city, but they do not know much about it. What the survey found is that people of all educational levels apparently are using rent-to-own. The number of people that have graduate school degrees, a good percentage of those people are using these stores.

Sometimes people go in and they rent equipment, rent furniture for as little as a month or 2 months, or even 2 weeks. I recently talked to someone that said they had gone in a rent-to-own store, and their explanation was that they were going to be in a city for 2 months and they simply did not want to get a U-Haul. They checked on the U-Haul rate, and it was $900 out and $900 back, and so they made a decision to spend $1,500 on furniture.

Many Members, such as the gentleman from North Carolina (Mr. JONES) and the gentleman from Connecticut (Mr. MALONEY), felt there ought to be some protection for consumers. There are State laws in 40 percent of the States that have protections; but this will establish in all 50 States a floor of protection. With the floor of protection we do not, and I want to repeat this, we do not preempt State consumer laws. We do not preempt State consumer laws. So there will be 15 States, if we enact this legislation, that will have stronger laws than this legislation. There will be approximately 35 that have weaker laws. In fact, there are States that have no laws. There are a number of States that have no laws. They will suddenly have laws regulating this industry. In fact, the worse abuses were in those States with no laws. The abuses identified in this report, they are addressed in this legislation. There will be significant provisions in this legislation to stop those abuses. There are States with very strong laws. We do not preempt those laws.

Do we preempt anything? Yes, we do. If we pass this law, there will be four States in which there is today an existing law, none which have been passed by the legislature, but four courts in four States have found that these are credit sales, and 46 States say they are leases. And those four States which say these are credit sales, we ought to give people disclosure like it was a credit sale, and we ought to show them the annual percentage rate.

Well, the IRS has looked at this and they say this is not a credit sale, this is a lease. This is not a credit sale. The Federal Trade Commission and the Federal Reserve, we brought them in. We had them testify. Is this a credit sale or is it a lease-purchase or a lease? They both said it is actually misleading and confusing to consumers to have them sign, have them give an APR disclosure of the annual percentage rate. It is a confusing thing. It will add nothing. That is what the Federal Trade Commission and the Federal Reserve have said.

And I think legitimately there are Members among us, and they have every right to their opinion, saying that the law in these four States, we do not want to preempt the four States that have said it is a credit sale. Well, the alternative is not to strengthen the law in 36 States. That is the choice we have.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like the Members of this House of Representatives and the public to pay special attention to H.R. 1701, the bill we are debating on the floor today. For those Members who have been outraged about what they have learned about Enron and Global Crossing and Qwest and WorldCom and all of those major corporations which have been found to game the system, who have been ripping off the investors, who have been putting their pensioners at risk, if Members think that is bad, they ought to pay attention to this one.

□ 1230

This is special interest legislation at its worst, because the people who will be ripped off in these schemes are little people. They are poor people. They are working people. They are people without very much money.

We talk a lot about trying to do something about predatory lending. That is, some of us. But, Mr. Chairman, this rent-to-own industry falls in the category of the check cashers and the payday lenders and even the tax preparers that are ripping off the most vulnerable of our society.

Let me tell you more about this rent-to-own industry. The bill is falsely presented by its industry proponents as pro-consumer, as not preemptive of State law. That is absolutely not true. The bill has one purpose and one purpose only, to circumvent stronger consumer protections in the Federal Truth in Lending Act and in statutes of a handful of States that the rent-to-own industry had not been able to overturn.

As originally introduced, H.R. 1701 sought to preempt all inconsistent State laws. This included all current or future State laws that attempt to regulate rent-to-own transactions as credit or installment sales as well as industry-enacted State rent-to-own statutes that provide stronger, but inconsistent, protections for its consumers. Although the amended committee bill has narrowed the scope of the bill's preemption somewhat, the bill would still preempt the best of the State laws in New Jersey, Minnesota, Wisconsin, and Vermont that seek to provide meaningful protections against unfair predatory practices; and it would still prevent these and other States from strengthening consumer protections in the future by treating rent-to-own transactions as credit sales.

If the industry had any good intentions, they would have supported my amendments in the Committee on Rules. I went in there and I asked for four simple amendments that I talked about during the debate on the rule. I suppose the worst of these is this preemption. Why would the Congress of the United States of America wish to preempt State laws that give strong protection to their people against this rip-off industry? The stories about what happens in this rent-to-own industry are absolutely outrageous and unconscionable. The idea that you could go in and rent a television that cost about $169, we checked this out, and end up paying $800 or $900 for that television set through one of these contracts, and on top of it, be forced to pay insurance that would protect the company from any damages that they may have caused in addition to what you may have caused is just simply outrageous.

Let me just say this. We are elected to come here to do a number of things. The least of that is to protect poor people and working people and voters and our constituents from being ripped off by industries that we know are ripping them off. We know what this is all about. Consumers must ask the question, Why would my Representative not protect me from this kind of ripoff? I want the consumers to ask that question.

Mr. Chairman, we have a lot of Members here, some Members here, who want to add their voices to try to protect consumers.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this bill. There is no overriding national need, no overriding public policy purpose, no overriding crisis that requires the Congress to federalize the regulation of the rent-to-own industry. The rent-to-own industry supports this legislation, and it is understandable why they do so. The fiscal note that is contained in the report of the Committee on the Judiciary says that the Federal Trade Commission intends to hire five new attorneys and investigators to investigate and enforce violations of this bill. That is five people nationwide looking into violations of the rent-to-own provisions that are contained in H.R. 1701.

That makes enforcement a joke. Because if you only have five cops regulating this pugnacious industry nationwide, you know that the law is not going to be enforced. So we are passing a piece of paper here supposedly in the name of consumer protection that the enforcing agency says that they will be able to enforce with just five people in the entire United States of America. I think that blows the cover on this being consumer protection legislation.

Let me tell you what this bill does to the Wisconsin Consumer Act. The Wisconsin Consumer Act by judicial construction has said that a rent-to-own contract is a credit transaction. This bill overrides that definition, and says it is a lease transaction and that eviscerates the enforcement by the Wisconsin attorney general's office of the rent-to-own industry. That is where the preemption is particularly harmful to consumers not only in my State but also in New Jersey, Minnesota, North Carolina, and Vermont.

Let us look at what enforcement has done in the States that have this preemption: $16 million worth of recoveries in Wisconsin, $30 million in Minnesota, and $60 million in New Jersey. So the rent-to-own industry knows that it is going to get a get-out-of-jail-free card should this legislation be passed. Furthermore, the Wisconsin legislature has been lobbied incessantly by this industry to pass an exemption, and they got it in as a budget amendment in this last budget cycle. Republican Governor Scott McCallum vetoed this exemption as being special interest legislation. So opposition to moving these transactions from credit to lease transactions in my State is bipartisan.

We have done a good job in regulating this industry in our State, and I think that has been the case in most of the other States. We should not do away with this. And if a State has lower consumer protections than this bill provides, then I think it is the business of that State legislature to look at their law and see if it is adequate and to make whatever amendments might be necessary. We should not have a Federal preemption even of a small amount in this legislation. I would urge the legislation to be defeated.

Mr. Chairman, I yield back the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Let me simply respond to some of the arguments that we have heard here today and let me stress why I do not think those arguments have a lot of validity. They sound good. The gentleman from Wisconsin has said, "We don't think there's a. national problem," but the gentlewoman from California stood up and talked about all sorts of abuses in all sorts of States. The Federal Trade Commission outlined abuses in several States. We have almost 20 States that have no regulation. The gentleman from Wisconsin says that this is up to the States, that the States ought to do something about this. When it came to homeowners, when it came to people that transact business with financial institutions, with Fair Debt Collection Practice Act, the Equal Credit Opportunity Act, Truth in Lending Act, Consumer Lease Act, Electronic Funds Transfer Act, we felt like the American consumer, the American customer, was entitled to some Federal protection. There is no Federal protection.

The gentleman did say that Wisconsin has acted, and acted in a tough way. Let me submit something to you. If we pass this legislation, there is nothing, nothing that prevents New Jersey, there is nothing that prevents Wisconsin, there is nothing that prevents Minnesota, there is nothing that prevents any of these States from banning these transactions. They can outlaw them. They can pass any type of tough legislation.

The gentlewoman from California is going to offer an amendment to basically put the California law as the law of all 50 States because she says California has this really tough provision and we want it in this bill. It will still be the law after we pass this legislation. It will still be the law in California. But to get enough support to pass this legislation, we have set a floor.

The gentlewoman from California talks about the attorney generals, that they wrote, all 50 of them, she said. But what you did not hear is that was to an original proposal before it came to the committee that I chair. When it came to the committee that I chair, we put in a provision that it does not preempt tougher consumer protection laws in those States that have it. In fact, my own attorney general who signed that letter wrote me September 13 and now says this legislation before us today will offer important new consumer protections for the citizens of my State. I do not have any protections now. The people of my State do not have any protections.

The gentlewoman from California, and I applaud her, and another gentlewoman from California and one of the gentlemen from Florida said, "In 40 States, you walk in these stores and there is not even a price tag on there. There is not even a disclosure as to the price." That is true. What did we do? We added a provision in this legislation that we are considering which, if it passes today, will require that in all 50 States, something that two of the States of the four that call this a credit sale do not even have today. And important, they said one of the most important protections a consumer ought to have. They will have that even in two of these States, including North Carolina.

Several things that North Carolina does not have if this law passes, they will have a much stronger law. Yes, we are overruling a judge in four States because we have to have a national standard. This does not work. You have to either call it a lease if you are going to have a Federal statute, or you have to call it a credit sale. Forty-six legislatures have said it is a credit sale. Those States, not legislatures, 46 States, including the majority of legislatures who have looked at it, well, all the legislatures that have looked at it say it is a lease. None of the legislatures have said it is a credit sale. Four judges sitting in four courts in four States have said it is a credit sale. The FTC, the Federal Reserve said this could be confusing. The IRS says it is not, that it is a lease. That is how we have come down. We have come down on the side of every legislature that has looked at this, the two Federal agencies that have looked at this, we have come down on that side. We have disagreed with four judges sitting in four courtrooms across the country because we have to come down on one side or the other because we strengthen the protections in 36 States, and we absolutely do not preempt any law that California has on the books today or other States, the 15 that have stronger laws except the credit sales thing.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, I regret that I must come to the well of the House to oppose the bill that is before us today. Even if the amendments, the two amendments that have been permitted by the Committee on Rules, should pass, I would still have to vote against it as inadequate. I do this with some mixed emotions, however, because I believe it is very, very important for us to pass additional consumer protections for rent-to-own transactions. I do this not opposed to the concept of a rent-to-own transaction whatsoever. For certain individuals at certain times, they can be valuable. But before we pass a Federal law, it should meet a very solid standard. This bill simply does not do that.

We have a delicate balance that we have to reach whenever we pass Federal legislation given the dual sovereignty under which we exist. We have to have, it seems to me, minimal Federal standards, but permit States to be even more protective, not less, so that we could have competition for the best standard rather than a lowering of the standards.

□ 1245

This bill just does not do this.

Now, the gentleman from Alabama has said there are approximately 20 states that do not have any protections and that this bill would, therefore, be an improvement for them. I think the gentleman is right, and that is one side of the coin.

The other side of the coin, though, is that we do preempt things that the gentleman says we do not preempt, and we ought not to. The amendment that I proposed to the Committee on Rules which would deal with the preemption issue in a very good manner was simply not permitted by them, so we cannot bring it to the floor so we could have a debate on it. I think the gentlewoman from California (Ms. WATERS) will be offering a motion to recommit with her own preemption provision. It will differ a little from mine. We will see.

But who is for this bill and who is against it? First of all, it is called consumer rent-to-own. I think that is a misnomer, because no consumer groups support this bill. As a matter of fact, they all oppose it. The group Consumer Action opposes it, the Consumer Federation of America opposes it, Consumers League of New Jersey opposes it, the Consumers Union opposes it, the National Association of Consumer Advocates opposes it, the National Consumer Law Center opposes it, the U.S. Public Interest Research Group opposes it.

Who favors it? It is the rent-to-own industry, that has put the word "consumer" in the front of the bill. So I think this is a little bit deceptive in its marketing and its advertising.

Now, what about the attorneys general of the various States? I do know that the original bill as introduced was opposed by every single attorney general of every single State.

The bill has been amended and it has been improved, there is no question about that. But I know of no attorney general who has privately or publicly changed his or her opinion. Maybe you do. But all I do know is that at least with respect to the original bill, every single attorney general opposed it. So I think that is of some relevance, too, as we determine whether we want to pass a bill, especially if that bill will be preemptive.

Now, the question is, is the bill preemptive or not? You have differences of opinion, so let us go to the language of the bill. As I read it, it sounds pretty preemptive to me. On page 33, line 21, (b), "State laws relating to characterization of transaction. Notwithstanding the provisions of subsection (a), this title shall supersede any state law that, (1) regulates a rental purchase agreement as a security interest, credit sale, retail installment sale, conditional sale or any other form of consumer credit, or that imputes to a rental-purchase agreement the creation of a debt or extension of credit, or, (2) requires the disclosure of a percentage rate calculation, including a time-price differential, an annual percentage rate, or an effective annual percentage rate."

The States that have that will be superseded, and every single State in the Union will be precluded from doing that in the future. I say to the gentleman from Alabama, if that is not preemption, I do not know what it is.

Now, there are a lot of other difficulties, too, other than the issue of preemption. The issue of cash price is one of them. There have been studies done about the percentage of individuals who do not really rent, but ultimately wind up owning. The studies can be interpreted differently and they differ, but, suffice to say, a significant number do wind up owning it.

The fact of the matter is, if they were to go to some department store, they might be able to buy a TV set for $200, and, unfortunately, they wind up paying closer to $800 or $1,000 for it, and they think they are getting a good deal. They need to be protected. Some States attempt to protect them, and we would preclude that, and we certainly would apply that to all the States.

If we are going to have Federal legislation, we must deal with that cash-price issue. We must deal with what the total cost of ownership would be, because too many individuals across America are being taken to the cleaners right now.

We have an important business in our society, the rent-to-own business. It should exist and it can serve a valuable function for certain clients, but only if we legislate consumer protections. We probably could get there through a process of negotiation, but we have not as of today.

Mr. Chairman, I urge everyone to oppose final passage of this bill.

Mr. BACHUS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES), one of the sponsors of the legislation. North Carolina has been mentioned as one of the four States, and there are sponsors of this legislation from the State of North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, since we have been talking about attorneys general around the United States, I must tell you one of my very best friends whom I served with for 10 years in the North Carolina House of Representatives is the Attorney General of North Carolina. His name is Roy Cooper. We have talked about a couple of other issues, but never did this come up. Maybe the other 49 are very concerned, but he has not shared that concern with me.

Let me tell just briefly the history of this issue as it relates to legislation dealing with the rent-to-own business. This goes back to a bill that was introduced 10 years ago by Congressman LoRocco from the West. That was 10 years ago, and, finally, after 10 years, right or wrong, we have brought this legislation to the floor. I certainly respect my friends on the other side of this issue, and I mean that most sincerely.

This consumer rent-to-own purchase agreement act, I do want to restate, represents the largest category of consumer transactions currently unregulated by the Federal Government. I mention that because we held hearings in the subcommittee of the gentleman from Alabama (Mr. BACHUS). I do not know if we had three or four, but I know there were several discussions. The gentlewoman from California (Ms. WATERS) was very proactive. I disagree, but I respect her ability and her positions on this issue.

I think that the rent-to-own business, quite frankly, has wanted to work with the Congress on this legislation. Does it go far enough? Maybe not, but is it a step in the right direction? I think it is. Several comments have been made about the rent-to-own industry and just how bad some people think it is, and I would like to read just a couple of survey comments from the Federal Trade Commission, survey of rent-to-own customers, and this is April of 2000. I believe that the Clinton administration was the administration in the year 2000.

Let me read, in a couple of minutes, some of their surveys of those people who do rent the rent-to-own equipment. Sixty-seven percent of consumers intended to purchase the merchandise when they began the rent-to-own transaction, and 87 percent of the customers intending to purchase actually did purchase. So that sounds like to me a satisfied customer. I cannot imagine anyone not satisfied that would buy the product. Seventy-five percent of rent-to-own customers were satisfied with their experience with rent-to-own transactions. Seventy-five percent.

They also state that nearly half of all rent-to-own customers have been late making a payment. Sixty-four percent of late customers reported that the treatment they received from the store when they were late was either very good or good, and another percent, 20 percent, reported that the treatment was fair. So, Mr. Chairman, in that case 84 percent of the people that were late in their payments said that they had an experience with the business that was very positive.

I want to close with this minute by reading a letter from four of my colleagues from the Democratic side that I think would rate with anyone as being a friend of the consumer in this country. It is the gentleman from New York (Mr. TOWNS), the gentleman from New York (Mr. MEEKS), the gentleman from Maryland (Mr. WYNN), the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from South Carolina (Mr. CLYBURN). They sent a letter out on September 17. That is this week, obviously. I want to read, in closing, one paragraph:

"H.R. 1701 will help consumers in several ways. Most importantly, like the Truth in Lending Act and the Consumer Leasing Act, the bill improves disclosures so that consumers can understand the full costs of this transaction and make better decisions about spending their money: For example, about 30 states do not require any price tag disclosures of total costs, and H.R. 1701 will fix that. It prohibits mandatory purchase of insurance from merchants and other unfair charges. It forbids abusive collection practices. It provides moderate or substantial expansion of reinstatement rights in about 40 states. It authorizes enforcement by the FTC and State attorneys general."

And they close by saying this, the gentleman from New York (Mr. TOWNS), the gentleman from New York (Mr. MEEKS), the gentleman from Louisiana (Mr. JEFFERSON), and the gentleman from South Carolina (Mr. CLYBURN) close this way, by saying to their colleagues, "We urge you to consider the merits of H.R. 1701 carefully, and we seek your support for its passage."

Mr. BACHUS. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentlewoman from California for yielding me this time.

I have prepared comments, but before I get to them let me say that it is really wonderful that the gentleman from Maryland (Mr. WYNN), the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from South Carolina (Mr. CLYBURN), and the gentleman from New York (Mr. MEEKS) and the gentleman from New York (Mr. TOWNS) would write a letter, but I am the gentlewoman from Ohio and there is the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE) and the gentleman from New York (Mr. LAFALCE) and a number of great Members of this Congress who oppose this legislation.

Secondly, I do not care what a survey said about 67 percent intending to purchase or 87 percent did purchase. They are consumers, and as a Member of Congress, I am here to protect the consumers from the State of Ohio, California, New York, and anywhere else, and just because they responded to a survey as such does not mean they are being protected.

A few days ago, Mr. Chairman, I stopped by one of those fancy coffee shops that serve enough coffee variations for nearly everybody's peculiar tastes. Instead of going with my usual black with two sugars, I decided to be a bit more adventuresome and ordered a double-decaf-triple-blend-nondairy-double-latte-hazelnut-cappuccino. But when I got my customized drink, I had to sift through a thick layer of fluffy foam in order to get to a few sips of coffee that were actually in my cup. All in all, my coffee adventure was a big letdown, just like H.R. 1701 is also a letdown, and once you sift through the fluff, it is clear that this bill advances the interests of the rent-to-own industry while leaving its customer in a haze of disinformation.

The gentlewoman from California (Ms. WATERS) and the gentleman from New York (Mr. LAFALCE), my esteemed colleagues, have offered several amendments that would address the abuses in what can rightfully be classified as legal loanshark rates. Without their amendments, the rent-to-own industry becomes a form of debt slavery where customers pay and pay and pay but in the end they may never get anything for their money.

We have heard the horror stories about the rent-to-own customers ultimately paying up to five times an item's actual cost before they can own it. Some in the industry have tried to skirt the issue of interest rates by claiming that these are not actually credit sales. But those claims conveniently ignore the ultimate goal of most rent-to-own customers, to own the product. The fundamental issue comes down to disclosure and H.R. 1701's advocates have tried to paint a picture of the excessive burdens that will come with disclosing some basic facts and answering simple questions about these transactions. But what is so burdensome about answering questions, as many of our amendments would do, such as what is the cash price if I buy today? Is that burdensome? Or what is my early purchase option? Or what is the effective interest rate if I make my weekly or monthly payment until I own the item? It is almost like those insurance policies that people of color used to buy in Alabama and they come by every day and pay 25 cents a week and month after month after month for 30 years and when they die they cannot even be put in the ground. What about what is the cost of any insurance of the services I pay? Or what about what are the guarantees in effect while I am still paying under a rent-to-own and after I purchase the item? Simple questions that we all want an answer to. The answers to these questions will allow customers to make better informed decisions when they are choosing between using a rent-to-own service or to buy an item outright. Where is the burden in that?

While I recognize the rent-to-own industry may serve a legitimate purpose by allowing customers to have an item for only short periods of time or consider alternatives when deciding whether to purchase, H.R. 1701 as it stands right now only serves to advance the special interests of many of the economic scavengers in the rent-to-own industry who are looking to have a feast on unwitting consumers.

□ 1300

I urge my colleagues to vote against this legislation.

Mr. BACHUS. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank my colleague, the gentlewoman from California (Ms. WATERS), for yielding me this time and also for her clarity in leading the charge against this special interest, anticonsumer legislation. Her hard work and clear understanding of this legislation has really brought focus to this debate and to this very deceitful bill. I also want to thank our ranking member on the committee, the gentleman from New York (Mr. LAFALCE), for his leadership and his dedication to really try to fix this very badly broken bill.

Now, when our committee considered this bill, I supported numerous amendments to improve it, but, of course, to no avail. Last night Members sought an opportunity to offer several meaningful amendments to the bill here today, but the Committee on Rules only allowed two. So what are we left with? A bad, broken bill that is in desperate need of repairs.

That is why I rise today in strong opposition to the underlying bill, the so-called rent-to-own bill, and in strong support of the Waters and LaFalce amendments. A more accurate name for the bill in its present state might be rent-at-your-own-risk or rent-until-you-could-have-owned-it-three-times-over, because this bill fails to provide real consumer protections against unscrupulous operators who charge exorbitant rates to low-income people for items really that a wealthy person could buy with their credit card for a mere fraction of the price.

Concerns over the business practices of the rent-to-own industry are very real. These merchants entice vulnerable low- and moderate-income consumers to acquire household goods with no credit checks, no qualification, and low payments, and disguise the true cost of the transaction.

Here are just a few of the enticements commonly used; we have no doubt heard them before: "Bad credit? No problem"; "Need a TV? Come on down"; "Get it today, enjoy it tonight"; "The sooner you come in, the more money you will save."

Well, perhaps on the other hand, if you do not live in a minority neighborhood, you may have never heard these ads.

These aggressive and alluring ads stress affordability and immediate rewards, only while completely ignoring the actual cost of acquiring the merchandise over the contract's term, which usually ends up being significantly higher than the cost of buying the merchandise through credit cards or more conventional means.

Though much of this bill merely duplicates existing weak rent-to-own laws in many States, it really has an insidious core. At the heart of this bill lies preemption language that would kill stronger State laws in four States, Minnesota, New Jersey, Wisconsin, and Vermont, that still treat rent-to-own as a credit transaction. So if this bill is enacted, all States would be required to treat rent-to-own sales as if they were leases subject to minimum disclosures, and the few remaining consumer protections in those four States would actually be lost.

No wonder this bill is opposed by all of the consumer groups, including Consumers Union, Consumers Federation of America, National Consumer Law Center, ACORN, U.S. PIRG, and others. No wonder all 52 State attorneys general oppose this bill.

Congress should really be working for true consumer protections for all Americans in rent-to-own transactions, not assaulting the laws of four States and creating a Federal ceiling on the regulation of the industry.

Frankly, this bill is simply another in the long line of well-titled, good-sounding, anti-consumer bills that the majority deems appropriate to spend our time discussing when the end of the fiscal year is right around the corner and the majority of this Chamber's work on appropriations has yet to be done.

So I urge all Members to stand up for consumers today by voting for the Waters and LaFalce amendments and oppose this sham industry bill.

Mr. BACHUS. Mr. Chairman, this legislation passed out of the Subcommittee on Financial Institutions and Consumer Credit, which I chair, on a vote of 24 to four.

Mr. Chairman, I yield 3½ minutes to the gentleman from Connecticut (Mr. MALONEY), my Democratic colleague on the full committee.

Mr. MALONEY of Connecticut. Mr. Chairman, I rise to urge my colleagues to support the Consumer Rental Purchase Agreement Act, H.R. 1701. The bill before us is the product of many months of hard work by many Members. I especially want to thank the gentleman from North Carolina (Mr. JONES) and my Committee on Financial Services colleagues on both sides of the aisle for their constructive input in producing a bipartisan, consumer-friendly piece of legislation.

Let me be clear. This bill establishes a Federal floor for rent-to-own disclosures and consumer rights, and preserves States' options to regulate costs and other disclosures. That is, States can still apply further economic and substantive safeguards such as regulating maximum rental costs, allowable fees, and fair collection practices, should they decide to do so.

In April of 2000, the Federal Trade Commission issued a staff report that addresses many of the issues surrounding the rent-to-own industry. Generally speaking, the FTC report concluded that clear and comprehensive disclosures of the rental-purchase transaction would benefit both the industry and consumers. That is what this bill does.

Additionally, the FTC made some recommendations regarding the types of disclosures that would benefit the consumer the Consumer Rental Purchase Agreement Act before us today begins to implement those recommendations. Let me quote or cite a few examples.

Again, H.R. 1701 establishes a Federal floor, assuring that more protective State laws continue in force and can be enacted in the future. Secondly, the bill expands and assures that the consumer's acquisition rights will be preserved after a missed payment if the consumer acts to reinstate the lease within a specified period of time. The bill prohibits mandatory charges for damage waiver. It requires price tags and labels and clarifies what should be included on those price tags and labels. It requires more accurate cost disclosures, and it requires the disclosure of whether or not the equipment is new or used.

The bill prohibits merchants from imposing a balloon payment or any other special fee to acquire ownership, and it prohibits abusive practices and provides stringent liability and enforcement mechanisms. The bill gives enforcement power to both the FTC and to the State attorneys general, and the bill ties criminal and civil liabilities and penalties for violations to the requirements for the Truth in Lending Act and the Consumer Leasing Act.

My good friends who oppose this legislation are simply wrong. This legislation creates a Federal floor. For all of the good things that they would like to achieve, in addition to what this bill does, can in fact be done at the State level; and I would submit to them that right now there is no Federal structure for the regulation of this industry. What this bill does is create the Federal structure for the regulation of this industry, for the benefit of the consumer, and creates an opportunity in the future to add additional protections as those protections are argued successfully through the congressional process. So this is a great opportunity for the consumer that we offer here today in this legislation.

Is this bill good for industry? Of course it is good for industry, because it creates that mandatory minimum Federal floor which helps create the national marketplace in which this activity can take place. That is the benefit of a continental market. But is it good for the consumer? Of course it is good for the consumer, because it establishes rights that consumers do not have now, takes no rights away, and gives the opportunity for additional rights, either to be granted by the States or to be granted by the Congress of the United States.

Mr. Chairman, this is a very important step forward for consumers in this country, as well as a step forward for our economy.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to correct a few things. My colleague, the gentleman from Alabama, listed the FTC and cited the FTC report I think as support for the legislation. The FTC responded that they did not support a need for Federal legislation at this time. I just wanted to clear the record of that.

Also, I want to clear up some statements that were made by my colleague relative to preemption. We have a letter from the State of Wisconsin that says that this proposal would block all future State efforts to protect rent-to-own customers within the context of consumer credit regulation. They also go on to say that the substitute's approach to preemption is in conflict with the fundamental principle underlying the attorneys general letter of September 5, 2001.

So I do not want the Members of Congress to believe that somehow preemption is not a question. It certainly is still a question and, certainly, there is preemption.

Mr. Chairman, I want to share with my colleagues that some of the amendments that I attempted have been alluded to by other Members who have talked about this bill. I want to share with my colleagues that I tried to amend this legislation that would basically place a cap on total price. My amendment was based on New York and Iowa law which requires that a percentage of the periodic payment be devoted to equity. My amendment would have provided that 75 percent of each payment would count as an ownership interest in the property, and that the customer would acquire full ownership of the property when he or she had paid an amount equal to 133 percent of the cash price.

Well, that was opposed; and that is what some of my colleagues were talking about when they talked about the exorbitant prices.

Also, I would like to point out that I tried desperately to do something about the abusive practices with an amendment, and I cited some of the things that happened with these repossessions. Many of the rent-to-own contracts have clauses which attempt to sanction the entry into the customer's residence when the customer is not even at home. The contract currently used by a large company provides, and I quote, that "the lessor shall have the right forthwith and without prior notice to enter any premises where said property is located and take immediate possession of said property without the necessity of any legal or judicial process," and "the lessee shall be obligated to reimburse the lessor for any and all expenses related to any reasonable effort to repossess the property, including reasonable attorneys' fees."

This industry is unconscionable.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, there are a number of difficulties with this bill. We could deal with those difficulties if we had more time and willingness, and if we were negotiating it, rather than an attempt to negotiate it with the industry. If we just proceed with this bill, I think it is dead for this Congress. I do not think it will see the light of day in the Senate.

What are some of the issues? Well, first of all, preemption is an issue. I read off the specific provisions of the bill that preclude preemption. The gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, wrote an excellent opinion explaining the difficulties he has because of preemption. These are not make-believe arguments; they are consumer protections that are preempted. States cannot do it. State laws are superseded. We need to deal with that issue.

Now, I actually do not think that those are the primary concerns of the rent-to-own industry. What are their primary concerns which probably only a handful of Members, at best, would even be aware of?

□ 1315

First, it is not so much the APR consumer protections, it is the treatment, the tax treatment of the rent-to-own contract. It is not that the IRS has said this is a lease to be written off for 3 years, it is that the rent-to-own industry got Congress to put a provision in the Tax Code that says a rent-to-own contract shall, by definition, be a lease, and shall be allowed a 3-year write-off. They are afraid that some provision of the Federal or State law might alter that treatment. We can deal with that.

They are also concerned, too, about if it is considered to be a credit sale, it might not be considered an asset of theirs. If it is not an asset of theirs, they might not have the security that is available to obtain cash flow financing from financial institutions. So that is another concern. I think that is something that could be dealt with, too.

In other words, we could deal with their business problems while still having good Federal standards for consumer protection and allowing the States to go further. This bill does not do it.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I thank the gentleman from Alabama (Mr. BACHUS) for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1701. This is bipartisan legislation which would create a nationwide floor for rent-to-own contracts. In turn, this floor would create greater opportunities and flexibility for consumers to choose from when acquiring new products.

What kind of flexibility? Rent-to-own consumers do not need to commit to any specified amount of time to use these products. One example would be consumers who like to test out different products before deciding which product they will purchase. Rent-to-own gives them an opportunity to do that by just allowing the consumers to determine which of these products best suits their needs before purchasing that product.

In addition, rent-to-own allows consumers to obtain products they may only need for a short time. For instance, a consumer may want a giant screen TV for just the fall football season. They could engage in a rent-to-own contract for the fall, and at the end, simply return the TV, no questions asked, and end the agreement right on the spot.

Another example is particularly helpful for parents of children interested in taking music lessons on an instrument. These parents can obtain the instrument the child is interested in with a rent-to-own agreement. If the child loses interest, parents can simply return the instrument and stop making payments. Many school districts in the United States of America have this sort of thing in place.

Rent-to-own represents a viable and simple alternative for many Americans not looking to purchase a product. However, rent-to-own also represents an option for many Americans who lack credit or who do not have the funds to purchase a product they otherwise would be unable to obtain, so they do it slowly, with a rent-to-own contract.

In essence, this legislation is about ensuring greater options for consumers. As a body, I believe it is our mission to create more and not limit choices and opportunities for consumers.

Those opposed to this legislation claim the bill would override State law and harm consumers. That is a gross distortion. While this legislation would create a new floor for consumer protections in the States, in no way would the bill change any State law which is stronger than the standards written in the bill, nor would this bill prevent any State from enacting even stronger consumer protections for these leasehold agreements. What the bill does is create a floor of strong consumer protections from which States can work to help consumers who want to take advantage of rent-to-purchase opportunities.

I urge my colleagues on both sides of the aisle to join us in support for this legislation to give all consumers better protections in these contracts, and a lot more options in the market.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what is behind this bill? Not a desire to create a Federal floor of consumer protections for rent-to-own customers, as the majority views allege. If Members really believe that the rent-to-own people are in here doing all of this fighting because they want to provide consumer protection for the people that they have been literally ripping off and abusing all of these years, then I guess I do have a bridge I want to sell them.

This is an effort to avoid hundreds of millions of dollars in legal penalties imposed by courts from precisely those States whose laws it would preempt. Since 1997, legal actions responding to State consumer law violations have produced legal judgments and settlements against the Nation's largest rent-to-own chain, Rent-a-Center, Incorporated, amounting to $30 million in Minnesota, $16 million in Wisconsin, and more than $60 million in New Jersey.

Unable to win under these State laws, or to overturn them at the State level, the rent-to-own industry is simply calling on Congress to preempt them. All of the national consumer organizations oppose H.R. 1701, as has been indicated, as an inadequate standard to protect vulnerable consumers from misleading lease arrangements that really mask installment sales at exorbitant rates of interest. That is what this is all about.

If Members travel through Washington, D.C. in the poorest areas, or any of these cities, Members will see the check cashing industry, the payday loan industry, the rent-to-own industry, where they put their operations, where people are the poorest and most vulnerable, people who are desperate, who do not ask the questions, and who are willing to do everything they can to make those weekly payments without asking, what is the bottom line? What do they add up to?

Mr. Chairman, we cannot allow the Congress of the United States to be used to shield these rip-off rent-to-own dealers. We cannot allow this industry, I do not care how powerful they think they are, how much money they think they have, to come in here and use the Congress of the United States to keep ripping off people who expect some protection from us.

If we cannot stop this legislation on the floor of Congress, we are not worth our salt. I would simply say to the Members of Congress, it is preemption, it is abusive, it is exorbitant. This is the worst of the worst.

Again, for all people who went home and said to their constituents, forgive me about Enron, I did not know any better; forgive me about WorldCom, I did not know any better; yes, I am going to be about corporate responsibility; no, I will not allow the rip-off of the citizens of the country anymore, what are they going to tell their consumers and their citizens and their constituents when they go home after they have voted for this?

We are not going to let Members forget it. This is an area that some of us are going to have to spend priority time on: predatory lending. Everybody that falls under that banner, they have had free rein in America for too long, and people are suffering from it.

The assets, the hopes, and aspirations are being drained out of poor communities. They will never catch up. They will never be able to have a savings account. They will never have money to pay down on a home because they have been ripped off, dribble by dribble, buck by buck.

I do not care whether it is Democrats or Republicans, this is not a bipartisan bill. Do not give me the name of any Democrats who support it, because they are just as bad as those on the opposite side of the aisle who support this. I do not care what color they are, I do not care where they come from. As a matter of fact, I intend to expose every legislator, black, green, purple, I do not care what they are, that supports this kind of legislation. They have too much power. The people have invested too much in the Members of Congress for them to take their power and use it in this fashion. Not only is it unconscionable, but I daresay it is criminal to do so.

So they can name all the people who they want to name who supposedly support it, they can fashion their arguments in any way they want to call preemption, nonpreemption. They do not even try to defend against the abuses. They do not even try to defend against the exorbitant price because they cannot. It is just that bad.

Shame on us if we allow this legislation to get out of here. Shame on us who are elected by the people of this country, expecting us to give them some minimal protection. Many of them do not know about all of the fancy, highfalutin corporate relationships we have around here, but many of them do know that on a day-to-day basis they have to go to these little businesses because they think they have no place else to go to get a little help. They think we are looking out for them. I ask the Members of Congress to reject this legislation.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not sure whether I am sort of tan or yellow or whatever I am, but whatever I am, I want to agree with the gentlewoman from California (Ms. WATERS) about one thing. She has outlined a number of abuses. She has argued about a number of people that are being ripped off. I agree. But what she is saying has nothing to do with this bill, because this bill absolutely increases consumer protection.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN) to close, one of 24 Members of the Committee, after 4 days of hearings and markup, who voted overwhelmingly for this bill.

Mr. SANDLIN. Mr. Chairman, I am glad that the House is finally considering this bipartisan legislation to establish Federal oversight of the rent-to-own industry. Contrary to what we have heard today, many of my poor constituents, my consumers, have absolutely no access to consumer products without the rent-to-own industry.

As we have all heard today, currently there is no Federal oversight or regulation of the rental purchase industry. The lack of a Federal consumer protection statute for this growing industry is inexcusable; it is unconscionable.

While H.R. 1701 may not be a perfect piece of legislation, it represents a vast improvement over the inadequate status quo that has been referred to today.

According to an April 2000 Federal Trade Commission staff report, the rent-to-own industry serves approximately 3 million Americans and generates nearly $4.5 billion in revenues. It is time for Congress to enact a Federal statute governing this growing industry that will subject rent-to-own merchants to Federal oversight and reasonable minimum standards for contracts and point-of-rental disclosures.

By establishing a Federal floor for rental purchase agreements, H.R. 1701 will strengthen consumer protections in 32 States, including the State that I am from in Texas.

At the same time, I have read this measure and this measure does not preempt State statutes that provide consumers with even tougher protections for consumers, including disclosures intended to give rental purchase consumers all the information necessary to make intelligent decisions. They can make those intelligent decisions, and they do have more protections. This is pro-consumer in Texas and across the country.

Ironically, the opponents of a uniform Federal standard for the rent-to-own industry, which would regulate the industry under the Truth in Lending Act, are usually the most forceful advocates of Federal protection for consumers. Far from being a weakening of consumer protections, as some opponents of this measure contend, H.R. 1701 merely codifies rulings by both the Federal Reserve Board and the Internal Revenue Service that treat rental purchase tax credits as lease sales.

This is pro-consumer, it is pro-protection. It increases the ability of consumers to have information to make intelligent decisions about the purchases they have, and it gives the poor, the disadvantaged, the unfortunate the opportunity to have access to consumer products that they could get absolutely no other way.

I urge my colleagues to pass this long overdue measure. Let us get some regulation in this industry. Let us help our consumers.

Mr. Chairman, as an original cosponsor of the Consumer Rental Purchase Agreement Act, I am glad that the House is finally considering this bipartisan legislation to establish federal oversight of the rent-to-own industry.

As we have all heard today currently there is no federal oversight or regulation of the rental purchase industry. The lack, of a federal consumer protection statute for this growing industry is inexcusable, and while H.R. 1701 may not be a perfect piece of legislation, it represents a vast improvement over the inadequate status quo.

According to an April 2000 Federal Trade Commission staff report, the rent-to-own industry serves approximately 3 million Americans and generates nearly $4.5 billion in annual revenues.

In Texas alone, the rent-to-own industry generates nearly $500 million in annual revenues and employees 7,500 people. It is time for Congress to enact a federal statute governing this growing industry that will subject rent-to-own merchants to federal oversight and reasonable minimum standards for contract and point-of-rental disclosures.

By establishing a federal floor for rental purchase agreements, H.R. 1701 will strengthen consumer protections in 32 states, including Texas, that currently afford consumers weaker safeguards than those contained in the Consumer Rental Purchase Agreement Act. At the same time, this measure does not preempt state statues that provide consumers with even tougher protections for consumers, including disclosures intended to give rental purchase customers all the information necessary to make intelligent decisions.

Ironically, opponents of a uniform, federal standard for the rent-to-own industry, which would regulate the industry under the Truth-in-Lending Act, are usually the most forceful advocates of federal protections for consumers. Far from being a radical weakening of consumer protections, as some opponents of this measure contend, H.R. 1701 merely codifies rulings by both the Federal Reserve Board and Internal Revenue Service that treat rental-purchase transactions as lease sales.

I urge my colleagues to pass this long-overdue measure on behalf of rental-purchase consumers across the country.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1701, the so-called Consumer Rental Purchase Agreement Act.

This bill has nothing to do with protecting consumers. It doesn't help the most financially vulnerable Americans that often rely on rent-to-own agreements just to afford some of the most basic necessities for their families.

This bill is more about letting the $5 billion dollar a year rent-to-own industry get out from under strict consumer protection standards in force in several states. This shouldn't come to anyone's surprise considering the Republican leadership's track record of giving corporate interests a free ride at the expense of America's working families.

Proponents of this bill are right in pointing out that rent-to-own agreements are not subject to any federal standard. But, their effort to create a new national standard is severely misguided. Not only does it overturn tougher consumer protection laws already in place in most states. But, it will also prevent some states from regulating these transactions altogether.

In addition, this bill doesn't include important disclosure requirements mandating that rent-to-own businesses inform consumers of the total cost of entering into these agreements. This undermines the basic principle of a free market by barring Americans from shopping competitively and making informed choices.

We should do more to demand accountability from the rent-to-own industry. This bill simply gives them a shelter to play games with financing gimmicks and impose hidden fees on vulnerable consumers.

I think Congress owes more to America's working families than to conspire in another corporate scam. I urge my colleagues to stand up for consumers and vote down this misguided bill.

Ms. SCHAKOWSKY. Mr. Chairman, today I rise in strong opposition to H.R. 1701. I urge my colleagues to join me in opposing this anti-consumer legislation. I want to thank Representative WATERS for her tireless work on behalf of consumers. Every national consumer rights organization and 52 state and extraterritorial Attorney Generals oppose this bill. I should also note that there is bipartisan opposition to this bill. The Judiciary Committee Chairman has stated that "H.R. 1701 is a misguided attempt to preempt the existing laws of virtually every state." I could not agree more.

This legislation sacrifices consumer protections for the sake of a politically connected industry that is notorious for exploiting consumers. We should not preempt strong consumer protection laws in Minnesota, New Jersey, Wisconsin, and Vermont. This bill would also effectively stop states from passing strong consumer protections in the future.

The $5 billion a year rent to own industry offers goods and services to people who do not have the credit or money to buy goods at the regular sales price. I should note that this industry that already receives special treatment by the IRS. The IRS grants the Rent to Own Industry a three-year depreciation schedule. The horse racing business is the only other industry that has a three-year depreciation schedule. This legislation will give this industry even more "special treatment."

H.R. 1701 effectively allows the rent to own industry to hide the true costs of its transactions by hiding interest rates. Consumers should know the final cost of a deal they have agreed to.

This industry provides goods to those who are unable to conventionally purchase goods. We in Congress should work to strengthen and not weaken protections for families that are struggling to make ends meet. Low-income people predominately use this market. It is estimated that over 30% receive some form of public assistance, 59% earn less than $25,000 and 73% have a high school degree or less. These consumers frequently end up paying 10 to 15 times of the rental price. On average it takes a consumer 77 weeks to own the good.

Consumers are deceived by low monthly installment rates. People should absolutely know what they are getting into when they agree to buy an item over a long period of time. This legislation will make it even harder for consumers to get fair and accurate information about their obligations. We in Congress should work to strengthen, not weaken protections for working families. This legislation will effectively increase low-income people's debt. Join me in voting against this anti-consumer legislation and voting for the motion to recommit that is being offered by the gentlelady from California.

Mr. PAUL. Mr. Chairman, H.R. 1701, the Consumer Rental Purchase Agreement bill, rewrites every rent-to-own contract in the nation to conform to the dictates of federal politicians and bureaucrats. This bill thus represents another usurpation by Congress of powers reserved by the 9th and 10th amendments of the Constitution to the states and the people.

Rent-to-own transactions provide many low-income individuals an affordable means of obtaining durable goods, such as furniture, appliances and computers. Rent-to-own also provides a way of obtaining luxury items for a short time. For example, someone who cannot afford a big screen TV can use a rent-to-own contract to obtain such a TV to watch the Super Bowl.

Proponents of H.R. 1701 admit the benefits of rent-to-own but fret that rent-to-own transactions are regulated by the states, not the federal government. Proponents of this legislation claim that state regulations are inadequate, thus making federal regulations necessary. My well-intentioned colleagues ignore the fact that Congress has no legitimate authority to judge whether or not state regulations are adequate. This is because the Constitution gives the federal government no authority to regulate this type of transaction. Thus, whether or not state regulations are adequate is simply not for Congress to judge.

Some may claim that H.R. 1701 respects states' rights; because it does not preempt those state regulations acceptable to federal regulators. However, Mr. Chairman, this turns the constitutional meaning of federalism on its head. After all, the 10th amendment does not limit its protections to state laws approved of by the federal bureaucracy.

In addition to exceeding Congress's constitutional authority, H.R. 1701, like all federal regulatory schemes, could backfire and harm the very people it was intended to help. This is because any regulation inevitably raises the cost of doing business. These higher costs are passed along to the consumer in the form of either higher prices or fewer choices. The result of this is that marginal customers are priced out of the market. These consumers may prefer to sign contracts that do not meet federal standards as opposed to not having access to any rent-to-own contracts, but the Congress will deny them that option. According to the proponents of H.R. 1701, if people cannot obtain desired goods and services under terms satisfactory to the government, they are better off being denied those goods and services. Mr. Chairman, this type of "government knows best" legislation represents the worst type of paternalism and is totally inappropriate for a free society.

In conclusion, H.R. 1701 exceeds Congress's constitutional authority by regulating areas constitutionally left to the states. It also raises the cost of forming rent-to-own contracts and thus will deny those contracts to consumers who desire them. I therefore urge my colleagues to reject this paternalistic and unconstitutional bill.

Mr. SHOWS. Mr. Chairman, the rent-to-own industry provides an important service for those who cannot afford the initial expense of durable good purchases, such as furniture, washing machines, and televisions, and for those who are looking for temporary home furnishings. Many Mississippians rely on the convenience and accessibility of rent-to-own products. Nationally, rental and rent-to-own transactions total $5.3 billion each year. Because the rent-to-own industry provides such a vital service to so many people across the U.S., I am proud to support the Consumer Rental-Purchase Agreement Act on the floor of the House today.

The Consumer Rental-Purchase Agreement Act of 2002 (H.R. 1701) protects those consumers who opt to rent or rent-to-own. Because these types of transactions are short-term leases not covered by the Consumer Leasing Act or the Truth in Lending Act, H.R. 1701 fills a gap in federal regulation of consumer transactions.

H.R. 1701 regulates the rent-to-own industry by establishing federal regulatory framework for rent-to-own transactions. The legislation establishes a federal "floor" of minimum consumer protection for rent-to-own consumers in every state. This federal "floor" provides for consumer disclosures while still allowing states to impose price caps, fee limits, and other protections.

H.R. 1701 protects consumer rights. The bill extends the reinstatement period that preserves a consumer's acquisition rights after missing payments. It restricts the types of fees that merchants may charge, such as balloon payments for multiple late fees. The bill prevents merchants from requiring that customers purchase their damage waiver or insurance as a condition of the rental. It also prohibits abusive collection practices and protects customers from waiving their legal claims.

H.R. 1701 protects states' rights to regulate and establish business standards in the rent-to-own industry. The bill improves on the existing rent-to-own retail standards in more than 40 states but assures that more protective state laws continue in force. States can and do restrict rental costs and require further disclosures. H.R. 1701 also ensures the uniform definition of the transaction as a short-term lease with a purchase option (not an outright sale. or secured transaction), consistent with current federal tax treatment and statutes in 46 states. The bill does not prevent states form imposing on rent-to-own transactions economic limits like those applied in state regulation of long-term leases or consumer credit.

The bill provides for more complete and accurate consumer disclosures, adopting several policy recommendations made by the Federal Trade Commission in a recent study of the industry. For example, H.R. 1701 requires that merchandise bear a price tag or label disclosing the "total cost" of the rental, including mandatory fees or charges, as well as the rental payment amount and number of payments to acquire ownership. Only 18 states currently require any type of price tag or label disclosure, and even fewer include all of the information mandated by H.R. 1701.

I am a proud cosponsor of this bipartisan legislation, which raises the standards of disclosure in the rent-to-own industry and ensures that consumers are protected during these transactions. As a member of the Committee on Financial Services, I voted in favor of this legislation on June 27th, which passed the committee with bipartisan support and was reported favorably to the full House, 29–9.

I am proud to support this bill on the floor of the House today because it guarantees that the relationship between rent-to-own retailers and consumers maintains its integrity and best serves each side's financial stake in rent or rent-to-own transactions.

Ms. JACKSON-LEE of Texas. Mr. Chairman, today I speak out in opposition to H.R. 1701. This bill does great harm to our nation's consumers while protecting the rent-to-own industry with weak regulations that are not suited to the true nature of the type of transaction these contracts really represent—credit-sales contracts.

Once again, we hasten to pass a bill that unfairly places the interests of common consumers below the interests of industry and business. Unfortunately, there are those in the rent-to-own business who create these contracts without providing full disclosure to the consumers who use them—consumers who ultimately intend to own the television, furniture or other good contemplated in the rent-to-own agreement. When these consumers fail to make payment, instead of giving them reasonable terms and conditions prolonging the contract, or reinstating the contract owners of these contracts often take possession of these goods—even after the consumers has made significant payments under the contract in excess of the actual cost of the goods.

The measure also raises another issue that Republicans often use as a battle cry when they support regulation that oppresses the rights of individuals or threatens what they term as undue burdens on business and industry. I cannot count the number of times that I have heard Republicans raise the issue of states rights arguing that states know best and decrying Federal encroachment upon state matters. However, when they want to elevate the rights of our nation's industries over the rights of individual consumers, states rights goes right out of the door. This measure tramples on the decisions of state regulators to regulate rent-to-own contracts as credit sales and turns federalism on its head. H.R. 1701 would preempt strong state laws regulating rent-to-own contracts from New Jersey, Minnesota, Wisconsin and Vermont. This measure preempts stronger state laws regulating rent-to-own contracts and is opposed by 52 state and territorial Attorneys General.

Consumer advocates oppose this measure. Furthermore, all of the government witnesses during the Judiciary Subcommittee on Commercial and Administrative Law on this bill, including witnesses representing the Wisconsin Attorney General, the Federal Trade Commission and the Federal Reserve declined to recommend action on H.R. 1701, further making the argument that this is nothing more than a giveaway to the industry. Yet, we still see this measure progressing in the House.

I do not believe at this juncture, in our nation's history, that this legislation reflects Congressional concern for a nation with a stagnant economy and teetering on the brink of war. At a time when all of our nation's citizens are particularly concerned for their well being we should not pass legislation that will allow industry to capitalize on those citizens with the most exposure to these turbulent times. For these reasons I do not support H.R. 1701, and if present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. HEFLEY). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services, amended by the amendment recommended by the Committee on the Judiciary, printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the committee amendment in the nature of a substitute, as amended, is as follows:

H.R. 1701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Rental Purchase Agreement Act".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The rental-purchase industry provides a service that meets and satisfies the demands of many consumers.

(2) Each year, approximately 2,300,000 United States households enter into rental-purchase transactions and over a 5-year period approximately 4,900,000 United States households will do so.

(3) Competition among the various firms engaged in the extension of rental-purchase transactions would be strengthened by informed use of rental-purchase transactions.

(4) The informed use of rental-purchase transactions results from an awareness of the cost thereof by consumers.

(b) PURPOSE.—The purpose of this title is to assure the availability of rental-purchase transactions and to assure simple, meaningful, and consistent disclosure of rental-purchase terms so that consumers will be able to more readily compare the available rental-purchase terms and avoid uninformed use of rental-purchase transactions, and to protect consumers against unfair rental-purchase practices.

SEC. 3. CONSUMER CREDIT PROTECTION ACT.

The Consumer Credit Protection Act is amended by adding at the end the following new title:

"TITLE X—RENTAL-PURCHASE TRANSACTIONS

"Sec. 1001. Definitions.
"Sec. 1002. Exempted transactions.
"Sec. 1003. General disclosure requirements.
"Sec. 1004. Rental-purchase disclosures.
"Sec. 1005. Other agreement provisions.
"Sec. 1006. Right to acquire ownership.
"Sec. 1007. Prohibited provisions.
"Sec. 1008. Statement of accounts.
"Sec. 1009. Renegotiations and extensions.
"Sec. 1010. Point-of-rental disclosures.
"Sec. 1011. Rental-purchase advertising.
"Sec. 1012. Civil liability.
"Sec. 1013. Additional grounds for civil liability.
"Sec. 1014. Liability of assignees.
"Sec. 1015. Regulations.
"Sec. 1016. Enforcement.
"Sec. 1017. Criminal liability for willful and knowing violation.
"Sec. 1018. Relation to other laws.
"Sec. 1019. Effect on government agencies.
"Sec. 1020. Compliance date.

"SEC. 1001. DEFINITIONS.

"For purposes of this title, the following definitions shall apply:

"(1) ADVERTISEMENT.—The term 'advertisement' means a commercial message in any medium that promotes, directly or indirectly, a rental-purchase agreement but does not include price tags, window signs, or other in-store merchandising aids.

"(2) AGRICULTURAL PURPOSE.—The term 'agricultural purpose' includes—

"(A) the production, harvest, exhibition, marketing, transformation, processing, or manufacture of agricultural products by a natural person who cultivates plants or propagates or nurtures agricultural products; and

"(B) the acquisition of farmlands, real property with a farm residence, or personal property and services used primarily in farming.

"(3) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

"(4) CASH PRICE.—The term 'cash price' means the price at which a merchant, in the ordinary course of business, offers to sell for cash the property that is the subject of the rental-purchase transaction.

"(5) CONSUMER.—The term 'consumer' means a natural person who is offered or enters into a rental-purchase agreement.

"(6) DATE OF CONSUMMATION.—The term 'date of consummation' means the date on which a consumer becomes contractually obligated under a rental-purchase agreement.

"(7) INITIAL PAYMENT.—The term 'initial payment' means the amount to be paid before or at the consummation of the agreement or the delivery of the property if delivery occurs after consummation, including the rental payment; service, processing, or administrative charges; delivery fee; refundable security deposit; taxes; mandatory fees or charges; and any optional fees or charges agreed to by the consumer.

"(8) MERCHANT.—The term 'merchant' means a person who provides the use of property through a rental-purchase agreement in the ordinary course of business and to whom a consumer's initial payment under the agreement is payable.

"(9) PAYMENT SCHEDULE.—The term 'payment schedule' means the amount and timing of the periodic payments and the total number of all periodic payments that the consumer will make if the consumer acquires ownership of the property by making all periodic payments.

"(10) PERIODIC PAYMENT.—The term 'periodic payment' means the total payment a consumer will make for a specific rental period after the initial payment, including the rental payment, taxes, mandatory fees or charges, and any optional fees or charges agreed to by the consumer.

"(11) PROPERTY.—The term 'property' means property that is not real property under the laws of the State where the property is located when it is made available under a rental-purchase agreement.

"(12) RENTAL PAYMENT.—The term 'rental payment' means rent required to be paid by a consumer for the possession and use of property for a specific rental period, but does not include taxes or any fees or charges.

"(13) RENTAL PERIOD.—The term 'rental period' means a week, month, or other specific period of time, during which the consumer has a right to possess and use property that is the subject of a rental-purchase agreement after paying the rental payment and any applicable taxes for such period.

"(14) RENTAL-PURCHASE AGREEMENT.—

"(A) IN GENERAL.—The term 'rental-purchase agreement' means a contract in the form of a bailment or lease for the use of property by a consumer for an initial period of 4 months or less, that is renewable with each payment by the consumer, and that permits but does not obligate the consumer to become the owner of the property.

"(B) EXCLUSIONS.—The term 'rental-purchase agreement' does not include—

"(i) a credit sale (as defined in section 103(g) of the Truth in Lending Act);

"(ii) a consumer lease (as defined in section 181(1) of such Act); or

"(iii) a transaction giving rise to a debt incurred in connection with the business of lending money or a thing of value.

"(15) RENTAL-PURCHASE COST.—

"(A) IN GENERAL.—For purposes of sections 1010 and 1011, the term 'rental-purchase cost' means the sum of all rental payments and mandatory fees or charges imposed by the merchant as a condition of entering into a rental-purchase agreement or acquiring ownership of property under a rental-purchase agreement, such as the following:

"(i) Service, processing, or administrative charge.

"(ii) Fee for an investigation or credit report.

"(iii) Charge for delivery required by the merchant.

"(B) EXCLUDED ITEMS.—The following fees or charges shall not be taken into account in determining the rental-purchase cost with respect to a rental-purchase transaction:

"(i) Fees and charges prescribed by law, which actually are or will be paid to public officials or government entities, such as sales tax.

"(ii) Fees and charges for optional products and services offered in connection with a rental-purchase agreement.

"(16) STATE.—The term 'State' means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

"(17) TOTAL COST.—The term 'total cost' means the sum of the initial payment and all periodic payments in the payment schedule to be paid by the consumer to acquire ownership of the property that is the subject of the rental-purchase agreement.

"SEC. 1002. EXEMPTED TRANSACTIONS.

"This title shall not apply to rental-purchase agreements primarily for business, commercial, or agricultural purposes, or those made with Government agencies or instrumentalities.

"SEC. 1003. GENERAL DISCLOSURE REQUIREMENTS.

"(a) RECIPIENT OF DISCLOSURE.—A merchant shall disclose to any person who will be a signatory to a rental-purchase agreement the information required by sections 1004 and 1005.

"(b) TIMING OF DISCLOSURE.—The disclosures required under sections 1004 and 1005 shall be made before the consummation of the rental-purchase agreement and clearly and conspicuously in writing as part of the rental-purchase agreement to be signed by the consumer.

"(c) CLEARLY AND CONSPICUOUSLY.—As used in this section, the term 'clearly and conspicuously' means that information required to be disclosed to the consumer shall be worded plainly and simply, and appear in a type size, prominence, and location as to be readily noticeable, readable, and comprehensible to an ordinary consumer.

"SEC. 1004. RENTAL-PURCHASE DISCLOSURES.

"(a) IN GENERAL.—For each rental-purchase agreement, the merchant shall disclose to the consumer the following, to the extent applicable:

"(1) The date of the consummation of the rental-purchase transaction and the identities of the merchant and the consumer.

"(2) A brief description of the rental property, which shall be sufficient to identify the property to the consumer, including an identification or serial number, if applicable, and a statement indicating whether the property is new or used.

"(3) A description of any fee, charge or penalty, in addition to the periodic payment, that the consumer may be required to pay under the agreement, which shall be separately identified by type and amount.

"(4) A clear and conspicuous statement that the transaction is a rental-purchase agreement and that the consumer will not obtain ownership of the property until the consumer has paid the total dollar amount necessary to acquire ownership.

"(5) The amount of any initial payment, which includes the first periodic payment, and the total amount of any fees, taxes, or other charges, required to be paid by the consumer.

"(6) The amount of the cash price of the property that is the subject of the rental-purchase

agreement, and, if the agreement involves the rental of 2 or more items as a set (as may be defined by the Board in regulation) a statement of the aggregate cash price of all items shall satisfy this requirement.

"(7) The amount and timing of periodic payments, and the total number of periodic payments necessary to acquire ownership of the property under the rental-purchase agreement.

"(8) The total cost, using that term, and a brief description, such as 'This is the amount you will pay the merchant if you make all periodic payments to acquire ownership of the property.'.

"(9) A statement of the consumer's right to terminate the agreement without paying any fee or charge not previously due under the agreement by voluntarily surrendering or returning the property in good repair upon expiration of any lease term.

*"(10) Substantially the following statement: '**OTHER IMPORTANT TERMS**: See your rental-purchase agreement for additional important information on early termination procedures, purchase option rights, responsibilities for loss, damage or destruction of the property, warranties, maintenance responsibilities, and other charges or penalties you may incur.'.*

*"(b) FORM OF DISCLOSURE.—The disclosures required by paragraphs (4) through (10) of subsection (a) shall be segregated from other information at the beginning of the rental-purchase agreement and shall contain only directly related information, and shall be identified in boldface, upper-case letters as follows: '**IMPORTANT RENTAL-PURCHASE DISCLOSURES**'.*

"(c) DISCLOSURE REQUIREMENTS RELATING TO INSURANCE PREMIUMS AND LIABILITY WAIVERS.—

"(1) IN GENERAL.—A merchant shall clearly and conspicuously disclose in writing to the consumer before the consummation of a rental-purchase agreement that the purchase of leased property insurance or liability waiver coverage is not required as a condition for entering into the rental-purchase agreement.

"(2) AFFIRMATIVE WRITTEN REQUEST AFTER COST DISCLOSURE.—A merchant may provide insurance or liability waiver coverage, directly or indirectly, in connection with a rental-purchase transaction only if—

"(A) the merchant clearly and conspicuously discloses to the consumer the cost of each component of such coverage before the consummation of the rental-purchase agreement; and

"(B) the consumer signs an affirmative written request for such coverage after receiving the disclosures required under subparagraph paragraph (A) of this paragraph and paragraph (1).

"(d) ACCURACY OF DISCLOSURE.—

"(1) IN GENERAL.—The disclosures required to be made under subsection (a) shall be accurate as of the date the disclosures are made, based on the information available to the merchant.

"(2) INFORMATION SUBSEQUENTLY RENDERED INACCURATE.—If information required to be disclosed under subsection (a) is subsequently rendered inaccurate as a result of any agreement between the merchant and the consumer subsequent to the delivery of the required disclosures, the resulting inaccuracy shall not constitute a violation of this title.

"SEC. 1005. OTHER AGREEMENT PROVISIONS.

"(a) IN GENERAL.—Each rental-purchase agreement shall—

"(1) provide a statement specifying whether the merchant or the consumer is responsible for loss, theft, damage, or destruction of the property;

"(2) provide a statement specifying whether the merchant or the consumer is responsible for maintaining or servicing the property, together with a brief description of the responsibility;

"(3) provide that the consumer may terminate the agreement without paying any charges not previously due under the agreement by voluntarily surrendering or returning the property that is the subject of the agreement upon expiration of any rental period;

"(4) contain a provision for reinstatement of the agreement, which at a minimum—

"(A) permits a consumer who fails to make a timely rental payment to reinstate the agreement, without losing any rights or options which exist under the agreement, by the payment of all past due rental payments and any other charges then due under the agreement and a payment for the next rental period within 7 business days after failing to make a timely rental payment if the consumer pays monthly, or within 3 business days after failing to make a timely rental payment if the consumer pays more frequently than monthly;

"(B) if the consumer returns or voluntarily surrenders the property covered by the agreement, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 60 days after the date of the return or surrender of the property by the payment of all amounts previously due under the agreement, any applicable fees, and a payment for the next rental period;

"(C) if the consumer has paid 50 percent or more of the total cost necessary to acquire ownership and returns or voluntarily surrenders the property, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 120 days after the date of the return of the property by the payment of all amounts previously due under the agreement, any applicable fees, and a payment for the next rental period; and

"(D) permits the consumer, upon reinstatement of the agreement to receive the same property, if available, that was the subject of the rental-purchase agreement, or if the same property is not available, a substitute item of comparable quality and condition may be provided to the consumer; except that, the Board may, by regulation or order, exempt any independent small business (as defined by the Board by regulation) from the requirement of providing the same or comparable product during the extended reinstatement period provided in subparagraph (C), if the Board determines, taking into account such standards as the Board determines to be appropriate, that the reinstatement right provided in such subparagraph would provide excessive hardship for such independent small business.

"(5) provide a statement specifying the terms under which the consumer shall acquire ownership of the property that is the subject of the rental-purchase agreement either by payment of the total cost to acquire ownership, as provided in section 1006, or by exercise of any early purchase option provided in the rental-purchase agreement;

"(6) provide a statement disclosing that if any part of a manufacturer's express warranty covers the property at the time the consumer acquires ownership of the property, the warranty will be transferred to the consumer if allowed by the terms of the warranty; and

"(7) provide, to the extent applicable, a description of any grace period for making any periodic payment, the amount of any security deposit, if any, to be paid by the consumer upon initiation of the rental-purchase agreement, and the terms for refund of such security deposit to the consumer upon return, surrender or purchase of the property.

"(b) REPOSSESSION DURING REINSTATEMENT PERIOD.—Subsection (a)(4) shall not be construed so as to prevent a merchant from attempting to repossess property during the reinstatement period pursuant to subsection (a)(4)(A), but such a repossession does not affect the consumer's right to reinstate.

"SEC. 1006. RIGHT TO ACQUIRE OWNERSHIP.

"(a) IN GENERAL.—The consumer shall acquire ownership of the property that is the subject of the rental-purchase agreement, and the rental-purchase agreement shall terminate, upon compliance by the consumer with the requirements of subsection (b) or any early payment option provided in the rental purchase agreement, and upon payment of any past due payments and fees, as permitted in regulation by the Board.

"(b) PAYMENT OF TOTAL COST.—The consumer shall acquire ownership of the rental property upon payment of the total cost of the rental-purchase agreement, as such term is defined in section 1001(17), and as disclosed to the consumer in the rental-purchase agreement pursuant to section 1004(a).

"(c) ADDITIONAL FEES PROHIBITED.—A merchant shall not require the consumer to pay, as a condition for acquiring ownership of the property that is the subject of the rental-purchase agreement, any fee or charge in addition to, or in excess of, the regular periodic payments required by subsection (b), or any early purchase option amount provided in the rental-purchase agreement, as applicable. A requirement that the consumer pay an unpaid late charge or other fee or charge which the merchant has previously billed to the consumer shall not constitute an additional fee or charge for purposes of this subsection.

"(d) TRANSFER OF OWNERSHIP RIGHTS.—Upon payment by the consumer of all payments necessary to acquire ownership under subsection (b) or any early purchase option amount provided in the rental-purchase agreement, as appropriate, the merchant shall—

"(1) deliver, or mail to the consumer's last known address, such documents or other instruments, which the Board has determined by regulation, are necessary to acknowledge full ownership by the consumer of the property acquired pursuant to the rental-purchase agreement; and

"(2) transfer to the consumer the unexpired portion of any warranties provided by the manufacturer, distributor, or seller of the property, which shall apply as if the consumer were the original purchaser of the property, except where such transfer is prohibited by the terms of the warranty.

"SEC. 1007. PROHIBITED PROVISIONS.

"A rental-purchase agreement may not contain—

"(1) a confession of judgment;

"(2) a negotiable instrument;

"(3) a security interest or any other claim of a property interest in any goods, except those goods the use of which is provided by the merchant pursuant to the agreement;

"(4) a wage assignment;

"(5) a provision requiring the waiver of any legal claim or remedy created by this title or other provision of Federal or State law;

"(6) a provision requiring the consumer, in the event the property subject to the rental-purchase agreement is lost, stolen, damaged, or destroyed, to pay an amount in excess of the least of—

"(A) the fair market value of the property, as determined by the Board in regulation;

"(B) any early purchase option amount provided in the rental-purchase agreement; or

"(C) the actual cost of repair, as appropriate;

"(7) a provision authorizing the merchant, or a person acting on behalf of the merchant, to enter the consumer's dwelling or other premises without obtaining the consumer's consent or to commit any breach of the peace in connection

with the repossession of the rental property or the collection of any obligation or alleged obligation of the consumer arising out of the rental-purchase agreement;

"(8) a provision requiring the purchase of insurance or liability damage waiver to cover the property that is the subject of the rental-purchase agreement, except as permitted by the Board in regulation;

"(9) a provision requiring the consumer to pay more than 1 late fee or charge for an unpaid or delinquent periodic payment, regardless of the period in which the payment remains unpaid or delinquent, or to pay a late fee or charge for any periodic payment because a previously assessed late fee has not been paid in full.

"SEC. 1008. STATEMENT OF ACCOUNTS.

"Upon request of a consumer, a merchant shall provide a statement of the consumer's account. If a consumer requests a statement for an individual account more than 4 times in any 12-month period, the merchant may charge a reasonable fee for the additional statements.

"SEC. 1009. RENEGOTIATIONS AND EXTENSIONS.

"(a) RENEGOTIATIONS.—A renegotiation occurs when a rental-purchase agreement is satisfied and replaced by a new agreement undertaken by the same consumer. A renegotiation requires new disclosures, except as provided in subsection (c).

"(b) EXTENSIONS.—An extension is an agreement by the consumer and the merchant, to continue an existing rental-purchase agreement beyond the original end of the payment schedule, but does not include a continuation that is the result of a renegotiation.

"(c) EXCEPTIONS.—New disclosures are not required for the following, even if they meet the definition of a renegotiation or an extension:

"(1) A reduction in payments.

"(2) A deferment of 1 or more payments.

"(3) The extension of a rental-purchase agreement.

"(4) The substitution of property with property that has a substantially equivalent or greater economic value provided the rental-purchase cost does not increase.

"(5) The deletion of property in a multiple-item agreement.

"(6) A change in rental period provided the rental-purchase cost does not increase.

"(7) An agreement resulting from a court proceeding.

"(8) Any other event described in regulations prescribed by the Board.

"SEC. 1010. POINT-OF-RENTAL DISCLOSURES.

"(a) IN GENERAL.—For any item of property or set of items displayed or offered for rental-purchase, the merchant shall display on or next to the item or set of items a card, tag, or label that clearly and conspicuously discloses the following:

"(1) A brief description of the property.

"(2) Whether the property is new or used.

"(3) The cash price of the property.

"(4) The amount of each rental payment.

"(5) The total number of rental payments necessary to acquire ownership of the property.

"(6) The rental-purchase cost.

"(b) FORM OF DISCLOSURE.—

"(1) IN GENERAL.—A merchant may make the disclosure required by subsection (a) in the form of a list or catalog which is readily available to the consumer at the point of rental if the merchandise is not displayed in the merchant's showroom or if displaying a card, tag, or label would be impractical due to the size of the merchandise.

"(2) CLEARLY AND CONSPICUOUSLY.—As used in this section, the term 'clearly and conspicuously' means that information required to be disclosed to the consumer shall appear in a type size, prominence, and location as to be noticeable, readable, and comprehensible to an ordinary consumer.

"SEC. 1011. RENTAL-PURCHASE ADVERTISING.

"(a) IN GENERAL.—If an advertisement for a rental-purchase transaction refers to or states the amount of any payment for any specific item or set of items, the merchant making the advertisement shall also clearly and conspicuously state in the advertisement the following for the item, or set of items, advertised:

"(1) The transaction advertised is a rental-purchase agreement.

"(2) The amount, timing, and total number of rental payments necessary to acquire ownership under the rental-purchase agreement.

"(3) The amount of the rental-purchase cost.

"(4) To acquire ownership of the property the consumer must pay the rental-purchase cost plus applicable taxes.

"(5) Whether the stated payment amount and advertised rental-purchase cost is for new or used property.

"(b) PROHIBITION.—An advertisement for a rental-purchase agreement shall not state or imply that a specific item, or set of items, is available at specific amounts or terms unless the merchant usually and customarily offers, or will offer, the item or set of items at the stated amounts or terms.

"(c) CLEARLY AND CONSPICUOUSLY.—

"(1) IN GENERAL.—For purposes of this section, the term 'clearly and conspicuously' means that required disclosures shall be presented in a type, size, shade, contrast, prominence, location, and manner, as applicable to different mediums for advertising, so as to be readily noticeable and comprehensible to the ordinary consumer.

"(2) REGULATORY GUIDANCE.—The Board shall prescribe regulations on principles and factors to meet the clear and conspicuous standard as appropriate to print, video, audio, and computerized advertising, reflecting the principles and factors typically applied in each medium by the Federal Trade Commission.

"(3) LIMITATION.—Nothing contrary to, inconsistent with, or in mitigation of, the required disclosures shall be used in any advertisement in any medium, and no audio, video, or print technique shall be used that is likely to obscure or detract significantly from the communication of the disclosures.

"SEC. 1012. CIVIL LIABILITY.

"(a) IN GENERAL.—Except as otherwise provided in section 1013, any merchant who fails to comply with any requirement of this title with respect to any consumer is liable to such consumer as provided for leases in section 130. For purposes of this section, the term 'creditor' as used in section 130 shall include a 'merchant', as defined in section 1001.

"(b) JURISDICTION OF COURTS; LIMITATION ON ACTIONS.—

"(1) IN GENERAL.—Notwithstanding section 130(e), any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date the last payment was made by the consumer under the rental-purchase agreement.

"(2) RECOUPMENT OR SET-OFF.—This subsection shall not bar a consumer from asserting a violation of this title in an action to collect an obligation arising from a rental-purchase agreement, which was brought after the end of the 1-year period described in paragraph (1) as a matter of defense by recoupment or set-off in such action, except as otherwise provided by State law.

"SEC. 1013. ADDITIONAL GROUNDS FOR CIVIL LIABILITY.

"(a) INDIVIDUAL CASES WITH ACTUAL DAMAGES.—Any merchant who fails to comply with any requirements imposed under section 1010 or 1011 with respect to any consumer who suffers actual damage from the violation shall be liable to such consumer as provided in section 130.

"(b) PATTERN OR PRACTICE OF VIOLATIONS.—If a merchant engages in a pattern or practice of violating any requirement imposed under section 1010 or 1011, the Federal Trade Commission or an appropriate State attorney general, in accordance with section 1016, may initiate an action to enforce sanctions against the merchant, including—

"(1) an order to cease and desist from such practices; and

"(2) a civil money penalty of such amount as the court may impose, based on such factors as the court may determine to be appropriate.

"SEC. 1014. LIABILITY OF ASSIGNEES.

"(a) ASSIGNEES INCLUDED.—For purposes of section 1013, and this section, the term 'merchant' includes an assignee of a merchant.

"(b) LIABILITIES OF ASSIGNEES.—

"(1) APPARENT VIOLATION.—An action under section 1012 or 1013 for a violation of this title may be brought against an assignee only if the violation is apparent on the face of the rental-purchase agreement to which it relates.

"(2) APPARENT VIOLATION DEFINED.—For purposes of this subsection, a violation that is apparent on the face of a rental-purchase agreement [includes] ***includes, but is not limited to,*** *a disclosure that can be determined to be incomplete or inaccurate from the face of the agreement.*

"(3) INVOLUNTARY ASSIGNMENT.—An assignee has no liability in a case in which the assignment is involuntary.

"(4) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting or altering the liability under section 1012 or 1013 of a merchant assigning a rental-purchase agreement.

"(b) PROOF OF DISCLOSURE.—In an action by or against an assignee, the consumer's written acknowledgment of receipt of a disclosure, made as part of the rental-purchase agreement, shall be conclusive proof that the disclosure was made, if the assignee had no knowledge that the disclosure had not been made when the assignee acquired the rental-purchase agreement to which it relates.

"SEC. 1015. REGULATIONS.

"(a) IN GENERAL.—The Board shall prescribe regulations as necessary to carry out the purposes of this title, to prevent its circumvention, and to facilitate compliance with its requirements.

"(b) MODEL DISCLOSURE FORMS.—The Board may publish model disclosure forms and clauses for common rental-purchase agreements to facilitate compliance with the disclosure requirements of this title and to aid the consumer in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures. In devising such forms, the Board shall consider the use by merchants of data processing or similar automated equipment. Nothing in this title may be construed to require a merchant to use any such model form or clause prescribed by the Board under this section. A merchant shall be deemed to be in compliance with the requirement to provide disclosure under section 1003(a) if the merchant—

"(1) uses any appropriate model form or clause as published by the Board; or

"(2) uses any such model form or clause and changes it by—

"(A) deleting any information which is not required by this title; or

"(B) rearranging the format, if in making such deletion or rearranging the format, the merchant does not affect the substance, clarity, or meaningful sequence of the disclosure.

"(c) EFFECTIVE DATE OF REGULATIONS.—Any regulation prescribed by the Board, or any amendment or interpretation thereof, shall not be effective before the October 1 that follows the

date of publication of the regulation in final form by at least 6 months. The Board may at its discretion lengthen that period of time to permit merchants to adjust to accommodate new requirements. The Board may also shorten that period of time, notwithstanding the first sentence, if it makes a specific finding that such action is necessary to comply with the findings of a court or to prevent unfair or deceptive practices. In any case, merchants may comply with any newly prescribed disclosure requirement prior to its effective date.

"SEC. 1016. ENFORCEMENT.

"*(a) FEDERAL ENFORCEMENT.—Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), and a violation of any requirements imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements of this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional test in the Federal Trade Commission Act.*

"*(b) STATE ENFORCEMENT.—*

"*(1) IN GENERAL.—An action to enforce the requirements imposed by this title may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction.*

"*(2) PRIOR WRITTEN NOTICE.—*

"*(A) IN GENERAL.—The State attorney general shall provide prior written notice of any such civil action to the Federal Trade Commission and shall provide the Commission with a copy of the complaint.*

"*(B) EMERGENCY ACTION.—If prior notice is not feasible, the State attorney general shall provide notice to the Commission immediately upon instituting the action.*

"*(3) FTC INTERVENTION.—The Commission may—*

"*(A) intervene in the action;*

"*(B) upon intervening—*

"*(i) remove the action to the appropriate United States district court, if it was not originally brought there; and*

"*(ii) be heard on all matters arising in the action; and*

"*(C) file a petition for appeal.*

"SEC. 1017. CRIMINAL LIABILITY FOR WILLFUL AND KNOWING VIOLATION.

"*Whoever willfully and knowingly gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this title or any regulation issued thereunder shall be subject to the penalty provisions as provided in section 112.*

"SEC. 1018. RELATION TO OTHER LAWS.

"*(a) RELATION TO STATE LAW.—*

"*(1) NO EFFECT ON CONSISTENT STATE LAWS.—Except as otherwise provided in subsection (b), this title does not annul, alter, or affect in any manner the meaning, scope or applicability of the laws of any State relating to rental-purchase agreements, except to the extent those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.*

"*(2) DETERMINATION OF INCONSISTENCY.—Upon its own motion or upon the request of an interested party, which is submitted in accordance with procedures prescribed in regulations of the Board, the Board shall determine whether any such inconsistency exists. If the Board determines that a term or provision of a State law is inconsistent, merchants located in that State need not follow such term or provision and shall incur no liability under the law of that State for failure to follow such term or provision, notwithstanding that such determination is subsequently amended, rescinded, or determined by judicial or other authority to be invalid for any reason.*

"*(3) GREATER PROTECTION UNDER STATE LAW.—Except as provided in subsection (b), for purposes of this section, a term or provision of a State law is not inconsistent with the provisions of this title if the term or provision affords greater protection and benefit to the consumer than the protection and benefit provided under this title as determined by the Board, on its own motion or upon the petition of any interested party.*

"*(b) STATE LAWS RELATING TO CHARACTERIZATION OF TRANSACTION.—Notwithstanding the provisions of subsection (a), this title shall supersede any State law to the extent that such law—*

"*(1) regulates a rental-purchase agreement as a security interest, credit sale, retail installment sale, conditional sale or any other form of consumer credit, or that imputes to a rental-purchase agreement the creation of a debt or extension of credit, or*

"*(2) requires the disclosure of a percentage rate calculation, including a time-price differential, an annual percentage rate, or an effective annual percentage rate.*

"*(c) RELATION TO FEDERAL TRADE COMMISSION ACT.—No provision of this title shall be construed as limiting, superseding, or otherwise affecting the applicability of the Federal Trade Commission Act to any merchant or rental-purchase transaction.*

"SEC. 1019. EFFECT ON GOVERNMENT AGENCIES.

"*No civil liability or criminal penalty under this title may be imposed on the United States or any of its departments or agencies, any State or political subdivision, or any agency of a State or political subdivision.*

"SEC. 1020. COMPLIANCE DATE.

"*Compliance with this title shall not be required until 6 months after the date of the enactment of the Consumer Rental Purchase Agreement Act. In any case, merchants may comply with this title at any time after such date of enactment.*".

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 107–661. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, and shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107–661.

AMENDMENT NO. 1 OFFERED BY MR. LAFALCE

Mr. LAFALCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LAFALCE:

Page 5, strike line 5 and all that follows through line 8, and insert the following new paragraph:

"(4) CASH PRICE.—

"(A) IN GENERAL.—The term 'cash price' means the price at which a merchant, in the ordinary course of business, would offer to sell for cash the property that is the subject of the rental-purchase agreement, as determined by the Board pursuant to this paragraph.

"(B) DETERMINATION OF CASH PRICE.—The Board shall determine in regulation the formula or criteria for calculating the cash price of a product that is the subject of the rental-purchase agreement, which shall approximate the equivalent fair market value of the product if offered under a cash or credit sale, as adjusted to reflect additional charges or services, if any, that the Board determines are appropriate for purposes of rental-purchase transactions.

"(C) MINIMUM CASH PRICE.—Notwithstanding subparagraph (B), the cash price determined by the Board pursuant to subparagraph (B) shall not be less than an amount equal to twice the documented actual acquisition cost of the property to the merchant, which shall include the cost of shipment, refurbishing or other charges, as determined by the Board; except that, a merchant shall not be precluded from selling a product for cash for an amount that is less than the cash price determined under this paragraph.

"(D) ADJUSTMENT FOR USED PROPERTY.—The cash price of used or previously rented property that is the subject of the rental-purchase agreement shall be determined by adjustment of the cash price determined under this paragraph according to such formula or criteria as the Board shall prescribe by regulation.

"(E) PERIODIC ADJUSTMENT REQUIRED.—The Board shall, by regulation, periodically review and revise, as necessary, the formula or criteria for determining cash price under this paragraph in response to changes in merchant costs, market conditions, or other factors determined by the Board.

Page 17, beginning on line 4, strike "either by payment of the total cost" and all that follows through line 7, and insert "in accordance with section 1006;"

Page 18, beginning on line 8, strike " or any early payment option provided in the rental purchase agreement,".

Page 18, strike line 12 and all that follows through line 17 and insert the following new subsection:

"(b) TRANSFER OF OWNERSHIP.—

"(1) SCHEDULED PAYMENTS.—The consumer shall acquire ownership of the rental property upon payment of periodic payments totaling more than an amount, 50 percent of which equals the cash price of the rental property.

"(2) EARLY PAYMENT OPTION.—The consumer shall acquire ownership of the rental property, at any time after the initial payment, upon payment by the consumer of an amount equal to the amount by which the cash price of the leased property exceeds 50 percent of all previous payments under the rental-purchase agreement.

Page 18, beginning on line 23, strike ", or any early purchase option amount provided in the rental-purchase agreement, as applicable".

Page 19, line 4, strike "RIGHTS" and insert "DOCUMENTS".

Page 19, beginning on line 6, strike " or any early purchase option amount provided in the rental-purchase agreement, as appropriate".

The CHAIRMAN pro tempore. Pursuant to House Resolution 528, the gentleman from New York (Mr. LAFALCE) and a Member opposed each shall control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

□ 1330

Mr. LAFALCE. Mr. Chairman, before I get to the specifics of the amendment before us, let me just make a couple of points.

Some individuals have said there is no Federal protection; therefore, we need something to protect consumers. Let me underscore again the fact that every single consumer organization that I am aware of opposes this bill, and they are very pro-consumer. These organizations such as Consumers Union, the Consumers Federation of America, et cetera, they are pretty pro-consumer and they are adamantly opposed to this bill. So when individuals come to the floor and say that this is a consumer bill, there is a disconnect. And I ask people to draw their own conclusions as to what the cause of the disconnect is.

Secondly, some individuals keep getting up here and saying there is no preemption whatsoever; the States can do anything they want to. Again, I ask them to go to page 32 of the bill and 33, lines 20 through 7 on page 33 where it specifically says that notwithstanding the provisions of the rest of the bill, this title shall supersede any State law that does the following, and then it ticks it off including the disclosure of a percentage rate calculation, including a time-price differential, an annual percentage rate, an effective annual percentage rate, that, if a State law calls for it, eliminates a State law. If a State wants to pass legislation, it is precluded.

Do not come to this floor with a straight face and say that the States can do anything they want when this language is in here. If you come to the floor, read this language.

Unfortunately, the Committee on Rules is not offering us the opportunity to correct those deficiencies with an appropriate amendment. That means whatever happens with respect to the amendment the bill is still going to be defective.

They have permitted me to deal with one issue and that is the issue of cash price. And this is a rather large issue. It is going to be a controversial one, I understand that. But such a significant percentage of consumers who rent do wind up owning, that we have to ask what is the price of their ownership, and are they aware of it, and should we permit the rental industry to charge such an enormous price to the consumers, most of whom are the poorest in our society?

First of all, let us ask, well, what does it usually cost to own something? There have been a few studies. First of all, let me quote to you from a document put out by the U.S. PIRG, the Public Interest Research Group. They did a study, the average outright cash price for a 19-inch color TV at a department store would be $217; at a rent-to-own, $415. The average cost to rent to own a 19-inch color TV, that is outright; but the average cost at the department store $217. At the rent-to-own, $746. That is the total average cost, $746 as opposed to $217 at a department store. And I could go on and on and on.

More recently, a study was done by a professor at the Rochester Institute of Technology, Professor Robert Manning. He wrote the book "Credit Card Nation." He has a chapter in that book dealing with the rent-to-own industry. He says that the total Circuit City credit cost for a 19-inch Magnavox television was $231, whereas, the total cost under the rental purchase contract was $779. Unbelievable.

For a $190 Fisher 4-head VCR, the total retail credit cost at Circuit City would be $236.22 versus a total cost of $935.33 at Rent-a-Center.

This is unconscionable. Almost everybody who winds up owning property, and that is a significant number, and the gentleman himself has used figures of around 70 or 80 percent, I am not sure exactly what the accurate percentage is but it is significant, are winding up paying three, four, five times the cost of what it would be someplace else. I think we need to deal with that.

At present there are at least 12 States that currently impose some form of restriction on the cost consumers must pay to acquire ownership of rent-to-own merchandise. Over half these State impose limits on total rental costs and fees, while others provide an early purchase option that permits consumers who have access to cash to reduce the overall cost of the transaction.

But by far the simplest approach I have found for limiting total ownership cost under rent-to-own arrangements is that included in New York State law as well as in the rent-to-own statutes of Ohio and Nebraska. Under this approach, a consumer is assured of acquiring ownership of the rental property whenever their total rental payments reach an amount that is equal to two times or twice the stated cash price of the property. Now, this can be accomplished by making all scheduled payments or by a lump sum early-purchase option payment. This approach helps to limit the costs consumers must pay to own a product while also assuring a reasonable return for the merchants of roughly twice the retail cost.

Now, unfortunately, even this approach has run into problems in my own State of New York as rent-to-own merchants have sought to inflate the cash price of products in order to increase the total purchase price. So a product might be $200 at a department store, they call the cash price $400; and, therefore, they are able to charge $800 rather than the $200. So despite the intent of the law to have the cash price reflect local retail prices, rent-to-own merchants have often set the cash price at a much higher level than they would charge consumers to purchase the product outright.

Inflating the cash prices serves two purposes for rent-to-own merchants. It inflates the total cost consumers will ultimately pay to acquire ownership of the rental property, and it discourages consumers from making outright purchases of merchandise and encourages longer term, more costly rentals.

My amendment would make the ownership cost limitation in New York and Ohio State law presently the minimum standard of protection in the bill. Consumers who have made rental payments equal to twice the cash price of the rental property would be entitled to full ownership of the property. But in order to make this work as a national standard, the amendment would also direct the Federal Reserve Board, who would be responsible for the totality of this legislation, to issue regulations providing detailed criteria or a formula calculating the cash price for rental property together with additional criteria for adjusting the cash price for previously used property.

The Federal Reserve Board has acted in other circumstances to promulgate regulations dealing with truth and lending, et cetera, so I think they certainly would be able to do this.

Now, let me first say that with respect to preemption, this bill would not preempt the State laws dealing with cash price. I will get that out front. Nor would it preclude the States on their own from adopting some cash price restrictions in the future.

The difficulty is there is no good cash price law right now because of the ability of the rent-to-own industry to determine what cash price is and the trend is going in the other direction. If we are going to pass Federal legislation, we ought to get it right. We ought to protect the consumer. And it seems to me that the only bargaining power we are going to have is now. Once you pass any Federal legislation, I think it will be impossible as a political matter to strengthen it. There will be so much opposition. And so, if we are going to protect the consumer, we cannot do it later. It has got to be done as a condition of the passage of this particular bill. Otherwise, in my judgment, politically you will forfeit the opportunity to get it right in the future. And that is why this amendment, if we are going to go forward, ought to be included in the bill.

In its original form, H.R. 1701 provided no substantive equity or ownership protections for consumers. It provided no legal assurance that upon making all required rental payments a consumer will actually acquire ownership of the rented property. It offered no assurance that the consumer will not have to pay additional fees or meet additional conditions to acquire ownership. And it provided no assurance that, even after making all payments, the consumer will be given the appropriate documentation of ownership and any applicable warranties for the property.

Fortunately, I was able to offer several amendments that corrected these problems with the bill. However, equally serious problems were not resolved in fact that the bill does nothing to limit the outrageous costs that many consumers must pay over time to acquire ownership of merchandise under rent-to-own arrangements.

These costs can be substantial, and are often obscured from consumers by promotions that highlight only the low, and seemingly affordable weekly rental rate, while hiding total cost figures in confusing small print.

At least twelve states currently impose some form of restriction on the cost consumers must pay to acquire ownership of rent-to-own merchandise. Over half these states impose limits on total rental costs and fees, while others provide an early purchase option that permits consumers who have access to cash to reduce the overall cost of the transaction.

By far the simplest approach I have found for limiting total ownership costs under rent-to-own arrangements is that included in New York State law, as well as in the rent-to-own statutes of Ohio and Nebraska. Under this approach, a consumer is assured of acquiring ownership of the rental property whenever their total rental payments reach an amount that is equal to two times, or twice, the stated cash price of the property.

This can be accomplished by making all scheduled payments or by a lump sum early purchase option payment. This approach helps to limit the costs consumers must pay to own a product, while also assuring a reasonable return for the merchant of roughly twice the retail cost.

Unfortunately, this approach has run into problems in New York as rent-to-own merchants have sought to inflate the cash price of products in order to increase the total purchase price. Despite the intent of the law to have the cash price reflect local retail prices, rent-to-own merchants often set the cash price at a much higher level than they would charge consumers to purchase the product outright.

Inflating the cash prices serves two purposes for rent-to-own merchants—it inflates the total cost consumers will ultimately pay to acquire ownership of the rented property, and it discourages consumers from making outright purchases of merchandise and encourages longer term, more costly, rentals.

My amendment would make the ownership cost limitation in New York and Ohio State law the minimum standard of protection in the bill. Consumers who have made rental payments equal to twice the cash price of the rental property would be entitled to full ownership of the property.

To make this work as a national standard, the amendment also directs the Federal Reserve Board to issue regulations providing detailed criteria or a formula calculating the cash price for rental property, together with additional criteria for adjusting the cash price for previously used property. The Board would, in effect, provide a basis for determining cash price for rental-purchase transactions in much the same way it established a framework for determining annual percentage rates (APR) calculations for credit transactions thirty years ago.

Under the amendment, the calculation provided by the Board would assure a cash price at least to two times the merchant's acquisition cost, plus any supplemental costs the Board considers appropriate. The cash price would be set more uniformly at or near comparable retail prices for consumers in all parts of the country. And it would assure a total return for the merchants at somewhere near four times acquisition costs—a rate of return that most retail merchants would envy.

I would emphasize again that this is only the minimum standard for protecting consumers from excessive ownership costs. All states would continue to have the option of providing additional cost protections for consumers within their state.

We've made considerable progress in the bill in a pro-consumer direction. My amendment takes it a step further by assuring that the total cost of acquiring ownership of rent-to-own merchandise is reasonable for both the consumer and the merchant.

My amendment is entirely consistent with what proponents describe as the purpose of the bill. It takes the best approach currently in State law, sets it as the minimum federal protection, and continues to permit states to add whatever additional protections they consider necessary to adequately protect consumers.

I think this is a reasonable and balanced approach and I would urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment, and I think the gentleman from New York (Mr. LAFALCE) was accurate in basically much of what he said, and what he said was, I believe that we ought to have a price control; we ought to have price restriction. And 12 States do have that in their State legislation. And after we pass this legislation today, if the State chooses to pass it, those price restrictions will still be in place. There is no preemption.

As I have said repeatedly on the floor of this House in this debate here today, the only thing, the only thing that is preempted is the decision by four judges in four States, three or four States, there is a question in one of the States, whether to call this credit sales. And we have come down on the side of what the great body of evidence, all the State legislatures who have considered this as for tax treatment, IRS, how they have treated it, as a lease. And as I said, we have to make that decision if we are to have Federal regulation. We have done that.

And in those four States, there are three States, they are absolutely right, if this is an important protection for consumers in this State then that is taken away. However, I will tell you that in Wisconsin because of legislation, all the rent-to-own stores are closing or have closed so they are not giving anybody in Wisconsin that approach, did not give them any choice. It basically drove the industry out.

I applaud the gentlewoman from California (Ms. WATERS) for her honesty. She has said, I do not like this industry. I do not want them in business. And she has been upfront about that. As far as the consumer groups that we keep hearing about, when this legislation was introduced, they came to the Hill en mass and they said, We like some of what is in here, but I will tell you what we do not like, we do not like preempting those States with stronger laws and we are not going to support legislation until that is done.

Now, I would not have co-sponsored the bill. I did not introduce the bill. It came to my committee and at that time before 4 or 5 days of hearing, that is what they came to me and said. They said, Absolutely we will not support it unless that is in it. Put that in it and we will talk to you.

We had Members on both sides that did not like the fact that we preempted certain protections in certain States. So we have backed up, and we did not preempt any of those consumer protection laws. They are not preempted.

The attorney general of Alabama in a letter that he wrote me this week said, "If enacted, the legislation employed would set the floor for consumer protection while leaving intact existing State regulations that offer greater protection to consumers; and going forward under this legislation, any State legislature that chooses to do so can enact additional protection for its citizens that go beyond what is included in H.R. 1701."

Now, that is absolutely a fact. I do not think there is any argument there. I applaud the gentlewoman from California (Ms. WATERS). I applaud the other gentlewoman from California in that they have been opposed to this legislation and that they will be opposed to this legislation from now on. They want these stores closed. And there may be other Members of the body that want that.

There may be others that want price restrictions. Twelve States have opted for it. I really do not understand this. I do not understand how 38 States have said we do not want price restrictions. Yet the gentleman from New York (Mr. LAFALCE), who said, We are preempting what four States have done, now gets up with an amendment that changes the law in 38 States. Where is the consistency there?

□ 1345

When this proposal came up we went to the Federal Reserve. The gentleman from New York has said the Federal Reserve will set these cash prices formulas. Can my colleagues imagine when the Federal Reserve heard about an amendment that the Federal Reserve would have to start taking all their time and going around and setting these maximum prices? Do I need to inform this body they are opposed to having to do this? Absolutely they are opposed to it.

As the FTC concluded in its report, and I have it on page 98, we talked about all these exorbitant and excessive profits. The FTC looked at that, page 98, and what they said is they said there are almost no barriers to entering this business. They said a person can get a store front, a delivery truck and an inventory of household merchandise, and they can enter the industry. They said because there are no barriers to entering this industry, if people are making a big profit, somebody else will come in down the street and open up, and they said that excessive profits can be maintained only if there are significant barriers to entering, to collusion, or some type of anticompetitive barrier. There do not appear to be any significant barriers to entry that would prevent new firms from entering the rent-to-own industry. That is what they concluded.

They said no evidence that excessive profits, and they said, therefore, and the issue here was price restrictions, until it is shown that there are some barriers to introduction in this industry or some States erect barriers to people getting into the industry, and I know of none, that price restrictions that are contemplated, they should be explored more fully but they should not be enacted.

Another thing, the consumer groups, and my colleagues know these same consumer groups, it is interesting, if we look back at some of the important legislation that this Congress has passed, legislation including the Consumer Leasing Act, Fair Debt Collection Act, Fair Reporting Act, these consumer groups, it never was good enough for them. They always opposed them. They always wanted a little more. They push for it but they wanted something else and they urge, and they will continue even though we have 46 States, we do nothing about strong protection, we increase protection. We increase protections in all 50 States. As I said, some of the four States that call this a credit sale do not require people to put a price tag on there. We require that.

One of the consumer groups said the terrible abuse, the gentlewoman from California (Ms. WATERS) pointed this out, to her credit, was that these people go in and they do not know what they are paying for this. There are 40 States throughout who do not require any disclosure today at where the item is as to the price they are paying, 40 States, including some that set the price.

This legislation requires point-of-rental disclosures as to price, something that the consumer groups say is badly needed. This legislation does it. They oppose it.

They say they want preemption because 12 States have gone beyond what we establish. They do not want us to interfere with those 12 States. So we did not. They are still opposed to it and they will be opposed to it ad infinitum, and that is okay. That is their right, but the one thing that we do not need in this body is we do not need to misrepresent this thing as a bill that does not increase consumer protection because it absolutely does. In 46 States it absolutely does, and four where they have the credit sales thing, one can argue that that effectively keeps people from going to rent-to-own stores. So in those four States, it might aid the industry, but in the other States it will not because it establishes new requirements, and because I am one of those 46 States I will be on the floor voting for this.

The CHAIRMAN pro tempore (Mr. HEFLEY). All time for debate has expired.

The question is on the amendment offered by the gentleman from New York (Mr. LAFALCE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. LAFALCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. LAFALCE) will be postponed.

It is now in order to consider Amendment No. 2 printed in House Report 107-661.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. WATERS:

Page 19, line 22, strike "'A rental-purchase agreement" and insert "'(a) IN GENERAL.—A rental-purchase agreement".

Page 21, after line 13, insert the following new subsection:

"(b) CONTINUED APPLICABILITY OF EXISTING LAW.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the risk of any loss, damage, or destruction of the property that is the subject of a rental-purchase agreement shall remain with the merchant throughout the period such agreement is in effect and any rental-purchase agreement, or any waiver or other form of agreement between the merchant and the consumer, that purports to shift the burden of any such risk, and the cost of insuring against any such risk, to the consumer shall be null and void.

"(2) EXCEPTION FOR LOSS, DAMAGE, OR DESTRUCTION FOR WHICH THE CONSUMER IS DIRECTLY RESPONSIBLE.—Paragraph (1) shall not apply with respect to any loss, damage, or destruction that was deliberately caused by the consumer or that occurred due to the negligence of the consumer.

The CHAIRMAN pro tempore. Pursuant to House Resolution 528, the gentlewoman from California (Ms. WATERS) and the gentleman from Alabama (Mr. BACHUS) each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to start this presentation by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER) who was on the floor today to help oppose this legislation. As my colleagues know, the gentleman from Wisconsin (Mr. SENSENBRENNER) and I do not always get along on all of the issues that come before us, but he is a man of impeccable integrity, and I would like to thank him for taking the floor today in opposition to the legislation that is before us.

Also, before I get into the debate on this amendment, I would like to thank my colleague from Alabama, and while I have been very, very pointed in my discussion about this, I do respect him. I have worked with him on debt relief. I have worked with him, along with many of the church organizations of the world, to do something about debt relief for poor countries. Today, I would ask him to do some domestic debt relief and work with me to make sure that we relieve the poor citizens of this Nation from the awful burden of debt that has been placed on them by these rip-off industries, and certainly the rent-to-own falls within that category.

Let me say this. I had four amendments before the Committee on Rules. I was denied three of them, but as I said earlier, I was thrown a bone and allowed to present this one amendment. As unbelievable as it is, given everything that we have learned about the rent-to-own industry, the preemption, the abusive practices, all of that, let me add one more to the list of unbelievable practices.

Under the common law of bailment, a merchant is responsible for damage to property unless the customer is neglectful or fails to exercise ordinary care. Typically, rental-purchase agreements contractually shift all responsibility for damages to the customer in a rent-to-own business. The merchant sells a liability damage waiver to the customer which effectively makes customers pay for, responsibility that is not theirs. This amendment would ban this shifting of the liability to the consumer and prohibits the charging of a fee for ensuring the customer against loss. There is an exception for loss, damage or destruction that is deliberately caused by the consumer that is a result of consumer negligence.

Imagine this. A person has got this contract with the rent-to-own industry. They need this television or whatever it is, refrigerator, whatever. Not only do they have an arrangement that is not considered a credit sales contract arrangement and so they do not have to disclose anything, they do not have to disclose what the interest is on it, and this industry just can charge whatever they want to charge that person. Then they say to the person, now, they are responsible for this item and we have a little something that is built into this contract that we want the person to pay. We want the person to pay some amount. What amount? Any amount that they decide. In some States the amount that they charge the customer is equal to the amount that they are paying weekly to rent this particular item, but they can do this, and they do not have to disclose it.

It was so bad that in committee, what they decided is, say, well, at least they have to tell the consumer that they are going to charge them this damage waiver liability coverage in the contract. In my home State of California, we forbid this practice altogether. We forbid it altogether. It is wrong that they should shift this liability all to the consumer and the rent-to-own company takes no responsibility, charges whatever it wants, does not have to disclose it, and we just let this practice go on.

So we would try with this amendment to stop the practice altogether. I know that it seems that we cannot say much more about the bad practices. Why would we preempt the States from taking the opportunity to fix what is wrong? We do not need to come over the top with some Federal legislation that would then preempt them from doing it the way they want to do it.

This business about saying that we are helping the States and we are helping the consumer, we are not preempting them, is absolutely misleading the Members of Congress about what this is all about. If we really want to help the States, allow them to present public policy that will work in their States. For those States that do not have it, they will. Give them a chance. Do not preempt them. Do not create this so-called floor that my colleagues are talking about.

I have never seen any one industry with so much that is wrong with it, and I sincerely believe that some of my colleagues who are trying to help the industry may have been duped. They did not know it was this bad. They did not understand that it really was preemption. They did not know about some of these abusive practices. They did not know about this, what do we call it, LDW. They did not know that people were being given contracts where they had to pay for this kind of coverage, and most people, even if we tell them, if they want it, we are going to charge a person whatever amount they decide to charge them as a fee just in case they damage this equipment, they do not know they could say no, even if we put it in the bill. They just assume that if they do not do it they will not be able to get this desperately needed item that they are going after.

This amendment was made by the Committee on Rules. I could come to the floor and take it up. I do not know if my friends on the opposite side of the aisle are going to oppose it or if they are going to support it. It is just one other thing that I would like to point out that is so bad about this industry, as we wrap up today on this floor, all of the problems with rent-to-own.

I hope that they would just show a sign of support for the consumers and say we will give my colleagues this one, but it does not make any difference. It is still a bad bill. It is still a terrible bill with all of the preemption in it, with all of the abusive practices allowed, all of which we have talked about so much today.

Again, I would again thank my colleague on the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chair of the Committee on the Judiciary. He would not come to this floor and oppose this legislation unless it was serious. He would not come to this floor and easily embrace those on the opposite side of the aisle that he is oftentimes in disagreement with unless he felt very strongly about it. The gentleman from Wisconsin (Mr. SENSENBRENNER) does not simply oppose his colleagues. He does not do that without giving serious thought to it. When he came here today and said this is a bad bill, something is wrong with this bill, I would hope that the Members on the opposite side of the aisle would respect the chairman of the Committee on the Judiciary who, too, had this bill in the Committee on the Judiciary.

We are talking about two committees here today, the Committee on Financial Services, and it was in the Committee on the Judiciary.

☐ 1400

This is not something that he is speculating about from afar. The gentleman from Wisconsin (Mr. SENSENBRENNER) had this in committee and had an opportunity to go through it, understands it very well and is opposed to it because the gentleman sees it for what it is.

Again, I do not want to put my colleagues on the spot, and I have the highest respect for the gentleman from Alabama (Mr. BACHUS). I have worked with the gentleman and I know in many instances he has had to work very hard to do the right thing on some issues. I would simply appeal to the gentleman to do the right thing. I do not care who in the leadership is pushing this bill. I do not care who the industry is friends with, what letters the Congress of the United States got from what sector or section. The fact of the matter is our constituents should be premier. They should be number one. Even if we were going to err, we need to err on the side of the constituents. If Members think for a moment there are bad things in this industry, as the gentleman from Alabama (Mr. BACHUS) has said, and yes, there are some bad things. He agreed to that, but then err on the side of the constituents. My colleague from Alabama said I do not like this business. That is an understatement. I am not here simply because I do not like the business. I am here because I have the power as one Member of Congress to go on the floor of Congress and say what is wrong with them. They are ripping off our constituents. They are charging exorbitant prices. There is no disclosure, and we should not let them do it.

Mr. BACHUS. Mr. Chairman, I yield 6 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, before I address the Waters amendment, let me say a few things about the LaFalce amendment.

The LaFalce amendment runs counter to our economy and would subvert the free market. The amendment requires rent-to-own merchants all to offer the same cash price for their products, and these prices would be set by the Federal Reserve Board. I have to wonder why we have to impose such a duty on the Federal Reserve Board. The Federal Reserve is tasked with broad mandates to ensure the overall health of the economy through sound monetary policy. The last thing we need is for the Federal Reserve to become an appraiser and set prices for the rent-to-own industry.

Second, the amendment would harm competition in the rent-to-own industry. I do not see anyone advocating that a car lease would have a cash price set by the Federal Reserve. Why? Because we know that a competitive car lease market benefits the consumer. When an industry all has the same base price for a product, that is known as collusion. A merchant not fairly setting a price on their own but being required to set it at their competition's level, that is illegal. When airlines set their ticket prices, it is illegal. When they put such a practice into law on a rent-to-own lease, it is also wrong. I think that my colleagues should join me in support of the free market and oppose the LaFalce amendment.

Mr. Chairman, now let me speak to the Waters amendment, which I also oppose. My colleague from California has here an amendment that would remove the responsibility of a consumer to care for the merchandise that they received through a rental purchase agreement. The agreement would effectively preempt contract law that is already in place and established in 49 States. In effect the merchant, who is not in possession of the property, would be responsible for the damage to it. This amendment would take away any responsibility for the consumer to care for the product that they are renting. Does anyone know of any agreement in which the holder of a rental piece of property would not be responsible for the damage that they do to it while it is in their possession?

I believe the amendment would effectively kill the industry; and in these slow economic times, I do not think we should be looking to eliminate more jobs. The rental purchase industry is a credible option for many Americans who would not otherwise have the opportunity to obtain the products that they need.

Personally, I learned to play the violin on a rent-to-own violin. It provided an enormous amount of joy in my life because my folks could not afford to buy me a violin when I was in grade school. They did a rent-to-purchase agreement. There are kids all over the Nation who do this.

Our mission in Congress should be to increase opportunities for people, not to limit consumer opportunities. Let me be clear on another point. Because of an amendment from the gentleman from North Carolina (Mr. JONES), the bill allows merchants to include liability damage waivers as part of the rental purchase contracts only after disclosing to the consumer that they need not purchase this coverage in order to enter into the rental purchase agreement itself. The bill is clear that the consumer has been given the choice, and we need to support the choice by voting against the Waters amendment.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one thing I would like to point out, I have great respect for the gentleman from Wisconsin (Mr. SENSENBRENNER), who did speak against this legislation. I would point out to the gentlewoman from California (Ms. WATERS) that what the gentleman said was we do not need any Federal legislation regulating this industry. That is not what the gentlewoman from California (Ms. WATERS) has said or what the gentleman from New York said, or what all of these consumer groups have said.

What they have said is we need to regulate this industry. There is certainly not disagreement among the opponents. I think some of the opponents want the present state of affairs where there is absolutely no regulation in a number of States to continue. There are others that want to put this industry out of business, and then there are those of us in the middle who believe this is a legitimate business. We may never go there as customers. There are a lot of stores I do not go in as a customer, but I do not try to close them down because 15 million Americans do go there. There are Members of this body who think if they do that they are crazy and we ought to protect them by stopping them from going in those stores.

I would say to the gentleman from New York (Mr. LAFALCE) that I went in a store in Manhattan a few weeks ago. There were a lot of things in that store I cannot afford. I simply turned around and walked out because the price was not right. There are people that might want to pay that. There were many people paying that much for those items. I could not do it. I made a decision. People are free to come in and leave. People are free to make choices in America.

There does need to be some minimum protection for those customers. Whether this legislation passed or not, people are going to continue to go in rent-to-own stores. They are going to continue to operate in almost all our States. When they do, I think they ought to be protected. And this legislation does not preempt any of the strong consumer protection laws that exist. It preempts none of them except the characterization as a credit sale, and we have been over and over that in those four States. It does that.

Now, let me talk about the amendment for a minute because this amendment is another example of we do not want to preempt, but here is an amendment that we want to use to preempt. It is a preempting agreement. It preempts the law of 49 States.

What the gentlewoman from California (Ms. WATERS) has offered here is an amendment that would overturn the long-established contract law in 49 States and make the law of California the national standard. It would apply the law of California.

Right now in the legislation we have, what she is advocating is the law of California and once this passes, if it passes, will continue to be the law in California. But we will not put that law on the other 49 States because what California does, it says when there is a rent-to-own agreement or a rent-to-purchase agreement, or the consumer leases something, they cannot shift the liability for that property onto the customer except, and there is an exception, and I do not want to misrepresent this, it says if the customer deliberately causes damage to the item or it occurs due to the consumer's negligence, then the merchant can get his money back.

The gentlewoman and I agree on that. If somebody goes out and they rent a TV, they get home and they get mad at their wife and throw the TV at their wife or husband, they have to pay for the television. She and I agree that is the thing to do. But we do not agree if the husband or the wife rents the TV, the wife takes the TV home, the husband picks up the TV and throws it out the window, then I think the merchant ought not have to pay for that. She says no, no. That was not the customer, that was the husband of the customer.

I believe when something is rented and taken home, if the next door neighbor comes in and they destroy it, or the renter's son or daughter destroys it, the renter has it and it is destroyed, I think the renter ought to be responsible for that, and 49 States say they ought to be responsible for that.

I can tell Members, we all respect California and their position on this; but this is something California feels ought to be the law. I can tell Members in Alabama, if I rent something to somebody and their dog chews it up or their wife breaks it or their next door neighbor destroys it, or even somebody comes in and steals it from them, I do not feel like that is the merchant's responsibility. I feel it is the customer's responsibility. I happen to believe that.

The legislatures and the courts of 49 States agree with me. California is different. This legislation says that is right. The law of California stays in place because we do not preempt any of those laws. Now what that does is that means it drives up the cost for everybody in California. If California wants to make that decision, that is fine. I do not agree.

I want to close simply by thanking the gentleman from Ohio (Chairman OXLEY) for his leadership on this bill, again thanking the gentleman from North Carolina (Mr. JONES) for his leadership, and the gentleman from Connecticut (Mr. MALONEY) for what I think is a very important piece of consumer protection. It does not go as far as some have urged, but it does not preempt States that go further. It establishes a floor in those States that have weak or no protection.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HEFLEY). The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from New York (Mr.

LAFALCE), amendment No. 2 offered by the gentlewoman from California (Ms. WATERS).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY MR. LAFALCE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. LAFALCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 232, not voting 16, as follows:

[Roll No. 392]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Platts
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Thompson (MS)
Thurman
Tierney
Turner
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Blagojevich
Brown (FL)
Bryant
Conyers
DeLay
Hilleary
Kingston
Miller, George
Mink
Portman
Rangel
Roukema
Rush
Simmons
Stump
Watts (OK)

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Ms. GRANGER and Messrs. CALVERT, FRELINGHUYSEN, EHLERS, SMITH of Texas, WELDON of Pennsylvania, SULLIVAN and TERRY changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HEFLEY). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the second amendment.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 255, not voting 20, as follows:

[Roll No. 393]

AYES—157

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clayton
Clyburn
Condit
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Horn
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kirk
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Slaughter
Solis
Spratt

Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Waters
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NOES—255

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Manzullo
Matheson
McCrery
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Blagojevich
Brown (FL)
Bryant
Conyers
Cooksey
Cubin
Hilleary
Keller
Kingston
Lewis (CA)
Miller, George
Mink
Rangel
Roukema
Simmons
Stump
Velázquez
Watts (OK)
Weiner
Weller

□ 1447

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rollcall No. 393, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. MCHUGH. Mr. Chairman, on rollcall No. 393, I inadvertently voted "aye." I would like the RECORD to show that I meant to vote "no."

The CHAIRMAN pro tempore (Mr. HEFLEY). There being no further amendment in order, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HEFLEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes, pursuant to House Resolution 528, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. WATERS. Mr. Speaker, yes, I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. WATERS moves that the bill H.R. 1701, the Consumer Rental Purchase Agreement Act, be recommitted to the Committee on Financial Services with instructions that the Committee report the bill forthwith to the House with the following amendment:

Page 32, strike line 17 and insert "This".

Page 33, line 13, strike "Except as provided in subsection (b), for" and insert "For".

Page 33, strike line 21 and all that follows through page 34, line 9 (and redesignate the subsequent subsection accordingly).

Ms. WATERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes on her motion to recommit.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

I suppose most of the Members present here today heard the debate that we have just finished on H.R. 1701. My motion to recommit sends H.R. 1701 back to the Committee on Financial Services with instructions to amend the bill in one key respect: to strike a provision in H.R. 1701 that preempts the States from applying credit or installment sales standards to regulate rent-to-own transactions.

This is the provision that my colleagues heard the gentleman from Wisconsin (Mr. SENSENBRENNER) come to the floor and talk about today. It is because of that provision that the chairman of the Committee on the Judiciary decided to vote against the bill when this bill was marked up in the Committee on the Judiciary. I think that is a very important point.

Mr. Speaker, I suppose most of the Members on the floor heard the debate. We talked about a lot of things that are wrong with the rent-to-own legislation, H.R. 1701. We spoke about preemption, abusive practices, about attempts to force the consumers to accept all of the liability on the contracts. But we talked mostly about preemption.

Proponents of H.R. 1701 say that the bill does not preempt State laws, but they are absolutely wrong. Section 1018 of the bill expressly supersedes State laws that regulate rental purchase agreements as a security interest, credit sale, retail installment sale, conditional sale, or any and all other forms of consumer credit that treats a rental purchase agreement as the creation of a debt or extension of credit. Section 1008 of the bill also expressly supersedes State laws that require the disclosure of percentage rate calculation, including a time-price differential and annual percentage rate, or an effective annual percentage rate. Because of the bill's restrictions, rental-purchase transactions cannot be subjected to the State usury laws and finance charge limits, as well as APR and other disclosures. As a result, the bill preempts the strongest State laws in Wisconsin, Minnesota, New Jersey, and Vermont and prevents other States from adopting similar legislation in the future.

Since 1997, legal actions responding to State consumer law violations have produced legal judgments or settlements against the Nation's largest rent-to-own chain amounting to $16 million in Wisconsin, $60 million in New Jersey, and $30 million in Minnesota. Why should Congress cancel out stronger State laws supported by all of the consumer groups and literally all of the States' attorneys general? Consumers need more, not less, protection from predatory financial practices.

Mr. Speaker, the Members may not be paying attention, but they ought to. They ought to pay attention because we have just been roundly criticized because of what we did not do with major corporations in America. Many people pleaded ignorance that they had supported the efforts of Enron and WorldCom and Quest and all of those other major corporations that have been found to be gaming the system, corporations that put their pensioners at risk. People who were paying into their 401(k)s thought they had protected their future; but, in fact, they had been supporting their companies while the heads of those corporations, the majors in those corporations were literally exercising their stock options and getting richer and richer.

Well, we can tell the American people that we really did not understand, that we really were not paying attention; but we cannot keep doing it. We cannot keep saying, oh, I made a mistake.

Right on the heels of this great debacle in America, we find ourselves confronted with predatory lenders that come in all stripes and sizes. We know that the pay-day lenders are on every corner in inner cities and little towns and now lined up outside of our American Army bases where they are luring people in to get these small loans.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. WATERS. Mr. Speaker, I would respectfully request that I be allowed the time that has been interfered with by the Members on the floor who have not respected the Speaker's gavel. The Speaker has taken up at least a minute of my time, and I would like to have it restored to me.

The SPEAKER pro tempore. The gentlewoman from California (Ms. WATERS) is recognized for 30 additional seconds to conclude her remarks.

Ms. WATERS. Mr. Speaker, the rent-to-own industry has come to this House, and they have gotten support to try and preempt States that have stronger consumer protection laws. We should not allow it to happen. It is unconscionable that we are allowing them to rip off the most vulnerable in our society with these rent-to-own contracts that are charging $800 and $900 for a $169 television, and on and on it goes.

□ 1500

We have the opportunity to do something about it today. I would ask that we allow this bill to be recommitted so that it can be fixed.

Mr. BACHUS. Mr. Speaker, I rise to seek time in opposition.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Mr. Speaker, the body has just heard a lot of information. It was probably about equally divided between information that is not relevant to the legislation before us and misinformation about the legislation. It is very hard in 5 minutes to rebut all of that.

First, let me say that this has nothing to do with WorldCom, Enron, and Quest. Those companies are not in the rent-to-own industry, so any confusion, I hope we dispel that right up front.

What the gentlewoman is talking about is the rent-to-own industry. It is the largest industry in America that is not regulated. The States are pretty much divided: One-third of them have no regulation, one-third of them have weak-to-moderate regulation, and one third of them have strong regulation.

What this legislation does, it leaves in place all consumer protection legislation at the State level, all. It leaves all those laws passed by the State legislature, all, and I will explain that, all of them in place. It simply has a floor. It requires certain things. If the State has a stronger provision, that is applicable. If the State has a weaker provision, the Federal standard applies.

Today, over 40 States do not require that they put a price tag on a rent-to-own item. Every consumer group has condemned this. This legislation will require a price tag so the consumer knows what he is paying, what it is costing him.

In every State, in 46 States, the legislatures have looked at these transactions and they have said that it is not a consumer credit sale. It is not a credit sale, it is a lease or a lease-purchase or a rent-to-own. It is not a credit sale.

But judges in three courts around the country have said, no, it is a credit sale. It is a consumer credit transaction, and we are going to apply all the Federal law that applies to those transactions to this. We are going to apply all the Federal laws that apply to those transactions, including an APR statement, a disclosure statement.

The FTC, in a fairly exhaustive study, looked at that, and the Federal Reserve and the FTC said that requiring these APR statements and these consumer disclosures which are required for credit sales, when we apply them to rent-to-own, we confuse or mislead the customer. California does not do it, New York does not do it; but judges, not State legislatures, judges in three or four States have said we are going to do that.

This legislation does change the law in Wisconsin, New Jersey, and one other State, Vermont. It changes it in those three States by saying that it is not a credit sale. It does not repeal any law that the legislatures passed. It does invalidate a judge-made law in those States. But in no case, in no case other than in those four States, three or four States, does it make any change in the law.

Furthermore, Mr. Speaker, and I have said that repeatedly during this debate, there is nothing in this legislation that prevents a State from passing any law that they want to pass to ban or put additional restrictions on these sales, except to mischaracterize it as a consumer credit transaction. These people are going in and they are renting property, that is what they say, and they do not think they are applying for a loan. Those regulations should not apply to them.

The gentlewoman from California (Ms. WATERS) has asked us to really apply the law of four States to the law of 46 States. I say, resist this motion to recommit and let us get on with protecting the people, the 15 million Americans that use these rent-to-own transactions.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. WATERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

This will be a 15-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 227, not voting 15, as follows:

[Roll No. 394]

AYES—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio

DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Gephardt
Gonzalez
Graham
Green (TX)
Green (WI)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Mollohan
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—227

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Ryun (KS)
Schaffer
Schrock
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Blagojevich
Brown (FL)
Bryant
Conyers
Cooksey
Hilleary
Houghton
Kingston
McKinney
Miller, George
Mink
Roukema
Royce
Simmons
Stump

□ 1522

Messrs. LOBIONDO, SAXTON, FRELINGHUYSEN and FERGUSON changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore .announced that the ayes appeared to have it.

RECORDED VOTE

Ms. WATERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 201, answered "present" 1, not voting 15, as follows:

[Roll No. 395]

AYES—215

Ackerman
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Dreier
Duncan
Dunn
Emerson
English
Everett
Fletcher
Forbes
Ford
Fossella
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCrery
McHugh
McIntyre
McKeon
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Ros-Lehtinen
Ross
Royce
Ryun (KS)
Sandlin
Schrock
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skelton
Smith (TX)
Spratt
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Turner
Vitter
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Wynn
Young (AK)
Young (FL)

NOES—201

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Barton
Bass
Becerra
Berman
Berry
Bishop
Blumenauer
Blunt
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Cannon
Capps
Capuano
Cardin
Carson (IN)
Clayton
Condit
Costello
Coyne
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Flake
Foley
Frank
Frelinghuysen
Gephardt
Gilman
Graham
Green (TX)
Green (WI)
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McKinney

McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, Jeff
Mollohan
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wolf
Woolsey

ANSWERED "PRESENT"—1

Callahan

NOT VOTING—15

Blagojevich
Brown (FL)
Bryant
Conyers
Cooksey
Evans
Hilleary
Kingston
Miller, George
Mink
Roukema
Simmons
Stump
Watkins (OK)
Weller

□ 1532

Mr. TAYLOR of North Carolina changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WATKINS of Oklahoma. Mr. Speaker on rollcall No. 395 I was unavoidably detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1701, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Alabama?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Ms. WATERS. Mr. Speaker, I offer a motion to instruct the conferees on the Help America Vote Act, H.R. 3295.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. WATERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate to ensure that a conference report is filed on the bill prior to October 1, 2002.

The SPEAKER pro tempore. The gentlewoman from California (Ms. WATERS) will be recognized for 30 minutes and the gentleman from Ohio (Mr. NEY) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

This motion instructs the conferees on H.R. 3295, the election reform legislation, to complete their work and file a conference report prior to October 31, 2002. Mr. Speaker, it has been almost 2 years since the 2000 Presidential election, an election that created a crisis of confidence in our Nation's election system. It has been more than 9 months since the House of Representatives passed the Help America Vote Act, H.R. 3295. It has been more than 5 months since the Senate passed its version of election reform legislation, S. 565, the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002 by a vote of 99 to 1. Yet the conferees still have not completed their work.

The 2000 Presidential election lost between 500,000 and 1.2 million votes because of faulty machines, confusing ballot designations and designs, reported voter intimidation, and other human and mechanical impediments to the voting process. According to the United States census population survey, 2.8 percent of the 40 million voters who did not vote in 2000 stated they did not vote because of problems with polling place operations such as long lines and inconvenient hours or locations. Many of those who did vote in 2000 found themselves wondering whether their vote was counted and whether they actually voted for the candidate of their choice. We have already begun to observe similar problems in the 2002 primary election in several States, not to mention Florida one more time.

Mr. Speaker, in February of 2001, because of all of this, House Democratic leader Richard Gephardt asked me to lead the Democratic Caucus Special Committee on Election Reform. The committee was given the responsibility to travel throughout America and examine our Nation's voting practices and equipment. Over a 6-month period of time, this committee held six public-filled hearings in Philadelphia, San Antonio, Chicago, Jacksonville, Cleveland, and Los Angeles. We heard from election experts and hundreds of voters about what is wrong with our election system. I was overwhelmed by the outpouring of interest and support we received from our Nation's voters.

Our committee released a comprehensive report on November 7, 2001, the anniversary of the 2000 election debacle. The committee's report, entitled Revitalizing our Nation's Election System, set forth targeted minimal standards for Federal elections in order to guarantee that every vote will count. This report became part of the foundation for H.R. 3295, the Help America Vote Act of 2001.

Mr. Speaker, not only did Leader GEPHARDT appoint me to lead the Democratic Caucus Special Committee on Election Reform, many other committees around this country were working to try to find out what went wrong, what is wrong with our election system, what is it we have not paid attention to, what caused us to get to the point of such dysfunction in that election. The NAACP held hearings. The U.S. Commission on Civil Rights held hearings. There was a Carter-Ford Commission, and then, of course, this legislation was taken up that I am referring to by the Committee on House Administration led by the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY). And, of course, even though the gentleman from Michigan (Mr. CONYERS) is not here today, our ranking member on the Committee of the Judiciary has spent countless hours meeting with human rights groups and civil rights groups not only here in the Capitol but across the country, and I am told by the gentleman from Michigan (Mr. CONYERS) that wherever he travels, he is asked what is going to be done about election reform? What are you going to do to correct the problems in the election system?

In addition to that, the Leadership Conference on Civil Rights and many others that I am unable to notice today have already been holding hearings, gathering information and trying to bring us to a point of reform.

With that, let me just say that the Help America Vote Act would establish the election assistance commission, set up a program to buy out or improve antiquated punch card voting systems, authorize funds to improve the administration of elections, improve procedures for uniform and overseas voters, and set certain minimal standards for State and local election systems.

The Help America Vote Act was passed again by the House of Representatives on December 12, 2001, by an overwhelming vote of 362 to 63. You can see, Mr. Speaker, it is time for us to do something. It is time for the conferees to act. We need to get this conference report done and reported out.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the gentlewoman from California's (Ms. WATERS) motion to instruct, the one offered by the distinguished Member. I want to thank her for offering the motion.

I believe that the conferees, Mr. Speaker, on the election reform bill are within sight of an agreement that will bring critically needed aid and assistance to improve elections in the United States, and I believe this motion to instruct will have a positive effect of reminding the conferees on both sides of the aisle that reasonable negotiations are critical to getting this conference report done in the very near future. It is not that we need reminding, but I think this helps. We simply cannot afford to deadlock this conference because either side makes unrealistic demands at the last minute.

Let us talk for a minute about what both sides agree on, and I think it is important to note. We agree that we should authorize substantial sums of Federal dollars to modernize election systems in the next few years. We agree that obsolete voting systems like punch cards and lever machines should be replaced as rapidly as possible. We agree that voters in all States should have their rights protected by imposing basic requirements. We agree that those requirements should include guaranteed access to voting machines and ensure ballot access and secrecy for those who have a form of a disability. We agree that they should guarantee a voter's right to review his or her ballot to correct errors before that ballot is cast. We agree that they should guarantee a voter's right to provisional ballots so no voter is turned away from the polls in the United States. We agree that there should be an election assistance commission to help States comply with these requirements. We agree that there should be strong enforcement by the Department of Justice to ensure that these provisions are fully complied with as the law of the land. We agree there should be research and pilot programs to develop and to test new technologies to improve our voting systems.

We also agree, Mr. Speaker, there should be programs to encourage both college and high school students across America to volunteer as poll workers or assistants where local election officials need them on a nonpartisan basis. We agree the rights of military and overseas voters should be protected and enhanced.

In addition to taking steps to make it easier to vote, we have agreed that steps must be taken to make it harder to cheat.

Leaders on both sides of the Capitol stand behind the antifraud provisions passed overwhelmingly by their prospective Houses. I am confident that these provisions to improve the integrity of our political process, along with the many other requirements we all agree upon should be imposed, will be included in a final package.

There are some who doubt that agreement can be reached. They say judgments have been made by some and that a partisan issue for the 2002 elections may be more valuable than the improvements in the process that would be achieved by this bill, and shame on anybody on either side of the aisle or anybody across the country that would want to politicize this.

□ 1545

I believe the basic core of this institution on both sides of the aisle and the basic core of advocacy groups across the Nation want to produce a product, and I know the conferees also do.

I reject the analysis that has been made that this will be held up because of an issue versus a product that is good for people. I know that we can set aside partisanship and get this bill passed, and we must. I want to take this opportunity to praise the gentleman from Maryland (Mr. HOYER), the ranking member on the Committee on House Administration.

I want to also praise members of the conference committee, Senators DODD, MCCONNELL, BOND, SCHUMER, the input of the gentleman from Michigan (Mr. CONYERS), and on our side of the aisle, members of the Committee on House Administration that produced this product and other conferees, including the gentleman from Missouri (Mr. BLUNT) who has been extremely helpful.

I want to say something about the process for a little bit. There was debate on a select committee which I did not think was a bad idea, it was agreed to mutually on a bipartisan basis, and after the give-and-take and public debate over the issue, the bill and the idea came to our committee, frankly, from the gentleman from Maryland (Mr. HOYER) to have the Help America Vote Act.

We diligently worked on it. Despite campaign finance reform, despite anthrax in the buildings, we continued to work on it. Why does it take so long? It is a complicated bill that is going to have good ramifications down the road, and it needed to be intensely worked on. It is a bill that I believe we can be proud of.

Without the help and assistance of the gentleman from Maryland (Mr. HOYER), we would not be close to agreement; and I count on the gentleman's continued help and assistance to ensure that this bill is enacted before the end of the session.

Throughout the discussions, the gentleman from Maryland (Mr. HOYER) has insisted that we focus on the top priorities, such as getting this bill done as soon as possible so States can start to plan for the 2004 elections. Both sides of the aisle understand the importance of getting money out to local and State officials as rapidly as possible without a time-consuming and burdensome Federal bureaucracy getting in the way. We understand that there is no single issue that can be allowed to prevent this bill from passing. We are continuing to communicate and talk.

I also thank all of the groups who have encouraged and supported our efforts to get this bill passed, including the National Federation of the Blind, the National Association of Secretaries of State, the National Association of Counties, the National Association of Clerks and Recorders, the Election Center, and the advocacy groups that are out there with disabilities, civil rights and all of the other groups across this country that have had hearings and made input into the system.

There is much work left to be done, and I know we are running out of time, but I believe we can meet that challenge. I look forward to being on the floor in the near future and enacting a bill with broad bipartisan support, a bill that makes it easier to vote and harder to cheat, a bill that would demonstrate to all Americans that this Congress can put aside partisanship and improve the election process for all of our citizens.

There is a lot of talk across the country, and knowing the rules of the House, I will just say of things not going up and down the hallways and coming back here and there. Let me say on this particular issue, we want to make sure that all the bodies of the Congress work together and enact something that is going to be down the road for generations, something to be proud of and something which ensures integrity in our system.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for yielding me this time, and for her leadership. She has been extraordinary since November 2000 working on this issue. I also want to thank the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairwoman of the Congressional Black Caucus. I also want to thank the gentleman from Rhode Island (Mr. LANGEVIN) who has done such yeoman work on this bill, along with the gentleman from Ohio (Mr. NEY), who has been very responsible for the disabilities provision in this bill.

Mr. Speaker, let me begin by recognizing the outstanding leadership of the gentlewoman from California (Ms. WATERS,) whom I mentioned, who has tirelessly championed the cause of election reform, as has the gentleman from Florida (Mr. HASTINGS), the gentleman from Rhode Island (Mr. LANGEVIN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). As chairwoman of the Democratic Caucus Special Committee on Election Reform, of which I was a member, the gentlewoman from California held hearings all over this country to learn what ails our election system. Many of the recommendations of her committee are included in the bill that was drafted.

As last week's primary in Florida confirms, the problems of the 2000 election will not go away until the Congress and the States enact meaningful national standards and offer States and local authorities the resources to improve their election infrastructure.

Mr. Speaker, I have said a lot of people worked hard on this legislation, and they have. But frankly, thanks in large measure to my indefatigable colleague from Ohio, we have made the progress that we have. We are closer than ever to enacting the most comprehensive package of voting reforms since the Voting Rights Act of 1965.

The gentleman from Ohio (Mr. NEY) has been an unwavering advocate of reform, a strong proponent of the provisions that he believes are important to be in this bill; and frankly, expressing concerns about those provisions he thinks ought not be in the bill, but always focused on passing legislation that will assist the States and assist our voters in making our democracy even more perfect.

He has been an advocate of reform that will require States to offer provisional ballots to all voters whose registration, for one reason or another, is not properly included on the rolls; reform that will require States to maintain statewide computerized registration lists to ensure the most accurate, up-to-date rolls and minimize the number of voters who are incorrectly removed from voters' rolls; reforms that will reward States for retiring obsolete voting machines, especially the notorious punch card machines and their dangling chads, that prompted this Congress to act in the first place. And I might add that the gentleman from Ohio (Mr. NEY) and others have brought to our attention as well the problems that the lever machines cause because of the unavailability of parts to repair those particular machines.

This bill includes reforms that require voting systems to be accessible for individuals with disabilities, a cause that the gentleman from Rhode Island (Mr. LANGEVIN) has been untiring in advocating to ensure all Americans, irrespective of disabilities, have access to the polling place, have a technology that they can use, and can cast their vote in secret. We thank the gentleman from Rhode Island (Mr. LANGEVIN) for his outstanding leadership.

I want to say that the gentleman from Ohio (Mr. NEY) has been particularly focused on including nonvisual accessibility to the blind and visually impaired to allow them to vote privately and independently, and reforms that allow voters to review and correct their ballots before they are cast. I call that second chance voting. It is a critically important component of our bill because it will tell the voter that they voted for too many people, they did not vote for this position or that position, do you want to? So that the voter, when they leave the polling place, will have confidence that they have cast correctly a ballot which will reflect their views.

This bill includes reforms that do not weaken any existing voting rights laws and includes meaningful enforcement and ensures that every vote counts.

Mr. Speaker, this motion made by the gentlewoman from California (Ms. WATERS) is intended to ensure that we on the conference committee complete our work prior to October 1, 2002. Our chairman supports that motion, and given the progress the conference committee has made in the past 7 days, I am optimistic that we will meet that deadline.

All of us have one person in this House to thank for that process, the gentleman from Ohio (Mr. NEY). Frankly, without the gentleman's leadership and his chairmanship of this committee, we would not be as far along as we are.

At the urging of the chairman of the Committee on House Administration, as well as the distinguished gentleman from Connecticut, Senator DODD, Members will be happy to know that the principal conference members and their staffs have been meeting diligently long hours to resolve the outstanding issues that remain.

Frankly, Mr. Speaker, at the beginning everyone sort of circled everyone; but I can assure Members there was honest, open, positive discussion occurring.

Motions to instruct are often intended to urge conference members to head in directions they may not want. This motion directs us to move in a direction we want to move. I thank the gentlewoman from California (Ms. WATERS) for her leadership and for this motion. I thank the gentleman from Ohio (Mr. NEY) for his commitment to the passage of this legislation. America will be a better place for this legislation having been adopted.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his comments and his integrity and sincerity on this issue.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I first want to thank the gentlewoman from California (Ms. WATERS) for offering this motion to instruct today and for her leadership on this very important issue. I also want to echo the comments of the gentleman from Maryland and thank the gentleman from Ohio (Mr. NEY) and, of course, the gentleman from Maryland (Mr. HOYER) as well for his hard work on this bill.

Mr. Speaker, as we enter the closing days of the 107th Congress, the House faces a number of legislative initiatives that we would like to complete. While many of these are necessary to keep our government running and to protect the American people, we must not forget our responsibility to protect the fundamental right to vote. The election debacle of November 2000 was not an isolated incident. Last week's primary in Florida demonstrated we still have serious problems with the administration of our election systems.

I know that many States, including Rhode Island, are poised to initiate substantial election reforms but are merely waiting for the Federal Government to issue guidelines and provide funding. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) were instrumental in crafting H.R. 3295 which passed the House with strong bipartisan support. While our bill differs from the other Chamber in several respects, these differences are not insurmountable. I know that the conferees of H.R. 3295 have the American people's best interests at heart, and I encourage them to work expeditiously to resolve the remaining disagreement and develop a conference report that we can pass before the end of the year.

Mr. Speaker, I urge my colleagues to support the Waters motion to instruct.

Mr. NEY. Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the motion to instruct election reform conferees being offered today by the gentlewoman from California (Ms. WATERS), the chairman of the Democratic Task Force on Election Reform. I appreciate the gentlewoman's work that she has done in the past on election reform, and I applaud the work that she continues to do on this issue that continues to burn at the heart of every American.

In all candor, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) are to be complimented by all of us, as well as the persons that have been mentioned heretofore, and all of the members of the task force that worked with them in developing our position.

I am a bit put out that in this same body where all of us stood with former Vice President Gore presiding, all of us that were here on that day to say that an election had been free and fair, are somewhere now scattered throughout Washington, and I recognize that Members have other agendas, but I am alarmed that this room is not full.

□ 1600

In Florida, my constituents are reaping the firsthand devastation of Federal inaction. During Florida's primary election last Tuesday, 14 counties in Florida faced similar problems to the ones that we faced on Election Day 2000. Ranging from malfunctioning voting equipment to uneducated poll workers, voters in my State never had a chance to benefit from the provisions that the House approved with the assistance of the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), and the gentleman from Maryland (Mr. HOYER) in the Help America Vote Act. Instead, last Tuesday was, to quote an overworked phrase, deja vu all over again. While Florida voters were robbed once again, Congress remains silent.

After the election in 2000, Governor Bush and President Bush said that that would never happen again. The President has every right to do as he is doing, traveling around the Nation to put his case before us as we move toward November. But not one peep has come from this President. I have heard about Iraq. I have heard everything about a defense authorization bill. We are here doing this in an effort to not be doing appropriations. We have not done but five of 13 in the House and this President has not signed one single solitary appropriations measure. I doubt very seriously if we will.

When history judges the work that the 107th Congress has done, it will undoubtedly view the debate we are having right now as the landmark failure of this body. Who would have ever thought that after the sham and debacle of an election we had in 2000, that a Member, Republican or Democrat, would ever need to come to the floor of this body urging House and Senate conferees to reach a deal on an election reform package?

I hope that my colleagues realize, and I am sure they do, that the calendar records 606 days have passed since Election Day 2000, while this body has spent time cutting taxes as we did yesterday and in some resolution we are going to bring up tomorrow to remind the Senate that they are supposed to make permanent some tax cut while we go forward talking about a war and not finishing up the war on terrorism and having all sorts of things from prescription drugs to everything facing us in our body politic. No doubt what we are more about is rewarding the wealthy corporate persons and furthering corporate irresponsibility. This body has neglected to do anything to reinstate integrity in the American election process.

Elections are the foundation of our representation. Representation is the foundation of our democracy. Thus, we must never find ourselves again questioning the methods by which we choose our leaders. I say, if the House can create a Department of Homeland Security in one month, then the election reform conference committee can certainly reach an agreement in a year.

Mr. Speaker, as I was walking over to the Capitol this afternoon to speak in support of the gentlewoman from California's motion, I was trying to think of how many times I have spoken out for election reform. Quite frankly, I cannot remember; but I know it is too many times.

Too many times have the American people's cries for fairness and democracy in our election system gone unanswered. Too many days have passed by since our last Federal election left former President Jimmy Carter proclaiming, "If the Carter Center were to grade the American election system, it would fail." Too many opportunities have passed when Congress has gone home early for the week before assuring Americans that their votes will always count. Before long, we will be saying that too many elections have occurred while Americans continue to vote on an election system that we know is broken. That is a notion that I am not willing to even consider and neither are the American people. If we fail to act, it is an outrage.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I join together on the floor today with my colleague from Florida (Mr. HASTINGS) because I too have spoken at each of our occasions here on the floor, with the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) and others in urging passage of this important legislation.

What happened in Florida's primary election this year is an example of exactly why we need to complete this conference as soon as possible. The Florida legislature passed legislation that outlawed punch cards, included new technology, called for improved election management practices and policies and introduced a statewide computerized registration system. The State was not afraid to spend money to support this effort. They set aside $32 million to improve the way elections were run. The counties responded with approximately an additional $50 million of local money designed to complement this statewide initiative. It is very difficult for anyone to argue that Florida was not committed to changing the way elections were run in their State. In fact, the gentleman from Ohio (Mr. NEY) and his staff spent the last 2 years studying elections across the country, talking to election officials, voters, disability advocacy groups, election machine vendors and other experts in the field. Based on what they learned, Florida spent more money on new voting equipment than any other State in the country during the last 2 years. They also made significant improvements in election management policy, including the introduction of provisional voting, second-chance voting, definitions of what constitutes a vote, and other improvements.

So what happened in Florida? Sixty-seven counties in Florida comprise our State. We heard about major problems in two counties, Dade and Broward. For those who tried to lay the blame at Governor Bush's feet, it is worth noting that the officials actually responsible for running those elections in these two counties are Democrats. The good news is that the overwhelming majority of Florida counties got it right. In addition to implementing new legislative districts, they changed the way they keep track of voter registration records, introduced new voting technology, they trained poll workers and educated voters on how this technology works.

Let me remind Members of my home county, Palm Beach County, where our supervisor of elections, Teresa LePore, who was much criticized during the 2000 election because of the butterfly ballot decided to take the new voting technology to virtually every group that would have her. She went to Kiwanis, she went to Rotary, she went to synagogues, she went to mosques, she went to shopping centers and displayed the new touch screen voting technology. She trained her workers. She educated her workers and her poll workers and her deputies. She actually had mock elections outside of public supermarkets in order for the community to be more comfortable with the voting machine. Thankfully, because of that effort and that time she took, we had very little problem in Palm Beach County. In fact, we had a 98.5 percent success in Florida. We are suffering the aftermath of two counties.

I regret that there were not a lot more people exercised about what happened in Dade and Broward. I was exercised that not every vote counted in the 2000 election, and I am convinced that some people should have been more vocal and vociferous because of what happened in Dade and Broward.

The gentleman from Ohio's staff of the Committee on House Administration observed primaries in Lee County, Florida. Lee County used the same new touch screen voting technology as 11 other counties in Florida did, including Broward; but they did things a little differently. They spent extra time recruiting and training poll workers. I want to underscore that. Extra time recruiting and training poll workers. Educating their voters, buying extra voting machines so voters could practice at the precinct. They even went to the trouble of making a video on how to use the new technology and had it play in each precinct in the county during election day. Lee County, Florida, home of our own PORTER GOSS. In addition, they installed modems in all the precincts so that the election results could be electronically transmitted to the central office as soon as the polls closed. The local media and voters declared the election in that county a success. This is how election reform should work. Proven in several counties. A few problems in two counties. So let us not minimize the importance of the legislation before us.

My contention from the beginning has been if we are going to implement meaningful reform, we cannot do it in a partisan manner. Managing good, solid elections that count every vote cast is not about what party you belong to. It is about sound public policy. Election officials need time to implement the meaningful changes that election reform will bring. It is imperative that we move this bill out of conference as soon as possible so that they are not rushed into making bad decisions, sending ill-trained poll workers to the polls, introducing new technology without educating voters, or repeating any of the other mistakes we saw in those two counties in Florida.

I commend the gentleman from Florida (Mr. HASTINGS), as I do others in our delegation, the gentlewoman from Florida (Ms. BROWN) and others who have also been vociferous in wanting to improve the election system not only in our home State but in every State of the Union. This is critical, it is timely, it is urgent; and I urge the conference to report out the bill.

Ms. WATERS. Mr. Speaker, I simply want to thank the gentleman from Florida (Mr. HASTINGS) for all the work he did on the special committee on reform. He supported it 100 percent.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of this urgent motion to instruct conferees on election reform.

Mr. Speaker, the most fundamental issue facing all of us during this Congress is restoring the public's faith in democracy. To restore that faith in democracy, we must make sure that every vote cast is counted. Equal protection of voting rights laws requires an electoral system in which all Americans are able to register as voters, remain on the rolls once registered, and vote free from harassment. Ballots must not be misleading. And, again, every vote must count.

In the 2000 election, Florida was not the only State where American citizens were denied the full exercise of their constitutional franchise. It happened all over this Nation. Moreover, most of those excluded from democracy were Americans of color. That is why election reform has been the number one legislative priority of the Congressional Black Caucus. We will not be silenced until this Congress answers this call. This is not, however, a black issue or a white issue or a brown issue. It is an American issue. It is a red, white, and blue issue. The survival of our democracy depends on the accuracy and integrity of our election system. Just last week, we received yet another wake-up call from the Sunshine State reminding us that the time for election reform is now and that we must do whatever it takes to pass this election reform bill immediately.

I would like to thank Senator DODD, the gentleman from Michigan (Mr. CONYERS), the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY) whom I have worked very closely with, the gentlewoman from California (Ms. WATERS), and all the others, most especially the African American delegation from Florida, for bringing the information and offering to be available to answer any questions at any time. I know that this election reform conference committee has been working diligently and they have come close to a compromise on this issue. I hope, Mr. Speaker, that soon, before we recess, this conference report will come out for us to vote on in an acceptable manner.

Now that we have come so close to compromise and now that the next round of Federal elections is right upon us, even though it probably will not affect it, the price for not passing election reform during this Congress is far too high. It is imperative that the conference committee continue its hard work and come to an agreement before the end of this month. We cannot afford to let this opportunity slip away.

I know, Mr. Speaker, how many hours the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) and Senator DODD have spent working on this issue. I have talked to someone every day on it. It is time for us to finalize this conference report and bring it forth.

Mr. NEY. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Speaker, as I understand it on both sides, I think there is great agreement with regard to the motion to instruct on this particular bill, so I am not here to debate that; but I am here, I think, to help set the record a little bit straight as to exactly what happened in Florida.

As we know, Florida was the middle of a hurricane during the last election, so it has received a great deal of attention. The Florida legislature spent a great deal of money in buying, purchasing and helping the counties put in place, as well as the county commissions, the state-of-the-art, or what we thought was the state-of-the-art voting machines, electronic machines. This was a new type of voting process for most of the counties in the State of Florida.

□ 1615

In my own home county of Broward County, the wheels sort of fell off the wagon.

Now, what exactly happened? According to the Registrar of Elections in Broward County, 150 of her workers did not show up, a lot of those that did were not properly trained, and there was great confusion within the voting places.

Many precincts opened late, as late as noon. In order to try to compensate for that, the Governor extended time for voting until 9 o'clock, but many of the precincts closed at 7 because they could not find the people that would stay over or because the word never got out to the poll workers that they were supposed to stay until 9.

Now, whose fault is this? I have heard too many people, and even Vice President Gore, former Vice President Gore was in the district today, trying to blame this on our Governor, Jeb Bush. Jeb Bush did not elect the Supervisor of Elections in Broward County; the people of Broward County did. Jeb Bush did not hire the poll workers that did not show up; the Supervisor of Elections did. Jeb Bush did not train the workers to operate the different voting machines. That is the responsibility of the Supervisor of Elections.

So, pray tell, what is the Governor's responsibility here, other than to support bringing state-of-the-art equipment into the State of Florida, which he did, which the state legislature did? There were just some colossal errors.

Unfortunately, with all the finger pointing, people wonder, what in the world? I even heard the President being blamed here on the floor a while ago. That makes absolutely zero sense. The President of the United States does not run the voting precincts in the State of Florida, the State of California, or any other State.

The Governor of the State of Florida, particularly in Broward County, his only responsibility is, perhaps you could argue, that if he does not remove the duly elected Registrar of Elections, that somebody could blame him for not removing this particular person. But it does not appear that is the way he is going. It appears he has sent down the Secretary of State, Jim Smith, who has come down and spent a great deal of time working with the people in Broward County to be sure this does not happen again. A citizen's committee has been set up.

The County Commission and our sheriff, Sheriff Jenne, has been working with the Registrar of Elections, doing everything they can to make this system work. The Governor has been totally cooperative. The Governor of the State of Florida is not the voter registrar in Broward County, and that is just the beginning and the end of it, and there is nothing further to really say with regard to that.

If people are going to blame the Governor, they should come here and say exactly what he did. If they are going to blame the President, they should come down and tell us what his responsibility is in getting people to the polls and getting the polls to work in Broward County.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Speaker, I would ask the gentleman to please repeat the number of people that failed to show up at the Broward County polls that were workers that were allegedly hired by the Broward County Supervisor of Elections. Was it 150?

Mr. SHAW. One hundred fifty people.

Mr. FOLEY. Mr. Speaker, if the gentleman will continue to yield, this is something I wanted to elaborate on. I think the gentleman has done a great job on it. The county elects their own supervisor who is charged and mandated with the task of carrying out the elections.

Mr. SHAW. The gentleman is correct. In Dade County, it is appointed by the Dade County Commission, so it is different. It is the way the charter is set up.

Mr. FOLEY. If the gentleman will yield further, one other thing I would like to elaborate on, is the Secretary of State, Jim Smith, who has recently been appointed, warned the Democratic Party officials about problems in Broward County, brought it to their attention. The State offered resources, the State tried to help, and the Broward County elected supervisor rejected all efforts to assist in the election.

This is different. Things were done, attempts were made to try to help during this critical and important election following 2000. All offers were rebuffed. I think that official bears sole, complete responsibility for the election outcome in Broward County, and Dade County has the same problem to address.

Mr. SHAW. Mr. Speaker, reclaiming my time, I would like to conclude by saying that the Governor and State officials in Florida are doing everything possible. Our County Commission in Broward County is doing everything possible to be sure they get a full count in Broward County.

Interestingly enough, all but one of our County Commissioners is a Democrat, the Voter Registrar is a Democrat, Broward County will deliver a big Democrat vote for the Democrat nominee for Governor, and the Republican Governor, Jeb Bush, is doing everything in his power to see to it that all the people, Democrats and Republicans in Broward County, get a fair count this time, that they do not go through the fiasco that we went through last Tuesday.

So I would like to just conclude with that, that I wish our Registrar all the best on November 5. It is going to be closely watched, but I think with all the assistance we are getting that the Registrar will have a great day and a great evening, and we will end up all being very proud of what is going to happen in Broward County. Republicans and Democrats want to be sure every vote gets counted.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had not intended this to be a platform for the defense of Jeb Bush or any other Governor, but, since it has been made such, the buck stops at the top.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time, and especially thank her for bringing this motion to instruct to the floor so we will not be put in the shameful position of perhaps going home again, we cannot go home again, without doing something about this bill.

Virtually every primary is over. We are 2 years past the worst election crisis in the United States of America. We have heard defense of Florida, we have heard partisan comments about the counties involved. The point of crisis has shifted from the States to the Congress of the United States.

We are sitting here with our thumbs in our mouths, knowing full well that Florida and every State of the Union cannot do it by themselves. That is really all Florida says to me. Florida is like a canary in the coal mine. Just as it was in the presidential election, we never would have learned without the fiasco of the 2000 election that we have broken election systems throughout the United States of America.

Florida redux is shameful, to be sure; to have the same crisis emerge in similar counties is shameful, to be sure. But we are going to have that over and over again unless we do our job.

Why name the President of the United States? Because he is the President of the United States, and it was his election, that is why. Because he has the bully pulpit, that is why. Because he ought to step up and say to the conference committee what the gentlewoman from California is saying: "Hey, shake it loose so we don't do it again." Yes, it is his responsibility, and it is especially our responsibility.

It is shameful that the NAACP has to go retail. It has had to go county by county to just settle a suit there on such basics as, I remember one of the provisions is that you have to provide an alternative way to vote in case you are challenged at the polls? Really? In 2002 we are just saying that?

In Virginia, I have read thousands of different things that have happened county by county as counties go by themselves retail trying to fix the system in Virginia. One county that had 600 overvotes was reduced to one last year. How many overvotes must there have been throughout the United States that nobody even knows about now because they have not been dealt with?

If you want to know what we have to do with Florida, it is known as congressional leadership, Federal leadership, and it is known as the right to vote. And that buck, yes, I say to the gentlewoman, stops at the top, and we are the top of that pyramid.

We did not know until Florida. My friends, now we know. That means now we are responsible. Any disagreement, as I have heard there is on voter ID, I just want to say right here is the most shameful, the most shameful cause of disagreement. The notion about just how much ID you ought to have before you, with your American self, can cast your vote, exercise your right to vote? It is a chilling reminder of years past.

I want to say right up front; this is a civil rights issue, only this time everybody understands the civil rights is not for African Americans alone. In Florida we saw people of all races and backgrounds, all educational backgrounds, got caught in what African Americans have been caught in for decades.

Let us free the American people and let them all vote in November.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 4 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman and gentleman for yielding me time.

Mr. Speaker, I just want to thank the gentlewoman from California for this motion to instruct and for her leadership in chairing the Election Reform Task Force, which I had the pleasure of joining her on in several cities throughout the Nation. This is an important motion to instruct, but it is also an important conference.

I would like to add my appreciation to the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), for the work that they have done, along with the gentleman from Michigan (Mr. CONYERS), and I serve on the conference committee. Also the gentleman from Michigan (Mr. BARCIA), who is a leader on this issue, and many others.

I would like to speak to the importance of the conference and the work yet undone and the importance of this motion to instruct for October 1. I would like to emphasize that the Constitution and election reform is not partisan. The example that we saw in

Florida is an issue that should be of concern to Republicans and Democrats, and I believe that this legislation will be a cornerstone to solving some of the problems when we have Federal requirements, even though we saw the legislature in Florida try to act upon it.

But let me move away from Florida and use Texas as an example of why this Federal bill is so very important. In the State of Texas we will be entering into one of the most historic elections come 2002, because, for the first time, we will have at the top of the ticket two individuals who are Americans, of course, but represent the great diversity of the State of Texas.

But in the State the election system is also diverse, but not to the positive, but to the negative. In the State of Texas our ballots are counted by hand. They are punch card ballots, they are write-in ballots, and, yes, in the largest county in Texas, they will be by E-Slate.

Texas has the ability to vote straight ticket, as many jurisdictions have. We are just discovering that the E-Slate that we have in the State of Texas, which I think will be in another county as well, does not function right for voters of either party that may choose to select their candidates by voting a straight ticket. That is a privilege of those who vote. That is a chilling effect where you cannot utilize certain equipment and vote the way you desire.

With Federal requirements, that will provide assistance to ensure that there is a consistency of vote throughout the state, but, more importantly, it will also provide training dollars which are so desperately needed.

I have to go home this weekend and test the machine. Others have tested it, as I have encouraged them to do, but I have to test it, because there is a problem. I believe this legislation has the ability to bring consistency and bring to people the privilege of voting that the Constitution and citizenship bestows upon them.

I hope that the leadership of this House and the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), who work so well together, will look at the idea of a national ID, that we happen to have avoided in the immigration legislation and even to a certain extent in Homeland Security, that there is not a chilling effect, if you will, for people who come to the polls to vote, that we determine that you are able to vote, that we have standards, that we have uniform voting procedures, that we have requirements, that we have Federal oversight, but we do not chill people from voting, as did happen to all people in the last election.

Disabled people were prohibited from voting in particular areas, and Florida comes to mind. This legislation opens the doors to disabled persons.

I hope we can work through the question of purging, though I think there is a great response to the purging question. What that means is people being thrown off the rolls and not knowing they have been thrown off the roles and legitimately wanting to cast their vote.

This is a civil rights question, but it is an American question, and I believe the members of the conference, including the chairman and ranking member and the leadership in the other body, if I might add, the chairman of the Committee on Rules in the other body, all have considered this an important challenge, and I hope by October 1st we will finish our work and finish it together and have a bill, not for partisanship, but for all Americans, to protect the civil rights of all Americans.

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Mr. NEY. Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank my esteemed colleague, the gentlewoman from California (Ms. WATERS), for bringing this to our attention. I have a very short comment to make. Number one, it is time, regarding the instructions she has given to the conferees, it is time we had fair voting in Florida. It is time we not depend on the machine. We need leadership. The Governor of Florida, the Dade County Elections Commission, none of them have acted in good faith. We need this. We need the Federal Government to come in and say, look, we want a fair election. It is time for one. We cannot pass the buck. Even with the machines, if we do not have the proper leadership to direct this, it cannot run in the right way.

We know that Florida has been cheated, we know that this country has been cheated, so I will not stand here and make allowances for anyone. We need this instruction that the good Congresswoman has passed on to the conferees. It is time that they listen for once and pass this and make sense when they do it and not look for some bipartisan kind of thing that is going to please everybody. Please the American public. Please the people who work so hard for the vote. Please the people who died for the vote. So I make no amends for any of them.

Mr. Speaker, I rise in strong support of this Motion to Instruct the Election Reform Conferees to produce a Conference Report before October 1, 2002, and I commend my good friend Congresswoman MAXINE WATERS for offering it.

Mr. Speaker, election reform is long overdue. How many more election day catastrophes, like last week's voting in Florida, will be required for this Congress to get the message that our people need a real election reform bill and they need it now?! I don't have the time to detail all of the problems that occurred in last week's voting in South Florida, but the problems were extremely serious.

I have read the same newspaper and magazine accounts that all of you have read suggesting that the election reform conferees have not yet been able to work out their differences, and that election reform may be dead for this Session of Congress. Mr. Speaker, this outcome is absolutely unacceptable. This Congress will have failed the American people if it does not pass a strong election reform Conference Report, and send it to the President for his signature before this Session ends.

Mr. Speaker, last week's voting revealed that the many problems that plagued the 2000 Presidential election in South Florida are continuing. I didn't just hear about the problems from my constituents. I experienced some of the problems myself.

Miami-Dade County allowed early voting in advance of the September 10th primary. Yet when I stopped by a library branch in my precinct to cast an early vote, I was delayed from voting for more than 30 minutes because the only computer available was not working and the election officials on duty said that they couldn't verify that I was an eligible voter!

Even though I presented my driver's license, my new voter registration card and other photo identification, I still was not allowed to vote for over thirty minutes while poll workers attempted to check Election Department records to verify my eligibility.

While these poll workers tried to follow new Miami-Dade procedures to contact the main elections office in the case of a computer glitch, they were unable to contact the Elections Supervisor to verify my eligibility. During this thirty minute period, I saw at least two voters who wanted to vote early leave the polling place without voting.

As all of you know, I'm not easily deterred, especially when my rights are being threatened, so even though I was extremely unhappy with the Department's inability to verify my eligibility during this delay, I did not leave the polling place. Instead, I had my District Office contact the County Elections Supervisor and his staff. While I did not speak with the Election Supervisor himself, I understand that Elections Department staff advised that the Elections Supervisor checked the department's records personally to verify my eligibility, and then the poll workers were told which absentee ballot I should be given.

Mr. Speaker, if a Senior Member of Congress with a long history of voting in each election, and someone who knows how to assert herself, had this type of problem when trying to vote, all of us know the problems that new or infrequent voters, or those voters who speak a different language such as Haitians, are facing.

Mr. Speaker, we can and must do better than this. We need to fund the best election technology available and make it available on an equal basis to all of our communities. Yet, Mr. Speaker, we need more than just new and fancy machines. We need to ensure that our poll workers are properly trained in how to operate those machines, and in election law and procedure. Those workers also must share a commitment to seeing to it that all of our people have an equal chance to vote and to have their vote counted. In short, Mr. Speaker, our elections officials must do more to make real election reform a reality for all of our people.

Mr. Speaker, we must not forget the lessons of the 2000 election, and last week's Florida fiasco. None of us can rest until we ensure that every vote counts and is counted. I urge all of my Colleagues to support the Waters Motion to Instruct Conferees, commend Congresswoman WATERS for offering it, and yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself the remaining time.

Elections are the heart of our democracy. We cannot afford to allow another Federal election to come and go without addressing the myriad problems in our election system. We must complete action on election reform legislation. We must complete it before we adjourn for the November election. It is time for Congress to assure the American people that every vote will count in the United States of America.

We do this for all of America, but African Americans are particularly sensitive on this subject, because we fought so hard for the right to vote. I can tell my colleagues in that election where we saw a database identifying so-called felons where people who had never been arrested in their lives found themselves on that list, where people could not cast their vote because they could not find their names on the polls, it was reflections of yesteryear by a different name. We have our forefathers and foremothers who were made to pay poll taxes, who were intimidated, who were forced to have to read the Constitution in order to prove their literacy. We cannot afford to have America not fix this election system that is obviously broken and has been demonstrated to be such.

Mr. Speaker, I urge my colleagues to support this motion and tell the conferees to complete their work before October 1.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. WATERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A POLITICAL MISTAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I have for years advocated a moral and constitutional approach to our foreign policy. This has been done in the sincerest belief that a policy of peace, trade, and friendship with all nations is far superior in all respects to a policy of war, protectionism, and confrontation. But in the Congress I find, with regards to foreign affairs, no interest in following the precepts of the Constitution and the advice of our early Presidents.

Interventionism, internationalism, inflationism, protectionism, jingoism and bellicosity are much more popular in our Nation's capital than a policy of restraint.

I have heard all the arguments on why we must immediately invade and occupy Iraq and have observed that there are only a few hardy souls left in the Congress who are trying to stop this needless, senseless, and dangerous war. They have adequately refuted every one of the excuses for this war of aggression; but, obviously, either no one listens, or the unspoken motives for this invasion silence those tempted to dissent.

But the tragic and most irresponsible excuse for the war rhetoric is now emerging in the political discourse. We now hear rumblings that the vote is all about politics, the November elections, and the control of the U.S. Congress, that is, the main concern is political power.

Can one imagine delaying the declaration of war against Japan after Pearl Harbor for political reasons? Or can one imagine forcing a vote on the issue of war before an election for political gain? Can anyone believe there are those who would foment war rhetoric for political gain at the expense of those who are called to fight and might even die if the war does not go as planned?

I do not want to believe it is possible, but rumors are rampant that looking weak on the war issue is considered to be unpatriotic and a risky political position to take before the November elections. Taking pleasure in the fact that this might place many politicians in a difficult position is a sobering thought indeed.

There is a bit of irony over all of this political posturing on a vote to condone a war of aggression and force some Members into a tough vote. Guess what, contrary to conventional wisdom, war is never politically beneficial to the politicians who promote it.

Presidents Wilson and Roosevelt were reelected by promising to stay out of war. Remember, the party in power during the Korean War was routed in 1952 by a general who promised to stop the bloodshed. Vietnam, which started with overwhelming support and hype and jingoistic fervor, ended President Johnson's political career in disgrace and humiliation. The most significant plight on the short term of President Kennedy was his effort at regime change in Cuba and the fate he met at the Bay of Pigs. Even Persian Gulf War 1, thought at the time to be a tremendous victory, with its aftermath still lingering, did not serve President Bush, Sr.'s reelection efforts in 1992.

War is not politically beneficial for two reasons: innocent people die, and the economy is always damaged. These two things, after the dust settles from the hype and the propaganda, always make the people unhappy. The euphoria associated with the dreams of grandiose and painless victories is replaced by the stark reality of death, destruction, and economic pain. Instead of euphoria, we end up with heartache as we did after the Bay of Pigs, Korea, Vietnam, Somalia, and Lebanon.

Since no one wants to hear anymore of morality and constitutionality and justice, possibly some will listen to the politics of war, since that is what drives so many. A token victory at the polls this fall by using a vote on the war as a lever will be to little avail. It may not even work in the short run. Surely, history shows that war is never a winner, especially when the people who have to pay, fight, and die for it come to realize that the war was not even necessary and had nothing to do with national security or fighting for freedom, but was promoted by special interests who stood to gain from taking over a sovereign country.

Mr. Speaker, peace is always superior to war; it is a political winner.

GROWING CONCERN OF CHILD MODELING ON THE INTERNET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to discuss an issue that is of prime importance, I hope, to many American families and their children; and it is as a member of the Congressional Caucus on Missing and Exploited Children that I rise today, because I have introduced legislation that deals with a growing concern of child modeling on the Internet.

What occurs is that young girls, 10, 12, 13 years old, are encouraged by their parents and aided and abetted by individuals to display themselves on the Internet for viewership, if you will, people who pay a fee, a monthly fee in order to view the site. I am not going to mention the names of the sites, because I do not want to encourage anybody to go, but to understand the gravity of the situation we are facing. The girls initially pose in not very suggestive ways. They may be appearing next to a horse; they may be outside in their bathing suit; they may be holding a tennis racket. As time goes on, they are encouraged to pose more provocatively for their viewers. They are asked to expose themselves, they are asked to wear things like belly dancing outfits, they are asked to emulate an activity that is highly inappropriate for somebody their age. Many of these parents are deceived into thinking that the person witnessing their child on the Internet is another young person, a young girl or boy who is taking part in this little modeling expedition and encouraging their children or their friend to continue their activities as a child model.

What we found out through investigation at the National Center for Missing and Exploited Children is that often, the people that are paying $19 a month to view these sites are pedophiles. They are often people who are depraved and who are looking at 11- and 12-year-old girls, and they are e-mailing each other back and forth saying, why do you not do this or pose like this. It is such a serious problem that I have designed legislation that I hope will answer some of the concerns.

Today on John Walsh's show we talked for an hour about this very topic, and Mr. WALSH had on two mothers, two daughters, and two of the promoters of these Web sites in order for us all to hear from them why they thought this was an appropriate and legitimate act for their child to pursue. Oftentimes they said it was to raise money for the child's college, even though one of the girls on the show quit school and was now being home schooled because she said she had asthma and could not conduct the hard work of school because of her condition. Nonetheless, she would find time in her day to be a child model. What we heard was startling, that they would allow their child to come into contact of people of such ill repute.

Now, again, I urge people to listen to what I am saying. I am not suggesting that young girls cannot be models, and I am not suggesting that there is not an appropriate place in commerce for young people to display their talents; but what we are finding on these particular Web sites, and it was first brought to my attention by a local NBC affiliate in Florida, in Miami, WTBJ, they had done an investigation on somebody who actually happened to live in my district and they went on to find these cases where the girl was posing. All I want to suggest to people is first, to my colleagues, look at the legislation.

There has been much written about this legislation in the mainstream media. There has been much discussed, in fact, on national radio shows about this very topical issue and the legislation I have sponsored. We hope we can generate the debate in order to have parents hear our voices on what I hope is a clarion call for them to be very, very careful of what they subject their young children to.

If we look at almost every case of abduction, every case of rape, every instance where a child has gone missing, typically, when they find the suspected person who has committed a crime, when the agents, the police officers raid the house, they often find reams of pornography, reams of material that uses young children in a provocative, nasty, and disturbing way. So there is a cause and effect between the harm caused to these children and their activities or the utilization of this type of material.

Now, not every girl is going to be molested or harmed, and I understand that. But what they have to be aware of is that too much is occurring on the Internet today that should cause parents considerable concern. First and foremost, I urge every parent to make certain that the computer they use is in the family room where they can observe their young children using the computer.

□ 1645

The person that may be chatting with their child may not be the person who purports to be on the other end. They may say they are a fellow student from school. It may turn out to be the neighbor next door who has ill intent on their child. We should warn our children not to be engaged in conversations with adults on the Internet, and certainly warn them never to meet a parent or adult out in a public setting after a chat on the Internet.

I hope my colleagues will look at this legislation very carefully and consider cosponsoring it, because I do think there is an appropriate time now to address some of the growing concerns on this issue. I urge my colleagues to do so.

OPPOSING THE PRESIDENT'S EFFORTS TO LAUNCH ILLEGITIMATE FIRST STRIKE AGAINST IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I stand today in opposition to the President's efforts to launch an illegitimate first strike against Iraq. The President's war fervor threatens the lives of thousands of American soldiers and Iraqi civilians, ignores international law, undermines our fight against terrorism, and may make average Americans less safe. Yet, the President presses for an invasion.

It is true that Saddam Hussein is a dictator. He is a bad man, and the world would be better off without him. But the world will also be better off if the United States works within the scope of international institutions instead of launching an unprovoked first strike against Iraq.

America's greatest asset is our moral authority, not our military power. Attacking a sovereign country unprovoked forfeits that authority completely.

It is true that Saddam has repeatedly violated United Nations resolutions, but it is also true that only the United Nations has the authority to enforce those resolutions. Furthermore, none of those resolutions call for regime change in Iraq, an often-stated goal of the President's.

On top of all of that, a first strike invasion of Iraq could actually undermine America's vital interests in the Mideast and around the world. It is unfortunate but true that Iraq's neighbors mistrust the United States even more than they mistrust Saddam Hussein.

Invading Iraq could have drastic repercussions by energizing extremists looking to overthrow governments across the Mideast. Such an outcome is even more likely if Saddam Hussein responds to an invasion by retaliating against Israel. If he succeeds in killing Israelis and polarizing the Mideast, what then?

The President claims Iraq's weapons of mass destruction are more than can be justified for aggression. In America, we must hold ourselves to a higher standard. Those weapons programs are frightening, but policy must be based on fact, not fear.

It is believed that Saddam's nuclear weapons program was 95 percent destroyed by 1998, when the U.N. inspection teams pulled out. There is no reason to think that a new round of weapons inspectors will not be just as effective. Meanwhile, President Bush has sent a message of his own by backing out of the ABM treaty, refusing to sign the Kyoto treaty, refusing to be a party to the mine ban treaty, withdrawing the U.S.' signature to the International Criminal Court treaty, and embracing the use of mini nukes.

Is it any wonder that other nations hesitate to support a first strike invasion when we in the United States ignore the same international standards that we accuse Saddam Hussein of disregarding? We must take a long, hard look at our own policies to ensure that we do not violate the same rules we expect others to follow.

As a Nation, it is our responsibility to live up to our own democratic ideals. We owe it to our children to exercise the full range of diplomatic options in Iraq so we can prevent a war that will cost thousands of lives while at the same time giving a boost to our real enemies: The terrorists who planned September 11.

War represents a failure of civilization. It is a last resort. America's strength is our commitment to moral action, and a government based on the rule of law. That law must never be silent, and our sensibilities must never be intimidated.

UNANSWERED QUESTIONS REGARDING ADMINISTRATION PLANS FOR IRAQ

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today, before the Committee on Armed Services, Secretary Rumsfeld, who has made up his mind, said that the President has not yet made up his mind about a preemptive war and an invasion and occupation of Iraq.

Now, when the Secretary was asked how he reconciled that with the rush to adopt a resolution authorizing the use of force here in the House if the President had not yet made up his mind and could not articulate the case, he really did not answer the question. To tell the truth, I was a bit put off by that, but that is a key question which needs to be answered.

On September 5, I sent the President a letter signed by 17 other Members of the United States House of Representatives. We were pleased that the President had recognized the authority of the Congress, the sole authority of the Congress for declarations of war and use and initiation of force, except in the immediate defense of the United States, as per the Constitution and the War Powers Act; but that we felt that the President had a number of very important questions to answer before Congress should even begin the debate on such a resolution.

I fear they are really putting the cart before the horse here. They want a resolution without making the case. The President gave an eloquent speech at the U.N. last week, but many of the things he talked about, the offenses of Saddam Hussein were in fact things that had happened during the Reagan administration, during the administration of Bush I, in fact, such as the horrible gassing of people within his own country and the U.S. aiding him in his war against Iran before we dropped our friendship and support of his horrible regime. Many of these things took place then.

Then he went on to make the case for the U.N. resolutions which have been violated. We agree there, that this is an odious individual. He is not worthy of leading any nation. He has gassed and killed his own people, promoted religious and ethnic strife, murdered all his potential political opponents. I wish he could be deported to another planet, but right now, he is in power in his country. Hopefully, some people in his country will find a way to overthrow him and get rid of him.

But the question for us in the United States Congress is, should we authorize the first ever preemptive war in the history of the United States, and what is the immediate and serious nature of the threat that would have us break from all precedents in our history and all the precedents of international law? Those are the questions that are embodied in this letter.

Quite truthfully, thus far in both unclassified and classified briefings, and I cannot talk about what they did talk about in classified briefings, but I can tell Members what they do not talk about in classified briefings. They have not talked about anything in the classified briefings that we have not read in USA Today or heard on CNN, so they have yet to make an effective case that somehow he has been transmogrified from this reprehensible dictator in a mostly impoverished developing or Third World country to this incredible and immediate threat to the integrity of the United States of America.

They can find no links to al Qaeda, who is an immediate threat to the United States of America. In fact, I would say that we are being distracted, as are many of our allies and friends, and not-so-good allies and friends around the world, from the pursuit of al Qaeda and wiping out that threat by propping up suddenly this new threat.

I think a lot of this, unfortunately, is probably left over from his father's administration. Many of the foremost advocates of this preemptive war served in Bush's father's administration, and are aggrieved that they did not then so-called "finish the job."

But the same problems that confronted Colin Powell then confront us now. Probably his military is not that significant; maybe, maybe not. Maybe there will not be a lot of casualties. Maybe this can be done without a lot of civilian casualties. Sure, we can work through all of that. But then what? Then what?

I heard one Senator say that we are going to rule Iraq. We are going to rule Iraq, a country of more than 60 million people with an unbelievably fractious history, in the middle of the most volatile region on Earth, with the problems with the Shi'as and the Sunnis and the Kurds and the Turks and all those other things, and we are going to rule Iraq?

They have to have not only an entrance strategy and a rationale for this war, they need an exit strategy that they have to explain to the American people and this Congress before they should receive any sort of authorization to do anything in that area.

WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, there is probably no issue that this House will deal with of the gravity of the one we are facing. Sending this country to war, putting our young people, men and women, in harm's way is a heavy responsibility. It cannot be done on the basis of misinformation.

Some of us who serve here served in the Vietnam era. I dealt with casualties for 2 years coming back from Vietnam. The young men and young women of the Seventh Fleet came to Long Beach Naval Station, where I was the chief psychiatrist. I saw what happens to people in war, so I do not come out here with an easy heart to say, well, let us go off and do this and do that. I think it has to be thought through very carefully what this country is doing, because if we put our people on the line, they have to know what they are doing.

If we say to the world that we can make a preemptive strike, we do not like what that person is doing, and we are not sure exactly what he is doing, but we are pretty sure we do not like what he is doing so we are going to take him out, when this country moves to that point, we are moving into a very dangerous period.

I want to read a quote. It was not said in this body, it was said on the other side: "I believe that history will record that we have made a great mistake in subverting and circumventing the Constitution of the United States. I believe this resolution to be a historic mistake. I believe that within the next century, future generations will look with dismay and great disappointment upon a Congress which is now about to make such a historic mistake."

Now, we went to war in Vietnam with a voice vote in the House of Representatives.

□ 1700

No recorded votes. In the Senate they had a vote. Two Members spoke against it and voted against it. One of them was this speech I just read by Wayne Morse of Oregon. Another Senator voted for it but asked a question. He said, "I do not want to do this because I think we are going to wind up with 500,000 troops on the ground." They went down and asked President Johnson and President Johnson called Gaylord Nelson and said, "Gaylord, for heaven's sake you know I am not going to do anything like that." He lied to him. He lied to him.

And when people tell me they have facts, that they know that there are weapons out there, there are nuclear weapons, that, oh, the United States is in grave danger, we knew what Saddam Hussein was doing with those weapons when he turned them on the Iranians. We were encouraging him. We did not like this bunch over in Iran, Ayatollah Khomeini and all that bunch. So we said, Hey, Saddam, go get him and we will give you some weapons, and we knew what he was doing.

When this country decides they are going to take out a leader somewhere, one ought to look at history. There was a country called Iran, and the leader was a guy named Mossadegh. He had been elected by the people. He was the Prime Minister elected in Iran. The United States Government did not like him because his politics were kind of a little bit to the wrong direction, whatever that was. So they decided to take him out and install a king. They brought back the Shah of Iran and put him on the throne. So in 1979 things erupted there. Somebody said to me, Well, gee, Jim, we got away with 25 free years. Is that the kind of foreign policy this country wants to pursue? Do we want to say we are going to go to any country and we are going to take out whatever is there and put in our guy and then we will use him? The reason we did not like Mossadegh, the reason we do not like Saddam Hussein, it all has to do with oil, who has control of the oil. Mossadegh was talking about nationalizing. Saddam did. This is not an issue for us to do a regime change, simply on oil. We must be careful.

SEEKING PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I think that we all are in agreement that the world and the Iraqi people would be better off if Saddam Hussein were not in power, but I also think we all can agree on the fact that our world would be better off with a peaceful resolution to the current crisis and one which respects the rule of law and the role of the United Nations. That is why I rise tonight, Mr. Speaker, to urge this Congress and our country to renew our commitment to working with the United Nations and our friends and allies to advance peace and security in the Persian Gulf region. We need to act, but we do not have to rush to war. We have alternatives.

We have been told by President Bush and other members of the administration that we have to attack Iraq because our Nation is in imminent danger from Saddam Hussein. However, neither the Congress nor the public have been shown evidence of that or linking Saddam Hussein to 9–11. We have received no proof that Iraq has the means or intent to use weapons of mass destruction against us. We have not been told why the danger is greater today than it was a year or 2 ago or why we must rush to war rather than pursuing other options.

So tomorrow I will introduce a resolution offering a road map to such an alternative. This resolution emphasizes the importance of working through the United Nations to assure Iraq's compliance with U.N. Security Council resolutions and cease-fire agreements and to advance peace and security throughout the region beginning with full unfettered inspections.

During the 1990's, United Nations inspections teams succeeded in destroying tons of weapons in Iraq in spite of Iraq's attempts to obstruct their mission. They were on a search and destroy mission and they accomplished that. Today we need to renew that inspections process in the interest of our own security. We do not know the extent of Iraq's possible development of weapons of mass destruction and thus the extent of risk to us. That is why we need inspections. The President has called on the United Nations to assume its responsibilities. In fact the United Nations was established to deal with just such international crises. So let us work with them to make that happen.

But still on the other hand, the administration and others call for a preemptive first strike against Iraq. The cost of such action would be enormous, starting with a grave risk to American servicemen and women and to Iraqi civilians who will be caught in the crossfire. A preemptive first strike would also seriously damage our relationship with friends and allies, all of whom are strongly opposed to an assault. Statesmen such as Kofi Annan and Nelson Mandela have beseeched us to turn away from this disastrous course. Many Middle Eastern countries that supported the United States in the Gulf War will not support this attack and warn of long-term catastrophic consequences.

Such a war carries enormous cost. The Wall Street Journal estimates that it may cost as much as from 100 to $200 billion. When we have no proof that Iraq was tied to 9–11 and no proof that we are in imminent danger, why would we rush to spend $200 billion that could be invested in health care, education, housing, domestic security, and other vital needs here at home? Why are we rushing into a war with such a huge price tag for our foreign relations and our own budget when we have viable and many more effective alternatives? Why would we set such a devastating precedent?

There are what, eight known nuclear powers in the world? At least two of them, India and Pakistan, have long been on edge with each other. According to the doctrine of preemption, either of those countries could launch an attack because they are afraid of what the other might do. Is that the kind of world we want to live in? Is that the precedent that we want to take? We will be setting that. We will be setting this new standard.

President Bush laid out an axis of evil consisting of Iran, Iraq, and North Korea. Which dictator will be next?

Where does preemption end? So the resolution that I will introduce tomorrow resolves that the United States should work through the United Nations to seek a peaceful resolution to the crisis in Iraq through mechanisms such as inspections, negotiation, and regional cooperation. We do not have to go to war. We still have alternatives. It is up to us to pursue them.

Mr. Speaker, I urge Members to cosponsor my resolution and join us in taking this message to the American people.

PRESCRIPTION DRUGS FOR AMERICAN SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, there is a lot that is important to the American people that is being lost in the current focus on the situation in Iraq and the administration's plans for regime change and a military invasion. And I want to spend this evening talking about one of those issues that is getting less attention than it deserves.

I am talking about the fact that in my home State of Maine and all across this country, seniors who need prescription drugs in many cases simply cannot afford to buy them. In my office, my district office in Maine, people are coming in all the time, calling on the phone or stepping into the office and basically saying, What can I possibly do? I can no longer afford my prescription drugs.

People who have a Social Security check each month of $800 to $1,200 can wind up with $400, $500 a month in prescription drug costs, and the math just does not work. They cannot do it. People are, in fact, giving up food in order to buy their medicine or giving up their medicine in order to pay the rent or buy food.

We have been dealing with this problem for years. Back in 1998 I introduced a bill that would provide a 30 percent discount to all Medicare beneficiaries and the cost of all of their prescription drugs at no significant cost to the Federal Government. But the pharmaceutical industry weighed in, lobbied heavily, described the plan as price controls even though it is one that is widely employed by other industrialized nations and nothing has happened on that front.

The Democratic Caucus year after year has proposed a Medicare prescription drug benefit. That is a benefit for Medicare beneficiaries operating in the way that part B of Medicare does, the way doctors, the expenses for physicians is covered, that is, seniors would pay a certain amount per month and get a significant portion of their expenses covered, both by the amount they pay and by contributions from general revenues. Well, that is what we thought ought to appear here.

But tonight I want to spend some time talking about what really goes on here in Washington, what really goes on out in the field, and why we do not have even a discount for Medicare beneficiaries or a Medicare benefit. And we may remember, it has been a long time, but some may remember in one of the debates, one of the Presidential debates in the year 2000, President Bush said, I support a Medicare prescription drug benefit.

I knew what he meant. Lots of people in this Congress knew what he meant. But never in the past 2 years has the administration presented a plan for a Medicare prescription drug benefit. Not one.

Let us look at a little bit of what has been going on in the Congress and why we have not been able to accomplish what we should. Let us look for a moment at the last election cycle, 1999 to 2000. The pharmaceutical industry in that time period, according to the consumer watchdog group Public Citizen, spent $177 million lobbying Members of Congress and $20 million in campaign contributions. So that is $200 million that the pharmaceutical industry spent in those 2 years in order to try to get its way.

At the same time they employed in the year 2000, 625 lobbyists here in Washington. Think about it. There are only 535 Members of the Senate and the House put together, but the pharmaceutical industry hired 625 lobbyists to make sure that their views were well represented in the Congress.

But that is not the end of the story. In the same time period, that election cycle, the pharmaceutical industry was the largest interest group spending money on political ads, so-called issue ads, of any group in the country. They spent $50 million. And we can be sure, we can be sure based on their advertising so far in this cycle that they will far exceed that number.

Let us take a look at how these groups operate. The pharmaceutical industry not only has legions of professional lobbyists, but it is also funding what they call grass roots groups. A lot of us call this Astroturf lobbying because the grass is manufactured. And I want to call attention to a couple of those groups.

One group is the 60 Plus Association, which not so long ago did an ad in the Houston Chronicle, an ad thanking the majority whip, the gentleman from Texas (Mr. DELAY), for his work on a prescription drug benefit plan. And the advertisement of the 60 Plus Association, we need to know, is funded by the pharmaceutical industry. It sounds like a group just of grass roots seniors, but it is not. It is funded by the pharmaceutical industry. Here is what the ad said. It said: "Results, not politics, for American seniors." And it goes on and on talking about this particular publication.

What we need to know, what people need to know about this industry and this campaign, Mr. Speaker, is that 2 days after the House Republicans unveiled their prescription drug plan back in June, a plan that was backed by the pharmaceutical industry, pharmaceutical companies were among 21 donors paying $250,000 each for special treatment at a GOP fund-raising gala headed by President Bush.

□ 1715

That same week, a senior House Republican leadership aide was quoted in the newspaper as saying that Republicans are "working hard behind the scenes on behalf of PHARMA," the industry association, "to make sure that the party's prescription drug plan for the elderly suits drug companies.".

In fact, the House Committee on Energy and Commerce during markup of the Republican prescription drug bill had to break early that day so that Republican law makers could attend the dinner, and that was reported in the Washington Post on June 19, 2002. At that time, the drug lobby had financed a massive $4.6 million issue ad campaign in 18 competitive districts, some of them held by Republicans.

This September one ad in the Houston Chronicle praising the gentleman from Texas (Mr. DELAY) for the plan he supports is really a remarkable document. The pharmaceutical industry wrote the bill, wrote the Republican prescription drug bill. It passed by a very narrow majority on essentially a party line vote, and now the pharmaceutical industry goes out running ads thanking the Republicans for passing the bill that the pharmaceutical industry wrote. If people have enough money in this country, they can do a lot to hoodwink the American people.

Let us take a look at this particular ad and just talk about some of the allegations made here. The suggestion is that the Republican prescription drug plan includes a guaranteed drug benefit under Medicare for all seniors, but what the ad does not tell us is that it does not provide a guaranteed defined benefit with a guaranteed premium, and the reason for that is that the plan relied on insurance companies to provide the benefit. It was not a Medicare benefit. It was an Aetna benefit, a CIGNA benefit, a United benefit. It was something, but it was not a benefit, and we can look through that entire bill and look for the number that seniors will have to pay to be part this so-called Medicare prescription drug benefit plan and we cannot find the number anywhere in the bill because it does not exist, because what the bill consists of is a subsidy to insurance companies in the hope that they will turn around and provide stand-alone prescription drug insurance to seniors, a kind of policy that does not exist at all today and probably will never exist but which is the heart and soul, if those are the words, of the Republican bill.

Let me deal with the other four allegations here. The suggestion is that this will reduce out-of-pocket costs by up to 70 percent, but what the ad does not tell us is that those seniors with drug costs between $2,000 and $3,700, within that group, will have to pay 100 percent out-of-pocket if the insurance companies, given the subsidy, offer the plan that is assumed by the Republican prescription drug bill, all of which is highly unlikely.

The third claim is that this plan, the Republican plan, would offer seniors the flexibility to choose the plan that best meets their need, but what the ad does not say is that the plans under the Republican prescription drug bill are not under the Medicare program but private insurance companies and HMOs, and as someone who comes from the State of Maine, it is very clear to me that Maine, another rural State, is going to be one of the last places where insurance companies rush in and say we really want to provide prescription drug insurance to seniors, a group that represents 12 percent of the population but buys 33 percent of all prescription medications.

Then the fourth claim in this ad run by the astroturf organization in favor of the pharmaceutical industry is that it will provide complete protection against catastrophic drug costs, but it does not say that between $2,000 and $3,700 a person pays 100 percent out of pocket, and the catastrophic protection assumes that again there will be an insurance company to provide the benefit.

The final claim here is that there is no government bureaucrat between a person and their doctor, but there is someone between them and their doctor, and that will be the private insurance company, the HMO who will decide what drugs will be available under what plans. One of the problems with that is, unlike Medicare, where the benefits are reasonably stable, known in advance, consistent from year to year, where the premium changes only a slight difference from year to year, when it comes to HMOs and private insurance companies, what will happen, as it has in the Medicare+Choice market, is every year people will be laid off if the company is not making money in a particular area. The premium can be changed, the benefits can be changed at will, and despite the fact that in each of the last 4 or 5 years hundreds of thousands of people each year for a total of several million have withdrawn from the Medicare+Choice plans, that is, managed care for Medicare beneficiaries, despite that fact, that is the model that is being relied on under the Republican prescription drug plan.

The bottom line is real simple. Having written the bill for the Republican majority, having watched it pass here in the House, now the pharmaceutical industry is out running ads under the name of other organizations, trying to persuade the American people that Republican Members of Congress who are marching in lockstep with the pharmaceutical industry should be congratulated by seniors, ostensibly for doing what seniors want, but in fact, doing what the pharmaceutical industry wants.

I notice my colleague from Arkansas, a tireless advocate for seniors, is here, and at this time I would be happy to yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank my good friend, the gentleman from Maine (Mr. ALLEN), and not only for his great friendship but for his leadership in this Congress and in the time that we have served together on this issue.

Here we are again, and it is a sad day in America. America is better than this. We can do better. We know how to do better. This issue is not something we do not know how to fix. We know what to do. This Congress is full of good people on both sides of the aisle. We know what to do about this issue. It is just simply not that complicated.

Here we are today, late in the afternoon, the session is over with for the day. No more votes to be taken. We are not going to vote on anything that is going to change anybody's lives or very likely ever become law tomorrow. Nothing is happening on the floor of the United States House this week. Nothing happened last week. Very likely nothing is going to happen next week or the week after that.

Here we are again, another year has passed. The end of the session is approaching, and the senior citizens in this country still do not have any way to even get a fair price on prescription medicine. They do not have a Medicare prescription drug plan, and we can do that. We know how to do it. We can figure out how to pay for it. Like I said, it is not complicated.

Makes me think of a fellow I grew up around who used to get aggravated, used to say it would make him want a dip of snuff. That is how it affects me. Makes me want a dip of snuff. I cannot believe that all the good people in this House that serve their constituents, and they do it with a dedication and determination and in an honorable way, are willing to let another year pass and let the prescription drug companies of this country continue to rob the American people over and over again. It just absolutely astounds me, but nothing is happening. Nothing is happening.

The American people pay three times as much for their medicine as any other Nation in the world. Why would we allow that to go on? Why would we let that happen? Why would this House let that happen? Why would this Congress let that happen?

I just heard my good friend from Maine refer to the last presidential campaign, and the President himself swore that he would do everything he could, he was going to pass a prescription drug bill, he was going to get some relief for our seniors. We passed a bill, an amendment to the agriculture appropriations bill in December 2000, very late in the session, and it made it possible where the President of the United States, with the stroke of a pen, can allow the American people, not just senior citizens, all Americans to buy their medicines at the world price. That is all he has got to do is say let us do it, and we are still getting robbed.

We are still paying three times as much. Every country in the world gets their medicine cheaper than we do. It is not right, it is not fair, and we can do something about it. We have already passed a law. All we need is for the President to tell the Food and Drug Administration, get it done. Where I come from that is value. We are not interested in folks that have got good excuses. We are interested in folks that get the job done, and that is what this is all about is getting the job done for the American people.

The American people deserve better. We are a better people than this than to let something like this go on and on and on, and I think it is terrible that we are doing that.

In the little town where I live, and it is full of wonderful people, we look after each other. We do not lock the doors or take the keys out of our cars. Somebody has got a little problem, we try to get over there and help them. If we had somebody going around, stealing from senior citizens, taking their money, taking their food, taking advantage of them in any other way, we would do something about it. If nothing else, we would run them out of town. Preferably we would have the law enforcement officials go find them, take them and put them in the State penitentiary and keep them for a while and see if we could not improve their way of making a living.

We are letting that very same thing happen with the prescription drug companies in the United States and the companies that sell products in the United States. We are letting them rob the American people, and we are letting them rob the senior citizens of this country, and it goes on day after day after day, and nobody is willing to do anything about it. The President can do it with the stroke of a pen, and he refuses to do it.

Why, I ask, would anybody sign up on a deal like this? This is corporate greed taken to the most disgusting level I can imagine. Why would we allow giant corporations to make great profits? And I want them to be profitable. They should be profitable. We want them to be successful.

They ran an ad in the Congress Daily this morning, says pray for a miracle, and implied in that ad that generic drugs were bad and that they would never cure any disease. I can tell my colleagues this, no drug will cure a person if they cannot afford to buy it or if they get robbed, if they have to spend all their money for the drug and they cannot buy their food and cannot pay for their place to live and they cannot pay their utility bills because their drug bills are so high and everybody else in the world gets to buy it for a third of that. We better pray for a miracle if we keep letting these drug companies run over us in this country like they are now.

I think it is an absolute, unmitigated, pitiful shame that we stand in this House of Representatives today and there is nobody else here willing to come down here and do the right thing for the American people. That is not the American way. That is not the reason that these members of this House were elected, and it is time that we do something about it.

Mr. ALLEN. Mr. Speaker, reclaiming my time, there are two words that sum up why we cannot get done here what needs to be done. Greed and money together are the answer.

There was an article in the Wall Street Journal on September 16, just a couple of days ago. Let me just read a couple of paragraphs. The title is this: Drug Industry Steps Up Campaign to Boost Image Ahead of Elections. "Here we go again, the pharmaceutical industry will spend millions of dollars on feel-good ads to boost their image before the election, and in the part of what they are doing, of course, not just boosting their own image but supporting Republican candidates." Let me read these two paragraphs.

□ 1730

"More than $8 million has been committed to ads in recent months promoting nearly two dozen House candidates favoring industry-backed legislation and encouraging a Senate vote on the same bill, according to Charles Jarvis, chairman and chief executive of United Seniors Association, which is airing the spots. He acknowledged that most of the costs associated with the effort, including an additional $4 million Internet and direct mail campaign, are supported by a 'general educational grant from PhRMA.' All but a few of the two dozen or so United Seniors ads running this year thank Republican Members of Congress for supporting an industry-backed bill to provide medicine to seniors."

It is money. It is greed. When there is as much money as we have in the pharmaceutical industry, and its obvious willingness to spend unlimited amounts of money on lobbyists, on campaign contributions and on television ads, we have in effect the people's House taken over by one industry group and blocking the steps that need to be taken.

There is an article in the Hill, a local newspaper, and one of the things, and this is a column by Bruce Freed saying basically that the drug industry needs more transparency. On the one hand they will run ads, lobby people in Congress and say it takes $600–800 million to bring a drug to market, but you cannot find in our figures, we will not show you the accounting, we will not give you enough information about our costs to prove what we are saying. He is saying, look, there is so much lack of confidence now in large American corporations because of the way they have handled their accounting that this cannot be believed. The industry really needs more transparency.

One pricing expert that he quotes says that prescription drugs are priced to generate the greatest profit to the companies. That is independent of any historical research and development spending on that product or any other product. That is not news to us, but it might be news to the American people because the industry has been so relentless in trying to say we need these profits, these profits that make us year after year the most profitable industry in the country. We need all of those profits in order to do research and development, but the cold, hard truth is they spend more on marketing than they do on research and in many respects they have become marketing companies.

Find a drug, tweak it a little bit, get a new patent and spend millions in television advertising trying to persuade seniors and others that this particular medication is the one that they absolutely have to have. I have heard from doctors saying that more and more people are coming into their offices saying not what should I do for my condition, but saying I want this particular drug that I have seen on television. This is not a healthy development for our seniors and certainly not for this democracy.

Mr. BERRY. Mr. Speaker, I think the gentleman from Maine (Mr. ALLEN) makes an outstanding point. When I think of the Republican drug bill that was passed on this House floor a few months ago, and I think of the memos that were being sent around on the other side of the aisle, and basically what they were saying is that the American people are tired of being robbed by the drug companies, they may not know all of the details, but they know that they are being taken advantage of. They also know that the senior citizens are being put into great disadvantage, and some of them thrown into poverty because of the cost of prescription drugs. So just vote for something. Tell people when you go back home, I voted for a prescription drug bill. It does not amount to a hill of beans, but tell them that is what you did. That so-called prescription drug bill that was passed on this floor, and it was a deceitful thing, but what it makes me think of is a little restaurant which I saw in rural Arkansas. There were two restaurants close together in this community. One of them had been offering an all-you-can-eat special, and he was really making life tough on the fellow down the street. So the fellow down the street decided he would be competitive. He put up a sign that said all you can eat for $100.

That is about the way that this prescription drug bill that was passed by the Republicans works. Let us just make them think that they are going to get something, do not worry about the details. Just pass anything, put your name on the board and let us move on. Hope for the best.

What they also do not tell us is that the United States taxpayers pay for the biggest part of the research and development that drug companies do. We want them to do research. Their profits are such that they can do research. There is no problem with that. But everybody ought to know that the American taxpayer pays for the biggest part of it. Why should we give these guys such a special deal? This is absolutely a ridiculous situation.

On the floor of this House just a few weeks ago, we had a very close, highly contentious vote on trade. I believe in trade. I think we ought to trade across borders. The administration came down here and did all of the arm-twisting they could do to get that fast track trade bill passed; but yet when the President himself holds it within his power where the stroke of a pen or instructions from him to the Food and Drug Administration will allow us to fair-trade drugs in this country and get a good price for our people, he refuses to do it. What is good about that? Nothing. This is corporate greed at its most ridiculous level. We should not allow this to go on.

Mr. ALLEN. Mr. Speaker, what the gentleman is really talking about is what we often call reimportation, and that is legislation which has been passed that would allow drugs to be reimported from Canada. Just to give an example, from a recent bus trip up in Maine where a group of seniors went over the border to Canada, got their prescriptions filled by a Canadian physician, 25 people saved $1,600 in one bus trip.

Just to give one example of a critical drug, Tamoxifen is a drug for breast cancer, and many women who are going through a fight against breast cancer do not need to be fighting for their pocketbooks as well. Tamoxifen in Maine costs $112–114 for a month's supply. In Canada, it is about $13. There is a 10–1 differential for Tamoxifen for fighting breast cancer.

When we look at other countries, the prices are much lower elsewhere. Why? Because the governments in those countries do not allow their seniors to be taken advantage of. All of those governments one way or another set some kind of cap on what the pharmaceutical industry can pay.

We have the anomaly here in the United States, Medicare, 39 million beneficiaries, the largest health care plan in the United States, they do not have prescription drug coverage, they do not have the Federal Government negotiating lower prices for them. They are on their own.

For those of us who are still working and have some sort of health insurance, we get our prescription drug coverage through our health insurer. No matter who our health insurer is, that insurer is negotiating with the pharmaceutical companies to get a reduced price. How much, we do not always know, but they are getting a reduced price from the pharmaceutical industry. It is a scandal that seniors cannot get the best price in the country. They are part of the largest group. They use the most medications. We ought to have the kind of leverage over price that will give seniors the price that they are leveraged, that their marketing position deserves. But when it comes to developing a Medicare prescription drug plan of any kind down here in the Congress, the first rule is do no harm to the pharmaceutical industry's profits.

So we have seniors dying, not getting the care they want. We have seniors who cannot afford food and paying the rent simply because their prescription drug costs are too high. They simply cannot do it, and the result is that they are in trouble. But the instinct of many down here who receive corporate campaign contributions from the industry is protect the industry first.

We are a long way of being done from campaign contributions in this particular election cycle, but so far, according to the Center for Responsive Politics, nearly $16 million has been donated to political candidates and parties during this election cycle, 2001–2002, by the pharmaceutical industry, 74 percent of it so far to Republicans. If Members wonder why we are not getting this job done, that is the reason.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY) to explain this particular chart.

Mr. BERRY. Mr. Speaker, this is a copy of an ad that was run in Congress Daily this morning. It is an attempt to convince Members to do everything they can to discourage generic drug use and to help the pharmaceutical manufacturers in this country continue to be able to overcharge and rob the American people.

At first glance Members can see it has, of course, the words at the top, Pray for a Miracle. That is one thing in this ad that I agree with. I think that we should, indeed, pray for a miracle because I think that is what it will take on the floor of this House and in this Congress and with this administration to achieve a situation that will allow us to let the American people buy their medicine at a fair price and to make sure that the senior citizens of this country have the necessary medicine that they need to stay healthy, have a decent lifestyle, and to not have to go to bed hungry at night because they had to spend all of their money on medicine and could not afford to buy any food. That is an idea that I think the American people will be ashamed of. We are a better country than that. We are a better people than that, and we are a better Congress than that because we represent good people.

It is time, and I say that over and over again, I say it because I believe it, it is time for this Congress to present to this administration the opportunity to do the right thing, to do the right thing and let the American people get a fair deal when they buy their medicine, to let our senior citizens have the same opportunity to have a fulfilling life and not get robbed when they have to go buy their medicine.

I also want to make one point in a very strong way. We need to recognize the community pharmacies in this country. These people have to pay these exorbitant prices, make almost no profit, scramble like crazy to try to stay in business, and sell their products to their customers as cheap as they can, and they do heroic work trying to provide this expensive medicine at the lowest possible price to our senior citizens, and I think they need to be recognized for the great work that they do.

□ 1745

I thank the gentleman for his comments. I might call attention again to that advertisement. It says, "Pray for a miracle because generic drugs will never cure him." It is an ad run by PhRMA, the pharmaceutical industry association or the association for the brand-name prescription drugs.

The reason that ad is being run right now is that the Senate has passed a bill, basically, to encourage more competition and, therefore, lower prices between the generic industry and the brand-name pharmaceutical industry. A lot of important drugs have gone off-patent lately and some more are to follow and the generic companies are providing exactly the same medication, exactly the same medication; but typically once they are in the market, once they are able to compete, the price of the brand-name drops precipitously and prescription drugs go down.

We have the same kind of bill, bipartisan bill, that is here in the House. It is called the Prescription Drug Fair Competition Act, H.R. 5272. But the Republican majority, the Republican leadership is not willing to bring this to the floor. On the Democratic side of the aisle, we are going to start a discharge petition to bring this bill to the floor, to see if we can get enough signatures so we can actually have a vote to do what the Senate did.

Let me just say a couple of things. In recent years, the brand-name companies have really been gaming the whole patent system to keep generics off the market for months and even years beyond the time that it was intended by Congress when it passed legislation in 1984. The bill that we are going to try to get to the floor on the Democratic side here is intended to prevent abuses of the existing law and allow competitive generic drugs to reach the marketplace more quickly. The Congressional Budget Office has looked at this bill and has estimated that this bill, the Prescription Drug Fair Competition Act, would reduce total spending on prescription drugs by $60 billion, or 1.3 percent, over the next 10 years. That does not include the enormous savings that would accrue if a Medicare prescription drug benefit is enacted.

There have been so many ways that the brand-name pharmaceutical industry has really lifted the cost of prescription drugs. When there is a patent lawsuit going on, and it is easy to get a patent lawsuit going on, then they have been able to basically get repeated delays so that the FDA is not able to approve a generic application for sometimes 30 months; and sometimes they can stack these 30-month periods one after the other and make the delays run for years. This is a bill that would provide early resolution of some patent disputes. It would also prevent these collusive agreements that sometimes the brand-name companies have paid generic companies not to bring a competing drug to market. The result of that is the generic company gets some money, the pharmaceutical company, the brand-name pharmaceutical is able to charge much higher prices for an additional 6 months or longer, and the only people who are really seriously harmed are the consumers, the public.

This legislation would prevent that from happening. This is good legislation. There is some Republican support for this bill. It ought to be something we could do following the lead of the other body. We ought to be able to do this, but right now we are sitting here not doing anything on appropriations bills.

I told people back home during the August recess that when we came back in September we were going to be very busy because we had only passed five of 13 appropriations bills and we would be working hard on that. We are now almost at the end of our third week since we came back, and we have not seen a sign of an appropriations bill anywhere in this Chamber. They are not about to bring up any of the appropriations bills, it looks like. So we are not doing the work we were sent here to do. We are not helping our seniors with prescription drugs. It is a sorry state of affairs. A large part of the reason has to be that the pharmaceutical industry, at least with respect to prescription drugs, a large part of the reason is so much money is being spent on lobbying, on campaign contributions and on ads.

You cannot watch television without seeing ads from the pharmaceutical industry. Now they will not just be feel-good ads with people running through fields of clover, but they will be ads touting particular candidates; and you can be quite sure that if they are praising a candidate, it is probably a Republican in most cases and if they are attacking a candidate, it is probably a Democrat in almost all cases. As a result, the people's will, what people over and over again want in Arkansas and Maine and around this country, a Medicare prescription drug benefit, a discount on their prescription drugs, the right to get medicines from Canada or other countries with lower rates, all of these approaches are being stymied and the will of the people in this country is being frustrated by a majority that is locked into the pharmaceutical industry and doing the bidding of the pharmaceutical industry. It is a national scandal.

Mr. BERRY. Mr. Speaker, the gentleman from Maine is absolutely right. It is a national scandal. A few months ago, we had these corporate scandals. We were having, it seemed like, one or two a week. We had corporations that had been caught not telling the truth. Apparently we had corporations that had some executives that might have even taken money that did not belong to them. We found out all of a sudden that these companies did not have the assets they said they had. They were not worth what they said they were worth. They could not do what they said they could do.

We just rushed to the floor of this House, we could not get here quick enough, and passed a law that said we are going to punish them some more. And we should have. They deserve to be punished. Every day now you pick up the paper and you see another corporate executive is being charged by the Department of Justice for breaking the law and they are making him a criminal. If they broke the law, they deserve to be treated as criminals, and they deserve whatever comes to them. That is for the law to decide.

But for the prescription drug manufacturers in this country and those that sell their products in this country to continue to rob and cheat the senior citizens of this country should be against the law. It should not be allowed. It is just as wrong as those corporate executives that betrayed their stockholders and betrayed their employees and betrayed people that invested in their companies. It is just as criminal for these drug companies to cheat and take advantage of and rob our senior citizens and the sick people of this country and the working people of this country that cannot do anything about it. This is just as wrong as these corporate scandals that we have. And we rushed to this floor. You could hardly stop folks from coming down here and talking about how bad it was and what a terrible thing. And it was. But these folks are stealing more money than all of those companies stole or misappropriated or misused or lied about or whatever it is they did.

What the drug companies steal from the senior citizens of this country on a daily basis is absolutely overwhelming. The $16 million that they spend on campaigns, that is not even walking-around money. That is not even soda pop money for these folks. Yet they are doing it day after day after day.

I believe the gentleman from Maine referred to the idea that the drug companies had decided they needed to improve their image. Boy, you are right about that. If there is anybody in this country that ought to improve their image, it would be the prescription drug manufacturers. They have got a sorry image, as far as I am concerned. I will say once again, America is better than this. The American people are better than this. This Congress is better than this, than to let it keep going on and on.

Mr. ALLEN. I thank the gentleman for his comments. I will make just one final comment. We have been talking a lot about prescription drugs for seniors this evening and what a serious problem it is for Medicare beneficiaries because they do not have a Medicare prescription drug benefit at all. But back home in Maine what we are finding is that the small business community is now getting hit by very steep increases in their health insurance premiums. Small business men and women in my State are seeing health insurance premium increases of 30 percent, 40 percent, sometimes 50 percent; and this is the third successive year in which that is happening. The viability of many small businesses in Maine is really being threatened by rapidly rising prescription drug costs because that is the major component that is driving up their health insurance premiums.

This is a big and complicated issue. The fairness of our health care system, the ability of people to get access to the health care they need is a national issue of enormous importance, and it is one that is being neglected in this House because we are paying far too much attention to the industry itself and not to the people. I want to thank the gentleman from Arkansas for participating in this Special Order tonight.

TARIFF ON STEEL IMPORTS

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I am going to make some comments on the tariff on steel imports. Several companies in my congressional district, the Seventh Congressional District of Michigan, which is roughly the bottom center of Michigan, have come to me as steel users and said that they have got a huge problem. The steel suppliers are saying, We don't care about the contract. We're going to increase the cost of the steel and you have to pay us double what the contract was. The company says, Well, we can go to court. The steel suppliers say, Well, you can do that. We'll probably fight it in court for 3 years, but tomorrow we're not going to deliver the steel that you need to meet your contracts.

What is the solution? President Bush approved the new tariffs on steel imports, I think, to help give the steel industry and our American steelworkers really a chance to make changes so they might compete in the long term. I suspect the President, who as a young man did the hard physical work in the oil fields, wanted to give a chance to save some of the jobs of the people that do the hard physical work in the steel industry. However, the high tariff restrictions on steel imports have turned out to be a mistake with a potential of losing more jobs than they save.

The price of steel in the United States has risen since last March by 30 to 50 percent. In addition to the large price increases, there has been a reduction in the amount of steel available because of the reduced imports coming in. This has made it impossible for many steel-consuming industries to find the steel that they need on the one hand and they are obligated to pay this new higher price that means that in many cases they are actually losing money filling their particular contracts. Domestic steel producers have in many cases reneged on the long-term contracts now that the steel prices have leaped, with the result that the consuming industries have been forced to pay that higher price than the agreed-on prices or have been forced into the volatile spot market for steel.

The President's action, I think, turns against what he said on free trade and on taxes. First, by definition, free trade implies that it is unencumbered by demands of third parties. When government imposes tariffs on products, it reduces the ease with which they come across borders, either way, back and forth. Second, tariffs are just taxes by another name. Steel tariffs raise the cost of buying products that contain steel, cars, refrigerators, for instance, just as raising the sales tax on those products would. So it means not only are they in trouble, but once they produce the goods to the extent that they are able to pass that increased price on, American consumers pay the cost of that higher tax or tariff.

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The new Bush tariff is expected to hike the cost of steel products by 6 to 8 percent in the first 12 months, and in our State of Michigan, Michigan citizens will be hit hardest.

Here is why: One of the most basic propositions of economics is the inverse relationship between price and quantity demanded. When the price of some goods, steel in this case, rises, less of it is going to be demanded, and the result is fewer sales of products containing steel and fewer jobs are going to be available for those industries that use that steel, the steel user industry that are ultimately making those finished goods with steel.

This harms the Michigan workers and it harms the American workers in a number of ways. First, some American producers lose out because they are now competing with foreign companies that have access to cheaper steel. So I have got some companies in my district that say, well, we are considering moving to Mexico, Canada or someplace else, because they are paying a much lower price for steel. They are paying the world market price, where here in the United States, because we restrict the availability of steel and held out, the competition, the foreign competition, if you will, are paying a much higher price. Their products then become relatively more expensive because the steel in them costs our American producers more.

Second, many American firms have simply had trouble securing sufficient supplies of steel in quantities to keep the factory operating. I have had layoffs in my district because plants have closed for the lack of steel.

The third point I would make: It gives American firms, I think, a powerful incentive to move production out of the United States to foreign plants where steel is available at the lower world market price. This is so they can compete and can survive as a company. So it is hard to blame them, if that is their only recourse to survive.

So that is what we are being threatened with in Michigan, some of these companies moving out of the State, and that is what is happening in many other areas of the United States where steel users are faced with a problem.

A couple of economists, Joseph Francois and Laura Baughman, working on behalf of the Consuming Industries Trade Action Coalition, have estimated the impact of the Bush tariffs on the American economy in terms of their economic benefits and costs. For instance, they found that every State in the Union will suffer net job losses as a result of the tariffs. Ironically, the biggest job losses will occur in the Steel Belt, states such as Pennsylvania, such as Michigan. For every steel job saved as a result of the tariff, eight jobs will be lost in all sectors of the economy.

Another point: The steel-producing industry would save between 4,400 and 4,800 jobs at a cost of about $439,500 to $451,000 per steel job saved. Higher prices for steel products and related inefficiencies would decrease U.S. national income someplace around $500 million, at a time when policymakers are talking about ways to improve the U.S. economy.

Again, back in my State of Michigan, Michigan will suffer from the negative consequences of tariffs, and these economists found that Michigan will lose more jobs in steel-related industries than every State in the Union, save California. Under the most conservative scenario, Mr. Speaker, Michigan will lose almost five jobs in steel-consuming industries for every one job that is saved in Michigan steel-producing industries.

Here is the point: There are 57 workers employed in the steel-using companies, 57 workers employed in the steel-using companies, for every one worker that is employed in the steel-making industry. Steel-using industries account for more than 13 percent of gross domestic product. Steel-using industries account for more than 13 percent of GDP, where the steel industry accounts for only about one-half of 1 percent of GDP. So the result, thus, the steel tariff has threatened many more jobs than it has protected.

The Bush administration, I think, has recognized some of the distress that the steel tariffs are causing, so it has issued rulings that exclude 727 products from the tariff. Of course, this has set off a frenzy of lobbying as some of the steel-using companies angle for exemptions. That is what is happening now. This causes distortions not only in the cost of foreign and domestic producers, but also in Michigan and the United States between competing domestic producers as well.

The timing of the decision to impose the tariff is also a problem. Steel imports into the United States have been declining. Steel imports, after reaching a high of 4 million tons in August of 1998, had declined by 36 percent to 2.6 million tons in November of 2001. Moreover, the market share of foreign steel producers has fallen from 28 percent in 1998 to 21 percent in 2001. This made the imposition of the tariff less pressing, and maybe we could have gone along without it.

The challenge has got to be on the steel industry, and I think on government as well, as we look at how can we help this industry without hurting so many other workers and so many other industries that are steel users.

It has been argued that the real threat to most of the domestic steel industry is not foreign steel at all. Steel is manufactured in the United States at mini-mills and integrated steel mills. It is the integrated mills that are having the greatest difficulty in making a profit right now.

Mini-mills are much more efficient at producing steel than the integrated steel mill and have a 25 percent cost advantage over producing steel than the integrated mills do. As a result of their cost advantage, mini-mills have increased their market share from 10 percent in the 1970s to about 50 percent today. Over the same time period, the share of imports in the United States market has increased by only 10 percent. Therefore, the real threat to the integrated steel mills are not imports, but our own American mini-mills.

Finally, the steel tariff encourages retaliation from our trading partners. If you look at the European Commission, it is now threatening retaliatory tariffs of 100 percent on a 22-page list of goods ranging from rice to grapefruit to shoes to brassieres to nuts to bib overalls to billiard tables to ballpoint pens, and the list goes on. So retaliation could develop into the kind of price war that is going to hurt the United States a great deal.

The Japanese, for example, are also drawing up their steel payback list. Steel-exporting Russia, looking for ways to retaliate, has said we are going to fence out the U.S. chickens that are coming into Russia. Even though Russia does not produce chickens, they need the chickens, but they are looking for ways to retaliate. Hopefully that issue is going to be resolved.

Mr. Speaker, we can ask if the tariff has done that much for the steel industry. I would mention that I was going to mention that Florida is a significant steel-using state, but I see our Speaker has changed. But I will mention that steel-using industries are all over the United States.

Over the past 30 years, the Federal Government has been implementing policies to keep the steel industry in business, despite its inefficiencies. These policies have included voluntary quotas and antidumping, and that is the thing that has got to continue. If some other country is dumping below the cost of production, then we are going to stop that kind of dumping. So that is going to take place and should take place, regardless of whether we lift the current restrictions on imports.

The countervailing duty measures are another. Some of the companies have moved up and are now competitive, but much of the industry, instead of resulting in a stronger manufacturing efficiency, these policies are allowing companies to continue with production methods, with labor contracts, that keep it perpetually at the risk of dissolution and keep it out of reach of real competition with other mills in the United States and the international steel producers.

Standard and Poor, for example, was not optimistic when the President announced the tariff restrictions on steel imports, and they responded to the tariffs by refusing to raise the industry's credit rating.

The steel tariff has turned out to be a mistake that is harming many industries, both in my State of Michigan and across the country. It is having the result of losing American jobs.

We need to repeal this kind of tariff restriction to allow our steel-using companies to again be competitive and keep those companies in the United States. We need to start reviewing the kind of overzealous regulations and overzealous taxation that we put on the steel industry. So let us look at the tax imposition that we put on our steel manufacturing industries compared to what other countries are doing with their steel manufacturing industries.

We need to assist, I think, in research and technology. I am chair of the Subcommittee on Research in the Committee on Science. So we need to continue making sure that our research and our technology is available, and we can look at ways of expanding the technologies that are applicable to that industry to help allow these steel-producing industries to be more competitive in the international market. There are a lot of things we can do without challenging and disrupting the many workers in America that are working in the steel-using industry.

Mr. Speaker, I would like to also make a couple comments on our spending and our budget.

Right now we have got a challenge of where do we go on spending. We are in a war. We are going to be required to make sure that, to the greatest extent possible, we assure the safety of American citizens. We are probably going to waste a lot of effort, a lot of talent, a lot of money, and, in some cases, go further than we really would have needed to go in terms of protecting ourselves against terrorists. But the challenge, of course, for Members of Congress and for the President is making sure that we go far enough in our protections to have the greatest assurance possible.

As we spend a tremendous amount of money in our war against terror, and that is approaching $90 billion now, I think we have got to remind ourselves that we are in a war and that some of the other traditional spending, some of the maybe less important spending, needs to be held only to a modest increase.

Nobody is suggesting a cut in how we spend money, but we are suggesting that we hold the line and we hold tight to the President's budget suggestions so that discretionary spending is not going to continue to spiral, if you will, out of control.

The 10-year spending history on discretionary spending has gone from a little over $500 billion to approaching someplace between $758 billion, is what the President has suggested for discretionary spending, compared to the Senate is now looking at $770 billion for discretionary spending.

We hear some people suggest, "Well, boy, you should not have had that tax cut. The tax cut is really what has caused all this problem in terms of the budget so that we do not have all this extra money." Let me just point out that the tax cut represents only 13 percent of the problem of overspending.

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We are looking at overspending this year that is going to approach $150 billion. Not good. We recently increased the debt limit; and I think when we do that, we need to make sure that someplace down the road we are going to be able to say to our kids and our grandkids that we are going to start paying this debt down again.

We have paid about $500 billion down on the debt held by the public over the last half a dozen years. I mean, that is good news. That was good. We said we were not going to spend the surplus coming in from Social Security; but now, with the war on terror, we started spending the surplus on Social Security again, and we have increased the allowable debt limit of this country. And it should be just somehow a strong message from every fiscally responsible individual in Congress and around the United States to say, hey, look, we are in a war, it is time that we held the line on increased spending in other areas.

Let me give my colleagues some quick examples. We have 13 appropriations bills that handle the discretionary spending. The Labor-HHS-Education bill, under the House plan, spending would grow 60.5 percent since 1998. That is almost between five and six times the inflation rate. So with the problem of a tremendously progressive tax system, we are in a situation where, according to the Heritage Foundation, over 50 percent of the benefits from Federal spending go to individuals who collectively pay less than 1 percent of the income tax. So the old safeguard, if you are going to have more government spending, somebody has to pay for it, we have to now in our collective efforts divide the wealth and try to make sure that there is some good distribution, to make sure that people are not going to go hungry and have a home, and our welfare systems and our food systems and, at the same time, reducing the amount of tax that low-income people pay. We have redistributed wealth to the extent where most, the top 10 percent of taxpayers, pay approximately 90 percent of the total income taxes in this country.

As we look at the challenges of where we go on spending, there are a lot of people in everybody's district that say, well, we would like you to spend a little more on this program or that program; and quite often, these individuals, and that represents maybe 50 percent of the constituency of many of us in Congress, are looking at a situation where it does not cost them very much in their income taxes, so their willingness to call for increased spending is at little or no cost to themselves.

We have had a system from the founders of our country, and it was interesting that we went up to New York, the first time this Congress left session in Washington, D.C. in over 200 years and went to the Federal building up in New York where George Washington was first sworn in and where, in 1789, the first Congress presided and we passed the Bill of Rights. We have had a country that sort of has the motivation, the incentive that those that learn, that try, that save and invest end up better off than those that do not. I mean, that has been our motivation. As we keep trying to divide the wealth, where we lose that kind of motivation, we are going to lose some of the incentives that have caused such a great success, I think, in the American economy over the 226-odd years that we have been in existence.

Let me briefly look at some of the other increases in spending, and these dramatic increases in spending have even been during a Republican majority for many of these years. The Interior spending, we are now looking at spending that is going to be 40 percent higher than 1998, or about a 7.1 percent average. So that is maybe 2½ times the rate of inflation that we have grown in the Interior spending. The Treasury and Postal spending has gone up 41 percent since 1998, an average of 7.2 percent per year increase in spending, much higher than inflation.

I have another chart here, this is a so-called spending history; and discretionary spending growth will average at least 7.5 percent each year since we balanced the budget in 1998. So you see, since 1998 we have just really taken off. What we did was we balanced the budget, we said it is important to balance the budget, and then we have sort of extra money, so everybody came up with ideas of how we could spend that extra money.

What it means is that it is going to be more difficult to face the challenges of a good Medicare program, a good Medicaid program, a solvent Social Security plan. I think it should be another incentive to this body and the body on the other side and the President to hold the line on less important spending as we face the war on terrorism.

Veterans Affairs, HUD, International, it has grown 39 percent since 1998, an 8 percent increase per year. Commerce, Justice and State also has grown with an average of 29 percent, 29 percent since 1998. Defense, not including our extra money that we have spent on terror, has gone up 46 percent, almost four times the rate of inflation. Transportation, it has increased by 52 percent since 1998, 9 percent average per year increase. Agriculture has gone up 21 percent since 1998.

My point is that we are spending a lot of money, and are we doing a proper job of prioritizing that spending? In some areas I think we are, because for example, we have had a 132 percent increase in education spending since 1996. In Health and Human Services, almost a 100 percent increase; in December, a 48 percent increase that does not include the extra money since last September 11, a year ago.

In conclusion, Mr. Speaker, I call on my colleagues, I call on the President to hold the line on spending and resist some of the pressures coming in from all of these special interest lobbyists that are giving millions of dollars toward campaigns for this election on November 5, saying we want more money for our constituency, for our particular clients. And so often, a Member of Congress, when they come up with more spending and new programs, they end up back home cutting a ribbon on some project they have taken back to their district, they get on television and in the newspaper. So the tendency has been for a Member of Congress to increase their chances of being reelected if they spend more money and take more pork barrel projects home to their particular district.

So, Mr. Speaker, it is going to take the President, number one, and it is going to take the American people, number two, to say, look, now is the time to hold the line on spending.

THE CASE FOR PEACE

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes.

Mr. KUCINICH. Mr. Speaker, I appreciate this opportunity to address the

House of Representatives. I would first like to say that in this next hour, I and several of my colleagues will discuss the issue which is uppermost in the minds of the American people, the issue of war and peace, the issue of whether our sons and daughters are going to be sent to a distant land to fight in a war which the American people really have not had a chance to talk about in their own communities. So tonight we are going to make the case as to why the United States should not go to war against Iraq. We are going to talk about the various elements which are motivating this effort to go to war against Iraq; and finally, we are going to talk about what people can do who are concerned about what appears to be this effort that has almost seemingly unstoppable momentum towards a war, because this still is the government of the people. That is the beauty of this wonderful forum we are in, the House of Representatives, and we are going to this evening have an opportunity to show how a government of the people works, not only here, but how it works back in the communities which we represent.

So as we begin our discussion, I want to recognize my colleague, the gentlewoman from Ohio (Ms. KAPTUR), who has been a fearless defender of the rights of working people, a defender of the highest principles this country stands for, and someone who is respected and admired across this Nation. I want to thank the gentlewoman for participating in this 1-hour, and at this time I yield to her.

Ms. KAPTUR. Mr. Speaker, I thank the able gentleman from Cleveland, Ohio (Mr. KUCINICH), for bringing us together and exhibiting the leadership role that he has, both within the Congress and outside in our country, in attempting to deliver the messages to the American people that they need to hear about decision-making here in Washington on the important issues of war and peace, and how it affects them in their families, in their communities, and, obviously, in our country.

I know there will be many other Members who will speak, and I want to thank the gentleman from Ohio (Mr. KUCINICH) for also appearing on programs like "Crossfire" and trying to get out the message to the American people, which largely is being blocked here in Washington because of the way we are functioning as a Congress. Here it is the middle of the week, we have had a few votes today, we could not say any of them were very earthshaking, and now votes have been canceled next Monday and Friday. We will not be here this Friday, we were not here this Monday, and our floor time is extraordinarily limited. So it has been very difficult to talk to the American people about this continuing drumbeat toward war because essentially, our institutions and our ability to function as a lawmaking body have been heavily proscribed by the Republican leadership in this Chamber, and it has been hard to get the word out.

I would say that no gentleman has worked harder than the gentleman from Cleveland, Ohio, to talk to the American people and to present the information that is very important. I know this will be an exchange tonight, and we will go back and forth; but it is probably important to put in some context what happened about one year ago, 9-11, 2001 when 17 individuals, international criminals from Saudi Arabia, 17 of 19 created carnage in our country in New York, over Pennsylvania, and here in Washington, from the al Qaeda network, which is a Middle Eastern terrorist network.

Their supposed leader, Osama bin Laden, made the statement at that time that these crimes were being committed against the American people because he wanted Western infidels out of Saudi Arabia. Iraq was not even on the table. Iraq is not an issue. Our major confrontation has been with al Qaeda; and, of course, they took refuge inside of Afghanistan, and so all of us have troops from our districts currently deployed, Navy, Army, Air Force, and Marines, in that region of the world and here at home protecting the American people and defending our freedom. But it is important to remind ourselves that the enemy we are fighting is the terrorist network of al Qaeda. The President came down here to the floor of Congress and said that.

I think it is also important to point out that al Qaeda is an Islamic fundamentalist network. In other words, it is very religious. They have a sacred rage that has turned their views highly political and highly dangerous into the international realm, and they do not have a presence in Iraq, because Iraq is a secular state.

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Al Qaeda has not been known to use Iraq as its base. So there is a disconnect between the policies that we are pursuing in order to bring to justice those who have done so much harm globally through al Qaeda, and also there has been an ignorance of Saudi Arabia's role in permitting the Saudis to operate inside Saudi Arabia and then promoting madrassahs outside of Saudi Arabia as well, producing hate-filled young boys who ultimately become terrorists in years hence in places like Pakistan and Afghanistan, in Malaysia, indeed around the world.

So I wanted to just place on the record as we begin who the enemy is in terms of September 11 and subsequently, and all of a sudden emerging then through this summer we begin to hear about war with Iraq, and we ask ourselves the questions and we have gone to all the security briefings here on the Hill, what is the connection? What has Iraq done in the last 4 months different than the prior 4 years? What is anticipated over the next 4 months or 8 months or 1 year different than what happened over the last 5 or 10 years? And no evidence. We have been presented with no photographs, with no intelligence information to give us any connection between what has happened relative to al Qaeda and the enemy we are fighting and Iraq, and yet there is this tremendous drumbeat toward going to war with Iraq.

The President said at the United Nations last week, and I am very thankful that President Bush went to the United Nations because we still have been engaged as one of 189 nations in the world, the international community, he said that Iraq presented a grave and gathering threat. Not an imminent threat, a grave and gathering threat to the world. So those words I listened to very carefully. I asked myself what is really going on here?

I also want to place on the record tonight an article that was in the Washington Post on Sunday entitled An Iraqi War Scenario, Oil Is Key Issue. I think it is important for the American people to know that even though technically the President wants to go to war with Iraq, today 8 percent of the oil we consume here in the United States is from Iraq. That may sound like a paradox. After Saudi Arabia, Iraq presents the largest oil fields in the world and in fact has proven reserves of 112 billion barrels of crude oil. This article talks about the reshuffling of the world petroleum markets related to any change of regime in Iraq, and I think it is important to follow the business pages which today showed that with the possibility of Iraq's regime changing, oil prices in the world were beginning to actually drop because, as this article states, five permanent members of the Security Council, the United States, Britain, France, Russia, and China, have international oil companies with major stakes in a change of leadership in Bagdad; and without question, it says, the United States would almost certainly be the dominant foreign power in Iraq after the aftermath of Saddam Hussein's fall.

The leader of a group called the Iraqi National Congress, based in London, an umbrella organization of opposition groups backed by our country, among others, the leader of that group, Ahmed Chalabi, says that American oil companies would have a big shot at Iraqi oil. I think it is really important for the American people to distinguish between our war with the al Qaeda terrorist network and Islamic fundamentalist network, with no real home country but with deep roots in Saudi Arabia, and Iraq, which actually had been an ally of the United States prior to the Persian Gulf war, and we should be insisting as a country on the evidence for any invasion.

I know that the gentleman from Ohio (Mr. KUCINICH) would like to add to what I have said and I again thank him so much for his international leadership on this important question.

The article referred to is as follows:

[From the Washington Post, Sept. 15, 2002]

IN IRAQI WAR SCENARIO, OIL IS KEY ISSUE

(By Dan Morgan and David B. Ottaway)

A U.S.-led ouster of Iraqi President Saddam Hussein could open a bonanza for American oil companies long banished from Iraq, scuttling oil ldeals between Baghdad and Russia, France and other countries, and reshuffling world petroleum markets, according to industry officials and leaders of the Iraqi opposition.

Although senior Bush administration officials say they have not begun to focus on the issues involving oil and Iraq, American and foreign oil companies have already begun maneuvering for a stake in the country's huge proven reserves of 112 billion barrels of crude oil, the largest in the world outside Saudi Arabia.

The importance of Iraq's oil has made it potentially one of the administration's biggest bargaining chips in negotiations to win backing from the U.N. Security Council and Western allies for President Bush's call for tough international action against Hussein. All five permanent members of the Security Council—the United States, Britain, France, Russia and China—have international oil companies with major stakes in a change of leadership in Baghdad.

"It's pretty straightforward," said former CIA director R. James Woolsey, who has been one of the leading advocates of forcing Hussein from power. "France and Russia have oil companies and interests in Iraq. They should be told that if they are of assistance in moving Iraq toward decent government, we'll do the best we can to ensure that the new government and American companies work closely with them."

But he added: "If they throw in their lot with Saddam, it will be difficult to the point of impossible to persuade the new Iraqi government to work with them."

Indeed, the mere prospect of a new Iraqi government has fanned concerns by non-American oil companies that they will be excluded by the United States, which almost certainly would be the dominant foreign power in Iraq in the aftermath of Hussein's fall. Representatives of many foreign oil concerns have been meeting with leaders of the Iraqi opposition to make their case for a future stake and to sound them out about their intentions.

Since the Persian Gulf War in 1991, companies from more than a dozen nations, including France, Russia, China, India, Italy, Vietnam and Algeria, have either reached or sought to reach agreements in principle to develop Iraqi oil fields, refurbish existing facilities or explore undeveloped tracts. Most of the deals are on hold until the lifting of U.N. sanctions.

But Iraqi opposition officials made clear in interviews last week that they will not be bound by any of the deals.

"We will review all these agreements, definitely," said Faisal Qaragholi, a petroleum engineer who directs the London office of the Iraqi National Congress (INC), an umbrella organization of opposition groups that is backed by the United States. "Our oil policies should be decided by a government in Iraq elected by the people."

Ahmed Chalabi, the INC leader, went even further, saying he favored the creation of a U.S.-led consortium to develop Iraq's oil fields, which have deteriorated under more than a decade of sanctions. "American companies will have a big shot at Iraqi oil," Chalabi said.

The INC, however, said it has not taken a formal position on the structure of Iraq's oil industry in event of a change of leadership.

While the Bush Administration's campaign against Hussein is presenting vast possibilities for multinational oil giants, it poses major risks and uncertainties for the global oil markets, according to industry analysts.

Access to Iraqi oil and profits will depend on the nature and intentions of a new government. Whether Iraq remains a member of the Organization of Petroleum Exporting Countries, for example, or seeks an independent role, free of the OPEC cartel's quotas, will have an impact on oil prices and the flow of investments to competitors such as Russia, Venezuela and Angola.

While Russian oil companies such as Lukoil have a major financial interest in developing Iraqi fields, the low prices that could result from a flood of Iraqi oil into world markets could set back Russian government efforts to attract foreign investment in its untapped domestic fields. That is because low world oil prices could make costly ventures to unlock Siberia's oil treasures far less appealing.

Bush and Vice President Cheney have worked in the oil business and have longstanding ties to the industry. But despite the buzz about the future of Iraqi oil among oil companies, the administration, preoccupied with military planning and making the case about Hussein's potential threat, has yet to take up the issue in a substantive way, according to U.S. officials.

The Future of Iraq Group, a task force set up at the State Department, does not have oil on its list of issues, a department spokesman said last week. An official with the National Security Council declined to say whether oil had been discussed during consultations on Iraq that Bush had had over the past several weeks with Russian President Vladimir Putin and Western leaders.

On Friday, a State Department delegation concluded a three-day visit to Moscow in connection with Iraq. In early October, U.S. and Russian officials are to hold an energy summit in Houston at which more than 100 Russian and American energy companies are expected.

Rep. Curt Weldon (R-PA) said Bush is keenly aware of Russia's economic interests in Iraq, stemming from a $7 billion to $8 billion debt that Iraq ran up with Moscow before the Gulf War. Weldon, who has cultivated close ties to Putin and Russian parliamentarians, said he believed the Russian leader will support U.S. action in Iraq if he can get private assurances from Bush that Russia "will be made whole" financially.

Officials of the Iraqi National Congress said last week that the INC's Washington director, Entifadh K. Qanbar, met with Russian Embassy officials here last month and urged Moscow to begin a dialogue with opponents of Hussein's government.

But even with such groundwork, the chances of a tidy transition in the oil sector appear highly problematic. Rival ethnic groups in Iraq's north are already squabbling over the giant Kirkuk oil field, which Arabs, Kurds and minority Turkmen tribesmen are eyeing in the event of Hussein's fall.

Although the volumes have dwindled in recent months, the United States was importing nearly 1 million barrels of Iraqi oil a day at the start of the year. Even so, American oil companies have been banished from direct involvement in Iraq since the late 1980s, when relations soured between Washington and Baghdad.

Hussein in the 1990s turned to non-American companies to repair fields damaged in the Gulf War and Iraq's earlier war against Iran, and to tap undeveloped reserves, but U.S. government studies say the results have been disappointment.

While Russia's Lukoil negotiated a $4 billion deal in 1997 to develop the 15-billion-barrel West Qurna field in southern Iraq, Lukoil had not commenced work because of U.N. sanctions. Iraq has threatened to void the agreement unless work began immediately.

Last October, the Russian oil services company Slavneft reportedly signed a $52 million service contract to drill at the Tuba field, also in southern Iraq. A proposed $40 billion Iraqi-Russian economic agreement also reportedly includes opportunities for Russian companies to explore for oil in Iraq's western desert.

The French company Total Fina Elf has negotiated for rights to develop the huge Majnoon field, near the Iranian border, which may contain up to 30 billion barrels of oil. But in July 2001, Iraq announced it would no longer give French firms priority in the award of such contracts because of its decision to abide by the sanctions.

Officials of several major firms said they were taking care to avoiding playing any role in the debate in Washington over how to proceed on Iraq. "There's no real upside for American oil companies to take a very aggressive stance at this stage. There'll be plenty of time in the future," said James Lucier, an oil analyst with Prudential Securities.

But with the end of sanctions that likely would come with Hussein's ouster, companies such as ExxonMobil and ChevronTexaco would almost assuredly play a role, industry officials said. "There's not an oil company out there that wouldn't be interested in Iraq," one analyst said.

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) and again repeat what an honor it is to serve with her in this House and I thank her for enabling me to be in this House because she assisted in that effort.

Mr. Speaker. I want to raise this question, and that is why is war with Iraq being presented as inevitable? Is it not time to insist that our leaders suspect this incessant talk of preemptive war, of assumed right to unilateral action, and is it not time for insistence upon preventative diplomacy and our obligations to work with the world community on matters of global security? Why is this war being presented as inevitable?

The headlines from the New York Times of September 12, 2002, read: Bush to Warn UN, Act on Iraq or U.S. Will. He Leads Nation in Mourning at Terror Sites. Mr. Speaker, there is no credible evidence linking Iraq with 9–11. There is no evidence linking Iraq with al Qaeda. There is no evidence linking Iraq with the anthrax attacks on this Nation. There is no credible evidence that Iraq has usable weapons of mass destruction, the ability to deliver those weapons or the intention to do so. When Iraq used such weapons, sad to say, they did it with the knowledge and sometimes with materials from the United States.

During the administration of Ronald Reagan, 60 helicopters were sold to Iraq. Later reports said Iraq used U.S. helicopters to spray Kurds with chemical weapons. We have heard about that. We have heard about the Kurds being attacked by Iraq with chemical weapons, but what we have not heard is that U.S. helicopters were used.

According to the Washington Post, Iraq used mustard gas against Iran with the help of intelligence from the CIA. Now, we heard that Iraq used mustard gas against Iran, but we did not hear that they did it with the help of intelligence from the CIA. Intelligence reports cited the use of nerve gas by Iraq against Iran. What was Iraq's punishment? At that time, the United States reestablished full diplomatic ties, believe it or not, around Thanksgiving of the year 1984, for the fans of George Orwell.

Throughout 1989 and 1990, U.S. companies, with the permission of the administration of the first President Bush, sent the government of Saddam Hussein tons of mustard gas precursors, live cultures for bacteriological research, helped to build a chemical weapons factory, supplied West Nile virus, supplied fuel air explosive technology and computers for weapons technology, and hydrogen cyanide precursors, and computers for weapons research and development, and vacuum pumps and bellows for nuclear weapons plants.

Now, we have to recognize that our country made a mistake in its past dealings with Iraq; that America made a mistake giving biological weapon capability and chemical weapon capability and nuclear weapon capability to Saddam Hussein. That was a mistake.

But we also have to recognize that the Gulf War destroyed most of that capability; that through 7 years of work, Scott Ritter, an arms inspector, determined that 95 percent of what they were able to track down in terms of Iraq's weapons have been eliminated through that weapons inspection process, and anything else was obliterated during the war. So there is a good reason to believe that Iraq does not have any usable weapons of mass destruction.

I want to conclude this part, and then go to the gentlewoman from Texas (Ms. JACKSON-LEE), and then back to the gentlewoman from Ohio (Ms. KAPTUR).

There is a way out of this. We do not have to go to war. It is important that we get those inspectors in there on a timely basis. There is a comprehensive solution to the crisis in Iraq. It appropriately involves the United Nations.

Inspections for weapons of mass destruction should begin immediately, and inspectors should have free and unfettered access to all sites; but, also, we need new negotiations concerning the counterproductive policies of regime change and sanctions. Emergency relief should be expedited; free trade, except in arms, must be permitted; foreign investments must be allowed; and the assets of Iraq abroad must be stored.

So, in conclusion, on this segment, Mr. Speaker, this whole idea about war being inevitable is wrong. War is not inevitable. We do not have to send America's sons and daughters to perish in the streets of Baghdad. We do not have to do that. There is a way out of this, and the American people have a right to expect that we solve this without going to war. They have a right to expect it.

I want to thank my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who has been articulate and passionate and learned in her explication of this issue, as she is in her explication of all issues; who serves honorably and with great integrity on the Committee on the Judiciary.

I want to say what a pleasure it is to have the participation of the gentlewoman from Texas (Ms. JACKSON-LEE) in this discussion. I thank the gentlewoman for her presence, and I yield to her.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) and the distinguished gentlewoman from Ohio (Ms. KAPTUR).

May I remind those who are here today that this could almost be the debate, if you will, since yesterday was the celebration or commemoration of the signing of the Constitution, we could almost drift back to how seriously the Founding Fathers, though some of the mothers were missing, took the debate in establishing this country.

As I recall, if we would read some of the history books on this, this was not a short-lived debate. The writing of the Constitution was not short-lived. So I want to say to the distinguished gentleman from Ohio (Mr. KUCINICH), my applause to him for being the curdles, if you will, and it sounds like I am saying "kernel" because I have a cold, but curdles in the milk to cause this to rise to the level of hearing of the United States.

I think it is important before I begin my remarks, and I will try to be concise, to let my colleagues who are listening to this debate realize that most of us have been in Iraq meetings all day long, and in fact, all week long.

I think part of our difficulty is to convey to the American people that there is percolating in a broad spectrum of thought across party lines and body lines, House and Senate, there are voices who are raising the thought processes of what we believe the American people would like to us to engage in, raising questions of either skepticism or reason around this very monumental decision.

I do not wish to call colleagues' names who are probably in meetings as we speak, but I remember a meeting this morning where a colleague brought to our attention his service in Vietnam. What rings in my mind is his recounting of 56,000 body bags. This colleague did not mention that to suggest he was fearful of war, or that he would not stand for his Nation again if he was called to do so. But I think he wanted to remind us of the sanctity of our obligation, our moral obligation, as well as the high responsibility that we have as the articulators of foreign policy and the constitutional holders of the responsibility of declaring war.

So I think it is important to know that all around the Congress there are meetings. There are closed-door meetings, there are open meetings, and Members are in discussion about the question of war. It saddens us, of course, that this very active and vigorous questioning does not get shared with the American people.

So this conversation, this debate today, I say to the gentleman from Ohio (Mr. KUCINICH), is so vital. I know we will be making this point clear.

Might I say that part of what we are trying to do, I say to the gentlewoman from Ohio (Ms. KAPTUR), we have gotten some suggestions we are going to take from meetings that we have been in all day long to bring in the American people, to hear from them, by opening up our various web sites.

I think, even though this is sort of an instruction comment I am making, I think that will be very important.

□ 1845

Might I say to you that I will be flying home to hold a citizen forum on Iraq with experts on the issues in the area, in Houston. The question will be simple. Should we go to war? And we will open it up at the University of Houston. We will have the opportunity there to hear presentations with questions and answers.

I only say this publicly because I ask my colleagues as we are in meetings here in Washington, because no one is reporting that we are in meetings, that we are having intense discussions, that we go home and do the same.

Now, getting aside those as my issues, let me turn now very briefly again to why I joined my colleagues in saying we have options. The gentlewoman has already eloquently given us a historical perspective about how we have treated Iraq, what we gave to Iraq as the gentleman has said. Let me bring it forward to suggest two themes.

During our recesses we were hearing something that disturbed many of us, the question of regime change. For the life of me, I could not remember in any way where we had adopted a policy on behalf of the United States that I did not like my neighbor and I would simply knock on their door and say, It is time to get out of your house. We all made the point that we, not a one in this Congress would claim that Saddam Hussein is a friend to any of us including his own people. But the United States has never functioned as an offender, has never functioned as a perpetrator, if you will, of violence. We have always been victorious as a defender.

The times we have stepped over the line, we have questioned that policy. And I raise Vietnam because I remember very clearly the domino theory. That is why we went in allegedly. We were fearful of communism spreading, but in the end we lost 56,000. And I am not sure the final conclusion of that, though we never, never, never in any way condemned the young men and women, the men who lost their lives and the valor of our heroes who served us in Vietnam. I will never undermine their services. They are my heroes.

But I took from that a greater responsibility whenever I made a decision as a Member of this body to go to war. And so the point that should be made is that we have an alternative and there is an alternative voice. I believe that voice is free of politics. I, in fact, believe that there are voices and we have heard voices on both sides of the aisle, Republicans, Democrats, and Independents.

For that reason, I believe a very pronounced statement by one of our distinguished colleagues, one of the ranking members of an important committee, the Committee on International Relations, should be heard, that we should have a special session in order to let everyone have the time to deliberate as the Founding Fathers did, so that the members of this Nation can listen to deliberative thought on what the next step should be.

I believe, further, that we have heard a response and we should claim victory where victory has been gained. One, Congress is now engaged based upon the voices that were raised a few weeks ago; and, of course, I think we as Members raised our voices, many of us, even before the recess; and so it was heard and Congress has now actively engaged.

The second victory is that the President of the United States, who I will give applause to, did go to the United Nations. We gave, if you will, the world body the understanding that we do play on the world stage in a unified manner because we will only stand together or fall together. We must give credibility to that decision where the United Nations joined us in saying to Saddam Hussein, we must have unfettered entry into your country. And then what do we get in the last 24 hours? A response back, yes, you can.

Now, we can always reject the bride, the fiance, I do not know what we wish to call him, on the basis of I have heard this before. But how unfortunate it would be if peace looks us in the eye or some reconciliation looks us in the eye and we do not accept it. I believe it is important that we go with a thousand U.N. inspectors unfettered and immediately respond to Iraq's invitation, get there now and begin to challenge him on his own soil. Let us look.

I do not believe we should spin it, that he is not serious, that this is worthless in terms of his offer and we are now headed towards war. And the reason why I say that, as I try to conclude on some elements of where many of us are thinking, is because another colleague today in a long meeting on Iraq mentioned his constituents who traveled a mighty long way to plead with him of the desperate need of prescription drug benefits through Medicare guarantee, of nursing homes that are closing, of hospitals that may be closing, of Social Security issues that are falling around our knees, of people who have lost millions of dollars in stocks and 401(k)s that we have not responded to, and they asked us to put a reasonable restraint on going to war because they asked us about the money.

I believe he might have responded, I am not putting words in his mouth, that we are already spending a billion dollars a month in Afghanistan. And then he had to confront the article and the statement from Lawrence Lindsey, Bush economic aid says on September 17 that the cost of the Iraq war may top $100 billion.

That is why this debate is so vital, and that is why the voice of those who have been in meetings all day long for fear that nobody is reporting the seriousness of these discussions. I have said this two or three times, this is why we have got to be able to get the attention of the American public and as well the President, that we have an action item, U.N. inspectors, and we do not need to take it to the next level of a war.

I believe if we can engage the American people, we will find the respect of the world because there is no doubt of this Nation's military power. We have to make no excuses for what we have the ability to accomplish.

Our greater, our greater results will be our ability to coalesce in the world arena, to be successful in the agenda of ridding Iraq of these weapons of mass destruction in the manner of the world family and the United Nations, and saying to this country, we will send no son and no daughter into harm's way, into the evils of war without deliberative thought and all manner of diplomacy tried, and all efforts of each and every one of us and the administration working together.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentlewoman because when she spoke of sons and daughters, that is what this is really about. This is about the sons and daughters of American people. It is about the sons and daughters of the Iraqi people who have to suffer this dictator, Saddam Hussein; and it is also about future generations. And so I thank the gentlewoman for participating in this discourse and she is welcome to stay if she can.

I want to go back to our good friend and my colleague, the gentlewoman from Ohio (Ms. KAPTUR), who has ended the last discussion. We were talking about the impact on oil as an issue here, and I thought she raised some good points; and I wanted to thank her and if the gentlewoman would continue.

Ms. KAPTUR. Mr. Speaker, it is always a pleasure to join the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), and commend her highly for the forum that will be held in Houston on Iraq and should America go to war. As always she is in the forefront of the leadership in this institution and in our country.

Mr. Speaker, I just wanted to follow up on something that the gentlewoman had stated regarding reasons of war and to point out to those who are listening that there is in this post-Cold War world that there is a shifting of relationships, and nations are trying to find their way forward with new alliances; and the United States in that context has to be careful in order to not be perceived as, one, a Nation that would commit naked aggression. That is something the United States fought for the entirety of the 20th century. Rather, a Nation that always engages for justified wars, justifiable purposes. And there is a distinction, and we should not abrogate our heritage. It is what has gained us the stature that we do have internally and externally.

Mr. Speaker, I also wanted to follow on something the gentleman from Ohio (Mr. KUCINICH) talked about when we were discussing the internal state of Iraq, their economy and their military. I think it is important to put on the record that two-thirds of Saddam Hussein's forces were leveled in the Persian Gulf War. In other words, the force is one-third of what it used to be.

The American people should not have the illusion that over the 10 years during which we and other countries have maintained the no-fly zone over Iraq that there has not been constant bombing and constant economic sanctions that have made life difficult for people inside that country, and, indeed, children dying, not enough food, extraordinary poverty among so many people. The conditions inside Iraq are abysmal.

In addition to that, Iraq essentially is an oil state. And as I mentioned earlier, it has the largest reserves outside of Saudi Arabia. Prior to the Persian Gulf War, Iraq had been pumping 3.5

million barrels a day. Today she pumps but 1.7 million barrels a day. That says that not only are the sanctions hurting her, but the lack of production is hurting her as well.

And Iraq does not operate in a vacuum. She operates in a part of the world where not everyone is her friend. And certainly she has had historic rivalries with Iran, and we all know about the invasion of Kuwait. Iraq is a secular nation in that part of the world that also has tried to defend herself from fears relating to relations with surrounding countries. So I think it is important to be realistic about what is going on there.

Therefore, we read in the Wall Street Journal, September 17, Lawrence Lindsey, the President's head of the White House National Economic Council, making the following statement, "'When there is a regime change in Iraq, you could add 3 million to 5 million barrels of production to world supply each day,' Mr. Lindsey estimated. 'The successful prosecution of the war would be good for the U.S. economy.'"

Mr. Speaker, the entire article is as follows:

[From the Wall Street Journal, Sept. 17, 2002]

BUSH ECONOMIC AIDE SAYS COST OF IRAQ WAR MAY TOP $100 BILLION

(By Bob Davis)

WASHINGTON.—President Bush's chief economic adviser estimates that the U.S. may have to spend between $100 billion and $200 billion to wage a war in Iraq, but doubts that the hostilities would push the nation into recession or a sustained period of inflation.

Lawrence Lindsey, head of the White House's National Economic Council, projected the "upper bound" of war costs at between 1% and 2% of U.S. gross domestic product. With the U.S. GDP at about $10 trillion per year, that translates into a one-time cost of $100 billion to $200 billion. That is considerably higher than a preliminary, private Pentagon estimate of about $50 billion.

In an interview in his White House office. Mr. Lindsey dismissed the economic consequences of such spending, saying it wouldn't have an appreciable effect on interest rates or add much to the federal debt, which is already about $3.6 trillion. "One year" of additional spending? he said. "That's nothing."

At the same time, he doubted that the additional spending would give the economy much of a lift. "Government spending tends not to be that stimulative," he said. "Building weapons and expending them isn't the basis of sustained economic growth."

Administration officials have been unwilling to talk about the specific costs of a war, preferring to discuss the removal of Mr. Hussein in foreign-policy or even moral terms. Discussing the economics of the war could make it seem as if the U.S. were going to war over oil. That could sap support domestically and abroad, especially in the Mideast where critics suspect the U.S. of wanting to seize Arab oil fields.

Mr. Lindsey, who didn't provide a detailed analysis of the costs, drew an analogy between the potential war expenditures with an investment in the removal of a threat to the economy. "It's hard for me to see how we have sustained economic growth in a world where terrorists with weapons of mass destruction are running around," he said. If you weigh the cost of the war against the removal of a "huge drag on global economic growth for a foreseeable time in the future, there's no comparison."

Other administration economists say that their main fear is that an Iraq war could lead to a sustained spike in prices. The past four recessions have been preceded by the price of oil jumping to higher than $30 a barrel, according to BCA Research.com in Montreal. But the White House believes that removing Iraqi oil from production during a war—which would likely lead to a short-term rise in prices—would be insufficient to tip the economy into recession. What is worrisome, economists say, is if the war widens and another large Middle East supplier stops selling to the U.S., either because of an Iraqi attack or out of solidarity with Saddam Hussein's regime.

Mr. Lindsey said that Mr. Hussein's ouster could actually ease the oil problem by increasing supplies. Iraqi production has been constrained somewhat because of its limited investment and political factors. "When there is a regime change in Iraq, you could add three million to five million barrels of production to world supply" each day. Mr. Lindsey estimated. "The successful prosecution of the war would be good for the economy."

Currently, Iraq produces 1.7 million barrels of oil daily, according to OPEC figures. Before the Gulf War, Iraq produced around 3.5 million barrels a day.

Mr. Lindsey's cost estimate is higher than the $50 billion number offered privately by the pentagon in its conversations with Congress. The difference shows the pitfalls of predicting the cost of a military conflict when nobody is sure how difficult or long it will be. Whatever the bottom line, the war's costs would be significant enough to make it harder for the Bush administration to climb out of the budget-deficit hole it faces because of the economic slowdown and expense of the war on terrorism.

Mr. Lindsey didn't spell out the specifics of the spending and didn't make clear whether he was including in his estimate the cost of rebuilding Iraq or installing a new regime. His estimate is roughly in line with the $58 billion cost of the gulf War, which equaled about 1 percent of GDP in 1991. During that war, U.S. allies paid $48 billion of the cost, says William Hoagland, chief Republican staffer of the Senate Budget Committee.

This time it is far from clear how much of the cost—if any—America's allies would be willing to bear. Most European allies, apart form Britain, have been trying to dissuade Mr. Bush from launching an attack, at least without a United Nations resolution of approval. But if the U.S. decides to invade, it may be able to get the allies to pick up some of the tab if only to help their companies cash in on the bounty from a post-Saddam Iraq.

Toppling Mr. Hussein could be more expensive than the Persian Gulf War if the U.S. has to keep a large number of troops in the country to stabilize it once Mr. Hussein is removed from power. Despite the Bush administration's aversion to nation building, Gen. Tommy Franks, commander of U.S. troops in the Middle East and Central Asia, recently said that the U.S. troops in Afghanistan likely would remain for years to come. The same is almost certain to be true in Iraq. Keeping the peace among Iraq's fractious ethnic groups almost certainly will require a long-term commitment of U.S. troops.

During the Gulf War, the U.S. fielded 500,000 troops. A far smaller force is anticipated in a new attack on Iraq. But the GOP's Mr. Hoagland said the costs could be higher because of the expense of a new generation of smart missiles and bombs. In addition, the nature of the assault this time is expected to be different. During the Gulf War, U.S. troops bombed from above and sent tank-led troops in for a lighting sweep through the Iraqi desert. A new Iraq war could involve prolonged fighting in Baghdad and other Iraqi cities—even including house-to-house combat.

The Gulf War started with the Iraqi invasion of Kuwait in August 1990, which prompted a brief recession. The U.S. started bombing Iraq on Jan. 16, 1991, and called a halt to the ground offensive at the end of February.

With Iraq's invasion, oil prices spiked and consumer confidence in the U.S. plunged. But Mr. Lindsey said the chance of that happening again is "small." U.S. diplomats have been trying to get assurances from Saudi Arabia, Russia and other oil-producing states that they would make up for any lost Iraqi oil production. In addition, Mr. Lindsey said that the pumping equipment at the nation's Strategic Petroleum Reserve has been improved so oil is easier to tap, if necessary. Both the Bush and Clinton administrations, he said, wanted to "make sure you can pump oil out quickly."

On Thursday, Federal Reserve Chairman Alan Greenspan said he doubted a war would lead to recession because of the reduced dependence of the U.S. economy on oil. "I don't think that . . . the effect of oil as it stands at this particular stage, is large enough to impact the economy unless the hostilities are prolonged." Mr. Greenspan told the House Budget Committee. "If we go through a time frame such as the Gulf War, it is unlikely to have a significant impact on us."

The U.S. economy also has become less dependent on oil than it was in 1990, said Mark Zandi, chief economist at Economy.com, an economic consulting group in West Chester, Pa. A larger percentage of economic activity comes from services, as compared with energy-intensive manufacturers, he said. Many of those manufacturers also use more energy-efficient machinery.

We have to begin to connect the dots here with the President's advisers and with what is really going on, knowing the internals of Iraq, the nations that she relates to, her internal economic situation, and keeping our eye on when the enemy is, who was responsible for the World Trade Center, for the Pentagon and for the disaster over Pennsylvania. It is al Qaeda. They do not have roots in Iraq.

We have persistently asked the administration for any ties that they can see there; and I would just urge, as I know my colleagues are, the American people to distinguish between hearsay and evidence regarding what al Qaeda has done and what Iraq's record might be.

Now, is Iraq a perfect country? I daresay not. It is not my favorite form of government. No repressive state is. But in that part of the world there is not a single democracy or functioning democratic republic. It simply does not exist. This is the challenge for the new generation, to embrace this part of the world in ways that builds more open societies. But, certainly, naked aggression by a superpower with no evidence presented to this Congress is not a way to make friends in that part of the world where, frankly, America needs to make friends.

Mr. Speaker, I would just like to put on the record tonight if there are any officials who may be listening, and I am sure my colleague, the gentleman from Ohio (Mr. KUCINICH), would agree with this, from the government of Iraq. I, as one Member of Congress, and I know some of my colleagues would join me in this, would certainly entertain a request from the government of Iraq from Saddam Hussein to meet with Members of this Congress to negotiate the terms of inspection, respecting the role of the United Nations, having members of the United Nations team join us for that; but to extend an open arm to the people of Iraq as we move into this 21st century, to write a new page in history.

We know we do not have a great deal of trust, but one has to confront one's enemies. One has to be able to talk. Only with that kind of negotiation does one avoid war. Whether it is through third parties first and then we move to that step, as I as one Member of Congress would certainly be open to it. And I think that a number of my colleagues would join me in that effort.

Mr. KUCINICH. Mr. Speaker, the gentlewoman is correct in suggesting that we should open up discussions and negotiations. I mean, is that not our purpose as a Nation to find a way to communicate with other nations and with the community of nations bring about global security? Certainly when any one nation in that community of nations wants to stand apart and threaten the safety and the peace of the community of nations, that needs to be regarded. That is why we need arms inspectors in Iraq.

But I want to go back to something I said initially, and that is that Iraq has not been connected to 9–11. There is no connection at all. There is no connection between Iraq and al Qaeda.

□ 1900

Even the CIA had to admit that. There is no connection between Iraq and the anthrax attacks. Americans are still grieving about 9–11, but I do not think there is a single person in this country who believes that we should attack a Nation as a payback for 9–11 when they did not have anything to do with it, and yet some people in this confusion are turning around and connecting Iraq with 9–11.

We need the inspectors, but we already know from the work that Scott Ritter did that there are not any usable weapons of mass destruction in Iraq. They do not have the ability to deliver such weapons to attack the United States. If Israel thought they had the ability to deliver such weapons to Israel, Israel has the military force to destroy that Iraqi capability if they had it.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I just wanted to mention during the Persian Gulf War when I served here and Iraq was able to launch some SCUD missiles into Israel, at that time, she could have equipped them with chemical weapons, with biological weapons, but it was not done, and why would that be? I think because Saddam Hussein, as military leader in his own country, recognized that he and his Nation would face annihilation if that happened. So there is a rational military mind working there.

Mr. KUCINICH. The gentlewoman is correct, and we go back to this, that there is a way out of this mess that we are in. We need a comprehensive solution to the crisis in Iraq, and that solution appropriately involves the world community through the United Nations.

Those inspections ought to begin immediately, and we should work cooperatively with all nations to rid Iraq of any weapons of mass destruction or any capability they may have if such weapons exist, and we should come up with a comprehensive solution which includes negotiations over sanctions because we know that hundreds of thousands of innocent Iraqi children have perished because of those sanctions, and we should include negotiations over the no-fly zone. We need to create a framework in the region for a zone free of weapons of mass destruction to ensure we do not come back to the situation at another time.

The thing that gets me is we want Iraq to give up weapons of mass destruction if they have them, but why would Saddam Hussein want to cooperate with the United States if we have a policy of regime change which also includes a policy of wanting to assassinate him? If you have inspectors in your country and they are measuring you for a box, you might think twice about showing them around because sooner or later something might happen to you.

So if we truly want to get rid of weapons of mass destruction, we should set aside the regime change policy which defeats the goal of assuring compliance. We should rescind our policy which permits assassination of foreign leaders. I think there is a comprehensive solution which can avoid the war, and if the administration truly desires a solution without war, it must explain how that squares with its stated policy of regime change.

The goal of the United Nations is weapons inspections with these competing goals of, on one hand, weapons inspections and then regime change is going to make it very difficult to have peaceful resolution. I think that war is not inevitable here. Except if the administration's goal, if the irreducible goal is the overthrow of the Iraqi government, then we are going to have difficulty completing the inspections in which we place so much hope.

So one of the things that we have been told over the last few weeks is that Iraq presents an imminent threat. A number of us have had discussions across the country, and we have talked to people who are really learned on these arms issues, and they say Iraq really is not an imminent threat. So what is the rush to war? In my district, which is similar to the gentlewoman from Ohio's (Ms. KAPTUR), in Toledo, in Cleveland, people talk about an imminent threat, but they do not talk about Iraq. They talk about the threat of not having health insurance. There are 41 million people in this country without health insurance. That is imminent threat. Senior citizens talk about not having access to a plan which can reduce the cost of prescription drugs for them. The high cost of prescription drugs, that is an imminent threat to the American people.

The corruption in Wall Street which took hundreds of billions of dollars away from investors over a period of time, that is an imminent threat. So many people lost their 401(k)s. That is imminent threat.

People in our manufacturing industries losing their job, that is imminent threat to the American people and a long-term threat to our economy. I get calls in my office in Cleveland from people who are right on the edge of losing their homes. They have an imminent threat of losing their homes. People who need a job, retirees who lost their health insurance because their company went bankrupt, they are an imminent threat because they cannot get decent health care and they are in their senior years, not yet eligible for Medicare, though.

American people have a right to expect that we do something about these issues that affect their domestic economy, but because of all this war talk, because of this talk of an imminent threat from Iraq, which does not have usable weapons of mass destruction, which does not have the ability to deliver those weapons, which has not indicated an intent to do so, which did not have anything to do with 9–11, which did not have anything to do with al Qaeda, which did not have anything to do with the anthrax attacks, because of this imminent threat by Iraq, we somehow are supposed to forget all of the concerns of the American people who are suffering in this economy and an economy which is slowing down. We are supposed to forget all that because Iraq is an imminent threat.

Iraq is not an imminent threat, but the destruction of the American economy, the destruction of people's

401(k)s, the destruction of a family when someone has a serious illness and they cannot pay for it, that is an imminent threat, and we in this country have an obligation. We should demand that this country start focusing on the real problems which affect the daily lives of the American people. I did not come here to have to cast a vote on a bogus war against Iraq to let the real human concerns of my people in my district go wanting.

As the gentlewoman from Texas (Ms. JACKSON-LEE) said, $100 billion and more will be spent on this war and my senior citizens in my district are splitting their pills so they can make their prescriptions last because they cannot afford the cost of a prescription drug.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for his passionate statement and the people of the Cleveland area are indeed fortunate to have him here.

I would only add, when the gentleman talks about imminent threat, that if one looks at why we are in the current recession and what triggered it, it was rising oil prices, as happened during the 1970s, when the Arab oil embargo twice delivered body blows to this economy and we had prices skyrocket. The price of oil doubled per barrel until the OPEC nations said, gosh, this is not so good if we make America fall to its knees because of imported oil. Then it started to control prices from places like Iraq, Saudi Arabia, Kuwait, United Arab Emirates, all those countries, and then we moved into the Persian Gulf War in the early 1990s when Iraq invaded Kuwait, and again, why? Because of the threat to the world economy, especially our own, and the instability inherent in these oil economies.

Then just 2 years ago next month, the suicide bombing of the USS Cole in Yemen harbor, our destroyer. What was she doing there? Guarding the lanes of commerce as those oil tankers come out of the Persian Gulf into the West here, unload, and then it is refined here. Now, with Iraq and all these statements being made by the Bush administration, which has enormous ties to oil, it is no secret that Kenneth Lay and Enron were the largest contributors to the Bush campaign, we have this drumbeat for more U.S. involvement in that part of the world where oil props up every single one of those countries, whether it is Saudi Arabia, whether it is Iraq, whether it is Kuwait.

We really start looking around and saying, oh, and even Afghanistan, where the pipeline has to run from the Caspian Sea through Afghanistan in order for that crude oil to reach its destination, one of the imminent threats to the United States where over half of our oil is now imported, 25 percent of it from that part of the world, about 28 percent actually, we have to become energy self-sufficient here at home.

So I would say to the gentleman from Ohio (Mr. KUCINICH) thanks for all the efforts he has made with us to move into renewable energy supplies from a hydrocarbon economy to a carbohydrate, a photovoltaic economy, moving into fuel cells and new forms of power for this country so we can cut the umbilical cord to so many of these places in the world that have undemocratic regimes, and every time a consumer in our country goes to the gas pump, half the money they pay for that fuel goes to Saudi Arabia, Iraq. It goes to Venezuela, Nigeria. Not a single democratic republic among them.

Mr. KUCINICH. Mr. Speaker, I have a report here that was done by Miriam Pemberton, who is with the Institute for Policy Studies. She delivered this to a congressional briefing. She said that fears that the U.S. might go ahead with an attack on Iraq have already begun to affect oil prices. When people are going around to the pumps, just the talk of war is starting to affect oil prices. Oil is already trading close to an 18-month high of $30 a barrel. Ten months ago, according to this report, we forget, but 10 months ago, the price was half that. So within 10 months, oil has doubled in the price per barrel.

As the war fever keeps going, in effect what we have, the war fever has created a premium. So the oil companies are making more money on the war talk, and each time a U.S. official comes out and says something, she says in this report, that suggests an attack is actually imminent or is likely to happen, oil prices spike.

Vice President CHENEY made the first of two such speeches on August 26, for example, and by the end of the day the price of each barrel sold on the U.S. market had jumped 65 cents. Think about that, what war talk does.

What does a real war do? The last invasion of Iraq, right after it, oil prices doubled. They stayed high, according to this report, for the better part of a year. A repeat would create ripple effects throughout our economy. Miriam Pemberton says that estimates by Wall Street analysts indicate that a $10 per barrel rise in oil prices, that would be half the amount of the last Gulf War, would over a year's time reduce U.S. GDP growth by about half a percent and add nearly 1 percent to inflation.

She goes on to say the economic drag from this oil price shock is being felt most strongly across the transportation sectors, and she also says that most analysts expect that a U.S. attack on Iraq would send the price of oil beyond $50 a barrel. In other words, more than three times what it was 10 months ago.

So I think that we need to understand that the cost of war is not only in our tax dollars, not only in this horrible cost of the lives of the young men and women we send over there, but also when we combine it with the tax cuts and the large increases in military spending, we are looking at a disaster for our economy. Slower growth, a recession. So we should be very concerned about the economic impact, the immediate impact of this war, and we should be concerned about the long-term economic impact of this war.

This is still about the economy, and remember, all of these debates get swept aside with the war talk. Each time the administration stands up and talks about war, we pay for it at the gas pump.

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If we go to war, the prices are going to go up three times what they were 10 months ago. These are the concerns I have.

Mr. Speaker, in the closing few minutes I would like to, with my colleague, the gentlewoman from Ohio (Ms. KAPTUR), talk about what I am hearing from my constituents in Cleveland. When they ask me what can we do, what can anyone do about this rush towards war, talk about a few things that are possible. I hear from the people in my district; they do not want a war. They expect us to solve this without going to war. They expect that we have the talent and the ability to solve these very difficult problems with other nations, particularly with a nation that used to be a good friend over in the gulf and to whom we sold chemical and biological and nuclear weapons capabilities; and if we could do that a few years ago, why not solve this. Look at the battlefields of World War II. We were at war with Japan and Germany, and they are our good friends now.

We need to work with the international community now. Let us suppose this effort, despite all of our work, just keeps moving along. What can people do, they ask me. Here is what can be done. There needs to be meetings all over this Nation in city councils, town halls, in labor halls and community centers. People need to come together, and they need to talk about how they feel about this. They need to organize.

When I was elected to city council in Cleveland many years ago, I got elected by knocking on doors. I did not have any money. I just went door to door and talked to people. We need to talk to each other again. We need an up-lifting of our civic consciousness. We need to recreate our civic soul in this country. We need to recreate our national sense of conscience; and we do it by talking to each other, by organizing door to door. Go to your neighbors, create a place for a meeting. Take the information door to door about the meeting. Let people know where they can come to talk about it and then talk about gathering more and more people. Gather by the thousands in your town squares. This is what I tell my constituents.

We need a national revival of this concept of government of the people. Government of the people works because people stay involved. Lincoln's prayer, the prayer that he gave at Gettysburg, a government of the people, by the people, and for the people, the way it is realized is when people get involved. So knock on doors. Put a piece of literature in people's hands, I tell my constituents. Tell them how they can come to a meeting. Tell them that they are needed. Bring people together, set an agenda, invite your Member of Congress or other government officials. Invite church leaders to moderate it. We need it talk to each other about this. We can avoid this war. It is not inevitable. We need to connect again with each other.

Each of us is an architect of the world, and our thoughts and words and our deeds are part of that structure of the world. We can recreate the world right now. War is not inevitable. Peace is inevitable if we begin talking to each other and organize at a community level.

There are polling lists available. You can go to a board of elections and find out who the voters are in your precinct, and you can get a list of phone numbers and call people and go back to contacting people, hold those meetings and hold those rallies. I believe, as I tell my constituents about this, that we can turn this around, that we are not stuck with war; but we need to hear from the American people. And my constituents, I tell them, if you talk to your neighbors about it, we can catalyze a change in this country. And I know that the gentlewoman from Ohio (Ms. KAPTUR) works closely with her constituents and tells them how they can make a difference.

Ms. KAPTUR. Mr. Speaker, some of the best forums that we have involved a combination of universities, church leaders, community activists, citizens, just inviting ordinary citizens to learn. Many people feel powerless. They feel this is foreign policy, what can I do about that. I think they underestimate their own power.

Mr. KUCINICH. Mr. Speaker, I think the gentlewoman is right. Today we have this new structure of the Web. They say I do not know how to use it. I say ask your kids. They have computers. They can get you on a site and you can start to talk to people.

We need to use the available technology that we have; but the best technology in a democracy is the human heart because across this country people can feel in their hearts that this war is wrong. Across this country, people know that America has a higher destiny, that it is not our destiny to be the policeman of the world. It is not our destiny to choose who should be the ruler or leader of another nation. It is our destiny to fulfill the democracy here and to defend freedom when we must.

I want to thank the gentlewoman from Ohio (Ms. KAPTUR) and the gentlewoman from Texas (Ms. JACKSON-LEE) for participating here and for starting this discussion that war is not inevitable, that Iraq was not connected to 9–11, that there is a chance that we can move forward with our intelligence, that we can some day evolve to a place where what President Franklin Roosevelt called the science of human relationships can be used to resolve our problems, not weapons technology which destroy, but our own capability to evolve in heart and soul, to become more than we are so we fulfill this dream of our founders of a government which is enlightened and a government which has a special connection to its people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PLATTS). The Chair would remind Members to direct their remarks to the Chair and not to the television audience.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I want to address the House tonight on an issue of importance, I think, to the Nation in terms of what we are facing in the area of domestic policy decision, which I think is an extremely important one for the country. Not surprisingly, I am going to be talking about immigration and immigration reform and a number of related issues this evening.

Mr. Speaker, recently in the Colorado newspapers there have been a series of stories and editorials about an incident that occurred some time ago that was brought to the attention of the public as a result of a story published in the Denver Post maybe a month ago, perhaps a little more than that. The story was one that identified a particular individual in Colorado, actually a particular family in Colorado who were illegal immigrants to the United States.

According to the news reports, even the Denver Post went to the Mexican consul in Denver or the Mexican consul went to the Post, I am not sure which way it happened, but somehow or other they got together and decided to write a story about a family, the Apodaca family. They decided to highlight a particular individual, a young man that is the oldest son of the family, I believe, who is graduating from a school in Aurora, Colorado, in my district, who has evidently been a model student with very good grades who is now faced with a dilemma. The dilemma is what to do about going to college; how is he going to pay for it.

Mr. Speaker, across the country there are several attempts being made to change State laws with regard to illegal immigrants' access to higher education. I believe several States have actually changed their laws that will allow in-state tuition for kids who are themselves illegal or parents of illegal immigrants. This is a major push on the part of the Mexican Government through the Mexican consuls throughout the United States, and it is a major push by immigration advocates all over the country and groups like La Raza and others who want a variety of things, including free K–12 education which they already have, free or taxpayer-subsidized public education, which they do not now have, and driver's licenses and welfare and a number of other things that would add up to citizenship. That is really the point of all of this.

The attempt is being made to erase anything that would be a distinguishment of someone being here illegally. Because after all, if you can come to the United States illegally, put your kids into school, which you can today under Supreme Court rules, have them educated at taxpayer expense, if you can eventually get taxpayers to subsidize their higher education, if you can get taxpayers to subsidize welfare, to pay for welfare for illegal immigrants into the country, if you can get State legislatures to change their laws to provide driver's licenses to people who are here illegally, then what happens, after a while there is nothing that separates you from anyone who is here legally.

If you are present, if you are physically present in the country that we call the United States, you will have all of the benefits of being a citizen, and it does not matter how you got here. This is the desire. This is the hope; this is the plan. To some extent it has been successful, as I say, in several State legislatures. I think California is one, perhaps Utah is another. But the same thing is going on in Colorado.

So there was this plan, if you will, to begin a lobbying process to change our laws in Colorado to allow people who are here, who are in the country and in Colorado in this particular case illegally, to have access to higher education. So the Mexican consul provided the names of a family, the Apodaca family, to the Denver Post. This was a particularly sympathetic case because apparently these folks came here 7 or 8 years ago, by their own admission illegally, but have so far lived the lives of model citizens. They send their kids to school. They are employed, or at least the husband is employed; and so they now are in this precarious position. They are trying to figure out what to do about the problem they face. How do you send your kids to higher ed, to the University of Colorado?

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So about a month ago, as I say, the Denver Post highlighted these people. They in fact put them on the front page of the Denver Post, this family, put in a picture and ran this very, very long story about the family and said, gee, these people, yes, they are here illegally, but they are not concerned about that. They are, as I say, giving their names and locales to the paper and we should in fact now be, of course, cognizant of and sympathetic to their plight.

I read this story as did hundreds of thousands of other people in Colorado and thought, is it not interesting that we are now at the point where people who are here illegally can be so brazen as to make that known publicly without the slightest fear of any sort of negative ramifications? Is it not amazing, I thought, that the Mexican consul would be so audacious as to become involved in domestic politics in the United States? And, more importantly, is it not an affront to every single person who has come to this country legally? Is it not a slap in the face to every single person in this country who has gone through the brain damage and the expense of coming here through the legal process?

Mr. Speaker, I have been able to go up to Commerce City, Colorado, where we have had and where they still have ceremonies to recognize people who are now taking their oath of citizenship to the country. They are becoming new citizens. I have gone there and I have spoken to these groups and I have said, first of all, I want to welcome you to the United States. Secondly, I want to thank you for doing it the right way, for going through the process, for spending the time, the money, for being inconvenienced as I know you are, for trying to learn the language as you are supposed to do. I want to thank you for all of that, because you are acting as good citizens. And every time that we do things like provide amnesty for people who come here illegally, it is a slap in the face to all those who have done it the right way.

Mr. Speaker, I have in my office as I know you do and every Member of this Congress, we have lists of people who have applied for some sort of change in their immigration status and they have asked us to help. And we have. Well over 100 I saw at last count in our office alone. I know that in certain other districts, certain other congressional districts, the numbers are higher; but in mine, a relatively suburban district, 100, that is quite a few for us. We have actually two people assigned to helping those folks come into the United States or if they are here, to get their status adjusted under the law. That is a resource allocation that I think is unique. I do not believe I have two people among my staff who have a single responsibility or at least have some partial responsibility for a single issue. But that is the load we have, and that is the dedication I have to trying to help.

I thought to myself when I read this story on the front page of the Denver Post that it is amazing that we are so blatant, so fearless about the fact that you do not have to go through that process; that, in fact, you are suckers if you do; that you are being naive if you try to abide by the laws; that you will become celebrities. You will be on the front page of the Denver Post. You will be characterized as heroes because you have lived a good life and you have done what is expected of you in America, you have had a job and you send your kids to school; and therefore because you are an "A" student, we should ignore the fact that you are here illegally and tell everyone in America who is here because they came the right way that they have been suckers.

It also tells everybody in the world who is waiting for the opportunity to come to the United States legally that they should probably simply ignore the bureaucracy, which can be daunting in terms of the obstacles it sets up, and they should simply go to the head of the line. They should simply pass by everybody waiting and enter the gate. That is what amnesty does and that is what we tell people when we showcase them for being here illegally.

Mr. Speaker, I do not know the Apodacas. From everything I have read, they seem to be very fine people who have, as I say, tried to come to the United States for the same reasons that my grandparents, perhaps yours, came here, looking for a better life. I do not blame them for wanting it. But I must admit to you that when the decision was made by the Denver Post and the family and the Mexican consul to showcase these people, they put those folks in jeopardy. Because somebody is going to say, Is this right that you can violate the laws of the Nation with such impunity? Is it right that all those who have attempted to do it the right way should be so insulted? I certainly did not think so when I read the story.

So I waited about 3 weeks or more and finally I called the INS office in Denver and I said, can I please speak to the head of the agency? It was a gentleman by the name of Mr. Comfort. Again, a very nice fellow whom I have met with in the past. I asked him in the beginning of our conversation, I have a hypothetical situation to present to you and that is this: today, Mr. Comfort, you as the head of the regional office for the INS, if you walked out of the office and were heading over to lunch at a restaurant across the street and somebody came up to you on the street and said, I want to tell you something if you don't mind. I am a person who is a good citizen. I have a job. I have never been in trouble with the law. I send my kids to school. I'm trying to get them an education, but I have this one problem. I am here illegally. What would you do under those circumstances?

He said, Well, of course I would have to take them into custody. Those were his exact words. I would have to take them into custody at that point, and I would have to then put them through the judicial process. They would have a hearing. It would be determined by an immigration law judge as to whether or not they should be deported.

I said, That is interesting to me, because I am wondering what you did about the family that told you that, told not you that, but told the entire State of Colorado that 3 or 4 weeks ago. They said they were here illegally. They were looking for someone to help support their son's higher education goals and expenses.

He said, Yeah, we saw that; we looked into it, but we're not going to do anything about it.

I said, How come? I just asked you what you would do if this happened to you on the street.

He said, It's a resource thing. I don't have the resources to actually go after these people.

I said, I'm not asking you to send in a SWAT team. I'm not asking you to devote any resources to this issue that would jeopardize the major tasks you have in terms of felons who are here illegally and potential terrorists and all that sort of thing. I don't want you to do that. I'm just asking you what you do when somebody tells you this, as these people did and as the Denver Post and as the Mexican consul did.

He said, I really don't know what to say. We don't have the resources. He kept saying, We don't have the resources.

I said, again, What does it take? Would you send a letter? Would you at least send a letter to the folks and ask them to please come in and talk to you about the fact that they have stated publicly that they are here illegally? He said, yes, that they would do that.

Shortly thereafter, I received a call from the Denver Post wanting a follow-up interview to the original story about these folks. I told the Denver Post, it was amazingly coincidental, but I had just talked to the INS and I told them this story. The next day the Denver Post wrote a story, it appeared again on the front page and it was entitled something like "Tancredo Demands the Deportation of this 'A' Student." Forget about the fact that that was an interesting spin that they put on it because I never even mentioned the student in my conversations with the INS. I was talking about the family who had made this statement to the Post. But, regardless, that was the story. It has been amazing in terms of the reaction to it.

I have had literally thousands of e-mail and telephone calls and letters about this into my office. Overwhelmingly, I should say that the letters and e-mails are supportive. But the Denver Post is very upset about the fact that I did this. I have tried to explain to them that really what I did was what hundreds of other citizens I know have tried to do and that is to talk to the INS, get them to look into the situation, the situation that individuals may feel exists out there in terms of illegals being here and that the INS routinely ignores those inquiries and/or reports from John Q. Citizen. In this case because I was able to get the head of the INS on the phone and speak to him directly, they were perhaps less able to ignore my request to them to look into the issue.

I did not demand, I should say, anyone's deportation, not Jesus Apodaca who was the young man that was identified in this story as being the "A" student who is looking for a college education, or anyone else. I simply said, Would you look into this, would you simply send a letter and ask these people to come in and talk to you? But the press has portrayed this in a way, as you might imagine, to make it appear as though I have taken it upon myself to become the head of the INS and "bully," I think is the word they use most often, and "mean-spirited," another one that they throw in there.

Then yesterday we got a call from the same reporter who had done this story, and he said, we have found out because of good reporting that Congressman TANCREDO has hired people to work in his home, in his home, in this case to finish a basement, and they were illegal, they were here illegally, and they wanted to know whether we had a response. My response was, I in fact did hire a company, a very reputable company to finish my basement and to put in a home theater for a Christmas present to my family. It was truly an expensive one, but it is one that we were able to pay for by refinancing my home, which is what we did. I went to a company in Denver, I purchased the equipment, and I asked if they also installed. They said yes. I said I also need the basement to be finished for this. They said they could do that. A part of their company was also a construction company.

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I hired them for this purpose. They were expensive, it is true, but we checked out their references and they were good. And we felt because they had promised me to get it done by Christmas last year, that we would go ahead and pay the extra money that we thought we were paying compared to other estimates to get this job done. So we hired them.

Now, Mr. Speaker, frankly, as you know, we are not home often, especially if you live as far away from Washington as I do. We are home sometimes on the weekend and during break. But we put a lockbox on our door and we gave the key to the lockbox to the construction company. And they were absolutely efficient and they did a great job, and I can say nothing but good things about the experience. They finished exactly when they said they were going to finish. The job is a great job. I have nothing to complain about whatsoever. Now, I have no idea who they hired, where they came from or anything else.

But, anyway, the Denver Post tomorrow is going to run a story, we are told, they called us tonight to tell us they are going to run a story tomorrow that states what I have just told you, that we have had people working in our home who were in fact illegal immigrants.

Somehow, of course, I know they are going to try and tie this to me, that I either knew, or, I do not know exactly what the point of it is, but I know they are very upset about the fact that we have called them on this issue of highlighting the Apodaca family. So, as a "result of good reporting," they have uncovered some more illegal aliens who are in Colorado, and they are going to publish a story tomorrow about that.

Now, I have to tell you, Mr. Speaker, that I have been called a bully, I have been called mean-spirited, because I called the INS and asked them to look into the Apodaca story, which had been printed in the paper serial several weeks before. But, Mr. Speaker, I have to also tell you that I do not seek out people who are here illegally. I do not ask people who may be serving me at a restaurant, who may be doing my lawn work or putting on the roof of my house, or, in this case, the laborers of a company that I hired to put in a home theater system and finish my basement, I do not ask them to show me proof of the fact that the people, I do not say, you know, the waiter that you sent me last night could not speak English very well, or the cab driver that I got when I came over here could not speak English very well, so I would like to see whether or not they are here illegally. I do not do that. I think that would be sort of mean-spirited, frankly. I do not do that.

I only got into this issue, became even acquainted with the Apodaca family, because the Post and Mexican Consul and the family themselves choose to make themselves known to me and to the rest of the people in Colorado, the entire citizenry.

So, I do not know, Mr. Speaker, frankly, I have not the foggiest idea of whether or not the people who were employed by the company that I hired were illegal. I know they were good workers and did a great job. That is all I know. But if the Denver Post continues to press this, if they identify people and companies, then, of course, I would tell the INS the same thing: "Look, the Denver Post is once again pointing out people who are here illegally. Are you going to do something about it?"

But I want to try to just make people understand the nature of this debate. I know that I suffer the slings and arrows. I know that I am going to be vilified in the paper. Tomorrow I am sure that the article that the Denver Post writes about me will not be complimentary. But, you know, I guess I am really thinking aloud here with you tonight, and that is, who is really the bully? Who is really mean-spirited here?

I hope that we will enforce our immigration laws in this country. I hope that we will stiffen those laws. I hope that we will in fact even put military troops on the border to help enforce immigration laws. But I will tell you, Mr. Speaker, quite honestly, that if this Nation decides that it does not wish to enforce immigration laws, that if we do not wish to have a border that requires somebody to get permission to cross, that is okay with me. It is not okay, I would be a no vote on that bill, but let us assume for a moment that this House and the Senate, the other body, I should say, and the President agree that we should abandon this whole concept of border security and immigration policy. If it is the will of the majority, I would live by it.

The idea that we can have a law in place that says you cannot enter the country illegally, but, on the other hand, if you do, and if you are a nice guy and if you have got a kid who is an A student, I do not know, if he is a B student, I am not sure we would cut him this slack, or C or D or F, or maybe if he does not go to school at all, maybe then we should try to deport him. So maybe we should make an immigration policy that depends upon someone's grade point average, or whether or not they have simply been in the country a while and kept a job and stayed out of trouble.

You know, whatever we do, whatever this Congress and the Senate decide to do, the other body decides to do, and the President agrees to, that is the law of the land and I certainly would abide by it. But if we, unfortunately for the Apodacas, have a law that says if you come into the country illegally you are subject to deportation, even if your child is an A student, even if you have lived in the country as model citizens, you do not have the right to citizenship, as long as that is the law of the land, then let me ask you, is it being a bully to ask the INS to enforce the law?

Now, again, Mr. Speaker, I want to say we know there are between 9 million and 13 million people who are here illegally. That is true. I have not the foggiest idea how many people I may have hired in the past as taxi drivers, as waiters, waitresses, home improvement people. I have not the foggiest idea how many of those people may have been here illegally, and it is not my job to ask them. In fact, Mr. Speaker, it is against the law to do so. You could be sued under the Civil Rights Act if you go out and ask people that have been hired by somebody else if they are here illegally or not. I do not do that. I do not inquire.

If you go to the Denver Post or any other newspaper and you say, "I am here illegally and here is the benefits that I want," then, of course, I think it is a different situation, and the Denver Post and the Mexican Consul and this family have to take some responsibility for making the choice to become prominently displayed on the front page of a major newspaper.

Now, I know that this is a very controversial and very emotional issue. I know that, and I do not relish the idea of being here and discussing it. Frankly, there are other things that are also important to me, other issues; the tax policy of the country, the war, the potential war with Iraq, there are a whole bunch of things that weigh on my conscience very heavily and weigh on my mind, as I know they do on yours, Mr. Speaker, and every other Member of this body.

But I must admit to you that what is happening here by attempts in this case by the Mexican Consul and sympathetic news media, the attempts to characterize illegal immigration as benign, that is wrong and it is dangerous. The Apodaca family, certainly from all accounts I have read, anyway, are no danger to the United States. They pose no danger. They seem like good people, people I would be happy to have as neighbors and friends. But it is irrelevant to the issue as to whether or not they have broken the law to come into the country.

What is the most discouraging or disconcerting aspect of this whole thing is that when trying to characterize and personify the illegal immigration issue by using the Apodacas, what you do is ignore another face of illegal immigration that is much, much uglier, much nastier. That is the face of illegal immigration that you confront on the borders of this country, both the Canadian border and the Mexican border. It is the face of murder, it is the face of infiltration into the country of people who are coming to do us great harm, it is the face of drug smuggling. It is the face of rape and robbery, because coyotes who often bring these people, in this case from Mexico, into the United States, they charge them sometimes $1,000 or $1,500 to bring them into the United States illegally, and when they get to the borders they rape the women, they steal the money, they force the people into the United States into some of the most inhospitable parts of the country in terms of the desert, and they die out there. This is an ugly thing.

It is the face of murder, where a little over a month and a half ago a young man by the name of Kris Eggle, who was a Park Service employee, he was a Park Ranger in the Organ Pipe Cactus National Monument in Arizona, and Chris, who was 28 years old, along with a colleague in the Border Patrol, stopped two Mexicans who had come across the border after having murdered four people in Mexico in some sort of drug deal type of thing that went awry, or they were hit men for some cartel, I do not know all of the details. But they came into the United States. They were stopped by this young man, 28 years old, and when he got out of the car, he was killed. They opened up on him with automatic weapons and killed him.

I went to his funeral in Ajo, Arizona, where I saw his mother and his father, I saw all of his colleagues from the Border Patrol, from the Park Service, from the Customs agency, all of them coming to pay their respects. But I saw no one else from the government. I saw no members of the media to talk about that face of illegal immigration into the country.

I have not heard a thing about the fact that a short time ago, maybe less than a week ago, two FBI agents on the border near El Paso, I believe, were abducted, dragged across the line and beaten almost to death. They are both in the hospital in Texas in critical condition. I have seen nothing about that face of illegal immigration.

I have seen nothing about the fact that hundreds and hundreds of thousands of pounds of illegal narcotics are confiscated on our borders with both Canada and Mexico every year, and I have seen nothing about the fact that agents are routinely placed in harm's way, Border Patrol agents, U.S. Forest Service personnel, are placed in harm's way and injured and in fact killed in defense of the Nation's immigration policy, so-called immigration policy.

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I have seen nothing about that in the Denver Post.

I have seen nothing about the fact that I received the following message from someone who will remain anonymous, but here is what he says: "Sir: Until about 5 months ago I was a U.S. Border Patrol agent. I was recently informed by a friend who is still with the U.S. Border Patrol of another Ramirez-type incident that Border Patrol agents had been ordered not to talk about and that the Border Patrol is desperately trying to keep away from the media. A Catholic nun was recently raped and murdered in Oregon by a Mexican illegal alien who was apprehended earlier by U.S. Border Patrol agents in Deming, New Mexico. The IDENT/ENFORCE system worked and the system alerted the agent that the alien was a violent criminal. The subject was released back into Mexico where he promptly made his way back into the United States, traveled to Oregon and raped two nuns, one of which was also murdered. The Border Patrol has put the word out to its agents that this information is not to be divulged to anyone outside the U.S. Border Patrol. The patrol agent in charge of the Deming, New Mexico station has been relieved and temporarily assigned to the sector headquarters in El Paso, Texas. The killing of the nun made the news, but the fact that the killer is an illegal alien recently captured and released by the U.S. Border Patrol did not. Hopefully, you can change that. Keep up the good work."

Well, thank you, sir, for your courage in telling me and telling, therefore, the country about this. Because I can assure my colleagues, Mr. Speaker, that this will not be on the front page of the Denver Post tomorrow. The fact that I hired a company that purportedly hired illegal aliens to work on my basement, according to what we were told tonight by the Post, but this will not, although the story has certainly made news earlier, they said it was news in Oregon, it will not be there, because this is not the face of illegal immigration that the press wants to present to the American public. However, this is the face of illegal immigration on our borders.

Mr. Speaker, I have come to this floor many times. I have no doubt that my concerns about illegal immigration, about the immigration issue have made me a number of very powerful enemies. I have no doubt that they will from this point on hound me, dog me, find out who delivers the milk to my house, who cuts our lawn. I mean, I have no idea to what extent they will go to try and vilify me for bringing the message. I guess, of course, it is an intimidating thing, but I also know that, because I have to ask myself and my own conscience, is this the right thing to do. I have to search my own conscience, Mr. Speaker, about why I do it. Is it out of some sort of animosity or animus that I have? I truly do not believe that is the case. I know that I would be doing essentially the same thing, as millions of others who are seeking a better life in the United States, I would be looking for a way into the country.

I do not necessarily blame the people who come here illegally. I blame our own government for encouraging it on the one hand by refusing to actually secure our borders, and periodically giving amnesty so as to tell people all over the world that the message is, by the way, to come into the United States, and for not cracking down on people who hire illegal aliens. If they knowingly hire somebody who is here illegally, then, of course, there is a price to pay. And I only suggest that if we want to have an immigration policy that establishes what the borders of the United States are and that one must ask permission to come across them, as we must do going to either Canada or Mexico, that the law, and that those borders, ought to be actually upheld.

It is amazing to me and incredibly ironic in a way that the Mexican consul has been so actively involved with trying to change our immigration status. It is amazing to me that the Mexican consul and advocates for immigration policies, for liberal immigration policies continually ignore the laws that are in place in our neighboring countries, Canada and Mexico. I have yet to see in the Mexican press or the Canadian press negative stories about the fact that in these countries if you enter illegally, you can be prosecuted for that. I have yet to see a story in the press about the fact that neither Canada nor Mexico, nor any other country of which I am aware, will allow you to go to school at their expense, at the taxpayers' expense of that country, go on to higher education at the taxpayers' expense of that country, if you are not a citizen of that country.

I have never seen an article written attacking any country for their mean-spirited immigration policy. I have never seen the Mexican consul speak out in the United States, and certainly I would be amazed if they did, of course, against the repressive actions taken by the Mexican Government against Guatemalans who periodically come into the country of Mexico illegally. Often, the Mexican Government will send troops to that southern border, to their southern border and they will also, by the way, round up, and I mean that in the ugliest sense of the words, round up illegal Guatemalans, illegal aliens into Mexico from Guatemala, they will round them up, send them back, they will incarcerate them.

Mr. Speaker, I have actually been in detention facilities in Mexico for people who have entered their country illegally. They are not nice places. I assure my colleagues that the detention facilities that we have in the United States are more like Hilton hotels than in comparison to the detention facility for illegal entrance into Mexico. But there has not been a word of concern about that, has there? Have I missed it? Has any paper in the United States attacked the Mexican Government for their attitude about illegal immigrants into Mexico? Has any media outlet in this country suggested that Mexico should begin educating all children who go to Mexico, regardless of where they are from, at the expense of the Mexican taxpayer? We do that. We do that because the Supreme Court has ruled that if you are here, even if you are illegal, we need to give you a K–12 education.

Now, so far they have not ruled that we have to give you a higher education at taxpayers' expense, but that is what they are seeking. That is what the people that support a liberalized immigration policy, that is what they are seeking. I have never heard anybody else, any other country chastised because they do not do what they are demanding of us. So is it mean-spirited, truly, for me to suggest that if we have an immigration policy, we should uphold it; if we do not wish to do so, we should abandon it?

I assure my colleagues, Mr. Speaker, and I have said this on the floor many times, that I wish there was someone with the courage to introduce a bill into this House that says we will abandon our borders, there is no need for them, we want the free flow of goods, services, and people. And if it passes, over my "no" vote, if it passes and if it passes the other body, and if it is signed by the President, that is the law of the land, and I walk away from the issue. But if, on the other hand, we pretend that we have borders and that for some reason that is important, which I think it is, then should we not do everything possible to uphold the law about those borders, especially, especially, Mr. Speaker, in times like these, in times that present the United States with the potential for catastrophic terrorist activity, catastrophic events that could be perpetrated by people who have come across our borders illegally? Should we not try to defend those borders? Should we not try?

When we go to the American public, either the administration or the Congress goes to the American public and says, we are trying to do everything we can, we are doing everything we can to protect you, can we be truthful in that, Mr. Speaker? Do we believe that we are doing everything we can to protect America? If that is the case, then why is it still possible for, say, one mile on either side of any port of entry in the country, you can walk across and no one is going to stop you? Is that really doing everything that we can to protect the United States of America? Should we not be as interested in defending our own borders as we are in defending the borders of Korea or Kosovo? Should we not be as concerned about our own safety in this country as we are about perhaps deposing Saddam Hussein and, therefore, removing a threat to the United States, which I happen to agree with? I mean, I agree that he is a threat and that we should depose him. But is it not just as important for us to defend our own country at the closest point of vulnerability, and that point is the northern, the southern, eastern and western borders of the United States? I cannot for the life of me understand why we do not pursue that as aggressively as we do a war with Iraq.

If we go to war with Iraq, does anyone not believe that the danger to the United States increases exponentially, that the danger will not come on the battlefields of Iraq necessarily, although that is certainly a dangerous place, but it will also come as a result of increased infiltration into the United States of fundamentalist Islamic cells designed and with the purpose, I should say, of doing us great harm? Would that not be only logical to assume as a possibility? And should any country not do the rational thing and try to actually defend those borders, even if it means preventing the flow of illegal immigrants into the country who are not coming to harm us?

But, Mr. Speaker, we cannot set up a sieve that distinguishes that. We cannot really expect people on the border to go, I see you coming across here, you look to me to be someone who is just coming across for a job and a better education for your kids, so I am going to let you come by. But you, you look like someone who might be coming across to do us great harm. No, of course, we cannot do that. I mean, even if we tried, the ACLU would go crazy and call it racial profiling or something. So we cannot do that. We either defend our borders or we do not.

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Either walk away from this and stop putting our Border Patrol, or Forest Service people, our Park Service employees, our Customs agents, stop putting them in jeopardy of their lives for a principle one is not willing to uphold. One or the other, Mr. President and Mr. Speaker, one or the other. Uphold the law or abandon the law, repeal the law. Those are our choices. But this half-baked approach is the worst possible way to deal with it.

And I will suffer the slings and arrows of an angry media and of angry constituents and of angry members of the Hispanic and immigrant communities in the United States, although I must say, Mr. Speaker, that we get many, many supportive e-mails and calls and letters from Hispanic Americans who consider themselves to be Americans only, Americans. No hyphenated part in there, and they are worried about this country's survival, and they are worried about the effects of massive immigration, legal and illegal, and they support this position. It has got nothing to do with ethnicity. I said this a thousand times if I said it once. It has got nothing to do with the countries of origin. We are talking about whether or not we are in fact a sovereign State or whether we are not, and if we choose not to be, if we choose to go the route of the European Union and begin the process of eliminating borders, creating common currency and all that, that is okay as long as it is done as a result of a legal process. It is called this body. We vote on it. We make a decision on behalf of our constituents. That is the way it should be done. It should not be done in a de facto way, just having it happen and then 10 years from now we say, "Gee, how did this occur? Remember when there used to be an actual border between Canada and the United States and Mexico and the United States? Remember when we used to ask people flying in for visas and things like that? I wonder why we do not do that any more. What has happened to the whole American experiment?"

So I guess I will continue to raise my voice in defense of the American experiment, in defense of the people who have come here over the last 250-odd years, who have come here seeking a better life, who have come here legally. I speak in defense of them. I speak in defense of all those folks who do not have the money to plead their case, I suppose, with the INS, but they are in line, they are following the rules, they are hoping that we will let them in and they will have a shot at the good life. God bless them, I say. God bless them. They are doing it the right way. And every time we slap them in the face, all I can say is I am sorry. It is rude, it is mean-spirited and it is ugly. Again, I tell them thank you for doing it the right way, for coming to the United States legally, welcome to the United States to everyone in this Nation who has come here the right way.

I hope, Mr. Speaker, that this issue eventually resolves itself so that our Nation is defended and that the idea of sovereignty is upheld and the hopes and dreams of millions of people seeking to come here will be fulfilled, seeking to come here legally.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATERS) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Ms. RIVERS, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr MCDERMOTT, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today and September 19.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 210. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Resources; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3880. An act to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2810. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, September 19, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9206. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule—Lactic acid, ethyl ester and Lactic acid, n-butyl ester; Exemptions from the Requirement of a Tolerance [OPP-2002-0217; FRL-7196-6] received Septemebr 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9207. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule — Cypermethrin and an Isomer Zeta-cypermethrin; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0227; FRL-7197-7] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9208. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Daniel J. Petrosky, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9209. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

9210. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7272-1] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9211. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities; National Emission Standards for Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H; Final Amendment [FRL-7271-3] (RIN: 2060-A190) received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9212. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Reasonably Available Control Technology for Nitrogen Oxides [ME056-1-7005a; FRL-7269-6] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions from Nonroad Large Spark-ignition Engines, and Recreational Engines (Marine and Land-based) [AMS-FRL-7380-2] (RIN: 2060-AI11) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9214. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the "Status of the State Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP) for the Reporting Period, January-December 2002"; to the Committee on Energy and Commerce.

9215. A letter from the Chairman, Federal Communications Commission, transmitting a report on Auction Expenditures for FY 2001; to the Committee on Energy and Commerce.

9216. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to France (Transmittal No. 13-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9217. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Army's proposed lease of defense articles to India (Transmittal No. 14-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9218. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Army's proposed lease of defense articles to Spain (Transmittal No. 12-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9219. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 212-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9220. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 205-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9221. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Algeria [Transmittal No. DTC 211-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9222. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 117-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9223. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 175-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9224. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 119-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9225. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 206-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 168-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9227. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 171-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9228. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 118-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 120-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9230. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 179-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9231. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, "Imposition of Foreign Policy Controls on Certain "Space Qualified Items"; tothe Committee on International Relations.

9232. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9233. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's Annual Report on grants streamlining and standardization, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

9234. A letter from the Chief Financial Officer, Department of Education, transmitting the Department's Annual Report on Grants Streamlining, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

9235. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

9236. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Elections to Contribute to the Thrift Savings Plan, Participants' Choices of Investment Funds, Vesting, Uniformed Services Accounts, Correction of Administrative Errors, Lost Earnings Attributable to Employing Agency Errors, Participant Statements, Calculation of Share Prices, Methods of Withdrawing Funds from the Thrift Savings Plan, Death Benefits, Domestic Relations Orders Affecting Thrift Savings Plan Accounts, Loans, Miscellaneous — received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9237. A letter from the Acting Chief of Staff, National Indian Gaming Commission, transmitting the Commission's final rule — Minimum Internal Control Standards (RIN: 3141-AA24) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9238. A letter from the Commissioner, Social Security Administration, transmitting the report of Continuing Disability Reviews for the FY 2001, pursuant to Public Law 104—121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

9239. A letter from the Secretary, Department of Labor, transmitting the Department's report submitted in accordance with the provisions of section 286(s)(6) of the Immigration and Nationality Act; jointly to the Committees on Education and the Workforce and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2748. A bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; with an amendment (Rept. 107-662 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EHLERS (for himself, Mr. Gilchrest, Mr. Kirk, Mr. McHugh, Mr. Kildee, Mr. Stupak, Mr. Baird, Ms. Kilpatrick, Mr. Camp, Ms. Slaughter, Mr. Baldacci, Mr. Barcia, Mr. Rogers of Michigan, Mr. Hoekstra, Mr. Bonior, Ms. Baldwin, Ms. Kaptur, Mr. English, Mr. LaTourette, Mr. Farr of California, Mrs. Morella, Mr. Ehrlich, Mr. Cummings, Mr. Levin, Mr. Scott, Ms. Brown of Florida, Mr. Cardin, Mr. Kind, Mr. Kucinich, Mr. Dicks, Mrs. Biggert, Mr. Greenwood, Ms. Rivers, Mr. Allen, Mr. Pallone, Mr. Blumenauer, Mr. Underwood, Mrs. Maloney of New York, Mr. Weldon of Pennsylvania, Mr. Upton, Mr. Ortiz, and Ms. McCollum):

H.R. 5395. A bill to establish marine and freshwater research, development, and demonstration programs to support efforts to prevent, control, and eradicate invasive species, as well as to educate citizens and stakeholders and restore ecosystems; to the Committee on Science, and in addition to the Committees on Transportation and Infrastructure, Resources, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. Ehlers, Mr. Baird, Mr. Hoekstra, Mr. SCOTT, Mr. KIRK, Mr. BALDACCI, Mr. ALLEN, Ms. BALDWIN, Mr. BARCIA, Mr. BONIOR, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAMP, Mr. CARDIN, Mr. CUMMINGS, Mr. DICKS, Mr. EHRLICH, Mr. ENGLISH, Mr. FARR of California, Mr. GREENWOOD, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LATOURETTE, Mr. LEVIN, Mr. MCHUGH, Mrs. MORELLA, Ms. RIVERS, Mr. ROGERS of Michigan, Ms. SLAUGHTER, Mr. STUPAK, Mrs. BIGGERT, Mr. PALLONE, Mr. BLUMENAUER, Mr. UNDERWOOD, Mrs. MALONEY of New York, Mr. ORTIZ, Mr. UPTON, and Ms. MCCOLLUM):

H.R. 5396. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. LAMPSON, and Mr. REGULA):

H.R. 5397. A bill to protect our children from violence; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NEAL of Massachusetts, Mr. HERGER, and Mr. MATSUI):

H.R. 5398. A bill to amend the Internal Revenue Code of 1986 to allow a minimum credit against the alternative minimum tax where stock acquired pursuant to an incentive stock option is sold or exchanged at a loss; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. GALLEGLY):

H.R. 5399. A bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District; to the Committee on Resources.

By Mr. BEREUTER (for himself, Mr. OSE, Mr. GONZALEZ, and Mr. HINOJOSA):

H.R. 5400. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes; to the Committee on Financial Services.

By Mr. HILL (for himself, Mrs. NORTHUP, and Mr. SOUDER):

H.R. 5401. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Resources.

By Mr. ISRAEL:

H.R. 5402. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the deduction for interest on education loans and to make the deduction, as amended, permanent; to the Committee on Ways and Means.

By Mr. JEFF MILLER of Florida (for himself, Mr. WELDON of Florida, Mr. PETRI, Mr. SHOWS, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. FOLEY, Mr. SAXTON, Mr. PICKERING, Mr. ADERHOLT, Mr. ALLEN, Mr. BACA, Mr. BAKER, Ms. BALDWIN, Mr. BARR of Georgia, Ms. BERKLEY, Mr. BILIRAKIS, Mr. BLAGOJEVICH, Mr. BLUNT, Mr. BONILLA, Mr. BOSWELL, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CALVERT, Mr. CANTOR, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CLYBURN, Mr. COMBEST, Mr. COYNE, Mr. CRENSHAW, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEAL of Georgia, Mr. AKIN, Mr. ANDREWS, Mr. BAIRD, Mr. BALDACCI, Mr. BARCIA, Mr. BENTSEN, Mr. BERRY, Mr. BISHOP, Mr. BLUMENAUER, Mr. BOEHNER, Mr. BONIOR, Mr. BOYD, Mr. BROWN of South Carolina, Mr. BRYANT, Mr. CANNON, Mr. CARSON of Oklahoma, Mr. CLAY, Mr. CLEMENT, Mr. COLLINS, Mr. COOKSEY, Mr. CRAMER, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. DEFAZIO, Ms. DELAURO, Mr. DEUTSCH, Mr. DOYLE, Ms. DUNN, Mr. EHRLICH, Mr. ENGEL, Mr. FLETCHER, Mr. FORBES, Mr. FROST, Mr. GILLMOR, Mr. GOODE, Mr. GORDON, Mr. GREEN of Texas, Mr. HALL of Texas, Ms. HARMAN, Mr. HAYES, Mr. HEFLEY, Mr. HOEFFEL, Mr. HOLT, Mr. HORN, Mr. INSLEE, Mr. ISRAEL, Mr. JEFFERSON, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mr. KELLER, Mr. KERNS, Mr. KING, Mr. KIRK, Mr. LAHOOD, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LEWIS of Kentucky, Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mr. MCCRERY, Mr. MCGOVERN, Mr. DEMINT, Mr. DIAZ-BALART, Mr. DUNCAN, Mr. EDWARDS, Mrs. EMERSON, Mr. FILNER, Mr. FRANK, Mr. GIBBONS, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GRAHAM, Mr. GRUCCI, Mr. HANSEN, Ms. HART, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. ISAKSON, Mr. ISTOOK, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KILDEE, Mr. KINGSTON, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LUCAS of Kentucky, Mr. MASCARA, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCINNIS, Ms. MCKINNEY, Mr. MCNULTY, Mr. DAN MILLER of Florida, Mrs. MINK of Hawaii, Mr. MOORE, Mrs. MORELLA, Mr. OSE, Mr. PASTOR, Ms. PELOSI, Mr. PLATTS, Mr. PUTNAM, Mr. REHBERG, Mr. ROGERS of Kentucky, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCHAFFER, Mr. SCHROCK, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. TIBERI, Mr. TURNER, Mr. UDALL of New Mexico, Mr. WALDEN of Oregon, Mr. WAXMAN, Mr. WEXLER, Mr. WICKER, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. YOUNG of Alaska, Mr. MANZULLO, Mr. KENNEDY of Rhode Island, Mr. BOOZMAN, Mr. MICA, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mr. OLVER, Mr. OTTER, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. SOUDER, Mr. SPRATT, Mr. STUPAK, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. VITTER, Mr. WATTS of Oklahoma, Mr. WHITFIELD, Mrs. WILSON of New Mexico, Mr. WOLF, and Mr. WU):

H.R. 5403. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes; to the Committee on Armed Services.

By Mr. PLATTS (for himself, Mr. GILMAN, Mr. PAUL, and Mr. PETERSON of Pennsylvania):

H.R. 5404. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and to increase the lump sum death payment to reflect changes in the cost of living; to the Committee on Ways and Means.

By Mr. SHERWOOD:

H.R. 5405. A bill to authorize the Secretary of the Army to carry out a program for ecosystem restoration in Appalachia and the Northeast Region; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER:

H. Con. Res. 471. Concurrent resolution congratulating the Lawrence Livermore National Laboratory, its staff, and former employees, on the occasion of the 50th anniversary of the founding of the Laboratory, for its outstanding contributions to national security and science in service to our Nation; to the Committee on Armed Services, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. LANTOS, Mr. ROHRABACHER, and Mr. FALEOMAVAEGA):

H. Res. 533. A resolution welcoming Madame Chen Wu Sue-jen, the first lady of Taiwan, to Washington, D.C.; to the Committee on International Relations.

By Mr. BACA:

H. Res. 534. A resolution congratulating Arnold Palmer for his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Government Reform.

By Mr. BACA:

H. Res. 535. A resolution recognizing Tiger Woods for his service to the Nation in promoting excellence and good sportsmanship, and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Government Reform.

By Mr. FILNER:

H. Res. 536. A resolution commending the staffs of members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator Daschle's office; to the Committee on House Administration.

By Mr. SHAYS (for himself and Mrs. MCCARTHY of New York):

H. Res. 537. A resolution expressing the sense of the House of Representatives that the President of the United States should establish a nonpartisan Presidential Commission on Terrorist Attacks Upon the United

States; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII,

363. The SPEAKER presented a memorial of the General Assembly of the State of Iowa, relative to House Resolution No. 128 memorializing the United States Congress that a federal tax credit be enacted in the event that the United States Environmental Protection Agency imposes new regulations requiring the installation of new manure control practices; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TURNER:

H.R. 5406. A bill to provide for the liquidation or reliquidation of certain entries of polytetrafluoroethylene; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 5407. A bill to provide for the liquidation or reliquidation of certain entries of polytetrafluoroethylene; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 5408. A bill to provide for the liquidation or reliquidation of certain entries of polytetrafluoroethylene; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. MICA.

H.R. 36: Mr. SHIMKUS.

H.R. 68: Ms. SÁNCHEZ.

H.R. 122: Mr. SULLIVAN.

H.R. 218: Ms. ROYBAL-ALLARD.

H.R. 348: Ms. SCHAKOWSKY.

H.R. 1172: Mr. LARSEN of Washington.

H.R. 1265: Ms. DEGETTE.

H.R. 1312: Mr. FROST.

H.R. 1368: Mr. SHIMKUS.

H.R. 1470: Mr. SNYDER.

H.R. 1724: Mr. BROWN of Ohio and Ms. DELAURO.

H.R. 1786: Mr. PETRI and Mr. BALDACCI.

H.R. 1927: Mr. KNOLLENBERG.

H.R. 2041: Mr. SCHAFFER.

H.R. 2096: Mr. SULLIVAN.

H.R. 2379: Mr. ALLEN.

H.R. 2527: Mr. EHRLICH.

H.R. 2578: Mr. ABERCROMBIE and Mr. STARK.

H.R. 2610: Mr. EHRLICH.

H.R. 2691: Mr. SANDERS.

H.R. 2706: Mr. OTTER.

H.R. 2953: Mr. FOSSELLA.

H.R. 3413: Ms. NORTON.

H.R. 3782: Mr. PUTNAM and Mr. DOYLE.

H.R. 3794: Mr. TOM DAVIS of Virginia.

H.R. 3932: Mr. INSLEE.

H.R. 4043: Mr. BALLENGER.

H.R. 4483: Mr. FLETCHER.

H.R. 4676: Mr. CAPUANO, Ms. HARMAN, and Mr. RUSH.

H.R. 4706: Mr. COLLINS.

H.R. 4763: Mr. FERGUSON, Mr. KILDEE, Ms. ROYBAL-ALLARD, Mrs. MORELLA, Mr. WILSON of South Carolina, Mr. GREEN of Wisconsin, and Mr. PHELPS.

H.R. 4803: Mr. OLVER, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. BLUMENAUER, and Ms. WOOLSEY.

H.R. 4832: Mr. GEORGE MILLER of California.

H.R. 4868: Mr. OWENS, Mr. TOWNS, Ms. LOFGREN, Mr. FROST, and Mr. KUCINICH.

H.R. 4887: Mr. LUTHER, Mr. JEFFERSON, Mr. DEFAZIO, and Mr. STUPAK.

H.R. 4963: Mr. DEMINT, Mr. COOKSEY, Mr. ISSA, Mr. KELLER, Mr. CHAMBLISS, Mr. NETHERCUTT, Mr. WHITFIELD, Mr. SWEENEY, Mr. LATOURETTE, Mr. WALSH, Mr. BOOZMAN, Mr. NEY, Mr. FRELINGHUYSEN, Mr. ADERHOLT, Mr. JONES of North Carolina, Mr. ENGLISH, Mr. BARTLETT of Maryland, Mr. TIAHRT, Ms. GRANGER, Mr. LEACH, Mr. BACHUS, Mrs. MYRICK, Mrs. EMERSON, Ms. HART, Mr. DELAHUNT, Mr. GILCHREST, Mr. HASTINGS of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5002: Mr. BAKER, Mr. BEREUTER, Mr. GUTKNECHT, and Mr. MCINNIS.

H.R. 5076: Mr. KUCINICH and Mr. GEORGE MILLER of California.

H.R. 5078: Mr. FRANK, Mr. ALLEN, Mr. EVANS, and Ms. ESHOO.

H.R. 5173: Ms. BROWN of Florida.

H.R. 5194: Mr. HOEFFEL, Ms. RIVERS, Mr. KUCINICH, Mr. KILDEE, Mr. BROWN of Ohio, Mr. SANDERS, Ms. BALDWIN, Ms. NORTON, Mr. BONIOR, Mr. RANGEL, Ms. MCCOLLUM, and Mr. PASCRELL.

H.R. 5251: Mr. MORAN of Virginia.

H.R. 5270: Mr. SIMMONS, Mr. TOM DAVIS of Virginia, Mr. MCHUGH, Mr. ISSA, Ms. HARMAN, Mr. ALLEN, Mr. DEUTSCH, Mr. LIPINSKI, Mr. PRICE of North Carolina, Mr. QUINN, Mrs. JO ANN DAVIS of Virginia, Mr. FRANK, Ms. SCHAKOWSKY, Mr. OTTER, Mr. DOOLITTLE, Mr. BOUCHER, Mr. FILNER, Mr. WELLER, Mr. LEACH, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BAKER, Mr. CUNNINGHAM, Mrs. DAVIS of California, and Mr. ISRAEL.

H.R. 5317: Mr. SMITH of Washington.

H.R. 5329: Mr. SIMPSON and Mr. STENHOLM.

H.R. 5340: Mr. GEORGE MILLER of California, Mr. HORN, Mr. HUNTER, Mr. DOOLEY of California, and Mr. DOOLITTLE.

H.R. 5348: Mr. BALDACCI.

H.R. 5352: Mr. KUCINICH and Mr. GEORGE MILLER of California.

H.R. 5359: Mr. FROST, Mr. LYNCH, Mr. ORTIZ, and Mr. KLECZKA.

H.R. 5381: Mr. INSLEE.

H.R. 5387: Ms. WOOLSEY.

H.J. Res. 6: Mr. MALONEY of Connecticut.

H.J. Res. 59: Mr. SHAYS.

H.J. Res. 93: Mr. SCHAFFER.

H. Con. Res. 245: Mr. BOEHLERT.

H. Con. Res. 382: Mr. MCGOVERN.

H. Con. Res. 406: Mr. SCHAFFER.

H. Con. Res. 409: Mr. DAN MILLER of Florida.

H. Con. Res. 459: Mr. SHUSTER, Mr. OBERSTAR, Mr. COYNE, Mr. NEY, Mr. GEKAS, Mr. MCGOVERN, Mr. SHERWOOD, Mr. SKELTON, Mr. FROST, Ms. HART, Mr. MASCARA, Mr. SCHIFF, Ms. DELAURO, Mr. PETERSON of Pennsylvania, Mr. PLATTS, Mr. RANGEL, Ms. KILPATRICK, Mr. ENGLISH, Mr. HOEFFEL, Mr. CANTOR, and Mr. DOYLE.

H. Con. Res. 462: Mr. THOMPSON of Mississippi, Ms. KAPTUR, Mr. BOYD, Mr. MCNULTY, Mr. JOHNSON of Illinois, and Mr. OBERSTAR.

H. Res. 467: Mr. MEEKS of New York, Mr. CANTOR, Mr. PAYNE, Mr. TANCREDO, and Mr. LAMPSON.

H. Res. 499: Mr. FROST.

H. Res. 505: Mr. WILSON of South Carolina, Mr. BERMAN, Mr. KERNS, Mr. WELDON of Florida, Mr. STEARNS, Mr. SCHAFFER, Mr. WATT of North Carolina, and Mr. GIBBONS.

H. Res. 524: Mr. DELAY, Mr. REYNOLDS, Mr. LEWIS of Kentucky, Mr. PICKERING, Mr. THOMAS, and Mr. GOODE.

H. Res. 525: Mr. GOODE and Mr. THOMAS.

SENATE—*Wednesday, September 18, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Our gracious God, we praise You for the privilege of being alive. Thank You for the gift of breath. We breathe in Your peace and breathe out stress and worry. We feel our pulses beat reminding us of the gift of circulation. Our minds form the images of thought about the opportunities of this new day. We are grateful for our intellects, the education we've had in this free land, and the opportunity to think creatively today. You have created us with emotions so we could love, feel deeply for others, and rejoice in our friendship with You, our Creator and Friend. And so we accept this day as a gift and join the psalmist in exulting,

Bless the Lord, O my soul and all that is within me bless His holy Name. Bless the Lord, O my soul and forget not all of his benefits!—Psalm 103:1. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 18, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, there will be a period of morning business that will begin at 11:30 today, with the first half hour under the control of Senator DASCHLE and the second half under the control of Senator LOTT. We are now going to be back on the Interior appropriations bill. There is not a great deal that can be done because of the procedural quagmire in which we find ourselves because cloture was not invoked.

At 12:30 we will go off Interior and go back to the homeland security bill. At that time, Senator BYRD will be recognized to offer his amendment regarding the orderly transition of the new Department. Cloture was filed under the Lieberman substitute amendment to the Homeland Security Act. Because of this, all first-degree amendments will have to be filed prior to 1 p.m. today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to support the amendment introduced by my colleagues, Senators CRAIG and DOMENICI, that I feel is critical to the survival of many forests in Wyoming and across the rest of the United States.

This amendment gives the Secretaries of Agriculture and Interior the ability to recognize emergency conditions that exist on many of our forests and then allows land managers to act to protect them from the extreme threat of wildfire, specifically in those areas suffering from drought and high tree mortality resulting from insect infestation, disease, invasive plant species, or other catastrophic natural events. In other words, it allows our land management agencies to clean up their tinder boxes before they explode.

Wyoming is currently suffering its third year of drought, and our neighbor to the north, Montana, is in its fifth year. Colorado, to the south, had the driest 6 months on record from December to May. And South Dakota had the driest June on record.

More than half the United States is considered to be in drought conditions, and some estimates place this drought in the West to eventually be worse than the Dust Bowl years of the 1930s.

When these dry conditions combine with the dense fuel loads that exist in our National Forest System, we get a fire season that sets new records for intensity, for severity, and for extent. In fact, things are so hot and dry in Wyoming, we have considered outlawing corduroy pants.

Already, the 2002 fire season has burned more than 6,418,362 acres, or, in other words, 10,032 square miles, or—to put it a little differently—a 4-mile-wide strip from Washington, DC, to Los Angeles, CA. And that is packed into the Western States. This has already cost our Nation millions of dollars, and it will cost us millions more before the fire season is over.

Earlier this year, Forest Service Chief Dale Bosworth was forced to notify his forest supervisors that his agency expects to meet—and I would suggest it could even exceed—fire suppression costs spent during the historic 2000 fire season, where more than 8.4 millions acres burned, and we spent more than $1.3 billion. As was noted earlier, 2002 has already exceeded 2000's year to date acres burned. And in one

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

recent fire—the Rodeo-Chediski fire in eastern Arizona—the Department of the Interior and the Federal Emergency Management Agency spent $8 million per day—$8 million per day—at its peak to fight it.

Forests need to be controlled locally. The local forester has the best idea of what is going on, and should have more control over the decisions. Local forester decisions is recognized in the Daschle emergency military spending amendment.

Forests have vast differences. Eastern forests are particularly different from western forests. People who have only seen eastern forests cannot rationally comment on health in a western forest. People of the East cannot understand how little moisture we get in the West.

Wyoming gets about an average of 16 inches of rain a year. I think we get that much per month out here, sometimes, in Washington. They do not understand the difference between drought in an arid area and drought in a rain forest. Because we have less moisture, the undervegetation is different and is dry. It is often pine needles and pine needles easily combust.

The West is mostly pine trees instead of hardwoods. The ground is steeply sloped. We have real mountains out in Wyoming, not the rolling hills we call mountains here in the East. So the ground is steeply sloped and it has ravines; those are small canyons. Some of them are pretty good-sized canyons.

Pines ignite easier than hardwoods because they are more porous and are dryer. The trees have needles instead of leaves. When bark beetles infect a pine tree, they kill the pine, but the needles do not drop off like leaves would drop off a normal tree. They dry out. They turn a rust color. And they stay on the tree for at least a year. They ignite even easier on the tree because the air can get to the needles. Even the bark on the trees is different. Hardwoods have a denser bark, which is harder to ignite. Pines have a bark that makes really good tinder. It peels off the tree pretty easily. Even controlled burns, prescribed burns—the burns that we set intentionally in the forests—can kill trees; and they do. Many of the prescribed burn fires that we have get out of control. These are such tinder boxes that they get out of control; they race through and kill the trees, not just the underbrush they are supposed to kill. And a lot of it has to do with the difference in trees.

If a beetle-killed pine is at the bottom of a hill, it easily fires up all the trees upslope from it. Fire burns up. The fire even creates a wind that moves the fire faster. If the tree happens to be in a sloping ravine—one of these canyons—the ravine creates a wind tunnel that amplifies the speed of the wind. The ravine provides a chimney effect that further dries the trees and warms them so they are more combustible, so they can explode.

To fight the fires, it is necessary to get the firefighters to the fire. If the fire starts to move fast, it is also necessary to be able to get the firefighters out quickly. We are eliminating roads in our forests, and we are definitely not building any new ones. Roads cannot be built during the fire, particularly in mountainous country.

Another difference with crown trees is they have a crown as opposed to the hardwood canopy of leaves. When a pine tree catches on fire, the flame burns to the point of the tree just like a candlewick. The last several feet of the tree is called the crown of the tree. When a wind is created by the burning trees, and the crown catches on fire, the crown can be separated from the tree and thrown. The wind will throw this crown a half mile to a mile, where it ignites another tree, usually at the top already, with that crown being thrown, and so on. So these fires can move extremely rapidly and set multiple fires in multiple areas.

There have been changes in western forests. Landscape comparisons, where we compare old photos with the same locations today, show us there are many more places with trees today than there were 50 and 100 years ago. And where there were trees, there used to be 50 trees to the acre—an acre is about the size of a football field—and, today, that same forest area has an average of 200 trees, and sometimes as many as 1,200 trees.

Trees are like most plants. If you plant too many, and you do not thin them, the growth of all of them will be stunted. Foresters have also found that pine beetles are more likely to attack trees that are always in shade.

Mr. President, 1,200 trees on an acre—the size of a football field—are going to be in shade just about all the time. Even 200 trees on an acre will be in shade all the time. Pine beetles like that. Trees always in shade are weaker and more susceptible to disease. And they are not as useful. They do not provide protection. And should we ever allow any to be cut down, they do not provide nearly the wood, either.

Trees are also alive. They have a lifespan. It is a tree lifespan, not a human lifespan, so it is often considerably longer, but not always. If we only keep old-growth trees, the forest will die of old age, and nothing will be left because they will all die at the same time, or approximately.

Why do we have more trees now? Because we do not have as many forest fires. Why don't we have more forest fires? Because we have more structures to protect. Why shouldn't we let fires that are distant from homes, then, burn to get rid of the excess trees?

First, it is a waste of product that could keep the price of homes down and even provide homes for people who never thought they would be a part of that American dream.

Second, an isolated fire that is allowed to burn becomes a huge wildfire and then is very difficult to put out. I will talk about that a little bit later. The bigger the fire, the harder it is to contain and the more dangerous it is to the lives of those fighting it.

Third, when "let it burn" really worked was only when the western population lived in tepees. They started a lot of fires. They started fires to make meadows for the wild game and to produce some plants that need more open space. But they lived in tepees. And when a fire started, they folded up their home and they moved out of range. When the fire was over, they found more beautiful land and they started again.

Today there isn't that flexibility of moving or of land availability. No one wants their home burned down. In fact, no one even wants to save their cabin if the only view they will have for the next 20 years is charred and limbless trees. Not only is the view ruined by a fire, but on the slopes we have out West, erosion starts.

A woman who owns a Montana logging firm—I love this—does the accounting and runs the skidder. That is small business, when you do all ends of the thing. She owns a Montana logging firm. Two years ago, during those terrible fires we had in 2000, she testified at a special hearing that Senator BURNS and Senator CRAIG held in Billings, MT. One of the big points she made was that there is a difference between what she does and what Mother Nature does, and it is primarily that her firm respects the rule banning timber activities within 400 feet from a stream. A fire burns right down to the stream, and so the erosion can go clear to the stream.

She also brought in a little bit of a sample of some wood. I should have brought it this morning—except we are not supposed to have three-dimensional items on the floor—to show what some of these diseased trees are like. It is a core of wood about that big around. It has pine beetles in it, but it still would make homes.

So the big difference between having a conscientious firm do the work and Mother Nature do the work is that the firm respects the 400 feet from the stream.

I recently ran across a book called "Fire on the Mountain." It is by John N. Maclean. Some of you are probably more familiar with his dad who wrote a book that became a movie called "A River Runs Through It." It has some great pictures of the West in there and some great fishing pictures as well. I recommend "A River Runs Through It." But for knowledge of fires, I recommend to everybody, even in cities, that they read "Fire on the Mountain," which is very well done. It is from 5 years' worth of research about a fire on Storm King Mountain in Colorado. It was in the south canyon and in sight of the I–70 interstate and Canyon Creek Estates. It happened on July 3, 1994, and resulted in the death of 14 firefighters, professional firefighters, ones who had heard about the fires like the one at Mann Gulch. These are people who know how fast these things can go but still have trouble believing it.

I want to read a couple of excerpts from this book because it will give us a little bit of an idea of what it is like when one of these pine forests catches on fire:

> Bryan Scholz, the foreman, felt a pinprick of apprehension. He had seen the same thing a few weeks before, a routine brushfire on a steep slope, and that time the fire had exploded.

Further on:

> "I told them what was going to happen," Scholz said. "The folks on the other crews were looking at me like I was some sort of knucklehead. And it happened. The fire made one huge run from bottom to top in a minute, probably a good half-mile square.
>
> This is a drought year, Scholz told the crew. "Learn the lesson now, when we don't have to pay the price."

Another example of how these things work:

> A backwash of embers swirled above the flames. If sparks from the backwash eddied down the slope and reach the opposite side of the western drainage, there would be fire on both sides of the gulch. That kind of fire creates its own wind. It turns small flames into a giant fireball, and the fireball races up the gulch faster than a man can run. That had been the story forty-five years earlier in Mann Gulch: A fireball had chased the smoke jumpers.

This is the progression of the fire. Incidentally, from Canyon Creek Estates they could see this little plume of smoke up the mountain that was just a little plume of smoke for 3 days. Nobody paid any attention, except to worry that it could turn into a big fire.

Continuing with an excerpt:

> A jet of flame shot upward and then another, seeming to spring from nowhere. Piles of dead brush, branches and tree trunks ignited. Living brush, tinder-dry from drought, took fire. Darts of flame transformed into bonfires, which merged into a single, expanding flame front. A booming wind raced up the western drainage and struck the flames, pressing the telltale smoke column nearly flat to the ground.
>
> Muscular strands of scarlet flame appeared through the smoke. The fire drew back to renew itself, taking in oxygen, and the smoke covered the flames; then the fire surged forward, and again ribbons of flame came into view.
>
> The rapid transition of a fire burning in debris and litter to one involving all available fuel, from the ground to the tops of trees. But this falls short of describing the majesty of the occasion.
>
> A blowup is one of nature's most powerful forces, equivalent to a mighty storm, avalanche or volcanic eruption. It can sweep away in moments everything before it, the works of nature and of humankind, and sometimes humankind itself. It is destructive, but neither good nor evil; it goes where wind and terrain take it.
>
> Blowups happen every fire season across the West when wind, fuel, dryness and terrain come together in the right combination and meet with a spark. The blowup stokes itself by creating its own wind, the hear drawing cooler air by convection. If it happens in a gulch, as is common, the sides of the gulch—in this case the western drainage—act as a chimmey and compress its energy. The flaming tempest can send a smoke column to a height of forty thousand feet or more. The blowup may die out once the gulch is burned or move on and reduce thousands of acres to ash. The blowing-up, in any case, is over in minutes.
>
> Flames also made downhill leaps as wind eddies scattered sparks toward the bottom of the V. The eddies carried aloft fistfuls of burning duff, decayed leaves, that is, twigs and other matter.
>
> . . . the gorge of the Colorado River, a natural wind funnel, in a phenomenon known as a venturi effect, named for the nineteenth-century physicist G. B. Venturi, who discovered that a throatlike, constricted tube actually will increase the velocity of fluids—

That is what these ravines do and what the river adds to.

> The transition from a "normal" fire to a blowup took seconds.

I have to tell you, when the fire was out, the trouble wasn't over. The fire happened in July. In September—September 1—a motorist was driving through heavy rain on I–70. That is the interstate visible from where the fire was, the fire that killed 14 people who were not able to get out of the way of how fast that fire raced through this tinder dry fuel.

On September 1, a motorist, driving through heavy rain on I–70 past the foot of Storm King, heard "a whoosh like a real strong wind going through the mountains." Hundreds of tons of mud, blackened trees, and scorched brush, loosened as a result of the fire, slid down gullies, spilled across I–70, and poured into the Colorado River. The mud engulfed 30 vehicles. Traffic on I–70 was backed up for 4 miles.

> Several people and vehicles were swept into the river. Two people were injured, but [fortunately] no one was killed.

That is the aftermath effect of a forest fire. That is another reason we are trying to stop forest fires, particularly in these mountainous areas. They destroy the mountain.

Now, so far we have been lucky that some of our most dangerous areas haven't caught fire. We have not been lucky in deaths caused by the forest fires. I think we are up to 22 deaths so far caused by the forest fires this year alone. Not all of those could have been avoided, but many could have been avoided by having healthy forests.

We really need a discussion in this country about what a healthy forest is. We have to move away from thinking one side wants every tree cut down and the other side wants no trees cut down. We have to get to where we are thinking about the health of the forests and the beauty we want our kids to be able to see in several years.

One of the areas I am particularly concerned about is just east of Cody, WY, on Shoshone National Forest. It lies right next to Yellowstone National Park. This is an area considered critical habitat for wolves, grizzlies, whooping cranes, elk, bison, mule deer, and several other animals that spend their time living in Yellowstone National Park when the snows get deep in Wyoming. The area is also home to a very severe pine beetle infestation that threatens to ignite and cause extreme damage to the park, the forest, and the surrounding communities.

This summer, the National Forest Foundation—these are individuals who believe in putting their money where their mouth is. They put money into a foundation and, occasionally, they get matching money. They do pilot projects that allow experiments to be done in forests to make them as healthy as possible. I want to challenge any environmental group out there to share with me their numbers on how much of the money they collect goes to actually solving the problem they are talking about—not going into court actions to stop other people from doing anything, but actually working on the problem they are talking about. I highly congratulate the National Forest Foundation for putting their money where their mouth is. I got to see some of these projects which have created habitat, primarily for elk, and where most importantly they were able to drive down the fire danger, making some beautiful areas in Wyoming, getting rid of these rust-colored abominations that we have.

A year ago there was a fire in Yellowstone Park. I went to that fire. I wanted to see how the new fire plan was working. I have to tell you that every firefighter I talked to was thankful that we have a policy now of stopping the burn as fast as we can. We used to have a policy of let it burn, and then when it started getting in the area of structures, we started to worry about it. Often the flames were maybe as high as 150 feet, and we could not do anything about it. So they really like this new policy. It is much safer for them to go in as soon as the fire starts and put it out.

On the Storm King fire, as I mentioned, they noticed flame from these Canyon Creek Estates on July 3, and it was 3 days later before anybody went to take care of the fire. It was just a small plume of smoke quite a ways from homes. In a matter of a few minutes, it turned and became a danger to those homes. People living at the bottom of one of these areas are not very pleased to have a fire going alongside their homes, even if it is quite distant.

They showed me some of their maps and, from where we were, we could actually see what they were talking about. They were concentrating 80 percent of their fire suppression efforts on one small part of Yellowstone Park, right at the edge of the park. The reason they were doing that was there was this big pine beetle infestation next to that. If the fire were to have jumped from Yellowstone into the infestation, it would have taken out the lodges and homes and the Boy Scout camp between there and the reservoir near Cody. They had meetings with people in the lodges and in the homes and made sure they had an evacuation plan.

If you are a tourist in a lodge, and the owner of the lodge is explaining the forest fire evacuation plan to you, it doesn't make a very relaxing vacation. When you go home, you don't say: There is this great place outside of Yellowstone I would like you to visit, but you have to watch out for forest fire evacuations.

At any rate, the firefighters there wanted to know what I was going to do about removing those pine beetle trees because they are a huge danger to the forest. Nobody wants to drive through charred trees to get to Yellowstone Park. There are trees that need to be taken out. They run through some ravines. What I talked about could actually happen with the area just outside of Yellowstone Park. Fortunately, we have the National Forest Foundation making some headway at getting a little bit of corrective work there. But it is nothing compared to what we need.

Another example can be found in the Black Hills National Forest, where forest managers have been extremely lucky not to have to deal with fires in the Beaver Park roadless area or the Norbeck Wildlife Preserve. These areas are suffering from severe storm-related damage and a mountain pine beetle infestation that has left acres of dead and dying trees. When trees are filled with dense and now dry underbrush, it creates a terminal condition for the entire ecosystem should something happen and a fire start in either of these areas. As I said earlier, we have been lucky these areas have not already caught fire.

One fire did get close. The Deadwood fire came within a mile and a half of these areas. It also burned down some structures. I have to give you a report on that because, most recently, there has been a huge mud slide there. Mother Nature didn't observe some of our federal rules limiting erosion.

Fortunately, the Senator from South Dakota, Mr. DASCHLE, was able to include language in the emergency supplemental military bill that will allow the Black Hills National Forest to address this situation. If we are lucky, it will be done in a timely manner and before it is too late. I only hope we can provide that same kind of protection for the areas in Wyoming and the other Western States.

Back when I was a Boy Scout, one of the requirements I had to complete to earn the rank of first class on my way to earning the Eagle Scout Award was to start a campfire using not more than two matches. I became very good at starting campfires and was well known for winning water-boiling contests at scout camporees. There are a number of tricks people develop in starting campfires. I had my own system that helped me to win. But no matter who you are, or what your trick may be, there are three basic elements to every fire—oxygen, fuel, and heat.

Oxygen comes from the air and is readily available. Fuel is found in the wood, particularly dry wood that burns easily when enough heat is applied. Heat comes from a spark, match, possibly friction—not corduroy pants, however. We cannot do anything about oxygen. The fuel—we can do and should do something about fuel. Usually, we cannot do anything about heat unless it is manmade.

The best way to apply enough heat to start a successful campfire is to properly organize the wood in a way that allows flames to climb from the bottom of the firepit where you put the smaller, quick-burning sticks and tinder—to the larger, longer burning logs in much the same way as someone would climb a ladder one rung at a time. Some of you have fireplaces. That is the way you do it. You put in the small tinder and then bigger and then the logs, which you like to see burn—you don't if it is a forest fire.

To start a successful fire, I began by carefully putting the wood shavings at the bottom of the fire—this would be my light tinder, or the first rung of the fire ladder. I then built a small teepee of sticks over my tinder—about the same as a ravine—and I added larger sticks, which is what catches fire when everything else happens. The larger pieces of wood go on the top. They draw the heat from the flames of the intermediate sticks below them. If you did it correctly, you would start your fire and boil a can of water before anybody else.

What does this have to do with our national forests? If you go out on the ground now and look at the density of our national forests, they are laid out just like the campfires I was trained to build when I was a Boy Scout. At the bottom of every forest lies a collection of small dried out brush, leaves, and fallen bark. Over this pile of tinder is the next rung, which is made up of small to intermediate trees. These intermediate trees are then crowded in between the larger and older trees that make up the top rung, or crown, of the forest fuels ladder.

This problem wasn't always as bad as it is now. There was a time when Mother Nature and the Native Americans took care of thinning the forests by regularly starting wildfires. Because the fuel loads weren't allowed to grow as dense as they are today, the fuel ladder didn't reach all the way to the big trees. Fire would burn up the tinder and thin out the intermediate and dead and dying trees. This promoted biodiversity, kept the intensity of the forests down, and in times of drought the competition for limited water resources was dramatically less than it is today.

We now have forests that historically had 40 or 50 tree stems per acre that are now over 200 stems per acre. That is a 300-percent increase.

When a fire starts in forests this dense, it quickly climbs the fuel ladders and races out of control. These crown fires are all but impossible to stop. The heat generated from all rungs burning at once sterilizes the soil and leaves nothing but desolation in its wake. This is only made worse with the added factor of drought.

By adding to the mix stands of dead trees that are as dry and volatile as the tinder on the forest floor, one can imagine the threat this kind of fire can have on the forests and their surrounding communities, and there are more and more communities, more and more homes, more and more structures.

It is a much better conservation practice, therefore, to step in and duplicate the effect historic, healthy fires had on our forests by using what we call mechanical thinning. This is a practice where our land management agencies hire experienced timber companies to remove the dense underbrush and carry out the smaller and intermediate trees, thereby leaving a forest that is healthy, more biodiverse, more fire resilient and that has a better mix of older and younger trees so the whole forest does not die off at once.

The alternative is to allow Mother Nature to step in and conduct one of her catastrophic clearcuts, and when Mother Nature does a clearcut, as I already mentioned, she does not care about riparian zones or raptor nesting sites.

Another factor that must also be considered, now that we are fighting the war on terror, is that these catastrophic clearcuts we are suffering in the West also pose a serious threat to our national security. It requires an extreme amount of resources and time to fight these fires and often includes military support. The Air National Guard facilities in Wyoming have been detailed as a support base for dispatching air tankers, and a lot of our Nation's airspace is now off limits to anyone but firefighting aircraft.

We also have a report that the fires pose a serious threat to our Nation's communications facilities and to the power grid. There is no way to build an extensive communication and power system in the West without putting some of it on Federal public lands, including forests. The Federal Government is the largest landowner in the

West, and we have rights of way crossing all over it. When we have fires such as we have this year, they are, at one time or another, going to threaten our Nation's utilities.

We cannot afford in this day and age to surrender our Nation's greatest assets in fighting the war on terror; namely, its technological advantage created by our extensive energy and communications networks.

In closing, I urge my colleagues to join me in supporting this amendment and in giving our Federal land managers the tools they need to decrease the serious threat of fire on our forests caused by the dangerous combination of drought and infestation. It is a very limited bill. I would even hesitate to call it a pilot project. But it is essential to get started and to get started now. If we can establish some good examples, we can show there can be healthy, beautiful forests, the way we envisioned them and dreamed of our kids and our grandkids and our great-grandkids being able to see them. We have to have better stewardship of our forests than what we are doing right now, and it does include cutting some trees.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, for the last good number of minutes, I have been listening to the Senator from Wyoming talk about forest fires in the making. I must tell you, it was not only fascinating but an issue he and I, as westerners who live in forested States, have grown to develop some knowledge about over the years.

I liken Senator ENZI's speech to Forest Fire 101. It was appropriate, and it well defines the great problems we face, not just in the West today, although conifer trees—or pine trees, fir trees, all that the Senator was speaking about—have a different characteristic in fire than do the broadleafs.

What is fascinating to me now is that in January, February, and March, which oftentimes are the dryer seasons on the Eastern seaboard, we are beginning to see more and more fires in our broadleaf forests because of the fuel loading that is occurring. It starts in the brush and in the leaf flora and goes to trees that are not yet leafed out and green.

The point I make, and why we are talking about this as a national fire policy and why it is important for the Senate to stop, as we have, to focus on the need to reshape public policy in this critical area, is it is now of national importance and a magnitude we have never seen before.

We are not used to allocating $2 billion a year of taxpayers' resources to fight fires. That is approximately what we are going to be doing this year. It is what we did last year and the year before. The American public ought to be scratching their heads a bit and asking a fundamental question of their policymakers: Is that justifiable? Can we, as a country, spend $2 billion a year to fight fire in our national forests? Why are we doing it?

As I have mentioned several times, it is not any longer just to put out fires that are burning trees and watershed and wildlife habitat. It is to protect an ever-growing number of homes that are built near or in these forested areas because that has become an extremely popular place to live for the average American over the course of the last number of years.

In 1998, we had some very severe fires in Idaho, and in an area with which I am very familiar—which is where I grew up—in the McCall-Cascade area of the national forest—the forest supervisor of the Payette at that time told me—and I think we lost 200,000 to 250,000 acres in two or three fires that joined together that year—that the greatest concern he had and the most resources he used was to keep fire away from homes; that while the fires had to be left to burn elsewhere because they simply did not have the manpower to put them out, they focused on protecting homes.

We now call that the urban wildland interface. Over the course of the last several years, we have tried to shape fire policy around that and direct resources toward the thinning and cleaning of forests in the immediate areas around these lovely homes that are being built out in the wooded areas.

Is that a national responsibility, is that a Federal responsibility, or is that the responsibility of the homeowner? The homeowner builds his or her home next to a national forest anticipating that forest is cared for and is not going to erupt in fire and, therefore, will not place their home at risk. So this is a public obligation, in part, to sustain a healthy forest, not just for wildlife habitat and watershed but to assure that fires will not sweep across private land and destroy private property. There is, at least arguably, a liability factor there if the forests are not properly maintained.

Over time, we have said there is a liability factor if the poor management of product on one side of a property line causes damage to property on the other side of a property line. Out West, we say if you harbor noxious weeds on one side of a property line and they move over to your neighbor's property, you are liable. County law and State law says so.

That is why we have dedicated phenomenal resources over the last number of years, as this fire situation has grown in our forested areas, to protecting homes. Even as we try to protect the home, as the Senator from Wyoming has so clearly spelled out, in this fiscal year, starting in mid-June, we have lost now over 2,100 homes across this country, mostly along the Rocky Mountain front from the White Mountain forests of Arizona up through the Rocky Mountain forests of Colorado, homes in California, a few in Oregon, an entire town almost wiped out in Arizona, and an entire community threatened in Oregon this year with severe fire.

It is appropriate, while the Senate would wish to rush on to other issues, that we deal with this issue in some form. It is a national crisis. Nowhere can we say that the loss of 6.5 million acres of our forested lands is anything but a crisis. As I have said, if this had been Hurricane Andrew—and I am not sure Andrew did much more damage than that years ago in Florida—we would rush down there with all possible Federal resources to help the community, to turn the power on, to rebuild the homes, to clean up the debris.

Here we step back and say—or at least some do—this is all but an act of nature in a normal sense. It is not an act of nature to see abnormal fires of the kind the Senator from Wyoming has spoken so clearly about, with heat intensities in a multiple of hundreds of degrees hotter than a normal fire, burning everything in its path, leaving nothing behind. That is not a normal forest fire. That is an abnormal forest fire that is a creation of public policy that has disallowed the thinning and cleaning by mankind that was once done by fire, before we eliminated fire from the ecosystem about 90 to 100 years ago.

We became extremely active in fire management in a post-World War II era when a bunch of young men came home who had learned how to jump out of airplanes. They could put a shovel and a pulaski on their back and file in a Ford trimotor out across the forests of the West and jump off to a lightning strike and throw a few shovels of dirt on it and put it out and they became known as smoke jumpers. That was the beginning of a scenario on our western public land forests to put fire out. We got better and better at it over the years, to the point where we have nearly eliminated the fires, and in eliminating fire, which was the natural cleanser of our forests at that time, we did not replace it with a fire-like, man-created presence.

So the fuels begin to build and the small trees begin to grow and the brush begins to multiply to the point we have added fuels to the acres of such magnitude that scientists tell us that they are fuels equivalent in Btu's to tens of thousands of gallons of gasoline per acre in explosive character or ignitable capability. That is the reality of many of these public land forests today.

In the White Forests of Arizona, where 100 years ago stood 25 trees per acre in a relatively pastoral setting, with grass growing beneath, wildlife ambling through, large trees scattered across the landscape, in that very forest this June, instead of 25 or 30 trees per acre, there were 700 trees per acre—not big trees, little ones, 6 to 8 inches through. A forester would call those weed trees, scrub trees, of no value, except to do exactly what the Senator from Wyoming said—create that ignition of fire that starts from the bottom and sweeps upward to the crown of the tree along the natural coning shape of a conifer, a fur, a spruce, or a pine.

It is the characteristic of fire that we do not want to speak to today. We just want to ignore it because some groups have said it is natural, leave it alone, turn your back on it, walk away. They want to because they do not want us in there. It has been in the name of the environment. You cannot call this anything but now an environmental disaster, a total wipeout of the watershed. You heard the Senator from Colorado last night talk about it.

Now, in Durango, CO, where the land burned but 2½ months ago, the rains have now come and the land is sliding down the mountainside and blocking the streams and the roads and filling the reservoirs full of muddy ash and water. That is not natural. Had that watershed in the Durango area that feeds Denver been allowed to be thinned, cleaned, alive and vibrant, fire would not have burned it. The rains would have come. The organic soils would have consumed the water and slowly allowed them to trickle down that watershed into the lakes and reservoirs that feed the Greater Denver area and its water systems.

Absent that is nothing but a tragedy. To say that is only a natural occurrence and that somehow we have to accept it is wrong. To the environmentalists who make that argument, I say, shame on you. You ought to become a copartner in working with us to determine how we can effectively thin and clean and restore the health and vibrancy and environmental integrity of those watersheds so they can support wildlife habitat and become the ever-replenishing source of water for the urban areas of the West or anywhere else in our country.

Our forests are important to our ecosystem. They are great sequesters of carbon that flows out of the air as a result of the human presence and great storehouses of water that then feed out over the course of a year, to be used by all of us for life-sustaining purposes, not to slide down mountains in the form of mud and ash and broken, burned trees, of a kind that you will now see all over the West this winter in those 6.5 million acres that have already burned. It is a disaster that has happened.

To not stand here on the floor and shout out about it would be a failure of anyone who represents those areas. It is not natural. It is a creation or a result of public policy that has allowed that.

I am suggesting we not look backwards and start pointing fingers and blame, but we look forward. We know the conditions today. We know the problem. We also know a solution. And every forest scientist will line up and tell you exactly what to do. Most all of them will agree. It is not clearcutting. It is not logging. It is not all of the kinds of things that some accuse us of wanting to do. It is a systematic cleaning and thinning and restoring of health, and replacing fire with man's presence in a fire-like way. By that, I mean the thinning, cleaning process.

No, I am going to be an advocate of green sales, and I will be an advocate of a logging program as a part of a multiple use base of our national forests, but that is a different argument and a separate issue from the issue of forest health. When we have hundreds of millions of acres of forests across our Nation today, and we know there are over 94 million acres that are in some form of health problems, and there are nearly 30 million that are at crisis today by bug kill of the kind that the Senator from Wyoming spoke of, by dead and dying trees, by magnitudes of large fuel loading that creates the kindling of the fires that swept across and are continuing to burn in the West today, that is where we ought to focus. That is where we are focusing with the Craig-Domenici amendment. It is why we have invited all of our colleagues to become involved and help us work out these problems, instead of simply saying no, because some special interest group said, tell them no.

This is not an answer today in the West. No means we will continue to burn. And every year we will burn 5 or 6 or 7 million acres—every year for the next 10 years, 20 years, 30 years. That is a magnitude of environmental disaster of the kind this country has never seen. It is one of which I do not want to be a part; it is one the Senator from Wyoming does not want to be a part. It is why we are working so hard to strike a compromise, to make a small step forward, to change the thinking just a little bit. It is why the Craig-Domenici amendment selects urban wildlife interface, municipal watersheds, and an unlimited number of those 30 million acres of the critical dead and dying—less than 10 million acres in total.

We have said, let us make this small step forward and watch the U.S. Forest Service—bring the cameras in—prove we can thin and we can clean and we can reestablish the health of these forests. And it is not by someone also's definition of logging. That it is not evil and clandestine and somehow a subterfuge to get loggers back into the woods. There is nothing wrong with loggers in the woods, nothing wrong at all. But this is not that issue. This is a forest health issue. If we do the right logging in the right areas and we sustain ourselves, we can always have a healthy forest. But today we ignore it.

The last 3 years I fought the effort of the former President, President Clinton, to lock up 94 million acres of roadless lands. I guess it was about 1994. We succeeded in stopping him. But he wanted to lock it up, again at the advice of some interest groups, and then ask America to simply turn their back on it and let it sit.

That is where all these fires are starting today. Many of the fires that started in the roadless class 3 lands today are the ones that swept out of those, into class 2 and class 1 high-quality forest lands, and wiped everything out in the process. Because fires of the kind the Senator from Wyoming spoke about know no bounds. The Senator said it: All they know is heat, fuel, oxygen. And in a drought-like environment where humidity is dramatically low, kindling points drop dramatically and forests literally do explode.

Those who have seen the great forest fires of the West, have seen the devastation, have seen the plumes of smoke going 12,000, 14,000, 20,000 feet into the air and mushrooming like an atomic bomb, will never forget what they saw.

When the White Forests were burning this year, I was flying from Dallas to Denver. Somewhere out over northwestern New Mexico we began to hit the cloud plume and the smoke rolling off the fires in Arizona. The pilot came on the intercom—we were at 35,000 feet, and the airplane was in smoke—and he said to the passengers on the plane: As a pilot, I have never experienced this before, but we are in the smoke from the forest fires of Arizona.

We were in smoke from that time, as that plane flew out of New Mexico, across Arizona, and into Colorado, until we landed in Denver and then the winds had shifted; Denver had cleared, but from Denver south, it was all full of smoke.

But to have an airline pilot say he had never experienced that, to me, is a simple description of the magnitude of these fires, the intensity of them, the phenomenal fuel consumption, the tremendous release of carbon into the air, that smoke cloud that literally spread across the United States at high altitude.

That is the crisis to which we speak. Some would like to rush to judgment, ignore these problems, walk away from them. Shame on us if we do. Shame on us if we do not work to make one small step toward correcting these problems. If we then, by that small step, can prove to the American public that we have done the right thing—and I think we will be able to—then will they allow us to make another step? I hope that is the case. That is what we are going to try to get accomplished, and I think we can get that accomplished today. I hope we can.

What I would appreciate, if we are wrong, is to have the opposition come speak on the floor and tell us why we are wrong. I have heard no one come to the floor this year and try to justify the fires that have burned across America's public forests this year. In fact, they are cowering in the smoke, wishing not to speak out. They will vote for the special interests that ask them to vote no, but they will not come out and openly express that what happened in Arizona and Colorado and California this year, and parts of Oregon, is all but a natural process and 2,100 homes and 22 or 25 lives and $2 billion is an acceptable reality to America's forest environment.

I do not believe that is the case. So, if you can't justify the current policy and the current policy is creating that kind of damage, then why not change it just a little bit, enough to prove to the American people, and to the critics, that what we are advocating is the right and proper direction? Give us the time to do the programs, turn the television cameras on, come out and look at it, and tell America what we are doing. If it is wrong, we will change it. But I think they will be very surprised, finding out we can thin and we can clean and we can improve the watersheds and you can save the forests and you can defuel them and therefore fireproof them—at least from the kinds of fires the Senator from Wyoming and I have been discussing—and allow these forests to return, in some instances, to the natural fires of 100 years ago that burned lightly and ambled across the land, thinning and cleaning but not destroying and not burning large trees or the pastoral landscape that Europeans first experienced when they landed on these soils and began to trek across this great continent and through these marvelous forests from east to west.

It is a legacy. The legacy of today is a legacy of embarrassment, in my opinion. It is a legacy of misguided public policy that has brought us to a point of decision. We ought not take it lightly. We certainly ought to deal with it now rather than later.

I yield.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank the Senator from Idaho for his kind comments but more so for his leadership he is providing on this issue. The speech he gave now and the several speeches he has given, I know they have been extemporaneous and from the heart and contain a lot of information that people across this country need to have.

I congratulate you for your leadership. I also congratulate Senator BURNS, Senator DOMENICI, and Senator ALLARD from Colorado for their leadership on this.

Yes, it is interesting there are not some speeches against what we are doing. We had an interesting vote on the floor yesterday. We had a cloture vote. We had a vote to stop discussion, not on this amendment but on the one that is just above it in the food chain. The purpose of that cloture vote was to keep us from getting a vote on having healthy forests in this country.

I don't want people to think we are filibustering. We are trying to get a vote. We want a vote. But there are all kinds of tactics being used to stop us from getting a vote on whether we ought to have healthy forests, because everybody in this body knows how everybody in this body ought to vote on healthy forests. They ought to vote for them.

We need a lot more dialog on what a healthy forest is. I admit that. I want to point out the amendment we are talking about is not even of significance to be a pilot project. It has virtually wiped out the chance to really do the job in our forests. But it does give us a chance to start showing what could be done in the forests. It is a shame anybody thinks that is worth stopping—just a small, pilot project.

I did have a couple of other thoughts as the Senator from Idaho was speaking. We have covered quite a bit about what a waste fire is. It brings to mind a little controversy that was happening at the time I came to the Senate, and that was a discussion about timbering. There was a discussion about how we were doing the timbering in this country below cost.

I am the only accountant in the Senate. I love looking at numbers. So when somebody starts talking about below-cost timber sales, that is in my category, that is something in which I am interested. So I took a look, to see how much it was costing us, as American taxpayers, to have timbering in the national forests. I saw some of the greatest gymnastics of accounting I have ever seen. We are taking corporations apart right now for their bad accounting—and they should be, if they are doing it wrong. But, by golly, somebody ought to take a look at the Government accounting while they are at it. They ought to take a look at timbering and the terrible accounting that was done on that.

You know, you really should not be able to take all of the costs of a national forest, which include a whole variety of different things and are supposed to include a whole variety of different activities, some of which are recreation. Did you know that recreation has costs? We provide a lot of services to people who are recreating in the national forests, and we should. But we should not take those costs of recreating and charge them to timbering, to show that it is a bad deal.

Let me tell you what kind of a bad deal we have going right now. Right now, we are talking about hiring a whole bunch of Federal employees to go in and clean up forests. There is a whole bunch of people out there who are already experienced at doing this. Yes, if you go back a few years in the methods they use, you can question some of those methods. We need to make sure those methods never happen again. But there is a right way to do it, and there are people out there who know the right way to do it, and do it the right way. Instead of having to pay for the whole job and throwing away whatever is taken out of the forests, they would pay for that right to cut out some of this dead timber.

Some of this has already happened, over by Rapid City. The forests come right up over against the city, and they were worried about it burning the city up, so they hired some people to come in and do some logging. They hired another crew to come in and clean out the underbrush. The ones who did the logging were from a little town in Wyoming. They were from Sheridan, WY. Do you know what they had to say to me when they found out that a second crew came in to clean out the underbrush after they did the logging? They said: We could have done both jobs for almost the same cost because the setting up costs money.

We are doing some really poor stewardship things in this country by not having a great dialog and getting the people involved who know how to do the things, because they have done them. There are jobs out there that could be done with credits for the lumber that might be usable. I have to tell you a little bit about the lumber that might be usable.

It used to be that you had to have a pretty big tree to get anything usable for housing. There is an innovative company in Sheridan, WY, I learned about after the problem over by Rapid City. They are able to take the core of small trees and laminate them together to make beams for houses, 2 by 4's for houses, tabletops. They have some phenomenal ingenuity, and they have some products that will be released shortly—again, with bits and pieces of very small trees. These are small businesses.

I am really proud of small businesses in this country because I know that is where the ingenuity of the Nation comes from. If a company gets a really good idea, they may be bought out by a bigger company. The start of these ideas usually comes from one person having a great idea, being willing to put their money where their mouth is, take on all the risks for it, and prove that the product will work. We have several of those very small operations in Wyoming. You can take almost anything you can call wood and put it to use in something that will drive down housing costs and make some beautiful features. We need to be doing that. As I mentioned, they are paid to cut the trees, but they are paid to clean up the forests. So if you want to save a little bit of money, put people to work, and make sure we don't have the terrible waste because of fires, that is how we can do it.

I hope everyone will support this amendment. It is not the amendment I would offer. It is far too small. It doesn't begin to take care of the problem. But I ask that you support the amendment and consider all of these things we have been saying. At least give some counterarguments, if there are any counterarguments. When we do these cloture amendments which are designed to eliminate this amendment without a vote, I hope everybody will continue to oppose that too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I ask unanimous consent to be allowed to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HOMELAND SECURITY

Mr. MILLER. Madam President, very shortly we will be back on the subject of homeland security. As this debate on homeland security goes on, I hope no one will forget that it is being held in the shadows of the fallen towers of the World Trade Center.

The smoldering fires may have gone out, the acrid smell may no longer burn our nostrils, the strains of "Amazing Grace" from the bagpipes may no longer fill the air, but, make no mistake about it, the need to protect this country and prevent this from ever happening again is just as urgent.

How does the Senate meet this, one of the greatest challenges of our time? I will tell you.

We talk and talk and talk. Then we pause to go out on the steps of the Capitol to sing "God Bless America" with our best profile to the camera. Then we come back inside and show our worst profile to the country.

I have not seen many cloture resolutions I did not like. I can't remember the last time I voted against one because I am almost always in favor of speeding things up around here.

Too often, the Senate reminds me of Will Shakespeare's words:

> Tomorrow and tomorrow and tomorrow
> Creeps in this petty pace from day to day.

But the cloture vote that is before us now is one that I cannot support. We have wasted so many precious days, days that we could ill afford to waste, days that gave our enemies more time to plot their next attack. And now, all of a sudden, we want to invoke cloture to stop the debate in its tracks.

Well, I will vote "no." Because, make no mistake about it, invoking cloture will prevent this Senate from having a choice, a choice between a bill the President will sign and one that he will veto.

We must give the President the flexibility to respond to terrorism on a moment's notice. He has to be able to shift resources, including personnel, at the blink of an eye.

So why do we hold so dear a personnel system that was created in 1883 and is as outdated as an ox-cart on an expressway?

I will tell you why. Because by keeping the status quo, there are votes to be had and soft money to be pocketed. That is the dirty little secret.

When the civil service was established well over a century ago, it had a worthy goal—to create a professional work force that was free of political cronyism.

Back then, it was valid. But too often in government we pass laws to fix the problems of the moment and then we keep those laws on the books for years and years without ever following up to see if they are still needed.

The truth of the matter is that a solution from the 19th century is posing a problem in the 21st, especially when this country is threatened in such a different and sinister way.

Presently, we are operating under a system of governmental gout and personnel paralysis.

Despite its name, our civil service system has nothing to do with civility. It offers little reward for good workers. It provides lots of cover for bad workers.

Hiring a new federal employee can take 5 months—5 months. Firing a bad worker takes more than a year—if it is even allowable—because of the mountains of paper work, hearings, and appeals.

A Federal worker caught drunk on the job can't be fired for 30 days, and then he has the right to insist on endless appeals.

Productivity should be the name of the game. And we lose productivity when bad folks hold onto jobs forever or when jobs go unfilled for months.

It is no wonder there is resentment among out many good employees. I would be resentful, too, if I watched bad workers kept on the payroll and given the same pay raises by managers who are intimidated by the complicated process of firing or even disciplining them.

A few years ago, there was a best selling book entitled, "The Death of Common Sense," written by a man named Phillip Howard.

I liked it so well and thought it was so on target that I gave all my agency heads a copy and had them read it. Then, I had Mr. Howard come to Georgia and speak to all of them.

Its thesis was that "universal requirements that leave no room for judgment are almost never fair, even when the sole point is to assure fairness," to use his very words. It is still very timely and even more pertinent to the Federal Government than to State government.

President Bush has called his efforts to bring security to our Nation and justice to our enemies a "relentless march."

This Senator is ready to fall into formation with our President's "relentless march."

Because when it comes to protecting the jobs of Federal workers or protecting the lives of American citizens, I know where I stand.

This is a country with 8,500 miles of border; a country that 500 million people enter each year; a country where 16 million containers a year enter our ports from foreign countries, and where more than 1.2 million international flights occur.

The daunting task of securing this country is almost incomprehensible. Let's not make it more difficult by tying this President's hands and the hands of every President who comes after him.

Why are some automatically assuming that the folks who will run this Department will abuse their positions and mistreat Federal employees?

Instead of assuming the worst, why aren't we seeking to create the strongest, most efficient Department we can create?

And don't forget this: Many previous Presidents—beginning with President John F. Kennedy—have found it necessary to exempt agencies from unionization and collective bargaining systems when it was in the interest of national security.

Dozens of Federal agencies are currently not covered by the Federal Labor Management Relations Act: the CIA, the FBI, the Secret Service, the air marshals within the FAA, and the list goes on. And yet the tens of thousands of employees in these agencies have been treated fairly and well.

Today, there are some 800 pages in the Federal Code that already generously guarantee rights, benefits and protections for employees—800 pages worth.

Now, I respect and thank the many good, hard-working Federal employees. And I have tried to imagine myself in these workers' places at this particular time in history.

I am an old believer in that line by that wonderful Georgia songwriter, Joe South, "Before you abuse, criticize or accuse, walk a mile in my shoes."

But perhaps it is because I have worked for $3 a day and was glad to have a job that I find their union bosses' refusal to budge for the greater good of this country so surprising.

Union politics may be important, but it should never take the place of national security. We are at a most serious time in the history of this land. Our country, our people are in mortal danger.

And as I look at what is transpiring around me, this old history teacher cannot help but think about what the timid and indecisive Neville Chamberlain was told by a Member of Parliament as he was being dismissed as the Prime Minister of Great Britain. "You have sat too long for the good that you have done," the Member told him. "You have sat too long for the good that you have done."

I am sorry to say it, but on this question of homeland security, I believe that most Americans think that this Senate has sat too long for the good that we have done.

And as Chamberlain slunk away that historic day, the crowd shouted after him, "Go, go, go."

Then, you remember, Winston Churchill, who had been a voice in the wilderness warning for years about the threat of Hitler, became Prime Minister.

And in that famous speech to Parliament in May of 1940, he uttered those famous words, "I have nothing to offer but blood, tears, toil, and sweat."

Madam President, what does this Senate have to offer? What do we have to offer in this time of crisis? How about a little bipartisanship, perhaps? That is not too much to ask, is it, compared to blood, tears, toil, and sweat?

Because, as Churchill continued in that speech, "We have before us an ordeal of the most grievous kind." We certainly have that today, an ordeal of the most grievous kind.

Churchill went on:

> We have before us many long months of struggle and of suffering. You ask what is our policy?
>
> I will say: It is to wage war, by sea, land and air with all our might and with all the strength that God can give us; to wage war against a monstrous tyranny, never surpassed in the dark, lamentable catalogue of human crime. That is our policy.
>
> You ask what is our aim? I can answer in one word—victory—victory at all costs, victory in spite of all terror, however long and hard the road may be; for without victory there is no survival. Without victory, there is no survival.

And then Churchill said this:

> At this time I feel entitled to claim the aid of all, and I say "Come, then let us go forward together with our united strength."

Then, Clement Attlee, the leader of the opposing Labor Party, joined with Churchill as his Deputy Prime Minister and they worked together during the course of the war.

Why can't we have something like that around here now? Is that too much to ask when we are in a death struggle for the soul of mankind?

So, Madam President, I have made my choice. When it comes to choosing between an aged, arthritic civil service system filled with stumbling blocks and booby traps, or an agile agency that is nimble and responsive on the other, this American stands with his President.

I have made my choice. When it comes to choosing between real homeland security that protects somebody's life or homebound insecurity that protects somebody's job, this American stands with his President.

Deep down, I know that I am not the only one on my side of the aisle who feels this way. And I hope that I will not be the only one on my side of the aisle who votes with the President.

Seldom has there been—on any issue—a greater need for united, bipartisan support to make that "relentless march" to bring security to our Nation and justice to our enemies.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I have been in Congress for 24 years, and I have never heard a better speech. I have never heard a clearer statement of principle. I congratulate the Senator from Georgia.

Tomorrow, the Senator from Georgia and I will announce the completion of an effort we have had underway for several weeks. We will try to look at concerns about the President's bill that have been raised in the House, we will try to look at concerns that have been raised in the Senate, we will try to look at changes that were made in the House bill and the Senate bill, and even try to come up with a bill that addresses those concerns, but does it in such a way as to protect the President's ability to fight and to win this war on terrorism.

Also, Madam President, let me make it clear: When 9/11 happened and the President decided he wanted to create a new independent agency by taking parts of the Government that were not working together, that were not communicating effectively, and putting them into a coherent whole, I would have thought 100 Members of the Senate would have supported that effort.

I was wrong. If anybody had told me that in light of 9/11, the death of thousands of our people and the imminent danger we face every day that we would have an effort in the Senate to actually take power away from the President. This is power that President Carter had, power that President Reagan had, power that President Bush had, power that President Clinton had, and power that President Bush has today, I wouldn't have believed it.

Who would believe that a bill that could not have been passed before 9/11, a bill that literally strips away the power of the President to designate a national emergency and in the process waive work rules that impede efficiency and jeopardize lives? Who would have believed, after thousands of our citizens were dead, after millions of our citizens are in danger, that the Senate would come forward with a bill that says: What is our response to 9/11? Our response is the President has too many national security powers.

That is exactly what the Lieberman bill does.

Incredibly, the President today has the power, in the name of national security, to set aside union work rules.

The majority leader said yesterday:

> Show me one time in history when the circumstances threatening our country demanded we forgo the protections built into laws for Federal workers.

Well, let me give you, very quickly, some concrete examples of exactly why, after 9/11, we need to preserve the powers the President has today. Let me remind my colleagues, today, prior to 9/11, the President had used these powers, as President Clinton did, to set aside union contracts in the FBI, the CIA, the National Security Agency, the Air Marshals Office of the Federal Aviation Administration, the Office of Criminal Enforcement, and the Office of Enforcement and Intelligence at the Drug Enforcement Agency.

Workers in those offices today are working under the procedures the President has asked that he be allowed to continue to exercise.

What kinds of problems do you run into with these silly union work rules? Let me say to my colleagues, I don't see how anybody with a straight face can stand on the floor of the Senate and defend the civil service system as it exists today, when you are talking about threats to the lives of our children and our families. It is not as if we have not been warned. The Grace Commission warned us. The Volcker Commission stated:

> The current system is slow. It is legally trampled and intellectually confused. It is impossible to explain to potential candidates. It is almost certainly not fulfilling the spirit of our mandate to hire the most meritorious candidates.

That is Paul Volcker, and that is in 1989.

Our colleague, Senator Rudman headed the U.S. Commission on National Security. We all know Warren Rudman. We all know he is no union basher. We all know he has good judgment and good sense. This is what he said:

> Today's Civil Service system has become a drag on our national security. The morass of rules, regulation and bureaucracy prevent the government from hiring and retaining the workforce that is required to combat the threats of the future.

I could go on. For example, the Brookings Institution has shown study after study that the system is broken.

Now, after giving President Carter, President Reagan, President Bush, President Clinton, and the current President Bush the power to set aside these union work rules for national security reasons, and after the events of 9/11, the majority brings forth a bill that says: Well, we gave this power to President Clinton and we gave the power to President Carter, but after 9/11, we are going to take away security powers of the President.

That is offensive and ludicrous on its face, and when the American people discover it, they are going to go absolutely crazy. When they discover that we currently have eight agencies operating under these rules today, and the Congress, in its response to 9/11, wants to say: Well, we are going to take away powers from this President that President Clinton needed and President Carter needed—I don't think so. I don't think people are going to buy it.

What kinds of impediments are we talking about? Well, let me touch a few. These are actual cases. I am not talking about theoretical cases. The majority leader says, show him examples of where these work rules interfere with national security. Let me quickly give you a handful of them.

We had an effort in Customs, in 1987, to change the makeup of our inspection center in the Customs office at Logan Airport. The idea was, change the makeup of the office in order to make it more efficient in fulfilling the functions of Customs. Guess what? Customs tried to change the configuration of the room. The public employee labor union, representing Customs officials, appealed to the Federal Labor Relations Authority, and the power of the Administration to change the configuration of the inspection room was rejected.

Do we really want some work rule negotiated prior to 9/11 to prevent us from finding somebody who is carrying a bomb on a plane with your momma? Have people gone completely crazy? What is going on here?

Let me touch on a couple of these. Union work rules prohibited an agency from working together to protect the border. Literally, as our former drug czar Barry McCaffrey pointed out, the union work rules prohibited one of the agencies from opening trunks. The drug smugglers were aware of it, had people at the border watching, and decided to move drugs based on those work rules.

What if that is poisonous gas or biological weapons or a nuclear weapon coming into New York Harbor? We are going to go to the National Labor Relations Authority to renegotiate a union contract when millions of lives are at stake? I don't think so. And the idea that our colleagues would believe such a thing is possible just shows you how out of touch some people are with their commitment to the status quo as compared to their commitment to the job at hand.

Very quickly, because I am running out of time, there was a prohibition of agencies for increasing the number of immigration inspectors. We had an effort to increase the number of inspections of immigration inspectors in 1990. And under union work rules, it was rejected because of a union contract.

Do people really think, in light of 9/11, we should allow a union contract to stand in our way and spend months and months and months before the National Labor Relations Authority trying to change that contract, rather than saying there is a clear and present danger to America and we want to change it today?

Now, the President has that power. But under the Lieberman bill, that power would be taken away. I could go on and give you dozens of real-life examples of how ridiculous these union work rules are. Look, if we were not talking about people's lives, we could all play this game of just saying how sacred these union work rules are that make our Federal Government the laughingstock of the country and the world. But when we are talking about lives and talking about the powers that four Presidents have had, the idea that we are going to take that power away from this President, at this time, is totally unacceptable.

To add insult to injury, the President has asked for flexibility. He has asked for the right to promote good people and put them in the right place, and not wait 5 months to hire somebody, and to fire incompetents. The President cannot promote the lady from the FBI who sent a memo to the home office saying: Hey, we have people with terrorist links who are learning to fly planes and not land them, and maybe we ought to do something about it.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Mr. GRAMM. Madam President, I ask unanimous consent to speak for 10 minutes.

Mrs. BOXER. I object. I ask if the Senator can complete in 5 minutes.

Mr. GRAMM. Yes, I can do it in 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Madam President, the President wanted the ability to do things such as promote that FBI agent because, had we been able to get through that massive, incoherent system in which we are working, we might have prevented the attacks.

I also think we might want to fire the people at INS who gave visas to the people who had flown a plane into the World Trade Center after their picture had been on every television in the world and on the front page of every newspaper.

We have, as a Senate, approved those flexibilities, those powers, for the Transportation Security Administration, the Internal Revenue Service, the FAA, and we did that prior to 9/11. But after 9/11, we are told that the President, under national security circumstances, with a declaration of a clear and present danger to our people, cannot have the kind of flexibility in homeland security that we gave to a previous President for the Internal Revenue Service. To make the Internal Revenue Service more responsible, we gave President Bill Clinton, personnel flexibility. But now, to protect the lives of our people in homeland security, are we not willing to give the same flexibility to President Bush?

When the American people finally discover what is going on here, they are going to be outraged, and they are going to discover it because, despite our best efforts of saying let's work together, let's do this on a bipartisan effort, it is clear now that there is going to be a battle. It is clear now that we are going to have to choose between the status quo, the old way of doing business, and the health, safety, and lives of our people.

The choice is as stark as a choice can be. The bill that is before us literally takes power away from the President that every President since Jimmy Carter has had to use national security waivers. It takes that power away from the President in the aftermath of 9/11. The American people will never understand that, and they will never accept it. They will never accept a compromise on it.

When the American people realize we were concerned enough about the Internal Revenue Service's operation that we gave President Clinton personnel flexibility to hire and fire and promote, because we thought it was important, but we are not willing to give President Bush the same flexibility to protect the lives of our people, I don't think they are going to take kindly to that.

The plain truth is that we have a bill before us that protects everything except national security. It protects every special interest group in the American Government. The plain truth is, the people who work for the Government want these changes. An OPM poll looking at accountability in the Federal Government. By very large margins, two-thirds of the people who are Federal workers believe that Federal performers are not adequately disciplined. Nearly half of all workers believe job performance has little or nothing to do with promotion and raises, and 99 percent of people who got bad evaluations last year in the Federal Government got pay raises. When we are talking about national security, when we are looking at the aftermath of 9/11, it is time for change. It is not time for the same old special interests.

So what we are asking, in essence, is very simply—and I will conclude on this—let this President keep the power that every President since Jimmy Carter has had, which is to use national security waivers. That hardly seems extreme given the attack on America and the deaths of thousands of our people. Give this President the same flexibility in national security and homeland security that we gave Bill Clinton with the Internal Revenue Service. If that sounds extreme, you are looking at things differently than I.

The PRESIDING OFFICER. Under the previous order, the first half of the time is under the control of the majority leader or his designee, and the second half of the time is under the control of the Republican leader or his designee.

Mr. REID. Madam President, my friend from Texas got an extra 5 minutes. I ask that it be charged against the Republicans' time in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. The Senate will now continue with the Department of the Interior appropriations bill.

The pending Craig amendment will be temporarily set aside.

The Senator from California is recognized.

AMENDMENT NO. 4573 TO AMENDMENT NO. 4472

Mrs. BOXER. Madam President, I send an amendment to the desk. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. INOUYE, and Mr. CAMPBELL, proposes an amendment numbered 4573 to amendment No. 4472.

The amendment is as follows:

(Purpose: To prohibit the use of funds to determine the validity of mining claims of, or to approve the plan of operations submitted by, the Glamis Imperial Corporation for the Imperial project in the State of California)

On page 64, between lines 15 and 16, insert the following:

SEC. 1___. IMPERIAL PROJECT.

Notwithstanding any other provision of law, none of the funds provided by this Act or under any other Act may be used by the Secretary of the Interior to determine the validity of mining claims of, or to approve the plan of operations submitted by, the Glamis Imperial Corporation for the Imperial project, an open-pit gold mine located on public land administered by the Bureau of Land Management in Imperial County, California.

Mrs. BOXER. This amendment would prohibit the use of funds to determine the validity of mining claims of, or to approve the plan of operations submitted by, the Glamis Imperial Corporation for the Imperial project in California. It has been cleared by the leaders, and I thank them very much. I ask that the Senate adopt it at this time.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4573) was agreed to.

Mr. BURNS. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4574 TO AMENDMENT NO. 4472

Mr. BURNS. Madam President, I send to the desk an amendment for Mr. BROWNBACK of Kansas and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. BROWNBACK, proposes an amendment numbered 4574 to amendment No. 4472.

The amendment is as follows:

(Purpose: To clarify the effect of certain provisions on the application of a Federal appellate decision and the use of certain Indian land)

On page 64, between lines 15 and 16, insert the following:

SEC. 1___. EFFECT OF CERTAIN PROVISIONS ON DECISION AND INDIAN LAND.

(a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

Mr. BURNS. Madam President, this amendment provides that nothing in section 134 of the fiscal year 2002 Interior bill shall impact ongoing litigation involving the Department of the Interior and the Sac and Fox Nation. This language has previously been passed by the Senate and addresses the inadvertent impact of language adopted in conference on the fiscal year 2002 bill. I recommend its adoption.

Mr. REID. There is no objection on this side.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 4574) was agreed to.

Mr. BURNS. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask that now we move to morning business.

Mr. BURNS. Madam President, I ask unanimous consent that on completion of morning business, the Craig amendment be the pending business when we reopen discussions on the appropriations bill.

Mr. REID. Reserving the right to object, would that be the order anyway?

The PRESIDING OFFICER. That is the order.

Mr. BURNS. I did not know.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate is in a period for morning business.

The Senate majority leader.

Mr. DASCHLE. Madam President, I will use my leader time. I ask unanimous consent to extend the time, should that be required, to complete my presentation this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STATE OF ECONOMIC SECURITY

Mr. DASCHLE. Madam President, we had a very good discussion this morning with the President talking about national security in several contexts—of course, the war on terror and the important challenges this country faces in continuing to make this country and the world a safer place in which to live. The arrests over the weekend and the cooperation we got from Pakistan ought to be particularly noted, and we ought to thank the Government of Pakistan for their cooperation. We talked about that this morning.

We talked about Iraq and the threat it poses to us. We talked about the need for cooperation when dealing with the threats posed by Iraq, not only within the Congress and the country, but in the international community. So we had a very good discussion about national security, and I believe it ought to be uppermost in the minds of all people, and certainly the Congress as we continue to complete our responsibilities in the second session of the 107th Congress.

Let me also say, just as we properly recognize the threat that exists in more traditional national security areas, we, as a country and particularly as a government, would be remiss in our responsibilities were we not to address economic security, were we not to recognize the peril this country is in economically. So, in addition to acknowledging the importance of our defense activities, I also wanted to come to the Chamber this morning to express my concern for the lack of attention paid to the state of economic security, to express the concern that many of us have with regard to what has been a very unfortunate, some would even say tragic, economic trend in this country over the course of the last 18 months.

I have a number of charts that reflect more graphically some of these concerns, and I want, if I may, to walk through some of them at this time.

If we look at the record of this administration over the past 18 months, perhaps it is best summarized in the very first chart: Record job losses; weak economic growth; declining business investment; falling stock market; shrinking retirement accounts; eroding consumer confidence; rising health care costs; escalating foreclosures; vanishing surpluses and higher resulting interest costs; raiding the Social Security trust fund; record executive pay; and stagnating minimum wage.

If you were going to use the shortest list with the greatest concern, this chart is it.

Let me go through many of these individual concerns a little more thoroughly. Over the last 2 years—actually the last 18 months—we have lost 2 million jobs—private sector jobs in this country.

If there is any one criteria that would, more than any other, illustrate the health of the economy, it would be job growth. If the economy is growing, jobs are going to be there. If it is contracting, if the economy is weak or contracting, the jobs will not be there. We have lost 2 million jobs in 18 months.

People might say: Well, that just happens; other administrations have lost jobs.

If you wanted to go back and look at what other administrations have actually done, you would probably have to go all the way back to the 1930s to see the last time in our Nation's history when we last witnessed a loss in private sector jobs over the course of the life of an administration. Private sector jobs during this administration have declined by 1.2 percent on an average annual basis.

Over the last 50 years, in every administration since Dwight Eisenhower, we have seen private sector job growth. It was not much in the Eisenhower administration. It was even less under the first Bush administration. And we have seen remarkable job growth on three other occasions—the Johnson administration in the 1960s, the Carter administration in the 1970s, and the Clinton administration in the 1990s.

What have we seen in the first few years of the current administration? We have actually seen a decline in the number of private sector jobs for the first time in 50 years.

One can look at it another way. It is not only how many jobs are lost. It is also important to see how many people have been trying to find jobs for long periods of time and have been unable to do so, those who have been out of work for more than 6 months, the so-called long-term unemployed. Some who lose their job are able to quickly find another one. For those who are unable to do so, such as those who fall into the category of long-term unemployed, we continue to come to this Chamber and press for the passage of unemployment compensation extensions.

In January of 2001, the number of long-term unemployed was 648,000. In August of this year, that number had more than doubled to 1,474,000 people. That is also one of the most tragic figures. There is a human story behind every one of those numbers. Not only is that individual unemployed, but most likely that person and perhaps their family are without income. Most likely it is a family trying to survive on what meager unemployment compensation they have, looking for odd jobs, doing whatever they can to make ends meet. And today you have more than 1.4 million people who have suffered as a result of this administration's economic policies for the last 18 months.

The larger picture beyond employment that is frequently used to gauge the performance of the economy is the change in our real gross domestic product. That is probably the most traditional economic indicator for assessing the strength of the economy. In the first 18 months of this administration, the economy has grown by 1 percent. The rate of growth was twice that figure under the first Bush administration. But those are the two lowest economic performances, the most meager economic performances we have seen in the last 50 years. President Eisenhower had economic growth of 2.4 percent; Kennedy, 5.4 percent; Johnson, 4.9 percent; the Clinton administration, 3.6 percent. We have seen growth, fortunately, in every administration.

But in all those administrations with all the economic ups and downs we have seen, it is clear this administration has the worst performance in terms of real economic growth that we have seen in the last 50 years. That anemic economic performance has had huge consequences in national terms as well as in personal terms for American workers, American businesses, American investors, and American pension holders.

This chart shows what has happened to the value of investments at the New York Stock Exchange and the NASDAQ stock market under this administration. When this administration took office in January, 2001, the overall market value, the market capitalization in those two markets alone, was $16.4 trillion. That was an all-time high. We had never seen anything close to that level. Under the Clinton administration, the markets had been booming. We saw growth in an unprecedented way.

We expected, everyone expected, that growth to continue. But that is not what happened. What happened, instead, was over the last 18 months that $16.4 trillion pie has now shrunk to $11.9 trillion. We have lost $4.5 trillion in market capitalization just in 18 months.

I defy anyone to find a record more abysmal when it comes to overall market valuation that is even comparable to the enormous loss we have seen in just the past 18 months.

It goes beyond that. If you look at an individual worker's retirement savings—that is what we are talking about when we talk about the loss of market capitalization—the impact is profound. If that worker had a $100,000 retirement fund invested in the market in 2001 and kept it there during the 18 months this administration has been in office, that loss in market capitalization would mean the worker saw the value of his retirement savings decline by more than $31,000. In other words, the worker in just 18 months has lost nearly a third of the nest egg he was counting on for the balance of his retirement, all of their retiring years. One-third of his retirement savings meant for a life time, gone in 18 months.

Not surprisingly, this shrinkage in market capitalization has had a profound effect on pensioners. It is why, when I was home over both the Fourth of July and August recesses, I was amazed to hear how frequently people came up and said, Tom, you know, I just saw my latest statement regarding my retirement. I think there was a mistake. I cannot believe what has happened. The value of my pension has declined precipitously. This is a shock to us all. You have to do something.

These large economic numbers have large financial consequences for people in South Dakota and all over this country who believed if they regularly contributed to their retirement investment accounts, they would have retirement security. That security is not there today, a mere 18 months after this administration took office.

Again, how does that compare? Some will say: Ups and downs in the market are just a way of life; those are cycles; accept the cycles; that is the way it works. However, if you look at the average annual change in the value of the market, you have to go back a long time to find a period where the performance is as bad as what we are witnessing now.

During the Nixon administration, we lost approximately 5 percent in the S&P 500 account. You have to go all the way back to Herbert Hoover to see a performance in the Standard & Poors 500 equal to what we are experiencing right now. We saw a 30 percent decline under Herbert Hoover as compared to the 20 percent in the first 18 months of this administration. And this administration's watch is still ticking; that one is over.

But look at all the other years, all the other administrations, all the other record performances, all the other economic strategies. It grew 15 percent in the Clinton administration; it grew 14 percent in the Ford administration; it even grew in the Coolidge administration. But if I had to pick one chart that compares economic performance, I cannot think of a more graphic illustration of how terrible this economy truly is and how poorly our markets are performing and how little confidence there is in the economic strategy of this administration.

Again, I come back to what does this all really mean to the working family, to that rancher or farmer or small businessman, or to that hard-hat worker or blue-collar worker who comes to me in South Dakota? We have seen that meager economic growth and a collapsing stock market means fewer jobs, more unemployment, and less retirement security. But what has happened to the costs of their basic goods and services?

Workers' payments for health insurance provides an excellent example of how strapped these people are. In just the past 18 months since this administration took office, the cost of an average family's health insurance coverage, a basic need for all families, has gone up 16 percent. Single coverage has gone up 27 percent. That is the kind of record we are talking about.

We can move this to other aspects of health care. We see a similar trend when we look at the rising cost of prescription drugs. While the Consumer Price Index has gone up 1.6 percent since this administration took office, the cost of prescription drugs has grown by 5.7 percent, almost four times greater than the overall inflation rate.

We also have seen something else we never thought we would see a dramatic increase in the number of foreclosures. A number of our colleagues have followed this even more closely than I have and have noted we are not just talking here about minimum wage workers when we talk about foreclosures. We are not just talking about people at the lowest end of the economic scale. What has happened is a phenomena we have not seen in a long time in this country. Middle-class workers, people with good incomes when working, are watching their mortgages foreclose. The thousands of layoffs have caused an increasing number of them to suffer in another way, the personal pain of losing their home. At the end of last year, 1.15 percent of mortgage loans were in foreclosure. By the second quarter of this year, that number had grown to 1.63 percent, an increase that affects not only lower income workers but workers across the economic scale.

Another tragic aspect of this administration's economic policies can be seen when we look at its impact on our fiscal circumstances. We have talked about market capitalization. We have talked about the loss of jobs. We have talked about the economic pain our working families are feeling as they see their own pension security come down. As they see unemployment rolls go up, as they see the long-term unemployed numbers continue to climb, as they see all of that on one side and higher costs for health care and prescription drugs on the other, they ask why.

How in the world could all of this happen in such a short period of time? There are a lot of answers to that question. But if I could point to one in particular, it would be this. If there is one reason we have seen the dramatic turn in such a short period of time, the historic turn in the economy, it is the unprecedented reversal in the federal government's fiscal picture. When President Bush took office, the Congressional Budget Office projected a $5.6 trillion surplus. As a result of what the President has signed into law or is currently proposing, the surplus projection becomes a $400 billion deficit. What does that do to economic confidence? What does that do to market capitalization? What does that do to long-term projections? To long-term interest rates? What does that do to the overall psychology in the economy, to see this precipitous a decline?

I was talking to a journalist the other day, about what history will say about the last 2 years. I hope to have something to say about the way it is written. I am excited about a project I am working on in that regard. But he said, as we consider all of the historic moments of the last 2 years, the one that he believes has the greatest consequence for our country is the President's tax cut proposal. You know, a lot of people would argue he was right. The tragic set of financial and economic circumstances we are witnessing today, is directly connected to the tragic decline in our fiscal circumstance.

This can be illustrated another way. At the beginning of last year, CBO projected the publicly held debt would be $36 billion by the year 2008. In fact, members actually came to the Senate floor to argue we were paying down the debt too quickly, and we would pay a price for having done so. Let me say that problem is no longer a concern. There is no way we are going to have to worry about paying off anything too quickly because in the space of 18 months that projection has grown from $36 billion to the new projection issued last month of $3.8 trillion. That is the record.

We have gone from a projected $5.6 trillion surplus to a $400 billion deficit and from $36 billion in projected debt by 2008 to $3.8 trillion. What a tragic, deplorable, abysmal set of circumstances for us to find ourselves in as we close out this session of Congress.

The Bush economic record could be also described in terms of what it costs us. You can talk about deficits. You can talk about all the economic impact that deficit may have, the accumulated debt. But practically speaking, what it really means is that we have to pay hundreds of billion in additional interest costs. It is thievery. It is robbery. Increased interest payments steal from the very heart and soul of the commitments we have to make, as a country, to national defense, to education, to housing, to infrastructure, or to additional tax cuts. In short, these costs take away resources from all of national security, economic, and environmental priorities facing our nation today. They are all robbed by the fact that we have to pay $1.9 trillion in interest costs over the next 10 years. When this administration took office, we thought we were only going to have to pay $620 billion. Since this administration took office, we have gone from $620 billion in interest costs to $1.9 trillion. And every dollar was either going to be dedicated to Social Security or dealing with the investments we as a country must make, or in tax cuts, the need for which both sides have talked about.

When you talk about what the historic fiscal reversal means in real terms, it is higher interest costs, it is lack of an opportunity to invest in national defense, education, and health.

But here is the real story. We all promised—I will bet there is not a Senator in this Chamber who did not say: We are going to put Social Security first; who did not rise to the standards set by the past administration in saying to the country: Whatever else we do, we are going to protect Social Security.

In fact, President Bush had a Web page. I haven't looked recently to see if it is still there. But the President made a solemn pledge on that Web page: I will never take a dollar of your Social Security trust funds.

Here we are. We had a commitment in January of 2001 that we were never going to touch those Social Security dollars. We find ourselves now, in August of 2002, having already committed $2 trillion of the Social Security trust fund—$2 trillion, and we are not finished yet. That number is going to continue to grow. If current economic trends continue and we enact the President's tax and spending proposals, there is no doubt we will be spending even more of the Social Security trust fund. What is the President's solution? Mr. President, President Bush's solution appears to be pretty clear. There is not any other solution I have heard this administration talk about. They have one all-purpose, economic antidote to everything, and that is tax cuts—tax cuts largely dedicated to those at the very top. The only thing I have seen the Bush administration fail to suggest a tax cut for, so far, is the drought. Except for the drought, I can't think of another serious problem this country faces where the administration has offered up a tax cut as the solution.

Let's look a little bit at the tax cut proposed by this administration. The Bush economic record already is very clear. This is already on the books. This is what is going to happen. The tax cuts that have been enacted so far favor the very wealthiest of Americans. If you are in the lowest 20th percentile, with an average income of $9,300 a year, your average annual tax cut was $66. We have a lot of South Dakotans in that category.

If you are in the second 20 percent, with an average income of $20,000—and I would say that is the majority of South Dakotans, the overwhelming majority—you get $375 a year.

If you are in the upper brackets in my State, making somewhere around $40,000, your tax cut was $600 a year.

If you make $56,000—now we are getting into pretty rare air here in my state—you get a tax cut of about $1,000. If you make about $100,000 year, you get a tax cut of $2,000. If you make $210,000—there are not many of those in South Dakota—you get a tax cut of $3,345.

If you make an average of $1.1 million a year and you are in that top 1 percent, you get a tax cut of $53,000, an amount that is actually twice the average income of the people in the State of the Presiding Officer, South Dakota.

These are the beneficiaries. A lot of these people make a lot more than $1 million a year. They make $700 million, $148 million, $127 million, down to $23 million a year. Look at all those names and all that money, and you know where their friends are. You know who their defenders are.

(Mr. JOHNSON assumed the Chair.)

Mr. SARBANES. Will the Senator yield for a question on that chart momentarily?

Mr. DASCHLE. I am happy to yield.

Mr. SARBANES. If I understand this chart, if you are in the top 1 percent of the wealthiest Americans, under the President's proposal you would receive a tax cut that would equal the income—not the tax cut—of approximately six earners in the lowest 20 percent of the income scale. In other words, the people in that income scale have an average income of about $9,000 a year, as I understand the chart. They would get a tax cut of $66 a year. They get $9,000 in total income, while the upper 1 percent will get a tax cut just shy of $54,000. The tax cut alone is equal to the earnings of six people in the bottom 20 percent of the income scale.

Is that correct?

Mr. DASCHLE. The chairman of the Banking Committee has put his finger on exactly what it is we are trying to focus on here—the disparity and the extraordinary maldistribution this tax cut represents. There is an unbelievable disconnect here between those at the lowest end who have already seen cuts in education and health care, declines in their retirement accounts, and who are probably in many cases working three or four minimum wage jobs, attempting to make a living. They get a $66 tax cut. Those making an average of $1.1 million a year get a tax cut of more than $53,000. In fact, some in this category make more than $700 million a year and who knows the size of the tax cut these people would get?

The sad thing is—and the Senator from Maryland makes such a good point—that those people who have virtually no tax cut available to them are the very ones who have seen their purchasing power decline.

Since 1997, we have seen the real earnings of full-time minimum wage workers, over half of whom are women and heads of households, decline from $11,560 to $10,300. But can we get a minimum wage vote on this floor? Can we get the kind of support on a bipartisan basis required to deal with this situation? No. We can get the support for that $53,000 tax cut for the top 1 percent. But I can't find the Republican support nor the administration support and leadership required to deal with this extraordinary and sad consequence of the government's inaction on the minimum wage.

Mr. CORZINE. Mr. President, will the leader yield for a question?

Mr. DASCHLE. I would be happy to yield to the Senator from New Jersey.

Mr. CORZINE. Did I hear the leader suggest that we are talking about taking $2 trillion out of the Social Security trust fund to fund the other things that are going on with regard to economic policy? If I am not mistaken, I think I saw a chart that projected $2 trillion and how we would utilize the Social Security trust fund. I think those are payroll taxes from working Americans from all walks of life.

Then, if I am not mistaken, as I looked at your chart where the tax cuts are actually going, it would appear to me that we are using the Social Security trust fund to fund tax cuts for those at the very high end of the marginal tax brackets.

Is my analysis from looking at your charts correct? Does the leader have a comment on that?

Mr. DASCHLE. The distinguished Senator from New Jersey makes a very good point. Probably no one can make that point with greater credibility than can he.

Let me just simply compare this chart. You have seen an increase in the draw down of the Social Security trust fund. We have actually spent $2 trillion of Social Security. We put those resources into this tax cut, providing $53,000 per year to the top 1 percent of income earners in this country. You have seen an income transfer from those paying payroll taxes—largely at the lower end of the income scale—to those at the upper end of the income scale. This represents an income transfer in the opposite direction from poor working people to those at the very top.

Mr. CORZINE. If the leader will bear with me a second, if we look at the table he has with regard to the second level, it looks as though some of the individuals who will benefit the most from this tax cut—it is almost inconceivable that we are using payroll taxes for men and women at WorldCom and Enron. It is just hard to believe.

Mr. DASCHLE. I know the Senator from New Jersey remembers this. But I recall the House passed their economic stimulus package, and part of that package included a $254 million retroactive tax cut for Enron. The administration saw no problem with that. Our Republican friends were anxious to vote for it. In fact, when we stopped it, we were called obstructionists. But that was the kind of obstructionism that stopped Enron from getting $254 million from their taxes.

To summarize, what ought to be going up is coming down and what ought to be going down is coming up. What ought to go down is the raid on the Social Security trust fund. It is going up. What ought to go down are interest costs, but they are going up. What ought to go down is the national debt, but it is going up. What ought to go down are foreclosures, health care costs, and job losses, but they are going up. What ought to go up—economic growth—is going down. What ought to go up is business investment, the market, retirement accounts, consumer confidence, and the minimum wage. They ought to go up. But in these last 18 months, every single one of these factors has gone down.

This will be the subject of a lot more discussion, debate, and hopefully illumination over the course of the next several weeks and months. But we have to change these arrows. We have to ensure that economic growth goes up. We have to ensure that the stock market, retirement accounts, pension funds, consumer confidence, and the minimum wage go up. We have to do what we did in the 1990s—have an economic performance that gives people the sense that they can live in dignity and in confidence, knowing their retirement accounts and Social Security checks are going to be there.

We have to end the job loss, deal with health care costs, and make sure we reduce the raid on the Social Security trust fund.

I hope Republicans and Democrats can do for economic security what we are attempting now to for our national security—recognizing that this won't change unless we do it together, and recognizing that while this national security issue dealing with Iraq may be accomplished with one resolution, it is going to take a lot more than one resolution to turn our economy around. It is going to take the same kind of discipline we demonstrated in the 1990s. It is going to take the same kind of commitment on a bipartisan basis for these issues to be addressed, and a lot more consequential.

As busy as we are and as important as the effort on Iraq is, I hope this administration will dedicate some of its time this week to economic security as well, to these declining numbers, to this atrocious record, to a recognition that it takes leadership not only with regard to international and foreign policy but leadership here at home and economic policy as well. We haven't seen it to date, and the time has come for leadership on this as well.

I yield the floor.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time the majority used in excess of our half hour be extended to the minority for morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

UNEMPLOYMENT BENEFIT INSURANCE

Mr. SARBANES. Mr. President, I thank the distinguished majority leader for his excellent presentation with respect to the state of our economy. He has described in very straightforward terms the serious economic problems we confront: weak economic growth, rising job losses, declining business investment, a falling stock market, eroding consumer confidence, and a deteriorating Federal Government fiscal position.

Just this morning, the Wall Street Journal reported:

> What looked like a brief dip in economic activity a month ago looks increasingly like a protected slowdown. . . . The Federal Reserve said Tuesday that industrial production fell 0.3 percent in August from July, the first decline since December, when the recession was ending.

The majority leader made a compelling case, in my view, for focusing the attention of the Congress and the President on the urgent economic challenges we confront at home, as well as the significant security and foreign policy challenges we confront abroad.

I wish to take a few moments to focus briefly on a very pressing economic challenge that is before us right now and which ought to be addressed before the end of the year: the problem of the long-term unemployed and the need to extend unemployment insurance benefits. I urge the administration to submit to the Congress a proposal for the extension of unemployment insurance benefits.

On September 9, the New York Times ran a front page story entitled, "Long-Term Jobless Rose by 50 Percent Last Year." The article stated—and I now quote from it—

> . . . the number of people who have been jobless for months has climbed to a level more typical of a deep downturn. Almost three million people nationwide have been out of work for at least 15 weeks, up more than 50 percent from a year ago. Half of them have not worked for at least 6 months. Another million Americans appear to have dropped out of the labor force in each of the past two years, no longer looking for work or counted as unemployed. . . . Many people who have not worked in months have begun spending retirement savings that were already diminished by the stock market's fall. Others are considering low-wage jobs at a fraction of their old pay. In either case, their stretches of unemployment could define their financial futures for years.

It goes on to say:

> Many unemployed people . . . see little sign that companies will soon begin hiring in large numbers. And some are growing increasingly nervous because unemployment benefits that were extended . . . will expire soon.

I want to make a very simple but important point in light of this rise in the long-term unemployed and the challenge that it presents. I strongly urge the administration to address it and to send the proposal to the Congress.

We extended the unemployment compensation program earlier this year to provide an additional 13 weeks beyond the basic 26 weeks. But this program is scheduled to end on December 31 of this year, which means that someone who is then in the 27th week of their benefits at the end of 2002 could receive no further unemployment benefits. This program is scheduled to end at the very time when the number of long-term unemployed is not coming down, but is increasing.

The projections on the unemployment front are not encouraging. The CBO predicts the unemployment rate will remain near 6 percent until the second half of next year. When we enacted the extension, it was at 5.7 percent. Unemployment is projected to stay high well into next year, while the extension is scheduled to expire on December 31 of this year.

Now, in previous recessions—and it is important to note this—we extended the increase in the time period to collect unemployment benefits. Back in the recession of 1990–1991, unemployment benefits were extended five separate times. In fact, not only were they initially extended by 13 to 20 weeks but then the period was lengthened again to between 52 and 59 weeks. I am very frank to tell you I think we have to confront this situation.

States are reporting larger increases in the exhaustion of unemployment benefits during this recession than during the last recession. So for those people who have been thrown out of work—and I am not going to go through the litany of it; much of it has hit the dot-com industry—they either have or are close to having exhausted their unemployment benefit payments. They are going to be in even deeper trouble once they cross that threshold and exhaust their unemployment benefit payments.

I am not seeking anything that is out of the ordinary in terms of past experience, but I think these benefits must be extended.

Let me make one final point. The temporary provision of additional Federal benefits to the unemployed, in the wake of economic downturns, has long served a dual purpose. Beyond providing needed income support to those whose spells of unemployment are lengthened by recessionary conditions, it is also very well designed to give the economy a boost.

Unemployment benefits are quickly injected into the economy. Benefits can be paid immediately through the existing unemployment insurance system. They are targeted to areas where the downturn has hit the hardest. They go to areas with large concentrations of newly unemployed who qualify for benefits. They stimulate demand where it has deteriorated the most. They are very effective in boosting the economy. And, of course, they come to the rescue of people who have found themselves out of work and are under extreme stress in order to meet the financial demands of supporting themselves and often their family as well.

So we need to extend unemployment benefits. We need to fill in the weaknesses in the system. We need to give the people who have lost their jobs, and are now confronting a very severe situation, some support in these trying circumstances.

We have extended unemployment benefits before repeatedly. It has worked. It has been seen to work. We need to do so again. I very strongly urge the administration to face this challenge and to send to the Congress—promptly and immediately—a proposal with respect to unemployment insurance benefits that would help to assure that the millions of people across the country, who already have or may in the future exhaust their unemployment benefits, will not find themselves without any income support at the same time that they are confronting an economy in which job restoration is not taking place.

If job restoration were taking place, and the economy was on the upswing, and one could reasonably say to people, well, opportunities are returning and, therefore, you can find work. But that is not what is happening. You have people facing an economy which is softening, as the Wall Street Journal reported just this morning, as they said, "What looked like a brief dip in economic activity a month ago looks increasingly like a protracted slowdown. . . ."

We must at a minimum provide this assistance.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. I want to make sure the record is clear. I asked earlier, whatever time Senator DASCHLE used be given to the Republican side in morning business, so that their morning business time would be extended by whatever time we went over morning business, which had been a half hour, plus whatever extra time he used.

How much time would that be, Mr. President?

The PRESIDING OFFICER. It would require 5 minutes.

Mr. REID. OK. And then whatever time Senator SARBANES used, that would also be given to them to speak in morning business. Is it clear the extra time used by Senator DASCHLE and the time used by Senator SARBANES would be given to the Republicans so they could speak in morning business, and that would delay our going to the homeland security bill for whatever additional time that is? I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas.

LACK OF PROGRESS IN THE SENATE

Mr. GRAMM. Mr. President, I listened intently as the majority leader spoke. I remind my colleagues, we are debating homeland security and that we are preparing for a debate and a vote on Iraq.

I don't think it ever does any harm, however, to talk about the fact that the country has additional challenges. I guess I would express two sources of disappointment with the speech the majority leader gave. The first source of disappointment would have to do with the absence of a program to deal with a single one of these problems.

Anybody who goes back and listens to that long litany of woe would say: What did the majority leader say we are supposed to do about it? One would search in vain, except for the hint of a program which I would have to say is sort of modeled after the Peronist economic program in Argentina today, which is to increase taxes and to spend more money.

In fact, I remind my colleagues, if we are as concerned as we say about the economy and about the security of our people, the logical place to start doing something about it is in the Senate. The plain truth is, if there has been one place where there has been inaction on issues relevant to the economy and relevant to the American people, it is the Senate.

In fact, the President proposed a budget in January. The House adopted a budget. The Senate not only has not adopted a budget, but we have made it eminently clear that we have no intention of adopting a budget.

I would have to say that if the majority is concerned about all these problems and the majority leader has the ability to bring a budget to the floor of the Senate tomorrow, a logical place to show that concern would be to do something about it by adopting a budget.

The plain truth is, we have adopted no budget, and we have continued to spend as if we still had the surplus that existed prior to the downturn and prior to the war.

In terms of prescription drugs for seniors under Medicare, the President has proposed a program. The House has adopted a program. But in the Senate, there is no program. The Finance Committee was never allowed to meet on the subject to put forward a bill. A hodgepodge of ideas came to the floor of the Senate. No consensus was built. It became a partisan issue. There was no action.

One thing that we could clearly do to bring stability to the economy and to promote job creation and economic growth would be to make the tax cuts permanent. What is more destabilizing to investment and economic growth than the fact that 9 years from today we will have the largest tax increase in American history? And it will occur automatically if we don't act.

In terms of homeland security, the President proposed a bill. The House acted. In the Senate, we have had inaction. We have had endless debate. We have talked about working together. We have talked about bipartisanship, but there is no bipartisanship on this issue. In fact, the Democrats have come forward with a bill that takes power away from the Presidency and the national security powers that President Carter had, President Reagan had, President Bush had, President Clinton had. But now, in the wake of thousands of our people being killed in a terrorist attack, suddenly our Democrat brethren say the President has too much national security power and they want to take some of it away from him. The American people are going to go absolutely crazy when they realize that this is the case.

In terms of welfare reform, the 1996 reforms were the greatest success in public policy in the postwar period. Now, the President has proposed a welfare reform bill. The House has adopted a welfare reform bill. But there is no action on welfare reform in the Senate.

Finally, the President proposed appropriations. Not one appropriations bill in its final form has passed the Congress, and only three have passed the Senate.

I would have to say there is a missing ingredient in the Majority Leader's speech when he talks about all the problems we face economically. When you look at the record of the Senate, let's begin at home. Let's begin to solve the problem where we live. That problem is in the Senate.

I will address two other issues because I know our Republican Leader wishes to speak. I would have to take exception, as I said last Tuesday that I would, on the issue about deficits. I do not understand how our Democrat colleagues can continue to stand up and moan and grown and cry about deficits as if they come from heaven, as if somehow God just said: We are going to have deficits. Deficits don't come from heaven; they are created right here on the floor of the Senate.

I would have to say that when we are talking about a commitment not to raid Social Security, when we are talking about concern about the deficit, I remind my colleagues, last Tuesday I stood right at that desk and raised a point of order that we were taking $6 billion right out of the Social Security Trust Fund. The Majority Leader led the fight to take it out.

Today, he is alarmed about the deficit. Today, he is upset about the deficit. Today, he is bemoaning the deficit. But Tuesday he helped create the deficit.

You can't have it both ways. You can't keep spending as if there is no tomorrow and then complain about the deficit.

Let me remind my colleagues, lest they think that suddenly the Government has become so tightfisted we are hurting our people: Over the last 5 years, inflation has been 1.8 percent on a year on average. Average family income has risen by 4.5 percent. And yet the discretionary spending of the Federal Government, driven largely by actions in the Senate—I am not talking about Medicare and Social Security and mandatory programs; I am talking about discretionary spending, something every family understands—at the time when family income was growing by 4.5 percent, discretionary spending, not counting the September 11 emergency funding, was growing by almost 7 percent.

When you look at what that means by program, this is the inflation rate, this red line, and this, by parts of the Government, is how fast the Government has grown as compared to inflation: six times as fast for Labor-HHS; five times as fast for Interior, five times as fast for Treasury. It goes on and on.

Yet the Majority Leader comes to the floor of the Senate today and says: We have a crisis. We need, in essence, to raise taxes—taxes are too low—so we can fund more spending.

Anybody who looks at the facts is going to conclude that not only have higher taxes and higher spending never helped any economy anywhere, but that we already have the higher spending and that we are creating these deficits as we go every day in the Senate.

Finally, I have to respond to this constant effort to try to pit people against each other based on their income. Envy destroyed ancient Athens; it destroyed ancient Rome. It is a dangerous thing for Americans to use, and it is outrageous, unfair, and unjustified.

Look at the people who make up the Senate and look at the families they come from and give me an argument that somehow there is some kind of elitism in America. It won't hold water. And we hear all this talk that these rich people are getting all these tax cuts—the top 1 percent. Senator DASCHLE reminds us they get the $50,000 tax cut. He didn't bother to point out that they are paying $400,000 in taxes. And as far as the low-income people who are not getting tax cuts are concerned, he didn't point out that they are not paying any taxes. Income tax cuts are for taxpayers. We have already been funding programs for nontaxpayers.

We had not had a real tax cut of any significance since 1981. And the reality is that our tax cut made the Tax Code more progressive and not less progressive. Under our tax cut, the top 1 percent of income earners will pay more taxes as a percentage than they pay now.

So I think what we are seeing here is that some of our colleagues are obviously embarrassed about the fact that we are not getting the job done in the Senate, and that the American people want a homeland security bill passed. I don't think changing the subject helps our effort.

In the end, if we are really concerned about those things—and we should be—we ought to go back and adopt a budget. We need to address these concerns the American public has. But it is never going to be enough to say that there is unhappiness in the country. Ultimately, you have to say what your program is to deal with it. The only program I heard today is we need more spending.

When Alan Greenspan was asked before the House Banking Committee what one thing we could do that would help the economy the most, he said: "Stop spending." Yet, last Thursday, we added $6 billion to the deficit, led by the very people who, today—last Thursday, they were for deficits; today, they are against deficits. But you cannot be for something on Tuesday and against it last Thursday and have any credibility in that debate.

So, in the end, we have work to do here. In my opinion, we need to pass a homeland security bill. That is lives today. We have to deal with the Iraq situation. And nothing would make me happier than to do something to help the economy. But that something is not spending and it is not tax increases. In fact, it would be exactly the opposite.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, how much time do we have in the designated time?

The PRESIDING OFFICER. There are 30 minutes remaining.

LITANY OF COMPLAINTS

Mr. LOTT. Mr. President, I yield myself such time as I may consume. I will not take that much time, I am certain.

I feel a need to respond to Senator DASCHLE's comments a few minutes ago.

Before he leaves the Chamber, I want to say how much I appreciate, and the Senate appreciates, the Senator from Texas. He is going to be leaving this year. Maybe that is one of the reasons he is even more articulate than usual. He is saying what he really feels and thinks and is holding nothing back.

As I have said before—and I mean it sincerely—I don't know what we will do without him. We are going to have to create another one, although I am not sure it is possible. On behalf of the taxpayers of this country, and even those who might disagree with him sometimes, I say to the Senator that I appreciate him very much. He has certainly become a legend in this institution. We thank him for all he has done and all we know he is going to do. We hope he is very successful and pays his fair share of the taxes, which we hope to cut as the years go by.

Let me come back to what was said earlier. I think it was summed up in a headline this morning about the fact that Senator DASCHLE was going to make this speech. It says: "Daschle to Attack Bush Fiscal Policies." Unfortunately, that is all it was. It was a litany of complaints, citing certain statistics or certain areas where there might be a concern.

My first reaction is, even if you accept all of that as being a problem—and a lot of it is—what is your plan? What do you plan to do about it? What is the legislative agenda? What do you recommend we pass in the 3 weeks or so we have left here?

The President has had an agenda. The President sent a budget here, but it was all foreordained that we would come to this point this year when we got no budget resolution on the floor and voted on. I asked, why did we not have a budget resolution? We had one for 27, 28 years in a row. Now, all of a sudden, we will not have one. I was told, it is too hard when the Senate is this closely divided. In 2001, when the Senate was divided 50/50, we wound up passing a budget resolution by a wide margin, including, I think, a dozen Democrats who voted with most, if not all, Republicans.

So while every Senator has a right to point out concerns about the economy and the country, I think they ought to be in a position of saying, OK, what are you going to do about it? What is your plan or budget? At the time we had no budget agreement, I made note of the fact that we were going to have some sort of meltdown at the end of the fiscal year; we were not going to have endorsement mechanisms; it was going to be hard to get appropriations bills done because there was no common number agreed to on the total amount. That is what happened.

The other thing that really bothers me is, not only is there no real plan from the Senate, in instance after instance the House passed good legislation and the Senate has not taken it up—over 50 bills. I am not talking about bills to create a "watermelon recognition day"; I am talking about serious legislation, such as welfare reform. Surely we should have taken the next step to help people get off welfare, get training and education, and get what they need to get into a real job and pay taxes. That is the way you help the people and the economy. But welfare reform, the Senate is not going to act on that. We are still now working on homeland security.

Part of what we need to do for our economy in America is to reassure people that we are going to be safe and we are going to have the protections they need at home. They need to know that life, liberty, and the pursuit of happiness and the opportunity to make a decent living are going to be protected.

We are into the third week. Senator DASCHLE filed cloture to cut off a filibuster. Who is filibustering? It is not this side. There have been not more than three substantive amendments that have been given an opportunity to even be considered. Yet homeland security is languishing here in the Senate.

Hopefully, we will get it done this week, or next week, or sometime, so we can get it before we go out.

We have not made the tax cut permanent. We should do that. The ridiculousness of the uncertainty of not knowing whether the tax cuts are going to be applicable in the years to come—when I go around the country, people say: Explain this to me. How can you do such a thing, have a tax cut and not know for sure whether it is going to be in place down the road? We have not done that.

Prescription drugs: We could have had an agreement if we had gotten a prescription drug measure together and debated it and voted on it in the Finance Committee. We could have reported out a bipartisan bill that would have come to the floor and would have passed. We could have a bill probably out of conference now that would help low-income elderly people who do need this help in the future.

So in instance after instance, as Senator GRAMM pointed out, the Senate has not produced any results. There has been no plan. We have done three appropriations bills. We are on the fourth one. Not one bill will go to the President by the end of the fiscal year. I know it is tough because, as majority leader, year after year I had to wrestle with the appropriations bills. We got them done; usually, one by one we got them through the process. In 1996, we actually got them all done, and I think we got them done very close to the end of the fiscal year. It was harder and harder after that.

But how can you complain about what is happening in the economy when you have such uncertainty in the Government—what is going to be available for transportation, education, health and housing? That is all out there with no result.

The only proposal I have heard from some Democrats as to what we should do to be helpful within the economy is to spend more—always add more money, no matter what the issue is. Whenever a proposal is made by the President or by Republicans, Democrats say: We will double you or triple you. They think that is the way you create jobs—more Government spending. The Government is what kills jobs in many instances because of the pressure of the tax burden, regulatory burdens, and all the other problems that come out of having these deficits.

So their only proposal is: Let's spend more. And they tip-toe around it, but they cannot quite bring themselves to say what they want to do is stop the tax cuts; they want tax increases.

We need to be giving more incentives for the economy to grow. Let me talk a bit about what has been done. I will show my colleagues the difference.

It has been very difficult, but we have gotten some of the President's very important agenda through both the Senate and the House or into conference.

One of the things we could do to help the economy and create more jobs is to have increasing trade. We need to open trade. We need to make sure our companies, our farmers, and ranchers have access to markets all over the world in a truly open and free trade arrangement. We did get that through, although I think it took us 7 weeks to get the trade bill done. It was a long stretch of time, once again, because of the way it was brought up.

We also did get an energy bill through the Senate. It is still pending in conference. I think that took us about 4 weeks.

We did pass effective tax relief to help Americans keep more of their money to buy what is needed for their children at the beginning of the school year. In fact, while I had my doubts about it at the time, the rebate that was included in the tax cuts in 2001 started hitting in August, September, and October when we were feeling the effects of not only a recession that started in 2000, but also the aftereffects of what happened on September 11. As that money got into consumers' hands, they continued to buy what was needed for their families, and they have been the strongest part of the economy during a critical time.

We also had passed—and this is a case where it was bipartisan—tough corporate accountability legislation.

There are some other issues we still could do in the waning hours of this session, but I think to just make speeches and be critical of fiscal policies without offering any alternatives is the height of what we should not be doing in the Senate.

The emperor has no clothes, Mr. President. The leadership has not passed a budget. It has not passed appropriations bills. The Senate has not passed the prescription drug bill. We have not been able to get any traction on homeland security, and we have not even done pension reform. I would like people to know more about what they can count on with regard to putting money in IRAs or maybe taking money out of IRAs for education and what we are going to do in the future in terms of protecting 401(k)s and how stock options are going to be done. But that has not been brought up, and I am not sure it ever will be.

We have the opportunity in the next 3 weeks to do what must be done for our country: We can pass the Defense and military construction appropriations bills to make sure our men and women have what they need to do the job to protect America at home and abroad. We can pass this homeland security bill, create this Department that will bring some focus to our homeland security, and we can help with economic security by controlling spending and by passing such bills out of conference as the energy bill. If we do not deal with the energy needs of this country for the future, if we do not have an energy policy and someday we have a real shortfall, that could have a quick negative effect on our economy.

Those are the issues on which we can work in the next 3 weeks. Of course, we are going to need to stand up to our responsibilities and address the Iraq situation also. I think we will do that. We should focus on those issues we can do, where we can find agreement, and quit being critical without offering any alternatives.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. Morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from West Virginia.

AMENDMENT NO. 4644

Mr. BYRD. Madam President, for the information of my colleagues, I have no intention of speaking at great length. I hope that other Senators will come to the floor and engage me—not necessarily engage me, but Senators will come to the floor and speak on the amendment either for or against.

I would like to see other Senators who, I am sure, are as concerned about the pell-mell rush to ram the homeland security legislation through both Houses and put it on the President's desk before much time is to be had for debate and for a clear elucidation of the pros and cons with respect to my amendment. And there are other amendments by other Senators waiting. I also have some other amendments.

I do invite other Senators on both sides of the aisle to come to the floor and participate with reference, hopefully, to my amendment.

Yesterday, the administration and the congressional Republican leadership again chastised the Senate for not acting quickly enough to pass the President's homeland security measure.

Said the very able Senate minority leader:

> I fear the Senate Democrats are fiddling while Rome has the potential to burn.

"It's being talked to death," added White House spokesman, Ari Fleischer.

We are said to have been debating this bill for 3 weeks now, 10 days of debate—3 weeks.

Ten days of debate is not too long, something like 3 weeks. It takes 3 weeks to hatch an egg. I believe the distinguished Senator from Tennessee would agree with me; we are both from the hill country. He is from the hill country of Tennessee, and I am from the hill country of West Virginia. It does not make any difference how much heat you apply to that egg, it still takes at least 3 weeks for that egg to hatch out. If I am wrong in that, I would like my colleague from Tennessee to tell me.

We are talking about something that was hatched by four men, are we not, in the dark subterranean caverns of the White House?

I think a bill of this importance should be debated long enough that the Senate will know and the people will know what we are talking about, what we are about to pass. This is no small piece of legislation. It is not legislation of little moment. It is very important legislation. In my speaking on this measure thus far, I have met with a great deal of apathy. I do not believe much attention is being paid to this bill. I had urged that we not act too fast to have this bill on the President's desk before the August recess or by the time the August recess began, and then there was the idea that we ought to pass it by September 11, the first anniversary of that tragic event which occurred in New York City. And I said, no, we need to take longer. I hoped that Senators would read the bill and that Senators' aides would read the bill and that the people over at the Congressional Reference Service, the legislative people over in the Library of Congress, would have an opportunity to read this bill before we voted on it.

We have been debating this now for a few days. We look ahead to the appropriations bills that must be passed before the end of the fiscal year, the proposed adjournment date of October 6, and the November mid-term elections. It seems to be a long time for deliberation on one bill, but merely having a bill on the floor or on the calendar and actually debating it are two different things. To have the bill before the Senate and to be actually debating it are two different things.

I have my eye further ahead, years ahead, to future Congresses and future generations of Americans. I am trying to look ahead. To my way of thinking, the attention which this bill has received on this floor seems exceedingly brief. We are in the midst of an enormous undertaking. We are talking about enacting a massive reorganization of the Federal bureaucracy, a radical overhaul of our border security and immigration system, and a powerful new intelligence structure that may forever change the way Americans think about their own freedoms. It is a mighty huge responsibility that we are taking on, and we are endeavoring to do it all in one fell swoop: do it now, do it here. We have heard that advertisement on television: Do it now, do it here.

I understand the pressures to move quickly today. We live in an age of instant coffee, instant replays, and instant messages. I suppose the drive for instant legislation is a natural outgrowth. But I prefer the taste of slow brewed coffee. And I like to study the fine print in legislation I am being asked to support.

I would like to know, for instance, just exactly how many Federal workers will be employed at this new Department. I saw a recent article in The Washington Post that mentioned that the new Transportation Security Administration was slated to employ 28,000 Federal screeners when it was first created by Congress just last November. But, its Inspector General has determined that the agency will actually need 63,000 screeners—37,000 employees more than was originally anticipated. Wow. In less than a year, the size of that new agency has more than doubled.

I would like to know, since the Transportation Security Administration is supposed to be moved into the new Homeland Security Department, are these 63,000 screeners part of the 170,000 employees that we keep hearing will make up the new Department?

I would like to know if any of them are from West Virginia, for example. I would think that other Senators would want to know if these Federal employees will be from their States. After all, we are being asked to trim back their worker protections. As for that matter, I would like to know just how many of the total number of affected Federal workers are from my State. Exactly how many are from each State? I think every Senator has a legitimate interest in knowing the answer to that and many other questions.

Since we have seen the Transportation Security Agency employment figures rise so rapidly, I would be interested in learning if we can bank on that figure of 170,000 employees in the new Department or if that is just a rough "guesstimate."

While we are at it, I would like to know just exactly why these particular 28 Federal agencies and offices were selected, out of the more than 100 that have homeland security functions, to be part of this grand new Department. The administration crafted its homeland security plan in secret, so the Congress has little knowledge of why the President chose these 28 agencies and offices to be transferred. Why these offices? Why these agencies? Why not other agencies?

The Lieberman bill, like the House-passed bill, proposes to transfer to the Department the same 28 agencies and offices outlined in the President's plan. But the Governmental Affairs Committee has not developed any sort of criteria for why these agencies were chosen to be moved, other than the fact that they were identified in the President's proposal. Certainly, the Congress needs a better reason than that for transferring 28 agencies and offices and 170,000 employees.

I considered the possibility that the answer to my question might lie in the definition of "homeland security" but then I do not believe I found in the Lieberman substitute bill a definition of homeland security. It may be there, but I am not sure. I have been studying this Lieberman bill and the House bill. The Lieberman bill is an improvement over the House bill. It is leap years ahead of the House bill, but I cannot remember having found a definition of homeland security in the Lieberman bill.

Thinking, by the way, that such a definition was a pretty important thing to have in a piece of landmark legislation intended to address one of our Nation's most pressing challenges, I included a definition in my amendment.

I would be interested to know why some of the Assistant Secretaries called for in this bill have no defined functions. Under Title I, the Lieberman bill creates five assistant secretary positions within the new Department, all of whom would have to be confirmed by the Senate, but grants the President the authority to define the functions and responsibilities of these assistant secretary positions when the President submits his appointees to the Senate for confirmation. Once confirmed by the Senate, the Lieberman plan authorizes the Homeland Security Secretary to assign those functions that the Secretary deems appropriate.

The Congress should understand how the President plans to utilize these assistant secretaries before it creates their positions. What's more, it should define those responsibilities and functions in statute. Under the Lieberman plan, the President can broadly define the role of an assistant secretary, outside of the law, and, after the appointee has been confirmed by the Senate, the Secretary can alter that role, without regard to the intent of the Congress.

I would like to inquire for workers in the chemical industry and the trucking industry just exactly who is going to determine how they are supposed to deal with hazardous materials. Will the Transportation Department still make rules for trucking hazardous cargo or will all that now fall under the purview of the new Department? Are chemical plants to be subject to the powers at Homeland Security or the Environmental Protection Agency or will all of these regulatory matters be sorted out in arm-wrestling matches?

I do not believe that we have taken enough care in this bill to clearly define what we are authorizing the executive to do, and that is exactly how the President would have it. The administration wants us to be careless in our legislation so it can be reckless in its implementation. The administration does not want to be constrained by a specific plan, whether crafted in the White House or in the Congress, because the administration does not want to be pinned down on the details of its policies or the specifics of its actions.

A favorite piece of reading material for this administration apparently is "Gulliver's Travels," where we read about the Lilliputians. That is a great piece of literature; I have liked it over the years. But we have heard various Secretaries in this administration and other high officials in this administration indicate that they are very fretful, they are very irritated by the fact they are being asked to abide by certain rules. These have been longstanding rules. So the administration does not want to be tied down by any rules. We have heard them tell the story of the Lilliputians a number of times. So they do not want to be pinned down. This administration does not want to be pinned down by any rules, not pinned down on the details of its policies or the specifics of its actions.

President Bush has pressured Congress to act quickly on his proposal, insisting that because homeland security has become his top priority for the Federal Government, Congress must immediately provide him the resources and flexibility that he is demanding.

The House of Representatives passed legislation approving most of the proposal only 38 days after he submitted it to Congress. The House of Representatives passed the legislation in 2 days. Why, it would take longer than that in some communities in this Congress, some cities in this country. It would take longer than that to get a sewage permit. It would take longer than 2 days to get a sewage permit in some parts of the country. And perhaps for good reason. They passed a piece of legislation such as this with its far-reaching ramifications in 2 days in the other body.

I cannot see how either House of Congress can properly consider the merits of a new Department of Government and the transfer of 28 Federal agencies in 1 month's time, especially when the stakes are so high. But here we are with a bill before us; the clock is ticking.

I know Chairman LIEBERMAN and his committee have spent many hours on this bill. They have far more expertise on the subject matter than I have. I am not a member of that committee. I am not a member of any committee that has jurisdiction over this subject matter per se. Senator STEVENS and I were very concerned about some of the language in the House bill, certainly, in his administration proposal, about what would happen to the legislative process, how the constitutional process, the power of the purse, was being changed by the proposed legislation. So Senator STEVENS and I wrote to Senator LIEBERMAN and to Senator THOMPSON and asked that change be made in their legislation before they reported it to protect the legislative process as we have known it for over two centuries.

They worked hard. Senator LIEBERMAN and Senator THOMPSON worked very hard to craft the best bill they could craft under the circumstances. They have made a number of important improvements to the bill passed by the House. I thank the committee again, as I have thanked the committee before on several occasions, and its staff, for their efforts. But the stakes are so high and I believe we would be better off if we took further opportunities to look at the details, to study the details, to talk about ways to fill in the details. Let us remember with this legislation the Senate will be shaping not only the mission and the structure of the new Department but also the relationship that Congress will have with the Department during its lengthy transition period and throughout the process of making and implementing homeland security policy.

This legislation is going to be around quite a long time, in all likelihood, and the protections that I am interested in having in this legislation are protections for the rainy day, as well as for the day of sunshine, protections for our vital processes. These are the details that will be with us a long time. Whether it is a Democratic administration or a Republican administration, I should think we would all want to see what is best for the country, what is best for our children and grandchildren. If we are going to pass something, let it be well thought out, knowing, as I do know, that this legislation is going to be around for a long time.

We have heard that the war on terrorism is going to be a long time in its duration. I don't doubt that. We have spent nearly $20 billion in Afghanistan thus far, and we don't know whether Bin Laden is alive or dead. So this will be around for a long time.

This President and his administration, hurrying today to just have us turn this matter over to them, may not be around. Who knows. This President may be here 2 more years after this year or he may be here 6 more years or he may be here 8 more years. Who knows. Only God knows. There may be a Democratic President, a Democratic administration, there may be a Democratic House at some point. So I think we should not act with our blinders on and act only for partisan reasons because at the moment there is a Republican administration in the White House. We must not hurry this through just to get a bill through, to meet a certain date.

As Senator LIEBERMAN and I and others have said, we need to do it right. That is what I assume is the responsibility of every Senator, to do what he can to improve this bill, if it can be improved. I have never seen a bill that came to the Senate floor that couldn't be improved. Every appropriations bill that was reported to the Senate floor by my Appropriations Committee, of which I am the chairman, is always subject to amendments, and many amendments are offered and acted upon favorably. So we have room for improvement.

I do not come here as an adversary of Senator LIEBERMAN. I do not think my amendment is adversarial to his bill. I think that, even though his bill is a great improvement over the House bill, there is room for further improvement. That is not saying anything I think anyone would be offended by on his committee. I have heard of no such offense.

That is our job here, to do the best we can to come out at the end of the day with the finest product, the best product this Senate is capable of. We are talking about homeland security, the security of the people in this country. We must recognize that there is real work to be done by the Senate to make sure that all of the agencies are moved into the Department and that it is all done in a responsible way.

I understand the eagerness to pass a strong bill in order to make a strong statement. We all want to assure the public that we are acting decisively to secure the public's safety. No one wants to be portrayed as standing in the way of greater security on American soil. President Bush would have us believe he can simply create this Department out of thin air, as if by magic. It wasn't too long ago that this President and the Director of Homeland Security, Mr. Ridge, were saying: We don't need another Department. Why have another Department? Why have another Department?

Well, that is a long story. We went about, up the hill and down the hill, on the business of having the Director of Homeland Security, Mr. Ridge, come up before the Senate Appropriations Committee and testify on the budget. And of course the administration put its foot down hard. They didn't want that done. So we have sought that in that Appropriations Committee, Mr. STEVENS and I—we have on one occasion put language into an appropriations bill requiring the Director of Homeland Security to be confirmed by the Senate.

When the administration saw that Mack truck coming down the road—that bill was brought to the Senate, and it passed by a majority, a great majority; 71 Senators voted for it. Not one Senator objected to that language. Not one Senator offered an amendment to strike that language. So the administration saw that Mack truck coming and, lo and behold, the administration decided: Oh, we have to get in front of that wave. And then they came up with this marvelous piece of brainwork. It came from just four men in the bowels of the White House. They came up with this marvelous piece of magic. And now they want it passed in a hurry to create this Department of Homeland Security—which, not too long ago, as I say, the President did not seem to want, to create a Homeland Security Department, nor did Mr. Ridge.

Well, a little wave of his magic wand, a few magic words to the press, and poof, the President pulls a new Department out of his hat.

That is the old vaudeville stunt, a new rabbit out of the hat. Don't watch my right hand, watch my left hand. Watch what my left hand is doing. Don't pay any attention to my right hand. All of a sudden, he pulls a rabbit out of the hat.

The President pulls a new department out of his hat. But after the President's sleight of hand is over and the smoke clears from the stage, the task of replacing political magic with real management will begin.

I have often urged my colleagues to look to history as a guide to the future. There is much to be learned from the successes and the failures of our forefathers and we would do well to take the countenance of the past. I realize that everybody shares my love of history or see the past's connection with today and I am disappointed. But I am disconcerted when we fail to learn from our own experiences.

Last October, nearly half the Senate was thrown into disarray as the Hart Building was closed due to anthrax contamination.

I was shut out of my office. My staff were shut out of my office in the Hart Building. Many Senators were shut out of their offices, barred from our mainframes, our fax machines, our files. Our staffs were relocated, with new phones, new computers, new fax machines. Staff members couldn't reach each other, let alone our constituents. We scrambled to find ways to ensure a continuation of constituent services.

We saw how difficult it was to set up new quarters and make our offices functional again. But this bill before us is our anthrax experience many times over. And this time, the work that will be interrupted may be work that would prevent the loss of thousands more lives in another terrorist attack. I think it is worth the time to ensure that this agency is formed in the right way, from the ground up. We should take the time to work out the kinks before launching it.

Like so many government reorganizations before it, this legislation lumps together a number of disparate agencies and slaps a new sign across them. It does nothing to fill in the details of a very sketchy plan. It does nothing to resolve the inevitable problems that lie ahead. It is an opportunity to get off the hook easily. Pass something; claim the credit for passing the legislation in the upcoming election. That is probably part of the idea—claim credit for that. Go out to the American people and say: The Senate acted. We worked out a new plan. But it does nothing to resolve the inevitable problems that lie ahead. But I, for one, think we owe more to the American people than that. I think we owe more to them than that.

If the aim here is only to speed implementation of homeland security matters, let us do something to ensure that this administration and the Congress are not allowed to let development of the Department languish.

Most agree that we should act now to set the wheels in motion for a new Department, but we should not kid ourselves about what we are doing with this legislation.

The President and the Secretary of Homeland Security—if we pass the House bill—certainly will have the whole kit and caboodle. Congress will just walk off to the sideline. And, to a certain extent, the same is true with the bill that has been adopted by the committee chaired so ably by Mr. LIEBERMAN.

The President and the Secretary of Homeland Security will have to transfer 28 agencies—some say 22, some say 30—create 6 new directorates, and coordinate information and resources from countless Federal, State, and local agencies and private corporations. The administration expects Congress to hand over a blank check. They may do that in some States. Maybe the President is accustomed to having it that way in Texas. I do not know. I suppose there have been Governors in West Virginia who believed they might be entitled to a blank check on something. But we are not talking about something at the State level. This is the Federal level, and it is the Federal Constitution to which we have to pay very close attention.

The Administration expects Congress to hand over a blank check to craft this Department without additional guidance during implementation.

This expectation is not only unrealistic, it is irresponsible.

If the Senate adopts the President's proposal without making further efforts to improve it, we will have copped out! If this Senate is not willing to put in the time and attention that this new Department undoubtedly requires, I have to wonder whether we are really serious about investing responsibly in a long-term federal response to homeland security threats at all. I hope this is not all just for show!

Is that what it is? Is it all for show? Just rush the bill through so that we can say to the voters: Oh, the Senate has passed the homeland security bill. I hope it is not all for show.

The Senate must take a responsible approach toward enacting the President's proposal. If the Department of Homeland Security is worth doing, it is worth doing right, and both Houses of Congress must act deliberately to see that this Department gets up and running properly and expeditiously.

To ensure that all of these agencies and Federal workers are being moved to the right places for the right reasons, we will have to set the stage for our work after this bill is enacted. If we give the President blanket authority to transfer and reorganize these agencies without further action by Congress, the Department's transition will certainly suffer under a clumsy, trial-and-error approach that has been the death knell for so many other important government efforts before it. It will take a lot of work to get this Department where it needs to be, and Congress should not buy in to the empty promises of a one-time fix for all of the federal government's homeland security functions. We must sign up for the long haul now.

Any good carpenter knows that he will save himself a lot of headaches if he takes the time to measure twice and cut once. But in the midst of this enormous building project we have undertaken to construct a new department of government, no one is bothering to make even a rough measure of the actions we are taking.

Even if we wanted to do so, we would have nothing to measure against, because the President has not given us any workable blueprints laying out the architectural details of the Homeland Security Department. The President just shouts at us to keep building, because he wants a home for his secret war as soon as possible.

And by including all of these hurried agency transfers in his proposal, President Bush is trying to move in the furniture into this new home before he has even finished putting a roof over the Department. Given his success in pushing through his proposal, this may truly be the house that George built, and, if we don't hold our own feet to the flames, Congress will spend years making repairs to this hastily designed and poorly built structure. If his commitment to protecting homeland security is not strong enough to endure congressional involvement and public scrutiny, then our security is in serious jeopardy. And if the President's policies are not sound enough to survive the constitutional process, then we would probably be more secure without them.

Securing the safety of the American people in their own homeland will be the most important challenge of our time, and it will require responsible leadership both from the White House and from the Congress. Such leadership does not consist of hollow political solutions and public relations campaigns. When the lives of our citizens are on the line, we have a duty to rise above public approval polls and make the hard decisions about how best to protect the country's long-term interests. The President is asking us to establish the Department of Homeland Security without making these decisions, and without any clear evidence from the White House that he is willing to make the hard decisions under the processes required by the Constitution.

Congress must require of the President and of itself more than a single, open-ended plan for a new department with broad authority and a vague mission. Congress cannot allow the President to conceal his failure to produce a comprehensive homeland security strategy behind the smoke and mirrors of "managerial flexibility." If we are serious about formulating a real response to these new threats, we must press ahead to fill in all the details.

The amendment that I will be offering provides a process by which the Congress remains involved in implementation of the Department.

With the Byrd amendment, the Lieberman bill would immediately create the superstructure for a new Homeland Security Department, including the executive positions and directorates outlined in Title I of the Lieberman substitute but require additional legislation to transfer the agencies, functions, and employees to the new Department.

The amendment that I shall offer would establish a process that would allow the Congress to act within the same implementation time frame—13 months—outlined by the House-passed bill and the Lieberman substitute.

Beginning on February 3, 2003, the Homeland Security Secretary would submit recommendations for legislation to the Congress, which would be referred to the Governmental Affairs Committee in the Senate and the Government Reform Committee in the House, to transfer agencies, functions, and employees to the Directorate of Border and Transportation Protection; 120 days later, the Homeland Security Secretary would submit recommendations for legislation to transfer functions and agencies into the Directorate of Intelligence and Directorate of Critical Infrastructure Protection; 120 days later, the Homeland Security Secretary will submit recommendations for legislation to transfer agencies and functions to the Directorate of Emergency Preparedness and Response and the Directorate of Science and Technology.

The Byrd amendment gives Congress additional opportunities to work through the details about worker protections, civil liberties, privacy, secrecy, and about which agencies and functions should be transferred to the new Department.

Additionally, the Byrd amendment would give Congress the opportunity to gauge and modify how the new Department is being implemented, while it drafts legislation to transfer additional functions and agencies. The Byrd amendment would provide Congress with additional means to head off problems that traditionally plague and delay massive reorganizations.

I have defined as well as I could in this time my amendment.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4644.

Mr. BYRD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

The Senator from West Virginia.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to speak against the amendment which the distinguished Senator from West Virginia has offered. I do so, of course, with great respect for him personally, for his record of service to our country, for his record of leadership in the Senate, and for all that this Senator—and I would say every Senator—learns from him just about every day here.

I rise to speak against the amendment. I am going to try to speak clearly about why I feel so strongly against this amendment, but I certainly hope the Senator from West Virginia will understand, and colleagues as well, that I do it with great respect.

Senator BYRD has been good enough to express his appreciation for many parts of the amendment which is the proposal that emerged from the Senate Governmental Affairs Committee, which I am privileged to chair, by a 12-to-5 bipartisan vote at the end of July. I appreciate those kind words.

But I must say that though Senator BYRD has said his intentions are not adversarial to the committee-reported proposal for a Department of Homeland Security, it seems to me that adoption of Senator BYRD's amendment would eviscerate our proposal. It would, as he has described it, create a superstructure, a kind of house—create the exterior of the house—but there would not be much in the house. There might be an attic, with the Secretary and some of the executives up there, but nothing underneath for at least a year, and probably well beyond that, to better protect the security of the American people here at home.

So this amendment, though it preserves the superstructure, strikes at the heart of what the Senate Governmental Affairs Committee has been working to bring forth for well over a year now.

We began our investigations on the problem of homeland security before September 11 of last year. We held hearings on matters related to homeland security before September 11. In fact, we had a hearing scheduled for September 12 on one aspect of homeland security, and we went forward with it as best we could. Half the witnesses could not make it to Washington.

We labored, in the weeks and months after September 11, holding 18 different hearings. In October, Senator SPECTER and I, introduced—in October of 2001, almost a year ago—legislation to create a Department of Homeland Security. In fairness, that legislation was based, in good part, on the work of a citizens' commission headed by our former colleagues Gary Hart and Warren Rudman. And they had been working on it since the early part of 2000.

In May of this year, our committee reported that bill that Senator SPECTER and I had introduced, together with a companion bill Senator GRAHAM had introduced, amended and approved by the committee itself by a 9-to-7 vote—unfortunately, a vote on partisan lines. All the Democratic members voted for the bill. All the Republican members, at that time, voted against it.

In June of this year—June 6, I believe it was—President Bush, after all the months before then in which the President and his administration had said an Office of Homeland Security, as filled by Governor Ridge, was enough to deal with the new challenges of homeland security—changed his mind. And I admire him for that, and I appreciate that. And I think he reached a conclusion that it would take more than an office—without statutory power, without budget authority—to meet the challenge that terrorists placed on his shoulders, and ours, to protect the security of the American people.

My friend and distinguished colleague from West Virginia said the President pulled this bill out of a hat. Well, if he pulled it out of a hat, it was a hat that belonged to the Senate Governmental Affairs Committee because so much of the proposal that the President ultimately made is exactly the same as the bill that was reported out of our committee in May.

That is why I have said, all along, that probably 90 percent of the various proposals here—the committee proposal, the President's proposal—are in agreement with one another. And we are arguing over a small number of issues, not insignificant issues, but relatively small in number compared to all we agree on. We worked to take some of the ideas the President had and added them to our bill. Still, it is mostly the same bill as our committee reported out at the end of May.

Then at the end of July—July 24 and 25—we had two very productive, extensive days of committee deliberation, a so-called markup, in which we were quite open to suggestions that had been made by Members of the Senate. I myself consulted with the various chairmen of relevant committees. Senator THOMPSON spoke to the ranking minority members, ranking Republicans on the committees. We built a better package and reported it out on July 25. Not perfect. As the Senator from West Virginia quite accurately says, no legislation that is brought before this Senate is perfect; it always can stand amendment, including this proposal.

But I must say again, with all respect, that the Byrd amendment would basically pull out of the bill most of the hard work our committee has done. It would again frame questions that our committee has worked now almost a year to answer and has presented to the Senate our best considered judgment about what the answers to those questions should be. And the basic question is, How can we best protect the security of the American people after September 11 against terrorism and threats to their security?

Senator BYRD's amendment reminds me of those board games I played as a child, and sometimes occasionally still do with children or grandchildren, where, when you hit a certain box, they tell you to go back to the beginning and start all over again. That is what adoption of this amendment would do. It would obviate all the work we have done. It would essentially say that the answers we came up with were not adequate. And it would establish a system where the administration, over the next year, would basically try to fill a house that is now empty in the Byrd amendment. Underneath the attic, where the Secretary and a few of the executives are, there is nothing to protect the security of the American people.

The administration would be required to submit—beginning early in February of next year, and every 4 months thereafter—proposals for filling in that structure. But the requirements of the Byrd amendment say that not earlier than February 3 of next year, and succeeding 120 days thereafter, would the administration be able to submit the inner workings of the Department. And there is no clear time limit as to when this Department would be up and running.

I gather that the Senator has modified or will modify his amendment to say that Congress must act on the administration's proposals for what will happen in five of the six divisions of the Department by 13 months after the effective date of the underlying legislation—that date chosen, I presume, 13 months, because our legislation says that the full Department must be up and running 13 months after the effective date.

The passage of the Byrd amendment would give the American people no guarantee that they would have a Department of Homeland Security, protecting them better than we protected them on September 11, in any time that is measurable.

I have a personal sense of urgency. Senator BYRD has spoken to it. We want to better protect the security of the American people. This is an important assignment we have taken on to create this Department. But this is an assignment that comes with a sense of urgency.

The terrorists are out there. We read every day about it, either about apprehensions or arrests of terrorists in various parts of the world. As I have said before on the floor, we defeated the Taliban in Afghanistan. We disrupted the al-Qaida bases there. But so many of them fled, and they are out there. They are not an army that we can see as a conventional army on battlefields. They are not in ships that we can observe at sea. They are hiding in the shadows of this world, in foreign countries, in our country. That is why I say that every day we go without a better organization of the various critical departments that are supposed to be protecting the homeland security of the American people is a day of greater danger for the people.

It is with that sense of urgency that our committee has brought forward our proposal. And this amendment, if passed, would take the heart out of the proposal and delay its implementation to a day that cannot be measured. That is wrong. I oppose the amendment with the greatest respect but with the greatest sincerity and intensity.

I ask my colleagues, any of whom are thinking about voting for this amendment, to explain on the floor and to their constituents how they could support this amendment and still say they are committed to the creation of a Department of Homeland Security with a sense of urgency that the reality of the terrorist threat requires.

This amendment would establish a Department of Homeland Security and a Secretary with the missions and responsibilities virtually untouched. It would also retain the basic administrative structure of the Department, as the Governmental Affairs Committee proposal has proposed.

The amendment also creates the same six directorates as in our bill, each to be headed by an Under Secretary. But as I have said, there is nothing else in this amendment within five of those six directorates. The one exception is the Immigration and Naturalization Service directorate. There are no responsibilities, no mission statements effectively, no transferred agencies.

The amendment does call, as I have said, for the Secretary of the new Department to submit to Congress, over the course of the next year, a series of legislative proposals to further the mission of the Department, including recommendations for the transfer of "authorities, functions, personnel, assets, agencies, or entities into the various directorates."

These proposals to be provided to the Congress by the Secretary would be responsible for filling in the house. That includes not only the precise list of agencies and programs to be transferred to the new Department but an enumeration of all the responsibilities of the new Department, including the fundamental policy decisions about the Department's most basic missions.

I have talked about the deadline for Congress to act. It is unusual, I say with some humility, for one Congress to attempt to bind another Congress to act. Is it enforceable? Can we have any sense of assurance, if the Byrd amendment passed, that Congress would act on the various proposals of the President 13 months after the effective day, which would probably take us to 2004? I don't see that in this amendment. Remember, in the underlying committee proposal, the Department is created. The effective date of the legislation begins 30 days after it is signed and becomes effective. The Department begins to take shape. The administration then has 12 months after that to complete the full implementation of the new Department, to bring all the 170,000 employees together to get the Department up and running, to overcome the inefficiencies, to bridge the gaps that exist, to create the new divisions of this Department that we desperately need.

As to intelligence, for instance, there is still no place in our Federal Government where all the proverbial dots are connected from law enforcement and intelligence. That is an urgent need we have.

If the committee's proposal is adopted, the new Secretary of Homeland Security would be authorized to do that immediately. All we say is by the expiration of 12 months from the effective date of the legislation; therefore, 13 months after the President's signature, all of this would be completed.

Set that aside from what would happen in the case of the Byrd amendment, in which the only guarantee we have is essentially a hope that Congress will have acted on the administration's proposals 13 months after the Department is created. That is just not enough.

This is no time for us to replace the carefully considered bipartisan legislation that emerged from our committee with this structure without content that may never turn into a genuine Homeland Security Department, with the power, the personnel, and the resources it needs to protect the American people from terrorism.

Mr. BYRD. Madam President, I did not want to interrupt the distinguished Senator. I will be happy to wait until he finishes his statement, but whenever he is ready to be interrupted, I would like to get his attention.

Mr. LIEBERMAN. I thank the Senator from West Virginia. I would like to complete my statement. Then I will be glad to respond to any comments or questions he has.

Let me make three general points about what troubles me about the amendment.

First, the amendment destroys what might be called the holistic design of a new Department. By that I mean the whole will be greater than the sum of its parts. Indeed, since the very beginning, the entire purpose of formulating this Department has been to create a cohesive and unified organization in which all the pieces fit together tightly with all the other pieces. We have strived to bring to our legislation a global understanding of the capabilities our Government has and the capabilities it currently lacks. We have thought carefully about the interrelationships of the different agencies and directorates that will make up the Department.

The result, I am confident, is a Department in which the six constituent divisions strengthen one another such that the whole is greater than the sum of the parts. Splitting this Department into a number of separate pieces that will be created in organizational isolation from each other will undercut the wide angle focus that is necessary for us to best meet the terrorist threat.

We will revert to essentially creating a number of different divisions that are linked to one another in name but not necessarily in function. In the process, I fear the Byrd amendment will threaten one of the core purposes of a single Department of Homeland Security under a unified chain of command; that is, namely, to leverage the benefits of bringing together these 28 different agencies and programs in a synergy, in a way that the whole is greater than the sum of the parts.

Pulling the pieces apart and rebuilding them will lose that understanding of our capabilities. Just think about the pieces of the new Department that will need to work together every day. I cite the intelligence directorate again. It is going to communicate with the directorate on critical infrastructure protection and on border transportation security, and it is going to need to develop threat assessment and threat dissemination systems and protocols.

The directorate on science and technology will need to learn from the directorate on emergency preparedness and response precisely what technologies are required at the Federal and local level, and then we will have to develop an action plan to deploy those technologies. Every directorate in the organization will have to draw on the science and technology directorate's expertise for critical analysis and decisionmaking regarding scientific or technical issues.

This Department should work like a carefully crafted machine with interlocking gears. If we conceive of it as six separate gears turning in isolation from one another, we are going to drastically diminish its effectiveness. I fear the process that the Byrd amendment would set up will do just that.

Second, I know there was a concern expressed on the floor and off the floor that the committee's proposal for a new Department of Homeland Security fails to put in place adequate checks and balances on executive authority. I disagree. Those checks and balances and the desirability of them in our system of government were very much in our mind as we proceeded with this legislation. In fact, we gained great insight and assistance from Members of the Senate as we crafted this legislation, particularly the senior Senators from West Virginia and Alaska who brought not only their considerable experience but their love for the Senate and devotion to the concept of checks and balances, which assisted us in crafting our amendment.

So we have gone to great lengths to ensure that the Congress will remain actively engaged in the life of this Department—not just in the traditional way in which Congress, in some senses, always has the last word, which is through the appropriations process, but through the transition process as this legislation becomes law. We have very important work to do with the executive branch and the transition process of this new Department. We have to make sure the reorganization is proceeding apace. We have to make further changes in law, if and when such changes are needed. We have to finance the new Department, consistent with its needs, as determined in the first instance by the Appropriations Committees of both bodies and, of course, by the membership of both bodies. And we have to make sure that critical, nonhomeland security functions of the constituent agencies don't fall through the bureaucratic cracks.

That is why we have specifically required that the administration come back to Congress at least every 6 months during the reorganization process to update us and the American people on the progress being made and, if necessary, to request that we make additional amendments and improvements. The committee members are well aware of the complexity and the enormity of what we are proposing. So these required reports during the reorganization process should give Congress an opportunity—our committee first and then Congress—to assess the progress and make necessary adjustments.

The important point here is to get started. No one—least of all me—thinks this is going to be a perfect proposal. It will be a work in progress. To make it progress as rapidly and perfectly as we want, we are going to have to work together—Executive and Congress—in making that so. Our interest in guaranteeing proactive congressional oversight is spelled out in even more detail in our proposal.

Contrary to the President's proposal, which originally sought to give the executive branch unchecked authority to reorganize the constituent agencies within the new Department and unprecedented power to move between 3 and 5 percent of funds appropriated to the constituent agencies of this Department, we have taken a very different path and rejected those requests from the administration. We will insist on the accountability of the appropriations process. We understand the Constitution gives Congress—and only Congress—the responsibility to appropriate the expenditure of the public's money.

So we have specifically rejected the administration's calls for broad, unchecked power to move public money around without the consent of Congress. We have said that while the administration can reorganize agencies within the new Department to the extent that it does not conflict with existing law, if the administration wants to change existing law, contrary to its proposal originally, we require it to come back to us for approval to do that. Congress cannot delegate to the Executive the authority to obviate statutes that are on our books without the consent of Congress. That, of course, is an affirmation of the importance of ongoing congressional involvement in an approval of the reorganization process.

I know Senator BYRD is concerned about the speed with which this is moving forward. I believe this is not moving forward near rapidly enough. I know he has a historic and proud concern about Congress yielding too much authority to the executive branch, and I share that concern. My strong reassurance to him, and to the other Members of the Senate, is that the Senate Governmental Affairs Committee proposal does what Congress has done since its creation, since its beginning, which is to legislate, create a new Department, but not to give that Department unchecked authority to go forward but to require it to come back for appropriations and require it to live within the law. And if it decides, as it goes forward, that it needs to alter the law, then, of course, it must come back to us and not be allowed to waive laws and repeal them on its own, as it originally asked to do. Congress will remain, under our proposal—a careful, measured proposal—an active and aggressive board of directors overseeing this merger every step of the way.

Third, this amendment is based on the faulty assumption that we have written our legislation hastily, without due consideration of exactly how the Department ought to be structured. As I said at the outset, the fact is we have been working for nearly a year and, in some cases more than a year, to determine what this Department should look like, and to do everything humanly possible to prevent another September 11-type attack.

We have studied these issues exhaustively. We have considered the implications rigorously, and we have written this legislation carefully. Now, any Member of the Senate has the right, of course, to come out and say that a given part of our proposal is not quite right and not what it should be, and that is what the amendment process is all about.

Of course, there have been many amendments filed that go exactly to that point. What Senator BYRD's amendment does is to remove the fruits—all the fruits pretty much—from the tree, except the very few at the top, that we have nourished and worked so hard to cultivate over this year.

(Mrs. CLINTON assumed the Chair.)

Mr. LIEBERMAN. Madam President, long before September 11, our committee had been interested in homeland security. In July of 2001, we held a hearing on FEMA's role on managing bioterrorist attacks. In July 2001, we had been studying whether our Government was adequately organized to protect critical infrastructure and, unrelated to the attacks, had scheduled a hearing on that subject for September 12. The day after the planes crashed into the Pentagon, the World Trade Center Towers and the field in Pennsylvania, that hearing was held in a context we never could have imagined.

About a year ago, we began crafting the precursor of the legislation we are now considering. On October 11 of last year, Senator SPECTER and I introduced our bill to create a Cabinet-level Homeland Security Department. In May, we merged it with strong legislation that had been proposed in September by Senator GRAHAM of Florida. And on May 22, we reported that legislation out of committee by a vote of 9 to 7.

Since the President announced his support for a Department of Homeland Security on June 6, we have worked closely and collaboratively with committee chairs and ranking members, with fellow members of the Governmental Affairs Committee without regard to party, with experts in the field, and with the White House.

We have incorporated bipartisan proposals for restructuring the INS and reforming the civil service system—the first proposed by Senators KENNEDY and BROWNBACK; the second proposed by Senators AKAKA and VOINOVICH—drawing on years of effort to build a consensus on those key issues.

All told, we held in our committee 18 hearings and heard from 85 witnesses on these issues. Every step of the way, we have been open to and accepted sensible compromises and incorporated new ideas recommended by people inside and outside the committee based on merits, based on the purpose of this legislation, based on the urgency post-September 11 of protecting the security of the American people.

The bill that emerged from this process earned the strong bipartisan support of the Governmental Affairs Committee. In 2 days of work on July 24 and 25, we debated the legislation, we incorporated many amendments, and we endorsed it by a bipartisan vote of 12 to 5.

In essence, this legislation—its core elements anyway—have now been approved twice by the Governmental Affairs Committee. That is not a hasty process. That is work that has been done by the committee over a long period of time.

I must say, as I consider Senator BYRD's amendment, I am reacting as a proud chairman, one who has worked very hard with members of both parties in committee to bring forth this legislation. It is not perfect. It is open to amendment. Let the body have its will. But I ask Senator BYRD and any other Member of the Senate, chairman or ranking member, to think how they would react if, after having worked so hard on a piece of legislation that they believe is urgently needed in the interest of the security of the American people, they were faced with an amendment that took most of it out. It would be as if an appropriations subcommittee bill came to the floor and a Senator got up and kept the sum total but switched all the money around or, more relevant, said: A little bit at the top can be spent; the rest cannot be spent until the administration comes back next year and tells us how they want to spend it.

If I am feeling deeply about this amendment, with all respect to its sponsor, it is because I feel deeply about the need for a Department of Homeland Security as soon as possible. Each directorate has taken shape over time as we proposed them to respond to the best evidence of what will work from experts and from colleagues.

We began with a model that closely resembled what was proposed in the Hart-Rudman Commission on National Security in the 21st century, which itself was the product of 3 years of work and the insight of many of the top national security minds in our Nation. That was our first framework.

Then in the months that followed, we drew on the lessons learned from our hearings and from countless other reports and hearings and from additional hours of staff research on these issues to refine and improve the initial vision of the Department. We collaborated closely with our colleagues on both sides of the aisle. And since June, when President Bush announced his support for this Department, we have worked with the White House in incorporating parts of its ideas into this proposal.

Each directorate evolved as we tried to bring together just the right agencies and offices needed to counter the terrorist threat at home. That is why I say that the Byrd amendment is like a children's board game: When you hit a certain box, it says: Go back to the beginning and start again.

That is awfully frustrating for Senator THOMPSON and me and other members of our committee who have worked so hard to put these directorates together.

The directorate on border and transportation security, for example, started out with a blueprint very similar to that recommended by the Hart-Rudman Commission. It included the Coast Guard, Customs, and the Border Patrol. But over time, in our committee, we came to be educated and to a conclusion that the original proposal was not adequate, was not complete.

We heard from experts that the Animal and Plant Health Inspection Services, in the U.S. Department of Agriculture, had a critical role at ports and borders and ought to be integrated with the other agencies. So we moved APHIS into the directorate.

We were persuaded the entire INS should also be brought over to ensure ongoing coordination with all immigration and border activities and between immigration enforcement and services. So we brought INS into the new Department while subjecting it to the substantial bipartisan restructuring it desperately needed, according to the Kennedy-Brownback legislation, and giving it accountability—because most everybody agrees that the INS is an agency that is not functioning as we want it to—by placing it in its own directorate with direct access to the Secretary and the Under Secretary of the new Department.

As another example, the directorate on emergency preparedness and response began, again, in accordance with the Hart-Rudman recommendations, with FEMA at its core. But over time, the directorate was expanded to include other vital offices with a central role in preparing for and responding to potential terrorist attacks: the Select Agent Registration Enforcement Program, which plays a central role in the wake of public health emergencies; the Strategic National Stockpile, the Office of Domestic Preparedness from the Department of Justice, the Office of Emergency Preparedness from the Department of Health and Human Services, and so on. Each addition was carefully considered and made in specific response to concerns raised by experts in the field to fill a demonstrated need in the new Department.

Adoption of the Byrd amendment would extinguish all of that work and say: Let's start again.

Consider the evolution of our new independent directorate of intelligence. We appreciated the attention paid to intelligence capabilities in the President's initial proposal, but working together with the chair and the ranking member of the Intelligence Committee, Senator GRAHAM of Florida and Senator SHELBY of Alabama, and Senator SPECTER of Pennsylvania, who made some very substantial contributions to this effort, we concluded we needed to go further to give the new Department the tools it needs to detect danger and prevent attacks against the homeland. Again, we were advised over and over again in our hearings that in this difficult, awful business of fighting terrorism, the best defense really is an offense, and the offense is intelligence, to know through our considerable intelligence community effort and our law enforcement effort, nationally, and at State, county, and local levels of government, to be able to gather all that information, put it together on that one proverbial board so the same sets of eyes see it and they have the capacity to see a pattern which will tell them a threat is coming, and that they will act, therefore, to stop that threat before it happens.

Our colleagues on the Intelligence Committee have come to a point in their investigations of September 11 where they—I have not heard the results. Maybe they have not been published yet. There were some early suggestions of reports in the morning papers, but this afternoon there apparently has been a report on the gaps in the sharing of information, limited by old and no-longer-acceptable bureaucratic barriers.

We created a division, a directorate of intelligence, not to collect more intelligence but to receive it from everybody, so that those eyes, which are the public's protectors, can look at the information so they will have the maximum opportunity to perceive threats before they occur and act offensively to stop them.

Our proposal has already grown and adapted, therefore, over time to the best arguments and the best evidence. Of course, further refinement will be necessary as we go down the road, but I am deeply convinced that our committee has presented to the Senate a strong, workable structure, which is full of exactly the kinds of agencies and combinations the American people need to protect them.

The frightful facts of September 11 tell us that our Government was not doing enough to protect the security of the American people, and the terrorists took advantage of those vulnerabilities. It requires a Department of Homeland Security, up and running as quickly as possible, to close those gaps and eliminate those as a result of those vulnerabilities.

A Member of the other body, Representative THORNBERRY, played a very active and supportive role in similar legislation. To his credit, in early 2001 he introduced his own legislation in the House creating a Department of Homeland Security, well before September 11, 2001. Congressman Thornberry testified before our committee on April 11 of this year, and he said to us:

> We must resist the temptation to study a problem, this problem, to death.

I believe he is right. We have studied enough. We have deliberated enough. We have seen the consequences of our disorganization more graphically and horrifically than we ever could have imagined. Now we must turn our thoughts into action.

In fact, in response to the suggestion that we are going too fast, I say just the opposite. We have already taken too long as a legislature to begin to fix these problems. We have been living with the threat of terrorism for years. The scale has never approached, of course, the horror of September 11, but there were those who warned us that day, September 11, was coming. We knew the collapse of the Soviet Union was coinciding with the rise of other enemies, including subnational enemies; that advanced technology would too easily fall into their hands. We knew they were plotting. We suffered deadly attacks, both at home and abroad.

It is time now to act. If we wait to attempt reform any longer, if we delay, as this amendment would effectively do, I believe we will not have fulfilled our responsibility to the American people. The threat is not going to vanish overnight. It is not going to give us the time this amendment would require to contemplate perfect reforms. We have no choice but to balance this reorganization with the ongoing efforts to strengthen our homeland defense capabilities.

The fact is the advances we have made since September 11 have been, in some senses, in spite of the system, not because of it, because the system remains terribly disorganized and inefficient. The fact is that we need to act now. That is why I oppose this amendment.

We have taken a year to deliberate and made dozens of difficult decisions about what kind of department we want to create. This debate has been productive thus far on the committee's proposal overall. I am pleased the majority leader filed a cloture petition yesterday which will ripen tomorrow, because it is time to begin to narrow the debate—not to close it off but to narrow it—so we can see an end point by which this body can act.

This amendment would force us to start again, forcing us to revisit every arduous decision we have already made without a clear end date by which the American people could have some sense of security that a Department would be up and working to protect their security.

Last year, former Senator Hart, who worked with former Senator Rudman, was so instrumental in our committee's proposal and the White House proposal. I heard Senator BYRD refer to those four men who were sitting in the basement of the White House secretly crafting the President's proposal. I apologize for the immodesty of this, but I do so on behalf of our committee. When one looks at the product of their labor, the better part of it—that is to say volume, the larger part of it—is taken from the bipartisan work done by the Hart-Rudman Commission and then by our committee.

Senator Hart told our committee in a hearing we held:

> This is a daunting task. But we owe it to our children to begin. It would be a mistake of historic proportions to believe that protection must await retribution, that prevention of the next attack must await punishment for the last. We can and must do both. For like death itself, no man knoweth the day when he will be held accountable and none of us knows how quickly the next blow will be delivered. I believe it will be sooner rather than later. And we are still not prepared.

I agree with every word. I say to the occupant of the chair, Senator Hart's comments not only show he bears the marks of a good law school education but he also went to Yale Divinity School for a period of time.

Mr. SPECTER. Will the Senator yield for a question?

Mr. LIEBERMAN. I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, the question to the Senator from Connecticut is on the issue of the timeliness of action by Congress. My question is: Does the Senator from Connecticut think it important to move—even on an earlier day, when the Senator from Connecticut introduced legislation last October for homeland security, which sat on a back burner, having been resisted by the President, the issue having sat on the back burner until the President endorsed the concept of a Department of Homeland Security—but does the Senator from Connecticut believe that too much time has elapsed already?

Mr. LIEBERMAN. Responding to the Senator from Pennsylvania, this Senator does, indeed, believe too much time has elapsed already in better organizing the Federal Government to protect the security of the American people at home.

In October of last year, I believe October 11, 2001, the distinguished Senator from Pennsylvania and I introduced a proposal to create a Department of Homeland Security, very much similar to the proposal that is before the Senate, though it has been revised and improved as it has gone along the way.

I have said it with some pride and gratitude that the President, when he made his proposal on June 6, took a lot from the work that our committee had done; I don't begrudge that because the President's endorsement of this proposal, which had been our committee's proposal, in fact, put it on the road to passage.

I hope we can find a way to come to a consensus on the great majority of this bill which most Members agree on and get it passed and not let the relatively small number of issues that divide us stop us from doing that quickly.

Mr. SPECTER. I have one more question, if the Senator will yield, and the question is on the issue of having under one umbrella the analysis of all of the intelligence branches—CIA, FBI, Defense Intelligence Agency, National Security Agency—on the issue that there were enough dots on the board prior to September 11, that had they been connected, there might have been a veritable blueprint if you put together the July FBI report from Phoenix about the young man taking flight training with Osama bin Laden's picture in his apartment, and the two al-Qaida men who went to Kualai Lumpur, the hijackers known to the CIA and not told to the FBI or INS or the NSA report, on September 10 that there would be an attack the next day, not even translated until September 12, and the information in the computers of Zacarias Moussaoui having been obtained with an appropriate warrant under the Intelligence Surveillance Act.

There was a veritable blueprint for what happened on September 11 and there is urgency, urgency, urgency as we speak to get the intelligence agencies to act together and to coordinate the analysis so we may have as full a picture as possible.

Mr. LIEBERMAN. Responding to the Senator from Pennsylvania, the Senator is absolutely right. The Senator from Pennsylvania has been a leader in congressional involvement and oversight of intelligence, I believe serving as chairman of the Intelligence Committee for a period of time. Again here he was very constructive and helpful in this committee's creation of the directorate of intelligence as we have created it.

I have met, as have many Members of the Senate, as has the occupant of the chair, with families of people who were lost, who were killed on September 11. They ask the gnawing question, which we would ask if we were them, and we should ask ourselves: How could this have happened? How could September 11 have happened? And one of the most painful answers is that if we had our intelligence and law enforcement agencies better coordinated it might not have happened. The Senator from Pennsylvania spoke eloquently to that.

The truth is, on September 11 there was no single place on which all the information would be brought together, from the intelligence community, from the law enforcement community. There is still no such place. So we remain more vulnerable than we should. This Department would create a director of intelligence that would do exactly that for the first time in our history. If we did nothing else with the Department—and the proposal does a lot else—that would be a substantial step forward in the protection of security of the American people.

I thank the Senator both for his questions and for his very consequential contributions to this legislation.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 4673 TO AMENDMENT NO. 4644

(Purpose: To provide for the establishment of the Department of Homeland Security, an orderly transfer of functions to the Directorates of the Department, and for other purposes)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID] proposes an amendment numbered 4673 to Amendment No. 4644.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I believe the clerk earlier read, when I offered the amendment, the clerk misstated the number to be 4644. Has that now been corrected? It was No. 4641, which I think the clerk stated, but the amendment is numbered 4644.

The PRESIDING OFFICER. The Senator is correct, it is 4644.

Mr. BYRD. I thank the Chair.

Madam President, I do not intend to take the floor long, but I had understood that Mr. LIEBERMAN would allow me to address some questions to him at a point while he held the floor. He must have let that slip his mind because he yielded to others, which is all right; I want him to do what he wants to if they have questions to ask, and now I have the floor. I will address just a few of the points that the distinguished Senator had.

Of course, the distinguished Senator has pride in the work of his committee, under his chairmanship and under the cochairmanship of the ranking member, Mr. THOMPSON. Of course he has pride. And he has great expertise, his committee does, certainly, with all the Members of it, great expertise in the subject matter of the legislation.

I am not on that committee. I said that before. I come as just an ordinary Senator. I am not a member of the committee. I am not an elected part of the leadership. I am President pro tempore by virtue of my long service here in my party and in the Senate, but I am an upstart when it comes to this legislation. I just came in the house out of the rain. I can understand the distinguished Senator's pride in his work. Who wouldn't be proud after spending all these months? I know that he is proud. But are we supposed to accept a piece of legislation without amending it because of the pride of authorship of a chairman of the committee, or any other Senator?

The distinguished Senator has asked me, as the chairman of my committee, how would I feel about bringing a piece of legislation—I think my words are being spoken in the spirit of what I think the Senator was saying. Unlike most other Senators, I cannot write down rapidly, quickly, what Senators are saying. I have a little trouble remembering exactly what they said, and if I misstate the portent of his question to me during his statement, I would be happy if I were corrected. I understood the distinguished chairman of the committee which has jurisdiction over the pending matter, I understood him to ask me, as chairman, how would I like to bring a bill out of my committee to the floor that has a certain amount of moneys for this and for that and had funds, line items, for certain programs, certain projects, how would I like it if someone offered an amendment to take all that away and change that to direct those funds to some other agencies.

I assure Members I would like for that work of my committee, along with Senator STEVENS and the other 13 Republican members and the other 14 Democratic members, to be taken as something that did not, was not worthy of the attention of the Senator and to take all that and just give a blank check. Instead of allocating the moneys the committee had determined in the ways that the committee had determined, the Appropriations Committee had determined, just change it all and say make it a blank check. No, I wouldn't like that. And I don't like the blank check that we are about to give the administration in this bill.

The distinguished Senator says he has pride in the work of the committee and doesn't want to see it changed. He would hope it would not be changed by my amendment, certainly, he says.

What did the distinguished Senator and his committee do? They wrote a blank check, as it were. They say to the administration: Here, we will pass this bill, and we are going to turn it over to you, lock, stock, and barrel. We are going to move off to the sidelines, and you can do it as you will. Here are the bureaus. Here are the directorates. Here is the superstructure, they say. Now give to the administration, over the next 13 months, without any further action by the Congress, the transfer of these various agencies, functions, and employees into the new Department. It is yours. We will have no further say in it.

Oh, you can come up. You can come before us and submit reports and all that. But by this law we are passing, that is all you can do, and it is all we will do. Here it is. Take it all. You have a blank check.

No, I wouldn't want to have someone take an appropriations bill that came out of my committee and strike out all of the line items, all of the provisions, all of the functions and money for functions, and so on, and say just give them a blank check. No, I am not for that. But that is what is being done by the bill of the distinguished Senator from Connecticut. His is striking out the details which my amendment would write in. My amendment would keep the Congress involved. Congress would have oversight, and time and again we would require, in my amendment, that the administration make its recommendations for legislation and those recommendations would go back to the committee, chaired by Mr. LIEBERMAN, and he would have an opportunity to take a new look at it and review it. Congress could conduct oversight.

But he is not going to allow that under his proposal. He is going to say: Here it is. Mr. President, we are not going to fill in the dots. We leave all that to you. You have 13 months in which to do it. You have 13 months to fill in the dots, fill in the details, determine which agencies will go into the Department, and there it is.

Also, the distinguished Senator talks about the agencies. Yet the distinguished Senator and his committee, they don't determine the agencies, what agencies will go into the Department. They don't determine those. I don't know right now what agencies the distinguished Senator from Connecticut is talking about.

Now the distinguished Senator from Connecticut, who is still on the floor, I hope—I would love for him to stay, to remain so I can respond to the points he has made and the questions he has asked. He says the Byrd amendment strikes at the heart of the Lieberman bill. I would like to know how it strikes at the heart of the Lieberman bill. It improves and strengthens the Lieberman bill.

He says the Byrd amendment would pull out of the bill most of the work the committee has done.

Why, it doesn't do that at all. I will tell you what is pulled out of the bill, a good bit of the work that was in the Lieberman bill. The Thompson amendment struck titles II and III from the Lieberman bill. That is what pulled a lot of the heart out of the bill. I didn't do that. I didn't strike titles II and III. My amendment doesn't strike titles II and III. They are already out of the bill. That was done by the amendment offered by the distinguished Senator from Tennessee, Mr. THOMPSON. That is what struck the heart out of the bill.

The distinguished Senator from Connecticut—I am trying to read my own feeble handwriting—says there is a sense of urgency to get on with this matter.

There have been some who have been referring to this bill as the greatest reorganization since the National Security Act of 1947. Someone just the other day, maybe it was the President—I might be wrong. If I am wrong, I hope someone will correct me—who was comparing this reorganization with the reorganization of the Defense Department, of the military, the creation of the Defense Department in 1947, saying that is the role model. Someone said that is the role model, the creation of the National Security Act, pulling these various military agencies into one department, the Department of Defense.

If that was the role model, if that is the ideal, then how long did it take for the National Security Act to pull these agencies together? How long did it take Congress to pull these agencies together, working with the President and working, by the way, with the military in this Government? It took 4 years. There were many bills offered in Congress. Committees did much work on that matter. It wasn't done overnight. It wasn't done in a week. It wasn't done in a month or 6 months. It took years, 4 years.

I can't understand why someone would say: Oh, we have done all this work. Of course, the committee has done a lot of work. I have already indicated to the distinguished Senator from Connecticut, I know his committee has put a lot of work in on this bill. But after he has laid out a litany of actions, a litany of hearings, and so on and so on, all of that doesn't really compare with the time that was put into the creation of the National Security Act, the creation of the Defense Department.

So here I can't understand all of this talk about a sense of urgency in this bill because it wasn't too long ago that the President was saying why do we need it? We don't need a new Department, and so was Mr. Ridge saying the same thing.

The distinguished Senator from Connecticut says this is a work in progress. So apparently the work in progress is going to be done by the administration over the next 13 months.

My amendment seeks to flesh out the Department, flesh out the directorates, and do it in an orderly way and with Congress conducting oversight throughout.

So I have listened with great interest to the distinguished Senator and his defense of this bill. But I say that any time a bill comes out of my committee on appropriations, I expect it to be amended. And it isn't because I take pride in the authorship and the work of the committee that I fight another amendment. I never oppose another amendment simply on that basis, that my committee has conducted hearings. We conducted 5 days of hearings on the homeland security budget earlier this year.

But I am always expecting amendments to be offered. I don't oppose another amendment just on that basis. After all, the idea here is to improve the work product. That is why the Senate is one of the two greatest upper bodies ever created. It is why the Senate is the premier upper body of the world today. It has unlimited debate, and it has the right to amend. But to hand it over to the administration, lock, stock, and barrel, and say, Here it is, here is the superstructure, here we provide for some under secretaries, assistant secretaries, and deputy secretaries—and, of course, it doesn't have title I or title II. That was taken out by the fine Senator on the Republican side of the aisle. Those two titles have been eliminated. They were moved out of this bill, and I am so proud those two titles are gone. They are gone.

Here it is, lock, stock and barrel, and you take it and fill it out. You have 13 months in which to do it. Here it is. Take it and fill it up. This is the Byrd amendment. I don't want that because that would fill in some of the details. Congress, the representatives of the people, would fill in the details, some of the details with the directorates.

I am sorry the distinguished Senator from Connecticut is totally, I would say, misapprehensive of my amendment. It plainly states what it will do. I am sorry. He is a good lawyer. He can take the easy side of the debate and make a different case. He can take an apple, shine it up, and make it so you would think it were an orange. He is a good lawyer. I don't speak disrespectfully of him. There are lots of good lawyers in this country. He is trying to tell the American people that the Byrd amendment would rip the heart out of his amendment. It doesn't do that. It makes his proposition better.

I think the Senator wonders about the 13-month deadline. I have said that my amendment would complete the action in the Department and directorates, and the very agencies—although I don't know what agencies there are. The distinguished Senator from Connecticut hasn't yet told us what agencies are going to be put into the directorates.

Here is the legislation, my amendment that says, yes, the whole thing will be completed in the same time period—namely, 13 months roughly—that obtains in the case of the Lieberman proposal. Here is the language. Subsection (e), "Deadline for Congressional Action: Not later than 13 months after the date of enactment of this act, the Congress shall complete action on all supporting and enabling legislation described under subsection (a), (b), or (c)."

There it is. In the meantime, we would fill in the details. Congress would have its hand on the throttle as we went forward in filling out in these various five directorates in title I.

Mr. LIEBERMAN. Madam President, will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. LIEBERMAN. As I have heard the Senator read this last section from his amendment, it seems to me that what it requires is that Congress finish its action on proposals made by the administration, fill in the blanks in the five directorates within 13 months—not that they would actually be up and running—whereas the underlying committee proposal requires that the full Department be implemented no later than 13 months after the President signs. And presumably substantial chunks of it would be implemented before.

My fear, naturally, is that not only has the Senator, I repeat, taken the heart out of our proposal but that there is no clear date in the Senator's amendment by which Members of the Senate or the American people can have confidence that there will actually be a Department of Homeland Security.

Mr. BYRD. Madam President, may I respond to the distinguished Senator? It is all going to be in the Senator's hands, under my amendment. My amendment would require the Secretary to send up to the Congress his recommendations for implementing and filling in the directorates.

What will happen when those recommendations come to Congress? They will be under the jurisdiction of the committee that is chaired so ably by the distinguished Senator from Connecticut. It is all going to be in the Senator's hands. I will trust the Senator to work in his committee to get those details and recommendations, to weigh them, vote them up or down, amend them, and report to the Senate.

As I have indicated so many times, I am perfectly willing and will be glad to help work out some expedited procedures whereby this will be done.

The whole matter will be in the Senator's hands. I would trust the Senator from Connecticut and his committee far more than I would trust that crowd down on the other end of the avenue. I am talking about the OMB Director, and others. I trust the Senator. I take my hat off to this Senator from Connecticut.

When we say that on February 3 something will happen, on June 3 something will happen, on October 1 something will happen, and in the meantime these matters will go to the committee chaired by the Senator from Connecticut, we trust that Senator to see that the work is done, that it gets done. I don't trust those at the other end of the avenue who will have the thing handed to them, lock, stock, and barrel—take it all; take it all.

I hope the Senator knows I trust him and I have great faith that he and his committee will expedite this action, that they will do a much better job, will keep the hand on the wheel, and the American people to whom the distinguished Senator has so properly referred will be much better protected. I think they would much more trust the elected representatives who are involved on that committee to do a good job and to see that the work is more expeditiously done.

Finally, I will say this: My amendment expedites the work of creating this Department—expedites; doesn't delay but expedites. Read the amendment.

Mr. LIEBERMAN. Madam President, responding to the Senator from West Virginia, I thank him for his trust that we will be able to get the work done next year. But the Senator from Connecticut believes that the committee I am privileged to chair has gotten the work done, and that is what we have presented to the Senate.

The Senator's amendment would not expedite our work. It would in fact block it. It would stop it from implementation. It would extinguish all we have done in these five areas.

I said in my earlier remarks that the committee and I certainly have no claim to perfection. Amendments are in order. As the Senator from West Virginia has said, it is the greatness of this body. And the Senator obviously has a right to submit the amendment that he has, and I respect him. I have a responsibility to my constituents, to my committee, and to my conscience to describe it. With all respect, it appears to me to be an evisceration of what our committee has done. One might just as well vote against the committee's proposal to support the amendment of the Senator from West Virginia. That is how conclusive I think it is.

As I have said, it sort of builds that structure and has a few people up in the attic but nobody underneath really working. A few people in the attic are the Secretary and the Under Secretary, but nobody underneath.

Mr. BYRD. Will Senator yield?

Who are the people underneath in the Senator's amendment? I will tell you who the people are underneath. They are people I am afraid of. The people underneath in the Senator's amendment—I am looking at that chart. I am going to ask to have a chart from my office brought up, too.

It is the people underneath I am afraid of. The people underneath are downtown. They are the people who are saying: Let's get on with it. Let's pass this bill and give the President flexibility, and all this stuff.

I trust the people underneath, if it is Senator LIEBERMAN's committee. I trust them, if they are underneath. That is why I put them front and center in my amendment.

Mr. LIEBERMAN. Well, responding to the Senator from West Virginia, the authority we would give to this administration if—and I hope when—we adopt a bill creating a Department of Homeland Security is no different than Congress gave, I believe it was, the Carter administration during which the Department of Energy was created. It created the Department and gave President Carter and his administration the opportunity to administer it. We maintain the power of appropriations and oversight.

That is exactly what we would be doing here as a result of suggestions made by the Senator from West Virginia and the Senator from Alaska to our committee and components we included at their suggestion in our committee proposal. We have rejected attempts by the administration to have more authority over appropriations and reorganization.

So I wanted to just say—

Mr. BYRD. I thank the Senator. I thank the Senator for doing that.

Mr. LIEBERMAN. I thank the Senator from West Virginia for the suggestions because I thought they had great merit.

I just want to say this is a chart which describes who is under there. As I said in my remarks, we worked real hard on this. Under the Directorate of Border and Transportation Protection, the Customs Service; Animal, Plant and Health Inspection Service from the Department of Agriculture; the Transportation Security Administration; the Federal Law Enforcement Training Center—these are people we trust.

You and I agree these are people the administration seems to want to deprive of some of their existing civil service protections.

Mr. BYRD. Yes. Let me ask the Senator a question. In what titles of the bill does the Senator deal with this on the chart?

Mr. LIEBERMAN. I will come back and check the exact—

Mr. BYRD. He doesn't do it in title I, does he?

Mr. LIEBERMAN. No. Titles II and III, incidentally, are in the White House office.

Mr. BYRD. I know. These charts here, all this work the distinguished chairman is talking about, all these items, these agencies that he has on these charts, these are not the people underneath that are created by title I, are they?

Mr. LIEBERMAN. Yes. They are in fact created by title I. These are existing agencies that are brought from where they are now to be coordinated in the Department. The exception—

Mr. BYRD. How do we know those agencies are among the 28 agencies that are going to be brought into the Department?

Mr. LIEBERMAN. Responding to the Senator from West Virginia, they are quite literally transferred—I mean, literally—in the legislation that we have put before you from our committee. Each one of these is spelled out and assigned to the particular directorate which the chart shows it is located under.

Mr. BYRD. Would the Senator from Connecticut show the Senator from West Virginia and the Senate where my amendment takes those very agencies out?

Mr. LIEBERMAN. Well, as I read your amendment, in the Directorate of Border and Transportation Protection, what your amendment would do is first remove the definition of the mission of that directorate, and then it would eliminate all this underneath and say to the executive branch: Come back—incidentally, not by February 3, but not before February 3—and tell us what you want in this directorate. The same is true of the Critical Infrastructure Directorate or the Emergency Preparedness and Response Directorate.

So everything below what I have called the attic is eliminated, and basically these are generals without soldiers. These are admirals without sailors. They are just the top executives, and they have to wait until the administration makes the recommendations—not before the dates which you have set, and until the Congress acts. And we know Congress has a lot of ways to not act, if it chooses not to.

So the Senator may disagree with the structure, obviously. That is not only his right, I understand if he does, but this was our best judgment as to how to make homeland security work.

I just say that I do believe your amendment takes the heart out of our recommendation and delays drastically the date by which we would have a Department of Homeland Security protecting the American people. That is why I oppose it.

Mr. BYRD. Well, I appreciate what the distinguished Senator says. We have only to look at some of the—let's take the agency that was created, the Transportation Security Administration, to find how quickly the train left the track, how much in error, how many mistakes were made, how that agency went awry.

It should teach us that under the proposals of the distinguished Senator from Connecticut there is liable to be much of that happen throughout this whole Government when we are talking about 170,000 employees and 28 agencies.

I don't know if anybody in the legislative branch is aware of what the 28 agencies would be, what is the full number of the 28 agencies. The Senator may be absolutely correct in that, but I think that under any legislation that is passed, it is going to take many a prayer to have it come out right at the end of 13 months.

I have read recently that it is going to be impossible to meet the deadline of December 31 with respect to some of the protections that are going to be provided to the traveling public in the air. They have already said, well, that can't be met.

So I think at the end of the day we are going to find, under the proposal of the Senator from Connecticut, as well as under mine, if you want to make it that way, we are going to be subject to finding that we have heard that we did not provide enough time, that things are going wrong. And then when we increase the magnitude of what we have already seen go awry with reorganization proposals and find that here was 170,000 employees, I think there is going to be a lot of extending deadlines in the end.

But I am very sorry the Senator continues to believe that my amendment is taking the heart out of his proposal.

Now here is a chart. May I suggest to the Senator that all kinds of charts can be written, and all kinds of charts can be displayed.

Here, if anyone can read, with 20/20 vision, and getting up close, the number of agencies that are affected by this homeland security proposal of the administration—this is the existing bureaucratic structure we are talking about dealing with. This is the existing bureaucratic structure for all homeland security agencies. Here it is.

Well, my goodness, just to read the names of those would take even the Senator, who has good eyesight, several minutes—several minutes, I mean, 15 minutes at least, from the top down.

Look at this. Look at this chart. And all I am saying to the Senator is that we leave in his hands, in the hands of his good committee, the oversight of the creation of this Department, all of the directorates which his committee has proposed.

That is all I am saying. Let's leave it in the Senator's hands, not turn it over to the people in the executive department. I want the people to have security, real security. That is why I want to trust his committee.

Does the Senator have anything further?

Mr. LIEBERMAN. I thank the Senator from West Virginia. I want to say that it is because of the complexity of that chart that refers to the various agencies that have something to do with homeland security or the war against terrorism—you see the Department of State here, Director of Central Intelligence, the Department of Defense, it goes beyond just homeland security and security generally—it is that chart, with all its unconnected pieces, that has motivated our work on this bill.

Take, for instance, all the agencies that have something to do with border security. As we heard testimony in our committee, you go to a point of entry into the United States of America, you have three or four Federal agencies. Each one of them has their own office. Each has their own telephones. They cannot communicate rapidly with one another. The same is true of critical infrastructure protection, of the capacity of Federal, State, and local agencies to work together on emergency response, if, God forbid, there is another terrorist attack. That is the whole purpose of the Department we brought forward.

As I have said, you mentioned my use of the word "pride." It is not so much personal. It is both for the committee, and it is not to ask colleagues to support our proposal because we reported it out. I think it is the best proposal we could make at this time. Therefore, it is the most responsive to the threat of terrorism and insecurity here at home.

Is it perfect? No way. Would it benefit from amendment on the floor? It would and will. Will the Department, once it begins going, when we pass this, still require the oversight of Congress, working with the executive branch to make it work better and better? Yes, it will.

My concern about the Senator's amendment is that it doesn't build on the work we have done. It eliminates it. In that sense, it does set up a procedure which really will delay the date by which we make—let me describe it this way—our first, best effort, which is what I believe our bipartisan committee proposal represents, to create a Department of Homeland Security which will close the vulnerabilities that those evil terrorists took advantage of on September 11. That is why I have my sense of urgency about it.

Mr. BYRD. Mr. President, I will yield the floor shortly. May I just say two things. One, I respect deeply the right of the Senator from Connecticut to disagree. I respect very deeply his own deep feeling of conscience that his approach is the better. I respect that. I salute him for it. But to say that the amendment I am offering does not build on the work that he and his committee have done is borne of misperception, misunderstanding possibly, of my amendment.

It builds precisely on that rock. It uses the same superstructure.

It was not my idea that we have five directorates in title I. It was not my idea that there be six under secretaries or seven, that there be five assistant secretaries. These were not my ideas. I took the product that the distinguished Senator from Connecticut brought out from his committee, and I have attempted to build upon that good work, build upon that rock and improve it.

I shall yield the floor on that and say thank you to my friend and let someone else have the floor.

I will shake hands with him so everybody will know that we are not really angry with one another. We may use all these fighting words. We get out our oratorical knives and we flash them. And they glint in the Sun. I am ready to sit down. I am not mad. I am not angry with the Senator at all.

Mr. LIEBERMAN. I thank the Senator from West Virginia. The truth is, this was an important exchange, an important debate. It does put in clear focus and does give the Senate a decision to make about whether they are prepared to go ahead and adopt the amendment, the proposal the committee has brought out, or whether they want to basically take the superstructure, if I may use your word respectfully, and then come back to fill it in next year or the year after.

It is not so bad to have a little emotion expressed on the floor of the Senate because we both feel strongly about our points of view. Hopefully, from that heat will come some light for all concerned.

I am honored to have participated. I thank the Senator.

I yield the floor. Senator THOMPSON has been waiting so patiently during this discussion. I regret he has left the floor. Pending his return, I yield the floor to the Senator from Michigan.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Michigan.

Ms. STABENOW. Mr. President, I appreciate Senator THOMPSON allowing me to speak for a few moments on this critical issue before he speaks. I have very much appreciated the exchange between my two friends and colleagues.

I rise in support of the Byrd amendment to the homeland security bill. I stress that I very much support a Homeland Security Department. I commend Senator LIEBERMAN, who is the first author. We speak of it now in terms of the administration's proposal, but I think it is important that we continue to recognize that it was the bill of the Senator from Connecticut originally. He is the one who brought this forward to us, and I congratulate him. I tend to support a Department. I think it is very important we do that.

It is very important that Congress have a continuing say in the creation of any Department of Homeland Security, precisely because it is so important. I believe the Byrd amendment does that.

Simply put, the mission of this new Department is just too important to be rushed into law. Senator BYRD has noted that in the past when we reorganized various military departments under one Department of Defense the planning took years. Clearly, we don't have years to create a Department of Homeland Security. I would not suggest that. But that doesn't mean we should not proceed in a thoughtful and deliberate manner to make sure we get it right. This is so important.

In fact, if I could make a historical observation, it was September 17, 1787, that our Constitution was signed by a majority of delegates to the Constitutional Convention.

When that first Congress under the new Constitution met in 1789, it took months of on-and-off debate to create the first three Cabinet posts—the Department of State, the Department of the Treasury, and the Department of War. They even considered creating a Department of the Interior but rejected it at that time.

Before those Cabinet posts were created, George Washington and his Vice President, John Adams, were pretty much the entire executive branch of Government. But that first Congress wanted to take the time to get it right. I suggest that we need to do the same.

Many questions remain, and if the public is to have confidence in this new Department, these questions must be answered. For instance, which agency should be transferred into the new Department, and why? What criteria is the administration using to determine which agencies should be transferred?

Almost all of the agencies being transferred have other functions that are unrelated to homeland security. How will those functions be affected?

In Michigan, there are concerns over whether or not the Coast Guard will have sufficient resources to deter terrorists trying to sneak into our country from Canada by boat and still fulfill its crucial role in search and rescue operations and ship inspections. The Coast Guard is critical to Michigan. These issues are very real for us.

In earlier discussions about a Homeland Security Department, the Department of Agriculture's Animal Plant Health Inspection System, APHIS, would have been moved to the new Department.

While it is reasonable that the border inspection mission of this agency be a part of the new Homeland Security Department, it is critical that the domestic mission of protecting animal and plant health and, ultimately, the health of American consumers, remain within the U.S. Department of Agriculture. If the transfer of APHIS to the Homeland Security Department were to be proposed again, I would like to have the chance to debate that and vote, because I oppose that transfer.

What about the workforce? Will our Federal employees lose the civil service protections created to keep politics out of the Federal workplace? How do we merge all of the different personnel and salary procedures of these different organizations?

Mr. President, I suggest that Senator BYRD is correct. These are huge decisions that will take time to have it done right. These are just a few of the questions that need to be answered. There are many more.

By establishing a Department of Homeland Security in well-defined phases, we will ensure that the Secretary of the new Department will have to return to the Congress and explain the rationale for the administration's decisions as they proceed. I believe that makes sense.

Here is the rough timeframe and key events to create this new Department, as Senator BYRD has outlined before. First, if the amendment passed, we could quickly pass a bill establishing the Office of the Secretary and outlining the superstructure of the new Department.

Then, early next year, the Secretary of Homeland Security will provide Congress with details for the Directorate of Border and Transportation Protection. Then, in the summer, approximately 120 days after the first presentation, the Secretary of Homeland Security would return to Congress and provide details for the Directorate of Intelligence and the Directorate of Critical Infrastructure Protection. Then next fall—again, about 120 days after the second presentation—the Secretary of Homeland Security would again return to Congress with details for the Directorate of Emergency Preparedness and Response and for the Directorate of Science and Technology.

This more disciplined process will help us create a Department that is cohesive, responsible, and effective, with its duties and missions clearly defined.

I believe this is the best approach to make sure that an effective Department actually is created and is one that is in the best interest of our citizens. I strongly support the Byrd amendment and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I think the question before us is whether we will move ahead with a comprehensive reorganization plan to reorganize in a way that will greater protect our country—a plan that is supported by the administration, a plan that was approved by the Governmental Affairs Committee, or whether we go in another direction that I believe Senator LIEBERMAN is correct on, which would move us away and down the road toward delay. It would delay addressing the crucial questions that I think are before the Senate and the country with regard to how we best address our security in the future.

By nature, I tend to want to agree with the Senator from West Virginia when he says that we sometimes move too rapidly and without due consideration with regard to certain important matters that come before this body. I agree with that. I agree with it as I watch amendments to appropriations bills come forth that have not been considered by committees; that have not been subject to committee hearings; that have hardly been debated on the floor, and spend tens of billions of dollars; that grant and take away broad ranges of authority, as amendments and bills are passing through because they are deemed to be convenient vehicles. We do that all the time, unfortunately.

So what we have done with regard to this homeland security bill, in comparison to what we do on a regular basis, makes it look as if we are moving at a snail's pace—not too fast, but at a snail's pace—compared to the short shrift we give and the rapidity with which we pass sweeping amendments to these appropriations bills and other bills that come through here, circumventing the committee process as we do it.

I imagine my friend, the Senator from Connecticut, believes it somewhat ironic that it is suggested he has been giving the administration a blank check on the one hand, when so many have accused his approach as being one of micromanaging what the administration is doing. I must agree with him that the suggestion that this is broad and sweeping, and the implication that it is somewhat unprecedented power to the administration, is unjustified. I think he is right when he talks about the creation of a new Department or the merging of departments or any other broad range of administration activity. The administration is a part of a separate branch of Government, after all. Any time we do that we are granting authority, but it is hardly a blank check.

When we determine such things as there being a Secretary at the top who is answerable—and, first of all, confirmable—to this body, and is answerable under oversight, and creating under secretaries—there are, I believe, 17 individuals created by this legislation, if it passes, which are confirmable by this body, that is hardly granting broad, sweeping authority to the other end of Pennsylvania Avenue.

As my friends from West Virginia and Connecticut were talking about which end of the avenue they trusted the most, I was beginning to fear that they were going to come to agreement on an important part of this debate, but it didn't quite happen. So I feel better about that.

We have 17 confirmed positions in this bill, 6 directorates, pulling 22 agencies together, agencies that have already been created by this Congress, with their duties delineated. We give permission, as it were, for those to be brought together. We delineated in this bill the responsibilities of these directorates, the duties of these positions that we create.

We are certainly not going to lose our oversight duties and responsibilities, if we choose to exercise them. We are certainly not going to circumvent the annual appropriations process.

This bill does get into the details of our intelligence operations. Goodness knows we need improvement in that regard, and we can have a good debate as to how best to improve it. But when Congress in a bill gets down to the business of saying this particular information shall go here and this particular officer shall have the right to this officer's information and this particular information, and the President can step in here but he cannot step in there, that is hardly granting a blank check.

One could argue we need to do more of that and get into the weeds even in more detail, but one can hardly argue we are creating a blank check and certainly one that is inconsistent with what we have done, I think, as a Congress many times in setting forth other important Departments.

Reference has been made to the National Security Act, which was created in 1947. Congress acted then after due deliberation. I presume most folks think we went through the proper process and deliberated sufficiently before we created that agency in 1947.

As I understand it, Congress has subsequently acted 43 times since then. So we should make no pretense whether we do it today or tomorrow or next year or 2 years from now that that is going to be the end of it. It is going to be the beginning of a process to do the best we can. Senator LIEBERMAN said it well when he said: Our first best effort.

The question gets back to one I posed in the beginning: Do we do it now or do we do it later? I have some difficulty with certain parts of the bill that came out of committee. I certainly cannot argue with the detail which addresses the seriousness of the component parts of this new agency that is being created. It is a 347-page bill. There is some other historic legislation that has been passed by this body that is a fraction of that amount.

In sum and substance on that particular point, I will simply conclude that we are at least in the middle of the road in exercising our congressional authority in setting up a new Department as to whether or not we are having our say about how it is to be done versus just handing it over to the executive branch and saying: You fill in all the blanks. I respectfully submit the Congress has not done that.

We get down to the practical proposition that this Congress has relatively few days remaining in this year. We all know we are not going to stay around here too much longer. It is an election year. We may be in the first week of next month; we may be in the second week of next month. Nobody knows exactly how much longer we have. We have several important pieces of legislation still pending which we have to address one way or another—appropriations bills, Defense appropriations. We are going to be considering an Iraq resolution. These are important issues, eminent issues that we cannot avoid, must not avoid, and we will not avoid. We will take up those issues.

The question becomes, again, with regard to homeland security: Do we go ahead and consider these amendments and get on about our business, have a debate on these amendments and let everybody have their say on these amendments, fashioned the best we can, or do we put it over to next year and take it up again next year? Do we really want to go into next year, after having set aside the time to consider this, after about a year, since the start of hearings? Do we really want to conclude we want to put this bill off, in many respects, until next year?

I do not think we want to conclude that, and that is what the adoption of the amendment that is the business before the Senate will do.

We started the hearings process in the Governmental Affairs Committee on September 20 of last year. From September until June of this year, the committee held 18 hearings. So it is almost a year ago we started the hearing process with regard to this bill.

It was almost a year before that very important commissions started telling us facts we did not really want to hear, and that was that we were in danger; that our country was vulnerable; that we needed to address the issue of terrorism; and that a part of the way we must address it had to do with the way our Government was organized.

In December of 2000, the Gilmore Commission released its report. In February of 2001, the Hart-Rudman Commission released its report. Of all the many positive aspects of this body, the most disturbing aspect is how many reports and warnings and how much information we have to get sometimes before it gets our attention. We could not get in this room all the GAO reports and commission reports and other similar reports and comments over the past few years telling us and warning us, generally speaking, of what was coming and what was looming out there, not to mention intelligence information, about which we might or might not be able to talk.

Public bipartisan independent reports were coming in at least a year before we even started our hearings. So we have had the benefit of those reports.

Would that we took that much time on other important issues facing our Nation as we pass amendments to appropriations bills left and right and hardly know on what we are voting, issues on which we have had no hearings, on which we have had no committee action, and we do it helter-skelter sometimes. Compare that to the process we have been through with regard to this issue. So we are here at the end of that time and we are on the bill. We are facing important issues with regard to this bill.

We have considered one of them: the question of whether or not the person who is going to be in the White House is going to be Senate confirmed or not. We had a vote on that. The Senate expressed its opinion, expressed its will on that issue in a pretty convincing fashion, in essentially a bipartisan vote. We decided that would not be a position subject to Senate confirmation because we were creating a new Secretary who was going to be subject to Senate confirmation, and we did not need that duality.

The President deserved counsel inside the White House separate and apart from the Senate-confirmed position. We decided that, but we took it up early last week. We only got a vote on it yesterday.

We have issues concerning the President's national security authority. This bill would actually take away authority that the President has traditionally had with regard to the exercise of his power in instances concerning national security. That is a portion of the bill with which I disagree, and in one form or another I want to debate that issue on the floor of this body.

We have the issue of management flexibility, whether we want to adopt the same old management tactics and techniques and laws that were passed back in the 1950s in the paper age where we have all of these multisteps that people go through in their careers. They go into the Government at a certain level and work their way up and stay with the Government 20 years and then they are out. That is a totally different era than we live in today.

Do we want to adopt those practices to homeland security or do we want to do it a different way? This is an extremely important issue. How are they going to be able to get anyone to take that job, without the tools that are necessary to do that job, under a system that can take years in the resolving of disputes over worker competence and things of that nature? The chance over the last 5 years of a person being dismissed and actually removed from Government because of incompetency is three-tenths of 1 percent. Government workers themselves, the overwhelming number of which are good, competent people, would like some opportunity to make better pay and have some incentive pay and to move around easily and to get hired sooner. Surveys will tell us there is more than three-tenths of 1 percent who might want to find another line of work. Do we want to address that now? We all know it is a problem.

Go down to the Brookings Institution and they will tell you—we all know it—that it is an outdated system. Do we want to address that? Do we want to address the issue of intelligence?

At the heart of all the problems we have seen, before and since September 11, is the problem we have had with the collection, analysis, and dissemination of intelligence material. What could be more important to this country than that? We have a provision in this bill that has to do with that, and we need to discuss it. What is the best thing to do about that?

These are important issues facing the country and this body at the heart of this bill. Are we going to put all of that off until a later time because we have only had a year since we have started the process in this body? I do not think we can do that.

The problem is that we have not had the opportunity to consider those issues. After we considered the issue of whether the White House person is going to be confirmed by the Senate, I stated that I wanted to ask for the yeas and nays, get a vote on it and move to the next amendment. We have not been able to move, since that time, until today. Senators have exercised their rights under the rules of the Senate, and as we came to address this issue yesterday none of those issues—national security authority of the President, management flexibility, what kind of intelligence operation we are going to have, the reorganization authority of the President—have been brought up.

I had not had the opportunity, and my colleagues have not had the opportunity, to address those issues at all, when everyone knows they are at the heart of this bill and they have to be addressed. What happened? Cloture was filed on the bill, which if passed would cut off a vote on all of those amendments.

So on the one hand, we are saying we want due deliberation, we have not had enough time to consider all of these important issues, and then on the other hand we want to have cloture so consideration of those issues are cut off, at least for the foreseeable future. That is the dilemma we have now.

I do not think my colleagues can have it both ways. I could not agree more that we need to take an appropriate amount of time, but simply waiting and watching the clock tick-tock, tick-tock does not make us any wiser. We need to consider the substance of these issues. That might make us a little bit wiser. We need to get on with it, in other words. That is why cloture is so inappropriate on something such as this. That is why we need to discuss and consider these amendments, instead of cutting off debate and washing our hands of it. We certainly should not be putting it off until another year.

How long has it been now since we have known we have had intelligence deficiencies with regard to human intelligence, with regard to our ability to penetrate these foreign cells that wish us so much harm? How long has it been since we have known we have had problems in that area? A long time. A long time. This is not news to us. We do not have to study that problem any longer. We know we have it.

How long has it been since we have known we have had problems at the border? A long time. How long has it been since we have known we have had problems at the IRS—INS? Well, IRS, too, especially, but the INS. We have known of those problems for a long time. They still exist. It is time we did something about it. I do not think the American people want us to wait until next year.

We have spent considerable time in these 18 hearings, and dozens more in the Senate and House committees. Congress and the President have had the benefit of inclusions and recommendations of several commissions, such as the Gilmore Commission and the Hart Commission, that have studied this problem extensively.

Frankly, it is going to be years before this Department is functioning, as it is, and certainly longer if we do not fix the flexibility problems I referred to earlier. If creating this new Department is really the right thing to do, the last thing we need to do is to put off its implementation.

Some would have us wait and deliberate until we get it perfect, but I submit that day will never come. Reorganization of this size is clearly going to require further action by Congress in the future.

The National Security Act of 1947 was not perfect. According to CRS, we have had to amend it 43 times since it was passed. Continuous oversight and legislative action is a part of the process of governing, which we should be prepared to do.

I think it is instructive to look at the chronology over the last couple of years. I mentioned the Gilmore Commission, December 2000; Hart-Rudman, February 2001; September 11, of course, our country was attacked. From September through June, our committee held 18 hearings. Other committees did the same. In October of 2001, the President established the Office of Homeland Security and charged it with creating a national strategy. In October of that year, Senator LIEBERMAN introduced S. 1534, a bill creating the Homeland Security Department. In May of 2002, Senator LIEBERMAN introduced S. 2453, a bill creating a Homeland Security Department and a White House office. In May of 2002, there was a markup in Governmental Affairs. I did not support the marking up of that bill at that time. I probably said some of the same things the Senator from West Virginia said at that time. The thing that I was most concerned about at that time was that we did not have a national strategy. I thought a strategy as to how to approach a problem should proceed a bill that dealt with the problem. I still feel that way.

In July of this year, the President released a national strategy. Also, in July of this year, the Governmental Affairs Committee received recommendation from several other Senate authorizing committees regarding the homeland security bill. This was a composite of the studied considerations and recommendations of other authorizing committees. It may be true that not many Members in terms of a percentage of the whole body know a great deal about the details of this bill, but there are Members and there are other committees who do and have been a part of this process.

If there is truly a structural problem with the House bill or the substitute, we ought to consider it. We ought to take it up. We ought to talk about it. See what it is. See if we can do better. See if we need to set it aside. See if we need to amend it. We can do that. But so far, with the disagreements that we have on management flexibility and national security authority and things of that nature, most Members who have looked at it are in the same structural ballpark. And the parts we have a problem with, we are trying to deal with on the floor. So it comes down to the question of whether or not we want the Department right now. I believe it is the right thing to do and the responsible course is to act while we have the momentum.

There are a couple of points that are properly characterized as "lesser" that I think are worth noting. This amendment also strikes language that allows the Department some flexibility in the procurement of temporary services of experts and consultants. This language was a compromise offered by Senator LIEBERMAN in committee. It is important language that allows the Secretary access to the full panoply of experts he will undoubtedly need. Even under the limited structure envisioned by this amendment, he may need consultants to help determine the Department's needs for the legislative proposals or for the INS Directorate, which is not limited by the amendment we are now considering.

In addition, the amendment strikes the visa issuance force of the substitute. This is a provision that was also in the President's proposal. It provides the Secretary of Homeland Security authority to issue visas which would be exercised through the Secretary of State. All 19 of the 9/11 hijackers came to the United States with legal visas; 3 of these obtained their visas through their travel agents through the State Department's visa express office. Many people who come to this country obtain their visas through the State Department. Striking this provision takes away the ability of the Secretary to coordinate the visa issuance with the rest of the Department, maintaining consistent rules and policies.

With all due respect, I hope we will not adopt this amendment. I hope we can proceed with the important issues we have before the Senate that we have not had a chance to get before cloture was filed: The issues of whether the President's national security authority will be reduced; the issues of whether the new Secretary who is going to be taking on this broad responsibility will have the management tools with which to get the job done; the important issue of what kind of intelligence apparatus do we want within this Department; the issue of reorganization. All of these issues have been discussed in committee and have been discussed in some detail, many of them, by various commissions for some time. It is time for the Senate to discuss these issues.

I continue to mention them in passing as we are considering other amendments, but we have not had the opportunity to discuss these things. If we want more time to discuss these important issues, these aspects of the bill, I suggest we take that time. We have it. We have it right now. These are all issues that need to be debated and discussed before this body. I don't know why we would want to wait any longer with regard to that which we know is so deficient.

I suggest we get on about that and we be allowed to consider them in however much length or detail we want, with everyone exercising their full rights but talking about the substance of these issues that are before the Senate, that are staring us in the face, and are begging for our consideration.

Mr. BYRD. Will the Senator yield before he yields the floor?

Mr. THOMPSON. I would be happy to yield.

Mr. BYRD. I see other Senators wish to speak. I compliment the distinguished Senator on his statement. I say again, he is an excellent lawyer, I believe. Yes, he is.

Mr. THOMPSON. The lawyer part, anyway.

Mr. BYRD. He is an excellent lawyer. I think he has made from his point of view, certainly, an excellent statement in support of a bill that he does not like. He does not like this bill. He did not vote for this bill when it was in the committee. That is what I call a good lawyer. Here he is on the floor making an impassioned speech.

Mr. THOMPSON. It will get better.

Mr. BYRD. A very careful speech. It is thoughtful and I like that about him.

I think there was one item; the Senator, I believe, asked the rhetorical question, Do we want to wait until next year? Let me just say right here that the people who are providing security for our country, and are on the job for all of us, are on the job right now. They are out there when we are sleeping, and they are good people. They are very dedicated people. They are at the ports of entry; they are at the airports; they are at the river ports; they are on the 75,000 miles of northern and southern borders in this country. They are on the job.

I believe they arranged for the arrest of six persons in New York just a few days ago. We did not have a new Department of Homeland Security. Those people are on the job right now. They are doing the work.

So I think we have time to think this thing through and try to do the job right.

Again, I compliment the distinguished Senator. There are other Senators who wish to speak. Senator GRAMM from Texas is here. May I just say I know that Senators BOXER, CANTWELL, DORGAN, JEFFORDS, SCHUMER, and others want to speak on this amendment—not necessarily tonight but maybe in the morning. I thank the distinguished Senator again.

Mr. THOMPSON. I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Texas.

Mr. GRAMM. Mr. President, I spoke earlier today under our time limit and I was grateful for the opportunity and said much of what I wanted to say on this subject today. But I wanted to come over this afternoon to talk a little bit about the Byrd amendment and to focus in on where I think our problem is, in coming to what I believe should be a bipartisan consensus.

Let me, first, say that Senator BYRD has spoken at great length on this issue. On Friday I was running on a treadmill—coming as close to running on a treadmill as an old man comes , to exercise my mind as well as my body—I listened to Senator BYRD speak for almost an hour. I had, on two occasions, listened before. I want to make the following observations.

First, there is one point that I am convinced on by Senator BYRD and that is the point about appropriations. Senator BYRD has talked about the Constitution and talked about our responsibility as an independent and equal branch of the Government. I think nowhere has his argument been stronger and more to the point than on the issue of the power of the purse. I want to make it clear that tomorrow Senator ZELL MILLER and I will be presenting a substitute. Maybe not on the floor. I don't know where we will be, in terms of ability to offer an amendment on the floor, but in the morning we are going to put out a substitute that we have been working on intensively for some 3 weeks.

One of the changes we have made is we have eliminated this 5-percent flexibility in appropriations. I believe that for every one problem that we have in trying to deal with homeland security and deal with a massive new Government agency, for every one problem we have where the President would want to reprogram funds unilaterally, we are probably going to have 500 problems with administrative flexibility and with the ability to put the right person in the right place at the right time.

So in listening to Senator BYRD and working with Senator STEVENS,. at least in terms of what we are offering as an alternative that we believe has some bipartisan appeal, that takes much of what is done in this bill and in the House bill, we have been convinced that Senator BYRD is correct in noting that a fundamental power of Congress is the power of the purse. It is a power that the Congress has to be very jealous about relinquishing, and it is something that should not be done.

I am also convinced, as we begin the process of making this new Department work, that we can come up with a process whereby efforts to reprogram funds can be dealt with on an expedited basis. I had the privilege of being a subcommittee chairman for 2 years at the Commerce, Justice, State Appropriations subcommittee. I do not think there was ever a time where any of those agencies asked for reprogramming of funds that we ended up denying them. So I think that is something that can be worked out.

I think the points that were raised were strong points. It is an area where I find myself in agreement with Senator BYRD, and it is something that I believe we can and will fix. And the administration does support this substitute.

Mr. BYRD. Mr. President, if the Senator will yield for a moment?

Mr. GRAMM. I am happy to yield.

Mr. BYRD. I thank the distinguished Senator for what he has said. I appreciate so much his good work on the Appropriations Committee when he was a member of the committee. And our loss is the Senate Finance Committee's—I believe—the Senate Finance Committee's gain. I thank the Senator. I am flattered by his remarks. But he and I both know that he agreed with the Constitution on the power of the purse more so than with Senator BYRD. I thank him. That was part of his statement, but it was part of the Constitution that we both revere and respect, not only to that matter but certainly to that matter. And the Senator has ably addressed himself to that. I thank him.

Mr. GRAMM. I thank the Senator for his kind comments. I will say, in my 6 years on the Appropriations Committee I learned more about how Government really works than in any other of my service. Some of which I liked, how it worked. In some cases I didn't like how it worked.

Let me now turn to the other issues. I want to begin with the following point that I think in a reasoned way we all agree with. One of the interesting things about public life and public service, and serving the greatest country in the history of the world, is that it constantly comes home to me that good people with the same facts, as Thomas Jefferson observed, are prone to come to different conclusions. There are several areas where I have come to a very different conclusion than Senator BYRD, and a very different conclusion than Senator LIEBERMAN. I would like to try to explain why I have reached the conclusions I have reached. These areas have to do with what I think goes to the heart of homeland security.

I think it is very instructive to note that there have been areas where the Congress has already decided that the civil service system, in those critical areas, needed to be changed. It is not as if we have not had many warnings about the inadequacy of the civil service system.

The other day I was using some facts and there was an extra part to the story, but I want to repeat them with the rest of the story in it. I think they bring home the point.

In 2001, we had 1.8 million people working for the Federal Government. Based on the performance of those 1.8 million, we immediately terminated 3 people. Under the previous administration, 64,340 Federal workers were estimated, or at least judged by that administration, to be poor performers. Of those 64,340 out of 1.8 million, we went through the process of removal with only 434. And that process takes up to 18 months.

Currently, in OPM polls of Federal employees, the very people who many of our colleagues and many of the unions which oppose the President's bill claim to be representing, in opinion polls taken of Government employees, two-thirds of Federal workers today believe that poor performers are not adequately disciplined by the current system. That is two-thirds of the people who work for the Federal Government in random sample polling believe that job performance has little or nothing to do with their chances of promotion.

So, first, I think it is important, in looking at what we are asking in terms of powers to promote national security and to protect it, to note that the current civil service system is far from perfect.

Second, we have had study after study conclude that we needed a dramatic change in the civil service system—the Grace Commission report in 1983 and the Volcker Commission report. As we are all aware, Paul Volcker, former Chairman of the Federal Reserve Bank, certainly no union basher in the political phrase of our era and of this bill, concluded:

> The current system is slow. It is legally trampled and intellectually confused. It is impossible to explain to potential candidates. It is almost certainly not fulfilling the spirit of our mandate to hire the most meritorious candidates.

Our own colleague, Senator Warren Rudman, headed up the U.S. Commission on National Security. We all know Warren Rudman. We know he is a serious person. We know he did not enter that Commission with any ax to grind. Yet he concluded that "today's civil service system has become a drag on our national security. The morass of rules, regulations, and bureaucracy prevent the Government from hiring and retaining the workforce that is required to combat the threats we will face in the future."

Not only are people in the system registering their unhappiness, but we have consistently had commissions headed by Democrats and headed by Republicans that have called for a dramatic reform of the system. Interestingly enough, we have responded.

When we decided to federalize inspectors at airports, in that bill we gave the President power in terms of personnel flexibility to hire and fire. We gave him the ability to get around the normal procedure that requires up to 6 months to hire somebody. We gave him the ability to fire for incompetence and to promote, to some degree, on merit.

We have done the same thing in the past with the Federal Aviation Administration. But, interestingly enough, in one area we have granted a tremendous amount of flexibility, when we decided to reform the Internal Revenue Service, we gave the executive branch of Government tremendous flexibility in hiring, firing, pay and promotion, because we were so concerned about the inefficiency and the potential corruption in the Internal Revenue Service.

I ask my colleagues: If we believed that the current system was failing us in the Internal Revenue Service and that we had a problem which required a different approach and more flexibility with regard to our sensitivity at the Internal Revenue Service with people who know our intimate financial information and who look at our tax returns. If we believed that flexibility to administer that Department was necessary—and we did, and we adopted it and it is the law of the land today—I wonder what people back home would think when we said we thought flexibility was required at the Internal Revenue Service in terms of personnel because of its sensitivity and because of the lack of efficiency, but we don't think similar or greater flexibility should be provided to the President and to the Secretary of Homeland Security.

If we thought the problems at IRS justified a new approach, a new flexibility, the ability to hire and fire and promote based on merit outside the Civil service system in terms of special procedures, how, after 9/11 and after terrorist attacks that killed thousands of our citizens, can we not believe that homeland security is at least as important as the Internal Revenue Service?

When we granted flexibility for the Transportation Security Administration in the hiring, firing, and promotion of people who inspect your carry-on bags at the airport and helping to provide security, does anybody believe it made sense to give flexibility to the Transportation Security Administration but it doesn't make sense to give even more flexibility to the Department of Homeland Security?

I don't think 1 American in 100 would agree with the thesis that the IRS is more important and that we are more concerned about its ability to do its job than we are concerned about the ability of the Coast Guard to keep a nuclear explosive from being brought into New York Harbor.

But, incredibly, I think we got off into the ditch on this bill was that, while the Congress has already granted some flexibility to the President in the Transportation Security Administration, Internal Revenue Service, and Federal Aviation Administration, for some remarkable reason—even after the terrorist attack in New York—in this bill, a decision was made that the President should have less flexibility in managing the Department of Homeland Security than he does in managing the Internal Revenue Service. I think the American people will find that virtually incomprehensible, and I think they will find they are unable to accept it.

Another place that I think we got off into the ditch on this bill was taking away power that the President now has. If you went out and did a poll, and if you asked people: Do you believe, in light of the attacks on September 11, we should give the President more power in the ability to run the Departments of Government that have to do with homeland security after the attacks than he had before?—if you posed that question, I don't believe there would be 1 American in 1,000 who would have said: No, let us take national security power away from the President. Not 1 in 1,000 would have said : No, why don't we just leave it like it is? I think probably over 900 out of 1,000 would have said: Yes, we ought to give the President more power.

But, for some remarkable, unexplainable reason, the bill that is before us actually takes power away from the President which he has today.

I remind my colleagues, when the President is asking for the ability, for national security purposes, to override union contracts in terms of work rules, that is a power the President has today—unabated in those areas that deal with intelligence and national security. The President has that power today. The current and previous Presidents have used that power, and that power is currently in effect. The waiver of collective bargaining agreements has occurred in eight Government agencies as we debate this issue about whether the President should have this power. Every President since Jimmy Carter has had this power, and they have used the power. Currently, in the following agencies, collective bargaining agreements of one form or another have been waived: The FBI, the CIA, the National Security Agency, the Secret Service, the Air Marshals Offices of the Federal Aviation Administration, the Criminal Investigation Division at the IRS, the Office of Criminal Enforcement at the Bureau of Alcohol, Tobacco, and Firearms, and the Office of Enforcement and Intelligence at the Drug Enforcement Agency. In those eight Government agencies today, we are operating under rules that the President has asked for power to use in the new Department of Homeland Security.

I would have to say that never once in the Carter administration, in the Reagan administration, in the first Bush administration, in the Clinton administration—never in any of those administrations, so far as I am aware, did anybody propose taking away those national security powers.

As I have said, these powers are currently in force in eight different Government agencies. Yet, remarkably, after the attack on 9/11, and in a bill we wrote to respond to it, this bill takes away power that President Carter had, that President Reagan had, that Bush 41 had, that Clinton had. I just would like to note that I do not remember—and I have served in Congress since the last 2 years of the Carter administration - but I do not remember, in any of those administrations: That is too much power for the President to have. He ought not to have that power, and we ought to take it away from him.

But yet, remarkably, in a bill we have written to respond to the crisis we face, and the mortal risk we face, and in a follow-on to thousands of our citizens being killed in a terrorist attack, for some unexplainable and incomprehensible reason, the bill that is before us says we are actually going to take power away from the President to have a national security waiver of work rules under this new law and in this new Department.

I do not believe, if the American people really understood that is what the bill is trying to do, there would be 1 American in 100 who would be for this bill. And the President has said he is not for it, and he will veto it.

Let me explain what we are talking about in terms of these waivers. We are not talking about waiving worker protections in terms of the basic rights of people and their constitutional rights. We are talking about work rules that have been negotiated as part of union contracts that interfere with our ability to do the job in the new Department.

Let me, very briefly, go through a few of those work rules that have impeded our ability to do things similar to the things we would like to do in the name of homeland security. Let me do a couple of them in detail, and then I will just mention the others.

In 1987, the Customs Service in Boston decided they wanted to reorganize the inspection room. They concluded they could be more efficient in inspecting things coming into the country. So they set about the process of remodeling the inspection space.

The Treasury Employee Labor Union filed a complaint with the Federal Labor Relations Authority claiming that to reorganize that work space, to reconfigure it, without renegotiating the union contract, violated the union contract. It ended up going to the Federal Labor Relations Authority, and—guess what—they ruled that it violated the union contract and the Customs Service could not restructure the inspection area.

Now, look, after 3,000 people died in downtown New York, if we conclude, with this new Department, that we need to change the inspection area at the airport, are we going to go through 18 months of negotiating with the National Labor Relations Authority as to whether we can do it, when the lives of our people are at stake? Absolutely not. Nor would anybody in their right mind suggest that we should. That is the kind of waiver authority for which the President is asking.

I will give you another example.

Under the work rules that govern border inspection, Barry McCaffrey—you all will remember Barry McCaffrey, the good general who was the drug czar during the Clinton administration—he observed, in the San Francisco Examiner that under these work rules for Customs and INS, there were some things they each could and could not do under these contracts. He observed officials at one agency were actually forbidden to open the trunks of cars, a policy well known among the drug dealers. Then he talks about how actually knowing these work rules allowed the drug dealers to game the system.

Now, let me switch to the Coast Guard. Are we willing to let work rules and what some people will and will not do prevent us from searching a barge that might bring a nuclear device into New York Harbor? Does anybody really believe, in the Department of Homeland Security, the President should not have the power to waive those work rules when people's lives are at stake? Nobody believes that. But that is what we are debating here. That is what this debate is about.

Let me give you another example. In 1990, INS wanted to add an extra shift at the Honolulu Airport to deal with a surge in international flights in the afternoon. They had a backlog and had people waiting in line, so they wanted to add another shift in the afternoon to do their inspections.

But there was only one problem. The American Federation of Government Employees said: No, you are not going to add that shift because we have a union contract that says we get a say in whether more personnel come on board to do part of our job. And you have already guessed it: The union took the case to the Federal Labor Relations Authority and, they ruled that the INS could not add the shift.

Now fast forward through 9/11. Take into account that people died at the Pentagon and the World Trade Center. Are we really going to allow a union agreement that would make us go back and renegotiate the contract before we could put more INS agents in an area where we believe there is a clear and present danger to the lives of our citizens? Obviously, some people think we should. That is what the debate is about. But I cannot believe most Americans would think the President should not have the power to say: Now look, this is no Sunday picnic we are going through here. People's lives are at stake. We need more people here, and we need them today, and we are putting them here. And if you don't like it, go work somewhere else.

Now, that may seem extreme to some people, but I don't see it as extreme. If somebody is coming through Customs in Savannah, and they might kill my mother, I feel pretty strongly about it. And when we are dealing with homeland security, these kinds of issues have to be taken on and addressed.

Now, I have gone through enough of them in detail. Let me just touch briefly on a few of others: Prohibitions against special task forces operating in the Border Patrol. Listen to this, we have union agreements that prohibit us from stationing Border Patrol agents, for any period of time, where there are not suitable eating places, drug stores, barbershops, places of worship, cleaning establishments, and similar places necessary for the sustenance and comfort and health of employees. And I generally agree with that. We have a lot of great people who work in the Border Patrol. But when lives are at stake, when you have extraordinary circumstances, we cannot be required to go back and renegotiate a union work rule because an area where terrorists might cross the border does not have a dry cleaner. Dry cleaning is important, but it isn't that important.

You get the idea, in listening to some of our colleagues, that when the President is asking for the right to suspend these work rules, it is just willy-nilly, wholesale, we don't like your looks, you are out of work.

We are talking about being able to put a Border Patrol agent where there is no dry cleaner in an emergency; not that we want him to go off and live in a tent. But if he has to live in a tent for a few weeks or a few months to protect our citizens from being killed, I think they would willingly do it. I don't think it is asking too much to ask people to do it.

I will touch very briefly on the others. Body searches of detainees: You would think we would have the right to determine, in terms of our Border Patrol and our INS, what the body search policy would be based on the threat. But we really don't have that right because, under a union work agreement, the union has to sign off on a change in policy. And in 1995, when we tried to change the policy, the Federal Labor Relations Authority overruled the Department and set aside the new search policy.

We have had similar things happen with firearms. We have had similar things happen with what offices could be opened and closed.

This is not some idle concern. This is not some theoretical power the President wants. This is something that is a real-world problem today. It is something that the Congress gave the President in the Transportation Security Administration, the Internal Revenue Service, and the Federal Aviation Administration. But yet, remarkably, in the bill before us the majority in the committee decided that, you don't want to give the President the same flexibility with regard to the Department of Homeland Security where you are talking about lives. I don't think people understand that, and I don't think they accept it.

As another example of how out of focus with reality the current bill is, you might ask yourself, when we have had the Federal Government put up tens of billions of dollars to pay for what happened in New York to try to comfort the people who were hurt, to rebuild the Pentagon, to indemnify people, and as we begin the rebuilding process, you might ask yourself, in light of the new reality after 9/11, should Congress artificially make it more expensive for Government to help people rebuild something that is destroyed? Should they leave it the way it is, or should they make it less expensive?

I think if you ask the American people, in light of 9/11, do you think Congress should add a provision that will raise construction costs for FEMA for emergency assistance to people who have had their property destroyed, their lives uprooted, should we pass a law that requires the Government to pay an artificially high wage to people working in those areas, or should we rebuild those things competitively so we can help more people, I think if you ask the American people, they would say, why should we pay a premium when we are trying to help people?

Yet remarkably, almost unbelievably, in a bill that is supposed to be responding to 9/11, there is a provision which says that on any construction that we undertake in responding to a disaster, we have to pay an artificially high wage that numerous outside groups and groups within the Government have estimated would raise the cost of that construction in emergency assistance by 20 percent. Why in the world would you have a provision such as that in this bill? Why would you apply this provision called Davis-Bacon?

It is explained in one way; it operates in another. The way it operates is, you look at the highest wage paid anywhere in that region, which can be a huge swath of the country, and then anything that the Government does in emergency construction in that area, it has to pay that wage, whether there are good people willing to work for less or not, whether everybody else is paying less or not.

Why in the world would you put that provision in this bill? How could it possibly make any sense? The obvious answer is it doesn't make any sense. Nor are you going to hear people stand up and defend it.

I have talked longer than I meant to talk. Let me conclude by simply making a couple points.

A bill that is supposed to respond to an attack on our country and the great vulnerability we have as a result of that threat, that actually takes power away from the President to provide security and takes power away in the name of security concerns, is totally unacceptable. That is what this bill does.

The President of the United States, if this bill became law, would have less power to use national security waivers to promote homeland security than Jimmy Carter had or than Ronald Reagan had or than Bill Clinton had and that Bill Clinton used. Eight Government agencies today are operating under those rules. Yet in a bill that is supposed to be promoting homeland security, we say: It was all right for Bill Clinton to do it prior to 9/11, but now we are going to take that power away from George Bush.

No, you are not. That is not going to happen—not in this life. That is just not going to happen. And there is not going to be a deal cut on it. We are not going to adopt a bill that gives the President less power to respond to 9/11 than he had the day before it happened. It is just inconceivable and totally unacceptable.

No. 2, the President has asked for some flexibility in putting the right person in the right place at the right time. He doesn't want to have to wait 6 months to hire somebody.

The FBI agent, Colleen Rawley, who sent the cable into the home office of the FBI saying, we have people with terrorist links taking flight training and maybe somebody ought to look at it. Don't you think that maybe the President ought to be able to go back and promote that agent and give her a good pay raise? Also, I would have to say that after the picture of these people who flew these planes in the World Trade Center was on every television set in America with their names, for the INS to turn around several weeks later and grant them a visa to come into the United States, I think the President should have had the power to say: Look, guys, we can't live with that, and you are fired.

Now, you may think you should have those powers. I do. You may think you should not. But how do you justify that we gave similar powers to the Internal Revenue Service and to President Clinton but we will not give at least the same powers to the Department of Homeland Security under President Bush?

Finally, there is just a lot of piling on in this bill. This Davis-Bacon provision is piracy; it is just piracy. When we are spending more money on emergencies than we have ever spent, the idea that we are going to make the Government pay a 20 percent premium—something we didn't have to do before this bill passed but now we are going to make them do it—it is absolute piracy. I think people ought to be ashamed that it is in there. I haven't heard many people bragging about it being there, but sure enough, there it is.

I wonder if we could not have had a bipartisan bill, if we had just started out with a set of principles: No. 1, whatever power the President had before 9/11 he would still have when this bill was written; No. 2, any flexibility we have ever given the President with regard to the Internal Revenue Service and its operation, the President ought to have, at a minimum, that flexibility, and No. 3, provisions that actually make the job harder ought to be debated another day. I believe if we had started with a set of principles—those 3—we would have had a bipartisan bill and 95 Members of the Senate would have voted for it. But for some reason, which I do not understand and cannot comprehend, we now have an issue which has become largely partisan. It all revolves around an effort to take away from the President powers he had before 9/11.

The real stumbling blocks on this bill boil down to three things: An effort to take power from the President in terms of national security waivers, which is not going to happen; then, a refusal to give the President personnel flexibility greater but similar to what we have already done in the IRS; finally, gratuitous provisions, I guess, in this piling-on mentality such as putting Davis-Bacon requirements onto FEMA something we have never done before.

Those things represent our problem, and I think as people understand them, I don't believe the provisions of this bill can be sustained. I do not believe that, if the public really understood what was going on here, they would put up with it.

I am hopeful that we can have an opportunity to vote on these issues. I think we will have a substitute that will try to deal with them. I am sure the vote is going to be very close. But I think it is important that people understand the issues. Something is really wrong when we cannot even get an amendment accepted that says the President cannot have less power than he has today. I mean, that is almost unimaginable, but this bill does that. I think when people understand it, they are going to be very unhappy about it.

I think the President's position is not perfect. I think he went a little too far on appropriations, but I think that can be fixed. I think on the key elements we are talking about now, the President is on the side of the angels. It is clear to me he is not going to budge, and so if we are unwilling to let the President have the power that every President since Jimmy Carter has had, then I guess we will have an opportunity to explain it to people, and I am sure they will ask for the explanation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. First of all, the discourse of the Senator from Texas has really pointed out the primary problems here. They are both political and substantive. The political problem is that there are those who have a different agenda than the President of the United States, who is simply trying to reorganize Government to deal with the threat of terrorism, to create homeland security for the American people.

Instead of cooperating in that effort, there are those who would settle old scores, create new agendas, or add new things. Everybody's motives are pure in this. The problem is that by getting the legislation so complicated, so convoluted, and so loaded down with other things, they are going to destroy the original intent, which was to streamline the process and make it easier to deal with the threat of terrorists.

My grandmother had great sayings, and one was: Too many cooks spoil the broth. It is not that we all should not have a hand in the drafting of the legislation, but I do think when you are trying to create something such as a new Homeland Security Department, you have to give some deference to the people in the executive branch who have painstakingly put this together, who have experience with making executive offices work, and to the President who has an idea of what he wants to do here. Instead, we have a lot of extraneous ideas floating around that I think, in the end, complicate it and add extraneous matters that don't have to be in there, such as Davis-Bacon requirements, which will add costs to construction.

Ironically, they have the effect—I cannot believe this is the intent of the authors, but it has the effect of giving the President less power to deal with these problems than he has today. Right now, the President would be better off with the agencies as they exist, coupled with his authority, from an administrative or executive point of view, to move people around within those agencies; he would be better able to achieve his goals than by adopting the legislation that is before us.

Let me point out a couple of other examples of why this is true. Senator GRAMM had several examples in areas of the bill he was looking at. Let me refer to another area. For some time, there has been an appreciation of the fact that in dealing with border and immigration issues, we really have two separate types of issues, and while both are dealt with as a part of the Immigration and Naturalization Service, which is under the Justice Department, I think some consensus has been developing that, in some way, we need to separate the border control function, which includes entities such as the Border Patrol, and the investigative services, and so on.

To separate those out—those are sort of law enforcement, border protection functions—to separate those from the more customer-oriented—I don't like that word, but that is the word in vogue now—customer-oriented services of immigration visas, student visas, and the legal immigration into the country, in other words—there is some sense to that division of responsibility.

This is something the President had offered. Initially, it looked as if the legislation that would be written here contained a version of that division of authority. But as it turns out, under the Lieberman proposal, it gets a lot more complicated than that. I don't know whether this is really intended, and there doesn't seem to be any particular rhyme or reason why it is done this way, but it ends up being convoluted, very complicated, unnecessarily bureaucratic, ineffective, and confusing at end of the day.

Let me describe precisely what I am talking about. Division B of the Lieberman bill creates the Immigration Affairs Directorate. That includes all immigration functions of the U.S. Government. So far so good.

Division A of the bill creates, among other things, the Border and Transportation Affairs Directorate. So far so good. That is supposed to be the entity that deals with the Border Patrol—basically controlling illegal immigration and terrorism threats on our border.

Under the Lieberman bill, it goes off track right after that because this Immigration Affairs Directorate is supposed to handle the visas, citizenships—all immigration functions, including all immigration enforcement functions, intelligence, investigations, detention, Border Patrol, and border inspections. All of those are moved into this immigration affairs box.

One might say: What is left in the other box? I cannot find much that is left there.

The problem is, we thought we had a solution to a problem. I thought everybody agreed to it. Now we are going right back to the problem we had in the first instance by putting all of the law enforcement, antiterrorism, Border Patrol, investigations, detention, inspections—all of that—right back into the Immigration Affairs Directorate.

One of the biggest priorities of the President, in addition to dealing with terrorism, in the homeland security bill is to streamline the process at the border. Coming from a border State, I can tell my colleagues this is critical, and it goes all the way from Customs, which has a significant responsibility here, to INS and all the related agencies.

We have two somewhat contradictory needs that come together at the border. We have a big security need. We want to make sure no illegal immigrants, no illegal contraband, drugs, weapons, and the like are smuggled into the country. We saw recently how we were able to check out a ship that we suspected had cargo that was radioactive. It checked out OK, but we were able to have it stand offshore until we had an opportunity to run the equipment over it to make sure there was not a bomb or something radioactive on board. That happens every day at our land borders, at our seaports, and at our airports many hundreds of times—in fact, thousands of times. There is specialized equipment to make sure nothing is brought in that should not come into this country. That is critical to both the security of the country from a terrorism standpoint, as well as a law enforcement standpoint.

At the same time, we want to enhance commerce. We do not enhance commerce by having long lines of trucks or cars or people waiting to be checked out before they can come into the country.

On my border in Arizona, we have a huge problem with long lines, with trucks having to literally park on the Mexican side of the border and wait overnight to come through customs. That is detrimental to trade, commerce, to people and their lives.

I was reacquainted with a former staffer from Tucson, AZ, whose family lives in both Nogales, AZ, and Nogales, Mexico—two towns on either side of the border. She told me how hard it was going back and forth visiting family and friends. She had to wait in line literally hours. Therefore, we have these two competing needs, and we have to streamline the process.

Kudos to the Bush administration. They were coming up with a lot of good ideas about how to expedite the process of crossing for family and trade, while also making sure that we protect against contraband, illegal immigration, and terrorists entering the country.

The Lieberman bill, by contrast, gets us all the way back to where we started by refusing to move the enforcement function out of the immigration affairs box and into the Border Affairs Directorate where it belongs. Instead of streamlining our activity at the border, I fear it will be the same mess it has been in the past. I hate to describe it that way, but that is exactly the way it is.

The administration's proposal, by contrast, created this separate Border Transportation Protection Directorate, and that is where all of the Border Patrol activity, investigations, and the like, is embodied. As I said, under the Lieberman bill, all of that has been put into this immigration affairs box.

At the very least, it seems to me the Border Patrol and border inspections functions should be included in the border and transportation affairs box. One might ask: Can't reasonable adults work on this and get this straight? We have tried.

What I am saying, Mr. President, is there will be a substitute offered. Senator GRAMM has mentioned this, as has Senator THOMPSON. The substitute is a compromise of what the President proposed and features of the Lieberman bill and, I suspect, also features of the Byrd amendment. I believe this issue is pretty well straightened out in this compromise substitute that is going to be offered. It puts most of these functions that are law-enforcement-related functions, the antiterrorism-related functions back into the right box.

If we do not do this, the bottom line is security is going to be compromised. This is not something that is irrelevant and unimportant. It is very important to the whole purpose of developing the homeland security bill.

One might ask why this border transportation affairs box was created. What is left in it? The primary function that is left is Customs. Yet it describes the Customs Service still as a separate entity. So I am not exactly sure how that is going to work. Presumably, Customs will continue to operate almost independently from the Under Secretary of the Border and Transportation Directorate, which is not what was intended. It has the Coast Guard. Again, that is deemed a distinct entity. And it has the Animal and Plant Health Inspection Service and the Federal Law Enforcement Training Center, but the Federal Law Enforcement Training Center trains what? Border Patrol agents. We have a division there that does not make sense at all.

This is very confusing, it is unnecessarily complicated, and it is just another example of what Senator GRAMM was talking about.

Let's get back to the simple, direct approach that has been presented by the administration. That is a much wiser approach. It moves all the immigration affairs, with an emphasis on the importance of immigration services, to the Border and Transportation Protection Directorate, and it sends a message that we are serious about streamlining all of our activity at the border, whether it be the immigration-related activity or the law enforcement activity, and still effectively fights terrorism.

Let me mention one other problem before I finish. It is a related problem with this division B, the immigration affairs. It has language included which would abolish the Executive Office for Immigration Review and create within the Department of Justice what amounts to an independent agency for immigration judges.

Immigration law is complicated enough. There are a whole series of precedents. There is a process by which you have a decision made, a review of that decision, and eventually the final review all the way up the chain in the Department of Justice by the Attorney General of the United States. There is a body of case law built around this. There are procedures that are built around it. As far as I know, those procedures are working. I do not know of any reason, for homeland security, why we would want to change that. This legislation fundamentally alters the INS administrative process.

It seems at the very least the language, which designates when and how this new Executive Office for Immigration Review operates, needs to be changed so the checks and balances that exist today in the Department of Justice will either continue to exist there or in the new Homeland Security Department.

Unfortunately, this simply has not been written in a way that will guarantee we have the same kind of review and fairness and justice in the immigration process.

There are other things. I have a 5 o'clock engagement, so I am not going to go into more detail at this time. As I said, I do not question at all the motives of those who come up with different ideas on how to do different functions.

The problem is we all have our own wonderful ideas about how everything should be fixed, and if we try to do that all in the homeland security bill, we may be biting off more than we really need to chew. We may need to get back to the basic task, which is to ensure we can protect against terrorism and have real homeland security and have a reorganization of Government that enables us to do that and not take on every other issue that people have that they have wanted to deal with and settle up over the years and use this bill for the opportunity to do that.

Those things that work well enough the way they are, leave well enough alone. But with respect to this question of border security, I think we have to pay a lot of attention to the experts who have suggested it is critical the emphasis on border security be recognized and that we understand what happens when we put the group of people who do that work in a box or a division or directorate which has other responsibilities.

This is arguably one of the most critical functions of the reorganization of homeland security, and we have to get it right. I am hoping my colleagues will consider, when we offer the substitute that I believe fixes this and gets it back more to the original intention, that whatever else they may think about aspects of the Byrd amendment or the Lieberman bill, they will recognize this is an improvement and support that feature of the substitute.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, earlier I spoke at some length expressing my opposition to the amendment introduced by Senator BYRD. Members have come to the floor and have spoken not so much on the amendment offered by the Senator from West Virginia as they have on another question which engages some considerable debate among Members of the Senate, and that is the question of civil service and management flexibility. I want to respond to the statements of the Senator from Texas and the Senator from Arizona and, to some extent, my friend, the Senator from Tennessee.

I have been disturbed and disappointed by the criticisms of the legislation that came out of our Governmental Affairs Committee, which are based on the claim that it fails to give the President and the new Secretary of Homeland Security the authority they need to manage an effective Department. That is a serious charge and one that I respectfully say is simply not right.

Those who have followed the development of this proposal through our committee know my intention since the beginning has, in fact, been the opposite, which is to give the President and the Secretary all the power they need to build a strong, efficient, and effective Department; in fact, more power to do so than this President wanted for some period of months. Ever since last October, along with other Members of the Senate, I have been asking for a Cabinet Department with authority and accountability precisely because I was convinced the President's initial creation of an Office of Homeland Security, headed by Governor Ridge, without statutory authority or budget authority, was too weak to get the job done.

It seems ironic to me now that the President, who for months resisted the idea of a Department of Homeland Security and said that the Office of Homeland Security, headed by a coordinator, was all we needed to safeguard the Nation, now says that the Department we would create gives him inadequate authority. I think this debate is really a detour from what should be our urgent common cause, and that is the creation of a new Department that will protect the security of the American people, about which we agree on the majority of its components.

This is a debate that is being conducted in a kind of inside-the-beltway vocabulary and not in good old, plain spoken English.

On civil service rights, union rights, appropriations, and transition authority, the President claims he deserves flexibility and that our legislation denies him flexibility by threatening to handcuff him and the Secretary from exercising their rightful authority, but the President's pleas for flexibility are, in fact, a request, in my view, for broad and unchecked authority in this regard. If we in the Congress do not provide that broad and unchecked and, in my opinion, often unprecedented authority to this President and Secretary, we are being branded as inflexible.

Congress has a duty to the American people in this case to write the civil service laws. If we in the Senate turn over all that responsibility and authority to the executive branch, simply because the President urged us to do so, I suppose one could say it might streamline things somewhat but we would be very much like a board of directors yielding all authority to the management—and we have seen in recent times what can happen when boards of directors do that.

President Bush and Governor Ridge suggest our legislation will create an ineffective Department of Homeland Security because we decided not to give them the authority they requested in the President's bill to unilaterally waive and rewrite civil service law. That is what they want. Extraordinary new powers. And they claim that without that authority this Department is somehow not even worth creating, and they are threatening a veto if they do not get exactly their way on these provisions. That, in my opinion, is a distortion of the facts and a confusion of priorities.

The fact is, the Department of Homeland Security our legislation envisions will be a modern, performance-driven Federal agency, one that the Secretary and the President will have extensive authority to manage. The committee-endorsed bill contains flexible civil service provisions, including a broad, bipartisan civil service reform package, provisions that strengthen the administration's hand when it comes to managing the new Department.

But we have incorporated these reforms responsibly, not haphazardly, preserving the central idea of the civil service system, which is accountability in the workplace. That is at the core of the civil service system that was codified in law more than 20 years ago. It would preserve the appropriate authority in the legislature to write those laws.

I ask my colleagues to look carefully and honestly at what the civil service system is, what kinds of reforms we provide in our legislation, and what the amendments being discussed to alter the civil service and collective bargaining rights of Federal employees, as protected in our committee's work, would do.

The civil service system, first, is often derided, but rather than taking the road of caricature, let's try to understand what it does and why it was developed. Once upon a time in government the rule used to be to the victor goes the spoils—all the spoils. Most of us know about the age of the spoils system officially ushered in by Andrew Jackson, in which elected officials used the Federal payroll to reward their friends and supporters who, not surprisingly, were not always the most prepared people to fulfill those particular functions. That may have been good for the politicians of their day, but it wasn't good for the American people because it produced a government with minimal institutional memory, minimal incentive for meritorious employees to work hard, to rise through the ranks, and with both of those, minimal public trust.

The civil service system changed that, moving the executive branch from a spoil system to a merit system with limits on favoritism and cronyism and to a transparent framework for attracting and retaining the most talented public servants. That system has evolved over time, but at the core it is still designed to shield most public servants and the public they serve—us—from the forces of partisanship and favoritism and special interest influence that can erode the merit-based workplace in any administration. When the opponents of this legislation deride the civil service system, these are the principles they deride. When they mock the system, these are the values they mock.

Today, the top echelons of Departments are subject to political appointment, as they should be, to allow a President to select the loyal agency leadership he needs and deserves. But the bulk of public employees are protected against the whims of changing political climates. We now understand that effective Departments are made up of both types of employees, working closely together and depending on one another. Career civil servants who develop expertise, know the ins and outs of Government, and carry on the vital work of our Government from one administration to the next, on the one hand; and political appointees who lead the Departments, set high-level policy and advance the agenda of the President's administration.

I will not stand here and defend every phase or clause of the civil service system, just as I doubt anyone would stand and defend every clause of the Tax Code. At times the system has been too slow or too rigid to adapt to the changing workplace, to recognize and reward excellence and to root out failure. Some of the flaws have been fixed over time. Others have not and remain challenges.

I strongly support the system's fundamental principle which is to provide a check on the politicalization and patronage to which Government agencies will otherwise be susceptible in any administration. Civil service laws not only assert that personnel decisions should be based on considerations of merit, but they provide procedures and remedies if those principles are violated.

Think for a moment what it could mean to lose the public accountability assured by the civil service system. Talented senior managers, who dedicated their careers to public service, could be pushed out and replaced with patronage appointees. Potential whistleblowers at all levels of the organization would know they have little or no real protection against retaliation. Remember, we all praised Colleen Rowley when, in the courageous memo, she exposed the FBI's weaknesses so we could repair them. Those who would dismantle the civil service system make it more likely that the Colleen Rowleys of tomorrow and the Department of Homeland Security would be silenced, not heard.

There was an actual case following exactly that pattern that occurred with a Federal employee who became a whistleblower after September 11, crying out that there was inadequate protection on our northern border. In fact, he was suspended by his Department. His union came to his defense and he was given back his job because a suspension for blowing a whistle in pursuit of the public interest was irrational, unfair.

Employees' union representatives, if allowed at all, could be stripped of much of their ability to protect rank-and-file workers against abusive or self-protective political appointees.

Veterans and minorities under the proposals made by the President for so-called management flexibility can see their statutory rights ignored or left with insufficient remedies. That is why our committee did not just deride the system. We tried to fix it, and I think made some real progress. Rather than just handing the President the authority to eliminate whole chunks of existing civil service protections, we developed the details for the key reforms we need to make this new Department work well.

I believe existing laws also give the President and Secretary far more authority and flexibility to run an efficient, effective, and performance-based Department of Homeland Security than the President and Governor Ridge have acknowledged. The administration says that the new Department cannot function without ripping up the civil service system and starting from scratch. That is a myth. The General Accounting Office reported a few years ago describing the civil service law as codified in title 5 of the United States Code:

> We found that, over the years, Title 5 has evolved to give federal agencies more flexibility than they once had—and often, more than they realize—to tailor their personnel approaches to their missions and needs.

In a similar vein, last year the Bush administration's own Office of Personnel Management issued a handbook entitled "Human Resources Flexibilities and Authorities in the Federal Government." That handbook painted a much different picture of the civil service law than we are now hearing from the administration:

> We have designed this handbook to communicate with you about the myriad human resources (HR) flexibilities and authorities currently available and how they can be used to manage your human capital challenges. We serve as a resource for you as you use existing HR flexibilities to strategically align human resources management systems with your mission. Through this handbook, you may be surprised to discover how flexible Title 5 is in meeting your organizational needs.

I respectfully suggest to the White House that perhaps, if they looked at this handbook put out by their own Office of Personnel Management, they, to use the words of the handbook, would be:

> . . . surprised to discover how flexible title 5 is in meeting your organizational needs.

If we in Congress were to believe the administration's recent claims that the civil service system is a hidebound anachronism, we, too, might be surprised to discover how flexible title 5 actually is.

There is substantial flexibility in existing law, as I have said. But to rise to the challenge of the war against terrorism, we wanted our legislation to go further. So we have incorporated sensible consensus reforms to improve the way Government manages personnel. We have updated the civil service system to give the Secretary of Homeland Security and the President all the tools they could conceivably need to build the most effective Department of Homeland Security without compromising the underlying values of the civil service system. In fact, if our legislation, as currently before the Senate from our Governmental Affairs Committee, is adopted, the Secretary of Homeland Security will literally have more management flexibility than any Secretary has today.

Incidentally, I want to give special credit to Senators VOINOVICH and AKAKA, who worked together over a long period of time to develop the reforms in our bill. We have adopted these significant and governmentwide improvements in the civil service system.

To support research and development, we also authorized the Secretary to use innovative techniques to hire personnel in the new Science and Technology Directorate, for instance. Taken together, this package gives the Secretary the ability to speed up staffing of new employees, to recruit and retain top science and technology talent, to reshape the Federal workforce, to procure temporary services outside the civil service system when there is a critical need, to provide more effective bonuses for exemplary service, and to make other valuable changes to help the new Department attract, maintain, and motivate the best employees.

Senator VOINOVICH has been a tireless advocate on behalf of a principle and a reality that does not get much attention around here but is critically important to the functioning of the Federal Government and that, again, is described in a Washington beltway term, "human capital management."

The point is, how do we get the best people to come to work for the Federal Government and then get them to have the widest latitude for their talents and encouragement to continue in Federal service? Part of that clearly is the protections offered by the civil service system.

I cannot emphasize enough that the provisions contained in our legislation have been hammered out over time with many contentious issues being carefully and, I might say, cooperatively resolved in a bipartisan fashion. We all know how detailed this can be and how much care rewriting the law demands. The reforms we have incorporated, the Voinovich-Akaka reforms, reflect collaboration, consensus building, and the input of countless experts.

I want to say particularly that Senator AKAKA, our distinguished colleague from Hawaii who is chair of the Governmental Affairs Subcommittee on International Security Proliferation and Federal Services, has now been working hard for 3 full years, with Senator VOINOVICH of Ohio and others, to adapt the civil service system to the demands of the modern workforce and contemporary Government. They are unsung heroes in bringing human capital management into the 21st century. Out of their collaboration has emerged this bipartisan package of bold but sensible civil service reforms that are incorporated in the bill that came out of the Governmental Affairs Committee.

Now, on the other hand, the administration wants to throw everything out. Our bill has done, I think, the difficult work—but the work that Congress has an obligation to do—of separating the good from the bad, discarding the chaff and keeping the wheat. In fact, our reforms do more to constructively change what is commonly viewed as one of the most inflexible areas of civil service law—namely, the ability to swiftly hire top-flight talent—than any other proposal I have seen, and certainly any other that is on the table.

The President would wreak havoc on the current framework and put nothing in its place. I hope critics of the approach the committee has taken will look carefully at these flexibilities I have described, which are substantial indeed. Let me elaborate just a bit more on what some of those authorities are.

First, we give the administration the power to put the right people in the right place at the right time. Existing law allows the Secretary to move employees around in the Department, either by permanent reassignment or temporary detail. I would guess that most Members do not appreciate that. Existing law allows the Secretary to move employees around the Department, either by permanent reassignment or temporary detail. Collective bargaining agreements may not affect the authority of a manager to assign employees and to assign work. Again, in all the discussion about collective bargaining and national security, this is a fact that is being overlooked. It reminds us how limited are collective bargaining rights of Federal employees. They can't strike—that is prohibited by law. But collective bargaining agreements actually may not deal with the authority of a manager to assign employees and to assign work. Any employee who refuses to be reassigned can be fired, and existing law allows managers to offer recruitment bonuses, special salary rates, and even high critical pay levels to attract high-quality employees.

New provisions in our legislation significantly simplify hiring so that employees can be hired with little or no red tape. A government-wide amendment offered by the aforementioned Senators VOINOVICH and AKAKA allows for the direct appointment of candidates to positions that have been publicly noticed when it has been determined by OPM that there is a severe shortage of candidates and a critical hiring need.

A second Voinovich-Akaka amendment will allow agencies to select employees without applying the rule of three, under which agencies may not look beyond the three top-scoring candidates for a competitive position.

To accommodate special needs of the Department, the Secretary may procure personnel services whenever necessary, due to an urgent homeland security need, for periods of not more than a year, without regard to the usual pay caps. Let me go back. Our legislation says to the Secretary of the new Department of Homeland Security: You can actually enter into a contract with people for services for not more than a year without regard to the usual pay caps when you say there is an urgent homeland security need to do that.

Finally, in this regard, to support research and development, the Secretary, as I mentioned, is authorized to use innovative techniques to recruit top science and technology talent.

In fact, the bipartisan package of flexibilities in our legislation offers more in the area of hiring than does even the bill that passed the House, which does not include the direct hire authority in cases of critical need.

Second, the Governmental Affairs Committee legislation amendment before the Senate gives the Secretary new authority to reward good performance so we can create a Department that encourages excellence among all its employees. Starting under existing law, the civil service law provides managers numerous avenues for providing incentives and rewards for good performance. Managers can decide, for instance, whether employees have earned raises known as step increases based on performance, and can award further "quality step increases" for exceptional performance. Managers can also grant incentive awards for overall high performance or for exceptional work on a particular assignment.

Managers can pay special bonuses to help with retention or relocation of particularly desirable employees.

Contrary to what some in the Administration have been saying, civil service rules impose no cumbersome process for managers to gain approval of a pay raise. President Bush and the new Secretary will be free to fashion as streamlined a process for giving merit raises as they can.

The bipartisan Voinovich/Akaka amendments included in our legislation strengthen performance bonuses for senior managers, by revising outdated rules that had required that bonuses for senior employees be spread over two years.

Finally, it is critical to recognize that under existing law, the administration has the power it needs to discipline and remove poor performers.

Under civil service law, during the first year of employment, a Federal worker may be fired for virtually any reason without notice. Following the one-year probationary period, under civil service statutes, an agency must grant the employee a reasonable time to improve performance, after which the agency owes the employee 30 days' notice of a decision to demote or fire. And contrary to stereotype, outside appeals are handled after an employee is off the payroll.

If a manager is sufficiently concerned about an employee's poor performance or misconduct, the employee can be pulled from duty immediately, without hesitation or red tape. If necessary for national security, the employee may be suspended without pay immediately. After investigation and review, if necessary, the employee can then be fired without appeal. The President can authorize any agency head to suspend and fire where necessary for national security, and the President is free to give this power to the new Secretary of Homeland Security.

The allegations which have been made on the floor that we will limit the powers of the President regarding national security just do not take into consideration this provision in the law.

The President can authorize any agency head to suspend and fire where necessary for national security immediately and without pay.

I have seen some opponents of our approach contend that under our legislation, incompetent, irresponsible, or even intoxicated employees couldn't be removed from duty. This is simply wrong. And I regret that this myth is being stated as fact occasionally by one or another representative of the administration. The truth is, under current law, such an employee can be removed from duty immediately, without hesitation or red tape. And the employee can be taken immediately off the payroll if the Secretary determines that he or she might endanger national security.

But that is not all. We understand the Secretary may need more authority down the road. That is why we explicitly leave the door open for the executive branch to get more power, as needed—because neither we, nor, I believe, the administration, yet knows what the experience of assembling this big new Department will teach its managers about the specific modifications to the Department's personnel system that may prove necessary. We want to give the Congress and the administration the opportunity to tailor additional authorities and flexibilities to the specific circumstances we face.

And they are free to come back and make that case to us. During the initial 18-month startup period for the new Department, our legislation specifically requires the Secretary to submit to Congress semi-annual legislative recommendations that will help integrate the disparate personnel systems in the new Department and will provide any further personnel authority that is necessary to meet the needs of the new Department.

All we ask is that these requests are based on some experience, not on ideology or assumption. We want them to be specific, not hopelessly broad. And we want the process to respect the proper role of Congress to consider the proposals and write that law.

It is not appropriate for Congress—it has a familiar ring to it, I say to Senator BYRD—to write a blank check for a new Department regarding the civil service law allowing them to disregard that law—no more appropriate than it would be for us to write a blank check for it to give a new Department blanket exemption, for instance, from environmental law, civil rights law, or protection of the rights of the disabled. Rather, what we should do—and what we do do in our bill—is to provide a swift and acceptable mechanism to provide more authorities if and when the administration makes the case that they need them.

In developing the provisions of our bill that invite the Secretary to come back to Congress with requests for further personnel flexibility if he deems it necessary, our committee was influenced by my experience working with the Comptroller General when he asked a couple of years ago for additional personnel authority at GAO. He advised the Governmental Affairs Committee that the legislative flexibilities he received might not be appropriate for other Federal agencies, but that the process he and Congress undertook to justify that legislation would be appropriate. I would like to read an excerpt from Mr. Walker's testimony on that subject:

> Congress can play a defining role in determining the scope and appropriateness of additional human capital flexibilities agencies may seek through legislation. For agencies that request legislative exceptions from current civil service constraints, Congress can require that they make a sound business case based on rational and fact-based analyses of their needs, the constraints under which they presently operate, and the flexibilities available to them. For example, before we submitted human capital legislative proposals for GAO last year, we applied the due diligence needed not only to identify in our own minds the flexibilities we need to better manage our human capital, but also to give Congress a clear indication of our needs, our rationale, and the steps we were committed to taking in order to maximize the benefits while managing the risks. The process we followed included a thorough analysis of our human capital needs and flexibilities, clear standards of implementation, and multiple opportunities for employee involvement and feedback.

GAO's advice on this subject was even clearer in another submission to the committee, which said, "agencies should be required to prepare a business case and take steps to address their challenges within existing law before being granted any additional legislative flexibility."

In other words, Comptroller General Walker laid out the case for what reforms he needed. He asked for specific authorities—not for a blanket exemption. We considered his request, and we gave him what he wanted.

That is the way it ought to work. That is the way our committee's proposal regarding civil service would have it work.

Some of my colleagues have claimed that in our bill, we gave less personnel flexibility and authority to the Secretary of Homeland Security than we in Congress gave to the heads of the FAA, the IRS, and the TSA. That is just wrong. It is not true that Congress simply granted personnel flexibility to the heads of those agencies. To the contrary, the personnel flexibilities that Congress provided for those agencies is shared through a collective bargaining process between agency managers and the Federal employee unions at those agencies.

And in the best companies in our country today, following modern management techniques, the old labor-management divisions have ended. People are working together in a cooperative fashion.

I visited an automobile parts company in Ypsilanti, MI, a couple of years ago. There are remarkable changes. The workers on the floor elect the foreman for a set period of time. They can reelect him or not. The executives moved out of their offices and turned their office space into a fitness center for all employees. Management moved their desks right out on the floor where they are working together.

That is the standard for modern management practice. That is what we adopted for the IRS. For example, we granted several authorities that can be applied to unionized employees. There is real management flexibility—where there is a written agreement between the union and the IRS.

I have heard references from some of our colleagues who say they are upset about our civil service provisions which basically protect existing law and ask for more reforms. They have cited the IRS as an example of what good can be done when an agency is given authority.

But, again, we gave the IRS authority to carry out management flexibilities with the written agreement of their employees' union, and it has worked. At the FAA, for instance, agency managers must bargain with Federal employee unions over wages, and also must negotiate with the unions in developing and making any changes to the agency's personnel management system.

So in some ways the IRS and the FAA follow much more of a private sector model today, which is very progressive, with lessening of civil service controls in certain areas, and with a corresponding increase of the role of unions and collective bargaining in establishing the terms and conditions of employment.

It is true that our legislation does not in fact go down that road, but of course neither does the administration's proposal for the Department of Homeland Security. Some of the proposals I have seen, from the White House and elsewhere, including from colleagues in the Senate, would empower the Secretary to cut back on the rights and roles that Federal employees and their unions would have at this new Department.

I have not seen a proposal from the administration for the Department that would replace civil service protections with an enhanced statutory role for collective bargaining and the unions. So I ask, why do administration supporters, on the floor in this debate, keep referring to the IRS and FAA precedents as though they were advocating anything like them now? If they were really advocating something like them, I think we might have the basis of a bipartisan agreement.

Let's give the Secretary of the Department of Homeland Security broad authority to enact further civil service reforms with the written agreement of the unions representing his or her employees. It has worked at the IRS and the FAA, and it might well work at the Department of Homeland Security.

As I said, President Bush does not seek to seriously reform the civil service system or make a solid business case for any new authorities. Instead, he really seeks to rip out big chunks of civil service law and to push that change through in the context of this urgent common cause of creating a new Department of Homeland Security.

Though the House, in its bill, has done a bit more homework, it still fails the test. The House bill states that several fundamental civil service provisions will apply to the new Department. Those include requirements to provide a preference in hiring and retention of veterans, which the President's proposal would eliminate; the protection of whistleblowers, which the President's proposal would eliminate; it prohibits nepotism, favoritism, and other forms of discrimination, which the President's proposal would eliminate; and it protects the right to unionize, which the President's proposal would also eliminate.

However, almost all of these rights are provided in name only in the House bill, unfortunately. In major areas, the House bill would then turn over, again, a blank check to this administration to waive or rewrite civil service protections and procedures, with the administration having given us no indication of how they will use this extraordinary power.

Second, the House bill states that employees would be able to join unions, but then allows the administration to unilaterally rewrite all the statutory rules of collective bargaining that give unionization whatever significance it has under existing Federal law.

Third, the House bill would also turn over power to the administration to rewrite other central elements of the civil service system, including performance appraisal, discipline, and job classification and pay. These aspects of civil service provide for fairness across Government, avoid destructive bidding wars among agencies, and provide employees protection, most importantly, against unfair, arbitrary, or discriminatory decisions. The House bill essentially throws out all of those.

Finally, under the House bill, as the proposed new rules are developed for the Department, the bill relegates union representatives to the role of receiving notice and making recommendations for the Secretary's consideration. This is far more constrained than the traditional function of unions, limited as they are under Federal law, which is to bargain over matters where management has discretion.

When Congress enacted legislation, again, allowing the FAA and IRS to develop alternative personnel rules, we specified that the unions would have a place at the bargaining table regarding those rules. That is fair, that is progressive, that is productive, and that is modern. The House provision limiting the role of employees and their representatives is unfair and unacceptable.

Finally, the choice before us on civil service is simple: Improve it or remove it. Make it better or rip it up. While our legislation lives up, in my view, to Congress's responsibility to improve the civil service system, the alternatives proposed by the administration and in the House bill don't meet that responsibility. They, to use a word familiar to us during this season, punt. They leave it all to the administration. They would have Congress leave it all to the administration to rewrite the law.

That would be problematic in just about any realm, but it is particularly problematic here, as the administration represents management, one of the parties directly affected by the law.

Powers are strictly separated in our constitutional system for a reason. I have not hesitated to make clear that I believe the President, in his role as Commander in Ghief, for instance, should have substantial powers to determine when and how we take military action to protect national security. But rewriting laws is the job of Congress, the responsibility of Congress. Indeed, the separation of powers is especially important in the case of civil service law, again, for the reason I have stated: Because the administration is the management, it is one of the two parties directly affected by the law. Congress, in effect, must play the role of a fair and honest mediator, broker, and legislator. Only Congress should change the law.

So we have two choices here: To embrace significant reforms, as included in our bill, and leave additional changes that may seem to be necessary, after some experience, for consideration in the future, based on a solid business case made by the Secretary is one choice. On the other hand, we can simply abdicate and give the administration the right to rewrite the current civil service system by administrative fiat. That, of course, is an easy choice for me.

Also, I would state, in response to the underlying amendment the Senator from West Virginia has proposed, what we have done here in civil service is very much similar to what we have done in most of the rest of the bill; that is, we have tried to dispatch Congress's responsibility to write the law, not to give the administration a blank check in any area, to respect the executive branch and the need for authority in the executive branch, but to understand that constitutionally we have the responsibility to legislate. That is exactly what we have done in a progressive fashion with regard to the civil service laws for our Federal workers.

I had not intended to speak on this this afternoon, but those of our colleagues who have come to speak not on the Byrd amendment but against the civil service provisions in the committee's proposal required a response on this day.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 5093

Mr. REID. Mr. President, today we have tried to come up with some type of resolution of the fire suppression amendment that has been holding up this Interior appropriations bill for some time. We have been unable to do that. As a result of that—and I have spoken with Senator BYRD—I do not think the Interior appropriations bill is going to move forward.

Until there is some way to resolve that amendment, I ask unanimous consent that the order with respect to consideration of the Interior appropriations bill be modified so that the bill may be temporarily laid aside and that it recur upon the disposition of the homeland security bill.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate the frustration the assistant leader is going through at this moment trying to resolve an issue on the Interior appropriations bill about which he and I are concerned and move it forward and at the same time move homeland security forward.

Today we have worked to facilitate both of those bills, and I have encouraged the majority leader and the assistant leader to allow a vote on my amendment, which is pending on the Interior appropriations bill or, if not, a stand-alone vote, and then to allow a side by side, with their alternative, by a majority vote of either. That is not what they apparently want to do at this moment.

I do not want to see the Interior appropriations bill laid aside. We have critical fire money in the bill. We have critical drought money in the bill for agriculture. The Interior appropriations bill is very key to my State.

At the same time, we must bring this Senate together on some way of dealing with the crisis in our forests today that has resulted in devastating fires across the West. I feel very strongly about that. At the same time, I know the leader has worked hard to facilitate homeland security. Certainly it is very evident this side is not holding up that bill at this moment. We want the votes. We want to move the issue, deal with it, and get it to the President's desk before we adjourn or recess for the November elections. Under those considerations, dual track is important.

I say to the leader, give me a vote. Give me a vote on the Craig-Domenici amendment up or down—however. But I do believe we deserve a vote. I do believe it is critically important that the Senate of the United States express its will on a 6.5-million-acre loss to wildfire this year and thousands of homes and well over 25 lives. We must deal with the issue.

This situation has cost us—and I think Senator REID will agree—$800 million extra in this budget, to fight fires or to pay the debt of the fires that have already been fought. We will spend well over $1 billion of extra money this year. With that, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, I am disappointed in that I believe we need to move forward with homeland security and stop treading water on this Interior appropriations bill. The Interior appropriations bill is as important to Nevada as any appropriations bill we do. There are many provisions in this bill that will help Nevada, and other issues that are waiting to be approved by the two managers. I would love to have the Interior appropriations bill done.

For my friend, the distinguished Senator from Idaho, to say he wants a vote on his amendment, we agreed, more than a week ago, to have side-by-side amendments: their amendment, our amendment. There would have to be a 60-vote threshold because, whether we like it or not, the rules of the Senate are here, and on matters of importance—I should not say of importance. We have a lot of matters that are important that do not require 60 votes. Matters that are in controversy take 60 votes. This is one of those matters that are in controversy. We simply have to go forward on that basis. That is why we are unable to have a simple majority vote on their amendment or our amendment, because we cannot get 60 votes on our amendment and they cannot get 60 votes on their amendment.

It is hard for me to comprehend why, when just a few days ago we approved money for drought assistance, which received 79 votes. As we speak, ranchers and farmers throughout America are in deep need of these moneys, and until this legislation passes, they are not going to get that money. So those people who voted for that drought assistance are now preventing us from going forward.

That does not mean, Mr. President, if we get off this bill, we will not somehow be able to do the Interior appropriations bill. Maybe we can. Also, what it does not mean is, if we do not do the fire amendment, as my friend from Idaho thinks it should be done this year in this bill, that it will not be done in some other form, some other bill. I hope that as time goes on, we are going to be able to spend full time on homeland security. If we do not, it is going to be hard to finish that bill, especially if on the Interior appropriations bill we are treading water and accomplishing nothing. We have all these other appropriations bills we need to do.

I, frankly, see the picture very clearly. It seems to me the minority does not want us to pass any appropriations bills. They are looking forward to a continuing resolution. That may be what it comes to. That will be the decision of the two leaders. At least, if they do not want to complete any appropriations bills, let us finish homeland security. We will not dual-track anything else if we do not want it. We will stay off the appropriations bills at least until we finish homeland security. If we have to spend a half a day every day doing nothing, it is going to be extremely hard to finish homeland security.

I spoke with the two managers of the bill yesterday. Both sides have amendments they want to offer. They are credible amendments. No one at this stage is trying to stall the bill. I think we would be well advised to do what the majority leader has indicated and vote to invoke cloture on this bill tomorrow. From the word I have received, that does not appear to be what the minority is going to let us do. Again, it requires 60 votes. We would take a simple majority vote on that. But that will not happen. Things do not work that way here. We require 60 votes on matters of controversy.

So unless my friend has more to say, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

AMENDMENTS NOS. 4554, 4599, 4623, 4552, 4588, AND 4563, EN BLOC

Mr. LIEBERMAN. Mr. President, I am pleased to report that Senator THOMPSON and I have been working with various other Members of the Senate, and we have reached agreement on a series of amendments that both sides have cleared.

Before I make the actual motion, I will indicate what they are. The first is amendment No. 4554 on behalf of Senators SARBANES, MIKULSKI, WARNER, and ALLEN, which would create within the Department of Homeland Security an office for national capital region coordination which would provide a single Federal point of contact to help integrate the plans and preparedness activities of the Federal agencies and entities in the District of Columbia with the efforts of State, local, and regional authorities in the Greater Washington area.

The second amendment is No. 4599 on behalf of Senators HARKIN and LUGAR. This amendment more effectively transfers the border inspection functions of the Animal and Plant Health Inspection Service to the new Department.

Next is amendment No. 4623, which would, on behalf of Senator THOMPSON and myself, add the E-Government Act of 2002 to this legislation. This would give the Federal Government the tools and structure to reform its information technology systems, one of the greatest vulnerabilities of agencies now tasked with homeland security missions. This E-Government Act, I note for the record, was originally cosponsored by Senator BURNS and many others. It is the result of months of productive negotiations with Senator THOMPSON and the administration.

Next is amendment No. 4552 on behalf of Senators CLINTON and SPECTER. This would require the Directorate of Critical Infrastructure Protection to assess the vulnerabilities of, identify priorities and support protective measures for and develop a comprehensive national plan to secure not only the critical infrastructure in the United States but also its key resources. This is an attempt to make clear that key resources include National Park sites identified by the Secretary of the Interior that are so universally recognized as symbols of the United States that they would likely or might possibly be identified as targets of terrorist attacks.

Also, amendment No. 4588, on behalf of Senator ROCKEFELLER, which consists of a series of technical changes to existing law to ensure that the Coast Guard members retain all of the benefits they are now entitled to under the Montgomery GI bill, once the Coast Guard is moved to the new Department.

And finally, amendment No. 4563, on behalf of Senators BAYH, SHELBY, and others, which would improve the protection of the Department of Defense storage depots for lethal chemical agents and munitions by strengthening temporary flight restrictions on the airspace near these depots.

I, therefore, ask unanimous consent that it be in order to consider the following amendments: 4554, 4599, 4623, 4552, 4588, and 4563, and that Senator THOMPSON be added as a cosponsor of amendment No. 4623; that these amendments be considered and agreed to, and that the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT 4554

(Purpose: To create an Office of National Capital Region Coordination within the Department of Homeland Security)

On page 114, between lines 20 and 21, insert the following:

SEC. 141. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

(b) RESPONSIBILITIES.—The Office established under subsection (a)(1) shall—

(1) coordinate the activities of the Department relating to the National Capital Region, including cooperation with the Homeland Security Liaison Officers for Maryland, Virginia, and the District of Columbia within the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress that includes—

(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

(d) LIMITATION.—Nothing contained in this section shall be construed as limiting the power of State and local governments.

AMENDMENT NO. 4599

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 4623

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 4552

(Purpose: To identify certain sites as key resources for protection by the Directorate of Critical Infrastructure Protection, and for other purposes)

On page 67, insert between lines 15 and 16 the following:

In this subsection, the term "key resources" includes National Park Service sites identified by the Secretary of the Interior that are so universally recognized as symbols of the United States and so heavily visited by the American and international public that such sites would likely be identified as targets of terrorist attacks, including the Statue of Liberty, Independence Hall and the Liberty Bell, the Arch in St. Louis, Missouri, Mt. Rushmore, and memorials and monuments in Washington, D.C.

AMENDMENT NO. 4588

(Purpose: To amend various laws administered by the Secretary of Veterans Affairs to take into account the assumption by the Secretary of Homeland Security of jurisdiction of the Coast Guard)

At the end of subtitle D of title I, add the following:

SEC. 173. CONFORMING AMENDMENTS REGARDING LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) TITLE 38, UNITED STATES CODE.—

(1) SECRETARY OF HOMELAND SECURITY AS HEAD OF COAST GUARD.—Title 38, United States Code, is amended by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security" in each of the following provisions:

(A) Section 101(25)(D).

(B) Section 1974(a)(5).

(C) Section 3002(5).

(D) Section 3011(a)(1)(A)(ii), both places it appears.

(E) Section 3012(b)(1)(A)(v).

(F) Section 3012(b)(1)(B)(ii)(V).

(G) Section 3018A(a)(3).

(H) Section 3018B(a)(1)(C).

(I) Section 3018B(a)(2)(C).

(J) Section 3018C(a)(5).

(K) Section 3020(m)(4).

(L) Section 3035(d).

(M) Section 6105(c).

(2) DEPARTMENT OF HOMELAND SECURITY AS EXECUTIVE DEPARTMENT OF COAST GUARD.—Title 38, United States Code, is amended by striking "Department of Transportation" and inserting "Department of Homeland Security" in each of the following provisions:

(A) Section 1560(a).

(B) Section 3035(b)(2).

(C) Section 3035(c).

(D) Section 3035(d).

(E) Section 3035(e)(1)(C).

(F) Section 3680A(g).

(b) SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.—The Soldiers' and Sailors' Civil Relief Act of 1940 is amended by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security" in each of the following provisions:

(1) Section 105 (50 U.S.C. App. 515), both places it appears.

(2) Section 300(c) (50 U.S.C. App. 530).

(c) OTHER LAWS AND DOCUMENTS.—(1) Any reference to the Secretary of Transportation, in that Secretary's capacity as the head of the Coast Guard when it is not operating as a service in the Navy, in any law, regulation, map, document, record, or other paper of the United States administered by the Secretary of Veterans Affairs shall be considered to be a reference to the Secretary of Homeland Security.

(2) Any reference to the Department of Transportation, in its capacity as the executive department of the Coast Guard when it is not operating as a service in the Navy, in any law, regulation, map, document, record, or other paper of the United States administered by the Secretary of Veterans Affairs shall be considered to be a reference to the Department of Homeland Security.

AMENDMENT NO. 4563

(Purpose: To improve the protection of Department of Defense storage depots for lethal chemical agents and munitions through strengthened temporary flight restrictions)

On page 211, between lines 9 and 10, insert the following:

TITLE VI—STRENGTHENED TEMPORARY FLIGHT RESTRICTIONS FOR THE PROTECTION OF CHEMICAL WEAPONS STORAGE DEPOTS

SEC. 601. ENFORCEMENT OF TEMPORARY FLIGHT RESTRICTIONS.

(a) IMPROVED ENFORCEMENT.—The Secretary of Defense shall request the Administrator of the Federal Aviation Administration to enforce temporary flight restrictions applicable to Department of Defense depots for the storage of lethal chemical agents and munitions.

(b) ASSESSMENT OF USE OF COMBAT AIR PATROLS AND EXERCISES.—The Secretary shall assess the effectiveness, in terms of deterrence and capabilities for timely response, of current requirements for carrying out combat air patrols and flight training exercises involving combat aircraft over the depots referred to in such subsection.

SEC. 602. REPORTS ON UNAUTHORIZED INCURSIONS INTO RESTRICTED AIRSPACE.

(a) REQUIREMENT FOR REPORT.—The Administrator of the Federal Aviation Administration shall submit to Congress a report on each incursion of an aircraft into airspace in the vicinity of Department of Defense depots for the storage of lethal chemical agents and munitions in violation of temporary flight restrictions applicable to that airspace. The report shall include a discussion of the actions, if any, that the Administrator has taken or is taking in response to or as a result of the incursion.

(b) TIME FOR REPORT.—The report required under subsection (a) regarding an incursion described in such subsection shall be submitted not later than 30 days after the occurrence of the incursion.

SEC. 603. REVIEW AND REVISION OF TEMPORARY FLIGHT RESTRICTIONS.

(a) REQUIREMENT TO REVIEW AND REVISE.—The Secretary of Defense shall—

(1) review the temporary flight restrictions that are applicable to airspace in the vicinity of Department of Defense depots for the storage of lethal chemical agents and munitions, including altitude and radius restrictions; and

(2) request the Administrator of the Federal Aviation Administration to revise the restrictions, in coordination with the Secretary, to ensure that the restrictions are sufficient to provide an opportunity for—

(A) timely detection of incursions of aircraft into such airspace; and

(B) timely response to protect such agents and munitions effectively from threats associated with the incursions.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions taken under subsection (a). The report shall contain the following:

(1) The matters considered in the review required under that subsection.

(2) The revisions of temporary flight restrictions that have been made or requested as a result of the review, together with a discussion of how those revisions ensure the attainment of the objectives specified in paragraph (2) of such subsection.

AMENDMENT NO. 4623

Mr. LIEBERMAN. Mr. President, I would like to make some additional comments regarding the inclusion of amendment number 4623 in this legislation.

The E-Government Act of 2002 is vitally needed to enhance our homeland security, and is directly relevant to the goal of ensuring improved homeland security. The bipartisan bill, originally cosponsored by Senator BURNS, is the result of months of productive negotiations with Senator THOMPSON and the administration. It passed the Senate as S. 803 by unanimous consent in June. The Committee on Governmental Affairs produced an extensive report, Report No. 107-174, to which I refer my colleagues for more information about the bill.

The E-Government Act will give the Federal Government the tools and structure to transform its IT systems, one of the greatest vulnerabilities of agencies now tasked with homeland security missions. As we've seen through dozens of depressing revelations over the last year, we have a desperate need for more effective and systematic information sharing between agencies like the FBI, CIA, Department of State, the INS, and state and local authorities. The E-Government Act will help the federal government get that job done, by establishing more effective IT management, establishing mandates for action, and authorizing funding.

The bill will also substantially enhance the ability of the Federal Government to quickly provide information and services to citizens to help them prepare for, and respond to, terrorism, natural disasters, and other homeland threats. In the hours and days after the terrorist attacks of September 11, Americans flooded Government's websites in record numbers, seeking information more targeted than what the media was providing: what was happening; how they should respond to protect themselves from possible future attacks; how they could help victims; and how people who were victims themselves could seek assistance. The E-Government Act will substantially enhance the ability of the Federal Government to quickly provide information and services to citizens to help them prepare for, and respond to, terrorism, natural disasters, and other homeland threats.

Finally, the bill will make permanent the Thompson-Lieberman Government Information Security Reform Act, which is about to expire. Weak computer security has been a widespread problem in the Federal Government, with potentially devastating consequences. In response, the Senate passed this important information security legislation last Congress, but that legislation is scheduled to expire in November.

I thank the Chair, Senator THOMPSON, staff, and all others who have cooperated to allow us to move forward with these amendments. Noting my friend and colleague on the floor whom we all welcome back to Washington after some surgery, he looks younger and more knowledgeable than ever, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise to commend my chairman, Senator LIEBERMAN, for his outstanding work and his extraordinary leadership in the committee, and to mention that it was after Senator LIEBERMAN began his initiative to create such a Department that it began to pick up, not only in the Senate but with the administration, too. He has crafted, I believe, a strong piece of legislation for the Department of Homeland Security.

This evening I rise to express my strong support for Senator LIEBERMAN's substitute. I have strong respect for the senior Senator from West Virginia but I will vote against his amendment. Senator LIEBERMAN has done a great service to his country by holding hearings and debating extensively the structure of a Department of Homeland Security. Without his determined effort, the President might never have conceded the need for such a department. As Senator THOMPSON has noted, the Governmental Affairs Committee debated in great deal the structure of such a department. Numerous changes were made to the President's proposal which have substantially improved it.

I rise to discuss the flexibilities available at the Federal Aviation Administration and the Internal Revenue Service. My colleagues have criticized the legislation before us for not providing the same flexibilities available to the FAA and the IRS. The most important factor in the personnel systems at these two agencies is the involvement of federal employee unions.

In April 1996, at Congressional direction, FAA was allowed to develop its own personnel and compensation systems, to give the agency more flexibility because of its daily interaction with the fast-paced and rapidly-growing aviation industry. The Secretary of Transportation argued strongly that the agency needed flexibility to pay people what the job required and to move them where the work was needed, without the restrictions of standard government personnel procedures.

While the FAA was given wide authority to develop their personnel system, the FAA still must negotiate with its federal employee unions in developing and making changes to the personnel management system. The FAA system contains provisions protecting a large portion of the rights of federal workers. These include whistleblower protections, including the provisions for investigation and enforcement; veterans' preference; anti-discrimination; compensation for work injury; retirement, unemployment compensation, and insurance coverage; and review of employee matters by the Merit Systems Protection Board.

In addition, employees subject to major adverse personnel actions may contest the action through any contractual grievance procedure.

And because the FAA is not subject to federal pay rate regulations, the federal employee unions are allowed to bargain over wages at the FAA as they do in the private sector.

Such bargaining rights are not provided in the President's original Homeland Security bill or the House passed bill. In fact, both bills would allow even current collective bargaining rights to be waived.

Despite this praise of FAA flexibility, just last year, the Republican-led House Appropriations Committee concluded that FAA's personnel reform has been a failure. At that time, the most recent FAA employee attitude survey showed severe levels of employee dissatisfaction, even as compensation levels rose to make DOT the highest-paid cabinet level agency in the Federal Government.

Fewer than one in ten employees felt that personnel reform had been successful at eliminating bureaucracy or helping accomplish FAA's mission. Fewer than one in five felt the agency rewards creativity and innovation—even though personnel reform allows the agency great flexibility in this area.

A review of staffing at air traffic control facilities indicates that reform has not been used to place employees where they are needed. These findings were supported by an independent study conducted by the National Academy of Public Administration, which found that FAA hasn't met many of the key goals of personnel reform.

In addition, the House Committee believed that Congress should carefully review the effects of personnel reform leading up to reauthorization of AIR 21 in fiscal year 2004 to gauge whether the experiment should be continued.

According to the GAO, the decentralized personnel structure that resulted from FAA's reform has caused moral problems, communication gaps and inconsistencies in technical advice and leadership within FAA organizations, and insufficient understanding throughout the workforce about the intent of reforms. As a result of these problems, FAA lacks a broad base of support and accountability for reform initiatives among employees below the highest management levels.

More recently, TSA, which uses the FAA's pay banding system, has caused great concern with the high salaries given to federal law enforcement officers that are higher than those currently earned at other federal agencies. Such a system has contributed to the loss of law enforcement officers at the Capitol Police, the U.S. Park Police and the U.S. Secret Service.

The IRS was granted additional flexibilities to address its unique workforce as well. The IRS personnel flexibilities include: critical pay authority; enhanced recruitment, retention, and relocation authority; enhanced authority for performance awards to senior executives; and exceptions to Title 5 rules in filling Senior Executive Service positions which are reserved for career employees.

Additional flexibilities are granted to the IRS which can only be applied to union represented employees subject to a written agreement between the union and the IRS. This includes streamlined demonstration project authority; variations to the performance appraisal and awards sections of Title 5; variations from Title 5 pay and classification systems for pay banding; and variations from Title 5 hiring rules.

However, the IRS' progress on reform seems welcome to all but those who work inside the agency. In response to the agency's 2001 employee climate survey, 42 percent of employees said the organizational changes have had a negative effect on them, compared with 24 percent who reported positive effects and 34 percent who reported no effect. Such dissatisfaction does nothing to help retain employees when the federal government is facing a human capital crisis.

While there has been an increase in customer satisfaction with the IRS, the widespread personnel reshuffling has yet to guarantee that the IRS is matching its workforce to its workload appropriately. Over the past four years, the backlog of taxpayer requests for compromise settlements with the IRS on the amount of back taxes they owe tripled, even though the staff devoted to the backlog has doubled. A General Accounting Office review found that putting staff on the compromise program may be hurting other collection programs. The large percentage of bad information given to taxpayers by IRS employees also shows that the right people with the right skills are not in place in customer service jobs—though the IRS is retraining customer service representatives to improve accuracy.

As we are debating the creation of a new Department of Homeland Security, we must make sure that providing new flexibilities does not compromise the mission of the agency. In providing the agency with the tools to effectively manage their workforce, we must make sure that agencies have a strategy in place to meet their missions and keep employees satisfied. If our dedicated workers do not feel valuable to the agency, the mission will fail. Without sufficient union participation and civil service protections, our homeland will not be secure.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended.

This report shows the effects of congressional action on the 2002 budget through September 11, 2002. The estimates, which are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for fiscal year 2002, show that current level spending in 2002 is below the budget resolution by $12.1 billion in budget authority and by $18.8 billion in outlays. Current level revenues are below the revenue floor by $0.4 billion in 2002.

I ask unanimous consent to print the following in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 13, 2002.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached tables show the effects of Congressional action on the 2002 budget and are current through September 11, 2002. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002.

Since my last report dated May 22, 2002, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2002: the Mychal Judge Police and Fire Chaplains Public Safety Officer Benefits Act of 2002 (P.L. 107-196), the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States (P.L. 107-206), and the Trade Act of 2002 (P.L. 107-210). The effects of these actions are identified in Table 2. At the request of the Budget Committee, the funds designated as contingent emergencies in P.L. 107-206 have been removed from current level. The President announced that these funds will not be released.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Cippen, Director.)

Attachments.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2002, AS OF SEPTEMBER 11, 2002

[in billions of dollars]

	Budget resolution	Current level [1]	Current level over/under (−) resolution
On-budget:			
Budget authority	1,705.3	1,693.2	−12.1
Outlays	1,652.8	1,634.0	−18.8
Revenues	1,629.2	1,628.8	−0.4
Off-budget:			
Social Security outlays	356.6	356.6	0.0
Social Security revenues	532.3	532.3	0.0

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2002, AS OF SEPTEMBER 11, 2002

[in millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,671,726
Permanents and other spending legislation	991,545	943,568	n.a.
Appropriation legislation [1]	1,008,487	996,258	n.a.
Offsetting receipts	−322,403	−322,403	n.a.
Total, enacted in previous sessions	1,677,629	1,617,423	1,671,726
Enacted this session:			
An act to amend the Higher Education Act of 1965 to establish fixed interests rates (P.L. 107–139)	−195	−180	0
Job Creation and Worker Assistance Act of 2002 (P.L. 107–147)	6,049	5,820	−42,526
Farm Security and Rural Investment Act of 2002 (P.L. 107–171)	2,464	1,610	0
Clergy Housing Clarification Act of 2002 (P.L. 107–181)	0	0	*
Mychal Judge Police and Fire Chaplains Public Safety Officer Benefits Act of 2002 (P.L. 107–196)	2	2	0
2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States (P.L. 107–206)	25,317	7,938	0
Trade Act of 2002 (P.L. 107–210)	84	24	−416
Total, enacted this session	33,721	15,214	−42,942
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−18,119	1,389	n.a.
Total current level	1,693,231	1,634,026	1,628,784
Total budget resolution	1,705,311	1,652,820	1,629,200
Current level over budget resolution	n.a.	n.a.	n.a.
Current level under budget resolution	12,080	18,794	416
Memorandum: Emergency designations for bills in this report	54,963	37,825	39,465

[1] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Note.—n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

Source: Congressional Budget Office.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 13, 2002 in Temecula, CA. Two black women were assaulted in a restaurant parking lot. The assailants, described as a group of drunken white men, surrounded the victims' car, pounded dents into it, taunted the women with racial slurs, and attacked one of them physically, ripping her clothing.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

* * *

NEW ADMINISTRATION REGULATIONS TO CUT SERVICES TO VETERANS

Mr. ROCKEFELLER. Mr. President, I rise today to speak about the latest action by the Administration to cut services to veterans.

For years when we looked at the health care budget, we focused on the declining veteran population and declining demand. We are in a totally different predicament today. More veterans are turning to the VA health care system, and that is a success story. In recent months, however, unacceptably long waiting times for care have materialized. Cutting services to veterans who now depend more upon VA, is a perverse reaction to the problem.

In 1996, Congress enacted eligibility reform which allowed all veterans to come to the VA health care system. At the time, I spoke about the dilemma that we would face in opening up the doors and providing a rich benefit package and how, down the road, we would have to face the consequences.

In my view, the administration has a choice: Either own up to the demand for health care services and provide funding—my preference—or manage enrollment. The administration has chosen a completely different course.

In its budget request, the administration proposed charging a $1,500 deductible to higher-income veterans as a means to "reduce demand." In July, VA issued a mandate prohibiting all enrollment-generating activities, such as health fairs. Yesterday, regulations were issued to require VA to give priority for health care services to veterans with service-connected conditions. No veteran who is enrolled with VA for health care should have to endure long waiting times for care.

The administration's latest action changes the way veterans access health care services, and in doing so, not only circumvents current law regarding eligibility for care, but will also create serious hardship for hundreds of thousands of veterans who depend upon VA. These regulations should be rescinded. Today, several other Senators and I wrote to the President and asked that he do so.

These regulations will almost certainly increase—rather than decrease—the waiting times facing hundreds of thousands of veterans. Let me repeat that: The recent regulations will do nothing for the more than 300,000 veterans waiting to be seen by VA clinicians, and in fact, the new priority system could more than double the time they are forced to wait for care. I ask unanimous consent that VA's list of waiting times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Survey conducted July 1, 2002.

Data was gathered from multiple clinics at all VA facilities. The data sources included Excel spreadsheets and manual lists as well as the scheduling package for those waiting 6 months or greater for an appointment. Because the survey was derived primarily from manual data collection, patients waiting at more than one site may be counted more than once; the data could also reflect the same patient waiting for multiple clinics at one specific site. Therefore, the data should be viewed as an indicator of an overall problem. We are working on automating the wait list to ensure more accurate reporting.

Veterans integrated service network	A Number of new enrollees waiting for first clinic appointment to be scheduled	B Number of established patients waiting to be scheduled for follow-up primary care or specialty care clinic appointments and new and established patients with appointments scheduled electronically, although the wait is 6 months or greater
1	9,891	12,130
2	460	1,844
3	82	2,448
4	18,535	8,061
5	0	217
6	0	29,124
7	4,662	3,299
8	31,469	22,474
9	11,093	7,887
10	13	1,239
11	1,172	2,562
12	8,922	9,424
15	1,283	6,616
16	5,490	8,126
17	1,874	17,444
18	0	4,471
19	8,230	9,342
20	8,891	15,702
21	1,013	5,015
22	0	3,810
23	19,198	6,471
Totals	132,278	177,976

Col A: Number of new enrollees waiting for first appointment where an appointment has not been scheduled. Represents a manual count of Veterans who have enrolled and requested an appointment but the Veteran's preferred site of care cannot schedule the appointment within six months. Therefore, the veteran is placed on a wait list. An electronic wait list is being developed that will allow for more accurate data collection.

Col B: Number of established patients on a wait list or new and established patients scheduled for appointments requiring a wait of 6 months or more. Includes: (1) a manual count of established patients (patients have been seen at least once) who are on a wait list (cannot be scheduled within 6 months) for follow-up care for a Primary Care Clinic or Specialty Care Clinic visit. (Examples would include veterans waiting for reassignment to a new Primary Care Provider, or patients waiting for consults in Specialty Care Clinics.) Also includes (2) a count of Veterans scheduled electronically for appointments, however the wait time meets or exceeds six months. (This also includes those patients who have either voluntarily canceled their appointments or had their appointment canceled by the VA.)

Note: This data includes approximately 80 percent of VHA's workload. All Primary Care Clinics are included and 5 major Specialty Care Clinics (eye, urology, cardiology, orthopedics, audiology). The electronic wait list capability will allow for additional clinics to be included.

Mr. ROCKEFELLER. The Paralyzed Veterans of America, too, is very concerned about these new regulations, as the new system "completely ignore[s] the other key missions of the VA health care system to care for the poor and medically indigent and those veterans with special disabilities such as spinal cord dysfunction, blindness, and mental illness." I ask unanimous consent that the full text of PVA's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARALYZED VETERANS OF AMERICA,
Washington, DC, September 13, 2002.

Hon. JOHN D. ROCKEFELLER, IV,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROCKEFELLER: On behalf of the Paralyzed Veterans of America (PVA), I am writing to express our grave concerns over the attempts by the Department of Veterans Affairs (VA) to move forward with an interim final rule that has insufficient statutory grounding.

VA Secretary Anthony Principi has proposed an interim final rule dispensing with notice-and-comment requirements under the Administrative Procedures Act. These fast track regulations dramatically alter existing eligibility for VA health care services. Faced with woefully inadequate funding requests from the Bush Administration and the Congress for the veterans' health care system, the new regulations would give hospital administrators the authority to ration care by establishing a priority for treatment for certain veterans with service connected disabilities. Veterans with service connected disabilities rated 50 percent and above and veterans seeking care for their service connected disabilities would get access to treatment before any other veteran is served. No one can argue that service-connected disabled veterans do not deserve the highest priority for veterans benefits and services. However, by allowing admitting clerks to give them front-of-the-line access, the regulations inherently give these same clerks the authority to deny care to veterans in other categories when budgets remain tight. This is the real intent of the proposed regulations, and we believe, contrary to VA opinions, that the VA lacks the statutory authority to deny care to higher-priority veterans in lieu of the Secretary's granted authority to disenroll lower-priority veterans.

PVA, along with every other major veterans service organization worked for nearly a decade to enact legislation that would standardize veterans' eligibility for health care services. Prior to enactment of eligibility reform legislation in 1996, access to health care services was governed by a fragmented bureaucratic tangle of regulations governed primarily by fiscal considerations. Some veterans could get some services; some veterans could get others but only under certain circumstances and under certain conditions governed in part by veteran status, not health care need. The veterans organizations argued that such a system was unfair, did not provide the optimal health care services needed by veterans, was a bureaucratic nightmare and, more importantly, was medically unethical.

Eligibility reform legislation brought simplicity to the process. Veterans would be enrolled in the system based on veterans status and economic need in seven categories. Once enrolled, each veteran was entitled to the complete VA health benefits package on an equal basis. This was not only good policy; it was good medicine. Veterans with service-connected disabilities were included in the highest enrollment categories to ensure complete and speedy access to the system. In fact, because of their service-connected disabilities they were even exempted from enrollment requirements. If these high-priority veterans are having difficulty accessing VA health care now, as the Secretary has stated, then the problem lies in the inability of the Administration to fund the VA properly and the incompetence of VA admitting clerks who ignore current eligibility law and the high priority these veterans already have. Both of these problems should be rectified without the institution of new regulations. The $275 million in emergency supplemental funding that the White House refused to allocate to the VA last month could have gone a long way to ease the burden on the system. The re-characterization of health care access in the proposed regulations is a major step backward toward the chaos that existed in the pre-eligibility reform days.

There is no question that the VA is grossly overburdened. A product of its own success, the system, because of the quality and accessibility of the health care services it provides, has attracted unprecedented numbers of new veteran users. While eligibility reform has been blamed for opening the gates to the system, the real cause of this influx of patients are the new health care markets VA has established by opening 800 outpatient clinics across the country. Among other factors are a private health insurance system that is pricing itself out of reach of most Americans and a Medicare plan that ignores the need for a quality prescription drug benefit for seniors and people with disabilities.

VA is pulling in the reins, attempting to ration care and dissuade veterans from coming into the system. These new regulations are only one attempt. We are certain to see other proposals in the months ahead. But if we go down the road of pitting one group of veterans in the health care queue against other groups of veterans where does it stop? These regulations completely ignore the other key missions of the VA health care system to care for the poor and medically indigent and those veterans with special disabilities such as spinal cord dysfunction, blindness and mental illness. With these regulations in place a hospital administrator could logically ignore these responsibilities as well in contravention of direct statutory requirements.

Finally, we seriously question the VA's opinion that is has sufficient authority under existing statutes to move forward with these interim final rules. The VA's sophistical argument ignores the plain language of the statute providing the VA limited flexibility in managing the enrollment system established by Congress in 1996.

All in all, we do not see why veterans should be denied an accessible, quality health care product just because it is unattainable or unaffordable elsewhere, and the Administration and the Congress do not want to come up with the dollars to fund it adequately.

Sincerely,

DELATORRO L. MCNEIL,
Executive Director.

Mr. ROCKEFELLER. Finally, Mr. President, we have seen a rush by the Administration to implement these new regulations, without the normal comment period for Congress, veterans, or veterans advocates to make their views known. I believe VA's finding, that it has "good cause" to dispense with a normal notice-and-comment period, is without factual merit. If an emergency situation exists, the Administration could have surely provided the $270 million in additional funds which Congress already appropriated to deal with the unacceptably long waiting times.

We must work together to find a better solution for veterans and these regulations must be rescinded to protect access to care for all veterans.

RESCUE OF MINEWORKERS BY FMC

Mr. THOMAS. Mr President, I know all of us in this Chamber shared in the profound sense of relief and elation which accompanied the heroic rescue of nine mineworkers from the Quecreek Mine near Somerset Pennsylvania earlier this summer. It was truly a remarkable story which combined the very best of the human spirit with the most modern mine safety and rescue technologies and produced nothing short of a miracle.

Somewhat lost in the press accounts after the rescue was the role played by the Mine Safety and Health Administration which sent 70 of its own employees to Somerset to assist in the rescue. One of MSHA's important missions is to prepare mineworkers and local health and safety officials for responding to the sort of near disaster that we witnessed last month. The rescue in Pennsylvania was no accident. It was the result of thousands of man-hours dedicated to salvaging the best from the worst. We all saw firsthand how it works.

I am very proud to be able today to recognize that a group of individuals from my own state has won this year's National and International Mine Rescue Contest. The Mine rescue competitions are designed to test the knowledge of miners who might be called upon to respond to a real mine emergency. The contest requires six-member teams to solve a hypothetical mine emergency problem—such as a fire, explosion or cave in—while judges rate them on their adherence to mine rescue procedures and how quickly they complete specific tasks.

This year a team from Green River Wyoming, representing FMC Corporation, which operates a mine in my state, won this prestigious competition. I would like to recognize the individuals who are part of this number 1 team: Bob Knott, Alan Jones, Rick Owens, Leroy Hutchinson, Glen Weinmaster, Dave Thomas, Melvin Lovato, Robert Pope, Bill Oleson, Bob Robison, Tony Herrera, John Key, Rod Knight, Mike Padilla and David Hutchinson.

We pray that this outstanding team will never have to put into practice what it has trained to do over countless hours. However, it is also encouraging to know that such teams are deployed throughout mining country and stand ready to perform the sorts of heroic feats that we all witnessed a few weeks ago in Pennsylvania and coal country.

All of us in Wyoming are very proud of the accomplishments of the FMC Mine Rescue Team and salute all of those involved in the mining industry for their dedication to safety.

ADDITIONAL STATEMENTS

TRIBUTE TO BRADY HOWELL

• Mr. CRAIG. Mr. President, the terrorism of September 11 changed America forever, and it profoundly changed Americans, as well. The people we lost left behind legacies, the compilation of the meaningful things they accomplished throughout their lives, actions and words that still touch their friends and families after their deaths. Those legacies inspire all of us with the bravery and courage of the human spirit, and also remind us of the precious frailty of life.

Brady Howell lost his life in the attack on the Pentagon. This letter, written by Brady's brother Carson Howell to commemorate the one year anniversary of that terrible event, articulates the legacy Brady left behind. I would like to enter this letter into the CONGRESSIONAL RECORD so all my colleagues can remember the great example these Americans are to us. In the words of Carson Howell, "The men and women who perished that day are not heroes because of how they died; they are heroes because of how they lived."

Let me read the letter in its entirety:

Today is a sad day for our family. Not just our family, but also families just like the Vauk family, the Conaty family, the Andrews family, and thousands of others. It's a sad day for our American family as we all remember and pay tribute to the thousands of friends, family, and fellow Americans that lost their lives one year ago today. It's a day that many will remember as the day we learned that heroes aren't found only in comic books. No, there are heroes greater than Superman and my brother is one of them.

Brady Kay Howell loved this country. He was an Eagle Scout. He loved children and taught the youth in Sunday School classes while living in New York and later Virginia. He loved his family and actually had plans to return to Idaho that following weekend for a welcome home party for my parents and for my wedding reception. He loved his wife, Liz, to whom he'd been married for only five short years.

Brady was working in naval intelligence as an intern. Shortly before his death, he and I had a telephone conversation. In it he told me that one of his goals in his life was to have top-secret clearance. I'm proud to say that he accomplished that goal.

I could go on and on about how great my brother was. But, if it were he speaking here today, he wouldn't use this opportunity to speak of his accomplishments. I believe that he would talk about service. He would talk about what a great country this is that we live in and how proud he was to serve and protect all of us.

The work that Brady and many others did that died that day was for all of us. Brady prepared briefings for the Chief of Naval Intelligence and other high-ranking officials so that they could best be informed of how to protect us the American public. Everyday he was protecting our country. Everyday he was fighting for our freedoms that we enjoy. To Brady, it didn't matter how much money you had, it didn't matter what the color of your skin was, it didn't matter which religion you believed. To Brady, what mattered were the people.

Ongoing community service initiatives to commemorate Brady's commitment to public service are being conducted in the Washington, DC area and there are plans for at least one such initiative in Utah. Generous contributions from all over the country have allowed us to create an endowed memory in Brady's name to continue the influence of his story. These contributions will also support an endowed lecture series in Brady's name that has been established and now approved by the BYU-Idaho Board of Trustees.

I miss Brady very much. I remember with fondness building bases and battling with our G.I. Joe action figures, waking up early Saturday morning to watch the Bugs Bunny and Tweety Show together, and climbing trees together. I always looked up to Brady and for me, he was always a hero. As his story is told, others are hearing about the hero whom I was privileged enough to call "brother".

September 11th wasn't the first day that this country has known heroes, nor has it been the last. We should take this time to pay tribute not only to the heroes of September 11th, but all of the heroes that have fought for freedom. Thousands of men and women are working today to protect us from evil. The men and women who perished that day are not heroes because of how they died; they are heroes because of how they lived. Heroes are the men and women who have put themselves in harm's way for the cause of democracy and freedom since long before September 11, 2001. Heroes are the men and women who serve each day to protect people they will never know. Heroes are the men and women who spend more waking hours caring for and about others than they do for themselves. Let us remember the heroes of September 11th 2001, along with the heroes who stood before, who stand now, and who are preparing to stand against evil. Because it is to all of you who have served this country, have given your children for the service of America, and are currently serving that we, the American people, pay tribute this day: the fire fighters, the police officers, the emergency medical crews, and the soldiers of freedom.

If the mark of a hero is one that cares about and fights for others, I hope that the destruction of September 11th has facilitated the construction of tomorrow's heroes. Wouldn't the greatest honor that we could pay to those that perished be if we could follow their example and give of ourselves as they did? We may not be called upon to die for this country, but we are all called upon to live for it. This country doesn't need more martyrs, but this country could use more doers.

Tens of thousands have given their time and tens of thousands have given their lives for America; this "one nation, under God, indivisible, with liberty and justice for all." To be "one nation", we need to be one state, one neighborhood, one home. Let us rededicate ourselves as we did after September 11th, to being Americans. Never in my life before September 11th, had I seen such a display and attitude of patriotism. We were friendlier, we were more patient, and we looked out for each other. I wish that those who died that day could have seen the America that we became. We became strong and united. We showed forth the America that we always should have been; the America that those men and women sacrificed their lives for. Let us honor all of the heroes of America by not letting their sacrifices be in vain. Let us continue their legacies. Let us live for what they died for—The United States of America.●

RECOGNITION OF THE ENTERPRISE FOUNDATION'S 20TH ANNIVERSARY

● **Ms. MIKULSKI.** Mr. President, I rise today to recognize The Enterprise Foundation as it celebrates its 20th year of rebuilding America's communities and creating opportunities for low-income people across America.

The Enterprise Foundation was founded in 1982 by renowned developer James Rouse and his wife, Patty, who were inspired by the commitment of members of the Church of the Saviour in Washington, D.C. to create safe housing in one of the most challenged neighborhoods in the District.

More than 65,000 hours of volunteer time and $500,000 in grants were invested to clean out rats and garbage and to repair, paint and correct more than 940 housing code violations to create those first 90 apartments affordable to low-income families.

Since that humble start, Enterprise has grown to become a national nonprofit with offices in 16 cities, five subsidiaries and a staff of more than 450. Enterprise works with private sector and public partners through a network of more than 2,200 community-based organizations in 820 U.S. locations to provide affordable housing, safer streets and access to jobs and quality child care.

Since 1982, The Enterprise Foundation has raised and committed more than $3.9 billion in equity, loans and grants to build or renovate more than 132,000 homes affordable to low- and very low-income people. Since its creation in 1985, Enterprise Homes has completed more than 4,000 homes for low- and moderate-income families totaling more than $350 million in total development. Enterprise has partnered with more than 170 corporate investors and more than 580 nonprofit and for-profit developers to provide affordable homes for families, the elderly and people with special needs.

Enterprise's job training and placement programs have helped more than 32,000 low-income residents qualify for work and retain employment. More than 4,500 children have benefited from the Home-Based Child Care Program. Enterprise Child Care has awarded more than $4.5 million in grants and loans since 1999.

My own State of Maryland has benefited greatly from the work of the Enterprise Foundation. I have personally seen the results of the Enterprise Foundation's work in the Druid Heights, Lauraville and Garrison/Forest Park neighborhoods in Baltimore. Their comprehensive approach to neighborhood redevelopment is what makes Enterprise an asset in Maryland, and in the Nation.

Today I ask that we pay tribute to Mr. Rouse's legacy and to the profound impact that The Enterprise Foundation has had on the lives of thousands of low-income Americans and their communities.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives delivered by Ms. Niland, one if its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1834. An act for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1784. An act to establish an Office on Women's Health within the Department of Health and Human Services, and for other purposes.

H.R. 2245. An act for the relief of Anisha Goveas Foti.

H.R. 4102. An act to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building".

H.R. 5333. An act to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building".

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 435. Concurrent resolution expressing the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice and should be prohibited.

H. Con. Res. 469. Concurrent resolution authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.).

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3253) to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes, with an amendment.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4687) to provide for the establishment of investigate teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

ENROLLED BILLS SIGNED

At 3:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2810. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

H.R. 3880. An act to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

MEASURE REFERRED ON SEPTEMBER 17, 2002

The following measure, having been reported from the Committee on Energy and Natural Resources, was referred to the Committee on Indian Affairs, pursuant to the order of March 14, 2002.

S. 2018. A bill to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1784. An act to establish an Office on Women's Health within the Department of Health and Human Services, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

H.R. 2245. An act for the relief of Anisha Goveas Foti; to the Committee on the Judiciary.

H.R. 4102. An act to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building"; to the Committee on Governmental Affairs.

H.R. 5333. An act to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 435. Concurrent resolution expressing the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice and should be prohibited; to the Committee on Health, Education, Labor, and Pensions.

The following measure, having been reported from the Committee on Health, Education, Labor, and Pensions, was referred to the Committee on Commerce, Science, and Transportation, for a period not to exceed 30 days of session pursuant to the order of March 3, 1988:

S. 2817. A bill to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007, for the National Science Foundation, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9023. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2002–03 Late Season" (RIN1018–AI30) received on September 16, 2002; to the Committee on Indian Affairs.

EC-9024. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the first annual report pursuant to The College Scholarship Fraud Prevention Act of 2000; to the Committee on the Judiciary.

EC-9025. A communication from Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Cost Estimate for Pay-As-You-Go for Report Number 582; to the Committee on the Budget.

EC-9026. A communication from Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Cost Estimate for Pay-As-You-Go for Report Number 583; to the Committee on the Budget.

EC-9027. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on transactions involving exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC-9028. A communication from the Director, Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Bureau of the Census Certification Process" (RIN0607–AA36) received on September 13, 2002; to the Committee on Governmental Affairs.

EC-9029. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Domestic Asset/Liability and Domestic Investment Yield Percentage for 2001" (Rev. Proc. 2002–58) received on September 12, 2002; to the Committee on Finance.

EC-9030. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Legislation and Congressional Affairs, received on September 13, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-9031. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Aging-Related Changes in Impairment for Persons Living with Physical Disabilities and Personal Assistance Services" received on September 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-9032. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Colombia; to the Committee on Appropriations.

EC-9033. A communication from the Congressional Liaison Officer, Trade and Development Agency, transmitting, pursuant to law, the report of funding obligations that require special notification under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; to the Committee on Appropriations.

EC-9034. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99–06; to the Committee on Appropriations.

EC-9035. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 00–02; to the Committee on Appropriations.

EC-9036. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98–04; to the Committee on Appropriations.

EC-9037. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99–06; to the Committee on Appropriations.

EC-9038. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a notification relative to funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on Foreign Relations.

EC-9039. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Documentations of Immigrants—International Broadcasters" (RIN 1400–AB22) received on September 16, 2002; to the Committee on Foreign Relations.

EC-9040. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for India; to the Committee on Foreign Relations.

EC-9041. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for India; to the Committee on Foreign Relations.

EC-9042. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-9043. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of technical data and defense services to India; to the Committee on Foreign Relations.

EC-9044. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC-9045. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for India; to the Committee on Foreign Relations.

EC-9046. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–9047. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Algeria; to the Committee on Foreign Relations.

EC–9048. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for India; to the Committee on Foreign Relations.

EC–9049. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–9050. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–9051. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–9052. A communication from the Deputy Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mergers and Consolidations of Electric Borrowers" (RIN 0572–AB63) received on September 13, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9053. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "AQI User Fees: Extension of Current Fees Beyond Fiscal Year 2002" (Doc. No. 02–085–1) received on September 13, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9054. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiophanate-methyl; Pesticide Tolerances for Emergency Exemptions" (FRL7196–5) received on September 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9055. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Objections to Tolerances Established for Certain Pesticide Chemicals; Additional Extension of Comment Period" (FRL7275–3) received on September 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9056. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" (Doc. No. FV02–993–4 IFR) received on September 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9057. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, California; Increased Assessment Rate" (Doc. No. FV02–987–1 FR) received on September 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9058. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Celery Grown in Florida; Termination of Marketing Order No. 967" (FV 98–967–1 FR) received on September 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9059. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (Doc. No. FV 02–916–1 FIR) received on September 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9060. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack and Container Requirements" (Doc. No. FV02–920–3 IFR) received on September 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9061. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in Designated Area of Southeastern California; Revision to Container and Pack Requirements" (Doc. No. FV 02–925–2 FIR) received on September 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9062. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Increased Assessment Rate" (Doc. No. FV02–922–1 FR) received on September 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9063. A communication from the Attorney-Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Definitions of Revenue and Nonrevenue Passengers" (RIN2139–AA07) received on September 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9064. A communication from the Chairman, Office of Economic, Environmental, Analysis, and Administration, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Accounts, Records, And Reports; Technical Amendment" (STB Ex. Parte No. 636) received on September 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9065. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revisions to Standards for Infectious Substances; Correction" (RIN2137–AD13) received on September 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9066. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Miscellaneous Revisions to Registration Requirements" (RIN2317–AD74) received on September 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9067. A communication from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Administrator, received on September 13, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9068. A communication from the Acting Assistant Administrator, National Ocean Service, Estuarine Reserves Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Federal Register Notice/FY03 National Estuarine Research Reserve Graduate Research Fellowship" received on September 13, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9069. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Federal Commission's Auctions Expenditure Report for Fiscal Year 2001; to the Committee on Commerce, Science, and Transportation.

EC–9070. A communication from the Chairman, Federal Communications Commission, transmitting, the FCC University Catalog for Fall of 2002; to the Committee on Commerce, Science, and Transportation.

EC–9071. A communication from the Deputy Administrator for Fishery Programs, National Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Interim Rule to Implement Steller Sea Lion Protection Measures and Harvest Specifications for the 2002 Bering Sea/Aleutian Islands Area and the Gulf of Alaska Groundfish Fisheries" (RIN0648–AP69) received on September 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9072. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tank Level or Pressure Monitoring Devices" (RIN2115–AG10) received on September 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9073. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: James River, Jamestown to Scotland, Virginia" ((RIN2115–AE46)(2002–0031)) received on September 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9074. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (including 6 regulations)" ((RIN2115–AA97)(2002–0186)) received on September 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9075. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Passaic River" ((RIN2115–AE47)(2002–0082)) received on September 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9076. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018–AI30) received on September 16, 2002; to the Committee on Environment and Public Works.

EC–9077. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife and Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Late Season Migratory Bird Hunting Regulations" (RIN1018–AI30) received on September 16, 2002; to the Committee on Environment and Public Works.

EC–9078. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Emergency Rule to Establish Seven Additional Manatee Protection Areas in Florida" (RIN1018–AH80) received on September 16, 2002; to the Committee on Environment and Public Works.

EC–9079. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2002–2003 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018–AI34) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9080. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver PM10 Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes" (FRL7261–3) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9081. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Vehicle Inspection and Maintenance Program; Utah County" (FRL7264–7) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9082. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Utah; New Source Performance Standards" (FRL7376–7) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9083. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Carbon Monoxide Implementation Plan; State of Alaska; Anchorage" (FRL7253–4) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9084. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Sources and Modifications" (FRL7378–7) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9085. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Approval of Miscellaneous Revisions to the Mecklenburg County Local Implementation Plan" (FRL7377–8) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9086. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection" (FRL7271–1) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9087. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production; Final Rule Amendments" (FRL7375–9) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9088. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Clarify the Scope of Sufficiency Monitoring Requirements for Federal and State Operating Permits Programs" (FRL7374–6) received on September 12, 2002 ; to the Committee on Environment and Public Works.

EC–9089. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District" (FRL7272–4) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9090. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, South Coast Air Quality Management District" (FRL7266–2) received on September 12, 2002; to the Committee on Environment and Public Works.

EC–9091. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL7272–6) received on September 12, 2002; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 975: A bill to improve environmental policy by providing assistance for State and tribal land use planning, to promote improved quality of life, regionalism, and sustainable economic development, and for other purposes. (Rept. No. 107–290).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2817: A bill to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, and for other purposes. (Rept. No. 107–291).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2952. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 2953. A bill to redesignate the Colonnade Center in Denver, Colorado, as the "Cesar E. Chavez Memorial Building"; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. JEFFORDS, Mr. WELLSTONE, Mr. LEAHY, and Mr. DAYTON):

S. 2954. A bill to amend the Elementary and Secondary Education Act of 1965 to permit States and local educational agencies to decide the frequency of using high quality assessments to measure and increase student academic achievement, to permit States and local educational agencies to obtain a waiver of certain testing requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. GREGG):

S. 2955. A bill to improve data collection and dissemination, treatment, and research relating to cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2956. A bill to require the Secretary of Homeland Security to submit a semi-annual report to Congress regarding the effectiveness with which information is exchanged between the Department of Homeland Security, the Federal Bureau of Investigation, and State and local law enforcement authorities; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 2957. A bill to suspend temporarily the duty on Bispyribac Sodium; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2958. A bill to suspend temporarily the duty on Fenpropathrin; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2959. A bill to suspend temporarily the duty on Acephate; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2960. A bill to suspend temporarily the duty on Pyriproxyfen; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2961. A bill to suspend temporarily the duty on Uniconazole-P; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2962. A bill to suspend temporarily the duty on Flumioxazin; to the Committee on Finance.

By Mr. JOHNSON:

S. 2963. A bill to reform the United States Army Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Ms. COLLINS, Ms. STABENOW, Mr. DEWINE, Mr. REED, Mr. WARNER, Mr. DURBIN, Mr. FITZGERALD, Mr. AKAKA, Mr. VOINOVICH, Mr. INOUYE, Ms. CANTWELL, Mr. KENNEDY, and Mr. BAYH):

S. 2964. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. FRIST, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. HARKIN, Ms. COLLINS, Mr. BIDEN, Mr. BOND, Ms. LANDRIEU, Mr. REID, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Mr. HOLLINGS, and Mr. EDWARDS):

S. 2965. A bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM:

S. Con. Res. 140. A concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on the Judiciary.

By Mrs. FEINSTEIN: (for herself and Mrs. BOXER):

S. Con. Res. 141. A concurrent resolution congratulating the Lawrence Livermore National Laboratory, its staff, and former employees, on the occasion of the 50th anniversary of the founding of the Laboratory, for its outstanding contributions to national security and science in service to our Nation; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 654 , a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 917

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Indiana (Mr. BAYH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 1020

At the request of Mr. HARKIN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1020, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 1298

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1686

At the request of Mr. KENNEDY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1686, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 2022

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2022, a bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties.

S. 2027

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2027, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 2072

At the request of Mr. CORZINE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2072, a bill to amend title XIX of the Social Security Act to provide States with the option of covering intensive community mental health treatment under the Medicaid Program.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2328

At the request of Mr. HARKIN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2328, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality.

S. 2466

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2466, a bill to modify the contract consolidation requirements in the Small Business Act, and for other purposes.

S. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2512

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2557

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2557, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries, and for other purposes.

S. 2662

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2662, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 2674

At the request of Mr. BROWNBACK, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 2674, a bill to improve access to health care medically underserved areas.

S. 2707

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2707, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 2753

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2753, a bill to provide for a Small and Disadvantaged Business Ombudsman for Procurement in the Small Business Administration, and for other purposes.

S. 2792

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2792, a bill to amend the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to carry out certain authorities relating to the importation of municipal solid waste under the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada.

S. 2892

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2892, a bill to provide economic security for America's workers.

S. 2898

At the request of Mr. THURMOND, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2898 , a bill for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S.Res. 307, A resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 322

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S.Res. 322, A resolution designating November 2002, as "National Epilepsy Awareness Month".

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 11, A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

AMENDMENT NO. 4552

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4552 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH (for himself and Mr. LUGAR)

S. 2952. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Energy and Natural Resources.

Mr. BAYH. Mr. President, next year America will celebrate the bicentennial of the cross-country expedition of Meriwether Lewis and William Clark. With what became known as the Corps of Discovery, Lewis and Clark embarked on an epic journey to chart an overland route to the Pacific Ocean, developing a record of its native people and resources. They catalogued varieties of never before seen plant and animal life. In fact, their expedition is seen as a critical precursor to America's great movement to the West.

Less known, but of no less significance to the expedition, are the historic events that occurred at the outset of the journey. I rise today, with my colleague from Indiana, Senator LUGAR, to introduce legislation that recognizes the importance of these events by adding the Falls of the Ohio, in Clarksville, IN and Louisville, KY, to the sites honored and preserved by inclusion on the Lewis and Clark National Historic Trail.

Many historians have detailed the fact that it was the Falls of the Ohio, in Clarksville, IN, that Meriwether Lewis and William Clark met and formed their famous partnership. It was there that they spent 12 days recruiting and enlisting members for their Western expedition in Louisville and southern Indiana for the Corps of Discovery. Ultimately they selected nine men from the area. After establishing their crew, Lewis and Clark set out for the West on the Ohio River from Clarksville on October 26, 1803.

One of the many accounts of the formation of the Corps of Discovery is included in historian Stephen E. Ambrose's work on the expedition, Undaunted Courage. Mr. Ambrose writes that: "At the foot of the rapids, on the north bank, was Clarksville, Indiana Territory. . . . On October 15, Lewis hired local pilots, who took the boat and pirogues into the dangerous but passable passage on the north bank. Safely through, Lewis tied up at Clarksville and set off to meet his partner."

"When they shook hands, the Lewis and Clark expedition began."

And Ambrose continues: "Word has spread up and down the Ohio, and inland, and young men longing for adventure and ambitious for a piece of land of their own set out for Clarksville to sign up . . . Those selected were sworn into the army in solemn ceremony, in the presence of General Clark, and the Corps of Discovery was born."

The National Park Service agreed with Mr. Ambrose and other historical sources that the events at the Falls of the Ohio are of important historical significance. The National Park Service certified the Falls of the Ohio State Park as an official site associated with the Lewis and Clark National Historic Trail.

My legislation would simply reiterate the Park Service's conclusion that the events at the Falls of the Ohio are a significant part of the history of the Lewis and Clark expedition and would include the Falls of the Ohio among the areas designated for recognition on the Lewis and Clark National Historic Trail.

The National Council of the Lewis and Clark Bicentennial designated the Falls of the Ohio as the second signature event of the bicentennial, which will be held in October 2003.

The Falls of the Ohio is an integral part of the Lewis and Clark story, which will be uniquely celebrated next year. It is my hope that we can move quickly to pass this legislation to insure that the recognition occurs in time for the much anticipated 200th anniversary of the trail. That way the citizens of Clarksville and Louisville can honor and preserve their local heritage and all students of history can fully follow in the footsteps of Lewis and Clark and experience the birth of the Corps of Discovery at the Falls of the Ohio.

By Mr. CAMPBELL:

S. 2953. A bill to redesignate the Colonnade Center in Denver, Colorado, as the "Cesar E. Chavez Memorial Building"; to the Committee on Environment and Public Works.

Mr. CAMPBELL. Mr. President, today I am introducing legislation to name the Federal building located at 1244 Speer Boulevard, Denver, CO., as the "Cesar E. Chavez Memorial Building."

Cesar E. Chavez was an ordinary American who left behind an extraordinary legacy of commitment and accomplishment.

Born on March 31, 1927 in Yuma Arizona on a farm his grandfather homesteaded in the 1880's, he began his life as a migrant farm worker at the age of 10 when the family lost the farm during the Great Depression. Those were desperate years for the Chavez family as they joined the thousands of displaced people who were forced to migrate throughout the country to labor in the fields and vineyards.

Motivated by the poverty and harsh working conditions, he began to follow his dream of establishing an organization dedicated to helping these farm workers. In 1962 he founded the National Farm Workers Association which would eventually evolve into the United Farm Workers of America.

Over the next three decades with an unwavering commitment to democratic principals and a philosophy of non-violence he struggled to secure a living wage, health benefits and safe working conditions for arguably the most exploited work force in our country, that they might enjoy the basic protections and workers right to which all Americans aspire.

In 1945, at the age of 18 Cesar Chavez joined the U.S. Navy and served his country for two years. He was the recipient of the Martin Luther King Jr. Peace Prize as well as the Presidential medal of Freedom, the highest award this country can bestow upon a civilian.

Chavez's efforts brought dignity and respect to this country's farm workers and in doing so became a hero, role model and inspiration to people engaged in human rights struggles throughout the world.

The naming of this building will keep alive the memory of his sacrifice and commitment for the millions of people whose lives he touched.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING.

The building known as the Colonnade Center, located at 1244 Speer Boulevard, Denver, Colorado, shall be known and designated as the "Cesar E. Chavez Memorial Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Cesar E. Chavez Memorial Building.

By Mr. FEINGOLD (for himself, Mr. JEFFORDS, Mr. WELLSTONE, Mr. LEAHY, and Mr. DAYTON):

S. 2954. A bill to amend the Elementary and Secondary Education Act of 1965 to permit States and local educational agencies to decide the frequency of using high quality assessments to measure and increase student academic achievement, to permit States and local educational agencies to obtain a waiver of certain testing requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, as millions of public school students and teachers around the country settle into the new school year, I am introducing a bill that would help to return a measure of local control that was taken from school districts and State educational agencies with the enactment of the No Child Left Behind Act earlier this year.

I am pleased to be joined in this effort by Senators Jeffords, Wellstone, Leahy, and Dayton.

I strongly support maintaining local control over decisions affecting our children's day-to-day classroom experiences. I also believe that the Federal Government has an important role to play in supporting our State educational agencies and local school districts as they carry out one of their most important responsibilities, the education of our children.

I voted against the recently-enacted No Child Left Behind Act in large part because of the new annual testing mandate for students in grades 3–8. While I agree that there should be a strong accountability system in place to ensure that public school students are making progress, I strongly oppose over-testing students in our public schools. I agree that some tests are needed to ensure that our children are keeping pace, but taking time to test students has to take a back seat to taking the time to teach students in the first place.

I have heard a lot about these new annual tests from the people of Wisconsin, and their response has been almost universally negative. My constituents are concerned about this additional layer of testing for many reasons, including the cost of developing and implementing these tests, the loss of teaching time every year to prepare for and take the tests, and the extra pressure that the tests will place on students, teachers, schools, and school districts.

I share my constituents' concerns about this new Federal mandate. I find it interesting that proponents of the No Child Left Behind Act say that it will return more control to the States and local school districts. In my view, however, this massive new Federal testing mandate runs counter to the idea of local control.

Many States and local school districts around the country, including Wisconsin, already have comprehensive testing programs in place. The Federal Government should leave decisions about the frequency of using high quality assessments to measure and increase student academic achievement up to the States and local school districts that bear the responsibility for educating our children. Every State and every school district is different. A uniform testing policy may not be the best approach.

I have heard from many education professionals in my state that this new testing requirement is a waste of money and a waste of time. These people are dedicated professionals who are committed to educating Wisconsin's children, and they don't oppose testing. I think we can all agree that testing has its place. What they oppose is the magnitude of testing that is required by this law.

Beginning in the 2005–2006 school year, the No Child Left Behind Act will pile more tests on our Nation's public school students. And of course, when those tests are piled on students, they burden our teachers as well, because teachers must spend more and more time preparing students to take these exams.

This kind of teaching, sometimes called "teaching to the test," is becoming more and more prevalent in our schools as testing has become increasingly common. The dedicated teachers in our classrooms will now be constrained by teaching to yet more tests, instead of being able to use their own judgment about what subject areas the class needs to spend extra time studying. This additional testing time could also reduce the opportunity for teachers to create and implement innovative learning experiences for their students.

Teachers in my State are concerned about the amount of time that they will have to spend preparing their students to take the tests and administering the tests. They are concerned that these additional tests will disrupt the flow of education in their classrooms. One teacher said the preparation for the tests Wisconsin already requires in grades 3, 4, 8, and 10 can take up to a month, and the administration of the test takes another week. That is five weeks out of the school year. And now the Federal Government is requiring teachers to take a huge chunk out of instruction time each year in grades 3–8. In my view, and in the view of the people of my State, this time can be better spent on regular classroom instruction.

The legislation that I introduce today, the Student Testing Flexibility Act of 2002, would give State educational agencies, SEAs, and local educational agencies, LEAs, that have demonstrated academic success the flexibility to apply to waive the new annual testing requirements in the No Child Left Behind Act. SEAs and LEAs with waivers would still be required to administer high quality tests to students in, at a minimum, reading or language arts and mathematics at least once in grades 3–5, 6–9, and 10–12 as required under the law.

This bill would allow SEAs and LEAs that meet the same specific accountability criteria outlined for school-level excellence under the State Academic Achievement Award Program to apply to the Secretary of Education for a waiver from the new annual reading or language arts and mathematics tests for students in grades 3–8. The waiver would be for a period of three years and would be renewable, so long as the SEA or LEA met the criteria.

To qualify for the waiver, the SEA or LEA must have significantly closed the achievement gap between a number of subgroups of students as required under Title I, or must have exceeded their adequate yearly progress, AYP, goals for two or more consecutive years. The bill would require the Secretary to grant waivers to SEAs or LEAs that meet these criteria and apply for the waiver. LEAs in states that have waivers would not be required to apply for a separate waiver.

The Federal Government should not impose an additional layer of testing on states that are succeeding in meeting or exceeding their AYP goals or on closing the achievement gap. Instead, we should allow those States that have demonstrated academic success to use their share of Federal testing money to help those schools that need it the most.

The bill I introduce today would do just that by allowing States with waivers to retain their share of the Federal funding appropriated to develop and implement the new annual tests. These important dollars would be used for activities that these states deem appropriate for improving student achievement at individual public elementary and secondary schools that have failed to make AYP.

I am pleased that this legislation is supported by the National PTA, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the Wisconsin Department of Public Instruction, the Wisconsin Education Association Council, the Wisconsin Association of School Boards, the Milwaukee Teachers' Education Association, and the Wisconsin School Administrators Alliance, which includes the Association of Wisconsin School Administrators, the Wisconsin Association of School District Administrators, the Wisconsin Association of School Business Officials, and the Wisconsin Council for Administrators of Special Services.

While this bill focuses on the overtesting of students in our public schools, I would like to note that my constituents have raised a number of other concerns about the No Child Left Behind Act that I hope will be addressed by Congress. In particular, many of my constituents are concerned about the new adequate yearly progress requirements and about finding the funding necessary to implement all of the provisions of this new law. I hope that my bill, the Student Testing Flexibility Act, will help to focus attention on the perhaps unintended consequences that the ongoing implementation of the No Child Left Behind Act will have for States, school districts, and individual schools, teachers, and students.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Testing Flexibility Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) State and local governments bear the majority of the cost and responsibility of educating public elementary school and secondary school students;

(2) State and local governments often struggle to find adequate funding to provide basic educational services;

(3) the Federal Government has not provided its share of funding for numerous federally mandated elementary and secondary education programs;

(4) underfunded Federal education mandates increase existing financial pressures on States and local educational agencies;

(5) the cost to States and local educational agencies to implement the annual student academic assessments required under section 1111(b)(3)(C)(vii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(vii)) remains uncertain;

(6) public elementary school and secondary school students take numerous tests each year, from classroom quizzes and exams to standardized and other tests required by the Federal Government, State educational agencies, or local educational agencies;

(7) multiple measures of student academic achievement provide a more accurate picture of a student's strengths and weaknesses than does a single score on a high-stakes test; and

(8) the frequency of the use of high quality assessments as a tool to measure and increase student achievement should be decided by State educational agencies and local educational agencies.

SEC. 3. WAIVER AUTHORITY.

Section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding at the end the following:

"(E) WAIVER AUTHORITY.—

"(i) STATES.—Upon application by a State educational agency, the Secretary shall waive the requirements of subparagraph (C)(vii) for a State if the State educational agency demonstrates that the State—

"(I) significantly closed the achievement gap between the groups of students described in paragraph (2); or

"(II) exceeded the State's adequate yearly progress, consistent with paragraph (2), for 2 or more consecutive years.

"(ii) LOCAL EDUCATIONAL AGENCIES.—Upon application of a local educational agency located in a State that does not receive a waiver under clause (i), the Secretary shall waive the application of the requirements of subparagraph (C)(vii) for the local educational agency if the local educational agency demonstrates that the local educational agency—

"(I) significantly closed the achievement gap between the groups of students described in paragraph (2); or

"(II) exceeded the local educational agency's adequate yearly progress, consistent with paragraph (2), for 2 or more consecutive years.

"(iii) PERIOD OF WAIVER.—A waiver under clause (i) or (ii) shall be for a period of 3 years and may be renewed for subsequent 3-year periods.

"(iv) UTILIZATION OF CERTAIN FEDERAL FUNDS.—

"(I) PERMISSIVE USES.—Subject to subclause (II), a State or local educational agency granted a waiver under clause (i) or (ii) shall use funds, that are awarded to the State or local educational agency, respectively, under this Act for the development and implementation of annual assessments under subparagraph (C)(vii), to carry out educational activities that the State educational agency or local educational agency, respectively, determines will improve the academic achievement of students attending public elementary schools and secondary schools in the State or local educational agency, respectively, that fail to make adequate yearly progress (as defined in paragraph (2)(C)).

"(II) NONPERMISSIVE USE OF FUNDS.—A State or local educational agency granted a waiver under clause (i) or (ii) shall not use funds, that are awarded to the State or local educational agency, respectively, under this Act for the development and implementation of annual assessments under subparagraph (C)(vii), to pay a student's cost of tuition, room, board, or fees at a private school.".

By Mr. BROWNBACK (for himself and Mr. GREGG):

S. 2955. A bill to improve data collection and dissemination, treatment, and research relating to cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, today, I am proud to join with the ranking member of the Senate HELP Committee in introducing and the National Cancer Act of 2002. We believe that this is the proverbial first step of the thousand mile journey toward the goal of making cancer death rare by the year 2015.

First, I would be remiss if I failed to point out that we are not the first in the Senate to drop a cancer bill. Indeed, fired the first salvo in our Nation's conflict with cancer with the passage of the National Cancer Institute Act back in 1937. This law, established the National Cancer Institute, (NCI), within the public health service and directed the Surgeon General to promote cancer research.

In 1971, responding to the call of President Nixon, Congress officially declared war on cancer with the passage of the National Cancer Act of 1971. This law established the Director of the National Cancer Institute as one of two Presidentially appointment posts within all of the National Institutes of Health. In addition, the '71 Act gave the Director the ability to bypass the normal budget process and submit the NCI budget directly to the President, a privilege that is entirely unique throughout the Executive Branch. With our declaration of war our Nation saw the establishment of the President's Cancer Panel, the National Cancer Advisory Board, the International Cancer Research Data Bank and the first cancer center. The stated goal of the country that had just landed a man on the moon was to cure cancer within a decade.

Since 1971, we have seen 31 years pass, six Presidents sworn in, 15 sessions of Congress, and ten different bills signed into law with the goal of ending the prolonged war on cancer. This year over half a million Americans will die from cancer. It is for them, and for the 1.2 million Americans who will be diagnosed with cancer, and for the millions of cancer survivors who are living beyond this disease that we introduce this bill today.

Ours is the time in history when we must reinvigorate the battle. Thanks to advances in treatment and increased screening and early detection, between 1990 and 1997, for the first time in history, the number of cancer deaths and diagnoses have declined. However, to whom much is given, much is expected. The National Cancer Act of 2002, answers the call and lays out a battle plan for the next, and hopefully final attack in the war on cancer.

Mr. GREGG. Mr. President, I am very pleased this morning to introduce this bill with my good friend Senator BROWNBACK. Our bill, the National Cancer Act of 2002, is an important step forward in making survivorship of cancer the rule in this Nation and cancer mortality the rare exception. I want to thank our good friends in the cancer and pain care communities who have provided critical feedback during the development of the Act. Our bill will: Enhance coordination between State registries and between those registries and Federal cancer control and research efforts, with a focus on developing interoperability and compatible hardware/software infrastructure. Reauthorize the successful CDC Breast and Cervical Cancer screening program, with expansion encouraged for colorectal cancer screening. Improve NIH efforts in the area of pain and palliative care research and dissemination of information to patients and providers. Expand access for patients to experimental therapies, both in NIH-funded clinical trials, privately-funded manufacturer trials and access for terminal patients to therapies that have not yet been approved by FBA. Encourage Congress and the Administration to address several of the most significant cancer-related problems in the Medicare system.

I look forward to working with my colleagues on the HELP Committee to move this important piece of legislation this year. I know that we all share the agenda of combating this public health problem facing so many Americans.

By Mr. FEINGOLD:

S. 2956. A bill to require the Secretary of Homeland Security to submit a semi-annual report to Congress regarding the effectiveness with which information is exchanged between the Department of Homeland Security, the Federal Bureau of Investigation, and State and local law enforcement authorities; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, first let me commend the Chairman and Ranking Member of the Governmental Affairs Committee for all of their efforts in crafting the Homeland Security measure before the Senate today.

As I have listened to the various proposals to create a Department of Homeland Security one of my primary concerns is what are we going to do to improve the role of the FBI as an intelligence gathering agency. I rise today to introduce legislation on this matter, and I send a copy of this legislation to the desk.

I also rise to offer the same legislation as an amendment to the Homeland Security bill, and I send a copy of the amendment to the desk.

The need for this amendment is clear. We have heard, over and over again, that one of the chief purposes of the new Department is to enable one agency to serve as a central clearinghouse for all terrorism related information, regardless of the source. For the consumers of intelligence information, like the Department of Homeland Security, it should not matter whether the information comes from a CIA agent in the Middle East, an FBI agent listening to a wire-tap from overseas or a cop on a street corner in New York City.

I am concerned that we have not done enough to insure that the relevant information gathered by the FBI is passed on to those who can analyze it and evaluate a potential threat against our Nation's safety. Simply put, I wonder about what type of information the FBI will be providing to the new Department and what the new Department will do with the information. I am concerned about the lack of policies and procedures in place for the new Department to request follow-up investigation from the FBI and local law enforcement.

I have offered this amendment, entitled the Intelligence Analysis Reporting Act of 2002, to assist Congress in determining if the division of investigative responsibilities between the Department of Homeland Security and the FBI is working effectively. This amendment will provide Congress with the information necessary to determine if the FBI is taking competent steps to provide information to the new Department and to respond to intelligence requests in a useful manner.

Presently, the FBI does not have the technological nor personnel capacity to provide information to the Department of Homeland Security or to any other intelligence agency in a highly useful form. This is because criminal investigations, which involve grand jury testimony, witness interviews and wire-taps, are not conducive to the standards of intelligence gathering which require some sifting of the material before it is disseminated to consumers like a Department of Homeland Security.

This amendment would require the new Department to report to Congress on policies and procedures implemented to insure that it can adequately request information and investigation from the FBI and local law enforcement. In addition, it requires the Department of Homeland Security to report on what types of intelligence information have been turned over such as summary interviews, transcripts and warrants from the FBI and other law enforcement agencies.

I firmly believe that no matter how many agencies are moved into a Department of Homeland Security or how much money we spend on putting up a new building, the only test of our success will be how effective we are in protecting ourselves against future threats. This amendment will allow us to determine if the critical intelligence information we need to prevent a possible attack is being provided to people at the Department of Homeland Security who can act on it promptly and effectively.

I urge my colleagues to support this measure.

By Mr. JOHNSON:

S. 2963: A bill to reform the United States Army Corps of Engineers; to the Committee on Environment and Public Works.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corps of Engineers Reform Act of 2002".

SEC. 2. DEFINITIONS.

In this Act:

(1) Corps.—The term "Corps" means the Corps of Engineers.

(2) Secretary.—The term "Secretary" means the Secretary of the Army.

SEC. 3. INLAND WATERWAY REFORM.

(a) Construction.—Section 102(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(a)) is amended—

(1) in the first sentence, by striking "One-half of the costs of construction" and inserting "Forty-five percent of the costs of construction"; and

(2) by striking the second sentence and inserting "Fifty-five percent of those costs shall be paid only from amounts appropriated from the Inland Waterways Trust Fund.".

(b) Operation and Maintenance.—Section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212) is amended by striking subsections (b) and (c) and inserting the following:

"(b) Operation and Maintenance.—

"(1) Federal share.—The Federal share of the cost of operation and maintenance shall be 100 percent in the case of—

"(A) a project described in paragraph (1) or (2) of subsection (a); or

"(B) the portion of the project authorized by section 844 that is allocated to inland navigation.

"(2) Source of federal share.—

"(A) General fund.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is less than or equal to 1 cent per ton mile, or in the case of the portion of the project authorized by section 844 that is allocated to inland navigation, the Federal share under paragraph (1) shall be paid only from amounts appropriated from the general fund of the Treasury.

"(B) General fund and inland waterways trust fund.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is greater than 1 but less than or equal to 10 cents per ton mile—

"(i) 45 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the general fund of the Treasury; and

"(ii) 55 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the Inland Waterways Trust Fund.

"(C) Inland waterways trust fund.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is greater than 10 cents per ton mile, 100 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the Inland Waterways Trust Fund.".

SEC. 4. INDEPENDENT REVIEW.

(a) Definitions.—In this section:

(1) Affected state.—The term "affected State", with respect to a water resources project, means a State or portion of a State that—

(A) is located, at least partially, within the drainage basin in which the project is carried out; and

(B) would be economically or environmentally affected as a result of the project.

(2) Director.—The term "Director" means the Director of Independent Review appointed under subsection (c)(1).

(b) Projects Subject to Independent Review.—

(1) In general.—The Secretary shall ensure that each draft feasibility report, draft general reevaluation report, and draft environmental impact statement for each water resources project described in paragraph (2) is subject to review by an independent panel of experts established under this section.

(2) Projects subject to review.—A water resources project shall be subject to review under paragraph (1) if—

(A) the project has an estimated total cost of more than $30,000,000, including mitigation costs;

(B) the Governor of an affected State, or the Director of a Federal agency with jurisdiction over resources affected by the proposed project requests the establishment of a panel of independent experts to review the project; and

(C) the Secretary determines under paragraph (3) that the proposed project is controversial.

(3) Written requests.—Not later than 30 days after the date on which the Secretary receives a written request of an interested party, or on the initiative of the Secretary, the Director shall determine whether a water resources project is controversial.

(c) Director of Independent Review.—

(1) Appointment.—The Secretary of the Army shall appoint in the Office of the Inspector General of the Department of the Army a Director of Independent Review.

(2) Qualifications.—The Secretary of the Army shall select the Director from among individuals who are distinguished experts in biology, hydrology, engineering, economics, or another discipline relating to water resources management.

(3) Limitation on appointments.—The Army Inspector General shall not appoint an individual to serve as the Director if the individual has a financial interest in or close professional association with any entity with a strong financial interest in a water resources project that, on the date of appointment of the Director, is—

(A) under construction;

(B) in the preconstruction engineering and design phase; or

(C) under feasibility or reconnaissance study by the Corps.

(4) Terms.—

(A) In general.—The term of a Director appointed under this subsection shall be 6 years.

(B) Term limit.—An individual may serve as the Director for not more than 2 nonconsecutive terms.

(5) Duties.—The Director shall establish a panel of experts to review each water resources project that is subject to review under subsection (b).

(d) Establishment of Panels.—

(1) In general.—After the date on which the Secretary issues a draft feasibility report, draft general reevaluation report, or draft environmental impact statement relating to a water resources project that is subject to review under subsection (b)(2), the Director shall establish a panel of experts to review the project.

(2) Membership.—A panel of experts established by the Director for a water resources project shall be composed of not less than 5 nor more than 9 independent experts (including 1 or more biologists, engineers, and economists) who represent a range of areas of expertise.

(3) Limitation on appointments.—The Director shall not appoint an individual to serve on a panel of experts for a project if the individual has a financial interest in or close professional association with any entity with a strong financial interest in the project.

(4) Consultation.—The Director may consult with the Academy in developing lists of individuals to serve on panels of experts under this section.

(5) Compensation.—An individual serving on a panel of experts under this section shall be compensated at a rate of pay to be determined by the Inspector General.

(6) Travel expenses.—A member of a panel of experts under this section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the panel.

(e) Duties of Panels.—A panel of experts established for a water resources project under this section shall—

(1) review each draft feasibility report, draft general reevaluation report, and draft

environmental impact statement prepared for the project to identify—

(A) technical errors;

(B) outdated and inaccurate data; and

(C) flawed economic and environmental methodologies and models;

(2) receive from the public written and oral comments concerning the project; and

(3) not later than the deadline established under subsection (f), submit to the Secretary a report concerning the economic, engineering, and environmental analysis of the project, including the conclusions and recommendations of the panel.

(f) Duration of Project Reviews.—Not later than 180 days after the date of establishment of a panel of experts for a water resources project under this section, the panel shall complete each required review of the project and all other duties of the panel relating to the project.

(g) Final Issuance of Reports and Statements.—Before issuing a final feasibility report, final general reevaluation report, or final environmental impact statement for a water resources project, the Secretary shall—

(1) take into consideration any recommendations contained in the report described in subsection (e)(3) for the water resources project; and

(2) prepare and include in the final feasibility report, final general reevaluation report, or final environmental impact statement—

(A) the report of the panel; and

(B) for any recommendations of the panel not adopted by the Secretary, a written explanation of the reasons why the recommendations were not adopted.

(h) Costs.—The cost of conducting a review of a water resources project under this section—

(1) shall not exceed $250,000;

(2) shall be considered to be part of the total cost of the project; and

(3) shall be a Federal expense.

(i) Applicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a panel of experts established under this section.

SEC. 5. MITIGATION.

(a) Concurrent Mitigation.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking "(a)(1) In the case" and inserting the following:

"(a) Mitigation.—

"(1) In general.—In the case";

(2) in paragraph (1), by indenting subparagraphs (A) and (B) appropriately;

(3) in paragraph (2), by striking "(2) For the purposes" and inserting the following:

"(3) Commencement of construction.—For the purposes"; and

(4) by inserting after paragraph (1) the following:

"(2) Implementation of mitigation.—

"(A) In general.—To ensure concurrent mitigation, the Secretary shall implement required mitigation under paragraph (1) as expeditiously as practicable, but not later than—

"(i) the last day of construction of the project or separable element of the project; or

"(ii) in a case in which completion of mitigation by the date described in clause (i) is physically impracticable because 1 or more sites for the remaining mitigation are or will be disturbed by project construction (as determined by the Secretary), not later than the end of the next fiscal year immediately following the last day of construction.

"(B) Availability of funds.—Funds made available for preliminary engineering and design, construction, or operations and maintenance may be used to carry out this subsection.".

(b) Full Mitigation.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Plans and proposals.—

"(A) In general.—After November 17, 1986, the Secretary shall not submit any proposal for the authorization of any water resources project to Congress, and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal contains—

"(i) a specific plan to fully mitigate fish and wildlife losses created by the project; or

"(ii) a determination by the Secretary that the project will have negligible adverse impact on fish and wildlife.

"(B) Forests.—A specific mitigation plan described in subparagraph (A)(i) shall ensure, to the maximum extent practicable, that impacts to bottomland hardwood forests are mitigated in kind.

"(C) Consultation.—In carrying out this subsection, the Secretary shall consult with appropriate Federal and non-Federal agencies."; and

(2) by adding at the end the following:

"(3) Standards for mitigation.—

"(A) In general.—The Secretary shall not recommend a water resources project alternative or select a project alternative in any final record of decision, environmental impact statement, or environmental assessment completed after the date of enactment of this paragraph unless the Secretary determines that the mitigation plan has a high probability of successfully mitigating the adverse impacts of the project on aquatic and other resources, hydrologic functions, and fish and wildlife.

"(B) Requirements.—A mitigation plan described in subparagraph (A) shall—

"(i) provide for the acquisition and restoration of at least 1 acre of superior or equivalent habitat of the same type to replace each acre of habitat negatively affected by the project;

"(ii) ensure that mitigation will result in replacement of all functions of the habitat negatively affected by the project, including—

"(I) spatial distribution; and

"(II) natural hydrologic and ecological characteristics;

"(iii) contain sufficient detail regarding the mitigation sites and restoration activities selected to permit a thorough evaluation of—

"(I) the likelihood of the ecological success of the plan; and

"(II) resulting aquatic and other resource functions and habitat values;

"(iv) include a detailed and specific plan to monitor mitigation implementation and success; and

"(v) include specific ecological success criteria by which the success of the mitigation will be evaluated.".

(c) Mitigation Tracking System.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended by adding at the end the following:

"(h) Mitigation Tracking System.—

"(1) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a recordkeeping system to track for each water resources project constructed, operated, or maintained by the Secretary, and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

"(A) the quantity and type of wetland and other types of habitat affected by the project or permitted activity;

"(B) the quantity and type of mitigation required for the project or permitted activity;

"(C) the quantity and type of mitigation that has been completed for the project or permitted activity; and

"(D) the status of monitoring for the mitigation carried out for the project or permitted activity.

"(2) Required information and organization.—The recordkeeping system shall—

"(A) include information on impacts and mitigation described in subsection (a) that occur after December 31, 1969; and

"(B) be organized by watershed, project, permit application, and zip code.

"(3) Availability of information.—The Secretary shall make information contained in the recordkeeping system available to the public (including through the Internet).".

SEC. 6. MODERN ECONOMIC AND ENVIRONMENTAL STANDARDS.

Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) is amended to read as follows:

"SEC. 209. CONGRESSIONAL STATEMENT OF OBJECTIVES.

"(a) In General.—It is the intent of Congress that economic development and environmental protection and restoration be co-equal goals of water resources planning and development.

"(b) Revision of Principles and Guidelines.—Not later than 1 year after the date of enactment of the Army Corps Reform Act of 2002, the Secretary of the Army, in consultation with the National Academy of Sciences, shall revise the principles and guidelines of the Corps of Engineers for water resources projects (consisting of Engineer Regulation 1105–2–100 and Engineer Pamphlet 1165–2–1) to reflect modern methods of measuring benefits and costs of water resources projects.

"(c) Revision of Guidance.—The Secretary of the Army shall revise the Guidance for Conducting Civil Works Planning Studies (ER 1105–2–100) to comply with this section.".

By Mr. LEVIN (for himself, Ms. Collins, Ms. Stabenow, Mr. DeWine, Mr. Reed, Mr. Warner, Mr. Durbin, Mr. Fitzgerald, Mr. Akaka, Mr. Voinovich, Mr. Inouye, Ms. Cantwell, Mr. Kennedy, and Mr. Bayh):

S. 2964. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

Ms. STABENOW. Mr. President, I would like to express my strong support for the National Acquatic Invasive Species Act of 2002 (NAISA)

Last year, I introduced S. 1034, the Great Lakes Ecology Protection Act which sought to curb the influx of invasive species into the Great Lakes. This is an immense task, as more than

87 nonindigenous aquatic species have been accidentally introduced into the Great Lakes in the past century. I am proud to say that this bill had strong bipartisan support with 12 Great Lakes Senators as original cosponsors.

Today, I am proud to join Senator LEVIN as an original cosponsor of NAISA which will provide a national strategy for preventing invasive species from being introduced in the Great Lakes and our Nation's waters. I am also pleased that NAISA incorporates many of the ideas from the Great Lakes Ecology Protection Act in formulating a national standard.

Invasive species have had a devastating economic and ecological impact on the U.S. They have already damaged the Great Lakes in a number of ways. They have destroyed thousands of fish and threatened our clean drinking water.

For example, Lake Michigan once housed the largest self-reproducing lake trout fishery in the entire world. The invasive sea lamprey, which was introduced from ballast water almost 80 years ago, has contributed greatly to the decline of trout and whitefish in the Great Lakes by feeding on and killing native trout species.

Today, lake trout must be stocked because they cannot naturally reproduce in the lake. Many Great Lakes States have had to place severe restrictions on catching yellow perch because invasive species such as the zebra mussel disrupt the Great Lakes' ecosystem and compete with yellow perch for food. The zebra mussel's filtration also increase water clarity, which may be making it easier for predators to prey upon the yellow perch. Moreover, tiny organisms like zooplankton that help from the base of the Great Lakes food chain, have declined due to consumption by exploding populations of zebra mussels.

We have made progress on preventing the spread of invasive species, but we have not yet solved this problem. NAISA will create a mandatory national ballast water management program to prevent the introduction of invasive species into our waters, as well as, encourage the development of new ballast treatment technology to eliminate invasive species. NAISA also will greatly increase research funding for these treatment and prevention technologies, and provide necessary funding and resources for invasive species rapid response plans. In addition, the bill will increase outreach and education to recreational boaters and the general public on how to prevent the spread of invasive species.

As Members of the U.S. Congress, we have a responsibility to share in the stewardship of our Nation's natural resources. As a Great Lakes Senator, I feel a particularly strong responsibility to protect a resource that is not only a source of clean drinking water for more than 30 million people in the Great Lakes, but is vital to Michigan's economy and environment. I am proud to support a bill that will provide innovative solutions and necessary resources to this long-standing environmental problem, and will also protect water resources for the enjoyment and benefit of future generations of Americans.

By Mr. KENNEDY (for himself, Mr. FRIST, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. HARKIN, Ms. COLLINS, Mr. BIDEN, Mr. BOND, Ms. LANDRIEU, Mr. REID, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Mr. HOLLINGS, and Mr. EDWARDS):

S. 2965. A bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is an honor to join my distinguished colleagues, Senators FRIST, HARKIN, HUTCHISON, BIDEN, LANDRIEU, REID, BINGAMAN, DODD, CLINTON, HOLLINGS, and EDWARDS in introducing the "Quality of Care for Individuals with Cancer Act."

The goal of this important bipartisan legislation is to help close the gap between what modern medicine can do today to reduce cancer deaths, and the actual medical care that cancer patients receive.

In the past two decades, the nation has made extraordinary progress in treating and curing cancer. In fact, we have made so much progress that our greatest challenges in health care today is taking the scientific breakthroughs in the laboratory and bringing them to the bedside of the patient.

Too often, we cannot say that American cancer patients are receiving the best possible care. Our goal is to match the nation's excellence in cancer research with state-of-the-art excellence in cancer care.

The reward will be seeing a young mother with breast cancer live to be a grandmother, enable a toddler with leukemia grow up to be President, or a father win the Tour de France for a fourth time.

Many examples of inadequate care could be cited. For example, only a third of all Americans over age fifty have had proper colorectal cancer screenings in the last two years. Clearly, there are far too many needless and correctable failures in our current system of cancer care.

By creating uniform ways to measure the quality of cancer care, and establishing new, improved and better coordinated ways to monitor care, we can do more to see that cancer patients receive state-of-the-art care, no matter where they live.

In response to the needs of cancer survivors, and with the help of the Lance Armstrong Foundation, this bipartisan bill will also establish new survivorship programs to facilitate the delivery of services to cancer patients and their families.

Just as importantly, we want to make the best cancer care easier for patients to obtain. Our bill will improve the networking of the doctors and other providers to whom patients go for their care.

Many of us know family members and friends suffering from cancer. We are all to familiar with the feelings of shock, denial, hope, fear, and vulnerability that comes when a loved one, especially a child, is found to have cancer.

Dealing with the challenges is never an easy task for any family. But the continuing breakthoughs in medical research make clear that much more can be done to save and enhance the lives of cancer patients. We need to do all we can to make this care available and affordable to all patients.

Make no mistake about it, we have come a long way. But much more must be done to improve the lives of cancer patients.

Mr. FRIST. Mr. President, I am pleased to join Senators KENNEDY, HUTCHISON, and others in introducing the "Quality of Care for Individuals with Cancer Act". This bill represents our next step in the battle against cancer. It is critical to increasing access to timely, quality health care.

Cancer is the second leading cause of death among Americans, claiming one life each minute. Most of us know someone who has cancer, or who has died from cancer. One out of every 4 Americans will die from this terrible disease. We have done a tremendous job investing in cancer research in this country. We must now make sure the knowledge gained from those investments is being applied, and that research advancements are translated into improved patient care.

If you have cancer, the quality of care you receive should not be affected by where you live, where you get your care, or whether you have health insurance coverage. You should have access to quality care whether you have just been diagnosed with cancer, are a cancer survivor, or are dying from this disease. The care given should take the patient's values and concerns into account and should be provided in a culturally competent manner.

Based on a recent Institute of Medicine's report, "Ensuring Quality Cancer Care", this bill would coordinate the development and collection of information on quality cancer care using quality measures that examine care from diagnosis through the end-of-life. Clearly, a better system is needed to rapidly identify the results of ongoing research with quality implications and ensure that this is transferred into daily medical practice.

Individuals with cancer receive care from a number of specialists during the course of their cancer, and the responsibility for navigating through the system often rests on the individual. Comprehensible and ongoing communication among providers, patients and caregivers is essential to coordinated care. There are two demonstration projects authorized by this legislation to help improve the coordination of care. One demonstration project provides individual case managers to better coordinate care within the health care system or to help get patients into the system. The second attempts to improve coordination between providers and hospitals so that individuals with cancer receive seamless care throughout their course of treatment.

While receiving care, some individuals with cancer do not receive care known to be effective for their condition, such as the delivery of palliative care. Much of the suffering from symptoms associated with cancer and its treatment could be alleviated if currently available symptom control measures and other aspects of palliative care were more widely used. This bill authorizes demonstration projects which will provide palliative care at any stage of cancer care and train health care providers in symptom management. The legislation also seeks to help provide better pain and other symptom relief so that individuals with cancer do not suffer the consequences of their disease or treatment.

For the nine million Americans living with cancer, this bill provide hope in improving the quality of life for individuals with cancer by translating what is already known to be effective care to all individuals with cancer. For those areas in which we need to investigate, demonstration projects will further our knowledge.

I am pleased to introduce this important legislation, and I look forward to its ultimate enactment into law. I want to thank my colleagues, Senators KENNEDY, HUTCHISON, and others, for their work on this bill. I ask that the summary, section-by-section, and list of supporting organizations be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

QUALITY OF CARE FOR INDIVIDUALS WITH CANCER ACT—KENNEDY-FRIST

Cancer is a dreaded disease and the second leading cause of death. Over the preceding decades much progress has been made on how to detect, treat and cure individuals who have cancer and those who are affected. But too often, the typical standards of care fall short of the best standards of care.

Unfortunately, many cancer patients are getting inappropriate care—too little care, too much care in the form of unnecessary procedures, or the wrong care. Simple screening procedures are underutilized and radical interventions are often needlessly performed. Receiving quality care should not be determined by where a patient lives, where they get their care, or whether or not they have health insurance. Unfortunately this is not the case, and variations in quality of care can have dire outcomes. A recent study found that women on Medicaid are likely to be diagnosed with cancer at a later stage and are three times more likely to die of breast cancer than women not on Medicaid.

The problem: Even with tremendous advancements in treatment and diagnosis, individuals with cancer are still not receiving quality care. Due to lack of data, the magnitude of the problem of inadequate care is not known. Comprehensive data systems do not currently exist with which to measure quality and there is no national cancer care program or system of care within the United States.

Our solution: Collect better information to discover where problems exist and create statewide plans to address the problems. The bill will draw together Federal agencies and private entities to coordinate the development and collection of information on quality of care. States will receive funds to expand state cancer registries to collect information on quality of care and develop and improve state-wide cancer control programs that address particular needs for each state.

The Problem: Individuals with cancer often have difficulties negotiating through a complex system of care. Like other chronic illnesses, efforts to diagnose and treat cancer are centered on a variety of individual physicians and can be in multiple settings. Coordination between these entities is often lacking, and the responsibility for navigating through the system often rests on the individual with cancer. Improving coordination can save lives. Research has shown that cooperation among pediatric oncologists has resulted in cure rate increases of 30 percent even in the absence of new therapeutics to treat disease.

Our Solution: Provide case-managers to guide patients during treatment and improve the coordination of care. Two programs will be developed to help individuals with cancer receive coordinated cancer care. The first provides individual case-managers to help get patients into the system or to act as contacts throughout their care and assist with information, referrals, and care coordination within the system. The second improves coordination between doctors, hospitals, and other health care professionals so that individuals with cancer receive seamless care throughout their treatment.

The Problem: While research has produced new insights into the causes and cures of cancer, efforts to manage the symptoms of the disease and its treatments have not kept pace. Palliative care, which includes pain and symptom management and psychosocial care, is an area where individuals with cancer have traditionally received relatively poor quality care. For example, less than half of individuals with cancer who suffer from pain receive adequate relief of their pain, and only a very small percentage of cancer patients are offered referrals for palliative care.

Our Solution: Improve palliative care. The bill will develop programs to provide palliative care and train professionals to provide better palliative care for both adults and children with cancer.

The Problem: Cancer survivors continue to need quality care while living with, through, and beyond cancer. Although 1,500 people die each day from cancer, increasingly, individuals with cancer survive their disease. The more than nine million cancer survivors in the United States face unique care needs, including post-treatment programs and support, which are often inadequately addressed by a system focused on diagnosis and disease treatment.

Our Solution: Initiate programs to address the unique needs of survivors. The bill develops post-treatment programs including follow-up care and monitoring to improve the long-term quality of life for cancer survivors, including children.

The Problem: Insufficient attention is being paid to individuals with cancer in the final stages of their disease. One-half of those diagnosed with cancer die of the disease. Unfortunately, appropriate end-of-life medical and social support, which would help maximize the quality of life for these individuals and their families, is often unavailable. This is particularly true for children. Most physicians do not receive adequate training on the provision of appropriate end-of-life care. A 1998 study found that 100 percent of residents and 90 percent of attending physicians wanted more support in dealing with issues surrounding the death of a patient.

Our Solution: Avoid needless pain and suffering by improving end-of-life care. The bill provides grants to coordinate end-of-life cancer care and train health care providers in end-of-life care. Pilot programs will also be developed to address the special needs of children.

QUALITY OF CARE FOR INDIVIDUALS WITH CANCER ACT—KENNEDY-FRIST, SECTION-BY-SECTION SUMMARY

TITLE I—MEASURING THE QUALITY OF CANCER CARE

Seeks to facilitate a contract to a national consensus organization to investigate the validity of existing quality measures and to then establish recommendations for core sets of quality cancer measures. These recommendations would be published within AHRQ's annual report and, after four years, the General Accounting Office will evaluate the extent to which Federal and private sector health care delivery programs have incorporated these quality measures.

TITLE II—ENHANCING DATA COLLECTION

Serves to reauthorize the CDC's National Program of Cancer Registries, including new provisions to monitor and evaluate quality cancer care and to increase linkages with various entities to examine disparities in quality cancer care. It also authorizes the CDC's National Program of Cancer Registries—Cancer Surveillance System to advance the development, expansion, and evaluation of State registries and encourages CDC to work with states to meet North American Association of Cancer Registries certification.

TITLE III—MONITORING AND EVALUATING THE QUALITY OF CANCER CARE AND OUTCOMES

Supports research to measure, evaluate, and improve the quality of cancer care, and funds private/public partnerships to enhance the usefulness of such information, including fostering the development or adoption of model systems of care or speeding the pace of improvement in quality of cancer care.

TITLE IV—STRENGTHENING COMPREHENSIVE CANCER CONTROL

Authorizes the CDC's Comprehensive Cancer Control Program to develop an integrated and coordinated approach to cancer. The Program will establish guidelines regarding the design and implementation of state comprehensive cancer control plans, and awards grants to develop, update, implement, and evaluate such plans.

TITLE V—IMPROVING NAVIGATION AND SYSTEM COORDINATION

Provides grants to develop, implement, and evaluate case management programs to enhance the quality of cancer through improved access and navigation. Grants are also awarded to develop coordinated systems of health care providers. Finally, this title defines "palliative care" and "quality of cancer care."

TITLE VI—ESTABLISHING PROGRAMS IN PALLIATIVE CARE

Provides grants to improve palliative care for adults and children with cancer by: integrating programs, conducting outreach and educational activities, providing education and training to health care providers; designing model programs; creating pilot programs for children; and for other activities.

TITLE VII—ESTABLISHING SURVIVORSHIP PROGRAMS

Establishes demonstration programs to develop post-treatment public health programs and services including follow-up care and monitoring to support and improve the long-term quality of life for cancer survivors, including children. A focus on cancer survivorship is also added to cancer control programs.

TITLE VIII—PROGRAMS FOR END-OF-LIFE CARE

Provides grants to develop, implement, and evaluate evidence-based programs for the delivery of quality cancer care during the end-of-life to individuals with cancer (with a special emphasis on children) and their families.

TITLE IX—DEVELOPING TRAINING CURRICULA

Provides grants for the development of curricula for health care provider training regarding the assessment, monitoring, improvement, and delivery of quality of cancer care.

TITLE X—CONDUCTING REPORTS

Requires IOM reports to: evaluate Federal and State Comprehensive Cancer Control programs; evaluate the quality of cancer care medicare and medicaid beneficiaries receive and the extent to which coverage and reimbursement policies affect access to quality of cancer care; evaluate access to clinical trials; and analyze gaps in and impediments for quality of cancer care. An additional long-range IOM report will provide a follow-up assessment of the bill's success in achieving its initiatives.

Organizations Supporting the Kennedy-Frist, Quality of Care for Individuals with Cancer Act

Alive Hospice;
American Cancer Society;
American Pain Foundation;
American Society of Breast Disease;
The Children's Hospital at the Cleveland Clinic;
Colorectal Cancer Network;
Intercultural Cancer Council;
Lance Armstrong Foundation;
Oncology Nursing Society;
Pain Care Coalition;
Research Triangle Institute International;
Stanford University Center for Biomedical Ethics; and
Vitas Healthcare Corp.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 140—RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. SANTORUM submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 140

Whereas even though African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas 6 separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players;

Whereas Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship;

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States;

Whereas during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States;

Whereas during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues;

Whereas the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities;

Whereas only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves; and

Whereas baseball is the national pastime and reflects the history of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

SENATE CONCURRENT RESOLUTION 141—CONGRATULATING THE LAWRENCE LIVERMORE NATIONAL LABORATORY, ITS STAFF, AND FORMER EMPLOYEES, ON THE OCCASION OF THE 50TH ANNIVERSARY OF THE FOUNDING OF THE LABORATORY, FOR ITS OUTSTANDING CONTRIBUTIONS TO NATIONAL SECURITY AND SCIENCE IN SERVICE TO OUR NATION

Mrs. FEINSTEIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 141

Whereas the Lawrence Livermore National Laboratory was established in 1952 as part of the University of California Radiation Laboratory to augment the efforts of the Los Alamos National Laboratory to meet an urgent national security need and has since made important advances in nuclear weapons science and technology to keep the Nation at peace and secure;

Whereas advances by the Laboratory in nuclear weapons technology strengthened the ability of NATO to deter aggression in Europe during the Cold War and have ensured the continuing safety, security, and reliability of our Nation's nuclear weapons stockpile in the absence of nuclear testing;

Whereas the Laboratory has provided technical support to arms control negotiations and treaty implementation, including negotiations and treaties to reduce the size of nuclear arsenals, prevent the proliferation of nuclear weapons and technologies, and limit nuclear weapons testing;

Whereas the Laboratory has greatly contributed to efforts of the United States intelligence community to understand nuclear-weapons related activities worldwide, as well as to respond to nuclear emergencies through its participation in the Nuclear Emergency Search Team, its development of the National Atmospheric Release Advisory Center, and its other emergency response capabilities, which are now contributing to the war against terrorism;

Whereas Laboratory researchers have made many scientific advances, including work that won a Nobel Prize for Physics in 1998 and numerous advances in astrophysics, such as contributions to understanding supernovas, high resolution mapping of the moon, the search for dark matter in the universe, and the development of advanced technologies to improve the performance of terrestrially-based telescopes;

Whereas technology development of the Laboratory has broadly contributed to the Nation's technical prowess and the competitiveness of United States industry, as evidenced by the winning of 85 prestigious R&D 100 awards, the most by any institution, as well as by very effective long-term partnerships with the computer industry and laser and electro-optics industries;

Whereas the Laboratory has contributed to the development of technologies that offer the promise of providing energy security in the long term, including technology development for coal gasification, significant advances in fusion energy science, and international leadership in inertial confinement fusion research, and construction of large intertial confinement fusion lasers including ongoing work on the National Ignition Facility;

Whereas the Laboratory has developed novel environmental restoration technologies that are being used to rapidly clean up groundwater contamination at Superfund sites and is at the forefront of the development of simulation capabilities to better understand the Earth's climate and how it may change;

Whereas technologies developed at the Laboratory contributed to the Department of Energy's decision to launch its Human Genome Initiative in 1987, which evolved into the international Human Genome Project, the Laboratory participated in the project by mapping and sequencing chromosome 16, and continuing genetics work at the Laboratory is leading to the identification of the source of genetic diseases and to the development of improved detectors of biological agents;

Whereas the Laboratory is a valuable part of the University of California, working cooperatively with its many campuses to further higher education, contributing broadly to elementary and secondary educational efforts throughout Northern California and educational outreach directed at minority groups nationwide; and

Whereas the Laboratory has been a national resource for science and technology for 50 years dedicated to serve our Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress, on the occasion of the 50th anniversary of the founding of the Lawrence Livermore National Laboratory, congratulates the Laboratory, its staff, and former employees for its dedicated service to our Nation, with its outstanding contributions to national security, its tradition of scientific and technical excellence, and its continuing efforts to make the world more secure and a better place to live.

AMENDMENTS SUBMITTED & PROPOSED

SA 4563. Mr. BAYH (for himself, Mr. Shelby, Mr. Sessions, Mr. Hutchinson, Mr. McConnell, and Mr. Durbin) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes.

SA 4564. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4565. Mr. FEINGOLD (for himself, Ms. Collins, and Mr. Carper) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4566. Mr. LEVIN (for himself, Mr. Grassley, Mr. Akaka, and Mr. Leahy) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4567. Mr. LEVIN (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4568. Mr. HOLLINGS (for himself, Mr. McCain, Mr. Reid, Mr. Jeffords, Mr. Carper, and Mr. Torricelli) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4569. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4570. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4571. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4572. Mr. CLELAND submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4573. Mrs. BOXER (for herself, Mr. Inouye, and Mr. Campbell) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4574. Mr. BURNS (for Mr. Brownback) proposed an amendment to amendment SA 4472 proposed by Mr. Byrd to the bill H.R. 5093, supra.

SA 4575. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4576. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4577. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4578. Mr. GRASSLEY (for himself and Mr. Leahy) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4579. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4580. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4581. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4582. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4583. Mr. GRASSLEY (for himself, Mr. Sessions, and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4584. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4585. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4586. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4587. Mr. WARNER (for himself and Mr. Thompson) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4588. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra.

SA 4589. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4590. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4591. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4592. Mr. SCHUMER (for himself and Mr. Warner) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4593. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4594. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4595. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4596. Mrs. CLINTON (for herself and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4597. Mrs. CLINTON (for herself, Mr. Inhofe, Mr. Leahy, and Mr. Jeffords) submitted an amendment intended to be proposed by her to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4598. Mrs. CLINTON (for herself and Mr. Inhofe) submitted an amendment intended to be proposed by her to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4599. Mr. HARKIN (for himself and Mr. Lugar) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra.

SA 4600. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4601. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4602. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4603. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4604. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4605. Mr. HUTCHINSON submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4606. Mr. HUTCHINSON submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4607. Mr. THOMAS (for himself and Mr. Levin) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4608. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4609. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4610. Mr. REID submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4611. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4612. Ms. COLLINS (for herself and Mr. Levin) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4613. Mr. GRASSLEY (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4614. Mr. SESSIONS (for himself, Mr. Leahy, and Mr. Nickles) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4615. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4616. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4617. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4618. Mr. JEFFORDS (for himself and Mrs. Boxer) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4619. Mr. JEFFORDS (for himself, Mr. Smith, of New Hampshire, and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4620. Mr. LEAHY (for himself and Mr. Hatch) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4621. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4622. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4623. Mr. LIEBERMAN (for himself, Mr. Thompson, and Mr. Burns) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra.

SA 4624. Mr. STEVENS (for himself, Ms. Collins, Ms. Snowe, and Mr. Hollings) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4625. Mr. STEVENS (for himself, Ms. Collins, Ms. Snowe, and Mr. Hollings) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4626. Mr. STEVENS (for himself, Ms. Collins, Ms. Snowe, and Mr. Hollings) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4627. Mr. STEVENS (for himself, Ms. Collins, Ms. Snowe, and Mr. Hollings) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4628. Mr. SCHUMER (for himself and Mrs. Clinton) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4629. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4630. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4631. Mr. LIEBERMAN (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4632. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4633. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4634. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4635. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H .R. 5005, supra; which was ordered to lie on the table.

SA 4636. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H .R. 5005, supra; which was ordered to lie on the table.

SA 4637. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4638. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. Lieberman and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4639. Mrs. FEINSTEIN (for herself and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4640. Mrs. FEINSTEIN (for herself, Mr. Bond, and Mr. Leahy) submitted an amendment intended to be proposed by her to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4641. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4642. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4643. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4644. Mr. BYRD proposed an amendment to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra.

SA 4645. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4646. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4647. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4648. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4649. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4650. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4651. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4652. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4653. Mr. DURBIN (for himself and Mr. Crapo) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4654. Mr. SARBANES (for himself, Mr. Warner, Ms. Mikulski, and Mr. Allen) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr.

LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4655. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4656. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4657. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4658. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4659. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4660. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4661. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4662. Mr. SMITH, of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4663. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4664. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4665. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4666. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4667. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4668. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4669. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4670. Mr. CONRAD (for himself, Mrs. HUTCHISON, Mr. HELMS, Mr. JOHNSON, Mr. GRASSLEY, Mr. BREAUX, and Mrs. CARNAHAN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4671. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE , Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4672. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4673. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 4644 proposed by Mr. BYRD to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4674. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4675. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4676. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4677. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4678. Mrs. FEINSTEIN (for herself and Mr. McCAIN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which waş ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4563. Mr. BAYH (for himself, Mr. SHELBY, Mr. SESSIONS, Mr. HUTCHINSON, Mr. McCONNELL, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 211, between lines 9 and 10, insert the following:

TITLE VI—STRENGTHENED TEMPORARY FLIGHT RESTRICTIONS FOR THE PROTECTION OF CHEMICAL WEAPONS STORAGE DEPOTS

SEC. 601. ENFORCEMENT OF TEMPORARY FLIGHT RESTRICTIONS.

(a) IMPROVED ENFORCEMENT.—The Secretary of Defense shall request the Administrator of the Federal Aviation Administration to enforce temporary flight restrictions applicable to Department of Defense depots for the storage of lethal chemical agents and munitions.

(b) ASSESSMENT OF USE OF COMBAT AIR PATROLS AND EXERCISES.—The Secretary shall assess the effectiveness, in terms of deterrence and capabilities for timely response, of current requirements for carrying out combat air patrols and flight training exercises involving combat aircraft over the depots referred to in such subsection.

SEC. 602. REPORTS ON UNAUTHORIZED INCURSIONS INTO RESTRICTED AIRSPACE.

(a) REQUIREMENT FOR REPORT.—The Administrator of the Federal Aviation Administration shall submit to Congress a report on each incursion of an aircraft into airspace in the vicinity of Department of Defense depots for the storage of lethal chemical agents and munitions in violation of temporary flight restrictions applicable to that airspace. The report shall include a discussion of the actions, if any, that the Administrator has taken or is taking in response to or as a result of the incursion.

(b) TIME FOR REPORT.—The report required under subsection (a) regarding an incursion described in such subsection shall be submitted not later than 30 days after the occurrence of the incursion.

SEC. 603. REVIEW AND REVISION OF TEMPORARY FLIGHT RESTRICTIONS.

(a) REQUIREMENT TO REVIEW AND REVISE.—The Secretary of Defense shall—

(1) review the temporary flight restrictions that are applicable to airspace in the vicinity of Department of Defense depots for the storage of lethal chemical agents and munitions, including altitude and radius restrictions; and

(2) request the Administrator of the Federal Aviation Administration to revise the restrictions, in coordination with the Secretary, to ensure that the restrictions are sufficient to provide an opportunity for—

(A) timely detection of incursions of aircraft into such airspace; and

(B) timely response to protect such agents and munitions effectively from threats associated with the incursions.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions taken under subsection (a). The report shall contain the following:

(1) The matters considered in the review required under that subsection.

(2) The revisions of temporary flight restrictions that have been made or requested as a result of the review, together with a discussion of how those revisions ensure the attainment of the objectives specified in paragraph (2) of such subsection.

SA 4564. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 13 and 14, insert the following:

SEC. 173. EMPLOYMENT LIMITATIONS.

(a) SENIOR EXECUTIVE SERVICE NONCAREER APPOINTEES.—

(1) IN GENERAL.—Notwithstanding section 3134(d) of title 5, United States Code, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not at any time exceed 5 percent of the average number of senior executives employed in Senior Executive Service positions in the Department during the preceding fiscal year.

(2) AVERAGE NUMBER OF SENIOR EXECUTIVES.—For purposes of this subsection, the average number of senior executives employed in Senior Executive Service positions in the Department during a fiscal year shall be equal to 25 percent of the sum of the total number of senior executives employed in Senior Executive Service positions in the Department on the last day of each quarter of such fiscal year.

(b) SCHEDULE C APPOINTEES.—The number of positions in the Department which may be excepted from the competitive service, on a temporary or permanent basis, because of their confidential or policy-determining character may not at any time exceed the equivalent of 15 positions.

SA 4565. Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, strike line 17 and all that follows through page 112, line 4, and insert the following:

SEC. 137. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to be headed by a director, which shall oversee and coordinate departmental programs for and relationships with State and local governments.

(b) RESPONSIBILITIES.—The Office established under subsection (a) shall—

(1) coordinate the activities of the Department relating to State and local government;

(2) assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism;

(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland;

(4) develop a process for receiving meaningful input from State and local government to assist the development of the Strategy and other homeland security activities; and

(5) prepare an annual report, that contains—

(A) a description of the State and local priorities in each of the 50 States based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(B) a needs assessment that identifies homeland security functions in which the Federal role is duplicative of the State or local role, and recommendations to decrease or eliminate inefficiencies between the Federal Government and State and local entities;

(C) recommendations to Congress regarding the creation, expansion, or elimination of any program to assist State and local entities to carry out their respective functions under the Department; and

(D) proposals to increase the coordination of Department priorities within each State and between the States.

(c) HOMELAND SECURITY LIAISON OFFICERS.—

(1) DESIGNATION.—The Secretary shall designate in each State and the District of Columbia not less than 1 employee of the Department to serve as the Homeland Security Liaison Officer in that State or District.

(2) DUTIES.—Each Homeland Security Liaison Officer designated under paragraph (1) shall—

(A) provide State and local government officials with regular information, research, and technical support to assist local efforts at securing the homeland;

(B) provide coordination between the Department and State and local first responders, including—

(i) law enforcement agencies;

(ii) fire and rescue agencies;

(iii) medical providers;

(iv) emergency service providers; and

(v) relief agencies;

(C) notify the Department of the State and local areas requiring additional information, training, resources, and security;

(D) provide training, information, and education regarding homeland security for State and local entities;

(E) identify homeland security functions in which the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies;

(F) assist State and local entities in priority setting based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(G) assist the Department to identify and implement State and local homeland security objectives in an efficient and productive manner;

(H) serve as a liaison to the Department in representing State and local priorities and concerns regarding homeland security;

(I) consult with State and local government officials, including emergency managers, to coordinate efforts and avoid duplication; and

(J) coordinate with Homeland Security Liaison Officers in neighboring States to—

(i) address shared vulnerabilities; and

(ii) identify opportunities to achieve efficiencies through interstate activities .

(d) FEDERAL INTERAGENCY COMMITTEE ON FIRST RESPONDERS AND STATE, LOCAL, AND CROSS-JURISDICTIONAL ISSUES.—

(1) IN GENERAL.—There is established an Interagency Committee on First Responders and State, Local, and Cross-jurisdictional Issues (in this section referred to as the "Interagency Committee", that shall—

(A) ensure coordination, with respect to homeland security functions, among the Federal agencies involved with—

(i) State, local, and regional governments;

(ii) State, local, and community-based law enforcement;

(iii) fire and rescue operations; and

(iv) medical and emergency relief services;

(B) identify community-based law enforcement, fire and rescue, and medical and emergency relief services needs;

(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services;

(D) identify ways to streamline the process through which Federal agencies support community-based law enforcement, fire and rescue, and medical and emergency relief services; and

(E) assist in priority setting based on discovered needs.

(2) MEMBERSHIP.—The Interagency Committee shall be composed of—

(A) a representative of the Office for State and Local Government Coordination;

(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;

(C) a representative of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(D) a representative of the Federal Emergency Management Agency of the Department;

(E) a representative of the United States Coast Guard of the Department;

(F) a representative of the Department of Defense;

(G) a representative of the Office of Domestic Preparedness of the Department;

(H) a representative of the Directorate of Immigration Affairs of the Department;

(I) a representative of the Transportation Security Agency of the Department;

(J) a representative of the Federal Bureau of Investigation of the Department of Justice; and

(K) representatives of any other Federal agency identified by the President as having a significant role in the purposes of the Interagency Committee.

(3) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee and the Advisory Council, which shall include—

(A) scheduling meetings;

(B) preparing agenda;

(C) maintaining minutes and records;

(D) producing reports; and

(E) reimbursing Advisory Council members.

(4) LEADERSHIP.—The members of the Interagency Committee shall select annually a chairperson.

(5) MEETINGS.—The Interagency Committee shall meet—

(A) at the call of the Secretary; or

(B) not less frequently than once every 3 months.

(e) ADVISORY COUNCIL FOR THE INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an Advisory Council for the Interagency Committee (in this section referred to as the "Advisory Council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Council shall be composed of not more than 13 members, selected by the Interagency Committee.

(B) DUTIES.—The Advisory Council shall—

(i) develop a plan to disseminate information on first response best practices;

(ii) identify and educate the Secretary on the latest technological advances in the field of first response;

(iii) identify probable emerging threats to first responders;

(iv) identify needed improvements to first response techniques and training;

(v) identify efficient means of communication and coordination between first responders and Federal, State, and local officials;

(vi) identify areas in which the Department can assist first responders; and

(vii) evaluate the adequacy and timeliness of resources being made available to local first responders.

(C) REPRESENTATION.—The Interagency Committee shall ensure that the membership of the Advisory Council represents—

(i) the law enforcement community;

(ii) fire and rescue organizations;

(iii) medical and emergency relief services; and

(iv) both urban and rural communities.

(3) CHAIRPERSON.—The Advisory Council shall select annually a chairperson from among its members.

(4) COMPENSATION OF MEMBERS.—The members of the Advisory Council shall serve without compensation, but shall be eligible for reimbursement of necessary expenses connected with their service to the Advisory Council.

(5) MEETINGS.—The Advisory Council shall meet with the Interagency Committee not less frequently than once every 3 months.

SA 4566. Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. AKAKA, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, insert between lines 9 and 10 the following:

TITLE VI—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 601. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)"; and

(3) by adding at the end the following:

"(C) a disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

"(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

"(III) an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed.".

(b) COVERED DISCLOSURES.—Section 2302(b) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking "This subsection" and inserting the following:

"This subsection"; and

(2) by adding at the end the following:

"In this subsection, the term 'disclosure' means a formal or informal communication or transmission.".

(c) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by adding after the matter following paragraph (12) (as amended by subsection (b) of this section) the following:

"For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence.".

(d) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or determination relating to a security clearance;

"(xiii) an investigation of an employee or applicant for employment because of any activity protected under this section; and".

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

" 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.'; or

"(14) conduct, or cause to be conducted, an investigation of an employee or applicant for employment because of any activity protected under this section.".

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

"§ 7702a. Actions relating to security clearances

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance, the Merit Systems Protection Board or a court—

"(1) shall determine whether section 2302 was violated;

"(2) may not order the President to restore a security clearance; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance was made in violation of section 2302, the affected agency shall conduct a review of that suspension, revocation, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, or other determination was made in violation of section 2302, the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, or other determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance.

"(c) An allegation that a security clearance was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.".

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

"7702a. Actions relating to security clearances.".

(e) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

"(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

(f) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(g) COMPENSATORY DAMAGES.—Section 1214(g)(2) of title 5, United States Code, is amended by inserting "compensatory or" after "forseeable".

(h) DISCIPLINARY ACTION.—Section 1215 of title 5, United States Code, is amended in subsection (a), by striking paragraph (3) and inserting the following:

"(3)(A) A final order of the Board may impose disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1000.

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under section 2303(b) (8) or (9), the Board shall impose disciplinary action if the Board finds that protected activity was a significant motivating factor in the decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.”.

(i) DISCLOSURES TO CONGRESS.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

“(f) Each agency shall establish a process that provides confidential advice to employees on making a lawful disclosure to Congress of information that is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.”.

(j) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

“(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.”.

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

“(e)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

“(2) During the 5-year period beginning on February 1, 2003, this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.”.

(k) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking paragraph (1) and inserting the following:

“(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

“(B) During the 5-year period beginning on February 1, 2003, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit or the United States Court of Appeals for the circuit in which the petitioner resides. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.”.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703 of title 5, United States Code, is amended by striking subsection (d) and inserting the following:

“(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

“(2) During the 5-year period beginning on February 1, 2003, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in any appellate court of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.”.

(l) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.”

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SA 4567. Mr. LEVIN (for himself and Mr. MCCONNELL, submitted an amendment intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PRIVATE SECURITY OFFICERS RECORD REVIEWS.

(a) FINDINGS.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

(b) DEFINITIONS.—In this section:

(1) EMPLOYEE.—The term "employee" includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term "authorized employer" means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.— The term "private security officer"—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes; but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term "security services" means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term "State identification bureau" means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(c) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this section.

(B) EMPLOYEE RIGHTS.—

(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this section.

(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this section.

(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this section, submitted through the State identification bureau of a participating State, the Attorney General shall—

(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(D) USE OF INFORMATION.—

(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

(ii) TERMS.—In the case of—

(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this section in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this section, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, and destruction of information and audits, and recordkeeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) CRIMINAL PENALTY.—Whoever falsely certifies that he meets the applicable standards for an authorized employer or who knowingly and intentionally uses any information obtained pursuant to this section other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(4) USER FEES.—

(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(i) collect fees pursuant to regulations promulgated under paragraph (2) to process background checks provided for by this section;

(ii) notwithstanding the provisions of section 3302 of title 31, United States Code, retain and use such fees for salaries and other expenses incurred in providing such processing; and

(iii) establish such fees at a level to include an additional amount to remain available until expended to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) STATE COSTS.—Nothing in this section shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this section.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this section by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this paragraph.

SA 4568. Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. REID, Mr. JEFFORDS, Mr. CARPER, and Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 170 and insert the following:

SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.

(a) REVIEW OF TRANSPORTATION VULNERABILITIES AND FEDERAL TRANSPORTATION SECURITY EFFORTS.—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit facilities and equipment;

(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack; and

(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security to determine their effectiveness at protecting passengers, freight (including hazardous materials), and transportation infrastructure from terrorist attack.

(b) REPORT.—

(1) CONTENT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress, the Secretary, and the Secretary of Transportation a comprehensive report, without compromising national security, containing—

(A) the findings and conclusions from the reviews conducted under subsection (a); and

(B) proposed steps to improve any deficiencies found in aviation, seap0ort, rail, motor carrier, motor coach, pipeline, highway, and transit security, including, to the extent possible, the cost of implementing the steps.

(2) FORMAT.—The Comptroller General may submit the report in both classified and redacted format if the Comptroller General determines that such action is appropriate or necessary.

(c) RESPONSE OF THE SECRETARY.—

(1) IN GENERAL.—Not alter than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(A) the response of the Department to the recommendations of the report; and

(B) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

(2) FORMATS.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is necessary or appropriate.

(d) REPORTS PROVIDED TO COMMITTEES.—In furnishing the report required by subsection (b), and the Secretary's response and recommendations under subsection (c), to the Congress, the Comptroller General and the Secretary, respectively, shall ensure that the report, response, and recommendations are transmitted to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure.

SA 4569. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 172, the following:

SEC. 173. REPEAL OF IMMUNITY FOR CUSTOMS OFFICERS IN CONDUCTING CERTAIN SEARCHES.

(a) IN GENERAL.—Section 3061 of the Revised Statutes is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(b) TRADE ACT OF 2002.—The Trade Act of 2002 is amended—

(1) by striking section 341; and

(2) in the table of contents, by striking the item relating to section 341.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in chapter 4 of title III of the Trade Act of 2002.

SA 4570. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, after line 25, add the following:

(e) INFORMATION ANALYSIS REPORT.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) require the Secretary, for the first 5 years after the date of enactment of this Act, to submit a semi-annual report to Congress on—

(i) the specific policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to threats of terrorism against the United States and other threats to homeland security within the Federal government, including the Federal Bureau of Investigation, and between the Federal Government, State and local governments, local law enforcement, and intelligence agencies;

(ii) the specific policies and procedures for the tasking of information between the Department and the Federal Government, including the Federal Bureau of Investigation, and between the Federal Government, State and local governments, local law enforcement, and intelligence agencies; and

(iii) the nature of law enforcement information the Department has received from the Federal Bureau of Investigation and State and local law enforcement agencies;

(B) provide relevant information to Congress to assist in determining if the sharing of intelligence between the Department and the Federal Bureau of Investigation is working efficiently and effectively; and

(C) enable Congress to accurately determine if the Department is working effectively with the Federal, State, and local law enforcement agencies so that an accurate and useful exchange of information occurs between the Department and such agencies.

(2) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—The Department shall study the issues under subparagraph (B) and submit a report of such study to Congress not less than every 6 months during the 5 years following enactment of this Act, without disclosing the actual substance of any information relating to national security.

(B) ISSUES TO BE STUDIED.—The report under subparagraph (A) shall include—

(i) the policies and procedures developed by the Department—

(I) to obtain relevant information from the Federal Government (including the Federal Bureau of Investigation) and State and local law enforcement agencies;

(II) to request follow-up information and investigation from such entities; and

(III) for sharing information with other Federal, State, and local government agencies;

(ii) the specific rules and practices developed between the Department and other Federal, State, and local government agencies;

(iii) the nature and type of information—

(I) shared with Federal, State, and local government agencies; and

(II) related to law enforcement, intelligence, and homeland security that was received by the Department during the relevant reporting period, including reports, documents, summaries, tapes, and photographs;

(iv) a list of the agencies that have received information under clause (iii)(I), including whether the information was provided by the Department upon the request of such agency;

(v) a summary of the items received by the Department from the Federal Bureau of Investigation, including—

(I) individual witness grand jury transcripts;

(II) notes of witness interviews

(III) wire-tap applications;

(IV) wire-tap transcripts (including actual tapes);

(V) search warrant applications;

(VI) search warrants;

(VII) photographs;

(VIII) videos;

(IX) computer disks;

(X) summary reports; and

(XI) any other relevant items;

(vi) the nature of the follow-up requests made by the Department—

(I) for information and intelligence from the Federal Bureau of Investigation;

(II) for raw intelligence data from the Federal Bureau of Investigation; and

(III) that required additional investigation by the Federal Bureau of Investigation;

(vii) the nature of each follow-up request made by the Department to the Federal Bureau of Investigation, including whether the request related to a witness interview, subpoena information, surveillance, or undercover work;

(viii) the efforts that have been made by the Department and the Federal Bureau of Investigation to improve interdepartmental communication, including the development of computer programs to facilitate electronic communication between the Department and the Federal Bureau of Investigation;

(ix) the general nature of investigations conducted by analysts of the Department and any similar analyses performed by the Federal Bureau of Investigation; and

(x) the identification of the method of transmission of all information provided to the Department, whether transmitted by mail, computer, or messenger.

SA 4571. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In the amendment strike all after the first word and insert the following:

SEC. ___. EMPLOYEE RIGHTS.

(a) DEFINITION.—In this section, the term "primary job duty" means a job duty that occupies not less than 25 percent of the job duties of an employee of the Department.

(b) TRANSFERRED AGENCIES.—The Department, or a subdivision of the Department, that includes an entity or organizational unit, or subdivision thereof, transferred under this Act, or performs functions transferred under this Act shall not be excluded from coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of title 5, United States Code, after July 19, 2002.

(c) TRANSFERRED EMPLOYEES.—An employee, or class of employees who share the same job duties, transferred to the Department under this Act, in an appropriate unit under section 7112 of title 5, United States Code, prior to the transfer, shall not be excluded from a unit under subsection (b)(6) of that section, unless—

(1) the primary job duty of the employee or class of employees has materially changed after the transfer;

(2) the primary job duty of the employee or class of employees after such change consists of intelligence, counterintelligence, or investigative duties directly related to the investigation of terrorism; and

(3) it is demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(d) OTHER AGENCIES AND EMPLOYEES.—

(1) EXCLUSION OF SUBDIVISION.—Subject to subsection (b), a subdivision of the Department shall not be excluded from coverage under chapter 71 of title 5, United States

Code, under section 7103(b)(1) of that title, unless—

(A) the subdivision has, as a primary function, intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(B) the provisions of that chapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(2) EXCLUSION OF EMPLOYEE.—Subject to subsection (c), an employee of the Department or class of employees of the Department who share the same job duties shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless—

(A) the primary job duty of the employee or class of employees consists of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(B) it is demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(e) PRIOR EXCLUSION.—Subsections (b) through (d) shall not apply to any entity or organizational unit, or subdivision thereof, transferred to the Department under this Act that, on July 19, 2002, was excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title.

(f) REMOVAL FROM UNIT DURING PENDENCY OF PROCEEDING.—No employee or class of employees of the Department shall be a member of a unit during the pendency of any proceeding before the Federal Labor Relations Authority in which the Department has asserted that the employee or class of employees may not be included in a unit under section 7112(b)(6) of title 5, United States Code.

(g) NATIONAL SECURITY SHOWING REBUTTABLE ONLY BY CLEAR AND CONVINCING EVIDENCE.—In any proceeding referred to in subsection (f), if the Department has made the showing regarding national security as set forth in subsection (c)(3) and subsection (d)(2)(B), the showing may be rebutted only by clear and convincing evidence.

(h) EXPEDITED REVIEW.—The Authority shall grant priority consideration to a unit clarification petition with respect to which the Department asserts that any employee or class of employees may not be included in a unit under section 7112(b)(6) of title 5, United States Code. In any such proceeding, the parties shall follow the following expedited procedures:

(1) The Department shall provide any information requested by the Regional Director of the Authority within 10 days after the request is made.

(2) A hearing on the petition shall be commenced within 15 days of receipt of the requested information, if any, by the Authority and the parties.

(3) If briefs are filed after the conclusion of the hearing, the Regional Director shall issue a decision within 30 days after the receipt of the briefs, and if no briefs are filed, no later than 45 days after the conclusion of the hearings.

(4) The parties shall have 15 days to appeal after the receipt of the decision of the Regional Director.

(5) If the Authority does not accept the appeal within 30 days, the Regional Director's decision becomes final.

(6) If the Authority accepts the appeal, a decision by the Authority shall issue within 30 days.

(7) There shall be no judicial review of the decision of the Authority.

SEC. ___ . PREEMPTED PROVISIONS.

Notwithstanding any other provision of this Act, including any effective date provision, the following provisions of this Act shall not take effect:

(1)§ 187(f)(1).

The provisions of this section shall take effect one day after the date of this bill's enactment.

SA 4572. Mr. CLELAND submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 9 through 13 and insert the following:

(10) Consulting with the Centers for Disease Control and Prevention in the administration by the Centers of the Strategic National Stockpile.

On page 72, line 22, strike all through page 73, line 2.

SA 4573. Mrs. BOXER (for herself, Mr. INOUYE, and Mr. CAMPBELL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1___ . IMPERIAL PROJECT.

Notwithstanding any other provision of law, none of the funds provided by this Act or under any other Act may be used by the Secretary of the Interior to determine the validity of mining claims of, or to approve the plan of operations submitted by, the Glamis Imperial Corporation for the Imperial project, an open-pit gold mine located on public land administered by the Bureau of Land Management in Imperial County, California.

SA 4574. Mr. BURNS (for Mr. BROWNBACK) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1___ . EFFECT OF CERTAIN PROVISIONS ON DECISION AND INDIAN LAND.

(a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SA 4575. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ . EMPLOYEE RIGHTS.

(a) DEFINITION.—In this section, the term "primary job duty" means a job duty that occupies not less than 25 percent of the job duties of an employee of the Department.

(b) TRANSFERRED AGENCIES.—The Department, or a subdivision of the Department, that includes an entity or organizational unit, or subdivision thereof, transferred under this Act, or performs functions transferred under this Act shall not be excluded from coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of title 5, United States Code, after July 19, 2002.

(c) TRANSFERRED EMPLOYEES.—An employee, or class of employees who share the same job duties, transferred to the Department under this Act, in an appropriate unit under section 7112 of title 5, United States Code, prior to the transfer, shall not be excluded from a unit under subsection (b)(6) of that section, unless—

(1) the primary job duty of the employee or class of employees has materially changed after the transfer;

(2) the primary job duty of the employee or class of employees after such change consists of intelligence, counterintelligence, or investigative duties directly related to the investigation of terrorism; and

(3) it is demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(d) OTHER AGENCIES AND EMPLOYEES.—

(1) EXCLUSION OF SUBDIVISION.—Subject to subsection (b), a subdivision of the Department shall not be excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title, unless—

(A) the subdivision has, as a primary function, intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(B) the provisions of that chapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(2) EXCLUSION OF EMPLOYEE.—Subject to subsection (c), an employee of the Department or class of employees of the Department who share the same job duties shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless—

(A) the primary job duty of the employee or class of employees consists of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(B) it is demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(e) PRIOR EXCLUSION.—Subsections (b) through (d) shall not apply to any entity or organizational unit, or subdivision thereof, transferred to the Department under this Act that, on July 19, 2002, was excluded from coverage under chapter 71 of title 5, United

States Code, under section 7103(b)(1) of that title.

(f) REMOVAL FROM UNIT DURING PENDENCY OF PROCEEDING.—No employee or class of employees of the Department shall be a member of a unit during the pendency of any proceeding before the Federal Labor Relations Authority in which the Department has asserted that the employee or class of employees may not be included in a unit under section 7112(b)(6) of title 5, United States Code.

(g) NATIONAL SECURITY SHOWING REBUTTABLE ONLY BY CLEAR AND CONVINCING EVIDENCE.—In any proceeding referred to in subsection (f), if the Department has made the showing regarding national security as set forth in subsection (c)(3) and subsection (d)(2)(B), the showing may be rebutted only by clear and convincing evidence.

(h) EXPEDITED REVIEW.—The Authority shall grant priority consideration to a unit clarification petition with respect to which the Department asserts that any employee or class of employees may not be included in a unit under section 7112(b)(6) of title 5, United States Code. In any such proceeding, the parties shall follow the following expedited procedures:

(1) The Department shall provide any information requested by the Regional Director of the Authority within 10 days after the request is made.

(2) A hearing on the petition shall be commenced within 15 days of receipt of the requested information, if any, by the Authority and the parties.

(3) If briefs are filed after the conclusion of the hearing, the Regional Director shall issue a decision within 30 days after the receipt of the briefs, and if no briefs are filed, no later than 45 days after the conclusion of the hearings.

(4) The parties shall have 15 days to appeal after the receipt of the decision of the Regional Director.

(5) If the Authority does not accept the appeal within 30 days, the Regional Director's decision becomes final.

(6) If the Authority accepts the appeal, a decision by the Authority shall issue within 30 days.

(7) There shall be no judicial review of the decision of the Authority.

SEC. ___. PREEMPTED PROVISIONS.

Notwithstanding any other provision of this Act, including any effective date provision, the following provisions of this Act shall not take effect:

(1) Sec. 187(f)(1).

SA 4576. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYEE RIGHTS.

(a) DEFINITION.—In this section, the term "primary job duty" means a job duty that occupies not less than 25 percent of the job duties of an employee of the Department.

(b) TRANSFERRED AGENCIES.—The Department, or a subdivision of the Department, that includes an entity or organizational unit, or subdivision thereof, transferred under this Act, or performs functions transferred under this Act shall not be excluded from coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of title 5, United States Code, after July 19, 2002.

(c) TRANSFERRED EMPLOYEES.—An employee, or class of employees who share the same job duties, transferred to the Department under this Act, in an appropriate unit under section 7112 of title 5, United States Code, prior to the transfer, shall not be excluded from a unit under subsection (b)(6) of that section, unless—

(1) the primary job duty of the employee or class of employees has materially changed after the transfer;

(2) the primary job duty of the employee or class of employees after such change consists of intelligence, counterintelligence, or investigative duties directly related to the investigation of terrorism; and

(3) it is demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(d) OTHER AGENCIES AND EMPLOYEES.—

(1) EXCLUSION OF SUBDIVISION.—Subject to subsection (b), a subdivision of the Department shall not be excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title, unless—

(A) the subdivision has, as a primary function, intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(B) the provisions of that chapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(2) EXCLUSION OF EMPLOYEE.—Subject to subsection (c), an employee of the Department or class of employees of the Department who share the same job duties shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless—

(A) the primary job duty of the employee or class of employees consists of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(B) it is demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(e) PRIOR EXCLUSION.—Subsections (b) through (d) shall not apply to any entity or organizational unit, or subdivision thereof, transferred to the Department under this Act that, on July 19, 2002, was excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title.

(f) REMOVAL FROM UNIT DURING PENDENCY OF PROCEEDING.—No employee or class of employees of the Department shall be a member of a unit during the pendency of any proceeding before the Federal Labor Relations Authority in which the Department has asserted that the employee or class of employees may not be included in a unit under section 7112(b)(6) of title 5, United States Code.

(g) NATIONAL SECURITY SHOWING REBUTTABLE ONLY BY CLEAR AND CONVINCING EVIDENCE.—In any proceeding referred to in subsection (f), if the Department has made the showing regarding national security as set forth in subsection (c)(3) and subsection (d)(2)(B), the showing may be rebutted only by clear and convincing evidence.

(h) EXPEDITED REVIEW.—The Authority shall grant priority consideration to a unit clarification petition with respect to which the Department asserts that any employee or class of employees may not be included in a unit under section 7112(b)(6) of title 5, United States Code. In any such proceeding, the parties shall follow the following expedited procedures:

(1) The Department shall provide any information requested by the Regional Director of the Authority within 10 days after the request is made.

(2) A hearing on the petition shall be commenced within 15 days of receipt of the requested information, if any, by the Authority and the parties.

(3) If briefs are filed after the conclusion of the hearing, the Regional Director shall issue a decision within 30 days after the receipt of the briefs, and if no briefs are filed, no later than 45 days after the conclusion of the hearings.

(4) The parties shall have 15 days to appeal after the receipt of the decision of the Regional Director.

(5) If the Authority does not accept the appeal within 30 days, the Regional Director's decision becomes final.

(6) If the Authority accepts the appeal, a decision by the Authority shall issue within 30 days.

(7) There shall be no judicial review of the decision of the Authority.

SEC. ___. PREEMPTED PROVISIONS.

Notwithstanding any other provision of this Act, including any effective date provision, the following provisions of this Act shall not take effect:

(1) Sec. 187(f)(1).

SA 4577. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 133(c)(4).

SA 4578. Mr. GRASSLEY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 210, strike lines 10 and 11 and insert the following:

TITLE VI—FEDERAL BUREAU OF INVESTIGATION REFORM

SEC. 601. SHORT TITLE.

This title may be cited as the "Federal Bureau of Investigation Reform Act of 2002".

Subtitle A—Improving FBI Oversight

SEC. 611. AUTHORITY OF THE DEPARTMENT OF JUSTICE INSPECTOR GENERAL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

"(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice;

"(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility;

"(4) may investigate allegations of criminal wrongdoing or administrative misconduct, including a failure to properly discipline employees, by a person who is the head of any agency or component of the Department of Justice; and

"(5) shall forward the results of any investigation conducted under paragraph (4), along with any appropriate recommendation for disciplinary action, to the Attorney General, who is authorized to take appropriate disciplinary action."; and

(2) by adding at the end the following:

"(d) If the Attorney General does not follow any recommendation of the Inspector General made under subsection (b)(5), the Attorney General shall submit a report to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives that sets forth the recommendation of the Inspector General and the reasons of the Attorney General for not following that recommendation.

"(e) The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice shall report that information to the Inspector General.".

SEC. 612. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN THE OFFICE OF INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Justice shall direct that 1 official from the office of the Inspector General be responsible for supervising and coordinating independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2003.

(2) CONTINUATION OF OVERSIGHT.—The Inspector General may continue individual oversight in accordance with paragraph (1) after September 30, 2003, at the discretion of the Inspector General.

(b) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives, a plan for oversight of the Federal Bureau of Investigation, which plan may include—

(1) an audit of the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation;

(2) an audit and evaluation of programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action;

(3) a review of the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility;

(4) an investigation of allegations of serious misconduct by personnel of the Federal Bureau of Investigation;

(5) a review of matters relating to any other program or operation of the Federal Bureau of Investigation that the Inspector General determines requires review; and

(6) an identification of resources needed by the Inspector General to implement a plan for oversight of the Federal Bureau of Investigation.

(c) REPORT ON INSPECTOR GENERAL FOR FEDERAL BUREAU OF INVESTIGATION.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report and recommendation to the Chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives concerning—

(1) whether there should be established, within the Department of Justice, a separate office of the Inspector General for the Federal Bureau of Investigation that shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation;

(2) what changes have been or should be made to the rules, regulations, policies, or practices governing the Federal Bureau of Investigation in order to assist the Office of the Inspector General in effectively exercising its authority to investigate the conduct of employees of the Federal Bureau of Investigation;

(3) what differences exist between the methods and practices used by different Department of Justice components in the investigation and adjudication of alleged misconduct by Department of Justice personnel;

(4) what steps should be or are being taken to make the methods and practices described in paragraph (3) uniform throughout the Department of Justice; and

(5) whether a set of recommended guidelines relating to the discipline of Department of Justice personnel for misconduct should be developed, and what factors, such as the nature and seriousness of the misconduct, the prior history of the employee, and the rank and seniority of the employee at the time of the misconduct, should be taken into account in establishing such recommended disciplinary guidelines.

Subtitle B—Whistleblower Protection

SEC. 621. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

"§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

"(a) DEFINITION.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

"(b) PROHIBITED PRACTICES.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

"(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

"(c) INDIVIDUAL RIGHT OF ACTION.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

"(d) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.".

Subtitle C—FBI Security Career Program

SEC. 631. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 632. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this subtitle as the "Director") shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) POLICY IMPLEMENTATION.—The Director shall ensure that the policies of the Attorney General established in accordance with this title are implemented throughout the Federal Bureau of Investigation at both the headquarters and field office levels.

SEC. 633. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this title.

SEC. 634. SECURITY CAREER PROGRAM BOARDS.

(a) ESTABLISHMENT.—The Director, acting through the Director of Security, shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) COMPOSITION OF BOARD.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) CHAIRPERSON.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) SUBORDINATE BOARDS.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 635. DESIGNATION OF SECURITY POSITIONS.

(a) DESIGNATION.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this title.

(b) REQUIRED POSITIONS.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 636. CAREER DEVELOPMENT.

(a) CAREER PATHS.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) LIMITATION ON PREFERENCE FOR SPECIAL AGENTS.—

(1) IN GENERAL.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this subtitle as a "Special Agent") is used in the consideration of persons for security positions.

(2) POLICY.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) REPORT.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) OPPORTUNITIES TO QUALIFY.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) BEST QUALIFIED.—The Attorney General shall ensure that the policies established under this title are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) ASSIGNMENTS POLICY.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) LENGTH OF ASSIGNMENT.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) PERFORMANCE APPRAISALS.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) BALANCED WORKFORCE POLICY.—In the development of security workforce policies under this title with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 637. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) IN GENERAL.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) QUALIFICATION REQUIREMENTS.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 638. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 639. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 637 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 637 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

Subtitle D—FBI Counterintelligence Polygraph Program

SEC. 641. DEFINITIONS.

In this subtitle:

(1) POLYGRAPH PROGRAM.—The term "polygraph program" means the counterintelligence screening polygraph program established under section 642.

(2) POLYGRAPH REVIEW.—The term "Polygraph Review" means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 642. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after publication of the results of the Polygraph Review, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.

SEC. 643. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 644. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

Subtitle E—FBI Police

SEC. 651. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term "Director" means the Director of the Federal Bureau of Investigation.

(2) FBI BUILDINGS AND GROUNDS.—

(A) IN GENERAL.—The term "FBI buildings and grounds" means—

(i) the whole or any part of any building or structure which is occupied under a lease or otherwise by the Federal Bureau of Investigation and is subject to supervision and control by the Federal Bureau of Investigation;

(ii) the land upon which there is situated any building or structure which is occupied wholly by the Federal Bureau of Investigation; and

(iii) any enclosed passageway connecting 2 or more buildings or structures occupied in whole or in part by the Federal Bureau of Investigation.

(B) INCLUSION.—The term "FBI buildings and grounds" includes adjacent streets and sidewalks not to exceed 500 feet from such property.

(3) FBI POLICE.—The term "FBI police" means the permanent police force established under section 652.

SEC. 652. ESTABLISHMENT OF FBI POLICE; DUTIES.

(a) IN GENERAL.—Subject to the supervision of the Attorney General, the Director may establish a permanent police force, to be known as the FBI police.

(b) DUTIES.—The FBI police shall perform such duties as the Director may prescribe in connection with the protection of persons and property within FBI buildings and grounds.

(c) UNIFORMED REPRESENTATIVE.—The Director, or designated representative duly authorized by the Attorney General, may appoint uniformed representatives of the Federal Bureau of Investigation as FBI police for duty in connection with the policing of all FBI buildings and grounds.

(d) AUTHORITY.—

(1) IN GENERAL.—In accordance with regulations prescribed by the Director and approved by the Attorney General, the FBI police may—

(A) police the FBI buildings and grounds for the purpose of protecting persons and property;

(B) in the performance of duties necessary for carrying out subparagraph (A), make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia;

(C) carry firearms as may be required for the performance of duties;

(D) prevent breaches of the peace and suppress affrays and unlawful assemblies; and

(E) hold the same powers as sheriffs and constables when policing FBI buildings and grounds.

(2) EXCEPTION.—The authority and policing powers of FBI police under this subsection shall not include the service of civil process.

(e) PAY AND BENEFITS.—

(1) IN GENERAL.—The rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police shall be equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to members of the United States Secret Service Uniformed Division.

(2) APPLICATION.—Pay and benefits for the FBI police under paragraph (1)—

(A) shall be established by regulation;

(B) shall apply with respect to pay periods beginning after January 1, 2003; and

(C) shall not result in any decrease in the rates of pay or benefits of any individual.

SEC. 653. AUTHORITY OF METROPOLITAN POLICE FORCE.

This title does not affect the authority of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.

Subtitle F—Reports

SEC. 661. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than December 31, 2002, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

SEC. 662. REPORT ON FBI INFORMATION MANAGEMENT AND TECHNOLOGY.

(a) IN GENERAL.—Not later than December 31, 2002, the Attorney General shall submit to Congress a report on the information management and technology programs of the Federal Bureau of Investigation including recommendations for any legislation that may be necessary to enhance the effectiveness of those programs.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall provide—

(1) an analysis and evaluation of whether authority for waiver of any provision of procurement law (including any regulation implementing such a law) is necessary to expeditiously and cost-effectively acquire information technology to meet the unique need of the Federal Bureau of Investigation to improve its investigative operations in order to respond better to national law enforcement, intelligence, and counterintelligence requirements;

(2) the results of the studies and audits conducted by the Strategic Management Council and the Inspector General of the Department of Justice to evaluate the information management and technology programs of the Federal Bureau of Investigation, including systems, policies, procedures, practices, and operations; and

(3) a plan for improving the information management and technology programs of the Federal Bureau of Investigation.

(c) RESULTS.—The results provided under subsection (b)(2) shall include an evaluation of—

(1) information technology procedures and practices regarding procurement, training, and systems maintenance;

(2) record keeping policies, procedures, and practices of the Federal Bureau of Investigation, focusing particularly on how information is inputted, stored, managed, utilized, and shared within the Federal Bureau of Investigation;

(3) how information in a given database is related or compared to, or integrated with, information in other technology databases within the Federal Bureau of Investigation;

(4) the effectiveness of the existing information technology infrastructure of the Federal Bureau of Investigation in supporting and accomplishing the overall mission of the Federal Bureau of Investigation;

(5) the management of information technology projects of the Federal Bureau of Investigation, focusing on how the Federal Bureau of Investigation—

(A) selects its information technology projects;

(B) ensures that projects under development deliver benefits; and

(C) ensures that completed projects deliver the expected results; and

(6) the security and access control techniques for classified and sensitive but unclassified information systems in the Federal Bureau of Investigation.

(d) CONTENTS OF PLAN.—The plan provided under subsection (b)(3) shall ensure that—

(1) appropriate key technology management positions in the Federal Bureau of Investigation are filled by personnel with experience in the commercial sector;

(2) access to the most sensitive information is audited in such a manner that suspicious activity is subject to near contemporaneous security review;

(3) critical information systems employ a public key infrastructure to validate both users and recipients of messages or records;

(4) security features are tested by the National Security Agency to meet national information systems security standards;

(5) all employees in the Federal Bureau of Investigation receive annual instruction in records and information management policies and procedures relevant to their positions;

(6) a reserve is established for research and development to guide strategic information management and technology investment decisions;

(7) unnecessary administrative requirements for software purchases under $2,000,000 are eliminated;

(8) full consideration is given to contacting with an expert technology partner to provide technical support for the information technology procurement for the Federal Bureau of Investigation;

(9) procedures are instituted to procure products and services through contracts of other agencies, as necessary; and

(10) a systems integration and test center, with the participation of field personnel, tests each series of information systems upgrades or application changes before their operational deployment to confirm that they meet proper requirements.

SEC. 663. GAO REPORT ON CRIME STATISTICS REPORTING.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the issue of how statistics are reported and used by Federal law enforcement agencies.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) identify the current regulations, procedures, internal policies, or other conditions that allow the investigation or arrest of an individual to be claimed or reported by more than 1 Federal or State agency charged with law enforcement responsibility;

(2) identify and examine the conditions that allow the investigation or arrest of an individual to be claimed or reported by the Offices of Inspectors General and any other Federal agency charged with law enforcement responsibility;

(3) examine the statistics reported by Federal law enforcement agencies, and document those instances in which more than 1 agency, bureau, or office claimed or reported the same investigation or arrest during the years 1998 through 2001;

(4) examine the issue of Federal agencies simultaneously claiming arrest credit for in-custody situations that have already occurred pursuant to a State or local agency arrest situation during the years 1998 through 2001;

(5) examine the issue of how such statistics are used for administrative and management purposes;

(6) set forth a comprehensive definition of the terms "investigation" and "arrest" as those terms apply to Federal agencies charged with law enforcement responsibilities; and

(7) include recommendations, that when implemented, would eliminate unwarranted and duplicative reporting of investigation and arrest statistics by all Federal agencies charged with law enforcement responsibilities.

(c) FEDERAL AGENCY COMPLIANCE.—Federal law enforcement agencies shall comply with requests made by the General Accounting Office for information that is necessary to assist in preparing the report required by this section.

Subtitle G—Ending the Double Standard

SEC. 671. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking "for more than 14 days".

SEC. 672. SUBMITTING OFFICE OF PROFESSIONAL RESPONSIBILITY REPORTS TO CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—For each of the 5 years following the date of enactment of this Act, the Office of the Inspector General shall submit to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives an annual report to be completed by the Federal Bureau of Investigation, Office of Professional Responsibility and provided to the Inspector General, which sets forth—

(1) basic information on each investigation completed by that Office;

(2) the findings and recommendations of that Office for disciplinary action; and

(3) what, if any, action was taken by the Director of the Federal Bureau of Investigation or the designee of the Director based on any such recommendation.

(b) CONTENTS.—In addition to all matters already included in the annual report described in subsection (a), the report shall also include an analysis of—

(1) whether senior Federal Bureau of Investigation employees and lower level Federal Bureau of Investigation personnel are being disciplined and investigated similarly; and

(2) whether any double standard is being employed to more senior employees with respect to allegations of misconduct.

Subtitle H—Enhancing Security at the Department of Justice

SEC. 781. REPORT ON THE PROTECTION OF SECURITY AND INFORMATION AT THE DEPARTMENT OF JUSTICE.

Not later than December 31, 2002, the Attorney General shall submit to Congress a report on the manner in which the Security and Emergency Planning Staff, the Office of Intelligence Policy and Review, and the Chief Information Officer of the Department of Justice plan to improve the protection of security and information at the Department of Justice, including a plan to establish secure electronic communications between the Federal Bureau of Investigation and the Office of Intelligence Policy and Review for processing information related to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 782. AUTHORIZATION FOR INCREASED RESOURCES TO PROTECT SECURITY AND INFORMATION.

There are authorized to be appropriated to the Department of Justice for the activities of the Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department of Justice, to prepare for terrorist threats and other emergencies, and to review security compliance by components of the Department of Justice—

(1) $13,000,000 for fiscal year 2003;

(2) $17,000,000 for fiscal year 2004; and

(3) $22,000,000 for fiscal year 2005.

SEC. 783. AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.

There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2003;

(2) $7,500,000 for fiscal year 2004; and

(3) $8,000,000 for fiscal year 2005.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

SA 4579. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL DEFENSE RAIL CONNECTION.

(a) FINDINGS.—Congress finds that—

(1) A comprehensive rail transportation network is a key element of an integrated transportation system for the North American continent, and federal leadership is required to address the needs of a reliable, safe, and secure rail network, and to connect all areas of the United States for national defense and economic development, as previously done for the interstate highway system, the Federal aviation network, and the transcontinental railroad;

(2) The creation and use of joint use corridors for rail transportation, fiber optics, pipelines, and utilities are an efficient and appropriate approach to optimizing the nation's interconnectivity and national security;

(3) Government assistance and encouragement in the development of the transcontinental rail system successfully led to the growth of economically strong and socially stable communities throughout the western United States;

(4) Government assistance and encouragement in the development of the Alaska Railroad between Seward, Alaska and Fairbanks, Alaska successfully led to the growth of economically strong and socially stable communities along the route, which today provide homes for over 70% of Alaska's total population;

(5) While alaska and the remainder of the continential United States has been connected by highway and air transportation, no rail connection exists despite the fact that Alaska is accessible by land routes and is a logical destination for the North American rail system;

(6) Rail transportation in otherwise isolated areas is an appropriate means of providing controlled areas, reducing overall impacts to environmentally sensitive areas over other methods of land-based access;

(7) Because Congress originally authorized 1,000 miles of rail line to be built in Alaska, and because of the system today covers only approximately half that distance, substantially limiting its beneficial effect on the economy of Alaska and the nation, it is appropriate to support the expansion of the Alaska system to ensure that the originally planned benefits are achieved;

(8) Alaska has an abundance of natural resources, both material and aesthetic, access to which would significantly increase Alaska's contribution to the national economy;

(9) Alaska contains many key national defense installations, including sites chosen for the construction of the first phase of the National Missile Defense system, the cost of which could be significantly reduced if rail transportation were available for the movement of materials necessary for construction and for the secure movement of launch vehicles, fuel and other operational supplies;

(10) The 106th Congress recognized the potential benefits of establishing a rail connection to Alaska by enacting legislation to authorize a U.S.—Canada bilaterail commission to study the feasibility of linking the rail system in Alaska to the nearest appropriate point in Canada of the North American rail network; and

(11) In support of pending bilaterial activities between the United States and Canada, it is appropriate for the United States to undertake activities relating to elements within the United States.

(b) IDENTIFICATION OF NATIONAL DEFENSE RAILROAD-UTILITY CORRIDOR.—

(1) Within one year from the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Transportation, the State of Alaska and the Alaska Railroad Corporation, shall identify a proposed national defense railroad-utility

corridor linking the existing corridor of the Alaska Railroad to the vicinity of the proposed National Missile Defense facilities at Fort Greely, Alaska. The corridor shall be at least 500 feet wide and shall also identify land for such terminals, stations, maintenance facilities, switching yards, and material sites as are considered necessary.

(2) The identification of the corridor under paragraph (1) shall include information providing a complete legal description for and noting the current ownership of the proposed corridor and associated land.

(3) In identifying the corridor under paragraph (1), the secretary shall consider, at a minimum, the following factors:

(A) The proximity of national defense installations and national defense considerations;

(B) The location of and access to natural resources that could contribute to economic development of the region;

(C) Grade and alignment standards that are commensurate with rail and utility construction standards and that minimize the prospect of at-grade railroad and highway crossings;

(D) Availability of construction materials;

(E) Safety;

(F) Effects on and service to adjacent communities and potential intermodal transportation connections;

(G) Environmental concerns;

(H) Use of public land to the maximum degree possible;

(I) Minimization of probable construction costs;

(J) An estimate of probable construction costs and methods of financing such costs through a combination of private, state, and federal sources; and

(K) Appropriate utility elements for the corridor, including but not limited to petroleum product pipelines, fiber-optic telecommunication facilities, and electrical power transmission lines, and

(L) Prior and established traditional uses.

(4) The Secretary may, as part of the corridor identification, include issues related to the further extension of such corridor to a connection with the nearest appropriate terminus of the North American rail network in Canada.

(c) NEGOTIATION AND LAND TRANSFER.—

(1) The Secretary of the Interior shall—

(A) upon completion of the corridor identification in subsection (b), negotiate the acquisition of any lands in the corridor which are not federally owned through an exchange for lands of equal or greater value held by the federal government elsewhere in Alaska; and

(B) upon completion of the acquisition of lands under paragraph (A), the Secretary shall convey to the Alaska Railroad Corporation, subject to valid existing rights, title to the lands identified under subsection (b) as necessary to complete the national defense railroad-utility corridor, on condition that the Alaska Railroad Corporation construct in the corridor an extension of the railroad system to the vicinity of the proposed national missile defense installation at Fort Greely, Alaska, together with such other utilities, including but not limited to fiber-optic transmission lines and electrical transmission lines, as it considers necessary and appropriate. The Federal interest in lands conveyed to the Alaska Railroad Corporation under this Act shall be the same as in lands conveyed pursuant to the Alaska Railroad Transfer Act (45 USC 1201 et seq.).

(d) APPLICABILITY OF OTHER LAWS.—

Actions authorized in this Act shall proceed immediately and to conclusion notwithstanding the land-use planning provisions of Section 202 of the Federal Land Policy and Management Act of 1976, P.L. 94-579.

(E) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SA 4580. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 172. AIRLINE PASSENGER SCREENING.

Section 44901(b) of title 49, United States Code, is amended—

(1) by striking "All screening of passengers" and inserting:

"(1) IN GENERAL.—All screening of passengers"; and

(2) by adding at the end the following:

"(2) TREATMENT OF PASSENGERS.—Screening of passengers under this section shall be carried out in a manner that —

"(A) is not abusive or unnecessarily intrusive;

"(B) ensures protection of the passenger's personal property; and

"(C) provides adequate privacy for the passenger, if the screening involves the removal of clothing (other than shoes) or a search under the passenger's clothing.".

SA 4581. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AGE AND OTHER LIMITATIONS.

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term "certificate holder" means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) RESERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to undergo additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

SA 4582. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FOOD AND DRINKING WATER SUPPLY SECURITY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) section 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5180) authorizes the purchase of food commodities to provide adequate supplies of food for use in any area of the United States in the event of a major disaster or emergency in the area;

(2) the current terrorist threat was not envisioned when that Act was enacted, and the Act does not specifically require prepositioning of food supplies;

(3) the maintenance of safe food and drinking water supplies is essential;

(4) stored food supplies for major cities are minimal;

(5) if terrorist activity were to disrupt the transportation system, affect food supplies directly, or create a situation in which a quarantine would have to be declared, it would require a considerable period of time to ensure delivery of safe food supplies;

(6) terrorist activity could also disrupt drinking water supplies; and

(7) accordingly, emergency food and drinking water repositories should be established at such locations as will ensure the availability of food and drinking water to populations in area that are vulnerable to terrorist activity.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report with information necessary to the establishment of secure prepositioned emergency supplies of food and drinking water for major population centers for use in the event of a breakdown in the food supply and delivery chain.

(2) CONSIDERATIONS.—The report shall consider the likelihood of such breakdowns occurring from accidents and natural disasters as well as terrorist activity.

(3) CONTENTS.—The report shall—

(A) identify the 20 most vulnerable metropolitan areas or population concentrations in the United States; and

(B) make recommendations regarding the appropriate number of days' supply of food to be maintained to ensure the security of the population in each such area.

(c) REPOSITORIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish secure repositories for food and drinking water in each of the 20 areas identified in the report.

(2) ACCESSIBILITY.—The repositories shall be locally accessible without special equipment in the event of a major transportation breakdown.

(d) PURCHASE OF SUPPLIES.—

(1) IN GENERAL.—The Secretary of Agriculture shall purchase and maintain food and water stock for each repository, consistent with determinations made by the Secretary of Homeland Security.

(2) PHASING IN.—Purchases and full stocking of repositories may be phased in over a period of not more than 3 years.

(2) Products of the United States.—The Secretary of Agriculture shall purchase for the repositories food and water supplies produced, processed, and packaged exclusively in the United States.

(4) Selection.—Food and water supplies for the repositories shall be selected and managed so as to provide—

(A) quantities and packaging suitable for immediate distribution to individuals and families;

(B) forms of food products suitable for immediate consumption in an emergency without heating and without further preparation;

(C) packaging that ensures that food products are maximally resistant to postproduction contamination or adulteration;

(D) packaging and preservation technology to ensure that the quality of stored food and water is maintained for a minimum of 4 years at ambient temperatures;

(E) a range of food products, including meats, seafood, dairy, and vegetable (including fruit and grain) products, emphasizing, insofar as practicable—

(i) food products that meet multiple nutritional needs, such as those composed primarily of high-quality protein in combination with essential minerals; and

(ii) food products with a high ratio of nutrient value to cost;

(F) rotation of stock, in repositories on a regular basis at intervals of not longer than 3 years; and

(G) use of stocks of food being rotated out of repositories for other suitable purposes.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 4583. Mr. GRASSLEY (for himself, Mr. Sessions, and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill (H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 115. COUNTERNARCOTICS OFFICER.

(a) Counternarcotics Officer.—The Secretary shall appoint a senior official in the Department to assume primary responsibility for coordinating policy and operations within the Department, and between the Department and other agencies, with respect to—

(1) interdicting the entry of illegal drugs into the United States; and

(2) tracking and severing connections between illegal drug trafficking and terrorism.

(b) Duties.—The official appointed under subsection (a) shall—

(1) ensure the adequacy of resources within the Department for illicit drug interdiction;

(2) serve as the United States Interdiction Coordinator for the Director of National Drug Control Policy; and

(3) carry out such other duties with respect to the responsibility of the official under subsection (a) as the Secretary considers appropriate.

SA 4584. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I of division A, add the following:

SEC. 173. TRANSPORTATION SECURITY REGULATIONS.

Section 114(l)(2)(B) of title 49, United States Code, is amended—

(1) by inserting "for a period not to exceed 30 days" after "effective"; and

(2) by inserting "ratified or" after "unless".

SA 4585. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 8 and 9, insert the following:

SEC. 172. REQUIREMENT TO BUY CERTAIN ARTICLES FROM AMERICAN SOURCES.

(a) Requirement.—Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Homeland Security may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) Covered Items.—An item referred to in subsection (a) is any of the following:

(1) An article or item of—

(A) food;

(B) clothing;

(C) tents, tarpaulins, or covers;

(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(2) Specialty metals, including stainless steel flatware.

(3) Hand or measuring tools.

(c) Availability Exception.—Subsection (a) does not apply to the extent that the Secretary of Homeland Security determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) or specialty metals (including stainless steel flatware) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices.

(d) Exception for Certain Procurements Outside the United States.—Subsection (a) does not apply to the following:

(1) Procurements outside the United States in support of combat operations.

(2) Procurements by vessels in foreign waters.

(3) Emergency procurements or procurements of perishable foods by an establishment located outside the United States for the personnel attached to such establishment.

(e) Exception for Specialty Metals and Chemical Warfare Protective Clothing.—Subsection (a) does not preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States if—

(1) such procurement is necessary—

(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of title 10, United States Code.

(f) Exception for Certain Foods.—Subsection (a) does not preclude the procurement of foods manufactured or processed in the United States.

(g) Exception for Small Purchases.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).

(h) Applicability to Contracts and Subcontracts for Procurement of Commercial Items.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

(i) Geographic Coverage.—In this section, the term "United States" includes the possessions of the United States.

SA 4586. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In section 132(b), add at the end the following:

(14) On behalf of the Secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information, and such other intelligence-related information as the Under Secretary for Intelligence determines necessary.

SA 4587. Mr. WARNER (for himself and Mr. Thompson) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, between lines 9 and 10, insert the following:

Subtitle C—Risk Sharing and Indemnification for Contractors Supplying Anti-Terrorism Technology and Services

SEC. 521. APPLICATION OF INDEMNIFICATION AUTHORITY.

(a) In General.—The President may exercise the discretionary authority to indemnify contractors and subcontractors under Public Law 85–804 (50 U.S.C. 1431 et seq.) for a procurement of an anti-terrorism technology or an anti-terrorism service for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(b) Exercise of Authority.—In exercising the authority under subsection (a), the President may include, among other things—

(1) economic damages not fully covered by private liability insurance within the scope of the losses or damages of the indemnification coverage;

(2) a requirement that an indemnification provision included in a contract or subcontract be negotiated prior to the commencement of the performance of the contract;

(3) the coverage of information technology used to prevent, detect, identify, otherwise deter or recover from acts of terrorism; and

(4) the coverage of the United States Postal Service.

SEC. 522. APPLICATION OF INDEMNIFICATION AUTHORITY TO STATE AND LOCAL GOVERNMENT CONTRACTORS.

(a) In General.—Subject to the limitations of subsection (b), the President may exercise the discretionary authority to indemnify contractors and subcontractors under Public Law 85–804 (50 U.S.C. 1431 et seq.) for a procurement by a State or unit of local government of an anti-terrorism service for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(b) Exercise of Authority.—The authority of subsection (a) may be exercised only—

(1) for procurements of a State or unit of local government that are made by the Secretary under contracts awarded by the Secretary pursuant to the authorities of section 523;

(2) with written approval from the Secretary, or any other official designated by the President, for each procurement in which indemnification is to be provided; and

(3) with respect to—

(A) amounts of losses or damages not fully covered by private liability insurance and State or local government-provided indemnification, and

(B) liabilities arising out of other than the contractor's willful misconduct or lack of good faith.

SEC. 523. PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND ANTI-TERRORISM SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which States and units of local government may procure through contracts entered into by the Secretary anti-terrorism technology or an anti-terrorism service for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(2) AUTHORITIES.—For the sole purposes of this program, the Secretary may, but shall not be required to, award contracts using the same authorities provided to the Administrator of General Services under section 309(b)(3) of the Federal Property and Administrative Services Act, 41 U.S.C. 259(b)(3).

(3) OFFERS NOT REQUIRED TO STATE AND LOCAL GOVERNMENTS.—A contractor that sells anti-terrorism technology or antiterrorism services to the Federal Government shall not be required to offer such technology or services to a State or unit of local government.

(b) RESPONSIBILITIES OF THE SECRETARY.—In carrying out the program established by this section, the Secretary shall—

(1) produce and maintain a catalog of anti-terrorism technologies and anti-terrorism services suitable for procurement by States and units of local government under this program; and

(2) establish procedures in accordance with subsection (c) to address the procurement of anti-terrorism technologies and anti-terrorism services by States and units of local government under contracts awarded by the Secretary.

(c) REQUIRED PROCEDURES.—The procedures required by subsection (b)(2) shall implement the following requirements and authorities.

(1) SUBMISSIONS BY STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State desiring to participate in a procurement of anti-terrorism technologies or anti-terrorism services through a contract entered into by the Secretary shall submit to the Secretary in such form and manner and at such times as the Secretary prescribes, the following:

(i) REQUEST.—A request consisting of an enumeration of the technologies or services, respectively, that are desired by the State and units of local government within the State.

(ii) PAYMENT.—Advance payment for each requested technology or service in an amount determine by the Secretary based on estimated or actual costs of the technology or service and administrative costs incurred by the Secretary.

(B) AWARD BY SECRETARY.—The Secretary may award and designate contracts under which States and units of local government may procure anti-terrorism technologies and anti-terrorism services directly from the contract holders. No indemnification may be provided under the authorities set forth in section 522 for procurements that are made directly between contractors and States or units of local government.

(2) PERMITTED CATALOG TECHNOLOGIES AND SERVICES.—A State may include in a request submitted under paragraph (1) only a technology or service listed in the catalog produced under subsection (b)(1).

(3) COORDINATION OF LOCAL REQUESTS WITHIN STATE.—The Governor of a State (or the Mayor of the District of Columbia) may establish such procedures as the Governor (or the Mayor of the District of Columbia) considers appropriate for administering and coordinating requests for anti-terrorism technologies or anti-terrorism services from units of local government within the State.

(4) SHIPMENT AND TRANSPORTATION COSTS.—A State requesting anti-terrorism technologies or anti-terrorism services shall be responsible for arranging and paying for any shipment or transportation costs necessary to deliver the technologies or services, respectively, to the State and localities within the State.

(d) REIMBURSEMENT OF ACTUAL COSTS.—In the case of a procurement made by or for a State or unit of local government under the procedure established under this section, the Secretary shall require the State or unit of local government to reimburse the Department for the actual costs it has incurred for such procurement.

(e) TIME FOR IMPLEMENTATION.—The catalog and procedures required by subsection (b) of this section shall be completed as soon as practicable and no later than 210 days after the enactment of this Act.

SEC. 524. CONGRESSIONAL NOTIFICATION.

(a) IN GENERAL.—Notwithstanding any other law, a Federal agency shall, when exercising the discretionary authority of Public Law 85–804, as amended by section 522, to indemnify contractors and subcontractors, provide written notification to the Committees identified in subsection (b) within 30 days after a contract clause is executed to provide indemnification.

(b) SUBMISSION.—The notification required by subsection (a) shall be submitted to—

(1) the Appropriations Committees of the Senate and House;

(2) the Armed Services Committees of the Senate and House;

(3) the Senate Governmental Affairs Committee; and

(4) the House Government Reform Committee.

SEC. 525. DEFINITIONS.

In this subtitle:

(1) ANTI-TERRORISM TECHNOLOGY AND SERVICE.—The terms "anti-terrorism technology" and "anti-terrorism service" mean any product, equipment, or device, including information technology, and any service, system integration, or other kind of service (including a support service), respectively, that is related to technology and is designed, developed, modified,or procured for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(2) ACT OF TERRORISM.—The term "act of terrorism" means a calculated attack or threat of attack against any person, property, or infrastructure to inculcate fear, or to intimidate or coerce a government, the civilian population, or any segment thereof, in the pursuit of political, religious, ideological objectives.

(3) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning such term in section 11101(6) of title 40, United States Code.

(4) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(5) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia Government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

SA 4588. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 173. CONFORMING AMENDMENTS REGARDING LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) TITLE 38, UNITED STATES CODE.—

(1) SECRETARY OF HOMELAND SECURITY AS HEAD OF COAST GUARD.—Title 38, United States Code, is amended by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security" in each of the following provisions:

(A) Section 101(25)(D).

(B) Section 1974(a)(5).

(C) Section 3002(5).

(D) Section 3011(a)(1)(A)(ii), both places it appears.

(E) Section 3012(b)(1)(A)(v).

(F) Section 3012(b)(1)(B)(ii)(V).

(G) Section 3018A(a)(3).

(H) Section 3018B(a)(1)(C).

(I) Section 3018B(a)(2)(C).

(J) Section 3018C(a)(5).

(K) Section 3020(m)(4).

(L) Section 3035(d).

(M) Section 6105(c).

(2) Department of Homeland Security as Executive Department of Coast Guard.—Title 38, United States Code, is amended by striking "Department of Transportation" and inserting "Department of Homeland Security" in each of the following provisions:

(A) Section 1560(a).

(B) Section 3035(b)(2).

(C) Section 3035(c).

(D) Section 3035(d).

(E) Section 3035(e)(1)(C).

(F) Section 3680A(g).

(b) Soldiers' and Sailors' Civil Relief Act of 1940.—The Soldiers' and Sailors' Civil Relief Act of 1940 is amended by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security" in each of the following provisions:

(1) Section 105 (50 U.S.C. App. 515), both places it appears.

(2) Section 300(c) (50 U.S.C. App. 530).

(c) Other Laws and Documents.—(1) Any reference to the Secretary of Transportation, in that Secretary's capacity as the head of the Coast Guard when it is not operating as a service in the Navy, in any law, regulation, map, document, record, or other paper of the United States administered by the Secretary of Veterans Affairs shall be considered to be a reference to the Secretary of Homeland Security.

(2) Any reference to the Department of Transportation, in its capacity as the executive department of the Coast Guard when it is not operating as a service in the Navy, in any law, regulation, map, document, record, or other paper of the United States administered by the Secretary of Veterans Affairs shall be considered to be a reference to the Department of Homeland Security.

SA 4589. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 173. CONSTRUCTION OF AUTHORITIES OF DEPARTMENT HOMELAND SECURITY AS AUTHORIZATION FOR USE OF ARMED FORCES AS POSSE COMITATUS.

(a) Construction of Authorities.—No provision of this title or amendment made by this title may be construed as an express authorization of the use of any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws as prohibited by section 1385 of title 18, United States Code.

SA 4590. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 10, strike "Section 104" and insert "Section 401".

On page 220, line 1, strike "section 1111(c)" and insert "section 111(c)".

SA 4591. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 105, strike line 22 and all that follows through page 106, line 2, and insert the following:

(A) Designation.—The Secretary shall designate for each State and for each city with a population of more than 900,000 not less than 1 employee of the Department to—

(i) serve as the Homeland Security Liaison Officer in that State or city; and

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SA 4592. Mr. SCHUMER (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, between lines 12 and 13, insert the following:

(n) Research and Development Grants for Port Security.—

(1) Authority.—The Secretary of Homeland Security is authorized to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

(2) Use of Funds.—Grants awarded pursuant to paragraph (1) may be used to develop technologies such as—

(A) methods to increase the ability of the Customs Service to inspect merchandise carried on any vessel that will arrive or has arrived at any port or place in the United States;

(B) equipment that accurately detects explosives, or chemical and biological agents that could be used to commit terrorist acts in the United States;

(C) equipment that accurately detects nuclear materials, including scintillation-based detection equipment capable of attachment to spreaders to signal the presence of nuclear materials during the unloading of containers;

(D) improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers, including "smart sensors" that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit such information to the appropriate authorities at a remote location;

(E) tools to mitigate the consequences of a terrorist act at a port of the United States, including a network of sensors to predict the dispersion of radiological, chemical, or biological agents that might be intentionally or accidentally released; and

(F) pilot projects that could be implemented within 12 months at 1 of the Nation's 10 largest ports to demonstrate the effectiveness of a system of radiation detection monitors located throughout the port to detect nuclear or radiological material.

(3) Applications for Grants.—Each entity desiring a grant under this subsection shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(4) Authorization of Appropriations.—There is authorized to be appropriated $50,000,000 for each of the fiscal years 2003 through 2007 to carry out the provisions of this subsection.

SA 4593. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 72 of the bill, line 6, after "risk analysis and risk management activities" insert the following: "(including maintenance of a database of radioactive materials that may be used to produce a radiological dispersal device)".

SA 4594. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, between lines 8 and 9, insert the following:

(9) Indian Tribe.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

On page 9, strike lines 9 through 12 and insert the following:

(10) Local Government.—

(A) In General.—Except as provided in subparagraph (B), the term "local government" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(B) Exclusion.—The term "local government" does not include an Indian tribe or tribal government.

On page 9, line 13, strike "(10)" and insert "(11)".

On page 9, line 16, strike "(11)" and insert "(12)".

On page 9, line 18, strike "(12)" and insert "(13)".

On page 9, line 23, strike "(13)" and insert "(14)".

On page 10, line 1, strike "(14)" and insert "(15)".

On page 10, between lines 4 and 5, insert the following:

(16) Tribal College or University.—The term "tribal college or university" has the meaning given the term "tribally controlled college or university" in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(17) Tribal Government.—The term "tribal government" means the governing body of an Indian tribe that is recognized by the Secretary of the Interior.

On page 10, line 5, strike "(15)" and insert "(18)".

On page 12, line 25, insert ", tribal," after "State".

On page 13, line 18, insert ", tribal," after "State".

On page 13, line 22, insert ", tribal," after "State".

On page 14, line 3, insert ", tribal," after "State".

On page 14, line 9, insert "tribal," after "regional,".

On page 14, line 16, insert ", tribal," after "State".

On page 14, line 22, insert "tribal," after "regional,".

On page 15, line 21, insert "tribal," after "State,".

On page 16, line 2, insert ", tribal," after "State".

On page 42, line 19, insert ", tribal," after "State".

On page 55, line 3, insert ", tribal," after "State".

On page 55, line 23, insert ", tribal," after "State".

On page 56, lines 18 and 19, strike "State and local governments, local" and insert "State, tribal, and local governments, tribal and local".

On page 59, lines 10 and 11, strike "State and local governments, local" and insert "State, tribal, and local governments, tribal and local".

On page 64, line 24, insert ", tribal," after "State".

On page 69, line 12, insert ", tribal," after "State".

On page 69, line 16, insert "tribal," after "State,".

On page 70, line 1, insert ", tribal," after "State".

On page 70, line 3, insert ", tribal," after "State".

On page 75, line 17, insert "tribal," after "State,".

On page 78, line 18, strike "local," and insert "tribal, and local government".

On page 79, line 1, insert "tribal and" after "to assist".

On page 85, line 18, insert "tribal," after "State,".

On page 85, line 22, insert "tribal colleges and universities," after "universities,".

On page 100, line 8, insert "tribal colleges and universities and" before "nonprofit".

On page 101, line 19, insert ", tribal colleges and universities," after "universities".

On page 103, line 17, insert "tribal," after "state".

On page 103, line 20, insert ", Tribal," after "State".

On page 103, line 22, insert ", tribal," after "State".

On page 104, line 2, strike "State and local government" and insert "State, tribal, and local governments".

On page 104, line 4, strike "State and local government" and insert "State, tribal, and local governments".

On page 104, line 6, strike "State and local government" and insert "State, tribal, and local governments".

On page 104, line 10, strike "State and local government" and insert "State, tribal, and local governments".

On page 104, line 24, insert ", tribal," after "State".

On page 105, line 8, insert ", tribal," after "State".

On page 105, line 11, insert ", tribal," after "State".

On page 105, line 15, insert ", tribal," after "State".

On page 105, strike lines 19 and 20 and insert the following:

nation of Department priorities—

(I) within each State and Indian tribe;

(II) between States;

(III) between Indian tribes; and

(IV) between States and Indian tribes.

On page 105, line 23, insert "and for each regional office of the Bureau of Indian Affairs" after "State".

On page 106, line 2, insert "or for Indian tribes covered by that regional office of the Bureau of Indian Affairs, as the case may be" after "State".

On page 106, line 4, insert ", tribal," after "State".

On page 106, line 17, insert "tribal," after "State,".

On page 106, line 22, insert ", tribal," after "State".

On page 107, line 3, insert ", tribal," after "State".

On page 107, line 6, insert ", tribal," after "State".

On page 107, line 9, insert ", tribal," after "State".

On page 107, line 16, insert ", tribal," after "State".

On page 107, line 20, insert ", tribal," after "State".

On page 108, line 6, insert "tribal," after "State,".

On page 115, lines 23 and 24, insert "tribal governments," after "political subdivisions,".

On page 118, line 3, insert ", tribal," after "State".

On page 121, line 15, insert ", tribal," after "state".

On page 121, line 17, insert "tribal," after "State,".

On page 121, line 20, insert "tribal," after "State,".

On page 121, line 23, insert "tribal," after "State,".

On page 122, line 4, insert "tribal," after "State,".

On page 122, line 12, insert ", tribal," after "State".

On page 134, line 24, insert ", tribal," after "State".

On page 171, line 21, insert ", tribal," after "State".

On page 171, line 22, insert ", tribal," after "State".

On page 172, line 8, insert ", tribal," after "State".

On page 172, line 18, insert ", tribal," after "State".

On page 176, line 19, insert ", tribal," after "State".

On page 187, line 1, insert ", tribal," after "State".

On page 187, line 17, insert ", tribal," after "State".

On page 238, lines 14 and 15, strike "local or regional" and insert "regional, tribal, or local government".

SA 4595. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 12 and 13, insert the following:

(14) Developing and implementing a system of Interagency Homeland Security Fusion Centers, including regional centers, which shall—

(A) be responsible for coordinating the interagency fusion of tactical homeland security intelligence;

(B) facilitate information sharing between all of the participating agencies;

(C) provide intelligence cueing to the appropriate agencies concerning threats to the homeland security of the United States;

(D) be composed of individuals designated by the Secretary, and may include representatives of—

(i) the agencies described in clauses (i) and (ii) of subsection (a)(1)(B);

(ii) agencies within the Department;

(iii) any other Federal, State, or local agency the Secretary deems necessary; and

(iv) representatives of such foreign governments as the President may direct;

(E) be established in an appropriate number to adequately accomplish their mission;

(F) operate in conjunction with or in place of other intelligence or fusion centers currently in existence; and

(G) have an implementation plan submitted to Congress no later than 1 year after the date of enactment of this Act.

SA 4596. Mrs. CLINTON (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, between lines 15 and 16, insert the following new paragraph:

(4) as part of the overall effort to secure the United States borders, increase the security of the border between the United States and Canada and the ports of entry located along that border, and improve the coordination among the agencies responsible for maintaining that security;

SA 4597. Mrs. CLINTON (for herself, Mr. INHOFE, Mr. LEAHY, and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Section 134(b) is amended by adding at the end the following:

(16) Coordinating existing mental health services and interventions to ensure that the Department of Health and Human Services, the Department of Education, the Department of Justice, the Department of Defense, the Federal Emergency Management Agency, and the Department of Veterans Affairs, including the National Center for Post-Traumatic Stress Disorder, in conjunction with the Department, assess, prepare, and respond to the psychological consequences of terrorist attacks or major disasters.

SA 4598. Mrs. CLINTON (for herself and Mr. INHOFE) submitted an amendment intended to be proposed by her to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Section 134(b) is amended by adding at the end the following:

(16) Coordinating existing mental health services and interventions to ensure that the Department of Health and Human Services, the Department of Education, the Department of Justice, the Department of Defense, the Federal Emergency Management Agency, and the Department of Veterans Affairs, in conjunction with the Department, assess, prepare, and respond to the psychological consequences of terrorist attacks or major disasters.

SA 4599. Mr. HARKIN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr.

LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 42, lines 11 and 12, strike ", including agriculture and livestock,".

On page 43, between lines 2 and 3, insert the following:

(7) Consistent with section 173, conducting agricultural import and entry inspection functions transferred under section 173.

On page 43, line 3, strike "(7)" and insert "(8)".

On page 43, strike lines 16 through 19.

On page 43, line 20, strike "(4)" and insert "(3)".

On page 43, line 22, strike "(5)" and insert "(4)".

On page 69, lines 18 and 19, strike "providing a single staff for" and insert "coordinating".

On page 71, line 3, strike "Consulting" and insert "Collaborating"

On page 71, lines 8 and 9, strike "of the Select Agent Registration Program transferred under subsection (c)(6)" and insert "described in subsection (c)(6)(B)".

Beginning on page 73, strike line 23 and all that follows through page 74, line 6, and insert the following:

(6)(A) Except as provided in subparagraph (B)—

(i) the functions of the Select Agent Registration Program of the Department of Health and Human Services, including all functions of the Secretary of Health and Human Services under title II of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188); and

(ii) the functions of the Department of Agriculture under the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(B)(i) The Secretary shall collaborate with the Secretary of Health and Human Services in determining the biological agents and toxins that shall be listed as "select agents" in Appendix A of part 72 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act (42 U.S.C. 262a).

(ii) The Secretary shall collaborate with the Secretary of Agriculture in determining the biological agents and toxins that shall be included on the list of biological agents and toxins required under section 212(a) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401).

(C) In promulgating regulations pursuant to the functions described in subparagraph (A), the Secretary shall act in collaboration with the Secretary of Health and Human Services and the Secretary of Agriculture.

On page 137, between lines 13 and 14, insert the following:

SEC. 173. TRANSFER OF CERTAIN AGRICULTURAL INSPECTION FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE.

(a) DEFINITION OF COVERED LAW.—In this section, the term "covered law" means—

(1) the first section of the Act of August 31, 1922 (commonly known as the "Honeybee Act") (7 U.S.C. 281);

(2) title III of the Federal Seed Act (7 U.S.C. 1581 et seq.);

(3) the Plant Protection Act (7 U.S.C. 7701 et seq.);

(4) the Animal Health Protection Act (7 U.S.C. 8301 et seq.);

(5) section 11 of the Endangered Species Act of 1973 (16 U.S.C. 1540).

(6) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.); and

(7) the eighth paragraph under the heading "BUREAU OF ANIMAL INDUSTRY" in the Act of March 4, 1913 (commonly known as the "Virus-Serum-Toxin Act") (21 U.S.C. 151 et seq.);

(b) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), there is transferred to the Secretary of Homeland Security the functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under each covered law.

(2) QUARANTINE ACTIVITIES.—The functions transferred under paragraph (1) shall not include any quarantine activity carried out under a covered law.

(c) EFFECT OF TRANSFER.—

(1) COMPLIANCE WITH DEPARTMENT OF AGRICULTURE REGULATIONS.—The authority transferred under subsection (b) shall be exercised by the Secretary of Homeland Security in accordance with the regulations, policies, and procedures issued by the Secretary of Agriculture regarding the administration of each covered law.

(2) RULEMAKING COORDINATION.—The Secretary of Agriculture shall coordinate with the Secretary of Homeland Security in any case in which the Secretary of Agriculture prescribes regulations, policies, or procedures for administering the functions transferred under subsection (b) under a covered law.

(3) EFFECTIVE ADMINISTRATION.—The Secretary of Homeland Security, in consultation with the Secretary of Agriculture, may issue such directives and guidelines as are necessary to ensure the effective use of personnel of the Department of Homeland Security to carry out the functions transferred under subsection (b).

(d) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Before the completion of the transition period (as defined in section 181), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to carry out this section.

(2) REQUIRED TERMS.—The agreement required by this subsection shall provide for—

(A) the supervision by the Secretary of Agriculture of the training of employees of the Secretary of Homeland Security to carry out the functions transferred under subsection (b);

(B) the transfer of funds to the Secretary of Homeland Security under subsection (e);

(C) authority under which the Secretary of Homeland Security may perform functions that—

(i) are delegated to the Animal and Plant Health Inspection Service of the Department of Agriculture regarding the protection of domestic livestock and plants; but

(ii) are not transferred to the Secretary of Homeland Security under subsection (b); and

(D) authority under which the Secretary of Agriculture may use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(3) REVIEW AND REVISION.—After the date of execution of the agreement described in paragraph (1), the Secretary of Agriculture and the Secretary of Homeland Security—

(A) shall periodically review the agreement; and

(B) may jointly revise the agreement, as necessary.

(e) PERIODIC TRANSFER OF FUNDS TO DEPARTMENT OF HOMELAND SECURITY.—

(1) TRANSFER OF FUNDS.—Subject to paragraph (2), out of any funds collected as fees under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a), the Secretary of Agriculture shall periodically transfer to the Secretary of Homeland Security, in accordance with the agreement under subsection (d), funds for activities carried out by the Secretary of Homeland Security for which the fees were collected.

(2) LIMITATION.—The proportion of fees collected under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a) that are transferred to the Secretary of Homeland Security under paragraph (1) may not exceed the proportion that—

(A) the costs incurred by the Secretary of Homeland Security to carry out activities funded by those fees; bears to

(B) the costs incurred by the Federal Government to carry out activities funded by those fees.

(f) TRANSFER OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the completion of the transition period (as defined in section 181), the Secretary of Agriculture shall transfer to the Department of Homeland Security not more than 3,200 full-time equivalent positions of the Department of Agriculture.

(g) PROTECTION OF INSPECTION ANIMALS.—

(1) DEFINITION OF SECRETARY CONCERNED.—Title V of the Agricultural Risk Protection Act of 2000 is amended—

(A) by redesignating sections 501 and 502 (7 U.S.C. 2279e, 2279f) as sections 502 and 503, respectively; and

(B) by inserting before section 502 (as redesignated by subparagraph (A)) the following:

"SEC. 501. DEFINITION OF SECRETARY CONCERNED.

"In this title, the term 'Secretary concerned' means—

"(1) the Secretary of Agriculture, with respect to an animal used for purposes of official inspections by the Department of Agriculture; and

"(2) the Secretary of Homeland Security, with respect to an animal used for purposes of official inspections by the Department of Homeland Security.".

(2) CONFORMING AMENDMENTS.—

(A) Section 502 of the Agricultural Risk Protection Act of 2000 (as redesignated by paragraph (1)(A)) is amended—

(i) in subsection (a)—

(I) by inserting "or the Department of Homeland Security" after "Department of Agriculture"; and

(II) by inserting "or the Secretary of Homeland Security" after "Secretary of Agriculture"; and

(ii) by striking "Secretary" each place it appears (other than in subsections (a) and (e)) and inserting "Secretary concerned".

(B) Section 503 of the Agricultural Risk Protection Act of 2000 (as redesignated by paragraph (1)(A)) is amended by striking "501" each place it appears and inserting "502".

(C) Section 221 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (7 U.S.C. 8411) is repealed.

SEC. 174. COORDINATION OF INFORMATION AND INFORMATION TECHNOLOGY.

(a) DEFINITION OF AFFECTED AGENCY.—In this section, the term "affected agency" means—

(1) the Department of Homeland Security;

(2) the Department of Agriculture;

(3) the Department of Health and Human Services; and

(4) any other department or agency determined to be appropriate by the Secretary of Homeland Security.

(b) COORDINATION.—Consistent with section 171, the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary of Homeland Security, shall ensure that appropriate information (as determined by the Secretary of Homeland Security) concerning inspections of articles that are imported or entered into the United States, and are inspected or regulated by 1 or more affected agencies, is timely and efficiently exchanged between the affected agencies.

(c) REPORT AND PLAN.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary of Homeland Security, shall submit to Congress—

(1) a report on the progress made in implementing this section; and

(2) a plan to complete implementation of this section.

SA 4600. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XI of division B, insert the following new section:

SEC. 1124. VISA ISSUANCE.

(a) REPORT ON IDENTITY AUTHENTICATION.—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report regarding the establishment of an identity authentication system to screen aliens applying for visas to the United States. The report shall consider the utility of commercially available domestic and global data sources and technology and scoring and modeling methods to generate risk scores based on the information supplied by the alien.

(b) COORDINATION PLAN.—

(1) REQUIREMENT FOR PLAN.—Not later than one year after the date of enactment of this Act, the President shall develop and implement a plan based on the findings of the report under subsection (a) to establish an identity authentication system to screen aliens applying for visas to the United States. Such a system shall be consistent with title III of the Enhanced Border Security and Visa Reform Act, (Public Law 107–173). The system shall also be consistent with the Aviation Transportation and Security Act's Computer Assisted Passenger Prescreening System (CAPPS) II, e-government programs, and other appropriate programs requiring authentication of identity.

(2) CONSULTATION REQUIREMENT.—In the preparation and implementation of the plan under this subsection, the President shall consult with the appropriate committees of Congress.

(3) PROTECTION REGARDING INFORMATION AND USES THEREOF.—The plan under this subsection shall be consistent with the protections and penalties established under section 201(c) (3) and (4) of the Enhanced Border Security and Visa Reform Act, (Public Law 107–173).

(c) AUTHENTICATION.—In this section, the term "authentication" means a knowledge-based system that employs available personal identifying information to validate personal information supplied by an alien applying for a visa. A knowledge-based system is one where persons are recognized by demonstrating they are in possession of certain information that only that person would be expected to know.

SA 4601. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 173. NATIONAL GUARD TECHNOLOGY CENTER OF EXCELLENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Weapons of Mass Destruction Civil Support Teams of the National Guard have a mission that differs from the warfighting mission of other units of the National Guard.

(2) The traditional approach of equipping National Guard personnel with equipment used by personnel on full-time military duty is inadequate for civil support team personnel because of the unique mission of the civil support teams.

(3) It is in the national interest that special efforts be undertaken immediately to provide the civil support teams with the technologies needed to support their unique mission.

(4) Some of the technologies needed to support the mission of the civil support teams is available commercially, while other technologies will need to be developed.

(5) The civil support teams also need cost effective, efficient training designed for their unique mission.

(6) National Guard personnel involved in other homeland security missions also require technologies and training in support of such missions.

(b) ESTABLISHMENT.—Not later than one year after the date of enactment of this Act, the Secretary shall, in coordination with the Secretary of Defense, establish a National Guard Technology Center of Excellence (in this section referred to as the "Center").

(c) REQUIREMENTS.—(1) The Center shall consist of a consortium of at least one national laboratory, and such universities, non-profit research institutes, and other entities, selected by the Secretary for purposes of the Center.

(2) Each laboratory or entity selected for participation in the Center shall possess significant expertise in the development of technologies for the Federal Government for homeland defense.

(3) Subject to limitations imposed by the Secretary of Defense, the Center shall have ready access to a military installation that supports the National Guard.

(d) MISSION.—The mission of the Center is as follows:

(1) To support the development and procurement of technologies for the Weapons of Mass Destruction Civil Support Teams of the National Guard, and other personnel and units of the National Guard engaged in homeland defense, for the purpose of assisting such teams in carrying out their missions.

(2) To support the development and deployment of an improved training curricula to support the Weapons of Mass Destruction Civil Support Teams of the National Guard.

(e) LEAD ENTITY.—(1) The Secretary shall designate a national laboratory, or one of the other entities, comprising the Center as lead entity of the Center. The laboratory or entity so designated shall have expertise in chemical, biological, and nuclear regimens.

(2) The entity designated under paragraph (1) shall carry out such activities in that capacity as the Secretary shall provide, including service as liaison between the Center and the Department regarding the activities of the Center.

(f) FUNDING.—There are authorized to be appropriated to the Department, for transfer to the entity designated under subsection (e)—

(1) $4,000,000 to carry out the activities described in subsection (d)(1); and

(2) $1,000,000 to carry out the activities described in subsection (d)(2).

SA 4602. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, line 3, strike "$200,000,000" and insert "$500,000,000"

SA 4603. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 13 and 14, insert the following:

SEC. 173. LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) AUTHORIZATION.—Government-owned, contractor-operated laboratories that receive funds available to the Department for national security programs are authorized to carry out laboratory-directed research and development, as defined in section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).

(b) REGULATIONS.—The Secretary shall prescribe regulations for the conduct of laboratory-directed research and development at laboratories under subsection (a).

(c) FUNDING.—Of the funds provided by the Department to laboratories under subsection (a) for national security activities, the Secretary shall provide a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory-directed research and development.

SA 4604. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 22 and 23, and insert the following:

technical matters relevant to homeland security;

(5) coordinating and integrating all research, development, demonstration, testing, and evaluation activities of the Department; and

(6) facilitating the transfer and deployment of

SA 4605. Mr. HUTCHINSON submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LAW ENFORCEMENT SUPPORT FOR JEFFERSON LABS.

(a) IN GENERAL.—The Secretary of Health and Human Services, on behalf of the United States—

(1) may relinquish to the State of Arkansas or to local government all or part of the jurisdiction of the United States over the lands and properties encompassing the Jefferson Labs campus in the State of Arkansas that are under the supervision or control of the Secretary; or

(2) may establish concurrent jurisdiction between the Federal Government and the State or local government over such lands and properties.

(b) TERMS.—Relinquishment of jurisdiction under this section may be accomplished, under terms and conditions that the Secretary deems advisable, by filing with the Governor of the State of Arkansas concerning a notice of relinquishment to take effect upon acceptance thereof.

(c) DEFINITION.—In this section, the term "Jefferson Labs campus" means the lands and properties of the National Center for Toxicological Research and the Arkansas Regional Laboratory.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 4606. Mr. HUTCHINSON submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 5 and 6, insert the following:

SEC. 140. VACCINE ACQUISITION COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is a Vaccine Acquisition Council within the Department of Homeland Security.

(2) COMPOSITION.—The Council shall consist of the following:

(A) Personnel of the Department of Homeland Security designated by the Secretary of Homeland Security.

(B) Representatives of the Department of Defense designated by the Secretary of Defense.

(C) Representatives of the Department of Health and Human Services designated by the Secretary of Health and Human Services.

(D) The Assistant to the President for Science and Technology.

(3) CHAIR.—The Secretary of Homeland Security shall designate an officer or employee of the Department of Homeland Security as the Chairperson of the Council.

(b) DUTIES.—The Vaccine Acquisition Council shall have the following duties:

(1) REQUIREMENTS DEFINITION.—To identify the public health requirements of the Department of Homeland Security and the Department of Health and Human Services and the military requirements of the Department of Defense for vaccines to prevent or mitigate the physiological effects of exposure to biological warfare agents.

(2) BUDGET RECOMMENDATIONS.—To make recommendations to the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Department of Health and Human Services, and the heads of other agencies of the United States regarding the funding of acquisitions of such vaccines to meet requirements.

(3) LIAISON WITH INDUSTRY.—To serve as a clearinghouse for the communication of information between agencies of the United States and private sector sources of such vaccines.

(4) COORDINATION OF ACQUISITIONS.—To coordinate the acquisition of such vaccines for meeting the requirements of the Department of Homeland Security, the Department of Defense, and the Department of Health and Human Services for the vaccines.

(5) ACQUISITION REFORM.—To make recommendations regarding reforms of acquisition policies and procedures for the acquisition of vaccines so as to simplify and expedite the meeting of requirements of the United States for the vaccines.

(6) SOLUTION OF PRODUCTION OBSTACLES.—To identify obstacles to industry support for the production of such vaccines and to propose solutions for eliminating or minimizing such obstacles.

(c) PERIODIC REPORT.—

(1) REQUIREMENT FOR REPORT.—The Vaccine Acquisition Council shall periodically submit a report on its activities to the Secretary of Homeland Security. The report shall be submitted not less frequently than once each year.

(2) TRANSMISSION TO CONGRESS.—Promptly after receiving a periodic report under paragraph (1), the Secretary shall transmit the report to Congress.

(d) DETAIL OF PERSONNEL.—The Secretary of Defense and the Secretary of Health and Human Services may each detail personnel of the Department of Defense and employees of the Department of Health and Human Services, respectively, to the Department of Homeland Security to serve with personnel of the Department of Homeland Security as the staff of the Vaccine Acquisition Council.

(e) INITIAL OPERATION.—The Secretary of Homeland Security shall ensure that the Vaccine Acquisition Council commences operations within 30 days after the effective date of this division.

SEC. 141. REQUIREMENT FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED FACILITY FOR THE PRODUCTION OF VACCINES.

(a) DOD CONTRACTOR OPERATED FACILITY.—The Secretary of Defense shall be the executive agent of the Secretary of Homeland Security to design, construct, and contract for the operation of a Government-owned facility for the production of vaccines to meet the military requirements of the Department of Defense to prevent or mitigate the physiological effects of exposure to biological warfare agents.

(b) REQUIREMENT FOR PLAN.—Not later than 60 days after the date of the enactment of this Act, the Vaccine Acquisition Council of the Department of Homeland Security shall submit to Congress a plan for the construction and operation of a vaccine production facility referred to in subsection (a). The plan shall include the following:

(1) SCHEDULE.—A schedule for the planning, design, and construction of the facility that provides for construction to begin within one year after such date.

(2) BUDGET.—A discussion of how the planning, design, and construction is to be funded to meet that schedule.

SA 4607. Mr. THOMAS (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, between lines 6 and 7, insert the following:

SEC. 195A. GOVERNMENT RELIANCE ON THE PRIVATE SECTOR.

(a) MARKET RESEARCH BEFORE PURCHASE.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18, United States Code, the Secretary of Homeland Security shall conduct market research to determine whether the Federal Prison Industries product is comparable in price, quality, and time of delivery to products available from the private sector.

(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary shall use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

SA 4608. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRIORITY FOR FINANCIAL ASSISTANCE FOR CERTAIN GENERAL AVIATION OPERATIONS AND RELATED SERVICES.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ECONOMIC INJURIES.—The term "economic injuries" means expenses sustained, during a period in which a Federal agency has taken an action described in subsection (a), by a general aviation business that would otherwise be paid with income that is lost as a direct result of the Federal agency action.

(2) FEDERAL AGENCY.—The term "Federal agency" means an Executive agency as defined under section 105 of title 5, United States Code.

(3) GENERAL AVIATION BUSINESS.—The term "general aviation business" means any entity engaged in sales, service, maintenance, manufacturing, flight training, aircraft rental, or storage at an airport affected by federally imposed prohibitions on access to airspace.

(b) IN GENERAL.—Notwithstanding any other provision of law, if a Federal agency takes any action, unrelated to the conduct of the affected business, that prohibits general aviation operations or access to air space and results in a general aviation business from operating, the Administrator of the

Small Business Administration shall give immediate priority to any general aviation business affected by such action for loan programs under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to assist such business to recover from economic injuries sustained as a result of such action by the Federal agency.

(c) GUIDELINES FOR APPLICATIONS.—Not later than 14 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall establish and publish, in the Federal Register, guidelines for the submission of applications for economic injury disaster loans and other financial recovery services.

(d) REQUIRED GOVERNMENT ACTION.—In any case in which a Federal agency takes action to prohibit general aviation operations or to prohibit access to air space which results in a general aviation business not being able to operate, the Federal agency shall provide the affected businesses with—

(1) specific justification for prohibiting operations or access to air space; and

(2) weekly updates as to when operations or access can be expected to resume.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to any action described in subsection (b) taken on or after September 11, 2001.

SA 4609. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, beginning with line 3, strike all through page 30, line 21, and insert the following:

(c) REVIEW OF THE DEPARTMENT OF HOMELAND SECURITY.—

(1) ASSISTANT IG.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Civil Rights and Civil Liberties who shall have experience and demonstrated ability in civil rights and civil liberties, law, management analysis, investigations, and public relations.

(2) DUTIES.—The Assistant Inspector General for Civil Rights and Civil Liberties shall—

(A) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department;

(B) if appropriate, investigate such complaints in a timely manner;

(C) publicize in multiple languages, through the Internet, radio, television, and newspaper advertisements—

(i) information on the responsibilities and functions of the official; and

(ii) instructions on how to contact the official; and

(D) on a semi-annual basis, submit to Congress, for referral to the appropriate committee or committees, a report—

(i) describing the implementation of this subsection;

(ii) detailing any civil rights abuses under paragraph (1); and

(iii) accounting for the expenditure of funds to carry out this subsection.

(d) ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8I as section 8J; and

(2) by inserting after section 8H the following:

"SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF HOMELAND SECURITY

"SEC. 8I. (a)(1) Notwithstanding the last 2 sentences of section 3(a), the Inspector General of the Department of Homeland Security (in this section referred to as the 'Inspector General') shall be under the authority, direction, and control of the Secretary of Homeland Security (in this section referred to as the 'Secretary') with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

"(A) intelligence or counterintelligence matters;

"(B) ongoing criminal investigations or proceedings;

"(C) undercover operations;

"(D) the identity of confidential sources, including protected witnesses;

"(E) other matters the disclosure of which would constitute a serious threat to the protection of any person or property authorized protection by—

"(i) section 3056 of title 18, United States Code;

"(ii) section 202 of title 3, United States Code; or

"(iii) any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

"(F) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described under paragraph (1), the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to—

"(A) prevent the disclosure of any information described under paragraph (1); and

"(B) preserve vital national security interests.".

SA 4610. Mr. REID submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, insert between lines 19 and 20 the following:

(e) JOINT SPONSORSHIP AGREEMENTS.—The Secretary may enter into joint sponsorship agreements under section 135(j)(2) for sites used for emergency preparedness and response training.

On page 74, line 20, strike "(e)" and insert "(f)".

SA 4611. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 4, strike all through page 173, line 14, and insert the following:

SEC. 100. DEFINITIONS.

Unless the context clearly indicates otherwise, the following shall apply for purposes of this division:

(1) AGENCY.—Except for purposes of subtitle E of title I, the term "agency"—

(A) means—

(i) an Executive agency as defined under section 105 of title 5, United States Code;

(ii) a military department as defined under section 102 of title 5, United States Code;

(iii) the United States Postal Service; and

(B) does not include the General Accounting Office.

(2) ASSETS.—The term "assets" includes contracts, facilities, property, records, unobligated or unexpended balances of appropriations, and other funds or resources (other than personnel).

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security established under title I.

(4) ENTERPRISE ARCHITECTURE.—The term "enterprise architecture"—

(A) means—

(i) a strategic information asset base, which defines the mission;

(ii) the information necessary to perform the mission;

(iii) the technologies necessary to perform the mission; and

(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

(B) includes—

(i) a baseline architecture;

(ii) a target architecture; and

(iii) a sequencing plan.

(5) FUNCTIONS.—The term "functions" includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, responsibilities, and obligations.

(6) HOMELAND.—The term "homeland" means the United States, in a geographic sense.

(7) HOMELAND SECURITY.—The term "homeland security" means a concerted national effort to—

(A) prevent terrorist attacks within the United States;

(B) reduce America's vulnerability to terrorism; and

(C) minimize the damage and recover from terrorist attacks that do occur.

(8) LOCAL GOVERNMENT.—The term "local government" has the meaning given under section 102(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288).

(9) RISK ANALYSIS AND RISK MANAGEMENT.—The term "risk analysis and risk management" means the assessment, analysis, management, mitigation, and communication of homeland security threats, vulnerabilities, criticalities, and risks.

(10) PERSONNEL.—The term "personnel" means officers and employees.

(11) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(12) UNITED STATES.—The term "United States", when used in a geographic sense, means any State (within the meaning of section 102(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288)), any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—There is established the Department of National Homeland Security.

(b) EXECUTIVE DEPARTMENT.—Section 101 of title 5, United States Code, is amended by adding at the end the following:

"The Department of Homeland Security.".

(c) MISSION OF DEPARTMENT.—

(1) HOMELAND SECURITY.—The mission of the Department is to—

(A) promote homeland security, particularly with regard to terrorism;

(B) prevent terrorist attacks or other homeland threats within the United States;

(C) reduce the vulnerability of the United States to terrorism, natural disasters, and other homeland threats; and

(D) minimize the damage, and assist in the recovery, from terrorist attacks or other natural or man-made crises that occur within the United States.

(2) OTHER MISSIONS.—The Department shall be responsible for carrying out the other functions, and promoting the other missions, of entities transferred to the Department as provided by law.

(d) SEAL.—The Secretary shall procure a proper seal, with such suitable inscriptions and devices as the President shall approve. This seal, to be known as the official seal of the Department of Homeland Security, shall be kept and used to verify official documents, under such rules and regulations as the Secretary may prescribe. Judicial notice shall be taken of the seal.

SEC. 102. SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—The Secretary of Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate. All authorities, functions, and responsibilities transferred to the Department shall be vested in the Secretary.

(b) RESPONSIBILITIES.—The responsibilities of the Secretary shall be the following:

(1) To develop policies, goals, objectives, priorities, and plans for the United States for the promotion of homeland security, particularly with regard to terrorism.

(2) To administer, carry out, and promote the other established missions of the entities transferred to the Department.

(3) To develop a comprehensive strategy for combating terrorism and the homeland security response.

(4) To make budget recommendations relating to border and transportation security, infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.

(5) To plan, coordinate, and integrate those Federal Government activities relating to border and transportation security, critical infrastructure protection, all-hazards emergency preparedness, response, recovery, and mitigation.

(6) To serve as a national focal point to analyze all information available to the United States related to threats of terrorism and other homeland threats.

(7) To establish and manage a comprehensive risk analysis and risk management program that directs and coordinates the supporting risk analysis and risk management activities of the Directorates and ensures coordination with entities outside the Department engaged in such activities.

(8) To identify and promote key scientific and technological advances that will enhance homeland security.

(9) To include, as appropriate, State and local governments and other entities in the full range of activities undertaken by the Department to promote homeland security, including—

(A) providing State and local government personnel, agencies, and authorities, with appropriate intelligence information, including warnings, regarding threats posed by terrorism in a timely and secure manner;

(B) facilitating efforts by State and local law enforcement and other officials to assist in the collection and dissemination of intelligence information and to provide information to the Department, and other agencies, in a timely and secure manner;

(C) coordinating with State, regional, and local government personnel, agencies, and authorities and, as appropriate, with the private sector, other entities, and the public, to ensure adequate planning, team work, coordination, information sharing, equipment, training, and exercise activities; and

(D) systematically identifying and removing obstacles to developing effective partnerships between the Department, other agencies, and State, regional, and local government personnel, agencies, and authorities, the private sector, other entities, and the public to secure the homeland.

(10)(A) To consult and coordinate with the Secretary of Defense and make recommendations concerning organizational structure, equipment, and positioning of military assets determined critical to homeland security.

(B) To consult and coordinate with the Secretary of Defense regarding the training of personnel to respond to terrorist attacks involving chemical or biological agents.

(11) To seek to ensure effective day-to-day coordination of homeland security operations, and establish effective mechanisms for such coordination, among the elements constituting the Department and with other involved and affected Federal, State, and local departments and agencies.

(12) To administer the Homeland Security Advisory System, exercising primary responsibility for public threat advisories, and (in coordination with other agencies) providing specific warning information to State and local government personnel, agencies and authorities, the private sector, other entities, and the public, and advice about appropriate protective actions and countermeasures.

(13) To conduct exercise and training programs for employees of the Department and other involved agencies, and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(14) To annually review, update, and amend the Federal response plan for homeland security and emergency preparedness with regard to terrorism and other manmade and natural disasters.

(15) To direct the acquisition and management of all of the information resources of the Department, including communications resources.

(16) To endeavor to make the information technology systems of the Department, including communications systems, effective, efficient, secure, and appropriately interoperable.

(17) In furtherance of paragraph (16), to oversee and ensure the development and implementation of an enterprise architecture for Department-wide information technology, with timetables for implementation.

(18) As the Secretary considers necessary, to oversee and ensure the development and implementation of updated versions of the enterprise architecture under paragraph (17).

(19) To report to Congress on the development and implementation of the enterprise architecture under paragraph (17) in—

(A) each implementation progress report required under section 182; and

(B) each biennial report required under section 192(b).

(c) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

"(5) the Secretary of Homeland Security; and

"(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.".

SEC. 103. DEPUTY SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—There shall be in the Department a Deputy Secretary of Homeland Security, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Deputy Secretary of Homeland Security shall—

(1) assist the Secretary in the administration and operations of the Department;

(2) perform such responsibilities as the Secretary shall prescribe; and

(3) act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary.

SEC. 104. UNDER SECRETARY FOR MANAGEMENT.

(a) IN GENERAL.—There shall be in the Department an Under Secretary for Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Under Secretary for Management shall report to the Secretary, who may assign to the Under Secretary such functions related to the management and administration of the Department as the Secretary may prescribe, including—

(1) the budget, appropriations, expenditures of funds, accounting, and finance;

(2) procurement;

(3) human resources and personnel;

(4) information technology and communications systems;

(5) facilities, property, equipment, and other material resources;

(6) security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources; and

(7) identification and tracking of performance measures relating to the responsibilities of the Department.

SEC. 105. ASSISTANT SECRETARIES.

(a) IN GENERAL.—There shall be in the Department not more than 5 Assistant Secretaries (not including the 2 Assistant Secretaries appointed under division B), each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—

(1) IN GENERAL.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall describe the general responsibilities that such appointee will exercise upon taking office.

(2) ASSIGNMENT.—Subject to paragraph (1), the Secretary shall assign to each Assistant Secretary such functions as the Secretary considers appropriate.

SEC. 106. INSPECTOR GENERAL.

(a) IN GENERAL.—There shall be in the Department an Inspector General. The Inspector General and the Office of Inspector General shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

(b) ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting "Homeland Security," after "Health and Human Services,"; and

(2) in paragraph (2), by inserting "Homeland Security," after "Health and Human Services,".

(c) REVIEW OF THE DEPARTMENT OF HOMELAND SECURITY.—The Inspector General shall designate 1 official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department;

(2) publicize, through the Internet, radio, television, and newspaper advertisements—

(A) information on the responsibilities and functions of the official; and

(B) instructions on how to contact the official; and

(3) on a semi-annual basis, submit to Congress, for referral to the appropriate committee or committees, a report—

(A) describing the implementation of this subsection;

(B) detailing any civil rights abuses under paragraph (1); and

(C) accounting for the expenditure of funds to carry out this subsection.

(d) ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8I as section 8J; and

(2) by inserting after section 8H the following:

SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF HOMELAND SECURITY

"SEC. 8I. (a)(1) Notwithstanding the last 2 sentences of section 3(a), the Inspector General of the Department of Homeland Security (in this section referred to as the "Inspector General") shall be under the authority, direction, and control of the Secretary of Homeland Security (in this section referred to as the "Secretary") with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

"(A) intelligence or counterintelligence matters;

"(B) ongoing criminal investigations or proceedings;

"(C) undercover operations;

"(D) the identity of confidential sources, including protected witnesses;

"(E) other matters the disclosure of which would constitute a serious threat to the protection of any person or property authorized protection by—

"(i) section 3056 of title 18, United States Code;

"(ii) section 202 of title 3, United States Code; or

"(iii) any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

"(F) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described under paragraph (1), the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to—

"(A) prevent the disclosure of any information described under paragraph (1);

"(B) preserve the national security; or

"(C) prevent significant impairment to the national interests of the United States.

"(3) If the Secretary exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General in writing (appropriately classified, if necessary) within 7 calendar days stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice, together with such comments concerning the exercise of such power as the Inspector General considers appropriate, to—

"(A) the President of the Senate;

"(B) the Speaker of the House of Representatives;

"(C) the Committee on Governmental Affairs of the Senate;

"(D) the Committee on Government Reform of the House of Representatives; and

"(E) other appropriate committees or subcommittees of Congress.

"(b)(1) In carrying out the duties and responsibilities under this Act, the Inspector General shall have oversight responsibility for the internal investigations and audits performed by any other office performing internal investigatory or audit functions in any subdivision of the Department of Homeland Security.

"(2) The head of each other office described under paragraph (1) shall promptly report to the Inspector General the significant activities being carried out by such office.

"(3) Notwithstanding paragraphs (1) and (2), the Inspector General may initiate, conduct, and supervise such audits and investigations in the Department (including in any subdivision referred to in paragraph (1)) as the Inspector General considers appropriate.

"(4) If the Inspector General initiates an audit or investigation under paragraph (3) concerning a subdivision referred to in paragraph (1), the Inspector General may provide the head of the other office performing internal investigatory or audit functions in the subdivision with written notice that the Inspector General has initiated such an audit or investigation. If the Inspector General issues such a notice, no other audit or investigation shall be initiated into the matter under audit or investigation by the Inspector General, and any other audit or investigation of such matter shall cease.

"(c) Any report required to be transmitted by the Secretary to the appropriate committees or subcommittees of Congress under section 5(d) shall also be transmitted, within the 7-day period specified under that subsection, to—

"(1) the President of the Senate;

"(2) the Speaker of the House of Representatives;

"(3) the Committee on Governmental Affairs of the Senate; and

"(4) the Committee on Government Reform of the House of Representatives.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. appendix) is amended—

(1) in section 4(b), by striking "8F" each place it appears and inserting "8G"; and

(2) in section 8J (as redesignated by subsection (c)(1)), by striking "or 8H" and inserting ", 8H, or 8I"."

SEC. 107. CHIEF FINANCIAL OFFICER.

(a) IN GENERAL.—There shall be in the Department a Chief Financial Officer, who shall be appointed or designated in the manner prescribed under section 901(a)(1) of title 31, United States Code.

(b) ESTABLISHMENT.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

"(G) The Department of Homeland Security.".

SEC. 108. CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—There shall be in the Department a Chief Information Officer, who shall be designated in the manner prescribed under section 3506(a)(2)(A) of title 44, United States Code.

(b) RESPONSIBILITIES.—The Chief Information Officer shall assist the Secretary with Department-wide information resources management and perform those duties prescribed by law for chief information officers of agencies.

SEC. 109. GENERAL COUNSEL.

(a) IN GENERAL.—There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The General Counsel shall—

(1) serve as the chief legal officer of the Department;

(2) provide legal assistance to the Secretary concerning the programs and policies of the Department; and

(3) advise and assist the Secretary in carrying out the responsibilities under section 102(b).

SEC. 110. CIVIL RIGHTS OFFICER.

(a) IN GENERAL.—There shall be in the Department a Civil Rights Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Civil Rights Officer shall be responsible for—

(1) ensuring compliance with all civil rights and related laws and regulations applicable to Department employees and participants in Department programs;

(2) coordinating administration of all civil rights and related laws and regulations within the Department for Department employees and participants in Department programs;

(3) assisting the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that civil rights considerations are appropriately incorporated and implemented in Department programs and activities;

(4) overseeing compliance with statutory and constitutional requirements related to the civil rights of individuals affected by the programs and activities of the Department; and

(5) notifying the Inspector General of any matter that, in the opinion of the Civil Rights Officer, warrants further investigation.

SEC. 111. PRIVACY OFFICER.

(a) IN GENERAL.—There shall be in the Department a Privacy Officer, who shall be appointed by the Secretary.

(b) RESPONSIBILITIES.—The Privacy Officer shall—

(1) oversee compliance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and all other applicable laws relating to the privacy of personal information;

(2) assist the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that—

(A) privacy considerations and safeguards are appropriately incorporated and implemented in Department programs and activities; and

(B) any information received by the Department is used or disclosed in a manner that minimizes the risk of harm to individuals from the inappropriate disclosure or use of such materials;

(3) assist Department personnel with the preparation of privacy impact assessments when required by law or considered appropriate by the Secretary; and

(4) notify the Inspector General of any matter that, in the opinion of the Privacy Officer, warrants further investigation.

SEC. 112. CHIEF HUMAN CAPITAL OFFICER.

(a) In General.—The Secretary shall appoint or designate a Chief Human Capital Officer, who shall—

(1) advise and assist the Secretary and other officers of the Department in ensuring that the workforce of the Department has the necessary skills and training, and that the recruitment and retention policies of the Department allow the Department to attract and retain a highly qualified workforce, in accordance with all applicable laws and requirements, to enable the Department to achieve its missions;

(2) oversee the implementation of the laws, rules and regulations of the President and the Office of Personnel Management governing the civil service within the Department; and

(3) advise and assist the Secretary in planning and reporting under the Government Performance and Results Act of 1993 (including the amendments made by that Act), with respect to the human capital resources and needs of the Department for achieving the plans and goals of the Department.

(b) Responsibilities.—The responsibilities of the Chief Human Capital Officer shall include—

(1) setting the workforce development strategy of the Department;

(2) assessing workforce characteristics and future needs based on the mission and strategic plan of the Department;

(3) aligning the human resources policies and programs of the Department with organization mission, strategic goals, and performance outcomes;

(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

(5) identifying best practices and benchmarking studies;

(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth; and

(7) providing employee training and professional development.

SEC. 113. OFFICE OF INTERNATIONAL AFFAIRS.

(a) Establishment.—There is established within the Office of the Secretary, an Office of International Affairs. The Office shall be headed by a Director who shall be appointed by the Secretary.

(b) Responsibilities of the Director.—The Director shall have the following responsibilities:

(1) To promote information and education exchange with foreign nations in order to promote sharing of best practices and technologies relating to homeland security. Such information exchange shall include—

(A) joint research and development on countermeasures;

(B) joint training exercises of first responders; and

(C) exchange of expertise on terrorism prevention, response, and crisis management.

(2) To identify areas for homeland security information and training exchange.

(3) To plan and undertake international conferences, exchange programs, and training activities.

(4) To manage activities under this section and other international activities within the Department in consultation with the Department of State and other relevant Federal officials.

(5) To initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and that have demonstrated the capability for fruitful cooperation with the United States in the area of counterterrorism.

SEC. 114. EXECUTIVE SCHEDULE POSITIONS.

(a) Executive Schedule Level I Position.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Secretary of Homeland Security.".

(b) Executive Schedule Level II Position.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Secretary of Homeland Security.".

(c) Executive Schedule Level III Position.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Management, Department of Homeland Security.".

(d) Executive Schedule Level IV Positions.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Secretaries of Homeland Security (5).

"Inspector General, Department of Homeland Security.

"Chief Financial Officer, Department of Homeland Security.

"Chief Information Officer, Department of Homeland Security.

"General Counsel, Department of Homeland Security.".

Subtitle B—Establishment of Directorates and Offices

SEC. 131. DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.

(a) Establishment.—There is established within the Department the Directorate of Border and Transportation Protection.

(b) Under Secretary.—There shall be an Under Secretary for Border and Transportation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Exercise of Customs Revenue Authority.—

(1) In general.—

(A) Authorities not transferred.—Authority that was vested in the Secretary of the Treasury by law to issue regulations related to customs revenue functions before the effective date of this section under the provisions of law set forth under paragraph (2) shall not be transferred to the Secretary by reason of this Act. The Secretary of the Treasury, with the concurrence of the Secretary, shall exercise this authority. The Commissioner of Customs is authorized to engage in activities to develop and support the issuance of the regulations described in this paragraph. The Secretary shall be responsible for the implementation and enforcement of regulations issued under this section.

(B) Report.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of proposed conforming amendments to the statutes set forth under paragraph (2) in order to determine the appropriate allocation of legal authorities described under this subsection. The Secretary of the Treasury shall also identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this section.

(C) Liability.—Neither the Secretary of the Treasury nor the Department of the Treasury shall be liable for or named in any legal action concerning the implementation and enforcement of regulations issued under this paragraph on or after the date on which the United States Customs Service is transferred under this division.

(2) Applicable laws.—The provisions of law referred to under paragraph (1) are those sections of the following statutes that relate to customs revenue functions:

(A) The Tariff Act of 1930 (19 U.S.C. 1304 et seq.).

(B) Section 249 of the Revised Statutes of the United States (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (19 U.S.C. 6).

(D) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(E) Section 251 of the Revised Statutes of the United States (19 U.S.C. 66).

(F) Section 1 of the Act of June 26, 1930 (19 U.S.C. 68).

(G) The Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(H) Section 1 of the Act of March 2, 1911 (19 U.S.C. 198).

(I) The Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(J) The Trade Agreements Act of 1979 (19 U.S.C. 2502 et seq.).

(K) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(L) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(M) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(N) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(O) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(P) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(3) Definition of customs revenue functions.—In this subsection, the term "customs revenue functions" means—

(A) assessing, collecting, and refunding duties (including any special duties), excise taxes, fees, and any liquidated damages or penalties due on imported merchandise, including classifying and valuing merchandise and the procedures for "entry" as that term is defined in the United States Customs laws;

(B) administering section 337 of the Tariff Act of 1930 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks;

(C) collecting accurate import data for compilation of international trade statistics; and

(D) administering reciprocal trade agreements and trade preference legislation.

(d) Preserving Coast Guard Mission Performance.—

(1) Definitions.—In this subsection:

(A) Non-homeland security missions.—The term "non-homeland security missions" means the following missions of the Coast Guard:

(i) Marine safety.

(ii) Search and rescue.

(iii) Aids to navigation.

(iv) Living marine resources (fisheries law enforcement).

(v) Marine environmental protection.

(vi) Ice operations.

(B) Homeland security missions.—The term "homeland security missions" means the following missions of the Coast Guard:

(i) Ports, waterways and coastal security.

(ii) Drug interdiction.

(iii) Migrant interdiction.

(iv) Defense readiness.

(v) Other law enforcement.

(2) Maintenance of status of functions and assets.—Notwithstanding any other provision of this Act, the authorities, functions, assets, organizational structure, units, personnel, and non-homeland security missions of the Coast Guard shall be maintained intact and without reduction after the transfer of the Coast Guard to the Department, except as specified in subsequent Acts.

(3) Certain transfers prohibited.—None of the missions, functions, personnel, and assets (including for purposes of this subsection ships, aircraft, helicopters, and vehicles) of the Coast Guard may be transferred to the operational control of, or diverted to the principal and continuing use of, any other organization, unit, or entity of the Department.

(4) Changes to non-homeland security missions.—

(A) Prohibition.—The Secretary may not make any substantial or significant change to any of the non-homeland security missions of the Coast Guard, or to the capabilities of the Coast Guard to carry out each of the non-homeland security missions, without the prior approval of Congress as expressed in a subsequent Act.

(B) Waiver.—The President may waive the restrictions under subparagraph (A) for a period of not to exceed 90 days upon a declaration and certification by the President to Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver. A certification under this paragraph shall include a detailed justification for the declaration and certification, including the reasons and specific information that demonstrate that the Nation and the Coast Guard cannot respond effectively to the national emergency if the restrictions under subparagraph (A) are not waived.

(5) Annual review.—

(A) In general.—The Inspector General of the Department shall conduct an annual review that shall assess thoroughly the performance by the Coast Guard of all missions of the Coast Guard (including non-homeland security missions and homeland security missions) with a particular emphasis on examining the non-homeland security missions.

(B) Report.—The report under this paragraph shall be submitted not later than March 1 of each year to—

(i) the Committee on Governmental Affairs of the Senate;

(ii) the Committee on Government Reform of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and the House of Representatives;

(iv) the Committee on Commerce, Science, and Transportation of the Senate; and

(v) the Committee on Transportation and Infrastructure of the House of Representatives.

(6) Direct reporting to secretary.—Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary without being required to report through any other official of the Department.

(7) Operation as a service in the navy.—None of the conditions and restrictions in this subsection shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

SEC. 132. DIRECTORATE OF INTELLIGENCE.

(a) Establishment.—There is established within the Department a Directorate of Intelligence which shall serve as a national-level focal point for information available to the United States Government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations for the purpose of supporting the mission of the Department.

(b) Under Secretary.—There shall be an Under Secretary for Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) Establishment.—There is established within the Department the Directorate of Critical Infrastructure Protection.

(b) Under Secretary.—There shall be an Under Secretary for Critical Infrastructure Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 134. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) Establishment.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(b) Under Secretary.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 135. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) Establishment.—There is established within the Department a Directorate of Science and Technology.

(b) Under Secretary.—There shall be an Under Secretary for Science and Technology, who shall be appointed by the President, by and with the advice and consent of the Senate. The principal responsibility of the Under Secretary shall be to effectively and efficiently carry out the purposes of the Directorate of Science and Technology.

SEC. 136. DIRECTORATE OF IMMIGRATION AFFAIRS.

The Directorate of Immigration Affairs shall be established and shall carry out all functions of that Directorate in accordance with division B of this Act.

SEC. 137. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

(a) Establishment.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

(b) Responsibilities.—The Office established under subsection (a) shall—

(1) coordinate the activities of the Department relating to State and local government;

(2) assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism;

(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland; and

(4) develop a process for receiving meaningful input from State and local government to assist the development of the national strategy for combating terrorism and other homeland security activities.

(c) Homeland Security Liaison Officers.—

(1) Chief homeland security liaison officer.—

(A) Appointment.—The Secretary shall appoint a Chief Homeland Security Liaison Officer to coordinate the activities of the Homeland Security Liaison Officers, designated under paragraph (2).

(B) Annual report.—The Chief Homeland Security Liaison Officer shall prepare an annual report, that contains—

(i) a description of the State and local priorities in each of the 50 States based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(ii) a needs assessment that identifies homeland security functions in which the Federal role is duplicative of the State or local role, and recommendations to decrease or eliminate inefficiencies between the Federal Government and State and local entities;

(iii) recommendations to Congress regarding the creation, expansion, or elimination of any program to assist State and local entities to carry out their respective functions under the Department; and

(iv) proposals to increase the coordination of Department priorities within each State and between the States.

(2) Homeland security liaison officers.—

(A) Designation.—The Secretary shall designate in each State not less than 1 employee of the Department to—

(i) serve as the Homeland Security Liaison Officer in that State; and

(ii) provide coordination between the Department and State and local first responders, including—

(I) law enforcement agencies;

(II) fire and rescue agencies;

(III) medical providers;

(IV) emergency service providers; and

(V) relief agencies.

(B) Duties.—Each Homeland Security Liaison Officer designated under subparagraph (A) shall—

(i) ensure coordination between the Department and—

(I) State, local, and community-based law enforcement;

(II) fire and rescue agencies; and

(III) medical and emergency relief organizations;

(ii) identify State and local areas requiring additional information, training, resources, and security;

(iii) provide training, information, and education regarding homeland security for State and local entities;

(iv) identify homeland security functions in which the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies;

(v) assist State and local entities in priority setting based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(vi) assist the Department to identify and implement State and local homeland security objectives in an efficient and productive manner; and

(vii) serve as a liaison to the Department in representing State and local priorities and concerns regarding homeland security.

(d) FEDERAL INTERAGENCY COMMITTEE ON FIRST RESPONDERS.—

(1) IN GENERAL.—There is established an Interagency Committee on First Responders, that shall—

(A) ensure coordination among the Federal agencies involved with—

(i) State, local, and community-based law enforcement;

(ii) fire and rescue operations; and

(iii) medical and emergency relief services;

(B) identify community-based law enforcement, fire and rescue, and medical and emergency relief services needs;

(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services;

(D) identify ways to streamline the process through which Federal agencies support community-based law enforcement, fire and rescue, and medical and emergency relief services; and

(E) assist in priority setting based on discovered needs.

(2) MEMBERSHIP.—The Interagency Committee on First Responders shall be composed of—

(A) the Chief Homeland Security Liaison Officer of the Department;

(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;

(C) a representative of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(D) a representative of the Federal Emergency Management Agency of the Department;

(E) a representative of the United States Coast Guard of the Department;

(F) a representative of the Department of Defense;

(G) a representative of the Office of Domestic Preparedness of the Department;

(H) a representative of the Directorate of Immigration Affairs of the Department;

(I) a representative of the Transportation Security Agency of the Department;

(J) a representative of the Federal Bureau of Investigation of the Department of Justice; and

(K) representatives of any other Federal agency identified by the President as having a significant role in the purposes of the Interagency Committee on First Responders.

(3) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee on First Responders and the Advisory Council, which shall include—

(A) scheduling meetings;

(B) preparing agenda;

(C) maintaining minutes and records;

(D) producing reports; and

(E) reimbursing Advisory Council members.

(4) LEADERSHIP.—The members of the Interagency Committee on First Responders shall select annually a chairperson.

(5) MEETINGS.—The Interagency Committee on First Responders shall meet—

(A) at the call of the Chief Homeland Security Liaison Officer of the Department; or

(B) not less frequently than once every 3 months.

(e) ADVISORY COUNCIL FOR THE FEDERAL INTERAGENCY COMMITTEE ON FIRST RESPONDERS.—

(1) ESTABLISHMENT.—There is established an Advisory Council for the Federal Interagency Committee on First Responders (in this section referred to as the "Advisory Council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Council shall be composed of not more than 13 members, selected by the Interagency Committee on First Responders.

(B) REPRESENTATION.—The Interagency Committee on First Responders shall ensure that the membership of the Advisory Council represents—

(i) the law enforcement community;

(ii) fire and rescue organizations;

(iii) medical and emergency relief services; and

(iv) both urban and rural communities.

(3) CHAIRPERSON.—The Advisory Council shall select annually a chairperson from among its members.

(4) COMPENSATION OF MEMBERS.—The members of the Advisory Council shall serve without compensation, but shall be eligible for reimbursement of necessary expenses connected with their service to the Advisory Council.

(5) MEETINGS.—The Advisory Council shall meet with the Interagency Committee on First Responders not less frequently than once every 3 months.

SEC. 138. BORDER COORDINATION WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) BORDER SECURITY FUNCTIONS.—The term "border security functions" means the securing of the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States.

(2) RELEVANT AGENCIES.—The term "relevant agencies" means any department or agency of the United States that the President determines to be relevant to performing border security functions.

(b) ESTABLISHMENT.—The Secretary shall establish a border security working group (in this section referred to as the "Working Group"), composed of the Secretary or the designee of the Secretary, the Under Secretary for Border and Transportation Protection, and the Under Secretary for Immigration Affairs.

(c) FUNCTIONS.—The Working Group shall meet not less frequently than once every 3 months and shall—

(1) with respect to border security functions, develop coordinated budget requests, allocations of appropriations, staffing requirements, communication, use of equipment, transportation, facilities, and other infrastructure;

(2) coordinate joint and cross-training programs for personnel performing border security functions;

(3) monitor, evaluate and make improvements in the coverage and geographic distribution of border security programs and personnel;

(4) develop and implement policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel and commerce, and enhanced scrutiny for high-risk traffic, travel, and commerce; and

(5) identify systemic problems in coordination encountered by border security agencies and programs and propose administrative, regulatory, or statutory changes to mitigate such problems.

(d) RELEVANT AGENCIES.—The Secretary shall consult representatives of relevant agencies with respect to deliberations under subsection (c), and may include representatives of such agencies in Working Group deliberations, as appropriate.

SEC. 139. LEGISLATIVE PROPOSALS AND SUPPORTING AND ENABLING LEGISLATION.

(a) DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.—Not earlier than February 3, 2003, the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Border and Transportation Protection; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Border and Transportation Protection, to provide for homeland security.

(b) DIRECTORATE OF INTELLIGENCE AND DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.—Not earlier than 120 days after the submission of the proposals and recommendations under subsection (a), the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Intelligence and the Directorate of Critical Infrastructure Protection; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Intelligence and the Directorate of Critical Infrastructure Protection, to provide for homeland security.

(c) DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE AND DIRECTORATE OF SCIENCE AND TECHNOLOGY.—Not earlier than 120 days after the submission of the proposals and recommendations under subsection (b), the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Emergency Preparedness and Response and the Directorate of Science and Technology; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Emergency Preparedness and Response and the Directorate of Science and Technology, to provide for homeland security.

(d) SAVINGS AND ADMINISTRATIVE PROVISIONS OF SUPPORTING AND ENABLING LEGISLATION.—Sections 183, 184, and 194 shall apply to any supporting and enabling legislation described under subsection (a), (b), or (c) enacted after the date of enactment of this Act.

SEC. 140. EXECUTIVE SCHEDULE POSITIONS.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Border and Transportation, Department of Homeland Security.

"Under Secretary for Critical Infrastructure Protection, Department of Homeland Security.

"Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

"Under Secretary for Immigration, Department of Homeland Security.

"Under Secretary for Intelligence, Department of Homeland Security.

"Under Secretary for Science and Technology, Department of Homeland Security.".

Subtitle C—National Emergency Preparedness Enhancement

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "National Emergency Preparedness Enhancement Act of 2002".

SEC. 152. PREPAREDNESS INFORMATION AND EDUCATION.

(a) Establishment of Clearinghouse.—There is established in the Department a National Clearinghouse on Emergency Preparedness (referred to in this section as the "Clearinghouse"). The Clearinghouse shall be headed by a Director.

(b) Consultation.—The Clearinghouse shall consult with such heads of agencies, such task forces appointed by Federal officers or employees, and such representatives of the private sector, as appropriate, to collect information on emergency preparedness, including information relevant to homeland security.

(c) Duties.—

(1) Dissemination of information.—The Clearinghouse shall ensure efficient dissemination of accurate emergency preparedness information.

(2) Center.—The Clearinghouse shall establish a one-stop center for emergency preparedness information, which shall include a website, with links to other relevant Federal websites, a telephone number, and staff, through which information shall be made available on—

(A) ways in which States, political subdivisions, and private entities can access Federal grants;

(B) emergency preparedness education and awareness tools that businesses, schools, and the general public can use; and

(C) other information as appropriate.

(3) Public awareness campaign.—The Clearinghouse shall develop a public awareness campaign. The campaign shall be ongoing, and shall include an annual theme to be implemented during the National Emergency Preparedness Week established under section 154. The Clearinghouse shall work with heads of agencies to coordinate public service announcements and other information-sharing tools utilizing a wide range of media.

(4) Best practices information.—The Clearinghouse shall compile and disseminate information on best practices for emergency preparedness identified by the Secretary and the heads of other agencies.

SEC. 153. PILOT PROGRAM.

(a) Emergency Preparedness Enhancement Pilot Program.—The Department shall award grants to private entities to pay for the Federal share of the cost of improving emergency preparedness, and educating employees and other individuals using the entities' facilities about emergency preparedness.

(b) Use of Funds.—An entity that receives a grant under this subsection may use the funds made available through the grant to—

(1) develop evacuation plans and drills;

(2) plan additional or improved security measures, with an emphasis on innovative technologies or practices;

(3) deploy innovative emergency preparedness technologies; or

(4) educate employees and customers about the development and planning activities described in paragraphs (1) and (2) in innovative ways.

(c) Federal Share.—The Federal share of the cost described in subsection (a) shall be 50 percent, up to a maximum of $250,000 per grant recipient.

(d) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 154. DESIGNATION OF NATIONAL EMERGENCY PREPAREDNESS WEEK.

(a) National Week.—

(1) Designation.—Each week that includes September 11 is "National Emergency Preparedness Week".

(2) Proclamation.—The President is requested every year to issue a proclamation calling on the people of the United States (including State and local governments and the private sector) to observe the week with appropriate activities and programs.

(b) Federal Agency Activities.—In conjunction with National Emergency Preparedness Week, the head of each agency, as appropriate, shall coordinate with the Department to inform and educate the private sector and the general public about emergency preparedness activities, resources, and tools, giving a high priority to emergency preparedness efforts designed to address terrorist attacks.

Subtitle D—Miscellaneous Provisions

SEC. 161. NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER.

(a) Establishment.—There is established within the Department of Defense a National Bio-Weapons Defense Analysis Center (in this section referred to as the "Center").

(b) Mission.—The mission of the Center is to develop countermeasures to potential attacks by terrorists using biological or chemical weapons that are weapons of mass destruction (as defined under section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))) and conduct research and analysis concerning such weapons.

SEC. 162. REVIEW OF FOOD SAFETY.

(a) Review of Food Safety Laws and Food Safety Organizational Structure.—The Secretary shall enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed, comprehensive study which shall—

(1) review all Federal statutes and regulations affecting the safety and security of the food supply to determine the effectiveness of the statutes and regulations at protecting the food supply from deliberate contamination; and

(2) review the organizational structure of Federal food safety oversight to determine the efficiency and effectiveness of the organizational structure at protecting the food supply from deliberate contamination.

(b) Report.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the President, the Secretary, and Congress a comprehensive report containing—

(A) the findings and conclusions derived from the reviews conducted under subsection (a); and

(B) specific recommendations for improving—

(i) the effectiveness and efficiency of Federal food safety and security statutes and regulations; and

(ii) the organizational structure of Federal food safety oversight.

(2) Contents.—In conjunction with the recommendations under paragraph (1), the report under paragraph (1) shall address—

(A) the effectiveness with which Federal food safety statutes and regulations protect public health and ensure the food supply remains free from contamination;

(B) the shortfalls, redundancies, and inconsistencies in Federal food safety statutes and regulations;

(C) the application of resources among Federal food safety oversight agencies;

(D) the effectiveness and efficiency of the organizational structure of Federal food safety oversight;

(E) the shortfalls, redundancies, and inconsistencies of the organizational structure of Federal food safety oversight; and

(F) the merits of a unified, central organizational structure of Federal food safety oversight.

(c) Response of the Secretary.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress the response of the Department to the recommendations of the report and recommendations of the Department to further protect the food supply from contamination.

SEC. 163. EXCHANGE OF EMPLOYEES BETWEEN AGENCIES AND STATE OR LOCAL GOVERNMENTS.

(a) Findings.—Congress finds that—

(1) information sharing between Federal, State, and local agencies is vital to securing the homeland against terrorist attacks;

(2) Federal, State, and local employees working cooperatively can learn from one another and resolve complex issues;

(3) Federal, State, and local employees have specialized knowledge that should be consistently shared between and among agencies at all levels of government; and

(4) providing training and other support, such as staffing, to the appropriate Federal, State, and local agencies can enhance the ability of an agency to analyze and assess threats against the homeland, develop appropriate responses, and inform the United States public.

(b) Exchange of Employees.—

(1) In general.—The Secretary may provide for the exchange of employees of the Department and State and local agencies in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(2) Conditions.—With respect to exchanges described under this subsection, the Secretary shall ensure that—

(A) any assigned employee shall have appropriate training or experience to perform the work required by the assignment; and

(B) any assignment occurs under conditions that appropriately safeguard classified and other sensitive information.

SEC. 164. WHISTLEBLOWER PROTECTION FOR FEDERAL EMPLOYEES WHO ARE AIRPORT SECURITY SCREENERS.

Section 111(d) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 620; 49 U.S.C. 44935 note) is amended—

(1) by striking "(d) Screener Personnel.—Notwithstanding any other provision of law," and inserting the following:

"(d) Screener Personnel.—

"(1) In general.—Notwithstanding any other provision of law (except as provided under paragraph (2)),"; and

(2) by adding at the end the following:

"(2) Whistleblower protection.—

"(A) Definition.—In this paragraph, the term "security screener" means—

"(i) any Federal employee hired as a security screener under subsection (e) of section 44935 of title 49, United States Code; or

"(ii) an applicant for the position of a security screener under that subsection.

"(B) In general.—Notwithstanding paragraph (1)—

"(i) section 2302(b)(8) of title 5, United States Code, shall apply with respect to any security screener; and

"(ii) chapters 12, 23, and 75 of that title shall apply with respect to a security screener to the extent necessary to implement clause (i).

"(C) Covered position.—The President may not exclude the position of security screener as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion would prevent the implementation of subparagraph (B) of this paragraph.".

SEC. 165. WHISTLEBLOWER PROTECTION FOR CERTAIN AIRPORT EMPLOYEES.

(a) In General.—Section 42121(a) of title 49, United States Code, is amended—

(1) by striking "(a) Discrimination Against Airline Employees.—No air carrier or contractor or subcontractor of an air carrier" and inserting the following:

"(a) Discrimination Against Employees.—

"(1) In general.—No air carrier, contractor, subcontractor, or employer described under paragraph (2)";

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(3) by adding at the end the following:

"(2) Applicable employers.—Paragraph (1) shall apply to—

"(A) an air carrier or contractor or subcontractor of an air carrier;

"(B) an employer of airport security screening personnel, other than the Federal Government, including a State or municipal government, or an airport authority, or a contractor of such government or airport authority; or

"(C) an employer of private screening personnel described in section 44919 or 44920 of this title.".

(b) Technical and Conforming Amendments.—Section 42121(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)"; and

(2) in clause (iii), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)".

SEC. 166. BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.

Section 319D of the Public Health Service Act (42 U.S.C. 2472-4) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b), the following:

"(c) Bioterrorism Preparedness and Response Division.—

"(1) Establishment.—There is established within the Office of the Director of the Centers for Disease Control and Prevention a Bioterrorism Preparedness and Response Division (in this subsection referred to as the 'Division').

"(2) Mission.—The Division shall have the following primary missions:

"(A) To lead and coordinate the activities and responsibilities of the Centers for Disease Control and Prevention with respect to countering bioterrorism.

"(B) To coordinate and facilitate the interaction of Centers for Disease Control and Prevention personnel with personnel from the Department of Homeland Security and, in so doing, serve as a major contact point for 2-way communications between the jurisdictions of homeland security and public health.

"(C) To train and employ a cadre of public health personnel who are dedicated full-time to the countering of bioterrorism.

"(3) Responsibilities.—In carrying out the mission under paragraph (2), the Division shall assume the responsibilities of and budget authority for the Centers for Disease Control and Prevention with respect to the following programs:

"(A) The Bioterrorism Preparedness and Response Program.

"(B) The Strategic National Stockpile.

"(C) Such other programs and responsibilities as may be assigned to the Division by the Director of the Centers for Disease Control and Prevention.

"(4) Director.—There shall be in the Division a Director, who shall be appointed by the Director of the Centers for Disease Control and Prevention, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security.

"(5) Staffing.—Under agreements reached between the Director of the Centers for Disease Control and Prevention and the Secretary of Homeland Security—

"(A) the Division may be staffed, in part, by personnel assigned from the Department of Homeland Security by the Secretary of Homeland Security; and

"(B) the Director of the Centers for Disease Control and Prevention may assign some personnel from the Division to the Department of Homeland Security.".

SEC. 167. COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) In General.—The annual Federal response plan developed by the Secretary under section 102(b)(14) shall be consistent with section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) Disclosures Among Relevant Agencies.—

(1) In general.—Full disclosure among relevant agencies shall be made in accordance with this subsection.

(2) Public health emergency.—During the period in which the Secretary of Health and Human Services has declared the existence of a public health emergency under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.

(3) Potential public health emergency.—In cases involving, or potentially involving, a public health emergency, but in which no determination of an emergency by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), has been made, all relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, shall keep the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention fully and currently informed.

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) In General.—There are authorized to be appropriated to the Department, for the benefit of Amtrak, for the 2-year period beginning on the date of enactment of this Act—

(1) **$375,000,000** for grants to finance the cost of enhancements to the security and safety of Amtrak rail passenger service;

(2) **$778,000,000** for grants for life safety improvements to 6 New York Amtrak tunnels built in 1910, the Baltimore and Potomac Amtrak tunnel built in 1872, and the Washington, D.C. Union Station Amtrak tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings; and

(3) **$55,000,000** for the emergency repair, and returning to service of Amtrak passenger cars and locomotives.

(b) Availability of Funds.—Amounts appropriated under subsection (a) shall remain available until expended.

(c) Coordination With Existing Law.—Amounts made available to Amtrak under this section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 169. GRANTS FOR FIREFIGHTING PERSONNEL.

(a) Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

"(c) Personnel Grants.—

"(1) Exclusion.—Grants awarded under subsection (b) to hire 'employees engaged in fire protection', as that term is defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 203), shall not be subject to paragraphs (10) or (11) of subsection (b).

"(2) Duration.—Grants awarded under paragraph (1) shall be for a 3-year period.

"(3) Maximum amount.—The total amount of grants awarded under paragraph (1) shall not exceed **$100,000** per firefighter, indexed for inflation, over the 3-year grant period.

"(4) Federal share.—

"(A) In general.—Notwithstanding subsection (b)(6), the Federal share of a grant under paragraph (1) shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired.

"(B) Waiver.—The Director may waive the 25 percent non-Federal match under subparagraph (A) for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship.

"(5) Application.—In addition to the information under subsection (b)(5), an application for a grant under paragraph (1), shall include—

"(A) an explanation for the need for Federal assistance; and

"(B) specific plans for obtaining necessary support to retain the position following the conclusion of Federal support.

"(6) Maintenance of Effort.—Grants awarded under paragraph (1) shall only be used to pay the salaries and benefits of additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources."; and

(3) in subsection (f) (as redesignated by paragraph (1)), by adding at the end the following:

"(3) **$1,000,000,000** for each of fiscal years 2003 and 2004, to be used only for grants under subsection (c).".

SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.

(a) Review of Transportation Vulnerabilities and Federal Transportation Security Efforts.—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail and transit facilities;

(2) review all available information on vulnerabilities at aviation, seaport, rail and transit facilities; and

(3) review the steps taken by agencies since September 11, 2001, to improve aviation, seaport, rail, and transit security to determine their effectiveness at protecting passengers and transportation infrastructure from terrorist attack.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress and the Secretary a comprehensive report containing—

(1) the findings and conclusions from the reviews conducted under subsection (a); and

(2) proposed steps to improve any deficiencies found in aviation, seaport, rail, and transit security including, to the extent possible, the cost of implementing the steps.

(c) Response of the Secretary.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(1) the response of the Department to the recommendations of the report; and

(2) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

SEC. 171. INTEROPERABILITY OF INFORMATION SYSTEMS.

(a) In General.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall develop—

(1) a comprehensive enterprise architecture for information systems, including communications systems, to achieve interoperability between and among information systems of agencies with responsibility for homeland security; and

(2) a plan to achieve interoperability between and among information systems, including communications systems, of agencies with responsibility for homeland security and those of State and local agencies with responsibility for homeland security.

(b) Timetables.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall establish timetables for development and implementation of the enterprise architecture and plan referred to in subsection (a).

(c) Implementation.—The Director of the Office of Management and Budget, in consultation with the Secretary and acting under the responsibilities of the Director under law (including the Clinger-Cohen Act of 1996), shall ensure the implementation of the enterprise architecture developed under subsection (a)(1), and shall coordinate, oversee, and evaluate the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (a)(1).

(d) Agency Cooperation.—The head of each agency with responsibility for homeland security shall fully cooperate with the Director of the Office of Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology consistent with the comprehensive enterprise architecture developed under subsection (a)(1).

(e) Content.—The enterprise architecture developed under subsection (a)(1), and the information systems managed and acquired under the enterprise architecture, shall possess the characteristics of—

(1) rapid deployment;

(2) a highly secure environment, providing data access only to authorized users; and

(3) the capability for continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data.

(f) Updated Versions.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall oversee and ensure the development of updated versions of the enterprise architecture and plan developed under subsection (a), as necessary.

(g) Report.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall annually report to Congress on the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(h) Consultation.—The Director of the Office of Management and Budget shall consult with information systems management experts in the public and private sectors, in the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(i) Principal Officer.—The Director of the Office of Management and Budget shall designate, with the approval of the President, a principal officer in the Office of Management and Budget whose primary responsibility shall be to carry out the duties of the Director under this section.

SEC. 172. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) In General.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) Inverted Domestic Corporation.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) Definitions and Special Rules.—For purposes of this section—

(1) Rules for application of subsection (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) Certain stock disregarded.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) Plan deemed in certain cases.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) Certain transfers disregarded.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) Special rule for related partnerships.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) Treatment of certain rights.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) Expanded affiliated group.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) Foreign incorporated entity.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) Other definitions.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) Waiver.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

(e) Effective Date.—This section shall take effect 1 day after the date of enactment of this Act.

SEC. 173. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "March 31, 2004".

Subtitle E—Transition Provisions

SEC. 181. DEFINITIONS.

In this subtitle:

(1) Agency.—The term "agency" includes any entity, organizational unit, or function transferred or to be transferred under this title.

(2) Transition period.—The term "transition period" means the 1-year period beginning on the effective date of this division.

SEC. 182. IMPLEMENTATION PROGRESS REPORTS AND LEGISLATIVE RECOMMENDATIONS.

(a) In General.—In consultation with the President and in accordance with this section, the Secretary shall prepare implementation progress reports and submit such reports to—

(1) the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate committees; and

(2) the Comptroller General of the United States.

(b) Report Frequency.—

(1) Initial report.—As soon as practicable, and not later than 6 months after the date of enactment of this Act, the Secretary shall submit the first implementation progress report.

(2) Semiannual reports.—Following the submission of the report under paragraph (1), the Secretary shall submit additional implementation progress reports not less frequently than once every 6 months until all transfers to the Department under this title have been completed.

(3) Final report.—Not later than 6 months after all transfers to the Department under this title have been completed, the Secretary shall submit a final implementation progress report.

(c) Contents.—

(1) In general.—Each implementation progress report shall report on the progress made in implementing titles I and XI, including fulfillment of the functions transferred under this Act, and shall include all of the information specified under paragraph (2) that the Secretary has gathered as of the date of submission. Information contained in an earlier report may be referenced, rather than set out in full, in a subsequent report. The final implementation progress report shall include any required information not yet provided.

(2) Specifications.—Each implementation progress report shall contain, to the extent available—

(A) with respect to the transfer and incorporation of entities, organizational units, and functions—

(i) the actions needed to transfer and incorporate entities, organizational units, and functions into the Department;

(ii) a projected schedule, with milestones, for completing the various phases of the transition;

(iii) a progress report on taking those actions and meeting the schedule;

(iv) the organizational structure of the Department, including a listing of the respective directorates, the field offices of the Department, and the executive positions that will be filled by political appointees or career executives;

(v) the location of Department headquarters, including a timeframe for relocating to the new location, an estimate of cost for the relocation, and information about which elements of the various agencies will be located at headquarters;

(vi) unexpended funds and assets, liabilities, and personnel that will be transferred, and the proposed allocations and disposition within the Department; and

(vii) the costs of implementing the transition;

(B) with respect to human capital planning—

(i) a description of the workforce planning undertaken for the Department, including the preparation of an inventory of skills and competencies available to the Department, to identify any gaps, and to plan for the training, recruitment, and retention policies necessary to attract and retain a workforce to meet the needs of the Department;

(ii) the past and anticipated future record of the Department with respect to recruitment and retention of personnel;

(iii) plans or progress reports on the utilization by the Department of existing personnel flexibility, provided by law or through regulations of the President and the Office of Personnel Management, to achieve the human capital needs of the Department;

(iv) any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation under this division of functions, entities, and personnel previously covered by disparate personnel systems; and

(v) efforts to address the disparities under clause (iv) using existing personnel flexibility;

(C) with respect to information technology—

(i) an assessment of the existing and planned information systems of the Department; and

(ii) a report on the development and implementation of enterprise architecture and of the plan to achieve interoperability;

(D) with respect to programmatic implementation—

(i) the progress in implementing the programmatic responsibilities of this division;

(ii) the progress in implementing the mission of each entity, organizational unit, and function transferred to the Department;

(iii) recommendations of any other governmental entities, organizational units, or functions that need to be incorporated into the Department in order for the Department to function effectively; and

(iv) recommendations of any entities, organizational units, or functions not related to homeland security transferred to the Department that need to be transferred from the Department or terminated for the Department to function effectively.

(d) Legislative Recommendations.—

(1) Inclusion in report.—The Secretary, after consultation with the appropriate committees of Congress, shall include in the report under this section, recommendations for legislation that the Secretary determines is necessary to—

(A) facilitate the integration of transferred entities, organizational units, and functions into the Department;

(B) reorganize agencies, executive positions, and the assignment of functions within the Department;

(C) address any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation of agencies, functions, and personnel previously covered by disparate personnel systems;

(D) enable the Secretary to engage in procurement essential to the mission of the Department;

(E) otherwise help further the mission of the Department; and

(F) make technical and conforming amendments to existing law to reflect the changes made by titles I and XI.

(2) Separate submission of proposed legislation.—The Secretary may submit the proposed legislation under paragraph (1) to Congress before submitting the balance of the report under this section.

SEC. 183. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, recognitions of labor organizations, collective bargaining agreements, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(2) which are in effect at the time this division takes effect, or were final before the effective date of this division and are to become effective on or after the effective date of this division,

shall, to the extent related to such functions, continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, or a court of competent jurisdiction, or by operation of law.

(b) Proceedings Not Affected.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) Suits Not Affected.—The provisions of this title shall not affect suits commenced before the effective date of this division, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this title.

(e) Administrative Actions Relating to Promulgation of Regulations.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this title may be continued by the Department with the same effect as if this title had not been enacted.

(f) Employment and Personnel.—

(1) Employee rights.—

(A) Transferred agencies.—The Department, or a subdivision of the Department, that includes an entity or organizational unit, or subdivision thereof, transferred under this Act, or performs functions transferred under this Act shall not be excluded from coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of title 5, United States Code, after July 19, 2002.

(B) Transferred employees.—An employee transferred to the Department under this Act, who was in an appropriate unit under section 7112 of title 5, United States Code, prior to the transfer, shall not be excluded from a unit under subsection (b)(6) of that section unless—

(i) the primary job duty of the employee is materially changed after the transfer; and

(ii) the primary job duty of the employee after such change consists of intelligence, counterintelligence, or investigative duties directly related to the investigation of terrorism, if it is clearly demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(C) TRANSFERRED FUNCTIONS.—An employee of the Department who is primarily engaged in carrying out a function transferred to the Department under this Act or a function substantially similar to a function so transferred shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless the function prior to the transfer was performed by an employee excluded from a unit under that section.

(D) OTHER AGENCIES, EMPLOYEES, AND FUNCTIONS.—

(i) EXCLUSION OF SUBDIVISION.—Subject to paragraph (A), a subdivision of the Department shall not be excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title unless—

(I) the subdivision has, as a primary function, intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(II) the provisions of that chapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(ii) EXCLUSION OF EMPLOYEE.—Subject to subparagraphs (B) and (C), an employee of the Department shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless the primary job duty of the employee consists of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation, if it is clearly demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(E) PRIOR EXCLUSION.—Subparagraphs (A) through (D) shall not apply to any entity or organizational unit, or subdivision thereof, transferred to the Department under this Act that, on July 19, 2002, was excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title.

(2) TERMS AND CONDITIONS OF EMPLOYMENT.—The transfer of an employee to the Department under this Act shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(3) CONDITIONS AND CRITERIA FOR APPOINTMENT.—Any qualifications, conditions, or criteria required by law for appointments to a position in an agency, or subdivision thereof, transferred to the Department under this title, including a requirement that an appointment be made by the President, by and with the advice and consent of the Senate, shall continue to apply with respect to any appointment to the position made after such transfer to the Department has occurred.

(4) WHISTLEBLOWER PROTECTION.—The President may not exclude any position transferred to the Department as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion subject to that authority was not made before the date of enactment of this Act.

(g) NO EFFECT ON INTELLIGENCE AUTHORITIES.—The transfer of authorities, functions, personnel, and assets of elements of the United States Government under this title, or the assumption of authorities and functions by the Department under this title, shall not be construed, in cases where such authorities, functions, personnel, and assets are engaged in intelligence activities as defined in the National Security Act of 1947, as affecting the authorities of the Director of Central Intelligence, the Secretary of Defense, or the heads of departments and agencies within the intelligence community.

SEC. 184. USE OF APPROPRIATED FUNDS.

(a) APPLICABILITY OF THIS SECTION.—Notwithstanding any other provision of this Act or any other law, this section shall apply to the use of any funds, disposal of property, and acceptance, use, and disposal of gifts, or donations of services or property, of, for, or by the Department, including any agencies, entities, or other organizations transferred to the Department under this Act.

(b) USE OF TRANSFERRED FUNDS.—Except as may be provided in an appropriations Act in accordance with subsection (d), balances of appropriations and any other funds or assets transferred under this Act—

(1) shall be available only for the purposes for which they were originally available;

(2) shall remain subject to the same conditions and limitations provided by the law originally appropriating or otherwise making available the amount, including limitations and notification requirements related to the reprogramming of appropriated funds; and

(3) shall not be used to fund any new position established under this Act.

(c) NOTIFICATION REGARDING TRANSFERS.—The President shall notify Congress not less than 15 days before any transfer of appropriations balances, other funds, or assets under this Act.

(d) ADDITIONAL USES OF FUNDS DURING TRANSITION.—Subject to subsection (c), amounts transferred to, or otherwise made available to, the Department may be used during the transition period for purposes in addition to those for which they were originally available (including by transfer among accounts of the Department), but only to the extent such transfer or use is specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(e) DISPOSAL OF PROPERTY.—

(1) STRICT COMPLIANCE.—If specifically authorized to dispose of real property in this or any other Act, the Secretary shall exercise this authority in strict compliance with section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485).

(2) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of any exercise of property disposal authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31, United States Code.

(f) GIFTS.—Gifts or donations of services or property of or for the Department may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(g) BUDGET REQUEST.—Under section 1105 of title 31, United States Code, the President shall submit to Congress a detailed budget request for the Department for fiscal year 2004.

Subtitle F—Administrative Provisions

SEC. 191. REORGANIZATIONS AND DELEGATIONS.

(a) REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—The Secretary may, as necessary and appropriate—

(A) allocate, or reallocate, functions among officers of the Department; and

(B) establish, consolidate, alter, or discontinue organizational entities within the Department.

(2) LIMITATION.—Paragraph (1) does not apply to—

(A) any office, bureau, unit, or other entity established by law and transferred to the Department;

(B) any function vested by law in an entity referred to in subparagraph (A) or vested by law in an officer of such an entity; or

(C) the alteration of the assignment or delegation of functions assigned by this Act to any officer or organizational entity of the Department.

(b) DELEGATION AUTHORITY.—

(1) SECRETARY.—The Secretary may—

(A) delegate any of the functions of the Secretary; and

(B) authorize successive redelegations of functions of the Secretary to other officers and employees of the Department.

(2) OFFICERS.—An officer of the Department may—

(A) delegate any function assigned to the officer by law; and

(B) authorize successive redelegations of functions assigned to the officer by law to other officers and employees of the Department.

(3) LIMITATIONS.—

(A) INTERUNIT DELEGATION.—Any function assigned by this title to an organizational unit of the Department or to the head of an organizational unit of the Department may not be delegated to an officer or employee outside of that unit.

(B) FUNCTIONS.—Any function vested by law in an entity established by law and transferred to the Department or vested by law in an officer of such an entity may not be delegated to an officer or employee outside of that entity.

SEC. 192. REPORTING REQUIREMENTS.

(a) ANNUAL EVALUATIONS.—The Comptroller General of the United States shall monitor and evaluate the implementation of titles I and XI. Not later than 15 months after the effective date of this division, and every year thereafter for the succeeding 5 years, the Comptroller General shall submit a report to Congress containing—

(1) an evaluation of the implementation progress reports submitted to Congress and the Comptroller General by the Secretary under section 182;

(2) the findings and conclusions of the Comptroller General of the United States resulting from the monitoring and evaluation conducted under this subsection, including evaluations of how successfully the Department is meeting—

(A) the homeland security missions of the Department; and

(B) the other missions of the Department; and

(3) any recommendations for legislation or administrative action the Comptroller General considers appropriate.

(b) BIENNIAL REPORTS.—Every 2 years the Secretary shall submit to Congress—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(c) POINT OF ENTRY MANAGEMENT REPORT.—Not later than 1 year after the effective date of this division, the Secretary shall submit to Congress a report outlining proposed steps to consolidate management authority for Federal operations at key points of entry into the United States.

(d) RESULTS-BASED MANAGEMENT.—

(1) STRATEGIC PLAN.—

(A) In general.—Not later than September 30, 2003, consistent with the requirements of section 306 of title 5, United States Code, the Secretary, in consultation with Congress, shall prepare and submit to the Director of the Office of Management and Budget and to Congress a strategic plan for the program activities of the Department.

(B) Period; revisions.—The strategic plan shall cover a period of not less than 5 years from the fiscal year in which it is submitted and it shall be updated and revised at least every 3 years.

(C) Contents.—The strategic plan shall describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(2) Performance plan.—

(A) In general.—In accordance with section 1115 of title 31, United States Code, the Secretary shall prepare an annual performance plan covering each program activity set forth in the budget of the Department.

(B) Contents.—The performance plan shall include—

(i) the goals to be achieved during the year;

(ii) strategies and resources required to meet the goals; and

(iii) the means used to verify and validate measured values.

(C) Scope.—The performance plan should describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(3) Performance report.—

(A) In general.—In accordance with section 1116 of title 31, United States Code, the Secretary shall prepare and submit to the President and Congress an annual report on program performance for each fiscal year.

(B) Contents.—The performance report shall include the actual results achieved during the year compared to the goals expressed in the performance plan for that year.

SEC. 193. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and requirements; and

(2) develop procedures for meeting such requirements.

SEC. 194. LABOR STANDARDS.

(a) In General.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.).

(b) Secretary of Labor.—The Secretary of Labor shall have, with respect to the enforcement of labor standards under subsection (a), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

SEC. 195. PRESERVING NON-HOMELAND SECURITY MISSION PERFORMANCE.

(a) In General.—For each entity transferred into the Department that has non-homeland security functions, the respective Under Secretary in charge, in conjunction with the head of such entity, shall report to the Secretary, the Comptroller General, and the appropriate committees of Congress on the performance of the entity in all of its missions, with a particular emphasis on examining the continued level of performance of the non-homeland security missions.

(b) Contents.—The report referred to in subsection (a) shall—

(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capabilities of the entity with respect to those functions, including—

(A) the number of employees who carry out those functions;

(B) the budget for those functions; and

(C) the flexibilities, personnel or otherwise, currently used to carry out those functions;

(2) contain information related to the roles, responsibilities, missions, organizational structure, capabilities, personnel assets, and annual budgets, specifically with respect to the capabilities of the entity to accomplish its non-homeland security missions without any diminishment; and

(3) contain information regarding whether any changes are required to the roles, responsibilities, missions, organizational structure, modernization programs, projects, activities, recruitment and retention programs, and annual fiscal resources to enable the entity to accomplish its non-homeland security missions without diminishment.

(c) Timing.—Each Under Secretary shall provide the report referred to in subsection (a) annually, for the 5 years following the transfer of the entity to the Department.

SEC. 196. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) In General.—Each budget request submitted to Congress for the Department under section 1105 of title 31, United States Code, and each budget request submitted to Congress for the National Terrorism Prevention and Response Program shall be accompanied by a Future Years Homeland Security Program.

(b) Contents.—The Future Years Homeland Security Program under subsection (a) shall be structured, and include the same type of information and level of detail, as the Future Years Defense Program submitted to Congress by the Department of Defense under section 221 of title 10, United States Code.

(c) Effective Date.—This section shall take effect with respect to the preparation and submission of the fiscal year 2005 budget request for the Department and the fiscal year 2005 budget request for the National Terrorism Prevention and Response Program, and for any subsequent fiscal year.

SEC. 197. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

(a) Definitions.—In this section:

(1) Critical infrastructure.—The term "critical infrastructure" has the meaning given that term in section 1016(e) of the USA PATRIOT ACT of 2001 (42 U.S.C. 5195(e)).

(2) Furnished voluntarily.—

(A) Definition.—The term "furnished voluntarily" means a submission of a record that—

(i) is made to the Department in the absence of authority of the Department requiring that record to be submitted; and

(ii) is not submitted or used to satisfy any legal requirement or obligation or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modifications of agency penalties or rulings), or other approval from the Government.

(B) Benefit.—In this paragraph, the term "benefit" does not include any warning, alert, or other risk analysis by the Department.

(b) In General.—Notwithstanding any other provision of law, a record pertaining to the vulnerability of and threats to critical infrastructure (such as attacks, response, and recovery efforts) that is furnished voluntarily to the Department shall not be made available under section 552 of title 5, United States Code, if—

(1) the provider would not customarily make the record available to the public; and

(2) the record is designated and certified by the provider, in a manner specified by the Department, as confidential and not customarily made available to the public.

(c) Records Shared With Other Agencies.—

(1) In general.—

(A) Response to request.—An agency in receipt of a record that was furnished voluntarily to the Department and subsequently shared with the agency shall, upon receipt of a request under section 552 of title 5, United States Code, for the record—

(i) not make the record available; and

(ii) refer the request to the Department for processing and response in accordance with this section.

(B) Segregable portion of record.—Any reasonably segregable portion of a record shall be provided to the person requesting the record after deletion of any portion which is exempt under this section.

(2) Disclosure of independently furnished records.—Notwithstanding paragraph (1), nothing in this section shall prohibit an agency from making available under section 552 of title 5, United States Code, any record that the agency receives independently of the Department, regardless of whether or not the Department has a similar or identical record.

(d) Withdrawal of Confidential Designation.—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

(e) Procedures.—The Secretary shall prescribe procedures for—

(1) the acknowledgement of receipt of records furnished voluntarily;

(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

(3) the care and storage of records furnished voluntarily;

(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

(5) the withdrawal of the confidential designation of records under subsection (d).

(f) Effect on State and Local Law.—Nothing in this section shall be construed as preempting or otherwise modifying State or local law concerning the disclosure of any information that a State or local government receives independently of the Department.

(g) Report.—

(1) Requirement.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

(B) the number of requests for access to records granted or denied under this section; and

(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats.

(2) Committees of Congress.—The committees of Congress specified in this paragraph are—

(A) the Committees on the Judiciary and Governmental Affairs of the Senate; and

(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

(3) Form.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 198. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to—

(1) enable the Secretary to administer and manage the Department; and

(2) carry out the functions of the Department other than those transferred to the Department under this Act.

SA 4612. Ms. COLLINS (for herself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 10 through 13, and insert the following:

homeland threats;

(D) minimize the damage, and assist in the recovery, from terrorist attacks or other natural or man-made crises that occur within the United States; and

(E) to the extent practicable, ensure the speedy, orderly, safe, and efficient flow of lawful traffic, travel, and commerce.

On page 25, between lines 11 and 12, insert the following:

(e) Special Assistant to the Secretary.—

(1) Responsibilities.—The Secretary shall appoint a Special Assistant to the Secretary who shall be responsible for—

(A) creating and fostering strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland;

(B) advising the Secretary on the impact of the Department's policies, regulations, processes, and actions on the private sector;

(C) interfacing with other relevant Federal agencies with homeland security missions to assess the impact of these agencies' actions on the private sector;

(D) creating and managing private sector advisory councils composed of representatives of industries and associations designated by the Secretary to advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations;

(E) promoting existing public-private partnerships and developing new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges; and

(F) assisting in the development and promotion of private sector best practices to secure critical infrastructure.

(2) Duplication of functions.—The Special Assistant to the Secretary shall avoid duplication of functions performed by the Directorate of Science of Technology in accordance with section 135.

SA 4613. Mr. GRASSLEY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

FEDERAL BUREAU OF INVESTIGATION REFORM

SEC. 601. SHORT TITLE.

This title may be cited as the "Federal Bureau of Investigation Reform Act of 2002".

Subtitle A—Improving FBI Oversight

SEC. 611. AUTHORITY OF THE DEPARTMENT OF JUSTICE INSPECTOR GENERAL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

"(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice;

"(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility;

"(4) may investigate allegations of criminal wrongdoing or administrative misconduct, including a failure to properly discipline employees, by a person who is the head of any agency or component of the Department of Justice; and

"(5) shall forward the results of any investigation conducted under paragraph (4), along with any appropriate recommendation for disciplinary action, to the Attorney General, who is authorized to take appropriate disciplinary action."; and

(2) by adding at the end the following:

"(d) If the Attorney General does not follow any recommendation of the Inspector General made under subsection (b)(5), the Attorney General shall submit a report to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives that sets forth the recommendation of the Inspector General and the reasons of the Attorney General for not following that recommendation.

"(e) The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice shall report that information to the Inspector General.".

SEC. 612. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) Appointment of Oversight Official Within the Office of Inspector General.—

(1) In general.—The Inspector General of the Department of Justice shall direct that 1 official from the office of the Inspector General be responsible for supervising and coordinating independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2003.

(2) Continuation of oversight.—The Inspector General may continue individual oversight in accordance with paragraph (1) after September 30, 2003, at the discretion of the Inspector General.

(b) Inspector General Oversight Plan for the Federal Bureau of Investigation.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives, a plan for oversight of the Federal Bureau of Investigation, which plan may include—

(1) an audit of the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation;

(2) an audit and evaluation of programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action;

(3) a review of the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility;

(4) an investigation of allegations of serious misconduct by personnel of the Federal Bureau of Investigation;

(5) a review of matters relating to any other program or operation of the Federal Bureau of Investigation that the Inspector General determines requires review; and

(6) an identification of resources needed by the Inspector General to implement a plan for oversight of the Federal Bureau of Investigation.

(c) Report on Inspector General for Federal Bureau of Investigation.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report and recommendation to the Chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives concerning—

(1) whether there should be established, within the Department of Justice, a separate office of the Inspector General for the Federal Bureau of Investigation that shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation;

(2) what changes have been or should be made to the rules, regulations, policies, or practices governing the Federal Bureau of Investigation in order to assist the Office of the Inspector General in effectively exercising its authority to investigate the conduct of employees of the Federal Bureau of Investigation;

(3) what differences exist between the methods and practices used by different Department of Justice components in the investigation and adjudication of alleged misconduct by Department of Justice personnel;

(4) what steps should be or are being taken to make the methods and practices described in paragraph (3) uniform throughout the Department of Justice; and

(5) whether a set of recommended guidelines relating to the discipline of Department of Justice personnel for misconduct should be developed, and what factors, such as the nature and seriousness of the misconduct, the prior history of the employee, and the rank and seniority of the employee at the time of the misconduct, should be

taken into account in establishing such recommended disciplinary guidelines.

Subtitle B—Whistleblower Protection

SEC. 621. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

"§2303. Prohibited personnel practices in the Federal Bureau of Investigation

"(a) Definition.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

"(b) Prohibited Practices.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

"(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

"(c) Individual Right of Action.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

"(d) Regulations.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.".

Subtitle C—FBI Security Career Program

SEC. 631. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 632. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) In General.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this subtitle as the "Director") shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) Policy Implementation.—The Director shall ensure that the policies of the Attorney General established in accordance with this title are implemented throughout the Federal Bureau of Investigation at both the headquarters and field office levels.

SEC. 633. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this title.

SEC. 634. SECURITY CAREER PROGRAM BOARDS.

(a) Establishment.—The Director, acting through the Director of Security, shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) Composition of Board.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) Chairperson.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) Subordinate Boards.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 635. DESIGNATION OF SECURITY POSITIONS.

(a) Designation.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this title.

(b) Required Positions.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 636. CAREER DEVELOPMENT.

(a) Career Paths.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) Limitation on Preference for Special Agents.—

(1) In general.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this subtitle as a "Special Agent") is used in the consideration of persons for security positions.

(2) Policy.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) Report.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) Opportunities To Qualify.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) Best Qualified.—The Attorney General shall ensure that the policies established under this title are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) Assignments Policy.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) Length of Assignment.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) Performance Appraisals.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) Balanced Workforce Policy.—In the development of security workforce policies under this title with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 637. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) In General.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) Qualification Requirements.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 638. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 639. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 637 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 637 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

Subtitle D—FBI Counterintelligence Polygraph Program

SEC. 641. DEFINITIONS.

In this subtitle:

(1) POLYGRAPH PROGRAM.—The term "polygraph program" means the counterintelligence screening polygraph program established under section 642.

(2) POLYGRAPH REVIEW.—The term "Polygraph Review" means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 642. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after publication of the results of the Polygraph Review, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.

SEC. 643. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 644. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

Subtitle E—FBI Police

SEC. 651. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term "Director" means the Director of the Federal Bureau of Investigation.

(2) FBI BUILDINGS AND GROUNDS.—

(A) IN GENERAL.—The term "FBI buildings and grounds" means—

(i) the whole or any part of any building or structure which is occupied under a lease or otherwise by the Federal Bureau of Investigation and is subject to supervision and control by the Federal Bureau of Investigation;

(ii) the land upon which there is situated any building or structure which is occupied wholly by the Federal Bureau of Investigation; and

(iii) any enclosed passageway connecting 2 or more buildings or structures occupied in whole or in part by the Federal Bureau of Investigation.

(B) INCLUSION.—The term "FBI buildings and grounds" includes adjacent streets and sidewalks not to exceed 500 feet from such property.

(3) FBI POLICE.—The term "FBI police" means the permanent police force established under section 652.

SEC. 652. ESTABLISHMENT OF FBI POLICE; DUTIES.

(a) IN GENERAL.—Subject to the supervision of the Attorney General, the Director may establish a permanent police force, to be known as the FBI police.

(b) DUTIES.—The FBI police shall perform such duties as the Director may prescribe in connection with the protection of persons and property within FBI buildings and grounds.

(c) UNIFORMED REPRESENTATIVE.—The Director, or designated representative duly authorized by the Attorney General, may appoint uniformed representatives of the Federal Bureau of Investigation as FBI police for duty in connection with the policing of all FBI buildings and grounds.

(d) AUTHORITY.—

(1) IN GENERAL.—In accordance with regulations prescribed by the Director and approved by the Attorney General, the FBI police may—

(A) police the FBI buildings and grounds for the purpose of protecting persons and property;

(B) in the performance of duties necessary for carrying out subparagraph (A), make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia;

(C) carry firearms as may be required for the performance of duties;

(D) prevent breaches of the peace and suppress affrays and unlawful assemblies; and

(E) hold the same powers as sheriffs and constables when policing FBI buildings and grounds.

(2) EXCEPTION.—The authority and policing powers of FBI police under this subsection shall not include the service of civil process.

(e) PAY AND BENEFITS.—

(1) IN GENERAL.—The rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police shall be equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to members of the United States Secret Service Uniformed Division.

(2) APPLICATION.—Pay and benefits for the FBI police under paragraph (1)—

(A) shall be established by regulation;

(B) shall apply with respect to pay periods beginning after January 1, 2003; and

(C) shall not result in any decrease in the rates of pay or benefits of any individual.

SEC. 653. AUTHORITY OF METROPOLITAN POLICE FORCE.

This title does not affect the authority of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.

Subtitle F—Reports

SEC. 661. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than December 31, 2002, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

SEC. 662. REPORT ON FBI INFORMATION MANAGEMENT AND TECHNOLOGY.

(a) IN GENERAL.—Not later than December 31, 2002, the Attorney General shall submit to Congress a report on the information management and technology programs of the Federal Bureau of Investigation including recommendations for any legislation that may be necessary to enhance the effectiveness of those programs.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall provide—

(1) an analysis and evaluation of whether authority for waiver of any provision of procurement law (including any regulation implementing such a law) is necessary to expeditiously and cost-effectively acquire information technology to meet the unique need of the Federal Bureau of Investigation to improve its investigative operations in order to respond better to national law enforcement, intelligence, and counterintelligence requirements;

(2) the results of the studies and audits conducted by the Strategic Management Council and the Inspector General of the Department of Justice to evaluate the information management and technology programs of the Federal Bureau of Investigation, including systems, policies, procedures, practices, and operations; and

(3) a plan for improving the information management and technology programs of the Federal Bureau of Investigation.

(c) RESULTS.—The results provided under subsection (b)(2) shall include an evaluation of—

(1) information technology procedures and practices regarding procurement, training, and systems maintenance;

(2) record keeping policies, procedures, and practices of the Federal Bureau of Investigation, focusing particularly on how information is inputted, stored, managed, utilized, and shared within the Federal Bureau of Investigation;

(3) how information in a given database is related or compared to, or integrated with, information in other technology databases within the Federal Bureau of Investigation;

(4) the effectiveness of the existing information technology infrastructure of the Federal Bureau of Investigation in supporting and accomplishing the overall mission of the Federal Bureau of Investigation;

(5) the management of information technology projects of the Federal Bureau of Investigation, focusing on how the Federal Bureau of Investigation—

(A) selects its information technology projects;

(B) ensures that projects under development deliver benefits; and

(C) ensures that completed projects deliver the expected results; and

(6) the security and access control techniques for classified and sensitive but unclassified information systems in the Federal Bureau of Investigation.

(d) CONTENTS OF PLAN.—The plan provided under subsection (b)(3) shall ensure that—

(1) appropriate key technology management positions in the Federal Bureau of Investigation are filled by personnel with experience in the commercial sector;

(2) access to the most sensitive information is audited in such a manner that suspicious activity is subject to near contemporaneous security review;

(3) critical information systems employ a public key infrastructure to validate both users and recipients of messages or records;

(4) security features are tested by the National Security Agency to meet national information systems security standards;

(5) all employees in the Federal Bureau of Investigation receive annual instruction in records and information management policies and procedures relevant to their positions;

(6) a reserve is established for research and development to guide strategic information management and technology investment decisions;

(7) unnecessary administrative requirements for software purchases under $2,000,000 are eliminated;

(8) full consideration is given to contacting with an expert technology partner to provide technical support for the information technology procurement for the Federal Bureau of Investigation;

(9) procedures are instituted to procure products and services through contracts of other agencies, as necessary; and

(10) a systems integration and test center, with the participation of field personnel, tests each series of information systems upgrades or application changes before their operational deployment to confirm that they meet proper requirements.

SEC. 663. GAO REPORT ON CRIME STATISTICS REPORTING.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the issue of how statistics are reported and used by Federal law enforcement agencies.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) identify the current regulations, procedures, internal policies, or other conditions that allow the investigation or arrest of an individual to be claimed or reported by more than 1 Federal or State agency charged with law enforcement responsibility;

(2) identify and examine the conditions that allow the investigation or arrest of an individual to be claimed or reported by the Offices of Inspectors General and any other Federal agency charged with law enforcement responsibility;

(3) examine the statistics reported by Federal law enforcement agencies, and document those instances in which more than 1 agency, bureau, or office claimed or reported the same investigation or arrest during the years 1998 through 2001;

(4) examine the issue of Federal agencies simultaneously claiming arrest credit for in-custody situations that have already occurred pursuant to a State or local agency arrest situation during the years 1998 through 2001;

(5) examine the issue of how such statistics are used for administrative and management purposes;

(6) set forth a comprehensive definition of the terms "investigation" and "arrest" as those terms apply to Federal agencies charged with law enforcement responsibilities; and

(7) include recommendations, that when implemented, would eliminate unwarranted and duplicative reporting of investigation and arrest statistics by all Federal agencies charged with law enforcement responsibilities.

(c) FEDERAL AGENCY COMPLIANCE.—Federal law enforcement agencies shall comply with requests made by the General Accounting Office for information that is necessary to assist in preparing the report required by this section.

Subtitle G—Ending the Double Standard

SEC. 671. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking "for more than 14 days".

SEC. 672. SUBMITTING OFFICE OF PROFESSIONAL RESPONSIBILITY REPORTS TO CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—For each of the 5 years following the date of enactment of this Act, the Office of the Inspector General shall submit to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives an annual report to be completed by the Federal Bureau of Investigation, Office of Professional Responsibility and provided to the Inspector General, which sets forth—

(1) basic information on each investigation completed by that Office;

(2) the findings and recommendations of that Office for disciplinary action; and

(3) what, if any, action was taken by the Director of the Federal Bureau of Investigation or the designee of the Director based on any such recommendation.

(b) CONTENTS.—In addition to all matters already included in the annual report described in subsection (a), the report shall also include an analysis of—

(1) whether senior Federal Bureau of Investigation employees and lower level Federal Bureau of Investigation personnel are being disciplined and investigated similarly; and

(2) whether any double standard is being employed to more senior employees with respect to allegations of misconduct.

Subtitle H—Enhancing Security at the Department of Justice

SEC. 781. REPORT ON THE PROTECTION OF SECURITY AND INFORMATION AT THE DEPARTMENT OF JUSTICE.

Not later than December 31, 2002, the Attorney General shall submit to Congress a report on the manner in which the Security and Emergency Planning Staff, the Office of Intelligence Policy and Review, and the Chief Information Officer of the Department of Justice plan to improve the protection of security and information at the Department of Justice, including a plan to establish secure electronic communications between the Federal Bureau of Investigation and the Office of Intelligence Policy and Review for processing information related to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 782. AUTHORIZATION FOR INCREASED RESOURCES TO PROTECT SECURITY AND INFORMATION.

There are authorized to be appropriated to the Department of Justice for the activities of the Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department of Justice, to prepare for terrorist threats and other emergencies, and to review security compliance by components of the Department of Justice—

(1) $13,000,000 for fiscal year 2003;

(2) $17,000,000 for fiscal year 2004; and

(3) $22,000,000 for fiscal year 2005.

SEC. 783. AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.

There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2003;

(2) $7,500,000 for fiscal year 2004; and

(3) $8,000,000 for fiscal year 2005.

EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

SA 4614. Mr. SESSIONS (for himself, Mr. LEAHY, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2302 add the following:

Sec. 173. For purposes of this section, "total payment" shall not include any amount received from a Johnny Micheal Spann Patriot Trust as defined herein:

(a) FINDINGS.—Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States have lost their lives while battling the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of covert observation of terrorists around the world are often put in harm's way during their service to the United States.

(4) Personnel of the Central Intelligence Agency have also lost their lives while battling the evils of terrorism around the world.

(5) Employees of the Federal Bureau of Investigation (FBI) and other Federal agencies charged with domestic protection of the United States put their lives at risk on a daily basis for the freedom and security of our Nation.

(6) United States military personnel, CIA personnel, FBI personnel, and other Federal agents in the service of the United States are patriots of the highest order.

(7) CIA officer Johnny Micheal Spann became the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the terrorist attacks of September 11, 2001.

(8) Johnny Micheal Spann left behind a wife and children who are very proud of the heroic actions of their patriot father.

(9) Surviving dependents of members of the Armed Forces of the United States who lose their lives as a result of terrorist attacks or military operations abroad receive a $6,000 death benefit, plus a small monthly benefit.

(10) The current system of compensating spouses and children of American patriots is inequitable and needs improvement.

(b) DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which otherwise meets all applicable requirements under law with respect to charitable entities and meets the requirements described in subsection (c) shall be eligible to characterize itself as a "Johnny Micheal Spann Patriot Trust".

(c) REQUIREMENTS FOR THE DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—The requirements described in this subsection are as follows:

(1) Not taking into account funds or donations reasonably necessary to establish a trust, at least 85 percent of all funds or donations (including any earnings on the investment of such funds or donations) received or collected by any Johnny Micheal Spann Patriot Trust must be distributed to (or, if placed in a private foundation, held in trust for) surviving spouses, children, or dependent parents, grandparents, or siblings of 1 or more of the following:

(A) members of the Armed Forces of the United States;

(B) personnel, including contractors, of elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947;

(C) employees of the Federal Bureau of Investigation;

(D) employees and contractors of the Department of Homeland Security; and

(E) officers, employees, contract employees, of the United States Government,

whose deaths occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224).

(2) Other than funds or donations reasonably necessary to establish a trust, not more than 15 percent of all funds or donations (or 15 percent of annual earnings on funds invested in a private foundation) may be used for administrative purposes.

(3) No part of the net earnings of any Johnny Micheal Spann Patriot Trust may inure to the benefit of any individual based solely on the position of such individual as a shareholder, an officer or employee of such Trust.

(4) No part of the activities of any Johnny Micheal Spann Patriot Trust shall be used for distributing propaganda or otherwise attempting to influence legislation.

(5) No Johnny Micheal Spann Patriot Trust may participate in or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office, including by publication or distribution of statements.

(6) Each Johnny Micheal Spann Patriot Trust shall comply with the instructions and directions of the Director of Central Intelligence, the Attorney General, the Secretary of Homeland Security, or the Secretary of Defense relating to the protection of intelligence sources and methods, sensitive law enforcement information, or other sensitive national security information, including methods for confidentially disbursing funds.

(7) Each Johnny Micheal Spann Patriot Trust that receives annual contributions totaling more than $1,000,000 must be audited annually by an independent certified public accounting firm. Such audits shall be filed with the Internal Revenue Service, and shall be open to public inspection, except that the conduct, filing, and availability of the audit shall be consistent with the protection of intelligence sources and methods, of sensitive law enforcement information, and of other sensitive national security information.

(8) Each Johnny Micheal Spann Patriot Trust shall make distributions to beneficiaries described in paragraph (1) at least once every calendar year, beginning not later than 12 months after the formation of such Trust, and all funds and donations received and earnings not placed in a private foundation dedicated to such beneficiaries must be distributed within 36 months after the end of the fiscal year in which such funds, donations, and earnings are received.

(9)(A) When determining the amount of a distribution to any beneficiary described in paragraph (1), a Johnny Micheal Spann Patriot Trust should take into account the amount of any collateral source compensation that the beneficiary has received or is entitled to receive as a result of the death of an individual described in subsection (c)(1).

(B) Collateral source compensation includes all compensation from collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the death of an individual described in subsection (c)(1).

(10) Each Johnny Micheal Spann Patriot Trust shall comply with the applicable provisions of the Federal Election Campaign Act of 1971 such that general solicitations of funds by federal elected officials will comply with paragraph (4)(A) of section 323(e) of the Federal Election Campaign Act of 1971 (as added by section 101(a) of the Bipartisan Campaign Reform Act of 2002, Public Law No. 107–155; 116 Stat. 81). Such Trust if such individual discloses the general purpose of the solicitation.

(d) NOTIFICATION OF TRUST BENEFICIARIES.—Notwithstanding any other provision of law, and in a manner consistent with the protection of intelligence sources and methods, sensitive law enforcement information, and other sensitive national security information the Secretary of Defense, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, or the Director of Central Intelligence, or their designees, as applicable, may forward information received from an executor, administrator, or other legal representative of the estate of a decedent described in subparagraph (A), (B), (C), (D), or (E) of subsection (c)(1), to a Johnny Micheal Spann Patriot Trust on how to contact individuals eligible for a distribution under subsection (c)(1) for the purpose of providing assistance from such Trust; provided that, neither forwarding nor failing to forward any information under this subsection shall create any cause of action against any Federal department, agency, officer, agent, or employee.

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the Director of Central Intelligence, shall prescribe regulations to carry out this section.

SA 4615. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1105(a), add the following:

"(h) For the purposes of subsection (b)(2)(c) the 'removal function' shall include the establishment of the following pilot program:

"(a) ESTABLISHMENT OF PILOT PROGRAM.—The Commissioner of Immigration and Naturalization shall establish a pilot program of cooperation between inspectors of the Immigration and Naturalization Service and State and local law enforcement officials that uses video conferencing—

"(1) to evaluate the legal status of aliens in the custody of State and local law enforcement; and

"(2) to initiate deportation proceedings under the Immigration and Nationality Act where warranted.

"(b) IMPLEMENTATION.—The pilot program described in subsection (a) shall include at least ten States. States selected to participate should be those with the largest number of violations of the Immigration and Nationality Act.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 to 2007 to carry out this section.".

SA 4616. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1105(a), add the following:

"(g) For purposes of subsection (b)(2)(B) of this section, the "detention function" shall include the following:

"(1) IN GENERAL.—Whenever a State or local law enforcement official detains an individual with reasonable belief that the individual is removable from the United States under section 237 and immediately notifies the Service of such detention, the Commissioner shall, within 48 hours of that notification—

"(A) inform the State or local law enforcement official in writing that the individual is not unlawfully present in the United States and does not pose a danger to the public; or

"(B) take physical custody of the individual from the State or local law enforcement official.

"(2) TRANSPORTATION.—If the Service fails to comply with subsection (a) within 48 hours of notification, the Commissioner shall—

"(A) accept custody of the individual at the nearest regional office of the Service; and

"(B) promptly reimburse the State or local law enforcement official for the cost of transporting the individual to the regional office by public or private means.".

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to the Secretary $1,000,000 for each of the fiscal years 2003 through 2007 to carry out section 236C of the Immigration and Nationality Act, as added by subsection (a).

"(B) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended."

"Sec. 236C. Taking custody of aliens detained by State or local law enforcement officials.".

SA 4617. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 14 through page 69, line 7 and insert the following:

SEC. 134. FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) HOMELAND SECURITY DUTIES.—

(1) IN GENERAL.—The Federal Emergency Management Agency shall be responsible for the emergency preparedness and response functions of the Department.

(2) FUNCTION.—Except as provided in paragraph (3) and subsections (b) through (e), nothing in this Act affects the administration or administrative jurisdiction of the Federal Emergency Management Agency as in existence on the day before the date of enactment of this Act.

(3) DIRECTOR.—In carrying out responsibilities of the Federal Emergency Management Agency under all applicable law, the Director of the Federal Emergency Management Agency shall report—

(A) to the President directly, with respect to all matters relating to a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(B) to the Secretary, with respect to all other matters.

(b) SPECIFIC RESPONSIBILITIES.—The Director of the Federal Emergency Management Agency shall be responsible for the following:

(1) Carrying out all emergency preparedness and response activities of the Department.

SA 4618. Mr. JEFFORDS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 8, strike "terrorism, natural disasters," and insert "terrorism".

On page 11, strike lines 6 through 13 and insert the following:

homeland threats within the United States; and

(C) reduce the vulnerability of the United States to terrorism and other homeland threats.

On page 12, line 23, strike "emergency preparedness and response,".

On page 13, strike lines 3 through 5 and insert the following:

transportation security and critical infrastructure protection.

On page 15, line 14, insert "and the Director of the Federal Emergency Management Agency" after "Defense".

On page 16, strike lines 13 through 16.

On page 16, line 17, strike "(15)" and insert "(14)".

On page 16, line 20, strike "(16)" and insert "(15)".

On page 16, line 24, strike "(17)" and insert "(16)".

On page 17, line 4, strike "(18)" and insert "(17)".

On page 17, line 8, strike "(19)" and insert "(18)".

Beginning on page 68, strike line 14 and all that follows through page 75, line 3.

On page 75, line 3, strike "135" and insert 134".

On page 103, line 13, strike "136" and insert 135".

On page 103, line 17, strike "137" and insert 136".

On page 109, line 10, strike "of the Department".

On page 112, line 5, strike "138" and insert 137".

On page 112, line 10, strike "139" and insert 138".

On page 112, between lines 4 and 5, insert the following:

(f) COORDINATION WITH FEDERAL EMERGENCY MANAGEMENT AGENCY.—

(1) IN GENERAL.—In carrying out all responsibilities of the Secretary under this section, the Secretary shall coordinate with the Director of the Federal Emergency Management Agency.

(2) CONFORMING AMENDMENT.—Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended by inserting "incident of terrorism," after "drought),".

On page 114, line 6, strike "140" and insert 139".

On page 114, strike lines 13 and 14.

On page 115, line 3, strike "in the Department" and insert "within the Federal Emergency Management Agency".

On page 116, line 21, strike "Department" and insert "Federal Emergency Management Agency".

Beginning on page 128, strike line 22 and all that follows through page 129, line 5, and insert the following:

(a) IN GENERAL.—Full disclosure among relevant agencies shall be made in accordance with this section.

(b) PUBLIC HEALTH EMERGENCY.—During the

On page 129, strike lines 15 and 16 and insert the following:

(c) POTENTIAL PUBLIC HEALTH EMERGENCY.—In cases involving, or potentially involving,

On page 186, line 25, and page 187, line 1, strike "emergency preparation and response,".

On page 187, insert "emergency preparedness and response," after "assets,".

Beginning on page 161, strike line 19 and all that follows through page 162, line 2, and insert the following:

(b) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary shall submit to Congress a report assessing the resources and requirements of executive agencies relating to border security.

SA 4619. Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle G—First Responder Terrorism Preparedness

SEC. 199A. SHORT TITLE.

This subtitle may be cited as the "First Responder Terrorism Preparedness Act of 2002".

SEC. 199B. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Federal Government must enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(2) as a result of the events of September 11, 2001, it is necessary to clarify and consolidate the authority of the Federal Emergency Management Agency to support first responders.

(b) Purposes.—The purposes of this subtitle are—

(1) to establish within the Federal Emergency Management Agency the Office of National Preparedness;

(2) to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(3) to address issues relating to urban search and rescue task forces.

SEC. 199C. DEFINITIONS.

(a) Major Disaster.—Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended by inserting "incident of terrorism," after "drought),".

(b) Weapon of Mass Destruction.—Section 602(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(a)) is amended by adding at the end the following:

"(11) Weapon of mass destruction.—The term 'weapon of mass destruction' has the meaning given the term in section 2302 of title 50, United States Code.".

SEC. 199D. ESTABLISHMENT OF OFFICE OF NATIONAL PREPAREDNESS.

Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended by adding at the end the following:

"SEC. 616. OFFICE OF NATIONAL PREPAREDNESS.

"(a) In General.—There is established in the Federal Emergency Management Agency an office to be known as the 'Office of National Preparedness' (referred to in this section as the 'Office').

"(b) Appointment of Associate Director.—

"(1) In general.—The Office shall be headed by an Associate Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) Compensation.—The Associate Director shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) Duties.—The Office shall—

"(1) lead a coordinated and integrated overall effort to build, exercise, and ensure viable terrorism preparedness and response capability at all levels of government;

"(2) establish clearly defined standards and guidelines for Federal, State, tribal, and local government terrorism preparedness and response;

"(3) establish and coordinate an integrated capability for Federal, State, tribal, and local governments and emergency responders to plan for and address potential consequences of terrorism;

"(4) coordinate provision of Federal terrorism preparedness assistance to State, tribal, and local governments;

"(5) establish standards for a national, interoperable emergency communications and warning system;

"(6) establish standards for training of first responders (as defined in section 630(a)), and for equipment to be used by first responders, to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

"(7) carry out such other related activities as are approved by the Director.

"(d) Designation of Regional Contacts.—The Associate Director shall designate an officer or employee of the Federal Emergency Management Agency in each of the 10 regions of the Agency to serve as the Office contact for the States in that region.

"(e) Use of Existing Resources.—In carrying out this section, the Associate Director shall—

"(1) to the maximum extent practicable, use existing resources, including planning documents, equipment lists, and program inventories; and

"(2) consult with and use—

"(A) existing Federal interagency boards and committees;

"(B) existing government agencies; and

"(C) nongovernmental organizations.".

SEC. 199E. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

(a) In General.—Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) is amended by adding at the end the following:

"SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

"(a) Definitions.—In this section:

"(1) First responder.—The term 'first responder' means—

"(A) fire, emergency medical service, and law enforcement personnel; and

"(B) such other personnel as are identified by the Director.

"(2) Local entity.—The term 'local entity' has the meaning given the term by regulation promulgated by the Director.

"(3) Program.—The term 'program' means the program established under subsection (b).

"(b) Program To Provide Assistance.—

"(1) In general.—The Director shall establish a program to provide assistance to States to enhance the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction.

"(2) Federal share.—The Federal share of the costs eligible to be paid using assistance provided under the program shall be not less than 75 percent, as determined by the Director.

"(3) Forms of assistance.—Assistance provided under paragraph (1) may consist of—

"(A) grants; and

"(B) such other forms of assistance as the Director determines to be appropriate.

"(c) Uses of Assistance.—Assistance provided under subsection (b)—

"(1) shall be used—

"(A) to purchase, to the maximum extent practicable, interoperable equipment that is necessary to respond to incidents of terrorism, including incidents involving weapons of mass destruction;

"(B) to train first responders, consistent with guidelines and standards developed by the Director;

"(C) in consultation with the Director, to develop, construct, or upgrade terrorism preparedness training facilities;

"(D) to develop, construct, or upgrade emergency operating centers;

"(E) to develop preparedness and response plans consistent with Federal, State, and local strategies, as determined by the Director;

"(F) to provide systems and equipment to meet communication needs, such as emergency notification systems, interoperable equipment, and secure communication equipment;

"(G) to conduct exercises; and

"(H) to carry out such other related activities as are approved by the Director; and

"(2) shall not be used to provide compensation to first responders (including payment for overtime).

"(d) Allocation of Funds.—For each fiscal year, in providing assistance under subsection (b), the Director shall make available—

"(1) to each of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, $3,000,000; and

"(2) to each State (other than a State specified in paragraph (1))—

"(A) a base amount of $15,000,000; and

"(B) a percentage of the total remaining funds made available for the fiscal year based on criteria established by the Director, such as—

"(i) population;

"(ii) location of vital infrastructure, including—

"(I) military installations;

"(II) public buildings (as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612));

"(III) nuclear power plants;

"(IV) chemical plants; and

"(V) national landmarks; and

"(iii) proximity to international borders.

"(e) Provision of Funds to Local Governments and Local Entities.—

"(1) In general.—For each fiscal year, not less than 75 percent of the assistance provided to each State under this section shall be provided to local governments and local entities within the State.

"(2) Allocation of funds.—Under paragraph (1), a State shall allocate assistance to local governments and local entities within the State in accordance with criteria established by the Director, such as the criteria specified in subsection (d)(2)(B).

"(3) Deadline for provision of funds.—Under paragraph (1), a State shall provide all assistance to local government and local entities not later than 45 days after the date on which the State receives the assistance.

"(4) Coordination.—Each State shall coordinate with local governments and local entities concerning the use of assistance provided to local governments and local entities under paragraph (1).

"(f) Administrative Expenses.—

"(1) Director.—For each fiscal year, the Director may use to pay salaries and other administrative expenses incurred in administering the program not more than the lesser of—

"(A) 5 percent of the funds made available to carry out this section for the fiscal year; or

"(B)(i) for fiscal year 2003, $75,000,000; and

"(ii) for each of fiscal years 2004 through 2006, $50,000,000.

"(2) Recipients of assistance.—For each fiscal year, not more than 10 percent of the funds retained by a State after application of subsection (e) may be used to pay salaries and other administrative expenses incurred in administering the program.

"(g) Maintenance of Expenditures.—The Director may provide assistance to a State under this section only if the State agrees to maintain, and to ensure that each local government that receives funds from the State in accordance with subsection (e) maintains, for the fiscal year for which the assistance is provided, the aggregate expenditures by the

State or the local government, respectively, for the uses described in subsection (c)(1) at a level that is at or above the average annual level of those expenditures by the State or local government, respectively, for the 2 fiscal years preceding the fiscal year for which the assistance is provided.

"(h) REPORTS.—

"(1) ANNUAL REPORT TO THE DIRECTOR.—As a condition of receipt of assistance under this section for a fiscal year, a State shall submit to the Director, not later than 60 days after the end of the fiscal year, a report on the use of the assistance in the fiscal year.

"(2) EXERCISE AND REPORT TO CONGRESS.—As a condition of receipt of assistance under this section, not later than 3 years after the date of enactment of this section, a State shall—

"(A) conduct an exercise, or participate in a regional exercise, approved by the Director, to measure the progress of the State in enhancing the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

"(B) submit a report on the results of the exercise to—

"(i) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate; and

"(ii) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

"(i) COORDINATION.—

"(1) WITH FEDERAL AGENCIES.—The Director shall, as necessary, coordinate the provision of assistance under this section with activities carried out by—

"(A) the Administrator of the United States Fire Administration in connection with the implementation by the Administrator of the assistance to firefighters grant program established under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) (as added by section 1701(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654, 1654A-360));

"(B) the Attorney General, in connection with the implementation of the Community Oriented Policing Services (COPS) Program established under section 1701(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)); and

"(C) other appropriate Federal agencies.

"(2) WITH INDIAN TRIBES.—In providing and using assistance under this section, the Director and the States shall, as appropriate, coordinate with—

"(A) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and other tribal organizations; and

"(B) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) and other Alaska Native organizations.".

(b) COST SHARING FOR EMERGENCY OPERATING CENTERS.—Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is amended—

(1) by inserting "(other than section 630)" after "carry out this title"; and

(2) by inserting "(other than section 630)" after "under this title".

SEC. 199F. PROTECTION OF HEALTH AND SAFETY OF FIRST RESPONDERS.

Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) (as amended by section 199E(a)) is amended by adding at the end the following:

"SEC. 631. PROTECTION OF HEALTH AND SAFETY OF FIRST RESPONDERS.

"(a) DEFINITIONS.—In this section:

"(1) FIRST RESPONDER.—The term 'first responder' has the meaning given the term in section 630(a).

"(2) HARMFUL SUBSTANCE.—The term 'harmful substance' means a substance that the President determines may be harmful to human health.

"(3) PROGRAM.—The term 'program' means a program described in subsection (b)(1).

"(b) PROGRAM.—

"(1) IN GENERAL.—If the President determines that 1 or more harmful substances are being, or have been, released in an area that the President has declared to be a major disaster area under this Act, the President shall carry out a program with respect to the area for the protection, assessment, monitoring, and study of the health and safety of first responders.

"(2) ACTIVITIES.—A program shall include—

"(A) collection and analysis of environmental and exposure data;

"(B) development and dissemination of educational materials;

"(C) provision of information on releases of a harmful substance;

"(D) identification of, performance of baseline health assessments on, taking biological samples from, and establishment of an exposure registry of first responders exposed to a harmful substance;

"(E) study of the long-term health impacts of any exposures of first responders to a harmful substance through epidemiological studies; and

"(F) provision of assistance to participants in registries and studies under subparagraphs (D) and (E) in determining eligibility for health coverage and identifying appropriate health services.

"(3) PARTICIPATION IN REGISTRIES AND STUDIES.—

"(A) IN GENERAL.—Participation in any registry or study under subparagraph (D) or (E) of paragraph (2) shall be voluntary.

"(B) PROTECTION OF PRIVACY.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

"(4) COOPERATIVE AGREEMENTS.—The President may carry out a program through a cooperative agreement with a medical or academic institution, or a consortium of such institutions, that is—

"(A) located in close proximity to the major disaster area with respect to which the program is carried out; and

"(B) experienced in the area of environmental or occupational health and safety, including experience in—

"(i) conducting long-term epidemiological studies;

"(ii) conducting long-term mental health studies; and

"(iii) establishing and maintaining environmental exposure or disease registries.

"(c) REPORTS AND RESPONSES TO STUDIES.—

"(1) REPORTS.—Not later than 1 year after the date of completion of a study under subsection (b)(2)(E), the President, or the medical or academic institution or consortium of such institutions that entered into the cooperative agreement under subsection (b)(4), shall submit to the Director, the Secretary of Health and Human Services, the Secretary of Labor, and the Administrator of the Environmental Protection Agency a report on the study.

"(2) CHANGES IN PROCEDURES.—To protect the health and safety of first responders, the President shall make such changes in procedures as the President determines to be necessary based on the findings of a report submitted under paragraph (1).".

SEC. 199G. URBAN SEARCH AND RESCUE TASK FORCES.

Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) (as amended by section 199F) is amended by adding at the end the following:

"SEC. 632. URBAN SEARCH AND RESCUE TASK FORCES.

"(a) DEFINITIONS.—In this section:

"(1) URBAN SEARCH AND RESCUE EQUIPMENT.—The term 'urban search and rescue equipment' means any equipment that the Director determines to be necessary to respond to a major disaster or emergency declared by the President under this Act.

"(2) URBAN SEARCH AND RESCUE TASK FORCE.—The term 'urban search and rescue task force' means any of the 28 urban search and rescue task forces designated by the Director as of the date of enactment of this section.

"(b) ASSISTANCE.—

"(1) MANDATORY GRANTS FOR COSTS OF OPERATIONS.—For each fiscal year, of the amounts made available to carry out this section, the Director shall provide to each urban search and rescue task force a grant of not less than **$1,500,000** to pay the costs of operations of the urban search and rescue task force (including costs of basic urban search and rescue equipment).

"(2) DISCRETIONARY GRANTS.—The Director may provide to any urban search and rescue task force a grant, in such amount as the Director determines to be appropriate, to pay the costs of—

"(A) operations in excess of the funds provided under paragraph (1);

"(B) urban search and rescue equipment;

"(C) equipment necessary for an urban search and rescue task force to operate in an environment contaminated or otherwise affected by a weapon of mass destruction;

"(D) training, including training for operating in an environment described in subparagraph (C);

"(E) transportation;

"(F) expansion of the urban search and rescue task force; and

"(G) incident support teams, including costs of conducting appropriate evaluations of the readiness of the urban search and rescue task force.

"(3) PRIORITY FOR FUNDING.—The Director shall distribute funding under this subsection so as to ensure that each urban search and rescue task force has the capacity to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.

"(c) GRANT REQUIREMENTS.—The Director shall establish such requirements as are necessary to provide grants under this section.

"(d) ESTABLISHMENT OF ADDITIONAL URBAN SEARCH AND RESCUE TASK FORCES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director may establish urban search and rescue task forces in addition to the 28 urban search and rescue task forces in existence on the date of enactment of this section.

"(2) REQUIREMENT OF FULL FUNDING OF EXISTING URBAN SEARCH AND RESCUE TASK FORCES.—Except in the case of an urban search and rescue task force designated to replace any urban search and rescue task force that withdraws or is otherwise no longer considered to be an urban search and rescue task force designated by the Director, no additional urban search and rescue task forces may be designated or funded until the 28 urban search and rescue task forces are able to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.".

SEC. 199H. AUTHORIZATION OF APPROPRIATIONS.

Section 626 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197e) is amended by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title (other than sections 630 and 632).

"(2) PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.—There are authorized to be appropriated to carry out section 630—

"(A) $3,340,000,000 for fiscal year 2003; and

"(B) $3,458,000,000 for each of fiscal years 2004 through 2006.

"(3) URBAN SEARCH AND RESCUE TASK FORCES.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out section 632—

"(i) $160,000,000 for fiscal year 2003; and

"(ii) $42,000,000 for each of fiscal years 2004 through 2006.

"(B) AVAILABILITY OF AMOUNTS.—Amounts made available under subparagraph (A) shall remain available until expended.".

SA 4620. Mr. LEAHY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, strike lines 10 and 11 and insert the following:

TITLE VI—LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2002

SEC. 601. SHORT TITLE.

This title may be cited as the "Law Enforcement Officers Safety Act of 2002".

SEC. 602. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§ 926B. Carrying of concealed firearms by qualified law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified law enforcement officer' means an employee of a governmental agency who—

"(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

"(2) is authorized by the agency to carry a firearm;

"(3) is not the subject of any disciplinary action by the agency; and

"(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.

"(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is, or was, employed as a law enforcement officer.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified law enforcement officers.".

SEC. 603. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

"§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified retired law enforcement officer' means an individual who—

"(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

"(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

"(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 5 years or more; or

"(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

"(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training or qualification to carry firearms; and

"(6) is not prohibited by Federal law from receiving a firearm.

"(d) The identification required by this subsection is photographic identification issued by the agency for which the individual was employed as a law enforcement officer.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

"926C. Carrying of concealed firearms by qualified retired law enforcement officers.".

SA 4621. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill (H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CONGRESSIONAL APPROVAL REQUIREMENT FOR TIPS.

Any and all activities of the Federal Government to implement the proposed component program of the Citizens Corps known as Operation TIPS (Terrorism Information and Prevention System) are hereby prohibited, unless expressly authorized by statute.

SA 4622. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 173. ASSESSMENT OF TRANSFER OF JURISDICTION OF NATIONAL SECURITY EDUCATION PROGRAM TO DEPARTMENT OF HOMELAND SECURITY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and Secretary of Homeland Security shall jointly submit to Congress a report assessing the feasibility and advisability of transferring jurisdiction of the National Security Education Program under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) from the Department of Defense to the Department of Homeland Security. The report shall address whether or not the transfer will contribute significantly to meeting the purposes of the National Security Education Program under section 801(c) of that Act (50 U.S.C. 1901(c)).

SA 4623. Mr. LIEBERMAN (for himself, Mr. THOMPSON, and Mr. BURNS) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

At the end, insert the following:

DIVISION D—E-GOVERNMENT ACT OF 2002

SEC. 3001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "E-Government Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 3001. Short title; table of contents.
Sec. 3002. Findings and purposes.

TITLE XXXI—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

Sec. 3101. Management and promotion of electronic Government services.
Sec. 3102. Conforming amendments.

TITLE XXXII—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

Sec. 3201. Definitions.

Sec. 3202. Federal agency responsibilities.
Sec. 3203. Compatibility of Executive agency methods for use and acceptance of electronic signatures.
Sec. 3204. Federal Internet portal.
Sec. 3205. Federal courts.
Sec. 3206. Regulatory agencies.
Sec. 3207. Accessibility, usability, and preservation of Government information.
Sec. 3208. Privacy provisions.
Sec. 3209. Federal Information Technology workforce development.
Sec. 3210. Common protocols for geographic information systems.
Sec. 3211. Share-in-savings program improvements.
Sec. 3212. Integrated reporting study and pilot projects.
Sec. 3213. Community technology centers.
Sec. 3214. Enhancing crisis management through advanced information technology.
Sec. 3215. Disparities in access to the Internet.
Sec. 3216. Notification of obsolete or counterproductive provisions.

TITLE XXXIII—GOVERNMENT INFORMATION SECURITY

Sec. 3301. Information security.

TITLE XXXIV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Effective dates.

SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

(2) The Federal Government has had uneven success in applying advances in information technology to enhance governmental functions and services, achieve more efficient performance, increase access to Government information, and increase citizen participation in Government.

(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function or topic.

(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of sufficient funding mechanisms to support such interagency cooperation.

(5) Electronic Government has its impact through improved Government performance and outcomes within and across agencies.

(6) Electronic Government is a critical element in the management of Government, to be implemented as part of a management framework that also addresses finance, procurement, human capital, and other challenges to improve the performance of Government.

(7) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires strong leadership, better organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

(b) PURPOSES.—The purposes of this division are the following:

(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing an Administrator of a new Office of Electronic Government within the Office of Management and Budget.

(2) To promote use of the Internet and other information technologies to provide increased opportunities for citizen participation in Government.

(3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related functions, and in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

(4) To improve the ability of the Government to achieve agency missions and program performance goals.

(5) To promote the use of the Internet and emerging technologies within and across Government agencies to provide citizen-centric Government information and services.

(6) To reduce costs and burdens for businesses and other Government entities.

(7) To promote better informed decisionmaking by policy makers.

(8) To promote access to high quality Government information and services across multiple channels.

(9) To make the Federal Government more transparent and accountable.

(10) To transform agency operations by utilizing, where appropriate, best practices from public and private sector organizations.

(11) To provide enhanced access to Government information and services in a manner consistent with laws regarding protection of personal privacy, national security, records retention, access for persons with disabilities, and other relevant laws.

TITLE XXXI—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 3101. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

"CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

"Sec.
"3601. Definitions.
"3602. Office of Electronic Government.
"3603. Chief Information Officers Council.
"3604. E-Government Fund.
"3605. E-Government report.

"§ 3601. Definitions

"In this chapter, the definitions under section 3502 shall apply, and the term—

"(1) 'Administrator' means the Administrator of the Office of Electronic Government established under section 3602;

"(2) 'Council' means the Chief Information Officers Council established under section 3603;

"(3) 'electronic Government' means the use by the Government of web-based Internet applications and other information technologies, combined with processes that implement these technologies, to—

"(A) enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or

"(B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation;

"(4) 'enterprise architecture'—

"(A) means—

"(i) a strategic information asset base, which defines the mission;

"(ii) the information necessary to perform the mission;

"(iii) the technologies necessary to perform the mission; and

"(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

"(B) includes—

"(i) a baseline architecture;

"(ii) a target architecture; and

"(iii) a sequencing plan;

"(5) 'Fund' means the E-Government Fund established under section 3604;

"(6) 'interoperability' means the ability of different operating and software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner;

"(7) 'integrated service delivery' means the provision of Internet-based Federal Government information or services integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction; and

"(8) 'tribal government' means the governing body of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"§ 3602. Office of Electronic Government

"(a) There is established in the Office of Management and Budget an Office of Electronic Government.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Administrator shall assist the Director in carrying out—

"(1) all functions under this chapter;

"(2) all of the functions assigned to the Director under title XXXII of the E-Government Act of 2002; and

"(3) other electronic government initiatives, consistent with other statutes.

"(d) The Administrator shall assist the Director and the Deputy Director for Management and work with the Administrator of the Office of Information and Regulatory Affairs in setting strategic direction for implementing electronic Government, under relevant statutes, including—

"(1) chapter 35;

"(2) division E of the Clinger-Cohen Act of 1996 (division E of Public Law 104–106; 40 U.S.C. 1401 et seq.);

"(3) section 552a of title 5 (commonly referred to as the Privacy Act);

"(4) the Government Paperwork Elimination Act (44 U.S.C. 3504 note);

"(5) the Government Information Security Reform Act; and

"(6) the Computer Security Act of 1987 (40 U.S.C. 759 note).

"(e) The Administrator shall work with the Administrator of the Office of Information and Regulatory Affairs and with other offices within the Office of Management and Budget to oversee implementation of electronic Government under this chapter, chapter 35, the E-Government Act of 2002, and other relevant statutes, in a manner consistent with law, relating to—

"(1) capital planning and investment control for information technology;

"(2) the development of enterprise architectures;

"(3) information security;

"(4) privacy;

"(5) access to, dissemination of, and preservation of Government information;

"(6) accessibility of information technology for persons with disabilities; and

"(7) other areas of electronic Government.

"(f) Subject to requirements of this chapter, the Administrator shall assist the Director by performing electronic Government functions as follows:

"(1) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

"(2) Recommend to the Director changes relating to Governmentwide strategies and priorities for electronic Government.

"(3) Provide overall leadership and direction to the executive branch on electronic Government by working with authorized officials to establish information resources management policies and requirements, and by reviewing performance of each agency in acquiring, using, and managing information resources.

"(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

"(5) Oversee the distribution of funds from, and ensure appropriate administration and coordination of, the E-Government Fund established under section 3604.

"(6) Coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic government and the efficient use of information technologies by agencies.

"(7) Lead the activities of the Chief Information Officers Council established under section 3603 on behalf of the Deputy Director for Management, who shall chair the council.

"(8) Assist the Director in establishing policies which shall set the framework for information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), to be developed by the National Institute of Standards and Technology and promulgated by the Secretary of Commerce, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties from the private and nonprofit sectors and State, local, and tribal governments, and maximizing the use of commercial standards as appropriate, as follows:

"(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

"(B) Consistent with the process under section 3207(d) of the E-Government Act of 2002, standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

"(C) Standards and guidelines for Federal Government computer system efficiency and security.

"(9) Sponsor ongoing dialogue that—

"(A) shall be conducted among Federal, State, local, and tribal government leaders on electronic Government in the executive, legislative, and judicial branches, as well as leaders in the private and nonprofit sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources;

"(B) is intended to improve the performance of governments in collaborating on the use of information technology to improve the delivery of Government information and services; and

"(C) may include—

"(i) development of innovative models—

"(I) for electronic Government management and Government information technology contracts; and

"(II) that may be developed through focused discussions or using separately sponsored research;

"(ii) identification of opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions;

"(iii) identification of mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies; and

"(iv) identification of opportunities for public, private, and intergovernmental collaboration in addressing the disparities in access to the Internet and information technology.

"(10) Sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and those activities which engage multiple agencies providing similar or related information and services.

"(11) Oversee the work of the General Services Administration and other agencies in developing the integrated Internet-based system under section 3204 of the E-Government Act of 2002.

"(12) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

"(13) Assist Federal agencies, including the General Services Administration, the Department of Justice, and the United States Access Board in—

"(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

"(B) ensuring compliance with those standards through the budget review process and other means.

"(14) Oversee the development of enterprise architectures within and across agencies.

"(15) Assist the Director and the Deputy Director for Management in overseeing agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

"(16) Administer the Office of Electronic Government established under section 3602.

"(17) Assist the Director in preparing the E-Government report established under section 3605.

"(g) The Director shall ensure that the Office of Management and Budget, including the Office of Electronic Government, the Office of Information and Regulatory Affairs, and other relevant offices, have adequate staff and resources to properly fulfill all functions under the E-Government Act of 2002.

"§ 3603. Chief Information Officers Council

"(a) There is established in the executive branch a Chief Information Officers Council.

"(b) The members of the Council shall be as follows:

"(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council.

"(2) The Administrator of the Office of Electronic Government.

"(3) The Administrator of the Office of Information and Regulatory Affairs.

"(4) The chief information officer of each agency described under section 901(b) of title 31.

"(5) The chief information officer of the Central Intelligence Agency.

"(6) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

"(7) Any other officer or employee of the United States designated by the chairperson.

"(c)(1) The Administrator of the Office of Electronic Government shall lead the activities of the Council on behalf of the Deputy Director for Management.

"(2)(A) The Vice Chairman of the Council shall be selected by the Council from among its members.

"(B) The Vice Chairman shall serve a 1-year term, and may serve multiple terms.

"(3) The Administrator of General Services shall provide administrative and other support for the Council.

"(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources.

"(e) In performing its duties, the Council shall consult regularly with representatives of State, local, and tribal governments.

"(f) The Council shall perform functions that include the following:

"(1) Develop recommendations for the Director on Government information resources management policies and requirements.

"(2) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

"(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

"(4) Promote the development and use of common performance measures for agency information resources management under this chapter and title XXXII of the E-Government Act of 2002.

"(5) Work as appropriate with the National Institute of Standards and Technology and the Administrator to develop recommendations on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

"(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

"(B) Consistent with the process under section 3207(d) of the E-Government Act of 2002, standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

"(C) Standards and guidelines for Federal Government computer system efficiency and security.

"(6) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

"(7) Work with the Archivist of the United States to assess how the Federal Records Act can be addressed effectively by Federal information resources management activities.

"§ 3604. E-Government Fund

"(a)(1) There is established in the Treasury of the United States the E-Government Fund.

"(2) The Fund shall be administered by the Administrator of the General Services Administration to support projects approved by the Director, assisted by the Administrator of the Office of Electronic Government, that enable the Federal Government to expand its ability, through the development and implementation of innovative uses of the Internet or other electronic methods, to conduct activities electronically.

"(3) Projects under this subsection may include efforts to—

"(A) make Federal Government information and services more readily available to members of the public (including individuals, businesses, grantees, and State and local governments);

"(B) make it easier for the public to apply for benefits, receive services, pursue business opportunities, submit information, and otherwise conduct transactions with the Federal Government; and

"(C) enable Federal agencies to take advantage of information technology in sharing information and conducting transactions with each other and with State and local governments.

"(b)(1) The Administrator shall—

"(A) establish procedures for accepting and reviewing proposals for funding;

"(B) consult with interagency councils, including the Chief Information Officers Council, the Chief Financial Officers Council, and other interagency management councils, in establishing procedures and reviewing proposals; and

"(C) assist the Director in coordinating resources that agencies receive from the Fund with other resources available to agencies for similar purposes.

"(2) When reviewing proposals and managing the Fund, the Administrator shall observe and incorporate the following procedures:

"(A) A project requiring substantial involvement or funding from an agency shall be approved by a senior official with agencywide authority on behalf of the head of the agency, who shall report directly to the head of the agency.

"(B) Projects shall adhere to fundamental capital planning and investment control processes.

"(C) Agencies shall identify in their proposals resource commitments from the agencies involved and how these resources would be coordinated with support from the Fund, and include plans for potential continuation of projects after all funds made available from the Fund are expended.

"(D) After considering the recommendations of the interagency councils, the Director, assisted by the Administrator, shall have final authority to determine which of the candidate projects shall be funded from the Fund.

"(E) Agencies shall assess the results of funded projects.

"(c) In determining which proposals to recommend for funding, the Administrator—

"(1) shall consider criteria that include whether a proposal—

"(A) identifies the group to be served, including citizens, businesses, the Federal Government, or other governments;

"(B) indicates what service or information the project will provide that meets needs of groups identified under subparagraph (A);

"(C) ensures proper security and protects privacy;

"(D) is interagency in scope, including projects implemented by a primary or single agency that—

"(i) could confer benefits on multiple agencies; and

"(ii) have the support of other agencies; and

"(E) has performance objectives that tie to agency missions and strategic goals, and interim results that relate to the objectives; and

"(2) may also rank proposals based on criteria that include whether a proposal—

"(A) has Governmentwide application or implications;

"(B) has demonstrated support by the public to be served;

"(C) integrates Federal with State, local, or tribal approaches to service delivery;

"(D) identifies resource commitments from nongovernmental sectors;

"(E) identifies resource commitments from the agencies involved;

"(F) uses web-based technologies to achieve objectives;

"(G) identifies records management and records access strategies;

"(H) supports more effective citizen participation in and interaction with agency activities that further progress toward a more citizen-centered Government;

"(I) directly delivers Government information and services to the public or provides the infrastructure for delivery;

"(J) supports integrated service delivery;

"(K) describes how business processes across agencies will reflect appropriate transformation simultaneous to technology implementation; and

"(L) is new or innovative and does not supplant existing funding streams within agencies.

"(d) The Fund may be used to fund the integrated Internet-based system under section 3204 of the E-Government Act of 2002.

"(e) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Administrator of the General Services Administration has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.

"(f)(1) The Director shall report annually to Congress on the operation of the Fund, through the report established under section 3605.

"(2) The report under paragraph (1) shall describe—

"(A) all projects which the Director has approved for funding from the Fund; and

"(B) the results that have been achieved to date for these funded projects.

"(g)(1) There are authorized to be appropriated to the Fund—

"(A) $45,000,000 for fiscal year 2003;

"(B) $50,000,000 for fiscal year 2004;

"(C) $100,000,000 for fiscal year 2005;

"(D) $150,000,000 for fiscal year 2006; and

"(E) such sums as are necessary for fiscal year 2007.

"(2) Funds appropriated under this subsection shall remain available until expended.

"§ 3605. E-Government report

"(a) Not later than March 1 of each year, the Director shall submit an E-Government status report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

"(b) The report under subsection (a) shall contain—

"(1) a summary of the information reported by agencies under section 3202(f) of the E-Government Act of 2002;

"(2) the information required to be reported by section 3604(f); and

"(3) a description of compliance by the Federal Government with other goals and provisions of the E-Government Act of 2002.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

"36. Management and Promotion of Electronic Government Services .. 3601".

SEC. 3102. CONFORMING AMENDMENTS.

(a) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

(1) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by inserting after section 112 the following:

"SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

"The Administrator of General Services shall consult with the Administrator of the Office of Electronic Government on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 112 the following:

"Sec. 113. Electronic Government and information technologies.".

(b) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), and (9), as paragraphs (6), (7), (8), (9), and (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) Chair the Chief Information Officers Council established under section 3603 of title 44.".

(c) OFFICE OF ELECTRONIC GOVERNMENT.—

(1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

"§ 507. Office of Electronic Government

"The Office of Electronic Government, established under section 3602 of title 44, is an office in the Office of Management and Budget.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

"507. Office of Electronic Government.".

TITLE XXXII—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 3201. DEFINITIONS.

Except as otherwise provided, in this title the definitions under sections 3502 and 3601 of title 44, United States Code, shall apply.

SEC. 3202. FEDERAL AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall be responsible for—

(1) complying with the requirements of this division (including the amendments made by this Act), the related information resource management policies and guidance established by the Director of the Office of Management and Budget, and the related information technology standards promulgated by the Secretary of Commerce;

(2) ensuring that the information resource management policies and guidance established under this division by the Director, and the information technology standards promulgated under this division by the Secretary of Commerce are communicated promptly and effectively to all relevant officials within their agency; and

(3) supporting the efforts of the Director and the Administrator of the General Services Administration to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under section 3204.

(b) PERFORMANCE INTEGRATION.—

(1) Agencies shall develop performance measures that demonstrate how electronic government enables progress toward agency objectives, strategic goals, and statutory mandates.

(2) In measuring performance under this section, agencies shall rely on existing data collections to the extent practicable.

(3) Areas of performance measurement that agencies should consider include—

(A) customer service;

(B) agency productivity; and

(C) adoption of innovative information technology, including the appropriate use of commercial best practices.

(4) Agencies shall link their performance goals to key groups, including citizens, businesses, and other governments, and to internal Federal Government operations.

(5) As appropriate, agencies shall work collectively in linking their performance goals to groups identified under paragraph (4) and shall use information technology in delivering Government information and services to those groups.

(c) AVOIDING DIMINISHED ACCESS.—When promulgating policies and implementing programs regarding the provision of Government information and services over the Internet, agency heads shall consider the impact on persons without access to the Internet, and shall, to the extent practicable—

(1) ensure that the availability of Government information and services has not been diminished for individuals who lack access to the Internet; and

(2) pursue alternate modes of delivery that make Government information and services more accessible to individuals who do not own computers or lack access to the Internet.

(d) ACCESSIBILITY TO PEOPLE WITH DISABILITIES.—All actions taken by Federal departments and agencies under this division shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(e) SPONSORED ACTIVITIES.—Agencies shall sponsor activities that use information technology to engage the public in the development and implementation of policies and programs.

(f) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards promulgated under this division by the Secretary of Commerce, including common standards for interconnectivity and interoperability, categorization of Federal Government electronic information, and computer system efficiency and security.

(g) E-GOVERNMENT STATUS REPORT.—

(1) IN GENERAL.—Each agency shall compile and submit to the Director an annual E-Government Status Report on—

(A) the status of the implementation by the agency of electronic government initiatives;

(B) compliance by the agency with this Act; and

(C) how electronic Government initiatives of the agency improve performance in delivering programs to constituencies.

(2) SUBMISSION.—Each agency shall submit an annual report under this subsection—

(A) to the Director at such time and in such manner as the Director requires;

(B) consistent with related reporting requirements; and

(C) which addresses any section in this title relevant to that agency.

(h) USE OF TECHNOLOGY.—Nothing in this division supersedes the responsibility of an agency to use or manage information technology to deliver Government information and services that fulfill the statutory mission and programs of the agency.

(i) NATIONAL SECURITY SYSTEMS.—

(1) INAPPLICABILITY.—Except as provided under paragraph (2), this title does not apply to national security systems as defined in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

(2) APPLICABILITY.—Sections 3202, 3203, 3210, and 3214 of this title do apply to national security systems to the extent practicable and consistent with law.

SEC. 3203. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) PURPOSE.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government.

(b) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant policies and procedures issued by the Director.

(c) AUTHORITY FOR ELECTRONIC SIGNATURES.—The Administrator of General Services shall support the Director by establishing a framework to allow efficient interoperability among Executive agencies when using electronic signatures, including processing of digital signatures.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, or for other activities consistent with this section, $8,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 3204. FEDERAL INTERNET PORTAL.

(a) IN GENERAL.—

(1) PUBLIC ACCESS.—The Director shall work with the Administrator of the General Services Administration and other agencies to maintain and promote an integrated Internet-based system of providing the public with access to Government information and services.

(2) CRITERIA.—To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

(A) The provision of Internet-based Government information and services directed to key groups, including citizens, business, and other governments, and integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction.

(B) An ongoing effort to ensure that Internet-based Government services relevant to a given citizen activity are available from a single point.

(C) Access to Federal Government information and services consolidated, as appropriate, with Internet-based information and services provided by State, local, and tribal governments.

(D) Access to Federal Government information held by 1 or more agencies shall be made available in a manner that protects privacy, consistent with law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration $15,000,000 for the maintenance, improvement, and promotion of the integrated Internet-based system for fiscal year 2003, and such sums as are necessary for fiscal years 2004 through 2007.

SEC. 3205. FEDERAL COURTS.

(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States, the chief judge of each circuit and district, and the chief bankruptcy judge of each district shall establish with respect to the Supreme Court or the respective court of appeals, district, or bankruptcy court of a district, a website that contains the following information or links to websites with the following information:

(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk's office and justices' or judges' chambers.

(2) Local rules and standing or general orders of the court.

(3) Individual rules, if in existence, of each justice or judge in that court.

(4) Access to docket information for each case.

(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

(6) Access to all documents filed with the courthouse in electronic form, described under subsection (c).

(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

(b) MAINTENANCE OF DATA ONLINE.—

(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

(2) CLOSED CASES.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

(c) ELECTRONIC FILINGS.—

(1) IN GENERAL.—Except as provided under paragraph (2), each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to

electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

(2) Exceptions.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

(3) Privacy and security concerns.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy and security concerns.

(d) Dockets With Links to Documents.—The Judicial Conference of the United States shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

(e) Cost of Providing Electronic Docketing Information.—Section 303(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking "shall hereafter" and inserting "may, only to the extent necessary,".

(f) Time Requirements.—Not later than 2 years after the effective date of this title, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

(g) Deferral.—

(1) In general.—

(A) Election.—

(i) Notification.—The Chief Justice of the United States, a chief judge, or chief bankruptcy judge may submit a notification to the Administrative Office of the United States Courts to defer compliance with any requirement of this section with respect to the Supreme Court, a court of appeals, district, or the bankruptcy court of a district.

(ii) Contents.—A notification submitted under this subparagraph shall state—

(I) the reasons for the deferral; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) Exception.—To the extent that the Supreme Court, a court of appeals, district, or bankruptcy court of a district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) Report.—Not later than 1 year after the effective date of this title, and every year thereafter, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform and the Judiciary of the House of Representatives that—

(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

(B) summarizes and evaluates all notifications.

SEC. 3206. REGULATORY AGENCIES.

(a) Purposes.—The purposes of this section are to—

(1) improve performance in the development and issuance of agency regulations by using information technology to increase access, accountability, and transparency; and

(2) enhance public participation in Government by electronic means, consistent with requirements under subchapter II of chapter 5 of title 5, United States Code, (commonly referred to as the Administrative Procedures Act).

(b) Information Provided by Agencies Online.—To the extent practicable as determined by the agency in consultation with the Director, each agency (as defined under section 551 of title 5, United States Code) shall ensure that a publicly accessible Federal Government website includes all information about that agency required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code.

(c) Submissions by Electronic Means.—To the extent practicable, agencies shall accept submissions under section 553(c) of title 5, United States Code, by electronic means.

(d) Electronic Docketing.—

(1) In general.—To the extent practicable, as determined by the agency in consultation with the Director, agencies shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) Information available.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director—

(A) all submissions under section 553(c) of title 5, United States Code; and

(B) other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(e) Time Limitation.—Agencies shall implement the requirements of this section consistent with a timetable established by the Director and reported to Congress in the first annual report under section 3605 of title 44 (as added by this Act).

SEC. 3207. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) Purpose.—The purpose of this section is to improve the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public.

(b) Definitions.—In this section, the term—

(1) "Committee" means the Interagency Committee on Government Information established under subsection (c); and

(2) "directory" means a taxonomy of subjects linked to websites that—

(A) organizes Government information on the Internet according to subject matter; and

(B) may be created with the participation of human editors.

(c) Interagency Committee.—

(1) Establishment.—Not later than 90 days after the date of enactment of this title, the Director shall establish the Interagency Committee on Government Information.

(2) Membership.—The Committee shall be chaired by the Director or the designee of the Director and—

(A) shall include representatives from—

(i) the National Archives and Records Administration;

(ii) the offices of the Chief Information Officers from Federal agencies; and

(iii) other relevant officers from the executive branch; and

(B) may include representatives from the Federal legislative and judicial branches.

(3) Functions.—The Committee shall—

(A) engage in public consultation to the maximum extent feasible, including consultation with interested communities such as public advocacy organizations;

(B) conduct studies and submit recommendations, as provided under this section, to the Director and Congress; and

(C) share effective practices for access to, dissemination of, and retention of Federal information.

(4) Termination.—The Committee may be terminated on a date determined by the Director, except the Committee may not terminate before the Committee submits all recommendations required under this section.

(d) Categorizing of Information.—

(1) Committee functions.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director on—

(A) the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(iii) in ways that are interoperable across agencies;

(B) the definition of categories of Government information which should be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(2) Functions of the director.—Not later than 180 days after the submission of recommendations under paragraph (1), the Director shall issue policies—

(A) requiring that agencies use standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers;

(ii) in ways that are interoperable across agencies; and

(iii) that are, as appropriate, consistent with the standards promulgated by the Secretary of Commerce under section 3602(f)(8) of title 44, United States Code;

(B) defining categories of Government information which shall be required to be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(3) Modification of policies.—After the submission of agency reports under paragraph (4), the Director shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) Agency functions.—Each agency shall report annually to the Director, in the report established under section 3202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(e) Public Access to Electronic Information.—

(1) Committee functions.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director and the Archivist of the United States on—

(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) the imposition of timetables for the implementation of the policies and procedures by agencies.

(2) Functions of the archivist.—Not later than 180 days after the submission of recommendations by the Committee under paragraph (1), the Archivist of the United States shall issue policies—

(A) requiring the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United

States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) imposing timetables for the implementation of the policies, procedures, and technologies by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Archivist of the United States shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 3202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(f) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, each agency shall—

(A) consult with the Committee and solicit public comment;

(B) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(C) develop priorities and schedules for making that Government information available and accessible;

(D) make such final determinations, priorities, and schedules available for public comment;

(E) post such final determinations, priorities, and schedules on the Internet; and

(F) submit such final determinations, priorities, and schedules to the Director, in the report established under section 3202(g).

(2) UPDATE.—Each agency shall update determinations, priorities, and schedules of the agency, as needed, after consulting with the Committee and soliciting public comment, if appropriate.

(g) ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.—

(1) DEVELOPMENT AND MAINTENANCE OF GOVERNMENTWIDE REPOSITORY AND WEBSITE.—

(A) REPOSITORY AND WEBSITE.—The Director of the National Science Foundation, working with the Director of the Office of Science and Technology Policy and other relevant agencies, shall ensure the development and maintenance of—

(i) a repository that fully integrates, to the maximum extent feasible, information about research and development funded by the Federal Government, and the repository shall—

(I) include information about research and development funded by the Federal Government and performed by—

(aa) institutions not a part of the Federal Government, including State, local, and foreign governments; industrial firms; educational institutions; not-for-profit organizations; federally funded research and development center; and private individuals; and

(bb) entities of the Federal Government, including research and development laboratories, centers, and offices; and

(II) integrate information about each separate research and development task or award, including—

(aa) the dates upon which the task or award is expected to start and end;

(bb) a brief summary describing the objective and the scientific and technical focus of the task or award;

(cc) the entity or institution performing the task or award and its contact information;

(dd) the total amount of Federal funds expected to be provided to the task or award over its lifetime and the amount of funds expected to be provided in each fiscal year in which the work of the task or award is ongoing;

(ee) any restrictions attached to the task or award that would prevent the sharing with the general public of any or all of the information required by this subsection, and the reasons for such restrictions; and

(ff) such other information as may be determined to be appropriate; and

(ii) 1 or more websites upon which all or part of the repository of Federal research and development shall be made available to and searchable by Federal agencies and non-Federal entities, including the general public, to facilitate—

(I) the coordination of Federal research and development activities;

(II) collaboration among those conducting Federal research and development;

(III) the transfer of technology among Federal agencies and between Federal agencies and non-Federal entities; and

(IV) access by policymakers and the public to information concerning Federal research and development activities.

(B) OVERSIGHT.—The Director of the Office of Management and Budget shall issue any guidance determined necessary to ensure that agencies provide all information requested under this subsection.

(2) AGENCY FUNCTIONS.—Any agency that funds Federal research and development under this subsection shall provide the information required to populate the repository in the manner prescribed by the Director of the Office of Management and Budget.

(3) COMMITTEE FUNCTIONS.—Not later than 18 months after the date of enactment of this Act, working with the Director of the Office of Science and Technology Policy, and after consultation with interested parties, the Committee shall submit recommendations to the Director on—

(A) policies to improve agency reporting of information for the repository established under this subsection; and

(B) policies to improve dissemination of the results of research performed by Federal agencies and federally funded research and development centers.

(4) FUNCTIONS OF THE DIRECTOR.—After submission of recommendations by the Committee under paragraph (3), the Director shall report on the recommendations of the Committee and Director to Congress, in the E-Government report under section 3605 of title 44 (as added by this Act).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the development, maintenance, and operation of the Governmentwide repository and website under this subsection—

(A) $2,000,000 in each of the fiscal years 2003 through 2005; and

(B) such sums as are necessary in each of the fiscal years 2006 and 2007.

(h) PUBLIC DOMAIN DIRECTORY OF PUBLIC FEDERAL GOVERNMENT WEBSITES.—

(1) ESTABLISHMENT.—Not later than 2 years after the effective date of this title, the Director and each agency shall—

(A) develop and establish a public domain directory of public Federal Government websites; and

(B) post the directory on the Internet with a link to the integrated Internet-based system established under section 3204.

(2) DEVELOPMENT.—With the assistance of each agency, the Director shall—

(A) direct the development of the directory through a collaborative effort, including input from—

(i) agency librarians;

(ii) information technology managers;

(iii) program managers;

(iv) records managers;

(v) Federal depository librarians; and

(vi) other interested parties; and

(B) develop a public domain taxonomy of subjects used to review and categorize public Federal Government websites.

(3) UPDATE.—With the assistance of each agency, the Administrator of the Office of Electronic Government shall—

(A) update the directory as necessary, but not less than every 6 months; and

(B) solicit interested persons for improvements to the directory.

(i) STANDARDS FOR AGENCY WEBSITES.—Not later than 18 months after the effective date of this title, the Director shall promulgate guidance for agency websites that include—

(1) requirements that websites include direct links to—

(A) descriptions of the mission and statutory authority of the agency;

(B) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(C) information about the organizational structure of the agency; and

(D) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

(2) minimum agency goals to assist public users to navigate agency websites, including—

(A) speed of retrieval of search results;

(B) the relevance of the results;

(C) tools to aggregate and disaggregate data; and

(D) security protocols to protect information.

SEC. 3208. PRIVACY PROVISIONS.

(a) PURPOSE.—The purpose of this section is to ensure sufficient protections for the privacy of personal information as agencies implement citizen-centered electronic Government.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—An agency shall take actions described under subparagraph (B) before—

(i) developing or procuring information technology that collects, maintains, or disseminates information that includes any identifier permitting the physical or online contacting of a specific individual; or

(ii) initiating a new collection of information that—

(I) will be collected, maintained, or disseminated using information technology; and

(II) includes any identifier permitting the physical or online contacting of a specific individual, if the information concerns 10 or more persons.

(B) AGENCY ACTIVITIES.—To the extent required under subparagraph (A), each agency shall—

(i) conduct a privacy impact assessment;

(ii) ensure the review of the privacy impact assessment by the Chief Information Officer, or equivalent official, as determined by the head of the agency; and

(iii) if practicable, after completion of the review under clause (ii), make the privacy impact assessment publicly available through the website of the agency, publication in the Federal Register, or other means.

(C) Sensitive information.—Subparagraph (B)(iii) may be modified or waived for security reasons, or to protect classified, sensitive, or private information contained in an assessment.

(D) Copy to director.—Agencies shall provide the Director with a copy of the privacy impact assessment for each system for which funding is requested.

(2) Contents of a privacy impact assessment.—

(A) In general.—The Director shall issue guidance to agencies specifying the required contents of a privacy impact assessment.

(B) Guidance.—The guidance shall—

(i) ensure that a privacy impact assessment is commensurate with the size of the information system being assessed, the sensitivity of personally identifiable information in that system, and the risk of harm from unauthorized release of that information; and

(ii) require that a privacy impact assessment address—

(I) what information is to be collected;

(II) why the information is being collected;

(III) the intended use of the agency of the information;

(IV) with whom the information will be shared;

(V) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(VI) how the information will be secured; and

(VII) whether a system of records is being created under section 552a of title 5, United States Code, (commonly referred to as the Privacy Act).

(3) Responsibilities of the director.—The Director shall—

(A) develop policies and guidelines for agencies on the conduct of privacy impact assessments;

(B) oversee the implementation of the privacy impact assessment process throughout the Government; and

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Director determines appropriate.

(c) Privacy Protections on Agency Websites.—

(1) Privacy policies on websites.—

(A) Guidelines for notices.—The Director shall develop guidance for privacy notices on agency websites used by the public.

(B) Contents.—The guidance shall require that a privacy notice address, consistent with section 552a of title 5, United States Code—

(i) what information is to be collected;

(ii) why the information is being collected;

(iii) the intended use of the agency of the information;

(iv) with whom the information will be shared;

(v) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(vi) how the information will be secured; and

(vii) the rights of the individual under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), and other laws relevant to the protection of the privacy of an individual.

(2) Privacy policies in machine-readable formats.—The Director shall issue guidance requiring agencies to translate privacy policies into a standardized machine-readable format.

SEC. 3209. FEDERAL INFORMATION TECHNOLOGY WORKFORCE DEVELOPMENT.

(a) Purpose.—The purpose of this section is to improve the skills of the Federal workforce in using information technology to deliver Government information and services.

(b) In General.—In consultation with the Director, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall—

(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) oversee the development of curricula, training methods, and training priorities that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) assess the training of Federal employees in information technology disciplines, as necessary, in order to ensure that the information resource management needs of the Federal Government are addressed.

(c) Employee Participation.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, and consistent with their overall workforce development strategies, agencies shall encourage employees to participate in occupational information technology training.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Office of Personnel Management for the implementation of this section, $7,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 3210. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) Purposes.—The purposes of this section are to—

(1) reduce redundant data collection and information; and

(2) promote collaboration and use of standards for government geographic information.

(b) Definition.—In this section, the term "geographic information" means information systems that involve locational data, such as maps or other geospatial information resources.

(c) In General.—

(1) Common protocols.—The Secretary of the Interior, working with the Director and through an interagency group, and working with private sector experts, State, local, and tribal governments, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information. If practicable, the Secretary of the Interior shall incorporate intergovernmental and public private geographic information partnerships into efforts under this subsection.

(2) Interagency group.—The interagency group referred to under paragraph (1) shall include representatives of the National Institute of Standards and Technology and other agencies.

(d) Director.—The Director shall oversee—

(1) the interagency initiative to develop common protocols;

(2) the coordination with State, local, and tribal governments, public private partnerships, and other interested persons on effective and efficient ways to align geographic information and develop common protocols; and

(3) the adoption of common standards relating to the protocols.

(e) Common Protocols.—The common protocols shall be designed to—

(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible and accessible; and

(2) promote the development of interoperable geographic information systems technologies that shall—

(A) allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public; and

(B) enable the enhancement of services using geographic data.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this section, for each of the fiscal years 2003 through 2007.

SEC. 3211. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

(1) in subsection (a)—

(A) by striking "the heads of two executive agencies to carry out" and inserting "heads of executive agencies to carry out a total of 5 projects under";

(B) by striking "and" at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting "; and"; and

(D) by adding at the end the following:

"(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

"(A) to retain, until expended, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

"(i) the total amount of the savings; over

"(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

"(B) to use the retained amount to acquire additional information technology.";

(2) in subsection (b)—

(A) by inserting "a project under" after "authorized to carry out"; and

(B) by striking "carry out one project and"; and

(3) in subsection (c), by inserting before the period "and the Administrator for the Office of Electronic Government"; and

(4) by inserting after subsection (c) the following:

"(d) Report.—

"(1) In general.—After 5 pilot projects have been completed, but no later than 3 years after the effective date of this subsection, the Director shall submit a report on the results of the projects to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

"(2) Contents.—The report under paragraph (1) shall include—

"(A) a description of the reduced costs and other measurable benefits of the pilot projects;

"(B) a description of the ability of agencies to determine the baseline costs of a project against which savings would be measured; and

"(C) recommendations of the Director relating to whether Congress should provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government.".

SEC. 3212. INTEGRATED REPORTING STUDY AND PILOT PROJECTS.

(a) Purposes.—The purposes of this section are to—

(1) enhance the interoperability of Federal information systems;

(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicate collection and ensuring the accuracy of submitted information; and

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

(b) Definitions.—In this section, the term—

(1) "agency" means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) "person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) Report.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the Director shall oversee a study, in consultation with agencies, the regulated community, public interest organizations, and the public, and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on progress toward integrating Federal information systems across agencies.

(2) Contents.—The report under this section shall—

(A) address the integration of data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements;

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information; and

(ii) allows the integration of public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Director; and

(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) Pilot Projects To Encourage Integrated Collection and Management of Data and Interoperability of Federal Information Systems.—

(1) In general.—In order to provide input to the study under subsection (c), the Director shall designate, in consultation with agencies, a series of no more than 5 pilot projects that integrate data elements. The Director shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation of the pilot projects.

(2) Goals of pilot projects.—

(A) In general.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) Goals.—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

(iii) develop, or enable the development of, software to reduce errors in electronically submitted information.

(3) Input.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement. To the extent practicable, the Director shall consult with relevant agencies and State, tribal, and local governments in carrying out the report and pilot projects under this section.

(e) Privacy Protections.—The activities authorized under this section shall afford protections for—

(1) confidential business information consistent with section 552(b)(4) of title 5, United States Code, and other relevant law;

(2) personal privacy information under sections 552(b) (6) and (7)(C) and 552a of title 5, United States Code, and other relevant law; and

(3) other information consistent with section 552(b)(3) of title 5, United States Code, and other relevant law.

SEC. 3213. COMMUNITY TECHNOLOGY CENTERS.

(a) Purposes.—The purposes of this section are to—

(1) study and enhance the effectiveness of community technology centers, public libraries, and other institutions that provide computer and Internet access to the public; and

(2) promote awareness of the availability of on-line government information and services, to users of community technology centers, public libraries, and other public facilities that provide access to computer technology and Internet access to the public.

(b) Study and Report.—Not later than 2 years after the effective date of this title, the Secretary of Education, in consultation with the Secretary of Housing and Urban Development, the Secretary of Commerce, the Director of the National Science Foundation, and the Director of the Institute of Museum and Library Services, shall—

(1) conduct a study to evaluate the best practices of community technology centers that have received Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

(c) Contents.—The report under subsection (b) may consider—

(1) an evaluation of the best practices being used by successful community technology centers;

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers that have received Federal funds, including—

(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

(d) Cooperation.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

(e) Assistance.—

(1) In general.—The Secretary of the Department of Education shall work with other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) Types of assistance.—Assistance under this subsection may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(f) Online Tutorial.—

(1) In general.—The Secretary of Education, in consultation with the Director of the Institute of Museum and Library Services, the Director of the National Science Foundation, other relevant agencies, and the public, shall develop an online tutorial that—

(A) explains how to access Government information and services on the Internet; and

(B) provides a guide to available online resources.

(2) Distribution.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) Promotion of Community Technology Centers.—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

(h) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section—

(1) $2,000,000 in fiscal year 2003;

(2) $2,000,000 in fiscal year 2004; and

(3) such sums as are necessary in fiscal years 2005 through 2007.

SEC. 3214. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to improve how information technology is used in coordinating and facilitating information on disaster preparedness, response, and recovery, while ensuring the availability of such information across multiple access channels.

(b) IN GENERAL.—

(1) STUDY ON ENHANCEMENT OF CRISIS RESPONSE.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract to conduct a study on using information technology to enhance crisis preparedness, response, and consequence management of natural and manmade disasters.

(2) CONTENTS.—The study under this subsection shall address—

(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

(i) the Federal Emergency Management Agency; and

(ii) other Federal, State, and local agencies responsible for crisis preparedness, response, and consequence management; and

(B) opportunities for research and development on enhanced technologies into areas of potential improvement as determined during the course of the study.

(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the Federal Emergency Management Agency shall submit a report on the study, including findings and recommendations to—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(4) INTERAGENCY COOPERATION.—Other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the Federal Emergency Management Agency in carrying out this section.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, such sums as are necessary for fiscal year 2003.

(c) PILOT PROJECTS.—Based on the results of the research conducted under subsection (b), the Federal Emergency Management Agency shall initiate pilot projects or report to Congress on other activities that further the goal of maximizing the utility of information technology in disaster management. The Federal Emergency Management Agency shall cooperate with other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 3215. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Director of the National Science Foundation shall request that the National Academy of Sciences, acting through the National Research Council, enter into a contract to conduct a study on disparities in Internet access for online Government services.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a final report of the study under this section, which shall set forth the findings, conclusions, and recommendations of the National Research Council.

(b) CONTENTS.—The report under subsection (a) shall include a study of—

(1) how disparities in Internet access influence the effectiveness of online Government services, including a review of—

(A) the nature of disparities in Internet access;

(B) the affordability of Internet service;

(C) the incidence of disparities among different groups within the population; and

(D) changes in the nature of personal and public Internet access that may alleviate or aggravate effective access to online Government services;

(2) how the increase in online Government services is influencing the disparities in Internet access and how technology development or diffusion trends may offset such adverse influences; and

(3) related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) RECOMMENDATIONS.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation $950,000 in fiscal year 2003 to carry out this section.

SEC. 3216. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

If the Director of the Office of Management and Budget makes a determination that any provision of this division (including any amendment made by this division) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Director shall submit notification of that determination to—

(1) the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Government Reform of the House of Representatives.

TITLE XXXIII—GOVERNMENT INFORMATION SECURITY

SEC. 3301. INFORMATION SECURITY.

(a) ADDITION OF SHORT TITLE.—Subtitle G of title X of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–266) is amended by inserting after the heading for the subtitle the following new section:

"SEC. 1060. SHORT TITLE.

"This subtitle may be cited as the 'Government Information Security Reform Act'.".

(b) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 3536 of title 44, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3536.

TITLE XXXIV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in title XXXI or XXXII, including the amendments made by such titles, there are authorized to be appropriated such sums as are necessary to carry out titles XXXI and XXXII for each of fiscal years 2003 through 2007.

SEC. 3402. EFFECTIVE DATES.

(a) TITLES XXXI AND XXXII.—

(1) IN GENERAL.—Except as provided under paragraph (2), titles XXXI and XXXII and the amendments made by such titles shall take effect 120 days after the date of enactment of this Act.

(2) IMMEDIATE ENACTMENT.—Sections 3207, 3214, 3215, and 3216 shall take effect on the date of enactment of this Act.

(b) TITLES XXXIII AND XXXIV.—Title XXXIII and this title shall take effect on the date of enactment of this Act.

SA 4624. Mr. STEVENS (for himself, Ms. COLLINS, Ms. SNOWE, and Mr. HOLLINGS) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 5 and 6, insert the following new section:

"SEC. 140. UNITED STATES COAST GUARD.

(a) TRANSFER.—There are transferred to the Department the authorities, functions, personnel, and assets of the United States Coast Guard, which shall be maintained as a distinct entity within the Department, including the authorities and functions of the Secretary of Transportation relating thereto.

(b) PRESERVING COAST GUARD MISSION PERFORMANCE.—

(1) DEFINITIONS.—In this section:

(A) NON-HOMELAND SECURITY MISSIONS.—The term "non-homeland security missions" means the following missions of the Coast Guard:

(i) Marine safety.

(ii) Search and rescue.

(iii) Aids to navigation.

(iv) Living marine resources (e.g. fisheries law enforcement).

(v) Marine environmental protection.

(vi) Ice operations.

(B) HOMELAND SECURITY MISSIONS.—The term "homeland security missions" means the following missions of the Coast Guard:

(i) Ports, waterways and coastal security.

(ii) Drug interdiction.

(iii) Migrant interdiction.

(iv) Defense readiness.

(v) Other law enforcement.

(2) MAINTENANCE OF STATUS OF FUNCTIONS AND ASSETS.—Notwithstanding any other provision of this Act, the authorities, functions, assets (including ships, aircraft, helicopters, vehicles, the National Distress Response System, and other command/control/communications/computers/intelligence/surveillance/reconnaissance capabilities), organizational structure, units, personnel, and non-homeland security missions of the Coast Guard shall be maintained intact and without reduction after the transfer of the Coast Guard to the Department, except as specified

in subsequent Acts: *Provided*, That, nothing in this paragraph shall prevent the Coast Guard from replacing or upgrading any asset with an asset of equivalent or greater capabilities.

(3) CERTAIN TRANSFERS PROHIBITED.—

(A) None of the missions, functions, personnel, and assets (including ships, aircraft, helicopters, vehicles, the National Distress Response System, and other command/control/communications/computers/intelligence/surveillance/reconnaissance capabilities) of the Coast Guard may be transferred to the operational control of, or diverted to the principal and continuing use of, any other organization, unit, or entity of the Department.

(B) The restrictions in the previous paragraph shall not apply—

(i) to any joint operation of less than 90 days between the Coast Guard and other entities and organizations of the Department; or

(ii) to any detail or assignment of any individual member or civilian employee of the Coast Guard to any other entity or organization of the Department for the purposes of ensuring effective liaison, coordination, and operations of the Coast Guard and that entity or organization: Provided, That the total number of individuals detailed or assigned in this capacity may not exceed 50 during any fiscal year.

(4) CHANGES TO NON-HOMELAND SECURITY MISSIONS.—

(A) PROHIBITION.—The Secretary may not make any substantial or significant change to any of the non-homeland security missions of the Coast Guard, or to the capabilities of the Coast Guard to carry out each of the non-homeland security missions, without the prior approval of Congress as expressed in subsequent Act: Provided, That, with respect to a change to the capabilities of the Coast Guard to carry out each of the non-homeland security missions, the restrictions in this paragraph shall not apply when such change shall result in an increase in those capabilities.

(B) WAIVER.—The President may waive the restrictions under paragraph (A) for a period of not to exceed 90 days upon a declaration and certification by the President to Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver. A certification under this paragraph shall include a detailed justification for the declaration and certification, including the reasons and specific information that demonstrate that the National and the Coast Guard cannot respond effectively to the national emergency if the restrictions under paragraph (A) are not waived.

(5) ANNUAL REVIEW.—

(A) IN GENERAL.—The Inspector General of the Department shall conduct an annual review that shall assess thoroughly the performance by the Coast Guard of all missions of the Coast Guard (including non-homeland security missions and homeland security missions) with a particular emphasis on examining the non-homeland security missions.

(B) REPORT.—The Inspector General shall submit the detailed results of the annual review and assessment required by the preceding not later than March 1 of each year directly to:

(i) the Committee on Governmental Affairs of the Senate;

(ii) the Committee on Government Reform of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and the House of Representatives;

(iv) the Committee on Commerce, Science, and Transportation of the Senate; and

(v) the Committee on Transportation and Infrastructure of the House of Representatives.

(6) DIRECTOR REPORTING TO SECRETARY.—Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary without being required to report through any other official of the Department.

(7) COORDINATION WITH DEPARTMENT OF TRANSPORTATION.—The Coast Guard shall continue to coordinate with the Department of Transportation concerning regulatory matters that will remain under the authority of the Department of Transportation, but for which the Coast Guard has enforcement or other authority.

(8) CONSULTATION WITH COMMISSION ON OCEAN POLICY.—The Secretary shall consult with the Commission on Ocean Policy not later than February 1, 2003 regarding plans for integration and maintenance of living marine resources, marine environmental protection, and aids to navigation missions within the Department, and with respect to coordination with other federal agencies having authority in such areas.

(9) RESOURCE EVALUATION.—

(A) IN GENERAL.—No later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committees on Appropriations of the senate and House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, that—

(i) compares Coast Guard expenditures by mission area on an annualized basis before and after the terrorist attacks of September 11, 2001;

(ii) estimates—

(A) annual funding amounts and personnel levels that would restore all Coast Guard mission areas to the readiness levels that existed before September 11, 2001;

(B) annual funding amounts and personnel levels required to fulfill the Coast Guard's additional responsibilities for homeland security missions after September 11, 2001; and

(iii) generally describes the services provided by the Coast Guard to the Department of Defense after September 11, 2001, states the cost of such services and identifies the Federal agency or agencies providing funds of those services.

(B) ANNUAL REPORT.—Within 30 days after the end of each fiscal year, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House a report identifying resource allocations on an hourly and monetary basis for each non-homeland security and homeland security Coast Guard mission for the fiscal year just ended.

(10) STRATEGIC PLAN.—(A) Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a strategic plan to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House identifying mission targets for each Coast Guard mission for fiscal years 2003, 2004 and 2005 and the specific steps necessary to achieve those targets. Such plan shall also provide an analysis and recommendations for maximizing the efficient use of Federal resources and technologies to achieve all mission requirements.

(B) The Commandant shall consult with the Secretary of Commerce and other relevant agencies to ensure the plan provides for, e.g. coordinated development and application of communications and other technologies for use in meeting non-homeland security mission targets, such as conservation and management of living marine resources, and for setting priorities for fisheries enforcement.

(C) The Inspector General shall review the final plan, and provide an independent report with its views to the Committees within 90 days after the plan has been submitted by the Commandant.

(11) OPERATION AS A SERVICE IN THE NAVY.—None of the conditions and restrictions in this section shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

(12) REPORT ON ACCELERATING THE INTEGRATED DEEPWATER SYSTEM.—No later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Commandant of the Coast Guard shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations of the Senate and the House of Representatives that—

(1) analyzes the feasibility of accelerating the rate of procurement in the Coast Guard's Integrated Deepwater System from 20 years to 10 years;

(2) includes an estimate of additional resources required;

(3) describes the resulting increased capabilities;

(4) outlines any increases in the Coast Guard's homeland security readiness;

(5) describes any increases in operational efficiencies; and

(6) provides a revised asset phase-in time line.

SA 4625. Mr. STEVENS (for himself, Ms. COLLINS, Ms. SNOWE, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, strike lines 13 through 15.

SA 4626. Mr. STEVENS (for himself, Ms. COLLINS, Ms. SNOWE, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike lines 1 on page 52.

SA 4627. Mr. STEVENS (for himself, Ms. COLLINS, Ms. SNOWE, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, line 1, insert after the comma the Commandant of the Coast Guard,".

SA 4628. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 132, add the following:

(h) FEDERAL-LOCAL LAW ENFORCEMENT INFORMATION SHARING.—

(1) AUTHORITY TO SHARE GRAND JURY INFORMATION.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(A) in clause (i)(V), by inserting after "national security official" the following: "or to law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)"; and

(B) in clause (iii)—

(i) by striking "Federal"; and

(ii) by adding at the end the following: "Information referred to in this clause that is shared with local authorities shall be shared only for the purpose of investigating or preventing international or domestic terrorism (as those terms are defined in section 2331 of title 18, United States Code) or a Federal crime of terrorism (as that term is defined in section 2332b of title 18, United States Code). Any chief executive officer or law enforcement personnel of a State or political subdivision of a State who receives information pursuant to clause (i)(V), shall only use that information consistent with such regulations as the Attorney General shall promulgate to protect confidentiality.".

(2) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.—Section 2517 of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting "or such derivative evidence" after "such contents";

(B) in paragraph (2), by inserting "or such derivative evidence" after "such contents"; and

(C) in paragraph (6)—

(i) in the first sentence, by inserting after "national security official" the following: "or to law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)";

(ii) in the second sentence, by striking "Federal"; and

(iii) by adding at the end the following: "Information referred to in this paragraph that is shared with local authorities shall be shared only for the purpose of investigating or preventing international or domestic terrorism (as those terms are defined in section 2331) or a Federal crime of terrorism (as that term is defined in section 2332b). Any chief executive officer or law enforcement personnel of a State or political subdivision of a State who receives information pursuant to this paragraph shall only use that information consistent with such regulations as the Attorney General shall promulgate to protect confidentiality.".

(3) FOREIGN INTELLIGENCE INFORMATION.—Section 203(d)(1) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001 (Public Law 107-56) is amended—

(A) in the first sentence, by inserting after "national security official" the following: "or to law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)";

(B) in the second sentence, by striking "Federal"; and

(C) by adding at the end the following: "Information referred to in this paragraph that is shared with local authorities shall be shared only for the purpose of investigating or preventing international or domestic terrorism (as those terms are defined in section 2331 of title 18, United States Code) or a Federal crime of terrorism (as that term is defined in section 2332b of title 18, United States Code). Any chief executive officer or law enforcement personnel of a State or political subdivision of a State who receives information pursuant to this paragraph shall only use that information consistent with such regulations as the Attorney General shall promulgate to protect confidentiality.".

(4) INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.—Section 106(k)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806) is amended by inserting after "law enforcement officers" the following: "or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)".

(5) INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.—Section 305(k)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by inserting after "law enforcement officers" the following: "or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)".

SA 4629. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, before line 1, insert the following:

(STATE) The term "state" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

SA 4630. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 164, between lines 19 and 20, insert the following:

(f) Report on Office consolidation: Not later than one year after the date of enactment of this Act, the Secretary shall issue a report to Congress on the feasibility of consolidating and co-locating (1) any regional offices or field offices of agencies that are transferred to the Department under this Act, if such offices are located in the same municipality: and (2) portions of regional and field offices of other Federal agencies, to the extent such offices perform functions that are transferred to the Secretary under this Act.

SA 4631. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, insert between lines 9 and 10 the following:

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SEC. 601. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the "Commission").

SEC. 602. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York and at the Pentagon in Virginia;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001;

(B) other executive branch, congressional, or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally;

(4) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks; and

(5) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. 603. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, legal practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.

(4) INITIAL MEETING.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 604. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(B) may include relevant facts and circumstances relating to—

(i) intelligence agencies;

(ii) law enforcement agencies;

(iii) diplomacy;

(iv) immigration, nonimmigrant visas, and border control;

(v) the flow of assets to terrorist organizations;

(vi) commercial aviation; and

(vii) other areas of the public and private sectors determined relevant by the Commission for its inquiry;

(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. 605. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 606. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 607. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 608. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 609. REPORTS OF THE COMMISSION; TERMINATION.

(a) INITIAL REPORT.—Not later than 6 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADDITIONAL REPORTS.—Not later than 1 year after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a second report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the second report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.

SA 4632. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, between lines 13 and 14, insert the following:

(10) Net Guard: The Under Secretary for Critical Infrastructure Protection may establish a national technology guard, to be known as "Net Guard" comprised of local teams of volunteers with expertise in relevant areas of science and technology, to assist local communities to respond and recover from attacks on information systems and communications networks.

On page 67, line 14, delete (10) and insert (11).

SA 4633. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, between lines 14 and 15, insert the following:

Sec. 199. Requirement to Comply with Laws Protecting Equal Employment Opportunity and Providing Whistleblower Protections.

Nothing in this Act shall be construed as exempting the Department from requirements applicable with respect to executive agencies—(1) to provide equal employment protection for employees of the Department (including pursuant to the provisions in section 2302(b)(1) of title 5, United States Code, and the Notification and Federal Employee, Antidiscrimination and Retaliation Act of 2002 (Pub. L. 107–174): or (2) to provide whistleblower protections for employees of the Department (including pursuant to the provisions in section 2302(b)(8) of such title and Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002.

SA 4634. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On Page 14, after line 25, insert the following:

(F) Ensuring that Federal, State, and local entities share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

SA 4635. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Department of Homeland Security shall comply with all laws protecting the civil rights and civil liberties of U.S. persons.

SA 4636. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

It is the Sense of the Congress that the Department of Homeland Security shall comply with all laws protecting the privacy of U.S. persons.

SA 4637. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new title:

TITLE —HOMELAND SECURITY INFORMATION SHARING ACT

SEC. 01. SHORT TITLE.

This title may be cited as the "Homeland Security Information Sharing Act".

SEC. 02. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Federal Government is required by the Constitution to provide for the common defense, which includes terrorist attack.

(2) The Federal Government relies on State and local personnel to protect against terrorist attack.

(3) The Federal Government collects, creates, manages, and protects classified and sensitive but unclassified information to enhance homeland security.

(4) Some homeland security information is needed by the State and local personnel to prevent and prepare for terrorist attack.

(5) The needs of State and local personnel to have access to relevant homeland security information to combat terrorism must be reconciled with the need to preserve the protected status of such information and to protect the sources and methods used to acquire such information.

(6) Granting security clearances to certain State and local personnel is one way to facilitate the sharing of information regarding specific terrorist threats among Federal, State, and local levels of government.

(7) Methods exist to declassify, redact, or otherwise adapt classified information so it may be shared with State and local personnel without the need for granting additional security clearances.

(8) State and local personnel have capabilities and opportunities to gather information on suspicious activities and terrorist threats not possessed by Federal agencies.

(9) The Federal Government and State and local governments and agencies in other jurisdictions may benefit from such information.

(10) Federal, State, and local governments and intelligence, law enforcement, and other emergency preparation and response agencies must act in partnership to maximize the benefits of information gathering and analysis to prevent and respond to terrorist attacks.

(11) Information systems, including the National Law Enforcement Telecommunications System and the Terrorist Threat Warning System, have been established for rapid sharing of classified and sensitive but unclassified information among Federal, State, and local entities.

(12) Increased efforts to share homeland security information should avoid duplicating existing information systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal, State, and local entities should share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

SEC. 03. FACILITATING HOMELAND SECURITY INFORMATION SHARING PROCEDURES.

(a) PRESIDENTIAL PROCEDURES FOR DETERMINING EXTENT OF SHARING OF HOMELAND SECURITY INFORMATION.—(1) The President shall prescribe procedures under which relevant Federal agencies determine—

(A) whether, how, and to what extent homeland security information may be shared with appropriate State and local personnel, and with which such personnel it may be shared;

(B) how to identify and safeguard homeland security information that is sensitive but unclassified; and

(C) to the extent such information is in classified form, whether, how, and to what extent to remove classified information, as appropriate, and with which such personnel it may be shared after such information is removed.

(2) The President shall ensure that such procedures apply to all agencies of the Federal Government.

(3) Such procedures shall not change the substantive requirements for the classification and safeguarding of classified information.

(4) Such procedures shall not change the requirements and authorities to protect sources and methods.

(b) PROCEDURES FOR SHARING OF HOMELAND SECURITY INFORMATION.—(1) Under procedures prescribed by the President, all appropriate agencies, including the intelligence community, shall, through information sharing systems, share homeland security information with appropriate State and local personnel to the extent such information may be shared, as determined in accordance with subsection (a), together with assessments of the credibility of such information.

(2) Each information sharing system through which information is shared under paragraph (1) shall—

(A) have the capability to transmit unclassified or classified information, though the procedures and recipients for each capability may differ;

(B) have the capability to restrict delivery of information to specified subgroups by geographic location, type of organization, position of a recipient within an organization, or a recipient's need to know such information;

(C) be configured to allow the efficient and effective sharing of information; and

(D) be accessible to appropriate State and local personnel.

(3) The procedures prescribed under paragraph (1) shall establish conditions on the use of information shared under paragraph (1)—

(A) to limit the redissemination of such information to ensure that such information is not used for an unauthorized purpose;

(B) to ensure the security and confidentiality of such information;

(C) to protect the constitutional and statutory rights of any individuals who are subjects of such information; and

(D) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.

(4) The procedures prescribed under paragraph (1) shall ensure, to the greatest extent practicable, that the information sharing system through which information is shared under such paragraph include existing information sharing systems, including, but not limited to, the National Law Enforcement Telecommunications System, the Regional Information Sharing System, and the Terrorist Threat Warning System of the Federal Bureau of Investigation.

(5) Each appropriate Federal agency, as determined by the President, shall have access to each information sharing system through which information is shared under paragraph (1), and shall therefore have access to all information, as appropriate, shared under such paragraph.

(6) The procedures prescribed under paragraph (1) shall ensure that appropriate State and local personnel are authorized to use such information sharing systems—

(A) to access information shared with such personnel; and

(B) to share, with others who have access to such information sharing systems, the homeland security information of their own jurisdictions, which shall be marked appropriately as pertaining to potential terrorist activity.

(7) Under procedures prescribed jointly by the Director of Central Intelligence and the Attorney General, each appropriate Federal agency, as determined by the President, shall review and assess the information shared under paragraph (6) and integrate such information with existing intelligence.

(c) SHARING OF CLASSIFIED INFORMATION AND SENSITIVE BUT UNCLASSIFIED INFORMATION WITH STATE AND LOCAL PERSONNEL.—(1) The President shall prescribe procedures under which Federal agencies may, to the extent the President considers necessary, share with appropriate State and local personnel homeland security information that remains classified or otherwise protected after the determinations prescribed under the procedures set forth in subsection (a).

(2) It is the sense of Congress that such procedures may include one or more of the following means:

(A) Carrying out security clearance investigations with respect to appropriate State and local personnel.

(B) With respect to information that is sensitive but unclassified, entering into nondisclosure agreements with appropriate State and local personnel.

(C) Increased use of information-sharing partnerships that include appropriate State and local personnel, such as the Joint Terrorism Task Forces of the Federal Bureau of Investigation, the Anti-Terrorism Task Forces of the Department of Justice, and regional Terrorism Early Warning Groups.

(d) RESPONSIBLE OFFICIALS.—For each affected Federal agency, the head of such agency shall designate an official to administer this title with respect to such agency.

(e) FEDERAL CONTROL OF INFORMATION.—Under procedures prescribed under this section, information obtained by a State or local government from a Federal agency under this section shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such information.

(f) DEFINITIONS.—In this section:

(1) The term "homeland security information" means any information possessed by a Federal, State, or local agency that—

(A) relates to the threat of terrorist activity;

(B) relates to the ability to prevent, interdict, or disrupt terrorist activity;

(C) would improve the identification or investigation of a suspected terrorist or terrorist organization; or

(D) would improve the response to a terrorist act.

(2) The term "intelligence community" has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term "State and local personnel" means any of the following persons involved in prevention, preparation, or response for terrorist attack:

(A) State Governors, mayors, and other locally elected officials.

(B) State and local law enforcement personnel and firefighters.

(C) Public health and medical professionals.

(D) Regional, State, and local emergency management agency personnel, including State adjutant generals.

(E) Other appropriate emergency response agency personnel.

(F) Employees of private-sector entities that affect critical infrastructure, cyber, economic, or public health security, as designated by the Federal government in procedures developed pursuant to this section.

(4) The term "State" includes the District of Columbia and any commonwealth, territory, or possession of the United States.

SEC. 04. REPORT.

(a) REPORT REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to the congressional committees specified in subsection (b) a report on the implementation of section 03. The report shall include any recommendations for additional measures or appropriation requests, beyond the requirements of section 03, to increase the effectiveness of sharing of information among Federal, State, and local entities.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following committees:

(1) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

SEC. 05. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out section 03.

SA 4638. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 210, between lines 9 and 10, insert the following:

SEC. 512. AIRPORT SECURITY SCREENER STANDARDS AND TRAINING.

(a) IN GENERAL.—Section 44935(e)(2) of title 49, United States Code, is amended—

(1) by striking "States;" in subparagraph (A)(ii) and inserting "States or described in subparagraph (C);";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) OTHER INDIVIDUALS.—An individual is described in this subparagraph if that individual—

"(i) is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)));

"(ii) was born in a territory of the United States;

"(iii) was honorably discharged from service in the Armed Forces of the United States; or

"(iv) is an alien lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act and was employed to perform security screening services at an airport in the United States on the date of enactment of the Aviation and Transportation Security Act (Public Law 107–71).".

(b) CORRECTION OF SUBSECTION DESIGNATION.—Subsection (i) of section 44935 of title 49, United States Code, relating to accessibility of computer-based training facilities, is redesignated as subsection (k).

SA 4639. Mrs. FEINSTEIN (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland

Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 13 and 14, insert the following:

SEC. 173. SEAPORT AND CONTAINER SECURITY.

(a) PERSONAL RADIATION DETECTION PAGERS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall require that Customs Service officers and other appropriate law enforcement officers at United States seaports be provided with and use personal radiation detection pagers to increase the ability of such officers to accurately detect radioactive materials that could be used to commit terrorist acts in the United States.

(b) RESEARCH AND DEVELOPMENT GRANTS FOR PORT SECURITY.—

(1) AUTHORITY.—The Secretary is authorized to award grants to eligible entities for research and development of technologies that can be used to secure the ports of the United States.

(2) USE OF FUNDS.—Grants awarded pursuant to paragraph (1) shall be used to develop technologies to improve seals and sensors for cargo containers so that it is possible to—

(A) immediately detect tampering with the seal or sensor;

(B) immediately detect tampering with the walls, ceiling, or floor of the container that indicates a person is attempting to improperly access the container; and

(C) transmit information regarding tampering with the seal, walls, ceiling, or floor of the container in real time to the appropriate authorities at a remote location.

(3) APPLICATION FOR GRANTS.—Each entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(4) DEFINITIONS.—In this subsection:

(A) CONTAINER.—The term "container" means a container that is used or designed for use for the international transportation of merchandise by vessel, vehicle, or aircraft.

(B) ELIGIBLE ENTITY.—The term "eligible entity" means any national laboratory, nonprofit private organization, institution of higher education, or other entity that the Secretary determines is eligible to receive a grant authorized by paragraph (1).

(C) VESSEL.—The term "vessel" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2003 through 2007 to carry out the provisions of this subsection.

SA 4640. Mrs. FEINSTEIN (for herself, Mr. BOND, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In division A, redesignate title VI as title VII, and section 601 as section 701, and insert after title V the following new title VI:

TITLE VI—NATIONAL GUARD

SEC. 601. SHORT TITLE.

This title may be cited as the "Guaranteeing a United and Resolute Defense Act of 2002" or the "GUARD Act of 2002".

SEC. 602. FUNDING ASSISTANCE FOR HOMELAND SECURITY ACTIVITIES OF THE NATIONAL GUARD.

(a) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by inserting after section 112 the following new section:

"§ 112a. Homeland security activities

"(a) FUNDING ASSISTANCE.—(1) The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a homeland security activities plan satisfying the requirements of subsection (b).

"(2) To be eligible for assistance under this subsection, a State shall have a homeland security activities plan in effect.

"(3) Any funds provided to a State under this subsection shall be used for the following:

"(A) Pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of the State for service performed for the purpose of homeland security while not in Federal service.

"(B) Operation and maintenance of the equipment and facilities of the National Guard of the State that are used for the purpose of homeland security.

"(C) Procurement of services and the purchase or leasing of equipment for the National Guard of the State for use for the purpose of homeland security.

"(b) HOMELAND SECURITY ACTIVITIES PLAN REQUIREMENTS.—The homeland security activities plan of a State—

"(1) shall specify how personnel and equipment of the National Guard of the State are to be used in homeland security activities and include a detailed explanation of the reasons why the National Guard should be used for the specified activities;

"(2) shall describe in detail how any available National Guard training facilities, including any distance learning programs and projects, are to be used;

"(3) shall include the Governor's certification that the activities under the plan are to be conducted at a time when the personnel involved are not in Federal service;

"(4) shall include the Governor's certification that participation by National Guard personnel in the activities under the plan is service in addition to training required under section 502 of this title;

"(5) shall include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law;

"(6) shall include the Governor's certification that the Governor or a civilian law enforcement official of the State designated by the Governor has determined that any activities to be carried out in conjunction with Federal law enforcement agencies under the plan serve a State law enforcement purpose; and

"(7) may provide for the use of personnel and equipment of the National Guard of that State to assist the Directorate of Immigration Affairs of the Department of Homeland Security in the transportation of aliens who have violated a Federal or State law prohibiting terrorist acts.

"(c) EXAMINATION AND APPROVAL OF PLAN.—The Secretary of Defense shall examine the adequacy of each homeland security activities plan of a State and, if the plan is determined adequate, approve the plan.

"(d) ANNUAL REPORT.—(1) The Secretary of Defense shall submit to Congress each year a report on the assistance provided under this section during the preceding fiscal year, including the activities carried out with such assistance.

"(2) The annual report under this subsection shall include the following:

"(A) A description of the homeland security activities conducted under the homeland security activities plans with funds provided under this section.

"(B) An accounting of the funds provided to each State under this section.

"(C) An analysis of the effects on military training and readiness of using units and personnel of the National Guard to perform activities under the homeland security activities plans.

"(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Governor', in the case of the District of Columbia, means the commanding general of the National Guard of the District of Columbia.

"(2) The term 'homeland security activities', with respect to the National Guard of a State, means the use of National Guard personnel, when authorized by the law of the State and requested by the Governor of the State, to prevent, deter, defend against, and respond to an attack or threat of attack on the people and territory of the United States.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 112 the following new item:

"112a. Homeland security activities.".

SA 4641. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill (H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 265, strike line 6 and all that follows through line 9 on page 305 and insert the following:

TITLE XII—UNACCOMPANIED ALIEN CHILD PROTECTION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Unaccompanied Alien Child Protection Act of 2002".

SEC. 1202. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) DIRECTOR.—The term "Director" means the Director of the Office.

(2) OFFICE.—The term "Office" means the Office of Refugee Resettlement as established by section 411 of the Immigration and Nationality Act.

(3) SERVICE.—The term "Service" means the Immigration and Naturalization Service (or, upon the effective date of title XI, the Directorate of Immigration Affairs).

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security (or, prior to the effective date of title XI, the Attorney General).

(5) UNACCOMPANIED ALIEN CHILD.—The term "unaccompanied alien child" means a child who—

(A) has no lawful immigration status in the United States;

(B) has not attained the age of 18; and

(C) with respect to whom—

(i) there is no parent or legal guardian in the United States; or

(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

(6) VOLUNTARY AGENCY.—The term "voluntary agency" means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children as licensed by the appropriate State and certified by the Director of the Office of Refugee Resettlement.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

"(53) The term 'unaccompanied alien child' means a child who—

"(A) has no lawful immigration status in the United States;

"(B) has not attained the age of 18; and

"(C) with respect to whom—

"(i) there is no parent or legal guardian in the United States; or

"(ii) no parent or legal guardian in the United States is able to provide care and physical custody.

"(54) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

"(A) have not attained the age of 18; and

"(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.".

Subtitle A—Structural Changes

SEC. 1211. RESPONSIBILITIES OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—

(1) RESPONSIBILITIES OF THE OFFICE.—The Office shall be responsible for—

(A) coordinating and implementing the care and placement for unaccompanied alien children who are in Federal custody by reason of their immigration status; and

(B) ensuring minimum standards of detention for all unaccompanied alien children.

(2) DUTIES OF THE DIRECTOR WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.—The Director shall be responsible under this title for—

(A) ensuring that the best interests of the child are considered in decisions and actions relating to the care and placement of an unaccompanied alien child;

(B) making placement, release, and detention determinations for all unaccompanied alien children in the custody of the Office;

(C) implementing the placement, release, and detention determinations made by the Office;

(D) convening, in the absence of the Assistant Secretary, Administration for Children and Families of the Department of Health and Human Services, the Interagency Task Force on Unaccompanied Alien Children established in section 1212;

(E) identifying a sufficient number of qualified persons, entities, and facilities to house unaccompanied alien children in accordance with sections 1222 and 1223;

(F) overseeing the persons, entities, and facilities described in sections 1222 and 1223 to ensure their compliance with such provisions;

(G) compiling, updating, and publishing at least annually a State-by-State list of professionals or other entities qualified to contract with the Office to provide the services described in sections 1231 and 1232;

(H) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care, which shall include—

(i) biographical information such as the child's name, gender, date of birth, country of birth, and country of habitual residence;

(ii) the date on which the child came into Federal custody, including each instance in which such child came into the custody of—

(I) the Service; or

(II) the Office;

(iii) information relating to the custody, detention, release, and repatriation of unaccompanied alien children who have been in the custody of the Office;

(iv) in any case in which the child is placed in detention, an explanation relating to the detention; and

(v) the disposition of any actions in which the child is the subject;

(I) collecting and compiling statistical information from the Service, including Border Patrol and inspections officers, on the unaccompanied alien children with whom they come into contact; and

(J) conducting investigations and inspections of facilities and other entities in which unaccompanied alien children reside.

(3) DUTIES WITH RESPECT TO FOSTER CARE.—In carrying out the duties described in paragraph (3)(F), the Director is encouraged to utilize the refugee children foster care system established under section 412(d)(2) of the Immigration and Nationality Act for the placement of unaccompanied alien children.

(4) POWERS.—In carrying out the duties under paragraph (3), the Director shall have the power to—

(A) contract with service providers to perform the services described in sections 1222, 1223, 1231, and 1232; and

(B) compel compliance with the terms and conditions set forth in section 1223, including the power to terminate the contracts of providers that are not in compliance with such conditions and reassign any unaccompanied alien child to a similar facility that is in compliance with such section.

(5) AUTHORITY TO HIRE PERSONNEL.—The Director is authorized to hire and fix the level of compensation of an adequate number of personnel to carry out the duties of the Office. In hiring such personnel, the Director may seek the transfer of personnel employed by the Department of Justice in connection with the functions transferred by section 1213.

(b) NO EFFECT ON SERVICE, EOIR, AND DEPARTMENT OF STATE ADJUDICATORY RESPONSIBILITIES.—Nothing in this title may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act from the authority of any official of the Service, the Executive Office of Immigration Review (or successor entity), or the Department of State.

SEC. 1212. ESTABLISHMENT OF INTERAGENCY TASK FORCE ON UNACCOMPANIED ALIEN CHILDREN.

(a) ESTABLISHMENT.—There is established an Interagency Task Force on Unaccompanied Alien Children.

(b) COMPOSITION.—The Task Force shall consist of the following members:

(1) The Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(2) The Commissioner of Immigration and Naturalization (or, upon the effective date of title XI, the Under Secretary of Homeland Security for Immigration Affairs).

(3) The Assistant Secretary of State for Population, Refugees, and Migration.

(4) The Director.

(5) Such other officials in the executive branch of Government as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(d) ACTIVITIES OF THE TASK FORCE.—In consultation with nongovernmental organizations, the Task Force shall—

(1) measure and evaluate the progress of the United States in treating unaccompanied alien children in United States custody; and

(2) expand interagency procedures to collect and organize data, including significant research and resource information on the needs and treatment of unaccompanied alien children in the custody of the United States Government.

SEC. 1213. TRANSITION PROVISIONS.

(a) TRANSFER OF FUNCTIONS.—All functions with respect to the care and custody of unaccompanied alien children under the immigration laws of the United States vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization (or any officer, employee, or component thereof), immediately prior to the effective date of this subtitle, are transferred to the Office.

(b) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this section; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(d) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under subsection (a) shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this section, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(e) SUITS.—This section shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(f) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this section, shall abate by reason of the enactment of this Act.

(g) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this section such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(h) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this section shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

SEC. 1214. EFFECTIVE DATE.

This subtitle shall take effect on the effective date of division A of this Act.

Subtitle B—Custody, Release, Family Reunification, and Detention

SEC. 1221. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if an immigration officer finds an unaccompanied alien child who is described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act, the officer shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act; and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country that is contiguous with the United States and that has an agreement in writing with the United States providing for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country shall be treated in accordance with paragraph (1), unless a determination is made on a case-by-case basis that—

(i) such child has a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(ii) the return of such child to the child's country of nationality or country of last habitual residence would endanger the life or safety of such child; or

(iii) the child cannot make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation, as well as consult with the Office, telephonically, and such child shall be informed of that right.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with the provisions of subsection (b).

(b) CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subsection (a) and subparagraphs (B) and (C), the custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of any unaccompanied alien child who—

(i) has been charged with any felony, excluding offenses proscribed by the Immigration and Nationality Act, while such charges are pending; or

(ii) has been convicted of any such felony.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence that such child endangers the national security of the United States.

(D) TRAFFICKING VICTIMS.—For the purposes of this Act, an unaccompanied alien child who is receiving services authorized under the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386), shall be considered to be in the custody of the Office.

(2) NOTIFICATION.—Upon apprehension of an unaccompanied alien child, the Secretary shall promptly notify the Office.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—The care and custody of an unaccompanied alien child shall be transferred to the Office—

(i) in the case of a child not described in paragraph (1) (B) or (C), not later than 72 hours after the apprehension of such child; or

(ii) in the case of a child whose custody has been retained or assumed by the Service pursuant to paragraph (1) (B) or (C), immediately following a determination that the child no longer meets the description set forth in such paragraph.

(B) TRANSFER TO THE SERVICE.—Upon determining that a child in the custody of the Office is described in paragraph (1) (B) or (C), the Director shall promptly make arrangements to transfer the care and custody of such child to the Service.

(c) AGE DETERMINATIONS.—In any case in which the age of an alien is in question and the resolution of questions about such alien's age would affect the alien's eligibility for treatment under the provisions of this title, a determination of whether such alien meets the age requirements of this title shall be made in accordance with the provisions of section 1225.

SEC. 1222. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT AUTHORITY.—

(1) ORDER OF PREFERENCE.—Subject to the Director's discretion under paragraph (4) and section 1223(a)(2), an unaccompanied alien child in the custody of the Office shall be promptly placed with one of the following individuals in the following order of preference:

(A) A parent who seeks to establish custody, as described in paragraph (3)(A).

(B) A legal guardian who seeks to establish custody, as described in paragraph (3)(A).

(C) An adult relative.

(D) An entity designated by the parent or legal guardian that is capable and willing to care for the child's well-being.

(E) A State-licensed juvenile shelter, group home, or foster home willing to accept legal custody of the child.

(F) A qualified adult or entity seeking custody of the child when it appears that there is no other likely alternative to long-term detention and family reunification does not appear to be a reasonable alternative. For purposes of this subparagraph, the qualification of the adult or entity shall be decided by the Office.

(2) HOME STUDY.—Notwithstanding the provisions of paragraph (1), no unaccompanied alien child shall be placed with a person or entity unless a valid home-study conducted by an agency of the State of the child's proposed residence, by an agency authorized by that State to conduct such a study, or by an appropriate voluntary agency contracted with the Office to conduct such studies has found that the person or entity is capable of providing for the child's physical and mental well-being.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, but subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall assess the suitability of placing the child with the parent or legal guardian and shall make a written determination on the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including The Hague Convention on the Civil Aspects of International Child Abduction, the Vienna Declaration and Programme of Action, and the Declaration of the Rights of the Child; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES.—The Director shall establish policies to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or the Department of Homeland Security, and any grantee or contractor of the Office, who suspects any individual of being involved in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department of Homeland Security, and any grantee or contractor of the Office, who suspects an attorney of being involved in any activity described in subparagraph (A) shall report the individual to the State bar association of which the attorney is a member or other appropriate disciplinary authorities for appropriate disciplinary action that may include private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—Subject to the availability of appropriations, the Director is authorized to make grants to, and enter into contracts with, voluntary agencies to carry out the provisions of this section.

(6) REIMBURSEMENT OF STATE EXPENSES.—Subject to the availability of appropriations, the Director is authorized to reimburse States for any expenses they incur in providing assistance to unaccompanied alien children who are served pursuant to this title.

(b) CONFIDENTIALITY.—All information obtained by the Office relating to the immigration status of a person listed in subsection (a) shall remain confidential and may be used only for the purposes of determining such person's qualifications under subsection (a)(1).

SEC. 1223. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided in paragraph (2), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(2) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited a violent or criminal behavior that endangers others may be detained in conditions appropriate to the behavior in a facility appropriate for delinquent children.

(3) STATE LICENSURE.—In the case of a placement of a child with an entity described in section 1222(a)(1)(E), the entity must be licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(4) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director shall promulgate regulations incorporating standards for conditions of detention in such placements that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Such regulations shall provide that all children are notified orally and in writing of such standards.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as defined in the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 1224. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Office shall conduct assessments of country conditions to determine the extent to which the country to which a child is being repatriated has a child welfare system capable of ensuring the child's well being.

(B) FACTORS FOR ASSESSMENT.—In assessing country conditions, the Office shall, to the maximum extent practicable, examine the conditions specific to the locale of the child's repatriation.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Beginning not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director shall submit a report to the Judiciary Committees of the House of Representatives and Senate on the Director's efforts to repatriate unaccompanied alien children. Such report shall include at a minimum the following information:

(1) The number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States.

(2) A description of the type of immigration relief sought and denied to such children.

(3) A statement of the nationalities, ages, and gender of such children.

(4) A description of the procedures used to effect the removal of such children from the United States.

(5) A description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin.

(6) Any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 1225. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

The Director shall develop procedures that permit the presentation and consideration of a variety of forms of evidence, including testimony of a child and other persons, to determine an unaccompanied alien child's age for purposes of placement, custody, parole, and detention. Such procedures shall allow the appeal of a determination to an immigration judge. Radiographs shall not be the sole means of determining age.

SEC. 1226. EFFECTIVE DATE.

This subtitle shall take effect 90 days after the effective date of division A of this Act.

Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel

SEC. 1231. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO GUARDIANS AD LITEM.

(a) GUARDIAN AD LITEM.—

(1) APPOINTMENT.—The Director shall appoint a guardian ad litem who meets the qualifications described in paragraph (2) for each unaccompanied alien child in the custody of the Office not later than 72 hours after the Office assumes physical or constructive custody of such child. The Director is encouraged, wherever practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a guardian ad litem under this paragraph.

(2) QUALIFICATIONS OF GUARDIAN AD LITEM.—

(A) IN GENERAL.—No person shall serve as a guardian ad litem unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters; and

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children.

(B) PROHIBITION.—A guardian ad litem shall not be an employee of the Service.

(3) DUTIES.—The guardian ad litem shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to such child's presence in the United States, including facts and circumstances arising in the country of the child's nationality or last habitual residence and facts and circumstances arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) ensure that the child's best interests are promoted while the child participates in, or is subject to, proceedings or actions under the Immigration and Nationality Act;

(F) ensure that the child understands such determinations and proceedings; and

(G) report findings and recommendations to the Director and to the Executive Office of Immigration Review (or successor entity).

(4) TERMINATION OF APPOINTMENT.—The guardian ad litem shall carry out the duties described in paragraph (3) until—

(A) those duties are completed,

(B) the child departs the United States,

(C) the child is granted permanent resident status in the United States,

(D) the child attains the age of 18, or

(E) the child is placed in the custody of a parent or legal guardian,

whichever occurs first.

(5) POWERS.—The guardian ad litem—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings involving the child that are held in connection with proceedings under the Immigration and Nationality Act, and shall be given a reasonable opportunity to be present at such hearings; and

(E) shall be permitted to consult with the child during any hearing or interview involving such child.

(b) TRAINING.—The Director shall provide professional training for all persons serving as guardians ad litem under this section in the circumstances and conditions that unaccompanied alien children face as well as in the various immigration benefits for which such a child might be eligible.

SEC. 1232. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure that all unaccompanied alien children in the custody of the Office or in the custody of the Service who are not described in section 1221(a)(2) shall have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the maximum extent practicable, the Director shall utilize the services of pro bono attorneys who agree to provide representation to such children without charge.

(3) GOVERNMENT FUNDED REPRESENTATION.—

(A) APPOINTMENT OF COMPETENT COUNSEL.—Notwithstanding section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) or any other provision of law, when no competent counsel is available to represent an unaccompanied alien child without charge, the Director shall appoint competent counsel for such child at the expense of the Government.

(B) LIMITATION ON ATTORNEY FEES.—Counsel appointed under subparagraph (A) may not be compensated at a rate in excess of the rate provided under section 3006A of title 18, United States Code.

(C) ASSUMPTION OF THE COST OF GOVERNMENT-PAID COUNSEL.—In the case of a child for whom counsel is appointed under subparagraph (A) who is subsequently placed in the physical custody of a parent or legal guardian, such parent or legal guardian may elect to retain the same counsel to continue representation of the child, at no expense to the Government, beginning on the date that the parent or legal guardian assumes physical custody of the child.

(4) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to such children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation and to recruit such entities.

(5) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Director shall enter into contracts with or make grants to national nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(B) INELIGIBILITY FOR GRANTS AND CONTRACTS.—In making grants and entering into contracts with such agencies, the Director shall ensure that no such agency receiving funds under this subsection is a grantee or contractee for more than one of the following services:

(i) Services provided under section 1222.

(ii) Services provided under section 1231.

(iii) Services provided under paragraph (2).

(iv) Services provided under paragraph (3).

(b) REQUIREMENT OF LEGAL REPRESENTATION.—The Director shall ensure that all unaccompanied alien children have legal representation within 7 days of the child coming into Federal custody.

(c) DUTIES.—Counsel shall represent the unaccompanied alien child all proceedings and actions relating to the child's immigration status or other actions involving the Service and appear in person for all individual merits hearings before the Executive Office for Immigration Review (or its successor entity) and interviews involving the Service.

(d) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel shall have reasonable access to the unaccompanied alien child, including access while the child is being held in detention, in the care of a foster family, or in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, no child who is represented by counsel shall be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(e) TERMINATION OF APPOINTMENT.—Counsel shall carry out the duties described in subsection (c) until—

(1) those duties are completed,

(2) the child departs the United States,

(3) the child is granted withholding of removal under section 241(b)(3) of the Immigration and Nationality Act,

(4) the child is granted protection under the Convention Against Torture,

(5) the child is granted asylum in the United States under section 208 of the Immigration and Nationality Act,

(6) the child is granted permanent resident status in the United States, or

(7) the child attains 18 years of age,

whichever occurs first.

(f) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(g) ACCESS TO RECOMMENDATIONS OF GUARDIAN AD LITEM.—Counsel shall be afforded an opportunity to review the recommendation by the guardian ad litem affecting or involving a client who is an unaccompanied alien child.

SEC. 1233. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle shall take effect 180 days after the effective date of division A of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in Federal custody on, before, or after the effective date of this subtitle.

Subtitle D—Strengthening Policies for Permanent Protection of Alien Children

SEC. 1241. SPECIAL IMMIGRANT JUVENILE VISA.

(a) J VISA.—Section 101(a)(27)(J) (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant under the age of 18 on the date of application who is present in the United States—

"(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State, and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment, or a similar basis found under State law;

"(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Under Secretary of Homeland Security for Immigration Affairs (or, prior to the effective date of title XI of the National Homeland Security and Combatting Terrorism Act of 2002, the Attorney General) that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien;

except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act;".

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2) (8 U.S.C. 1255(h)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) paragraphs (1), (4), (5), (6), and (7)(A) of section 212(a) shall not apply,";

(2) in subparagraph (B), by striking the period and inserting ", and"; and

(3) by adding at the end the following new subparagraph:

"(C) the Secretary of Homeland Security (or, prior to the effective date of title XI of the National Homeland Security and Combatting Terrorism Act of 2002, the Attorney General) may waive paragraph (2) (A) and (B) in the case of an offense which arose as a consequence of the child being unaccompanied.".

(c) ELIGIBILITY FOR ASSISTANCE.—A child who has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by subsection (a), shall be eligible for all funds made available under section 412(d) of such Act until such time as the child attains the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)), or until the child is placed in a permanent adoptive home, whichever occurs first.

SEC. 1242. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training to be available to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children. The training shall provide education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall be responsible for establishing a core curriculum that can be incorporated into currently existing education, training, or orientation modules or formats that are currently used by these professionals.

(b) Training of Service Personnel.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Service who come into contact with unaccompanied alien children. In the case of Border Patrol agents and immigration inspectors, such training shall include specific training on identifying children at the United States border or at United States ports of entry who have been victimized by smugglers or traffickers, and children for whom asylum or special immigrant relief may be appropriate, including children described in section 1221(a)(2).

SEC. 1243. EFFECTIVE DATE.

The amendment made by section 1241 shall apply to all eligible children who were in the United States before, on, or after the date of enactment of this Act.

Subtitle E—Children Refugee and Asylum Seekers

SEC. 1251. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) Sense of Congress.—Congress commends the Service for its issuance of its "Guidelines for Children's Asylum Claims", dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims. Congress calls upon the Executive Office for Immigration Review of the Department of Justice (or successor entity) to adopt the "Guidelines for Children's Asylum Claims" in its handling of children's asylum claims before immigration judges and the Board of Immigration Appeals.

(b) Training.—The Secretary shall provide periodic comprehensive training under the "Guidelines for Children's Asylum Claims" to asylum officers, immigration judges, members of the Board of Immigration Appeals, and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers. Voluntary agencies shall be allowed to assist in such training.

SEC. 1252. UNACCOMPANIED REFUGEE CHILDREN.

(a) Identifying Unaccompanied Refugee Children.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) An analysis of the worldwide situation faced by unaccompanied refugee children, by region. Such analysis shall include an assessment of—

"(A) the number of unaccompanied refugee children, by region;

"(B) the capacity of the Department of State to identify such refugees;

"(C) the capacity of the international community to care for and protect such refugees;

"(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

"(E) the degree to which the United States plans to resettle such refugees in the United States in the coming fiscal year; and

"(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.".

(b) Training on the Needs of Unaccompanied Refugee Children.—Section 207(f)(2) (8 U.S.C. 1157(f)(2)) is amended by—

(1) striking "and" after "countries,"; and

(2) inserting before the period at the end the following: ", and instruction on the needs of unaccompanied refugee children".

(c) Model Guidelines on Legal Representation of Children.—

(1) Development of guidelines.—The Executive Office for Immigration Review (or its successor entity), in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(2) Purpose of guidelines.—Such guidelines shall be designed to help protect a child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(3) Implementation.—The Executive Office for Immigration Review (or its successor entity) shall adopt such guidelines and submit them for adoption by national, State, and local bar associations.

Subtitle F—Authorization of Appropriations

SEC. 1261. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) Availability of Funds.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SA 4642. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BLAST-RESISTANT CARGO CONTAINER TECHNOLOGY.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit a report to Congress that—

(1) evaluates blast-resistant cargo container technology to protect against explosives in passenger luggage and cargo;

(2) examines the advantages associated with this technology in preventing the damage and loss of aircraft from terrorist action, any operational impacts which may result (particularly added weight and costs) and whether alternatives exist to mitigate such impacts, and options available to pay for this technology;

(3) assesses if and how soon this technology can be employed and whether a phase-in period is necessary; and

(4) if a phase-in period is determined to be necessary, recommends a phase-in schedule that is feasible.

SA 4643. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, strike line 20 and insert the following:

locomotives;

(4) $20,000,000 for grants to finance the cost of facility security hardening and relocation; and

(5) $2,000,000 for technological improvements for enhanced border crossings.

SA 4644. Mr. BYRD proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 7, line 4, strike all through page 173, line 14, and insert the following:

SEC. 100. DEFINITIONS.

Unless the context clearly indicates otherwise, the following shall apply for purposes of this division:

(1) Agency.—Except for purposes of subtitle E of title I, the term "agency"—

(A) means—

(i) an Executive agency as defined under section 105 of title 5, United States Code;

(ii) a military department as defined under section 102 of title 5, United States Code;

(iii) the United States Postal Service; and

(B) does not include the General Accounting Office.

(2) Assets.—The term "assets" includes contracts, facilities, property, records, unobligated or unexpended balances of appropriations, and other funds or resources (other than personnel).

(3) Department.—The term "Department" means the Department of Homeland Security established under title I.

(4) Enterprise architecture.—The term "enterprise architecture"—

(A) means—

(i) a strategic information asset base, which defines the mission;

(ii) the information necessary to perform the mission;

(iii) the technologies necessary to perform the mission; and

(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

(B) includes—

(i) a baseline architecture;

(ii) a target architecture; and

(iii) a sequencing plan.

(5) Functions.—The term "functions" includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, responsibilities, and obligations.

(6) Homeland.—The term "homeland" means the United States, in a geographic sense.

(7) Homeland security.—The term "homeland security" means a concerted national effort to—

(A) prevent terrorist attacks within the United States;

(B) reduce America's vulnerability to terrorism; and

(C) minimize the damage and recover from terrorist attacks that do occur.

(8) Local government.—The term "local government" has the meaning given under section 102(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288).

(9) Risk analysis and risk management.—The term "risk analysis and risk management" means the assessment, analysis, management, mitigation, and communication of homeland security threats, vulnerabilities, criticalities, and risks.

(10) Personnel.—The term "personnel" means officers and employees.

(11) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

(12) UNITED STATES.—The term "United States", when used in a geographic sense, means any State (within the meaning of section 102(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288)), any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—There is established the Department of National Homeland Security.

(b) EXECUTIVE DEPARTMENT.—Section 101 of title 5, United States Code, is amended by adding at the end the following:

"The Department of Homeland Security.".

(c) MISSION OF DEPARTMENT.—

(1) HOMELAND SECURITY.—The mission of the Department is to—

(A) promote homeland security, particularly with regard to terrorism;

(B) prevent terrorist attacks or other homeland threats within the United States;

(C) reduce the vulnerability of the United States to terrorism, natural disasters, and other homeland threats; and

(D) minimize the damage, and assist in the recovery, from terrorist attacks or other natural or man-made crises that occur within the United States.

(2) OTHER MISSIONS.—The Department shall be responsible for carrying out the other functions, and promoting the other missions, of entities transferred to the Department as provided by law.

(d) SEAL.—The Secretary shall procure a proper seal, with such suitable inscriptions and devices as the President shall approve. This seal, to be known as the official seal of the Department of Homeland Security, shall be kept and used to verify official documents, under such rules and regulations as the Secretary may prescribe. Judicial notice shall be taken of the seal.

SEC. 102. SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—The Secretary of Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate. All authorities, functions, and responsibilities transferred to the Department shall be vested in the Secretary.

(b) RESPONSIBILITIES.—The responsibilities of the Secretary shall be the following:

(1) To develop policies, goals, objectives, priorities, and plans for the United States for the promotion of homeland security, particularly with regard to terrorism.

(2) To administer, carry out, and promote the other established missions of the entities transferred to the Department.

(3) To develop a comprehensive strategy for combating terrorism and the homeland security response.

(4) To make budget recommendations relating to the border and transportation security, infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.

(5) To plan, coordinate, and integrate those Federal Government activities relating to border and transportation security, critical infrastructure protection, all-hazards emergency preparedness, response, recovery, and mitigation.

(6) To serve as a national focal point to analyze all information available to the United States related to threats of terrorism and other homeland threats.

(7) To establish and manage a comprehensive risk analysis and risk management program that directs and coordinates the supporting risk analysis and risk management activities of the Directorates and ensures coordination with entities outside the Department engaged in such activities.

(8) To identify and promote key scientific and technological advances that will enhance homeland security.

(9) To include, as appropriate, State and local governments and other entities in the full range of activities undertaken by the Department to promote homeland security, including—

(A) providing State and local government personnel, agencies, and authorities, with appropriate intelligence information, including warnings, regarding threats posed by terrorism in a timely and secure manner;

(B) facilitating efforts by State and local law enforcement and other officials to assist in the collection and dissemination of intelligence information and to provide information to the Department, and other agencies, in a timely and secure manner;

(C) coordinating with State, regional, and local government personnel, agencies, and authorities and, as appropriate, with the private sector, other entities, and the public, to ensure adequate planning, team work, coordination, information sharing, equipment, training, and exercise activities; and

(D) systematically identifying and removing obstacles to developing effective partnerships between the Department, other agencies, and State, regional, and local government personnel, agencies, and authorities, the private sector, other entities, and the public to secure the homeland.

(10)(A) To consult and coordinate with the Secretary of Defense and make recommendations concerning organizational structure, equipment, and positioning of military assets determined critical to homeland security.

(B) To consult and coordinate with the Secretary of Defense regarding the training of personnel to respond to terrorist attacks involving chemical or biological agents.

(11) To seek to ensure effective day-to-day coordination of homeland security operations, and establish effective mechanisms for such coordination, among the elements constituting the Department and with other involved and affected Federal, State, and local departments and agencies.

(12) To administer the Homeland Security Advisory System, exercising primary responsibility for public threat advisories, and (in coordination with other agencies) providing specific warning information to State and local government personnel, agencies and authorities, the private sector, other entities, and the public, and advice about appropriate protective actions and countermeasures.

(13) To conduct exercise and training programs for employees of the Department and other involved agencies, and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(14) To annually review, update, and amend the Federal response plan for homeland security and emergency preparedness with regard to terrorism and other manmade and natural disasters.

(15) To direct the acquisition and management of all of the information resources of the Department, including communications resources.

(16) To endeavor to make the information technology systems of the Department, including communications systems, effective, efficient, secure, and appropriately interoperable.

(17) In furtherance of paragraph (16), to oversee and ensure the development and implementation of an enterprise architecture for Department-wide information technology, with timetables for implementation.

(18) As the Secretary considers necessary, to oversee and ensure the development and implementation of updated versions of the enterprise architecture under paragraph (17).

(19) To report to Congress on the development and implementation of the enterprise architecture under paragraph (17) in—

(A) each implementation progress report required under section 182; and

(B) each biennial report required under section 192(b).

(c) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

"(5) the Secretary of Homeland Security; and

"(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.".

SEC. 103. DEPUTY SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—There shall be in the Department a Deputy Secretary of Homeland Security, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Deputy Secretary of Homeland Security shall—

(1) assist the Secretary in the administration and operations of the Department;

(2) perform such responsibilities as the Secretary shall prescribe; and

(3) act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary.

SEC. 104. UNDER SECRETARY FOR MANAGEMENT.

(a) IN GENERAL.—There shall be in the Department an Under Secretary for Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Under Secretary for Management shall report to the Secretary, who may assign to the Under Secretary such functions related to the management and administration of the Department as the Secretary may prescribe, including—

(1) the budget, appropriations, expenditures of funds, accounting, and finance;

(2) procurement;

(3) human resources and personnel;

(4) information technology and communications systems;

(5) facilities, property, equipment, and other material resources;

(6) security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources; and

(7) identification and tracking of performance measures relating to the responsibilities of the Department.

SEC. 105. ASSISTANT SECRETARIES.

(a) IN GENERAL.—There shall be in the Department not more than 5 Assistant Secretaries (not including the 2 Assistant Secretaries appointed under division B), each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—

(1) IN GENERAL.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall describe the general responsibilities that such appointee will exercise upon taking office.

(2) ASSIGNMENT.—Subject to paragraph (1), the Secretary shall assign to each Assistant Secretary such functions as the Secretary considers appropriate.

SEC. 106. INSPECTOR GENERAL.

(a) IN GENERAL.—There shall be in the Department an Inspector General. The Inspector General and the Office of Inspector General shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

(b) ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting "Homeland Security," after "Health and Human Services,"; and

(2) in paragraph (2), by inserting "Homeland Security," after "Health and Human Services,".

(c) REVIEW OF THE DEPARTMENT OF HOMELAND SECURITY.—The Inspector General shall designate 1 official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department;

(2) publicize, through the Internet, radio, television, and newspaper advertisements—

(A) information on the responsibilities and functions of the official; and

(B) instructions on how to contact the official; and

(3) on a semi-annual basis, submit to Congress, for referral to the appropriate committee or committees, a report—

(A) describing the implementation of this subsection;

(B) detailing any civil rights abuses under paragraph (1); and

(C) accounting for the expenditure of funds to carry out this subsection.

(d) ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8I as section 8J; and

(2) by inserting after section 8H the following:

SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF HOMELAND SECURITY

"SEC. 8I. (a)(1) Notwithstanding the last 2 sentences of section 3(a), the Inspector General of the Department of Homeland Security (in this section referred to as the "Inspector General") shall be under the authority, direction, and control of the Secretary of Homeland Security (in this section referred to as the "Secretary") with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

"(A) intelligence or counterintelligence matters;

"(B) ongoing criminal investigations or proceedings;

"(C) undercover operations;

"(D) the identity of confidential sources, including protected witnesses;

"(E) other matters the disclosure of which would constitute a serious threat to the protection of any person or property authorized protection by—

"(i) section 3056 of title 18, United States Code;

"(ii) section 202 of title 3, United States Code; or

"(iii) any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

"(F) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described under paragraph (1), the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to—

"(A) prevent the disclosure of any information described under paragraph (1);

"(B) preserve the national security; or

"(C) prevent significant impairment to the national interests of the United States.

"(3) If the Secretary exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General in writing (appropriately classified, if necessary) within 7 calendar days stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice, together with such comments concerning the exercise of such power as the Inspector General considers appropriate, to—

"(A) the President of the Senate;

"(B) the Speaker of the House of Representatives;

"(C) the Committee on Governmental Affairs of the Senate;

"(D) the Committee on Government Reform of the House of Representatives; and

"(E) other appropriate committees or subcommittees of Congress.

"(b)(1) In carrying out the duties and responsibilities under this Act, the Inspector General shall have oversight responsibility for the internal investigations and audits performed by any other office performing internal investigatory or audit functions in any subdivision of the Department of Homeland Security.

"(2) The head of each other office described under paragraph (1) shall promptly report to the Inspector General the significant activities being carried out by such office.

"(3) Notwithstanding paragraphs (1) and (2), the Inspector General may initiate, conduct, and supervise such audits and investigations in the Department (including in any subdivision referred to in paragraph (1)) as the Inspector General considers appropriate.

"(4) If the Inspector General initiates an audit or investigation under paragraph (3) concerning a subdivision referred to in paragraph (1), the Inspector General may provide the head of the other office performing internal investigatory or audit functions in the subdivision with written notice that the Inspector General has initiated such an audit or investigation. If the Inspector General issues such a notice, no other audit or investigation shall be initiated into the matter under audit or investigation by the Inspector General, and any other audit or investigation of such matter shall cease.

"(c) Any report required to be transmitted by the Secretary to the appropriate committees or subcommittees of Congress under section 5(d) shall also be transmitted, within the 7-day period specified under that subsection, to—

"(1) the President of the Senate;

"(2) the Speaker of the House of Representatives;

"(3) the Committee on Governmental Affairs of the Senate; and

"(4) the Committee on Government Reform of the House of Representatives.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. appendix) is amended—

(1) in section 4(b), by striking "8F" each place it appears and inserting "8G"; and

(2) in section 8J (as redesignated by subsection (c)(1)), by striking "or 8H" and inserting ", 8H, or 8I".".

SEC. 107. CHIEF FINANCIAL OFFICER.

(a) IN GENERAL.—There shall be in the Department a Chief Financial Officer, who shall be appointed or designated in the manner prescribed under section 901(a)(1) of title 31, United States Code.

(b) ESTABLISHMENT.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

"(G) The Department of Homeland Security.".

SEC. 108. CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—There shall be in the Department a Chief Information Officer, who shall be designated in the manner prescribed under section 3506(a)(2)(A) of title 44, United States Code.

(b) RESPONSIBILITIES.—The Chief Information Officer shall assist the Secretary with Department-wide information resources management and perform those duties prescribed by law for chief information officers of agencies.

SEC. 109. GENERAL COUNSEL.

(a) IN GENERAL.—There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The General Counsel shall—

(1) serve as the chief legal officer of the Department;

(2) provide legal assistance to the Secretary concerning the programs and policies of the Department; and

(3) advise and assist the Secretary in carrying out the responsibilities under section 102(b).

SEC. 110. CIVIL RIGHTS OFFICER.

(a) IN GENERAL.—There shall be in the Department a Civil Rights Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Civil Rights Officer shall be responsible for—

(1) ensuring compliance with all civil rights and related laws and regulations applicable to Department employees and participants in Department programs;

(2) coordinating administration of all civil rights and related laws and regulations within the Department for Department employees and participants in Department programs;

(3) assisting the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that civil rights considerations are appropriately incorporated and implemented in Department programs and activities;

(4) overseeing compliance with statutory and constitutional requirements related to the civil rights of individuals affected by the programs and activities of the Department; and

(5) notifying the Inspector General of any matter that, in the opinion of the Civil Rights Officer, warrants further investigation.

SEC. 111. PRIVACY OFFICER.

(a) IN GENERAL.—There shall be in the Department a Privacy Officer, who shall be appointed by the Secretary.

(b) RESPONSIBILITIES.—The Privacy Officer shall—

(1) oversee compliance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and all other applicable laws relating to the privacy of personal information;

(2) assist the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that—

(A) privacy considerations and safeguards are appropriately incorporated and implemented in Department programs and activities; and

(B) any information received by the Department is used or disclosed in a manner that minimizes the risk of harm to individuals from the inappropriate disclosure or use of such materials;

(3) assist Department personnel with the preparation of privacy impact assessments when required by law or considered appropriate by the Secretary; and

(4) notify the Inspector General of any matter that, in the opinion of the Privacy Officer, warrants further investigation.

SEC. 112. CHIEF HUMAN CAPITAL OFFICER.

(a) IN GENERAL.—The Secretary shall appoint or designate a Chief Human Capital Officer, who shall—

(1) advise and assist the Secretary and other officers of the Department in ensuring that the workforce of the Department has the necessary skills and training, and that the recruitment and retention policies of the Department allow the Department to attract and retain a highly qualified workforce, in accordance with all applicable laws and requirements, to enable the Department to achieve its missions;

(2) oversee the implementation of the laws, rules and regulations of the President and the Office of Personnel Management governing the civil service within the Department; and

(3) advise and assist the Secretary in planning and reporting under the Government Performance and Results Act of 1993 (including the amendments made by that Act), with respect to the human capital resources and needs of the Department for achieving the plans and goals of the Department.

(b) RESPONSIBILITIES.—The responsibilities of the Chief Human Capital Officer shall include—

(1) setting the workforce development strategy of the Department;

(2) assessing workforce characteristics and future needs based on the mission and strategic plan of the Department;

(3) aligning the human resources policies and programs of the Department with organization mission, strategic goals, and performance outcomes;

(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

(5) identifying best practices and benchmarking studies;

(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth; and

(7) providing employee training and professional development.

SEC. 113. OFFICE OF INTERNATIONAL AFFAIRS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary, an Office of International Affairs. The Office shall be headed by a Director who shall be appointed by the Secretary.

(b) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have the following responsibilities:

(1) To promote information and education exchange with foreign nations in order to promote sharing of best practices and technologies relating to homeland security. Such information exchange shall include—

(A) joint research and development on countermeasures;

(B) joint training exercises of first responders; and

(C) exchange of expertise on terrorism prevention, response, and crisis management.

(2) To identify areas for homeland security information and training exchange.

(3) To plan and undertake international conferences, exchange programs, and training activities.

(4) To manage activities under this section and other international activities within the Department in consultation with the Department of State and other relevant Federal officials.

(5) To initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and that have demonstrated the capability for fruitful cooperation with the United States in the area of counterterrorism.

SEC. 114. EXECUTIVE SCHEDULE POSITIONS.

(a) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Secretary of Homeland Security.".

(b) EXECUTIVE SCHEDULE LEVEL II POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Secretary of Homeland Security.".

(c) EXECUTIVE SCHEDULE LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Management, Department of Homeland Security.".

(d) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Secretaries of Homeland Security (5).

"Inspector General, Department of Homeland Security.

"Chief Financial Officer, Department of Homeland Security.

"Chief Information Officer, Department of Homeland Security.

"General Counsel, Department of Homeland Security.".

Subtitle B—Establishment of Directorates and Offices

SEC. 131. DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.

(a) ESTABLISHMENT.—There is established within the Department the Directorate of Border and Transportation Protection.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Border and Transportation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) EXERCISE OF CUSTOMS REVENUE AUTHORITY.—

(1) IN GENERAL.—

(A) AUTHORITIES NOT TRANSFERRED.—Authority that was vested in the Secretary of the Treasury by law to issue regulations related to customs revenue functions before the effective date of this section under the provisions of law set forth under paragraph (2) shall not be transferred to the Secretary by reason of this Act. The Secretary of the Treasury, with the concurrence of the Secretary, shall exercise this authority. The Commissioner of Customs is authorized to engage in activities to develop and support the issuance of the regulations described in this paragraph. The Secretary shall be responsible for the implementation and enforcement of regulations issued under this section.

(B) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of proposed conforming amendments to the statutes set forth under paragraph (2) in order to determine the appropriate allocation of legal authorities described under this subsection. The Secretary of the Treasury shall also identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this section.

(C) LIABILITY.—Neither the Secretary of the Treasury nor the Department of the Treasury shall be liable for or named in any legal action concerning the implementation and enforcement of regulations issued under this paragraph on or after the date on which the United States Customs Service is transferred under this division.

(2) APPLICABLE LAWS.—The provisions of law referred to under paragraph (1) are those sections of the following statutes that relate to customs revenue functions:

(A) The Tariff Act of 1930 (19 U.S.C. 1304 et seq.).

(B) Section 249 of the Revised Statutes of the United States (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (19 U.S.C. 6).

(D) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(E) Section 251 of the Revised Statutes of the United States (19 U.S.C. 66).

(F) Section 1 of the Act of June 26, 1930 (19 U.S.C. 68).

(G) The Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(H) Section 1 of the Act of March 2, 1911 (19 U.S.C. 198).

(I) The Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(J) The Trade Agreements Act of 1979 (19 U.S.C. 2502 et seq.).

(K) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(L) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(M) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(N) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(O) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(P) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(3) DEFINITION OF CUSTOMS REVENUE FUNCTIONS.—In this subsection, the term "customs revenue functions" means—

(A) assessing, collecting, and refunding duties (including any special duties), excise taxes, fees, and any liquidated damages or penalties due on imported merchandise, including classifying and valuing merchandise and the procedures for "entry" as that term is defined in the United States Customs laws;

(B) administering section 337 of the Tariff Act of 1930 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks;

(C) collecting accurate import data for compilation of international trade statistics; and

(D) administering reciprocal trade agreements and trade preference legislation.

(d) PRESERVING COAST GUARD MISSION PERFORMANCE.—

(1) DEFINITIONS.—In this subsection:

(A) NON-HOMELAND SECURITY MISSIONS.—The term "non-homeland security missions" means the following missions of the Coast Guard:

(i) Marine safety.

(ii) Search and rescue.

(iii) Aids to navigation.

(iv) Living marine resources (fisheries law enforcement).

(v) Marine environmental protection.

(vi) Ice operations.

(B) HOMELAND SECURITY MISSIONS.—The term "homeland security missions" means the following missions of the Coast Guard:

(i) Ports, waterways and coastal security.

(ii) Drug interdiction.

(iii) Migrant interdiction.

(iv) Defense readiness.

(v) Other law enforcement.

(2) MAINTENANCE OF STATUS OF FUNCTIONS AND ASSETS.—Notwithstanding any other provision of this Act, the authorities, functions, assets, organizational structure, units, personnel, and non-homeland security missions of the Coast Guard shall be maintained intact and without reduction after the transfer of the Coast Guard to the Department, except as specified in subsequent Acts.

(3) CERTAIN TRANSFERS PROHIBITED.—None of the missions, functions, personnel, and assets (including for purposes of this subsection ships, aircraft, helicopters, and vehicles) of the Coast Guard may be transferred to the operational control of, or diverted to the principal and continuing use of, any other organization, unit, or entity of the Department.

(4) CHANGES TO NON-HOMELAND SECURITY MISSIONS.—

(A) PROHIBITION.—The Secretary may not make any substantial or significant change to any of the non-homeland security missions of the Coast Guard, or to the capabilities of the Coast Guard to carry out each of the non-homeland security missions, without the prior approval of Congress as expressed in a subsequent Act.

(B) WAIVER.—The President may waive the restrictions under subparagraph (A) for a period of not to exceed 90 days upon a declaration and certification by the President to Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver. A certification under this paragraph shall include a detailed justification for the declaration and certification, including the reasons and specific information that demonstrate that the Nation and the Coast Guard cannot respond effectively to the national emergency if the restrictions under subparagraph (A) are not waived.

(5) ANNUAL REVIEW.—

(A) IN GENERAL.—The Inspector General of the Department shall conduct an annual review that shall assess thoroughly the performance by the Coast Guard of all missions of the Coast Guard (including non-homeland security missions and homeland security missions) with a particular emphasis on examining the non-homeland security missions.

(B) REPORT.—The report under this paragraph shall be submitted not later than March 1 of each year to—

(i) the Committee on Governmental Affairs of the Senate;

(ii) the Committee on Government Reform of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and the House of Representatives;

(iv) the Committee on Commerce, Science, and Transportation of the Senate; and

(v) the Committee on Transportation and Infrastructure of the House of Representatives.

(6) DIRECT REPORTING TO SECRETARY.—Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary without being required to report through any other official of the Department.

(7) OPERATION AS A SERVICE IN THE NAVY.—None of the conditions and restrictions in this subsection shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

SEC. 132. DIRECTORATE OF INTELLIGENCE.

(a) ESTABLISHMENT.—There is established within the Department a Directorate of Intelligence which shall serve as a national-level focal point for information available to the United States Government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations for the purpose of supporting the mission of the Department.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) ESTABLISHMENT.—There is established within the Department the Directorate of Critical Infrastructure Protection.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Critical Infrastructure Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 134. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 135. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) ESTABLISHMENT.—There is established within the Department a Directorate of Science and Technology.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Science and Technology, who shall be appointed by the President, by and with the advice and consent of the Senate. The principal responsibility of the Under Secretary shall be to effectively and efficiently carry out the purposes of the Directorate of Science and Technology.

SEC. 136. DIRECTORATE OF IMMIGRATION AFFAIRS.

The Directorate of Immigration Affairs shall be established and shall carry out all functions of that Directorate in accordance with division B of this Act.

SEC. 137. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

(b) RESPONSIBILITIES.—The Office established under subsection (a) shall—

(1) coordinate the activities of the Department relating to State and local government;

(2) assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism;

(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland; and

(4) develop a process for receiving meaningful input from State and local government to assist the development of the national strategy for combating terrorism and other homeland security activities.

(c) HOMELAND SECURITY LIAISON OFFICERS.—

(1) CHIEF HOMELAND SECURITY LIAISON OFFICER.—

(A) APPOINTMENT.—The Secretary shall appoint a Chief Homeland Security Liaison Officer to coordinate the activities of the Homeland Security Liaison Officers, designated under paragraph (2).

(B) ANNUAL REPORT.—The Chief Homeland Security Liaison Officer shall prepare an annual report, that contains—

(i) a description of the State and local priorities in each of the 50 States based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(ii) a needs assessment that identifies homeland security functions in which the Federal role is duplicative of the State or local role, and recommendations to decrease or eliminate inefficiencies between the Federal Government and State and local entities;

(iii) recommendations to Congress regarding the creation, expansion, or elimination of any program to assist State and local entities to carry out their respective functions under the Department; and

(iv) proposals to increase the coordination of Department priorities within each State and between the States.

(2) HOMELAND SECURITY LIAISON OFFICERS.—

(A) DESIGNATION.—The Secretary shall designate in each State not less than 1 employee of the Department to—

(i) serve as the Homeland Security Liaison Officer in that State; and

(ii) provide coordination between the Department and State and local first responders, including—

(I) law enforcement agencies;

(II) fire and rescue agencies;

(III) medical providers;

(IV) emergency service providers; and

(V) relief agencies.

(B) DUTIES.—Each Homeland Security Liaison Officer designated under subparagraph (A) shall—

(i) ensure coordination between the Department and—

(I) State, local, and community-based law enforcement;

(II) fire and rescue agencies; and

(III) medical and emergency relief organizations;

(ii) identify State and local areas requiring additional information, training, resources, and security;

(iii) provide training, information, and education regarding homeland security for State and local entities;

(iv) identify homeland security functions in which the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies;

(v) assist State and local entities in priority setting based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(vi) assist the Department to identify and implement State and local homeland security objectives in an efficient and productive manner; and

(vii) serve as a liaison to the Department in representing State and local priorities and concerns regarding homeland security.

(d) Federal Interagency Committee on First Responders.—

(1) In General.—There is established an Interagency Committee on First Responders, that shall—

(A) ensure coordination among the Federal agencies involved with—

(i) State, local, and community-based law enforcement;

(ii) fire and rescue operations; and

(iii) medical and emergency relief services;

(B) identify community-based law enforcement, fire and rescue, and medical and emergency relief services needs;

(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services;

(D) identify ways to streamline the process through which Federal agencies support community-based law enforcement, fire and rescue, and medical and emergency relief services; and

(E) assist in priority setting based on discovered needs.

(2) Membership.—The Interagency Committee on First Responders shall be composed of—

(A) the Chief Homeland Security Liaison Officer of the Department;

(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;

(C) a representative of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(D) a representative of the Federal Emergency Management Agency of the Department;

(E) a representative of the United States Coast Guard of the Department;

(F) a representative of the Department of Defense;

(G) a representative of the Office of Domestic Preparedness of the Department;

(H) a representative of the Directorate of Immigration Affairs of the Department;

(I) a representative of the Transportation Security Agency of the Department;

(J) a representative of the Federal Bureau of Investigation of the Department of Justice; and

(K) representatives of any other Federal agency identified by the President as having a significant role in the purposes of the Interagency Committee on First Responders.

(3) Administration.—The Department shall provide administrative support to the Interagency Committee on First Responders and the Advisory Council, which shall include—

(A) scheduling meetings;

(B) preparing agenda;

(C) maintaining minutes and records;

(D) producing reports; and

(E) reimbursing Advisory Council members.

(4) Leadership.—The members of the Interagency Committee on First Responders shall select annually a chairperson.

(5) Meetings.—The Interagency Committee on First Responders shall meet—

(A) at the call of the Chief Homeland Security Liaison Officer of the Department; or

(B) not less frequently than once every 3 months.

(e) Advisory Council for the Federal Interagency Committee on First Responders.—

(1) Establishment.—There is established an Advisory Council for the Federal Interagency Committee on First Responders (in this section referred to as the "Advisory Council").

(2) Membership.—

(A) In general.—The Advisory Council shall be composed of not more than 13 members, selected by the Interagency Committee on First Responders.

(B) Representation.—The Interagency Committee on First Responders shall ensure that the membership of the Advisory Council represents—

(i) the law enforcement community;

(ii) fire and rescue organizations;

(iii) medical and emergency relief services; and

(iv) both urban and rural communities.

(3) Chairperson.—The Advisory Council shall select annually a chairperson from among its members.

(4) Compensation of members.—The members of the Advisory Council shall serve without compensation, but shall be eligible for reimbursement of necessary expenses connected with their service to the Advisory Council.

(5) Meetings.—The Advisory Council shall meet with the Interagency Committee on First Responders not less frequently than once every 3 months.

SEC. 138. BORDER COORDINATION WORKING GROUP.

(a) Definitions.—In this section:

(1) Border security functions.—The term "border security functions" means the securing of the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States.

(2) Relevant agencies.—The term "relevant agencies" means any department or agency of the United States that the President determines to be relevant to performing border security functions.

(b) Establishment.—The Secretary shall establish a border security working group (in this section referred to as the "Working Group"), composed of the Secretary or the designee of the Secretary, the Under Secretary for Border and Transportation Protection, and the Under Secretary for Immigration Affairs.

(c) Functions.—The Working Group shall meet not less frequently than once every 3 months and shall—

(1) with respect to border security functions, develop coordinated budget requests, allocations of appropriations, staffing requirements, communication, use of equipment, transportation, facilities, and other infrastructure;

(2) coordinate joint and cross-training programs for personnel performing border security functions;

(3) monitor, evaluate and make improvements in the coverage and geographic distribution of border security programs and personnel;

(4) develop and implement policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel and commerce, and enhanced scrutiny for high-risk traffic, travel, and commerce; and

(5) identify systemic problems in coordination encountered by border security agencies and programs and propose administrative, regulatory, or statutory changes to mitigate such problems.

(d) Relevant Agencies.—The Secretary shall consult representatives of relevant agencies with respect to deliberations under subsection (c), and may include representatives of such agencies in Working Group deliberations, as appropriate.

SEC. 139. LEGISLATIVE PROPOSALS AND SUPPORTING AND ENABLING LEGISLATION.

(a) Directorate of Border and Transportation Protection.—Not earlier than February 3, 2003, the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Border and Transportation Protection; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Border and Transportation Protection, to provide for homeland security.

(b) Directorate of Intelligence and Directorate of Critical Infrastructure Protection.—Not earlier than 120 days after the submission of the proposals and recommendations under subsection (a), the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Intelligence and the Directorate of Critical Infrastructure Protection; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Intelligence and the Directorate of Critical Infrastructure Protection, to provide for homeland security.

(c) Directorate of Emergency Preparedness and Response and Directorate of Science and Technology.—Not earlier than 120 days after the submission of the proposals and recommendations under subsection (b), the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Emergency Preparedness and Response and the Directorate of Science and Technology; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Emergency Preparedness and Response and the Directorate of Science and Technology, to provide for homeland security.

(d) Savings and Administrative Provisions of Supporting and Enabling Legislation.—Sections 183, 184, and 194 shall apply to any supporting and enabling legislation described under subsection (a), (b), or (c) enacted after the date of enactment of this Act.

(e) Deadline for Congressional Action.—Not later than 13 months after the date of enactment of this Act, the Congress shall complete action on all supporting and enabling legislation described under subsection (a), (b), or (c).

SEC. 140. EXECUTIVE SCHEDULE POSITIONS.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Border and Transportation, Department of Homeland Security.

"Under Secretary for Critical Infrastructure Protection, Department of Homeland Security.

"Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

"Under Secretary for Immigration, Department of Homeland Security.

"Under Secretary for Intelligence, Department of Homeland Security.

"Under Secretary for Science and Technology, Department of Homeland Security.".

Subtitle C—National Emergency Preparedness Enhancement

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "National Emergency Preparedness Enhancement Act of 2002".

SEC. 152. PREPAREDNESS INFORMATION AND EDUCATION.

(a) Establishment of Clearinghouse.—There is established in the Department a National Clearinghouse on Emergency Preparedness (referred to in this section as the "Clearinghouse"). The Clearinghouse shall be headed by a Director.

(b) Consultation.—The Clearinghouse shall consult with such heads of agencies, such task forces appointed by Federal officers or employees, and such representatives of the private sector, as appropriate, to collect information on emergency preparedness, including information relevant to homeland security.

(c) Duties.—

(1) Dissemination of information.—The Clearinghouse shall ensure efficient dissemination of accurate emergency preparedness information.

(2) Center.—The Clearinghouse shall establish a one-stop center for emergency preparedness information, which shall include a website, with links to other relevant Federal websites, a telephone number, and staff, through which information shall be made available on—

(A) ways in which States, political subdivisions, and private entities can access Federal grants;

(B) emergency preparedness education and awareness tools that businesses, schools, and the general public can use; and

(C) other information as appropriate.

(3) Public awareness campaign.—The Clearinghouse shall develop a public awareness campaign. The campaign shall be ongoing, and shall include an annual theme to be implemented during the National Emergency Preparedness Week established under section 154. The Clearinghouse shall work with heads of agencies to coordinate public service announcements and other information-sharing tools utilizing a wide range of media.

(4) Best practices information.—The Clearinghouse shall compile and disseminate information on best practices for emergency preparedness identified by the Secretary and the heads of other agencies.

SEC. 153. PILOT PROGRAM.

(a) Emergency Preparedness Enhancement Pilot Program.—The Department shall award grants to private entities to pay for the Federal share of the cost of improving emergency preparedness, and educating employees and other individuals using the entities' facilities about emergency preparedness.

(b) Use of Funds.—An entity that receives a grant under this subsection may use the funds made available through the grant to—

(1) develop evacuation plans and drills;

(2) plan additional or improved security measures, with an emphasis on innovative technologies or practices;

(3) deploy innovative emergency preparedness technologies; or

(4) educate employees and customers about the development and planning activities described in paragraphs (1) and (2) in innovative ways.

(c) Federal Share.—The Federal share of the cost described in subsection (a) shall be 50 percent, up to a maximum of $250,000 per grant recipient.

(d) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 154. DESIGNATION OF NATIONAL EMERGENCY PREPAREDNESS WEEK.

(a) National Week.—

(1) Designation.—Each week that includes September 11 is "National Emergency Preparedness Week".

(2) Proclamation.—The President is requested every year to issue a proclamation calling on the people of the United States (including State and local governments and the private sector) to observe the week with appropriate activities and programs.

(b) Federal Agency Activities.—In conjunction with National Emergency Preparedness Week, the head of each agency, as appropriate, shall coordinate with the Department to inform and educate the private sector and the general public about emergency preparedness activities, resources, and tools, giving a high priority to emergency preparedness efforts designed to address terrorist attacks.

Subtitle D—Miscellaneous Provisions

SEC. 161. NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER.

(a) Establishment.—There is established within the Department of Defense a National Bio-Weapons Defense Analysis Center (in this section referred to as the "Center").

(b) Mission.—The mission of the Center is to develop countermeasures to potential attacks by terrorists using biological or chemical weapons that are weapons of mass destruction (as defined under section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))) and conduct research and analysis concerning such weapons.

SEC. 162. REVIEW OF FOOD SAFETY.

(a) Review of Food Safety Laws and Food Safety Organizational Structure.—The Secretary shall enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed, comprehensive study which shall—

(1) review all Federal statutes and regulations affecting the safety and security of the food supply to determine the effectiveness of the statutes and regulations at protecting the food supply from deliberate contamination; and

(2) review the organizational structure of Federal food safety oversight to determine the efficiency and effectiveness of the organizational structure at protecting the food supply from deliberate contamination.

(b) Report.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the President, the Secretary, and Congress a comprehensive report containing—

(A) the findings and conclusions derived from the reviews conducted under subsection (a); and

(B) specific recommendations for improving—

(i) the effectiveness and efficiency of Federal food safety and security statutes and regulations; and

(ii) the organizational structure of Federal food safety oversight.

(2) Contents.—In conjunction with the recommendations under paragraph (1), the report under paragraph (1) shall address—

(A) the effectiveness with which Federal food safety statutes and regulations protect public health and ensure the food supply remains free from contamination;

(B) the shortfalls, redundancies, and inconsistencies in Federal food safety statutes and regulations;

(C) the application of resources among Federal food safety oversight agencies;

(D) the effectiveness and efficiency of the organizational structure of Federal food safety oversight;

(E) the shortfalls, redundancies, and inconsistencies of the organizational structure of Federal food safety oversight; and

(F) the merits of a unified, central organizational structure of Federal food safety oversight.

(c) Response of the Secretary.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress the response of the Department to the recommendations of the report and recommendations of the Department to further protect the food supply from contamination.

SEC. 163. EXCHANGE OF EMPLOYEES BETWEEN AGENCIES AND STATE OR LOCAL GOVERNMENTS.

(a) Findings.—Congress finds that—

(1) information sharing between Federal, State, and local agencies is vital to securing the homeland against terrorist attacks;

(2) Federal, State, and local employees working cooperatively can learn from one another and resolve complex issues;

(3) Federal, State, and local employees have specialized knowledge that should be consistently shared between and among agencies at all levels of government; and

(4) providing training and other support, such as staffing, to the appropriate Federal, State, and local agencies can enhance the ability of an agency to analyze and assess threats against the homeland, develop appropriate responses, and inform the United States public.

(b) Exchange of Employees.—

(1) In general.—The Secretary may provide for the exchange of employees of the Department and State and local agencies in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(2) Conditions.—With respect to exchanges described under this subsection, the Secretary shall ensure that—

(A) any assigned employee shall have appropriate training or experience to perform the work required by the assignment; and

(B) any assignment occurs under conditions that appropriately safeguard classified and other sensitive information.

SEC. 164. WHISTLEBLOWER PROTECTION FOR FEDERAL EMPLOYEES WHO ARE AIRPORT SECURITY SCREENERS.

Section 111(d) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 620; 49 U.S.C. 44935 note) is amended—

(1) by striking "(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law," and inserting the following:

"(d) SCREENER PERSONNEL.—

"(1) IN GENERAL.—Notwithstanding any other provision of law (except as provided under paragraph (2)),"; and

(2) by adding at the end the following:

"(2) WHISTLEBLOWER PROTECTION.—

"(A) DEFINITION.—In this paragraph, the term "security screener" means—

"(i) any Federal employee hired as a security screener under subsection (e) of section 44935 of title 49, United States Code; or

"(ii) an applicant for the position of a security screener under that subsection.

"(B) IN GENERAL.—Notwithstanding paragraph (1)—

"(i) section 2302(b)(8) of title 5, United States Code, shall apply with respect to any security screener; and

"(ii) chapters 12, 23, and 75 of that title shall apply with respect to a security screener to the extent necessary to implement clause (i).

"(C) COVERED POSITION.—The President may not exclude the position of security screener as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion would prevent the implementation of subparagraph (B) of this paragraph.".

SEC. 165. WHISTLEBLOWER PROTECTION FOR CERTAIN AIRPORT EMPLOYEES.

(a) IN GENERAL.—Section 42121(a) of title 49, United States Code, is amended—

(1) by striking "(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier" and inserting the following:

"(a) DISCRIMINATION AGAINST EMPLOYEES.—

"(1) IN GENERAL.—No air carrier, contractor, subcontractor, or employer described under paragraph (2)";

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(3) by adding at the end the following:

"(2) APPLICABLE EMPLOYERS.—Paragraph (1) shall apply to—

"(A) an air carrier or contractor or subcontractor of an air carrier;

"(B) an employer of airport security screening personnel, other than the Federal Government, including a State or municipal government, or an airport authority, or a contractor of such government or airport authority; or

"(C) an employer of private screening personnel described in section 44919 or 44920 of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 42121(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)"; and

(2) in clause (iii), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)".

SEC. 166. BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.

Section 319D of the Public Health Service Act (42 U.S.C. 2472–4) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b), the following:

"(c) BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.—

"(1) ESTABLISHMENT.—There is established within the Office of the Director of the Centers for Disease Control and Prevention a Bioterrorism Preparedness and Response Division (in this subsection referred to as the 'Division').

"(2) MISSION.—The Division shall have the following primary missions:

"(A) To lead and coordinate the activities and responsibilities of the Centers for Disease Control and Prevention with respect to countering bioterrorism.

"(B) To coordinate and facilitate the interaction of Centers for Disease Control and Prevention personnel with personnel from the Department of Homeland Security and, in so doing, serve as a major contact point for 2-way communications between the jurisdictions of homeland security and public health.

"(C) To train and employ a cadre of public health personnel who are dedicated full-time to the countering of bioterrorism.

"(3) RESPONSIBILITIES.—In carrying out the mission under paragraph (2), the Division shall assume the responsibilities of and budget authority for the Centers for Disease Control and Prevention with respect to the following programs:

"(A) The Bioterrorism Preparedness and Response Program.

"(B) The Strategic National Stockpile.

"(C) Such other programs and responsibilities as may be assigned to the Division by the Director of the Centers for Disease Control and Prevention.

"(4) DIRECTOR.—There shall be in the Division a Director, who shall be appointed by the Director of the Centers for Disease Control and Prevention, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security.

"(5) STAFFING.—Under agreements reached between the Director of the Centers for Disease Control and Prevention and the Secretary of Homeland Security—

"(A) the Division may be staffed, in part, by personnel assigned from the Department of Homeland Security by the Secretary of Homeland Security; and

"(B) the Director of the Centers for Disease Control and Prevention may assign some personnel from the Division to the Department of Homeland Security.".

SEC. 167. COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—The annual Federal response plan developed by the Secretary under section 102(b)(14) shall be consistent with section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) DISCLOSURES AMONG RELEVANT AGENCIES.—

(1) IN GENERAL.—Full disclosure among relevant agencies shall be made in accordance with this subsection.

(2) PUBLIC HEALTH EMERGENCY.—During the period in which the Secretary of Health and Human Services has declared the existence of a public health emergency under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.

(3) POTENTIAL PUBLIC HEALTH EMERGENCY.—In cases involving, or potentially involving, a public health emergency, but in which no determination of an emergency by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), has been made, all relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, shall keep the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention fully and currently informed.

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department, for the benefit of Amtrak, for the 2-year period beginning on the date of enactment of this Act—

(1) $375,000,000 for grants to finance the cost of enhancements to the security and safety of Amtrak rail passenger service;

(2) $778,000,000 for grants for life safety improvements to 6 New York Amtrak tunnels built in 1910, the Baltimore and Potomac Amtrak tunnel built in 1872, and the Washington, D.C. Union Station Amtrak tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings; and

(3) $55,000,000 for the emergency repair, and returning to service of Amtrak passenger cars and locomotives.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) shall remain available until expended.

(c) COORDINATION WITH EXISTING LAW.—Amounts made available to Amtrak under this section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 169. GRANTS FOR FIREFIGHTING PERSONNEL.

(a) Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

"(c) PERSONNEL GRANTS.—

"(1) EXCLUSION.—Grants awarded under subsection (b) to hire 'employees engaged in fire protection', as that term is defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 203), shall not be subject to paragraphs (10) or (11) of subsection (b).

"(2) DURATION.—Grants awarded under paragraph (1) shall be for a 3-year period.

"(3) MAXIMUM AMOUNT.—The total amount of grants awarded under paragraph (1) shall not exceed $100,000 per firefighter, indexed for inflation, over the 3-year grant period.

"(4) FEDERAL SHARE.—

"(A) IN GENERAL.—Notwithstanding subsection (b)(6), the Federal share of a grant under paragraph (1) shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired.

"(B) WAIVER.—The Director may waive the 25 percent non-Federal match under subparagraph (A) for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship.

"(5) APPLICATION.—In addition to the information under subsection (b)(5), an application for a grant under paragraph (1), shall include—

"(A) an explanation for the need for Federal assistance; and

"(B) specific plans for obtaining necessary support to retain the position following the conclusion of Federal support.

"(6) MAINTENANCE OF EFFORT.—Grants awarded under paragraph (1) shall only be used to pay the salaries and benefits of additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources."; and

(3) in subsection (f) (as redesignated by paragraph (1)), by adding at the end the following:

"(3) $1,000,000,000 for each of fiscal years 2003 and 2004, to be used only for grants under subsection (c).".

SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.

(a) REVIEW OF TRANSPORTATION VULNERABILITIES AND FEDERAL TRANSPORTATION SECURITY EFFORTS.—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail and transit facilities;

(2) review all available information on vulnerabilities at aviation, seaport, rail and transit facilities; and

(3) review the steps taken by agencies since September 11, 2001, to improve aviation, seaport, rail, and transit security to determine their effectiveness at protecting passengers and transportation infrastructure from terrorist attack.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress and the Secretary a comprehensive report containing—

(1) the findings and conclusions from the reviews conducted under subsection (a); and

(2) proposed steps to improve any deficiencies found in aviation, seaport, rail, and transit security including, to the extent possible, the cost of implementing the steps.

(c) RESPONSE OF THE SECRETARY.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(1) the response of the Department to the recommendations of the report; and

(2) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

SEC. 171. INTEROPERABILITY OF INFORMATION SYSTEMS.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall develop—

(1) a comprehensive enterprise architecture for information systems, including communications systems, to achieve interoperability between and among information systems of agencies with responsibility for homeland security; and

(2) a plan to achieve interoperability between and among information systems, including communications systems, of agencies with responsibility for homeland security and those of State and local agencies with responsibility for homeland security.

(b) TIMETABLES.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall establish timetables for development and implementation of the enterprise architecture and plan referred to in subsection (a).

(c) IMPLEMENTATION.—The Director of the Office of Management and Budget, in consultation with the Secretary and acting under the responsibilities of the Director under law (including the Clinger-Cohen Act of 1996), shall ensure the implementation of the enterprise architecture developed under subsection (a)(1), and shall coordinate, oversee, and evaluate the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (a)(1).

(d) AGENCY COOPERATION.—The head of each agency with responsibility for homeland security shall fully cooperate with the Director of the Office of Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology consistent with the comprehensive enterprise architecture developed under subsection (a)(1).

(e) CONTENT.—The enterprise architecture developed under subsection (a)(1), and the information systems managed and acquired under the enterprise architecture, shall possess the characteristics of—

(1) rapid deployment;

(2) a highly secure environment, providing data access only to authorized users; and

(3) the capability for continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data.

(f) UPDATED VERSIONS.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall oversee and ensure the development of updated versions of the enterprise architecture and plan developed under subsection (a), as necessary.

(g) REPORT.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall annually report to Congress on the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(h) CONSULTATION.—The Director of the Office of Management and Budget shall consult with information systems management experts in the public and private sectors, in the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(i) PRINCIPAL OFFICER.—The Director of the Office of Management and Budget shall designate, with the approval of the President, a principal officer in the Office of Management and Budget whose primary responsibility shall be to carry out the duties of the Director under this section.

SEC. 172. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

(e) EFFECTIVE DATE.—This section shall take effect 1 day after the date of enactment of this Act.

SEC. 173. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "March 31, 2004".

Subtitle E—Transition Provisions

SEC. 181. DEFINITIONS.

In this subtitle:

(1) Agency.—The term "agency" includes any entity, organizational unit, or function transferred or to be transferred under this title.

(2) Transition period.—The term "transition period" means the 1-year period beginning on the effective date of this division.

SEC. 182. IMPLEMENTATION PROGRESS REPORTS AND LEGISLATIVE RECOMMENDATIONS.

(a) In General.—In consultation with the President and in accordance with this section, the Secretary shall prepare implementation progress reports and submit such reports to—

(1) the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate committees; and

(2) the Comptroller General of the United States.

(b) Report Frequency.—

(1) Initial report.—As soon as practicable, and not later than 6 months after the date of enactment of this Act, the Secretary shall submit the first implementation progress report.

(2) Semiannual reports.—Following the submission of the report under paragraph (1), the Secretary shall submit additional implementation progress reports not less frequently than once every 6 months until all transfers to the Department under this title have been completed.

(3) Final report.—Not later than 6 months after all transfers to the Department under this title have been completed, the Secretary shall submit a final implementation progress report.

(c) Contents.—

(1) In general.—Each implementation progress report shall report on the progress made in implementing titles I, II, III, and XI, including fulfillment of the functions transferred under this Act, and shall include all of the information specified under paragraph (2) that the Secretary has gathered as of the date of submission. Information contained in an earlier report may be referenced, rather than set out in full, in a subsequent report. The final implementation progress report shall include any required information not yet provided.

(2) Specifications.—Each implementation progress report shall contain, to the extent available—

(A) with respect to the transfer and incorporation of entities, organizational units, and functions—

(i) the actions needed to transfer and incorporate entities, organizational units, and functions into the Department;

(ii) a projected schedule, with milestones, for completing the various phases of the transition;

(iii) a progress report on taking those actions and meeting the schedule;

(iv) the organizational structure of the Department, including a listing of the respective directorates, the field offices of the Department, and the executive positions that will be filled by political appointees or career executives;

(v) the location of Department headquarters, including a timeframe for relocating to the new location, an estimate of cost for the relocation, and information about which elements of the various agencies will be located at headquarters;

(vi) unexpended funds and assets, liabilities, and personnel that will be transferred, and the proposed allocations and disposition within the Department; and

(vii) the costs of implementing the transition;

(B) with respect to human capital planning—

(i) a description of the workforce planning undertaken for the Department, including the preparation of an inventory of skills and competencies available to the Department, to identify any gaps, and to plan for the training, recruitment, and retention policies necessary to attract and retain a workforce to meet the needs of the Department;

(ii) the past and anticipated future record of the Department with respect to recruitment and retention of personnel;

(iii) plans or progress reports on the utilization by the Department of existing personnel flexibility, provided by law or through regulations of the President and the Office of Personnel Management, to achieve the human capital needs of the Department;

(iv) any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation under this division of functions, entities, and personnel previously covered by disparate personnel systems; and

(v) efforts to address the disparities under clause (iv) using existing personnel flexibility;

(C) with respect to information technology—

(i) an assessment of the existing and planned information systems of the Department; and

(ii) a report on the development and implementation of enterprise architecture and of the plan to achieve interoperability;

(D) with respect to programmatic implementation—

(i) the progress in implementing the programmatic responsibilities of this division;

(ii) the progress in implementing the mission of each entity, organizational unit, and function transferred to the Department;

(iii) recommendations of any other governmental entities, organizational units, or functions that need to be incorporated into the Department in order for the Department to function effectively; and

(iv) recommendations of any entities, organizational units, or functions not related to homeland security transferred to the Department that need to be transferred from the Department or terminated for the Department to function effectively.

(d) Legislative Recommendations.—

(1) Inclusion in report.—The Secretary, after consultation with the appropriate committees of Congress, shall include in the report under this section, recommendations for legislation that the Secretary determines is necessary to—

(A) facilitate the integration of transferred entities, organizational units, and functions into the Department;

(B) reorganize agencies, executive positions, and the assignment of functions within the Department;

(C) address any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation of agencies, functions, and personnel previously covered by disparate personnel systems;

(D) enable the Secretary to engage in procurement essential to the mission of the Department;

(E) otherwise help further the mission of the Department; and

(F) make technical and conforming amendments to existing law to reflect the changes made by titles I and XI.

(2) Separate submission of proposed legislation.—The Secretary may submit the proposed legislation under paragraph (1) to Congress before submitting the balance of the report under this section.

SEC. 183. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, recognitions of labor organizations, collective bargaining agreements, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(2) which are in effect at the time this division takes effect, or were final before the effective date of this division and are to become effective on or after the effective date of this division, shall, to the extent related to such functions, continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, or a court of competent jurisdiction, or by operation of law.

(b) Proceedings Not Affected.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) Suits Not Affected.—The provisions of this title shall not affect suits commenced before the effective date of this division, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this title.

(e) Administrative Actions Relating to Promulgation of Regulations.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this title may be continued by the Department with the same effect as if this title had not been enacted.

(f) Employment and Personnel.—

(1) Employee rights.—

(A) Transferred agencies.—The Department, or a subdivision of the Department, that includes an entity or organizational unit, or subdivision thereof, transferred under this Act, or performs functions transferred under this Act shall not be excluded from coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of title 5, United States Code, after July 19, 2002.

(B) Transferred employees.—An employee transferred to the Department under this Act, who was in an appropriate unit under section 7112 of title 5, United States Code, prior to the transfer, shall not be excluded from a unit under subsection (b)(6) of that section unless—

(i) the primary job duty of the employee is materially changed after the transfer; and

(ii) the primary job duty of the employee after such change consists of intelligence, counterintelligence, or investigative duties directly related to the investigation of terrorism, if it is clearly demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(C) Transferred functions.—An employee of the Department who is primarily engaged in carrying out a function transferred to the Department under this Act or a function substantially similar to a function so transferred shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless the function prior to the transfer was performed by an employee excluded from a unit under that section.

(D) Other agencies, employees, and functions.—

(i) Exclusion of subdivision.—Subject to paragraph (A), a subdivision of the Department shall not be excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title unless—

(I) the subdivision has, as a primary function, intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(II) the provisions of that chapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(ii) Exclusion of employee.—Subject to subparagraphs (B) and (C), an employee of the Department shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless the primary job duty of the employee consists of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation, if it is clearly demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(E) Prior exclusion.—Subparagraphs (A) through (D) shall not apply to any entity or organizational unit, or subdivision thereof, transferred to the Department under this Act that, on July 19, 2002, was excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title.

(2) Terms and conditions of employment.—The transfer of an employee to the Department under this Act shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(3) Conditions and criteria for appointment.—Any qualifications, conditions, or criteria required by law for appointments to a position in an agency, or subdivision thereof, transferred to the Department under this title, including a requirement that an appointment be made by the President, by and with the advice and consent of the Senate, shall continue to apply with respect to any appointment to the position made after such transfer to the Department has occurred.

(4) Whistleblower protection.—The President may not exclude any position transferred to the Department as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion subject to that authority was not made before the date of enactment of this Act.

(g) No Effect on Intelligence Authorities.—The transfer of authorities, functions, personnel, and assets of elements of the United States Government under this title, or the assumption of authorities and functions by the Department under this title, shall not be construed, in cases where such authorities, functions, personnel, and assets are engaged in intelligence activities as defined in the National Security Act of 1947, as affecting the authorities of the Director of Central Intelligence, the Secretary of Defense, or the heads of departments and agencies within the intelligence community.

SEC. 184. USE OF APPROPRIATED FUNDS.

(a) Applicability of This Section.—Notwithstanding any other provision of this Act or any other law, this section shall apply to the use of any funds, disposal of property, and acceptance, use, and disposal of gifts, or donations of services or property, of, for, or by the Department, including any agencies, entities, or other organizations transferred to the Department under this Act.

(b) Use of Transferred Funds.—Except as may be provided in an appropriations Act in accordance with subsection (d), balances of appropriations and any other funds or assets transferred under this Act—

(1) shall be available only for the purposes for which they were originally available;

(2) shall remain subject to the same conditions and limitations provided by the law originally appropriating or otherwise making available the amount, including limitations and notification requirements related to the reprogramming of appropriated funds; and

(3) shall not be used to fund any new position established under this Act.

(c) Notification Regarding Transfers.—The President shall notify Congress not less than 15 days before any transfer of appropriations balances, other funds, or assets under this Act.

(d) Additional Uses of Funds During Transition.—Subject to subsection (c), amounts transferred to, or otherwise made available to, the Department may be used during the transition period for purposes in addition to those for which they were originally available (including by transfer among accounts of the Department), but only to the extent such transfer or use is specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(e) Disposal of Property.—

(1) Strict compliance.—If specifically authorized to dispose of real property in this or any other Act, the Secretary shall exercise this authority in strict compliance with section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485).

(2) Deposit of proceeds.—The Secretary shall deposit the proceeds of any exercise of property disposal authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31, United States Code.

(f) Gifts.—Gifts or donations of services or property of or for the Department may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(g) Budget Request.—Under section 1105 of title 31, United States Code, the President shall submit to Congress a detailed budget request for the Department for fiscal year 2004.

Subtitle F—Administrative Provisions

SEC. 191. REORGANIZATIONS AND DELEGATIONS.

(a) Reorganization Authority.—

(1) In general.—The Secretary may, as necessary and appropriate—

(A) allocate, or reallocate, functions among officers of the Department; and

(B) establish, consolidate, alter, or discontinue organizational entities within the Department.

(2) Limitation.—Paragraph (1) does not apply to—

(A) any office, bureau, unit, or other entity established by law and transferred to the Department;

(B) any function vested by law in an entity referred to in subparagraph (A) or vested by law in an officer of such an entity; or

(C) the alteration of the assignment or delegation of functions assigned by this Act to any officer or organizational entity of the Department.

(b) Delegation Authority.—

(1) Secretary.—The Secretary may—

(A) delegate any of the functions of the Secretary; and

(B) authorize successive redelegations of functions of the Secretary to other officers and employees of the Department.

(2) Officers.—An officer of the Department may—

(A) delegate any function assigned to the officer by law; and

(B) authorize successive redelegations of functions assigned to the officer by law to other officers and employees of the Department.

(3) Limitations.—

(A) Interunit delegation.—Any function assigned by this title to an organizational unit of the Department or to the head of an organizational unit of the Department may not be delegated to an officer or employee outside of that unit.

(B) Functions.—Any function vested by law in an entity established by law and transferred to the Department or vested by law in an officer of such an entity may not be delegated to an officer or employee outside of that entity.

SEC. 192. REPORTING REQUIREMENTS.

(a) Annual Evaluations.—The Comptroller General of the United States shall monitor and evaluate the implementation of titles I and XI. Not later than 15 months after the effective date of this division, and every year thereafter for the succeeding 5 years, the Comptroller General shall submit a report to Congress containing—

(1) an evaluation of the implementation progress reports submitted to Congress and the Comptroller General by the Secretary under section 182;

(2) the findings and conclusions of the Comptroller General of the United States resulting from the monitoring and evaluation conducted under this subsection, including evaluations of how successfully the Department is meeting—

(A) the homeland security missions of the Department; and

(B) the other missions of the Department; and

(3) any recommendations for legislation or administrative action the Comptroller General considers appropriate.

(b) Biennial Reports.—Every 2 years the Secretary shall submit to Congress—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(c) Point of Entry Management Report.—Not later than 1 year after the effective date of this division, the Secretary shall submit to Congress a report outlining proposed steps to consolidate management authority for Federal operations at key points of entry into the United States.

(d) Results-Based Management.—

(1) Strategic plan.—

(A) In general.—Not later than September 30, 2003, consistent with the requirements of section 306 of title 5, United States Code, the Secretary, in consultation with Congress, shall prepare and submit to the Director of the Office of Management and Budget and to Congress a strategic plan for the program activities of the Department.

(B) Period; revisions.—The strategic plan shall cover a period of not less than 5 years from the fiscal year in which it is submitted and it shall be updated and revised at least every 3 years.

(C) Contents.—The strategic plan shall describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(2) Performance plan.—

(A) In general.—In accordance with section 1115 of title 31, United States Code, the Secretary shall prepare an annual performance plan covering each program activity set forth in the budget of the Department.

(B) Contents.—The performance plan shall include—

(i) the goals to be achieved during the year;

(ii) strategies and resources required to meet the goals; and

(iii) the means used to verify and validate measured values.

(C) Scope.—The performance plan should describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(3) Performance report.—

(A) In general.—In accordance with section 1116 of title 31, United States Code, the Secretary shall prepare and submit to the President and Congress an annual report on program performance for each fiscal year.

(B) Contents.—The performance report shall include the actual results achieved during the year compared to the goals expressed in the performance plan for that year.

SEC. 193. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and requirements; and

(2) develop procedures for meeting such requirements.

SEC. 194. LABOR STANDARDS.

(a) In General.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.).

(b) Secretary of Labor.—The Secretary of Labor shall have, with respect to the enforcement of labor standards under subsection (a), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

SEC. 195. PRESERVING NON-HOMELAND SECURITY MISSION PERFORMANCE.

(a) In General.—For each entity transferred into the Department that has non-homeland security functions, the respective Under Secretary in charge, in conjunction with the head of such entity, shall report to the Secretary, the Comptroller General, and the appropriate committees of Congress on the performance of the entity in all of its missions, with a particular emphasis on examining the continued level of performance of the non-homeland security missions.

(b) Contents.—The report referred to in subsection (a) shall—

(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capabilities of the entity with respect to those functions, including—

(A) the number of employees who carry out those functions;

(B) the budget for those functions; and

(C) the flexibilities, personnel or otherwise, currently used to carry out those functions;

(2) contain information related to the roles, responsibilities, missions, organizational structure, capabilities, personnel assets, and annual budgets, specifically with respect to the capabilities of the entity to accomplish its non-homeland security missions without any diminishment; and

(3) contain information regarding whether any changes are required to the roles, responsibilities, missions, organizational structure, modernization programs, projects, activities, recruitment and retention programs, and annual fiscal resources to enable the entity to accomplish its non-homeland security missions without diminishment.

(c) Timing.—Each Under Secretary shall provide the report referred to in subsection (a) annually, for the 5 years following the transfer of the entity to the Department.

SEC. 196. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) In General.—Each budget request submitted to Congress for the Department under section 1105 of title 31, United States Code, and each budget request submitted to Congress for the National Terrorism Prevention and Response Program shall be accompanied by a Future Years Homeland Security Program.

(b) Contents.—The Future Years Homeland Security Program under subsection (a) shall be structured, and include the same type of information and level of detail, as the Future Years Defense Program submitted to Congress by the Department of Defense under section 221 of title 10, United States Code.

(c) Effective Date.—This section shall take effect with respect to the preparation and submission of the fiscal year 2005 budget request for the Department and the fiscal year 2005 budget request for the National Terrorism Prevention and Response Program, and for any subsequent fiscal year.

SEC. 197. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

(a) Definitions.—In this section:

(1) Critical infrastructure.—The term "critical infrastructure" has the meaning given that term in section 1016(e) of the USA PATRIOT ACT of 2001 (42 U.S.C. 5195(e)).

(2) Furnished voluntarily.—

(A) Definition.—The term "furnished voluntarily" means a submission of a record that—

(i) is made to the Department in the absence of authority of the Department requiring that record to be submitted; and

(ii) is not submitted or used to satisfy any legal requirement or obligation or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modifications of agency penalties or rulings), or other approval from the Government.

(B) Benefit.—In this paragraph, the term "benefit" does not include any warning, alert, or other risk analysis by the Department.

(b) In General.—Notwithstanding any other provision of law, a record pertaining to the vulnerability of and threats to critical infrastructure (such as attacks, response, and recovery efforts) that is furnished voluntarily to the Department shall not be made available under section 552 of title 5, United States Code, if—

(1) the provider would not customarily make the record available to the public; and

(2) the record is designated and certified by the provider, in a manner specified by the Department, as confidential and not customarily made available to the public.

(c) Records Shared With Other Agencies.—

(1) In general.—

(A) Response to request.—An agency in receipt of a record that was furnished voluntarily to the Department and subsequently shared with the agency shall, upon receipt of a request under section 552 of title 5, United States Code, for the record—

(i) not make the record available; and

(ii) refer the request to the Department for processing and response in accordance with this section.

(B) Segregable portion of record.—Any reasonably segregable portion of a record shall be provided to the person requesting the record after deletion of any portion which is exempt under this section.

(2) Disclosure of independently furnished records.—Notwithstanding paragraph (1), nothing in this section shall prohibit an agency from making available under section 552 of title 5, United States Code, any record that the agency receives independently of the Department, regardless of whether or not the Department has a similar or identical record.

(d) Withdrawal of Confidential Designation.—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

(e) Procedures.—The Secretary shall prescribe procedures for—

(1) the acknowledgement of receipt of records furnished voluntarily;

(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

(3) the care and storage of records furnished voluntarily;

(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

(5) the withdrawal of the confidential designation of records under subsection (d).

(f) Effect on State and Local Law.—Nothing in this section shall be construed as preempting or otherwise modifying State or local law concerning the disclosure of any information that a State or local government receives independently of the Department.

(g) REPORT.—

(1) REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

(B) the number of requests for access to records granted or denied under this section; and

(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committees on the Judiciary and Governmental Affairs of the Senate; and

(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 198. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to—

(1) enable the Secretary to administer and manage the Department; and

(2) carry out the functions of the Department other than those transferred to the Department under this Act.

SA 4645. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In section 135(e)(2)(A), strike "agency with the advice and consent of the Under Secretary." and insert "agency, in consultation with the Under Secretary.".

SA 4646. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 135(c)(3), add the following:

(F) The Secretary may provide financial support, to a nonprofit, nongovernmental enterprise established by the Secretary for the purpose of identifying and investing in new technologies that show promise for homeland security applications.

SA 4647. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 135(g) and insert the following:

(g) OFFICE OF SYSTEMS ANALYSIS AND ASSESSMENT.—

(1) ESTABLISHMENT.—There is established an Office of System Analysis and Assessment within the Directorate of Science and Technology.

(2) FUNCTIONS.—The Office of Systems Analysis and Assessment shall—

(A) assist the Under Secretary in conducting or commissioning studies related to threat assessment and risk analysis, including—

(i) analysis of responses to terrorist incidents;

(ii) scenario-based threat assessment exercises and simulations;

(iii) red teaming to predict and discern the potential methods, means, and targets of terrorists; and

(iv) economic and policy analyses of alternative counterterrorism policies;

(B) identify vulnerabilities in complex systems and weaknesses due to interconnections between infrastructure systems;

(C) identify the potential impacts of multiple attacks occurring simultaneously;

(D) assist the Under Secretary in developing a human factors engineering program to ensure that the role of people in providing security is the result of systematic evaluations of human strengths and weaknesses that technology can both complement and supplement;

(E) support the development of standards and techniques to allow for the integrated management of data regardless of its source;

(F) develop a plan to ensure technologies are deployed and licensed effectively;

(G) develop life cycle cost estimates for deployed technologies;

(H) coordinate with other entities engaged in threat assessment and risk analysis, including those within the Department, such as the Directorate of Intelligence;

(I) monitor and evaluate novel scientific findings in order to assist the Under Secretary in developing and reassessing the research and development priorities of the Department;

(J) design metrics to evaluate the effectiveness of homeland security programs;

(K) support the Directorate of Emergency Preparedness and Response in designing field tests and exercises; and

(L) perform other appropriate activities as directed by the Under Secretary

SA 4648. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place:

Ensuring that Federal, State, and local entities share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

SA 4649. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Report on Office consolidation: Not later than one year after the date of enactment of this Act, the Secretary shall issue a report to Congress on the feasibility of consolidating and co-locating (1) any regional offices or field offices of agencies that are transferred to the Department under this Act, if such offices are located in the same municipality; and (2) portions of regional and field offices of other Federal agencies, to the extent such offices perform functions that are transferred to the Secretary under this Act.

SA 4650. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(STATE) The term "state" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

SA 4651. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Net Guard: The Undersecretary for Critical Infrastructure Protection may establish a national technology guard, to be known as "Net Guard" comprised of local teams of volunteers with expertise in relevant areas of science and technology, to assist local communities to respond and recover from attacks on information systems and communications networks.

On page 67, line 14, delete (10) and insert (11).

SA 4652. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Requirement to Comply with Laws Protecting Equal Employment Opportunity and Providing Whistleblower Protections.

Nothing in this Act shall be construed as exempting the Department from requirements applicable with respect to executive agencies—(1) to provide equal employment protection for employees of the Department (including pursuant to the provisions in section 2302(b)(1) of title 5, United States Code, and the Notification and Federal Employee Anti Discrimination and Retaliation Act of 2002 (Pub. L. 107-174) or (2) to provide whistleblower; protections for employees of the Department (including pursuant to the provisions in section 2302(b)(8) of such title and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002.

SA 4653. Mr. DURBIN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 90, strike line 4, and all that follows through page 91, line 8, and insert the following:

(2) FUNCTIONS.—The Office of Risk Analysis and Assessment shall establish a comprehensive, risk-based program for assisting the Secretary to identify, prioritize, and manage the activities and resources necessary to combat terrorism and to assure homeland security. The Office shall assist the Secretary, the Under Secretary, and other Directorates with respect to their risk analysis and risk management activities by providing scientific or technical support for such activities. Such support shall include, as appropriate—

(A) identification and characterization of homeland security threats;

(B) evaluation and delineation of the risk of these threats;

(C) pinpointing of vulnerabilities or linked vulnerabilities to these threats;

(D) determination of criticality of possible threats;

(E) analysis of possible technologies, research, and protocols to mitigate or eliminate threats, vulnerabilities, and criticalities;

(F) evaluation of the effectiveness of various forms of risk communication; and

(G) other appropriate activities as directed by the Secretary.

(3) METHODS.—In performing the activities described under paragraph (2), the Office of Risk Analysis and Assessment may support or conduct, or commission from federally funded research and development centers or other entities, work involving modeling, statistical analyses, field tests and exercises (including red teaming), testbed development, development of standards and metrics.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Risk Analysis and Assessment such sums as are necessary to carry out the purpose of this subsection, including $15,000,000 in fiscal year 2003 to develop a comprehensive, risk-based process for identifying, prioritizing, and managing the activities and resources necessary to combat terrorism and to assure homeland security.

SA 4654. Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 20 and 21, insert the following:

SEC. 141. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

(b) RESPONSIBILITIES.—The Office established under subsection (a)(1) shall—

(1) coordinate the activities of the Department relating to the National Capital Region, including cooperation with the Homeland Security Liaison Officers for Maryland, Virginia, and the District of Columbia within the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress that includes—

(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

(d) LIMITATION.—Nothing contained in this section shall be construed as limiting the power of State and local governments.

SA 4655. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill (H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE   DISASTER RELIEF AND EMERGENCY ASSISTANCE

SEC.   01. SHORT TITLE.

This title may be cited as the "Homeland Security Block Grant Act of 2002".

SEC.   02. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC.   03. DEFINITIONS.

(a) DEFINITIONS.—In this title:

(1) DIRECTOR.—The term "Director" means the Director of the Federal Emergency Management Agency (FEMA).

(2) CITY.—The term "city" means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Director—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(3) FEDERAL GRANT-IN-AID PROGRAM.—The term "Federal grant-in-aid program" means a program of Federal financial assistance other than loans and other than the assistance provided by this title.

(4) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(5) METROPOLITAN AREA.—The term "metropolitan area" means a standard metropolitan statistical area as established by the Office of Management and Budget.

(6) METROPOLITAN CITY.—

(A) IN GENERAL.—The term "metropolitan city" means—

(i) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(ii) any other city, within a metropolitan area, which has a population of fifty thousand or more.

(B) PERIOD OF CLASSIFICATION.—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Director, defer its classification as a metropolitan city for all purposes under this title, if it elects to have its population included in an urban county under subsection (d).

(C) ELECTION BY A CITY.—Notwithstanding subparagraph (B), a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Director, relinquish such classification for all purposes under this title if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 05(e) as an urban county.

(7) NONQUALIFYING COMMUNITY.—The term "nonqualifying community" means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(8) POPULATION.—The term "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(9) STATE.—The term "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Director; and the District of Columbia.

(11) URBAN COUNTY.—The term "urban county" means any county within a metropolitan area.

(b) BASIS AND MODIFICATION OF DEFINITIONS.—Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Director may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) DESIGNATION OF PUBLIC AGENCIES.—One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this title.

(d) LOCAL GOVERNMENTS, INCLUSION IN URBAN COUNTY POPULATION.—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2002 under section 04, the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(11) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such three-year period.

(e) URBAN COUNTY.—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Director, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Director, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

SEC. 04. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

The Director, working in consultation with the Attorney General is authorized to make grants to States, units of general local government, and Indian tribes to carry out activities in accordance with the provisions of this title. For purposes of assistance under section 07, there is authorized to be appropriated $3,000,000,000 for each of fiscal years 2003 through 2006, and such additional sums as are authorized thereafter. For purposes of assistance under section 08, there is authorized to be appropriated $500,000,000 in fiscal year 2003, and such sums as are authorized thereafter.

SEC. 05. STATEMENT OF ACTIVITIES AND REVIEW.

(a) APPLICATION.—Prior to the receipt in any fiscal year of a grant under section 07(b) by any metropolitan city or urban county, under section 07(d) by any State, or under section 07(d)(2) by any unit of general local government, the grantee shall have indicated its interest in receiving funds by preparing a statement of homeland security objectives and projected use of funds and shall have provided the Director with the certifications required in subsection (b) and, where appropriate, subsection (c). In the case of metropolitan cities and urban counties receiving grants pursuant to section 07(b) and in the case of units of general local government receiving grants pursuant to section 07(d)(2), the statement of projected use of funds shall consist of proposed homeland security activities. In the case of States receiving grants pursuant to section 07(d), the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government. In preparing the statement, the grantee shall consider any view of appropriate law enforcement, and emergency response authorities and may, if deemed appropriate by the grantee, modify the proposed statement. A copy of the final statement shall be furnished to the Director, the Attorney General, and the Office of Homeland Security together with the certifications required under subsection (b) and, where appropriate, subsection (c). Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

(b) CERTIFICATION OF ENUMERATED CRITERIA BY GRANTEE TO SECRETARY.—Any grant under section 07 shall be made only if the grantee certifies to the satisfaction of the Director that—

(1) it has developed a homeland security plan pursuant to section 05 that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this title; and

(2) the grantee will comply with the other provisions of this title and with other applicable laws.

(c) SUBMISSION OF ANNUAL PERFORMANCE REPORTS, AUDITS AND ADJUSTMENTS.—

(1) IN GENERAL.—Each grantee shall submit to the Director, at a time determined by the Director, a performance and evaluation report concerning the use of funds made available under section 07, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a). The Director shall encourage and assist national associations of grantees eligible under section 07, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Director, within 1 year after the effective date of this sentence, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively. Based on the Director's approval of these recommendations, the Director shall establish such requirements for use by such grantees, States, and units of general local government.

(2) REVIEWS AND AUDITS.—The Director shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants made under section 07(b), whether the grantee has carried out its activities and, where applicable, whether the grantee has carried out those activities and its certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws, and whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section 07(d), whether the State has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this title and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(3) ADJUSTMENTS.—The Director may make appropriate adjustments in the amount of the annual grants in accordance with the Director's findings under this subsection. With respect to assistance made available to units of general local government under section 07(d), the Director may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Director's reviews and audits under this subsection, except that funds already expended on eligible activities under this title shall not be recaptured or deducted from future assistance to such units of general local government.

(d) AUDITS.—Insofar as they relate to funds provided under this title, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(e) METROPOLITAN CITY AS PART OF URBAN COUNTY.—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Director may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under section 05 and carrying out activities under this title.

SEC. 06. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

(a) IN GENERAL.—Activities assisted under this title may include only—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, and other water infrastructure; nuclear power plants and other power infrastructure;

(B) security for tunnels and bridges;

(C) security for oil and gas pipelines and storage facilities; and

(D) security for chemical plants and transportation of hazardous substances;

(4) assisting Local Emergency Planning Committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

SEC. 07. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) ALLOCATION AND DISTRIBUTION OF FUNDS; SET-ASIDE FOR INDIAN TRIBES.—

(1) ALLOCATION.—For each fiscal year, of the amount approved in an appropriation Act under section 04 for grants in a year (excluding the amounts provided for use in accordance with section 06), the Director shall reserve for grants to Indian tribes 1 percent of the amount appropriated under such section. The Director shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Director after notice and public comment.

(2) REMAINING ALLOCATION.—Of the amount remaining after allocations pursuant to paragraph (1), 70 percent shall be allocated by the Director to metropolitan cities and urban counties. Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2002, from such allocation in an amount not exceeding its basic amount computed pursuant to paragraph (1) or (2) of subsection (b).

(b) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES AND URBAN COUNTIES.—

(1) IN GENERAL.—The Director shall determine the amount to be allocated to each metropolitan city based on the population of that metropolitan city.

(2) URBAN COUNTIES.—The Director shall determine the amount to be allocated to each urban county based on the population of that urban county.

(3) EXCLUSIONS.—In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations that are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

(A) is not part of any county;

(B) is not eligible for a grant pursuant to subsection (b)(1);

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (d) with respect to such fiscal year.

(4) INCLUSIONS.—In computing amounts under this section with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if the part of such unit of local government which is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section, and if the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section. Any amount received by such urban county under this section may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(5) POPULATION.—(A) Where data are available, the amount determined under paragraph (1) for a metropolitan city that has been formed by the consolidation of one or more metropolitan cities with an urban county shall be equal to the sum of the amounts that would have been determined under paragraph (1) for the metropolitan city or cities and the balance of the consolidated government, if such consolidation had not occurred. This paragraph shall apply only to any consolidation that—

(i) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(ii) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(iii) took place on or after January 1, 2002.

(B) The population growth rate of all metropolitan cities referred to in section 03 shall be based on the population of—

(i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(ii) cities that were metropolitan cities before their incorporation into consolidated governments. For purposes of calculating the entitlement share for the balance of the consolidated government under this paragraph, the entire balance shall be considered to have been an urban county.

(c) REALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), any amounts allocated to a metropolitan city or an urban county pursuant to the preceding provisions of this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsections (a) and (b) of section 05, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Director that they would be adversely affected by the loss of such amounts from the metropolitan area. The amount of the share of funds reallocated under this paragraph for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(2) TRANSFER.—Notwithstanding the provisions of paragraph (1), the Director may upon request transfer responsibility to any metropolitan city for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(d) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount approved in an appropriation Act under section 04 that remains after allocations pursuant to paragraphs (1) and (2) of subsection (a), 30 percent shall be allocated among the States for use in nonqualifying areas. The allocation for each State shall be based on the population of that State, relative to the populations of all States, excluding the population of qualifying communities. The Director shall, in order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total of the amounts available under such paragraph, make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under such paragraph so that the nonqualifying communities in

each State will receive an amount that represents the same percentage of the total amount available under such paragraph as the percentage which the nonqualifying areas of the same State would have received under such paragraph if the total amount available under such paragraph had equaled the total amount which was allocated under such paragraph.

(2) DISTRIBUTION.—(A) Amounts allocated under paragraph (1) shall be distributed to units of general local government located in nonqualifying areas of the State to carry out activities in accordance with the provisions of this title—

(i) by a State that has elected, in such manner and at such time as the Director shall prescribe, to distribute such amounts consistent with the statement submitted under section 05(a); or

(ii) by the Director, in any case described in subparagraph (B), for use by units of general local government in accordance with paragraph (3)(B).

(B) The Director shall distribute amounts allocated under paragraph (1) if the State has not elected to distribute such amounts.

(C) To receive and distribute amounts allocated under paragraph (1), the State must certify that it, with respect to units of general local government in nonqualifying areas—

(i) provides or will provide technical assistance to units of general local government in connection with homeland security initiatives;

(ii) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(iii) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A).

(D) To receive and distribute amounts allocated under paragraph (1), the State shall certify that each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(3) MINIMUM AMOUNT.—

(A) IN GENERAL.—Each State (other than the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) shall receive for each fiscal year a base amount of $18,000,000 of the total amount appropriated for each fiscal year for grants made available to States under this section.

(B) DISTRICT OF COLUMBIA AND TERRITORIES.—The District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall each receive for each fiscal year $3,000,000 of the total amount appropriated for each fiscal year for grants made available to States under this section.

(4) ADMINISTRATION.—(A) If the State receives and distributes such amounts, it shall be responsible for the administration of funds so distributed. The State shall pay from its own resources all administrative expenses incurred by the State in carrying out its responsibilities under this title, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of $150,000 plus 50 percent of any such expenses under this title in excess of $150,000. Amounts deducted in excess of $150,000 shall not exceed 2 percent of the amount so received.

(B) If the Director distributes such amounts, the distribution shall be made in accordance with determinations of the Director pursuant to statements submitted and the other requirements of section 05 (other than subsection (c)) and in accordance with regulations and procedures prescribed by the Director.

(C) Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 05 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(D) Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Director under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which the amounts become so available.

(5) SINGLE UNIT.—Any combination of units of general local governments may not be required to obtain recognition by the Director pursuant to section 03(2) to be treated as a single unit of general local government for purposes of this subsection.

(6) DEDUCTION.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments.

(7) APPLICABILITY.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this title and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(e) QUALIFICATIONS AND DETERMINATIONS.—The Director may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(f) PRO RATA REDUCTION AND INCREASE.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), and funds are not otherwise appropriated to meet the deficiency, the Director shall meet the deficiency through a pro rata reduction of all amounts determined under subsection (b). If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), the Director shall distribute the excess through a pro rata increase of all amounts determined under subsection (b).

SEC. 08. STATE AND REGIONAL PLANNING; COMMUNICATIONS SYSTEMS.

(a) IN GENERAL.—Pursuant to section 04, $500,000,000 shall be used for homeland defense planning within the States by the States, for interstate, multistate or regional authorities, and within regions through regional cooperations; the development and maintenance of Statewide training facilities and homeland best-practices clearinghouses; and the development and maintenance of communications systems that can be used between and among first responders, including law enforcement, fire, and emergency medical personnel as follows:

(1) $325,000,000 to the States, and interstate, multistate or regional authorities for homeland defense planning, coordination, and implementation;

(2) $50,000,000 to regional cooperations for homeland defense planning and coordination;

(3) $50,000,000 to the States for the development and maintenance of Statewide training facilities and best-practices clearinghouses; and

(4) $75,000,000 to the States for the States and for local communities for the development and maintenance of communications systems that can be used between and among first responders at the State and local level, including law enforcement, fire, and emergency personnel.

(b) ALLOCATIONS.—Funds under this section to be awarded to States shall be allocated among the States based upon the population for each State relative to the populations of all States. The "minimum amount" provision set forth in section 07(d)(3) shall apply to funds awarded under this section to States. With respect to subsection (a)(4), at least 30 percent of the funds awarded must be used for the development and maintenance of local communications systems.

(c) REGIONAL COOPERATIONS.—Funds under this section to be awarded to regional cooperations shall be allocated among the regional cooperations based upon the population of the areas covered by the cooperations.

SEC. 09. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 10. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Director finds after reasonable notice and opportunity for hearing that a recipient of assistance under this title has failed to comply substantially with any provision of this title, the Director, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this title;

(2) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title; or

(3) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

SEC. ___11. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the close of each fiscal year in which assistance under this title is furnished, the Director shall submit to Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this title;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section ___07.

(b) REPORTS TO THE DIRECTOR.—The Director is authorized to require recipients of assistance under this title to submit to him such reports and other information as may be necessary in order for the Director to make the report required by subsection (a).

SEC. ___12. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this title including the issuance of regulations, the Director shall consult with the Attorney General (especially as to any issues of concern to the law enforcement community at the State and local level), the Office of Homeland Security, and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. ___13. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SEC. ___14. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) REQUIREMENT.—Grant recipients shall contribute from funds, other than those received under this title, 10 percent of the total funds received under this title. Such funds shall be used in accordance with the grantee's statement of homeland security objectives.

(b) ECONOMIC DISTRESS.—Grant recipients that are deemed economically distressed shall be waived from the matching requirement set forth in this section.

SA 4656. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, beginning with line 8, strike through line 7 on page 130.

SA 4657. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 7 and 8, insert the following:

(d) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by subsection (a)(1) shall be reduced by any appropriated amount used by Amtrak for the activity for which the amount is authorized.

SA 4658. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, strike lines 23 through 25.

SA 4659. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, line 25, strike "locomotives." and insert "locomotives, upon a determination by the Secretary of Transportation that such emergency repairs are necessary for safety and security purposes.".

SA 4660. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, beginning with line 8, strike through line 7 on page 130, and insert the following:

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) EMERGENCY AMTRAK ASSISTANCE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak—

(A) $375,000,000 for systemwide security upgrades, including the reimbursement of extraordinary security-related costs determined by the Secretary of Transportation to have been incurred by Amtrak since September 11, 2001, and including the hiring and training additional police officers, canine-assisted security units, and surveillance equipment;

(B) $778,000,000 to be used to complete New York tunnel life safety projects and rehabilitate tunnels in Washington, D.C., and Baltimore, Maryland; and

(C) $55,000,000 for the emergency repair, and returning to service, of Amtrak passenger cars and locomotives, upon a determination by the Secretary of Transportation that such emergency repairs are necessary for safety and security purposes.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

(3) PLAN REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under paragraph (1)—

(A) for implementing systemwide security upgrades, including the emergency repair of passenger cars and locomotives, until Amtrak has submitted to the Secretary of Transportation, and the Secretary has approved, after consultation with the Secretary of Homeland Security, a plan for such upgrades;

(B) for completing the tunnel life safety and rehabilitation projects until Amtrak has submitted to the Secretary of Transportation, and the Secretary has approved, an engineering and financial plan for such projects; and

(C) Amtrak has submitted to the Secretary of Transportation such additional information as the Secretary may require in order to ensure full accountability for the obligation or expenditure of amounts made available to Amtrak for the purpose for which the funds are provided.

(4) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation shall, taking into account the need for the timely completion of all life safety portions of the tunnel projects described in paragraph (3)(B)—

(A) consider the extent to which rail carriers other than Amtrak use the tunnels;

(B) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(C) obtain financial contributions or commitments from such other rail carriers if feasible.

(5) REVIEW OF PLAN.—The Secretary of Transportation shall complete the review of the plan required by paragraph (3) and approve or disapprove the plan within 45 days after the date on which the plan is submitted by Amtrak. If the Secretary determines that the plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving a modified plan from Amtrak, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall approve the portions of the plan that are complete and sufficient, release associated funds, and Amtrak shall execute an agreement with the Secretary within 15 days thereafter on a process for completing the remaining portions of the plan.

(6) 50-PERCENT TO BE SPENT OUTSIDE THE NORTHEAST CORRIDOR.—The Secretary of Transportation shall ensure that up to 50 percent of the amounts appropriated pursuant to paragraph (1)(A) is obligated or expended for projects outside the Northeast Corridor.

(7) ASSESSMENTS BY DOT INSPECTOR GENERAL.—

(A) INITIAL ASSESSMENT.—Within 60 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report—

(i) identifying any overlap between capital projects for which funds are provided under such funding documents, procedures, or arrangements and capital projects included in Amtrak's 20-year capital plan; and

(ii) indicating any adjustments that need to be made in that plan to exclude projects for which funds are appropriated pursuant to paragraph (1).

(B) OVERLAP REVIEW.—The Inspector General shall, as part of the Department's annual assessment of Amtrak's financial status and capital funding requirements review the obligation and expenditure of funds under each such funding document, procedure, or arrangement to ensure that the expenditure and obligation of those funds are consistent with the purposes for which they are provided under this Act.

(8) COORDINATION WITH EXISTING LAW.—Amounts made available to Amtrak under

this sub-section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

(9) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by paragraph (1) shall be reduced by any appropriated amount used by Amtrak for the activity for which the amount is authorized.

SA 4661. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I of division A, add the following:

SEC. 173. FIRST RESPONDER PERSONNEL COSTS.

Local governments receiving Federal homeland security funding under this Act, whether directly or as a pass-through from the States, may use up to 20 percent of Federal funds received for first time responder personnel costs, including overtime costs.

SA 4662. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. FINDINGS.

The Congress finds the following:

(1) Even before the terrorist attacks of September 11, 2002, American citizens were a target of choice for terrorist organizations.

(2) The United States has a strong interest in ensuring that those who commit terrorist acts against Americans and American interests are apprehended and prosecuted to the full extent of the law.

(3) Under United States law, individuals who commit acts of international terrorism outside of the United States may be prosecuted for such acts in the United States.

(4) Despite vigorous, sustained diplomatic efforts and financial assistance, little has been done to apprehend, indict, prosecute, and convict individuals who have committed terrorist attacks against nationals of the United States, including in areas such as those controlled by the Palestine Authority.

SEC. 2. ESTABLISHMENT OF OFFICE IN THE DEPARTMENT OF HOMELAND SECURITY TO MONITOR TERRORIST ACTS AGAINST AMERICANS ABROAD, TO PROVIDE INFORMATION AND SUPPORT SERVICES TO FAMILY MEMBERS OF THE VICTIMS OF TERRORISM, AND CARRY OUT RELATED ACTIVITIES.

(a) IN GENERAL.—The President shall establish within the Department of Homeland Security an office to carry out the following activities:

(1) Monitor acts of international terrorism against United States citizens.

(2) Collect information against individuals alleged to have committed acts of international terrorism described in paragraph (1).

(3) Offer rewards for information on individuals alleged to have committed acts of international terrorism described in paragraph (1), including the dissemination of information relating to such rewards in appropriate foreign media.

(4) Negotiate with the foreign governments, government authorities, or entities governing the nation or territory on which the terrorist act described in paragraph (1) occurred to obtain financial compensation for nationals of the United States, or their families, injured or killed by such acts of terrorism.

(5) In conjunction with other appropriate Federal agencies, seek justice for individuals who commit acts of terrorism described in paragraph (1), whether through indictment, effective prosecution abroad, or extradition to the United States.

(6) Contact the families of victims of acts of terrorism described in paragraph (1) and provide regular updates on the progress to apprehend, indict, prosecute, and convict the individuals who commit such acts.

(7) In any country or territory in which a terrorist act against an American occurs, providing training for an appropriate number of United States officials abroad to carry out the effective execution of paragraphs (1) through (6).

(8) In consultation with the Secretary of State, provide information and a full report on the status of apprehension, indictment, and prosecution of individuals who commit acts of terrorism against Americans abroad as part of the Department's annual "Patterns of Global Terrorism" report established in section 2656f(a) of Title 22 of the U.S. Code.

(b) DEFINITION.—In this section, the term 'international terrorism' has the meaning given such term in section 2331(1) of title 18, United States Code.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2003 and each subsequent fiscal year such sums as may be necessary to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SA 4663. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Department of Homeland Security shall comply with all laws protecting the civil rights and civil liberties of U.S. persons.

SA 4664. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

It is the Sense of the Congress that the Department of Homeland Security shall comply with all laws protecting the privacy of U.S. persons.

SA 4665. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

TITLE TRANSFER OF FUNCTIONS OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS TO THE DEPARTMENT OF JUSTICE

SEC. 101. TRANSFER OF FUNCTIONS.

Notwithstanding any other provision of law, there are transferred to the Attorney General the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, which shall be maintained as a distinct entity within the Department of Justice, including the functions of the Secretary of the Treasury relating thereto.

SEC. 201. BUREAU OF ALCOHOL, TOBACCO AND FIREARMS.

(a) There is established in the Department of Justice an agency that shall be known as the Bureau of Alcohol, Tobacco and Firearms, hereinafter known as the "Bureau." Subject to the direction of the Attorney General, the Bureau shall be the primary agency within the Department of Justice for enforcement of the Federal firearms, explosives, arson, alcohol and tobacco laws, as well as all regulatory enforcement and revenue collection functions of the firearms, explosives, alcohol and tobacco laws, to include the functions transferred by section 301 of this Act, as well as any other functions related to the investigation of violent crime as the Attorney General may delegate to the bureau.

(b) There shall be at the head of the Bureau the Director, Bureau of Alcohol, Tobacco and Firearms, hereinafter known as the "Director." The Director shall perform such functions as the Attorney General shall from time to time direct. The office of Director shall be a career-reserved position within the Senior Executive Service. The Bureau shall have as its chief legal officer a Chief Counsel, who shall be a career-reserved officer within the Senior Executive Service.

SEC. 301. FUNCTIONS TRANSFERRED TO THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF JUSTICE.

(a) Chapter 40 of title 18, United States Code, is amended—

(1) In section 841(k) by striking "'Secretary' means the Secretary of the Treasury or his delegate" and inserting "'Attorney General' means the Attorney General of the United States."

(2) by striking "Secretary" each place it appears and inserting "Attorney General".

(b) Section 103 of Pub. L. 90-618 is amended by striking "Secretary of the Treasury" and inserting "Attorney General".;

(c) Chapter 44 of title 18, United States Code, is amended—

(1) In section 921(a)(4)(B), by striking "Secretary" and inserting "Attorney General";

(2) In the undesignated clause following section 921(a)(4)(C), and in section 923(l), by striking "Secretary of the Treasury" and inserting "Attorney General";

(3) In section 921(a)(18), by striking "'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate" and inserting "Attorney General means the Attorney General of the United States"; and

(4) Except in sections 921(a)(4) and 922(p)(5), by striking the term "Secretary" each place it appears, and inserting the term "Attorney General".

(d) Chapter 203 of title 18, United States Code, is amended by adding a new section 3051 to read as follows:

"§3051. Powers of Agents of Bureau of Alcohol, Tobacco and Firearms.

(a) Special agents of the Bureau of Alcohol, tobacco and Firearms whom the Attorney

General charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of the laws of the United States, may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(b) Any special agent of the Bureau of Alcohol, Tobacco and Firearms may, in respect to the performance of his or her duties, make seizures of property subject to forfeiture to the United States."

(c)(1) Except as provided in paragraph (2) and (3), and except to the extent that such provisions conflict with the provisions of section 983 of Title 18, United States Code, insofar as section 983 applies, the provisions of the Customs laws relating to—

(A) the Seizure, summary and judicial forfeiture, and condemnation of property;

(B) the disposition of such property;

(C) the remission or mitigation of such forfeiture; and

(D) the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under any applicable provision of law enforced or administered by the Bureau of Alcohol, Tobacco and Firearms,

(2) For purposes of paragraph (1), duties that are imposed upon a Customs officer or any other person with respect to the seizure and forfeiture of property under the Customs laws of the United States shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or any other person as may be authorized or designated for that purpose by the Attorney General."

(3) Notwithstanding any other provisions of law, the disposition of firearms forfeited by reason of a violation of any law of the United States shall be governed by the provisions of section 5872(b) of the Internal Revenue Code of 1986.

(e) Chapter 114 of title 18, United States Code, is amended—

(1) in section 2341(5) by striking "'Secretary' means the Secretary of the Treasury" and inserting "'Attorney General' means the Attorney General of the United States."; and

(2) by striking "Secretary" each place it appears and inserting "Attorney General".

(f) Section 1261 of title 18, United States Code, is amended by striking subsection (a) and inserting the new subsection (a) to read as follows:

"(a) The Attorney General shall enforce the provisions of this chapter, and has the authority to issue regulations to carry out its provisions."

(g) Section 1952(c) of title 18, United States Code, is amended by striking "Secretary of the Treasury" and inserting "Attorney General."

(h) Section 7801(a) is amended—

(1) by inserting "(1)" before "Except"; and

(2) by inserting a new paragraph (2) to read as follows:

"(2) The administration and enforcement of the following provisions of this title shall be performed by or under the supervision of the Attorney General; and the terms "Secretary" or "Secretary of the Treasury" shall, when applied to those provisions, mean the Attorney General; and the term "internal revenue officer" shall, when applied to those provisions, mean any officer of the Bureau of Alcohol, Tobacco and Firearms so designated by the Attorney General; provided that, the Attorney General shall adopt all rulings and interpretations of the Bureau of Alcohol, Tobacco and Firearms in existence on the effective date of this Act which concern the following provisions of this title and shall consult with the Secretary of the Treasury to achieve uniformity and consistency in administering such laws:

(A) sections 4181 and 4182 of chapter 32 of this title;

(B) subchapters F and G of chapter 32 of this title, insofar as they relate to the provisions of sections 4181 and 4182 of chapter 32;

(C) chapters 51, 52, and 53 of this title; and

(D) chapters 61 and 80, inclusive, of this title, insofar as they relate to the enforcement and administration of the provisions named in subparagraphs (A), (B), and (C) of this paragraph.

(i) Chapter 1 of Title 27, United States Code, is amended by adding a new section 1 to read as follows:

" §1. The administration and enforcement of this title shall be performed by or under the supervision of the Attorney General; and the term "Secretary" or "Secretary of the Treasury" shall, when applied to those provisions, mean the Attorney General."

SEC. 4091. CONFORMING CHANGES.

(a) Section 2006 of title 28, United States Code , is amended by inserting", the Attorney General," after "the Secretary of the Treasury".

(b) Section 9703 of title 31, United States Code, is amended—

(1) by striking subsection (a)(2)(B)(v);

(2) by striking subsection (o);

(3) by redesignating existing subsection (p) as subsection (o); and

(4) in subsection (o)(1), as redesignated, by striking ", the Bureau of Alcohol, Tobacco and Firearms".

(c) Section 13921(a) of title 42, United States Code, is amended by striking "Secretary of the Treasury" each place it appears and inserting in lieu thereof "Attorney General".

(d) Section 80303 of title 49, United States Code, is amended—

(1) by adding "or, when the violation of this chapter involves contraband described in section 80302(a)(2) or (a)(5) of this title, the Attorney General" after "section 80304 of this title,"; and

(2) by inserting "or the Attorney General" after "or appropriate Governor".

(e) Section 80304 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "(b) and (c)" and inserting "(b), (c), and (d)";

(2) by redesignating current subsection (d) as subsection (e); and

(3) by adding a new subsection (d) to read as follows:

"(d) Attorney General.—The Attorney General, or officers, employees, or agents of the Bureau of Alcohol, Tobacco and Firearms, Department of Justice designated by the Attorney General, shall carry out the laws referred to in section 80306(b) of this title to the extent that the violation of this chapter involves contraband described in section 80302(a)(2) or (a)(5)."

SEC. 501. EXPLOSIVES TRAINING AND RESEARCH FACILITY.

(a) IN GENERAL.—The Director, Bureau of Alcohol, Tobacco and Firearms, Department of Justice, shall use the funds made available pursuant to subsection (b) to establish an Explosives Training and Research Facility at Fort AP Hill, Fredericksburg, Virginia. Such facility shall be utilized to train Federal, State, and local law enforcement officers on investigating bombings and arsons, proper handling, utilization, and disposal of explosive materials and devices, training of explosive detection canines, and conducting research on explosives and arson.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Bureau of Alcohol, Tobacco and Firearms such sums as shall be necessary to establish and maintain the facility referenced in subsection (a). Funds made available pursuant to this subsection in any fiscal year shall remain available until expended.

SEC. 601. PERSONAL PAY MANAGEMENT SYSTEM.

Notwithstanding any other provision of law, the Personal Pay Management System Program established under Section 102 of Title I, Div., of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999, Pub. L. No. 105–277, 122 Stat. 2681 (5 U.S.C. 3104) shall be transferred to the Attorney General of the United States for the Bureau of Alcohol, Tobacco and Firearms.

SEC. 701. SENIOR EXECUTIVE SERVICE.

Notwithstanding any other provision of law, all Senior Executive Service positions allocated by the Department of the Treasury to the Bureau of Alcohol, Tobacco and Firearms, including the Office of Chief Counsel, shall be transferred to the Attorney General of the United States for the Bureau of Alcohol, Tobacco and Firearms.

SEC. 801. PERMITS FOR PURCHASERS OF EXPLOSIVES.

(a) DEFINITIONS.—Section 841 of title 18, United States Code, is amended—

(1) by striking subsection (j) and inserting the following:

"(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited user permit under the provisions of this chapter."; and

(2) by adding at the end the following:

"(r) 'Alien' means any person who is not a citizen or national of the United States.

"(s) 'Intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabits or has cohabited with the person.

"(t)(1) Except as provided in paragraph (2), 'misdemeanor crime of domestic violence' means an offense that—

"(A) is a misdemeanor under Federal or State law; and

"(B) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

"(2) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

"(A) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

"(B) in the case of a prosecution for an offense described in this subsection for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either—

"(i) the case was tried by a jury; or

"(ii) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

"(u) 'Responsible person' means an individual who has the power to direct the management and policies of the applicant pertaining to explosive materials.".

(b) Permits for Purchase of Explosives.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking "and" at the end;

(2) by striking subsection (a)(3) and inserting the following:

"(3) other than a licensee or permittee knowingly—

"(A) to transport, ship, cause to be transported, or receive any explosive materials; or

"(B) to distribute explosive materials to any person other than a licensee or permittee; or

"(4) who is a holder of a limited user permit—

"(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials; or

"(B) to receive explosive materials from a licensee or permittee, whose premises are located outside the State of residence of the limited user permit holder, or on more than 6 separate occasions, during the period of the permit, to receive explosive materials from 1 or more licensees or permittees whose premises are located within the State of residence of the limited user permit holder."; and

(3) by striking subsection (b) and inserting the following:

"(b) It shall be unlawful for any licensee or permittee knowingly to distribute any explosive materials to any person other than—

"(1) a licensee;

"(2) a holder of a user permit; or

"(3) a holder of a limited user permit who is a resident of the State where distribution is made and in which the premises of the transferor are located.".

(c) Licenses and User Permits.—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting "or limited user permit" after "user permit" in the first sentence;

(2) by inserting before the period at the end of the first sentence the following: ", including the names of and appropriate identifying information regarding all employees who will be authorized by the applicant to possess explosive materials, as well as fingerprints and a photograph of each responsible person"; and

(3) by striking the third sentence and inserting "Each license or user permit shall be valid for no longer than 3 years from the date of issuance and each limited user permit shall be valid for no longer than 1 year from the date of issuance. Each license or permit shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit, and upon payment of a renewal fee not to exceed one-half of the original fee."

(d) Criteria for Approving Licenses and Permits.—Section 843(b) of title 18, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) the applicant (or, if the applicant is a corporation, partnership, or association, each responsible person with respect to the applicant) is not a person who is prohibited from receiving, distributing, transporting, or possessing explosive materials under subsection (d) or (i) of section 842;";

(2) by striking paragraph (4) and inserting the following:

"(4) the applicant has a place of storage for explosive materials that the Secretary may verify by inspection or such other means as the Secretary determines to be appropriate, meets such standards of public safety and security against theft as the Secretary shall prescribe by regulations;"

(3) in paragraph (5), by striking the period at the end; and

(4) by adding at the end the following:

"(6) none of the employees of the applicant who will be authorized by the applicant to possess explosive materials is a person whose possession of explosives would be unlawful under section 842(i); and

"(7) in the case of a limited user permit, the applicant has certified in writing that the applicant will not receive explosive materials on more than 6 separate occasions during the 12-month period for which the limited user permit is valid."

(e) Application Approval.—Section 843(c) of title 18, United States Code, is amended by striking "forty-five days" and inserting "45 days for limited user permits and 90 days for licenses and user permits,"

(f) Inspection Authority.—Section 843(f) of title 18, United States Code, is amended in the second sentence, by striking "permittee" the first time it appears and inserting "holder of a user permit".

(g) Posting of Permits.—Section 843(g) of title 18, United States Code, is amended by inserting "user" before "permits".

(h) Background Checks; Clearances.—Section 843 of title 18, United States Code, is amended by adding at the end the following:

"(h)(1) If the Secretary receives from an employer the name and other identifying information with respect to a responsible person or an employee who will be authorized by the employer to possess explosive materials in the course of employment with the employer, the Secretary shall determine whether possession of explosives by the responsible person or the employee, as the case may be, would be unlawful under section 842(i). In making the determination, the Secretary may take into account a letter or document issued under paragraph (2).

"(2)(A) If the Secretary determines that possession of explosives by the responsible person or the employee would not be lawful under section 842(i), the Secretary shall notify the employer in writing or electronically of the determination and issue to the responsible person or the employee, as the case may be, a letter of clearance which confirms the determination.

"(B) If the Secretary determines that possession of explosives by the responsible person or the employee would be unlawful under section 942(i), the Secretary shall notify the employer in writing or electronically of the determination and issue to the responsible person or the employee, as the case may be, a document that—

"(i) confirms the determination;

"(ii) explains the grounds for the determination;

"(iii) provides information on how the disability may be relieved; and

"(iv) explains how the determination may be appealed.".

(i) Effective Date.—

(1) In general.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(2) Exception.—Notwithstanding any provision of this title, a license or permit issued under section 843 of title 18, United States Code, before the date of enactment of this Act, shall remain valid until that license or permit is revoked under section 843(d) or expires, or until a timely application for renewal is acted upon.

SEC. 901. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVE MATERIALS.

(a) Distribution of Explosives.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "or who has been committed to a mental institution;"; and

(3) by adding at the end the following:

"(7) is an alien, other than an alien who—

"(A) is lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act); or

"(B) is in lawful nonimmigrant status, is a refugee admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or is in asylum status under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), and—

"(i) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business, and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of this official law enforcement;

"(ii) is a person having the power to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed pursuant to section 843(a), and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of such power;

"(iii) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force (whether or not admitted in a nonimmigrant status) who is present in the United States under military orders for training or other military purpose authorized by the United States, and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of the military purpose; or 21

"(iv) is lawfully present in the United States in cooperation with the Director of Central Intelligence;

"(8) has been discharged from the armed forces under dishonorable conditions;

"(9) having been a citizen of the United States, has renounced the citizenship of that person;

"(10) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(11) has been convicted in any court of a misdemeanor crime of domestic violence.".

(b) Possession of Explosive Materials.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking "or" at the end; and

(2) by inserting after paragraph (4) the following:

"(5) who is an alien, other than an alien who—

"(A) is lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act); or

"(B) is in lawful nonimmigrant status, is a refugee admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or is in asylum status under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), and—

"(i) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business, and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of this official law enforcement;

"(ii) is a person having the power to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed pursuant to section 843(a), and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of such power;

"(iii) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force (whether or not admitted in a nonimmigrant status) who is present in the United States under military orders for training or other military purpose authorized by the United States, and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of the military purpose; or

"(iv) is lawfully present in the United States in cooperation with the Director of Central Intelligence;

"(6) who has been discharged from the armed forces under dishonorable conditions;

"(7) who, having been a citizen of the United States, has renounced the citizenship of that person;

"(8) who is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(9) who has been convicted in any court of a misdemeanor crime of domestic violence.".

SEC. 1001. REQUIREMENT TO PROVIDE SAMPLES OF EXPLOSIVE MATERIALS AND AMMONIUM NITRATE.

Section 843 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

"(i) FURNISHING OF SAMPLES.—

"(1) IN GENERAL.—Licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate shall, when required by letter issued by the Secretary, furnish—

"(A) samples of such explosive materials or ammonium nitrate;

"(B) information on chemical composition of those products; and

"(C) any other information that the Secretary determines is relevant to the identification of the explosive materials or to identification of the ammonium nitrate.

"(2) REIMBURSEMENT.—The Secretary may, by regulation, authorize reimbursement of the fair market value of samples furnished pursuant to this subsection, as well as the reasonable costs of shipment.".

SEC. 1101. DESTRUCTION OF PROPERTY OF INSTITUTIONS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 844(f)(1) of title 18, United States Code, is amended by inserting before the word "shall" the following: "or any institution or organization receiving Federal financial assistance,".

SEC. 1201. RELIEF FROM DISABILITIES.

Section 845(b) of title 18, United States Code, is amended to read as follows:

"(b) RELIEF FROM DISABILITIES.—

"(1) PROHIBITED PERSONS.—

"(A) IN GENERAL.—Except as provided in paragraph (2), a person who is prohibited from engaging in activity under section 842 may make application to the Secretary for relief from the disabilities imposed by Federal law with respect to a violation of that section, and the Secretary may grant that relief, if the Secretary determines that—

"(i) the circumstances regarding the disability, and the record and reputation of the applicant are such that the applicant will not be likely to act in a manner dangerous to public safety; and

"(ii) that the granting of the relief will not be contrary to the public interest.

"(B) PETITION FOR JUDICIAL REVIEW.—Any person whose application for relief from disabilities under this section is denied by the Secretary may file a petition with the United States district court for the district in which that person resides for a judicial review of the denial.

"(C) ADDITIONAL EVIDENCE.—The court may, in its discretion, admit additional evidence where failure to do so would result in a miscarriage of justice.

"(D) FURTHER OPERATIONS.—A licensee or permittee who conducts operations under this chapter and makes application for relief from the disabilities under this chapter, shall not be barred by that disability from further operations under the license or permit of that person pending final action on an application for relief filed pursuant to this section.

"(E) NOTICE.—Whenever the Secretary grants relief to any person pursuant to this section, the Secretary shall promptly publish in the Federal Register, notice of that action, together with reasons for that action.

"(2) WAIVER FOR LAWFUL NONIMMIGRANTS.—

"(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States in a lawful nonimmigrant status may receive a waiver from the requirements of subsection (d)(7) or (i)(5) of section 842, if—

"(i) the individual submits to the Secretary a petition that meets the requirements of subparagraph (C); and

"(ii) the Secretary approves the petition.

"(B) PETITION.—Each petition submitted in accordance with this subsection shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (d)(7) or (i)(5) of section 842, otherwise be prohibited from such an acquisition under that subsection (d) or (i).

"(C) APPROVAL OF PETITION.—The Secretary may approve a petition submitted in accordance with this paragraph if the Secretary determines that waiving the requirements of subsection (d)(7) or (i)(5) of section 842 with respect to the petitioner—

"(i) would not jeopardize the public safety; and

"(ii) will not be contrary to the public interest."

SEC. 1301. THEFT REPORTING REQUIREMENT.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(p) THEFT REPORTING REQUIREMENT.—

"(1) IN GENERAL.—A holder of a license, user permit, or limited user permit who knows that explosive materials have been stolen from that licensee, user permittee, or limited user permittee, shall report the theft to the Secretary not later than 24 hours after the discovery of the theft.

"(2) PENALTY.—A holder of a license, user permit, or limited user permit who does not report a theft in accordance with paragraph (1), shall be fined not more than $10,000, imprisoned not more than 5 years, or both.".

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as necessary to carry out this title and the amendments made by this title.

SA 4666. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 7 and 8, insert the following:

(d) RAILROAD SAFETY TO INCLUDE RAILROAD SECURITY.

(1) INVESTIGATION AND SURVEILLANCE ACTIVITIES.—Section 20105 of title 49, United States Code, is amended—

(A) by striking "Secretary of Transportation" in the first sentence of subsection (a) and inserting "Secretary concerned";

(B) by striking "Secretary" each place it appears (except the first sentence of subsection (a)) and inserting "Secretary concerned";

(C) by striking "Secretary's duties under chapters 203–213 of this title" in subsection (d) and inserting "duties under chapters 203–213 of this title (in the case of the Secretary of Transportation) and duties under section 114 of this title (in the case of the Secretary of Homeland Security)";

(D) by striking "chapter." in subsection (f) and inserting "chapter (in the case of the Secretary of Transportation) and duties under section 114 of this title (in the case of the Secretary of Homeland Security)."; and

(E) by adding at the end the following new subsection:

"(g) DEFINITIONS.—In this section—

"(1) the term 'safety' includes security; and

"(2) the term 'Secretary concerned' means—

"(A) the Secretary of Transportation, with respect to railroad safety matters concerning such Secretary under laws administered by that Secretary; and

"(B) the Secretary of Homeland Security, with respect to railroad safety matters concerning such Secretary under laws administered by that Secretary.".

(2) REGULATIONS AND ORDERS.—Section 20103(a) of such title is amended by inserting

after "1970." the following: "When prescribing a security regulation or issuing a security order that affects the safety of railroad operations, the Secretary of Homeland Security shall consult with the Secretary.".

(3) NATIONAL UNIFORMITY OF REGULATION.—Section 20106 of such title is amended—

(A) by inserting "and laws, regulations, and orders related to railroad security" after "safety" in the first sentence;

(B) by inserting "or security" after "safety" each place it appears after the first sentence; and

(C) by striking "Transportation" in the second sentence and inserting "Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters),".

(e) HAZARDOUS MATERIAL TRANSPORTATION.—

(1) GENERAL REGULATORY AUTHORITY.—Section 5103 of title 49, United States Code, is amended—

(A) by striking "transportation" the first place it appears in subsection (b)(1) and inserting "transportation, including security,";

(B) by striking "aspects" in subsection (b)(1)(B) and inserting "aspects, including security,"; and

(C) by adding at the end the following:

"(c) CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—When prescribing a security regulation or issuing a security order that affects the safety of the transportation of hazardous material, the Secretary of Homeland Security shall consult with the Secretary.".

(2) PREEMPTION.—Section 5125 of that title is amended—

(A) by striking "chapter or a regulation prescribed under this chapter"in subsection (a)(1) and inserting "chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security";

(B) by striking "chapter or a regulation prescribed under this chapter." in subsection (a)(2) and inserting "chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security."; and

(C) by striking "chapter or a regulation prescribed under this chapter," in subsection (b)(1) and inserting "chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security,".

SA 4667. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, beginning with line 4, strike through line 2 on page 131, and insert the following:

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) EMERGENCY AMTRAK ASSISTANCE.

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak—

(A) $375,000,000 for systemwide security upgrades, including the reimbursement of extraordinary security-related costs determined by the Secretary of Transportation to have been incurred by Amtrak since September 11, 2001, and including the hiring and training additional police officers, canine-assisted security units, and surveillance equipment;

(B) $778,000,000 to be used to complete New York tunnel life safety projects and rehabilitate tunnels in Washington, D.C., and Baltimore, Maryland; and

(C) $55,000,000 for the emergency repair, and returning to service, of Amtrak passenger cars and locomotives, upon a determination by the Secretary of Transportation that such emergency repairs are necessary for safety and security purposes.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

(3) PLAN REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under paragraph (1)—

(A) for implementing systemwide security upgrades, including the emergency repair of passenger cars and locomotives, until Amtrak has submitted to the Secretary of Transportation, and the Secretary has approved, after consultation with the Secretary of Homeland Security, a plan for such upgrades;

(B) for completing the tunnel life safety and rehabilitation projects until Amtrak has submitted to the Secretary of Transportation, and the Secretary has approved, an engineering and financial plan for such projects; and

(C) Amtrak has submitted to the Secretary of Transportation such additional information as the Secretary may require in order to ensure full accountability for the obligation or expenditure of amounts made available to Amtrak for the purpose for which the funds are provided.

(4) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation shall, taking into account the need for the timely completion of all life safety portions of the tunnel projects described in paragraph (3)(B)—

(A) consider the extent to which rail carriers other than Amtrak use the tunnels;

(B) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(C) obtain financial contributions or commitments from such other rail carriers if feasible.

(5) REVIEW OF PLAN.—The Secretary of Transportation shall complete the review of the plan required by paragraph (3) and approve or disapprove the plan within 45 days after the date on which the plan is submitted by Amtrak. If the Secretary determines that the plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving a modified plan from Amtrak, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall approve the portions of the plan that are complete and sufficient, release associated funds, and Amtrak shall execute an agreement with the Secretary within 15 days thereafter on a process for completing the remaining portions of the plan.

(6) 50-PERCENT TO BE SPENT OUTSIDE THE NORTHEAST CORRIDOR.—The Secretary of Transportation shall ensure that up to 50 percent of the amounts appropriated pursuant to paragraph (1)(A) is obligated or expended for projects outside the Northeast Corridor.

(7) ASSESSMENTS BY DOT INSPECTOR GENERAL.

(A) INITIAL ASSESSMENT.—Within 60 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and the House of Representatives Committee on Transportation and Infrastructure a report—

(i) identifying any overlap between capital projects for which funds are provided under such funding documents, procedures, or arrangements and capital projects included in Amtrak's 20-year capital plan; and

(ii) indicating any adjustments that need to be made in that plan to exclude projects for which funds are appropriated pursuant to paragraph (1).

(B) OVERLAP REVIEW.—The Inspector General shall, as part of the Department's annual assessment of Amtrak's financial status and capital funding requirements review the obligation and expenditure of funds under each such funding document, procedure, or arrangement to ensure that the expenditure and obligation of those funds are consistent with the purposes for which they are provided under this Act.

(8) COORDIATION WITH EXISTING LAW.—Amounts made available to Amtrak under this subsection shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United State Code.

(9) REDUCTION OF AUTHORIZATION.—Each amount authorized by paragraph (1) shall be reduced by any appropriated amount used by Amtrak for the activity for which the amount is authorized.

SA 4668. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, beginning with line 4, strike through line 2 on page 131, and insert the following:

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) EMERGENCY AMTRAK ASSISTANCE.

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak—

(A) $375,000,000 for systemwide security upgrades, including the reimbursement of extraordinary security-related costs determined by the Secretary of Transportation to have been incurred by Amtrak since September 11, 2001, and including the hiring and training additional police officers, canine-assisted security units, and surveillance equipment;

(B) $778,000,000 to be used to complete New York tunnel life safety projects and rehabilitate tunnels in Washington, D.C., and Baltimore, Maryland; and

(C) $55,000,000 for the emergency repair, and returning to service, of Amtrak passenger cars and locomotives, upon a determination by the Secretary of Transportation that such emergency repairs are necessary for safety and security purposes.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

(3) PLAN REQUIRED.—The Secretary of Transportation may not make amounts

available to Amtrak for obligation or expenditure under paragraph (1)—

(A) for implementing systemwide security upgrades, including the emergency repair of passenger cars and locomotives, until Amtrak has submitted to the Secretary of Transportation, and the Secretary has approved, after consultation with the Secretary of Homeland Security, a plan for such upgrades;

(B) for completing the tunnel life safety and rehabilitation projects until Amtrak has submitted to the Secretary of Transportation, and the Secretary has approved, an engineering and financial plan for such projects; and

(C) Amtrak has submitted to the Secretary of Transportation such additional information as the Secretary may require in order to ensure full accountability for the obligation or expenditure of amounts made available to Amtrak for the purpose for which the funds are provided.

(4) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation shall, taking into account the need for the timely completion of all life safety portions of the tunnel projects described in paragraph (3)(B)—

(A) consider the extent to which rail carriers other than Amtrak use the tunnels;

(B) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(C) obtain financial contributions or commitments from such other rail carriers if feasible.

(5) 50-PERCENT TO BE SPENT OUTSIDE THE NORTHEAST CORRIDOR.—The Secretary of Transportation shall ensure that up to 50 percent of the amounts appropriated pursuant to paragraph (1)(A) is obligated or expended for projects outside the Northeast Corridor.

(6) ASSESSMENTS BY DOT INSPECTOR GENERAL.

(A) INITIAL ASSESSMENT.—Within 60 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report—

(i) identifying any overlap between capital projects for which funds are provided under such funding documents, procedures, or arrangements and capital projects included in Amtrak's 20-year capital plan; and

(ii) indicating any adjustments that need to be made in that plan to exclude projects for which funds are appropriated pursuant to paragraph (1).

(B) OVERLAP REVIEW.—The Inspector General shall, as part of the Department's annual assessment of Amtrak's financial status and capital funding requirements review the obligation and expenditure of funds under each such funding document, procedure, or arrangement to ensure that the expenditure and obligation of those funds are consistent with the purposes for which they are provided under this Act.

(7) COORDINATION WITH EXISTING LAW.—Amounts made available to Amtrak under this subsection shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

(8) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by paragraph (1) shall be reduced by any appropriated amount used by Amtrak for the activity for which the amount is authorized.

SA 4669. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SHORT TITLE.

This Act may be cited as the "Emergency Communications and Competition Act of 2002".

SEC. . PURPOSES.

The purposes of this Act are as follows:

(1) To facilitate the deployment of new wireless telecommunications networks in order to extend the reach of the Emergency Alert System (EAS) to viewers of multichannel video programming who may not receive Emergency Alert System warnings from other communications technologies.

(2) To ensure that emergency personnel have priority access to communications facilities in times of emergency.

(3) To promote the rapid deployment of low cost multi-channel video programming and broadband Internet services to the public, without causing harmful interference to existing telecommunications services.

(4) To ensure the universal carriage of local television stations, including any Emergency Alert System warnings, by multichannel video programming distributors in all markets, regardless of population.

(5) To advance the public interest by making available new high speed data and video services to unserved and underserved populations, including schools, libraries, tribal lands, community centers, senior centers, and low-income housing.

(6) To ensure that new technologies capable of fulfilling the purposes set forth in paragraphs (1) through (5) are licensed and deployed promptly after such technologies have been determined to be technologically feasible.

SEC. . LICENSING.

(a) GRANT OF CERTAIN LICENSES.—

(1) IN GENERAL.—The Federal Communications Commission shall assign licenses in the 12.2–12.7 GHz band for the provision of fixed terrestrial services using the rules, policies, and procedures used by the Commission to assign licenses in the 12.2–12.7 GHz band for the provision of international or global satellite communications services in accordance with section 647 of the Open-market Reorganization for the Betterment of International Telecommunications Act (47 U.S.C. 765f).

(2) DEADLINE.—The Commission shall accept for filing and grant licenses under paragraph (1) to any applicant that is qualified pursuant to subsection (b) not later than six months after the date of the enactment of this Act. The preceding sentence shall not be construed to preclude the Commission from granting licenses under paragraph (1) after the deadline specified in that sentence to applicants that qualify after that deadline.

(b) QUALIFICATIONS.—

(1) NON-INTERFERENCE WITH DIRECT BROADCAST SATELLITE SERVICE.—A license may be granted under this section only if operations under the license will not cause harmful interference to direct broadcast satellite service.

(2) ACCEPTANCE OF APPLICATIONS.—The Commission shall accept an application for a license to operate a fixed terrestrial service in the 12.2–12.7 GHz band if the applicant—

(A) successfully demonstrates the terrestial technology it will employ under the license with operational equipment that it furnishes, or has furnished, for independent testing pursuant to section 1012 of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1110); and

(B) certifies in its application that it has authority to use such terrestrial service technology under the license.

(3) CLARIFICATION.—Section 1012(a) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1110(a); 114 Stat. 2762A—141) is amended by inserting ", or files," after "has filed".

(4) PCS OR CELLULAR SERVICES.—A license granted under this section may not be used for the provision of Personal Communications Service or terrestrial cellular telephony service.

(c) PROMPT COMMENCEMENT OF SERVICE.—In order to facilitate and ensure the prompt deployment of service to unserved and underserved areas and to prevent stockpiling or warehousing of spectrum by licenses, the Commission shall require that any licensee under this section commence service to consumers within five years of the grant of the license under this section.

(d) EXPANSION OF EMERGENCY ALERT SYSTEM.—Each licensee under this section shall disseminate Federal, State, and local Emergency Alert System warnings to all subscribers of the licensee under the license under this section.

(e) ACCESS FOR EMERGENCY PERSONNEL.—

(1) REQUIREMENT.—Each licensee under this section shall provide immediate access for national security and emergency preparedness personnel to the terrestrial services covered by the license under this section as follows:

(A) Whenever the Emergency Alert System is activated.

(B) Otherwise at the request of the Secretary of Homeland Security.

(2) NATURE OF ACCESS.—Access under paragraph (1) shall ensure that emergency data is transmitted to the public, or between emergency personnel, at a higher priority than any other data transmitted by the service concerned.

(f) ADDITIONAL PUBLIC INTEREST OBLIGATIONS.—

(1) ADDITIONAL OBLIGATIONS.—Each licensee under this section shall—

(A) adhere to rules governing carriage of local television station signals and rules concerning obscenity and indecency consistent with section 614, 615, 616, 624(d)(2), 639, 640, and 641 of the Communications Act of 1934 (47 U.S.C. 534, 535, 536, 544(d)(2), 559, 560, and 561);

(B) make its facilities available for candidates for public office consistent with sections 312(a)(7) and 315 of the Communications Act of 1934 (47 U.S.C. 312(a)(7) and 315); and

(C) allocate 4 percent of its capacity for services that promote the public interest, in addition to the capacity utilized to fulfill the obligations required of subparagraphs (A) and (B), such as—

(i) telemedicine;

(ii) educational programming, including distance learning;

(iii) high speed Internet access to unserved and underserved populations; and

(iv) specialized local data and video services intended to facilitate public participation in local government and community life.

(2) LICENSE BOUNDARIES.—In order to ensure compliance with paragraph (1), the Commission shall establish boundaries for licenses under this section that conform to existing television markets, as determined by

the Commission for purposes of section 652(h)(1)(C)(i) of the Communications Act of 1934 (47 U.S.C. 534(h)(1)(C)(i)).

(g) Redesignation of Multichannel Video Distribution and Data Service.—The Commission shall redesignate the Multichannel Video Distribution and Data Service (MVDDS) as the Terrestrial Direct Broadcast Service (TDBS).

SA 4670. Mr. CONRAD (for himself, Mrs. HUTCHISON, Mr. HELMS, Mr. JOHNSON, Mr. GRASSLEY, Mr. BREAUX, and Mrs. CARNAHAN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 154, the following:

SEC. 155. NATIONAL EMERGENCY TELEMEDICAL COMMUNICATIONS.

(a) Telehealth Task Force.—

(1) Establishment.—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish a task force to be known as the "National Emergency Telehealth Network Task Force" (referred to in this subsection as the "Task Force") to advise the Secretary on the use of telehealth technologies to prepare for, monitor, respond to, and manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies.

(2) Functions.—The Task Force shall—

(A) conduct an inventory of existing telehealth initiatives, including—

(i) the specific location of network components;

(ii) the medical, technological, and communications capabilities of such components; and

(iii) the functionality of such components;

(B) make recommendations for use by the Secretary in establishing standards for regional interoperating and overlapping information and operational capability response grids in order to achieve coordinated capabilities based on responses among Federal, State, and local responders;

(C) recommend any changes necessary to integrate technology and clinical practices;

(D) recommend to the Secretary acceptable standard clinical information that could be uniformly applied and available throughout a national telemedical network and tested in the regional networks;

(E) research, develop, test, and evaluate administrative, physical, and technical guidelines for protecting the confidentiality, integrity, and availability of regional networks and all associated information and advise the Secretary on issues of patient data security, and compliance with all applicable regulations;

(F) in consultation and coordination with the regional telehealth networks established under subsection (b), test such networks for their ability to provide support for the existing and planned efforts of State and local law enforcement, fire departments, health care facilities, and Federal and State public health agencies to prepare for, monitor, respond rapidly to, or manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies with respect to each of the functions listed in subparagraphs (A) through (H) of subsection (b)(3); and

(G) facilitate the development of training programs for responders and a mechanism for training via enhanced advanced distributive learning.

(3) Membership.—The Task Force shall include representation from—

(A) relevant Federal agencies including the Centers for Disease Control and Prevention and the Telemedicine and Advanced Research Center of the Department of Army, Medical Research and Materiel Command;

(B) relevant State and local government agencies including public health officials;

(C) professional associations specializing in health care, veterinary medicine, and agrimedicine; and

(D) other relevant private sector organizations, including public health and national telehealth organizations and representatives of academic and corporate information management and information technology organizations.

(4) Meetings and reports.—

(A) Meetings.—The Task Force shall meet as the Secretary may direct.

(B) Report.—

(i) In general.—Not later than 3 years after the date of enactment of this Act the Task Force shall prepare and submit a report to Congress regarding the activities of the Task Force.

(ii) Contents.—The report described in clause (i) shall recommend, based on the information obtained from the regional telehealth networks established under subsection (b), whether and how to build on existing telehealth networks to develop a National Emergency Telehealth Network.

(5) Implementation.—The Task Force may carry out activities under this subsection in cooperation with other entities, including national telehealth organizations.

(6) Termination.—The Task Force shall terminate upon submission of the final report required under paragraph (4)(B).

(b) Establishment of State and Regional Telehealth Networks.—

(1) Program authorized.—

(A) In general.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to award grants to 3 regional consortia of States to carry out pilot programs for the development of statewide and regional telehealth network testbeds that build on, enhance, and securely link existing State and local telehealth programs.

(B) Duration.—The Secretary shall award grants under this subsection for a period not to exceed 3 years. Such grants may be renewed.

(C) State consortium plans.—Each regional consortium of States desiring to receive a grant under subparagraph (A) shall submit to the Secretary a plan that describes how such consortium shall—

(i) interconnect existing telehealth systems in a functional and seamless fashion to enhance the ability of the States in the region to prepare for, monitor, respond to, and manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies; and

(ii) link to other participating States in the region via a standard interoperable connection using standard information.

(D) Priority.—In making grants under this subsection, the Secretary shall give priority to regional consortia of States that demonstrate—

(i) the interest and participation of a broad cross section of relevant entities, including public health offices, emergency preparedness offices, and health care providers;

(ii) the ability to connect major population centers as well as isolated border, rural, and frontier communities within the region to provide medical, public health, and emergency services in response to a biological, chemical, or nuclear terrorist attack or other public health emergencies;

(iii) an existing telehealth and telecommunications infrastructure that connects relevant State agencies, health care providers, universities, and relevant Federal agencies; and

(iv) the ability to quickly complete development of a region-wide interoperable emergency telemedical network to expand communications and service capabilities and facilitate coordination among multiple medical, public health, and emergency response agencies, and the ability to test recommendations of the task force established under subsection (a) within 3 years.

(2) Regional networks.—A consortium of States awarded a grant under paragraph (1) shall develop a regional telehealth network that links established telehealth initiatives within the region to provide medical services in cooperation with and in support of, where relevant, the following:

(A) State and local public health departments.

(B) Private, public, community, and rural health clinics and Indian Health Service clinics.

(C) Hospitals, academic health centers, and medical centers of the Department of Defense and the Department of Veterans' Affairs.

(D) Veterinary clinics and hospitals.

(E) Agrimedicine centers.

(F) Offices of rural health.

(G) Federal agencies.

(H) Other relevant entities as determined appropriate by such consortium.

(3) Functions of the networks.—Once established, a regional telehealth network under this subsection shall test the feasibility of recommendations (including recommendations relating to standard clinical information, operational capability, and associated technology and information standards) described in subparagraphs (B) through (E) of subsection (a)(2), and provide reports to the task force established under subsection (a), on such network's ability, in preparation of and in response to a biological, chemical, or nuclear terrorist attack or other public health emergencies, to support each of the following functions:

(A) Rapid emergency response and coordination.

(B) Real-time data collection for information dissemination.

(C) Environmental monitoring.

(D) Early identification and monitoring of biological, chemical, or nuclear exposures.

(E) Situationally relevant expert consultative services for patient care and front-line responders.

(F) Training of responders.

(G) Development of an advanced distributive learning network.

(H) Distance learning for the purposes of medical and clinical education, and simulation scenarios for ongoing training.

(4) Requirements.—In awarding a grant under paragraph (1), the Secretary shall—

(A) require that each regional network adopt common administrative, physical, and technical approaches for seamless interoperability and to protect the network's confidentiality, integrity, and availability, taking into consideration guidelines developed by the task force established under subsection (a); and

(B) require that each regional network inventory and report to the task force established under subsection (a), the technology and technical infrastructure available to such network.

(c) FUNDING.—

(1) IN GENERAL.—Of the amount appropriated under section 199, the Secretary shall make available not to exceed $150,000,000 for the 3-fiscal year period beginning with fiscal year 2003 to carry out this section. Amounts made available under this paragraph shall remain available until expended.

(2) LIMIT ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available for each fiscal year under paragraph (1) shall be used for Task Force administrative costs.

SA 4671. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 4, after "Carrying out all" insert "nonterrorism".

On page 69, line 5, strike "and response".

On page 69, strike lines 8 through 22 and insert the following:

(2) Carrying out all terrorism and other hazard response activities carried out by the Federal Emergency Management Agency before the effective date of this division.

On page 69, line 23, strike "(5)" and insert "(3)".

On page 70, line 6, strike "(6)" and insert "(4)".

On page 70, line 11, strike "(7)" and insert "(5)".

On page 70, line 16, strike "(8)" and insert "(6)".

On page 70, line 19, strike "(9)" and insert "(7)".

On page 70, line 22, strike "(10)" and insert "(8)".

On page 71, line 2, strike "(5)" and insert "(6)".

On page 71, line 3, strike "(11)" and insert "(9)".

On page 71, line 9, strike "(6)" and insert "(7)".

On page 71, line 10, strike "(12)" and insert "(10)".

On page 71, line 23, strike "(13)" and insert "(11)".

On page 72, strike lines 3 through 8.

On page 72, line 9, strike "(15)" and insert "(12)".

On page 72, line 19, after "Department" insert ", except that those elements of the Office of National Preparedness of the Federal Emergency Management Agency that relate to terrorism shall be transferred to the Office of Domestic Preparedness established under this section".

On page 73, insert before line 1 the following:

(4) Those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

On page 73, line 1, strike "(4)" and insert "(5)".

On page 73, line 17, strike "(5)" and insert "(6)".

On page 73, line 23, strike "(6)" and insert "(7)".

On page 74 strike lines 7 through 19 and insert the following:

(d) OFFICE FOR DOMESTIC PREPAREDNESS.—

(1) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(2) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(3) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(A) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(B) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(C) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(D) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(E) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(F) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(G) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States; and

(H) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(4) FISCAL YEARS 2003 AND 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(5) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

SA 4672. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On Page 76, insert in section 135(d) "Definitions" the following:

(8) MAJOR SYSTEM.—The term "major system" means a system for which the total expenditures are estimated to exceed the dollar threshold for a "major systems" established by Secretary pursuant to the Office of Management and Budget Circular A-109, entitled "Major Systems Acquisition".

(9) OPERATIONAL TEST AND EVALUATION.—The term "operational test and evaluation" means—

(A) the test, under realistic conditions, of any item of (or key component of) a technology, device, or equipment for the purpose of determining the effectiveness and suitability of the technology, device, or equipment by typical users to meet homeland security needs and objectives; and

(B) the evaluation of the results of such test.

On page 85, in section 135, after the subsection entitled "(3) RESEARCH AND DEVELOPMENT RELATED AUTHORITIES" add a subsection (4) as follows—

"(40) OPERATIONAL TEST AND EVALUATION AUTHORITIES.—The Under Secretary, by authority of the Secretary, shall exercise the following authorities relating to the testing and evaluation activities within the Department—

(A) serve as principal independent advisor to the Secretary on operational test and evaluation activities in the Department and the principal test and evaluation official of the Department;

(B) prescribe, by authority of the Secretary, policies and procedures for the conduct of operation test and evaluation;

(C) monitor and review all operational test and evaluation in the Department;

(D) coordinate operational test and evaluation conducted jointly by more than one Under Secretary;

(E) review and make recommendations to the Secretary on all budgetary and financial matters relating to operational test and evaluation, including operational test facilities, test ranges and test beds in the Department;

(F) require prompt reporting of all operational test and evaluation activities conducted by officials of the Department;

(G) have access to all records and data in the Department necessary to carry out the duties of this subsection;

(H) provide the Congress no later than February 15 of each calendar year, a report on all operational test and evaluation activities conducted within the Department for prior fiscal year, describing—

i. the mission of the each major system,

ii. background technical and programmatic information on the major system,

iii. test and evaluation activity conducted during the prior fiscal year on the major system,

iv. the assessment of major system test results relative to its operational requirements,

v. such other matters that relate to the overall health of the testing and evaluation infrastructure of the Department.

(I) Two years after the date of enactment of this Act, the Comptroller General shall report to Congress on the efforts by the Department in implementing the authorities for operational test and evaluation and give suggestions for improvement."

Technical Corrections as follows:

1. On page 91, line 9, replace "(h) Office for Technology Evaluation and Transition" with "(h) Office for Testing, Evaluation and Transition",

2. On Page 91, lines 14–15, replace "Office for Technology Evaluation and Transition" with "Office for Testing, Evaluation and Transition",

3. On Page 91, line 17 add "(A) carry out authorities of the Under Secretary with respect to operational test and evaluation," and redesignate the following subparagraphs as (B) through (G),

4. On Page 92, line 11, strike "The functions" and replace with "Except for the function paragraph (2)(A), the functions".

SA 4673. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 4644 proposed by Mr. BYRD to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 100. DEFINITIONS.

Unless the context clearly indicates otherwise, the following shall apply for purposes of this division:

(1) Agency.—Except for purposes of subtitle E of title I, the term "agency"—

(A) means—

(i) an Executive agency as defined under section 105 of title 5, United States Code;

(ii) a military department as defined under section 102 of title 5, United States Code;

(iii) the United States Postal Service; and

(B) does not include the General Accounting Office.

(2) Assets.—The term "assets" includes contracts, facilities, property, records, unobligated or unexpended balances of appropriations, and other funds or resources (other than personnel).

(3) Department.—The term "Department" means the Department of Homeland Security established under title I.

(4) Enterprise architecture.—The term "enterprise architecture"—

(A) means—

(i) a strategic information asset base, which defines the mission;

(ii) the information necessary to perform the mission;

(iii) the technologies necessary to perform the mission; and

(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

(B) includes—

(i) a baseline architecture;

(ii) a target architecture; and

(iii) a sequencing plan.

(5) Functions.—The term "functions" includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, responsibilities, and obligations.

(6) Homeland.—The term "homeland" means the United States, in a geographic sense.

(7) Homeland security.—The term "homeland security" means a concerted national effort to—

(A) prevent terrorist attacks within the United States;

(B) reduce America's vulnerability to terrorism; and

(C) minimize the damage and recover from terrorist attacks that do occur.

(8) Local government.—The term "local government" has the meaning given under section 102(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93–288).

(9) Risk analysis and risk management.—The term "risk analysis and risk management" means the assessment, analysis, management, mitigation, and communication of homeland security threats, vulnerabilities, criticalities, and risks.

(10) Personnel.—The term "personnel" means officers and employees.

(11) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

(12) United States.—The term "United States", when used in a geographic sense, means any State (within the meaning of section 102(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93–288)), any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) In General.—There is established the Department of National Homeland Security.

(b) Executive Department.—Section 101 of title 5, United States Code, is amended by adding at the end the following:

"The Department of Homeland Security.".

(c) Mission of Department.—

(1) Homeland security.—The mission of the Department is to—

(A) promote homeland security, particularly with regard to terrorism;

(B) prevent terrorist attacks or other homeland threats within the United States;

(C) reduce the vulnerability of the United States to terrorism, natural disasters, and other homeland threats; and

(D) minimize the damage, and assist in the recovery, from terrorist attacks or other natural or man-made crises that occur within the United States.

(2) Other missions.—The Department shall be responsible for carrying out the other functions, and promoting the other missions, of entities transferred to the Department as provided by law.

(d) Seal.—The Secretary shall procure a proper seal, with such suitable inscriptions and devices as the President shall approve. This seal, to be known as the official seal of the Department of Homeland Security, shall be kept and used to verify official documents, under such rules and regulations as the Secretary may prescribe. Judicial notice shall be taken of the seal.

SEC. 102. SECRETARY OF HOMELAND SECURITY.

(a) In General.—The Secretary of Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate. All authorities, functions, and responsibilities transferred to the Department shall be vested in the Secretary.

(b) Responsibilities.—The responsibilities of the Secretary shall be the following:

(1) To develop policies, goals, objectives, priorities, and plans for the United States for the promotion of homeland security, particularly with regard to terrorism.

(2) To administer, carry out, and promote the other established missions of the entities transferred to the Department.

(3) To develop a comprehensive strategy for combating terrorism and the homeland security response.

(4) To make budget recommendations relating to the border and transportation security, infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.

(5) To plan, coordinate, and integrate those Federal Government activities relating to border and transportation security, critical infrastructure protection, all-hazards emergency preparedness, response, recovery, and mitigation.

(6) To serve as a national focal point to analyze all information available to the United States related to threats of terrorism and other homeland threats.

(7) To establish and manage a comprehensive risk analysis and risk management program that directs and coordinates the supporting risk analysis and risk management activities of the Directorates and ensures coordination with entities outside the Department engaged in such activities.

(8) To identify and promote key scientific and technological advances that will enhance homeland security.

(9) To include, as appropriate, State and local governments and other entities in the full range of activities undertaken by the Department to promote homeland security, including—

(A) providing State and local government personnel, agencies, and authorities, with appropriate intelligence information, including warnings, regarding threats posed by terrorism in a timely and secure manner;

(B) facilitating efforts by State and local law enforcement and other officials to assist in the collection and dissemination of intelligence information and to provide information to the Department, and other agencies, in a timely and secure manner;

(C) coordinating with State, regional, and local government personnel, agencies, and authorities and, as appropriate, with the private sector, other entities, and the public, to ensure adequate planning, team work, coordination, information sharing, equipment, training, and exercise activities; and

(D) systematically identifying and removing obstacles to developing effective partnerships between the Department, other agencies, and State, regional, and local government personnel, agencies, and authorities, the private sector, other entities, and the public to secure the homeland.

(10)(A) To consult and coordinate with the Secretary of Defense and make recommendations concerning organizational structure, equipment, and positioning of military assets determined critical to homeland security.

(B) To consult and coordinate with the Secretary of Defense regarding the training of personnel to respond to terrorist attacks involving chemical or biological agents.

(11) To seek to ensure effective day-to-day coordination of homeland security operations, and establish effective mechanisms for such coordination, among the elements constituting the Department and with other involved and affected Federal, State, and local departments and agencies.

(12) To administer the Homeland Security Advisory System, exercising primary responsibility for public threat advisories, and (in

coordination with other agencies) providing specific warning information to State and local government personnel, agencies and authorities, the private sector, other entities, and the public, and advice about appropriate protective actions and countermeasures.

(13) To conduct exercise and training programs for employees of the Department and other involved agencies, and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(14) To annually review, update, and amend the Federal response plan for homeland security and emergency preparedness with regard to terrorism and other manmade and natural disasters.

(15) To direct the acquisition and management of all of the information resources of the Department, including communications resources.

(16) To endeavor to make the information technology systems of the Department, including communications systems, effective, efficient, secure, and appropriately interoperable.

(17) In furtherance of paragraph (16), to oversee and ensure the development and implementation of an enterprise architecture for Department-wide information technology, with timetables for implementation.

(18) As the Secretary considers necessary, to oversee and ensure the development and implementation of updated versions of the enterprise architecture under paragraph (17).

(19) To report to Congress on the development and implementation of the enterprise architecture under paragraph (17) in—

(A) each implementation progress report required under section 182; and

(B) each biennial report required under section 192(b).

(c) Membership on the National Security Council.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

"(5) the Secretary of Homeland Security; and

"(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.".

SEC. 103. DEPUTY SECRETARY OF HOMELAND SECURITY.

(a) In General.—There shall be in the Department a Deputy Secretary of Homeland Security, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—The Deputy Secretary of Homeland Security shall—

(1) assist the Secretary in the administration and operations of the Department;

(2) perform such responsibilities as the Secretary shall prescribe; and

(3) act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary.

SEC. 104. UNDER SECRETARY FOR MANAGEMENT.

(a) In General.—There shall be in the Department an Under Secretary for Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—The Under Secretary for Management shall report to the Secretary, who may assign to the Under Secretary such functions related to the management and administration of the Department as the Secretary may prescribe, including—

(1) the budget, appropriations, expenditures of funds, accounting, and finance;

(2) procurement;

(3) human resources and personnel;

(4) information technology and communications systems;

(5) facilities, property, equipment, and other material resources;

(6) security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources; and

(7) identification and tracking of performance measures relating to the responsibilities of the Department.

SEC. 105. ASSISTANT SECRETARIES.

(a) In general.—There shall be in the Department not more than 5 Assistant Secretaries (not including the 2 Assistant Secretaries appointed under division B), each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—

(1) In general.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall describe the general responsibilities that such appointee will exercise upon taking office.

(2) Assignment.—Subject to paragraph (1), the Secretary shall assign to each Assistant Secretary such functions as the Secretary considers appropriate.

SEC. 106. INSPECTOR GENERAL.

(a) In General.—There shall be in the Department an Inspector General. The Inspector General and the Office of Inspector General shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

(b) Establishment.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting "Homeland Security," after "Health and Human Services,"; and

(2) in paragraph (2), by inserting "Homeland Security," after "Health and Human Services,".

(c) Review of the Department of Homeland Security.—The Inspector General shall designate 1 official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department;

(2) publicize, through the Internet, radio, television, and newspaper advertisements—

(A) information on the responsibilities and functions of the official; and

(B) instructions on how to contact the official; and

(3) on a semi-annual basis, submit to Congress, for referral to the appropriate committee or committees, a report—

(A) describing the implementation of this subsection;

(B) detailing any civil rights abuses under paragraph (1); and

(C) accounting for the expenditure of funds to carry out this subsection.

(d) Additional Provisions With Respect to the Inspector General of the Department of Homeland Security.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8I as section 8J; and

(2) by inserting after section 8H the following:

SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF HOMELAND SECURITY

"Sec. 8I. (a)(1) Notwithstanding the last 2 sentences of section 3(a), the Inspector General of the Department of Homeland Security (in this section referred to as the "Inspector General") shall be under the authority, direction, and control of the Secretary of Homeland Security (in this section referred to as the "Secretary") with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

"(A) intelligence or counterintelligence matters;

"(B) ongoing criminal investigations or proceedings;

"(C) undercover operations;

"(D) the identity of confidential sources, including protected witnesses;

"(E) other matters the disclosure of which would constitute a serious threat to the protection of any person or property authorized protection by—

"(i) section 3056 of title 18, United States Code;

"(ii) section 202 of title 3, United States Code; or

"(iii) any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

"(F) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described under paragraph (1), the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to—

"(A) prevent the disclosure of any information described under paragraph (1);

"(B) preserve the national security; or

"(C) prevent significant impairment to the national interests of the United States.

"(3) If the Secretary exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General in writing (appropriately classified, if necessary) within 7 calendar days stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice, together with such comments concerning the exercise of such power as the Inspector General considers appropriate, to—

"(A) the President of the Senate;

"(B) the Speaker of the House of Representatives;

"(C) the Committee on Governmental Affairs of the Senate;

"(D) the Committee on Government Reform of the House of Representatives; and

"(E) other appropriate committees or subcommittees of Congress.

"(b)(1) In carrying out the duties and responsibilities under this Act, the Inspector General shall have oversight responsibility for the internal investigations and audits performed by any other office performing internal investigatory or audit functions in any subdivision of the Department of Homeland Security.

"(2) The head of each other office described under paragraph (1) shall promptly report to the Inspector General the significant activities being carried out by such office.

"(3) Notwithstanding paragraphs (1) and (2), the Inspector General may initiate, conduct, and supervise such audits and investigations in the Department (including in any subdivision referred to in paragraph (1)) as the Inspector General considers appropriate.

"(4) If the Inspector General initiates an audit or investigation under paragraph (3) concerning a subdivision referred to in paragraph (1), the Inspector General may provide the head of the other office performing internal investigatory or audit functions in the subdivision with written notice that the Inspector General has initiated such an audit or investigation. If the Inspector General issues such a notice, no other audit or investigation shall be initiated into the matter under audit or investigation by the Inspector General, and any other audit or investigation of such matter shall cease.

"(c) Any report required to be transmitted by the Secretary to the appropriate committees or subcommittees of Congress under section 5(d) shall also be transmitted, within the 7-day period specified under that subsection, to—

"(1) the President of the Senate;

"(2) the Speaker of the House of Representatives;

"(3) the Committee on Governmental Affairs of the Senate; and

"(4) the Committee on Government Reform of the House of Representatives.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. appendix) is amended—

(1) in section 4(b), by striking "8F" each place it appears and inserting "8G"; and

(2) in section 8J (as redesignated by subsection (c)(1)), by striking "or 8H" and inserting ", 8H, or 8I".

SEC. 107. CHIEF FINANCIAL OFFICER.

(a) IN GENERAL.—There shall be in the Department a Chief Financial Officer, who shall be appointed or designated in the manner prescribed under section 901(a)(1) of title 31, United States Code.

(b) ESTABLISHMENT.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

"(G) The Department of Homeland Security.".

SEC. 108. CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—There shall be in the Department a Chief Information Officer, who shall be designated in the manner prescribed under section 3506(a)(2)(A) of title 44, United States Code.

(b) RESPONSIBILITIES.—The Chief Information Officer shall assist the Secretary with Department-wide information resources management and perform those duties prescribed by law for chief information officers of agencies.

SEC. 109. GENERAL COUNSEL.

(a) IN GENERAL.—There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The General Counsel shall—

(1) serve as the chief legal officer of the Department;

(2) provide legal assistance to the Secretary concerning the programs and policies of the Department; and

(3) advise and assist the Secretary in carrying out the responsibilities under section 102(b).

SEC. 110. CIVIL RIGHTS OFFICER.

(a) IN GENERAL.—There shall be in the Department a Civil Rights Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Civil Rights Officer shall be responsible for—

(1) ensuring compliance with all civil rights and related laws and regulations applicable to Department employees and participants in Department programs;

(2) coordinating administration of all civil rights and related laws and regulations within the Department for Department employees and participants in Department programs;

(3) assisting the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that civil rights considerations are appropriately incorporated and implemented in Department programs and activities;

(4) overseeing compliance with statutory and constitutional requirements related to the civil rights of individuals affected by the programs and activities of the Department; and

(5) notifying the Inspector General of any matter that, in the opinion of the Civil Rights Officer, warrants further investigation.

SEC. 111. PRIVACY OFFICER.

(a) IN GENERAL.—There shall be in the Department a Privacy Officer, who shall be appointed by the Secretary.

(b) RESPONSIBILITIES.—The Privacy Officer shall—

(1) oversee compliance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and all other applicable laws relating to the privacy of personal information;

(2) assist the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that—

(A) privacy considerations and safeguards are appropriately incorporated and implemented in Department programs and activities; and

(B) any information received by the Department is used or disclosed in a manner that minimizes the risk of harm to individuals from the inappropriate disclosure or use of such materials;

(3) assist Department personnel with the preparation of privacy impact assessments when required by law or considered appropriate by the Secretary; and

(4) notify the Inspector General of any matter that, in the opinion of the Privacy Officer, warrants further investigation.

SEC. 112. CHIEF HUMAN CAPITAL OFFICER.

(a) IN GENERAL.—The Secretary shall appoint or designate a Chief Human Capital Officer, who shall—

(1) advise and assist the Secretary and other officers of the Department in ensuring that the workforce of the Department has the necessary skills and training, and that the recruitment and retention policies of the Department allow the Department to attract and retain a highly qualified workforce, in accordance with all applicable laws and requirements, to enable the Department to achieve its missions;

(2) oversee the implementation of the laws, rules and regulations of the President and the Office of Personnel Management governing the civil service within the Department; and

(3) advise and assist the Secretary in planning and reporting under the Government Performance and Results Act of 1993 (including the amendments made by that Act), with respect to the human capital resources and needs of the Department for achieving the plans and goals of the Department.

(b) RESPONSIBILITIES.—The responsibilities of the Chief Human Capital Officer shall include—

(1) setting the workforce development strategy of the Department;

(2) assessing workforce characteristics and future needs based on the mission and strategic plan of the Department;

(3) aligning the human resources policies and programs of the Department with organization mission, strategic goals, and performance outcomes;

(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

(5) identifying best practices and benchmarking studies;

(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth; and

(7) providing employee training and professional development.

SEC. 113. OFFICE OF INTERNATIONAL AFFAIRS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary, an Office of International Affairs. The Office shall be headed by a Director who shall be appointed by the Secretary.

(b) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have the following responsibilities:

(1) To promote information and education exchange with foreign nations in order to promote sharing of best practices and technologies relating to homeland security. Such information exchange shall include—

(A) joint research and development on countermeasures;

(B) joint training exercises of first responders; and

(C) exchange of expertise on terrorism prevention, response, and crisis management.

(2) To identify areas for homeland security information and training exchange.

(3) To plan and undertake international conferences, exchange programs, and training activities.

(4) To manage activities under this section and other international activities within the Department in consultation with the Department of State and other relevant Federal officials.

(5) To initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and that have demonstrated the capability for fruitful cooperation with the United States in the area of counterterrorism.

SEC. 114. EXECUTIVE SCHEDULE POSITIONS.

(a) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Secretary of Homeland Security.".

(b) EXECUTIVE SCHEDULE LEVEL II POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Secretary of Homeland Security.".

(c) EXECUTIVE SCHEDULE LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Management, Department of Homeland Security.".

(d) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Secretaries of Homeland Security (5).

"Inspector General, Department of Homeland Security.

"Chief Financial Officer, Department of Homeland Security.

"Chief Information Officer, Department of Homeland Security.

"General Counsel, Department of Homeland Security.".

Subtitle B—Establishment of Directorates and Offices

SEC. 131. DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.

(a) ESTABLISHMENT.—There is established within the Department the Directorate of Border and Transportation Protection.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Border and Transportation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) EXERCISE OF CUSTOMS REVENUE AUTHORITY.—

(1) IN GENERAL.—

(A) AUTHORITIES NOT TRANSFERRED.—Authority that was vested in the Secretary of the Treasury by law to issue regulations related to customs revenue functions before the effective date of this section under the provisions of law set forth under paragraph (2) shall not be transferred to the Secretary by reason of this Act. The Secretary of the Treasury, with the concurrence of the Secretary, shall exercise this authority. The Commissioner of Customs is authorized to engage in activities to develop and support the issuance of the regulations described in this paragraph. The Secretary shall be responsible for the implementation and enforcement of regulations issued under this section.

(B) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of proposed conforming amendments to the statutes set forth under paragraph (2) in order to determine the appropriate allocation of legal authorities described under this subsection. The Secretary of the Treasury shall also identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this section.

(C) LIABILITY.—Neither the Secretary of the Treasury nor the Department of the Treasury shall be liable for or named in any legal action concerning the implementation and enforcement of regulations issued under this paragraph on or after the date on which the United States Customs Service is transferred under this division.

(2) APPLICABLE LAWS.—The provisions of law referred to under paragraph (1) are those sections of the following statutes that relate to customs revenue functions:

(A) The Tariff Act of 1930 (19 U.S.C. 1304 et seq.).

(B) Section 249 of the Revised Statutes of the United States (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (19 U.S.C. 6).

(D) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(E) Section 251 of the Revised Statutes of the United States (19 U.S.C. 66).

(F) Section 1 of the Act of June 26, 1930 (19 U.S.C. 68).

(G) The Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(H) Section 1 of the Act of March 2, 1911 (19 U.S.C. 198).

(I) The Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(J) The Trade Agreements Act of 1979 (19 U.S.C. 2502 et seq.).

(K) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(L) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(M) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(N) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(O) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(P) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(3) DEFINITION OF CUSTOMS REVENUE FUNCTIONS.—In this subsection, the term "customs revenue functions" means—

(A) assessing, collecting, and refunding duties (including any special duties), excise taxes, fees, and any liquidated damages or penalties due on imported merchandise, including classifying and valuing merchandise and the procedures for "entry" as that term is defined in the United States Customs laws;

(B) administering section 337 of the Tariff Act of 1930 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks;

(C) collecting accurate import data for compilation of international trade statistics; and

(D) administering reciprocal trade agreements and trade preference legislation.

(d) PRESERVING COAST GUARD MISSION PERFORMANCE.—

(1) DEFINITIONS.—In this subsection:

(A) NON-HOMELAND SECURITY MISSIONS.—The term "non-homeland security missions" means the following missions of the Coast Guard:

(i) Marine safety.

(ii) Search and rescue.

(iii) Aids to navigation.

(iv) Living marine resources (fisheries law enforcement).

(v) Marine environmental protection.

(vi) Ice operations.

(B) HOMELAND SECURITY MISSIONS.—The term "homeland security missions" means the following missions of the Coast Guard:

(i) Ports, waterways and coastal security.

(ii) Drug interdiction.

(iii) Migrant interdiction.

(iv) Defense readiness.

(v) Other law enforcement.

(2) MAINTENANCE OF STATUS OF FUNCTIONS AND ASSETS.—Notwithstanding any other provision of this Act, the authorities, functions, assets, organizational structure, units, personnel, and non-homeland security missions of the Coast Guard shall be maintained intact and without reduction after the transfer of the Coast Guard to the Department, except as specified in subsequent Acts.

(3) CERTAIN TRANSFERS PROHIBITED.—None of the missions, functions, personnel, and assets (including for purposes of this subsection ships, aircraft, helicopters, and vehicles) of the Coast Guard may be transferred to the operational control of, or diverted to the principal and continuing use of, any other organization, unit, or entity of the Department.

(4) CHANGES TO NON-HOMELAND SECURITY MISSIONS.—

(A) PROHIBITION.—The Secretary may not make any substantial or significant change to any of the non-homeland security missions of the Coast Guard, or to the capabilities of the Coast Guard to carry out each of the non-homeland security missions, without the prior approval of Congress as expressed in a subsequent Act.

(B) WAIVER.—The President may waive the restrictions under subparagraph (A) for a period of not to exceed 90 days upon a declaration and certification by the President to Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver. A certification under this paragraph shall include a detailed justification for the declaration and certification, including the reasons and specific information that demonstrate that the Nation and the Coast Guard cannot respond effectively to the national emergency if the restrictions under subparagraph (A) are not waived.

(5) ANNUAL REVIEW.—

(A) IN GENERAL.—The Inspector General of the Department shall conduct an annual review that shall assess thoroughly the performance by the Coast Guard of all missions of the Coast Guard (including non-homeland security missions and homeland security missions) with a particular emphasis on examining the non-homeland security missions.

(B) REPORT.—The report under this paragraph shall be submitted not later than March 1 of each year to—

(i) the Committee on Governmental Affairs of the Senate;

(ii) the Committee on Government Reform of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and the House of Representatives;

(iv) the Committee on Commerce, Science, and Transportation of the Senate; and

(v) the Committee on Transportation and Infrastructure of the House of Representatives.

(6) DIRECT REPORTING TO SECRETARY.—Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary without being required to report through any other official of the Department.

(7) OPERATION AS A SERVICE IN THE NAVY.—None of the conditions and restrictions in this subsection shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

SEC. 132. DIRECTORATE OF INTELLIGENCE.

(a) ESTABLISHMENT.—There is established within the Department a Directorate of Intelligence which shall serve as a national-level focal point for information available to the United States Government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations for the purpose of supporting the mission of the Department.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) ESTABLISHMENT.—There is established within the Department the Directorate of Critical Infrastructure Protection.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Critical Infrastructure Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 134. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 135. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) ESTABLISHMENT.—There is established within the Department a Directorate of Science and Technology.

(b) UNDER SECRETARY.—There shall be an Under Secretary for Science and Technology, who shall be appointed by the President, by and with the advice and consent of the Senate. The principal responsibility of the Under Secretary shall be to effectively and efficiently carry out the purposes of the Directorate of Science and Technology.

SEC. 136. DIRECTORATE OF IMMIGRATION AFFAIRS.

The Directorate of Immigration Affairs shall be established and shall carry out all functions of that Directorate in accordance with division B of this Act.

SEC. 137. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

(b) RESPONSIBILITIES.—The Office established under subsection (a) shall—

(1) coordinate the activities of the Department relating to State and local government;

(2) assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism;

(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland; and

(4) develop a process for receiving meaningful input from State and local government to assist the development of the national strategy for combating terrorism and other homeland security activities.

(c) HOMELAND SECURITY LIAISON OFFICERS.—

(1) CHIEF HOMELAND SECURITY LIAISON OFFICER.—

(A) APPOINTMENT.—The Secretary shall appoint a Chief Homeland Security Liaison Officer to coordinate the activities of the Homeland Security Liaison Officers, designated under paragraph (2).

(B) ANNUAL REPORT.—The Chief Homeland Security Liaison Officer shall prepare an annual report, that contains—

(i) a description of the State and local priorities in each of the 50 States based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(ii) a needs assessment that identifies homeland security functions in which the Federal role is duplicative of the State or local role, and recommendations to decrease or eliminate inefficiencies between the Federal Government and State and local entities;

(iii) recommendations to Congress regarding the creation, expansion, or elimination of any program to assist State and local entities to carry out their respective functions under the Department; and

(iv) proposals to increase the coordination of Department priorities within each State and between the States.

(2) HOMELAND SECURITY LIAISON OFFICERS.—

(A) DESIGNATION.—The Secretary shall designate in each State not less than 1 employee of the Department to—

(i) serve as the Homeland Security Liaison Officer in that State; and

(ii) provide coordination between the Department and State and local first responders, including—

(I) law enforcement agencies;

(II) fire and rescue agencies;

(III) medical providers;

(IV) emergency service providers; and

(V) relief agencies.

(B) DUTIES.—Each Homeland Security Liaison Officer designated under subparagraph (A) shall—

(i) ensure coordination between the Department and—

(I) State, local, and community-based law enforcement;

(II) fire and rescue agencies; and

(III) medical and emergency relief organizations;

(ii) identify State and local areas requiring additional information, training, resources, and security;

(iii) provide training, information, and education regarding homeland security for State and local entities;

(iv) identify homeland security functions in which the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies;

(v) assist State and local entities in priority setting based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(vi) assist the Department to identify and implement State and local homeland security objectives in an efficient and productive manner; and

(vii) serve as a liaison to the Department in representing State and local priorities and concerns regarding homeland security.

(d) FEDERAL INTERAGENCY COMMITTEE ON FIRST RESPONDERS.—

(1) IN GENERAL.—There is established an Interagency Committee on First Responders, that shall—

(A) ensure coordination among the Federal agencies involved with—

(i) State, local, and community-based law enforcement;

(ii) fire and rescue operations; and

(iii) medical and emergency relief services;

(B) identify community-based law enforcement, fire and rescue, and medical and emergency relief services needs;

(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services;

(D) identify ways to streamline the process through which Federal agencies support community-based law enforcement, fire and rescue, and medical and emergency relief services; and

(E) assist in priority setting based on discovered needs.

(2) MEMBERSHIP.—The Interagency Committee on First Responders shall be composed of—

(A) the Chief Homeland Security Liaison Officer of the Department;

(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;

(C) a representative of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(D) a representative of the Federal Emergency Management Agency of the Department;

(E) a representative of the United States Coast Guard of the Department;

(F) a representative of the Department of Defense;

(G) a representative of the Office of Domestic Preparedness of the Department;

(H) a representative of the Directorate of Immigration Affairs of the Department;

(I) a representative of the Transportation Security Agency of the Department;

(J) a representative of the Federal Bureau of Investigation of the Department of Justice; and

(K) representatives of any other Federal agency identified by the President as having a significant role in the purposes of the Interagency Committee on First Responders.

(3) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee on First Responders and the Advisory Council, which shall include—

(A) scheduling meetings;

(B) preparing agenda;

(C) maintaining minutes and records;

(D) producing reports; and

(E) reimbursing Advisory Council members.

(4) LEADERSHIP.—The members of the Interagency Committee on First Responders shall select annually a chairperson.

(5) MEETINGS.—The Interagency Committee on First Responders shall meet—

(A) at the call of the Chief Homeland Security Liaison Officer of the Department; or

(B) not less frequently than once every 3 months.

(e) ADVISORY COUNCIL FOR THE FEDERAL INTERAGENCY COMMITTEE ON FIRST RESPONDERS.—

(1) ESTABLISHMENT.—There is established an Advisory Council for the Federal Interagency Committee on First Responders (in this section referred to as the "Advisory Council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Council shall be composed of not more than 13 members, selected by the Interagency Committee on First Responders.

(B) REPRESENTATION.—The Interagency Committee on First Responders shall ensure that the membership of the Advisory Council represents—

(i) the law enforcement community;

(ii) fire and rescue organizations;

(iii) medical and emergency relief services; and

(iv) both urban and rural communities.

(3) CHAIRPERSON.—The Advisory Council shall select annually a chairperson from among its members.

(4) COMPENSATION OF MEMBERS.—The members of the Advisory Council shall serve without compensation, but shall be eligible for reimbursement of necessary expenses connected with their service to the Advisory Council.

(5) MEETINGS.—The Advisory Council shall meet with the Interagency Committee on First Responders not less frequently than once every 3 months.

SEC. 138. BORDER COORDINATION WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) BORDER SECURITY FUNCTIONS.—The term "border security functions" means the securing of the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States.

(2) RELEVANT AGENCIES.—The term "relevant agencies" means any department or agency of the United States that the President determines to be relevant to performing border security functions.

(b) ESTABLISHMENT.—The Secretary shall establish a border security working group (in this section referred to as the "Working

Group"), composed of the Secretary or the designee of the Secretary, the Under Secretary for Border and Transportation Protection, and the Under Secretary for Immigration Affairs.

(c) FUNCTIONS.—The Working Group shall meet not less frequently than once every 3 months and shall—

(1) with respect to border security functions, develop coordinated budget requests, allocations of appropriations, staffing requirements, communication, use of equipment, transportation, facilities, and other infrastructure;

(2) coordinate joint and cross-training programs for personnel performing border security functions;

(3) monitor, evaluate and make improvements in the coverage and geographic distribution of border security programs and personnel;

(4) develop and implement policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel and commerce, and enhanced scrutiny for high-risk traffic, travel, and commerce; and

(5) identify systemic problems in coordination encountered by border security agencies and programs and propose administrative, regulatory, or statutory changes to mitigate such problems.

(d) RELEVANT AGENCIES.—The Secretary shall consult representatives of relevant agencies with respect to deliberations under subsection (c), and may include representatives of such agencies in Working Group deliberations, as appropriate.

SEC. 139. LEGISLATIVE PROPOSALS AND SUPPORTING AND ENABLING LEGISLATION.

(a) DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.—Not earlier than February 3, 2003, the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Border and Transportation Protection; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Border and Transportation Protection, to provide for homeland security.

(b) DIRECTORATE OF INTELLIGENCE AND DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.—Not earlier than 120 days after the submission of the proposals and recommendations under subsection (a), the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Intelligence and the Directorate of Critical Infrastructure Protection; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Intelligence and the Directorate of Critical Infrastructure Protection, to provide for homeland security.

(c) DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE AND DIRECTORATE OF SCIENCE AND TECHNOLOGY.—Not earlier than 120 days after the submission of the proposals and recommendations under subsection (b), the Secretary shall submit to Congress—

(1) any legislative proposals necessary to further the objectives of this title relating to the Directorate of Emergency Preparedness and Response and the Directorate of Science and Technology; and

(2) recommendations for supporting and enabling legislation, including the transfer of authorities, functions, personnel, assets, agencies, or entities to the Directorate of Emergency Preparedness and Response and the Directorate of Science and Technology, to provide for homeland security.

(d) SAVINGS AND ADMINISTRATIVE PROVISIONS OF SUPPORTING AND ENABLING LEGISLATION.—Sections 183, 184, and 194 shall apply to any supporting and enabling legislation described under subsection (a), (b), or (c) enacted after the date of enactment of this Act.

(e) DEADLINE FOR CONGRESSIONAL ACTION.—Not later than 13 months after the date of enactment of this Act, the Congress shall complete action on all supporting and enabling legislation described under subsection (a), (b), or (c).

SEC. 140. EXECUTIVE SCHEDULE POSITIONS.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Border and Transportation, Department of Homeland Security.

"Under Secretary for Critical Infrastructure Protection, Department of Homeland Security.

"Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

"Under Secretary for Immigration, Department of Homeland Security.

"Under Secretary for Intelligence, Department of Homeland Security.

"Under Secretary for Science and Technology, Department of Homeland Security.".

Subtitle C—National Emergency Preparedness Enhancement

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "National Emergency Preparedness Enhancement Act of 2002".

SEC. 152. PREPAREDNESS INFORMATION AND EDUCATION.

(a) ESTABLISHMENT OF CLEARINGHOUSE.—There is established in the Department a National Clearinghouse on Emergency Preparedness (referred to in this section as the "Clearinghouse"). The Clearinghouse shall be headed by a Director.

(b) CONSULTATION.—The Clearinghouse shall consult with such heads of agencies, such task forces appointed by Federal officers or employees, and such representatives of the private sector, as appropriate, to collect information on emergency preparedness, including information relevant to homeland security.

(c) DUTIES.—

(1) DISSEMINATION OF INFORMATION.—The Clearinghouse shall ensure efficient dissemination of accurate emergency preparedness information.

(2) CENTER.—The Clearinghouse shall establish a one-stop center for emergency preparedness information, which shall include a website, with links to other relevant Federal websites, a telephone number, and staff, through which information shall be made available on—

(A) ways in which States, political subdivisions, and private entities can access Federal grants;

(B) emergency preparedness education and awareness tools that businesses, schools, and the general public can use; and

(C) other information as appropriate.

(3) PUBLIC AWARENESS CAMPAIGN.—The Clearinghouse shall develop a public awareness campaign. The campaign shall be ongoing, and shall include an annual theme to be implemented during the National Emergency Preparedness Week established under section 154. The Clearinghouse shall work with heads of agencies to coordinate public service announcements and other information-sharing tools utilizing a wide range of media.

(4) BEST PRACTICES INFORMATION.—The Clearinghouse shall compile and disseminate information on best practices for emergency preparedness identified by the Secretary and the heads of other agencies.

SEC. 153. PILOT PROGRAM.

(a) EMERGENCY PREPAREDNESS ENHANCEMENT PILOT PROGRAM.—The Department shall award grants to private entities to pay for the Federal share of the cost of improving emergency preparedness, and educating employees and other individuals using the entities' facilities about emergency preparedness.

(b) USE OF FUNDS.—An entity that receives a grant under this subsection may use the funds made available through the grant to—

(1) develop evacuation plans and drills;

(2) plan additional or improved security measures, with an emphasis on innovative technologies or practices;

(3) deploy innovative emergency preparedness technologies; or

(4) educate employees and customers about the development and planning activities described in paragraphs (1) and (2) in innovative ways.

(c) FEDERAL SHARE.—The Federal share of the cost described in subsection (a) shall be 50 percent, up to a maximum of $250,000 per grant recipient.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 154. DESIGNATION OF NATIONAL EMERGENCY PREPAREDNESS WEEK.

(a) NATIONAL WEEK.—

(1) DESIGNATION.—Each week that includes September 11 is "National Emergency Preparedness Week".

(2) PROCLAMATION.—The President is requested every year to issue a proclamation calling on the people of the United States (including State and local governments and the private sector) to observe the week with appropriate activities and programs.

(b) FEDERAL AGENCY ACTIVITIES.—In conjunction with National Emergency Preparedness Week, the head of each agency, as appropriate, shall coordinate with the Department to inform and educate the private sector and the general public about emergency preparedness activities, resources, and tools, giving a high priority to emergency preparedness efforts designed to address terrorist attacks.

Subtitle D—Miscellaneous Provisions

SEC. 161. NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER.

(a) ESTABLISHMENT.—There is established within the Department of Defense a National Bio-Weapons Defense Analysis Center (in this section referred to as the "Center").

(b) MISSION.—The mission of the Center is to develop countermeasures to potential attacks by terrorists using biological or chemical weapons that are weapons of mass destruction (as defined under section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))) and conduct research and analysis concerning such weapons.

SEC. 162. REVIEW OF FOOD SAFETY.

(a) REVIEW OF FOOD SAFETY LAWS AND FOOD SAFETY ORGANIZATIONAL STRUCTURE.—The Secretary shall enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed, comprehensive study which shall—

(1) review all Federal statutes and regulations affecting the safety and security of the food supply to determine the effectiveness of the statutes and regulations at protecting the food supply from deliberate contamination; and

(2) review the organizational structure of Federal food safety oversight to determine the efficiency and effectiveness of the organizational structure at protecting the food supply from deliberate contamination.

(b) Report.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the President, the Secretary, and Congress a comprehensive report containing—

(A) the findings and conclusions derived from the reviews conducted under subsection (a); and

(B) specific recommendations for improving—

(i) the effectiveness and efficiency of Federal food safety and security statutes and regulations; and

(ii) the organizational structure of Federal food safety oversight.

(2) Contents.—In conjunction with the recommendations under paragraph (1), the report under paragraph (1) shall address—

(A) the effectiveness with which Federal food safety statutes and regulations protect public health and ensure the food supply remains free from contamination;

(B) the shortfalls, redundancies, and inconsistencies in Federal food safety statutes and regulations;

(C) the application of resources among Federal food safety oversight agencies;

(D) the effectiveness and efficiency of the organizational structure of Federal food safety oversight;

(E) the shortfalls, redundancies, and inconsistencies of the organizational structure of Federal food safety oversight; and

(F) the merits of a unified, central organizational structure of Federal food safety oversight.

(c) Response of the Secretary.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress the response of the Department to the recommendations of the report and recommendations of the Department to further protect the food supply from contamination.

SEC. 163. EXCHANGE OF EMPLOYEES BETWEEN AGENCIES AND STATE OR LOCAL GOVERNMENTS.

(a) Findings.—Congress finds that—

(1) information sharing between Federal, State, and local agencies is vital to securing the homeland against terrorist attacks;

(2) Federal, State, and local employees working cooperatively can learn from one another and resolve complex issues;

(3) Federal, State, and local employees have specialized knowledge that should be consistently shared between and among agencies at all levels of government; and

(4) providing training and other support, such as staffing, to the appropriate Federal, State, and local agencies can enhance the ability of an agency to analyze and assess threats against the homeland, develop appropriate responses, and inform the United States public.

(b) Exchange of Employees.—

(1) In general.—The Secretary may provide for the exchange of employees of the Department and State and local agencies in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(2) Conditions.—With respect to exchanges described under this subsection, the Secretary shall ensure that—

(A) any assigned employee shall have appropriate training or experience to perform the work required by the assignment; and

(B) any assignment occurs under conditions that appropriately safeguard classified and other sensitive information.

SEC. 164. WHISTLEBLOWER PROTECTION FOR FEDERAL EMPLOYEES WHO ARE AIRPORT SECURITY SCREENERS.

Section 111(d) of the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 620; 49 U.S.C. 44935 note) is amended—

(1) by striking "(d) Screener Personnel.—Notwithstanding any other provision of law," and inserting the following:

"(d) Screener Personnel.—

"(1) In general.—Notwithstanding any other provision of law (except as provided under paragraph (2)),"; and

(2) by adding at the end the following:

"(2) Whistleblower protection.—

"(A) Definition.—In this paragraph, the term "security screener" means—

"(i) any Federal employee hired as a security screener under subsection (e) of section 44935 of title 49, United States Code; or

"(ii) an applicant for the position of a security screener under that subsection.

"(B) In general.—Notwithstanding paragraph (1)—

"(i) section 2302(b)(8) of title 5, United States Code, shall apply with respect to any security screener; and

"(ii) chapters 12, 23, and 75 of that title shall apply with respect to a security screener to the extent necessary to implement clause (i).

"(C) Covered position.—The President may not exclude the position of security screener as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion would prevent the implementation of subparagraph (B) of this paragraph.".

SEC. 165. WHISTLEBLOWER PROTECTION FOR CERTAIN AIRPORT EMPLOYEES.

(a) In General.—Section 42121(a) of title 49, United States Code, is amended—

(1) by striking "(a) Discrimination Against Airline Employees.—No air carrier or contractor or subcontractor of an air carrier" and inserting the following:

"(a) Discrimination Against Employees.—

"(1) In general.—No air carrier, contractor, subcontractor, or employer described under paragraph (2)";

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(3) by adding at the end the following:

"(2) Applicable employers.—Paragraph (1) shall apply to—

"(A) an air carrier or contractor or subcontractor of an air carrier;

"(B) an employer of airport security screening personnel, other than the Federal Government, including a State or municipal government, or an airport authority, or a contractor of such government or airport authority; or

"(C) an employer of private screening personnel described in section 44919 or 44920 of this title.".

(b) Technical and Conforming Amendments.—Section 42121(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)"; and

(2) in clause (iii), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)".

SEC. 166. BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.

Section 319D of the Public Health Service Act (42 U.S.C. 2472–4) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b), the following:

"(c) Bioterrorism Preparedness and Response Division.—

"(1) Establishment.—There is established within the Office of the Director of the Centers for Disease Control and Prevention a Bioterrorism Preparedness and Response Division (in this subsection referred to as the 'Division').

"(2) Mission.—The Division shall have the following primary missions:

"(A) To lead and coordinate the activities and responsibilities of the Centers for Disease Control and Prevention with respect to countering bioterrorism.

"(B) To coordinate and facilitate the interaction of Centers for Disease Control and Prevention personnel with personnel from the Department of Homeland Security and, in so doing, serve as a major contact point for 2-way communications between the jurisdictions of homeland security and public health.

"(C) To train and employ a cadre of public health personnel who are dedicated full-time to the countering of bioterrorism.

"(3) Responsibilities.—In carrying out the mission under paragraph (2), the Division shall assume the responsibilities of and budget authority for the Centers for Disease Control and Prevention with respect to the following programs:

"(A) The Bioterrorism Preparedness and Response Program.

"(B) The Strategic National Stockpile.

"(C) Such other programs and responsibilities as may be assigned to the Division by the Director of the Centers for Disease Control and Prevention.

"(4) Director.—There shall be in the Division a Director, who shall be appointed by the Director of the Centers for Disease Control and Prevention, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security.

"(5) Staffing.—Under agreements reached between the Director of the Centers for Disease Control and Prevention and the Secretary of Homeland Security—

"(A) the Division may be staffed, in part, by personnel assigned from the Department of Homeland Security by the Secretary of Homeland Security; and

"(B) the Director of the Centers for Disease Control and Prevention may assign some personnel from the Division to the Department of Homeland Security.".

SEC. 167. COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) In General.—The annual Federal response plan developed by the Secretary under section 102(b)(14) shall be consistent with section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) Disclosures Among Relevant Agencies.—

(1) In general.—Full disclosure among relevant agencies shall be made in accordance with this subsection.

(2) Public health emergency.—During the period in which the Secretary of Health and Human Services has declared the existence of a public health emergency under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.

(3) Potential public health emergency.—In cases involving, or potentially involving, a public health emergency, but in which no determination of an emergency by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), has been made, all relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, shall keep the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention fully and currently informed.

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) In General.—There are authorized to be appropriated to the Department, for the benefit of Amtrak, for the 2-year period beginning on the date of enactment of this Act—

(1) $375,000,000 for grants to finance the cost of enhancements to the security and safety of Amtrak rail passenger service;

(2) $778,000,000 for grants for life safety improvements to 6 New York Amtrak tunnels built in 1910, the Baltimore and Potomac Amtrak tunnel built in 1872, and the Washington, D.C. Union Station Amtrak tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings; and

(3) $55,000,000 for the emergency repair, and returning to service of Amtrak passenger cars and locomotives.

(b) Availability of Funds.—Amounts appropriated under subsection (a) shall remain available until expended.

(c) Coordination With Existing Law.—Amounts made available to Amtrak under this section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 169. GRANTS FOR FIREFIGHTING PERSONNEL.

(a) Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

"(c) Personnel Grants.—

"(1) Exclusion.—Grants awarded under subsection (b) to hire 'employees engaged in fire protection', as that term is defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 203), shall not be subject to paragraphs (10) or (11) of subsection (b).

"(2) Duration.—Grants awarded under paragraph (1) shall be for a 3-year period.

"(3) Maximum amount.—The total amount of grants awarded under paragraph (1) shall not exceed $100,000 per firefighter, indexed for inflation, over the 3-year grant period.

"(4) Federal share.—

"(A) In general.—Notwithstanding subsection (b)(6), the Federal share of a grant under paragraph (1) shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired.

"(B) Waiver.—The Director may waive the 25 percent non-Federal match under subparagraph (A) for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship.

"(5) Application.—In addition to the information under subsection (b)(5), an application for a grant under paragraph (1), shall include—

"(A) an explanation for the need for Federal assistance; and

"(B) specific plans for obtaining necessary support to retain the position following the conclusion of Federal support.

"(6) Maintenance of Effort.—Grants awarded under paragraph (1) shall only be used to pay the salaries and benefits of additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources."; and

(3) in subsection (f) (as redesignated by paragraph (1)), by adding at the end the following:

"(3) $1,000,000,000 for each of fiscal years 2003 and 2004, to be used only for grants under subsection (c).".

SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.

(a) Review of Transportation Vulnerabilities and Federal Transportation Security Efforts.—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail and transit facilities;

(2) review all available information on vulnerabilities at aviation, seaport, rail and transit facilities; and

(3) review the steps taken by agencies since September 11, 2001, to improve aviation, seaport, rail, and transit security to determine their effectiveness at protecting passengers and transportation infrastructure from terrorist attack.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress and the Secretary a comprehensive report containing—

(1) the findings and conclusions from the reviews conducted under subsection (a); and

(2) proposed steps to improve any deficiencies found in aviation, seaport, rail, and transit security including, to the extent possible, the cost of implementing the steps.

(c) Response of the Secretary.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(1) the response of the Department to the recommendations of the report; and

(2) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

SEC. 171. INTEROPERABILITY OF INFORMATION SYSTEMS.

(a) In General.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall develop—

(1) a comprehensive enterprise architecture for information systems, including communications systems, to achieve interoperability between and among information systems of agencies with responsibility for homeland security; and

(2) a plan to achieve interoperability between and among information systems, including communications systems, of agencies with responsibility for homeland security and those of State and local agencies with responsibility for homeland security.

(b) Timetables.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall establish timetables for development and implementation of the enterprise architecture and plan referred to in subsection (a).

(c) Implementation.—The Director of the Office of Management and Budget, in consultation with the Secretary and acting under the responsibilities of the Director under law (including the Clinger-Cohen Act of 1996), shall ensure the implementation of the enterprise architecture developed under subsection (a)(1), and shall coordinate, oversee, and evaluate the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (a)(1).

(d) Agency Cooperation.—The head of each agency with responsibility for homeland security shall fully cooperate with the Director of the Office of Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology consistent with the comprehensive enterprise architecture developed under subsection (a)(1).

(e) Content.—The enterprise architecture developed under subsection (a)(1), and the information systems managed and acquired under the enterprise architecture, shall possess the characteristics of—

(1) rapid deployment;

(2) a highly secure environment, providing data access only to authorized users; and

(3) the capability for continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data.

(f) Updated Versions.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall oversee and ensure the development of updated versions of the enterprise architecture and plan developed under subsection (a), as necessary.

(g) Report.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall annually report to Congress on the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(h) Consultation.—The Director of the Office of Management and Budget shall consult with information systems management experts in the public and private sectors, in the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(i) Principal Officer.—The Director of the Office of Management and Budget shall designate, with the approval of the President, a principal officer in the Office of Management and Budget whose primary responsibility shall be to carry out the duties of the Director under this section.

SEC. 172. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) In General.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) Inverted Domestic Corporation.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

(e) EFFECTIVE DATE.—This section shall take effect 1 day after the date of enactment of this Act.

SEC. 173. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "March 31, 2004".

Subtitle E—Transition Provisions

SEC. 181. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term "agency" includes any entity, organizational unit, or function transferred or to be transferred under this title.

(2) TRANSITION PERIOD.—The term "transition period" means the 1-year period beginning on the effective date of this division.

SEC. 182. IMPLEMENTATION PROGRESS REPORTS AND LEGISLATIVE RECOMMENDATIONS.

(a) IN GENERAL.—In consultation with the President and in accordance with this section, the Secretary shall prepare implementation progress reports and submit such reports to—

(1) the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate committees; and

(2) the Comptroller General of the United States.

(b) REPORT FREQUENCY.—

(1) INITIAL REPORT.—As soon as practicable, and not later than 6 months after the date of enactment of this Act, the Secretary shall submit the first implementation progress report.

(2) SEMIANNUAL REPORTS.—Following the submission of the report under paragraph (1), the Secretary shall submit additional implementation progress reports not less frequently than once every 6 months until all transfers to the Department under this title have been completed.

(3) FINAL REPORT.—Not later than 6 months after all transfers to the Department under this title have been completed, the Secretary shall submit a final implementation progress report.

(c) CONTENTS.—

(1) IN GENERAL.—Each implementation progress report shall report on the progress made in implementing titles I and XI, including fulfillment of the functions transferred under this Act, and shall include all of the information specified under paragraph (2) that the Secretary has gathered as of the date of submission. Information contained in an earlier report may be referenced, rather than set out in full, in a subsequent report. The final implementation progress report shall include any required information not yet provided.

(2) SPECIFICATIONS.—Each implementation progress report shall contain, to the extent available—

(A) with respect to the transfer and incorporation of entities, organizational units, and functions—

(i) the actions needed to transfer and incorporate entities, organizational units, and functions into the Department;

(ii) a projected schedule, with milestones, for completing the various phases of the transition;

(iii) a progress report on taking those actions and meeting the schedule;

(iv) the organizational structure of the Department, including a listing of the respective directorates, the field offices of the Department, and the executive positions that will be filled by political appointees or career executives;

(v) the location of Department headquarters, including a timeframe for relocating to the new location, an estimate of cost for the relocation, and information about which elements of the various agencies will be located at headquarters;

(vi) unexpended funds and assets, liabilities, and personnel that will be transferred, and the proposed allocations and disposition within the Department; and

(vii) the costs of implementing the transition;

(B) with respect to human capital planning—

(i) a description of the workforce planning undertaken for the Department, including the preparation of an inventory of skills and competencies available to the Department, to identify any gaps, and to plan for the training, recruitment, and retention policies necessary to attract and retain a workforce to meet the needs of the Department;

(ii) the past and anticipated future record of the Department with respect to recruitment and retention of personnel;

(iii) plans or progress reports on the utilization by the Department of existing personnel flexibility, provided by law or through regulations of the President and the Office of Personnel Management, to achieve the human capital needs of the Department;

(iv) any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation under this division of functions, entities, and personnel previously covered by disparate personnel systems; and

(v) efforts to address the disparities under clause (iv) using existing personnel flexibility;

(C) with respect to information technology—

(i) an assessment of the existing and planned information systems of the Department; and

(ii) a report on the development and implementation of enterprise architecture and of the plan to achieve interoperability;

(D) with respect to programmatic implementation—

(i) the progress in implementing the programmatic responsibilities of this division;

(ii) the progress in implementing the mission of each entity, organizational unit, and function transferred to the Department;

(iii) recommendations of any other governmental entities, organizational units, or functions that need to be incorporated into the Department in order for the Department to function effectively; and

(iv) recommendations of any entities, organizational units, or functions not related to homeland security transferred to the Department that need to be transferred from the Department or terminated for the Department to function effectively.

(d) LEGISLATIVE RECOMMENDATIONS.—

(1) INCLUSION IN REPORT.—The Secretary, after consultation with the appropriate committees of Congress, shall include in the report under this section, recommendations for legislation that the Secretary determines is necessary to—

(A) facilitate the integration of transferred entities, organizational units, and functions into the Department;

(B) reorganize agencies, executive positions, and the assignment of functions within the Department;

(C) address any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation of agencies, functions, and personnel previously covered by disparate personnel systems;

(D) enable the Secretary to engage in procurement essential to the mission of the Department;

(E) otherwise help further the mission of the Department; and

(F) make technical and conforming amendments to existing law to reflect the changes made by titles I and XI.

(2) Separate Submission of Proposed Legislation.—The Secretary may submit the proposed legislation under paragraph (1) to Congress before submitting the balance of the report under this section.

SEC. 183. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, recognitions of labor organizations, collective bargaining agreements, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(2) which are in effect at the time this division takes effect, or were final before the effective date of this division and are to become effective on or after the effective date of this division, shall, to the extent related to such functions, continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, or a court of competent jurisdiction, or by operation of law.

(b) Proceedings Not Affected.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) Suits Not Affected.—The provisions of this title shall not affect suits commenced before the effective date of this division, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this title.

(e) Administrative Actions Relating to Promulgation of Regulations.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this title may be continued by the Department with the same effect as if this title had not been enacted.

(f) Employment and Personnel.—

(1) Employee rights.—

(A) Transferred agencies.—The Department, or a subdivision of the Department, that includes an entity or organizational unit, or subdivision thereof, transferred under this Act, or performs functions transferred under this Act shall not be excluded from coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of title 5, United States Code, after July 19, 2002.

(B) Transferred employees.—An employee transferred to the Department under this Act, who was in an appropriate unit under section 7112 of title 5, United States Code, prior to the transfer, shall not be excluded from a unit under subsection (b)(6) of that section unless—

(i) the primary job duty of the employee is materially changed after the transfer; and

(ii) the primary job duty of the employee after such change consists of intelligence, counterintelligence, or investigative duties directly related to the investigation of terrorism, if it is clearly demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(C) Transferred functions.—An employee of the Department who is primarily engaged in carrying out a function transferred to the Department under this Act or a function substantially similar to a function so transferred shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless the function prior to the transfer was performed by an employee excluded from a unit under that section.

(D) Other agencies, employees, and functions.—

(i) Exclusion of subdivision.—Subject to paragraph (A), a subdivision of the Department shall not be excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title unless—

(I) the subdivision has, as a primary function, intelligence, counterintelligence, or investigative duties directly related to terrorism investigation; and

(II) the provisions of that chapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(ii) Exclusion of employee.—Subject to subparagraphs (B) and (C), an employee of the Department shall not be excluded from a unit under section 7112(b)(6) of title 5, United States Code, unless the primary job duty of the employee consists of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation, if it is clearly demonstrated that membership in a unit and coverage under chapter 71 of title 5, United States Code, cannot be applied in a manner that would not have a substantial adverse effect on national security.

(E) Prior exclusion.—Subparagraphs (A) through (D) shall not apply to any entity or organizational unit, or subdivision thereof, transferred to the Department under this Act that, on July 19, 2002, was excluded from coverage under chapter 71 of title 5, United States Code, under section 7103(b)(1) of that title.

(2) Terms and conditions of employment.—The transfer of an employee to the Department under this Act shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(3) Conditions and criteria for appointment.—Any qualifications, conditions, or criteria required by law for appointments to a position in an agency, or subdivision thereof, transferred to the Department under this title, including a requirement that an appointment be made by the President, by and with the advice and consent of the Senate, shall continue to apply with respect to any appointment to the position made after such transfer to the Department has occurred.

(4) Whistleblower protection.—The President may not exclude any position transferred to the Department as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion subject to that authority was not made before the date of enactment of this Act.

(g) No Effect on Intelligence Authorities.—The transfer of authorities, functions, personnel, and assets of elements of the United States Government under this title, or the assumption of authorities and functions by the Department under this title, shall not be construed, in cases where such authorities, functions, personnel, and assets are engaged in intelligence activities as defined in the National Security Act of 1947, as affecting the authorities of the Director of Central Intelligence, the Secretary of Defense, or the heads of departments and agencies within the intelligence community.

SEC. 184. USE OF APPROPRIATED FUNDS.

(a) Applicability of This Section.—Notwithstanding any other provision of this Act or any other law, this section shall apply to the use of any funds, disposal of property, and acceptance, use, and disposal of gifts, or donations of services or property, of, for, or by the Department, including any agencies, entities, or other organizations transferred to the Department under this Act.

(b) Use of Transferred Funds.—Except as may be provided in an appropriations Act in accordance with subsection (d), balances of appropriations and any other funds or assets transferred under this Act—

(1) shall be available only for the purposes for which they were originally available;

(2) shall remain subject to the same conditions and limitations provided by the law originally appropriating or otherwise making available the amount, including limitations and notification requirements related to the reprogramming of appropriated funds; and

(3) shall not be used to fund any new position established under this Act.

(c) Notification Regarding Transfers.—The President shall notify Congress not less than 15 days before any transfer of appropriations balances, other funds, or assets under this Act.

(d) Additional Uses of Funds During Transition.—Subject to subsection (c), amounts transferred to, or otherwise made available to, the Department may be used during the transition period for purposes in addition to those for which they were originally available (including by transfer among accounts of the Department), but only to the extent such transfer or use is specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(e) Disposal of Property.—

(1) Strict compliance.—If specifically authorized to dispose of real property in this or any other Act, the Secretary shall exercise this authority in strict compliance with section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485).

(2) Deposit of proceeds.—The Secretary shall deposit the proceeds of any exercise of property disposal authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31, United States Code.

(f) Gifts.—Gifts or donations of services or property of or for the Department may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(g) Budget Request.—Under section 1105 of title 31, United States Code, the President shall submit to Congress a detailed budget request for the Department for fiscal year 2004.

Subtitle F—Administrative Provisions

SEC. 191. REORGANIZATIONS AND DELEGATIONS.

(a) Reorganization Authority.—

(1) In general.—The Secretary may, as necessary and appropriate—

(A) allocate, or reallocate, functions among officers of the Department; and

(B) establish, consolidate, alter, or discontinue organizational entities within the Department.

(2) Limitation.—Paragraph (1) does not apply to—

(A) any office, bureau, unit, or other entity established by law and transferred to the Department;

(B) any function vested by law in an entity referred to in subparagraph (A) or vested by law in an officer of such an entity; or

(C) the alteration of the assignment or delegation of functions assigned by this Act to any officer or organizational entity of the Department.

(b) Delegation Authority.—

(1) Secretary.—The Secretary may—

(A) delegate any of the functions of the Secretary; and

(B) authorize successive redelegations of functions of the Secretary to other officers and employees of the Department.

(2) Officers.—An officer of the Department may—

(A) delegate any function assigned to the officer by law; and

(B) authorize successive redelegations of functions assigned to the officer by law to other officers and employees of the Department.

(3) Limitations.—

(A) Interunit delegation.—Any function assigned by this title to an organizational unit of the Department or to the head of an organizational unit of the Department may not be delegated to an officer or employee outside of that unit.

(B) Functions.—Any function vested by law in an entity established by law and transferred to the Department or vested by law in an officer of such an entity may not be delegated to an officer or employee outside of that entity.

SEC. 192. REPORTING REQUIREMENTS.

(a) Annual Evaluations.—The Comptroller General of the United States shall monitor and evaluate the implementation of titles I and XI. Not later than 15 months after the effective date of this division, and every year thereafter for the succeeding 5 years, the Comptroller General shall submit a report to Congress containing—

(1) an evaluation of the implementation progress reports submitted to Congress and the Comptroller General by the Secretary under section 182;

(2) the findings and conclusions of the Comptroller General of the United States resulting from the monitoring and evaluation conducted under this subsection, including evaluations of how successfully the Department is meeting—

(A) the homeland security missions of the Department; and

(B) the other missions of the Department; and

(3) any recommendations for legislation or administrative action the Comptroller General considers appropriate.

(b) Biennial Reports.—Every 2 years the Secretary shall submit to Congress—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(c) Point of Entry Management Report.—Not later than 1 year after the effective date of this division, the Secretary shall submit to Congress a report outlining proposed steps to consolidate management authority for Federal operations at key points of entry into the United States.

(d) Results-Based Management.—

(1) Strategic plan.—

(A) In general.—Not later than September 30, 2003, consistent with the requirements of section 306 of title 5, United States Code, the Secretary, in consultation with Congress, shall prepare and submit to the Director of the Office of Management and Budget and to Congress a strategic plan for the program activities of the Department.

(B) Period; revisions.—The strategic plan shall cover a period of not less than 5 years from the fiscal year in which it is submitted and it shall be updated and revised at least every 3 years.

(C) Contents.—The strategic plan shall describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(2) Performance plan.—

(A) In general.—In accordance with section 1115 of title 31, United States Code, the Secretary shall prepare an annual performance plan covering each program activity set forth in the budget of the Department.

(B) Contents.—The performance plan shall include—

(i) the goals to be achieved during the year;

(ii) strategies and resources required to meet the goals; and

(iii) the means used to verify and validate measured values.

(C) Scope.—The performance plan should describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(3) Performance report.—

(A) In general.—In accordance with section 1116 of title 31, United States Code, the Secretary shall prepare and submit to the President and Congress an annual report on program performance for each fiscal year.

(B) Contents.—The performance report shall include the actual results achieved during the year compared to the goals expressed in the performance plan for that year.

SEC. 193. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and requirements; and

(2) develop procedures for meeting such requirements.

SEC. 194. LABOR STANDARDS.

(a) In General.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.).

(b) Secretary of Labor.—The Secretary of Labor shall have, with respect to the enforcement of labor standards under subsection (a), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

SEC. 195. PRESERVING NON-HOMELAND SECURITY MISSION PERFORMANCE.

(a) In General.—For each entity transferred into the Department that has non-homeland security functions, the respective Under Secretary in charge, in conjunction with the head of such entity, shall report to the Secretary, the Comptroller General, and the appropriate committees of Congress on the performance of the entity in all of its missions, with a particular emphasis on examining the continued level of performance of the non-homeland security missions.

(b) Contents.—The report referred to in subsection (a) shall—

(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capabilities of the entity with respect to those functions, including—

(A) the number of employees who carry out those functions;

(B) the budget for those functions; and

(C) the flexibilities, personnel or otherwise, currently used to carry out those functions;

(2) contain information related to the roles, responsibilities, missions, organizational structure, capabilities, personnel assets, and annual budgets, specifically with respect to the capabilities of the entity to accomplish its non-homeland security missions without any diminishment; and

(3) contain information regarding whether any changes are required to the roles, responsibilities, missions, organizational structure, modernization programs, projects, activities, recruitment and retention programs, and annual fiscal resources to enable the entity to accomplish its non-homeland security missions without diminishment.

(c) Timing.—Each Under Secretary shall provide the report referred to in subsection (a) annually, for the 5 years following the transfer of the entity to the Department.

SEC. 196. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) In General.—Each budget request submitted to Congress for the Department under section 1105 of title 31, United States Code, and each budget request submitted to Congress for the National Terrorism Prevention and Response Program shall be accompanied by a Future Years Homeland Security Program.

(b) Contents.—The Future Years Homeland Security Program under subsection (a) shall be structured, and include the same type of information and level of detail, as the Future Years Defense Program submitted to Congress by the Department of Defense under section 221 of title 10, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect with respect to the preparation and submission of the fiscal year 2005 budget request for the Department and the fiscal year 2005 budget request for the National Terrorism Prevention and Response Program, and for any subsequent fiscal year.

SEC. 197. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given that term in section 1016(e) of the USA PATRIOT ACT of 2001 (42 U.S.C. 5195(e)).

(2) FURNISHED VOLUNTARILY.—

(A) DEFINITION.—The term "furnished voluntarily" means a submission of a record that—

(i) is made to the Department in the absence of authority of the Department requiring that record to be submitted; and

(ii) is not submitted or used to satisfy any legal requirement or obligation or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modifications of agency penalties or rulings), or other approval from the Government.

(B) BENEFIT.—In this paragraph, the term "benefit" does not include any warning, alert, or other risk analysis by the Department.

(b) IN GENERAL.—Notwithstanding any other provision of law, a record pertaining to the vulnerability of and threats to critical infrastructure (such as attacks, response, and recovery efforts) that is furnished voluntarily to the Department shall not be made available under section 552 of title 5, United States Code, if—

(1) the provider would not customarily make the record available to the public; and

(2) the record is designated and certified by the provider, in a manner specified by the Department, as confidential and not customarily made available to the public.

(c) RECORDS SHARED WITH OTHER AGENCIES.—

(1) IN GENERAL.—

(A) RESPONSE TO REQUEST.—An agency in receipt of a record that was furnished voluntarily to the Department and subsequently shared with the agency shall, upon receipt of a request under section 552 of title 5, United States Code, for the record—

(i) not make the record available; and

(ii) refer the request to the Department for processing and response in accordance with this section.

(B) SEGREGABLE PORTION OF RECORD.—Any reasonably segregable portion of a record shall be provided to the person requesting the record after deletion of any portion which is exempt under this section.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED RECORDS.—Notwithstanding paragraph (1), nothing in this section shall prohibit an agency from making available under section 552 of title 5, United States Code, any record that the agency receives independently of the Department, regardless of whether or not the Department has a similar or identical record.

(d) WITHDRAWAL OF CONFIDENTIAL DESIGNATION.—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

(e) PROCEDURES.—The Secretary shall prescribe procedures for—

(1) the acknowledgement of receipt of records furnished voluntarily;

(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

(3) the care and storage of records furnished voluntarily;

(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

(5) the withdrawal of the confidential designation of records under subsection (d).

(f) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section shall be construed as preempting or otherwise modifying State or local law concerning the disclosure of any information that a State or local government receives independently of the Department.

(g) REPORT.—

(1) REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

(B) the number of requests for access to records granted or denied under this section; and

(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committees on the Judiciary and Governmental Affairs of the Senate; and

(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 198. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to—

(1) enable the Secretary to administer and manage the Department; and

(2) carry out the functions of the Department other than those transferred to the Department under this Act.

SA 4674. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

The Security is responsible for ensuring that Federal, State, and local entities share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

SA 4675. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

"SENSE OF CONGRESS.—It is the sense of Congress that the Department of Homeland Security shall comply with all laws protecting the civil rights and civil liberties of United States persons.".

SA 4676. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following: "The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.".

SA 4677. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following: "It is the sense of Congress that the Department of Homeland Security shall comply with all laws protecting the privacy of United States persons.".

SA 4678. Mrs. FEINSTEIN (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, between lines 9 and 10, insert the following:

SEC. 512. AIRPORT SECURITY SCREENER STANDARDS AND TRAINING.

(a) IN GENERAL.—Section 44935(e)(2) of title 49, United States Code, is amended—

(1) by striking "States;" in subparagraph (A)(ii) and inserting "States or described in subparagraph (C);";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) OTHER INDIVIDUALS.—An individual is described in this subparagraph if that individual—

"(i) is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)));

"(ii) was born in a territory of the United States;

"(iii) was honorably discharged from service in the Armed Forces of the United States; or

"(iv) is an alien lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act and was employed to perform security screening services at an airport in the United States on the date of enactment of the Aviation and Transportation Security Act (Public Law 107–71).".

(b) CORRECTION OF SUBSECTION DESIGNATION.—Subsection (i) of section 44935 of title 49, United States Code, relating to accessibility of computer-based training facilities, is redesignated as subsection (k).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, September 18, 2002, at 9:30 a.m. in SD–366. The purpose of the hearing is to receive testimony on the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy; and to identify necessary changes to those programs to support U.S. competitiveness in the global marketplace.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 18, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on H.R. 2880, a bill to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, September 18, 2002 in Dirksen Room 226 at 10:00 a.m.

Panel I: The Honorable Joseph R. Biden, Jr.; The Honorable Orrin Hatch; The Honorable Phil Gramm; The Honorable Robert Bennett; The Honorable Kay Bailey Hutchison; The Honorable Fred Thompson; The Honorable William Frist; The Honorable Thomas Carper; and The Honorable Jon Corzine.

Panel II: Michael W. McConnell to be a United States Circuit Court Judge for the Tenth Circuit.

Panel III: Kent A. Jordan to be United States District Court Judge for the District of Delaware; Alia Moses Ludlum to be United States District Court Judge for the Western District of Texas; William J. Martini to be United States District Court Judge for the District of New Jersey; Thomas W. Phillips to be United States District Court Judge for the Eastern District of Tennessee; and Jeffrey S. White to be United States District Court Judge for the Northern District of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 18, 2002 at 10:00 a.m. and 2:30 p.m. to held a joint open hearing with the House Permanent Select Committee on Intelligence regarding the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 18, 2002, at 2:30 p.m., to conduct an oversight hearing on "Transit Security: One Year Later."

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to executive session to consider Executive Calendar No. 1009 through No. 1030 and all nominations on the Secretary's desk, the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action; that any statements appear at the appropriate place in the RECORD; and that the Senate then return to legislative session, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8036 and 601:

To be lieutenant general

Maj. Gen. George P. Taylor, Jr., 9111

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Mark R. Zamzow, 0418

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Peter U. Sutton, 9325

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Norton A. Schwartz, 7542

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald E. Keys, 5357

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Carrol H. Chandler, 9115

ARMY

The following named officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel James A. Hasbargen, 2340

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles C. Campbell, 6999

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Clinton T. Anderson, 6270
Col. Michael D. Barbero, 1169
Col. Vincent K. Brooks, 9015
Col. Salvatore F. Cambria, 8655
Col. Samuel M. Cannon, 6138
Col. James A. Cerrone, 5119
Col. Robert W. Cone, 7395
Col. Robert Crear, 4798
Col. John M. Custer, III, 4336
Col. David P. Fridovich, 6568
Col. Russell L. Frutiger, 5323
Col. William T. Grisoli, 3836
Col. Carter F. Ham, 0921
Col. Jeffery W. Hammond, 0841
Col. Thomas M. Jordan, 9638
Col. Francis H. Kearney, III, 9443
Col. Daniel J. Keefe, 1751
Col. Stephen R. Layfield, 7666
Col. John A. MacDonald, 0573
Col. Richard L. McCabe, 6950
Col. William H. McCoy, Jr., 5356
Col. Marvin K. McNamara, 2480
Col. John W. Morgan, III, 7279
Col. Stephen D. Mundt, 5392
Col. Michael L. Oates, 3680
Col. Mark E. ONeill, 4225
Col. Joseph E. Orr, 0312
Col. Robert M. Radin, 0402
Col. Jose D. Riojas, 9387
Col. Curtis M. Scaparrotti, 8351
Col. Mark E. Scheid, 7591
Col. James H. Schwitters, 2271
Col. John F. Shortal, 7262
Col. Joseph A Smith, 0015
Col. Merdith w. Temple, 2899
Col. Louis W. Weber, 3019
Col. Scott G. West, 5375

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Timothy M. Haake, 0668

MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. George J. Flynn, 5536

Col. John F. Kelly, 7821
Col. MaryAnn Krusadossin, 1134
Col. Frank A. Panter, Jr., 2226
Col. Charles S. Patton, 9576
Col. Mastin M. Robeson, 1984
Col. Terry G. Robling, 1530
Col. Richard T. Tryon, 7313

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Emerson N. Gardner, Jr., 0157
Brig. Gen. Richard A. Huck, 7508
Brig. Gen. Stephen T. Johnson, 0874
Brig. Gen. Bradley M. Lott, 8545
Brig. Gen. Keith J. Stalder, 5748
Brig. Gen. Joseph F. Weber, 1316

NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (1h) Duret S. Smith, 6254
Rear Adm. (1h) Jerry D. West, 5130

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (1h) Robert M. Clark, 8433
Rear Adm. (1h) John R. Hines, Jr., 4374
Rear Adm. (1h) Noel G. Preston, 4806

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (1h) Linda J. Bird, 2508

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (1h) Richard E. Brooks, 3863
Rear Adm. (1h) Evan M. Chanik, Jr., 9906
Rear Adm. (1h) Barry M. Costello, 3332
Rear Adm. (1h) Kirkland H. Donald, 3953
Rear Adm. (1h) Mark J. Edwards, 3734
Rear Adm. (1h) Joseph E. Enright, 8942
Read Adm. (1h) James B. Godwin, III, 0117
Rear Adm. (1h) John M. Kelly, 6608
Rear Adm. (1h) Michael G. Mathis, 4091
Rear Adm. (1h) George E. Mayer, 8977
Rear Adm. (1h) John G. Morgan, Jr., 4027
Rear Adm. (1h) Eric T. Olson, 6412
Rear Adm. (1h) Ann E. Rondeau, 9812
Rear Adm. (1h) Frederic R. Ruehe, 7532
Rear Adm. (1h) John D. Stufflebeem, 4012
Rear Adm. (1h) William D. Sullivan, 3858
Rear Adm. (1h) Gerald L. Talbot, Jr., 3890
Rear Adm. (1h) Hamlin B. Tallent, 7864
Rear Adm. (1h) James M. Zortman, 6747

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. William D. Masters, Jr., 7837

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. David L. Maserang, 5995

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mark D. Harnitchek, 5185
Capt. Michael S. Roesner, 8965

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Robert J. Cox, 3723
Captain Derwood C. Curtis, 9914
Captain Peter H. Daly, 8726
Captain Kenneth W. Deutsch, 9948
Captain Mark T. Emerson, 8886
Captain Jeffrey L. Fowler, 7245
Captain John S. Godlewski, 1227
Captain Garry E. Hall, 1756
Captain Leendert R. Hering, 4873
Captain Alan B. Hicks, 8932
Captain Deborah A. Loewer, 8508
Captain Carl V. Mauney, 8015
Captain William J. McCarthy, 8575
Captain Bernard J. McCullough, III, 4147
Captain Michael H. Miller, 6300
Captain Allen G. Myers, 2554
Captain Marc L. Purcell, 9342
Captain James W. Stevenson, Jr., 1918
Captain William G. Timme, 0212
Captain Joseph A. Walsh, 7361
Captain Melvin Williams, Jr., 9480
Captain James A. Winnefeld, Jr., 5212

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Kevin P. Green, 8505

The following named officer for appointment as Deputy Judge Advocate General of the United States Navy in the grade indicated under title 10, U.S.C., section 5149:

To be rear admiral

Capt. James E. McPherson, 8989

Nominations Placed on the Secretary's Desk

AIR FORCE

PN1461 Air Force nominations (67) beginning JOSEPH J. BALAS, and ending MARK C. WROBEL, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002

PN1497 Air Force nominations (14) beginning MARY S. ARMOUR, and ending SHARON B. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002

PN1498 Air Force nominations (16) beginning KEVIN D. BARON, and ending BRIAN J. WELSH, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002

PN2032 Air Force nominations (37) beginning SUSAN S. BAKER, and ending GILMER G. WESTON, III, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002

PN2051 Air Force nominations (134) beginning DEBRA A. * ADAMS, and ending JULIE F. * ZWIES, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 2002

PN2052 Air Force nominations (100) beginning NICOLA S. * ADAMS, and ending TAMBRA L. * YATES, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 2002

PN2103 Air Force nominations (2) beginning DONALD C. ALFANO, and ending DANIEL M. FLEMING, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2002

PN2104 Air Force nominations (8) beginning ROBERT W. BISHOP, and ending STEVEN K. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2002

PN2105 Air Force nominations (4) beginning MATHEW J. BRAKORA, and ending STEPHEN D. WINEGARDNER, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2002

PN2106 Air Force nominations (3) beginning TIMOTHY P. DESTIGTER, and ending SHELDON R. OMI, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2002

PN2107 Air Force nomination of WILLIAM R. CHARBONNEAU, which was received by the Senate and appeared in the Congressional Record of September 3, 2002

PN2108 Air Force nominations (2) beginning MARGARET H. BAIR, and ending PAUL E. MAGUIRE, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2002

PN2132 Air Force nominations (67) beginning JAMES P. ACLY, and ending JAMES R. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2002

ARMY

PN2035 Army nominations (21) beginning RALF C BEILHARDT, and ending RICHARD L WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002

PN2036 Army nominations (292) beginning MICHAEL P ABEL, and ending WESLEY G ZEGER, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002

PN2053 Army nomination of Kenneth S. Azarow, which was received by the Senate and appeared in the Congressional Record of July 31, 2002

PN2054 Army nominations (45) beginning *Oscar T. Arauco, and ending *John C. Wheatley, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 2002.

PN2080 Army nomination of Richard A. Redd, which was received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2081 Army nomination of Mary C. Casey, which was received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2082 Army nominations (93) beginning David P. Acevedo, and ending Edward W. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2083 Army nominations (118) beginning Joseph M. Adams, and ending James A. Worm, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2084 Army nominations (159) beginning Kim J. Anglesey, and ending Robert J. Zoppa, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2085 Army nominations (850) beginning Anthony J. Abati, and ending X167, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2109 Army nominations (2) beginning beginning William C. Devires, and ending Peter P. McKeown, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2002.

MARINE CORPS

PN1666 Marine Corps nominations (2) beginning A.D. King, Jr., and ending Richard

A. Ratliff, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1669 Marine Corps nomination of Mark A. Knowles, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1740 Marine Corps nomination of Gerald M. Foreman, II, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN2086 Marine Corps nomination of Leon M. Dudenhefer, which was received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2110 Marine Corps nomination of Samuel B. Grove, which was received by the Senate and appeared in the Congressional Record of September 3, 2002.

NAVY

PN2043 Navy nominations (34) beginning Vanessa P. Ambers, and ending Douglas M. Zander, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN2044 Navy nominations (1012) beginning Amado F. Abaya, and ending Mark T. Zwolski, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN2055 Navy nomination of Paul T. Camardella, which was received by the Senate and appeared in the Congressional Record of July 31, 2002.

PN2087 Navy nomination of Bradley J. Smith, which was received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2088 Navy nomination of Theresa M. Everette, which was received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2089 Navy nomination of Anthony D. Weber, which was received by the Senate and appeared in the Congressional Record of August 1, 2002.

PN2133 Navy nominations (338) beginning Guerry H Hagins, and ending Matthew A Wright, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2002.

PN2134 Navy nominations (15) beginning Scott A Anderson, and ending Gwendolyn Willis, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2002.

PN2135 Navy nominations (22) beginning Douglas P Barber, Jr, and ending Douglas R Velvel, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2002.

PN2136 Navy nominations (348) beginning Phillip M Adriano, and ending Neil A Zlatniski, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2002.

PN2137 Navy nominations (93) beginning Kristin Acquavella, and ending William B. Zabicki, Jr, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2002.

PN2138 Navy nominations (81) beginning Sue A. Adamson, and ending George A. Zangaro, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2002.

PN2139 Navy nominations (48) beginning Christopher G Adams, and ending Ra Yoeun, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2002.

PN1914–1 Navy nominations (241) beginning Rufus S Abernethy, III, and ending Joan M Zitterkopf, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1840–1 Navy nominations (16) beginning Michael L Blount, and ending Robert P Walden, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

LEGISLATIVE SESSION

UNANIMOUS CONSENT AGREEMENT—H.R. 5005

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, September 19, at 11:30 a.m., the Senate resume consideration of H.R. 5005, and that the time until 12:30 p.m. be for debate only with respect to the cloture motion filed on the Lieberman substitute amendment, with the time equally divided and controlled between Senators Lieberman and Thompson or their designees; and that at 12:30 p.m., without further intervening action or debate, the Senate proceed to vote on a motion to invoke cloture on the Lieberman substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of H. Con. Res. 469, received from the House, and which is now at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 469) authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.).

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 469) was agreed to.

QUINAULT PERMANENT FISHERIES FUND ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 562, S. 1308.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1308) to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772–72, 773–71, and 775–71, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1308) was read the third time and passed, as follows:

S. 1308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quinault Permanent Fisheries Fund Act".

SEC. 2. DISTRIBUTION OF JUDGMENT FUNDS.

(a) Funds To Be Deposited Into Separate Accounts.—Subject to section 3(c), the funds appropriated on September 19, 1989, in satisfaction of an award granted to the Quinault Indian Nation under Dockets 772–71, 773–71, 774–71, and 775–71 before the United States Claims Court, less attorney fees and litigation expenses, and including all interest accrued to the date of disbursement, shall be disbursed by the Secretary of the Interior and deposited into 3 separate accounts to be established and maintained by the Quinault Indian Nation (hereinafter in this Act referred to as the "Tribe") as follows:

(1) An account for the principal amount of the judgment funds. Such funds shall be used to create a Permanent Fisheries Fund. The principal funds may not be expended by the Tribe and shall be invested by the Tribe in accordance with the Tribe's investment policy.

(2) An account for the investment income earned on the Permanent Fisheries Fund from the date that the funds are disbursed under this section. These funds shall be available for fisheries enhancement projects and the costs associated with administering the Permanent Fisheries Fund. The specific fisheries enhancement projects for which such funds are used shall be specified in the Tribe's approved annual budget.

(3) An account for the investment income earned on the judgment funds from September 19, 1989, to the date of the disbursement of the funds to the Tribe under this section. These funds shall be available to the Tribe for tribal government activities. The specific tribal government activities shall be specified in the Tribe's approved annual budget.

(b) Determination of Amount of Funds Available.—The Quinault Business Committee, as the governing body of the Tribe, has the discretion to determine the amount of funds available for expenditure under paragraphs (2) and (3) of subsection (a) provided that the amounts are specified in the Tribe's approved annual budget.

(c) Annual Audit.—The records and investment activities of the 3 accounts specified in subsection (a) shall be maintained separately by the Tribe and shall be subject to an annual audit.

(d) Reporting of Investment Activities and Expenditures.—Not later than 120 days after the close of the Tribe's fiscal year, a full accounting of the previous fiscal year's investment activities and expenditures from all funds subject to this Act, which may be in the form of the annual audit, shall be made available to the tribal membership.

SEC. 3. GENERAL PROVISIONS.

(a) Deadline for Disbursement of Funds.—Not later than 30 days after the date of the enactment of this Act, all funds subject to this Act shall be disbursed to the Tribe.

(b) United States Liability.—Upon disbursement to the Tribe of the funds pursuant to this Act, the United States shall no longer have any trust responsibility or liability for the investment, supervision, administration, or expenditure of the judgment funds.

(c) Application of Other Law.—All funds distributed under this Act are subject to the provisions of section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407), relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims.

RELIEF OF THE POTTAWATOMI NATION IN CANADA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 565, S. 2127.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2127) for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2127) was read the third time and passed, as follows:

S. 2127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) Authorization for Payment.—Subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomi Nation in Canada, notwithstanding any other provision of law, $1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) Payment in Accordance With Stipulation for Recommendation of Settlement.—The payment appropriated under subsection (a) shall be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomi Nation in Canada and the United States (in this Act referred to as the "Stipulation for Recommendation of Settlement") and included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94-1037X submitted to the Senate on January 4, 2001, pursuant to the provisions of sections 1492 and 2509 of title 28, United States Code.

(c) Full Satisfaction of Claims.—The payment made under subsection (a) shall be in full satisfaction of all claims of the Pottawatomi Nation in Canada against the United States referred to or described in the Stipulation for Recommendation of Settlement.

(d) Nonapplicability.—Notwithstanding any other provision of law, the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) shall not apply to the payment appropriated under subsection (a).

RELIEF OF BARBARA MAKUCH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 530, H.R. 486.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (H.R. 486) for the relief of Barbara Makuch.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, and that any statements relating to this matter be printed in the Record with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 486) was read the third time and passed.

RELIEF OF EUGENE MAKUCH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 531, H.R 487.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 487) for the relief of Eugene Makuch.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the Record, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 487) was read the third time and passed.

EXTENDING THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 537, H.R. 4558.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4558) to extend the Irish Peace Process Cultural and Training Program.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to this matter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4558) was read the third time and passed.

ORDERS FOR THURSDAY, SEPTEMBER 19, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, Thursday, September 19; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Interior appropriations bill and remain on it until 11:30 a.m., and that the time prior to 11:30 a.m. be equally divided between the two leaders or their designees, with the first 15 minutes following the prayer and pledge under the control of Senator Reid or his designee; that at 11:30 a.m., the Senate resume consideration of H.R. 5005, the homeland security bill, under the previous order; and, further, that Senators have until 12 noon to file second-degree amendments on the homeland security bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur at approximately 12:30 p.m. tomorrow, which will be on cloture on the Lieberman substitute amendment to the Homeland Security Act. Following that, there will be debate that will continue on the Byrd amendment. Following that, there should be some action taken on that amendment tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, I do not believe there is further business to come before the Senate. I therefore ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Thursday, September 19, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 2002:

MISSISSIPPI RIVER COMMISSION

RICKEY DALE JAMES, OF MISSOURI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

REAR ADMIRAL NICHOLAS AUGUSTUS PRAHL, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 USC 642).

DEPARTMENT OF EDUCATION

JOHN PORTMAN HIGGINS, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION, VICE LORRAINE PRATTE LEWIS, RESIGNED.

DEPARTMENT OF DEFENSE

ARTHUR JAMES COLLINGSWORTH, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE JOHN W. HECHINGER, SR., TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN B. SYLVESTER, 4619

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD G. ANDERSON III, 2536

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PAUL E. MOCK, 9132

To be brigadier general

COL. BRUCE A. CASELLA, 4615

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. HOUGH, 9437

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JEFFREY W *ABBOTT, 5081
EARL E ABONADI, 2716
BRIAN W ADAMS, 3053
JAY R *ADAMS, 5428
JOHNNY D *ADAMS, 0662
LAMAR D ADAMS, 9510
MARK E *ADAMS, 3680
LAWRENCE *AGUILLARD III, 4648
MARK J *AITKEN, 0355
STEPHEN L *AKI, 2764
TOMMY K *ALDERMAN, 4902
BARBI L *ALEANDRE, 0409
RODRIGUE *ALEANDRE, 7228
JOSEPH P *ALESSI, 4306
JOEL O *ALEXANDER, 1851
MARK E *ALEXANDER, 2001
STEPHEN B *ALEXANDER, 6595
CRAIG J ALIA, 4259
JOHN R ALLEN, 4364
PAUL M *ALLMON, 9528
MARK A *ALVAREZ, 5865
ROBERT F *ALVARO, 7743
THOMAS P AMIDON, 4589
MAXWELL J *AMMONS, 2391
BUFORD C *ANDERSON JR., 9569
CURTIS T ANDERSON II, 1086
LISA L *ANDERSON, 8730
LYLETHA D *ANDERSON, 2375
MICHAEL R ANDERSON, 6751
RICHARD C ANDERSON, 5086
SEAN D ANDERSON, 8828
WILLIAM J ANDERSON, 6557
ROBERT B ANDREW, 2992
CARMEN R ANTHONY, 1023
GEORGE *ANTONE JR., 5266
JOEL K AOKI, 9545
CHAD R *ARCAND, 3248
PATRICIA A *ARCARI, 1438
STEPHEN R *ARCAYA, 0627
KENDRA L ARMSTRONG, 9130
MICHAEL J *ARNOLD, 1723
DUTARY R *ARROCHA, 5230
OSWALDO C *ARROYO, 3869
SPENCER O ASHFORD, 8422
DAVID B *ASKEW, 8473
ERIC E ASLAKSON, 6894
MATTHEW D *ATKINS, 2171
TIMOTHY J ATKINS, 4614
CHARLES H *AUER JR., 3578
MICHAEL A *BACHAND, 5705
CORBIN K BACKMAN, 5287
JOHN M *BAILEY JR., 6151
JOSEPH A BAIRD, 7552
MARION P *BAKALORZ, 6726
ALLAN P *BAKER, 5050
HOUSTON E BAKER, 9130
SHERWOOD P *BAKER II, 8497
ALAN K *BAL, 2561
ANDREW M BALANDA, 6452
STEPHEN H BALES, 6578
MATTHEW C BALLARD, 2420
ROY D *BANZON, 9162
REGGINIAL R *BARDEN II, 3591
BALLARD C BARKER, 4180
LEROY R BARKER JR., 5427
WAYNE E BARKER, 8264
CAROL D *BARNES, 9572
DALLIS L *BARNES, 8746
SEAN W *BARNES, 9474
TROY D BARNES, 1168
ERIC E BARRAS, 8037
JOHN L BARRETT JR., 4585
WILLIAM A BARROW, 6277
KIMMIE M BARTENSLAGER, 0219
SAMUEL S BARTON, 6808
BRENT M *BARTOS, 2706
SEAN T BATEMAN, 9709
RYAN D BATES, 4444
STACY M BATHRICK, 4765
LEE A *BAUBLITZ, 1799
PHILIP A BAUDE, 5653
CHADWICK T BAULD, 8925
MICHAEL A BAUMEISTER, 4545
DAVID R BAXTER, 9601
DERRICK E BAXTER, 5576
THOMAS A *BAYER II, 5875
TERRY A *BAYLISS, 6982
LELAND R *BAYNES JR., 4347
JAIME T BAZIL, 8052
KIRBY D *BEARD, 6107
JOHN C BEATTY, 3594
CHRISTOPHER G BECK, 7861
WILLIAM T *BECK, 2198
WILLIAM V BECK, 3434
DAVID M BEDARD, 2932
SHANNON D BEEBE, 5650
ROY L BEHNE, 7785
DEL L BEILSTEIN, 8351
LAMONICA *BELL, 8040
MARY J *BELL, 2375
PETER N BENCHOFF, 5470
JOHN A *BENEDICT, 0863
ERIC J *BENEFIELD, 5650
CHRISTOPHER A *BENN, 4141
DOUGLAS W *BENNETT, 9338
CRAIG R BENSON, 3624
THOMAS F *BENTZEL, 0382
ANGEL N *BERMUDEZCASTRO, 4236
SEAN C BERNABE, 2934
DAVID W BERNARD, 3409
KOLIN V *BERNARDONI, 5236
ALLEN T *BERRY, 0479
TODD A *BERRY, 8585
ROBERT K *BERTRAND, 9139
TODD S *BERTULIS, 2630
ROBERT E *BEY, 6609
DERELL M BIBBS, 7770
GORDON J *BIERSCHENK, 4006
KEVIN A BIGELMAN, 6500
WOLFGANG T *BIGGERSTAFF, 1866
MARK O *BILAFER, 0770
DAVID P BIRON, 1009
DAVID E BITNER, 3813
JOHN C BIVONA JR., 2509
JASON J *BLAIS, 8459
GREGG T *BLAKE, 2699
ROBERT G *BLANKENSHIP, 9824
CHARLES E BLEDSOE, 2933
ELIZABETH E BLEDSOE, 6072
MICHAEL D BLOMQUIST, 6594
NATHAN B BLOOD, 0274
GLEN B *BLUMHARDT, 1418
MARC E BOBERG, 3327
NANCY E BODYK, 4982
JAMES W *BOGART, 9057
THOMAS R BOLEN, 9836
CHARLES V *BOLLES II, 4853
JOHN M BONE, 0231
RONALD A *BONOMO, 5354
THOMAS A *BOONE, 0474
DAVID P *BOOS, 9745
LEWIS L BOOTHE, 3888
GREGORY A BORCHERDING, 2385
DAVID T BOROWICZ, 7060
BARRY A BOSEMAN, 9330
BETH A *BOTTI, 2424
BRADLEY E *BOURN, 9916
BRIAN L BOWEN, 8544
RAYMOND D *BOWYER, 1477
JOHN M BOYER, 5795
LAURA B *BOZEMAN, 6892
KEITH B *BRACE, 9545
JOSE R BRACERO JR., 3458
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JAMES T BRADY II, 9836
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WILLIAM T *BRENNAN, 9695
SAMANTHA *BRETON, 6836
CHARLES E *BRICE, 9639
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CHRISTOPHER M BRIDGES, 4106
MARSHALL W BRIDGES, 7542
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DOUGLAS L *BROCKHARD JR., 9342
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SCOTT D BROOKS, 0675
MICHAEL D *BROPHY, 6356
EDWIN C BROUSE, 6353
ALVIN H BROWN, 4482
CHARLES M *BROWN, 8184
CHRISTOPHER L *BROWN, 7278
DONALD BROWN, 9115
DREDDRICK J *BROWN, 9197
EVAN J BROWN, 8723
JACQUELINE D BROWN, 5729
KEVIN H BROWN, 0099
KEVIN S BROWN, 3638
MICHAEL L BROWN, 1022
ODELL *BROWN, 6778
TIMOTHY A *BRUMFIEL SR, 4415
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ERIC D *BRUNKEN, 8905
JAMES D *BRUNS JR., 9826
JOHN T *BRYANT, 9559
KEVYN M BRYANT, 6581
WILLIAM *BRYANT JR., 9086
SHATRECE B BUCHANAN, 6804
EDWARD F *BUCK JR., 3255
CLYDE M *BUCKLEY, 8592
SANTIAGO G *BUENO III, 8514
WILLIAM E *BUPPERT, 8962
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ROBERT A *BURGE, 6255
BRENDEN D *BURKE, 2312
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GUY M BURROW, 5781
THOMAS D *BURTON, 9967
DEAN E *BUSHNELL, 1009
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MIKE A *CALVIN, 3284
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ROBERT C *CASTELLI, 8297
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INGRID I *CENTURION, 3630
TANIA M *CHACHO, 7899
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SCOTT M *CHIASSON, 8054
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WARREN *CHRISTOPHER, 4004
STEPHEN M *CICHOCKI, 2609
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GREGG T CLARK, 1273
HOWARD L CLARK III, 8538
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STEPHEN J *CONAWAY, 6879
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JOHN A CONNIFF, 7639
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WILLIE K *COPELAND, 9949
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NICHOLAS P CORRAO, 7128
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IRIS M COWHER, 0465
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STEPHEN R *EDWARDS, 0643
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MARK M *EVANS, 2308
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DARREN E FEY, 3113
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ANN G FINLEY, 5115
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STEVEN G *FINLEY, 5434
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TOD A FRIANT, 9681
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JARED J *GALAZIN, 2104
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PAUL N GARCIA, 3670
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NICOLE J *GARDNER, 8077
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JAMES C GEISER, 6602
ANDY J *GENASCI, 1411
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DARREN S GERBLICK, 4016
LANCE G *GIDDENS, 1354
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FRANK V *GILBERTSON, 2788
BUDD C *GILFILLEN JR., 3062
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MICHAEL M *GILL, 4131
ANGELA C *GILPIN, 0054
KEVIN D GILSON, 7238
DANIEL R *GINN, 5239
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JOHN K GOERTEMILLER, 5257
PAUL L *GOETHALS, 0001
DAVID J GOETZE, 2502
ROBERT J GONDOLFO, 8121
DAVID P *GOODMAN, 8336
SHANE P *GOODSON, 4730
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JOHN R *GOSSART, 4944
JAMES A GOTTSCHLING JR., 6806
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DUANE K GREEN, 2367
LANCE B *GREEN, 0255
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THOMAS B *GUKEISEN, 1420
JAMES E *GULLEY JR., 9981
NATHANIEL D *GUSTIN, 2330
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ROBERT A GUTIERREZ, 9911
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YI S GWON, 2051
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CARLOS *HADDOCKGOMEZ, 2471
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DAVID W *HAINES, 2515
DAVID W *HAINES, 5388
MICHAEL P *HAKEMAN, 3699
SAMUEL E HALES, 3830
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JERRY A *HALL, 1071
MARIE L HALL, 0005
TYRONE J *HALL, 6535
PHILIP J *HALLIBURTON, 4588
JASON M *HALLOREN, 7236
THOMAS B *HAM, 3756
MARC A *HAMILTON, 3850
VICTOR S HAMILTON, 6098
TIMOTHY E HAMM, 8243
PHILIP L HANCOCK, 5882
YEE C HANG, 1723
MATHEW J HANNAH, 6550
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JOHN R *HANSON, 8508
STEVEN G HANSON, 5436
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STACIE I HATTEN, 0008
JOHN R HAUBERT IV, 6284
KERIEM X HAUG, 4636
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GEORGE J *HAWVER, 3214
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DEAN M *HOFFMAN IV, 3224
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JAMES R *HOGAN, 0885
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HAROLD D *HOOKS JR., 7334
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JOHN D *HORSTMANN, 6888
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ANDREW R HORVATH, 9535
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JEFFREY B *HOUSE, 4558
JAMES L HOWARD JR., 0159
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MARTIN A *HOWLEY II, 2825
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JAMES E HUBER, 3663
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WILLIAM F *KIMBLEY, 5562
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WILLIAM K *KONDRACKI, 2202
KELLY S *KONECNY, 3582
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KRISTIN D *KREMER, 8814
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CYNTHIA *LANG, 2100
ADAM W LANGE, 3161
TOD A *LANGLEY, 1806
PAUL E *LANZILLOTTA, 2742
ERIC J *LARSEN, 2225
JONATHAN C LARSEN, 4274
KELLY D LAUGHLIN, 8020
KEVIN T *LAUGHLIN, 6629
PAUL M *LAURO, 0521
ROBERT N *LAW, 7675
MICHAEL J *LAWRENCE, 4686
TIMOTHY R LAWRENCE, 9435
JOSEPH H LAWSON III, 4689
DAVID J *LEACH, 8107
THEODORE M LEBLOW, 0270
RICARDO LEBRON, 1058
CARLETON A LEE, 2955
DAVID S LEE, 9549
KEVIN H *LEE, 5663
WILLIAM E *LEE III, 1205
WON S LEE, 5678
KENNETH M LEEDS JR., 2264
SEAN M *LEEMAN, 2277
CECIL W LEGGETT JR., 8525
CHRISTOPHER D *LELJEDAL, 8958
RODGER S *LEMONS, 8041
CYNTHIA A LERCH, 2333
JASON LERNER, 7246
TIMOTHY P LEROUX, 5610
JOSEPH M LESTORTI, 6016
MARK J LESZCZAK, 8665
PETER S LEVOLA, 3349
DAVID R LEWIS, 2385
GEORGE E LEWIS, 5487
RUSSELL S *LEWIS, 0580
WILLIAM I LEWIS JR., 0316
GREGORY L *LINDSEY, 7079
ROBERT I LITTMAN, 6309
KEVIN D *LITWHILER, 9829
JOHN A *LOBASH JR., 5978
VIOLET H *LOCKE, 1090
MARVIN G LOERA, 4927
DAVID T LONDON, 4578
DARON L LONG, 2392
SEAN W *LONG, 9905
CARLOS E LOPEZGUZMAN, 2540
ROBERT W *LOVE JR., 0367
KIRK A *LOVING, 2436
SIDNEY J LOYD, 9422
STEPHEN W *LUCAS, 3354
ERIC W LUDWIG, 9792
BRAD P *LUEBBERT, 4692
TIMOTHY D LUEDECKING, 6697
PETER B *LUGAR, 3659
BRIAN J LUNDAY, 0051
CORWIN J LUSK, 6055
SCOTT D *LUTJENS, 6133
JOHN S LYERLY, 0050
ERICH C *LYMAN, 5851
KEVIN R LYNCH, 2412
THOMAS J LYNCH, 8046
MONICA F LYONS, 1700
BRIAN J LYTTLE, 1574
LEE J *MACGREGOR, 3338
MATTHEW J MACHON, 9100
TIBURCIO *MACIAS JR., 0613
ANDREW W MACK, 8629
WESLEY F *MACMULLEN, 0013
STEVEN C *MADDRY JR., 4149
NARCISSUS E *MAGTURO, 7095
ROBIN L *MAHADY, 5407
THAMAR A MAIN, 5400
DAVID S MALLORY JR., 9575
CHRISTINA M *MANGANO, 1769
DAVID J MANGES SR, 9896
ROBERT *MANNING III, 5339
LANCE W *MANSKE, 0373
CRAIG J MANVILLE, 5811
MAURICE E MARCHBANKS, 2678
MARK T MARIK, 2414
VICTOR M MARRERO, 9504
TIMOTHY J *MARSHALL, 1841
JEFFREY W MARTIN, 5803
JOSEPH J MARTIN, 3700
LYLE L MARTIN, 0428
MARY L MARTIN, 2295
MICHAEL B *MARTIN, 3821
MARK T *MARTINEZ, 2155
SILAS G MARTINEZ, 2720
JEFFREY D *MARTUSCELLI, 3789
CHARLES J *MASARACCHIA, 5697
MICHAEL L MATHEWS, 0566
MICHAEL A *MATNEY, 0717
CYNTHIA A *MATUSKEVICH, 2183
JAMES A MAXWELL, 9323
PAUL E MAXWELL, 3534
JOHN P MAYER, 4304
TIMOTHY J MAYNARD, 3718
RUSSELL B MCBROOM JR., 9496
JOSEPH *MCCALLION JR., 7980
EDWARD W *MCCARTHY, 2090
ROBERT A MCCASLIN, 7380
WILLIAM J MCCLARY, 5748
RICHARD K MCCLUNG, 8311
DAVID J MCCONNELL, 8196
STEPHEN J MCCULLOUGH, 1231
JAMES E MCDONOUGH, 7225
MAURICE L *MCDOUGALD, 9849
MICHAEL P MCELRATH, 9843
ERIC M MCFADDEN, 3984
JAMES L *MCFADYEN, 1561
THOMAS N MCFADYEN, 2485
JIMMY R *MCFALL, 9533
TOMMIE T *MCGAY, 9098
RANDY E MCGEE, 6581
JAMES T MCGHEE, 1517
JAMES M *MCGOVERN, 1265
MICHAEL K *MCGURK, 7876
KEVIN R MCKAY, 1137
MARSHALL A MCKAY, 4249
MICHAEL D MCKAY, 9878
MATTHEW R MCKINLEY, 1742
QUINONES A *MCLAMB, 2747
VINCENT A *MCLEAN, 1489
WILLIAM R *MCMILLAN, 1125
STEPHEN M MCMILLION, 0999
LONNIE J MCNAIR JR., 6348
JOHN M MCNEALY, 9521
LEE *MCQUEEN III, 7596
GLENN M MCRILL, 8237
KEITH J MCVEIGH, 9051
CLINTON S MCWHORTER, 4861
JOHN A MEANS JR., 3670
SCOTT A MEEHAN, 3446
LAWRENCE R *MEESE JR., 8661
THOMAS L *MELROSE II, 3593
JUAN *MENDOZA JR., 3133
GERARDO V MENESES, 0435
RICHARD L *MENHART, 5868
KIMBERLY M *MERCY, 8327
CHRISTOPHER D *MEREDITH, 1284

JEFFREY A *MERENKOV, 0355
ANNETTE C *MERFALEN, 0587
TIMOTHY J *MERTSOCK, 8452
GARRET K MESSNER, 2439
MARIA K METCALF, 4126
MARI E *MEW, 6980
JOHN V MEYER III, 3864
ROBERT J MICELI, 4397
PATRICK R MICHAELIS, 7455
SCOTT D *MICKLEWRIGHT, 1672
ROBERT E MIDDLETON, 0677
WILLIAM P *MIGOS, 8153
JODY C MILLER, 7268
ROLLIN L MILLER, 8273
SCOTT R MILLER, 3518
SHANNON T MILLER, 6822
STEPHEN A *MILLER, 1611
STEVEN M MILLIKEN, 1023
CHRISTOPHER D *MILLS, 5700
JON R *MILNER, 7370
ANDREW L *MILTNER, 1040
RONALD J MINTY JR., 3840
BILLY M MIRANDA, 1025
JUAN A *MIRANDASANTIAGO, 2413
JAMES M MISHINA, 0158
GARY P MISKOVSKY, 5524
ANTHONY P *MITCHELL, 2119
CAMERON G *MITCHELL, 7124
DARREN S MITCHELL, 4889
KOREY O MITCHELL, 0554
WILLIAM M *MIZELL, 3453
JOHN A MOBERLY, 5882
BRADLEY F MOCK, 3470
ROBERT J MOLINARI, 2018
PHILIP P *MONBLEAU, 3880
ROBERT B *MONK, 5726
JEFFREY J *MONTE, 9531
CHARLES P MOORE, 5738
DONALD E *MOORE, 3800
LANCE D MOORE, 9423
MATTHEW P MOORE, 6034
MATTHEW R MOORE, 7576
MAXIMO A *MOORE, 0397
CATHERINE L *MORELLE, 5807
CHRISTOPHER S MORETTI, 2557
DAVID J MORGAN, 6659
DAVID L *MORGAN III, 9639
SEAN M MORGAN, 1122
TODD T MORGAN, 4253
CALVIN A *MORRIS, 1025
JASON R MORRIS, 8195
NICOLE R MORRIS, 6480
ERIC M *MORRISON, 5916
DEWEY A MOSLEY, 0942
ROBERT S MOTT, 0332
WILLIAM *MOTT, 3141
HAKEEM A *MUHAMMAD, 9068
RICHARD L *MULLINS, 6397
THOMAS E MUNSEY, 2501
IAN D *MURDOCH, 9603
TIMOTHY R MURDOCK, 5747
GEORGE J *MURRAY, 0752
JEFFREY S MURRAY, 0612
LARRY G MURRAY JR., 9979
JAMES M MYERS, 9293
VERNON L *MYERS, 9231
WILLIAM C NAGEL, 9569
MICHAEL T NAIFEH, 2599
PAUL J NAROWSKI II, 6816
VINCENT D *NAVARRE, 9199
AHMED E NAWAB, 4138
TROY A NEASBITT, 4706
THOMAS G NEEMEYER, 3759
DAVID R NEHRING JR., 1050
ROBERT J *NEITZEL, 4489
BRUCE W NELSON, 0336
JACK H NELSON, 6918
JUDSON P NELSON JR., 9894
LANDY T NELSON JR., 5153
STEVEN W *NETTLETON, 6938
THOMAS D *NETZEL, 1601
MARK E *NEUBAUER, 0940
JEFFREY S *NEUMANN, 4741
MARK A *NEWBY, 5887
BRANDON D *NEWTON, 0426
VANESSA *NEWTON, 2845
BOBBY S NICHOLSON, 3363
DEMETRIOS J NICHOLSON, 4805
HEATH J NIEMI, 6283
T B NINNESS, 8033
ALEXANDRA O *NJYNSKI, 6824
ARNOLD J *NOONAN, 1587
DANA A *NORTON, 0316
JOSEPH J *NOWICKI, 4634
MATTHEW H NUHSE, 7258
VINCENT C *NWAFOR, 6088
JEREMIE J *OATES, 5681
ROBERT A OBRIEN IV, 2563
EDWARD P *OCONNOR, 3548
LUCKY D OCONNOR, 8627
MICHAEL T *OESCHGER, 0895
JOHN D OGBURN, 4084
CRYSTAL M OLIVER, 0480
DARRELL *OLIVER, 9265
ERIC P *OLSON, 5795
JOSEPH T *ONEIL, 6429
GREGORY *OQUENDO, 5051
CHARLES R *OQUINN, 4489
ANDREW S *ORNELAS, 0408
STANNUS P ORR, 0177
ANDREW A *OSBORN, 1822
LANCE D *OSKEY, 9378
STEVEN E OSTERHOLZER, 8590
GREGORY M *OTTO, 1224
GERARD J *OVERBEY, 6688
RANDALL G OWENS, 0339
ANDREW A *PACHE, 6765
DONALD C PADGETT, 7140
GEORGE *PADILLA, 6149
WESLEY P PADILLA, 2776
JOHN M PAGANINI, 5012
MATTHEW N *PAIGE, 1075
KI Y PAK, 5221
JOHN PARENTE JR., 9682
STEVE D *PARK, 4227
CHARLES R PARKER, 7181
DAVID L *PARKER, 4646
MARK B *PARKER, 3830
WILLIAM G *PARSONS, 5079
MICHAEL J *PATE, 3116
JACQUELINE L PATTEN, 6668
FLINT M *PATTERSON, 2100
THOMAS D *PATTON JR., 3040
KEVIN P *PAUL, 3956
JOEL S PAWLOSKI, 5448
BRIAN A PAYNE, 1052
WILLIAM F PEARMAN, 9920
NATALIE M *PEARSON, 4368
WILLIAM E PEARSON JR., 0177
WANDA L *PEE, 9420
ISAAC J *PELTIER, 2998
GREGORY H PENFIELD, 3572
CARLOS M PEREZ, 7370
CELESTINO PEREZ JR., 3150
MARIO L PEREZ, 2016
MELANIE S *PEREZ, 1731
JEFFREY C *PERRY, 9167
FADI J PETRO, 8532
ELIJAH PETTY JR., 3755
CHARLES G PHILLIPS, 5525
JO D PHILLIPS, 4064
KEITH C PHILLIPS, 7546
MICHAELA M *PHILLIPS, 2227
PETER B *PICARD, 8453
ROBERT G *PICHT JR., 3947
RICHARD M PIERCE, 1112
JEAN M PIERRE, 9282
SEAN L PIERSON, 5409
GEOFFREY D PINSKY, 0550
WILLIAM R PITTMAN IV, 2494
GEORGE A PIVIK, 7933
CHRISTIANE L PLOCH, 7961
TODD A PLOTNER, 6595
KEVIN S *POATES, 1936
JOHN A POLHAMUS, 5776
STEPHEN D POMPER, 0555
CHRISTIAN L *PORTER, 4216
TROY M POTKOVIC, 4952
PEYTON *POTTS, 2355
JAMES S POWELL, 0250
SHAWN B *POWELL, 9990
PATRICK V POWERS, 4687
CLIFTON PRAT, 9177
TIMOTHY L *PRATER, 0298
BRIAN W *PREISS, 0621
CURTIS W *PRICE, 0356
DEMETRIUS R PRICE, 8610
JOHN D *PRICE, 9067
KEITH C PRITCHETT, 9112
KEVIN E *PRUITT, 0530
JAMES B *PUGEL, 6288
JOHN S PULS, 5027
DAVID M *PURSLEY, 5277
ROBERT J PURTLE, 4509
CARL E *PURVIS, 7232
ROLAND V QUIDACHAY, 5677
MARRERO I QUINONES, 0510
RICHARD J QUIRK IV, 5190
JOSEPH P RAATZ, 2090
RANDALL G *RAGER, 2014
ROBERT L *RAGLAND, 4173
TROY J *RAMIREZ, 8707
ALAN L RAMOS, 6696
KELVIN M *RANKIN, 9825
ERIC C RANNOW, 0198
AUDREY *RANSOM, 1325
DAVID L RAUGH, 1901
CRAIG M *RAVENELL, 8106
DAVID G RAY, 8687
FIRMAN H RAY, 5136
REBECCA S RAY, 3408
JOEL D RAYBURN, 3977
MARK R READ, 3048
THEODORE R *READ, 3347
DAVID M REARDON JR., 9644
MARY T REARDON, 5121
JOHN A *REDINGER II, 1732
JOSEPH E *REDMON JR., 5615
SHERRI K *REED, 5111
STEVEN W *REED, 1887
VIRGINIA *REED, 6258
RICHARD P REESE III, 5416
STANLEY A *REEVES, 8622
NEIL A *REILLY JR., 1630
PATTY A *REIM, 8785
CHAD A REIMAN, 2931
DANA R *REINHART JR., 8479
DAVID B REINKE, 2022
JENNIFER A REINKOBER, 3575
JAMES E *REXFORD, 1457
RICHARD T *REYES, 1198
EDWARD W *RHINIER, 4472
CARL E *RHODES III, 1872
ANTHONY *RIBERA JR., 3886
ROGER M *RICHGRUBER, 1216
RICHARD F RICHKOWSKI JR., 6733
ROBERT N RIDDLE, 2692
GARY G RIDENHOUR, 0019
DOUGLAS B RIDENOUR, 0460
MARK A *RIDGLEY, 0129
MICHAEL A *RIDGWAY, 4818
HAROLD T *RIGGINS III, 6639
MARK S RILEY, 9617
STEPHEN J RILEY, 9610
ROYAL S RIPLEY, 2829
WENDY L *RIVERS, 7685
BRANDON S *ROBBINS, 2961
CHRISTOPHER K *ROBBINS, 6064
AARON D ROBERSON, 4069
ROCHELLE C *ROBERSON, 3711
CURTIS V *ROBERTS, 2149
DANIEL M ROBERTS, 9855
CHARLES D ROBINETTE, 9137
RICHARD E *ROBINSON III, 1644
PAUL W ROBYN, 8620
JASON P *ROCK, 2782
PAUL W RODGERS, 5655
THOMAS J *ROE, 3641
ERIC J ROGERS, 1472
STEPHEN C ROGERS, 7271
TILGHMAN B *ROGERS II, 9407
RICHARD R *ROLLER, 7074
KEVIN P ROMANO, 1149
MELINDA S *ROMERO, 8892
RICARDO A *ROMERO, 4835
TRAVIS E *ROOMS, 9822
JUAN *ROSAS, 4907
CRAIG S ROSEBERRY, 8672
GEORGE L ROSS, 0664
DANIEL N *ROUSE, 2172
JAMES D ROUSE, 0611
MICHAEL J *RUBI, 1690
THOMAS E RUDE, 0691
NOEL *RUIZ, 9448
ROBERTO *RUIZ, 4264
CHARLES J *RUSSELL, 7233
MARK W *RUSSELL, 3843
PHILIP J RYAN, 0300
ROBERT W RYAN, 4136
SEAN P *RYAN, 7072
BRUCE A RYBA, 7943
RONALD L *RYDER, 6604
RANDI E *RZESZOT, 7832
THOR P *SADLER, 7019
FRANKLIN R SAFFEN, 3584
JUAN M SALDIVAR JR., 0629
CRAIG A *SALO, 1662
DANNY B SALTER, 6853
MARION A SALTERS, 1585
ANDREW K *SAMPSON, 8990
DAVID G *SANCHEZ, 8943
DAVID L SANDERS III, 2891
GREGORY E SANDERS, 2271
KENNETH J SANDERSON, 1903
HENRY SANTIAGOGONZALEZ, 4438
CHRISTOPHER N SANTOS, 6951
RONALD D SARGENT JR., 2065
ANTHONY J *SATTERFIELD, 4191
REID L SAWYER, 3407
PETER J SCAMMELL, 0947
WILLIAM M *SCHAUM JR., 6923
KENNETH W SCHEIDT, 3120
ARI J *SCHEIN, 5011
DOUGLAS A SCHENCK, 0121
RANDY D SCHLIEP, 4160
MICHELLE A SCHMIDT, 6509
CHRISTOPHER F SCHMITT, 2495
KARL K SCHNEIDER, 9286
KURT A SCHOSEK, 7194
ERIC D SCHOUREK, 4219
PATRICIA A *SCHREITER, 9951
PATRICK J SCHULER, 1350
JEROME P SCHULZ, 7527
TROY T *SCHULZ, 7351
JOHN W *SCHURTZ, 7989
MATTHEW M *SCHWIND, 5201
GERALD R SCOTT, 3167
CLAY A *SEABOLT, 7608
PHILIP M *SECRIST III, 6518
CHARLES E SEGARS, 2259
DAVID A SEGULIN, 5907
SUZANNE M SELF, 1387
BRADLEY L SELTZER, 8616
MICHAEL R *SEVERSON, 9245
BRYAN L *SHARTZER, 3366
GERALD W *SHAW, 3727
JEROME R *SHAY JR., 6366
THOMAS E SHEA, 4154
DAVID M *SHELLY, 1746
THOMAS R SHENK, 6663
KENNETH J SHEPPARD, 4224
TOMMIE L SHERRILL, 3543
AARON R *SHIELDS, 7686
ERIC P SHIRLEY, 4202
ALAN B SHOREY, 6872
CRAIG M *SHORT, 8735
PAUL D SHULER, 6096
PETER A *SICOLI, 1903
ANTHONY *SIEBER, 6639
JEREMY T SIEGRIST, 7102
MICHAEL J SIMMERING, 4280
DAVE W SIMMONS, 9269
JEREMY L SIMMONS, 2705
THOMAS N SIMONS JR., 6293
CHARLES D *SIMPSON JR., 0924
JAMES E *SIMPSON JR., 5937

MARK A *SIMPSON, 3324
JOHN A SINCLAIR, 4753
HARVINDER SINGH, 2766
MARK A SISCO, 2742
JAMES T *SKINNER, 7694
BRIAN D *SLACK, 0171
ZORN T *SLIMAN, 7927
STANLEY J SLIWINSKI JR., 9145
ERIC J SLOUGHFY, 5442
PHILLIP E SMALLWOOD, 9208
NOEL C SMART, 6916
ALPRENTICE SMITH, 6913
CATHERINE A SMITH, 7796
CHAD H *SMITH, 2436
CRYSTAL S SMITH, 3722
DARREN R SMITH, 2005
EDWARD S SMITH, 1550
FRANK H SMITH JR., 8543
GREGORY M *SMITH, 1257
HARVEY E SMITH, 3639
JAMES M *SMITH, 1172
JESSE W SMITH, 1012
KRISTIAN E *SMITH, 5962
RAYMOND P SMITH, 1249
STEPHEN M *SMITH, 7945
SYDNEY A *SMITH, 2179
REGINALD L SNELL, 0070
FRANK J *SNYDER, 9042
ROBERT SOBESKI, 1250
STEVEN J *SOIKA, 3652
GARY M *SOLDATO, 4230
DENA M *SONNEBORN, 8731
SYDNEY R *SONS JR., 9148
MICHAEL J SORRENTINO, 5348
MATTHEW V SOUSA, 7589
EVERETT S SPAIN, 2001
STEVEN J SPARLING, 8233
WILLIAM E SPARROW, 0004
GARY E *SPEAROW, 1033
MICHAEL R SPEARS, 1650
THOMAS M *SPENARD, 9293
COREY M SPENCER, 9235
JOHN F *SPENCER III, 8928
MARC A SPENCER, 5208
KATHRYN A SPLETSTOSER, 2101
ONGE D ST, 1379
GERALD J STALDER, 8081
CHARLES A *STAMM, 4204
THOMAS A *STAMP JR., 0212
FRANK J STANCO JR., 0479
MICHAEL L *STANDISH, 0431
JEFFERY W STANSFIELD, 2191
JEFFREY A STARKE, 2846
BRIAN L STEED, 3951
MICHAEL D *STEEN, 4896
JEFFERY D STEFFEN, 4368
CURT M *STEINAGEL, 1180
JAMES D *STEINHAGEN JR., 1037
KENNETH T *STEPHENS, 0986
JOEL R STEPHENSON, 1654
LARRY D *STEPHNEY, 8841
GEOFFREY T *STEWART, 9542
IAN K STEWART, 1816
JEFF R STEWART, 9011
JOYCE B *STEWART, 8773
SCOTT W *STEWART, 7848
WILLIAM D STEWART, 0725
WILLIAM L STEWART JR., 5915
TIMOTHY R STIANSEN, 6188
LAWRENCE R STILLER, 3557
CHARLENE P STINGER, 3996
NATHANIEL STINSON, 2448
STEVEN D *STOCK, 9046
GEOFFREY M STOKER, 4349
DANIEL L STONE, 4963
THOMAS W *STONE, 8721
DONALD W *STONER III, 1665
CHRISTOPHER G *STRACK, 3747
OLIN K *STRADER, 3798
JOHN J STRANGE JR., 8519
LANCE D STRATTON, 7896
JASON T STRICKLAND, 9316
THOMAS G STRICKLAND, 2087
SEAN P *STRITTMATTER, 8044
ERIC L *STRITZINGER, 6794
DARYL L STRONG, 7966
CHRISTIAN A SULIT, 0818
ANN L SUMMERS, 1109
CHAD R SUNDEM, 8383
GLEN E SUTTON, 6009
WALTER S *SUTTON, 6209
GARY H SWALVE, 9230
DESMOND D *SZCZEPANIK, 4876
CRAIG *TACKETT, 0468
JOHN F *TAFT, 0493
JOHN S *TAITANO JR., 3041
MUFUTAU A *TAIWO, 5747
FRANK F *TANK, 0797
ALBERT J *TAPP, 6472
ADAM R TASCA, 4911
RICHARD J TATE, 4619
GARY S TATRO, 5044
ERIC P TAUCH, 5994
CHRISTOPHER P *TAYLOR, 1379
DAVID G *TAYLOR, 0531
DAVID J TAYLOR, 3437
RALPH M *TAYLOR, 0492
ROSHAWNA A *TAYLOR, 3892
SCOTT L *TAYLOR, 6916
STEWART S *TAYLOR, 1784
WILLIAM G *TENNANT, 2352
WILLIAM L THIGPEN, 7244
ROBERT J *THOMAS, 8362
CHARLES E THOMPSON JR., 5084
JEFFERY B THOMPSON, 6509
ROSALYN *THOMPSONBLACKWELL, 2631
JAMES M THORNE, 4410
SCOTT N *THORPE, 0076
JOHN L THROCKMORTON III, 0202
PAMELA S TING, 0586
TODD L *TINIUS, 8978
AARON P TIPTON, 0169
KEVIN S TITUS, 8430
PAUL J *TODD, 7719
ELIZABETH L TOLLE, 3504
MATTHEW A TOLLE, 6055
LEE M *TONSMEIRE, 8098
PEDRO A *TORRES, 5925
RICARDO R TORRES, 5200
JOHN A *TOWNSEND JR., 5581
MILES E TOWNSEND, 8646
MICHAEL S TRACY, 6450
BART R TRAGEMANN, 6130
MICHAEL E TRAXLER, 3787
THOMAS B TREDWAY, 3866
BRIAN TRIBUS, 5935
ANTHONY C TRIFILETTI II, 9712
DAVID W TROTTER, 0878
MICHAEL N TROTTER, 2481
CLINTON A *TRUSSELL, 9262
COLIN P *TULEY, 2147
MICHAEL T TUNNELL, 8051
DENNIS M *TURNER, 9903
BRIAN F TUSON, 6159
JON M TUSSING, 1647
JANICE P *TUTT, 4607
PATRICK T TVRDIK, 1430
CURTIS L *TYGART, 9232
DIRK W *TYSON, 4383
ANDREW C ULRICH, 8112
PATRICK J *UNZICKER, 3503
JOSEPH M *URBANCZYK, 1642
LUIS A *URBINA, 1166
ELBERT D *VALENTINE, 1424
ROBERT H *VALIEANT, 6498
VINCENT C *VALLEY, 2514
ANUPOL P VAMASIRI, 6358
PRAXITELIS *VAMVAKIAS, 3441
KAN J VAN, 0486
POPPEL B VAN, 4056
REID E VANDERSCHAAF, 7623
MARK D VANHOUT, 4779
STEVEN G *VANRIPER, 2929
JACK E VANTRESS, 1436
MATTHEW J VANWAGENEN, 1212
CHARLES M VELESARIS, 2420
ANGEL L *VELEZ, 3515
MARK R VENO, 0419
GUILLERMO A *VENTURA, 5303
JUKKA P VERANEN, 5227
JONATHAN W VERNAU, 0480
ERIC D VERZOLA, 0843
WILLIAM T VIAR, 0979
ERIC L *VICKERY, 6767
GREGORY C *VIGGIANO, 8930
LISA C VINING, 6104
ROBERT A *VITT, 4176
SON P VO, 2471
DAVID R VOELKER, 0971
GLENN J VOELZ, 0970
RONALD S *VOLKIN, 8974
DALE L VOLKMAN, 6589
MENDEL D WADDELL, 6622
DOUGLAS J *WADDINGHAM, 4902
BRUCE J WADE, 6802
LAURA K WAGES, 7129
ALAN R *WAGNER, 0887
HUBERT T *WAGSTAFF II, 9360
ALLEN F *WALKER, 0591
ERIK J *WALKER, 0313
NATHANIEL F WALLACE, 9582
BRENT A *WALTER, 9715
CHRISTIAN J WALTERS, 6161
BRAD W WAMBEKE, 3997
FORTE D *WARD, 4513
JAMES E WARD, 2325
PAUL A WARMUSKERKEN, 4007
TIMOTHY A WARNER, 1204
EUGENE *WARREN, 5972
THOMAS E *WARREN JR., 9835
FLETCHER V WASHINGTON, 9191
CHRISTOPHER W WATERS, 3059
RAYMOND D *WEATHERFORD, 2261
KENT L WEBBER, 4697
ADOLPHUS *WEEMS III, 5830
JOHN W WEIDNER, 2426
KENNETH M WEILAND II, 8019
ERIC J WEIS, 7070
JOHN B WEISNER, 5747
TOMMY L WELDY JR., 3477
JOSEPH C WELLER, 7528
PATRICK J *WEMPE, 8842
RICK D *WESLER, 8846
DONALD A *WEYLER, 0845
FERNANDO L *WHEELER, 3668
RANDALL E WHEELER, 0391
JAMES D *WHITE JR., 7485
JEFFREY W WHITE, 9668
KEVIN S WHITE, 2706
TIMOTHY P *WHITE, 0178
MATTHEW R WHITEHEAD, 7142
JACKIELYN *WHITFIELD, 7680
SCOTT D WHITMAN, 5862
DAVID W WHITMIRE, 1358
CHARLES R *WHITSETT, 1169
ALAN A *WIERNICKI, 7468
EDWARD J *WIESSING, 4887
WALTER J WIGGINS, 2393
DAVID R WILDER, 0065
DEAN E *WILEY, 7049
DONALD B *WILHIDE, 3191
DON L WILLADSEN, 2809
ADRIAN D *WILLIAMS, 5343
ALFRED G WILLIAMS, 9317
DAVID G *WILLIAMS, 3161
GREGORY A WILLIAMS, 6714
HOPE F WILLIAMS, 4419
JEFFREY N WILLIAMS, 1092
JIMMIE L WILLIAMS JR., 0019
JOSEPH V *WILLIAMS, 7067
SCOTT T WILLIAMS, 5004
BOB E WILLIS JR., 8019
BRIAN D WILSON, 4122
BRET D *WILSON, 2579
BRIDGET A WILSON, 8637
DAVID N *WILSON, 5306
EDWARD C *WILSON, 7302
LINDA T *WILSON, 1251
ROBERT L *WILSON, 2536
SEAN E *WILSON, 5518
TROY S *WISDOM, 6431
TARPON S WISEMAN, 1563
CONRAD J *WISER, 3946
MARK A WITTE, 8649
ROBERT C *WITTIG, 0081
LARRY N WITTWER, 6720
KEVIN P WOLFLA, 5260
DEAN N WOLLAN, 5504
DONALD K *WOLS, 8360
DAVID B WOMACK, 3302
JASON A *WOODFORD, 9703
THOMAS E WOODIE, 1315
RICHARD F *WOODMAN, 8597
LAWRENCE K *WOODROW, 4442
GLENN W WOOLGAR, 9393
DONALD R WORDEN, 9490
ROBERT B *WORSHAM, 7531
CHARLES WORSHIM III, 9553
CARL J WORTHINGTON, 7416
BROADUS H *WRIGHT III, 6412
PATRICK T WRIGHT, 5279
CHRISTOPHER V *WYNDER, 2788
JOSEPH L WYSZYNSKI, 7498
SCOTT E *YAKOUBEK, 3854
BRIAN K *YEE, 3146
JON W YOUNG, 9187
ANDREW M ZACHERL, 0724
MICHAEL R ZELESKI, 3723
RICHARD L ZELLMANN, 9314
PAUL M ZEPS JR., 3035
PETER D ZIKE, 4862
TIMOTHY W *ZIMMERMAN, 3267
ROY F ZINSER III, 4813
THOMAS D *ZIVKOVIC, 6692
SCOTT M *ZNAMENACEK, 6811
X1139
X4034
X985
X1769
X1206
X3818
X122

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION:

To be major

BRENT A. HARRISON, 6477

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

EDWARD T. MOLDENHAUER, 0800

CONFIRMATIONS

Executive nominations confirmed by the Senate September 18, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. GEORGE P. TAYLOR, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MARK R. ZAMZOW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. PETER U. SUTTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. NORTON A. SCHWARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD E. KEYS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CARROL H. CHANDLER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL JAMES A. HASBARGEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES C. CAMPBELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL CLINTON T. ANDERSON
COLONEL MICHAEL D. BARBERO
COLONEL VINCENT K. BROOKS
COLONEL SALVATORE F. CAMBRIA
COLONEL SAMUEL M. CANNON
COLONEL JAMES A. CERRONE
COLONEL ROBERT W. CONE
COLONEL ROBERT CREAR
COLONEL JOHN M. CUSTER III
COLONEL DAVID P. FRIDOVICH
COLONEL RUSSELL L. FRUTIGER
COLONEL WILLIAM T. GRISOLI
COLONEL CARTER F. HAM
COLONEL JEFFERY W. HAMMOND
COLONEL THOMAS M. JORDAN
COLONEL FRANCIS H. KEARNEY III
COLONEL DANIEL J. KEEFE
COLONEL STEPHEN R. LAYFIELD
COLONEL JOHN A. MACDONALD
COLONEL RICHARD L. MCCABE
COLONEL WILLIAM H. MCCOY, JR.
COLONEL MARVIN K. MCNAMARA
COLONEL JOHN W. MORGAN III
COLONEL STEPHEN D. MUNDT
COLONEL MICHAEL L. OATES
COLONEL MARK E. ONEILL
COLONEL JOSEPH E. ORR
COLONEL ROBERT M. RADIN
COLONEL JOSE D. RIOJAS
COLONEL CURTIS M. SCAPARROTTI
COLONEL MARK E. SCHEID
COLONEL JAMES H. SCHWITTERS
COLONEL JOHN F. SHORTAL
COLONEL JOSEPH A. SMITH
COLONEL MERDITH W. TEMPLE
COLONEL LOUIS W. WEBER
COLONEL SCOTT G. WEST

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. TIMOTHY M. HAAKE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GEORGE J. FLYNN
COL. JOHN F. KELLY
COL. MARYANN KRUSADOSSIN
COL. FRANK A. PANTER, JR.
COL. CHARLES S. PATTON
COL. MASTIN M. ROBESON
COL. TERRY G. ROBLING
COL. RICHARD T. TRYON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. EMERSON N. GARDNER, JR.
BRIG. GEN. RICHARD A. HUCK
BRIG. GEN. STEPHEN T. JOHNSON
BRIG. GEN. BRADLEY M. LOTT
BRIG. GEN. KEITH J. STALDER
BRIG. GEN. JOSEPH F. WEBER

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) DURET S. SMITH
REAR ADM. (LH) JERRY D. WEST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ROBERT M. CLARK
REAR ADM. (LH) JOHN R. HINES, JR.
REAR ADM. (LH) NOEL G. PRESTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) LINDA J. BIRD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD E. BROOKS
REAR ADM. (LH) EVAN M. CHANIK, JR.
REAR ADM. (LH) BARRY M. COSTELLO
REAR ADM. (LH) KIRKLAND H. DONALD
REAR ADM. (LH) MARK J. EDWARDS
REAR ADM. (LH) JOSEPH E. ENRIGHT
REAR ADM. (LH) JAMES B. GODWIN III
REAR ADM. (LH) JOHN M. KELLY
REAR ADM. (LH) MICHAEL G. MATHIS
REAR ADM. (LH) GEORGE E. MAYER
REAR ADM. (LH) JOHN G. MORGAN, JR.
REAR ADM. (LH) ERIC T. OLSON
REAR ADM. (LH) ANN E. RONDEAU
REAR ADM. (LH) FREDERIC R. RUEHE
REAR ADM. (LH) JOHN D. STUFFLEBEEM
REAR ADM. (LH) WILLIAM D. SULLIVAN
REAR ADM. (LH) GERALD L. TALBOT, JR.
REAR ADM. (LH) HAMLIN B. TALLENT
REAR ADM. (LH) JAMES M. ZORTMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. WILLIAM D. MASTERS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAVID L. MASERANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK D. HARNITCHEK
CAPT. MICHAEL S. ROESNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN ROBERT J. COX
CAPTAIN DERWOOD C. CURTIS
CAPTAIN PETER H. DALY
CAPTAIN KENNETH W. DEUTSCH
CAPTAIN MARK T. EMERSON
CAPTAIN JEFFREY L. FOWLER
CAPTAIN JOHN S. GODLEWSKI
CAPTAIN GARRY E. HALL
CAPTAIN LEENDERT R. HERING
CAPTAIN ALAN B. HICKS
CAPTAIN DEBORAH A. LOEWER
CAPTAIN CARL V. MAUNEY
CAPTAIN WILLIAM J. MCCARTHY
CAPTAIN BERNARD J. MCCULLOUGH III
CAPTAIN MICHAEL H. MILLER
CAPTAIN ALLEN G. MYERS
CAPTAIN MARC L. PURCELL
CAPTAIN JAMES W. STEVENSON, JR.
CAPTAIN WILLIAM G. TIMME
CAPTAIN JOSEPH A. WALSH
CAPTAIN MELVIN WILLIAMS, JR.
CAPTAIN JAMES A. WINNEFELD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KEVIN P. GREEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. JAMES E. MCPHERSON

AIR FORCE NOMINATIONS BEGINNING JOSEPH J. BALAS AND ENDING MARK C. WROBEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2002.

AIR FORCE NOMINATIONS BEGINNING MARY S. ARMOUR AND ENDING SHARON B. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

AIR FORCE NOMINATIONS BEGINNING KEVIN D. BARON AND ENDING BRIAN J. WELSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

AIR FORCE NOMINATIONS BEGINNING SUSAN S. BAKER AND ENDING GILMER G. WESTON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2002.

AIR FORCE NOMINATIONS BEGINNING DEBRA A. *ADAMS AND ENDING JULIE F. *ZWIES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 31, 2002.

AIR FORCE NOMINATIONS BEGINNING NICOLA S. *ADAMS AND ENDING TAMBRA L. *YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 31, 2002.

AIR FORCE NOMINATIONS BEGINNING DONALD C. ALFANO AND ENDING DANIEL M. FLEMING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2002.

AIR FORCE NOMINATIONS BEGINNING ROBERT W. BISHOP AND ENDING STEVEN K. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2002.

AIR FORCE NOMINATIONS BEGINNING MATHEW J. BRAKORA AND ENDING STEPHEN D. WINEGARDNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2002.

AIR FORCE NOMINATIONS BEGINNING TIMOTHY P. DESTIGTER AND ENDING SHELDON R. OMI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2002.

AIR FORCE NOMINATION OF WILLIAM R. CHARBONNEAU.

AIR FORCE NOMINATIONS BEGINNING MARGARET H. BAIR AND ENDING PAUL E. MAGUIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2002.

AIR FORCE NOMINATIONS BEGINNING JAMES P. ACLY AND ENDING JAMES R. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2002.

ARMY NOMINATIONS BEGINNING RALF C BEILHARDT AND ENDING RICHARD L WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2002.

ARMY NOMINATIONS BEGINNING MICHAEL P ABEL AND ENDING WESLEY G ZEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2002.

ARMY NOMINATION OF KENNETH S. AZAROW.

ARMY NOMINATIONS BEGINNING OSCAR T *ARAUCO AND ENDING JOHN C *WHEATLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 31, 2002.

ARMY NOMINATION OF RICHARD A. REDD.

ARMY NOMINATION OF MARY C. CASEY.

ARMY NOMINATIONS BEGINNING DAVID P ACEVEDO AND ENDING EDWARD W ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2002.

ARMY NOMINATIONS BEGINNING JOSEPH M ADAMS AND ENDING JAMES A WORM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2002.

ARMY NOMINATIONS BEGINNING KIM J ANGLESEY AND ENDING ROBERT J ZOPPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2002.

ARMY NOMINATIONS BEGINNING ANTHONY J ABATI AND ENDING X167, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2002.

ARMY NOMINATIONS BEGINNING WILLIAM C. DEVIRES AND ENDING PETER P. MCKEOWN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2002.

MARINE CORPS NOMINATIONS BEGINNING A. D. KING, JR. AND ENDING RICHARD A. RATLIFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

MARINE CORPS NOMINATION OF MARK A. KNOWLES.

MARINE CORPS NOMINATION OF GERALD M. FOREMAN II.

MARINE CORPS NOMINATION OF LEON M. DUDENHEFER.

MARINE CORPS NOMINATION OF SAMUEL B. GROVE.

NAVY NOMINATIONS BEGINNING MICHAEL L BLOUNT AND ENDING ROBERT P WALDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2002.

NAVY NOMINATIONS BEGINNING RUFUS S ABERNETHY III AND ENDING JOAN M ZITTERKOPF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 2002.

NAVY NOMINATIONS BEGINNING VANESSA P AMBERS AND ENDING DOUGLAS M ZANDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2002.

NAVY NOMINATIONS BEGINNING AMADO F ABAYA AND ENDING MARK T ZWOLSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2002.

NAVY NOMINATION OF PAUL T. CAMARDELLA.

NAVY NOMINATION OF BRADLEY J. SMITH.

NAVY NOMINATION OF THERESA M. EVERETTE.

NAVY NOMINATION OF ANTHONY D. WEBER.

NAVY NOMINATIONS BEGINNING GUERRY H HAGINS AND ENDING MATTHEW A WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2002.

NAVY NOMINATIONS BEGINNING SCOTT A ANDERSON AND ENDING GWENDOLYN WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2002.

NAVY NOMINATIONS BEGINNING DOUGLAS P BARBER, JR. AND ENDING DOUGLAS R VELVEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2002.

NAVY NOMINATIONS BEGINNING PHILLIP M ADRIANO AND ENDING NEIL A ZLATNISKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2002.

NAVY NOMINATIONS BEGINNING KRISTIN ACQUAVELLA AND ENDING WILLIAM B ZABICKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2002.

NAVY NOMINATIONS BEGINNING SUE A ADAMSON AND ENDING GEORGE A ZANGARO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2002.

NAVY NOMINATIONS BEGINNING CHRISTOPHER G ADAMS AND ENDING RA YOEUN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2002.

EXTENSIONS OF REMARKS

RECOGNIZING 14 YEARS OF STRUGGLE FOR FREEDOM IN BURMA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to remember September 18th, 1988, a day fourteen years ago that a totalitarian military regime in Burma brutally shot, stabbed, and tortured its way to control. The regime killed an estimated 10,000 innocent people who marched on the streets and called for democracy, including women, children, students, Buddhist monks, teachers and others from all walks of life.

To this day, the 50 million people of Burma still suffer gross human rights abuses. According to credible organizations including the United Nations, U.S. State Department, and Amnesty International, the Burmese regime presses millions of persons into forced labor, holds over a thousand political prisoners, and organizes systematic, mass rapes in the Shan state. Evidence shows that Burma's military regime is among the world's most brutal.

In fact, the regime is so fearful of its own people that it has established a military intelligence service to squash free thinking and prevent even the discussion of ideas like freedom and democracy. On August 17th and 18th of this year, 15 students from the Rangoon University and Rangoon Institute of Technology, all under age 21, were arrested by the regime. Thirteen were arrested simply for forming a literary study group without permission of the authorities. Two others, Thet Naung Soe and Khin Maung Win, were arrested in front of Rangoon City Hall for handing out leaflets calling for the realization of democracy. It is expected that they will be sentenced to long prison terms where they are likely to be in serious danger of torture.

In July, two youth members of the rightfully elected National League for Democracy were arrested for possessing a secretive pro-democracy journal. They were beaten severely by the police and later sentenced to seven years imprisonment in a summary trial held in the infamous Insein prison.

In July, two youth members of the rightfully elected National League for Democracy were arrested for possessing a secretive pro-democracy journal. They were beaten severely by the police and later sentenced to seven years imprisonment in a summary trial held in the infamous Insein prison.

At the same time the regime has abused its own people, it has initiated an international diplomatic charm offensive to curry favor with the United States and other countries. The regime announced to the world on May 6, 2002, "We shall recommit ourselves to allowing all of our citizens to participate freely in the life of our political process."

The United States should not be fooled by false propaganda of the regime while the people of Burma sacrifice for the freedom and democracy I believe in. The United States has always supported the struggle for freedom in Burma. Now, at this critical time, we must do all that is in our power to increase international pressure on this regime.

1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi has courageously held together her country's freedom movement for the past 14 years, and she and the people of Burma deserve our ongoing support. Fourteen years into the struggle for freedom and Burma, I commend the courageous people of Burma who have never allowed their call for freedom to be crushed. Freedom united their cause. Courage gave it life. Tyranny tried to crush it. But to this day, hope inspires the people of Burma to continue in their struggle for democracy.

TRIBUTE TO SUSAN FULLER ON HER RETIREMENT AS THE SANTA CLARA COUNTY LIBRARIAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Susan Fuller, a highly respected citizen of Santa Clara County, California, who is retiring from her position as the Santa Clara County Librarian on Thursday, September 19, 2002.

Susan Fuller has worked as a librarian for over twenty years in Santa Clara County. A graduate of the University of California at Berkeley with a Masters degree in Library and Information Science, Susan began her career as a children's librarian before moving on to management positions in the Santa Clara County and San Jose Library systems. She became the Santa Clara County Librarian in 1985.

Susan Fuller's work and leadership for public libraries have not gone unnoticed. In 1995, in recognition of her significant contributions to the Santa Clara County Library, Susan Fuller was acknowledged by the Santa Clara County Valley Chapter of the American Society for Public Administrators as the 'Outstanding Public Administrator of the Year.' In 1998, she was recognized once again as the 'Librarian of the Year' by the Library Journal honoring her remarkable work and sharp leadership skills.

Susan Fuller's dedication to her job and her community helped the Santa Clara County Library earn the title of the number one public library in America in 2000. During her seventeen years as the county librarian, Susan helped increase circulation from 2,500,000 to 8,500,000, an achievement that exemplifies not only her extraordinary leadership, but her tireless dedication to the library system.

Susan Fuller has also been a leader in addressing issues facing libraries in this technology-driven era. She has responded to the issue of appropriate Internet use by giving countless hours of her time to speak to members of her community about children's safety on the Internet, as well as freedom of speech and access to information at libraries. Her published work on the subject includes an essay in Managing the Internet Controversy called "Ethics and the Internet."

Mr. Speaker, Susan Fuller is an exceptional, respected and admired community leader and friend. I ask my colleagues to join me in honoring this distinguished woman for all she has done for the public library system. We are a better county, a better country, and a better people because of her.

HONORING ARCHIE C. DAVIDSON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in honor and recognition of our dear friend Archie C. Davidson.

Shortly after Pearl Harbor, Archie enlisted into the U.S. Army and served as Sergeant with the 503rd regimental combat team. Archie proudly served his country in the Pacific Theater in such hostile areas as New Guinea, the Solomon Islands, and the Philippines.

Throughout his life, Archie was involved in numerous organizations including: as past president and life member of the New City Volunteer Ambulance Corps, as a member of the Veterans of Foreign Wars, past president of the Lake Lucille Property Owners' Association and former president of the Rockland County Association of Postmasters.

Archie was extremely active in his duties as Postmaster attending crucial congressional hearings held at Bear Mountain in the 1970's that targeted ways in which to improve the U.S. Postal Service.

After retiring, Archie continued to serve his community by becoming a public school bus driver. For almost twenty years, he assisted in driving for the Clarkstown School District. Archie's legacy will live on in the community of Clarkstown and will long be remembered by the people of the 20th District of New York.

As we mark the passing of Archie C. Davidson let us remember his commitments and let his legacy and accomplishments live through his family. His legacy continues with his four children, five grandchildren, and three great grandchildren.

TRIBUTE TO LELAND HAWES

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Leland Hawes, a respected journalist and historian, who last month marked his 5th year of work at the Tampa Tribune.

In a world of 24-hour-a-day news stations, wireless phones and Internet connections, it is easy to get so wrapped up in the here-and-now that we forget the history that shaped our community and our lives. For 50 years, Leland Hawes has worked to remind Tampa Bay residents of where we came from and how we got here.

Every Sunday, Tampa Tribune readers are treated to Leland's "History and Heritage" page where he passes on a wealth of knowledge about Tampa Bay's rich and vibrant culture. Leland's detailed stories restore the color and texture to the events that we may vaguely remember, and open the door to a fascinating past that we had long forgotten. Most importantly, Leland and his stories make us proud of our community, our history and our heritage.

Those fortunate enough know Leland personally have only the best things to say about him. During his career at the Tribune, he has earned the upmost respect as an award winning journalist, a kind mentor to young reporters, a gentleman, and a loyal friend.

On behalf of the Tampa Bay community, I would like to express my deep appreciation to Leland for his dedication to telling our story, telling it well, and preserving our history for future generations.

HONORING DETROIT SHOREWAY COMMUNITY DEVELOPMENT ORGANIZATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Detroit Shoreway Community Development Organization, and neighborhood volunteers and community leaders, as they celebrate the success of the Bridge Square Project and the renovation of the historic Courtland Building.

This tangible evidence of community renewal, fostered by the hard work, vision, and persistence of the public and private sector within and surrounding the Detroit Shoreway community, shines within the spirit of the neighborhood—from house to house, and street to street. Hope has risen in the form of the Bridge Square Project—twenty-nine new homes have been built, and over one hundred housing units have been renovated. This significant accomplishment is an example of the sustainability of the Detroit Shoreway neighborhood, and other neighborhoods within the Cleveland and Greater Cleveland area.

The preservation and renovation of the Courtland Building, built in 1897, is also a testament to the renewed hope, energy and possibility of this neighborhood. This structure, once a dilapidated magnet for criminal activity, is now a monument to the focus and work of a neighborhood, whose unity, action and determination have made Detroit Shoreway better, safer, and brighter place for everyone.

Mr. Speaker and colleagues, please join me in honor, recognition and celebration of the residents and leaders of the Detroit Shoreway neighborhood, the Detroit Shoreway CDO, and all individuals and agencies connected to the rejuvenation of this historical, diverse and significant community. Due to the collective efforts of those who live and work in the Detroit Shoreway neighborhood—an effort that spans many years—a community has been reborn. Out of the darkness of illegal drug activity, blighted neighborhoods, and streets in decline, new life has risen—held aloft by those dedicated to their community—and accomplished one neighborhood meeting at a time, one nail at a time, and one brick at a time—rebuilding the heart and soul of this neighborhood.

CALLING ON UKRAINIAN LEADERS TO ENSURE AND DEFEND FREEDOM OF EXPRESSION, AND TO RESOLVE AND BRING TO JUSTICE THOSE, RESPONSIBLE FOR THE MURDER OF HEORHIY GONGADZE ON THE SECOND ANNIVERSARY OF HIS DISAPPEARANCE AND SUBSEQUENT MURDER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to read my address to the attendees of a meeting-requiem, commemorating the memory of murdered Journalist Heorhiy Gongadze and calling for freedom of speech in Ukraine. This event took place on Sunday, September 15, 2002, in Washington, DC.

On behalf of the Congressional Ukrainian Caucus, I extend my greetings to those assembled today in Washington, DC on this anniversary of the brutal and tragic murder of Ukrainian journalist, husband and father, Heorhiy Gongadze. Your presence at this important observance, and your individual participation sends a clear message about our common commitment to the unalienable right to life, our devotion to human dignity, our love for the freedom of speech and our hope that these qualities will one day be secured in Ukraine.

As a child of a Ukrainian immigrant, I celebrated Ukraine's independence in 1991 and its separation from the tyranny of Soviet communism. My heart swelled with pride as Ukrainians broke the shackles of communism and announced their desire to live free. This Ukrainian passion for liberty and justice is, in fact, why Ukrainians and our Ukrainian parents and grandparents came to America. August 24, 1991, was a great day, but today's gathering reminds us that Ukrainians, eleven years later, are still not completely free. The murder of Heorhiy Gongadze proves this.

I commend the organizers of this event and all participants for their civic and political consciousness. This is an important reflection of the gradual awakening of civil society in Ukraine. As the latest Ukrainian parliamentary elections vividly demonstrated, a democratic groundswell has started in Ukraine, and the Ukrainian people will no longer yield to oppression of their liberty and human rights.

My colleagues in the U.S. Congress share our concern about freedom of speech and freedom of the press in Ukraine. If journalists are subjected to censorship in any form, and political parties are denied equal access to mass media, civil society cannot exist.

My heart aches for the spouse, children, parents and friends of Heorhiy Gongadze and other journalists who have lost their lives in the exercise of political speech. I call upon Ukraine's leaders to solve these cases of murder and render swift justice to the guilty. I urge Ukrainian investigators to fully utilize the talents and expertise of our Federal Bureau of Investigation, just as President Kuchma personally promised he would do in February, 2001.

There is no doubt the Ukrainian people are capable of developing a vibrant democratic society. Your peaceful demonstration and steadfast solidarity is proof of this, and I commend your compassion. Your sincerity inspires my colleagues and me in the Congress to pledge our continued and tireless support for a mature and durable democracy in Ukraine.

May God bless you all and may He bless Ukraine and the United States of America.

IN MEMORY OF EDITH SCHERMER FREIDENRICH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Ms. ESHOO. Mr. Speaker, I rise to honor the memory of a very special woman, Edith Schermer Freidenrich who passed away on January 4, 2001.

Edith, the daughter of Joseph and Jenny Schermer, was born in Seattle, WA, on March 14, 1910. She studied nursing at the University of Washington before moving to San Francisco, where she married her husband of 44 years David Freidenrich on December 17, 1933.

Mr. Speaker, Edith's family was her pride and joy. She was the mother of three sons David Jr., John, and Dennis, the grandmother of seven and great grandmother to three.

Edith was an active school volunteer, an avid reader, a bridge player, and seasoned traveler. She was passionately engaged in the Democratic party and it's principles. She passed on this love of politics and compassion to her children who continue their mother's legacy of community and political activism.

Mr. Speaker, I ask all my colleagues in the House to join me in honoring the memory of Edith Schermer Freidenrich and to give thanks for all she did throughout her life to make her community and our country better for human kind.

WELCOMING MADAME CHEN WU SUE-JEN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. GILMAN. Mr. Speaker, I am introducing today H. Res. 533, a resolution welcoming Madame Chen Wu Sue-jen of Taiwan to Washington. Madame Chen's visit comes at an important moment in our Nation's relationship with Taiwan and the People's Republic of China, PRC. Although the United States has repeatedly asked Beijing to resolve its difficulties with Taiwan through peaceful means, the Chinese military has placed hundreds of ballistic missiles on the coast of China aimed at Taiwan. To make matters worse China is building more and more of them. The communist authorities portray the peaceful cause of Taiwan independence as a terrorist movement. Nothing could be further from the truth. Taiwan threatens no one. On the contrary Taiwan has been 100 percent supportive of the war against terrorism and generously gave humanitarian support for the new Afghan Government. China on the other hand helped the Taliban build a 14,000 secure telephone line system.

China has also assisted Iraq in building a fiber optic communications network that is used by the Iraqi military. It is clear who supports terrorism and who does not.

First Lady Chen Wu will be bringing with her a strong message from her husband and the people of Taiwan that Taiwan's cooperation with the United States in the antiterrorism campaign will continue and be strengthened further. This is the sort of mature behavior that the world has come to expect from Taiwan. We hope that Beijing will soon follow in Taiwan's footsteps and become a truly constructive member of the world community. Such a change in behavior will benefit the Chinese and Taiwanese people and the region and the world as a whole. Accordingly, I urge my colleagues to vote for H. Res. 533, and welcome Madame Chen to the United States. I ask that the full text of H. Res. 533 be printed at this point in the RECORD.

H. RES. 533

Whereas Taiwan's First Lady Chen Wu Sue-jen, wife and political partner to her husband President Chen Shui-bian, has been unwaveringly and courageously striving for justice, human rights, and democracy in Taiwan and has herself held a seat in the Legislative Yuan;

Whereas Taiwan is now a model vibrant democracy and one of the top ten trading partners of the United States;

Whereas supporting democracy, human rights, and free market economies has been a longstanding policy of the United States;

Whereas the Government and people in Taiwan have consistently provided tremendous support and generous contributions to the United States after the terrorist attacks against the United States that occurred on September 11, 2001;

Whereas First Lady Chen Wu was one of the main forces behind Taiwan's charity and humanitarian assistance for the victims of the terrorist attacks;

Whereas First Lady Chen Wu will visit the United States beginning on September 22, 2002, and will bring with her a strong message from her husband and the people of Taiwan that Taiwan's cooperation with the United States in this joint anti-terrorism campaign will continue and be further strengthened;

Whereas First Lady Chen Wu, on behalf of President Chen Shui-bian, visited France in November 2001 to receive the International Human Rights Award; and

Whereas First Lady Chen Wu, confined to a wheelchair due to a tragic traffic accident during a political campaign, is a strong and effective advocate for Taiwan's physically challenged citizens: Now, therefore, be it

Resolved, That the House of Representatives extends its warmest welcome to Taiwan's First Lady Chen Wu Sue-jen during her visit to Washington, D.C., in September 2002.

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, most of us favor federal spending to promote the safety, well-being, and stability of children in the child welfare system. Yet in too many states, federal funds are being used to finance dysfunctional child welfare systems, often operating in violation of federal laws. We cannot continue to perpetuate a system that fails to protect children or their families or provide necessary services and safeguards.

In the following article, The Miami Herald reports that 183 employees of Florida's Department of Children and Families (DCF) had committed felonies, including child molestation, child abuse, sex crimes and drug dealing. In the report, a DCF official acknowledges that "the most vulnerable people in our community are trusted to people in circumstances where there is a potential for these kinds of background."

In Florida and across the nation, state, county and local agencies are facing difficulties in recruiting, retaining, training and supervising child welfare workers. Having poorly trained, overworked, underpaid, caseworkers leads to massive turnovers, which, in turn, exacerbates the challenge of accountability in a system responsible for safety and well being of children.

The child welfare system must be reformed to improve the delivery of mandated services, the efficient operation of accountability systems, and successful permanent placements for children. In addition, there must be immediate and sustained oversight of the child welfare programs by the Department of Health and Human Services, and by state governments.

The article follows:

[From the Miami Herald, Sept. 8, 2002]

STATE CHILD-WELFARE PAYROLL INCLUDES EMPLOYEES WHO HAVE CRIMINAL PASTS

(By David Kidwell, Jason Grotto and Tere Figueras)

Florida's embattled child-welfare agency—the Department of Children & Families—employs at least 183 people who have been arrested and punished for an array of felonies including child molestation, child abuse, sex crimes, drug dealing, even welfare fraud against the agency itself, a Herald investigation has found.

For instance, the head of the agency's data-security team in Tallahassee is listed on the state's list of sexual predators for molesting a 5-year-old boy.

In other cases, the crimes committed by DCF employees are directly relevant to the positions of trust they now hold.

In Miami, the director of rehabilitative services for a mental hospital has twice been arrested for cocaine buys.

In Chattahoochee, a man who supervises mental patients was charged with attempted first-degree murder in 1986 for firing a shot at his wife and racking a shotgun at her as she cowered with their son in a closet. He pleaded no contest to lesser charges.

In Kissimmee, the DCF hired a child-abuse investigator who two years earlier was convicted of violating a restraining order issued after she threw a brick through her ex-boyfriend's living room window and smashed his car windshield with a tire iron.

In Gainesville, a night Supervisor at a home for the developmentally disabled was convicted in 1994 in a string of six burglaries at an apartment complex where her job as a maid gave her access to a pass key.

In Tampa, a family services counselor was allowed to keep her job despite charges that she beat up her 68-year-old mother in the front yard during an argument.

Administrators of the DCF—already beleaguered by criticism over the agency's handling of cases involving missing children that led to the resignation of department Secretary Kathleen Kearney—say they have worked hard to screen employees.

In most cases, they say, the agency was aware of the charges and thoroughly reviewed the backgrounds of the employees to make sure their lives were back on track and that DCF clients would not be imperiled. "In a perfect world, none of our employees would have any kind of criminal past," said Tim Bottcher, a DCF spokesman in Tallahassee. "But we just know that is unrealistic. In reality, we are no different that any other large organization." He said the 183 employees found by The Herald should be considered in the context of an enormous agency with 24,000 employees statewide. "When it comes to our attitude on employees who have broken the law, we have considered the offenses and acted accordingly."

The DCF, however, had not complied with Herald requests to provide personnel files to verify many of the agency's actions in these cases. DCF administrators acknowledged that in some cases the agency did not know about the criminal pasts of its employees.

This week, three submitted their resignations after Herald inquiries. They include the Miami rehabilitative services director, a human-services worker at Florida State Hospital in Chattahoochee who pleaded no contest to selling cocaine in 1994, and a human-services analyst in Miami caught in an insurance-fraud scheme in 1997.

DIDN'T DISCLOSE

DCF administrators said each of them failed to disclose their arrests to the DCF as required by the agency.

Among the 183 employees charged were three who have been punished for child abuse, 22 for grand theft, seven for aggravated battery, two for DUI manslaughter, three for dealing drugs, 10 for aggravated assault with a weapon and nine for welfare fraud.

The Herald also found one man, a $61,446-per-year supervisor in the DCF's data-processing center in Tallahassee, on Florida's registry of sexual predators.

Carl Avery Anderson, 43, was hired in 1988 while he was still on house arrest for molesting a 5-year old boy in his care. According to police records, he admitted to the charges and pleaded no contest to lewd and lascivious assault on a child in 1987. The charges cost Anderson his data job at the Florida Department of Law Enforcement. Anderson now insists he is innocent and that police tricked him into a confession. "I have never been in trouble in my life," he told The Herald. "If I had tried to fight that . . . maybe I could have gotten off. I pleaded because I was ignorant. People who know me know I didn't do this."

DATA SECURITY

He is now head of the DCF's data-security team, where he supervises three others and is responsible for making sure the agency's enormous stockpile of sensitive and private information remains that way.

"He has been an excellent employee who has been promoted during his career here," Bottcher said. "It would be a concern of ours if he had direct contact with clients, but we don't feel his job is relevant to the crimes.

"He does have security clearance that would allow him to access client information," Bottcher said. "We did not consider him to be a risk."

Some of the names on The Herald's list entered pretrial diversion programs in which prosecutors agreed to drop the cases after the charges were filed and the people completed a program of probation, counseling or specialized classes.

Among them: Bart Harrell, 40, who was hired as a patient-activities coordinator at the Chattahoochee mental hospital less than seven months after he was charged in 1989 with sexual battery on a person younger than 18 in Alabama, according to records and interviews.

NOT REQUIRED

Employees were not required to disclose arrests to the DCF before a policy change in 1994, said Walt Cook, the DCF's assistant director of human resources.

Harrell declined to speak about the case but said: "Those records are supposed to be sealed and expunged. You are about to ruin my life again over something that didn't happen 13 years ago."

Among others who were hired or kept their jobs after agreeing to pretrial intervention: Sabrina Barnes, 32, a child-protective investigator in Kissimmee. In 1996, police reports say, she smashed an ex-boyfriend's windshield and threw a brick through his window. Barnes was later convicted of violating a domestic violence injunction after another confrontation with the same man.

Susan Arnick Alston, 55, a family services counselor in Tampa. According to police, she beat up her 68-year-old mother in the front yard in 1993.

In both cases, DCF administrators say they were aware of the charges. "People make mistakes in their lives, and there's such a thing as rehabilitation," said Yvonne Vassel, a DCF spokeswoman in Barnes' district. "The process was followed, and she was truthful with her disclosures to the state." Alston, who licenses foster homes, was put on administrative duties until the completion of her court case. "Had she pleaded guilty or no contest, she Would have been disqualified from her employment," said Shauna Donovan, spokeswoman for the agency's Tampa district. "But since the charges were dismissed, she was allowed to return to her normal duties."

In Miami, two employees resigned Friday amid The Herald investigation.

Calvin Eugene Dandy, 54, the $45,000-per-year Miami director of rehabilitative services at the South Florida Evaluation and Treatment Center. He resigned after being confronted by district administrators about a 1999 arrest for buying cocaine that he failed to disclose.

All employees are required to disclose any arrests immediately, and employees in sensitive "caretaker" positions—those who spend more than 15 hours a week in direct contact with DCF clients—are reassigned until the criminal case is closed.

If employees in caretaker positions are convicted or plead no contest to most felonies and first-degree misdemeanors, they will be fired unless they apply for and are granted an exemption.

Lucian Bledsoe, the agency's human resources director in Miami, said Dandy failed to disclose his 1999 arrest, which came 14 months after the agency granted him an exemption for a similar charge from 1993. He was sentenced to probation in 1993. In 1999, the charges were dropped because lab reports on the drugs did not come back in time for a crucial court date, according to Miami-Dade state attorney's office records.

Dandy did not return repeated messages left at his home and office.

"The bottom line is he knew his responsibility to disclose that arrest, and he didn't do it," Bledsoe said.

Also resigning Friday: Mercedes Medina, 52, a $28,000-a-year human-services analyst in Miami, failed to disclose a 1998 arrest for insurance fraud. She pleaded no contest to a string of staged auto accidents, court records show. "I was trying to help some people out," Medina told The Herald. "But it was so stupid. The stupidest thing I have ever done in my whole life." Medina acknowledged she never told the DCF about the insurance-fraud allegations or 1997 arrests for drunken driving. She said she didn't think it was required.

The Herald found two DCF employees in caretaker positions who have been charged and punished for child abuse, including Jennie Arnett Barkley, now 54, another supervisor who oversees mental patients at Chattahoochee, She pleaded no contest and served two years' probation on 1986 charges of grand theft and child abuse after she took her 15-year-old daughter on a shoplifting spree at Gayfer's, court records show. Barkley declined to be interviewed.

The Herald also found nine current employees who were charged and punished for defrauding the agency itself out of welfare money, including one woman who was hired in June while still on probation for the charge.

RECENT HIRE

Another recent DCF hire was 27-year-old Amy Curtis, who in May became a night supervisor at Tocachale in Gainesville, an institution of group homes for the developmentally disabled. Curtis was convicted in 1994 in a series of six burglaries at an apartment complex where her job as a maid gave her a pass key, court records show. She had twice been denied the job because of her past, but in May the agency relented, Tom Barnes, the DCF's district spokesman, said "there was a feeling she had moved from blaming her crimes on her circumstances. She was now taking responsibility." Barnes said such demanding jobs that pay so little sometimes force the agency to "strike a balance."

"We are very aware that the most vulnerable people in our community are trusted to people in circumstances where there is a potential for these kinds of backgrounds," he said. It's a constant battle to keep these positions filled."

Another institution with a concentration of employees with past criminal charges is the mental hospital at Chattahoochee.

The Herald found 46 hospital employees with felony charges in their backgrounds including aggravated battery, robbery, fraud, burglary, arson and trafficking in stolen property.

LONGTIME WORKER

Among them is Frank Dickens, 55, who for 36 years has supervised mental patients at the facility. In 1986, Dickens was charged with attempted first-degree murder and battery after his wife called police and told them he fired a shot at her head in a drunken rage. According to police reports, he shot at her with a pistol in the kitchen after she tried to stop him from whipping their son with a belt. Dickens pleaded no contest to shooting within a building and aggravated assault. He served 90 days in Gadsden County Jail and was placed on probation for five years. But he was not convicted because a judge agreed to withhold an adjudication of guilt. Dickens told The Herald the gun went off accidentally and that his wife fabricated most of her allegations. "Your wife can tell on you tomorrow, and the police could pick you up for it," he said.

Dickens was granted an exemption as a caretaker employee in 1997, spokesman Bottcher said, in large part because of his long career of service at Chattahoochee.

Dickens said his crimes are minor compared with what he has seen inside the walls of the mental hospital in his 36 years as an employee there.

"We've had women killed in that place, strangled. We've had people shot," Dickens said. "I've been beat up, threatened at knife point. It's a disaster up there, and You're asking me whether I should be working there?"

"Some of these people have committed the worst crimes you can imagine," Dickens said. "And they're worse than I am, because they've been convicted."

HONORING THE PERMIAN BASIN GIRL SCOUT COUNCIL

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. COMBEST. Mr. Speaker, I rise today to recognize and honor the girls and leaders of the Permian Basin Girl Scout Council in Texas for exemplary service in their communities. Working through the "90 Days of Service" project, these Girl Scouts joined with their Texan sisters to provide 356,737 hours of service throughout the state.

Juliet Low founded Girls Scouts of the USA in Savannah, Georgia in 1912. In honor of the 90th anniversary of the organization, many Girl Scout Councils participated in a 90 day long service project. The girls and leaders of the Permian Basin Girl Scout Council worked to improve the environment through adopting highways, cleaning up parks, desert lands and beaches, recycling, and working in a graffiti abatement program. They sought to aid the less fortunate through collections for Lions Clubs, food banks, humane societies, homeless programs, and children and baby organizations. These dedicated young women contributed to society by planting flowers, working with Habitat for Humanity, tutoring senior citizens in computer skills, making quilts for the needy, painting murals, rewiring lamps and providing flag ceremonies. Through hours of hard work, these girls celebrated their own special anniversary by giving others reasons to celebrate.

It is with great pleasure, Mr. Speaker, that I honor these dedicated young women for their selfless service to their communities. The Girl Scouts of the Permian Basin Girl Scout Council demonstrate the promise of America's youth. I wish to congratulate these girls for their hard work and dedication in serving fellow Americans.

ON INTRODUCING THE "REDUCING EDUCATION LOAN REPAYMENT ACT"

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. ISRAEL. Mr. Speaker, earlier this month, millions of American parents sent their children off to college. For many of them, however, the worry about how to pay for college dampened their excitement. To case that burden for parents and students alike, I rise today to introduce legislation that will make the interest on college loans fully tax deductible, permanently, for every student.

Over the course of a lifetime, a college graduate can expect to earn $1 million more than someone with a high school diploma alone. Yet, as higher education has become more necessary, it has become more expensive. A study released in May by the National Center for Public Policy and Higher Education shows that the price of tuition is now beyond the reach of many working families. Private colleges are just plain unaffordable, and public colleges are becoming less affordable each year. To pay these high costs, students and their parents increasingly take out larger and larger educational loans. The average college graduate with loans begins working with $11,000–$18,000 of debt.

I believe that education is the single most important investment we can make in our children's future. Our government believes that home ownership is an investment that the government should support, and it allows the interest on home interest loans to be tax deductible. Congress should extend the same kind of support to student loan interest.

CONGRATULATING COLORADO STATE UNIVERSITY FOOTBALL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to congratulate the Colorado State University football team for winning the 2002 Rocky Mountain Showdown. On August 31, in front of a crowd of 75,531 fans packed into Invesco Field at Mile High, the Rams defeated in-state rival University of Colorado 19–14.

This win is a result of great offensive play, with two touchdowns from running back Cecil Sapp and one from quarterback Bradlee Van Pelt. In addition, the Rams determined defense helped beat the University of Colorado by capturing four key turnovers.

Although Colorado State was a seven-and-a-half point underdog going into the game, by the end they proved themselves a team not to be underestimated. The Rams have won the Showdown rivalry three of the last four seasons and are compelled to challenge their 18-54-2 record against the University of Colorado football team. Dedicated and powerful, Colorado State players are headed by Coach Sunny Lubick's skillful leadership, which will continue to drive their dominance.

I commend the starting line up for a great game. Starting for the defense Peter Hogan LE, Brvan Save NT, Patrick Goodpaster DT, Andre Sommorsell RE, Jeff Flora, Drew Wood MLB, Eric Pauly OLB, Dexter Wynn LCB, Landon Jones FS, David Vickers SS, Rhett Nelson RCB. The starting offensive lineup: Bradlee Van Pelt QB, Cecil Sapp RB, Joey Cuppari WR, Chris Pittman WR, Joel Dreessen HB, Matt Bartz TE, Aaron Green OL, Morgan Pears WG, Mark Dreyer C, Albert Bimper SG, Erik Pears ST. Also, playing special teams: Joey Huber P, and Jeff Babcock PK.

In addition, I congratulate the other team members and coaches who contributed to the CSU victory: Rahssan Sanders RB, Eric Hill WR, Adam Wade LB, Brandyn Hohs WR, Steve Tufte DB, Jason Hepp, Benny Mastropaolo DB, Henri Childs RB, Miles Kockevar DB, Hayward Adam LB/S, J.J. Stepien WR, Doug Heald LB, Courtney Jones LB, Lavell Mann DL, Jamie Amicarelia OL, Michael Brisiel OL, Russell Sprague WR, Thomas Wallace DE, Brandon Alconcel TE, James Sondrup TE, Jonathon Simon DL, Chris Kiffin, Assistant Coaches John Benton, Mick Delaney, Tom Ehlers, Dan Hammerschmidt, Larry Kerr, Matt Lubick, Marvin Sanders, Brian Schneider, and Jesse Williams.

Congratulations to Colorado State for their victory. I wish them success throughout the remainder of the 2002 football season. Go Rams!

A CALL FOR ACTION: THE CENTERS FOR MEDICARE AND MEDICAID SERVICES NEEDS TO ADDRESS CRNA BILLING ISSUE IMMEDIATELY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. BEREUTER. Mr. Speaker, this Member wishes to submit, for the CONGRESSIONAL RECORD, a letter to Mr. Thomas Scully, Administrator of the Centers for Medicare and Medicaid Services (CMS), requesting that he address a Certified Registered Nurse Anesthetist (CRNA) billing issue immediately. This Member is taking this unusual step for additional visibility in the hope that this serious problem will be fixed immediately.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 17, 2002.

Mr. THOMAS SCULLY,
Hubert Humphrey Building,
Washington, D.C. 20201.

DEAR MR. SCULLY: On behalf of the Nebraska Hospital Association, Nebraska's 56 Critical Access Hospitals (CAH) and the communities they serve, I respectfully request that the Centers for Medicare and Medicaid Services (CMS) address a Certified Registered Nurse Anesthetist (CRNA) billing issue immediately.

As you are aware, most CAHs are eligible to bill for CRNA services on a "pass-through" basis. This means that they receive cost-based reimbursement for those CRNA services. To receive periodic payments for CRNA's services, the CMS has instructed Nebraska hospitals to bill these services, including professional services, on a UB–92 form rather than to the Medicare Part B carrier on a HCFA–1500. The hospitals have also been instructed to use the revenue code "964" to bill for the CRNA's professional services on the UB–92 form.

However, it is my understanding that the CMS non-outpatient prospective payment system code editor (OCE) will not allow CRNA claims to be processed (and as such cannot be paid) with revenue code 964. Consequently, Nebraska hospitals have not received their Medicare payments which have been due for more than a year. Many Nebraska hospitals are having their cash flow suspended by hundreds of thousands of dollars in some cases. Therefore, this is a significant issue to these hospitals.

We have been informed that the CMS will not be able to change the 964 edit until April 1, 2003. A system fix should be made now or at the next quarterly update rather than wait until April 1, 2003. A temporary "fix" has been used by other fiscal intermediaries through the use of revenue code 379 in lieu of 964, which is a generic "anesthesia" revenue code. This will at least allow the hospital claims to be paid. However, one or more fiscal intermediaries are concerned with compliance and fraud and abuse issues and will not allow hospitals to use revenue code 379 as a temporary fix.

In order for CMS to address this problem immediately, I am requesting that CMS issue a letter of instruction or a program memorandum to Nebraska and other fiscal intermediaries (whatever document may be issued in the least amount of time). This letter should be clear in its direction to fiscal intermediaries to use the revenue code 379 as a temporary fix in order to get the hospitals' claims processed without delay. I am aware that a draft program memorandum has been issued with regard to this matter. If the CMS could make that program memorandum final, then fiscal intermediaries could utilize revenue code 379.

In my opinion, the CMS also needs to designate an individual that fiscal intermediaries or hospital associations can contact regarding critical access hospital issues. This individual needs to understand how a CAH operates, as well as how policies changed by the CMS will affect other issues, particularly billing. The 964 revenue code is a good example of problems many CAHs are experiencing. I am certain that any critical access hospital in Nebraska would be glad to host this individual for a tour and orientation of how a CAH operates.

Again, I respectfully request that you address this CRNA billing issue immediately, as it seriously curtails the financial viability of rural hospitals. I look forward to your prompt response and for your information, I intend to place this letter in the CONGRESSIONAL RECORD.

Best wishes,

DOUG BEREUTER,
Member of Congress.

IN RECOGNITION OF TOUCHPOINT HEALTH PLAN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, today I'd like to recognize and honor, before this House, Touchpoint Health Plan for receiving an "Excellent" Accreditation Status by the National Committee for Quality Assurance (NCQA) for its commercial managed care organization.

Being named the "highest performing plan in the nation overall," Touchpoint established itself as one of the premier managed care plans in the country, setting four national benchmarks in the areas of Breast Cancer Screening, Beta Blocker Treatment After Heart Attack and two measures of diabetic care.

No plan in the nation has distinguished itself more consistently in terms of performance measures than Touchpoint. It has a proud history of providing superior care to folks in my northeastern Wisconsin district, receiving a Full Accreditation from NCQA three years ago—the highest level available.

According to NCQA, this accreditation places Touchpoint among "an elite group of health plan products by virtue of their commitment to clinical excellence, customer service and continuous improvement."

Mr. Speaker, Touchpoint has worked hard to earn this mark of distinction, and I'm proud to honor them here today.

RECOGNIZING THE ACHIEVEMENTS OF LATINAS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Ms. SOLIS. Mr. Speaker, as we begin to celebrate Hispanic Heritage month, I rise today to honor the accomplishments of Latinas across our nation and highlight their contributions.

Today there are over sixteen million Hispanic women living in the United States. Latinas have been contributing members of our society since its inception. We are writers, scientists, community organizers, and business leaders. Latinas have made inroads in all facets of society and today I stand, as a Latina Member of the U.S. House of Representatives, to honor the often overlooked achievements of this population.

We are recipients of the MacArthur "Genius" Award—like writer and poet Sandra Cisneros, and immigration advocate Cecilia Munoz;

We are recipients of NASA's Exceptional Service Medal—like astronaut and scientist Ellen Ochoa;

We are part of the National Women's Hall of Fame—like the co-founder of the United Farm Workers Union, Dolores Huerta, and Antonia Novello, the first female and first Hispanic Surgeon General of the United States.

In the face of societal obstacles like unequal pay, educational disadvantages, unmet health care needs, and civil rights struggles, Latinas have already accomplished so much. Yet we know we can do much more. During Hispanic Heritage Month we celebrate our success, but we must be more aware of helping, Latinas maximize their great potential all year-round.

Recuerda que el éxito se alcanza convertiendo cada paso en una meta y cada meta en un paso. Hoy es el día de realizar nuestros sueños. (Remember that success is achieved by taking each step as a goal and each goal as a step. Today is the day to realize our dreams.)

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS ACT OF 2002

SPEECH OF

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BUYER. Madam Speaker, today I rise in support of H.R. 3253, as amended, which reflects the House-Senate compromise that was reached. This legislation was originally introduced by Chairman Chris Smith to establish at least four medical emergency preparedness centers at designated VA medical centers. As a cosponsor of this legislation, I want to thank Chairman Smith for his leadership in moving this important legislation towards final passage.

I also want to thank Chairman Smith, members, and staff in both chambers for preserving H.R. 3254, the Medical Education for National Defense (MEND) for the 21st Century in the final package. That language is incorporated in Section 3 of H.R. 3253, as amended, and is entitled: Education and Training Programs on Medical Responses to Consequences of Terrorist Activities.

Section 3 of H.R. 3253, as amended, would establish an education program to be carried out through the Department of Veterans Affairs. The education and training curriculum developed under the program shall be modeled upon the F. Edward Hebert School of Medicine of the Department of Defense's Uniformed Services University of Health Sciences (USUHS) core curriculum, which includes a program to teach its students how to diagnose and treat casualties that have been exposed to chemical, biological, or radiological agents.

As a Nation, we must be prepared for the new face of terror that we have been forced to confront in the aftermath of the September 11th attacks. What has become all too clear is that our health care providers are not resourced or trained with the proper tools to diagnose and treat casualties in the face of biological, radiological, and chemical weapons.

It is imperative that such a program be disseminated to the Nation's medical professionals and current medical students. This section of the bill takes advantage of the nexus that already exists between the medical education community and the VA. Currently, 107 medical universities are affiliated with a VA medical center. This nexus is already in place and that is what we plan to exploit.

The VA's extensive infrastructure of 163 medical centers, 800 clinics, and satellite broadcast capabilities, will enable the current and future medical professionals in this country to become knowledgeable and medically competent in the treatment of casualties that we all hope will never materialize.

We cannot afford to assume that our country will never again experience a biological, chemical, or radiological attack on the American people. We must, as elected Representatives, act to ensure that if the worst of our fears are realized that the country's medical professionals will be ready and able to deal with these situations.

It is not the intent of this legislation to create new community standards of practice. We must recognize that diseases such as smallpox, botulism, and the plague are not normally treated or recognized in this country. It is extremely important that all of our health care professionals are familiar with and able to diagnose and treat suspected exposure to weapons of mass destruction.

The American Medical Association endorsed H.R. 3254, and the American Association of Medical Colleges has thrown its full support behind this plan. These two organizations know how vital it is to receive this important educational curriculum that addresses the medical aspects of biological chemical and radiological attacks, and they have recognized that the VA is in a unique position to assist with the dissemination of this information to the Nation's medical community.

It is often said that knowledge is power, and in this instance nothing could be more accurate. The knowledge that would result from the implementation of this act is critical. Our medical professionals need to be offered training methods that would enable them to save lives . . . and I can think of no greater power than that.

Please, join with me and support final passage of this important piece of legislation.

THE INTRODUCTION OF THE AQUATIC INVASIVE SPECIES RESEARCH ACT (H.R. 5395)

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. EHLERS. Mr. Speaker, I am pleased to introduce today a bill that is critical to solving the economic and environmental problems posed by aquatic invasive species—the Aquatic Invasive Species Research Act. This Act authorizes funding to conduct research to support our efforts to detect, prevent and eradicate invasive species. It complements a bill being introduced today by Mr. GILCHREST in the House and Mr. LEVIN in the Senate to reauthorize the National Invasive Species Act. Many people may wonder what an invasive species is and why it is so crucial to keep them out of U.S. waters and so I will start off with some background.

The introduction of non-native invasive species is not new to the United States. People have brought non-native plants and animals into the United States, both intentionally and unintentionally, for a variety of reasons since the New World was discovered. Some examples include the introduction of nutria (which is a rodent similar to a muskrat) by trappers to bolster the domestic fur industry, and the introduction of the purple loosestrife plant to add rich color to gardens. Both nutria and purple loosestrife are now serious threats to wetlands. Non-native species may also be introduced unintentionally, such as through species hitching rides in ships, crates, planes, or soil coming into the United States—zebra mussels, for example, came into the Great Lakes through ballast water from ships.

Not all species brought into the country are harmful to local economies, people, and/or the environment. In fact, most non-native species do not survive because the environment does not meet their biological needs. In many cases, however, the new species will find favorable conditions (such as a lack of natural enemies or an environment that fosters propagation) that allow it to survive and thrive in a new ecosystem. Only a small fraction of these non-native species become an "invasive species"—defined as a species that is both non-native to the ecosystem under consideration, and whose introduction causes or may cause economic or environmental harm or harm to human health. However, this small fraction can cause enormous damage—both economic and environmental.

Aquatic invasive species can be very costly to our economy. Estimating the total economic impact of harmful non-native species is extremely difficult. No single organization accumulates such statistics comprehensively. However, researchers at Cornell University estimate that invasive species cost Americans $137 billion annually. This includes the cost of control, damage to property values, health costs and other factors. Just one species can cost government and private citizens billions of dollars. For example, zebra mussels have cost the various entities in the Great Lakes basin an estimated $3 billion during the past 10 years for cleaning water intake pipes, purchasing filtration equipment.

Beyond economic impacts, invasive species cause ecological costs that are even more difficult to quantify. For example, sea lamprey control measures in the Great Lakes cost approximately $10 to $15 million annually. However, we do not have a good measure of the cost of lost fisheries due to this invader. In fact, invasive species are now the number two threat to endangered species, right behind habitat loss. Quantifying the loss due to extinction of these species is nearly impossible.

To protect our environment and our economy, it Is critical that we prevent the introduction of aquatic invasive species to U.S. waters and eradicate any new introduction before the species can become established (once an invasive species is established, it is almost impossible to eradicate it). Spending millions of dollars to prevent species introductions will save billions of dollars in control, eradication and restoration efforts once the species become established. Prevention requires careful, concerted management, but it also requires good research. For example, it is impossible to know how to prevent invasive species from entering the United States without a good understanding of how they get here, an understanding that we would develop through the pathway surveys conducted under this bill. We cannot screen the planned importations of non-native species for ones that may invade without a thorough understanding of the characteristics that make a species invasive and an ecosystem vulnerable, a profile that would be created in this bill. Finally, we can't prevent invasive species from entering our waters through ships' ballasts (a known pathway) without good technologies to eradicate species in ballast waters. This bill supports the development and demonstration of technologies to detect, prevent and eradicate invasive species.

In fact, research underlies every management decision aimed at detecting, preventing, controlling and eradicating invasive species; educating citizens and stakeholders; and restoring ecosystems. Research is also crucial to ensure that resources are optimally deployed to increase the effectiveness of government programs. This bill sets up a comprehensive research program to support efforts to detect, prevent and eradicate invasive species through informing and reviewing management initiatives. Now let me explain some of the details of the bill.

The bill is divided into six sections. In the first three sections of the bill, a comprehensive research program is established through the United States Geological Survey, the Smithsonian Environmental Research Center, and the National Oceanic and Atmospheric Administration to conduct surveys and experimentation on invasive species, and analyze and disseminate the results. The goal of this program is to support efforts to prevent the introduction of, detect and eradicate invasive species. This will be done by notifying early detection and rapid response efforts, informing relevant policy questions, and assessing the effectiveness of implemented policies. For instance, information about new invasive species discovered in the monitoring effort will be directly disseminated to those agencies that can respond rapidly. And policy makers will learn about the pathways and practices that are most responsible for bringing invasive species into U.S. waters so that they can set up targeted responses to reduce the risk posed by those pathways.

In the fourth section of the bill, a research, development and deployment program is set up to promote environmentally sound technologies to better detect, prevent the introduction of, and eradicate invasive species. This includes programs to develop dispersal barriers, and the expansion of a program geared toward demonstrating technologies that prevent invasive species from being introduced by ships. The fifth section of the bill focuses on setting up research to directly support the Coast Guard's efforts to set standards lor the treatment of ships with respect to preventing them from introducing invasive species. The National Academy of Sciences will be asked to make recommendations for standards, and researchers will be asked to evaluate the effectiveness of any standard and recommend protocols to test technologies on ships to make sure they meet that standard. Finally, invasive species research depends on strong academic programs in systematics and taxonomy and so the National Science Foundation will be given funding to support academic research in those areas.

Preventing aquatic invasive species from entering U.S. waters and eradicating them upon entry are critical to our economy and environment, and good policy decisions depend on good scientific research. I urge all of my colleagues to support this very important bill.

TRIBUTE TO MORRIS MICHAEL SCIONTI

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Morris Michael Scionti, a passionate political activist who lived every moment of his life with tremendous enthusiasm and flair. As Chair of the Hillsborough County Democratic Executive Committee, Mike displayed unwavering loyalty to his country and his party.

Mike first shared his love for the political process in the classroom. For thirty years, he taught high school civics and history classes with the same affection and conviction that he later brought to politics. After teaching, Mike dove full force into politics, playing an integral role in Lawton Chiles' successful campaigns for U.S. Senate and Governor, among other races. He then went on to work for the Division of Business and Professional Regulation and as executive director of the Florida Athletic Commission.

Tampa Bay, however, will remember Mike most for his countless contributions to Hillsborough County's Democratic Executive

Committee. Never one to shy away from a good political argument, Mike was an excellent choice to take the helm of the organization. With his boundless energy, he always found a way to excite people about politics.

Despite all of his commitments in the community, Mike, a father of three, always found time for family. I would like to express my heartfelt sympathies to Mike's children and family members. Morris Michael Scionti will be remembered in Tampa Bay as a passionate and fiercely loyal competitor. Our community will miss him greatly.

HONORING JOHN AND ANN MARIE WOOLLEY, HUMBOLDT COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize John and Ann Marie Woolley, two extraordinary citizens of Humboldt County, California who have dedicated their lives to public service. They are being honored for their life-long contribution to one of the nation's most precious rights—participation in the political system. Their contributions are worthy of appreciation and recognition.

Ann Marie Woolley, a member of the faculty of College of the Redwoods, is Coordinator of the California Early Childhood Mentor Program. She has served as Head Start Coordinator and Regional Supervisor, North Coast Children's Services and is a full time instructor of Early Childhood Education at College of the Redwoods. She has been an advocate for services for young children for 25 years. In addition, she has coordinated and directed parenting workshops and consumer homemaking programs. Ann Marie Woolley was named College of the Redwoods Outstanding Associate Faculty Member of the Year, 2001–2002. She is an accomplished musician, has edited an environmental newspaper and written music reviews and is a member of numerous environmental and social justice organizations.

John Scott Woolley, Third District Supervisor, County of Humboldt, has been actively involved in community service projects throughout his career. At Humboldt State University, the Center for Community Development, John was responsible for the initial development of community programs that assisted seniors, women and children throughout the region. As the Community Economic Development Planner at the Northern California Indian Development Council, John coordinated statewide programs which included federal tribal recognition petitions, an American Indian health satellite clinic and labor and business training in natural resources improvement contracting. He is an outstanding county supervisor who works hard for his district and represents the county on the boards of the North Coast Emergency Medical services, North Coast Railroad Authority, Whole Child Interagency Council, and North Coast Unified Air Quality Management District. His civic and philanthropic contributions to our community are numerous.

They share the happiness of family life with their two sons, James and Kevin.

John and Ann Marie are being recognized for their outstanding contribution to the political process by the Humboldt County Democratic Central Committee as "Democrats of the Year, 2002."

Mr. Speaker, it is appropriate at this time that we recognize John and Ann Marie Woolley for their unwavering compassion and for their contribution to the ideals and traditions that have made America great.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 19, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

2 p.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine Hispanic health problems, focusing on coverage, access, and health disparities.
SD–430

2:30 p.m.
Armed Services
To resume hearings to examine U.S. policy on Iraq.
SH–216

SEPTEMBER 24

9 a.m.
Environment and Public Works
To hold hearings to examine the Federal government's role and response to September 11th recovery efforts.
SD–406

10 a.m.
Indian Affairs
To hold oversight hearings to examine the role of Special Trustees within the Department of the Interior.
SR–485

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the Washington, D.C. judicial circuit.
SD–226

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
Health, Education, Labor, and Pensions
To hold joint hearings to examine the emerging threat of the West Nile Virus, focusing on the adequacy of federal and state response to increasing disease incidence, and future challenges to respond to health threats posed by naturally occuring infectious diseases.
SD–342

2 p.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the detention of U.S. citizens.
SD–226

SEPTEMBER 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings to examine stem cell research.
SD–124

Environment and Public Works
Finance
To hold joint hearings to examine alternatives for financing the U.S. surface transportation system.
SD–215

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing to consider the nominations of Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services, and Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission.
SR–485

Health, Education, Labor, and Pensions
Business meeting to consider S. 2499, to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food; S. 830, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; S. 1806, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy; S. 969, to establish a Tick-Borne Disorders Advisory Committee; S. 2821, to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention; the nominations of Maria Mercedes Guillemard, of Puerto Rico, to be a Member of the National Museum Services Board; David Wenzel, of Pennsylvania, to be a Member of the National Council on Disability; Marco A. Rodriguez, of California, to be a Member of the National Council on Disability; Milton Aponte, of Florida, to be a Member of the National Council on Disability; Michelle Guillermin, of Maryland, to be Chief Financial Officer, Corporation for National and Community Service; Glenn Bernard Anderson, of Arkansas, to be a Member of the National Council on Disability; and

Barbara Gillcrist, of New Mexico, to be a Member of the National Council on Disability, and other pending calendar business.

SD–430

Judiciary

To hold hearings to examine asbestos litigation.

SD–226

2:30 p.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the current situation in Angola.

SD–419

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings to examine affordable housing production and working families.

SD–538

SEPTEMBER 26

10 a.m.

Indian Affairs

To hold oversight hearings on intra-tribal leadership disputes and tribal governance.

SR–485

Health, Education, Labor, and Pensions

To hold hearings to examine the benefits and challenges of web-based education.

SD–430

SEPTEMBER 27

10 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine the annual report of the Postmaster General, focusing on the Postal Service Transformation Plan, the progress of cleaning anthrax-contaminated postal facilities, and further steps the Postal Service will take to reduce debt and increase financial transparency.

SD–342

HOUSE OF REPRESENTATIVES—*Thursday, September 19, 2002*

The House met at 10 a.m.

The Reverend Dr. Paul Smith, Senior Minister, First Presbyterian Church, Brooklyn, New York, offered the following prayer:

In preparation for our prayer this morning, I would ask that you would just close your eyes and reflect as we listen to the silence for a moment.

O Divine Creator: Listen to the beating of our hearts and the stirrings deep within us, as each of us, in our own way, acknowledges the silent moment.

May this peripheral moment, almost mystical, become a moment which touches us where we are most ourselves. And we pray, O God, for strength, that You give each one of these men and women standing before You the courage to be genuine, that their yeas and nays be genuine. All else obscures the truth, tempting them to betray the eternal.

We ask that You help them and us to face the fears residing deep in our souls as we hear in the distance the cries for war, the cries for peace, the cries for justice and the cries for freedom. And, God, we would petition You to quench our deep-seeded need to be right. We know that Democrats being right does not make Republicans wrong. We know that conservatives being right does not make liberals wrong. Rather, teach us how to listen for the sounds of the genuine in ourselves, so we may hear the sounds of the genuine of our colleagues and friends.

O Divine Creator, help this Congress to practice deep listening, for it is in our deep listening that we hear the silence, where we hear the cries of our people, where we see the shadows which frighten us, and where we find the center and core of our being. So as we practice this deep listening, grant that we may also practice arrogance reduction, for by doing so, we lift up those things which glorify the Creator. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Iowa (Mr. LEACH) come forward and lead the House in the Pledge of Allegiance.

Mr. LEACH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills, and concurrent resolution of the House of the following titles:

H.R. 486. An act for the relief of Barbara Makuch.

H.R. 487. An act for the relief of Eugene Makuch.

H.R. 4558. An act to extend the Irish Peace Process Cultural and Training Program.

H. Con. Res. 469. Concurrent resolution authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.).

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1308. An act to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772–71, 773–71, 774–71, and 775–71, and for other purposes.

S. 2127. An act for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be one 1-minute speech. All other 1-minute speeches will be after the general business of the day.

WELCOMING THE REVEREND DR. PAUL SMITH

(Mr. LEACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH. Mr. Speaker, on behalf of the House, it is my honor to welcome and extend appreciation to the Reverend Dr. Paul Smith for delivering the opening prayer this morning.

Dr. Smith is the senior pastor of the First Presbyterian Church of Brooklyn and a faculty member of the New York Theological Seminary. A scholar, Dr. Smith has written extensively on issues of integration and is considered one of the world's leading authorities on multicultural training and arbitration. He has negotiated labor management agreements related to sweatshops in South America and China and conducted sensitivity training for the New York City Police Department, various churches, universities and the Federal Government, including the IRS. Given the tensions in the world in which we live and not incidentally the fractious body in which we work, Reverend Smith's presence and prayer is much appreciated.

Ms. VELÁZQUEZ. Mr. Speaker, I rise to thank the Reverened Dr. Paul Smith, who led today's Opening Prayer. Reverend Smith is the senior minister of the First Presbyterian Church in Brooklyn, NY, in my district, and I am proud to have him here as a representative of our community.

Reverend Smith has a long career in and out of the ministry. He began as an assistant pastor at the Salem United Church of Christ in Buffalo, New York, in 1960. He has taught at divinity schools at the New York and San Francisco Theological Seminaries and Emory University, in addition to holding administrative positions at Washington University and Morehouse College.

Not content to preach from the pulpit, Reverend Smith applies his ministry to public life. He teaches at the Health Science Center of the State University of New York and provides diversity and senstivity training to corporations and communities alike.

I hope you will join me today in welcoming Reverend Paul Smith here today.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my 1-minute speech.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

question of agreeing to the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 329, nays 53, answered "present" 1, not voting 49, as follows:

[Roll No. 396]

YEAS—329

Abercrombie
Ackerman
Akin
Allen
Baca
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Frank
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Vitter
Young (AK)

☐ 1035

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mrs. MYRICK. Mr. Speaker, rollcall vote 396, on approving the journal, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 524, SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT OF 2002, AND HOUSE RESOLUTION 525, SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON LEGISLATION EXTENDING AND STRENGTHENING SUCCESSFUL 1996 WELFARE REFORMS

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 527, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution. The resolution shall be considered as read for amendment. The resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms. The resolution shall be considered as read for amendment. The resolution shall be debatable for one hour equally divided among and controlled by the chairmen and ranking minority members of the Committees on Ways and Means and Education and the Workforce. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 527 is a closed rule providing for the consideration of two House resolutions. The rule provides that House Resolution 524 shall be debatable in the House for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and

Means. The resolution shall be considered as read for amendment.

The rule further provides that House Resolution 525 shall be debatable in the House for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and the Committee on Education and the Workforce. The resolution shall be considered as read for amendment.

Mr. Speaker, H. Res. 524 is a resolution expressing the sense of the House that Congress should complete action on, and present to the President before adjournment, the Permanent Death Tax Repeal Act of 2002. Although the House passed this legislation more than 3 months ago by a vote of 256–171, the other body has yet to take any action on this important measure.

In fact, this legislation is only needed at all because the internal rules of the Senate limit the Death Tax Repeal Act enacted into law last year to a period of only 10 years. This means that unless we act to make this repeal permanent, in the year 2010 the death tax will be reimposed on thousands of families, farms and small businesses.

Nor can we wait 10 years to provide much-needed assurance that such a massive tax increase will not be imposed. Estate tax planning is, by definition, a long-term process. Families need to know today, and they are entitled to know today, what taxes the Federal Government plans to impose on them in the not-very-distant future.

For generations now, the death tax has been a leading cause of the dissolution of family-run businesses and farms all across this country. That not only hurts those families and the workers they employ, but in time of economic distress, the death tax also has an adverse effect on our overall economy. Repeal of the death tax will promote job creation and economic growth by allowing family-owned farms and small businesses to invest and reinvest in productive, job-creating expansion with resources they would otherwise spend minimizing and paying Federal death taxes.

Given the large number of bills passed by the House in this session which have not been acted upon by the Senate, it is difficult to explain to our constituents why Congress has failed to complete action on this critically important measure. Today we have an opportunity to send a clear message to the American people about the House's commitment to act and act now to repeal this onerous and unfair tax increase scheduled for 2010.

At the same time, Mr. Speaker, we have an opportunity today to send a similar clear message about the need for immediate action on equally important legislation passed months ago here in the House. On May 16, the House voted to reauthorize the historic welfare reform legislation enacted in the 104th Congress in 1996.

Welfare reform stands as one of the proudest accomplishments of that or any recent Congress. Literally millions of American lives have been changed by landmark legislation which has helped move our most disadvantaged citizens from welfare to work.

The numbers do not tell the whole story, but they are astonishing, nonetheless. In the 5 years since we have enacted those reforms, nearly 3 million children have left poverty; employment by mothers most likely to go on welfare rose by 40 percent; and welfare case loads have fallen by 9 million, from 14 million recipients in 1994 to just 5 million today.

Still, there is much left to do, and these historic reforms simply must be reauthorized. The States have been full partners with the Federal Government in this effort, as they should be, and they are entitled to know whether we will continue working with them to help struggling families help themselves.

As with the Death Tax Repeal, for months the Senate has failed to act on this vitally important measure. Recently, 50 senators, including 40 Democrats, called for action on a 5-year reauthorization of this successful welfare reform program. Still, no action has been taken.

Today we can add our voices to those Senators who are calling for action before adjournment on two of the most meaningful measures this Congress has had a chance to enact. Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the two underlying resolutions we will consider later this morning.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, people around the country watching this today, people reading the newspapers, may be scratching their heads and saying, What is going on here? What are these people doing?

I will tell Members what people on the other side are doing: They do not want to work; they do not want to do anything serious. What are the facts?

Congress is charged to pass 13 appropriation bills by October 1. The House of Representatives, controlled by the other party, by the Republican Party, has passed exactly 5 of those 13 bills. Where are the other appropriation bills?

Mr. Speaker, we never did this when we were in charge. We always brought the appropriation bills to the floor so they could then be sent to the Senate and come back in a conference committee and dealt with in an orderly way.

□ 1045

We have an October 1 deadline for the start of the fiscal year. The other side refuses to work, refuses to bring appropriation matters to the floor. Why are they doing this? I can only speculate. Perhaps they are trying to shield some of their vulnerable Members from having to cast some tough votes to cut the budget. These folks on the other side, like they say, they want to cut the budget and they want to keep spending down. If they want to do that, where are the other eight appropriations bills? Bring them up and let us have a series of votes. This is probably as irresponsible as any action by any leadership that I have seen in the 24 years that I have been in Congress.

That brings us to today. They do not want to bring appropriation bills to the floor because they are afraid. They are worried that some of their poor, vulnerable Members might have to actually vote on something, go on the record on some issues, on education spending, on health care spending, on a variety of issues. So what do they do? They bring meaningless resolutions to the floor, sense of the Congress resolutions urging the Senate to take action.

Mr. Speaker, the people who should be acting are the Members of this body. What has happened here? We come in at 6:30 on Tuesday. That is 6:30 p.m., not 6:30 a.m., and we vote on a couple of procedural matters; and then we are on the floor for a few hours on Wednesday and we vote on a few things, again noncontroversial matters; and then we are on the floor for a few hours on Thursday, and we leave at 3 o'clock on Thursday afternoon. Without having done the people's business. Shame on the other side. Shame on them.

Today, if that is what they want to do, if they do not want to consider appropriation bills, which we ought to be doing, which ought to be the first priority of this Congress, we have another suggestion for them. If they are not willing to take up the appropriation bills, let us take up some legislation that actually tries to help some people. Let us take up some legislation dealing with the cost of prescription drugs. We have legislation that has in fact already passed the Senate dealing with the generic drug issue.

Mr. Speaker, as I said, the underlying resolution made in order under this rule has only one real purpose, and it is not to help pass a responsible welfare reform bill. It is a sham. Let us take a more positive approach. Let us look at legislation that the other body has passed, for example, the Prescription Drug Fair Competition Act. Today the Republican leadership is asking the House to take up meaningless legislation that is not going to go anywhere. The Prescription Drug Fair Competition bill has the potential to help millions of consumers right now. But I do not have to tell you that it has not been considered in the House yet, and I do not see any indication that it is on the schedule in the immediate future.

Right now, millions of seniors pay too much for vital medicines because big drug companies are boosting their own profits by keeping lower-cost generic drugs off the market. The Waxman-Brown-Thurman bill, which we would like the opportunity to bring up for a vote since they are not bringing anything else up for a vote, would stop this abusive practice and reduce the cost of prescription drugs for millions of American senior citizens. In fact, the legislation would reduce total spending on prescription drugs by $60 billion over 10 years according to the nonpartisan Congressional Budget Office.

We are going to ask for a "no" vote on the previous question, and I will talk about this again a little bit later so that we can actually bring this legislation up, legislation that will help senior citizens right now. But no, the other side, they do not want to do anything. They do not want to do this. They do not want to do appropriation bills. They do not want to be here. They want to go home. We all know there is an election going on and sure we would like to spend some time with our constituents; but our first obligation is to legislate, is to be on the floor of this House working, not to be here for 2½ days starting at 6:30 on a Tuesday and ending at 3 o'clock on a Thursday. Shame. Shame on the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentlewoman from Ohio (Ms. PRYCE), a member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in strong support of this important rule that will allow for consideration of these timely resolutions. We on this side of the aisle are very proud of all our timely accomplishments, starting with our budget. We went on to pass many, many important items for the American people: corporate responsibility, prescription drugs, historic tax relief, welfare reform, pension reform, and probably most importantly, homeland security.

Mr. Speaker, I am a very strong supporter of all these things, the death tax repeal permanency which this measure includes; but I am here this morning to address an issue that I have been more closely involved with. More than 4 months ago in this very Chamber, the House of Representatives passed comprehensive welfare reform legislation to build on the 1996 historic reforms that changed the culture of our system from one of cyclical dependence across generations to one of personal responsibility. This legislation is a culmination of strong reflection and cooperation between Members of Congress who care passionately about ensuring that all Americans have the opportunity to live successful, productive lives.

Mr. Speaker, much has changed since 1996. We have witnessed welfare rolls drop from 14 million to 5 million nationwide. More single mothers are employed than ever before, and nearly 3 million children have been lifted out of poverty. Prior to 1996 in my own home State of Ohio, we were passing out welfare checks to the tune of $82 million every month. Post-reforms, the price tag has been reduced to less than $27 million, and it is going to those who really need the help. In one State alone, that is a savings of $50 million.

The welfare reform bill we passed in the House some 4 months ago will protect children by increasing child care funding and improving the quality of child care. It will strengthen families and improve child well-being. And it encourages States to implement innovative programs to offer struggling families the tools and resources they need to secure jobs and provide for their independence. Each one of these provisions is unique to the House bill and will not become a reality if the entire Congress does not finish up its work on reauthorizing welfare reform.

As we consider this resolution, only 11 days remain before the 1996 reforms expire on September 30. The House of Representatives has done its work. Failure to deliver this welfare reform reauthorization to the President's desk before the expiration date could send the tremendous progress that we have seen since 1996 spiraling backwards into a sea of dependence.

Over the last 6 years, millions of American men and women have overcome adversity, reversed course and rebuilt their lives. They have taught their children about the dignity of having a job and providing for their family. They have shared their stories with friends and neighbors. They are proud. We cannot afford to backpedal on the progress that we have made. Too many people have worked too hard to get where they are today.

It is time for the Congress to complete action on this reauthorization. The House has answered the call of the American people and the President is waiting to sign this into law. I strongly encourage my colleagues to support this rule and all the underlying resolutions.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a prime sponsor of legislation that will actually help some people today dealing with the issue of generic drugs.

Mr. PALLONE. Mr. Speaker, I have great respect for the gentlewoman from Ohio, but I could not believe that she would start out by talking about the Republicans passing the budget. She knows very well that unless you pass the appropriation spending bills pursuant to that budget, you have not done anything. As my colleague from Texas mentioned, the Republicans have only brought up five of the 13 appropriation bills. To suggest that they are dealing with the budget and the spending is absurd. They are not. They have not dealt with it. They are not bringing up the bills.

But, more important, this morning, this resolution that we are considering essentially chastises the other body for not bringing up welfare reform or estate tax repeal. The bottom line is that this body, the House, has the opportunity under the Republican leadership to pass a very important piece of legislation which is sponsored by my colleague, the gentleman from Ohio (Mr. BROWN), and another Republican on the other side, the gentlewoman from Missouri (Mrs. EMERSON), that would deal with the cost of prescription drugs. We know that our constituents say that the biggest problem that they face is health care costs and particularly the cost of prescription drugs. The other body has already passed this bill, which is called the Greater Access to Affordable Pharmaceuticals Act, by a 78–21 vote, overwhelmingly, because they know it would save American consumers over $60 billion in prescription drug costs. Rather than pass sense of Congress resolutions here today that are meaningless, why do the Republicans in the House not simply take up this Senate bill and save American consumers millions of dollars on their drug costs?

This bill, the Senate-passed bill, would close the loophole and restore competition in the pharmaceutical market while protecting an inventor's right to legitimate patent protection. It deals with patents. It deals with bringing generics to the market quicker in order to cut the cost of prescription drugs. Under the bill, once the valid patents on a prescription drug expire, competitors can enter the market and consumers can get lower prices. The reason the savings from this bill are so substantial is that competition is the best weapon we have against overpriced prescription drugs.

Why is it not happening? It is not happening because the pharmaceutical industry is giving literally millions of dollars to the Republicans and the Republican leadership to not bring this bill up, because they do not want it to happen. Today in Congress Daily are ads, large ads, full page, by the pharmaceutical industry, by PhRMA, the brand-name drug lobby, saying, don't pass this generic bill. In Roll Call there is another full-page ad: Don't pass this generic drug bill. Because the pharmaceuticals are concerned that they are going to lose money, that the American consumer is going to save money and they are going to lose money if we bring up this bill. In fact, it has gotten so bad that they are actually pressuring some of the companies that have been lobbying and asking that the generic bill come up; they have been pressuring them to withdraw their support for the generic bill.

There was another thing today in Congress Daily where they are trying to get some of the Republicans who support this bill to not support the discharge petition to bring it up. It is an outrage what the pharmaceutical industry is doing. Let the House Republicans bring this bill up rather than the nonsense that they are proposing this morning.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, while I congratulate the other side on their valiant, but unsuccessful, partisan attempt to change the subject, I rise on behalf of this rule as an opportunity to put the House on notice and put the House on record that we need to move right now on welfare reform. This reform is the most important social reform that Congress has achieved since I came here in 1994, and right now it is at risk. Welfare caseloads under our initiative have fallen by 60 percent to their lowest levels since 1965. Nine million recipients have gone from welfare to work, from dependency to independence. We have learned from this success that we can help people bootstrap themselves and become self-reliant and proud. We have reaffirmed that the welfare system is supposed to provide a safety net, not a hammock.

Mr. Speaker, it has been 4 months since the House passed the Personal Responsibility, Work, and Family Protection Act reauthorizing these reforms. We passed this bipartisan bill which would build upon the success of the past 6 years by improving day care and increasing opportunity. We strengthened the welfare system by making it less permissive, but at the same time providing real incentives to work. Sadly, some on the left would rather go back to the days of welfare dependency, limited opportunity, and stunted hope for some of our most underprivileged Americans. These reactionaries want to run out the clock on welfare reform here today so that they can turn back the clock and repeal those critical welfare reforms. We cannot allow that to happen. My answer to them is that we need to move forward.

Congress has a narrow opportunity to do something real for our neighbors in need. Congress must pass a 5-year welfare reauthorization bill now, before this program expires.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

The previous speaker mentioned running out the clock. The Republican leadership announced we are not going to be in session tomorrow and we are not going to be in session Monday. They have lots of time for this. They just do not have time to actually legislate.

□ 1100

Now, the Republican leadership has announced that we will not be in session on Friday, we will not be in session on the next Monday, and we will not come back until 6:30 on Tuesday. Meanwhile, time is ticking away and all Federal agencies are going to run out of money because appropriation bills have not been passed by this body on September 30. So I would urge them, if they are very concerned about time, that they bring those appropriation bills to the floor so our Federal agencies did not run out of money on October 1.

Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Texas for yielding me time.

Mr. Speaker, rather than acting on bills that actually help the American people in some way, Republican leadership is focusing on meaningless resolutions that chastise the other body for not taking action on measures the House has passed. If we had sent the other body decent legislation, rather than bad ideas, the situation might be different. I am thinking of the Republican crown jewel, a Medicare drug coverage bill so grossly inadequate, written by the drug companies, that it is an insult to Medicare beneficiaries and to their families. But that is another story.

Fair is fair, Mr. Speaker. Before Republican leadership demonizes the other body, they might want to rid the skeletons from their own closet. The other body, for instance, passed legislation that finally does something about out-of-control prescription drug prices, and did so in a responsible, bipartisan manner. But Republican leadership in this House has blocked even a vote on that legislation, which will save American consumers, mostly the elderly, $60 billion.

Brand and generic drug companies alike exploit loopholes in the laws to block competition in the marketplace. The Federal Trade Commission has acknowledged it, the Patent and Trademark Office has acknowledged it, the President has acknowledged it. But House leadership and the prescription drug industry are virtually the only ones who have not acknowledged it.

Why is that? Could it be the millions of dollars the drug industry gives to Republican Members of Congress? Could it be that the drug industry, using drug industry money through phony ads run through a group called 60–Plus and run through a group called USA Seniors, that they are running ads in support of the drug plan that they wrote, the drug industry wrote on behalf of Republican Members of Congress?

Could it be, in the most cynical move I have seen in my 10 years in this body, the drug industry wrote a bill, a prescription drug bill that really was not worth very much, pushed it through Congress, gave money to Republican Members of Congress, then ran ads, in the most cynical move imaginable, thanking those Republican Members of Congress for voting for it and saying that it was an ad written by United Seniors Association, but it is actually funded by the drug industry, which they will not tell you?

The Senate-passed bill, Mr. Speaker, closes the loopholes the FTC has identified and would deliver more competitive prescription drug prices to the American people. There are 3 companion measures in the House, any of which would restore competition in the prescription drug marketplace, saving consumers $60 billion. Some of those are sponsored by Republicans, but Republican leadership will not let those bills come to a vote. Instead, we are passing meaningless resolutions today.

If the House squanders this opportunity, we will likely go home without providing any kind of prescription drug relief to seniors and others who desperately need that help.

Mr. Speaker, I urge the House to permit consideration. I urge Republican leadership to allow us to vote and to take House action now on legislation to stop the brand name and generic drug industry from blocking this legislation and stop their shenanigans, to bring prescription drug prices down, something we could do today in this body. The other body passed this legislation. If it dies in the House, the Republican leadership can congratulate themselves for successfully catering to the drug industry again and again and again at the expense of the American public.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, in 1996 Congress set out on an ambitious plan to transform welfare from a program that kept people dependent upon government handouts to a structure that empowers people on their own to be self-sufficient.

Today, I believe we can declare welfare reform a huge success. Consider these facts: The poverty gap for families with children has decreased by over $4 billion since 1996. Hunger among children has been cut in half, and the poverty rate for African American children is at its lowest point in U.S. history.

Success stories abound. One of my constituents, Dorothy, reports that when she was hit hard several years ago, she participated in an innovative program designed to help people become more self-sufficient. Once on the verge of bankruptcy, she is now employed and regularly contributes to a savings account in hopes that one day, one day, she will be owning a home.

The House passed H.R. 4737 to reauthorize the welfare reform program last May. The Senate has not acted on it. All of us on Capitol Hill must continue on the path of reform by working together to send a welfare reform authorization to the President this month.

Support the rule and give our constituents the well-deserved opportunity to have a hand up, not a handout.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, first of all, I would be more impressed with my colleagues on the other side and their commitment to a full deliberation of the welfare bill if they had not used their power in the rules to shut off adequate effort in this House when we debated welfare to address one of its great defects, child care. They would not allow an amendment which I think would have passed if they had given us a chance to vote on it, which is why they would not, which would have expanded child care as part of welfare.

But we are not just talking about welfare. As I listen to the Members on the other side complaining that a legislative body is not doing its work, this is the end of September. We have not passed an appropriations bill for the Department of Health and Human Services or Education or Labor or Transportation or Housing and Urban Development or the Environmental Protection Administration.

The gentleman from Ohio talked about September 30 being the date when the welfare bill expires. The whole Government expires on September 30 and they have not passed any bill for the domestic agencies. Listening to people who have that record of nonfeasance complain that somebody else is not getting its work done, I feel like I kind of wandered into a nudist colony and somebody complained that I was not wearing a tie. I have never seen a more bizarre example of people trying to object to a fault that they are themselves guilty of.

We all understand, by the way, why we do not have appropriations bills. We have a split in the Republican Party. We voted in 2001 a very large tax cut. Since we voted that tax cut, this administration has committed to spending more than half a trillion dollars over the next 10 years between the war in Afghanistan, the war they want to have in Iraq, running Iraq, running Afghanistan, homeland security, and a lot of other things. The result is that there is not enough money to fund the Government even at what I would consider the minimal level that many of the Republicans want. So here is the problem. We have the intellectually consistent Republicans who, having voted for a tax cut, are prepared to make substantial reductions in the appropriations bills. We have many of us on the Democratic side who thought the tax cut went too far and we do not support such drastic restrictions as shutting down efforts to clean up Superfund sites or taking away funds from public housing or reducing other important funds, but then we have the bulk of the Republican Party. They voted for a tax cut which reduced revenues, but they will not support appropriations bills that reflect the revenue reductions. So what do they do? They do not pass anything. There is a split between the Republican party, between the intellectually honest conservatives who voted for a tax cut and are prepared to reduce spending, and the rest of the Republicans who said, wait a minute, you must be kidding. We cannot reduce spending to that level. We cannot let the American people know what the true consequences of our tax cut are. So how do we deal with this? We do not vote on an appropriations bill for the Department of Health and Human Services. We do not vote on an education bill. They are going to give us a big CR, a big continuing resolution.

I can remember Ronald Reagan standing here waving a continuing resolution and decrying it. I guess this is the birthday present that Ronald Reagan gets this year, a complete repudiation of his denunciation of continuing resolutions by a Republican Party incapable of appropriating.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

This debate today is on a rule that is to bring a sense of Congress on two issues that in fact this House has passed, the estate tax and the welfare reform. I do not know that we would be having this debate on the sense of Congress if in fact there could have been an opportunity for us to sit down and compromise on the estate tax. We could have looked at the $6 million that we tried to offer as an alternative on this floor at 99.7 percent of the debate which was about small businesses and farmers, and the numbers show that in fact that $6 million would have done that. No. Instead, we have got to worry about how we are going to cover for Ken Lay and his wealthy friends. And I have got to say that just does not get it with me.

On top of that, you talk about welfare reform. It is in the Senate. Today it is my understanding that the Senate was going to be talking about homeland security, which you have also criticized them for. There are only so many hours in a day. I think they are going to get to welfare reform, but while they are getting to all these issues that you are talking about, there ought to be a debate on them, which is what the Senate is trying to do. So in saying all of that, here we are, that was just mentioned by the previous speaker. We have got a situation here in the House where we cannot get the Health and Human Services bill up. So any welfare reform that is done on paper is meaningless unless we have the money to back it up. And right now we have nothing because we have no HHS bill that would provide those dollars.

So what are we trying to do on this side? We are trying to talk about another piece of legislation that has passed the Senate. We cannot have a blame game. You criticize them for not passing something. Then you come over here and we will say to you, guess what, there is a piece of legislation that every one of us would be best to be able to go home and talk about, and that is the generic drug bill. And by the way, that does not cost us anything but it saves $60 billion over the next 10 years on making sure that we have generic drugs coming to our constituents.

So what is happening here is that we have a bill that has been prepared and passed on a bipartisan vote in the Senate on generic drugs that now could be over here, picked up, passed. We could go home and not talking about it costing the Federal Government anything. But, no, we are not doing that.

I was home in August. I was out there every day, and I talked to the people in my district, and I just want to talk about a couple of people that see people every day. We had Rick Limehouse, who is a pharmacist at the Pill Box Pharmacy in Clermont, and he said he is appalled at the escalating cost of medication just in the 2 years he has been in business. Because of the public outcry against these rising costs, he said that some drug companies have started to offer discount cards that discount what the pharmacy can charge but not what the pharmacy pays for the medication. At the same time, the manufacturers continue to raise the price of their medication at a rate beyond anything that can be attributed to inflation. The generic bill, getting these drugs to the market, would be helpful.

Pharmacist Ken Norfleet of Brooksville said, "Every day," and we just do not happen to see this every day, "we see people coming into the pharmacy who decide not to buy their prescriptions," or that they are cutting their dosages in half because they cannot afford the high cost. And what are they doing? They are jeopardizing their health and their well-being.

I would call upon my colleagues from the other side. There is a discharge petition down here that does not say only Democrats can sign. It says House Members can sign, Members of Congress. How about if we cannot take home the appropriations bill and we have to talk about continuing resolutions? How about at least let us take home one present to them. Let us at least show them that we are concerned about their cost of medications. Let us at least have the stomach to stand here, sign that petition that says we are willing to cost not only to seniors but to all families on generic drugs. That would be a gift to them. And as we go through the tax cuts and talk about these things, I hope we all will remember what Mr. Lindsey said about the war, that it is $100 billion. We are already into deficit spending. Do you not think we should be talking to our constituents about not leaving this debt to our children and our grandchildren?

□ 1115

Mr. HASTINGS of Washington. Mr. Speaker, I want to advise my friend, the gentleman from Texas (Mr. FROST), that I just have one speaker to close, so I will reserve my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I just wanted to remind us all that it is interesting to have resolutions on the floor that recommend action by the other body, but the important thing is for us to do our work here.

I am a member of the Committee on Appropriations. We have eight of the 13 appropriations bills which have been dealt with by the committee, but which have not been put out here on the floor to be dealt with by the full body. Why is that? The main reason is because the leadership of this House has taken an approach to fiscal policy which is totally unreasonable and unrealistic. This is not anything new; it has been going on now for a couple of years. My Republican colleagues have taken us from a situation within the Federal budget of growing surpluses to now deepening deficits, and they do not know how to deal with it. They do not know how to solve the problem that they have created for the people of this country with growing deficits in the Federal budget. They cannot fund the necessary things that need to be done.

In addition to that, there is a whole host of issues that are crying out for attention; most notably, a prescription drug program which will allow the senior citizens of this country to get the medication they need to restore themselves to health and to maintain their health. We have a good bill.

If we want to talk about something the Senate has done, they have passed a good bill. Their bill provides for a prescription drug program as an entitlement under Medicare. That is what the AARP wants, that is what all of the associations that represent senior citizens want, and it is what the older people of our country want. They want an entitlement program under Medicare for prescription drugs. You refuse to bring that bill out. Why? Because you are the great beneficiaries of the largesse of the pharmaceutical companies. They have made enormous contributions to the Republican Party in this House in order to keep this bill from getting to the floor.

So instead of telling the Senate what they need to do, let us deal with our own business right here in this House.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

It is with deep regret that I observe the timidity on the other side. We have two great political parties in this country. We want to join the issues. We want to enter into debate on this floor. We want to cast votes. We know that we do not necessarily have the votes here; they are in the majority, they probably can pass anything they want to, but we want the opportunity to debate and consider legislation. They are denying us this opportunity, not just with this generic drug legislation that we would like to bring up today, but the legislation that funds the Government of the United States.

Mr. Speaker, it is a sad day for the country, quite frankly, that the Republican Party has become so timid that they want to show up at 6:30 on Tuesday and leave at 3 o'clock on Thursday because they do not want their Members to have to vote on tough issues. We are paid, hired by the American people, and paid to show up here, to work a full week, and to take tough votes, and if they are not willing to take tough votes, if they are not willing to bring matters to the floor, then perhaps it is time for someone else to be in charge.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that immediately after the House passes these do-nothing resolutions, it will take up the Prescription Drug Fair Competition Act of 2002, H.R. 5272. My amendment provides that the bill will be considered under an open amendment process so that all Members will be able to fully debate and offer amendments to this critical bill. It is time for the House to do its work and pass legislation to help the American people, not simply play blame games.

A "no" vote on the previous question will allow the House to take up this bill and provide much-needed relief for the high cost of prescription drugs. However, a "yes" vote on the previous question will prevent the House from taking up a bill that actually makes a difference.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I urge a "no" vote on the previous question, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Washington (Mr. HASTINGS), for yielding me this time, and I congratulate him on his management on what clearly is a very important measure here. It has been mischaracterized by my friends on the other side of the aisle, but we are very proud of what we have been able to accomplish in this 107th Congress. It is clear that Republicans are in the majority, but we have what is today a six-vote majority. It is extraordinarily narrow, but we have been able to work in a bipartisan way to address the issues that we are going to be bringing up once we pass this rule.

It was with bipartisan support that we brought about reform of the welfare system. It is with bipartisan support that we passed repeal of the death tax. It is with bipartisan support, Mr. Speaker, that we were able to bring about pension reform. These are measures that Democrats and Republicans alike supported in this body, and we are very proud that we were able to provide, under the leadership of Speaker HASTERT, the encouragement and the direction and the momentum to get these measures through.

Now, we have done this along with our work on the appropriations bills. Mr. Speaker, I think that it is important for us to note that in the past when our friends on the other side of the aisle controlled this body, we had, in fact, continuing resolutions. We have always gone through challenges when we have dealt with the appropriations process. Where are we today? Well, this House has passed five appropriations bills, appropriations bills that deal with both domestic and international issues and our national security issues as well. We have passed the Interior appropriations. We have passed the Treasury-Postal appropriations bill, both of which have measures that deal with domestic issues here. We have passed the Military Construction appropriations bill. We have passed the Department of Defense appropriations bill, and we have passed the Legislative Branch appropriations bill, obviously dealing with this institution, dealing with the very important security here in the Capitol.

So we are very proud of the fact that we have been able to pass these appropriations bills, and we know, Mr. Speaker, that we have even more work that the committee has done, the Committee on Appropriations, dealing with the Energy and Water appropriations bill, the Foreign Operations appropriations bill. As we sit here debating these issues, our colleagues should know, Mr. Speaker, that the members of the Committee on Appropriations and the leadership is working together on these issues. So we hope very much that we are going to be able to complete as many of these measures as possible.

The resolution that we are dealing with today, in fact, is focused on the accomplishments, the accomplishments of the 107th Congress. We have passed a prescription drug bill from the United States House of Representatives. We have been able to provide tax relief to middle income wage-earners in this country providing child care benefits and repeal of the marriage tax penalty. We have been able to deal with a wide range of issues in a bipartisan way again, Mr. Speaker, since the tragedy of a year ago on September 11. We have been able to pass a supplemental appropriations bill that has helped us deal with our national security. We have been able to come together and work on a wide range of issues to combat this war on terrorism. Those things have been done in a bipartisan way.

So that is why it is very troubling, Mr. Speaker, to hear my colleagues on the other side of the aisle talk about the fact that we have not acted. Yes, there continues to be more work to do. But we have been able, as I said, to get these measures out of the House of Representatives and, unfortunately, the Senate has not taken up a number of these measures.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, the gentleman said with regard to the appropriations bills, well, the committee has done them. Why would we be taking 5 days off now if the committee has, as he said, passed these appropriations bills? Why are they not on the floor? Why do we not get those appropriations bills that the committee has already voted on?

Mr. DREIER. If I could reclaim my time, Mr. Speaker, I would say that we have been able to pass these five appropriations bills and we are working to move these measures forward. These measures that we have, and I have yielded and I am going to close the debate here now, we have had, in fact, these other very important measures that need to be reaffirmed here with this measure that we have, and we are going to continue to work on this appropriations process, and that is our job and we are going to continue to do it.

So let me say, Mr. Speaker, I have already yielded, I am going to close the debate now so that we can move ahead with the vote on the previous question and so that we can then move ahead with these very important measures. Let me say, Mr. Speaker, that I believe that it is the right thing for us to do to reaffirm our support for permanent repeal of the death tax, which has been pointed out by my colleagues, again, in a bipartisan way, how punitive this is, how it hurts economic growth and it stifles the progress that small businesses and family farms have been able to make.

I also believe that when we look at the benefits with 7 million people having, since 1996, come off of the welfare rolls, the ability that we are going to have to strengthen that. We need to reaffirm our support from this institution for that very important welfare reform.

So, Mr. Speaker, I urge strong support of this rule and for these resolutions so that we can, in fact, move ahead with our very important work.

The amendment previously referred to by Mr. FROST is as follows:

At the end of the resolution add the following new sections:

SEC. . Notwithstanding any other provision in this resolution, immediately after disposition of resolution H. Res. 525, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5272) to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. . If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third day order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of that bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Following the vote on the previous question, pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution, and then on the motion to suspend the rules and pass House Resolution 523 postponed from yesterday.

The vote was taken by electronic device, and there were—yeas 214, nays 202, not voting 16, as follows:

[Roll No. 397]

YEAS—214

Aderholt
Akin
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry

Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Honda

Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver

Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Bachus
Blagojevich
Bryant
Carson (IN)
Cooksey
Gephardt

Gillmor
Hilleary
Jenkins
McKinney
Miller, George
Mink

Oxley
Roukema
Stump
Waters

□ 1150

Ms. LEE and Messrs. HONDA, SPRATT, RAHALL, EVANS, HILLIARD and FORD changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LaTOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote, followed by a 5-minute vote on the motion to suspend the rules on H. Res. 523.

The vote was taken by electronic device, and there were—ayes 213, noes 200, not voting 19, as follows:

[Roll No. 398]

AYES—213

Aderholt
Akin
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte

Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)

Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett

Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell

Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clay

Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)

Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor

Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Bachus
Blagojevich
Bryant
Carson (IN)
Cooksey
Gephardt
Gillmor

Hilleary
Hunter
Inslee
Jenkins
Miller, George
Mink
Oxley

Payne
Roukema
Rush
Stark
Stump

□ 1200

Mr. CRAMER changed his vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, on Thursday September 19th I missed rollcall vote Nos. 396, 397 and 398 due to chairing a hearing on terrorism with FBI Director Mueller testifying. If I had been present, I would have voted “aye” on each of these votes.

RECOGNIZING CONTRIBUTIONS OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 523.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 523, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 399]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Blagojevich
Bryant
Carson (IN)
Cooksey
Frost
Gephardt
Gibbons
Gillmor
Hilleary
Hunter
Jenkins
LaFalce
Miller, George
Mink
Oxley
Roukema
Shays
Stump
Weller

□ 1209

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELLER. Mr. Speaker, on rollcall No. 399 I was unavoidably detained. Had I been present, I would have voted "aye."

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON LEGISLATION EXTENDING AND STRENGTHENING SUCCESSFUL 1996 WELFARE REFORMS

Mrs. JOHNSON of Connecticut. Mr. Speaker, pursuant to House Resolution 527, I call up the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 525 is as follows:

H. RES. 525

Whereas the 1996 welfare reform law (P.L. 104–193), approved by large bipartisan majorities of the House of Representatives and of the Senate, has delivered dramatic results by promoting record increases in work and earnings among current and former welfare recipients, reducing the number of children in poverty by nearly 3,000,000 and achieving record low rates of child poverty among African-American children and children raised by single mothers, and lifting 3,000,000 families from welfare dependence as part of a decline in national welfare rolls of more than 50 percent;

Whereas despite these unprecedented gains, 2,000,000 low-income families remain dependent on welfare, challenging the Congress to build upon that success by putting even more Americans on the path to self-reliance;

Whereas changes to the law are needed to better promote the creation and maintenance of strong two-parent families, including healthy married families, in order to enhance child and family well-being;

Whereas further changes are needed to improve the quality and availability of child care, since the experiences of young children greatly affect their success in school;

Whereas the House of Representatives, on May 16, 2002, passed H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002, which includes needed enhancements proposed by the President and extends and strengthens reforms for the coming five years;

Whereas H.R. 4737 would provide a total of $170,000,000,000 in Federal and State funds to support work, child care, education, training, and other family needs;

Whereas the Senate has yet to approve legislation to extend the Temporary Assistance for Needy Families (TANF) program, the Child Care and Development Block Grant, and Title V Abstinence Education State Block Grant programs as required by September 30, 2002; and

Whereas the failure of the 107th Congress to extend the TANF or child care programs by September 30, 2002, would threaten the opportunities currently available for low-income families and create fiscal uncertainty for States: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, prior to September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms.

The SPEAKER pro tempore. Pursuant to House Resolution 527, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Maryland (Mr. CARDIN), the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Massachusetts (Mr. TIERNEY) each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Twelve days, 12 days. In 12 days, the welfare reform legislation expires. Mr. Speaker, this is a very serious matter. This House passed reauthorization of the welfare reform legislation on May 16. The Senate has not acted. We have 12 days, yet welfare reform has been an unprecedented success.

Never have we passed a reform of a program that has resulted in a decline in child poverty. This bill has resulted in the largest decline in child poverty ever, and in not just 1 year but in consecutive years; and the most dramatic decline in child poverty has been among African American children. Nearly 3 million children have left poverty since welfare reform, and this is not just because we had a good economy.

During the good economy of the Reagan years, when hundreds of millions of jobs were created, welfare roles increased about 12 percent. It is the result of welfare reform that children are leaving poverty, that there has been a substantial reduction in the number of children living in poverty several years consecutively.

Secondly, the most exciting and wonderful news about welfare reform is that of the women on welfare, 33 percent are now working. The percent of those on welfare and working has tripled. It has gone from 11 percent to 33 percent.

□ 1215

Many of those women are still receiving some welfare benefits as they make the transition to complete independence, but 33 percent are working. That is incredibly good news and it will strengthen those families economically and emotionally. But that also means that 67 percent are not meeting the State definition of working, which does not include complete independence from welfare benefits.

So we do have a lot more work to be done, and I am proud to say that the reauthorization passed by this House recognized that those women who were not meeting the standards of work need more education. They need more training, and it creates tremendous flexibility for the States to not only help women get into that first job, but enable them to have the time they need for the education, the skill development to deal with all those problems that we know from our research which represent barriers to women getting into the workforce and barriers to their rising up the career ladder so that the salary that they earn is a salary that can honestly support a family with children.

The reauthorization bill represented a giant step forward, building on what we learned from the old program, enabling the new program to be far more powerful in the lives of the women and children in America who are on welfare and basically living on extremely low incomes, if not in poverty.

Mr. Speaker, I am proud that the House acted. The Senate has not acted. I call on my colleagues to lay out to the other body the importance of reauthorizing welfare today as it expires in 12 short days. That is not even 2 weeks. In 12 short days, this program expires.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is what we call filler because the majority, the Republicans, do not want to bring up legislation that is important to enact before the end of the fiscal year.

If I had been told that on September 19 as one of the last bits of business before we adjourn for the week and come back on Tuesday of next week, not Monday, with not acting on in this body 8 of the 13 appropriation bills, that we would be taking up a meaningless resolution in order to kill time, I would not have believed it; but, that is what we are doing.

The gentlewoman from Connecticut is right. There are 12 days left before the end of this fiscal year. The Republicans have only scheduled 4 more legislative days before the end of this fiscal year. In 4 legislative days funding for education, for veterans affairs, for environmental issues, for law enforcement, and for housing will all expire. This body has not even taken up those appropriation bills; yet we have time for this meaningless resolution.

Yes, I am concerned about the end of this fiscal year and getting work done. It is important that we reauthorize the welfare reform bill, TANF reauthorization. I have been working for 2 years to try to get reauthorization of TANF.

This body missed an opportunity to get that done when it chose a partisan route rather than a bipartisan route which we could have passed when the bill was originally before us, a missed opportunity, making it much more difficult for this Congress to send to the President a meaningful TANF reauthorization bill.

Mr. Speaker, we should have built on the success of the current welfare reform bill. We should have built the success that provides flexibility to the States, but instead the legislation that passed this body took flexibility away from the States and made it more difficult for them to do their programs on welfare. Education and training are important, but the bill that passed this body says it is important for everyone but the mother on welfare with a child; that person does not need education. That is the wrong message.

The bill that passed this body says we do not want welfare recipients to have real jobs. We want makeshift employment, even though every study has shown that will not lead to people leaving poverty.

The bill that passed this body is an unfunded mandate on the States requiring them to spend billions of dollars more and not providing the necessary resources. This resolution states that changes are needed to improve the quality and availability of child care. I agree. We have not done that in this body. We need to do it.

Mr. Speaker, there is still time. I urge my colleagues to join in a bipartisan effort. We introduced a proposal that I authored along with the gentleman from Wisconsin (Mr. KIND) and the gentlewoman from California (Ms. WOOLSEY) that builds on the current welfare system, providing the flexibility and the resources to the States. It took welfare to the next level to get families out of poverty. It had the support. We put in the proposal that the national Governors wanted and that the welfare administrators thought were necessary in order to build on the current welfare system, and it is consistent with the bipartisan effort of the other body.

There is time if we are willing to work in a bipartisan way to get TANF reauthorization passed, but we cannot do it the way that the other side of the aisle did it when this bill first came before this body.

Mr. Speaker, I regret that today is another missed opportunity.

Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind the body, the Senate has not acted. We must go to conference. We can conference this bill and get it to the President's desk in 12 days. The Congress owes that to the American people.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, 4 months ago the House passed a 5-year welfare reform extension bill. Yet now, just 11 days remain before the successful Temporary Assistance to Needy Families Program expires. The 1996 law lifted nearly 3 million children from poverty.

It resulted in a dramatic increase in the employment and earnings of single mothers, all while reducing welfare dependence by 9 million people.

Still, we know we have more work to do in the next phase of welfare reform. Some in Washington seem to be willing to allow the program to run out at the end of this month. They seem to believe a simple extension would suffice, but a simple extension of this program will not help the nearly 60 percent of the adults on welfare who are doing nothing now to engage in activities that will lead them on the road and the path from poverty to self-reliance. A simple extension will not provide $2 billion in increased child care funds to support more working low-income families, and a simple extension will not invest more in families by promoting healthy marriages and preventing the millions of children born out of wedlock from growing up without the benefit of their father.

We must act now. So join us in supporting H. Res. 525. It is my sincere hope that we will soon get to a conference with the other body so we can work out our differences on this important legislation. More than 2 million low-income families in America are depending on us for help.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

I guess I am just a little bit confused on the basis of initial remarks by the gentleman from Maryland (Mr. CARDIN) because the arguments that he just made were exactly the ones he made when we had the welfare debate on the floor of this House, and I know that he would have rather had his position prevail than the one that did, and that is the bill that we passed and sent over to the Senate. And what it sounded like was he wanted to revisit the debate that occurred in the House prior to House passage of our legislation, and what I would urge him to do is, if he wants to have another chance at that debate, would be to vote for this resolution which says it is "the sense of the House of Representatives that the 107th Congress should complete action."

If the House has passed legislation to complete action, we have to get the Senate to pass legislation, and I would hope that that impassioned speech that he just made to us, those of us who debated and already voted on the welfare bill, could be made to his colleagues in the Senate so that they would move a bill off the floor, we could go to conference, and he would then hope that his position would prevail in conference. But to say that he is opposed to urging the Senate to complete action is to basically say that wonderful and impassioned speech he made is not going to go anywhere because we cannot get the conference to try to get his position to prevail. And so moving this resolution hopefully will nudge the other body along so that his position can be presented in conference and the House and the Senate can resolve their differences.

So I do not understand how folks are arguing that they want to be on both sides. One, this is meaningless, and, two, his impassioned plea ought to be heard again; and the only place it can really be heard again by the House is in conference.

Vote for the resolution, and the gentleman from Maryland (Mr. CARDIN) I will see in conference.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would make the following advisory: that as recently as December 19 of 2001 in response to a point of order, Members are reminded to confine their remarks to factual references to the other body and avoid characterizations of Senate action or inaction, remarks urging Senate action or inaction, remarks urging other Members to urge the Senate to take action or inaction, or references to particular Senators.

The Chair would also note that there have been remarks during the course of debate where praise has been heaped upon the other body, and just as criticism is not appropriate, neither is praise as a characterization.

Mr. CARDIN. I thank the Speaker for that clarification.

Mr. Speaker, I yield myself 15 seconds just to respond to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. Speaker, it is just regrettable that we did not follow a bipartisan action in this body like some others have done on the other side of the aisle. I think that is regrettable because that has made it much more difficult for us to reach an agreement with so few days left in this session, and I still say this is a meaningless resolution. It does not do one thing, and I think Members can vote any way they want, and they will be surprised to learn that this is not a Special Order.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a distinguished member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I am glad the chairman of the committee spoke, and I want to respond and also to the gentlewoman from Connecticut (Mrs. JOHNSON), because I think this resolution is an effort to shift the blame. The bottom line is, okay, the Senate should act. But why are they having trouble acting? It takes 60 votes. A major reason is because the House started this debate on the wrong foot including the gentlewoman from Connecticut (Mrs. JOHNSON). They started on a partisan approach. There was no effort to work with those of us who worked on welfare reform in 1995 and 1996, including the ranking member of the subcommittee. Zero effort. And that included the administration. It came forth with a proposal that in the judgment of the administrators, the vast majority of State administrators, was the wrong way to go. They said it was going to create flexibility. Also, there was the problem of poverty, that such a large percentage of the people who were moving off of welfare to work remained in poverty, and the studies show that the average income for people who have moved from welfare to work is something like 2,000 bucks a quarter. So we said let us build on welfare reform and its successes, let us acknowledge where it has had shortcomings and move on from there.

But you said no, you are going to proceed like you did on prescription drugs on a partisan basis, and the administration was part and parcel of that strategy. So now you are reaping not the benefits but the downsides of that approach, and you say to the Senate act after you got this off on the wrong foot, and the administration continues to insist on its bill which cannot receive 60 votes in the Senate.

□ 1230

There was a bipartisan effort within the Finance Committee, very contrasting with the partisan approach that you took.

So now you are saying it is the Senate's fault when the basic fault was the failure to do this in the right way in the first place right here. It was inexcusable for you and for the chairman not to sit down with Democrats, surely those who had worked on welfare reform, who had helped to build child care and day care into it and see if we could find common ground. So you have no common ground in the first place. The vote was 229–197 here. Inexcusable. What do you expect now?

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 30 seconds.

The gentleman's recollection of the process of our subcommittee is, in my mind, completely faulty. Remember, one of the primary goals of the other party's approach, the Democrats' approach on that subcommittee, was to include as a major goal of the new welfare reform bill to reduce poverty and, indeed, we did that. Second, They were very interested in more education and training and we do that.

So it was a very good bill. It got through the House with a bipartisan vote. The Senate has not acted. We need to go to conference to get this bill to the President's desk.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I admire and respect the gentleman from Maryland. I appreciate his point of view, but I have the opposite point of view. We have been working very hard. When welfare reform first came up, there was complete and total resistance on the other side of the aisle. We have gotten together and we have passed a good bill in the House on a bipartisan basis. I would love to have had more votes. That would have been wonderful. But the clear, pure fact remains, article 1, section 7, clause 2 of the Constitution simply requires that the House and the Senate have to pass legislation before it can be signed by the President and become law. The House has done their portion. The remainder is clear. We need compliance with the Constitution. That is what this debate is about. It is very meaningful.

It is very clear that 60-plus pieces of legislation have been passed under article 1, section 7, clause 2 by the House of Representatives. Those pieces of important legislation lie dormant. I thank the gentlewoman for bringing this to the House and I encourage that we support and pass this resolution.

Mr. Speaker, 6 years ago, despite an outcry of criticism, the U.S. Congress passed the most sweeping welfare reform measures ever. Now, 6 years later, no one can argue that this reform has been an overwhelming success. We have worked to end a cycle of dependence and replaced it with a spirit of self-sufficiency. These welfare-to-work success stories are proof positive of what I have always said—a government support check, while helpful, is no substitute for a paycheck.

On May 16 of this year, this House passed comprehensive welfare reform, the President is asking for reform, the American people deserve reform and the Senate has not taken up this important legislation. Now is not the time to turn our backs on these successful reforms. We have replaced a cycle of government dependency with families that are proud of the work that they do and that are no longer dependent on a government check. That's the right thing to do to strengthen families, and we need to keep that record of success going.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds to respond to the gentlewoman from Connecticut. Current law allows the States to use education and training as part of the core work requirement in welfare. States have used that well and it has worked well. The bill that passed this body takes away that flexibility from the States. That is why the Governors are upset. That is why legislators are upset. That is why administrators are upset. And that is why people are upset. You take away the flexibility of the States on education and training for women trying to get off the welfare system.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding time.

Mr. Speaker, there are 4 scheduled legislative days remaining until the end of this fiscal year. Four days remaining. There are people watching the proceedings here in the gallery and all around the country who may be thinking that what they are watching is the House of Representatives at work, carrying on the business of the people. No, unfortunately they are wrong. We are sitting here chatting about a resolution to express the sense of the House that Congress should complete action on the welfare bill. We are not talking about completing action on anything right now with 4 scheduled legislative days remaining.

We now have eight, count them, eight appropriations bills that have not been passed, with 4 days remaining. We could be working on that legislation right now. So it is really quite amazing that the Republican leadership would squander its opportunity to make real progress on a legislative agenda, real progress on addressing the problems and concerns of the American people by taking up issues that are completely under their control right now.

The Democrats, given our minority position, have limited ability to control the agenda, so we have a discharge petition right now to take up a piece of real legislation that would reduce the cost of prescription drugs, H.R. 5272. This is a bill that would stop the gaming of the system and would allow real competition so that we could find lower prices for prescription drugs in this country. This is something that people really care about. Let us do something real and stop this chitchat.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I would remind the preceding speaker that the Senate has not acted on welfare reform and the Senate has not acted on prescription drugs. The House has reauthorized welfare reform and the House has passed a very strong bill providing prescription drugs to seniors as an entitlement. It is very disturbing that 12 days before this bill expires, before the welfare reform bill that has reduced poverty among children more dramatically than any change in public policy in my lifetime, that it could languish unauthorized. The House has acted. The Senate has not. The fact is there are 12 days and that this Congress cannot complete work on welfare reform alone.

Mr. Speaker, welfare reform has helped women and children in America. It has been a good thing in their lives. We need it. For the preceding speaker to have said that we have cut work education and training is simply wrong. It is true we do not allow 12 months of vocational education, but for the first time we not only allow 4 months of any kind of education, whether it is vocational or not, but then 2 full days for 5 years. So we allow ongoing education which not only can help you prepare yourself for a job but through which then you can develop the skills to advance your career and move up the salary and career ladder. It is the most generous inclusion of education and training and opportunities in welfare reform that we have ever passed.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. I thank the gentlewoman for yielding me this time.

Mr. Speaker, it looks like we are prepared to vote on a resolution that lays out exactly why the country needs and expects to see the 5-year reauthorization of welfare reform law finished sooner rather than later.

Remember, we only have 7 days remaining before the historic reforms will expire on September 30. There are two things we ought to bear in mind. First, the main reason welfare reform needs to be reauthorized and, second, what it takes to get the job done. Welfare reform has been good for America. It is replacing welfare checks with paychecks. It is fostering independence. It is boosting personal incomes. And it is truly improving the lives of millions of children.

We have to reauthorize welfare reform because there is more to be done to help millions of struggling families develop dignity and self-respect. We have been working on reauthorization since January. In February we built the HOPE Action Team. We pulled together committee and subcommittee chairs, administration officials and other Members of Congress. We held weekly meetings to drive both the timetable and the policies to ensure timely passage. We met twice a week. We worked late into the night. We stayed at the table to hammer out our differences so that we could put up a good bill here on this floor. It was a lot of work for a lot of people.

At the same time, I urged our Members to learn more about welfare reform by visiting former welfare offices that are now job placement centers. I urged our Members to meet with folks that are involved in the system. Many of us did sit down with both folks who are still on welfare and people who have left welfare for the world of work. We wanted their perspective on the changes that we made 6 years ago and the improvements that still needed to be made. We learned a lot.

Back in April, I visited the Texas Workforce Center in Houston. A man told me that welfare reform had changed his life and the changes he made offered his children a powerful lesson in doing things the right way. He said, "They saw me getting up with them each morning," because it was time to go get a job. "I could see in their eyes that they were happy about that." I think that is what it is all about.

In closing, I would like to remind the Congress that it takes work to pass a good bill. It takes time and effort to bring everyone together. It takes time to get a bill out of committee. And when you are dealing with several committees of jurisdiction, it takes even more work. Securing final passage of the bill is an even tougher assignment. But the House completed its work. We put in the time and we got the job done for the American people. Our work in the House will pay off for the American people, but it will all be for nothing unless and until Congress finishes welfare reauthorization.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, normally as the ranking member of the subcommittee that has jurisdiction over welfare, I would make a recommendation to my colleagues as to how they should vote on legislation affecting welfare and TANF reauthorization. I do not really have a recommendation to my colleagues on this resolution because I do not think it does anything. I really do think we are wasting time today.

I would like to see TANF reauthorization done this year. We should get it done. It is extremely important. The gentlewoman is right. We need to reauthorize the program. But I have a recommendation to the Republican leadership. Use this time to pass the appropriation bills we have not passed yet. We have not even taken up appropriation bills for the first time here. We normally spend a day or two on the important appropriation bills. With 4 legislative days left, you are not going to schedule them, are you? But, instead, you are going to schedule a resolution that does nothing. We should be talking about what we are going to do with seniors on prescription medicines within the Medicare system, not rely upon private insurance which has already left my constituents in Maryland. But, no, instead we have a resolution before us that really does nothing.

I have heard some of my Republican colleagues say that the other body has not done anything. I know we are not supposed to characterize, you are using that as a fact, and you are wrong. The relevant committee in the other body has in fact brought out a bipartisan bill. We should embrace it. But instead, no, our Republican friends in this body are still hanging on to what we did earlier that has no chance of being enacted. We do need to talk and work out a bipartisan bill. But that is not what is happening here today.

Let me just, if I might, quote from some traditionally Republican sources. A Republican State legislator speaking on behalf of the National Conference of State Legislatures talking about H.R. 4737 said, "What troubles State legislators is not that the House bill focused on work but that it will to force States to establish community work programs at the expense of those who have left or never been on the rolls."

Business groups have testified before our committee, "Under these requirements, many States would have to reduce or abandon their current efforts to place welfare recipients in jobs and prepare them for employment in favor of workfare programs that generate 'work' hours, however unproductive."

Yes, Mr. Speaker, I agree that we need to reauthorize TANF in the 107th Congress. The only way that can be done to help our States is if it is done in a bipartisan way.

□ 1245

Unfortunately, the majority, the Republicans, have refused to include the Democrats in this process. They have refused to really follow the recommendations of our States, the people who manage our welfare system. As a result, we are now faced with a situation where the other body in fact has acted in a responsible, bipartisan way, and still we pretend that we cannot get together. We are going to play hard ball, to the effect that nothing is going to get done. Well, I regret that, because a lot is at stake, the people in this Nation who depend upon these programs to take care of their children, to prepare themselves for work.

Yes, we should be moving people out of poverty in this Nation; we should be building upon the successes. I supported welfare reform 5 years ago. I support reauthorization of welfare this year. It is an important program, and we need to get it done.

I urge my colleagues to vote any way that they want to on this resolution, because I do not think it will do anything. It does express some sentiments that are important, and I think some of our colleagues on both sides of the aisle may feel that way. But I know I am expressing the majority sentiment when I wish this time would have been used to bring forward the appropriations bills so we could have our debate on issues we have not acted upon in this body.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Before recognizing the gentlewoman from Connecticut, there has been some discussion at the dais about potentially the gentlewoman using her time at the conclusion of the Committee on Education and Workforce time. The gentleman from Maryland (Mr. CARDIN) still had 30 seconds remaining at this time.

Is the gentlewoman from Connecticut (Mrs. JOHNSON) inclined to close out her portion of the debate now or reserve it to the conclusion of the Committee on Education and Workforce debate?

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield my remaining 30 seconds to the gentleman from Ohio (Mr. BOEHNER) to control.

Mr. CARDIN. Mr. Speaker, I yield my remaining 30 seconds to the gentleman from Massachusetts (Mr. TIERNEY), who is managing the time for the Committee on Education and the Workforce.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would note that terms like "bipartisan" and "responsible" are just as much characterizations as "irresponsible" and "partisan," and are inappropriate references to the Senate.

It is now in order during the course of the resolution to consume the time allotted to the Committee on Education and the Workforce. The gentleman from Ohio (Mr. BOEHNER) will be recognized for 15½ minutes and the gentleman from Massachusetts (Mr. TIERNEY) will be recognized for 15½ minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in May, my colleagues and I passed important legislation to reauthorize the 1996 welfare reform law, one of the most successful social policies ever enacted by Congress. It has transformed the lives of millions of families and helped them achieve self-sufficiency. The 1996 welfare law has done its job, and now it is Congress' job and unique opportunity to improve upon that 1996 act.

The key reason why many former welfare recipients are leading independent lives today is clear: we require individuals to work for their benefits. Under the old system, welfare families could expect a lifetime of cash assistance without engaging in constructive activities of any kind.

When Republicans gained control in 1994 of this Congress, we vowed to change our Nation's welfare system. It took awhile. The debate was spirited. But by 1996, after vetoing the bill twice, a reluctant President Clinton finally signed the landmark Personal Responsibility and Work Opportunity Reconciliation Act into law.

The success of those reforms has been extraordinary. Welfare caseloads have fallen over 50 percent, nearly 3 million children have escaped poverty, and the black child poverty rate is now at its lowest point ever.

Between 1996 and 1999, overall spending on cash assistance in my home State of Ohio declined by $19 million a month, enabling the State to increase funding for job training, child care, literacy and transportation programs that further assist families in moving toward self-sufficiency.

The legislation the Committee on Education and the Workforce committee passed in early May builds on that success. Based on President Bush's reform blueprint and introduced by my friend and colleague, the gentleman from California (Chairman

MCKEON), the Working Toward Independence Act strengthens the work requirements in current law, which will ensure that even more welfare families are able to move into productive lives. This measure was incorporated into the comprehensive welfare reform bill that passed the House in May.

The bill increases child care funding by over $2 billion and places an increased emphasis on improving the quality of care for our young children. With welfare caseloads cut in half since the welfare reform law was enacted, States will be able to devote significantly more money to expand access to quality child care.

We know that State and local leaders have been on the front lines of welfare reform. The flexibility in the 1996 law is one of the reasons it has worked so well. That is why this bill would give States and localities even more flexibility. With broadened waiver authority, they will be able to continue the kind of innovation that has proven so successful over the last 5 years.

Welfare reform is a top priority for this Congress. President Bush deserves a chance to sign this important piece of legislation into law this year. For the good of millions of Americans moving from welfare to work, this reauthorization must be completed by the conclusion of the 107th Congress. I urge my colleagues to approve the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many would take issue with some of the broad terminology in the so-called "whereas clauses" in this resolution, but I do not really think that is quite the issue here. I do not think there are too many who would argue with the desire, mutually felt by everyone in this Chamber, and I assume in the other Chamber, for completion of the conference's work.

The real fact of the matter is it seems a little disingenuous to be standing here talking about a rather meaningless resolution, as we have here today, filling up time that could be used to get the business of the House done. I would think that the Republican majority should be more than a little bit embarrassed that this is the best that they can do at this particular time of the year.

We have, what, eight more spending bills to finish before this year that apparently the leadership on the other side cannot muster and move the agenda on, so we sit here talking about a resolution that everybody is well intentioned to get the conferees' work done. You can say that in about one-half a minute.

But we will be out of here in a little while today. We are not staying to complete the work of the House. We were out of here yesterday by about 3:00 or 3:30. We did not come in Monday. We are not going to be here Friday. We are not coming in next Monday. So you talk about the time left to pass this particular bill out of the other House. Well, perhaps it is better than spending all of our time instructing the other House how to do their business, we could talk about how this House might do its business.

After all, we could do a lot that would change people's lives better for their welfare. We could bring forward the health and human services and education bill. Would that not be a marvelous factor? If we want to talk about things that would help people's lives and really matter, we could bring up that bill.

But the problem is that the majority knows that their budget of last year does not allow for that. This administration put out a budget and went around the country with my colleague from Ohio as part of the group doing a real ceremonious occasion talking about the Leave No Child Behind Act.

Well, the fact of the matter is their budget leaves many children behind, because if they brought up the education spending bill, on that budget they would be about $7 billion short. We have November 5 coming up; and between now and November 5, there are not too many people on the other side of the aisle who want to make it clear to the American people that they are coming up short on their promises.

So instead of bringing forward the spending bills before the end of the fiscal year and before November 5, we are sitting here banging back and forth on a resolution that has no import and no meaning except for great intentions, which we all share.

We could do a lot for people. We could do something about education; we could do something about Head Start. People that are on welfare and people that are not on welfare need to have their children get an education and get a start in school and be ready for school at an early age. We could bring forward bills that would allow us to put more resources into that program, which has proven to be successful.

We could do more for child care. Certainly the welfare bill that passed the House does not do enough. That is one of the reasons I perceive why it is a bit tied up on the other side, because people want to try to reach some nonpartisan or bipartisan resolve as to how that bill might improve its education piece and its job training piece and in fact its child care piece.

But this is a very partisan group that we see bringing forward things, and that is why the House bill does not do it, and that is why there is difficulty getting it done in the other body.

Mr. Speaker, we can bring forward matters that talk about school programs and after-school programs that would help many families in this country. But the House does not do that. They are busy talking about this inane legislation before us now.

Mr. Speaker, last year when the House passed its budget, it was the administration's budget, and they had a $1.7 trillion tax cut, there were many like myself and others who argued that that tax cut was way too big and it did not distribute any tax breaks fairly across a broad spectrum.

But whatever that debate is, that debate is by the board. Things have happened since then: September 11, a change in the economy, many more reasons to spend. The CBO, the Congressional Budget Office, is telling us that that tax cut is probably responsible for almost half of the decline in our surplus. We are no longer in a surplus; we are going into a deficit for some unforeseeable future period of time.

All of these things have changed, and what we need to do as the House, Mr. Speaker, is come back and revisit that budget. I understand why the other side is embarrassed to come forward and tell the American public they cannot deal with the health and human services and education spending bill because their budget would be $7 billion short.

So let us deal with that. Let us have a conference and sit down in a bipartisan or nonpartisan way and try to work through that to find out how we can help American families, how we can provide for public schools, where 90 percent of our children go, and give them the kind of investments they need and not leave them $7 billion short of the President's promise.

Let us talk about what we can do for Head Start and Early Head Start and child care programs so the people can get to work. Let us talk about job training programs that this administration intends to cut and talk about filling them properly when people are in fact being unemployed at higher rates than was anticipated, and let us talk about doing something for those in terms of unemployment compensation, and healthcare for those unemployed, matters which, for some reason, are not being brought up in front of this House now with the small amount of remaining time that we have.

There are many, many things that we could do that would better fill our time than taking up a resolution that is going to have no impact and has no business telling the other side on this Hill what to be doing.

So, Mr. Speaker, with that in mind, I would just say that I am going to reserve the balance of my time and let some other speakers go, but I think this time could be much better spent doing the real business of this House.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2½ minutes to the sponsor of this resolution, the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, it is instructive to note that sometimes it is important to stay focused and that when the House passes repeated resolutions, sometimes that helps us get focused and get a bill to the President's desk. I would point to the stimulus bill that finally, after the House passed a stimulus bill four times, actually got to the President's desk and helped keep Americans on the job and stimulate our economy.

So today we are here to talk about staying focused on welfare reform and to advance it the next step. We all know that in 12 days the welfare reform authorization bill will run out, and families all around this country deserve to know what the program will be in the coming years if it affects their families, and States need to know that too for their budgets.

The fact is in our country freedom and opportunity depend on being able to get on the first rung of the ladder and begin a climb up that rung of the ladder, out of poverty into independence. The only way that is possible is to have a job and to build your skills and build on that job and begin to grow into independence. Our welfare reform bill helps families do that.

I want to mention the way that I think it is most important, and that is the increase in child care. As I move around my community and talk to families, talk to people that are part of the support system, talk to people that are running the day-care centers in the most disadvantaged neighborhoods, what I hear over and over is that more dollars are needed for child care.

□ 1300

Many families and many moms, as they expand their work opportunities, need to know that their children are in a good, safe childcare facility. They need to have that reassurance that their children are well cared for and that they can afford the childcare.

So we help families that are in this transition period going from dependence and government control of their life to independence, opportunity, having choices they have never had before, by making sure the resources they need to make that transition are there.

I am thankful that the House has passed the bill, and I want to thank the committees for passing this resolution. It will help us stay focused and make sure that we get this to the President's desk.

Mr. TIERNEY. Mr. Speaker, I just wonder how many times Members of this side of the aisle are going to have to be bringing up issues like education and money for prescription drugs to get the other side focused on the business of this House, and not the other body, so that they can be addressed.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise in strong unity with my colleagues in urging passage of the welfare reauthorization bill some time this year. We do have a responsibility to provide meaningful job training, job training that will work with our community colleges, our vocational schools; work that fits into training programs that are not eligible under the House bill. We need to get families back to work. We need to provide quality child care that will allow our children to grow up in a safe and nurturing environment.

The House bill fails to do that. In Minnesota right now, I have waiting lists. I have waiting lists with thousands of children. The House welfare reform bill will increase, increase in Minnesota the number of children on the waiting list.

I have heard from my county, I have heard from the State of Minnesota, I have heard from welfare reform recipients. Child care is critical, child care is needed, and child care is lacking in the House bill.

Passing welfare reform during this Congress is not the only responsibility we must take. Families and seniors and all Americans are deeply concerned about skyrocketing health costs. Today's health care spending continues to consume too large a portion of all families' incomes and causes too many children to live in poverty. And, oftentimes, it is the reason why families end up in welfare.

The average price paid for brand name prescription drugs is often three times, three times the same medicine in generic form. The residents in Minnesota's 4th District should not have to pay significantly more for the same medicine simply because it has a brand name attached to it.

These are lifesaving medicines. We are dealing with lifesaving medicines, not designer jeans. Now is the time to close the loophole that allows some drug companies to continue their stranglehold on the market. We have arrived at a point where people throughout this country are literally breaking their prescription pills in two, scrimping and saving every dime to pay for their lifesaving medication. We cannot allow this to continue.

We have an historic opportunity to pass legislation that restores fair competition and stops the continued rise in drug prices. This legislation has already passed the other body and we must act now. We cannot continue to keep affordable drugs out of the reach of people who need them the most. To do that would be unconscionable. To do that puts families in poverty. To do that can indirectly add to our welfare rolls.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of House Resolution 525.

In May, the House of Representatives passed a welfare reform bill that builds on the success of the 1996 law which has been nothing short of remarkable and has hushed the naysayers who said requiring welfare recipients to work for benefits would further bind poor families to a life of poverty. But the Senate has not acted on welfare legislation.

In May, the House passed a welfare reform bill that will continue to dismantle the shackles of welfare that chain millions of American families to a life of poverty. Yet, the Senate has not acted on welfare legislation.

In May, the House passed a welfare reform bill that includes significant funding increases for child care, boosting discretionary funding for the Child Care Development and Block Grant to $1 billion over 5 years. Still, the Senate has not acted on welfare legislation.

The simple truth is that welfare reform based on work helped to lift 3 million children out of poverty. Employment of single mothers is at an all-time high at more than 70 percent, and 700,000 fewer single mothers are living in poverty today than in the 1990s.

The bill passed by the House in May provides for 16 hours per week of education, training, and other constructive activities as defined by the State. The education opportunities, balanced with the 24-hour per week work requirements, are more than sufficient to help welfare recipients find fulfilling work that will help lead them and keep them out of a life of poverty.

In my district in southern California, over the course of 5 years, going to school part-time, 16 hours a week, a student can earn an associate's degree and, in some cases, a bachelor's degree. With an associate's degree, a student can begin a fulfilling career at a number of well-paying jobs. The average annual salary of a mechanic in my State is $31,250; a registered nurse, $56,140; computer specialist, $45,380. Associates' degrees are offered in each of these professions.

Mr. Speaker, I strongly support this resolution and I believe that the House welfare reform passed by the House achieves the balance between the work requirements and additional education and training which will help pull millions of families from poverty.

Mr. TIERNEY. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the Committee on Education and the Workforce.

Ms. WOOLSEY. Mr. Speaker, the end of September is approaching. The House has passed only 5 of 13 appropriations bills, and yet here we are taking precious time to debate a meaningless resolution urging the Senate to pass a welfare reform bill. Do I want the Senate to pass a welfare reform bill? Of course I do. I want them to pass a good welfare reform bill, a bill that gives welfare recipients access to the education and training they need to get jobs that pay a livable wage; a welfare bill that ensures that there will be safe and affordable child care for children while their moms are away from home, and a welfare bill that holds States accountable for helping families move towards self-sufficiency.

Rather than taking time here on the House Floor to debate the Senate's schedule, I urge the House leadership to attend to the important business of the House, such as the generic drug bill that has already passed the Senate. If the leadership here in the House really wants to do something to help families, passing the Greater Access to Affordable Pharmaceuticals Act, the GAAP Act, would do the trick.

In the year 2001, for the fourth year in a row, Americans increased their spending on prescription drugs by more than 17 percent, and it is known that the longer a big drug company can keep a generic drug off the market, the more it costs consumers. The GAAP Act would get generic drugs to the market faster, helping American families save money. In fact, the Congressional Budget Office estimates that the GAAP Act would save consumers over $60 billion over the next 10 years; $60 billion.

So let us help all families, both those on welfare and those who are not. Let us stop wasting precious floor time on the business of the Senate and instead get on with the legitimate business of the House, such as passing the rest of the appropriations bills and the important bills that are before us like the GAAP Act.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the chairman for yielding me this time.

I rise in strong support of House Resolution 525. This resolution keeps our commitment to America's kids and to America's great promise of welfare reform. Our welfare reform bill adds an additional $2 billion in extra funding for childcare and developmental block grants. This makes a very good bill become even better with more child care. Why is that? Well, more funding means more kids covered. More kids covered means more parents working, and that is our ultimate objective, to give every American the opportunity to work and to gain the dignity and self respect that comes with providing for your own family.

The past 6 years of welfare reform have shown us what works and what does not work. When I meet with former welfare recipients throughout my congressional district, each and every one of them tells me that their success simply would not have been possible without childcare assistance. The House has passed an outstanding bill that builds upon the welfare successes of the past 6 years. Let us get it to the President's desk and into law as quickly as possible.

Mr. TIERNEY. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the chairman for yielding me this time. I rise along with many others on this side and really both sides that have encouraged the passage of this resolution and our encouragement to see to it that we make the reauthorization of welfare reform and welfare to work a reality.

While I have listened to some of the reasons to somewhat diminish any enthusiasm for this resolution, I thought to myself, facts are stubborn things. We have legitimate differences between bodies of the Congress and between individuals on the potential of war, on certain appropriations, certain legal questions, the Patients' Bill of Rights, and some are legitimate, some are political, some are not. But facts are stubborn things. Nobody disagrees that we have changed lives in America, this Congress did, for 3 million Americans. Nobody disagrees that there are 2 million more Americans out there who we can help. Nobody disagrees with that. Some may disagree with the degree of help, but no one disagrees that what many feared would put people on the streets has changed their lives. It would be sad and tragic for those among us that need the most help from this Congress to suffer because this Congress got in so many differences during meaningful debates where there were issues of differences that it forgot those who have been forgotten the most. We have a bill that improves child care, we have a bill that improves the flexibility on TANF. We have a bill that takes the stated goal of putting those 2 million Americans still on welfare and giving them meaningful training, meaningful child care, transportation and work and independence, and yet the clock is running.

So I concur with the chairman and many Members on both sides that we urge those in this Congress to move forward and send welfare-to-work reauthorization to the President's desk for his signature to benefit those 2 million Americans.

Mr. TIERNEY. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, this is a big day for me. It was just 9 months ago today that I had the privilege of being sworn in as one of the newest Members of Congress. It was right about this time of the day, and I am cherishing that memory at this time. I particularly appreciate that I had people who were helping me from the beginning, like the gentleman from Ohio (Mr. BOEHNER). And one of the very first things that I found out upon being elected was the extraordinary leadership in the House of Representatives. Also I want to thank the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from Texas (Mr. DELAY).

As I was attending conference meetings, I found out that we would be having the ability to work on welfare reform reauthorization, and I was just so excited because I had the privilege and opportunity in the South Carolina State Senate to be the chairman of the conference committee for the Family Independence Act which was the State equivalent of welfare reform. It was just an exciting time. It was the first time, one of the first times that a Republican had the opportunity to serve as chairman of a conference committee.

As we were working on welfare reform in South Carolina, we were told we were wasting time. We were told that it would not work. I was told that we need to have more hearings, and I offered. I said, well, fine, let us have a hearing every day. Let us meet every day until it passes.

So it did pass in South Carolina, and it did pass here in Washington. It has been a phenomenal success, as my colleagues can see from this chart.

☐ 1315

There has been since 1994 a reduction in the number of people on welfare by caseload from 14 million to 5 million. It has been one of the most extraordinary successes of social policy in the history of the United States.

So I think it is very important. The House has passed this, and the Senate needs to bring it up. This is so important for the people to have the opportunity of independence.

I have had the opportunity to visit the department of social services offices all over the district I represent, from Beaufort to Richmond and Lexington, from Hampton and Allendale. I have met the social workers who have made the program work, who have helped people get jobs. It has been exciting to see the number of people who now have opportunities that they did not have before.

I am just really appalled that the Senate has not acted. I hope they will.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to avoid improper references to the Senate.

Mr. TIERNEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my friend, the gentleman from Georgia, was talking about facts being stubborn. I think he is right, but the one stubborn fact that we cannot avoid here this afternoon is that this bill does nothing. It is a very stubborn fact that this is a resolution of the House attempting somehow to tell the other body when and how they should act. I think it is probably inappropriate to do that, but it is also a waste of our time and effort, because it is, obviously, going to go on its own schedule.

Another fact that is very stubborn that will not go away is the fact that this is filler. We are standing here doing this on this resolution because the majority in this House will not go forward with the rest of the business that needs to get done before the end of this fiscal year: eight spending bills that they are failing to move forward.

I know my colleague, the gentleman from Ohio (Mr. BOEHNER), has done the work in his committee. The bill which is the subject matter of this particular resolution before us now was passed through his committee and passed through the House and is gone. But the stubborn fact of the matter is there are eight spending bills that have not gone through the appropriations process and gone through the House and been passed along. We could be dealing with that instead of talking about this resolution that is essentially meaningless.

Another stubborn fact is we could be dealing in particular with the education spending bill, because American families want to know how we are going to improve their school and education system for their children.

We could be talking about smaller classroom sizes.

We could be talking about well-prepared teachers with good, professional development.

We could be talking about afterschool programs to help families deal with the situation that they are working and their children have a need for a place to go, and further structures to help them pass the rigid exams that are now given as part of the accountability aspect.

All of these the President's budget underfunds, despite his high rhetoric on the Leave No Child Behind Act. In fact, it is all part of the $7 billion they are coming up short on their budget for their promises during that authorization bill.

We could be talking about prescription drugs for our seniors and doing something about the price for all Americans; but apparently the majority does not have a way to get that matter before us, or chooses not to, because they will not be telling the story that the American people want to hear.

We could be talking about small businesses, which their budget proposes to cut by billions of dollars, in fact taking away the very popular 7(a) loan program, which helps many businesses start up and expand and stay in business. There is a lot of rhetoric about how we all ought to support small business, but nothing coming forward in this House where we have the opportunity to do it.

We could be talking about health for the unemployed, because the economy has turned around since this administration has taken over. It is going straight downhill. We have gone from a surplus situation to a deficit matter.

We have families in my district and other districts who are out of work occasioned by September 11 circumstances. The economy turned down before and after that. They have exhausted their unemployment benefits.

We have had to have a discharge petition, signed by virtually everyone on this side of the aisle, trying to get that matter before the House's attention so we can do something about extending people's unemployment benefits, so we can do something about helping them maintain health care for their family at this trying time. We have seen nothing coming forward at this opportune time.

We could be doing something about job training, to get people back to work. We need that, but this administration and the majority only wants to talk about taking away resources.

Mr. Speaker, there is business to be done in this House. That business is not telling the other body what to do with their time; the business of this House is to take up an agenda of items that by law we should be dealing with before the end of this fiscal year.

We should be dealing with America's issues, with the people's problems, the ones they want to deal with and that they want to hear us talk about: how we are going to educate their children and give them assistance to do that; how we are going to make sure we are not taking money out of the Pell grant program, or increasing the cost of loans for college students at a time when they are really pressed; how we are going to give those displaced people the tools to get back to work; how we are going to make sure that people have health care; what are we going to do about prescription drug benefits, and the high cost in an industry that makes outrageous profits, but fails to acknowledge the fact that the taxpayers' money assists them with research and development, so the prices should be fairer.

Those are the issues that we should be dealing with in these ending days of this session. This should be a shameful matter, for our colleagues on the other side of the aisle to bring forward this resolution that does absolutely nothing; that may express good intentions that we all want a welfare bill to pass through; but the fact of the matter is, this body has finished its work.

We have much more work to do in other areas, and it is a disgrace that that is not what is before this House at this particular time. I would hope and think that the leadership on the other side of the aisle might understand that that is what America wants, and get down to that business, and get down to it soon.

We do not mind working; they may. We can be in on Mondays and Fridays. We can be in all day Tuesdays and Thursdays. We do not need to be ending at 3 o'clock on Wednesday and Thursday.

Let us get to the business of this House, Mr. Speaker. Let us do that so we can let America know that we want to deal with the issues that they are confronted with every day. They take the responsibility to get up. People go to work. People do all they can do to support their families, all they can do to give them an opportunity. We have the obligation to make sure that the government does its part.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my colleague, the gentleman from Massachusetts (Mr. TIERNEY), rattled off a number of bills that he thought should become law. The fact is, many of these bills have been passed by this House. As a matter of fact, there are some 50 bills that have been passed by the House, but yet the Senate has not acted.

One of those bills would be the prescription drug bill, passed by the House, but yet the Senate has not acted. Another one of those bills is the welfare reform bill that we are dealing with here today.

In 1996, when we passed welfare reform, all the naysayers said that it will push people into poverty, it will push them onto the streets; we should not do this. I recall the gentleman from Massachusetts making remarks to that effect.

The fact is, since 1996, we have reduced welfare caseloads in America by some 60 percent. Three million children in America today are no longer in poverty because we helped move people from welfare to work. We can make an awful lot of additional changes and help more people in welfare if we are willing to move the reauthorization of that bill.

Now, it just so happens that the welfare bill that we passed in 1996 expires next week. The gentleman wants to get our work done? So do we. That is why we have this resolution on the floor today, to urge us to complete action on this bill so that we can in fact get it to the President's desk.

Mr. TIERNEY. Mr. Speaker, will the gentleman yield for a clarification?

The gentleman has a great memory, but I do not think he can remember that I was here in 1996 when I was not.

Mr. WOLF. Mr. Speaker, welfare reform is working. The 1996 welfare reform law has been a huge success in promoting work and giving thousands of needy families a chance to share in the American dream.

Just take a look at some of the yardsticks which measure the success of the welfare reform law:

Child poverty has fallen sharply. Since 1996, nearly 3 million children have been lifted from poverty; the African-American child poverty rate is now at a record low.

More parents are working. Employment by mothers most likely to go on welfare rose by 40 percent between 1995 and 2000.

Dependence fell by unprecedented levels. Welfare caseloads fell by 9 million—from 14 million recipients in 1994 to just 5 million today.

As positive as that good news is, we also recognize that there is still more work left to do. We need to help the 58 percent of recipients who are not working or training for a job. We need to end the cycle of family break-up and encourage families to form. We need to continue to assist the 2 million families who remain dependent on welfare.

I was pleased to vote with large bipartisan majorities of the House and the Senate to pass the 1996 law. I again voted just this past May with a majority in the House for H.R. 4737, the Personal Responsibility, Work and Family Promotion Act of 2002, to strengthen and extend the 1996 reforms for 5 years.

H.R. 4737 is on the Senate calendar. The President is waiting to sign this legislation to continue the progress we have made to support low-income families' efforts to go to work and give children a chance to succeed in life. Before the 107th Congress adjourns, we can and should have a final vote on this measure. It's the right thing to do for the 2 million families who remain dependent on welfare.

Mrs. CHRISTENSEN. Mr. Speaker, I rise to speak on H. Res. 525, expressing the sense of the House of Representatives that Congress should pass a welfare bill before September 30th.

The Welfare Reform bill is among the most significant and important pieces of legislation that this Congress will consider. While there is a sense of urgency to adopt legislation on Welfare Reform this year, September 30th is less than 2 weeks away and Congress should not rush to pass such an important bill. We should take as much time as is necessary to work on the bill.

The Republican base bill which did not allow for amendments, would increase poverty instead of reducing it, as it purports to do. The bill, in its present form, imposes massive new mandates and additional costs on States at a time when States are struggling financially and cannot absorb not one penny more of new costs. In my district, the U.S. Virgin Islands, our Department of Health and Human Services is under threat of strict penalties for lack of job placements. Jobs are simply not as available as they were when the original Welfare Reform bill was passed. And let's not forget that our economy is still recovering from the aftermath of September 11th and that Congress has not passed any economic stimulus legislation, except for the Airline bailout bill. This country's offshore areas, would be particularly negatively impacted, because of even less resources, and poor economic conditions with fewer jobs within geographical limitations.

Mr. Speaker, the Welfare Reform bill passed by the House is a set back for this country. If the reactionary political climate of an election year is pressuring us to pass a bill, lets simply extend the current authorization into the beginning of 2003 so that we can do this right. Let's think of the people who are most affected by our actions. Let's give our states and territories flexibility and let's give our people hope.

Mr. STARK. Mr. Speaker, I rise today in opposition of H. Res. 525, urging House and Senate conferees to approve a final welfare bill.

It is vital that Congress reach agreement on welfare so that vulnerable families have the help and assistance they need to become self-sufficient. But, House Republicans are putting politics ahead of people. They are offering this resolution to taunt Senate Democrats for not rolling over and rubberstamping their draconian welfare bill.

I applaud Senate Democrats for taking a careful look at the challenges facing Americans struggling in poverty. We need to pass legislation that fixes many of the flaws in welfare reform. I am glad Senate Democrats are there to protect these families against Republicans that are little more than foxes guarding the hen house.

House Republicans are declaring that the 1996 welfare reform bill is already a success. They tout the welfare bill they passed this year as an even better improvement. Yet, there are still too many families struggling to get out of poverty. There are too many families without safe and adequate child care. And Republicans have largely ignored the vast number of people who face insurmountable barriers in moving from welfare to work.

The bill passed by House Republicans ignores the last six years of careful study in applying the same old ideological prescriptions to very real flaws in welfare reform. They are focused on kicking people off welfare without any concern for whether or not these Americans have jobs that pay a living wage. Their bill fails to expand access to job training, education or rehabilitative services needed for them to maintain stable employment.

The American people want results, not political gamesmanship. Vulnerable families struggling on welfare deserve meaningful help and a fighting chance to succeed. Let's not give Republicans an opportunity to score political points at their expense. I urge my colleagues to join me in voting against this resolution.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the House rules.

All time for debate has expired.

Pursuant to House Resolution 527, the resolution is considered as read for amendment, and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT OF 2002

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 527, I call up the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 524

Whereas the death tax has been a leading cause of the dissolution of family-run businesses and a burden on families which save and invest;

Whereas a bipartisan majority of the House of Representatives passed the Permanent Death Tax Repeal Act of 2002 on June 6, 2002, by a vote of 256 to 171;

Whereas failure to enact that Act will reimpose the death tax after 2010 on families, farms and small businesses throughout the Nation;

Whereas the death tax will continue to prevent families from creating, expanding, and retaining farms and businesses if the death tax is resurrected;

Whereas the threat of a resurrected death tax will cause American families, including farmers and small business owners, to waste vast amounts of their time and other resources on efforts to plan to comply with the tax;—

Whereas permanent repeal of the death tax will promote job creation and economic growth by allowing farm and small business families to invest in productive, job-creating assets those resources they will otherwise spend on planning for and paying death taxes; and

Whereas the Senate has not passed that Act or equivalent legislation: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and the Congress should present to the President prior to adjournment the Permanent Death Tax Repeal Act of 2002.

The SPEAKER pro tempore. Pursuant to House Resolution 527, the gentleman from Iowa (Mr. NUSSLE) and the gentleman from Wisconsin (Mr. KLECZKA) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House has done its work on so many issues this session, including passing a budget. In fact, we have passed our budget twice in the House of Representatives, standing shoulder to shoulder with the President at this very important time in America's history.

We have done our work. Among our accomplishments, the House has passed the Permanent Death Tax Repeal Act of 2002, H.R. 2143, by a very healthy, bipartisan margin back in June. The Senate has not yet taken action on this legislation.

A temporary repeal of the death tax makes absolutely no sense. It does not make any sense, and it is not fair. Unless this very subtle quirk in the law is not repealed, thousands of Americans will lose tax relief that they deserve and that they expect.

Let us call this what it really is. If we do not permanently bury the death tax, small business owners and family farmers will face a massive tax increase in 2011. The 2001 tax relief law phases out the death tax entirely by 2010; but without action to ensure permanency, it reappears in its full fury on January 1, 2011. This creates a ridiculous situation where one minute, one moment, one tick of the clock means the difference between no death tax and a full hit, depending on when someone passes away.

Mr. Speaker, the death tax is fundamentally unjust because it results in double taxation. Our Nation's laws prevent double jeopardy in court; we should also wipe out double taxation in the law.

Iowa's family farmers and small business owners pay taxes throughout their lifetimes. After they pass away, the Federal Government taxes the value of their property yet again. More than 1,500 families in Iowa and thousands across this Nation filed death tax returns last year alone. The IRS imposes rates of up to 60 percent on the value of a family farm or business when the owner passes away.

To pay these very enormous tax bills, many people, many kids, are asked to visit the IRS and the undertaker on the very same day, forced to sell their farms or businesses in order to pay for those taxes. These are family businesses and family farms that in some instances have been in their family for generations.

Mr. Speaker, sound planning cannot be made without stability in our Tax Code. The President recently spoke about this need for permanent tax relief in Iowa this week. He is ready to sign a bill.

The current uncertainty surrounding the death tax makes it extremely difficult for owners of Iowa's family farms and businesses and America's family farms and businesses to make wise decisions. The legal and administrative costs of compliance inhibits the economic growth and expansion that our economy so sorely needs at this time.

The House has done its work. It has passed permanent death tax repeal. The Senate has failed to act. We need action, and America needs action.

Mr. Speaker, I reserve the balance of my time.

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this resolution before us today. This resolution is nothing more than a press release; and I believe that the appropriate arena for press releases is in the press gallery, not here on the floor of the House of Representatives. I always thought that the floor was where we debated legislation, not press releases.

The amount of unfinished business currently pending is extremely large. Not one of the 13 mandatory appropriation bills has become law, even though the next fiscal year is only about a week away. In fact, this House has only passed five of those 13 appropriation bills.

The Republican leadership has refused to schedule desperately needed bipartisan school construction legislation. The Republican leadership has also failed to schedule legislation to help all Americans with escalating prescription drug costs. Now the Republican leadership has a new strategy: pass resolutions praising old, irresponsible tax bills and then blame the Senate.

The resolution before us today is not only a press release, but it is a very misleading one, at that. The underlying bill has no effect until the year 2011. Notwithstanding the rhetoric, the estate tax affects only the wealthiest segment of our society. Let me repeat that, Mr. Speaker: notwithstanding what my friend, the gentleman from Iowa (Mr. NUSSLE), has said, the estate tax affects only the wealthiest segment of our society. In fact, only 1.3 percent of all estates face inheritance taxation.

□ 1330

The Republicans have defeated Democratic efforts to prescribe immediate tax relief in the estate tax area by increasing the exemption.

The gentleman from North Dakota (Mr. POMEROY) offered a substitute earlier this year which would have provided an immediate $3 million exemption per person or $6 million for married couples. That substitute would have immediately repealed the estate tax for virtually all farms and virtually all small businesses. But the Republicans did not let that come up for a vote. However, those farms and small businesses were held hostage by the Republican leadership in its attempt to repeal the estate tax for the truly wealthy.

Finally, Mr. Speaker, I would urge that this House return to the real issues facing this country: The lack of a prescription drug benefit under the Medicare program, reducing the costs of prescription drugs for everyone, ballooning deficits, the need to finance our fight against terrorism and a bipartisan commitment to improve our education system.

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, all of bills that the gentleman just mentioned, the House has passed. It is, again, the Senate that fails to act.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I would observe in response to the previous speaker that the House has acted on prescription drugs. We have passed a prescription drug bill here to add a prescription drug benefit for Medicare beneficiaries. The President has said he will sign it and it awaits action in the Senate where the bill is not moving.

The same is true of the death tax. The House has acted. We have already, Democrats and Republicans, voted on a bill by majority vote here and sent it to the Senate. It is the bill the President has asked for and he will sign it. It makes permanent the repeal that is already in existing law. We repealed the death tax originally because a majority of the Congress and a big super majority of the American people recognize that the virtual confiscation of an individual's after-tax lifetime savings is wrong and immoral.

It was said just a moment ago that this somehow affects only the rich. To the contrary, the problem has been the forced liquidation of small businesses, and the people that are laid off, who lose their jobs at ranches and farms and small businesses across the country are not the rich. In fact, the rich person is the only one who does not care because he is dead by definition, but, rather, they pay a 100 percent tax because they lose their jobs, they lose everything. By destroying jobs, by destroying small businesses, the death tax has properly earned the opprobrium of the American people.

Now, in the other body they slipped in a mickey. Repeal expires somehow in 10 years. That 10 years is coming closer so it is January 1, 2011 that we will have the death tax right back again, even though it has been repealed. That is why the New York Times referred to this as the "Throw Mama From the Train Act."

Whether you are for or against a death tax, nobody can be in support of this provision that has a repeal and then springs back to life in 10 years. The House has acted and now both the House and the American people want the Senate to act on permanent death tax repeal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members to confine their remarks to factual references to the other body, and avoid remarks characterizing Senate action or inaction, remarks urging Senate action or inaction, or references to particular Senators.

Mr. KLECZKA. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, my good friend from Iowa (Mr. NUSSLE) indicated all the items I talked about, we passed. Well, I would challenge him to tell the House when we passed legislation to reduce the cost of prescription drugs for everybody in this country. There is a discharge petition pending and I challenge him to sign it if he is serious about that.

When did this House do anything about school construction costs? On that we have done nothing at all.

Mr. Speaker, I yield 6 minutes to the gentleman from North Dakota (Mr. POMEROY), a distinguished member of the Committee on Ways and Means who has advanced some real reforms in the inheritance tax area.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, what we have before us is a sense of Congress. And we can pass these all day long and they will not accomplish anything. So let us talk on this important topic, the estate tax, especially as applied to family farmers and small businesses, about doing something real and doing it now.

I have legislation very similar to what we considered when we considered the substitute to the estate tax repeal, and I am absolutely convinced as I stand here before the Speaker that we can enact this legislation and get it to the President for his signature before going home in a few weeks at the end of this Congress.

Mr. Speaker, H.R. 5008 would, effective January 1 of 2003, take the exclusion for estate tax up to $6 million for couples. If a couple has assets of less than $6 million, we have repealed the estate tax.

Now, what is important is to note that this is effective January 1 of 2003. The legislation advanced by my friend across the aisle does not have an effective date until 2011. Nothing they are talking about on their side takes effect before 2011. We proposed something that takes effect in a very meaningful way January 1 of next year.

I was moved when my friend from Iowa (Mr. NUSSLE) talks about family farms, visiting the IRS and the undertaker on the same day. That is a terrible thing. Let us do something about it.

The research that I have done shows that if we take what Democrats would be prepared to vote for right now, excluding couples with estates under $6 million from the estate tax effective January 1 of 2003, virtually all the farms in North Dakota do not have estate tax problems. And if you look at how this applies to small business, you can almost conclude the same thing.

IRS data shows that 99.7 percent of the estates in this country do not have problems. We take this estate tax issue and we eliminate it. We repeal it. We repeal it immediately for all but three-tenths of 1 percent; 99.7 percent get full relief now.

Now, at the end of a legislative session, these family farms the other side speaks so much about, they want something and they want it delivered. They want it now. I would suggest to the other side, what would be wrong with the procedure where you take what you can get right now and you come back for more later.

Your bill does not do a thing until 2011, so what is the matter with taking $6 million as an estate tax exclusion right now and come back for the rest later.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. NUSSLE) to answer that question.

Mr. NUSSLE. Mr. Speaker, I will be happy to answer that question.

The gentleman does not give us permanent death tax repeal. We want permanent death tax repeal.

Mr. POMEROY. Reclaiming my time, it is absolutely permanent for estates of $6 million and below.

Effective January 1 of 2003, if you are a couple with an estate valued at $6 million and below, we forever repeal your estate tax exposure. What would be the matter with taking that as an opening proposition? We will take the problem and make it go away for $6 million and below and we will come back for the rest later.

Because I will state that the legislation the gentleman supports will leave farm families with joint estates of $2 million and below subject to estate tax exposure in 2003. Under my legislation, it would be $6 million and below.

Why would they not take the $6 million now and come back for the rest later?

Mr. Speaker, I yield to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Because of the magic word the gentleman has put into their legislation, and that is "if." We have no ifs. We want permanent death tax repeal. They have permanent death tax. And only if, then we get some kind of exclusion. We want permanent death tax repeal.

Mr. POMEROY. Reclaiming my time, because what the gentleman has done is lay out very clearly where he comes down. He comes down on behalf of the richest three-tenths of 1 percent and the gentleman is not about to let those family farmers in Iowa or North Dakota get the meaningful relief they deserve January 1 of 2003, because they are holding out for the Ken Lays and the multi-bazillionnaires of this world as opposed to taking action now that for Iowa and North Dakota family farmers would virtually make the estate tax go away.

When one is a family farmer, we are dealing with assets of less than $6 million per farm couple. And that is why initiating this legislation, H.R. 5008, that is why this legislation is so important.

We significantly improve the situation from their tax exposure January 1, $6 million and below, no estate tax under our legislation January 1.

Under the majority bill, estates over $2 million will be subject to estate tax. They do nothing about that. They leave this exposure out there until the year 2011 because they have taken the position if they cannot deal with everybody, they will not deal with anybody.

They will hold out for the richest three-tenths of 1 percent in this country, rather than move legislation forward that will help family farmers and small business. I think it is a shame because right now, at the end of this session, the Democratic minority is prepared to enter a bill that will make the estate tax for $6 million for couples go away. And if you want to come back for more later, come back for more later. Your bill does not take effect, anyway, until 2011. I think if you were real sincere about this, you would take what you could get now and come back for the rest later.

The point is they are not sincere. This is a political press release and it is a shame.

Mr. NUSSLE. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I appreciate the gentleman's comments on my sincerity and I will reserve making the same claim back.

We repeal the death tax, no ifs, no ands, and no buts. The gentleman from North Dakota (Mr. POMEROY) cannot even get a majority on his own side to agree with his amendment and his motion to recommit, as we saw in the last time it was presented on the floor.

Mr. Speaker, I yield 1 minute to the very distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I do rise in strong support of permanently repealing the death tax which was passed by the House.

In a former life I practiced estate law. I worked with people to navigate this extremely complex tax. And I was not helping the Warren Buffets or the Bill Gateses of the world. I was helping the sons and daughters of small business owners to try and keep their parents' dreams alive so that they would have that property.

This insidious tax punishes thrift. It has discouraged entrepreneurship and it has penalized working families. What is more, taxing money that has already been taxed is patently unfair.

In Illinois alone, over 5,500 families filed a death tax form in 2001. Many of them were small business owners and many of them were family farmers.

Mr. Speaker, sound decisions cannot be made without permanency. The uncertainty of the future of the death tax makes it difficult for owners of family businesses and farms to make wise economic decisions. Any way you look at it, Americans are taxed too much, not too little. It is time for Congress to bury this burden once and for all.

Mr. KLECZKA. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this resolution does not belong on the floor of the House of Representatives. It belongs on the floor of the Mickey Mouse Club. This resolution says that Congress, which has not been able to do its work, ought to use its time to pass resolutions telling itself to get its work done. Only in this place would that make sense.

What is also revealing about this turkey is the fact that it selects what work it wants to put at the top of the priority list. And guess what it is? This resolution does not say that this House should sit down and meet its basic responsibilities by passing the budget for the year, by passing the appropriations bills. Those are the only real budgets. The budgets that come out of the Committee on the Budget are a joke.

This resolution does not say that we should meet our responsibilities to homeland defense by passing an appropriations bill that adequately funds the FBI and the Coast Guard and the U.S. Marshals to protect the American people from terrorists. It does not say the Republican caucus ought to end its internal war so they can finally bring to this floor the Labor, Health and Education bill so we can meet our responsibilities to fund education and Federal investments in education for the year. Oh, no, no, no. It does not do that.

It does not say that the Congress ought to get off its duff and assure that we have a fully funded fuel assistance program to ensure that our low income elderly do not have to choose between heating their homes and eating this year. Oh, no, no, no, no, no.

All it says is that the one thing we will take the time out to prattle about is the need to satisfy the richest people in this country with yet another tax break.

□ 1345

Those people just happen to be the people who can make the most generous response to fund-raising requests. The leadership of this House apparently does not want the House to vote for a Labor-H bill that adequately funds our schools and funds health care problems, and yet they also do not want their caucus members to vote for a bill that sticks it to the schools and the elderly before the election. They want to put that dirty business off until after the election. Oh yes, we will solve that problem later we are told; you understand, we are too busy to do that now.

What they want to do is obvious. They want to do the same thing they did 2 years ago. They want to hide from parents interested in education in this country what their intentions are for the education budget until after the election; and then after the election, they will cut back the expenditures for education just as they did 2 years ago, just as they did 2 years ago.

Mr. Speaker, in my view, this House is sick. It is dysfunctional. It focuses only on the needs of a tiny fraction of our society, the most well-off 2 percent. If ever there was a product that demonstrated the true values of the people who run this House, this is it. This is it. For all practical purposes, this Congress is in a government shutdown. You just have not had the guts to tell the people yet, and then you single out one little exception of that shutdown to reward the people who can respond with thousand-dollar and hundred thousand-dollar contributions. My God, what a set of priorities.

Mr. NUSSLE. Mr. Speaker, I yield myself 10 seconds, and say what really needs to be exposed is the tax-and-spend attitude of the gentleman who just spoke. Taxes and spending, taxes and spending. Raise taxes, increase spending.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, it is no secret that the Tax Code hurts our economy. We all know that Americans who try to save get penalized and that many Americans need tax attorneys and lawyers to help them file their returns, especially the farmers and small businessmen impacted by the death tax.

While the House has passed legislation to make the death tax repeal permanent, because a temporary repeal of the death tax just makes no sense, it still has not been signed into law. As we wait, families are selling their farms and their businesses just to pay their taxes. They are putting money into hiring attorneys and lawyers to find ways around the tax instead of investing in their businesses and hiring new workers. All this is happening while the rich continue to avoid the estate tax by setting up charitable foundations and other schemes.

Mr. Speaker, family farms and businesses, especially in Illinois, have the right to pass the fruits of the labor on to their children. Congress needs to act. I look forward to voting on this legislation today, and I urge my colleagues to support this legislation.

Mr. KLECZKA. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the gentleman from Iowa just attacked my positions as a "tax and spender." I would point out that when he took over as chairman of the Committee on the Budget, this committee was running a large surplus; and under his magnificent leadership he has managed to return us to deficits of over $300 billion when you count the Social Security account. Taxes and spending may be bad, but borrowing and spending is a whole lot worse.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this resolution calling upon the other House to join in the permanent repeal of the estate tax I think reduces cynicism to a new low. The permanent repeal of the estate tax, first of all, very obviously benefits only a handful, a tiny fraction of the American people; but the other problem has to do with the other taxes that have been repealed by this House or reduced by this House.

A study just out today by the Brookings Institution and the Urban Institute shows the fraudulent nature of that tax cut. It shows how middle-income people are being forced into the alternative minimum tax. It shows how middle-income people across the country are going to pay up to $1 trillion in alternative minimum taxes over the course of the next decade. It shows how the tax cut that was rammed through this House in the early days of 2001 by the Bush administration, when the Republicans controlled both Houses of the Congress, is shifting the burden of taxation away from the rich and to the middle class.

Middle-income people are paying more and more taxes under their so-called tax cut while millionaires are paying less and less taxes; and that is what they want to do with this particular tax cut today, to the estate tax, and of course, they have not figured out how to pay for any of this.

What they have done is taken us from a situation of budget surpluses just 2 years ago to a situation now of increasing budget deficits. That is how they are paying for these programs, shifting the tax burden from the wealthy to the middle income and paying for it by requiring the people of this country to borrow more money, putting into jeopardy the Social Security trust fund and the Medicare trust fund. That is where they are borrowing the money.

So while they give tax cuts to millionaires, they jeopardize the Social Security trust fund, they jeopardize the Medicare trust fund, and they make the government borrow more money. This is cynicism at its worst.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I think it is imperative that we do something to repeal the death tax permanently. We can change many taxes, such as the income tax, the sales tax, the property tax, from year to year; and it does not promote long-term devastation. But when we have a death tax that is in force until the year 2009 and in 2010 it goes away completely and in 2011 it comes back to 55 percent, we have an untenable position. It is absolutely impossible to do any long-term estate planning under the present system, and that is why this has to be repealed so people can plan now in 2002 what is going to happen in 2012, 2013, 2014, and 2015.

Let me give a quick example. We have heard about the very wealthy people who are profiting from this. There was a ranch that was owned by Doris and Harry Coble in Nebraska. This was a 12,000-acre ranch in the Sand Hills. That is a small ranch that will barely support one family, maybe an income of $30,000, $40,000 a year. It was in the family for over 100 years. The land appreciated over time. The land and cattle upon their death was worth about $5 million. The inheritance tax on that ranch was over $2 million. The capital gains ran that up to about $3 million, and the heirs absolutely could not afford to own that property. So who bought the property? Ted Turner. Will Ted Turner pay an inheritance tax? Will he pay a death tax? No, he will not. That is the upper three-tenths of 1 percent we have been talking about. So our property in Nebraska and other parts of the Midwest is being bought out by absentee landlords who are able to buy those lands and those properties at those prices. So we are losing the income, we are losing the capital from those areas, and the ownership is moving out of the State.

So I think for the benefit of ranches, farms, small businesses, we absolutely have to make this permanent which will provide us with some long-term planning capabilities.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, today I come to the floor to support a measure to urge action on the permanent repeal of the death tax, the only tax that forces families to visit the undertaker and the IRS on the same day.

For the past 85 years, small-family businesses have been forced to hand over up to 60 percent of the estate to the Federal Government. This is a requirement for the families to sell their farms, sell their small businesses, sell their fishing boats in order to satisfy their tax obligation. One does not have to be an advocate for less government to understand that taxing the dead is just a bit extreme.

Family businesses from Montauk Point to Monterey Bay have worked hard, many times through several generations to reach the American dream. It is our duty to protect and secure the dream for the future generations of Americans that wish to work the family farms that their grandfathers built, lead the small businesses that their mothers started, or fish the waters of their fathers. It is their right to carry on the American dream, and the Federal Government should not take that dream away from them.

I urge my colleagues to join me in supporting the passage of the removal of the death tax and make it permanent. The House has moved expeditiously on this issue; the Senate has yet to act.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a distinguished member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, today we are voting on a sense of the House resolution which, frankly, makes no sense. Rather than taking up legislation that actually helps our ailing economy, rather than providing relief for workers or pensioners who have fallen victim to corporate greed, rather than tackling the remaining eight appropriations bills in the 2 weeks before the fiscal year ends, the Republican leadership is wasting time in the people's House by playing politics.

We all remember, Mr. Speaker, the glorious talk of future surpluses "as far as the eye could see" in order to provide a trillion dollars in tax cuts for the next 10 years. Sadly, these surpluses have vanished, and now we are scratching our heads trying to figure out how to fund national priorities. The President has asked for $38 billion for homeland security, $48 billion more for national defense, and now perhaps 1 to 2 percent of the GDP, $100 to $200 billion to prosecute the war in Iraq; and we know in this Chamber today that the President is going to get much of what he asks for.

But with a war on terrorism and Iraq looming, the Republicans have chosen to spend the last few months pushing one bill after another to cement in place the Bush tax cuts. Any economist worth his salt or her salt will tell you that the future is always uncertain, particularly long-term forecasts. So why would you want to lock in escalating tax cuts?

Every one of us today has had an opportunity in our offices to hear from the 3,000 visitors who have successfully fought the scourge of cancer in their own lives. Six people from my congressional district visited with me today. Ovarian cancer, breast cancer. They were applauding the work of the NIH, applauding the work of our hospitals, particularly our teaching hospitals across the country and universities, and asking us for more money for cancer research. We know that that is a priority, and the Members of this House are about to act upon an estate tax repeal that they know in the next year or so we are going to have to revisit. It is sad commentary on the priorities that we have as Members of this House.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the very distinguished gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, the death tax is one of the most unfair taxes. It taxes farmers and small business owners twice. First they pay taxes throughout their years and then the Federal Government taxes the value their property again at the time of their death. More bluntly put, it is simply unjust; and if you do not believe that, just ask Charles Wilfong, a farmer from my home State of West Virginia. Mr. Wilfong wants to be able to pass his farm along to his children, but he is so fearful that his children will have to sell portions of the land in order to pay the hefty bill the IRS will hand them once he passes away. Desperately trying to keep his farm intact for his children and grandchildren, he continues to explore potential legal methods to keep that which he has worked so hard for.

Mr. Speaker, Mr. Wilfong is not alone. Many other farmers and small businessmen and women could suffer disastrous effects that the death tax can have on their future. Many people have worked hard their whole lives to build a strong future for their children and grandchildren. Our tax laws should not punish hard work by forcing family members to pay death taxes to the IRS.

Mr. Speaker, I urge Congress to give permanent relief from the death tax. It is time for Congress to banish the death tax once and for all.

□ 1400

Mr. KLECKZA. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, there is something that somehow is not mentioned very often on this floor, and that is our Nation is going broke. We certainly have military threats, but we have an even bigger threat of our Nation going broke.

The gentleman from Iowa (Mr. NUSSLE) last year passed this budget, the President's budget and the President's tax cuts, and the net result of that budget and those tax cuts, passed with Republican votes in the House and Senate, because the other body was controlled by the Republicans then, has increased the national debt by $440,604,894,921 in 1 year.

The President was in Iowa last week saying we need a budget. My goodness, if it is another one of those, we do not need it. This is on track to be the largest deficit in American history. The previous record was held by then-President Bush in 1991 where the fiscal year budget increased by $435 billion.

If this continues, and we only have 12 days left in this fiscal year, the gentleman from Iowa (Mr. NUSSLE) would have orchestrated the single largest increase in the American deficit in 1 year. And according to Mitch Daniels, Director, Office of Management and Budget, just last week in a meeting with a number of conservative House

Democrats, only 10 percent of the President's tax cuts have taken effect so far. So how broke will we be when the other 90 percent kicks in?

Mr. Speaker, I know the gentleman from Iowa (Mr. NUSSLE) well enough to say that he would not go buy a house and say to the Realtor, I do not care what it is going to cost because my kids are going to pay for it. I guarantee Members the gentleman would not go buy a fancy car and say, I do not care what it costs because my yet-unborn grandchildren are going to pay for it.

That is the effect of the gentleman's tax cuts. The gentleman took a Nation that broke even 1 year, and increased the national debt by $440 billion the next there. There is nothing funny about this because the other side of the aisle are sticking my kids with their bill. Yes, some kids, like the Bush kids, are going to get a $10 million tax break out of this; but my kids get stuck with the bill; and until that bill is paid, they are going to pay, like every other American child, $1 billion a day on interest on that debt.

Mr. Speaker, if the gentleman thinks more of that is a good thing, please tell the American people that more debt is good. I happen to think the national debt is the single largest threat to our Nation at this moment.

Mr. NUSSLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have heard a speech on the floor today that I am the least effective and that the budget is a joke. That was by the gentleman from Wisconsin (Mr. OBEY), the very distinguished ranking member of the Committee on Appropriations.

Now we hear from the gentleman from Mississippi (Mr. TAYLOR) that I am the all-powerful chairman of the Committee on the Budget that can, with the wave of my hand, both create surpluses and deficits. I would submit to both gentlemen that they probably not only need to check the Constitution and the rules of the House, but check the record.

Mr. Speaker, it was Osama bin Laden. Osama bin Laden. There is a name out of history that maybe we forget from time to time who had at least a little bit to do with what has happened this last year; a little bit to do with the challenges in our economy; a little bit to do with the emergency that we have before us; a little bit to do with the war against terrorism. It seems to escape Members' memory banks; but the one thing that should not escape Members' memory banks is that we should not have a Tax Code in America that taxes Americans constantly and consistently when they are not looking. We need to make permanent the death tax repeal.

Mr. KLECZKA. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I would remind the gentleman from Iowa (Mr. NUSSLE) that the September 11 attacks were 19 days before the end of the last fiscal year. In the last fiscal year, we ran a deficit. It was not because of the last 19 days. By all accounts the war on terror has cost this Nation $20 billion. That means the other $420 billion worth of debt went to other things. Spending increases occurred because the Republican budget passed with Republican votes. Reductions in collections occurred because of the Republican budget.

Mr. Speaker, the number is $440 billion. That is a thousand, times a thousand, times a thousand, times 440 further in debt than we were 1 year ago. One would think that Republicans would be looking for ways to balance the budget.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I am proud of many of the things that we have accomplished in the 107th Congress. On the House side, we have passed lots of legislation, from homeland security to pension reform to cracking down on corporate fraud and misdeeds. We have done a lot of things. Plus, we have passed a budget. Unfortunately, in a bicameral legislative body, there needs to be a budget on both sides to get things moving.

Here an example of some of things that we have done: the House has voted to end the death tax. Just ending it alone would create 200,000 jobs in America. To say we do not need that, to say that is not important is ridiculous. It increases household savings due to the lower prices by $800 to $3,000 a year. The American people want the death tax cut made permanent.

The President is waiting to sign this bill. Making it permanent gives people something that they can count on, some dependability. The House passed this several months ago. The fact is the Senate has not acted on House legislation to permanently repeal the death tax.

Unfortunately, that is not the only thing: welfare reform. Fourteen million people used to be on welfare. It has dropped now to 5 million people. Five million people. We are still working on it, but just think about it, 9 million people are now working and productive citizens. The American people want welfare reform, and they want us to continue; but the fact is the Senate has not acted on welfare reform legislation that the House passed months ago.

Another fact, the Senate has not acted on this legislation. There are only 11 days remaining before the historic 1996 reforms expire on September 30. This is not a good way to conduct business in this town; and this is one thing that the American people want, is us working together and passing this legislation and getting it to the President.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I recommend that our Congress on both sides of the aisle read the front page of the New York Times Business Section today. The horror that has been let loose on the American people has to be accounted for. This is no left conspiracy. What has been done is unconscionable.

What has happened, they want to exacerbate this situation and make it worse. In 2001, only 1 million people were eligible for the alternative minimum tax. When these tax cuts go into effect and the full effect is there, 37 million people will have been impacted by the alternative minimum tax. The other side better prepare those taxpayers, or we better figure out in the 10-year budget how we are going to effect what has been brought upon this country. The Republicans have forced us into deeper debt. And those people making between $75,000 and $500,000 will be impacted even 4 to 5 years from now. The other side of the aisle better tell them now, tell them what is at stake for them; otherwise they are doing a disservice to the American taxpayers.

Mr. Speaker, the friends of the American taxpayer, have they told the American middle class? Have they read the report from the Brookings Institute which was made public? I ask the other side of the aisle to read it.

Mr. NUSSLE. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time and compliment the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), for putting forth a budget and passing a budget in the House of Representatives. As we all know, the other body has not even brought a budget to the floor, so it is very difficult to get important legislation done or appropriations bills in that other body with the current situation.

This resolution today is extraordinarily important for real people who are facing a real problem of trying to deal with a tax that they believe to be wrong. Many believe, as I do, that it is simply immoral to tax twice assets that people have worked all of their lives to save, to try and put something together for a family, to build a business, and then at the day of death have the Federal Government walk in and say that we are going to take away 50 to 60 percent of those assets that have been worked a lifetime for.

There are some economists that say that no one pays the death tax; it is not a big consequence. The fact of the matter is that is simply wrong. I can give an example of the Behn family in my home county. I talked to Larry

Behn this morning. He is the grandson of Arthur and Frieda Behn. Larry is selling cars in Hampton today. Back in the early 1980s, he had the misfortune of losing both of his grandparents at the same time. At that time land values in Iowa and across the Midwest were at the very highest they have ever been. Because both of his grandparents passed away at the same time, the valuation of their property came in at that very high level. They, like most farmers, did not have the cash to pay that. As the estate settlement went on, the valuation of farm land in Iowa nose-dived. By the time they were forced to sell those farms, the 1,500 acres that Arthur and Frieda Behn had worked a lifetime to put together so their children and grandchildren would have that opportunity, the valuation was about a third.

They had to sell off that land. Because the valuation had gone down so much, it barely covered the cost of the death tax that they were stuck with. Because of that, they have lost those 1,500 acres of land. They have lost that hope that Arthur and Frieda Behn had put together over a lifetime. It is simply wrong what this death tax does to real people. We have got to repeal it and do away with it because it is wrong. There is right and wrong in this country.

Mr. Speaker, I received a letter from a couple in my district in 2000 when the debate was going on about repealing the death tax. They write: "At age 79 and age 77, with serious health problems, my wife and I are very worried and concerned about how large our estate tax will be. It is affecting our eating and sleeping habits. Old people like us should not have to have these concerns."

Mr. Speaker, I do not think anyone can say it better than these folks did, that it does have real effect on real people. It is wrong. We need to repeal the death tax immediately. I hope the other body would soon take up this important legislation that the House of Representatives has acted on a broad bipartisan basis to achieve.

Mr. KLECZKA. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, I listened to the gentleman's tale of the couple sitting at home and wringing their hands over the estate tax. I represent a district as large as the gentleman who just spoke, and today if a couple like that in my district passed away, there is a $2 million exemption.

□ 1415

In my district, there are not many people who are sweating over the inheritance tax because we do not have that wealth. $2 million for a couple just is not there. What they are wringing their hands over is an affordable drug benefit for Medicare, something that this House did not pass in decent form.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding time.

Mr. Speaker, if I could have one wish today, I would wish that hardworking Americans could take 5 minutes out of their busy schedules and watch this ridiculous Republican charade occurring right now on this House floor. They would be outraged, as I am. The President has not signed even one of the 13 must-pass appropriation bills that fund everything from the Department of Defense to Federal spending on transportation, education and health care. Not one. This House has failed to consider, let alone pass, even one appropriations conference report. Not one. Yet, with just 11 days left in the current fiscal year, with eight appropriation bills still to be considered by this House, we are dithering on a blatantly political and utterly meaningless resolution on the permanent repeal of the estate tax.

Does the GOP have an ideological predisposition to mismanage? Or has it been hijacked again by the faction that Newt Gingrich called, and I quote, "the Perfectionist Caucus"? Those are Newt Gingrich's words, not mine. We have already passed a permanent repeal of the estate tax, a repeal that benefits, as my friend from Wisconsin has said, a few thousand wealthy families at the expense of millions, not once but twice. So why this resolution and why now? Here is why. Because the Republican leadership has made a commitment to put the Labor-HHS-Education spending bill on the floor next. But it knows that if it does at current funding levels that eliminate or cut crucial education, labor and health programs, its moderates will vote it down. You do not have the votes.

It is hard to be sympathetic with the GOP's plight because it precipitated this budget debacle by passing its fiscally irresponsible budget. The chairman of the Committee on the Budget blames the Senate. The chairman of the Committee on the Budget knows full well, if he is honest with the American public, that nothing that the Senate has or has not done precludes this House from acting. We have deemed his budget to be in place. The problem he has is, his side does not want to vote for the budget that he put in place. It was a charade when we passed it—I did not vote for it—and it is a charade months later on this very day.

So what do we do? We fiddle while Rome burns. We fiddle on silly resolutions like this that are patently political and purely political and solely political. The leader is on the floor. What a shame. What a shame that we fail to do the business of the American public and fiddle while our budget and fiscal posture in America burns.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding time and for his good work.

Mr. Speaker, I rise in strong support of House Resolution 524 which urges the Senate to vote on House legislation to repeal the death tax.

Mr. Speaker, Americans get overtaxed virtually every day of their lives. As an employee, one's salary gets taxed. As an investor, one's earnings often get taxed twice. As a consumer, one's purchases get taxed. After getting taxed at every stage of one's life, why should one have to be taxed again during life's final stage? It is not right.

On June 6, in an effort to right this wrong, the House successfully passed H.R. 2143 which would permanently repeal this unjust death tax. However, the Senate has not acted on this permanent repeal of the death tax, and many of the family business owners in New Jersey wonder whether their family business will survive when their aged parents who started these businesses die. If the repeal of the estate tax is not made permanent, the tax will be reinstated in 2011 as it existed under current law.

To avoid destroying many small businesses and savings accumulated after years of hard work by this death tax, I strongly urge the support of this resolution and I urge my colleagues to do the same.

Mr. KLECZKA. Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today in strong support of this resolution, H. Res. 524. I am convinced that death should not be a taxable event. There is a widely read, widely respected book, the Bible, that says one of the duties of a parent is to have an inheritance for their children and grandchildren. Under the present law, if that duty is fulfilled, up to 81 percent of that inheritance will be taken by the Federal Government. That is not fair.

To say that we are not moving forward, as my good friend the gentleman from Maryland was thundering from the well of the House, is simply not the case. We are working to make sure that our small businesses and family farms do not lose those farms that their children can carry on. This is very important legislation. The House has done its duty. It is very clear. The Constitution says both the House and the Senate must act in order for this good law to become law.

Mr. Speaker, I urge everyone to support this very important legislation and help do the job that this House was brought here to do. We have done ours. Here is our opportunity. I thank the gentleman from Iowa for bringing it forward and I encourage its support.

Mr. Speaker, I rise today in strong support of House Resolution 524 sponsored by my good friend Mr. NUSSLE.

I am convinced that death should not be a taxable event in a free society. Why should the Federal Government confiscate half of the assets accumulated through a lifetime of hard work?

The death tax disproportionately affects enterprises that are asset rich, but cash poor, such as family farms and small businesses.

According to Citizens for a Sound Economy, only 13 percent of family businesses or farms will survive to a third generation of operation. We can no longer tolerate this tax on hard work and the entrepreneurial spirit.

This will not be the final step in reforming our outdated system of taxation, but we must begin the journey to assure tax policies that promote fairness, efficiency, and economic prosperity for all our citizens.

In an effort to alleviate the potential nightmare for future generations and correct an injustice in the Tax Code, we must permanently repeal the death tax. I urge my colleagues to support this resolution.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise in support of this resolution calling for the permanent end of the death tax. I come from an area that has been hard hit with loss of manufacturing jobs. An area that offers promise is in small businesses, small farms. The death tax is a job killer. Last week I was talking to a gentleman from Henry County that had a small business valued at about $4 to $5 million. He said, I would like to expand, get more equipment, buy more facilities, have more property and hire more persons. He said, "I don't want to go down that road. The death tax will cost me too much, because I'm hoping to live past December 31, 2010."

We need to end this job-killing death tax. We need jobs in America. One way to do it is kill this tax.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means and probably one of our most important leaders with regard to the repeal of the death tax.

Ms. DUNN. Mr. Speaker, I thank the chairman of the Committee on the Budget for yielding me this time. We have talked about death tax repeal for a long time. For years, literally. We have talked about the effect the repeal of the death tax would have in freeing small business to create more jobs. In fact, if this resolution is successful, small businesses estimate that 200,000 jobs would be created in this next year in this country. Certainly at a time of economic downturn, that is the sort of growth piece of tax legislation that we are looking for. We have talked about the effect of the death tax on women-owned businesses. In fact, the National Association of Women Business Owners a couple of years ago did a survey and they discovered that the cost of compliance to comply with the death tax is about $1,000 a month for the average small business owned by women. These are dollars, Mr. Speaker, that these women would like to put into benefits for their employees, into health care coverage, a huge need in this Nation. These dollars are wasted dollars. They go to pay for life insurance coverage so that at the end of a person's life, that payment to the tax man, to the IRS man that has to be made in cash within 9 months, could be done and made easier on the family because of the life insurance policy proceeds. We have talked about why members of the conservation and environmental community support the permanent repeal of the death tax. They do not want to see subdivisions pop up in beautiful farmland that had been a huge benefit to everybody in the neighborhood. We have talked about the Black Chamber of Commerce, the Hispanic Chamber of Commerce, the Indian National Council, all the groups that are on board with us to permanently repeal the death tax. For the minority community, it takes three generations to develop a business that creates standing. They do not want to have to give up their businesses that they have put their hearts and souls into developing. It is a bad tax.

We encourage our neighbors to consider this bill and to pass permanent repeal of the death tax so that those dollars can be where they will not be wasted to build the economy of this Nation.

Mr. KLECZKA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard some pretty outlandish things here this afternoon. First of all, we were told by the gentlewoman from Washington who just spoke that next year we are going to create 200,000 jobs if we repeal the death tax, the inheritance tax. The fact of the matter is it is not going to be repealed under current law until 2011. So how can we create 200,000 jobs if it is not going to be repealed for another 9 years? It is all nonsense. In fact, the gentleman from Massachusetts indicated what we are talking about is a sense of Congress resolution to tell the other body to do something that we already did. Understand that? It is a sense of Congress. It does not change any law. It is like calling your neighbor and saying, "Hey, rake your leaves." That is what this is all about.

This House already did the bad thing by passing the repeal of the inheritance tax. And why did we do that? To the benefit of 1.3 percent of the wealthiest Americans in this country. As I look at the gallery, Mr. Speaker, I would bet no one in that gallery is going to pay an inheritance tax on their estate, for the current law today has a $2 million exemption per couple. And for those who have a lot more than $2 million like Mr. Bill Gates, maybe their heirs should pay something, because in a lot of situations, some of that wealth has never been taxed, anyway. It could be built up in the stock market. It could be property value. What my Republican colleagues want to say is, for the wealthiest 1.3 percent in America, they will pay no tax at all. This is big bucks. If we do this repeal of the inheritance tax in the years 2011 to 2021, that is going to cost the Treasury $800 billion. That is some real money, my friends.

And where are we today in this Federal budget? We are going to end the fiscal year over $300 billion in the hole. Yet we are giving out tax breaks for the wealthy like popcorn. The President today is talking about an unprovoked attack on another country which will cost millions and millions of dollars. And my colleagues are talking about a tax break for the millionaires of the country. Is something wacko in here? Is something not reading right? Yes.

Just recall, 20 months ago as we started this congressional session, we had surpluses, as my colleague from Iowa said before the Budget Committee, as far as the eye can see.

□ 1430

We had surpluses as far as the eye could see, and 20 months later we are in a $300 billion deficit. Yet those folks are still pushing to give tax breaks to the wealthiest of individuals.

Now, to take care of the farmers and small businesses we proposed a $6 million exclusion from inheritance tax. That would take care of 99 percent of the farmers, the ranchers and the small businesses in this country. But it did not take care of the wealthy ones, and that is why they are pushing to take care of the Ted Turners and the Bill Gateses and the other multi-multi-millionaires from WorldCom and Enron who treated their employees so well.

This resolution does nothing, but the tax policy we already passed does disaster, because it means "you guys ain't going to get a drug benefit, your educational construction for New York is not going to be funded, because we are in a deficit."

So let us not shed big alligator tears today for the wealthiest of the wealthy. They can afford their drugs. They send their kids to the best schools available. It is the people like I represent from Milwaukee, Wisconsin, who are not worrying about an inheritance tax, a death tax today. They are worrying about paying their mortgage. They are watching their 401(k)s, their retirement benefits, dissipate as the market keeps going down, and this administration is doing nothing about it. They have turned a blind eye, and my retirees are looking now to go back to work. And we have money around here for the wealthiest of the wealthy, the richest of the rich?

What misdirected policy. Let us worry about the deficit and take care of the working men and women in this country. Ted Turner will do well without this, and his heirs will do better than him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members that remarks should be addressed to the Chair and not to occupants in of the gallery or others who may be watching in the audience.

Mr. NUSSLE. Mr. Speaker, to close our side of the debate on this important resolution, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY). There is no one in our caucus who during his career has held the banner of tax reform and tax reduction any higher than our very distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I often reflect these days on what a wonderful privilege it is in my life to be a Member of this body and to be able to be here on the floor of this great Chamber and listen to the debates. I marvel also at the technology that we have, Mr. Speaker, probably the finest sound system in the world. And when I reflect upon the quality of our sound system, I am always curious as to why we need to holler so much. It just fascinates me.

We have been thoroughly admonished, those of us on our side of the aisle. We have been indicted. We have had fingers pointed in our direction, sternly and with resolve. We have had the volume turned up as the feigning of moral outrage had to take a new dimension of loudness. And as I have watched this debate and have seen the gymnastic theatrics and volume from especially the other side, I find myself reflecting on the great speeches of American governance and am consoled, my friends, by those marvelous words, The world will never note nor long remember what we say here today.

Why are we here again in this Congress, Mr. Speaker, that has been perhaps the single most productive Congress in our lifetime, where we did everything that one would expect to have done by any Congress at any time, and then met the urgencies of the September 11 attack on America and the legislative requirements that we took; such a Congress, so productive, that even The Washington Post describes this as "the do-something Congress"?

No, there is not a question here about whether or not we are getting our work done. We are getting our work done to a degree that is beyond the experience of any Member in this House. Our problem is over 50 percent of the critical pieces of legislation passed by this House have not yet found themselves through the complete legislative process; and so we, out of our frustration, call attention to it.

Why this bill, this ending of the death tax? We have so strong a conviction that it is wrong. We do not say it is wrong for the small family farm, it is wrong for the small businessmen and women, and, by the way, it is okay to impose it on Bill Gates. Bless his heart, Bill Gates, who has probably given more money to charitable causes in this country in this past year alone than would be represented by the entire lifetime cumulative earnings of all the Members of this body alone. Bill Gates, this charitably active person who we like to come to this floor and vilify.

If we were to take that point of view, ladies and gentlemen, would we not say burglary is wrong, and we ought to have laws that protect everybody in America from burglary, except the Bill Gateses of the world; ignoring the fact that indeed the burglar would most likely prefer to burglarize Bill Gates's home as opposed to my home?

If it is wrong, it is wrong for all of us, irrespective of station in life. This is what a system of justice tells you. There is right, there is wrong; there are things that are just; there are things that are unjust; and there is equal protection under the law.

Now, let us talk for a moment about the fellow who works hard and creates a successful business for himself, his wife, most often his partner in the venture; somebody that gets together and says, let us pool our resources, take a risk; let us build this business; let us construct a better farm, a better living for ourselves and our family.

They take their limited earnings on which they have paid taxes and from which their after-tax earnings they have acquired some savings, and they convert that to an investment in their business. They pay taxes on everything they buy and on any dollar's worth of earnings they have along the way, and have all their life. And then, after paying taxes on everything they have owned, earned or done all their life, they finally have had some success in their life and they have something that we now know is an estate.

Let us just examine the record of human action. What do people do with their estates? Well, the most popular thing that we want to do with our estates is give them to our children. Do we know anybody, anybody, who does not work first for their children, their grandchildren, for the future of their family? Just look at the record of what we voluntarily do with those things we have accumulated in our life. We voluntarily give them to our children.

Now, if we are not voluntarily giving things to our children, what do we voluntarily do with the things that we have earned and worked for and built all our life? We give it to charity. We give it to charity.

How many instances have we had where our family has worked hard all their life, built a success, have an estate, and then decided I will voluntarily give it to Washington? I would say rare cases indeed.

Washington cannot help themselves. Washington has got to grab the bucks, dip their hands in the estate, rob the grave.

They say, Well, if you take away the estate tax, people will not give to charity. Why do people give to charity? Because they have it in their heart. Why do they hire tax accountants and lawyers when they decide how they will give to charity? To maximize their after-tax contribution to the charity, because they prefer to. And they pay, indeed, expensive consulting fees to lawyers and accountants so they can indeed get a larger share of what they accumulated to the charity and a lesser share to the government. That is imposing upon them the requirement that they give.

People are funny. People like to do what they choose to do, not what they are made to do by onerous tax laws or any other purpose.

Let me just say, Mr. Speaker, that after all the times you have taxed me all my life on everything I have said, done and earned, to then tax me at the time of my death, to defraud my children or deny my children that which they justly deserve because they had the good sense to be my children, and I love them so dearly, is an injury. It is an injury to the fondest hope I ever had in my life that my children would do well and have something better than I had when I started, a not uncharacteristic American dream.

Who in this room, who in this Nation, does not dream that our children will have more to begin with and do better than we did? Do we not devote our life to that work? So the government does harm to the fondest dream of our hearts when they compel us to deny our children the fruits of our labor. That is injury.

It is not enough that we should injure the poor American citizen. We, being the government, must compound the felony by adding insult to injury. Let me give you an example.

We have a family farm. They have assets that are valued at $4 million. Mom and dad work on that farm each and every day of their lives. They raise their children, they pay the bills, and they try to get their youngsters off to college. The typical farmer with $4 million in farm assets makes a modest $35,000 a year, on which they pay approximately $4,200 in taxes and struggle to get by and do the things we all dream to do for our children. That is $35,000 a year.

Now, you would look at that farmer out there struggling. You see his wife going again to Easter services in the same dress she had last year, sacrificing, as they both do, so the kids can have better school clothes than they would otherwise have, and you say, These are not rich people. We ought to help them. You would develop enormous farm programs to help these poor folks on the farm.

Bless their luck, their hard luck. We use the expression hard scrabble dirt farming. But they have a day in which they get lucky: they die. They die, and on that day they are instantaneous multi-millionaires; people to be vilified; people to whom we will point our fingers and angrily proclaim are the undeserving richest people in America.

Bless their little old hearts, they had to die to get rich. They had to die to be mistreated. They had to die to have people in this government say it is not only just, but it is necessary in the cause of justice to take half or more of their property away from their children or away from the charity of their choice. That is insult.

Why are we here again today? Because we are committed to stopping the injury, stopping the insult. How about us trying to be appreciative of the dreams of the American people, recognize the manner in which they struggle, have an understanding of their goodness, and some respect for what they have acquired, accumulated over a lifetime of hard work, and say to that poor fellow on his death bed, George, you have worked hard. What you have got is the fruits of your labor. You have a right to do with it as you will.

This is America, and we think at least on your death bed freedom should be your last experience with this government.

Mr. STARK. Mr. Speaker, I rise today in opposition to this ridiculous resolution. This is nothing more than the Republicans pandering to their wealthy contributors six weeks before the election. How timely!

This resolution is a complete waste of time. The House has already passed a bill to provide permanent repeal of the estate tax earlier this year, despite my opposition. Now, my constituents back home will ask. "Why did you need yet another resolution for something that the House has already addressed?" The only truthful answer is that the Republicans can't agree among themselves on how to proceed with spending bills this year so they are padding the floor schedule with meaningless drivel like this to make it appear that Congress is doing its job. The American people ought to be outraged!

Rather than addressing the critical appropriations bills to keep the government running, the GOP would rather debate this non-binding, meaningless resolution. If the GOP doesn't want to work on appropriations bills, we have 40 million disabled and elderly who depend on Medicare and have been clamoring for a Medicare prescription drug benefit. We could address that issue. Or what about the solvency of Social Security? there are critical domestic issues facing this Congress—and facing millions of Americans—that ought to be addressed today.

Repeal of the estate tax will only help the wealthiest one percent of those who receive inheritance, or around 23,000 estates per year. Congress is seeing declining federal income receipts; is being asked to fund a pending war in Iraq; improve security here at home; and must still address the needs of working families. We have much bigger issues than a tax that will affect 23,000 wealthy estates. Let's take our oath of office a bit more seriously and get back to the issues that matter.

I urge my colleagues to reject this absurd resolution and vote no on H. Res. 524.

Mr. UDALL of Colorado. Mr. Speaker, I support reform of the estate tax, but I do not support its repeal, and so I do not support this resolution.

For me, this is not a partisan issue. Instead, it is an issue of reasonableness, fairness and fiscal responsibility. While I did not vote for last year's bill that included changes in the estate tax, there were parts of that bill that I think should be made permanent. That is why I voted to make permanent the elimination of the "marriage penalty" and the provisions of last year's bill related to the adoption credit and the exclusion from tax of resolution to Holocaust survivors.

And, as I said, I support reform of the estate tax. I definitely think we should act to make it easier for people to pass their estates—including lands and businesses—on to future generations. This is important for the whole country, of course, but it is particularly important for Coloradans who want to help keep ranch lands in open, undeveloped condition by reducing the pressure to sell them to pay estate taxes.

Since I have been in Congress, I have been working toward that goal. I am convinced that it is something that can be achieved, but it should be done in a reasonable, fiscally responsible way and in a way that deserves broad bipartisan support. That means it should be done in a better way than was provided in last year's bill. For example, I have supported legislation to raise the estate tax's special exclusion to $3 million for each and every person's estate—meaning to $6 million for a couple—and to do that immediately.

Under that alternative, a married couple—including but not limited to the owners of a ranch or small business—with an estate worth up to $6 million could pass it on intact with no estate tax whatsoever. And since under the alternative that permanent change would take effect on January 1st of next year it clearly would be much more helpful to everyone who might be affected by the estate tax.

At the same time, the alternative was much fiscally responsible. It would not run the same risks of weakening our ability to do what is needed to maintain and strengthen Social Security and Medicare, provide a prescription drug benefit for seniors, invest in our schools and communities, and pay down the public debt.

The tax cut bill signed into law last year included complete repeal of the estate tax for only one year, 2010, but contains language that sunsets all of the tax cuts, including changes in the estate tax after 2001. Making that permanent would reduce federal revenues by $109 billion between 2002 and 2012 ($99 billion in lost revenue and $10 billion in interest charges) and more than $1.2 trillion in the decade between 2013 and 2022—when the baby boomers will be retiring.

But, as we all know, the budget outlook has changed dramatically since last year. In the last year, $4 trillion of surpluses projected over the next ten years have disappeared because of the combination of the recession, the costs of fighting terrorism and paying for homeland defense, and the enactment of last year's tax legislation. Full repeal of the estate tax would only make the budgetary outlook even more difficult, making it that much harder to meet our national commitments all in order to provide a tax break for less than 0.4 percent of all estates. I do not think this is responsible, and I cannot support it.

And, as if that were not bad enough, just making permanent the estate-tax provisions of last year's bill would do nothing to correct one of the worst aspects of those provisions—the hidden tax increase on estates whose value has increased by more than $1.3 million, beginning in 2010, due to the capital gains tax. Currently, once an asset, such as a farm or business, has gone through an estate, whether any estate tax is paid or not, the value to the heirs is 'stepped up' for future capital gains tax calculations. However, last year's bill now enacted into law provides for replacing this with a 'carryover basis' system in which the original value is the basis when heirs dispose of inherited assets. That means they will have to comply with new record keeping requirements, and most small businesses will end up paying more taxes. That cries out for reform, but this resolution does not address that.

Mr. Speaker, the fact that we are debating this resolution shows that the Republican leadership is continuing to reject any attempt to shape an estate-tax reform bill that could be supported by all Members. Since I was first elected, I have sought to work with our colleagues on both sides of the aisle on this issue to achieve realistic and responsible reform of the estate tax. But this resolution does nothing of the kind, and I cannot support it.

Mr. JONES of North Carolina. Mr. Speaker, there is a saying that only in America can an individual be given a certificate at birth, a license at marriage, and a bill at death. Americans should not have to visit the undertaker and the IRS on the same day.

Unfortunately, small businesses and family farms, like those in Eastern North Carolina, are particularly vulnerable to the death tax. At the time of their death, Americans are taxed on the value of their property, often at rates as high as 55 percent.

Mr. Speaker, this places a tremendous burden on families who are already grieving the loss of a loved one. While small businesses and family farms are typically rich in assets, they often do not have the liquid resources to settle this size of bill with the federal government.

Too often, they are forced to sell some or all of their land or business, which often serves as their family's livelihood. Over the years, the death tax has devastated family-owned businesses throughout our nation's towns and cities. Today, less than half of family businesses are able to survive the death of a founder.

What could be more un-American? Under current law, 70 percent of family businesses do not survive the second generation and 87 percent do not make it to the third generation. The death tax discourages savings and investment, and punishes those Americans who work hard throughout their lives to pass on something to their children.

Mr. Speaker, the estate tax does not serve as a significant source of revenue for the federal government. The Treasury Department reported that in 1998, the estate and gift tax raised only $24.6 billion, which amounts to only 1.3 percent of total federal revenues.

In addition, economic studies conducted by former Secretary of the Treasury Lawrence Summers show that for every dollar in transfer taxes taken at death, $33 in capital formation is lost from the economy. Despite its little value to the government, the death tax undermines the idea that hard work and fiscal responsibility will be rewarded.

Thankfully, this Congress provided a phase-out of the estate tax beginning in 2002 by eliminating the 5% surtax and the rates in excess of 50 percent and increases the exemption to $1 million. Today, we need to take steps to ensure this phase-out is permanent and does not sunset in 2011. If H.R. 2143 is not signed into law, the death tax will re-appear, almost overnight on New Year's Eve, 2011.

Mr. Speaker, this Congress has done an admirable job of guaranteeing tax relief for every working American. Let's pass this bill now and finish the job we started when we took back the people's House in 1995.

Mr. BEREUTER. Mr. Speaker, as stated on the record many times, this Member continues his strong opposition to the total elimination of the estate tax on the super-rich. The reasons for this Member's opposition to this terrible idea have been publicly explained on numerous occasions, including past statements in the CONGRESSIONAL RECORD, and today this Member gain will reiterate the reasons for his opposition to the permanent repeal of the Federal estate tax.

This Member has every expectation that legislation to permanently repeal the Federal estate tax is going nowhere in the other body. Furthermore, on March 18, 2002, this Member noted, in his House Floor statement on H.R. 536, that he will most assuredly vote "no" on the total repeal of the inheritance tax, and this Member would further note that he in fact did vote "no" on the total repeal of the inheritance tax.

This Member again would say that while he is a long-term advocate of inheritance tax reduction, especially in regard to protecting family farms and ranches, and small businesses, this Member strongly opposes the permanent repeal of the Federal estate tax provisions. This Member believes that inheritance taxes unfortunately do adversely and inappropriately affect Nebraskan small businesses, farmers, and ranchers when they attempt to pass this estate from one generation to the next. This Member also believes that the estate tax elimination provisions are at worst a faulty product and at best only a shadow of what could be beneficially done to reduce the inheritance tax burden on most Americans who now and in the future are actually subject to such estate taxes.

It must also be noted that this Member is strongly in favor of substantially raising the estate tax exemption level and reducing the rate of taxation on all levels of taxable estates, and that he has introduced legislation, H.R. 42, to this effect. This Member believes that the only way to ensure that his Nebraska and all American small business, farm and ranch families and individuals benefit from estate tax reform is to dramatically and immediately increase the Federal inheritance tax exemption level, such as provided in H.R. 42.

This Member's bill (H.R. 42) would provide immediate, essential Federal estate tax relief by immediately increasing the Federal estate tax exclusion to $10 million effective upon enactment. (With some estate planning, a married couple could double the value of this exclusion to $20 million. As a comparison, under the current law for year 2001, the estate tax exclusion is only $675,000.) In addition, H.R. 42 would adjust this $10 million exclusion for inflation thereafter. The legislation would decrease the highest Federal estate tax rate from 55 percent to 39.6 percent effective upon enactment, as 39.6 percent is currently the highest Federal income tax rate. Under the bill, the value of an estate over $10 million would be taxed at the 39.6 percent rate. Under current law, the 55 percent estate tax bracket begins for estates over $3 million. Finally, H.R. 42 would continue to apply the stepped-up capital gains basis to the estate, which is provided in current law. In fact, this Member has said on many occasions that he would be willing to raise the estate tax exclusion level to $15 million.

Since this Member believes that H.R. 42 or similar legislation is the only responsible way to provide true estate tax reduction for our nation's small business, farm and ranch families, this Member will once again state his reasons, as follows, for his opposition to the total elimination of the Federal estate tax.

First, to totally eliminate the estate tax on billionaires and mega-millionaires would be very much contrary to the national interest.

Second, the elimination of the estate tax also would have a very negative impact upon the continuance of very large charitable contributions for colleges and universities and other worthy institutions in our country.

Finally, and fortunately, this Member believes that actually it will never be eliminated in the year 2010.

At this point it should be noted that under the previously enacted estate tax legislation (e.g., the Economic Growth and Tax Relief Reconciliation Act), beginning in 2011, the "stepped-up basis" is eliminated (with two exceptions) such that the value of inherited assets would be "carried-over" from the deceased. Therefore, as noted previously by this Member, the Economic Growth and Tax Relief Reconciliation Act could result in unfortunate tax consequences for some heirs as the heirs would have to pay capital gains taxes on any increase in the value of the property from the time the asset was acquired by the deceased until it was sold by the heirs—resulting in a higher capital gain and larger tax liability for the heirs than under the current "stepped-up" basis law. Unfortunately, H.R. 2143 made the stepped-up basis elimination permanent resulting in a continuation of the problems just noted by this Member—higher capital gains and larger tax liability for heirs.

In closing, Mr. Speaker, while this Member is strongly supportive of legislation to substantially rise the estate tax exemption level and to reduce the rate of taxation on all levels of taxable estates, and as such introduced legislation to this effect (H.R. 42), this Member cannot in good conscience support the total elimination of the inheritance tax on the super-rich. Therefore, this Member will be voting against H. Res. 524.

Mr. OTTER. Mr. Speaker, I rise today to support H. Res. 524. This resolution, expressing the view of the House on permanently repealing the death tax, also reflects the view of the American people concerning the death tax. Across this country shopkeepers, farmers, small manufacturers, and everyday individuals who managed to save for their families through hard work and sacrifice are urging the passage of the Permanent Death Tax Repeal Act of 2002. Passage of that act will provide added incentives for savings and productive investment, and end the harmful dissolution of family farms and businesses. Idaho towns and farms in particular are hard hit by the death tax and urgently seek its permanent repeal. I urge members of this House to join a bi-partisan majority supporting H. Res. 524, supporting H.R. 2143, and supporting the American dream.

□ 1445

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 527, the resolution is considered read for amendment and the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUSSLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this resolution will be postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order: House Resolution 525, by the yeas and nays; House Resolution 524, by the yeas and nays; House Concurrent Resolution 337, by the yeas and nays; and the motion to instruct conferees on H.R. 3295, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON LEGISLATION EXTENDING AND STRENGTHENING SUCCESSFUL 1996 WELFARE REFORMS

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 525, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 280, nays 123, not voting 29, as follows:

[Roll No. 400]

YEAS—280

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Burr
Burton
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLay
DeMint
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Ferguson
Flake
Fletcher
Foley
Forbes
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sánchez
Sandlin
Saxton
Schaffer
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—123

Ackerman
Baca
Baird
Baldwin
Becerra
Bentsen
Berkley
Berman
Berry
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Evans
Farr
Fattah
Filner
Ford
Frank
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
LaFalce
Langevin
Lantos
Lee
Lewis (GA)
Lofgren
Lynch
Maloney (NY)
Markey
Matsui
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Schakowsky
Scott
Serrano
Slaughter
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey

NOT VOTING—29

Barrett
Blagojevich
Brown (SC)
Bryant
Buyer
Callahan
Carson (IN)
Cooksey
Deal
Diaz-Balart
Everett
Fossella
Gephardt
Gillmor
Hilleary
Jefferson
Jenkins
Larson (CT)
Miller, George
Mink
Neal
Obey
Ortiz
Ros-Lehtinen
Roukema
Sawyer
Schrock
Stump,
Taylor (NC)

□ 1508

Messrs. LANGEVIN, HILLIARD, RAHALL, DICKS, and REYES changed their vote from "yea" to "nay."

Messrs. BALDACCI, ALLEN, and STRICKLAND changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 400 today. Had I been present and voting, I would have voted "nay."

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT OF 2002

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of agreeing to the resolution, House Resolution 524, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 158, not voting 32, as follows:

[Roll No. 401]

YEAS—242

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boswell
Boucher
Brady (TX)
Burr
Burton
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Foley
Forbes
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher

Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—158

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Becerra
Bentsen
Bereuter
Berman
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—32

Barrett
Blagojevich
Bono
Brown (SC)
Bryant
Buyer
Callahan
Carson (IN)
Cooksey
Deal
Doyle
Everett
Fossella
Gephardt
Gillmor
Hilleary
Issa
Jenkins
Larson (CT)
Miller, George
Mink
Neal
Obey
Ortiz
Ros-Lehtinen
Roukema
Sanders
Sawyer
Schrock
Sessions
Stump
Taylor (NC)

☐ 1516

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Mr. Speaker, on rollcall No. 401, I was recorded as not voting. It was my intent to vote "yea". Had I been present, I would have voted "yea."

Mrs. BONO. Mr. Speaker, on rollcall No. 401 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 401 today. Had I been present and voting, I would have voted "nay."

RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR CONTRIBUTIONS TO BASEBALL AND THE NATION

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 337.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H.R. 337, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 38, as follows:

[Roll No. 402]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Burton
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—38

Barrett
Blagojevich
Brown (SC)
Bryant
Buyer
Callahan
Carson (IN)
Chambliss
Cooksey

Deal
Doyle
Dunn
Everett
Fossella
Ganske
Gephardt
Gillmor
Hilleary
Jenkins
Larson (CT)
Lynch
McKinney
Miller, George
Mink
Neal
Obey
Ortiz
Peterson (PA)
Ros-Lehtinen
Roukema
Sawyer
Schrock
Shadegg
Slaughter
Smith (WA)
Stump
Taylor (NC)
Thomas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair would advise the Members that one of the voting panels is out but those votes are being recorded and Members may verify their vote by checking at the desk or at the voting stations.

☐ 1524

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CHAMBLISS. Mr. Speaker, on rollcall No. 402 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 402 today. Had I been present and voting, I would have voted "yea."

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 3295.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 26, not voting 41, as follows:

[Roll No. 403]

YEAS—365

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Olver
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—26

Barr
Barton
Bonilla
Brady (TX)
Cannon
Collins
Culberson
Duncan
Flake
Goode
Hall (TX)
Hansen
Hostettler
Johnson, Sam
Jones (NC)
Kerns
Miller, Jeff
Myrick
Norwood
Paul
Sessions
Shadegg
Tancredo
Thornberry
Toomey
Young (AK)

NOT VOTING—41

Barrett
Blagojevich
Brown (SC)
Bryant
Buyer
Callahan
Carson (IN)
Clement
Combest
Cooksey
Cubin
Deal
Doyle
Dunn
Everett
Fossella
Gephardt
Gillmor
Hilleary
Jenkins
Larson (CT)
Markey
McCarthy (MO)
Miller, George
Mink
Neal
Obey
Ortiz
Osborne
Peterson (PA)
Ros-Lehtinen
Roukema
Sawyer
Schrock
Slaughter
Smith (WA)
Stump
Taylor (NC)
Thomas
Thune
Wamp

☐ 1533

Mr. KERNS changed his vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 403 today. Had I been present and voting, I would have voted "yea."

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, on Thursday, September 19, 2002, I was unable to be present for roll call votes No. 402, Recognizing the Teams and Players of the Negro Baseball Leagues, and No. 403, the Waters Motion to Instruct Conferees on H.R. 3295—Help America Vote Act.

Had I been present, I would have voted "yea" on roll No. 402 and "yea" on roll No. 403.

PERSONAL EXPLANATION

Mr. BROWN of South Carolina. Mr. Speaker, I missed rollcall Nos. 400, 401, 402, and 403 due to attending my brother-in-law's funeral. Had I been present, I would have voted "yea", on all four rollcalls.

PERSONAL EXPLANATION

Mr. FROST. Mr. Speaker, I was unexpectedly detained during the vote for H. Res. 523 recognizing the contributions of Historically Black Colleges and Universities. Had I been present, I would have voted "yea."

PERMISSION TO HAVE UNTIL MIDNIGHT, MONDAY, SEPTEMBER 23, 2002, TO FILE CONFERENCE REPORT ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Monday, September 23, to file a conference report on the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 524 and H. Res. 525, the resolutions just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPORT ON H.R. 5410, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2003

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–663) on the bill (H.R. 5410) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I take this time to inquire about the schedule for next week.

I am pleased to yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, let me thank the gentlewoman from California for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, September 24, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes on Tuesday will be postponed until 6:30 p.m.

Mr. Speaker, for Wednesday and Thursday, I have scheduled the following measures: a conference report to accompany H.R. 1646, the State Department Authorization Act; a resolution calling for completion as soon as possible for the worker pension security legislation that passed this House in April and has not been considered in the other body; H.R. 4691, the Abortion Nondiscrimination Act of 2002; a continuing resolution; and H.R. 4600, the Health Act of 2002.

I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for that information. I have some further questions if the gentleman will be available.

I understand the gentleman is saying H.R. 4600, the medical malpractice bill, will be on the floor next week. Could the gentleman give us a little more what day it would be?

Mr. ARMEY. I thank the gentlewoman for the inquiry; and if the gentlewoman would continue to yield, we expect to deal with that bill on Thursday of next week.

Ms. PELOSI. Mr. Speaker, so it is my understanding that next week we will be in Tuesday night, Wednesday and Thursday again; we have given away Monday and Friday again?

Mr. ARMEY. I thank the gentlewoman for the inquiry; and if the gentlewoman will yield, in fact, the gentlewoman understood exactly correct.

Ms. PELOSI. Mr. Speaker, we have given away tomorrow, we are giving up next Monday, we are giving up next Friday, and the list of unfinished business continues to grow. The number of legislative days continues to shrink.

Does the gentleman expect the bill to deduct education expenses to be scheduled for next week? If so, on what day?

Mr. ARMEY. I thank the gentlewoman for the inquiry. I am sorry I did not hear the bill the gentlewoman was referring to.

Ms. PELOSI. The back to school act, so-called.

Mr. ARMEY. Oh, I am sorry. No, I do not expect to see that back on the floor, at least not next week.

Ms. PELOSI. Mr. Speaker, how long will the continuing resolution be?

Mr. ARMEY. Again, I want to thank the gentlewoman for the inquiry. There are consultations going on bicamerally and bipartisan in the highest leadership levels and with the two respective bodies' Committees of Appropriations, and that information has not yet been finally agreed to; and when it is, I expect the Speaker will make an announcement, as I would expect the majority leader in the other body to do so as well.

Ms. PELOSI. Mr. Speaker, my understanding is, the gentleman, when asked about this continuing resolution, if we are going to have a lame duck session, et cetera, said that he consults with Puff the Magic Dragon. Puff the Magic Dragon, lame duck, this place is getting more and more like a menagerie or some would say a zoo.

I have some concerns because today we voted on a resolution that urges the Senate to take certain action; but I know there is a bill that has overwhelmingly passed the Senate 78 to 21 that the Congressional Budget Office estimated would lower prescription drug prices by $60 billion over the next 10 years, $60 billion. Can the majority leader inform us if that bill will be scheduled before Congress adjourns in October, heeding the gentleman's concern about not following up on business completed by the Senate?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry, and I understand that perhaps the animal rights caucus may be a little bit concerned about some of the examples we use around here. We do consult with magic dragons, indeed tolerate lame ducks in our committed effort to keep pork off the floor of this House.

That having been said, with respect to the bill the gentlewoman has asked about, this bill is a poor and paltry substitute for a comprehensive prescription drug benefit for American seniors. The House passed a bipartisan comprehensive Medicare prescription drug benefit in June. The Senate has not yet passed a bill. This bill is quite simply not good enough for those of us in the House who did the hard work to pass a real prescription drug benefit bill available to all American seniors, and it remains our hope that we will be able to pass a real prescription drug bill before the end of this year.

Ms. PELOSI. Mr. Speaker, perhaps the gentleman did not hear me. He said that the Senate had not passed a bill. The Senate had passed it 78 to 21, the prescription drug bill relating to generic drugs which would lower the cost by $60 billion over 10 years, according to the Congressional Budget Office. We have a discharge petition to that end to bring it to the floor. I urge our colleagues to sign it, but it was passed by the Senate, contrary to the gentleman's comment that the Senate had not passed a prescription drug bill.

We now have 4 legislative working days until the end of the fiscal year. We also have eight appropriations bills to fund the entire government, and the House has yet to consider them. Are there any appropriations bills that will be considered to be scheduled next week or the week after so that Members can be prepared?

Mr. ARMEY. Again, I want to thank the gentlewoman for her inquiry with respect to the appropriations bills. We continue to work on our efforts to maintain the commitments we have made to not only the President's budget recommendation but this House's own passed budget, and those remaining appropriations bills, while insofar as we are able we work on those bills with respect to which we have gotten to conference with the other body, and it is our hope that at least some of those conferencing bills might come to the floor in the next week or two.

Ms. PELOSI. Mr. Speaker, there are no dates in particular.

Can the gentleman tell us when the Iraq resolution will be brought to the floor that was distributed to us today?

Mr. ARMEY. Again, I want to thank the gentlewoman for her inquiry. This is, of course, a matter of serious consideration by each Member of this Congress, as it is with the administration and the American people also sharing our concern here. The President has sent a resolution draft up before the two bodies of Congress. As my colleague knows, the President and his team continue to make information available through, many times, secured briefings to Members of Congress and through the committee process, when possible, before the American people. We would expect that the committees of jurisdiction on these matters would continue to work their will on this resolution and bring it to the floor.

It has been, I think, the insistence of the Speaker in matters especially of such gravity that we work through our normal process, respecting the jurisdictional rights and the expertise of the committees. So I would encourage the gentlewoman and all of my colleagues to watch as the committees work on this very important resolution; and I would, however, expect that we should see this resolution on the floor in the not-too-distant future. I hate to be so ambiguous, but I think it is only fair to the committee to give them the time to do their job as they see fit.

Ms. PELOSI. Mr. Speaker, I appreciate the seriousness with which the gentleman is treating the consideration of that resolution; and as soon as my colleague knows, I am sure he will let us know and when it will be brought to the floor.

There are many other issues that the American people are concerned about that relate to education, to a prescription drug benefit, to access to health care, pension security. The list goes on and on; and as we come in for our 2-day-a-week work weeks in Washington, D.C., we are becoming less relevant to the problems that the American people are facing. It is almost as if they are saying to us, Earth to Congress, we are still here, we have these challenges in our economy and our workforce, et cetera, and get to work and get some of this done so that we can go forward.

Mr. KOLBE. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, if the gentlewoman would yield for a question to the majority leader, and I know the gentlewoman's interest. I just filed a few minutes ago the Committee on Appropriations, Subcommittee on Foreign Operations Export Financing and Related Programs bill which had passed the committee last week and the subcommittee the week before.

□ 1545

While there are certainly differences of opinion on it, it is a bipartisan product; and I wonder if the gentleman can give us any indication when that bill might come to the floor.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, first, I thank the gentleman from Arizona (Mr. KOLBE) for filing the bill. I am very pleased about that. I will discuss the scheduling of it with the Speaker. We will schedule it as soon as possible.

Ms. PELOSI. Mr. Speaker, as a member of the subcommittee of the distinguished gentleman from Arizona (Mr. KOLBE), I have a great deal of interest when the bill comes to the floor as well. I associate myself with the questions asked by the gentleman from Arizona.

Mr. Speaker, I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY, SEPTEMBER 23, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 24, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 23, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, September 24, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PLATTS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2002, to the *Federal Register* for publication.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith the 6-month periodic report prepared by my Administration on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2002.*

ELIMINATE THE DEATH TAX

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, today the House passed a resolution urging Congress to eliminate the death tax. The death tax is the wrong tax on the wrong people at the wrong time. It punishes those who save and invest. It prevents parents from helping their children; and it forces many farmers, ranchers and small business owners to sell off a lifetime of hard work.

The House of Representatives has done its job. Last year we voted to repeal the death tax, but the Senate has not acted on similar legislation. Repealing and reducing taxes leaves more money in working families' pockets. When they spend it or invest it or start a business, new jobs are created and the economy is benefited. Like a weed in a garden, the death tax is not useful, does harm, and needs to be eliminated.

COMMENDING CONDUCT OF CAPITOL HILL COMMUNITY DURING ANTHRAX EVENT

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise today to introduce a resolution that commends the entire Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax on Capitol Hill.

In particular, I want to acknowledge the Office of the Attending Physician and the health care professionals in his office who by their quick actions and early intervention prevented actual cases of anthrax within the Capitol Hill complex. They responded to and managed the largest bioterrorism event ever, providing direction locally that was used nationwide and even worldwide.

It should be noted that the anthrax letter event proved to be the largest public health crisis in the United States since the smallpox outbreak in New York City in the 1940s. The incredible response by the Attending Physician and his staff as they evaluated and treated over 7,000 people ensured the continuity of two branches of government, the Congress and the Supreme Court.

Mr. Speaker, I hope this bill we are introducing today can move quickly through the House and be passed before October 14, the 1-year anniversary of the anthrax letter arriving in Senator DASCHLE's office.

U.N. MUST PASS RESOLUTION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, recently Iraq agreed to allow U.N. inspectors back into their country without conditions. After hearing that news, all I can say is we have been down this road before.

After a decade of deception by Iraq, the United Nations must show some real backbone if it wants to be a meaningful organization in the 21st century. Let us not forget that from 1991 to 1998, in spite of 13 different U.N. resolutions mandating unconditional access, Iraq never allowed that to happen. Saddam always had his conditions. Inspectors were kept from presidential palaces, mosques, and military installations, just to name a few places where we know he hides weapons.

The U.N. must pass a resolution that not only mandates unconditional weapons inspections, but also outlines the serious consequences for Saddam's Iraq if the U.N. inspectors do not get complete and unimpeded access and support.

The U.N. must take control and mandate unfettered inspections, and Saddam Hussein must comply. It is time for the U.N., and not Saddam Hussein, to be in the driver's seat.

FIGHTING TERRORISM HERE AND ABROAD

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I want to follow on the comments made by the gentleman from Nevada (Mr. GIBBONS) and urge Congress to continue its work in dealing with Iraq, and I specifically thank the gentleman from Missouri (Mr. GEPHARDT) for his very proactive role in this debate. This is a bipartisan effort to rid the war of terrorism. This is one party versus the other; this is good versus evil. President Bush has made that clear. Our allies in the U.N. have heard the message, and I urge us all to focus on this very serious problem we face in this Nation.

When people see the scourge of Iraq and the problems they pose to the free world, I think they, too, will join in a common voice and a common purpose of defeating terrorism and evil. Again I commend the minority leader, and for all those in Congress who are prepared to weigh in on this very critical issue of national security; and I certainly applaud the President, who has been steadfast since September 11 in leading this Nation not only to fight the war here at home but abroad.

SUPPORT SUDAN PEACE ACT

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, over the past 20 years, over 2 million people have died and over 4 million have been driven from their homes in Sudan. Not by famine, flood or pestilence, but at the hands of people who claim a right to govern.

Mr. Speaker, people who engage in a systematic campaign of killing, terror, starvation, destruction and expulsion against the people of southern Sudan are not the fearless leaders we hope to see in power when times are rough. Rather, they are the heartless leaders who make times tough for their own people.

The government in Khartoum continues to brutalize the people in the south. Why? While we cannot know the darkness within their hearts, we know the roots of their hatred. We know that the Khartoum Government, known as the National Islamic Front, consists of those who are seeking to impose their version of Islam on the black Christians in the south, or destroy them if they do not get along. This is a religious crusade that uses genocide to convert disbelievers. The government wants to destroy the southern people because they are of a different race and religion.

We have one of the greatest humanitarian crises of our time. Khartoum's self-proclaimed jihad against the south, driven by religious and racial hatred and a lust for oil, has killed more people than died in Kosovo, Bosnia, Rwanda and Somalia combined.

Yesterday, September 18, marked the first day of the Vigil for Sudan. Thousands of people will be gathering outside the State Department at Galvez Park here in Washington to pray for the people of Sudan. We in Congress and all Americans should join with them. We cannot stand by. Let us finish our work on the Sudan Peace Act and be among those leaders who are fearless and who are not heartless.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HITLER COMPARISON INAPPROPRIATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, first, I want to take a moment to thank the American Cancer Society and all of the various people who have come from around the 50 States, and right outside this Capitol building are providing a loud chorus of voices, working to fight cancer, whether it be breast cancer, melanoma, prostate cancer, colon cancer, any of the number of maladies that strike mankind.

It is terrific to see people, particularly those from the 16th Congressional District of Florida, participate in this very important day of public awareness, both for prevention of cancer and to, hopefully, find a cure for cancer.

Mr. Speaker, I also want to take a moment to express my personal outrage at the comments recently provided by German Chancellor Gerhard Schroeder's justice minister, Herta Daeubler-Gmelin, who said, "Bush wants to divert attention from his domestic problems. It's a classic tactic. It's one that Hitler used."

To compare our President in any way in a reference to the satanical Adolf Hitler to me not only demeans the friendship of Germany to the United States, but also indicates to me that politics in its raw form has found its way insidiously into the debate in the reelection of Mr. Schroeder as the Chancellor of Germany.

□ 1600

I was in Europe just the other day and happened to catch a few of his impassioned speeches where he was using the United States and our fight against terrorism as a means in which to exploit his election chances. A few weeks ago he was behind in the polls and he decided a good game was to play "them versus us," as if the United States and Germany were at war, as if the United States and Germany were not bound together by economic and other issues of importance to both our peoples. It seemed to me that there is a lot of thanks that should be given from Germany for the Marshall Plan. After the problems Europe faced in World War I and II, it was the United States economically that came together to aid that community and help dramatically restore economic opportunity to millions of Germans. It was Ronald Reagan in fact that spoke and urged Mikhail Gorbachev to tear down this wall. We helped, if you will, along with others in the U.N. and the United Nations communities to work on ending the separation of East and West Germany. That to me is a human outreach of kindness from one people to another. If you look at the number of Mercedes-Benzes and Volkswagens and BMWs and German products that are purchased and consumed by the United States, I can say definitely we have been on the side of economic prosperity for millions of Germans. But to have the Chancellor and have one of his top ministers comparing anyone in the United States to Hitler, particularly pointing that reference to the President, is honestly unspeakable. It is demeaning, it is derogatory, it is plain sick.

When Mr. Schroeder or his opponent wins the election, I am certain the dialogue will shift to, You know, it's just politics. Just kidding. We really do oppose terrorism. We weren't necessarily saying we sided with Iraq and Saddam Hussein. We merely were using you at an opportune time for our political expedience. Mr. Schroeder, if the election or reelection of your government is that important that you can side with Iraq and Saddam Hussein, you do so at your own peril. This Nation has been a long and steadfast friend of Germany and its people. We have worked together on so many issues, too many to mention. But to sit here at an eleventh hour opportunity to regain power for the sake of power and demean our President and our commitment to working together for the international safety of every person on this globe is reprehensible.

I hope he will refute and rebut the words of his justice minister. I hope he will at least find them to be offensive. I hope they will work on strengthening their determination to continue our united efforts against terrorism, that they will in fact join with France and Britain and others who have long recognized the threat terrorism poses to a free people. The President's passionate deliverance of the speech to the United Nations woke up a lot of people to the real threat that is facing all people, not just the United States. This is not for self-protection. This is for global peace. The President embarked on a very, very difficult campaign and he did so alone, with few supporters and few allies. After his speech, I was overwhelmed by the outpouring of what I considered important support for going into weapons inspections and reopening U.N. peacekeepers and weapons inspectors into Iraq. That was a breakthrough and one I hope is taken seriously.

PAYING TRIBUTE TO CONGRESSMAN JOE EARLY

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, earlier this week my colleague, the gentleman from Worcester, Massachusetts, sponsored and the House passed and I voted for a resolution naming a post office in Worcester for a former colleague of many of us in the House, my colleague from Worcester's predecessor, former Representative Joseph D. Early.

I first met Joe Early in 1972 when I, along with two of my current Massachusetts colleagues (Mr. MARKEY and Mr. DELAHUNT), was elected to the Massachusetts House. Joe Early was by then an established leader in the Massachusetts House. Two years later, he came here. I was proud to support him in his campaign to come here in 1974, and 6 years later I became a member of the House and so worked with him for the ensuing 12 years.

I was very pleased to have a chance to join in naming that post office for him. I regretted the fact that I was not able to participate in the debate. I was tied up at a committee meeting. I thought I was going to be notified in time but to my error I came too late to make the debate so I am taking this special opportunity now because of my enormous respect for Joe Early and in particular for his extraordinarily strong understanding of what the role of government ought to be in our society.

Joe Early, during his time in the Massachusetts legislature, during his time here, showed that you could be compassionate, that you should be concerned about the needs of people who would otherwise be left behind without in any way being soft on waste, without in any way being tolerant of sloppiness or unnecessary expenditure. Joe Early was a tough fiscal watchdog. On the Ways and Means Committee in the Massachusetts House and here on the Appropriations Committee, he was a man who paid a lot of attention to the specifics and was very, very tough on those who would waste public money. But he also understood that there were important values for the quality of our life that had to be met with public money. Time and again when it would be unpopular, when demagogic amendments would be offered on the floor of this House to make cuts of various sorts, Joe Early would be one of the few courageous enough to point out how damaging they would be, how irresponsible it was to take that easy approach as opposed to doing the kind of tough, ongoing work that he did of familiarizing himself with the programs for which he had legislative responsibility and fighting hard to make sure that they took effect.

Those of us who knew Joe Early also were stimulated by his company. He was not, as people will remember who served with him, an unfailing dispenser of good cheer. If something was bothering you and you were looking for a smiley face, Joe was probably the last person on the continent that you wanted to encounter. But if you wanted serious conversation about our responsibility as an elected official, if you wanted to talk about both the strengths and the limitations of government, if you wanted to talk about how you actually use the machinery of government and public funds to try and accomplish important goals, then Joe Early would be very, very high on your list of people to consult.

He was, in particular, interested in medical care. He was very proud of the first-rate complex at the University of Massachusetts Medical School that he represented, and the hospitals. He took on, to some extent, from Tip O'Neill, the great leader of the Massachusetts delegation, an interest in and an advocacy for the National Institutes of Health. Joe Early did as much as any man who served during that period to help America establish the position of leadership in health research, in providing the kind of resources that has done so much to improve the quality of human life.

So now that Joe is in retirement, I want to just take this opportunity to express my appreciation to my colleague from Worcester (Mr. McGOVERN), Joe Early's successor, for taking the initiative in naming that post office after Joe Early because it is as much as we can do to pay tribute to a man who understood as well as anyone what the job of being a Member of the United States House of Representatives entailed and who used to the fullest the powers of this job to make life better for the people of this country.

IN TRIBUTE TO ARMENIA'S 11TH ANNIVERSARY OF INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to the Armenia Republic on the nation's 11th anniversary of independence. On Saturday, September 21, citizens of Armenia as well as people of Armenian descent here in the United States and around the world celebrate their independence from the former Soviet Union. I traveled to Armenia along with the gentleman from Texas (Mr. DOGGETT), who is also in the House Chamber this evening, during the August recess, my fifth trip there since independence, and I witnessed firsthand the spirit and determination of the Armenian people. Their spirit has to be strong, Mr. Speaker, because they have suffered a dual, coordinated blockade by Armenia's two hostile neighbors, Azerbaijan and Turkey, for the preponderance of the young country's life. Despite this overwhelming burden, Armenia is currently poised to become a full-fledged member of the World Trade Organization and has identified joining the European Union to be its next priority.

Mr. Speaker, the United States has a fundamental national interest in bringing about stability in the strategically located Caucasus region and in supporting those emerging nations like Armenia that share our values. I was very pleased to see that Armenia was one of the first countries to pledge military and logistical assistance after September 11 and continue to hope that all parties that contribute in the war on terrorism can use that coordination as a catalyst for direct cooperation.

Mr. Speaker, it was the collapse of the Soviet Union in 1991 that allowed the Armenian people to reestablish a state and a nation, to create a society where their language, culture, religion and other institutions would prosper. The people of Armenia have endeavored to build a free and proud nation based on the principles of democracy and a market economy. The tiny, landlocked Republic of Armenia is surrounded by hostile neighbors. Even in the face of this enmity, Armenia continues to implement economic and democratic reforms. The International Monetary Fund and the World Bank have publicly noted Armenia's economic progress in recent years. Despite this progress under special and difficult circumstances, I saw firsthand that the economic reality of daily life for the people of the Republic of Armenia continues to be extremely hard.

Mr. Speaker, I hope that the Republics of Turkey and Azerbaijan will respond positively to Armenia's repeated offers to normalize relations. Specifically, I hope that Turkey will allow for the exchange of diplomats and allow the free flow of goods and people across the borders. And I hope that, with the active participation of the United States, we will resolve the Nagorno-Karabagh conflict in a manner that guarantees the security and self-determination of the people of Karabagh.

Finally, Mr. Speaker, I wish the Armenia people well on the occasion of their independence day and, more importantly, in their ongoing effort to establish good relations with their neighbors and their effort to build a vibrant democracy so that their children may prosper in the homeland of their ancestors.

THE COSTS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Members of Congress must thoughtfully reflect on their neighbors' concerns and not serve as a mere speed bump on a fast road to war. This Administration has failed to provide evidence to us here in the Congress, either secretly or publicly, that Saddam Hussein, a despicable dictator, represents an imminent threat to Americans, that he had a role in the tragedy of 9–11, that he is in any way directly linked to the al Qaeda terrorist network, or that his danger to the world has significantly changed since 9–11. If such evidence exists, the President should come forward and ask for a declaration of war. Instead, the President has today submitted to the Congress the draft of a sweeping resolution that would, if approved and implemented fully by the Administration, commit thousands to death and extract billions from the pockets of American taxpayers.

It is interesting to contrast this resolution with that enacted in August of 1964 upon which the Vietnam War was fought, the Gulf of Tonkin resolution. At minimum, this Congress would do well to narrow the President's request today to the overly expansive language of the Gulf of Tonkin, which did at least limit the Commander in Chief "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." The resolution also provided that we would react if a member state of a particular defense treaty of which we were a member was "requesting assistance in defense of its own freedom." President Bush is seeking much, much greater authority than the Gulf of Tonkin resolution.

I believe that it is very important for Americans to realize that launching a war against Saddam Hussein, despot that he is, will entail costs far beyond the battlefield. In addition to questioning why young Americans will be almost alone to die in order to win this war, there will be extraordinary costs that will touch the lives of every family in America—costs that will certainly require reaching into the pocket of every taxpayer in this country.

☐ 1615

This week on the front page of no less a publication than the Wall Street Journal, President Bush's top economic adviser, Lawrence Lindsey, estimated that the cost of waging this war in which this Nation is about to embark may rise as high as $200 billion. That is "billion" with a "B." That is billions that take away the hopes and dreams of so many of us for the opportunities that this country could afford. That is $200 billion with a "B" that could be available to ensure a life of dignity for many older Americans; and provide economic security, healthcare, prescription drugs, and strengthen Social Security for our baby boomers. That is billion with a "B" that will not be available to ensure the educational hopes and opportunities of a generation of young Americans. It is billions with a "B" that will be spent on war in Iraq, instead of being spent to address our many other types of security needs here at home.

The $200 billion estimate, as high as it is, may be misleadingly low. We do not know whether this includes the prolonged occupation of Iraq and all of the associated costs, which Vice President CHENEY has admitted are an essential part of this war; the rebuilding of Iraq, installing a new regime, wherever that might come from, as well as, of course, the much higher prices all of us can expect to pay as a result of increases in the price of oil.

According to the same Wall Street Journal article, other Administration economists say their main fear is that an Iraq war could lead to a sustained spike in [oil] prices.

This estimate also does not include the cost of the war widening if, for example, one of our few allies decides to become involved, and as a result other oil suppliers no longer supply that oil and there is additional regional conflict.

"Whatever the bottom line," the Wall Street Journal reports, "the war's cost would be significant enough to make it harder", much harder, "for the Bush Administration to climb out of the budget deficit hole," which, I would add, grows deeper and deeper.

So I would urge our colleagues to review this resolution very closely, offer their ideas, informed by their constituencies, and seek to work with President Bush to bring us together in favor of effective international arms inspection, instead of leading us into a war that cannot be justified based on present evidence.

QUESTIONS ABOUT THE NEED FOR WAR WITH IRAQ

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I join my colleague, the gentleman from Texas (Mr. DOGGETT), to place on the record this evening information important to the American people.

One of the questions I have on this resolution that President Bush has sent up to the Congress, the joint resolution to authorize the use of United States Armed Forces against Iraq, is the first question of why now, 7 weeks before an election?

Just about a week ago, the President properly appeared before the United Nations, and he talked about the grave and gathering danger of what was occurring inside Iraq relative to Iraq's development of nuclear weapons and biological and chemical weapons. But the President did not say an imminent danger. In other words, 7 weeks before an election in this country, why does a grave and gathering danger require us to take precipitous action against another nation state? I would ask the President if action is not imminent, why now? Why now are we faced with this resolution, 7 weeks before congressional elections? It is very, very curious timing.

One of the other questions I would ask the President is who is the enemy? Now, we know who caused the carnage over New York and Pennsylvania and at the Pentagon, and we know al Qaeda is a Middle Eastern-based terrorist network, but their base is not Iraq. So I would say, what is the connection between al Qaeda, where our attention should be focused, and Iraq?

I have gone to every single briefing here in the Capitol this week trying to get the evidence from the CIA, the Defense Intelligence Agency, former ambassadors from that region, weapons inspectors that have gone into Iraq in prior years. They have established no connection between al Qaeda and Iraq. So, who is the enemy? Who is the enemy, Mr. President, and why are you trying to pass this resolution at this point?

Our forces are engaged in many places on the globe, certainly keeping order in the Balkans. But now we have the Afghanistan situation facing us with terrible, terrible disruption inside that country, with terrorists coming back, the Taliban, the leftovers, creating difficulties in that region of the world. And I think it is very important to recognize that moving into Iraq will be a significant military undertaking.

Who is the enemy? Who is the enemy? We are not saying that Saddam Hussein and that despotic regime functions in a way that we consider acceptable on the face of the Earth. But what is the justification for now?

Let me mention also, is it just a coincidence that in Iraq, which holds the second largest supply of the world's oil reserves, is there any possibility that in the resolution the President has sent us where he talks about defending the national security interests of the United States and restoring international peace and security in the region, that it might have anything to do with the oil that sits underground in that particular country?

We know that about 2 years ago in October one of our destroyers, the U.S.S. Cole, was suicide-bombed in Yemen Harbor, and we know that we are extended in that part of the world to protect the oil lanes that are supplying this country every day.

I say to myself when I look at the President's plan for energy that he sent up here earlier this year, what a disappointment to me as an American, a 21st-century American, that he has us wed to oil as the future, a diminishing resource.

We should be moving to a carbohydrate future, not a hydrocarbon future in this country. We should be moving toward a hydrogen future, not a petroleum future. We should be moving to a photovoltaic future, to a fuel cell future, not a petroleum future. So both domestic policy and the flawed energy document released and our foreign policy are totally tied together in this wedding of oil and politics that has been the heritage of this country for the last 70 years.

It is time to change. America wants to move on. In fact, if we removed oil as a proxy for our foreign policy, what a different world this would be.

I think it is important to remind the American people that the current recession that we are in, causing significant damage across this country, including in districts like mine, was triggered by rising oil prices. Lots has happened since that occurred; but nonetheless, look at what you spend at the gas pump and watch international events and how they are tied to oil.

I would just say that it is time for America to change. I look forward to future debates on this resolution and the future direction for this country that is domestically independent and at peace in the world.

ESTABLISHING THE TRUTH ABOUT IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, the Congress of the United States has just received from the White House a proposed draft which would put this Congress on the path of approving a war with Iraq. The text of the resolution is very instructive, because the text of the resolution seems to ignore some basic facts, and facts are important. They are urgent at this moment in our Nation's history.

The first fact we must keep in mind: Iraq had nothing to do with 9–11, yet the text of the administration's resolution implies that Iraq is connected to 9–11.

Second: Iraq has not been connected to al Qaeda, but the text of the administration's resolution implies that somehow Saddam Hussein has something to do with the al Qaeda terrorist network. Even the United States' own intelligence agencies, which have considerable resources, have not been able to establish that.

We also know that Iraq was not connected to the anthrax attacks upon this Nation. Yet the resolution which the administration has presented to this Congress would ask this Congress to wage war against Iraq as a matter of self-defense.

Now, what is self-defense? Self-defense is when someone attacks you, you have a right to defend yourself. On September 11, the year 2001, the United States was attacked. We have a right to defend ourselves. On the vote that came before this Congress on September 14, I joined other Members of

Congress in voting for America to defend itself and in voting for America to pursue the terrorists and to bring them to justice; a task, I might add, which is unfinished. Yet that is ignored in this resolution.

This resolution instead will urge the American people to finance to the tune of over $100 billion a war against a nation which has not waged war against us. For the first time in our country's history, we are going to be asked to approve a resolution to wage a war of aggression, not a war of defense.

This is an important moment in the history of our Republic. All credible intelligence says that Iraq does not have usable weapons of mass destruction. They were destroyed in the Gulf War. Those weapons capabilities, which Iraq got from, guess who, the Bush administration, the first Bush administration, capabilities for biological, chemical and nuclear weapons of mass destruction, they were all destroyed in the Gulf War. Yet the administration would have the people of this country believe that Iraq still possesses those capabilities.

They do not. We have the ability to tell if anyone in the world is making nuclear weapons. We have technology that can tell if gamma rays are being emitted, which are an essential telltale proof of this work of construction of nuclear weapons.

There are 17 nations in the world which either possess, are trying to get, or actually have nuclear weapons capability. Are we going to begin waging war against some of those nations? Because this resolution brought by the administration to this Congress would somehow enable the administration to pursue war wherever they wanted to in the region.

Think about this, America: Iraq does not have any usable weapons of mass destruction. They do not have the ability to deliver those weapons to the United States. No one can come before this House and say that Iraq can launch a missile, if they had one, from Baghdad and send it here.

We have to establish the truth. "Ye shall know the truth and the truth shall set you free," it says in the Scriptures. Let the truth guide America in this period. Let the truth create peace. Let the truth steer us away from war and find a path where America can protect the very soul of our Nation.

□ 1630

TRUTH FOR AMERICA

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Speaker HASTERT, today marked the 1,355th day that you have been Speaker of the House. During that time, in particular, in the past 1 year, while the Republicans have had a majority in the House, my colleagues will recall a year ago, they had a Republican majority in the Senate, and they passed their tax breaks, they passed their budget. They got their spending, they got their taxes. They increased spending by 16 percent and they cut taxes by 8 percent. So in one year, they have now added $440,605,894,921 to the national debt.

Those of us who have studied American history will be quick to note that from the day that George Washington became President almost until the beginning of World War II, our Nation did not acquire that much debt in well over 150 years. The Republican Congress, in one year, has increased the debt by that much.

One would think that their response to that would be some shame because, after all, all they are doing is sticking our kids with their bills. That is what they did today. They passed a bill to say that some kids can inherit unlimited amounts of money and not pay a penny's worth of tax on it. For those of us who are self-employed as a welder, a logger or a shrimper like some of my friends back home, they pay the employer's share of Social Security, they pay the employee's share of Social Security, so right off the bat they are paying about 18 percent of taxes. Plus they are paying income tax on that. But for the very wealthiest Americans, those who make the biggest campaign contributions, they can now, under the Republican plan, inherit unlimited amounts of money and not pay a dime on it; not pay a dime. Tell me it is fair to the self-employed person. Tell me it is fair to the lady who is going to clean up this building tonight who is going to pay at least 8 percent taxes just for Social Security and Medicare.

But what is really unfair is that in order to give the Bush kids and the Cheney kids this huge inheritance tax-free, they are sticking my kids, the Taylor kids, they are sticking the Jones kids, they are sticking the Jackson kids and everybody else's kids with the bill.

Mr. Speaker, this is real money, and when America borrows money, it is just like when a citizen back home uses their credit card. As long as you owe it, you have to pay interest on it. I bet not one person watching this realizes that the biggest expense of your Nation is not welfare, it is not food stamps, it is not transportation, it is not taking care of veterans, it is not defense; it is interest payments on the national debt. It is $1 billion a day. Almost every American can visualize $1,000. That is a big rent check, a house note and a car note for some people, but we can visualize a thousand bucks.

So what we are spending today on the interest is a thousand times a thousand times a thousand. It is squandered. It does not educate our kids, it does not help the military, it does not help old folks, it does not help kids, it does not help anybody. A third of that goes to Japanese and German lending institutions, the folks that lend us the money. So I am sure our World War II vets are particularly pleased to know that the folks we defeated in World War II now have the ability to crush our economy any time they call in the note.

So, Mr. Speaker, one would think that the prudent thing to do in response to running up that debt was come to this House Floor and say, okay, we have to cut spending, and maybe we ought to take a look at some of those gigantic tax breaks the Republicans gave their big contributors but, instead, no, they want to make them permanent, even though just last week, the head of the Office of Management and Budget, Mitch Daniels, told us that even with this huge increase in the debt, only 10 percent of the tax breaks have kicked in. So we are $440 billion broker than we were a year ago today. What do we think we are going to be when the big tax breaks really kick in?

Our Nation is now $6 trillion, that is a thousand times a thousand times a thousand times a thousand times 6 in debt. Why does it affect every one of you? Because you folks that I cannot talk to in the gallery under House rules, you pay Social Security taxes. You probably do not know that right now there is not a penny in the Social Security trust fund, and that if we could find the so-called Social Security lock box, all we would discover is an IOU for $1 trillion, 300 billion. That is a thousand times a thousand times a thousand times a thousand.

Every one of you who has ever worked paid Medicare taxes. The money is supposed to be set aside to help pay your health care bills when you get older. If you could find the so-called lock box, all you are going to find is an IOU for $263 billion, a thousand times a thousand times a thousand times 263. That is your money that they have taken and stolen, because it is borrowed if they have a plan to pay it back, but if you have no plan to pay it back, and there is no plan to pay it back, it is stolen.

Mr. Speaker, you have now been speaker for 1.355 days and you will not let this House vote to balance the budget. You will not allow a vote on a Balanced Budget Amendment to the Constitution, and you do not deserve to be speaker, but the American people deserve to know the truth.

LONELY IN THE QUEST FOR PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometimes the well of the House is lonely in both appearance and the substance of which one comes to speak. Today I speak about a matter that has troubled me from the time that the first pronunciations came from the White House as we moved toward the summer recess and then went home to our respective districts to be with our constituents and to listen to their viewpoints and to do their bidding; from that moment in June, I stood on the floor of the House and asked for concern and reconciliation on issues dealing with Iraq. In February of 2001 I stood on the floor to ask that we not abandon the crisis in the Mideast and, to my dismay, for 9 months, there was no attention to the proliferation of suicide bombings and killings, and even in the last 24 hours tragedy occurred in the State of Israel, our friend, with the suicide bombing. The war of terrorism still wages in Afghanistan, and President Karzai is depending upon the United States remaining strong and fighting against terrorism, building the Nation, helping the men and women and children that want democracy in Afghanistan. Based on the resolution that I supported after the terrorist acts, the horrific acts, and my own personal visit to Afghanistan visiting with the people, walking the streets, seeing the landmines and the devastation, I remain committed to fighting terrorism.

But it costs $1 billion a month, and we realize that the horrific act, as we have just seen, that occurred on September 11 occurred because we needed to do some things better, intelligence-sharing and information, and I hope that the families will get the truth.

But now we come with a pronouncement that we are prepared to make a unilateral attack on Iraq. As I read the resolution that the President has now offered to us, there are some things that I agree with, that Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of the civilian population. I agree. Whereas members of al Qaeda as organizations being housed, or the responsibility for attacks in the United States may be known to Iraq. I agree. But they may be known as well to Saudi Arabia and Pakistan.

We must realize that in this determination, we are better, as Americans, if we work through this process through reconciliations and the United Nations Security Council. What are we to do when nations around the world disturb us? Is it our responsibility to, on behalf of the American people, send our young men and women into harm on a unilateral basis? Are we to continue operating on a deficit where there is no money to wage war without substance?

I ask the President, as this resolution is sent forward, let us sit down at the table and really enunciate a policy that brings no shame to this Nation. For there are no wimps in this Nation; not a one of us would shy away from a fight to defend this land. I may not be in a position to go, but you could ask any one of us who would accept to go, but those young men and women are already on the frontline. I have seen them. I have seen the body bags in Afghanistan. Those of us who know history know how we left the marine troops in Lebanon where 200-plus died. Those of us who know history know about Vietnam and the body bags, 56,000 that came home.

Mr. Speaker, I have no intent to argue against an administration that wants to do what is right for America; I want to follow the Constitution that says this body must declare war.

This resolution in its language allows the President the opportunity to do unilateral attack on Iraq with no support from our multinational allies and to do a preemptive attack. I will go home this weekend to hold a citizens forum to listen to the constituents of the 18th congressional district. Whoever is hearing my voice, I ask you to join around kitchen tables, PTA meetings, churches and synagogues and mosques. Begin the discussion. Do not be acted upon. This is America.

Mr. Speaker, though this is a lonely place, I would much rather stand here today on September 19, 2002 and raise my voice, for I will never forget Secretary MacNamara's words post the Vietnam War: he wished he had said something. He wished he had stood up. He wished he was counted against a war that may not have been what we all thought it could have been; not against those heroes who died, Mr. Speaker, we will always respect the Vietnam vets, but I will come to this well lonely so that we can hear the truth and that peace will survive.

FREE SPEECH FOR AMERICA'S RELIGIOUS INSTITUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES of North Carolina. Mr. Speaker, I will not take the full hour, but as we are talking about our men and women in uniform, and I want to join with the gentlewoman from Texas, that we are very fortunate to have the men and women who serve this Nation, and God bless them, and also the families of those who serve this Nation, the men that serve this Nation and the women, that we do appreciate them. That is really one of the reasons I am on the floor today, because I do appreciate and I cherish the First Amendment right of the Constitution of the United States of America, and I know that many men and women have died for that right and other rights that we enjoy based on our Constitution.

But the reason I am here, Mr. Speaker, is because our churches and synagogues are denied the First Amendment rights to talk about issues such as political issues. Well, some people might not know the history, and the history is this, that from day one of the beginning of this Nation, the preachers and priests have had the freedom to talk about political issues and actually had that freedom until 1954. If this was 1953, Mr. Speaker, I would not even be on the floor, because there would be no problem. The churches had freedom of speech until 1954.

In 1954, Lyndon Baines Johnson, United States Senator and majority leader, a very strong position that he held in the United States Senate, had the H.L. Hunt family back in Texas opposed to his reelection because they were saying that Johnson was soft on communism. So the H.L. Hunt family had established 2501(c)(3) think tanks, obviously not churches, but think tanks. So Johnson, being the man that he was, put an amendment on a revenue bill going through the Senate in 1954 that was never even debated; they never debated the amendment. Basically what he said was if you are a 501(c)(3), you may not have political speech.

Well, Mr. Speaker, I am one who believes sincerely that the strength of this Nation depends on our spiritual leaders having the right of free speech, whether it be a political issue that they think is important or whether it should be a moral issue that is somewhat political. What Mr. JOHNSON did was to give the authority to the Internal Revenue Service to be able to say what can be said and not said as it relates to political issues of the day.

I must say, Mr. Speaker, that I believe sincerely that the moral future of this country depends on our religious leaders having the freedom to talk about issues, should they choose.

Let me give an example. A priest in my district, the third district of North Carolina, was asked by a parishioner who is a friend of mine, his name is Jerry Shield, Jerry Shield asked the priest in October of 2000 during the presidential election, he asked his priest, Father Rudy at St. Paul's in New Bern, North Carolina, he said, Father, please just make the statement at the end of the mass that George Bush is pro-life.

Mr. Speaker, that is not an endorsement. It is a statement, it is an educational statement for those parishioners that attended that church.

□ 1645

The priest said to Jerry Shield, I cannot do that, Jerry, because it will violate the 501(c)(3) status of this church.

Mr. Speaker, I have introduced a bill, H.R. 2357, the Houses of Worship Free Speech Protection Act. I am pleased to tell the Members that the support that we have from leaders around this Nation is really quite humbling, to be honest; people like Richard Land of the Southern Baptist Convention; James Dobson, president of Focus on the Family; David Barton, director of the Wallbuilders; James Martin, the 60 Plus Association; Tim and Beverly LaHaye, and we all know their fine work; and Concerned Women for America; also, the Family Research Council; the Religious Freedom Coalition, they support this legislation; also, David Keene, who is chairman of the American Conservative Union.

Dr. D. James Kennedy, one of the finest men I have ever met, from the Coral Ridge Ministries, is a strong supporter of this legislation.

Another man that I have great respect for, along with all the others that I have named, is Ray Flynn. Ray Flynn is the former ambassador to the Vatican and former Mayor of Boston, Massachusetts. Mr. Flynn supports this legislation; also, a man that I have really gotten to know by telephone who I have a tremendous respect for, Rabbi Daniel Lapin. He is a wonderful man of God, and he supports this legislation; and James Bopp, the constitutional lawyer for the James Madison Center for Free Speech. He is a strong supporter of this legislation.

Mr. Speaker, the reason I have this enlargement of a letter that I received, it is from a fine man who was a Member of Congress my first year, 1995. Floyd Flake was a Member of the Congress. He is an ordained minister, as well. I talked to him about 4 or 5 months ago. I told Dr. Flake what I was trying to do: I was just trying to get the support to return the freedom of speech to our churches and synagogues. We chatted for a while, and he said, Congressman, I would be glad to write a letter of support.

I just want to read two paragraphs from this letter:

"I praise God for the stand that you have taken to defend the first amendment right of houses of worship. It is unjust that churches and clergymen and women are unfairly targeted when they exercise their right as an American citizen. I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation."

I am very honored and pleased to have Dr. Flake support this and certainly to have his letter of support for what we are trying to do.

Mr. Speaker, it so happened that on May 15, the oversight committee, chaired by the gentleman from New York (Chairman HOUGHTON), held a hearing on this issue, freedom of speech in our churches and synagogues. That day, D. James Kennedy came up from Florida, flew up from Florida to testify on behalf of this legislation.

In addition to Dr. Kennedy, also Pastor Walter Fauntroy came, who is a pastor here in Washington, D.C. at the New Bethel Baptist Church. I am pleased to tell the Members that actually he was a Member of Congress and also the vice mayor of Washington, D.C., at one time.

Let me share a couple of comments that they made when they testified before the oversight committee on May 14. I want to read these two paragraphs, Mr. Speaker. This is from Pastor Walter Fauntroy. I am just going to read his 5-minute presentation that he made before the oversight committee, just two paragraphs for the RECORD:

"What I have learned as a pastor, civil rights activist, and Member of Congress over these years has led me to appear before you today in support of H.R. 2357, the Houses of Worship Political Speech Protection Act. In the 5 minutes allowed me, I want to share with you two definitions of 'politics' upon which I have acted over these years as a pastor, as a civil rights activist and a politician that inform my decision to support this legislation," H.R. 2357.

In addition, he closed this way, Mr. Speaker. I cannot read the entire testimony. I will at a later time, not today, ask that I might be able to submit this for the RECORD.

He closed his testimony, and again, this is Pastor Walter Fauntroy, pastor of the New Bethel Baptist Church here in Washington, D.C. Many of my colleagues on both sides of the political aisle know him well, as they do Reverend Floyd Flake from New York. This is how Pastor Fauntroy closed:

"So, Mr. Chairman, I know that it is not in my interest or that of the people whom I serve that certain people who are self-centered hypocrites when it comes to the basic tenets of their religions exercise their right to be wrong. But like Voltaire, I may disagree with them vehemently, but I will defend to the death their right to be wrong and their right to participate in an orderly effort to 'translate what they believe into public policy and practice.' I must not be selfish and therefore sinful; I must not demand for myself what I would deny others."

Mr. Speaker, he also closed with a Bible verse. Again, this is Pastor Walter Fauntroy, who is testifying on behalf of H.R. 2357 to return freedom of speech to our churches and synagogues, should those pastors decide that they want to talk about the issues of the day. Many times there are political issues of the day.

He closed this way by saying: ". . . save his life, shall lose it, and he that loses his life for my sake shall find it." That is Matthew 10:39. I wish I could read the entire testimony of Pastor Fauntroy. Obviously, Members would better understand the last paragraph if I had had the time to do that.

In addition, I want to read just a couple of statements from the testimony of Dr. D. James Kennedy. He and Pastor Fauntroy, along with Kobe May, and Kobe May is an attorney for the American Center for Law and Justice, they testified that day on behalf of freedom of speech in our churches and synagogues.

This is one of the paragraphs that Dr. Kennedy said during his testimony that I want to read:

"This legislation is a vitally important step in reversing a long-standing injustice whereby free speech seems to be protected everywhere except in the pulpit of our churches and other houses of worship. It will restore to churches a freedom and role that dates to the American infancy.

Nineteenth century historian John Wingate Thornton said, "In a very great degree, to the pulpit, the Puritan pulpit, we owe the moral forces which won our independence.""

Mr. Speaker, that is so true. If we think about the history of this Nation, there was never any restriction of speech in our churches and synagogues, none whatsoever. Only Lyndon Baines Johnson in 1954, with an amendment that was never debated, put the IRS in the churches and the synagogues and the mosques of America.

Mr. Speaker, let me continue for just a few more minutes. I would like to say that also at that hearing was the Internal Revenue Service, and I want to read just a couple of comments made by the agents that testified. This is what one agent said when he was asked the question by the gentleman from Georgia (Mr. LEWIS), and this was the question from the Congressman: "As a rule, do you monitor the activities of churches during the political season?" Mr. Miller, who represented the Internal Revenue Services, his answer to the gentleman from Georgia (Mr. LEWIS) was this: "We do monitor churches. We are limited in how we do that by reason of section 7611 and because of the lack of information in the area because there is no annual filing."

Mr. Speaker, this is the point I really want to make because this is Mr. Miller's answer: "So our monitoring is mostly reciprocal of information from third parties who are looking in." Mr. Speaker, that kind of reminds me of what I think Nazi Germany might have been in the late '30's where there are snitches that are willing to turn in somebody for what they said in a free nation. Mr. Speaker, America is better than that. America is greater than that. Our church leaders do not need to be muzzled by the Federal Government, and in this case the Federal Government is the Internal Revenue Service.

Let me give you another practical example that the gentleman from Illinois

(Mr. WELLER) asked of Mr. Miller. The question is: "Can the minister say the following from the pulpit and not be in violation of the tax status," and this is what the preacher would be saying, "that candidate X is pro-life or candidate Y is pro-choice?"

The answer from the IRS is: "That becomes more problematic, Congressman. The pastor, the minister, the rabbi can speak to the issues of the day, but to the extent that they start tying it into a particular candidate and to a particular election, it begins to look more and more like either opposition to a particular candidate or favoring a particular candidate." So because I have a bill in, H.R. 2357, and the gentleman from Illinois (Mr. CRANE) has a bill in that speaks to the same issue, the gentleman from Illinois (Mr. WELLER) then asks Mr. Miller: "And would the CRANE and the JONES legislation clarify the law to allow for that type of statement?" The answer from Mr. Miller is "I believe so."

Then let me go further. Really this in itself is another point I want to make. The gentleman from Illinois (Mr. WELLER) further asks: "Just to follow up on that, say you have a candidate who was a guest speaker, was in a church speaking from the pulpit, concluding his or her remarks, and the minister walks up, puts his or her arm around that particular candidate and says, 'This is the right candidate, I urge you to support this candidate.' Is that allowable under law?"

Mr. Hawkins, another IRS person that attended and spoke at the hearing on May 14, responds, "No, that would not be allowed under the law. That would clearly be political campaign activity. It would be protected, however, under the two bills that have been introduced by Mr. CRANE and Mr. JONES."

Mr. Speaker, that is the reason that I have for the last year and a half taken this on, because I sincerely believe that for America to remain morally strong, our preachers and our priests and our rabbis must not be politically handicapped by the speech patrol, in this case, the IRS, because, again, Mr. Speaker, this country is too great and too many people have given of their lives to protect the freedoms that we should be able to enjoy.

Mr. Speaker, let me also say that something that came to my attention as I started researching this issue is that the IRS has what they call code words, code words that they think could be used to endorse a candidate, and let me tell you what these code words are. Liberal, prolife, prochoice, antichoice, Republican, or Democrat.

Let me give you a practical example, and this is the information that they give to the people of America about what they can and cannot do and what candidates can and cannot do, and this issue that I am talking about is on Page 315 of the information that is provided by the Internal Revenue Service. It is called the "Election Year Issues." Let me read and give you the example of what they give in this documentation. This is not even a church, by the way. "If a nonprofit in Vermont runs an ad regarding a local 'liberal' candidate, the Vermont voters would know which specific candidate the nonprofit was discussing," in this case, a liberal candidate. This is a code "and in violation of Internal Revenue Service Code 501(c)(3) because oftentimes candidates are unofficially given labels that become commonly known."

Mr. Speaker, the more I got into this issue, I can honestly say that it is absolutely ridiculous, and in my opinion it is unconstitutional that Mr. JOHNSON was able to get his amendment passed without any debate, and if there had been debate, quite frankly, I still think it is unconstitutional that this Federal Government through the Internal Revenue Service would try to stifle free speech in our churches and synagogues. So that is the reason I wanted to be on the floor today. I will make a few more comments and then I will close.

We have numerous letters from religious leaders throughout this country that believe that this legislation is right, that this legislation is needed. I will give the example again, Dr. Flake had Al Gore in his church in the year 2000, and Mr. Flake is a Democrat, he is a good man, and he blessed his party and I respect that and appreciate that. So when Mr. Gore finished speaking in his church, Dr. Flake walked up in front of approximately 10,000 people, a big church in New York and he is a great minister and draws big crowds, and he said, "I believe that Al Gore is the right man for this Nation." That is all he said. He got a letter of reprimand from the Internal Revenue Service. If our preachers and ministers and priests and rabbis feel that they have a spiritual calling to help educate people in that congregation then please, please, let us not have the Federal Government determine what they can and cannot say because their role for this Nation's future is too important.

So again I have got the letter from Dr. Flake here that I read earlier, the two paragraphs, in support of this legislation. Mr. Speaker, we have 130 cosponsors on this legislation, and I am a Republican and I am reaching out across the aisle, and I am pleased to say that we have about six or seven Democrats that have joined us. I have got three appointments next week with three members of the Democratic Party to go to their offices and sit down and talk to them about joining us in this effort to return to freedom of speech.

□ 1700

What I have found, I do not know how many radio shows across this Nation that I have had the opportunity to be on. I was on a show today in Iowa, and I was on a show two days ago in Kentucky and I am finding people of faith that really just did not know what the law was. And when they hear the history of it, again, that Lyndon Johnson, just a man of arrogance, in my opinion, that just wanted to show an opponent that he could stifle his speech, and when I tell them the history of this thing and they know the history of America and the fact that we have such freedom that our ministers and priests have never been bridled in speech until this became the law in 1954.

They are joining me in this effort. I believe the leadership will give us a chance to debate this issue on the floor of the House sometime before we leave for the elections.

Mr. Speaker, I will always remember that this country has been blessed by God; and the freedoms that we enjoy, in my opinion, Mr. Speaker, are blessed by God also; and I want to return that freedom. I want to make it clear that should they have this freedom in the churches, not every minister is going to make a decision that he wants to talk about this issue or that issue that might be of a political nature. But should he not have the freedom to do so, should he or she choose to do so? I think so. And I am pleased that 130 of my colleagues think so.

We receive faxes and e-mails just about every day from a minister from across this Nation. We got one yesterday from a minister in Missouri who said in the e-mail, "Thank you for what you are trying to do. I am going to encourage the members from our State to join you in this effort."

I was on the Jerry Falwell Show last Friday in Lynchburg, Virginia, and he is in 50 States, and we talked about this issue. Mr. Speaker, part of the problem is that the IRS says they cannot enforce this law, anyway. They acknowledged in the testimony on May 14 that they know there are some churches that do not abide by the law. And yet Barry Lynn, who is a man that is on the extreme left, and the reason I will say that is because he applauded the Ninth Circuit Court's decision when they said to remove "under God" from the Pledge of Allegiance, so to me he is an extreme liberal; and he is opposed to this legislation. In fact, in the year 2000 he sent to 285,000 churches a letter that coerced and intimidated the preachers to have any discussion of the politics of September and October of the year 2000.

So I am very hopeful that we can continue to garner support for this legislation so that the men and women who serve our Lord as preachers and priests and rabbis and clerics can have the freedom, should they choose to talk about these issues.

Mr. Speaker, I want to close if I can with a letter, and this will be towards the end, from Richard Lynn. Richard Lynn again is the Southern Baptist Convention Ethics and Religion Commission. He is head of that commission for the Southern Baptists. And he says in his letter, "Dear Congressman Jones: H.R. 2357 is consistent with the constitutional principle that the church should be separated from the State. The government should not have the power to define what the church believes or practices in principle or in effect. With the unbridled discretion given to the Internal Revenue Service to selectively target those it wishes to silence or threaten, this principle is not currently being protected."

So, again, what Dr. Lynn is asking is that there not be any restriction of speech in the churches and synagogues throughout this great Nation that we all love and respect.

So, Mr. Speaker, I am now going to close the way I close every time I speak publicly. I was on the floor this week and will be a couple of times next week. This country appreciates the men and women in uniform. And as some of my colleagues from the other side were talking about the possibility of war in Iraq, which none of us know for sure what will happen, but I have three military bases in my district. I have Camp Lejeune Marine Base. I have Cherry Point Marine Air Station. I have Seymour Johnson Air Force Base. And I have gotten to know a lot of those men and women in uniform, from the privates up to the base commanders. And I tell you the truth, I love and respect all of them.

So I close my comments today, Mr. Speaker, by saying, most sincerely, God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. I have asked God to please bless the President of the United States, that the President might make the best decisions and the right decisions for the future of America. I ask God to bless my colleagues here in the House and the Senators across the aisle so that they might do what is right in the eyes of our Lord and Savior.

Mr. Speaker, I close this way because I say it three times because I mean it from the bottom of my heart. Please, God, please, God, please, God, continue to bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1308. An act to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772–71, 773–71, 774–71, and 775–71, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4687. An act to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

H.R. 5157. An act to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1834. An act for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

ADJOURNMENT

Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, September 23, 2002, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9240. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Disability and Rehabilitation Research Projects (DRRP) Program — received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9241. A letter from the Acting Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule – Rehabilitation Research and Training Center (RRTC) Program — received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9242. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Sources and Modifications [TX-104-1-7401a; FRL-7378-7] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9243. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Carbon Monoxide Implementation Plan; State of Alaska; Anchorage [AK-02-001; FRL-7253-4] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9244. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah; New Source Performance Standards [SIP NO. UT-001-0043a, UT-001-44a; FRL-7376-7] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9245. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver PM 10 Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes [CO-001-0067; FRL-7261-3] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9246. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Vehicle Inspection and Maintenance Program; Utah County [UT-001-0021a, UT-001-0041a; FRL-7264-7] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9247. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 27-02 which informs you of our intent to sign Amendment One to the Future Air Capabilities Memorandum of Understanding

(FAC-MOU) between the United States, France, Germany, the United Kingdom and Italy, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9248. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 26-02 which informs you of our intent to sign a Project Agreement concerning Aegis Combat System Test and Evaluation on U.S. and Spanish Aegis Ships between the United States and Spain, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9249. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 25-02 which informs you of our intent to sign the Second Amendment to the Arrow System Improvement Program (ASIP) between the United States and Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9250. A letter from the Deputy Assistant Secretary, Export Administration, Department of Commerce, transmitting the Department's final rule — Licensing Jurisdiction for "Space Qualified" Items and Telecommunications Items for Use on Board Satellites [Docket No. 020726182-2182-01] (RIN: 0694-AC49) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9251. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

9252. A letter from the Acting White House Liaison, Department of Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9253. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, General Services Administration, transmitting the Administration's final rule – Federal Acquisition Circular 2001-09; Introduction — received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9254. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Emergency Rule to Establish Seven Additional Manatee Protection Areas in Florida (RIN: 1018-AH80) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9255. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2002-2003 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AI34) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9256. A letter from the Army Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Environmental Analysis of Army Actions [Army Regulation 200-2] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9257. A letter from the Program Manager, ATF, Department of the Treasury, transmitting the Department's final rule — Transfer and Possession of Machineguns (ATF Rul. 2002-5) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9258. A letter from the Program Manager, ATF, Department of the Treasury, transmitting the Department's final rule — Indoor Storage of Explosives in a Residence or Dwelling (ATF Rul. 2002-3) received September 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9259. A letter from the Program Manager, ATF, Department of the Treasury, transmitting the Department's final rule — Indoor Storage of Explosives in Business Premises Directly Adjacent to a Residence or Dwelling (ATF Rul. 2002-4) received September 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9260. A letter from the General Counsel, United States Access Board, transmitting the Board's final rule — Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Recreation Facilities [Docket No. 98-5] (RIN: 3014-AA16) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9261. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule — Priorities for Outpatient Medical Services and Inpatient Hospital Care (RIN: 2900-AL39) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KOLBE: Committee on Appropriations. H.R. 5410. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–663). Referred to the Committee on the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 691. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California (Rept. 107–664). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISSA (for himself, Mr. Calvert, Mrs. Bono, Mr. Radanovich, Mr. Cunningham, Mr. Hunter, Mr. Doolittle, and Mr. Ose):

H.R. 5409. A bill to provide an environmentally sound process for the expeditious consideration and approval of a high-voltage electricity transmission line right-of-way through the Trabuco Ranger District of the Cleveland National Forest in the State of California and adjacent lands under the jurisdiction of the Bureau of Land Management and the Forest Service; to the Committee on Resources.

By Mr. KOLBE:

H.R. 5410. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes; to the Committee on Appropriations.

By Mr. ALLEN (for himself, Mrs. Capito, Mr. Baldacci, Mr. Langevin, Mr. Pickering, Mr. Simmons, Mr. Holden, Mrs. Emerson, Mr. Gekas, Mr. Lynch, Mr. McNulty, Mr. Cramer, Mrs. Capps, Ms. Brown of Florida, Ms. DeLauro, Mr. Hilliard, Mr. Inslee, Mr. Sanders, Mr. Shows, Mr. Smith of New Jersey, Ms. Baldwin, Mr. Brown of Ohio, Mr. Kildee, Mr. Snyder, Mr. Lucas of Kentucky, and Mr. Berry):

H.R. 5411. A bill to extend for 3 additional years a temporary increase in payment for skilled nursing facility services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Ms. Granger, Mr. Markey, Mr. Sanders, Mr. Meeks of New York, Mr. LaHood, Mr. Johnson of Illinois, Mrs. Lowey, Mr. Castle, Mr. Blumenauer, and Mr. Kennedy of Rhode Island):

H.R. 5412. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURR of North Carolina (for himself, Mr. Paul, Mr. Cannon, Mr. Royce, Mr. English, Mr. Akin, and Mr. Petri):

H.R. 5413. A bill to amend the Internal Revenue Code of 1986 to give a deduction to corporations for dividends paid and to exclude dividends from gross income; to the Committee on Ways and Means.

By Mr. FERGUSON (for himself and Mr. Ford):

H.R. 5414. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Financial Services.

By Mr. GUTKNECHT (for himself, Mr. Kennedy of Minnesota, Mr. Luther, Ms. McCollum, Mr. Peterson of Minnesota, Mr. Ramstad, and Mr. Sabo):

H.R. 5415. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by certain current and retired public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. Weldon of Pennsylvania, Mr. Maloney of Connecticut, Ms. DeLauro, Mrs. Johnson of Connecticut, Mr. Simmons, Mr. Shays, and Mr. Frost):

H.R. 5416. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Ms. McCOLLUM (for herself, Mr. BERRY, Mr. SABO, Mr. GUTKNECHT, Mr. LUTHER, Mr. KIND, Mr. BOSWELL, Mr. FORD, Mr. SHOWS, and Mr. THOMPSON of Mississippi):

H.R. 5417. A bill to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes; to the Committee on Resources.

By Mr. McCRERY:

H.R. 5418. A bill to reform the administrative funding of the unemployment compensation and employment service programs; to improve State administration and flexibility with respect to such programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McNULTY (for himself and Mr. GILMAN):

H.R. 5419. A bill to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex"; to the Committee on Government Reform.

By Mr. NADLER:

H.R. 5420. A bill to amend title 46, United States Code, to require inspection of cargo destined for the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mr. BERRY, Mrs. CLAYTON, Mr. WILSON of South Carolina, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. OBERSTAR, Mr. BOUCHER, Mr. SHOWS, Mr. JEFFERSON, Mr. McHUGH, Mr. TURNER, Mr. SKELTON, Mr. GOODE, Mr. ETHERIDGE, Mr. CARSON of Oklahoma, Mr. MATHESON, Mr. ISRAEL, Mr. SCHIFF, Mr. SCOTT, Mr. JOHN, Mr. STENHOLM, Mr. EDWARDS, Mr. PHELPS, Mr. SANDLIN, Mr. LARSON of Connecticut, Mr. BOSWELL, Mr. CRAMER, Mr. LUCAS of Kentucky, and Mr. SNYDER):

H.R. 5421. A bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department that is suitable to be loaned under the program to rural fire departments; to the Committee on Armed Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, and Mr. GEKAS):

H.R. 5422. A bill to prevent child abduction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, Armed Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. JOHNSON of Illinois, and Mr. HOSTETTLER):

H.R. 5423. A bill to provide for the annual audit of the White County Bridge Commission, for the New Harmony Bridge over the Wabash River, Indiana and Illinois, for the filling of vacancies in the membership thereof, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Washington (for himself, Mr. GEKAS, Mr. CONYERS, and Ms. HARMAN):

H.R. 5424. A bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 5425. A bill to authorize the Secretary of the Interior to participate in the construction and maintenance of facilities in Wichita, Kansas, to recharge the Equus Beds Aquifer, and for other purposes; to the Committee on Resources.

By Mr. WHITFIELD (for himself and Mr. TANNER):

H.R. 5426. A bill to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. SKELTON, Mr. BALLENGER, Mr. KOLBE, Mr. ROGERS of Michigan, Mr. LEWIS of California, Mr. WAMP, Mr. SERRANO, Mr. MORAN of Virginia, Mr. SWEENEY, Mr. McHUGH, Mr. HUNTER, Mrs. MEEK of Florida, Mr. BEREUTER, Mr. VISCLOSKY, Mr. PENCE, Mr. TAYLOR of North Carolina, Mr. GALLEGLY, Mr. HORN, Mrs. MALONEY of New York, Mr. WATKINS, Mr. SABO, Mr. BUYER, Ms. KAPTUR, Mr. McGOVERN, Mr. GIBBONS, Mr. COMBEST, Mr. CHAMBLISS, Mr. UDALL of New Mexico, Mr. REGULA, Mr. GRUCCI, Mr. PUTNAM, Mr. SHIMKUS, Mr. ARMEY, Mrs. MYRICK, Mrs. CUBIN, Mr. CRANE, Mr. BAKER, Mr. HAYWORTH, Ms. DUNN, Mr. GILMAN, Mr. SHADEGG, Mr. DOOLITTLE, Mr. REYNOLDS, Mr. MANZULLO, Mr. SAXTON, Mr. OSE, Mr. SULLIVAN, Mr. TOM DAVIS of Virginia, Mr. POMBO, Mr. WOLF, Mr. STENHOLM, Mr. SMITH of Texas, Mrs. JOHNSON of Connecticut, Mr. BURR of North Carolina, Mr. SAM JOHNSON of Texas, Mr. CALVERT, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. OTTER, Mr. WILSON of South Carolina, Mr. OXLEY, Mr. GREENWOOD, Mr. ENGLISH, Ms. JACKSON-LEE of Texas, Mr. BILIRAKIS, Mr. GILLMOR, Mr. WALDEN of Oregon, Mr. SHAYS, Mr. SHERWOOD, Mr. OSBORNE, Mr. MORAN of Kansas, Mr. HEFLEY, Mr. FRELINGHUYSEN, Mr. RYUN of Kansas, Mr. BOEHNER, Mr. FERGUSON, Mr. BRADY of Texas, Mr. COX, Mr. DEMINT, Mr. CANNON, Mr. GREEN of Texas, Mr. BASS, Mr. PETERSON of Pennsylvania, Mr. THUNE, Mr. HOEKSTRA, Mr. LUCAS of Oklahoma, Mr. LoBIONDO, Mr. HANSEN, Mr. SHUSTER, Mr. THOMAS, Mr. HOUGHTON, Mr. JONES of North Carolina, Mr. SIMMONS, Mr. BONIOR, Mr. OBEY, Mr. HASTERT, Mr. WELDON of Pennsylvania, Mr. GOSS, Mr. PAUL, Mr. HULSHOF, Mr. HONDA, Mr. ISRAEL, Mr. CARSON of Oklahoma, Mr. DAVIS of Illinois, Mr. UDALL of Colorado, Mr. MICA, Mr. BLUNT, Mr. TAYLOR of Mississippi, Mr. ALLEN, Mr. TIBERI, Mr. KIRK, Mr. EHLERS, Mr. FLAKE, Ms. GRANGER, Mr. PITTS, Mr. MOORE, Mr. STRICKLAND, Mr. EVANS, Mr. HALL of Texas, Mr. BENTSEN, Mr. ORTIZ, Mr. MALONEY of Connecticut, Mr. SHERMAN, Ms. LOFGREN, Mr. SCOTT, Ms. HARMAN, Mr. BOEHLERT, Ms. PELOSI, Mrs. CAPITO, Mrs. BIGGERT, Mr. DELAY, Mr. DINGELL, Mr. SAWYER, Mr. KILDEE, Mr. LAMPSON, Mr. GONZALEZ, Mr. LUTHER, Ms. ESHOO, Ms. SÁNCHEZ, Mr. HOLT, Mr. WAXMAN, Mr. MARKEY, Mr. ABERCROMBIE, Mr. GANSKE, Mr. KINGSTON, Mr. HYDE, Mrs. CAPPS, Mr. YOUNG of Alaska, Mrs. DAVIS of California, Mr. McDERMOTT, Mr. INSLEE, Ms. KILPATRICK, Mr. GRAHAM, Ms. DELAURO, Mr. LANTOS, Ms. McKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Ms. MILLENDER-McDONALD, Ms. HOOLEY of Oregon, Mr. CANTOR, Mr. CRENSHAW, Mr. JENKINS, Mr. FORBES, Mr. KIND, Mrs. BONO, Ms. DEGETTE, Mr. HOEFFEL, Mr. HILLIARD, Mr. CUNNINGHAM, Mr. EDWARDS, Mr. QUINN, Mrs. NAPOLITANO, Mr. WATTS of Oklahoma, Mr. RANGEL, Mr. LEWIS of Kentucky, Mr. CLYBURN, and Ms. PRYCE of Ohio):

H.R. 5427. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Transportation and Infrastructure.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. SCOTT):

H. Con. Res. 472. Concurrent resolution recognizing the 100th anniversary of the 4-H Youth Development Program; to the Committee on Education and the Workforce.

By Ms. LEE (for herself, Mrs. CLAYTON, Ms. RIVERS, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. McDERMOTT, Mr. KUCINICH, Ms. McKINNEY, Mr. OWENS, Ms. KILPATRICK, Ms. WATSON, Mr. RUSH, Mrs. CHRISTENSEN, Mr. HILLIARD, Mr. CLAY, Mr. STARK, Mr. FARR of California, Ms. KAPTUR, Ms. BALDWIN, Mr. FILNER, Ms. WOOLSEY, Mr. CLYBURN, Mr. DAVIS of Illinois, Ms. BROWN of Florida, Mr. SERRANO, Ms. SOLIS, and Mr. CONYERS):

H. Con. Res. 473. Concurrent resolution expressing the sense of Congress with respect to the importance of the United States working through the United Nations to assure Iraq's compliance with United Nations Security Council resolutions and advance peace and security in the Persian Gulf region; to the Committee on International Relations.

By Ms. McCARTHY of Missouri (for herself and Mr. RYUN of Kansas):

H. Con. Res. 474. Concurrent resolution expressing the sense of the Congress that private health insurance companies should take a proactive role in promoting healthy lifestyles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself and Mr. CHABOT):

H. Con. Res. 475. Concurrent resolution recognizing and celebrating the origin and purposes of Constitution Week; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself, Mr. HOYER, Mr. SMITH of Michigan, Mr. ANDREWS, Mr. EDWARDS, Mr. BOEHLERT, and Mr. HALL of Texas):

H. Con. Res. 476. Concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes; to the Committee on Science.

By Mr. EHRLICH (for himself, Mr. CARDIN, Mrs. MORELLA, Mr. CUMMINGS, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. OSBORNE, Mr. WATTS of Oklahoma, Mrs. NORTHUP, and Mr. COYNE):

H. Res. 538. A resolution Honoring Johnny Unitas and extending condolences to his family on his passing; to the Committee on Government Reform.

By Mr. HAYES (for himself, Mr. FORBES, Mr. HASTERT, Mr. SHAW, Mr. PITTS, Mr. GIBBONS, Mr. AKIN, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Mr. CAMP, Mr. CANTOR, Mr. CHAMBLISS, Mr. CRENSHAW, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. DELAY, Mr. DIAZ-BALART, Mr. DUNCAN, Ms. DUNN, Mr. ENGLISH, Mr. EVERETT, Mr. FLETCHER, Mr. FOLEY, Mr. FRELINGHUYSEN, Mr. GEKAS, Mr. GRAVES, Mr. GRUCCI, Ms. HART, Mr. HAYWORTH, Mr. HOBSON, Mr. ISSA, Mr. JENKINS, Mr. KENNEDY of Minnesota, Mr. KINGSTON, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. DAN MILLER of Florida, Mr. JEFF MILLER of Florida, Mrs. NORTHUP, Mr. NORWOOD, Mr. PENCE, Mr. PHELPS, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. REYNOLDS, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SCHAFFER, Mr. SCHROCK, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SHOWS, Mr. SIMMONS, Mr. TANCREDO, Mr. TAUZIN, Mr. TERRY, Mr. THUNE, Mr. UPTON, Mr. VITTER, Mr. WATKINS, Mr. WATTS of Oklahoma, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, and Mr. WOLF):

H. Res. 539. A resolution expressing the sense of the House of Representatives that Congress should complete action on H.R. 7, the Community Solutions Act of 2001; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. SULLIVAN, Mr. HASTERT, Mr. SHAW, Mr. PITTS, Mr. GIBBONS, Mr. FORBES, Mr. BOEHNER, Mr. BAKER, Mr. PUTNAM, Mr. KINGSTON, Ms. PRYCE of Ohio, Mr. BEREUTER, Mr. FLETCHER, Mr. HAYWORTH, Mr. TAUZIN, Mr. MCINNIS, Mr. CAMP, Mrs. BIGGERT, Mr. SIMMONS, Ms. DUNN, Mr. PENCE, Mr. ROGERS of Michigan, Mr. OTTER, Mr. DUNCAN, Mr. CUNNINGHAM, Mrs. ROUKEMA, Mr. CANTOR, Mr. SESSIONS, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mr. NORWOOD, Mr. GRUCCI, Mr. WOLF, Mr. MCKEON, Mr. BROWN of South Carolina, Mrs. NORTHUP, Mr. WATKINS, Mr. GREENWOOD, Mr. VITTER, Mr. FOLEY, Mr. SUNUNU, Mr. SCHAFFER, Mr. BALLENGER, Mr. WATTS of Oklahoma, Mrs. BONO, Mr. TOM DAVIS of Virginia, Mr. BARR of Georgia, Mr. BONILLA, Mr. LATOURETTE, Mr. JENKINS, Mr. DAN MILLER of Florida, Mr. AKIN, Mr. HOBSON, Mr. BOOZMAN, Mr. SHADEGG, Mr. GEKAS, Mr. ISSA, Mr. EVERETT, Mr. FOSSELLA, Mr. SCHROCK, Mr. PETRI, Mr. ROYCE, Mr. FRELINGHUYSEN, Mr. SHIMKUS, Mr. ENGLISH, Mr. CHAMBLISS, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. BOEHLERT, Mr. UPTON, Ms. HART, Mr. THUNE, Mr. HASTINGS of Washington, Mr. BRADY of Texas, Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. SHAYS, Mr. HAYES, Mr. GRAVES, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, Mr. REYNOLDS, Mr. JEFF MILLER of Florida, Mr. DELAY, and Mr. GOODE):

H. Res. 540. A resolution expressing the sense of the House of Representatives that Congress should complete action on H.R. 3762, the Pension Security Act of 2002; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H. Res. 541. A resolution recognizing the Reserve Forces Policy Board on its 50th anniversary; to the Committee on Armed Services.

By Mr. WICKER (for himself, Mr. THOMPSON of Mississippi, Mr. SHOWS, Mr. PICKERING, and Mr. TAYLOR of Mississippi):

H. Res. 542. A resolution congratulating the Bryan Packers American Legion baseball team from West Point, Mississippi, for their outstanding performance in winning the 2002 American Legion World Series; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Ms. VELÁZQUEZ.
H.R. 325: Mr. RAMSTAD.
H.R. 348: Mr. LIPINSKI.
H.R. 709: Mr. FROST and Mr. MCNULTY.
H.R. 832: Mr. GOODE.
H.R. 840: Mr. BOYD, MR. FORD, Ms. SLAUGHTER, Mr. FATTAH, Ms. LOFGREN, and Mr. GRUCCI.
H.R. 848: Mr. GREEN of Texas.
H.R. 853: Mr. FRANK.
H.R. 854: Mr. OWENS, Mr. NADLER, Ms. GRANGER, Mr. HILLIARD, and Mr. TOWNS.
H.R. 898: Mr. INSLEE and Ms. BERKLEY.
H.R. 951: Mrs. EMERSON, Mr. DOOLITTLE, and Mr. DUNCAN.
H.R. 1080: Mr. GREEN of Wisconsin.
H.R. 1090: Mr. HOSTETTLER.
H.R. 1162: Mr. HOLT.
H.R. 1322: Mr. BOUCHER.
H.R. 1421: Mr. GRUCCI.
H.R. 1520: Ms. DUNN, Mr. JONES of North Carolina, Mr. SWEENEY, Mr. SERRANO, Mr. FLETCHER, Mr. RAMSTAD, Mr. BOSWELL, Mr. POMBO, Ms. BERKLEY, Mr. DICKS, and Mrs. CAPITO.
H.R. 1642: Mr. MARKEY.
H.R. 1774: Mr. SCHROCK.
H.R. 1786: Mr. WALSH and Mr. BARTLETT of Maryland.
H.R. 1918: Mr. TOM DAVIS of Virginia, Ms. KILPATRICK, Mr. OLVER, and Mr. MCGOVERN.
H.R. 1987: Mr. JOHN.
H.R. 2125: Mr. MORAN of Kansas and Mr. BERMAN.
H.R. 2163: Mr. FRANK, Ms. SÁNCHEZ, Mr. HOLDEN, and Ms. PELOSI.
H.R. 2220: Mr. ETHERIDGE.
H.R. 2265: Mr. TANCREDO.
H.R. 2349: Mr. THOMPSON of California and Mr. HALL of Texas.
H.R. 2442: Mr. LAHOOD.
H.R. 2570: Ms. DEGETTE.
H.R. 2573: Mr. SMITH of Michigan.
H.R. 2578: Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. DREIR, Mr. THOMPSON of California, Ms. ESHOO, Mr. ROYCE, Mr. GARY G. MILLER of California, Mr. COX, Mr. ISSA, Mr. HUNTER, and Mr. THOMAS.
H.R. 2691: Mr. LIPINSKI.
H.R. 2735: Mr. GREENWOOD, Mr. WELDON of Florida, and Mrs. JO ANN DAVIS of Virginia.
H.R. 2763: Mr. TIAHRT.
H.R. 2820: Ms. BERKLEY.
H.R. 2829: Mr. WICKER.
H.R. 2874: Mr. OLVER, Mrs. JOHNSON of Connecticut, and Mr. SOUDER.
H.R. 3107: Mr. SHOWS, Mr. SMITH of New Jersey, Mr. WAMP, Mr. LYNCH, Mr. LIPINSKI, and Mr. ENGLISH.
H.R. 3193: Ms. DEGETTE.
H.R. 3414: Mr. INSLEE and Ms. WATSON.
H.R. 3491: Mr. CANTOR.
H.R. 3567: Mr. DIAZ-BALART and Mr. EHLERS.
H.R. 3585: Ms. BERKLEY.
H.R. 3710: Mr. GANSKE.
H.R. 3713: Mr. WICKER.
H.R. 3741: Mr. WAMP and Ms. LOFGREN.
H.R. 3794: Mr. ROGERS of Michigan.
H.R. 3831: Mr. HALL of Texas.
H.R. 3974: Ms. CARSON of Indiana, Mr. FORD, Mr. PAYNE, and Mr. CARDIN.
H.R. 4170: Mr. DEMINT.
H.R. 4216: Mr. DEMINT.
H.R. 4219: Mr. DEMINT.
H.R. 4220: Mr. DEMINT.
H.R. 4221: Mr. DEMINT.
H.R. 4235: Mr. PHELPS.
H.R. 4600: Mr. FRELINGHUYSEN and Mr. BRADY OF TEXAS.
H.R. 4650: Mr. UDALL of Colorado.
H.R. 4653: Mr. LATOURETTE, Mr. REGULA, Ms. PRYCE of Ohio, Mr. WILSON of South Carolina, and Ms. ESHOO.
H.R. 4683: Mr. HOEFFEL.
H.R. 4691: Mr. DELAY, Mr. BACHUS, Mr. KELLER, Mr. SHADEGG, Mr. BLUNT, Mr. SHUSTER, and Mr. ADERHOLT.
H.R. 4693: Mr. GRUCCI.
H.R. 4715: Mr. KUCINICH.
H.R. 4720: Mr. BERRY and Ms. BALDWIN.
H.R. 4738: Mr. SCOTT, Mr. JOHN, and Mr. CANTOR.
H.R. 4777: Mr. FOSSELLA.
H.R. 4780: Mr. TOWNS, Mr. MCNULTY, Mr. BORSKI, Mr. OLVER, and Ms. ROYBAL-ALLARD.
H.R. 4799: Mr. ACKERMAN and Ms. MCCOLLUM.
H.R. 4803: Ms. MCCOLLUM, and Ms. BERKLEY.
H.R. 4834: Mr. CROWLEY, and Mr. DOYLE.
H.R. 4843: Mr. HYDE, Mr. TIAHRT, Mr. LINDER, Mr. HILLIARD, and Mrs. CLAYTON.
H.R. 4904: Mr. BERMAN.
H.R. 4937: Mr. CLYBURN and Mr. BENTSEN.
H.R. 4979: Ms. ESHOO, Ms. NORTON, Mr. RANGEL, Mr. FROST, and Mr. ROHRABACHER.
H.R. 5035: Mr. TANNER.

H.R. 5079: Ms. SLAUGHTER, Ms. DeLAURO, Mr. ANDREWS, Mr. RANGEL, and Ms. McCOLLUM.

H.R. 5085: Mr. LEACH, Ms. McCOLLUM, Mr. BACHUS, and Ms. BERKLEY.

H.R. 5089: Mr. BONIOR.

H.R. 5119: Mr. WALDEN of Oregon and Mr. GOODE.

H.R. 5153: Mr. LoBIONDO, Mr. HOLT, and Mr. PAYNE.

H.R. 5159: Mr. MORAN of Virginia.

H.R. 5163: Mr. KOLBE.

H.R. 5174: Mr. FRANK and Mr. FROST.

H.R. 5187: Mr. ANDREWS.

H.R. 5196: Mr. GOODE.

H.R. 5213: Mr. RANGEL, Ms. BROWN of Florida, and Mr. McGOVERN.

H.R. 5234: Mr. STRICKLAND, Mr. BERRY, Mr. PALLONE, Mr. FRANK, Mr. GREEN of Texas, Mr. GOODE, Mr. McHUGH, and Ms. SCHAKOWSKY.

H.R. 5250: Mr. KANJORSKI, Mr. PICKERING, Mr. EDWARDS, Mr. SIMMONS, and Mr. LaHOOD.

H.R. 5257: Mr. SOUDER.

H.R. 5268: Ms. BERKLEY and Mr. FILNER.

H.R. 5280: Mr. PETERSON of Pennsylvania, and Mr. KANJORSKI.

H.R. 5293: Ms. ESHOO, Mr. PRICE of North Carolina, Mr. STARK, Mr. SIMMONS, and Mr. WAXMAN.

H.R. 5299: Mr. PRICE of North Carolina

H.R. 5310: Mr. EDWARDS and Mr. McINTYRE.

H.R. 5311: Mr. BARCIA and Mr. STENHOLM.

H.R. 5316: Mr. PETERSON of Pennsylvania and Mr. SOUDER.

H.R. 5317: Mr. SULLIVAN.

H.R. 5319: Mr. SESSIONS.

H.R. 5326: Mr. PASCRELL, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BONIOR, Mr. WAXMAN, Mr. LEWIS of California, and Ms. ESHOO.

H.R. 5339: Ms. MYRICK and Mr. ROYCE.

H.R. 5340: Ms. BERKLEY, Mr. DREIER, Mr. COX, Mr. HERGER, and Mr. RADANOVICH.

H.R. 5358: Mr. MEEKS of New York, Ms. McCOLLUM, Ms. DeGETTE, and Mr. HILLIARD.

H.R. 5359: Mr. McGOVERN, Ms. KAPTUR, Mr. FRANK, and Mr. BERRY.

H.R. 5376: Mr. SIMPSON, Mr. OTTER, Mr. COOKSEY, Mr. PICKERING, Mr. BOEHNER, Mrs. CUBIN, Mr. GIBBONS, Mr. HERGER, Mr. DOOLITTLE, Mr. POMBO, Mr. TURNER, Mr. NORWOOD, Mr. HAYWORTH, Mr. LaHOOD, Mr. REHBERG, Mr. TOM DAVIS of Virginia, Mr. GALLEGLY, Mr. CANNON, Mr. TANCREDO, and Mr. DUNCAN.

H.R. 5378: Mr. FARR of California.

H.R. 5383: Mr. REHBERG, Mr. BOSWELL, Mr. HINCHEY, Mr. LaTOURETTE, Mr. SKELTON, and Mr. HALL of Texas.

H.R. 5387: Mr. WAXMAN.

H.R. 5397: Mrs. McCARTHY of New York, Mrs. CLAYTON, Mrs. MORELLA, Mr. SIMMONS, and Ms. PRYCE of Ohio.

H.J. Res. 108: Mr. SHADEGG and Mr. ARMEY.

H. Con. Res. 20: Ms. McCOLLUM.

H. Con. Res. 221: Mr. FRANK, Mr. COSTELLO, Mr. DOYLE, Mr. FALEOMAVAEGA, Mr. MOORE, and Mr. ENGLISH.

H. Con. Res. 297: Mr. BECERRA, Mr. PASTOR, Mr. EHRLICH, Mr. HONDA, Mr. SHERMAN, Mr. ENGLISH, Mr. TOWNS, Ms. LOFGREN, Mr. ACKERMAN, and Ms. SCHAKOWSKY.

H. Con. Res. 351: Mr. KING, Mr. HOLT, and Ms. LOFGREN.

H. Con. Res. 359: Mr. PAUL.

H. Con. Res. 406: Mr. GUTKNECHT.

H. Con. Res. 458: Mr. MARKEY, Mr. McNULTY, Mr. OLVER, and Mr. FROST.

H. Con. Res. 462: Mr. BROWN of Ohio, Mr. FILNER, Mr. SANDLIN, Mr. FROST, Mr. MATHESON, and Ms. McCOLLUM.

H. Con. Res. 468: Mr. BISHOP, Mrs. MALONEY of New York, Mr. COYNE, and Mr. BONIOR.

H. Res. 429: Mr. HASTINGS of Florida, Mr. TOOMEY, Mr. LEACH, Mr. HORN, Mr. SCHROCK, Mr. FILNER, Mr. KILDEE, Mr. POMBO, Ms. HARMAN, Mr. ETHERIDGE, Mrs. McCARTHY of New York, Mr. VISCLOSKY, Mr. McNULTY, Mrs. JONES of Ohio, Mr. HAYWORTH, Mr. BROWN of South Carolina, Mr. HALL of Texas, Mr. COYNE, Ms. ROS-LEHTINEN, Mr. WALSH, Mr. GARY G. MILLER of California, Mr. PASTOR, Mr. PLATTS, and Ms. CARSON of Indiana.

H. Res. 485: Ms. BERKLEY.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 11. September 19, 2002, by Mrs. THURMAN of House Resolution 517, was signed by the following Members: Karen L. Thurman, Frank Pallone, Jr., Nita M. Lowey, Janice D. Schakowsky, Jim Turner, Nick Lampson, John Elias Baldacci, Jim McDermott, Carolyn McCarthy, Albert Russell Wynn, Diane E. Watson, Maurice D. Hinchey, Shelley Berkley, Joseph Crowley, Tom Udall, Paul E. Kanjorski, Jerrold Nadler, Danny K. Davis, Gene Green, Lois Capps, David E. Bonior, Major R. Owens, Karen McCarthy, John W. Olver, Louise McIntosh Slaughter, David D. Phelps, Sherrod Brown, Ciro D. Rodriguez, Hilda L. Solis, Lucille Roybal-Allard, Ruben Hinojosa, Jose E. Serrano, Martin T. Meehan, Eva M. Clayton, Juanita Millender-McDonald, Barney Frank, Mike Thompson, Barbara Lee, Thomas M. Barrett, Vic Snyder, Adam B. Schiff, William D. Delahunt, Lane Evans, Bennie G. Thompson, Patrick J. Kennedy, Steny H. Hoyer, Steve Israel, Peter A. DeFazio, James P. McGovern, Thomas H. Allen, John Lewis, James R. Langevin, Jane Harman, Robert T. Matsui, Edolphus Towns, Robert E. Andrews, Fortney Pete Stark, Lynn C. Woolsey, Robert Wexler, Lloyd Doggett, Sam Farr, John F. Tierney, Grace F. Napolitano, Bobby L. Rush, Charles B. Rangel, Donald M. Payne, Sanford D. Bishop, Jr., Sander M. Levin, Carrie P. Meek, Alcee L. Hastings, Alan B. Mollohan, Max Sandlin, Gregory W. Meeks, Carolyn C. Kilpatrick, James P. Moran, Tim Holden, Tom Lantos, Brad Sherman, Dale E. Kildee, Stephanie Tubbs Jones, Nancy Pelosi, Rosa L. DeLauro, Ronnie Shows, Robert E. (Bud) Cramer, Jr., Earl F. Hilliard, Elijah E. Cummings, Tom Sawyer, Edward J. Markey, Ted Strickland, Carolyn B. Maloney, Michael R. McNulty, James L. Oberstar, Betty McCollum, Jesse L. Jackson, Jr., Gerald D. Kleczka, Bart Gordon, Leonard L. Boswell, Jerry F. Costello, Charles A. Gonzalez, Ike Skelton, Bob Filner, Chet Edwards, Peter Deutsch, Diana DeGette, Gary L. Ackerman, Earl Blumenauer, Robert C. Scott, Marcy Kaptur, Tammy Baldwin, Brad Carson, Nick J. Rahall II, Mike Ross, Martin Olav Sabo, John M. Spratt, Jr., Martin Frost, Brian Baird, James E. Clyburn, Loretta Sánchez, Sheila Jackson-Lee, Luis V. Gutierrez, Marion Berry, John Conyers, Jr., Gene Taylor, Bernard Sanders, Ed Pastor, Maxine Waters, and Neil Abercrombie.

SENATE—*Thursday, September 19, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. The Senate is very pleased today to have as our guest Chaplain Mrs. Anne Graham Lotz, AnGeL Ministries, Raleigh, NC, who will lead the Senate in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Would you pray with me, please.

Our Father, we bow before You and we acknowledge You as the one true living God. In the darkness, You are our light. In a time of despair, You are our hope. And in time of grief, You are our comfort. At this time of war, You are our peace.

In the words of the prophet Daniel: We come to You as the great and awesome God, one who keeps His covenant of love with generations, with those who love Him and obey Him. And we come to You, O God, and we acknowledge that You are righteous, but we are wrong. We have done so many wrong things because we are sinners. And yet You are merciful and forgiving. We have been wicked. We have turned away from Your laws and decrees. We have not listened to Your prophets who spoke in Your name.

Yet, Lord, we come to You now pleading for Your mercy. We ask that You hear the prayers and petitions of Your servants, not because we are righteous but because You are merciful and forgiving. We plead for Your mercy.

Dear God, please hear our prayer. As we pray, forgive us our sin. We pray, God, bless America. And we ask this claiming the promise in II Chronicles, chapter 7, when You have said that a Nation who is identified with You, whether they are shaken economically or financially or personally or nationally or militarily, that if that Nation that is identified with You would humble themselves and pray and seek Your face and turn from their wicked ways, You would hear our prayer; that You would forgive our sin; that You would heal our land.

So, sovereign Lord, we ask, please, God of the universe, God of Abraham, Isaac, and Jacob, Father of Jesus Christ, we humbly ask that as we repent of our sin, You would hear our prayer; that You would forgive; that You would heal our land. We pray this for the glory of Your name. And we ask these things in the name of Your son and our saviour, Jesus Christ, who, through his own shed blood on the cross, offers us forgiveness of our sin and reconciliation with You.

It is in the name of Jesus Christ that we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 19, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, I know Senator HELMS wishes to address the Senate, and we will make arrangements for that in just a minute.

The first hour and a half is equally divided between the two parties, with the first 15 minutes under my control. So I ask unanimous consent that Senator HELMS be recognized for up to 4 minutes, and that following that, when the bill is called forward, I would yield my time, my 15 minutes, to Senator BOXER. I ask unanimous consent that the 4 minutes Senator HELMS uses be taken off the time of the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. At 11:30, we are going to resume consideration of the Homeland Security Act, and there will be an hour of debate on that matter before the cloture vote. We will vote at approximately 12:30. Members have until 12 noon today to file second-degree amendments to the Lieberman substitute amendment.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Madam President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE GUEST CHAPLAIN

Mr. HELMS. Madam President, during my almost 30 years in the Senate, I have been honored to welcome dozens of remarkably gifted guest Chaplains. Today's guest Chaplain, Anne Graham Lotz, of Raleigh, NC, my hometown, is one of North Carolina's most distinguished citizens and one of America's most beloved evangelists who, for more than 25 years, has been taking the good news of Jesus Christ across the United States and to many foreign countries.

Of course, she is the daughter of the remarkable two people, Billy and Ruth Graham. And this remarkable lady has preached the gospel to hundreds of thousands of Americans, filling up large civic arenas in countless major U.S. cities as well.

Anne Graham Lotz has addressed the United Nations General Assembly in New York. She represented her distinguished father at Amsterdam 2000, the largest gathering of evangelists in history.

Anne Graham Lotz is a leader of Just Give Me Jesus, which is making a nationwide tour to spark a spiritual revival. This past April, Anne's tour came to Raleigh where more than 26,000 people packed our city's largest arena for 2 days of singing and praying and teaching, led by—who else?—Anne Graham Lotz.

Anne is the final guest Chaplain whom Dot Helms and I will have the privilege of hosting. That is appropriate because Dot's and my family have known and loved her and her great family for a long time.

The first time I heard Anne's blessed father, Billy Graham, was in 1951. At that time, I was administrative assistant to a distinguished Senator from North Carolina, the late Willis Smith. Billy preached just steps from this Chamber on the East Front of the Capitol, and I had read in the Washington Sunday morning paper that he was to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

be here. And I said: Mercy, I don't believe he will have anybody here. I am going over there and make sure that one North Carolinian joins him. Well, Madam President, there was standing room only from the doors of the Capitol all the way to the Supreme Court.

Anne is joined today by her husband, Dr. Danny Lotz, who was a star basketball player during his years at the University of North Carolina at Chapel Hill.

Their two daughters, Rachel-Ruth and Morrow, are with us this morning along with their husbands, Steven Wright and Traynor Reitmeier, and Anne's granddaughter, Bell.

So, Madam President, Anne Graham Lotz is herself an integral part of Billy Graham's remarkable legacy, and it is my honor to have presented her to the United States Senate this morning.

I yield the floor.

Mr. NICKLES. Madam President, I wish to welcome our guest Chaplain today, along with Senator HELMS. I am very proud that she would be our guest Chaplain. Her father is a friend of all of us and received the well deserved congressional gold medal. It is obvious by listening to Anne Graham Lotz that she possesses that same great character, inspiration, and leadership as a preacher as well. I welcome her to the Senate and compliment and congratulate Senator HELMS for inviting her to be our guest Chaplain.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations.

The ACTING PRESIDENT pro tempore. Under the previous order, the first 15 minutes shall be under the control of the Senator from Nevada or his designee.

The Senator from California is recognized.

Mrs. BOXER. Madam President, I rise today to speak to the issue of fire suppression in our beautiful national forests, an issue that concerns every American because those are our forests, and the policy that we follow must be a balanced and good policy to make sure we preserve that incredible God-given resource. Many people heard the prayer today, and we think about the spiritual needs and we think about our obligations. I believe one spiritual obligation we have is to preserve in this country the wonder and beauty that God gave us.

Madam President, like many of my colleagues, I have watched with frustration and anger and sorrow as millions of acres of forests have been destroyed each year by catastrophic wildfires. This year the fire season has been particularly severe in my State of California, as well as in a number of Western States, such as Arizona and New Mexico.

After an extremely destructive fire season in 2000, the Departments of Agriculture and Interior took the promising step of developing what is now referred to as a National Forest Plan. Among other things, the fire plan clearly indicates that priorities should be given to the clearance of brush, undergrowth, near communities and homes. The fire plan clearly says the most important way to stop the damage to the people and to their property is to clear the undergrowth near communities and homes.

Consensus emerged around the idea that, yes, there would have to be some thinning of trees and clearing of brush but not clearing of the old-growth trees, which actually take a very long time to burn and are important to keep in our forests.

We thought we had an agreement with this administration. Yet recent GAO reports indicate the USDA and the Department of the Interior have been ineffective and inefficient in implementing that fire plan.

So what has happened? We have an ineffective and inefficient situation happening in the Department of the Interior and the USDA, and we have out-of-control fires. Well, Senators CRAIG and DOMENICI have come forward with what they say is a solution. What is it? Let's be clear.

Their amendment proposes to waive the National Environmental Planning Act, known as NEPA, which is a critical law in the Nation, and they would limit the public's ability to challenge agency decisions and restrict what we call judicial review. In other words, a judge would no longer be able to take a look at what is happening and intervene, which is a very important part of our balance of powers. If Senator BYRD were here, he would no doubt hold up the Constitution. The judicial branch is very important and the Craig-Domenici amendment would essentially weaken that leg of our Government in order to allow for the cutting of precious old-growth trees.

So the approach of the Craig-Domenici amendment, and the reason I am here—and I see my colleague from Washington and I assume she is here to speak on the same issue, so I will be brief. The approach gives the agencies complete discretion to engage in thinning and salvage logging at will. To me, this is a recipe for disaster. The waiver of environmental safeguards and elimination of judicial review are not steps to be taken lightly, and I believe there is no justification for it because they are not the source of the problem.

There is actually evidence to the contrary. In a recent letter to Senator CRAIG, the GAO determined that only 1 percent of hazardous fuel reduction projects were appealed in 2001 and none had been litigated. GAO found that the list of appellants not only included conservation groups, which have been attacked here as being radical in some way for exercising the rights that citizens have, but GAO found that the other appellants were recreation groups, industry interests, and individuals.

If you see a project is destroying our forests, that road should not be closed off to our citizens. The GAO finding confirmed for me that our environmental laws, the appeals process, public participation, and judicial review are not the source of the problem, nor can we blame our forest woes on environmentalists. That isn't the point. The environmentalists are trying to do the right thing.

I want to show you two charts of the burned forest area in Oregon that President Bush recently visited. The President tried to simplify the issue and suggest that areas that are thinned will not burn, and areas that are left alone will be subject to catastrophic fire. But that is simply not the case.

Here is a chart showing a thinned area. Notice, there are no large trees left. This forest was burned to cinders. There were no large trees there when the fire erupted. See how it looks.

Here is a second chart showing an adjacent area that wasn't thinned, left in its natural state, and it did not burn at all. It did not burn at all because these large trees are very slow to burn.

Madam President, I don't suggest there is a simple answer to this complex problem, but we need to do a lot more than just trash our environmental laws and say people can no longer go to the courts to protect this God-given resource.

In California, the Forest Service took the time to do the necessary environmental reviews. They produced a plan referred to as the Sierra Nevada Framework. We just received a letter from someone I believe you know, Madam President. Our secretary for Natural Resources in California, Mary Nichols, recently wrote in a letter to Secretary Veneman, the Secretary of Agriculture:

> The framework—

Meaning our framework in California—

> is the first landscape scale national forest management plan that balances the need for fire risk reduction through fuel treatment with environmental protection.

The fuel reduction plan in that framework has been agreed to by most of the mainstream environmental groups. Why? Because it was done thoughtfully and with full consideration of the environmental implication.

Secretary Nichols of California goes on to explain that the President's proposal and efforts to undermine existing environmental laws, which is exactly what I believe the Craig amendment does, will only serve to polarize the debate, she says, and it will unravel the good work that has happened in places such as California.

There are many people on the other side of the aisle who talk a lot about States rights. Here is a State, my home State, that reveres its national forests and wants to protect them. The State of California will be undercut by this amendment because the amendment would say to our people in California: If you do not like what is happening, if you believe the forests are being destroyed, you are limited in your judicial access.

There is a great deal of scientific evidence that thinning and clearing activities should be concentrated in the areas immediately adjacent to communities to protect those communities.

A recent study completed by the U.S. Forest Service's Fire Sciences Laboratory in Montana found that the only thinning that is needed to protect homes was within the "red zone" of 150 to 200 feet around a building.

I wish to quote from the person who is an expert in fire suppression, Jack Cohen. He said:

> Regardless of how intense the fire is, the principal determinant is based on the home and the exterior characteristics.

In terms of protecting houses and other community structures, the immediate vicinity is what is relevant.

We need to have buffer zones around communities so those communities are safe, and we need to protect the old-growth forests. Yes, we can thin the underbrush. We must. We should. But we should not cut down the old-growth trees.

Yet the Forest Service continues to direct thinning activities to remote areas of our forests where the risk to people and property is minimal. Less than 40 percent of the forest areas that have been thinned are in the so-called wildland-urban interface, which is the buffer zone between communities and forests.

There is also abundant scientific evidence that thinning should target small diameter trees and underbrush to most effectively reduce fire risk.

Aggressive logging of big fire-resistant trees, while appealing to the timber industry, actually increases the risk of fire. The L.A. Times published a story yesterday, which I will submit for the RECORD, that explains this well. In general, logging leaves behind highly flammable brush materials; it leads to dense new growth that poses a fire hazard; and the removal of large trees cause soils to dry out, leading to increased fire severity.

A scientific assessment completed in the Sierra Nevada in 1996, for instance, found that, "Timber harvest, through its effects on forest structure, local microclimate and fuel accumulation, has increased fire severity more than any other human activity."

Yet the Forest Service continues to give high priority to thinning projects that involve large valuable trees. These large trees are fire resistant—and therefore should be the last ones to be removed. But repeatedly they are removed because they are economically valuable in commercial timber sales.

In November 2001, the Inspector General at USDA completed an audit of the Forest Service's implementation of the National Fire Plan. The USDA audit "questioned the propriety of using approximately $2.5 million of National Fire Plan Rehabilitation and Restoration Program funds to prepare and administer projects involving commercial timber sales."

I want to show a picture of a Forest Service "thinning." What's left is a few trees and absolutely nothing on the ground. The area looks like a tree orchard. While this may be good for the promotion of new timber stands, it hardly preserves any of the ecological values normally associated with a natural forest.

The reality is that we have Federal agencies implementing fire projects that make sense if the primary goal is increasing timber volume, but make no sense if the primary goal is reducing the risk of fire while preserving the ecological integrity of our forests.

Given the agencies' apparent inability to overcome their timber bias, we would be guaranteeing a future filled with fires if we gave them the broad discretion the Republican amendment would allow.

What is needed is language that provides the agencies with specific guidelines and priorities about where thinning and salvage activities should take place.

While we have been unable to reach agreement with our Republican colleagues on this matter, I am pleased that I have been able to work constructively with my colleagues Senators DASCHLE, BINGAMAN, REID, and CANTWELL to craft an alternative proposal.

This alternative will encourage aggressive and focused forest management in the buffer zone areas between communities and forests. This buffer zone, which is defined in the amendment to be within one half mile of community structures, is the area where the Forest Service has said the most aggressive thinning should be done.

Such specificity will insure that the Forest Service and BLM make the protection of Californians and others the highest priority.

Because of the agencies' propensity to turn thinning and salvage projects into timber sales, this amendment also directs the agencies to protect large trees and prohibit the development of new roads, which are generally associated with the removal of commercial timber.

It is unfortunate that we need to be this prescriptive. However, as I have noted, there is good reason to be skeptical that the Forest Service and BLM can be left to their own devices.

Without the public watching over them, and without any mechanism for challenging agency actions, the Republican amendment will exacerbate the problem. The agencies will continue to engage in senseless thinning and salvage logging in the middle of remote roadless areas—driven more by a thirst for commercial timber than by the need to protect homes and communities.

To me, that is an intolerable outcome and it is the reason I oppose this proposal and have worked with others to craft an alternative.

I conclude by saying we have seen some disastrous fires. We have to take action, but we know what we have to do. The studies have been done by the Forest Service, by many of our States, and by the GAO. The Los Angeles Times sums it up very well. They did an exhaustive study and came up with some conclusions. I will share those with my colleagues, and then I will yield to my friend for the rest of our time.

I will quote from this article. There was an investigative reporter who went out to study the fires. It ran on September 17:

> The Bush administration's timber-cutting prescription for the West's wildfire epidemic runs counter to the record of the last half century, when large forest fires erupted on the heels of the heaviest logging ever conducted by the U.S. Fire Service.

They had a chart in that newspaper. They showed that where you save the old-growth trees, you save the forests, you save the communities. The facts are in. Let's not use this tragic, horrible spate of wildfires as an excuse to let the loggers cut down the old-growth trees and pocket the money while our forests are left completely devoid of anything that makes them the gift that God gave us.

There is an editorial in today's L.A. Times. I will quote from it, and then I will cease:

> We have to cut the nation's forests to save them.

That is how they open.

> That seems to be the Bush administration's rationale for its misnamed Healthy Forest Initiative, now before the Senate.

It goes on to say that the Senate should defeat the Craig amendment and that there are other more reasonable and effective approaches.

> Existing laws let the Forest Service do its job, provided it files environmental impact reports and stays clear of protected areas. In fact, President Bush can thin as many trees as he wants to right now. He just can't take a saw to the nation's environmental protections in the process.

I hope we will not adopt the Craig amendment. We are working on other ways to compromise this matter. I hope we can get together.

I yield to my friend from Washington, Senator CANTWELL, who has been a leader on the environment since she came to the Senate. I yield my remaining time to her.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. In total, there are 27 minutes remaining to the Democrats.

Ms. CANTWELL. I thank the Chair.

Madam President, I rise today to speak about the need for a national debate on how best to manage wildfires and improve forest health. I thank my colleague from California for being here this morning to articulate a vision about how we can move forward to protect old growth while being mindful about how much work really needs to be done before we can come up with a solid proposal.

That is why I am here to speak this morning. I believe the amendment we will offer today does not further the debate in the direction we need to go but instead focuses on the controversial issues of weakening our environmental protection laws and limiting meaningful public participation.

While I appreciate the sense of urgency that this year's fire season has brought us—and I believe the fire seasons in last several years have made all of us anxious—I believe the reasonable way of dealing with this situation is through the legislative committee process.

I applaud my colleagues who are on the Energy and Natural Resources Committee who have had much discussion about this problem and are very anxious to take the Governors' report that was done on the national fire plan and efforts to better implement it. We need to do that through the legislative committee process where we can hold hearings and talk to the experts and concerned members of our communities.

Trying to solve this important issue with a rider to an appropriations bill is unwise. It would be wrong to think that we could reverse hundreds of years of misguided forest fire management suppression policy with a rider on an appropriations bill.

One of the most significant concerns I have about the amendment, as my colleague from California mentioned, is that it does waive important environmental laws. Under this amendment, the agencies will no longer be required to comply with the National Environmental Policy Act. Furthermore, the amendment eliminates the administrative appeals process and limits judicial review.

We do need to move forward, and I applaud my colleague from Idaho for wanting to take this issue to the next level and for the focus that he has given to the issue. But I believe critical to this debate is the central issue of trust because after decades of documented problems with forest management by the Forest Service, it is no wonder that citizens are now skeptical about the plan before us today, which would allow timber companies to thin on ten million acres might really be motivated more by economics than improving healthy forests.

If we go so far as to restrict a citizen's legal right, that is the wrong approach, but I believe working within the existing framework of environmental laws and allowing for the appropriate process for projects in areas near communities is the right approach.

This basic step needs to be taken—to prevent the catastrophic wildfires that we have all experienced. This step has already been laid out in the laws of this country. In the 10-year comprehensive strategy on collaborative approach for reducing wild land fire risk to communities and the environment which was issued in May, this strategy was the highest priority.

We need to make sure we are treating fires in communities that could be most effective in protecting lives and in protecting homes.

The work done in a community in Roslyn, which is in my home State, demonstrates that protecting our forests has little to do with cutting big trees far away from homes but, rather, treating areas adjacent to communities.

Now that is not to say we do not have to look at fuel reduction and that fuel reduction is not critically important in other parts of our national forests, but the key thing we have seen in this fire season is the loss of homes and loss of areas that I think are the interfaces on which we need to focus.

The joint efforts of local citizens, the local fire department, the Washington Department of Natural Resources, and the U.S. Forest Service produced a plan in our State to clear brush and other fuel materials from a buffer zone around this town of Roslyn. I support more funding to do thinning, prescribed burns, and hazardous fuel reduction in our efforts to manage our forests.

I think all of those need more discussion and more time and energy put into them and, as we will see with the Byrd amendment, more resources financially to obtain that goal since those funds have been subverted in the past.

I also support providing the Forest Service and BLM with adequate funding to do the hazardous fuel reduction projects so each year we do not find ourselves in the same situation where the Forest Service diverts the funds from fire accounts in order to pay for fire suppression.

So let us make that clear. Let us divide the accounts. Let us make sure we are doing work both for suppression and for the prevention efforts we need.

The point is clear, we can protect our communities from fire, and we do not need to waive environmental protection laws or limit public participation to do so. In closing, I would like to urge my colleagues to support Senator BYRD's amendment to provide more funding for fire suppression efforts. However, I add a note of caution, that if we take this approach with the rider my colleague from Idaho is offering, I do not think it is in the best interest of the forests or the American public. This rider is too overreaching to be put on this legislation. Let us go back to the committee process, let us have the hearings, and let us push forward together.

I ask unanimous consent to print in the RECORD an editorial from the Seattle Times that talks about the need to move ahead but that we cannot have, as this article says:

> This administration's attempt to confuse and cloud the issue of fire suppression by laughably proposing timber thinning can only mean a return to unregulated clear-cutting on our Nation's forestlands.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Times, Sept. 7, 2002]

DON'T HOLD YOUR FIRE

(By Tommy Hough)

The recent Bush administration proposal to suspend environmental laws and eliminate the public's right to appeal Forest Service decisions should be viewed as nothing less than a transparent attempt to increase commercial logging in our national forestlands, which has been this administration's stated intention since Day One.

How shameful too, that President Bush would so callously use a disaster such as the recent wildfires in southwest Oregon to launch the media spin for a plan designed to roll back 20 years of good sense and good environmental legislation, and in part enable the president to fulfill some inappropriate, slimy promises made to timber baron contributors and related special-interest groups during the 2000 campaign.

This administration's attempt to confuse and cloud the issue of "fire suppression," by laughably proposing "timber thinning," can only mean a return to unregulated clear-cutting on our nation's forestlands. Has any administration ever been so brazenly vacant and cynical?

Since this scheme was no doubt in part cobbled together by forestry professionals, I'm guessing it may have occurred to them that old-growth forests actually act as a natural suppressant of fire, even in the driest years. Granted, that would be bad for business, but the awful secret the Bush administration and the timber industry doesn't want you to know is this: Fire is not bad. Fire is simply one part of nature's long-term, delicate balancing act.

Drought and flames aren't a problem any more than rain and flooding are a problem. The problem is man and his meddling ways and 120 years of forest management (i.e., unrestricted, subsidized logging), screwing up and knocking out of whack a natural process which had been working fine in North American ecosystems for thousands, even millions of years.

We've knocked forest rhythms so far off by removing fire as an element that nature isn't even allowed to compensate with small-scale burns to clear away underbrush and tinder (unless it's a manmade "prescribed burn"), gently changing the way the elements effect the forest floor, and paving the way for pioneering species and new trees. We may as well have removed rain from the equation.

The mature Ponderosa and lodgepole pines in the American West as well as the big, old-growth Douglas firs, hemlocks and spruces here in the Pacific Northwest are designed by nature to survive burns with their thick bark and rich moisture content, while the fires create temperatures for the big trees to be able to rapidly seed. In fact, the longer a tree lives, the more it is able to withstand fire (whew, that's bad for business too!).

The juvenile trees growing in the wake of the ceaseless clear-cuts that have left literal quilt marks on the tapestry of the region's forests are the ones most susceptible to catastrophic fire and drought, and while fire ideally should clean the forest floor an acre here and an acre there, manhandled nature is forced to wait for a drought to reclaim the other half of the natural equation, when everything is bone dry and hasn't been allowed to burn for 100 years. Instead of cleansing the forest, fire now destroys the forest, in a catastrophic fasion nature never intended.

That thinning excess timber, a natural reaction to logging and clear-cutting as the forest slowly tries to weed itself out, is somehow the Holy Grail solution to forest fires is to buy into cheap, message-of-the-day stupidity. Does the president really think Americans are just going to stand idly by and let their treasured national forestlands be threatened and destroyed? Has it not occurred to the greedy minds and special interests that floated this scheme that we all share and live in the same environment, of which forests are an integral, absolute part, no matter which side of the political or ecological fence you may be on?

Ms. CANTWELL. I suggest the absence of a quorum, with the time charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Madam President, I ask unanimous consent to proceed as in morning business for 5 minutes to introduce legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2967 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I rise today to express my strong support for the Craig-Domenici hazardous fuels reduction amendment which is currently before the Senate. It is my hope that we can come to a consensus on this issue for the benefit of the forests, the animals that inhabit them and, more importantly, the people whose homes are near them.

In my home State of Nevada, our all-time worst fire was in 1999. That season set an all-time record for the severity and breadth of fire damage. Nevada experienced over 1,100 fires which burned almost 2 million acres. To put that in perspective, in 1999 the total number of fires was 135 percent of the 5-year average and the total acres burned were almost eight times what we normally burn during 5-year periods. More acres were burned during a single 10-day period in August than had burned in any entire previous season on record.

I am afraid 2002 could be another year like 1999. This year, Nevada is experiencing its fourth year of drought that has been classified from "moderate" to "exceptional." Large fire activity began in mid- to late-May—about 3 to 4 weeks earlier than normal. And, quite honestly, we have been very lucky compared to other States such as Arizona, Colorado, Oregon, or California. We are grateful for that. But we know all too well that Nevada's fire season lasts longer than other States'. We still have the potential of a devastating fire season yet to come this year. With the current extreme drought condition combined with the buildup of dead and dying fuels, Nevada is placed in the "extreme" and "advanced" categories for potential fire behavior.

I am particularly concerned about the Lake Tahoe Basin. When my family visited that area in August, I noticed the dry conditions of the area. There is no question that Lake Tahoe is a blazing inferno waiting to happen. The Lake Tahoe Basin is under the highest risk of wildfire potential. The entire region is classified as a class 3 risk for catastrophic fire.

What is so distressing is that the land of this area is so environmentally sensitive. A catastrophic fire in the basin would result in an incredible amount of damage to communities. Homes and structures worth billions of dollars would be lost. Lake Tahoe, one of the Nation's crown jewels, could lose its defining quality of lake clarity. Millions of tourists come every year to recreate in the basin. Key recreation areas would be destroyed. A fire could cause tremendous damage to the sensitive watershed which feeds not only Lake Tahoe but supplies water to communities in Reno, Carson City, and the rest of northwest Nevada, eventually emptying into Pyramid Lake.

The ecological consequences are distressing as well. Lake Tahoe is home to one of our Nation's proudest symbols—the bald eagle. Other endangered and threatened species are native to the basin. Their safety is threatened by fire.

It is clear to me and anyone who actually goes out into the forests that something must be done to reduce the fuels buildup to prevent the outbreak of catastrophic fire. That is why I am an original cosponsor of the Craig-Domenici amendment.

Currently, 74 million acres nationwide are classified as class 3 forests, which is the highest risk for catastrophic fires. The Craig-Domenici amendment will limit action to only 10 million of the 74 million class 3 acres. It is an emergency amendment. It only addresses 7 percent of the problem. I wish it would address more of the problem. Highest priority will be given to wildland-urban interface areas, which are areas near homes and communities, municipal watersheds, and forested areas affected by disease, insect infestation, and windthrow.

The amendment seeks to cut through the bureaucratic mess that is currently in place that often needlessly delays implementation of these projects.

It also seeks to expedite the judicial process. Too often, these essential fuels reduction projects are halted by frivolous lawsuits. Ultimately it is the forest and wildlife habitat that suffer.

That is the case in my State where two projects in the wildland-urban interface were challenged by an outside party. The challenger was not even from Nevada. All the people in Nevada had agreed—environmentalists in Nevada, the Forest Service in Nevada, the BLM in Nevada, and all the local people in Nevada—that this project was meritorious and was good for the environment. Yet somebody from the outside challenged in court and was able to block this important environmental project.

Public land managers must be allowed to manage the land. Unfortunately, only one dissenter can stymie a completely collaborative effort to clean the forests. Without proper forest management, an accidental blaze can turn into a flaming inferno which can sterilize the land and destroy the habitat for many endangered species of plants and animals.

The groups that are against our efforts claim they are environmentally friendly. What is environmentally friendly about obstructing sound management projects from going forward? Wildfires contribute heavily to air pollution, destroy wildlife habitat, and kill endangered species.

While we were in Lake Tahoe this summer, the entire basin—which is truly one of the most beautiful areas in the world—was filled with smoke from the fires from far off in California and from Oregon. Anybody who is against air pollution ought to be for stopping and preventing these forest fires.

Extremists in the environmental community claim they are concerned about the welfare of wildlife habitat and forest health. Yet they oppose commonsense projects that seek to lessen the devastating effects of catastrophic wildfires. This amendment seeks to ensure that fuel reduction projects continue in spite of these extremists.

This legislation is absolutely necessary. It is necessary this year. It was actually necessary last year and many years before. Every year we talk about how we need to save the forests, but we do nothing to clean the forest to reduce the intensity of fires. We must be able to conduct these fuel reduction projects. Advocates on both sides of the aisle and both sides of the political spectrum agree on this. They are essential to continue the health of our forests. We have waited long enough. Our forests have waited long enough.

I say to my colleagues, let us get this done. The fires we have seen this year are unprecedented. I, for one, am committed to do all I can to ensure that forests are protected, watersheds are protected, homes protected, and, most importantly, people are protected.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Madam President, I rise today to speak about a matter that I find deeply troubling. An "Inside the Beltway" column in the September 19, 2002, Washington Times reveals that a correspondent working for National Public Radio, in what appears to be a flagrant violation of all standards of professional journalism and ethical conduct, has set about to enlist the help of environmental radicals in order to concoct a story concerning thinning projects on our national forests. I find this abhorrent for two reasons.

First, it reveals the desperate lengths to which the environmental community is willing to go to their quest to lock up our public forests and prevent efforts aimed at protecting and restoring health to our public forests from going forward.

Second, and perhaps more troubling to me, it suggests the complete lack of intellectual honesty and the apparent complicity of a nonprofit organization, established by Congress for the purpose of educating our public, in fabricating stories and spinning the news in a manner that is devoid of objectivity and at odds with the fundamental tenets of sound journalistic practices.

Let me read from a message that was sent out by a news correspondent working for National Public Radio seeking assistance from members of the environmental community. The message reads as follows:

> Hey there. Put on your thinking cap and give me your best example of a 'thinning project' where they went in and did the opposite. I'm working on a story about trust, which is at the heart of all this . . . and I want to use just one example of where the FS [Forest Service] and the industry flagrantly abused the public's trust on a thinning project . . . in short, concrete evidence as to why the environmental community is distrustful of the FS and industry's so called thinning projects.

In 1967, Congress passed the Public Broadcasting Act. This act authorized the creation of the Corporation for Public Broadcasting, CPB. The Act called on CPB to encourage "the growth and development of noncommercial radio" and to develop "programming that will be responsive to the interests of the people." National Public Radio, NPR, was established in 1970 as a private, nonprofit organization to provide leadership in national news gathering and production and broadcast of radio programming responsive to the interests of American citizens.

I would ask my colleagues how is this biased effort at attempting to sway public opinion in the public interest? NPR appears to have allowed its news people to sink to new lows to scrape together a story to incite and inflame public opinion. Is this the kind of reporting we should expect from a national news organization established by Congress to promote news gathering in the interest of American citizens? I think not.

It is a sad day when our national news organizations must engage in fabricating stories by listening solely to one side and a sadder day still when these stories are presented by these organizations to an unsuspecting public as a balanced reporting of the facts.

This message authored by the NPR correspondent was distributed by way of an environmental group mailing list. The forwarding message from an organization called "Wild Rockies" is also revealing.

The sender reveals that environmental groups have "successfully appealed/litigated" many thinning projects and also "tied up" many more thinning projects. In short, the author of this message is making plain the fact that these groups have been successful in causing the very sort of unnecessary delays that we are attempting to prevent with the amendment introduced by Senators CRAIG and DOMENICI.

These environmentalists have demonstrated that they will stop at nothing—even shamefully dishonest practices—to impede, delay, and quash efforts by the Forest Service and Department of Interior land management agencies to restore health to our forests. We cannot let our precious American forests be held hostage by these extremists, nor should we stand idly by and allow these zealots to continue to hold our forests hostage by employing these sort of unethical and distasteful tactics.

Shame on NPR for what appears to be an utter and complete lack of balance in news gathering practices. Shame on Wild Rockies and the other environmental groups that would conspire to mislead the public in this way. And shame on us, if we fail to enact legislation that will enable us to protect our precious public forests from these irresponsible sham artists and unethical charlatans who seek to deceive rather than truthfully inform our citizens on the conditions that exist on our forests and what needs to be done to move them toward a healthier state.

Madam President, we have just heard from another one of our colleagues, in this case Senator ENSIGN from the State of Nevada, talk about the conditions and situations that exist in that State and in the northern end of the High Sierras of California and Nevada. The conditions he talks about are real and very severe.

I used to chair the Forestry Subcommittee in the Senate. During that period of time, we examined the condition of the Sierras and especially what is known as the Greater Tahoe Basin area. In fact, our colleague from Nevada, Senator REID, grew very concerned as to the state of health of those forests.

It was, at that time—a couple of years ago—very obvious those forests were in rapid declining health conditions, bug kill was rampant, and at some time in the very near future that forest could be consumed in wildfire that would wipe out the whole of the Tahoe Basin.

Of course, as the Senator just spoke, it is a beautiful area. Lake Tahoe is renowned for its beauty. That is why folks from all over the country have gone there to build phenomenal homes, to enjoy that beauty. And, of course, at risk at that time in the investigation was the reality that wildfire would wipe out many of those multimillion-dollar homes that were sprinkled around the lake, both on the Nevada side and on the California side of that lake, and the whole tourism and resort industry that exists there—another example of a forest crying out for a thinning and cleaning and management program that could reverse the state of the health of that forest.

We struggle mightily to solve a problem that has come upon the Interior appropriations bill, of which my colleague from Montana, who has now joined us, is the ranking member of that subcommittee which funds Interior issues.

I submitted some days ago a second-degree amendment to Senator BYRD's amendment to increase fire funding, to try to find a compromise, to develop some degree of active management in these very critical areas of concern that are, in part, driving the wildfires of at least the western forests at this moment and are realities of growing conditions in all of the public land forests around our country. And that is a state of health, a state of fuel loading, and dead and dying trees, and therefore optimum fuels that, under the right conditions, ignite into the catastrophic fires that we have experienced this year.

But yesterday I became aware of an interesting episode going on aside but a part of this debate out on the public side of things—I should say the private side of things—that I find very interesting. This morning that was highlighted in the "Inside the Beltway" column of the Washington Times, an article by John McCaslin. It is worth your time and interest to read it because I do believe it demonstrates something that is in an apparent complicity of efforts between national radical environmental groups and an organization funded by this Congress, National Public Radio.

It is obvious to me that there was an effort underway to try to show to the public that what I was debating, and others were debating, simply was not the case. And the e-mail transaction that was going on out there demonstrated quite the opposite because fundamental to what Senator DASCHLE did for his home State of South Dakota, and what we are trying to do here, is to design a way to create a more active process that disallows the obvious and constant use of the appeals process and temporary court injunctions to deny any activity on our public lands, and especially in these critical areas that are so fire prone.

And, of course, the article is fascinating in what it says because what it basically says is: Can you show me a thinning process?—calling the environmental groups that would give us the worst case scenario, in other words, a contradiction to what I and others have been saying is being done, and can be done effectively, in the thinning and the cleaning of these fuel-loaded areas.

And the answer is, I think, quite fascinating. The answer is: No, we can't show you any because we have them all under appeal, and we have them all blocked.

The very thing we have been arguing is the very thing that is reality, by the admission of the environmental groups themselves.

Mr. BYRD. Madam President, will the Senator yield without losing his right to the floor?

Mr. CRAIG. I am happy to yield.

Mr. BYRD. When you said, "We have them all blocked," that kind of caught my ear. And I am wondering about these appropriations bills. Somebody has them all blocked. Here is my friend from Montana who is the ranking member. We have been here at our posts on duty. When are we going to unblock the barriers to getting our appropriations bills passed?

I have a question of the distinguished Senator.

Mr. CRAIG. Sure.

Mr. BYRD. And before I pose the question, I preface it by saying this: I can appreciate what the distinguished Senator is trying to do. The other day I said to him, on the floor: If you will remove your amendment here, if we can vote for cloture, on the one hand, and get on with this bill, if you offer your amendment on another bill, I will support it.

Mr. CRAIG. Yes.

Mr. BYRD. But my friends on that side did not vote for cloture. Whatever the vote was at that time, they did not vote for cloture. So they have not helped me to get on with the appropriations bills. Consequently, I made a generous offer at that point, but I am concerned about that offer.

The Senator did not take me up on it. Senators on that side did not take me up on that. They did not help remove that block. I want to look at the Senator's amendment again when it comes time to vote on it. I am concerned about judicial review, about that aspect of it and some other things.

Mr. CRAIG. Sure.

Mr. BYRD. But the Senators had me on board at that time if that would have helped to take the plug out of the dike and let these bills pass. I am concerned, may I say to the distinguished Senator——

Mr. CRAIG. Sure.

Mr. BYRD. He is a member of the committee. I am concerned about the way these appropriations bills are piling up around here, and when we are headed for a continuing resolution.

Now, would the Senator have a suggestion as to when we might have another cloture vote on that very question of the other day? A motion to reconsider was entered on that vote, I believe. Am I correct, may I ask——

Mr. CRAIG. That is correct, as I recall.

I do not, in any way, question the Senator's sincerity. You offered to solve it in one way, and I reciprocated by offering to solve it in another.

I would go immediately to a unanimous consent for an up-or-down vote on the Craig second degree. That is an immediate solution that could occur in the next 35 or 40 minutes. That is a clear and clean and within-the-rules solution to a problem. I believe my side feels that I deserve a vote. And I know that the Senator is a stickler for the rules of the Senate and an advocate of them and strongly supportive of them.

I want to facilitate this process. The money you have so generously helped us get——

The PRESIDING OFFICER. The time controlled by the minority has expired.

Mr. CRAIG. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. To fit into this Interior appropriations bill is critical, to pay back the funds within the Department of Agriculture and in the U.S. Forest Service that have been expended for the very fires about which we are concerned. This has to happen. Clearly, it is critical for the operation of the Forest Service. What is also critical, in my opinion, is that the Congress respond in a responsible way to the crisis.

You, as chairman, and if you are chairman again in the new Congress or someone else is, should not have to be asking the taxpayers to pay out an additional $1 billion to $1.5 billion to $2 billion more a year because clearly a public policy is failing out there at this moment to address a crisis and, therefore, we are asking the taxpayer to pay for it. That is really what hangs in the balance here. They are intricately locked, I do believe. That is why I think it is so fundamentally important we vote on it at this moment.

Mr. BYRD. Madam President, will the Senator yield?

Mr. CRAIG. I am happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I took at least 3 minutes of the Senator's time. I ask unanimous consent that the distinguished Senator from Idaho may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Senator for yielding.

Mr. CRAIG. Madam President, I repeat what is a phenomenally frustrating concern of ours, that the Public Broadcasting Act that created NPR authorized the use of public money and what appears now at this moment to be an effort to go out and find a worst case scenario to refute arguments being placed on the floor. That is not the role of the public broadcasting program in this country.

I am extremely pleased that this article appeared. We became aware of that e-mail traffic yesterday. I am glad some journalists have the right and the willingness to step forward and say: Wait a minute. This appears to be a complicit act of a nonprofit organization established by Congress for the purpose of educating our public but not misinforming our public. That appears by every evidence to be exactly what was underway.

What fell out of it was the very basis of the argument I and others have been placing for some time and why my amendment or a version of my amendment in dealing with these critical areas and in dealing with allowing a process to move forward that cannot be just summarily blocked by an appeal but does not yet close the courthouse door is very critical to all of us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, how much time remains on the pending bill?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. BYRD. Madam President, I ask unanimous consent that there be 15 minutes, a total of 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will today offer an amendment to expedite forest thinning on our national forests and public lands. I am pleased that Senator DASCHLE is a cosponsor of this amendment. I would like to thank all of my colleagues who have worked with me to craft this amendment and who offered invaluable input and expertise.

Everyone in the Senate wants to do what we can to reduce the threat of catastrophic wildfire. We all agree that we need to accelerate fuels reduction activities because the risk of severe fire is so high. Ongoing, drought, past fire suppression policies, and excessive harvesting of timber have all contributed to the problem. All of us also agree that it is much better to devote limited resources to proactive efforts to reduce fire risk rather than paying to fight the fires once they occur.

I have tried for years to improve the Federal agencies' forest thinning program in a variety of ways. I am also a vocal proponent for spending Federal dollars conducting proactive forest restoration to reduce fire risk rather than continuing to spend billions of dollars each year fighting fires. Although some may contend that restoration costs too much money, over the long-term, it is much less expensive than fighting fires. Restoring our lands is the preferred alternative for the environment as well because, unfortunately, important species habitat burns right along with the forests during a fire.

The main obstacle constraining us from substantially increasing our proactive efforts to reduce fire risk is a lack of adequate funding. As Oregon Governor and cochair for the Western Governor Association's 10-Year Fire Plan John Kitzhaber states, "it will take a significant investment of resources—far greater than what is envisioned to be saved through process efficiencies." Ever since Congress first funded the National Fire Plan 2 years ago, I have continually emphasized the need to sustain a commitment to the fiscal year 2001 funding levels over a long enough period of time to make a difference—at least 15 years.

Most fuel reduction projects will take several years to implement. It is critical that the agencies have reliable funding to complete the projects they start. If funding is obtained to thin trees the first year, but not to complete the slash disposal and reintroduce fire through prescribed burning the following years, short-term fire risk will be increased. Around the villages north of Truchas, some villages face a tremendous danger of fire due to slash left from thinning. According to the agencies themselves, mechanical thinning comprises only 19 percent annually of all hazardous fuels reduction activities.

Adequate funding means, at a minimum, sustaining fiscal year 2001 funding levels for all components of the National Fire Plan. The Western Governors Association recently sent a letter to Congress urging full funding of the National Fire Plan at the fiscal year 2001 funding levels. Similarly, recently the National Association of State Foresters compiled projected funding needs for the National Fire Plan over the next 10 years based on collaborative efforts with State governments, the Forest Service, and the Department of the Interior. The Western Governors' Association endorsed the State Foresters' projections. The General Accounting Office estimates that the cost to reduce fuels is about $725 million per year for the next 15 years, GAO/RCED-99-65.

The funding levels in the bill we are currently considering are far below the State Foresters' and GAO's projected funding needs. For example, while hazardous fuels reduction was increased in fiscal year 2001 and has remained relatively constant since that time, the State Foresters' analysis includes $100 million more for hazardous fuels reduction than the Interior appropriation bill provides. The State Foresters project that hazardous fuels reduction also will need to steadily increase over the next 10 years.

Other important programs that are part of the National Fire Plan, including economic action programs, community and private land fire assistance, and burned area restoration and rehabilitation have been drastically cut—and some have been zeroed out—by the administration over the last two budget cycles. For some accounts included under the National Fire Plan, but not all, Congress has made up the difference. However, it would certainly be much easier to fully fund the National Fire Plan with the administration's support.

Funding constraints clearly affect the ground restoration work. In New Mexico, there are several restoration projects that could make a meaningful difference in reducing the risk of catastrophic wildfire if funds were available. Here are some examples:

One, Dry Lakes' Project, El Rito Ranger District, Carson National Forest.—This mechanical thinning and prescribed burning fuel reduction project is located on the Tusas Ridge to the southwest of the community of Tres Piedras. The ridge has an unusually high incidence of lightening strikes which put the community at high risk. Tres Piedras is on the State list of highest priority areas. The district used fiscal year 2001 funding from the National Fire Plan to thin a large area but could not find sufficient funds in fiscal year 2002 to complete the prescribed burning. This is particularly troubling because several forestry experts agree that thinning trees without follow up work to reintroduce fire with prescribed burns, the fire risk will increase.

Two, in southern New Mexico, Otero County Commissioner Michael Nivison has worked tirelessly to encourage broad community involvement within the context of existing laws and procedures. Unfortunately, the group found that lack of funding was an obstacle to moving forward with sensible forest thinning plans. In April 2002, I requested the necessary additional funds from the Washington office of the Forest Service because no additional funding was available from the Lincoln National Forest's budget or the Southwest Region office budget. The minimum funding needed was $1 million to complete thinning projects within the wildland/urban interface in the Rio Penasco watershed and for watershed analyses to prepare future restoration projects. Fortunately, after waiting 3 months, the Forest Service complied with the request. However, Commissioner Nivison estimates an additional $4 million per year for the next 10 years above existing funding levels will be needed to successfully complete the forest thinning program on the Lincoln National Forest.

Three, on the Gila National forest, the Catron County Citizens Group based in Glenwood is working to establish a sawmill to process small diameter wood removed from the forest as part of forest restoration projects and has secured non-Federal matching funds for their operation. In December 2001, I was notified that Forest Service employees had identified several restoration projects that were NEPA-ready, however, no funding was available. Once again, after specific and repeated requests, the Chief complied with the request to allocate an additional $1 million to the Gila. However, a 1-year special allocation clearly will not provide the long-term restoration investment needed.

Four, earlier this year, the Chief told me that the Santa Fe Municipal Watershed Project is one of the highest priorities for the Forest Service's Southwest Region. Nonetheless, at the current rate of funding by the agency, the project will be completed in 18 years. If it were fully funded at $1 million per year, however, the project would be completed in 7 years. This is a critical project for the residents of Santa Fe to protect two city-owned reservoirs that hold 40 percent of the city's water supply.

Five, Deer Lakes Fuel Break, Cuba Ranger District, Santa Fe National Forest.—This fuel break project was put on the list of suggested projects for fiscal year 2001 since NEPA review was complete, but it was not funded in fiscal year 2001 or fiscal year 2002. The fuel break will protect private homes in a forested subdivision. The Forest Service considers this area to be a priority.

Six, Mt. Taylor Ranger District, Cibola National Forest.—A number of fuel reduction projects planned on this district have been held up by insufficient funding. All of these projects were small, less than 500 acres.

Seven, the Collaborative Forest Restoration Program, created through legislation I sponsored two years ago, provides $5 million annually to fund a variety of forest restoration projects in many different locations in New Mexico. Unfortunately, due to the Forest Service's practice of borrowing from other accounts to pay for firefighting, action on this year's projects has been suspended since July 8. Because the administration was unwilling, until very recently, to support repaying these accounts, it is unlikely that work will resume this year on these projects.

Beyond funding constraints, some allege that administrative appeals and lawsuits limit our ability to reduce fire risk across the country. I am willing to provide new legal authorities and exemptions from administrative appeals to address this concern. However, we should proceed carefully at this juncture and withhold from enacting sweeping changes to Federal law without due consideration. If we need to make permanent changes to existing laws, we should do so next year after this issue has been debated thoroughly in the Senate including hearings and committee business meetings.

Let me briefly describe our amendment. We propose to exempt from National Environmental Policy Act analysis all forest thinning projects located in areas that are at the highest risk of fire and remove up to 250,000 broad feet of timber or 1 million board feet of salvage. We prohibit administrative appeals on these projects, thereby saving 135 days in the process. In addition, we eliminate judicial review granted under NEPA for thinning projects within 1/2 mile of any community structure or within certain key municipal watersheds. The combination of these provisions would save between one and one-half to three and one-half years of process.

Moreover, in order to focus the agencies' work on the highest priority ares where human safety and property loss are the most serious, we require that 100 percent of hazardous fuels reduction funds be spent in the highest fire risk areas, known as condition class 3, and 70 percent of those funds be spent within one-half mile of any community structure or within key municipal watersheds identified in forest plans.

In order to recognize the role that forest dependent communities play in restoring our lands, we require that at least 10 percent of hazardous fuels reduction funds be spent on projects that benefit small businesses that use hazardous fuels and are located in small, economically disadvantaged communities. Finally, in order to provide robust monitoring of these experimental new authorities, we require multiparty monitoring of a representative sampling of the projects.

We agree with, and included, many provisions of Senator CRAIG's amendment in our amendment. For example, Senator CRAIG requires the secretaries to give highest priority to protecting communities, municipal watersheds, and areas affected by disease, insect activity, or wind throw. He requires that projects be consistent with applicable forest plans and that the Secretaries jointly develop a collaborative process to select projects. We agree with all of these provisions.

However, our amendment differs from Senator CRAIG's amendment because we felt it was appropriate to enact parameters and limitations along with the new authorities for several reasons. First, we are legislating without the benefit of the normal authorizing Committee process. If, after consideration through the authorizing Committee process, we decide to make some or all of these changes permanent, we can do so next year.

Second, the Forest Service has a poor track record with respect to supporting projects that do not harvest large trees. One example that I am aware of occurred in New Mexico. On the Gila National Forest Sheep Basin project, there was broad agreement within the local community that a project harvesting small trees would be a win-win. The community agreed this project would both benefit the environment and generate local jobs while also reducing fire risk. The Forest Service, however, rejected the community's proposal and insisted on following a plan to harvest large trees.

Third, many independent analyses have discovered numerous flaws with the agencies' existing implementation of the National Fire Plan. For example, a recent General Accounting Office report severely chastised the agencies for their inability to account for where hazardous fuels reduction funds have been spent. Specifically, the GAO states:

> It is not possible to determine if the $796 million appropriate for hazardous fuels reduction in fiscal year 2001 and 2002 is targeted to the communities and other areas at highest risk of severe wildland fires.—GAO/RCED–02–259, January 2002.

In addition, in November 2001, the Inspector General for the Department of Agriculture found that the Forest Service was inappropriately spending its burned area restoration funds to prepare commercial timber sales. Similarly, it was recently discovered that the Forest Service "misplaced" $215 million intended for wildland fire management due to an accounting error.

Finally, another GAO report concluded that, because the Forest Service relies on the timber program for funding many of its other activities, including reducing fuels, it has often used the timber program to address the wildfire problem. GAO states:

> The difficulty with such an approach, however, is that the lands with commercially valuable timber are often not those with the greatest wildfire hazards. Additionally, there are problems with the incentives in the fuel reduction program. Currently, managers are rewarded for the number of acres on which they reduce fuels, not for reducing fuels on the lands with the highest fire hazards. Becuase reducing fuels in ares with greater hazards is often more expensive—meaning that fewer acres can be completed with the same funding level—managers have an incentive not to undertake efforts on such lands.—GAO/RCED–99–65.

The parameters set forth in our amendment will ensure that the agencies conduct forest thinning in a way that truly reduces the threat of fire. For example, we require the agencies to focus on thinning projects that truly reduce the threat of fire, namely removing small diameter trees and brush. This limitation is based on numerous scientific research studies conducted by the Forest Service. Too often, the Forest Service has cut large trees because of their commercial value instead of removing small-diameter trees that tend to spread fire.

Our amendment prohibits new road construction in inventoried roadless areas because the National Forests already contain 380,000 miles of road, as a comparison, the National Highway System contains 160,000 miles of roads, and the deferred maintenance needs on these existing roads totals more then $1 billion. Forest Service analysis reveals that roads increase the probability of accidental and intentional human-caused ignitions.

A group of respected forest fire scientist recently wrote President Bush a letter stating that, "thinning of overstory trees, likely building new roads, can often exacerbate the situation and damage forest health." Moreover, the vast majority of all trees in the west are small, more than 90 percent are 12 inches in diameter or smaller.

Returning receipts to the Treasury is consistent with a provision in the Wyden/Craig County payments legislation enacted 2 years ago and avoids existing perverse incentives. Numerous GAO reports reveal that existing agency trust funds provide incentives for the agency to cut large trees because it gets to keep the revenue. Cutting large trees will not reduce fire risk, therefore, we should direct receipts back to the Treasury. Jeremy Fried, a Forest Service research specialist at the Pacific Northwest Research Station, states, "If you take just big trees, you do not reduce fire danger."

The provision in our amendment stating that 70 percent of Hazardous Fuels Reduction Funds be spent within one-half mile of any community structure or within key municipal watersheds is more flexible than the President's fiscal year 2003 budget request which provides that the same percentage only be spent near communities. We in Congress must ensure that the agencies adhere to our direction that the number one priority is to protect communities at risk for catastrophic fire. To date, this has not occurred. In fiscal year 2002, only 39 percent of the areas where hazardous fuels will be treated are in the wildland/urban interface. In fiscal year 2003, only 55 percent of the acres scheduled to be treated are near communities. Finally, we need hard and fast assurance that the agencies will make its investments near communities because the National Fire Plan and the Western Governors' Association identify protecting people as the number one priority.

We are willing to provide the agencies with additional authority as set forth in our amendment but only to achieve the number of acres treated that can be accomplished without a substantial increase in funds. My amendment doubles the amount of acreage treated to reduce fire risk in the upcoming year form 2.5 million to 5 million acres whereas Senator CRAIG's amendment covers 10 million acres of Federal land.

It is impossible for the agencies, even with the expedited procedures included in Senator CRAIG's amendment, to quadruple the amount of acres treated annually. Since fiscal year 2001, Congress has provided about $400 million annually for hazardous fuels reduction. With this level of funding, the agencies have treated approximately 2.5 million acres each year. For fiscal year 2003, the Senate Interior appropriations bill provides $414 million for hazardous fuels reduction, fully funding the Administration's request. Again, the agencies estimate they will complete treatment on about 2.5 million acres. Senator CRAIG's amendment does not provide any additional funds, therefore, it is incorrect to purport that now, suddenly, the agencies will quadruple the amounts of acres treated.

Moreover, we do not need to treat every acre of land to reduce fire risk. New Mexicans and others living in the west want their government to quickly and intelligently address the excessive build-up of hazardous fuels. If we're going to leverage limited Government funds to solve this problem, we need to figure out in advance which forested lands need to be treated and how.

To act quickly and strategically to prevent catastrophic fires, we do not need to treat every single acre of national forest and public lands. Instead, we should create firebreaks and other strategically thinned areas to stop fires from spreading out of control over large areas. A respected Forest Service researcher named Mark Finney has estimated that treatments need only address 20 percent of the landscape, if thinned areas are strategically placed to make fires move perpendicular to the prevailing winds. The Forest Service should experiment with Finney's ideas and those of others about how to most strategically place thinning projects. The less acres the Government needs to treat, the further our existing funds will stretch.

The board feet levels in this amendment are identical to the levels previously set forth for categorical exclusions by the Forest Service. Almost 3 years ago, a Federal district court invalidated these categorical exclusions primarily because the agency literally lost its administrative record. Notably, the court left room for the agency to reinstate these categorical exclusions but for some reason the agency still has not done so. This approach also will benefit local businesses by requiring the agency to implement relatively smaller projects. Residents of Truchas, NM, tell me that the using categorical exclusions improves the ability of local Federal land managers to make site specific decisions that address community needs.

At this point in time, I do not believe we need to expedite judicial review beyond what we offer in our amendment. Prohibiting any temporary restraining orders or preliminary injunctions, which is what the Republican and administration proposals would do, makes any judicial review effectively irrelevant. In addition, on August 31, 2001, the General Accounting Office reported that, of the hazardous fuels reduction projects identified for implementation in fiscal year 2001, none had been litigated.

In conclusion, our amendment represents a thoughtful, balanced approach to expedite forest thinning in a way that truly reduces fire risk for communities and the environment.

I yield the floor.

Mr. BURNS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMPSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Byrd amendment No. 4644 (to amendment No. 4471), to provide for the establishment of the Department of Homeland Security, and an orderly transfer of functions to the directorates of the Department.

Reid (for BYRD) amendment No. 4673 (to amendment No. 4644), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I ask unanimous consent that there be 1 hour for debate, equally divided, on the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. And the vote to occur at the end of that hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. I thank the Chair.

Madam President, about a year ago, we began hearings on the homeland security issue in the Governmental Affairs Committee. Other committees had hearings, but we had a series of hearings that lasted until recently.

During that time, we reached bipartisan agreement on many important factors. We reached bipartisan agreement on the notion that we need to reorganize our Government to meet the new challenges our country faces. We live in a different world, a new world, a dangerous world, and we need to reorganize our governmental agencies to deal with that world. We have very broad bipartisan agreement on that.

We also discovered in that time that we have some very important points of disagreement.

I think it was the understanding of everyone concerned that after we addressed this in the committee, after we had a full discussion, a series of hearings, after we had an extensive markup and aired all of these similarities, these points of agreement, and points of disagreement, that we would be able to take that committee product, bring it to the floor, as Senator LIEBERMAN has done, and that we would be discussing the merits of the points of agreement and the points of disagreement because we were about very important business of our country and the future safety of our country, with the full realization that we were doing something that had not been done for over half a century in this Government, in terms of the scope of the reorganization.

I believe that was the understanding, that this would be the process, and that it was one of those rare times—all too rare around here—that we would come together on both sides of the aisle and address it in that way.

It was not to be. We have spent the last 3 weeks in the afternoons supposedly on this bill and have accomplished very little.

Of course, we had the September 11 anniversary in the middle of that time period, and we had a holiday in the midst of that time period. We also had a commemoration in New York, which many of us attended, in connection with the anniversary of September 11. But we still have had 3 weeks of afternoons for consideration of this bill, and we only really considered one of the substantive areas of disagreement.

We have had a considerable period of time in the way legislative calendars go, but we have had very little time to consider these very important issues that we have been discussing in the press, in the media, on the floor, and in committee for now going on a year at least.

Instead of coming to the floor and proceeding with those issues, we have had time taken up under the rules of the Senate, as Senators have a right to do, on matters that are peripheral to the important amendments and the issues with which we know we have to deal.

Our side of the aisle has all this time been trying to get consideration of the issues that we know we have to consider. We are going to have to consider, one way or another, whether we want to diminish the President's national security authority. Could there be anything more important than that?

We are going to have to decide whether or not we are going to give this new Secretary management flexibility to deal with the new problems in any Governmental Department nowadays, especially in this one.

We are going to have to decide what kind of intelligence apparatus we are going to have within this new Department eventually.

We are going to have to decide whether we are going to give the President reorganization authority.

We are going to have to decide all these issues. All these issues have been begging for consideration all this time. This Senator has been trying to get them up for consideration. This Senator took 6 days trying to get a vote on the question of the nature of the White House person and whether or not he would be Senate confirmed. We finally, after 6 days, got a vote on that. It was a voice vote, and it was adopted. That is the only substantive amendment we have even had an opportunity to consider.

With that background, and before considering any of these other issues at all, or having any discussion, any debate, the other side has filed cloture. After taking up all this time on all these other issues—days and hours of discussions on one thing or another—they have filed cloture. They have essentially filed cloture against themselves.

I may not have been here long enough to fully understand all of the history and the way things work around here, but I hope that it is a rare occurrence for the majority party, or anyone else, to bring up their own bill, filibuster, and then file cloture against themselves in order to cut off the other side from offering amendments, which we know have to be considered. That is the situation we have. That is the bizarre circumstance in which we are today.

That is not the proper purpose of a cloture motion. I ask my colleagues: Do they really believe there is any chance of getting a bill under these circumstances? This cloture motion is not about substance. It is not about moving the bill. Everybody knows if this cloture motion succeeds, there will be no bill this year. The President will veto this bill as sure as I am standing here. Without even having the opportunity to consider these issues concerning his own authority or the management flexibility or the reorganization or the intelligence component, or any of these other issues, they file cloture and deprive us of considering these issues?

I am not sure anybody is going to argue the amendments would be germane after cloture. The effect is to cut us off. It is not about substance. It is not about moving the bill along. It is about appearances and it is about assessing blame. I guess there is quite a bit of embarrassment around here that we have spent 3 weeks and have essentially done nothing. Now apparently we want to give the appearance we are trying to move this along so we file cloture, plus putting us in the position on this side of the aisle of opposing cloture and make it look as if we are holding up the bill, when we are the ones who have been trying to get our amendments up and considered. I do not think the American people are going to buy that.

When it comes to matters of this importance, where we could come together on a bipartisan basis and address these issues, I say to those Americans, better luck next time, because the matter has not gotten serious enough yet. We are only dealing with the security of this country, but we are going to engage in our same old games.

I have a suggestion that instead of worrying about the appearances of moving this bill, let us actually move it. We should defeat this cloture motion and get on with those issues we are going to have to address sooner or later and give us a chance of having a bill.

Therefore, I respectfully urge my colleagues to oppose cloture in this instance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I want to try to summarize my thoughts so the distinguished Senator from Tennessee can preserve some of his time.

When 9/11 happened, and after that terrible day when we all stood together in front of the Capitol and sang "God Bless America," I thought that coming together on a proposal to defend our country and its people was going to be about as easy as it had been after December 7, 1941. I was absolutely and totally wrong.

As strange as it sounds, as unbelievable as it is, the Lieberman bill takes power away from President Bush to declare a national emergency and, in the process, override business as usual in the Federal bureaucracy, a power that Jimmy Carter had, a power that Ronald Reagan had, a power that the first President Bush had, a power that Bill Clinton had and used.

Incredibly, after thousands of our people have died, after all of the suffering and all the trauma, we now have in a bill—a bill that is shameless enough to call itself related to homeland security—an effort to take power away from the President that he had on 9/11.

I am not sure the American people truly understand that President Bush has asked for no additional emergency powers to set aside work rules within the Federal bureaucracy. In fact, he has already agreed to reduce those powers very slightly as compared to what his four predecessors possessed. But that is not enough for the supporters of the Lieberman bill. They want to deny the President the power to declare, on a national security basis, that we change the way the bureaucracy works to allow him to put the right person in the right place at the right time.

Let me give a concrete example of it. At Logan Airport in 1987, Customs agents decided they needed to change the way a room was structured in order to do inspections and in order to improve the quality of the inspections. The Treasury employees labor union objected and filed a complaint with the Federal Labor Relations Authority that said, under their union work rules, they had to sign off on a change in the work space, and the FLRA ruled that the Customs Service could not change their inspections facility because it overrode a provision of that union contract.

Let me remind my colleagues that two of those planes that were involved in terrorist attacks flew out of Logan Airport. Are we today to allow a work agreement and the Federal Labor Relations Authority to override the President if he wants to improve security at Logan Airport? I do not think so. I do not think the American people believe that we should, but that is exactly what is being proposed.

So I urge my colleagues to reject this idea that in the name of national security we should take national security power away from the President. If this cloture motion prevails, we will have only been allowed to offer one amendment, the Thompson amendment. A vote to kill it failed, but then for 3½ days it was held in limbo. If this cloture motion is agreed to, a substitute amendment, which perhaps is supported by between 40 and 50 Senators, would not be able to be offered.

The majority had a right to file a cloture motion—that is the way the Senate works—but with all due respect I think it was wrong to file it. I do not think it can be justified given we have had an opportunity to offer one amendment, and I do not believe the American people would be in favor of ending debate on this bill while its major feature takes power away from the President to use national security waivers instead of preserving that power. So I urge my colleagues to vote no on this cloture motion.

I conclude by reading a quote from Dwight David Eisenhower. I think it is very appropriate as we debate the Homeland Security Department and its structure. Ike said:

> The right organization will not guarantee success, but the wrong organization will guarantee failure.

I believe the bill, as it is now structured, is an unworkable organization. The President has said he will veto it, that he would rather have no bill than this. When are we going to awaken and give the President the tools he needs to finish the job? I hope it is soon, and I hope we begin today by voting down this motion to deny us the ability to give the Senate an opportunity to work its will on the President's proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from California has a half hour.

Mrs. BOXER. What are the rules? Do I have to ask for a specific number of minutes or may I speak until I finish my remarks?

The PRESIDING OFFICER. The Senator from Connecticut controls 30 minutes.

Mrs. BOXER. I ask Senator LIEBERMAN if he will yield 5 minutes to me to speak in favor of cloture on his amendment, and then address the Byrd amendment.

Mr. LIEBERMAN. Madam President, I yield 5 minutes to the Senator from California for that purpose.

Mrs. BOXER. I thank the Senator very much for yielding me the time.

As I begin my remarks, I offer my thanks to both Senator LIEBERMAN and Senator BYRD for the work they have done on behalf of the American people and for the principled and deliberative approach they have brought to this very complex issue.

I have tremendous misgivings about the size and shape of this Department, which I will address. I do want to seek cloture. I do want to see some finality. I do think this is very important.

I was distressed yesterday to hear comments from the Senator from Texas, Mr. GRAMM, in which he said the American Government was the laughingstock of the world because of our work rules. That is the first time I have ever heard that the American Government is the laughingstock of the world for any reason.

This is the greatest country in the world, and I believe one of the key reason, is our people and their dedication. I know one of the big issues between both sides and some on our side of the aisle, as expressed by Senator MILLER yesterday, is we should, in fact, change some of the worker rules and strip some of those rules from this new Department. I want to say respectfully I will fight that with every bone in my body, as will the Senator from Georgia and the Senator from Texas, who will oppose what my view is.

I want to say this and not linger on it too long because we will have more time. Every single one of the heroes of 9/11—every fireman, every policeman, every emergency worker—happened to be covered by work rules. They never looked at their watch and said, oh, my God, I am working overtime, I had better get out of here, or I am in danger and I should be getting hazardous duty pay. We never saw that. We saw an incredible dedication by workers who cared about what they were doing. I found it tremendously insulting to hear those words in the Senate. I will fight for those workers.

We are creating a homeland security office that is supposed to be second to the Pentagon in defending the American people. What do we do to the people who work in that Department? Make them second class. In my opinion, that is disastrous. I have met some of the workers. They are the heroes of tomorrow. They deserve to be treated with respect, not stripped of the worker rules that protect them. We will talk more about that.

Briefly, I support the Byrd amendment, and I look forward to having a chance to speak at greater length. This is a huge change in our Government. Under the current plan, much improved from the House—the Lieberman plan is much improved from the House version—we will be taking 170,000 employees and shifting them over to a new Department. Many of these agencies have multiple responsibilities—not just to protect the homeland but, for example, in the Coast Guard search and rescue missions, so important to my home State.

In the case of FEMA, when we have an earthquake, if we have a flood, or if there is a hurricane anywhere in the country, FEMA must come and deal with it, deal with the people who suffer losses, deal with the businesses that suffer losses. I don't understand why we have taken those agencies in whole cloth and placed them in the new Department.

Senator BYRD says, yes, we need this Department of Homeland Security. He moves forward with the top level people who will be bright and smart, who will be able to look at their challenge and let the Congress know in the ensuing days, weeks, and months what they need to do their job. Senator BYRD is courageous to get out here and slow this train down.

I have been in government a long time. I started at local government many years ago. I was on a county board of supervisors. We ran the whole county—the court system, the emergency workforce, transit district, and the rest. One of the lessons I learned: Do not do something that just looks good; do not do something that just sounds good; do not do something just because it protects you politically; do something right. Mostly I learned, don't do something so big, so huge, that there is less accountability rather than more accountability.

I thank Senator BYRD. I support the cloture motion. I want to see a streamlined Homeland Security Department. That is what I will work for.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I yield myself such time as I may consume.

I rise to speak in favor of the cloture motion Senator DASCHLE has filed. It does seem to me that it is time to begin heading toward a conclusion of our deliberations on homeland security and to have a final vote as soon as we can. This cloture petition is a way to begin to do that. I have said before, and I will say it again, briefly, some of members on the Governmental Affairs Committee have been at this for almost a year now. In fact, a certain amount of activity began in Congress before that. Congressman THORNBERRY of Texas, a distinguished Member of the other body, introduced legislation early in 2001, months before September 11, to create a Department of Homeland Security. That was based on the work of the so-called Hart-Rudman Commission.

Our committee was carrying out hearings on this matter, held one prescheduled on September 12 on the question of how to protect the American people from terrorist assaults on our cyber-systems, a point of vulnerability that we have to organize ourselves to protect against. We held 18 hearings in our committee related to homeland security and the creation of the Department. Our committee reported out a bill in May by a 9-to-7 vote, unfortunately, a partisan split on the committee at that point.

President Bush endorsed the idea of a Homeland Security Department, and his proposed Department, most of the recommendations were quite similar—some exactly the same—as those contained in the bill that had come out of our committee in May on a partisan vote. We worked together with the White House and members of the committee.

On July 24 and 25 of this year, we had two long, thoughtful, productive days of markup in our committee and reported out the amendment before the Senate as the underlying amendment creating a Department of Homeland Security.

We came to this bill immediately after we returned after Labor Day. This is the third week. A lot of the days have not been full days. We have had the two-tiered system with appropriations matters in the morning and homeland security in the afternoon. There has been a lot of debate and I hope a lot of consideration of the merits and demerits of the various ideas.

Some of our colleagues on the other side of the aisle have begun to complain about the pace of action; that the longer we wait to adopt a homeland security measure, the longer it will take to set it up, the more the American people will be exposed to danger from the terrorists who are clearly out there. We see it every day in the paper. We know it ourselves from briefings we have had, both open and classified. The enemy is there and not just at our door, but as we see from the arrests that occurred in Lackawanna, NY, within the last week, they are inside the house.

It is time to move forward on the 90 percent of ideas that are pretty much the same. We have some parts on which we are in disagreement. Senator GRAMM and the occupant of the chair, I gather, have a substitute amendment. We have various amendments to try to alter the underlying amendment. Let's get on with it.

I must say, I am puzzled, having heard the Senator from Texas speak a few moments ago, how those who have claimed we are not moving fast enough toward adopting a Department of Homeland Security bill because of the dangers involved are now going to vote against this cloture petition, which, of course, as all the Members know, would essentially narrow the debate, begin to move us toward germane amendments, and hopefully say to our colleagues and to our country that we are getting close to that time when we have to act.

I am puzzled why people who have complained about the pace of action on the Department of Homeland Security bill would vote against this cloture motion, against a vote on cloture. I hope they give it a second thought. Not only is there a critical urgency that we move forward to adopt this bill, get it to a conference committee with the House, get it to the President's desk, have it adopted, begin the work of creating the Department, but, Lord knows, we have a lot of other important work to do in this Senate and in the Congress generally, with appropriations bills, with matters related to potential military action against Iraq, matters related to the economy—particularly the retirement security of the American people, reactions to the corporate scandals that have occurred about which there is broad bipartisan interest in having us do something.

I think the time is now. I think each of us ought to vote for cloture and then let's have a system for having a finite number of amendments come before the Chamber. Let's give people the opportunity to make this bill as it came out of the committee better than it is. I think we have done a pretty good job. I described it yesterday, I believe, here on the floor as obviously not perfect but the first best effort toward taking the disorganization that exists now, that is dangerous, and organizing not just our Federal Government but our national strength to meet the terrorist threat.

I just came from a meeting with some families of victims of September 11. I have met with them several times before. There were about 120 who we lost, who were residents of Connecticut—a grievous loss. From the first time I met with them, they asked the question that echoes in my mind and my heart, which is, How could this have happened? And the subquestion is, Could this have been prevented so I would not have lost a spouse, a child, a parent, a friend?

This Department proposal is an answer to that question—not fully the answer to the question of how it could have happened, but surely an answer to the plea that we take action to make sure nothing such as September 11 ever happens again. It is for that reason I support the cloture motion and hope my colleagues, on a bipartisan basis, will vote for it so we may then go forward on a bipartisan basis to adopt a bill that will, as soon as possible, create a Department of Homeland Security.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Mr. President, will the Senator yield briefly?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. LIEBERMAN. Yes. Does the Senator wish to speak on the cloture motion?

Mr. BYRD. Not at length. Just a moment.

Mr. LIEBERMAN. I am happy to yield time to the Senator as he needs.

Mr. BYRD. Yes. Mr. President, John Stuart Mill said:

> On all great issues, much remains to be said.

This is a great issue. Much remains to be said. I understand that some said that I have been filibustering and holding the floor. I would like to hear that again. I am not holding the floor.

> On all great issues, much remains to be said.

I hope other Senators will say much on the pending amendment, the Reid-Byrd amendment. The floor is open.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally to each side.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum, and I ask the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, neither side seems to be interested in saying anything at the moment. I have a statement I would like to make if both sides would allow me to have the time, 10 minutes—I might be able to make it in 10 minutes.

Mr. LIEBERMAN. I have no objection.

Mr. NICKLES. What was the request?

Mr. LIEBERMAN. The suggestion Senator BYRD raises is since neither side is using the time allocated, he has a statement he would like to make in the remaining time.

Mr. NICKLES. I have a statement to make on the vote we will have in 10 minutes, and then I will be happy to yield.

Mr. BYRD. Mr. President, the Senator may have the floor if he wishes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I am happy to have the Senator from West Virginia speak. I do wish to speak on the issue we have before us.

Parliamentary inquiry: The unanimous consent calls for a vote at 12:30; is that correct?

The PRESIDING OFFICER. Twenty-two minutes remain, according to a subsequent unanimous consent agreement.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. May I ask how much time our side has remaining?

The PRESIDING OFFICER. There remain 10½ minutes.

Mr. NICKLES. The vote is anticipated to be at 12:30?

The PRESIDING OFFICER. It is 12:40.

Mr. NICKLES. Will the Senator yield me a few minutes?

Mr. THOMPSON. I yield such time as the Senator may consume.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I think we have had some good debate. I am not here to debate the substance of the two proposals, but I am here to debate strongly against voting for cloture. It seems like I was here yesterday doing the same thing on the Interior bill. I am going to do it again. My friend and colleague for whom I have the greatest respect, the Senator from West Virginia, knows the Senate rules better than any—I mentioned yesterday that we are getting way too frivolous about dropping cloture votes every time somebody wants to have a vote. It achieves no purpose whatsoever.

That is exactly what is going to happen here. Cloture is a very serious procedure. That limits a Senator's ability to offer amendments. The Senate of the United States is one of the greatest institutions in the history of democracy, and we are going to have cloture. I have heard some colleagues say they hope it is invoked. If it is, that means the amendment the Senator from Tennessee, Mr. THOMPSON, is offering, along with Senator GRAMM and Senator MILLER, cannot be offered because it would be nongermane. Are we going to deny them the opportunity to offer an amendment they have worked hard on and which every colleague in this body knows they are entitled to offer? Are we going to file cloture so you can't offer amendments to it?

I am amazed at how quickly people draw their gun of cloture to deny Senators on both sides the opportunity to offer amendments. I know there are a lot of amendments that are floating around. I have heard people say, for example, I think I might do an amendment dealing with the intelligence operation. Those amendments, in almost all likelihood, would be nongermane.

I just urge my colleagues to let us respect the rights of individual Senators to offer amendments.

Mr. LIEBERMAN. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I would be happy to yield.

Mr. LIEBERMAN. I ask my friend from Oklahoma—I have not had an opportunity given to me to look at the substitute that may be offered by the Senator from Texas—why would it be germane if parts of it don't relate to homeland security?

Mr. NICKLES. I appreciate the question of my good friend. I am sure he is aware of the Senate rules postcloture. Germaneness requirements are so strict that they prohibit a lot of amendments; amendments that are, frankly, quite germane wouldn't be germane by the ruling of the Parliamentarian and by the history and precedents of the Senate.

We have all been around here for a while—some of us longer than others. Postcloture germaneness is very strict and would prohibit probably 90-some percent of the amendments to be offered. Any Senator could offer amendments to strike a section of the Senator's bill. I guess we have been doing that a long time, but that is not the way to do it. The Senator from Texas should be entitled to offer his amendment. Senator MILLER cosponsored the amendment. A lot of us have cosponsored the amendment. We want to have the right to offer that amendment.

I haven't asked the Parliamentarian. But I would guess, if the Parliamentarians have reviewed the language, they would find that amendment would be nongermane postcloture. It is germane to the subject. It would be germane by almost anybody's definition of germaneness because we are talking about homeland security. It would be germane because it is the President's proposal. The White House worked on it, but according to strict Parliamentarian procedures, it may well be ruled nongermane.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NICKLES. I would be happy to yield.

Mr. BYRD. Mr. President, I know what the Senator is saying. We all know the Parliamentarian gives guidance, but I hope when the Senator talks about the Parliamentarian and the aid which the Parliamentarian gives, we are talking about the ruling of the Chair. It is not the ruling by the Parliamentarian, with all due respect to the Parliamentarian. The Chair gets the guidance of the Parliamentarian. But it is still the ruling by the Chair.

Mr. NICKLES. I appreciate my colleague saying it is the ruling of the Chair. And the ruling would be following the advice most likely of the Parliamentarian who would be following the precedents of the Senate. And the precedents of the Senate would be postcloture germaneness, which is very strict, indeed. And most germane amendments would fall. We have just begun this debate.

I will tell my friend and colleague, who is also the chairman of the Appropriations Committee, that we agreed to allow two bills to go simultaneously—Interior and the Department of Homeland Security. Neither bill is moving, much to my chagrin as a person who realizes we only have 10 days left in this fiscal year, and we haven't been passing appropriations bills. We dual-tracked some bills when the Senator from West Virginia was majority leader. We dual-tracked bills under Bob Dole as well. Sometimes it works. For the last 3 weeks it has not worked.

We haven't made adequate progress on Homeland Security, and we haven't made adequate progress on Interior. Maybe it is because all of us have to fight or to wrestle with too many issues simultaneously. I am not sure. But the progress on both bills has been rather poor.

If we want to—and I want to—pass every appropriations bill by the end of the fiscal year and have them on the President's desk for his signature, or for his veto. I think that is our constitutional responsibility. We are not getting it done. That is disappointing me.

I happen to think there probably is no greater issue confronting this Congress than the Department of Homeland Security. And I think we should have the opportunity to be able to offer alternatives. If cloture is invoked, I am afraid the primary alternative authored by Senators GRAMM, MILLER, THOMPSON, and myself wouldn't be allowed postcloture.

That is why I would say in fairness that we can count votes. I know you are not going to get cloture. I do not know why we are doing it. If we gave you cloture, we could tie this place up. Nobody is filibustering this bill.

No one—at least on this side. Maybe others are. Maybe others have different agendas, but no one on this side of the aisle wants to filibuster this bill in any way, shape, or form.

I will say the same thing for the Interior bill. We had a vote on cloture on the Interior bill. I heard the Senator from West Virginia say he wouldn't filibuster. We are not filibustering. Cloture is supposed to shut off debate. Why? We are not having extended debate. We are not stretching out debate, not on Interior—and not on Homeland Security. We are willing to vote on the amendments on the Department of the Interior, and vote. We may win; we may lose. I have won some; I have lost some. That is part of being a legislator.

The same thing for Homeland Security; let us vote on the alternative.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NICKLES. I would be happy to yield.

Mr. BYRD. Mr. President, I wish we would get on with Interior and the other appropriations bills. The Senate Appropriations Committee, as I have said many times, has reported all 13 appropriations bills. We did that long ago. Senator STEVENS and I, and every Republican and every Democrat on that committee voted. We have 13 appropriations bills on the calendar.

If we cannot finish the Interior appropriations bill, will the Senator help us to get unanimous consent to proceed to other appropriations bills? We could take up Senate appropriations bills. We don't have all of the House appropriations bills. The House Appropriations Committee has not reported all 13 appropriations bills. But we have reported all of the 13 Senate appropriations.

Will the Senator and his side of the aisle help us to get unanimous consent to go to the other appropriations bills?

Mr. NICKLES. I would be happy to respond to my good friend and colleague. I will help you try to get the appropriations bills done. I will also tell you what I told my very good friend, Senator REID. I will object to dual-tracking on homeland security and appropriations bills simultaneously because it doesn't work. I think maybe we should have a little greater focus and stay on homeland security.

I don't care if we stay all night and all weekend, this is an important issue. We ought to finish it.

I will tell my friend and colleague from West Virginia that I will stay all night, and we will help finish these appropriations bills. I don't care if we have to work every weekend between now and the end of the year, let us do it. But I don't like this idea of dual-tracking unless we have a greater understanding on the Interior bill. Let us finish it.

I used to manage the Interior bill. I worked with my colleague. I was chairman of the committee. I was chairman, and I was ranking. We did the Interior bill year after year, I might mention, with my colleague, Senator REID, also assisting on the floor. We did that bill generally in 3 days. We got it done. It is usually a bipartisan bill, and it would usually pass with 90 votes.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NICKLES. I would be happy to yield.

Mr. BYRD. Mr. President, Shakespeare said the Senator "is a man of my own kidney." Some would say "a man after my own heart." The Senator said he is willing to stay here all night and get these appropriations bill done. Let us do that.

I believe the objections from the other side of the aisle on moving those bills is the word out of the White House. I am just thinking—I am presuming, some things which I have seen and heard are to that effect—that the word has come out of the White House. Has it come out of the White House to the Speaker of the other body?

That is where appropriations bills generally originate. Appropriations bills generally and customarily originate in the House.

Can the Senator inform me as to whether the word has come down from on high to the House to hold up those appropriations bills? The House has not moved those appropriations bills, and it is not because of the House chairman, Mr. YOUNG. He would eagerly move those bills.

Can the Senator elucidate on this question?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I hope the Senator will have a minute at least to respond. Will the Senator from Connecticut yield?

The PRESIDING OFFICER. The Senator from Connecticut controls 11 minutes.

Mr. LIEBERMAN. Does the Senator wish unanimous consent for an additional moment?

Mr. REID. Mr. President, we are not going to extend the time for the vote. I don't mind Senator LIEBERMAN yielding him some of his time.

Mr. LIEBERMAN. Mr. President, I yield the Senator a minute of my time.

Mr. NICKLES. Mr. President, I appreciate my good friend from Connecticut doing that.

I just say, since I have taken all of Senator THOMPSON's time, I hope Senator THOMPSON, if he wishes, will be able to speak on the issue. We have had an interesting colloquy. And I am happy to extend that time.

I am happy to work with my friend and colleague. I happen to be one who thinks the Senate does not have to wait on the House. It is tradition. It is not constitutional. But the Senate has not been setting records. Well, maybe we are setting records on Interior. We have been on it for 3 weeks and have not finished it. So we are not doing our job. Maybe the House isn't getting its job done, either. Hopefully, both will get it done.

I would hope my colleague from Connecticut would yield some time to the Senator from Tennessee on the issue at hand. I appreciate the consideration of the Chair and my friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I wish to speak very briefly, and then I will yield. The Senator from Nevada has withdrawn his request to speak. Let me say a few words.

My friend from Oklahoma has talked about his concern that the substitute that the Senator from Texas, Mr. GRAMM, has fashioned would not be ruled germane. I don't know because I have not seen it. But, of course, there is another alternative here, which is the normal course.

I refer back to our Governmental Affairs Committee's deliberations on the bill in which, after we put our mark down, Senator THOMPSON, as ranking member, offered several amendments going to powers of the President to reorganize, the latitude over appropriations, obviously much interest in civil service, collective bargaining questions, some dispute over the exact powers of division of intelligence in the new Department that all of us agree ought to be created, but we disagree on what powers it should have.

Again, I am not the Parliamentarian, but picking up on what the Senator from West Virginia has said, it certainly would seem to me there would be ample basis for whomever the Presiding Officer is at the time to rule that the kinds of amendments that the Senator from Tennessee offered in committee—which put it in issue and give the Senate a choice of what I think are the remaining relatively small number of issues in controversy—would, in fact, be ruled germane. So that is the way to get this moving.

Mr. NICKLES. Will the Senator yield?

Mr. LIEBERMAN. For a question.

Mr. NICKLES. Just knowing postcloture, if the Senator from Tennessee offered the substitute section dealing with collective bargaining, dealing with Presidential flexibility, I can assure you—or my guess is—that 90 percent of those would be ruled nongermane. And that is just the facts of the postcloture rules in the Senate.

I understand what you are saying. One way we can nibble, we can strike. We can always strike, but if we wanted to have strike-and-insert language, most of those amendments would be ruled nongermane. That is the reason why I am urging my colleagues to vote no.

Mr. LIEBERMAN. I thank my friend.

My answer would be, again, I have not seen the exact components of the substitute from the Senator from Texas, but as my staff has heard it described, it follows pretty closely after the House bill, which, again, if I were in the chair I would think are germane.

I want to yield a few moments—as much time as he would like—to the distinguished Senator from Nevada.

Mr. REID. I thank the Senator.

Mr. President, I simply want to say this. It is obvious there are efforts made for us to do nothing in the Senate. And that is being accomplished almost 100 percent because we basically are accomplishing nothing.

The majority leader has attempted to invoke cloture on the Interior bill so we could move on. We are hung up with an amendment dealing with firefighting, which is too bad; Neither side has 60 votes. The rules have been in effect for 215 years, basically, with some minor changes. Those are the rules of the Senate. You need 60 votes on controversial issues. So we cannot move on Interior. That is too bad.

And on homeland security, the President has talked to every Senator in this room about the importance of that piece of legislation. Why can't we move on? If cloture were invoked on this, it would narrow the time with which we have to work on this bill. It would go to conference, of which the President has tremendous clout in the conference, and get this bill down to him.

I am seriously thinking that there are efforts being made here that we don't finish this bill, and then that we, the majority, can be blamed for not completing the homeland security bill. We want to complete this bill. Even Senator BYRD, who, as everyone knows—because he stated it on the floor—has problems with this piece of legislation, signed a cloture motion.

We all know we have to move on with this piece of legislation.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I am happy to yield for a question.

Mr. NICKLES. Does the Senator think it would expedite completion of homeland security if we allow Senator GRAMM's and Senator MILLER's amendment to be adopted, or at least be voted on? Let's have an up-or-down vote on the Gramm-Miller substitute, let's have an up-or-down vote on Lieberman, and maybe a couple other amendments, and we can complete this bill.

Mr. REID. Well, Mr. President, we have spent days here. People are blaming Senator BYRD for slowing things down. All anyone has to do, when Senator BYRD sits down, is move to table his amendment, or what is going on at the time. There has been unending stalling on this piece of legislation.

I repeat, the President has talked to me. He has talked to the Presiding Officer. He has talked to the managers of the bill. He has talked to Senator NICKLES—everybody—about this bill. He believes this is important. Let's move on with it. If this bill comes out of the Senate, and it is not perfect, what he wants, he controls the House of Representatives. He has tremendous, I repeat, clout with the Senate.

We want to get this bill done. Let's move on.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I am happy to yield for another question.

Mr. NICKLES. I don't think I heard an answer to the question. Shouldn't Senators GRAMM and MILLER be entitled to offer their amendment? And you also said there are some people stalling. There is nobody on this side of the aisle who is stalling this piece of legislation. And either side can move to table Senator BYRD's amendment. I am happy to do that. But I am going to always insist that our colleagues have a right to offer their amendment.

Won't you agree with me to give Senator GRAMM and Senator MILLER a vote on their amendment?

Mr. REID. Nobody is stopping them from having a vote on their amendment. Who says their amendment is not germane?

Mr. NICKLES. Cloture would stop them from having a vote.

Mr. REID. I would doubt that it is. But whatever are the rules of the Senate are the rules of the Senate.

Mrs. FEINSTEIN. Mr. President, as this Nation wages our war against terrorism, I rise today in support of the Lieberman substitute amendment to H.R. 5005, the Homeland Security Act. We must take this critical step now, in a way that protects both our liberties and our lives.

I commend my colleague, Senator LIEBERMAN, and the entire Committee on Government Affairs for drafting such meaningful and comprehensive legislation.

The Government Affairs Committee reported the bill on a strong bipartisan vote of 12 to 5—a clear sign of substantial support. It is unfortunate that the President has threatened to veto this legislation.

It fills me with a deep sense of sadness that it took the tragedy of 1 year ago to bring us this far. The deaths of nearly 3,000 people showed us, beyond a shadow of a doubt, that our Government was ill-prepared to tackle the multifaceted threat of terrorism.

We would be doing a great disservice to the memory of those that perished on September 11—and to the citizens this new department will be sworn to protect—if we fail to adopt a more effective system to combat terror.

As a member of the Senate Select Intelligence Committee and chairman of the Judiciary Subcommittee on Technology, Terrorism, and Government Information, I have been immersed in the debate on homeland security for a long time now.

I believe that we need to reorganize agencies to better fight the war on terror and I think that the creation of a Department of Homeland Security is a good first step.

This belief grew largely out of extensive hearings. In the 107th Congress alone, the Technology and Terrorism Subcommittee has held 16 hearings with 79 witnesses on counterterrorism.

Other subcommittee hearings covered narcoterrorism, seaport security, the National Guard, cyberterrorism, critical infrastructure, weapons of mass destruction, bioterrorism, biometric identifiers, and identity theft.

Above all, what stood out at these hearings was the lack of coordination among specific agencies involved in homeland security, bolstering the need for fundamental reorganization of our counter-terrorism effort.

For example, we dealt with the problems at the National Infrastructure Protection Center, NIPC, the chief body for coordinating the Federal response to cyber-terrorism attacks.

The hearing revealed that NIPC had strong investigative capabilities but was weak in analysis, warning and outreach.

Now, under the homeland security legislation, NIPC's investigative responsibilities will remain at the FBI but the other functions will be transferred to the Homeland Security Department.

These overall shortcomings in counterterrorism led me to introduce appropriate legislation.

Following the terrorist attack on the U.S.S. *Cole*, Senator KYL and I introduced the Counterterrorism Act of 2000. This legislation would have implemented a number of recommendations made by the congressionally-mandated National Commission on Terrorism.

The Senate passed this Counterterrorism Act unanimously, before the end of the 106th Congress. Unfortunately, the House did not act on the bill before it adjourned.

But we are in a dramatically different world now—and we are facing an enemy capable of any striking out anytime, anywhere, and by a wide variety of methods. The need for a Department of Homeland Security could not be greater.

More important than getting it done, however, is getting it done right.

There are four key areas that I would like to address: the overall structure of the new department, the critical role of immigration to homeland security and the future of the INS, my concerns about intelligence sharing, the need for strong oversight over the money we spend fighting terrorism, and the importance of protecting our civil servants.

The task before us is enormous—the largest restructuring of the federal government in half a century.

It come as no surprise that this last reshuffling was in response to a new and unexpected war—the cold war. The

Department of Defense, the CIA and the National Security Council were created by the National Security Act of 1947.

Begun in the immediate aftermath of World War II, the restructuring took years of work and compromise between the executive and legislative branches. To think we could undertake a similar operation in a matter of days or weeks is simply not practical.

We are talking about some 200,000 federal jobs, from over 20 agencies, to be shuffled around. Add to this a large chunk of the federal budget—at least $40 billion, not counting transition costs.

As we begin this massive reorganization, it is critical to do everything we can to stay focused and organized in the fight against terrorism.

Nothing could be worse than if this reorganization effort distracted from the real work of the good people in these agencies—people who are continuing the difficult, complex, and ongoing fight to prevent future acts of terrorism.

We must also be sure to strike an appropriate balance regarding which agencies to move and why.

Nowhere is this more critical, in my mind, than with the Immigration and Naturalization Service.

One of the most alarming facts about September 11 is how the terrorists used our visa system to enter the United States with impunity. They lingered here, undetected and under the radar, while some were even reissued visas after the attacks.

Because of this—and because I have long believed our borders to be sieves—last year I introduced the Border Security and Visa Reform Entry Act, with Senators KYL, KENNEDY and BROWNBACK.

Now that this legislation is law, the Congress must work closely with the administration to ensure that its provisions are properly and timely implemented.

The main thrust of this legislation was to prevent terrorists from entering the United States through gaping loopholes in our immigration and visa system.

Yet there is still much more to do, because the future of the Immigration and Naturalization Service is critical to our homeland security efforts.

To do this means ensuring that the immigration agency has the sufficient personnel and resources to get the job done. Without doubt, this is a daunting task.

When the President first released his proposal to create a new Department of Homeland Security, I had major concerns about transferring all immigration functions into a department made up of more than 25 different agencies and burdened with 120-plus different missions. But if such a transfer is to take place, the Lieberman substitute would implement it in the best possible way.

The President's proposal contained a mere two and a half pages of legislative language abolishing the INS and permitting the administration to divide the immigration system.

The White House would divide the INS with little direction as to how the agency would meet its new homeland security mission, and with little input from Congress. It would also establish a weak executive to oversee the immigration functions.

Finally, the administration's proposed new structure fails to adequately respond to intelligence failures at the hands of our front-line agencies.

For example, the General Accounting Office and the Justice Department's Office of the Inspector General has repeatedly criticized the INS for its failure to adequately train its officers to properly analyze intelligence information it collects from the field and from other agencies.

Yet the administration's bill fails to create a mechanism by which Federal authorities can share critical information with INS more quickly, so that the agency's officers and adjudicators can make the right decisions about whom to admit and whom to deny entry into the United States.

The Lieberman substitute, on the other hand, would establish two separate enforcement and service bureaus with clear lines of authority. This would ensure that: the agency's missions are straight-forward, that they are properly managed and staffed, and that policies handed down from the Director or the deputy directors of the two bureaus are implemented and followed in the field offices.

The Lieberman substitute would also elevate the stature of the new immigration agency executive—the Under Secretary for Immigration Affairs—and put into place a strong agency executive.

Right now, the Commissioner's office is too low in the Justice Department hierarchy to hold much weight with other federal agencies.

It has little meaningful authority over the District Directors, who wield enormous power, but are difficult to hold accountable. This would not necessarily change under the administration's proposal.

The Lieberman substitute would also separate the enforcement and service functions of the INS, but place them within the same Directorate.

This would allow both bureaus to coordinate such functions as investigating visa fraud, and conducting background checks of applicants for visas, naturalization, other immigration benefits, and entry.

I am particularly pleased that the Lieberman substitute contains the Unaccompanied Alien Child Protection Act, bipartisan legislation I introduced in January 2001.

I also believe that this illustrates how important it is, given this enormous restructuring, that we be very careful not to lump every role of every agency under the umbrella of homeland security.

Unaccompanied children represent the most vulnerable segment of the immigrant population.

Clearly, most unaccompanied alien children do not pose a threat to our national security, and must be treated with all the care and decency they deserve, outside the reach of this new department.

More specifically, this measure, comprising Title XII of the Lieberman substitute, would make critical reforms to the manner in which unaccompanied alien children are treated under our immigration system.

It would also preserve the functions of apprehending and adjudicating immigration claims of such children and repatriating a child to his home country when the situation warrants within the Immigration Affairs Agency, under the larger umbrella of homeland security.

The unaccompanied alien child protection provisions would transfer the care and custody of these children to the Department of Health and Human Services. Its Office of Refugee Resettlement office has real expertise in dealing with both child welfare and immigration issues.

These provisions would also establish minimum standards for the care of unaccompanied alien children; provide mechanisms to ensure that unaccompanied alien children have access to counsel, and have a guardian ad litem appointed to look after their interests; and provide safeguards to ensure that children engaged in criminal behavior remain under the control of immigration enforcement authorities at all times.

Roughly 5,000 foreign-born children under the age of 18 enter the United States each year unaccompanied by parents or other legal guardians. Some have fled political persecution, war, famine, abusive families, or other life-threatening conditions in their home countries.

They often have a harder time than adults in expressing their fears or testifying in court, especially given their lack of English language proficiency. Despite these circumstances, the Federal response has fallen short in providing for their protection.

No immigration laws or policies currently exist to effectively meet the needs of these children. Instead, children are being force to struggle through a complex system that was designed for adults.

The Immigration and Naturalization Service detains some 35 percent of these children in juvenile jails. There they are subject to strip searches, shackles and handcuffs.

Even worse, their experiences of detention and isolation are often as traumatic as the persecution they fled in their home countries.

These problems are emblematic of our immigration system. It is managed by a bureaucracy ill equipped to help the thousands of unaccompanied children in need of special protection.

This is why I urge my colleagues to support these important measures.

These changes would guarantee that the proposed Department of Homeland Security is not burdened with functions that do not relate to its core mission.

Second, it would ensure that the INS dedicate itself to its central functions and not suffer mission overload. And finally, the move would ensure that the interests of unaccompanied alien children are protected.

The future of the INS highlights two distinct questions, which relate to the larger issue of homeland security.

First, how we protect innocent civilians, immigrants and citizens alike, while uprooting terrorists and preventing terrorist attack, and second, how we organize such a large department in a way that avoids duplication and inefficiency.

With respect to this last question, the Lieberman bill is a marked improvement from the present situation, where more than 100 Federal agencies across the government play some role within homeland security, not to mention all 50 states and literally thousands of localities.

On one level, success depends on how the federal merges with State and local government—the so-called "first responders"—and from the cooperation of citizens.

This is true on a variety of issues, from preventing possible attacks, through shared intelligence, to reacting to when an attack strikes, and also how any emergency or rescue operations are able to respond.

Success also depends on the need to improve the collection, analysis and dissemination of intelligence on homeland security. To do this right, we must not side-step possible failures within the intelligence community that occurred before the attacks of September 11.

Understanding past problems is key to future successes. We cannot afford to make the same mistakes twice, especially mistakes of such consequence.

Earlier this year, FBI Agent Coleen Rowley's startling testimony before the Senate Judiciary Committee was a real wake-up call.

Her accounts of the many layers of bureaucracy at the FBI, and the many frustrations faced in reaching superiors to authorize investigations, point to a critical need to revamp the existing structure of key agencies outside the Homeland Security Department—a task as complicated as it is sensitive.

It has been suggested that this new Department of Homeland Security is destined to failure if it cannot gain access to all relevant raw intelligence and law enforcement data.

I for one agree with such a scenario. We can't be fixing major kinks in the system a few years down the road, in the wake of another intelligence failure and another nightmarish attack. We've got to get it right, as best as possible, the first time around.

This will require answers to some tough questions.

For starters: What kind of intelligence would the new department get? And what recourse will it have if it does not get the information it needs?

Both of these have yet to be adequately answered.

I want to emphasize a point that many commentators have overlooked: billions of taxpayer dollars are at stake in this debate over homeland security.

As a member of the Appropriations Committee, I have studied what we spend on combating terrorism and will spend in the near future—are the numbers are staggering. We must ensure that this money is spent properly and not wasted.

According to the preliminary results of a General Accounting Office investigation of the terrorism budget requested by me, Senators KYL, GRAHAM, and SHELBY, Congressmen SENSENBRENNER and CONYERS, the combating terrorism budget increased 276 percent in just 1 year—and is going to increase even more. Consider the following figures: a $40 billion supplemental appropriation bill was passed shortly after September 11 last year; the August 2002 emergency supplemental amounts to $29 billion; and the fiscal year 2003 budget request is $45 billion.

The GAO also found that counterterrorism missions are spread over multiple agencies and appropriations, but no real cross-agency terrorism budget exists. Neither the President nor Congress has a clear idea of how much we are spending to fight terrorism.

The GAO recommends that extensive interagency coordination and oversight is needed not just to determine how much we are spending to fight terrorism but to figure out where our priorities are.

In addition, the GAO found a number of areas of potential overlap—areas where money seems to be wasted through duplication of efforts.

These areas cut across every agency and include law enforcement, grant programs for State and local government, weapons of mass destruction training, critical infrastructure protection, research and development to combat terrorism, and terrorist-related medical research.

The creation of a new Homeland Security Department alone will do nothing to solve these problems. Simply moving agencies into a new organization is insufficient to minimize duplication and waste.

We need to be sure that the President, his Homeland Security Adviser, and the Secretary of the new department work with Congress to assist agencies in consolidating terrorism programs, eliminating duplicate efforts, and coordinating complimentary agency functions.

The issue of how best to ensure oversight over funds to combat terrorism does not stand in the way of our getting this legislation passed. The same cannot be said for the labor provisions.

As we know, these provisions remain the major barrier between the White House and Congress.

I do not see any inherent clash between collective bargaining rights for Federal employees and homeland security.

And I support civil service protections at the new Department of Homeland Security.

I support management flexibility, and I think that the Lieberman bill provides it. Under the bill, the new Secretary will have broad powers to hire and fire whom he wants.

The bill also includes a number of new flexibilities in recruitment, hiring, training, and retirement.

The Lieberman bill gives the administration flexibility in these areas. While the collective bargaining rights of federal employees in the new department will be grandfathered in, the President will be free to strip them of their collective bargaining rights if the job of those employees changes.

To me, I could not imagine a more ill-timed attack on the Federal employee unions. After all, Department of Defense civilians with top secret clearances have long been union members and their membership has not compromised national security.

And many of the heroes of September 11 were unionized. The New York City firefighters who ran up the stairs to their deaths did not see any conflict between worker rights and emergency response.

At a time of such massive restructuring of the Federal Government, we must maintain as much continuity as possible. By weakening workers' benefits, the government risks losing many highly qualified individuals to the private sector. There is also a large percentage of workers who, if push comes to shove, can option for early retirement.

This is no time for the Federal Government to suffer a so-called "brain drain," and be forced to train individuals from scratch.

The last thing we want to do in the middle of our war on terrorism is lose experienced employees on the front lines of this war—employees at the Coast Guard, the Department of Defense, the Federal Emergency Management Agency, the Border Patrol, the

Federal Aviation Administration, and other agencies that work around the clock to prevent another attack.

In closing, I would like to emphasize my belief that, in this age of uncertainty, in these uneasy times, the United States deserves a unified, streamlined, and accountable Department of Homeland Security.

Equally important, is the need to guarantee that our efforts to combat terrorism, much of which will come under the jurisdiction of this new department, remain consistent to our democratic values and our commitment to an open and free society.

We must protect legal immigrants and innocent children, who have no part in this war. We have always been a nation of immigrants—and to change this fundamental truth would undermine one of the pillars of our society.

If we fail on either of these fronts, the forces of terror would triumph without another attack.

I believe that the Lieberman substitute amendment accomplishes this in a thorough and just way. A Department of Homeland Security under its guidelines will go a long way in making us more secure from terrorist attacks.

I stand in support the Lieberman bill. And I remain confident that the executive and legislative branches will be able to work out any existing differences.

We must be patient and thorough, and we must get this done right. Present and future generations depend on us.

Mr. LIEBERMAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Three minutes.

Mr. LIEBERMAN. Senator THOMPSON asked me to yield him up to a minute, and then I ask that Senator AKAKA, a member of our committee, be allowed to close the debate with the remainder of our time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my friend from Connecticut.

The Senator from Oklahoma is exactly right. I go back to what I said when I made my opening statement a few minutes ago. The bottom line is, the important issues of national security authority for the President, management authority for the new Secretary, what kind of intelligence component we are going to have in this bill, what kind of reorganization authority we are going to give the President—all that would be wiped out if this passed. None of that is going to be germane.

Take the management part, for example. To be germane, it would have to be narrowing. If we struck the management structure from the current bill, that perhaps would be germane, but we don't do that. We suggest a different kind of management structure. I don't see how in the world that could be considered germane.

What it would do would be to take that whole debate of management flexibility——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THOMPSON. And do away with it. I respectfully suggest that is not a good idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, today I rise to discuss the current flexibilities available to agencies in the Federal Government and urge my colleagues to vote for cloture on this bill. The President has called for flexibility to manage the workforce. I agree and have said repeatedly that we must have the right people with the right skills in the right places. I have long been a proponent of providing agencies with tools they need to better manage their workforce. I agree with the President that agencies need flexibilities to carry out agency missions. However, according to David Walker, Comptroller General of the United States, agencies currently have many of the flexibilities they need. Current law allows managers to remove a Federal employee from his post and suspend him immediately without pay if the head of the agency finds that action necessary in the interests of national security, 5 U.S.C. 7532;

Swiftly reassign Federal employees to fight terrorism and reassign Federal employees to similarly graded positions or detail them from other agencies or within the Department and the employees who refuse reassignments or details may be terminated, 5 CFR part 335;

Retrain, reassign and reshape their workforce;

Choose whether to fill a vacant position from the outside or the inside, eliminate positions due to changes in programs, lack of funding, reduction in workload, reorganizations, privatization, "divestiture,," or contracting out; establish personnel ceilings, or decide to re-employ a returning worker; determine the job or jobs to be eliminated in the context of a reduction in force, and unilaterally reassign employees to vacant positions in the agency;

Have additional management rights including: promotions; adverse actions, suspensions for 14 days or less; suspension for more than 14 days; removals; demotions, reductions in grade or pay; permit the return of a career appointee from the Senior Executive Service, SES to the GS or another pay system; the power to reassign, transfer, and detail or fire of a career SES employee; determine the substance of a position description, its performance standards of an employee's position, and award, or not award, performance payments;

Decide whether employees have earned pay increases known as "step" increases, based upon performance, and are able to grant employees additional financial "incentive awards" such as performance-based cash awards, special act or service awards, and quality step increases; and

Decide whether to award recruitment, retention, and relocation bonuses worth up to 25% of base salary.

In addition, the Lieberman substitute provides additional flexibilities Governmentwide. The Voinovich-Akaka amendment, which was included in the Lieberman substitute unanimously by the Governmental Affairs Committee, allows agencies to hire candidates directly and bypass the current requirements under Title 5 once OPM has determined that there is a severe shortage of candidates for the position.

This provision allows agencies to streamline its staffing procedures by authorizing use of an alternative method for selecting new employees instead of the traditional rule of three. This will make the Government more competitive with the private sector by improving the Federal hiring process. Under the new system, the agency may divide applicants into two or more quality categories based on merit and select any candidate from the highest category while maintaining veterans hiring preference.

The amendment provides Governmentwide authority for Voluntary Separation Incentive Payments and Voluntary Early Retirement Authority, two provisions currently in place in limited situations. The expansion of this authority would give agencies the flexibility required to reorganize the workforce should an agency need to undergo substantial delayering, transfer of functions, or other substantial workforce reshaping. The provision would allow agencies to reduce high-grade, managerial, or supervisory positions, correct skill imbalances, and reduce operating costs without the loss of full time positions.

To address the impending human capital crisis, the government will need to retain Federal employees with institutional knowledge. To assist in this effort, the amendment increases the cap on the total annual compensation of senior executive, administrative law judges, officers of the court, and other senior level positions to allow career executives to receive performance awards and other authorized payments.

The Akaka-Voinovich amendments also helps ensure that we have a world-class Federal workforce and can retain talented Federal employees who wish to continue their education. This provision reduces restrictions on providing academic degree training to Federal employees and requires agencies to facilitate online academic degree training.

As a result of the current flexibilities and those provided in the Lieberman substitute, it is curious why the President continues to demand additional flexibilities. As I have previously stated, studies indicate that the flexibilities at the Federal Aviation Administration and the Internal Revenue Service have not provided the intended results and employee morale is very low. With such uncertainty in additional flexibilities and the great importance of this new agency, I question the need for such a broad grant of power. I believe the existing flexibilities and the Voinovich-Akaka provisions provide agencies the tools that they need to manage effectively their workforce. I urge my colleagues to support the Lieberman substitute and vote for cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman substitute amendment No. 4471 for H.R. 5005, Homeland Security legislation.

Jean Carnahan, Herb Kohl, Jack Reed (RI), Richard J. Durbin, Kent Conrad, Paul Wellstone, Jim Jeffords, Max Baucus, Tom Harkin, Harry Reid (NV), Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Robert Torricelli, Mary Landrieu, Joseph Lieberman, Robert C. Byrd.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the Lieberman amendment No. 4471 to H.R. 5005, an act to establish the Department of Homeland Security, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

The PRESIDING OFFICER (Mr. EDWARDS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—49

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Crapo

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Senator REED of Rhode Island be recognized for up to 10 minutes to speak as in morning business; that when he has completed his remarks, a quorum call be entered, and that when the quorum call is ended, the Senator from Connecticut, as manager of the pending legislation, be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE ECONOMY

Mr. REED. Mr. President, I thank the Senator from Connecticut for his gracious intervention on my behalf. We are debating today homeland security. We are also engaged in another significant debate about international security in the context of Iraq and the war on terror. But as Senator DASCHLE reminded us, we also have to be concerned about economic security in the United States.

Frankly, the economic numbers we have been seeing lately do not give much confidence to the American people that their economic security is being protected. As the vice chairman of the Joint Economic Committee, I have the opportunity to review, along with the staff, the reports that are coming in about our economy. It is clear that GDP is growing, but too slowly to make much of a dent in the unemployment rate. People who have lost their jobs face a much more difficult job market, and many are beginning to exhaust their unemployment benefits.

Everyone is facing increased premiums for health care. Employers are cutting back their contributions to health programs. They are being stressed in terms of adequately funding pension programs. These are the real concerns of Americans today all across this country.

When we look at the numbers, when we look at the reports, the conclusion is, obviously, we are still in an economic slump. Indicative of this are the figures I have on this chart. This is the record of job growth, but it is not growth at all, it is job loss during the Bush administration. In January 2001, there were 112 million jobs, today, August 2002, 110 million jobs—a loss of over 2 million jobs that have not yet been replaced in this economy.

The unemployment rate in August was 5.7 percent. That is one and a half percentage points higher than it was when President Bush took office. The number of unemployed Americans was more than 2 million higher in August than it was when President Bush took office, as indicated by this chart.

There is also another telling statistic that is within these unemployment numbers. The number of long-term unemployed Americans—those who have been unemployed more than 26 weeks—has increased significantly. This chart reflects that increase. In January of 2001, 648,000 Americans had been unemployed more than 26 weeks; in August 2002, 1,474,000 Americans were unemployed more than 26 weeks—a significant jump. It is significant not just in terms of numbers but in terms of something else: Americans exhaust their basic unemployment benefits after 26 weeks. Unless we have an extended benefit program in place, after 26 weeks American workers have no support as they look for jobs, as they try to support their families, as they try to make ends meet. This problem is not going away.

Although as part of the stimulus package we have passed extended benefits, they are scheduled to expire at the end of this year, so we have a real obligation in these remaining days to protect a basic tenet of economic security in this country, and that is to provide extended unemployment benefits.

The 1,474,000 will increase, and these individuals will not have the support they need to provide for their families. The little bit of growth we have seen so far is not going to head off a jobless recovery.

It should be noted that when President George Herbert Walker Bush was President and we were in a recessionary period in 1991, the unemployment rate rose another full percentage point in the 15 months after the GDP started to grow again. So we can likely see increased unemployment.

There are forecasters who have suggested our economic growth will be about 2.8 percent for the rest of the year—that is the Blue Chip consensus forecast—but the economy has to grow at more than 3 percent to generate the kind of new jobs that will reverse this unemployment situation. No consensus forecaster fully expects that type of growth going forth. As a result, most economists suggest and predict that unemployment rates will rise to 6 percent. Again, this is a real challenge to the safety and security of the American family, just as real as the threats we are debating in terms of homeland security and international security.

The conclusion, as one looks at these numbers and the economic performance from the time the President took over, is that President Bush's economy looks a lot like his father's economy. It is in recession, unemployment is growing, it will continue to grow, and yet there has not been an adequate response to this problem by the White House. He seems to have one proposal with respect to every economic question, and that is cutting the taxes of the wealthiest Americans.

As this chart indicates, this is the effect of the proposed tax cuts of President Bush, tax cuts that were enacted last year. At year 10, when they are fully realized, the average benefits, based on income level, will be as portrayed in this chart. The lowest 20th percentile of Americans will receive about $66 a year in benefits. It goes up to about $375 for individuals making around $20,000, $600 for those making about $39,000 a year. The real gain, the real benefit, goes to the very wealthiest Americans—$55,000 roughly, on average, for the top 1 percent. That is their annual savings for the tax benefits generated by the Bush tax proposal. This is not fair, and it is not smart. Unless we get all Americans participating fully in our economy, having the disposable income to go to the store to keep consumption up, to keep demand up, we are not going to have an economy that works for any American. Indeed, this is a glaring example of what some criticized Democrats for—class warfare. What is more unfair, inequitable, and slanted toward a class than this tax cut which favors the wealthiest Americans?

In addition to these tax numbers, we have to understand that these tax cuts have put enormous pressure on other programs that are decisive for every American, but particularly important for low-income Americans: Medicaid Programs, Medicare Programs, a host of other programs that need Federal support. That support has been strained dramatically because of the pressure of the tax cut.

We are at a point now where we have to act. We have to act in the very short run to restore extended unemployment benefits for the growing number of long-term unemployed Americans. We have to act, also, to resist the temptation to make all of these tax benefits permanent. However unfair this situation is, it will be compounded, and it will be compounded dramatically, if we make the tax cuts of the last year permanent.

We have to go ahead and focus on those issues that are critical to the welfare of the American family today, for their economic security today. We have to be concerned about pensions, their strength. We have to protect, I believe, Social Security, which is the bedrock of America.

I wonder how many employees of Enron and WorldCom and other companies 2 years ago would have considered their Social Security as just a trivial benefit compared to their expanded and ever-growing 401(k) plans. Today, I suspect, they see their Social Security benefit, their defined benefit, as a lifeline, allowing them to make ends meet, or at least giving them a little extra to get through.

We have to be strong in terms of protecting the bedrock program, Social Security. We have to be concerned about rising health care premiums and prescriptions drug costs. None of these problems can be addressed unless we provide the leadership, the resources, and the attention the American people demand.

Let me conclude by saying, again, there is at least one thing we must do in the next several weeks: Extend long-term unemployment benefits. Unemployment, long term, is growing. It will continue to grow for many months. American workers deserve the opportunity for some support as they look for new jobs. They deserve the opportunity to help their families as they get through a very difficult period of time.

I yield the floor.

MORNING BUSINESS

Mr. REID. Mr. President, under the previous order, we go into a quorum call and, following that, Senator LIEBERMAN will be recognized. I ask unanimous consent that the Senate now proceed to a period of morning business until 3 p.m. today, and, following the morning business being terminated, the Senator from Connecticut, Mr. LIEBERMAN, the manager of the bill, be recognized.

There is a lot of work going on regarding homeland security and different ways of moving forward. Senator LIEBERMAN and his staff and Senator THOMPSON and his staff and the two leaders have been working.

I also note that at 2 p.m. there is a gold medal ceremony in the Capitol Rotunda for General Shelton. I think the time would be well spent if we were not working directly on the bill so people would not have to worry about procedure.

I ask unanimous consent we go into morning business until 3 p.m., and at 3 p.m. Senator LIEBERMAN be recognized, and during that period of morning business the majority and minority have equal time of 10-minute limitations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENCE IN THE MIDEAST

Mr. WARNER. Mr. President, in the past 24 hours the world awakened again to another tragic incident causing great damage, death, harm, and destruction to the people of Israel. There are now news reports that, understandably, the Israelis are positioning their forces such that they, first and foremost, have to defend their sovereignty and the people of their nation, but that could again result in injury and death to others.

Regrettably, this has gone on for a very long time. Speaking for this one Senator, I feel it as an obligation on me, and I share that obligation with my colleagues, to address this subject and to put forth our own ideas as best we can fashion them. I am about to do that again. For the fourth time I have taken this floor and spoken about a concept I have had. I once again share it with my colleagues in hopes, if they have a better idea, if this administration has a better idea, then put it forward.

My thoughts were expressed on the floor on May 2 of this year in the CONGRESSIONAL RECORD, page 3812; June 21, CONGRESSIONAL RECORD, page 5891; July 24, CONGRESSIONAL RECORD, page 7299.

On August 2, roughly 6 weeks ago, I wrote the President of the United States. Copies were sent to his principal Cabinet officials having responsibilities in these areas. I am going to read that letter because it embraces my thoughts. Even though it was 6 weeks ago, I still steadfastly believe this is one approach to this tragic situation that deserves consideration.

I fully understand our President and his Cabinet are heavily engaged with regard to critical considerations on Iraq and the United Nations. But I believe there is a connection between the ongoing crisis and the unsettled situation and the death and destruction in this tragic conflict between Israel and the Palestinian people.

Six weeks ago I wrote to the President. This is the first time, of course, I have made public this letter. I respect the President of the United States of whichever party. In these 24 years I have been privileged to be in the U.S. Senate, I have written on occasion, as each of us do, to our Presidents. But I try not to write the letter and within the same day or days release it. So this is the first time I have released this letter. It was 6 weeks ago, August 2 of this year:

DEAR MR. PRESIDENT, the Nation recently celebrated our traditional 4th of July holiday—normally a time of joyful reflection about our history and patriotism. Thankfully, it was a peaceful day for America, but we entered that holiday period confronted with yet more warnings off possible terrorist attack. It is, indeed, prudent that our citizens be warned of such threats, even when specifics are lacking. However, if these warnings continue indefinitely, our people will begin to wonder what is the root cause of this hatred toward America and what is our government doing about it.

For the first time in the over 200 year history of our Republic we, under your leadership, are establishing a Department of Homeland Security and designating a new military command, U.S. Northern Command, to protect the fifty states. We've taken bold steps at home; others must join us in taking bold steps abroad.

As we all know, the scourge of terrorism in our 21st Century world is a complex, multifaceted problem. There is not a single cause, but many, including: disparate economic development around the world; lack of political and economic opportunity in many regions; the alarming spread of radical, fundamentalist religious dogma's—especially Islam—amongst those feeling disenfranchised from the mainstream; and, the parallel rise in ethnic conflict after decades of oppression by Communist and other tyrannical regimes.

In this environment of perceived hopelessness and despair for many of the world's youth, certain seemingly unsolvable events continue to fan the flames of anger and hatred that lead to irrational acts. This is manifested in the individual acts of terror we witness almost daily on the streets of Israel and in the recruitment of angry young men and women into radical terror organizations that encourage them to vent their anger in the most destructive, often suicidal, of ways.

Finding solutions for the conditions that have bred this hate and total disregard for peaceful solutions will be complex, but it must be systematically addressed. Clearly, you and key members of your Administration have shown, and continue to show leadership in this area.

But, we must ask the question, can more be done by others?

The prolonged Israeli-Palestinian conflict contributes, in part, to the unrest and anger in the Arab world. How much it contributes cannot be quantified, but it is a significant and growing factor. This conflict, often presented in a distorted and biased manner to citizens of Arab nations, must be confronted, if we are ever to meaningfully address the disaffection and dissatisfaction felt by the people of this region.

Each act of violence by either side in this unending conflict further erodes hope for a peaceful future for the people of Israel, the people of Palestine and others throughout the Middle East. In fact, each act of senseless violence in the Middle East further erodes hope that someday we can feel secure from terrorism here at home. All reasonable options to bring about an end to this violence and indiscriminate loss of life must be considered. We can never abandon hope. We must act in a way to renew hope in this land of faith, and we must continue to consider all options.

May I respectfully submit the following concept for your consideration concerning the use of NATO peacekeepers. My recommendation would be for you to request that the North Atlantic Council (NAC) formally consider a proposal to use NATO forces as peacekeepers. If the concept is acceptable to the NAC they could commence to draw up a plan for peacekeeping. Once consensus had been achieved within the NAC, the NAC would so advise the Government of Israel and the Palestinian Authority, making it clear NATO would assist; only if the two sides establish a genuine cease fire, and both sides accept NATO's plan. Further, both sides must commit to cooperate in preventing further hostilities until negotiations have been successful to the point that NATO forces could be withdrawn and a substitute security plan has been put in place. Obviously, these steps are and will be very challenging, but they are achievable, especially in light of the bold, balanced vision you have articulated for a resolution of this conflict.

The basic thoughts in this letter have been stated by me previously in speeches on the floor of the Senate, and in my remarks to a recent gathering of NATO ambassadors on Capitol Hill, and in open hearings of the Senate Armed Services Committee with the Secretary of Defense present. Time is of the essence. I am concerned that recent events in the region, including the unfortunate Israeli attack that killed women and children as Israeli forces pursued Palestinian terrorists and the subsequent terrorist attack on Hebrew University, will further delay meaningful progress toward peace.

I strongly encourage you to explore this option with our NATO allies, and determine if they are willing to consider such a proposal. The time for discussion and consensus building is now. When the conditions for a cease fire and negotiations are right, we must be able to act quickly and decisively with a credible peacekeeping force.

I believe a NATO force would be credible for the reason that Europe is perceived as being more sympathetic to Palestinian views and the U.S. as more sympathetic to Israeli views. NATO can bond these viewpoints to act as one with peace as its unifying goal, and dispel these perceived biases. NATO troops are trained and "ready to roll" on short notice. NATO is an established coalition of nations with a proven record of successful peacekeeping in the Balkans. Clearly, there are risks, but NATO peacekeepers can—with the cooperation of Israel and the Palestinian people—bring stability to this troubled region; stability that will allow for meaningful negotiations that have a chance to end the violence.

This is not a conclusion that I have reached lightly. Some of my colleagues in the Senate, as well as noted journalists and others, have discussed with me the broad issues associated with this proposal. Mine has been one of the many voices calling for well-defined principles and restraint in the employment of U.S. forces around the world. I fully recognize the risks to U.S. forces and our alliance partners. I strongly feel this is one of those unique circumstances that demand every resource and idea we can bring to bear. If the opportunity arises, we must be prepared to give peace and hope a chance.

I respectfully submit these thoughts as you forge ahead and lead the world's efforts to find a path to peace for this important region of our global community, and in so doing, enhance the security of our people here at home. It is my fervent hope that by the time we pause to celebrate our nation's next birthday, the fledgling ideas we are collectively considering today will have blossomed into substantial progress toward freedom from the senseless violence we are witnessing today.

With kind regards, I am respectfully,—John Warner.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 14, 2002]

NEVER MIND, MR. SHARON

Most of three months has passed since President Bush laid out his vision for resolving the Israeli-Palestinian conflict, and still there has been next to no follow-up by his administration. No. Cabinet-level officials have visited the region since the president's speech; despite pleas from the Arab leaders Mr. Bush asked for support, no details have been offered on how to move from the present situation to Mr. Bush's vision of side-by-side Israeli and Palestinian states. On the contrary: Despite Mr. Bush's announcement of an international effort to reconstruct Palestinian security forces, the CIA has taken only token steps to train new officers; despite the president's clarion call for Palestinian democracy, the administration has quietly joined Israeli Prime Minister Ariel Sharon in opposing the holding of Palestinian national elections anytime in the near future. In effect, what the president cast on June 24 as a major initiative for Middle East peace has all but vanished; in its place is a suddenly all-consuming campaign against Iraq that could soon lead to a new Middle East war. Vice President Cheney, among others, is arguing that overturning the regime of Saddam Hussein will make an Israeli-Palestinian settlement easier, but even if that is true, what is not clear is how a conflict that has cost more than 2,000 lives in the past two years, and is a primary source of Muslim grievance against the United States, can be contained between now and then.

In the now familiar absence of Bush administration engagement, halting progress has been made by the parties on the ground. There have been no major Palestinian suicide attacks against Israelis in six weeks, despite several attempts; both the Israeli army and the Palestinian administration claim credit, and both probably had something to do with it. Attempts by Palestinian political and military leaders to change the direction of their self-destructive uprising against Israel, and to force Palestinian leader Yasser Arafat to yield most of his power, continue in spite of Mr. Arafat's strong resistance; this week the legislative body of the Palestinian Authority delivered an unprecedented rebuff, forcing the resignation of Mr. Arafat's cabinet. The more moderate Labor Party ministers in Mr. Sharon's cabinet have been trying to negotiate incremental security agreements with the Palestinians, and there are signs of revival in the long-moribund Israeli peace camp.

But Israeli troops occupy six major West Bank towns and significant parts of the Gaza Strip, imposing curfews and other restrictions on movement that aid agencies say are breeding a mounting humanitarian crisis. Israeli forces killed more than a dozen innocent Palestinian civilians in the past two weeks, including several children; a hasty official investigation cleared the soldiers of any wrongdoing. Israeli settlement-building in the territories continues; Mr. Sharon refuses to rein it in, just as he rejects any discussion of Palestinian statehood or any negotiations—even with a post-Arafat leadership—about a permanent peace. For his part, Mr. Bush clearly remains unwilling to do or say anything that would cross Mr. Sharon. That reluctance largely explains his administration's failure to act on his broad promises of last June; in the coming months, it could also prove a serious impediment to building a coalition against Iraq.

Mr. WARNER. I yield the floor.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

THE BUDGET AND THE ECONOMY

Mr. CONRAD. Madam President, appropriately, there has been a great deal of discussion over the past week about the fiscal status of the country, the condition of our budget, and our national economy. I would like to take a few minutes to respond to some of the false claims that have been made by the Bush administration and by some Members of the Senate over the last 10 days.

First, I would like to respond to some of the remarks made by the President when he was at a fundraiser in Iowa on Monday. The President said the following there. He said:

> [W]e have a budget that focuses on setting priorities and focuses on getting us back to a balanced budget. But there has been no budget out of the United States Senate. They haven't passed a budget. They have no plan to balance the budget. . . . It's of concern, because if you have no budget, it means there's no discipline. And if there's no discipline, it's likely that the Senate will overspend.

If there was ever a case of someone accusing another of their own shortcomings, this is it. My grandmother once told me: Sometimes what people say about others reveals more about themselves than it does of those who they seek to characterize.

This is that circumstance. These comments by the President, I find deeply disturbing. It is unfortunate that the President continues to deny any responsibility for the Nation's dive back into deficits and for increasing debt.

Instead, he desperately tries to blame others for the deficits that his own policies have created.

Let's look at the President's first claim, that he and the House Republicans have a plan that "focuses on getting us back to a balanced budget." No, they do not. That is not true. The President must know it is not true. They have no plan that gets us back into balance. In fact, the plan they have drives us deep into the deficit swamp. That is the truth.

You will recall 1 year ago, the President told us, with great confidence, that we could expect $5.6 trillion of surpluses over the next decade. We warned, at the time, that that was a risky gamble, that one could not count on a 10-year forecast, that there was enormous risk associated with it.

The President insisted not only that there was going to be $5.6 trillion of surpluses over the next decade, but he and his administration told us privately that there is probably going to be much more money than that.

We said: No, we think it is highly unlikely that we will see that level of surplus.

And just 1 year later, what we find is, if the President's spending and tax policies over the next decade are adopted, instead of $5.6 trillion of surpluses, we will see $400 billion of deficits. The President says it is the fault of the Democrats, that they are spending the money.

Madam President, this will happen without a dime of spending by Democrats. These numbers only include the President's own proposals for spending and additional tax cuts. They lead us from a circumstance of last year being told we had nearly $6 trillion of surpluses to one in which we now see $400 billion of deficits, if his policies are adopted.

In many ways, this is the best case scenario because it does not take into account that the President will be using trillions of dollars of Social Security money on top of this.

This chart shows—I will put it in the RECORD; I know it is too small to read from afar—but one can see the red. The red are the deficits. If you don't count Social Security money, if you don't take Social Security money, as the President proposes, and use it for other things, we see red ink throughout the entire rest of the decade. In fact, over $2.7 trillion of money is being taken from Social Security to pay for other things under the President's budget plan. That is a recipe for fiscal disaster. And it is the President's plan, make no mistake about it.

I ask unanimous consent the chart I just referred to be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

CHANGES IN BASELINE SURPLUS AND DEFICIT TOTALS, JANUARY 2001–AUGUST 2002

[In billions of dollars]

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002–11
Total CBO surplus—January 2001	313	359	397	433	505	573	635	710	796	889	5,610
Total CBO surplus/deficit—March 2002	5	6	61	111	135	175	213	263	309	454	1,733
Total CBO surplus/deficit—August 2002 [1]	−157	−145	−111	−39	15	52	88	133	177	323	336
Total CBO surplus/deficit with President's proposed budget policies	−157	−159	−138	−76	−44	−23	−2	36	70	108	−386
Without Social Security	−315	−329	−326	−282	−268	−265	−264	−245	−230	−211	−2,734

[1] The CBO baseline projection assumes no change in current policies governing taxes or entitlement spending and that discretionary appropriations in FY 2003 through FY 2011 will equal the level enacted for FY 2002 (including FY 2002 supplemental appropriations), adjusted for inflation.

Source: CBO estimates of January 2001, March 2002, and August 2002 baselines. SBC estimates of President's budget based on CBO baseline estimates and the President's proposed policies.

Mr. CONRAD. The President, again, says the problem is spending. Let's look at what the nonpartisan Congressional Budget Office tells us is the reason for this disappearance of the surplus. Nearly $6 trillion of projected surplus from last year, gone. There is nothing left. If we adopt the President's budget and spending plan, there are no surpluses, only deficits, some $400 billion. And that is the good news because that assumes that the President takes every penny of Social Security surplus over the next decade. So the real deficits are much worse than the $400 billion that I have shown under the President's plan. The true deficits, not counting Social Security, not taking Social Security money to use it for other purposes, is not $400 billion; it is $2.7 trillion.

Where did all the money go? Here is what the Congressional Budget Office told us.

Thirty-four percent of the disappearance of the surplus went to the tax cuts the President pushed through Congress that were passed last year, and that he signed into law.

Twenty-nine percent is from overestimations of revenue by his administration; that is, outside of the tax cuts. So revenue is down 63 percent, not counting lost revenue from the economic downturn; it accounts for 63 percent of the disappearance of the projected surpluses. Twenty-two percent of the disappearance is because of spending, spending on national defense and homeland security. That is where the increases have been. The President supported every penny of those increases in spending. That is where the money has gone. In addition, 15 percent of the disappearance of the surplus is the result of the economic downturn. That is where the money has gone.

For the President to assert it is Democrats who have been overspending is not supported by the facts. The facts are, the overwhelming reason for the disappearance of the surplus is the tax cuts the President proposed and pushed through Congress. The second biggest reason for the disappearance of the surplus is his administration's overestimates of revenue apart from the tax cuts. The third biggest reason is spending on defense and homeland security, every penny of which the President supported. And the smallest reason for the disappearance of the surplus is the economic downturn.

The President, regrettably, is pointing fingers at everyone else but refusing to acknowledge his own responsibility for this dramatic turn in the fiscal condition of the country. The President says: It is the attack on the country and the economic slowdown.

Those are two reasons, but, in fact, they are the smallest reasons for the disappearance of the surplus. The biggest reasons are the tax cut he pushed and his overestimations of revenue. Those are his responsibilities and his failures.

Remarkably, the President's answer to all of this is to advocate more tax cuts. Let's dig the hole deeper. We already see an ocean of red ink over the next decade. We see under the President's plan the taking of over $2 trillion from Social Security to pay for his tax cuts and other things. And the President's answer is: Let's have more tax cuts, $400 billion more in this decade for making the tax cuts passed last year permanent, and a cost in the next decade of $4 trillion.

I hope people are listening. I hope people are thinking about the implications of this. We already face an ocean of red ink. And what the President is proposing is, let's get it bigger; let's have more red ink.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CONRAD. I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, if we adopt the President's proposal, this country will be digging a hole so deep that we will face enormously difficult choices in the future: massive cuts in benefits, massive tax increases, huge debt, unsustainable, all of them. But that is the direction the President has us headed in fiscal policy.

I know people are distracted and thinking about war with Iraq and thinking about a war against terrorism. And those command our attention. But we must also pay attention to the fundamental financial strength of America. The President has us on a disastrous fiscal course, with deficits all the rest of this decade, the President is proposing making them much deeper in the next decade, right at the time the baby boomers retire.

We must understand, we are in the sweet spot of the fiscal future of America. Right now the trust funds of Social Security and Medicare are throwing off huge surpluses. Yet under the President's plan, all that money, every dime of it over the next decade, is being taken and used for other purposes, used to fund the tax cuts, to pay for other priorities.

What is going to happen when these baby boomers retire and they are eligible for Social Security and Medicare? This is not a matter of projections. The baby boomers have been born. They are alive today. They will retire, and they will be eligible for Social Security and Medicare. But they are going to find the cupboard is bare because the President has advocated and pushed through Congress a policy that uses all of the money.

Let's now consider the President's second claim that the Senate has no budget plan. We reported out of the Senate Budget Committee back in March a 10-year plan that would have made available to the President all of the resources requested by him for defense and homeland security, but still we paid down as much as $500 billion more in debt than the President's budget. To say we have no plan is simply wrong. We have a plan, a very clear plan, a very detailed plan that also contained a circuitbreaker to put the Nation back on a path to balance without raiding the Social Security trust funds and to do it within 5 years.

I would like to do it this year but that is no longer possible. But it is critical we adopt a plan that does return fiscal responsibility. We have presented that plan. It has passed the Budget Committee. Sadly, our counterparts in the House, instead of adopting a 10-year budget plan, as is traditional, as the President proposed, that could have been sent to a conference with the Senate, the House of Representatives passed only a 5-year plan. Why? Because they wanted to hide the enormous cost in the second 5 years of the President's plan to make the tax cuts permanent and to add even more tax cuts.

Further, the House used overly optimistic OMB numbers instead of the Congressional Budget Office projections of costs and revenues; again, misleading the American public as to our true financial condition.

The House set spending for such priorities as education and law enforcement and highway construction at levels so low that the House Republican leadership can't even get their own Members to vote for the appropriations bills on the floor of the House of Representatives. They want to wait until after the election because they know they dare not go to the American people with proposals to do such things as the President proposed as cutting the highway program 27 percent or virtually eliminating the COPS Program that has put 100,000 police officers on the street. How wise is it to eliminate the COPS Program when we are subject to terrorist attacks?

These factors have made it virtually impossible for the House and Senate to ever reach agreement on a budget resolution this year.

In June, in the Senate, a group of us, on a bipartisan basis, offered a budget agreement for the next year containing the key elements of what the Budget Committee proposed, including the setting of realistic spending limits and renewing expiring budget enforcement mechanisms so we could maintain fiscal responsibility.

What did the Bush administration do? They engaged in a furious lobbying effort against it—against setting a realistic cap on spending, against extending the budget enforcement procedures to help maintain fiscal discipline. It seems shocking now to hear the President say he is worried about deficits because he and his administration blocked the efforts to protect us against those very events.

The fact is that we got 59 votes for that proposal on a bipartisan basis. We needed a supermajority, which is 60. Even though we had 59, we needed 60. So that spending cap wasn't put in place and we did not get the budget enforcement procedures extended.

The bottom line is that we set a realistic and appropriate spending cap. The administration is opposing it in a desperate attempt to look fiscally conservative given the massive deficits that have returned on their watch. Yesterday, one of my colleagues came to the floor and complained that spending is too high and it is the reason for the return to deficits.

The place where spending has increased is in defense and homeland security, every penny of which the President asked for, every penny of which passed here with huge, bipartisan majorities. Those measures that are still pending will pass with huge bipartisan majorities.

While it is true that defense and homeland security spending has gone up, it is very important to put into context what has happened to overall Federal spending over the last 20 years. What one sees is overall Federal spending—going back to 1980, it was 22 percent of GDP. In the previous Bush administration, it was close to 22 percent of gross domestic product. It has come down to 18.4 percent. Federal spending has been coming down as a share of our national income.

It is true we have now had a blip up. We have had that blip up because of the attack on America. Yes, we have increased defense spending; yes, we have increased homeland security spending—at the request of the President of the United States. He was right to do so. Even with that, we see—looking ahead—a decline in the share of national income coming to the Federal Government.

Federal spending, while certainly a part of this calculation and a contributor to the increased deficits because of the increases for national defense and homeland security, is not the major reason for the return to deficits and the increasing debt. It is a reason, but it is a relatively small reason.

The same can be said of discretionary spending, which is for all of the things that are not mandatory. Mandatory spending is Social Security, Medicare, farm program—that is mandatory spending. Discretionary spending is for things such as parks, roads, law enforcement, and defense. You can see that discretionary spending has come down quite sharply since 1981.

Again, we see a blip up because of homeland security and national defense. It is also quite remarkable to see members of this administration complaining about the discretionary spending cap we proposed when they are coming out at the same time estimating that a war against Iraq could cost literally hundreds of billions of dollars.

Just this Monday, we saw the President's chief economic aide say the cost of the war with Iraq may top $100 billion. More than that, Mr. Lindsey dismissed the economic consequences of such spending, saying, "It wouldn't have an appreciable effect on interest rates or add much to the Federal debt, which is already about $3.6 trillion."

I am from North Dakota. In North Dakota, $100 billion is still real money. That is big money. The President's Chief Economic Adviser—maybe it is part of the reason we are in such financial straits as we are, because this man doesn't understand the significance of $100 billion. He said it really makes no difference. On the other hand, they say $9 billion more so that we don't cut the Federal highway program by 27 percent, so we don't eliminate the COPS program, so we don't cut education—that $9 billion is a disaster, but $100 billion doesn't matter. That is a policy that does not add up.

So where has the Bush fiscal policy left us? The fact is that the surplus is gone. The Federal debt has come roaring back. You will remember that last year the President promised us he would have maximum paydown of the Federal debt. Now we see that that is not true either. The debt held by the public in 2008, he told us last year, would be virtually eliminated. Now we see, instead of having virtually no debt, we are going to be stuck with $3.8 trillion of debt. That has serious consequences for the country.

The President, who said he would have maximum paydown of the national debt, came and asked for a maximum increase in the debt limit. In fact, the only larger request for an increase in the debt limit came from his father when he was President. He asked for a $915 billion increase in the debt. This President asked for $750 billion. The consequences of this enormously increased debt—increased from what we were told last year—is that the interest costs to the Federal Government have tripled, from $620 billion, over the next 10 years, to $1.9 trillion. These policies have real consequences, and real effects, and real impacts on our national economy.

Last year, the President said maximum paydown of the debt. Now what we see under his policy, instead of maximum paydown of debt, is that we will have maximum taking of money from the Social Security trust fund to pay for other things. In fact, the remarkable reality of what we confront is that the President, under his plan, will take every penny of the Social Security surplus over the next decade to pay for his tax cuts and other things. This is the time when we are on the brink of the retirement of the baby boom generation.

This is what we face in the longer term. Right now, the trust funds of Social Security and Medicare are throwing off large surpluses. But that money is being taken under the President's plan to pay for other things, including his tax cut. And we know that, starting in the year 2016, these trust funds go from cash positive to cash negative, and they do it in a very big way. We need to get ready for this reality. That is why we proposed less of a tax cut, more money to paying down debt, more money to secure the long-term solvency of Social Security. The President rejected that plan in a reckless way and has put us on a fiscal course that means more deficits, more debt, more economic insecurity, higher interest rates, lower economic growth, lower employment.

It is critically important that there be a balance in what we do in Washington. It is not healthy to have only one side to a debate. That is what we have seen in the last week. It is time for our side to speak up, to stand up, and to fight back because much is at stake for our Nation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to address a forest issue, but since Senator WYDEN and I have worked closely on this, I ask unanimous consent that his remarks directly follow mine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

FOREST MANAGEMENT

Mrs. FEINSTEIN. Madam President, for some time now, Senator WYDEN and I have been working together to try to put forward a compromise amendment on two amendments which are on the Interior appropriations bill. One amendment is by Senator BINGAMAN; the other by Senator CRAIG.

At present, both amendments need 60 votes. Neither amendment has 60 votes. Both amendments deal with a very real emergency in American forests today. It would be a tragedy if we could not use this appropriations bill as an opportunity to move a plan forward to do the emergency work we need to do to protect our people, our property, our forests, and our endangered species from the risk of catastrophic fire.

Right now, 190 million acres of public lands are at high risk of catastrophic fire. That is 190 million acres, and 73 million of these are in the highest fire risk category, called class III. Of that class III, 23 million acres have been designated by both the Forest Service and the Department of Interior as in vital need of emergency treatment. Those are the strategic areas that need hazardous fuels taken out of the forests to avoid catastrophic fire.

Today in America, moderate to severe drought covers 45 percent of the Continental United States. It is predicted that El Nino is returning, which means we can expect volatile weather patterns, more pronounced rainfall, more pronounced drought. All of this will only exacerbate the risk of catastrophic fire.

It is estimated that this is the third hottest summer on record in the United States. To this fact, we are adding that 2002 looks as if it is going to turn out to be the worst fire season on record in the United States.

This year, 6 million acres of land has burned. That includes nearly a half a million acres in California, and because we have an Indian summer, we are not out of the forest fire season yet.

More property will be lost, more vital habitat for endangered species will be destroyed, and more people will be in greater danger if we do not do something. We have firefighters laying down their lives on these fire lines in some of the worst fires we have ever experienced.

Today, fires burn hotter, faster, and more intensely than ever, and there is a reason for this. The reason is because of forest policy which is what has been called fire suppression. That means you go in and suppress the fires as soon as they begin. Of course, that takes a lot of money, and we have used over $1 billion just fighting these fires. It does not prevent a future fire from happening, but I believe fire suppression has to become the policy of the past rather than the policy of the future because what is happening in our forests is that we have an unprecedented buildup of materials on the ground, so-called biomass, fuels in plants and bushes.

We have a lot of nonnative species now springing up where certain ancient trees are fire resistant, such as the giant sequoias, for example. If other trees grow up among them, they become fire ladders so that when a fire starts, it has the fuel on the ground. It has the new young trees to use as ladders, and the fire whooshes up, hits the canopies of the old trees which are, for the most part, the habitat of endangered species and the greatness of our ancient forests.

The question comes up: How do we work at this? Senator WYDEN and I have chosen to see if we can put together a compromise between the Craig amendment and the Bingaman amendment which will allow us to move for the 1 year that is the life of the fiscal year 2003 Interior appropriations bill vigorously to treat some of those areas.

The areas that we would treat really is very small. Our recommendation would be up to 7 million acres out of the 24 million acres. We know the forest departments are going to try to do at least 2 million acres. What we are saying to them is: This next year triple your activity, move rapidly. Then we try to set the parameters of that emergency movement.

For a moment, I wish to share some of those parameters.

We make a number of findings in our amendment that document and reflect the emerging conditions we find in our forests, and I will talk about that in a moment. But the amendment establishes a 1-year pilot project to enable the Bureau of Land Management and the Forest Service to move rapidly to treat up to 7 million of the 24 million acres in those strategic areas.

Our amendment would have directed all of the work to be only on those lands at the highest danger level of catastrophic fire. It would stipulate that 70 percent of hazardous fuels reduction projects be done either within one-half mile of a community—that is what is called urban wildland interface—or within municipal watersheds. Those are the watersheds where the fire risk to the ecosystem is the greatest. So 70 percent of the program would be concentrated in the areas where we know there is the greatest risk. The urban interface has been broadly agreed to. There is some question on the watershed areas.

Having said that, for many States, rural States in particular, the only way they are going to get any emergency treatment is if we include these watershed areas because this is where they generate the big fires. These are, obviously, the more rural States. California can certainly use all of its funds just within urban interface, but that is not true for more rural States.

Our amendment would also allow the administrative appeals process to be truncated for these areas. What we are trying to do is speed things along, and we estimate this would save at least 135 days. Any fuels reduction projects, such as thinning or brush removal, within a half mile of any community would be excluded from what is called NEPA, the National Environmental Policy Act, thus preventing these projects from being stalled indefinitely. I think there is broad agreement about that.

I think the environmental community understands the need to work quickly in areas very close to communities and very close to property.

Additionally, any temporary injunctive relief, whether it is a TRO, which is limited in days, we know, or a preliminary injunction, which can go on for a substantial period of time—this is a big give on our part. This is, I think, for Senator WYDEN—and he will speak for himself—but certainly for me this is the last best offer to try to get an accommodation with the other side of the aisle. What we did was say that any temporary injunctive relief, preliminary injunction, or TRO, would be limited to 60 days with the authority to renew each temporary injunction without limitation.

What we believe it would do is cause the judge to reflect on our findings in the legislation, on the emergency situation, and on the problems directly on the ground at the time.

I understand my time is up. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. This means in situations where the risk of fire is absolutely the greatest and projects are being held up in the courts, a judge must consider changing circumstances and whether to renew a preliminary injunction. Anybody filing an administrative appeal to a hazardous reduction project would be required also to raise the issue before the close of notice and comment; in other words, to have some standing to bring an appeal, not just to be able to jump in after all the periods have closed and go to court.

These were two of our biggest gives in the interest of trying to gain 60 votes. I truly do not think there is anything else we can do. These are very big concessions, at least as far as I am concerned, and I think that is echoed by Senator WYDEN as well.

I will quickly outline some of the additional safeguards in our amendment. There would be no road construction in any inventoried roadless area. An ecologically sufficient number of old and large trees would be maintained for each ecosystem; and for fuels reduction projects, agencies would be required to do all thinning from ground level up. This means that thinning would start with small trees and brush at ground level and act as a safeguard against the cutting of larger trees. And in special, or what is called extraordinary circumstances, such as areas with endangered species or tribal issues or where archeological findings may lie, the exclusions from the normal process do not apply.

Additionally, I will speak for one moment about the four findings in our amendment because they underlie the problems we are facing.

Firstly, in 2002, we find that approximately 6.5 million acres of forest land have burned, 21 people have died, and 3,079 structures have been destroyed. We find the Forest Service and Bureau of Land Management have spent a billion dollars fighting these fires. We find 73 million acres of public lands are classified in the highest risk of catastrophic fire. We find that forest management policy of fire suppression has resulted in an accumulation of fuel load, dead and dying trees, infested trees, nonnative species, creating fuel ladders that allow fires to reach the crowns of large old trees and cause catastrophic fires. Fourthly, we find the U.S. Forest Service and the Department of the Interior should immediately undertake an emergency program to reduce the risk of catastrophic fire. Obviously, the emergency program is confined to those areas I spoke about.

In closing, I thank, first, Senator WYDEN. I also thank Senator BINGAMAN, Senator DASCHLE, Senator CRAIG, Senator DOMENICI, Senator KYL, and Senator BURNS, all of whom have spent an inordinate amount of time trying to reach some agreement.

I restate my belief that the forest fires raging throughout the Western United States represent one of the most severe crises facing our Nation. The devastation has and will continue to be immense. It is the greatest human and ecological threat now facing virtually every Western State. This is a crisis that transcends the issue of party politics, and I deeply regret our inability to reach a meaningful compromise, at least at this time. Because the Interior appropriations bill will be on the floor at least for the next few days, I urge my colleagues on both sides of the aisle to continue to seek a consensus and I, for one, remain open to one.

I am sorry we do not have an agreement to report, but I want to end by thanking Senator WYDEN for his leadership. He has a State that has glorious forests, as do I. He has been wonderful, and I hope there is a change and we may be able to work something out together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, let me begin by expressing my thanks to Senator FEINSTEIN. I still hope the Feinstein wisdom will prevail upon the Senate and we can get to common ground on this contentious issue. I want my colleague to know how much I appreciate the many hours and nights we have been at this, shuttling back and forth between our offices and the offices of Senator CRAIG and Senator BINGAMAN.

I share the Senator's commitment that, despite the news we have to deliver that there is no compromise today, we are not going to give up and we expect to revisit this issue in the Senate again soon. I thank my colleague for all her leadership, and particularly for her passion on this issue.

When I came to the Senate, I never felt very comfortable when the news media said I was elected to fill the seat of Senator Morse or Senator Packwood. That is because I do not think the people of Oregon send someone to the U.S. Senate just to fill a seat. The people of Oregon send someone to the Senate to work for what is right. That is what they expect of their Senators: to do what is right and take your lumps. They can live with that.

With that in mind, Senator FEINSTEIN and I have now spent certainly 6 or 7 weeks trying to help find the common ground in the Senate for a balanced, narrowly focused bill to address the fire threat in our forests. We knew it would be a difficult task when we took it on, and it has certainly lived down to that promise.

This is what the Senate faced, as Senator FEINSTEIN and I tried to move forward. On the one hand, there is one camp of considerable passion that, unfortunately, would be willing to use this summer's horrendous fires to deny citizens the right to seek justice in a court of law or to severely limit those rights. In another camp, there have been many who have said we will accept no changes in these laws whatsoever, even changes that will benefit the environment. Their position, as far as I can tell, is that there is practically a constitutional right to a 5-year delay on forest management decisions.

Given these two camps, Senator FEINSTEIN and I, optimists by nature, said we know there are Senators who want to try to come together to find the common ground. We set out to do it. Unfortunately, as of this afternoon, it seems the Senate is not willing to seize the common ground which Senator FEINSTEIN and I believe is within the Senate's grasp.

Today, in a front page article of the Oregonian newspaper it was suggested that the Bush administration does not think it needs congressional authorization to pursue a solution to the forest health problem. My sense is they agree with Senator FEINSTEIN and myself that the use of, for example, what are called categorical exclusions offers a way to expedite the process required to reduce fire threats and restore diseased and damaged forests. The administration plans to pursue categorical exclusions though history shows there have been successful court challenges to administratively created categorical exclusions in the past. We believe the American people and the forests would have been better served with narrow specific congressional authorization of categorical exclusions—but, due to the lack of a compromise, that congressional action, as of this afternoon, will not happen on this bill.

Though, as we worked over the last few weeks, it seemed a core group Senator FEINSTEIN, Senator CRAIG, Senator BINGAMAN, Senator DOMENICI, and others—were very close to a compromise, we did not get there.

Instead, the result has been so many pieces of stray paper floating around Washington, the country, and the internet, as well as a whole host of poorly informed rumors. So much misinformation is out there that I have posted our joint Feinstein/Wyden proposal on my Web site so that people will see what it is we have sought to do to try to bring the Senate and our constituents together. I will touch on that proposal just briefly.

First, we allow the use of broad categorical exclusions to thin and salvage in the most fire-prone areas within the urban-wildland interface and allow the use of somewhat narrower categorical exclusions to manage fire-prone lands in other areas.

Second, we require people who may want to file an administrative appeal on a project at a later date to participate in the public comment process on that project.

Third, we require judges to periodically review temporary injunctive relief granted and to review those injunctions with updated information every time a project is brought before the court.

My sense is the administration could have accepted the proposal Senator FEINSTEIN and I have pursued—but not enough Senators could see their way there.

If Members want to get something done, they are going to have to take some political risk. I am not here to blame anyone. Senators have worked in good faith. However, I do not think it is too much to ask Senators to take a political risk to solve this critical problem so that families and forests are not facing the ultimate risk of devastating fires summer after summer.

There should be no confusion on this point. Unless there is some willingness on the part of the Senate to take the kind of political risk necessary to find common ground, we will see these devastating unnatural fires summer after summer after summer, as sure as night follows day.

There were a host of obstacles to a compromise today, though in the past we have been able to find common ground. Senator CRAIG and I, for example, led an effort in this body to write the county payments law, a critical law that is used to offer billions of dollars for rural communities to pay for services and schools. People said that could not be done. The Forest Service now calls it the most important law for that agency in 30 years. Senator CRAIG and I came together more recently to try to advance an old growth protection proposal for the Pacific Northwest, though we have a lot more work to do in that arena. My point is, it is possible to find common ground.

I am going to try again, probably a lot sooner than some people think or may want, on this issue. But I do know that two Democrats, despite all the pushing and pulling, do not make a winning hand in the Senate.

Senator FEINSTEIN and I faced some big challenges. I opposed those who hold out for a major overhaul of the judicial process on this bill, though, due to its controversial nature, that approach is not going to allow us, any time soon, to address the risk of fire. We opposed others who may want to grant very broad forest management exemptions for projects conducted within municipal watersheds. That will also make it impossible to find common ground and a compromise.

But like I said earlier, I don't want to blame anyone today. Certainly, with all the misinformation out there about what I have done and supposedly not done or said during the last few weeks—and I am sure other Senators feel the same—this is not a time to offer a litany of charges with respect to any Member of this body.

My bottom line is this: I hope these efforts, laborious though they have been, can someday soon yield fruit. Toward that end, I thank a number of colleagues. Senator CRAIG has worked in good faith, and certainly closely with me. I hold him in the highest regard. Senator FEINSTEIN, as I have already mentioned, was there night and day working on this issue and I appreciate her efforts. Senator DASCHLE and Senator BINGAMAN went out of their ways to try to accommodate Senator FEINSTEIN and me. For their efforts, I am appreciative, as well.

I chair the Subcommittee on Forests and Public Land Management. In Oregon, we have had tragic fires. I have been consumed by this day after day after day. I wish we were in the Senate today saying we had found the common ground. I think it is possible to do it. The Senate cannot leave this subject for too long and will return to it after this bill is done in some form or another. Too many lives and too many communities will be devastated if the Senate washes its hands of this issue. I am committed to working with all my colleagues, on a bipartisan basis, day after day after day, until this gets done.

I hope one day soon I will be able to come to the floor of the Senate and participate with my colleagues on something that all Members can believe is a positive step forward to make sure these treasures, our forests and lands across this country, are managed properly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

FORESTS

Mr. MURKOWSKI. Madam President, I congratulate my colleague from Oregon and my colleague from California for the effort to try to reach a rationalization relative to the decimation of the forests in the Pacific Northwest.

I am frustrated with regard to the extended negotiations associated with forest health. Any Member, if we are stricken, seeks the very best advice. We do not hold a townhall meeting. We seek out a specialist, a specialist who obviously is well trained, a specialist who bears the brunt of a suit if there is malpractice associated with the care given.

If I may draw a parallel, we have very sick forests. They are sick as a consequence of well-meaning environmental pressures to basically terminate access into the forests, which has always been provided by logging. Many people assume that old growth has always been. They overlook the reality that a forest is similar in many respects to a field of wheat. If it is harvested, it regenerates.

Depending whether selective logging is used or clearcut logging, the appropriate procedure is reforestation. Reforestation occurs by individually planting trees or it can be done by natural reseeding, which is much the case in my State. But we prolong this argument and take it beyond the realm of addressing in a timely manner the necessary correction. The necessary correction associated with our forests as a consequence of the tremendous exposure of fires is the management of underbrush that is predominant in the second growth. If that is not cleared, why, clearly we expose ourselves to complications associated with a huge fire moving through an area very rapidly and the inability to go in and fight it because we have eliminated access in much of our national forest.

So I beseech my colleagues to consider the ramifications. Let's make these decisions not on emotion; let's make them on the best forest management practice. We have foresters who spend a lifetime in the area of forest health. We have to listen to those people; otherwise, we are kidding ourselves and we are kidding the public. We should be taken to task by the public for not directing this corrective result.

While well-meaning environmental groups say let nature take its course, that is not, if you will, in the opinion of many of us, the appropriate procedure. We can help nature. We can help our forests. The forests are there, and we should recognize that we use the forests. They are a place of recreation; they are a place of productivity. If we have fires, we should take what the salvage capabilities are in the forests and move that timber out while it still has some value.

It is very frustrating to the Senator from Alaska. We have fires in the interior. The Tongass is a very wet area and we have few fires. But to see this debate go on and on with no conclusion, no recognition that decisions should be made on the basis of forest health, is extremely frustrating. I hope my colleagues will consider the bottom line. Let's make a decision on what is good for forest health.

DRAFT JOINT RESOLUTION TO AUTHORIZE THE USE OF U.S. ARMED FORCES AGAINST IRAQ

Mr. MURKOWSKI. Madam President, I am going to briefly turn to another matter, and that is the recognition that today OPEC announced they were not going to increase the production of oil from the OPEC nations. What does this mean? It simply means that as we look at going into a showdown with Iraq, the Mideast nations that control oil—basically OPEC—are not going to increase production. That means to the American consumer a continuation of high gasoline prices, high oil prices, perhaps well beyond $30 a barrel.

We have seen the development of that cartel over a period of time. It initiated a program that said, in effect, if the price fell below $22 a barrel, they would reduce supply to stabilize the price. They wanted a price structure of $22 to $28. That puts a tremendous burden on the structure of our society and our economy.

It is rather revealing to recognize that as we continue to address our situation with Iraq, we also continue to import oil from Iraq. I think currently we are importing about 600,000 barrels from Iraq each day.

We have delivered from the White House to the Speaker, majority leader, minority leader, as well as the House minority leader, a transmittal, which is the consequences of discussions with the President, identifying a suggested form of resolution with respect to Iraq. I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 19, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate, Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate, Washington, DC.

Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT, LEADER DASCHLE, LEADER LOTT, AND LEADER GEPHARDT, As a follow-up to your discussion yesterday morning with the President, we enclose a suggested form of resolution with respect to Iraq. We stand ready to meet with you or your staffs to discuss our proposal.

As the President indicated to you, it is our hope that we can reach early agreement on the proposal at the leadership level to allow you to proceed to consider the resolution in your respective chambers as soon as possible.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President for Legislative Affairs.

ALBERTO R. GONZALES,
Counsel to the President.

JOINT RESOLUTION TO AUTHORIZE THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

Whereas Congress in 1998 concluded that Iraq was then in material and unacceptable breach of its international obligations and thereby threatened the vital interests of the United States and international peace and security, stated the reasons for that conclusion, and urged the President to take appropriate action to bring Iraq into compliance with its international obligations (Public Law 105–235);

Whereas Iraq remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations, thereby continuing to threaten the national security interests of the United States and international peace and security;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population, including the Kurdish peoples, thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001 underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations;

Whereas the United States has the inherent right, as acknowledged in the United Nations Charter, to use force in order to defend itself;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the high risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify the use of force by the United States in order to defend itself;

Whereas Iraq is in material breach of its disarmament and other obligations under United Nations Security Council Resolution 687, to cease repression of its civilian population that threatens international peace and security under United Nations Security Council Resolution 688, and to cease threatening its neighbors or United Nations operations in Iraq under United Nations Security Council Resolution 949, and United Nations Security Council Resolution 678 authorizes use of all necessary means to compel Iraq to comply with these "subsequent relevant resolutions;"

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President to use the Armed Forces of the United States to achieve full implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677, pursuant to Security Council Resolution 678;

Whereas Congress in section 1095 of Public Law 102–190 has stated that it "supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq (Public Law 102–1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress "supports the use of all necessary means to achieve the goals of Resolution 688";

Whereas Congress in the Iraq Liberation Act (Public Law 105–338) has expressed its sense that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas the President has authority under the Constitution to use force in order to defend the national security interests of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Further Resolution on Iraq".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce the United Nations Security Council Resolutions referenced above, defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.

Mr. MURKOWSKI. This contains a number of "whereas's." It is transmitted by the Assistant to the President for Legislative Affairs and the Counsel to the President. At the conclusion of the resolution that is going to be before this body is a joint resolution cited as "Further Resolution on Iraq." I will read the "resolved" portion:

> The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce United Nations Security Council Resolutions referenced above, defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.

We undoubtedly will be addressing this issue in the very near future. I encourage my colleagues to recognize the significance of what this obligation means to each and every Member of the Senate. We know Saddam Hussein is unpredictable. We know he is dangerous. We know he has weapons of mass destruction. We know he has used those weapons—certainly chemical warfare—on his own people.

I had an opportunity several years ago, with a small group of Senators, to visit Baghdad. Later we had an opportunity to meet with Saddam Hussein. His ruthlessness was apparent at that time.

To reflect a little bit on that particular time, there was at issue an allegation that Iraq was importing a delivery capability consisting of a huge cannon-type device that had been intercepted in the docks of London. This was going to have the capability of delivering a projectile farther than any projectile had ever been delivered by conventional methods, as opposed to a missile-type system.

There was allegedly a triggering device also found on the docks of London.

When we confronted Saddam Hussein, he advised us these were parts for his refinery, these were technical developments by the Baghdad Institute of Technology. This was prior to the Persian Gulf war.

My point is, he has been misleading, if you will, the Western World for an extended period of time and continues to do so. The announcement he made that he would welcome U.N. inspectors is a guise. He will not allow U.N. inspectors to have free rein in his country, and we will clearly see this as we continue the process of evaluating our position.

But we have an opportunity now to fish or cut bait. We are going to have this resolution before us. I encourage each and every Member of the Senate to review it in detail and recognize the insecurity of our Nation's oil supply. Currently, we are importing somewhere close to 60 percent of our oil, primarily from the Mideast. We have the capability of reducing that dependence here at home. It is an issue in my State. ANWR has been debated in this Chamber. It has been supported by the House but not the Senate.

The technology that we have to develop this area is evident. To suggest we can do it safely is something that most people with an objective view would recognize clearly. The reserves are as much as we would import from Saddam Hussein in 40 years or from Saudi Arabia in 30 years.

This matter is in the conference. It is being discussed. It will be determined by the conference as to what the disposition will be. But I encourage Members to recognize that we have an opportunity to take a position that would affirmatively reduce our dependence on imported oil and send a very strong message to the Mideast that we intend to reduce that dependence.

Recognize that we do have an alternative. I think in future times, as we address our continued vulnerability and dependence on the Mideast, we are going to have to assert ourselves to find some relief. That relief partially might be in the joining together of Canada, Mexico, the United States, Alaska, and Russia as an offset to our dependence on imported oil from the Mideast. While we do not have the depth of reserves, we have substantial reserves collectively. The idea of an energy group made up of those nations could clearly send a message to the Mideast that we will not be held hostage by policies of the cartel which are designated to simply maintain high prices for oil by continuing to keep the availability of oil at a minimum.

As this matter comes before the Senate for further discussion and consideration, as well as the conference, I urge my colleagues to keep an open mind and recognize that, again, we are going to have to vote not on what is necessarily the litany of America's environmental community but what is right for America. To suggest we should not have these jobs in the United States as if we do not have the technical capability to open up this area safely is not fraught with any degree of accuracy but it is simply misleading arguments that environmental groups continue to use to generate revenue in dollars.

I encourage each Member to recognize the obligation that we have. That obligation is do what is right for America. What is right for America is to produce more energy and and to produce clean energy here at home.

One of the inconsistencies we have is that nobody seems to really care where they get the oil as long as they get it.

They do not concern themselves with whether it comes from a scorched Earth, lack of any environmental oversight a field in Iraq, or from fields in Saudi Arabia, or from the rain forests of Colombia. They only care if they get it.

As I have said time and time again, the world will continue to depend on oil, because that is what the world moves on. We have no other alternative.

Some people suggest we have alternatives, but hot air is not going to move us in an out of Washington, DC, although occassionally there is quite a bit of it here.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, under the order previously entered, the Senator from Connecticut is entitled to the floor. I ask unanimous consent that Senator KERRY be recognized, and that he be allowed to speak for—how long does the Senator from Massachusetts wish to speak?

Mr. KERRY. A few minutes.

Mr. REID. Up to 15 minutes.

Mr. KERRY. Not more.

Mr. REID. And following that, I would advise the Senate that we will be in a position, at that time, to ask unanimous consent to proceed with legislation today, tomorrow, and Monday, and maybe into Tuesday. The two leaders have worked this out. It is now being drafted, and the two floor staffs have agreed on what the language should be. It is being typed now, and we should be back in 15 minutes, following the statement from the Senator of Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the business before the Senate is the homeland security bill; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Does the clerk need to report that or is it automatic?

The PRESIDING OFFICER. The clerk does not need to report that.

The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Mr. President, thank you very much. And I thank the distinguished assistant majority leader.

UNANIMOUS-CONSENT REQUEST—S. 2734

Mr. KERRY. Mr. President, I am going to be asking unanimous consent to proceed forward on the bill, but I am not going to do that until someone is here from the other side. And I know they are going to object, or most likely will object.

But let me bring to the attention of my colleagues in the Senate a situation that is not dissimilar to a situation we faced some months ago in trying to provide emergency assistance, under the Small Business Administration, to those who had been affected by the events of September 11 of last year.

We had a lot of small businesses in the country that were hurting that had collateral damage, if you will, as a consequence of those events. Many, many small businesses were dependent on the economy as it flows through all sectors. So whether it was a small drycleaner that was affected because they were not doing as much business because hotels were not doing as much business or a limousine company or a taxi company, there are many people who were affected tangentially because of the dropoff in air travel, and so forth.

It took us a number of months, almost six, unfortunately, in the Senate to respond in a way that many of us thought was both appropriate and adequate. And, again, we are sort of running into a strange kind of unexplained resistance by the administration to something that makes common sense, is very inexpensive but also very necessary for a lot of small entrepreneurs in our country. I am specifically referring to the Small Business Drought Relief Act.

In more than 30 States in our country, we have a declared drought emergency. And the drought is as significant in some places as it was during the great Dust Bowl years of the Depression in the United States.

Drought hurts more than farmers, more than ranchers. The purpose of this bill is to try to provide some emergency assistance, in an affordable and sensible way, for those small businesses that are not in agricultural-related fields but desperately cannot get help, and need it, and cannot get it because the SBA does not apply the law uniformly for all victims of drought.

The SBA makes disaster loans to small businesses related to agriculture that are hurt by drought, but they are turning away small businesses that are in industries unrelated to agriculture, and claiming that those businesses are not entitled to it because drought does not fit the definition of disaster.

That is just wrong. It is wrong because the law does not restrict them from making loans to those small businesses. It is wrong because that is not the intent of the Congress to turn away those small businesses, and they should be following the law and following the intent of Congress.

I might add that the SBA has in effect right now disaster declarations in 30 States that I just talked about. For instance, in South Carolina, the entire State has been declared a disaster by the SBA, but the administration is not helping all of the drought victims in South Carolina that are looking for help.

Let me share with you the declaration of drought itself. It addresses this question of intent.

> Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA.

Let me read to you from the declaration:

> Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA. These are working capital loans to help the business continue to meet its obligations until the business returns to normal conditions. . . . Only small, non-farm agriculture dependent and small agricultural cooperatives are eligible to apply for assistance. Nurseries are also eligible for economic injury caused by drought conditions.

What do I mean by other businesses that may be affected by drought? In South Carolina, conditions are so bad that small businesses dependent on lake and river tourism have seen their revenues drop anywhere from 17 to 80 percent. So you have victims of the drought that range from fish and tackle shops to rafting businesses, from restaurants to motels, from marinas to gas stations. Their livelihood is no less impacted and no less important than those who have been deemed to fit under only the agricultural definition.

Thousands of small businesses make their living in tourism, recreation industries, not just in South Carolina but in many other parts of the country, including my State of Massachusetts, in Texas, Michigan, Delaware, and elsewhere.

In fact, for a lot of States around the Great Lakes Basin, sport fishing, as reported by the Committee on Small Business and Entrepreneurship, brings into the region some $4 billion a year. There are many industries that are dependent on water that are affected by drought, and they ought to be eligible for this help.

Is this opening Pandora's box with respect to a flow of lending that we cannot afford? The answer is definitively no. The SBA already has the authority, but its lawyers have decided not to help these industries based on their own interpretation of a definition, despite the fact that Congress believes otherwise.

That defies both common sense and fairness. Small businesses with everything on the line desperately need this, especially at a time when capital is a lot tighter for working capital purposes, where the lending is significantly tighter from the banks and from other traditional credit sources.

Our bill, the drought relief bill, does not expand the existing program. It simply clarifies existing authority. That is a matter of common sense.

In terms of cost, the Congressional Budget Office estimates a cost of about $5 million annually. What we have here is a resistance by somebody in the U.S. Senate to allowing this to go forward based on about a $5 million annual estimate by CBO.

This chart of CBO's estimate is a tally of the estimated spending under the SBA's disaster loan program which shows the differential with this particular bill.

This bill is bipartisan. The principal cosponsors are Senator BOND and Senator HOLLINGS. All the members of our committee—the Committee on Small Business and Entrepreneurship—voted in favor of this bill. There are 25 cosponsors, Democrats and Republicans; 17 Governors have written us to express their support of this legislation in hopes we will pass it, including 15 of the Southern Governors' Association.

I ask unanimous consent that letter, and others, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTHERN GOVERNORS' ASSOCIATION,
Washington, DC, August 19, 2002.
Hon. JOHN KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: We are deeply concerned that small businesses in states experiencing drought are being devastated by drought conditions that are expected to continue through the end of the summer. We urge you to support legislation that would allow small businesses to protect themselves against the detrimental effects of drought.

Much like other natural disasters, the effects of drought on local economies can be crippling. Farmers and farm-related businesses can turn in times of drought to the U.S. Department of Agriculture. However, non-farm small businesses have nowhere to go, not even the Small Business Administration (SBA), because their disaster loans are not made available for damage due to drought.

To remedy this omission, Sen. John Kerry (D-Mass.) introduced the Small Business Drought Relief Act (S. 2734) on July 16, 2002, to make SBA disaster loans available to those small businesses debilitated by long drought conditions. This bill was passed by the Senate Small Business Committee just eight days later. Also, the companion legislation (H.R. 5197) was introduced by Rep. Jim DeMint (R-S.C.) on July 24, 2002. Both bills are gaining bipartisan support, and we hope you will cosponsor this important legislation and push for its rapid enactment in the 107th Congress.

As 11 southern states are presently experiencing moderate to exceptional drought conditions this summer, we cannot afford to wait to act. We urge you to cosponsor the Small Business Drought Relief Act and push for its consideration as soon as possible.

Sincerely,

Gov. Don Siegelman of Alabama, Gov. Mike Huckabee of Arkansas, Gov. Roy E. Barnes of Georgia, Gov. Paul E. Patton of Kentucky, Gov. M.J. "Mike" Foster, Jr. of Louisiana, Gov. Parris N. Glendening of Maryland, Gov. Ronnie Musgrove of Mississippi, Gov. Bob Holden of Missouri, Gov. Michael F. Easley of North Carolina, Gov. Frank Keating of Oklahoma, Gov. Jim Hodges of South Carolina, Gov. Don Sundquist of Tennessee, Gov. Rick Perry of Texas, Gov. Mark Warner of Virginia, Gov. Bob Wise of West Virginia.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, July 9, 2002.
Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: The State of South Carolina is in its fifth year of drought status, the worst in over fifty years. Some parts of the state are in extreme drought status and the rest is in severe drought status.

99% of our streams are flowing at less than 10% of their average flow for this time of year. 60% of those same streams are running at lowest flow on record for this date. The levels of South Carolina's lakes have dropped anywhere from five feet to twenty feet. Some lakes have experienced a drop in water level so significant that tourist and recreational use has diminished.

State and national climatologists are not hopeful that we will receive any significant rainfall in the near future. To end our current drought, we would need an extended period of average to above average rainfall.

Droughts, particularly prolonged ones such as we are experiencing now, have extensive economic effects. For farmers who experience the economic effects of such a drought, assistance is available through the USDA. For small businesses, assistance is available only for agriculture related small businesses, i.e. feed and seed stores. For businesses that are based on tourism around Lakes and Rivers, there is currently no assistance available.

We have reports of lake and river tourism dependent businesses experiencing 17% to 80% declines in revenue. The average decline in revenue is probably near 50% across the board.

My staff has contacted Small Business Administration and they are not authorized to offer assistance to these businesses because a drought is not defined as a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that is causing great economic damage to these small business owners.

I am requesting that you assist us in this situation by proposing that the Small Business and Entrepreneurship Committee take action to at least temporarily amend the SBA authorizing language and allow them to offer assistance to small businesses affected by prolonged drought. This would allow Governors to ask SBA for an administrative declaration of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain in business for the long run.

My staff has also been in contact with Senator Hollings' legislative staff. I hope together, we can find an expedient solution to the plight of these small business owners. Short of finding a way to control the weather, this may be our only option to help their dire situation.

Sincerely,

JIM HODGES,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.
Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: I am writing to urge your support for legislation recently introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.
Hon. JOHN EDWARDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR EDWARDS: I am writing to thank you for your support for legislation introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

STATE OF NEVADA,
OFFICE OF THE GOVERNOR,
Carson City, NV, July 23, 2002.
Hon. JOHN F. KERRY,
Chairman, Committee on Small Business,
Washington, DC.
Hon. CHRISTOPHER BOND,
Ranking Member,
Washington, DC.

DEAR SENATORS KERRY AND BOND: Much of Nevada and the Nation have been experiencing extreme drought over the past several years. In Nevada we have seen the effects of this situation through catastrophic range and forest fires, insect infestations and loss of crops and livestock.

Prolonged drought causes a drastic reduction in stream and river flow levels. This can cause the level of lakes to drop so significantly that existing docks and boat ramps cannot provide access to boats. In the case of range and forest fires we have seen small innkeepers and hunting and fishing related businesses that have their entire season wiped out in a matter of a few hours.

Unfortunately for some small businesses, drought assistance is available only for agriculture related small businesses, such as feed and seed stores. For businesses that are based on tourism around lakes and rivers, there is currently no drought assistance available.

The Small Business Administration (SBA) is not currently authorized to help these businesses because a drought is not a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that causes great damage to these small businesses.

I would like to lend my support to S. 2734, The Small Business Drought Relief Act. This bill would amend the guidelines and authorize the SBA to offer assistance to small businesses affected by prolonged drought. With passage of this bill, Governors would be allowed to ask SBA for administrative declarations of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain economically viable for future operation.

Sincerely,

KENNY C. GUINN,
Governor.

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE GOVERNOR,
Frankfort, KY, July 23, 2002.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

Hon. CHRISTOPHER S. "KIT" BOND,
Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KERRY AND SENATOR BOND: As you know, much of our nation is struggling to overcome "moderate" to "extreme" drought conditions. Droughts, especially prolonged droughts, have extensive, devastating effects that damage crops and livestock, deteriorate soil, and fuel raging wildfires. These are only some of the irreparable effects that droughts can have on small businesses, communities, and state and local economies.

In general, federal disaster assistance is available for agriculture and agriculture-related small businesses that are impacted by drought. However, droughts hurt more than agricultural, forestry, and livestock businesses.

Prolonged drought also causes a drastic reduction in stream and river flow levels. This can trigger such a significant drop in the level of lakes that existing docks and boat ramps cannot provide access to boats, which impacts many additional small businesses.

As a result, many non-farm small businesses that are water-reliant also suffer staggering revenue losses in the wake of a drought disaster, yet they do not currently receive disaster relief. Unlike other natural disasters such as hurricanes or floods, the effects of drought build up over-time, last for several years, and are jeopardizing the future of these small business owners. The lack of federal disaster assistance available to these non-farm small businesses only forces undue job layoffs and bankruptcies and further disrupts drought-impacted communities.

I thank you for recognizing that many fish and tackle shops, rafting businesses, restaurants, motels, camp grounds, marinas, gas stations, and other small businesses in Kentucky and other states are severely impacted by drought but are unable to receive federal disaster assistance. I strongly support your resulting efforts, the Small Business Drought Relief Act (S. 2734), which would allow the Small Business Administration to offer low-interest disaster loans to these businesses and afford them the same opportunity as agriculture-related businesses to recover and survive.

I appreciate your assistance and support and look forward to working with you and your colleagues on this very important matter.

Sincerely,

PAUL E. PATTON,
Governor.

Mr. KERRY. This is a letter from the Southern Governors' Association, with 15 southern Governors signing and asking us to pass this assistance. They have sent letters to Members of Congress asking them to support and pass the bill.

Finally, we are not talking about grants. We are talking about loans. These are going to be repaid. The default record of the SBA over the last 10 years is really quite extraordinary on the positive side of the ledger. The question is whether we are going to look to small businesses that are equally hard working as anyone else in the country, who, like farmers, are suffering the economic consequences of a drought that is beyond their control.

I thank Senator BOND for working with me to try to address this problem. I thank Senator HOLLINGS, particularly, the chairman of the Commerce Committee, for introducing the bill with me. I am particularly grateful to the small business owners who have brought this issue to our attention and who hope we can break out of any partisan resistance within the Senate in order to do what is right.

I hope my colleagues will permit us to proceed forward on this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 535, S. 2734; and that the Bond amendment, which is at the desk, be considered and agreed to; the committee-reported substitute amendment, as amended, be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD at the appropriate place as if read, without further intervening business or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KERRY. Mr. President, my hope is, again, that Senators on the other side, who are also cosponsors of this bill, will assist us in trying to proceed forward because there is no rationale for delay—I underscore—there was an e-mail circulated by somebody with some gargantuan unofficial estimate of cost that has no relationship to any legitimate estimate that has been made here. The CBO estimate clearly demonstrates that this measure is sensible, with a cost of about $5 million a year.

What is happening is we are seeing a little bit of partisanship—maybe we are seeing a lot of it these last days here in the Senate. I hope we can overcome this in the next days. I look forward to working with Senator BOND and others to see if we can proceed forward on this legislation.

I yield the floor.

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we all agree that one of the many important tasks of the new Department of Homeland Security will be protecting our country's computer infrastructure from cyber attacks. Computer technology is at the heart of our country's economy and has improved every aspect of our lives. Terrorists and others who wish to harm our country recognize that cyber attacks on our vital computer and related technological systems can have a devastating impact on our country, our economy and the lives of our people. The threat of cyber attacks, be it from foreign and/or domestic actors, is not new, but we all understand that the risks today are even greater.

The threat of a devastating cyber attack is real and the potential for harm is great.

A recent study found that cyber attacks on the Internet were projected to increase this year by as much as 65 percent. Just last year, two Russian hackers infiltrated American banks and businesses, stole private data, including credit card numbers, and extorted those companies by threatening to destroy their computers or release their customers' private information.

Since September 11, there has been growing concern about the risk to our country of a serious cyber attack, particularly one against our infrastructure which could have devastating consequences. Late last fall the FBI traced a suspicious pattern of surveillance against Silicon Valley computers originating from the Middle East and South Asia involving emergency telephone systems, electrical generation and transmission, water storage and distribution, nuclear power plants and gas facilities in the bay area. Recently, it was reported that energy companies have suffered a significant increase in cyber attacks—up 77 percent this year—which have raised concern that the country's power system may be within the cross hairs of cyber terrorists.

Given the vital role that computer and related technologies play in our country's economy and infrastructure, it is not difficult to imagine an assault on a computer system which might cause death or serious bodily injury. For example, a hacker who infiltrates a hospital database to erase records may thereby cause a patient to be deprived of necessary medication or treatment. As another example, consider the possibility of a cyber attack on a natural gas distribution pipeline that opens safety valves and releases fuel or gas. Attacks on sophisticated control systems, such as those involving natural gas, oil, electric power and water, which typically use automated supervisory control and data acquisition systems, would have a far-reaching effect.

We have acted before when necessary to protect our country and our economy from cyberterrorists. The Patriot Act included several important provisions to improve our nation's cyber security in response to the increasing threats to our country. The amendment I am offering today continues that work.

The amendment I am offering today is noncontroversial, and was passed by the House, on July 15, 2002. The House bill, H.R. 3482, was sponsored by Representative LAMAR SMITH from Texas, and passed with overwhelming bipartisan support by a vote of 385 to 3. We need to act in the same bipartisan manner and pass this amendment.

The amendment will strengthen our criminal laws and provide greater flexibility to communications providers and law enforcement when necessary to prevent and protect against devastating cyber attacks. Specifically, the amendment would increase the criminal penalty in section 1030 of title 18 of the United States Code for a cyber attack to a maximum of 20 years imprisonment where such an attack causes serious bodily injury, and life imprisonment where such an attack causes death. Currently, section 1030 provides a maximum punishment of only 10 years imprisonment for a cyber attack which results in serious bodily injury or death.

The amendment directs the Sentencing Commission to review the Federal sentencing guidelines for cyber crimes to reflect the significant harm caused by such crimes and the need for deterrence. Such a review was not included in the Patriot Act, and is clearly necessary in light of the changes to the federal computer crime statutes contained in the act as well as in this amendment. Such a review based on the factors included in this amendment should give judges greater latitude to increase a defendant's sentence to better account for the seriousness of the cyber attack.

The amendment also includes provisions to give communications providers and law enforcement greater flexibility when dealing with emergency situations where there is a risk of serious bodily injury or death. Specifically, the amendment creates a "good faith" exception to allow communications providers to disclose communications to a governmental entity—e.g. hospital, law enforcement—in an emergency situation involving danger of death or serious bodily harm. The amendment also expands the list of "emergency" situations where law enforcement may obtain pen register and trap and trace information to include ongoing attacks on a protected computer and when necessary to protect national security interest. In order to address privacy concerns, the amendment includes increased penalties for illegal interceptions of cellular telephone calls and intrusions of stored communications.

Finally, the bill establishes the Office of Science and Technology as an independent office under the general authority of the Assistant Attorney General, Office of Justice Programs. This modification will help OJP to focus the necessary resources on the development of technology and hard science research. This measure will enhance OST's ability to assist state and local law enforcement in developing new cutting-edge technologies, such as computer forensics, firearms and ballistics technology, and crime mapping. Law enforcement is increasingly relying on new and innovative technologies, and we need to make sure that they have all of the tools available to fight terrorists and other criminals.

Mr. President, I urge my colleagues to join in support of my amendment. Once again, we need to demonstrate to our country that working together, in a bipartisan fashion, we can accomplish great things, and we can protect our country from the dangers of potentially devastating cyber attacks.

Mr. President, I pay special tribute to Senator SCHUMER from New York, who is a cosponsor, and tell him how much I appreciate the work of him and all the others who are cosponsors of this particular amendment.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendments be laid aside and that Senator HATCH be recognized to offer his amendment dealing with cybersecurity; that Senator HATCH be allowed to speak for up to 5 minutes—and we have been informed there is no one on our side who wishes to speak on this matter—that there be no second-degree amendments in order; that at the conclusion or yielding back of time, the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator will withhold 1 minute, we are in the process of trying to work out the next step of our unanimous consent request. We think we are going to be able to do that. Senator THOMPSON is on his way to the Chamber.

If that is the case, the next amendment that will be offered in the next few minutes will be that of Senator LIEBERMAN and Senator MCCAIN. That should occur, hopefully, momentarily. That amendment will be debated tonight. The leader is expecting to vote sometime tomorrow morning before noon.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 4693 TO AMENDMENT NO. 4471

(Purpose: To provide greater cybersecurity)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. SCHUMER, proposes an amendment numbered 4693 to amendment No. 4471.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. HATCH. Mr. President, I yield back the rest of my time. Of course, the amendment will be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4693) was agreed to.

The PRESIDING OFFICER. The motion to reconsider is laid upon the table.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment of Senator BYRD be laid aside so I might offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4694 TO AMENDMENT NO. 4471

(Purpose: To establish the National Commission on Terrorist Attacks Upon the United States and for other purposes)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. McCAIN, proposes an amendment numbered 4694 to amendment No. 4471.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LIEBERMAN. Mr. President, this is an amendment which embraces legislation that my friend and colleague from Arizona, Senator McCAIN, and I introduced last December and then joined up with similar legislation introduced by the Senator from New Jersey, Mr. TORRICELLI. Ultimately, we have 22 Members of the Senate from both parties who have joined as cosponsors of the legislation.

The underlying bill went to the Senate Governmental Affairs Committee, which I am privileged to chair, and was reported out favorably earlier this year.

This amendment now embraces that legislation. It would create an independent, nonpartisan citizens commission to investigate how and why the tragic terrorist attacks against the United States happened on September 11, 2001.

The underlying measure we are considering to create a Department of Homeland Security, to better organize the Federal agencies whose disorganization, I fear, created some of the vulnerabilities that the terrorists took advantage of in striking us on September 11, is a proposal that also came out of our committee.

This amendment would improve the Department that will be created as a result of the underlying proposal. Up until this time, the Joint Intelligence Committees of the House and Senate have been pursuing investigations focused particularly on how the intelligence community performed and what lapses there were in that performance that may have contributed to the attacks of September 11.

Senator McCAIN and I, and our colleagues, introduced this measure last December because we believed, first, that there was a need now, after this truly unprecedented attack of September 11, 2001. People compare it to Pearl Harbor. It is comparable, but remember, Pearl Harbor was primarily an attack against Americans in uniform. September 11, 2001, was an attack against innocent civilians, a classic terrorist attack. After Pearl Harbor, there were investigations in Congress, not unlike the ones being carried out by the Joint Intelligence Committee. But there were also citizens' commissions involved to carry out broader investigations, and that is exactly what this commission, as created by this amendment now, would do, if adopted.

This commission would build on the work done by the Intelligence Committees which began their reports yesterday.

The testimony from the staff director of the committee, I found chilling, insofar as it reported that as far back as 1998, if I remember the date correctly, there was intelligence traffic intercepted that indicated that the al-Qaida terrorists were, in fact, discussing the use of civilian aircraft as weapons targeted against prominent buildings in the United States of America. Along the way, the Director of the CIA, so the testimony yesterday went before the Intelligence Committees, effectively declared an intelligence community war against al-Qaida but only assigned a single analyst to that task; there was intelligence information, of course, and law enforcement intelligence, not being coordinated.

Senator McCAIN and I, as well as Senators TORRICELLI and SPECTER, met earlier today with some of the families of the people who lost their lives on September 11. The question they continued to ask is: How could this have happened and was it preventable? They strongly support the adoption of this independent commission. Why? Because they have had the heroic strength to turn their grievous loss into active advocacy for the kind of investigation that will go as far as we can humanly go to determine the causes of September 11 so we make sure it never happens again.

The commission, to be appointed by legislative leaders of both parties of both Houses, is to have 10 persons on it, not Government employees, not Members of Congress—an equal number of members of both political parties. They choose the chair and vice chair. This ought to be, and I am confident will be, a commission that will not consider itself in any sense limited or truly identified by party affiliation. This is a commission that will have a public purpose: To go beyond the focus of the Intelligence Committees; directed towards intelligence; to consider the widest array of possible causes of September 11; to look at our defense policies, our foreign policies, our international economic policies, our international public diplomacy policies, our intelligence, our law enforcement; to leave no stone unturned in trying to answer the question of how September 11 could have happened, so we make sure it never happens again.

It will have the credibility of an independent, nonpolitical, nonpartisan commission composed of a mix of citizens whose experience and capacity will bring great credibility to this report.

I am so pleased there has been a twist of fate and procedure, often quite important in this body, that has allowed us now to introduce this amendment. I am, therefore, honored to move its adoption.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Arizona.

Mr. McCAIN. Madam President, I thank my friend, Senator LIEBERMAN, for the privilege of working with him on an issue that I think is of some importance. I appreciate again the fact that he moved this legislation through the committee of which he is chairman. At that time, the debate and the discussion lent weight to the passage of this legislation.

We are simply seeking a commission to investigate all of the factors that led to the tragic events of September 11. We believe there is more than an intelligence aspect of this scenario that needs to be addressed. We believe there were a variety of factors that need to be made known to the American people. Whether they be economic, diplomatic, intelligence, there are a number of factors which led up to the tragic events of September 11.

Obviously, the lawmakers and those who are involved so far in the investigation are not satisfied with the information we have received. There is an article in the Washington Post, dated Thursday, September 19, today, which says in part:

> Lawmakers from both parties yesterday protested the Bush administration's lack of cooperation in the congressional inquiry into September 11 intelligence failures and threaten to renew efforts to establish an independent commission.

The article continues:

> "Are we getting the cooperation we need? Absolutely not," Sen. Richard C. Shelby (Ala.), the ranking Republican on the Senate Intelligence committee said in a joint appearance with Chairman Bob Graham (D-Fla). . . .
>
> Graham added: "What we're trying to do is get people who had hands on these issues. . . . And what we're being told is: no, they don't want to make those kind of witnesses available."
>
> Both Graham and Shelby yesterday endorsed the idea of independent panels. In his remarks at the start of the hearings, Shelby warned that "there may come a day very soon when it will become apparent that ours must be only a prelude to further inquiries."
>
> Shelby acknowledged that the congressional probe would be incomplete. "I'm afraid if we try to publish at the end of this session a definitive paper on what we found, that there will be things that we don't know because we hadn't had time to probe them and we have cooperation."

I quote Senators SHELBY and GRAHAM because they are two of the most respected Members of this body, the chairman and ranking member of the Intelligence Committee, both highly regarded in all areas but particularly in carrying out their responsibilities as members of the Intelligence Committee.

I go back for a second to the issue of what brought about September 11. I will give an example of a factor that needs to be examined which has nothing to do with any secret information or intelligence information.

In 1989, with the active help of the United States of America and our allies, the then-Soviet Union was driven out of Afghanistan. At that point in time, we, as a policy, the United States of America, turned our back on Afghanistan. We provided very little assistance, we paid very little attention, except to celebrate a great victory for the then-Afghan freedom fighters.

We all know what transpired in the ensuing 10 to 11 years. The Government of Afghanistan basically became a series of fighting warlords, and chaos prevailed throughout the Nation, and up came, as happens in history, a group called the Taliban that promised order to the people of Afghanistan. Over time they welcomed the Taliban and, of course, the Taliban assumed power. As part of their regime, they not only allowed but encouraged and provided help and assistance—all this is a matter of public record—to Osama bin Laden. It was well known that Osama bin Laden maintained and built his terrorist training camps there, his financial network, and was the breeding ground for the terrorists, including those who hijacked the airplanes on September 11.

What is it that led the United States of America to make a policy decision that what happened in Afghanistan was not of sufficient concern to the United States of America and our policymakers to intervene at any time as this scenario unfolded? That is just one example of the areas that need to be explored.

Where was the economic aid? Did the United States of America, because of a variety of reasons, not encourage or even countenance the behavior of the Saudi Government? The Saudi Government, as we all know, is funding the Madrasas. They are giving money to the Islamic extremists who recruit young Middle Eastern men off the streets and teach them to hate the United States of America, our culture, our values, the West. Indeed, 15 of the 19 hijackers on September 11 were Saudi citizens. They were not uneducated. Many of them, as we all know, had received pilot training in the United States of America.

Why did the United States fail to realize that the Saudis, in the guise, perhaps, of being the guardians of the most sacred places of the Muslim Islamic religion, were funding very generously these radical Islamic elements whose influence spread all over the Middle East?

There was a tragic bombing of the Marine barracks in Beirut in 1983. What was the reaction of the United States to that, beside an eventual very rapid withdrawal from Beirut?

The U.S.S. *Cole*, in port in Yemen, was attacked by Islamic extremists. U.S. Embassies all over the world were attacked. What was the response of the United States to those tragedies?

My point is there is a broad variety of issues that need to be addressed. Those issues, as credible as the U.S. Congress is, need to be examined by the most respected people in the United States of America—men and women who have spent their entire lives in public service and are highly regarded by the American people whose assessment and evaluation and, most importantly, recommendations will be given enormous credibility by the Congress of the United States, the President of the United States and, most importantly, the people of the United States, who still are confused as to how these events came about to their great surprise, astonishment, and sorrow.

The makeup of the commission should be of the most respected people in America. Exactly who appoints who—the President, the majority leader—we have a formula in our bill, but we are willing to negotiate that. In a bipartisan spirit, we can select the most respected people in America to serve on this commission.

But let's have no doubt that a commission is called for, just as a commission was called for following December 7, 1941, when Franklin Delano Roosevelt felt that the United States of America was not too busy to appoint a commission to examine the events that led up to what he called the day that will live in infamy.

I thank Senator LIEBERMAN. I will quote from several articles that appeared in the newspapers in previous days that are bound to ratchet up concern and, in some cases, the frustration of the American people about this issue.

L.A. Times headline: U.S. Overlooked Terrorism Signs Well Before September 11:

> A House-Senate panel report says al-Qaida was focusing on a domestic attack and the use of planes as far back as the mid-1990s.

New York Times editorial, September 19, 2002, "While America Slept":

> The initial findings of a Congressional committee that has been reviewing the performance of America's intelligence agencies before Sept. 11 are profoundly disturbing. While the investigation has not found that the agencies collected information pointing to the date and targets of the attacks, it has discovered reports that Osama bin Laden and his followers hoped to hit sites in the United States and that they might employ commercial airliners as weapons. The response of spy organizations—and the government at large—was anemic.
>
> One of the great unanswered questions has been whether the government had enough intelligence in the months before Sept. 11 to fear an imminent blow within the United States and to take aggressive steps to heighten security, especially at airports. The answer now appears to be affirmative. Investigators working for the Senate and House intelligence committees found numerous reports in the archives of the Central Intelligence Agency and other spy organizations suggesting that the bin Laden network was eager to mount attacks within the United States.

One of the articles here from USA Today is entitled "Intelligence Fails." It is very curious:

> Almost 3 years before the September 11 attacks, CIA Director George Tenet sent a memo to his deputies. "We are at war against Osama bin Laden. I want no resources or people spared in this effort."

I want to repeat what CIA Director George Tenet sent in a memo 3 years prior to September 11:

> We are at war. . . . I want no resources or people spared in this effort.

But the article goes on to say that, by the morning of September 11, the war effort had yet to be mounted.

> According to a report released Wednesday by the House and Senate in their first public hearing. . . . Lawmakers revealed CIA's Counterterrorism Center had just five analysts assigned full time to tracking bin Laden's network. The FBI put one lone al-Qaida analyst assigned to the agency's international terrorist unit. A lack of attention devoted to al-Qaida before 9/11 helps explain why the $30 billion a year spent on intelligence did not turn up the terrorist plot.
>
> But the report raises new questions about the failure of the FBI and CIA to redirect resources from cold war enemies to new age terrorists.

The New York Times:

> Despite DCI's declaration of war in 1998, there was no massive shift in budget or reassignment of personnel to counterterrorism until after September 11.

I ask unanimous consent that these articles I just quoted from be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHILE AMERICA SLEPT

The initial findings of a Congressional committee that has been reviewing the performance of America's intelligence agencies before Sept. 11 are profoundly disturbing. While the investigation has not found that the agencies collected information pointing to the date and targets of the attacks, it has discovered reports that Osama bin Laden and his followers hoped to hit sites in the United States and that they might employ commercial airliners as weapons. The response of spy organizations—and the government at large—was anemic.

One of the great unanswered questions has been whether the government had enough intelligence in the months before Sept. 11 to fear an imminent blow within the United States and to take aggressive steps to heighten security, especially at airports. The

answer now appears to be affirmative. Investigators working for the Senate and House intelligence committees found numerous reports in the archives of the Central Intelligence Agency and other spy organizations suggesting that the bin Laden network was eager to mount attacks within the United States. There were also warnings that terrorists were considering using airplanes.

The accumulation of alarming evidence led George Tenet, the director of central intelligence, to tell his top aides in December 1998 that "we are at war" with Osama bin Laden and "I want no resources or people spared in this effort." That was exactly the right reaction, but the mobilization of resources that followed did not match the threat.

The Congressional investigators learned that almost no one at the Federal Bureau of Investigation was aware of Mr. Tenet's declaration of war. On Sept. 11, the F.B.I.'s international terrorism unit had just one analyst to deal with Al Qaeda. Even the C.I.A. itself did not make major readjustments to evaluate the threat. The agency increased the number of analysts assigned full time to the bin Laden network from three in 1999 to five in 2001 before the attacks. Despite the indications that airliners might be used as weapons, including one August 1998 report that terrorists might fly a plane into the World Trade Center, intelligence analyst apparently made little effort to assess the aerial threat. The Federal Aviation Administration did not take the threat seriously.

Since Sept. 11, the C.I.A., F.B.I. and other agencies have poured resources into the fight against terrorism, and addressed many of the inadequacies depicted in the Congressional study. The findings underscore the urgent need for greater alertness, more coordination between agencies and the recognition that intelligence agencies must constantly be looking not just for familiar threats but also for new and unexpected methods of attacking America.

INTELLIGENCE FAILS

As the massive FBI investigation uncovers more details of the scope, complexity and long-term planning behind the Sept. 11 terrorist attacks, it is revealing an equally massive failure in the nation's counterintelligence efforts.

Earlier this week, the FBI suggested that two more planes might have been targeted for hijacking. That's on top of what is already known—that more than a dozen terrorists spent years training and preparing for the attack inside the USA, almost certainly with the help of many more accomplices. How could so many terrorists operate for so long in the U.S. piecing together a complex attack plan without detection?

President Bush took the first much-needed step to addressing that question Thursday with a call for a new Cabinet-level homeland-defense agency. It is a recognition of what many terrorism experts have long seen as a key weakness in national security, one that has left the country not just scrambling to piece together the Sept. 11 attack, but also wondering whether the nation's counterterrorism efforts will be able to detect the next attack before it is launched.

The nation's checkered history of tracking Osama bin Laden and anticipating the evil deeds later linked to his network is anything but reassuring.

Since the U.S. Embassy bombings in Tanzania and Kenya in 1998, the government has claimed that it is taking substantial efforts to root out bin Laden's terrorist network. As recently as June of this year, the CIA and Senate Intelligence Committee members were reassuring the public that bin Laden was being kept "off balance" and "on the run." Yet this diligence didn't detect or deter either the Sept. 11 tragedies or the October suicide bombing of the USS Cole in Yemen, both of which were only later linked to bin Laden's terrorist network.

These missteps come as no surprise to terrorism experts. In recent years, studies by those inside and outside government have repeatedly warned that the intelligence system, built during the Cold War, was ill-suited to counter the modern terrorist threat. The focus was too much on monitoring troop movements and acquiring hardware and spying technology, not utilizing the kind of human intelligence needed to penetrate multinational, loosely organized terror cells.

Responsibilities have been spread across several federal agencies that don't always coordinate. As a December 2000 RAND report put it, the nation's anti-terrorism program "is fragmented, uncoordinated and politically unaccountable."

At the same time, reports were detailing the growing threat of massive attacks posed by rogue terrorists. The spread of technology made greater levels of destruction possible, and the advance of religious fanaticism made use of it more likely. As a June 2000 National Commission on Terrorism report noted, "today's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil."

With all efforts now devoted to tracking down leads in the wake of the Sept. 11 attack, law enforcement and intelligence communities have little time to analyze their failings. As CIA spokesman Mark Mansfield put it Tuesday, the agency "won't be distracted" by criticism.

That's fine. Their failings will get plenty of airing in Congress and elsewhere. The Senate Intelligence Committee has already promised hearings on the failure to detect the suicide hijackings.

More important, though, is that problems identified in these postmortems should be corrected. Recommendations made in the wake of previous attacks tended to result in piecemeal reforms. What's needed is a wholesale review of how the U.S. collects, studies and uses foreign and domestic intelligence. Preferably with an eye toward better coordination.

In this context, Bush's new Cabinet position makes perfect sense.

There are almost certainly other terrorist plots in the works designed to take advantage of previously identified weaknesses in the system.

Finding out who perpetrated the unimaginable horror inflicted on the U.S. last week is important. Preventing any future attacks on U.S. citizens is critical.

Madam President, there is an editorial from the Weekly Standard, "Time For An Investigation."

If President Bush knows what's good for the country—and we think he does—he will immediately appoint an independent, blue-ribbon commission to investigate the government's failure to anticipate and adequately prepare for the terrorist attacks of September 11. Make George Shultz and Sam Nunn co-chairmen. Give the commission full and unfettered access to all intelligence from the CIA and FBI and to all relevant internal administration documents.

This is a very important point in this commission. This commission must have access to all relevant documents. I think the frustration articulated by Senators SHELBY and GRAHAM cannot be a part of this independent commission.

There are three reasons such an investigation is necessary. First, the administration is now in danger of looking as if it has engaged in a cover-up. The carefully worded and evasive statements by various administration spokesmen in response to the report of the president's August 6 CIA briefing have raised as many questions as they have answered. We understand the conundrum that administration spokesmen face. They can't be precise about what they did or didn't know without revealing classified information. We also presume the administration has nothing to hide. But the cat is out of the bag. The ranking Republican on the Senate Intelligence Committee, Richard Shelby, says that "we've just scratched the surface." The country needs to be assured that a reputable and unbiased group is going beneath the surface to find the truth.

Nor can we assume that the investigation already in progress by a special joint congressional committee will do the trick. Given the vulgar partisanship into which most elected officials descended last week, we have no confidence that any congressional committee can come up with a reputable and authoritative report.

Furthermore, regardless of what congress does, the president should order an investigation for the sake of accountability within the executive branch.

I think my colleagues and the American people may know that not one person has been replaced, removed, fired, asked to resign, retire or held responsible for the events of September 11—remarkable. Remarkable.

Ever since September 11 we have been troubled and puzzled that almost no one in the government seems to have been held responsible—much less, heaven forbid, stepped forward to assume responsibility—for failure. Was what happened on September 11 the consequence of everyone doing their job perfectly? Can it really be that no one made a mistake? And if someone did make a mistake, shouldn't that someone be held accountable, just a little? People lose jobs in government for hiring nannies and forgetting to pay their taxes. In the military, officers resign when something goes wrong on their watch, even if they were personally blameless for what happened. Isn't it possible that some people should be reprimanded, or even lose their jobs, when 3,000 Americans are killed in a terrorist attack? For the past eight months the Bush administration has essentially been saying that everything and everyone worked just fine. That is absurd and unsustainable.

And, of course, it's perilous. The third reason we need an investigation is that the system did not work. Either we didn't have the intelligence we should have had before September 11. Or the information was not adequately distributed and therefore key signals were missed. Or the intelligence was assembled but wasn't taken seriously enough. Or it was taken seriously but insufficient action was taken to prevent an attack. We don't know where the system broke down. We only now that it did.

Surely the first step in fixing the system—and thereby defending ourselves against the next attack [and that is really what this commission is about, fix the system and defend ourselves from the next attack] is to

> identify what went wrong or who performed badly. Isn't anyone troubled by the fact that if the failure stemmed partly from incompetence, then the incompetent people are still at their vitally important posts? Isn't President Bush troubled? If it was the system that failed, then should that same system be left in place because no one is willing to take a hard look at how and why it failed?
>
> We understand the administration's reluctance to go through this wrenching process. We understand, too, why the president's supporters are reluctant to demand an investigation. It was nauseating last week to watch Democratic politicians trying to score cheap points against President Bush, treating this most serious of questions as if it were another made-to-order Washington scandal. "What we have to do now is to find out what the president, what the White House, knew about the events leading up to 9/11, when they knew it, and, most importantly, what was done about it at that time," said Dick Gephardt smarmily, desperately trying to fasten blame on the president à la Watergate.
>
> Unfortunately, the Bush administration, too, has gone into scandal mode—into a defensive crouch. Vice President Dick Cheney came out swinging, claiming that any criticism, even a call for an investigation of the administration's actions before September 11, was "thoroughly irresponsible . . . in a time of war." But he's wrong. It's precisely because we're in a war that we need an investigation to find out where we failed. After Pearl Harbor, there were half a dozen such investigations. Franklin D. Roosevelt ordered the first—just after Pearl harbor. President Bush should follow that war president's lead. Then he should get back to the business of winning the war.

Again, I believe everyone who is responsible for anything, as a matter of public service, should be held responsible. That is obvious. But the reason why Senator LIEBERMAN and I have fought so hard is because the American people deserve to know one fundamental fact; that is, that we know all of the factors and causes of the tragedy of September 11. Once we know all of those factors and causes, we will then be able to take the necessary action to prevent a repetition.

I don't know how in the world we can assure the American people that there will not be a repetition unless we know everything that caused it. That seems to me so obvious on its face that that alone is a compelling reason for the appointment of this commission.

I have had the great honor, as have most Members of this body, to have the opportunity to know the family members and survivors of those who perished or were wounded in the tragic events of September 11. They have come to me and to Senator LIEBERMAN and many other Members of this body and said: We deserve to know. We deserve to know what happened that brought about the deaths of our loved ones.

They make a very compelling case. They make an argument that I think is hard to refute. We owe them a great debt because of the service and sacrifice of many of their loved ones. Incredible feats of heroism, as we all know, were performed on September 11. I hope we will give some weight to their opinions and desires. I think it is perfectly legitimate and understandable that they have a right to know what caused the events that took away their husbands, fathers, wives, sons, daughters, brothers, sisters, and friends.

I hope we can get a large majority vote so we can go to conference with the House, get this commission appointed, and give them the tools they need to make sure we appoint in a nonpartisan—not bipartisan, nonpartisan—fashion the members of this committee who are the most respected men and women in America. We could come up with a list in a very short period of time, give them the tools they need, and within a reasonable length of time they could report back to the President, to the Congress, and, most importantly, to the American people.

In that way, as far as those who lost loved ones in the tragic 9/11 attacks are concerned, at least they may have some comfort in the knowledge that we will be prepared to take whatever necessary steps to ensure that no other family member ever experiences the tragic loss they experienced.

I hope we can discuss this issue at the proper length.

I again thank my friend from Connecticut. I see my friend Senator THOMPSON on the floor, who probably knows as much as or more than, on many of these issues, any Member of this body. I am obviously very interested in hearing his views on this legislation.

Finally, I say again that this legislation is not carved in stone. Senator LIEBERMAN and I are willing to make adjustments to it. We are willing to take input from the administration or any of our colleagues or anyone else who is concerned about it. That is why we have the amending process. But we also think we ought to get it done, and we also think that time is not on our side because the sooner we get the results of this commission, the sooner we can take the necessary measures to defend against a repetition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend from Arizona for a very eloquent statement. I thank him for the work we have done together on this proposal. I also thank him for clarifying something about which I misspoke. I said there had only been one analyst at the CIA committed to targeting al-Qaida even after al-Qaida had been determined to be the source of terrorism against us in a very committed act. In fact, there were five—still not a significant enough number—in the counterterrorism center of the CIA, and one analyst at the Federal Bureau of Investigation.

For the record, the amendment we have offered today differs in a few respects from the bill reported out of committee.

We are calling for an even division between Republicans and Democrats in choosing commission members. As Senator McCAIN said, I certainly hope this is a nonpartisan commission—not even bipartisan—with the majority parties of the Senate and House each receiving three picks and the minority parties in each House having two nominations. This is the configuration of an equivalent commission recently created by the House of Representatives. And it has another notable precedent in the form of a National Commission on Terrorism created by Congress in 1999 headed by former Ambassador Paul Bremer, which produced some work that had an effect on our foreign policy.

There are three other minor changes in the text of our original bill. The bill emphasizes that the commission should build on the progress of Congress and its committees, and other inquiries, especially the joint inquiry of the Senate and House Intelligence Committees regarding terrorist attacks.

I hope they will come to the floor and speak for themselves. But I want to say that Senator GRAMM, chairman of the Intelligence Committee of the Senate, and Senator SHELBY, vice chairman, have each said to me—although originally earlier in the hearings—that they have some concerns but now fully support the creation of the commission that this amendment would bring about.

The amendment, as we have submitted it, provides that the chair and the vice chair of the commission, in addition to the chairpersons, can issue subpoenas. And it makes technical improvements to the bill's alternative subpoena enforcement mechanism.

I wanted my colleagues to know that there have been those changes from the bill as it came out of our committee, and to echo what Senator McCAIN has said. This is an idea. It is an idea that we believe is a necessity, in the public interest, to answer the plaintive cries of the families of those who died on September 11: How did this happen? And how can we know everything that is possible to know so we can make sure it never happens again?

But as to the specific details, we welcome the questions and inquiries of the Members of the Senate before this amendment comes to a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, while the two sponsors of this amendment are in the Chamber, and the two managers of this bill, we have had a number of inquiries in the cloakrooms about what the rest of the day is going to hold. There is the question of whether or not we will have any more votes tonight.

I know the Senator from Tennessee has looked at the proposed unanimous consent request, which basically would give several hours of debate on this amendment today and an hour set aside for Monday to complete debate on it and vote on it on Monday. But I am wondering, without pressing the Senator from Tennessee too hard, could the Senator give us some indication when he might be in the position to see if we can enter into this unanimous consent request so we can better field the questions in the cloakrooms?

Mr. THOMPSON. I am not sure exactly what is in the unanimous consent request. But I can possibly be a little bit more definitive after we have had a chance to discuss what is going on here.

Mr. REID. What it simply says is that there would be a total of probably 3 hours for debate equally divided, and then we would come back on Monday and debate it for another hour. At that time, the Senate would vote in relation to the amendment. There would be no second-degree amendments in order prior to the disposition of the amendment.

It is very simple and direct. But we are trying to get something set up for tomorrow and Monday. We have left a lot of Senators without any direction. We need to do that. As soon as the Senator from Tennessee feels confident that we can enter this agreement, let us know, and we will do that as quickly as possible. If we can do that, I think the leader will be in a position to announce that there will be no more votes tonight. Until that happens, we can't do that.

Mr. THOMPSON. I will be happy to respond to the Senator a little later this afternoon.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I welcome the opportunity, while I have two of my close friends and respected Members who are sponsoring this amendment here on the floor, to hopefully enter into a discussion under the rules of the Senate and with the consent of our colleagues as to some of the details of this proposal, as to what is intended, as to what we are trying to accomplish, and as to whether or not this is the best way to accomplish it.

I commend my colleagues for their effort. I think they have had for a long time the idea of a commission—a long time before a lot of other people who are now calling for one. They have had this vision. Quite frankly, I have tried to keep an open mind with regard to the wisdom of it. I sit on the Intelligence Committee. Right now, we are having bipartisan and bicameral hearings with regard to many issues, some of which have to do with 9/11.

I ask my colleagues—either or both of them—how they view the role of the commission with regard to the intelligence issues.

I am wondering whether we could probe very deeply and successfully into what happened with regard to 9/11, including any intelligence breakdown, and still come away with a not very good analysis of the difficulties we are having in the intelligence community.

Is it the best thing to do to have a commission that has a rather broad mandate with regard to anything and everything and at any level of Government with regard to September 11 of which intelligence would be a part? Is that better than maybe a deeper probe that is more narrowly focused with regard to our intelligence failures? Because most of us believe that is at the heart of the difficulties we saw in relation to September 11.

I have had the opportunity to read the amendment once. I notice the functions of the commission are to conduct investigations that may include relevant facts relating to intelligence agencies. But "intelligence agencies" is mentioned, along with a lot of other agencies: "law enforcement agencies;" "immigration, nonimmigrant visas, and border control;" "the flow of assets to terrorist organizations;" and other areas of concern that are not agencies, such as "commercial aviation" and "diplomacy." I am not sure what that means.

But I would ask my colleagues what went into their thinking, what is the state of their thinking with regard to that issue. Is it best to have the broader scope that might trip lightly over intelligence issues? Would that be better than having a more detailed and narrow inquiry as to intelligence failures?

I would ask my friend from Arizona what his thinking is with regard to that.

Mr. McCAIN. Madam President, I ask unanimous consent that Senator LIEBERMAN, Senator THOMPSON, and I be allowed to enter into a colloquy for the exchange of comments to one another.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCAIN. I thank you, Madam President.

I say to my friend from Tennessee, first of all, our amendment explicitly states—and we would be glad to report language, with the assistance of the Senator from Tennessee, to point out that clearly intelligence is a central and perhaps most important aspect of any investigation of this nature. The Senator mentioned that there are a number of other factors we would want to take into consideration.

While the Senator was off the floor, I pointed out that we turned our back on Afghanistan after 1989. What were the reasons for that? And what were the diplomatic or national security factors that led to that decision being made?

However, having said that, it is clear intelligence plays a featured role in any investigation. But I am also a little bit concerned—and I wonder if the Senator from Tennessee is concerned—about a report in the Washington Post where, "[Senator] Shelby acknowledged that the congressional probe would be incomplete. 'I'm afraid if we try to publish at the end of this session a definitive paper on what we found, that there will be some things that we don't know because we hadn't had time to probe them and we have not had enough cooperation,' he said."

As I respond, I wonder if the Senator from Tennessee has that concern, as expressed by Senator SHELBY.

Mr. THOMPSON. I would say, in response, that I indeed have had that concern as that investigation has gone along. And we have seen the various problems we have had with it and the various difficulties we have had internally and externally, and with the time limitation we placed on ourselves in this intelligence investigation. And I was concerned a long time about where we were going to end up and whether we were going to be in a position of assuring the American people that we had done more than we had really done.

I will have more to say on that later. I still want to keep my powder as dry as I can for as long as I can because it is ongoing and hope springs eternal.

But I certainly do have concern about that, which gets me back to my original concern about where intelligence ought to play in this inquiry.

I appreciate the Senator's reassurance with regard to that, and its importance and, perhaps, central function, central role. But I wonder; it concerns me when I see that put together with immigration issues, and aviation issues, and diplomacy issues.

For example, I would be interested and would like, if we could get the right kind of people and the right kind of objectivity, to have a session as to our policies with regard to reaction ever since the bombings in Beirut, to the attack on the USS *Cole*, to the events in Somalia, and all of that.

What effect did all of that have on all of this? Did that embolden people around the world, who have ill intent toward us, to do some of these things? Those are very interesting, important issues. But can we take on all of that within—what do we have here?—a year's timeframe for this investigation?

Mr. LIEBERMAN. Responding to the Senator, a total of 18 months, with a preliminary report due after 6 months.

Mr. THOMPSON. All right. Well, that is more than the Intelligence Committee has had. I must concede that. But the question really is, Can we do all of that? We are combining some things that would be very subjective, very politically sensitive. Hopefully, we will have the kind of people on this commission to be able the deal with that, along with some very detailed inquiry with regard to the intelligence community.

Is that the best way to go? Can we really hope that at the end of the day we have been able to do all of that?

That leads me to my second question, I suppose, and that is in regard to access to information. As I read through this, there is a provision for "Information From Federal Agencies" for this commission. On page 9 of the amendment, it says:

> The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title.

I am not sure that—let's just say for the purposes of this discussion—having access with regard to intelligence agencies, with regard to suggestions, estimates, and statistics would do us very much good.

Now, the right kind of information would be helpful, but is the intent here that this commission will be able to go into these agencies, regardless of what they are?

Also, you have another provision in here that provides for clearance and providing access to people with sensitive information.

But is the intention to provide the members and/or staff of this agency with the authority and the ability to go into these agencies and to review the most sensitive information?

I think back to the Rumsfeld Commission, which I think most people would agree was a very successful enterprise, dealing with issues of missile technology and nuclear capability of various countries, and so forth, very sensitive information. It was done successfully.

A lot of these people were scientists and the same kind of people, perhaps, in many respects that your commission would adopt. They have done that very successfully. I am wondering if someone some months hence would read this document and say: We did not intend to do that. Whatever reports are out there, analyze those reports. But we didn't have any intention for you going in and really getting something that they didn't want to give you.

I think that is relevant because apparently we still have to make the White House a believer that this is a good idea. I am wondering, in terms of the wording of the bill or legislative history, what would be the proper way to address that question.

Mr. LIEBERMAN. Madam President, I will respond to the Senator from Tennessee. I thank my friend for his very thoughtful and directly relevant questions.

I will try to respond to the first one very briefly and add to what the Senator from Arizona said.

The commission is given a broad mandate, in section 604 of this proposal, to conduct an investigation of all relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, and then it goes on to say, that "may" include relevant facts and circumstances relating to, first, intelligence agencies, and then all the rest. Obviously, intelligence is listed first, though I emphasize the "may."

This commission has discretionary authority to go ahead as it will decide to conduct a very broad investigation called for under that section A that I read from. I certainly hope they will do some work on the intelligence community, building on the work the joint intelligence committee has done.

The uniqueness of our proposal is to have it be more comprehensive, to get into exactly the kind of broader questions that may seem remote but are not, about what impact the USS *Cole* and Somalia, et cetera, had on both our foreign policy and the attitudes of others abroad that may have all contributed to what happened on September 11. The breadth is very important.

We are trying to build a complementary structure because if you want to end this commission's work feeling that you asked every question that could have been asked about how September 11 happened, there would have to be a lot of questions about intelligence agencies but a lot as well about things that may seem remote, like commercial aviation policies or immigration policies. That is what the intent is.

I do want to respond to the second question, which is very important. It seems to me this commission will not be able to successfully complete its work unless it has full access to all the relevant documents in our Government. That is why we have required in the wording of the proposal that the various departments expeditiously respond to requests for security clearances by members of the commission and their staffs.

There was an earlier time when some criticized the idea for this commission, saying it might be a circus; I guess on the presumption that it would all be in public. That is not our intention.

Mr. THOMPSON. Do you provide for closed hearings?

Mr. LIEBERMAN. That is right. The legislation provides for closed hearings. It is my guess that most of the work of this commission, though not all of it, would be done in closed classified investigations. But some of it, hopefully, presumably, would be done in public, certainly to engage public testimony at various points.

Mr. McCAIN. I have one additional comment for my friend from Tennessee. One, I believe some of these hearings have to be held in a classified environment. There is just too much raw data out there. I believe the Warren Commission, in their investigations, held closed meetings as well.

I also want to say to the Senator from Tennessee, he was an integral part, as all of us know, in probably the most successful and best known investigation in this century. That, of course, was the Watergate committee. There are certain parallels, there are certain nonparallels, obviously, because we are dealing with different issues. But I know the Senator from Tennessee learned a number of lessons from the Watergate hearings. Those that apply to this legislation that he thinks could improve our efforts and get a better product—we now will have that vote on Monday, I understand—I would be eager to work up an amendment or amendments with the help of the Senator from Tennessee to bring this commission to the quality and level which would achieve the goals that we seek.

I would like to engage in those discussions, if we could.

Mr. THOMPSON. I appreciate that very much. I would ask, just narrowing down a little bit more, how do my colleagues see the work of this commission in relation to the work of the joint intelligence committee?

Mr. LIEBERMAN. Responding to the Senator from Tennessee—another very important question—it is the intention of the sponsors that the work of this commission build on and complement the work of the joint intelligence committee in investigating the events of September 11, 2001. The joint intelligence committee has done some very important work. It already produced some material, just yesterday released publicly, that was riveting and in its way raised an additional set of questions to be answered either by the committee and its later investigation or by this commission.

Again, the purview, the focus of the commission we intend to create is much broader and would build on what the joint committee on intelligence has done but then go into other areas we talked about: Defense, foreign policy, immigration policy, law enforcement, commercial aviation, et cetera.

Mr. THOMPSON. I say to my colleague, it seems to me the situation is basically this: We have concerns, some with regard to our intelligence community and our intelligence difficulties; some have to do with nonintelligence areas. We have talked about the area of diplomacy and action and reaction to attacks, for example. We have a committee that is about to wind up its work dealing with the intelligence area. I think many people are very concerned that they are not going to get to the heart of the issue.

Your commission would come along and overlay that and take up where that leaves off but would have quite a bit broader mandate. It makes me wonder whether you really could pick up where they leave off and do the same kind of job they would have done had they been in business for a while longer, which leads me to the additional question: Has my friend considered—I haven't discussed this with anyone because it just occurred to me—whether or not it might be wise to extend the inquiry of the joint intelligence committee? We placed an end-of-the-year limitation on this. We had the first, I guess you might say, substantive public hearing yesterday. We know about how much longer we are going to be around here from a practical standpoint in terms of Members.

I don't think anybody wants a result and a report that is totally staff driven. It is not even a permanent staff. It is a very good staff, assembled from various places. Some of us know who these people are and some of us don't. But on something this important, with this kind of time limitation, there is going to be an awful lot of uneasiness about all of that.

I have some uneasiness about the ability of this commission to just pick up from there and go on, when we are considering these other broad categories that perhaps need to be considered, either in a commission or otherwise. I am not sure. But one of the things that occurs to me—I don't see why we would shy away from putting it on the table and talking about it—is perhaps extending the joint committee's work into next year.

Mr. LIEBERMAN. Responding again to my friend from Tennessee, let me direct myself to the first part of your question. If this commission functions as its sponsors want it to, this national commission on terrorist attacks upon the United States, it will have the high-quality commissioners devoted to its work, as well as a large, first-rate staff that will have the capability both to pick up the work in the intelligence community and carry it as far as it can be carried forward to answer all relevant questions relating to the causes of September 11, but also to investigate the other subject matter areas we have talked about—diplomacy, law enforcement, aviation policy, et cetera.

Of course, the question of whether the Intelligence Committee investigation goes on is a separate question. And this commission idea stands on its own. I am encouraged, as I mentioned, that the chair and vice chair of the Intelligence Committee, Senators GRAHAM of Florida and SHELBY, both support the establishment of an independent commission. So I conclude they believe its work can be complementary.

Mr. THOMPSON. I thank my colleague. Does the Senator from New Jersey have a contribution to make?

Mr. LIEBERMAN. If I might first note the presence of the Senator from New Jersey on the floor, he was an early, outspoken, and passionate advocate for an independent investigation—and I have another adjective—persistent. Acting separately, he introduced a bill with Senator GRASSLEY, and Senator McCAIN and I introduced another measure. We all agreed we have the same goals, and we put our two proposals together.

I thank him for his advocacy of this idea, and I am glad he is on the floor. I welcome him now to this discussion.

Mr. TORRICELLI. I thank my friend. Is the Senator from Tennessee controlling the time?

The PRESIDING OFFICER. The Senator has used his time. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Madam President, on September 12, 2001, I came to the floor of the Senate to suggest to my colleagues that the magnitude of what had happened to the United States of America in the terrorist attack required an independent analysis and establishment of a national commission of inquiry. I am proud to have led this effort, but it was not either my creation or principally my idea.

In New Jersey, a week after the terror of September 11, I began to hear from the widows and the families—simple Americans who believe in their country, pay their taxes, and felt secure behind our borders, recognizing that the United States is the most awesome military power ever assembled on the face of the earth. Intelligence and law enforcement services are larger here than in every other nation combined. Just 24 hours before, 19 men with $250,000 had delivered the most devastating attack on these United States in our history.

Their inquiry of me as their Senator was simply: What do we tell our children? What are we to believe about our country and our Government that we were unable to defend our most vulnerable citizens; that thousands had been left dead and thousands were orphaned and lives will never be the same again? I did not have any answers to their questions, so I brought their questions to my colleagues.

It has been a long struggle to bring this commission to this point. I am more grateful than I can explain that Senator LIEBERMAN and Senator McCAIN have taken this effort to the point of legislation and possible adoption.

No one seeks to cast blame. No one seeks to unfairly lay responsibility upon those who may not deserve it. But something is wrong—370 days have passed, after thousands of lives were lost in a complete and total breakdown of the security of the United States of America, and I am unaware that one individual has been transferred, demoted, held responsible, fired, noted, or criticized. It cannot be that the security of the United States was breached, thousands of lives were lost, and every agency performed perfectly, everybody did their job, all 1 million Federal employees performed as expected.

Madam President, I cannot give that explanation to the hundreds of widows or orphans and parents and brothers and sisters in the State of New Jersey who have survived and dealt with the unimaginable. I do not simply hope that this commission is adopted, but that, on a bipartisan basis, Members of this Senate send an unequivocal message that this Government is accountable, its agencies are accountable, and the American people will get answers.

It is not that I have come to the floor with a suggestion that is somehow a compromise with our tradition or unusual in our practice. This commission will respond, exactly as every other generation of Americans has responded in every other crisis of similar or lesser proportions. This Congress demanded an answer from a commission about the reasons of the causes of the Civil War. They were still collecting bodies in the North Atlantic and this Senate went to New York and met in midtown Manhattan to get answers for how the *Titanic* could have sunk. The Depression was still ongoing when we demanded a commission for its reasons. And 11 days after Pearl Harbor, Franklin Delano Roosevelt, before the U.S. even counterattacked, wanted the American people to know how their Armed Forces had let them down. He would not allow American sons and daughters to die in a war until their parents knew what happened to our military, our preparedness, so their parents would know that their lives were in good hands.

Lyndon Johnson did no less after the Kennedy assassination, and President Reagan did no less after the *Challenger* accident.

None of these reports were perfect. It was always a painful experience. None of us ever want to admit that anyone in our Government, anyone in the service of our country did not perform perfectly. The truth is that terrible things happen even when people do perform well, and that may be the conclusion of this commission, as it has been with others. I don't know. But the truth is, no Member of the Senate knows either. Unless this commission is established, we will never know.

The simple truth is the Senate might reject this commission, the President may fail to sign it, or the House of Representatives may fail to adopt it. But that does not mean that there will not be a commission.

Sometimes justice is so overwhelming, a cause so obvious and powerful that you can delay it, but you cannot stop it. Defeat this commission today and it will be voted on next year or the next year—even if it is 10 years, even if it is 20 years. No event of this magnitude can happen in a country, inflicting this much pain, this much change in a society, without the accountability of its Government. Either the widows and the widowers and the parents of these victims will get this commission or their children will.

Either the Members of the Senate will establish this commission or our successors will. But make no mistake about it, there will be answers. Something very wrong happened.

Somebody has to provide answers. First, we were told that a commission was impossible because it would interfere with the war in Afghanistan. What an extraordinary notion: A nation with a $2 trillion budget, a quarter of a billion people, a million men under arms and confronting al-Qaida in Afghanistan prohibited us from using resources or personnel to conduct an investigation—an extraordinary notion, considering that Franklin Delano Roosevelt was willing to undertake an investigation while fighting the Germans and the Japanese with sufficient resources.

Then we were told this was better done in the Intelligence Committee—possibly a good explanation if the only issues of failures were in the intelligence community. What about immigration? How about the FAA? How about law enforcement? How about the coordination of policies to save the lives of those firefighters or police officers? How about 100 other Government agencies? This may be a CIA issue, but it is not only a CIA issue. Still the belief was this could be done in the Intelligence Committee. Only now the bipartisan leadership of the Intelligence Committee, Senator SHELBY and Senator GRAHAM, report to us that they cannot get cooperation from the necessary Government agencies to even conduct their limited review in this narrow focus.

How dare they. How dare anyone withhold information or cooperation from this Senate or the families of the victims who have demanded answers? How dare anyone.

Are there those in this Government who believe their principal loyalty is to their agency, the reputation of their bureau, someone in the bureaucracy rather than the people of the United States of America? Does it mean so much to be an agent of the CIA, an employee of the FBI, or the National Security Agency? Is that so important that you would withhold information from the American people in a search for justice for the United States of America?

I have served in institutions, and I believe in institutional loyalty, but that means nothing compared to loyalty to the United States of America. Yet we have the spectacle of the bipartisan leadership of our Intelligence Committee claiming they cannot get cooperation from the bureaucracy itself.

There are issues so large in this debate that they can only be settled by an overwhelming vote for this commission. It is about the accountability of the Government itself to the people. It is about many things, but most fundamentally it is that: Can the people of the country hold their Government and its agencies accountable? I do not know.

For one of the first times in my life, I am not sure the bureaucracy or its components in the intelligence or law enforcement agencies genuinely can be monitored and controlled by the Congress of the United States. But we are going to find out because that is what this commission is about, more than anything else.

One year has passed. Billions of dollars have now been appropriated to deal with terrorism and homeland security. The Congress has been asked for the most sweeping reorganization of the Government in American history. There is not a Member of this Senate who in good conscience either cast these votes or can cast votes in the future without knowing the results of this inquiry. Spend $10 billion, $20 billion, $30 billion. On what basis is the money spent? Is there a Member of the Senate who knows which agencies failed, which should be improved, which should be expanded, which should be curtailed, what new activities would make a difference? What is the sum of our knowledge of what happened on September 11? I do not know. More importantly, neither do the other 99 Members of the Senate, and they will never know until we know what happened, why, who failed and who succeeded, who met their responsibilities, and who did not.

Does this reorganization, the underlying legislation before the Senate, make sense for the country? Mr. President, I am going to be asked to vote upon that issue and, in good conscience, I cannot tell you. On what basis is this reorganization done? Because we have learned which agencies did not perform?

It is no different than the financial recommendations. There is not a Member of the Senate who knows which agencies were not in control, which were, which met their responsibilities, how a chain of command might have been different. Some day we will know but not without this commission.

What we are learning about the failures of intelligence and law enforcement since September 11 is shocking. Naming a national commission dealing with the realities of what happened is going to be a painful national experience.

We now know that the CIA had advised the FBI of the names of a hundred terrorists and to watch for their entry into the United States. They failed. We now know as early as 1998 intelligence agencies received information about Bin Laden planning an attack involving aircraft in New York and Washington.

We now know, as late as July 2001, the National Security Agency reported 33 communications involving a possible and imminent terrorist attack. We now know the U.S. Government was put on notice by foreign intelligence agencies and our own of the possibility of such attack.

This will be a painful national experience—painful for the country, painful for the families. But this problem is not going away. Time will not heal it. The distance between ourselves and the events will not lessen the intensity of the need or the demand for the inquiry.

I want nothing but the truth for the families, the communities in my State of New Jersey which have suffered so badly, and mostly for my country. The U.S. Government failed our people. It does not mean that we are not a good people or that this is not a great Government, but good and great governments learn by experiences and their failures. We can be a better country better able to protect our people with a more accountable Government, with intelligence and law enforcement agencies that understand their responsibilities and their needs based on this process.

It will be a painful process of growth, but it will happen. We will learn how it is that the FBI, given all these warnings, could not have had people who were possibly trained in Arabic translation, how piles of documents may have accumulated having never been analyzed. We will learn how information about flight schools and the possible warnings of the ill intent of its students never came to proper attention.

We will learn how over the course of years a conspiracy was built, signals were received, but we were unable to see the dimensions of a plot that would so change our country.

Put aside your loyalties to institutions. Put aside your commitment to individuals. This is not about the bureaucracy. We have passed the point of being able to preserve the reputations of agencies that failed our country. It is no longer about them. It is about the accountability of the United States Government. Whoever is found at fault, whoever is found to have performed their duties, it is time to face the truth.

This is the issue that will never go away. This is the one part of the Government, the formation of an independent commission on September 11, 2001, that will happen no matter what we do, no matter how we vote, or whatever is said. It is as inevitable as tomorrow morning's sunrise because the cause is so powerful, so just and so necessary.

Give those few widows, parents, and children the one thing they have been demanding. Writing them checks will not change it. Laying wreaths will not change it. Prayers will not change it.

They are asking for an answer. They want an answer, and so do other Americans. And I intend to get it for them. I intend to get that answer. I hope it is today.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from New Jersey for his comments. I used the words "passionate" and "persistent" to describe his advocacy of an independent inquiry into the events of September 11. He has brought that passion and eloquence to the floor today. We will persist together, in growing numbers in this body, until the questions that he asks, that the families are asking, are answered. He is right, there is an inevitability to this idea, but "inevitable" can be a long time. We have to make it happen sooner rather than later, and the adoption of this amendment will do just that.

I do want to say to my friend from New Jersey, he raised a question about the underlying bill—I know it was done in the context of what he was saying. I do want to assure him, which I know he knows, that the underlying proposal for the Department of Homeland Security does derive from the Hart-Rudman Commission, which saw these vulnerabilities before September 11, and called for a new department, and the National Commission on Terrorism—the Bremer Commission did the same—and from the various hearings of our committee. So I think there is an ample record that cries out for the establishment of a Department of Homeland Security, but as I have said all along in this debate, this is our first best effort to create such a department.

It will be, in my opinion, hope, and belief, measurably improved over time, by experience but also by the results of the inquiry that this amendment will create because the more we know about how September 11 happened, the better we will be able, through this new Department of Homeland Security, to make sure it never happens again.

This morning, I spoke to one of the family members of someone who was killed in New York on September 11, and she said that sitting at the hearing of the joint intelligence committee yesterday, hearing the staff director report on findings to date, forced her to a conclusion that she did not want to reach; that the attacks were preventable.

I am not one who believes that another September 11 type of attack is inevitable. It is not. We all know that if somebody is crazy enough to strap explosives around their waist and walk into a crowd, it is hard to stop that; but even that, with proper intelligence and infiltration of terrorist groups, can be stopped. A terrorist event as large and as comprehensive as September 11, involving all of the context it had with financial resources, with aviation, with Governmental agencies, immigration and otherwise, when one considers all the money we are investing every year in satellites and conversation surveillance devices, that should have been noted and prevented, and that is the aim of the commission and the department, to make sure that September 11 never happens again.

The Senator from New Jersey made reference to the *Titanic*. I will share with my colleagues very briefly an excerpt from an article that appeared in the New York Times on September 11, 2002, just last week, on the first anniversary of that day. It is written by Jim Dwyer, and it says:

> Of course the country had to understand what went wrong. One of the largest structures ever built had failed, at a terrible cost in lives. When warned of danger, those in charge had shrugged. Many died because the rescue effort was plagued by communication breakdowns, a lack of coordination, failure to prepare.
>
> These findings on the sinking of the Titanic entered the public record after the Carpathia docked at the Chelsea piers in Manhattan on April 18, 1912, with the 705 survivors plucked from the North Atlantic. Starting the next morning at the Waldorf-Astoria, the barely dry witnesses provided a rich body of facts about the accident, the Titanic, the maritime practices to the United States Senate Commerce Committee, which held 18 days of hearings. Their testimony gave form to a distant horror, shaping law and history. No inquiry remotely similar in scope, energy, or transparency has examined the attacks of last September 11, the devastating collapse of two of the world's tallest structures, the deaths at the Pentagon, or on United Airlines flight 93 in Pennsylvania. A handful of tightly focused reviews have taken place mostly in secret, conducted by private consultants, or by Congressional committees.
>
> One year later, the public knows less about the circumstances of 2,801 deaths at the foot of Manhattan in broad daylight than people in 1912 knew within weeks about the Titanic, which sank in the middle of an ocean in the dead of night.
>
> That hardly seems possible, considering that 9/11 iconography has been absorbed into everything from football pageants to pitches by speakers peddling lessons in leadership. And yet, says John F. Timoney, once a senior police commander in New York and the former police commissioner in Philadelphia, the events of September 11 are among the most rare in American public life: true catastrophes that have gone fundamentally unscrutinized.
>
> "You can hardly point to a cataclysmic event in our history, whether it was the sinking of the Titanic, the Pearl Harbor attack, the Kennedy assassination, when a blue-ribbon panel did not set out to establish the facts and, where appropriate, suggest reforms," Mr. Timoney. That has not happened here."

That is the dreadful gap and omission that this amendment aims to fill. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, my colleague is very eloquent in the promotion of his cause, which is the creation of this commission. I appreciate the response of Senator LIEBERMAN and Senator MCCAIN to the concerns I have. I appreciate the offer they have made to work with us to see if we go in this direction and make sure we can put forth our best effort. I suppose I look at the whole endeavor a little bit differently than my friend from Connecticut.

Probably the best reason for going forward with some additional activity, whether extension of the joint committee or creation of a new commissioner, is not necessarily because we can do something that will prevent future catastrophes. I wish we could. But there is too much hate and too much technology in the world to be able to ever guarantee our citizenry that we can do that. It is not that we can even resolve the issue. Tragedies have happened before in this country, and we are still debating what happened or what did not happen.

It is a matter of doing what we can to find out what happened in the best way possible. It is a matter of simple justice. We owe it to the people involved. We owe it to the American people. We owe it to ourselves. We owe it to our world to do the best we can to do all those things to make it a little more preventable, to resolve key issues, do the best we can. It is the right thing to do. It is a matter of simple justice—not that there will be a pot of gold at the end of the rainbow.

I have become more realistic as I look into these things. When I hear about the "connecting of the dots," we should have been able to connect these dots, or this is preventable, what I know is these dots were in a sea of dots, a veritable sea of dots. The problem we had with regard to September 11 is not just the fact we did not have the analytical capability there at that time, before that time, in order to put this together, but for a long time now we have lost our ability, analytically and technologically, to pull together these disparate facts. Technologically, we ought to be able to evaluate the disparate facts and put our computers to work and get analyses and estimates as to what is likely to happen.

It will be a long, drawn-out deal. We did not get there overnight, and we will not get a solution to it overnight. Even if we do everything right, we are never going to be totally safe. There is too much hatred, too much fanaticism in the world, and too much high technology. It is too easy for those things to come together. We will have to be vigilant for the rest of our lives and the lives of our children and our grandchildren—and spend a lot of money and have a lot of effort.

The idea that we can come together and have a little investigation or have a commission, and we can tell the American people and those tragic victims who lost loved ones, and imply we are going to find out exactly what happened, we will prevent this thing from happening again—I wish that were true. I don't think it will be.

As I said, we need to do what we can. We need to do as much as we can. What we are struggling with is trying to determine the best way to do that and the best forum. We should not be afraid.

People say it is not a blame game. Of course, it is a blame game, to a certain extent. Why shy away from assessing blame if there is blame to be assessed? We are talking almost 3,000 lives here. That is part of it. Prevention is a part of it. But also a very important part of it is doing what we can to assess the nature of the problem so that we are as strong as we can be—not that we can prevent any potential problem, but be as strong as we can be. That is what I think my friend is trying to do with this commission. I appreciate that effort.

I want to continue to study this bill, this amendment.

I want to talk to my friends who support this amendment between now and the time we vote. I want the opportunity to discuss our process with my colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the majority leader has asked me to announce there will be no more rollcall votes tonight.

Mr. GRASSLEY. Mr. President, I rise to support Senator LIEBERMAN's amendment establishing a National Commission on Terrorist Acts Upon the United States. This amendment would direct the new independent commission in both investigation of the facts and circumstances relating to the September 11 attacks, and evaluation of the lessons learned from the attacks regarding the Federal Government's abilities to detect, prevent and respond to such attacks. Further, the bill empowers the commission to hold hearings, collect relevant materials and subpoena witnesses for the purpose of studying the systemic problems within the intelligence and law enforcement communities and to discover what part these problems played in the September 11 attacks. I support this amendment with the expectation that the recommendations coming from this commission will assist us in strengthening our national security by improving our intelligence and law enforcement as well as our intelligence efforts. We need to do everything possible to make sure that this type of attack never happens again.

As we learn more from the investigation into the September 11 attacks, it is increasingly evident that there are many barriers of communications between the several agencies involved in the battle against terrorism. I have been concerned about this problem for a number of years. There is no place for jurisdictional battles and unnecessary statutory barriers when America's security is at risk. We also need to determine where our national security shortcomings are, and what can be done to remedy them, so that we can look at potential legislative initiatives or the appropriate allocation of resources.

Make no mistake, this commission will not be a witch hunt. We are not trying to place blame. Our goal in creating this commission is to find the best way to make our law enforcement and intelligence the best that it can be.

Although I support this amendment and the general idea of a commission for this purpose, I would like to note that I have concerns regarding the changes to the composition of the commission. Focusing on the party affiliation of the officials who select the commission members unnecessarily politicizes the commission's work. This commission should be staffed by men and women with knowledge and expertise necessary to develop solutions that will prevent further terrorist attacks.

That having been said, I would like to reiterate the importance of this amendment and the need for an independent commission that will dedicate its time to fleshing out these problems and in turn allow us to prevent further attacks and most importantly to protect the American people.

Mr. McCAIN. Mr. President, more has changed in the last year than any of us, 1 year ago, would have cared to imagine. It was on a September day not unlike this one that terrorists committed mass murder in America, transforming forever the way we think about our security and our role in the world. One year later, we are in the midst of restricting our entire apparatus of Government to protect against future acts of terror in our homeland. But we have yet to comprehensively assess what went wrong last September 11—how our defenses failed us, why our worldwide intelligence network did not provide us warning of imminent attack, how terrorists operated and trained within our borders, how policy decisions may have made the events more likely, and how various Government agencies failed to analyze information in their possessions that could well have provided us a blueprint of the terrorists' intentions.

The anniversary of September 11 is past us, and with it the celebration of heroism and sacrifice that will forever mark that day. Now is the time to take a harder look at the other side of that tragic event: the utter failure of the United States Government to predict and prevent the slaughter of Americans in America's greatest city.

The September 11 attacks were incredibly depraved but not, as it turns out unimaginable. As early as 1995, an accomplice of Ramzi Yousef revealed that the mastermind behind the 1993 World Trade Center attack intended to plant bombs on 12 U.S.-bound airliners and crash a light plane packed with explosives into CIA headquarters. The accomplice had trained as a pilot at three separate U.S. flight schools. In 1999 the Library of Congress prepared a report for the National Intelligence Council warning that al-Qaeda suicide bombers "could crash-land an aircraft packed with high explosives" in the Pentagon, the CIA, or the White House.

Two months before the September 11 attacks, Kenneth Williams, an FBI field agent in Phoenix, suspected that terrorists had enrolled in an Arizona pilot training school. He urged the FBI to begin investigating whether other U.S. flight schools might be training terrorists to fly. His prophetic warnings went unheeded. Similarly, FBI agent Coleen Rowley, whose efforts to have the FBI and CIA investigate hijacker Zacarias Moussaoui were rebuffed, believes such an investigation could have uncovered the terrorists' plot in the weeks before the attacks.

Yesterday, the joint congressional intelligence committee reported that U.S. intelligence received a number of reports indicating that terrorists were plotting to use planes as weapons and planning to attack domestic targets. According to the committee, U.S. intelligence learned in August 1998 that a "group of unidentified Arabs planned to fly an explosive-laden plane from a foreign country into the World Trade Center." This information was given to the FBI and the FAA, which took little action.

CIA Director Tenet told the intelligence community in December 1998 that "We are at war," and "I want no resources or people spared in this effort." According to the joint committee, "Despite the D.C.I.'s declaration of war in 1998, there was no massive shift in budget or reassignment of personnel to counterterrorism until after September 11, 2001." The committee's report continues: "By late 1998, the intelligence community had amassed a growing body of information—though general in nature, and lacking specific details on time and on place—indicating that bin Laden and the Al Qaeda notework intended to strike within the United States, and concern about bin Laden continued to grow over time and reached peak levels in the spring and summer of 2001, as the intelligence community faced increasing numbers of reports of imminent Al Qaeda attacks against U.S. interests. . . ."

According to the congressional investigators, senior government officials in

July 2001 were briefed on the threat in the following language: "Based on a review of all source reporting over the last five months, we believe that [Osama bin Laden] will launch a significant terrorist attack against U.S. and/or Israeli interests in the coming weeks. The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning." National Security Agency intercepts on September 10th warning in Arabic that "The match is about to begin" and "Tomorrow is zero hour" went untranslated until the attacks, when their meaning became all too apparent.

Asking for, urging, and demanding answers for why various agencies of the Federal Government failed to understand the enormity of the danger facing the United States is an obligation shared by all elected Federal officials. As is the responsibility for understanding why and how the previous administration failed to combat the growing menace of international terrorism more effectively. As is responsibility for questioning Congress' inability or unwillingness to exercise more diligently its oversight responsibilities for those agencies. As is the expectation that officials who did not competently discharge their responsibilities be held accountable.

Congress is on the verge of creating a Department of Homeland Security that constitutes the largest reorganization of the Federal Government in many of our lifetimes. But there has been no comprehensive diagnosis of the state of our preparedness for terrorism prior to last September, no proper analysis of the security loopholes in our immigration and airline security organization that provided the terrorists with the access they needed to kill Americans; no systematic review of the failure of Government agencies to analyze and share information on the terrorists' planning that coordinated analysis could have revealed prior to the attacks; and no formal assessment of the consequences of policy decisions dating back years that led to a climate in Afghanistan in which a terrorist network could train and flourish, with consequences that need no retelling.

We need an honest search for answers, so that we and the people we represent can arrive at fair conclusions about what went wrong and develop ways to repair it. The independent commission we are proposing to look into these and all matters concerning our vulnerability and our initial response to the attacks would provide a blueprint for reform of the way we defend America. The insights of a blue-ribbon panel of experts, removed from the pressures of partisan politics, would add to the reforms we are making with creation of a Homeland Security Department by highlighting additional areas where the way our Government is organized have made us vulnerable.

Eleven days after the attack on Pearl Harbor, President Roosevelt mandated an investigation into how such tragedy could have struck an unknowing America. Ultimately, four different major panels appointed by the President and Congress investigated this "Day of Infamy." Seven days after President Kennedy was murdered, President Johnson appointed a commission of distinguished leaders to investigate the assassination. The independent commission we are proposing would carry on this requirement for answers, which has gone unquestioned and been deemed necessary in previous crises of this magnitude.

There is a crisis of confidence in America today. Americans are more proud than ever to be American. But large percentages deeply distrust the institutions that shape our daily lives—the Federal Government, corporate America, the Church. Corporate corruption, the scandals of campaign financing and corruption of the political process have deprived many Americans of the sense that they have a stake in the way they are governed. In the same way, I believe the lack of a fundamental accounting for the greatest tragedy in the Nation's history—one that touched all Americans and permanently altered the way we live and think about ourselves—is another source of alienation and insecurity.

I do not believe the administration and the Congress have given the American people reason to be confident that we no longer remain vulnerable to terrorist attack, despite the admirable leadership our President has shown in prosecuting the war on terror, and despite the important work of Congress to create a Department of Homeland Security. The congressional intelligence committees have been conducting a very limited investigation into the intelligence failures related to September 11 and even this narrow inquiry has been sidelined by staff disputes that disrupted its operations and an FBI investigation into leaked material. Strangely, the FBI is now investigating the same people who are investigating the FBI. Indeed, until this week the joint committee has not held any open hearings. Ranking Republican Senator SHELBY in particular has been outspoken in criticizing its lack of progress before it goes out of existence when the 107th Congress adjourns.

Both Senator SHELBY and joint committee co-chairman Senator BOB GRAHAM support the establishment of an independent commission to carry on the work performed by the congressional intelligence investigation they helped to lead. I am pleased that a number of the Senate members of the joint congressional intelligence committee have endorsed our proposal to establish a panel that would build upon their work. The rationale for an independent commission seems indisputable if the very leaders charged with a more narrow inquiry do not believe their own investigation met the necessary standards to authoritatively report on and learn from our past failures.

Many in Congress and the administration voiced concern last year that an independent investigation into September 11th's causes and consequences would interfere with Congress' investigation into these matters. With Congress planning to adjourn very soon, the congressional investigation represents only a first step into the intelligence and other failures that gave the terrorists their opening. The independent commission Senator LIEBERMAN and I are proposing would explicitly build on the work of the congressional investigation and would go far beyond it by examining Government practice and policy in a host of other areas, including foreign policy, border control, aviation security, and law enforcement.

Americans deserve answers after the events of September. This issue rises above politics, as the families and friends who lost loved ones will attest. Indeed, a commission would remove the issue from the political realm and serve the needs of both the administration and Congress by providing a blueprint for action, above and beyond any conclusions the joint congressional intelligence investigation may draw from its limited review.

Leaders of the joint congressional investigation into the intelligence failures of September 11th have said the attacks may well have been preventable, based on everything we have learned since then about what we knew and how it fit together in a way that formed a blueprint for attack. I find it unfathomable, and frankly unacceptable, that we would accept that we could have prevented the attacks, but in the same breath say we should move on. We should move on—after we have answered all the lingering questions about why we were neither prepared nor organized to meet the challenge of terrorism, and after we have made the kind of reforms that only a panel of distinguished experts separated from politics could propose.

An independent inquiry will not impose a serious burden on the administration as it prosecutes our just war on terrorism, any more than a similar inquiry after Pearl Harbor impeded Franklin D. Roosevelt's prosecution of World War II. Nor should it prevent members of Congress, the press, or any American citizen from questioning or criticizing the Government's apparent failures over the course of successive administrations. All wars and national security failures have occasioned contemporaneous criticism, and the Republic has managed to thrive.

It is irresponsible in a time of war, or any time for that matter, to attack or defend unthinkingly or because partisan identification is one's supreme interest. But it is not responsible or right to shrink from offering thoughtful criticism when and to whom it is due, and when the consequences of incompletely understanding failures of governance are potentially catastrophic. On the contrary, such timidity is indefensibly irresponsible especially in times of war, so irresponsible that it verges on the unpatriotic.

Two years before the attacks, the distinguished Hart-Rudman Commission on national security warned that as a result of the threat of catastrophic terrorism, "Americans will likely die on American soil, possibly in large numbers." Congress and successive administration ignored the commission's recommendations for reform to defend against this threat—many of which are now embodied in the homeland security legislation we are considering this week. We shouldn't wait for the next attack to investigate what more we need to do to protect the American people.

Until we have comprehensive assessment of needed reforms across the spectrum of our Government, based on what went wrong last September, we will not be prepared to predict and prevent the next attack. Americans need answers. I urge my colleagues to join us to create a commission that will tell them the truth—and put in place the protections that will prevent future generations from judging us for abdicating our responsibility to that truth.

Mr. THOMPSON. Mr. President, I have been asked by Senator HATCH to request unanimous consent that Senator SCHUMER be removed as a cosponsor of amendment No. 4693.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

There being no objection, the Senate, at 5:56 p.m., recessed subject to the call of the Chair and reassembled at 7:13 p.m., when called to order by the Presiding Officer (Mrs. MURRAY).

DOMESTIC NEEDS

Mrs. BOXER. Madam President, I want to thank publicly the majority leader, TOM DASCHLE. Yesterday, Leader DASCHLE took to the floor and talked about something that, frankly, is just not talked about by this administration, and that is the very sad state of our economy. Somebody needs to focus on that because, while we must devote much of our time to the war against terrorism, while we must devote much of our time to figuring out the best way to meet the threat that Iraq poses in terms of her weapons of mass destruction and the frightening prospect of those weapons being used, while we address those issues, I think we know very well that an administration must also pay attention to domestic needs, to the job needs, the educational needs, the health care needs. We must do both things in a great nation like this.

So as the Democratic leader made his statement yesterday, it is stunning to see that, in some categories, this economy under this administration is the worst we have seen in more than 50 years. It is very serious. We must address it. We must have a plan to address it. We must look back at the success of the Clinton administration and other administrations, Democratic and Republican, which had good economic records. We are seeing record stock market losses because there is a loss of confidence. There is a decrease in earnings and there are massive layoffs. We have seen a maiming or loss in private sector jobs—the worst in 50 years—and the weakest economic growth in 50 years.

Madam President, I hope this Senate will take care of the two most important things we could do: Foreign policy concerns and also domestic concerns, with a prime focus on this economy and turning it around and giving Americans the kind of confidence they had in the 1990s. That was a good time for America.

CHARITABLE GIVING

Mr. SANTORUM. Madam President, I rise to talk about a plan that is being discussed here in the Halls of the Senate and a very important plan in this time of economic recovery when we are looking at the 1-year anniversary a week ago of September 11 and the tragedy that has befallen so many people.

When we look at a lot of hardships going on in America, and while we had a great response and outpouring of support from the American public to the victims of 9/11, if we look at the rest of the charitable world, charitable giving is off about 20 percent. Part of that is the stock market, and part of it is because of the funds and worthy causes supporting the victims of 9/11. A lot of the service needs, artistic needs, and educational needs in communities all across the country are doing with a lot less money this time of year—at a time when the need is very great.

We are looking at a piece of legislation and working on a piece of legislation in the Senate. The Finance Committee marked up a bill in June to try to help the situation as part of the President's faith-based initiative. It is a charitable giving package that will strengthen the nonprofit sector of our economy—those who help in the human service area—as I mentioned, education and the arts.

We have been working very hard to try to get this legislation on the floor. Senator DASCHLE, I know, has given a commitment to the President that he will in fact bring this measure to the floor of the Senate and have a vote before the end of this session. We are winding down to the final days of the session, and that has yet to happen.

Senator LIEBERMAN, I know, has been working very hard, as have I, to get this legislation to the floor and do it under a unanimous consent agreement. Obviously, there are a lot of important issues being discussed, and we want to have the opportunity to have debate and amendments offered.

We are willing on our side of the aisle to have a limitation on amendments and a limitation on debate. We have had a discussion back and forth. The majority leader has suggested the way he would feel comfortable bringing this legislation up is to have one amendment on each side.

I have been working very hard on our side. I thank our leader, Senator LOTT, and our ranking member on the Finance Committee, Senator GRASSLEY, for getting together as a team and working our side of the aisle to make sure we get that down to one amendment.

We shared that amendment with the Democratic side of the aisle last week. So we had that amendment out so everybody would know what our amendment is. There are two other amendments. One will be an amendment on the Democratic side. I understand Senator REED from Rhode Island will be the offerer of that amendment. And then there will be a managers' amendment. There will be a managers' amendment because there are certain issues in the underlying CARE Act that Senator LIEBERMAN and I worked out with the White House several months ago that are not under the jurisdiction of the Finance Committee and cannot be reported out of the Finance Committee. They have to be added on the floor.

Senator LINCOLN had concerns about provisions in the act. We worked diligently. Again, I thank Senator BAUCUS and Senator GRASSLEY for working this issue. We now have agreement, I understand, on Senator LINCOLN's provision and that is going to be included in the managers' amendment.

We had an amendment on our side of the aisle from Senator HUTCHISON of Texas which had bipartisan support, as Senator LINCOLN's did, and we put that in the managers' amendment.

We had things pop up, and we have been able to work out compromises and make this happen.

I was just informed a few minutes ago that the majority committee staff has actually given us the managers' amendment. I thank them for moving the ball down the field. We are reviewing that amendment. We can now, with that managers' amendment, actually go through the process of hotlining the bill on our side of the aisle.

I am very sanguine about our chances of getting approval on our side of the aisle for this very important legislation affecting millions of people in need in our society and the thousands upon thousands of volunteers, people who are committed to helping those less fortunate in our society. They are waiting for this legislation to pass.

I know the President in speech after speech has asked the Senate to move forward on this legislation during this time of economic need. We are approaching that point. I encourage this work to continue.

I understand there is a good-faith effort ongoing, but we are reaching the end of the session. We have 3 weeks to go. If we pass this legislation, we have to get our colleagues in the House to act on it. We do not know how they are going to act on it, but I am hopeful we can work out something to get this bill to the President before we adjourn on the 11th of October.

I wish to report that progress is being made. I am hopeful that, with this information, we can get approval on our side of the aisle for an agreement. I am hopeful an agreement also can be reached on the Democratic side so we can move forward and get this very important bipartisan legislation passed. Senator LIEBERMAN and I are sponsors of it. I know Senator DASCHLE announced publicly he is in support of it. There is broad support on this side of the aisle for the legislation.

This bill affects the people, the armies of compassion on the front lines meeting the needs of Americans in every State of the country. This is something very good we can do. It looks small, but it has a huge impact on millions of Americans if we do this before we leave.

I encourage all those who have an interest in this legislation to come forward and make sure a unanimous consent agreement is accomplished very quickly.

Mr. President, I yield the floor.

FOOD SECURITY IN AFRICA

Mr. FEINGOLD. Madam President, I rise today to call attention to the tenuous food security situation in sub-Saharan Africa.

The United Nations estimates that 14.4 million people are in need of immediate food aid and humanitarian assistance in southern Africa, where drought and poor harvests have combined with manmade factors—including economic mismanagement and politically-motivated disruption of agriculture in Zimbabwe—to create deadly conditions for the people of Zimbabwe, Zambia, Malawi, Mozambique, Swaziland, and Lesotho. This food crisis is striking a population already devastated by HIV/AIDS, compounding the difficulty of African families' struggle for survival. I have asked the General Accounting Office to investigate the causes of the food shortage and the obstacles to successfully addressing it in the hopes of gaining greater clarity as the relationship between natural and manmade obstacles to food security in the region.

In the Horn of Africa, food shortages are again threatening the well being of millions. As the people of Ethiopia and Eritrea struggle to recover from a costly war and severe food shortage in 2000, many have had no opportunity to reestablish their own economic security. Large numbers of people are living on the margin, and are extremely vulnerable to food shortages. In Angola, the brutal civil war is finally over, but the legacy of that conflict and of years of neglect has left hundreds of thousands malnourished and seeking assistance. And in West Africa, disturbing reports suggest that the people of Mauritania and Senegal are also threatened by food shortages linked to drought. Sadly, from Burundi to Liberia, populations living in conflict zones also suffer from resulting food shortages.

As the Chairman of the Subcommittee on African Affairs, I know that our interests throughout the sub-Saharan region are many, from promoting democracy and development to combating terrorism and other international criminal activity. None of those aims can be vigorously pursued when populations are weakened and governments distracted by desperate hunger and humanitarian catastrophe. I also know that our foreign policy agenda today is a crowded one, and that many crucially important issues compete for resources and attention.

There are some baseline conditions that we must strive to maintain if other elements of our policy are to have a meaningful impact around the world. Basic food security is one of those baseline conditions. We need strong partners, and the strength of the region is being sapped every day by hunger. Working with others to fight off starvation, and then to help strengthen food security systems to avoid future crises, must always be a priority. I will work with my colleagues and the administration to ensure that the United States finds a way to give food security issues throughout sub-Saharan Africa the attention that they deserve, and I urge my colleagues to support efforts to address the problem in the region.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 31, 2001 in Browns Mills, NJ. Two white men attacked a black couple while they were sleeping in their home. The attackers beat the victims with baseball bats, causing severe cuts and broken bones. Neighbors said that the assailants had previously indicated their intention to "beat up" the victims, and used racial slurs to describe them.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM

Mr. FEINGOLD. Madam President, I rise today in support of the Community Oriented Policing Services program, commonly known as COPS. The COPS program was established in 1994, due in large part to the efforts of my distinguished colleague from Delaware, Senator BIDEN, and the support of then President Clinton. Since its inception, the program has greatly enhanced community oriented policing across the Nation. The COPS program has facilitated the hiring and training of over 116,000 police officers who help keep our communities safe. I am especially pleased that this program has been a shining example of an effective partnership between local and Federal Governments. It provides Federal assistance to meet local objectives without imposing mandates or interfering with local prerogatives, and it provides federal dollars directly to the police departments and communities.

COPS has had a positive and very tangible impact on communities throughout the country, including in my home State of Wisconsin, by putting more police officers on our streets and making our citizens safer. In the State of Wisconsin alone, COPS has funded over 1,300 new officers by contributing more than $100 million to communities.

The effects of community-based policing cannot be understated. The COPS program has succeeded because it helps individual officers to be a friendly and familiar presence in their communities. They are building relationships with people from house to house, block to block, school to school. Community policing helps law enforcement to do their job better, makes our neighborhoods and schools safer, and, very importantly, gives residents peace of mind. Increasing the number of local law enforcement on the streets and in our neighborhoods fosters an environment of mutual respect between officers and their neighbors, and community pride from home to school to fire station to corner store. Reducing crime and keeping our communities safe has been and should continue to be a top priority for all of us. As the tragic events of September 11 have shown our Nation, local police officers play a vital role to protect and secure our communities. We should give them the support they need.

As I travel through Wisconsin and talk to sheriffs, police chiefs and other law enforcement officers, I hear the same refrain, time after time: the COPS program is vital to their work and has enabled them to get more officers out from behind their desks and onto the streets. Wisconsin is not alone. Since 1994, the COPS program has provided funding for thousands of law enforcement agencies across the country, and has expanded to include the COPS in Schools Program and the COPS Tribal Resources Program, and now funds the Community Policing to Combat Domestic Violence grants.

As the COPS program has grown, crime rates have decreased. But in order to maintain a low crime rate, we must continue to provide the necessary resources. The COPS program gives us an opportunity at the federal level to send a strong signal of support back to local police officers that we value community-oriented policing as integral to the protection and safety of all Americans.

We have taken up funding for the COPS program in this body numerous times since its inception. I am pleased that the Judiciary Committee reported favorably a bill calling for its re-authorization this spring, the PROTECTION Act, S. 924, introduced by Senator BIDEN. I commend and thank Senator BIDEN for his leadership on this issue. I was very pleased to support his bill re-authorizing the COPS program in Committee, and I urge the full Senate to work to ensure that the COPS program is authorized again before we adjourn.

ADDITIONAL STATEMENTS

TRIBUTE TO THE OAKLAND ATHLETICS

• Mrs. BOXER. Mr. President, there are times when the achievements of an individual athlete or sports team are so dramatic, so sensational and exciting, that the entire country stops what it is doing to simply watch in wonder. The sport of baseball, in particular, has supplied us with many such moments over the years.

I recall the thrill of Joe DiMaggio's 56-game hitting streak; Bobby Thompson's "Shot Heard Round The World" home run; pitcher Don Larsen's perfect World Series game; Hank Aaron's 715th trip around the bases; Cal Ripken Jr.'s 2,131st consecutive game; and Barry Bond's 71st home run of the season. All of these milestones are embedded in America's sports memory.

There is another baseball milestone that I believe deserves a place in the pantheon of remarkable sporting achievements, an accomplishment as exciting as Carlton Fisk's 12th inning World Series home run or "The Catch" by Willie Mays in another, earlier World Series. That accomplishment, Mr. President, is the 20-game, American League record winning streak set this season by the Oakland Athletics—the longest win streak in baseball in 67 years.

Until the Oakland Athletics rewrote the American League record book, many had considered the 19-game win streak record held jointly by the New York Yankees and the Chicago White Sox to be untouchable. Indeed, there are only three teams in the entire history of baseball—the New York Giants, the Chicago Cubs, and now the Oakland Athletics—that have ever won 20 or more games in a row.

This summer, baseball fans from around the world were caught up in the excitement as the Athletics continued to win game after game after game. At work, in the car, and at home, and regardless of time zone, Americans watched with fascination as the Oakland Athletics approached the magic number of 20 victories. I shared in that growing sense of excitement and cheered along with the rest of the country when the team set the new record on September 4th.

My hat is off to the Oakland Athletics, to the players and staff, Manager Art Howe, and to the fans. I know how proud the Oakland community is of its team, and of a win streak record that is one for the ages. With this amazing achievement, the 2002 Oakland Athletics have secured a special place in baseball history and lore.•

TRIBUTE TO MICKIE PAILTHORP

• Mrs. MURRAY. Mr. President, I rise today to share with the Senate a tribute to Mickie Pailthorp, a leader in my home State of Washington who passed away on July 31, 2002. On August 8, I was honored to speak at a memorial service for Mickie, and today I want to share her accomplishments with my colleages.

I will never forget my first meeting with Mickie Pailthorp. It was early in 1992, and I had just announced that I was running for the U.S. Senate. Many in the established political community had written me off. They said I hadn't paid my dues. They said I couldn't raise the money. They even said I was too short.

Many dismissed me sight unseen, but Mickie decided to find out for herself. Shortly after I announced, Mickie called my campaign office. She said she was thinking about supporting me because I was a woman candidate, but she absolutely had to meet me first. I thought, "No problem." We met at a restaurant for what I thought would be a casual dinner.

Instead, Mickie grilled me for over an hour. She wanted to know very specifically what I was going to do about this issue and that issue. She wanted to know why I thought I could win, and she wanted to know that I would work hard. To be honest, by the end of our dinner, I really wasn't sure whether she was going to help me.

But before I knew it, she was one of my strongest behind-the-scenes supporters, and her support made a difference. Mickie quietly opened doors for me. She got me into places that I couldn't go on my own.

When I won the election, she didn't come after me seeking favors or demanding credit, but I knew she was watching. Every year at Joel and Mickie's Christmas party, she would come up to me and say very quietly either: "I was really proud of what you did here." Or more sternly, "Now you've got to be careful about this." So I knew she was watching.

When I think about Mickie, I remember her as whirlwind of passion and energy. She was there fighting the good fight for women on the ERA and so many other issues before it was popular and before it seemed possible. One of the things that made Mickie so unique is that she didn't seek any credit. She was happy to work behind the scenes. Mickie never needed to be the "picture" for the cause, but she clearly painted every line.

Some leaders climb up to the top and when they get there they pull up the ladder behind them and leave everyone else stuck below. But Mickie's whole purpose was to help other women make it to the top, and she did that well. So today, while a generation of young women might not know Mickie's name, they know the women she helped elect. And they know that they can make a difference, too.

Mickie Pailthorp was not a visible women's leader, but she made a lot of other women leaders visible. And because Mickie didn't trumpet her own accomplishments, it's up to us to make sure that others know about this remarkable woman and carry on her legacy. So I invite Mickie's friends and fans in Washington State to tell their children and grandchildren about an energetic, passionate woman named Mickie Pailthorp, and the opportunities she gave all of us.•

THE POEM AMERICAN PRIDE

• Ms. LANDRIEU. Mr. President, the events of September 11 were very tragic and very traumatic for our Nation, especially our children. This poem, written by 10-year-old James Dillon Hughes of Bourg, LA, demonstrates, very simply, what is great about America. In these few lines James captures the spirit of his country, stronger now than ever before. It is our job to ensure that the freedoms we enjoy now will still ring true for our children and future generations to follow. James wrote this on September 13, 2001, only two days after the terrible events of September 11. Even after those tragic events, James was still able to show his American Pride. I was so moved upon reading this poem that I ask that it be printed in the RECORD.

The poem follows:

American Pride
I am proud to be an American
I am proud to be free
I'm proud to be able to choose anything I want to be.

I can be a doctor, a lawyer or a priest
Because I live in a country
That allows me to be free.

Our country was somewhat divided
Now it has united
Let's keep it strong and free.

Where leaders teach and guide us
Always stand beside us
And show us the way to be.

Our country is rich
Our army is strong
Living in America
Could never be wrong.•

2002 IOWA WOMEN'S HALL OF FAME

• Mr. HARKIN. Mr. President, I wanted to take a few minutes to recognize four outstanding women who the Iowa Commission on the Status of Women have selected for this year's inductees to the Iowa Women's Hall of Fame.

Each year, the Commission solicits nominations of women, living or deceased, who have had a significant impact on society or their communities. Four nominees are selected by a five-member committee and the Commission and then are honored by the Governor and the Lieutenant Governor at a special ceremony. I'd like to add my voice to this tribute to four accomplished Iowa women.

Bonnie Campbell has been a strong leader since she first began her private practice in Des Moines. In 1990, she became the first female elected Iowa attorney general in our State's history. She used her position to author and pass one of the Nation's first anti-stalking laws. By 1995, her work was recognized nationally and she was appointed director of the U.S. Department of Justice's Violence Against Women Office. She played a critical role in the implementation of the Violence Against Women provisions of the 1994 Crime Act. Now in private practice, Bonnie continues to serve as a role model for women. On a personal level, Bonnie is a good friend of mine and I congratulate her on this well-deserved recognition.

Sue Ellen Follon's impact on women's issues was once described in the Des Moines Register this way: "You may never have heard her name, but there's a good chance she has touched your life." A Volga native, Follon served as the executive director of the Iowa Commission on the Status of Women from 1976 to 1984. Throughout her service, Follon worked to expand the Commission's influence and scope, to strengthen rape and sexual abuse laws, and help public hearings on domestic abuse, displaced homemakers and the feminization of poverty. In fact, her efforts helped to make Iowa the first State in the Nation to legislatively address gender inequities in many facets of life. Follon went on to become the first woman to serve as Vice President at the University of Iowa. Throughout her career, she made over 150 presentations from the local to the international level on the subjects of women's equality, leadership, higher education and mentors for women and minorities. Born in 1942, Follon died on November 4, 1998, the day after voters passed the equal rights amendment to the Iowa Constitution.

Alice Yost Jordan is internationally known as one of the most distinguished and published American composers. A Des Moines resident, Jordan is best known for her choral and organ works numbering over 200, which have sold over 250,000 copies. Her recital song, Take Joy Home, commissioned by Sherrill Milnes of the Metropolitan Opera and pianist Jon Spong, received world-wide exposure on concert tours and was performed at a White House State Dinner in 1983. Her arrangement of America the Beautiful, commissioned by the Iowa High School Music Association for the All-State Chorus and Orchestra, opens the All-State Festival Concert biennially. She has composed another 40 works that were commissioned by churches, universities and organizations across the Nation. Born in Davenport in 1916, she graduated from Drake University, where she studied composition for her undergraduate and graduate studies with the late Dr. Francis J. Pyle and received an Honorary Degree, Doctor of Letters from Grand View College.

Shirley Ruedy of Cedar Rapids is a nationally recognized journalist, speaker and cancer survivor. Twice diagnosed with breast cancer, Ruedy launched a biweekly "Cancer Update" column that the Cedar Rapids Gazette began publishing in 1991. The column focused on her own experiences as well as providing the latest expert information on cancer treatment and prevention to her readers. "Cancer Update" is now carried in a publication from the Mayo Clinic Women's Cancer Program. Each October, in recognition of Breast Cancer Awareness Month, Ruedy runs a column she co-wrote with a surgeon about the life journey of a breast cancer cell. Through her writing and speaking, Shirley Ruedy serves as a role model of courage and positive advocate for all of those who have been diagnosed with cancer.

These women have aspired to high standards in their career fields and in serving their community. They also serve as an inspiration to young Iowans who can look to them for direction and leadership. I applaud the Iowa Commission on the Status of Women for recognizing their outstanding contributions. They are strong role models for all of us and deserve the highest praise. And they are some of the many special people who make Iowa such a great place to call home.•

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith the 6-month periodic report prepared by my Administration on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 19, 2002.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM IS TO CONTINUE IN EFFECT BEYOND SEPTEMBER 23, 2002—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2002, to the *Federal Register* for publication.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 19, 2002.*

REPORT ON THE NATIONAL SECURITY STATEGY OF THE UNITED STATES OF AMERICA—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report: which was referred to the Committee on Armed Services:

To the Congress of the United States:

As required by section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting a report prepared by my Administration on the National Security Strategy of the United States.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 19, 2002.*

MESSAGES FROM THE HOUSE

At 4:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1701. An act to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

ENROLLED BILLS SIGNED

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1834. An act for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

H.R. 4687. An act to provide for the establishment of investigative eteams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

H.R. 5157. An act to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5308. An act to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office"; to the Committee on Governmental Affairs.

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1701. An act to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 19, 2002, she had presented to the President of the United States the following enrolled bill:

S. 2810. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

*Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2005.

*Roger P. Nober, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2005.

*David McQueen Laney, of Texas, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Coast Guard nominations beginning Capt. Jody A. Breckenridge and ending Capt. James C. Van Sice, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

*Coast Guard nomination of Stephen W. Rochon.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning Christine D Balboni and ending Steven E Vanderplas, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

*Coast Guard nomination of David C. Clippinger.

By Mr. LEAHY for the Committee on the Judiciary.

Ronald H. Clark, of Texas, to be United States District Judge for the Eastern District of Texas.

Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Antonio Candia Amador, of California, to be United States Marshal for the Eastern District of California for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Mr. ALLEN):

S. 2966. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself and Ms. COLLINS):

S. 2967. A bill to promote the production of affordable low-income housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SARBANES (for himself, Mr. JEFFORDS, and Mr. SESSIONS):

S. 2968. A bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; to the

Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. GREGG):

S. 2969. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2970. A bill to amend title XVIII of the Social Security Act to assure fair and adequate payment for high-risk Medicare beneficiaries and to establish payment incentives and to evaluate clinical methods for assuring quality services to people with serious and disabling chronic conditions; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2971. A bill to amend the Transportation Equity Act for the 21st Century to provide the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2972. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for a cooperative research and management program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2973. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 2974. A bill to provide that land which is owned by the Seminole Tribe of Florida but which is not held in trust by the United States for the Tribe may be mortgaged, leased, or transferred by the Tribe without further approval by the United States; to the Committee on Indian Affairs.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. 2975. A bill to authorize the project for hurricane and storm damage reduction, Morganza, Louisiana, to the Gulf of Mexico, Mississippi River and Tributaries; to the Committee on Environment and Public Works.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. 2976. A bill to provide economic disaster assistance to producers of the 202 crop of rice in the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2977. A bill to authorize the Secretary of the Army to assist in the continued development of the Indianapolis Central Waterfront project in Indianapolis, Indiana; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2978. A bill to modify the project for flood control, Little Calumet River, Indiana; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself, Mr. NELSON of Nebraska, and Mr. HAGEL):

S. 2979. A bill to identify certain routes in the States of Colorado, Nebraska, and South Dakota as part of the Heartland Expressway, a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 2980. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH:

S. 2981. A bill to exclude certain wire rods from the scope of any anti-dumping or countervailing duty order issued as a result of certain investigations relating to carbon and certain alloy steel rods; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. FITZGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 2982. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. THOMPSON):

S. 2983. A bill to authorize a project for navigation, Chickamauga Lock and Dam, Tennessee; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. Res. 328. A resolution designating the week on September 22 through September 28, 2002, as "National Parents Week"; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

S. Con. Res. 142. A concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mrs. CARNAHAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. BREAUX, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. STABENOW, Mr. BIDEN, Mr. CLELAND, Mr. JOHNSON, Mr. MILLER, Mr. NELSON of Nebraska, Mr. EDWARDS, Mr. BAUCUS, Mr. REED, Mrs. MURRAY, Mr. BAYH, Mr. BOND, Mr. HAGEL, Mr. THURMOND, Mr. HELMS, Mr. BROWNBACK, Mr. ALLEN, Ms. COLLINS, Mr. STEVENS, Mr. ALLARD, Mr. THOMAS, Mr. CRAIG, Mr. MURKOWSKI, Mr. LUGAR, Mr. FRIST, Mr. NICKLES, Mr. BUNNING, Mrs. HUTCHISON, Mr. FITZGERALD, Mr. WARNER, Mr. ROBERTS, Mr. SHELBY, Mr. LOTT, Mr. CRAPO, Mr. GRASSLEY, Mr. SESSIONS, Mr. DEWINE, and Mr. COCHRAN):

S. Con. Res. 143. A concurrent resolution designating October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 677

At the request of Mr. HATCH, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds , to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 969

At the request of Mr. DODD, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 1201

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1201, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1914

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 1914, a bill to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2188

At the request of Mr. BURNS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2188, a bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act.

S. 2215

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2215, supra.

S. 2245

At the request of Mr. BURNS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2245, a bill to amend title 49, United States Code, to enhance competition between and among rail carriers, to provide for expedited alternative dispute resolution of disputes involving rail rates, rail service, or other matters of rail operations through arbitration, and for other purposes.

S. 2462

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2462, a bill to amend section 16131 of title 10, United States Code, to increase rates of educational assistance under the program of educational assistance for members of the Selected Reserve to make such rates commensurate with scheduled increases in rates for basic educational assistance under section 3015 of title 38, United States Code, the Montgomery GI Bill.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2562

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2583

At the request of Mr. CORZINE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2583, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category.

S. 2692

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2692, a bill to provide additional funding for the second round of empowerment zones and enterprise communities.

S. 2734

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2820

At the request of Mrs. CARNAHAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2820, a bill to increase the priority dollar amount for unsecured claims, and for other purposes.

S. 2860

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2860, a bill to amend title XXI of the Social Security Act to modify the rules for redistribution and extended availability of fiscal year 2000 and subsequent fiscal year allotments under the State children's health insurance program, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2892

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2892, a bill to provide economic security for America's workers.

S. 2903

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2906

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2906, a bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways.

S. 2936

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2936, a bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. DAYTON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 138, A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

AMENDMENT NO. 4662

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 4662 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4662

At the request of Mr. CRAPO, his name was added as a cosponsor of amendment No. 4662 intended to be proposed to H.R. 5005, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. ALLEN):

S. 2966. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Madam President, I am pleased to rise today with Senator ALLEN to introduce the Aeronautics Research & Development Revitalization Act of 2002. This legislation is aimed at protecting the economic stability and national security of the United States by establishing a broad-based agenda to reinvigorate America's aeronautics and aviation R&D enterprise and maintain America's competitive leadership in aviation. Congressman LARSON and other members of Congress introduced companion legislation in the House several months ago.

The United States has dominated the aircraft industry for years. In 1985, we dominated the aerospace market controlling more than 73 percent of the commercial aircraft industry. Unfortunately, since 1985, the U.S. has fallen behind considerably. Today, we control less than 50 percent of the global market. Over the last decade, funding for the National Aeronautics and Space Administration's aeronautics research and development program has fallen by approximately 50 percent.

Last year, the European Commission and aerospace industry executives unveiled a report entitled "European Aeronautics: A Vision for 2020" which outlines ambitious goals of attaining global leadership in aeronautics and creating a world class air transport system for Europe. The U.S. aeronautics industry is being left behind at the gates, and is now in a position where it must catch up in an effort not to lose its economic and technological dominance over the international aeronautics market. Europe has committed to spending more than $93 billion within the next 20 years in order to implement "A Vision for 2020".

The Aeronautics Research and Development Revitalization Act of 2002 will provide a funding basis for NASA to plan and implement their "Aeronautics Blueprint-Toward a Bold New Era of Aviation". The "Aeronautics ' Blueprint" confronts the challenges that are faced by the aviation industry and puts forth a vision of what can be achieved by investments in aeronautics research and technology, and stresses the importance of combining the efforts of NASA, DOD, DoT, the FAA, academia, and industry. It does not, however, provide a program plan to actually achieve the vision, nor does it address the huge disparity between current NASA aeronautics funding and what is required to achieve the vision. The bill that Senator ALLEN and I are introducing today provides the necessary program plan needed to achieve the nation's aeronautics vision as found in the "Aeronautics Blueprint," and stresses the importance of having agencies like NASA and FAA work closely together in achieving these goals.

The Aeronautics Research and Development Revitalization Act of 2002 would reverse the trend of declining Federal investments in aeronautics and aviation R&D by doubling the authorization of funding over five years. Funding for NASA would increase to $900 million in 2005, which is approximately the level it was in 1998, and would increase to $1.15 billion in 2007. The legislation would also double funding for the FAA to more than $550 million in 2007.

This bill will have a direct impact on technologies that can be easily incorporated into the commercial airline industry. The bill focuses on improving fuel-efficiency for commercial standard airliners, as well as noise reduction, improved emissions, wake turbulence, more stringent safety and security standards, a more efficient air-traffic control system, and supersonic transport. Universities will also be given resources to develop training methods for people who will make use of these technologies. Individual engineering graduate students studying aeronautics will be eligible for scholarships and summer employment opportunities which will be made possible through specific funding in this legislation.

These new technologies will help our Nation militarily, as well. Planes will be able to fly farther than before, communications networks will be improved, making it easier to coordinate military operations, and quieter engines will make planes less detectable to ground forces that do not have the benefit of radar. Even transport missions will be much more efficient.

The events of September 11 not only highlighted the importance of aviation to our entire economy, but they also demonstrated the need to enhance our aviation security system. This bill should, we believe, be part of our government's commitment to investment in the economic growth, security and safety of America's aviation and aeronautics sector.

By Mr. BOND (for himself and Ms. COLLINS):

S. 2967. A bill to promote the production of affordable low-income housing; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BOND. Madam President, I rise today to introduce the Affordable Housing Expansion Act of 2002. I include a summary of the provisions of the legislation with my statement, and I urge all members to review the bill and the summary. Obviously this is a major piece of legislation that will undoubtedly be considered in the next session of Congress as well, but I want to be out in public for discussion this year so we can work on it early next year. This is an important bill that is designed to start to meet the long-term housing needs of very low- and extremely low-income families. This bill is targeted especially to provide affordable housing for extremely low-income families, those at or below 30 percent of medium income.

In particular, the Affordable Housing Expansion Act would establish a new block grant program to be administered by the Department of Housing and Urban Development—HUD. HUD would allocate funds to state housing finance agencies for the development of mixed income housing with the Federal funding targeted to the development of the very low-income and extremely low-income housing component of the mixed income housing. Each state housing finance agency would have to submit an affordable housing expansion plan to HUD that ensures the funds are allocated to meet the low-income housing needs in both the rural and urban areas of each state. States also would have to contribute a 25 percent match. Moreover, each state housing finance agency could use up to 20 percent of these block grant funds to preserve existing low-income multifamily housing and for the rehabilitation needs of low-income multifamily housing.

The Affordable Housing Expansion Act also provides new authority for low-income housing production under the Section 8 program and the Public Housing program. Under the Section 8 program, the bill provides new authority for a "Thrifty Voucher" program that would allow the use of section 8 project-based assistance for new construction, substantial rehabilitation and preservation of affordable housing for extremely low-income families. Because the cost of these vouchers is capped at 75 percent of the payment standard; these vouchers will need to be used in conjunction with other housing assistance programs, such as the HOME program, the Community Development Block Grant program or Low Income Housing Tax Credit program, to be successful.

The bill also would authorize a new loan guarantee program that will allow public housing agencies to rehabilitate existing public housing or develop off-site public housing in mixed income developments. The long-term debt of these loans would be tied to the pro-rata share of funds under the Public Housing Capital and Operating Funds that would be allocated to the units that are rehabilitated or constructed over a maximum of 30 years. This tool will allow Public Housing Agencies to address more aggressively the over $20 billion backlog of public housing capital needs.

The Affordable Housing Expansion Act of 2002 is an important first step towards addressing a growing shortage of affordable housing for very low-income and extremely low-income families. While homeownership rates have grown and the cost of housing has skyrocketed, many very low-income and extremely low-income families are being left behind without the availability of affordable rental housing. This is unfortunate. It is a tragedy. The social and economic costs to the Nation are dramatic. And while we have several Federal housing production programs, such as the HOME program and the Low Income Housing Tax Credit, not enough is being done.

In particular, HUD's most recent report on worst case housing needs, A Report on Worst Case Needs in 1999: New Opportunity Amid Continuing challenges, concluded that the shortage of affordable housing has worsened. In particular, the number of units affordable to extremely low-income renters dropped between 1997 and 1999 at an accelerated rate, and shortages of affordable housing available to those renters worsened. As we have seen in this economy, as rents continue to rise faster than inflation, the pressure for above-average rent increases at the bottom end of the rental stock is eroding further the supply of rental units that are affordable without Government subsidies.

In addition, this report found a record high of 5.4 million families—some 600,000 more families with worst case housing needs than in 1991—that have incomes below 50 percent of median income and pay at least 50 percent of their income in rent. In addition, worst case housing needs have become increasingly concentrated among those families with extremely low-incomes. In particular, over three-quarters of the families with worst case housing needs in 1997 had incomes below 30 percent of median income. I have seen no evidence that these families have fared better since 1997, and as rents have increased, I think it obvious that the problem has worsened. Further, since that time, we have lost some 200,000 units of section 8 project-based units to rent increases as well as to decisions by owners of the housing not to renew their section 8 contracts. Also, as families age and people live longer lives, we are beginning to face a new crisis of a lack of affordable housing for our seniors.

The Affordable Housing Expansion Act is designed to provide additional, needed tools that will allow States and communities to develop new affordable low-income and mixed-income housing, including units targeted to extremely low-income families. This would help fill a gap in the housing needs of the Nation that would allow these lowest income families to begin to climb the housing ladder to homeownership. Decisions would be driven by local choice and need and start to meet the burgeoning need for new low-income housing in tight markets where there is little or no housing for families and seniors at the low end of the economic scale. These families need to be served and the cost is small compared to potential cascading social and economic costs to both communities and families—it is a simple equation—homes equal stable environments in which children are educated and people can obtain jobs. Jobs and homes represent the tax base of any community and educated children are the future of our Nation.

This is important legislation. The private sector is not making the needed investment to meet the low-income housing needs of the present and future. The Federal government must show the leadership and make the needed investment to partner with state and localities as well as public and private entities in the low-income housing infrastructure of the Nation. This bill is designed to start to meet this need and focus the debate on the importance of low-income housing production to the current and future housing needs of this Nation.

Too often in this body we say we are going to help low-income people get more housing because we are going to expand the number of section 8 certificates. The sad fact is that in many communities, particularly in the St. Louis area, no matter how many more vouchers you put out, no more housing is available. Too many of the vouchers, the certificates, are not used because there simply is not the affordable housing. This deals with the problem that we see, not just in St. Louis but across the Nation.

I believe my colleagues should take a hard look at this. We invite their comments and consideration. We must do something, and it will probably be next year, but we must get to work right now thinking about how we are going to meet the need for affordable housing for the very low and extremely low income people who live in our country.

I ask unanimous consent that a summary of the legislation be printed with my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Madam President, I send the bill to the desk and ask for its appropriate referral.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

AFFORDABLE HOUSING EXPANSION ACT OF 2002 (INTRODUCED BY SENATORS BOND AND COLLINS)

TITLE I—PRODUCTION OF NEW HOUSING FOR EXTREMELY LOW-INCOME AND VERY LOW-INCOME FAMILIES

Establishes a $1 billion block grant program beginning in 2003 that would allocate funds to state housing finance agencies on a per capita basis according to the population of the state. No state would receive less than $6 million.

Allows funds to be used for acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing; permits funds to be used for rehabilitation needs and preservation of existing assisted low-income housing (although no more than 20 percent of the funds can be used for rehabilitation and preservation); allows conversion of existing housing to housing for the elderly or for persons with disabilities.

Requires states to meet a 25 percent matching requirement to ensure accountability and to leverage additional funds.

Requires housing developed to be low- and mixed-income housing with at least 30 percent of the assisted unites targeted to extremely low-income families (families at or below 30 percent of medium income); remaining assisted units would be targeted to very low-income families.

Rents for assisted units are modeled after the low-income tax credit program only with deeper targeting—extremely low-income families would pay no more than 25 percent of 30 percent of medium income and very low-income families would pay no more than 25 percent of 50 percent of medium income.

Authorizes a new multifamily risk-sharing mortgage insurance program to help underwrite housing assisted under this title.

TITLE II—SECTION 8 HOUSING PRODUCTION

Thrifty vouchers

Establishes a "Thrify" Voucher Housing Production program that targets section 8 project-based assistance for new construction, substantial rehabilitation and preservation with eligible families defined as "extremely low-income families" (those at or below 30 percent of adjusted income).

Limits assistance to 25 percent of units in a building while limiting the cost for a unit at 75 percent of the payment standard or fair market rent (really is operating costs, utility costs and reasonable return on operating costs.). Initial rent term would be 15 years with renewals through at least year 40. The premise is to use anticipated section 8 project-based funds to capitalize the cost of new construction, substantial rehabilitation and preservation while subsidizing these costs over some 40 years plus. Thrifty vouchers could be used in conjunction with low-income housing tax credits, HOME, CDBG or the (Title I) "Bond" Housing Production Block Grant program.

New Thrifty Vouchers would be distributed under the formula used for the HOME program.

Reallocation of vouchers

New section 8 provision would provide for the reallocation of section 8 funds where a PHA fails to utilize at least 90 percent of allocated section 8 tenant-based assistance, and then 95 percent after 16 months from notice on failure to meet the 90 percent utilization requirements. Allows PHAs to challenge for a new survey of market rents in an area for an increased rent payment standard or fair market rent. Provides for a reallocation to another PHA, State or local agency, or nonprofit/for-profit capable of administering section 8 assistance upon a finding that a PHA has failed to meet these performance requirements. Upon a finding that there is a lack of eligible families for section 8 assistance in an area, HUD may reallocate section 8 assistance to other needy areas.

Preservation of sections 8 assistance on hud—held and owned properties

New provision that requires HUD to maintain existing section 8 project-based assistance for any HUD-owned or HUD-held multifamily projects upon disposition, except where HUD determines the project is not viable. (Mirrors Bond provision carried in annual VA/HUD Appropriations Acts for the disposition of HUD-owned or HUD-held multifamily projects that serve elderly or disabled families.)

TITLE III—PUBLIC HOUSING LOAN GUARANTEE PROGRAM

Establishes a new HUD loan guarantee program for public housing agencies for the rehabilitation of a portion of public housing or the development of off-site public housing in mixed income developments. Long term debt is tied to the pro-rata share of funds under the Captial and Operating Funds that would be allocated to the units rehabilitated or constructed over a maximum of 30 years.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Affordable Housing Expansion Act of 2002".

SEC. 2. PURPOSE.

The purposes of this Act are to expand the production of affordable low-income housing for extremely low-, very low- and low-income families:

(1) through the creation of a housing production block grant program that will be administered through state housing finance agencies;

(2) through new section 8 "thrifty" voucher authority; and

(3) through new loan guarantee authority for public housing agencies.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) The term "extremely low-income families" shall mean persons and families (as that term is defined in section 3(b)(3) of the United States Housing Act of 1937) whose incomes do not exceed—

(A) 30 percent of the area medium as determined by the Secretary with adjustments for smaller and larger families and for unusually high or low family incomes; or

(B) 30 percent of the national nonmetropolitan medium income, if it is higher than the area medium income.

(2) The term "insular areas" shall mean the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, America Samoa, and any other territory of possession of the United States

(3) The term "low-income families" shall have the same meaning as provided under section 3(b)(2) of the United States Housing Act of 1937.

(4) The term "project-based assistance" shall have the meaning given such term in section 16(c)(6) of the United States Housing Act of 1937, except that such term includes assistance under any successor programs to the programs referred to in such section.

(5) The term "public housing agency" shall have the meaning given such term in section 3(b) of the United States Housing Act of 1937.

(6) The term "Secretary" shall mean the Secretary of Housing and Urban Development.

(7) The term "section 8 assistance" or "voucher" shall have the meaning given such term in section 8(f) of the United States Housing Act of 1937.

(8) The term "State" shall mean any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(9) The term "State housing finance agency" shall mean any State or local housing finance agency that has been designated by a State or insular area to administer this program.

(10) The term "very low-income families" shall have the same meaning as provided under section 3(b) of the United States Housing Act of 1937.

TITLE I—PRODUCTION OF AFFORDABLE HOUSING FOR EXTREMELY LOW-INCOME AND VERY LOW-INCOME FAMILIES

SEC. 101. AUTHORITY.

The Secretary of Housing and Urban Development shall make funds available to State housing finance agencies as provided under section 102 for the rehabilitation of existing low-income housing, for the development of new affordable low-income housing units, and for the preservation of existing low-income housing units that are at risk of becoming unavailable for low-income families.

SEC. 102. ALLOCATION OF RESOURCES.

(a) IN GENERAL.—The Secretary shall allocate funds approved in appropriations Acts to State housing finance agencies to carry out this Title. Subject to the requirements of subsection (b) and as otherwise provided in this subsection, each State housing finance agency shall be eligible to receive an amount of funds equal to the proportion of the per capita population of the State in relation to the population of the United States which shall be determined on the basis of the most recent decennial census for which data are available. For each fiscal year, the Secretary shall reserve for grants to Indian tribes 1 percent of the amount appropriated under the applicable appropriations Act. The Secretary shall provide for distribution of amounts under this subsection to Indian tribes on the basis of a competition conducted pursuant to specific criteria developed after notice and public comment.

(b) MINIMUM STATE ALLOCATION.—If the allocation under subsection (a), when applied to the funds approved under this section in appropriations Acts for a fiscal year, would result in funding of less than $6,000,000 for any State, the allocation for such State shall be $6,000,000 and the increase shall be deducted pro rata from the allocation of all the other States.

(c) CRITERIA FOR REALLOCATION.—The Secretary shall reallocate any funds previously allocated to a State housing finance agency for any fiscal year in which the State housing finance agency fails to provide its match requirements or fails to submit an affordable housing expansion plan that is approved by the Secretary. All such funds shall be reallocated pursuant to the formula provided under subsection (a).

SEC. 103. AFFORDABLE HOUSING EXPANSION PLAN.

(a) SUBMISSION OF AFFORDABLE HOUSING EXPANSION PLAN.—The Secretary shall allocate funds under section 102 to a State housing finance agency only if the State housing finance agency has submitted an affordable housing expansion plan, with annual updates, approved by the Secretary and designed to meet the overall very low- and low-income housing needs of both the rural and urban areas of the State in which the State housing finance agency is located. This plan shall be developed in conjunction with the housing strategies developed for the applicable States and localities under section 105 of Cranston-Gonzalez National Affordable Housing Act.

(b) CITIZEN PARTICIPATION.—Before submitting an affordable housing expansion plan to the Secretary, a State housing finance agency shall—

(1) make available to citizens of the State, public agencies and other interested parties information regarding the amount of assistance expected to be made available under this Title and the range of investment or other uses of such assistance that the State housing finance agency may undertake;

(2) publish the proposed plan in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to review its contents and to submit comments on the proposed plan;

(3) hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the State; and

(4) provide citizens, public agencies, and other interested parties with reasonable access to records regarding the uses of any assistance that the State housing finance agency may have received under this Title during the preceding 5 years.

SEC. 104. ELIGIBLE USE OF FUNDS.

Funds made available under this title shall be used for—

(1) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing for mixed income rental housing where the assistance provided under section 102 shall be used to assist units targeted to very low-income and extremely low-income families, including large families, the elderly, and persons with disabilities.

(2) the moderate and substantial rehabilitation of rental housing units that are currently assisted under State or Federal low-income housing programs;

(3) the preservation of Federal and State low-income housing units that are at risk of being no longer affordable to low-income families;

(4) the purchase and creation of land trusts to allow low-income families an opportunity to rent homes in areas of low-vacancy;

(5) conversion of public housing to assisted living facilities for the very low- and extremely-low income elderly;

(6) conversion of section 202 elderly housing to assisted living facilities for the very low- and extremely-low income elderly;

(7) conversion of HUD-owned or HUD-held multifamily properties upon disposition to housing for the very low- and extremely low-income elderly, housing for very low-income and extremely low-income persons with disabilities and to assisted living facilities for the very low- and extremely low-income elderly; and

(8) creation of sinking funds to maintain reserves held by State housing finance agencies to preserve the low-income character of the housing.

SEC. 105. MATCHING REQUIREMENTS.

(a) IN GENERAL.—Each State housing finance agency shall make contributions for activities under this title that total, throughout a fiscal year, not less than 25 percent of the funds made available under this title.

(b) ALLOWABLE AMOUNTS.—

(1) APPLICATION TO HOUSING.—A contribution shall be recognized for purposes of a match under subsection (a) only if—

(A) made with respect to housing that qualifies as affordable housing under section 107; or

(B) made with respect to any portion of a project for which not less than 50 percent of the units qualify as affordable housing under section 107.

(2) FORM.—A contribution may be in the form of—

(A) cash contributions from non-Federal sources, which may not include funds from a grant under section 106(b) or section 106(d) of the Housing and Community Development Act of 1974 or from the value of low income tax credits allocated pursuant to the Internal Revenue Code;

(B) the value of taxes, fees or other charges that are normally and customarily imposed but are waived, forgone, or deferred in a manner that achieves affordability of housing assisted under this title;

(C) the value of land or other real property as appraised according to procedures acceptable to the Secretary;

(D) the value of investment in on-site and off-site infrastructure directly required for affordable housing assisted under this title;

(E) the reasonable value of any site-preparation and construction materials and any donated or voluntary labor in connection with the site-preparation for, construction or rehabilitation of affordable housing; and

(F) such other contributions to affordable housing as the Secretary considers appropriate.

(3) ADMINISTRATIVE EXPENSES.—Contributions for administrative expenses may not be recognized for purposes of this section.

SEC. 106. DISTRIBUTION OF ASSISTANCE.

Each State housing finance agency shall ensure that the development of new housing under this section is designed to meet both urban and rural needs, and prioritize funding, to the extent practicable, in conjunction with the economic redevelopment of an area.

SEC. 107. ELIGIBLE AFFORDABLE HOUSING.

(a) PRODUCTION OF AFFORDABLE HOUSING.—In the case of new construction, housing shall qualify for assistance under this title only if the housing—

(1) is required to have not less than 30 percent of the assisted units occupied by extremely low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 25 percent of the adjusted income of a family whose income equals 30 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes;

(2) except as provided under paragraph (1), is required to have all assisted units be occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 25 percent of 50 percent of the median income for an area; and

(3) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

(b) PRIORITY FOR EXTREMELY LOW-INCOME FAMILIES.—State housing finance agencies shall give priority for funding to those projects that maximize the availability and affordability of housing for extremely low-income families.

SEC. 108. TENANT SELECTION.

An owner of any housing assisted under this Title shall establish tenant selection procedures consistent with the affordable housing expansion plan of the State housing finance agency.

SEC. 109. PROHIBITION ON USE OF FUNDS FOR SERVICE COORDINATORS OR SUPPORTIVE SERVICES.

No funds under this Act may be used for service coordinators or supportive services.

SEC. 110. PENALTIES FOR MISUSE OF FUNDS.

The Secretary shall recapture any assistance awarded under this Title to the extent the assistance has been used for impermissible purposes. To the extent the Secretary identifies a pattern and practice regarding the misuse of funds awarded under this Title, the Secretary shall deny assistance to that State for up to 5 years, subject to notice and an opportunity for judicial review.

SEC. 111. SUBSIDY LAYERING REQUIREMENTS.

The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with assistance, including a commitment to insure a mortgage, provided under this Title by a certification of a State housing finance agency to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property assisted under this Title shall not be any greater than is necessary to provide affordable housing.

SEC. 112. MULTIFAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM.

The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

SEC. 113. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Title shall take effect upon the date of enactment of this Act.

(b) RULES.—The Secretary shall issue notice and comment rulemaking with final regulations issued no later than 6 months after the date of enactment of this Act.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000,000 for fiscal year 2003, of which no more than 20 percent of such funds may be used for rehabilitation needs and to preserve existing housing for low-income families.

TITLE II—SECTION 8 HOUSING PRODUCTION

SEC. 201. PROJECT-BASED VOUCHERS AND THRIFTY VOUCHERS.

(a) IN GENERAL.—Section 8(o)(13) of the United States Housing Act of 1937 is amended—

(1) in subparagraph (C)(ii), by inserting before the period at the end the following: ", revitalizing a low-income community, or preventing the displacement of extremely low-income families";

(2) in subparagraph (D)(ii), by striking "apply in the case of" and all that follows through the period and inserting the following: "apply—

(I) in the case of assistance under a contract for housing consisting of single family properties (buildings with 1 to 4 units);

(II) for dwelling units that are specifically made available for households comprised of elderly families or disabled families; or

(III) outside of a qualified census tract, for buildings with 5 to 25 units or with dwelling units that are specifically made available for families receiving supportive services.

For purposes of this clause, the term 'qualified census tract' has the same meaning given that term in section 42(d) of the Internal Revenue Code of 1986. The Secretary may waive the limitations of this clause, consistent with the obligation to affirmatively further fair housing practices.";

(3) in subparagraph (F), by striking "10 years" and inserting "15 years";

(4) by adding the following to the end:

"(L) USE OF ASSISTANCE IN CONJUNCTION WITH PUBLIC HOUSING CAPITAL FUNDS.—

"(i) CAPITAL FUND.—Notwithstanding any provision to the contrary in this Act, a public housing agency may attach assistance under this paragraph to a structure or unit that receives assistance allocated to the public housing agency under the Capital Fund, established by section 9(d).

"(ii) OPERATING FUND.—A unit that receives assistance under this paragraph shall not be eligible for assistance under the Operating Fund established by section 9(e).

"(M) THRIFTY VOUCHERS.—

"(i) IN GENERAL.—For the purpose of encouraging the production or preservation of housing affordable to extremely low-income families, a public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract for Thrifty Voucher assistance that is attached to the structure. Except as otherwise specified in this paragraph, such housing assistance contract shall be subject to the limitations and requirements of subparagraphs (A), (B), (C), (D), (E), (F), (G), (J), (K) and (L).

"(ii) USE FOR NEW PRODUCTION, SUBSTANTIAL REHABILITATION, AND PRESERVATION.—Assistance under this paragraph may only be attached to a structure that is newly constructed, acquired for preservation as affordable housing, or substantially rehabilitated.

"(iii) ELIGIBLE FAMILIES.—A prospective tenant of a unit that is assisted under this subparagraph must qualify as an extremely low-income family at the commencement of the proposed occupancy by the tenant.

"(iv) LIMITATION.—Assistance under this subparagraph may not be attached to more than 25 percent of the units in a building. For purposes of this clause, a project consisting of single family structures shall be treated as 1 building if the single family structures are owned, and constructed, substantially rehabilitated, or acquired for preservation under a common plan.

"(v) RENT CALCULATION.—

"(I) In general.—A housing assistance payment contract entered into under this subparagraph shall establish the gross rent for each unit assisted in an amount equal to the per unit operating cost of the property plus the applicable utility allowance of the public housing agency for tenant-paid utilities. An owner may accept a gross rent that is less than the per unit operating cost of the property plus the applicable utility allowance, if the gross rent exceeds the limitation under subclause (IV).

"(II) Unit operating cost.—As used in this subparagraph, the unit operating cost is the allocable share of the ordinary and customary expenses of the unit incurred to operate the property, including applicable owner- paid utilities, contribution to the replacement reserve, asset management fees, and a cash flow allowance equal to 15 percent of all other allocable operating costs. A public housing agency shall require an owner to demonstrate that the unit operating cost for units assisted under this subparagraph does not exceed the operating cost of other units in the property that are not assisted under this subparagraph, with appropriate adjustments for unit size, and shall establish policies to ensure that expenses included in the unit operating cost that are paid to the owner or a related entity are reasonable and consistent with prevailing costs in the community in which the property is located. Required verification shall be determined by the public housing agency.

"(III) Adjustment.—A public housing agency shall, upon request, make an appropriate annual adjustment in the rent established under this clause based on documented changes in unit operating costs and any increase in the applicable fair market rent or payment standard.

"(IV) Limitation.—Gross rent established under this paragraph shall not exceed the greater of—

"(aa) 75 percent of the payment standard used by the public housing agency for a dwelling unit of the same size; or

"(bb) 75 percent of the applicable fair market rental.

"(V) Exception.—The Secretary is authorized to approve an exception to the 75 percent limitation in subclause (IV) for not more than 2 percent of the total number of vouchers funded under this subsection, not to exceed 90 percent of the payment standard or applicable fair market rental, if the permitted maximum rent could not otherwise support the reasonable operating cost of rental housing, and the public housing agency can demonstrate a need for production or preservation of affordable housing.

"(vi) Renewal of assistance.—

"(I) In general.—The Secretary shall increase the adjusted allocation baseline for renewal of funding under subsection (dd) for public housing agencies that attach assistance under this paragraph to a structure.

"(II) Increase equivalent.—An increase under subclause (I) shall equal the number of additional families that a public housing agency can assist as a result of the reduced payments permitted under this paragraph.

"(III) Exception to limitation on project-based assistance.—The additional units assisted as a result of the reduced payments permitted under this paragraph shall not be considered in determining the compliance of a public housing agency with the percentage limitation in subparagraph (B).

"(IV) Applicability.—This subparagraph shall not apply to incremental assistance initially issued under this paragraph.

"(vii) Allocation of incremental assistance for use under this paragraph.—

"(I) In general.—Incremental assistance appropriated for use under this paragraph—

"(aa) shall be allocated for public housing agencies within each State, after reserving appropriate amounts for insular areas, in accordance with the formula established by the Secretary under section 217(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)); and

"(bb) the Secretary shall obligate amounts that are available for public housing agencies within each State, as determined under item (aa), to qualified public housing agencies within the State pursuant to specific criteria for the selection of recipients for assistance in a notice published in the Federal Register.

"(II) Recipients.—Subject to the allocation referred to in subclause (I) and any additional criteria that the Secretary may establish, the Secretary shall award such incremental assistance for use under this paragraph to a public housing agency that administers a program of tenant-based assistance under this subsection and—

"(aa) administers funds for the construction, preservation, or substantial rehabilitation of rental housing other than public housing; or

"(bb) has an agreement with an agency or entity that administers funds for the construction, preservation, or substantial rehabilitation of rental housing that will enable a prospective developer of such housing to submit a single application for both types of funds.

"(III) Limitation.—Incremental assistance for use under this paragraph shall not be considered in determining compliance by a public housing agency with the limitation in subparagraph (B).

"(IV) National competition.—If the Secretary determines that sufficient funds for incremental assistance for use under this paragraph have not been appropriated for public housing agencies within each State in accordance with the formula established under section 217(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)), the Secretary may award such funds to qualified public housing agencies through a national competition.

"(viii) Definitions.—In this subparagraph—

"(I) the term 'substantial rehabilitation' means rehabilitation expenditures paid or incurred with respect to a unit, including its prorated share of work on common areas or systems, of at least $25,000, which amount shall be increased annually by the Secretary to reflect inflation, and such increased amount shall be published in the Federal Register; and

"(II) the term 'extremely low-income families' means persons and families (as that term is defined in section 3(b)(3)) whose incomes do not exceed—

"(aa) 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families and for unusually high or low family incomes; or

"(bb) 30 percent of the national nonmetropolitan median income, if it is higher than the area median income.".

(b) Effective Date.—

(1) In general.—This section and the amendments made by this section shall take effect upon the date of enactment of this Act.

(2) Rules.—The Secretary shall promulgate rules, as may be necessary, to carry out section 8(o)(13) of the United States Housing Act of 1937, as amended by this Act, and shall publish—

(A) either proposed rules or interim rules not later than 6 months after the date of enactment of this Act; and

(B) final rules not later than 1 year after the date of enactment of this Act.

SEC. 202. REALLOCATION OF VOUCHERS.

(a) In General.—Section 8(dd) of the United States Housing Act of 1937 (42 U.S.C. 1437f(dd)) is amended—

(1) by striking "Subject to" and inserting the following: "(1) In general.—Subject to"; and

(2) by adding at the end the following: "(2) Reallocation of chronically unutilized vouchers.—

"(A) In general.—The Secretary may reduce the allocation baseline, only to the extent that the reduction reflects the lesser of the unutilized portion of tenant-based subsidies or of budget authority provided under this section, of a public housing agency that—

"(i) fails, in a fiscal year, beginning in the fiscal year in which this Act is enacted, to utilize at least 90 percent of its allocated number of tenant-based subsidies or at least 90 percent of the budget authority provided under this section that has been under annual contributions contract for 12 months on the first day of the fiscal year, not taking into account, in the numerator, funds used for services and other activities under section 4; and

"(ii) fails, within 16 months after written notice by the Secretary of a failure described in clause (i), to utilize at least 95 percent of allocated vouchers for rental assistance provided under this section or contracted budget authority provided under this section with respect to vouchers that have been under annual contributions contract for 12 months on the first day of the fiscal year, not taking into account, in the numerator, funds used for services and other activities under section 4.

"(B) Notice to tenants and community.—When the Secretary provides written warning to a public housing agency of a failure described in subparagraph (A)(i), the Secretary shall also publish notice of such failure in the Federal Register and shall provide written notice of such failure to the chairman of the subject public housing agency's resident advisory board established pursuant to section 5A(e). Not later than 14 days after the date of receipt by the public housing agency of notice of a failure described in subparagraph (A)(i), that public housing agency shall provide a copy of such notice to all members of its resident advisory board or boards.

"(C) Utilization rate determination.—

"(i) In general.—At the request of a public housing agency, the Secretary shall determine the voucher utilization rate of the public housing agency for use under subparagraph (A), based on data regarding the utilization of vouchers from the period beginning 6 months prior to the request of the public housing agency.

"(ii) Eligibility of a PHA to request a new survey of fair market rents.—If a public housing agency requests, within 60 days of receipt of the written notice by the Secretary of a failure described in subparagraph (A)(i), that the Secretary conduct a further survey of market rents in the area to determine the accuracy of the applicable fair market rent or the need for an exception payment standard, and the Secretary determines as a result of such survey to increase the fair market rent or payment standard, the written notice shall be considered null and void. Whether a public housing agency complies with the standard under subparagraph (A)(i) shall be determined based on the first complete fiscal year in which the agency has the opportunity to use the increased fair market rent or approved exception payment standard. To be eligible to request a rent survey under this clause, a public housing agency must use the maximum allowable payment standard for that area for a period of not less than 6 months prior to such request.

"(D) DETERMINATION OF INEFFECTIVE PERFORMANCE.—A reallocation of chronically unutilized vouchers under this subsection shall be deemed to be a determination that the agency is not performing effectively under section 3(b)(6)(B)(iii).

"(3) REALLOCATION.—

"(A) IN GENERAL.—The Secretary shall allocate the contracts for the vouchers made available by the reduction in baseline authority authorized under paragraph (2) in a manner that ensures that applicants on the waiting list of the public housing agency from which vouchers are reallocated may continue to be served, consistent with this paragraph.

"(B) METROPOLITAN AREA.—

"(i) DESIGNATION OF METROPOLITAN ADMINISTRATOR.—If vouchers are reallocated from a public housing agency located in a metropolitan area, the Secretary shall, based on a public competitive process, designate a metropolitan administrator for all or a portion of the metropolitan statistical area in which that public housing agency is located, in a manner consistent with clause (iv).

"(ii) DISTRIBUTION OF VOUCHERS.—A metropolitan administrator designated under clause (i) shall receive all vouchers in that administrator's region made available pursuant to paragraph (2).

"(iii) ELIGIBLE ADMINISTRATORS.—The Secretary may select as a metropolitan administrator an agency—

"(I) that—

"(aa) currently administers a voucher program serving residents of the geographic area served by the agency whose voucher allocation has been reduced;

"(bb) has the legal ability to serve such area; or

"(cc) has an agreement with the Secretary to serve such area pursuant to section 3(b)(6)(B)(iii); and

"(II) that is—

"(aa) a public housing agency that administers a voucher program;

"(bb) a State or local agency that has experience in administering tenant-based assistance programs; or

"(cc) a nonprofit or for-profit agency that has experience in administering tenant-based assistance programs.

"(iv) SELECTION PROCESS.—

"(I) PREFERENCE FOR CERTAIN PUBLIC HOUSING AGENCIES.—The Secretary may give preference in a competitive selection to a public housing agency described in clause (iii)(II)(aa) over other eligible administrators described in items (bb) and (cc) of that clause (iii)(II), if the public housing agency—

"(aa) is a well-managed agency, based on objective indicators, including a high rate of utilization of allocated vouchers or contracted budget authority provided under this section, and a high rate of compliance with eligibility and rent determination requirements; and

"(bb) has demonstrated an ability to increase the number of voucher holders residing in low poverty areas.

"(II) SELECTION CRITERIA.—In selecting a metropolitan administrator, the Secretary shall take into account—

"(aa) whether the entity has operated tenant-based assistance programs in a manner that has not led to an overconcentration of tenant-based subsidy holders in certain areas;

"(bb) whether the entity has the administrative capacity to administer the number of additional vouchers it is likely to receive if it is selected as a metropolitan administrator and to serve the geographic area served by agencies from which vouchers are reallocated;

"(cc) the relative need for assistance under subsection (o) of the eligible population not receiving housing assistance in the area currently served by the entity; and

"(dd) any other criteria for choosing a metropolitan administrator that the Secretary determines to be appropriate.

"(C) NONMETROPOLITAN AREA.—

"(i) IN GENERAL.—If vouchers are reallocated pursuant to this subsection from a public housing agency that is located in a nonmetropolitan area, the Secretary shall reallocate such authority to a public housing agency or other eligible administrator as specified in subparagraph (B)(iii). The Secretary may designate an entity to receive vouchers reallocated from all or a portion of the nonmetropolitan area in a State.

"(ii) SELECTION.—In selecting an entity to receive vouchers reallocated from a nonmetropolitan area, the Secretary shall utilize the preferences and criteria in subparagraph (B)(iv), and shall consider the relative administrative costs likely to be incurred to serve families that reside in the geographic area of the agency from which the vouchers were reallocated.

"(D) DESIGNATION OF A NEW ADMINISTRATOR.—If, at any time, the Secretary determines that the criteria established under this paragraph for a metropolitan or nonmetropolitan administrator are not met, the Secretary shall designate another administrator.

"(E) ADDITIONAL VOUCHERS.—The Secretary shall ensure that certain criteria or benchmarks regarding voucher success rates and concentration of voucher holders are met each year before providing an administrator with additional vouchers.

"(F) LACK OF ELIGIBLE FAMILIES.—If the Secretary determines that the primary cause of voucher underutilization by a public housing agency under paragraph (2)(A) is a lack of eligible families in the area of operation of the public housing agency, the Secretary may establish criteria and procedures to reallocate vouchers from that agency to another public housing agency or another metropolitan or nonmetropolitan administrator outside of the area of operation of the public housing agency. First priority for vouchers reallocated under this subparagraph shall be given to an entity that has previously voluntarily relinquished to the Secretary a portion of its allocated voucher budget authority and has subsequently demonstrated a need for, and an ability to use, such budget authority under criteria established by the Secretary. Second priority shall be given to an entity that serves a jurisdiction in the same State as the agency from which vouchers are being reallocated.

"(4) SPECIAL POPULATIONS.—Vouchers that have been designated by the Secretary to be used by special populations shall—

"(A) retain such designation on reallocation; and

"(B) be reallocated, if there is an eligible applicant within the State or area that has experience administering a voucher program for a special population, in accordance with paragraphs (2) and (3).

"(5) PROMPT REALLOCATION.—Within 60 days of reducing a public housing agency's allocation of vouchers pursuant to paragraph (2) in an area for which the Secretary has designated an administrator to receive vouchers reallocated pursuant to this subsection, the Secretary shall enter into a contract with the designated administrator for the reallocated vouchers.".

(b) RULES OF THE SECRETARY.—The Secretary shall promulgate rules to carry out this section not later than 6 months after the date of enactment of this Act.

SEC. 203. DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS.

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall maintain any rental assistance payments attached to any dwelling units under section 8 of the United States Housing Act of 1937 for all multifamily properties owned by the Secretary and multifamily properties held by the Secretary for purposes of management and disposition of such properties. To the extent, the Secretary determines that a multifamily property owned by the Secretary or held by the Secretary is not feasible for continued rental assistance payments under section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties.

TITLE III—PUBLIC HOUSING LOAN GUARANTEE PROGRAM

SEC. 301. PUBLIC HOUSING LOAN GUARANTEE PROGRAM.

(a) Section 9 of the United States Housing Act of 1937 is amended by inserting at the end the following new subsection:

"(o) LOAN GUARANTEE DEVELOPMENT FUNDING.—(1) In order to facilitate the financing of the rehabilitation and development needs of public housing, the Secretary is authorized, upon such terms and conditions as the Secretary may prescribe, to guarantee and make commitments to guarantee, only to the extent or in such amounts as the provided in appropriations Acts, loans or other financial obligations entered between financial institutions and public housing agencies, for the purpose of financing the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced), provided that the number of public housing units developed off-site replaces no less than an equal number of on-site public housing units in a project. Loans or other obligations guaranteed pursuant to this subsection shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary.

"(2) Subject to the availability of appropriated funds, the Secretary may not object to making a loan guarantee under this subsection unless the rehabilitation or replacement housing proposed by a public housing agency is inconsistent with its Public Housing Agency Plan, as submitted under section 5A, or the proposed terms of the guaranteed loan constitutes an unacceptable financial risk to the public housing agency or for repayment of the loan under this subsection.

"(3) Notwithstanding any other provision of this title, funding allocated to a public housing agency under subsections (d)(2) and (e)(2) of this section for the capital and operating funds are authorized for use in the payment of the principal and interest due (including such servicing, underwriting or other costs as may be specified in the regulations of the secretary) on the loans or other obligations guaranteed pursuant to this subsection.

"(4) The amount of any loan or other obligation guaranteed under this subsection shall not exceed in total the pro-rata amount of funds that would be allocated over a period not to exceed 30 years under subsections (d)(2) and (e)(2) of this section on a per unit basis as a percentage of the number of units that are designated to be rehabilitated or replaced under this subsection by a public housing agency as compared to the total number of units in the public housing development, as determined on the basis of funds made available under such subsections (d)(2) and (e)(2) in the previous year. Any reduction in the total amount of funds provided to a public housing agency under this section in subsequent years shall not reduce the amount of funds to be paid under a loan guaranteed under this subsection but instead shall reduce the capital and operating funds which are available for the other housing units in the public housing development in that fiscal year. Any additional income, including the receipt of rental income from tenants, generated by the rehabilitated or replaced units may be used to establish a loan loss reserve for the public housing agency to assist in the repayment of the guaranteed loans or other obligations under this subsection or to address any shortfall in the operating or capital needs of the public housing agency in any fiscal year. The Secretary may require the payment of guaranteed loan premiums by a public housing agency to support the creation of a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of these guaranteed loans.

"(5) Subject to appropriations, the Secretary may use funds from the Public Housing Capital Fund to (A) establish a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of guaranteed loans made under this subsection, or (B) make grants to a public housing agency for capital investment needs or for the creation of a loan loss reserve account to be used in conjunction with a loan guarantee made under this subsection for the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced).

"(6) To assure the repayment of loans or other obligations and charges incurred under this subsection and as a condition for receiving such guarantees, the Secretary shall require the public housing agency to enter into a contract, in a form acceptable to the Secretary, for the repayment of notes or other obligations guaranteed under this subsection and furnish, at the discretion of the Secretary, such security as may be deemed appropriate by the Secretary in making such guarantees.

"(7) The full faith and credit of the United States is pledged to the payment of all guarantees under this subsection. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of such guarantee so made shall be incontestable in the hand of the holder of the guaranteed obligations.

"(8) The Secretary may, to the extent approved in appropriations Acts, assist in the payment of all or a portion of the principal and interest amount due under the note or other obligation guaranteed under this subsection, if the Secretary determines that the public housing agency is unable to pay the amount it owes because of circumstances of extreme hardship beyond the control of the public housing agency.".

(b) Effective Date.—

(1) In general.—This section and the amendments made by this section shall take effect upon the date of enactment of this Act.

(2) Rules.—The Secretary shall promulgate rules, as may be necessary, to carry out section 8(o)(13) of the United States Housing Act of 1937, as amended by this Act, and shall publish—

(A) either proposed rules or interim rules not later than 6 months after the date of enactment of this Act; and

(B) final rules not later than 1 year after the date of enactment of this Act.

By Mr. SARBANES (for himself, Mr. Jeffords, and Mr. Sessions):

S. 2968. A bill to amend the American Battlefield Protection act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Madam President, today I am introducing legislation, together with my colleagues Senator Jeffords and Senator Sessions, which will help preserve significant sites associated with the Civil War. A similar companion bill has been introduced and has bipartisan support in the House of Representatives.

According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, CWSAC, in July, 1993, of the 384 principal Civil War battlefields, less than 20 percent have been protected for posterity and 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites. To adequately address this problem, CWSAC recommended a federal investment of $10 million a year for seven years with a one-to-one Federal/non-Federal match.

While Congress has yet to fund Civil War battlefield preservation at the levels recommended in the 1993 report, in recent years it has taken important steps to preserve our Civil War heritage. In Fiscal Years 1999 and 2002, the Congress appropriated a total of $19 million in matching grants for battlefield protection. Thus far, these grants have preserved over 7,000 acres of key Civil War battlefields in 11 States.

The legislation I am introducing today seeks to build upon these successes by directing the Secretary of the Interior to establish the Civil War Battlefield Acquisition Grant Program. The bill authorizes Civil War battlefield acquisition matching grants of $10 million per year for Fiscal Years 2004 through 2008. The legislation requires a non-Federal share of at least 50 percent, thus leveraging $20 million annually. State and local governments and non-profit organizations will be eligible to receive grants under the program. All lands acquired by these grants must be identified in the 1993 report and may only be purchased from landowners who voluntarily sell their interests.

The legislation also directs the Secretary to update the Report on the Nation's Civil War Battlefields to reflect the activities carried out on the battlefields during the period between original publication of the report and the time of the update, including any changes or relevant developments relating to the battlefields during that period.

In my view, this legislation represents an important opportunity to maintain and preserve tangible links to our past so that future generations may experience firsthand this most critical period in our nation's history.

I ask unanimous consent that the text of the bill be printed in the Record. I urge my colleagues to join with me in supporting this important legislation.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil War Battlefield Preservation Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States; and

(2) according to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent—

(i) have been lost; or

(ii) are in imminent danger of being—

(I) fragmented by development; and

(II) lost as coherent historic sites.

(b) Purposes.—The purposes of this Act are—

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

SEC. 3. BATTLEFIELD ACQUISITION GRANT PROGRAM.

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

(1) by redesignating subsection (d) as paragraph (3) of subsection (c), and indenting appropriately;

(2) in paragraph (3) of subsection (c) (as redesignated by paragraph (1))—

(A) by striking "APPROPRIATIONS" and inserting "APPROPRIATIONS"; and

(B) by striking "section" and inserting "subsection";

(3) by inserting after subsection (c) the following:

"(d) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) BATTLEFIELD REPORT.—The term 'Battlefield Report' means the document entitled 'Report on the Nation's Civil War Battlefields', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government.

"(C) ELIGIBLE SITE.—The term 'eligible site' means a site—

"(i) that is not within the exterior boundaries of a unit of the National Park System; and

"(ii) that is identified in the Battlefield Report.

"(D) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

"(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

"(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

"(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

"(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

"(6) REPORTS.—

"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.

"(B) UPDATE OF BATTLEFIELD REPORT.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to Congress a report that updates the Battlefield Report to reflect—

"(i) preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;

"(ii) changes in the condition of the battlefields during that period; and

"(iii) any other relevant developments relating to the battlefields during that period.

"(7) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection $10,000,000 for each of fiscal years 2004 through 2008.

"(B) UPDATE OF BATTLEFIELD REPORT.—There is authorized to be appropriated to the Secretary to carry out paragraph (6)(B) $500,000."; and

(4) in subsection (e)—

(A) in paragraph (1), by striking "as of" and all that follows through the period and inserting "on September 30, 2008."; and

(B) in paragraph (2), by inserting "and provide battlefields acquisition grants" after "studies".

By Mr. FEINGOLD:

S. 2970. A bill to amend the XVIII of the Social Security act to assure fair and adequate payment for high-risk medicare beneficiaries and to establish payment incentives and to evaluate clinical methods for assuring quality services to people with serious and disabling chronic conditions; to the Committee on Finance.

Mr. FEINGOLD. Madam President, I rise today to introduce the Promoting Care for the Frail Elderly Act of 2002, which is of critical importance to the most vulnerable Medicare beneficiaries, disabled seniors and those with complex medical conditions.

A number of States have successfully chosen to serve seniors and the disabled by combining Medicare and Medicaid services through a waiver approved by the Department of Health and Human Services that integrates services under Medicare and Medicaid capitated financing arrangements. These programs provide beneficiaries with a comprehensive benefit package that combines the services traditionally provided by Medicare, Medicaid, and home and community based wavier programs.

In my home State of Wisconsin, the Wisconsin Partnership Program, WPP, is one such success, a community-based program that has improved the quality, access, and cost-effectiveness of the care delivered to its beneficiaries. Perhaps most important to the beneficiaries, these programs help the disabled and the frail elderly remain in their own community, and avoid institutionalized care. Wisconsin is lucky to have four such programs across our State: Elder Care and Community Living Alliance of Dane County, Community Care for the Elderly of Milwaukee County, and Community Health Partnership of Eau Claire, Dunn, and Chippewa Counties.

In order to qualify for these programs, a person must be Medicaid-eligible, have physical disabilities or frailties of aging, and require a level of care provided by nursing homes. Through programs such as the Wisconsin Partnership Program, these frail elderly and disabled beneficiaries are able to receive quality preventive care up front, which allows more beneficiaries to stay in their communities and reduces the rate of hospitalization.

In Wisconsin, about 26 percent of all Medicaid recipients age 65 or older are in nursing homes. This rate drops dramatically for those enrolled in the Wisconsin Partnership Program, where only 5.9 percent of recipients age 65 or older are in nursing homes.

While the Wisconsin Partnership Program is a success, we must ensure that the Federal Government continues to support these State-based solutions to our long-term care needs and other specialty managed care programs that focus on frail, chronically-ill seniors. The current formula used to cover those enrolled in Medicare managed care programs overpays for healthy beneficiaries and underpays for the frail elderly and disabled. This payment method creates a backwards incentive for plans to avoid serving the most vulnerable segment of the Medicare population, the very seniors who could benefit most from program such as the Wisconsin Partnership Program.

While a number of steps have been taken to improve these payment methods over the past four years, we must ensure that they meet the needs of Medicare beneficiaries with complex care needs.

This legislation will help develop an appropriate incentive for specialty managed care programs serving a disproportionate number of frail, medically complex beneficiaries. My legislation will take several steps toward meeting this goal. First it will require the Center for Medicare and Medicaid Services to evaluate alternative risk adjustment methods that account for the higher costs borne by plans with a disproportionate number of high cost beneficiaries.

During this study, it will also implement the recommendations of the Medicare Payment Advisory Commission by permitting these plans that currently operate under demonstration authority to maintain existing payment formulas until the Secretary devises a risk adjustment method that pays adequately for high risk enrollees. At the same time, it would also direct MedPAC to evaluate appropriate methods to adjust payment rates based on the makeup of the beneficiaries.

Finally, my legislation would also authorize the Secretary to conduct a demonstration to enhance care and improve outcomes for frail, vulnerable Medicare beneficiaries.

I would also like to make clear that this legislation uses existing funds to pay for these initiatives, and is thus budget neutral. It authorizes the demonstration program within existing dollars and would also provide additional funding for the frailty adjustment with existing Medicare+Choice dollars.

Fundamental long-term care reform, is vital to any health care reform that Congress may consider. As part of these reforms, we must support state and local efforts to encourage care for the most vulnerable populations. We must provide our seniors and disabled with real choices. They are entitled to the opportunity to continue to live in the homes and communities that they helped build and sustain. I urge my colleagues to support this measure that will help provide a measure of support for the most frail elderly and disabled to allow them to stay in their own homes.

By Mr. BINGAMAN:

S. 2971. A bill to amend the Transportation Equity Act for the 21st Century to provide the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I am very pleased today to introduce the Tribal Transportation Program Improvement Act of 2002. The goal of this legislation is to help provide safe and efficient transportation throughout Indian country. At the same time, this bill will help promote economic development, self-determination, and employment of Indians and Alaska Natives. I believe the Federal Government has an obligation to provide safe and efficient transportation for all tribes. Indians pay the same Federal gasoline, tire, and other taxes, as all other Americans and are entitled to the same quality of transportation.

This bill is a 6-year reauthorization and improvement of the Indian Reservation Roads program, which funds transportation programs for all tribes. Next year, Congress must reauthorize the IRR program, along with all other transportation programs in TEA–21. I am introducing the bill today as a first step in that process.

Congress has long recognized the importance of improving transportation and access to tribal lands. The Indian Reservation Roads Program was established in 1928, and in 1946 the BIA and the FHWA executed the first memorandum of agreement for joint administration of the program. Since 1982, funding for tribal transportation programs as been provided from the Federal Highway Trust Fund. Major changes to the program were again made in 1998 as part of TEA–21.

Today, the Indian Reservation Roads program serves more than 560 federally recognized Indian tribes and Alaskan native villages in 33 States. The IRR system comprises 25,700 miles of BIA and tribally owned roads and another 25,600 miles of State, county, and local government public roads. There are also 4,115 bridges on the IRR system, and one ferryboat operation, the Inchelium-Gifford Ferry in Washington State.

Of the 25,700 miles of BIA and tribal roads on the IRR system, only about one quarter are paved. Only about 40 percent of the 25,600 miles of state, county, or local government IRR roads are paved. Together, over two-thirds of all IRR roads are unpaved. Many of these unpaved roads are not passable in bad weather. In addition, about 140 of the 753 bridges owned by the BIA are currently rated as deficient.

Some of the roads on tribal lands resemble roads in third-world countries. In some cases, the roads are little more than wheel tracks. Even though the IRR system perhaps the most rudimentary of any transportation network in the country, over 2 billion vehicle miles are annually traveled on the system.

According to the Federal Highway Administration's most recent assessment of the Nation's highways, bridges, and transit, only 34 percent of paved IRR roads are rated in good condition, 37 percent are rated only fair, and 29 percent are rated poor. Of course, these ratings apply only to the paved roads on the IRR system, not the 33,000 miles of dirt and gravel roads.

The poor road quality also has a serious impact on highway safety. According to FHWA, the highway fatality rate on Indian Reservation Roads is four times above the national average. Automobile accidents are the number one cause of death among young American Indians.

Reflecting the current poor state of roads throughout the Indian country, FHWA now estimates the backlog of improvement needs for IRR roads at a whopping $6.8 billion dollars.

This year, the authorized funding level for IRR is $275 million from the highway trust fund. As required in TEA–21, the BIA distributes highway funding to federally recognized tribes each year using a relative need formula. This formula reflects the cost to improve eligible roads, road usage, and population of each tribe. Some modifications to the formula are currently being made as part of a negotiated rule making.

I hope all Senators recognize the broad scope of the IRR program and its impact on 33 of the 50 States. I'd like to read a list of the fiscal year 2002 distribution of IRR funding in the States that have tribal roads and ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXHIBIT 1.—APPROXIMATE DISTRIBUTION OF FISCAL YEAR 2002 INDIAN RESERVATION ROAD FUNDING

State	Funding to tribes
Arizona	$56,100,000
Oklahoma	34,000,000
New Mexico	31,900,000
Alaska	18,500,000
Montana	13,600,000
South Dakota	11,700,000
Washington	10,100,000
Wisconsin	6,600,000
North Dakota	6,500,000
Minnesota	5,780,000
California	5,100,000
Oregon	3,900,000
Utah	2,970,000
Idaho	2,850,000
Wyoming	2,070,000
Michigan	1,560,000
Nevada	1,290,000
North Carolina	1,190,000
Colorado	1,100,000
New York	949,000
Maine	890,000
Kansas	851,000
Mississippi	706,000
Nebraska	626,000
Florida	550,000
Texas	220,000
Louisiana	197,000
Rhode Island	162,000
Iowa	126,000
Alabama	100,000
South Carolina	89,000
Connecticut	83,000
Massachusetts	47,000

Source: BIA. Data are approximate because some reservations and roads extend into more than one state.

I know every Senator is keenly aware of the importance of transportation to the basic quality of life and economic development of a region. Safe roads are essential for children to get to school, for sick and elderly to receive basic health and medical treatment, and for food and other necessities to move to shops and to consumers. Moreover, transportation is critical to any community's efforts to sustain robust economies and to attract new jobs and businesses.

Unfortunately, most tribes today lack the basic road systems that most of us take for granted. Indian communities continue to lag behind the rest of the Nation in quality of life and economic vitality. Unemployment rates in Indian country frequently top 50 percent and poverty rates often exceed 40 percent.

The limited availability of housing and jobs on the reservation forces people to commute long distances everyday for work, school, health care, basic government services, shopping, or even to obtain drinking water.

I'd now like to take a moment to discuss the impact of the Indian Reservation Roads Program on just one tribe, the Navajo Nation. I think most senators know that Navajo is the largest federally recognized Indian tribe. The current membership is about 280,000. By itself, Navajo represents about one quarter of the entire Indian Reservation Roads program.

The Navajo Reservation covers 17.1 million acres in the States of Arizona, New Mexico, and Utah. It is roughly the size of the State of West Virginia. The reservation includes the three satellite communities of Alamo, Ramah, and To'hajiilee in New Mexico.

According to BIA, the Navajo IRR system includes 9,800 miles of public roads, or about 20 percent of all IRR roads. However, 78 percent of the roads within Navajo are unpaved. Because of the nature of the soil and terrain, many of the unpaved roads are impassable after snow or rain. Navajo estimates a current backlog of road construction projects totaling $2 billion.

The safety of bridges is also a continuing concern on the Navajo reservation. Of the 173 bridges on Navajo, 51 are rated deficient. Of the deficient bridges, 27 must be completely replaced and the rest need major rehabilitation.

The Navajo Nation also operates a transit system with 14 buses and three vans. The system carries 75,000 passengers each year. The system serves both Navajo people as well as the nearby communities of Gallup, Farmington, Flagstaff, and Winslow.

Finally, the few roads that are being built on the Navajo Reservation are not being properly maintained. Funding for road maintenance is not part of the IRR program. Instead road maintenance is funded each year as part of the BIA's annual appropriation bill. Unfortunately, BIA's budget lags woefully behind the need for road maintenance.

Each year the Navajo Region of BIA requests about $32 million to maintain about 6000 miles of roads, but receives only about $6 million, or about 20 percent of the funds needed just to maintain the existing roads.

The bill I am introducing today will begin to address this crushing need for road construction and transit programs throughout Indian Country. The bill will benefit all tribes, both large and small. I'd like to briefly summarize the major provisions of the bill.

First, the bill increases funding for the Indian Reservation Roads program to $2.775 billion for the six years from 2004 to 2009. Under TEA–21, the IRR program is currently authorized for $275 million per year. This level represents less than 1 percent of annual Federal funding for road construction and rehabilitation. However, the 50,000 miles of the IRR system represent about 5 percent of the nation's 957,000 miles of Federal-aid-highways. I do believe the substantial increase in IRR funding in my bill is fully justified based on the very poor condition of so many IRR roads as well as the importance of transportation to economic development in Indian country.

Second, the bill removes the obligation limitation from the Indian Reservation Roads program. This funding limitation was first applied to the IRR program in 1998 in TEA–21, and over the six years of TEA–21 the limitation will have cut about $31 million per year in much-needed funding out of IRR. The IRR was not subject to any obligation limitation from 1983 to 1997, and my bill restores the program to the status it had before 1998.

Third, the bill restores the Indian Reservation Bridge Program with separate funding of $90 million over six years. TEA–21 had eliminated separate funding for the Indian reservation bridge program in 1998. In addition, the bill streamlines the bridge program by expanding the allowable uses of bridge funding to include planning, design, engineering, construction, and inspection of Indian reservation road bridges.

Fourth, the bill increases the current limit for tribal transportation planning from 2 percent to 4 percent. These funds will be used by tribes to compile important transportation data and to forecast their future transportation needs and long-range plans. Many of the tribes have indicated they currently don't have funding for capacity building, and the additional planning funds in my bill would address this need.

Fifth, TEA–21 established a negotiated rule making for distribution of funds based on the relative needs of each tribe for transportation. To ensure the distribution is tied to actual needs, my bill requires the Secretary of Transportation to verify the existence of all roads that are part of the Indian reservation road system.

Sixth, I propose a new tribal transit program to provide direct funding to tribes from the Federal Transit Administration. The new program would parallel the existing Indian Reservation Roads program funded through FHWA. In general, while States may allocate to tribal areas some of their transit funding under the existing formula grant programs for transit for elderly and disabled, section 5210, and for nonurbanized areas, section 5311, they rarely do so. Because the tribes are at a disadvantage in having to compete for funding within the states, I believe we need a direct funding program to allow tribes to provide better transit services to young people, elderly, and others who lack access to private vehicles. The bill sets aside a very modest level of funding of $120 million over six years for the new tribal transit program.

Seventh, the bill states the sense of Congress that the BIA should have sufficient funding to maintain all roads on the Indian Reservation Roads System. Federal funding for road maintenance is provided through the BIA's annual appropriation bill. Road maintenance has typically been funded at about $25 million per year, about one-fifth of the level needed to protect the Federal investment in IRR roads.

Finally, the bill increases funding for the successful school bus route maintenance program for counties in Arizona, New Mexico, and Utah that maintain roads used by school buses on the Navajo Reservation. The funding over six years is $24 million. Without this funding many of the children on the reservation would often not be able to get to school. I ask unanimous consent that a letter from Gallup McKinley County Public Schools describing this program be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GALLUP MCKINLEY COUNTY
PUBLIC SCHOOLS,
Gallup, NM.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The Gallup McKinley County Schools serve over 14 thousand students, of which 10,040 are bussed daily. Our District's school buses travel 9,235 miles daily. Several miles of these roads are primitive dirt roads with poor or no drainage, no guard rails, and some not maintained. The inability to safely negotiate school buses over these roads during wet, muddy and snowy conditions, greatly restricts our ability to provide adequate services for families living along these particular roadways. Continuing, and expanding, funding for school bus route maintenance is vital to providing safe and efficient transportation for thousands of students throughout our County.

The School bus route maintenance programs have helped tremendously. Our County Roads Division (McKinley County) has been tremendous in maintaining hundreds of miles of bus route roads. The bus route improvements made in the Bread Springs area have benefited families immensely. Along with graveling, they constructed a bus turnaround. Improvements have also been made and maintained in other areas in our County such as Rock Springs. This bus route was graveled along with a graveled bus turnaround. In Rock Springs, Mexican Springs, Coyote Canyon, and County Road 1 areas, similar improvements were made, allowing us to provide safe and efficient services for hundreds of families.

The School bus route program is a very important program, one that should continue and expand. The McKinley County Roads Division has worked diligently to provide safe access and passage for our School District's 160 school buses. Without the school bus route program, it will be impossible to maintain safe conditions on these roads. To insure the safety of our school children and families, the program must continue.

Your help in sponsoring bills in the past which address the unique situations with respect to school bus route roads have been greatly appreciated. Your continuing support of the school bus route program will enable our County Roads Division to improve and maintain hundreds of miles of school bus routes.

It is through these cooperative efforts that we are able to provide safe and efficient transportation for thousands of school children daily. Thank you for your continued efforts.

Sincerely,

BEN CHAVEZ,
GMCS Support Services.

Mr. BINGAMAN. The IRR system doesn't just serve Indian communities, but also visitors, including tourists, recreational, commercial and industrial users of roads and transit throughout Indian country. For the tribes, transportation is an important contributor to economic development, self-determination, and employment for all Indian communities. This bill represents a very modest, but important step toward providing basic transportation services throughout Indian country.

The proposals in my bill are similar to many of the recommendations presented by Chairwoman Robyn Burdette of the Summit Lake Paiute Tribe of Nevada at the August 8 hearing of the Subcommittee on Transportation, Infrastructure, and Nuclear Safety of the Environment and Public Works Committee. In her testimony, Chairwoman Burdette specifically cited the need to remove the obligation limitation, increase funding for the IRR program, create new programs for transit and bridges, and increase funding for road maintenance in the Interior appropriations bill. All of these items are addressed in my bill.

In addition, my bill parallels most of the recommendations in the recent White Paper prepared by the National Congress of American Indians' TEA–21 Reauthorization Task Force.

I well appreciate that tribes in different regions of the country may have different views and proposals on how best to improve Indian transportation programs. I see my bill as just the first step in a yearlong process leading up to the reauthorization of the TEA–21. I do believe it is important that we start the process as soon as possible, and that is my goal in introducing this bill today. I hope that Chairman Inouye and Senator Campbell of the Committee on Indian Affairs will soon hold hearings on the reauthorization of the Indian Reservation Roads Program. I look forward to working with them an the other members of the committee on developing a consensus proposal that is fair to all tribes.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Transportation Program Improvement Act of 2002".

SEC. 2. INDIAN RESERVATION ROADS.

(a) Authorization of Appropriations.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking "of such title" and all that follows and inserting "of that title—

"(i) $225,000,000 for fiscal year 1998;

"(ii) $275,000,000 for each of fiscal years 1999 through 2003;

"(iii) $350,000,000 for fiscal year 2004;

"(iv) $425,000,000 for fiscal year 2005; and

"(v) $500,000,000 for each of fiscal years 2006 through 2009.".

(b) Obligation Ceiling.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking "distribute obligation" and inserting the following: "distribute—

"(A) obligation";

(2) by inserting "and" after the semicolon at the end; and

(3) by adding at the end the following:

"(B) for any fiscal year after fiscal year 2003, any amount of obligation authority made available for Indian reservation road bridges under section 202(d)(4), and for Indian reservation roads under section 204, of title 23, United States Code;".

(c) Additional Authorization of Contract Authority for States With Indian Reservations.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end the following: ", $3,000,000 for each of fiscal years 2004 and 2005, $4,000,000 for each of fiscal years 2006 and 2007, and $5,000,000 for each of fiscal years 2008 and 2009".

(d) Indian Reservation Road Bridges.—Section 202(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking "(B) Reservation.—Of the amounts" and all that follows through "to replace," and inserting the following:

"(B) Funding.—

"(i) Reservation of funds.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund $15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, construction, and inspection of projects to replace,"; and

(B) by adding at the end the following:

"(ii) Availability.—Funds made available to carry out this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1."; and

(2) in subparagraph (D)—

(A) by striking "(D) Approval requirement.—" and inserting the following:

"(D) Approval and need requirements.—"; and

(B) by striking "only on approval of the plans, specifications, and estimates by the Secretary." and inserting "only—

"(i) on approval by the Secretary of plans, specifications, and estimates relating to the projects; and

"(ii) in amounts directly proportional to the actual need of each Indian reservation, as determined by the Secretary based on the number of deficient bridges on each reservation and the projected cost of rehabilitation of those bridges.".

(e) Fair and Equitable Distribution.—Section 202(d) of title 23, United States Code, is amended by adding at the end the following:

"(5) Fair and equitable distribution.—To ensure that the distribution of funds to an Indian tribe under this subsection is fair, equitable, and based on valid transportation needs of the Indian tribe, the Secretary shall—

"(A) verify the existence, as of the date of the distribution, of all roads that are part of the Indian reservation road system; and

"(B) distribute funds based only on those roads.".

(f) Indian Reservation Roads Planning.—Section 204(j) of title 23, United States Code, is amended in the first sentence by striking "2 percent" and inserting "4 percent".

SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

"(k) Indian Reservation Rural Transit Program.—

"(1) Definition of indian tribe.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) Program.—

"(A) In general.—The Secretary of Transportation shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

"(B) Amount of grants.—The amount of a grant provided to an Indian tribe under subparagraph (A) shall be based on the need of the Indian tribe, as determined by the Secretary of Transportation.

"(3) Funding.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary of Transportation shall use $20,000,000 to carry out this subsection.".

SEC. 4. SENSE OF CONGRESS REGARDING INDIAN RESERVATION ROADS.

(a) Findings.—Congress finds that—

(1) the maintenance of roads on Indian reservations is a responsibility of the Bureau of Indian Affairs;

(2) amounts made available by the Federal Government as of the date of enactment of this Act for maintenance of roads on Indian reservations under section 204(c) of title 23, United States Code, comprise only 30 percent of the annual amount of funding needed for maintenance of roads on Indian reservations in the United States; and

(3) any amounts made available for construction of roads on Indian reservations will be wasted if those roads are not properly maintained.

(b) Sense of Congress.—It is the sense of Congress that Congress should annually provide to the Bureau of Indian Affairs such funding as is necessary to carry out all maintenance of roads on Indian reservations in the United States.

By Mrs. SNOWE (for herself and Ms. Collins):

S. 2972. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for a cooperative research and management program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I rise today to introduce a bill which would help restore credibility in the National Oceanic and Atmospheric Administration, NOAA, and the National Marine Fisheries Service's, NMFS, data collection programs and improve their cooperative research and management programs.

I am introducing this bill today because of recent events in New England in which a commercial fisherman noticed that the trawl warps on the NOAA research vessel, *Albatross IV*, were improperly marked. As a result of this mis-calibration, the groundfish stock assessment data gathered since February 2000 may be inaccurate and its usability for management purposes is questionable. This fish-counting error could not have come at a worse time for NMFS, which is under a federal judge's order to impose some of New England's strictest fishing restrictions by next August.

This revelation and the possibility of other discrepancies is severely eroding the credibility of NMFS's stock assessments. These stock assessments form the foundation for all of our fisheries regulations and determine how many fish our fishermen can harvest. When these stock assessments are flawed and lack credibility, the entire process is adversely affected. We must act now to restore this credibility in the process and ensure that our stock assessments are as accurate as possible.

My bill would require the National Research Council to conduct an independent review of NMFS' data collection techniques; its protocols through which stock assessment equipment is calibrated, operated, inspected, and maintained; the frequency and financial cost of these quality control checks; how the accuracy and validity of data collected with sampling equipment is verified; and how measurement error is accounted for in stock assessment modeling and analysis based on these data. The National Research Council completed a report on the

Northeast Fishery stock assessment process in 1998, so this new study would build upon the previous one. This assessment will provide us with an independent baseline to determine the extent of NMFS' data collection discrepancies.

Additionally, my bill will require NMFS to implement a national cooperative research program to facilitate industry involvement in data collection and stock assessments. I have also included a section that authorizes $3 million to enable cooperative comparative trawl research between the NMFS and fishing industry participants in the Northeast multi-species groundfish fishery. The fishing industry has been calling for a commercial vessel to trawl alongside the NOAA's vessels and this provision would require it. Nothing will help restore NMFS's credibility more than having commercial fishermen verifying its data.

The third section of this bill would address a flexibility concern for fisheries management. Earlier this year NMFS came out with new biological targets for groundfish. In other words, NMFS increased how many fish there have to be in order for the fishery to be considered recovered. The law is not clear on whether or not a change in the biological targets means the time-line for recovery changes as well. NMFS has interpreted the law to mean that despite a change in the biological targets, the fish must be recovered in the same amount of time. Accordingly, I have drafted language which allows, but does not require, the Secretary to adjust the time allowed for recovery if the biological targets have changed in the middle of the rebuilding plan. This provision would clarify existing law and make Congress' intent clearer.

As Ranking Member of the Subcommittee on Oceans, Atmosphere, and Fisheries, I am dedicated to ensuring that our stock assessments are as accurate as possible and the process we use is transparent to all the stakeholders. This bill will allow us to take a critical step forward in ensuring that we can restore credibility and faith in this important process. I urge my colleagues to join me and support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fisheries Research Improvement Act".

SEC. 2. INDEPENDENT PEER REVIEW OF DATA COLLECTION PROCEDURES.

The Magnuson-Stevens Fishery Conservation and Management Act is amended by adding at the end of Title IV the following:

"SEC. 408. PEER REVIEW.

"The National Academy of Sciences shall review and recommend measures for improving National Marine Fisheries Service's procedures for ensuring data quality in the data collection phase of the stock assessment program. In this review, they shall address the quality control protocols through which stock assessment equipment is calibrated, operated, inspected, and maintained; the frequency and financial cost of these quality control checks; how the accuracy and validity of data collected with sampling equipment is verified; and how measurement error is accounted for in stock assessment modeling and analysis based on these data. This review shall apply to all activities that affect stock assessment data quality, whether conducted by the National Marine Fisheries Service or by National Marine Fisheries Service contractors.".

SEC. 3. COOPERATIVE RESEARCH AND MANAGEMENT.

The Magnuson-Stevens Fishery Conservation and Management Act is amended by adding at the end the following:

"TITLE V—COOPERATIVE RESEARCH AND MANAGEMENT

"SEC. 501. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a national cooperative research and management program to be administered by the National Marine Fisheries Service, based on recommendations by the Councils. The program shall consist of cooperative research and management activities between fishing industry participants, the affected States, and the Service.

"(b) RESEARCH AWARDS.—Each research project under this program shall be awarded on a standard competitive basis established by the Service, in consultation with the Councils. Each Council shall establish a research steering committee to carry out this subsection.

"(c) GUIDELINES.—The Secretary, in consultation with the appropriate Council and the fishing industry, shall create guidelines so that participants in this program are not penalized for loss of catch history or unexpended days-at-sea as part of a limited entry system.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Marine Fisheries Service, in addition to amounts otherwise authorized by this Act, the following amounts, to remain available until expended, for the conduct of this program:

"(1) $25,000,000 for fiscal year 2003.
"(2) $30,000,000 for fiscal year 2004.
"(3) $35,000,000 for fiscal year 2005.
"(4) $40,000,000 for fiscal year 2006.
"(5) $45,000,000 for fiscal year 2007.

"(e) NEW ENGLAND TRAWL SURVEY.—Of the funds authorized in subsection (d) $3,000,000 shall be authorized for the purpose of cooperative comparative trawl research between the National Marine Fisheries Service and fishing industry participants for the Northeast multispecies groundfish fishery, which the Secretary shall design and administer with input from fishing industry participants and other interested stakeholders.".

SEC. 4. REGULATORY FLEXIBILITY.

Section 304(e)(4)(A)(ii) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854(e)(4)(A)(ii)) is amended to read as follows:

"(ii) not exceed 10 years, except in the case where a rebuilding target is changed during the rebuilding period, the Council or the Secretary may extend the time period for the rebuilding to accommodate the new target;".

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2973. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Environment and Public Works.

Mr. DOMENICI. Madam President, I rise today to introduce a bill to rename the Federal courthouse in Roswell, New Mexico for my longtime friend and ally, Representative JOE SKEEN.

I have had the highest honor of serving the State of New Mexico with this amazing man for more than 20 years. JOE was first elected to the House of Representatives in 1980 as a write-in candidate. He is only the third man in the history of this country to achieve this feat.

As great an accomplishment as this was, history will show that it was among the least of his great achievements. As I'm sure you can imagine, the litany of successes that JOE has had in his work for New Mexico is much too long to go into here today. Suffice it to say that New Mexico is infinitely better for having had JOE SKEEN representing us in Congress; this country is better for having had JOE participate in making decisions that affect the entire nation.

JOE will be the first to tell you that he has not done it on his own, however. He has had a partner in his great adventure who has walked beside him every step of the way. Mary, his wife of 57 years, has been a calming influence in the storm that is the life of a Congressman. She has made it possible for JOE to continue to be a ranching Representative, running the family ranch while JOE has served in Washington.

JOE has decided that it is time to return to that ranch to spend time with the family and the land that he loves so much. I know that Washington will go on without the Skeens but there is no way that it will be as a good a place.

It is only a small token of the appreciation New Mexico and this country have for his many years of service, but I believe that renaming the Federal Courthouse in Roswell, New Mexico is a fitting tribute to this exceptional public servant.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the "Joe Skeen Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Skeen Federal Building.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 1, 2003.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 2980. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Madam President, I rise today to introduce the Birth Defects and Developmental Disabilities Prevention Act of 2002. It is a pleasure to work, once again, on this important issue with Senators DODD, KENNEDY and FRIST.

My interest in birth defects prevention began while I was Governor. As Governor I had secured dollars to fund the neonate care units at our hospitals in Missouri. These remarkable institutions and the dedicated men and women who serve there do a tremendous job of saving low birth weight babies and babies with severe birth defects.

As I visited those hospitals and held those tiny babies, the doctors and nurses who staffed these units asked me, "Why don't we do something to reduce the incidents of birth defects and the problems that bring the tiniest of infants to these very high-tech, specialized care units."

Since I became a Senator I have been working with colleagues on both sides of the aisle and with the March of Dimes to deal with this serious and compelling health problem facing America. Many people are not aware that birth defects affect over 3 percent of all births in America, and they are the leading cause of infant death.

This year alone, an estimated 150,000 babies will be born with a birth defect. Among the babies who survive, birth defects often result in lifelong disability. Medical care, special education, and many other services are often required into adulthood, costing families thousands of dollars each year.

In 1992, due to a terrible tradegy in Texas when at least 30 infants were born without or with little brain tissue over a short period of time, I introduced the Birth Defects Prevention Act.

Because at the time Texas did not have a birth defects surveillance system, and because our country did not have a comprehensive birth defects prevention and surveillance strategy, the severity of the problem was not recognized until the incidence of birth defects was so high that it was difficult to miss.

In 1998, we passed the Birth Defects Prevention Act, which created a federal birth defects prevention and surveillance strategy. That was followed by the Children's Health Act of 2000, which established the National Center on Birth Defects and Developmental Disabilities at CDC. With these two important pieces of legislation Congress for the first time recognized that birth defect and developmental disabilities are major threats to children's health.

As a result, CDC, through eight regional Centers for Birth Defects Research and Prevention are collaborating on the largest study on the causes of birth defects ever undertaken, the National Birth Defects Prevention Study. CDC is also assisting 28 States by providing 3-year grants to improve their surveillance systems. We have come a long way in the past 5 years toward preventing certain birth defects, but we face many challenges ahead.

There is still much work to be done to improve the health of all Americans by preventing birth defects and developmental disabilities in children, promoting optimal child development and ensuring health and wellness among child and adults living with disabilities.

Today, with the introduction of this bill we have the opportunity to renew our commitment to birth defects prevention and to improve the quality of life of those living with disabilities. I look forward to working with my colleagues to ensure and enhance the well-being of our Nation's children.

Mr. FRIST. Madam President, I am pleased to join Senators BOND and DODD in re-introducing the "Birth Defects and Developmental Disabilities Prevention Act of 2002". This bill reauthorizes the National Center on Birth Defects and Developmental Disabilities (NCBDD) at the Centers for Disease Control and Prevention to promote optimal fetal, infant, and child development and prevent birth defects and childhood developmental disabilities.

Birth defects are the leading cause of infant mortality in the United States, accounting for more than 20% of all infant deaths. Of the 150,000 babies born with a birth defect in the United States each year, 8000 will die during their first year of life. In addition, birth defects are the fifth-leading cause of years of potential life lost and contribute substantially to childhood morbidity and long-term disability.

Congress passed the "Birth Defects Prevention Act in 1998"—a bill to assist States in developing, implementing, or expanding community-based birth defects tracking systems, programs to prevent birth defects, and activities to improve access to health services for children with birth defects. The authorization for this important legislation for this important legislation expires at the end of this year, and the legislation we are introducing today will strengthen those important programs.

In order to educate health professionals and the general public, this legislation requires NCBDD to provide information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities, experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals. The Clearinghouse will also contain a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida.

This legislation also clarifies advisory committees, already in existence, that have expertise in birth defects, developmental disabilities, and disabilities and health will be transferred to the National Center for Birth Defects.

This piece of legislation also supports a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabiling birth defect.

I ask that this piece of important legislation be reauthorized. I want to thank my colleagues, Senators BOND, DODD, and others, for the introduction of this initial piece of legislation in 1998 and for their continued initiatives on birth defects and developmental disabilities.

By Mr. VOINOVICH:

S. 2981. A bill to exclude certain wire rods from the scope of any anti-dumping or countervailing duty order issued as a result of certain investigations relating to carbon and certain alloy steel rods; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF CERTAIN WIRE RODS FROM ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any antidumping or countervailing duty order that is issued as a result of antidumping investigations A-351-832, A-122-840, A-428-832, A-560-815, A-201-830, A-841-805, A-274-804, and A-823-812, or countervailing duty investigations C-351-833, C-122-841, C-428-833, C-274-805, and C-489-809, relating to carbon and certain alloy steel rods, shall not include wire rods that meet the American Welding Society ER70S-6 classification and are used to produce Mig Wire.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. CORZINE (for himself, Mr. FITZTGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 2982. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today with my colleagues, Senators FITZGERALD, SARBANES, and AKAKA to introduce the Education for Retirement Security Act of 2002. This bill will provide access to badly needed financial and retirement education for millions of mid-life and older Americans whose retirement security is at stake.

Improving financial literacy has been a top priority for me in Congress. I believe it is a critical and complex task for Americans of all ages, but it is especially crucial for Americans as they approach retirement. In fact, low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement. Although today's older Americans are generally thought to be doing well, nearly one-out-of five, 18 percent, were living below 125 percent of the poverty line in 1995, which was a year of tremendous economic prosperity in our nation. And, only 53 percent of working Americans have any form of pension coverage. In addition, financial exploitation is the largest single category of abuse against older individuals, and this population comprises more than one-half of all telemarketing victims in the United States.

While education alone cannot solve our Nation's retirement woes, financial education is vital to enabling individuals to avoid scams and bad investment, mortgage, and pension decisions, and to ensuring that they have access to the tools they need to make sound financial decisions and prepare appropriately for a secure future. Indeed, the more limited time frame that mid-life and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and to benefit from more informed financial practices make this education all the more critical. Financial literacy is also particularly important for older women, who are more likely to live in poverty and be dependent upon Social Security.

The Education for Retirement Security Act would create a competitive grant program that would provide resources to State and area agencies on aging and nonprofit community based organizations to provide financial education programs to mid-life and older Americans. The goal of these programs is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial abuse and fraud, including telemarketing, mortgage, and pension fraud.

My legislation also authorizes the creation of a national technical assistance program that would designate at least one national nonprofit organization that has substantial experience in the field of financial education to provide training and make available instructional materials and information that promotes financial education.

Over the next thirty years, the percentage of Americans aged 65 and older is expected to double, from 35 million to nearly 75 million. Ensuring that these individuals are better prepared for retirement and are more informed about the economic decisions they face during retirement will have an important impact on the long term economic and social well-being of our nation.

I hope that as the Senate moves to address pension reform, my colleagues will work to address the issues outlined in this legislation. The recent rash of corporate and accounting scandals and the declining stock market have jeopardized the retirement savings of millions of Americans, making the need for financial literacy even more clear.

In closing, I would like to acknowledge the expertise and assistance that AARP, the Older Women's League, OWL, and the Women's Institute for a Secure Economic Retirement, WISER, offered to me in drafting this legislation.

I also ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education for Retirement Security Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that mid-life and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's "retirement" years.

(6) The $5,000,000,000,000 loss in stock market equity values since 2000 has had a significantly negative effect on mid-life and older individuals and on their pension plans and retirement accounts, affecting both individuals with plans to retire and those who are already in retirement.

(7) Although today's older individuals are generally thought to be doing well, nearly ⅕ (18 percent) of such individuals were living below 125 percent of the poverty line during a year of national prosperity, 1995.

(8) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(9) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(10) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 5,802 victims in 2001, a threefold increase.

SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to mid-life and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

SEC. 5. DEFINITIONS.

In this Act:

(1) FINANCIAL EDUCATION.—The term "financial education" means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term "mid-life individual" means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term "older individual" means an individual aged 65 or older.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, **$100,000,000** for each of the fiscal years 2003 through 2007.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than **$200,000** of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 328—DESIGNATING THE WEEK OF SEPTEMBER 22 THROUGH SEPTEMBER 28, 2002, AS "NATIONAL PARENTS WEEK"

Mr. DEWINE (for himself and Mr. VOINOVICH) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 328

Whereas parents play an indispensable role in the rearing of their children;

Whereas good parenting is a time consuming, emotionally demanding task that is essential not only to the health of a household but to the well-being of our Nation;

Whereas without question, the future of our Nation depends largely upon the willingness of mothers and fathers, however busy or distracted, to embrace their parental responsibilities and to vigilantly watch over and guide the lives of their children;

Whereas mothers and fathers must strive tirelessly to raise children in an atmosphere of decency, discipline, and devotion, where encouragement abounds and where kindness, affection, and cooperation are in plentiful supply;

Whereas the journey into adulthood can be perilous and lonely for a child without stability, direction, and emotional support;

Whereas children benefit enormously from parents with whom they feel safe, secure, and valued, and in an environment where parent and child alike can help one another achieve joy and fulfillment on a variety of levels; and

Whereas a safe and secure domestic climate contributes significantly to a child's development into a healthy, well-adjusted adult, and it is imperative that the general population not underestimate the favorable impact that positive parenting can have on society as a whole: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 22 through September 28, 2002, as "National Parents Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. DEWINE. Madam President, I rise today to join my friend and colleague from Ohio, Senator VOINOVICH, to submit a resolution designating September 22 through September 28, as "National Parents Week."

As proud parents of eight children and now seven grandchildren, my wife, Fran, and I know that our Nation's future is in the hands of all children. To safeguard this future, parents must fulfill many demanding responsibilities. They must teach their children values, participate in their education, encourage their dreams, and comfort them in times of need. As any parent knows, this is not easy. It takes dedication, constant attention, and unconditional love. This resolution serves as a "thank you" to all parents across the nation working hard, day after day, to provide for their children emotionally, physically, spiritually, and materially.

It is very common today for a single parent to be solely tasked with the responsibility for raising his or her children. This month we have all remembered the over 100 babies who were born to widowed mothers after the tragic events of September 11, babies who will never know their fathers. We've also remembered the countless children who have been left fatherless or motherless due these events. Indeed, these single parents have an extremely challenging job ahead.

Studies indicate that children in families maintained by one parent face more challenges and are more likely than children raised in two-parent homes to do poorly in school, have emotional and behavioral problems, become teenage parents, and have poverty-level incomes as adults. These frightening facts, once again, show us that strong parental involvement is vital to children's development and long-term success.

Knowing the many risks kids face today, parents are increasingly getting involved in their children's lives from talking with them about drugs to making sure their homework is done to getting to know their child's friends and teachers. This resolution is important to let parents know that we are grateful to them and support them in their tasks. Parenthood is, at minimum, an eighteen-year full-time job, and takes unending commitment to ensure a bright and promising future for our country's children. And so today, I thank parents on behalf of a grateful Nation.

SENATE CONCURRENT RESOLUTION 142—EXPRESSING SUPPORT FOR THE GOALS AND IDEAS OF A DAY OF TRIBUTE TO ALL FIREFIGHTERS WHO HAVE DIED IN THE LINE OF DUTY AND RECOGNIZING THE IMPORTANT MISSION OF THE FALLEN FIREFIGHTERS FOUNDATION IN ASSISTING FAMILY MEMBERS TO OVERCOME THE LOSS OF THE FALLEN HEROES

Mr. SMITH of Oregon submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 142

Whereas for over 350 years the Nation's firefighters have dedicated their lives to the safety of their fellow Americans;

Whereas throughout the Nation's history many firefighters have fallen in the line of duty, leaving behind family members and friends who have grieved their untimely losses;

Whereas these individuals served with pride and honor as volunteer and career firefighters;

Whereas until 1980 there was not a tribute to honor these heroes for their acts of valor or a support system to help the families of these heroes rebuild their lives;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation's fallen firefighters through a variety of activities;

Whereas each year the National Fallen Firefighters Foundation hosts an annual memorial service to honor the memory of all firefighters who die in the line of duty and to bring support and counseling to their families;

Whereas in 2002 the memorial service will take place on October 5 and 6;

Whereas 445 fallen firefighters, including firefighters from nearly every State, will be honored in 2002; and

Whereas many of the family members of these firefighters are expected to attend the memorial service: Now, therefore, be it.

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

SENATE CONCURRENT RESOLUTION 143—DESIGNATING OCTOBER 6, 2002, THROUGH OCTOBER 12, 2002, AS "NATIONAL 4-H YOUTH DEVELOPMENT PROGRAM WEEK"

Mr. INHOFE (for himself, Mrs. CARNAHAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. BREAUX, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. STABENOW, Mr. BIDEN, Mr. CLELAND, Mr. JOHNSON, Mr. MILLER, Mr. NELSON of Nebraska, Mr. EDWARDS, Mr. BAUCUS, Mr. REED, Mrs. MURRAY, Mr. BAYH, Mr. BOND, Mr. HAGEL, Mr. THURMOND, Mr. HELMS, Mr. BROWNBACK, Mr. ALLEN, Ms. COLLINS, Mr. STEVENS, Mr. ALLARD, Mr. THOMAS, Mr. CRAIG, Mr. MURKOWSKI, Mr. LUGAR, Mr. FRIST, Mr. NICKLES, Mr. BUNNING, Mrs. HUTCHISON, Mr. FITZGERALD, Mr. WARNER, Mr. ROBERTS, Mr. SHELBY, Mr. LOTT, Mr. CRAPO, Mr. GRASSLEY, Mr. SESSIONS, Mr. DEWINE, and Mr. COCHRAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 143

Whereas the 4-H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas members of the 4-H Youth Development Program pledge their **Heads** to clearer thinking, their **Hearts** to greater loyalty, their **Hands** to larger service, and their **Health** to better living for the club, the community, the country, and the world;

Whereas the 4-H Youth Development Program sponsors clubs in rural and urban areas throughout the world;

Whereas 4-H Clubs have grown to over 5,600,000 annual participants ranging from 5 to 19 years of age;

Whereas 4-H Clubs strengthen families and communities;

Whereas 4-H Clubs foster leadership and volunteerism for youth and adults;

Whereas 4-H Clubs build internal and external partnerships for programming and resource development;

Whereas today's 4-H Clubs are very diverse, offering projects relating to citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants, animals, and science and technology; and

Whereas the 4-H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved, By the Senate (the House of Representatives concurring),

(1) recognizes the 100th anniversary of the 4-H Youth Development Program;

(2) commends such program for service to the youth of the world;

(3) designates October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week"; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe "National 4-H Youth Development Program Week" with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4679. Mr. INOUYE (for himself, Mr. FEINGOLD, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4565 submitted by Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. CARPER) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4680. Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. AKAKA, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4681. Mr. LEVIN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4682. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4683. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4684. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4685. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4686. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4687. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4689. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4690. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4691. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4692. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4693. Mr. HATCH proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4694. Mr. LIEBERMAN (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

TEXT OF AMENDMENTS

SA 4679. Mr. INOUYE (for himself, Mr. FEINGOLD, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4565 submitted by Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. CARPER) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, insert "**TRIBAL,**" after "**STATE**".

On page 1, line 6, insert ", Tribal," after "State".

On page 1, line 9, insert ", tribal," after "State".

On page 2, line 4, strike "State and local government" and insert "State, tribal, and local governments".

On page 2, line 6, strike "State and local government" and insert "State, tribal, and local governments".

On page 2, line 8, strike "State and local government" and insert "State, tribal, and local governments".

On page 2, line 12, strike "State and local government" and insert "State, tribal, and local governments".

On page 2, line 16, insert ", tribal," after "State".

On page 2, line 17, insert "and in each regional office of the Bureau of Indian Affairs" after "States".

On page 2, line 24, insert ", tribal," after "State".

On page 3, line 2, insert ", tribal," after "State".

On page 3, line 5, insert ", tribal," after "State".

On page 3, strike lines 9 and 10 and insert the following:

of Department priorities—

(i) within each State and Indian tribe;

(ii) between States;

(iii) between Indian tribes; and

(iv) between States and Indian tribes.

On page 3, line 13, insert "and for each regional office of the Bureau of Indian Affairs" after "Columbia".

On page 3, line 16, insert ", or for Indian tribes covered by that regional office of the Bureau of Indian Affairs, as the case may be" after "District".

On page 3, line 19, insert ", tribal," after "State".

On page 3, line 24, insert ", tribal," after "State".

On page 4, line 6, insert ", tribal," after "State".

On page 4, line 10, insert ", tribal," after "State".

On page 4, line 14, insert ", tribal," after "State".

On page 4, line 16, insert ", tribal," after "State".

On page 4, line 23, insert ", tribal," after "State".

On page 5, line 2, insert ", tribal," after "State".

On page 5, line 4, insert ", tribal," after "State".

On page 5, line 8, insert "and Indian tribes" after "States".

On page 5, line 13, insert ", TRIBAL," after "STATE,".

On page 5, line 17, insert ", Tribal," after "State".

On page 5, line 23, insert ", tribal," after "State".

On page 6, line 1, insert ", tribal," after "State".

On page 6, line 21, insert ", Tribal," after "State".

On page 9, line 14, insert ", tribal," after "State".

SA 4680. Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. AKAKA, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment insert the following:

TITLE VI—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 601. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) Clarification of Disclosures Covered.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)"; and

(3) by adding at the end the following:

"(C) a disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

"(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

"(III) an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed.".

(b) Covered Disclosures.—Section 2302(b) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking "This subsection" and inserting the following:

"This subsection"; and

(2) by adding at the end the following:

"In this subsection, the term 'disclosure' means a formal or informal communication or transmission.".

(c) Rebuttable Presumption.—Section 2302(b) of title 5, United States Code, is amended by adding after the matter following paragraph (12) (as amended by subsection (b) of this section) the following:

"For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence.".

(d) Nondisclosure Policies, Forms, and Agreements; Security Clearances; and Retaliatory Investigations.—

(1) Personnel action.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or determination relating to a security clearance;

"(xiii) an investigation of an employee or applicant for employment because of any activity protected under this section; and".

(2) Prohibited personnel practice.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

"'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.'; or

"(14) conduct, or cause to be conducted, an investigation of an employee or applicant for employment because of any activity protected under this section.".

(3) Board and court review of actions relating to security clearances.—

(A) In general.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

"§ 7702a. Actions relating to security clearances

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance, the Merit Systems Protection Board or a court—

"(1) shall determine whether section 2302 was violated;

"(2) may not order the President to restore a security clearance; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance was made in violation of section 2302, the affected agency shall conduct a review of that suspension, revocation, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, or other determination was made in violation of section 2302, the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, or other determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance.

"(c) An allegation that a security clearance was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.".

(B) Technical and conforming amendment.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

"7702a. Actions relating to security clearances.".

(e) Exclusion of Agencies by the President.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

"(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

(f) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(g) COMPENSATORY DAMAGES.—Section 1214(g)(2) of title 5, United States Code, is amended by inserting "compensatory or" after "forseeable".

(h) DISCIPLINARY ACTION.—Section 1215 of title 5, United States Code, is amended in subsection (a), by striking paragraph (3) and inserting the following:

"(3)(A) A final order of the Board may impose disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1000.

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under section 2303(b)(8) or (9), the Board shall impose disciplinary action if the Board finds that protected activity was a significant motivating factor in the decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.".

(i) DISCLOSURES TO CONGRESS.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

"(f) Each agency shall establish a process that provides confidential advice to employees on making a lawful disclosure to Congress of information that is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.".

(j) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.".

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

"(e)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on February 1, 2003, this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.".

(k) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking paragraph (1) and inserting the following:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on February 1, 2003, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit or the United States Court of Appeals for the circuit in which the petitioner resides. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.".

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703 of title 5, United States Code, is amended by striking subsection (d) and inserting the following:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on February 1, 2003, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in any appellate court of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(l) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling."

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SA 4681. Mr. LEVIN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PRIVATE SECURITY OFFICERS RECORD REVIEWS.

(a) FINDINGS.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

(b) DEFINITIONS.—In this section:

(1) EMPLOYEE.—The term "employee" includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term "authorized employer" means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.—The term "private security officer"—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes; but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term "security services" means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term "State identification bureau" means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(c) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this section.

(B) EMPLOYEE RIGHTS.—

(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this section.

(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this section.

(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this section, submitted through the State identification bureau of a participating State, the Attorney General shall—

(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(D) USE OF INFORMATION.—

(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

(ii) TERMS.—In the case of—

(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this section in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this section, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, and destruction of information and audits, and recordkeeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) CRIMINAL PENALTY.—Whoever falsely certifies that he meets the applicable standards for an authorized employer or who knowingly and intentionally uses any information obtained pursuant to this section other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(4) USER FEES.—

(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(i) collect fees pursuant to regulations promulgated under paragraph (2) to process background checks provided for by this section;

(ii) notwithstanding the provisions of section 3302 of title 31, United States Code, retain and use such fees for salaries and other expenses incurred in providing such processing; and

(iii) establish such fees at a level to include an additional amount to remain available until expended to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) STATE COSTS.—Nothing in this section shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this section.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this section by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this paragraph.

SA 4682. Mr. GREGG (for himself and Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SEC. ___. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Emergency Preparedness and Response shall be responsible for the following:

(1) Carrying out all nonterrorism emergency preparedness activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(2) Carrying out all terrorism and other hazard response activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(3) Creating a National Crisis Action Center to act as the focal point for—

(A) monitoring emergencies;

(B) notifying affected agencies and State and local governments; and

(C) coordinating Federal support for State and local governments and the private sector in crises.

(4) Managing and updating the Federal response plan to ensure the appropriate integration of operational activities of the Department of Defense, the National Guard, and other agencies, to respond to acts of terrorism and other disasters.

(5) Coordinating activities among private sector entities, including entities within the medical community, and animal health and plant disease communities, with respect to recovery, consequence management, and planning for continuity of services.

(6) Developing and managing a single response system for national incidents in coordination with all appropriate agencies.

(7) Coordinating with other agencies necessary to carry out the functions of the Office of Emergency Preparedness.

(8) Collaborating with, and transferring funds to, the Centers for Disease Control and Prevention or other agencies for administration of the Strategic National Stockpile transferred under subsection (c)(6).

(9) Consulting with the Under Secretary for Science and Technology, Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention in establishing and updating the list of potential threat agents or toxins relating to the functions of the Select Agent Registration Program transferred under subsection (c)(7).

(10) Developing a plan to address the interface of medical informatics and the medical response to terrorism that address—

(A) standards for interoperability;

(B) real-time data collection;

(C) ease of use for health care providers;

(D) epidemiological surveillance of disease outbreaks in human health and agriculture;

(E) integration of telemedicine networks and standards;

(F) patient confidentiality; and

(G) other topics pertinent to the mission of the Department.

(11) Activate and coordinate the operations of the National Disaster Medical System as defined under section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(12) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department, which shall be maintained as a distinct entity within the Department, except that those elements of the Office of National Preparedness of the Federal Emergency Management Agency that relate to terrorism shall be transferred to the Office of Domestic Preparedness established under this section.

(2) The National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice.

(3) The Office of Domestic Preparedness of the Department of Justice.

(4) Those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(5) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) the Noble Training Center;

(B) the Metropolitan Medical Response System;

(C) the Department of Health and Human Services component of the National Disaster Medical System;

(D) the Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

(E) the special events response; and

(F) the citizen preparedness programs.

(6) The Strategic National Stockpile of the Department of Health and Human Services including all functions and assets under sections 121 and 127 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(7) The functions of the Select Agent Registration Program of the Department of Health and Human Services and the United States Department of Agriculture, including all functions of the Secretary of Health and Human Services and the Secretary of Agriculture under sections 201 through 221 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(d) OFFICE FOR DOMESTIC PREPAREDNESS.—

(1) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(2) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(3) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(A) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(B) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(C) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(D) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(E) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(F) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(G) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States; and

(H) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(4) FISCAL YEARS 2003 AND 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(5) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

(f) PREEMPTED PROVISIONS.—Notwithstanding any other provision of this Act, including any effective date provision, section 134 shall not take effect.

SA 4683. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr.

HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. ___. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Emergency Preparedness and Response shall be responsible for the following:

(1) Carrying out all nonterrorism emergency preparedness activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(2) Carrying out all terrorism and other hazard response activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(3) Creating a National Crisis Action Center to act as the focal point for—

(A) monitoring emergencies;

(B) notifying affected agencies and State and local governments; and

(C) coordinating Federal support for State and local governments and the private sector in crises.

(4) Managing and updating the Federal response plan to ensure the appropriate integration of operational activities of the Department of Defense, the National Guard, and other agencies, to respond to acts of terrorism and other disasters.

(5) Coordinating activities among private sector entities, including entities within the medical community, and animal health and plant disease communities, with respect to recovery, consequence management, and planning for continuity of services.

(6) Developing and managing a single response system for national incidents in coordination with all appropriate agencies.

(7) Coordinating with other agencies necessary to carry out the functions of the Office of Emergency Preparedness.

(8) Collaborating with, and transferring funds to, the Centers for Disease Control and Prevention or other agencies for administration of the Strategic National Stockpile transferred under subsection (c)(6).

(9) Consulting with the Under Secretary for Science and Technology, Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention in establishing and updating the list of potential threat agents or toxins relating to the functions of the Select Agent Registration Program transferred under subsection (c)(7).

(10) Developing a plan to address the interface of medical informatics and the medical response to terrorism that address—

(A) standards for interoperability;

(B) real-time data collection;

(C) ease of use for health care providers;

(D) epidemiological surveillance of disease outbreaks in human health and agriculture;

(E) integration of telemedicine networks and standards;

(F) patient confidentiality; and

(G) other topics pertinent to the mission of the Department.

(11) Activate and coordinate the operations of the National Disaster Medical System as defined under section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(12) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department, which shall be maintained as a distinct entity within the Department, except that those elements of the Office of National Preparedness of the Federal Emergency Management Agency that relate to terrorism shall be transferred to the Office of Domestic Preparedness established under this section.

(2) The National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice.

(3) The Office of Domestic Preparedness of the Department of Justice.

(4) Those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(5) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) the Noble Training Center;

(B) the Metropolitan Medical Response System;

(C) the Department of Health and Human Services component of the National Disaster Medical System;

(D) the Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

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(6) The Strategic National Stockpile of the Department of Health and Human Services including all functions and assets under sections 121 and 127 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(7) The functions of the Select Agent Registration Program of the Department of Health and Human Services and the United States Department of Agriculture, including all functions of the Secretary of Health and Human Services and the Secretary of Agriculture under sections 201 through 221 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(d) OFFICE FOR DOMESTIC PREPAREDNESS.—

(1) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(2) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(3) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(A) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(B) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(C) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(D) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(E) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(F) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(G) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States; and

(H) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(4) FISCAL YEARS 2003 AND 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(5) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

(f) PREEMPTED PROVISIONS.—Notwithstanding any other provision of this Act, including any effective date provision, section 134 shall not take effect.

SA 4684. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

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(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

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(A) monitoring emergencies;

(B) notifying affected agencies and State and local governments; and

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(2) The National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice.

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(5) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) the Noble Training Center;

(B) the Metropolitan Medical Response System;

(C) the Department of Health and Human Services component of the National Disaster Medical System;

(D) the Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

(E) the special events response; and

(F) the citizen preparedness programs.

(6) The Strategic National Stockpile of the Department of Health and Human Services including all functions and assets under sections 121 and 127 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(7) The functions of the Select Agent Registration Program of the Department of Health and Human Services and the United States Department of Agriculture, including all functions of the Secretary of Health and Human Services and the Secretary of Agriculture under sections 201 through 221 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(d) OFFICE FOR DOMESTIC PREPAREDNESS.—

(1) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(2) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(3) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(A) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(B) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(C) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(D) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(E) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(F) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(G) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States; and

(H) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(4) FISCAL YEARS 2003 AND 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(5) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

(f) PREEMPTED PROVISIONS.—Notwithstanding any other provision of this Act, including any effective date provision, section 134 shall not take effect.

SA 4685. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. ___ .

(a) FINDINGS.—Congress finds that:

(1) In 2002 approximately six and one half million acres of forest lands in the United States have burned, 21 people have lost their lives, and 3,079 structures have been destroyed. The Forest Service and the Bureau of Land Management have spent more than $1 billion fighting these fires.

(2) 73 million acres of public lands are classified as class 3 fire risks. This includes 23 million acres that are in strategic areas designated by the Forest Service and the Department of the Interior for emergency treatment to withstand catastrophic fire.

(3) The forest management policy of fire suppression has resulted in an accumulation of fuel loads, dead and dying trees, and nonnative species that creates fuel ladders which allow fires to reach the crowns of large old trees and cause catastrophic fire.

(4) The Forest Service and the Department of Interior should immediately undertake an emergency forest grooming program to reduce the risk of catastrophic fire.

(b) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior shall conduct immediately and to completion projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, FY 2001 (H. Rept. 106-646) to reduce hazardous fuels. Any project carried out pursuant to this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(c) PRIORITY.—In implementing projects under this section, the Secretary of Agriculture and the Secretary of the Interior shall give highest priority to—

(1) wildland urban interface areas;

(2) municipal watersheds; or

(3) forested or rangeland areas affected by disease, insect activity, wind throw, or areas subject to catastrophic reburn

(d) ACREAGE LIMITATION.—In implementing this section, the Secretary of Agriculture and the Secretary of the Interior shall treat an aggregate area of not more than 2.5 million acres of federal land. This amount is in addition to the existing hazardous fueled reduction program that treats approximately 2.5 million acres each year.

(e) PROCESS.—The Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process with interested parties consistent with the Implementation Plan described in subsection (b) for the selection of projects carried out under this section consistent with subsection (c). Such collaborative process may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act, Public Law 106-393.

(f) ADMINISTRATIVE PROCESS.—

(1) REVIEW.—Projects implemented pursuant to subsection (h) shall not be subject to the appeal requirements of the Appeals Reform Act (section 322 of Public Law 102-381) or review by the Department of the Interior Board of Lands Appeals. Nothing in this section affects projects for which scoping has begun prior to enactment of this Act.

(2) REGULATIONS.—The Secretary of Agriculture and the Secretary of the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

(g) CONCLUSIVE PRESUMPTION.—Within—

(1) one-half mile of any community; or

(2) key municipal watersheds identified in forest plans in which National Environmental Policy Act documentation and analysis has been completed and no new road construction is allowed, no timber sales are allowed, and no log skidding machines are allowed, unless there are extraordinary circumstances, hazardous fuels reduction actions authorized by subsection (h) are conclusively determined to be categorically excluded from further analysis under the National Environmental Policy Act, and the Secretary of Agriculture or the Secretary of the Interior, as appropriate, need not make any findings as to whether the projects individually or cumulatively have a significant effect on the human environment. This conclusive determination shall apply in any judicial proceeding brought to enforce the National Environmental Policy Act pursuant to this section.

(h) CATEGORICAL EXCLUSIONS.—(1) Subject to paragraph (2), until September 30, 2003, the Secretary of Agriculture and the Secretary of the Interior may categorically exclude a proposed hazardous fuels reduction action, including prescribed fire, from documentation in an environmental impact statement or environmental assessment if the proposed hazardous fuels reduction action is located on lands identified as condition class 3 as determined by the Secretary of Agriculture and the Secretary of the Interior and pursuant to scientific mapping surveys and removes no more than 250,000 board feet of merchantable wood products or removes as salvage 1,000,000 board feet or less of merchantable wood products and assures regeneration of harvested or salvaged areas.

(2) Scoping is required on all actions proposed pursuant to this subsection.

(i) EXTRAORDINARY CIRCUMSTANCES.—For all projects implemented pursuant to this section, if there are extraordinary circumstances, the Secretary of Agriculture and the Secretary of the Interior shall follow agency procedures related to categorical exclusions and extraordinary circumstances.

(j) REDUCE FIRE RISK.—In order to ensure that the agencies are implementing projects that reduce the risk of unnaturally intense wildfires, the Secretary of Agriculture and the Secretary of the Interior—

(1) shall not construct new roads in any inventoried roadless areas part of any project implemented pursuant to this section;

(2) shall, at their discretion, maintain an ecologically sufficient number of old and large trees appropriate for each ecosystem type and shall focus on thinning from below for all projects implemented pursuant to this section;

(3) for projects involving key municipal watersheds, must protect or enhance water quality or water quantity available in the area; and

(4) must deposit in the Treasury of the United States all revenues and receipts generated from projects implemented pursuant to this section.

(k) HAZARDOUS FUELS REDUCTION FUNDING FOCUS.—In order to focus hazardous fuels reduction activities on the highest priority areas where critical issues of human safety and property loss are the most serious and within key municipal watersheds identified in forest plans, the Secretary of Agriculture and the Secretary of the Interior shall expend all of the hazardous fuels operations funds provided in this Act only on projects in areas identified as condition class 3 as defined in subsection (h) and at least seventy percent of the hazardous fuels operations funds provided in this Act only on projects within one-half mile of any community or within key municipal watersheds identified in forest plans. Nothing in this subsection will affect projects for which scoping has begun prior to enactment of this Act.

(l) COMMUNITIES.—At least ten percent of the hazardous fuels operations funds provided in this Act shall be spent on projects that benefit small businesses that uses hazardous fuels and are located in small, economically disadvantaged communities.

(m) MONITORING.—(1) The Secretary of Agriculture and the Secretary of the Interior shall establish a multiparty monitoring process in order tq assess a representative sampling of the projects implemented pursuant to this section.

(2) Funds to implement this subsection shall be derived from hazardous fuels reduction funds.

SA 4686. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___ . PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) Definitions and Special Rules.—For purposes of this section—

(1) Rules for application of subsection (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) Certain stock disregarded.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) Plan deemed in certain cases.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) Certain transfers disregarded.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) Special rule for related partnerships.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) Treatment of certain rights.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) Expanded affiliated group.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) Foreign incorporated entity.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) Other definitions.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) Waiver.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

SA 4687. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(c) Inspections.—The Under Secretary for Immigration Affairs shall assign officers with expertise and training in immigration and nationality law to all high volume ports of entry in the United States to assist in the inspection of applicants for entry to the United States. For other ports of entry, the Under Secretary shall take steps to ensure that such officers participate in the inspections process. Such officers shall ensure that the inspections policies and procedures regarding applicants for entry to the United States are consistent with the immigration and nationality laws of the United States.

(d) Training for Border Patrol and Inspectors.—The Under Secretary for Immigration Affairs, in consultation with the Under Secretary for Border and Transportation Protection, will provide timely and ongoing training in immigration and nationality law to personnel performing the border patrol and inspections functions in the Border and Transportation Protection Directorate.

SA 4688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XIII and insert the following:

TITLE XIII—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

SEC. 1301. ESTABLISHMENT.

(a) In General.—There is within the Department of Justice the Executive Office for Immigration Review.

(b) Statutory Construction.—Nothing in title XI, or any amendment made by that title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by, the Executive Office for Immigration Review of the Department of Justice, or any officer, employee, or component thereof, immediately prior to the effective date of title XI.

SEC. 1302. DIRECTOR OF THE AGENCY.

(a) Appointment.—There shall be at the head of the Executive Office for Immigration Review a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Offices.—The Director shall appoint a Deputy Director, General Counsel, Pro Bono Coordinator, and other offices as may be necessary to carry out this title.

(c) Responsibilities.—The Director shall—

(1) administer the Executive Office for Immigration Review and be responsible for the promulgation of rules and regulations affecting the agency; and

(2) appoint and fix the compensation of attorneys, clerks, administrative assistants, and other personnel as may be necessary.

SEC. 1303. BOARD OF IMMIGRATION APPEALS.

(a) In General.—The Board of Immigration Appeals (in this title referred to as the "Board") shall perform the appellate functions of the Executive Office for Immigration Review. The Board shall consist of a Chair and not less than 14 other immigration appeals judges.

(b) Appointment.—Members of the Board shall be appointed by the Attorney General, in consultation with the Director and the Chair of the Board of Immigration Appeals.

(c) Qualifications.—The Chair and each other Member of the Board shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of pertinent legal expertise.

(d) Jurisdiction.—

(1) In general.—The Board shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Board of Immigration Appeals (as in effect under the Executive Office of Immigration Review).

(2) De novo review.—The Board shall have de novo review of any decision by an immigration judge, including any final order of removal.

(e) Independence of Board Members.—The Members of the Board shall exercise their independent judgment and discretion in the cases coming before the Board.

(f) Referral of Cases to the Attorney General.—

(1) In general.—The Board shall refer to the Attorney General for review of any case that—

(A) the Attorney General directs the Board to refer to the Attorney General;

(B) the Chairman or a majority of the Board believes should be referred to the Attorney General for review; or

(C) the Under Secretary of Homeland Security for Immigration Affairs requests be referred to the Attorney General for review.

(2) Decision of the attorney general.—In any case in which the Attorney General reviews the decision of the Board, the decision of the Attorney General shall be stated in writing and shall be transmitted to the Board for transmittal and service as provided by regulations.

SEC. 1304. CHIEF IMMIGRATION JUDGE.

(a) Establishment of Office.—There shall be within the Executive Office for Immigration Review the position of Chief Immigration Judge, who shall administer the immigration courts.

(b) Duties of the Chief Immigration Judge.—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resource and facilities and for the general management of immigration court dockets.

(c) Appointment of Immigration Judges.—Immigration judges shall be appointed by the Attorney General, in consultation with the Director and the Chief Immigration Judge.

(d) Qualifications.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of pertinent legal expertise.

(e) Jurisdiction and Authority of Immigration Courts.—The immigration courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the immigration courts within the Executive Office for Immigration Review of the Department of Justice.

(f) Independence of Immigration Judges.—The immigration judges shall exercise their independent judgment and discretion in the cases coming before the Immigration Court.

SEC. 1305. CHIEF ADMINISTRATIVE HEARING OFFICER.

(a) Establishment of Position.—There shall be within the Executive Office for Immigration Review the position of Chief Administrative Hearing Officer.

(b) Duties of the Chief Administrative Hearing Officer.—The Chief Administrative Hearing Officer shall hear cases brought under sections 274A, 274B, and 274C of the Immigration and Nationality Act.

SEC. 1306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Executive Office for Immigration Review such sums as may be necessary to carry out this title.

SA 4689. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In section 301, subsection h, by striking "(2) The" and replacing it with "(2) Except as provided in paragraph (3), the" and by adding a new paragraph, following the paragraph numbered (2), to read as follows: "(3) Notwithstanding any other provision of law, the Secretary of the Department of Treasury shall be responsible for all of the activities related to the collection of tax and revenue, promulgation of regulations, and assessment of penalties related to alcohol and tobacco. The authorities, functions, personnel and assets of Department of Treasury employees engaged in the collection of tax and revenue, promulgation of regulations, and assessment of penalties related to alcohol and tobacco at the time of enactment of this legislation shall be retained within the Department of Treasury, but employees engaged in the criminal investigation of violations of laws related to alcohol and tobacco shall be transferred to the Department of Justice in accordance with sections 201 and 301 of this act."

SA 4690. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE —DISASTER RELIEF AND EMERGENCY ASSISTANCE

SEC. 01. SHORT TITLE.

This title may be cited as the "Homeland Security Block Grant Act of 2002".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC. 03. DEFINITIONS.

(a) DEFINITIONS.—In this title:

(1) DIRECTOR.—The term "Director" means the Director of the Federal Emergency Management Agency (FEMA).

(2) CITY.—The term "city" means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Director—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(3) FEDERAL GRANT-IN-AID PROGRAM.—The term "Federal grant-in-aid program" means a program of Federal financial assistance other than loans and other than the assistance provided by this title.

(4) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(5) METROPOLITAN AREA.—The term "metropolitan area" means a standard metropolitan statistical area as established by the Office of Management and Budget.

(6) METROPOLITAN CITY.—

(A) IN GENERAL.—The term "metropolitan city" means—

(i) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(ii) any other city, within a metropolitan area, which has a population of fifty thousand or more.

(B) PERIOD OF CLASSIFICATION.—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Director, defer its classification as a metropolitan city for all purposes under this title, if it elects to have its population included in an urban county under subsection (d).

(C) ELECTION BY A CITY.—Notwithstanding subparagraph (B), a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Director, relinquish such classification for all purposes under this title if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 05(e) as an urban county.

(7) NONQUALIFYING COMMUNITY.—The term "nonqualifying community" means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(8) POPULATION.—The term "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(9) STATE.—The term "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Director; and the District of Columbia.

(11) URBAN COUNTY.—The term "urban county" means any county within a metropolitan area.

(b) BASIS AND MODIFICATION OF DEFINITIONS.—Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Director may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) DESIGNATION OF PUBLIC AGENCIES.—One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this title.

(d) LOCAL GOVERNMENTS, INCLUSION IN URBAN COUNTY POPULATION.—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2002 under section 04, the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(11) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such three-year period.

(e) URBAN COUNTY.—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Director, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Director, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

SEC. 04. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

The Director, working in consultation with the Attorney General is authorized to make grants to States, units of general local government, and Indian tribes to carry out activities in accordance with the provisions of this title. For purposes of assistance under section ___07, there is authorized to be appropriated $3,000,000,000 for each of fiscal years 2003 through 2006, and such additional sums as are authorized thereafter. For purposes of assistance under section ___08, there is authorized to be appropriated $500,000,000 in fiscal year 2003, and such sums as are authorized thereafter.

SEC. ___05. STATEMENT OF ACTIVITIES AND REVIEW.

(a) APPLICATION.—Prior to the receipt in any fiscal year of a grant under section ___07(b) by any metropolitan city or urban county, under section ___07(d) by any State, or under section ___07(d)(2) by any unit of general local government, the grantee shall have indicated its interest in receiving funds by preparing a statement of homeland security objectives and projected use of funds and shall have provided the Director with the certifications required in subsection (b) and, where appropriate, subsection (c). In the case of metropolitan cities and urban counties receiving grants pursuant to section ___07(b) and in the case of units of general local government receiving grants pursuant to section ___07(d)(2), the statement of projected use of funds shall consist of proposed homeland security activities. In the case of States receiving grants pursuant to section ___07(d), the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government. In preparing the statement, the grantee shall consider any view of appropriate law enforcement, and emergency response authorities and may, if deemed appropriate by the grantee, modify the proposed statement. A copy of the final statement shall be furnished to the Director, the Attorney General, and the Office of Homeland Security together with the certifications required under subsection (b) and, where appropriate, subsection (c). Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

(b) CERTIFICATION OF ENUMERATED CRITERIA BY GRANTEE TO SECRETARY.—Any grant under section ___07 shall be made only if the grantee certifies to the satisfaction of the Director that—

(1) it has developed a homeland security plan pursuant to section ___05 that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this title; and

(2) the grantee will comply with the other provisions of this title and with other applicable laws.

(c) SUBMISSION OF ANNUAL PERFORMANCE REPORTS, AUDITS AND ADJUSTMENTS.—

(1) IN GENERAL.—Each grantee shall submit to the Director, at a time determined by the Director, a performance and evaluation report concerning the use of funds made available under section ___07, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a). The Director shall encourage and assist national associations of grantees eligible under section ___07, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Director, within 1 year after the effective date of this sentence, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively. Based on the Director's approval of these recommendations, the Director shall establish such requirements for use by such grantees, States, and units of general local government.

(2) REVIEWS AND AUDITS.—The Director shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants made under section ___07(b), whether the grantee has carried out its activities and, where applicable, whether the grantee has carried out those activities and its certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws, and whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section ___07(d), whether the State has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this title and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(3) ADJUSTMENTS.—The Director may make appropriate adjustments in the amount of the annual grants in accordance with the Director's findings under this subsection. With respect to assistance made available to units of general local government under section ___07(d), the Director may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Director's reviews and audits under this subsection, except that funds already expended on eligible activities under this title shall not be recaptured or deducted from future assistance to such units of general local government.

(d) AUDITS.—Insofar as they relate to funds provided under this title, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(e) METROPOLITAN CITY AS PART OF URBAN COUNTY.—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Director may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under section ___05 and carrying out activities under this title.

SEC. ___06. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

(a) IN GENERAL.—Activities assisted under this title may include only—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, and other water infrastructure; nuclear power plants and other power infrastructure;

(B) security for tunnels and bridges;

(C) security for oil and gas pipelines and storage facilities; and

(D) security for chemical plants and transportation of hazardous substances;

(4) assisting Local Emergency Planning Committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

SEC. ___07. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) ALLOCATION AND DISTRIBUTION OF FUNDS; SET-ASIDE FOR INDIAN TRIBES.—

(1) ALLOCATION.—For each fiscal year, of the amount approved in an appropriation Act under section ___04 for grants in a year (excluding the amounts provided for use in accordance with section ___06), the Director shall reserve for grants to Indian tribes 1 percent of the amount appropriated under such section. The Director shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Director after notice and public comment.

(2) REMAINING ALLOCATION.—Of the amount remaining after allocations pursuant to paragraph (1), 70 percent shall be allocated by the Director to metropolitan cities and urban counties. Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2002, from such allocation in an amount not exceeding its basic amount computed pursuant to paragraph (1) or (2) of subsection (b).

(b) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES AND URBAN COUNTIES.—

(1) IN GENERAL.—The Director shall determine the amount to be allocated to each metropolitan city based on the population of that metropolitan city.

(2) URBAN COUNTIES.—The Director shall determine the amount to be allocated to each urban county based on the population of that urban county.

(3) EXCLUSIONS.—In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations that are not counted in determining the eligibility of the urban county to receive a grant under this

subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

(A) is not part of any county;

(B) is not eligible for a grant pursuant to subsection (b)(1);

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (d) with respect to such fiscal year.

(4) INCLUSIONS.—In computing amounts under this section with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if the part of such unit of local government which is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section, and if the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section. Any amount received by such urban county under this section may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(5) POPULATION.—(A) Where data are available, the amount determined under paragraph (1) for a metropolitan city that has been formed by the consolidation of one or more metropolitan cities with an urban county shall be equal to the sum of the amounts that would have been determined under paragraph (1) for the metropolitan city or cities and the balance of the consolidated government, if such consolidation had not occurred. This paragraph shall apply only to any consolidation that—

(i) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(ii) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(iii) took place on or after January 1, 2002.

(B) The population growth rate of all metropolitan cities referred to in section 03 shall be based on the population of—

(i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(ii) cities that were metropolitan cities before their incorporation into consolidated governments. For purposes of calculating the entitlement share for the balance of the consolidated government under this paragraph, the entire balance shall be considered to have been an urban county.

(c) REALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), any amounts allocated to a metropolitan city or an urban county pursuant to the preceding provisions of this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsections (a) and (b) of section 05, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Director that they would be adversely affected by the loss of such amounts from the metropolitan area. The amount of the share of funds reallocated under this paragraph for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(2) TRANSFER.—Notwithstanding the provisions of paragraph (1), the Director may upon request transfer responsibility to any metropolitan city for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(d) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount approved in an appropriation Act under section 04 that remains after allocations pursuant to paragraphs (1) and (2) of subsection (a), 30 percent shall be allocated among the States for use in nonqualifying areas. The allocation for each State shall be based on the population of that State, relative to the populations of all States, excluding the population of qualifying communities. The Director shall, in order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total of the amounts available under such paragraph, make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under such paragraph so that the nonqualifying communities in each State will receive an amount that represents the same percentage of the total amount available under such paragraph as the percentage which the nonqualifying areas of the same State would have received under such paragraph if the total amount available under such paragraph had equaled the total amount which was allocated under such paragraph.

(2) DISTRIBUTION.—(A) Amounts allocated under paragraph (1) shall be distributed to units of general local government located in nonqualifying areas of the State to carry out activities in accordance with the provisions of this title—

(i) by a State that has elected, in such manner and at such time as the Director shall prescribe, to distribute such amounts consistent with the statement submitted under section 05(a); or

(ii) by the Director, in any case described in subparagraph (B), for use by units of general local government in accordance with paragraph (3)(B).

(B) The Director shall distribute amounts allocated under paragraph (1) if the State has not elected to distribute such amounts.

(C) To receive and distribute amounts allocated under paragraph (1), the State must certify that it, with respect to units of general local government in nonqualifying areas—

(i) provides or will provide technical assistance to units of general local government in connection with homeland security initiatives;

(ii) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(iii) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A).

(D) To receive and distribute amounts allocated under paragraph (1), the State shall certify that each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(3) MINIMUM AMOUNT.—

(A) IN GENERAL.—Each State (other than the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) shall receive for each fiscal year a base amount of $18,000,000 of the total amount appropriated for each fiscal year for grants made available to States under this section.

(B) DISTRICT OF COLUMBIA AND TERRITORIES.—The District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall each receive for each fiscal year $3,000,000 of the total amount appropriated for each fiscal year for grants made available to States under this section.

(4) ADMINISTRATION.—(A) If the State receives and distributes such amounts, it shall be responsible for the administration of funds so distributed. The State shall pay from its own resources all administrative expenses incurred by the State in carrying out its responsibilities under this title, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of $150,000 plus 50 percent of any such expenses under this title in excess of $150,000. Amounts deducted in excess of $150,000 shall not exceed 2 percent of the amount so received.

(B) If the Director distributes such amounts, the distribution shall be made in accordance with determinations of the Director pursuant to statements submitted and the other requirements of section 06 (other than subsection (c)) and in accordance with regulations and procedures prescribed by the Director.

(C) Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 05 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(D) Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Director under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which the amounts become so available.

(5) SINGLE UNIT.—Any combination of units of general local governments may not be required to obtain recognition by the Director pursuant to section 03(2) to be treated as a single unit of general local government for purposes of this subsection.

(6) DEDUCTION.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments.

(7) APPLICABILITY.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this title and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(e) QUALIFICATIONS AND DETERMINATIONS.—The Director may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(f) PRO RATA REDUCTION AND INCREASE.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), and funds are not otherwise appropriated to meet the deficiency, the Director shall meet the deficiency through a pro rata reduction of all amounts determined under subsection (b). If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), the Director shall distribute the excess through a pro rata increase of all amounts determined under subsection (b).

SEC. 08. STATE AND REGIONAL PLANNING; COMMUNICATIONS SYSTEMS.

(a) IN GENERAL.—Pursuant to section 04, $500,000,000 shall be used for homeland defense planning within the States by the States, for interstate, multistate or regional authorities, and within regions through regional cooperations; the development and maintenance of Statewide training facilities and homeland best-practices clearinghouses; and the development and maintenance of communications systems that can be used between and among first responders, including law enforcement, fire, and emergency medical personnel as follows:

(1) $325,000,000 to the States, and interstate, multistate or regional authorities: for homeland defense planning, coordination and implementation;

(2) $50,000,000 to regional cooperations for homeland defense planning and coordination;

(3) $50,000,000 to the States for the development and maintenance of Statewide training facilities and best-practices clearinghouses; and

(4) $75,000,000 to the States for the States and for local communities for the development and maintenance of communications systems that can be used between and among first responders at the State and local level, including law enforcement, fire, and emergency personnel.

(b) ALLOCATIONS.—Funds under this section to be awarded to States shall be allocated among the States based upon the population for each State relative to the populations of all States. The "minimum amount" provision set forth in section 07(d)(3) shall apply to funds awarded under this section to States. With respect to subsection (a)(4), at least 30 percent of the funds awarded must be used for the development and maintenance of local communications systems.

(c) REGIONAL COOPERATIONS.—Funds under this section to be awarded to regional cooperations shall be allocated among the regional cooperations based upon the population of the areas covered by the cooperations.

SEC. 09. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 10. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Director finds after reasonable notice and opportunity for hearing that a recipient of assistance under this title has failed to comply substantially with any provision of this title, the Director, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this title;

(2) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title; or

(3) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

SEC. 11. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the close of each fiscal year in which assistance under this title is furnished, the Director shall submit to Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this title;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section 07.

(b) REPORTS TO THE DIRECTOR.—The Director is authorized to require recipients of assistance under this title to submit to him such reports and other information as may be necessary in order for the Director to make the report required by subsection (a).

SEC. 12. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this title including the issuance of regulations, the Director shall consult with the Attorney General especially as to any issues of concern to the law enforcement community, the Office of Homeland Security, and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 13. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SEC. 14. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) REQUIREMENT.—Grant recipients shall contribute from funds, other than those received under this title, 10 percent of the total funds received under this title. Such funds shall be used in accordance with the grantee's statement of homeland security objectives.

(b) ECONOMIC DISTRESS.—Grant recipients that are deemed economically distressed shall be waived from the matching requirement set forth in this section.

SA 4691. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Amendment intended to be proposed by Mrs. CLINTON to the amendment (No. 4619) proposed by Mr. JEFFORDS strike section 630(c)(2) and insert the following:

SEC. 173. FIRST RESPONDER PERSONNEL COSTS.

Local governments receiving Federal homeland security funding under this Act, whether directly or as a pass-through from the States, may use up to 20 percent of Federal funds received for first time responder personnel costs, including overtime costs.

SA 4692. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—FBI REFORMS

SEC. 3001. SHORT TITLE.

This division may be cited as the "Federal Bureau of Investigation Reform Act of 2002".

TITLE XXXI—IMPROVING FBI OVERSIGHT

SEC. 3101. AUTHORITY OF THE DEPARTMENT OF JUSTICE INSPECTOR GENERAL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

"(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice;

"(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility;

"(4) may investigate allegations of criminal wrongdoing or administrative misconduct, including a failure to properly discipline employees, by a person who is the head of any agency or component of the Department of Justice; and

"(5) shall forward the results of any investigation conducted under paragraph (4), along with any appropriate recommendation for disciplinary action, to the Attorney General, who is authorized to take appropriate disciplinary action."; and

(2) by adding at the end the following:

"(d) If the Attorney General does not follow any recommendation of the Inspector General made under subsection (b)(5), the Attorney General shall submit a report to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives that sets forth the recommendation of the Inspector General and the reasons of the Attorney General for not following that recommendation.

"(e) The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice shall report that information to the Inspector General.".

SEC. 3102. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) Appointment of Oversight Official Within the Office of Inspector General.—

(1) In general.—The Inspector General of the Department of Justice shall direct that 1 official from the office of the Inspector General be responsible for supervising and coordinating independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2003.

(2) Continuation of oversight.—The Inspector General may continue individual oversight in accordance with paragraph (1) after September 30, 2003, at the discretion of the Inspector General.

(b) Inspector General Oversight Plan for the Federal Bureau of Investigation.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives, a plan for oversight of the Federal Bureau of Investigation, which plan may include—

(1) an audit of the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation;

(2) an audit and evaluation of programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action;

(3) a review of the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility;

(4) an investigation of allegations of serious misconduct by personnel of the Federal Bureau of Investigation;

(5) a review of matters relating to any other program or operation of the Federal Bureau of Investigation that the Inspector General determines requires review; and

(6) an identification of resources needed by the Inspector General to implement a plan for oversight of the Federal Bureau of Investigation.

(c) Report on Inspector General for Federal Bureau of Investigation.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report and recommendation to the Chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives concerning—

(1) whether there should be established, within the Department of Justice, a separate office of the Inspector General for the Federal Bureau of Investigation that shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation;

(2) what changes have been or should be made to the rules, regulations, policies, or practices governing the Federal Bureau of Investigation in order to assist the Office of the Inspector General in effectively exercising its authority to investigate the conduct of employees of the Federal Bureau of Investigation;

(3) what differences exist between the methods and practices used by different Department of Justice components in the investigation and adjudication of alleged misconduct by Department of Justice personnel;

(4) what steps should be or are being taken to make the methods and practices described in paragraph (3) uniform throughout the Department of Justice; and

(5) whether a set of recommended guidelines relating to, the discipline of Department of Justice personnel for misconduct should be developed, and what factors, such as the nature and seriousness of the misconduct, the prior history of the employee, and the rank and seniority of the employee at the time of the misconduct, should be taken into account in establishing such recommended disciplinary guidelines.

SEC. 3103. AUTHORIZATION OF APPROPRIATIONS.

(a) Department of Justice.—There is authorized to be appropriated $2,000,000 to the Department of Justice for fiscal year 2003—

(1) for salary, pay, retirement, and other costs associated with increasing the staffing level of the Office of Inspector General by 25 full-time special agents who shall conduct an increased number of audits, inspections, and investigations of alleged misconduct by employees of the Federal Bureau of Investigation;

(2) to fund expanded audit coverage of the grant programs administered by the Office of Justice Programs of the Department of Justice; and

(3) to conduct special reviews of efforts by the Federal Bureau of Investigation to implement recommendations made by the Office of Inspector General in reports on alleged misconduct by the Bureau.

(b) Federal Bureau of Investigation.—There is authorized to be appropriated $1,700,000 to the Federal Bureau of Investigation for fiscal year 2003 for salary, pay, retirement, and other costs associated with increasing the staffing level of the Office of Professional Responsibility by 10 full-time special agents and 4 full-time support employees.

TITLE XXXII—WHISTLEBLOWER PROTECTION

SEC. 3201. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

"§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

"(a) Definition.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

"(b) Prohibited Practices.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

"(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

"(c) Individual Right of Action.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

"(d) Regulations.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.".

TITLE XXXIII—FBI SECURITY CAREER PROGRAM

SEC. 3301. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 3302. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) In General.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this title as the "Director") shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) Policy Implementation.—The Director shall ensure that the policies of the Attorney

General established in accordance with this Act are implemented throughout the Federal Bureau of Investigation at both the headquarters and field office levels.

SEC. 3303. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this Act.

SEC. 3304. SECURITY CAREER PROGRAM BOARDS.

(a) ESTABLISHMENT.—The Director acting through the Director of Security shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) COMPOSITION OF BOARD.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) CHAIRPERSON.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) SUBORDINATE BOARDS.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 3305. DESIGNATION OF SECURITY POSITIONS.

(a) DESIGNATION.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this Act.

(b) REQUIRED POSITIONS.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 3306. CAREER DEVELOPMENT.

(a) CAREER PATHS.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) LIMITATION ON PREFERENCE FOR SPECIAL AGENTS.—

(1) IN GENERAL.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this title as a "Special Agent") is used in the consideration of persons for security positions.

(2) POLICY.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) REPORT.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) OPPORTUNITIES TO QUALIFY.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) BEST QUALIFIED.—The Attorney General shall ensure that the policies established under this Act are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) ASSIGNMENTS POLICY.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) LENGTH OF ASSIGNMENT.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) PERFORMANCE APPRAISALS.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) BALANCED WORKFORCE POLICY.—In the development of security workforce policies under this Act with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 3307. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) IN GENERAL.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) QUALIFICATION REQUIREMENTS.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 3308. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 3309. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 3307 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 3307 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

TITLE XXXIV—FBI COUNTERINTELLIGENCE POLYGRAPH PROGRAM

SEC. 3401. DEFINITIONS.

In this title:

(1) POLYGRAPH PROGRAM.—The term "polygraph program" means the counterintelligence screening polygraph program established under section 3402.

(2) POLYGRAPH REVIEW.—The term "Polygraph Review" means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 3402. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after publication of the results of the Polygraph Review, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.

SEC. 3403. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 3404. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

SEC. 3405. WEBSTER COMMISSION IMPLEMENTATION REPORT.

(a) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate Committees of Congress a plan for implementation of the recommendations of the Commission for Review of FBI Security Programs, dated March 31, 2002, including the costs of such implementation.

(b) ANNUAL REPORTS.—On the date that is 1 year after the submission of the plan described in subsection (a), and for 2 years thereafter, the Director of the Federal Bureau of Investigation shall submit to the appropriate Committees of Congress a report on the implementation of such plan.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—For purposes of this section, the term "appropriate Committees of Congress" means—

(1) the Committees on the Judiciary of the Senate and the House of Representatives;

(2) the Committees on Appropriations of the Senate and the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE XXXV—FBI POLICE

SEC. 3501. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "Director" means the Director of the Federal Bureau of Investigation.

(2) FBI BUILDINGS AND GROUNDS.—

(A) IN GENERAL.—The term "FBI buildings and grounds" means—

(i) the whole or any part of any building or structure which is occupied under a lease or otherwise by the Federal Bureau of Investigation and is subject to supervision and control by the Federal Bureau of Investigation;

(ii) the land upon which there is situated any building or structure which is occupied wholly by the Federal Bureau of Investigation; and

(iii) any enclosed passageway connecting 2 or more buildings or structures occupied in whole or in part by the Federal Bureau of Investigation.

(B) INCLUSION.—The term "FBI buildings and grounds" includes adjacent streets and sidewalks not to exceed 500 feet from such property.

(3) FBI POLICE.—The term "FBI police" means the permanent police force established under section 3502.

SEC. 3502. ESTABLISHMENT OF FBI POLICE; DUTIES.

(a) IN GENERAL.—Subject to the supervision of the Attorney General, the Director may establish a permanent police force, to be known as the FBI police.

(b) DUTIES.—The FBI police shall perform such duties as the Director may prescribe in connection with the protection of persons and property within FBI buildings and grounds.

(c) UNIFORMED REPRESENTATIVE.—The Director, or designated representative duly authorized by the Attorney General, may appoint uniformed representatives of the Federal Bureau of Investigation as FBI police for duty in connection with the policing of all FBI buildings and grounds.

(d) AUTHORITY.—

(1) IN GENERAL.—In accordance with regulations prescribed by the Director and approved by the Attorney General, the FBI police may—

(A) police the FBI buildings and grounds for the purpose of protecting persons and property;

(B) in the performance of duties necessary for carrying out subparagraph (A), make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia;

(C) carry firearms as may be required for the performance of duties;

(D) prevent breaches of the peace and suppress affrays and unlawful assemblies; and

(E) hold the same powers as sheriffs and constables when policing FBI buildings and grounds.

(2) EXCEPTION.—The authority and policing powers of FBI police under this subsection shall not include the service of civil process.

(e) PAY AND BENEFITS.—

(1) IN GENERAL.—The rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police shall be equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to members of the United States Secret Service Uniformed Division.

(2) APPLICATION.—Pay and benefits for the FBI police under paragraph (1)—

(A) shall be established by regulation;

(B) shall apply with respect to pay periods beginning after January 1, 2003; and

(C) shall not result in any decrease in the rates of pay or benefits of any individual.

SEC. 3503. AUTHORITY OF METROPOLITAN POLICE FORCE.

This title does not affect the authority of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.

TITLE XXXVI—REPORTS

SEC. 3601. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

SEC. 3602. REPORT ON FBI INFORMATION MANAGEMENT AND TECHNOLOGY.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, with appropriate comments from other components of the Department of Justice, shall submit to Congress a report on the information management and technology programs of the Federal Bureau of Investigation including recommendations for any legislation that may be necessary to enhance the effectiveness of those programs.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall provide—

(1) an analysis and evaluation of whether authority for waiver of any provision of procurement law (including any regulation implementing such a law) is necessary to expeditiously and cost-effectively acquire information technology to meet the unique need of the Federal Bureau of Investigation to improve its investigative operations in order to respond better to national law enforcement, intelligence, and counterintelligence requirements;

(2) the results of the studies and audits conducted by the Strategic Management Council and the Inspector General of the Department of Justice to evaluate the information management and technology programs of the Federal Bureau of Investigation, including systems, policies, procedures, practices, and operations; and

(3) a plan for improving the information management and technology programs of the Federal Bureau of Investigation.

(c) RESULTS.—The results provided under subsection (b)(2) shall include an evaluation of—

(1) information technology procedures and practices regarding procurement, training, and systems maintenance;

(2) record keeping policies, procedures, and practices of the Federal Bureau of Investigation, focusing particularly on how information is inputted, stored, managed, utilized, and shared within the Federal Bureau of Investigation;

(3) how information in a given database is related or compared to, or integrated with, information in other technology databases within the Federal Bureau of Investigation;

(4) the effectiveness of the existing information technology infrastructure of the Federal Bureau of Investigation in supporting and accomplishing the overall mission of the Federal Bureau of Investigation;

(5) the management of information technology projects of the Federal Bureau of Investigation, focusing on how the Federal Bureau of Investigation—

(A) selects its information technology projects;

(B) ensures that projects under development deliver benefits; and

(C) ensures that completed projects deliver the expected results; and

(6) the security and access control techniques for classified and sensitive but unclassified information systems in the Federal Bureau of Investigation.

(d) CONTENTS OF PLAN.—The plan provided under subsection (b)(3) shall ensure that—

(1) appropriate key technology management positions in the Federal Bureau of Investigation are filled by personnel with experience in the commercial sector;

(2) access to the most sensitive information is audited in such a manner that suspicious activity is subject to near contemporaneous security review;

(3) critical information systems employ a public key infrastructure to validate both users and recipients of messages or records;

(4) security features are tested by the National Security Agency to meet national information systems security standards;

(5) all employees in the Federal Bureau of Investigation receive annual instruction in records and information management policies and procedures relevant to their positions;

(6) a reserve is established for research and development to guide strategic information management and technology investment decisions;

(7) unnecessary administrative requirements for software purchases under $2,000,000 are eliminated;

(8) full consideration is given to contacting with an expert technology partner to provide technical support for the information technology procurement for the Federal Bureau of Investigation;

(9) procedures are instituted to procure products and services through contracts of other agencies, as necessary; and

(10) a systems integration and test center, with the participation of field personnel, tests each series of information systems upgrades or application changes before their operational deployment to confirm that they meet proper requirements.

SEC. 3603. GAO REPORT ON CRIME STATISTICS REPORTING.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the issue of how statistics are reported and used by Federal law enforcement agencies.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) identify the current regulations, procedures, internal policies, or other conditions that allow the investigation or arrest of an individual to be claimed or reported by more than 1 Federal or State agency charged with law enforcement responsibility;

(2) identify and examine the conditions that allow the investigation or arrest of an individual to be claimed or reported by the Offices of Inspectors General and any other Federal agency charged with law enforcement responsibility;

(3) examine the statistics reported by Federal law enforcement agencies, and document those instances in which more than 1 agency, bureau, or office claimed or reported the same investigation or arrest during the years 1998 through 2001;

(4) examine the issue of Federal agencies simultaneously claiming arrest credit for in-custody situations that have already occurred pursuant to a State or local agency arrest situation during the years 1998 through 2001;

(5) examine the issue of how such statistics are used for administrative and management purposes;

(6) set forth a comprehensive definition of the terms "investigation" and "arrest" as those terms apply to Federal agencies charged with law enforcement responsibilities; and

(7) include recommendations, that when implemented, would eliminate unwarranted and duplicative reporting of investigation and arrest statistics by all Federal agencies charged with law enforcement responsibilities.

(c) FEDERAL AGENCY COMPLIANCE.—Federal law enforcement agencies shall comply with requests made by the General Accounting Office for information that is necessary to assist in preparing the report required by this section.

TITLE XXXVII—ENDING THE DOUBLE STANDARD

SEC. 3701. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking "for more than 14 days".

SEC. 3702. SUBMITTING OFFICE OF PROFESSIONAL RESPONSIBILITY REPORTS TO CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—For each of the 5 years following the date of enactment of this Act, the Office of the Inspector General shall submit to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives an annual report to be completed by the Federal Bureau of Investigation, Office of Professional Responsibility and provided to the Inspector General, which sets forth—

(1) basic information on each investigation completed by that Office;

(2) the findings and recommendations of that Office for disciplinary action; and

(3) what, if any, action was taken by the Director of the Federal Bureau of Investigation or the designee of the Director based on any such recommendation.

(b) CONTENTS.—In addition to all matters already included in the annual report described in subsection (a), the report shall also include an analysis of—

(1) whether senior Federal Bureau of Investigation employees and lower level Federal Bureau of Investigation personnel are being disciplined and investigated similarly; and

(2) whether any double standard is being employed to more senior employees with respect to allegations of misconduct.

TITLE XXXVIII—ENHANCING SECURITY AT THE DEPARTMENT OF JUSTICE

SEC. 3801. REPORT ON THE PROTECTION OF SECURITY AND INFORMATION AT THE DEPARTMENT OF JUSTICE.

Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the manner in which the Security and Emergency Planning Staff, the Office of Intelligence Policy and Review, and the Chief Information Officer of the Department of Justice plan to improve the protection of security and information at the Department of Justice, including a plan to establish secure electronic communications between the Federal Bureau of Investigation and the Office of Intelligence Policy and Review for processing information related to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 3802. AUTHORIZATION FOR INCREASED RESOURCES TO PROTECT SECURITY AND INFORMATION.

There are authorized to be appropriated to the Department of Justice for the activities of the Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department of Justice, to prepare for terrorist threats and other emergencies, and to review security compliance by components of the Department of Justice—

(1) $13,000,000 for fiscal year 2003;

(2) $17,000,000 for fiscal year 2004; and

(3) $22,000,000 for fiscal year 2005.

SEC. 3803. AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.

There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2003;

(2) $7,500,000 for fiscal year 2004; and

(3) $8,000,000 for fiscal year 2005.

SA 4693. Mr. HATCH proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

At the appropriate place, insert the following new title:

TITLE —CYBER SECURITY ENHANCEMENT ACT OF 2002

SEC. 01. SHORT TITLE.

This title may be cited as the "Cyber Security Enhancement Act of 2002".

Subtitle A—Computer Crime

SEC. 11. AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER CRIMES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of an offense under section 1030 of title 18, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the growing incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the following factors and the extent to which the guidelines may or may not account for them—

(A) the potential and actual loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with malicious intent to cause harm in committing the offense;

(E) the extent to which the offense violated the privacy rights of individuals harmed;

(F) whether the offense involved a computer used by the government in furtherance of national defense, national security, or the administration of justice;

(G) whether the violation was intended to or had the effect of significantly interfering with or disrupting a critical infrastructure; and

(H) whether the violation was intended to or had the effect of creating a threat to public health or safety, or injury to any person;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 12. STUDY AND REPORT ON COMPUTER CRIMES.

Not later than May 1, 2003, the United States Sentencing Commission shall submit a brief report to Congress that explains any actions taken by the Sentencing Commission in response to this title and includes any recommendations the Commission may have regarding statutory penalties for offenses under section 1030 of title 18, United States Code.

SEC. 13. EMERGENCY DISCLOSURE EXCEPTION.

(a) IN GENERAL.—Section 2702(b) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking subparagraph (C) of paragraph (6);

(3) in paragraph (6), by inserting "or" at the end of subparagraph (A); and

(4) by inserting after paragraph (6) the following:

"(7) to a Federal, State, or local governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications relating to the emergency.".

(b) REPORTING OF DISCLOSURES.—A government entity that receives a disclosure under this section shall file, no later than 90 days after such disclosure, a report to the Attorney General stating the subparagraph under which the disclosure was made, the date of the disclosure, the entity to which the disclosure was made, the number of customers or subscribers to whom the information disclosed pertained, and the number of communications, if any, that were disclosed. The Attorney General shall publish all such reports into a single report to be submitted to Congress one year after enactment of the bill.

SEC. 14. GOOD FAITH EXCEPTION.

Section 2520(d)(3) of title 18, United States Code, is amended by inserting "or 2511(2)(i)" after "2511(3)".

SEC. 15. INTERNET ADVERTISING OF ILLEGAL DEVICES.

Section 2512(1)(c) of title 18, United States Code, is amended—

(1) by inserting "or disseminates by electronic means" after "or other publication"; and

(2) by inserting "knowing the content of the advertisement and" before "knowing or having reason to know".

SEC. 16. STRENGTHENING PENALTIES.

Section 1030(c) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) in each of subparagraphs (A) and (C) of paragraph (4), by inserting "except as provided in paragraph (5)," before "a fine under this title";

(3) by striking the period at the end of paragraph (4)(C) and inserting "; and"; and

(4) by adding at the end the following:

"(5)(A) if the offender knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of subsection (a)(5)(A)(i), a fine under this title or imprisonment for not more than 20 years, or both; and

"(B) if the offender knowingly or recklessly causes or attempts to cause death from conduct in violation of subsection (a)(5)(A)(i), a fine under this title or imprisonment for any term of years or for life, or both.".

SEC. 17. PROVIDER ASSISTANCE.

(a) SECTION 2703.—Section 2703(e) of title 18, United States Code, is amended by inserting ", statutory authorization" after "subpoena".

(b) SECTION 2511.—Section 2511(2)(a)(ii) of title 18, United States Code, is amended by inserting ", statutory authorization," after "court order" the last place it appears.

SEC. 18. EMERGENCIES.

Section 3125(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by striking the comma at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following:

"(C) an immediate threat to a national security interest; or

"(D) an ongoing attack on a protected computer (as defined in section 1030) that constitutes a crime punishable by a term of imprisonment greater than one year;".

SEC. 19. PROTECTING PRIVACY.

(a) SECTION 2511.—Section 2511(4) of title 18, United States Code, is amended—

(1) by striking paragraph (b); and

(2) by redesignating paragraph (c) as paragraph (b).

(b) SECTION 2701.—Section 2701(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ", or in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or any State" after "commercial gain";

(2) in paragraph (1)(A), by striking "one year" and inserting "5 years";

(3) in paragraph (1)(B), by striking "two years" and inserting "10 years"; and

(4) so that paragraph (2) reads as follows:

"(2) in any other case—

"(A) a fine under this title or imprisonment for not more than one year or both, in the case of a first offense under this paragraph; and

"(B) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under this subparagraph that occurs after a conviction of another offense under this section.".

(c) PRESENCE OF OFFICER AT SERVICE AND EXECUTION OF WARRANTS FOR COMMUNICATIONS AND CUSTOMER RECORDS.—Section 3105 of title 18, United States Code, is amended by adding at the end the following: "The presence of an officer is not required for service or execution of a search warrant directed to a provider of electronic communication service or remote computing service for records or other information pertaining to a subscriber to or customer of such service.".

Subtitle B—Office of Science and Technology

SEC. 21. ESTABLISHMENT OF OFFICE; DIRECTOR.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established within the Department of Justice an Office of Science and Technology (hereinafter in this subtitle referred to as the "Office").

(2) AUTHORITY.—The Office shall be under the general authority of the Assistant Attorney General, Office of Justice Programs, and shall be independent of the National Institute of Justice.

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be an individual appointed based on approval by the Office of Personnel Management of the executive qualifications of the individual.

SEC. 22. MISSION OF OFFICE; DUTIES.

(a) MISSION.—The mission of the Office shall be—

(1) to serve as the national focal point for work on law enforcement technology; and

(2) to carry out programs that, through the provision of equipment, training, and technical assistance, improve the safety and effectiveness of law enforcement technology and improve access to such technology by Federal, State, and local law enforcement agencies.

(b) DUTIES.—In carrying out its mission, the Office shall have the following duties:

(1) To provide recommendations and advice to the Attorney General.

(2) To establish and maintain advisory groups (which shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.)) to assess the law enforcement technology needs of Federal, State, and local law enforcement agencies.

(3) To establish and maintain performance standards in accordance with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) for, and test and evaluate law enforcement technologies that may be used by, Federal, State, and local law enforcement agencies.

(4) To establish and maintain a program to certify, validate, and mark or otherwise recognize law enforcement technology products that conform to standards established and maintained by the Office in accordance with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113). The program may, at the discretion of the Office, allow for supplier's declaration of conformity with such standards.

(5) To work with other entities within the Department of Justice, other Federal agencies, and the executive office of the President to establish a coordinated Federal approach on issues related to law enforcement technology.

(6) To carry out research, development, testing, and evaluation in fields that would improve the safety, effectiveness, and efficiency of law enforcement technologies used by Federal, State, and local law enforcement agencies, including, but not limited to—

(A) weapons capable of preventing use by unauthorized persons, including personalized guns;

(B) protective apparel;

(C) bullet-resistant and explosion-resistant glass;

(D) monitoring systems and alarm systems capable of providing precise location information;

(E) wire and wireless interoperable communication technologies;

(F) tools and techniques that facilitate investigative and forensic work, including computer forensics;

(G) equipment for particular use in counterterrorism, including devices and technologies to disable terrorist devices;

(H) guides to assist State and local law enforcement agencies;

(I) DNA identification technologies; and

(J) tools and techniques that facilitate investigations of computer crime.

(7) To administer a program of research, development, testing, and demonstration to improve the interoperability of voice and data public safety communications.

(8) To serve on the Technical Support Working Group of the Department of Defense, and on other relevant interagency panels, as requested.

(9) To develop, and disseminate to State and local law enforcement agencies, technical assistance and training materials for law enforcement personnel, including prosecutors.

(10) To operate the regional National Law Enforcement and Corrections Technology Centers and, to the extent necessary, establish additional centers through a competitive process.

(11) To administer a program of acquisition, research, development, and dissemination of advanced investigative analysis and forensic tools to assist State and local law enforcement agencies in combating cybercrime.

(12) To support research fellowships in support of its mission.

(13) To serve as a clearinghouse for information on law enforcement technologies.

(14) To represent the United States and State and local law enforcement agencies, as requested, in international activities concerning law enforcement technology.

(15) To enter into contracts and cooperative agreements and provide grants, which may require in-kind or cash matches from the recipient, as necessary to carry out its mission.

(16) To carry out other duties assigned by the Attorney General to accomplish the mission of the Office.

(c) COMPETITION REQUIRED.—Except as otherwise expressly provided by law, all research and development carried out by or through the Office shall be carried out on a competitive basis.

(d) INFORMATION FROM FEDERAL AGENCIES.—Federal agencies shall, upon request from the Office and in accordance with Federal law, provide the Office with any data, reports, or other information requested, unless compliance with such request is otherwise prohibited by law.

(e) PUBLICATIONS.—Decisions concerning publications issued by the Office shall rest solely with the Director of the Office.

(f) TRANSFER OF FUNDS.—The Office may transfer funds to other Federal agencies or provide funding to non-Federal entities through grants, cooperative agreements, or contracts to carry out its duties under this section.

(g) ANNUAL REPORT.—The Director of the Office shall include with the budget justification materials submitted to Congress in support of the Department of Justice budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the activities of the Office. Each such report shall include the following:

(1) For the period of 5 fiscal years beginning with the fiscal year for which the budget is submitted—

(A) the Director's assessment of the needs of Federal, State, and local law enforcement agencies for assistance with respect to law enforcement technology and other matters consistent with the mission of the Office; and

(B) a strategic plan for meeting such needs of such law enforcement agencies.

(2) For the fiscal year preceding the fiscal year for which such budget is submitted, a description of the activities carried out by the Office and an evaluation of the extent to which those activities successfully meet the needs assessed under paragraph (1)(A) in previous reports.

SEC. 23. DEFINITION OF LAW ENFORCEMENT TECHNOLOGY.

For the purposes of this subtitle, the term "law enforcement technology" includes investigative and forensic technologies, corrections technologies, and technologies that support the judicial process.

SEC. 24. ABOLISHMENT OF OFFICE OF SCIENCE AND TECHNOLOGY OF NATIONAL INSTITUTE OF JUSTICE; TRANSFER OF FUNCTIONS.

(a) TRANSFERS FROM OFFICE WITHIN NIJ.—The Office of Science and Technology of the National Institute of Justice is hereby abolished, and all functions and activities performed immediately before the date of the enactment of this Act by the Office of Science and Technology of the National Institute of Justice are hereby transferred to the Office.

(b) AUTHORITY TO TRANSFER ADDITIONAL FUNCTIONS.—The Attorney General may transfer to the Office any other program or activity of the Department of Justice that the Attorney General, in consultation with the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, determines to be consistent with the mission of the Office.

(c) TRANSFER OF FUNDS.—

(1) IN GENERAL.—Any balance of appropriations that the Attorney General determines is available and needed to finance or discharge a function, power, or duty of the Office or a program or activity that is transferred to the Office shall be transferred to the Office and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

(A) be credited to any applicable appropriation account of the Office; or

(B) be credited to a new account that may be established on the books of the Department of the Treasury;

and shall be merged with the funds already credited to that account and accounted for as one fund.

(2) LIMITATIONS.—Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

(d) TRANSFER OF PERSONNEL AND ASSETS.—With respect to any function, power, or duty, or any program or activity, that is transferred to the Office, those employees and assets of the element of the Department of Justice from which the transfer is made that the Attorney General determines are needed to perform that function, power, or duty, or for that program or activity, as the case may be, shall be transferred to the Office.

(e) REPORT ON IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this subtitle. The report shall—

(1) identify each transfer carried out pursuant to subsection (b);

(2) provide an accounting of the amounts and sources of funding available to the Office to carry out its mission under existing authorizations and appropriations, and set forth the future funding needs of the Office;

(3) include such other information and recommendations as the Attorney General considers appropriate.

SEC. 25. NATIONAL LAW ENFORCEMENT AND CORRECTIONS TECHNOLOGY CENTERS.

(a) IN GENERAL.—The Director of the Office shall operate and support National Law Enforcement and Corrections Technology Centers (hereinafter in this section referred to as "Centers") and, to the extent necessary, establish new centers through a merit-based, competitive process.

(b) PURPOSE OF CENTERS.—The purpose of the Centers shall be to—

(1) support research and development of law enforcement technology;

(2) support the transfer and implementation of technology;

(3) assist in the development and dissemination of guidelines and technological standards; and

(4) provide technology assistance, information, and support for law enforcement, corrections, and criminal justice purposes.

(c) ANNUAL MEETING.—Each year, the Director shall convene a meeting of the Centers in order to foster collaboration and communication between Center participants.

(d) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Director shall transmit to the Congress a report assessing the effectiveness of the existing system of Centers and identify the number of Centers necessary to meet the technology needs of Federal, State, and local law enforcement in the United States.

SEC. 26. COORDINATION WITH OTHER ENTITIES WITHIN DEPARTMENT OF JUSTICE.

Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting "coordinate and" before "provide".

SA 4694. Mr. LIEBERMAN (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 211, insert between lines 9 and 10 the following:

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SEC. 601. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the "Commission").

SEC. 602. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York and at the Pentagon in Virginia;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001;

(B) other executive branch, congressional, or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally;

(4) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks; and

(5) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. 603. COMPOSITION OF THE COMMISSION.

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) Chairperson; Vice Chairperson.—

(1) In general.—Subject to paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) Political party affiliation.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) Qualifications; Initial Meeting.—

(1) Political party affiliation.—Not more than 5 members of the Commission shall be from the same political party.

(2) Nongovernmental appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) Other qualifications.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, legal practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.

(4) Initial meeting.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 604. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(B) may include relevant facts and circumstances relating to—

(i) intelligence agencies;

(ii) law enforcement agencies;

(iii) diplomacy;

(iv) immigration, nonimmigrant visas, and border control;

(v) the flow of assets to terrorist organizations;

(vi) commercial aviation; and

(vii) other areas of the public and private sectors determined relevant by the Commission for its inquiry;

(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. 605. POWERS OF THE COMMISSION.

(a) In General.—

(1) Hearings and evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) Subpoenas.—

(A) Issuance.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the chairperson, subcommittee chairperson, or member.

(B) Enforcement.—

(i) In general.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) Additional enforcement.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) Closed Meetings.—

(1) In general.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) Additional authority.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) Information From Federal Agencies.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) Assistance From Federal Agencies.—

(1) General services administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) Other departments and agencies.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 606. STAFF OF THE COMMISSION.

(a) In General.—

(1) Appointment and compensation.—The chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Personnel as federal employees.—

(A) In general.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) Members of commission.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) Detailees.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) Consultant Services.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 607. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 608. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 609. REPORTS OF THE COMMISSION; TERMINATION.

(a) Initial Report.—Not later than 6 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Additional Reports.—Not later than 1 year after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a second report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) Termination.—

(1) In general.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the second report is submitted under subsection (b).

(2) Administrative activities before termination.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the Session of the Senate on Thursday, September 19, 2002, at 2:30 p.m., in both open and closed session to receive testimony on U.S. policy on Iraq.

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 19, 2002, at 10 a.m., to conduct an oversight hearing on "Financial Privacy and Consumer Protection."

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 19, 2002, at 10 a.m. on pending committee business.

Agenda

1. S. 2949, Aviation Security Improvement Act (Sam Whitehorn/Gael Sullivan, Rob Chamberlin/Michael Reynolds).

2. S. 2946, Federal Trade Commission Reauthorization Act of 2002 (David Strickland/Kim Vandecar, Carlos Fierro/Ken Nahigian).

3. S. 2817, National Science Foundation Doubling Act (Jean Toal Eisen/Chan Lieu, Floyd DesChamps/Ken LaSala).

4. S. 2950, National Transportation Safety Board Reauthorization Act of 2002 (Sam Whitehorn/Gael Sullivan/Carl Bentzel, Rob Chamberlin/Michael Reynolds/Rob Freeman/Mary Phillips).

5. S. 2951, Federal Aviation Administration Research, Engineering, and Development Act of 2002 (Gael Sullivan/Sam Whitehorn, Rob Chamberlin/Michael Reynolds).

6. S. 2550, Professional Boxing Amendments Act of 2002 (David Strickland/Matthew Morrissey, Carlos Fierro/Ken Nahigian).

7. S. 2608, Coastal and Estuarine Land Protection Act (Margaret Spring/Peter Fippinger, Drew Minkiewicz).

8. H.R. 1989, Fisheries Conservation Act of 2002 (Margaret Spring/Cindy Smith, Drew Minkiewicz).

9. H.R. 2486, Inland Flood Forecasting and Warning System Act of 2002 (Margaret Spring/Cindy Smith, Floyd DesChamps/Ken LaSala).

10. S. 2862, Firefighting Research and Coordination Act (Jean Toal Eisen/Chan Lieu, Floyd DesChamps/Ken LaSala).

11. S. 2945, the 21st Century Nanotechnology Research and Development Act (Jean Toal Eisen/Chan Lieu, Floyd DesChamps/Ken LaSala).

12. H.R. 2733, Enterprise Integration Act of 2002 (Jean Toal Eisen/Chan Lieu, Floyd DesChamps/Ken LaSala).

13. S.J. Res. 42, a joint resolution commending Sail Boston for the continuing advancement of the maritime heritage of nations, its commemoration of the nautical history of the United States, and its promotion, encouragement, and support of young cadets through training (Carl Bentzel/Marvin Nixon, Rob Freeman).

14. Nomination of David McQueen Laney (PN 1731), of Texas, to be a Member of the Reform Board (Amtrak) (Carl Bentzel/David Matsuda/Vanessa Jones, Rob Freeman/Mary Phillips/Virginia Pounds).

15. Nomination of Rebecca Dye (PN 1870), of North Carolina, to be a Federal Maritime Commissioner (Carl Bentzel/Marvin Nixon/Vanessa Jones, Rob Freeman/Virginia Pounds).

16. Nomination of Roger Nober (PN 1979), of Maryland, to be a Member of the Surface Transportation Board (Carl Bentzel/David Matsuda/Vanessa Jones, Rob Freeman/Mary Philips/Virginia Pounds).

17. Nominations for Promotion in the United States Coast Guard (PNs 2146, 2160, 2161, 2162) (Vanessa Jones, Virginia Pounds).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, September 19, 2002, at 9:30 a.m., to conduct a hearing entitled, "Project Delivery and Environmental Stewardship" to examine progress on environmental streamlining under the Transportation Equity Act for the 21st century, TEA–21. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 19, 2002, at 11 a.m., to hold a hearing on law enforcement treaties.

Agenda

Treaties

1. Treaty Doc. 107–13; Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters.
2. Treaty Doc. 107–12; Treaty Between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters.
3. Treaty Doc. 107–9; Treaty Between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters.
4. Treaty Doc. 107–3; Treaty Between the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters.
5. Treaty Doc. 107–16; Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters.
6. Treaty Doc. 107–6; Extradition Treaty Between the United States of America and the Republic of Peru.
7. Treaty Doc. 107–4; Extradition Treaty Between the United States of America and the Government of the Republic of Lithuania.
8. Treaty Doc. 107–11: Second Protocol Amending Treaty on Extradition Between the Government of the United States of America and the Government of Canada, as amended.
9. Treaty Doc. 107–15: Treaty Between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes.

Witnesses: Mr. Sam Witten, Deputy Legal Adviser, Department of State, Washington, DC and Mr. Bruce Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 19, 2002, at 10 a.m., in Dirksen Room 226.

Tentative Agenda

I. Nominations

Dennis Shedd to be a U.S. Circuit Court Judge for the Fourth Circuit; Ronald H. Clark to be a U.S. District Court Judge for the Eastern District of Texas; Lawrence J. Block to be a Judge for U.S. Court of Federal Claims; and to be a U.S. Marshal: Antonio Candia Amador for the Eastern District of California.

II. Bills

S. 2480, Law Enforcement Officers Safety Act of 2002 [Leahy/Hatch/Feinstein/Thurmond/Cantwell/Grassley/Edwards/Kyl/DeWine/Sessions/McConnell/Brownback].

S. 2798, Employee Abuse Prevention Act of 2002 [Durbin/Leahy/Kennedy].

S. 2820, To increase the priority for employee wages and benefits in bankruptcy [Carnahan/Leahy/Kennedy].

S. 2901, Corporate Accountability in Bankruptcy Act [Grassley/Leahy].

S. 1655, Captive Exotic Animal Protection Act of 2001 [Biden/Feinstein/Durbin/Kohl/Cantwell].

S. 2742, Border Commuter Student Act of 2002 [Hutchison/Schumer/Cantwell].

S. 2934, To Amend the charter of the American Legion [Johnson].

H.R. 3988, To Amend the charter of the American Legion [Gekas].

S. Con. Res. 139, "National Minority Health and Health Disparities Month" [Torricelli].

H. Con. Res. 388, "National Minority Health and Health Disparities Month" [Christensen].

S. Res. 326, "National Mammography Day" October 18, 2002 [Biden/Leahy/Hatch/Kennedy/Thurmond/Grassley/Specter/Durbin/DeWine/Cantwell/Brownback].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 19, 2002, at 2 p.m., to hold a nomination hearing.

Agenda

Nominees

Panel 1: Mr. C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation; Mr. Ned Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation; Mrs. Diane Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation; and Mr. Samuel Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

Panel 2: The Honorable Wendy Chamberlin, of Virginia, to be Assistant Administrator of the Agency for International Development for Asia and the Near East and Ms. Nancy Jacklin, of New York, to be United States Executive Director of the International Monetary Fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 19, 2002, at 10 a.m. and 2:30 p.m., to hold a joint open hearing with the House Permanent Select Committee on Intelligence regarding the joint inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGING

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 19, 2002, from 9:30 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing regarding Disease Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on "Oversight of Enforcement of the Antitrust Laws" on Thursday, September 19, 2002, at 1:30 p.m., in room 226 of the Dirksen Senate Office Building.

Tentative Witness List: The Honorable Charles James, Assistant Attorney General, Antitrust Division, U.S. Department of Justice, Washington, DC and the Honorable Timothy J. Muris, Chairman, Federal Trade Commission, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 19, 2002, at 2:15 p.m., in SD–366. The purpose of this hearing is to receive testimony on the following bills:

S. 2623, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes;

S. 2640 and H.R. 3421, to provide for adequate school facilities in Yosemite National Park, and for other purposes;

S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes;

S. 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota;

S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes;

H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; and

H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

ORDER OF BUSINESS

Mr. REID. Madam President, we are going to talk about Monday's schedule, Tuesday's schedule, and then tomorrow's schedule.

ORDERS FOR MONDAY, SEPTEMBER 23, 2002

Mr. REID. Madam President, I ask unanimous consent that at 3:30 p.m., Monday, September 23, the Senate resume consideration of H.R. 5093, the Interior appropriations bill and resume consideration of the Dodd amendment No. 4522; that there be 60 minutes of debate with respect to the Dodd amendment prior to a vote in relation to the amendment, with the time until 4:30 p.m. equally divided and controlled between Senators DODD, INOUYE, and CAMPBELL or their designees; that no amendment be in order to the Dodd amendment prior to a vote in relation to the amendment; that at 4:30 p.m., the amendment be temporarily set aside and the Senate then proceed to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the Byrd amendment No. 4480; that the motion to proceed be agreed to and the motion to reconsider be agreed to, and there then be 60 minutes for debate prior to a vote on cloture with respect to the Byrd amendment No. 4480, with the time equally divided and controlled between the two leaders or their designees; that at 5:30 p.m., without further intervening action or debate, the Senate resume consideration of the Dodd amendment No. 4522 and vote in relation to the amendment; that immediately following the vote with respect to the Dodd amendment, regardless of the outcome of the vote, the Senate vote on the motion to invoke cloture on the Byrd amendment No. 4480; that if cloture is not invoked and the Dodd amendment has not been disposed of, then the Senate resume consideration of the amendment, and it remain debatable and amendable; and that on Monday the Senate resume consideration of H.R. 5005, the homeland security bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 24, 2002

Mr. REID. Madam President, I ask unanimous consent that at 9:30 a.m., Tuesday, September 24, the Senate resume consideration of H.R. 5005, the homeland defense legislation, and resume consideration of the Byrd amendment No. 4644; that the second-degree amendment be withdrawn once this agreement is entered; that there be a total of 60 minutes for debate with respect to the amendment; with the time divided as follows: 45 minutes under the control of Senator BYRD or his designee, and 15 minutes equally divided and controlled between Senators LIEBERMAN and THOMPSON or their designees; that upon the use or yielding back of time, without any further intervening action or debate, the Senate proceed to vote on the Byrd first-degree amendment; that upon disposition of the Byrd amendment, the Senate proceed to a period of morning business until 12:30 p.m., for the purpose of tributes to Senator STROM THURMOND, with Senators permitted to speak for up to 10 minutes each; that the Senate stand in recess from 12:30 p.m. until 2 p.m., for the regular party conferences; that at 2 p.m., the Senate resume consideration of the Lieberman-McCain amendment No. 4694 and there be 15 minutes remaining for debate prior to a vote in relation to the amendment, with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate vote in relation to the amendment, with no second-degree amendment in order prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, after consultation with the Chairman of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of Jack L. Hillyard, of Iowa, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel.

ORDERS FOR FRIDAY, SEPTEMBER 20, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 10 a.m., Friday, September 20; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 10:30 a.m., the Senate proceed to executive session to consider Calendar No. 1006, and vote on the nomination, with no intervening action or debate; further, that it be in order to request the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. REID. Madam President, I ask unanimous consent that following the disposition of the nomination, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session, and there be a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, the next rollcall vote will occur on Friday at 10:30 a.m. on the confirmation of Reena Raggi, to be United States Circuit Judge for the Second Circuit.

EXTENDING THE SENATE'S APPRECIATION TO THE STAFF

Mr. REID. Madam President, I would like to—we do not do this nearly often enough—extend our appreciation, that of the Senate, to the staff. This reading that I have done in the last few minutes has taken hours to accomplish. This is probably the 15th time they have typed this. We thought we had it done on a number of different occasions, and because of people's schedules and other things Senators wanted, they had to retype it again and again and again.

So I appreciate their patience. And I am sorry it took so long. I really wish we were accomplishing more with all of this work because, as a body, we have not accomplished too much, but we are moving on the best we can.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, it appears there is nothing further to come before the Senate. I therefore ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Friday, September 20, 2002, at 10 a.m.

EXTENSIONS OF REMARKS

RICHARD KOOB ASCENDS TO PRESIDENT OF NATIONAL FINANCIAL ADVISORS GROUP

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. KLECZKA. Mr. Speaker, today I wish to congratulate my good friend Richard A. Koob on his installation in Charlotte, North Carolina as President of the National Association of Insurance and Financial Advisors (NAIFA). My best wishes go out to him as he takes the reins of leadership for this prestigious organization.

Mr. Koob has been a Financial Representative for the Northwestern Financial Network since 1967, having become a member while he was still in college. Over the course of his distinguished career, Dick has received numerous awards, including the Wisconsin State Association of Life Underwriters Distinguished Service Award. He is a two-time honoree of the Waukesha Association of Life Underwriters Distinguished Service Award, and has been recipient of the National Association of Life Underwriters National Quality Award for 26 years, and its National Sales Achievement Award for 18 years. He is also a 26-year member of the Million Dollar Round Table.

In addition to his involvement in NAIFA, Richard Koob has played key roles in numerous professional organizations throughout his career, including director of the Wisconsin State Association of Life Underwriters Committee on Political Action. Despite his busy schedule, he has also found time to be active in his community, being involved with a number of groups, such as the Lions International Foundation, the Knights of Columbus, and the Waukesha Chamber of Commerce. Dick has also served as vice-president of his Parish Council and as chair of Catholic Memorial High School's Crusader Auctions. A U.S. Army veteran, he was a recipient of the Governors Award for Outstanding Service.

Dick Koob has dedicated his life to service; to his clients, to his community, and to his country. I have no doubt that he will provide outstanding leadership to NAIFA as its new president, and I join with his wife Judy, his children Kimberly, Melissa and Christopher, his colleagues and his many friends in offering my warm congratulations, and my best wishes as he takes on this new challenge.

HONORING CHANDLER ELEMENTARY SCHOOL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Chandler Elementary School in recognition of their outstanding work in the production of "Jason McDaniel Is a Mean Little Boy!" Mark Scarpelli and Dan Kehde wrote this play.

The "Talk Back Staff" provided an opportunity for students to promote respect and self-esteem in a creative way. Their dedication to the children of Chandler Elementary is to be commended.

The cast members, composed of kindergarten through fifth grade students, should be proud of their outstanding performance. They used their skills and talents to show how they may be able to influence others to solve problems without using violence.

Kanawha County Schools, faculty, and staff upheld the goal of this play to help equip the children with proper attitudes and understanding in the efforts to stop harmful effects of the negative images in our media.

Mr. Speaker, I urge my colleagues to join me in congratulating Chandler Elementary School on a job well done.

HONORING THE PEOPLE OF OUTBACK STEAKHOUSE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize the people of Outback Steakhouse for their strong support of our brave troops fighting the war on terrorism. Fifteen employees from Outback restaurants flew more than 7,000 miles to Afghanistan to prepare 6,700 steaks, 30,000 shrimp, and 3,000 giant onions for our courageous men and women. The members of "Mission Outback" as it was called, arrived in a C–17 at the Kandahar Airport with one objective: to deliver a message of appreciation from back home in the form of deep-fried onions, Rib-Eye steaks, grilled shrimp, french fries, mixed vegetables, and cheesecake. The thousands of military men and women could not have been more excited and thankful for the delicious taste of home.

This philanthropic concept was born by the CEO of Outback, Chris Sullivan, whose compassion and generosity made the steak dinner possible. Together with Central Command at MacDill Air Force Base, Outback had to coordinate the transport of thousands of pounds of food and the military clearance of fifteen people to cook in a war zone across the globe.

Similar to our military missions in Afghanistan, "Mission Outback" was brief and on-target. The employees were in Kandahar for three days, preparing food almost the entire time.

Outback Steakhouse has had a long history of providing assistance to our great nation. Most recently, the chain of Outback restaurants raised over $8.5 million for Dine-Out for America, a nation-wide fundraising event for victims of the September 11th terrorist attacks. The money went directly to the American Red Cross and its Liberty Disaster Relief Fund.

Mr. Speaker, there is no question that I speak for the thousands of troops in Afghanistan in thanking the people of Outback Steakhouse for their service to the United States and I ask that Congress join me in recognizing their exceptional contributions to our men and women in uniform.

BIG-TIME OOPS!

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. FRANK. Mr. Speaker, when I became the representative of a district with significant commercial fishing activity after the 1992 redistricting, I became aware of a strong view among many who fish for a living that the quality of scientific knowledge on which fishing regulation was based left a great deal to be desired. In particular, fishermen have from time to time argued that their experience has demonstrated that there were in fact more fish than the regulators were counting. No one has greater interest in the sustainability of our fisheries than the fishermen themselves, and I was therefore impressed with the force of their arguments. My willingness to listen to their arguments was not based simply on this predisposition, but rather on the very convincing factual cases they made. Because of their persuasive arguments, I have in two instances, worked with people in the fishing industry to secure funds for independent research, and in both of these cases the results were to confirm that the fishermen were right and that there were in fact far more fish available—in part as a result of sensible conservation practices—than previous science had indicated.

Most recently, fishermen were hit with a very restrictive decision by Judge Gladys Kessler which threatens the ability of many in this industry to make a living, and which threatens also very importantly to drive up the price of this important protein rich commodity for consumers by severely restricting the catch. Once again many fishermen expressed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

some skepticism about the science on which these restrictions were based.

Recently, that skepticism has been dramatically confirmed. The National Marine Fisheries Service announced last week that the data about the amount of fish in New England waters on which recent decisions have been based was flawed, which argues strongly that there is in fact a greater stock available than previously maintained by NMFS. Specifically, as the New Bedford Standard Times summarized in its recent editorial, "The NMFS scientist did not properly calibrate the trawl they use for annual fall and spring surveys in New England waters. One side of the trawl had a cable much longer than the other side, making it impossible for the gear to efficiently gather groundfish."

Mr. Speaker, I ask that this very thoughtful editorial by the New Bedford Standard Times be inserted here, because I know it strikes this important point, and argues thoughtfully and persuasively for NMFS to follow its admission of error with corrective action. Further, Mr. Speaker, when this House debates the renewal of the sustainable fisheries act, known as the Magnuson Act, this admission by NMFS that it had seriously undercounted the amount of fish in New England waters will be relevant as I and others talk about the need to revise fishing regulation in a manner that will make it less likely that unnecessary restrictions will be imposed on hardworking people based on faulty data.

[From the Sunday Standard Times, Sept. 15, 2002]

NMFS HAS YET ANOTHER REASON FOR COOPERATION

What a relief it must have been for hundreds of commercial fishermen in New Bedford and throughout New England this week when scientists at the National Marine Fisheries Service in Woods Hole announced that their data for the last two years was flawed.

Big-time oops!

There's nothing as satisfying as learning that you aren't crazy after wondering whether you are.

Many of our region's fishermen must have thought they were going crazy, as they pulled up increasing numbers of groundfish in the last two years, but were told by scientists that many groundfish species were not recovering from decades of overfishing.

The NMFS scientists did not properly calibrate the trawl they use for annual fall and spring surveys in New England waters. One side of the trawl had a cable much longer than the other side, making it impossible for the gear to efficiently gather groundfish. It also made it impossible for the data from these two years to be compared with data from previous years.

The NMFS admission is particularly important because this region's fishermen are now under some of the strictest regulations they have ever experienced. How this mistake will affect those regulations remains an open question.

But the National Marine Fisheries Service should take this as a strong sign that more fishermen need to be involved with scientific research for the sake of the fishermen, the scientists, and overall accuracy in reporting fish numbers.

Just as there have been federal science observers on fishing boats, there should be fishermen observing the scientific methods used aboard federal trawl survey boats. Environmental advocates also should be part of the review as another check and balance.

NMFS would be wise to quickly establish a review panel consisting of fishermen, gear experts, environmental observers and scientists to examine the data in question and determine the changes that are needed in current fishing regulations based on these errors. Do we allow more fishing of some species, less, or wait for new data?

And it wouldn't hurt for scientists from the Northeast Fisheries Science Center to make a humble and public apology to fishermen for the error that could have a significant effect on their lives, their families and the port communities where they live.

TIME FOR REGIME CHANGE IN BURMA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate September 18th, 2002, the 14 year anniversary of one of freedom's great tragedies. On this day in 1988, a military regime assumed power in the country of Burma during a brutal crackdown, slaughtering approximately 10,000 nonviolent demonstrators in the streets of Rangoon and throughout the nation over a period of months. Were these demonstrators committing some crime? Had they broken the law of the land? Were they planning some heinous act of treason?

The answer is no on all three counts—they did not, had not, and were not.

The people of Burma are guilty only of sacrificing for the same dreams that have summoned greatness in men and women alike throughout history: freedom, democracy, and human rights. As Burma's 1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi has said, ". . . even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man."

September 18th, 1988 was not only a tragedy, however. It was also a day of great hope. Since 1988, the Burmese people's courage has never for one instant waned or even cooled. In 1990, despite harassment, arrest, and intimidation, the National League for Democracy was voted into power with an astounding 82% of the seats in parliament. We members of Congress, as elected officials, in particular should understand the uniqueness of this victory. I know most of my colleagues in this building would do anything for that kind of mandate. In 1991, 1996, and 1998, the people of Burma and the National League for Democracy demanded recognition of this election with demonstrations and party gatherings that resulted in widespread arrests and subsequent torture. And, in August of this year, Burmese students again took to the streets in Rangoon, calling for the release of all of Burma's political prisoners.

We know from our own history that the struggle for freedom is not easy nor is it without sacrifice. The sudden rush of change might come at any time, whether through the crumbling of a wall or a crowd's deafening cry for democracy in the streets. We do know, however, that the United States of America has always stood for the principles that our nation was founded upon, and we will continue to support those that share our dreams.

Burma's military regime should be put on notice that the United States will neither forget September 18th, and what it represents for the Burmese people, nor tire in our belief in freedom. Most importantly, the regime should also know that many of us in the United States Congress are growing weary of the constant stalling and delaying of a full-scale political dialogue that includes Burma's ethnic nationalities. Now is the time for change in Burma and I urge my colleagues to join me in calling for that change.

TRIBUTE TO ALLEN LEFKO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that a longtime community and business leader in Jackson County, MO, will be receiving the Humanitarian of the Year Award at the Truman Heartland Community Foundation annual gala dinner, "A Salute to Hometown Heroes." Mr. Allen Lefko has demonstrated a strong commitment to the area and its economic development and has helped to ensure a brighter future for all residents and businesses.

Mr. Lefko has developed and maintained an excellent reputation through the years by his many achievements. He is the founder, President, and CEO of Noland Road Bank; Chairman of the Board and CEO of the Bank of Grain Valley and Grain Valley Bancshares, Incorporated; President of the Independence Chamber of Commerce Board of Directors; President of the Independence Rotary Club; member of the Independence Regional Health Center Board of Trustees; founder, President, and Treasurer of the Association for Industrial Development for Independence; President of the Suburban Banker Association and the Kansas City Clearing House Association; President of the Grain Valley Economic Development Council; and Choices program sponsor and instructor.

Mr. Lefko has volunteered much of his time to the communities of eastern Jackson County. He has served on many YMCA and Boy Scout committees and has been engaged in such important committees and boards as the Grain Valley Arts and Beautification Council Fund, Grain Valley Senior Citizens Nutrition Program Fund, and the Association for Industrial Development for Independence Scholarship Fund. Mr. Lefko has also participated in the I-Share Campaign, the selection of Rotary/City of Independence Teacher's Truman Scholarship Fund recipients, Independence and Grain Valley Chambers of Commerce, the Board of Directors of the Grain Valley Assistance Council, and he was an auctioneer for the Grain Valley Assistance Council annual fund drive.

Mr. Speaker, I am certain that my colleagues will join me in wishing Allen Lefko all the best. We thank him for over 40 years of dedicated service to eastern Jackson County.

AMENDING LEGAL DEFINITION OF LEWIS AND CLARK NATIONAL HISTORIC TRAIL

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. HILL. Mr. Speaker, today, I have introduced legislation that will amend the legal definition of the Lewis and Clark National Historic Trail to include the expedition's route between Wood River, Illinois and the Falls of the Ohio, which rests between Clarksville, Indiana and Louisville, Kentucky.

I am grateful that representatives ANNE NORTHUP and MARK SOUDER have joined me as original cosponsors of the Bill. Senator EVAN BAYH of Indiana is also introducing companion legislation in the Senate.

In October 1803, Meriwether Lewis and William Clark first met at the Falls of the Ohio, recruited the first members of the Corps of Discovery and departed for the west from Clarksville, Indiana on October 26, 1803.

Our country will begin commemorating the bicentennial of the Lewis and Clark expedition next year. Southern Indiana and Louisville, Kentucky will host a "National Signature Event" to mark the important events that happened at the Falls of the Ohio.

Mr. Speaker, the upcoming bicentennial has caused many of us to more carefully examine the history of the Lewis and Clark Expedition. We discovered that many important sites like the Falls of the Ohio have not been properly recognized in the past. The Falls of the Ohio State Park in Indiana and historic Locust Grove in Louisville, Kentucky have now been certified by the National Park Service as official sites associated with the Lewis and Clark National Historic Trail.

However, there is now a disconnect between the legal definition of the Lewis and Clark National Historic Trail passed by Congress in 1978 and the sites that have been certified by the National Park Service as significant to the Lewis and Clark story. This bill will extend the Trail corridor to include important sites between Wood River and the Falls of the Ohio.

It will also do more than correct current law to include sites that both the Park Service and Lewis and Clark scholars have noted as significant. By extending the official Trail to include more Eastern sites, a larger portion of the U.S. Population will be within driving distance of the Trail. This means more people in the east will learn about the Lewis and Clark story and be more likely to make a point of exploring Western segments of the Trail. this will significantly boost tourism all along the Lewis and Clark Trail.

Mr. Speaker, this amendment to the National Trails System Act is long overdue. With the upcoming Lewis and Clark bicentennial only months away, this is the perfect time to ensure the Lewis and Clark Trail properly reflects the expedition's history. I hope the House will soon consider this legislation and pass it into law.

FOURTEENTH ANNIVERSARY OF BLOODY END OF DEMOCRACY IN BURMA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. LANTOS. Mr. Speaker, I rise today to invite my colleagues to commemorate a very sad day in Burma. Today, September 18th, marks the 14-year anniversary of the Burmese military regime's bloody takeover of Burma, after gunning down an estimated 10,000 nonviolent demonstrators throughout the country. Since that awful day, the Burmese people, led by the courageous 1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi, have against great odds never given up their hope, their belief, and their struggle for the kind of freedom we have enjoyed in this country. This struggle was enshrined into political reality when Daw Aung San Suu Kyi and the National League for Democracy won a democratic election in 1990 with 82% of the seats in parliament—a landslide election the regime has never recognized.

Today, I commend the 50 million people of Burma on their struggle, and call on them to never give up their passionate belief that freedom and democracy should not be reserved for a small number of western nations, but extended to all men and women. Freedom and democracy are your rights. You struggle on the side of truth, and sooner or later, truth always triumphs over darkness.

Recently, our hopes for change in Burma were raised. In May of this year, just as my colleagues and I in the U.S. Congress were strongly considering to greatly expand international pressure on the regime, Daw Aung San Suu Kyi was released from 19 months of house arrest. At the time, we hoped that her release signaled the start of a tripartite political dialogue in Burma that would include the regime, ethnic nationalities, and the National League for Democracy. My distinguished colleague and chair of the House International Relations Committee, Henry Hyde, and I stated, "It is our hope that Daw Aung San Suu Kyi's release represents the dawn of a new era in Burmese history. However, first the junta must demonstrate through concrete actions a serious and consistent commitment to national reconciliation."

However, we were proven right to be cautious. The junta has yet to show a serious commitment to these discussions, which still must yield tangible reforms and changes toward democracy. It would be a tragedy if the release of Daw Aung San Suu Kyi ended up mere window dressing for an ongoing litany of abuse. The regime has stonewalled the NLD in its efforts to commence a political dialogue and refused to release all political prisoners while factual reports of an intensified campaign of systematic rapes, massacres, and arrests have increased. The regime terrorizes its own population with particular brutality in the country's ethnic areas, where its soldiers continue to facilitate the drug trade.

I am especially frustrated by the regime's refusal to extradite Khun Sa and other drug lords and end its complicity in production of the methamphetamines and heroin that are destroying the lives of people around the world. Those who have watched this regime's untrustworthy leaders over years know that we must rely on actions rather than words. The regime has not complied with our efforts to stop the global flow of drugs. As long as this narco-regime stays in power, it can expect to receive no assistance from the United States.

Fourteen years is far too long for freedom, and we absolutely must lend our vocal public support to the Burmese people's struggle for freedom. It is time the United States and the international community see through the regime's smoke and mirrors and again move to increase concrete political and economic pressure.

OBSERVING NATIONAL POW/MIA RECOGNITION DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. HOYER. Mr. Speaker, I rise today in observance of National POW/MIA Recognition Day.

Many of the ideals and beliefs that form the backbone of our nation continue to flourish in large part because of the great perseverance and dedication of our nation's armed forces. Unfortunately, as we all know, during war and even smaller armed conflicts there inevitably are troops killed, as well as troops captured by enemy forces or who become missing in action.

It is important that communities regularly honor not only those brave soldiers who risked their lives and were killed, but also remember those who became either missing or prisoners of war. We must show them and their families the appropriate appreciation for their willingness to make the ultimate sacrifice to defend and preserve the democratic principles held so close to the hearts of all Americans.

About one year ago, on September 21st, President G.W. Bush declared that day as National POW/MIA Recognition Day. By establishing a national day of recognition, we have ensured that this country will formally honor every year those soldiers who were captured by the enemy or fallen missing in battle while serving their country.

The establishment and observance of a day of recognition for our prisoners of war and those missing in action is of great importance for the estimated 43,000 retired servicemen who were previously missing or held prisoner and who fortunately were able to return to the United States. It is just as important for the families and loved ones of those who remain unaccounted for or possibly are still in captivity.

Throughout our nation's history the men and women of the armed services have courageously risen to the call of duty ignoring whatever trepidation they may have for their own safety and security. While the numbers who have perished in the line of duty is a tremendous loss, there are also astounding numbers of those who continue to be listed MIA or as POWs.

Our friends and our neighbors, and even some of our elected officials, are former POWs or were listed MIA during their service. More than one-forth of the American soldiers held prisoner in the past five US conflicts were released by the enemy and returned to the United States again.

World War I, World War II, the Korean War, the Vietnam War, the Cold War era, Operation Desert Storm, and the Kosovo campaign all resulted in soldiers listed as MIA or POW.

Records show that approximately 143,000 Americans were captured and interned during those conflicts. This number includes 81 women seized on Guam or in the Philippines during World War II, and 2 during the Gulf War. Of these 143,000 American soldiers approximately 125,200 have since been returned to United States military control. That leaves almost 20,000 souls unaccounted for from America's 20th century wars and armed conflicts.

As our country wages the war on terrorism and we debate whether to go to war against Iraq, it is more important than ever to remember past sacrifices made by the men and women of America's armed forces. It is crucial to the continued high morale of our military and the peace of mind of missing soldiers' families that we offer our support—we must be clear that their loved ones' efforts were not in vain.

Mr. Speaker, I urge my colleagues, the people of Maryland and citizens around the country to celebrate and honor those who have selflessly dedicated their lives to serving their country and have, as a result, been either imprisoned or remain missing. This country owes a debt of gratitude to the current and former POW and MIA soldiers of the United States armed forces.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday September 11, 2001

Mr. CRANE. Mr. Speaker, Last week it was my high honor and privilege to join my colleagues in the House and Senate for a Commemorative Joint Session of Congress in New York City to honor the victims and heroes of September 11th.

While we Members of Congress are often engaged in abrasive confrontation, today I look around and see total unity, total recognition that whether Republican or Democrat, we are first and foremost Americans, and the common values we share far outweigh those we do not.

This is the same expression of unity demonstrated by Americans across the country on the days following the terrorist attacks on September 11th. I find comfort in the knowledge that it represents a promise that we will not back down from preserving our freedoms and protecting our homeland from those who wish to destroy our way of life.

And as we revisit some of the darkest moments in our nation's history, we must remember that our Nation has always been one that has triumphed over adversity. Indeed, I think it is fair to say that at times of great despair, America has consistently risen to its greatest hours.

So in remembrance of those lives lost on September 11th, I would like to conclude with some words from President Lincoln's Gettysburg Address:

> "that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion * * * that we here highly resolve that these dead shall not have died in vain * * * that this nation, under God, shall have a new birth of freedom * * * and that government of the people * * *by the people * * * for the people * * * shall not perish from the earth."

HONORING GEORGE GODDARD

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my constituent George Goddard who died on August 15, 2002, from injuries sustained in an automobile accident.

Mr. Goddard was born in Chicago in 1923. After graduating from Yale with a commission as Lt. (jg) in the U.S. Navy, he served on board the communications ship USS *Panamint,* which, during World War II, took the Japanese surrender of the island of Hokkaido.

After moving to Massachusetts in 1948, Mr. Goddard studied architecture at the Harvard School of Design where he was influenced by Walter Gropius and Mies van der Rohe. He moved to Belvedere in Marin County, CA, with his growing family and started his architectural career with Skidmore, Owens and Merrill. He later practiced independently and as a planning consultant designing teaching hospitals and medical and dental schools.

As a lifelong activist in social, political, and conservation causes, George stayed involved. He served on the Belvedere Planning Committee and played an integral role in acquiring Richardson Bay tidelands to save them from development. He also served as supervising architect during the move by barge of Lyford House, an 1870s dairy residence about to fall under the wrecker's ball, to its current home at the Richardson Bay Audubon Sanctuary.

George Goddard loved hiking, backpacking, sailing, and politics. In the 1990s, he organized a group of fellow navy officers into what became known as the Liars Club. Calling themselves Admirals, they met periodically to embellish their war experiences. As no one paid any attention to anyone else, they could go on for years retelling the same enhanced stories. He is survived by his wife Sheret, six children, two grandsons, and six stepchildren.

Mr. Speaker, Mr. Goddard was a valued member of the Marin community who will be missed by all who had the opportunity to know him.

EXPERIENCE WORKS

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to acknowledge Experience Works, a nonprofit organization that provides training, employment, and community service opportunities for mature workers.

Experience Works provides a valuable service to seniors thru various programs designed to help them enter the workforce, secure a more challenging position, move into a new career, or supplement their income. These services are provided to more than 125,000 people each year thru their offices located in 44 states nationwide and in Puerto Rico. Experience Works programs are funded by more than 75 public and private sources, and are the largest grantee of the federal government's Senior Community Service Employment Program (SCSEP). Through their work, they provide seniors the tools to use their many talents to help others in various settings.

Mr. Speaker, I would also like to give special recognition to the 2002 Blair County Outstanding Older Worker, Romaine Fleming, and Martin's Food Store, the 2002 Blair County Outstanding Employer of Older Workers. Ms. Fleming was selected for her long-standing contributions to the community. Her most notable contribution is her 34 years of dedicated service to Child Advocates of Blair County, Inc. Ms. Fleming is an inspiration to all those she works with and those she helps in her day to day activities. I congratulate her on this well deserved recognition and thank her for her service to the community of Blair County. I would also like to extend my congratulations for their recognition and my thanks to Martin's Food Store for their outstanding contributions to the community as well. They are an organization that displays a strong respect for mature workers and recognizes all the benefits this workforce can bring to an institution and a community. Their desire to secure older workers demonstrates their belief that the experience and reliability of these workers can add incredible strength to any organization.

I would like to again extend my thanks to Experience Works for all their hard work and contributions they provide the older workers in this country and congratulate Romaine Fleming and Martin's Food Store for their recognition as the 2002 Blair County Outstanding Older Worker and Outstanding Employer of Older Workers, respectively. I wish them all the best of luck as they continue to enrich the lives of others, as well as their own, through their many contributions.

ECOSYSTEM RESTORATION IN THE APPALACHIAN AND NORTHEAST REGIONS

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SHERWOOD. Mr. Speaker, I rise to introduce legislation to authorize the Army

Corps of Engineers to execute thousands of required small aquatic ecosystem restoration projects in the Appalachian region and the Northeastern United States. Currently, the region is estimated to have over 54,000 miles of impaired streams, rivers and coastline. In the Commonwealth of Pennsylvania alone 7,261 miles of streams and rivers out of 54,000 miles are classified as impaired. Of this amount 2,711 miles (37 percent) are impaired due to abandoned mine drainage. Contaminated water emanating from abandoned coal mines is one of the most severe and long lasting water pollution and habitat degradation problems in the Appalachian region. Pennsylvania has estimated cost to restore habitat and remediate water quality problems caused by Abandoned Mine Drainage (AMD) is in excess of $3.8 billion. The Pennsylvania Fish and Boat Commission estimates the economic loss to fisheries and recreation of the 2,711 miles impacted by mine drainage is approximately $67 million annually.

Moreover, using data from the Environmental Protection Agency, it is apparent the extent of just the aquatic ecosystem problems is enormous; the extent of degraded contributing land resources is likewise of tremendous scope. For example, West Virginia has 6,213 miles of impaired waters, 69 percent of which, are caused by mine drainage. In both Maryland and New Jersey greater than 25 percent of all surface waters are considered impaired. In New Jersey 76 percent of the impaired waters have impaired aquatic life. New York State has 3,324 miles of impaired waters. Connecticut has 4,119 miles of impaired streams and coastline. Vermont has 757 miles of impaired streams and 21,376 acres of impaired lakes, 43 percent of these have impaired aquatic life. New Hampshire and Maine combined have 3,588 miles of impaired streams/coastline and over 290,000 acres of impaired lakes. Correcting these problems will require both innovative solutions and a broad ecosystem based approach that considers both the waterways, and the land issues contributing to water degradation.

The intent of this legislative proposal is to establish a pilot program, with broad authority for comprehensive restoration in the Appalachian, New England, and Mid-Atlantic Regions of the United States. This authority will begin to address the longstanding problems of abandoned mine drainage and other non-point sources of pollution currently impairing water quality and species diversity on the region. The program is intended to provide seamless authority for the Corps of Engineers to plan, design and implement small ecosystem restoration projects in cooperation with non-Federal partners including States, local Governments and non-profit organizations. The cost sharing provisions of this authority are consistent with other Corps of Engineers continuing authorities and include innovative provisions to allow pilot testing of innovative technologies, allow non-Federal sponsorship by non-profit organizations, and allow non-Federal sponsors credit for in-kind services performed during the feasibility study phase of a project.

The total cost of the proposed legislation over the authorized six year term is $200,000,000. This amount will not solve the regions' total ecosystem restoration needs but it will contribute substantially to meeting these needs and add to the overall non-Federal efforts currently in process. The estimated benefits of this program include improved water quality, restored ecosystem habitat and increased species diversity, both aquatic and terrestrial, economic benefits associated with restoration of stream and river fisheries, and other intangible benefits to communities associated with the visual improvement of environmental surroundings. This program will also provide much needed technical assistance to States and local communities in the assessment of environmental problems and the development of restoration strategies using the Corps' state of the art watershed modeling techniques and experience gained in environmental restoration.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Ms. McCOLLUM. Mr. Speaker, I rise today in memory of the events of September 11th.

One year ago America suffered a horrible act of terrorism in New York, at the Pentagon and in Pennsylvania. Four planes, filled with innocent Americans, were turned into weapons at the hands of men filled with anger and hate, intent on bringing death and destruction to our great country. It is a day none of us will ever forget.

As the United States moves forward, we must remember those who died on September 11th, as well as the acts of heroism, valor and courage displayed on that day and the weeks and months to follow. I continue to find inspiration in the efforts of all Americans who risked their lives to save and heal their neighbors, co-workers, and strangers in need.

Let us also not forget the men and women in our armed forces who today are engaged in a campaign against terrorism, fighting to protect our freedom and seeking justice against those who attacked us. Their continued valor is a testament to the will and resolve of our great nation.

We will continue to pray for the victims and their families as we re-build the communities affected by those terrible acts of violence. Today, one year after this horrific act of terrorism, we, as Americans, re-affirm our highest beliefs in freedom, democracy and justice.

MARKING THE 14TH ANNIVERSARY OF BLOODY RISE TO POWER OF MILITARY DICTATORSHIP IN BURMA

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. EVANS. Mr. Speaker, today marks the fourteenth anniversary of the bloody rise to power of the military dictatorship in Burma. This despotic regime has denied its people basic liberties and freedoms including democratic representation, free speech, and an independent press. Allegations have also come to light that this regime has used the mass rape of women and children to instill fear. They have imprisoned and murdered thousands of their political opponents and closed thirty universities since 1995 to suppress popular student opposition.

I would like to speak specifically to the issue of labor rights in Burma. It is an undisputed fact that the Government of Burma has forced thousands of its citizens into forced labor. Bonded servitude is woven into the social fabric of many nations, but in Burma it is even more contemptuous because it is nothing more than slavery at its core and it is sanctioned by the government and employed by its military.

For many years, international organizations including the International Labor Organization, the International Confederation of Free Trade Unions, and the United Nations Commission on Human Rights have attempted to get the regime to emancipate it's slaves. Burma has flaunted international sanctions and continues to be uncooperative and deny access to human rights organizations investigating these and many other human rights abuses.

Burma's military regime emphatically rejects core labor rights including prohibitions on child labor, forced labor, and freedom of association. This is even more disconcerting because the military elite prop up a system of sweatshops producing textile products for western markets. Even under strict quotas, Burmese textile exports have exploded into the U.S. market creating a direct source of hard currency for the military dictatorship. And there are credible allegations being investigated that many goods skirt sanctions by masking their country of origin.

Textile exports are the life support for the Burmese regime and we need a complete ban on Burmese exports until we see freedom and an end to slavery. I commend my colleagues and the Administration that have stood up for human rights in Burma and kept the pressure on the regime. Now is not the time to relax sanctions, but instead tighten the noose on one of the world's worst totalitarian governments.

SBA 504 AND 7(a) LOAN PROGRAM SUBSIDY RATE CALCULATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. ISSA. Mr. Speaker, I rise today because I am concerned about the effects of an unjust tax on borrowers. Every time the Small Business Administration makes a 504 or 7(a) loan, the borrower pays an arbitrary and unnecessary fee.

The subsidy rates for the 504 and 7(a) have not reflected the actual performance of these loan portfolios over the past 11 years since the passage of the Credit Reform Act in 1990. The House Small Business Committee has repeatedly raised this issue with the Office of Management and Budget. OMB continues to use a flawed methodology to determine the cost of these loan programs to the government and SBA borrowers are forced to pay excessive fees that, since 1999, have totaled nearly $2 billion.

Today, the typical SBA 504 borrower pays more than $10,000 in excess fees and the typical 7(a) borrower pays more than $2000 in excess fees to the government because OMB fails to accurately determine the subsidy rates of these loans. Congress never gave OMB the right to impose a $10,000 tax on every 504 borrower or a $2000 tax on every 7(a) borrower. Yet that is what OMB is doing by continually overstating these subsidy rates.

The SBA is responsible for more than 40 percent of all long-term lending to small businesses. The inability of OMB to accurately estimate the cost of subsidizing small business loans draws needed resources from the very businesses these programs are intended to assist.

Mr. Speaker, this problem is not a partisan problem. It has existed throughout the previous administration and the current administration. It requires immediate action. It is time to require OMB to recalculate the 7(a) and 504 program subsidy rates for FY 2003.

RECOGNITION TO NORMA BRITO TODD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend and constituent of the Sixth District of New Jersey. Mrs. Norma Brito Todd, who at 82 years of age, works as the director and coordinator of Lunch Break Inc. in Red Bank, New Jersey is being honored as New Jersey's Outstanding Older Worker.

Mrs. Todd was born in Long Branch, New Jersey on October 6, 1920. She was one of five children born to Joseph Brito, a real estate broker, and Lucy Brito, a homemaker. She grew up in Red Bank and attended River Street School and Red Bank High School. Norma began her college education at North Carolina State College in Durham, NC. She completed her studies at Cortez Peters Business School in Washington, DC. She graduated in 1944.

In Washington, Norma met and shortly thereafter married James Richard Todd. Together they embarked on a thirty-five year career and never-ending adventure in the U.S. Foreign Service, which took them all over the world. Some of their stops over the course of these thirty-five years included:

Cairo, Egypt, where Norma helped administer anti-cholera injections and taught hygiene to local townspeople. Norma had ample time to evacuate, but she chose to remain at her husband's side and assist during this epidemic. The Todd's older daughter, Cynthia, was born in Cairo.

Tel Aviv, Israel, Norma helped her husband distribute Social Security checks to retired Americans living in remote places in Israel. The Todd's second daughter, Coralle, was born during their stay in Israel.

Now at 81 years of age, Mrs. Norma Todd is the Director and Coordinator of the Lunch Break Program in Red Bank. She has held this position since 1983. She arrives at the center each morning at seven, stating that she needs a little peaceful time to herself before the hustle and bustle of the day begins.

Norma's colleagues describe her as: a mother, a teacher, a friend, or just a shoulder to cry on to those in the community who find themselves in need. She has a sparkle in her eye, and a bounce in her gait. Norma's life mission has always been to help those in need, both young and old. She has always devoted her time to her family and to public service. She has never measured her success by money but rather by her accomplishments throughout the world.

It is with great satisfaction and appreciation that I ask my colleagues to join with me and commend the extraordinary contributions of Mrs. Norma Brito Todd.

SUPPORT DEMOCRACY IN BURMA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. PITTS. Mr. Speaker, today news reports reveal that over 300 Karen villagers fled their homes because State Peace and Development Council soldiers, known to the rest of the world as the government military dictatorship, burned their villages to the ground. Once again, villagers in Burma are living homeless in the jungle.

On September 18, 1988, the military forced its rule on the people of Burma, a rule that has been dominated by severe violence and oppression including rape, the enslavement of children, attacks on ethnic minorities, imprisonment and torture of democratic political opposition groups, and the destruction of homes and villages. The people of Burma have struggled to survive under this brutal regime. On this day of tragic remembrance, the United States and the entire international community must come together to support and assist the Karen, Karenni, Chin, Shan and other people of Burma.

The Burmese regime does not limit its attacks to ethnic minorities, but also brutally oppresses religious minorities. The military invades villages, divides families through forced relocation, and uses rape and murder to subjugate the people. The Karen community in southern Burma has been under severe attack by the Burmese military, particularly this year. Earlier this summer, I shared in a floor speech that I had photographic evidence of a massacre in the Karen State in Burma. The regime's troops brutally killed innocent civilians as they attempted to flee to refugee camps in neighboring Thailand. Despite promises to the international community that it will cease such blatant human rights violations, the regime refuses to take action against those responsible for the massacre. As usual, no investigation into the incident has occurred.

The SPDC regime deceives the international community again and again by saying one thing and then doing another. Recently, the SPDC freed democracy leader and 1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi and promised to permit free political expression in Burma. Since that promise, however, the regime refuses to open a political dialogue with the National League for Democracy and Burma's ethnic communities.

The international community, on behalf of the people of Burma, should make it clear that the oppressive dictators of Burma will no longer be tolerated—we do not want to remember another anniversary of the human rights violations against Burma's people. Instead, next year on this day, we should be celebrating the return of democracy and freedom to the people of Burma.

I urge our Administration and my colleagues in Congress to act to support democracy in Burma and help provide aid to the suffering ethnic minorities. In addition, I urge the international community to press Burma's regime to cease the violence and murder perpetrated against the people and allow the legitimately elected leaders of the country to govern.

FOR BURMESE FREEDOM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. GILMAN. Mr. Speaker, fourteen years ago today the Burmese people rose up and protested, non-violently, against the military regime ruling their country. They marched—students, farmers, monks, academics, journalists and professionals alike—in front of the U.S. Embassy, in Rangoon, to tell the world that they wanted democracy. Our embassy heard their pleas, their shouts for freedom. In a nationwide uprising, that predated that of Tiannamen Square, thousands of brave souls lost their lives, in Rangoon alone. CNN did not record the event—TV coverage then, and today, is not allowed in Burma, unless stage-managed by the regime.

How fortunate the Burmese people are to have a leader, Nobel Peace Prize recipient, Daw Aung San Suu Kyi, who has willingly sacrificed her own freedom for that of her 50 million countrymen and women. Her party, the

National League for Democracy, (NLD) won a free and fair election despite her being under house arrest, in 1990. The people of Burma voted for all which we hold sacred. Fourteen years is a long time to wait to honor the election results and the aspirations of the Burmese people.

The Congress and all administrations since that time, have supported the NLD and Burma's democracy movement. But we have done enough. The regime tells us, through their DC-based lobbyist, that they are willing to cooperate with the U.S. on counter narcotic measures. Evidence points to the contrary. Where is Khun Sa, the infamous drug lord? Although he has been under indictment in the Eastern District of New York for Federal drug violations that include conspiracy, importation of, and possession with intent to distribute heroin in the United States, he is believed to be residing in a military safe house in Rangoon, under a cease fire and amnesty agreement with the military junta. He is free; the Burmese people are not. He joins the generals in living without fear; while the Burmese people do not.

Accordingly, on this day fourteen years after the Burmese people gave their lives for democracy, we ask the world and this Congress for support to continue to pressure the regime until the aspirations of the Burmese people are fulfilled. I urge my colleagues not to forget that, in Burma, a parliamentary chamber has not been filled with an electorate.

Aung San Suu Kyl has said: "What we are concerned about is the freedom of political parties and the freedom of all the people of Burma." If we turn our backs on Burma, if we don't speak out, and act, in support of those who chose democracy, we will be undermining all duly elected public officials, including ourselves.

RECOGNITION OF ROXBOROUGH MEMORIAL HOSPITAL REHABILITATION UNIT DURING NATIONAL REHABILITATION WEEK

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. FATTAH. Mr. Speaker, I rise today to recognize the importance of National Rehabilitation Week, as well as congratulating the accomplishments of the Rehabilitation Unit at Roxborough Memorial Hospital.

Each year, thousands of rehabilitation providers and health and human services agencies join together during the third week in September to celebrate the powers of rehabilitation and share the message that through rehabilitation there is hope, achievement, and success. To answer the need to educate people throughout the United States, Allied Services healthcare system first celebrated National Rehabilitation Week in 1976. What began as a small scale local awareness campaign 26 years ago has steadily grown in scope over the years.

The Rehabilitation Unit at Roxborough Memorial Hospital is dedicated to serving the rehabilitative needs of the Roxborough community. Rehabilitative therapy allows many victims of injury and illness to achieve independence and improved quality of life. Individuals with disabilities have found hope, spirit, and dignity through the service of rehabilitation medicine.

Mr. Speaker, I commend the Rehabilitation Unit at Roxborough Memorial Hospital for their tireless dedication to help patients work to regain strength, confidence, and daily living skills after a disabling injury or illness.

PRESCRIPTION DRUGS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Ms. MILLENDER-McDONALD. Mr. Speaker, our Nation and its seniors are experiencing a crisis regarding Medicare benefits and specifically prescription drugs. This issue is of vital concern to them. Furthermore, in my Congressional District, my constituents consistently raise questions to me about what looms on the horizon as it relates to them obtaining a prescription drug benefit, because the cost of prescription drugs is so high.

At the current time, seniors on fixed incomes are confronted with escalating prices for medication and private companies are offering benefits that are grossly inadequate. Meanwhile, the majority's proposal will force seniors to shop for and buy a private insurance plan.

The truth is, seniors are pawns in the corporate and political game of prescription drugs. They are being forced to choose between buying food or their medication. No matter what choice they make, their health is still imperiled. It is unfair and unconscionable that our seniors are being treated in this manner. They deserve far better treatment.

Democrats support a Medicare prescription drug benefit that covers all seniors under Medicare, a benefit that would be voluntary and universal. I fully support the Democratic proposal, and I also support the proposals put forward by AARP.

If we look at the facts and put aside the rhetoric, the facts are clear. Soaring prices for prescription drugs are putting medicine out of reach for millions of seniors.

We Democrats support a Medicare prescription drug benefit that covers all seniors. Every senior would have access, regardless of where he or she lives and the amount of their income.

However, the House Republican prescription drug plan is a sham proposal that provides no real guarantee at all. Their plan will not cover all seniors. In fact, the benefit will be so limited that it won't be worthwhile for many middle-income seniors to enroll. Moreover, the Republican plan forces seniors to shop for and buy a private insurance plan, making it a hassle for older Americans who will have to contend with insurance plans that come and go.

Democrats know that this model doesn't work. The model didn't work in 1965, and that's why we created Medicare. Even the insurance companies say it won't work—the Health Insurance Association of America has said that they will not offer drug-only policies. Simply put, the Republican plan is guaranteed to fail.

Let me also emphasize that the Republican prescription drug plan does absolutely nothing to slow prescription drug prices from continuing their upward spiral.

It is time for my majority colleagues to come clean. Now is the time to pass a meaningful prescription drug plan that uses Medicare to make drugs affordable and which provides a universal, voluntary benefit for all seniors. If we closely examine the proposals put forward by the majority, it is abundantly clear what they are doing. They say "Lower the cost of prescription drugs now," but that really only translates to "take credit for minimal discounts that are already available."

The facts are crystal clear, the so-called discounts will be nothing more than minimal discounts from programs that are readily available in the marketplace today. Furthermore, these programs advertise far better savings than what they actually offer.

Another mantra being repeated constantly is "guarantee all senior citizens prescription drug coverage," but the translation is "promise seniors an inadequate drug benefit offered by private insurance companies."

At the end of the day, when seniors have to check their bank balances, there is no getting around the reality that an inadequate drug benefit offered by private insurance companies is really no guarantee whatsoever.

Early reports indicate that the Republican plan has major gaps and their prescription drug plan will leave Medicare beneficiaries 100% financially liable for thousands of dollars in drug costs. At the same time insurers can charge whatever they want and discriminate against the most vulnerable, including those with disabilities.

What we must do as Democrats is improve Medicare by providing more choices and savings, not by shifting costs to seniors and limiting the choice of providers.

My seniors are telling me that they think the Republican proposals will not result in more health care providers or more savings. They express deeply held fears that the end result will be a negative shift in costs to seniors, and a conversion of Medicare into a voucher program in which seniors would get a fixed government contribution and in turn would be told to choose a health plan they can afford.

For all the talk about strengthening Medicare for the future, seniors around this great nation are concluding that the ultimate goal is to undermine Medicare by forcing seniors into private insurance and HMOs for drug coverage.

Now is the time to provide a Medicare prescription drug benefit. Democrats are ready, willing and able to provide seniors with a benefit they desperately need. Our colleagues on the opposite of the aisle need to roll up their sleeves and work with us. We owe a debt of gratitude to seniors who have helped to make America great and strong. The least we can do is deliver on our commitment to help keep them healthy by providing a prescription drug benefit.

PAYING TRIBUTE TO: JIM AND HELEN BERNAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, I would like to take the time to honor Jim and Helen Bernal of Fruita, Colorado for the unrelenting service they have given to their community. The Bernal family resided in Colorado long before the state had been admitted into the Union, part of a proud legacy spanning eight generations. For their part, Mr. and Mrs. Bernal have been committed to making the town of Fruita a better place to live. Married 48 years ago in Antonito, Colorado, Jim and Helen have displayed great teamwork, working together and accomplishing tasks that many would deem impossible. Jim and Helen Bernal have raised eight children, and have 29 grandchildren, and two great-grandchildren. Although they may have an eventful home life on their 600-acre farm just outside of Fruita, the couple remains busy with a variety of different projects.

Jim and Helen Bernal are part of a fourteen member board that is working to finance and build a community center in Fruita, Colorado. Working diligently to utilize any resources that might further their cause, the couple has placed recycling barrels around the community to help raise money for the project. They have also organized and participated in a variety of fundraising events that have raised a total of $57,000. Jim Bernal is also an avid drummer, and his band performs several times a month for senior citizens in nearby communities. Always ready to lend a helping hand, Helen serves as the coordinator and booking agent for the band.

Mr. Speaker, it is with great privilege that I recognize Jim and Helen Bernal before this body Congress and this nation today. The Bernals have been widely praised throughout the community for their optimism and determination and I am proud to join in that admiration for such an inspirational couple. Thank you, Jim and Helen, and please keep up your good work.

DEVELOPING NEW TREATMENTS FOR PEOPLE LIVING WITH HIV/AIDS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to share with my colleagues news of an important development in medicine that is taking place in my district—the manufacturer of a new generation of HIV therapy. This complex, breakthrough therapy, called Fuzeon, generic name enfurvitide, is the drug formerly known as "T–20" Fuzeon is a new drug that attacks HIV in a new way, promising new hope for patients who have exhausted other therapies. Fuzeon is the product of groundbreaking medical research and cutting edge engineering and is an example of how the private sector is contributing to dramatic advances in healthcare and specifically in helping to manage the most devastating infectious epidemic in the recorded history of mankind.

In July, Fuzeon clinical trial results were presented at the International AIDS Conference in Barcelona, the world's largest HIV/AIDS meeting. These studies included over a thousand patients with advanced HIV who demonstrated resistance to a majority of currently available HIV treatments and were nearing the end of their treatment options. These study results showed that Fuzeon had a significant impact in reducing HIV viral load and improving immune response in these difficult to treat patients. Fuzeon, once approved by the Food and Drug Administration, could be commercially available as soon as early 2003.

At present, there are 800,000–900,000 people living with HIV in the United States. Innovative HIV therapies, taken in combination "drug cocktails," have allowed many of these individuals to live relatively healthy, productive lives. However, HIV is a formidable virus that can adapt to become resistant to existing treatments and is doing so. In fact, one of the biggest challenges facing people living with HIV today is an emerging resistance to currently available treatments. Fifty-one percent of AIDS patients are immune to at least two of the three available classes of therapies thereby severely limiting the treatment options available to them. Fourteen percent are resistant to all three classes and are left with no way to control the advancement of their disease. These patients are in desperate need of new options.

That is why Hoffmann-La Roche, the pharmaceutical company that introduced the world's first protease inhibitor and the first HIV viral load test, has partnered with the biotech company Trimeries Inc., a leader in HIV innovation, to develop and manufacture Fuzeon—a new generation of HIV therapy. Fuzeon will help to addresses the urgent and unmet needs of HIV/AIDS patients who have built up resistance to current therapies. This internationally anticipated and complex drug will be manufactured right here in the United States—in Boulder, Colorado. It requires the creation of one of the most complex drug manufacturing processes ever undertaken because the drug is far more intricate in its structure and development than any existing drug.

Roche and Trimeris are investing considerable resources to bring new therapies to people living with HIV/AIDS. The importance of these discoveries and developments cannot be stressed enough. Breakthrough biotechnology advances in the worldwide fight against HIV/AIDS, produce vital life-saving alternatives for patients living with HIV. What these companies have learned from developing state-of-the-art manufacturing facilities for Fuzeon will also improve our nation's ability to develop and manufacture new therapies for other diseases.

The public sector has a role to play as well. I call upon my fellow colleagues to support funding of vital and fiscally prudent public programs that provide access to life-saving treatments such as Fuzeon. The AIDS Drug Assistance Program (ADAP) provides federal contributions to state run programs designed to provide innovative, life saving HIV drugs to low income, uninsured people living with HIV. I ask my House colleagues to include an increase of $162 million for ADAP funding in the House Labor, Health and Human Services appropriations bill for FY 2003. Many states are experiencing budget problems, and demand is outpacing available resources lot ADAP programs. From 1996 to 2001, the number of clients served nationally by ADAP programs has grown by 144 percent, with expenditures on drugs increasing by over 300 percent, and funding levels increasing at smaller rates. In my own state of Colorado, the ADAP has provided life saving HIV treatments to over 1,300 low income, uninsured people to date this year. Like other ADAPs, the Colorado program needs to respond to the increasing number of individuals seeking access to these treatments.

With this recommended increase in funding, we offer a real helping hand, send a message that the federal government encourages private investment in groundbreaking research, and meet our fiscal objectives.

IN RECOGNITION OF DR. BILLY C. HAWKINS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize Dr. Billy C. Hawkins upon his inauguration as the Twentieth President of Texas College, in Tyler, Texas, on September 20, 2002. Dr. Hawkins has proven himself as a dynamic and courageous leader, and has already instituted tremendous change at Texas College since he became President on December 1, 2000. Dr. Hawkins has secured accreditation from the Southern Association of Colleges and Schools for Texas College, developed a single parent program, developed an accelerated degree program, and helped to greatly increase enrollment at Texas College. These accomplishments portray the dedication and success of Dr. Hawkins. I work closely with Dr. Hawkins and I am proud to honor him on the occasion of his Investiture Ceremony as the Twentieth President of Texas College.

Dr Billy C. Hawkins is a native of Kent, Ohio and graduated from Roosevelt High School. He was a great football player in high school and at 21 years of age, he became the youngest head football coach in Michigan history. He enrolled at Ferris State University where he completed a Bachelor of Science degree in Teacher Education. He then went on to earn a Master of Arts degree in Education Administration from Central Michigan University and a Doctor of Philosophy degree from Michigan State University in Education Administration. In preparation for becoming a college president, Dr. Hawkins completed the Harvard Seminar for New Presidents.

Dr. Hawkins' achievements and experiences have well-prepared him for his current position as President of Texas College. He served as Provost and Vice President for Academic Affairs/Professor at Mississippi Valley State University from March 1, 1999 to November 31, 2000, as Vice President for Academic Affairs/

Professor at Saint Paul's College in Lawrenceville, Virginia from September 1995 to February 1999, as Acting Dean, Associate Dean, Assistant Dean/Full Professor in the College of Education at Ferris State University from 1985 to August 1995, and as Director of Educational Opportunity Program at the State University of New York at Morrisville College, Morrisville, New York from 1981 to 1985. Dr. Hawkins has authored two books—"Educating All Students (A Pathway to Success)" and "Reaching for the Stars." He has been featured on national television and at regional and national conferences to discuss our nation's special education system.

Dr. Hawkins is the recipient of numerous honors and awards. In January 1999, he received appointment as a member of the Southside Virginia Business and Education Commission by former Governor James S. Gilmore, III, of Virginia. In August 2002, Dr. Hawkins was nominated by Secretary Ronald Paige of the United States Department of Education to serve on the Historically Black Colleges and Universities Capital Financing Advisory Board to advise Congress regarding program progress for implementing construction financing on HBCU campuses. He also currently serves on the Board of Directors of the Tyler Chamber of Commerce, the Tyler Economic Development Council, the Boys and Girls Club of Smith County. and the United Way. He is the proud father of two children, son Billy Jr. and daughter Marlana.

In closing, I want to share what his good friend Mr. Darrell Green, of the Washington Redskins football team, has this to say about him: "Dr. Billy Hawkins is a true leader in every sense of the word, and most importantly, my lifelong friend." Mr. Speaker, I proudly honor Dr. Billy C. Hawkins today as he is officially inaugurated as the Twentieth President of Texas College.

HONORING THE SANTA BARBARA FOUNDATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to the Santa Barbara Foundation on the occasion of their 75th anniversary. The Foundation has greatly enriched the Santa Barbara community as a whole and many organizations have greatly benefited from its generosity.

In 1928 Major Max Fleischmann made the initial contribution to the Foundation that has since enhanced the lives of so many Central Coast residents. Since that first donation, the, Santa Barbara Foundation has become an organization that provides grants and funds to projects within four fields of interest: Education and Personal Development, Health & Human Services, Culture & Recreation and Environment and Community Enhancement. The Foundation additionally promotes programs that expand opportunities for the less advantaged as well as those that will enhance the lives of youth. In fact, over the last 72 years, more than $60,000,000 has been distributed in the forms of grants and student financial aid.

There are more than 550 similar foundations throughout the nation, and the Santa Barbara Foundation holds the distinction of ranking among the top 50 oldest and largest such organizations. A board of trustees and a staff of 12 make pertinent decisions and run the operation on a day-to-day basis. And of course, the Foundation could never operate as successfully as it does without the help of the over 100 volunteers that dedicate the most precious resource a non-profit could ask for—their time.

Santa Barbara is extremely fortunate to have an organization of this generosity in its midst. I would like to bestow my sincerest congratulations to the Foundation on its 75th anniversary and wish the organization the very best in the future.

PAYING TRIBUTE TO MICHAEL J. WEBER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this moment to pay tribute to Michael Weber and thank him for his many contributions to healthcare and public policy initiatives in Colorado and throughout the nation. As Mike retires from his position at Rocky Mountain HMO, let the record show that I, along with the people of Colorado, appreciate his leadership of healthcare and managed care in rural areas. His dedication and hard work is greatly respected and I am honored to pay tribute to him today in front of this body of Congress. Mike will long be remembered as an effective leader by all who worked with him in the healthcare industry, and he will continue to stand out as a leader in his home community of Grand Junction, Colorado.

During his time as CEO of Rocky Mountain HMO, Mike turned his company into the leader of rural area managed care, growing the company from a one-county organization serving 3200 members in 1975 to one serving over 128,750 statewide today. He was a five-term president of the Colorado Association of HMOs, served ten years on the Board of Directors of the American Medical Care and Review Association, and was a member of the National Task Force on Medical Management. Perhaps a more telling accomplishment is the respect shown by several governors of Colorado—his numerous panel appointments include the Colorado Cost Containment Commission, the Health Advisory Council, and the Statewide Health Coordinating Council.

His involvement in the community has been outstanding as well. Locally, Mike served on boards for the Grand Junction Area Chamber of Commerce, Mesa National Bank, Rocky Mountain Health Foundation, and the Mesa County Economic Development Council. Perhaps most importantly, Mike is married to his wife Jeannie, and has four children. As he retires from Rocky Mountain HMO, I look forward to him still playing an important role in his community and the healthcare industry because he is a great asset and brings a lot of talent to the table.

Mr. Speaker it is my privilege to rise today to honor this outstanding citizen before this body of Congress and this nation. Mike Weber has shown great dedication and leadership on local and state healthcare matters on up to nationwide issues. I am glad to extend to him my gratitude for all he has accomplished in his field and wish him all the best in his retirement.

TRIBUTE TO COLORADO CLEAN WATER ACTION AND ITS CANVASSERS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the important work of Colorado Clean Water Action and the outstanding efforts of many of the group's canvassers who work tirelessly to educate the public and improve the environmental quality of life for all Coloradans.

Clean Water Action is a nationally recognized organization dedicated to enhancing the quality of our environment and especially of our nation's water resources. In arid states like Colorado, water is a precious and scare commodity. That makes the work of groups like Clean Water Action all the more important. Clean Water Action's efforts to enhance water quality not only benefit humans, they also benefit wildlife and promote a host of other environmental and economic values, such as productive agriculture, wetlands protection and recreation.

Here in Colorado, Clean Water Action has been led by Carmi McLean, an effective and passionate leader for the cause of the environment. Over the past three decades, Carmi has been involved in most if not all of the high profile environmental issues facing Colorado and the nation. She has been active in wilderness protection, reducing pollution and holding polluters accountable for their releases, fighting damaging rollbacks of environmental protection laws and programs such as Superfund, and, of course, in all issues related to water quality. Colorado Clean Water Action has also been involved in these and similar issues since 1989.

Recently, Colorado Clean Water Action has taken up the important, cause of reducing the toxic discharge of heavy metals and acids from old, abandoned hardrock mining operations. These mines, which occur in the hundreds of thousands across the west, have caused impacts to a number of watersheds which oftentimes supply drinking water to many western communities. These releases also can have devastating impacts to the aquatic life of many streams and lakes, which further impacts recreation and the ecological health of the lands affected by these sites. However, because those responsible for these abandoned, polluting mines cannot be found, most of these mines go on polluting. What's worse, because of the costs of cleanup and the risks of future liability exposure, many entities that would be willing to cleanup these mines are discouraged from taking steps to clean them up.

To address this problem, I have introduced legislation—H.R. 4078 "The Abandoned Hardrock Mines Reclamation Act of 2002"—to facilitate the cleanup of these mines by creating an abandoned mine cleanup fund and a special permit program that would encourage more federal, tribal, state, local and community efforts to clean up these languishing pollution sources. Carmi and her staff at Colorado Clean Water Action recognized the significance of this problem and the value that this legislation would bring to addressing it. As a result, she has made this issue and the need to address it a top priority for the efforts of Colorado Clean Water Action, including many hours of hard work by dedicated young people who canvass door-to-door in Colorado communities letting people know about this issue and what can be done to help address it.

I want to take this opportunity to express my heartfelt thanks to Carmi and her canvassers who have been spending the summer and fall of 2002 working on this issue. Specifically, I want to recognize the following people who have been working especially hard at Colorado Clean Water Action on the abandoned mine waste problem: David Scheck, Brian Dunn, Stoney Bergman, Greg Sobczynski, Katie Tegeler, John De Wees, Nik Haynes, Lindsay Bennett, Noel Jensen, Melinda Miller, Whitney Hanson, Whitney Gann, Eric Hale, Ana Cordova, Courtney Bennett, Amy Addison, Dewey Brown, and Fred Kirsch.

Mr. Speaker, the future of our democracy depends on the active involvement of our young people in the important issues facing our nation. I am pleased that these young people have taken a special interest in this issue and hope that they remain active on environmental protection as well as other issues of importance to them. I believe that it is important for us as leaders and elected officials to stop and take notice of the civic involvement of our young people, recognize the importance of it and encourage more such participation. I also want to thank organizations like Clean Water Action and people like Carmi McLean who provide leadership and an opportunity for young people to participate in our democracy. I ask my colleagues to join me in thanking these young people and Colorado Clean Water Action for their great efforts.

IN MEMORY OF ROBERT W. "RUSTY" NORTON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HALL of Texas. Mr. Speaker, as we approach year's end, I often think back to dear friends that we have lost this year. One I especially loved, and miss, is the late Robert W. "Rusty" Norton of Longview, Texas, a beloved and outstanding citizen who passed away last January at the young age of 54. Rusty was a close friend and someone that I think about often. He was a successful realtor, a caring community leader, a beloved husband, father and grandfather, and a friend of so many.

Rusty was born on November 9, 1947 in Terrell, Texas and had been an active member of the Longview community for almost thirty years. After graduation with a Bachelor of Business degree from East Texas State University, Rusty began working in real estate. He never ceased learning about the industry—evidenced by the fact that he recently was named a Certified Commercial Investment Member by the Commercial Investment Real Estate Institute—the highest certification that a person in the commercial real estate industry may earn.

One of Rusty's most cherished activities was his association with Trinity Episcopal Church, of which he had been a supportive member for 20 years. He was recently asked to become an Assistant Verger, a position of great honor, in addition to serving in a number of other positions within the church, including serving as a member of the Vestry Board and Endowment Board and Mission Funding Coordinator For the Diocese of Texas-Northeast Convocation.

Outside of his Congregation, Rusty had a number of other community activities that made him a cherished community leader. He had been a City Councilman and charter member of Longview 2020. He served on the local boards of the American Cancer Society, the Boys and Girls Club of Gregg County, the Salvation Army and was an active member of the Downtown Rotary Club. In his spare time he also served as an assistant chaplain at the Good Shepherd Medical Center. Rusty's extraordinary community dedication and service will be missed by the City of Longview and by all those with whom he worked so selflessly.

Rusty is survived by a loving family—his wife, Andee; his daughter, Meredith, and her husband, John Lucas of Graham, Texas; his step-daughter, Cissy Wrather of Longview; his step-son, David Wrather and wife, Janet of Houston; five grandchildren, Jack and Robert Lucas, Hunter, Jack, and Abigail Wrather; brothers, Joe Norton of Tyler, Texas, Tom Norton of Terrell and sister, Claire Schilhab of Tyler; as well as several nieces and nephews.

I have always felt close to and have admitted this family, and, in fact, I have felt that I was part of this great family. Rusty's father, the late Tom Norton, took me to my first State Democratic Convention. Since that time I felt close to Tom until his death, and I join all of this great family in mourning Rusty's death, while rejoicing with the memories and the love that Rusty left to all of us.

Mr. Speaker, Rusty was a dear and special friend of mine who could always be depended upon for advice and assistance, and he leaves behind him this wonderful family and many friends in Longview whose lives were enriched by him. As we adjourn today, let us do so in honor of this beloved community leader and outstanding citizen who touched so many lives and made Longview a better place in which to live. We will remember Rusty and the legacy he leaves us.

HONORING SAN LUIS OBISPO POLICE CHIEF JAMES M. GARDINER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. CAPPS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring James M. Gardiner, the San Luis Obispo Police Chief, upon his retirement. This December, Chief Gardiner will retire from his 32-year career in law enforcement.

Chief Gardiner began his career in law enforcement, in 1970 when he joined the Newport Beach Police Department as a patrol officer. There he spent 4 years on various assignments before serving as Sergeant for 5 additional years. He was then promoted to lieutenant where he served for 3 years before becoming Captain in which position he remained for another 6 years. In August of 1987, Chief Gardiner joined the San Luis Obispo Police Department as Chief of Police.

Chief Gardiner has received numerous awards from the Central Coast community, including being named a Special Friend of the San Luis Obispo County Special Olympics on multiple occasions. The United Way named Chief Gardiner Humanitarian of the Year in 1993 and he was the recipient of the Community Service Award from the California Parks and Recreation Society in 1995. In 2000, Chief Gardiner received the National SOI Award of Special Olympics Hero. Chief Gardiner was also inducted into the Law Enforcement Torch Run Hall of Fame in 2001. Chief Gardiner and his wife, Elaine were recognized together as Citizens of the Year in 2001 by the San Luis Obispo Chamber of Commerce.

San Luis Obispo has been more than ably served by this fine man for 15 years. I am proud to congratulate Chief Gardiner on his remarkable record of achievement during his career as a law enforcement officer.

HONORING THE 25TH ANNIVERSARY CELEBRATION OF BURKE CENTRE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 25th Anniversary of Burke Centre, Virginia on Saturday, September 14th, 2002.

Burke Centre is located in the core of the 11th congressional district of Virginia. This planned, residential community began its development in 1976 and has grown into a thriving community with over 5,800 residences in its five neighborhoods: the Commons, the Landings, the Oaks, the Ponds, and the Woods. These neighborhoods are impressive examples of a successful organized community, with each of the five represented by one trustee, and featuring a pool and community center.

The gem of Burke Centre is the Conservancy, consisting of 1,700 acres, including 350 acres of pristine open space area ideal for a wide range of active and passive recreational activities. Ponds, tennis courts, playing fields, swimming pools, and other amenities are maintained for the enjoyment of residents.

This planned neighborhood took into consideration the community needs of its residents during its development. An efficient and effective committee system ensures residents' voices are still heard today. Burke Centre has established itself as a community committed to conservancy with its abundance of nature parks and outdoor activities. The Election Board is responsible for maintaining this mission and overseeing the annual Conservancy Board and Cluster Committee elections.

In commemoration of its 25th anniversary, Burke Centre's Fall Festival, planned and organized dually by volunteers and staff, will be the community's chance to celebrate this landmark anniversary. Antique vendors, entertainment, games and arts and crafts will pay tribute to Burke Centre's beginnings.

Mr. Speaker, in closing, with all that Burke Centre has created and offered its residents since its development 25 years ago, we have great reason to celebrate today. Accordingly, I extend my warmest congratulations to a community that has been dedicated to providing the best possible residential and community environment to its citizens.

PAYING TRIBUTE TO EILEEN JENSEN-KERCHEVAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an outstanding woman who has achieved great accomplishments throughout her life. Eileen Jensen-Kercheval has worked diligently throughout her community to provide assistance and awareness to a variety of senior citizens issues. Eileen is an active member of numerous organizations, and traveled to Washington D.C. this month from Grand Junction, Colorado to promote awareness for senior citizens. It is a pleasure to applaud Eileen and her exceptional work in her community and its surrounding areas.

Eileen regularly appears on weekly television segments in Grand Junction, Colorado. Her segments are educational and informative to the citizens of Grand Junction, and she provides important information on many senior citizen engagements. Eileen's television career started in 1962 in Springfield, Illinois, where she entertained viewers with innovative and constructive ways in which to spend their leisure time. She was an outstanding role model for the Springfield community and retired to Grand Junction after nineteen years of accomplished airtime.

In recognition of her efforts, Eileen recently accepted the "Experience Works Prime Time Award for Colorado." She accepted the award before friends and family, and modestly recounted her successful career with her charismatic, intuitive personality.

Mr. Speaker, it is with great pleasure I bring forth the accomplishments of Eileen Jensen-Kercheval and recognize her before this body of Congress and our nation. Thank you Eileen for being an inspiration in your community; I have full confidence you will excel in any ventures you choose to pursue.

RECOGNITION OF THE NATURAL RESOURCES LAW CENTER'S 20TH ANNIVERSARY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge and pay tribute to the Natural Resources Law Center, a legal and policy research organization housed at the Unviersity of Colorado's School of Law. The Center is celebrating its 20th anniversary of providing path-breaking, scholarly and practical input and analysis on the use, development and protection of our natural resources and environment.

The Center is widely recognized as one of the region's preeminent sources of research and educational programs on water and public lands issues, assisting managers, policy makers and other westerners committed to sustainable and balanced natural resource laws and practices. This mission has been the central thread in two decades of activity equally notable for its attention to emerging issues as its diligence in addressing long-standing areas of conflict and concern. The Center remains committed to informing and influencing natural resource decisions, recognizing that the quality of life so cherished by westerners is inextricably tied to our treatment of natural resources.

Center projects take a variety of forms. Perhaps best known are the Center's events, particularly the western water conferences held each June. These conferences consistently focus the nation's best minds on a variety of pressing and timely concerns, including endangered species management, groundwater depletion and pollution, operation of dams, water reallocation, transboundary disputes, and water conservation. Water resources have also been a prominent focus of Center publications, including pioneering work on instream flows, water markets, legal and administrative reform, and watershed partnerships.

Over time, a public lands program addressing issues as diverse as forest planning, wilderness preservation, and federal/state conflicts has balanced this traditional focus on water issues. The result is an organization intimately familiar with the many interconnections and dependencies found in natural resource systems and possessing expertise not limited to the physical environment, but equally relevant to the institutional landscape of laws, policies, administrative arrangements, and management practices.

By focusing on institutional arrangements, rather than merely laws and legal precedents, Center projects define natural resource problems and solutions broadly, revealing opportunities for innovation that would otherwise be buried by narrow thinking and the perception of hopeless gridlock. Center projects consistently show the natural resource problems of the West to be formidable, but nonetheless solvable. It is the immense value of this contribution, more so than the mere passage of twenty years, that they and I are celebrating today.

Looking forward, the natural resources of the West face several new challenges. Most central is the continued population growth that, over the life of the Center, has already made the West the most rapidly growing region of the country. With roughly 1 million new westerners expected every year over the next two decades, the stress on limited water resources is just one of several concerns. Other emerging issues derive from the region's renewed emphasis on energy production, the explosive growth in outdoor recreation pressures, the twin concerns of ongoing drought and long-term climate change, and wildfires. As is its tradition, the Center is already active on each of these issues, having produced reports, hosted conferences, and most importantly, having already informed and influenced decision makers struggling to keep up with the pace of change.

The strength of the organization continues to be its staff, advisory board, and its impressive international network of collaborators, funders, and friends. The Center has been particularly blessed by a string of talented directors—Larry MacDonnell, Betsy Rieke, Gary Bryner, and currently, Jim Martin—and by the longstanding participation of prominent University of Colorado scholars including David Getches, Charles Wilkinson, and Jim Corbridge. Equally essential has been the research and writings of the professional staff, particularly Michael Gheleta, Doug Kenney, Ann Morgan, Kathryn Mutz, Teresa Rice, and Sarah (Bates) Van de Wetering, and the contributions of visiting fellows.

Supported by a small but talented cast of administrative support personnel and by an ever-changing assemblage of law students, the Center has been able to leverage its modest staff and budget into a powerful voice showing the way to environmental, economic and social sustainability through the improved management of natural resources. This is an important and honorable service worthy of our recognition and gratitude.

I ask my colleagues to join me in congratulating the Natural Resources Law Center for its twenty years of accomplishments and contributions to issues throughout the West, and to welcoming its continued contributions for many years to come.

IN RECOGNITION OF REVEREND FRED COBETT

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. CHAMBLISS. Mr. Speaker, today I rise to recognize Reverend Fred Cobett, Children's Minister to Calvary Assembly of God in Dunwoody, Georgia, for taking on an unusual role to teach children how to help other children, while raising money for mission work.

At the request of the children he works with, Pastor Cobett agreed to spend seven entire days on the ledge of a billboard forty feet above interstate 285 in Atlanta for a fundraiser called Up in the Air for Kids. This event is part of the Boys and Girls Missionary Crusade, a non-profit organization founded by the Assemblies of God Church that exists to reach the children of the world by creating a heart of compassion in the children they lead. The Up in the Air for Kids project is geared specifically toward raising community awareness of the needs of children around the world who are living in poverty. Nine other states nationwide are also participating in this benefit and hope to reach a cumulative goal of $1 million. Pastor Cobett's goal for Georgia is to raise $100,000 that will be distributed among four separate charities including Convoy of Hope, Latin America Child Care, Africa's Children, and Asia's Little Ones.

As the son of a minister, I have a special affinity for Pastor Cobett and his ministry. It's a high calling, and I commend him for dedicating his life to teaching children the principles of charity, generosity, and goodwill in this creative manner.

HONORING THE DEDICATED LIFE AND WORK OF DR. DAVID KRUGER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Dr. David Kruger, an outstanding citizen of Alexandria, Virginia, who, for over half a century, has served his community and humanity.

His downtown Alexandria optometry office is a local landmark patronized by a wide clientele. In fact, Dr. Kruger was among the first healthcare professionals to open his office to clients of every economic or social status and ethnicity. He is universally recognized as a leader for nearly every community cause and is honored by a caricature in an Alexandria restaurant as a leading citizen.

Active in a variety of civic causes in Alexandria, he is especially noted for his support of and leadership roles in such community groups as the Red Cross, Boy Scouts, United Givers Fund, Kiwanis (as President in 1960), and the Salvation Army. Similarly, he has served many other community groups with distinction. Among them are the Alexandria Board of Health as Secretary, the Alexandria Hospital, the Community Welfare Council, Tuberculosis Association, Boys Club, and Family Services.

As a man who embraces all religious traditions, he was one of the founders of a group called Men of all Faiths, which for many years has held well-attended lunchtime meetings where civic leaders shared fellowship and heard presentations by pastors, rabbis, and other religious leaders in Alexandria. In his own religious tradition, Dr. Kruger served as Vice President of Temple Beth El in Alexandria for nine years and was active in the Conference of Christians and Jews.

Caring for children and students is a hallmark of Dr. Kruger's life. Working through the RiteCare Program of the Scottish Rite of Freemasonry, S.J., U.S.A., Dr. Kruger has led the development of a network of six clinics in Virginia. These facilities evaluated or treated 1,246 children in the last period, 1999–2000, of official record. Without his leadership of this program, these children would almost certainly have gone untreated. Most recently, Dr. Kruger spearheaded the PACES Mobil clinic, a satellite service of the Scottish Rite clinic at Radford University. He has also been instrumental in establishing scholarships to train Speech Language Pathologists and related clinical professionals at James Madison University in Harrisonburg and Old Dominion University in Norfolk. A large majority of the graduates of these programs remain in Virginia and provide clinical services to children throughout the state.

Community service is also a strong aspect of David Kruger's membership in the Grand Lodge of Virginia, A.F. & A.M., where he has been a member of Norfolk Lodge No. 1 for over 50 years and of the Scottish Rite of Freemasonry, Valley of Alexandria, since 1946. In 1991, the Grand Lodge of Virginia awarded Dr. Kruger one of its highest honors, the John Blair Medal for Distinguished Service. The Scottish Rite of Freemasonry, S.J., USA also honored David Kruger for his many services to community, state, and nation. He was invested a Knight Commander Court of Honour in 1953 and Inspector General Honorary 1963. After serving as President of the Scottish Rite Conference of Virginia in 1975, Dr. Kruger became the Sovereign Grand Inspector General of Scottish Rite Freemasonry in Virginia in 1985 (13,343 members in 2002). In 1989, he became Grand Secretary General of the Supreme Council, 33[deg], S.J., USA (369,474 members in 2002 in 35 states, the District of Columbia, and Puerto Rico). In this influential role, he has been central in guiding the development of 161 clinics, centers, and programs throughout the United States. During each year of the two-year period ending December 31, 2000, a total of 57,413 children with language and learning differences received evaluation or therapy. Left untreated, these children would have been permanently handicapped. Dr. Kruger's service has even gone beyond the United States to Canada where he is an Honorary Member of the Supreme Council of Canada and the Supreme Council of the International Order of DeMolay, a Masonic group for young men.

At age 80 as he concludes, due to statutory limitation, his service in the Scottish Rite of Freemasonry, other awards and honors still accumulate to recognize David Kruger's continuing role in bettering the lives of many thousands of children and fellow citizens. David Kruger will never retire from these roles. Given his long record and deep sense of civic, religious, and philanthropic involvement, every American, Mr. Chairman, will continue to be enriched by the life and service of this notable Virginian and American.

TRIBUTE TO THE ROYAL AUSTRALIAN AIR FORCE AND THE NEW ZEALAND ROYAL AIR FORCE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise today to pay tribute to a group of individuals who did a great service to our nation. These men are fighter pilots from the Royal Australian Air Force and the New Zealand Royal Air Force who were assigned to United States combat units and served as Forward Air Controllers during the Vietnam War. I would like to honor the following individuals:

Royal Australian Air Force: Wg. Cdr. Col Ackland, Flt. Lt. Ray Butler, Fg. Off. Peter Condon, Flt. Lt. Garry Cooper, Flg. Off. Mac Cottrell, Wg. Cdr. Vance Drummond, Flg. Off. Huck Ennis, Flt. Lt. Brian Fooks, Flt. Lt. Tony Ford, Flg. Off. Frank Fry, Flt. Lt. Dick Gregory, Flt. Lt. Jack Hayden, Flg. Off. Chris Hudnott, Flg. Off. Dick Kelloway, Flt. Lt. Chris Langton, Wg. Cdr. Peter Larard, Flg. Off. Chris Mirow, Flt. Lt. Ken Mitchell, Flg. Off. Bruce Mouatt, Sqn. Ldr. Graham Neil, Sqn. Ldr. Dave Owens, Wg. Cdr. Tony Powell, Sqn. Ldr. Rex Ramsay, Flt. Lt. Doug Riding, Flg. Off. Dave Robson, Flg. Off. Barry Schultz, Flt, Lt. Bruce Searle, Flt. Lt. Ken Semmier, Flt. Lt. Arthur Sibthorpe, Flt. Lt. Ron Slater, Flt. Lt. Peter Smith, Wg. Cdr. Barry Thomas, Flt. Lt. Gavin Thoms, Sqn. Ldr. Nobby Williams, Flt. Lt. Roger Wilson, Flt. Lt. Bruce Wood.

New Zealand Royal Air Force:, Flt. Lt. Murray Abel, Flg. Off. Mike Callanan, Flt. Lt. J.M. Denton, Flg. Off. B.W. Donnelly, Flt. Lt. Ross Ewing, Flt. Lt. Graeme Goldsmith, Wg. Cdr. R.F. Lawry, Flt. Lt. Bryan Lockie, Fg. Off. Darryl McEvedy, Flt. Lt. Dick Metcalfe, Sqn. Ldr. John Scrimshaw, Flt. Lt. G.R. Thompson, Wg. Cdr. Wallingford, Flt. Lt. Peter Waller.

I would also like to recognize Lt. Col. Eugene Rossel and, Flt. Lt. Garry Copper for actively pursuing decorations for these men who served our country in a time of need.

HONORING THE ULTIMATE SACRIFICE OF JASON JACKSON-HAMPTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. GORDON. Mr. Speaker, I rise today in remembrance of Jason Jackson-Hampton, a remarkable young man who gave his life on September 5, 2002, while serving with the Almaville, Tennessee, Volunteer Fire Department. He was just 17 years old. Jason touched the hearts of his fellow firefighters when he joined the department as an Explorer. Chief Greg Capps recalled that his young volunteer's positive attitude and ready smile were an inspiration to all who knew him.

Jason graduated from Smyrna High School last May. Through his dedication, hard work and natural leadership abilities, he attained the rank of second lieutenant in the school's ROTC Program and planned to join the U.S. Army.

He loved McDonald's double cheeseburgers and fries, perks he enjoyed at the fast-food restaurant where he worked.

Firefighters from every municipal and volunteer fire department in Rutherford County, Nashville, Watertown, Fairview and Brentwood attended the memorial service. During the funeral procession, children and adults saluted as his casket, carried atop a fire engine, passed by.

During his inaugural speech, President John F. Kennedy inspired Americans to, "Ask not what your country can do for you, ask what you can do for your country." Jason Jackson Hampton's life was a portrait of service and dedication to his family, friends, co-workers and Nation.

PAYING TRIBUTE TO: DEPUTY JOE SCOTT AND DEPUTY DAVID HARRISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, it is my privilege to take this opportunity to honor Deputies Joe Scott and David Harrison of Montrose County Sheriff's Office for a selfless act of courage they displayed on June 13, 2002. Deputy Scott and Deputy Harrison have just recently received the prestigious "Life Saving" medal on August 9, 2002 in recognition of their bravery and conduct in a time of crisis.

On June 13, 2002, Deputy Scott and Deputy Harrison saved the life of a suicidal woman who was attempting to drown herself in the rapids of Spring Creek near a culvert that runs under Spring Creek Boulevard in Montrose, Colorado. Without any regard for their own personal safety, Deputy Scott and Deputy Harrison jumped into the water and pulled the woman to safety. The two officers maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, to their profession, and to the entire community of Montrose County.

Only last week, citizens throughout the country will recognize the horrible tragedy that occurred just one year ago on September 11, 2001. We recognized the men and women who died in the attacks, and those who gave their lives to save others. While the tragedy of September 11 deserves our full attention and reflection, I would also like to take the time to recognize all individuals throughout the country, who like Deputy Scott and Deputy Harrison, have devoted their lives to protect and serve their fellow citizens.

Mr. Speaker, it is an honor to recognize Deputy Joe Scott and Deputy David Harrison of the Montrose County Sheriff's Office before this body of Congress and this nation as outstanding deputies with impeccable character. The citizen's of Montrose County, CO and Americans throughout the nation should be honored to have officers like Deputy Joe Scott and Deputy David Harrison who faithfully serve their communities and their country everyday.

IN RECOGNITION OF LARRY J. BURKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize a good friend and an outstanding citizen of Tyler, Texas—Larry J. Burks—who recently was honored by the Garden Club of America as the recipient of its prestigious award, the Jane Righter Rose Medal. A second generation rose grower/processor, Larry is known throughout the rose industry for his dedication to rose advocacy at the local, state and national levels. This medal is awarded for outstanding achievement in rose culture through the propagation of new roses, development of community rose gardens of educational value, exhibitions by amateur gardeners, or unusual rose collections of special merit.

This medal could not have been awarded to a more deserving person in the rose industry. Larry is a Board Member and the only two-term president of All America Rose Selections, Inc., and a Board Member of the Fund for the United States Botanic Garden. His efforts in the 1980s resulted in the rose's designation as the National Floral Emblem of the United States, and he was instrumental in the establishment of a National Rose Garden. Groundbreaking for this two-acre garden adjacent to the United States Botanic Garden took place in 2001. His leadership also was evident in raising the funds to remodel and reopen the National Botanical Garden on the National Mall.

Larry serves as vice president of Certified Roses, Inc., of Tyler. This employee-owned corporation is the second largest processor of roses in North America, annually providing up to five and one-half million rose bushes of all varieties. His company is a constant force in producing new rose hybrids and new market development, and he assists both domestic and international hybridizers in plant evaluation and the naming and marketing of new roses. In recognition of his achievements, he has received several All America Rose Selections awards.

Larry has been an active member of the American Rose Society and Texas Nursery and Landscape Association, and he is past president of the Texas Rose Research Foundation. He is also active in the Texas Rose Festival Association in Tyler, the Tyler Rose Museum, Order of the Rose and Texas Rose Society.

With 2002 declared by Congress as the Year of the Rose, Larry will help carry forward this theme, and I can think of no one more devoted to this cause nor more deserving of our recognition and appreciation. Larry has helped raise our national awareness of the rose as an important symbol to our country. His work has benefitted our Nation's Capital, the State of Texas, and his hometown of Tyler. Mr. Speaker, I am so proud of the accomplishments of my dear friend, and I know that my colleagues join me today in congratulating him on this award—and expressing our Nation's gratitude for the work Larry Burks has done to promote this beautiful National flower and to encourage civic involvement in this worthy cause.

MAJOR GENERAL RICHARD F. GILLIS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to express my sadness, and that of the entire Robins Air Force Base community in Middle Georgia, over the passing of my good friend, retired Major General Richard F. (Dick) Gillis.

General Gillis commanded the Warner Robins Air Logistics Center at a critical time in our country's history and that of Robins, and he carried out that mission as he did all his assignments: with outstanding patriotism, competence, and leadership. Uniquely among commanders, he served this center in three separate positions: as the director of maintenance, as the ALC vice commander, and as ALC commander.

The current ALC commander, Maj. Gen. Donald Wetekam, said it exceptionally well: "General Dick Gillis was a courageous leader during a period of great change in our Air Force. His foresight and wisdom made this a better place to live and work. We'll all miss him."

During his command General Gillis made Robins a less likely candidate for base closure by bringing in the Joint STARS mission; by working hard to assure future workloads; by preventing a reduction in force when other ALCs were losing work force; by working on aerospace industry expansion and educational enhancement in the Middle Georgia area. Gen. Gillis led the center very ably during the critical times of Operations Desert Shield and Desert Storm and during the Persian Gulf War.

General Gillis was a command pilot with more than 5,000 hours. While assigned to Tan Son Nhut Air Base, South Vietnam, General Gillis flew 100 combat missions in RF–101A/C aircraft. Over his 38 year Air Force career, General Gillis' military awards and decorations included the Distinguished Service Medal, Legion of Merit, Meritorious Service Medal with oak leaf cluster, Air Medal with four oak leaf clusters, Air Force Commendation Medal with two oak leaf clusters, Air Force Outstanding Unit Award with "V" device and oak leaf cluster, Air Force Organizational Excellence Award with oak leaf cluster, Combat Readiness Medal, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal with five service stars, Air Force Longevity Service Award Ribbon with eight oak leaf clusters, Philippine Presidential Unit Citation, Republic of Vietnam Gallantry Cross with Palm, and Republic of Vietnam Campaign Medal.

Mr. Speaker, General Gillis was a great commander of Robins, a great American, and he will be missed so very much. It is most appropriate that his burial will be at Arlington National Cemetery on October 15. Our country has lost a strong leader, and I am proud to have known him and worked with him.

HONORING SAN LUIS OBISPO FIRE CHIEF ROBERT F. NEUMANN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. CAPPS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring my constituent, Fire Chief Robert "Bob" F. Neumann for his significant contributions to our Central Coast community. This past May, Chief Neumann retired from the San Luis Obispo City Fire Department.

Chief Neumann entered the field of fire fighting in 1968 as a firefighter, and served our community as a Fire Inspector, Fire Engineer, Fire Dispatcher, Fire Captain, Fire Battalion Chief and Fire Marshal and became Fire Chief in 1991. Chief Neumann obtained degrees in Fire Science and Soil Science at Cuesta Community College and California Polytechnic State University, both of which are located in the 22nd congressional district.

In 1985, Chief Neumann served as the City's Operation Section Chief on the 50,000 acre, Las Pilitas Fire that threatened the City of San Luis Obispo. For the 48 hours that it took to contain this fire Chief Neumann supervised 20 Type-I and 2 Strike Teams. A series of storms combined with a loss of water-shed caused by the Highway 41 Fire in 1994, resulted in extensive flooding in the downtown area of San Luis Obispo in February of 1995. Throughout the 48 hours when the floods ran through the City, Bob served as Fire Incident Commander and helped to avert disaster. Significant moments in Bob's career, during which he displayed exemplary service were also seen in the Highway 58 fire in August of 1996. During this natural catastrophe Bob essentially served as Deputy Branch Director of the organized command structure.

The City of San Luis Obispo has been most fortunate to have been served by Chief Neumann for 27 years. I am proud to congratulate Bob on his remarkable record of achievement during his 34-year career.

TRIBUTE TO THE HONORABLE DAVE HAMIL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to memorialize the Honorable Dave Hamil of Sterling, Colorado, who passed away on July 27, 2002. Dave Hamil was an exceptional man who spent his life serving his community and his nation.

Dave Hamil's story is a great American story. As a child, Dave attended a one-room school on Colorado's Eastern Plains. In 1925, he graduated from Logan County Industrial Arts High School as the Student Body President.

After graduating with honors from Hastings College in 1930, Dave returned to Logan County, where he started a farming and ranching business. In 1933, he married Genevieve Robinson. Dave and Genevieve were married 64 years. The couple had three children, Jo Ann, Don and Jack.

In 1938, the same year he was first elected to the Colorado House of Representatives, Mr. Hamil helped organize the Sterling section of the Highline Electric Cooperative. This brought electricity to the farms and ranches of Logan County for the very first time.

During his tenure in the legislature, Mr. Hamil served as Speaker of the Colorado House for five years, from 1951 to 1956. Among his accomplishments were locating the Air Force Academy near Colorado Springs and extending Interstate 70 west through the Eisenhower Tunnel and into Utah.

In 1956, President Dwight Eisenhower appointed Hamil as administrator of the Rural Electrification Administration (REA). He was so talented in that capacity, when Richard Nixon was elected president, he asked Dave to return to the post. Mr. Hamil continued to serve as the REA administrator during the Ford and Carter administrations.

Between the Eisenhower and Nixon administrations, Dave was appointed by Colorado Governor John Love to serve as Director of Institutions for the state. There he used his exceptional management skills to create one of the best mental health systems in the nation.

Although his successful career often took him away from his Colorado home, when he retired in 1979, Dave Hamil returned to Sterling. Over the years, he has served on the boards of a host of community organizations, including the Atwood School District Board, the Elks Lodge, the Masonic Lodge, the Sterling United Way, and the Logan County Chamber of Commerce. Dave also served as president of the Logan County Historical Society, where he helped with the Johnson addition to the Overland Trail Museum. That same museum now includes a building named in Dave Hamil's honor.

A citizen of Colorado's Fourth Congressional District, Dave Hamil was truly a great American. It is with sadness that I inform the House of the loss of such an exceptional American. I ask the House to join me in extending our sincere sympathy to the family and friends of Mr. Dave Hamil.

HONORING JOYCE KELLER, EXECUTIVE DIRECTOR OF THE JEWISH ASSOCIATION FOR RESIDENTIAL CARE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. KNOLLENBERG. Mr. Speaker, I rise today to salute Joyce Keller, Executive Director of the Jewish Association for Residential Care located in Farmington Hills, Michigan in my Congressional District. She recently received the 2002 Spirit of Service Honor Award from the Michigan Assisted Living Association for her outstanding dedication and commitment to community-based services.

When Joyce Keller became executive director of JARC at age 26, the organization had one home, three employees, and served seven individuals with developmental disabilities. Their annual budget was $40,000. Today, JARC is an $8 million agency that serves over 150 adults in a variety of residential settings, provides support services to over 300 families with a disabled child or family member still living at home, and employs over 200 staff members. In her 25th year as executive director, Ms. Keller continues to oversee and ensure the highest quality of service, as well as the raising of nearly $2 million annually in private contributions and a $13 million endowment fund.

Ms. Keller has assumed extensive and substantial leadership roles, serving on the President's Committee on Mental Retardation and the Governor's Community Health Advisory Council in Michigan. In addition to her recent award from the Michigan Assisted Living Association, Ms. Keller has been honored with several distinguished awards over the course of her career, including being named Michiganian of the Year by the Detroit News.

Mr. Speaker, with Joyce's tenacity, dynamism and creativity, JARC has become one of the largest and well-respected organizations for residential care in the country. She is passionate about honoring the dignity of the people JARC serves and enabling them to live rich and purposeful lives. Joyce Keller is a relentless advocate for the right of every individual to be valued and respected in our society and I congratulate her on the occasion of receiving the 2002 Spirit of Service Honor Award. She is truly a worthy recipient.

PAYING TRIBUTE TO RUDOLPH CRESPIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to the life and memory of Rudolph Crespin of Mack, Colorado. Rudolph dedicated his life to working the land and fought to defend the freedoms of this nation, and it is with honor I stand today to recognize Rudolph for his great service to our nation and our communities.

Rudolph was born in Las Vegas, New Mexico on December 16, 1919 to Rafael and Paulina (Quesnil) Crespin. He grew up in the nearby Antlers Rifle area and married Frances Romero. In World War II, Rudolph served in the US Army overseas. His service to this nation is commendable and its value immeasurable. It is all too easy to take for granted the freedoms that he helped secure through his service; but we cannot allow ourselves to forget the important sacrifices of men and women like Rudolph Crespin.

After the war, Rudolph moved to the Western Slope of Colorado where he could enjoy his lifelong interests in fishing and hunting. He spent the next 40 years farming in the Rifle and Loma areas, where good sense and industry are still the backbones of the economy. He also became a member of other communities and resided in the Grand Valley and

Mack. His legacy includes his four sons; Sam, Rudy, Santos, and David Crespin; as well as nine grandchildren.

Mr. Speaker, I rise today to honor Rudolph Crespin's life and memory before this body of Congress and this nation. His courage to serve our country, even the world, in a terrible global conflict showed his mettle, as did his commitment to the values and principles of agriculture and the communities he served. As his family and friends mourn his life, they can take comfort that the impact of his contributions to his nation will not be forgotten. Rudolph's lifetime of contributions to the communities of Colorado and this nation deserves our praise and I am proud to honor him today.

TRIBUTE TO DR. BILL FEDDERSEN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Dr. Bill Feddersen, President of Mt. San Antonio College in Walnut, California.

Dr. Feddersen began his teaching career in Florida after receiving his bachelor's degree from the University of Illinois. He went on to complete his master's and doctoral degrees in higher education at Columbia University where he was a Kellogg Community College Leadership Fellow.

At age 32, after serving in administrative positions at Bucks County Community College (PA) and Iowa Western Community College, Dr. Feddersen became one of the youngest college presidents in the country when he assumed the presidency of what is now the Pennsylvania College of Technology. For the past twenty-one years he has been a California community college president, first at Napa Valley College and since 1991, at Mt. San Antonio College.

Dr. Feddersen has served in a variety of state and leadership positions, including president of the California Community CEO Organization, and a member of the board of Directors of the Community College League of California and the Association of California Community College Administrators. Nationally, he is an officer of the Continuous Quality Improvement Network and serves on North Central Association's Academic Quality Improvement Project Advisory Council.

Thank you Dr. Feddersen for all of your hard work and dedication to advance education in our country. Your efforts will benefit the lives of others both now and for years to come.

CONGRATULATIONS TO LUCY HALL

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. ISAKSON. Mr. Speaker, today I rise to congratulate Lucy Hall, founder of the Mary Hall Freedom House in Atlanta. Lucy was recently selected as one of ten people from across the country to receive the nation's most prestigious award for community health leadership from The Robert Wood Johnson Foundation. Her award includes a grant of $120,000 to continue her community efforts.

Lucy founded the Mary Hall Freedom House in memory of her mother, who she lost to alcoholism at the age of six. Freedom House is a residential recovery program to help addicted mothers break the pattern of substance abuse. The program provides women with intensive chemical dependency treatment and vocational training.

She launched the Freedom House in 1996 while working as a housekeeper and volunteering as a counselor in Atlanta. Lucy used $5,000 in seed money from her employer to get the effort started. From this modest beginning, the program has grown to serve 250 women a year, many of whom are referred from the court system and homeless shelters.

The program, which started out as six beds in a three-bedroom apartment, now has 70 beds in 26 apartments—and Freedom House now has a staff of over 30 people.

Lucy realized early on that many addicted women with small children had no access to residential treatment because most recovery programs did not admit children. So, she made Freedom House the only residential recovery program in Atlanta for women with children. Now, the children take part in prevention lessons to teach them how to avoid becoming substance abusers themselves. She also recently opened the Heavenly Angels' Day Care Center to provide care for children while their mothers attend treatment and training programs.

Mr. Speaker, by creating the Mary Hall Freedom House, Lucy Hall has demonstrated tremendous leadership and determination to help the less fortunate in her Atlanta community. I am honored to share a little about her work with my colleagues today and urge them to join me in congratulating her for winning this distinguished award.

As her nominator said, "Lucy took on this challenge with nothing but an idea and a burning desire to help others. Unlike others, she found a way to turn this idea into reality."

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON.

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BAIRD. Mr. Speaker, on September 17, 2002, I was in my Congressional District in Washington and consequently I missed three votes. For the record, had I been present, I would have voted "yea" on rollcall vote 388, "yea" on rollcall vote 389 and "yea" on rollcall vote 390.

THE PERSECUTION OF CHRISTIANS IN SUDAN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. STEARNS. Mr. Speaker, Saturday night, college students from around the country will be spending all night at the Lincoln Memorial. They will be praying for the people of Sudan, and reminding us all of the human tragedy that is occurring there, and that we must do something about it. They will march to the United States Holocaust Memorial Museum in the morning, reminding us that we must never again let happen the kind of evil, the genocide perpetrated by the Nazis. And so, we must do something about Sudan.

The Sudanese government, the National Islamic Front, is killing its own people in many horrible ways in its attempt to assert total control over their lives, to impose its version of Islamic law on the Christians and animists of southern Sudan. Government forces drop homemade bombs on villages and crops; they attack people in line for food aid with helicopter gunships; and they burn villages and crops to the ground. A particularly horrible weapon the government uses is hunger—it intentionally denies food to hundreds of thousands of people, to force them to starve or become refugees.

According to the United Nations World Food Program, the Sudanese government intentionally put as many as 1.7 million people at risk this spring by denying them food and medical relief. The government agreed in 1989, along with the Sudan People's Liberation Army (the rebel group) and the United Nations to allow relief through Operation Lifeline Sudan. Shortly after this agreement, however, there was a coup and the current strongmen came to power. They immediately began to manipulate the relief system to prevent relief from coming in. Operation Lifeline Sudan flights are not always allowed in, and the government refuses to protect non-Operation Lifeline Sudan flights. In short, the government is trying nearly everything short of outright banning all relief to keep the people of the south starving.

This is nothing less than genocide. The government is trying to kill or drive out hundreds of thousands of people because they are not Arabic Muslims. The government wants to impose its version of Islamic law over these people, who refuse to follow, and it wants free access to the oil fields that lie under these people's homes. So, it tries to starve them.

We in America cannot tolerate this any longer. We have stood by too long while the people of southern Sudan suffer at the hands of the government. We must act. We must listen to the call of the college students at the Lincoln Memorial Saturday night and the Holocaust Museum Sunday morning. We must stand firm with Sudan.

HONORING THE 50th ANNIVERSARY OF THE GREATER FIRST BAPTIST CHURCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the 50th year of ministry of the Stones River Baptist Church of Smyrna, Tennessee. The congregation will celebrate the milestone on October 7, 2002.

The need for a new Baptist Church to serve the military families stationed at the former Seward Air Force Base in Smyrna, Tennessee, was discussed in May 1952. The first worship service conducted by the Stones River Baptist Church was held on July 30, 1952. And the first worship conducted in the church's permanent building was held on October 26, 1952.

The church has served its community and congregation well for half a century, a period during which our nation experienced much change and innovation. Through those many years, though, Stones River Baptist Church never faltered in its commitment to bring the Lord's word to the people.

Smyrna is a much stronger community because of the work of the church and its congregation. I congratulate the congregation's perseverance and am sure the church will grow even stronger during its next 50 years of service.

RESOLUTION CALLING FOR SENATE PASSAGE OF THE PENSION SECURITY ACT (HR 3762)

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. PICKERING. Mr. Speaker, since December, several of our country's most noted corporations, many widely regarded as the most innovative, fastest growing, strongest, and best managed companies, have collapsed due to gross irresponsibility and financial mismanagement. Accordingly, shareholders in these companies as well as tens of thousands of employees who held their retirement accounts in these companies have lost literally billions of dollars.

These shareholders and employees have lost everything. The plans made for retirement? Vanished. Their hopes and dreams for the future? Gone. Money set aside to pay for sending their children to college? Disappeared. All because of the improper and fraudulent actions of a handful of corporate executives who took advantage of the system.

In April, the Republican leadership of the House brought to the floor legislation to protect the pensions of employees from corporate wrongdoing. This legislation, the Pension Security Act, HR 3762, provides new protections and options to help workers enhance and preserve their savings while restoring employee confidence in our country's pension system.

That crucial legislation passed this body with a bipartisan vote of 255–163. Since that time, however, the Senate has not taken action on this bill. Pension security is a must past issue for this Congress. Employee confidence in their pensions is deteriorating. Will we allow yet another corporate scandal to hurt even more families throughout this country before getting a bill to the President's desk?

The Pension Security Act will reform outdated federal pension laws. The bill will prevent company insiders from selling their own stock during blackouts while employees are left to fend for themselves. It will require employers to offer workers high quality investment advice so they can make well-informed decisions on how to invest their hard-earned money. It gives workers freedom to diversify their portfolios and seek alternative investment options.

The President is ready to sign this bill. The House has not turned its back on American workers. The House has taken action! We passed the Pension Security Act five months ago! But, the Senate has not acted on pension reform legislation, and American workers are worried about their retirement.

Mr. Speaker, a few bad apples in the corporate hierarchy have drained the retirement savings of tens of thousands of workers, and it's time to act! Today, I am introducing a resolution demanding action on the Pension Security Act. I urge my colleagues to support this resolution. It's time to stop playing politics with the savings of hard working Americans.

STATEMENT ON ANNIVERSARY OF TERRORIST ATTACKS ON AMERICA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. COLLINS. Mr. Speaker, one year ago, cowardly terrorists carried out a brutal and horrific attack on America. We watched our televisions that Tuesday morning in shocked disbelief to see our landmarks burning, knowing that it meant thousands of our countrymen and women had perished in the flames and smoke.

For many, that day was a nightmare unlike any other. As we commemorate the one-year anniversary of those attacks, I am pleased to say that a dark nightmare has given way to the dawning of a new day in America.

We have taken the battle to our enemies, ferreting them out of caves and crevices. We have broken the backs of an organized, well-funded, committed terrorist network, and our brave troops continue that effort. We have renewed pride in what it means to be an American.

As we pause to remember the loss of our loved ones, friends, neighbors, and family members, let us resolve to never let their memory fade from our consciousness. On anniversaries such as this, it can be very difficult for the family of those who perished to see the hope we share. Our hearts and prayers are united with them. We profoundly share in their grief.

But, God is good to America. We will heal and rebuild. And, because to do otherwise would be to grant the terrorists the victory they seek, we will continue to live our lives as the guardians of liberty and freedom in the world. May God lay his guiding hand upon the leadership of this nation and its people.

"WE HAVE NO ORDERS TO SAVE YOU"

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. TOWNS. Mr. Speaker, the organization Human Rights Watch has issued a report on the violence earlier this year in Gujarat, India, entitled "We Have No Orders To Save You." About 5,000 Muslims were killed in these riots, according to the newspaper "The Hindu." News reports quoted a police official as saying that he was ordered not to intervene to stop the violence and save lives. Another published report said that the government of India preplanned these riots. The report from Human Rights Watch confirms this.

The riot was allegedly a response to the attack on a trainload of Hindus in Godhra. However, in the report, Human Rights Watch writes, "Human Rights Watch's findings, and those of numerous Indian human rights and civil liberties organizations, and most of the Indian press indicate that the attacks on Muslims throughout the state were planned, well in advance of the Godhra incident, and organized with extensive police participation and in close cooperation with officials of the Bharatiya Janata party (Indian Peoples Party, BJP) state government." The BJP, which is the political arm of the pro-Fascist Rashtriya Swayamsewak Sangh (RSS), also controls the central government in Delhi.

"The attacks on Muslims are part of a concerted campaign of Hindu nationalist organizations to promote and exploit communal tensions to further the BJP's rule," Human Rights Watch wrote, calling it "a movement that is supported at the local level by militant groups that operate with impunity and under the patronage of the state."

This report makes it clear that the Indian government supports terrorist groups that are murdering minorities all over India. India Today, India's largest newsmagazine, reported that the Indian government created the Liberation Tigers of Tamil Eelam (LTTE), which the U.S. government has labeled a "terrorist organization." It has supported cross-border terrorism in Sindh, a province of Pakistan, according to the Washington Times. The book "Soft Target" shows that India shot down its own airliner to blame the Sikhs. It paid out over 41,000 cash bounties to police officers for killing Sikhs. According to the "Hitavvada" newspaper, India paid the late governor of Punjab, Surendra Nath, $1.5 billion to foment terrorism in Punjab and Kashmir.

Unfortunately, this violence is all too reminiscent of previous incidents that took place before the BJP took power. In 1997, police gunfire broke up a Christian religious festival. And the violence in Gujarat was strangely reminiscent of the 1984 massacre of Sikhs in Delhi which cost 20,000 Sikhs their lives. It seems that in India, no matter who is in power, it is not safe to be a minority.

Mr. Speaker, we must act. America can't just sit and watch this terrorism and repression unfold. India has already been put on the watch list of countries that violate religious freedom. We must cut off aid and trade with India until human rights are enjoyed by all, and we must support self-determination for all peoples and nations in South Asia. Then perhaps there will no longer be need for reports like the one recently issued by Human Rights Watch. Instead, everyone in the subcontinent will be able to have real democracy, freedom, stability, prosperity, and peace.

TRIBUTE TO MR. LAYTON MUNSON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Layton Munson of Sedgwick, Colorado. Recently, the United States Department of Commerce presented Mr. Munson with the Ben Franklin Award for 55 years as a volunteer for the National Weather Service. Since 1947, Layton has collected a daily weather and climate reading, an invaluable service to his fellow farmers and ranchers on Colorado's Eastern Plains.

Layton Munson and volunteers like him are the backbone of our nation. Each day, Mr. Munson selflessly serves his community, and at 85 years of age, he looks forward to the opportunity to continue his volunteer work in the years to come.

A citizen of Colorado's Fourth Congressional District, Layton Munson is truly a great American. I ask the House to join me in extending our sincere thanks and warmest congratulations to Mr. Layton Munson.

HONORING THE ACHIEVEMENTS OF NANCY WACKSTEIN, EXECUTIVE DIRECTOR OF LENOX HILL NEIGHBORHOOD HOUSE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Nancy Wackstein, who has served as Executive Director of Lenox Hill Neighborhood House since October 1991. Ms. Wackstein has been a phenomenal director, helping to expand the array of services provided by Lenox Hill and ensuring that Lenox Hill continues to be a vital force in the community. After more than ten years of service, Ms. Wackstein has accepted the challenge of becoming Executive Director of United Neighborhood Houses of New York, the federation of the City's 37 settlement houses and neighborhood centers.

Founded over 100 years ago, Lenox Hill Neighborhood House is dedicated to helping those in need who live, work , or go to school on Manhattan's East Side, primarily the Upper East Side, and to improving the quality of life for all individuals and families in the community. Each year, Lenox Hill serves over 20,000 people of different generations, cultures, means, and ethnic groups—children, teens, single parents, home-bound older adults and homeless people, among others.

During her tenure at Lenox Hill, the House has expanded its innovative programs for seniors, young people, recreation and fitness and community education. Lenox Hill operates two senior centers, a community outreach program and other programs that serve more than 2,800 senior citizens each year and their caregivers. Ms. Wackstein presided over the creation of the newest senior center, Lenox Hill Senior Center at St. Peter's Church, the first new senior center on the East Side of Manhattan in decades.

The Early Childhood Center at Lenox Hill Neighborhood House was granted accreditation by the National Association for the Education of Young Children on December 6, 2001. This prestigious recognition, only achieved by approximately 7 percent of early childhood programs nationwide, certifies that Lenox Hill's early childhood program meets national standards of excellence in childcare. With after school programs, a teen center and a summer camp, Lenox Hill also provides a wide array of programs for older children.

Lenox Hill provides invaluable assistance to residents of the East Side through its Neighborhood Information and Action Center. More than 900 East Siders each year find help with landlord disputes, government entitlements and other concerns. Lenox Hill also provides educational programs for people needing training in computer skills, vocational rehabilitation and English as a second language.

The comprehensive range of services available at Lenox Hill is due to Ms. Wackstein's determined leadership and unwavering commitment to service. She truly understands the needs of this community and has worked tirelessly to ensure that East Siders have a warm and friendly place to come to in times of trouble. Under her leadership, Lenox Hill Neighborhood House has continued to exemplify the best that the East Side has to offer.

Before joining Lenox Hill Neighborhood House, Ms. Wackstein served as the Director of the Moay's Office on Homelessness and SRO Housing from 1990–1991 under Mayor David Dinkins. She was Senior Policy Advisor for Human Services in Manhattan Borough President David Dinkins' office from 1986–1989, where she was also Staff Director for the Task Force on Housing. Ms. Wackstein serves on the Boards of Directors of several non-profit organizations, including the Human Services Council of New York, SAGE and the 9/11 United Services Group. In 1988, Ms. Wackstein received a Samuel and May Rudin Community Service Award for exceptional service to the homeless, and in 1991 the recognition award from the Settlement Housing Fund for her efforts to end homelessness.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Nancy Wackstein, an outstanding leader, a compassionate individual and a truly remarkable director for Lenox Hill Neighborhood House. I wish her luck in her new position as head of United Neighborhood Houses.

SAME SONG AND DANCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues an editorial from the September 18, 2002, edition of the Lincoln Journal-Star entitled, "We've seen Saddam's act before." It correctly conveys the skepticism with which the United States and the United Nations should approach Saddam Hussein's recent announcement to allow U.N. weapons inspectors into Iraq.

[From the Lincoln Journal-Star, Sept. 18, 2002]

WE'VE SEEN SADDAM'S ACT BEFORE

Anyone who believes that Saddam Hussein suddenly caved in to international pressure and will now "unconditionally" permit weapons inspections is dangerously gullible.

Saddam's negotiating style was described accurately and colorfully by President George W. Bush. Once again Saddam is "sidestepping, crawfishing and wheedling."

Translations of the six-page letter, complete with a three-page addendum, have not yet been released.

But some news sources, including The Economist, reported that the letter from Iraqi Foreign Minister Naji Sabri to the U.N. "leaves scope for doubt. It merely says they can return, for example, not explicitly that they will enjoy unrestricted access."

A senior State Department official in a White House briefing described the letter this way: "It is not a promise to fulfill all its obligations under Security Council resolutions. It is not a promise to allow full and unfettered access for U.N. inspectors. It is not a promise to disclose, or a disclosure, of all its prohibited programs. And it's not a promise to disarm, as Iraq is obliged to do."

Saddam should not be allowed to let a promise turn into delay. United Nations officials have said in recent days they are prepared to resume inspections immediately.

The United Nations should waste no time taking up the offer. Send in the inspectors now. Call Saddam's bluff.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall Nos. 386 and 387, had I been present, I would have voted "yea."

TRIBUTE TO THE SCHOOL OF TECHNOLOGY AT EASTERN ILLINOIS UNIVERSITY ON ITS CENTENNIAL ANNIVERSARY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. KNOLLENBERG. Mr. Speaker, as a proud graduate of Eastern Illinois University and the honorary Chairman of the Alumni Centennial Committee, I am pleased to pay tribute to the School of Technology at Eastern Illinois University on the celebration of its 100th anniversary.

In 1902, Eastern Illinois University began to offer courses in Manual Training in order to educate students on the study of technology. Eventually the Illinois Board of Higher Education approved the Industrial Technology program, with three options: light building construction, electronics, and metals. The program has been accredited and reaccredited numerous times by the National Association of Industrial Technology.

Eastern Illinois' School of Technology is an outstanding institution and provides its students with the tools and resources necessary to succeed in life. Exemplifying its excellence and stature, the school has experienced a large enrollment increase for this fall semester.

Today, over 500 attend Eastern Illinois' School of Technology. They study a variety of disciplines that prepare them for careers in industry, business, government, and education. The school's faculty and staff are exceptional as they serve both the needs of their students and provide consulting and training needs for the business and industrial community.

Mr. Speaker, the School of Technology at Eastern Illinois University has much to be proud of on its Centennial Anniversary. I regret I cannot attend the school's ceremonies, but I wish the school further success and prosperity for the next 100 years and after.

IN MEMORY OF META FULLER WALLER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the memory of Meta Fuller Waller, a dear friend to many, a dedicated public servant and athletic team captain who tragically lost her life in the Pentagon on September 11, 2001.

Born into a family steeped in the civil rights movement, Meta Waller learned at a very young age an appreciation for the arts and the value of a good education. Her two famous grandparents, Meta Warrick Fuller, an African American sculptor and Solomon Carter Fuller, the first African American psychiatrist in the United States, inspired Meta to pursue her dreams regardless of what stood in her path. These instilled values guided Meta throughout life, especially during the sorrowful loss of some of her closest family members.

With a bachelor's degree from the University of Michigan and a master's degree from the prestigious Harvard Kennedy School of Government in 1982, Meta worked hard to meet the many challenges she faced as the Special Programs Manager for the Administrative Assistant to the Secretary of the Army. In her twelve years at the Pentagon, Meta was heavily involved in the Combined Federal Campaign (CFC), the annual fund raising drive conducted by Federal employees on behalf of numerous non-profit charities. She diligently served as the Army CFC administrator for 14 years and helped raise in excess of $30 million dollars to benefit the least fortunate in our society.

An avid writer and poet, Meta charmed those fortunate enough to witness her literary talent. Meta's active imagination made her a gifted storyteller whose vividly refreshing tales could keep an audience spellbound for hours. Always in search of new challenges, Meta picked up the game of tennis much later in life than most. Despite a lack of past exposure to the sport, she rose to become captain of her women's tennis team, holding the position for three years.

Ever conscientious and adventure seeking, Meta's passions led her to travel the world often. Her most recent trip took her to Durban, South Africa for the World Conference on Racism. Traveling with a group of schoolchildren, Meta gained a first-hand knowledge of the continuing struggle to end racism across the globe. Upon returning home, Meta told family members that the experience had changed her life.

Mr. Speaker, Meta's life serves as a testament to us all that with love and determination we can overcome any odds and lead inspired lives. Everyone misses her dearly but the memory of her indomitable spirit will never be forgotten.

HONORING THE 2002 OLIN E. TEAGUE AWARD RECIPIENTS DR. DOUGLAS NOFFSINGER AND DR. RORY COOPER

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. SMITH of New Jersey. Mr. Speaker, in a ceremony on Wednesday, September 18, 2002, in the Committee on Veterans' Affairs hearing room, Dr. Douglas Noffsinger, Chief, Office of Audiology and Speech Pathology, VA Greater Los Angeles Healthcare System, Los Angeles, California, and Dr. Rory Cooper, Director, Rehabilitation Research and Development Center, VA Pittsburgh Healthcare System, Pittsburgh, PA, each received an Olin E. Teague Award for their efforts on behalf of disabled veterans.

The Teague Award is presented annually to a VA employee (or employees) whose achievements have been of extraordinary benefit to veterans with service-connected disabilities, and is the highest honor presented by VA in the field of rehabilitation.

Dr. Noffsinger was selected to receive this prestigious award in honor of his significant contributions to the rehabilitation of veterans with hearing loss, one of the most common disabilities resulting from military service. His efforts have been multi-faceted and include cutting-edge research, establishing national practice algorithms for selecting and fitting hearing aids, and developing guidelines to assure that all veterans needing hearing aids have equal access to treatment. Dr. Noffsinger is commended for his leadership role in formulating national clinical practice guidelines for selecting and fitting hearing aids that have been accepted as official policy by the professional associations that represent all private and public sector audiologists.

Rory A. Cooper, Ph.D., was recognized with a Teague Award for his major contributions to the rehabilitation of paralyzed individuals, in the design of the modern wheelchairs, for his promotion of the understanding of secondary disabilities among wheelchair users, and for his persistent efforts to improve the availability of high quality products and services to veterans who use wheelchairs. Dr. Cooper's work has affected thousands of veterans by elevating the quality of the wheelchair produced by manufacturers and provided by the VA and other third party payers. Dr. Cooper is one of the world's foremost authorities in wheelchair design and technology. His impact on the lives of people with disabilities has been, and will continue to be, truly profound.

Mr. Speaker, the name Olin E. "Tiger" Teague is synonymous with exemplary service to the Nation's veterans. The late Congressman Teague served on the Committee on Veterans' Affairs for 32 years, 18 of those years as its distinguished chairman. No one who worked with him on veterans' issues ever had to ask why he was called "Tiger." He set the standards by which we can best serve all veterans. I know my colleagues join me in offering our deep appreciation to Dr. Noffsinger and Dr. Cooper for their concern, dedication, and innovation in meeting the special rehabilitation needs of veterans. We congratulate Dr. Noffsinger and Dr. Cooper for the excellence of their work and for the distinguished award they received.

STATEMENT IN SUPPORT OF H.R. 5409 "THE CLEVELAND NATIONAL FOREST RESPONSIBLE ELECTRICITY TRANSMISSION ACT OF 2002"

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. ISSA. Mr. Speaker, I would thank my colleagues Congressman CALVERT, Congressman HUNTER, Congressman CUNNINGHAM, Congressman RADANOVICH, Congressman DOOLITTLE and Congresswoman BONO for their commitment to meeting southern California's energy demands and their continued concern for the communities and property owners affected by the need for a new transmission line.

The Cleveland National Forest Responsible Electricity Transmission Act of 2002 will create a corridor through the Trabuco Ranger District of the Cleveland National Forest, whereby a 500 KV transmission line can be built to connect the Valley-Serrano transmission line (owned by Southern California Edison) to the Telega-Escondido transmission line (owned by San Diego Gas & Electric). The approval of this corridor will greatly strengthen a fragile California transmission grid while protecting hundreds of homes and businesses from condemnation.

This bill is the result of discussions and negotiations among Members of Congress and other interested parties for nearly a year. Our legislation follows the basic premise that we should utilize lands set aside for public use before condemning private property for a transmission line. Nearly 97 percent of the corridor created by our bill will utilize public lands. SDG&E, the utility attempting to secure a corridor for a transmission line, has pledged their support for our legislation in order to avoid making a decision that would be detrimental to the people of the Temecula Valley.

Our bill will do something else that California desperately needs. It will allow a local water district to connect a new source of power to the grid.

The proposed hydro electric facility on Lake Elsinore, adjacent to the corridor, will enable the Elsinore Valley Municipal Water District to place 600 megawatts of green peaker power onto the transmission grid when the California Independent System Operator (CAISO) needs it.

In order for this project to become a reality, our legislation needs to become law. California needs both improved electrical infrastructure and a greater generation capacity: our bill is a step towards achieving these goals.

Mr. Speaker, I am pleased to be here talking about this common sense legislation. I, along with my colleagues, look forward to working with Chairman BARTON and Chairman TAUZIN to make this important legislation law.

HONORING THE LIFE OF VERLYAN RUTH BYRD

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the life of Verlyan Ruth Byrd.

Ruth passed from this life on July 28th. Her passing left a gap in the lives of those who knew her, but also in the lives of many others who did not.

She was a compassionate and tireless advocate on behalf of others who were, like her, impacted by the Government Pension Offset provision. Ruth worked to repeal the Offset, knowing how such a repeal would help others whose Social Security benefits were reduced as a result of the Offset.

Ruth had many friends who joined her in her efforts to repeal the Offset and will carry on in her memory. One of those friends, Cory Grah, continues to make an impact on this issue.

It's for people like Ruth and Cory, that I once again call on my fellow members of Congress to join me in our efforts to repeal the Government Pension Offset once and for all.

There are more Ruths and Corys out there, and they deserve better.

RECOGNIZING NATIONAL OSTEOPATHIC MEDICINE WEEK

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. STENHOLM. Mr. Speaker, I rise today to recognize National Osteopathic Medicine Week, October 6–12, 2002, a week when the nation's 49,000 osteopathic physicians (D.O.s) are particularly dedicated to increasing the public's awareness of access to care issues.

For almost 25 years now, the American Osteopathic Association (AOA) and its members have celebrated the osteopathic medical community's unified effort to educate the nation about issues influencing the American health care system. I am especially pleased the theme of this year's NOM Week is "Access to Care."

Access to care promotes appropriate entry into the health system and is vital to ensuring the long-term viability of rural health care delivery. Without access to local health care professionals, rural residents are frequently forced to leave their communities to receive necessary treatments.

When D.O.s, student doctors and supporters of osteopathic medicine travel to Las Vegas, NV to attend the AOA's 107th Annual Convention and Scientific Seminar, nearly 8,000 will receive the latest information on access to care issues such as professional liability insurance (PLI), uninsured children, bioterrorism and mental health. I applaud the osteopathic medical community for emphasizing patient access issues, so important to the 17th District of Texas and the Nation.

Take for example, access to children's health care. While nationwide participation in the State Children's Health Insurance Program has increased since its 1997 inception, many parents whose children qualify for the program have not yet enrolled them.

And let's not forget the access to care barriers facing our minority populations. It is a proven fact that America's many racial and ethnic groups are frequently at a disadvantage on a wide-range of measures, including effective patient-physician communication, overcoming cultural and linguistic challenges, and availability of health care and insurance coverage.

Access to health care can be established only when medical professionals are available to provide quality health care. Over the past few years, medical liability premiums and payments have escalated out of control causing health care quality, access, and cost problems. While some states have passed professional liability insurance (PLI) system reforms, not every state has effective laws in place. The osteopathic medical community recognizes many states face critical PLI system problems.

For more than a century, D.O.s have made a difference in the lives and health of my fellow citizens in Texas as well as all Americans. Overall, more than 100 million patient visits are made each year to these fully licensed physicians able to prescribe and perform surgery. D.O.s serve the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

D.O.s are certified in nearly 60 specialties and 33 subspecialties. D.O.s complete and pass: four years of medical education at one of 20 osteopathic medical schools; a one-year internship; a multi-year residency; and a state medical board exam. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want their health care provider to have this extra knowledge as a part of their health care.

In recognition of NOM Week, I would like to congratulate the over 2,500 Texas D.O.s, the 453 students at University of North Texas Health Sciences Center at Fort Worth, and the 49,000 D.O.s represented by the American Osteopathic Association. Your contributions to the good health of the American people are commendable.

TRIBUTE TO MR. JACK FITZGERALD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to recognize the leadership of Jack Fitzgerald and the efforts of Fitzgerald Auto Mall. Working in concert with the National Safe Kids Campaign, police, fire and rescue officials, and the Montgomery County Maryland Office of Consumer Affairs, they have worked diligently to ensure that child safety seats have been installed in vehicles correctly. Today, at Fitzgerald Auto Mall, the 20,000th child safety seat inspection will be performed.

Nearly 90% of the child safety seats that have been inspected at Fitzgerald Auto Mall found incorrect installations—some with multiple errors. In addition to those who made the inspections and corrections, I would like to recognize those 20,000 families who came to get their child safety seats checked. It is a testament to the active and concerned citizenry that helps make our community unique. We cannot accurately say how many lives have been saved through this effort, but without a doubt, vehicles and families are now safer because of it.

Let us all hope that tens of thousands more will follow the lead of this first 20,000, and I salute Fitzgerald Auto Mall and all the community leaders who have worked so tirelessly in this effort.

TERRORIST ATTACKS OF SEPT. 11, 2001

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, last Wednesday our nation commemorated the terrorist attacks of September 11, 2001. While these attacks were committed on the World Trade Center and the Pentagon, they were in fact directed at our nation as a whole. Our freedom, our way of life, the very foundations of our great democracy, were ruthlessly targeted by an unprecedented force of evil. Now, one year later, our nation is stronger and more unified than ever to rid the world of terrorism in all of its forms, as well as its root causes including poverty, injustice, and despair. It is my sincere hope that America never forgets the terrible atrocities committed within our borders. These acts were a direct attack upon freedom loving people everywhere and we have a duty to ensure that freedom and democracy prevail in this struggle against tyranny and oppression.

YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK IN PENNSYLVANIA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to bring attention to the fight against suicide. Suicide takes the lives of over 30,000 Americans each year. Last year, September 16-22, was designated as the Yellow Ribbon Youth Suicide Awareness and Prevention Week in Pennsylvania. This week brought community awareness to suicide, helped educate the public about suicide prevention techniques and brought together families who have lost loved ones to suicide.

Suicide prevention efforts are an important factor in reducing the amount of suicides in this country. More people die from suicide than from homicide each year. The Yellow Ribbon Program has helped people of all ages ask for help during their most desperate times.

Members of Congress and communities throughout the country have supported this organization. Please join me in recognizing this important group and the important role it has provided in preventing suicides.

RECOGNIZING NATIONAL POW/MIA RECOGNITION DAY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HOLT. Mr. Speaker, citizens across central New Jersey and the Nation will pause on National POW/MIA Recognition Day to reflect on the heroism of the thousands of Americans who endured the hardship of enemy confinement, and those who are missing and whose fate remains unknown. I'm proud to join them in observing this important and solemn occasion and to say thanks to those who have made this sacrifice.

Especially now, at this difficult time in our nation's history, we must remember, that for some brave families, especially the families of our missing, the war is never over. Many of us have read recently about the questions of the fate of one of our service people from the Gulf War, Navy Pilot Scott Speicher. For his family and others this day is especially important. While our government is still making every effort to account for our soldiers, there are still 88,000 of our fellow citizens are missing in action from World War II, the Korean War, the Cold War and the Vietnam War. As a nation, we must do all that we can to continue to honor them and to account for them.

In central New Jersey, and the country, offices, schools and businesses will fly the POW/MIA flag. It will fly at national and military cemeteries and here, in the Capitol Rotunda, the most honored place in this historic seat of our government.

This nation has not forgotten its obligation to former POWs and those who are still missing in action. As people gather today for patriotic ceremonies and speeches to commemorate our POW/MIA's, America's commitment to them remains strong.

I hope my colleagues will join me in marking National POW/MIA recognition day.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

September 12, 2002: rollcall vote 385, on motion to go to conference, I would have voted "yea"; rollcall vote 386, on approving the journal, I would have voted "yea."

September 18, 2002: rollcall vote 391, on agreeing to H. Res. 528, 1 would have voted "yea."

AMERICAN FRONTIERS: A PUBLIC LANDS JOURNEY

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. OTTER. Mr. Speaker, Idaho is blessed with a variety of natural resources, many of them located on public lands. We also are blessed with a diverse array of recreational choices, many of which also are available on public lands. Over 63 percent of Idaho is public land. Tens of thousand of visitors to our state each year are drawn by the beauty of those lands and by opportunities to drive Idaho's byways, camp, ski, hike, hunt, river raft or enjoy a host of other activities. America's public lands are an important legacy that belongs to all citizens. Recognizing that fact, Idaho recently hosted a special expedition called American Frontiers: A Public Lands Journey, which is drawing attention to this special legacy. This 3,200-mile journey by two teams of adventurers is helping to educate schoolchildren about public lands and bringing all of us the opportunity to better understand the way these lands help shape the West. I encourage people to visit the special Web site that chronicles this amazing interactive journey, at *www.americanfrontiers.net*. The dispatches from the trail recount stories in Idaho ranging from encounters with grazing sheep and their shepherds to a "town" with a winter population of one person. All of the trekkers were impressed, most of all, with Idaho's vast beauty. As one of them observed: "The view across the meadow to the mountains is stunning. We see and hear three sandhill cranes flying overhead. The whole scene seems like right out of a movie." I commend the Public Lands Interpretive Association for organizing this effort. And I congratulate the individuals who will complete this two-month journey on September 28 in Salt Lake City!

RACING REMEMBERS

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. FLETCHER. Mr. Speaker, it is an honor for me to recognize the American racing industry for its response to the terrible tragedies our nation suffered a year ago. I am deeply gratified to note that the nation's horseracing industry, which is of such great importance to the Commonwealth of Kentucky, shared in our nation's ceremonies of remembrance on September 11. Yesterday, all across the country, our racetracks, owners, trainers and jockeys all stood together to remember what happened a year ago and to honor those who were lost and those who showed such great courage in the aftermath of the terrorist attacks.

The National Thoroughbred Racing Association requested that all racetracks operating on September 11 cease normal business operations to share in a 10-minute, nationally simulcast observance at 4:10 p.m. Eastern Time. All across the country, there was no racing or related activity at any NTRA-member facilities during the brief, dignified and patriotic service which included a flag ceremony, a moment of silence, the singing of the National Anthem and a video tribute.

The nationwide ceremony allowed racing and its fans to remember September 11 together, even though they were at many different locations, because the observance was broadcast via simulcast to many different facilities from Del Mar Thoroughbred Track in California. It was hosted by Emmy Award-winning broadcaster Dick Enberg.

This observance was the culmination of a year-long effort by the racing industry to raise funds for individuals and families devastated by the attacks. Over the past year, members of the international Thoroughbred horseracing community, including tracks, horse owners, trainers, grooms, jockeys and veterinarians, have contributed more than $12 million to assist the families of those lost on September 11.

I am proud that the American racing and breeding industry has responded so patriotically to our nation's ordeal and assisted so many Americans hurt by those tragic attacks.

RECOGNIZING FOURTEEN YEARS OF TYRANNY IN BURMA

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. KIRK. Mr. Speaker, I rise today to recognize the fourteen year anniversary of the mislabeled State Peace and Development Council's brutal takeover of power in Burma.

In addition, I commend Nobel Peace Prize laureate Daw Aung San Suu Kyi for her continued strength and leadership during this period of repression and illegitimacy in Burma.

After legitimately winning Burma's 1990 election, Suu Kyi was placed under house arrest in Rangoon. Recently, she was released from house arrest, however, nearly 1,500 political prisoners remain in Burmese prisons for their peaceable opposition to the SPDC's illegitimate rule. Meanwhile, as many as one million Burmese citizens, many of whom are children, are forced to build roads, military installations, and railroads for the junta.

Over thirty percent of Burma's children are malnourished, yet the illegitimate SPDC regime continues to spend billions of dollars on military equipment purchased from China and Russia. The SPDC regime fails to provide any substantial assistance for critical health care and educational programs in Burma, yet it continues to amass a dangerous military arsenal.

Burma is a country of peaceful, intelligent and freedom-loving citizens, yet the brutal ruling junta has spent the last fourteen years crushing the will of the people. I join my colleagues in recognizing the fourteen year anniversary of the SPDC's hostile military takeover, and I commend Daw Aung San Suu Kyi's continued efforts to fight for freedom, democracy, and human rights.

IN MEMORY OF JAMES B. WIGLE

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BLUNT. Mr. Speaker, I rise today to memorialize James B. Wigle, who died Monday September 9, 2002.

His family, friends, community and industry have suffered a significant loss. Jim Wigle was an extraordinary man in many ways and has permanently left his mark. Today, I would like to honor James B. Wigle's career as a pioneer in the insurance industry, a philanthropic community leader, and his extraordinary efforts with the Morgan Horse Association and Institute.

Jim Wigle graduated from the University of Toronto in 1936 with a degree in Business Administration and later received his degree as a Chartered Life Underwriter from American University. He spent his entire career in the insurance industry, except for five years when he served as an officer in the Royal Canadian Artillery during World War II.

In 1946 Mr. Wigle came to California while working for the Occidental Life Company and later at The Travelers Insurance Company where he recognized the opportunities in the insurance distribution sector. After becoming an insurance representative, he wrote his first association group case in 1951 and began to specialize in this segment of the market, thus becoming one of the country's pioneers in insurance mass marketing through associations such as the American Legion Insurance Trust. To this end, in 1956 he formed Association Group Insurance Administrators. Today, AGIA has offices in California, Arizona, Minnesota, and Washington, D.C. AGIA ranks at the forefront of the independently-owned association group insurance broker-administrators in the United States. Mr. Wigle served as President and Chief Executive Officer until January 1, 1986, and then continued to be actively involved in the business as Chairman of the Board and Chief Financial Officer.

AGIA is a significant employer in the Santa Barbara and Carpinteria communities and participated in the funding of several community events over the years. Jim Wigle was always known as a loving, generous, and thoughtful person.

Jim participated in numerous local association programs over the years and served nationally as the President of both the American Morgan Horse Association and the American Morgan Horse Institute. He was responsible for raising the funds necessary to establish the Morgan Horse Museum and new permanent home for the AMHA in Shelburne, Vermont. His efforts were recognized, when he was named the 1978 Morgan Horse Man of the year honoree and 1990 Morgan Horse Hall of Fame honoree.

His determination, vitality, boundless energy and dedication will be missed, but despite his absence, Jim Wigle will continue to serve as an inspiration and as a role model to the many people who knew his indomitable spirit.

RECOGNIZING MR. MARTIN ORTIZ

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. NAPOLITANO and Ms. HILDA SOLIS. Mr. Speaker, we are extremely proud to rise today to honor a very special man—Mr. Martin Ortiz, founding Director of Whittier College's Center of Mexican American Affairs in Whittier, California.

Mr. Ortiz served our community for more than 40 years and retired leaving a foundation upon which the next generation of Latino students will strive to embrace their diversity as leaders, professionals, and contributors to their community. In recognition of Mr. Ortiz's devotion to the college and the community at large, he was named Director Emeritus and was given the opportunity to serve as a consultant to Whittier College.

Mr. Ortiz has a long litany of accomplishments, which speak to his sense of duty and responsibility to the community. As the founding director of Whittier College's Center of Mexican American Affairs, Mr. Ortiz served as a mentor to thousands of students, many of whom are the first in their families to attend college. His work contributed significantly to making Whittier College one of the most diverse liberal arts colleges in the country. Furthermore, Dr. Ortiz's leadership in diversity issues shaped the ethos of Whittier College in significant ways.

Mr. Ortiz has received many honors for his work, including recognition from the California Legislature for his dedication to the students and the community served by Whittier College. He also received the Recognition Award from the Personnel Management Association of Aztlan, National Board, for his promotion of employment opportunities for minority youth, and a Distinguished Service Award from the U.S. Department of Education. The college's organization Alianza de Los Amigos elected him to its Hall of Fame, and a $1.5 million endowed scholarship has been established at Whittier in his honor.

Throughout his career, Mr. Ortiz has served as a consultant and advisor to many organizations. He has been a consultant to the U.S. Department of Health and Human Services and has served on many community and professional associations including the Los Angeles County Human Relations Commission, the Task Force on Improving Community Relations, the California Council of Criminal Justice, and the National Hispanic Task Force, Social Security Administration.

Mr. Speaker, we invite our colleagues to join us in saluting Mr. Martin Ortiz for his selfless and untiring efforts on behalf of Latino students. His devotion to his work and his commitment to others has earned him the love and praise of countless people who have received his comfort, advice and support. We congratulate him on a wonderfully successful career and wish him all the best as he enters retirement.

H.R. 1701, THE CONSUMER RENTAL PURCHASE AGREEMENT ACT

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I urge my colleagues to support the Consumer Rental Purchase Agreement Act, H.R. 1701. The bill before us is the product of the many months of hard work by several Members. I want to especially thank Congressman WALTER JONES and my Financial Service Committee colleagues on both sides of the aisle for their constructive input in producing a bipartisan, consumer friendly piece of legislation.

Let me make it clear, this bill establishes a federal floor for Rent-to-Own disclosures and consumer rights, and preserves states' options to regulate costs and other disclosures. That is, States can still apply further economic and substantive safeguards, such as regulating maximum rental costs, allowable fees, and fair collection practices should they decide to do so.

In April of 2000, the Federal Trade Commission (FTC) issued a staff report that addresses many of the issues surrounding the rent-to-own industry. Generally speaking, the FTC report concluded that clear and comprehensive disclosures of the rental-purchase transaction would benefit both the industry and consumers. In that report, the FTC made some recommendations regarding the types of disclosure that would benefit consumers. The "Consumer Rental Purchase Agreement Act" is an effort to begin to implement those recommendations.

I think that everyone will agree that giving consumers the information they need to make informed decisions is both good public policy and ultimately good economic policy as well. The consumer safeguards provided in this legislation include the prohibition of certain fees, improved consumer disclosures, expanded civil liability, prohibition of abusive practices, and the preservation of existing rights.

H.R. 1701 requires several clear and conspicuous disclosures that assure merchants will not present information in such a way that conceals or misleads consumers as to the true cost of the transaction. The proposal includes a plain language requirement for use in contracts. Specifically, the bill requires that all merchandise bear a label or tag that discloses specific cost and merchandise information, such as the price to purchase the merchandise for cash, the rental payment amount, the total number of payments to acquire ownership, and the total cost of ownership. Additionally, H.R. 1701 requires that price tags and label disclosures (as well as contracts) include the total cost for ownership, which consists of the sum of all rental payments and any mandatory fees or charges, per the FTC report recommendation. The bill also requires that price tags and labels (and contracts) identify whether merchandise is new or used.

The Consumer Rental Purchase Agreement Act also prohibits the imposition of any special fees to acquire ownership, including a prohibition on balloon payments. The bill prohibits merchants from charging more than one late fee for a delinquent rental payment, or charge for an unpaid late fee. This will ensure that consumers are not charged with unfair or over-burdensome penalties and fees for simply missing a payment.

Importantly, H.R. 1701 clarifies civil liabilities protections for consumers in Rent to Own transactions. H.R. 1701 expands civil liability and penalties to allow actions based on a "pattern or practice" of advertising violations. The bill explicitly provides for civil action and expanded penalties for enforcement by the FTC and State attorneys general, based on a pattern or practice of violations by a merchant.

Additionally, the bill ties criminal and civil liability and penalties for violations to the requirements of the Truth in Lending Act and Consumer Leasing Act.

Mr. Speaker, this bill establishes an important federal floor for consumer protection, and create a framework for additional consumer protection in the future. In sum, this legislation will give consumers the information they need to make informed decisions. It will also create a uniform regulatory baseline that will help with the growth of the industry and its contributions to our economy. I urge my colleagues to support this far-sighted legislation.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 19, 2002

Mr. MASCARA. Mr. Speaker, on September 17, 2002, I was absent for personal reasons and missed rollcall votes numbered 388 through 390. For the record, had I been present I would have voted "yea" on all of these votes.

HONORING KENNETH LARGESS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 19, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Kenneth Largess, this year's Grand Marshal for the Spirit of Shrewsbury Festival. This gathering for all townspeople will also celebrate the town's 275th anniversary.

Ken Largess grew up in Shrewsbury and attended Shrewsbury High School, where he graduated in 1968 and then received a teaching degree from Worcester State College. Soon after he began a teaching career in Shrewsbury and is now an Assistant Principal at Shrewsbury High School. Ken has been deeply involved in the planning and construction of the new high school building that will be dedicated this Sunday. He is an integral part of the school community and is one of the reasons behind its tremendous success. Dedicated to his students, he is one of those educators to whom we can point to and say, "He has made a difference in the lives of those he serves." The town of Shrewsbury is indeed fortunate

Outside of work, he and his wife, Patti, are the proud parents of three grown children, Kenny, Tara and Erin. Ken and Patti have spent some of their happiest hours on the soccer field, baseball field and basketball court cheering on their children and teammates.

Mr. Speaker, I ask our colleagues to join me in offering our congratulations and best wishes to Ken Largess and to the people in the Town of Shrewsbury.

INTRODUCING A CONCURRENT RESOLUTION THAT THE UNITED STATES SHOULD WORK THROUGH THE UNITED NATIONS REGARDING IRAQ

HON. FORTNEY PETE STARK

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 19, 2002

Mr. STARK. Mr. Speaker, today, I rise in support of America leading a strong and sustained diplomatic effort with our partners in the international community to confront Saddam Hussein.

I am proud to join my colleague and friend Barbara Lee—among many others—in introducing a resolution expressing the sense of Congress that the U.S. work through the United Nations to assure Iraq's compliance with UN resolutions regarding weapons of mass destruction rather than pursue a unilateral military attack.

Last week, President Bush finally listened to the wise counsel of the American people and engaged the United Nations on Iraq's failure to comply with its resolutions. While I applaud the President's effort to reach out to our partners in the United Nations, he seriously undermined the cause of diplomacy by threatening unilateral action if the UN did not meet America's demands for military action. I urge the President to heed his own words and allow the United Nations to live up to its responsibility to hold Iraq accountable without forcing hostile military action that threatens America and the world.

I strongly question the President's assertion that immediate military action is necessary. The evidence of an imminent threat from Iraq is not there. The Administration's so-called secret briefings have provided Congress with paltry information they could have as easily read in the New York Times. Our intelligence agencies will have to provide something more compelling than generalized claims that Iraq could have some nuclear capability in six months to seven years. They don't even know if Iraq even has the capability of striking the United States with any weapon at this time.

Without concrete evidence, I do not want our President to run off willy-nilly and risk the lives of America's young men and women. Especially, when the President has not shown the resolve to seek the evidence to justify such action or to pursue a peaceful solution to the situation.

The President has also ignored the track record of past weapons inspectors in Iraq. Between 1991 and 1998, they were successful in destroying large stockpiles of chemical and biological weapons. He has dismissed Iraq's offer to allow weapons inspectors back into Iraq unconditionally. Even worse are the statements from the Administration that the United States should attack Iraq, even if Saddam Hussein were proven to be compliant with existing UN resolutions. As reported by today's Washington Post, the Administration is even trying to suppress the scientific analysis of government experts who refute their claims that equipment sought by Iraq would provide the capability of producing nuclear weapons.

Am I to believe that the President has made waging war with Iraq a foregone conclusion? I think Americans deserve more serious consideration on the part of our President before we plunge our nation into war and risk the lives of their loved ones.

Should the President compel Congress to go to war, the United States risks setting an international precedent that the mere suspicion that a nation may soon possess weapons of mass destruction is reason enough to preemptively attack them or force a regime change. Who are we to attack next? Iran? North Korea? China?

If we should remove Saddam Hussein from power, we must consider the consequences. Secretary Rumsfeld has said it is up to the Iraqi people to confront the challenges of a post-Saddam Hussein Iraq. This would likely ignite a civil war between the Shiites, the Kurds, the Turks, and other ethnic groups that make up that nation. Do we want these warring groups to gain access to chemical, biological, and nuclear weapons, should they exist? Is it worth risking the stability of the Middle East or the world?

Given the need for an extended U.S. presence there, would our invasion be worth the price at home? It would likely cost over $60 billion to deploy our troops and sustain a force of up to 100,000 U.S. troops in one year alone. These troops would likely have to stay for up to 5–10 years as part of an international peacekeeping force. Rebuilding a war torn Iraq would also likely cost roughly $50–100 billion.

With deficit spending already running at over $150 billion this year, these military costs would create a monumental budget crisis when we've yet to secure basic domestic priorities like a prescription drug benefit or shoring up the solvency of Social Security.

Finally, by acting with the tepid support of the international community, protracted U.S. involvement in Iraq could threaten the support we have gotten from Middle East countries in our war on terrorism. It could easily ignite long-standing discontent among the Arab people that would only fuel a more aggressive terrorist offensive here in the United States.

For these reasons, I believe we must proceed wholeheartedly with responsible and sustained diplomacy. I am proud to sponsor BARBARA LEE's resolution that underscores the value and necessity of this effort. The President must lead the United Nations to fulfill its mission without unnecessary bloodshed. I urge my colleagues to join with us to provide him this mandate.

MOURNING LOSS OF MAYOR RALPH APPEZZATO

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Ms. LEE. Mr. Speaker, I rise today with a heavy heart and deep sadness over the loss of Mayor Ralph Appezzato. Ralph was a friend and a colleague. I offer my heartfelt sympathy to his wife of 34 years, Marilyn, and their three sons, David, Jason and Joshua.

I always valued Ralph's counsel and his friendship. He will be remembered as one of our nation's most effective mayors, particularly for his leadership in the award-winning conversion of the former Alameda Naval Base to successful civilian uses.

Like many friends, colleagues and citizens in the Bay Area, I was shocked to learn about Ralph's untimely death. With his passing, we have lost a warrior for social justice and positive change. Ralph was a dedicated public servant held in the highest regard.

Ralph was elected Mayor of the City of Alameda on November 8, 1994, and reelected November 3, 1998. He was previously elected to the City Council in November, 1992 and was a member of the Alameda City Planning Board, twice serving as President.

Ralph is a graduate of Seton Hall University and went on to receive a graduate degree in Education from Villanova University. He is also a graduate of the Armed Forces Command and General Staff College.

Ralph served as a Marine Corps Officer, retiring as a Colonel in 1983. After leaving the Marine Corps, he was a Vice President at Bank of America for seven years and Chief Operating Officer at Volunteers of America for four years.

Ralph's dedication to community issues was reflected in his participation on many regional organizations in the San Francisco Bay Area, including: the Alameda Reuse and Redevelopment Authority; the East Bay Conversion and Reinvestment Commission; the Alameda County Waste Management Authority; the Alameda County Congestion Management Agency; the Alameda County Mayors' Conference; the Alameda County Airport Land Use Commission; the Metropolitan Transportation Commission; the San Francisco Bay Conservation and Development Commission; the San Francisco Bay Area Water Transit Authority; the Federal Department of Transportation Towing Safety Advisory Committee, and; the U.S. Conference of Mayors.

Ralph also served on several Boards of Directors, including: Alameda Council, Boy Scouts of America; Alameda Boys and Girls Club; Clara Barton Foundation, and; Alameda Meals on Wheels.

I join his family, the City of Alameda and the Bay Area as we mourn the passing of a great American.

STAND FIRM VIGIL FOR SUDAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. PITTS. Mr. Speaker, I rise today out of deep concern over the continued attacks by the Khartoum regime in Sudan against innocent civilians. Recent reports indicate that the Government of Sudan, despite agreeing to a peace proposal, bombed the town of Lui—why would they bomb a town that has only a school, hospital and church and no military installations? This recent incident shows the real intentions of the Khartoum regime.

Christians, Muslims and others have suffered terribly under the Khartoum regime—it is time that this suffering comes to an end. Reports are clear that the Khartoum regime has violated numerous international human rights norms: they enslave women and children, divert food aid, bomb schools, hospitals and churches, force religious conversions, and forcibly "re-educate" citizens.

The story of Mr. Francis Bok of Southern Sudan reflects the reality of life for many of Sudan's children. At the age of seven, Mr. Bok was captured and enslaved during an Arab militia raid on the village of Nimlal. For ten years, he lived as the family slave to Giema Abdullah and was forced to sleep with cattle, endure daily beatings, and eat rotten food. Tragically, slavery still exists today.

Mr. Speaker, there is a constant flow of reports out of Sudan which describe the horrors of life for the people, particularly those from the South, under the Khartoum regime. Our nation, and the international community must stand in solidarity with the people of Sudan and offer concrete, practical ways to alleviate their suffering and bring peace. We must act to bring an end once and for all to the civil war and deliberate genocide in Sudan. The recent peace agreements are a step forward, yet Khartoum already has violated the agreements.

This week, a number of organizations, led by the Institute on Religion and Democracy (IRD), are staging a Stand Firm Vigil for Sudan. I commend IRD, Christian Solidarity International (CSI), the American Anti-Slavery Group, Servant's Heart Ministry for Sudan and others for their tireless work on behalf of the suffering people of Sudan. I stand with you and with the freedom-loving people of Sudan.

HAPPY BIRTHDAY, PAUL L. BRADY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LEWIS of Georgia. Mr. Speaker, I rise to salute a distinguished citizen, Paul L. Brady, of the Fifth Congressional District of Georgia as he celebrates a special day in his life, his 75th birthday.

Paul L. Brady, a native of Flint, Michigan, received his early education in the Flint public schools. After graduating from high school, he enlisted in the U.S. Navy. Following military service, he attended the University of Michigan and University of Kansas, majoring in psychology.

Judge Brady's interest in the law was prompted by his personal involvement in what became the landmark case of Brown v. The Board of Education of Topeka, Kansas. He attended law school at Washburn University, Topeka, where he received his Juris Doctor Degree. He did further study at the Lawyer's Institute, Chicago, Illinois; the Center for Administrative Justice, George Washington University; and graduate work at Georgetown Law Center, Washington, DC.

His legal experience included twelve years of private practice in Chicago, Illinois, an adjudicator for the Social Security Administration, a Supervisory Trial Attorney for the Federal Power Commission (receiving this commission's highest award for efficiency in 1971), and a Hearing Examiner with the Department of Health, Education and Welfare.

In 1972, he was appointed a Federal Administrative Law Judge and became the first African American to be so named. After serving 25 years on the bench, Judge Brady retired. During the last 6 years of his tenure, he presided as Chief Judge of the Atlanta Regional office. In his honor, a Library-Conference Room has been designated the Brady Conference Room in the Sam Nunn Federal Office Building.

Judge Brady is a member of the Judicial Council of the National Bar Association, the Federal Administrative Law Judges' Conference and the Federal Bar Association. He has also served as a faculty coordinator for a course on Administrative Law Procedure at the National Judicial College, Reno, Nevada. In addition to being a member of several State Bars, he is also admitted to practice before the Supreme Court of the United States.

A life member of the NAACP, he has received numerous awards and honors for community involvement, the highlight of which was national recognition for organizing government lawyers in a Volunteer Neighborhood Legal Services Program in Washington, DC.

In 1992, Flint Central High School selected Judge Brady as one of its initial honorees in the Alumni Hall of Fame. In 1997 he was inducted into the National Bar Association's Hall of Fame. He is the author of "A Certain Blindness," a book that chronicles his family's history and is a prototype of other African-American families' quest for the "promise of America."

Judge Brady is the father of two children: Paul L. Brady, Jr., of Los Angeles, Dr. Laura Brady Sullivan and son-in-law Dr. Paul Sullivan, Southlake, Texas and grandson Paul Sullivan, Jr. He lives in Atlanta with his wife, Xernona, a television executive.

THE INTRODUCTION OF AN ACT TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO EXCLUDE FROM INCOME AND EMPLOYMENT TAXES AND WAGE WITHHOLDING PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to introduce bipartisan legislation that would exclude tax abatements and other qualified incentives provided by local governments to volunteer firefighters and emergency medical responders from being considered part of an individual's gross income, and allow states and communities around the country to provide these important recruiting and retention incentives to their volunteer firefighters and emergency medical responders.

Studies conducted by the United States Fire Administration show that 73 percent of all fire departments in the United States are volunteer departments. These volunteer departments account for protecting 38 percent of America's population, in both rural and urban areas. However, statistics have shown that the ranks of volunteer fire companies are shrinking at an alarming rate. The number of volunteer firefighters around the country has declined 5 to 10 percent since the 1980s, while emergency service calls have steadily increased over the same period.

To help localities recruit and retain volunteer firefighters, the State of Connecticut enacted a law allowing among other things, the legislative body of any municipality to establish, by ordinance, a program to abate property taxes due for any fiscal year for a resident of the municipality who volunteers his or her services as a firefighter, emergency medical technician, or ambulance driver in the municipality. Many other states have passed similar initiatives.

However, when cities and towns seeking to pass local ordinances providing the abatements or other incentives under the state law, the IRS ruled in a similar property tax abatement inquiry, that under current federal law the amount of property tax abated for volunteers was considered income.

Also, since the workers do not actually receive "cash" for these "wages," the "employer" (i.e. localities) would be required to pay both portions of the FICA tax on the amount of property tax abated. Further, if the localities do not seek reimbursement from the volunteers for their portion of the FICA tax, then that portion would be considered wages for FICA tax purposes subject to an additional FICA tax.

Clearly, this confusing ruling undermines the intention of providing incentives to recruit and retain enough volunteer firefighters and emergency medical responders to keep our communities safe and puts an enormous economic burden on localities.

In today's fast paced economy where men and women must work longer hours or multiple jobs just to break even, time to volunteer is becoming a thing of the past. These types of creative incentives help encourage new volunteers to strengthen the ranks of the men and women who already safeguard our community. If our cities and towns are willing to forgo their local tax revenues in order to ensure they have enough volunteer firefighters and emergency medical responders to protect their communities, then Washington DC and the IRS should not be allowed to swoop in and take the money for themselves.

I urge my colleagues to support this legislation and insure that state and local governments have the flexibility to design and implement the type of recruiting and retention incentive programs that most adequately reflect the needs of their communities and volunteers.

IN MEMORY OF CORPORAL JAMES VICTOR ARNAUD AND DEPUTY ELIZABETH LICERA MAGRUDER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HOYER. Mr. Speaker, I rise today to honor and remember Corporal James Victor Arnaud and Deputy Elizabeth Licera Magruder. These two officers lost their lives in the line of duty on August 29, 2002.

Corporal Arnaud was in the Army for twenty years before retiring and joining the Prince George's County Sheriff's Office. He resided in North Beach, in Calvert County, Maryland and he served as an officer for 13 years before his tragic death. Corporal Arnaud was an excellent officer and he was posthumously awarded the rank of sergeant for his service. He is survived by his wife, Theresa, two children, Jamey and Michael, and two grandchildren, Joseph and Jacob.

Deputy Magruder graduated from the Southern Maryland Criminal Justice Academy on May 3, 2002. She recently bought a house in Clinton, Maryland and is survived by her husband, Derwinn, and her son, Devin. Deputy Magruder loved her job and strived to help other people.

Both of these officers were shot to death while working overtime to serve an emergency psychiatric court order. Serving court orders is considered a routine duty for officers to perform. However, this tragedy reminds us of the terribly high risks that a law enforcement officer faces while doing even routine tasks.

Local law enforcement officers like Deputy Magruder and Corporal Arnaud have such a strong sense of duty to their community that they willingly put themselves at risk every day that they are on the job to protect our lives and make our communities safer. This dedication to duty makes law enforcement officers an integral part of a community's strength.

This is a true meaning of the word "hero." A person who is determined to help others, even if it means sacrificing their lives.

Local law enforcement officers have the courage to guard us, the compassion to help us, and the strength of spirit to do their job, even though they are rarely praised. Corporal Arnaud and Deputy Magruder are a part of this tradition, and they gave their lives in the course of a routine day. We shall not forget them; their bravery and sense of duty are certainly worthy of praise.

Mr. Speaker, I ask my colleagues to join me today in recognizing the sacrifices of Corporal James Arnaud and Deputy Elizabeth Magruder.

FINISH WORK ON CAMPAIGN FINANCE REFORM

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LEACH. Mr. Speaker, I rise to invite the attention of my colleagues to a sea change that is taking place in our political life, a change uncontemplated by our founders: the nationalization of campaigns for the U.S. House of Representatives.

Our founders envisioned a Congress made up of members obligated to represent the interests and views of widely diverse constituencies. But as money has become the lever of influence and as that money now comes from national sources, candidates are finding themselves indebted more to those who play the slot machines of influence than those they attempt to influence—i.e., the voter.

Many active in American politics may take this money game development for granted and may even welcome it, but this change has profound ramifications for our experiment in self government that deserve careful consideration.

As we all know, the Constitution sketches the outlines of the House in Section 2 of Article 1. What the founders had in mind for the body is perhaps summed up best by Madison in Number 57 of The Federalist Papers: "The House of Representatives is so constituted as to support in the members an habitual recollection of their dependence on the people."

The late Speaker Tip O'Neill's dictum "all politics is local" and our referral to this place as "the people's body" symbolize this fundamental understanding of the nature and purpose of the House.

Modern campaigning, with its emphasis on image and short, simple messages, and its use of television to project these images and messages, combined with the role of special interest money in financing increasingly expensive House contests, is in danger of severing this defining relationship between Members and their constituents. At risk is the disenfranchisement of the American voter. In 2002 several factors have combined to make my home state of Iowa a microcosm of this troubling development.

This is the first election following the Constitutionally-mandated decennial census and resulting reapportionment of the House. In

Iowa, re-Districting properly is not the incumbent protection process it is in most states. Rather, the state's constitution requires that Iowa's ninety-nine counties be grouped together in a configuration that distributes the population most evenly among the five Congressional Districts without dividing a single county. This approach should and has in the past meant a renewal of political life in the state, with a new alignment of districts revitalizing the state's body politic.

This year the district realignment process worked well. The question now is whether the outside interest groups involvement has mushroomed to such an extent that the nature of our state's congressional elections have changed in such ways as to incentivize negativity and reward the kind of campaigning designed to appeal to the lower instincts of human nature.

The slim margins of control in both bodies of the national legislature, the protection extended to incumbents and therefore the status quo in other states, a close gubernatorial contest and a hotly contested Senate seat, the closeness of the last presidential election in the state and the pivotal role the Iowa caucuses will play in the 2004 race for the White House, have all combined to make Iowa a principal battleground on which this year's political fight is being waged.

As a consequence, money has been pouring into the state from national special interest PACs. Our airwaves have been jammed with radio and television ads, both positive and now increasingly negative in nature, purchased at already exorbitant and rapidly escalating cost. Mailings from campaigns and parties cram the state's mailboxes and politicians from across the country flock in droves to the Iowa, ostensibly to assist this or that candidate, but certainly to boost their own ambitions for leadership positions in Congress or on the broader national stage.

In addition, interest groups from across the political spectrum are making "independent expenditures" on behalf of Iowa candidates in unprecedented numbers. These efforts, whether positive of negative nature, in the form of newspaper, radio or television ads, mailings or the sending in of workers to forward a candidate or cause, are by law without the knowledge, much less the control, of the campaigns effected by them.

What is being lost in this cacophonous war of political words and images is the voice of individual Iowans, that to which Members and candidates for the House are charged principally to attend.

As many of you know, I have been an advocate of radical campaign finance reform throughout my tenure in the House. Since first seeking public office, I have refused contributions from special interest PACs and accepted support only from individual Iowans, limiting that to half what is allowed by law. I have regularly offered to enter into agreements with my opponents to limit campaign spending and just as regularly been rebuffed, as I was this year.

Moreover, I also have consistently requested that outside groups not make independent expenditures in my races. I have done so this year and would like to reiterate and underscore that request now. Outside interest groups should stay out of what are intended by the Constitution and ought to remain instate voter choices.

But as important as it is to me, the shifting nature of modern campaigns is about much more than House races in Iowa. If the trend toward more expensive races and thus heavier financial obligations for candidates is not curbed, Congress will become a legislative body where the small businessman or woman, the farmer, the worker, and the ordinary citizen are only secondarily represented.

Whatever the makeup of the 108th Congress, I would hope that it will give a high priority to finishing the work of campaign finance reform that this Congress so imperfectly began.

CONGRATULATING JOHN AND BEVERLY "MITZIE" MUTER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor John and Beverly "Mitzie" Muter of Port Hope, Michigan, as they prepare to celebrate fifty years of marriage and a life-long commitment to each other and their three children. John and Mitzie's dedication and loving relationship serves as a beautiful and inspiring model for their family, friends and neighbors.

In the early 1950s, Mitzie and her parents stopped to get something to eat at a tavern in the small community of Lewisville, Michigan, when John spotted her across the room and told his friends that she was the girl he was going to marry. After a year-long courtship, John proposed and Mary Lou accepted. They were married on the thirtieth of May 1953 in Saints Peter and Paul Church in Ruth.

John and Mitzie lived, worked and raised three wonderful children, John Jr., Jill and Jamie, in Saint Clair Shores. Mitzie devoted her life to raising and nurturing the children and providing a stable and supportive family environment. John had a long and distinguished career as a master electrician until his retirement, giving him more time to spend with Mitzie, their children and grandchildren. After John's retirement about 20 years ago, the couple moved to their farm in Port Hope. Mitzie then opened and ran a clothing store, Mitzie's Fashion Boutique, in Harbor Beach for many years.

Family members recall the many pleasures of summers, weekends and winter holidays spent at the Muter family farm in Port Hope. In the winter, John, Mitzie, family and friends enjoyed snowmobiling and other cold-weather activities. Summers found them fishing, gardening, attending church picnics and heading off to county fairs. Over the years, the love and commitment that John and Mitzie showed for each other and the children created an incredible bond that has extended to their grandchildren and beyond.

Finally, Mr. Speaker, I ask my colleagues to join me in congratulating John and Mitzie as they approach the milestone of fifty years of marriage. A good marriage is one of life's most cherished covenants because it represents a declaration of love, and, as Paul said in his Letter to the Corinthians, "Though I speak with the tongues of men and angels, but do not have love, I am nothing." I am confident that John and Mitzie's love for each will endure into eternity and I wish them many future years of marital bliss.

RECOGNIZING DR. JAMES WITHERS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. COYNE. Mr. Speaker, I rise today to call the House's attention to one of my constituents who has recently been recognized for his efforts to provide medical care to southwestern Pennsylvania's homeless population.

Dr. James S. Withers, M.D., will be receiving a 2002 Robert Wood Johnson Community Health Leadership award on September 24 at the National Press Club. Dr. Withers is the founder and Medical Director of Operation Safety Net in Pittsburgh, Pennsylvania.

Each year the Community Health Leadership Program honors ten outstanding, individuals who have found innovative ways to bring health care to communities where health care needs have been ignored and unmet. Each award winner receives $120,000—$105,000 for program support and $15,000 for a personal stipend.

Dr. Withers, who teaches medicine at Mercy Hospital in Pittsburgh, has been actively involved in providing health care to local homeless residents since 1993. In that year, he founded Operation Safety Net to provide this care. Operation Safety Net currently has 16 volunteer teams which seek out homeless individuals and address their health care needs. Operation Safety Net currently serves about 900 patients a year, many of whom suffer from substance abuse and mental illness.

Dr. Withers has said that the award money will be used as matching funds for a grant to carry out a 3-year plan to improve health care for the homeless and develop methods for measuring the results of such efforts.

Mr. Speaker, I want to take this opportunity to commend Dr. Withers for all of his hard work and congratulate him on the recognition of his efforts with a Robert Wood Johnson Community Health Leadership Award.

TRIBUTE TO MR. WILLIS "SNAKE" MURRAY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a great privilege to pay tribute to my friend and confidant, Willis "Snake" Murray, one of the most unsung leaders of our Miami-Dade County community and Florida. On Thursday, September 26, 2002, in Tampa, Florida, he will be conferred the prestigious 2002 C. Colburn Hardy Older Advocate Award. This honor symbolizes the state's highest recognition for volunteer leadership exemplified by Mr. Murray in his role as advocate par excellence for older persons.

I commend this decision by the officers and members of the Florida Foundation on Active Aging, which established this award in June 1998 to honor C. Colburn Hardy of West Palm Beach. It memorializes Mr. Hardy's work as a former New Jersey State Legislator, community leader and author of numerous publications and financial books, including "Social Security: The Crisis in America's Social Security System." It also dignifies his spirit of consecration to the well-being of senior citizens throughout this nation via his crucial role in the Pepper Commission for Older Americans and the White House Conferences on Aging.

Mr. Willis Murray succinctly epitomizes the disarming personality of a gentleman and the resilience of a trailblazer. One of the distinguished members of Booker T. Washington's Class of 1943 in Miami, he went on to obtain his bachelor's and master's degrees from Florida A&M University, and attended post-graduate studies at Barry University and University of Miami.

He has always had the knack of being at the forefront of the struggles of African-Americans and other minority groups in their quest for simple justice and fairness. Nowhere has this struggle been aptly defined than in his unequivocal stance of equality of opportunity for everyone in our community, be it in the arena of academic excellence for all children or in the ongoing struggle for economic and political empowerment for disenfranchised Americans.

Willis Murray is the consummate activist who abides by the dictum that those who have less in life, through no fault of their own, should be helped by the government, regardless of their race, creed, age or gender. While many have been inspired by his brand of unabashed sincerity, countless others have been motivated to follow his example for his unrelenting penchant for taking up any cause that would buttress the dignity of his fellow human beings, particularly our elder citizens.

Countless admirers and friends will honor Mr. Murray at a gathering of people from all political and philosophical persuasions throughout Florida. This celebration comes at a time when our state and this nation sorely need the exemplary services of senior advocates who, despite their busy schedules during their retirement, still find time to reach out to the less fortunate and create opportunities and programs that enhance the lives of our senior citizens.

This honoree may be just an ordinary guy trying to face his responsibilities each day to his own immediate family, and yet he has been extraordinary in giving of himself to his fellow human beings. If there was ever a more dynamic personality who genuinely exalts the good name and stellar reputation of good, public servants, then this honoree would admirably fit that billing.

Mr. Willis Murray is a veritable dynamo as a community activist. A leader imbued with a genuine ecumenical spirit, he is also an indefatigable organizer for causes that may well indict the status quo on one hand, but yet inspire the confidence of our disenfranchised senior citizenry on the other. His manifold charitable actions toward others genuinely matches the depth of his Judaeo-Christian faith. Time and time again he has willingly volunteered his expertise and resources to many organizations that often look up to his unique brand of no-nonsense leadership.

Mr. Speaker, this deserving honoree proudly symbolizes the remarkable, unusual strength of my community and my state of Florida. Urged on by his genuine Faith in Almighty God, he so chose to abide by the injunction of his stewardship that Faith without good works is dead..." And he so chose to give credence to the fact that God is indeed alive and well and present among us through his works of volunteerism and good will.

Mr. Speaker, Willis Murray is a unique manifestation of compassion whose courageous vision and pragmatic approach to leadership evokes our hope and optimism inherent in the idealism of the American spirit. It is my humble prayer that, as my years of service in this august body draw to a close, I would become less unworthy of the trust and confidence he has so generously entrusted to me for so many years.

IN HONOR OF FRANKIE M. MENO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. UNDERWOOD. Mr. Speaker, today I share with you an open letter written to the American public by my constituent, Frankie Michael Meno. This letter was composed to recognize the losses of September 11, 2001, on the one-year anniversary of the terror attacks against America. Mr. Meno's letter was accompanied by a CD containing a song, "America", which he wrote, and performed in the company of his step-children, nieces, and nephews: Jessica, Sarah, and Mason Inder, and Shay, Daverin, and Davin Diaz.

Mr. Meno, a resident of Inarajan, Guam, began writing songs in 2000. He finds the process simple as the melody and words coming to him almost automatically. His song "America" was inspired by the pride he felt watching the closing ceremonies of the Winter Olympic Games in Salt Lake City, Utah, where people of all nationalities, languages, and colors came together as one. Mr. Meno hopes "America's message of peace and freedom can be extended to all corners of the world".

In speaking of Mr. Meno, I wish to convey to you his pride in America and his 16 years service with the U.S. Marines, his love of his family and children Christelle, Joseph, Antonia, and Jessica, and his grandchildren Isaiah and Jaythan, and his desire to use his song making abilities to help the victims of the terrorist attacks and to assist rebuilding Guam's educational system. Mr. Meno's song is one patriotic American's expression of our nation's feelings of loss, recognition of our citizens' heroism, and the ultimate hope that America's freedom can be shared with the world. These sentiments are held by all of us, and I am glad to be able to share this letter with you today.

SEPTEMBER 11, 2002

DEAR FELLOW AMERICANS, on this day, we join you in remembering your loved ones who left us on September 11, 2001. We would like to join with you in recognizing and remembering the brave men and women of the New York Fire Department, the New York Police Department, and the other heroes who sacrificed their lives to save another's. It is these extraordinary deeds from ordinary people that make us all proud to call ourselves Americans; your voices and deeds will never be forgotten.

My family and the people of Guam salute and embrace the American people and the noble ideas they stand for. I dedicate this song to the mothers and fathers, the sons and daughters, and the men and women who made the ultimate sacrifice to bring freedom and democracy to the island of Guam during World War II. I would also like to dedicate it to the American servicemen and to the people all over the world who long for freedom and democracy. I dream of the day when all the children of the world will be able to enjoy liberty's blessings. God bless Guam, God bless America, and God bless the world.

Semper Fidelis,

FRANKIE MICHAEL MENO.

TRIBUTE TO JACK AND PATTI SALTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LEVIN. Mr. Speaker, I rise to commemorate the dedication of the City of Royal Oak's community center in the name of Jack and Patti Salter. This is a most fitting tribute to a couple so vital to the fabric of the Royal Oak community.

The new community stands on the site, and will continue to house, the Boys & Girls Club of South Oakland County. To many of us, the name of this Club and Jack Salter are synonymous as he was the executive director of this organization for over thirty years from August 1958 until February 1991.

During Jack Salter's tenure as executive director, the Club received 21 National Honor Awards for Program Excellence and 13 honorable mentions from Boys & Girls Clubs of America. That is more than any single Boys & Girls Club in the country. In addition, seven Club members were selected as Michigan Youth of the Year, and four Club members were Midwest Youth of the Year and traveled to our nation's Capitol to meet the President.

Jack and Patti Salter are examples of what makes the Royal Oak community so strong. They share a tireless commitment to our youth, a passion for grassroots activism and a warmth of character that draws people to them and their causes. I have been privileged to call them friends.

The mission statement for the Boys & Girls Club is: To Inspire and enable all young people to help them realize their full potential as productive, responsible, and caring citizens. Jack and Patti have surely inspired and they have made a difference in the lives of so many of our young people.

Mr. Speaker, I ask my colleagues to join me in honoring Jack and Patti Salter for all they have done to benefit the youth in South Oakland County, and to congratulate them on this day as the new community center in Royal Oak, Michigan is dedicated as the Jack and Patti Salter Community Center.

THE UNITED STATES AND THE FUTURE OF THE INTERNATIONAL CRIMINAL COURT

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LEACH. Mr. Speaker, one of the profound issues in world affairs today relates to the widespread perception abroad that the United States has become so disproportionately powerful that we need no longer be constrained in our actions by international rules, treaties, and even traditional security partnerships. This perception has helped fuel mistrust of American motives and resentment of American power, potentially hobbling the effectiveness of U.S. foreign policy at a critical juncture in world politics.

In many respects, controversy surrounding the new International Criminal Court is an apt symbol for this debate. The International Criminal Court, which came into being on July 1, will be the first global permanent international court with jurisdiction to prosecute the most heinous individual violators of human rights—genocide, war crimes, and crimes against humanity.

The United Nations, many human rights organizations, and many U.S. allies have expressed support for the new court. The Administration, however, strongly opposes it and has renounced any U.S. obligations under the treaty.

Although the U.S. has several valid concerns about the ICC—chiefly that the ICC might become politicized and capriciously assert jurisdiction over U.S. soldiers or high officials charged with "war crimes"—our belligerent opposition to the Court also carries obvious downside risks to American leadership.

America's well-deserved reputation as a champion for human rights and extension of the rule of law has been called into question. Our efforts to play hardball in the UN Security Council by threatening to withhold support for UN peacekeeping missions unless the U.S. is granted immunity from the ICC alienated friends and allies abroad. The withholding of military assistance to members of the ICC may be seen as an attempt to undermine the court and influence the decisions of other countries to join the ICC. By demanding special treatment in the form of immunity from the ICC, the US may be seen as bolstering the perception of its preference for a unilateral approach to world affairs and a determination to operate in the world exclusively on our own terms. As a result, U.S. efforts to build coalitions in support for the war against terrorism as well as the enforcement of UN resolutions against Iraq may have been impaired.

Mr. Speaker, as an early advocate for the establishment of a permanent international criminal court based on balanced recognition of international statutes, I confess to being chagrined both at the inability of the international community to accommodate legitimate American concerns, and the all-or-nothing approach of our government that has left us without effective means to ensure that the ICC operates in ways that are consistent both with credible rule of law principles and with sensitivity to U.S. interests designed to advance democratic governance.

The problem is that as a great power called upon to intervene in areas of the world or disputes such as the Balkans, Afghanistan and troubled areas of the Middle East, the U.S. is vulnerable to charges being leveled against actions which we might reasonably consider to be peacekeeping, but another power or government might charge to be something very different. For instance, what would happen if Serbia were to bring a case against an American naval pilot when such a pilot is operating under both a U.S. and NATO mandate? The President has suggested we should, exclusive of all other countries, be allowed a veto over applicability of international law with regard to the ICC. Many other countries, including strong U.S. allies, have angst about this demand because they see this approach as establishing the principle of one country being entitled to operate above the law.

This is not an unresolvable dilemma. When the ICC treaty was under negotiation, it was the assumption of many that the Security Council where all the permanent members have a veto would play a determinative role in bringing matters before the ICC. If such was the case, the U.S. could fully protect itself as could the other permanent members. Unfortunately, because the past administration played a confused, ambivalent role in development of the treaty, it failed to get this common sense approach adopted and put the new administration in the embarrassing position of objecting to an important treaty because of the failed diplomacy of its predecessors.

Based on discussions with representatives of several governments sympathetic to the U.S. dilemma it is my understanding that there may be an inclination to seek a reasonable compromise on treaty language, even at this late date. It would appear to be an umbrage to many countries to craft a provision excluding the U.S. alone from ICC jurisdiction, but it would seem not unreasonable on a process basis to return to a Security Council role. On this basis the U.S. and the international community should be credibly protected.

The court would function as a treaty organization founded on state consent, while respecting Security Council authority to refer any matters affecting international peace and security to the court's jurisdiction. This approach has the advantage that it does not make a pure exception for the United States. Understandable concerns about inequitable protection of the nationals of permanent members of the Council would need to be balanced against the enhanced durability and legitimacy of the institution.

Mr. Speaker, I have long believed that laws, to be effective, must constrain governments in their foreign policies as well as individuals in domestic acts, and that in order to hold governments accountable there must be individual accountability at the highest as well as lowest levels of society. Justice must be brought to the international frontier or life for too many will, in Hobbes' piercing phrase, continue to be "nasty, brutish, and short." Creation of an ICC is a step in the direction of evolving international society but it only makes sense if the United States is able to join without concern for the legitimate exercise of its global responsibilities.

The United States should thus seek revision or a protocol to the treaty ensconcing a Security Council role. Such an approach would achieve American objectives without calling for exclusive consideration.

REPRESENTATION OF TAIWAN IN THE UNITED NATIONS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. ROTHMAN. Mr. Speaker, one of the most challenging issues facing the United Nations General Assembly this fall is representation of Taiwan in the United Nations. U.N. Resolution 2758 (XXVI) of October 25, 1971, which seated the People's Republic of China in the United Nations, did not properly address the Taiwan issue. Recently, China has indicated its willingness to allow Taiwan to join the United Nations but only if Taiwan acknowledges the "one-China" policy.

Since the U.N. Resolution in 1971, Taiwan has not had the opportunity to join the most powerful and influential group of nations in the world, the United Nations, and this has caused harm for the people of Taiwan. They have been denied the right to be a part of U.N. work and activities. For example, while Taiwan is willing and able to contribute its resources to combat AIDS, tuberculosis and malaria, Taiwan has been denied the chance to participate in U.N. sponsored HIV/AIDS conferences and other similar health organization gatherings. Taiwan has also been denied access to major international conferences such as the development conference held in Monterrey, Mexico in March 2002, and the U.N. General Assembly Special Session on Children in May 2002. In truth, Taiwan's exclusion from the U.N. raises serious concerns about the rights of the Taiwanese people under the U.N. Charter, the Universal Declaration of Human Rights, and other international human rights provisions.

Mr. Speaker, we must continue to speak out in support of Taiwan. Taiwan is a sovereign state and conducts full diplomatic relations with 27 member states of the United Nations. Moreover, Taiwan has membership in a number of major international organizations, including the World Trade Organization. Taiwan should be recognized for what it is—a nation that shares democratic values with the United States and a nation that deserves active participation in the United Nations.

HAPPY CENTENNIAL, BOROUGH OF BEAVER, PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Ms. HART. Mr. Speaker, in 1802 a small lot of 200 acres was established as a borough in western Pennsylvania. At the time, it was home to little more than 30 houses, but over the next two centuries, it blossomed into the strong, vibrant community that it is today.

The Borough of Beaver is currently celebrating its bicentennial, and on Saturday, September 21st, its residents will take to the streets in a beautiful parade to conclude their yearlong festivities.

The Borough of Beaver has a proud history and has produced some of the most dedicated public servants in Pennsylvania's history, including Daniel Agnew (1808–1902), a Chief Justice of the Pennsylvania Supreme Court, and Matthew S. Quay (1833–1904), a U.S. Senator.

The Borough was once described as the 'the seat of justice,' and it has remained true to this name. Beaver is a community where people pride themselves in their dedication to family, faith, work and their fellow neighbors. It is a place where you could barely walk down the street without running into a friend.

Mr. Speaker, I ask all of my colleagues to join me today in wishing this strong, resilient community our best wishes as they celebrate their 200th birthday. They helped build America into the great nation that we all cherish so dearly, and they continue today as a model for all communities to look up to.

Borough of Beaver, happy bicentennial, and we wish you another 200 years of growth and prosperity!

TRIBUTE TO THE RESERVES FORCES POLICY BOARD

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. REYES. Mr. Speaker, it is my privilege to recognize the Reserve Forces Policy Board on its 50th Anniversary. The Reserve Forces Policy Board was created by the Armed Forces Reserve Act of 1952 (Public Law 82–476) to represent members of the Guard and Reserve as their advocate to the Secretary of Defense and Congress. Today, it continues to provide leadership to the Department of Defense with timely and independent advice on matters pertaining to the Reserve Components. During the Gulf War and again in the aftermath of September 11th, our nation's reliance upon the Reserve components has become increasingly clear.

For its fine work as an independent source of advice to the Secretary of Defense on all matters pertaining to the Reserve components, I commend and recognize the Reserve Forces Policy Board on its 50th Anniversary.

RECOGNIZING CAPTAIN JOHN V. STIVERS

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize the accomplishments of Captain John V. Stivers, Commanding Officer of Naval Air Station Lemoore at Lemoore, California since 1999. After a long and successful career in the Navy, he is retiring on January 1, 2003.

Captain Stivers enlisted in the U.S. Navy in November 1970 and was assigned to NAS Lemoore as an Air Traffic Controller. Later, he graduated from the University of Idaho with a Bachelor of Science degree in Mechanical Engineering, and was designated a Naval Aviator in 1977.

Captain Stivers's visionary leadership and unrelenting personal drive are directly responsible for the unparalleled infrastructure improvements at NAS Lemoore, and successful career of distinctive accomplishments. Additionally, his infectious enthusiasm combined with a true grasp of local issues allowed him to build an extraordinary relationship with the surrounding communities of Lemoore and Hanford.

Captain Stivers, among many other accomplishments, superbly led and directed NAS Lemoore through a critical period of regional reorganization. This included the execution of a congressionally supported plan that invested over $500 million in construction and renovations of hangars, weapons facilities, airfield pavements, maintenance facilities, barracks and housing, Navy Exchange, Navy College, Commissary and numerous Quality of Life/Morale, Welfare and Recreation facilities. Moreover, all of these challenges were met during a period in which NAS Lemoore experienced a 30 percent growth in military personnel, with the addition of a new fleet replacement squadron and three FA–18E/F fleet squadrons.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Captain John V. Stivers on the occasion of his retirement from military duty. I wish him a favorable departure and continued success.

TRIBUTE TO DOUG LINNEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BERMAN. Mr. Speaker, I am pleased today to pay tribute to Doug Linney, a young man who has dedicated his life to helping preserve California's environment. Doug was a member of my District Office staff in 1983 and 1984, so he is special to me.

Doug is being presented with the Mark Dubois Award by the Friends of the River on October 3rd. This is a most deserved honor as Doug has served California's environmental community for more than twenty years. He has been a passionate advocate, a savvy strategist, a coalition builder and an exceptional fund raiser.

Doug began his career with Friends of the River as a staff member, later becoming a member of the Board of Directors and a generous supporter. From 1988 to 1994, he was Political Director of the California League of Conservation Voters, where he worked to elect pro-environment candidates. He still serves as a board member of that organization, and also as co-chair of its Environmental Leadership Forum.

Over the years, Doug has developed expertise in the areas of water, solid waste, forestry and environmental tax reform issues, and many organizations have benefited from his knowledge and experience. In addition to his work on behalf of the California League of Conservation Voters and Friends of the River, he has served on the boards of directors of EcoVenture and the Planning and Conservation League. He is also a Director of the East Bay Municipal Utilities District.

Doug founded The Next Generation, a public relations and campaign consulting firm based in Oakland, California. He is now president of that company. He is committed to creating a healthier environment for generations to come. We are indebted to him for caring about our future.

Mr. Speaker, I ask my colleagues to join me today in saluting Doug Linney whose life work is an inspiration to all of us.

TRIBUTE TO LAJOS KOSSUTH, HUNGARIAN CHAMPION OF DEMOCRACY AND FREEDOM, ON THE 200TH ANNIVERSARY OF HIS BIRTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LANTOS. Mr. Speaker, today, September 19, 2002, is the 200th anniversary of the birth of Lajos Kossuth—Hungarian freedom fighter, democratic visionary, and frequently called "the George Washington of Hungary." Kossuth is the symbol of democracy, representative government, and national independence of the Hungarian people.

On this bicentennial of the birth of Lajos Kossuth, the Hungarian government has held a parliamentary anniversary day, convened conferences, restored monuments and held historical competitions. For Hungarians, Kossuth is not only the leading symbol in Hungary's quest for a democratic society, he is also a key figure in the development of the consciousness of the Hungarian nation.

During the middle of the 19th century, Kossuth came to symbolize these democratic values and respect for human rights in the United States and in Europe as well. As an official guest of the United States government for six months in 1851–1852, Kossuth was the first non-American in our nation's history after the Marquis de Lafayette to have the honor of addressing the Senate and the House of Representatives.

American journalist Horace Greeley said of him in 1852: "Of the many popular leaders who were upheaved by the great convulsions of 1848 . . . the world has already definitely assigned the first rank to Louis Kossuth—advocate, deputy, finance minister, and finally governor of Hungary." American man of letters Ralph Waldo Emerson, in welcoming Kossuth to the town of Concord, Massachusetts, where the American revolution began said: "We only see in you the angel of freedom."

Mr. Speaker, in recognition of his role as a symbol of democracy and the relationship between the American and Hungarian people, a bust of Lajos Kossuth was placed in the United States Capitol on March 15, 1990. My wife Annette was the motivating force behind that inspired effort. On that occasion in 1990 the Hungarian people were on the cusp of their liberation from the communist governments that dominated the country for the previous 45 years. Our celebration of the placement of the Kossuth statue in our Capitol building provided the occasion for us to pay tribute to Lajos Kossuth, his contribution to democracy, and the close links that he forged between Hungary and the United States.

Mr. Speaker, Lajos Kossuth was born on September 19, 1802 in Monok, Zemplon County, Hungary. He was born in modest circumstances, though his father was a member of the gentry. Following his father's profession, he became an attorney, and began his career as an agent for a local nobleman. In 1832 at the young age of 30, he was designated a substitute to represent a noble in the Hungarian Diet (Parliament). In this position, he produced a record of the Diet's proceedings, and became an advocate for political reform and national independence. This alarmed the Austrian government, and resulted in his being sentenced to a four year prison term, although he was released after serving one year. While incarcerated, he taught himself English by studying the Bible and the works of Shakespeare.

In 1847 Kossuth was elected to the Diet as a representative of the county of Pest. He became the leader of the opposition Reform Party, and urged extensive political and social reforms. The outbreak of the 1848 revolution in Paris and Vienna gave the reform movement new impetus. In powerful speeches to the Diet in March of 1848, Kossuth demanded the removal of the dead hand of Austrian absolutism as the only way to protect the liberties of the Hungarian and other peoples of the Austrian empire, and he called for the adoption of representative democratic government throughout Austria.

On March 15, Hungarians in the city of Pest staged a massive peaceful demonstration demanding their independence from Austria. That same day in Vienna, Kossuth and other parliamentary delegates presented demands to the Austrian imperial court for virtual independence of Hungary. The panicked court accepted the Hungarian demands, and a Hungarian government was appointed by the emperor. March 15 remains a Hungarian national holiday in commemoration of this occasion. Kossuth served in the key role of Minister of Finance. Kossuth's oratorical prowess and his commitment to social and political reform soon made him the most popular and highly regarded member of the government.

As the Hungarian government adopted ever bolder reforms and asserted its independence from Vienna, the Austrian government began an effort to reassert its control. In September 1848 an Austrian army invaded Hungary, the Prime Minister resigned, and Kossuth was named President of the Committee of National Defense. He mobilized the Hungarian nation against overwhelming odds and instilled in the people the determination to resist Austrian absolutism.

Initially Kossuth and the Hungarian forces succeeded in driving the Austrian troops back nearly to Vienna, but the superior military power of the Austrians resulted in the occupation of Budapest in January 1849. In March of 1849, a new emperor, Franz Josef I, was installed, and he immediately annulled the previous decree acknowledging Hungary's autonomy. In April, the Hungarians rallied and expelled most Austrian military forces from the country. Under Kossuth's leadership, the elected Hungarian Diet declared the independence of the nation in a document influenced by our own American Declaration of Independence. At that same time, Kossuth was elected "Governor-President" of Hungary, responsible to the elected representatives in parliament.

The Austrian government and military forces were unable to reestablish control of Hungarian areas of the empire, and meanwhile, the Russian tsar and his government became paranoid about the possibility that Hungary's embrace of democracy and representative government could influence peoples within its boundaries. With the acquiescence of Austria, a massive Russian army invaded Hungary in June 1849. The badly outnumbered Hungarian military force surrendered six weeks later. The Russians carried out brutal reprisals against leaders of the independent Hungarian government and the Hungarian army.

Kossuth, many of his loyal followers and thousands of Hungarian troops were able to flee to Turkey. Under pressure from the governments of the United Kingdom, the United States, and other west European states, the Turkish sultan refused Russian and Austrian demands that Kossuth be returned to their control. Kossuth was taken from Turkey on the US frigate Mississippi. He made brief stops in France and England, and he arrived in New York City on December 5, 1851. His arrival was an occasion of remarkable celebration. U.S. Senator Charles Sumner of Massachusetts later recalled that occasion in these terms: "I remember the landing of Kossuth. The admiration, . . . enthusiasm, . . . love of people, gave him an ovation which only two men had ever received—Washington and Lafayette."

Over the next six months, Mr. Speaker, Kossuth was received by the President of the United States, the Senate and the House of Representatives, and he traveled throughout the United States. An indication of the enthusiasm which Kossuth's visit to our country generated is that fact that a county was named after this Hungarian freedom fighter in Iowa; towns were named in his honor in Indiana, Mississippi, New York, and Ohio; and many American cities have streets or avenues named for him in places such as St. Louis, New York City, Buffalo, Providence, and Trenton.

Mr. Speaker, the visit of Kossuth to the United States in 1851–1852 immediately involved him in critical foreign and domestic policy issues facing the American people. U.S. involvement in the struggle for democracy and independence in Europe was the first of these questions. Many American leaders favored our active participation and support for that struggle, while others strongly opposed any involvement beyond our borders. By his very presence in our country, Kossuth—the leader of the best known revolution against absolutism, monarchy, and repression of the mid-19th century—gave powerful support to those who favored American involvement in the international fight for freedom and democracy.

Kossuth, during his stay in Washington, made a particularly noteworthy comment: "It is a remarkable fact in the history of mankind that while in the past honors were bestowed upon glory and glory was attached only to success, the legislative authorities of this great republic bestow the highest honors upon the persecuted in exile, not conspicuous by glory, not favored by success, but engaged in a just cause."

Lajos Kossuth was also a fervent foe of bigotry, racism, and anti-Semitism, and in a world where such values are increasingly under attack, it is useful to recall his remarks on this topic: "I have never had and never will differentiate between man and man, based on race, language or religion; as a man of the nineteenth century I am ashamed by the anti-Semitic agitation, as a Hungarian I feel repentant towards, as a patriot I scorn anti-Semitic agitation. I am scornful of anti-Semitism for the additional reason of its presentation of the social and economic problems not as symptoms but causes, depicting the Jews as they would have serve foreign interests preventing the well being of our country. This sentiment distracts attention from the recognition of the real reasons of these problems, the urgency and search for solutions. I consider the principle of discrimination based on race, language or religion not only a moral but a political impossibility."

Mr. Speaker, I invite my colleagues to join me in marking the bicentennial of the birth of the great Hungarian statesman and freedom fighter, Lajos Kossuth. It is most appropriate that we in the United States mark the occasion of his birth and recognize the positive impact he has had upon Hungary and other nations throughout the world, including our own. He was greatly influenced by the values and principles of American democracy, and our nation was enriched by his visit here a century and a half ago and by his life-long commitment to the values and principles we share.